

CL-10202676-9745

COMMONWEALTH OF VIRGINIA



-6 PM 3:14

Commonwealth's Attorney  
Harvey L. Bryant

Consumer Affairs Program  
Catherine T. Parks

OFFICE OF THE COMMONWEALTH'S ATTORNEY  
CITY OF VIRGINIA BEACH

CONSUMER AFFAIRS PROGRAM

2425 Nimmo Parkway  
Virginia Beach, VA 23456-9050

(757) 385-5836  
FAX (757) 385-8779  
<http://www.vbgov.com/dept/oca/ca/>  
Direct Dial : (757) 385-5840

August 28, 2007

Mr. Thomas A Barton, III  
President  
Beach Ford, Inc.  
2717 Virginia Beach Blvd.  
Virginia Beach, VA 23452

Re: [REDACTED]

Dear Mr. Barton:

Enclosed is a complaint from [REDACTED] concerning her 2005 Ford Explorer. [REDACTED] vehicle has been checked at Beach Ford several times for unexplained sudden acceleration. [REDACTED] said the malfunction is occurring more frequently and each time is more severe. The last occurrence almost resulted in two separate accidents.

I am sending the complaint to your attention as well as Ford Motor Company and the National Highway Traffic Safety Administration. [REDACTED] has been advised that Ford is aware of the problem, but cannot correct the malfunction. This is a serious safety defect which could result in injury or death to not only [REDACTED] and her passengers, but other motorists as well. Corrective action should be initiated as soon as possible.

MC  
09/10/07  
KB

August 28, 2007

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Thank you, in advance, for your prompt review and response. You may contact me, Cathy Parks, at (757) 385-5840 or at the address listed above.

Sincerely,  
HARVEY L. BRYANT  
COMMONWEALTH'S ATTORNEY

By: Cathy Townsend Parks  
Cathy Townsend Parks  
Consumer Affairs Program Coordinator

Enclosure

c: Ford Motor Company  
Customer Relationship Center  
16800 Executive Plaza Dr.  
P.O. Box 6248  
Dearborn, MI 48121

✓ National Highway Traffic Safety Administration  
400 7<sup>th</sup> Street, SW, Room 5232  
Washington, DC 20590



File

OFFICE USE ONLY

DATE RECEIVED

8/27/2007

OFFICE USE ONLY

COMPLAINT NUMBER

2007/00272

VIRGINIA BEACH OFFICE OF THE COMMONWEALTH'S ATTORNEY  
CONSUMER AFFAIRS PROGRAM  
OFFICIAL CONSUMER COMPLAINT FORM

(Revised December 2006)

SECTION 1 - Your Information

Mr. (Mrs. Ms.)	Last Name	Mid Initial
Mailing address		Apt. or suite number
City	State	Zip
Virginia Beach	VA	
Home number, including area code		Fax number, including area code
City or county of residence		Your e-mail address
Virginia Beach		
If necessary, should we contact you at home, work or by e-mail?		If necessary, best time to reach you between 8AM and 5PM?
work		1:00-5:00

SECTION 2 - Name of Company Against Which You Are Complaining

Full name of company			
Beach Ford			
Mailing address			Office or suite number
2717 Virginia Beach Blvd.			
City	State	Zip code	Country if not US
Virginia Beach	VA	23452	
Company's Internet address (URL)			
www.bartonbeach.com			
Telephone number incl. area code		Fax number including area code	
(757) 486-2718			

SECTION 3 - Complaint Information

Type of product, item, or service involved		Date of purchase, service, contract, etc.	
Ford Explorer (2005) - automobile		6-21-2005	
Manufacturer or brand		Model	
Ford		Explorer	
Serial number			
1FMZU62K25U			
Did you sign a contract or a lease?	If yes, please indicate the following:	Starting date:	Expiration date:
Yes <input type="checkbox"/> or No <input checked="" type="checkbox"/>			
Total amount paid	Total amount in dispute	How was payment made? (cash, credit card, check)	
Did you buy an extended service contract?	If yes, name of company responsible for extended service contract or extended warranty		
Yes <input type="checkbox"/> or No <input checked="" type="checkbox"/>			

SECTION 4 - Additional Information for MOTOR VEHICLE complaints

Type of vehicle (automobile, boat, motorcycle, etc)	Did you buy it new or used?		
Automobile	NEW		
Manufacturer, make or brand	Model	Year	
Ford	Explorer	2005	
Vehicle Identification Number (VIN)			
1FMZU62K25U			
• For complaints involving the purchase or lease of a motor vehicle:			
Did the dealer arrange the financing?	If yes, name of bank, financial institution, or loan company		
Yes <input type="checkbox"/> or No <input checked="" type="checkbox"/>			
• For complaints involving repairs or service to a motor vehicle:			
Type of repairs or service performed: (Air conditioner, brakes, muffler, oil change, transmission, etc.)			
TRANSMISSION OR ENGINE			
Before any work was performed, did you ask for and receive a written copy of the cost estimate? <i>warranty</i> Yes <input type="checkbox"/> or No <input type="checkbox"/>			
Did you authorize any changes to the original estimate? Yes <input type="checkbox"/> or No <input type="checkbox"/> If yes, provide details on the next page			
Were the completed repairs different from what you had authorized? Yes <input type="checkbox"/> or No <input type="checkbox"/> If yes, provide details on the next page			

(Continued)

➤ SECTION 5 - Full Description of Complaint - Use additional sheets if necessary

6/12/2006 - car to Beach Ford for knocking/bumping sound from engine area going into park and accelerating (attachment #1)

6/20/2007 car to Beach Ford for delay in catching into gear when trying to slowly accelerate - vehicle jerked into passing gear as if I had jammed vehicle accelerator to the floor, vehicle stalled jammed for 2-3 seconds and then cut back on its own.

7/12/07 - car to Beach Ford for slowing down and when slowly trying to accelerate car jumps into passing gear as if again had jammed accelerator to the floorboard.

8/17/07 - This occasion car cut out when leaving parking lot and then jammed into passing gear almost causing 2 separate accidents. (See attached)

( Use additional sheets if necessary)

➤ SECTION 6 - Resolution Attempts You Have Made

Have you contacted the Company? Yes <input type="checkbox"/> or No <input checked="" type="checkbox"/>	If yes, name of person most recently contacted	Their phone number, incl. area code ( )
Results		
What resolution would you consider mutually fair? Fixing the problem or changing transmission/engine or Buy back		
List any other organizations you have contacted (i.e. Other consumer protection offices, Better Business Bureau, etc.)		
Do you have an attorney in this case? Yes <input type="checkbox"/> or No <input checked="" type="checkbox"/>	If yes, Name of your attorney	Attorney's number, incl. area code ( )
Has your complaint been heard or is it scheduled to be heard in court? Yes <input type="checkbox"/> or No <input checked="" type="checkbox"/> If yes, where and when?		

➤ SECTION 7 - Disclaimers and Affidavits

- The information requested on this form and on any subsequent requests for additional information may be subject to the Virginia Government Data Collection and Dissemination Practices Act, Va. Code Section 2.2-3800 et seq.
- Information provided to this office may be available from other agencies for public inspection under the Virginia Freedom of Information Act, Va. Code Section 2.2-3700 et seq., except in the case of ongoing investigations. Closed complaints will be retained for five years after closure and then destroyed. Retention periods of other agencies may vary.
- By signing this form, you authorize the Consumer Affairs Program and any other local, state or federal agencies to which we may refer your case, to evaluate your complaint, to contact you and to take whatever lawful actions are deemed appropriate in your case.
- By signing this form, you certify that the statements made herein or on any attached documentation are true and complete to the best of your knowledge, information and belief.

Signature

[Redacted Signature]

Date:

8/27/2007

Referring to the 7/12/2007 service appointment – I spoke to Steve Spinks and he informed me that Ford is aware of the problem that I have been complaining about, but at this point they do not have a fix for the problem. He said that after talking to their legal department they advised him not to give me any more information. He further informed me that they would not be able to help me anymore and that I needed to pick up my vehicle. He further stated that he felt bad that Ford couldn't help me out and that he wanted my vehicle for an extra hour so he could have it cleaned as a courtesy.

Referring to the 8/17/07 service appointment – I dropped my vehicle off on Friday 8/17/2007 and on Wednesday 8/22/2007 I called Beach Ford and asked for Jeremy, my underwriter. I was informed that he was on vacation so I asked for Steve Spinks and left him a message on his voice mail to call me about my vehicle. Received a call from Doug Hoffman (spelling) stating they couldn't reproduce the problem and that I would need to come get my vehicle. I explained to him that I didn't feel that my vehicle was safe to drive and asked him what they did to try to find the problem. He said they test drove it and it didn't duplicate so I needed to pick up my vehicle. Doug informed me that I had 8 hours to pick-up my vehicle or that I would have to start paying for the loaner vehicle. I told him that I would be at Beach Ford on my lunch hour 8/23/2007 to pick up the vehicle. Upon picking up the vehicle he was unable to give me a completed service write-up of what happened or what service they did to the vehicle and would fax me a copy of this when he could get his printer working again, I have not received as of this date. I received the front cover sheet which was produced when the vehicle was brought in for the appointment.

The last incident which caused me to bring the vehicle back in on 8/17/2007 almost caused me to have 2 separate accidents.

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