

CL-10630802-7239



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

August 8, 2014

DIVISION OF REGIONAL OFFICES
NASSAU REGIONAL OFFICE

[REDACTED]

Long Beach, NY [REDACTED]

Our File Number: 2014-1182338
Company: BMW

AUG 20 2014

Dear [REDACTED]

On behalf of Attorney General Eric T. Schneiderman, 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,

A handwritten signature in cursive script, appearing to read "Adam Levin".

Adam Levin
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

NM
9314
SMD



ATTORNEY GENERAL ERIC T. SCHNEIDERMAN
STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
BUREAU OF CONSUMER FRAUDS AND PROTECTION
 200 Old Country Road, Suite 240
 Mineola, NY 11501-4239
 Tel. (516) 248-3301 Fax (516) 747-6432

COMPLAINT FORM
 Consumer Hotline For Hearing Impaired
 1-800-771-7745 1-800-455-9898
<http://www.atny.gov>
 JUN 8 2011
 ATTORNEY GENERAL OFFICE
 STATE OF NEW YORK

1. PLEASE BE SURE TO COMPLAIN TO THE COMPANY OR INDIVIDUAL BEFORE FILING.
2. PLEASE TYPE OR PRINT CLEARLY IN DARK INK.
3. YOU MUST COMPLETE THE ENTIRE FORM. INCOMPLETE OR UNCLEAR FORMS WILL BE REJECTED.
4. MAKE SURE YOU ENCLOSE COPIES OF IMPORTANT PAPERS CONCERNING YOUR TRANSACTION.

CONSUMER		
YOUR NAME		HOME TELEPHONE NUMBER
STREET ADDRESS		
CITY/TOWN	COUNTY	STATE ZIP
COMPLAINT		
NAME OF SELLER OR PROVIDER OF SERVICES		NAME OF OTHER SELLER OR PROVIDER OF SERVICES
STREET ADDRESS		STREET ADDRESS
CITY/TOWN	STATE ZIP	CITY/TOWN STATE ZIP
TELEPHONE NUMBER		TELEPHONE NUMBER
DATE OF TRANSACTION	COST OF PRODUCT OR SERVICE	HOW PAID (Check those which apply)
	\$	<input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Other
DID YOU SIGN A CONTRACT?	WHERE DID YOU SIGN THE CONTRACT?	DATE SIGNED
<input type="checkbox"/> Yes <input type="checkbox"/> No		
WAS PRODUCT OR SERVICE ADVERTISED?	WHERE WAS IT ADVERTISED?	DATE ADVERTISED
<input type="checkbox"/> Yes <input type="checkbox"/> No		
TYPE OF COMPLAINT (e.g. car, mail order, etc. Use the reverse side of this form to provide details)		
DATE YOU COMPLAINED TO THE COMPANY OR INDIVIDUAL	PERSON CONTACTED	JOB TITLE
<input type="checkbox"/> By Mail <input type="checkbox"/> By Telephone <input type="checkbox"/> In Person		
NATURE OF RESPONSE		DATE OF RESPONSE
HAS MATTER BEEN SUBMITTED TO ANOTHER AGENCY OR ATTORNEY? (If "Yes," give name and address)		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
IS COURT ACTION PENDING? (Please describe as necessary)		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
ADDITIONAL INFORMATION		
MANUFACTURER OF PRODUCT		PRODUCT MODEL OR SERIAL NUMBER
ADDRESS		WARRANTY EXPIRATION DATE
DID BUSINESS ARRANGE FINANCING? (If "Yes," give name and address of bank or finance company)		
<input type="checkbox"/> Yes <input type="checkbox"/> No		

PLEASE DESCRIBE COMPLAINT ON REVERSE SIDE

BRIEFLY DESCRIBE YOUR COMPLAINT

See Enclosed

WHAT FORM OF RELIEF ARE YOU SEEKING? (e.g., exchange, repair or money back, etc.)

no personally

do not want anything, just write up

WHO REFERRED YOU TO THIS OFFICE?

my wife [redacted] J.D., Ph.D. is

a former ATF - Consumer Fraud unit Suffolk city under

Robert Atkinson

READ THE FOLLOWING BEFORE SIGNING BELOW

PLEASE ATTACH TO THIS FORM PHOTOCOPIES of any papers involved (contracts, warranties, bills received, canceled checks, correspondence, etc.). DO NOT SEND ORIGINALS.

NOTE: In order to resolve your complaint, we may send a copy of this form to the person or firm about whom you are complaining.

In filing this complaint, I understand that the Attorney General is not my private attorney, but represents the public in enforcing laws designed to protect the public from misleading or unlawful business practices. I also understand that if I have any questions concerning my legal rights or responsibilities, I should contact a private attorney. I have no objection to the contents of this complaint being forwarded to the business or person the complaint is directed against. The above complaint is true and accurate to the best of my knowledge.

I also understand that any false statements made in this complaint are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.

Signature:

[redacted signature]

Date:

2/18/2014

HAVE YOU ENCLOSED COPIES OF IMPORTANT PAPERS?

Return to:

Office of the Attorney General
Bureau of Consumer Frauds and Protection
Nassau Regional Office
200 Old Country Road, Suite 240
Mineola, NY 11501-4239

[REDACTED]
Long Beach, New York
[REDACTED]

7/20/2014

To whom it may concern,

The enclosed article describes what happened to me. My sunroof exploded on the highway. The sunroof shade was closed preventing shards from flooding into the car. It sounded like a literal explosion. There were no cars around me at the time nor was there anything overhead.

My insurance company has replaced the sunroof and is in the process of assessing damage to the roof caused by the flying shards of glass, which they will pay for as well. The dealership says it not a warranty matter.

BMWUSA- the corporate office has effectively disowned any responsibility. They did not respond to my email. All discussions we conducted by phone to no avail.

I am turning to the AG because I do believe that this is in fact a defect in the car and that BMW should take ownership as they have evidently done for other people who have had their sunroofs blow up. People can easily be killed. I do not want anything personally. It would be nice for BMW to reimburse my insurance company and actually honor it as a warranty issue. This would help others who have this problem in the future.

Thank you for your time and consideration,
[REDACTED]



BMW tries to blame shattered sunroof on rock, UC professor says otherwise | abc7news.com

Sun, Jul 13, 2014 at 11:21 PM

<http://abc7news.com/archive/8026317/>

UC PROFESSOR SOLVES SHATTERED SUNROOF PROBLEM

A San Jose woman had a frightening experience when her sunroof suddenly shattered above her head while she was driving. [REDACTED] asked BMW to cover her sunroof under warranty but the carmaker refused. That's when 7 On Your Side got involved.

[REDACTED] vividly remembers what happened that early Saturday morning. She says she was driving northbound on Highway 101 just past Sunnyvale when she heard a loud bang.

"It was like a little mini-explosion going right above your head and then you think, 'Oh my God, what just happened,'" [REDACTED] said.

The explosion left a huge hole in her sunroof. Only the jagged edges remain.

"I looked around, looked through my rear view mirror saw that all my windows were intact, nothing had shattered so I pulled back the cover of my sunroof and shattered glass started falling on me," [REDACTED] said.

[REDACTED] brought her new 2010 328i into Stevens Creek BMW in Santa Clara for inspection. The service manager wrote in an email to BMW corporate saying, "The shop foreman found no signs of impact damage. The client is requesting this to be repaired under warranty."

An hour later, BMW replied saying, "I have picked up more rocks in the last three months and this is not a product issue. She will need to contact her insurance company."

"He should have requested for pictures, he should have said, he'll send somebody out to inspect it, that

was it, in 3 minutes he said it was a rock issue, how would he know," [REDACTED] said.

[REDACTED] searched the internet and found that car owners of various makes reported their sunroofs also suddenly shattered.

7 On Your Side talked to Stevens Creek BMW. Officials there declined to go on camera, but said a rock likely hit the window and bounced back on the road.

7 On Your Side then discussed this incident with Tarek Zohdi, a professor of mechanical engineering at UC Berkeley. He calculated a rock lofted into the air by a vehicle tire would reach a height of 10-15 feet and would have to come down at 70-80 miles an hour to break the sunroof.

"There is not a chance in the world that an unintentional rock that is lofted by a vehicle would ever break a sunroof panel," Zohdi said.

Zohdi says the maximum velocity of a rock coming down would be 25 miles an hour, well short of the needed 70 miles an hour. He said it is more likely the sunroof broke due to the stress caused by changes in temperatures or from fatigue.

"In both cases I would say in my opinion the car manufacturer has the problem; basically it's a manufacturer's defect," Zohdi said.

7 On Your Side called BMW corporate. It agreed to replace the sunroof free of charge even before we informed it of the professor's finding.

[REDACTED] is happy and so is BMW, saying, "We're pleased that everything has been resolved with [REDACTED] and that she's happy with the way things went with her car."

Tarek says it is possible a rock could break a windshield with a direct hit, but the same scenario is not true for a sunroof since the rock would have to be first lofted into the air.



CUSTOMER #: 3685105

764894

Hassel BMW of Freeport

BMW • MINI

INVOICE

HASSEL BMW / MINI

Service and Parts

100 Cleveland Ave. • Freeport, NY 11520
Tel (516) 668-4554 Fax (516) 378-2888

Visit us at our website: www.hassel.com
N.Y.S. REG. REPAIR SHOP LIC. NO. 7103746

NORTHPORT, NY

PAGE 1

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

SERVICE ADVISOR: 367 STEPHEN JANICEK

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG	
	11	BMW 335XI	WBAPL5G55BN		25633/25633	951753	
DEL DATE	PROD DATE	WARR EXP	PROMISED	PO NO	RATE	PAYMENT	INV DATE
17DEC11 DD			18:00 12JUL14		161.00	CASH	12JUL14
R.O. OPENED	READY	OPTIONS: DLR:28629 ENG:3.0_Liter					
08:27 12JUL14	08:34 12JUL14						

LINE OPCODE TECH TYPE HOURS LIST NET TOTAL

A CUSTOMER STATES THAT THEIR SUNROOF BROKE WHILE DRIVING
DECLINE WORK DECLINED

999 IPSE

(N/C)

25633 FOUND SUNROOF GLASS BROKE VEHICLE NEEDS A NEW SUNROOF GLASS
REMOVE AND CLEAN ALL BROKEN GLASS FROM SUN ROOF GUIDES ADJUST NEW
SUNROOF GLASS AND REINITIALIZE GLASS/MOTOR CUSTOMER WAS ADVISED TO CALL
THEIR INSURANCE COMPANY THAT THIS WAS NOT A WARRANTY MATTER CUSTOMER
DECLINED TO HAVE GLASS REPLACED AND TO LEAVE VEHICLE

THANK YOU FOR CHOOSING HASSEL BMW&MINI

PLEASE CONTACT OUR SERVICE MANAGER IF YOUR
SERVICE EXPERIENCE WAS LESS THAN EXCEPTIONAL
WE TRULY VALUE YOUR BUSINESS

SERVICE MANAGER-STEPHEN JANICEK

SERVICE DIRECTOR-JON GUIDI

SJANI@HKL2@HASSEL.COM OR JGUIDI@HASSEL.COM

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BMW • MINI

*6-20
B-20*

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
DISCOUNTS/DEDUCTIBLES	0.00
SALES TAX	0.00
PLEASE PAY THIS AMOUNT	0.00

ON BEHALF OF SERVICING DEALER, I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREON IS ACCURATE UNLESS OTHERWISE SHOWN. SERVICES DESCRIBED WERE PERFORMED AT NO CHARGE TO OWNER. THERE WAS NO INDICATION FROM THE APPEARANCE OF THE VEHICLE OR OTHERWISE, THAT ANY PART REPAIRED OR REPLACED UNDER THIS CLAIM HAD BEEN CONNECTED IN ANY WAY WITH ANY ACCIDENT, NEGLIGENCE OR MISUSE. RECORDS SUPPORTING THIS CLAIM ARE AVAILABLE FOR (1) YEAR FROM THE DATE OF PAYMENT NOTIFICATION AT THE SERVICING DEALER FOR INSPECTION BY MANUFACTURER'S REPRESENTATIVE.

(SIGNED) DEALER, GENERAL MANAGER OR AUTHORIZED PERSON (DATE)

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

Sunroof Express, Inc. Contact: MATTHEW STODDART Phone: (800) 322-8867 Ext. 106. Fax: (206) 424-0808

7/11/2014 3:00:51 PM

Assigned Shop: SURF GLASS CORP.
457 LONG BEACH BLVD.
LONG BEACH, NY 11561

Phone: (516) 431-5220
Fax: (516) 431-5654
Contact: EILEEN/HAROLD

REFERRAL/AUTHORIZATION
416161

Customer: [REDACTED] Home: [REDACTED] Work: [REDACTED]
LONG BEACH, NY [REDACTED]

DEDUCTIBLE: \$ 0.00

Vehicle: 2011 BMW 335I 4DR SDN
VIN: WBAPL5G55BN [REDACTED] Type of Loss: Sunroof Replacement

SPECIAL INSTRUCTIONS:

YOUR ESTIMATE HAS BEEN APPROVED FOR \$ 910.99. FOLLOWING THE COMPLETION OF THE INSTALL, PLEASE HAVE THE INSURED SIGN THE BOTTOM OF THIS FORM AND FAX IT BACK TO SUNROOF EXPRESS @ (206) 424-0808 ALONG WITH YOUR \$ 910.99 INVOICE AND THE COMPLETED VEHICLE INSPECTION CHECKLIST. PLEASE INCLUDE YOUR TAX ID # ON YOUR INVOICE. THANK YOU.

APPROVED INVOICE CHARGE

\$ 910.99

ANY ADDITIONAL PARTS, LABOR OR CHANGE OF WORK TO BE PERFORMED MUST BE AUTHORIZED BY SUNROOF EXPRESS, INC. BEFORE DOING THE WORK.
Call Sunroof Express, Inc., at (800) 322-8867 Ext. 106. for Authorization

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BILLING INSTRUCTIONS:

Mail or fax this signed form with inspection sheet and invoice to Sunroof Express, Inc.
Do not include sales tax on your invoice

This is a sale to Sunroof Express, Inc. c/o Detroit Int'l Sales Corp. for resale to the customer
You will need our state tax I. D. number: 71-088-1978

Fax Invoice: (206) 424-0808

Mail Invoice: Sunroof Express, Inc. / Accounts Payable / 2898 American Dr. / Troy, MI 48063

PAYMENT AUTHORIZATION

Customer acknowledges receipt of the replacement sunroof, T-top, convertible rear curtain (backglass) or full convertible top and all services were performed to their complete satisfaction. The customer authorizes their insurance, fleet, or leasing company to pay the billing party directly for this claim. The customer understands they are responsible for payment of the above deductible to Sunroof Express, Inc. as claims facilitator for the billing party and for any other costs not covered by the customer's insurance, fleet or leasing company. Assigned Shop shall indemnify and hold Sunroof Express, Inc. harmless from any claims, costs, and expenses that may be incurred by or asserted against it by any other party alleging damage claims of any kind that arise out of or are related with the work generated by this Shop

The State of New York
Office of the Attorney General
Nassau Regional Office
200 Old Country Road, Suite 240
Mineola, NY 11501-4239



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ADMINISTRATION
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WASHINGTON, DC 20590