BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF: Hearing # 08-008

DKA ENTERPRISES INC. dba XTREME MACHINES
DARRELL AULTMAN

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER


The Respondent, Darrell Aultman, represented himself.

After hearing testimony from Greg Kirkpatrick, Angela Stoffer, Darrell Aultman, Rick Stuckey, Clay Whitey, Bill Talbert, and reviewing documents received in evidence, the Commission makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT


F2. Mr. Holmes observed a Bad Boy Buggy Utility Vehicle displayed and offered for sale.

F3. As Mr. Holmes approached the booth, he was greeted by Mr. Darrell Aultman owner of Xtreme.
As Mr. Holmes was taking pictures of the vehicle, he was approached by a sales
person and given a price list.

Xtreme’s name was not submitted as an attendee for the Off-Premise Sale permit.
Additionally, Xtreme is located in Cabot, Arkansas, in Pulaski County. Pulaski
County is not contiguous to Craighead County which was the host county for the
Sports Show event. As a result, Xtreme would not have been approved to attend
the Off-Premise Sale.

**CONCLUSIONS OF LAW**

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

Conclusions of Law:

C1. DKA Enterprises Inc. dba Xtreme Machines and Darrell Aultman violated the
following Commission statutes and rules when a new motor vehicle was
displayed and offered for sale from a location other than that set forth on
Xtreme’s dealer license:

A. Pursuant to Ark. Code Ann. § 23-112-308, the Commission may suspend a
license for any of the following reasons:

i. For any violation relating to the sale, distribution, or financing of

ii. Selling or attempting to sell, or advertising for sale vehicles from a
location other than that set forth on the license, Ark. Code Ann.
§23-112-308(a)(10).

B. Rule 7 Off-Premise Sales, Displays, and Events, section 6, paragraph 1
states dealers from contiguous counties may be invited to participate in an
off-premise sale provided there is no local dealer selling the manufacturer’s product line.

ORDER

The Commission finds the violations of Commission statutes by DKA Enterprises Inc. dba Xtreme Machines and Darrell Aultman warrants a letter of warning as satisfied by the 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: ________________________________