



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

October 27, 2016

[REDACTED]
Los Angeles, CA [REDACTED]

NEF- 109 rrr
Ref. No. 10826000

Dear [REDACTED]

Thank you for your correspondence concerning your model year (MY) 2005 Mini Cooper S vehicle. The National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation received your correspondence. Due to the unprecedented amount of correspondence received by our office for the Takata air bag recalls, we are now just getting to your letter. Please accept our apologies for this delay.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or motor vehicle equipment when our investigations indicate that they contain safety defects in their design, construction, or performance. We also monitor the adequacy of manufacturers' recall campaigns. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect trend may exist. We do not have authority to act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

NHTSA understands your concerns with the performance and reliability of the transmission in your vehicle. We reviewed our database in an effort to identify whether a safety defect trend exists with the powertrain, specifically problems with the Aisin automatic transmission, used in MY 2005 Mini Cooper S vehicles. At this time, there is insufficient evidence to warrant opening a safety defect investigation. The information you provided has been entered into our database. It will be considered with future reports to identify any safety defect trends that may require our attention. The NHTSA investigation and recall process is on our website at www-odi.nhtsa.dot.gov/recalls/recallprocess.cfm.

Your request for a new transmission or an overhaul, including a new valve body, does not fall under our jurisdiction. You may consider contacting your local Consumer Protection Agency or the California Office of the Attorney General regarding your problem and rights under the State laws. You may also ask your dealership for a meeting with a BMW/Mini district manager

regarding your problem. In addition, the Federal Trade Commission (FTC) has jurisdiction over non-safety defects, paint, fraud or deception, warranty and dealership problems, remuneration matters, and fair trade practices. There are three ways to contact the FTC: by toll free telephone at 877-382-4357; by mail at Federal Trade Commission, CRC-240, Washington, DC 20580; and by using the Internet complaint form at www.ftccomplaintassistant.gov.

You may also consider contacting the Better Business Bureau (BBB) Auto Line. The BBB offers free mediation/arbitration to resolve warranty disputes under guidelines established by the FTC. Remedies include repair, reimbursement, repurchase or replacement, depending on program eligibility. You can visit their website at www.bbb.org to file a complaint and review eligibility information, or call the BBB Auto Line at 800-955-5100.

Should you encounter a safety-related problem with a motor vehicle or motor vehicle equipment in the future, we would appreciate it if you would complete an electronic Vehicle Owner's Questionnaire online at www.nhtsa.gov or call the Auto Safety Hotline at 888-327-4236. Also, a summary listing of vehicle owners' complaints, safety recalls, manufacturers' service bulletins, etc. can be obtained at our website.

Sincerely,

A handwritten signature in cursive script that reads "Randy Reid".

Randy Reid, Chief
Correspondence Research Division
Office of Defects Investigation
Enforcement