

NEF-010

OCT 12 2018

CL-11140948-8669

The Administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave.,
S.E. Washington, DC 20590

Safety and Highway Administrator office:

Enclosed you will find my latest attempt to have BMW acknowledge their responsibility toward their recall. As the enclosed list of correspondence attest to this has been going on for a long time. The most I have been privileged to has been a few lines in their email response.

Even worst when you contact them they seem to blatantly show the outmost indifference to safety issues. I would like to ask the Highway traffic and safety administration look into this matter. As it seems that the owners and drivers on the road deserve to have responsible and trustworthy motor vehicles.

Thank you ahead of time for your assistance and prompt attention to this subject.



[Redacted]

Irvine, Ca [Redacted]

72

AM
10/16/18
AS

BMW



IMPORTANT SAFETY RECALL – Final Remedy Available

This notice applies to your vehicle, 5UXWX5C56BL [REDACTED]

Recall Campaign No. 17V-683: PCV Valve Heater

September 2018

Dear BMW Owner / Lessee:

This notice is sent to you in accordance with the National Traffic and Motor Vehicle Safety Act. BMW AG has decided that a defect, which relates to motor vehicle safety, exists in certain Model Year 2007 – 2011 BMW 1 Series, 3 Series, 5 Series Z4, X3 SAV, and X5 SAV vehicles. Our records indicate that you are the owner of a potentially affected vehicle.

80025



Why are we contacting you?

We are pleased to inform you that we are ready to perform this recall. **If you have not already had this recall performed then please contact your authorized BMW center immediately to schedule an appointment to have this important recall performed.** Visit www.bmwusa.com/dealers to locate your nearest BMW center.

What could happen?

This recall involves an engine component known as the Positive Crankcase Ventilation (PCV) valve heater. The PCV valve heater may not have been produced to specifications. Over time, it could deteriorate and could lead to overheating and the possibility of melting. This could lead to a fire.

If you see smoke from the area near the engine compartment, or if you smell smoke or a plastic burning odor your vehicle may be experiencing this issue. If this occurs, carefully pull over to a safe location and shut off the engine. All occupants should exit the vehicle and move to a safe location away from the vehicle. Do not continue to drive the vehicle.

Dial 911 in the event of an emergency or contact an authorized BMW center immediately to have your vehicle brought to the nearest authorized BMW center for inspection and, if necessary, repair.

If an authorized BMW center is not available, then contact BMW Roadside Assistance at 1-800-332-4BMW (800-332-4269). Please note that if you no longer have roadside coverage, you may be required to pay in advance for the towing service. However, BMW will reimburse you for the towing service after validation of the recall repair claim.

If you are not the only driver of this vehicle, please advise all other drivers and passengers of this important information.

What will BMW do?

The PCV valve heater will be inspected and a new part will be installed. Additional components will be replaced, if necessary, as determined at the time of repair. This **free repair** will take approximately three hours. You may request alternate transportation from your BMW center while the repair is taking place.

What if I am not the current owner of this vehicle?

You can update the vehicle ownership or your contact information by completing the enclosed postage-paid card or by registering at <http://www.bmwusa.com/myBMW>. **If you are a vehicle lessor, Federal Regulations require you to forward this notice to your lessee within ten days.** If you already had this repair performed at your own expense please see the attachment regarding possible eligibility for reimbursement.

What if I have questions or experience problems?

For the latest updates to this recall, please visit www.bmwusa.com/recall. Should you have any questions about this recall please contact your authorized BMW center. If you need additional assistance, contact BMW Customer Relations and Services at 1-800-525-7417 or at CustomerRelations@bmwusa.com.

If your BMW center is unable to remedy the defect without charge or within a reasonable period of time, you may notify the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590 call the toll-free Vehicle Safety Hotline at 1-888-327-4236 (TTY: 1-800-424-9153), or go to <http://www.safercar.gov>.

Please be assured that your safety is important to us, and we sincerely apologize if this recall causes any inconvenience. We recommend that you and your passengers wear your safety belt at all times.

Sincerely,

BMW of North America, LLC

Company
BMW
of North America, LLC

BMW Group Company
Mailing Address
PO Box 1227
Westwood NJ 07675-
1227

Telephone
(800) 525-7417

Fax
(201) 930-8362

E-mail
CustomerRelations@
bmwusa.com

Internet
bmwusa.com

Spanish translation on back side
Traducción en español en el lado inverso

[REDACTED]
Irvine, Ca [REDACTED]

October 2, 2018

Sent via registered mail.

Recipient: Nancy Mcdonald

Executive customer and services

B2-US-C-20

P.O Box 1227

Westwood, NJ 07675-1227

Following my conversation with Nancy Mc Donald, regarding the recall and previous exchanges of letter and correspondence with BMW of north America and its employees and representatives the following facts have emerged;

- 1) BMW is not willing to address particular and specific matters in a timely matter with regard to the recall in question. even though many calls and a letter were sent certified to the manufacturer asking for better to respond in writing to my particular case they have adamantly shown their utter lack of duty to their customers and regulations.
- 2) On my last call with Nancy Mc Donald, I again asked to have a well past due response to my November letter that has been unanswered for over 10 months. She told me that she would make reference on her email to it, but as to be expected from BMW, she did not. I can only presume that the company is not able or willing to fulfill the minimum standards that vehicle manufacturers are required to follow.

After receiving a **FINAL REMEDY AVAILABLE LETTER** dated September 2018, I went ahead and contacted the BMW company in north America to enquire about my previous letter regarding the PVC issues with their X3 2011 models (that went unanswered). (Copy of the letter and certified mail are included).

After eleven month I called back and inquired about the latent risks of holding off this recall. Not to mention the companies unwillingness to advice owners that might have had other issues and damages to their cars because of the companies inept ability to address this on a timely basis.

I spoke with Ron (employee QXW5218, on 10,2,2018) and brought out a couple of points that he said will be looked into and they will contact me back. Again this is after my request should have been looked at on 11-3-2017 :

- 1) I mentioned that I had sent a letter and that I did not get a written response to it. This left me in a predicament about my situation. Since I had already had a PVC problem that had greatly affected me both financially and might have caused serious harm at the time. I would have BMW to take a closer look at this now that they were aware of their faulty parts. I also mentioned that the companies lack of response, to my previous request might have aggravated the situation and as increased the perils that drivers like myself might have been subject too.

The second point that he was going to get me an answer to was:

- 2) The new new letter has a TREAD ACT CUSTOMER REIMBURSEMENT PLAN (BMW OF NORTH AMERICA, LLC).

In this letter, that runs on the same gist as my letter to them almost a year ago. The company on the second paragraph mentions;

YOUR AUTHORIZED BMW CENTER WILL REQUEST A COPY OF YOUR OWNCER NOTIFICATION LETTER, AS WELL AS YOUR PREVIOUSLY PAID INVOICES.THEY WILL THEN INSPECT THE VEHICLE PRIOR TO SUBMITTING A CLAIM ON YOUR BEHALF TO BMW OF NORTH AMERICA, LLC FOR REIMBURSEMENT.

As the above mentioned paragraph outlines, it is the responsibility of the manufacturer to expedite this through there dealerships, once they see that reimbursement issues might be pertaining to a claim;

In my case the representative I have spoken to have held up this portion for the last 11 months by not giving me a straight answer. As we all know and Martin Luther King Jr. has so beautifully put it " justice delayed , justice denied " .

In this case it seems that regardless of the companies decision to fix and remedy the defective part, they also duded their responsibility to inspect cars affected by the recall to see if their other damages could have been prevented or at least reimbursed on a timely basis.

As I mentioned to Ron taking care of the reimbursement of potential damages to the PVC prior to actually fixing the defective part should not be linked to each other. If the owner did incur costs and had reported them to BMW, to see if they were caused from the same source being recalled.

- 1) Why can't BMW have that issue solved one way or another ?
- 2) does keeping the client in the dark about his reimbursement rights, until the company has un off parts to execute the recall make sense.
- 3) Doesn't the owners right to know if further delaying of his cars review might decrease further damages make economic sense to both the manufacturer and the owner.

BMW should have responded to my request to review my prior PVC system fault, and should have given me a satisfactory resolution before. Instead they are still dragging their feet. Hoping that as long as no body oversees their activity they are in the clear.

Two factors point to this false fallacy that BMW is adamantly following:

- 1) the company thinks that by linking the timing of the recall to previous damages that might have been directly or indirectly caused by their PVC recall is just a way to not take account of their responsibility.
- 2) Furthermore, their inability or unwillingness to address my previous calls and letter show further proof that their delaying techniques is intended to impede and hinder the owner from their rights.

I would urge your outmost attention to this matter.

Sincerely,



Irvine, Ca [redacted]

Copies of the diagnostic BMW

letter to BMW after many futile calls to (kurt Ext. 5823),

response from Nancy (that on purpose did not mention my previous letter, even though I asked her to respond to my concerns)

P.S perhaps this letter will give Nancy Mc Donald a chance to finally respond to my questions

11-3-201

BMW North America
300 Chestnut Ridge Road
Woodcliff Lake, NJ 07677-7731

Regarding recall:

I called your office in Ohio to ask about the recall regarding my BMW X3. Since I paid out of pocket to take my car to BMW and get it diagnosed, then repaired in 2015 (invoices attached). I wanted to find out about BMW's policy toward reimbursement of money that I had to pay to get the car operating as normal.

The issue that I tried to explain on several occasions to your telephone responders (Austin and Rhema), which they did not really understand was your companies policy is regarding reimbursement of owners out of pocket expenditures.

After speaking with an employee Rhema, she was not able to comprehend the subject matter that I was talking about. I tried to explain that the recall (exhibit 1), that left me stranded in the street a couple of times, was caused by a faulty BMW part and that if I had to get it fixed with my own resources. She kept telling me about the date of the recall. I reminded her that I was aware of the date of the recall. That my call was in regard to the expenditures I had to undertake in order to rectify the PCV prior the recall.

My case is a perfect example of why the part needs to be recalled. I am sure that many many other BMW owners also could attest to that.

It still does not change the fact that it came to late and I had to pay out of pocket for it; otherwise my BMW X3 was not drivable.

Since I could not get a plain answer from your representatives here is my questions again, I would appreciate a written response as soon as possible.

- 1) what BMW's policy is toward its car owners; when a faulty manufactured parts causes the owners to rectify and repair faulty car components at their own expense .
- 2) After BMW gets calls from those owners: what is the correct way to deal with the situation. Ask them to send in their bills, go to one of the BMW dealers with the invoices, submit a letter asking for guidance. I asked many times, for the address to send my request and Rhema told me that it's not possible.
- 3) Again, it is unfortunate , that your company would reject its customers simple request for guidance by providing them an address.
- 4) I have enclosed your authorized dealers own admission and diagnoses of a faulty PVC System fault was detected leading me to have to undergo unwarranted and burdensome repairs, it would be only fair to at least take a look at your own dealers work. If not then send me to the

same dealer now that you have proof of the faulty parts to make sure your drivers are not under unnecessary risk when driving your cars.

I would appreciate a quick response to my letter. Also how and when I can be advised of my cars situation. Since as the enclosed work orders and diagnostics point to. This issue does exist and it puts BMW drivers definitely at risk on the road.



Irvine, Ca

Questions That I would like answers to:

Does BMW of north America reimburse the owner of the faulty car, back for having to remedy the issue before the recall; since by recalling the item they have admitted that the part should not have been used in the first place.

I asked this and how I could send my letter to the attention of the person responsible for BMW's recall so they could look into it.

Both Rhema and Austin would not provide me with a satisfactory response to my questions regarding BMW's policy nor who is the best person to contact to get the answers.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

WOODCLIFF LAKE, NJ 07877

Certified Mail Fee	\$3.35
\$	
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.70
\$	
Total Postage and Fees	\$4.05
\$	



Sent to Bmw North America
Street and Apt. No., or PO Box No. 300 Chestnut Ridge road
City, State, ZIP+4® Woodcliff road, NJ 07677-7731

From: Nancy.McDonald@bmwna.com
Subject: BMW
Date: Today at 10:25 AM
To: [REDACTED]

Dear [REDACTED]

Please contact the dealer to arrange to have the recall completed. As advised the dealer will review any previous repair to determine if they are related to the recall and can be refunded.

Kind regards,

Nancy

--

BMW of North America, LLC
Nancy McDonald
Executive Customer Care
Customer Relations and Services
B2-US-C-20
P.O. Box 1227
Westwood, NJ 07675-1227

Tel: 1-800-831-1117 Ext. 5825
Fax: 201 930 8484
E-mail: Nancy.McDonald@bmwna.com
Web: bmwusa.com

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TREAD ACT CUSTOMER REIMBURSEMENT PLAN
(BMW of North America, LLC)

If you have paid for the repair described in the attached letter, and you would like your expenses to be considered for reimbursement, please contact your authorized BMW center. Expenses paid to repair facilities outside of the BMW center network will be considered; however, the repair procedure must meet BMW standards.

Your authorized BMW center will request a copy of your owner notification letter, as well as your previously paid invoice. They will then inspect the vehicle (if it is still in your possession) prior to submitting a claim on your behalf to BMW of North America, LLC for reimbursement.

Please note the following:

- Only a repair that is the subject of this safety recall is reimbursable. Consequential expenses such as towing, rental, accommodations, damage repairs, etc will not be reimbursed.
- The Manufacturer's Suggested Retail Price (MSRP) for BMW Genuine Parts will be considered as the guideline for reasonable part charges.
- Repair labor, taxes and hazardous waste disposal, when previously paid, are eligible for reimbursement.
- Expenses for repairs performed more than 10 days after the date of the last owner notification letter sent by BMW are not eligible for reimbursement.

Your authorized BMW center should be able to answer any questions that you may have regarding your qualifications for reimbursement of a previous repair. If you qualify for such a reimbursement, your BMW center will also be able to advise you of the manner in which you can expect to receive reimbursement.

Your authorized BMW center should be your primary contact on this issue; however, our Customer Relations and Services Department may be contacted at 1-800-525-7417 for any special assistance that you may require.

In special situations where your authorized BMW center cannot be of assistance, you may submit your written request for reimbursement to:

Customer Relations and Services Department
BMW of North America, LLC
P.O. Box 1227
Westwood, NJ 07675-1227

If you intend to submit a request for reimbursement to our Customer Relations and Services department, your vehicle (if it is still in your possession and was repaired at a facility outside of the BMW center network) will need to be inspected at an authorized BMW center before a claim can be accepted for consideration. This is to ensure that prior repairs at an outside facility meet BMW standards for recall completion.

SANTA ANA CA 926

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Irvine, Ca

The administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave. SE
Washington, DC 20590

20590-

