

**BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION**

**IN THE MATTER OF:**

**Hearing # 08-004**

**BLAKE BEARDSLEY, PAP BEARDSLEY CHEVROLET**

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

The Arkansas Motor Vehicle Commission (hereinafter the "Commission") held a hearing on April 16, 2008, to determine whether Blake Beardsley violated the Arkansas Motor Vehicle Commission Act, Ark. Code Ann. § 23-112-101 et seq. The charges before the Commission concern whether Mr. Beardsley, as a licensed salesperson, violated Commission statutes by failing to pay off a consumer's trade-in.

The Respondent, Blake Beardsley, represented himself.

After hearing testimony from Commission Investigator Danny Holmes, Investigator Otis Hogan, Blake Beardsley, and reviewing documents received in evidence, the Commission makes the following Findings of Fact, Conclusions of Law and Emergency Order:

**FINDINGS OF FACT**

- F1. In November of 2007, Investigator Danny Holmes traveled to Cherokee Village to investigate a complaint received from George and Gail McIlrath.
- F2. The McIlrath's stated that they had purchased a new vehicle from Blake Beardsley at Pap Beardsley Chevrolet in Cherokee Village. Blake Beardsley is a licensed salesperson and was acting as the General Manager of Pap Beardsley Chevrolet at the time of the McIlrath's transaction. Pap Beardsley Chevrolet is no longer a licensed dealer.

- F3. Mr. Beardsley accepted a 2004 Chevrolet Colorado from the McIlrath's as a trade-in. Mr. Beardsley agreed to payoff the Chevrolet Colorado by paying the balance of a Chrysler Credit loan. The McIlrath's gave Mr. Beardsley a check for this payoff from Simmons Bank. The vehicle was not paid off.
- F4. In December of 2007, Investigator Holmes traveled to Batesville to address the above issue with Mr. Beardsley. Mr. Beardsley currently works for Lakeside Buick, Cadillac, GMC Trucks in Batesville.
- F5. Mr. Beardsley informed investigator Holmes that he was in the process of paying off the McIlrath's Chevrolet Colorado, and would pay it off when he received a check from General Motors for the Pap Beardsley Chevrolet parts and accessories buyback.
- F6. In January of 2008, Investigator Holmes contacted Mr. Beardsley again who stated he would receive the money soon from General Motors and then pay off the McIlrath's Chevrolet Colorado.
- F7. On February 25, 2008, Investigator Holmes spoke with Mrs. McIlrath who stated Mr. Beardsley had not paid off their Chevrolet Colorado, and she had filed a complaint with the Sharp County Sheriffs office. Subsequently, a Bench Warrant for Blake Beardsley was issued.
- F8. Mr. Beardsley was arrested and charged with three counts of Theft of Property which is a class B felony. The other two counts of theft came when Alex Hester and Bernice Welch filed complaints with the Sharp County sheriffs office regarding problems obtaining titles and the failure by Mr. Beardsley to payoff the balance owed on traded vehicles.

- F9. On March 19, 2008, the Commission held an emergency hearing and voted to suspend Blake Beardsley's sales license pending a formal hearing and additional investigation of Mr. Beardsley's claim that he had already paid off all three vehicles.
- F10. On March 31, 2008, Mr. Beardsley faxed to the Commission evidence that he had resolved the three matters detailed above, including the McIlrath's.

### **CONCLUSIONS OF LAW**

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

- C1. Blake Beardsley violated the following Commission statutes when he failed to pay off the McIlrath's Chevrolet Colorado trade-in:
- 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 any violation of any law relating to the sale of motor vehicles, Ark. Code Ann. § 23-112-308(a)(7);
  - D. Defrauding any retail buyer to the buyer's damage, Ark. Code Ann. § 23-112-308(a)(8);
  - E. Failure to perform any written agreement with any retail buyer, Ark. Code Ann. § 23-112-308(a)(9);

**ORDER**

The Commission finds that the violations of Commission statutes by Blake Beardsley warrants a total civil penalty in lieu of suspension or revocation of his license of three thousand dollars (\$3,000.00) 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: \_\_\_\_\_