
The Complainants, Siloam Springs and Rainbow Cycle, were represented by Attorney Brian Burke and owner Rick Whitten.

The Respondent, Voltage, was represented by attorney Frank Falkner, and no owner or management official with Voltage attended the hearing.

The Commission first considered a Motion to Dismiss filed by Voltage Vehicles. This Motion to Dismiss was denied, and the Commission then moved to a full evidentiary hearing.
After hearing testimony from Rick Whitten, and reviewing documents received in evidence, the Commission makes the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

F1. Siloam Springs Cycles:

a. The Commission received a termination of franchise letter from Siloam Springs Cycles on November 2, 2009.

b. The termination letter along with instructions regarding repurchase obligations was forwarded to Voltage on November 12, 2009.

c. The Commission received a notarized complaint from Siloam Springs on April 5, 2010, alleging Voltage had not met the repurchase obligations.

d. Voltage had not repurchased the inventory from Siloam Springs Cycles at the time of the December 15, 2010, hearing.


f. Voltage is required by Arkansas law to repurchase three (3) vehicles listed below from Siloam Springs Cycle:

   i. VIN #LAEMB24648G200463

   ii. VIN #LAEMA24608G200236

   iii. VIN #LAEMA24628G200173
g. Voltage is required to pay transportation costs and interest incurred and
due on the above referenced vehicles as required by Ark. Code Ann. § 23-
112-403(a)(2)(K)(viii).

F2. Rainbow Cycle:

a. The Commission received a termination of franchise letter from Rainbow
Cycle on November 2, 2009.

b. The termination letter along with instructions regarding repurchase
obligations was forwarded to Voltage on November 12, 2009.

c. The Commission received a notarized complaint from Rainbow Cycle on
April 5, 2010, alleging Voltage had not met the repurchase obligations.

d. Voltage had not repurchased the inventory from Rainbow Cycle at the

e. The Commission determined during the December 15, 2010, hearing that
the Voltage vehicles in Rainbow Cycles inventory meet the repurchase
obligations of current year model and one year prior according to Ark.

f. Voltage is required by Arkansas law to repurchase the three (3) vehicles
listed below from Rainbow Cycle:

   i. VIN# LAEMB24668G200450

   ii. VIN# LAEMA24608G200233

   iii. VIN# LAEMB24678G200473

F3. The Commission found during the December 15, 2010, hearing that the current civil or administrative penalties were insufficient in accordance with Ark. Code Ann. § 23-112-106 and directed and commanded compliance by Voltage with the termination obligations in Ark. Code Ann. § 23-112-403(a)(2)(K).

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Commission makes the following

Conclusions of Law:

C1. Siloam Springs Cycles:


C2. Rainbow Cycle:


ORDER

The Commission finds the current civil or administrative penalties are insufficient in accordance with Ark. Code Ann. § 23-112-106 and direct and command compliance by Voltage with the termination obligations in Ark. Code Ann. § 23-112-403(a)(2)(K) in the matter of Siloam Springs Cycles and Rainbow Cycle & Marine, Hearing # 10-008. The Commission finds the violations by Voltage requires them to repurchase the above referenced vehicles and to pay transportation costs and interest incurred by both Siloam Springs and Rainbow Cycle on the floor plan for the above vehicles as referenced in testimony and exhibits.

This document 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: ___________________________________________