

April, 2007

# Dateline: NH

a publication of the New Hampshire Automobile Dealers Association

**Meet Your Partners**  
pages 3, 9, 17, 18, 20, 22

**See Special Convention  
Program Highlights on  
pages 12-14**

## Inside this Issue

Auto Financing Road Map  
page 3

NHADA Says Goodbye  
to a Good Man  
page 4

New Wellness Program Update  
page 6

Compliance Corner  
pages 9 and 10

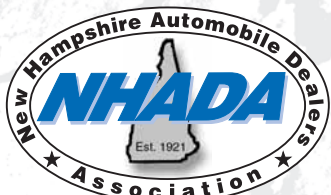
From Your NADA Director  
page 15

Environmental Corner  
page 18

Employer Prevails in  
Discrimination Lawsuit  
Due to Proper Documentation  
page 20

Safety/OBD II Statistics  
page 23

Association Partners/Title Statistics  
page 24



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## NHADA "Family" Convention ... A "Spectacular" Event in the Making!

Louanne Theriault, Convention Coordinator

"Aerial view of scenic Newport"  
Photo by Onne Van Der Wal/  
www.VanDerWal.com



**June 24-26, 2007**  
**Newport, Rhode Island**

## What's so "spectacular" about the upcoming Convention in June?

**Let's start with the location – Newport, Rhode Island!**

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**Let's add to the above – A Fabulous Program!**  
*(see details on pages 12-14)*

*Four topnotch business speakers ... social events, including a gala dinner/dancing event at the prestigious "Marble House" ... a hands-on fun and exciting Children's Program, including a magic show ... a Golf Tournament at a great course ... and the best of company – your fellow NHADA members.*

The NHADA Convention Committee, consisting of Convention Chairman and NHADA Vice Chairman Bob Grappone, NHADA Chairwoman Sue Moynahan,

*Convention - Continued on page 12*

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**Meredith Motor Co., Inc.  
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Plymouth, NH 03264  
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603-226-2188  
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603-778-0000  
Owners: Leonard A. Worden and  
Joseph R. Alosa, Sr.

**NHADA Legislative Reception – April 12**

This is your opportunity to get to know *your* State legislators. Plan to attend the NHADA Legislative Reception.

**Where:** N.H. Historical Society (Tuck Library)  
30 Park Street, Concord

**When:** 3:00 p.m. or immediately following the Session

**NHAEF Center for Automotive Education and Training**

**Upcoming Seminars – REGISTER ON-LINE ([www.nhada.com](http://www.nhada.com))**

- |          |  |
|----------|--|
| April 11 | Make Money and Stay Legal – F&I Compliance                                   |
| April 12 | Hazardous Materials Certification Training ( <i>see article on page 18</i> ) |
| April 18 | Company Policies and Employee Handbooks (HR Seminar Series)                  |
| May 8    | The Effective Service Advisor  |
| May 9    | Great Ideas for Great Service (Service Management)                           |
| May 10   | The Effective Service Advisor  |
| May 16   | Discipline, Documentation & Discharge (HR Seminar Series)                    |
| May 22   | Advanced Automotive Bookkeeping  |
| May 23   | Service Cashier Training   |

Please contact Brendan Perry or Jean Conlon at 800-852-3372 if you have questions.



## Auto Financing Road Map

**A**WARE (Americans Well-Informed About Automobile Retailing Economics) has developed an *Auto Financing Road Map* for use by educators and other community leaders interested in teaching auto financing in their hometowns.

The free kit offers resources and tools needed to hold an auto-financing workshop – or to simply incorporate some auto-financing principles into an existing financial literacy program. If you are interested in hosting an auto-financing workshop in your community or if you would like to pass the information on to those that do, visit [www.autofinancing101.org](http://www.autofinancing101.org). ▲

### *In Memoriam*

**Sandra Fennell**

*NHADA is saddened to hear of the recent passing of NHADA member Sandra Fennell, owner of Chevron of NH Auto & Truck Center in Hampstead. Our thoughts and prayers go out to her family.*

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# NHADA Says Goodbye to a Good Man

Daniel B. McLeod

All dealers in the state, no matter how large or small, have been impacted in the past, and will be impacted in the future, by decisions made by the Commissioner of the Department of Safety.

Members of NHADA have interacted with the Commissioner, both personally and professionally, on numerous occasions over his 35 years in office; and we are all sorry to see him go, and we all wish him the very best in the years to come. I can say with certainty that Commissioner Richard Flynn has served NHADA members and the state well since he was first appointed by Governor Walter Peterson in 1972.

With regard to my personal relationship with the Commissioner, while we have had a few bumps in the road, we have always resolved our differences and have been able to move forward. I can recall a telephone conversation I had with the Commissioner many years ago when he was quite annoyed with something I had done. Frankly, I cannot recall

the specific issue; but I do remember how uncomfortable I felt, and I also remember that when I spoke to the Commissioner within a few days, it seemed as though his aggravation with me and my actions had been forgotten, and we continued a positive relationship.

As far as his ability to get things done in the Legislature, I remember an occasion in which the Commissioner was testifying before a legislative committee seeking funding, when at the completion of his testimony, the chairman of the committee asked the Commissioner ... "Are you sure this is all that you would need?" This was not said sarcastically but said in the spirit of, "If you need more, ask for it; and we will provide it to you." Wow! I have been around the legislative process for a number of years, and this was the only time I heard this type of exchange; and my guess is that it will be the last time.

Commissioner Flynn loved his job, and he thrived on serving the citizens of New Hampshire. In writing the history of the Commissioner Flynn



Commissioner Richard Flynn


tenure, I think a very important point is that, as Commissioner Flynn gained power in the state, at no time did he seek personal financial enrichment. He just loved doing his job!

As we end the era of Commissioner Richard Flynn, we look back and offer our heartfelt best wishes to a good man who went to work every day with a mission of serving the citizens of our great state. As far as I am concerned, his mission was accomplished!

As we enter into the new era of the new Commissioner, former head of the New Hampshire State Police, Col. John Barthelmes, we look forward to developing a positive relationship of mutual respect and understanding. ▲

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## Do We Have a Wellness Program? Do **We** Have A Wellness Program!

Susan Manning, Employee Programs Coordinator

**N**HADA's wellness program did NOT disappear. It is about to become new and improved! If you've been wondering what happened to it, here's the scoop. The NHAD Services' Board of Directors voted to create a permanent full-time position of Wellness Educator as a commitment to addressing the health of our NHADA insured members. The wellness program options not only didn't go away, but they are about to expand.

Lisa Duclos (see "NHADA Welcomes Lisa Duclos" below), whose first article is in this issue (see "Time for a Wellness Tune-up?" to the right), will be creating ways to inspire our insureds and their families to participate in lifestyle changes that will enhance their health and well-being. As for the employer, this type of programming has been shown to decrease health insurance claims that impact monthly premiums and to result in fewer "sick days" taken. Everybody wins.

Watch for details as they unfold, and please join with us in creating a healthier and happier workforce! ▲

### NHADA Welcomes Lisa Duclos

Louanne Theriault, Director of Communications

**N**HADA is pleased to announce that Lisa Duclos has joined the NHADA family in a newly created position – Wellness Educator (see above article). Lisa spent the past 13 years with Concord Hospital as a Health and Family Education Coordinator where she created and facilitated classes and programs, including stress management, fitness and walking, smoking cessation, interpersonal relations, and childbirth and parenting. She recently earned her MBA from Plymouth State University with a focus on organizational health, and she has attended specialized stress management training at the Harvard Mind-Body Institute.



Lisa Duclos, Wellness Educator

Lisa lives in Pembroke and has three children. She enjoys running, hiking, kickboxing, Red Sox and Patriots games, knitting and crocheting, and spending time with family and friends.

Lisa's personal wellness philosophy is: Variety! Find several things that you enjoy doing and make it a priority to incorporate them into your daily life. Life should be about moderation and balance, not elimination or excess.

With Lisa's extensive background, it is certain that NHADA insured members and employees will greatly benefit from her expertise in the health and wellness arena. Please welcome Lisa when she stops by for a visit and help her do what she does best – be a Wellness Educator! ▲

## Time for a Wellness Tune-Up?

Lisa Duclos, Wellness Educator

**W**e all know the importance of scheduling regular maintenance checkups for our vehicles, but what about ourselves? When was the last time you took a good look under your "hood"? Your exterior may look great, but how about the interior? Just like an automobile, our bodies are comprised of many intricate systems working together to keep us functioning properly. The mind is the computer overseeing all of these systems, and that connection is vital. When one system falters or fails, it eventually affects our productivity and quality of life. Ultimately, we do not run as smoothly or efficiently.

Many people cringe when they hear the word wellness, as they often feel guilty about all the things they should or should not be doing. The reality is that wellness is not about exercising to exhaustion or eating foods that we dislike. Wellness is actually an interactive process of becoming aware of and practicing healthy choices in order to create a more successful and balanced lifestyle. Wellness does not mean overhauling your entire life. Wellness is about making small, incremental, and consistent changes in order to reach healthy and attainable goals. The concept of wellness is a unique and dynamic process for each individual.

Most people tend to associate diet and exercise with wellness when, in fact, wellness is multi-faceted, consisting of six dimensions:

*Tune-Up - Continued on page 8*

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Tune-Up - Continued from page 6

- Social – living in harmony, not conflict
- Occupational – work and hobbies that are exciting and rewarding
- Spiritual – actions are guided by beliefs and values
- Physical – understand and tune-in to the body’s warning signs and take responsibility by appropriately adjusting your lifestyle – activities that lead to high levels of wellness include nutritional knowledge, exercise, and appropriate use of the medical system
- Intellectual – actively seek the opportunity to expand and challenge your mind through creative endeavors
- Emotional – centers on the acceptance of your emotions and feelings, which includes the ability to realistically evaluate your limitations and effectively cope with stress

The six dimensions of wellness can be compared to a wheel on a car. When everything is in balance, we feel good

and have a healthy outlook on life. But, when one of the dimensions is way out of balance, the ride is not as smooth and adjustments need to be made in order to realign. Sometimes we cannot control the environment and need to be flexible. Similarly, the tires on a car do not stay rigid – they adjust to the surface of the road.

NHADA is aware that wellness programs make economic sense. Numerous studies document tangible economic benefits when wellness programs are implemented by:

- Decreasing the demand for medical services
- Reducing absenteeism
- Lowering on-the-job injuries and Workers’ Compensation costs
- Reducing disability-management costs

Intangible benefits may be even more important to a business’s overall health. Increased productivity is an important benefit of operating a business with fit and healthy

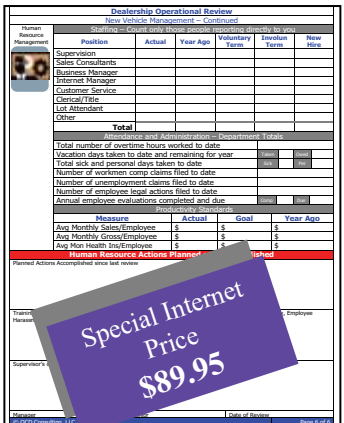
employees. Another intangible benefit is employee morale. A wellness program is a relatively inexpensive way to show employees the company is interested in them as total persons. Finally, wellness programs provide a spark of good will and foster the all-important message of self-responsibility.

In order to experience both the personal and company benefits associated with wellness, we all need to take responsibility for our wellness. Take some time for wellness checkups and tune-ups. Clean out the junk in the trunk! After all, a well-oiled and maintained individual results in higher quality mileage (or years)!

I look forward to “hitting the road” and meeting members and staff in the upcoming months. I welcome feedback, input, and suggestions in order to tailor programs to meet your wellness needs. Please feel free to contact me toll free at 800-852-3372, on my direct line at 230-2169, or by e-mail at lduclos@nhada.com. ▲

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*Dan Sunderland,  
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## Compliance Corner

### The Sky is Falling!

Ron Godbout, CSP  
NHADA WCT Senior Loss Prevention Consultant

From time to time, creative marketers send flyers, faxes, or e-mails to businesses that prey on their fear of visits from state and federal labor agencies. These firms usually quote OSHA or EPA regulations (often out of context), and they tout the highest possible fine scenarios in order to coax people into attending their seminars or buying their products.

Most recently, many of our members have received faxes concerning OSHA's enforcement of "new" forklift training requirements. New is a relative term as there have not been any significant changes in forklift training requirements in the past four or five years. The firm sending these flyers has a name that sounds like it

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*Nancy Cournoyer*

is a federal agency with a Utah address; but it is, in fact, a private training and consulting firm based in Canada.

The training they are offering is for a train-the-trainer course, which certifies attendees as capable of training forklift operators, and costs \$400. The Northern New England Safety & Health Council offers the same qualification for \$475 and includes the complete National Safety Council training kit with two videos, etc.

If you receive any of these commercial promotions, please contact our Loss Prevention staff before you commit any funds. The Loss Prevention Department has three trainers that can train your operators on your site **at no cost**.

The Loss Prevention staff is always available to answer questions or to help you with your safety and training needs. Call us at 800-852-3372. ▲

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## Compliance Corner (cont.)

Ryan Hale, NHADA WCT Loss Prevention Consultant

Most members are already aware that the NHADA Workers' Compensation Trust (WCT) Board of Trustees voted to make it mandatory that all WCT participants conduct pre-employment drug testing by January 1, 2008.

One of the driving forces in this decision was national statistical data showing the negative impact substance abusers can have on their employers. The following statistics indicate just how much of an impact these people can have:

- Substance abusers are three times more likely to use medical benefits. (National Council on Compensation Insurance-NCCI)
- 38 percent to 50 percent of all Workers' Compensation claims are related to substance abuse. (NCCI)
- Substance abusers are 60 percent more likely to file a Workers' Compensation claim. (NCCI)
- Substance abusers are 33 percent less productive, and each cost their employers an average of \$7,000 annually (Small Business Administration-SBA)

## Pre-Employment Drug Testing Takes Off

Timing is right for this policy. It has become commonplace in other industries where less skill and education may be required.

Most jobs in the automotive industry require "safety-sensitive" functions to be performed: working on and around vehicles, using hazardous chemicals, and driving company/customer vehicles. Someone who is potentially impaired is not capable and is not qualified to perform these functions. And isn't the goal to hire the most qualified individuals?

The bottom line is that substance abusers pose a significant risk to their employers, co-workers, and customers, whether directly or indirectly.

The Loss Prevention Department has been tasked by the Trustees to meet with all members to help implement a pre-placement drug-testing program. This program will allow the employer to hire a drug-free individual in a legal, non-discriminate manner.

Thus far, this program has been extremely well received by members who see the obvious benefits. To date, we have seen approximately one-third of our members that have either implemented the program or are in the process of implementing it. (A list of members participating in the program is enclosed with this issue of Dateline: NH)

If we have not yet met with you and/or your department managers, please feel free to contact me or another member of the Loss Prevention staff at 800-852-3372 to set up an appointment. 📍



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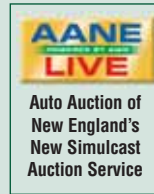
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*Convention - Continued from page 1*

and NHADA Directors Peggy Proko, Andy Costello, and Paul Gladstone, has been hard at work for several months planning this **“spectacular”** event, which has been specifically geared to NHADA members and their families.

Two years ago, the NHADA Board of Directors put into place a three-year rotation of major NHADA events with the thought process being to schedule meetings three years out so members can plan accordingly and, importantly, to “mix it up” with regard to meeting format and location. The ultimate goal of the Board is to gather together as many NHADA members as possible for the purpose of sharing camaraderie, which, in turn, is key to maintaining a strong Association into the future. The Board believes that this year’s Convention site, coupled with a superb program, is a winning combination!

A complete Convention mailing, including registration materials, program information, Children’s Program information, and a list of things to do in Newport, was sent to all members on March 16. These materials can also be downloaded at [www.nhada.com](http://www.nhada.com). You may reserve your room at the Newport Marriott on-line by clicking the NHADA Convention Room Reservation link, or you may call 800-228-9290. If you have any questions, please feel free to contact me at 800-852-3372 or by e-mail at [ltheriault@nhada.com](mailto:ltheriault@nhada.com). ▲

## Convention Program

### Sunday, June 24

4:00 p.m. Hotel Check-in/NHADA Registration Opens  
 6:00 p.m. – 7:30 p.m. Welcome Reception (*Hors d’oeuvres/cocktails; dinner on your own if desired*)

### Monday, June 25

7:00 a.m. – 9:00 a.m. Breakfast Buffet  
 8:00 a.m. – 8:30 a.m. Annual Meeting  
 8:45 a.m. – 10:15 a.m. Business Program (*see details opposite*) (You will choose your break-out session at Registration)

- Break-out Session 1 – Speaker: **Edward J. McMillan**, CPA, CAE  
*“Fraud and Embezzlement: How It Happens and How to Prevent It!” (Dealers Only)*
- Break-out Session 2 – Speaker: **Richard Parrish**  
*“Best Ideas of NADA 20 Groups” (60+ Winning Ideas)*
- Break-out Session 3 – Speaker: **Paul Webb**  
*“Are Your Sales People Front Line Ready?”*

10:15 a.m. – 10:30 a.m. Break  
 10:30 a.m. - 12:00 noon • Keynote Business Session (*see page 14*) – Speaker: **Dave Anderson**  
*“The First 30 Days: Getting New Hires Off to a Great Start!” (All welcome)*

12:00 noon – 2:00 p.m. Luncheon Buffet  
 2:00 p.m. – 5:00 p.m. Free Afternoon to Enjoy Newport  
 6:00 p.m. – 12:00 midnight Children’s Program (ages 3-14) *“Sea Shells by the Sea Shore”*  
 7:00 p.m. – 11:00 p.m. Marble House Event (ages 15+) Reception/Dinner/Dancing

See highlights of Monday evening programs on page 14!

### Tuesday, June 26

7:00 a.m. – 9:00 a.m. Breakfast Buffet  
 8:30 a.m. Golf Tournament (*Shot-gun start*) Green Valley Country Club – “Bramble” Format  
 11:00 a.m. Hotel Check-out





## Your Convention Speakers

The business program on Monday morning, June 25, will begin with a short Annual Meeting. Following the Annual Meeting, members will choose to attend one of three dynamic break-out sessions being offered. The business program will conclude with all members coming together to hear keynote speaker Dave Anderson (see page 14). Following are workshop descriptions.

### 8:45 a.m. – 10:15 a.m. Break-out Sessions



**Edward J. McMillan,  
CPA, CAE**

**Break-out Session 1: "Fraud and Embezzlement: How It Happens and How To Prevent It!" (Dealers Only)**  
**About the Speaker:** Ed McMillan was a speaker at the 2006 NHADA Fall Business Meeting. At the conclusion of his presentation, both Ed and the dealer participants felt there was more to tell and more to learn than time allowed. So, back by popular demand, Ed will present his "Fraud and Embezzlement" workshop in more depth. Ed is a CPA who spent most of his career as a Chief Financial Officer. He left management in 1992 to write and speak on the subject of financial management. Quite by accident, Ed was asked to present a short program in internal controls that led to the uncovering of a major embezzlement, and he has since developed a national reputation as a fraud examiner. He is the author of the best-selling book, *"Policies and Procedures to Prevent Fraud and Embezzlement in Business."*

**Workshop Description:** Ed's workshop will cover how vulnerable you are to embezzlement if effective internal controls are not implemented; profiles of embezzlers and important warning signs that you may be at risk; how embezzlement really occurs in the workplace by walking through actual fraud scenarios; when organizations are at the greatest risk; and how to implement an "action plan" if an embezzlement takes place.



**Richard Parrish**

**Break-out Session 2: "Best Ideas of NADA 20 Groups" (60+ Winning Ideas)**

**About the Speaker:** Dick Parrish is a Senior Consultant with the NADA-ATD 20 Group program and joined NADA as a Dealership Management Consultant in 1999. He began his automobile career at age 15, detailing cars and then working in Parts and Service. Through college he sold cars and eventually assumed control, along with his brother, of their father's store in Florida, where he served as Dealer Principal for 25 years. Dick has conducted workshops at NADA and ATD Conventions.

**Workshop Description:** Did you ever wonder how a nearby dealer got that great marketing program? Or how you might solve one of your largest challenges? What about expenses – are there some you need help with to reduce? And what about CSI, productivity, or employee retention? Dick will share with you dozens of ideas presented at actual 20 Group meetings and voted the BEST of the best. The session will be packed with initiatives that fellow dealers have successfully accomplished and will give you plans that you can take home and immediately employ at your dealership!



**Paul Webb**

**Break-out Session 3: "Are Your Sales People Front Line Ready?"**

**About the Speaker:** Paul Webb is the CEO of Street Smart / I.T.S., Inc., a company whose clients range from vehicle manufacturers, state and national auto industry associations, dealer groups, and individual dealerships. He began his automotive career in 1988 and has presented training and consulting to automotive OEMs, NADA 20 Groups, NADA Management Seminars, state associations, and hundreds of individual dealerships. Paul has delivered customized sales and management training programs to increase profits as much as 142% ... plus, increasing one dealership's used vehicle operation from 438 units per month to a record 719 pre-owned vehicles in one month. He practices what he teaches; in October 2006, he worked as a salesperson in a dealership and sold 77 vehicles in 31 days.

**Workshop Description:** Dealers and managers all agree that the number one reason that a customer will purchase a pre-owned vehicle is CONDITION. Your cars bring more money on the line when they're in Front Line Ready Condition. The vehicle has the look of a "diamond." How about your sales force? Will they bring more profits to the dealership when they're in Front Line Ready Condition? You bet they will. And how about your facility – Front Line Ready Condition? This workshop will help you develop a plan that will improve the CONDITION of your inventory ... the CONDITION of your sales, fixed operations, and customer service staff ... and the CONDITION of your facility – all three ingredients, when done right, directly affect sales in a positive way.

Convention - Continued on page 14

Convention - Continued on page 13

**Keynote Speaker**  
**10:30 a.m. – 12:00 noon**



**Dave Anderson**

***“The First 30 Days: Getting New Hires Off to a Great Start!”***

About the Speaker: NHADA is pleased that Dave Anderson, President of LearnToLead, a sales and leadership training company, will be our keynote speaker on June 25. Dave spoke at our 2005 Summer Symposium and was very well received by our members. He has also spoken at the NADA Convention for the past 8 years. I’m sure many of you have read Dave’s columns in DEALER Magazine and in the Dealer Business Journal. He has authored nine books, four of which will be published in 2007.

Workshop Description: Most new hires are tossed to the wolves with little direction, structure, or forethought, and, ultimately, fail the organization. This workshop provides seven specific steps that will professionalize your on-boarding process and position new employees for faster success and a long career with your dealership. You’ll learn how to use a “power checklist” to maximize a new employee’s first day, how to assign a mentor, how to conduct a fresh-eyes meeting, and why you should never train an employee on the first day. These tools make it easier for your manager and the new employee to attain results together more quickly.

**Monday Evening Children’s Program**



**For Children (ages 3 to 14)**

While parents are enjoying their evening at Marble House, the children will be enjoying an evening of their very own at the Newport Marriott. NHADA has contracted with Newport Babysitting Services, who will entertain your children with age-appropriate activities. In addition, your children will be served a dinner buffet and will be treated to a special “Magic Show” by Award-Winning Magician Lon Cerel. Activities will include sea shell necklaces, sand art, real-life Touch Tanks with sea creatures from Narragansett Bay, beach buddies personal pets, and team crab racing (with real crabs!).

**Monday Evening**  
**Marble House Dinner/Dancing**  
**For Adults (ages 15 and up)**

Newport is known for its beautiful and plentiful mansions. NHADA has planned a fabulous event on Monday evening at one of Newport’s most prestigious mansions, Marble House. NHADA members will be transported by luxury bus to Marble House. From 7:00-8:00 p.m., guests will enjoy a magnificent cocktail reception while touring the mansion. Dinner will be served on the covered Terrace, overlooking the water, from 8:00-9:30 p.m.



*Marble House at Night  
Ira Kerns photo courtesy of The Preservation Society of Newport County*



After dinner, dessert will be served in the mansion foyer, and dancing will take place in the ballroom, or Gold Room. Live music will be provided throughout the evening by GQ and the Lady.

**There are only 130 rooms available for this event, so don’t delay. Reserve your room today, and register **BEFORE APRIL 15** to receive the “Early Bird” registration fee.**

**(Registration form enclosed)**

## From Your NADA Director



Jack Tulley



### • Willey Urges Dealers to Use all Resources to Enhance Performance and Profitability

In his remarks at the recent Exposition and Convention, 2007 Chairman Dale Willey urged dealers to use all resources available to continue to enhance their performance and profitability, including NADA's programs and services.

Noting the Association's important role in his own growth and success as a dealer through the years, Willey said, "NADA can help every dealer become more profitable. It helped me and it can help you."

Among the NADA programs Willey referenced was the aforementioned "Lifeline to Profits" workshop series, which offers dealers expert advice by 20 Group consultants and Dealer Academy instructors. "This is a talented and knowledgeable group," he said.

Willey also highlighted the importance of NADA's active dialogue with manufacturers, legislators, and regulators.

"We need to make certain that our manufacturers never forget that

dealers are one of their most important assets," he said. "When dealers succeed, manufacturers succeed."

On the legislative front, he cited congressional movement on vehicle total-loss disclosure as an example of the effectiveness of NADA's government relations programs.

And, in the regulatory arena, he noted that dealers have to comply with 114 federal regulations, underscoring the value of NADA's guidance and communications to help dealers navigate in a complex business landscape.

### • NADA Official Used Car Guide Co. Gets New Name

After 74 years, the N.A.D.A. Official Used Car Guide Co. has changed its name to NADA Analytical Services Group (NADA ASG).

As part of the rebranding, the logo has been redesigned, and NADA ASG has spiffed up its corporate Web site, stationery design, and marketing pieces. A new tagline, "Accelerating Vehicle Information," ties in to the company's new analytical products being launched at the Convention.

"This new logo and name, and the tagline, better reflect our positioning as an end-to-end solutions provider for our customers," said Mike Stanton, President and Chief Operating Officer of NADA ASG. "Everybody recognizes the little

*NADA - Continued on page 16*



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NADA - Continued from page 15

yellow book, and I want to make it clear that the yellow book does not change – and our core competency doesn't change [either].”

**• NHTSA Pushes Bush CAFE Plan on Hill, Congress Skeptical**

National Highway Traffic Safety Administrator Nicole Nason testified before the House Energy and Commerce, Energy and Air Subcommittee on the President's plan to increase fuel efficiency by boosting fuel economy standards an average of 4 percent beginning in 2009.

President Bush has proposed new rules to reduce projected annual gasoline consumption in the U.S. by 8.5 billion gallons as he highlighted in his State of the Union address. To accomplish this goal, he has proposed an attribute-based

system for cars similar to the current light-truck fuel efficiency rule.

One aspect of the plan, criticized by members on both sides of the aisle, is to allow automakers to trade fuel efficiency credits, much as electric utilities trade sulfur dioxide credits in the EPA's acid rain program. In the coming months, both the House and Senate will continue to hold numerous hearings on climate change and fuel efficiency.

Dealers are urged to remind their members of Congress on a regular basis that NADA continues to support efforts by automakers and regulators to improve fuel efficiency but opposes legislative fuel-economy mandates that would significantly raise standards without strong consideration to consumer choice, affordability, or passenger safety.

**More legislative news:**

- With new bills addressing total-loss disclosure legislation introduced in both the House and Senate, co-sponsors are needed to help move the bills through the legislative process. With a substantial show of support, House and Senate leaders are more likely to move the legislation to the Floor. The bills, S. 545 and H.R. 1029, ensure that the VINs of wrecked, flooded, or stolen vehicles are made publicly available before the cars are resold.

More information on total-loss disclosure, the corresponding legislation, and ways to contact your members of Congress can be found at <http://www.NADA.org/tld>.

**NADA news:**

- NADA President Phil Brady was elected Chairman of Automotive Youth Educational Systems (AYES).



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He succeeds General Motors Chief Executive Rick Wagoner. "My priority will be to increase dealer participation and involvement in AYES," said Brady. AYES helps dealers find their next generation of technicians, young people jump-start their careers, and customers get better service from well-trained employees. NADA is a founding member of AYES, and nearly 4,000 auto dealers support the organization.

• NADA has received reports that the Federal Trade Commission is investigating whether a dealership violated the FTC Safeguards Rule by allegedly e-mailing customer information on a credit application to others without encrypting or otherwise securing it. Dealers are reminded that the Safeguards Rule requires dealers to protect not just customer information physically within the dealership, but also customer information that dealers "access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle..." For additional information, dealers should consult NADA's "A Dealer Guide to Safeguarding Customer Information" and the FTC's recently updated compliance guidance on the Safeguards Rule at [www.ftc.gov/bcp/conline/pubs/buspubs/safeguards.pdf](http://www.ftc.gov/bcp/conline/pubs/buspubs/safeguards.pdf).

**SAVE THE DATE!**  
**September 21**  
**NHADA Golf Tournament**  
**The Oaks, Somersworth, NH**  
**(Benefits the New Hampshire Automotive Education Foundation)**



Ernie Tyler

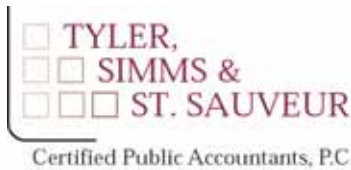
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## Environmental Corner

Dan Bennett, NHADA Environmental Specialist

The hazardous waste manifest is one of the single most important environmental-related documents that you can possess. The manifest, which is essentially a 6-copy receipt, tracks the shipment and disposal of a hazardous waste. It involves the generator (you), the hauler, the generator state (NH), the destination state, and the destination facility. With all those folks involved, it is most important to remember that no matter what, YOU, as the generator, are ultimately responsible and liable for the compliant disposal or recycling of that hazardous waste.

The manifest system came into effect in 1976 with the passage of the Resource Conservation Recovery Act (RCRA). It established a system for controlling hazardous waste, the "Cradle to Grave" component, and the manifest system. "Cradle to Grave" basically means that, as mentioned above, you, as the generator, are responsible for the hazardous waste you create throughout its various stages, even in its ultimate disposal.

## The Hazardous Waste Manifest: Cradle To Grave!

*Who is Trained and Signing for What?*

In September of 2006, the federal manifest system changed and went from 8 copies to 6. Hopefully, your hauler advised you of this. But, again, it is your responsibility to ensure the proper manifest is being used and that a photocopy of Copy 6 of the manifest is being sent to the New Hampshire Department of Environmental Services RIMS division.

The hazardous waste manifest that accompanies each shipment of hazardous waste must be completely and accurately filled out every time. Even if your hauler arrives with a preprinted one, it is your responsibility to ensure that it is accurate and compliantly completed. With the liability that the manifest carries, it is imperative to do so!

The individual who signs each manifest should be a knowledgeable, trusted staff member. The signature is actually a generator's certification and carries a great deal of weight. The certification for small quantity generators reads: *I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and*

*are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.*

By signing such a statement and approving the information on the manifest, a great deal of liability is assumed by your facility.

For an individual to be allowed to sign a hazardous waste manifest in addition to the above advice of being a knowledgeable and trusted employee, the individual must also be trained and certified with the Department of Transportation Hazardous Material (DOT-Hazmat) Regulation. In addition to signing hazardous waste manifests, the training is required for anyone who ships, handles, or receives hazardous materials (products).

NHADA offers DOT-Hazmat Training twice a year. The training is conducted by an experienced expert in the field and regulatory trainer, Chip Brackett. The class is filled with a great deal of pertinent information and is automotive-industry specific. We at NHADA are exceptionally lucky to have such an accomplished trainer available and accessible to our membership.

The next DOT-Hazmat class will be held at NHADA headquarters on Thursday, April 12, 2007. Registration

*Manifest - Continued on page 20*

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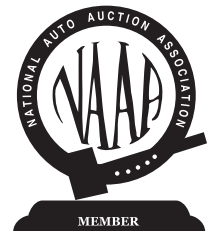


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Manifest - Continued from page 18

can be done through the Events Calendar at [www.nhada.com](http://www.nhada.com) or by calling Jean Conlon at 800-852-3372.

I would urge you to look into the issues presented in this article or forward it on to the individual at your facility responsible for the important task of

managing environmental issues and compliance, especially, signing manifests for hazardous waste.

As always, if you have any questions regarding this or any other environmental-related issues, feel free to contact me at 800-852-3372 or at [dbennett@nhada.com](mailto:dbennett@nhada.com). ▲

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Nancy Boudreau, Esquire

Employer Prevails in Discrimination Lawsuit Due to Proper Documentation

When counseling employers regarding the various steps to take to guard against claims of discrimination from employees, we have always stressed the importance of having documentation to support any type of employment decision, whether it is a termination, suspension, transfer, or demotion. The recent First Circuit Case of *Douglas v. J.C. Penney Company, Inc.*, Case No. 06-1606 (January 18, 2007), illustrates the significance of having such documentation when defending against an employee's claims of racial and gender discrimination and retaliation.

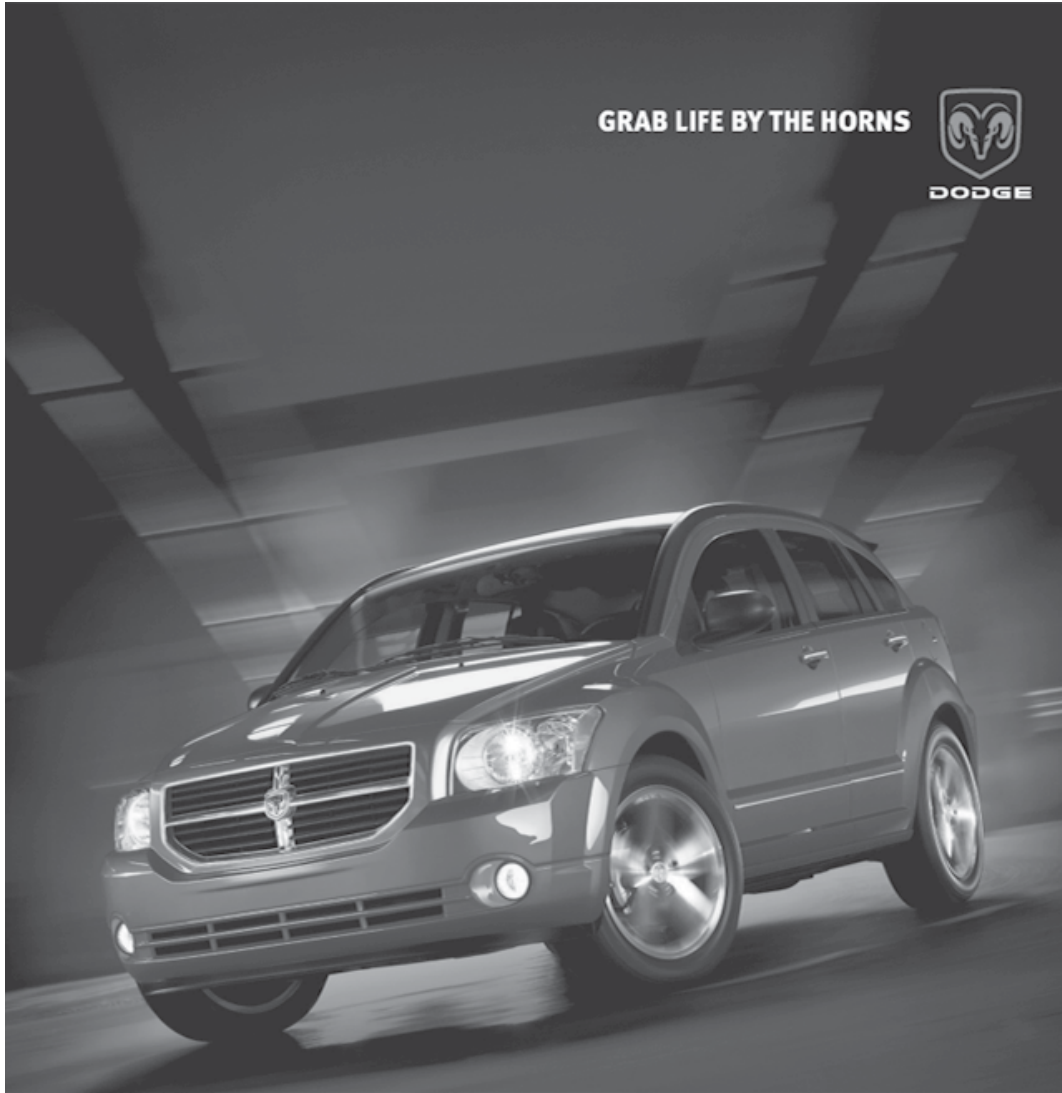
The plaintiff in this case, Howard Douglas, is an African-American male who worked for J.C. Penney from 1996 until he was terminated from his position in March 2002. During the first years of his employment, Mr. Douglas met the sales and inventory targets established by J.C. Penney, and his supervisors rated him as a high potential employee who was promotable. In July of 1997, Mr. Douglas was transferred to a different store where his first supervisor was a Caucasian male. Initially, Mr. Douglas received positive performance evaluations; but, by 1998, he was not meeting his sales and inventory targets. In his 1999 evaluation, Mr. Douglas was no longer rated as "high potential"; and, in his 2000 performance evaluation, he

Lawsuit - Continued on page 22





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Lawsuit - Continued from page 20

received the second lowest ranking possible. He also was warned in this evaluation that if his performance did not improve by the time he was reevaluated, his employment could be terminated. Mr. Douglas never challenged any of these evaluations as being influenced by race or gender bias.

In 2001, Mr. Douglas' immediate supervisor was replaced by a Caucasian woman. Mr. Douglas' 2001 evaluation noted the same problems as his 2000 evaluation and stated that he could be terminated in

90 days if his performance did not improve. His final evaluation in 2002 resulted in his termination, noting that Mr. Douglas' sales had declined 9.2 percent in the last year, his department was one of the lowest performing in the store, and that he was ranked second to last of the Men's Department managers in sales.

Mr. Douglas claimed that these performance evaluations were motivated by race and gender bias, citing a number of incidents he perceived as discriminatory, including: his supervisor's failure to reprimand a co-worker for saying,

"I can't believe we let those people dress like that," referring to two young Hispanic female employees; referring to an employee as a "young, black girl" when she usually referred to employees by name; and the supervisor having lunch with female employees but not with him. Mr. Douglas also contended that he was reprimanded for cleanliness and absenteeism issues when Caucasian and female employees were not reprimanded for the same issues.

In upholding summary judgment for J.C. Penney, the Appeals Court found that the Company was justified in terminating Mr. Douglas after more than four years of declining sales and mediocre, or poor, job performance. J.C. Penney had well-documented records showing both subjective and objective evidence of Mr. Douglas' poor performance. Although Mr. Douglas argued that the evaluations of non-white employees tended to be less favorable than those of Caucasian employees, the Court noted the fact that Mr. Douglas failed to meet the sales and inventory targets set by the Company and that

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his sales were less than 75 percent of what they had been five years earlier when he began employment with the Company. In addition, J.C. Penney had also terminated a white manager in the same store for underperforming. Finally, Mr. Douglas failed to establish that the disparities in performance evaluations were due to race or gender bias because his performance evaluations were poor in 2000, when he did not allege any race or gender bias, and in 2001, when he did allege bias.

J.C. Penney's successful defense against the employee's claims of discrimination highlight the importance of documenting any performance issues of all employees. Although it may be difficult to discuss declining or poor performance with an employee, it is critically important to contemporaneously document any employment or performance issues that an employee is experiencing so that an employer can validate employment decisions and not leave room for inferences of discrimination. ▲

Safety/OBD II Inspections Statistics				
Safety Inspection Results	Feb 07	% of Total	YTD 07	% of Total
Total *	91,316	100.00%	194,233	100.00%
Passed	72,724	79.60%	154,016	79.30%
Corrected	14,073	15.40%	30,401	15.70%
Rejected	3,831	4.20%	8,375	4.30%
Untested	688	0.80%	1,441	0.70%
OBD II Inspection Results (1996 and newer)				
Total	76,341	100.00%	161,293	100.00%
Passed	67,989	89.10%	142,920	88.60%
Rejected	6,317	8.30%	14,018	8.70%
Untested	2,035	2.70%	4,355	2.70%
* Total numbers include OBD II Inspections				
<i>Statistics provided by Gordon-Darby</i>				

(Nancy Boudreau is an associate and part of the Labor & Employment Group at Devine, Millimet & Branch. She may be contacted at nboudreau@devinemillimet.com or at 603-669-1000. Devine Millimet is a Silver Association Partner.)

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## New Hampshire Department of Safety, Division of Motor Vehicles

Title Statistics Report Month Ending: 02/28/07

**\*Increased numbers  
due to backlog catch-up**

	February	07 YTD	06 YTD
Titles Issued for New and Demo Vehicles:	6,768	16,479	27,586*
Titles Issued for Used Vehicles:	15,632	36,589	70,611
<b>TOTAL TITLES ISSUED:</b>	<b>22,400</b>	<b>53,068</b>	<b>98,197</b>
Titles Issued with a Lien:	9,724	22,647	37,375
Titles Issued with no Lien:	12,676	30,421	60,822
Salvage Titles Issued:	686	1,450	2,086
Salvage Tags Issued:	205	367	466
Titles Issued for Heavy Trucks More than 15 Years Old:	22	68	108
Titles Issued for Heavy Trucks 15 Years Old or Less:	110	311	507
Titles Issued for Trailers:	439	1,019	2,195
Titles Issued for Motorcycles:	411	952	1,911
Titles Issued for Motor Homes:	46	96	209