

NEF-010

CL-109194 98-8334

Bermville, PA

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

NHTSA
1200 New Jersey Ave. SE
Washington, DC 20003

October 12, 2016

Dear Sir/Madam,

OCT 19 2016

I am writing this letter to you on behalf of [REDACTED] owner of a 2013 Nissan Altima, VIN 1N4AL3AP5DC [REDACTED]. The defect stated in Nissan's recall 16V244000 has not been corrected in her vehicle despite complaining to her dealer three times and Nissan NA about this defect before and after the recall was performed.

Intermittently, the passenger airbag warning light with a 140 lb passenger in the passenger seat, intermittently would stay on for many seconds after starting or would not go off at all. This was first brought to the attention of her selling dealer, Eisenhauer Nissan in Wernersville, PA, on 5/18/16. Their invoice [REDACTED] was written up and which stated "Customer states airbag light comes on and stays on for approx 30 seconds. Check and advise. No codes stored. Check operation. OK at this time. No further repair attempt at this time." The light however would stay on continuously until the vehicle was restarted.

This intermittent defect continued to occur. The vehicle was then brought back to her selling dealer on 7/15/16 to have recall 16V244000 performed. Their invoice [REDACTED] stated "Nissan is conducting a voluntary safety recall on listed vehicles above to reprogram the airbag diagnostic classification system (OCS) control unit. This service will be performed at no cost to the customer for parts or labor." The vehicle was returned to her after the recall was performed and the intermittent defect continued to occur. It then started to occur on a more frequent basis and was brought back to her selling dealership on 9/21/16. Their invoice stated "Pass side airbag light stays on when passenger above 140 lbs in seat. Checked seat operation. Working as designed. No codes stored. No further repairs at this time." The service manager was advised by myself that many times I had witnessed that the warning light would come on and not go off. If the engine was shut off and restarted, the light would then go out. Since [REDACTED] lives in a rural farm area where most roads are constantly curving and 2 lanes wide with no shoulders, when the vehicle has been started and driven away if the warning light stayed on, the vehicle could not be safely parked in the roadway and restarted to make the light go out and therefore her passenger would be at risk should a collision occur. Regardless, a customer should not be required to pull their vehicle over, shut off the engine, and restart it in order to protect the right front passenger. The service manager said that since this defect could not be verified and because there were no codes, he could not perform repairs to correct this condition.

I therefore contacted Nissan NA in Franklin, TN by phone and discussed this problem with their representative and requested assistance by him to contact their

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engineering/quality control department and find out if they had any other complaints of this nature and if they could offer us any information to correct this condition. They assigned case [REDACTED] to my complaint. My phone call was returned and I was told that their engineering personnel said that the customer must not be sitting in the seat correctly and offered no additional help.. Nissan refused to provide any additional assistance. **[REDACTED] therefore needs assistance from NHTSA to investigate this problem and determine why the reprogramming of the control unit during the recall has not been effective**

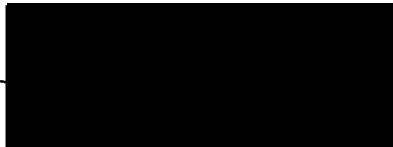
I am an automotive engineer and a qualified automotive engineering expert in courts in 4 states in this area. (Read my enclosed CV). I was the National Service Technical Manager for BMW of North American and National Service Engineering Manager for Peugeot Motors of America. In addition to managing the recalls for these companies, my primary function was to investigate all product problems on a national basis, provide dealers with Service Bulletins and new model information. As such, I am very qualified to evaluate this problem.

I first observed this condition when driving [REDACTED] vehicle with [REDACTED] in the passenger seat at night. The passenger airbag warning light would not go out at varying times. I read the owner's manual and on page 2-13, it states "When the ignition switch is placed in the ON or START position, the supplemental airbag warning light illuminates for about 7 seconds and then turns off. This means the system is operational." Next to that explanation is a WARNING that states "if the supplemental air bag warning light is on, it could mean that the front air bag, side air bag systems and/or pretensioner systems will not operate in an accident. To avoid injury to yourself or others, have your vehicle checked by a Nissan dealer as soon as possible." I therefore advised her to take her vehicle to her selling dealer which she did on 5/18/16. They could not repair it, so the statement in the owners manual that tells her to go to her Nissan dealer if a malfunction should occur in the passenger airbag warning system is useless if they can't find a problem. . She erroneously thought that this problem was fixed finally after the recall was performed on 7/15/16 but I discovered that it was still intermittently occurring. When I discussed this with Nissan NA on about 9/21/16 and they stated that the passenger was not sitting properly in the seat, I asked them where in the owner's manual does it tell a 140 lb passenger where to sit in the seat? While trying to diagnose this problem after my discussion with Nissan, I had [REDACTED] bounce up and down in the seat with no results. This defect has occurred many times with passengers obviously in many different positions in the seat.

On 9/24/16, this defect occurred again with myself (160 lbs) in the front passenger seat and would not go out. I bounced up and down but the light remained on. Since Nissan NA and the dealership stated that they were not going to help her, I then used my experience and suggested that when the light does not go out with a passenger in the right front seat immediately after starting, that the driver pull over, shut off the engine, and restart it. This worked every time and the light would then go out as designed. Since that date, this condition has occurred both with me or her driving. The Nissan dealer service mgr., whom I must say has been extremely cooperative, stated that the sensor is located in the left lower outside seat bolster. When the light would then later not go out, then both myself and [REDACTED] bounced on the seat and on the bolster. The light still would not go out every time, until the engine was turned off and restarted. This defect has occurred even twice in one day.

We would appreciate it if you would investigate whether or not this defect is still occurring to other Nissan vehicles despite their recall. My experience leads me to suspect the seat weight sensor is defective but she cannot just throw money replacing parts until the problem is corrected. The dealership cannot help unless they can get codes from the computer, which happens everytime she visits them. Based upon my extensive automotive experience, I believe that this system is giving them problems because they had a recall and this has obviously not corrected this particular defect in her vehicle. The system is also not designed correctly because if this defect occurs on an intermittent basis, the computer does not store any codes. Therefore the dealership cannot perform any repairs to correct this defect, other than throwing parts into the vehicle until the defect does not occur. She was not even aware of this problem until I noticed it occurring when I was driving. This indicates that many people may probably not be aware that this problem is occurring. Check the parts sales of seat sensors at Nissan which may give you an indication, but be aware that many drivers are probably not aware that their vehicle even has a problem and we both know that very few owners actually read their owners manual. Primarily lawyers do. Please help us and investigate this problem..

[REDACTED] can be contacted at the same address above.



CURRICULUM VITAE OF

Experience:

1998 **PETER VALLAS ASSOCIATES, INC.**

until ***Director of Automotive Engineering, Automotive Engineer***

Retiring Directed and performed engineering investigations for law firms, insurance companies, corporate accounts, and private individuals regarding automotive, truck, and other self-propelled vehicle alleged product quality and design failures, fires, thefts, and accident reconstructions.

2004 **NATIONAL FORENSIC ENGINEERS, INC.**

to ***Consultant***

Present Consultant in accident reconstruction, automotive engineering and product liability. Specialties include: accident investigation, analysis & reconstruction, vehicle fire and theft investigations, and automotive, truck, marine, bus, earthmoving equipment and internal engine equipped vehicle engineering investigations.

1994 **AUTOMOTIVE CONSULTANT**

to ***Consultant (Owner)***

- 1998
 - Developed national service and parts training and incentive programs and reference materials for Subaru, Mazda, and Saab.
 - Conducted national sales, service, and parts training programs and seminars for Volvo and Mazda.

1992 **VOLVO CARS OF NORTH AMERICA**

to ***Quality Assurance Supervisor***

- 1994
 - Investigated product failures resulting in accidents and/or personal injury.
 - Inspected vehicles with transit damage and defective paint and authorized port body and paint repairs.
 - Implemented, trained, and supervised 400-employee product operation performing 250-point check defect inspection and correction operation on 35,000 imported Volvo automobiles (50% of vehicles entering U.S. market). As a result, Volvo went from number twenty-two to number eleven in J.D. Power automobile quality survey in only two years.
 - Liaison with paint suppliers to develop new color paint formulas.

1989 **VOLVO CARS OF NORTH AMERICA**

to ***Service Operations Consultant***

- 1992
 - Served as liaison to national body and paint service equipment industries.
 - Developed "user-friendly" flat-rate manual. Integrated factory electrical wiring grid and defect code system to allow precise electrical defect definition.
 - Developed and managed national service dealer support, tool, and equipment programs.
 - Conducted labor time studies for certain labor operations to provide flat-rate times for dealer and port personnel that were not supplied by parent company.
 - Adapted factory flat-rate manual to U.S. models and U.S. market.
 - Provided input for service bulletins
 - Developed and produced Volvo Service Menu Reference Guide.

1985
to
1989

PEUGEOT MOTORS OF AMERICA

Service Engineering Manager

- Investigated product failures resulting in accidents and/or personal injury.
- Developed national port paint and body repair standards. Liasion with paint suppliers for port operations and factory.
- Assisted National Service and Engineering Manager to develop national service policies and programs.
- Engineered, developed, and/or approved all U.S. sourced parts and accessories, including OEM radios. Reduced radio failure rate from in excess of 40% to 0.3%.
- Supervised National Warranty Parts Testing Department.
- Managed corporate headquarters Technical Department and supervised operation of company car service department.
- Adapted world-wide service bulletins to U.S. market, developed U.S. model-only service bulletins. Distributed service bulletins to U.S. market and all subsidiaries receiving U.S. models.
- Visited factory service, training, and engineering departments annually to develop all new U.S. model technical information and training materials to support new model introductions.
- Monitored all field and dealer product problem reports plus national warranty and customer relations' reports and data. Worked with factory to define and correct product problems.
- Conducted national quality control panel meetings.
- Coordinated all activities with other departments and regions to cope with product problems.
- Performed an analysis of improper utilization of company facilities and personnel that resulted in nationalization of technical service training. Supervised National Technical Training Department.
- Developed, produced, and distributed technical publications for U.S. models that were not provided by parent company, such as Electrical Troubleshooting Manuals.
- Provided technical information for field personnel.
- Conducted ongoing telephone surveys of selected dealer personnel to monitor product quality.
- Developed national technical policies.
- Provided input to National Marketing Deptment.
- Provided input for and conducted national recalls.
- Managed national dealer equipment program.

1977
to
1985

BMW OF NORTH AMERICA

National Service Technical Manager

- Investigated product failures resulting in accidents and/or personal injury.
- Managed corporate headquarters Technical Deptment and supervised operation of company car service department. Top-ranked Technical Manager in export market. During tenure, BMW was consistently about number four in J.D. Power automobile quality survey. Initiated engineering studies of driveability problems caused by carbon deposit accumulation that led to industrywide U.S. gasoline deposit prevention/removal standards.
- Adapted world-wide service bulletins to U.S. market, developed U.S. model-only service bulletins. Distributed service bulletins to U.S. market and all subsidiaries receiving U.S.

models. Increased field product problem reporting by 500%, resulting in earlier definition of U.S. model-only product problems. This approach enabled U.S. model-only Service Bulletins to be increased from 10% to 75% of total bulletins issued.

- Visited factory service, training, and engineering departments annually to develop all new U.S. model technical information and training materials to support new model introductions.
- Monitored all field and dealer product problem reports, plus national warranty and customer relations' reports and data. Worked with factory to define and correct product problems. Defined and predicted multi-million-dollar quality program with BMW's U.S. radio supplier. Analyzed basic reasons for its occurrence, which resulted in drastic revisions to supplier contracts and testing programs.
- Conducted national Quality Control Panel meetings.
- Participated in Product Surveillance Committee meetings to improve quality and coordinate all activities to cope with product problems. Appointed by BMW President to "Product Surveillance Task Force" to investigate reasons why product problems occur and what measures could be implemented to eliminate problems or minimize their impact.
- Supervised National Technical Training Department.
- Developed, produced, and distributed technical publications for U.S. models that were not provided by parent company, such as Electrical Troubleshooting Manuals.
- Provided technical information for field personnel.
- Conducted ongoing telephone surveys of selected dealer personnel to monitor product quality.
- Developed national technical policies.
- Provided input to BMW National Product Committee.
- Provided input for and conducted national recalls.
- Managed national dealer equipment program.

1972
to
1977

PASQUIN MOTOR SALES (METROPOLITAN FORD DEALERSHIP)
Service and Parts Director

- Supervised 55-bay, 42-employee parts, body shop, and service facility. Separated car service and heavy-duty truck service departments, resulting in doubling of profits. Established rebuilt transmission department. Implemented profit-centering and accounting controls of all departments which caused major embezzlement to be uncovered.

1968
to
1972

FORD DIVISION, FORD MOTOR COMPANY
Service Management Specialist

- Conducted 3-week in-dealership studies of service, parts, and accounting departments.
- Developed recommendations for improving profitability and performance of service and parts departments.

1968

FORD DIVISION, FORD MOTOR COMPANY
Assistant District Service Manager

- Investigated product failures resulting in accidents and/or personal injury.
- Assisted District Service Manager to supervise staff of 15 employees and provide support for Company programs.
- Supervised and assisted all District Service Representative product problem reporting (received national award for highest quality product problem reports submitted).

1967 **FORD DIVISION, FORD MOTOR COMPANY**

to ***District (Sales) Manager***

- 1968
- Responsible for wholesaling Ford products to dealers.
 - Responsible for overall performance and profitability of District Ford dealers.

1965 **FORD DIVISION, FORD MOTOR COMPANY**

to ***Warranty Specialist***

- 1967
- Managed overall warranty performance of 167 Newark District dealers.
 - Conducted in-dealership warranty audits and inspect alleged defective warranty parts.

1963 **FORD DIVISION, FORD MOTOR COMPANY**

to ***Service Representative***

- 1965
- Investigated product failures resulting in accidents and/or personal injury.
 - Provided technical assistance to 55 metropolitan car and 3 heavy-duty truck Ford dealerships.
 - Examined dealer parts replaced under warranty.
 - Resolved customer complaints.
 - Conducted Ford Apprentice Technician Training Courses.
 - Inspected and approved paint and body repairs to vehicles damaged in transit.

1963 **U.S. ARMY, ARMORED DIVISION**

Mechanical Engineer's Assistant

- Developed failure reports on all division test vehicles.
- Maintained performance records and supervise activities.
- Test drove selected division vehicles.
- Acted as liason with manufacturer's representatives.

Education:

Bachelor of Engineering, Stevens Institute of Technology

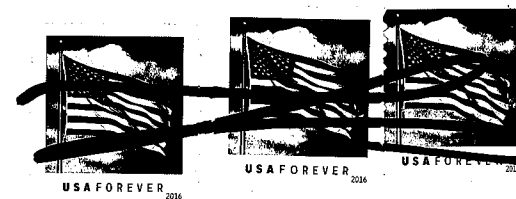
Professional Associations:

Society of Automotive Engineers (SAE)
International Association of Auto Theft Investigators (IAATI)
New Jersey Vehicle Theft Investigators (NJVTI)

Professional Education:

Annual Vehicle Fire and Theft Seminar, NJVTI, 1999
Vehicle Investigation Certified Training Seminar, Peter Vallas Associates, Inc, 1999
New Jersey on Vehicle Theft Investigation and Fraud Detection, NJVTI, 2001
Certified Technical Lightning Analysis Seminar, Peter Vallas Associates, Inc, 2002
Motor Vehicle Accident Reconstruction, SAE, 2002
Structural Failures, Heating System Failures, Fire Investigations, Peter Vallas Associates, 2002
Vehicle Fire and Theft Investigation Seminar, IAATI, 2003

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BERNVILLE, PA [REDACTED]



NHTSA
1200 JERSEY AVE S.E.
WASHINGTON, DC 20003

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