

From: [Jensen, Lisa](#)
To: [glenn.shane](#)
Subject: Public Records Request | Garvey Nissan | 2021-06549
Date: Monday, August 2, 2021 9:09:47 AM
Attachments: [Garvey Nissan PRR Response 8.2.21.pdf](#)

Dear Glenn Shane,

Please see the attached regarding the Public Records Act Request.

Thank you,

Lisa Jensen, MPA
Assistant Director
Consumer Assistance Program
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
Direct 802.489.6058
Pronouns: she/her/hers

Consumer Assistance Hotline: 800-649-2424
ago.vermont.gov

CUSTOMER #: 7752355

9922



GARVEY NISSAN
2201 US RTE 7N
RUTLAND, VT 05701
HOME: 775-2355
BUS:

CONT: 775-2355
CELL:

INVOICE
DUPLICATE 3
PAGE 1

1504 U.S. Route 302 · P.O. Box 6090
Barre, VT 05641
Ph: (802) 479-2277 · Fax: (802) 476-5473
www.formulanissan.com

SERVICE ADVISOR: 109 ALENE WHEELER

| COLOR | YEAR | MAKE/MODEL | VIN | LICENSE | MILEAGE IN/OUT | TAG | |
|-------------|------------|---------------|----------------------------|---------|----------------|---------|-----------|
| | 06 | NISSAN XTERRA | [REDACTED] | | 00/0 | GARVEY | |
| DEL. DATE | PROD. DATE | WARR. EXP. | PROMISED | PO NO. | RATE | PAYMENT | INV. DATE |
| 01JAN06 DD | | | 17:00 28JUL15 | | 85.00 | CASH | 01OCT15 |
| R.O. OPENED | | READY | OPTIONS: ENG:4.0 Liter Gas | | | | |
| 28JUL15 | | 01OCT15 | | | | | |

| LINE | OPCODE | TECH | TYPE | HOURS | LIST | NET | TOTAL |
|---|--------|-------|---------------------------|-------|--------|---------|----------|
| A NO CRANK, NO START SEE VEHICLE FOR PAPERWORK SEE SEE NOTES BELOW | | | | | | | |
| | | | | 773 | | 1147.50 | 1147.50 |
| 1 | 284B7 | CW29E | RELAY | | 2.18 | 2.18 | 2.18 |
| 1 | 284B6 | ZE03C | CONTROLLER UNIT USM | | 384.48 | 384.48 | 384.48 |
| 2 | 2B710 | ZP37A | ENGINE CONTROL MODULE | | 559.24 | 559.24 | 1118.48* |
| 1 | 24382 | EL00A | COVER-FUSIBLE LINK HOLDER | | 12.73 | 12.73 | 12.73 |
| 1 | 24382 | EV01A | COVER-FUSIBLE LINK HOLDER | | 13.92 | 13.92 | 13.92 |
| 2 | 22448 | 8J11C | COIL ASSY - IGNITION | | 137.12 | 104.65 | 209.30* |
| 1 | 2B710 | ZP37A | ENGINE CONTROL MODULE | | 699.05 | 559.24 | 559.24* |
| PARTS: 2300.33 LABOR: 1147.50 OTHER: 0700 TOTAL LINE A: | | | | | | | 3447.83 |

0 FOUND VEH WOULD CRANK BUT NOT START. CHECKED ECM RELAY. GOOD RELAY CHECKED FOR pwr and ground going to ipdm. good. checked for spark no spark at this time. checked fuel. veh is getting fuel. checked assist for bulletins. none related to issue. found multiple pin fit issues on ecm. resolved pin fit issues. veh still would not start and engine would not come up on consult. replaced ipdm as recommend by dts. veh still would not start. replaced ecm as per dts. veh then started and died. dts then worked on veh and found two bad coils. replaced to bad coils and ecm again. veh now runs. has code for evap pressure sensor and p0642 sensor power. also had multiple cylinder misfire and codes for app pwr at psi and battery current sensor. found short to ground on evap pressure sensor circuit. removed pin from ecm and started veh. now codes for battery current sensor and pwr steering sensor. also multiple cylinder misfire. veh now has throttle response which is didnt before

CUSTOMER PAY ENVIRONMENTAL RECYCLING CHARGE FOR WASTE. FOR REPAIR ORDER 50.00

* ADVISED BY NISSAN THEY WOULD COVER THESE ITEMS

1118.48
209.30
559.24
3 total 1,887.02

"Thank You For Your Patronage"

ON BEHALF OF SERVING DEALER, HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS ACCURATE UNLESS OTHERWISE SHOWN. SERVICES DESCRIBED WERE PERFORMED AT NO CHARGE TO OWNER. THERE WAS NO INDICATION FROM THE APPEARANCE OF THE VEHICLE OR OTHERWISE, THAT ANY PART REPAIRED OR REPLACED UNDER THIS CLAIM HAD BEEN CONNECTED IN ANY WAY WITH ANY ACCIDENT, NEGLIGENCE OR MISUSE. RECORDS SUPPORTING THIS CLAIM ARE AVAILABLE FOR (1) YEAR FROM THE DATE OF PAYMENT NOTIFICATION AT THE SERVING DEALER FOR INSPECTION BY MANUFACTURER'S REPRESENTATIVE.

STATEMENT OF DISCLAIMER
The factory warranty constitutes all of the warranty with respect to the sale of this item. The Seller hereby expressly disclaims all warranties other express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item.

| DESCRIPTION | TOTALS |
|------------------------|--------|
| LABOR AMOUNT | |
| PARTS AMOUNT | |
| GAS, OIL, LUBE | |
| SUBLET AMOUNT | |
| MISC. CHARGES | |
| TOTAL CHARGES | |
| LESS INSURANCE | |
| SALES TAX | |
| PLEASE PAY THIS AMOUNT | |

GENERAL OF HAZARDOUS WASTE
The State of Vermont requires that hazardous waste, oil, grease, and other fluids must be disposed of by a licensed contractor in an environmentally safe manner.
Any charges for removal of hazardous waste, oil, grease, and other fluids are in addition to our charges for the preservation of the environment.
ALL PARTS INSTALLED ARE NEW UNLESS SPECIFIED OTHERWISE.

GARVEY NISSAN, INC.
 201 U.S. RTE 7 NORTH
 RUTLAND, VT 05701
 PH(802)775-2355 FX(802)775-6465
 GARVEYNISSAN.COM

17906

| | | | | | | | | | |
|-----------------------|-------------------|---------------------------|------------|------------------|-------------|----------------|----------|-------------|--|
| DANIEL/MICHELE MURPHY | | VEHICLE ID | | MILES IN | MILES OUT | DATE/TIME IN | DATE OUT | INVOICE NO. | |
| [REDACTED] | | [REDACTED] | | 130733 | 130733 | 06/08/15 16:59 | 09/02/15 | 17906 | |
| MALDEN, MA 02148 | | VEHICLE DESCRIPTION | | | | TAG NO. | STATUS | | |
| | | 2006 NISSAN XTERRA 4.0 () | | | | | COMPLETE | | |
| CONTROL NO. | LICENSE PLATE NO. | CUST. LABOR RATE | PROD. DATE | IN-SERV DATE | DELIV. DATE | DELIV. MILES | TERMS | | |
| | 124-1681 | | | | | | Cash | | |
| HOME PHONE | WORK PHONE | CELL PHONE | STOCK NO. | SERV. ADV. | | ENGINE | | | |
| [REDACTED] | [REDACTED] | | | SHAY PLATT (SMP) | | | | | |

| Line | Op-Code | Fail Code | Tech | Hours | Type | Amount |
|------|---------|-----------|------|-------|----------|----------|
| A * | | | A12 | | Customer | \$264.00 |

Concern VEHICLE TOWED IN, WILL CRANK OVER BUT WILL NOT START.
 Correction Technician unable to read vehicle via consult III or II as attempted, no communication ipdm. Removed and replaced unit as authorized, idpm now recognized however ecm unreadable inspected all pins/harness recommended and replaced egi harness and sub harness as per Nissan tech line. power found still no communication with ecm. removed and replaced as authorized - attempt to program ecm will not accept or recognized new unit. removed and inspected as per tech line engine coils. Several call into tech line documented throughout repairs as for olms testing, power/ground testing. DTS was contacted for assistance - recommended to send vehicle to Formula Nissan- Greg @ Formula agreed to aid in further diagnosis/repair. New unprogrammed ECM and coils installed then loaded to flat bed for tow to Formula by Hop to It Towing. Old parts provided along with all tech line notes/printouts and technician notes to Formula.

| Part Number | Description | Qty. | Unit Price | Ext. Price |
|----------------|---------------|------|------------|------------|
| 646-11074 | IPDM | 1 | \$225.00 | \$225.00 |
| 24011-EA271 | HARNASS ASSY- | 1 | \$411.19 | \$411.19 |
| 24079-EA205 | HARNASS ASSY- | 1 | \$25.78 | \$25.78 |
| 22448-8J11C | COIL ASSY - I | 4 | \$118.00 | \$472.00 |
| 23710-ZP37A | ENGINE CONTRO | 1 | \$695.00 | \$695.00 |
| Parts Total... | | | | \$1,828.97 |

From: [REDACTED]
Sent: Friday, November 13, 2015 3:26 PM
To: consumer@uvm.edu
Cc: danhamma@hotmail.com
Subject: Auto Consumer Complaint Form

Below is the result of your feedback form. It was submitted by
(danhamma@hotmail.com) on Friday, November 13, 2015 at 15:25:54

email: [REDACTED]

Name: Daniel Murphy

Street: [REDACTED]

City: Epping

State: NH

ZIP: 03042

Phone: [REDACTED]

Age: 45

Senior: No

Veteran or Service Member: No

Business Name: Garvey Nissan

Business Person: Todd Neil

Business Street: 2201 US RTE. 7 North

Business City: Rutland

Business State: VT

Business ZIP: 05701

Business Phone: 802-775-2355

Business Type: dealer, Service Station

Year: 2006

Make: Nissan

Model: Xterra

New or Used: New

Inspection Location: 2015

Date Purchased: May 2005

Purchase Price: 19,000

Milage at Purchase: 0

Milage Current: 130733

Warranty Status: As-Is

Repair Cost: 1828.97

Repair Bill Hold/Mechanic's Lien: No

Complaint Issue: Repair

Complaint: On 6/7/15, I was travelling from NY back to NH and car stalled in Killington VT on Rt 4. Car was towed by Bruno's Towing to Bruno's garage in Rutland. After inspecting, Brunos stated there was an electrical issue that needed to be fixed by an authorized Nissan dealer. It was then towed to Garvey Nissan. Over the next month and 1/2, Garvey Nissan performed work on it, replacing various electrical parts (IPDM, ECM, Harnesses, Coils, etc)and still could not get car to run correctly. They stated it needed to be towed to a larger facility to have the regional technician work on it. It was then towed to Formula Nissan on July 28. Formula has also done work on it and replaced numerous parts (ECM, Coils, etc) and they also cannot get the vehicle to run correctly. Working through Todd Neil at Garvey, Todd has stated they can still perform work on it, but they may not be able to get started. I now have a bill between both dealers in total of 3389.78 (\$1560.81 for Formula and \$1828.97 for Garvey) for a vehicle that still does not work correctly, and I am not even sure if all this work was even necessary, or if there is something they were missing or the work they performed caused other items to not work properly and had to be replaced. The vehicle is still in Formula Nissans possession.

Loss: \$4000-\$4500

Relief Requested: Todd at Garvey has stated that he would like to wipe the slate clean, meaning, they would keep the car (I would turn over the title) and we would not be responsible for anything. However, I would like to come get the vehicle and not pay for anything, as it could not be fixed and I am not even sure all the parts they replaced were even necessary. The value of the car running is about \$4000-\$4500 for trade in value. I would like to know all of my legal options regarding this.

Found By: Better Business Bureau

Autocap Case Record

Case #

113-15

Date Received

11/20/2015

Closed Date

12/23/2015

Consumer-FIRSTN

Daniel

Consumer-LASTNAM

Murphy

Date Acknowledged

12/23/2015

Consumer Respons

Complaint Type

Service

Purchase Date

5 /1 /2005

Year/Make Model

2006 Nissan Xterra

Mileage

0

Price Sold

19,000

As Is

Member Name

Garvey Nissan Inc. dba Garvey Nissan

Member Contact

Sean/Mark Garvey

Member Response Due

12/24/2015

Resolution Process

Staff

Panel

Referred to

Resolution

Compromise

Case Notes

12/14 - Sent complaint to both Garvey Nissan and Formula Nissan (who did the work for Garvey's)
12/14 - Rec'd response from Formula Nissan saying the vehicle was diagnosed and was ready to go back to Garvey's. Garvey's paid for the work done to date.
12/22 - Rec'd response from Garvey's saying the issued had been resolved with consumer.
12/23 - Forwarded the Garvey response to consumer and closed the case

Notes (Summary)

Consumer stated that vehicle was towed to Garvey's and then worked on by Formula Nissan because the vehicle would not start. Garvey's and consumer reached the resolution amicably.

11/20

From: Kim Gauthier <vtautocap@aol.com>

To: [REDACTED]

Subject: Fwd: 2015-10013 Murphy

Date: Wed, Dec 23, 2015 12:16 pm

Dear Mr. Murphy,

AUTOCAP is in receipt of your complaint against Garvey Nissan and Formula Nissan. I have also received the following email from Todd Neil, with Garvey Nissan, stating that you have reached a satisfactory resolution. With that said, I will be closing your case today and sending a copy back to the Consumer Assistance Program office.

Thank you,
Kim Gauthier
AUTOCAP Coordinator

—Original Message—

From: Todd Neil <todd@garveyauto.com>

To: Kim Gauthier <vtautocap@aol.com>

Sent: Tue, Dec 22, 2015 1:36 pm

Subject: Re: 2015-10013 Murphy

Kim,

In regards to the AUTOCAP complaint, the issue has been resolved between both the Murphy's and us. I just finished a conversation with Mr. Murphy and both parties reach the resolution amicably.

Thank you.

Sincerely

Todd Neil
Garvey Nissan

From: Todd Neil <todd@garveyauto.com>
To: Kim Gauthier <vtautocap@aol.com>
Subject: Re: 2015-10013 Murphy
Date: Tue, Dec 22, 2015 1:36 pm

Kim,

In regards to the AUTOCAP complaint, the issue has been resolved between both the Murphy's and us. I just finished a conversation with Mr. Murphy and both parties reach the resolution amicably.

Thank you.

Sincerely

Todd Neil
Garvey Nissan

On Dec 14, 2015, at 1:31 PM, Kim Gauthier <vtautocap@aol.com> wrote:

Dear Mark, Sean & Todd,

Attached please find an AUTOCAP complaint, forwarded to us by the Vermont Attorney General Consumer Assistance Program Office.

VADA's AUTOCAP Program was created in 1982 to provide consumers and our members with a dispute resolution mechanism to avoid costly legal litigation, including small claims court and the Attorney General's office. To be successful, we need your cooperation and timely response to the complaints we forward.

After reviewing this complaint; it is our hope that working directly with your customer, you will be able to answer questions and/or arrive at a mutually acceptable resolution. We understand this is not always possible. In some cases, both parties prefer working with VADA staff, which is an effective alternative.

Please provide a written response within ten days of the date of this email, via return email, fax or USPS addressing the complaint, actions taken to respond; and what, if any, relief you are willing to extend. Both parties receive copies of all the correspondence submitted to AUTOCAP.

Should a case be referred to the AUTOCAP Panel (which consists of an equal number of dealer and consumer members), a hearing will be scheduled at the VADA Offices. We will contact you and the consumer to insure availability prior to setting the date.

Your participation in the AUTOCAP program is greatly appreciated.

Sincerely,

Marilyn B. Miller
AUTOCAP Director

From: Jack Castellaneta <jackcinvt@gmail.com>
To: Kim Gauthier <vtautocap@aol.com>
Subject: Re: 2015-10013 Murphy
Date: Mon, Dec 14, 2015 2:42 pm

Formula Nissan recieved a call from Garvey Nissan asking if we could look at an 06 Nissan Xterra that would not start, Formula Nissan along with Nissan Engineers diagnosed the Xterra as needing one of 3 wiring harnesses, Garvey Nissan elected not to go any further with repairs on this vehicle and was going to make arrangements to get it back to Garvey Nissan. At this time the vehicle is still here and paid in full by Garvey Nissan, Our customer was Garvey Nissan not the owner of the vehicle.

Regards

Jack A. Castellaneta

On Mon, Dec 14, 2015 at 1:34 PM, Kim Gauthier <vtautocap@aol.com> wrote:

Dear Mark & Jack,

Attached please find an AUTOCAP complaint, forwarded to us by the Vermont Attorney General Consumer Assistance Program Office.

VADA's AUTOCAP Program was created in 1982 to provide consumers and our members with a dispute resolution mechanism to avoid costly legal litigation, including small claims court and the Attorney General's office. To be successful, we need your cooperation and timely response to the complaints we forward.

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Should a case be referred to the AUTOCAP Panel (which consists of an equal number of dealer and consumer members), a hearing will be scheduled at the VADA Offices. We will contact you and the consumer to insure availability prior to setting the date.

Your participation in the AUTOCAP program is greatly appreciated.

Sincerely,

Marilyn B. Miller
AUTOCAP Director

From: [REDACTED]
Sent: Friday, November 13, 2015 3:26 PM
To: consumer@uvm.edu
Cc: [REDACTED]
Subject: Auto Consumer Complaint Form

Below is the result of your feedback form. It was submitted by [REDACTED] on Friday, November 13, 2015 at 15:25:54

email: [REDACTED]
Name: Daniel Murphy
Street: [REDACTED]
City: Epping
State: NH
ZIP: 03042
Phone: [REDACTED]
Age: 45
Senior: No
Veteran or Service Member: No
Business Name: Garvey Nissan
Business Person: Todd Neil
Business Street: 2201 US RTE. 7 North
Business City: Rutland
Business State: VT
Business ZIP: 05701
Business Phone: 802-775-2355
Business Type: dealer, Service Station
Year: 2006
Make: Nissan
Model: Xterra
New or Used: New
Inspection Location: 2015
Date Purchased: May 2005
Purchase Price: 19,000
Milage at Purchase: 0
Milage Current: 130733
Warranty Status: As-Is
Repair Cost: 1828.97
Repair Bill Hold/Mechanic's Lien: No

Complaint Issue: Repair

Complaint: On 6/7/15, I was travelling from NY back to NH and car stalled in Killington VT on Rt 4. Car was towed by Bruno's Towing to Bruno's garage in Rutland. After inspecting, Brunos stated there was an electrical issue that needed to be fixed by an authorized Nissan dealer. It was then towed to Garvey Nissan. Over the next month and 1/2, Garvey Nissan performed work on it, replacing various electrical parts (IPDM, ECM, Harnesses, Coils, etc)and still could not get car to run correctly. They stated it needed to be towed to a larger facility to have the regional technician work on it. It was then towed to Formula Nissan on July 28. Formula has also done work on it and replaced numerous parts (ECM, Coils, etc) and they also cannot get the vehicle to run correctly. Working through Todd Neil at Garvey, Todd has stated they can still perform work on it, but they may not be able to get started. I now have a bill between both dealers in total of 3389.78 (\$1560.81 for Formula and \$1828.97 for Garvey) for a vehicle that still does not work correctly, and I am not even sure if all this work was even necessary, or if there is something they were missing or the work they performed caused other items to not work properly and had to be replaced. The vehicle is still in Formula Nissans possession.

Loss: \$4000-\$4500

Relief Requested: Todd at Garvey has stated that he would like to wipe the slate clean, meaning, they would keep the car (I would turn over the title) and we would not be responsible for anything. However, I would like to come get the vehicle and not pay for anything, as it could not be fixed and I am not even sure all the parts they replaced were even necessary. The value of the car running is about \$4000-\$4500 for trade in value. I would like to know all of my legal options regarding this.

Found By: Better Business Bureau

From: Daniel [REDACTED]
Sent: Friday, November 13, 2015 3:32 PM
To: consumer@uvm.edu
Subject: Automobile Complaint, Daniel Murphy
Attachments: Formula Nissan Bill, 10-7-15.pdf; Garvey Nissan Bill 10-7-15.pdf

Hello,

My name is Daniel Murphy, and I just filed a complaint online against Garvey Nissan in Rutland VT. I am attaching the invoices I have received regarding amount due to both Garvey and Formula Nissan (Barre, VT). As stated in my complaint, the vehicle is still not working and is in Formula Nissan's possession.

I am available via home phone at [REDACTED] by cell phone at [REDACTED]

Thank you and let me know if you need anything else.

Sincerely,

Dan Murphy

CUSTOMER #: 7752355

9922



GARVEY NISSAN
2201 US RTE 7N
ROUTLAND, VT 05701
HOME: 775-3355
BUS:

CONT: 775-2355
CELL:

INVOICE
DUPLICATE 3
PAGE 1

1504 U.S. Route 302 • P.O. Box 6090
Barre, VT 05641
Ph: (802) 479-2277 • Fax: (802) 476-5473
www.formulanissan.com

SERVICE ADVISOR: 109 ALENE WHEELER

| COLOR | YEAR | MAKE/MODEL | VIN | LICENSE | MILEAGE IN/OUT | TAG | |
|-------------|------------|---------------|----------------------------|---------|----------------|---------|-----------|
| | 06 | NISSAN XTERRA | [REDACTED] | | 00/0 | GARVEY | |
| DEL. DATE | PRDD. DATE | WARR. EXP. | PROMISED | PONO. | RATE | PAYMENT | INV. DATE |
| 01JAN06 LH | | | 17.00 | 28JUL15 | 85.00 | CASH | 01OCT15 |
| S.O. OPENED | | READY | OPTIONS: ENG:4.0 Liter Gas | | | | |
| 26JUL15 | | 01OCT15 | | | | | |

| LINE | OPCODE | TECH | TYPE | HOURS | LIST | NET | TOTAL |
|--|--------|------------------------------|------|-------|---------------|--------|----------|
| A NO CRANK NO START SEE VEHICLE FOR PAPERWORK SEE SEE NOTES BELOW | | | | | | | |
| 1 | 28445 | RELAY | | | 1147.50 | | 1147.50 |
| 1 | 28455 | IGNITION CONTROLLER UNIT USM | | | 2.18 | 2.18 | 2.18 |
| 2 | 28710 | ENGINE CONTROL MODULE | | | 384.48 | 384.48 | 384.48 |
| 2 | 28710 | ENGINE CONTROL MODULE | | | 559.24 | 559.24 | 1118.48* |
| 1 | 28490 | COVER RIBBLE LINK HOLDER | | | 12.73 | 12.73 | 12.73 |
| 1 | 28490 | COVER RIBBLE LINK HOLDER | | | 13.92 | 13.92 | 13.92 |
| 2 | 28448 | IGNITION COIL ASSY | | | 137.12 | 104.55 | 209.30* |
| 1 | 28710 | ENGINE CONTROL MODULE | | | 559.24 | 559.24 | 559.24* |
| PARTS: 28710 ENGINE CONTROL MODULE 0.00 OTHER: 0.00 | | | | | TOTAL LINE A: | | 3447.93 |

FOUND VEH WOULD CRANK BUT NOT START. CHECKED ECU RELAY GOOD
 RELAY CHECKED FOR PWR AND GROUND GOOD. IPDM GOOD CHECKED FOR
 SPEAK AND SPEAK AT THE TIME. CHECKED FUEL PWR TO GETTING FUEL.
 CHECKED WIRE FOR COLLISION AND RELATED TO ISSUE FOUND MULTIPLE PIN
 TO COVER RIBBLE LINK HOLDER AND FUEL INJECTORS. VEH WOULD NOT START
 AND WOULD SHUT OFF. ON CONSULT REPLACED IPDM AS RECOMMEND BY
 TECH. VEH STARTED. REPLACED ECU AS PER DATA VEH WHEN
 STARTED AND WOULD NOT CRANK AND FOUND TWO BAD COILS.
 COILS REPLACED AND VEH STARTED. VEH NOW HAS CODE FOR EVAP
 SYSTEM. CHECKED EVAP SYSTEM. FOUND MULTIPLE CYLINDER
 CURRENT SENSOR. REPLACED EVAP SYSTEM. CURRENT SENSOR FOUND
 AND REPLACED. EVAP SYSTEM SECURE. REMOVED PIN FROM ECM
 AND STARTED VEH. VEH HAS BATTERY CURRENT SENSOR AND PWR STEERING
 SENSOR. VEH NOW HAS DRIVABLE RESPONSE.

CUSTOMER PAY ENVIRONMENTAL RECYCLING CHARGE FOR WASTE FOR REPAIR ORDER 50.00

* ADVISED BY NISSAN THEY WOULD COVER THESE ITEMS
 1118.48
 209.30
 559.24
 TOTAL 1,887.02

"Thank You For Your Patronage"
 STATEMENT OF WORKS...
 THE WORK IS TO BE COMPLETED BY THE DATE...
 THE WORK IS TO BE COMPLETED BY THE DATE...
 THE WORK IS TO BE COMPLETED BY THE DATE...

| DESCRIPTION | TOTALS |
|------------------------|--------|
| LABOR AMOUNT | |
| PARTS AMOUNT | |
| GAS, OIL, LUBE | |
| TAXES AMOUNT | |
| ADDITIONAL CHARGES | |
| TOTAL CHARGES | |
| SALES TAX | |
| PLEASE PAY THIS AMOUNT | |

GARVEY NISSAN, INC.
 2201 U.S. RTE 7 NORTH
 RUTLAND, VT 05701
 PH(802)775-2355 FX(802)775-6465
 GARVEYNISSAN.COM

17906

| | | | | | | | | |
|-----------------------|-------------------|---------------------------|------------|------------------|-------------|----------------|----------|-------------|
| DANIEL/MICHELE MURPHY | | VEHICLE ID | | MILES IN | MILES OUT | DATE/TIME IN | DATE OUT | INVOICE NO. |
| [REDACTED] | | [REDACTED] | | 130733 | 130733 | 06/08/15 16:59 | 09/02/15 | 17906 |
| MALDEN, MA 02148 | | VEHICLE DESCRIPTION | | | | TAG NO. | STATUS | |
| | | 2006 NISSAN XTERRA 4.0 () | | | | | COMPLETE | |
| CONTROL NO. | LICENSE PLATE NO. | CUST. LABOR RATE | PROD. DATE | IN-SERV DATE | DELIV. DATE | DELIV. MILES | TERMS | |
| | 124-1681 | | | | | | Cash | |
| HOME PHONE | WORK PHONE | CELL PHONE | STOCK NO. | SERV. ADV. | | ENGINE | | |
| [REDACTED] | | | | SHAY PLATT (SMP) | | | | |

| Line | Op-Code | Fail Code | Tech | Hours | Type | Amount |
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| A | | | A12 | | Customer | \$264.00 |

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| Part Number | Description | Qty. | Unit Price | Ext. Price |
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| 24011-EA271 | HARNASS ASSY- | 1 | \$411.19 | \$411.19 |
| 24079-EA205 | HARNASS ASSY- | 1 | \$25.78 | \$25.78 |
| 22448-5J110 | COIL ASSY - I | 4 | \$118.00 | \$472.00 |
| 26710-ZP37A | ENGINE CONTROL | 1 | \$695.00 | \$695.00 |
| Parts Total... | | | | \$1,828.97 |

From: [REDACTED]
Sent: Friday, November 13, 2015 3:32 PM
To: consumer@uvm.edu
Subject: Automobile Complaint, Daniel Murphy
Attachments: Formula Nissan Bill, 10-7-15.pdf; Garvey Nissan Bill 10-7-15.pdf

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Thank you and let me know if you need anything else.

Sincerely,

Dan Murphy

From: Daniel <danhamma@hotmail.com>
Sent: Friday, November 13, 2015 3:32 PM
To: consumer@uvm.edu
Subject: Automobile Complaint, Daniel Murphy
Attachments: Formula Nissan Bill, 10-7-15.pdf; Garvey Nissan Bill 10-7-15.pdf

Hello,

My name is Daniel Murphy, and I just filed a complaint online against Garvey Nissan in Rutland VT. I am attaching the invoices I have received regarding amount due to both Garvey and Formula Nissan (Barre, VT). As stated in my complaint, the vehicle is still not working and is in Formula Nissan's possession.

I am available via home phone at 603-734-2964, or by cell phone at 603-303-1823.

Thank you and let me know if you need anything else.

Sincerely,

Dan Murphy

Autocap Case Record

Case #

045-18

Date Received

06/21/2018

Closed Date

6 /28/2018

Consumer-FIRSTN

Peter

Consumer-LASTNAM

Chilo

Date Acknowledged

6 /28/2018

Consumer Respons

Complaint Type

Service

Purchase Date

Year/Make Model

2009 Nissan Versa

Mileage

102,439

Price Sold

As Is

Member Name

Garvey Nissan Inc. dba Garvey Nissan

Member Contact

Mark/Sean Garvey

Member Response Due

7 /1 /2018

Resolution Process

Staff

Panel

Referred to

Resolution

Dealer

Case Notes

6/26 - Received dealer response

6/28 - Mailed dealer response to consumer and closed

Notes (Summary)

Consumer states that he took his vehicle to the dealership to find out why his check engine light was on. Dealership told him it was the transmission and was going to cost \$3,000. Went somewhere else and was told it was not the transmission at all. Dealership explained the proprietary diagnostic equip pulled codes related to the internal part of the transmission.

AUTOCAP

AUTOMOTIVE CONSUMER ACTION PROGRAM

June 28, 2018

Peter Chilo

[REDACTED]
Rutland, VT 05701

Dear Mr. Chilo,

VT AUTOCAP is in receipt of your complaint against Garvey Nissan regarding your 2009 Nissan Versa. We have also received the enclosed response from Garvey Nissan explaining what steps they took to determine the possibility of having to replace the transmission in the future.

AUTOCAP will be closing your case as of today. A copy of your complaint will be sent back to the Consumer Assistance Program office where it is kept on file as public record.

Sincerely,



Kim Gauthier
AUTOCAP Coordinator

Encl.

RECEIVED

JUN 26 2018

VADA

June 26, 2018

On April 18, 2018 Mr. Chilos brought in his 2009 Nissan Versa with 102,439 miles, [REDACTED] at 10:20 am for a diagnostic appointment of a check engine light. His vehicle was assigned to a Nissan Factory Trained Technician.

The Versa was scanned with proprietary diagnostic equipment. Our equipment extracted multiple current and past fault codes. Code P1778 (step motor fault internal to the transmission) was stored multiple times.

Per Nissan diagnostic procedure for code P1778, the technician conducted what is called a pin point test and the vehicle transmission was monitored on a (again proprietary) diagnostic computer. The gear ratio and stepper motor were data monitored and determined to be randomly operating out of specification. They were found to move slow but in tandem. This condition causes a slight delay when shifting from Park to Reverse and a random hard shift within the transmission when accelerating or decelerating. The technician observed these conditions. These conditions would cause fault codes to be stored causing the check engine light to illuminate.

As standard procedure and since the cause and effect of the fault causing the check engine light illumination, the fault codes were cleared. This would allow us to verify any repeat of the same fault in the future without confusing future codes with past codes.

Mr. Chilos was advised that if this condition persisted or worsened, which would cause fault codes to be stored again and cause the check engine light to come on, the remedy would be replacement of the transmission as the affected internal components are not serviceable. A quote to replace the transmission was provided to him as a matter of information and convenience and preparation of the future possibility of replacement of the transmission.

To Mr. Chilos' point of a subsequent repair shop advising him there is no problem, we presume that repair shop does not have OEM proprietary diagnostic equipment or a Nissan Factory Trained Technician who would be informed and familiar with such a condition. We also cleared the fault codes so there would be no information available for them to extract. They should've realized this information if it had been shared with them.

We stand behind our diagnosis as it's correct and we only informed Mr. Chilos that if this condition persisted he should prepare himself for the possibility of replacing his transmission. If Mr. Chilos has any further questions he is more than welcome to contact us.

From: Kim Gauthier <vtautocap@aol.com>

To: sean <sean@garveyauto.com>; mdgmdg1 <mdgmdg1@gmail.com>

Subject: Fwd: Chilo, Peter (Garvey Nissan) CAP 2018-04478

Date: Thu, Jun 21, 2018 12:25 pm

Attachments: Document1 (ID 172123).docx (16K)

Dear Sean/Marc,

Attached please find an AUTOCAP complaint, forwarded to us by the Vermont Attorney General Consumer Assistance Program Office.

VADA's AUTOCAP Program was created in 1982 to provide consumers and our members with a dispute resolution mechanism to avoid costly legal litigation, including small claims court and the Attorney General's office. To be successful, we need your cooperation and timely response to the complaints we forward.

After reviewing this complaint; it is our hope that working directly with your customer, you will be able to answer questions and/or arrive at a mutually acceptable resolution. We understand this is not always possible. In some cases, both parties prefer working with VADA staff, which is an effective alternative.

Please provide a written response within ten days of the date of this email, via return email, fax or USPS addressing the complaint, actions taken to respond; and what, if any, relief you are willing to extend. Both parties receive copies of all the correspondence submitted to AUTOCAP.

Should a case be referred to the AUTOCAP Panel (which consists of an equal number of dealer and consumer members), a hearing will be scheduled at the VADA Offices. We will contact you and the consumer to insure availability prior to setting the date.

Your participation in the AUTOCAP program is greatly appreciated.

Sincerely,

Marilyn B. Miller
AUTOCAP Director

Transcribed for Peter Chilo:

On April first of this year, I took my car in for an oil change at the Rutland Valvoline. I later took it Bruno's Repair in Castleton for additional repairs. One week later, my check engine light turned on while I was driving, but I never noticed any issues. I made an appointment with Garvey Nissan to have it checked. They told me that there was an issue with my transmission, which I never noticed when driving. It would have cost me over \$3000 to have it fixed. After driving the car later, I notice that the light was off, when I called they told me that they had turned the light off. I took the car to Spruce Transmissions, and they told me that there was no problem. I paid \$100 for the inspection, which I am willing to accept, but I am livid that they attempted to make me pay so much for something that I didn't need.

Intake #: WB19-00936

Received: 10/04/2019

Consumer: Pauline Drayton

[REDACTED]

Killington, VT 05751

[REDACTED]

[REDACTED]

Business: Garvey Nissan

78 Route 7b North

Rutland, VT 05759

shay.platt@garveyauto.com

(802) 775-2355

Description:

I took my two year old Rogue in for VT State inspection and came out with a \$700 bill. I believe the dealer is making excessive repairs under the guise of State requirements. (flushing the brake system, cabin filters etc.)

The Dealers reply email (with typos and grammatical errors) has no title to the name and no electronic signature. Who is Shay Platt?

My brakes were tested in April and measured at 8 and 7mm, in September they read 6 and 1mm. Nobody is addressing that this is odd. Why would the brakes wear down that quickly? Why the disproportion between front and back? How can I be assured they wont erode away again in another 4 months?

Nissan Corporate snapped at me "I don\'t know that, I\'m not a mechanic"

We have been leasing cars in VT for over 10 years and never had a repair bill like this and certainly never on a two year old vehicle.

We go to the dealer for our service and inspections to uphold any warranty (in this case none) AND because they are supposed to be more trustworthy than the guy on the corner.

Each line item on the invoice reads "customer requests...". A nice safeguard against law suits I imagine. The customer has no recourse but to trust the dealer :(

Are you able to assist...

Thanks,

DRAYTONS

Autocap Case Record

Case #
117-19

Date Received
10/25/2019

Closed Date
12/11/2019

Consumer-FIRSTN
Pauline

Consumer-LASTNAM
Drayton

Date Acknowledged
11/1 /2019

Consumer Respons
11/14/2019

Complaint Type
Service

Purchase Date
6 /3 /2017

Year/Make Model
2017 Nissan Rogue

Mileage

Price Sold

As Is

Member Name
Garvey Nissan Inc. dba Garvey Nissan

Member Contact
Sean Garvey

Member Response Du
11/21/2019

Resolution Process
Staff

Panel

Referred to

Resolution
Dealer

Case Note

11/20 - Rec'd dealer response via FedEx
11/21 - Fowarded to Consumer
12/4 - Rec'd consumers response
12/9 - Emailed consumer asking if spouse was shown brake pads prior to approving the service repairs
12/11 - Rec'd consumer email stating they were shown the vehicle and approved the repairs.

Notes (Summary)

Consumer states that she brought her 2 year old vehicle in for a VT State Inspection and came out with a \$700 bill. Believes dealer is making excessive repairs under the guise of State requirements. Dealer empathizes with consumer regarding the brakes but brake wear and tear is based on consumers driving habits and should be replaced every 12K miles. Consumer also agreed to all repairs presented to them at the time of service visit.

Autocap Case Record

Case #

010-20

Date Received

01/27/2020

Closed Date

1 /31/2020

Consumer-FIRSTN

Tina

Consumer-LASTNAM

Mallette

Date Acknowledged

1 /27/2020

Consumer Respons

2 /10/2020

Complaint Type

Warranty

Purchase Date

Year/Make Model

Mileage

Price Sold

As Is

Member Name

Garvey Nissan Inc. dba Garvey Nissan

Member Contact

Mark/Sean Garvey

Member Response Du

2 /12/2020

Resolution Process

Staff

Panel

Referred to

Resolution

Consumer

Case Note

1/30 - Rec'd requested supporting documents from consumer
1/30 - Forwarded to dealer - rec'd dealer response with copy of check
1/30 - Forwarded to consumer asking to confirm receipt
1/31 - Rec'd confirmation

Notes (Summary)

Consumer states she cancelled her extended warranty 2 years ago and the warranty company sent the money to the dealer but was never sent to the consumer or bank. Dealer states the warranty was cancelled on 10/12/17 but never rec'd paperwork requesting reimbursement. Dealership mailed NBT Bank a check for the full amount on 1/28/20.

From: AGO CAP <ago.cap@vermont.gov>
Sent: Thursday, January 16, 2020 9:27 PM
To: AGO - CAP
Subject: CAP Complaint

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

The following CAP complaint was submitted:

| | |
|---|----------------------|
| Your First Name | Tina |
| Your Last Name | Mallette |
| Confirmation Number | WB20-00049 |
| Your E-Mail Address | [REDACTED] |
| Your Daytime Phone | [REDACTED] |
| Daytime Phone Type | Home |
| Your Mailing Address | [REDACTED] |
| Your City | Brandon |
| Your State | VT |
| Your Zip Code | 05733 |
| Your Alternate Phone | [REDACTED] |
| Alternate Phone Type | Home |
| Is your complaint about: | An automobile dealer |
| Business Name or Person's First Name | Garvey Nissan |
| Business Phone (1) | 8026621330 |
| Phone (1) Type | Office |
| Business Phone (2) | 8026621209 |

| | |
|---|--|
| Phone (2) Type | Office |
| Business E-Mail Address | ncorporan@garveynissan.net |
| Business Address | 78 Route 7B North |
| Business City | Clarendon |
| Business State | VT |
| Business Zip Code | 05759 |
| Business Website/URL | www.garveynissan.com |
| Is your complaint about a vehicle you purchased? | No |
| Description | When I purchased my auto, I also purchased an extended warranty. I cancelled the warranty within a week of buying it. The extended warranty company refunded the money back to Garvey Nissan. Garvey Nissan was suppose to take this refund and credit it back to my loan on the auto....they DID NOT! That was over 2 years ago. I noticed the error in October 2019. I then notified Garvey Nissan, however, they have yet to return my money and are now not returning my phone calls or replying to my E-mails. I have documents from both the bank (auto loan) and the extended warranty company proving my argument but Garvey Nissan has nothing to prove that they did what they were suppose to with the money that was refunded to them. Garvey Nissan has lied to me and they have placed the blame on everyone else instead of taking ownership for their actions. |
| Amount of loss: | \$2000.00 |
| How would you like this matter to be resolved? | I would like Garvey Nissan to send the money that was refunded to them to my bank from which I got my auto loan from or to me. |

From: AGO CAP <ago.cap@vermont.gov>
Sent: Thursday, January 16, 2020 9:27 PM
To: AGO - CAP
Subject: CAP Complaint

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

The following CAP complaint was submitted:

| | |
|---|----------------------|
| Your First Name | Tina |
| Your Last Name | Mallette |
| Confirmation Number | WB20-00049 |
| Your E-Mail Address | [REDACTED] |
| Your Daytime Phone | [REDACTED] |
| Daytime Phone Type | Home |
| Your Mailing Address | [REDACTED] |
| Your City | Brandon |
| Your State | VT |
| Your Zip Code | 05733 |
| Your Alternate Phone | [REDACTED] |
| Alternate Phone Type | Home |
| Is your complaint about: | An automobile dealer |
| Business Name or Person's First Name | Garvey Nissan |
| Business | 8026621330 |

| | |
|---|--|
| Phone (1) | |
| Phone (1) Type | Office |
| Business Phone (2) | 8026621209 |
| Phone (2) Type | Office |
| Business E-Mail Address | ncorporan@garveynissan.net |
| Business Address | 78 Route 7B North |
| Business City | Clarendon |
| Business State | VT |
| Business Zip Code | 05759 |
| Business Website/URL | www.garveynissan.com |
| Is your complaint about a vehicle you purchased? | No |
| Description | When I purchased my auto, I also purchased an extended warranty. I cancelled the warranty within a week of buying it. The extended warranty company refunded the money back to Garvey Nissan. Garvey Nissan was suppose to take this refund and credit it back to my loan on the auto....they DID NOT! That was over 2 years ago. I noticed the error in October 2019. I then notified Garvey Nissan, however, they have yet to return my money and are now not returning my phone calls or replying to my E-mails. I have documents from both the bank (auto loan) and the extended warranty company proving my argument but Garvey Nissan has nothing to prove that they did what they were suppose to with the money that was refunded to them. Garvey Nissan has lied to me and they have placed the blame on everyone else instead of taking ownership for their actions. |
| Amount of loss: | \$2000.00 |
| How would you like this matter to be resolved? | I would like Garvey Nissan to send the money that was refunded to them to my bank from which I got my auto loan from or to me. |

Autocap Case Record

Case #

033-20

Date Received

04/07/2020

CAP Case #

2020-03860

Closed Date

8 / 6 / 2020

Consumer-FIRSTN

Clara

Consumer-LASTNAM

Wootton

Date Acknowledged

4 / 7 / 2020

Consumer Respons

Complaint Type

Warranty

Purchase Date

11/9 /2019

Year/Make Model

2004 Mazda CX-9

Mileage

48,467

Price Sold

\$14,783

As Is

Member Name

Garvey Nissan Inc. dba Garvey Nissan

Member Contact

Sean or Mark Garvey

Member Response Du

4 / 17 / 2020

Resolution Process

Staff

Panel

Referred to

Resolution

Consumer

Case Note

4/7 - Rec'd dealer response same day with copy of check sent to lien holder
4/22 - Rec'd email from consumer stating nothing has been cancelled regarding her warranty
5/12 - Reached out to consumer asking status of her cancelled warranty and consumer stated no change
5/12 - Forwarded to dealer asking to follow-up with NMAC
5/12 - Rec'd dealers response stating it could take at least 6 weeks
6/1 - Reached out to dealer asking for an update
6/2 - Rec'd dealer response
6/18 - Rec'd email inquiry from consumer and forwarded to dealer
6/18 - Rec'd dealer response
6/19 - Forwarded to consumer - Due to COVID - NMAC is extremely behind in processing.
6/23 - Rec'd dealer update - cancelling check and reissue new one
7/17 - Rec'd dealer update
7/20 - Forwarded to consumer
7/27 - Rec'd dealer update
7/29 - Forwarded to consumer asking to confirm the cancellation has been processed
8/6 - No response so closed the case

Notes (Summary)

Consumer states she unwittingly purchased an extended warranty plan and once she discovered it she called to cancel. As of the date of the complaint she had not received any confirmation from dealership or Nissan Finance. Dealership was able to send check to lien holder the same day we sent the complaint to them. Due to pandemic NMAC is backlogged and process is taking longer than normal. Eventually a second check was mailed to NMAC and

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