

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

DARBY KYLE, SOUTH COAST AUTO

HEARING # 08-014

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Arkansas Motor Vehicle Commission (hereinafter the “Commission”) held a hearing on September 17, 2008, to determine whether South Coast Auto and Darby Kyle’s (hereinafter “South Coast Auto”) license to distribute new motor vehicles should permanently suspended or revoked in accordance with the provisions of the Arkansas Motor Vehicle Commission Act, Ark. Code Ann. § 23-112-101 et seq., and Commission Rule 2 regarding hearings and appeals.

The Respondent, Darby Kyle, after receiving proper notification, did not attend.

After reviewing testimony from Greg Kirkpatrick, Executive Director, and documents received in evidence from the prior emergency hearing held on March 19, 2008, the Commission makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F1. On November 26, 2007, a wire transfer was issued to South Coast Auto from Electric Transportation of Arkansas for a franchise fee in the amount of fifty thousand dollars (\$50,000.00).
- F2. According to the complaint filed with the Arkansas Better Business Bureau, the payment of the franchise fee provided the following rights and benefits to Electric Transportation of Arkansas, LLC from Darby Kyle and South Coast Auto:
franchise rights for the State of Arkansas, all required software, state forms, two

weeks of training, “certified” training on electric motors, securing the attendance of Governor Beebe at the store’s grand opening, and South Coast Auto would overnight the signed contract and the Arkansas Motor Vehicle Commission application.

- F3. To date none of these commitments has been met by South Coast Auto or Darby Kyle, except some training that was given by a volunteer at a Vo-Tech college in Oklahoma. No vehicles were present during the training.
- F4. The Commission has subsequently learned that Darby Kyle was found guilty on two separate occasions of theft of property in 2002 and 2003 in the state of Texas.
- F5. On March 19, 2008, the Commission held an emergency hearing and voted to suspend Darby Kyle’s representative license and South Coast Auto’s distributor’s license pending a formal hearing.

CONCLUSION OF LAW

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

Conclusion of Law:

- C1. South Coast Auto license as a distributor should be revoked permanently due to unfitness to hold a license in the State of Arkansas according to Ark. Code Ann. §23-112-308 (a)(2).

ORDER

The Commission finds that South Coast Auto and Darby Kyle's license are hereby permanently revoked.

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: _____