



2007 NOV -8 AM 9:25

THE ATTORNEY GENERAL  
STATE OF ARKANSAS  
DUSTIN McDANIEL

Thursday, November 01, 2007

CL-10208385-3866

NHTSA  
NSA-10.01  
400 7<sup>th</sup> Street, SW  
Washington DC 20590

*Re: Consumer Complaint Our File # 07-62296, Ms. [REDACTED]*

To Whom It May Concern:

Please find enclosed a copy of a consumer complaint received in our office. We are forwarding a copy of this complaint to you for your review.

You may contact the consumer directly for any additional information you may need to process this complaint.

Thank you for your assistance regarding this matter.

Sincerely,

*Toni Robinson*

Toni Robinson  
Investigator  
Consumer Protection Division

AM  
11/01/07  
R8

CONSUMER COMPLAINT  
State of Arkansas

Office of the Attorney General  
CONSUMER PROTECTION DIVISION  
(501) 682-2341 1-800-482-8982 (In Arkansas)

200 Tower Building  
323 Center Street  
Little Rock, AR 72201-2810

Please type or print with ink. A copy of this complaint will be sent to the party complained against.

Your Name

Your Address

Little Rock, Arkansas  
City, State, Zip Code

Home Telephone

Cell/Work Telephone

Did you sign a contract? No Your Age 64

Name of Salesperson Stuart G. McCoy

Product or Service Involved Used car: 2001 Kia Sportage

Have you consulted an attorney? Information only

Is there court action pending? No

Estimate of dollars involved [redacted] - not sure - this according to AARP magazine

Your view as to a fair resolution of this matter an airbag on the drivers side/steering wheel (do not know about passenger side airbag)

PLEASE EXPLAIN THE CIRCUMSTANCES SURROUNDING YOUR COMPLAINT. ENCLOSE COPIES (NOT ORIGINALS) OF ANY CONTRACTS, SALES SLIPS, CANCELED CHECKS, ADVERTISEMENTS, CORRESPONDENCE OR RELATED DOCUMENTS. Attach additional sheets if necessary.

Please see letter attached

The information contained herein is true and accurate to the best of my knowledge. I understand that the Arkansas Attorney General's Office does not represent individuals in matters involving private disputes. I am, however, filing this complaint to notify the Attorney General's Office of the activities of this party and for any other assistance which may be rendered. I give my permission for this complaint to be referred to other agencies when appropriate.

Date October 19, 2007

Signature of person filing complaint

Attention: Jason Stewart  
Chief Investigator

We purchased a 2001 Kia Sportage from North Point Mazda on 7-8-2006. Before purchase, we had it inspected by Crain Kia in North Little Rock, just to make sure it had no serious problems. A title search found that the car had one owner, who used it as a trade-in, and during ownership had it serviced at Crain Kia. Also, the report stated that it had not been in an accident. With that inspection and information, we bought the car.

In late September, I read in an AARP publication about a scam where dealerships remove airbags from used cars, sell the airbags for [REDACTED] (I can't remember), and then sell the automobile to unsuspecting customers. Shortly after that, I used the horn on the car's steering wheel and found the leather was not firm, and when I pressed harder, it left a circular indentation, where an airbag would be. I called North Point and asked to speak to the manager of used car sales. I wish I could remember his name, but he said we bought the car "as is". I explained that to me, "as is" meant there could be mechanical problems or problems with the tires, but one would not expect to have safety features, such as air bags or seat belts removed. (Note: the automobile report showed no accidents). I also have not found the verbiage "as is" on the Purchaser's Order. He put me on hold, checked with his supervisor and informed me that they would not replace the airbag. I have no idea if the passenger airbag has been removed. I did check with the mechanic, James Mason, at Harold's Shell Service Station on Markham, and he verified that there was no airbag on the driver's side. He is in law school and said that it was against the law to remove safety features from an automobile and then knowingly sell that car. I called my son, who has his law degree, and he said that the safety features were mandated by Federal Law. I called back to North Point and spoke with the manager. When I said I had asked an attorney about their removing safety features from the Kia, he became very angry and said that if I had consulted an attorney he could not longer speak with me. I asked if we could not just discuss the matter, and he repeated his statement and hung up. If you will read the Purchaser's Order under Mediation/Arbitration Required by this Agreement, it states: "Both parties agree that instead of litigation in a court, if any dispute, controversy or claim (a "dispute") occurs arising out of or related to the sale of this vehicle, this Agreement or to any other document, or agreement relating to the vehicle, the parties shall first attempt to settle the dispute by direct discussions..." This is exactly what I attempted to do. I then consulted a friend, Steve Napper, also an attorney, and he advised me to contact the Attorney General, which I have done. All we want is the airbag replaced on the driver's side, and to make sure there is an airbag in the compartment on the passenger's side.

Attachments:

1. Purchaser's Order and change of address
2. Car title
3. Credit card receipts
4. Notification of a class action suit against North Point for "documentary fees"  
Note that we were charged that fee. (we did not participate in this suit)

