



DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
EXECUTIVE OFFICE

10240 SYSTEMS PARKWAY, SACRAMENTO, CA 95827
PHONE: (916) 255-4300 ♦ FACSIMILE: (916) 255-1369
www.autorepair.ca.gov ♦ www.smogcheck.ca.gov



May 9, 2005

10124704

National Highway Traffic Safety Administration
United States Department of Transportation
400 7th Street SW
Washington, DC 20590

To Whom It May Concern:

Enclosed is a complaint from a California consumer, _____, regarding a possible vehicle recall. This information was mistakenly forwarded to the California Bureau of Automotive Repair (BAR) for action.

In order to assist the consumer, I have forwarded her case to your administration for review. The consumer was also notified, through correspondence, that BAR has forwarded her case to the NHTSA.

Sincerely,

KATHLEEN WAGNER
Office of the Chief
CA, Bureau of Automotive Repair

Enclosure

2005 MAY 23 AM 5:10

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4/1/05



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10240 SYSTEMS PARKWAY, SACRAMENTO, CA 95827
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www.autorepair.ca.gov ♦ www.smogcheck.ca.gov



May 9, 2005

Los Angeles, CA

Dear :

The Department of Motor Vehicles forwarded your complaint, submitted by Parker Stanbury LLP, to the Bureau of Automotive Repair (BAR). However, the National Highway Traffic Safety Administration (NHTSA) has jurisdiction over vehicle recall problems.

In order to assist you, I have forwarded your correspondence to the NHTSA. Their information is as follows:

National Highway Traffic Safety Administration
United States Department of Transportation
400 7th Street SW
Washington, DC 20590

Telephone: (800) 424-9393

Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in cursive script that reads 'Kathleen Wagner'.

KATHLEEN WAGNER
Office of the Chief

cc: Rudy Modelo, DMV

NHTSA ✓

RECEIVED IN BAR EXECUTIVE

2005 APR 14 AM 10:

Memorandum

Date : April 11, 2005

To : Richard "Dick" Ross, Chief
Department of Consumer Affairs
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827

From : Registration Policy and Automation Branch
Department of Motor Vehicles
P.O. Box 825893 MS# C303
Sacramento, CA 94292

Subject : Customer Complaint -Smog Inspection

The Department of Motor Vehicles (DMV) received the attached correspondence regarding a vehicle owned by Rashayna J. Moore dated March 17, 2005, regarding her inability to obtain a smog inspection due to an emission system malfunction.

Per the agreement between DMV and the Bureau of Automotive Repair (BAR), DMV is forwarding the customers correspondence and the DMV reply. The customer claims that she is unable to obtain repairs to allow her vehicle to pass the smog inspection. Please send the DMV a copy of your response to the customer.

If you have any questions regarding this matter, please contact Eric Bentzen, of my staff, at (916) 657-8508.


RUDY A. MODELO
Chief

Attachment

PARKER · STANBURY LLP

ATTORNEYS AT LAW

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MATTHEW W. DAVID
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ABEL ORTIZ

MOJIB ZAMANI
CASEY H. POPE
JULIAN A. GILBERT
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LUS MORENO
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*MEMBER OF AMERICAN BOARD OF TRIBAL ADVOCATES

THOMAS L. WADDELL, OF COUNSEL

HARRY D. PARKER (1981-1978)

RAYMOND G. STANBURY (1904-1986)

March 17, 2005

Daimler Chrysler Customer Center
P.O. Box 21-8004
Auburn Hills, Michigan 48321

Department of Motor Vehicles
2415 1st Avenue Mail Station F101
Sacramento, California 95818

Dear Sir or Madam:

Re:

Smog Check and Alleged Recall
1996 Plymouth Neon
Vehicle ID No. : 1P3ES27C8TD
Our File No. : 1381996

This letter is in reference to purchase of a 1996 Plymouth Neon from a private owner in May 2002, and your organization's failure to provide her relevant information and instruction to enable her to now register the vehicle because it allegedly fails to pass a smog check.

Specifically, purchased the above-mentioned vehicle in Oregon, and she moved to California in 2002 with the vehicle. In September 2002 the vehicle passed the smog check, but in September 2003 she received a letter from Daimler Chrysler advising that her make and model of vehicle had been recalled because of a problem with the OBD self-tests. Because Ms. Moore's vehicle was experiencing none of the symptoms attributed to the OBD self-tests, she did not take it in at that time to a dealership.

However, in September 2004, when she attempted to register her vehicle and obtain a new smog certificate, she was advised that the vehicle failed the MIL/Check Engine light due to failure to successfully complete all OBD self tests. The smog technician advised her that the California DMV had recalled her vehicle and instructed her to contact the manufacturer.

505

ORANGE COUNTY
200 WEST SANTA ANA BOULEVARD
SANTA ANA 92701-7902
(714) 547-7103
FAX (714) 547-9488

SAN BERNARDINO
306 WEST SECOND STREET
SAN BERNARDINO 92401-1808
(909) 884-1288
FAX (909) 884-7878

SAN DIEGO
3131 CAMINO DEL RIO NORTH
SAN DIEGO 92108-6708
(619) 528-1288
FAX (619) 528-1418

SACRAMENTO
777 CAMPUS COMMONS ROAD
SACRAMENTO 95825-8908
(916) 885-7851
FAX (916) 885-7851

When [redacted] did contact the manufacturer, it denied that her vehicle had been recalled, instructed her to go to a different smog test shop, and to give that new shop a certain numeric pass code for the technician to override the system so that the vehicle would pass the smog test. [redacted] did as requested, but when the OBD self-test error resurfaced, the new smog shop said that they could not override the system. Only the State of California could authorize such an override.

Shortly thereafter, she contacted the DMV who stated that her make/model of vehicle had been recalled, but upon reviewing the Vehicle Identification Number, the DMV claimed that the vehicle had been salvaged. Apparently as a result of the vehicle being salvaged, it did not receive the recall from the manufacturer. [redacted] contacted additional dealerships and smog shops and was advised by those shop personnel that they could not help her with the OBD self-tests problems because the vehicle had to be driven for 35 miles at 55 miles an hour for the OBD self-test system to reset. Apparently, no dealership, smog shop or the manufacturer is willing to perform the needed service, and even though [redacted] has driven her vehicle at approximately 55 miles per hour for over 35 miles, her actions do not satisfy the requirements set up by the California DMV.

Your refusal to assist [redacted] in passing a new smog test, or at least in providing her the necessary explanation and documents to enable her to have the appropriate work done on her vehicle, has prevented her from obtaining current registration. Therefore, [redacted] has received two parking tickets for expired tags costing \$25.00 and \$69.00, and a fix-it ticket for lack of registration costing \$185.00.

As mentioned above, [redacted] has been given the runaround from both of your organizations. She respectfully requests that both of your organizations provide her with all information and documentation regarding the recall of her make and model of vehicle; recall documentation regarding her particular vehicle; instructions on what actions she must take in order to pass the required smog check; the name, address and phone number of a dealership in her area that can assist her; and that Daimler Chrysler ensure that the recall services on her vehicle are done at no cost to [redacted] and provide written confirmation of the same within 14 days of date of this letter.

Please be advised that I have discussed with [redacted] her legal rights and your obligations in this matter. Should this letter fail to generate the appropriate response, [redacted] will have no other option but to pursue any and all available legal remedies, including but not limited to, filing an appropriate lawsuit and complaints with all relative agencies.

Daimler Chrysler Customer Center
Department of Motor Vehicles
March 17, 2005
Page 3

Your prompt attention to this matter is greatly appreciated. Parker Stanbury, LLP has not been retained by _____ at this time, and any response must be in writing and directed to _____, Los Angeles, California

Very truly yours,

PARKER - STANBURY LLP

By 

MATTHEW T. SALABEN

MTS:sbq

cc:

Bureau of Automotive Repair

PARKER • STANBURY LLP
ATTORNEYS AT LAW
444 SOUTH FLOWER STREET, NINETEENTH FLOOR
LOS ANGELES, CA 90071-2901



NEOPOST

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MAR 21 2005

US POSTAGE

FIRST CLASS

MAILED FROM 90071

048J0085001423

Department of Motor Vehicles
2415 1st Avenue Mail Station F101
Sacramento, California 95818

95818+2698 19

