



NEW MOTOR VEHICLE BOARD

1507 21ST Street, Suite 330, Sacramento, California 95811

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Edmund G. Brown Jr., Governor
State of California

Brian P. Kelly, Secretary
California State Transportation Agency

Glenn E. Stevens, President • Victoria R. Rusnak, Vice-President

Ramon Alvarez C. • Anthony A. Batarse Jr. • Ryan L. Brooks • Kathryn E. Doi • Rahim Hassanally • David C. Lizárraga • Bismarck Obando

August 29, 2014

CL-10636876-7534

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

National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
West Building
Washington, DC 20590

SEP - 2 2014

Case # C-0080-2015

Enclosed please find a copy of the complaint I received from [REDACTED] concerning
Harley-Davidson, Inc..

I'm referring the complaint to you since the facts appear to raise a matter within your
jurisdiction. I'm continuing my mediation efforts on behalf of the complainant and have
suggested that the complainant contact you for additional assistance.

Sincerely,

Jackie Grassinger
Mediator

Enclosure

NAM
91614
SMD

State of California *Edmund G. Brown Jr.*,
Governor

Business, Transportation and Housing Agency *Brian P. Kelly*, Acting
Secretary

NEW MOTOR VEHICLE BOARD

Consumer Mediation Services Program

1507 21st Street, Suite 330

Sacramento, California 95811

Office: (916)445-1888, Fax:323-1631

nmvbmediation@nmvb.ca.gov

<http://www.nmvb.ca.gov>



Mediation Request Form

Case #:

Assigned To:

First Name: [REDACTED]	MI: [REDACTED]	Last Name: [REDACTED]
Address: [REDACTED]		
City: San Diego	State: California	Zip Code: [REDACTED]
Phone: [REDACTED] (Best number to contact you between 8:00 AM and 5:00 PM.)		
Email: [REDACTED]		
How you heard about us: Consumer Affairs		
Please fill out all sections completely.		
Selling Dealer	Servicing Dealer	Manufacturer/Distributor
Name: San Diego Harley Davidson	Name: El Cajon Harley Davidson	Name: Harley Davidson
Address: 5600 Kearney Mesa Road	Address: 621 El Cajon Blvd	Address:
City: San Diego	City: El Cajon	City: Milwaukee
State: California Zip: 92111	State: California Zip: 92020	State: Wisconsin Zip:
Telephone: 619-233-6677	Telephone: 619-444-1123	Telephone:
Vehicle(make): Harley	Model: Ultra Classic	Year: 2009

Davidson		
Date of Purchase/Lease: 11/29/2008	Vehicle License#: [REDACTED]	Current Mileage: 35647
This was a: Purchase	Mileage at Purchase/Lease: 2	Vehicle I.D. NO.: 1HD1FC4349Y [REDACTED]
The vehicle was: New	Type of Warranty on Vehicle: Manufacturer	
Have you given written notice of defects to manufacturer? Yes Has manufacturer (or designated agent) attempted repairs? Yes If yes, list repair dates: 3/28/11, 5/2/2013, 5/14/2013, 7/18/2013, 8/19/2014		
IMPORTANT NOTICE: I voluntarily consent to the New Motor Vehicle Board's release of personal information contained in this form to the dealer(s), manufacturer, distributor, or other parties named herein for the purposes of mediating this dispute and until such time as the complaint is resolved or I withdraw my consent. Section 20 and 3000 of the California Vehicle Code make it unlawful to use a false or fictitious name or knowingly make false statements or knowingly conceal any material fact in any document filed with the New Motor Vehicle Board.		
Basis Of Complaint		
Engine		
Details Of Complaint Explain your complaint. Summary: I upgraded my 2006 Ultra Classic with purchase of new 2009 Ultra Classic with advertised 100+ new improvements, thus expecting advanced engineering with improvements only to find out the compensator sprocket on 2009 engine was defective by design causing Harley Davidson to make available a third redesigned compensator in 2014. Whereas: Starting was issue since delivery. Finally at 11900 miles the engine starter was destroyed. Harley Davidson El Cajon dealership fixed damage to starter and ring gear under warranty. Harley Davidson Factory agreed to replace starter and clutch basket charging me for warranty claim fee of \$85. After HD replacing battery, starter, and clutch basket assembly the starter problem still existed. Then on 5/02/2013, starter issue continued so El Cajon Harley Davidson Service replaced starter ring gear/clutch basket assembly as it had been damaged prior from starter but not replaced at time of starter replacement. Harley Factory agreed to replace parts but I was to pay labor which was completed with my cost \$227.29 with mileage 27824. Then on 5/14/2013 starter issue continued with realization of new parts did not fix the problem. I met with El Cajon Service Manager Ron Gunderson informed me the compensator as causing		

damage to the starter and starter ring gear designed as part of the clutch basket. Harley Davidson denied warranty coverage forcing me to pay for compensator. IT FIXED THE PROBLEM BUT ONLY TEMPORARILY THAT EXISTED SINCE NEW! On 6/04/2013 I contacted Meegan at Harley Davidson Factory warranty customer service and was successful in getting reimbursed for the expense as they had paid for replacement of damaged parts caused by defective compensator but not paid to fix the problem that caused the damage, the compensator. I was persistent in requesting replacement of bad compositor causing the damage done while under warranty to the starter and clutch basket at which time Harley agreed to replace compensator sprocket by I had to pay labor costs of \$89.55 warranty repair order #2069948 mileage 28028. Then about 3/14 the starter issue reappeared infrequently and continued to worsen when finally it worsened to become a problem on 50% of engine starts at 2000 miles. On 08/19/2014 I returned to El Cajon Harley Davidson with the problem and was told the compensator was again defective and Harley had redesigned the compensator sprocket again because this was an issue for that engine and model. We called Harley Davidson and reopened warranty claim # 2069948 and 2039450, and was told they were no longer going to cover the costs to replace the compensator even though it has been redesigned in hopes to fix the defective design of prior part. Whereas: On 8/19/2014 I paid to replace the second defective compensator with yet another third new designed compensator with hopes this will be the final repair that only time holds the answer. Harley Davidson Factory Customer service told El Cajon Harley and myself they would no longer warranty. It was tuff luck now the expense from design problem is yours. Therefore: It was upon suggestion of El Cajon Harley that I replace the compensator sprocket, primary chain attached to it, along with the tension adjuster since this all works together and in concert when starting and to alleviate and possible future starter problem. This was done on 8/19/14 at a cost to me of \$823.16 at mileage record of 35638. In Summary: Harley Davidson Factory utilized a defective compensator design that can destroy starters and clutch basket ring gears on the 2009 Ultra Classic. Therefore: Now in 2014 Harley Davidson utilizes a third redesign of a new part with changes in attempts to fix the problem and is not recalling or warranting their prior defective part. This engine starting issue has had four temporary repairs starting with first one under warrant of just 11900 miles. The last compensator sprocket needed to be replaced with just 5000-7000 miles. Therefore: I claim under CA Lemon Law rights, continued problem repair fixes, and an expectation of the quality engineering advertised a continued warranty of compensator sprocket, clutch basket, and starter assembly. I expect on-going continued warranty of the compensator, clutch basket, and starter parts. I also request Harley Davidson reimburse me for all expenses charged me to date from this manufacturers defective designed compensator. 3/11/2011 = \$85 El Cajon repair order # 508874 5/02/2013 = \$229.85, El Cajon repair order # 68787 8/19/2014 = \$823.16, El Cajon Repair order # 20877 Total = \$1138.01

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Fax Transmittal

to: National Highway Traffic Safety Administration

fax: 202-366-3171

from: Jackie Grassinger

date: August 29, 2014

re: [REDACTED]
C-0080-2015

pages: 5, including cover sheet.