



2006 NOV -9 AM 8:40

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA
CONSUMER INFORMATION & COMPLAINTS
400 W. CONGRESS, SOUTH BUILDING, STE. 315
TUCSON, ARIZONA 85781-1367

TERRY GODDARD
ATTORNEY GENERAL

TELEPHONE: (520) 628-6504
FACSIMILE: (520) 628-6532
WWW.AZAG.GOV

November 1, 2006;

[REDACTED]
TUCSON, AZ [REDACTED]

RE: CIC 06-18010

Dear [REDACTED]:

Thank you for the complaint you recently forwarded to the Consumer Protection and Advocacy Section of our office. It appears to fall within the jurisdiction and authority of the agency listed below.

We are forwarding a copy of your complaint to this agency for appropriate action. Please contact that agency if you have any questions regarding your complaint.

We wish to thank you for bringing possible violations of the Consumer Fraud Act to our attention.

Sincerely,

DIANA HIMELIC
LEGAL ASSISTANT
CONSUMER PROTECTION & ADVOCACY

CPA:O

NATIONAL HIGHWAY TRAFFIC SAFETY ADMIN.
ATTN: NHTSA
400 7TH STREET SW
WASHINGTON, DC 20590
1-888-327-4236

Answered
11/14/06

LETTER:
CLOSING:

RT:
CC:

COPY TO:
SEND TO:

FILE #: 06-018010
CATEGORY: PS M56 V CFR80

Review YOUR Name, Affiliation, Address & Phone:

[Redacted]
[Redacted]
TUCSON, AZ [Redacted]
[Redacted]
Home Phone [Redacted] Work Phone [Redacted]

State Name, Address & Phone of the FIRM you are complaining against:

Precision Toyota
[Redacted]
TUCSON AZ Zip: [Redacted]
Phone: [Redacted]

RECEIVED

For statistical purposes, please indicate if you are: () under the age of 60 or (✓) age 60 and over,
() currently in military service, (✓) a veteran.

May we send a copy of this to the person or firm you are complaining against? YES (✓) NO ()
(If your response is no, we may be prevented from taking any action on your complaint.)

May we provide your name and telephone number to the media in the event of an inquiry about this matter? YES (✓) NO ()

May we send a copy of your complaint to another government agency for their review or investigation? YES (✓) NO ()

Was an oral or written warranty given? YES (✓) NO ()

Did you sign any documents? YES () NO ()

Date of transaction 09/11/05

Place of transaction Precision Toyota - 708 Wetmore TUCSON

Witness to transaction Salesperson's name Tony PARKER

Total amount of damages (list actual loss only)

Have you complained to the firm? YES (✓) NO ()

What was their response? They say nothing wrong with car

Was the product or service advertised? YES (✓) NO ()

If yes, indicate the date and how it was advertised Perfect no Defects 2/05

Do you have an attorney? YES () NO (✓)

If yes, please provide the attorney's name and address not as of this date

Is any legal action pending? YES () ? NO () Toyota arbitration @ Toyota did admit

List any other consumer agencies contacted up coming transmission letter Jap

Please explain the entire circumstances surrounding your complaint below. Please fully describe any oral or written misrepresentations made to you Ask being a new model any problem Answer yes

They sold me a car that they knew of existing problems and still selling without informing customer

This statement is true and accurate to the best of my knowledge.

Signature [Redacted] Date 09/22/06

SI PREFIERE PUEDE LEER Y USAR EL FORMULARIO EN ESPAÑOL, A LADO REVERSO

10/15/06

" To Whom It May Concern"

I am writing this letter in complete disbelief, that none of you "News Media" would show me the courtesy of picking up my story, reading it and if not worthy to be published then throw it in the trash.

The entire media that I have contacted in Tucson stated that they did not want the story, this is without ever reading it. This indicates to me that our media in Tucson has absolutely little regard for consumers being taken advantage of and how can the consumer know that safety information is being withheld that possibly could cost their life, without publicity they can not know. The media either does not care or they are in fear of losing money from car dealers that do spend a lot of money with them on high hype advertising. Is this better than reporting the true facts?

The facts being that the information that is being withheld could possibly cause a consumer of a new Toyota their life? Is this not newsworthy? One small misjudgment with the new transmissions that the new Toyota's come with, the car should have a stern warning that it takes between 5,000 and 10,000 miles for you to learn how to work the transmissions but during this period of time you are in danger. This information is from an executive from the home office in Denver, CO. No salesman or dealership is going to warn you, that indeed there is a problem with the new transmissions. The Toyota engineers according to their representative, "Efran Arias," has made the decision that the consumers should not be notified. Withholding this safety information by the engineers and the Toyota Corp. is vital information that every consumer should be aware of. This information was given by a Toyota executive Efran Arias the District Service and parts manager, from Ingewood Colorado. This statement was made at the arbitration meeting to myself and three other witnesses. 10/13/06

Toyota's Engineers are of the opinion that if they do not think the reported problems by many consumers is not safety related, they make the decisions to issue no recalls, but they do notify the dealers that there could be some issues.

If the news media is supposed to report the news as it is please tell me why that none of you would pick up the story, then make a decision on the information provided. Not just say, we don't want the story.

Without mentioning any names, one of the high-profile anchor people on major television after hearing my story, said he would call me back after he talked to his director. Within five minutes, "we are aware of your story and we don't want it. I asked the question is your television station afraid of car dealerships. His answer was no we are not afraid of them but "They are very good customers" I said thank you, and we hung up.

When one person is taking a stand against a large dealership in a town the size of Tucson I do believe, that not only Congress should be involved the Attorney general should be and will be involved and anyone else in government positions that are supposed to uphold the laws when it comes to protecting the consumers from companies that are so large, that our television stations, Namely --- ABC --- NBC --- CBS --- and all the cable networks are unwilling to at least read my story before making a decision whether to accept or reject.

This is not a third or fourth page story it should be "Headline local Toyota dealership withholding possible safety information".

I am still parked at the same place across the street from Precision Toyota at 700 West Wetmore and will continue with my one-man vigil in an effort to inform potential buyers and owners of Toyotas of safety issues that are not being addressed with the best interest of the consumers safety in mind.

I also thought that I was dealing with a company that would be honest with me.

How wrong I am, they continue to tell me what I wanted to hear, we will fix your car and you will be happy. I was foolish enough to believe them and drag this on For More Than a Year.

The morning of the 10/13/06 the general manager over the service department escorted the two gentlemen that were with me from the new car sales to the used car sales building, Quentin said how could you do this to us, speaking of the arbitration that I was forced into how could you do this to us after we've been so good to you?

If any news media has interest in my story, you will know just how good they have been to me.

10/23/06

Just wanted you to know, that about 4:45 PM 10/21/06 . a crime was committed across the street from your business

A young male 23 and his female companion verbally attacked and threatened me because of my signs.

The female knew seven letters of the alphabet, and had a vocabulary that I'm sure came from one of our are great colleges. "F—,you,F—,You,F—,You"

The male admitted to being twenty-three years of age, and had driven Toyota, and I quote "All His Life"

His demeanor was to fight and destroy. When he became aggressive I asked him to leave, at which time his well spoken and lovely lady friend spoke her famous two words
F—,YOU.

Three cars responded From the Sheriff department and handled the situation.

When I was in the business world we would always tell each other of any crimes in the area .

The reason I'm giving you this information, as I will the businesses in this area, I'm sure that you do not want this type of thing occurring in your business area, and all of you should know of any crimes committed.

I only want to see this young couple one more time. in front of a judge, see if her language has improved, and see if the young man would like to do whatever to the judge and destroy his property. This would be interesting.

The sheriff department gave me instructions of what to do in case something like this reoccurs. Which I hope it will not.

Safety precautions which I ignored has been corrected, thanks to the County sheriff's department.



National Center for Dispute Settlement
22500 Metropolitan Parkway • Suite 200
Clinton Township, MI 48035
(866) 727-8119
Fax: (586) 790-4774

DATE: October 19, 2006

CUSTOMER: Mr. [REDACTED]

CASE #: 1506084

I understand that I am not bound to the Decision of the Arbitrator(s) in my case unless I accept it. If I reject the decision, or am dissatisfied with Toyota's eventual performance, I may pursue other legal remedies, including the use of small claims court. Whether or not I accept the Decision, however, the Decision is admissible in any subsequent legal proceeding concerning the dispute.

I also understand that if I accept the Decision, Toyota will be legally bound by the Decision.

You must mark one of the boxes below, otherwise, NCDS will consider that no response has been made to the Decision and your case will be closed accordingly.

I ACCEPT THE DECISION

()

I DO NOT ACCEPT THE DECISION

X

SIGNED: [REDACTED]

DATE: 10/25/06



National Center for Dispute Settlement

October 19, 2006

22300 Metropolitan Parkway • Suite 200

Clinton Township, MI 48035

(866) 727-8119

Fax: (586) 790-4774

[REDACTED]
Tucson, AZ

Toyota Motor Sales, U.S.A., Inc.
Denver Regional Office
9676 Maroon Circle
Englewood, CO 80112

RE: CASE # 1506884

Dear Parties:

By direction of the Arbitrator(s), we are enclosing the Decision in the above referenced case.

Enclosed for the vehicle owner is an "Acceptance of Decision" form. The vehicle owner has twenty (20) days from the date of this letter in which NCDS must receive the "Acceptance of Decision" form. The form should be mailed to:

National Center for Dispute Settlement
P. O. Box 561189
Dallas, Texas 75356-1189

Thank you for your cooperation in resolving this matter through the Expedited Dispute Settlement mechanism. Should you have any questions regarding the Acceptance of Decision, please contact NCDS. Failure to return this form within twenty (20) days from the date of this letter will be considered a rejection of the Arbitrator's Decision and therefore, NCDS will close your case.

Finally, you may obtain, at a reasonable cost, copies of all the case records related to this dispute.

Sincerely,
NCDS

Cathy Nelson
Cathy Nelson
Case Administrator

Enclosures: as noted

cc: Kathleen Foster

NATIONAL CENTER FOR DISPUTE SETTLEMENT

In the matter of the
Arbitration between

[REDACTED]

and

Toyota Motor Sales, U.S.A.,
Inc.
("Toyota")

DECISION

Case # 1506084

I, Kathleen Foster, was appointed pursuant to NCDS rules as Arbitrator to hear and determine disputes, which had arisen between the Customer(s), Mr. Bobby D. Johns and Toyota regarding a 2005 Avalon.

By a notice given on October 6, 2006, the parties were advised that a hearing would be conducted at Precision Toyota Of Tucson on October 13, 2006 at 10:30 AM.

Present on that date were:

[REDACTED]

Customer
Customer's Witness
Customer's Friend
Toyota Representative

The complaint(s) existing between the parties were set forth on a "Customer Claim Form" received by NCDS on October 2, 2006, and may be summarized as follows:

The Customer states that the vehicle has excessive noise with the transmission, motor and the vehicle has wind noise in the cabin. The Customer requests a repurchase of the vehicle.

SUMMARY OF PRESENTATION:

The parties presented and I reviewed and considered the following evidence: A Chronological History of Service Records attached to the "Customer Claim Form"; and five (5) letters written by the Customer, (two (2) letters dated August 9, 2006 and September 20, 2006) addressed to Mr. Troy Kerth, General Manager of Precision Toyota, (two (2) additional letters dated August 10, 2006 and August 25, 2006) addressed to Tony Parker, General Fleet Manager, and to Mr. Troy Kerth, General Manager of Precision Toyota, and (the final letter dated September 25, 2006) addressed To Whom It May Concern; copies of repair orders dated from August 22, 2005 to September 15, 2006; and copies of the following: the vehicle's registration, the Dealer's Bill of Sale for a Motor Vehicle, a check dated April 11, 2005, notarized page dated September 27, 2006, a three (3) page Documents for Arbitrator; and an internet discussion thread from the following forums: NWCN, USATODAY.com, Moneynews.com, ScionLife.com, and 2006 Toyota Avalon XLS Users Reviews Yahoo! Auto.com.

In addition, the Toyota Representative provided the Manufacturer's Response Form dated October 4, 2006, and the Service History dated from August 22, 2005 to September 15, 2006.

The position of the Customer was that the 2005 Toyota Avalon be repurchased. The Customer states that the vehicle has excessive noise with the transmission, motor and the vehicle has wind noise in the cabin. Moreover, the cabin pressurizes while driving causing his left ear to plug making it increasingly uncomfortable and unsafe for the Customer to drive this vehicle. The Customer states this vehicle has safety issues.

The Customer requests a repurchase of the vehicle.

The position of the Manufacturer was that the Toyota Representative states the vehicle is operating within the Manufacturer specifications. Scott Wright, the Field Technical Specialist (FTS) has been involved in this case in order to ensure that the vehicle is working as designed. In addition, the Toyota Representative states that the vehicle has been repaired Invoice #705263 dated August 22, 2006 and is under the Manufacturer's New Vehicle Warranty.

At the request of the Arbitrator a test drive was conducted as part of the hearing. Present were the Customer, the Customer's witness, the Toyota

Representative and this Arbitrator. The Customer test drove his vehicle for approximately thirty (30) minutes the vehicle had 20,336 miles on the odometer. The road test in the Customer's vehicle, did not exhibit any abnormal condition.

DECISION:

After reviewing the complaint(s) and hearing the proofs and arguments of the parties and taking into consideration the applicable manufacturer's new vehicle warranty, and the applicable warranty law including the applicable State Statute commonly referred to as the "Lemon Law," and after due deliberation, I find and Award as follows:

The Customer's request for a repurchase of the vehicle is hereby DENIED.

I have reached this conclusion because the Customer did not provide what I deemed compelling evidence in support of his claim and the test drive, that the problem with the vehicle involved a substantial nonconformity that would substantially impair the use, value or safety of the vehicle.

This constitutes my complete DECISION as to all the complaint(s) submitted to me for determination.

10/17/06

Date



HP Officejet 6100 Series 6110
Personal Printer/Fax/Copier/Scanner

Log for

Oct 25 2006 12:04pm

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Oct 25	12:02pm	Fax Sent	15867904774	0:57	3	OK

National center for dispute settlement
Case No. 1506084

10/25/06 8:48 AM

The results of this arbitration was given to me by Mr. Troy Kerth, general manager for Precision Toyota in Tucson AZ. His statement was you do know who will make the final decision whether we replace your car, that will be Toyota. this statement was on the 25th September the hearing was not until the 13th of October. How could he possibly know the results before the arbitration or the arbitrator had been assigned?

With this said, I did expect a fair hearing, which I did not receive.

There is no place in any of the reports where I mentioned excessive noise with the transmission. If the report had been read she would have known that the excessive noise was coming from the wind and knocking engine. These statements are made throughout my evidence. Arbitrator apparently did not hear or read what I was saying.

Precision Toyota refused to give the arbitrator another car to compare with my car. The reason being this had been done with Toyota Representative Scott and Quentin service manager.

The two of them found many things wrong with the new car but it did not have wind noise or transmission problems.

It is my opinion that Toyota knew that if we drove another Avalon Ltd. that it would definitely show what my complaints have been about.

Their statement was they didn't have any on the lot. This is untrue they did have at least four limited Avalon's sitting in front of the sales office.

The arbitrator should had been more aggressive in getting another car to road test.

Arbitrator completely ignored over 40 letters from consumers about the same problems as my car has. Many more reports from the Internet could have been reported but I didn't think it over 40 would be necessary. These are not chat lines, or threads as arbitrator calls them, these are legitimate complaints that was voiced over 14 Internet sites covering sixteen states and two countries. Again the arbitrator ignored these and did not use them as evidence.

Arbitrator did not take into consideration a letter from the president of the Toyota Corp. pertaining to quality problems and using crossover parts, that does relate to my complaint. why would she ignore this statement from the President telling the world that indeed they did have a quality control problem, and were trying desperately to correct the situation. Is this not an important document?

Arbitrator did not consider the two very important safety factors not only in my car but other cars reported on the Internet.

The Internet has hundreds of complaints on the 2005 2006 Avalon's that the arbitrator did not take into consideration when making her decision. These are legitimate complaints pertaining to Toyotas engineering problems with these two models.

Toyota representative, Efran Arias, made this statement that the executives and engineering department had made the decision that they did not consider excessive wind noise in the cabin or transmission that they stated could take up to 10,000 miles for the car to get used to the driver. Question, what is the danger factor of driving a car with transmission that acts erratic, sometimes up to the three second delay before transmission will engage?? Why is this not considered a safety problem? Arbitrator apparently does not think that the safety issues are important enough to notify consumers.

Feature yourself driving out in the traffic not knowing if the motor and transmission are going to be synchronized

. However the Toyota engineers do feel that it is necessary for them to notify the dealerships to repair these cars as they come in. But not important enough to notify the consumer that there is a real danger period up to 10,000 miles for the learning Period. Is the arbitrator a qualified expert in car safety?, why did she completely ignore these two statements made by the Toyota executive, Efran-Arias.

My witness statement about falsifying records from the service department was totally ignored. Why would the arbitrator not consider this when it did pertain to my particular car?

Worksheet for 08/22/08 reverts back to the 0 8/22/05 same report operating according to company specs.. 08/22/05 stated that they drove the car several times. The former employee my witness said that they drove the car one time it is called the four mile test, their statement was that they drove the car several times when the speedometer only registered less than five miles. Check your work sheets 08/22/05 they falsified the records.

Arbitrator either glanced over or ignored this report.

The third and final time that [REDACTED] tested the car on 10/13/06 was after I had driven from home, my ear was plugged and I ask [REDACTED] if they wanted to go on the test drive alone, answer was no we want you to go. [REDACTED] will drive.

We drove about thirteen miles during this trip [REDACTED] mentioned not once but several times that his ears were also plugging he made the statement it has to be the altitude. Not the car, This is not in the report. Why would this also not be part of the record?

Arbitrator either did not have these records or pursue what happened on this drive.

I have an opinion, same as the arbitrator. My opinion being that she did not do a thorough job with the evidence that I presented before making her decision. she said in the beginning that there was no partiality, money or personal motives for decision one way or the other

If arbitrators decision is just it would be interesting to research past records of how many people like myself that have presented legitimate cases and been ruled against for the same reasons??.

The executive from Toyota presented only worksheets and absolutely no defense except the incriminating safety issues that we discussed. His actions and demeanor was as though, it was not necessary for him to produce any evidence.

It would be interesting to know the arbitrators background and experience in automobile safety.

The decision has been made in this particular case, but I'm sure that the people that I'm sending this letter and my documented evidence and in particular the copy of the decision by Kathleen Foster's on why she made her decision on a noisy transmission when this was never mentioned. If she, the arbitrator had actually read the entire evidence presented to her she could not have made the decision on the transmission because once again it was never reported that it was a noisy transmission it was reported as an erotic transmission. Again my opinion is that the arbitrator did not thoroughly look at over 60 pages of evidence that I presented.

Thank You
[REDACTED]

cc Mr. Myers attorney in law
cc Mr. Terry Goddard, Attorney General of Az
cc D.O.T. Department of Transportation Washington D.C.
cc Interested advocates for consumers rights and safety issues.

Documents for arbitration

Repetition

— Copy of car service history, — Notary public, letter from Chief Executive Officer Toyota Corp. — complete work invoice 8/22/05 through 9/13/06

Reports from New York Times, Wall Street Journal, Associate press and USA Today.

Copy of 30 or more documented complaints on the same issues as my car .Sixteen states plus Canada and fourteen different web sites dealing with reports on the 2005-- 2006 Avalon's,

Copy of reporting on hearing damage caused by wind

Report about 2.2 million recalls for 2005. Letter about lack of engineers and other articles about quality control.

05/03/05 reported this for the first time in 1900 miles 1400 were mine Troy K. 500

Precision's technician road tested car August 22 his report was "operating as designed" Precision's technician and Quentin service manager test drove and made statement we need to call the factory, the third road Precision's technician he was so busy that we could not take a long ride he stated he had another appointment. His report was car operating as designed

Call for factory representative, waited approximately six weeks for him to come. He confirmed my suspicions and reports he thought it was the front tires and replaced two tires. this did not fix the problem representatives final report operating as design

Second trip, [REDACTED] Toyota representatives on about 20 mile test drive. [REDACTED] made a statement that there are parts missing in the left rear door. [REDACTED] call his technician and ask certain questions. [REDACTED] talked shop talk but I did understand enough to know that certain parts had not been installed at the factory. [REDACTED] in who was driving change directions into the wind, it did not matter just as bad either way, Scott asked me if they could keep the car and I said yes. I think their records show they needed eight day's waiting for parts to fix the left rear door. After these repairs they rode tested and said operating as design. This did not fix the problem.

Return to precision Toyota dropped car off, service writer Christian Smith called me he found the problem, it was a flat place in the rubber around left rear door This did not fix the problem.

They called for representative to return to Precision Toyota this being his third time.

My ears were plugged from driving the car to precision and I asked [REDACTED] if they wanted to go alone. They said no.

[REDACTED] drove and made the statement more than once that his ears were plugging up and we had a conversation about this. He made the statement that it had to be the altitude that was causing our ears to plug

If this is the case the new car that we tested previously was at the same altitude but it did not have the problems that this car has.

He told me one thing but on his final report he did not mention his ears plugging his report stated "Operating within Toyotas Manufactures specification at this time.

I asked the gentleman from Denver CO. Why his report did not read what he had said to me . His answer was there is another report. Copy's that the consumer does not see. Why?

I have asked several times why that they will not put on work sheets anything I have reported pertaining to safety?

first report 4798 miles, technicians report "Vehicle operating as designed, could not duplicate"

second report 10,073 miles due to scheduling no report on my complaint. "Greg Stewart"

Third report 13,015 miles due to scheduling no report on my complaint "Greg Stewart"

fourth report 18,009 miles no report due to scheduling on my complaint

Fifth report 18,244 miles [REDACTED] found the things I had been complaining about the thought it was the front tires. Did not fix problem

Sixth report 18,377 miles service writer Kristen Smith found weather stripping deformed left rear door. after repair. Reported vehicle operating per design. Did not fix problem

Seventh report major work done on the left rear door. all of this goes back to the first report 08/22/06 Did not fixed problem

Eighth report 19,273 miles field representatives. Scott road tested the car for 13 miles during road test he spoke of his ears plugging as mine did. his report stated car was operating within standards of Toyota manufacturers guide lines.

There has been much work in trying to correct the original complaint I gave in August of 2005. but nothing that has been done on my Precision Toyota has improved the safety of this automobile.

I drove for one company over 30 years, receiving safe driving awards for 30 years. After retiring I started a bus and tour business, "Nancy Lee Tours" and drove another 300,000 miles. This is over 3 million miles of safe driving.

I do not claim to know anything about building a car, But I do know when a car is unsafe to drive. This car is unsafe.

I have stood in the driveway of the service area of Precision Toyota and begged them just to keep the car because I felt that it was unsafe for me, my family or some innocent person. Each time I did this, I was promised just take the car we will fix it and we will make you happy. This has not been done.

When a car is documented like the 2005 2006 Avalon's with quality control problems, why can't something be done in less time than what I have spent on this car.

Yes the service writers call me by first name

I have spent way too much time at the dealership in the lounge listening to salesmen make their sales but not once in approximately 17 months have I ever heard any salesmen tell a customer that the 2005- 2006 Avalon's of having a possible quality control problem.

Greg Stewart, is a service writer that refused to write me up to do anything on the 10,000 mile and 13,000 mile visit. between 13,000 and 18,000 miles Greg became an assistant service manager. In

An ex employee volunteered the information to me that Greg is very critical on warranty work and does make questionable decisions when it comes to warranty work.

.This person that gave me this information according to him was unjustly terminated because of a report from Greg Stewart. Litigation it is in the process.

The reason I mentioned this is because Greg refused to write my car up of what I reported which should have been reported as warranty work.

No. 1 service writers do not accurately report my safety complaints

No. 2 service writers repeatedly tried to convince me there is nothing wrong with my car.

No. 3 always same answers, could not duplicate or operating according to specifications.

No. 4 I'm not sure this dealer made false statements, however I do know they said nothing about the problems they were experiencing with this model. I did ask our salesman .if any problems had surfaced with this new model, Tony's answer, "This is the perfect car the flagship and the future of Toyota".

No. 5 we definitely did not get what we paid for. No one could possibly be satisfied with this particular car.it might not be appropriate to say but I truthfully feel that this car should be considered junk can be destroyed.

No. 6 it is my opinion that this dealer hopes that I will get tired of trying to get what I paid for and just go a way..

From my first report I believe that I have been told the things that I wanted to hear, that they would fix my car. I feel quite differently now because I think from the beginning that they did not know what to do with this particular model.

I have offered this story to the local newspaper star, radio station, and all of the local television stations and not one would show me the courtesy of picking up the story, reading it then deciding if it was worth of passing it on to the public. I ask one very well-known anchor, are you afraid of a car dealerships, his answer, no we are not afraid of them, but they are awfully good customers.

With the news affiliates refusing to publish possible Consumers injustices , who are we to go to, the Attorney General.?

National center for dispute settlement
Case No. 1508084

10/25/06 8:48 AM

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My witness statement about falsifying records from the service department was totally ignored. Why would the arbitrator not consider this when it did pertain to my particular car?

Worksheet for 08/22/06 reverts back to the 0 8/22/05 same report operating according to company specs.. 08/22/05 stated that they drove the car several times. The former employee my witness said that they drove the car one time it is called the four mile test, their statement was that they drove the car several times when the speedometer only registered less than five miles. Check your work sheets 08/22/06 they falsified the records.

Arbitrator either glanced over or ignored this report.

The third and final time that Scott and Quentin tested the car on 10/13/06 was after I had driven from home, my ear was plugged and I ask Quentin and Scott if they wanted to go on the test drive alone, answer was no we want you to go. Scott will drive.

We drove about thirteen miles during this trip Scott mentioned not once but several times that his ears were also plugging he made the statement it has to be the altitude. Not the car, This is not in the report. Why would this also not be part of the record?

Arbitrator either did not have these records or pursue what happened on this drive.

I have an opinion, same as the arbitrator. My opinion being that she did not do a thorough job with the evidence that I presented before making her decision. she said in the beginning that there was no partiality, money or personal motives for decision one way or the other

If arbitrators decision is just it would be interesting to research past records of how many people like myself that have presented legitimate cases and been ruled against for the same reasons??

The executive from Toyota presented only worksheets and absolutely no defense except the incriminating safety issues that we discussed. His actions and demeanor was as though, it was not necessary for him to produce any evidence.

It would be interesting to know the arbitrators background and experience in automobile safety.

The decision has been made in this particular case, but I'm sure that the people that I'm sending this letter and my documented evidence and in particular the copy of the decision by Kathleen Foster's on why she made her decision on a noisy transmission when this was never mentioned. If she, the arbitrator had actually read the entire evidence presented to her she could not have made the decision on the transmission because once again it was never reported that it was a noisy transmission it was reported as an erotic transmission. Again my opinion is that the arbitrator did not thoroughly look at over 60 pages of evidence that I presented.

Thank You

cc Mr. Myers attorney in law
cc Mr. Terry Goddard, Attorney General of Az
cc D.O.T. Department of Transportation Washington D.C.
cc Interested advocates for consumers rights and safety issues.