



ADA NEWS

NOVEMBER 2013

a publication of the Ohio Automobile Dealers Association

Proceed with Caution When it Comes to Text Messaging

provided by MacMurray, Peterson, & Shuster

Text messaging has been around for over 20 years, but it seems dealers have just started incorporating it into their businesses. While it seems very simple - type a short message and hit send - that simplicity can prove to be a costly mistake. Depending on the content of the message and how it is sent, it can be governed by a half a dozen state and federal laws and regulations. To help understand how to legally send a message, let's take a look at the laws and how they apply.

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Under the federal Telephone Consumer Protection Act (TCPA), what you use to send a text message and why you send it will determine the applicability of the regulatory framework. In other words, the TCPA regulations for sending a text message depend on: (1) the equipment used to send the message; and (2) the underlying purpose of the message.

If an Automatic Telephone Dialing System (ATDS) is used to send the text message, you must obtain the recipient's consent prior to sending the message. An ATDS is any equipment that has the capability of making calls or sending text messages without having a human initiate each call/text. For example, a system that automatically makes calls or sends texts to a list of numbers you input into the system will meet the definition of an ATDS. It is important to note, however, that the equipment's capabilities are what matter, not necessarily how the text is sent. Thus, equipment might be an ATDS even if a human initiates the text message. If a text message is sent using equipment that is not an ATDS (i.e. a system that requires each call to be initiated by a human and does not have the capability to automatically send the message), the TCPA's consent requirements do not apply. Such texts must, however, comply with federal Do Not Call regulations.

If an ATDS is used to send a text message, the next question is "what type of consent is required?" Under the recently amended TCPA regulations, all advertising or solicitation texts require the recipient's express written consent (including signature or electronic signature), which must be obtained after specific disclosures are made to

the consumer. This consent can be obtained at any time prior to the text message being sent, but you cannot require consumers to provide consent in order to make a purchase (i.e. you cannot include consent language in a buyer's order or retail installment contract).

Consent for a debt collection text message does not need to be in writing. Under the TCPA, a debtor provides consent to be contacted on a cell phone if that debtor directly provides such number to the creditor and fails to indicate that the debtor does not want to be contacted at that number. For example, a consumer that provides a dealer with a cell phone number in connection with a motor vehicle purchase provides the dealer consent to call or text that number for collection purposes unless the customer specifies otherwise.

While dealers are not obligated to provide written notice/consent that a customer's cell phone number will be used to remind them of payments, contact them after a missed payment, alert them to a late fee and so on, it would still be wise to do so. By disclosing the intent up front, you eliminate a lot of questioning and complaining later.

What does this mean for you, the dealer? First, if you are going to use an ATDS to send text messages for solicitation purposes, you should request written consent whenever possible (e.g. at the time of sale) and keep records of the customer's consent for 5 years after the date of the last text message you send. To ensure you meet the specific legal requirements for obtaining written consent, you should have your at-

Text Messaging...

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It's That Time of Year Again – Holiday Parties

provided by Melanie L. Webber, Fisher & Phillips, LLP

'Tis the season for planning holiday parties. And again, employers are asking themselves (and us) about the wisdom of holding dealership parties. There is always a risk involved in holding any dealership-sponsored function. According to one study, 36% of employers reported behavioral problems at their most recent employer-sponsored party. Misconduct may include excessive drinking, vulgar or offensive language, fist-fights or inappropriate sexual advances. Employers may be civilly liable for harassment or discrimination claims, as well as negligent or intentional acts occurring within the scope of employment.

We realize that there are benefits to holding a holiday party; such as improving employee morale and fostering loyalty. And despite the risks, approximately 79% of employers hold holiday parties each year. Should you decide to host a holiday party, please consider these recommendations for limiting liability:

Prior to the holiday party, we recommend you:

- Assemble a team to plan the holiday party which includes at least one management representative.
- Provide training on all Dealership policies relating to harassment, retaliation, workplace violence, alcohol use, and safety to the holiday planning team.
- Review the above policies with employees and their direct supervisors/managers.
- Consider implementing a private binding arbitration program for all employee claims.

At the Holiday Party, we recommend you:

- Remind employees that, while you encourage everyone to have a good time, your dealership's normal workplace standards of conduct will be in force and misconduct at or after the party can result in disciplinary action.
- Do not serve alcohol. This is much easier if you simply have a lunch.
- If you do serve alcohol, do not have an

open bar. Instead, use a cash bar or a ticket system to limit the number of drinks.

- Limit the bar to beer and wine. Do not serve liquor. And always have plenty of non-alcohol beverages available.
- Always serve food if you serve alcohol.
- Let your managers know that they will be considered "on-duty" at the party. They should be instructed to keep an eye on their subordinates.
- Invite spouses and significant others. Employees seem to behave more appropriately when in the presence of their family.
- Arrange a no-cost taxi service for any employee who feels that he or she should not drive home.
- At management discretion, be prepared to provide hotel rooms for intoxicated employees.
- And, lastly never, never, never hang mistletoe! ■

Recruiting and Social Media: Does it work?

provided by KPA

In the past dealership hiring was orchestrated through channels like newspapers, TV ads, and recruiters. In this day and age, social media rules. Social media has proven to be a great source for hiring people across all industries, including the automotive industry. Using social media for hiring is at an all-time high: 92% of companies use social media for hiring.

Consider the following statistics:

- 45% of Fortune 500 firms link to their career page on social media.
- 93% of companies use LinkedIn.
- 66% of companies use Facebook.
- 54% of companies use Twitter.

So is social media working for recruitment?

- 73% of employees have been successfully hired with social media.

- 42% of companies claim candidate quality has improved.
- 20% of employees say it takes less time to hire on social.

Job seekers like using social media as a job hunt tool too:

- 14.4 million of US citizens have used social media to search for a job.
- 29% of job seekers use social media as their primary tool for job searching.

The statistics prove that social media is no longer merely for personal relationships, and goes beyond internet marketing. Social media allows you to advertise your job opportunities and select potential employees from a broader pool of applicants.

This article is provided by KPA, a provider of HR Management and Internet

Marketing services for over 5,100 Auto, Motorcycle, RV, Heavy Truck/Agricultural dealers. Contact KPA for a sample social media policy or interest in our services at info@kpaonline.com or 800.853.9659.

Article Statistics supplied by www.staff.com. ■

Seasonal Safety Presents Opportunity for Promotions

provided by Reynolds & Reynolds

In the Midwest, the weather keeps you guessing. As Ohioans know, one day the sun shines across the state, causing drivers to crank up the AC, and the next day a gloomy downpour takes over, so windshield wipers must work at top speed. As the leaves fall from the trees, the weather will continue to be unpredictable and, more importantly, turn potentially hazardous. Soon the roads will become icy and snow will make its first appearance. Take advantage of this by helping to ensure your customers are prepared for winter weather conditions.

The National Highway Traffic Safety Administration (NHTSA) advises drivers to take their vehicles in for tune-ups and routine maintenance to check for fluid leaks, needed parts, repairs or replacements. Promote pre-winter services that help keep drivers safe, and consider offering a complimentary pre-winter check up with any service. When creating promotions, reference the NHTSA to help you build credibility with customers.

The NHTSA provides several safety recommendations, including the following:

- Check your starting system battery for sufficient voltage. A drop in temperature means a drop in battery power and it takes more power to start a vehicle in cold weather.
- Check that coolant in vehicle will withstand winter temperatures.
- Refill windshield wiper reservoir with high quality, no-freeze washer fluid.
- Check tire pressure and fill each to vehicle manufacturer's recommended inflation pressure. Tire pressure drops as temperature drops.
- Be sure tire tread depth is appropriate for winter driving conditions.

Further increase customer goodwill by offering promotional items that can help your customers if they ever find themselves in undesirable, weather-related situations. Include your logo and contact information

on ice scrapers, booster cable kits, flashlights, reflective markers, water bottles, blankets and other useful items. The NHTSA recommends that drivers stock their vehicles with items like these to appropriately prepare themselves for emergency situations.

Whether it's through direct mail, lot signage, or another means of advertising, winter weather offers the opportunity for dealerships to reach out to customers and demonstrate their concern for their wellbeing. Promote services that will keep their winter driving experiences safe and enjoyable.

For more information on ways to promote your dealership this fall, contact your local Reynolds Document Consultant, call 800.344.0996 or email IDS_Mktg@reyrey.com.

To read more recommendations from NHTSA, visit <http://www.nhtsa.gov/About+NHTSA/Press+Releases/Safety+Advisory:+NHTSA+Encourages+Motorists+to+Be+Prepared+Before+Taking+to+the+Roads+This+Winter>. ■



oada | services, inc.
1-800-686-9100

CAR BOWS

48" Red Velvet Bow #5630

- Nicest bow on the market
- Comes with padded magnet to help secure to vehicle
- Designed not to scratch vehicles
- Bow is compressed for shipping, easily arranges to nice full bow
- Packaged 1 per box
- Individual Pricing: 1 box - \$62.19
3 boxes - \$59.08
5 boxes - \$55.98
10 boxes - \$52.86
20 boxes - \$49.75



#5629

**Largest
luxury bow
on the
market!**

14" Red Metallic Pull Bow #5629

- Bows come in easy to ship flat package
- Simply pull strings and it creates a bow
- Packaged 10 per pack
- Individual Pricing: 1 pack - \$24.69
3 packs - \$23.45
5 packs - \$22.23
10 packs - \$20.99
20 packs - \$19.75



#5630



Contact OADA Services with questions or to order

- Lindsey Bladen - (614)923-2238, lbladen@oada.com
- Zach Doran - (614)923-2234, zdoran@oada.com
- Matt Wolf (Columbus & Southern Ohio) - (614)923-2242, mwolf@oada.com

What Do You Need to Know about the Change in the HazCom Regulation?



Employers are responsible for implementing the changes in the Hazard Communication regulation at their dealership. So, as an employer, what do you need to know about the Hazard Communication changes?

1. Hazards must now be classified, noting the hazard class and hazard category. This will define the level of hazard and the degree of severity.
2. Percentages for classifying mixtures now have a tiered approach, instead of broad definitions.
3. The new standard requires specific and information and language on labels. Harmonized signal words, pictograms, and hazard statements must be used. Additionally, statements listing precautionary hazard measures must be listed.
4. 16-section safety data sheets (SDS) are now required to provide consistent information.
5. OSHA's mandatory permissible exposure limits

(PELs) and the non-mandatory threshold limit values (TLVs) must be listed on the SDS.

6. Employers are required to train employees on the new label elements.
7. Employees must be trained on the new standard by December 1, 2013. Compliance with the modified provision of the final rule must be met by June 1, 2016.
8. Distributors may ship products labeled under the old HazCom standard until Dec. 1, 2015.
9. Employers must update workplace labeling and written hazard communications by June 1, 2016.

This article is provided by KPA, a recommended partner of your State or National Association providing Environment & Safety services for Auto, RV, and Heavy Equipment/Agricultural Dealers. If you have additional questions, please contact KPA at info@kpaonline.com or 800.853.9659. ■

The Top Four Legal Reminders for November

1. Lease Disclosures: According to the Truth in Lending Act and Reg. M, when certain trigger terms are used such as the amount of any lease payment, certain disclosures must be stated. These disclosures include:

- a. a statement that the transaction advertised is a lease,
- b. the total amount due at inception,
 - i. This includes everything due at signing except tax, title, license, and doc fees.
- c. the number, amounts, due days, or periods of scheduled payments,
- d. the fact that a lease is open-ended, if it is, and
- e. a statement of the amount of any liabilities the lease imposes upon the lessee at the end of the term, including, if applicable, a statement that the lessee shall

be liable for:

- i. the allotted mileage per year,
- ii. the mileage penalty for any overage, and
- iii. any disposal fee and the amount of the fee.

Two of the disclosures most often missed by dealers are actually stating that a payment price is for a lease and the mileage penalty. For anyone in the industry, it is clear that the advertisement is for a lease but it may not be clear to the average consumer so it still must be stated clearly and conspicuously in the advertisement.

2. Don't Sell As-Is Car with Safety Issues: If a vehicle has issues which would be considered safety issues, such as bald tires, brakes problems, cracked or bent frame, these issues cannot be disclaimed through selling the vehicle As-Is. Safety

issues create enormous liability issues for dealers even when the vehicle is sold As-Is or buyer beware. Any safety issues with a vehicle should be repaired before sale or the vehicle should be wholesaled.

3. Trade-In Credit on Leases: A consumer can receive a trade in credit towards the lease or purchase of a new vehicle IF the consumer *owned* the vehicle they are trading in.

4. Determine Good Funds Before Delivery: There have been a rash of consumer scams where a consumer asks a dealer to hold a check for a few days while the consumer transfers money around. The consumer then takes delivery of the vehicle and is gone with the car. Please make sure that there are good funds and be wary of any request to hold off on cashing a check. Do not give a consumer delivery of a car until good funds have been determined. ■



ADREVIEW CORNER

Limited Rebates: Stacking Rebates is Considered Unfair and Deceptive

As noted in previous articles, any rebate that is not available to all consumers who walk in the dealership's doors is considered a limited rebate. These include: Loyalty Rebates, Conquest Rebates, Military Rebates, Finance Rebates, etc. The Attorney General will allow limited rebates to be advertised in one of two ways:

1. Providing two prices; one available to all consumers, and one available to those who qualify for the limited rebate. The advertised prices must be equal in font, font size, and color.
2. Addition of a starburst or other separate statement indicating the rebate's availability to a specific group while not including it in the advertised price.

This is according to the Attorney General's interpretation of the Ohio Consumer Sales Practices Act (CSPA) and the Truth in Lending Act.

Lately, there have been problems with dealers stacking multiple limited rebates to create a deceptively low

price. While the Attorney General's interpretation of the CSPA provides for a method to advertise a limited rebate, this should not be abused. If multiple limited rebates are stacked to advertise a low price, it is unreasonable to expect that consumers will qualify for the price. Advertising a deceptively low price could subject the dealership to corrective action by the Attorney General.

An example of the prohibited practice is:

Everyone Price: \$20,000
-\$500 Loyalty Rebate
-\$500 Conquest Rebate
-\$500 Military Rebate
-\$500 Trade-in Rebate
-\$500 AARP Rebate
-\$500 Realtor Rebate
-\$500 Finance Rebate

Sale Price: \$16,500

In order to actually get this price, the consumer would have to be both loyal and conquering, be in the military, have a trade-in, be a member of the AARP, a realtor, and also be financing with a specific company. As you can see, for the most part, no one person would be able to get to the price of \$16,500. This is an extreme example but one that is not that far out of the realm of some of the advertisements we have seen and which have caught the attention of state Attorneys General around the country and the FTC lately.

Please make sure when putting together your advertisements that you are both advertising limited rebates the correct way, as noted above, and that the price advertised is possible and not unfair or deceptive. If you have any questions, please contact Don Boyd at (614) 923-2232 or Sara Bruce at (614) 923-2243. ■

their interpretation of Reg. Z and TILA, OADA has reconsidered its approach and recommends that dealers include all Reg. Z disclosures when credit terms are offered on specific vehicles or a range of vehicles. Under TILA and Regulation Z, there are certain terms, which when used, trigger the need to make specific disclosures. The triggering terms are:

1. The amount or percentage required as a down payment. (Example: 10% down payment, \$200 down, or 85% financing).
2. The amount of any payment expressed either as a percentage or as a dollar amount. (Example: \$199 per month, Monthly payments less than \$150, or Pay 5% per month).
3. The number of payments or period of repayment. (Example: 48 monthly payments, 36 months to pay, for 60 months).
4. The amount of any finance charge. (Example: less than \$400 in interest, \$400 financing, financing costs of less than \$400).

Going forward, it is recommended that dealers make the specified disclosures even when using the term "up to." If any of the triggering terms are used, the dealer must also clearly and conspicuously disclose:

1. The amount or percent of the down payment.
2. The terms of repayment.
3. The "Annual Percentage Rate," using that term spelled out in full or the abbreviation "APR."

Dealers must also state whether credit terms or particular prices are limited to "qualified buyers" or "subject to approved credit" and also disclose clearly and conspicuously state all applicable qualifications. Finally, dealers must also disclose whether a particular financing rate is limited to particular models or model years or if it is only available during a particular period of time.

Example 1: "1.9% APR for 48 months," then a compliant disclosure would state "48 monthly payments of \$21.62 per

Regulation Z...

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Regulation Z- Advertised Offers of Credit

When reviewing dealership advertisements, generally OADA has taken the approach that advertised offers such as "0% for up to 60 months on all Toyota

Camrys" were not specific enough to require all Regulation Z (Reg. Z) disclosures. However, after recent discussions with the Ohio Attorney General's office regarding

Ohio Minimum Wage will Increase January 1, 2014

The Ohio Department of Commerce announced that the Ohio minimum wage will increase from \$7.85 to \$7.95 per hour for non-tipped employees and from \$3.93 to \$3.98 for tipped employees. The Ohio minimum wage applies to employees of businesses with annual gross receipts of more than \$288,000 per year.

For employees at smaller companies (with annual gross receipts of \$288,000 or less per year in 2013 or \$292,000 or less per year after January 1, 2014) and for 14- and 15-year-olds, the state minimum wage is \$7.25 per hour. For these employees, the state wage is tied to the federal minimum wage of \$7.25 per hour which requires an

act of Congress and the President's signature to change.

If you need an updated Ohio Minimum Wage Insert for 2014, please contact Lindsey Bladen at (614) 923-2238. You can also find the poster at: http://www.com.ohio.gov/documents/dico_2014Minimumwageposter.pdf. ■

Text Messaging...

continued from Page 1

torney approve the consent form before you use it. Some states also have specific rules regarding text messaging. Your attorney should advise you of all applicable restrictions too. Second, if you plan to use an ATDS to send debt collection texts, you need to be able to prove that the customer provided a cell phone number directly to you (e.g. on a credit application) and did not tell you not to contact the customer at that number.

As a reminder, all state and federal advertising rules and consumer protection laws still apply to text messages. Just because the space is limited does not mean that you can disregard these regulations. In fact it may be more important than ever given the fact that the FTC just recently revised its mobile and internet advertising guide, so text message solicitations are likely prominent on their radar screen.

Text messaging is a quick, instantaneous way to communicate with customers and is an avenue worth considering. But like the flashing highway sign says, "Proceed with caution."

By Shaun Peterson who is a partner at MacMurray, Peterson, & Shuster. ■

GHS Hazard Communication Regulations Change

Are You Ready to Meet the Deadline?

Employees must be trained on the new label elements and safety data sheet (SDS) format by December 1, 2013! OADA and KPA are here to help!

OADA, with KPA, covered this topic in a webinar on September 17. If you missed it, you can get a link to the recording at <https://vimeo.com/74876526>.

If you have any questions, would like to receive a copy of the presentation slides, or had trouble downloading the recording, please contact DeAnna Zahniser at 614-923-2231, or dzahniser@oada.com.

Make sure you are in compliance!

Regulation Z...

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\$1000 financed. Financing for well-qualified applicants only. Subject to credit approval. No down payment required."

Example 2: "0% financing available for in stock Ford Focuses." Here, no triggering term is included, so the ad does not require further disclosure.

Example 3: "1.9% available for up to 60 months on all Honda Civics." An example of a compliant disclosure would state: "Ex. Honda Civic LX model, \$200/month for 60 months, \$1,500 down, 1.9% APR with approved credit."

If you have any questions, please contact Don Boyd at (614) 923-2232 or Sara Bruce at (614) 923-2243. ■

In Memoriam: Jim Yark, Owner of Yark Automotive Group, Dies at Age 62



Donald James (Jim) Yark, Jr., founder and owner of The Yark Automotive Group passed away Wednesday, October 30, 2013 at Hospice of Northwest Ohio after an extended battle with Alzheimer's. He was 62.

Jim graduated from Devilbiss High School in 1968 and attended The Ohio State University where he graduated with a marketing degree in business. During that time Jim was a member of the 180th Fighter Wing of the Air National Guard.

Upon graduation, Jim worked in accounting for Papenhagen Oldsmobile and was promoted to General Manager. He purchased the dealership in 1980 and started to expand by bringing in Jeep. Jim had great business vision and strove to create the largest new and used vehicle dealership in Northwest Ohio and Southeast Michigan and reached that goal by acquiring BMW, Subaru, Nissan, Chrysler, Dodge, Ram, SRT, Chevrolet, and Fiat. Yark Auto has maintained that position for the past 18 years and created over 350 local jobs.

"For Jim, it was always about his employees," said John Yark, President of Yark Automotive Group and Jim's brother. "He always knew Toledo had great people and having the best people work for him would make the business the success that it is today". This philosophy recently led to recognition by Automotive News as having 5 of the best dealerships to work for in the nation out of a field of 17,000 and earned

Jim the recognition as TIME's "Quality Dealer of the Year" in 2006. In 2011, Yark Automotive received the Torch Award from the Better Business Bureau because of its strong business ethics.

Jim served on numerous boards of local organizations and ensured that his business was active in supporting local events, charities, and the arts around the Toledo area. He supported the Toledo Zoo, the Toledo Opera and Symphony, Make-A-Wish, Toledo Botanical Gardens, United Way, and the American Red Cross, to name a few, as well as local soccer clubs and schools. In recent years Yark Automotive has also supported The Alzheimer's Foundation of Northwest Ohio.

Jim was a generous man and a loyal friend. His dream was to build a business in which all his children and other family members could be involved. That dream was recognized as 4 of his children and 2 nephews currently work at the Yark family of dealerships. He was a passionate Ohio State Buckeyes supporter and was a member of the Ohio State Presidents Club. In his free time

he loved to boat on Lake Erie and relax with family and friends in the Florida Keys.

Jim was a visionary to the Yark Automotive Group organization and a dedicated community leader. He has left behind a company of integrity that is respected in the community and beyond. In spirit, he will always be the foundation of Yark Automotive Group.

Jim is survived by his beloved children Emily, Jamie, Bill, Dan, DJ, and Jack, his wife, Mary, his father, Don, brother John (Karen), and sister Lynn (Dick) Baker, as well as many nieces and nephews. His mother, Marilyn Shuey Yark, preceded Jim in death.

A celebration of his life will be Sunday, November 3rd from 11am-8pm at Walker Funeral Home in Sylvania. A private burial will follow.

The family suggests tributes be made to the Alzheimer's Association of Northwest Ohio or Hospice of Northwest Ohio. ■

Ohio Truck Dealers Division



General Membership Meeting

Thursday, January 16, 2014

*Crowne Plaza Dublin
600 Metro Place North
Dublin, Ohio 43017*

10:00 a.m. - @2:00 p.m.

Lunch will be provided

All heavy and medium duty truck dealerships should be represented at this important annual meeting. Issues of impact will be discussed.

Official meeting information will be arriving at your dealership soon, but MARK YOUR CALENDARS NOW!

NADA News

A Message from Ohio NADA Director, Bill Reineke, Jr.

Dealers Seek Greater CFPB Transparency on Auto Finance

More than 400 new-car dealers and association execs met with their members of Congress during NADA's Washington Conference from Sept. 18-19 to discuss key policy issues facing franchised auto dealerships. The most prominent among them: the Consumer Financial Protection Bureau's effort to end the discounts car buyers can negotiate when financing a car or truck through a dealership. During visits to Capitol Hill, dealers asked their senators to sign the letter authored by Sens. Rob Portman, R-Ohio, and Jeanne Shaheen, D-N.H., which requests that the bureau explain how eliminating a dealer's ability to "meet or beat" a competitor's rate is good for consumers. A key ally in the dealers' fight, Rep. Gary Peters, D-Mich., said he's "very concerned" about the CFPB's recent effort to alter the \$800 billion auto finance marketplace without a hearing or offering analysis for public scrutiny. NADA is urging dealers to call both their senators and ask they sign the Portman-Shaheen Auto Finance letter, which requests greater transparency from the CFPB on indirect lending. For a copy of the letter, go to http://www.nadafrontpage.com/upload/wysiwyg/CFPB_Letter.pdf.



Bill Reineke, Jr.
Ohio NADA Director

Nissan's Jose Munoz to Keynote NADA/J.D. Power Conference in Los Angeles

Jose Munoz, Nissan's new senior vice president of sales and marketing for the Americas, will deliver keynote remarks at the 2013 Western Automotive Conference in Los Angeles on Tuesday, Nov. 19. The half-day conference, presented by NADA and J.D. Power, also includes Stewart Reed, chairman of the Transportation Design Department at Art Center College of Design in Pasadena, Calif., who will deliver a special keynote presentation, "Identifying and Cultivating Emerging Talent in Transportation Design." The second annual conference – which precedes press days at the Los Angeles Auto Show (<http://laautoshow.com>) – includes a panel discussion on "Diversity Marketing," with an emphasis on the Hispanic market. An OEM panel, "Positioning Your Brand for 2015 and Beyond," will be moderated by CNBC's Phil LeBeau and includes James O'Sullivan, president and CEO of Mazda North America Operations; William Fay, group vice president and general manager, Toyota Division; and Thomas Loveless, executive vice president of sales for Kia Motors America. Other speakers include David Westcott, NADA chairman; Finbarr O'Neill, president of J.D. Power; Beth Ann Bovino, chief U.S. economist at Standard & Poor's; and John Humphrey, senior vice president of global automotive operations for J.D. Power. The conference, held in conjunction with the Greater Los Angeles New Car Dealers Association and the California New Car Dealers Association, will be held at the Biltmore Hotel. Early-bird discounted registration is available through Oct. 18. For more information or to register, go to <http://www.jdpower.com/events/2013-western-automotive-conference>.

Lt. Gen. Honoré to Address ATD Convention in New Orleans

Lt. Gen. Russel L. Honoré (U.S. Army Ret.), commander of the Joint Task Force Katrina and Global Preparedness Authority, will deliver keynote remarks at the 2014 American Truck Dealers (ATD) Convention & Expo, which runs Jan. 24-27 in New Orleans. As commander of the task force, Honoré led the Defense Department's response to hurricanes Katrina and Rita in Alabama, Mississippi and Louisiana. Honoré will speak at the ATD luncheon/general session at 12:15 p.m., Monday, Jan. 27. Other speakers are Philip Byrd, incoming chairman of the American Trucking Associations, and ATD Chairman Dick Witcher, CEO of Minuteman Trucks in Walpole, Mass. The 51st annual ATD convention runs concurrently with the NADA Convention & Expo. ATD dealers and their managers can attend the NADA speaker sessions and workshops. All attendees who register in advance by Jan. 16 will receive a \$100 discount from the onsite rate. For more information or to register, visit www.atdconvention.org.

NADA Convention: 21 Hotels in New Orleans Have Sold Out

There's plenty to get jazzed about with the upcoming 97th annual NADA Convention & Expo in New Orleans next January. For one thing, the city has invested billions of dollars in major restoration projects, and the convention center was updated just this year. Plus, there's been a 55 percent increase in the number of restaurants over the past seven years, nearly \$800 million in hotel upgrades and \$77 million in street improvements, including a new streetcar line. "Twenty-one of 33 convention hotels have already sold out, so we're encouraging attendees to register as soon as possible," said Desmond Roberts, chairman of NADA's convention committee. "Exhibit sales on the expo floor are also running higher than the past convention." The NADA convention runs Friday, Jan. 24, to Monday, Jan. 27. This will be the 10th time the convention has been held in the Big Easy since 1973. Considered the "Automotive Industry Event of the Year," the convention includes dealer-manufacturer franchise meetings, educational workshops, hundreds of exhibits on the expo floor and numerous networking events. "The city has a festive atmosphere you can't find anywhere else—from the amazing Creole cuisine and culture to the historic sites and music," added Roberts, a Chevrolet dealer in Hodgkins, Ill. "New Orleans looks better today than it ever has." Dealers and their managers who register in advance by Jan. 16 will receive a \$75 discount from the on-site rate. For more information or to register, visit www.nadaconvention.org. ■



Ohio Automobile Dealers Association 2014 OADA Convention April 10-13, 2014 The Waldorf Astoria Naples



The Convention Package Includes:

- 3 nights, four days at Waldorf Astoria Naples (formerly Naples Grande), Naples, Florida
- 2 general business sessions with “Informative Speakers and Programs”
- Afternoon break-out sessions
- 2 continental breakfasts
- Welcome Reception/Buffer Dinner/Entertainment
- Cocktails and Dessert Reception
- Cocktail Reception and Farewell Dinner
- Farewell Breakfast/Brunch

Please visit the Waldorf Astoria website:
www.waldorfastorianaples.com

Visit www.oada.com and click on
events to print your Registration Form:

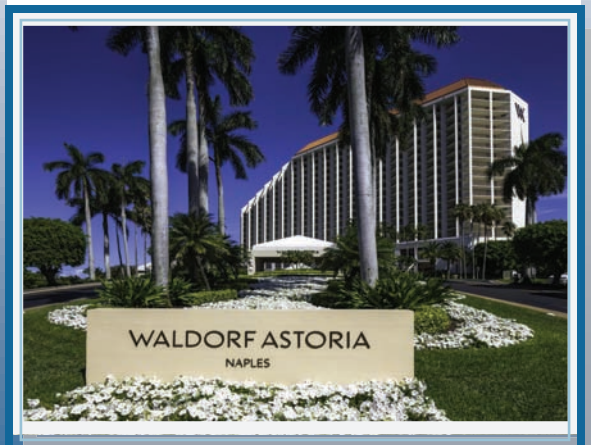
We heard you! At the conclusion of the 2013 convention, it was apparent the attendees were looking forward to going back to Naples, FL.

We have secured the dates of April 10-13, 2014 with a Thursday arrival and departure on Sunday. This date pattern includes the weekend as we know many of our attendees “want to get back to business in a timely manner.”

BRING YOUR FAMILY, GENERAL MANAGERS and join your fellow dealers for great speakers on “hot topics” for the general business sessions, the town hall meeting plus afternoon breakout sessions.

- ◆ **PHENOMENAL GUEST ROOM RATES**
\$305.00 per night which includes taxes
- ◆ **FANTASTIC DEAL**
The only out of pocket expense is for lunch and one dinner.

*For complete details, e-mail Sheryl McGavern
smcgavern@oada.com.*



Safety Programs That Make Sense

The seminar will be held in one location, centrally located in Columbus.

Registration begins at 8:00 a.m.

The seminar will begin at 8:30 a.m., and conclude at noon. Registration fee for members is \$95.00 per person, and \$225 per person for non-members.

Tuesday, November 12, 2013

Crowne Plaza Dublin

600 Metro Place North, Dublin

This program meets BWC's mandatory 2 hour safety training requirement for any employer who is participating in a group rating or group retro program and who has had a claim during the 2012 calendar year.

Sometimes, good businesses make bad decisions. Take, for example the case of the **New Hampshire repair shop that was assessed a total proposed penalty of \$221,100.00 by OSHA!** Reading through some of the citations, some of them seem like common sense practices, but sometimes, when things in the shop get busy, dealers just don't think about them. Small businesses are especially vulnerable to bad decisions in using sub-standard safety processes and systems. During a recent OSHA visit, this Monro Muffler Brake location in Portsmouth, New Hampshire, learned the value of investing in safe operating conditions the hard way, as it was fined \$221,100.00 for a combination of Serious, Willful, and Repeat violations.

On the list of violations are things to watch for at any dealership repair facility. Here is a list of citations from Monro Muffler Brake Inc.

Serious Violations Included:

- Employees were exposed to tripping/fall hazards due to the fact that the automotive shop floor was cluttered with stock and loose material (\$3,300)
- Cardboard boxes, a 20 pound propane bottle, used oil filters and a 50 gallon drum of oil was stored in front of the fire exit door (\$5,500)
- The pressure gas regulators on the Oxygen, Acetylene, and Argon cylinders were damaged (\$5,500)
- The main electrical panel in the shop was not labeled (\$3,300)

Willful Violations Included:

- Employees were exposed to electrical shock and electrocution due to the fact that unguarded live electrical wires were located directly next to the toilet paper dispenser (\$60,500)

Repeat Violations Included:

- Damaged ladders were not removed from the work area (\$16,500)
- Automotive Shop Oxygen and Acetylene tanks were not secured in place to prevent them from being knocked over (\$27,500)
- The bathroom was not sanitary (\$16,500)
- No eye wash station while employees worked with corrosives (\$27,500)
- Oxygen cylinders and Acetylene cylinders were not separated by the required minimum distance or by the required noncombustible barrier (\$55,000)

Monro Muffler was obviously not prepared for an OSHA inspection, but are you? Where do you start? OADA in conjunction with KPA, the largest provider of safety and environmental compliance services for dealers in the country will be offering this valuable seminar outlining the basic requirements of a safety program in the dealership setting.

We will cover both the pressing requirements and the upcoming changes:

- Did you know that OSHA has proposed a rule change that would require car dealers to post OSHA 300 logs? Learn what this proposed posting requirement would mean
- Have you ever heard of Isocyanates? Do you know its dangers?
- Are you up to speed on changes to OSHA's Haz-Comm Standard (GHS)?
- Do you know the five most frequent citations for hoists that you will undoubtedly find at your dealership?
- Are you up to speed on the dealership's responsibilities related to Personal Protective Equipment (PPE) for your employees?

If you have additional questions, please contact DeAnna Zahniser at (800) 686-9100 x109. Register today!

Registration Form

Safety Programs that Make Sense

Registrant

Name (s) _____

Dealership Name _____

Risk No. _____

Address, City, State & Zip _____

Telephone () _____

Fax () _____

E-mail _____

Payment: Check No. _____

Credit Card: Visa/MC # _____

sec. code _____

exp. _____

Return to: OADA • 655 Metro Place South, Suite 270 • Dublin • Ohio • 43017 **or fax to** 614-766-9600

You can also **register by logging onto the OADA web page** at www.oada.com, or by calling 800-686-9100.

OADA Educational Seminar Series Presents...

2013 Ohio Motor Vehicle Titling Seminar

AKRON

Thursday, October 17
Hilton Akron Fairlawn
3180 W. Market Street
Akron

CINCINNATI

Thursday, October 10
Kings Island Conference Ctr.
5691 Kings Island Drive
Mason

COLUMBUS

Tuesday, October 22
Crowne Plaza Dublin
600 Metro Place North
Dublin

DAYTON

Tuesday, November 19
NCR Country Club
4435 Dogwood Trail
Kettering

TOLEDO

Thursday, November 14
Holiday Inn French Quarter
10630 Fremont Pike
Perrysburg

YOUNGSTOWN

Wednesday, September 25
Holiday Inn Boardman
7410 South Avenue
Boardman

Registration at all locations will begin at 8:00am. The seminar will begin promptly at 8:30, and run through 12:00 p.m. \$150 registration fee for OADA members.

The Ohio Automobile Dealers Association and the Bureau of Motor Vehicles are proud to present the Ohio Motor Vehicle Titling Seminar series. OADA and the BMV will be traveling to six locations throughout the state to provide you with the most valuable and up-to-date information on motor vehicle titling in the state. Though much of the process has remained unchanged over the years, the nuances and extremely unique situations that arise can be extremely taxing for titling and office personnel. Many of the titling questions we get at OADA are related to internet sales, exporting of vehicles, sales tax, and non-resident sales. This seminar provides the information you need on all of these issues as well as a chance to ask questions of OADA attorneys and Karen Casparro, Assistant Chief of Titling Support & Dealer Licensing at the BMV.

The seminar will dedicate a portion of the presentation to reviewing the basics. These topics include title cancellations, odometer disclosure, minor consent forms, abandoned vehicle applications, MSOs, and much more. In addition to the nuts and bolts of the titling process, the discussion will include information on areas where mistakes are commonly made that often delay the titling process, causing headaches after the sale that all dealerships want to avoid. During the three and one-half hour presentation, we will cover issues including:

- *Processing the paperwork for export vehicles*
- *When to collect sales tax for non-Ohio purchasers*
- *Blanket authorization for E-titles*
- *Salvage titles*
- *Social security numbers on titles*
- *Unclaimed Motor Vehicle Affidavits*
- *Respond to your questions*

Each attendee will not only receive a copy of the power point presentation, but also a comprehensive titling manual that can be used as a reference resource or as a training tool for employees new to the titling process. This titling manual is an invaluable resource because it provides an ongoing source of knowledge and is a quick reference guide to deal with many of the day-to-day titling issues you will encounter in your dealership.

Who should attend? We know from the past that titling personnel will attend and learn a great deal from this seminar. However, don't forget that F & I and sales are integrally involved in this process. Many of the "after the sale" titling problems we assist dealerships with could have been avoided if certain steps had been taken at the time of sale. We therefore encourage you to bring these employees as well.

Please send in your questions! The best way for us to provide the information you need is to hear from you before the seminar. We will forward your question(s) to the appropriate people so that the experts may get you an answer during the seminar. Please email your questions to Don Boyd, Staff Counsel at OADA, dboyd@oada.com, or fax them to 614-766-9600, attn: Don. This is a unique opportunity to get all of your questions answered from the experts in the titling process in Ohio.

This seminar is a MUST for all titling clerks and office personnel that will hold your attention and inform at the same time. Please see the enclosed registration form. If you have any questions regarding registration or attending, please contact DeAnna Zahniser at OADA, 614-923-2231 or dzahniser@oada.com.

Registration Form

2013 Ohio Motor Vehicle Titling Seminar

Please circle one: *Akron* *Cincinnati* *Columbus* *Dayton* *Toledo* *Youngstown*
 October 17 *October 10* *October 22* *November 19* *November 14* *September 25*

Registrant

Name (s) _____

Dealership Name _____

Address, City, State & Zip _____

Telephone () _____

Fax () _____

E-mail _____

non-members of OADA are \$255.00 per person. Members pay \$150

Payment: Check No. _____ Credit Card: Visa/MC # _____ exp. _____

Return to: OADA • 655 Metro Place South, Suite 270 • Dublin • Ohio • 43017 **or fax to** 614-766-9600

You can also **register by logging onto the OADA web page** at www.oada.com, or by calling 800-686-9100.



Brown Bag Lunch Webinar Series

presented by
The Ohio Automobile Dealers Association



Direct Mail Advertising and Firm Offers of Credit *Basic Compliance*

This Webinar is being hosted and moderated by OADA. Registration fee is \$20 per connection for OADA member dealers. Non-member fee is \$50 per connection. **The Webinar is scheduled for Thursday, November 7, 2013, from 11am-12pm**

Dealers, and especially their sales and marketing departments, like the concept of direct mail pieces because they go directly to consumer's homes and, as the name suggests, provide direct contact with potential customers. However, direct mail pieces are one of the most treacherous arenas for compliance-minded dealers to navigate. First, many of these advertisement pieces are designed by a third party marketing agency that the dealer is relying on to make necessary disclosures and follow the law. Second, many dealerships target recipients based upon credit scores or other information obtained from a credit report. If so, the dealer must provide specific notices required by the Fair Credit Reporting Act.

Direct mail advertisements must also comply with the Consumer Sales Practices Act. Advertising agencies and marketers sometimes create pieces that focus on grabbing the customer's attention at the expense of compliance. Others include false or misleading information and simply do not comply with Ohio and Federal law.

In this webinar, we will discuss topics and questions such as:

- *When does a direct mail advertisement constitute a firm offer of credit?*
- *What are the required notices for firm offers of credit?*
- *The basics of the Fair Credit Reporting Act as it relates to direct mail pieces.*
- *Advertising guidelines as they relate to direct mail.*
- *What disclosures must be made if prize giveaways are included?*
- *The Consumer Sales Practices Act.*

Reliance on a third party marketing agency for your direct mail pieces won't protect you from liability if there is a compliance issue or consumer complaint. The buck stops with you. Direct mail pieces are one of the most highly scrutinized forms of advertising by the Ohio Attorney General's Office. If you use direct mail advertisements, can you really afford not to know the law?

Join Deanna Stockamp, a partner with the law firm Stockamp & Brown, LLC, and Sara Bruce from OADA, as they delve into this topic. Registration fee is \$20 per connection for members, and \$50 per connection for non-member dealers.

Registration Form

Direct Mail Advertising and Firm Offers of Credit: Basic Compliance

Registrant

Name (s) _____

Position (s) _____

Dealership Name _____

Address, City, State & Zip _____

Telephone () _____

Fax () _____

E-mail _____

Please register me for the webinar. (*Registrants must provide an email address*)

I have already registered online. My payment is attached/ enclosed.

Return to: OADA • 655 Metro Place South, Suite 270 • Dublin • Ohio • 43017 **or fax to** 614-766-9600
You can also **register by logging onto the OADA web page** at **www.oada.com**, or by calling 800-686-9100 x109.



Brown Bag Lunch Webinar Series

presented by
The Ohio Automobile Dealers Association



New FCC Rules for Marketing Using Automatic Dialers & Texting *The End of the Existing Business Relationship Exception*

This Webinar is being hosted and moderated by OADA. There is no registration fee for OADA members. Non-member fee is \$50 per connection. **The Webinar is scheduled for Tuesday, November 19, 2013, from 11am-12pm**

By now you've heard that the changes to the Telephone Consumer Protection Act (TCPA), which became effective 10/16/2013, tighten the requirements for obtaining consent before sending mass marketing messages through the use of auto-dialers to call cell phones or send texts or prerecorded messages. More importantly, the new rules also do away with the exception of presumed consent for pre-existing customers for certain telemarketing calls.

Dealers need to understand the new rules or risk significant penalties. A violation of the Act can result in damages as high as \$1,500 per violation. That means \$1,500 per telephone call or text. Do you understand how to comply with the TCPA and the Do Not Call Rules? Now is the time to make certain that your Business Development Center, sales people, and third party vendors know what they can and cannot do.

What's means by "Prior Express Written Consent" and how can you get it? Find out during our FREE one hour webinar featuring attorneys Michele Shuster and Shaun Petersen, both partners with the law firm of Mac Murray, Petersen, and Shuster. Michele has extensive experience in assisting clients involved in highly regulated industries. She managed the Ohio Attorney General's consumer protection and crime victim services divisions from 1997 through 2004. Michele has established a record of assisting clients in teleservice audits, consumer protection matters, advertising compliance, and privacy issues. Shaun Petersen concentrates his practice on assisting businesses within the automotive industry comply with consumer protection regulations. He has represented both franchised and independent dealers, finance companies, and marketing firms, among others. Shaun currently serves as counsel to the Ohio Independent Automobile Dealers Association.

There is no connection fee for OADA members. Non-members pay a \$50 connection fee. Join us for this important topic. Register today!

Registration Form

New FCC Rules for Marketing Using Automatic Dialers & Texting - The End of the Existing Business Relationship Exception

Registrant

Name (s) _____

Position (s) _____

Dealership Name _____

Address, City, State & Zip _____

Telephone (____) _____

Fax (____) _____

E-mail _____

Please register me for the webinar. (*Registrants must provide an email address*)

Return to: OADA • 655 Metro Place South, Suite 270 • Dublin • Ohio • 43017 **or fax to** 614-766-9600
You can also **register by logging onto the OADA web page** at www.oada.com, or by calling 800-686-9100 x109.



7 Phone Skills Guaranteed to Make You \$\$\$!

This Webinar is being hosted and moderated by OADA. Registration fee is \$25 per connection for OADA member dealers. Non-member fee is \$50 per connection. **The Webinar is scheduled for Wednesday, November 20, 2013, from 11am-noon**

Virtually everybody in sales today sells over the phone, at least part of the time, and most consider the phone to be the most powerful sales tool. Like any tool, there are right ways and wrong ways to use it. For any salesman, your phone skills can be the difference between making money....and losing the sale.

Join us for a one hour webinar on how to expertly handle the inbound phone shopper. Jerry Thibeau from Phone Ninjas will review 7 essential phone skills that will make a swift and dramatic impact on your sales success....and your paycheck. Jerry is the expert when it comes to helping salespeople improve their communication skills, their ability to persuade, and their ability to personalize each sales call. You'll learn what definitely works and what absolutely doesn't. Period.

Want more money? This is one webinar you won't want to miss!

Jerry Thibeau is the President and Founder of Phone Ninjas, a company focused on helping dealerships improve phone skills. Jerry's success with clients has made Phone Ninjas one of the hottest and fastest growing companies in the automotive sector. Phone Ninjas was a recent winner of the PCG Spotlight Awards for one of the top five products at NADA 2012. Jerry is a 27-year automotive veteran and has earned the nickname "The Phone Ninja" for his ability to turn even the hardest of phone shoppers into real appointments that show. Having personally listened to and provided coaching feedback on more than 10,000 sales calls, Thibeau is the industry's best and brightest when it comes to evaluating a phone conversation. Jerry has written countless articles for the industry and is an active blogger on all of the popular automotive social media sites.

OADA is excited to be bringing this topic to our members as part of our Brown Bag Lunch Webinar Series. Registration fee for this one hour webinar is \$25 per connection for OADA member dealers, and \$50 per connection for non-member dealers. Register today!

Registration Form
7 Phone Skills Guaranteed to Make You \$\$\$!

Registrant
 Name (s) _____
 Position (s) _____

Dealership Name _____

Address, City, State & Zip _____

Telephone () _____ Fax () _____ E-mail _____

Please register me for the webinar. (*Registrants must provide an email address*)

I have already registered online. My payment is attached/ enclosed.

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