

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

NNS-200

JUL - 3 2012

CC-10464927-8890

June 22, 2012

EXECUTIVE SECRET

2012 JUN 29 A 104

Administrator

National Highway Traffic Safety Administration

1200 New Jersey Ave SE

Washington, DC 20590

To Whom It May Concern:

This is in regard to what I feel may be a violation of the Tread ACT. I own a 2003 BMW 330i sedan. In July 2011 the right rear lamp indicator on my dashboard stayed lit, indicating a problem. At that time there was no recall from BMW on that defect. I therefore took the car to my own mechanic (Rolf's Service Center) and had it repaired in July 2011 for \$235 (this included parts - \$89.05, labor - \$126.00, and 9.3% tax- \$20.00)

In February 2012, I was sent a letter for recall campaign 11V-438: Lamps in rear quarter Panel. I took the vehicle to BMW Northwest on March 12, 2012. I was told that both the left and right rear lamp wires and housings were changed. There was no charge for the service. They were aware that the left had already been repaired by my own mechanic. I told the BMW dealer that in the recall notice, there was a statement referring to the Tread ACT, and it stated that if I had already paid to have work done by an outside mechanic, BMW would be liable. I submitted all documentation to them. After not hearing from them, I sent a letter to the National BMW headquarters on April 26, 2012. I was subsequently called by a customer complaint representative (Carolyn) at the national BMW headquarters (201)-263-8253 and was told that because the previous repair was not consistent with "BMW Standards" they had no responsibility to reimburse me.

I would like an independent review by the NHTSA as to whether this is the correct legal interpretation of the Tread ACT, or simply BMW's attempt to fraudulently withhold payment to customers. I suspect BMW may be using this argument on other customers, in which case a class action suit may be appropriate. BMW could deny any customer restitution based on the claim that the original repair was not done by a BMW dealership or simply did not conform to "their standards".

NM
07/03/2012
KB

I look forward to your prompt and thorough response to this matter.

Sincerely yours,



Tacoma, WA

- Enclosures:
- Invoice – Rolf's Service Center 7-20-2011
 - Receipt for repairs – Rolfs Service center
 - BMW letter – Recall Campaign 11V-438
 - Tread Act Customer Reimbursement Plan (BMW of North America, LLC)
 - BMW invoice – lamp replacements 3-9-2012
 - Letter to Customer Relations and Services Dept – BMW 4-26-2012

Rolf's Service Center At I-5 Motors

3151 20th Street East

Fife, Washington 98424

253-248-1080 FAX: 253-248-1084 servicedesk@rolfsimport.com

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Invoice 013696

001620

AAC9417 WBAEV53473K

03 BMW 3-Series330i

Mileage: 91765

Start date: 7/18/2011

Tacoma, WA

Qty	Unit	Description	Brand	Part#	Cost	Total
1.00	EACH	ENGINE PURGE		BG 120	\$35.58	\$35.58
1.00	EACH	MOTOR OIL ADDITIVE		BG 110	\$13.95	\$13.95
1.00	EACH	OIL FILTER KIT		BO 72 202	\$12.46	\$12.46
7.00	EACH	5W30 SYNTHETIC OIL		BM SYN	\$8.49	\$59.43
1.00	EACH	OIL FILLER CAP		11 12 1 743 294	\$13.97	\$13.97
1.00	EACH	OIL LEVEL SENDER		12 61 7 508 003	\$170.62	\$170.62
1.00	EACH	RESISTOR, BLOWER MOTOR		64 11 6 920 365	\$116.60	\$116.60
1.00	EACH	TAIL LIGHT BULB HOLDER		63 21 7 165 866	\$53.62	\$53.62
1.00	EACH	WIRING REPAIR KIT		12 52 7 519 956	\$35.43	\$35.43
1.00	EACH	INT MAN ADJUSTER UNIT		11 61 7 544 805	\$242.42	\$242.42

Labor Description

CUSTOMER REQUESTS: DIAGNOSE TICKING NOISE FROM ENGINE. TECHNICIAN TO VERIFY WITH CUSTOMER AT TIME OF DROP OFF.

\$189.00

The technician verified the noise, and isolated noise to valve noise - possibly lifter tick. Checked oil level - found to be off of dipstick. Also noted the yellow oil warning on intermittently, and the oil cap is broken. Scanned for faults - thermal oil level sensor code present - sensor is faulty, but unrelated to engine noise.

Recommend 1 of 2 options for valve noise: 1) perform engine oil flush and perform lof 2) remove valve cover and inspect valve train

Customer elects option 1.

The technician performed an engine oil flush with BG engine purge. Replaced the faulty engine oil level sensor, replaced the engine oil and filter. Added BG MOA engine additive. Test drove vehicle - valve tick noise is no longer present. The technician did note some noise from the intake manifold runner valve - suspect internal broken flap - recommend new - see below.

PASSENGER REAR TAIL LIGHT INDICATOR IS ON. - Right side
Inspected and found ground wiring is damaged - recommend repairs.

\$126.00

Performed repairs including updated pins, tail light bulb carrier and connector. Verified exterior lights all working correctly, warning is now off.

PERFORM MULTI POINT VEHICLE INSPECTION

The technician noted the following:

- * blower motor fan speed erratic - suspect faulty resistor
- * recommend spark plugs
- * recommend transmission service
- * recommend brake flush
- * recommend cooling system service
- * front suspension control arm bushings weak / loose
- * rear shocks leaking

no charge

215.05 + 9.3% tax = \$235

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Replace noisy intake manifold runner valve. Test drive vehicle and verify noises are no longer present. \$63.00

Verified blower motor fan speed is erratic. Verified blower motor resistor is faulty - installed new resistor and verified correct operation. Reassembled all removed parts. \$147.00

Current Recommendations

- * Spark plugs \$260 + tax.
- * Transmission fluid \$120-140 + tax.
- * Brake system flush \$143 + tax.
- * Cooling system service \$199 + tax (includes cleaning, flushing and additives).
- * Control arm bushings loose \$480 + tax.
- * Rear shocks leaking \$620-680 + tax (includes rear shocks, mounts and hardware).

Parts Total:	\$754.08
Labor Total:	\$525.00
Shop Supplies:	\$38.37
Subtotal:	\$1,317.45
Sales Tax:	\$122.52
Total:	\$1,439.97

OUR GUARANTEE: We strive to keep your vehicle operating to the best standards that the manufacturer's design allows. We guarantee all parts and repairs performed to these standards for a period of 24 months or 24,000 miles (whichever comes first), unless stated otherwise. All parts installed are new unless otherwise described. This guarantee does not extend to repairs made with customer supplied and/or used parts, or to repairs made in the absence of additional recommended repairs to related systems. Diagnostic charges are guaranteed only when included with subsequent repairs.

Vehicle Checkup

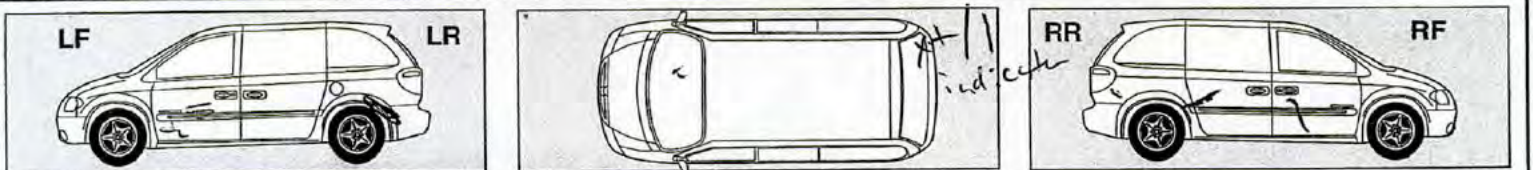
- Checked and OK
- May need future attention
- Requires immediate attention

Customer Name: [REDACTED] Phone: 91,765 Service Advisor: Peter Vehicle Year/Model: 330i

VIN Number: AAAG417 Mileage: 91,765 RO Number: _____ Date: _____

17-POINT VEHICLE CHECKUP 27-POINT VEHICLE CHECKUP

CHECKED AND OK MAY REQUIRE FUTURE ATTENTION REQUIRES IMMEDIATE ATTENTION



17-POINT VEHICLE CHECKUP

<input checked="" type="radio"/> LEFT FRONT TIRE Pressure <u>35</u> lbs. Wear Pattern <u>str</u> Tread Depth <u>2/32</u> nds	<input checked="" type="radio"/> LEFT REAR TIRE Pressure <u>35</u> lbs. Wear Pattern _____ Tread Depth <u>5/32</u> nds	<input checked="" type="radio"/> RIGHT REAR TIRE Pressure <u>35</u> lbs. Wear Pattern _____ Tread Depth <u>5/32</u> nds	<input checked="" type="radio"/> RIGHT FRONT TIRE Pressure <u>35</u> lbs. Wear Pattern _____ Tread Depth <u>5/32</u> nds
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FLUIDS	LEVEL
<input checked="" type="radio"/> ENGINE OIL	<input checked="" type="checkbox"/> Empty <input checked="" type="checkbox"/> Full
<input checked="" type="radio"/> COOLANT	<input checked="" type="checkbox"/> Empty <input checked="" type="checkbox"/> Full
<input checked="" type="radio"/> BRAKE	<input checked="" type="checkbox"/> Empty <input checked="" type="checkbox"/> Full
<input checked="" type="radio"/> POWER STEERING	<input checked="" type="checkbox"/> Empty <input checked="" type="checkbox"/> Full
<input checked="" type="radio"/> TRANSMISSION	<input checked="" type="checkbox"/> Empty <input checked="" type="checkbox"/> Full
<input checked="" type="radio"/> WIPER WASHER	<input checked="" type="checkbox"/> Empty <input checked="" type="checkbox"/> Full

BELTS-HOSES-FILTER-COOLING-WIPERS-LAMPS-BATTERY	
BELTS	<input checked="" type="radio"/> Serpentine <input checked="" type="radio"/> Power Steering
HOSES	<input checked="" type="radio"/> Radiator Hoses <input checked="" type="radio"/> Heater Hoses <input checked="" type="radio"/> Power Steering Hoses <input checked="" type="radio"/> Air Conditioning Hoses
AIR FILTER	<input checked="" type="radio"/>
COOLING SYSTEM	<input checked="" type="radio"/> Mixture/Leaks
WINDSHIELD WIPERS & BLADES	<input checked="" type="radio"/>
LAMPS	<input checked="" type="radio"/> Head Lamps <input checked="" type="radio"/> Tail Lamps <input checked="" type="radio"/> Turn Signal Lamps <input checked="" type="radio"/> Parking Lamps
BATTERY	<input checked="" type="radio"/>

27-POINT VEHICLE CHECKUP (Includes items listed above)

<input checked="" type="radio"/> FRONT BRAKES Left Front <u>14mm</u> Right Front <u>14mm</u>	<input checked="" type="radio"/> REAR BRAKES Left Rear <u>14mm</u> Right Rear <u>14mm</u>
<input checked="" type="radio"/> SHOCKS/STRUTS Front <u>Waking</u> Rear <u>Waking</u>	<input checked="" type="radio"/> STEERING COMPONENTS
<input checked="" type="radio"/> TRANSFER CASE <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> U-JOINTS <input checked="" type="checkbox"/> N/A
<input checked="" type="radio"/> DIFFERENTIAL <input checked="" type="checkbox"/> N/A	<input checked="" type="radio"/> SUSPENSION Front <u>lower ball bushings soft</u> Rear _____
<input checked="" type="radio"/> CV JOINT BOOTS Left Front <input checked="" type="checkbox"/> N/A Right Front <input checked="" type="checkbox"/> N/A	<input checked="" type="radio"/> EXHAUST SYSTEM

NOTE: The Vehicle Checkups do not include any repairs or adjustments which may be necessary or recommended

NOTES: oil gap broken; uneven tire wear - suggest new front tires, alignment
slow speed erratic; recommend recheck

X
Customer Signature

ROLF'S IMPORT AUTO SERVICE FIFE
3151 20TH ST E
FIFE, WA 98424
(253) 248-1080

Sale

Merchant ID: 542929804558849

Term ID: LK907572

07/20/11 Batch#: 000044 Inv #: 000008 17:13:53

VISA Entry Method: S

XXXXXXXXXX

Seq.#: 0008 Appr Code: 02051A

Total: \$ 1,439.97

APPROVED

Customer Copy
STORE CREDIT ONLY

BMW



February, 2012

Recall Campaign No. 11V-438: Lamps in Rear Quarter Panel

Dear BMW Owner:

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

BMW AG has decided that a defect, which relates to motor vehicle safety, exists in certain Model Year 2002-05 3-Series sedans. Our records indicate that you are the owner of a potentially affected vehicle.

We sincerely apologize for any inconvenience this may cause you.

IMPORTANT NOTICE

You should have already received a letter from us alerting you to this issue.

This is a follow-up letter to inform you that parts are now available. Therefore, we ask that you schedule a visit with your authorized BMW center in order to have this repair completed.

DESCRIPTION OF PROBLEM

The issue involves the rear lamps on your vehicle. Specifically, it involves the portion of the lamp in the vehicle's rear quarter panel. Due to material specification and environmental factors, one or more lamp functions (tail, brake, turn-signal) within the rear quarter panel may stop working.

Please note that the other portion of the rear lamp, in the vehicle's trunk lid, is not affected.

Do not leave this problem unattended. Depending on traffic and road conditions and the driver's reactions, this could increase the risk of a crash.

PRECAUTIONS FOR YOUR SAFETY

- 1. CONTACT YOUR AUTHORIZED BMW CENTER IMMEDIATELY TO HAVE THE NECESSARY REPAIR PERFORMED AS SOON AS POSSIBLE.**
- 2. If the vehicle is experiencing this condition, a number of visual and audible warnings are provided. If the condition involves the tail lamp or brake lamp, then a warning symbol is provided in the vehicle's "message center" in the instrument panel. Item 3 below contains an image, from the Owner's Manual, of the warning symbol. If the condition involves the turn signal, then the turn signal symbol in the instrument panel flashes (and sounds) at twice its normal frequency. In addition, each time the vehicle is started, an audible signal is made.**

Company
BMW of North America, LLC

BMW Group Company

Mailing address
PO Box 1227
Westwood, NJ
07675-1227

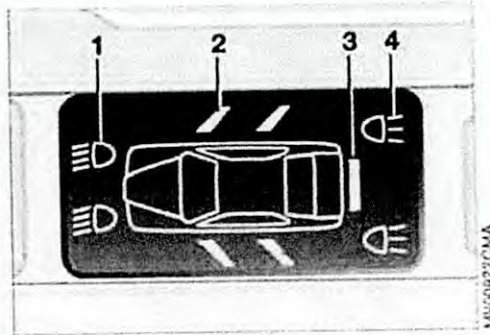
Telephone
(800) 525-7417

Fax
(201) 930-8362

E-mail
customer.relations@
bmwusa.com

Website
bmwusa.com

3. The image below, from the Owner's Manual, depicts the warning symbol (see icon "4") that is displayed in the vehicle's "message center" in the instrument panel if the tail lamp or brake lamp is experiencing this condition.



4. If one of the tail lamp warning symbols appear (4), please drive carefully and cautiously, as the driver of the vehicle behind you may not notice that one of the rear lamps are not working.
5. If this condition is present, and if you feel unsafe, please contact BMW Roadside Assistance at 1-800-332-4269 immediately to have your vehicle brought to the nearest authorized BMW center.
6. BMW recommends that you always wear your safety belt and that all passengers are properly seated and restrained at all times.
7. If you are not the only driver of this vehicle, please advise all other drivers and passengers of this important information.

DESCRIPTION OF REPAIR

An additional electrical ground connection to the circuit of the lamps in the vehicle's rear quarter panel will be installed. The lamps will also be checked for proper functionality. If they are not operating properly, then they will be repaired which could include replacement of the lamp's 8-pin connector housing, if necessary.

The actual repair will require approximately one hour; however additional time may be required depending on the BMW center's scheduling and processing. This work will be performed *free of charge* by your Authorized BMW center.

OTHER INFORMATION

Should you need BMW Roadside Assistance, they can be contacted at 1-800-332-4269.

If you are no longer the owner of this vehicle, we would appreciate your furnishing us with the name and address of the new owner, using the enclosed postage-paid card.

If you are a lessor of this vehicle, Federal Regulations require you to forward this notice to your lessee within ten days.

If you have already had this repair performed at your own expense, please see the attachment regarding possible eligibility for reimbursement.

Should you have any questions about this campaign, please contact your Authorized BMW center.

Again, we sincerely apologize for any inconvenience this may cause you.

We appreciate your confidence in our product, and we wish to do everything we can to retain your confidence. Should you need additional assistance, you may contact BMW Customer Relations and Services at 1-800-525-7417, or via Email at CustomerRelations@bmwusa.com.

If the BMW center is unable to remedy the defect without charge or within a reasonable period of time, you may notify the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590, call the toll-free Vehicle Safety Hotline at 1-888-327-4236 (TTY: 1-800-424-9153), or go to <http://www.safercar.gov>.

BMW OF NORTH AMERICA, LLC

TREAD ACT CUSTOMER REIMBURSEMENT PLAN
(BMW of North America, LLC)

If you have paid for the repair described in the attached letter, and you would like to be considered for reimbursement, please contact your authorized BMW center. Expenses from repair facilities outside of the BMW center network will be considered; however, the procedure must meet BMW standards.

Your authorized BMW center will request a copy of your owner notification letter, as well as, a copy of your previously paid invoice, and then inspect the vehicle (if it is still in your possession) prior to submitting a claim on your behalf to BMW of North America, LLC for reimbursement.

Please note the following:

- Only a repair that is the subject of this safety recall is reimbursable. Consequential expenses such as towing, rental, accommodations, damage repairs, etc will not be reimbursed.
- The Manufacturer's Suggested Retail Price (MSRP) for BMW Genuine Parts will be considered as the guideline for reasonable charges.
- Expenses for repairs performed more than 10 days after the date of the last owner notification letter sent by BMW are not eligible for reimbursement.
- Taxes and hazardous waste disposal, where previously paid, are eligible for reimbursement.

We anticipate that your authorized BMW center will be able to answer any questions that you may have regarding your qualifications for reimbursement of a previous repair. If you qualify for such a reimbursement, they will also be able to advise you of the manner in which you could receive reimbursement.

We recommend that your authorized BMW center be your primary contact on this issue; however, our Customer Relations and Services Department may be contacted at 1-800-831-1117 for any special assistance that you may require.

Alternatively, you may submit your request for reimbursement to the following address:

Customer Relations and Services Department
BMW of North America, LLC
P.O. Box 1227
Westwood, NJ 07675-1227

CUSTOMER #: 125478

283949



BMW Northwest, Inc.

4011 20th Street East
FIFE, WASHINGTON 98424
SERVICE: (253) 922-9330 · FAX: (253) 922-5125
PARTS: (253) 922-9161 · FAX: (253) 896-8915
SALES: (253) 922-8700 · TOLL FREE 1-800-225-2022
email: service.dept@bmwnorthwest.com
www.bmwnorthwest.com

INVOICE

HOURS
7:00 - 5:30 M-F
8:00 - 4:30 SAT
CLOSED SUNDAY

TACOMA, WA

PAGE 1

HOME: [REDACTED] CONT: [REDACTED]
BUS: [REDACTED] CELL: [REDACTED]

SERVICE ADVISOR: 60 JOSHUA ELLIS

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG	
STEEL BLUE	03	BMW 330I	WBAEV53473K [REDACTED]	[REDACTED]	97862/97863	[REDACTED]	
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
13MAR03	DD01JAN03	13MAR2007	11:30 09MAR12		0.00	CASH	09MAR12
R.O. OPENED		READY	OPTIONS: STK:7295B DLR:46038				

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
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A PERFORM CAMPAIGN B63 06 11
CAUSE: RECALL

R ***** CAMPAIGNS *****

49 WP94							(N/C)
1	61-12-9-281-435	REPAIR CABLE:611013					(N/C)
2	12-52-7-519-956	SOCKET HOUSING:12999952					(N/C)
2	12-52-1-433-217	SOCKET CONTACT SLK					(N/C)
	2,8:12999952						(N/C)

97867 PERFORMED RECALL 63.06.11. REPAIRED GROUND WIRES FOR BOTH REAR LAMPS. REPLACED BOTH REAR SOCKET HOUSINGS. ALL LAMPS ARE OPERATIONAL.

B PERFORM MULTI POINT INSPECTION
MPI PERFORM MULTI POINT INSPECTION

49 ISPE							(N/C)
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97867 PERFORMED MPI. ADDED 1QT OF ENGINE OIL. SPARK PLUGS DUE AT 100K.

*Thank You For
Your Business!*

- CASH CHECK VISA / MASTERCARD
 DISCOVER CHARGE on ACCOUNT

STATEMENT OF DISCLAIMER

The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The Seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

CUSTOMER SIGNATURE

DESCRIPTION	TOTALS
LABOR AMOUNT	0.00
PARTS AMOUNT	0.00
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES	0.00
TOTAL CHARGES	0.00
LESS INSURANCE	0.00
SALES TAX	0.00
PLEASE PAY THIS AMOUNT	0.00

April 26, 2012

Customer Relations and Services Department

BMW of North America, LLC

P.O Box 1227



Westwood, NJ 07675-1227

To Whom It May Concern:

I have been a loyal BWM customer and advocate for over 20 years. I had repair work done to my 2003 BMW 330i by an outside facility in July of 2011 on the right rear lamp in addition to other maintenance, but subsequently was sent notice of recall campaign No. 11V-438: Lamps in rear Quarter Panel. I went to BMW Northwest, INC 4011 20th Street East Fife, WA 98424 on March 9, 2012 and had the work inspected as instructed. At the completion of the work, I submitted the paperwork from the BMW recall, including the Tread Act Customer Reimbursement Plan. Initially the manager did not even want to look at it, but subsequently took it and later notified my husband that "some portion of my bill might be reimbursed, but there was no time limit on when that would occur". I feel this was an inadequate response and now after almost 2 months, no refund to my credit card has been documented. I question now whether a claim has ever been submitted, and want to know the status of it. I also request **full reimbursement** for the work I paid for including parts, labor, and tax totaling \$235.00.

I am very concerned about BMW quality standards and it has previously been a driving force for my consideration of owning a BMW. Your response to this matter will be a deciding factor in my loyalty to your brand and my ability to wholeheartedly recommend your product to family and friends in the future. I also note in your paperwork, that "if the BMW center is unable to remedy the defect **without charge** or within a reasonable period of time, I may notify the Administrator, National Highway Safety Administration, 1200 New Jersey Ave, S.E. Washington, DC 20590." I will use all resources available to seek satisfactory resolution to this problem.

Thank you for your prompt response to this matter.


Tacoma, WA 

Customer #125478

TACOMA, WA

CERTIFIED MAIL™



7007 1490 0003 8653 1226



1000

20590

U.S. POSTAGE
PAID
FEDERAL WAY, WA
98023
JUN 22, 12
AMOUNT

\$6.60

00067168-07

**RETURN RECEIPT
REQUESTED**

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

DOT Mailroom

TO: W40- 304

Building: DOT

Mailstop: 4 West

Route Sym: NOA-010

external carrier: Certified

Sender:

Manufacturer:

Purchase Order:

Item 1 of 1



70071490000386531226

6/28/2012 12:13:44 PM