

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

Hearing # 08-002

**OFFICE SAVER, RICHARD COGER,
OZARK ATV's, AND RANDALL COGER**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Arkansas Motor Vehicle Commission (hereinafter the "Commission") held a hearing on February 20, 2008, to determine whether Office Saver, Richard Coger, Ozark ATV's, and Randall Coger violated the Arkansas Motor Vehicle Commission Act, Ark. Code Ann. § 23-112-101 et seq. The charges before the Commission concern whether Office Saver and Richard Coger violated Commission statutes by selling new motor vehicles without a license, and whether Ozark ATV's and Randall Coger, a licensed dealer, sold new motor vehicles at an unlicensed location.

The Respondents, Office Saver, Richard Coger, Ozark ATV's, and Randall Coger were represented by Bettina Coger, Richard Coger, and Randall Coger.

After hearing testimony from Commission Investigator Danny Holmes, Executive Director Greg Kirkpatrick, Bettina Coger, Richard Coger, Randall Coger, and reviewing documents received in evidence, the Commission makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F1. On December 17, 2007, Commission Investigator Danny Holmes traveled to Office Saver located in Springdale, Arkansas, to determine if the business was selling ATV's. Office Saver is not a licensed new motor vehicle dealer.
- F2. Investigator Holmes discovered four (4) Fushin ATV's for sale and on display. Investigator Holmes spoke with John who offered to sell the vehicles to him.

- F3. Investigator Holmes was informed by John that the business was owned by Richard Coger and was licensed to sell the ATV's.
- F4. Investigator Holmes observed the license on display at Office Saver was a copy of the dealer's license issued to Ozark ATV's in Huntsville, Arkansas. Ozark ATV's in Huntsville, Arkansas, is owned by Randall Coger and received a new motor vehicle dealer's license on April 6, 2007, to sell Fushin ATV's.
- F5. Richard Coger and Randy (Randall) Coger were previously named in a Notice of Violation (AP 07-006) as participants selling new motor vehicles without a license. Richard Coger was also named in this Notice as acting as a distributor without a license. The Notice of Violation was issued to Surplus City in the amount of five-thousand dollars (\$5,000.00) on February 22, 2007. Surplus City is owned by Richard Coger and the civil penalty was subsequently paid by Richard Coger.

CONCLUSIONS OF LAW

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

- C1. Office Saver and Richard Coger sold new motor vehicles at an unlicensed location in violation of Ark. Code Ann. § 23-112-301(d)(1).
- C2. Ozark ATV's, a licensed new motor vehicle dealer in Huntsville, Arkansas, and Randall Coger displayed and sold new motor vehicles from a location in Springdale, Arkansas, that was not set forth on its license in violation of Ark. Code Ann. § 23-112-308(a)(10).

ORDER

The Commission finds that the violation of Commission statutes by Office Saver and Richard Coger warrants a total civil penalty in the amount of five hundred dollars (\$500.00). Additionally, the Commission finds that the violation of Commission statutes by Ozark ATV's and Randall Coger warrants a total civil penalty in lieu of suspension or revocation of its license of five hundred dollars (\$500.00). These penalties are 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: _____