



Mercedes-Benz



PORSCHE

OF ALBUQUERQUE

June 4, 2018

State of New Mexico
Office of the Attorney General
Attn: Hector Balderas
201 3rd St., NW – Suite #300
Albuquerque, NM 87102

Subject: Joshua Wetherson's Complaint Submission with the Attorney General's Office.
Repair Order #: 220047 – VIN# WDDSJ5CB6EN057853
ECS Reference: Complaint #: NMOAG-ECS-20180531-6529

Dear Hector Balderas:

Mr. Wetherson states that while they were driving, they heard a loud noise that sounded like the engine had blown, and the check oil did not register. (*See copy of original repair order attached*). Mr. Wetherson had his vehicle towed during the weekend, and gave the keys to a sales person at our Mercedes-Benz Albuquerque Dealership.

As you will see on the copy of the original repair order, the vehicle was written up on Monday, May 14, 2018. The vehicle had never been to our dealership, so we were unable to retrieve ownership information. Once Mr. Wetherson contacted us we were able to write the repair order.

The vehicle was taken to our repair shop, and visually inspected it. At that point we could see the connecting rod had broken through the engine block. The original warranty had expired on January 10, 2018, so any repairs would be the responsibility of the customer. Our Advisor Tony VanDyke called Mr. Wetherson and, advised him of the cost for the needed repairs.

Mr. Wetherson contacted the Mercedes-Benz Corporate office with the intent of receiving a goodwill adjustment on the repair of the vehicle. Soon after Mercedes-Benz Corporate office contacted us, and told us that they needed a complete inspection of the vehicle; including downloading all the information from the vehicles on board diagnostic computers.

Mercedes-Benz Corporate requested this information to decide if a goodwill adjustment was warranted. The inspection came to the conclusion after downloading all the computer data supplied by the on board computers, it was determined that the alternator was overburdened, causing the alternator to overheat and the excessive heat caused the belt that turns the water pump to fail.



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Continued...

OF ALBUQUERQUE

The excessive heat damage to the belt that runs from the crankshaft to the water pump caused the water pump to stop circulating coolant, and the engine to overheat. According to the data retrieved from the engines on board controller, the coolant light warning came on seven times prior to the engine failure. We received the vehicle with 41719 miles. The last engine warning light came on at 41716 miles. Because of the engine damage our technicians were not able to start the engine and drive the vehicle into the stall for inspection.

For clarification reasons, I should explain that the vehicle has two belts on the engine, one for all the accessories (this would be the large one that is easy to see), and the second belt for the water pump, which is run exclusively by the crankshaft (This belt is hard to see from the top of the engine). We have included photos, so you can make out what we are describing. The belt is melted to the pulley.

We have also included the dip stick, which clearly shows that there is oil in the engine, along with a photo of a 200 amp fuse installed in series between the battery and alternator. The alternator that is installed on this vehicle is rated at 175 amps. This is why the fuse did not blow and protect the alternator.

After receiving our report, Mercedes-Benz Corporate declined to offer any goodwill towards the repair. Later Mr. Wetherson called, and accused our dealership personal of damaging the vehicles engine, and he was going to retain an attorney.

Please contact us at 505-821-4000 if you have any questions.

Sincerely,

Albert Disch
Service Manager
Mercedes Benz of Albuquerque

cc: Robert Bostwick, General Mgr., Mercedes-Benz, Audi & Porsche - ABQ
John Varney, Fixed Operation Mgr., Mercedes-Benz, Audi & Porsche - ABQ

Enclosures: Copy of the original repair order.
Pictures of the vehicle alternator pulley and damaged belt,
Engine dip stick, diagnostic codes and parts catalog with,
alternator specifications. Also non factory installed fuse.

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

Electronic Complaint Submission

Submission Detail

ECS Reference Number	NMOAG-ECS-20180531-6529
Final Submit Date	5/31/2018 3:51:47 PM

Disclosure of your complaint: This complaint is a public record, thus available under provisions of the NM Inspection of Public Records Act.

Disclosure to other entities: This complaint, its content, and other information may be disclosed to other law enforcement and regulatory agencies.

I understand this complaint and any submitted documents are public record and may be shared with other law enforcement and regulatory agencies.

DECLARATION: By submitting this form, I attest that the information in this complaint is true and accurate to the best of my knowledge. I further understand that by submitting this form I may be called to testify as a witness in this matter.

I understand declaration statement.

The New Mexico Office of the Attorney General cannot give legal advice regarding this complaint and will not act as your personal attorney. If you have questions regarding your rights please contact a private attorney.

Submission of this complaint is not confirmation that an investigation will be initiated.

Complaint Detail

Complaint Type	Consumer Complaint Involving Vehicle
Retained Attorney	<input type="checkbox"/>
Description of complaint	<p>My 2014 Mercedes-Benz CLA 45 AMG started smoking driving down the road so I had it towed to a local mechanic. Local mechanic looked at it checked the common things like the belt to make sure a pulley wasn't locked up. He then found that the oil was very low and determined that there was a pretty major oil leak, Not being a certified Mercedes mechanic he suggested I have it towed to the nearing Mercedes dealer which was the mercedes of Albuquerque in which I have the complaint with. I called ahead of time to make an appointment and tell them that there was no oil in the vehicle, Had it towed to the dealership and when the keys were given to the dealership personnel it was again reiterated that there was no oil in the car. I called the day of my appointment to check the status and see what was wrong with my car. Tony the service tech could not find my name in the system, apparently they had failed to put my appointment into the system. When I inquired to see if they had looked at my car he said "The blue one that makes a very loud squealing noise when started" Which tells me they started my car with no oil. Didn't think much of it at the time and asked they look it over. Tony calls back about two hours later and tells me I have a blown rod and the repair is going to be \$39,000. More than the vehicle is worth. As far as i'm aware and the mechanic that checked my car before it was taken there the engine did not have a blown rod prior to taking it to the dealer. I had them investigate it and also got mercedes corporate involved since it had just came off warranty to see if the dealer or mercedes would good will repair it. Mercedes sent out a national field technician to check the car along side the dealership technicians. When I inquired about my car the Service manager left me a voicemail stating that my aftermarket stereo caused the alternator to catch fire, which burnt the belt, which made the water pump seize, which blew the rod in the engine. I'm not a mechanic but I have worked on my own cars enough in the past to know that that sequence of events would be nearly impossible. So I went and inspected the car myself and have a video of the following. The aftermarket stereo that was stated is a Amp wire that is not hooked to anything the last owner had a amp and subwoofer installed which was taken out before it was sold to me. That amp wire has a In-Line fuse that was not blown which is there to stop it from grounding out and causing any damage. The alternator has absolutely no signs of any fire damage the metal heat shields are all shiny silver which would be completely black if there was any type of fire in the engine bay also there was no fire smell of any sorts. The pulley while it did look a little worn like it was rubbing it was in one piece and still attached on the pulley assembly of the alternator. When I confronted the Service Manager with my findings and told him I would take legal action if he did not own up to the technicians mistake of starting it with no oil and blowing the engine. He stated "Tear it up" and walked away. I also have a recorded phone call to the service department in which I inquired how fast an AMG engine could blow with no oil in it if it was started the tech stated within minutes even if it wasn't even driven because the tolerances in those engines is so tight. The story they have told me is completely false and fraudulent. I'm out \$39,000 right now which I have a loan on which has put me in a financial crisis.</p>

Parties

Complainant

Mr. joshua wetherson

Person

Address

1000 goeglein gulch road
unit 1108
Durango, Colorado 81301

Contact information

breezejr5@gmail.com
(814) 592-0888

Complaint against

Mercedes-Benz of Albuquerque

Business

Address

8920 Pan American Fwy NE
Albuquerque, New Mexico 87113

Contact information

(505) 821-4000
<https://www.mercedesabq.com/>

Complaint Specifics

Was a contract signed? (If YES, No
please upload a copy of the
contract in the documents
section.)

Was product/service advertised? No
(if possible, please upload a copy
of the advertisement.)

Tell us what you have done to try I have asked the Service Manager to cover the damage to my car
and resolve this issue with the

business or entity?

With what other agencies have you filed this complaint? None

What action was taken by agency? N/a

Have you filed a lawsuit? No

What action will resolve your complaint? I believe the dealership should cover my blown engine and whatever other damage may have been caused by them starting it with no oil in it. If it is not economical to do so they should pay me the value of my vehicle at fair market price.

Transaction

Item Type Service

Item or Service Vehicle Check

Item or Service Description

Identifying Number WDDSJ5CB6EN057853

Identifying Number Type VIN Number

Transaction Date

Transaction Amount

Payment Method

Payment Reference Number

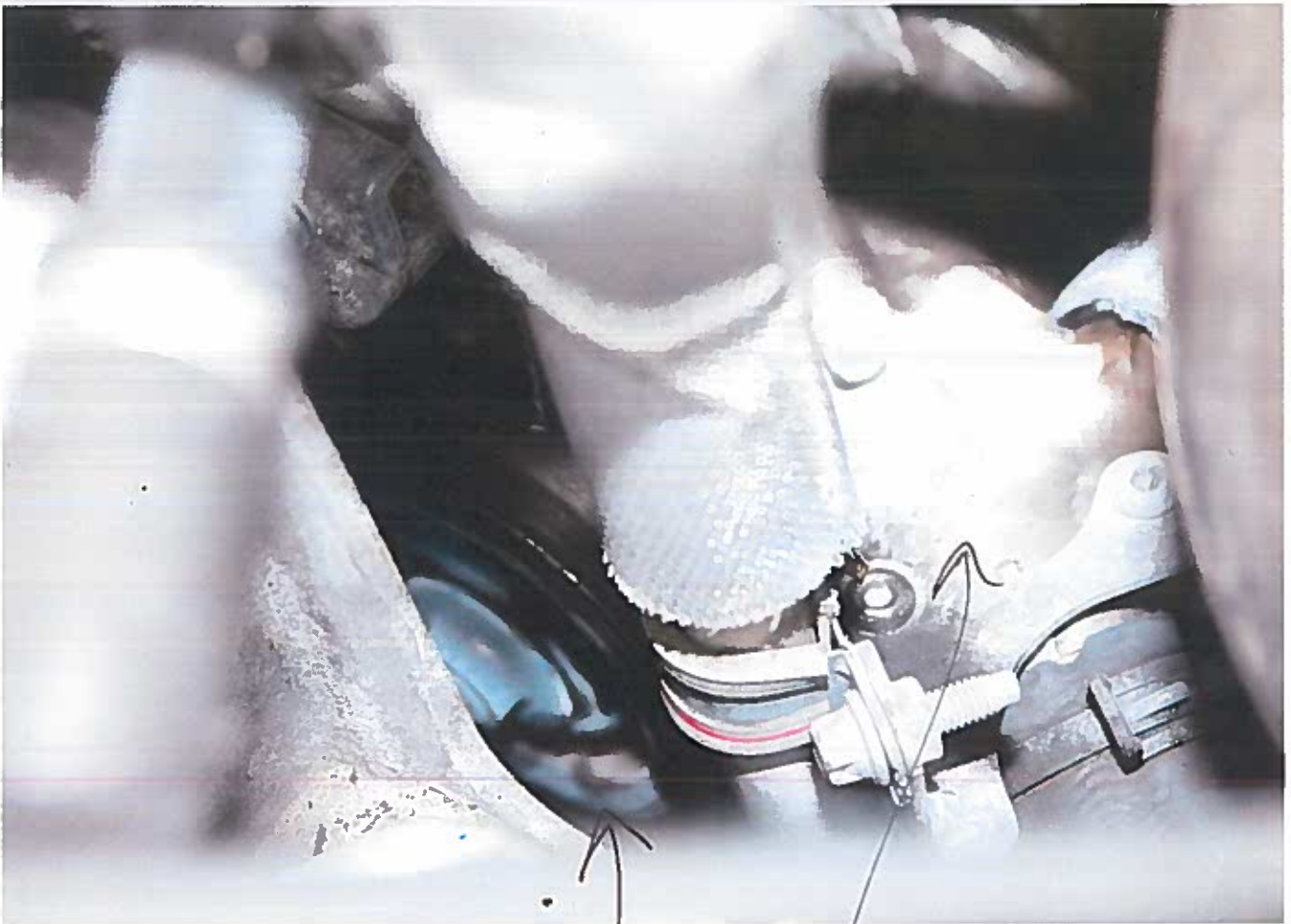
Transaction Terms

Transaction Comment

Loss 35000.00

Documents

***** END OF COMPLAINT *****



Engine coolant pump and pulley
turned white from excessive heat



Engine oil on Dipstick



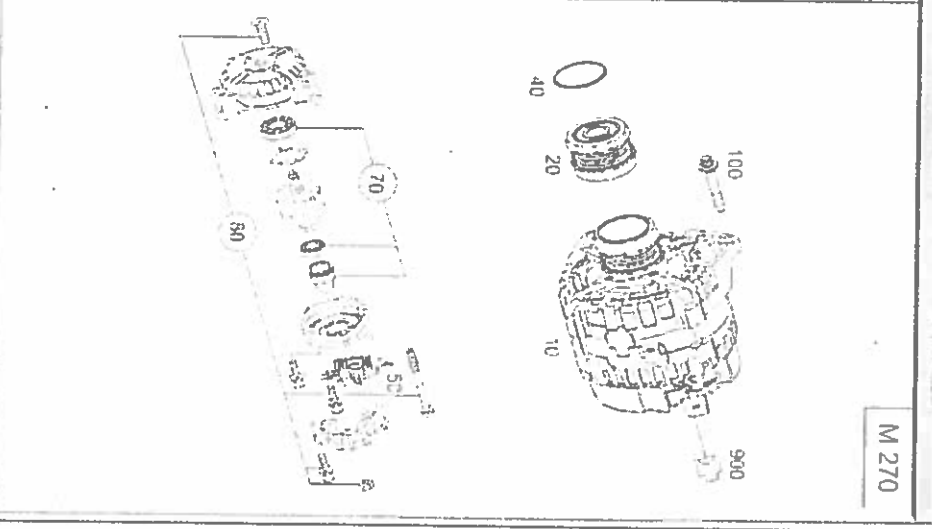
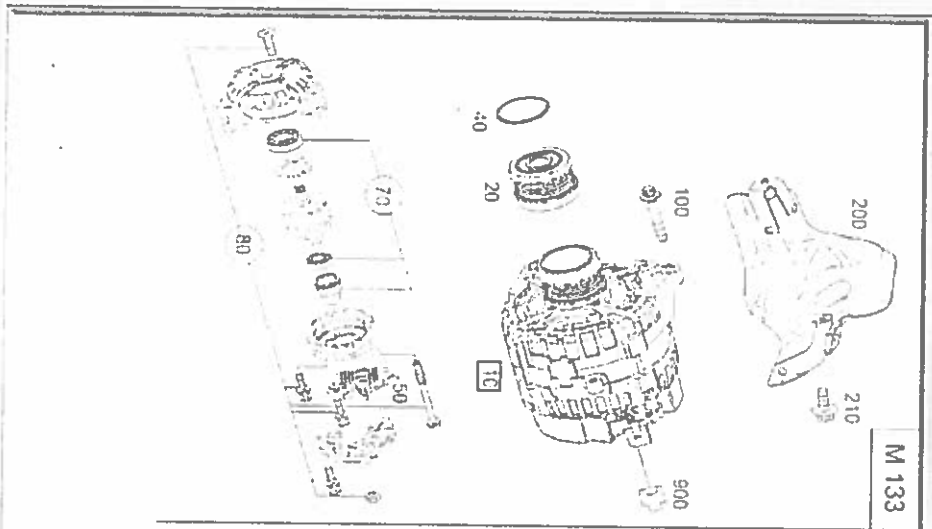
Aftermarket wiring Installed

Identification number 117352 117352JUN057853

Item mode 1. Car 117352 DA 45 AMG 117352 54 ELECTRICAL EQUIPMENT AND INSTRUMENT 026 ALTERNATOR

Item no.	Part number	Description	Quantity
10	A 090 936 03 03	THREE-PHASE ALTERNATOR BOSCH 147175L 1997 PART IS ONLY OR ALSO SUPPLIED	601

Client's vehicle has an Alternator that is only rated at 175 Amps. Client's Aftermarket Fuse is 200 Amps. Also Client's Aftermarket Fuse is not inline from Alternator to Battery. It is from Battery to his equipment in Trunk.



No.	Item no.	Part number	ES1	ES2	Description/description	Quantity	Qty o...	Price	Varia...

U016487 Communication with the air conditioning has a malfunction. The message is missing.

Supplemental information on time of occurrence

Name	First occurrence	Last occurrence
Frequency counter	---	17
Main odometer reading	67136km	67136km
Number of ignition cycles since the last occurrence of the fault	---	0

STORED 1

P25567B Sensor 'Coolant level' has a malfunction. The fluid level is too low.

Supplemental information on time of occurrence

Name	First occurrence	Last occurrence
Frequency counter	---	7
Main odometer reading	65920km	67136km
Number of ignition cycles since the last occurrence of the fault	---	16

Start monitoring

Clear fault memory

Tests


Engine Problems 2

Fault codes started at 41,706 miles
 Last Fault codes recorded at 41,716 mile

Coolant warning light codes started at 40,960 Miles
 last code set at 41,716 miles

Initial quick test log

Model series/Model designation	906.633	Workshop ID	[Werkstattdata]
VIN	WD3PE7CC0D5746630	Steering	LEFT
Total distance driven	174222 km	Version	7.7.2/03/2018 (2018-01-10)
Battery voltage	13.80 V		


CDI60 Common Rail Diesel Injection				- f - 
MB number	HW version	SW version	Diagnosis version	Pin
6429011100	12.02.00	13.30.00	000A35	101
FW number	FW number (data)		FW number (boot SW)	
6429021502 6429031108 6429040300				

Code	Text	Status
P155C00	Signal 'Engine off time' from control unit A1 (Instrument cluster) is implausible.	STORED
P118000	Relay K40/9k7 (Circuit 15R relay) of component K40/9 (Fuse/relay box (SRB)) switches off too early.	STORED
P11E700	An internal control unit reset was performed.	STORED
Event	Text	Status
P16CC00	AdBlue Warning message 'STAGE 1': The AdBlue® fill level is too low.	Event STORED
P131E00	The fuel tank level is too low.	Event STORED


SCR Control unit AdBlue				- F -
MB number	HW version	SW version	Diagnosis version	Pin
1644460054	07.10.00	07.37.00	001720	101
FW number	FW number (data)		FW number (boot SW)	
0004482254 6429026701 6429032704				
Code	Text	Status		


03/2018 (2018-01-10)\AddOns: ([8996] (8997) (9058) (9093) (9094) (9107) (9108) (9109) (9110) (9111) (9112) (9119) (9120) (9121) (9122) (9123) (9124) (9125) (9129) (9130) (9131) (9140) (9149) (9150) (9154) (9156) (9159) (9161) (9166) (9168) (9172) (9175) (9176) (9177) (9180) (9182) (9184) (9188) (9191) (9199) (9202) (9203) (9204) (9205) (9208) (9210) (9213) (9215) (9216) (9219) (9223) (9227) (9235) (9239) (9240) (9241) (9242) (9244) (9245) (9250) (9251) (9252) (9253) (9254) (9255) (9257) (9258) (9262) (9265) (9266) (9268) (9271) (9272) (9279) (9282) (9284) (9285) (9287) (9288) (9290) (9291) (9295) (9297) (9298) (9299) (9301) (9302) (9303) (9305) (9306) (9309) (9311) (9312) (9313) (9315) (9317) (9318) (9320) (9321) (9323) (9324) (9326) (9333) (9334) (9337) (9339) (9341) (9343) (9345) (9350) (9351) (9353) (9359) (9361) (9363) (9365) (9368) (9371) (9373) (9374) (9375) (9377) (9378) (9380) (9382) (9384) (9386) (9389) (9392) (9393) (9394) (9395) (9396) (9397) (9402) (9405) (9406) (9408) (9409) (9410) (9412) (9414) (9415) (9416) (9419) (9422) (9423) (9424) (9426) (9428) (9429) (9430) (9431) (9434) (9436) (9438) (9439) (9442) (9443) (9444) (9445) (9448) (9449) (9450) (9455) (9463) (9467) (9470) (9473) (9475) (9490) (9493) (9494) (9495) (9496) (9498) (9499) (9501) (9505) (9508) (9510) (9512) (9521) (9524) (9525) (9528) (9534) (9537) (9538) (9539) (9543) (9549) (9552) (9553) (9554) (9557) (9560) (9562) (9567) (9569) (9573) (9575) (9579) (9581) (9584) (9587) (9590) (9593) (9596) (9598) (9599) (9604) (9606) (9612) (9615) (9617) (9620) (9621) (9623) (9628) (9631) (9634) (9637) (9640) (9642) (9644) (9648) (9653) (9656) (9658) (9659) (9662) (9663) (9668) (9671) (9676) (9677) (9682) (9683) (9687) (9689) (9692) (9695) (9697) (9699) (9708) (9709) (9714) (9718) (9723) (9724) (9732) (9733) (9735) (9736) (9738) (9739) (9744) (9751) (9752) (9755) (9757) (9760) (9763) (9765) (9767) (9771)

20EA92 The power supply at the input of the control unit 'combustion engine' has a malfunction.  Current and stored

EZS Electronic ignition switch					- f - 
MB number	HW version	SW version	Diagnosis version	Pin	
9065456808	08.15	09.10	4/2	101	
Code	Text			Status	
9005	N26/5 (ESL [ELV] control unit) - Communication fault			STORED	
Event	Text			Status	
9001	N73 (EIS [EZS] control unit) - Undervoltage			Event STORED	

KI Instrument cluster					- f -
MB number	HW version	SW version	Diagnosis version	Pin	
9069013800	10.25	12.19	1/21	101	
FW number	FW number (data)		FW number (boot SW)		
9069023401			0000000000		
Code	Text			Status	
9110	Interior CAN bus - CAN bus-fault			STORED	
9128	A1 (Instrument cluster) - Undervoltage shutoff			STORED	

OBF2 Upper control panel					- f - 
MB number	HW version	SW version	Diagnosis version	Pin	
9068700210	10.16.00	10.14.00	000001	101	
FW number	FW number (data)		FW number (boot SW)		
9064420023					
Code	Text			Status	
B210A00	The power supply in the system is too low.			STORED	
Event	Text			Status	
B210D16	The limit value for electrical voltage has not been attained. (U<9V)			Event STORED	

SAM Signal acquisition and actuation module					
MB number	HW version	SW version	Diagnosis version	Pin	
9069017601	14.08	13.02	4/84	101	
FW number	FW number (data)		FW number (boot SW)		
9069024301			0000000000		
Event	Text			Status	
90C1	Component S1 (Exterior lamp switch) has activated the emergency lighting. - Switch status is implausible.			Event STORED	
90D4	CAN bus - No CAN message from control unit A1 (Instrument cluster).			Event STORED	
9093	N10 (SAM control unit) - Undervoltage shutoff			Event STORED	
90C2	Component S1 (Exterior lamp switch) has activated the emergency lighting. - Fault in supply voltage			Event STORED	

TSG Door control module front driver side	
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MB number 9068205626	HW version 06.30	SW version 09.09	Diagnosis version 1/4	Pin 101
Event		Text		Status
9021		N69/1 (Driver door control unit) - Undervoltage shutoff		Event STORED

EGS Electronic transmission control				- ✓ -
MB number 0034464110	HW version 48.2006	SW version 14.2012	Diagnosis version 3/85	Pin 101
FW number 0009027102		FW number (data)	FW number (boot SW) 0000000000	


ESP Electronic stability program				- f -
MB number 0009015901	HW version 11.11.00	SW version 12.07.00	Diagnosis version 003002	Pin 101
FW number 9069022701		FW number (data)	FW number (boot SW)	
Code	Text			Status
C007700	Component S9/3 (Electronic brake light switch) has undervoltage.			STORED
C011000	N30/4 (Electronic Stability Program (ESP)) : Undervoltage			STORED
C007A00	The voltage supply (circuit 15) for the control module is not o.k. (Open circuit)			STORED

EWM Electronic selector module				- ✓ -
MB number 9062603709	HW version 06.13	SW version 07.13	Diagnosis version 0/21	Pin 101
FW number 9064480209		FW number (data)	FW number (boot SW) 0000000000	

KLA Automatic air conditioning/automatic temperature control				- ✓ -
MB number 9068302285	HW version 10.30	SW version 11.23	Diagnosis version 0/3	Pin 101

MRM Steering column module				- ✓ -
MB number 9065402745	HW version 12.20	SW version 06.15	Diagnosis version 1/1	Pin 101

PTC Heater booster				- ✓ -
MB number 9069009000	HW version 10.12	SW version 11.02	Diagnosis version 3/1	Pin 101

RDK Tire pressure monitor				- f - 
MB number 9065450016	HW version 08.18	SW version 09.40	Diagnosis version 3/1	Pin 101
FW number 9064480637		FW number (data)	FW number (boot SW) 0000000000	
Code	Text			Status

A10D	N88/1 (TPM [RDK] control unit) - The voltage supply is too low.	STORED
C168	No CAN message from control unit N73 (EIS [EZS] control unit).	STORED
C146	No CAN message from control unit N73 (EIS [EZS] control unit).	STORED
C155	No CAN message from control unit A1 (Instrument cluster (KI)).	STORED
A10A	Signal via CAN - Undervoltage	STORED
Event		
Text		Status
C011	CAN bus failure	Event STORED

SRS Supplemental restraint system				i
MB number	HW version	SW version	Diagnosis version	Pin
9069005701	11.33	07.14	13/4	101
Event				Status
Text			Status	
9003	Airbag control module - Undervoltage (< 9V)		Event STORED	

Radio Sound 5 NG				i
MB number	HW version	SW version	Diagnosis version	Pin
0048204986	08.46.00	12.13.00	003003	101
FW number	FW number (data)		FW number (boot SW)	
0009029910				
Event				Status
Text			Status	
900493	Error while reading the CD		Event STORED	