

**BEFORE THE
ARKANSAS MOTOR VEHICLE COMMISSION**

IN THE MATTER OF:

H#05-020

**SPEEDWAYS POWERSPORTS,
PHIL CHRISTENSEN, JEN-CHUN
“CHARLIE” CHI**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter came on for hearing before the Arkansas Motor Vehicle Commission (hereinafter the “Commission”) on Wednesday, February 15, 2006. Respondents, Speedways Powersports, Phil Christensen, and Jen-Chun “Charlie” Chi, appeared *pro se*. After hearing the testimony of sworn witnesses and reviewing documents received in evidence, the Commission makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

- F1. Phil Christensen and Jen-Chun “Charlie” Chi are owners of Speedways Powersports. They are licensed to sell motorcycles at a dealership in Fort Smith, Arkansas. On October 21, 2005, Christensen and Chi obtained a license to sell motorcycles at a dealership in Springdale, Arkansas.
- F2. The Respondents sold motorcycles and ATVs to Fiddler’s True Value, 106 W. Buchanan, Prairie Grove, Arkansas. These motorcycles were sold to Fiddler’s True Value for resell to retail customers. Fiddler’s True Value was not licensed as a dealership at the time the motorcycles were sold. Respondents were not licensed as distributors.

- F3. Respondents sold to Ja-Makin Choppers, 1707 East Main, Charleston, Arkansas, a Lifan 49 cc moped and a 110 cc Pocket Bike on August 1, 2005.
- F4. On August 30, 2005, Respondents sold to Ja-Makin Choppers, a SunL 250 cc cruiser motorcycle.
- F5. Respondents were not licensed to sell Lifan or SunL products.
- F6. On October 6, 2005, Commission investigators went to 406 Henri De Tonti, Springdale, Arkansas. That location was a large building containing motorcycles, ATVs, scooters, and carts. These motor vehicles could be seen through large glass windows on the front of the building. Additionally, there was a sign between the building and the street with the name Speedways Powersports.
- F7. Respondents had not notified the Commission of the addition of a new dealership location as required by A.C.A. § 23-112-308(a)(1).

CONCLUSIONS OF LAW

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

Conclusions of Law:

- C1. Speedways Powersports, Phil Christensen, and Jen-Chun “Charlie” Chi have violated A.C.A. § 23-112-308(a)(1)(A) and (B) by distributing product for sale to consumers to persons who are not licensed as dealers.
- C2. Speedways Powersports, Phil Christensen, and Jen-Chun “Charlie” Chi violated A.C.A. § 23-112-308(a)(16) are not guilty of the charge of

assisting persons who were not licensed dealers in the sale of new motor vehicles.

- C3. Speedways Powersports, Phil Christensen, and Jen-Chun “Charlie” Chi violated the Arkansas Motor Vehicle Act, A.C.A. § 23-112-308(a)(23)(A) by failing to notify the Commission of the addition of a new motor vehicle location.
- C4. Speedways Powersports, Phil Christensen, and Jen-Chun “Charlie” Chi violated the Arkansas Motor Vehicle Act, A.C.A. § 23-112-308(a)(10) by displaying product at an unlicensed dealer location.
- C5. Speedways Powersports, Phil Christensen, and Jen-Chun “Charlie” Chi violated the Motor Vehicle Licensing Law, A.C.A. § 23-112-308(a)(1)(A) and (B) by selling product that they had not been licensed to sell.

ORDER

The Commission finds that the violations above would warrant the revocation of dealer licenses issued to Speedways Powersports, Phil Christensen, and Jen-Chun “Charlie” Chi. However, the Commission has concluded that a civil penalty should be imposed in lieu of revocation of the licenses with the Commission. The Commission orders that the Respondents pay a civil penalty of \$ 1,000.00 for the violations in connection with paragraph C1 above; \$ 1,000.00 in connection with paragraphs C3 and C4 above; and \$ 1000.00 civil penalty for the violation listed in C5 above.

The total civil penalty imposed in this case is \$ 3,000.00 which is to be paid within 30 days from the date of this Order.

The findings and determinations of the Commission are subject to judicial review in the Circuit Court of Pulaski County and in any county in which the Respondents reside or do business. Should the Respondents desire to appeal, they must file a petition for judicial review within 30 days of their receipt of this final order of the Commission.

ARKANSAS MOTOR VEHICLE COMMISSION

By: _____
Sandy Stroope, Chairman

Date: _____