

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

Hearing # 19-031

PER-4-MANCE OFFROAD, LLC

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Arkansas Motor Vehicle Commission (hereinafter "Commission") held a hearing on June 19, 2019, to determine whether Per-4-mance Offroad, LLC, a licensed Motor Vehicle Dealer, 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 Per-4-mance Offroad, LLC violated Commission statutes when they failed to renew the business's dealer's license.

No Per-4-mance Offroad, LLC representative appeared for this hearing. Assistant Attorney General Julianne Chavis appeared on behalf of the Commission.

The Commission, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

The following facts are found to be true:

- F1. Per-4-mance Offroad, LLC, located at 1409 North West Avenue, El Dorado, AR, is a new motor vehicle dealer currently licensed to sell *BRP: Can AM ATV's & SxS's.
- F2. Per-4-mance Offroad, LLC's license expired on December 31, 2018.
- F3. As of May 31, 2019, Per-4-mance Offroad, LLC 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 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. According to Ark. Code Ann. § 23-112-301, it is unlawful for a person to engage in business as a new motor vehicle dealer without 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), dealer licenses expire on December 31 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. Per-4-mance Offroad, LLC violated Commission statutes and rules when they failed to renew the dealer's license.**

ORDER

The Commission finds the violations of Commission statutes and rules by dealer warrant a revocation of Per-4-mance Offroad, LLC'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: F. S. Stroope
F.S. Stroope, Director

Date: July 12, 2019

CERTIFICATE OF SERVICE

I, F. S. Stroope, do hereby certify that I have served a copy of these Findings of Fact, Conclusions of Law and Order by mailing a copy of same, U.S. Mail, postage prepaid, on this 12th day of July, 2019 to the following:

Per-4-mance Offroad, LLC
1409 North West Avenue
El Dorado, AR 71730

F. S. Stroope
F.S. Stroope