NVS-215
A Ansley

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

APR 20 2009

Jim Gugin, Owner
J R Interiors Inc.
402 Mill Creek Rd
Cove, OR 97824

Re: Special Order and Recall Obligations

Dear Mr. Gugin:

The National Highway Traffic Safety Administration ("NHTSA" or "agency") believes that J R Interiors Inc. ("J R Interiors") has manufactured and sold motor vehicles that contain refrigerators manufactured by Dometic Corporation ("Dometic"). In a letter dated April 11, 2008, Dometic reported to NHTSA that some of the two-door refrigeration units it sold contain a defect that may result in a fire. Dometic also has informed NHTSA that J R Interiors purchased refrigeration units covered by the recall. [1]

The agency's Office of Defects Investigation, Recall Management Division, has reason to believe that J R Interiors has installed these defective Dometic refrigeration units in motor vehicles that it manufactured and sold to the public. If so, J R Interiors is required, by law, to undertake certain actions to notify customers and remedy the defect. In particular, the National Traffic and Motor Vehicle Safety Act, as amended ("the Act"), 49 U.S.C. § 30101 et seq., requires the manufacturer of a motor vehicle that contains a defect to do the following:

- Provide NHTSA with a report, known as a Defect and Noncompliance Information Report, regarding those vehicles it manufactured containing the defective refrigerators. 49 U.S.C. § 30118. The required contents of this report are set out in 49 C.F.R. § 573.6. A detailed guide to safety recalls is available at http://www-odi.nhtsa.dot.gov/recalls/static/recompendium.pdf.

[1] The recall concerns the following models of two-door refrigerators manufactured between June 1, 2003 and September 30, 2006: NDR1062; RM2652; RM2662; RM2852; RM2862; RM3662; RM3663; RM3862. The recall covers refrigerators with the following serial numbers: 320XXXXX through 352XXXXX; 401XXXXX through 452XXXXX; 501XXXXX through 552XXXXX; and 601XXXXX through 639XXXXX.

- Notify owners, purchasers, and dealers of the vehicle that the vehicle contains a safety related defect. 49 U.S.C. § 30118(c). The required contents of this notice are set out in 49 C.F.R. § 577.
- Remedy the defect without charge. 49 U.S.C. § 30120.
- File quarterly reports with NHTSA detailing the manufacturer's progress in the recall. 49 C.F.R. § 573.7.

A vehicle manufacturer must satisfy these obligations even if the defect is in equipment that the manufacturer purchased from a supplier. 49 C.F.R. § 573.5(a). *See* 49 U.S.C. § 30102(b)(1)(F), (G).

On July 2, 2008, NHTSA's Recall Management Division (RMD) mailed a letter stating that J R Interiors must either send the required defect notification report, or else explain why it did not need to do so. J R Interiors did not respond. On September 30, 2008, RMD mailed a follow-up letter. On October 30, 2008, Mr. Ansley from RMD received a call from Mr. Gugin, who asked for a copy of RMD's July letter and indicated that he would research whether J R Interiors manufactured any vehicles with the defective refrigerators. Mr. Ansley mailed an additional copy of the original letter. To date, however, your company has not responded to the agency's inquiries and has not fulfilled any recall obligations.

This letter transmits a Special Order. A purpose of the Special Order is to obtain information on what you did with the refrigerators Dometic sold to you. Among other things, you must provide information on the vehicles in which you installed the Dometic refrigerators. You must also provide information related to your failure to submit a Defect and Noncompliance Information Report on those vehicles. You are receiving the enclosed order because you have not responded to the two letters from NHTSA.

The Special Order is issued pursuant to Section 30166(g) of Title 49 of the United States Code, which grants this agency the authority to require, by general or special order, any person to file reports or answers to specific questions, including reports or answers under oath. You are hereby required to respond to the enclosed Special Order issued pursuant to 49 U.S.C. § 30166(g)(1) and 49 C.F.R. § 510. Your response must be given under oath (49 U.S.C. § 30166(g)(A)) and received **within 30 days of the date of service of this letter and the Special Order**.

A manufacturer that fails to satisfy its recall requirements is subject to an order to conduct the recall and, in addition, to civil penalties up to $6,000 per vehicle (up to a maximum of $16,375,000). 49 U.S.C. § 30118; 49 U.S.C. § 30165 and 49 C.F.R. § 578.6(a). In addition, a failure to answer the Special Order on time or answering untruthfully may subject you to civil penalties of up to $6,000 per day, under 49 U.S.C. § 30165, and other legal proceedings, including possible enforcement of the order in Federal court.

Please note that following our review of your response, NHTSA may take further enforcement action.

We also urge you to contact Patrick McConnell, Dometic's Director of Engineering and Product Safety, for further information in this matter. He can be reached at 260-463-7690.

If you have any questions about the Special Order, please contact John Piazza of my staff at (202) 366-8852 or john.piazza@dot.gov.

Sincerely yours,

Stephen P. Wood
Acting Chief Counsel

Enclosure

**NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**
Room W41-227
1200 New Jersey Avenue, SE
Washington, DC 20590

| | |
|---|---|
| **In re:** | ) |
| J R Interiors Inc. | ) |
| | ) |
| | ) |

## SPECIAL ORDER

To: J R Interiors Inc.
402 Mill Creek Rd
Cove, OR 97824

This Special Order from the National Highway Traffic Safety Administration ("NHTSA") is issued pursuant to 49 U.S.C. § 30166(g)(1)(A) and 49 CFR Part 510.7 and 510.8.

This Special Order, in part, seeks information related to motor vehicles manufactured by J R Interiors Inc. ("J R Interiors") containing refrigeration units made or sold by Dometic Corporation ("Dometic"). Some Dometic refrigeration units have been recalled due to safety-related defects. The Dometic recall concerns the following models of two-door refrigerators manufactured between June 1, 2003 and September 30, 2006: NDR1062; RM2652; RM2662; RM2852; RM2862; RM3662; RM3663; RM3862. The recall covers refrigerators with the following serial numbers: 320XXXXX through 352XXXXX; 401XXXXX through 452XXXXX; 501XXXXX through 552XXXXX; and 601XXXXX through 639XXXXX. Dometic has informed NHTSA that Dometic sold refrigeration units within the scope of the Dometic recall to J R Interiors. In addition, in the event that J R Interiors does not recall the motor vehicles it manufactured that contained a Dometic refrigeration unit that was within the Dometic recall, this Special Order requires you to provide information on why you are not recalling the motor vehicles.

NHTSA requests the following information and documents be provided **no later than thirty days** after the receipt of this Special Order. This letter constitutes a new request for information. Your answer must be signed under oath.

Definitions and instructions for this Special Order are contained in the attached appendix.

**Questions**

1. State in full the following:
    a. The legal structure of J R Interiors (*e.g.*, corporation, partnership, etc.), including state/place of incorporation, if applicable;
    b. All other names by which J R Interiors is, or has been, publicly known, including shortened names, abbreviations, and acronyms, since 2003;
    c. The street, mailing address, telephone number, and dates of occupancy of J R Interiors's principal place(s) of business; and
    d. The name, address, phone number, email address, and title of the person or agent who receives legal process on behalf of your company.
2. State each kind/line of business(es) that J R Interiors has been engaged in since June 1, 2003. Indicate the dates during which your company has engaged in each line of business. For example, your answer may include "manufacture of trailers," "repair of trailers," "installation of refrigerators in vehicles that had been sold to first purchasers."
3. Did J R Interiors purchase or otherwise obtain any refrigeration units made by Dometic, or bearing the Dometic brand, between June 1, 2003 and December 1, 2006?
4. If J R Interiors purchased or otherwise obtained any Dometic refrigeration units between June 1, 2003 and December 1, 2006, state the following:
    a. Model(s);
    b. Date(s) received; and
    c. Quantity of each model.
5. If the answer to the previous question indicates that J R Interiors purchased refrigeration units with model numbers covered by the recall, identify the serial number for each such unit.
6. Did J R Interiors install any of the recalled Dometic refrigeration units (identified on the preceding page) in motor vehicles manufactured by J R Interiors between June 1, 2003 and March 31, 2007?
7. If the answer to the previous question is that J R Interiors installed Dometic refrigeration unit(s) in one or more vehicles manufactured by J R Interiors, for each vehicle, state the following information:
    a. Make;
    b. Model;
    c. Year;

d. VIN;

e. General description of the vehicle (for example, "motorized recreational vehicle," "camping trailer");

f. The following information regarding the owner/purchaser of the vehicle:

   i. Name;

   ii. Address;

   iii. Phone number;

   iv. Email;

   v. Any communications between the then owner of the vehicle and your company subsequent to the first sale of the vehicle.

8. If J R Interiors sold a Dometic refrigerator without installing it in a motor vehicle, for each such unit sold, please state when J R Interiors sold the unit and to whom.

9. State whether J R Interiors will submit to NHTSA a Defect and Noncompliance Information Report, pursuant to 49 C.F.R. § 573.6 and 49 U.S.C. § 30118(c), regarding motor vehicles in which J R Interiors installed recalled Dometic refrigeration units. If your answer is in the affirmative, state when it plans on doing so.

10. If J R Interiors will not be submitting a Defect and Noncompliance Information Report regarding motor vehicles in which J R Interiors installed Dometic refrigeration units, state each and every reason why it will not be doing so.

11. State the name, title, address and telephone number of the person signing your response.

Failure to respond promptly, fully, and accurately to this Special Order could subject you to civil penalties of $6,000.00 per day (up to a maximum of $16,375,000) pursuant to 49 U.S.C. § 30165 and 49 C.F.R. § 578.6(a)(3), or lead to an action for enforcement of this Special Order. Other remedies and sanctions are available as well.

If you have any questions about the Special Order, please contact John Piazza of my staff at (202) 366-8852 or john.piazza@dot.gov. Please note that this Special Order may be modified, if at all, only in writing.

Dated: 4/17, 2009

Stephen P. Wood
Acting Chief Counsel

**Appendix to Special Order**
Definitions and Instructions

## I. Definitions

For the purpose of this Special Order, the following definitions apply:

(A) **"Document(s)"** is used in the broadest sense of the word and means 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, electronic communications (existing in hard copy and/or in electronic storage), invoices, contracts, agreements, manuals, publications, photographs of all types, and all mechanical, magnetic, and electronic records or recordings of any kind.

(B) **"You"** or **"your"** refers to J R Interiors, as defined above.

(C) **"VIN"** refers to the unique vehicle identification number assigned to each vehicle manufactured by J R Interiors.

## II. Instructions

The response to this special order including the document request, must be submitted in duplicate, together with a copy of any confidentiality request, to this office **within thirty (30) days of the date of service of this Special Order.**

In order for NHTSA to evaluate this matter, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the questions (interrogatories) and production requests above.

Your response to the above questions shall be sent to Stephen P. Wood, Acting Chief Counsel, National Highway Traffic Safety Administration, West Building, Room W41-227, 1200 New Jersey Avenue, SE, Washington, DC 20590. Copies of the documents shall be sent to this address.

Please repeat the applicable question verbatim above each of your responses.

If you cannot respond to any specific question or subpart(s) thereof, please state the reason why you are unable to do so.

When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this special order and document request (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.

If you claim that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, West Building, W41-227, 1200 New Jersey Avenue, SE, Washington, DC 20590. You are required to submit two copies of the documents containing allegedly confidential information and one copy of the documents from which information claimed to be confidential has been deleted. Failure to adhere to the requirements of 49 CFR Part 512 will result in a denial of your request for confidential treatment.

A. J R Interiors's response to this Special Order must be under oath, i.e., accompanied by an affidavit, signed by a responsible officer of J R Interiors, stating that he/she has undertaken and directed an inquiry reasonably calculated to assure that the answers and production of documents are complete and correct, that he/she has caused the documents of J R Interiors to be searched diligently for information and documents responsive to this Special Order and produced them to NHTSA, and that the answers to the inquiries provided to NHTSA respond completely and correctly to this Special Order.

B. The information and documents to be provided in response to this Special Order include any and all information, from whatever source derived, which is known to, or in the possession or control of, J R Interiors.

C. All information provided in response to this Special Order must be provided in the English language.

D. If any information is submitted electronically, the information should be submitted on a CD-ROM that is labeled with the subject matter ("J R Interiors") and the date of its submission to the agency. Each file should be named and labeled in a manner that readily identifies the question to which the information contained therein is responsive. If a particular file is not provided in a common format (e.g. Word or PDF) and requires the use of special software that is not readily available, J R Interiors must provide a copy of that software with its submission. If J R Interiors

seeks confidential treatment on the basis of Exemption 4 of the Freedom of Information Act for any of the materials it submits, it must follow the procedures set out in 49 CFR Part 512.

E. As to each document produced, to the extent that such document, on its face, is not self-explanatory, provide that information. To the extent that J R Interiors deems or would otherwise object to this instruction with respect to a document production request on the grounds that it constitutes an information request (question or interrogatory), it may be regarded as and must be responded to as an information request (question or interrogatory).

F. Each question is a continuing one. If, after serving a response, J R Interiors obtains or becomes aware of any further information or documents responsive to any question or document production request set forth below, J R Interiors is required, to the full extent authorized pursuant to 49 C.F.R. § 510.10, to provide such information and/or documents to the undersigned within ten business days of their receipt. As part of these obligations, J R Interiors is required to submit an amended response if J R Interiors obtains information that reveals that a prior response was incorrect when it was made, or that reveals that the prior response, though correct when made, is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.

G. The singular includes the plural; the plural includes the singular. The masculine gender includes the feminine and neuter genders; and the neuter 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 Special Order 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 in 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.

H. Unless otherwise stated, the applicable time period covered by this Special Order is between June 1, 2003 and March 31, 2007.