

"ANYTHING TWO PEOPLE KNOW IS NOT A SECRET."

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Your "new" car may have been "demo'd" by a thief

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Should a car dealer sell a car stolen off its lot, missing for as long as 3 months, and returned heavily damaged, as new?

by Dave FEATHERLY

With apologies to my friends in the car business - those who are honest and honorable - but your profession is the only one to score lower than politicians in a 2006 poll. Gallup asked 1009 voters to rate the "honesty and ethical standards" of a variety of professions.

Fifty-five percent of those polled gave car salesman a low or very low rating on their ethics and honesty, according to that column by Chris Cilizza on the internet website *washingtonpost.com*. Only seven percent said car salesmen had very high ethical standards. I'm not saying I fully agree - I'm just saying that's what the survey said.

Journalists did better than governors in the poll. No surprise there, is there?

This story isn't about trusted professions, however. It's about the bottom end of that range. It's about what a local new car dealership attempted to do to one of their regular customers - one who had bought several vehicles before the one now being written about in this story.

In 2006, a local couple was in the market for a replacement vehicle and they went to the new car dealership from which they and family members had bought several vehicles in the past.

The wife in this couple did most of the negotiating and she selected a 2006 model GMC Yukon to test drive and dicker price with the salesman and the son of the owner, who is (and was) himself a vice president at the dealership.

She test drove this Yukon (and another vehicle) and noticed that it had 3,700 miles on the odometer and visible damage to the interior of the vehicle. It was being offered for sale as a new vehicle in spite of the flaws. She tried to negotiate a purchase of a used vehicle, which should have led to deeper discounts. The dealer was adamant that the vehicle had been a demo and those vehicles have very controlled miles on them.

Obvious interior damage couldn't generally be explained on a demo vehicle because only the highest level company employees are provided demo vehicles. And there was no claim that the Yukon had been loaned to anyone or used as a rental. It was a "demo" and could be sold as new, she was told. But the dealer would not admit that any damage could have been caused in an unusual way.

The buyer negotiated what has to be considered a very good deal and bought the Yukon. Next time, though, CARFAX it.

Other than waiting interminably for rear seat floor mats to come in and having a heater problem, the vehicle ran as should be expected of a 2006 model in 2006.

Then one day, the dealer's ex-salesman called and told the buyer that her car "might have been stolen." Things began to add up a little better. The appearance of a vehicle that had damages inconsistent by being driven by a responsible dealer employee or potential buyers test-driving a vehicle with a salesman on board - if it had been driven by someone who stole the vehicle, the condition of this supposedly "new" vehicle came into focus.

She quickly called the dealership and left a message for the son, who she had considered a friend. She had to leave a recorded message and told him she was very upset that they hadn't disclosed the vehicle she ultimately purchased had been stolen and asked for a return call at once. The following day, the son returned the call and professed to knowing nothing about the vehicle being stolen and promised he would look into the matter and get back to her.

Not waiting for his response, the buyer began her own investigation. She contacted the Cheyenne police department and easily accessed a stolen vehicle report on her Yukon. The police report on this stolen vehicle indicated it had been stolen off that dealer's lot and could have been missing for "as many as 45 days." The date of the stolen vehicle report was October 6, 2005.

Based on this stolen vehicle report, the last time the dealer knew they had the Yukon on their lot was at 9:00 am on August 22, 2005 and it was noticed gone at 10:00 am, October 5, 2005. The dealer said they had had the vehicle for 66 days prior to the last time they inventoried it on August 22nd.

The spare set of keys for the Yukon were in the office and no glass was on the ground where the vehicle had last been parked. Keys are in the vehicle in a lock box - that lock box was found in the vehicle when it was recovered.

On the same day she learned these things on her own, the dealership's son admitted that the vehicle had, indeed, been stolen and, after recovery, the dealership had replaced a broken windshield and missing radio. He told the buyer that the vehicle was a demo and had been gone from their lot "for only five days," and except for the radio, was undamaged.

The Yukon was recovered on November 15, 2005 at 1:53 pm. The minimum length of time the vehicle was missing from the dealer's lot was 41 days (10/5-11/15/05) and the maximum was 85 days (8/22-11/15/05)

She then informed him what she had learned from the police report.

The son of the dealership's owner became defensive, telling the buyer he did not have to disclose anything to her prior to the sale. Basically, that the miles put on the vehicle during the time it had been missing from their lot, and the damages repaired (much more than the windshield and radio) were none of her business and, under Wyoming law, a dealer does not have to disclose information of that sort to a potential buyer.

In spite of a promise to see what he could do, the son did not respond to the buyer's complaint for days - once telling her that he was awaiting advice from the GMC rep.

The young man who pled guilty to stealing the Yukon from the dealer's lot told

CPD detectives on November 18, 2005: "[He] admitted to stealing a 2006 GMC Yukon from [dealer]. [He] said he worked alone and did not take any other property. He stated this was 'awhile ago' but could not remember an exact date. He went on to give details to include parking the vehicle for several weeks 'under the viaduct by the train depot'." After a period of time, he went back and 're-claimed' it. [He] said he had been driving the stolen vehicle for several weeks." That's guts!

Authorities later praised the young guy for his candor, truthfulness and cooperation in busting a major burglary and larceny ring in Cheyenne. If his statement above is to be believed, he had the Yukon for more than the 41 days - probably most of the 85 days since August 23rd.

The buyer filed a consumer complaint with the Attorney General's office. In his response to the AG's inquiry, the dealer's son assured that office that, "the damage was limited to the missing radio and cracked windshield and [that] he didn't even know it was stolen." Yet in December, after the stolen vehicle had been recovered, the dealership put several thousand dollars in parts and labor into repairing it.

As is often the case in Wyoming, filing a formal complaint with the AG's office is unlikely to bring customer satisfaction. The State does not have a full-time "consumer affairs" director and a full-time municipal court judge moonlights on this job. Instead of serving to resolve a claim from a consumer, the AG's part-time guy offered a defense for the dealer. He wrote to the son, "based upon my review, the theft of a vehicle does not constitute 'damage' as detailed in Wyoming's damage disclosure law." Nor does it say a stolen car that was heavily damaged is not covered. Also, "It is quite possible that the salesperson was not even aware that this specific vehicle had been stolen and recovered." It is not only possible, but likely. However, that has nothing to do with the dealership's responsibility to disclose.

It is not the role of this "consumer advocate" to advise accused businesses.

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