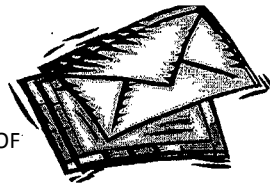


# NHTSA ccmMercury Routing Slip



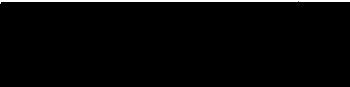
CL-10515254-3571

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

Printed: 4/17/2015

<b>NHTSA #:</b> ES15-001747	<b>Rec'd Date:</b> 4/8/2015	<b>Referred By:</b> NPO-011
<b>XREF #:</b>	<b>Doc Type:</b> GEN	<b>Doc Date:</b> 4/6/2015
<b>Delivery:</b> EML	<b>Address To:</b> NOA010	<b>Due Date:</b>
<b>S10 #:</b>	<b>DOT/I #:</b>	<b>RMP #:</b>
<b>Subject:</b> SUBMISSION FROM [REDACTED] RE FOREST RIVER FACING MORE THAN \$600,00 IN FINES FOR RECALL, SAFETY REPORTING VIOLATIONS		
<b>Ack Date:</b>	<b>Ack By:</b>	<b>Signed For:</b>
<b>Sign Office:</b> ENFORCEMENT	<b>Signature:</b> DANIEL SMITH	<b>Cleared For:</b>
<b>Cleared Date:</b>	<b>Cleared By:</b>	<b>Closed Date:</b> 4/8/2015
<b>File Loc:</b>	<b>XREF File:</b>	
<b>Added By:</b> CBUTLER x60180	<b>Modified By:</b> Chris.Butler	
<b>Most Recent Comment:</b>		

**Author:**



GLEN ALLEN, VA

APR 22 2015

Tel: [REDACTED] Fax: E-mail: [REDACTED]

Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-200	REPLY	4/8/2015		4/8/2015
NVS-010	INFORMATION	4/8/2015		4/8/2015

RE  
4/22/15  
SMD

**Butler, Chris CTR (NHTSA)**

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**From:** Korkor, Julie (NHTSA)  
**Sent:** Tuesday, April 07, 2015 8:07 PM  
**To:** Butler, Chris CTR (NHTSA)  
**Subject:** FW: Attention Dr. Rosekind -- Forest River facing more than \$600,000 in fines for recall, safety reporting violations....See our comments below the article.  
**Attachments:** [REDACTED].pdf

Please control. Thank you.

Julie

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**From:** Public.Affairs, Public.Affairs (NHTSA)  
**Sent:** Monday, April 06, 2015 11:47 AM  
**To:** Korkor, Julie (NHTSA)  
**Subject:** FW: Attention Dr. Rosekind -- Forest River facing more than \$600,000 in fines for recall, safety reporting violations....See our comments below the article.

Please process the email below addressed to Dr. Rosekind.

---

**From:** [REDACTED]  
**Sent:** Monday, April 06, 2015 10:55 AM  
**To:** Public.Affairs, Public.Affairs (NHTSA); [REDACTED]  
[REDACTED]  
**Subject:** Attention Dr. Rosekind -- Forest River facing more than \$600,000 in fines for recall, safety reporting violations....See our comments below the article.

2015 APR 13 PM 6:06  
OFFICE OF  
CHIEF COUNSEL

[REDACTED]  
Glen Allen, VA [REDACTED]  
[REDACTED]

Dear Utility Trailer Safety Advocate:  
Dear Dr. Rosekind:

Maybe we can start on the right side and save lives.

We simply ask NHTSA and the Governor of Pennsylvania why do you do nothing to protect public safety with not only defective R.V.s but defective and unsafe Utility Trailers?

Why does the Utility Trailer Industry get a free pass and my Neighbor who can build one homemade and drive that crap in front of my family?

[REDACTED]  
Even Insurance Companies Hide evidence:

You want the truth? Even the Insurance Companies hide the truth and NHTSA does not go after this company  
Read page 8

[REDACTED]

You had a UPS truck driver destroyed by a loose defective horse trailer on your own toll road:  
and NHTSA did not care? Not even UPS cares...but if a UPS truck Driver his your car every lawyer would  
want your  
case.http://

[REDACTED]

Forest River facing more than \$600,000 in fines for recall, safety reporting violations

Forest River is involved in a dispute with the National Highway Traffic Safety Administration over Forest  
River's handling of records related to product recalls, safety and warranties.

[REDACTED] Posted on Jan. 28, 2015 at 6:30 a.m.

Elkhart-based recreational vehicle maker Forest River Inc., one of the area's largest employers, is embroiled in  
a dispute with federal regulators over its handling of records related to product recalls, safety and warranties.

Following an investigation it opened Sept. 30, the National Highway Traffic Safety Administration found that  
Forest River appeared to have violated its Early Warning Reporting obligations repeatedly.

The federal regulation requires vehicle manufacturers to provide the agency with information regarding claims  
related to any deaths and injuries involving its vehicles, or any information regarding property damage claims,  
warranty claims or consumer complaints, according to records the NHTSA has posted on its website.

Forest River also apparently failed to submit quarterly reports on its progress completing safety recalls, failed to  
comply with other recall-related requirements and might have violated other parts of the Safety Act, the agency  
states on the website.

A vehicle manufacturer can either voluntarily recall a product for a safety reason or be ordered to do so by  
NHTSA. In either case, the manufacturer must file:

- A public report describing the safety-related defect or noncompliance with a federal motor vehicle safety  
standard and the major events that resulted in the recall determination.
- A description of the remedy.
- A schedule for the recall.

NHTSA monitors each safety recall to ensure the manufacturers provide owners safe, free and effective  
remedies according to the Safety Act and Federal regulations, the agency states on the website.

The NHTSA on Oct. 2 ordered Forest River to provide the missing information, covering all makes and models  
from 2009 to the present, by Nov. 1. The company made an attempt but failed to fully answer about one-third of  
the questions, NHTSA's chief counsel O. Kenneth Vincent wrote in a Nov. 19 letter to Forest River Chief  
Corporate Engineer William Conway Jr.

As a result of the answers that Vincent deemed incomplete, the NHTSA demanded Forest River pay a fine of \$7,000 a day from Nov. 2 to Nov. 19, or \$126,000. Carried forward to include the days from Nov. 19 to Tuesday, Jan. 27, that total would have grown to \$616,000.

If the company does not fully respond to the order and pay the fines accrued as of the date it does so, the NHTSA could refer the matter to the U.S. Department of Justice to file suit in federal court, Vincent wrote Conway.

Neither Conway nor any other Forest River officials could be reached for comment Tuesday. But in their reply to the Oct. 2 order, the company said it could not supply the requested information because its software vendor had failed to design and install software that tracked the federally mandated records. Forest River said it only realized it hadn't been filing the information after receiving the order.

The company said it had since terminated its relationship with the software vendor and hired a new one, and that it was creating a new department that will develop and implement a plan to comply with reporting requirements.

But the NHTSA's Vincent wasn't satisfied.

"This is unacceptable," Vincent wrote. "We note that previous to issuing the Special Order to Forest River, staff from NHTSA's Office of Defects Investigation repeatedly informed Forest River that it appeared that Forest River was not meeting its early warning reporting obligations. A purported software malfunction has no bearing on Forest River's ability to provide the information requested by the Special Order."

When contacted by The Elkhart Truth on Tuesday, Jose Ucles, public affairs specialist with NHTSA in Washington, said the agency does not comment on pending investigations. Ucles said he could only point The Truth to the case details provided on the Safer Car website.

Vincent's Nov. 19 letter to Conway is the most recent document posted.

You want the truth? See this page...and then the smoking letter signed by NHTSA....way back in 2002 These documents dont lie....only our Government does.

Also see this defective hitch: Yes everybody this trailer company and hitch company is also in Violation of the law.... And their defective hitches destroys lives.

Did you know a defective hitch caused a trailer to hit an AIRPLANE?

What do you call this? Product? I call it a defective and crappy towing system...So NHTSA why are you going after the RV industry but not the Utility Trailer Companies that product crap like this?

See this defective tire and rim... where are the recalls?  
[REDACTED]

Also see this defective hitch: Yes everybody this trailer company and hitch company is also in Violation of the law... And their defective hitches destroys lives.

Did you know a defective hitch caused a trailer to hit an AIRPLANE?  
[REDACTED]

Explain this RV Industry:  
[REDACTED]

verybody....If NHTSA is going after the RV Industry why not the Utility Trailer Industry that has taken your loved ones lives?

I have an e mail for you.

Its the head of NHSTA and his name is Dr. Roseland and the e mail is [public.affairs@dot.gov](mailto:public.affairs@dot.gov) and simply ask why does NHTSA continue to let our loved ones be taken by these dangerous and homemade trailers?

Vince....I know that the Republicans wants to protect big corporations but when you have Delegate Janus and maybe yourself protecting the RV industry and the Utility Trailer Industry and now we caught them with this....why do we not try to fix the problem

Yes The R.V. industry has hid recalls and have caused countless deaths and so has the Utility Trailer Companies with the help of Delegate Janus through his voting record. We are going to continue to name the names who have forsaken our cause.  
[REDACTED]



U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

1215 New Jersey Avenue SE  
Washington, DC 20590

**OFFER OF COMPROMISE  
NOT ADMISSIBLE  
FED. R. EVID. 408**

November 19, 2014

**VIA E-MAIL & U.S. MAIL**

William Conway, Jr.  
Chief Corporate Engineer  
Forest River, Inc.  
55470 Country Road 1  
P.O. Box 3030  
Elkhart, IN 46515-3030

Re: Failure to Fully Respond to Special Order in NHTSA's Audit Query [REDACTED] of  
Forest River, Inc's EWR Reporting, Recall Notification, Recall Reporting, and  
Compliance with VIN Requirements

Dear Mr. Conway:

On October 2, 2014, the U.S. Secretary of Transportation, pursuant to a delegation of authority to the Chief Counsel of the National Highway Traffic Safety Administration ("NHTSA") directed a Special Order to Forest River, Inc. ("Forest River") in connection with the above listed Agency investigation regarding Forest River's apparent violation of its early warning reporting obligations pursuant to 49 U.S.C. § 30166(m) and 49 C.F.R. Part 579, its obligations under 49 U.S.C. § 30118 to notify owners, purchasers and dealers, and its obligations to file quarterly reports pursuant to 49 C.F.R. Part 573 after Forest River determined that there was a safety-related defect in vehicles. Forest River's response to that Special Order was due by November 1, 2014. Forest River has not fully responded and therefore is in violation of the Special Order. As stated in the Special Order, failure to respond fully or truthfully to the Special Order is subject to a civil penalty of up to \$7,000 per day. See 49 U.S.C. § 30165(a)(3); 49 C.F.R. § 578.6(a)(3).

Forest River did not fully respond, including by failing to produce documents as required, to over a third of the requests in the Special Order by the November 1 deadline. The Special Order specifically instructed: "You are required to respond to every request listed in this Special Order." On October 31, 2014, your legal counsel acknowledged that Forest River had not fully responded to the Special Order in a cover letter included with your response. The cover letter explained that Forest River did not know that it was not meeting its early warning reporting obligations until it received the Special Order from NHTSA and claimed that many of the documents requested by NHTSA were unavailable because of problems with the software that Forest River procured to compile early warning reports. This is unacceptable. We note that

★★★★★  
**NHTSA**  
www.nhtsa.gov

previous to issuing the Special Order to Forest River, staff from NHTSA's Office of Defects Investigation repeatedly informed Forest River that it appeared that Forest River was not meeting its early warning reporting obligations. A purported software malfunction has no bearing on Forest River's ability to provide the information requested by the Special Order. Forest River also offers no explanation for why it does not have available the documents sought by the Special Order. Forest River also has not provided any written responses or produced any documents that would allow NHTSA to assess whether Forest River's alleged belief that it was fulfilling its early warning reporting obligations pursuant to 49 C.F.R. Part 579 was reasonable.

Forest River supplemented its response to the Special Order on November 7, 2014, by producing documents that appear to be responsive to Special Order Requests 3a and 3b and failed to indicate whether this production completed Forest River's response to these Requests. It did not. Forest River still has not provided any responses to Requests 3c and 3d. Forest River also has not provided any documents in response to Request 5.

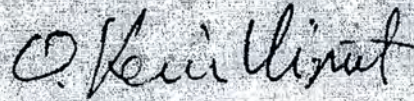
Several of Forest River's written responses to the Special Order also remain incomplete. For example, in response to Request 9, which asks Forest River to describe in *detail* its process for collecting notices, bulletins, and other communications sent to more than one manufacturer, distributor, dealer, lessor, lessee, owner, or purchaser, Forest River states "[e]ach division maintains an internal document management system where documents described in 49 C.F.R. § 597.5 are stored." This response is wholly inadequate. Forest River also failed to provide responsive answers to Requests 4 and 7, which sought information about Forest River's process for determining whether certain information needed to be reported to NHTSA pursuant to 49 C.F.R. Part 579. These are just some examples of the requests to which Forest River failed to respond as of the November 1 deadline and to which Forest River still has failed to provide a substantive response.

Forest River still has failed to fully respond to the Special Order. NHTSA now hereby demands a civil penalty of \$126,000, the statutory maximum of \$7,000 a day for each day following the November 1 deadline in which Forest River failed to fully respond. This penalty demand will continue to accrue by an additional \$7,000 for each additional day in which NHTSA does not receive a complete response. To be clear, a complete response by Forest River means Forest River fully and substantively answers all questions and produces all responsive documents.

If Forest River does not fully respond to the Special Order immediately and pay all civil penalties accrued as of the date on which it does so, NHTSA may refer this matter to the U.S. Department of Justice to commence a civil action in Federal court to compel Forest River to fully respond to the Special Order and for civil penalties. *See* 49 U.S.C. §§ 30163(a)(1); 30166(h).

I look forward to your immediate compliance.

Sincerely,



O. Kevin Vincent  
Chief Counsel

cc: Michael C. Terrell  
Taft Stettinius & Hollister LLP  
One Indiana Square  
Suite 3500  
Indianapolis, Indiana 46204