

Bend sues TSI, brokers of BAT buses

by Bend_Weekly_News_Sources

During a press conference held at City Hall Friday afternoon, Bend City Attorney Jim Forbes announced the City has filed a complaint, case number 07CV0092SF, in the Circuit Court for Deschutes County against Transit Sales International (TSI), a California business corporation. Forbes said the case has been forwarded to the Deschutes County District Attorney's office and the United States Attorney.

Bend alleges fraud, breach of warranty, consumer protection violations and illegal odometer tampering in its suit against the bus brokerage firm who sold the BAT buses to the city. Transit Sales International (TSI) is the bus brokerage firm that sold the City six Eldorado "Transmark" transit buses. The buses were purchased for the new Bend Area Transit's fixed route bus system, which began last September. The complaint states that the buses were worth substantially less than the \$36,725 paid for each bus, and that TSI withheld and concealed information about the buses from the City prior to entering into the purchasing contract.

The complaint alleged fraud, breach of warranty, consumer protection violations and illegal odometer tampering and the City is seeking actual, treble and punitive damages. Based on the financial injury sustained by the City as a result of TSI's conduct, the City is requesting restitution as follows:

- a. For restitution in the amount of the reduced value of the busses, measured by the difference between the value of the busses as delivered and the actual market value of the busses as represented. This restitution is believed to be approximately \$190,000.
- b. For restitution of the excessive amounts of maintenance costs incurred by the City as the result of the busses not being in the condition represented by TSI. This amount of restitution is believed to be in excess of \$75,000.
- c. For punitive damages in an amount to be determined by the jury for TSI's fraud against the City.
- d. For treble damages based on Odometer Tampering, in an amount to be determined by the jury.

Councilor John Hummel said the city and council would do everything in their power to obtain the restitution the city deserves. City manager Andy Anderson acknowledged that although the City has made some mistakes, the city has now put into place revised purchasing requirements for buying used vehicles.

During the legal process, the Bend Area Transit service will continue to service riders.

Both the complaint and the revised purchasing ordinance are available for download: [Complaint 07CV0092SF](#) and [Revised purchasing ordinance](#)

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