

**FAX COVER SHEET**NAME: Scott YanDATE: October 10, 2005COMPANY: NHTSAFAX NUMBER: 202-366-1767

FROM: JORDAN ZIPRIN, Esq.

E-MAIL: jzipaz@cox.net

FAX NUMBER: (602) 870-2071

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_RECEIVED  
OCT 11 11:25  
FAX  
OCT 11 11:25  
FAX

2351 East Oranewood Avenue  
Phoenix, Arizona 85020-4730  
Facsimile No. (602) 870-2071  
Telephone No. (602) 943-6885

.....

## Jordan Ziprin

October 10, 2005

Scott Yon  
National Highway Transportation Administration  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Re: DPO5-002

Dear Scott:

I want to thank you for visiting Phoenix on Wednesday, October 5, 2005, as part of your agency's investigation of my petition for a defect investigation of all 2002-2005 Toyota and Lexus vehicles. You provided me with important information with respect to the nature of the investigation, and, as a result, I learned certain information vital to my petition.

You probably recall that I asked you why my petition was not being investigated by an electrical engineer. As you know, I was not being critical of you, but, rather, that I believed that the issues I raised in my petition with respect to the electronic throttle and the brake systems related to electronic components which I believed required the experience and expertise of electronic engineers as well as the analytical tools used by them in detecting electronic defects. You advised me that NHTSA does not employ electronic engineers.

The fact that NHTSA does not employ electronic engineers amazes me since virtually all vehicles manufactured this century, and well before, have substantially increased the number of electronic components and controls in those vehicles. I find it difficult to comprehend how NHTSA can perform its statutory obligations when it lacks any expertise in the discipline of electronic engineering.

This defect in NHTSA's investigatory capability was evident during your visit to Phoenix. After you viewed and measured the accident site, you worked on the vehicle for quite a long while, drove the car for a substantial period of time, and then showed me, using the mechanical measuring devices that you brought with you, that those measuring instruments failed to detect any problems with the electronic throttle or the brake system.

.....

October 10, 2005

2

Page

In summary, I advised you that I would not give any credence to the testing equipment which you used because that equipment was not designed to detect electronic defects. I also noted that you gave no weight whatsoever to the statistical information contained in NHTSA's own files covering numerous consumer complaints regarding the very issues raised by me. Your response, as I recall, was that NHTSA does not base its findings upon the statistical number of complaints, but only based upon specific findings of failures of defects in individual vehicles.

My response was that, based upon my interests and readings over many years, I have learned that in the field of electronics, statistics is the determinant relevant factor, not individual events. With respect to electronic defects, they are determined by sophisticated computers and other special analytical instruments which are capable of measuring deviations from the control standard. If you have any doubt about this, you might want to consult The Guide to NIST, the National Institute for Standards and Technology, under the heading of Statistical Engineering ([www.nist.gov](http://www.nist.gov)).

I also spoke to my great-nephew who has a degree in computer engineering from Yale. He stated that the issues I have raised are valid, that they should be resolved by an electrical engineer, and that statistical analysis is an appropriate method for testing electronic components, but he suggested that it would be best for me to contact a professor at the Department of Electronic Engineering at Arizona State University. On Saturday, October 8, 2005, I mailed a letter to Douglas Cochran, Associate Professor, Department of Engineering at A.S.U. He has very impressive credentials. I provided him all the necessary information along with various consumer complaints and asked him specifically about the statistics issue. I hope that I receive a response from him. I am also seeking to contact a professor of engineering at the University of Arizona. It is not a matter if, but when I secure information from credible electronic engineers about these issues. I firmly believe that they will support my view based upon my prior readings, my great-nephew's statements, NIST, and my limited research on the web.

There are a few other matters which I wish to raise. I recall asking you what your response would be if you were involved in the very same incident as I was on July 1, 2005, and that after you tested your vehicle you found that the throttle and brakes were in proper working condition. I don't recall your having given me a clear answer to that question. If you are willing to do so, I would appreciate a clear response to that question.

Now I would like to pose a question based on the statistics issue: Assuming that the drivers of 25% of all of the vehicles manufactured by Toyota/Lexus during 2002-2005 filed the very same complaint to NHTSA that I did, except for the date of the accidents, the vehicle year, and the particular model car, and that NHTSA engineers, such as yourself, inspected and tested each of those vehicles in the very same manner in which you tested my vehicle, and in no instance found any problem with the electronic throttle or the brake system, then is it correct to assume that

October 10, 2005

3

Page

NHTSA would take no further action in response to a petition for a defect investigation? I now pose the very same question, but assume instead that 50%, then 75%, and, finally, 100% of the drivers filed complaints, what would NHTSA's response be in each of those instances?

There are also so many coincidences in the description of the events leading to the consumer complaints, does not there come a point when the statistical number of coincidences reasonably tends to establish that one is not really dealing with coincidences, but rather with similarities? Also worthy of consideration is the question why is it that in every instance when a driver experienced a throttle and/or brake problem and brought the vehicle to the dealer, the mechanics were unable to duplicate the problem? Were all these drivers, including myself who never received a single driving citation, either incompetent or negligent?

Another acceleration issue which I raised with you concerned the very numerous complaints by consumers that their vehicles hesitated between 1-10 seconds after they pressed the gas pedal. You advised me that NHTSA does not consider this a safety issue and is not subject to investigation. Frankly, I was amazed by your statement of NHTSA policy. Not only is this a dangerous defect, but a number of the vehicle owners decided not to drive their vehicles anymore as a result of this defect. I conducted an informal poll of individuals asking if they would consider their car unsafe if it hesitated entering a freeway, making a left turn, passing another vehicle, or entering an intersection. 100% of the respondents stated that such a vehicle would be very unsafe.

My view is that NHTSA's approach to the defect investigation is patently faulty, scientifically flawed, and will have the effect of permitting Toyota/Lexus to continue to cover up these defects with more accidents, injuries, and deaths to follow. The longer these vehicles remain in use, the greater the probability that the number of these defects will increase.

I found a copy of the letter dated July 31, 2005 to Jim Prese, President, Toyota Motor Sales, which I am attaching to this fax.

I do not believe that any useful purpose is served by performing any additional research in NHTSA files, but to avoid any claim of lack of cooperation, I went to the web site [www.mycarstats.com](http://www.mycarstats.com) which provides one with information with respect to very recently filed complaints. So for what it is worth, here are the ODI numbers: 10128540, 10127521, 10132649, 10129058, and 10127828.

As I noted above, it is just a matter of time before I secure information directly from credible electronic engineers, preferably experts in the field, at which time I will provide you with the basic contents of that information.

October 10, 2005

Page

Sincerely yours,



Jordan Ziprin

2351 East Orangewood Ave.  
Phoenix, AZ 85020-4730  
jziprz@cox.net

## Jordan Ziprin

July 31, 2005

Jim Press, President  
Toyota Motor Sales, U.S.A.  
19001 S. Western Ave.  
Torrance, CA 90509

Re: 2002 Camry XLE  
Reference No. 200507051975

Dear Mr. Press:

My name is Jordan Ziprin. I have purchased three new Toyota vehicles and leased one Lexus. The referenced vehicle has been serviced solely by Toyota dealers.

On Friday, July 1, 2005, after I started my car on a driveway with my foot on the brake and placed the gear in reverse, the vehicle accelerated totally out of control. The vehicle made a J-turn and crashed into a utility transformer on the driver's side with estimated bodily damage of over \$2,800. Luckily I was not injured. Had anyone been in the path of the vehicle in the street at the rate of speed the vehicle accelerated there easily could have been a fatality. The vehicle was eventually towed to Bell Toyota located at Phoenix, AZ.

I thereafter contacted TMS Customer Service and was advised that a Denver Regional Representative would conduct an investigation on July 25, 2005. I then spoke to two of the Denver representatives by telephone, advised them of the circumstances of the incident, and told them that I would not drive the vehicle again. I also told them that there had been a substantial number of consumer complaints to the National Highway Traffic Safety Administration (NHTSA) about electronic throttle, vehicle speed control and acceleration problems with certain Camry and Lexus vehicles. They stated that NHTSA had conducted an investigation of those complaints and found no evidence of any defects. I responded that NHTSA had conducted an investigation of only 11 vehicles and that after its July 2004 report

.....

July 31, 2005

Page 2

there had been numerous other complaints filed with respect to similar problems of which they had to be aware, some of those incidents involving fatalities.

That is why when I met the Denver Regional Representative, Scott Wright, on July 25, 2005, and he told me that he was totally unaware of any acceleration problems with any Toyota or Lexus vehicles, including my model and those beginning with the 2002-year models that had an electronic throttle, that I had serious concerns about his credibility as well as concerns about the quality of the investigation he was allegedly undertaking. How is it possible that the two Regional Representatives with whom I spoke to by phone, and whose names I have, knew about the acceleration problems and Scott Wright did not? I also advised Wright that this was the second incident involving inappropriate acceleration of my vehicle while in reverse gear. He told me to contact the Legal Department, but could not supply me with an address or telephone number. Wright stated that his report would not be concluded before thirty days, which has created a number of financial and other problems for me.

I was scheduled to drive to California on August 1, 2005 for a two-month vacation. As a result of TMS' delay in handling the matter, I am flying to CA, but will be without a vehicle for two months except when I have to rent one. In addition, Bell Toyota refused to permit me to leave my vehicle at its facility, even though the vehicle still has body damage, unless I agreed to pay \$35 per day storage, which would have cost me over \$2,000. Another wonderful way to treat a Toyota customer. As result, I had the vehicle towed to my home at my expense.

Since my insurance carrier is paying for the repair of the auto, minus a \$500 deductible, not only will I be out the \$500, but in addition my insurance policy costs will increase unless TMS reimburses the carrier.

I have also received a notice from Salt River Project requesting reimbursement for damages to its utility transformer. I have advised the company to bill TMS because I deny any and all responsibility for the accident.

I will also be without a vehicle when I return home from California at the beginning of October and then will have to rent another vehicle.

You may ask why I refuse to drive the Camry again. The short answer is that it would be like playing Russian roulette every time the auto is started. I am a cautious individual who chooses not to take such a risk.

I would hope that this matter can be resolved promptly and in a reasonable manner to satisfy both of our interests.

Sincerely,

**July 31, 2005**  
**Page 3**

**Jordan Ziprin**

**California Address:**  
**400 Prospect Street, Apt. 323**  
**La Jolla, CA 92037**  
**(858) 551-9996**

**[Click here and type slogan]**