

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

Hearing # 19-044

VENOM MOTORSPORTS

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Arkansas Motor Vehicle Commission (hereinafter "Commission") held a hearing on December 18, 2019, to determine whether Venom Motorsports, a licensed manufacturer, violated the Arkansas Motor Vehicle Commission Act, pursuant to Ark. Code Ann. § 23-112-101 et seq., and Commission Rule 2 regarding hearings and appeals. The charge before the Commission concerned whether Venom Motorsports violated Commission statutes when they failed to renew the business's manufacturer's license.

No Venom Motorsports representative appeared for the hearing, although properly served with the Order and Notice of Hearing. The Commission was represented by Assistant Attorney General Juliane Chavis.

Having reviewed the exhibits admitted into evidence, the Commission makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

The following facts are found to be true:

- F1. Venom Motorsports, located at 6820 McKeown Drive, Greely, ON, is a new motor vehicle manufacturer currently licensed to sell Venom: ATV's, MC's, and EGL's.
- F2. Venom Motorsports' license expired on June 30, 2019.

- F3. On September 17, 2019, License Supervisor Robert Galloway notified Venom Motorsports that its manufacturer license expired.
- F4. Venom Motorsports currently has 1 dealer.
- F5. As of December 18, 2019, Venom Motorsports has not renewed its license.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Commission makes the following Conclusions of Law:

- L1. Motor vehicle manufacturers, distributors, and their representatives are required to conform their conduct to the Motor Vehicle Commission Act, Ark. Code Ann. § 23-112-101, et seq., and the rules and regulations promulgated by the Commission pursuant to Ark. Code Ann. § 23-112-204.
- L2. According to Ark. Code Ann. § 23-112-301, it is unlawful for a person to engage in business as a new motor vehicle manufacturer or distributor without a obtaining a license.
- L3. All applications for licenses shall be accompanied by the appropriate fees in accordance with the schedule set out in Ark. Code Ann. § 23-112-303.
- L4. According to Ark. Code Ann. § 23-112-307(1), manufacturers, distributors, and representatives licenses expire on June 30 following the date of issue.
- L5. Failure to comply with any provision of the Commission Act or any Rule promulgated by the Commission may lead to revocation or suspension of the license as per Ark. Code Ann. § 23-112-308(a)(4), 23-112-308(a)(5), and 23-112-

308(a)(19), or may result in a monetary penalty in lieu of revocation or suspension as stated in Ark. Code Ann. § 23-112-309.

- L6. Venom Motorsports violated Commission statutes and rules when they failed to renew the manufacturer's license.

ORDER

The Commission finds the violations of Commission statutes and rules by Venom Motorsports warrant a revocation of Venom Motorsports's license for failure to comply with provisions of the Commission Act and Rules promulgated by the Commission as per Ark. Code Ann. § 23-112-308(a)(4).

This is a final Order of the Commission and as such is subject to judicial review pursuant to Ark. Code Ann. § 25-15-212.

ARKANSAS MOTOR VEHICLE COMMISSION

By: Joy Blankenship
Joy Blankenship, Chair

Date: January 3, 2020