NVS-200

CL-10281092-2131

August 11, 2009

EXECUTIVE SECRETARIAT
2009 AUG 17 PM 4:06
2009 AUG 18 P 2:41
RECEIVED - NHTSA

To:

Administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave SE
Washington, DC 20590

From:

[redacted]
Clinton, Ohio [redacted]

Re:

Letter of concern sent to R.J. Kempthorn
Kempthorn Auto Mall
1449 Cleveland Ave. NW
Canton, Ohio 44703 Ph (330) 452-6511

I am sending the enclosed letter of concern to inform you of the poor customer service I recently received from our local Volvo franchise, Kempthorn Auto Mall. Throughout the many years I have been a Volvo owner, I have enjoyed great service from Volvo dealerships in several parts of the country. The rude treatment and **lack of concern for safety** I encountered with Kempthorn is unprecedented in my experience with Volvo and totally unwarranted for an auto company with a high quality product. As the national agency concerned with vehicle safety, this incident should also be of concern to NHTSA.

Enc:
Letter to R. J. Kempthorn
Volvo Recall Notice

KB 4:06 8/19/09 NJ

August 11, 2009

**To:** R. J. Kempthorn
Kempthorn Auto Mall
1449 Cleveland Avenue NW
Canton, Ohio 44703

**From:** [redacted]
Clinton, Ohio [redacted]

I am a Volvo owner. I have driven Volvo's since 1973 and, over the years, have purchased my cars at several different dealerships around the country. Upon moving to Green, Ohio, I contacted Kempthorn, the closest Volvo retailer, to service my cars. Kempthorn has provided some maintenance service over the past few years. In June, after researching purchase options on the internet, I chose to purchase a 2009 XC70 at another agency that provided me with the best price.

On Tuesday, August 4, 2009, I received a recall notification from Volvo Cars of North America regarding a defect "related to vehicle **safety**." The notification cites the need to replace the Fan Control Module (FCM) . According to Volvo "this situation may result in loss of cooling system function and engine break down. The driver may not have sufficient time to react to the warning light(s) or the text message in the instrument panel, increasing the **risk of a crash.**" Owners are advised to have the FCM replaced as soon as possible.

On Wednesday, August 5, 2009, I called your service representative, Diane, to schedule the service. Diane informed me that FCM's had only been requested for cars that were purchased at your dealership and, since I did not purchase the car at Kempthorn, the part would have to be ordered. She went on to state that I would be notified "next week" when service could be provided to replace the FCM. I indicated to Diane that I am leaving on a trip at the end of next week and would appreciate timely service. I surmised from this conversation that, while your service department may have replacement units on hand, one would not be made available to me except through special order.

Being understandably anxious to get this recall issue resolved, I called manager Rick Peterson on Monday, August 10, 2009, to inquire about the status of my service request. Mr. Peterson's **first** response to me was, "Did you buy your car here?" When I shared that I had purchased the car elsewhere, Mr. Peterson informed me that, the policy of Kempthorn Motors is to give "preferential treatment to clients that purchase their car from Kempthorn." Even though I have previously had two Volvo's serviced at Kempthorn, no "preference" would be afforded me. At no time did your manager express concern for the safety of my family using a car that has a service issue knowingly placing them at risk. Rather, he admonished me for not buying my car from your dealership. His disregard for our safety has been further demonstrated by his neglect to return my call - as he indicated he would do on the day of our conversation - with information about when the requested service would be scheduled.

The recall letter from Volvo also offered information about the Volvo Customer Care Center to which questions and concerns may be addressed. I called this department and explained my inability to get timely service from Kempthorn to replace the potentially hazardous FCM. The representative at Volvo Customer Care called Kempthorn regarding my request and was told that the service could not be provided this week and no schedule for the service was forthcoming. One week has passed since I made my initial request and by next Monday, twelve days will have elapsed with no appointment scheduled. At this point, I can only guess when Kempthorn will replace the potentially dangerous FCM, if at all.

Because Kempthorn has not resolved the recall concern in a timely manner, I sought service elsewhere. Byers Volvo in Columbus, Ohio, informed me that they have a 24 to 48 hour turn-around time to receive parts and could replace the FCM within three days. They also told me that, knowing the potential risk, they automatically requested extra FCM replacements from Volvo. Motorcars Volvo in Bedford, Ohio, scheduled the service in one day even though I did not purchase the XC70 from their agency! Yes, the needed maintenance was accomplished at Motorcars at 10:00 this morning – less than 24 hours after I requested the service.

While I respect your right to determine the service policies at Kempthorn, I feel your seemingly deliberate delay of service regarding a safety issue is very poor business at the least and bears a potential liability at the most. There should be no "preferential" treatment when safety is concerned. Volvo of North America provides the parts and reimburses your dealership for the service costs. What could possibly be the motivation to treat a past service customer and potential future customer as a second class client? I suggest to you that service customers who did not buy their car from you be informed up front that they will receive sub-par service. Ludicrous? Of course. But no more so than the treatment I received.

My hope is that, in the future, Kempthorn Auto Mall will afford respect and courtesy to **all customers** seeking **any service** and give safety issues the utmost consideration. As for me, I will take my business elsewhere.

Cc:
Rick Peterson, Manager, Kempthorn Auto Mall, Canton, OH
Mike Assainte, Manager, customer Support, Volvo Cars of North America, Rockleigh, NJ
National Highway Traffic Safety Administration, Washington, DC
Better Business Bureau of canton, OH
Ohio attorney General's Office, Columbus, OH

Enc: Recall Notice dated July 29, 2009

Volvo Cars of North America, LLC

1 Volvo Drive
P.O. Box 914
Rockleigh, NJ 07647
http://www.volvocars.com

# IMPORTANT RECALL NOTICE

[redacted]

*****AUTO**MIXED AADC 481 33/1/9216

[redacted]

Clinton, OH [redacted]

June 29, 2009

Dear [redacted]

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.
Volvo Cars of North America, LLC (Volvo) has decided that a defect related to motor vehicle safety exists in the engine cooling fan module on certain model year 2008 and 2009 S80, V70 and XC70, vehicles.

***The reason for this Recall:***

Volvo has found that under certain conditions the engine cooling fan may stop working due to a software programming error in the Fan Control Module (FCM). Depending on driving conditions, the customer may experience reduced air conditioning performance, and / or a rapid increase in engine coolant temperature. This situation may result in loss of cooling system function and engine break down. The driver may not have sufficient time to react to the warning light(s) or the text message in the instrument panel, increasing the risk of a crash.

The corrective action will be to upgrade the Fan Control Module (FCM) software by replacing the Fan Control Module.

***What you need to do:***

Please call your authorized Volvo retailer to schedule an appointment. This procedure will be completed at no cost and can take 30 minutes to complete; **however, due to service scheduling the time your Volvo retailer requires to service your vehicle may vary.**
If you previously paid to have this corrective action performed, prior to the date on this letter, your authorized Volvo retailer will honor your receipt with a refund. Please contact your authorized Volvo retailer service department for details.

***Please contact:***

If you have any questions, please contact your Volvo retailer. If your retailer is unable to answer your questions, please contact Volvo Customer Care Center at 1 Volvo Drive, P.O. Box 914, Rockleigh, NJ 07647 or phone 1-800-458-1552, Monday through Friday, 8:30 A.M. to 5:00 P.M. EST. You may also e-mail us at customercare@volvoforlife.com.

We have advised the National Highway Traffic Safety Administration (NHTSA) that we are conducting this recall. If you are unable to have this procedure performed without charge and within a reasonable period of time, you may contact the NHTSA Administrator at: National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590; or call the toll-free Vehicle Safety Hotline at 1-888-327-4236 (TTY: 1-800-424-9153); or go to http://www.safercar.gov.

Federal law requires that any vehicle lessor receiving this recall notice must forward a copy of this notice to the lessee within ten days. Lessor means a person or entity that is the owner, as reflected on the vehicle title, of any five or more leased vehicles.

Your safety and continued satisfaction with your Volvo and the Volvo organization are very important to us. We apologize for any inconvenience this may cause and we appreciate your cooperation in arranging to have this important service completed as quickly as possible.

Sincerely,

Mike Assainte

Mike Assainte
Manager, Customer Support