

**STATE OF FLORIDA  
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**DEPARTMENT OF HIGHWAY SAFETY  
AND MOTOR VEHICLES,**

**Petitioner,**

**v.**

**Case No.: MS-18-0730**

**License No.: VF-1114256**

**RIVERSIDE CHEVROLET LLC d/b/a  
RIVERSIDE CHEVROLET,  
Respondent.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner, the Department of Highway Safety and Motor Vehicles, files this Administrative Complaint against Riverside Chevrolet LLC d/b/a Riverside Chevrolet, Respondent, and alleges:

1. Petitioner is the state agency charged with regulating the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale, pursuant to section 20.24 and Chapter 320, Florida Statutes, and Rule 28-106.2015, *Florida Administrative Code*.

2. Section 320.27(1)(c)1., Florida Statutes, defines “[f]ranchised motor vehicle dealer” as “...any person who engages in the business of repairing, servicing, buying, selling, or dealing in motor vehicles pursuant to an agreement as defined in s. 320.60(1).”

3. Respondent is, and has been at all times material hereto, a licensed franchised motor vehicle dealer in the State of Florida, having been issued license number VF-1114256, based upon the application identifying Andrew Ferguson, Jr. as Manager. The physical address of record is 3494 Phillips Hwy, Jacksonville, Florida 32207.

4. Section 319.24(5)(a), Florida Statutes, provides that, “[a] motor vehicle dealer acquiring ownership of a motor vehicle with an outstanding purchase money lien, shall pay and satisfy the outstanding lien within 10 working days of acquiring ownership...”

5. Section 319.23(6)(a), Florida Statutes, provides that "...In each case of transfer of a motor vehicle or mobile home, the application for a certificate of title, a corrected certificate, or an assignment or reassignment must be filed within 30 days after the delivery of the motor vehicle... In the case of the sale of a motor vehicle by a licensed motor vehicle dealer to a general purchaser who resides in another state or country, the dealer is not required to apply for a certificate of title for the motor vehicle; however, the dealer must transfer ownership and reassign the certificate of title or manufacturer's certificate of origin to the purchaser, and the purchaser must sign an affidavit, as approved by the department, that the purchaser will title and register the motor vehicle in another state or country...."

6. Section 319.23(6)(b), Florida Statutes, provides that "[i]f a licensed dealer acquires a motor vehicle or mobile home as a trade-in, the dealer must file with the department, within 30 days, a notice of sale signed by the seller...."

7. Section 320.27(6), Florida Statutes, provides that "[e]very licensee shall keep a book or record in either paper or electronic form as prescribed or approved by the department for a period of 5 years, in which the licensee shall keep a record of the purchase, sale, or exchange, or receipt for the purpose of sale, of any motor vehicle, the date upon which any temporary tag was issued, the date of title transfer, and a description of such motor vehicle together with the name and address of the seller, the purchaser, and the alleged owner or other person from whom such motor vehicle was purchased or received or to whom it was sold or delivered, as the case may be...."

8. Section 316.2935(1)(b), Florida Statutes, provides that "[a]t the time of sale, lease, or transfer of title of a motor vehicle, the seller, lessor, or transferor shall certify in writing to the purchaser, lessee, or transferee that the air pollution control equipment of the motor vehicle has

not been tampered with by the seller, lessor, or transferor or their agents, employees, or other representatives. A licensed motor vehicle dealer shall also visually observe those air pollution control devices listed by department rule pursuant to subsection (7), and certify that they are in place, and appear properly connected and undamaged....”

9. Section 319.225(4), Florida Statutes, provides that “[u]pon transfer or reassignment of a certificate of title to a used motor vehicle, the transferor shall complete the odometer disclosure statement provided for by this section and the transferee shall acknowledge the disclosure by signing and printing his or her name in the spaces provided....”

10. Section 320.27(9)(b)6, Florida Statutes, provides that “[t]he department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771 upon proof that a licensee has committed, with sufficient frequency so as to establish a pattern of wrongdoing on the part of a licensee, violations of one or more of the following: failure to apply for transfer of a title as prescribed in s. 319.23(6) ....”

11. Section 320.27(12), Florida Statutes, provides that the Department “may levy and collect a civil fine, in an amount not to exceed \$1,000 for each violation, against any licensee if it finds that the licensee has violated any provision of this section or has violated any other law of this state....”

### **COUNT ONE**

12. Petitioner realleges and incorporates as if fully stated herein the allegations contained in paragraphs 1-11 above.

13. On March 24, 2018, Respondent sold a 2018 Chevrolet (VIN: [REDACTED]) to A.M.B. Respondent received a 2012 Chevrolet (VIN: [REDACTED]) from A.M.B. in trade.