

1 **ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS**

2 In the Matter of the Unlicensed Activity of:

No. 12F-BD0039-SBD

3 **COCHISE MOTORSPORTS, INC. d/b/a**
4 **COCHISE MOTORSPORTS AND**
5 **CLIFFORD G. ALLISON, PRESIDENT**

CONSENT ORDER

6 1100 Avenida Cochise
7 Sierra Vista, Arizona 85635

8 Respondents.

9 On November 1, 2011, the Arizona Department of Financial Institutions ("Department")
10 issued an Order to Cease and Desist; Notice of Opportunity For Hearing; Consent to Entry of Order,
11 alleging that Respondents had violated Arizona law. Following an informal settlement conference
12 with the Department, Respondents wish to resolve this matter in lieu of an administrative hearing
13 and consent to the following Findings of Fact and Conclusions of Law, and consent to the entry of
14 the following Order.

15 **FINDINGS OF FACT**

16 1. Respondent Cochise Motorsports, Inc. d/b/a Cochise Motorsports ("Cochise
17 Motorsports") is an Arizona corporation, which has been incorporated since 1989. The nature of
18 Respondent Company's business, at all times material hereto, is that of a motor vehicle dealer within
19 the meaning of A.R.S. § 44-281(3).

20 2. Respondent Clifford G. Allison ("Mr. Allison") is the President of Respondent Company
21 and is not authorized to transact business in Arizona as a motor vehicle dealer within the meaning of
22 A.R.S. § 44-281 *et seq.*

23 3. Respondent Company held a Motor Vehicle Dealer license with the Department from
24 1989 until 2006 when the licensed expired due to non-renewal.

25 4. On or about June 23, 2011, the Department received a Motor Vehicle Dealer License
26 application from Respondent Company.

5. On or about July 19, 2011, the Department requested additional information or

1 transactions; (2) the imposition of a civil monetary penalty pursuant to A.R.S. § 6-132; and (3) an
2 order or any other remedy necessary or proper for the enforcement of statutes and rules regulating
3 motor vehicle dealers pursuant to A.R.S. §§ 6-123 and 6-131.

4 **ORDER**

5 1. Respondents shall immediately stop the violations set forth in the Findings of Fact and
6 Conclusions of Law.

7 2. Respondents shall immediately stop all motor vehicle dealer activity in Arizona until
8 such time as Respondents have obtained a motor vehicle dealer license from the Superintendent as
9 prescribed by A.R.S. § 44-282.

10 3. Respondents shall immediately pay to the Department a civil money penalty in the
11 amount of **five thousand dollars (\$5,000.00)**.

12 4. Cochise Motorsports and Mr. Allison are jointly and severally liable for payment of the
13 civil money penalty.

14 5. Respondents shall comply with all Arizona statutes and rules regulating Arizona motor
15 vehicle dealers (A.R.S. § 44-281 *et seq.*).

16 6. Should Cochise Motorsports and Mr. Allison fail to comply with this Order, the
17 Superintendent shall institute further disciplinary proceedings.

18 7. The provisions of this Order shall be binding upon Respondents, their employees, agents,
19 and other persons participating in the conduct of the affairs of Respondents.

20 8. This Order shall become effective upon service, and shall remain effective and
21 enforceable until such time as, and except to the extent that, it shall be stayed, modified, terminated,
22 or set aside.

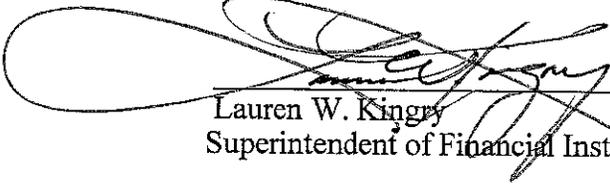
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1 SO ORDERED this 1st day of December, 2011.

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5 Lauren W. Kingry
6 Superintendent of Financial Institutions

7 **CONSENT TO ENTRY OF ORDER**

8 1. Respondents acknowledge through their authorized representative that Respondents
9 have been served with a copy of the foregoing Findings of Fact, Conclusions of Law, and Order in
10 the above-referenced matter, have read the same, are aware of their right to an administrative hearing
11 in this matter, and have waived the same.

12 2. Respondents admit the jurisdiction of the Superintendent and consent to the entry of the
13 foregoing Findings of Fact, Conclusions of Law, and Order.

14 3. Respondents state that no promise of any kind or nature has been made to induce them
15 to consent to the entry of this Order, and that they have done so voluntarily.

16 4. Respondents agree to cease from engaging in the violative conduct set forth above in
17 the Findings of Fact and Conclusions of Law.

18 5. Respondents acknowledge that the acceptance of this Agreement by the Superintendent
19 is solely to settle this matter and does not preclude this Department, any other agency or officer of
20 this state or subdivision thereof from instituting other proceedings as may be appropriate now or in
21 the future.

22 6. Failure to correct the violations set forth above in this Order or any future findings of
23 repeat violations shall result in disciplinary action which may include a greater civil money penalty.

24 7. Clifford G. Allison, on behalf of Respondent Company Cochise Motorsports, Inc. d/b/a
25 Cochise Motorsports, represents that he is the President, and that, as such, has been authorized by
26 Respondent Company to consent to the entry of this Order on its behalf.

