

TO: Office of Defect Investigation

From: [REDACTED]

Call # 10127284

2005 JUL -9 AM 5:19

Please attach the following documents to ODI complaint #10127284. Thank you.

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7/19/05

Better Business Bureau
Complaint Department
P.O. Box 970
Colton, CA 92324

July 1, 2005

[REDACTED]
Palmdale, Ca [REDACTED]

To Whom It May Concern,

This letter is written as a formal complaint against your member, Seaside Motors located at [REDACTED] Santa Monica, Ca. I want to inform you of the maltreatment and unethical conduct that I have been exposed to in my involvement with this dealership. Seaside Motors has not only failed to comply with your agency's commitment to act in accordance with ethical business practices, however is in violation of the Federal Motor Vehicle Safety Standards.

On February 4th, I purchased a 2001 Land Rover from the dealership. Prior to my purchase, I informed sales representative Simon of the ABS, TC, and brake sensor lights that were on in the vehicle. He responded, "the car just had a Smog Test and once you start driving it and adding miles, it will go away." I also presented this issue to the manager, [REDACTED], who responded "there's nothing wrong with the car, you are fine." On February 5th, I contacted Mr. [REDACTED] to inform him that the sensor lights remained on, in addition, the shaking of the vehicle when stopping. In return, he stated "go to any mechanic and the warranty will take care of it." The vehicle was then taken to the Land Rover dealership service and repair in Encino. At that time, the wrongful act of Seaside Motors was revealed. I was informed "front brake pads were put on bad (corroded) rotors" (see attached). In addition, "the TC and downhill lites also on. Brake lite on modulator tests bad but due to rotors" (see attached). The fee charged to repair the vehicle amounted to \$3,663, the warranty covered only \$34. The mechanic stated "this vehicle would not even pass safety regulations" and returning the vehicle was recommended. Seaside motors has failed to comply with the requirements of Federal Motor Vehicle Safety Standards No.105 "Hydraulic & Electric Brake Systems" and No. 135 "Passenger Car Brake Systems". Both standards reinforce the minimum safety performance requirements for the vehicle. The consequences of a malfunctioning system "can produce an unexpected increase in stopping distance, with the potential for total loss of service braking function, which could result in a crash." Therefore, endangering the life of my family as well as, the lives of others.

Immediately after discovering these findings, I contacted Mr. [REDACTED] to inform him. As a result, arrangements were made for the vehicle to be seen by the dealership's mechanic.

On 3/7/05, the vehicle was returned to Seaside for repairs, however Mr. [REDACTED] refused to fix the Anti-Lock/ABS modulator system and only replaced one rotor. On 3/8/05, my husband contacted Mr. [REDACTED] in a second attempt to gain his cooperation. Mr. Shafighi continued to refuse to correct the problem and stated, "I shouldn't have fixed it" and "it's your problem". In spite of my attempts, Seaside Motors has failed to conform the vehicle to its rightful condition required by law.

A Land Rover service and repair shop owner disclosed to me that the ABS modulator was a recall for the make and model of my vehicle. After this disclosure the vehicle was then taken to Symes Land Rover in Pasadena for the recall repair. Nonetheless, I was informed that the recall replaced only a ABS modulator plate and the "entire unit requires replacement" (see attached).

As set forth in the facts above, there has been failure and refusal to conform the vehicle to appropriate safety standards. Seaside motors has failed to act in accordance with ethical business practices by deceiving his customer and neglecting to properly repair the brake system prior to selling the vehicle. The hazardous condition in which the vehicle was sold not only jeopardized the safety of my family, yet is unacceptable and against the law. Because this dealership caused the problem, we expect cooperation with obtaining a satisfactory resolution. Specifically, we expect Seaside Motors to: 1) repair/replace the Anti-lock/ABS modulator unit, 2) replace the rotor, and 3) any other damages caused by the defective Anti-lock/ABS modulator and brake system.

My purpose of writing your agency is another attempt to gain your members cooperation and to hopefully put an end to their unethical practices. This dealership has eleven complaints filed against them in less than a 3-year timeframe, nine of which were substantiated. This situation was a dramatic disappointment from the superlative service members of the Better Business Bureau should provide. The appropriate regulatory agencies have been notified of the dealership's non-compliance with mandatory safety regulations. By notifying your agency of this matter I anticipate resolution to this problem, however should Seaside Motors continue to refuse, further litigation will be pursued. Please contact me within 14 days of the date of this letter with specific instructions for resolution of my request. I have prepared a file of submission to my attorney, but will not submit it until July 14th. I appreciate your immediate attention to this matter and can be reached at [REDACTED]

Sincerely,

[REDACTED]

Cc: U.S. Department of Transportation National Highway Traffic Safety Administration,
Federal Trade Commission, Office of Vehicle Safety Compliance

THE ATTACHMENTS TO THIS
DOCUMENT HAVE BEEN REMOVED
TO PROTECT UNWARRANTED
INVASION OF PERSONAL PRIVACY
PURSUANT TO EXEMPTION 6 OF
THE FREEDOM OF INFORMATION
ACT (FOIA), 5 U.S.C. 552(b)(6).