



U.S. Department of Transportation

National Highway Traffic Safety Administration

DOT Auto Safety Hotline

**Vehicle Owner's Questionnaire**  
**To Report Vehicle Safety Defects**  
 1-888-DASH-2-DOT  
 (1-888-327-4236)  
 INTERNET:www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 100148

Date Received

Repository

09-JAN-2008  
 2008 MAR 17 PM 12:35

Reference No.  
 10214331

**OWNER INFORMATION (Type or Print)**

Name [REDACTED]

Daytime Telephone Number

E-mail Address

Address [REDACTED]

City JOPLIN

State MO

Zip Code [REDACTED]

Evening Telephone Number

Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle?  YES  NO  
 In the absence of an authorization, NHTSA WILL NOT provide your name or address to the vehicle manufacturer.

Signature of Owner \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**VEHICLE INFORMATION**

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side

KMHNN65F4 [REDACTED]

Make

HYUNDAI

Model

TIBURON

Model Year

2003

Date Purchased  
 03-APR-07

Dealer's Name and Telephone Number  
 RELIABLE IMPORTS 417-864-6800

Engine:

No: Cylinders 6

Fuel Type:

Gas

Original Owner

Dealer's City

SPRINGFIELD

State

MO

Zip Code

65802

Transmission Type

MANUAL

Antilock Brakes

Cruise Control

Powertrain

FRONT WHEEL DRIVE

Vehicle Component Code

192000 TIRES:SIDEWALL

Multiple Failure: 2

**FAILED COMPONENT(S)/PART(S) INFORMATION**

Incident Date(s)  
 07-NOV-2007

Failure Mileage  
 42000

Failure Speed

**ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE**

Tire Make

TBC

Tire Model (Name or Number)

SIGMA SHADOW

Tire Size (Example P215/65R15)

P215/60R16

DOT No. (Example: DOTM9ABC036)

U80K3872906

Original Equipment

Prior Repair

Failure Location: DRIVER SIDE FRONT

Tire Component Code

192000 TIRES:SIDEWALL

Tire Failure Type CRACK

**ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE**

Make:

Date Manufactured:

Model No./Name:

Seat Type:

Installation System:

Child Seat Component Code:

Failed Part:

**APPLICABLE INCIDENT INFORMATION**

(Please describe in detail the incident(s), Failure(s), Crash(es), and injury(ies).)

Crash

Yes  No

Fire

Yes  No

Number of Persons Injured

0

Number of Deaths

0

Reported to Police

N

**Narrative Description of Incident(S), Crash(es), and Injury(ies).**

Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e. parts repaired or replaced (and if old part is available).

TL\*THE CONTACT OWNS A 2003 HYUNDAI TIBURON. THE VEHICLE HAS TBC SONAR (NA), SIZE 2215/45R17 (NA) TIRES. AT 3,200 MILES, THE CONTACT FOUND CRACKS AND SLASHES IN THE SIDEWALL OF THE TWO FRONT TIRES. THE MANUFACTURER STATED THAT SHE STRUCK SOMETHING IN THE ROAD. THE SPEED WAS UNKNOWN. THE CURRENT MILEAGE WAS 42,915 AND FAILURE MILEAGE WAS 42,000.

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice.

ATTACH ADDITIONAL SHEETS IF NECESSARY

The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

# Burggraf

TIRE SERVICE

FOUR STATE TIRE & WHEEL, INC  
dba BURGGRAF DISCOUNT TIRE & WHEEL  
2627 E. 7TH ST.  
JOPLIN MO 64801  
(417) 627-9696

INVOICE NUMBER: 0075536-IN

INVOICE DATE: 04/03/2007

ORDER NUMBER: [REDACTED]

ORDER DATE: 04/03/2007

SALESPERSON: 0001

CUSTOMER NO: [REDACTED]

# Crust Conv

SOLD TO:

[REDACTED]  
JOPLIN, MO

SHIP TO:

[REDACTED]  
JOPLIN, MO

CONFIRM TO:

CUSTOMER P.O.	SHIP VIA	F.O.B.	TERMS PMT UPON RECEIPT OF MDSE			
ITEM NO.		UNIT	ORDERED	SHIPPED	PRICE	AMOUNT
2003 HYUNDAI TIBURAN						
MILES -38727 CLM 80 FT LBS TQ 100 FT LBS TQ						
98118	4WHEEL ALIGNMENT PHIL	EACH	1	1	49.95	49.95
D7S53	215/45R17 SONAR HR	EACH	4	4	94.12	376.48
55555	MO STATE BILL 225 TIRE FEE	EACH	4	4	0.50	2.00
55557	SCRAP TIRE DISPOSAL FEE	EACH	4	4	1.75	7.00

IF REARS ARE GOOD ENOUGH FOR THE FRONT THEN ROT THEM. PUT NEW ON FRONT WHEELS AND MOUNT ON R LEFT REAR WHEEL IS BENT

*Milage*  
*New -> 38730*  
*Failure -> 42,000*

**\*\*NOTICE\*\*** NO REFUNDS ON SPECIAL ORDER ITEMS. **\*\*WARNING\*\*** CHECK WHEEL LUGS AFTER FIRST 20, 50, & 200 MILES. CHECK OWNERS MANUAL FOR CORRECT TORQUE. **\*\*20% RESTOCKING FEE ON TOTAL PRICE OF ALL LAY-A-WAY RETURNS. \*\*** ANYTHING LEFT OVER 7 DAYS BECOMES THE PROPERTY OF BURGGRAF'S DISCOUNT TIRE.

SIGNATURE \_\_\_\_\_

Net Invoice:	435.43
Less Discount:	0.00
Freight:	0.00
Sales Tax:	29.46
<b>Invoice Total:</b>	<b>464.89</b>
Less Deposit:	464.89
<b>Invoice Balance:</b>	<b>0.00</b>

Copy of Alignment when they put on  
 BURGGRAF'S TIRE Defective tires  
 JOPLIN, MO

Work Order ID R001889  
 Customer Number [REDACTED]  
 Name [REDACTED]  
 License [REDACTED]  
 Technician TB  
 Mileage 38727  
 Time Printed 4/3/07 4:32 PM

Hyundai : Tiburon : 2003-04

Left Front

Actual	Before	Specified Range	
0.28°	0.01°	-0.28°	0.72°
2.81°	2.86°	2.47°	3.47°
0"	1/32"	-1/32"	1/32"
12.87°	12.85°	12.15°	13.15°
13.16°	12.85°	11.87°	13.87°
.....	.....	.....	.....

Right Front

Actual	Before	Specified Range	
0.11°	0.00°	-0.28°	0.72°
2.66°	2.71°	2.47°	3.47°
0"	1/32"	-1/32"	1/32"
13.16°	13.00°	12.15°	13.15°
13.28°	13.00°	11.87°	13.87°
.....	.....	.....	.....

Camber  
 Caster  
 Toe  
 SAI  
 Included Angle  
 Turning Angle Diff.

Front

	Actual	Before	Specified Range	
Cross Camber	0.17°	0.01°	-0.50°	0.50°
Cross Caster	0.15°	0.15°	-0.50°	0.50°
Cross SAI	-0.29°	-0.23°	-0.50°	0.50°
Total Toe	0"	1/16"	-3/32"	3/32"
Cross Turn Diff.	.....	.....	.....	.....

Left Rear

Actual	Before	Specified Range	
-1.16°	-1.43°	-1.68°	-0.68°
3/32"	3/32"	1/16"	1/8"

Right Rear

Actual	Before	Specified Range	
-1.16°	-1.42°	-1.68°	-0.68°
3/32"	7/32"	1/16"	1/8"

Rear

	Actual	Before	Specified Range	
Cross Camber	0.00°	-0.02°	-0.50°	0.50°
Total Toe	5/32"	9/32"	1/8"	9/32"
Thrust Angle	0.00°	-0.12°	.....	.....

The steering wheel is currently level.



*1st  
Email  
to the  
Manufacturer*

Print - Close Window

Date: Tue, 20 Nov 2007 18:16:01 -0800 (PST)

From: [Redacted]

Subject: [Redacted]

To: nharlan@tbcprivatebrands.com

Susan

**Attachments**

**Photos:**



**Kim\_s\_tire.jpg** (275k) [\[View\]](#)



Print - Close Window

Date: Sun, 27 Jan 2008 18:26:34 -0800 (PST)

From: [REDACTED]

To: [REDACTED]

[REDACTED]  
Joplin, Mo. 64804  
[REDACTED]

January 27, 2008

To Whom this may concern;  
04-03-2007: 4 tires purchased @ Burggraf Tires

11-09-2007: Took the vehicle to Burggraf because tires were splitting assuming that they would take care of the

Problem. They were not concerned so I got the manufactured phone number.

The same day I took the car to another tire dealer for their opinion and they stated that it was a manufacture defect. The same day 2 other professionals looked at the tires and agreed. I spoke with Natalie Harlan @ TBC (866-822-4968) the tire manufacturer and after several days of calls and e-mails she offered 50% back for the front tires. I refused the offer.

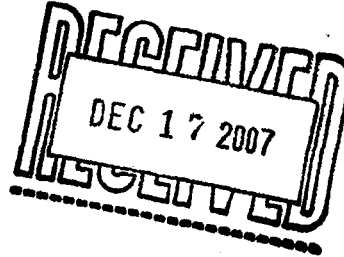
12-20-2007: Front tires replaced



1st Response  
to my letter to  
BBBureau

**Burggraf Discount Tire**  
2627 E 7<sup>th</sup> St. Joplin, MO. 64801  
(417)627-9696

Better Business Bureau of Southwest Missouri  
1516 St. Louis St.  
Springfield, MO. 65802



RE: CASE [REDACTED]

In regards to the above mentioned case involving [REDACTED] I find it a good waste of resources to have to respond to this complaint just to save my name in business.

There is no problem with [REDACTED] tires other than a small "nick" that is what I would deem cosmetic at best. While inspecting the tire I had to get down on my knees to actually see what it was she was talking about.

I believe the "nick" was caused by an impact with something minute and in any way does not effect the performance or handling or safety of the tire. I explained how the "nick" was minimal and that she need not be concerned with the nick but more so with the way the tires were wearing on the front. She said she had never hit anything but there was evidence of the wheels being curbed all the way around the car.

While explaining to her mother (who was my contact at the time) (I have only spoke to [REDACTED] once on the phone prior to this incident. (most of this complaint in my opinion is heresy)) that I was not going to adjust out the tire she became very upset. I told her, "if it is indeed a problem with the tire I would prorate it," in this case it was not a liability of the manufactures nor my business.

[REDACTED] then demanded my corporate offices number, in which I was delightful to give her still confident in my decision. After she got no satisfaction from my corporate office she requested the number to the manufacture. Since these are a private label tires we had to retrieve the customer service number from our corporate office. We were in no way hesitant to give her a number.

Once she contacted Treadways Inc. (the manufacturer) they called me for my input. I told them if they would warranty the tire then I would adjust it but I did not believe it was to workmanship/materials problem but more of neglect on the customers part. I advised the manufacture to request pictures of the alleged sidewall split. To my knowledge she never sent them.

I believe that the off cr by the manufacture was more than generous. The only reason they offered the adjustment was for customer satisfaction. It equalled out to \$45.00 a tire (x2) or about \$90.00.

I believe that [REDACTED] wants something for nothing. She needs to learn to take responsibility for her actions and realize that there is no fault in the tire nor any neglect on my store.

I will not refund her money. I feel there is still nothing wrong with the tire. I will stand behind the manufactures decision on adjusting them but only the front two tires.

Once again I never noticed (while the car was on my parking lot) any evidence of the tire splitting all the way around the tire. I even asked the customer (her mom) to show me the split and she couldn't. She told me well it gets worse when its low on air that's when I mention that if she is running with low air pressure and damaging the tire with a run flat situation then the tire could not be warrantied. Its funny how you only get half a story. Any questions please feel free to call 417-627-9696.

Paul Burkhart

Asst. Manager  
Burggraf Tire Joplin

**COMPLAINT ACTIVITY REPORT Case #****Better Business Bureau of Southwest Missouri****Consumer Info:**

Joplin, MO

**Business Info:** Burggraf Discount Tire & Wheel2627 E 7th St  
Joplin, MO 64801-1673  
417 627-9696**Location Involved:** (Same as above)*1st Letter of Complaint to Better Business Bureau***Consumer's Original Complaint :**

Problem was found beginning of November 2007. Purchase date 04/03/2007. Tires 215/15R17 Sonar HR. Customer number [REDACTED]. Sales Ref [REDACTED]. Paid by Credit Card. Amt \$464.89. I noticed beginning of November I had a split in my right front tire. I got to looking at the tire and its beginning to split all the way around. I thought it might just be that tire but the Drivers side tire is splitting all the way around the sidewall. My mother took them to the business the next day and they told her I hit something. I never hit anything then they stated It was the alignment she advised they aligned them there so they changed and stated it was dry rot and took her to a Ford Explorer and showed her dry rot Mine looked nothing like that. My Tires only had 4,000 miles on them and were not dry rot. They hesitated on giving us the 800 # for customer service. My mother got the 800 # and she took the tires to a friend of hers whose job is tires. He stated it was not dry rot and definitely a defect in the tires. She contacted customer service at the 800 # and after 2-4 weeks they came back with an offer of Pro rating the tires and giving me back 50% which came to about \$90. That wasn't suitable. I cant afford new tires when I just put these tires on 4000 miles ago. The guy that sold these to me doesn't know his tires and if he does he treated my mother as if she didn't know anything when she and my father are mechanics

**Consumer's Desired Resolution:**

I want all my money back so i can replace my tires with another company.

**BBB Processing**

12/02/2007	web	BBB	Case Received by BBB
12/03/2007	SD	BBB	Case Reviewed by BBB
12/03/2007	Otto	EMAIL	Send Acknowledgement to Consumer
12/03/2007	Otto	MAIL	Notify Business of Dispute
12/12/2007	OttO	BBB	No response to first notice to business
12/12/2007	OttO	EMAIL	Consumer - Have You Heard From the Company
12/12/2007	OttO	MAIL	Reminder of Dispute to Business
12/17/2007	SD	BBB	RECEIVE BUSINESS RESPONSE : (Download complete hard copy at URL)
12/17/2007	SD	EMAIL	Forward Business response to Consumer
12/31/2007	OttO	BBB	No Consumer Response- Assumed Resolved with Letter
12/31/2007	OttO	MAIL	Inform Business - Case Closed ASSUMED RESOLVED
12/31/2007	OttO	BBB	Case closed - ASSUMED RESOLVED
12/31/2007	SD	BBB	ReOpen the Complaint
12/31/2007	SD	BBB	BBB REVIEWS CONSUMER REBUTTAL TO BUSINESS RESPONSE : (Download complete hard copy at URL)
12/31/2007	SD	MAIL	Forward Consumer Rebuttal to Business
01/04/2008	WEB	BBB	RECEIVED BUSINESS' REBUTTAL RESPONSE : After careful review of the pictures, I Paul Burkhart stand

behind the decision that I along with my store manager Oran Baker, made in the beginning. I am strongly aggravated at this scenario the consumer was offered a fair adjustment from the manufacturer, "which she declined." Burggraf Tire does not hold the warranty on these tires the manufacturer does. It is still in my best opinion that if I were to send these tires into the manufacturer they would deem them to me as damaged tires rather than a workmanship and materials defect. Secondly, [REDACTED] was requesting something for nothing, she wanted a full refund of the tires all (4). Only (2) tires were damaged, tires when found defective (which these were not) are "prorated" regardless of who, what, or which company she would have bought them from she would have been offered a prorated price. Meaning she would of had to pay for the tread or mileage she used while in service. Regarding the damage at hand on the tires we have two issues at hand we have two tires with different kinds of damage, one looks like an impact or pinch in the sidewall, i never inspected this tire on the inside (she would not let me after i told her i would not refund her money)but something in this nature could have been caused by a pot hole, rail road track or debris in the road. Second, you have break in the outside liner or sidewall. This, break, cut, slice what ever you want to call it is not uniform with side wall separation or adhesion problems. It appears to be a conflict with low air pressure causing the outside of the tire to crease (or have a break in the carbon black). I find the exact problems alot in my line of work, on these new low profile tires its hard to know when they are low. This is the only time you will see the "crack" in the sidewall is when the tire is low. I did not see this crack upon initial inspection. My question is how did the customer see it if the tire was not initially low. Susan told me to my face that the tire was low and that is how they discovered the crack. How long did they drive it low? There are alot of factors that we can assume, the number one factor is that it is always the products fault, but 99.9% of the time a tire fails is from driver neglect.

I will be more than happy to send the tires back to TBC INC. for further inspection and let there word stand. If they feel it is there descretion to warranty the tires then I will warranty them to what ever percentage they allow. If they do not warranty them the customer will have to pay the freight for them to be returned. I will however deduct an allowance for labor to mount & balance the tires which is 12.00 per tire.

I hope this will resolve this matter and no more response is needed.

Paul Burkhart  
Asst. Manager  
Burggraf Tire Joplin

01/04/2008	SD	EMAIL	Send Business' Rebuttal Response to Consumer
01/14/2008	WEB	BBB	CONSUMER REJECTS BUSINESS' FINAL OFFER : (The consumer indicated he/she DID NOT accept the response from the business.)

I really thought that this matter was closed unless you would like for me to bring them to you, the better business bureau. Paul never wanted to look at the tires again and I never told him that I wanted all the tires replaced. When I took the car in they just came out and told me that she curbed them and that their was nothing wrong with them, it was just normal wear in tear, That's when I asked for their customer service number. I got 5 professional opinions and they all said that it was a factory defect. One of the opinions said that at one place where he used to work, they quit using the same brand because of the splitting. I have been serving the public for 26 years in our own business in auto repair and we would of never of treated a customer like Burggraf has treated me. That is just not what good business is about when you have to lie to protect your name. I'm glad our reputation is not like theirs. You do what ever you do when someone complains about a bad business. We sent the pics and that should tell the story. Did the tires look

*2 no  
Response  
K to my attorney*

safe to you like Paul said in his 1st letter. Now his story is different. Yes, the right tire was 8 pounds low on air pressure when we noticed the splitting. The left tire was not low but the splitting was just beginning. When it gets worse then the tire pressure goes down. The tires will stay in my showroom with Burggaf and TBC's name on them and the public can decide. I hope this is the end of this. I am tired of reading his lies! And yes the manufacture did offer 50% for the front tires. Does that mean that the tires are only good for 6000 miles? The rear tires will be replaced when it is time for rotation if they last that long.

01/18/2008      Susan  
SD      FAX      Send Offer to Arbitrate to Business




December 26, 2007

Better Business Bureau of Southwest Missouri

1516 St. Louis St.

Springfield, MO 65802

RE: Case : 

To whom this may concern:

In response to the letter from Burggraf tire. I have found this letter to be very repulsive. I have never wanted something for nothing, all I wanted is to be treated fairly and I also have never talked to the corporate office, only the manufacturer.

I took my daughters car to them because she works two jobs and I did not want there to be taken advantage of. Paul lied repeatedly in that letter and that does upset me because my reputation is on the line. I am going to sum this up for you. The pictures that I e-mailed you should tell the story. I got opinions from Wingfoot, Grande Tire, O'Reilly Management all in Joplin, and Cole - n - Sons (which is a tire dealer for the same company) in Lebanon, Missouri. Each business agreed that the tires are defective and should be replaced. The tires have not been low on air pressure. We let some of the air out so that the crack would be more visible and I told Paul that. He tried to dismiss it as either curbing or dry rot. Just as others have said the tires should be smudged, visible knot or the rubber spikes should be missing if she had curbed them. Dry rot should only appear on tires with a lot more miles and age. They only had 3,200 miles on them.

I did replace the front tires last week because they are unsafe. I will be happy to close my place of business and bring them to you! The tires will be displayed in my showroom with a copy of the invoice from Burggraf and the public can make their own assumption. The public needs to be aware of companies like Burggraf and they should avoid them.

I am emailing you the receipt where I had purchased another set of tires and they had written that they were defective also and pictures of the tires. I will also be mailing you the pictures and the copy of this letter as well.

Sincerely,





Print - Close Window

**Date:** Mon, 14 Jan 2008 18:44:31 -0800 (PST)**From:** [REDACTED]**Subject:** bb response**To:** [REDACTED]

I really thought that this matter was closed unless you would like for me to bring them to you, the better business bureau. Paul never wanted to look at the tires again and I never told him that I wanted all the tires replaced. When I took the car in they just came out and told me that she curbed them and that their was nothing wrong with them, it was just normal wear in tear, That's when I asked for their customer service number. I got 5 professional opinions and they all said that it was a factory defect. One of the opinions said that at one place where he used to work, they quit using the same brand because of the splitting. I have been serving the public for 26 years in our own business in auto repair and we would of never of treated a customer like Burggraf has treated me. That is just not what good business is about when you have to lie to protect your name. I'm glad our reputation is not like theirs. You do what ever you do when someone complains about a bad business. We sent the pics and that should tell the story. Did the tires look safe to you like Paul said in his 1st letter. Now his story is different. Yes, the right tire was 8 pounds low on air pressure when we noticed the splitting. The left tire was not low but the splitting was just beginning. When it gets worse then the tire pressure goes down. The tires will stay in my showroom with Burggaf and TBC's name on them and the public can decide. I hope this is the end of this. I am tired of reading his lies! And yes the manufacture did offer 50% for the front tires. Does that mean that the tires are only good for 6000 miles? The rear tires will be replaced when it is time for rotation if they last that long.



# GRANDE TIRE CO., INC.

(417) 781-9280  
JOPLIN, MO 64801

(417) 476-5156  
MAIL TO: P.O. BOX 149  
PIERCE CITY, MO 65723

(417) 847-2934  
CASSVILLE, MO 65625

411821

DATE 12-20-2007  
 SOLD TO Wennis Auto  
 ADDRESS \_\_\_\_\_  
 SALESMAN Joplin MO.

CASH <input checked="" type="checkbox"/>	CHARGE	C.O.D.	PAID OUT	MDSE. RETD.	REC'D ON ACCT.
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QUANT.	DESCRIPTION	PRICE	AMOUNT
2	215/45R17 Sumitomo	95	190.00
<p style="font-size: 2em; opacity: 0.5;">GRANDE TIRE CO.</p> <p style="font-size: 1.5em;">Replaced tires                      Defective                      MARK                      check #</p>			
<p>Invoice # 42,601</p>			

<p><b>ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL.</b></p> <p>Lugnuts must be checked within the first 50 miles or wheel loss may occur.</p> <p>Signature X _____</p>	SALES TAX	
	E.P.A.	
	TOTAL	190.00

**TERMS AND CONDITIONS OF SALE:** On this date, the undersigned hereby purchases the listed merchandise for the and on behalf of said customer, acknowledges receipt therefore and agrees to pay the stated price therefore, or return said merchandise at option of seller, 30 days from 1st of the month. **TERMS:** Payment due on date of delivery except to established charge accounts. Invoices charged are due on the 10th day of the month following date of invoice. Subject to monthly late payment charge of 1.5% or such lesser as permitted by law on balance past due over 30 days. Customer further agrees to pay all collection cost including attorney fees on overdue accounts.

Signature X \_\_\_\_\_

I certify the items on this invoice are for agricultural use. If these items are not used exclusively for this purpose, I will be liable for tax, interest and penalty.

Signature X \_\_\_\_\_

Replacement Invoice





**WR All-Weather PLUS<sup>2</sup>**

**WR** All-Weather PLUS<sup>2</sup>      **WR S.U.V.** All-Weather PLUS<sup>2</sup>

Outlined White Lett

**VATHVA**