

APR 19 2010



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INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO  
ATTORNEY GENERAL

DIVISION OF ECONOMIC JUSTICE  
CONSUMER FRAUDS & PROTECTION BUREAU

April 8, 2010

[REDACTED]  
Plainview, NY [REDACTED]

Our File Number: 2010-850837  
Company: Toyota

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 writing to our office. We will keep your correspondence on file for future reference.

Very truly yours,

*John Van Voris*

John VanVoris  
Bureau of Consumer Frauds  
and Protection

cc: National Highway Traffic Safety Administration  
Office of Defects Investigation  
1200 New Jersey Avenue SE West Bldg.  
Washington, DC 20590

Plainview New York

March 1, 2010

RECEIVED  
NYS Office to the Attorney General  
MAR 05 2010  
Consumer Frauds Bureau  
Albany, New York

Mr. Jim Lentz, President and Chief Operating Officer  
Toyota Motor Sales USA, Inc.

Enclosures: 1. Timeline of my communications with Toyota regarding the performance  
of my 2007 Camry (2006/2007)  
2. Typical National Highway Transportation Safety report dated  
17 September 2007.

Dear Mr. Lentz,

I read your full-page Pledge in Newsday, Sunday February 28, 2010; and I feel Toyota still doesn't get it!

As an owner of a 2007 Toyota Camry, after very satisfactory experience with two previous Camry cars, my experience with this car's original performance, dealer support and corporate Toyota's response to my car's performance was a tremendous disappointment.

I'm enclosing a timeline of events that led up to a meeting I had with Toyota and a representative of the National Center for Dispute Settlement (NCDS). This meeting was suggested by Toyota to resolve my issues with my car. The result of the meeting was that the car's performance was entirely "normal".

In your opening statement, Toyota's "respect for people" somehow in my case, turned into "disrespect for people". "continuous improvement" may well apply to the vehicle's construction and quality components. In my opinion my car has as design mismatch between the engine and the transmission and dubious software to control both components.

You may be confident that "no problems exist with our throttle control system". You have to say that, otherwise there would be a recall on all the vehicles that use that system; not just for floor mats, sticky accelerator pedals, etc.. I've had two corrections to my throttle control system and my acceleration, while still not "normal", is acceptable compared to what it was originally. My cruise control is still faulty but I've devised a way to work around the problem, not convenient but it works. Also the report from "your world class engineering firm" appears to confirm that Toyota's "multiple fail-safes work". If the electronic throttle control system has no problems why is there a need for multiple fail-safes? Why don't they confirm that the electronic throttle control system works? Is my vehicle's performance going to be corrected? If so when?

## Timeline for NCDS Arbitration Case # 1507128

|          |                                                                                                                                                                                                                                                                                                                       |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4-10-06  | Initial lease date.                                                                                                                                                                                                                                                                                                   |
| 7-24-06  | First service visit to Westbury Toyota. Technician said that delayed acceleration was foremost complaint for this model Camry. Test drove car with me and checked that the transmission was shifting at the proper tachometer readings. Service report did not acknowledge delay or erratic cruise control operation. |
| 9-29-06  | Toyota TSB EG056R-06 released.                                                                                                                                                                                                                                                                                        |
| 11-13-06 | Second visit to Westbury Toyota for normal service. Service advisor would not include comments about acceleration delay and cruise control operation; reason being there was nothing Westbury could do about it; awaiting "fix" from Toyota.                                                                          |
| 11-14-06 | Letter to Junior Damato about problem.                                                                                                                                                                                                                                                                                |
| 12-29-06 | Published response by Junior Damato in NEWSDAY "WHEELS" Section.                                                                                                                                                                                                                                                      |
| 3-19-07  | Third visit to Westbury Toyota. Normal service. Comment to acceleration delay and erratic cruise control operation is "vehicle operating as designed".                                                                                                                                                                |
| 5-18-07  | Certified letter to Westbury Toyota, delivered on 5-22-07 @ 9:53 Am (USPS).                                                                                                                                                                                                                                           |

- 7-6-07 No response to 5-18-07 letter. Visited Westbury Toyota, they denied receiving letter. Spoke with " SOPHLA " and arranged to have TSB EG056R-06 installed on 7-9-07
- 7-9-07 Brought vehicle in for ECU reprogramming
- 7-(-11,-12,-13 )-07 Took a short trip, approximately 300 miles round trip. Acceleration delay moved from 0 rpm to about 2000 rpm where it goes flat for about two seconds and then races to about 4000 rpm before settling down. Cruise control still erratic; reprogram of ECU had no effect on cruise control.
- 7-18-07 Called Toyota Experience Center ( TEC ) and spoke with two people, one being " JUDITH " who issued case # 200707181213 and said a case manager will be assigned to this case.
- 7-19-07 Spoke with " SANDY " at TEC, the case manager. She said she would call Bill Di Maio at Westbury Toyota about case. After calling Westbury she said she would call the Toyota local area field office in New Jersey; they will contact me.
- 7-26-07 Mr. Antonio Romano, of the Toyota field office, called and said he would speak with Westbury Toyota and call me back by 8-2-07.
- 8-3-07 Mr. Romano called, left message that new software regarding problem was released.
- 8-6-07 Spoke with Mr. Romano, TSB E036-07 dated 8-1-07, was available. Old TSB ineffective regarding

acceleration delay. New software did not address erratic cruise control operation. I indicated that I was not interested in another "ECU patch" that didn't eliminate the problems.

- 8-6-07 "EILEEN" of TEC called, "SANDY" not available, left message to call her.
- 8-6-07 Returned "EILEEN'S" call and decided<sup>d</sup> only option left is arbitration. She will send out forms.
- 8-13-07 Filled out arbitration form received from TEC and mailed it, and an attached letter, to National Center for Dispute Settlement (NCDS).
- 8-17-07 Received letter from Ms. Alisia Powell, of NCDS, indicating arbitration form had been received. A copy of a letter to Toyota Motor Sales, USA, Inc. for a Manufacturer's Response Form was also attached.
- 8-24-07 Ms. Alisia Powell called to inform me that the oral hearing will be on 9-17-07 @ 2PM @ Westbury Toyota.
- 9-4-07 Received a copy of Toyota's Manufacturer's Response Form and sent my comments on the form to Ms. Alisia Powell at NCDS.



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1-888-327-4236

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## Search Results

Report Date : **September 17, 2007 at 12:02 PM**

New Search

ODI Numbers **10187258**  
Searched:

Print Version

Results : **3** | All records displayed

Make : TOYOTA

Model :  
CAMRY

Year : 2007

Manufacturer : TOYOTA MOTOR CORPORATION

Crash : No

Fire : No

Number of  
Injuries: 0

ODI ID Number : 10187258

Number of  
Deaths: 0

Date of Failure: March 7, 2007

VIN : 4T1BE46K57U...

Component: VEHICLE SPEED CONTROL:CRUISE CONTROL

## Summary:

THROTTLE AND TRANSMISSION HESITATION WHEN STARTING OUT FROM STOP, AND WHEN ATTEMPTING TO INCREASE SPEED, IE: HAZARD AVOIDANCE, FOLLOWED BY SPEED OVERSHOOT. CRUISE CONTROL OVER REACTED TO SLIGHT GRADE INCREASE, SUCH AS AN OVERPASS, BY DOWN SHIFTING THE TRANSMISSION 1 TO 2 GEARS AND ACCELERATING PAST SET SPEED BY 7 TO 10 MPH. CAR WILL SLOW TO SET SPEED AND REPEAT THE DOWN SHIFTING AND ACCELERATION UNTIL THE CRUISE CONTROL WAS TURNED OFF OR THE ROAD WAS LEVELED. DURING LONG UP HILL DRIVING THE CRUISE CONTROL HAS TO BE TURNED OFF COMPLETELY AS IT PRESENTED A GREAT POSSIBILITY OF CAUSING AN ACCIDENT. THE DEALER MAINTAINED S THAT THE ENGINE, TRANSMISSION, AND CRUISE CONTROL OPERATED NORMALLY. \*AK

Document Search

☐ Check to Request Research. Submit below.

Make : TOYOTA

Model :  
CAMRY

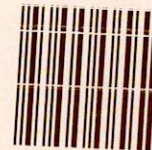
Year : 2007

Manufacturer : TOYOTA MOTOR

PLAINVIEW, NY



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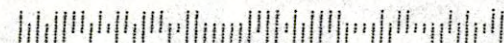
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OFFICE OF THE ATTORNEY GENERAL  
THE CAPITAL

ALBANY, NY 12224-0341

ATTN: AG ANDREW CUOMO



STATE OF NEW YORK  
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National Highway Traffic Safety Administration  
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