

# GEORGIA INDEPENDENT AUTO DEALER

THE OFFICIAL PUBLICATION OF THE GEORGIA INDEPENDENT AUTOMOBILE DEALERS ASSOCIATION

JAN/FEB 2024

**Your Website Can Be Your Best  
Salesperson This Tax Season**

**LEGAL CORNER:**

**Vehicle Buy Backs &  
What You Should Know**

**BUSINESS BOOSTERS:**

**How to Exit Your  
Business Successfully**

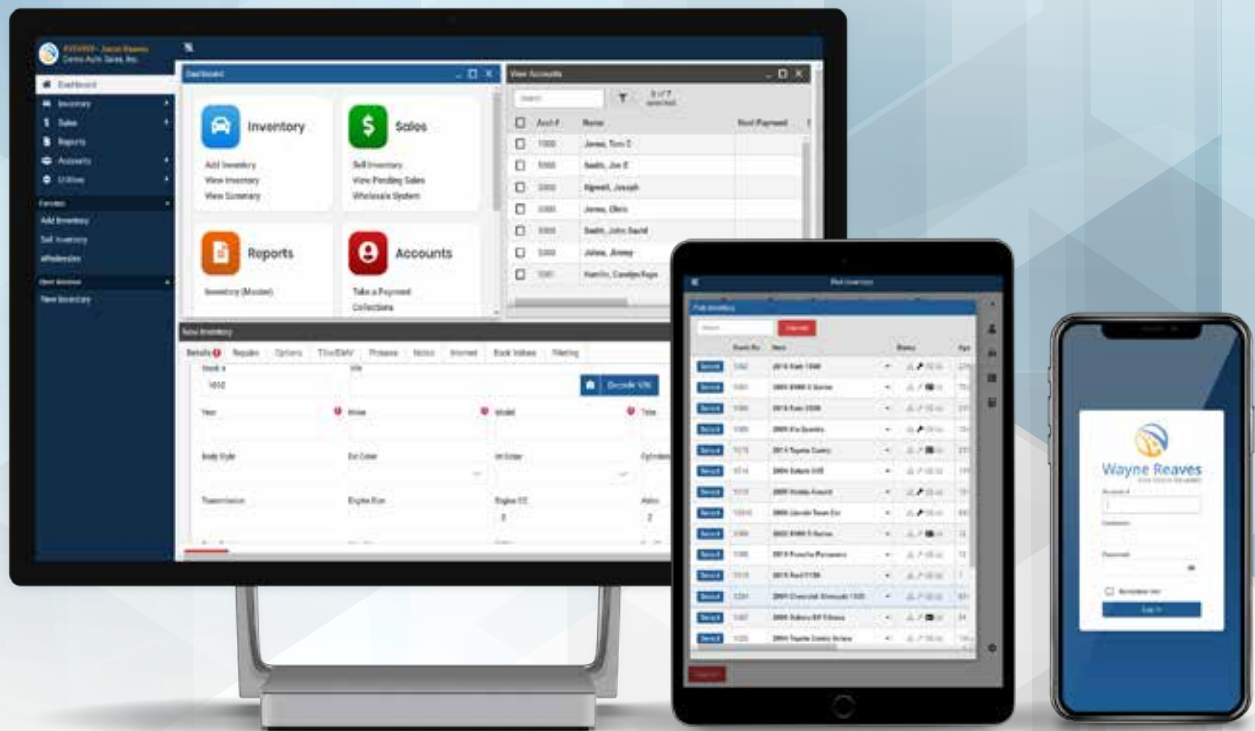
**Vehicle Recalls Down in Q3**

**Catching Recalls While  
Vehicles are In-Transit**

**PLUS:**

**8 Tips to be Adaptive &  
Thrive in a Down Market**





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## FEATURES

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## PRESIDENT'S MESSAGE

# Collaboration is Key



GIADA PRESIDENT  
John Weir  
Atlanta AutoStar

Dear GIADA Members,

As we usher in the new year, I want to extend my warmest wishes to each and every one of you. January marks the beginning of a fresh chapter, a chance to build upon the successes of the past and chart a course toward achieving the goals we set at the close of 2023.

The start of a new year brings with it a sense of anticipation and excitement. It's an opportunity for us to evaluate our strategies, refine our processes, and adapt to the ever-evolving landscape of the used car industry. In the coming months, let us focus on the practical steps needed to realize our objectives. This includes honing our inventory management, enhancing customer experiences, and staying attuned to market trends. By consistently delivering quality service and maintaining high standards, we can strengthen our positions as trusted providers in the automotive industry.

Collaboration within our association is key. I encourage you all to engage with fellow members, share your experiences, and learn from one another. By leveraging the collective knowledge and expertise of our community, we can navigate the road ahead together with confidence. The new year is a blank canvas, and our opportunities are limited only by our dedication and commitment. Let's embrace 2024 with enthusiasm and purpose, and work together to make it a year of progress and success for each and every one of our dealerships.

Thank you for your continued support and involvement with GIADA. Together, we will ensure that this year brings us closer to achieving our goals and aspirations.

Sincerely,  
*John*



## GIADA PRE-LICENSE COURSE SCHEDULE

A Certificate of Completion from an authorized Prelicense Seminar is a requirement as part of a Used Car Dealer License Application in Georgia. We suggest attending a Pre-License Seminar as the first step you take in the application process. It is a one day, 4 hour seminar that will cover basic laws and information that you are required to take notice of before obtaining a used car dealer license in the state of Georgia.

### REGISTER AT

[giada.org/pre-license-class](https://giada.org/pre-license-class)

*All classes held at Sonesta Atlanta Northwest Galleria, Atlanta GA unless otherwise noted.*

Thursday, January 11  
5:45pm – 10:00pm, Atlanta

Wednesday, January 17  
9:45am – 2:00pm, Macon

Monday, January 22  
9:45am – 2:00pm, Atlanta

Saturday, January 27  
9:45am – 2:00pm, Atlanta

Monday, January 29  
5:45pm – 10:00pm, Atlanta

Monday, February 5  
5:45pm – 10:00pm, Atlanta

Monday, February 12  
9:45am – 2:00pm, Atlanta

Thursday, February 15  
5:45pm – 10:00pm, Atlanta

Wednesday, February 21  
9:45am – 2:00pm, Macon

Saturday, February 24  
9:45am – 2:00pm, Atlanta

\$159.00 per Attendee

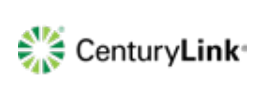
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Questions? 770-745-9650.



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## EXECUTIVE DIRECTOR'S MESSAGE

# Guess what time it is?



GIADA EXECUTIVE  
DIRECTOR  
Amy Bennett

**It's time for your state mandated continuing education class to renew your independent dealers license!**

I truly hope you all had a wonderful holiday season. It's that time of year to start cleaning up your offices and car lots. Take down all your decorations and make sure all your paper work is in order. Last year we sent out several emails about some changes taking place with the requirements from the Used Car Board. One very important one is that the inspector will be going through deal jackets more thoroughly to make sure absolutely no paper work is missing. If you have something missing, you will be fined. To avoid steep fines, go back over all the paperwork in each deal jacket and double check!

**If you recall, the Used Car Board extended the renewal date of all dealer licenses to September 30, 2024.**

This change has been confusing for some. All used motor vehicle dealers should have extended their bond, as well. Because of the change, the continuing education classes will officially start in January. The first in-person class will be held on Monday, January 8, 2024, in Atlanta. The online classes will begin at the end of January. During the renewal period, there will be 9 in-person classes in cities near you. They include Atlanta, Dalton, Tifton, Macon, Savannah, Athens, Augusta and Stone Mountain (during our annual convention). All the dates, times and locations are on our website at [giada.org](http://giada.org) and on the back cover of this issue.

After you attend a CE class, please do not forget to renew your license and bond by September 30, 2024. During every renewal period, we have hundreds of dealers who forget to renew their license. When this happens, dealers have to shut down and wait on a reinstatement, which is a whole new license application - basically starting all over again. As a current GIADA member, come by or call us and we can renew the license for you. It's just one of the many benefits we offer our members.

As always, we appreciate all of our members and your continued support. We have started an important legislative session this January and we need the support and strength that your membership brings to GIADA. If you have not renewed this year, please don't put it off. I know the cost of everything has become extremely expensive and money is tight for many, but maintaining your membership is important to your business! Let's stay GIADA STRONG!

Again, if you need anything please don't hesitate to call or email the office, we are here to assist you in any way we can!

Sincerely,

A handwritten signature in black ink that reads "Amy J. Bennett".



## THERE ARE PLENTY OF GREAT REASONS TO BECOME A MEMBER OF GIADA.

The used car business is ever changing and evolving in standards and laws. To ensure you don't get left behind and misinformed, you will want to be a part of this association. Here are a few of the benefits GIADA offers:

### REPRESENTATION

We have Georgia General Assembly lobbyists and a Political Action Committee so that your voices will be heard in government.

### EDUCATION

We teach pre-license and continuing education seminars, provide legislative updates, provide informative website and monthly news magazines.

### INFORMATION

Our bi-monthly magazine, Independent Auto Dealer News, keeps you informed of the latest news. Our service provider directory lets you know about local businesses associated with GIADA, services they offer and how to contact them. We also have State and National conventions and trade shows.

### SAVINGS

GIADA's popular Auction Coupon app totaling over \$12,000 in savings on buy or sell fees! A wide range of vendors offer discounts to GIADA members in our Member Benefits & Services Guide! This includes insurance companies, finance companies, software companies and many more!

### INDIVIDUAL HELP

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**LOOK FOR REGISTRATION INFORMATION SOON!**

[giada.org](http://giada.org)

# IN THE KNOW

## Your Website Can Be Your Best Salesperson This Tax Season

By Chris Neylan, Chief Operating Officer at Tax Max

According to a recent Google survey, 92% of car buyers research vehicles online before purchasing. I am sure these survey results do not surprise you. Not too often do you have a potential customer begin their car buying research by arriving at your dealership just to browse your inventory in person. Most of your new customers have done their research online, reviewed your website and may have completed or attempted to complete your online pre-approval application. Today's car buyer starts their journey online and it begins at your website.

This makes your website an extremely valuable sales tool. 92% of potential car buyers will start their journey there. Your website informs every new customer of who you are, what inventory you have available, how they can contact you, how they can easily apply, what financing you offer and, most importantly, **it informs the customer on what separates your business from the competitors.**

For this upcoming tax season, a simple addition of a tax refund program to your website can easily separate you from your competitors and help get more customers approved with large down payments using their tax refund. With a strong advertising message and **a direct tax filing link from your website**, a tax refund program can help drive car buyer activity, drive car sales and increase down payments and your overall tax season success. By implementing a tax refund service partner directly on your website, this will allow a customer, while searching your inventory during tax season, **the ability to file their tax return directly with your tax refund service partner through your website.** When the tax return is completed and funded, the tax

refund dollars are sent to your dealership first for the customer to utilize as a large down payment and help get approved. Best part, it should **require no additional work** from your team! Your website, the customer and tax refund service partner do all the work from their phone and online. Your website can help customers utilize their tax refund at your dealership from January through April. Plus, with a tax refund service partner who provides a tax refund advance product, customers won't have to wait for the IRS to receive a portion of the federal tax refund to get on the road. Many tax refund services

on whether they can get approved or not and they typically plan their car purchase around this. **By simply implementing a tax season product to your website**, you can provide the tax refund customer the best opportunity to access their tax refund at the time they need it with **no additional work from your staff.**

Your website is an important sales tool. It does excellent work for your dealership and sales team. Today, when speaking to a current customer, prior customer or a new customer, they more than likely have been to your website. Your website must tell the



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now offer a refund advance product up to \$6,000 the same day they file their tax return, upon bank approval. By utilizing a refund advance product, the customer can access a large down payment to help get approved and drive all in the same day!

During tax season (January through April) car buying and your website activity typically picks up. However, your sales team will still hear a common reason over and over from potential customers on why they can't buy today, "I'm waiting on my tax refund from the IRS". The customer journey which started online weeks ago has come to a grinding halt waiting on the IRS. The tax refund check as a large down payment can be a major factor for many customers

customer who you are, how they can contact you, how they can apply, what vehicles you have and help provide a solution for the customer who needs their tax refund to get approved with a large down payment come January. A simple tax season partner addition to your website can do that.

You no longer have to send a customer off your lot this tax season who is waiting on a tax refund. You can simply **send them to your website** and have the customer utilize your tax refund service partnership. ■

*This article was written by Chris Neylan, Chief Operating Officer with Tax Max. He can be reached at 813-987-2199, TaxMax.com, trs@taxrefundsolutions.com.*





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# BHPH Dealer Web- sites: Dos and Don'ts

BY JEFFREY BELLANT

Leaders from Texas-based Ignite Consulting Partners offered some dos and don'ts for dealer websites during one of its monthly webinars earlier this year. Steve Levine, chief legal and compliance officer, and Richard Hudson, managing partner, were asked to look at websites of some 20 groups to determine any potential problems. Generally speaking, dealers are so focused on selling cars that the person in charge of the website forgets about the other parts of the business.

In this experiment, however, the dealers were part of 20 groups and generally did a better job of avoiding compliance problems than a typical dealer, Levine said. He kicked off the discussion with a warning about "trigger terms," using terms such as "down payment," payment terms," etc., which when used require the use of APR.

In almost every case of this experiment, the typical trigger term used was "down payment," such as "this car is available for \$1,200 down." When dealers include a down payment, it should include the price, the down payment, the terms and APR. The dealer could simply use an example of a deal that includes this information, "If you want to have a banner of something on the home page, "Down payments starting as low as..." that's OK," Levine said. "That's not a violation because it's not talking about a



specific vehicle being advertised."

However, the problem arises when a dealer advertises down payments starting at \$300, when they haven't done a car deal with a \$300 down payment all year, he said. "You want it to be representative of what you're actually doing," Levine said. "This is a big one to pay attention to because the regulators are all over payment terms." Another key issue is the privacy notice. These must be handed out to the buyer, Hudson added that when it comes to your website, you have to make sure disclosures and information on privacy notices, etc., are clear and conspicuous – easy to find. Levine added he often finds the privacy notice at the bottom of the scroll in very tiny print, which is not what you want. "Put it in the 'About Us' section so that it's prominent," Levine said.

Another issue is that the website provider may also put a privacy notice on the site, making it unclear whose privacy notice is being referred to. Websites also have to be careful when they market the term "bad credit," which ends up on a lot of buy-

here, pay-here dealers websites. "I have to tell you folks, I really wouldn't be leading with 'bad credit,' Levine said. "They already know they have bad credit. Why do you want to make them feel bad?" Hudson said part of avoiding compliance issues is having good relationships with customers. That happens when you focus instead on providing a solution to their financing problem, not putting a spotlight on their past credit problems.

**When dealerships offer a "down payment" deal on their website it should include the price, the down payment, the terms and APR. Without the inclusion of the APR a dealer could be in compliance violation. The dealer could use an example of a deal that includes this information.**

Levine also warned dealers who advertise "credit repair" or "credit building." This





might include the dealer who promises that if the customer paid on time, their credit score would go up. “Not necessarily,” Levine said. “What if they’re paying you, but not paying anyone else?” Hudson said the other issue is that the message implies that the dealer is either affiliated or part of a credit repair organization. “(Those companies) are subject to some pretty heavy regulation, so you want to avoid that,” Hudson said.

In fact, if a dealer is furnishing data to one of the credit reporting agencies, there is an agreement and you may be violating it by making these types of promises, Hudson added. Levine reiterated that many problems occur when dealers aren’t aware of what’s on their sites, such as in the FAQ section which may include promises or information the dealer isn’t aware of. The loose use of the term “warranty” is also something used vehicle dealers should avoid. “It’s very important to say, ‘limited warranty,’” Levine said. He added, however, dealers should heavily promote a limited warranty if they have one. “If you have a limited warranty,

I don’t even care if it’s a 30-day 1,000 mile warranty, that puts you in the top (percentage) of used car dealers,” Levine said. “If I was in your shoes, I would tout (my limited warranty) and sing it’s praises. “It’s a difference maker.”

He said it’s a big opportunity for dealers to draw in customers so they should promote it. One problem Levine has observed involves discrepancies between what the website says about the limited warranty and what the actual documents the customer signs say about the dealership’s limited warranty. Service departments are another area that dealers don’t promote them enough. “That is a defining characteristic and you have to let folks know (about it),” Levine said. “This is an opportunity to separate yourself from the pack.”

However, Ignite Consulting Partners also sees a lot of complaints about scheduling appointments or the dealership being backed up. Using the website to encourage customers to schedule appointments in advance and explaining that it gets busy

near the weekend, etc. “That’s the No. 1 complaint,” Hudson said. “It has to do with setting expectations. Set realistic time frames.” Another issue that draws scrutiny is the issue of “certified” vehicles. “The Federal Trade Commission (FTC) does not like certified claims unless it’s really accurate,” Levine said. “For instance, if you’re part of the NIADA CPO program, that’s fine. You can brag about that all day long.” But some dealers identify a car as “certified” without defining what makes it certified.

Hudson said dealers who offer a 100-point check and offer an itemized checklist should boost those claims. Dealers who lease, should also advertise it prominently, Levine said, but make sure they are upfront and honest about what that entails. Leasing is not common everywhere and it’s even more uncommon on the used car side. Hudson added dealers also have to be careful to explain what leasing is and why it might be right for customers. Having an FAQ about leasing prominently on the website helps.

Avoid deceptive advertising on leasing because federal and even state regulators are looking at dealers who call something leasing which is actually a retail installment contract. Finally, testimonials are another area dealers should be careful about when using. “The FTC is very clear about what its expectations are for reviews and testimonials,” Levine said. “They have to be transparent. You can’t just use the five star ones.”

For example, Levine saw a dealer whose most recent testimonial was from 2021, which looks like a dealer is cherry-picking them. Also, dealers who offer any compensation for providing a review must disclose that. Hudson said this is a very active area in the law, as the FTC and other regulators have been adding guidance on this issue over the past couple of years.

It’s also important to make sure consumers understand when they click on a tab to fill out a credit application that they understand they are filling out a credit application. Sometimes it’s not clear and that could be a problem. ■



# VEHICLE BUY BACKS & WHAT YOU SHOULD KNOW

BY LEFKOFF LAW

Whether due to the tightening of the finance providers or the riskiness of buyers, we are seeing repurchase requests become more prevalent recently. As we know, “buy backs” are a common provision in most Dealer Agreements. In addition to dictating the terms of the original sales transaction, your Dealer Agreement with the finance company will also govern the finance company’s demand for repurchase or buy back. Pursuant to most repurchase clauses, if something were to go wrong with the consumer’s account – i.e. the customer fails to make a payment on the car, litigation, etc. – the finance company can demand or require the dealer to purchase the contract back. Historically, some finance companies did not bother with such a task. However, with high-interest rates and market volatility, we’re seeing more and more finance companies employ this contingency...and it is crushing dealers who get surprised by a repurchase demand.

There are a few common scenarios we see that result in finance companies requesting a buy back. The most common is when the customer initiates a lawsuit. Some will argue consumer lawsuits are on the rise due to manufacturing, warranty, and repair issues post-COVID. This could very well be the case; however, most believe the

larger cause of this upward trend is due to current market conditions. Consumers are purchasing cars and agreeing to loans that they simply cannot afford. Rather than forfeiting the cars to repossession, consumers are suing the dealer and/or finance company with the hopes they can negotiate out of the deal or find a resolution that allows them to stay in the car with more favorable terms. Once a finance company is made aware of a lawsuit, its first line of recourse is usually to request a repurchase from the dealer. Many consumers are keenly aware that most small to medium-business owners will find the cost of litigation too high of a risk and, as a result, many dealers and/or finance companies are willing to negotiate with consumers.

A second example we often see that could result in a request for a repurchase is due to consumer fraud, most commonly in the falsifying of information on a credit application. For example, a consumer will provide fake pay stubs to a dealer with the hopes of being approved for financing. Some fake stubs aren’t discovered until an audit of the account is performed, which could be months after a sale. Depending on the terms of the Dealer Agreement, the finance company can immediately demand the repurchase of a vehicle as a result of fraud.

The third and final example we’ll review is the First or Second Payment Default Repurchase. This clause would allow a finance company to request a repurchase after one or two missed payments from the consumer. Failure to pay can be intentional or as innocent as a consumer not knowing where to remit payment. Thus, we strongly suggest against agreeing to a Dealer’s Agreement inclusive of this language.

So, what recourse do you have if you receive a repurchase request from your finance company?

1. Fight back. Review your Dealer Agreement and determine the validity of their claims. You’ll want to consider the following: (1) confirm whether the language cited in the finance company’s repurchase request is, in fact, in your executed Dealer Agreement; (2) do the allegations of your finance company and/or consumer satisfy a condition for repurchase?; and (3) Do they have the right to do so under your Agreement?
2. Your second option is to simply agree to the repurchase. In choosing this option you must consider whether you (dealer) have the ability to service a payment schedule or seek a servicer to partner with in order to do so.
3. Lastly, you can attempt to negotiate a resolution with the finance company that is not a one-time, direct payment. Instead, you can try to offset the repurchase against future purchases or transfers to the finance company.

If you would like to have an attorney review your Dealer Agreement or if you are currently involved in a claim with your finance company or a consumer, please don’t hesitate to reach out to us anytime. ■



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# 8 Tips to be Adaptive & Thrive in a Down Market

BY MARK BLAND, CAROFFER

The world of car dealerships is a dynamic and ever-evolving industry that operates in tandem with economic cycles. In a down market, car dealerships face unique challenges that test their adaptability and resilience. Having insight at CarOffer into thousands of dealerships nationwide, it is interesting to see what some of the best dealers are doing in these more challenging times.

The way they shed light on the different strategies, mindset, and innovations required to not only survive but thrive during these bear times.

## THE DOWN-MARKET CHALLENGE

As we all know, the last few months have been nothing but declines in our macro market. We have seen a decrease in consumer spending, tighter credit markets, and a general reluctance among customers to make major purchases. With that, we have seen a lot of our dealers experience declining sales, shrinking profit margins, and increased competition. All dealers are facing the same challenges, but the best managers demand a strategic approach that goes beyond simply waiting for the market to rebound.

## 1 DIVERSIFICATION OF INVENTORY

One key strategy for dealers during a down market is diversifying their inventory. We see too many dealers trying to stick with the same core inventory no matter what the market does. A BMW may be within one mile of a large Nissan store, but they have zero Nissans or lower priced used units on their lot. Our top dealers use all



available analytics to see what the fastest turning less expensive cars are in their market and source accordingly. This means offering a wider range of vehicles that cater to varying customer demands and budgets. While high-end cars may see reduced demand, affordable, fuel-efficient vehicles may become more popular. By adapting your inventory to the changing market demands, dealerships can maintain a steady flow of existing and new customers.

## 2 FOCUS ON PRE-OWNED VEHICLES

During economic downturns, consumers often look for cost-effective alternatives. This is where pre-owned vehicles come into play. Car dealerships can capitalize on this trend by emphasizing the quality and reliability of their certified pre-owned vehicles. This not only attracts budget-conscious buyers but also allows dealers to profit from higher margins on used cars.

Dealers need to know their various sources of how to not only find the right cars but also how to find them at the right price. Sourcing units using market disparity/out of market buying allows our dealers to take advantage of getting cars from states that don't do well with specific trims, drivetrains, etc. therefore getting them cheaper. Other dealers increase their "off the street" marketing and service drive purchases which often turn into two for one deals.

## 3 ENHANCED CUSTOMER SERVICE

In a down market, competition intensifies, making excellent customer service a critical differentiator. Dealerships must focus on building lasting relationships with customers through exceptional service, transparent communication, and personalized experiences. This not only fosters customer loyalty but can also lead to positive word-of-mouth referrals. The better the relationship, the more they will buy and refer you. When is the last time you sent in a mystery shopper and tracked the process from A-Z?

## 4 INNOVATIVE FINANCING SOLUTIONS

Tightened credit markets can make it challenging for customers to secure auto loans. To overcome this obstacle, some of our forward-thinking dealerships can collaborate with financial institutions to offer innovative financing solutions, such as lower interest rates, longer repayment terms, or deferred payments. We all know the old saying of "if you don't ask..." These options can make purchasing a vehicle more appealing to hesitant buyers and opens more opportunities to close customers that normally would have walked off the lot.

## 5 ONLINE PRESENCE AND DIGITAL MARKETING

The digital landscape has transformed the way people shop for cars. Our top dealer reconfigures their listings in order to show great offers and sometimes cheaper cars first in order to attract buyers at all price points in tougher market conditions. Utilizing social media, search engine optimization (SEO), and online advertising can help dealerships reach potential customers even when foot traffic is low. This includes not only attracting customers to buy but also to sell.

## 6 COST CONTROL AND EFFICIENCY

In a down market, cost control becomes paramount. Dealerships must closely scrutinize their expenses, identify areas for efficiency improvements, and cut unnecessary costs. This might involve renegotiating vendor contracts, optimizing inventory management, and streamlining operations.

## 7 EMPLOYEE TRAINING AND THE MINDSET OF RESILIENCE

The success of a car dealership is heavily reliant on its sales and service teams. During challenging times, a lot of our top dealers invest in employee training to enhance product knowledge, customer service skills, and sales techniques.

Motivated and well-trained staff can make a significant difference in attracting and retaining customers.

## 8 A RESILIENT MINDSET

Beyond strategic adjustments, a resilient mindset is essential for car dealers operating in a down market. Some key mindset principles that can help dealerships weather the storm include:

—**Adaptability:** Dealerships must embrace change and be willing to pivot quickly in response to market fluctuations. Flexibility and adaptability are key traits of successful dealers.

—**Long-term vision:** While focusing on surviving in the short term, dealerships should not lose sight of their long-term vision. Building a strong brand and reputation is an investment that pays off when the market rebounds.

—**Risk management:** Car dealers should take calculated risks, such as expanding into adjacent markets or investing in new technologies, but also ensure they have risk management strategies in place to mitigate potential losses.

Being a car dealer in a down market is undoubtedly challenging, but it's not insurmountable. Dealerships that embrace diversification, customer-centric strategies, innovation, and a resilient mindset can not only survive but thrive in difficult economic conditions. By adapting to changing consumer preferences and market dynamics, car dealers can emerge from the downturn stronger and more prepared for the challenges of the future. ■

*Mark Bland is the chief sales officer at CarOffer, an inventory acquisition innovator and part of the CarGurus network. Bland manages the dealer sales representatives and recently built a team to help him oversee the trade floor. He has been with the company since 2011 when it was known as RedBumper. Over the last 12 years, he has worked directly alongside founder Bruce Thompson to help dealers solve inventory problems, thrive, and increase their profitability.*

**R**ecalls continue to be a challenge for automotive manufacturers, dealers and consumers alike, as nearly 20% of all the vehicles on the road have an unrepaired recall. That's about 50 million vehicles with potentially life-threatening safety issues.

For dealers, these vehicles can represent a significant liability issue and financial risk. It's illegal to sell a new vehicle with an open recall and, in many states, an open recall on a used vehicle must be disclosed at the time of sale. Further, the FTC can fine dealers for selling Certified Pre-Owned vehicles with open safety recalls, even in the absence of laws prohibiting the sale of used vehicles with recalls. Failure by dealers to meet these standards opens them to substantial risk and can literally put their customers' lives in jeopardy.

And for consumers? Many are completely unaware they have a vehicle with an open recall, particularly if it's a used vehicle with more than one previous owner.

The vehicle manufacturers and NHTSA are certainly driven to make vehicles safe and protect consumers, and there are processes and requirements for notifications and tracking progress. They take a macro-level view, measuring success by how many vehicle-recall repairs are completed each year.

However, auto dealers are on a different timetable. If they have a vehicle in their inventory, dealers need to know immediately if it has an open recall. If they don't, it's possible they could sell a vehicle with an open recall without even knowing it.

### ***In-Transit Vehicles: A Great Time to Catch Open Recalls***

In today's vehicle sales climate, many dealerships are actively selling vehicles that have yet to arrive from the factory. This contrasts with past practices when inventory was plentiful and more than enough to meet consumer demand.

Listing and selling in-transit vehicles increase the need for early identification of recalls. Customers expect to pick up a vehicle when it arrives at the dealership. If a recall is identified for an in-transit vehicle,



## **Catching Recalls While Vehicles are In-Transit**

*If they have a vehicle in their inventory, dealers need to know immediately if it has an open recall. If they don't, it's possible they could sell a vehicle with an open recall without even knowing it.*

BY MARK ALLEN, PRESIDENT OF AUTOAP

it is important for the dealer to be prepared to repair it upon arrival. Quickly repairing the vehicle will help avoid delivery delays and customer dissatisfaction.

If dealers can track, list and sell in-transit vehicles, why not check for recalls, as well? Certainly, dealers can continually check with their OEM dealer communication system for recalls on incoming vehicles, but do they have time to do so for each vehicle every day? While at least one OEM is proactively providing dealers with notifications of recalls on inbound vehicles, for the most part it is left up to the dealerships to check.

Much like an emergency room can prep for an incoming patient arriving by ambulance, a dealer can prepare for the recall repair before the vehicle even arrives on the carrier. Parts can be ordered, shop time and technicians can be scheduled, and customers can be notified if necessary. Being proactive ensures the least impact to customer satisfaction as well as quicker warranty reimbursement revenue opportunity. Even if the vehicle is not pre-

sold in-transit, getting recalls identified and repaired immediately upon arrival gets the vehicle to the showroom floor faster and ensures a safe vehicle awaits a prospective customer.

A key factor is implementing an automated system to streamline and ensure consistency while avoiding errors. If dealers try to rely on their own manpower to pull VINs and check them manually against various recall information sources, it will be an onerous burden. It will lead to lost time, lost productivity, lost money, missed recalls and an increase in liability and customer satisfaction issues.

AutoAp research shows dealers who automate the vehicle-recall identification and reporting process are far more successful in recognizing and rectifying open recalls.

Adding in-transit vehicle VIN checks is a logical step of the recall automation process. Dealers who are already taking advantage of this process will have an advantage over their competitors who do not. ■

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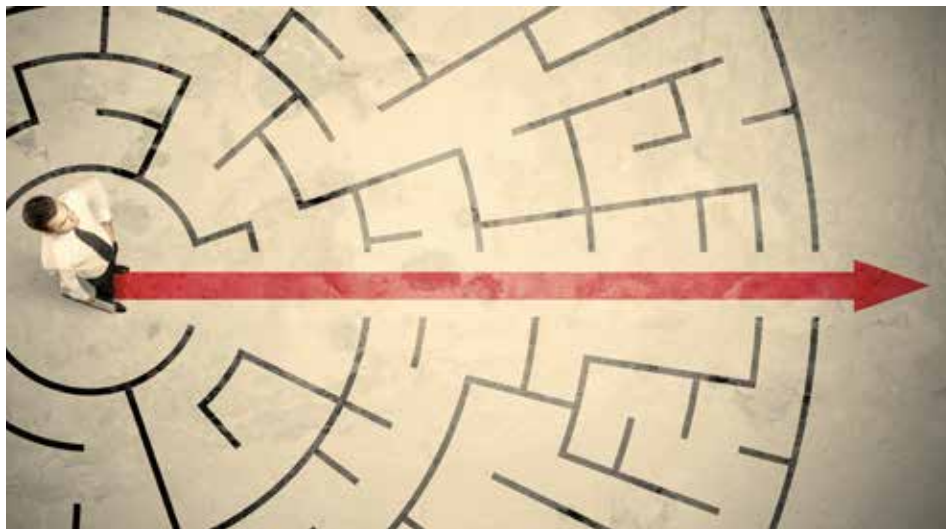
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# BUSINESS BOOSTERS: HOW TO EXIT YOUR BUSINESS SUCCESSFULLY

BY PEACHTREE PLANNING



Entrepreneurs are go-getters by nature, always looking for new ways to grow the business. But what about that day—maybe soon, maybe further down the road—when all that go-getting becomes letting-go? Are you ready—and is your business ready—to manage that life change?

Whether you are part of a family business or a sole proprietor, there comes a time when you think of leaving. Maybe it's age. Maybe the weight of routine. Maybe it's an itch to change careers.

No matter the reason, it's critical to plan your transition as well as you've planned the business. You certainly owe it to yourself: How will you maintain your lifestyle and achieve financial confidence? And you also owe it to the business: Who is the right type of buyer to keep what you've built moving forward? Even if you see yourself remaining active for the foreseeable future, it's never too early to start strategizing how to create the best outcome.

## GET REAL ABOUT YOUR DREAMS

Maybe you want to start another business. Retire and smell the roses. Maintain a part-time role. Switch careers. You need to think seriously about what you want to do, and when and how you want to accomplish those goals. That information sets the foundation for everything that follows: business succession planning, transition planning and financial and estate planning.

## ENSURE THE DOLLARS MAKE SENSE

When starting the business, you probably figured out, to the last penny, what it would take to open the doors and keep the lights on. Now, do that process in reverse. Sweat the numbers. Realistically determine what it will take to fund your lifestyle and your goals when you no longer have an owner's income.

## EVALUATE YOUR BENCH

How prepared is your management team for the big leagues and a future without you? Do you need to increase their training? Expose them to different facets of the business? Or even recruit new talent? To help their transition, start delegating day-to-day responsibilities and give them time to grow into their responsibilities while you're still around to guide them.

## BUILD SUCCESS INTO SUCCESSION

Nearly three-quarters of small business owners do not have a formal succession plan.<sup>1</sup> That's risky for your business today (what if you were to become incapacitated?) and in the future.

## ENGAGE A FINANCIAL PROFESSIONAL

The tax and legacy planning considerations can be highly complex when transferring ownership of a business. Reach out to an experienced financial professional who can review your current situation and provide guidance on various tax-efficient strategies and help optimize your estate planning.

Exiting your business can be the beginning of new and great things for you and the company you've built. With the right planning, you can help ensure a successful future for everyone. ■

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(F-6)

## AS IS — SOLD WITHOUT WARRANTY

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CURRENT ODOMETER MILEAGE \_\_\_\_\_

SELLER \_\_\_\_\_ PURCHASER \_\_\_\_\_

ADDRESS \_\_\_\_\_ ADDRESS \_\_\_\_\_

The vehicle identified below is subject to the terms and conditions of this agreement.

The seller **"SAME AS ABOVE"** hereby expressly disclaims all warranties, either express or implied, including all implied warranties of merchantability or fitness for a particular purpose and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of the vehicle.

VEHICLE DESCRIPTION

YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ I.D. NUMBER \_\_\_\_\_

### "NOTICE OF VEHICLE SOLD WITHOUT ANY WARRANTY"

This vehicle is sold without any warranty. The purchaser will bear the entire expense of repairing or correcting any defects that presently exist and/or may occur in the vehicle unless the salesperson promises in writing to correct such defects.

BUYER HEREBY ACKNOWLEDGES HE HAS READ, UNDERSTANDS AND ACCEPTS, THE PROVISIONS OF THIS WARRANTY STATEMENT FOR THE ABOVE-IDENTIFIED VEHICLE.

\_\_\_\_\_  
WITNESS

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WITNESS

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## Vehicle Recalls Down in Q3

BY ADT STAFF

*In keeping with the industry's shift toward more electrified vehicles, the top recall cause for the third quarter in a row was electrical systems.*

Vehicle recalls fell in the third quarter, though the average number of effected vehicles in a recall rose, Sedgwick reported.

The total number of recalls dropped about 16% to 197, one of the lightest quarters in the past decade in that regard; Sedgwick said that only three other quarters in 10 years have seen fewer than 200 recalls.

The total number of effected vehicles fell by about 4% to 7.9 million. But the average size of recalls rose 14.4% to 40,200, significantly above the three-year average of 33,000.

In keeping with the industry's shift toward more electric vehicles, the top recall cause for the third quarter in a row was electrical systems, which resulted in 41 recalls, or 21% of the quarter's total, Sedgwick said. ■

# CFPB Proposes New Federal Oversight of Big Tech Companies and Other Providers of Digital Wallets and Payment Apps

*Proposed rule would subject large players to the same supervisory exam process as banks*

The Consumer Financial Protection Bureau (CFPB) is proposing to supervise larger nonbank companies that offer services like digital wallets and payment apps. Driven largely by Big Tech and other large technology firms, digital payment apps and wallets continue to grow in popularity, but many of the companies are not subject to CFPB supervisory examinations. The rule proposed today would ensure that these nonbank financial companies – specifically those larger companies handling more than 5 million transactions per year – adhere to the same rules as large banks, credit unions, and other financial institutions already supervised by the CFPB.

"Payment systems are critical infrastructure for our economy. These activities used to be conducted almost exclusively by supervised banks," said CFPB Director Rohit Chopra. "Today's rule would crack down on one avenue for regulatory arbitrage by ensuring large technology firms and other nonbank payments companies are subjected to appropriate oversight."

Digital applications now help millions of people to send money to friends and family, as well as to help them make a variety of consumer retail payment transactions. These digital applications have a share of ecommerce payments volume that is similar to or greater than traditional payment methods, such as credit cards and debit cards. Such applications also have gained a significant volume of in-person retail spending. Amid growing merchant

acceptance of general-use digital consumer payment applications, consumers with middle and lower incomes use digital consumer payment applications for a share of their overall retail spending that rivals or exceeds their use of cash. However, complaints about these applications and the companies that run them have been rising in recent years.

Big Tech and other companies operating in consumer finance markets blur the traditional lines that have separated banking and payments from commercial activities. The CFPB has found that this blurring can put consumers at risk, especially when the same traditional banking safeguards, like deposit insurance, may not apply. Despite their impact on consumer finance, Big Tech and other nonbank companies operating in the payments sphere do not receive the same regulatory scrutiny and oversight as banks and credit unions. While the CFPB has enforcement authority over these companies, the CFPB has not previously had, inside many of these firms, examiners carefully scrutinizing their activities to ensure they are following the law and monitoring their executives.

The proposed rule would subject larger nonbank digital consumer payment companies to the CFPB's authority to conduct examinations, helping to ensure consistent application of federal consumer financial laws across the marketplace. Specifically, the proposed rule would help ensure these large nonbank companies:

Adhere to applicable funds transfer, privacy, and other consumer protection laws: The CFPB would be able to supervise larger participants for compliance with applicable federal consumer financial protection laws, which includes applicable protections against unfair, deceptive, and abusive acts and practices, rights of consumers transferring money, and privacy rights.

Play by the same rules as banks and credit unions: The CFPB's supervision of these large companies can foster a level playing field with depository institutions. Greater supervision of nonbanks in this market would ensure federal consumer financial protection law is enforced consistently between non-depository and depository institutions in order to promote fair competition.

Today's proposed rule, if finalized, would be one part of the CFPB's efforts to carefully monitor the entry of large technology firms, including Big Tech giants, into consumer financial markets. In 2022, the CFPB warned Big Tech firms that they must adhere to federal consumer financial protection laws when using sophisticated behavioral targeting techniques to market financial products, and launched a public inquiry to gain more information on the risks posed by Big Tech's payments platforms along with potential policy solutions. In 2023, the CFPB followed up on a 2021 request to Big Tech companies for information on their payment system plans with more detailed orders to ascertain more information on their use of sensitive personal data, and highlighted the role of certain Big Tech firms in limiting competition and innovation in mobile payments.

In addition to those actions, the CFPB has opened the Office of Competition and Innovation to ensure nascent firms can compete with Big Tech companies within consumer finance, and established a supervision technology program staffed with technology experts and examiners focused on, among other things, risks associated with Big Tech consumer financial products.

The Consumer Financial Protection Act provides the CFPB with the authority to conduct supervisory examinations over all nonbank companies in the mortgage, payday loan, and private student loan industries, as well as those who serve as service providers to banks and credit unions. In addition, the CFPB can supervise individual entities that pose a risk to consumers, as well as larger participants in other markets.

The proposed rule would be the sixth in a series of CFPB rulemakings to define larger participants operating in markets for consumer financial products and services that play a substantial role in consumers' everyday lives. The first five rules covered larger participants in consumer reporting, consumer debt collection, student loan servicing, international money transfers, and automobile financing.

For more, visit [consumerfinance.gov/about-us/newsroom](https://consumerfinance.gov/about-us/newsroom) ■



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**ANGIE AYCOCK**  
770-654-3290  
[angie@oakwoodaaa.com](mailto:angie@oakwoodaaa.com)



## MONDAY

### Atlanta East Auto Auction

2790 Hwy 78  
Loganville, GA 30052  
470-552-1032  
info@aeautoauction.com  
[aeautoauction.com](http://aeautoauction.com)  
6:00pm Dealer Sale

### IAA MACON

2200 Trade Dr.  
Macon, GA 31217  
478-314-0031  
9:00am Mondays  
[iaai.com](http://iaai.com)

### IAA TIFTON

368 Oak Ridge Church Road  
Tifton, GA 31794  
229-386-2640  
9:30am Mondays  
[iaai.com](http://iaai.com)

## TUESDAY

### America's Auto Auction -Atlanta

444 Joe Frank Harris Pkwy  
Cartersville, GA 30120  
770-382-1010  
6:00pm Dealer Only Sale  
[americasautoauction.com](http://americasautoauction.com)

### America's Auto Auction - Jacksonville

11982 New Kings Rd  
Jacksonville, FL 32219  
904-764-7653  
5:00pm Dealer Only Sale  
[americasautoauction.com](http://americasautoauction.com)

### Hwy 515 Auto Auction

107 Whitepath Rd  
Ellijay, GA 30540  
706-635-1500  
6:00pm Dealer Sale  
[hwy515autoauction.com](http://hwy515autoauction.com)

### IAA ATLANTA NORTH

6242 Blackacre Trail NW  
Acworth, GA 30101  
770-975-1107  
9:00am Tuesdays  
[iaai.com](http://iaai.com)

### Manheim Atlanta

4900 Buffington Rd.  
College Park, GA 30349  
404-761-9211 / 800-856-6107  
Every Tuesday 12:30pm  
[manheim.com](http://manheim.com)

### Manheim Georgia

7205 Campbellton Rd  
Atlanta, GA 30331  
404-349-5555 / 888-766-7144  
GM | GM Financial Closed Sale  
Tuesdays - Bi-Weekly at 12:30pm  
Open Sale, 9:30am  
[manheim.com](http://manheim.com)

### Manheim Pensacola

6359 North W St.  
Pensacola, FL 32505  
850-484-7100  
[manheim.com](http://manheim.com)  
Tuesdays 9:15am

### Rawls Auto Auction

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

### Vemo Auto Auctions, LLC

441 Dunbar Rd.  
Warner Robbins, GA 31093  
478-449-3232  
4:00pm  
[vemoauctions.com](http://vemoauctions.com)

## WEDNESDAY

### ADESA Atlanta

5055 Oakley Industrial Blvd  
Fairburn, GA 30213  
770-357-2277  
10:00am Dealer Sale  
[adesa.com](http://adesa.com)

### America's Auto Auction - Greenville

2415 Hwy 101  
Greer, SC 29651  
864-801-1199  
3rd Wed RV & Marine Sale,  
9:00am  
[americasautoauction.com](http://americasautoauction.com)

### Augusta Auto Auction

1200 E. Buena Vista Ave  
N. Augusta, SC 29841  
800-536-3234  
9:15am Dealer Sale  
9:30am Last Wed of Month INOP  
[augustaauction.com](http://augustaauction.com)

### America's Auto Auction- Savannah

1712 Dean Forest Rd  
Savannah, GA 31408  
912-965-9901  
9:00am Dealer Only  
[southeasternaa.com](http://southeasternaa.com)

### Carolina Auto Auction

140 Webb Rd  
Williamston, SC 29697  
864-231-7000  
10:00am Dealer Sale  
9:00am Salvage Sale  
[carolinaautoauction.com](http://carolinaautoauction.com)

### Greater Atlanta Auto Auction

849 Jackson Trail Rd.  
Winder, GA 30680  
470-275-0422  
[greateratlantaaa.com](http://greateratlantaaa.com)  
10:00am Wednesdays

### Houston Auto Auction

4599 Pio Nono Ave.  
Macon, GA 31206  
478-788-6947  
Wednesday 11:30am - Dealer  
Sale; Wednesday & Saturday  
6:00pm - Dealer/Public Sale  
[haamacon.com](http://haamacon.com)

### IAA ATLANTA SOUTH

1930 Rex Rd  
Lake City, GA 30260  
404-366-2298  
9:00am Wednesdays  
[iaai.com](http://iaai.com)

### Manheim Atlanta

4900 Buffington Rd  
College Park, GA 30349  
404-762-9211 / 800-856-6107  
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4th Wednesday at 9:30am  
[manheim.com](http://manheim.com)

### Manheim Georgia

7205 Campbellton Rd.  
Atlanta, GA 30331  
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Fiat Chrysler Automobiles Closed  
Sale Bi-Weekly 10:00am  
[manheim.com](http://manheim.com)

### New Calhoun Auto Auction

417 Lovers Lane Rd.  
Calhoun, GA 30701  
706-624-1944  
7:00pm Dealer & Public Sale  
[newcalhounautoauction.com](http://newcalhounautoauction.com)

### Dealers Auto Auction Atlanta

4600 Browns Bridge Rd.  
Cumming, GA 30041  
678-889-7776  
2:00pm Dealer Sale  
[dealersauto.com](http://dealersauto.com)

## THURSDAY

### Albany Auto Auction

1421 Liberty Expressway SE  
Albany, GA 31705  
229-435-7708  
2:00pm Dealer Sale  
[albanyautoauction.net](http://albanyautoauction.net)

### Augusta Auto Auction

1200 E. Buena Vista Ave.  
N. Augusta, SC 29841  
800-536-3234  
Dealer & Public Sale, Thursday,  
6:30PM  
[augustaautoauction.com](http://augustaautoauction.com)

### AutoNation Auto Auction Atlanta

2491 Old Anvil Block Road  
Ellenwood, GA 30294  
855-907-2622  
Thurs. 2:00pm  
[autonationautoauction.com](http://autonationautoauction.com)

### Dealers Auto Auction of Chattanooga

2120 Stein Dr.  
Chattanooga, TN 37421  
423-499-0015  
9:00am Dealer Sale  
[dealersauto.com](http://dealersauto.com)

### IAA ATLANTA EAST

1045 Atlanta Hwy SE  
Winder, GA 30680  
877-868-4544  
9:00am Thursdays  
[iaai.com](http://iaai.com)

### Manheim Atlanta

4900 Buffington Rd.  
College Park, GA 30349  
404-762-9211 / 800-856-6107  
9:30am Dealer Sale  
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9:30am Salvage Sale  
[manheim.com](http://manheim.com)

### Manheim Georgia

7205 Campbellton Rd.  
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404-349-5555 / 888-766-7144  
Closed Ford Factory Sale Every  
Other Thursday, 10:00am  
Call for Toyota & Nissan sale  
[manheim.com](http://manheim.com)

### Oakwood's Arrow Auto Auction

4712 Flat Creek Rd  
Oakwood, GA 30566  
770-532-4624  
4:00pm Dealer  
[oakwoodaaa.com](http://oakwoodaaa.com)

### Rebel Auction Company

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

### South Georgia Auto Auction

1407 Silica Rd  
Albany, GA 31705  
229-439-0005  
11:00am Dealer Sale  
[sgaauction.com](http://sgaauction.com)

## FRIDAY

### America's Auto Auction - Atlanta

444 Joe Frank Harris Pkwy  
Cartersville, GA 30120  
770-382-1010  
9:00am Dealer Sale, INOP 2nd &  
4th Fri 8:00am  
[americasautoauction.com](http://americasautoauction.com)

### America's Auto Auction - Greenville

2415 Hwy 101 South  
Greer, SC 29651  
864-801-1199 / 800-859-3393  
10:00am Car Sale  
[americasautoauction.com](http://americasautoauction.com)

### America's Auto Auction Charleston

651 Precast Lane  
Moncks Corner, SC 29461  
843-719-1900  
10:00am Dealer Sale  
[charlestonautoauction.com](http://charlestonautoauction.com)

### Copart Auto Auction

2568 Old Alabama Rd.  
Austell, GA 30168  
770-941-9775  
9:00am Dealer & Public Sale  
[copart.com](http://copart.com)

### Georgia-Carolina Auto Auction

884 East Ridgeway Rd.  
Commerce, GA 30529  
706-335-5300  
Dealer only Wed, 3:30pm  
[gcautoauction.com](http://gcautoauction.com)

### IAA ATLANTA

125 Old Hwy 138  
Loganville, GA 30052  
770-784-5767  
8:30am Fridays  
[iaai.com](http://iaai.com)

### IAA SAVANNAH

348 Commerce Drive  
Savannah, GA 31326  
912-826-1219  
9:30am Fridays  
[iaai.com](http://iaai.com)

### Manheim Georgia

7205 Campbellton Rd  
Atlanta, GA 30331  
404-349-5555 / 888-766-7144  
Mobile Sales  
Call for Dates  
[manheim.com](http://manheim.com)

### Rome Auto Auction powered by Manheim

3824 Hwy 411  
Kingston, GA 30145  
2:00pm Fridays  
470-339-2255  
[manheim.com](http://manheim.com)

### Tallahassee Auto Auction

5249 Capital Circle SW  
Tallahassee, FL 32305  
850-878-6200  
10:00am Dealer Sale  
[bscamerica.com](http://bscamerica.com)

## SATURDAY

### Houston Auto Auction

4599 Pio Nono Ave.  
Macon, GA 31206  
478-788-6947  
Wednesday 11:30am – Dealer  
Sale; Wednesday & Saturday  
6:00pm – Dealer/Public Sale  
[haamacon.com](http://haamacon.com)

## OTHER AUCTIONS

### A Better Bid

302-613-1026  
[abetter.bid](http://abetter.bid)

### ACV Auctions

800-553-4070  
[acvauctions.com](http://acvauctions.com)

### CarMax Auctions

888-804-6604  
Dealers Only Auctions –  
For Locations, Dates & Times  
[carmaxauctions.com](http://carmaxauctions.com)

### Copart Auto Auction

6089 Hwy 20  
Loganville, GA 30052  
770-554-6366  
[copart.com](http://copart.com)

### JJ Kane Auctioneers, Inc.

678-840-4914  
See web for sale dates  
[jjkane.com](http://jjkane.com)

### Ritchie Bros Auctioneers

4170 Highway 154  
Newnan GA 30265  
770-304-3355  
Industrial Equipment Auction  
[rbauction.com](http://rbauction.com)

### Weeks Farm Machinery Auction Inc.

2186 Sylvester Hwy.  
Moultrie, GA 31768  
229-985-5048  
[weeksfarmmachinery.com](http://weeksfarmmachinery.com)

### Wiregrass Auction Group

13035 US 319 Ste G  
Thomasville, GA 31757  
229-890-2437  
[wiregrassauctiongroup.com](http://wiregrassauctiongroup.com)

## AUCTION NOTES



# the raising BAR

## SERVICE PROVIDER DIRECTORY

GIADA service providers are best in class. We invite you to explore their services and please mention that you saw their listing in the magazine.

### ACCOUNTING & TAX PREPARATION

**HHM CPAs**  
423-756-7771  
[hhmcpas.com](http://hhmcpas.com)

A team of CPAs and dealership advisors that provide accounting, tax and consulting services to automotive dealerships across the nation.



**Stifel**  
912-234-5400  
[stifel.com](http://stifel.com)

Stifel is a diversified global wealth management company focused on building relationships that help individuals, families, and organizations pursue their financial goals.



**Tax Refund Services Tax Max**  
866-642-4107  
[TaxMax.com](http://TaxMax.com)

Tax Max gives the dealer the ability to convert a paystub and/or a W2 into a down payment using various programs to maximize tax season such as a 1st quarter, 4th quarter, collections, repairs and our new all year round program.  
**10% OFF using coupon code GIADA**



**Withum**  
386-299-3725  
[withum.com](http://withum.com)  
Dealership Accounting Services,  
Dealership Advisory Services,  
State and Federal Tax, Warranty  
Reimbursement, Dealership Valuation



### ASSOCIATIONS

**NAAA - National Auto Auction  
Association**  
301-696-0400  
[naaa.com](http://naaa.com)

NAAA represents the interests of the auto auction industry delivering training, setting standards and offering networking opportunities to the remarketing community. The success of the association is its membership and the ability to come together as a unified voice.



### BHPH CAPITAL

**SDA**  
800-467-5172  
[sdainc.net](http://sdainc.net)  
SDA, located in Georgia, has been a nationwide provider of capital to the BHPH industry for over 25 years. We purchase accounts and let the dealer continue to collect. Raise the capital you need...without giving up control of your accounts.



**Southern Capital Finance Group LLC**  
309-678-9986  
[scfgllc.com](http://scfgllc.com)  
**Spartan Financial Partners**  
855-233-3605  
[spartan-partners.com](http://spartan-partners.com)  
BHPH Line of Credit  
**Free portfolio analysis!**



**Sterling Credit**  
706-830-3045  
[sterlingcreditcorporation.com](http://sterlingcreditcorporation.com)  
Sterling Credit Corp is a family owned company that offers a number of competitive programs that can benefit your financial goals. Just as the hundreds of dealerships across the country that turn to us for our clear-cut bulk-purchasing and our comprehensive loan-servicing programs.



**Style Financial Acceptance**  
770-949-8598  
[stylefin.co](http://stylefin.co)  
Account Purchase Program, Point of Sale, Bulk

## COMPLIANCE SOLUTIONS & CREDIT REPORTS

### 700Credit

866-273-3848

[700credit.com](http://700credit.com)

Focuses on delivering the most robust, bureau-inclusive credit, compliance, prescreen and consumer pre-qualification solutions on the market today.



### Microbilt Corp

866-538-9815

[microbilt.com](http://microbilt.com)

Microbilt is a registered consumer credit reporting agency. That means our data and products meet the highest standards of accuracy, quality, and security as mandated by federal regulations.



## COMPUTERS/NETWORKING

### Alltek Holdings Inc.

770-949-9468

[alltekholdings.com](http://alltekholdings.com)

Our technology solutions and support can help your network run smoothly. You can rest easy knowing that you're getting fast help when you need it. We worry about your technology, so you don't have to!



## CONSULTING FIRMS

### Dealer Consultants

404-740-0330

Dealer Consultants prides itself in the services we provide. We are built on the foundational basis of helping our dealer partners develop innovative strategies of increasing dealer profits and enhancing compliance.

## CREDIT SOLUTIONS

### ScoreNavigator Inc.

866-944-8845

[scorenavigator.com](http://scorenavigator.com)

## CRM SOFTWARE

### AutoRaptor

401-421-6533

[autoraptor.com](http://autoraptor.com)

Powerful and easy-to-use, AutoRaptor CRM delivers intuitive solutions for independent and BHPH dealers who want to stop missing opportunities and grow their business. Our software helps dealers organize leads, automate the sales process, market by email & text, track ROI, and maintain accountability.

## DEALER GROUPS & RESOURCES

### Autotrader

866-288-6872

[autotrader.com](http://autotrader.com)

Our mission at Autotrader is to be your ultimate online solution for buying and selling new, certified and used cars. Our site is designed to give you more control of the buying process and make finding a vehicle easier than ever before.



### Cars.com

888-780-1286

[cars.com](http://cars.com)

Cars.com is a leading digital marketplace and solutions provider for the automotive industry that connects car shoppers with sellers.



### Ebay Motors

208-206-6238

[ebay.com](http://ebay.com)

eBay Motors is where you will find new and used vehicles as well as parts for fixing, updating, or maintaining your existing vehicle



### HopDrive

800-913-7674

[hopdrive.com](http://hopdrive.com)

Impress your customers with a concierge service that takes their car from driveway to dealership and back, with minimal effort.

## Independent Dealer University

816-227-1123

[idutuskers.com](http://idutuskers.com)

### Lotvision

678-634-1776

[mymanheim.com/lotvision](http://mymanheim.com/lotvision)

Quickly find inventory to preview or pickup. It's free and easy to use. Lotvision is live in select Manheim locations. Lotvision also has over 7,000 (DTCs) diagnostic trouble codes on-site and online. See codes in minutes!



### SA Recycling

706-681-1118

[sarecycling.com](http://sarecycling.com)

SA Recycling is a full-service ferrous and non-ferrous metal recycler and processor. Recognized as an industry leader in metal recycling, we operate over 70 recycling facilities conveniently located throughout California, Texas, Arizona, Nevada, Georgia, Alabama and Tennessee.

### SiriusXM

917-378-6218

[siriusxm.com](http://siriusxm.com)



## DEALER LEADS PROVIDERS

### LeadVantage

206-234-2816

## DEALER MGMT SYSTEMS / WEBSITE PROVIDERS

### ABCOA/Deal Pack

800-526-5832

[dealpack.com](http://dealpack.com)

Deal Pack, a turn-key software product of ABCoA, contains features vital to the successful operation of a dealership, related finance company, finance company or service and parts operation, handling buy here pay here, retail, external and internal leasing, floor planning, and wholesale deals in real-time accounting

**20% discount off our one-time fee to GIADA members**



**All-American Capital Resources LLC**  
404-694-3452

All-American is a resource partner to our dealers. We provide consulting, training, compliance resources, software and funding to generate alternate/secondary revenue streams for BHPH dealers using their existing work force and space. We use a proven system and bring strategic partners to the relationship that gives our collaboration the best opportunity to build more business, keep existing customers and earn more income.



**Comsoft**  
800-849-3838  
[comsoft.com](http://comsoft.com)

Comsoft specializes in Dealership Management & Marketing Software Solutions. We offer Deal Paperwork Processing, Inventory Control, Prospect Management, BHPH, LPHH Management Reports, in addition to third party Integrations including Quick Books and others. Integrated websites available with data feeds to multiple online advertisers.

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**ComSoft**  
Dealership Management & Marketing Software Solutions

**DealerCenter**  
888-669-2669  
[dealercenter.net](http://dealercenter.net)  
Web-based Dealer Management Software

**Frazer Computing Inc.**  
888-963-5369  
[frazer.biz](http://frazer.biz)  
Computer Software



**vAuto**  
877-828-8614  
[vauto.com](http://vauto.com)  
vAuto's dealership management software offers both new and used car dealers the power of a live market view to drive better decisions, every day.



**Wayne Reaves Computer Systems, Inc.**  
800-701-8082 or 478-474-8779  
[waynereaves.com](http://waynereaves.com)

Wayne Reaves Software has been a leading provider of dealer management software since 1987. The DMS provides an easy-to-use experience for dealers of all types and sizes with multi-location and online hosting capability. The software is always up to date and backups are secured. Wayne Reaves Software also provides the latest technology for dealers who enjoy using responsive website platforms for attracting new buyers. As the most trusted name in the digital space, dealers rely on Wayne Reaves Software to sell more cars, make more money, save time and increase productivity. No other digital partner provides dealers with the depth and breadth of experience in the dealer industry.



### DMS & DEALER INVENTORY MANAGEMENT

**Dealerslink**  
844-340-2522  
[public.dealerslink.com](http://public.dealerslink.com)  
New and used auto dealership management software



**EpicVIN**  
954-639-4497  
[epicvin.com](http://epicvin.com)  
We provide a comprehensive suite of services for dealers, including unlimited vehicle history package and AI-powered AutoSelect Pro that identifies regional market trends and competitor data, and recommends cars with higher profitability and quicker turnaround time. Reach out to get free access!  
**GIADA members can use the promo code "EpicGIADA" when subscribing for a year of our AutoSelect Pro service and get two months for free.**



### E-SIGNATURE COMPANY

**Dealer Sign**  
561-631-9177  
[dealersign.net](http://dealersign.net)  
E-Signatures for car dealerships. Sign from anywhere.



### EMISSIONS

**Georgia's Clean Air Force**  
800-449-2471  
[cleanairforce.com](http://cleanairforce.com)  
Your resource for Georgia's Vehicle Emissions Inspection & Maintenance Program

### FINANCE COMPANIES

**1803 Capital LLC**  
404-396-2994  
[1803capital.com](http://1803capital.com)

**ABC Loan Company**  
706-860-3279  
We are a 17-year old company that offers point of sale and a cash flow program. We may be a good fit for you!



**Car Financial Services**

877-570-8857

[carfinancial.com](http://carfinancial.com)

Bulk Purchase, Payment Streams,  
Account Servicing for BHPH / Floor  
planning for BHPH dealers with NO  
audit fees

**Independent Bank**

423-883-1503

[i-bankonline.com](http://i-bankonline.com)**Independent Dealers Advantage, LLC**

678-720-0555

[idallc.com](http://idallc.com)

Providing Sub-prime Financing when  
others cannot

**International Credit, Inc.**

678-325-5154

[internationalcreditinc.com](http://internationalcreditinc.com)

Working with Car Dealers for their  
Customer's Financing Needs

**Lendmark Financial Services**

803-447-6988

[lendmarkfinancial.com](http://lendmarkfinancial.com)

When you refer your customers to one  
of our 50 locations in Georgia, we will  
provide fast and friendly service to  
help make the sale. No cost to join and  
no minium referral requirements. It's  
easy to get started today.

**Ottomoto**

770-406-8598

[ottomoto.net](http://ottomoto.net)

OTTOMOTO®'s vehicle financing  
platform connects dealers with small  
to medium-sized lenders, automating  
the lending and leasing process in  
a compliant manner. We create a  
competitive advantage for lenders and  
dealers through increased deal flow,  
efficiencies, and customer satisfaction.

**Peoples Financial Corp.**

770-422-2735

[peoplesfinancial.net](http://peoplesfinancial.net)

Auto Loans, Direct or Indirect,  
Secondary

**Peoples Financial Valdosta**

229-242-6620

[peoplesfinancial.net](http://peoplesfinancial.net)

Auto Loans, Direct or Indirect,  
Secondary

**Professional Financial Services**

(470) 345-6715

[pfs-corp.net/dealer/get-started](http://pfs-corp.net/dealer/get-started)

Learn how Professional Financial  
Services (PFS) can provide your  
customers Common Sense Loans At  
Uncommon Speed®. We have local  
branches, local buyers, and provide  
fast funding. Our team is on hand to  
walk through the PFS program and  
how we're the perfect partner for your  
dealership and more importantly...your  
next customer! Ready to talk finance?  
Call or visit [pfs-corp.net](http://pfs-corp.net).

**Road Auto Finance**

912-667-4628

[roadautofinance.com](http://roadautofinance.com)

Quality & professional lending. We  
provide automotive financing to  
consumers through our trusted dealer  
partners.

**TRG Auto Finance, LLC**

904-476-1374

[trgautofinance.com](http://trgautofinance.com)

TRG Auto Finance, LLC offers several  
receivable purchase programs including  
Payment Share and Payment Interval  
Advance programs with and without  
servicing options. No aging required!  
All programs are available day 1 of  
the contract. We are able to service  
both English and Spanish speaking  
customers and we offer servicing as  
a standalone product to assist you in  
growing your business by outsourcing  
your collections. In addition to  
purchasing your receivables, we offer  
floor plan options for well qualified  
dealers.

**US Auto Credit Corp**

904-380-4288

[usautocreditcorp.com](http://usautocreditcorp.com)**Westlake Financial**

404-670-0564

[westlakefinancial.com](http://westlakefinancial.com)**FINANCIAL PLANNING****Peachtree Planning Auto Dealers  
Services**

404-384-4140

[ihelpindependentautodealers.com](http://ihelpindependentautodealers.com)

We help independent dealers protect  
their assets from litigation & creditors.  
Do you know if your family and  
business are protected? What happens  
if something happens to you?

**Mention GIADA for exclusive discounts**



## FLOOR PLAN COMPANIES

**Autobank Floorplan**

864-269-3322

[autobankfp.com](http://autobankfp.com)

It is our goal at AutoBank Floor Plan to provide our customers with a financing program dedicated to helping them succeed. Our company will provide automotive dealers the capital and buying power necessary to compete in today's challenging but growing used car sales market. We desire to build relationships with our dealers by committing to help them grow their business

**Automotive Finance Corp.**

770-805-4155

[afcdealer.com](http://afcdealer.com)

Floor Planning

**Axle Funding**

770-336-7880

[auctioncredit.com](http://auctioncredit.com)

Increase Inventory using Flexible Credit Lines

**Carbucks**

864-234-9696

[cbffloorplan.com](http://cbffloorplan.com)**Dealers Finance, Inc.**

678-739-2059

[dealersfinance.com](http://dealersfinance.com)

Dealers Finance provides financial support to hundreds of independent used car dealers in the southeast US. We provide flexible credit lines from \$50,000 to \$1,000,000 and offer a variety of floorplan financing programs specifically geared to the needs of the independent used car dealer.

**Dealer Financial**

864-385-7302

[dealerfinancial.com](http://dealerfinancial.com)

Floor plans designed to support your business with a stable, reliable and easy to use source of funds. Reasonable fees that allow you to purchase the right inventory. Your vehicle for success.

**Floorplan Xpress LLC**

855-605-6991

[floorplanxpress.com](http://floorplanxpress.com)**Kinetic Advantage LLC**

317-428-7037

[kineticadvantage.com](http://kineticadvantage.com)

Kinetic Advantage is a dynamic independent floorplan company led by trusted industry veterans. Our core focus is helping our Independent Dealer partners and team members succeed while providing them with an exceptional and engaging user experience.

**NextGear Capital, Inc.**

888-969-3721

[nextgearcapital.com](http://nextgearcapital.com)

NextGear Capital is the industry's leading comprehensive provider of lending products, providing flexible lines of credit for dealers to purchase new and used inventory at over 1,000 auto and specialty auctions and other inventory sources throughout the United States, Canada, United Kingdom and Ireland.

**PrimaLend Capital**

972-239-6668

[primalend.com](http://primalend.com)

PrimaLend provides the capital you need to finance auto auction purchases, customer trades, and other types of vehicle acquisitions. Apply for an inventory Floor Plan today to access liquidity and grow your business.

**Vehicle Acceptance Corp.**

804-253-9239

[vacorp.com](http://vacorp.com)

Vehicle Acceptance Corporation offers Floorplan Financing to the independent used car dealer. With 25 years of experience and eight regional offices across the nation, we are here to help all dealers with their floorplan needs.



## GPS TRACKING - PAYMENT PROTECTION DEVICES

**Advantage GPS by Procon Analytics**

949-422-7103

[advantagegps.com](http://advantagegps.com)

Advantage GPS is a GPS automotive analytics company on a mission to replace outdated technology. The company's artificial-intelligence driven analytical dashboard along with its wire-free REVOLUTIONARY family of three, GPS devices with flexible tracking modes provides auto lenders with a progressive, next generation set of risk mitigation tools.

**ARA GPS Systems**

770-871-0051

[aragps.com](http://aragps.com)

All trackers locate, but ours is the ONLY GPS SYSTEM available that can help you find your collateral even if your customer has tampered with the device! Compatible with any internet enabled device and VOTED BEST SMARTPHONE APP! Find out how much more SVR Tracking can do for you beyond basic locate. Call or text Larry Carter at 770-871-0051. Email [aragps@mailga.net](mailto:aragps@mailga.net) or visit us at [www.aragps.com](http://www.aragps.com). **Buy one GPS device, Get one Free! Eligible for first time GIADA Members & new ARA GPS customers.**



ARA GPS

**CallPass**  
727-440-3913  
[callpass.com](http://callpass.com)

CallPass is a leading provider of advanced asset, fleet, and vehicle GPS tracking solutions. Priding ourselves on helping those in the industry not only protect but accelerate their livelihoods by empowering their prized dealerships. Learn how our iGotcha Choice Plan is redefining the way dealers view GPS protection along with saving them thousands through FREE GPS devices by exploring our website or giving us a call!



**Ituran USA**  
866-543-5433  
[ituranusa.com](http://ituranusa.com)

Since 1995, ITURAN has been recognized as the global leader in vehicle GPS tracking and as asset protection, recovery and personalized customer service. Our comprehensive suite of products and services cover the full range for automobiles, fleet management, BHPH and vehicle finance companies.



**Passtime**  
877-727-7846  
[passtimegps.com](http://passtimegps.com)  
Vehicle Tracking



**Sarekon GPS**  
888-726-3511  
[sarekon.com](http://sarekon.com)



**Goldstar GPS, a Solera company**  
678-362-2161  
[spireon.com](http://spireon.com)  
We are North America's largest device-independent telematics company providing visibility and insight from connected vehicles to help businesses run smarter, people drive safer, and the world stay connected.



**Stars GPS**  
336-476-7828  
[stars-gps.com](http://stars-gps.com)



#### INSURANCE/SURETY BONDS

**Absolute Surety LLC**  
407-674-7940  
[absolutesurety.com](http://absolutesurety.com)  
We offer dealer & title surety bonds as well as garage liability insurance.  
A+ Rated with BBB



**All American Bonds & Insurance**  
844-321-2663  
[quickerbonds.com](http://quickerbonds.com)

All American Bonds and Insurance is a family owned insurance agency, focusing primarily on the insurance and bond needs of used car dealers. We pride ourselves on having the best rates and top notch customer service. Don't waste your time shopping around. Let us do that for you! **10% off bond price for GIADA members**



**American Risk Services**  
678-366-7279  
[americanriskservices.com](http://americanriskservices.com)  
American Risk Services is the leading provider of Collateral Protection Insurance (CPI) serving the Buy Here - Pay Here and Subprime Financing industries. CPI enables the lender, lessor, and dealer to manage risk and generate revenue with the latest comprehensive compliance, full systems automation, fastest claims service, and proven onsite training. Georgia based ARS staff for great service to Georgia dealers.



**Cornerstone Insurance Group**  
800-257-9999  
[dealergarageinsurance.com](http://dealergarageinsurance.com)

Attention: Used Auto Dealers! We offer liability and bond coverages for start-up used auto dealers and brokers, as well as those who have been in business for many years. We offer competitive pricing and have an in-depth understanding of State requirements to ensure you have the coverages you need.



**FSB America**  
888-786-2663  
[fsbamerica.com](http://fsbamerica.com)

We have been successful in contract, bid, performance, payment, maintenance, license, permit and many other bonds by listening to each client, providing fast service and competitive rates and negotiating the largest possible bond programs.



**The Fincher Group**  
770-313-1033  
[thefinchergroup.com](http://thefinchergroup.com)



**The Golden Rooster LLC - El Gallo De Oro**

678-450-8003

[elgalloins.com](http://elgalloins.com)

We are an insurance agency that specializes in start-ups used auto dealers and brokers. We provide garage liability and bonds with several carriers. We have over 10 years of experience in this industry. Habla Espanol.



**Griffin Agency**

912-384-1003

[griffinagency.com](http://griffinagency.com)

Auto Dealers; Garage Insurance; and Dealer Bonds



**Georgia Insurance Associates, Inc.**

678-985-0944

[georgiains.com](http://georgiains.com)

Bonds, Garage Liability, Dealers Open Lot, Workers Compensation, Property, Home, Auto



**Inter Insurance Agency**

631-561-7648

[interinsurance.com/default](http://interinsurance.com/default)



**LST Insurance Agency**

706-277-0971

[lstins.com](http://lstins.com)

In 1998, we established LST Insurance Agency to serve the needs of Truckers, Loggers and Saw Millers. Since then, we have expanded to other areas such as Garage, Personal, Auto and Homes. We have several A+ rated companies to approach for your garage related insurance needs. Some of the coverages we offer are Liability, Dealer Bonds, DOL, Title Bonds, and Dealer's Errors & Omissions. Please call to discuss your coverage needs.



Ph: 800-588-1249 / Email: LST@LSTINS.COM

**Reeves Insurance Associates, Inc.**

770-949-0025

[reeves-ins.com](http://reeves-ins.com)

Reeves Insurance Associates has been a member of the GIADA since 2000. We have in-depth knowledge and understanding of the used car dealer industry and are able to provide the proper insurance coverage to meet the used car dealers' needs. We quote coverage with multiple insurance companies to ensure our dealers have the most competitive coverage and premium available. Whether you're a new or existing dealer, auto broker, retail lot, wholesaler, large or small, we have a carrier for you.



**RLI Insurance Company**

800-645-2402

[rlicorp.com](http://rlicorp.com)

RLI Insurance Company is an A+ rated specialty insurer that offers a diverse portfolio of insurance coverages and surety bonds through our exclusive agency base. We have a passion for doing what it takes to help our customers be successful.



**Ron E. Widener & Associates**

770-941-0293

[ronwidener.com](http://ronwidener.com)

Bonds, Garage Liability, DOL, WC, Property & Rental Car Insurance



**Surety Bond Girls**

678-694-1967

[suretybondgirls.com](http://suretybondgirls.com)

Surety Bond Girls, LLC is a full service licensed, P&C Agency specializing in all aspects of compliance. We offer a streamlined approach to surety bonding, permit expediting and licensing. With over 21 years in the surety bond and compliance industry, we have seen the need for our unique specialized services offered in a convenient mobile atmosphere. We like to think of ourselves as your one-stop mobile shop for all your professional license needs. **Free NMVTIS report with a Title Bond**



**WoodmenLife**

678-447-1161

[woodmenlife.org/ reps/JulieDermer](http://woodmenlife.org/ reps/JulieDermer)

WoodmenLife offers Life Insurance, Investments, Employee Benefits, Buy Sell Insurance, Key Person Insurance, Health, Dental, Vision, 401Ks, Roths and Annuities. We are a Not-for-Profit Fraternal Insurance company with a mission to provide members with financial security while making a difference in your community.

## LEGAL

**Dunlap Gardiner, LLP**

770-489-5122 x104

[dunlapgardiner.com](http://dunlapgardiner.com)

Our firm represents many auto dealers and auto finance companies throughout the state of Georgia. We have over a decade of experience in the auto industry and handle a wide range of matters including collections, bankruptcy representation, and insurance claims and disputes. We have filed hundred of writs of possession on behalf of clients and defend clients against claims filed against them. We also often advise clients on compliance issues, including contracting issues and interactions with customers.

**Gregory Law, LLC**

770-217-5524

[cardealerattorneys.com](http://cardealerattorneys.com)

A practicing attorney who knows the car business from the inside out and has the ability to look at client's dealerships from an attorney's perspective with a dealer principal's experience

**Discounts available through GIADA****Legal Resources****Lefkoff Law, LLC**

404-482-2228

[lefkofflaw.com](http://lefkofflaw.com)

Lefkoff Law is a general practice law firm that specializes in the representation of GIADA dealers and associated finance companies in fair business practices act litigation, insurance disputes, government investigations, employment, and much more. Lefkoff Law - Integrity. Solutions. Results.

**Lefkoff, Rubin, Gleason, Russo & Williams, P.C.**

404-869-6900

[LRGLaw.com](http://LRGLaw.com)

LRGRW is a premier creditors' rights law firm. LRGRW represents a wide variety of clients including commercial banks, mortgage lenders, finance companies, loan servicing agents, institutional lenders, automobile dealership and credit unions.

**Rountree & Leitman**

404-584-1229

[randllaw.com](http://randllaw.com)

Rountree Leitman & Klein, LLC is a full service commercial law firm specializing in business and personal bankruptcy, loan workouts and debt restructuring, commercial litigation, collections, landlord/tenant, foreclosures, evictions, lien law and business disputes.

## MISCELLANEOUS

**Prolific Truck & Equipment LLC**

706-538-1322

[prorolloffs.us/index.html](http://prorolloffs.us/index.html)

## ONLINE MARKETING

**Autosweet**

614-582-7030

[autosweet.com](http://autosweet.com)**Big Time Advertising and Marketing**

636-614-4151

[gowithbigtime.com](http://gowithbigtime.com)**Dealer OMG**

512-496-3687

[dealeromg.com](http://dealeromg.com)

We are a social media marketing agency that delivers unparalleled results. Our diverse team of marketing and automotive pros pioneered data-driven targeting and full funnel strategies but we didn't stop there. Using our proprietary technology, we are able to target in-market shoppers like never before.

**Digital Media Nation**

770-318-3401

[reputationsensei.com](http://reputationsensei.com)

## PAINT &amp; BODY

**Auto Doctor, Inc.**

770-479-9339

[autodoctorstore.com](http://autodoctorstore.com)

Canton, GA - We are a collision center. We work on all makes & models. Restorations of cars & trucks. Free Estimates.

**Courson's Paint & Body Shop, Inc.**

912-367-4226

Body Shop

## PARTS &amp; SERVICE

**Associated Fuel Systems Inc.**

404-361-1361

[associatedfuelsystems.com](http://associatedfuelsystems.com)

Full service truck repair shop. We can diagnose all your minor & major diesel repair needs down to the most difficult troubleshooting issues.

**Utility Trailer Sales Comp of GA, LLC**

404-363-4383

[utilityofgeorgia.com](http://utilityofgeorgia.com)

South's finest full service Trailer Dealership. Our Primary objective is to provide the transportation industry with quality trailers, excellent service and aftermarket parts from our leading manufacturers.

## PAYMENT PROCESSING

### BlytzPay

801-658-2212

[blytzpay.com](http://blytzpay.com)

BlytzPay reaches customers instantly, no matter where they are. They can view and pay an invoice within minutes. It's a simple, yet innovative solution to bill payments that is less stressful for you and your customers. All it takes is a smartphone.



### Carpay

877-388-4265

[carpay.com](http://carpay.com)



### Repay

470-582-9696



## PROMOTIONAL & MARKETING

### Car Care Promotions

214-801-2195

[carcarepromotions.com](http://carcarepromotions.com)



### Glo3D

416-575-4448

[glo3d.com](http://glo3d.com)

Glo3D offers an affordable mobile-based 360 photography software to help auto dealers capture professional virtual tours of their cars and automatically upload them to their website and inventory management in under 10 minutes.

**\$350 integration fee will be waived for GIADA members!**

### Meeting Street Graphics

205-497-0520

[cartags4less.com](http://cartags4less.com)

Personalized Drive-Out Tags

## PROPERTY MANAGEMENT & LEASING

### Helios Properties Group

470-273-2747

[heliospropertiesgroup.com](http://heliospropertiesgroup.com)

Serving the unique office space needs of entrepreneurs and small businesses in the Atlanta market, including affordable spaces for auto brokers.

### Independent Business Suites

404-793-0038

Need properly zoned auto broker office space? We have affordable professional office space located in several locations around Atlanta: Lithonia - Marietta - Monroe - Gainesville - Riverdale



## RADIO STATION

### PMB Broadcasting

706-327-1217

[pmbbsites.com](http://pmbbsites.com)

PMB Broadcasting, LLC. is a locally-owned, locally-operated family of radio stations. Columbus is our home and we take pride in not only broadcasting to the community, but from the community.

## RECONDITIONING & ACCESSORIES

### Advance Auto Parts

678-772-1991

### Accessory Distributing by KALLOREN

770-745-8446

[kallorenpro.com](http://kallorenpro.com)

Built upon a foundation of delivering extraordinary service to the Georgia auto dealers for over 50 years, Accessory Distributing offers a variety of Yeager's cleaning and reconditioning chemicals along with other brands. Our products will have your inventory looking great and ready to move! **GIADA members receive 10% off your first order.**

### Avery Automats

706-278-5161

[averyautomats.com](http://averyautomats.com)

Avery Automats has been producing mats for dealerships across the country for over 35 years. Our mats are all weather/carpet manufactured in the U.S. We specialize in branding your logo on mats. Contact us for dealer pricing not shown on our website. Mats matter!

**\$150 off first pallet order**

## REINSURANCE

### Buckeye Dealership Consulting

330-726-9030

[buckeyereinsurance.com](http://buckeyereinsurance.com)

Buckeye Dealership Consulting serves BHPH and retail dealers as well as independent finance companies with their reinsurance needs. We work with you to customize a reinsurance program to control risk, improve cash flow, and increase the bottom line.



### DealerRE

804-824-9533

[dealerre.com](http://dealerre.com)

DealerRE is the expert at establishing and managing dealer owned reinsurance companies which allow dealers to provide their own limited warranties, service contracts and ancillary products. We also help BHPH dealers provide debt cancellation, collateral protection insurance (CPI) and GAP.



### Empire Indemnity Insurance Company Risk Retention Group, Inc.

817-767-9200

[empirerrg.com](http://empirerrg.com)

Empire Indemnity Insurance Company Risk Retention Group, Inc. is purpose-built and purpose-driven to provide force-placed insurance to BHPH dealers and lenders.





## RENTAL CAR BUSINESS

**Associated Car Rental Systems**  
770-948-1731  
[ronwidener.com](http://ronwidener.com)  
Rent-A-Car Training & Insurance

## RENTAL CAR COMPANIES

**Avis Rent A Car Systems, Inc.**  
404-763-6331  
[avis.com](http://avis.com)

Avis Car Rental and its subsidiaries operate one of the world's best-known car rental brands with approximately 5,500 locations in more than 165 countries. Avis has a long history of innovation in the car rental industry and is one of the world's top brands for customer loyalty. Avis is owned by Avis Budget Group, Inc. (NASDAQ: CAR), which operates and licenses the brand throughout the world.

**Enterprise Rent a Car**  
855-266-9565  
[enterprise.com/en/home.html](http://enterprise.com/en/home.html)



## REPOSSESSIONS &amp; COLLECTIONS

**Hill & Associates**  
770-499-1801  
Collections and Recovery

## SATELLITE RADIO

**SiriusXM Radio**  
866-635-5027  
[siriusxm.com](http://siriusxm.com)  
Satellite Radio & Online Radio Service



## SERVICE CONTRACT PROVIDERS, WARRANTY

**ASC Warranty**  
800-442-7116  
[ascwarranty.com](http://ascwarranty.com)  
Helping Dealers Sell More Cars for Over 30 Years



**Freedom Warranty**  
423-212-7445  
[freedomwarranty.com](http://freedomwarranty.com)



**GWC Warranty**  
800-482-7357  
[gwcwarranty.com](http://gwcwarranty.com)  
GWC Warranty is the automotive industry's best-in-class provider of used vehicle service contracts. We help our dealers sell more cars by giving car shoppers the confidence to become car buyers. Since 1995, GWC has worked with our dealer partners to protect more than 1.5 million customers.



**Integrity Warranty LLC**  
423-910-9490  
[integritywarranty.com](http://integritywarranty.com)

Industry-leading service contract options, for an industry-leading selection of vehicles. We help you provide value to every car buyer. Backed by an A.M. Best A-rated insurance company, our service contracts provide "Peace of Mind Nationwide."

**\$50 off first service contract with a term of 12 months or longer. Applicable to new dealers only. Limit one per contract.**



**NVP Warranty**  
888-270-5835  
[nvpwarranty.com](http://nvpwarranty.com)  
NVP Dealer Benefits include: Increase transaction profitability; Provide customers with a quality service contract program; Simple pricing matrix to share with customers; Easy to Understand Coverage Programs; Solid underwriting and insurance backing and much more!



**ProGuard Warranty Inc.**  
877-474-9462  
[proguardwarranty.com](http://proguardwarranty.com)  
ProGuard Warranty is a leading provider of new and pre-owned vehicle service contracts sold exclusively through a nationwide network of dealer partners. We offer an expansive menu of Standard, Commercial, CPO and GAP vehicle protection plans backed up by the best service in the industry. With Dividends, Commissions, Bonuses and Reward programs to increase your bottom line, high-end marketing material to simplify your sales process and the most user-friendly dealer portal, ProGuard is the complete package.



## SERVICE CONTRACT PROVIDERS, WARRANTY (CON'T)

**TNT Dealer Services**  
770-403-5808  
[tnt-dealer-services.square.site](http://tnt-dealer-services.square.site)  
TNT Dealer Services is the premier Dealer Automotive Consulting Group. With over 35 years of bumper to bumper experience in all areas of the automotive industry we can help our Dealer Clients maximize profits while offering the best products to their customers. Because we are a small business our low overhead keeps our costs down allowing our dealer clients the best services at the best prices with the best team in the industry.



## SOCIAL MEDIA &amp;/OR ONLINE REPUTATION MONITORING

**Professional Mojo LLC**  
866-611-2715  
[professionalmojo.com](http://professionalmojo.com)  
Social media marketing  
**professionalmojo**

## TITLE SERVICES

**Avanco Tag & Title Service**  
404-768-7162  
[avancotagtitle.com](http://avancotagtitle.com)  
Title and Registration Services

**DDI Technology**  
803-622-5214  
[dditechnology.com](http://dditechnology.com)



**DDI Technology™**  
an IAA company

**Title Me Crazy Title Services**  
770-940-9642  
We specialize in ETR title processing, ETR and title training, replacement titles, bonded titles, abandoned titles and notary services.

**10% off services for members; Additional 5% off for first time customers; 20% discount on ETR processing for 25 or more titles per dealer (must sign contract of 3 months or more)**



**Title Me Crazy**

**TitleTec**  
877-684-4958  
[titletec.com](http://titletec.com)  
Business, Title & Registration Software



**SOLERA** | Titling  
Vehicle Solutions

## TRANSPORT &amp; TOWING

**Ackerman Wrecker Service**  
478-742-0221  
[ackermanwrecker.com](http://ackermanwrecker.com)  
Ackerman Wrecker  
Service has licensed, insured, and trained professionals that can solve your recovery, transport, roadside, and salvage needs. No job is too small or too large and Ackerman's staff have the knowledge and expertise to get your solution done right.

## USED CAR VALUATION

**Black Book**  
800-554-1026  
[blackbookusa.com](http://blackbookusa.com)  
Wholesale Vehicle Guide  
**GIADA members receive 1 month free with a paid subscription to a Black Book product**



## VEHICLE HISTORY REPORTS

**Auto Data Direct, Inc.**  
850-877-8804  
[add123.com](http://add123.com)  
Vehicle Database Searches

**Carfax**  
888-788-7715  
[carfax.com](http://carfax.com)



## VEHICLE MODIFICATIONS

**Adaptive Driving Solutions Inc.**  
706-364-2688  
[augustamobility.com](http://augustamobility.com)  
Quality new and used handicap vans and scooter lifts designed to accommodate your individual needs

**Custom Mobility Van & Lift Sales & Services LLC**  
706-353-1099  
[custommobility.net](http://custommobility.net)  
Conversions, Hand Controls, & Wheelchairs

**R & R Van Lift Sales & Services**  
770-483-0767  
[rrvan.com](http://rrvan.com)  
R&R Van Lift has the largest selection of new and used wheelchair accessible vans, trucks and SUVs. We install high-tech equipment, hand controls and vehicle modifications as well as wheelchair accessible van rentals.



## VEHICLE SERVICES

**Big Time Locksmiths LLC**  
386-235-5575  
[bigtimelocksmiths.com](http://bigtimelocksmiths.com)

**I.V.S. Security | Atlanta Locksmiths Inc.**  
404-662-2433  
[ivslocksmith.com](http://ivslocksmith.com)

We fix locks, replace and reset keys. We are automotive and exotic car specialists while also providing a full range of locksmith services, including residential and commercial. We are the dealer's choice in Atlanta, and we take pride in providing excellent, fast, and reliable customer service. There is no doubt that our experience and professionalism show the difference.



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# The CARLAWYER®

By Eric Johnson, Partner in the law firm of Hudson Cook, LLP, Editor in Chief of CounselorLibrary.com's Spot Delivery®



Here's our monthly article on selected legal developments we think might interest the auto sales, finance, and leasing world. This month, the developments involve the Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, National Credit Union Administration, Consumer Financial Protection Bureau, Federal Reserve Board, Federal Communications Commission, and Federal Trade Commission. As usual, our article features the "Case(s) of the Month" and our "Compliance Tip." Note that this column does not offer legal advice. Always check with your lawyer to learn how what we report might apply to you or if you have questions.

## FEDERAL DEVELOPMENTS

On November 1, the Office of the Comptroller of the Currency issued **Bulletin 2023-35**, announcing that the OCC, the Federal Deposit Insurance Corporation, and the National Credit Union Administration revised their interagency examination procedures to reflect Telephone Consumer Protection Act amendments that became effective on October 25, 2021. According to the bulletin, highlights include: (1) provisions governing how customers can revoke consent under the TCPA; (2) special exemptions from the customer consent provisions of the TCPA for banks using automated communications to notify customers of potential account fraud; and (3) safe harbors for callers that check a reassigned number database maintained

by the Federal Communications Commission.

On November 8, the **Consumer Financial Protection Bureau announced that one of the nation's largest banks, Citibank, N.A., agreed to settle charges that it engaged in a pattern or practice of discriminating against credit card applicants it perceived as Armenian American.** According to the CFPB, the bank's conduct violated the Equal Credit Opportunity Act and its implementing Regulation B, which prohibit lenders from discriminating based on national origin and require lenders to provide an accurate statement of specific reasons for a credit denial or other adverse action. Violations of the ECOA also constitute violations of the Consumer Financial Protection Act. In its consent order, the CFPB alleged that bank supervisors instructed employees to avoid approving credit card applications from Armenian Americans. Among other things, the CFPB alleged that bank employees scrutinized credit applicants with last names ending in "ian" and "yan" — a common suffix to Armenian last names — especially in and around the Glendale, California, area. The CFPB also alleged that applicants identified by bank employees as potentially of Armenian national origin were subject to heightened eligibility criteria or outright denial and, as a result, more frequently denied credit as compared to other similarly situated applicants. When the bank denied credit applications based on Armenian national origin, the CFPB further charged, the bank provided the applicants false or pretextual reasons for the denial. To resolve these charges, but without admitting or denying any wrongdoing, the bank agreed to, among other things, ensure future compliance with the ECOA and Reg. B, establish and implement a compliance management system, and pay redress of \$1.4 million for affected consumers and a civil money penalty of \$24.5 million. Notably, this settlement comes on the heels of a joint statement issued last month by the CFPB and the

Justice Department cautioning financial institutions that credit applicants are protected from discrimination based on their national origin and other characteristics covered by the ECOA, irrespective of immigration status.

On November 13, the **Consumer Financial Protection Bureau and the Federal Reserve Board announced that they are increasing the dollar thresholds in Regulation Z (Truth in Lending) and Regulation M (Consumer Leasing) for exempt consumer credit and lease transactions.** The Dodd-Frank Act provides that the dollar amount thresholds for TILA and the CLA must be adjusted annually by any annual percentage increase in the Consumer Price Index. Based on the annual percentage increase in the CPI as of June 1, 2023, the protections of TILA and the CLA generally will apply to consumer credit transactions and consumer leases of \$69,500 or less in 2024. However, private education loans and loans secured by real property (such as mortgages) are subject to TILA regardless of the loan amount.

On November 15, the **Federal Communications Commission issued a Notice of Inquiry that seeks to gather information about how artificial intelligence technology positively and negatively impacts robocalls and robotexts.** The FCC seeks comment on how to define AI in the robocall and robotext context, the current state of AI use in calling and texting, the impact of emerging AI technologies on consumer privacy rights under the Telephone Consumer Protection Act, and what, if any, next steps the FCC should take to address these issues.

On November 16, the **Federal Trade Commission announced a proposed settlement with Global Tel\*Link Corporation, a prison communications provider, and two of its subsidiaries for allegedly failing to secure sensitive data of users and alert those affected by a**

**data breach involving that data.** Despite GTL's touted security practices, the FTC asserted that GTL left over 650,000 users' sensitive and unencrypted data exposed and accessible on the Internet to unauthorized people for two days. The FTC stated that the copied information "included individuals' full names, dates of birth, phone numbers, usernames or email addresses in combination with passwords, Social Security numbers, location information, grievance forms, which can include very sensitive information, and messages exchanged between incarcerated individuals and their friends and family." The complaint alleged that the data was stored in a test environment in plain text, without firewall protection or monitoring software that generates alerts if security settings are changed. GTL also failed to conduct onboarding due diligence regarding the data security practices of the software development vendor it hired to assist with the transition to a new version of software and failed to adequately train the vendor regarding data security measures. Due to the lack of protections, hackers were able to access the personal information of many GTL customers, some of which was found on the dark web. GTL alerted its customers nine months after the breach, which the FTC stated caused harm to the users because they could not take their own measures to protect their exposed data, such as implementing a credit freeze. Furthermore, the FTC alleged that GTL made several misrepresentations regarding its data security practices in its marketing materials. Specifically, GTL stated that it followed "security best practices, the latest encryption methodologies, and proper protocols to ensure our system offers the most robust data and wireless security in the market" and that it leveraged "multiple layers of firewalls, SSL, and best-in-industry security standards to ensure all data transmitted through our systems are secure." The FTC also alleged that GTL made false statements about the facts surrounding the data breach to consumers, including providing inaccurate descriptions of the types of information compromised. As part of the proposed order, GTL and its two subsidiaries are prohibited from misrepresenting their data

security practices and must, among other requirements: (1) implement a comprehensive information security program that includes several requirements such as the implementation of monitoring logs to detect anomalous activity and security events, deployment of change management procedures, use of multifactor authentication, and development of procedures to minimize the amount of data it collects and stores; (2) notify affected consumers who did not previously receive notice of the data breach and provide them with credit monitoring and identity protection products; (3) notify consumers and any jail, prison, or other entity to which GTL and its subsidiaries provide products or services within 30 days about future incidents that trigger any requirement to report to any federal, state, or local government entity that personal information about an individual consumer was, or is reasonably believed to have been, accessed, acquired, or publicly exposed without authorization and provide information about what data was impacted and how many consumers were affected; and (4) notify the FTC within 10 days of reporting a security incident to any local, state, or federal authority.

On November 17, the **Consumer Financial Protection Bureau released its Spring 2023 Semi-Annual Report.** Among other things, the report summarizes significant Bureau rules, orders, and initiatives, complaints received by the Bureau about consumer financial products or services, public supervisory and enforcement actions, significant actions by state attorneys general and regulators relating to federal consumer financial law, and efforts to fulfill the fair lending mission of the Bureau.

On November 20, the **Consumer Financial Protection Bureau imposed a \$60 million penalty on an indirect auto finance company, Toyota Motor Credit Corporation, for allegedly hindering consumers from cancelling product bundles, elevating their monthly car payments.** The company is also alleged to have withheld refunds or issued incorrect amounts on bundled products and failed to correct false consumer

information sent to consumer reporting agencies. The company, a U.S.-based auto-financing arm of an automobile manufacturer, heavily involved in financing vehicles sold through its dealerships, offered optional bundled products alongside car financing. These included guaranteed asset protection, credit life and accidental health coverage, and vehicle service agreements, which allegedly inflated amounts financed, monthly payments, and finance charges. The consent order further alleged that, despite the company being alerted that its refund system incorrectly calculated refund amounts for some consumers who cancelled their vehicle service agreements during the contractual "free look" period, the company failed to resolve the flaws and properly remediate the affected consumers. In addition, the CFPB alleged that this course of action included directing consumers to a convoluted cancellation hotline, delaying refunds by applying them to principal payments, and withholding or miscalculating refunds, in violation of the Consumer Financial Protection Act's provision prohibiting unfair, deceptive, or abusive acts and practices and the Fair Credit Reporting Act. The company, without admitting the allegations, agreed to pay \$48 million in restitution to affected consumers, halt unlawful practices, revamp cancellation procedures, and pay a \$12 million fine to the CFPB's victims relief fund. Furthermore, the company must refrain from tying employee incentives to product retention, enhance cancellation accessibility, monitor dealerships, and inform consumers of their cancellation options.

On November 21, the **Federal Trade Commission announced that it approved an omnibus resolution, in effect for 10 years, authorizing the use of compulsory process in nonpublic investigations involving products and services that use or claim to be produced using artificial intelligence or claim to detect its use.** According to the FTC's news release, "[t]he omnibus resolution will streamline FTC staff's ability to issue civil investigative demands (CIDs), which are a form of compulsory process similar to a subpoena, in investigations relating to AI, while retaining the Commission's

authority to determine when CIDs are issued. ... AI includes, but is not limited to, machine-based systems that can, for a set of defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. Generative AI can be used to generate synthetic content including images, videos, audio, text, and other digital content that appear to be created by humans. Many companies now offer products and services using AI and generative AI, while others offer products and services that claim to detect content made by generative AI. Although AI, including generative AI, offers many beneficial uses, it can also be used to engage in fraud, deception, infringements on privacy, and other unfair practices, which may violate the FTC Act and other laws. At the same time, AI can raise competition issues in a variety of ways, including if one or just a few companies control the essential inputs or technologies that underpin AI."

### CASE(S) OF THE MONTH

**Car Buyer Who Had Taken Possession of Car Was Entitled to Return of Downpayment After His Financing Application Was Denied Where Dealership Demanded that He Sign New Retail Installment Sale Contract with Higher Purchase Price and There Was No Evidence that He Defaulted on Existing RISC:** An individual made a \$4,000 downpayment toward the purchase of a vehicle from a dealership. A finance company approved the individual's credit application, he executed a retail installment sale contract and security agreement with the dealership, and he left the dealership with the vehicle. The finance company informed the buyer before his first payment was due that his credit application had been denied due to his length of employment and issues with his seasonal employment. The dealership requested that the buyer return to the dealership to execute a new contract that would increase the purchase price and the number of monthly payments, but he refused and left the vehicle at the dealership. The next day, the buyer requested return of his downpayment, but the dealership refused based on a notice posted at the dealership indicating that downpayments are

nonrefundable and would be used to reimburse the dealership for re-listing and documentation fees. The buyer sued the dealership in small claims court for return of his downpayment, plus court costs. The dealership alleged, without presenting any evidence, that it had incurred \$350 to detail the vehicle after the buyer returned it, \$300 to repair the vehicle, \$750 in restocking fees, and \$766 in re-advertising fees and that it resold the vehicle for \$4,072 less than the original contract price with the buyer. The small claims court entered judgment for the buyer in the amount of \$4,000, plus court costs.

The **Court of Appeals of Indiana** affirmed. The dealership argued that it was entitled to retain the downpayment because it incurred expenses in connection with the failed sale and the buyer's default on the RISC. The appellate court found that there was no evidence that the buyer defaulted because the delivery of the vehicle was not conditional upon securing financing and no payment was due as of the date he returned the vehicle. Moreover, the appellate court noted that, upon learning that the finance company would not finance the purchase, the dealership demanded that the buyer accept a new agreement with a higher base purchase price and longer financing terms, which he refused. The appellate court also recognized that the dealership's announcement about the non-refundability of downpayments was not incorporated into any contractual documents between the dealership and the buyer. The appellate court added that even if the dealership incurred expenses upon the buyer's return of the vehicle, the parties' contract provided that the dealership could only seek reimbursement upon a default by the buyer, and, as stated above, the appellate court did not find that the buyer defaulted under the terms of the parties' contract. See *Lagg's Automotive v. Stanton*, 2023 Ind. App. Unpub. LEXIS 1262 (Ind. App. October 27, 2023).

### COMPLIANCE TIP

Are you making changes to your Safeguards Policy and Security Event

Incident Response Plan in light of the FTC's recent changes to the Safeguards Rule which would require financial institutions like dealers to report a "notification event" to the FTC? A "notification event" means the acquisition of unencrypted customer information, or encrypted information along with the encryption key, without the authorization of the individual to which the information pertains. The amendment requires notification for the unauthorized access of any customer information. The FTC must be notified "as soon as possible" but no later than 30 days after the discovery of the notification event. Notice must be made on an electronic form made available from the FTC on its website. The notice to the FTC must include: company's name and contact information; description of the types of information that were involved in the notification event; date or date range of the notification event, if that information is possible to determine; number of consumers affected or potentially affected; general description of the notification event; and whether any law enforcement official has provided the financial institution with a written determination that notifying the public of the breach would impede a criminal investigation or cause damage to national security and a means for the FTC to contact the law enforcement official. You better act quickly as the Safeguards Rule Amendment is effective May 13, 2024!

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

*Eric (ejohnson@hudco.com) is a Partner in the law firm of Hudson Cook, LLP, Editor in Chief of CounselorLibrary.com's Spot Delivery®, a monthly legal newsletter for auto dealers, and a contributing author to the F&I Legal Desk Book. For information, visit [www.counselorlibrary.com](http://www.counselorlibrary.com). ©CounselorLibrary.com 2023, all rights reserved. Single publication rights only to the Association. HC# 4894-5249-5508.*





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Call: 1-800-MEMBERS (636-2377) M-F 8 a.m. - 5 p.m. ET



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360 Automotive Group Inc.	Automotriz Guadalajara	Cinema Vehicles	Ernesto Cordero
4 J&K Auto Sales LLC	Trucks LLC	Clark Truck Repair	Evelyn Taylor
615 Auto Group LLC	Autotech Advantage Collision	Clark's Auto Broker	Evony Butler
7E Sales LLC	Repair & Auto Sales LLC	Claudia Saldarriaga	Executive Auto
A & M Motorsports Inc.	Available Auto Brokers LLC	Commercial Trucks of	Executive Solutions 1 LLC
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AGN Auto Gallery Inc.	Barbey Auto Brokers LLC	Custom Curated	Flex Auto Sales Inc.
Airport Auto Sales Inc.	Barnes and Barnes Auto	Collections LLC	Foster Auto Sales, LLC
Alicia McIver	Group LLC	Custom Mobility Van & Lift	Freskim Kyqyku
All Auto Sales LLC	BBJ Auto Brokers LLC	Sales & Services LLC	Frontier Auto Sales LLC
All Motor Auto Sales LLC	Beckelli Motors LLC	Daijah Williams	FSB America
Alliances Cars Broker LLC	Bell Auto Brokers LLC	Dale's Auto Sales LLC	Fuzion Motors LLC
Allrich Auto LLC	Best Choice Truck Sales	Dang Auto LLC	GBY Auto Sales LLC
Alltek Holdings, Inc.	Better Way Brokers LLC	Daniel Edah	GC Auto Sales LLC
Alpha Used Cars LLC	Big Time Automotive's	Danny Best Auto Sales LLC	Gemini Automotive
American Street	Big Time Locksmith's LLC	Deals 4 Wheels	Group LLC
Machines Inc.	Bingo Auto Sales LLC	Dean Holdings	Genesis Quality Auto LLC
Amey Auto Brokers	Bisan Equipment Sales	Derwin Ordonez	Godfirst Automotive Sales &
Amyette Autos LLC	Brody Rentz Auto Sales &	Dharam Auto Sales Inc.	Services Inc.
AN Auto Sales	Rentals LLC	Diamond Wheel Autos LLC	God's Grace Auto LLC
ANA Automotive	Brokers Auto LLC	Dick Barbour	Good Deals Auto Sales LLC
Andreina Barboza	Brothers Auto Brokers	Performance LLC	Grand Oasis LLC
Angel Harris	Budget Car and Truck Sales	DK Motors, LLC	Gravity Motor Cars
Appalachian Auto Brokers	C & S Auto Sports	DNA Auto	Gregory Law LLC
Aristides Ramirez	Campbell Brothers Auto	DPS International	H&L Auto Sales LLC
Arshia Tabatabaeipour	Brokers	DRW Auto Sales	Hank Dobbs
Ashani Ackerman	Campers Inn RV	E & K Motors LLC	Hans Motors & Parts
Ashraf Eltantawy	Capital Auto Sales Inc.	Economy Car Sales	Henry Autos LLC
Atlanta Autos	Car Collection of Atlanta LLC	Eddie McDonald	High Class Auto Sales, LLC
Atlanta Commercial Truck	Car Nation Auto Sales	Eleven Eleven Auto	Holbrook Auto Brokers Inc.
Sales LLC	Car Sales Plus	Elite Auto Sales of GA LLC	Hopkins Auto Brokers
Atlanta East Auto Auction	CarDoozy	Elitte Vehicles Group LLC	I.A. Enterprises
Atlanta's Premier Financial	Cars R Us Inc.	Ellis Motors LLC	Icon Cars USA LLC
LLC	Casual Aeromotors, LLC	ELT Cars LLC	Imports of Woodstock
Atlas Auto Brokers	CC Cycle	Ember Autos LLC	In and Out Auto Broker LLC
Augusta Auto Auction, Inc.	Christian Auction &	Empire Auto Broker LLC	Independent Business Suites
Authority Georgia Auto	Equipment Sales	Empress Motors LLC	Iron Horse Auto

IVO Autos LLC	Marcus Dawes	Robert Henry	TID Auto Repair LLC
J & Y Auto Sales LLC	Marcus Dunson Auto	Investments LLC	Tift County Motors LLC
J H Walker Enterprises Inc.	Sales LLC	Robert Stovall	Timothy Vassy, Jr.
Janelle Andries	Marks Auto Sales	Robins Imports Inc.	Tom Black
Jarrard Pre-Owned Vehicles	Mathews Used Cars Inc.	Rocio Camacho	Top Gear Auto Brokers LLC
Jasmine's Auto Sales LLLP	Max Millstein	Rojas Used Cars LLC	Top-End Motors Inc.
JC Auto Sales	MBM Rider LLC	S & S Auto Sales	Transport Atlanta
Jed Auto Broker LLC	Melandrizz LLC	S and K Auto Brokers, LLC	TRG Auto Finance, LLC
Jerelle Gainey	Middle Georgia Auto	S1 Autos	Trinity Automotive
Jerry Rowland Sales	Sales, LLC	SAK Motorsports Inc.	TRS Tax Max
JFA Motors LLC	Million Mile Motors LLC	Sandy Auto Sales LLC	Trust Ride Auto Inc.
JFrazar Motorcars	MJ Leasing & Sales, LLC	Savannah Auto Sales Inc.	Turbo Truck Center Inc.
Jimmy's Rodriguez Auto	MKQ Auto Sales	Sharp Auto Broker	Turning Hearts Motors LLC
Repair LLC	MMJ Auto Broker Co. LLC	SiriusXM	Twins Auto Dealer LLC
Julian Rieara	MNGeorgia Inc.	Sit & Go Auto Sales Inc.	Ty Ty Auto Sales
JZ Auto Sales Inc.	Moathe Mahmood	Smart Auto And Services LLC	Tystanic Auto Sales &
Kadisa Robinson	Montana Motors LLC	Son O Kong Auto Sales	Rentals LLC
Kala Auto Sales	Motorzone Atlanta	Soultry Sounds Auto	United Auto Gallery Inc.
Kelly Auto Sales	My Dealer LLC	Sales LLC	United International
Kennedy Mwangela	New Ride Auto Sale LLC	South 301 Auto Body	Enterprise LLC
Kenneth Westbrook Motors	Nimrod Motors LLC	Southeast Utility Trailer LLC	Upward Auto Sales LLC
Kevin Correa Castillo	North Georgia Auto Sales LLC	Southern Auto Sales	US Express Auto
Keys Please Auto Sales Inc.	Obax Autos LLC	SP Automotive LLC	Used Auto Hub LLC
King Prince Enterprise LLC	O'Cubez Oak LLC	St Mayachi Auto LLC	Veteran Owned Auto
Kingly Auto Brokers LLC	Old Hodges Auto Sales, LLC	Stan's Auto and Truck Sales	Brokers LLC
KJV Auto Sales	Our Local Dealer	Starzone Auto Sales LLC	Wallace & Kelly Autobrokers
KLM Auto Sales, Inc.	P & M Truck Sales Inc.	Stephen Smith	Watkins Auto Sales
L & L Twin Auto Sales, LLC	Parkway RV Center Inc.	Stonegate Auto Sales	Well-Done Auto's LLC
L & M Auto Broker	PCS Motors L.L.C.	Streetside Classic Cars	Weonis Auto Company LLC
L & M Auto LLC	Peach City Auto Sales LLC	Suitz Auto Sales LLC	Will Call Auto Brokers
La Villa Auto Sales LLC	Peach County Motors LLC	Super Nova Automobile	Wiregrass Auction Group, Inc.
Lanier Auto Sales	Piper Auto Sales LLC	Sales LLC	Wolfgang's Auto Sales Inc.
Latin American Motors LLC	Point A to Point B Cars	Surety Bond Girls	World of One Auto LLC
Laya Auto LLC	PR Motors LLC	Susana Alvarado	Worry Free Auto Sales LLC
Legacy Car & Truck Sales	Premier Remarketing	Swift Lane Motors LLC	Xcluzive Auto LLC
LGM Motors LLC	Pristine Auto Sales	Switch Auto Brokers LLC	Yamsons Auto
Lifelink of Georgia	Pristine Auto Sales L.L.C.	T Plus 3 Auto Brokers LLC	Zulma Smith
LitLife Auto	Prolific Truck and	T&B Autos LLC	ZZ Auto Brokers LLC
LKQ Southeast Inc.	Equipment, LLC	Take A Test Drive	
Love 4 Cars LLC	Promace Imports USA Inc.	Automotive LLC	
Lunion Automotive LLC	R & Z Motor Group LLC	Tashina King	
M Idris Auto Sales	R&A Sales	Tegmania Motors	
Magic Touch Auto Planet Inc.	Rafael Cardona Silva	Texano Auto Sales LLC	
Majestic Brokers LLC	Ramara Auto Broker LLC	Thank God Motors 1 LLC	
Mana's Auto Dealers LLC	Ratiq DeWitt	The Parts Farm LLC	
Marcowhale Auto Sales	Real Deal Auto Sales LLC	The Salvation Army	



# Court Rules in Favor of Dealer in Fraud Claim

By Shelley B. Fowler, CounselorLibrary.com

When a car buyer is unhappy with his or her purchase—for whatever reason—one of the claims the buyer may, and commonly will, assert in a lawsuit is that the dealership engaged in fraud. As you will see from the facts of a recent case, a fraud claim can be difficult to prove.

Weens Simon, a Connecticut resident, bought a used BMW from Baker Motor Company of Charleston, Inc., the owner of nine South Carolina dealerships, in July 2021. Baker Motor had advertised the BMW online as having had a safety inspection by a certified technician. Simon did not physically inspect the BMW before the purchase, but he received a CARFAX report from Baker Motor stating that the car had been in no major accidents. Baker Motor provided Simon with a temporary registration for the car and allegedly promised to take the steps necessary to register the car in Connecticut.

After the car broke down twice during Simon's first few months of ownership, he learned from a BMW service technician that, among other problems with the car, the muffler was not factory-provided and was installed incorrectly, the engine's serial number did not correspond with the car's vehicle identification number, and the car's brake lines were severely damaged. Simon demanded that Baker Motor either repair the defects or buy back the car. It also came to Simon's attention that the car was not registered as promised.

After Baker Motor refused to make repairs or buy the car back, Simon sued in August 2022, alleging various violations of South Carolina law. Baker Motor moved to dismiss four of the claims in the complaint—revocation of acceptance, fraud, violation of the South Carolina Regulation of Motor Vehicle Manufacturers, Distributors, and Dealers Chapter, and violation of the South Carolina Unfair Trade Practices Act.

Simon opposed the motion only as to the fraud claim. The U.S. District Court for the District of South Carolina granted the motion, finding that Simon did not state



a claim for fraud, which is subject to a heightened pleading standard, including the pleading of facts related to the “time, place, speaker, and contents of the allegedly false acts or statements” that amounted to fraud.

Simon alleged that Baker Motor's false representations fell into two categories—false statements regarding the condition of the car in both the CARFAX report and the online advertisement and false statements regarding its ability to register the car in Connecticut.

Addressing the representations regarding the condition of the car first, the court determined that the CARFAX report “is not actionable because it cannot be attributed to Baker Motor for purposes of determining whether there was fraud.” The court relied on the fact that Simon did “not allege that Baker Motor contributed to the report or otherwise adopted it or represented it to be true.” Turning to the ad, the court found that, despite the defects Simon discovered with the car, there was no evidence that the representation about the safety inspection was false, and the court was unwilling to conclude that the defects that Simon complained about should have been discovered through a safety inspection.

As for the statements about registering the car, the court found that Simon alleged that Baker Motor promised to take the steps necessary to register the car in Connecticut at the time of the purchase and then continued to assure him that it was taking those steps, even though he learned that the car would be unable to pass

an emissions test and inspection necessary to be registered in Connecticut, and it was still not registered more than one year after the purchase date. However, the court found that Baker Motor's statements did not meet the heightened pleading standard for fraud, including when, where, in what manner, and by whom the statements about registering the car were made.

Even though Simon did not succeed on his fraud claim, there were other claims in the complaint that Baker Motor did not seek to dismiss, including negligence and breach of contract. Simon could possibly still succeed in proving those claims, which are not subject to a heightened pleading standard. Had Simon alleged more facts in his complaint, such as that the defects found in his car should have been discovered by a safety inspection conducted by a certified technician, had he attached a copy of the ad he relied on, or had he pled when, where, by whom, and in what manner Baker Motor made representations about the actions it was taking to register the car in Connecticut, he might have had more luck on his fraud claim.

Even though Baker Motor won this round, this case should serve as an example for dealerships about the importance of refraining from making representations about the quality or condition of any vehicle or actions it is taking with regard to a vehicle that it cannot support. Fraud may be hard to prove, but it is not impossible. ■

*Shelley B. Fowler is a managing editor at CounselorLibrary.com, LLC.*

## VEHICLE INQUIRY

# Do you know how to read a vehicle inquiry screen?

You may access this information from the DOR website: [dor.ga.gov/dealer-internet-inquiry](https://dor.ga.gov/dealer-internet-inquiry) or through your ETR system.

### Title Status:

PENDING – No images  
REVIEW – DOR has under review  
ELT – Title is in ELT account  
ELTPRT – Lienholder requested title to print  
PRINT – Title is printed  
UNCLMD – Title is unclaimed at the DOR

### How to Access

- [dor.ga.gov/dealer-internet-inquiry](https://dor.ga.gov/dealer-internet-inquiry)
- Available in ETR system

<b>Vehicle Information:</b>		
VIN: 5XXC11X22XX082845	Vehicle Status: Used	Purchase Date: 8/21/2023
Year: 2016	Make: KIA	Model: OPTIMA
Body Style: 4S	Color: BLK/BGE	Gross Weight: 4
Fuel Type: G	Engine Type: CYLINDERS	Cylinders: 4
Current Odometer: 105,251	Odometer: Actual	
Exception:		
<b>Title Information:</b>		
ELT: Y	Title Status: PENDING	Title Date: 12/31/9999
Title Number: 77910000062222	Back TAYT: \$0.00	
<b>Registration Information:</b>		
Plate Number: XXX1111	Category: A1	Use: PC
Expiration: 11/17/2023	Status: Active	
<b>Owner Information:</b>		
Type: IND	ID: 99999999	
Name: JOHN D DOE		
Residential Address: 100 MAIN ST ANYWHERE, GA 310240000	Mailing Address:	
PUTNAM		
Type: IND	ID: 062019983	
Name: JANE H DOE		
Residential Address: 100 MAIN ST ANYWHERE, GA 310240000	Mailing Address:	
<b>Lien Information:</b>		
ELT: Y	Lien Name: A DEALER'S CARS	
Customer ID: 901112223333	Mailing Address:	
Residential Address: 2002 OAK AVE ANYWHERE, GA 310240000		

## MEET THE GIADA STAFF

The staff at GIADA is available Monday thru Thursday from 8:00am to 5:00pm and Friday from 8:00am to 4:00pm. We close the office daily from 12:00pm to 1:00pm for lunch. You will find our level of expertise impressive in all aspects of the car business. We are here for our members, so please don't hesitate to give us a call if you need us, 770-745-9650 or toll free 800-472-8101.



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Macon: Monday, April 22, 2024  
Marriott Macon Conference Center



Savannah: Monday, May 6, 2024  
Georgia Southern University / Armstrong Center



Athens: Friday, June 28, 2024  
The Classic Center



Stone Mountain: Friday, July 12, 2024  
Evergreen Conference Center



Augusta: Monday, August 19, 2024  
Doubletree by Hilton Augusta



Atlanta: Friday, September 13, 2024  
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