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Georgia Independent Automobile Dealers Association

November/December 2016

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Stay Up to Date on Critical Regulations



GIADA PRESIDENT

Jennifer Knights
M&M Motors

I would like to take this opportunity to speak on the importance of staying up to date on the numerous regulations imposed upon our industry. We are one of the most heavily controlled industries in this country with tremendous oversight. We have state laws, such as Title Ad Valorem Tax, and four federal government agencies that oversee the used motor vehicle industry.

In late September, 16 Georgia IADA members attended the National Leadership Conference and Legislative Summit in Washington D.C. We heard speakers from the Consumer Financial Protection Bureau (CFPB), Federal Trade Commission (FTC), Department of Justice (DOJ), and the Department of Labor (DOL). It's a chore to try sorting through the legal and regulatory issues governing our business operations; it's truly an alphabet soup of oversight. So there was some relief in hearing these regulators provide a bit of insight into their various agencies.

There is always something new to learn and each of these speakers provided critical information of great value to our association's membership. The CFPB speaker brought us up to date on current collection laws and regulations concerning credit reporting. If you are a BHPH dealer, it is of utmost importance to review these regulations.

The FTC representative spoke about advertising don'ts such as misleading advertising and Yo-Yo financing. The DOJ gave a presentation over the Equal Credit Opportunity Act and the service members Civil Relief Act. The speaker from the DOL brought us up to date on the new overtime regulations that are set to take place in December. I highly recommend seeking additional information on these topics.

The fines and penalties that could be levied on businesses that are not in compliance with any of these issues, are astronomical and could even put some out of business. In recent weeks, these government regulators have fined businesses for several violations over some of the very issues we just heard of in these sessions.

Please make the efforts to ensure you stay within the compliance standards. The best way to do this is to keep you informed. All of the agencies mentioned above have public websites that you can visit to further research how they affect your dealership and our industry. As always, our GIADA Dealer Consultants are here to assist and can help you find the answers you need.

Thank you for your time!

Jennifer Knights

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Your Tax Refund Could be Delayed in 2017

Tax refunds in 2017 will come later than ever, no earlier than February 15th, regardless of when Americans file their tax returns. This could directly impact the 2017 so-called tax season for automotive retailers across the country, and just about any business that relies on consumers with fresh tax refunds in hand.

Bill Neylan, CEO of TRS TaxMax, a tax refund services firm, shared this with attendees at the recent National Alliance of Buy Here-Pay Here Dealers Conference in Orlando. The IRS will not release refunds for Americans who qualify for the Earned Income Tax Credit (EITC), Child Tax Credit (CTC), and American Opportunity Education Tax Credit (AOTC), until Feb. 15, 2017 even if their tax return is

prepared in the early part of the filing season. Instead of the standard of receiving refunds in 21 days or less under the old terms of the PATH Act, refunds could take up to four weeks, he said.

Many independent automotive retailers have grown accustomed to having consumers come in with large down payments during late January or early February as their refund checks arrive. Last year, Neylan said, they came later and many all at the same time. This big push led to the IRS computer systems and website crashing and as a result, further delayed refunds and filings.

Neylan noted that checks will come even later this year and tens of billions of dol-

lars will arrive in consumers' hands all on the same day, and while Feb. 15 has been set as the target, there is no way of knowing on which specific date the IRS will release those funds. In addition to the prolonged start of the anticipated tax season, dealers who have stocked up on inventory going into the tax season may have to keep the vehicles on their lots 30-45 days longer than they had anticipated.

Furthermore, the low-income consumers who qualify for these kinds of refunds are typically unaware of the delay, and may have a hard time paying bills, including car payments already on the books, in January and early February because they had counted on IRS refunds that had come to them at earlier times in years past. ■



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Happy Holidays from GIADA



GIADA EXECUTIVE DIRECTOR, Paul John

As I write this, I'm thinking of the coming holiday season and the rapidly approaching new year. This is the last issue of our magazine for the year, and it's a great time to acknowledge that this year has been one full of growth for GIADA, in membership

as well as our association staff. We are ever more capable of serving the needs of our members, and our goal is to continuously improve our services and benefits that are available to you!

We have accomplished quite a bit in 2016 and will continue to move forward at full speed as 2016 comes to a close and we prepare to kick off the new year. A few highlights to mention include: the development of our new Business Partner Program which has been created to get our most dedicated associate members more opportunities to showcase their products and services which will greatly benefit our dealers; updates to the GIADA OnDemand training portal which offers dealers a digital option for education and industry updates which will soon be made available to GIADA members during non CE periods; and quite a few updates on our efforts from the legislative team that is constantly fighting for dealer rights in the state of Georgia.

Regarding our legislative team, I was very pleased and sincerely proud of our association's representation at the NIADA 2016 National Leadership Conference and Legislative Summit in late September. More than 180 NIADA dealers and industry leaders, 16 from the GIADA, attended the Washington D.C. event. Our delegation met with every Georgia congressmen. We held significant discussions with these legislators on important topics such as the Consumer Financial Protection Bureau, open recalls and their effects on consumers and auto dealers, and several regulatory issues. As the largest state association, our Georgia delegation was very visible in Washington and very well received.

Your legislation committee is ramping up to get ready for the Legislative Session beginning after the first of the year. GIADA will always work hard to make sure that the selling environment in Georgia isn't over regulated. For over ten years, GIADA has had the strongest lobbyist and government affairs team, making Georgia one of the

best states to operate in as a used car dealer.

The start of 2017 will bring a number of exciting updates to publications and information made conveniently accessible through multiple avenues. We have brought in Peter Salinas, former editor of *Used Car News and Dealer Business Journal* as an Industry Communications Specialist, to provide the kind of grass roots compositions that you will find both interesting and relatable. *Independent Auto Dealer* magazine will be sent out each month. We will continue to send out six print versions, and we will add six digital-only versions as well. Look for more self-produced content not only about issues important to car dealers on a national level, but even more issues, news, and features articles for and about members in our home state! We'll also be rolling out additional email campaigns with interesting news, hot topics, education, training and compliance tips, as well as breaking news when it occurs.

Keep an eye out for a number of free training classes that will continue to be made available throughout the upcoming year, including Title and ETR Training classes as well as vendor-taught specialty training and product launches. Our state of the art training room will be a hub of education, training, and camaraderie .

We plan to finish the year with around 2,500 dealer and associate members, and our goal is to grow that number significantly during the coming year. Please know that if you need any assistance in licensing, title work, legal and regulatory compliance, or any other needs, we are here to serve you! Thank you for making us the largest state IADA in the country!

On behalf of our GIADA staff and Board of Directors, we want to wish you a very happy holiday season and a safe, successful, and prosperous new year!

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Tip ^{OF} THE Month

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There is no better way to target a specific audience than social media. Facebook, Twitter, Google+, YouTube and LinkedIn are all great ways to find customers looking to purchase a car. A dealership should invest at least one to two hours per day into social media to increase sales. This means daily posting, responding to potential buyers and purchasing targeted ad campaigns to solicit potential buyers. Like most advertising not everything will work, but being consistent and measuring your success will certainly increase sales.

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High-Energy National Leadership Conference Proves Successful

BY PETER A. SALINAS, GIADA COMMUNICATIONS

The 2016 National Independent Automobile Dealers Association National Leadership Conference and Legislative Summit in Washington D.C. held in late September proved to be a true success. Over 180 dealers and industry leaders, including 16 from the GIADA, fanned out across Capitol Hill to bring attention to issues and concerns from small business owners working in one of the nation's largest industries.

This was one of the highest rates of attendance for IADA members that came together to meet with even more federal legislators and regulators than ever before.

"It was a high-energy event," said Paul John, executive director of the GIADA. "I believe we met with every House and Senate office representing Georgia, and in most cases we met directly with the elected official."

John Haliburton, partner with the governmental affairs consulting firm Thrash-Haliburton, which represents the GIADA, said every association member is impacted significantly not only at the state Capitol but by our federal agencies and the Congress in Washington D.C. as well.

"We met with almost every one of our Congressmen from Georgia," Haliburton said. "Every single official we met with are on our side and are fighting for our industry before our federal agencies with the agencies' hurtful regulations over the last eight years."

Haliburton added that the Georgia representatives said the topic of vehicle recall legislation was discussed at length.

"We hope to add more Republicans to the U.S. Senate to pass the legislation reforming the Consumer Financial Protection Bureau," Haliburton said. "The House has passed it multiple times, but it continues to get stopped by Democrats in the U.S. Senate."

NIADA leadership was very pleased with

this year's event. "NIADA's footprint in Washington was by far the largest it's ever been," said Shaun Petersen, NIADA senior vice president of legal and government affairs. "In the four years since we began doing this, we've seen it grown exponentially. When we told people we had 180 dealers in 14 teams on the Hill, it really opened some eyes in Congressional offices. That's because of the commitment of NIADA members to be in Washington and make sure their voice is heard."

Lee Cavender, owner of Cavender Auto in Gainesville, GA and GIADA Legislative Committee Chairman proudly attended each of the meetings. Cavender said he was proud that Georgia's dealers were so well-represented. "We met with nine congressman and Georgia U.S. Senator Johnny Isakson," he said.

Cavender also discussed the Consumer Financial Protection Bureau (CFPB) at length with legislators.

"Everyone wants consumers to be protected from unfair business practices," he said. "There does, however, have to be checks and balances. Currently, the CFPB has no oversight. In many cases, they are making rulings and decisions that are not well thought out."

He pointed to recent CFPB fines levied on dealers across the country that have put some out of business, and were definitely onerous.

"They have put some out of business for minor or perceived errors, when a warning with follow-up to ensure changes are made would have sufficed," he added.

He said that legislators are working at killing a CFPB ruling that eliminates binding arbitration and allows class-action lawsuits.

"The average plaintiff in a class-action lawsuit gets \$32 while the trial attorneys earn

between \$35 million to \$46 million. Obviously, that is a business model that helps attorneys but doesn't help consumers."

Cavender noted that the Georgia contingent made it clear to the legislators that the used vehicle industry is over-regulated, and needs thoughtful legislative action.

In addition to the CFPB, NIADA recalled the state delegations focused heavily on the issues of automotive recalls. NIADA noted that dealers urged Congress to reject calls for a complete ban on sales of vehicles with open recalls and pointed out that independent dealers, by law, cannot make recall repairs and grounding those vehicles would have devastating effects on small businesses and consumers. NIADA CEO said the national association would continue its efforts on behalf of members.

John Haliburton speculated that the top State Capitol issue, in Georgia, is the Title Ad Valorem Tax (TAVT) and the association is doing its best to avoid hurtful policies and tax increases on its members and consumers. This is the biggest issue facing our members at the state or federal level. He also added that the GIADA works diligently with the NIADA along with their own lobbyists and dealers to ensure the best possible economic, legislative, and regulatory environment for its members,

"We work hard to make sure all dealers in our state have the best opportunity possible to operate a consumer-friendly and profitable business," John said.

The efforts from all of those involved have not gone unnoticed. "I'm excited to see this Leadership Conference grow and succeed as it becomes a critical component of NIADA's government affairs initiative," Jordan said. "Shaun Petersen and his team did a phenomenal job this year building on the momentum we've created since we brought this event back to D.C. in 2013." ■

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GIADA Reaches Out to Neighbors in Need

BY PETER A. SALINAS, GIADA COMMUNICATIONS

Dwayne Tambling's home stood on the family estate for six generations in St. Amant, LA, and never had flood waters come close to the home. Then, in mid-August, a one in 1,000-year, three-day rain storm inundated the region and filled tens of thousands of homes in the Baton Rouge region with nearly head-high muddy waters.

The Tambling family, like so many others, watched the unprecedented storms with raised eyebrows, but didn't expect the waters to rise as much in such a wide area so quickly.

Dwayne Tambling has been the executive director of the Louisiana IADA (LIADA) for two years. He has spent more than 34 years in the automotive business, including his previous time as a manager at the No. 1 Toyota dealership in Louisiana, Price Leblanc Toyota in Baton Rouge.

After attending an LIADA meeting about four years ago, he joined the board of directors as vice president. He took over as executive director when the association had gone through some troubled times, and was down to fewer than 100 members. "There wasn't much happening during that year, so I offered to take on the position of executive director," Tambling said.

Since then, with some hard work and some assistance of the NIADA and Georgia IADA (GIADA) executive director Paul John, membership has more than tripled and the association continued to grow as it began hitting its stride.

That's when the floods came and destroyed Tambling's home and severely damaged the LIADA offices. Nothing but a roof and foundation were left usable of Tambling's home. The LIADA office, located across the street from Tambling's home, suffered water damage and equipment loss. The office is still in need of a new computer and furniture.

John took immediate notice to Tambling's misfortune. During the recent NIADA Leadership Conference and Legislative Summit, the associations' leadership also



Dwayne Tambling, left, Louisiana IADA executive director, and his wife Rebecca, lost their home to the major floods near Baton Rouge, LA, in mid-August. Georgia IADA Executive Director, Paul John, right, recently presented the couple with a \$33,000 check with funds raised by the NIADA, IADA state executives, and NIADA associate members.

held its fall board meeting, and John sought a way to help out.

Steve Jordan, CEO of NIADA pledged that the association would match up to \$5,000 to assist Tambling in the efforts to rebuild his home and LIADA offices, and the donations came rolling in. Not only did the state associations offer donations, leadership offered private donations as well. Several NIADA associate members made donations as well. In total, more than \$33,000 was raised. John presented the check to Tambling during the LIADA's recent annual convention.

"We were all proud at the outpouring of support for our colleague," John said. "Notably, Lori Kahre from NextGear and Howard Polirer, from AutoTrader.com, both Cox Automotive companies, made a large donation and we are greatly appreciative."

"Community outreach is a core Cox Automotive value that brings us together as

a team across all business groups and geographies," said Michele Blondheim, the Director of Community Relations at Cox Automotive. "It's also a value we share with our clients. We are proud to partner with organizations that work tirelessly to provide disaster relief to the communities in which we live and work. In partnership with the NIADA and the NIADA Foundation Board, Cox Automotive is supporting flood relief efforts in Baton Rouge, LA, specifically to help repair the Louisiana Independent Auto Dealers Association headquarters."

Tambling was very appreciative of the support for both the association and his personal welfare. "Your generosity in these difficult times is overwhelming," Tambling said. "We are all still in shock at the amount. Please know how grateful we are to each of you, and how much this means to us. Your kindness and generosity will help get us back into our home. We are feeling very blessed."



He said he's worked diligently for the past three years to grow the association, and is grateful for the opportunity. "Throughout the last several years I have become friends with all of you guys," he said of the NIADA and member association leaders, "If it wasn't for you guys, I would not be here today."

Jordan praised Tambling's efforts to grow the LIADA and provide excellent services

to its membership. "The NIADA Foundation, with the support of our family of state associations and industry partners across the country are honored to assist you and your family as you all rebuild," Jordan wrote of the donations. "I am especially thrilled that our Foundation is positioned to invest in leaders like yourself as you continue to thrive in the face of adversity."

Tambling said it is a difficult position, to be in need, as he has been self-reliant since he was 16 years of age. "Their show of support means so much to our family," he said. "It is a huge relief off our shoulders, and will go a long way to put us toward getting back into our home."

Incoming LIADA President Kevin Reeves, owner of Dixieland Autoplex, which includes two lots in Baton Rouge, LA, said so many in the region have been devastated by the floods, and it is heartwarming

to see the associations' leadership step in to help both Tambling and the LIADA.

"Three years ago the association was in a mess," Reeves said. "With Dwayne as executive director and a dedicated board, we have gotten membership up to more than 350. I can say I've been good friends with Dwayne."

Outgoing LIADA President Eric Stoddard, a manager of Don's Automotive Group, one of the largest independent dealerships in Louisiana, said that everyone has had to deal with the floods and it has been difficult.

"Dwayne has been instrumental in getting our association operating effectively," Stoddard said. "We were able to get all of finances in order, and were able to start generating revenues again, so we could provide excellent service for our dealer and associate members." ■

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7 Revisions to FTC's Buyers Guide

BY AUTOREMARKETING STAFF

In a development relevant to dealerships of all sizes, the Federal Trade Commission on Thursday announced final amendments to its Used Car Rule.

The FTC sought public comments on a series of proposed changes to the rule — formally known as the Used Motor Vehicle Trade Regulation Rule — that requires dealers to display a window sticker, or “Buyers Guide,” on used vehicles offered for sale.

The guide discloses whether the dealer is offering to sell a used vehicle “as is” (without a warranty), or with a warranty.

If the sale is with a warranty, the FTC explained the guide discloses the terms and conditions, including the duration of coverage, the percentage of total repair costs the dealer will pay and the vehicle systems the warranty covers. In states that do not permit “as is” used-vehicle sales, the regulator pointed out dealers must use an alternative guide that discloses whether the sale is with a warranty or with implied warranties only.

In December 2012, the FTC sought public comments on proposed changes to the Buyers Guide as part of its systematic review of all of the agency’s rules and guides. In response to comments received, the agency sought comments on additional proposed changes to the Used Car Rule and invited comments on alternative approaches that public commenters proposed for the vehicle history disclosure and the “As Is” statement.

As announced on Thursday, the FTC is revising the Buyers Guide by:

1. Changing the description of an “As Is” sale.
2. Placing boxes on the face of the Buyers Guide that dealers can check to indicate whether a vehicle is covered by a third-party warranty and whether a service contract may be available.
3. Providing a box that dealers can check to indicate that an unexpired manufacturer’s warranty applies.
4. Adding air bags and catalytic converters to the Buyers Guide’s list of major defects that may occur in used vehicles.
5. Adding a statement that directs consumers to obtain a vehicle history report and to check for open recalls. The statement also instructs consumers to visit ftc.gov/usedcars for information on how to obtain a vehicle history report and visit safercar.gov to check for open safety recalls.
6. Adding a statement, in Spanish, to the English-language Buyers Guide, and advising Spanish-speaking consumers to ask for the Buyers Guide in Spanish if the dealer is conducting the sale in Spanish.
7. Providing a Spanish translation of the statement that dealers may use to obtain a consumer’s acknowledgement of receipt of the Buyers Guide.

FTC officials indicated the amended rule permits dealers to use their remaining stock of Buyers Guides for one year after the effective date of the amended rule.

For used dealers, the FTC offers what’s titled “A Dealer’s Guide to the Used Car Rule,” which can be downloaded at: <https://www.ftc.gov/tips-advice/business-center/guidance/dealers-guide-used-car-rule>.

“Fillable” versions of the Buyers Guide in English and Spanish are available at FTC.gov.

The FTC vote to publish the Notice of Final Rule in the Federal Register was 3-0. ■

Q&A

The Federal Trade Commission (FTC) amended its Used Car Rule to update requirements for its Used Car Buyers Guide. There are several changes to the documents themselves, and they are available from GIADA just as before. Some aspects to the amendments were unclear, so we found answers for you.

Q. When is the effective date of the new rule?

A. The new Buyers Guide rules go into effect, Jan. 27, 2017.

Q. I have hundreds of Buyers Guides in stock. Can I still use them?

A. Yes. The FTC will allow you to use the old Buyers Guides for one year from the effective date. So you must use the new guides by Jan. 27, 2018.

Q. The new Buyers Guide I see on the FTC site has three pages. What is the guidance for displaying them?

A. The third page is actually an alternate front page for states that do not permit “as-is” sales under state law. In Georgia, dealers are permitted to sell “as-is,” so they would use the front page that has the option for the as-is disclosure, and then the back page with the systems listed.

Q. Are there fines for not using the proper Buyers Guides?

A. Yes. The good news is you have a little over a year to make sure you are using the proper Buyers Guides. In late June, the FTC increased the penalties it can seek against violators of laws and regulations. The maximum civil penalties it can see against violators jumped to \$40,000 from \$16,000. This includes violations of the Used Car Rule.

Q. Where can I purchase the new Buyers Guides starting January 27, 2017?

A. Forms will be available in our GIADA online store as well as our GIADA office. (giada.org/store)



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GIADA Welcomes Representative Gravley

BY PETER A. SALINAS, GIADA COMMUNICATIONS

Georgia Representative Micah Gravley spent a day steeping in the independent automotive retail industry, spending half a day with GIADA member Claude Rainwater, and later visiting the GIADA office.

Gravley represents the citizens of District 67 which includes portions of Douglas and Paulding counties. He decided to take some of his time to visit Rainwater Motor Co. in Douglasville, Ga., and after taking a tour of the large used vehicle operation, he graciously dropped in to visit and tour the association office as well.

“I spent half a day with Claude Rainwater and his son-in-law Larry Lewallen, who really educated me about the used vehicle business,” Gravley said “They are very good constituents, and I have a campaign volunteer who works at the dealership.”

Calling Rainwater Motor Co. Inc. “a family operation,” Gravley said it is a wonderful business that has served the transportation needs of the community since the 1980s. He said he likes to regularly meet with the residents, and he’s proud to have this business owner operating within his district.

“I was unaware the GIADA offices were just over the border from our district,” he said. “It is truly an impressive resource for the community. The offices are immaculate, and obviously well-run.”

Gravley was first elected to the state House of Representatives in 2012, and currently serves as vice chairman on the Code Revi-



L to R: Micah Gravley, Alan Gniadek – GIADA’s Comptroller, Amy Bennett – GIADA’s Director of Education and Membership, Claude Rainwater and Larry Lewallen

sion Committee. He also serves on the Economic Development & Tourism, Judiciary Non-Civil, and Public Safety and Homeland Security Committees.

He said he learned a lot about the industry this day, and is very interested in learning more about the regulations at both the national and state level and how they affect consumers and dealers alike.

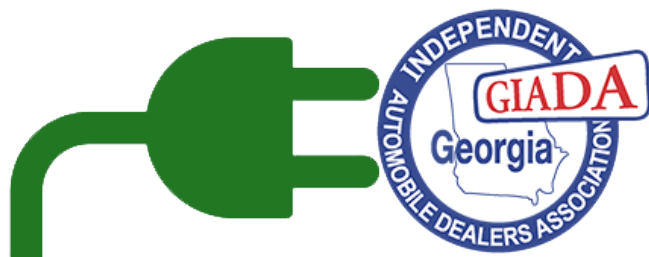
He said a new dealer was in the GIADA offices going through the licensing pro-

cess, and it was impressive to him how it was “a one-stop shop” for all the new dealer’s needs.

“It’s easy to see why Georgia is the largest state IADA,” Gravley said.

GIADA Executive Director Paul John said the association was honored to have Representative Gravley as a guest, and he encourages other elected officials at the local, state and national levels to learn more about the association and its membership. ■

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Appellate Court Rules CFPB “Structure” Unconstitutional

BY PETER A. SALINAS, GIADA COMMUNICATIONS

The Consumer Financial Protection Bureau (CFPB), a government bureau that “protects consumers from unfair, deceptive, or abusive practices”, has proven to be a common obstacle to automotive industry professionals. CFPB rulings, fines, and regulations have been a challenge to automotive retailers and numerous other industries that regularly provide financing to consumers. Penalties and fines have been wide-ranging and have cost car dealers, buy-here, pay-here dealers and automotive finance companies many millions of dollars, and have left them scrambling to meet rapidly changing guidelines.

The CFPB was created early in the first-term of the Obama Administration after the financial crisis in 2008, “to provide a single point of accountability for enforcing federal consumer financial laws and protecting consumers in the financial marketplace.”

The U.S. Court of Appeals for the District of Columbia Circuit found the “structure” of the CFPB to be unconstitutional. The appellate court ruled in the PHH Corporation v. Consumer Financial Bureau finding the CFPB “enjoys more unilateral authority than any other officer in any of the three branches of the U.S. Government, other than the President.”

Tom Hudson, a partner of Hudson Cook LLP, said the ruling is very important. Tom has been practicing consumer financial services law since 1973 and is a frequent speaker at automotive retail conferences as well as an automotive finance expert. Hudson noted that appellate court ruled that the CFPB can continue to operate, but “will do so as an executive agency akin to other executive agencies headed by a single person,

such as the Department of Justice and the Department of the Treasury” and will be removable by the President.

“We also need to stop the recall legislation that is detrimental to our members, and the CFPB’s potential to propose a rule that would cause our members more problems regarding arbitration and class-action lawsuits.”

“This is an important and welcome curtailment of the CFPB’s power,” Hudson said. “I don’t think, however, that the CFPB will be chastened by the ruling, and I expect that we’ll soon see evidence of more overreaching on the Bureau’s part with the anticipated arbitration and payday loan regulations.”

Hudson also noted that the appellate court disagreed with the CFPB’s contention that, under the Dodd-Frank Act, there is no statute of limitations for any CFPB administrative action to enforce any consumer protection law, and found that there is a three year statute of limitations applicable to a CFPB enforcement action to enforce Section 8 of RESPA.

John Haliburton, Partner with the governmental affairs consulting firm Thrash-Haliburton and Georgia Independent Automobile Dealers Association and government lobbyist said many of the rules, regulations and fines pushed by the CFPB have been onerous to dealers.

“One of the top issues facing dealers at the federal level is the CFPB and its harmful

regulations on our industry,” Haliburton said. “We also need to stop the recall legislation that is detrimental to our members, and the CFPB’s potential to propose a rule that would cause our members more problems regarding arbitration and class-action lawsuits.”

The National Independent Automobile Dealers Association quickly issued a press release lauding the decision. NIADA concluded that the court’s opinion relied on the consistent, historical practice of independent agencies being headed by multiple commissioners or board members and raised concerns of the threat to individual liberty posed by an independent agency led by a single director with little accountability to the President.

“We applaud the court for recognizing the overreach created when too much power is vested in an agency virtually unaccountable to anyone,” said NIADA CEO Steve Jordan. “NIADA supports a common sense approach to consumer protection and fair dealing in the financial marketplace, but the current structure of the CFPB accomplishes neither.”

Lee Cavender, owner of Cavender Auto in Gainesville, GA, said that when he saw the ruling he was excited because it mirrored what many car dealers were seeing on the front lines.

“There doesn’t appear to be checks and balances on the CFPB and very limited oversight,” said Cavender, who is the GIADA Legislative Committee Chairman. “We want the best for our customers and we want them to be protected, so it’s important that CFPB is operating constitutionally.” ■



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ASC Warranty
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Reprinted courtesy of Georgia Auto Informer, Issue 14

Reacquired Vehicles: What Do You Have To Tell Consumers?

Georgia dealers that sell vehicles which were previously reacquired under a state Lemon Law have disclosure obligations to the first consumer who purchases or leases the vehicle after it is put back into the stream of commerce. The notice requirements detailed below do not apply to subsequent purchasers or lessees. Prior to your transfer of a reacquired vehicle to the first purchaser or lessees you must:

1. Provide the consumer the reacquired vehicle notice form. This form and its contents are prescribed by the Attorney General's Office.
2. Allow the consumer an opportunity to read the form in its entirety. Burying the form in a stack of papers and rushing the consumer through the execution process does not meet this requirement. This form contains important information, such as the reasons the vehicle was reacquired and the existence of the manufacturer's warranty of the lemon law defect.
3. Sign the form. Assuming the consumer decides to purchase the vehicle, both a dealer representative and the consumer must sign the form; and
4. Give the consumer the original of the form to take with them when they leave the dealership. You must retain a copy for your records and then provide a copy of the completed form to the Attorney General's office within 30 days of the transaction.

Remember, it is not sufficient to simply hand the consumer the form after he or she has executed purchase or lease documents and ask for a signature. Furthermore, the particular form mandated by the Attorney General's office must be used – another state's form is insufficient. Failure to comply with any of the above requirements is a violation of the FBPA.

Other Considerations:

As always, you should ensure the verbal and written representations made to consumers are accurate. While you are not required to provide the reacquired vehicle form to subsequent purchasers or lessees, if you know a particular vehicle has been reacquired, you cannot misrepresent this fact to any consumer, first purchaser or not. Furthermore, when responding to questions or offering information about these types of cars, be careful to avoid generalizations that may downplay the seriousness of potential defects or mislead consumers as to the vehicle's history. For instance, while vehicles are reacquired for numerous reasons, it would be misleading to generalize that reacquired vehicles are usually taken back by the manufacturer for non-safety related issues, when in fact, vehicles are reacquired for safety concerns. Such a representation would be particularly concerning if the specific vehicle the consumer is looking at was recalled for brake failure or some other safety defect.

Certified Used Vehicles: Be Careful Your Certified Car Matches Your Manu- facturer's Standards

Manufacturers generally tout their certified vehicles as superior quality autos that have been extensively inspected and subjected to stringent reconditioning procedures. For example, these vehicles are generally represented as having undergone exhaustive reviews, often through the use of detailed checklists or repair sheets. In addition to overall representations about the high quality of these cars and trucks, certification programs usually highlight specific criteria used in the selection process, such as only allowing the certification of vehicles with certain mileage or model years. A dealership can find itself facing potential liability under the FBPA if it advertises and sells certified vehicles that do not actually meet or comply with the manufacturer's standards and requirements for certification. Although there may be other unfair or de-

ceptive practices related to your handling of these vehicles, below are several considerations of which you should be particularly aware:

1 Ensure Compliance with Certification Criteria:

At a minimum, a certified vehicle must meet the criteria described in the relevant certification program. For instance, if a vehicle must be of a certain age and mileage with no history of any unibody or frame damage, you must ensure any vehicle you are certifying meets these criteria.

2 Ensure Compliance with General Program Representations:

Because of the type of advertising that generally surrounds a certified vehicle, a consumer reasonably expects a higher than average quality used car. Therefore, even if the manufacturer's criteria would allow vehicles with certain conditions to be sold as "certified," under certain circumstances some vehicles may not meet the standards that have been advertised to consumers. Consider the following examples:

a) **Accident History.** A particular manufacturer, based on its own criteria, permits a dealership to certify a vehicle that has been involved in an accident so long as the vehicle is properly repaired. Depending on the type of damage sustained and the quality of the repair work, it might not be deceptive to certify that vehicle. However, it could be deceptive to certify that same vehicle if it had sustained very significant damage or numerous accidents. Under those facts, it may be unfair to characterize the vehicle as the type of "high" or "superior" quality vehicle that is usually certified.

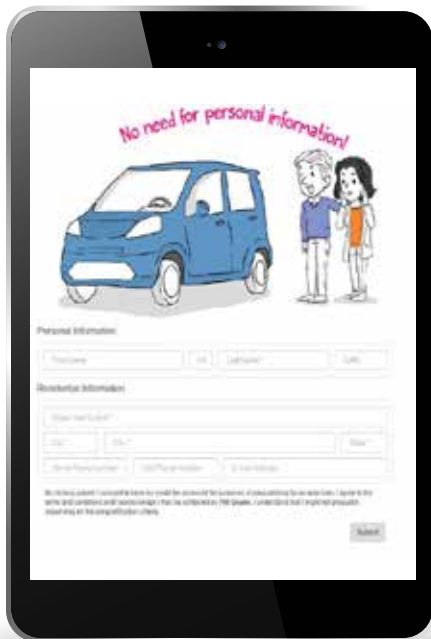
b) **Open Safety Recalls.** Your manufacturer might not require you to repair a vehicle with an open safety recall before certification. However, given the certification program's literature highlighting your detailed inspection of everything from mechanical to cosmetic considerations, no consumer reasonably expects a certified vehicle to have an unresolved safety issue. At the very least, failure to disclose the existence of the recall prior to sale or lease is a violation of the FBPA. ■

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QuickScreen Results			
Score:	784 (Tier 8)	Result:	Consumer Passed Quick Screen Criteria
Consumer Information			
Name:	John Smith	Email:	John.Smith@smithchevrolet.com
Address:	123 East Main St. Fantasy Island, IL 08543	Phone:	248-555-1212 312-555-1212
Auto Summary			
Available Revolving Credit:		\$13,500.00	
Auto Inquiries last 90 days:		15	
Auto Trade Line 1			
Monthly Payments:	\$403.00	Interest Rate:	7.5%
Percent Paid:	31%	Remaining Terms:	12 Months
Original Amount:	\$11,000.00	Original Terms:	60 Months
Estimated Payoff:	\$10,000.00	Delinq last 24 months:	3
		Joint:	NO
Auto Trade Line 2			
Monthly Payments:	\$403.00	Interest Rate:	7.5%
Percent Paid:	31%	Remaining Terms:	12 Months
Original Amount:	\$11,000.00	Original Terms:	60 Months
Estimated Payoff:	\$10,000.00	Delinq last 24 months:	3
		Joint:	NO
Certificate Status			
Printed By:	John Smith on 5/24/14 at 5:06pm		
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Trump to the CFPB – “You’re Fired!”???

BY THOMAS B. HUDSON, PARTNER HUDSON COOK, LLP.

The question of the hour for BHPH and for independent dealers and the finance companies that buy their installment sale contracts is the effect of a Trump presidency on the business of selling cars on credit. The short answer is that no one really knows, but that doesn't mean that speculation on the topic is necessarily blind.

Of course, I didn't predict a Trump win, so you might give some consideration to whether my thoughts are worth listening to. I'll leave that one up to you.

With that in mind, here, in no particular order, are a few thoughts on the topic.

First, I don't think the CFPB will go away. Even the House Republicans' proposal to restructure the CFPB doesn't call for abolishing it, but instead involves replacing the single director with a five person commission, bringing the Bureau's budget under congressional control and putting some restrictions on its rulemaking and guidance processes. Elizabeth Warren would have pressed Clinton to veto that measure in a New York (or Massachusetts) minute. With a Trump victory, the proposal has some legs.

Second, the proposed congressional limits on the CFPB won't repeal the laws and regulations that have been involved in nearly all of the Bureau's attacks on the car sales and financing business. The Truth in Lending Act and Regulation Z, the Consumer Leasing Act and Regulation M, the Equal Credit Opportunity Act and Regulation B, the Fair Debt Collections Practices Act, the Fair Credit Reporting Act, the Gramm-Leach-Bliley Privacy Act and its regulations – laws that have been on the books in some cases for nearly 50 years – are not going to go away.

These laws and regulations have formed the basis for nearly all of the CFPB's enforcement actions in the car finance space – the Bureau has been relying primarily on its enforcement authority and has not been is-

suing new regulations aimed at dealers. All of these laws were enforced by other federal agencies before the CFPB was formed. Even if the CFPB were to be abolished outright, the enforcement responsibility for these laws, and probably the personnel at the CFPB doing the enforcement work, almost certainly would be transferred back to the original agencies.

Third, even with the presidency and both houses of Congress in the hands of the Republicans, the Democrats are not powerless. Senate rules call for a 60-vote majority before a vote can occur on most legislation. The Republicans won't have those 60 votes, and you can count on the Democrats closing ranks to try to stop any of their number from supporting the other guys. I'd like to be a fly on the wall listening to some Democratic senator explaining to Elizabeth Warren why he feels it is necessary for him to side with the Republicans. We may see some legislation, but it will likely involve enough compromise to satisfy the minority. Fourth, don't look for Trump to tell Director Cordray, “You're fired.” The Dodd Frank Act established the Bureau with a single director who could not be fired other than for cause. The opinion in the recent PHH case in effect changed that, holding that the Director serves at the pleasure of the President, and can be fired for any reason. But Trump will get a serious fight if he tries to assert such power before the case has gone through the appellate process. I doubt Trump wants to start his presidency by picking a high-profile fight with Cordray. Even if he won the fight, the political payoff would, in my view, be negligible. More downside than upside.

Fifth, remember that Trump claims, rather improbably, that he's for the little guy. The Bureau's says its mission is to protect the little guy from the flim-flamming of rapacious creditors. Is Trump going to take the “New Cop in Town” off the beat? Unlikely, I think.

So, there's my two cents. If I'm wrong, I'll cheerfully return your money. ■

GIADA Election Response

As were many across the country, our GIADA leadership was surprised by the outcome of the 2016 Presidential election. A GOP sweep was not the result many had anticipated. There has already been speculation about how the Trump administration might view legislation and regulations that affect financial transactions.

Recently, the U.S. Court of Appeals for the District of Columbia Circuit found the “structure” of the controversial Consumer Financial Protection Bureau (CFPB), a government bureau that “protects consumers from unfair, deceptive, or abusive practices” to be unconstitutional. While this ruling will likely be appealed to the U.S. Supreme Court, we are hopeful that a favorable ruling would spare dealers from some onerous and undo regulatory decisions.

The election could have repercussions regarding this ruling and other regulations from the CFPB as well as other various governmental agencies.

We are 100 percent committed to customer transactions that are fully transparent, honest, and fair. We also welcome any opportunity for discussions with regulatory agencies to give our members a greater opportunity for success.

GIADA leadership is developing a strategy to work with the incoming administration; I will make all of our GIADA resources available to bring about positive change for our industry.

-Paul John, Executive Director, GIADA

Tom (thudson@hudco.com) is a partner in the law firm of Hudson Cook, LLP. For information, visit counselorlibrary.com. Copyright CounselorLibrary.com 2016, all rights reserved. Single publication rights only, to the Association. (11/16). HC# 4815-3534-9052 v.1

Below is a roundup of industry related news articles from across the country. You may visit our website at giada.org/magazine-archives for links to the full articles.

Used Cars Slip Past Recall Safeguards, Putting Drivers in Danger

New York Times

Used vehicles sold with open recalls and serious safety issues garnered the attention of the *New York Times*, which published a 1,200-word investigative article on the topic on October 26. Noted in the article were the deaths of at least 15 people whose deaths were attributed to faulty Takata airbags that had not been replaced on the vehicles despite recall notices.

A 50-year-old Riverside, Calif., woman was killed in August when the 2001 Honda Civic she was driving was struck by a pickup and the airbag failed to deploy. The article states the vehicle had been sold three times at auto auctions before being purchased by her son from an acquaintance.

The article noted that efforts to introduce tougher laws to stop used car sales with open

recalls have “languished in Congress, under lobbying pressure from the used-car industry.”

The article quotes Bernard Brown, a consumer protection lawyer in Kansas City, Mo., who has closely followed auto auction companies.

“Auctions are where dealers who would be uncomfortable selling damaged and defective cars directly to their customers will unload to other dealers who do want to sell them,” Brown said.

Longtime automotive safety advocate Rosemary Shahan was very direct in her comments.

“Anytime they conceal a material defect, that’s fraud,” said Rosemary Shahan, the president of the nonprofit Consumers for Auto Reliability and Safety.

A spokesman for Manheim, which processes 7.5 million cars a year, said the company encouraged sellers to disclose recall information. There was “no realistic way” for the company to force dealers to disclose safety defects, said the spokesman, Chintan Talati.

Shawn Petersen, senior vice president with the NIADA said the association advises its members “that if a fix is available then our dealers follow that process.”

“And if a fix is not available, then certainly it’s in your best interest and best practices to disclose.”

To view the full article:

http://www.nytimes.com/2016/10/27/business/takata-airbag-victim-car-auction.html?_r=0

Auto Lenders Have New Reason to Worry

Wall Street Journal – October 26, 2016

Several large automotive finance firms have warned that values of used vehicles are likely to weaken which will lead to higher losses on loans with vehicles used as collateral, according to a *Wall Street Journal* article.

Automotive loan balances topped more than \$1 trillion for the first time ever this year, and while default rates remain low, finance companies have seen an uptick, making the credit markets nervous, and manufacturers and new and used retailers take notice.

According to the report, Ally Financial Inc., the second-largest auto-loan lender by volume, said it began to see used-car values fall in the third quarter. The firm’s chief financial officer described it as, “An increase in loss severity during the quarter, particularly with lower recovery values on our repossessions.”

Capital One Financial Corp. said it boosted its provisions against loan losses, citing growth in auto-loan originations, expectations that charge-offs would gradually rise and used-vehicle values would decline. Earlier this year, J.P. Morgan warned about a weakening auto market and the potential for used-car prices to drop. Indeed, prices of used cars that are up to eight years old are down 3.6% in 2016 through September versus the same period a year earlier, according to the NADA Used Car Guide, a division of J.D. Power.

All this is occurring as more off-lease vehicles are hitting the wholesale marketplace. The number of cars coming off of leases this year is expected to hit 3.1 million, up 33% from a year earlier, according to the NADA Used Car Guide.

With higher default rates and more off-lease

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vehicles, dealers could see much greater vehicle availability and lower prices. However, they may also see fewer retail sales as a result of tightened credit.

To view the full article: <http://www.wsj.com/articles/auto-lenders-have-new-reason-to-worry-1477512178>

At least 3.2 million used-car sales likely for October

Auto Remarketing

Used car sales for the month of October should have topped 3 million units, according to both TrueCar and Edmunds.com. Their forecasts indicate a 10.5 percent year over year increase over 2015, and a 38.7 SAAR, about even with September's figures.

On a dealer level, the latest quarterly presentation from Cox Automotive chief economist Tom Webb — citing the National Automobile Dealers Association — predicts that franchised dealers will sell more than 15 mil-

lion used units this year, while independents will sell more than 14 million.

To view the full article:

<http://www.autoremarketing.com/retail/least-3-point-2-million-used-car-sales-likely-october>

Here are the 8 most reliable car brands in America, according to Consumer Reports

Business Insider

Consumer Reports announced the results of their latest Annual Reliability Survey. At the top of the list, Lexus and its parent brand, Toyota, repeated their 1-2 finish from last year's survey, with Buick being third, according to Business Insider.

The 2017 Consumer Reports Annual Reliability Survey is based on information gathered from the publication's subscribers who have "owned or leased over half a million vehicles, from model years 2000 to 2016, with a smattering of 2017s, covering more than 300 models."

The top eight were: Lexus, Toyota, Buick, Audi, Kia, Mazda, Hyundai and Infiniti.

To view the full list, visit: <http://www.consumerreports.org/car-reliability/car-brands-reliability-how-they-stack-up/>

The most dangerous cars in America

24/7 Wall St./ USA Today Content Partner

The average light vehicle on the road today was manufactured in 2003 or 2004. While cars built today usually meet the highest of safety standards, there are a number of vehicles built more than a decade ago that are relatively unsafe, according to an article by 24/7 Wall St.

Insurance Institute for Highway Safety crash tests were recently reviewed and a list of the most dangerous vehicles on American highways today was released. Among them are:

1. 200-2005 Dodge Neon
2. 1996-2005 GMC Safari
3. 2001-2006 GMC Sierra 1500 ■



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Nurturing Customer Loyalty Through Your Social Community

By Michelle Meagher, Managed Services digital campaign coordinator at Dealer.com



With 95 percent of today's car shoppers beginning their vehicle path-to-purchase online, the importance of delivering an engaging, connected digital experience to potential customers is more critical than ever before.

But how can you set your dealership apart from the rest when everyone faces the same challenges and opportunities? Sometimes, messaging that exists on the periphery of typical dealership marketing campaigns can make all the difference in attracting and maintaining customers. It can also be the key factor in creating repeat purchasers – those devoted to your dealership that consider your business a loyal partner.

For example, communicating your dealership's involvement in your local community via social channels nurtures customer relationships and loyalty, and can greatly support other marketing efforts. While attractive deals and pricing are obviously important components, a sound community management strategy, one that builds strong dealership ties to the local community, can greatly improve customer demand through awareness and interest. People want to support a business that demon-

strates involvement and investment in its local community.

Here are three tips for an optimized social presence:

1. Introduce your dealership team.

The word "face" is in the very name of the world's most popular social network. Why not showcase your dealership's team and put faces behind your brand. Facebook is a great mode to introduce your dealership team. From the general manager to your newest service technician, you choose the individuals, departments, or the entire staff on which to focus. Make it a weekly social event and post on the same day. Create a name for the posts and hashtag them. #TipTuesday.

2. Volunteer and fundraise to benefit a cause within your community.

Social media and corporate social responsibility (CSR) go together well, and not just because they have a word in common. It's critical to highlight your dealership's CSR on your website, and a really good practice to continue the conversation on social channels. Post photos, updates, and stories involving the cause and your efforts. Get

customers involved by engaging them in the social conversation. In addition, broadcast your charitable fundraising efforts. You can host contests, raffles, and games on social media – great for both raising funds and generating customer engagement.

3. Promote your dealership's differentiators.

What makes your dealership unique? Why is it different than the one down the street? Let's take a dog-friendly dealership, for example. Not all dealerships welcome them. But if your dealership does allow dogs inside the showroom, let the world know on social media. Craft a quick write-up about "Max, the Golden Retriever, his human," and the new truck they bought from your dealership, and snap a photo or two of the happy (and possibly panting) new owners next to or inside of the vehicle. Make the dog the star of the story, and post it.

Social media is the perfect medium to keep your dealership relevant to both new customers and those that have bought from you. You do a lot more than just sell cars. Make sure your community knows about all of the ways in which you are involved. ■

Large Print Offers Vs. Small Print Disclaimers

Reprinted courtesy of Georgia Auto Informer, Issue 14

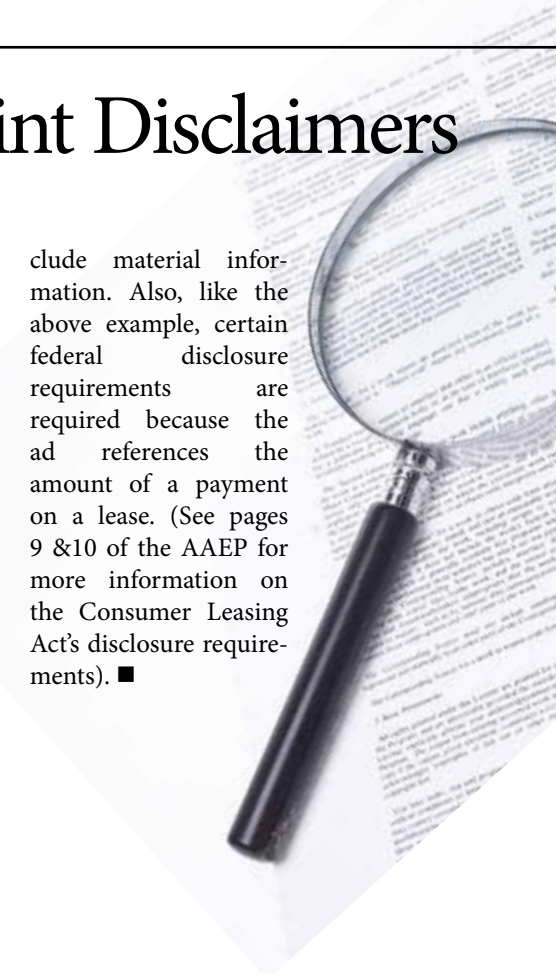
Advertisements should always be in clear language, reflect truthful and accurate information, and be free from any misleading representation, express or implied. Furthermore, ads will be considered deceptive if they fail to clearly and conspicuously state material terms and conditions. Consider the following examples:

- **Misleading Monthly Payments:** An ad claims a vehicle is available for purchase at “only \$59 a month!” The ad fails to disclose or only discloses in tiny print that the \$59 payment is limited to several months before significantly higher monthly payments become due for the remainder of the term. Failed disclosure

or inadequate disclosure, like the use of small font at the bottom of an advertisement, is deceptive. You should also note that advertising certain finance terms, such as a monthly payment, implicate federal disclosure requirements under the Truth in Lending Act (TILA) and must be included. (See pages 8 & 9 of the AAEP for more information on TILA requirements).

- **Sales v. Leases:** An ad tells customers they can “drive for \$199 a month.” The ad also states in small font, buried among numerous unrelated disclosures, that the advertised offer is a lease, rather than a sale. Like the first example, this claim is deceptive for failure to in-

clude material information. Also, like the above example, certain federal disclosure requirements are required because the ad references the amount of a payment on a lease. (See pages 9 & 10 of the AAEP for more information on the Consumer Leasing Act’s disclosure requirements). ■



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Copart Announces Land Expansion and Activation across Five States in Response to Hurricane Matthew

In addition to new land added in response to Hurricane Matthew, Copart has already announced expansions of existing locations in Florida and North Carolina, along with a new location in Georgia this year. The land has provided Copart the capacity needed to meet immediate demand brought on by extreme weather.

In addition to adding acreage to their operations, Copart continues to achieve operational excellence during times of need with their Catastrophe Response Team (CAT Team), a group of elite employees who are ready and willing to respond to weather-related catastrophes at a moment's notice. The CAT Team includes mobile command centers that are equipped with generators and satellite technology as well as the Copart Catastrophe Response Fleet comprised of haulers that each carry four cars. These industry-leading resources allow Copart to quickly mobilize and overcome challenges presented by catastrophes in order to help communities recover and return to normal more quickly.

“Not only do we strive to provide an unmatched experience, but we are always looking to contribute to the safety and quality of life of our local communities,” said Sean Eldridge, Copart’s Chief Operating Officer. “In preparation for Hurricane Matthew, our team was put on alert, and our dedicated CAT Team did what they do best – responded and assisted while operating at the highest level.”

Last year, the CAT Team responded to flooding in Columbia, South Carolina, and most recently, the CAT Team responded to record-breaking flooding in the Baton Rouge area.

In addition to helping communities during catastrophes, Copart supports numerous local, regional and national charities. To learn more about Copart in your community and nationwide, please visit TeamCopart.com.

Copart operates in the United States, United Kingdom, United Arab Emirates, Bahrain, India, Sultanate of Oman,

Spain, Canada, Brazil, Germany, and the Republic of Ireland. In 2015, Copart was ranked number one on Deloitte’s “The Exceptional 100” list which reviews publicly traded companies. ■

Copart, founded in 1982, provides vehicle sellers with a full range of remarketing services to process and sell salvage and clean title vehicles to dealers, dismantlers, rebuilders, exporters and, in some states, to end users. Copart remarkets the vehicles through Internet sales using its VB3 technology. Copart sells vehicles on behalf of insurance companies, banks, finance companies, fleet operators, dealers, car dealerships and others as well as vehicles sourced from the general public. Copart links sellers to more than 750,000 members in more than 150 countries worldwide through its multi-channel platform. For more information, or to become a Member, visit www.copart.com.

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3 Essential Steps to Maximize Gross Profits on Auction Cars

BY DALE POLLAK, CHAIRMAN AND FOUNDER OF VAUTO, INC.

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If you ask dealers for their top complaint about the used car business, many will say it's difficult, if not impossible, to acquire wholesale vehicles "on the money."

Dig a little deeper, and the root of the complaint becomes clear—dealers believe they can't make the gross profit they would like to see in their used vehicle department, particularly on units they acquire from auction.

Part of the complaint owes to market conditions. Front-end grosses on most used vehicles simply aren't what they used to be, thanks to increased price transparency. National Automobile Dealers Association data shows that the front-end gross profit as a percentage of the sales price of used vehicles has declined 20 percent over the last several years and, judging from recent industry reports, the downward trend continues.

But I would submit that the real reason dealers find auction cars profit-problematic owes to the ways they identify, purchase and manage these vehicles as part of their broader inventory management strategy.

Let's take a closer look at each:

Identify: It used to be OK to just go to the auction and buy some cars. Not anymore. The market's too competitive, transparent and volatile for such gut-driven guesswork. The best dealers today know exactly what they plan to buy before they spend any time in the lanes or online. They are extremely precise, as well, placing the highest priority on cars that meet

the color-, condition-, equipment-, mileage- and profit-parameters that fit their market. Most use technology and tools to achieve this level of precision, purpose and specificity with their auction buy lists. It shouldn't be too surprising that dealers who operate in a less sophisticated manner often have the most difficulty finding the right cars.

Purchase: Today's best dealers approach the purchase of an auction unit the same way. It's a dispassionate, stone-cold analysis. They assess whether they can buy the car they need on the money, with precise knowledge of the profit to expect, given how much they'll pay for the car and put into it. They use technology and tools to estimate all the cost inputs—acquisition price, packs, post-sale inspections, transportation, and other fees, and determine their potential gross before the bidding starts. Likewise, these dealers are disciplined. They rarely purchase outside their pre-set parameters and, when they do, they have a very good reason.

Manage: Top-performing dealers know that, in today's market, auction cars represent their most costly and risky used vehicle investments. This understanding drives the care and precision they apply to consistently knowing the right cars and buying them on the money. But this understanding carries further—to each day and every stage the dealer owns this more costly and risky investment. Auction cars get more attention and scrutiny in reconditioning, in online merchandising and in the ongoing reviews of asking prices compared to trade-in vehicles.

This level of extra-scrupulous management oversight is necessary to maximize profit and minimize risk. As one dealer put it, "I don't like to have any over-age vehicles in my inventory, but I absolutely hate it when we let auction vehicles age. More often than not, we end up with a loss we could have avoided."

Dealers who strive to heed these three best practices will typically find improvements in their front-end gross profits. Such gains stand to reason: They've got the right cars, they bought them correctly and they've done everything they can to maximize each unit's return on investment.

These dealers may still believe that front-end gross profits aren't what they should be for auction-sourced inventory.

But this belief is more of a commentary on current market conditions, and the all-points effort that's now required to optimize used vehicle performance and profitability. These dealers understand there's money to be made with auction vehicles if you have the fortitude and know-how to make it. ■

In addition to being a best-selling author on Used Car Sales in his book *Velocity*, Dale Pollak is the chairman and founder of vAuto, Inc., a company that provides retail automotive dealerships with a better way to appraise, manage and price their pre-owned vehicle inventory. In addition to serving as vAuto's spokesperson, Dale is responsible for strategic planning and development.



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How to Support Your Content Marketing Strategy With Big Data

Make big data and your goals work together to shape content marketing that yields real results

By Jenny Prikockis, Inbound Marketing Copywriter at Stream Companies

In the context of your dealership's content marketing plan, keeping a pulse on what's written in the big data stars can help you to keep your strategy in check, make sure that you're maximizing customer engagement and reach, and ultimately help you to sell more cars.

Let's take a closer look at how you should be using big data to support your dealership's content marketing strategy.

You need content marketing

Next to a home, buying a car is one of the biggest investments that your customers will make in their lifetimes. And in today's digital-driven realm, they're going online to do their research.

How much research? A Cars.com study on digital's influence on automotive shopping behavior found that although the average car shopper is swayed by six to seven information sources, that person relies on one or two at the most to make a decision. The resources shoppers consider most influential, helpful, and trustworthy are the ones that get the sale.

By providing your website's visitors with the educational content they want and need at each stage of their car research, content marketing works to create touch points with your customers-to-be. This allows them to build trust in your dealership as a thought leader in the automotive space.

Take big data with a grain of salt

Big data can be summed up as: The industry-wide developments in consumer behavior that are going well right now.

What will work for one industry won't necessarily work for another, and sometimes it can seem like big data scientists are getting

Marketing strategy temperature check

Do you see reports on a monthly basis that show results from your marketing agency's efforts? If not, you should. You should also be kept in the loop about what actions come out of reviewing each area's performance (SEO, PPC, and social). It's up to your agency to actively apply its expertise in order to change direction, or press on and further embrace areas of opportunity.

carried away with their numbers. What's realistic for your dealership may land far outside big data's mark. Because of this, no matter what industry you're in, big data shouldn't be the be-all, end-all to your marketing strategy moves.

Instead, view big data as important, but don't let it cloud your own judgment. It's important to maintain perspective when major industry developments hit by applying your own data intuition.

Your digital marketing agency should provide you with steadfast monthly recommendations—a sound historical data foundation of its own firsthand knowledge of best practices that will work the best for dealerships like yours. Take this information and apply it in the scope of your dealership's performance and goals, and keep big data sitting quietly in the background as a supporting information source.

Review your strategy often

Year after year, automakers refine and re-

design models to keep up with consumer demand and advancements in technology. The same should be true of your content marketing strategy.

Each month, take a look at what content performs best, what pages on your website your buyers frequent the most, and what keywords they're searching to help you create your strategy for the next month.

In day-to-day and big-picture strategy, big data is a tool that can be called on for strategy tweaks and changes.

You can't expect your marketing strategy to reach its full potential without paying attention to its performance. Tune in to how these programs are performing, both month to month and year to year, and you'll be able to see what areas are leading the pack, and which could use improvement.

Now is the time to gear up for next year, get reports on your marketing performance from all sources, and see how you can use your own data to make strategy changes moving forward.

Content marketing: More than big data

More and more dealerships are realizing that their websites need a robust content marketing strategy. Finding the right marketing partner that's forged its own knowledge base and proven its expertise is key.

In the scope of connecting with your customers and selling more cars, data of all sizes comes into account: big data, your data, and your goals. It takes all three working together to shape a comprehensive content marketing program that yields real results, a busier showroom floor, and more cars sold. ■

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Attorney General: Hurricane Matthew May Leave Owners Selling Damaged Cars, Trucks

Reprinted from Northwest Georgia News

Georgia Attorney General Sam Olens is advising consumers who are buying used cars to be wary of vehicles that might have suffered flood damage as the result of Hurricane Matthew.

Flood-damaged vehicles occasionally end up on used car lots. Sometimes the vehicle's title will indicate "salvage" or "totaled," but sometimes dishonest dealers re-title the vehicle in another state and fail to disclose the damage on the vehicle's title as required.

Jack Knight, owner of Knight's Car Store, 1321 Martha Berry Blvd., said he didn't think any of the dealers in the Rome area would knowingly sell a flood-damaged car. Knight said Hurricane Matthew created a lot of problems for dealers in North Carolina and South Carolina.

"We won't buy one," Knight said. "That will show up on an AutoCheck or Carfax report."

Knight said unscrupulous sales agents would most likely attempt to move flood-damaged vehicles very quickly, be-

fore the data can show up on AutoCheck or Carfax.

"We're very conscientious when we buy cars that they have clean titles," said Tom Sipp, owner of Sipp-Rome Motor Sales, 801 Shorter Ave.

Sipp said it would be more likely for a person to sell a flood-damaged vehicle directly to another person rather than trying to sell it to a dealer.

"They could sell that car and not disclose it," Sipp said. "They should always buy their cars from reputable sources."

If a vehicle's body, engine, transmission or mechanical parts have been submerged it will probably have electrical problems, and the brakes, airbags and computer system may be impaired. Knight said some vehicles have as many as 28 computer systems onboard.

Knight said vehicles, which have been exposed to water for multiple days, will ultimately experience excess rust issues.

There are several things that you can do to avoid buying a flood-damaged vehicle:

- Check the vehicle identification number (VIN). Auto insurers, salvage pools that auction off totaled cars, and junkyards, recyclers and rental car companies in all 50 states will use the VIN number to report total-loss vehicles within 30 days. The VIN number can sometimes be found underneath the hood, on the dash, on the frame of the door or on the title itself.
- Look at the title. Check to see whether the car has been branded as "flood," "junk," "salvage," "rebuilt" or "reconstructed."
- Look for signs of flood damage. A strong detergent smell inside the car or in the engine may indicate that someone is trying to mask a mildew smell. Rust and metal flaking are another red flag. Check the upholstery, dashboard, glove compartment, trunk, inner doors, engine area and under the seats and carpeting for mud or silt. Test and retest the ignition, lights, wipers, air conditioner, heater and all accessories.
- Have the vehicle thoroughly examined by an independent mechanic before you sign a contract or exchange any cash. ■

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Digital Car Buyers Mean More Showroom Traffic, Not Less

BY MICHAEL GORUN, FOUNDER, PERFORMANCE LOYALTY GROUP



There's a big push in our industry right now to bring as much of the car buying process online as possible. Startups are entering the space believing that consumers want this ability and automotive vendors of all sizes are creating products to facilitate that.

However, some dealers are afraid to adopt these solutions for fear of loss of control and decreased profits. It's certainly much easier to sell product – especially the increasingly important products in F&I – if the customer is sitting in front of you, rather than through some website widget.

Today's car buyers visit numerous websites to gather information about vehicles and many arrive at the dealership knowing which vehicle they want and exactly what they want to pay for it. That's not going to change. But what if I told you that the more "digital" car buyers get, the more they actually want to visit your showroom? Well, according to a recent study by Accenture, that's exactly what's happening.

According to the study, 60 percent of digital car buyers stop at the dealership more than twice before buying a vehicle, compared to 47 percent of those consumers less active online in the car buying process.

The ability to complete some of the car buying process online is simply a way for the digital customer to reduce the amount of time spent physically at the dealership completing the transaction. The report suggests that the reason the digital cus-

tomers needs less time at the dealership is that they've already made their purchase decision online. But there seems to be a contradiction here – how can a digital customer visit the dealership more, yet need less time at the dealership? The reason is that by the point that they're ready to buy they have already gathered the information they needed through digital sources AND have visited the dealership multiple times in order to collect physical information (view colors in person, ask questions, compare trim levels in person, test drive vehicles, have their trade-in appraised etc.). So, at the point they're ready to buy, those widgets and online car buying facilitation tools simply help them get ahead in the process.

However, decreased time at your dealership means you have less time to create a relationship with the customer. If the industry transforms into a straight transaction-based business, then the customer could potentially have no more loyalty to your dealership than your competition.

How do you build a relationship with a customer who wants to spend less time buying a car? You begin to build that relationship from the moment the customer walks in the door. According to the study, it's much more likely that the customer you just greeted is a digital car buyer than a conventional one. Yet, in many cases, our current road to the sale focuses on exactly that... the sale. Most manager introductions, service drive walks and other relationship-building opportunities for dealerships happen AFTER

the sale. If you have a digital car buyer, you may not have as much of an opportunity to do these things.

Start building value in your dealership from the moment the customer walks in the door. Consider integrating service walks and manager introductions into the beginning of the sales process, not after the customer buys a vehicle.

Perhaps then you have a better chance of convincing the customer that they should buy from you and should also bring their vehicle back for service.

If they already know what they want, how much they want to pay for it; what their trade-in is worth; and every other piece of information; then why start the whole process trying to give them something they already have? How about selling the dealership first?

As online vehicle buying tools become more utilized, this simple tweak in the initial contact with a customer could mean the difference between seeing them again...

...or having them visit the most convenient competitor. ■

Michael Gorun is founder of Performance Loyalty Group, a technology-based owner retention and loyalty company. He has more than 25 years in operational service management positions for Ford, Nissan and General Motors. He can be reached at: mgorun@performanceloyalty.com.

Thanksgiving's just around the corner, and we wish you and your families a very happy holiday.

Here's our recent harvest of legal developments in the auto sales, finance and lease world. This month, we feature developments from the Consumer Financial Protection Bureau, the Federal Trade Commission, and the Department of Justice, as well as our "Case of the Month." Remember – we aren't reporting every recent legal development, only those we think might be particularly important or interesting to industry.

Why do we include items from other states? We want to show you new legal developments and trends. Also, another state's laws might be a lot like your state's laws. If attorneys general or plaintiffs' lawyers are pursuing particular types of claims in other states, those claims might soon appear in your state.

Note that this column does not offer legal advice. Always check with your own lawyer to learn how what we report might apply to you, or if you have questions.



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The CARLAWYER[®]

BY THOMAS B. HUDSON AND NICOLE FRUSH MUNRO

This Month's CARLAWYER[®] Compliance Tip

This month's compliance tip is easy. Take a look at the FTC spot delivery enforcement action described below. You can bet that the FTC isn't done with this topic, and that other dealers' spot delivery practices will be targeted soon. Do you like spending money on big fines to federal enforcement agencies? If not, take your friendly lawyer to lunch and ask her to review your spot delivery procedures.

Want a bonus tip? The actions below dealing with service members highlight the enforcement agencies' interest in protecting our men and women in uniform. Make sure you know the rules, not only because you are required to but because it is the right thing to do.

FEDERAL DEVELOPMENTS

FTC Moves on Spot Deliveries. On September 29, the FTC charged nine Los Angeles-area car dealerships and their owners with a wide range of deceptive and unfair sales and financing practices. The FTC's complaint challenged the dealerships' "yo-yo" financing tactics, described as abusive spot deliveries. The FTC alleged that the dealerships packed extra, unauthorized charges for "add-ons," or aftermarket products and services, into car deals financed by consumers, used deceptive advertising practices, and used phony online reviews to tout the dealerships and combat negative consumer reviews. The FTC's complaint also charged the defendants with violating the Truth in Lending Act and Regulation Z, and the Consumer Leasing Act and Regulation M, for failing to clearly disclose required credit information and lease information in their advertising.

Repossessing Vehicles from Service members. On September 29, the Justice Department announced a settlement with Wells Fargo Bank, N.A., d/b/a Wells

Fargo Dealer Services, for allegedly violating the Service members Civil Relief Act by repossessing vehicles of protected service members without court orders. Wells Fargo agreed to modify its policies and pay over \$4.1 million, including \$10,000 to each affected service member, plus any lost equity in the vehicle, with interest, and a \$60,000 civil penalty to the United States. Wells Fargo will also delete the repossessions for the affected service members' consumer reports.

(More) Protecting Service members.

On September 29, the OCC also assessed a \$20 million civil penalty against Wells Fargo Bank, N.A. and ordered the bank to make restitution to service members harmed by the bank's alleged violations of the Service members Civil Relief Act. The OCC alleged that the bank failed to: (1) provide the six percent interest rate limit to active-duty service member obligations or liabilities incurred before military service; (2) accurately disclose service members' active duty status to the court via affidavits before evicting them; and (3) obtain court orders before repossessing service members' cars. The \$20 million penalty reflects a number of factors, including the duration and frequency of alleged violations, the alleged financial harm to service members, alleged deficiencies and weaknesses in the bank's SCRA compliance program, and allegedly ineffective compliance risk management. The OCC's order also requires the bank to take corrective action to establish an enterprise-wide SCRA compliance program to detect and prevent SCRA violations.

Military Lending Act Exam Procedures.

On September 30, the CFPB issued the procedures its examiners will use to identifying violations of the Military Lending Act rule. For most forms of credit subject to the updated MLA rule, the compliance date for the amended

regulation is October 3, 2016. Congress passed the MLA to address a perceived problem of high-cost credit as a threat to military personnel and readiness. In July 2015, the DoD issued a final rule expanding the types of credit covered by the MLA. The MLA protections extend to active duty service members (including those on active Guard or active Reserve duty) and covered dependents. Under the Rule, creditors: (1) cannot charge service members or covered dependents more than a 36 percent "Military Annual Percentage Rate," which generally includes the following costs (with some exceptions): finance charges, credit insurance premiums or fees, credit-related add-on products sold in connection with the credit extended, and other fees such as application or participation fees; (2) cannot require service members or covered dependents to submit to mandatory arbitration or give up certain rights under state or federal law, such as the Service members Civil Relief Act; and (3) cannot require service members or covered dependents to create a voluntary military allotment in order to qualify for credit.

Federal Appeals Court Curbs the CFPB. On October 11, in a case involving PHH Corporation, a mortgage lending company, the U.S. Court of Appeals for the District of Columbia Circuit declared that the CFPB's structure, with a single director to be removed only for cause, violates the federal constitution, and declared that the Director could be removed by the President in the future. The court also rejected the Bureau's interpretation of the Real Estate Settlement Procedures Act and the applicability of statutes of limitation to CFPB administrative actions.

Protecting Service Members. On October 11, the CFPB announced a consent order against Navy Federal Credit Union for its allegedly unfair and deceptive debt collection practices to collect from its members, including military service members, Department of Defense civilian employees and contractors, and government employees assigned to

DOD installations, and their immediate family members. The CFPB alleged that the credit union falsely threatened legal action and wage garnishment, falsely threatened to contact commanding officers if borrowers did not make a payment, misrepresented the effect of default on a borrower's credit score, misrepresented its ability to raise or lower a credit score and to affect a borrower's access to credit, and illegally froze electronic account access after borrowers defaulted. The credit union agreed to pay approximately \$23 million in compensation to affected consumers, modify its debt collection practices, and pay a \$5.5 million civil penalty.

CASE OF THE MONTH

Dealership Did Not Commit Fraud or Breach Contract by Refusing to Sell Vehicle for Incorrectly Advertised Price: A woman saw a vehicle advertised online by a dealership for \$19,991. The woman told the dealership that she wanted to buy the vehicle at that price, but the dealership told her that the advertised price was a mistake and that the vehicle was actually \$36,991. The dealership offered to sell the woman the vehicle "at cost," which was \$35,000. The woman refused the offer and sued the dealership for breach of contract and violation of the Illinois Consumer Fraud and Deceptive Business Practices Act. The trial court granted summary judgment for the dealership, and the **Appellate Court of Illinois** affirmed. The appellate court rejected the breach of contract claim, finding no valid and enforceable contract. The advertisement did not serve as the basis of a binding contract because it was not an offer to contract and did not reflect a price for which the dealership intended to sell the vehicle. The appellate court then addressed whether the dealership committed fraud when it advertised the vehicle without intending to sell it at the advertised price. Even though the appellate court acknowledged that certain evidence supported some of the elements of a claim for fraud, it concluded that there was no evidence the woman suffered specific actual damages. The appellate court

rejected her argument that her damages were the difference between the advertised price and the appraised value of the car. This case might be helpful in case your dealership makes a similar mistake, but sometimes seemingly small facts can make a difference, and other courts might analyze the issues differently. See **Burkhart v. Wolf Motors of Naperville, Inc.**, 2016 Ill. App. LEXIS 630 (Ill. App. September 21, 2016).

So there's this month's roundup! Stay legal, and we'll see you next month. ■

Tom (thudson@hudco.com) and Nikki (nmunro@hudco.com) are partners in the law firm of Hudson Cook, LLP. Tom has written several books and is the publisher of Spot Delivery®, a monthly legal newsletter for auto dealers. He is Editor in Chief of CARLAW®, a monthly report of legal developments for the auto finance and leasing industry. Nikki is a contributing author to the F&I Legal Desk Book and frequently writes for Spot Delivery. For information, visit www.counselorlibrary.com. Copyright CounselorLibrary.com 2016, all rights reserved. Single publication rights only, to the Association. (11/16). HC# 4840-4686-8540 v.1.



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AUCTION DIRECTORY

MONDAY

Copart Auto Auction

6089 Hwy 20
Loganville, GA 30052
770-554-6366
12:00pm Dealer & Public Sale
copart.com

IAA MACON

2200 Trade Dr.
Macon, GA 31217
478-314-0031
9:00am Mondays
iaai.com

IAA TIFTON

368 Oak Ridge Church Road
Tifton, GA 31794
229-386-2640
10:30am Mondays
iaai.com

Manheim Georgia

7205 Campbellton Rd
Atlanta, GA 30331
404-349-5555 / 888-766-7144
Closed Ford Factory Sale Every
Other Monday
10:00am
Call for Toyota & Nissan sale
manheim.com

Peach State Auto Auction

Monday & Wednesday 6:00pm
770-466-9000
peachstateautoauction.com

TUESDAY

America's Auto Auction -Atlanta

444 Joe Frank Harris Pkwy
Cartersville, GA 30120
770-382-1010
6:00pm Dealer & Public Sale
auctionbroadcasting.com

America's Auto Auction – Greenville

2415 Hwy 101 S
Greer, SC 29651
864-801-1199
800-859-3393
3rd Tuesday of Every Month
2:00pm Marine Sale
americasautoauction.com

America's Auto Auction – Jacksonville

11982 New Kings Rd
Jacksonville, FL 32219
904-764-7653
6:00pm INOP Sale
6:30pm Dealer Only Sale
americasautoauction.com

Athens Auto Auction

5050 Atlanta Hwy
Bogart, GA 30622
770-725-7676
6:30pm Dealer & Public Sale
athensautoauctionga.com

Chattanooga Auto Auction

2120 Stein Dr.
Chattanooga, TN 37421
423-499-0015
9:00am Dealer Sale
chattaa.com

Columbus Auto Auction

2473 Blanchard Blvd
Columbus, GA 31901
706-320-2200
5:45pm Dealer Sale
Columbusgeorgiaautoauction.com

Hwy 515 Auto Auction

107 Whitepath Rd
Ellijay, GA 30540
706-635-1500
6:00pm Dealer & Public Sale
hwy515autoauction.com

IAA ATLANTA NORTH

6242 Blackacre Trail NW
Acworth, GA 30101
770-975-1107
9:00am Tuesdays
iaai.com

LW Benton Company Inc.

107 Oak Valley Drive
Macon, GA 31217
478-744-0027
11:00am
bidderone.com

Manheim Atlanta

4900 Buffington Rd College Park,
GA 30349
404-761-9211 / 800-856-6107
Every Tuesday 12:30pm
Manheim.com

Manheim Georgia

7205 Campbellton Rd
Atlanta, GA 30331
404-349-5555 / 888-766-7144
9:30am Tuesdays
manheim.com

Manheim Statesville

145 Auction Lane
Statesville, NC 28625
800-868-1220
8:30am TRA Sale
9:30am
manheim.com

Rawls Auto Auction

2818 Pond Branch Rd
Leesville, SC 29070
803-657-5111
10:00am Dealer Sale
GSA Sale Public & Dealers
Call for Details
8:30am Salvage Sale
rawlsautoauction.com

Vemo Auto Auctions, LLC

441 Dunbar Rd.
Warner Robbins, GA 31093
478-449-3232
10:00am Tuesdays
info@vemoauctions.com

WEDNESDAY

411 Auto Auction

3824 Hwy 411
Kingston, GA 30145
770-336-5581
12:00pm
411autoauction.com

ADESA Atlanta

5055 Oakley Industrial Blvd
Fairburn, GA 30213
770-357-2277
10:00am Dealer Sale
adesa.com

America's Auto Auction - Greenville

2415 Hwy 101
Greer, SC 29651
864-801-1199
3rd Wed RV Sale 9:00am
americasautoauction.com

Augusta Auto Auction

1200 E. Buena Vista Ave
N. Augusta, SC 29841
800-536-3234
10:00am Dealer Sale
9:30am Last Wed of Month INOP
augustaautoauction.com

Carolina Auto Auction

140 Webb Rd
Williamston, SC 29697
864-231-7000
10:00am Dealer Sale
1st & 3rd Wednesday
9:00am Salvage Sale
carolinaautoauction.com

Georgia-Carolina Auto Auction

884 East Ridgeway Rd
Commerce, GA 30529
706-335-5300
3:30pm Dealer & Public Sale
gcautoauction.com

Houston Auto Auction

4599 Pio Nono Ave
Macon, GA 31206
478-788-6947
11:00am & 7:30pm
Dealer & Public Sale

IAA ATLANTA SOUTH

1930 Rex Rd
Lake City, GA 30260
404-366-2298
9:00am Wednesdays
iaai.com

Manheim Atlanta

4900 Buffington Rd
College Park, GA 30349
404-762-9211 / 800-856-6107
Exotic Highline Event
4th Wednesday at 9:30am
manheim.com

Manheim Georgia

7205 Campbellton Rd
Atlanta, GA 30331
404-349-5555 / 888-766-7144
GM | GM Financial Closed Sale
Every Other Wednesday
1:00pm
manheim.com

Manheim Metro Atlanta

2244 Metropolitan Parkway SW
Atlanta, GA 30315
404-464-4567
12:30pm
manheim.com

New Calhoun Auto Auction

417 Lovers Lane Rd.
Calhoun, GA 30701
706-624-1944
7:00pm Dealer & Public Sale
newcalhounautoauction.com



Peach State Auto Auction
Monday & Wednesday 6:00pm
770-466-9000
peachstateautoauction.com

Southeastern Auto Auction of Savannah
1712 Dean Forest Rd
Savannah, GA 31408
912-965-9901
In-Op 10:00am, Repos 10:30am
11:00am Regular Sale
southeasternaa.com

THURSDAY
Albany Auto Auction
1421 Liberty Expressway SE
Albany, GA 31705
229-435-7708
6:30pm Dealer Sale
albanyautoauction.net

IAA ATLANTA EAST
1045 Atlanta Hwy SE
Winder, GA 30680
770-868-5663
9:00am Thursdays
iaai.com

Manheim Atlanta
4900 Buffington Rd
College Park, GA 30349
404-762-9211 / 800-856-6107
9:30am Dealer Sale
Every Other Thursday
9:30am Salvage Sale
manheim.com

Oakwood's Arrow Auto Auction
4712 Flat Creek Rd
Oakwood, GA 30566
770-532-4624
4:00pm Dealer & Public Sale
oakwoodsarrowautoauction.com

Rebel Auction Company
1175 Bell Telephone Rd
Hazelhurst, GA 31539
912-375-3491 / 800-533-0673
2nd Thursday of Each Month
9:00am Dealer & Public Sale
rebelauction.net

South Georgia Auto Auction
1407 Silica Rd
Albany, GA 31705
229-439-0005
11:00am Dealer Sale
southgeorgiaautoauction.com

Southeastern Auto Auction of Savannah
1712 Dean Forest Rd
Savannah, GA 31408
912-965-9901
7:00pm Public Sale
southeasternaa.com

FRIDAY
America's Auto Auction - Atlanta
444 Joe Frank Harris Pkwy
Cartersville, GA 30120
770-382-1010
11:00am Dealer Sale
INOP 2nd & Last Fridays
at 9:30am
auctionbroadcasting.com

America's Auto Auction - Greenville
2415 Hwy 101 South
Greer, SC 29651
864-801-1199 / 800-859-3393
10:00am Car Sale
americasautoauction.com

Charleston Auto Auction
651 Precast Lane
Moncks Corner, SC 29461
843-719-1900
10:00am Dealer Sale
charlestonautoauction.com

Copart Auto Auction
2568 Old Alabama Rd
Austell, GA 30168
770-941-9775
12:00pm Dealer & Public Sale
copart.com

Georgia-Carolina Auto Auction
884 East Ridgeway Rd
Commerce, GA 30529
706-335-5300
Monthly Friday Auction 3:30pm
Dealer & Public Sale
gcautoauction.com

IAA ATLANTA
125 Old Hwy 138
Loganville, GA 30052
770-784-5767
9:00am Fridays
iaai.com

IAA SAVANNAH
348 Commerce Drive
Savannah, GA 31326
912-826-1219
9:30am Fridays
iaai.com

Manheim Georgia
7205 Campbellton Rd
Atlanta, GA 30331
404-349-5555 / 888-766-7144
Mobile Sales
Call for Dates
manheim.com

Tallahassee Auto Auction
5249 Capital Circle SW
Tallahassee, FL 32305
850-878-6200
10:00am Dealer Sale
bscamerica.com

SATURDAY
Houston Auto Auction
4599 Pionono Ave
Macon, GA 31206
478-788-6947
7:30pm Dealer & Public

OTHER AUCTIONS
Auctions Unlimited
678-889-7776
Public/Dealer Sale
Visit Website for Dates & Times
auctionsunlimitedonline.com

CarMax Auctions
888-804-6604
Dealers Only Auctions -
For Locations, Dates & Times
carmaxauctions.com

Hudson & Marshall, Inc.
478-743-1511
Auction/Liquidators
hudsonandmarshall@bellsouth.net

JJ Kane Auctioneers, Inc.
678-840-4914
See web for sale dates
jjkane.com

Ritchie Bros Auctioneers
4170 Hwy 54
Newnan, GA 30265
770-304-3355
Industrial Equipment Auction
rbauction.com

SmartAuction
877-273-5572
Online Auto Auction/Mobile App
smartauction.biz

Truckcenter.com
1952 Moreland Ave Atlanta, GA
30316
404-627-5346
Visit Website for Dates/Times
truckcenter.com

V.I.P. Auctions
Metro Atlanta New Car Trades
6:00pm Dealer & Public Sale
678-889-7776
Check Website for Dates, Times &
Mobile Locations
myvipauctions.com

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Abib Auto Sales
About Cars & Trucks LLC
Absolute Surety LLC
Ackerman Wrecker Service Inc.
Action Auto Sales Inc
Adaptive Mobility Systems, Inc
ADS of Georgia
Adventure RV & Auto Sales, Inc.
AGN Auto Gallery Inc
Alec Harper
Alliance Auto Dealer LLC
Allisson Auto Sale
Allstar Motors
Alpharetta Service Center & Autos
American Eagle Auto Sales
Anchor Auto Group LLC
Andre Mays
Apex Auto Sales Inc
Apollo Resources LLC
Ark Crossway Motors
AT Liv
Atlanta Auto Outlet
Atlanta Luxury Automotive
Atlanta Powersports
Atlanta Prestige Motors, Inc.
Atlanta United Motors
Atlas Auto Sales
Aurora Automotive
Auto Assistance of Georgia LLC
Auto J's, Inc.
Auto Loan Associates LLC
Auto National Cars
Auto Star
Autobahn Motorcar
Automotion of Atlanta
Autoteam of Valdosta LLC
Aztec Auto Sales
B & D Automotive, LLC
B & M Automotive Sales Inc.
- BEF Auto
Bennett Motors of Valdosta Inc.
Bentley Services, LLC
Big Money Motors
Blaze Automotive LLC
Bloodworth Auto Sales Inc.
Bradley Clarke
Brokers Unlimited
Budget Car & Truck Sales
C & H Motors
C & K Auto Brokers
Cagle's Used Cars Inc.
Capital Auto Motors, LLC
Car Land of Macon
Car Loan Direct
Carma Automotive Group
Carnation Automotive LLC
Cars4Less Georgia
CC AUTO, LLC
CC Used Auto Sales
Central Automotive LLC
Charz Carz Inc
Clifton Larson Allen, LLP
Coachyto Global Motors, Inc.
Copart Auto Auction
Cross Cedar Autoville
David Smith Autoland Inc.
Dick Barbour Performance LLC
Divine Grace Motors
Dogwood Auto Works, Inc.
Donnell's Used Cars
Downtown Motors
Elite Choice Automotive Group, LLC
E-Motorworks, Inc.
Evolution Cars
Express Motors
E-Z Auto Finance Inc.
Forbes Auto
Freeman's Auto Sales
Gann's Automotive Sales
Garcia Motors
Garner Auto Sales
Gearstone Motors
Georgia Auto Exchange, LLC
Georgia Quality Auto Sales
Global AutoDealers
- Global Automotive Exchange LTD
Go Auto Exchange Atlanta
Gonzalez & Caceres Auto Sales
Gordon's Automotive Service LLC
H & N Auto Sales
Headrick Used Cars
Hi-Line Auto Sales LLC
Hot House Revival
Interactive Financial Marketing Group, LLC
International Auto Solutions
J D Byrider of Savannah
J Rob Auto Sales LLC
J.B.L Auto LLC
Jason Roberts
Jerry Rowland Sales
John Auto Deals, LLC
JRS Autobuyers LLC
J's Tire & Auto Sales
Karen Tuttle
Keen Motors, LLC
Kenneth Westbrook Motors
Keys Motor Company Inc.
Keys Please Auto Sales
L & B Auto Sales
Lankford Motor Company LLC
LDM Auto Broker, Inc.
LEB Truck & Equipment Inc.
Less For Autos
Liberty Car Sales
LOVE TO DRIVE MOTORS, INC.
Low Country Customs
Mac's Auto Sales
Major Motors
Marietta Car Center
Marietta Luxury Motors
Mathews Used Cars
MB Auto Care, LLC
MB Resources LLC
McAllen Auto Sales, Inc.
McColley Auto Sales LLC
Merit Partners
Meta Auto Repair & Sales LLC
Millennium Car Rental
Monzon Auto Sales, LLC
- Motors In Motion, Inc
MVP Auto
MVP Pre-Owned Auto Sales, Inc.
New Ride Auto Sales LLC
Nick J's Auto Repair
No Limit Auto
North Georgia Sales, LLC
Nowcom Corporation
Old Hodges Auto Sales LLC
Onion City Motors INC
Ortiz Motorsports
Park And Sell of Georgia, LLC
Performance Auto & RV
Phelan Auto Group, LLC
Platinum Used Cars
Preferred Auto Collision, Inc.
Premier Used Cars of Americus
Premiere Motor Sports
Quality Auto Sales
Quality Automotive
Quick Motors Inc
R & J Motors
R & R Auto Sales
R L Talley Jr.
R. A. King Motors
Raines Auto Brokers, LLC
Ramazhan Dezayee
Ram's Automotive
Rays Cars Inc.
RC Car Group, LLC
Ready 2 Roll Motors
Red Baron Antiques Inc.
Regal Auto Finance
Rick Davis Automotive
Ride Time Car Center
Rivers Auto Broker
Road Show International
Road Trip Auto Sales LLC
Robins Body and Paint Shop
RV World of Georgia
SAK Motorsports, Inc.
Sam Sothy Auto Brokers LLC
Select Auto Sales Inc
Sesay Luxury Dealership
Shipman Auto Sales, LLC
Sigma Auto Sales
Solex Auto Inc.



Sonny's Automotive
 Sonshine Enterprise
 Sopheany Choun
 Sosa Automotive Group
 South Georgia Western Star
 South Port Spinners
 Specialty Auto Solutions LLC
 Speedee Cash of Georgia Inc.
 Spence Field Auto Sales
 Spireon, Inc.
 Sports & Imports Autos of Gwinnett LLC
 Spring Tree Financial, LLC
 SRI Auto Brokers Inc.
 SugarLoaf World Auto Sales
 Suggs Automotive Group
 Suncoast Classic Cars
 Surburban Auto Sales
 T and N Auto Sales
 TAK Auto Sales LLC
 TCL Auto Sales
 Terrific Motors, LLC
 The Auction Way Co, INC.
 The Car Spot
 TMR Motor Sports, LLC
 Toni's Auto Brokers
 Town & Country
 Trade Buddy
 Trinity Motor Car Co.
 Truck Outlet USA
 Trust Auto Dealers
 Trust Autos, LLC
 Turbo Truck & Auto Sales
 Turn & Burn Motors
 Two Way Used Cars & Trucks
 Univeter Motors
 Upscale Automotive
 US Automotive
 US Express Auto
 USAA
 Utility Trailer Sales Comp of GA, LLC
 Valdosta Used Cars
 Venture Auto Sales Inc.
 Verifacto Inc.
 Verified First, LLC
 VIP Kars
 Votech Auto Brokerage, LLC
 Wells Fargo Dealer Services
 Wheel Ranch LLC
 WKT AUTO BROKERS INC
 YCR Auto Brokers
 Yes Auto Sales LLC

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Floor Mats, Car Keys, and the FBPA

When you advertise any vehicle, new or used, the advertised price must include all extra fees and charges other than those collected on behalf of the government (e.g. tax, tag and title). As you may have noticed, this office reiterates this policy at every opportunity. Despite these admonitions, we continue to see pricing violations, particularly with regard to the addition of dealer or service fees to ad prices. Be aware that we have and will continue to take action against any dealers who misrepresent their vehicle prices. While the most common violation in this context occurs with the addition of a dealer fee, please note that your use of dealer addendums is also subject to this policy.

A dealer addendum, or add-on charge, must be included in your advertised price when: 1) the services or products listed in the addendum have already been added to the vehicle, or 2) a service or product has not yet been added, but inclusion of the item is required in order to purchase or lease the vehicle. For example, if your dealership provides floor mats and an extra set of keys for every used vehicle purchase, the charges for these items might be found listed in a dealer addendum. Clearly, these items can easily be removed from a particular car, so are not necessarily already added to the transaction. If, however, you require that all customers buy the mats and keys as a condition of buying a car, the charges for these items are a mandatory cost that must be included within your advertised price. By way of illustration, consider a vehicle you are advertising

for \$20,000 and for which you require the purchase of car mats and an extra key. If you charge \$200 for the mats and \$100 for the key, the vehicle must be advertised for \$20,300. Alternatively, if the consumer, may, at his or her option, elect not to purchase these items, you could advertise this vehicle for \$20,000.

Two Other Matters related to Addendums:

Adequate Performance and Actual Cost: We consider it unfair and deceptive 1) not to actually perform or provide a service or product that is advertised as included in the purchase price or 2) to misrepresent your actual cost to supply that product or service. While the consumer in the above example would readily know whether or not you had provided floor mats and an extra key, adequate performance is more difficult to determine when looking at services such as paint protection or nitrogen injected tires. Simply put, if you charge for a service or product, you must provide it. Additionally, dealers are prohibited from misrepresenting to consumers the dealership's actual costs on services or products.

Updated Lemon Law Statement of Rights

Earlier this year, this office distributed a letter notifying franchise dealers of certain updates to the Georgia Lemon law and/or related dealer forms. In particular, effective September 1, 2016, all franchise dealers must use the updated Lemon Law Statement of Consumer Rights form which reflects changes in the Lemon Law and the transfer of responsibility for administration of the Lemon Law to the Attorney General. Please ensure you are using the updated form for all applicable new vehicle transactions. ■



Troutville Auctioneer Earns Championship Title at Va. State Fair

Reprinted from *The Roanoke Times*



On Sept. 29, Mark Mast of Troutville was crowned the 2016-17 Virginia Auctioneer Champion at the 39th annual auctioneer's contest held at the state fair in Doswell.

Mast competed against 16 other auctioneers from across the commonwealth to take this year's championship. "I always dreamed of becoming an auctioneer since I was 7 years old." As a little boy, growing up, Mast listened to auctioneers at every chance he got.

Mast graduated from World Wide College of Auctioneering in Mason City, Iowa, in 2014. He has brought energy to many benefits and fundraising auctions and was employed by Manheim Auto Auctions in Atlanta, Georgia.

Mast said he made one of the best decisions yet by moving his family to Virginia this year to partner with Nicholls Auction Marketing Group in Fredericksburg, one of the lead-

ing real estate auction firms in the region. The second-generation company, which has offices throughout Virginia has been in business since 1968. Its president and owner is a two-time world champion auctioneer and is currently president of the National Auctioneers Association. Mast entered his first auctioneering competition in 2015 while living in Georgia.

"I worked on myself and practiced every day to get better because excellence is my goal. To receive the Virginia state championship one year later proved to me that anything is possible when you have a dream and the passion to pursue it," he said. "I am honored to receive the championship from the state and I look forward to serving the Virginia Auctioneer's Association both now and in the future.

"Auctioneering for me is more than a hobby or a job. It's my passion and life calling to create value for others through the auction industry." ■

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How CRM Training Builds a Winning Dealership Team

For your team to do its job well, it has to be able to use its tools well

By Mark Vickery, Senior Director of Performance Management at VinSolutions

When it comes to your dealership's success, the customer relationship management (CRM) system is king.

It gives you a handle on your existing customers so you can spend less time managing and more time closing. It helps you mine sales and service customers for new opportunities. And it lets you evaluate how your team is operating so you can spot and fix problems before they cost you.

I tell salespeople, "Every second you're not with a customer, you should be logged into the CRM." But you can't achieve success without CRM training. CRMs are complex tools. Sure, you can poke around on your own and learn the basics.

To get real value from your system, though, you and your provider have to train your team on how to use it. Ready to master CRM training and prepare your team for success?

Class is now in session.

Get your eyes on the prize

Your CRM can help you succeed, but only if you know what you mean by "success." Set a goal for your new system so you can decide what training you need to achieve it.

What problems do you want to fix? What metrics need improving? With specifics, you can focus your training where it's needed most.

If this philosophical goal-setting sounds overwhelming, don't worry: You don't have to do it alone. Even post-purchase, your CRM provider should be a trusted partner you can rely on for help and advice.

If your provider doesn't push you to sharpen your vision and strive for excellence, you shouldn't use that company in the first place. If you're the star athlete, your CRM provider is the head coach. It's the coach's

job to be invested in your success and help you achieve your potential.

Prepare your people

To make your vision a reality, you have to get your team on board. If they don't believe the new system will help them, they won't spend time learning how to use it.

Sam Passer, my company's senior director of client onboarding, describes the struggle to get buy-in. "Salespeople know how to use their current tool," he says. "They don't want to learn something new. You have to convince them the new tool will make their lives better."

Fortunately, convincing salespeople is pretty easy. What's their biggest motivation? Selling more cars. If they see how the new CRM can help them do that, they'll be all in.

(Continued on page 52)

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CUSTOMER RELATIONS

(Continued from page 51)

Sam also emphasizes the importance of choosing the right person to own your CRM. Many dealers get this wrong, thinking, “The CRM is software, right? I’ll let my IT guy handle it.”

But the CRM runs your dealership, so a dealership expert should own it. Sam recommends selecting a CRM champion to be your resident expert and handle in-house training. You might have to hire outside for this, but if the new hire knows the system inside-out, the additional sales you’ll gain will be worth it.

Beyond the CRM champion, have managers take ownership of their own processes. Desking managers own desking processes, ILMs handle Internet leads, and so on. That way, they create processes they agree with—and that their team will follow.

Hit the ground running

Once your team’s on board, it’s time to start training. Chris Hawthorne, director of training at my company, has great training advice: Start simple.

“Many dealers get so excited about the bells and whistles that they never master the basics,” Chris says. “The foundation for CRM success is executing the basics well.”

Tackle the fundamentals first: logging in, adding customers, desking deals. If your

provider offers on-demand video training, watch the videos ahead of time. By mastering the “buttonology” on your own, you can explore advanced features when your provider sends trainers on-site.

Chris stressed the importance of buy-in. “Salespeople don’t want to attend training,” he says. “Every minute they’re in training is a minute they could be selling cars.”

But CRM training helps sell more cars—so make attending your provider’s training sessions mandatory. If your provider knows your definition of success, it can personalize your training to make the most of your time.

When on-site training ends, check in with your team. Chris does over-the-shoulder checks to make sure salespeople grasp the basics. You can always ask your provider questions later, but now’s your chance to solve problems before they start.

Keep up the good work

Even when on-site training is over, your work isn’t. Most top-performing dealerships train their teams year-round.

Their CRM champions train new employees monthly, if not weekly. They offer on-demand video training, and hold mandatory training for the whole team annually. That way, new hires don’t slip through

the cracks, and existing employees can’t develop bad habits.

How do you know whether your team needs retraining? Tons of open support tickets are one sign of a problem. On the other hand, no open tickets could indicate a different problem: Your team isn’t communicating. They’re reading water—and unless you step in, they’ll sink.

Remember: Training isn’t a silver bullet. Low utilization could be either a “knowing” problem or a “doing” problem. If a team member doesn’t know how to use the CRM, retraining can help. But if that person is choosing not to use it, you might need a new employee.

Watch for signs of success, too. During onboarding, Chris and Sam choose which metrics to measure during follow-up visits. These metrics are based on the dealer’s top concerns: Internet leads, appointments, follow-ups, and so on. These numbers show you how your team is performing, and how well they’re using the system.

At the end of the day, your CRM doesn’t sell cars. Your team does. But for them to do their job well, they need to use their tools well. By acing CRM training, you’re empowering your team and putting your dealership on the fast track to success.

Class dismissed! ■

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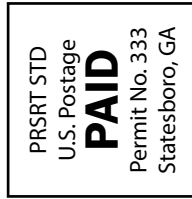
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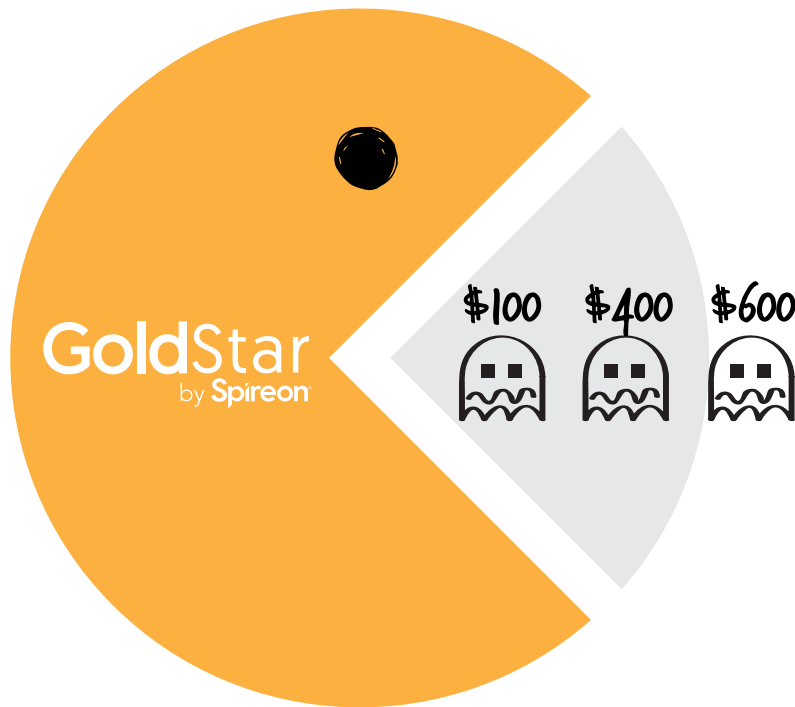


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