



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**

JUN 21 2017



Via Certified Mail and Email (delivery receipt requested)

Mr. Ron Fleming
Dealer Principal
Lazydays RV, LDRV Holdings Corp.
6130 Lazydays Blvd.
Seffner, FL 33584

NEF-107aa
AQ17-003
17V-108

Dear Mr. Fleming:

NHTSA received information suggesting that your dealership sold and delivered at least one new model year (MY) 2017 Winnebago Travato vehicle to a customer without having had all required safety recall repairs performed on that vehicle. Specifically, the information suggests repairs required under safety recall number 17V-108 were not made prior to delivery of that new vehicle to its purchaser. This recall concerns certain model year 2016 and 2017 Winnebago Travato vehicles that contain a liquid propane (LP) hose that may contact the emergency brake cable, potentially causing it to leak propane. A propane leak can increase the risk of a fire or an explosion.

A dealer's sale and delivery of a new vehicle with a safety recall outstanding is a serious matter and a violation of Federal law to which significant civil penalties could apply. See 49 U.S.C. §§ 30120(i) and 30165. This office has opened an audit query (AQ) investigation and is sending this information request in order to determine whether Lazydays RV/LDRV Holdings Corp. (defined below) has complied with the prohibition on sales and delivery of unremedied new vehicles subject to safety recalls.

A redacted copy of the complaint we received, as well as Winnebago Industries, Inc.'s (Winnebago) safety recall notification to NHTSA is enclosed with this letter.

DEFINITIONS

Unless otherwise stated in the text, the following definitions and instructions apply to these information requests:

1. "Lazydays RV/LDRV Holdings Corp." means Lazydays RV, Inc., including all of its divisions, subsidiaries and affiliated enterprises and its employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Lazydays RV (including all business units and persons previously referred to).

2. The term “Winnebago” means Winnebago Industries, Inc.
3. The term “communications” is used in the broadest sense of the word and shall mean the exchange, transfer, or relay of any ideas, messages, or information by speech, writing, or other means, whether electronic, paper, or in person.
4. The term “you” or “your” refers to Lazydays RV.
5. The term “person” includes natural persons, proprietorships, partnerships, firms, corporations, federal, state, and local governments, all departments and agencies thereof, and any other governmental agencies, political subdivisions, groups, associations, or organizations, whether located in the United States or abroad.
6. The term “relate to” or “relating to” means constituting, comprising, containing, setting forth, showing, disclosing, describing, explaining, summarizing, concerning, or referring to, directly or indirectly.
7. The term “explain,” “describe in detail,” or “state in detail” mean the following:
 - a. Describe fully by reference to underlying facts rather than ultimate facts or conclusions of law or fact.
 - b. Particularize as to:
 - i. The identity of each person involved in each such event, including but not limited to persons employed by Lazydays RV and those persons purporting to act for Lazydays RV;
 - ii. The specific acts of each person participating in each such event;
 - iii. The date and time of each such event;
 - iv. The address and location of each such event; and
 - v. The identity of each person present during each such event.
8. The term “Document(s)” is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), and faxes. For purposes of this request, any document that contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production.
9. “Safety recall 17V-108” means the safety recall Winnebago is conducting through its dealerships to remedy certain model year 2016 and 2017 Winnebago Travato vehicles. Affected vehicles may contain a liquid propane (LP) hose that may contact the emergency brake cable, potentially causing it to leak propane. A propane leak can increase the risk of a fire or an explosion.

10. Other Terms: To the extent that they are used in this information request, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or plural form, have the same meaning as found in 49 CFR 579.4.
11. The singular includes the plural; the plural includes the singular. The masculine gender includes the feminine and neutral genders; and the neutral gender includes the masculine and feminine genders. "And" as well as "or" shall be construed either disjunctively or conjunctively, to bring within the scope of this information request all responses that might otherwise be construed to be outside its scope. "Each" shall be construed to include "every" and "every" shall be construed to include "each." "Any" shall be construed to include "all" and "all" shall be construed to include "any." The use of a verb in any tense shall be construed as the use of the verb is a past or present tense, whenever necessary to bring within the scope of the document request all responses which might otherwise be construed to be outside its scope.

In order to evaluate whether or not Lazydays RV has complied with the Safety Act's provision that a dealer not sell a recalled vehicle unless the recall remedy has been performed, certain information is required. Pursuant to 49 U.S.C § 30166, please provide numbered responses to the following information requests. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

INFORMATION REQUESTS

Please repeat the applicable request verbatim above each response. After your response to each request, identify the source of the information and indicate the last date the information was gathered.

1. Identify any and all notices or communications Lazydays RV received from Winnebago (including, but not limited to, notifications, service bulletins, stop sales instructions, reports, and letters, whether paper or electronic (such as through any Winnebago interactive network)) concerning safety recall 17V-108. For each notice or communication you identify, state: (a) its date; (b) the date Lazydays RV received it; (c) the type of the notice or communication (e.g., stop sale notice, recall notice, dealer bulletin, etc.); and (d) the number and/or the VINs of affected units Winnebago identified as within Lazydays RV's possession, if any.

Produce a copy of each notice you received and identified in response to this question, including any attachments or enclosures whether paper or electronic.

2. Produce copies of all communications, including any attachments or enclosures whether paper or electronic, other than those already identified and produced in your response to Information Requests No. 1, between Lazydays RV and Winnebago concerning safety recall 17V-108. For each such communication, state: (a) its date; (b) the date Lazydays RV received it; and (c) the type of the notice or communication (e.g., stop sale notice, recall notice, dealer bulletin, etc.).
3. Identify, by stating the model, model year, and vehicle identification number ("VIN"), each and every new vehicle subject to safety recall 17V-108 of which Lazydays RV had possession at any time from February 20, 2017 through present.

For each vehicle you identify, state the following:

- a. The date on which Lazydays RV took possession of the vehicle;
- b. The disposition of the vehicle (e.g., sold, leased, still in inventory, etc.);
- c. The date of the disposition you identified in (b);
- d. The date on which the vehicle left the possession of Lazydays RV (e.g., delivery date to purchaser);
- e. Whether the recall remedy was performed on the vehicle. "Recall remedy" refers to the inspection and repair procedures Winnebago instructed Lazydays RV to perform under the recall;
- f. The date on which the recall remedy was performed on the vehicle;

- g. The name and address of the entity that performed the recall remedy on the vehicle (e.g., Lazydays RV).

Provide your responses in a table in Microsoft Access or Excel entitled "Vehicles 17V-108."

4. Produce copies of all documents that evidence, substantiate, or are otherwise related to your responses to each item within the scope of Request No. 3. Organize the documents separately by VIN.
5. Provide any additional information Lazydays RV considers important for the agency to consider in reviewing and evaluating Lazydays RV's responses to any of the requests above. As one example, identify any anomalies in the data or documents and explain the reason(s) for those anomalies.

This letter is being sent to Lazydays RV pursuant to 49 U.S.C. § 30166(b) and (e), which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports. It constitutes a new request for information. Lazydays RV's failure to respond promptly and fully to this letter could subject Lazydays RV to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$21,000 per day, with a maximum of \$105,000,000 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond to ODI information requests.

If Lazydays RV cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney client, attorney work product, or other privilege, Lazydays RV does not submit one or more requested documents or items of information in response to this information request, Lazydays RV must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

All documents should be bates stamped unless they are to be provided in Microsoft Access or Microsoft Excel format. This includes documentation that Lazydays RV links electronically to any of the spreadsheets it produces in response to these requests. Unless otherwise stated, please provide documents in chronological order.

Lazydays RV's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office **no later than three weeks from the date of this letter.** If Lazydays RV finds that it is unable to provide all of the information requested within the time allotted, Lazydays RV must request an extension from Alexander Ansley, of my staff, at (202) 493-0481 no later than five business dates before the response due date. If Lazydays RV is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Lazydays RV then has available, even if an extension has been granted.

If Lazydays RV claims that any of the information or documents provided in response to this information request constitutes confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or is protected from disclosure pursuant to 18 U.S.C. §1905, Lazydays RV must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-326, 1200 New Jersey Ave., SE, Washington, D.C. 20590. Lazydays RV is required to submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information is claimed to be confidential has been deleted. Please remember that the words "CONFIDENTIAL BUSINESS INFORMATION" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 49 CFR § 512.6. If you submit a request for confidentiality for all or part of your response to this IR that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the requires in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats (49 CFR 512.6(c)).

Your point of contact for this investigation is Alexander Ansley. Mr. Ansley can be reached on (202) 493-0481 or at alexander.ansley@dot.gov.

Sincerely,



Stephen A. Ridella, Director
Office of Defects Investigation
Enforcement

Enclosures

Safety Issue Type: Complaints**May 13 2017** NHTSA ID Number: 10985486**Components: ELECTRONIC STABILITY CONTROL, FUEL/PROPULSION SYSTEM**

NHTSA ID Number 10985486

Incident Date April 28 2017

Consumer Location JACKSONVILLE, FL

Vehicle Identification Number [REDACTED]

Complaint Summary

CRASH No NHTSA SAFETY RECALL 17V-108 CAMPAIGN 144 LP HOSE! PURCHASED
FIRE No THE TRAVATO ON APRIL 28TH WHEN RECALL WAS ALREADY IN AFFECT
INJURIES 0 THE REPAIR RECALL WAS NOT FIXED BUT THEY DELIVERED THE VEHICLE
DEATHS 0 TO ME KNOWING THIS! GOT A RECALL NOTICE FROM THEM ON MAY 8TH
(CERT MAIL) TELLING ME OF THE RECALL. I HAVE MADE ARRANGEMENT
FOR REPAIR ON MAY 19TH MUST DRIVE IT TO TAMPA FL FROM
JACKSONVILLE FL AT MY TIME NO EXSPENCE . WILL IT BE SAFE TO DRIVE
AND DO I HAVE ANY GROUNDS FOR COMPENSATION IN THIS MATTER!
LAZY DAY SERVICE MANAGER SAID THEY DID NOT HAVE TIME TO FIX IT
BEFORE IT WAS DELIVERED TO ME? THANK YOU FOR LISTING! [REDACTED]
[REDACTED]

Associated Products (1)**Vehicle**

MAKE	MODEL	YEAR
RAM	PROMASTER	2017