

David Berlusconi

From: David Berlusconi
Sent: Friday, 8 February 2019 8:57 AM
To: Mark Janus
Cc: Michael McCauley
Subject: Draft 1 (of many)

Dear Mr Brennan

Thank you for your patience in waiting for an update.

I can confirm we have taken your matter very seriously and as such, we have analysed our records, spoken to relevant staff, obtained second opinions and concluded our investigations into the matters you raised. Although your letter outlines many issues, we have noted the following key points:

- Jobs 1, through to 11 were requested by yourself and a repair order was created by our staff.
- The work request and undertaken took our mechanical technicians approximately 13 hours to complete.
- There does not appear to be anything thus far, to indicate the work completed was not in accordance with our manufacturer specifications.
- Various issues raised do not appear to be related to the work we undertook. For example, there was no request for a wheel alignment and therefore, no wheel alignment was ordered, paid for or conducted.

Upon reading your letter, we understand your main concern is the fact the transmission appears to be slipping and the extensive work undertaken, has not resolved the issue.

City Ford Sydney are of the view, and think it reasonable to conclude that given the speedometer reading of approximately 130,000 kilometres and, the fact the transmission servicing did not fix the issue of slippage, the transmission itself is faulty and requires repairs. As you are well aware, a transmission service will not fix a faulty transmission and slippage will most definitely occur.

City Ford Sydney is well aware of the customer loyalty you have given us. We know you purchased this vehicle from us in 2009 and have continued to use our service centre for your servicing needs on this vehicle. Customer commitment such as what you have given us, has indeed helped us become one of the premier Ford Dealerships in the Eastern Region. Given your commitment and loyalty to our organisation, we propose to conduct the following work free of charge and in good faith to have this matter settled in full.

City Ford Sydney staff will:

1. Re-evaluate and overhaul the transmission in question free of charge
2. Change the rear main oil seal noted in your letter
3. Replace the protective bellows boot free of charge
4. Relocate the battery strap free of charge.

In return, we only ask that you continue to use City Ford Sydney for future repairs and servicing and continue to consider our dealership, as an avenue when purchasing a new or used vehicle.



City Ford says yes more often

Australian Automotive Group PTY Limited T/A City Ford A.B.N. 84 088 817 912 / MVRL45

ADMINISTRATION AND ACCOUNTS: 60 O'Riordan Street Alexandria NSW 2015. P.O. BOX 5452, GPO SYDNEY 2001

Phone 9331 5000 Fax 9360 5262 email: service@cityford.com.au

SERVICE & SALES: 60 O'Riordan Street Alexandria NSW 2015 9331 5000

Service TAX Invoice		Page 1 of 4		Reprint No. Reprint# 1		Doc #: ZFASZ154129	
Customer No. 250194	Customer Name & Address Deborah Soden 31 Piper Street Annandale NSW 2038			Advisor Arzan Irani	7407	Colour LIGHTNING ST	Team SERVICE
Doc. Date 14/11/18				Year / Make / Model 09/FORD/SY MkII TERRITORY TX RWD 4SPD AUT			Tag No.
Reg. No. BJP55K				Model No. 38921HW	Carline TERRITORY		Eng./Trans. /A
Stock No. 445731				Chassis No.	Kilometres 134374	Prod. Date 29/04/09	Orig. Del. Date 29/05/09
Purchase Order No.	Driver Sean Brennan	Contract No.		Contract Name		Contract Exp. Kms	Exp. Date
	Home Phone 0414912324	Business Phone	Terms Cash	Selling Dealer 2801	Delivery Kms. 10	Delivery Date 29/05/09	Warr. Exp. Date 29/05/12
	Vehicle ID. 6FPAAAJGAT9P46274	Engine No. JGAT9P46274		Date & Time Promised 12/11/18 03:30pm	Time Received 09:00am	Quote Price	Air Pwr Turbo Y Y N

Labour	Operation	Description	Amount
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Job# 1	01FO20537120N02	120,000km/96mth Ford Price Promise Service	Tech(s): 2927	127.00
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Customer Instructions:

Carried out 120,000km/96 month Ford Price Promise Service.
Includes- Replaced engine oil & oil filter.
Checked all fluid levels & topped up as required.
Checked coolant level & concentration.
Inspected drive belt/s.
Checked engine compartment hoses for leaks, wear & security.
Checked wiring for security, damage & correct routing.
Checked engine, transmission & rear axle for damage or leaks.
Inspected fuel lines, hoses & connections.
Inspected brake lines, hoses & connections.
Inspected suspension & steering components.
Inspected exhaust system for security, leaks & damage.
Inspected drive shafts including CV boots.
Inspected brake pads, calipers & discs.
Inspected rear brake drums/linings (if equipped).
Inspected all tyre pressures & checked for wear.
Checked wheel nuts for correct tension.
Inspected & lubricated bonnet & door hinges & catches.
Checked brake pedal height & hand brake lever operation.
Checked lights, wiper/washers, horn & electrical systems.
Checked correct operation of climate control.
Inspected all seat belts operation & condition.
Checked vehicle for outstanding recall or service campaigns.
Checked cold and hot starting.
Checked for unacceptable noise.
If applicable SatNav Map update has been completed.
Road tested vehicle & reported any defects.

FOAFL101	OIL FILTER	1	14.13
FOR147A	WASHER SOLUTION SACHET	1	3.10
POL	GTX proff 10w30		63.20
POL	Environmental / Shop		28.00

<<< Total For Job 1 >>>

235.43

Job# 2	13FO20537BFLU02	Rplc Brake Fluid	Tech(s): 7628	68.34
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Customer Instructions:

Replaced brake fluid.
Bleed brake system as per manufacturers procedure.
Carried out final inspection & road test.

Please forward your remittance to accrec@cityford.com.au
and please use your customer number as the reference

Direct Deposit Details

A/C Name - City Ford
BSB 032000
A/C 349647

Signature of Owner/Agent X

cityford



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	Vehicle ID. 6FPAAAJGAT9P46274	Engine No. JGAT9P46274		Date & Time Promised 12/11/18 03:30pm	Time Received 09:00am	Quote Price	Air Y	Pwr Y	
							Turbo N		

<<< Total For Job 2 >>>

68.34

Job# 3	03FOSTEERLEAKZZ	STEERING OIL LEAK	Tech(s): 7628	510.00
	power steering oil leak oil leak from power steering high pressure hose replaced power steering high pressure hose, retested, all good			
	FO9R7Z3A212AA	HOSE ASSY P/STRG	1	533.91
	FOBA3F656B	CONNECTOR PWR STRG	1	18.44

<<< Total For Job 3 >>>

1062.35

Job# 4	07FORADHOSEZZZZ	RADIATOR HOSE	Tech(s): 7628	170.00
	coolant leak coolant leak from radiator bottom hose replaced bottom radiator hose, topped up coolant, retested, all good			
	FOSX8286A	HOSE RADIATOR LOWER	1	25.68

<<< Total For Job 4 >>>

195.68

Job# 5	10FOWIPERINSZZZ	REPLACE WIPER INSERTS	Tech(s): 7628	No Charge
	RECTIFY THE WIPERS ARE NOT CLEARING THE WINDSCREEN REPLACED THE FRONT WIPER INSERTS AND TESTED OK WIPER INSERT			
	FOSY17529A		2	30.10

<<< Total For Job 5 >>>

30.10

Job# 6	09FOTAILLIGHTZZ	TAIL/STOP LAMPS	Tech(s): 7628	34.00
	replaced 1x brake light globe FOELB380B			
		BULB	1	8.89

<<< Total For Job 6 >>>

42.89

Job# 7	03FO20537BJBS01	Rplc Low B/Joint Ass, Bth Sides	Tech(s): 7628	510.00
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Customer Instructions:

Replaced both lower ball joint assemblies.

Checked and adjusted toe in.

Reassembled and tested.

FO9R7Z3395AA	BALL JOINT LOWER ARM	2	525.68
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Please forward your remittance to accrec@cityford.com.au
and please use your customer number as the reference**Direct Deposit Details**

A/C Name - City Ford

BSB 032000

A/C 349647

Signature of Owner/Agent X

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														Turbo N					

<<< Total For Job 7 >>>

1035.68

Job# 8 09FOELECTREPARZ BODY ELECT REPAIR Tech(s): 7628 255.00
o/s/f window inop
open circuit in window regulator motor
 replaced window regulator motor, retested, all good
 NGTERRITORY23200A OSF TERRITORY REG 1 233.85

<<< Total For Job 8 >>>

488.85

Job# 9 03FOREARSUSPNZZ REAR SUSP NOISY Tech(s): 7628 1020.00
rear differential bushes split/collapsed.
 removed rear suframe, replaced differential bushes,
 refitted subframe back on vehicle, retested, all good
 FOBAF4B425SF BUSH RR SUSPSION 1 84.62
 FOBAF4B424A BUSH IRS MODULE 2 128.44

<<< Total For Job 9 >>>

1233.06

Job# 10 03FOFRNTSUSREPZ FRONT SUSP. REPAIR Tech(s): 7628 255.00
right front control arm bush split
 replaced right front control arm bush, retested, all good
 FOSX3044A ARM ASSY SUSP FRT RH 1 595.14

<<< Total For Job 10 >>>

850.14

Job# 11 06FOAUTOSERVZZZ AUTO TRANS SERVICE Tech(s): 7628 170.00
 POL Transmax E 126.00

<<< Total For Job 11 >>>

296.00

Misc:MF1F
 Misc:RND

MASTERCARD/VISA MERCHANT FEE 53.21
 1 & 2 CENT ROUNDING 0.00

Comments

STCHECKIN : DRIVER: DEBORAH SODEN DEBORAH
 H:0414912324C:0411964124E:seanbrennan@sjc.net.au
 CUSTOMER REQUESTED A LOANER

Please forward your remittance to accrec@cityford.com.au

and please use your customer number as the reference

Direct Deposit Details

A/C Name - City Ford
 BSB 032000
 A/C 349647

Signature of Owner/Agent X

cityford

**City Ford says yes more often**

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							Air Pwr Turbo Y Y N		

Total Labour	3119.34
Total Parts	2201.98
Total POL	217.20
Total Sublet	0.00
Total Misc	53.21
Total Tax	559.17

Total Amount Including GST**Total Invoice** 6150.90

Thank you for servicing your vehicle with City Ford.

Please forward your remittance to accrec@cityford.com.au and please use your customer number as the reference**Direct Deposit Details**

A/C Name - City Ford

BSB 032000

A/C 349647

Signature of Owner/Agent X

David Berlusconi

From: David Berlusconi
Sent: Friday, 1 February 2019 3:22 PM
To: Mark Janus
Subject: Draft Response - Sean Brennan

Hi Mark,

Something like this.

Friday, 1 February 2019

Sean Brennan
Frederick Jordan Chambers
53 Martin Place
Sydney NSW 2000

Dear Mr Brennan

Reference: Your letter dated 24.01.2019

I can confirm that we have received your letter on 1 February 2019 and we thank you for taking the time to contact us with your concerns.

Having read your letter, we note you have raised a number of serious allegations against a number of City Ford Sydney staff members.

We consider all feedback valuable, and as you can appreciate, we will endeavour to have these matters investigated accordingly.

Once our investigations are complete, we will keep you apprised of the outcome.

Please note our postal address is 60 O'Riordan Street, Alexandria, NSW, 2015.

Once again, we thank you for taking the time to contact us and we will get back to you in due course.

Regards.

David Berlusconi
Human Resources Manager
Australian Automotive Group Pty Limited
60 O'Riordan Street, Alexandria
NSW, 2015, Australia
P | +61 2 9332 8167 F | +61 2 9360 5375
M | +61 417 293 398 E | dberlusconi@aag.com.au

2009... = ~~Revised~~

= Arzan stated, we
change the oil and
then reassess.

10 - same 15K.

12 = same 30K.

14 = same 45K.

17 = 120K.

18 = 120K.

Transmission worked by US.

Reel main oil seal. change.
Reel

Protective bellows boot as
- we will replace Acc of Ang.

We will ~~relocate~~ the
battery earthing strap to the
correct path.

Frederick Jordan Chambers
53 Martin Place
Sydney NSW 2000
DX 450 Sydney

Sean Brennan
Barrister

ABN: 61 602 329 593

P: 02 9229 7365
F: 02 9221 6944
M: 0414 912 324
seanbrennan@fjc.net.au

21 January 2019

Graeme Whickman
President and CEO
Ford Motor Company of Australia
Customer Relationship Centre
Private Mail Bag 5
Campbellfield, Victoria, 3061

CC

John Austin
CFO & Company Secretary
Australian Automotive Group PTY LTD
811 Elizabeth Street
Zetland, NSW 2017

Dear Graeme,

**Fraud in relation to Ford Territory 6FPAAAJGAT9P46274 registered
BJP 55K**

**Your Reference: City Ford Tax Invoice ZFASZ154129 dated 14
November 2018**

I wish to bring to your attention incompetence and fraudulent conduct
apparently orchestrated by Arzan Irani, "Service Advisor" at City Ford.

Shortly before 14 November 2018 I contacted City Ford about fixing a
potentially dangerous transmission fault on the Ford Territory I bought new
from City Ford in 2009. It was intermittently slipping or failing to engage gear,
either when cold or warmed up, such that power would suddenly and
unpredictably be unavailable when driving in traffic.

130,000km
Ford Territory
4 Speed

But for that serious problem the car would not have been in your dealership. There were several other issues I wanted rectified, mainly the driver window not operating, but I was prepared to do that myself and inquired about the availability of a better replacement part, having replaced it myself previously with a non Ford part which the Spare Parts division told me was inferior but the only one available and which had subsequently failed. That work took me several hours.

My wife, Deborah Soden, former editor of the now discontinued Ford Australia staff magazine, Ford News, delivered the car to City Ford at Zetland and I was then telephoned by Mr Irani.

Mr Irani told me he had had a look at the car. He stated there were issues with the car requiring work including a leaking power steering hose. He told me the part was expensive, about \$500.00, and it would be several hours labour. I agreed you should fix it. It seems your labour cost is \$255.00 per hour.

How does he calculate this from the cost of the part?

We discussed the driver's window and he said it would be 1 hour's labour which I found surprising, but I threw caution to the wind and said he could fix it because I knew it would me take a lot longer than that. Again, \$255.00 per hour. I say caution because it is my experience that employed mechanics will quickly destroy car interiors, and for that reason I recently spent most of a weekend replacing the bonnet cable which is a nightmare on a Territory.

He has poor experience as a professional mechanic.

Mr Irani told me the main rear engine seal was leaking and the car would not pass registration if it was not fixed. He quoted \$2000.00 to fix it. I told him because the transmission was problematic that job should at least wait until the transmission was diagnosed and it was known if it needed to come out, at which time replacing the seal would be a trivial amount of extra work. He sounded unhappy that I told him this.

I asked Mr Irani about the transmission malfunction and he told me the car had been driven and the transmission was working properly and did not need

attention. I told him the transmission was the only reason he had the car in his workshop and suggested he do a service. He told me the service was not due until 150 000 km but I told him I wanted it done anyway and he agreed they would do it.

= Customer directed us to do even, tie

filter is not changed and Simpson doesn't care at all

We talked about the front ball joints which were obviously loose and I instructed him to do what was necessary to fix those.

He also told me the rear subframe bushes needed replacing and I told him I was having no problems with them. He insisted saying they were broken and the car needed it and I relented because I was too busy at work to think carefully. He was talking very quickly and I was pressured into making a mistake.

Admission to think carefully - speech issue is subjective

Upon completion of whatever was done to the car my wife was presented with a bill for the stunning amount of \$6150.90 and unfortunately I gave her permission to pay it.

= we acted in accordance with his instructions and permission only.

When she collected the car she noticed the external mirror control was not properly in place and the mirrors did not operate. She asked them to remedy this and they put it in place but at the wrong angle. The mirrors still did not operate and as she refused to drive without mirrors they tried to fix it but discovered they had broken it. She was given a courtesy car and had to return the next day so they could install a new part.

It might be noted that when she took the car she was asked to walk down the ramp from where the cars are inspected to the courtesy car she slipped and fell where the ramp slopes sideways at the edge to meet uneven ground beyond the ramp. She luckily did not suffer injury other than shock and was told by somebody there the ramp was new and they knew it was unsatisfactory. From my experience running personal injury cases as a barrister I can tell you I would have no great trouble winning a negligence case if someone complained to me they were actually injured by that ramp.

Upon return of the car I noticed that:

- The driver's external mirror now vibrates much with engine vibration much more than the passenger one whereas before it did not. I will have to fix that myself.
- The front wheel alignment was unsatisfactory in that the car was not tracking straight and this was fixed by Matthews Tyres aligning it the following week when we needed to replace a damaged tyre. I note Job# 7 on your invoice says "Checked and adjusted toe in" which was either not done or done wrongly.
- Just looking at the steering rack through the gap between the off side front guard and the wheel in the front wheel housing shows the protective bellows boot to be torn in half and therefore priming the steering rack for expensive replacement. This was either done by you or neglected when supposedly "checking" under Job# 1 or when you were doing \$510.00 of work to replace 2 ball joints.
- A look under the bonnet at the steering pressure connectors on the rack shows the engine earthing strap now passes over the top of it which is not the correct path for it.
- There was never any problem with the rear suspension and it feels no different or quieter after paying \$1233.06 for job#9.
- However, most appallingly, the transmission slipping was no better or worse or different than before I paid \$296.00 for Job# 11.

I was prepared to give you the benefit of the doubt as to honesty although not competence and thought that although it is common practice to overfill worn automatic transmissions to fix slipping maybe the Ford dealer would stick to factory specifications including as to the fill level even when others might not.

I therefore purchased transmission oil from Repco, raised the vehicle in my garage yesterday, 20 January 2019, and opened the fill plug to see if it was full and if I could put more in.

When the plug came off transmission oil came out and spilled on my hand. Right away I could smell and see that the oil has never been changed. It had a slightly burned smell and was dark and stained with a sooty appearance, not

clear pink as new transmission oil is. I have kept the paper towel I wiped my hand with as evidence.

Close inspection showed the bolts holding the pan on had a layer of surface rust undisturbed by the application of a socket to tighten and loosen them.

While this was being inspected I noticed some oil staining on the underside of the transmission casing but no fresh oil or dripping. If there was excessive oil there when Mr Irani told me I would not get the car registered without removing and replacing the transmission at a cost of \$2000.00 to fix the rear main seal, common sense would say it was leaked power steering fluid.

Apart from the florid demonstration of your incompetence it has become apparent that Mr Irani decided there was no need to service the transmission and lied and stole instead of doing a little bit of work.

We both now have to take responsibility.

I take responsibility for sending a woman with an address in a wealthy suburb to ask you to work on a car which was dirty and apparently uncared for, such that temptation was unfairly put in your way. I also hid from you that I was a mechanic before I obtained legal qualifications and still do all the work on my 33 year old Mercedes-Benz 560SEL and MX 5 track day car.

Very disrespectful
towards ladies
- should report to US.

You will take responsibility either by providing me with a cheque for \$6150.90 within 14 days or paying my professional colleagues more than that to defend yourselves against a Statement of Claim filed in which will specifically allege fraud and be supplied to my media contacts.

Evidence will be adduced including a statement from a transmission specialist, who will shortly do the service you did not, that the condition of the oil and transmission body is inconsistent with Job# 11 on your invoice.

On the other hand there is no evidence that you did any work correctly or safely, that much was done at all, and in particular no evidence any work on the rear subframe was warranted.

You will not be given a further chance to damage the car at your workshop but by arrangement you may have a recognised expert witness attend our premises at Annandale and inspect the car to provide you with a forensic report.

You may write to me care of the above address if you wish but any telephone contact will be regarded as harassment and not entertained. I take it you will accept service of the Statement of Claim at your Zetland address.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Sean Brennan', followed by a long horizontal line extending to the right.

Sean Brennan