

**TO: US Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation
NVS-210,400 7th Street, SW
Washington, DC 20590**

11/2/05 11:37

10142146

To whom it may concern,

I would like to submit a complaint under the Safety Recall Compendium in accordance with title 49 of the United States Code, Chapter 301 and supporting Federal Regulations. This complaint is due to East Bay Motor Sports a motorcycle dealership failing to comply to a Safety Recall Technical Service Bulletin. Said bulletin was released in April of 2005. East Bay Motor Sports of Hayward California sold me a new 2005 Honda Fourtrax Foreman (TRX500) All Terrain Vehicle (ATV) without repairing a Safety Recall which could potentially cause an accident or death. When I brought the unit back to the dealership for several other problems, I asked the store manager about the safety recall not being done and he told me that the ATV "must have fell through the cracks" and that they're sorry but "that's the way it goes". This is unacceptable! I called Honda Customer Relations and they were surprised that the Safety Recall was not completed as they sent out a TSB to all the dealers in April / May of 2005. I purchased the ATV on September 12, 2005. East Bay Motor Sports was essentially letting me drive a known timebomb without any regard to safety recall issues. They have since replaced the tie rod ends because of my finding the recall on my own but the principal still remains. Do we let them get away with not complying with safety recalls technical service bulletins prior to the sale of a vehicle or motorcycle? They should be fined for this violation and their lack of concern for consumer safety!

Your help is appreciated in investigating this valid complaint. Please see following "Chain of Events" for more information (especially pages 3 and 4).

If you have any questions or need further information please do not hesitate to let me know.

Best Regards,

[Redacted signature]

[Redacted address line]

Fremont, CA

Home:

Work:

[Redacted] extension 2611 or [Redacted] extension 2611

Email:

[Redacted email address]

Maria
11/2/05

Chain of Events for ATV Purchase

Subject: 2005 Honda Fourtrax Foreman 4x4 ES (TRX500)

Location of Purchase: East Bay Motorsports 21756 Foothill Blvd., Hayward, CA 94541

Phone: 510.889.7900 ~ Fax: 510.889.7902

Date of Purchase: 9/12/2005

Sales Person: Scott Brandon

Purchase Price: 6000.00 US + 399.00 (extended warranty)

VIN: 1HFTE317454 [REDACTED]

9/12/05: At approximately 5:00PM I arrived at East Bay Motorsports and was greeted by Scott Brandon. Scott showed me the 2005 Honda Fourtrax Foreman 4x4 ES which I was interested in purchasing. I noticed when Scott was showing me the ATV that there seemed to be some what appeared to be rust residue on the plastic body of the said unit. Scott assured me that in fact the residue was not rust and was residual Cosmoline. Apparently Cosmoline is used when transporting the ATV's and parts from overseas to prevent sea-spray (salty water) from rusting and corroding metals. Scott told me that the Cosmoline usually takes several washings to get completely off and that he assured me that the unit was not rusting anywhere. Scott also stated that if there was rust on the unit that it was probably from the shipping car which could have leaked rusty water onto the unit and that there was no cause for alarm. I took Scott's word for it since he's the "professional" and I was a first time ATV buyer. I purchased the ATV that night and was told I could pick the unit up on 9/14/05 after they finished the post prep of the unit. I told Scott that I wanted all of the residual Cosmoline cleaned off of the unit prior to my arrival for pickup.

9/14/05: I picked up said unit at approximately 5:00 PM from the dealership service center. Scott Brandon assured me that everything was inspected and that he would call me in a week to make sure that I was happy with everything. Scott then turned me over to one of the service employees who gave me an extremely brief run-down on the operation of the unit. I also noticed that the unit looked exactly as it did on the 12th and still had the residual what appeared to be rusty colored material which Scott called Cosmoline left on the unit. Since it was getting late and I wanted to trailer the ATV home before dark I figured that I could just wash the Cosmoline off myself. I asked the young man who showed me very briefly how to operate the unit if he could help me put the ATV on the trailer so I could take it home. The service employee rode the ATV to my trailer and upon riding it to the trailer there was what looked like rusty water splashing out the rear rack tubing. I was extremely upset about this and brought one of the other sales personnel who was available (Chris) out to see the rust pouring out the rear rack tubing. Chris inspected the issue and told me that they would order me another new rear rack and that the water did not get into the frame of the unit and that's the only thing that could be done at this point. The service employee ordered me a new rear rack right then and told me that they would call me next week to bring the ATV back to replace the rack which was rusting from the inside-out. Slightly confused about the situation, I tailored the unit home.

9/15/05 I read the instruction manual and did not really inspect the ATV at this time due to other obligations. Additionally, since the unit went through a post-purchase preparation at the dealership, I assumed that everything was 100% correct with the brand new unit.

9/22/05 I loaded up the ATV on my trailer to take on a hunting trip in the Sierra Nevada mountains. Again, not really paying too close attention to the unit as I was busy preparing for my trip.

9/23/05 I put my safety gear on and took the unit for the first initial ride to scout out the area in which I was to hunt the next morning. I drove the ATV as per the manuals break-in period and after approximately 4 hours of driving the unit, I noticed that the engine was somewhat noisy and started to make an intermittent ringing / pinging sound at idle. I didn't think too much of it as I never owned an ATV before and assumed that the noise was characteristic of this type of machine. Additionally, I also assumed that everything was normal since the unit went through a post-purchase preparation at the dealership 1 week ago. I drove the unit for several more hours and the noise did not get any worse therefore leading me to believe that the noise was normal.

9/24/05 Before heading out opening morning of hunting season, I checked the oil level per the instruction manual and noticed that the oil was almost $\frac{3}{4}$ of a quart low! I was very upset to find this out and was thinking that the dealership did not do a post-purchase prep on the unit at all. I just happened to purchase the proper Honda oil for the ATV prior to the trip at Fremont Cycle Center just incase an emergency arose. I immediately filled the engine to the proper oil level and started the engine. The engine was now running quieter than the day before (i.e. normal?). I drove the unit for a while to see if the engine appeared to be functioning okay but then decided to not chance it and decided to cut my trip short and leave on 9/25/05.

9/25/05 Left my hunting trip early.

9/26/05 Called East Bay Motorsports and spoke with the ATV service manager Connie@ 11:20 AM. Connie apologized for the problems and did not understand why the ATV was low on oil as she reassured me that the post-purchase preparation included checking the oil level of the unit. Connie told me to bring the unit in for inspection at anytime. I told Connie I needed to wait until my new truck ramps arrived in order to transport the unit back to the dealership. She said that was fine.

9/27/05 Decided to further inspect the ATV at home. Upon further inspection, I noticed an oil leak coming out of what appears to be oil cooler in front of the engine. The leak came down and dripped on the right side (as you are sitting on the unit) upper CV boot and into the frames skid plate. I can only assume that this leak caused the oil level problem but unsure that $\frac{3}{4}$ of a quart could potentially leak out from this area. During my inspection I also noticed that there is rust in several of the welds on the ATV frame! This leads me to think that the frame is rusting from the inside out and the rusty water that came out of the back rack was also throughout the frame or at least was at one time causing accelerated rusting which will eventually shorten the life of the unit. I also found corrosion on the aluminum engine block and misc. fittings throughout the ATV. The unit was either stored in a high humidity environment or the parts were shipped overseas in an unprotected state where salt water caused corrosion and rust. I immediately took pictures of all the damage and placed a call into Honda Power Sports Customer Relations at :

MotorcycleDivision
AmericanHondaMotorCo.,Inc.
P.O.Box2220
Torrance,CA90509-2220
Mailstop:100-4W-5B
Telephone: (866) 784-1870

I spoke with Angel who took all my information and told me that he would assign a specialist to my case. The case number Angel gave me is M042005-09-2701453. Angel told me that the specialist would be contacting me for further information and that the next step is for me to take the ATV back to the dealership for inspection.

I called Connie at East Bay Motorsports back to let her know that I found more problems with the ATV and that I called Honda Customer Care to submit my complaints. I also told her that I took digital pictures of all the external damage. She wanted me to send her the pictures and give her the Honda case number. I asked for her email address and told her the case number. She then asked me if I thought that the damage was caused by the manufacturer or by storage of the unit. I thought the question was strange but expressed that I thought it was due to improper storage. She then told me again to bring the unit in for inspection and I told her I would as soon as my ramps were delivered so I could drive it in the back of my truck to the dealership. I immediately tried to send her the pictures I took of the damage but I apparently didn't get her email address correct as the mails kept bouncing back. I tried calling her back to see if I had the correct address but I was told that she was in a meeting (I wonder what that meeting was about?) I finally figured out the problem to the address myself and was able to send the pictures without the emails bouncing back. I have not heard back from Connie as of yet, nor have I received a courtesy call from Scott Brandon, nor have I received a call from service for the replacement rack.

9/28/05 I called Honda Customer relations again to let them know my work number incase they needed to get a hold of me during normal work hours. I asked the Customer Relations representative (David) in reviewing the case thus far, how things would play-out? He told me that if the damage was found to be caused by improper storage, Honda would not be responsible to replace or repair the unit. This really made me upset to find out I would have to deal directly with the dealership and somehow knowing in the back of my mind that the dealership is going to try to repair the problems on the cheap, if at all, and certainly not to do the correct thing which is to buy back the "new" rusted corroded ATV and give me a brand new unit without any issues.

I also found out (by myself) that there is a safety recall on my ATV for the tie rod ends which should have been addressed by the dealer prior to my picking up the unit. I do not think that the dealership corrected the problem prior to placing the unit on the showroom floor and was not told by the dealer of any recall notices and was informed by Honda Customer Relations that the dealerships were told about the recall sometime April 2005. There is also a Product Update for a drive plate assembly which I was not informed of from the dealership as well.

10-8-05 I brought the ATV back to the dealership for inspection. I explained the details of the problems to the store manager. I also told him of the safety recall which was not done prior to my purchasing the ATV. Unbeknownst to me, I drove the ATV with the possibility of a tie rod malfunctioning, potentially causing injury or death. He did not think too much of the issue and told me that the ATV recall must have "fell through the cracks". Let's see, a safety recall falling through the cracks? Unacceptable!

They ,(Connie the service manager and the store manager) conversed for a few minutes and told me that they could not do anything until the Honda district manager looked at the unit. Connie told me that she would contact me on Monday 10-10-05 to let me know when the district manager was coming to inspect the unit. I left the ATV at the dealership for further inspection.

10-10-05 I did not receive a call back from Connie.

10-12-05 I called Connie at East Bay Motor Sports to find out the status of the inspection. Connie told me that The Honda district manager looked at the pictures of the unit and said that Honda would not replace the ATV because of the corrosion and rust problems and that the corrosion was merely a cosmetic problem. I do not know if he actually inspected the actual ATV. He told Connie to go ahead and repair the rusted welds as good as possible. Connie said that they would possibly brush out the rusted welds with a "toothbrush" and that they would inspect the oil leak problem and fix the leak if needed. I asked her if they were going to inspect the inside of the engine for damage due to the lack of oil problem. She asked me if that is what I wanted them to do. I told her (which I shouldn't have to) of the possibility of cylinder wall scoring due to oil starvation and that there could potentially be damage in other places as well. She said that she would need to talk to the district manager about the problem in order to take apart the engine. This should have already been addressed!

10-12-05 (afternoon) I called Honda customer relations and spoke to a Chris (case specialist). I explained to Chris about my concerns of the rust, corrosion, and engine problems. I asked how the dealership was going to "clean and touch-up" the rusty welds? Chris did not have an answer and that he needed to consult with someone at Honda to see how they go about touching up welds. The frame of the ATV is powder coated and I personally don't see how the frame can be properly touched-up without stripping the entire frame and re-powder coating it. You cannot conventionally paint over a powder coated frame and have the paint adhere properly. I also wanted Chris to know my feelings on the oil starvation problem and them not inspecting the internal engine components. He said that he needed to talk to the district manager about inspecting the internal engine components. Additionally, I asked Chris how they were going to clean what the Honda district manager deemed as merely "cosmetic" corrosion on the engine and re-seal the aluminum. Chris did not have an answer and needed to ask someone how this was done. Chris told me that he would contact the dealership (Connie) and discuss my concerns. Chris said he would call me back by Friday 10-14-05. It appears that I am caught in a vicious circle between the dealership doing patch-up work and Honda Corporation either not knowing how to address the issues or not addressing them in a professional manner by exchanging the unit for one that does not have any problems from the beginning. After all, it's just 6300.00 I paid for a brand new ATV and not money coming out of their pockets.

10-13-05 7:30AM I called and left a message on Connie's voicemail to see if I could speak directly to the Honda district manager to express my concerns. I just don't want them to do some minor repairs and call it good. If they want to go the warranty route, I want everything repaired 100%

10-14-05 PM Have not received a reply from the voicemail I left Connie on 10-13-05 as of yet.

10-17-05 called Chris at Honda Customer Relations as I did not receive a call back on Friday 10-14-05. I left voicemail for him to call me back at work. I was told by one of his co-workers that he was there. 10-14-05 PM No call back at work from Chris.

This timeline "chain of events" is an accurate representation of what has been done during the course of my owning the 2005 Honda Fourtrax Foreman TRX500.



Fremont, Ca

Work:



Home:



Recall Campaign:

Dear TRX Owner:

What is the reason for this notice?

In cooperation with the U.S. Consumer Product Safety Commission, American Honda Motor Co., Inc. is conducting a voluntary safety recall of certain 2004-2005 model year Honda FourTrax ATVs (Recons, Ranchers, Foremans, Foreman Rubicons and Rincons). Our records indicate that you own one of these vehicles.

What is the problem?

A safety defect may exist in the steering system of your TRX. Rubber sealing boots protect the steering tie rod ends from contamination and loss of lubrication. The sealing boots could become dislodged from the tie rod end body, resulting in rapid wear of the tie rod end and possible tie rod end separation. If tie rod separation occurs while riding, the TRX could lose steering control and may crash.

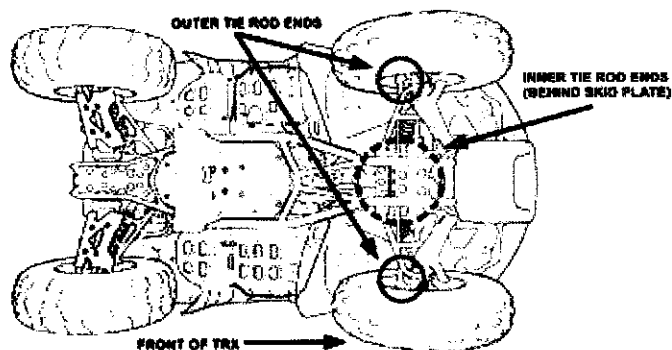
What should you do?

Honda strongly recommends that you do not operate your TRX until it has been repaired. Parts will be available soon. We will send you another letter notifying you when you can go to your Honda dealer for the free replacement of all four tie rod ends.

If you must operate the vehicle prior to repair, perform the following inspections before each ride to ensure the tie rod end boots are properly set to the tie rod end:

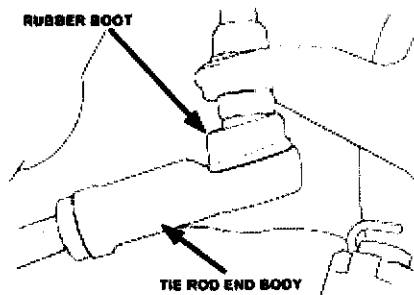
Visual and Physical Inspection of the Sealing Boot

It is necessary to visually inspect each of the four (two inner and two outer) tie rod ends to verify correct boot placement. (Illustration used for reference only.)

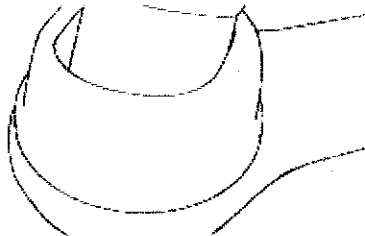


It will be necessary to look under the vehicle, use a flashlight, and turn the wheels left and right to inspect each tie rod end.

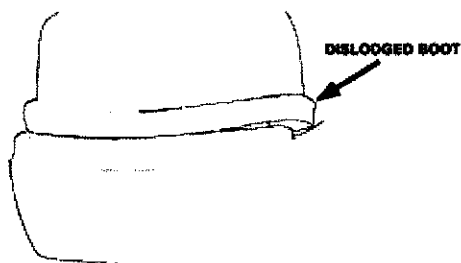
Visually inspect each of the four tie rod ends to verify that the rubber boot is attached to the tie rod end body. Grab the upper portion of each sealing boot and pull upward with moderate force. The boots should remain in place. If a boot dislodges from the tie rod end, the tie rod must be replaced before the TRX is operated.



The rubber boot should sit completely flat and tightly grip the entire circumference of the tie rod end body.



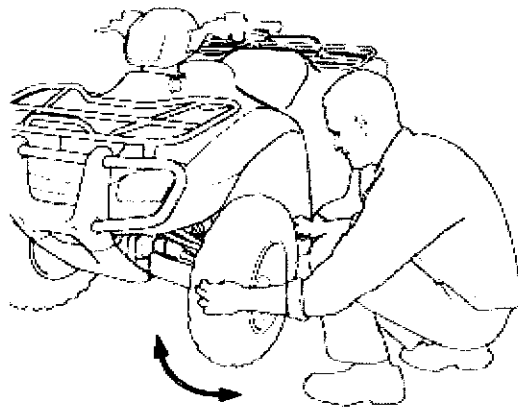
The rubber boot should be firmly attached to the body with no gaps or distortion to the sealing surface. **If you find any tie rod end with a missing or dislodged boot, do not ride the unit.**



Tie Rod Freeplay Inspection

Park the TRX on a flat, hard surface, such as a driveway or hard packed dirt surface. Turn the handlebars until the front wheels are aimed straight ahead. With the handlebars centered, grab the tire with both hands as shown. Wiggle the tire lightly back and forth while watching the handlebars for movement. **If you can move the tire back and forth more than 1/4 inch, without the handlebars moving, the tie rod end has excessive free play and must be replaced before the TRX is operated.**

NOTE: A video of this Tie Rod Freeplay Inspection is available for viewing at <http://powersports.honda.com/atvs/>



If you do not feel qualified to inspect your tie rod ends, please do not operate your vehicle until it has been repaired.

If you feel any excessive steering looseness while riding, do not ride the unit.

WARNING

Prior to the recall repair, do not use your TRX without inspecting the tie rod end boots and freeplay before each ride. If the boots are dislodged or if there is excessive freeplay, the tie rod ends could separate while riding, without warning, and cause a loss of steering. This could result in a crash in which the rider can be seriously hurt or killed.

Do not ride this TRX if there is excessive freeplay or there are dislodged or damaged sealing boots.

If you have questions.

If you have questions about this notice please call Honda Motorcycle Customer Support at (866) 784-1870.

You may also visit our Web site at <http://powersports.honda.com/atvs> for more information.

What to do if you feel this notice is in error.

This notice was mailed to you according to the most current information we have available. If you no longer own this vehicle, or some information in this notice is incorrect, please fill out and return the included, postage-paid Information Change Card. This will help us update our records.

We apologize for any inconvenience this may cause you. Thank you for your FourTrax purchase and your cooperation.

Sincerely,

AMERICAN HONDA MOTOR CO., INC.

Motorcycle Division

PHOTOS ARE DAMAGED



HondaCare Customer Features Checklist

TRX500

1HFTEB1745A0018K5

1HFTEB1745A

[Redacted]

[Redacted]

CUSTOMER NAME

MODEL

VIN

Plan type:

HondaCare Extended Plan

HondaCare Pre-Owned Plan

HondaCare allows you to purchase coverage for your new or pre-owned Honda that virtually replaces the Distributor's Limited Warranty when it expires for up to 48 months (24 months for pre-owned vehicles), depending on the model and length of term chosen. With this in mind, please carefully consider the features of HondaCare listed below. As we explain those features, please initial each area indicating that you understand the importance of each. At the conclusion of the presentation, you will have the opportunity to accept this valuable plan or decline it if you wish.



Genuine Honda Protection

Honda Protection Plans are exclusive products of the American Honda Motor Co., Inc. and have the same quality that is built into the new or pre-owned Honda you are purchasing.

Initials
[Signature]



Nationwide Coverage

No matter how far away from home you travel in the United States, HondaCare travels with you. Covered repairs can be performed at any authorized Honda Dealership nationwide, where you are assured Honda Technicians will only use Genuine Honda Parts.

Initials
[Signature]



No Mileage Limitation

Hondas are built to be ridden and you are encouraged to do just that. Like the Distributor's Limited Warranty, there is no mileage limitation with HondaCare.

Initials
[Signature]



No Deductible

Unlike some plans, with HondaCare there is no deductible to pay for any repair required because of defects in material or factory workmanship for the term of the plan you choose.

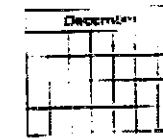
Initials
[Signature]



Transferable

HondaCare is transferable at no cost. Should the day come when you sell or trade-in your Honda, the remaining coverage can be transferred to the purchaser at no cost to you or the purchaser. This is added value to your Honda when it comes time to sell or trade-in.

Initials
[Signature]



Terms

Different plan lengths may be available for your Honda with HondaCare. For new Hondas, coverage begins when your Distributor's Limited Warranty ends with no overlap. For pre-owned Hondas, coverage begins at your vehicle's purchase date.



Coverage

Your new or pre-owned Honda will be covered for any repair required because of defects in material or factory workmanship, as long as you operate and maintain it according to the Owner's Manual. There is no long list of exclusions as found with other plans. The Distributor's Limited Warranty that comes with each new Honda provides the basis, with only audio equipment, batteries, tires and accessories as further exclusions.

Initials
[Signature]

Yes, I see the long term benefits and value in purchasing HondaCare and have elected to purchase it.

Customer's Signature Accepting Coverage: [Signature] Date: 9-12-05

The benefits of HondaCare have been fully explained to me, and I choose to not purchase it at this time.

Customer's Signature Declining Coverage: [Signature] Date: _____

**THE HONDA PROTECTION PLAN GIVES YOU VIRTUALLY THE SAME
COVERAGE AS THE NEW VEHICLE WARRANTY.**

Depending on the vehicle you purchase, the Honda Protection Plan does not cover:

- batteries
- audio equipment
- accessories
- tires

The following Honda Protection Plan exclusions are the same as your new vehicle warranty and does not cover:

- Failures which are not due to a defect in material or factory workmanship
- **Regular or required maintenance**
- Replacement of expendable maintenance items including, but not limited to:

- Spark Plugs
- Gaskets
- Filters
- Hoses
- Coolant
- Belts
- Lubricants
- Fuses
- Shaft Seal (PWC)

- Parts or accessories affected or damaged by:

- Normal wear
- Improper or lack of maintenance
- Neglect
- Misuse
- Natural disaster
- Acts of nature
- Abuse
- Unauthorized alteration
- Accident and/or collision
- Vandalism
- Theft
- Fire
- Deterioration from the elements
- Improper installation of parts or attachments
- Unsuitable use in an application for which the part was not designed
- Incorporation or use of unsuitable attachments or parts
- Any repair with a non-Honda part or accessory
- Submersion
- Corrosion
- Water ingestion

Personal Watercraft only:

- Fishing lines, ropes, other floating or submerged objects
- Prolonged exposure to sea water
- Beaching
- Marine organism growth
- Impeller wear
- Water in the hull or engine
- Sand, gravel, stones, precipitates

- Vehicles used in the following activities (such use will void coverage):

- racing
- competition
- rentals

- Repairs performed by other than an authorized Honda dealership

American Honda disclaims any responsibility for:

- loss of time
- towing of the vehicle
- personal expenses
- loss of vehicle use
- transportation expenses
- any other incidental or consequential damage



Press Releases

Back to: [Press Releases](#)

'05 PRESS RELEASES

4.11.2005

ATV Recall Customer Letter 4/11/2005

April 2005

IMPORTANT SAFETY RECALL NOTICE

Dear TRX Owner:

This notice is sent to you in accordance with the requirements of the Consumer Product Safety Act.

What is the reason for this notice?

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What should you do?

Honda strongly recommends that you do not operate your TRX until it has been repaired. Parts will be available soon. We will send you another letter notifying you when you can go to your Honda dealer for the free replacement of all four tie rod ends.

If you must operate the vehicle prior to repair, perform the following inspections before each ride to ensure the tie rod end boots are properly set to the tie rod end:

Visual and Physical Inspection of the Sealing Boot

It is necessary to visually inspect each of the four (two inner and two outer) tie rod ends to verify correct boot placement. (Illustration used for reference only.)

It will be necessary to look under the vehicle, use a flashlight, and turn the wheels left and right to inspect each tie rod end.

Visually inspect each of the four tie rod ends to verify that the

I found this on my own After I drove the unit. The dealership sold me the unit without taking care of a safety recall. The TSB came out in April.

rubber boot is attached to the tie rod end body. Grab the upper portion of each sealing boot and pull upward with moderate force. The boots should remain in place. If a boot dislodges from the tie rod end, the tie rod must be replaced before the TRX is operated.

The rubber boot should be firmly attached to the body with no gaps or distortion to the sealing surface. If you find any tie rod end with a missing or dislodged boot, do not ride the unit.

Tie Rod Freeplay Inspection

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If you do not feel qualified to inspect your tie rod ends, please do not operate your vehicle until it has been repaired.

If you feel any excessive steering looseness while riding, do not ride the unit.

If you have questions.

If you have questions about this notice please call Honda Motorcycle Customer Support at (866) 784-1870. You may also visit our Web site at www.hondamotorcycle.com for more information.

What to do if you feel this notice is in error.

This notice was mailed to you according to the most current information we have available. If you no longer own this vehicle, or some information in this notice is incorrect, please fill out and return the included, postage-paid Information Change Card. This will help us update our records.

Video Demonstration

- Windows Media Player: [High Speed](#) or [Low Speed](#)
- Real Player: [High Speed](#) or [Low Speed](#)

We apologize for any inconvenience this may cause you. Thank you for your FourTrax purchase and your cooperation.

Sincerely,

AMERICAN HONDA MOTOR CO., INC.

Motorcycle Division

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Honda.com

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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).