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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
ATTORNEY GENERAL

[REDACTED]

DIVISION OF PUBLIC ADVOCACY
BUREAU OF CONSUMER FRAUDS AND PROTECTION

April 10, 2007

[REDACTED]
[REDACTED]
Schenectady, NY [REDACTED]

Our File Number: 2007-617811
Company: Orange Motors Company Inc.

Dear [REDACTED]

On behalf of Attorney General Andrew M. Cuomo, I am writing to notify you that we have received your correspondence.

We appreciate your alerting us to this matter. We believe the organization shown below may be able to assist you and we are forwarding your correspondence there.

If you do not receive a response in the near future, please follow up directly with that organization. I suggest you attach a copy of this letter or, if appropriate, mention that you are adding new information.

Thank you for contacting us.

Very truly yours,

Philip Gamma/d

Philip Gamma
Bureau of Consumer Frauds
And Protection

✓ cc: National Highway Traffic and Safety Administration
400 7th Street SW
Washington, DC 20590

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WMC
4/24/07
CC



ATTORNEY GENERAL ANDREW M. CUOMO
 STATE OF NEW YORK
 OFFICE OF THE ATTORNEY GENERAL
 BUREAU OF CONSUMER FRAUDS AND PROTECTION
 120 Broadway, 3rd Floor
 New York, NY 10271-0332
 Tel. (212) 416-8345 Fax (212) 416-8787

COMPLAINT FORM
 Consumer Hotline For Hearing Impaired
 1 (800) 771-7755 TDD (800) 788-9898
 http://www.oag.state.ny.us

1. PLEASE BE SURE TO COMPLAIN TO THE COMPANY OR INDIVIDUAL BEFORE FILING.
2. PLEASE TYPE OR PRINT CLEARLY IN DARK INK.
3. YOU MUST COMPLETE THE ENTIRE FORM. INCOMPLETE OR UNCLEAR FORMS WILL BE RETURNED TO YOU.
4. MAKE SURE YOU ENCLOSE COPIES OF IMPORTANT PAPERS CONCERNING YOUR TRANSACTION.

CONSUMER		
YOUR NAME [REDACTED]		HOME TELEPHONE NUMBER [REDACTED]
STREET ADDRESS [REDACTED]		BUSINESS TELEPHONE NUMBER [REDACTED]
CITY/TOWN Schenectady	COUNTY Schenectady	STATE NY
CITY/TOWN Albany		STATE NY
STREET ADDRESS 799 Central Ave		ZIP 12206
TELEPHONE NUMBER (518) 987-5414		TELEPHONE NUMBER [REDACTED]
NAME OF SELLER OR PROVIDER OF SERVICES Orange Motors Company, Inc		NAME OF OTHER SELLER OR PROVIDER OF SERVICES Mazda
STREET ADDRESS 799 Central Ave		STREET ADDRESS 7755 Irvine Center Dr.
CITY/TOWN Albany	STATE NY	ZIP 12206
CITY/TOWN Irvine	STATE CA	ZIP 92618-2922
DATE OF TRANSACTION 9/25/2004	COST OF PRODUCT OR SERVICE \$ see attached paperwork	HOW PAID (Check those which apply) <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check <input checked="" type="checkbox"/> Credit Card <input checked="" type="checkbox"/> Other loan
DID YOU SIGN A CONTRACT? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	WHERE DID YOU SIGN THE CONTRACT? see attached explanation & paperwork	DATE SIGNED
WAS PRODUCT OR SERVICE ADVERTISED? <input type="checkbox"/> Yes <input type="checkbox"/> No	WHERE WAS IT ADVERTISED?	DATE ADVERTISED
TYPE OF COMPLAINT (e.g. car, mail order, etc. Use the reverse side of this form to provide details) Possible failure of automotive transmission		
DATE YOU COMPLAINED TO THE COMPANY OR INDIVIDUAL 3/27/07 <input checked="" type="checkbox"/> By Mail <input checked="" type="checkbox"/> 3/28/07 <input checked="" type="checkbox"/> By Telephone <input type="checkbox"/> In Person		PERSON CONTACTED Carl Keegan
NATURE OF RESPONSE Not responsible for reimbursement of premature repair.		JOB TITLE Vice President
HAS MATTER BEEN SUBMITTED TO ANOTHER AGENCY OR ATTORNEY? (If "Yes," give name and address) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No NHTSA Washington D.C.		
IS COURT ACTION PENDING? (Please describe as necessary) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
ADDITIONAL INFORMATION		
MANUFACTURER OF PRODUCT Mazda - North American Operations		PRODUCT MODEL OR SERIAL NUMBER Mazda 626
ADDRESS 7755 Irvine Center Dr., Irvine, CA 92618-2922		WARRANTY EXPIRATION DATE 50,000 miles
DID BUSINESS ARRANGE FINANCING? (If "Yes," give name and address of bank or finance company) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

PLEASE DESCRIBE COMPLAINT ON REVERSE SIDE

BRIEFLY DESCRIBE YOUR COMPLAINT

Possible

Replacement of transmission after 20,000 miles.

I replaced transmission in my Mazda 626, year 2002, on 6/24/05. At the time, it was under warranty and was replaced with a remanufactured transmission. A little more than a year-and-a-half later and 20,000 miles later, my transmission is having problems again. I researched the problem and found several websites on the internet devoted to discussing this very problem. People have gone through 2 transmissions before they hit 100,000 miles! In 2001, Mazda issued a service bulletin for this problem but no recall. Had transmission serviced at 20,000 miles. Technician said fluid is black, indicating premature breakdown. (see attached paper for further details)

WHAT FORM OF RELIEF ARE YOU SEEKING? (e.g., exchange, repair or money back, etc.) ~~Money back and class actions suit!~~

Money refunded for transmission flush.

WHO REFERRED YOU TO THIS OFFICE? Researched and found that this is the proper channel to go through for a chance at justice being done.

READ THE FOLLOWING BEFORE SIGNING BELOW

PLEASE ATTACH TO THIS FORM PHOTOCOPIES of any papers involved (contracts, warranties, bills received, canceled checks, correspondence, etc.). **DO NOT SEND ORIGINALS.**

NOTE: In order to resolve your complaint, we may send a copy of this form to the person or firm about whom you are complaining.

In filing this complaint, I understand that the Attorney General is not my private attorney, but represents the public in enforcing laws designed to protect the public from misleading or unlawful business practices. I also understand that if I have any questions concerning my legal rights or responsibilities, I should contact a private attorney. I have no objection to the contents of this complaint being forwarded to the business or person the complaint is directed against. The above complaint is true and accurate to the best of my knowledge.

I also understand that any false statements made in this complaint are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.

Signature: 

Date: 3/28/07

HAVE YOU ENCLOSED COPIES OF IMPORTANT PAPERS?

**Return to: Office of the Attorney General
Bureau of Consumer Frauds and Protection
120 Broadway, 3rd Floor
New York, NY 10271-0332**

Office of Defects Investigation

VOQ Confirmation

Your Complaint Information is successfully submitted.

Your Confirmation number (ODI Number) is: 10184906

Your Complaint Information

Consumer Information

Name : [REDACTED]
Org. Name : [REDACTED]
Address : [REDACTED]
City, State, Zip : Schenectady, NY [REDACTED]
USA
Daytime Phone : [REDACTED] **Ext :**
Evening Phone : [REDACTED] **Fax :**
Email : [REDACTED]

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Complaint Information

Description : Replaced Mazda 626, year 2002 transmission at 48,000 speedometer miles. Dealer installed remanufactured transmission. Said they are not required to install new. Remanufactured transmission is now failing at 69,000 speedometer miles. Also, service bulletin was issued for this transmission requiring the installation of an additional transmission cooler because of overheating (bulletin # 05-005/02). Mazda does not cover the cost for this.

Incident Date : 3/10/2007 **Fire :** No
Num. Failures : 2 **Property Damage :** No
Num. Deaths : 0 **Crash :** No
Num. Injured : 0 **Police Report :** No
Referral Source : AAA

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Vehicle Information

VIN : 1YVGF22CX[REDACTED] **Purchase Date :** 9/21/2004
Manufacturer : MAZDA NORTH AMERICAN OPERATIONS
Year, Make and Model : 2002/MAZDA/626 **Original Owner :** No
of Cylinders : 4 **Trans. Type :** AUTOMATIC
Engine Size : 2.0L **VehicleDetails Usage :** RECREATIONAL

Cruise Control : Yes
Current Mileage : 69000
Failure Mileage : 69000
Body Style : 4-DOOR
Fuel Type : GAS
Antilock Brakes : No
Speed :
Powertrain : FRONT WHEEL
DRIVE
Fuel System : FUEL INJECTION
Vehicle Type :

Vehicle Component Information

Component 1: POWER TRAIN:AUTOMATIC
TRANSMISSION
OEM: No

Vehicle Dealer Information

Dealer : 1
Name : Orange Motors
Address : 799 Central Ave
Albany
NY 12206
Dealer Phone: 518-489-5414
Dealer Fax: 518-489-8548
Email:

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Copy of letter to Mazda

Dear Mazda,

3/26/07

Greetings! My name is [REDACTED] and I am writing in regard to an automobile I purchased from Orange Motors back in September 25, 2004. The vehicle I purchased was a Mazda 626 2002 from Joel Spensieri at Orange Motors Company, 799 Central Ave, Albany, NY.

I have spoken to the Orange Motors service department on a few occasions regarding transmission problems with this vehicle. In fact, at 48,561 miles, the transmission had to be replaced. When the car accrued approximately 48,500 miles on the odometer I started to notice a problem. I took the vehicle to a couple of transmission specialty shops and found that there was #2 gear ratio problem. The shop replaced the transmission, since it was under warranty, with a rebuilt one. Only 20,000 miles later, I have begun to experience problems again! The transitioning of the transmission gears on acceleration is abrupt or may be known as "hard shifting". This is exactly the symptom that occurred when the first transmission broke down. Last week, I brought the vehicle to a specialty shop and had the transmission flushed. When they flushed the system they said the fluid was black, indicating premature fluid breakdown! What is going on? This is a fairly new transmission, so how could the fluid be black? I use the car primarily on weekends. I have a work truck that I use during the weekdays. It seems that the rebuilt transmission was never properly flushed to begin with. It took 28 quarts to flush a 6-quart Ford CD4E transmission.

Essentially, I am sending this letter because I am extremely pissed! I work very hard for my money and I don't need to be dropping more than \$2000 every 2 to 3 years on a rebuilt transmission!

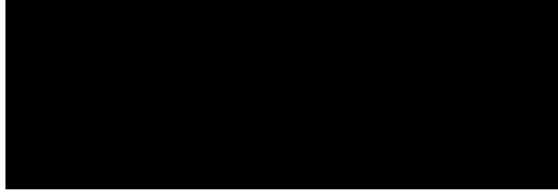
Just so you are aware, I've done a little research on the transmission for this vehicle. Mazda installed a Ford CD4E transmission that is too small for the vehicle; thus, causing the transmission to overheat, and the fluid to breakdown prematurely. In 2001, Mazda issued a service bulletin for an accessory cooler to be placed on the vehicle. This cooler is on my vehicle, but I believe it is not remedying the problem. As I said before, I do not believe the transmission was flushed properly before install. Anyhow, I've been online and found postings from other customers with 626s (2002 and previous) discussing the same problem I am experiencing. All you have to do is type "Mazda 626 transmissions" on Google and several websites discussing this problem will appear.

It is obvious what is happening here. Mazda engineered a vehicle with an obvious defect and is knowingly not taking responsibility for the problem. I feel because of the faulty design of the vehicle, and finding burnt fluid in a fairly new rebuilt transmission, that I should be reimbursed for my cost on the premature transmission flush. I do not believe that is much to ask. In fact, I feel as though I am driving a ticking time-bomb in the sense that this transmission could go again at any moment.

Furthermore, I have decided to file a formal complaint with the State Attorney General. Consumers are being robbed and it is just down right wrong. There is no way in hell that I would buy a Mazda again. Nor would I recommend Mazda to friends, family, acquaintances, co-workers, and the general population. I am a pissed off consumer who's had enough!

Thank you.

Regards,



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).