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Young, Robert (NHTSA)

From: Thomas Gisslen [gisslt@mindspring.com] **Sent:** Fri 6/24/2011 11:20 AM
To: Young, Robert (NHTSA); ODI_IRresponse (NHTSA)
Cc: gisslt@mindspring.com
Subject: DP10002 Dayton Wheel Concepts and violating 49 U.S.C. § 30166 Failure to respond 1 of 2
Attachments: INOT-DP10002-40203P.PDF(2MB) Magnusson.pdf(19KB) Magnusson IIb.pdf(21KB) NHTSA SPECIALISTS-COMPILATION-DISC.wma(2MB) 2007-Dayton Quick Disconnect Nip Wheels- abrgd.wma(631KB) Appendix G Involving legal counsel.pdf(86KB) 2006-03-DWC Pres-putting cust at risk.wma(121KB) 2006-09-DWC-VP-another 4 wheel failure.wma(1MB) INIM-DP10002-39367.pdf(575KB)

Mr. Robert Young

Office of Defects Investigation

USDOT

NHTSA

1200 New Jersey Avenue SE

Washington, DC 20590

Dear Mr. Young,

Dayton Wheel Concepts' [here after depicted as "Dayton Wheel"] response "**INOT-DP10002-40203P.pdf"** to NHTSA's information request, "**INIM-DP10002-39367.pdf**", appears to avoid facts by presenting false and misleading responses and furthermore, omitting numerous self-incriminating facts and reported incidents of product failure.

Dayton Wheel appears to have limited its disclosure of the reported product failures, in response to NHTSA's aforementioned information request "**INIM-DP10002-39367.pdf**" (inquiry item #3), **only to those records of incidents which it [Dayton Wheel] had gained knowledge of, as having been leaked outside of the Dayton Wheel document archive**. Dayton Wheel only disclosed to NHTSA the incidents cited in the documentation submitted to Dayton Wheel in response to their discovery request as part of the 2008 civil suit in the Common Pleas Court of Montgomery County, Ohio Civil Division, **2008-CV-2300,** Gisslen v. Dayton Wheel Concepts Inc., Charles Schroeder, and Richard H. Grant, III..

Subsequent to the 2008 civil suit discovery request submittals, new evidence has emerged and a new civil suit "**2009-CV-8163"** has been filed against Dayton Wheel Concepts "Dayton Wheel". Again in response to the Dayton Wheel's discovery request in the new suit, "**2009-CV-8163",** data and documentation was submitted to Dayton Wheel Concepts which included the newly emerged Dayton Wheel Concepts internal documentation regarding product failures having occurred between 2004 and 2007. The new evidence consisting of additional records and incidents of product failure have been well known by Dayton Wheel Concepts and yet any related records or indications were omitted in Dayton Wheel's response "**INOT-DP10002-40203P.pdf"** to NHTSA's information request "**INIM-DP10002-39367.pdf**". It is worth noting again that Dayton Wheel only acknowledged, in its response to the NHTSA information request, the failure incidents which it [Dayton Wheel Concepts] had evidence of having been leaked via the discovery request records submitted to Dayton Wheel in the 2008 civil suit.

The Dayton Wheel response, or lack thereof, to the NHTSA request for information certainly appears to provide evidence of Dayton Wheel's **"failure to respond promptly and fully"** to the March 9, 2010 NHTSA information request letter **INIM-DP10002-39367.** Dayton Wheel's, less than full disclosure and obvious omissions is highly indicative of the existence of more information and records of known defective products, designs and incidents of failure. Dayton Wheel had confidence it would never have to disclose any documentation in which it had confidence had not been leaked.

In response to NHTSA's information request, "**INIM-DP10002-39367.pdf"**, and specifically inquiry item three (3), Dayton Wheel submits **"INOT-DP10002-40203P.pdf"** and knowingly omits numerous incidents of product failure and complaints. One of those omissions consists of a **set of four (4) Dayton Wheel JB166 chrome D4.38 16X6 Dunlop style automobile wheels all having sustained broken and or loose spokes.**

The disadvantaged customer, who resided in Sweden, had numerous communications with Dayton personnel and Charles Schroeder, the president of Dayton Wheel Concepts. Also involved in addressing the Swedish customers' product failures (**AGAIN ALL FOUR WHEELS FAILED**) was the Dayton Wheel Concepts European agent Lutz Lieberfinger in Germany. Mr. Schroeder was highly involved and informed regarding this massive product failure and personally supervised the acquiring of the failed wheels from Sweden. One of the Wheels from Sweden is known to have been returned to Dayton Wheel Concepts, that wheel had the **serial number SN 1600012**. There was no information regarding these incidents in Dayton Wheel's submitted response, **"INOT-DP10002-40203P.pdf"** to NHTSA.

Incidentally, when Dayton Wheel Concepts' President, Charles Schroeder is overseeing the return of the four (4) failed wheels from Sweden, he is also involved in securing the return of another failed wheel from another disadvantaged customer, which is **a failed 100-6 wheel for an Austin Healy**. See Magnusson.pdf.

The chronology will prove out that Dayton Wheel Concepts did not provide any documentation on the failing of the Swedish customer's wheels and or RMA return. Incidentally, the fact that Dayton Wheel only disclosed in reply to the NHTSA request for information those reports, incidents, documents, of defects and failures which it had knowledge of having been leaked.

The documentation regarding the four failed wheels in Sweden; the personal involvement by the Dayton Wheel Concepts' president; and numerous other unreported and omitted product failures should certainly raise the question within NHTSA as to Dayton Wheel Concepts' failure to respond fully to the NHTSA information request letter.

Without a full NHTSA investigation into the Dayton Wheel Concepts' production, practices and records, entry of dangerous, defective and failed products will continue to add a degree of peril to our roads and highways which could be avoidable for it would certainly not be acceptable. NHTSA has been denied the information it requested as depicted here. It is paramount that customers who unknowingly bought defective wheels and accessories from Dayton Wheel Concepts can be identified and warned to the impending danger from the Dayton Wheel products, to which they and the general public are likely exposed.

Should these issues receive the attention they deserve, perhaps NHTSA can them uncover the enormity and magnitude of the danger posed by the Dayton Wheel Concepts through their products like the "QUICK DISCONNECT NIP WHEELS" (Listen to 2007-Dayton Quick Disconnect Nip Wheels….wma) which were stated by seniority staff as having been assembled with spokes of a smaller thread size than the nipple such that when the two components become aligned, there is no thread engagement to hold the wheel together. **(The only mechanical mechanism maintaining wheel structural integrity is the incidental misalignment of spoke and nipple threads) Note that the senior staff member states that many of those wheels were sold.**

Also, the Dayton Wheel Concepts' response to your request for all civil suit documentation was very light. It only included an incomplete documentation set from one of the civil suits, **2008-CV-2300,** and that submittal was lack substantial docketed information and pictures. Also, Dayton Wheel did not provide any of the documentation related to **2009-CV-8163** civil suit even though it was active when Dayton Wheel responded to the NHTSA information request. Should you require assistance in obtaining the full and comprehensive documentation as was requested in item 8 of NHTSA's information request, "**INIM-DP10002-39367.pdf"** Page 5 of 7, please let me know.

It would be devastatingly sad and incredible if a catastrophic failure of a Dayton Wheel Concepts product is required to evoke the necessary attention to the dangerous products produced by this manufacturer. It would be difficult to explain why such a manufacturer was permitted to continue producing dangerous products especially when data was submitted by the petitioner and the manufacturer was so elusive in responding NHTSA's information request.

I look forward to hearing from you,

Thomas Gisslen

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