

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

HEARING # 08-011

MOORE AUTO SALES, INC.

CLAIMANT

vs.

MOUNTAINEER POWER SPORTS

RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Arkansas Motor Vehicle Commission (hereinafter the “Commission”) held a hearing on July 16, 2008, to determine whether Mountaineer Powersports (hereinafter “Mountaineer”) violated the Arkansas Motor Vehicle Commission Act, Ark. Code Ann. § 23-112-101 et seq. The charges before the Commission concern whether Mountaineer violated Commission statutes by failing to properly reimbursement Moore Auto Sales (hereinafter “Moore”) following termination of the franchise.

The Claimant, Moore, was represented Alan Moore.

The Respondent, Mountaineer, was represented by Bryan Hunt.

After hearing testimony from Alan Moore, Bryan Hunt, Vicki Wright, and reviewing documents received in evidence, the Commission makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

F1. Mountaineer failed to pick up the vehicles in inventory that are current model year and one year prior model year, and failed to pay Moore the dealer cost plus any charges by the distributor for distribution, delivery, and taxes, less all allowances paid by the dealer by the distributor for new, unsold, undamaged and complete motor vehicles in the dealer’s inventory in a timely manner.

- F2. Mountaineer failed to pay the sums within the 60 day allocated period.
- F3. Moore was paying interest and insurance on these items.

CONCLUSION OF LAW

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

- C1. Mountaineer did not comply with Ark. Code Ann. § 23-112-403(K) when they did not pick up the units from Moore in a timely fashion.

ORDER

The Commission finds that the violations of Commission statutes by Mountaineer warrants a total civil penalty of one thousand dollars (\$1,000.00) which is to be paid within thirty (30) days of receipt of this Order.

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, Chairman

Date: _____