

February 18, 2014

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

National Highway Traffic Safety Administration (NHTSA)  
1200 New Jersey Ave. S.E. West Bldg.  
Washington, D.C. 20590

FEB 26 2014

Honorable Administrator:

Please accept my alert of a dishonest/scammer NXCESS MOTORCARS, 5722 S.W. Freeway, Houston, TX 77057, that deals cars on ebay without regard for citizen/highway safety.

Their salesman, Jacek Walasek, and his superior, Juan Carlos Paramo, claim all cars sold in Texas are sold "as is," ignoring disclosure of hazardous safety defects.

In August 2012, I purchased a 2001 BMW Z3 on ebay from Mr. Walasek and Mr. Paramo, informing them that I was purchasing this vehicle based on their appraisal and answers to my questions, a CarFax report presented by them, and a description covered in their ebay ad.

I had the car shipped to Palm Desert, CA in mid-October 2012. We arrived in Palm Desert mid-November, 2012, and took the vehicle to Palm Springs BMW for evaluation. They gave me the following evaluation:

1. Tires are over 10 years old. Tires over 5 years old are considered a safety hazard and cannot be sold.
2. Several lights were inoperable. Both fog lights and left parking and turning lights did not work. Another safety hazard.
3. Driver's seat slides forward when stopping causing driver to unexpectedly step on accelerator in traffic. Another safety hazard.
4. Crack in front of dashboard causes annoying movement. Another safety hazard.
5. Seat belt guide on driver's seat is broken in half, preventing seat belt from deploying properly. Another safety hazard.
6. Rear window was scratched and faded to zero visibility. Another safety hazard.
7. Main speaker in Harmon/Kardon sub woofer was shot, giving off a loud distracting scratching blast. Another safety hazard.

In addition, a manifold hose required replacement because it leaked, keys had to be programmed to unlock doors and trunk, an a CD changer specified in the owner's manual was missing.

Late December, 2012, I contacted Mr. Paramo and asked to return the car or if NXCESS would at least pay for the safety defects, an obligation that California dealers accept and cover. Again, I was told "no" and Texas cars are sold "as is."

I understand "Buyer Beware" and "As Is," but car dealers should be required to describe what "as is" includes, especially when hazardous safety defects are concealed.

ebay advised me that it is too late to file a claim through the ebay buyer protection plan. So I seek your opinion and advice. To correct the hazardous defects so far has cost me over \$3,000.00 and there is still more to fix before I can drive the car and feel safe.

Respectfully yours,

Palm Desert, CA

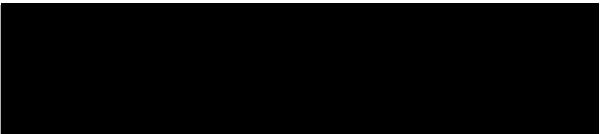
Phone:

cc: NXCESS MOTORCARS, Attn: Owner or General Mgr., 5722 S.W. Freeway, Houston, TX 77057

cc: State of Texas, Office of the Attorney General, Consumer Protection Div., P.O. Box 12548, Austin, TX 78711-2548

cc: ebay Inc., Attn: Corporate Counsel, 2145 Hamilton Ave., San Jose, CA 95125

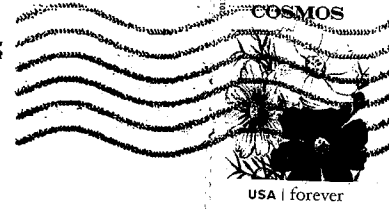
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NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
1200 NEW JERSEY AVE S.E.  
WEST BLDG.  
WASHINGTON, D.C. 20590

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