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The Virginia Independent News Virginia Independent Automobile Dealers Association

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FEATURES

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- 10 | VIADA Charity Golf Tournament

Our annual tournament raised over \$5,000 for Samaritan House! Samaritan House strives to promote equal access to all individuals in need of support services. We have lots of highlights!

12 | Dealer Education Day was a huge success!

Dealer Education Day was an incredible event for everyone involved! Both dealers and VIADA staff made the day a great trip.

16 | Benefits of In-house Lobbyist

Along with its Executive Director, one of the key players in VIADA's advocacy efforts is its in-house lobbyist, who works tirelessly to strengthen the association's relationship with the Motor Vehicle Dealer Board (MVDB), the Department of Motor Vehicles (DMV), and Virginia's General Assembly.

18 | NIADA Convention Highlights

VIADA members and staff took home a bundle of awards! Check it out.

DEPARTMENTS

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Our Goal to Grow

e have all heard the phrase "there is strength in numbers" and your association is a great example of this. As I write this message, the Virginia Independent Automobile Dealers Association has reached an alltime high in membership with 1150 members. We have reached this goal due to the hard work and effort of many but our team in Richmond, led by Alvin Melendez, has made driving membership growth one of their top priorities. With our increase in membership, we are gaining more attention from the policy makers in Richmond. In a recent meeting with DMV Commissioner Gerald Lackey, he took notice of both the number of independent vehicle dealers in the commonwealth and the number of them who are members of our association. He understands the need to hear our voice as we work to represent the independent dealer base across the state. Through the efforts of Gonzalo Aida, our Government Relations liaison, we are seeing more of the Commonwealth's Senators, and Delegates are taking an interest in our association and seeking to learn what we do to support the used vehicle industry. Strength in numbers makes people take notice.

I close with one ask. If every member could bring just one new dealer to join the association, we would double our membership and would reach well over half of the total number of independent dealers in Virginia.

Let's GROW!

Crais CRAIG AMELUNG President, VIADA

General Manager, Manheim's Mid-Atlantic Market

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ALVIN MELENDEZ EXECUTIVE DIRECTOR ALVIN@VIADA.ORG

Coming together is a beginning, staying together is progress, and working together is success. - HENRY FORD

Around the Commonwealth

want to take this opportunity to thank all of our dealer and Industry Partner members for helping us attain an all-time high record of 1150 active members. This would never have been possible without the help of many of you, like Chris Maher and Tommie Melendez, who every year sign over 100 new members to the VIADA.

Last year, Chris Maher and Bryan Dougherty were the first recipients of the NIADA Membership Crystal Eagle Award in Virginia's history. This year, the Crystal Eagle Award went to Craig Amelung, President of VIADA, who has helped recruit over 100 new members in the last two years alone. He has helped us attain and sustain our membership numbers for over 20 years by allowing us to do membership drives at the Manheim Auctions. Let's salute our membership leaders for this high accomplishment!

NIADA recently named the Texas IADA Executive Director, Jeff Martin, to be the new CEO. Jeff is no rookie when it comes to conventions, and he sure did shine at this one by bringing in the legendary professional boxer, Sugar Ray Leonard, to be the Keynote Speaker sponsored by Carfax.

All dealers and Industry Partners had an amazing time and saw for themselves that the NIADA Board appointed the right person to lead NIADA into the future. The NIADA 2023 Convention was held at the Wynn in Las Vegas, and it had the most first-time attendees of any convention I have ever seen. NIADA had an amazing curriculum of classes available, no matter how big or small your business. Virginia had a delegation of over 20 dealers, and I am hoping those numbers will grow year after year.

On the home front, I would like to take this time to thank Tommie Melendez and Chris Maher, who are the VIADA Dealer Operator Instructors, for having perfect attendance. In the last three years neither has missed a class. Now that's impressive!!! The VIADA PAC contributions are also at an all-time high, but we still need a lot more to make a substantial difference. Our Convention is fast approaching, and we want to have the biggest turnout in history. Please mark your calendar today!

Dealer Operator Course Schedule

REGISTER AT viada.org/pre-license

August 8-9: Chantilly

Home 2 Suites by Hilton 43340 Defender Drive Chantilly, VA 20152

August 15-16: Richmond/ Midlothian

VIADA Office 1525 Huguenot Road, Suite 200 Midlothian, VA 23113

September 12-13: Lynchburg

Hilton Garden Inn 4025 Wards Road Lynchburg, VA 24502

September 26-27: Richmond/ Midlothian

VIADA Office 1525 Huguenot Road, Suite 200 Midlothian, VA 23113

October 19-20: Norfolk

Norfolk Waterside Marriott 235 E Main Street Norfolk, VA 23510

November 7-8: Richmond/ Midlothian

VIADA Office 1525 Huguenot Road, Suite 200 Midlothian, VA 23113

November 14-15: Danville

Courtyard by Marriott 2136 Riverside Drive Danville, VA 24540

December 5-6: Chantilly

Home 2 Suites by Hilton 43340 Defender Drive Chantilly, VA 20152

December 12-13: Richmond/ Midlothian

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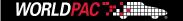


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MID-ATLANTIC DEALERS: You Don't Know How Close You Came to Your F&I World Changing

And for other dealers: You would not have been far behind

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For years, controversy surrounded the purchase money exclusion to the Military Lending Act. The expansiveness of the purchase money exclusion depended on the occupant of the White House, and his nominees to the regulatory agencies with either direct jurisdiction of the MLA or an interest in pushing the "benefits" of the MLA on the public at large.

The MLA was enacted to strengthen the bargaining power of active military, their spouses, and their direct family in many types of transactions. The intent of the purchase money exclusion was to remove from the jurisdiction of the Act credit offered for the express purpose of financing the purchase of a vehicle and secured by the purchased vehicle.

The question in recent years became whether ancillary products, particularly those that are finance related like gap, excluded the sale of the vehicle and the gap from the purchase money exclusion. The view was championed by consumer zealots who wanted to expand the rights under the MLA – limited APR that was "all in" meaning the prices of certain VPPs were included, particularly those credit related such as gap, arbitration limitations, and other service member rights enhancements.

On April 12, 2023, a split decision of a panel of the Fourth Circuit Court of Appeals ruled in *Davidson v. United Auto Credit Corporation*, 2023 U.S. App. LEXIS 8747 (4th Cir. (E.D. Va.) April 12, 2023) in favor of the defendant that inclusion of gap in a vehicle purchase transaction did not bring the matter within the scope of the Military Lending Act. In its analysis, the court concentrated on the language of the purchase money exclusion since it applies to financing for the express purpose of financing the purchase of a motor vehicle where the financed vehicle secures the purchase. The plaintiff, along with his supporters, argued that express purpose should be read as the "only purpose." Thus, when one adds gap to the vehicle purchase, they argued, the vehicle purchase transaction is excluded from the MLA. Fortunately for dealers, the court disagreed.

Plaintiffs in other cases will argue that this case establishes precedent only for the Fourth Circuit which covers Virginia, Maryland, North Carolina, South Carolina, and West

Virginia. They will argue that in other circuits, the courts are free to reach their own decisions. However, the Davidson case is extremely well analyzed, and it will have impact throughout the federal circuits with respect to beneficiaries of the MLA. And because proponents of the MLA view that the purchase money exclusion should be expanded to protect the public at large, a position argued by proponents when they have regulatory authority, including the present regulators in charge, there will be attempts to undermine the Davidson decision We will keep you advised of any further developments in this area. ■

SALES AND F&I COMPLIANCE CHECKLIST

As we have discussed regularly, regulatory agencies, particularly the FTC, have never been so active. A dealer must be prepared. Even before administrative charges are brought or a lawsuit is filed, the FTC will issue a civil investigative demand on which a dealer will spend more than six figures in attorneys' fees and internal costs. The answer is a sales and F&I regulatory program. A checklist to develop one is attached, as is an update to our federal advertising checklist to which reference is made in the Sales and F&I checklist.

There is a manager with the obligation to oversee compliance with sales and F&I law and best practices and authority to enforce company policy We comply with the FTC Used Car Rule by having a completed buyers guide on all used vehicles for sale, new vehicle demonstrators, and new vehicles driven more than moving or road testing before delivery to a consumer (use as a rule of thumb 100 or more miles on the odometer) We comply with federal and state advertising requirements (use an advertising compliance checklist) We advertise vehicles at prices and terms for which we intend to sell them Store personnel engaged in advertising and advertising agency personnel are trained in the applicable laws We comply with federal and state restrictions on telemarketing using phone calls, and emails We do not permit solicitations by fax We have a policy on use of social media by sales and F&I personnel that requires all communications to be through the dealer's communication system We comply with the Privacy Rule by delivering to the customer a privacy notice under required circumstances It is a best practice to run a credit report on a customer only if specifically authorized in writing, and we follow a policy of accessing a credit report only if we have the consumer's authorization by signature or by approval through our secure web portal We comply with the Red Flags Rule on each consumer for which it is required We comply with the Risk Based Pricing Rule on each consumer for which it is required Our F&I personnel are trained in complying with the Truth in Lending Act/Consumer Leasing Act, and they	 □ All products added to a vehicle are fully explained and provide value □ Unless a product is added to a vehicle and its price included in the asking price of the vehicle by additional dealer markup sticker and in advertising, its purchase is voluntary (voluntary protection product or VPP) □ We have a policy of uniform pricing of VPPs from which F&I personnel may deviate downward only for specified, nondiscriminatory reasons • We regularly check deals to be sure personnel are complying with our VPP Policy □ The only fees that we add to deals are those specifically permitted by state law □ All deal document forms are reviewed regularly by legal counsel for legal and best practices compliance □ We use a deal completion checklist to be sure that all necessary documents are completed in each transaction • We regularly review compliance using a cash reporting checklist □ We review deals after completion to check completion of necessary forms □ We have a policy of compliance with Cash Reporting Requirements, and we comply in each applicable deal □ Only reviews from actual customers who are not relatives of owners or employees are used in advertising • The likeness of a customer is used only with a release □ We comply with the FTC Safeguards Rule to protect NPPI of consumers and customers □ We have a complaint handling policy that requires a manager to oversee opening and closing of the complaint □ We have a document retention policy in compliance with federal and state laws
comply in each transaction when required We have a Fair Credit Policy in which each transaction starts with the same spread over buy rate, and we deviate downward only for specified, non-discriminatory reasons We regularly check deals to be sure personnel are	The FTC, state regulators, and plaintiffs' attorneys have never been more active to penalize dealers. A dealer must have in place a regular process for reviewing compliance with legal requirements and best practices.

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complying with our Fair Credit Policy

FEDERAL ADVERTISING CHECKLIST

TRUTHFULNESS A price is not advertised as available when the inventory is made up only of vehicles with additional ☐ All claims and offers are truthful and not misleading equipment or subject to extra fees, unless they are fees (not false and not tricky). Whether an ad is tricky or disclosed as required by law not should be viewed from a "reasonable consumer" perspective. ☐ The advertised price is available to any consumer (no "internet specials" or similar offers available only to **FINANCE TERMS (TRUTH IN LENDING ACT)** consumers responding to a specific advertisement). ☐ In a credit sale advertisement, if a trigger term is **REBATES AND INCENTIVES** used (the amount of a downpayment, the amount of an installment payment, the number of installments A price is not reduced by the amount of any (term), or the amount of any finance charge) the manufacturer/distributor rebate or incentive unless following required terms are also disclosed: the prices both before and after the application of the • The amount of the installment payment; rebate or incentive are adequately disclosed and labeled • The amount or percentage of down payment; and the restrictions and qualifications of each rebate or • The number of installments (term); and incentive are adequately disclosed. Advertising a single • The annual percentage rate. price or payment qualified using only phrases such as "after rebate," "includes rebate," "not all consumers will ☐ Interest rate is stated as an annual percentage rate by either abbreviating APR or using the words "annual qualify", or similar words is not sufficient. percentage rate." If the APR is in lieu of a rebate, that ☐ A price is not reduced by rebates, or incentives that fact must be disclosed. cannot be available to the same buyer (e.g. "owner ☐ "No down," "\$0 down" or the equivalent is not used loyalty rebate," and "first time buyer rebate.") in the advertisement unless, in fact, no payment or **ADEQUATE DISCLOSURES** tradein of any kind is required at delivery (not even ☐ Disclosures are "clear and conspicuous" (readily sales tax, license fees or use of any manufacturer's noticeable, readable, audible, and understandable to a reasonable consumer). LEASE TERMS (CONSUMER LEASING ACT) • Disclosures are large enough for people to notice and ☐ In a closed-end lease advertisement, if a trigger term • The wording and format of disclosures are easy for is used (the amount of any payment; or the amount of any up-front payment, or that no down payment (e.g., people to understand "No down," "Zero drive-off") is required), the following • Disclosures are in a noticeable location • Disclosures are near or clearly tied to the offer/claim required terms are also disclosed: • The fact that the transaction is a lease: they qualify • The total amount due at lease signing; ☐ A used vehicle with an open recall is not advertised as • If a security deposit is required, the amount of "certified" or with a safety representation. the deposit. If no security deposit is required, the Advertised vehicles are properly identified by year, statement "No security deposit is required"; and make, model, and trim level. The descriptions of • The number, amounts, due dates or periods of vehicles are specific to differentiate the type of vehicle scheduled payments. available at the ad price from those that are not ☐ If there is any reference to the amount due at lease available. signing (i.e., "\$0 due at signing"), the total amount ☐ Used vehicles are clearly identified as "used" or due at lease signing must be "equally prominent" (i.e., "preowned." in the same type size and color and be immediately ☐ The term "free" or similar term is not used in vehicle adjacent to the amount being qualified). This applies advertising. to the inclusion of a factory rebate in the offer and if ☐ If a vehicle is advertised at a specific offer, there should government fees and taxes are required. be enough of those vehicles available to meet the **PRICE TERMS** reasonably expected demand, otherwise a quantity limit is adequately disclosed. ☐ The advertised price is the total payment required of the purchaser prior to delivery. Any payment for

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government fees, processing charges or other fees is

either included or adequately disclosed.



PLAYING FOR A CAUSE!

The VIADA Charity **Golf Tournament** raises over \$5,000 for Samaritan House!

Samaritan House strives to promote equal access to all individuals in need of support services. Samaritan House offers housing, case management, counseling, victim advocacy, transportation, medical assistance, food assistance, group therapy, job training and more to individuals and families experiencing domestic violence, sexual assault, human trafficking or homelessness. They offer these services free from discrimination based on ethnicity, language, race, age, ability, sex, gender identity, sexual orientation, family status, income, immigrant or refugee status, nationality, place of birth, political or religious affiliation.

Congratulations to the winning team: Michael Keesee, Mike Askew, Eric Schnurr and Kyle Rowley.

If you would like more information or volunteer opportunities, please contact Tonia Givens, Volunteer Coordinator at (757) 631-0710.





















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2023 DEALER EDUCATION DAY

EVENTS THAT ELEVATE YOUR BUSINESS



4 Steps to a Digital Menu Process . Redefining Classic Products with innovative Torms eld in March, VIADA Dealer Education Day was an incredible event for everyone involved! Extended Service Contract Both dealers and VIADA staff made the day a great trip. The response to my presentation "Why Your Dealership Needs a Digital Menu" has been phenomenal, even prompting a return visit to the VIADA headquarters for a full-day F&I seminar.

This was a wonderful experience for dealer attendees, and we really got the chance to expand on key areas of the presentation. Breaking down how a solid digital menu using innovative branding terminology can, not only make a difference in the dealership gross profit, but more importantly and significantly increase customer retention. This all while protecting the dealership by making sure all products are offered to customers in full complaince.

BE SURE TO REGISTER FOR VIADA'S CONVENTION AND TRADE EXPO FRI-SUN, OCTOBER 20-22, 2023 NORFOLK WATERSIDE MARRIOTT, NORFOLK, VA REGISTER AT VIADA.ORG

I can't wait to be back with VIADA at their Convention in October!

-Cory "3K" Collins, National Training Director Automotive Reinsurance Concepts



















Ladies Auxiliary Extends Helping Hands

hroughout the year, the VIADA Ladies Auxiliary extends their helping hands to assist children and at-risk individuals in our communities. Following their April Board meeting in Richmond, members prepared 72 children's dental kits. These kits included a toothbrush, toothpaste, floss, a 2-minute timer, and a fun dental-themed sticker. The kits were delivered to "Boxes of Basics," a nonprofit organization in Manassas. Working with school counselors, social workers, faith leaders and human services agencies, this organization provides at-risk children with a box of a week's worth of stylish, quality clothing, undergarments, an ageappropriate book, and a dental kit. It is their mission to provide children with the necessary items to give them confidence and help them thrive!

We are pleased to announce that the 2023 Shirlie Slack Scholarship is being presented to Brooke Maher, daughter of Chris Maher, Car Credit Nation. This \$2,500 scholarship is awarded annually to a rising high school senior who is the child or grandchild of a VIADA member in good standing. The deadline for submission for seniors in the graduating class of 2024 is April 5, 2024. The Scholarship application and instructions may be found on the VIADA website under Home > Ladies Auxiliary.

The Ladies Auxiliary welcomes new members at any time. We meet quarterly - during the VIADA Board Meeting and the Annual Convention. Can't attend in person? We offer the opportunity to join us virtually. Come join us and offer your "helping hands."

Dale Fisher VIADA Ladies Auxiliary President dale@northsideautosales.com







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² Based on average industry timeframe for vehicle title release and vehicle payoff process of 18+ days, as determined by 2022 Dealertrack data

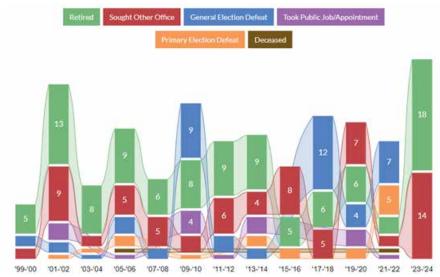
Turnover Brings Generational Change to Virginia's General Assembly

BY GONZALO AIDA, DIRECTOR OF GOVERNMENT AFFAIRS & LOBBYING

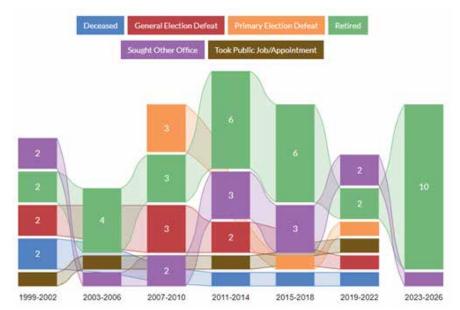


June's Republican and Democratic primaries added to the final number of retirements in the General Assembly this year. A total of 18 Delegates and 10 Senators are retiring from politics all together (+1 Senator now serving in Congress), while 14 Delegates staked their political futures on runs for the Virginia Senate. Much of this has to do with Redistricting that went into effect last year for this year's elections. Incumbent residency was not factored into the math, and many incumbents found themselves in the same district. Many chose to retire or seek another office as a result.

Because of this turnover, there are 34 open house seats and 11 open senate seats up for grabs. The bulk was decided on the Tuesday, June 20th primary election. Of the 14 Delegates that ran for the Virginia Senate, 4 (Anderson, Guzman, Hudson and LaRock) lost their Senate primaries. 5 Senators lost their primaries (Barker, Chase, Morrissey, Petersen and Spruill).



House Turnover Graphic courtesy of VPAP.org



Senate Turnover Graphic courtesy of VPAP.org



The purpose of the VIAD PAC is to promote the independent automobile industry in Virginia and raise funds for the same purpose. From such funds we can make campaign contributions to those seeking election or re-election for political office in the Commonwealth of Virginia, without regard to party affiliation.

VIAD PAC continues to fire on all cylinders in 2023. In 2022 we launched our PAC Fundraising Program the President's Club. The President's club successfully raised over \$10,000 last year! Please visit viada.org/viad-pac to learn more about the program and to stay up to date on PAC Activity.

The VIAD PAC relies on voluntary contributions from our members, if you'd like to make your voice heard please consider donating. For more information, please visit our website, reach out to me directly at Gonzalo@ viada.org or call our office. I'd love the opportunity to speak to you about our PAC and its efforts in the Virginia General Assembly.

Thank you!

Craig Amelung, Manheim
Melinda Anderson, Top Tier Motors
Donald Boucher, Courtesy Auto Sales
Gail Davis, Davis Auto Sales II
Rob Fisher, Northside Auto Sales
John Good Jr., Dominion Motors
Wanda Lewark, Retired
Chris Maher, Car Credit Nation
Sandra Moss, Moss Motor Co.
Donald Sullivan Jr., Sullivan Auto Trading
Andrew Wiley, Consumers Auto Warehouse
VIADA Districts 1,2,3,4, and 8

Please visit viada.org/viad-pac to learn more and show your support for our industry.



TO OUR PRESIDENT'S CLUB

Dealers who go above and beyond to support Virginia's independent automobile dealer industry!

WE ARE STRONGER TOGETHER... RECRUIT A MEMBER TODAY!

VIADA. Large Enough to Serve, Small Enough to Care!

It takes a Member to get a Member!

EDUCATION

- Workshops: BHPH / Rental / Title & Registration
- · Dealer Day
- The Virginia Independent News
- Used Car Dealer (NIADA Magazine)
- Monthly eNews Email
- District Meetings
- Annual Convention & Expo
- VIADA Website: viada.org
- · Facebook.com/infoviada
- VADealerRecertification.com
- Two Day Dealer-Operator Precertification Course

EXTRA PROFIT CENTERS

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- Service Contracts/Warranties
- Floorplans
- Rental Program
- · Certified Pre-Owned Program

ADVOCACY / REPRESENTATION

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- Congressional Lobbyists
- DMV and MVDB Representation
- · Political Action Committee

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- · Discounts on Dealership Forms
- · Auction Card Discounts
- Access to Member Benefit / Associate Providers
- NADA Guides
- OFAC Reports
- Advance Auto Parts & Fisher Auto Parts Discounts
- Membership and Services Directory
- Online Dealer Supply Store

DID YOU KNOW?

When you join VIADA, you also have access to NIADA products and services.

INSURANCE & PROTECTION

- Privacy Policy Manual / Red Flag Rule
- Information to help you stay compliant with Federal & State Laws
- \$3,000 Accidental Death and Dismemberment / Health Discount Card / Child Safety Kits

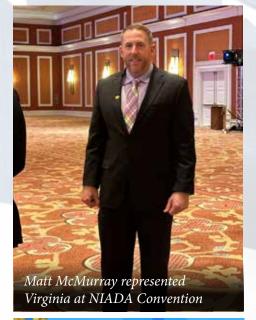
HELP HOTLINE & LEGAL COUNSEL

- Member Hotline. Get answers to all of your questions.
- Access to Legal Consultation...VIADA has a list of industry-knowledgeable attorneys.
- One-on-One Consultation Discount



VIADA MEMBERS JOIN DEALERS FROM ACROSS THE UNITED STATES AT NIADA'S CONVENTION IN LAS VEGAS









VIADA Vice President Matt McMurray among state finalists recognized at NIADA Quality Dealer Award presentation and dinner. For over 45 years, National Quality Dealer Award recipients have exemplified their commitment to quality and excellence in the industry as well as outstanding customer service and giving back to their community to make it a better place for everyone!

The Association Executives Council (AEC) has named VIADA Executive Director, Alvin Melendez, as the new Chair for 2023-2024! The AEC is composed of executive directors (chief staff officers) of independent automobile dealer associations across the country. The primary purposes of the AEC is to provide a forum for professional continuing education and training for the AEC members.

Pictured at the bottom right of page 19 are (left to right) David Cardella, AEC of the Year winner, Alvin Melendez, Jeff Martin, CEO of NIADA, and Craig Ameling, Crystal Eagle Award winner.

NIADA Crystal Eagle Award Winner: Craig Amelung

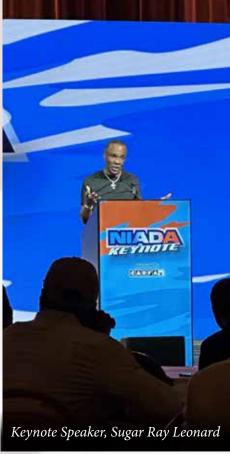
The Crystal Eagle Award winner signs over 100 members in two years!

There were so many great classes to attend that it was hard to choose a favorite, but we are bringing some of them to our Convention in October. Don't delay and sign up today!













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