

**BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION**

**IN THE MATTER OF:**

**ROLL OUT**

**HEARING # 11-005**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

The Arkansas Motor Vehicle Commission (hereinafter the "Commission") held a hearing on August 17, 2011, to determine whether Roll Out's license to sell new motor vehicles should temporarily suspended or revoked in accordance with the provisions of the Arkansas Motor Vehicle Commission Act, Ark. Code Ann. § 23-112-101 et seq., and Commission Rule 2 regarding hearings and appeals.

The Respondent was represented by Lawrence McKnight and Clarence Walters.

After reviewing testimony from Investigator Otis Hogan, Investigator Danny Holmes, License Supervisor Vicki Wright, investigation documents, documents presented by Roll Out and notarized complaints received in evidence, the Commission makes the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

- F1. Roll Out, located at 7706 Cantrell Road, Suite 2, in Little Rock, Arkansas, is a new motor vehicle dealer licensed to sell Roketa Goldenvale, JCL International, and Peace Power Sports.
- F2. The Commission has received a number of complaints forwarded from the Arkansas Attorney General's Consumer Protection Division, and a number of notarized complaints filed against Roll Out by consumers.
- F3. Several of the complaints include failure to deliver purchased vehicles and failure to deliver purchased and promised accessories.

- F4. Roll Out relocated in 2009 from 8212 Cantrell Road, Little Rock, Arkansas, to 7706 Cantrell Road, Suite 2, Little Rock, Arkansas, and failed to notify the Commission. The relocation documents were received following an investigation by the Commission, #09-946.
- F5. Following this relocation, Roll Out has failed to install a sign on the new dealership facility. Roll Out has failed to maintain three (3) years worth of business records in a manner to provide ease of access for inspection.
- F6. Roll Out's 2009 new motor vehicle dealer license expired on December 31, 2009, and its 2010 license renewal was not completed until March 23, 2010. Roll Out's 2010 new motor vehicle dealer license expired on December 31, 2010, and its 2011 license renewal was not completed until March 1, 2011.

#### **APPLICABLE LAW**

- L1. Motor vehicle dealers 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. 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(s) as per Ark. Code Ann. § 23-112-308(a)(4) and (a)(19), or may result in a monetary penalty in lieu of monetary penalty in lieu of revocation or suspension as stated in Ark. Code Ann. §23-112-309.
- L3. Pursuant to Ark. Code Ann. §23-112-308, the Commission may suspend a license for any of the following reasons:

- A. On satisfactory proof of the unfitness of the applicant or the licensee, as the case may be, under the standards established and set out in the chapter, Ark. Code Ann. § 23-112-308(a)(2);
  - B. For fraud practiced or any material misstatement made by an applicant in any application for license, Ark. Code Ann. § 23-112-308(a)(3);
  - C. For continued violation of any provisions of this chapter or any of the rules of the Commission, Ark. Code Ann. § 23-112-308(a)(6);
  - D. For any violation of any law relating to the sale of motor vehicles, Ark. Code Ann. § 23-112-308(a)(7).
  - E. Failure to perform any written agreement with any retail buyer, Ark. Code Ann. § 23-112-308(a)(9);
- L4. New motor vehicle dealers must maintain three (3) years of business records according to Ark. Code Ann. §23-112-302(f).
- L5. Rule 4 Facility Requirements for locations licensed by the Commission outlines the general requirements for facilities:
- A. Dealers must have an office area capable of storing all transaction documents safely in a manner to provide ease of access for inspection of these documents;
  - B. A sign shall be permanently affixed on the premises of the facility; and
  - C. The sign must be visible from the road and clearly and specifically identify the business.

**CONCLUSION OF LAW**

Based on the foregoing Findings of Facts, the Commission makes the following Conclusion of Law.

- C1. Roll Out violated Commission statutes in failing to supply consumers with purchased vehicles, purchased accessories and to offer required service.
- C2. Roll Out violated Commission statutes and rules by failing to comply with the facility requirements.
- C3. Roll Out's dealers license as a new motor vehicle dealer should be temporarily suspended until all facility requirements are met in accordance with Rule 4 Facility Requirements and all consumer complaints are resolved in accordance with Ark. Code Ann. § 23-112-308(a)(9).

**ORDER**

The Commission finds that Roll Out, located at 7706 Cantrell Road, Suite 2, in Little Rock, Arkansas, license is hereby temporarily suspended.

Roll Out's license is suspended until which time a sign is permanently affixed on the premises of the facility.

Roll Out's license is suspended until which time all consumer complaints currently on file with the Commission are resolved or withdrawn by the consumer.

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 \_\_\_\_\_  
Joe Morgan, Chairman

Date: \_\_\_\_\_