

JOHN R. KROGER
Attorney General



CL-10421503-9717

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MARY H. WILLIAMS
Deputy Attorney General

**DEPARTMENT OF JUSTICE
CIVIL ENFORCEMENT DIVISION**

1162 Court Street NE
Salem, OR 97301-4096
Telephone: (503) 934-4400
Fax: (503) 378-5017
TTY: (503) 378-5938

SEP 20 2011

INFORMATION Redacted PURSUANT TO THE FREEDOM OF
INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

September 14, 2011

NHTSA Headquarters
1200 New Jersey Avenue SE
West Building
Washington, DC 20590

Re: Our File Number: FF7811-11
Complaint of [REDACTED]

We are enclosing the complaint of [REDACTED] and the response from Nissan. We are contacting you on behalf of [REDACTED] because we do not feel that Nissan has addressed the complaint, as it appears this is not a warranty issue but a safety issue. We would like to know if you have any information on any recalls involving this vehicle to assist us in addressing this complaint.

My e-mail address is Rebecca.papke@doj.state.or.us and my direct line is 503-373-0372.


Becky Papke
Enforcement Officer

Enc.

Consumer Complaints, 1st Floor Vista Building, 340 Vista Avenue, Salem, Oregon 97302
Consumer Hotline (503) 378-4320 (Salem only), 229-5576 (Portland only) or Toll Free 1-877-877-9392
Hotline Hours: 8:30 a.m. to 4:30 p.m., FAX (503) 378-8910, TTY: (800) 735-2900 www.doj.state.or.us

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TGW

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September 2, 2011

NISSAN NORTH AMERICA, INC.
Attn: Bob Glenn, P-3-C Dispute Resolution
Consumer Affairs P.O. Box 685003
FRANKLIN, TN 37068-5003

Re: FF7811-11
[REDACTED]

We have received the enclosed consumer complaint about your business. We understand that there are often two sides to a problem, and we would appreciate your prompt review of this matter.

We do not represent the complainant. We do, however, review all complaints to determine whether grounds exist to warrant action by us. Your response to the allegations in the complaint would help us to make that determination.

In the interest of efficiency, we prefer that you respond directly to the complainant and email a copy of your response to our office. Please include the file number shown above on the subject line of your email. Alternatively, you may respond to us by regular mail. The response you send regarding this complaint will be part of the public record maintained by the Department of Justice.

Preferred Email Address: rebecca.papke@doj.state.or.us

We would appreciate receiving your response within fifteen (15) days of receipt of this letter. Please feel free to attach any documents which you think are relevant in explaining your position. If after your response you hear nothing further from us, you may consider this matter closed.

A handwritten signature in cursive script that reads "Becky Papke".

Becky Papke
Enforcement Officer

Enclosure
EZ-E1

Mailing Address: 1162 Court St. NE, Salem, OR 97301-4096
Physical Address: 340 Vista Ave SE, Salem, OR 97302-4546
Consumer Line: (503) 378-4320 (Salem only), 229-5576 (Portland only) or Toll Free 1-877-877-9392
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Oregon Department of Justice Consumer Complaint Form

Please Note The Following:

Under Oregon Law, the Attorney General cannot act as your private attorney or give you legal advice. Deadlines may prevent you from starting a lawsuit if you wait too long. Filing this complaint does not change those deadlines or guarantee the results you want. You may wish to contact a private attorney.

Please be advised that this complaint will become part of our permanent records. Consumer complaints may be released to the business or person about whom you are complaining, members of the public or other agencies attempting to establish ongoing patterns or practices which violate Oregon's Unlawful Trade Practices Act. This form is also subject to Oregon's Public Records Law and may be disclosed to persons who request to review its contents.

Date of complaint submission: 8/25/11

Information About The Complainant

Name: [REDACTED]
Address: [REDACTED]
City: Eugene
State: OR Zip: [REDACTED]
Phone Number: (day) [REDACTED] (eve) [REDACTED] (cell) [REDACTED]
Email Address: [REDACTED]

E-MAILED

Information About The Business Or Person About Which You Are Complaining

Name: Nissan Consumer Affairs
Address: North America, Inc.
City:
State: Zip:
Phone Number: (800) 6477261

Information About The Transaction

Date of Transaction(s):
Type of Sale: Other
The amount of money you think you lost: \$561

☐ Attorney:
☒ Business: Nissan Consumer Repairs
☐ Other:

☐ No Action has been requested.

See Attached For Transaction Details

FOR OFFICIAL USE ONLY			
Comp. Code: 0248	Bus. Code: 33611	Rec'd From:	
Comp. Code:	Bus. Code:	Ref'd To:	
Closing Code:	Ltr. Type: E1	Override S/H:	☒ Yes ☐ No
Rtn to:	Notify:	Display:	☒ Corp ☐ Local
CC:		Mail:	☒ Corp ☐ Local
Rev. 04/08/2010	☐ ADS ☒ HJM ☐ SBL ☐ GJD	Uncheck:	☒ Cons/Comp ☐ Websrch

8/30/11

Transaction Details

DETAILS --- CAR FIRE (Nissan Ref 723-6634)

My son's car caught on fire while he was driving it due to a part Nissan new was defective.

There is a recall for 1997-1999 Nissan Maximas due to a defect in their alternators that caused them to catch fire. Details about the recall are below. My son was driving his 1996 Maxima when the alternator caught fire. Luckily, he escaped without injury. Although his car was not included in the recall, clearly the part that started the fire is the same and it is the part that ignited the fire.

I spoke with Nissan Consumer Affairs three times over the past couple of weeks. I am contacting you because I was not able to get Nissan to discuss this event in terms of the security aspect of it. Unfortunately, they chose to look at it strictly as a warrantee issue.

It stands to reason, if this part was in my son's car, it is also in other 1996 Maximas. The next person who experiences a car fire due to a faulty alternator may not be as lucky as my son.

Note: I bought back the alternator from the service department and I have it at home.

[REDACTED] Eugene, OR [REDACTED]
[REDACTED]

DETAILS

August 8th, Monday, 9:30pm THE EVENT My son left the house driving his 1996 Nissan Maxima to a friend's house. When he was a block from the house, on our neighborhood street, he smelled something burning. He immediately drove back home, ran in the house and yelled for me to come quick. My son, my wife and I ran outside. He lifted the hood and there was a fire coming out of the engine compartment. Specifically, the fire was coming out of the alternator. I doused the fire with a hose and it went out. We took a couple of very high powered lights and examined the damage as well we could and could not see any damage other than the alternator. I asked my son to try and start the car again. When he did there was a terrible screech which led me to believe the alternator was frozen up.

extend the warrantee to 1996 Nissans with the hope of stopping some engine fires and the potential for victim's burns or loss of life.

I spoke with Gerald at 1-800-647-7261 ext 458146 twice for a total of about 30 minutes. The time was spent with him asking question about the event and recording my answers. At the end of the conversation, he said someone from his office would contact me within 48 hours and gave me a FILE NUMBER 723- 6634.

August 12th, Friday, approx 9:30am NCA RETURN CALL True to their word, 47 ½ hours later I received a call from Karen. Karen asked more questions, recorded the answers and then asked me what I wanted. I said "do the right thing". Prevent future potentially fatal fires by adding 1996 to the recall. Obviously the same defective part is in the 1996. At the very least, pay for my repair. She recorded this and said someone would contact me within a week.

My response to this was that there process strategy appeared to be to string this out as long as possible in the hope I would go away on my own. She said that was not so. I said the car cannot be moved without being towed and it is blocking the garage where another car is parked. As a result, I have two cars I cannot use. Bottom line is I have to get the car fixed. At the same time, I do not want to do it before I hear what their resolution is. She was unsympathetic. I asked if it made any difference if I had the car repaired by my independent mechanic. She said any settlement would not cover it. It must be done at Nissan Dealership Service Center.

August 15th, Monday CAR TOWED TO DEALER

August 17th, Wednesday CONVERSATION WITH SERVICE MANAGER The service manager called to let me know the car was ready. The cost for replacing the alternator was \$313 for the part and \$247 for the labor (Total \$560). I paid over the phone with a visa card. I told the service manager I wanted the old alternator. He said they send those back to Nissan to be refurbished. I insisted that I wanted it and that it was my understanding the law required that he give it to me. He said I could have it but he would charge me \$60 for it. I said I did not think that was right but decided it was important enough to have the part that I said I would pay it. So he transferred me to the parts manager and he said I would need to pay \$75 for it. It was easy to get the feeling they did not want me to have the part. I gave him my visa number and he said he would put the alternator and the paperwork in the trunk which he did.

August 18th, Thursday PICKED UP CAR AND OLD ALTERNATOR

August 24th, Wednesday NISSAN DECISION Trish called from Nissan Consumer Affairs and told me Nissan's position is that the car is out of warrantee so Nissan does not plan to do anything. For them it is nothing more than a warrantee issue. They will not address the safety issue.

Thank You!

August 9th, Tuesday

RESEARCH I spoke with my mechanic who has owed a medium size shop for 30 years and he said alternator fires are pretty rare. In his 30 years he has only seen one vehicle this happened to and one other he had heard about from some other source. Separately, my son and I did some research on the web and found out that it may be rare in general but apparently not with 1996 through 1999 Nissan Maximas. In fact, there is a recall in place for specifically this same issue:

See: www.automobilemag.com/am/1997/nissan/maxima/recalls.html

Recall ID 02V171000 - ELECTRICAL

SYSTEM:ALTERNATOR/GENERATOR/REGULATOR

Recall Date: JUN 24, 2002 Model Affected: 1997 NISSAN MAXIMA

Summary: ON CERTAIN PASSENGER VEHICLES, ONE OF THE DIODES USED IN THE ALTERNATOR MAY HAVE BEEN DAMAGED WHEN BUILT. THIS CAN EVENTUALLY RESULT IN FAILURE OF THE DIODE AND AN ELECTRICAL SHORT WHICH COULD MELT THE PLASTIC HOUSING. Consequence: IF THE COMBUSTIBLE GAS EMITTED BY THE MELTING PLASTIC DOES NOT DISPERSE DUE TO AIR FLOW THROUGH THE ENGINE COMPARTMENT, IT COULD IGNITE AND IN TURN IGNITE THE FAN GUIDE IN THE ALTERNATOR. Remedy: DEALERS WILL REPLACE THE ALTERNATOR. OWNER NOTIFICATION BEGAN JULY 29, 2002. OWNERS WHO TAKE THEIR VEHICLES TO AN AUTHORIZED DEALER ON AN AGREED UPON SERVICE DATE AND DO NOT RECEIVE THE FREE REMEDY WITHIN A REASONABLE TIME SHOULD CONTACT NISSAN AT 1-800-647-7261 OR INFINITI AT 1-800-662-6200. Potential Units Affected: 161000 Notes: NISSAN NORTH AMERICA, INC.

By Googling "alternator on fire" the 3 item was:

<http://forums.maxima.org/4th-generation-maxima-1995-1999/573569-fire-crowded-alternator.html>

The 5 item is also a Maxima: <http://answers.yahoo.com/question/index?qid=20100215130931AA5mDuq>

You can continue on and find more but the point is that this is a known issue for Nissan as evidenced by the recall. Although it is not an uncommon issue with 1996-1999 Nissan Maximas, it is not that common with other cars. Clearly the same defective alternators that were in the recalled 1997-1999 models are also in the 1996 models.

I do not have to tell you that car fires are dangerous. People die as a result. They get severely burned. At the very least, they contribute to electrical fires that total the car. They create unsafe situations around them.

I spoke with the service manager at the Eugene Nissan dealership (Lithia Nissan) and told him what I had found out. I asked him if since Nissan knew the part was defective, would they cover the repair. He said no and since Nissan will not reimburse him, he will charge me the full price for the repair.

August 10th, Wednesday, approx 10am CONTACT NISSAN CONSUMER AFFAIRS
Because of the safety aspects of this situation, I thought it was important to contact Nissan Consumer Affairs and let them know what happened. Naively, I thought they would use this information to



NISSAN NORTH AMERICA, INC.

Consumer Affairs
P.O. Box 685003
Franklin, TN 37068-5003
Telephone: 1-800-647-7261

September 7, 2011

State of Oregon Department of Justice
Civil Enforcement Division
Attention: Becky Papke
1162 Court Street NE
Salem, OR 97301-4096

RECEIVED
SEP 09 2011

CIVIL ENFORCEMENT DIVISION

REF: FF7811-11 - [REDACTED]
VIN: JN1CA21D2TT1 [REDACTED] - 1996 Nissan Maxima
File number: 7256441

Dear Ms. Papke,

Thank you for allowing Nissan North America, Inc., the opportunity to review the circumstances regarding the incident involving the above referenced vehicle. Please be assured that Nissan North America has taken every step necessary to fully research this matter.

Upon review of the matter, it has been discovered the New Car Limited Warranty has expired, and there were no records indicating the vehicle is covered under any warranty extension or recalls. Our product liability department has referred [REDACTED] to his insurance company for assistance with this matter.

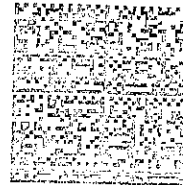
Thank you again for allowing us the opportunity to review the customer's concerns.

Sincerely,

Stacy Gary
Nissan North America
Arbitration Specialist
Dispute Resolution Program



STATE OF OREGON
DEPARTMENT OF JUSTICE
CIVIL ENFORCEMENT DIVISION
1162 COURT STREET NE
SALEM, OR 97301



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09/13/2011

Mailed From 97301
US POSTAGE

NHTSA Headquarters
1200 New Jersey Avenue SE
West Building
Washington, DC 20590

Defects
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