

**BEFORE THE
ARKANSAS MOTOR VEHICLE COMMISSION**

IN THE MATTER OF:

LINDA BLACKSTOCK

v.

WELCH MOTOR COMPANY

**SUPPLEMENTARY ORDER DENYING PETITION
FOR RECONSIDERATION OF CIVIL PENALTY
AND MODIFYING PENALTY ASSESSED**

On September 21, 2005, the Arkansas Motor Vehicle Commission (hereinafter "Commission") considered the Petition for Reconsideration of Civil Penalty filed by the attorneys for Welch Motor Company.

At a hearing on August 17, 2005 the Commission found that Welch Motor Company had violated Arkansas Code Annotated § 23-112-403(3) by false and misleading advertising. The Commission had further found that this violation provided sufficient cause upon which to revoke the license of Welch Motors but it also concluded that appropriate penalty was a civil penalty of \$10,000.00 which would be imposed in lieu of revocation of the dealer's license.

The Petition for Reconsideration only sought reconsideration of the amount of the civil penalty imposed.

The Commission considers the Petition for Reconsideration of Civil Penalty to be asking for a hearing before the Commission at which time the Petitioner could present evidence and/or argument as to the amount of the penalty. The Commission concludes that the Petition for Reconsideration for Civil Penalty should be denied.

After making this decision the Commission discussed the penalty that had been imposed, and on its own motion, has determined that the finding of the final order should be amended by

striking the language in the order which reads “The Commission finds there is sufficient cause upon which to revoke the license of Welch Motors. However, the Commission concludes that the appropriate penalty in this case is a civil penalty of \$10,000.00 which is imposed in lieu of revocation of the dealer’s license.” The following language will be inserted in it’s place:

“The Commission finds there is sufficient cause upon which to suspend the license of Welch Motors. However, the Commission concludes that the appropriate penalty in this case is a civil penalty of \$5,000.00 which is imposed in lieu of suspension of the dealer’s license.”

IT IS SO ORDERED.

ARKANSAS MOTOR VEHICLE COMMISSION

By: _____
F.S. Stroope, Chairman

Date: _____