



# DEALERPOINT

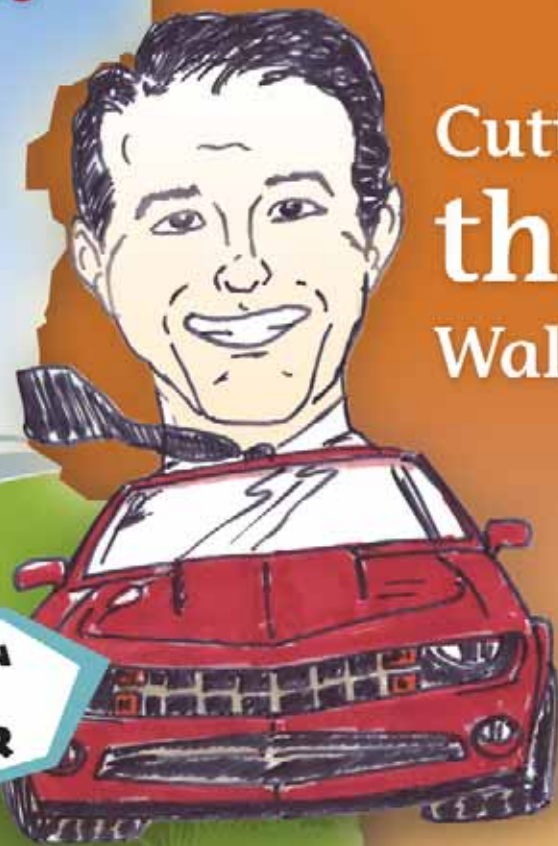
Official Publication of the Wisconsin Automobile & Truck Dealers Association | 1928-2010



**VOTE NOVEMBER 2ND**

## Cutting Through the Hype: Walker vs Barrett

**REPUBLICAN  
SCOTT  
WALKER**



**DEMOCRAT  
TOM  
BARRETT**



### INSIDE:

- OTHER VERY IMPORTANT RACES TO WATCH
- UP TO THE CHALLENGE WATDA FOUNDATION
- NAME, RANK AND SERIAL NUMBER WATDA LEGAL NEWS



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Middleton Ford  
Middleton, Wisconsin

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*A publication of the  
Wisconsin Automobile & Truck Dealers  
Association focusing on the human side  
of the membership and trade.*

**Our Mission:**

The Wisconsin Automobile & Truck Dealers Association, an organization of licensed dealers of new and used motor vehicles, is dedicated to advancing the common good of its members, consumers and their communities by promoting professionalism and prosperity through education, advocacy, information and service.



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Cover illustration of candidates; David Farmer. Cover; Kristin Mitchell





# Cutting Through the Hype:

## Walker vs Barrett

MARY ANN GERRARD

Wisconsin will be facing nearly a \$3 billion dollar deficit when the next legislative session begins in January 2011 and our future Governor's leadership is critical to Wisconsin's future. The Governor needs to be someone who can reach across party lines and do the work necessary to address how we pay for schools, the decline in public education, our aging infrastructure – especially our highways and bridges and taxes. He also needs to be able to attract business to Wisconsin and foster a business friendly climate.

You know the candidates from the barrage of television ads and media coverage they are receiving but perhaps a little bit of background on each would be helpful.

**Republican Scott Walker** is the current Executive of Milwaukee County and was elected to that position in 2002 after serving nearly nine years in the Wisconsin State Legislature.

As County Executive, Walker has been driven by his smaller, leaner government ideals. He sees his accomplishments as follows.

- Reduced the county workforce by more than 20%;
- Lowered the county debt by 10%;
- Introduced eight consecutive budgets without an increase in the property tax levy from the previous year;
- Improved the county's bond rating.

Walker's Brown Bag guide to government is the blueprint running his campaign. He continually stresses:

- Don't spend more money than you have;
- Smaller government is better government;
- People create jobs, not government.

**Democrat Tom Barrett** is the current Mayor of Milwaukee and has been Mayor for the last six years. He was a state legislator from 1984-1993 and a member of Congress from Milwaukee from 1993-2002. He sees his accomplishments as follows.

- He has reduced violent crime in Milwaukee by 20%;
- Cut \$30 million in city spending,
- Created a regional economic development initiative to attract high quality jobs to the Milwaukee area.

**Barrett** stresses lack of tolerance for the same old partisan fights where politicians put personal gain and ideology ahead of solving problems.

Both Walker and Barrett are constantly emphasizing themes of jobs and the economy.

**Walker's** job creation plan involves cutting taxes on small business, creating a commission to find \$300 million in state government cuts and calling the legislature

VOTE NO

into session to immediately deal with tax cuts. Walker would also like to repeal the recent changes in capital gains deductions that disproportionately cost the top tax bracket. And finally, he stresses eliminating the tax on retirement income. These are all ideas that are wildly popular among the business community.

**Barrett** has said that he will bring back the 180,000 jobs Wisconsin lost during the recession through a series of initiatives including consolidating and organizing economic development efforts and creating a new \$100 million venture capital fund to assist start-up companies. Barrett does not support the tax repeals Walkers touts saying tax cuts of that size are irresponsible given that the next governor will have to balance a \$2.7 billion budget shortfall. Barrett believes that state services, education and public safety need to be protected first before cutting taxes. He will ask the legislature for specific tax cuts to spur private sector job creation.

The things that Walker and Barrett want to do cost money that Wisconsin doesn't have. Their immediate problem will be to deal with a \$2.7 billion deficit. Governing in this next biennium will be a very difficult task.

## Predictions

All credible polls currently give Walker a slight edge in this race. Economy, intensity of the Republican vote, the movement of independents to a more conservative attitude and the absence of an energized Democratic base has pundits leaning slightly toward Walker.

However, Barrett has been steadily rising in the polls over the last month, and has more money on hand. Democrats have an inherent advantage in statewide races because Milwaukee and Madison are both Democratic strongholds.

Since this race is so close you will continue to see negative advertising. Cutting through all that advertising – remember that both Walker and Barrett are well matched, honorable, experienced and committed to the future of Wisconsin.

This race will see millions and millions of dollars spent trying to convince you that either one or the other is not worthy of your vote. Try to tune out the ads and know that both men would be excellent. Most importantly go to vote and encourage your family, friends and employees to vote; it is a privilege. ●

NOVEMBER 2ND



# Other Very Important Races to Watch

## U.S. Senate

Russ Feingold longtime Democratic incumbent is in the fight of his political life against Oshkosh manufacturer Ron Johnson a political newcomer. Current polls have Feingold down 8-12 points. Johnson burst onto the scene with a fresh face and well-crafted advertising. He is the beneficiary of the mood of discontent, fear about jobs and the economy and he is not a "career politician." (Other members of Wisconsin's congressional delegation such as Petri, Sensenbrenner and Kohl have served longer but have not been tagged with that label.)

Johnson spoke to the dealers at the WATDA summer board meeting, and impressed dealers as someone who has the courage of his convictions. He has been very successful in business and wants to bring a new approach to Washington. Feingold, who has been a good friend to dealers, is a smart energetic maverick who has also served from his convictions. The results of this race may decide which party controls the U.S. Senate.

## The 8th Congressional District

The northeastern part of Wisconsin is witnessing another hard fought political battle in the race between Democratic Congressman Steve Kagen and Republican businessman Reid Ribble. Dr. Kagen was elected for the first time in the democratic wave of 2006 and reelected in the very democratic year of 2008. The 2010 election is much different, as was discussed earlier the mood is subdued and the public wants to see if a new batch of Congress men and women can change the country. Reid Ribble is campaigning on his business credentials and the "wrong track democratic approach to problems." All polls show Ribble ahead in this race and media are calling the 8th Congressional district a "lean republican."

## The "Obey" Congressional Seat

Congressman Dave Obey has held the 7th Congressional district so long political people refer to the race as the race for "Obey's seat." With Representative Obey's retirement, the northwest part of Wisconsin is seeing a true contest for the chance to serve them in Congress. Democratic State Senator Julie Lassa is running against former Ashland County District Attorney Sean Duffy. This is one of the most watched races in the country with millions being spent on both sides. Lassa who has been a friend to several auto dealer issues is running on her record as State Senator. Duffy is running against the current leadership in Washington and for fiscal responsibility in Washington. The polls are all over the map on this race. Some polls have Duffy ahead by 10 points, others place him only slightly ahead of Lassa and others are calling it a "dead heat."

## The 3rd Congressional District

The 3rd Congressional District in western Wisconsin is witnessing its own hard fought battle between long time Democratic Congressman Ron Kind and Republican State Senator Dan Kapanke. Both men have been helpful on many dealer issues and are good and decent candidates despite what the current television ads may lead you to believe. The district would be well-represented by either man. National pollsters have this race as a democratic win but if the election is a republican wave across the country, Kapanke could win.

## State Legislature

Both the State Senate and the State Assembly are up for grabs. It is a tight election and each house that is now held by the Democrats could flip to the Republicans.

## In Short

2010 is perhaps the biggest political year WATDA has faced in decades. Much is at stake in Wisconsin and nationally. Thank you to all dealers who have been involved in this historic election. ●



# The Right Place, Right Time for Hands-on, Minds-on

GARY BEIER

This simple yet solid concept led to a 90-year enterprise that has served millions of career learners and teachers, Goodheart-Willcox Publisher.

Goodheart's story starts back in 1921 at their original office on Michigan Avenue, Chicago and in the immediate neighborhood of marketing giants Sears, J.C. Penney and Popular Mechanics – the right place! It was also the right time! A.L. Dyke had just finished writing what is considered one of America's first comprehensive automotive encyclopedias. He was in search of a publisher who could move his book to press and get it into the pages of the neighborhood's big three catalog publishers who were hungry for just this type of automobile servicing manual. He joined forces with Charles D. Willcox that year and one of America's longest running automotive technical guides was born. Today, that single automotive encyclopedia has become a whole library of technical publications like *Modern Automotive Technology* and *Modern Automotive Service Technician* (M.A.S.T.) among others. Goodheart-Willcox now also publishes a variety of technical publications aimed at teaching people how things work thereby enabling them to work better in our high-tech world.

Goodheart has partnered with our Foundation for almost a decade through the donation thousands of dollars worth of in-kind textbooks like *Modern Automotive Technology* to the Foundation's annual Summer Institutes for transportation technology teachers. They've also contributed their web-based M.A.S.T product to all of our AYES teachers, Rawhide's Vehicle Service Training program and two dealer-based education sites in Brodhead and Eau Claire.

This summer, I had an opportunity to spend a few minutes with Jim Walsh, National Sales Manager for Goodheart-Willcox Publisher to talk about the company's educational philosophy and why they have been such a strong supporter of our work. Jim said, "We are focused on meeting the needs of today's educational environment, while keeping an eye on future trends." He stated that GW's vocational education philosophy is "hands-on, minds-on." His comment epitomizes the career and tech-ed publishing niche that they have developed over 90 years. Their current emphasis is on how career tech-ed in the classroom leads students to long-term opportunities in industries like ours. Goodheart-Willcox products are designed to train everyone from entry-level students through practicing professionals, who want to brush up on the latest technical trends.

Walsh feels that the publisher's role is to best define how to deliver technical knowledge to students effectively. He says there is a much greater need in today's market place to make sure that the end user is best served by the product. GW's success has been based in its constant focus on learner outcomes. They have always been cognizant of providing good product at a fair value to users.

Jim attended the 2010 Skills USA national competition, which was won by a Racine Park High student technician. He was pleased to witness, "the best of the best" students.

"We are not just selling text books, we are helping students achieve a career of their lifetime. You need to know how the automotive engine works as well as how to work with the other people on the job and our materials cover these important soft skills (21st century skills)."

GW leadership has always been a strong component of its success. Current president John Flanagan started three decades ago as an editor and worked his way up the ladder. There is a real sense of family at the company. Employee ownership adds to the GW success formula. The team is at work for the good of the whole operation.

In commenting on our educational activities here Jim Walsh said, "Wisconsin is a group of tremendously talented people. It's tough not to get a good technical education here." ●



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# Let's Be Flexible This Fall!

BY CHRYSTE MADSEN

It's that time of year again... you know, the frost is on the pumpkin, the car is fueled up, forms are printed and your WATDASI Cafeteria Team is geared up to help you attack the multitude of changes to the 2011 flex plan year.

Many WATDA members are utilizing the FSA plan to stretch their dollars in today's ever changing health care landscape. As I've been known to say, it is the only method we have available to us of legally "laundering" our out-of-pocket medical expenses.

Your Association has administered FSA's (also known as cafeteria plans) for our members since 1988. The flex plan is one of the more difficult benefits for employees to understand and education has always been one of our primary goals. Our desire is to make the cafeteria plan a win-win situation for both our dealers and their employees by increasing the number of participants through the educational process. The employees, of course, benefit by increasing their take home pay and employers benefit too by lowering FICA taxes. In our experience far too many companies neglect the educational process.

Geri Wilke, Administrator of the plan and Office Manager at Sheboygan Chevrolet Buick GMC Cadillac, agrees with us about the educational process. For a short time the dealership tried another vendor for the flex plan service. The other company refused to send anyone to the dealership to talk with employees or answer questions concerning the plan. "Young people don't understand the benefits offered to them," Geri said, citing the recent case of a new hire who has many out-of-pocket expenses for his asthma. "We appreciate the time WATDA takes every year to come in and talk to our employees about changes, answer questions and teach new employees how to use the program. The other vendor we had was so bad that employee accounts were not even monitored individually. We certainly are glad to be back with the WATDASI Cafeteria program."

There are several features that make the WATDASI cafeteria program stand out from many of the other offerings.

One of the primary features is the initial advance of funds from WATDASI to the employees whereas in the majority of programs the employer assumes this responsibility.

Another is the preparation of plan documents for the employer by WATDASI. Normally this, too, is done by the employer.

Discrimination testing is usually a one page option that is the responsibility of the employer while WATDASI conducts a much more thorough testing program to make sure our customers are in compliance with the law.

While the IRS rule requires reimbursement of medical expenses only once a month, our program has always been much more generous. For those who opt to send in a claim, reimbursements are usually back in the hands of our customers within the week. Of course we offer the Benny card, which requires only a swipe for reimbursement.

Lori Growt, HR Director of Broadway Automotive in Green Bay is an avid fan of the cafeteria plan benefit and has been a satisfied customer of our plan for a number of years. "Our employees are very happy with the quickness of their refunds," Lori said, "and we enjoy the ease of enrollment in the program. The educational meetings are not only informative but understandable so our employees know how to use the benefit to their best advantage."

So, for those of you who are with our flex plan...thank you. We appreciate your business and we're looking forward to seeing you and your employees this fall. We have lots to talk about.

And for those of you who haven't taken a look at our cafeteria plan in awhile, with all the changes in health care reform, perhaps this would be a good time to talk with us. We all need help in stretching our dollars as far as they will go! ●

**BRIGHT FUTURE AHEAD**

**San Francisco**  
NADA CONVENTION & EXPO  
February 5-7, 2011

**Come to the NADA Convention and Expo!!!**  
*This is THE Automotive Industry Event of the Year!!!*

**Discover why we say there is a Bright Future Ahead!**

- More Friday Events Including 2 full afternoon workshops sessions and a NADA Welcome Reception co-hosted by J.D. Power and Associates
- Dynamic Speaker line-up including former Secretary of State Condoleezza Rice and hero pilot Capt. Chesley Sullenberger
- New Specialty Workshops including Google, J.D. Power and Associates and our exciting new Social Media Series
- Early 3:30 pm closing on Sunday so you can take advantage of one of the Superbowl Parties!

**Register now at [www.nadaconventionandexpo.org](http://www.nadaconventionandexpo.org)**



# NADA Report

BY KEN VANCE

## Highlight of NADA Washington Conference

When you are a political junky at heart the highlight of the annual NADA Washington Conference is always Charlie Cook, political strategist. He is more than just a pundit; actually the New York Times has called him the best prognosticator of American elections.

So my summary of Charlie's remarks will serve as Ken Vance's NADA Report since Ken and Bert were on vacation in Greece and not able to make the conference; really who can blame them? Greece or the NADA Conference?

Charlie began by reminding all of us Washington is a tough, cut-throat place;

after all Harry Truman said, "If you want a friend in Washington buy a dog!"

In prognostication he said he was pretty, pretty sure the U.S. House of Representatives would go to the Republicans. That is, there is in his opinion a 70-80% chance of a Republican House.

The Senate is more difficult to predict but he believes the Republicans will certainly pick up seats in the U.S. Senate but likely not enough to take control.

So as not to allow anyone in the audience to feel too puffed up about the election predictions, he said, "Republicans this

coming victory will be unearned... voters don't like you. This election is not about you, it is a referendum on the party in power."

Elections all across America have come down to the swing voters (those people who are Independent and vote more for the person, not the party). In the current political climate, Independents are giving Republicans a ten-point lead.

The main reason voters are turning from the Democrats is that in these last truly horrific economic years the President and Congress focused on too many things unrelated to the economy. There has been a sea of change of attitude in America brought on by economic fear. Voters want America to get spending under control, reform entitlements and work seriously on the huge debt.

Indicators revealing the voters serious concerns are that in 2009, the U.S. birth rate was at a 100 year low. A recent NBC and Wall Street Journal Poll said the 66% of those polled do not believe their children will live as well as they have; 65% of those polled also believe America is in a state of decline.

Republicans in this election look to be the place voters can turn with their concern about America. Expectations of what government can do are down and many voters feel a sense of abandonment.

The next Congress will come to Washington with a sense that they must address the issue facing America. Stay tuned, and vote – it really does make a difference! ●



*Wisconsin Dealers and association staff enjoy the view from the balcony at the U.S. Chamber office, across the street from the White House during the recent trip for the NADA Washington Conference. L to R-back row: Dan Ewald, Andy Schlesinger, Holly and Angie Riedel, Bill Sepic, WATDA Chairman Dick Stockwell and Mary Ann Gerrard. L to R front row: Patti Ewald, Jim Tolkman, Chris Snyder, Alec Snyder, Eric Jorgensen and Kim Stockwell.*



# NADA/ATD Priority Issues

## September 2010

**Permanent Estate Tax Reform:** Unless Congress acts this year, the estate tax rate will be increased to 55% with a \$1 million per spouse exemption as of January 1, 2011. NADA supports H.R. 3905, which would phase in a 35% rate and a \$5 million exemption over 10 years and preserve the "stepped-up basis" for inherited assets. Last year, the Senate passed a similar proposal, sponsored by Senators Lincoln (D-Ark.) and Kyl (R-Ariz.), as part of a nonbinding resolution. *When considering tax legislation this fall, Congress should support permanent estate tax reform that will help small business dealers keep their businesses in the family and preserve jobs.*

**Repeal of the 1099 Tax-Form Mandate:** Beginning January 1, 2012, all businesses will have to file "1099" forms with the IRS any time they purchase \$600 or more from a vendor, creating a significant administrative burden. NADA and a coalition of business groups support H.R. 5141/S. 3578, which would repeal this new mandate. *Members of Congress should support complete repeal of this counterproductive and costly mandate.*

**Extension of Tax Rate Reductions:** Unless Congress acts this year, on January 1, 2011, personal income tax rates will increase to as much as 39.6% and long-term capital gains rates will increase to as much as 20%. Many auto dealers file their dealership income on personal returns; these tax increases will therefore affect their ability to invest in their businesses. These increases will also slow consumer spending, which will threaten economic progress and negatively impact job growth. *Congress must extend all of the expiring tax rates to sustain the economic recovery.*

**Motor Vehicle Safety Legislation Problematic:** NADA opposes provisions in the House bill (H.R. 5381) which would impose a Federal tax on new car sales and provisions in the Senate bill (S. 3302), which purport to increase recall compliance by placing a mandate on dealerships to certify if a used vehicle is subject to a recall, and whether the recall work has been performed. Besides disrupting used car commerce, the recall provision, by excluding private sales (a third of the market), would decrease safety by encouraging more unregulated sales in the casual used car market. *Members of Congress should oppose provisions that would significantly hurt vehicle sales, especially those without any demonstrated safety benefit.*

**Truck Sales Incentives:** NADA/ATD is seeking Congressional support for incentives to boost struggling medium- and heavy-duty truck sales, which would offset higher prices that have resulted from increased emissions mandates. NADA/ATD recently led a coalition of trucking industry executives to meet with the Administration to discuss potential incentives. *Members of Congress should support efforts that help stimulate the sales of the newest, cleanest, and most efficient trucks, which will preserve jobs, and sustain the recovery.*

**LIFO Transitional Assistance for Terminated Dealers:** Many GM and Chrysler dealers terminated involuntarily during the government restructurings not only lost their franchises but also face massive LIFO recapture liabilities because they could not possibly have planned for the adverse tax consequences. Many were forced to immediately recognize the entire amount of their LIFO reserves: a harsh result that could have been mitigated with more notice. NADA supports providing relief for these dealers, particularly since it will have a direct impact on the dealer's liquidity and ability to generate capital to invest in a new business and the community. *Members of Congress should support transitional relief to allow terminated dealers to "spread" the LIFO reserve over a period equivalent to that generally available to taxpayers.*

**Floorplan Lending:** With dealer floorplan lending still constrained, NADA helped build support for a Small Business Administration (SBA) pilot program for floorplan loans by banks and continues to try to expand the program. NADA supports Senate legislation to increase the size of the loan available from \$2 million to \$5 million, which would help increase interest in the program by lenders. The Senate's small-business jobs bill, H.R. 5297, includes the increase in SBA loan limits. *Members of Congress should support H.R. 5297 and Administration efforts to encourage banks to make SBA-guaranteed floorplan loans to dealers.* ●



# CenterStage

AWARDS, HONORS, MILESTONES

**Henry Kari**, founder of **Kari Toyota** was recently named posthumously to the Business Hall of Fame by the City of Superior at a luncheon hosted by the Superior Douglas Chamber of Commerce and Development Authority. Kari started as a bicycle repairman and built one of Superiors finest auto dealerships.

Kari's bicycle repair shop was started in the family garage with his father and brother, pumping gas and repairing cars on the side. They opened their first garage in 1933. A chance meeting with Henry Ford in 1937 gave Kari the idea to open a car dealership. Two years later the family opened their first Studebaker dealership. In the 1960s, Kari took on the Toyota car line. By 1987, increasing sales led them to move to a larger showroom. Although Henry passed away in 2001, the company he helped build still adheres to his philosophy: "If you give the customer a fair deal and take care of them after the sale, they will come back to do business with you again." Sons Wayne and Jim Kari run the dealership today, and grandson Chris Kari is the general manager.

**Jason Klemm** of **Mid-State Truck Service Inc.**, Plover took top honors at Navistar's fourth annual Service Technician Rodeo. He beat out ten competitors to earn the top commercial truck service technician title. The rodeo, held in Schaumburg, IL, featured the top eleven service techs from International dealerships across North America, in a competition designed to test their skills in key areas of commercial truck servicing. "Jason demonstrated the highest skills and abilities among the eleven Diamond-certified techs competing, said Vaughn Allen, vice president, product and customer support, Navistar. ●

**Henry Kari,**  
founder of  
**Kari Toyota**

**Jason Klemm** of  
**Mid-State Truck**  
**Service Inc.**



## Rawhide Profile

*Each month a young man is selected as the Student of the Month by the staff of Starr Academy, Rawhide's private school. Winners are selected for their scholastic efforts, maintaining the high rank, helpfulness to others, and exhibiting a positive attitude.*

### Student of the Month: Austin

#### The Hard Walk

**M**y name is Austin and I am 15 years old. I'm from Jackson County and have been at Rawhide for six months. My favorite things to do include: basketball, football, and art. I also enjoy being with my family.



I really enjoy Coach Andy's history class. He makes history interesting and fun. It's easy for me to do well because he keeps my attention in class. I appreciate Starr Academy for helping me to change both academically and spiritually.

I would like to attend college and achieve a degree that would enable me to get a job creating and testing video games. My goal is to be successful. This means that I will need to do well at Rawhide, complete school, and get a good job. Someday, I would like to get married and have a family as well.

There are many special people at Rawhide. My favorite person is Nick, who is a PCYW (Professional Youth Care Worker). Nick helps me when life gets tough. Other special people at Rawhide are Gary and Kathy, my house-parents. They are like a mother and father to me. Blong, my good friend, is a youth living in the same house as me. He encourages me to do well. He often advises me to not dwell on the negative things that people say, but remember that God will be the one to judge you.

I have accepted Jesus Christ as my Lord and Savior. I would like to thank Tony, my Building Spiritual Muscle mentor at Rawhide, for helping me learn more about God and helping me to change into a better person.

~ Austin

*The above testimonial was written by our current Student of the Month. Personal notes of encouragement are welcome.*





# WISCO, the Dealer's Partner

## WISCO, Your Company

**W**ISCO Cooperative Association is owned by its members. There are no other owners or outside investors. Because we are a true cooperative we exist to serve our members not profit from them. Our sole purpose and mission statement is to save our member dealerships money on their purchases thereby adding to their bottom line. The products available from us range from toilet paper to \$100,000 pieces of equipment. With very few exceptions we can supply everything an auto and truck dealership can use other than the vehicles. With over 600 member dealerships we are able to use our group buying leverage to obtain quality products at a savings. WISCO

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# WATDA Legal News

BY CHRIS SNYDER

## Name, Rank and Serial Number

Growing up I watched a lot of war movies and American prisoners (the honorable ones) would only spill their name, rank and serial number, regardless of the amount of torture dolled out. I vaguely remember being instructed of the same advice when I was in Air Force basic training. So, I guess the enemy gets access to my financial data.

Identity theft is on the rise and dealerships are an easy source for nefarious actors to attack. In the course of your ordinary day-to-day business you collect, utilize and retain your customer's protected financial information. Over the past ten years the federal government has placed a heavy burden on dealers to develop, implement and document methods and procedures for safeguarding that information. It is imperative that dealerships take the proper steps for training and enforcing best practices for protecting this information. Think of it this way, "how would you want a business to treat your information?"

In an effort to keep our members informed and on top of new rules and developments, WATDA is bringing in

Paul Metrey, an attorney with NADA's Regulatory Affairs department, on November 16-17 for training sessions in Wausau, Wisconsin Dells and Waukesha. Paul works closely with the Federal Trade Commission (among other agencies) on privacy issues and dealership compliance.

This article is a very brief and rudimentary explanation of what is expected from dealers under the new Risk-Based Privacy Rule and an update on the upcoming Red Flags enforcement deadline. For more details on these and other privacy issues watch for WATDA Bulletins and/or plan on attending one of our Privacy Seminar sessions.

### ***Risk-Based Pricing Rule***

On January 1, 2011, the Risk-Based Pricing Rule (Rule), yet another, in a seemingly endless loosely relate barrage of privacy and consumer protection notices and/or protections takes effect. WATDA is currently compiling a number of options and resources for our members so that by the time the Rule takes effect, our members will have their procedures in place.

The Rule requires dealers to provide consumers with a Risk-Based Pricing Notice (RBPB) whenever they are extended credit, but on "material terms that are materially less favorable than the most favorable terms available to a substantial proportion of consumers from or through that person" ("that person" meaning the dealer or lender extending credit.) The Rule does not apply to commercial or business credit or leases.

Easy for the bureaucrat who wrote this Rule to say, and yet another thing to put such a clear directive into a working procedure that must be applied to hundreds (and for some thousands) of transactions. Who's to say where the median line of "terms available to a substantial proportion of consumers from or through that person" is. Moreover, will a substantial proportion of Kia buyers have a different notice triggering point than say Lexus buyers?

NADA worked very hard to convince the FTC to find a working solution so that dealers could establish a systematic procedure to comply with the new requirements. Consequently, the Rule provides for an "Exception Notice." Dealers can use the Exception Notice in lieu of evaluating each consumer against one another and calculating what constitutes the most favorable terms for a substantial proportion of consumers that they have extended offers of credit to. The Exception Notice is modeled after a similar notice currently required of California dealers. If dealers utilize the Exception Notice method, they must provide a uniform notice to all consumers who are being extended credit through the dealership.

Therefore, the Exception Notice must be issued to all consumers who request credit. It must include the consumer's credit score, range of possible credit scores,

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either a bar graph breakdown or a clear statement explaining where their score falls compared to other consumers and the name of the credit reporting agency that provided the score. The Notice must be provided in writing, in a separate document that is clear and conspicuous from other information provided to the consumer and presented as soon as reasonably practicable after the credit score has been obtained, but before the credit transaction is consummated.

This Rule is fraught with all kinds of squishy grey legal concepts like “materially less favorable,” “substantial proportion,” “clear and conspicuous,” and “as soon as reasonably practicable,” but before any trial attorneys start drowning in their own saliva, there is no federal private right of action for violations of the Rule. Even so, it also dangerously leaves wiggle room for dealers to unwittingly and unintentionally get barbed due to a slip-up in content and/or procedure. Bottom line is this Rule is designed to provide consumers with information about their credit score and/or status, the accuracy thereof and how that information, if correct, affects their availability to credit.

### **Red Flags Rule**

December 31, 2010 marks yet another deadline regarding enforcement for the Red Flags Rule. Thank God all WATDA Dealerships have their written Identity Theft Prevention Program (ITPP) in place! The deadline for doing so was November 1, 2008. However, the Federal Trade Commission (FTC) has delayed enforcement about every 6 months since then for one reason or another.

Since the FTC rolled out the Red Flag requirements, those responsible for composing the written compliance program have been the envy of all other dealership employees. All joking aside, every dealership should have their Red Flag program in place and be monitoring and periodically amending it on a continual basis.

Your dealership's ITPP is one of those things that fall under the golden rule of “it's never a problem until it's a problem, and then it's a BIG problem.” When and if a customer's protected information is compromised as a result of their relationship with your dealership, an up-to-date ITPP may help mitigate a very serious and embarrassing situation with you and your customer. At the very least the FTC will want to see your ITPP, and they will be looking to see the frequency of monitoring, you identifying flaws in your procedures and the corrections that were implemented. ●



## From Around the State

*Please send your news From Around the State to [jfarmer@watda.org](mailto:jfarmer@watda.org).*

**Moody's of River Falls** celebrated seventy years in the automotive business in September. Harry Moody bought the dealership from Frank Anderson in 1940, and during the early days sold John Deere tractors, Lumcraft boats and used airplanes as well as Chevrolets. Over the years, more GM products were added. Last fall it was learned that Moody's was on the GM list of franchises that wouldn't be renewed. The four generation, family-owned and run business will go forward known as Moody's Corner, selling and servicing vehicles, providing body repair work, offer parts and service rentals, as well as selling scooters in the spring. Congratulations to Bob Sr. and Eunice, Bobby, Mike, Lisa and Patti.

The **Boucher Automotive Group** has purchased the Cadillac-GMC dealership in Waukesha at 2145 E Moreland Blvd from the Russ Darrow Group. Boucher Group also has a Cadillac franchise in Racine. Boucher also purchased a Kia dealership from Darrow that will be housed in their former Milwaukee Saturn store.

**Bergstrom Automotive Corporation** has opened two new dealerships in Ashwaubenon this year. Bergstrom Cadillac and Used Car Superstore opened in March and Bergstrom Used Car Value Center opened in May.

**North Bay Chevrolet Buick** of Oconto Falls has sold the Chevrolet and Buick franchises back to General Motors. North Bay will change its name to Heritage Auto Center and become a NAPA Autocare Repair Center and tire dealership. They will be expanding their selection of used vehicles. The new name will closely align them with Heritage Chevrolet Inc, and Heritage RV, their affiliated store in Tomahawk.

**Koehne GMC** of Oconto has obtained the Chevrolet franchise from General Motors to add to the Buick GMC franchises at the Oconto location. Last year Todd and Chad Koehne expanded their operation with the addition of the Marinette location with the Chevy Buick and GMC franchises.

Geraldine “Geri” Wilke, Office Manager of **Sheboygan Chevrolet Buick GMC Cadillac**, recently celebrated her 40th anniversary at the dealership. Geri began her career working as a receptionist for Herman “Red” Buelow and 40 years and 5½ employers later is still on the job, working in the industry she loves. Her current employer, Randy Romanoski said, when asked about Geri, “Her dedication and helpfulness to customers and employees alike makes her irreplaceable!” Congratulations, Geri. ●

# Up to the Challenge

DAN TOYCEN, FOUNDATION BOARD CHAIR



Many of you have asked how the Foundation is doing in light of all the economic challenges. We are pleased to report there are positive signs on the horizon. We have interviewed nearly 100 students for the 2010 scholarship program. It was projected that we would be lucky to place 40 to 50 of them. However, to date we have 75 going to school and working in dealerships all over the state, no small achievement in the current economic climate. Another positive note is that our investment portfolio, which suffered along with the entire market as the recession began, had a very nice recovery in 2009 and early 2010. We are also happy to report that because we were proactive about expense control, we have not had to spend any part of our investments or investment income throughout these tough times. You can be assured that your Foundation Board and staff will continue to be very conscientious stewards of the Foundation resources.

Our career advancement process has been limited to participation in existing events, enabling us to tell the transportation story to a broader segment of the student population. This year, we were able to visit with over 4,000 young people at 15 sites across the state. We hope to meet over 6,000 of them in 2011.

Our spring and summer Teachers Institutes provided 80 transportation technology instructors from our AYES high schools and Wisconsin's Technical College system with over 2,000 credit hours toward their professional development and teaching licensure. The Foundation Board of Directors and our staff have been able to maintain all of the education and community support programs that you have come to expect from us. We are grateful to our members, directors and education partners who make it possible.

**You can be assured that your Foundation Board and staff will continue to be very conscientious stewards of the Foundation resources.**

The biggest challenge we've had to deal with in the past twelve months is the loss of some of our larger business partners. This is a typical problem for most non-profits at this stage in the economy. Our development office continues to cultivate and bring on replacements, but it takes time to build these relationships.

The Cornerstone of this Foundation has always been our industry. This fall, we are taking time to build on this with a mini-campaign entitled, "Cornerstones of the Foundation." We are in the process of recruiting some of our active donors to become callers who reach out to other members to solicit additional financial support at whatever level would be most comfortable for them. This has always been the basis of our Foundation and right now it is an important tool in helping us attract partners from the overall corporate and philanthropic community. We invite you to answer the Cornerstone challenge in the manner that best suits you and your dealership. It is a great investment that continues to pay solid dividends in professional development of our state's transportation teachers, technical education of tomorrow's technicians and community support through our challenge grant program – things that none of us can do on our own. ●



The Forest County Potawatomi Foundation announces \$10,000 grant to support Team Wisconsin school and educational services to Wisconsin's Technical Colleges. Pictured with Ray Pedersen and Gary Beier is Kaye Garcia, Executive Director of the FCPF Foundation.

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# Tributes

## Thomas L. Jenkins

Thomas L. Jenkins, 73 of Portage was called home Thursday, September 30, 2010 due to a massive stroke. He and his brother Merwyn were born in Spokane, Washington. The family returned to their Wisconsin roots when the boys were toddlers, and were 'almost' lifelong Portage residents. After graduation, Tom entered the U.S. Navy and upon returning home, he met and married Kay, his loving wife of 52 years.

Tom received his bachelor's degree from Arizona State University. After working one and a half years for Standard Oil in Phoenix, Tom returned to Portage in 1963 and eventually took over the reins of the family car business, Jenkins Chrysler Center, until his retirement in 2003. Tom served two terms on the WATDA Board of Directors, from 1998 until his retirement.

Jenkins also served as a Columbia County supervisor for many years, was a past president of the Jaycees, Portage Curling Club and Optimists; former member of the Kiwanis and a member of the Portage Country Club.

He is survived by his wife of 52 years, Kay and his brother, Merwyn of Portage. He is also survived by his children and their families, Dana Jenkins (Jim Duffy) of Cambridge, Ontario, Canada; Laurie Considine (John) of Portage and their children, Jennifer, Tommy (his wife Julie, and daughters Elianna and Annalise) and Stephen; Brian (Laurel) of Oak Hill, VA, and their children Coleman, Nelson and Riley Ann; Jean Syens (Jason) of Portage and their children, Hunter and Bobby Lane and Jackson Syens; and Jon (Erin) of Portland, OR. ●

## Mildred M. (Millie) Rabas

Mildred M. (Millie) Rabas, 97, Algoma, died Saturday, August 21, 2010 at Bay Road Place. On February 20, 1937, she and Jim started Algoma Motors in a rented building at 305 Steel Street. When World War II broke out they moved the garage repair shop to the hotel livery stable because they were unable to get new cars, so only repair work was needed. In 1948, Algoma Motors moved to 1020 Jefferson Street, where a new garage was built to house the dealership. Mildred was active in the garage operation all of her life. At one point they sold the greatest number of GMC's in the Chicago District. Being the first woman in Wisconsin to receive a salesperson license, she is believed to have sold more Pontiac GTO's than any other women in the U.S. Her two sons Jim and Jeff have taken over the dealership. She was preceded in death by her husband of fifty-two years, James in 1989. ●

## John A. Jr. (Jack) Griffin



John A. Jr. "Jack" Griffin, founder of Jack Griffin Ford, Waukesha, Wisconsin, 50 years ago, passed away, September 3, 2010, at home, at the age of 83. Buying and selling cars and parts was his life-long passion. Jack served on both the Ford Dealer's Advertising Board and on the board of the Wisconsin Automobile Dealer Truck Association. Throughout his career, he was frequently recognized and won many awards. Jack was married to Margaret (Mannion), for 58 years and is father of Terese (David) Griffin-Groebe, James (Kristie) Griffin, Margaret (Bernard) Hincks, John A. (Corrine) Griffin III, Mary (John) Griffin-Komp, Sharon (Michael) Pilgrim, and the late Robert and Amy Griffin. Jack was the proud grandfather of 15 and great-grandfather of 2 and an uncle of many nieces and nephews. A real entrepreneur who loved his business, Jack will be missed by all of us. ●



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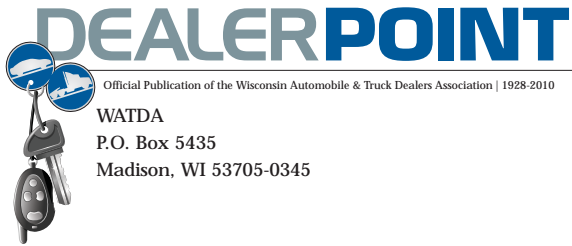
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