

INFORMATION Redacted PURSUANT TO THE FREEDOM OF



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

Vehicle Owner's Questionnaire
To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET: www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 100148

Date Received
25-JUN-2015

Repository
Reference No.
10730304

OWNER INFORMATION (Type or Print)

Name [REDACTED]
Address [REDACTED]
City FAIR HAVEN State NJ Zip Code [REDACTED]

Daytime Telephone Number [REDACTED]
Evening Telephone Number [REDACTED]

E-mail Address [REDACTED]

The information you provide will be used to identify potential safety-related defects. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 49 FR 53971 (Sep. 3, 2004).

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side
WBAHN83527D [REDACTED]

Make BMW Model 750LI Model Year 2007

Date Purchased Dealer's Name and Telephone Number Engine: No: Cylinders Fuel Type:

Original Owner Dealer's City State Zip Code

Transmission Type Antilock Brakes Cruise Control Powertrain Multiple Failure: Incident Date(s) 24-JUN-2015

FAILED COMPONENT(S)/PART(S) INFORMATION

Vehicle Component Codes: 162000 STRUCTURE: BODY, 171100 LATCHES/LOCKS/LINKAGES: DOORS: LATCH Failure Mileage 70000 Failure Speed 15

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make Tire Model (Name or Number) Tire Size (Example P215/65R15)

DOT No. (Example: DOTMAL9ABC036) Original Equipment Prior Repair Failure Location:

Tire Component Code Tire Failure Type:

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make: Date Manufactured: Model No./Name:

Seat Type: Installation System:

Child Seat Component Code: Failed Part:

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the incident(s), Failure(s), Crash(es), and injury(ies).)

Crash Yes No Fire Yes No Number of Persons Injured 0 Number of Deaths 0 Reported to Police N

Narrative Description of Incident(S), Crash(es), and Injury(ies).
Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e., parts repaired or replaced (and if old part is available).

TL* THE CONTACT OWNS A 2007 BMW 750LI. WHILE DRIVING APPROXIMATELY 15 MPH AND MAKING A RIGHT TURN, THE FRONT DRIVER SIDE DOOR SUDDENLY OPENED. WHILE INSPECTING THE VEHICLE, THE CONTACT DISCOVERED THAT THE DOOR COULD NOT BE CLOSED AND SECURED. THE CAUSE OF THE FAILURE WAS NOT DIAGNOSED. THE MANUFACTURER WAS NOTIFIED OF THE FAILURE. THE CONTACT WAS INFORMED THAT A SOFTWARE UPDATE FOR NHTSA CAMPAIGN NUMBER: 12V504000 (LATCHES/LOCKS/LINKAGES) WAS PREVIOUSLY PERFORMED ON THE VEHICLE TO PREVENT THE FAILURE FROM OCCURRING. NO FURTHER INFORMATION WAS AVAILABLE. THE FAILURE MILEAGE WAS 70,000.

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF NECESSARY

The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

From: [Abbew, Margaret CTR \(NHTSA\)](#)
To: [Fogle, Brenda CTR \(NHTSA\)](#)
Subject: FW: NHTSA: Follow up to ODI Complaint: ---10730304-----
Date: Monday, July 27, 2015 11:44:17 AM
Attachments: [10730304 copy.pdf](#)
[BMW NA.pdf](#)
[bmw.pdf](#)
[Circle BMW estimate for repair.pdf](#)
[Circle BMW.pdf](#)
[Circle BMW2.pdf](#)
[Circle BMW3.pdf](#)
[EVOQ_EMAIL_RESPONSE.doc](#)
[10730304.pdf](#)

Sent: Monday, July 27, 2015 10:13 AM

Subject: FW: NHTSA: Follow up to ODI Complaint: ---10730304-----

From: [REDACTED]
Sent: Saturday, July 25, 2015 6:32 AM
To: DataQuality, DataQuality (NHTSA)
Subject: Fwd: NHTSA: Follow up to ODI Complaint: ---10730304-----

Hi -

Attached is the completed form and associated emails with BMW of NA and Circle BMW regarding this defect. This is a dangerous situation for anyone who owns this vehicle. Anyone can be ejected from the car without warning.

Thanks,
[REDACTED]

Begin forwarded message:

From: <EVOQ@dot.gov>
Subject: FW: FW: NHTSA: Follow up to ODI Complaint: ---10730304-----
Date: July 24, 2015 at 3:20:41 PM EDT
To: <[REDACTED]>

Please see the attached copy of your recent complaint and instructions. Please make any necessary edits and return via email to dataquality@dot.gov or fax to (202) 366-1767. Due to the volume of complaints we receive and our limited resources, we cannot respond to every complaint.
NHTSA/Office of Defects Investigation

From: [REDACTED]
Subject: Re: info
Date: July 21, 2015 at 11:59 AM
To: Aileen.Flynn@bmwnaext.com

Hi Aileen

Noted with thanks. Did they tell you when it would be ready?

They told me that the parts are delayed. Can you help to expedite?

Please advise,

[REDACTED]

On Tuesday, July 21, 2015, <Aileen.Flynn@bmwnaext.com> wrote:

[REDACTED]

My sincerest apologies. I just contact Circle BMW in light of this email. BMWNA will cover rental charges up to \$40/day until this repair is completed and you are back in your vehicle. I have given the authorization to Bob Datri the Service Manager at Circle and he is aware.

It is my understanding that the best work does include replacing the parts they mentioned. Again my sincerest apologies for the delays in completion. Your patience through this process is appreciated.

Circle BMW should be contacting you today. Please let me know if you need anything in the meantime.

Kind regards,

Aileen

BMW of North America, LLC
Aileen Flynn
Executive Customer Care
Customer Relations and Services
B2-US-H-31
P.O. Box 1227
Westwood, NJ 07675-1227

Tel: 800-831-1117 ext. 5844
Fax: 201-930-8484
Mail: Aileen.Flynn@bmwna.com
Web: bmwusa.com

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have received this e-mail and any accompanying documents in error, please notify me by telephone (800-831-1117 ext.5844) immediately.

From: [REDACTED]
Sent: Tuesday, July 21, 2015 10:39 AM
To: Flynn Aileen, (Aileen.Flynn@bmwnaext.com)
Subject: Re: info

Hi Aileen-

My car is still in service at Circle BMW. As we discussed, and you mentioned, the fix was a reprogram of the computer to fix the door.

Circle claims it needs a latch and door handle. They have had the vehicle for more than 10 days and cannot tell me when it will be ready.

I needed to rent a car for this week in order to go to a conference in Connecticut since they cannot issue loaners to travel out of state. Will BMW cover the cost from enterprise rent a car?

This is taking a long time. It seems unreasonable. Could you please help to explain to me why it now comes down to parts? As we had discussed, the other mechanic was going to fix it and had the parts in stock. I agreed to let you tow it to circle because you told me it was not a part issue.

Either way, could you push circle to complete? This is crazy. I need to return the rental on Friday and would like my car back.

Please advise,

[REDACTED]

On Thursday, July 9, 2015, [REDACTED].com> wrote:

Hi Aileen-

I appreciate that.

Thank You!

[REDACTED]

Sent from my iPhone

On Jul 9, 2015, at 9:14 PM, <Aileen.Flynn@bmwnaext.com> <Aileen.Flynn@bmwnaext.com> wrote:

Hello [REDACTED]

I reached out to Tom at Foreign Cars of Monmouth and expressed my apologies for the delay. It was a pleasant conversation. I will email you once the tow is confirmed.

Kind regards,

Aileen

BMW of North America, LLC

Aileen Flynn

Executive Customer Care

Customer Relations and Services

B2-US-H-31

P.O. Box 1227

Westwood, NJ 07675-1227

Tel: 800-831-1117 ext. 5844

Fax: 201-930-8484

Mail: Aileen.Flynn@bmwna.com

Web: bmwusa.com

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From: Flynn Aileen, (Aileen.Flynn@bmwnaext.com)

Sent: Thursday, July 09, 2015 2:05 PM

To: [REDACTED]
Subject: info

FYI-

Kind regards,

Aileen

BMW of North America, LLC

Aileen Flynn

Executive Customer Care

Customer Relations and Services

B2-US-H-31

P.O. Box 1227

Westwood, NJ 07675-1227


Tel: 800-831-1117 ext. 5844

Fax: 201-930-8484

Mail: Aileen.Flynn@bmwna.com

Web: bmwusa.com

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From: [REDACTED] 
Subject: Re: Fwd: bmw
Date: June 25, 2015 at 11:08 AM
To: Bryan Raiken bryan.raiken@circlebmw.com
Cc: [REDACTED]

Hi Bryan-

As I mentioned on our call this morning, I am not willing to pay anything for this issue. Car doors should not swing open their own. It is an unacceptable safety issue which should be guaranteed by BMW. As you mentioned, the software update described in the recall was performed on the vehicle in 2013. I did read on the internet that once performed, the doors would not be able to be slammed shut. My doors do not behave this way so I am unsure that it was done properly. In fact, I remember that MAG (Dublin, Oh) did do the software upgrade but had issues with it and kept the car for several days. Maybe it was done wrong. Regardless, the door did open on its own while the car was in motion. As you can see it still does not close.

As we discussed, i'm so horrified about this issue and to think that I am putting my family at risk makes me sick. I'm amazed that my call to BMW of NA yesterday did not seem to have any sense of urgency. They directed me to my dealer. I was also amazed that you did not call me back yesterday after we spoke about this serious issue, but thanks for working with me today. I spoke with BMW customer service today (Lindsey) as you recommended and they said if you would like to diagnose on your own, that's completely at Circle BMWs discretion. She also did not see any urgency here.

How long until the other doors fail in the same manner? Who will be in those seats? Horrible!

This car may be 10 years old and have 70k miles as you mentioned to me, but as you can see by my service records, I have serviced and maintained continually with BMW since I've owned this CPO vehicle. I've invested several thousand dollars in repairs with Circle BMW already and I keep it clean and neat. This is a BMW 7 series and one would expect it to perform at higher standards than other vehicles of the same age, especially when pertaining to the most basic of safety standards.

As you mentioned on our call, this car has so many electronic features that strange things happen all of the time. I understand this and you will also see in my service record that I've brought this vehicle to BMW many times to fix the comfort access system as it did not work properly since before the warranty was expired. I have also had door handles repaired as well. It sounds like this is all relative. In addition, I am surprised that BMW is allowed to have no mechanical backup for the door latch system when electronic issues fail as you mentioned.

As I mentioned, I am not willing to pay for this to be diagnosed. If you would like to diagnose, you may at no charge but please do not perform any repairs until I authorize. In the meantime, I have filed a formal complaint with BMW NA (Andrew) and also with the NHTSA. The NHTSA complaint number is 813284 for your reference. If nothing is to be done, I will be in on Saturday to pick up the car.

Thanks,
[REDACTED]

On Thu, Jun 25, 2015 at 8:14 AM, Bryan Raiken <bryan.raiken@circlebmw.com> wrote:

Good morning [REDACTED],

I have the car, thank you for the emails. (I did a little digging with the info you sent me.) The recall that pertains to the letter you attached was performed on this vehicle back in 2013. I am going to inspect the vehicle and report back to you once I know what is going on with the car.

If you need alternate transportation, please rent a car due to the urgency of this repair. Once we are completed, bring me a copy of the paid bill and I might be able to get BMW to reimburse you for the charge.

Once I perform the diagnosis, we will talk some more.

There will be a cost associated with this diagnosis. The charge is \$158.00 pl tax.

Please reply back to the this email as to confirm I may diagnose the car.

Have a good morning.

assis: DT67525



CONFIDENTIAL

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AND IS NOT TO BE DISTRIBUTED OR SHARED WITH THIRD PARTIES *
*EXCEPT FOR SPECIFIC INFORMATION THAT MAY BE REQUIRED BY LAW**

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call Summary

Defect Code	Defect Desc	Campaign No	Repair Status Date	Dealer No	Claim No
34910100	Ck Brake Booster line N62, B34 04 10	10V-446	12-13-2010	[REDACTED]	1
12640200	E65 E66 OBD Communication, B12 23 08		09-02-2009	[REDACTED]	1
65600200	B65 12 13, Rollaway, 12V-502	12V-502	03-27-2013	[REDACTED]	1

[Back](#)

On 6/24/2015 7:41 PM, [REDACTED] wrote:

Bryan

Attached is info on the recall. The door does not close still. As I mentioned it opened while driving. I am calling AAA to tow it to circle BMW.

Thanks,

[REDACTED]

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: June 24, 2015 at 5:13:42 PM EDT
To: [REDACTED]
Subject: bmw

[REDACTED]

VP – Fabric Innovation and Sourcing

Delta Galil USA Inc.

2 Park Ave. - 17th Fl.

New York, NY 10016

Office: [646.277.7419](tel:646.277.7419)

Mobile: [201.724.3623](tel:201.724.3623)

[REDACTED]

Thank you,

Bryan Raiken
Circle BMW Service
[732.440.1240](tel:732.440.1240)
Bryan.Raiken@CircleBMW.com

From: [REDACTED]
Subject: Re: Circle BMW estimate for repair
Date: July 2, 2015 at 12:24 PM
To: Bryan Raiken bryan.raiken@circlebmw.com

Hi Bryan -

As I mentioned in prior email, this all seems related to the recall for the soft close/comfort access. I feel that this is a BMW safety issue that should be covered by BMW as per the document I sent to you. When will BMW NA be there to inspect the vehicle and confirm? Please provide me with an exact date. I am also concerned about the other doors and the obvious safety failure potential. I would prefer to wait rather than sink thousands into it.

Please advise,
[REDACTED]

On Thu, Jul 2, 2015 at 11:37 AM, Bryan Raiken <bryan.raiken@circlebmw.com> wrote:

[REDACTED]
We have determined failure to be at the left front soft close actuator. We will also include the replacement of the outside door handle for the left front. If you were going to perform the repair and not wait for BMW NA to inspect the repair cost for the left front door will be \$1685 pl taxes.


I would have to order the handle because it is coded to the car for color and comes painted.

Please let me know if you would like me to order the parts.

--

Thank you,

Bryan Raiken
Circle BMW Service
[732.440.1240](tel:732.440.1240)
Bryan.Raiken@CircleBMW.com

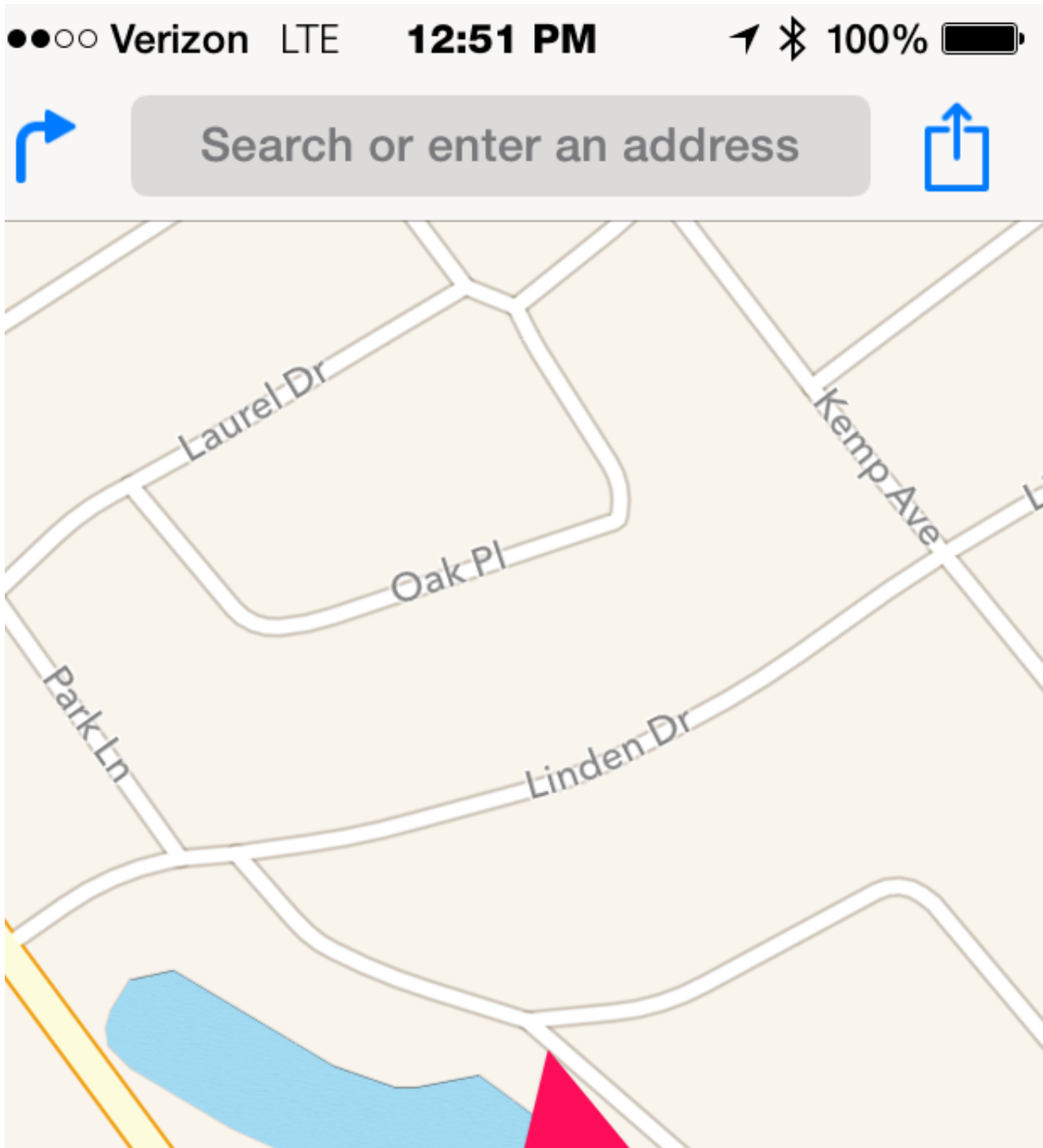
From: [REDACTED] 
Subject: Re: Circle BMW
Date: June 29, 2015 at 12:58 PM
To: Bryan Raiken bryan.raiken@circlebmw.com

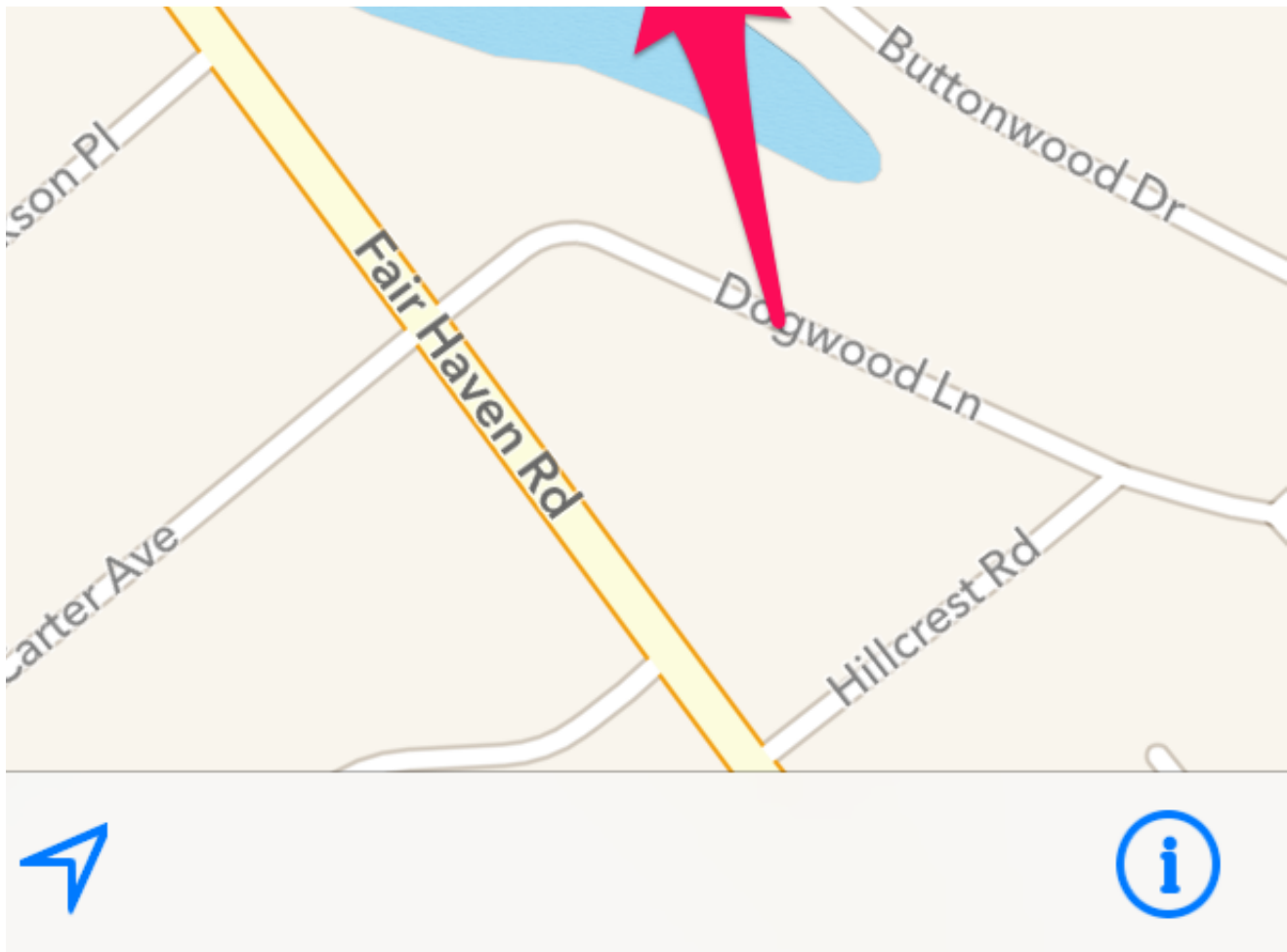
Hi Bryan

I was going about 15-20mph on my street when the door opened. The street does not have any potholes and is smooth.

I had slowed down to make a right onto Buttonwood Dr. As I was in the slight right turn, the door opened. I do not recall any dashboard notification before or after the incident.

Here is the location:





Have you been able to determine the cause? Can you confirm that the software upgrade in 2013 was done properly?

Please advise,

██████████

Sent from my iPhone

On Jun 29, 2015, at 12:42 PM, Bryan Raiken <bryan.raiken@circlebmw.com> wrote:

██████████

I have been working with my foreman on this SPI case, he has a few questions that need to be included.

-Where were you (geographic location) when this happened and the door opened?

-I need to know every possible detail when the door opened while you were driving, what road, what speed, any potholes, freshly paved road, speed, and if you ever received the warning that came on the dash when this occurred before.

The more information you can provide the better understanding BMW can make towards the car.

This is a priority and I will need this information to move forward.

--

Thank you,

Bryan Raiken
Circle BMW Service
732.440.1240
Bryan.Raiken@CircleBMW.com

From: [REDACTED]
Subject: Re: Circle BMW
Date: July 8, 2015 at 1:28 PM
To: Bryan Raiken bryan.raiken@circlebmw.com
Cc: [REDACTED]

Hi Bryan-

Aileen from BMW of NA just called. She insists that the issue will be covered by them as you mention. She also told me that the vehicle requires new software, not parts and that the mechanic will not resolve with a new latch nor door handle.

She agreed to tow back to Circle BMW at their expense and Circle will repair. I would do it but I am traveling in The Middle East.

I did not know if the mechanic had begun work on the car, so I called. They were just wheeling it in so they stopped and agreed to allow BMW to have it towed.

I tried to call Aileen but got voicemail. Her number is 201.571.5844

The car is at:

Foreign Cars of Monmouth
579 River Rd.
Fair Haven, NJ 07704

Could you please help to contact her and arrange the tow? It is important to pick it up today as the mechanic needs the space on their lot.

Please confirm via email once you have possession of the vehicle.

Thanks,
[REDACTED]

Sent from my iPad

On Jul 8, 2015, at 8:04 PM, Bryan Raiken <bryan.raiken@circlebmw.com> wrote:

[REDACTED],
If the repairs were done properly with the correct parts, I can submit for reimbursement to BMW. Get me the itemized invoice for repair and I can keep this moving.

On 7/8/2015 10:05 AM, [REDACTED] wrote:

Hi Bryan -

I have already brought the car to be repaired at another shop.

Would they reimburse me for the repair anyway if I provide itemized receipts?

Otherwise, as I mentioned, I plan to trade this one in due to our safety concerns. I will be looking for a new car soon. I have not decided which car I will buy and am still considering BMW despite this situation. I'm actually considering going back to leasing as I see owning is costly considering the short life and expense of these BMW parts.

I thank you for your help. You were very patient as always and are pleasant to work with. Thanks for going to bat for me.

Thanks,
[REDACTED]

On Wednesday, July 8, 2015, Bryan Raiken <bryan.raiken@circlebmw.com> wrote:

Morning [REDACTED]

I heard back from BMW NA. They will cover the replacement parts for the left front door as a goodwill gesture for your brand loyalty. I would like the car back here to repair the door.

Email me back.

--

Thank you,

Bryan Raiken
Circle BMW Service

Circle BMW Service
732.440.1240
Bryan.Raiken@CircleBMW.com

--

Thank you,

Bryan Raiken
Circle BMW Service
732.440.1240
Bryan.Raiken@CircleBMW.com

From: [REDACTED]
Subject: Re: Circle BMW
Date: July 16, 2015 at 8:39 AM
To: Bryan Raiken bryan.raiken@circlebmw.com

Hi Bryan-

Any updates on my car?

Please advise,
[REDACTED]

On Tuesday, July 14, 2015, Bryan Raiken <bryan.raiken@circlebmw.com> wrote:
Latch is installed. Awaiting replacement handle. Coded part takes approx 4-7 days to arrive.

On 7/14/2015 12:30 PM, [REDACTED] wrote:

Hi Bryan -

Please advise the status of my car.

Thanks,
[REDACTED]

On Thursday, July 9, 2015, Bryan Raiken <bryan.raiken@circlebmw.com> wrote:
Car is here. I will email once everything is taken care of.

--

Thank you,

Bryan Raiken
Circle BMW Service
732.440.1240
Bryan.Raiken@CircleBMW.com

--

Thank you,

Bryan Raiken
Circle BMW Service
732.440.1240
Bryan.Raiken@CircleBMW.com



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

1200 New Jersey Avenue SE
Washington, DC 20590

Dear Consumer:

NVS-216rr

As a follow-up to your report to the Vehicle Safety Hotline (VSH), we have recorded your information on the enclosed Vehicle Owner's Questionnaire (VOQ) form. Please review the form and make changes, additions and corrections as necessary. Additionally, please provide a more detailed description of the failures(s) you reported that you believe relevant to safety. Also, if available, include copies of repair invoices, letters to the manufacturer, or any other document related to the problem(s) you reported. If a crash or fire occurred, include a copy of the police or fire department report.

It is helpful to be as thorough as possible in your report so that our ability to use your report will be maximized. If you do not have the information, it is not necessary to complete all the boxes. However, it is very difficult to identify the scope of a vehicle problem unless the vehicle identification number (VIN) is known. The VIN is located inside the vehicle on the dashboard adjacent to the left (driver's side) of the windshield pillar and on the drivers' door or the driver's door jam. It may also be listed on a dealer repair invoice or your insurance or registration cards. When reporting a tire problem, the brand name, tire line and complete tire size should be included. Be certain to provide the DOT tire identification number. It is usually located near the rim flange of the tire on either side of the tire.

We do not make your personal information (name, address, phone numbers, etc.) available to the general public. However, if we open an investigation that involves your vehicle, we will provide the manufacturer of your vehicle with a complete copy of your report. The information you provide may assist the manufacturer and NHTSA in determining if a safety-related defect exists.

Any information provided is entirely voluntary. There is no consequence or penalty of any kind if you do not wish to provide it. We seek this information to develop both statistical and investigative evidence that will help identify potential safety related problems in vehicles or vehicle equipment, e.g., tires, child safety seats, jacks, etc.

When completed, please fold and staple or tape the form so that the pre-addressed portion of the form is on the outside. If a larger envelope is used, tape the VOQ form to the larger envelope so that the pre-addressed portion of the form is showing.

If further assistance is needed, please contact the VSH at their toll-free number, 1-888-327-4236.

Thank you for your cooperation.

Sincerely,

Randy Reid Chief
Correspondence Research Division
Office of Defects Investigation
Enforcement

Enclosure: VOQ

