# WVADA NEWSLETTER

## The WVADA 86th Annual Family Convention

The WVADA 86th Annual Family Convention took place June 16th-19th at The Greenbrier Resort in White Sulphur Springs, WV. The attendee turn out was great and those that attended had the opportunity to take advantage of all The Greenbrier has to offer.

Congresswoman Miller kicked off the Welcome Reception by addressing our members and then the fun began! Casino Night (Blackjack Tournament) on Sunday night was a hit with all who participated. The weather was perfect for our Golf Scramble and Block Party Monday evening where musician Scott Honaker preformed and everyone socialized while enjoying a BBQ dinner. The Sporting Clay Shoot was held on Tuesday and everyone did well on what was said to be the hardest course we've ever had.

It wasn't just fun and games at The Greenbrier, the Business Meetings on Monday and Tuesday included speakers who were informative and entertaining. The speakers this year included:

- Charles Gilchrist, 2019 NADA Chairman
- Justin Harrison, Jackson Kelly
- Mat Koenig, Best Selling Author, Key Note Speaker and Rockstar Events Co-Founder
- Su-Lin Velin, Director of Business Development in Automotive Strategy, Nexstar Media Group
- Johnnie E. Brown, General Counsel for WVADA

Governor Justice was at Monday's meeting and spoke to our members about looking into making WV's doc fee more competitive with our surrounding states.

Also, the newly elected Chairman, WVADA Executive Committee and Board of Directors were announced (see page 2).

The 86th Annual Family Convention started to wrap up at the Chairman's Reception and came to an end on Tuesday evening after dinner and dancing the night away with DJ JK.

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# 2019 WVADA Convention cont'd

WVADA is proud to announce the 2019-2020 Executive Committee and Board of Directors.

Executive Committee:

- Chairman — Chris Miller
- Vice Chairman — T.R. Hathaway
- Secretary/Treasurer — **Roberta Robinson-Olejasz
- Immediate Past Chairman — Robin Blankenship
- NADA Director — Richard Stephens
- NADA PAC Chairman — Wally Thornhill
- Exclusive Truck Dealer — Mike Matheny
- WVCAR PAC Chair — Nick Green
- President — **Jared Wyrick

District Directors:

| | | |
|---|---|---|
| • District 1 | Ginger Fato | Robert Hunell |
| • District 2 | Nick Green | Jason Minsker |
| • District 3 | **Fred Timbrook | Austen Weimer |
| • District 4 | Don Warner | Paul Astorg |
| • District 5 | Tim Matheny | Suzanne Persinger |
| • District 6 | Steve Talbott | Dennis Sheets |

Directors-At-Large:

- Rodney LeRose
- Matt Jenkins
- Charles Rashid

**New to Executive Committee/District Directors for 2019-2020

# 2019 WVADA Convention cont'd

We would like to give a special thank you to our generous sponsors and for making it possible to hold an outstanding 2019 WVADA Annual Family Convention . We appreciate you!!

Exhibitors at the 2019 WVADA Annual Family Convention

# Memo From The DMV

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
**Division of Motor Vehicles**
5707 MacCorkle Avenue, Southeast
Post Office Box 17110
Charleston, West Virginia 25317-0010 • (304) 558-3900
TDD: (800) 742-6991 • (800) 642-9066

Byrd E. White, III
Secretary of Transportation

**MEMORANDUM**

**TO:** All Vehicle Services, Regional Offices, Data Entry and Receiving & Processing Employees

**FROM:** Richard Allen R.A.
Vehicle Services

**DATE:** June 26, 2019

**SUBJECT:** Leasing Company's Addresses

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**There has been some confusion as to leased vehicles and address changes. To alleviate this confusion, we will no longer allow address changes on leased vehicles under any circumstance, aside from the leasing company itself requesting the update in writing.**

**Leased vehicles will display the leasing company's address and the leasing companies are responsible for forwarding renewals and other pertinent documents to the customer.**

**This will not change special mail situations.**

**If you have any questions or concerns, please do not hesitate to contact me.**

**RA/kh**

E.E.O./AFFIRMATIVE ACTION EMPLOYER

# In the Community

Students from West Virginia's nationally recognized Career Technical Education (CTE) Simulated Workplace program participated in the first-ever Career Signing Day at Dutch Miller Of Charleston today! The signing represents the ongoing partnership w/ WVDE and Dutch Miller to provide employment opportunities for students! West Virginia Department of Education

Dutch Miller

***If you would like your dealership's community outreach efforts in the newsletter and posted on WVATDA social media platforms please send any information to agreene@wvcar.com.***

## Johnnie Brown elected to lead National Association of Dealer Counsel

Johnnie E. Brown, an Equity Member of Pullin, Fowler, Flanagan, Brown & Poe, PLLC, in Charleston, West Virginia, was elected to serve as President of the National Association of Dealer Counsel during the NADC's 15th Annual Member Conference in Dana Point, CA on April 29, 2019. Prior to being elected President, Brown served as Vice-President of the NADC for two years, and has served on the Board of Directors since 2007. Brown has also served as outside General Counsel for the West Virginia Automobile and Truck Dealers Association for the past twenty (20) years.

The NADC is a nationwide professional organization of approximately 650 attorneys who represent automobile and other vehicle dealers. The NADC provides a forum for members to share information, common experience, and advice related to manufacturer franchise issues, lemon laws, vehicle finance, regulatory complexities, insurance laws, tax laws, buy/sell agreements, employment law, and many other issues facing dealers and their counsel today.

Brown will replace former President Andrew Weill of Weill & Mazer. Jami Farris of Parker Poe Adams & Bernstein LLP was elected Vice President. Scott Silverman of Prime Motor Group & Capstone Automotive Group was elected Treasurer and Eric Baker of Boardman & Clark LLP was elected Secretary. The officers will serve two-year terms.

On being elected President, Brown commented, "I am honored to begin my tenure as President of such a great Association. I look forward to serving the NADC membership, and will work hard to continue the strong tradition of great conferences, and sharing of information and knowledge among our members. The character of our membership, including our sponsors, is what makes the NADC such a valuable asset as we serve the dealership industry. NADC will continue to assist our members to face the challenges of working in an ever-evolving industry. I am excited about the NADC as we evolve to meet membership needs."

**Pullin, Fowler, Flanagan, Brown and Poe.**

Check under the Hood. Is there performance and reliability? What about your business? Just as you want your automobile to take you safely where you want to go, you need your law firm to guide your business through the variety of legal challenges, internally or externally, with performance and reliability.

Let Pullin, Fowler, Flanagan, Brown & Poe trial attorneys handle the diverse checklist of legal issues your business is confronted with. One law firm creates less confusion and a better understanding of your business – leading to continuity of knowledge for representation. ***It's all under one name.***

PULLIN, FOWLER, FLANAGAN, BROWN & POE, PLLC
ATTORNEYS AT LAW

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PREMISES LIABILITY · SEXUAL HARASSMENT · PRODUCT LIABILITY · DISCRIMINATION · ENVIRONMENTAL LAW · INSURANCE LAW

www.pffwv.com Beckley 304-254-9300 Charleston 304-344-0100 Martinsburg 304-260-1203 Morgantown 304-225-2200 *Johnnie Brown, Responsible Attorney*

WVADA would like to Welcome the following new members!

New Dealer Members:

- Ball Toyota of Charleston
- Thornhill Chrysler Dodge Jeep Ram
- Weimer Volkswagen of Morgantown
- Weimer Keyser Inc.
- Yes Chevrolet

New Associate Members:

- Drive Auto
- ADM Marketing Group, Inc.
- A4 Media
- Garlow Insurance Agency

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# Government Affairs

**A Tax in Transition? A New Coalition is Fighting to Reduce Trucking's Federal Excise Tax Requirements**

Federal excise tax (FET) has been a burden on the dealer market for decades. The American Truck Dealers (ATD), after years of fighting the tax alone, recently introduced the Modernize the Truck Fleet (MTF) coalition, a trade association alliance spearheaded by the dealer group to strengthen its fight for the repeal of FET.

The coalition has revolutionized the FET debate, creating a pathway toward resolution for which America's truck dealers have long searched. But will the dealer market truly be able to rid itself of FET? Those involved believe a repeal is possible but is contingent on two factors: finding an adequate replacement for FET's revenue stream and ensuring any FET repeal/replacement measures are included within a larger infrastructure bill.

"It's a difficult tax to administer and its one of those things where if you get it wrong it can be a disaster," says ATD Chairwoman Jodie Teuton, vice president, Kenworth of Louisiana, who introduced the MTF coalition at the 2019 ATD Convention in January. "I'm not going to say if [we repeal FET], I'm going to say when," she says. "When we win this battle it's going to be good for every one of us."

*Source: Trucks, Parts, Service*

*A special thank you to Tim Matheny for attending the ATD Fly-In last week in Washington. It was a great opportunity to encourage the WV Congressional delegation to support legislation to repeal the FET on heavy-duty trucks.*

MATHENY MOTORS

Need to know all about the "AS IS" legislation and procedures? Check out Johnnie Brown's PowerPoint presentation that he presented at the WVADA Family Convention. Just CLICK HERE to view presentation.

"AS IS"

Wally Thornhill of Thornhill Automotive and Jared Wyrick joined Pat and Jessica Graney to kick off the 2020 reelection campaign of US Senator Shelly Moore Capito with special guest, The Honorable Nikki Haley, former US Ambassador to the United Nations.

Thornhill AUTO GROUP

# Government Affairs cont'd

**FTC Announces Two Actions Enforcing the Consumer Review Fairness Act**

The Federal Trade Commission has issued two administrative complaints and proposed orders enforcing the Consumer Review Fairness Act (CRFA), which prohibits businesses from using form contract terms that bar consumers from writing or posting negative reviews online, or that impose financial penalties for doing so. The CRFA prohibits non-disparagement provisions in consumer form contracts. It defines such contracts as those with standardized terms used in selling or leasing goods or services, and that are imposed on an individual without a meaningful opportunity for the individual to negotiate the contracts' standardized terms. In settling the Commission's complaints, two companies have agreed not to use these or similar provisions in the future. The companies and their owners also must notify affected consumers that the non-disparagement clauses are void. *Source: FTC*

**THE WVADA OFFICE WILL BE CLOSED THURSDAY, JULY 4th. THERE WILL BE NO CVR ORDERS PROCESSED THIS DAY.**


## Enterprise Has The Experience To Help Your Business Grow.

By paying close attention to our customers, we have earned our place as an industry leader. We offer loaner fleet solutions, customized marketing programs and free technology, like the ARMS® Dealership Application,* to meet your needs.

Contact Brett Webster at 304 720-6899 to learn more about how Enterprise can pick you – and your customers up.

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# WVCAR

**Political Action Committee of the West Virginia Automobile & Truck Dealers Association**

***What is WVCAR?*** WV CAR is your state political action committee. Our goal is to fund pro-business candidates for state offices. It's up to us to help those that share our values and views when making laws that we must live with...Those that do not share our views and values contribute millions of dollars to elect those that are opposed to business, tax reforms, tort reforms and many other issues that impact the way we do business. By contributing to WVCAR you are ensuring that the voice of the automotive/business community is heard and supported by our state representatives. Without the support of the pro-business candidates we would not have achieved the new "As Is" law or one of the strongest franchise laws in the country.

We must make every effort to support those candidates that seek to protect the investments that have been made by the businesses of West Virginia by supporting their candidacy through campaign contributions. Support those who support your business by making your WVCAR contribution TODAY!

## *WVCAR*

## *CONTRIBUTION AND PLEDGE FORM*

**Yes**, We need a strong voice in Government, enclosed is my **personal check** payable to **WVCAR.**

☐ $2,800.00 Platinum ☐ $1,000.00 Gold ☐ $500.00 Silver

☐ $250.00 Bronze ☐ $_____(Other)

(The West Virginia Election Commission requires WVCAR to provide the following information:)

Full Name:_____ Dealership:_____

Title:_____ Address:_____

Telephone: (____)_____ City/State/Zip:_____

**Contributions are used by WVCAR to provide financial assistance to the election campaigns of pro-business candidates to West Virginia offices. Under Federal law all contributions must be personal, and all contributors to WVCAR must be members of WVATDA. Contributions must be voluntary and may be of any amount elected by the contributor. The amount of the contribution, or the refusal to contribute, will not benefit or disadvantage of solicited. Business or corporate checks cannot be accepted and will be returned by WVCAR.**

**CONTRIBUTIONS TO WVCAR ARE NOT DEDUCTIBLE AS CHARITABLE CONTRIBUTIONS FOR INCOME TAX PURPOSES.**

WVCAR

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CHARLESTON, WV 25327