

Off and Running

Peter J. McNamara, Esq., President

In politics, to the victors go the spoils! The new leadership in the New Hampshire House and Senate have appointed many of their committee chairs and their other key leadership and staff.

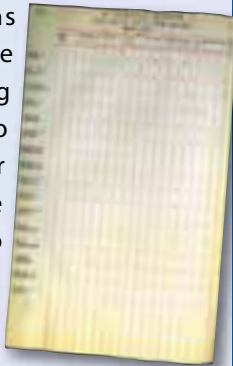
When the House and Senate come back into session on January 4, New Hampshire will have a new Speaker of the House, William O'Brien (R-Hillsborough), and a new Senate President, Peter Bragdon (R-Milford, Dist. 11). In last month's *Dateline: NH*, I listed the dramatic turnaround in a detailed, number format. An easier way of putting things is that the Republicans now firmly control the House, Senate, and Executive Council.

What has not changed is the number of bills that may be introduced. As of today, I know there are over 1,000 bills that may be introduced, which are in the form of Legislative Service Requests (LSRs). By the time we get into January, Legislators will have signed off on their LSRs, and more than 1,200 bills will likely

Legislature – continued on page 14

90 Years Strong

Keeping tabs on board attendance is nothing new as the page from the 1945 association log attests (right). Do you have a relic or memory about the NHADA you'd like to share? We'd like to hear from you – call Nat Stout at 800-852-3372 or email nstout@nhada.com.



Getting a Running Start

High School Students Take College Courses in Collision Repair

Jean Conlon, NHAEP Programs Administrator

This fall, ten high school students from the Monadnock region participated in a new, dual enrollment program in collision repair technology. Each Saturday morning, they boarded a school bus to Nashua Community College (NCC), where they studied in the state-of-the-art auto collision facility under the direction of ASE-master certified instructors and earned four college credits through Project Running Start.



Students participating in Project Running Start (above), in no particular order, include: Zachary Anderson, Eric Bourgoine, Morgan Fox, Gaston Green, Jacob McTague, Josh Pearl, Jeremy Rickert, Michael Skowonek (not pictured), Scott Thompson, and Thomas Wall. Photo by Karl Wunderlich

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Watch Your Advertising – The Office of the Attorney General Is!

Peter J. McNamara, Esq., President

Recently the Office of the Attorney General notified several dealers about serious concerns the office has with their advertising and direct mail solicitations. James T. Boffetti, senior assistant attorney general, asked the NHADA that we use our communications tools to warn the full membership of the AG's recent actions.

Vehicle Acquisition Letters Cross the Line: These direct mail pieces list the consumer's specific used vehicle, make a clear offer to buy it as part of its acquisition sale, and claim the consumer doesn't have to purchase anything in return. The letter claims the vehicle is highly sought after.

The dealer refused to buy the vehicle when the customer declined to purchase a new car or truck. In one particular case, a customer received a second letter from the dealer after turning the customer away the first time. Atty. Boffetti wrote the dealership and had a manager in for a lengthy discussion.

Advertising – continued on page 3



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This publication is designed to provide accurate and authoritative information in regard to the subject matters covered. In publishing this newsletter, neither the authors nor the publisher are engaged in rendering legal, accounting, or other professional services. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

Advertisements appearing in Dateline: NH do not indicate a specific endorsement by NHADA of the products or services unless the NHADA endorsement symbol appears with the advertisement.



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1/2 Page:	Color \$425	B&W \$350
1/3 Page:	Color \$350	B&W \$275
1/6 Page:	Color \$275	B&W \$225

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24 Powers Street
Milford, NH 03055
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Owner: Stephen B. Stepanek

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Zero Down: The second advertisement that the AG’s office had serious concerns with related to advertising a “zero down” purchase or lease. Federal Regulation Z provides that once an advertisement mentions certain triggering terms, it must then disclose other certain terms. The dealer who received a warning letter from the AG’s office failed to include the disclosure terms.

Regulation Z 226.24

d) Advertisement of terms that require additional disclosures –

- (1) *Triggering terms.* If any of the following terms is set forth in an advertisement, the advertisement shall meet the requirements of paragraph (d) (2) of this section:
 - (i) The amount or percentage of any downpayment.
 - (ii) The number of payments or period of repayment.
 - (iii) The amount of any payment.
 - (iv) The amount of any finance charge.
- (2) *Additional terms.* An advertisement stating any of the terms in paragraph (d) (1) of this section shall state the following terms,⁴⁹ as applicable (an example of one or more typical extensions of credit with a statement of all the terms applicable to each may be used):

⁴⁹ [Reserved.]

- (i) The amount or percentage of the downpayment.
- (ii) The terms of repayment, which reflect the repayment obligations over the full term of the loan, including any balloon payment.
- (iii) The “annual percentage rate,” using that term, and, if the rate may be increased after consummation, that fact.

Beware of Using Out-Of-State Companies. In my 15 years of working with dealers, I

have found that dealers are more likely to run into trouble with their direct mail when they use an out-of-state company. These companies are not familiar with the local laws or practices and don’t have a stake in New Hampshire, so are more cavalier with their promises.

Possible Penalties: Any violation of the provisions of NH RSA 358-A constitutes an unfair and deceptive act or practice

within the meaning of NH RSA 358-A:2 and may be subject to appropriate legal action by the Consumer Protection and Antitrust Bureau. Additionally, in a violation of NH RSA 358-A, a court may impose civil penalties of up to \$10,000 for each violation.

If you have any questions on advertising practices, feel free to contact me at 800-852-3372 or write me an email at pmcnamara@nhada.com. 📧

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From Your AIADA Director

American International Automobile Dealers



Peggy Proko

Dear Friends,

I usually breathe a sigh of relief when the holidays are over and I'm on my way into a fresh year. I'm sure I speak for many dealers when I say that I'm always glad for the clean slate that January brings; it's a chance to reassess my goals, both on a business and personal level, and how I can best achieve them.

The year 2011 has brought with it a fresh wave of faces to the U.S. House and Senate. On January 5, the 112th Congress was to be convened. Although, like most Americans, I've spent my fair share of time frustrated with business in Washington, D.C., the prospect of a new session of Congress is encouraging. I look forward to building positive relationships with the new members in order to help shape legislation and policy that is beneficial to international nameplate dealers like me.

Newly elected Representatives Mike Kelly (R-PA), Jim Renacci (R-OH), and Scott Rigell (R-VA) – all of whom are dealers – join three Representatives who are current or former dealers: Vern Buchanan (R-FL), John Campbell (R-CA), and Bill Shuster (R-PA). The viewpoint of America's small business

owners is well represented on Capitol Hill.

If you're not already a member, consider joining AIADA's Legislative Action Network (LAN). As a dealer, it's your best link to the world inside the beltway and the issues that matter most to you.

One of the biggest parts of the LAN is the Dealer Visit Program. Contacting your members of Congress and visiting them in their offices is certainly effective. However, AIADA's Dealer Visit Program helps Senators and Representatives see the daily business of running a dealership. The visit typically includes a tour of the dealership and a question and answer session where you and your employees can speak directly with your member of Congress. As a dealer, I know time is precious; that's why AIADA will arrange the visit.

To set up your own meeting, or to learn more about AIADA's Legislative Action Network, visit www.AIADA.org or call 800-GO-AIADA.

As you're making your plans for 2011, I hope to see many of you in San Francisco on February 7 for AIADA's 41st

Annual Meeting and Luncheon. The theme for this year's meeting is "In the Driver's Seat," as we look to what lies ahead for international nameplate dealers. The brands we sell are leading the industry in terms of styling, performance, and fuel efficiency, and it's important that we work to stay informed on the issues that will impact our bottom lines. This year's speaker is John Mendel, executive vice president of American Honda Motor

AIADA Update – January Brings a Clean Slate

Co. As a leader of one of America's most well-respected brands, I believe he will provide valuable perspective on where our industry is headed. In addition to keynote remarks, AIADA will recognize this year's David F. Mungenast Lifetime Achievement Award winner. Current chairman, Rick DeSilva of New Jersey will pass his gavel to incoming Chairman Jim Smail of Pennsylvania. It's an event international nameplate dealers won't want to miss. Visit AIADA's website to register or call 800-GO-AIADA.

With best wishes for a wonderful 2011, Peggy 🇺🇸

Mark your calendars for the
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and Luncheon. See you in San
Francisco February 7.



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Marianne Gourgiotis Reflects On 25 Years at the NHADA

Nat Stout, Communications Director

Ford Motor Company released for sale the Taurus and Mercury Sable the year Marianne Gourgiotis began working at the NHADA.

Marianne began work processing claims in the insurance department, and reported part of that time to the Vermont Automobile Trade Association. She had responded to a newspaper ad and was hired by then-president Brian Cross.

Moving to accounting in the later '80s, Marianne was here when the Workers' Compensation Trust was brought in-house.

Over the years, Marianne has worked in most locations within the Daniel B. McLeod Center, but she's very comforta-

ble now working in the lower, "garden level." Sometimes in the WCT, when peoples' health and livelihoods need to be discussed, the privacy of those offices provides a more comfortable environment.

Marianne has been the go-to person for subscribers of the WCT for many years now.

Three years after starting at NHADA, Marianne took a vacation cruise in the Canadian maritime. Romance bloomed on the high seas, and she married George – three times in fact, once in the Greek Orthodox church, then the American Catholic church, and finally in George's hometown in Greece. They have a son, William, and daughter, Sophia, both of whom now are in college.

Coming from Massachusetts, Marianne earned her bachelor's degree in business administration from Plymouth State College. She still has a large extended



Marianne Gourgiotis

family in the state south of the border.

Often being the first contact with members, Marianne takes pride in her work: "We rarely lose a client to another insurance company," she said.

"I still have a lot of people who are members who have been here as long as I have, lots of them," Marianne said.

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Ernest R. Tyler Earns Fraud Examiner Certification

Ernest R. Tyler, CPA, of Tyler, Simms & St. Sauveur, CPAs, P.C. has earned the globally preferred Certified Fraud Examiner (CFE) credential from the Association of Certified Fraud Examiners (ACFE). Mr. Tyler is a partner in his New London-based firm, a silver-level NHADA partner.

According to the ACFE, Mr. Tyler has successfully met the ACFE's character, experience, and education requirements for the CFE credential, and has demonstrated knowledge in four areas critical to the fight against fraud: fraudulent financial transactions, criminology and ethics, legal elements of fraud, and fraud investigation.

CFEs have the ability to: examine data and records to detect and trace fraudulent transactions; interview suspects to obtain information and confessions; write investigation reports, advise clients as to their findings and testify at trial; be well-versed in the law as it relates to fraud and fraud investigations; and understand the underlying factors that motivate individuals to commit fraud. CFEs on six continents have investigated more than 1 million suspected cases of civil and criminal fraud.

To learn more about Tyler, Simms & St. Sauveur, CPA's, P.C., visit www.tss-cpa.com.

Running Start – continued from page 1

Running Start is the dual enrollment/dual credit/concurrent enrollment program offered by the Community College System of NH (CCSNH). This is a tool used by the system to offer high school students college credit for courses offered by their local school district.

The new collision repair technology Running Start program was established to create new opportunities for high school students looking to pursue a career in the auto collision repair industry.

The secondary schools provided the transportation, and NCC the use of the facility. The instructor's stipend was funded through Perkins federal grant monies. NCC President Lucille Jordan explained, "As state educational resources continue to tighten, we must look at

creative partnerships to better serve the needs of our youth. This new initiative is a perfect example of how public institutions can pool resources while strengthening opportunities for students."

"This is a terrific opportunity for high school students to earn college credit while learning on modern equipment. The field is experiencing significant shortages of skilled technicians – and this program allows students to train for a field with earning potential in the \$40 - \$50,000 range," said Karl Wunderlich, collision repair technology program coordinator at NCC, who also serves on the New Hampshire Automotive Education Foundation Board of Directors.

Dan Bennett, NHADA vice president of governmental relations and environ-

mental specialist, who is also staff coordinator of the NHADA Collision Repair Advisory Group (NHCRAG), applauds these efforts. He reiterated, "There is a big need for young qualified collision repair technicians. NHADA's auto body members need and will appreciate this infusion of excitement and interest in collision repair by high school students."

This pilot program ends in April, 2011, though plans are underway to begin a new class next September in basic collision, along with a class for basic refinishing for students who have completed the basic collision course. The students will receive college credits for both.

For more information, please contact Dan Bennett at 800-852-3372 or by email at dbennett@nhada.com.

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Jack Tulley



NADA Advocacy Leads to Significant UNICAP Tax Ruling

Dramatic Turnaround By IRS Is 'Huge Victory' for Dealers

NADA advocacy has led to a significant UNICAP tax ruling, resolving several contentious and potentially very costly income tax issues that have arisen over the past five years. The IRS ruling simplifies uniform capitalization methods of accounting. The dramatic turnaround by the IRS is a huge victory for dealers.

The new accounting methods, outlined in IRS Revenue Procedure 2010-44, generally authorize car and truck dealers to treat their main sales facility as a "retail" facility and therefore permit them to forego having to capitalize (instead of expense) certain costs associated with their inventories.

NADA's advocacy on behalf of dealers started in early 2006, when IRS auditors began to take the position that dealers were undercapitalizing their inventory costs, despite the fact that numerous dealers had received prior IRS approval of their inventory accounting methods.

NADA engaged the IRS and Treasury on a number of fronts. This included sending a December 1, 2009 letter to senior Treasury and IRS officials that criticized the 2009 field directive and

NADA Update – IRS Ruling Is A Victory for Dealers

requested a meeting to explore a less burdensome and simpler UNICAP approach for franchised dealers. NADA's request prompted three meetings with the IRS and Treasury between May and July 2010 in which a NADA-assembled group of dealers, accountants, and attorneys advanced the need for safe harbor accounting methods for dealers. This effort ultimately led to the IRS's creation of the safe harbor accounting methods in Revenue Procedure 2010-44.

Strong Used Market Boosts November Sales, Says NADA Guide Book

A strong market for used cars and trucks boosted sales for a number of large dealer groups in November, according to data compiled by *NADA Guide Book*, the official used car guide.

Data suggest that consumers are gravitating toward more affordable used vehicles when replacing their worn out cars and trucks, and the tight supply of late-model used models is keeping prices high.

Since 1933, the *NADA Guide Book* has been the leading provider of market-reflective vehicle valuation products, services and information to businesses throughout the U.S. and worldwide. NADA's editorial team collects and analyzes more than 1 million combined wholesale and retail automotive-related transaction prices per month.

In other legislative and regulatory news ...

2011 Fuel Economy Guide Now Available

The guide provides detailed fuel economy numbers for model year 2011 light-duty

vehicles, along with estimated annual fuel costs and other information for prospective purchasers. Dealers must display a copy of the guide and provide copies to customers upon request.

ATD: Fuel Economy Rules for New Trucks and Engines Must Be 'Appropriate, Cost-Effective, and Technologically Feasible'

ATD Chairman Kyle Treadway represented the nation's truck dealers during a hearing last month in Chicago on the nation's first-ever fuel economy

NADA – continued on page 10

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Jack Tulley To Lead National Dealers Election Action Committee

The National Automobile Dealer's Association Dealers Election Action Committee (DEAC) has elected as chairman John E. (Jack) Tulley, II, president of Tulley Buick-GMC-BMW-Mazda-VW in Nashua.

An automobile dealer and member of NADA since 1986, Jack currently serves on the association's Industry Relations, Dealership Operations, and Regulatory Affairs committees. Previously, he served on the convention committee and as NADA's Region I Vice Chairman. He was chairman of the NHADA from 1994 through 1995 and chairman of the New Hampshire Motor Vehicle Arbitration Board from 1992 through 1996. Jack also

has participated in the Buick National Dealer Council. By the nature of his NADA position, he automatically serves on the NHADA Board of Directors.

Active in civic affairs, Tulley has served as president of the Nashua Rotary Club and as director of Bishop Guertin High School and the local YMCA chapter. In recognition for his contributions, Rotary club awarded him the Paul Harris Fellowship in 1994.

In recognition of his industry contributions, Tulley was named the TIME Magazine Quality Dealer of Year in 1996, which is sponsored by TIME Magazine, Goodyear Tire and Rubber Co., and NADA to honor professional excellence

and community leadership. He also received the Minute Man award from the American International Automobile Dealers Association in 1995.

As an important element of NADA's success on Capitol Hill, the Dealers Election Action Committee (DEAC) helps elect individuals who understand the needs of new-car and -truck dealers. DEAC, NADA's political action committee, contributes to those federal candidates who listen to the concerns of dealers and carefully weigh the costs of proposed laws and regulations against their purported benefits.

Call Pete McNamara for more information at 800-852-3372 or email him at pmcnamara@nhada.com.

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Dave Blake



NADA – continued from page 8

rules for commercial and work trucks and engines. Treadway told officials from the National Highway Traffic Safety Administration (NHTSA) and Environment Protection Agency (EPA) that any new mandates must be "appropriate, cost-effective and technologically feasible." He highlighted the significance of Section 102 of the Energy Independence and Security Act of 2007 (EISA), which requires that the NHTSA determine whether to issue fuel economy rules for medium and heavy duty-vehicles, work trucks, and engines. He also underlined the importance of prohibiting a state-by-state "patchwork" of fuel economy regulations, which would disrupt interstate commerce.

In other NADA news...

• **Advance Registration for the NADA Convention Up 14 Percent**
New-car and truck sales aren't the only things surging this fall. The growing level

of interest in the NADA Convention & Expo in San Francisco, Feb. 5-7, is another sign that the auto industry is making a comeback.

• 2011 Convention & Expo Workshop Program Features Ritz-Carlton Workshop

The 2011 Convention will present "Legendary Service at The Ritz-Carlton," a workshop designed for leaders who want to benchmark and learn about the Ritz-Carlton philosophy and core values and how to translate them into high levels of employee and customer engagement and loyalty. The workshop will stress the importance of reinforcing the company culture every day, why every company should have a written service strategy, the role of customer service and customer loyalty in increasing profits, and the role of leadership in driving service excellence. It will be held Monday, Feb. 7, at 8:30 a.m. The convention workshop program

NADA – continued on page 19



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2010 DEAC Contributors

DEAC, the Dealers Election Action Committee, is your federal political action committee that is administered by NADA. DEAC was established in 1975 and is the only non-profit political action committee representing franchised dealers of both imported and domestic new cars and trucks.

DEAC is NHADA's source of funds to support pro-dealer and pro-business candidates for the U.S. Senate and the U.S. Congress, and DEAC works to ensure that the voice of NADA is well represented on Capitol Hill.

Jay Alosa	Kurt Gerrish	Rich Lovering	Jeff Platek
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2010 ADPAC Contributors

ADPAC, the Automobile Dealers Political Action Committee, is your state political action committee and is an essential part of NHADA's legislative program.

ADPAC carefully and thoughtfully contributes to candidates from both political parties. ADPAC funds are used exclusively to support New Hampshire elected officials (State Representatives and Senators, Executive Councilors, and Gubernatorial candidates) who are sympathetic to dealer concerns and issues.

Since 1982, ADPAC has held a very successful track record in supporting those state candidates that support us.

Jack Benson	Roger Groux	Mike Phillips	Mike Wentworth
Marc Bigney	Dave Hammer	Wil Piekarski	Bob Werner
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Joe Bradley	Paul Husson	Ron Poirier	
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Greg Grant	Doug Miles	Jim Walker	
Bob Grappone	Susan McFarland Moynahan	Dan Weed	
Arleigh Greene	George Mullin	Roger Welch	

— Save the Dates —

January 19	NH Title Regulations
January 25	Federal and State Advertising Regulations
March 4-18	NHADA Online Auction
June 26-28	NHADA 90th Anniversary Convention

As seminars are added, they will be listed in the Calendar of Events at www.nhada.com.
For information, contact Jean Conlon at 800-852-3372 or at jconlon@nhada.com.

For Payments Over \$10,000

Cash Reporting Forms Should Be Sent By January 31, 2011

NHADA reminds all dealers to contact any purchaser for whom you were required to file a Form 8300 (Cash Reporting) in 2010. Each purchaser should receive notice by January 31, 2011, that your dealership has filed the form with the Internal Revenue Service. The statement must show the name, telephone number, and address of the dealership; show the total amount of the reportable cash received; and indicate the information was provided to the IRS. Don't forget to keep a copy of the correspondence for your own records.

Here are frequently asked questions from the IRS on addressing the statement to customers:

1. Must a business notify its customer that the business has filed a Form 8300 regarding the cash transaction with the customer?

Yes, a business must notify its customer, in writing, by January 31 of the subsequent calendar year.

2. If a business filed a Form 8300 on an individual and checked the suspicious transaction box and an 8300 report was not required, does the business have to inform the individual by January 31 about the fact that it filed Form 8300?

No, because reporting of the suspicious transaction in this instance is voluntary. A business is only required to provide a statement to individuals if the filing of the Form 8300 is required. A business is prohibited from informing the buyer that the suspicious transaction box was checked.

3. Instead of sending the customer a separate notification letter, can the dealership use the sales invoice as the notification requirement, if the sales invoice has language printed on it that

the IRS will be furnished with information for cash sales over \$10,000?

There is nothing in the code or regulations mandating a specific format for the customer statement. The regulations, however, establish certain minimum requirements. As long as these minimum requirements are met, there would be no problem if the seller chose to print the required language on an invoice. Treasury Regulation section 1.6050I-1(f)(2) states:

Form of statement. The statement required by the preceding paragraph need not follow any particular format, but it must contain the following information:

- The name and address of the person making the return;
 - The aggregate amount of reportable cash, received by the person who filed the Form 8300 during the calendar year, in all related cash transactions; and
 - A legend stating that the information contained in the statement is being reported to the Internal Revenue Service.
- 4. Can a copy of the Form 8300 be given to the customer as a written notice?**

Yes, since the Form 8300 contains

the name, address, contact telephone number of the filer, aggregate amount of reportable cash received, and informs the notice that the payment(s) are being reported to the IRS, the Form 8300 would be acceptable as written notification. However, if during the calendar year, the filer has transactions with the notice, which were included on more than one Form 8300, furnishing copies to the notice of multiple Forms 8300 does not meet the notice requirement because it is not a "single" statement. In this situation, the Form 8300 filer should provide a single written notice for all of the transactions. It should be noted that while the practice of using a copy of the Form 8300 as a notice may be convenient, it may not be advisable because of the sensitive information contained on the form; e.g. Employer Identification Number (EIN) or Social Security Number (SSN).

For more information on the cash reporting rule, please visit the IRS website at: <http://bit.ly/gyFq9r> or contact Pete McNamara at 800-852-3372 or by email at pmcnamara@nhada.com.

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Please contact Matt Benson, Scott Ellison, or Jen Moeckel at 603-621-7100 or www.clrm.com.





Matt Benson Scott Ellison Jen Moeckel



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For more information, please contact your NHADA Sales Representative Laurie Churchill at the association office at 800-852-3372 or by email at lchurchill@nhada.com.



Legislature – continued from page 1

be introduced into the 2011 Legislative Session.

The hot topic today is the next two-year budget, which will have an estimated \$500 million hole unless cuts are made or revenues found. NHADA will be filing legislation to allow dealers to register customers' vehicles at the time of purchase. I already see LSRs dealing with ending safety and On-Board Diagnostic II (OBD II) inspections.

As of Dec. 16, 2010, I have been able to identify close to 70 bills to which NHADA will be paying very close attention. Later in January, for a more complete list of bills that may impact members of NHADA, please visit NHADA's website at www.nhada.com/statehouse. Also, throughout the legislative session, NHADA will notify members of issues by way of email alerts and updates to the web page cited above.

Rest assured that Dan Bennett, vice president for governmental affairs, and I will do our utmost to represent your best interests at the State House. There may be occasions when we need your help; if this happens, we will call on you to directly contact your legislators to further enhance the NHADA message.

As always, if you have questions, don't hesitate to contact me at 800-852-3372 or by email at pmcnamara@nhada.com.



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**Porsche of Stratham Wins
2011 Premier Dealer Award**

Porsche has named Porsche of Stratham, a member of the International Cars, Ltd. family of dealerships, a 2011 Porsche Premier Dealer. This award recognizes dealers who consistently go above and beyond Porsche's high customer standards and demonstrate a true passion for the brand and its customers.

In Memoriam

Dick Bournival

Dick Bournival, 60, of Rye, owner of Bournival, Inc. dealership in Portsmouth, died Thursday, December 9.

Dick was a Vietnam veteran, having served in the U.S. Army, and was decorated twice with the Purple Heart for injuries he sustained in combat. Following the service, he worked for his father at Bournival Chrysler in Lowell before moving to Portsmouth in 1974. He founded Bournival Jeep shortly after his arrival in Portsmouth, which eventually grew to include dealerships in New Hampshire, Maine, and Florida.

He was a member of the Dealer Election Action Committee for NADA as well as the Eagles Club and served as an NHADA director.

Dick is survived by his wife of 20 years, Alissa (Ohlemeier) Bournival of Rye; his daughter, Laura Bournival of Cape Cod; his brother, David Bournival and his wife Eileen of Hampstead; his sisters, Andrea and her husband Dr. Richard Namay of Palm Beach, FL, and Susan Bournival and her husband Larry Buote of North Andover; and many nieces and nephews. Dick was predeceased by his children, Richard, Bridget, and Bradley Bournival.

In lieu of flowers, donations in Dick's name may be made by mail to the Cochecho Valley Humane Society, 262 County Farm Road, Dover, NH 03820; or online at www.cochechovalleyhumanesoc.org/helptheanimals.cfm. An online guestbook, as well as service information and directions are available at www.RemickGendron.com.

Carolyn B. Brooks

We regret to tell you that Carolyn B. Brooks, 73, of Colebrook, wife of former NHADA Director Bradford Brooks of Brooks Chevrolet, Inc., in Colebrook, died Thursday afternoon, December 16.

She leaves behind her loving husband of 54 years; three sons, Clinton Brooks and wife Eldonna of Colebrook, Stanton Brooks of Peaks Island, ME., and Leland Brooks and wife Ann of Columbia Falls, MT; five grandchildren, Matthew Brooks, Aaron Brooks, Asenath Brooks, Mitchell Brooks, and Ada Brooks; two great-grandchildren, Anja and Kylie Brooks; a daughter-in-law, Linda Brooks of Portland; and a brother, Robert Burnell of Fryeburg, ME; as well as several nieces and nephews.

Carolyn will be remembered as the anchor to the musical group known far and wide as "Carolyn & Friends." She and her husband, along with many other local musicians, provided musical entertainment and enrichment to many local events and charities for many years. Those who attended the 2002 family convention at the Balsams will fondly remember tapping their toes along with Brad and Carolyn, as their band entertained at a western theme night. Her other interests included gardening, writing poetry, and spending time with her family.

Expressions of sympathy in Mrs. Brooks' memory may be made to the UCVH, 181 Corliss Lane, Colebrook, NH 03576. Condolences may be offered to the family online at www.jenkinsnewman.com.



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Environmental Corner

Dan Bennett, Environmental Affairs Specialist

Have you been entertaining the idea of a solar system installation at your company, but financially, it just hasn't been the right time?

Do you want to reduce your company's electric bill while, at the same time, doing your part to help the environment by decreasing your company's carbon footprint?

Well, now is the perfect time!

New Hampshire is offering a commercial solar rebate program.

The team at Waterline Alternative Energies LLC, a NHADA bronze-level association partner, wants to help you take advantage of this opportunity.

On November 19, the New Hampshire Public Utilities Commission (NH PUC) launched its commercial and industrial rebate program for solar electric (photovoltaic) and solar thermal installations. This program offers \$1/watt up to 50 kW, or \$50,000, for commercial installations for those who apply and are accepted.

Funding for this program is limited and applications will be processed on a first-come, first-served basis. Total funding for state fiscal year 2011, ending June 30, 2011, is \$1 million.

The NH PUC doesn't expect this

NH Rebate Program Available For Solar Energy Projects

program to be in place for very long as there is great interest in this commercial solar opportunity!

This program will build on the success of the New Hampshire residential renewable energy rebate program, which to date has received more than 500 applications requesting a total of \$2.9 million for home photovoltaic and small wind installations. In addition to reducing our reliance on imported fuels and lessening emissions of greenhouse gases, these renewable energy installations are bolstering our economy and creating new jobs in the green energy sector.

Benefits of a photovoltaic solar include:

- Lowering of your carbon footprint,
- Promotion of green energy jobs and support of renewable alternative energy,
- Decreasing your company's monthly electric bill,
- Insuring your company against volatile electric rates by creating your own electricity, and
- Letting the federal and state government help you pay for the work.

Additionally, as of this printing, Congress has approved within the new tax bill a

30 percent federal grant for solar projects during this coming year.

Don't wait too long! Take advantage of these while you can.

What are the steps you should take?

- 1) Contact Jeff Haydock at Waterline Alternative Energies LLC by phone at 603-474-0170 or by email at waesales@waterlineae.com.
- 2) Contact your CPA or one of NHADA program partner CPAs listed below.

O'Connor & Drew,
silver-level association partner, or
Tyler, Simms & St. Sauveur,
silver-level association partner, or
Albin, Randall, & Bennett,
bronze-level association partner, or
Macdonald Page & Co,
bronze-level association partner.

Waterline Alternative Energies LLC is an affiliate of Waterline Industries Corporation, a leader in the water and wastewater construction industry over the last two decades and designer and installer of solar (photovoltaic), wind, and hydroelectric solutions, located in Seabrook.

WAE works with you to complete the construction and installation of your system as well as the application process for any and all rebate/incentive programs.

Please call their office with any questions or concerns about a photovoltaic system. They are ready to help and look forward to working with you to install a system that will provide you with a fixed power rate for the next 30 years.

To learn more about your solar energy options, call 603-474-0170, email waesales@waterlineae.com, or visit www.waterlinecompanies.com.




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Not Your Grandparents' Convention!

NHADA Family Convention

June 26-28, 2011
Mount Washington Hotel

Jean Conlon, Meetings Coordinator

The NHADA meetings committee has been working hard to plan a convention worthy of the association's 90th anniversary.

The committee includes Peggy Proko, chairwoman, Jack Tulley, convention chairman, Roger Groux, NHADA chairman, association members Paul Gladstone, Bill Gurney, Jay McFarland, George Mullin, Chris Weiss, and NHADA President Pete McNamara.

The convention will have substance, and it will be fun for everyone!

The substance includes a panel of industry executives discussing the state of the economy as it relates to the transportation industry. In addition, education tracks will feature workshops to meet the needs of our diverse membership population.

The fun includes a show by Las Vegas entertainer Tony Pace, a Roaring '20s theme night with casino-type games, fireworks, and numerous activity options, including zip-line and golf, with numerous other ideas still under discussion.

Watch for updates each month in *Dateline: NH* on speakers, activities, and entertainment. In the meantime, save the dates of June 26-28, 2011, and plan to attend!

If you have ideas or questions, please contact Jean Conlon at 800-852-3372 or email her at jconlon@nhada.com.

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For more information, please contact them at (781) 246-9400 or by email: Sean Fahy at sfahy@cmbteam.com, Dean Mello at dmello@cmbteam.com, or Len Cubellis at lcubellis@cmbteam.com.



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Risk-Based Pricing Rule and New Privacy Notice Now In Effect!

Pete J. McNamara, Esq., President

Your F&I office should have begun handing out two new forms to customers on January 1, 2011! Have they? The federal Risk-Based Pricing Rule (RBPR) and the new Model Privacy Notice both took effect the first of the year. If these don't sound familiar, this is another "notice" to you!

Risk-Based Pricing: Generally the RBPR requires car and truck dealers

using credit reports and extending credit to consumers to provide a new notice, the "Risk-Based Pricing Notice." The report is required when consumers who receive credit from the dealer on terms less favorable than those received by a "substantial proportion" of their other credit customers.

That National Automobile Dealers Association convinced the Federal Trade Commission to allow an "Exception

Notice" to be issued to all consumer credit applicants, and then published a guide. NHADA broadcast NADA's webinar with the added bonus of having Attorney Greg Holmes, of Holmes Law Offices PLLC, a bronze-level association partner, and NHADA President Pete McNamara on hand to answer additional questions.

The exception notice is provided to all customers who apply for credit – excluding lease and business customers. Dealers will work with the credit reporting agencies to complete the exception notice.

Privacy Notice: Dealers must properly use the recently issued, revised notice by January 1, 2011 to obtain "safe harbor" protection under the Privacy Rule.

Dealers who continue to provide their finance and lease customers with the "old" privacy notice will *lose* safe harbor protection for the language used in those notices after December 31, 2010. Accordingly, dealers should consider transitioning to the new model notice.

NHADA will help you create your new model privacy notice. In addition, NHADA hosted NADA's privacy notice webinar, with the added bonus of having attorney Scott Ellison, Esq. of Cook, Little, Rosenblatt & Manson, p.l.l.c., a bronze-level association partner, on hand to answer additional questions.

If you need help creating your new privacy notice go to <http://bit.ly/gmkMtX>. Download and answer the questionnaire, then fax it to Ron McDaniel, director of NHADA's product division, at 224-0252.

Additionally, NADA has published a *Dealer Guide to the FTC Privacy Rule and the Model Privacy Notice*. Find it at: <http://bit.ly/hkVbwV>.

If you need more information, call Ron at 800-852-3372 or you can email him at rmcdaniel@nhada.com. 📌

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NADA – continued from page 10

kicks off on Friday, Feb. 4, with sessions at 1:30 p.m. and 3:15 p.m. For daily updates or to post your own comments, follow the NADA convention on Facebook, Twitter and LinkedIn. To register, visit www.nadaconventionandexpo.org.

• **NADA and ATD Members Auto-Enrolled in NADA University**

All NADA and ATD members have been automatically enrolled in NADA University and will soon receive a letter with their user name and password, simple instructions to get started, and informative flyers describing NADA U's Learning Hub and Resource Toolbox. Additionally, NADA University customer service will be contacting each member by phone to schedule a personal tour of NADA U. If you would like to schedule your tour early, please email NADAuniversity@nada.org or call us at 800-557-6232.

• **NADA University Has Issued Three New Driven Guides in Fourth Quarter**
A Dealer Guide to the Risk-Based Pricing Rule, A Dealer Guide to the FTC Privacy Rule and the Model Privacy Notice and A Dealer Guide to Business Succession Planning have all been posted.

• **Learning Hub Offers New Online Course on Accessorizing**
Nearly 300 SEMA Dealer Day attendees have already begun training with NADA University's new online course, "Accessorizing Your Way to Additional Profits." The course features interviews with dealers and footage of their lots, showrooms, and accessorized vehicles to explain the steps to take to get started in accessories and work successfully with restylers. To purchase this course, log on to www.NADAuniversity.com, and select "Learning Hub," then "Sales/Leasing/Finance." Click to purchase in the NADA U Store. 📌

Brenda Payne Celebrates 25 Years At NHADA



Brenda Payne

Nat Stout, Communications Director

The year Brenda Payne began working for NHADA, General Motors announced an incentive program, offering the low finance rate of 7.7 percent and David Letterman offered his first top ten list - "Top Ten Things that Rhyme with Peas."

Brenda had a 7-year-old son, Jesse, and 4-year-old daughter, Carolyn. She had been working with CHUBB Life, having moved with her husband from California seven years before.

Brenda heard through an acquaintance that the receptionist position was open at NHADA. Moving to the insurance department, Brenda worked in the F&I, life, and disability areas for about 15 years, then moved on to the store.

"The biggest change here has been the technology," Brenda said. "I think that's been a really big help."

She's remained in New Hampshire all this time because "It's a nicer place

to raise a family." The San Diego area from whence she came is crowded, and, like many Granite Staters, Brenda prefers more open space, privacy, and room to move.

Since working here, Brenda has built a house in Hopkinton. Her children are still nearby. For nearly two decades, she's been breeding, raising, training, and showing German Shepherds. "My dogs are a lifestyle," she said.

As with everything, there are ups and downs over the course of so many years working in one place. But Brenda likes the smallness of the association office where day-to-day structure is more personal.

One of the best things about being here is the customers," Brenda said. She has worked with some since the year she started... that year the Dow Jones Industrial Average closed above a whopping 1,400. 📌



Join Our Grassroots, Online Auction for Education

Jean Conlon, NHAEF Programs Administrator

For several months, we have been asking NHADA members and employees to donate an item or two to the NHADA online auction benefitting the New Hampshire Automotive Education Foundation (NHAEF).

The auction will be held from March 4 – 18, 2011. A mini-auction of winter-related items (ski and winter sports items) may be held earlier.

This auction will help the NHAEF with its mission of supporting all NHADA members by helping to develop well-educated workers, whom are essential to the success of New Hampshire's transportation industry. Such education may take the form of:

- compliance workshops and seminars on topics for existing employees,
- working with the high school automotive-related programs to ensure that they meet national standards,
- training the secondary school instructors in the latest technologies,
- supporting the New Hampshire Community College System programs, and
- providing scholarships to deserving students.

NHADA members have shown time and again that, when they get behind a grassroots effort, no obstacles are too large to overcome. The time has come for individual NHADA members to get behind this effort to support your education foundation!

We need you to put on your thinking caps and come up with an item to donate. Members and their employees are all asked to consider a donation. We are willing to bet that everyone has something that will be of interest to someone.

Please take a minute to think about it, and be creative!

Does your community sponsor a downtown gift card? By purchasing one and auctioning it off, you will be supporting your community and giving them, and you, positive publicity. The same may be said of a local business that is also your customer, whom you would like to support.

Do you have access to tickets (personally or through your manufacturer or a vendor) that you could donate?

Do you have memorabilia or collectibles that you would be willing to donate?

Last year's donation by Steve Talarico of a DIRICO guitar signed by Steven Tyler

of Aerosmith was extraordinarily generous and made a huge difference in our first auction.

I was thinking about what an impact we can have if everyone gets involved and decided to make my own donation. I am giving a collectible from my grandfather, Eugene McGillicuddy: Gene Mack's Hall of Fame Cartoons – Major League Ball Parks. The original cartoons are in the Baseball Hall of Fame in Cooperstown. Included are Fenway Park, Braves Field, Yankee Stadium, Ebbetts Field, and the Polo Grounds.

These are only a few ideas. Think about how you can help!

Please see the list of donations to date. All donors will be recognized in *Dateline: NH*, on the NHADA website, and on NHADA's BiddingForGood website, which is seen by thousands of people across New Hampshire and beyond.

NHADA staff will contact association members in January. But why wait! Contact me at 800-852-3372 or at jconlon@nhada.com with your donation. I will need the name of the item, a description, and an estimated value. If you want to put a reserve on the item, please let me know. 📌

2011 Fuel Economy Guide Now Available

Did you see it? The U.S. Department of Energy and the Environmental Protection Agency have released the 2011 Fuel Economy Guide. The guide provides detailed fuel economy numbers for Model Year 2011 light-duty vehicles, along with estimated annual fuel costs and other information for prospective purchasers. Dealers must display a copy of the guide and provide copies to customers upon request. There are a number of options available for dealers to comply:

- EPA and the DOE are electronically distributing the guide to dealers for printing as needed.
- Download the guide, save it, and print it as necessary at <http://bit.ly/gSJhlu>.
- Order hard copies of the guide at <http://bit.ly/ebbpUo> or by calling DOE's Information Center at 877-337-3463 between 9 a.m. and 7 p.m. EDT, or by using the form to order copies by mail at <http://bit.ly/hlQFci>. Hard copies were to be mailed, free of charge, last month.

For an EPA/DOE letter detailing how to make the guide available to customers visit <http://bit.ly/iks6vM>.

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Compliance Corner

Peter Sheffer, Workers' Compensation Trust Director

Workers' Compensation disability benefits are paid when an employee suffers a compensable injury and is deemed to be totally disabled from work by a physician.

The first three days of disability are unpaid unless the period of disability continues for 14 days or longer (RSA 281-A:22). However, if the injured employee returns to work within five days of the date of injury in a light-duty capacity, as determined by the physician on the New Hampshire Workers' Compensation medical form, then the three-day waiting period is waived (RSA 281-A:23-b). Workers' Compensation disability benefits are based on a seven-day week, so weekends are counted in the calculation of the waiting period. If an employee is injured on a Thursday, seeks treatment, and is taken out of work until Monday when he/she is released to return to work full duty, the three-day waiting period applies and no disability benefits are due. Under the same scenario, if the physician releases the injured employee to return to work in a light duty capacity on Monday, three days of disability are due.

2010 Unemployment Rates by Area			
	Aug	Sep	Oct
United States	9.5%	9.2%	9.0%
New England	8.3%	7.9%	7.7%
Connecticut	9.3%	8.8%	8.5%
Maine	6.9%	6.5%	6.7%
Massachusetts	8.3%	8.0%	7.7%
New Hampshire	5.7%	5.1%	5.0%
Rhode Island	11.8%	10.6%	11.0%
Vermont	5.5%	5.3%	5.1%

When Are Workers' Compensation Benefits Payable?

Workers' Compensation total disability benefits are based on 60 percent of the injured employee's gross average weekly wage. If disability extends over 14 days, a 26-week wage schedule is requested from the employer to calculate the gross average weekly wage. Pursuant to Labor Department Regulation 506.0(c)(3), if a 26-week wage schedule fails to yield a figure reflective of the injured employee's true average weekly earnings, a 52-week wage schedule may be used. Total disability benefits are paid for the duration of total disability and cease only when the injured employee returns to work or the NH Department of Labor (NH DOL) grants permission to terminate or reduce benefits. Total disability is not affected by

age or retirement status.

When an injured employee returns to work in a light-duty capacity earning less money due to a change in hours or less wages, temporary partial disability benefits are owed to the injured employee. Temporary partial disability benefits are 60 percent of the difference between the injured employee's pre-injury gross average weekly wage and their gross earnings after returning to work.

Temporary partial disability benefits are payable for a total of 262 weeks. The 262 weeks are reduced by any total disability benefits paid during the claim.

If disability benefits are paid on a claim, then the NHADA member will be charged the full amount of the claim

Safety/OBD II Inspections Statistics				
Safety Inspection Results	Nov '10	% of Total	YTD '10	% of Total
Total *	107,524	100.00%	1,291,174	100.00%
Passed	81,448	75.80%	971,958	75.30%
Corrected	13,797	12.80%	169,106	13.10%
Rejected	6,216	5.80%	77,204	6.00%
Untested	6,063	5.60%	72,906	5.60%
OBD II Inspection Results (1996 and newer)				
Total	95,507	100.00%	1,124,133	100.00%
Passed	82,151	86.0%	960,977	85.50%
Rejected	9,264	9.70%	114,933	10.20%
Untested	4,092	4.30%	48,223	4.30%
* Total numbers include OBD II Inspections				
<i>Statistics provided by Gordon-Darby</i>				

Claims Corner

Brian Duplessis, Loss Prevention Coordinator

Inclement winter weather can be bittersweet for NHADA and its members: Bad weather tends to help parts, service, and collision repair businesses; it is also responsible for a large number of serious injuries to employees and resulting claims.

Most of these claims result from slip/fall injuries, but a number of motor vehicle accidents and struck-by claims (cars and plows), contribute as well. The chart accompanying shows the top five producers

of injuries over the last ten years in the WCT. All of the claim types mentioned above rank in the top five. Slip/Fall on ice ranks third on the list in frequency and 4th in costs. Weather-related slip/fall incidents are responsible for 13 percent of total claims costs (almost \$4 million dollars) and in particularly bad winters have been as high as 21 percent of total costs.

While we can hope that El Nina prevents these types of claims, to be safe, there

Cause of Injury	# of Claims	Total Cost
Lift/Lower	1007	\$6,327,101.61
Struck By/Against	4751	\$4,469,620.60
Slip/Fall/Trip	1156	\$3,951,883.78
Slip/Fall-Ice	1008	\$3,882,669.15
Motor Vehicle	360	\$2,771,856.32

are several things that all WCT members need to do:

- First, create a high sense of urgency as it relates to addressing slippery conditions.
- Thoroughly clean the property after all storms. And
- Constantly monitor and treat the grounds for hazards between storms.

Be diligent in this area because nowadays it only takes one big claim to ruin your loss experience and reduce your rebate.

For further assistance, contact Brian Duplessis, loss prevention coordinator, at 800-852-3372 or email Brian at bduplessis@nhada.com.

Payable – continued from previous page

when the experience modification factor is calculated. If no disability benefits are paid, the total cost of the claim is reduced by 70 percent when calculating the member's experience modification factor.

The key to controlling workers' compensation benefits is first, preventing injuries from occurring, and second,

getting the injured employee back to work as quickly as medically possible. If you have questions about workers' compensation claims, benefits, or temporary, alternate duty, please contact Workers' Compensation Trust Director Pete Sheffer at 800-852-3372 or email Pete at psheffer@nhada.com.

Title Statistics Report Ending November 30, 2010

New Hampshire Department of Safety, Division of Motor Vehicles

	Nov '10	Nov '09	'10 YTD	'09 YTD
Titles Issued for New and Demo Vehicles:	6,047	5,595	82,946	78,099
Titles Issued for Used Vehicles:	15,338	16,382	195,399	199,353
TOTAL TITLES ISSUED:	21,385	21,977	278,345	277,452
Titles Issued with a Lien:	8,670	7,549	111,240	105,957
Titles Issued with no Lien:	12,715	14,428	167,105	171,495
Salvage Titles Issued:	666	758	8,977	9,890
Salvage Tags Issued:	171	229	2,457	2,538
Titles Issued for Heavy Trucks More than 15 Years Old:	20	24	344	335
Titles Issued for Heavy Trucks 15 Years Old or Less:	71	94	1,238	1,265
Titles Issued for Trailers:	454	498	8,340	8,240
Titles Issued for Motorcycles:	468	453	13,882	13,355
Titles Issued for Motor Homes:	55	43	722	596

2011 NHADA Association Partners

(as of December 22, 2010)

PLATINUM

WMUR-TV/WMUR.com NH

Zurich

GOLD

New Hampshire Union Leader

SILVER

American Fidelity Assurance Company

Devine Millimet

Enterprise Holdings

Manheim New England

Northeast Delta Dental

O'Connor & Drew, P.C.

Southern Auto Auction

St. Mary's Bank

Tyler, Simms & St. Sauveur, CPAs, P.C.

Wells Fargo Dealer Services

Windward Petroleum/Exxon Mobile

BRONZE

Aftermarket/Royal Administration

Albin, Randall & Bennett

AmSan New England

Anthem Blue Cross and Blue Shield in New Hampshire

Auto Auction of New England

Bellwether Community Credit Union

cm&b Construction Management & Builders, Inc.

Cook, Little, Rosenblatt & Manson, p.l.l.c.

DealerTrack Inc.

F & I Resources

G&K Services

Heritage Propane

Holmes Law Offices PLLC

Jewett Automotive Design & Construction

Macdonald Page & Co LLC

Protective

Rath, Young and Pignatelli, P.C.

STAPLES® Advantage

Tri State Fire Protection LLC

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To become a 2011 NHADA Partner, please call Jean at 800-852-3372.