

Michael S. Laham and Elana Laham
P. O. Box 66
Renton, WA 98057-0066

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22 November 2011

Office of Consumer Protection Litigation
Civil Division
U.S. Department of Justice
Washington, DC 20530
Telephone: (202) 307-3009

We write to the Office of Consumer Protection Litigation of the Civil Division of the United States Department of Justice to report a violation of Section 1232, "Label and entry requirements," of Chapter 28, "Disclosure of Automobile Information," of the Title 15, "Commerce and Trade," of the United States Code, or USC. The Sawyer Corporate Group, Incorporated, which owns and operates and does business as Kia of Puyallup, violated Section 1232 of the USC on 7 December 2010 by selling us a brand-new car without the sticker as defined in Section 1231, "Definitions," of Chapter 28 of Title 15 of the USC.

The brand-new car that we bought without any sticker on 7 December 2010 was a 2011 Kia Forte EX 5-Door, Bright Silver, Vehicle Identification Number (VIN) KNAFU5A27B5333715. The dealership who sold us this brand-new car without any sticker is Kia of Puyallup, located at located at 111 Valley Avenue NE, Puyallup, WA 98372. Kia of Puyallup is owned by the Sawyer Corporate Group, Incorporated, whose address is 1400 River Road, Puyallup, WA 98371-3847. See attached **EXHIBIT 1**, a print-out of on-line search engine for parcel numbers maintained by the Pierce County Assessor-Treasurer.

The President of Sawyer Corporate Group, Incorporated, is Kerry Bivens, and its registered agent in the State of Washington is James A. Krueger, esq., of the law firm of Vandenberg, Johnson & Gandara, located at 1201 Pacific Avenue (Wells Fargo Plaza), Suite 1900, Tacoma, WA 98402-4391. See attached **EXHIBIT 2**, a true and correct copy of PROFIT CORPORATION LICENSE RENEWAL & ANNUAL REPORT of SAWYER CORPORATE GROUP, INC., filed on 5 April 2010, Unified Business ID (UBI) Number 602 029 155.

We came to KIA of Puyallup to buy a brand new 2011 KIA Forte car. At NO TIME was any sticker of any sort ever placed on the brand new 2011 KIA Forte car that we were interested in: not when we were looking at it, nor after we agreed to buy it, nor when we signed the Sales Contract in order to own it. KIA of Puyallup's letter of 7 April 2011 admits this. For it states, "(t)he vehicle you purchased was never displayed on our lot for sale at ANY price." See attached **EXHIBIT 3**.

So we asked KIA of Puyallup's sales people what the sticker price was for the brand new 2011 KIA Forte that we wanted. KIA of Puyallup's sales people told us the price of the brand new 2011 KIA Forte that we desired to purchase was \$20,839.00. We had no reason not to believe them, since in good faith we had no reason to believe that KIA of Puyallup was not a reputable car dealership. So, on 7 December 2010, we signed the paperwork and we bought the brand-new 2011 Forte EX 5-door car for \$20,839.00. See attached **EXHIBITS 4 and 5**:

- > Line item labeled "CASH PRICE" of our **EXHIBIT 4**, Sales Contract, and
- > Line 1, labeled "Vehicle Cash Price," of our **EXHIBIT 5**,
"RETAIL INSTALLMENT SALES CONTRACT AND SIMPLE FINANCE CHARGE."

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Later, when we went through the paperwork that came with our brand-new 2011 KIA Forte car to trade it in for another car, we discovered that the sticker of our brand new 2011 KIA Forte car showed a price of \$18,840.00 which is \$1,999.00 less than the price we paid for the car. See the line item labeled "TOTAL MANUFACTURER'S SUGGESTED RETAIL PRICE" of attached **EXHIBIT 6**, the Sticker for the brand new 2011 KIA Forte.

KIA of Puyallup had charged us \$1,999.00 above the sticker price for the brand new 2011 KIA Forte car that we purchased from them even though NO additional options or accessories had been installed or added to the brand new 2011 KIA Forte car that we bought. See attached **EXHIBIT 7**, KIA of Puyallup's "WE-OWE AUTHORIZATION" Form.

Later, we found out that according to Federal Law, section 1232, "Label and entry requirements" of Chapter 28, Disclosure of Automobile Information, of Title 15, "Commerce and Trade", of the United States Code, or USC:

"Every manufacture of new automobiles distributed in commerce shall, prior to delivery of any new automobile to any dealer ... securely affix to the windshield, or side window of such automobile a label on which such manufacturer shall endorse clearly, distinctly, and legibly, true and correct entries disclosing the following information concerning the automobile -

... the retail price of such automobile suggested by the manufacturer."

See attached **EXHIBIT 8**, a copy of Section 1232 of Chapter 28 of Title 15 of the USC.

Also section 1233, "Violations and Penalties" of Chapter 28, of Title 15, of the USC:

"Any person who willfully removes, alters, or renders illegible any label affixed to a new automobile pursuant to section 1232 of this title...prior to the time that such automobile is delivered to the actual custody and possession of the ultimate purchaser of such new automobile...shall be fined not more than \$1,000.00, or imprisoned not more than one year, or both. Such removal, alteration, or rendering illegible with respect to EACH automobile shall constitute a separate offense."

In other words, **EVERY SINGLE BRAND NEW CAR HAS TO HAVE ITS VERY OWN STICKER**. See attached **EXHIBIT 9**, a copy of Section 1233 of Chapter 28 of Title 15 of the USC.

KIA of Puyallup DECEIVED us (a) by telling us that the price of the brand new 2011 KIA Forte car was \$20,841.00 when the Federally mandated sticker of the brand new 2011 KIA Forte car showed a price of \$18,840.00 and b) by arranging that there was no Federally mandated sticker or any other price on the 2011 KIA Forte car BEFORE, DURING, OR AFTER the sales transaction.

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The deception of Kia of Puyallup cost us not only the \$1,999.00 difference between the price they told us orally and the sticker price, but it also cost us an additional \$191.90 in extra Washington State sales tax we had to pay on account of the higher price, an additional \$17.69 in extra interest costs, and an additional \$42.80 in obtaining copies of Sawyer Corporate Group's annual report and certified mail. All of these costs add up to \$2,251.39. The break-down is as follows:

Cash Price on Sales Invoice Order #68492	\$ 20,839.00
Manufacturer's Suggested Retail Price (MSRP) on Sticker of 2011 KIA Forte EX 5-Door, Bright Silver, Vehicle Identification Number (VIN) KNAFU5A27B5333715	- 18,840.00

Overcharge on Cash Price by KIA of Puyallup	\$ 1,999.00
Washington State Sales Tax on overcharge (at a rate of 9.6 per cent)	+ 191.90

Amount overpaid and therefore over-borrowed	\$ 2,190.90
Pro-rated interest on amount overpaid	+ 17.69

Sub-total	\$ 2,208.59
Cost of Certified Copy of Last Filed Annual Report	15.00
Cost of Certified mail (1 certified parcel at \$5.54 on 2/10/11, plus 2 more certified parcels at \$5.54 each on 3/29/11, plus 2 more certified parcels at \$5.59 each on 5/04/11)	+ 27.80

Amount that KIA of Puyallup's non compliance with Section 1232 of the USC cost us	\$ 2,251.39

And the \$17.69 pro-rated interest on the money borrowed to pay for the overcharge and resulting increase in sales tax is calculated as shown below:

Amount paid off on loan of subject vehicle	\$ 17,813.26
Amount borrowed on subject vehicle	- 17,670.55

Interest paid on loan of subject vehicle	142.71
Ratio of the amount over-borrowed to the total amount borrowed:	
\$ 2,190.90 / \$ 17,670.55 = 0.1239860	-> x 0.1239860

Interest on amount over-borrowed	\$ 17.69

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We therefore request that the Office of Consumer Protection Litigation of the Civil Division of the U.S. Department of Justice investigate this violation of Section 1232 of the USC and prosecute the Sawyer Corporate Group, Incorporated, for this violation of Section 1232 of the USC.

Sincerely,

Michael S. Laham

Elana Laham

EXHIBITS (attached to this letter):

- > EXHIBIT 1, Print-out of on-line search engine for parcel numbers maintained by the Pierce County Assessor-Treasurer
- > EXHIBIT 2, True and correct copy of PROFIT CORPORATION LICENSE RENEWAL & ANNUAL REPORT of SAWYER CORPORATE GROUP, INC.
- > EXHIBIT 3, KIA of Puyallup's letter of 7 April 2011
- > EXHIBIT 4, Sales Contract. See the line item labeled "CASH PRICE".
- > EXHIBIT 5, RETAIL INSTALLMENT SALES CONTRACT AND SIMPLE FINANCE CHARGE. See Line Item labeled "Vehicle Cash Price".
- > EXHIBIT 6, Sticker for the brand new 2011 KIA Forte, VIN KNAFU5A27B5333715.
- > EXHIBIT 7, KIA of Puyallup's "WE-OWE AUTHORIZATION" Form.
- > EXHIBIT 8, Section 1232 of Chapter 28 of Title 15 of the USC.
- > EXHIBIT 9, Section 1233 of Chapter 28 of Title 15 of the USC.

7009 2820 0000 6637 5937

WASHINGTON DC 20530

\$1.88

\$2.85

\$2.30

\$0.00

\$7.03

026

11

11/21/2011



OFFICE OF CONSUMER PROTECTION LITIGATION
CIVIL DIVISION - U.S. DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

OFFICE OF CONSUMER
PROTECTION LITIGATION
CIVIL DIVISION
U. S. DEPARTMENT
OF JUSTICE
WASHINGTON, DC 20350

2. Article Number

(Transfer from service label)

7009 2820 0000 6637 5937

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
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SEND TO:

MICHAEL S. LAHAM

ELANA LAHAM

P. O. BOX 66

RENTON, WA 98057-0066

