

Register Today!

Hotel Deadline is April 3, 2020.

2020 NADC 16th Annual Member Conference

April 26-28, 2020

Amelia Island, FL
The Ritz-Carlton, Amelia Island



NADC
1800 M Street, NW
Suite 400 South
Washington, DC 20036
Phone: 202-293-1454
Fax: 202-530-0659
www.dealercounsel.com

TO REGISTER:

[CLICK HERE.](#)

Hotel Deadline is Friday, April 3, 2020.

[CLICK HERE.](#)

2020 NADC 16th Annual Member Conference

April 26-28, 2020



Amelia Island, FL
The Ritz-Carlton, Amelia Island

Conference Registration

The registration fee is \$595 per attendee and includes sessions and meal functions. To register, go to the “**Upcoming Events**” tab on the NADC website, www.dealercounsel.com, and look for “**2020 NADC 16th Annual Member Conference**”. Registration is open to NADC members only. Payment may be made through the website using a credit card or by mailing NADC a check. Make check payable to NADC and send to:

NADC, 1800 M Street NW, Suite 400 South, Washington, DC 20036

Contact Jennifer Polo-Sherk (jpolo-sherk@dealercounsel.com) with registration questions.

Cancellation Policy

Cancellation(s) of the 2020 NADC 16th Annual Member Conference can be accommodated by NADC up to **Friday, April 10, 2020** less a \$25.00 processing fee. After April 10, we are not able to process refunds.

CLE Credit

CLE Credit may be available for up to 585 minutes of educational program pending approval in your state (9.75 general credits for states that calculate 60 minutes per credit; 11.7 for states that use 50 minutes per credit). An additional 120 minutes may be available for the Dealer Counsel 101 session (2 general credits based on a 60 minute calculation, 2.4 on a 50 minute calculation); 60 minutes for the In-House breakout session (1 general credit based on a 60 minute calculation, or 1.2 credits on a 50 minute calculation); and 75 minutes for the tax breakout session (1.25 general credits based on a 60 minute calculation or 1.5 on a 50 minute calculation).

Your hours will be calculated using the information provided on your registration and on the sign-in sheets that will be available each day, at the individual sessions that are part of the dual-track Monday afternoon, and at the breakout sessions. Please remember to sign in and out of the sessions you attend.

Travel Plans

Back by popular demand is the Dealer Counsel 101 session on Sunday, April 26 at 1:00 pm. Please arrange your travel to join us. This session is free for all members. Make sure to indicate your interest in attending this session when registering.

We hope you will also join us later in the day for our opening cocktail reception at 6:00 pm. The conference will conclude on Tuesday, April 28 at 2:00 pm. Only a select number of rooms are available pre and post the meeting dates. Please make your reservations today to secure additional dates if available.

New Member and First Time Attendee

Welcome Reception

New members and first-time conference attendees are invited to join the NADC Board of Directors at our welcome reception immediately prior to the conference opening cocktail reception on Sunday, April 26. New members and first-time conference attendees will receive an invitation email after registering for the event.

Suggested Dress

Dress for all conference events is business casual.

Weather

Average High Temperature: 77°F (25°C)
Average Low Temperature: 58°F (14.4°C)

Transportation

The Ritz-Carlton, Amelia Island is approximately 30 minutes from Jacksonville International Airport (JAX). Please contact the concierge desk at (904) 321-5019 to inquire about transportation options and fees. Taxi service from SNA is approximately \$60.

Hotel Reservations

The conference will be held at the Ritz-Carlton, Amelia Island, Amelia Island, Florida.

Make sure to secure your reservation as soon as possible before the cutoff date of **April 3, 2020**, or before our room block sells out. Rooms will be available for \$339 + taxes for NADC members. You may reserve your room online [here](#) or by calling 866-763-2960 and referencing the group name “**NADC 2020 Annual Members Conference**”.



All reservations require a credit card and a deposit of one (1) room night. Deposits will be refunded for rooms cancelled in accordance with the hotel's cancellation policy, currently 168 hours (7 days) prior to arrival. Name changes to room reservations may be made up to one (1) day prior to arrival at no charge.

Hotel Address

The Ritz-Carlton, Amelia Island
4750 Amelia Island Parkway
Amelia Island, FL 32034

Hotel Cancellation Policy

Cancellation is 7 days prior to arrival.

2020 NADC 16th Annual Member Conference

April 26-28, 2020



Amelia Island, FL
The Ritz-Carlton, Amelia Island

Conference Schedule

SUNDAY, APRIL 26

1:00 to 3:00 pm

Dealer Counsel 101 Session

Melinda Levy-Storms
Shari Patish, *Hall Automotive*
Kyle Sipples, *Autosaver Group*

This program will introduce attorneys to the dealership environment, their dealership clients, and the legal and regulatory issues they are likely to encounter. It is designed for those relatively unfamiliar with new car dealership operations and issues, or those who have only dealt with one aspect of automotive law and would like to learn more about other areas. It is intended as a general introduction, to be augmented by the other sessions presented at the conference.

3:00 to 5:00 pm

Board Meeting

5:30 pm

New Member and First Time Attendee Reception

6:00 to 7:30 pm

Opening Reception

MONDAY, APRIL 27

7:00 to 8:00 am

Breakfast

7:00 to 8:00 am

In-House Counsel Breakout Session: The Closing Day

Charles Gallear, *Arent Fox LLP*
Ken Rosenfield, *Rosenfield and Company PLLC*

In this session, presenters Ken Rosenfield and Charle Gallear will lead a discussion on “the closing day”:

- What to expect
- Problems that show up
- Negotiating at the closing table
- Preparing the closing statement

8:00 to 8:30 am

Opening Remarks and General Meeting of Members

8:30 to 10:00 am

Session 1: NADA Update

Andrew Koblenz, *NADA*
Paul Metrey, *NADA*

During this session, NADA executives Andy Koblenz and Paul Metrey will highlight salient and breaking federal regulatory developments affecting auto dealers on a range of topics including trade and tariffs, fuel economy, AAMVA best practices guides, the new CFPB taskforce on consumer finance law, the Military Lending Act, challenges to dealer participation and voluntary protection products, the proposed FTC amendments to the Safeguards Rule, the availability of 100% bonus depreciation, and more.

10:00 to 10:30 am

Break

10:30 to 11:45 am

Session 2: Top Legal Issues for Auto Dealers in 2020 and Beyond

Eric L. Chase, *Bressler, Amery & Ross, P.C.*
Michael G. Charapp, *Charapp & Weiss, LLP*

Eric Chase and Michael Charapp will discuss selected leading topics in the law for car dealers during 2020 and discuss them interactively with the members. As in the past, the presentation may also include important developments arising in the first few months of 2020, so that the information is as current as possible.

11:45 am to 1:00 pm

Lunch

1:00 to 2:00 pm

Session 3: Digital Issues Update: OEM Data Sharing Agreements – What Dealer Lawyers Should Know

Brad Miller, *NADA*

Dealers have long been concerned with the scope and nature of the customer and other information they must share with their manufacturer and the risk it creates. As OEMs are becoming ever more aggressive in what they are demanding, dealers must be aware of the risks and potential rewards of these new expanded arrangements – especially given the changing legal and regulatory environment in which these agreements exist. Join NADA attorney Brad Miller for a review of the latest OEM agreements, the issues raised by those agreements, and common issues dealer counsel should be aware of in these agreements. Brad will also provide a brief review and update of federal and state developments that impact data sharing, and discuss how they affect OEM data agreements.

2:00 to 2:30 pm

Break

2020 NADC 16th Annual Member Conference

April 26-28, 2020



Amelia Island, FL
The Ritz-Carlton, Amelia Island

2:30 to 3:30 pm

Session 4A: Dealership Valuation Strategy Update: More Than Just Multiples

Dave Cantin, *Dave Cantin Group*
Stephen Jones, *Dave Cantin Group*
Tony Karabon, *Dave Cantin Group*

In this comprehensive and interactive presentation, DCG's team of acquisition and growth specialists will share valuable and up-to-date insight on the valuation process for dealership acquisitions. The presenters will take a deeper look at the dynamics beyond the standard conversation around multiples, and uncovers critical information often overlooked in the valuation process. Attorneys and dealers will be provided with a roadmap of important questions to ask and techniques to analyze information to more thoroughly understand the value of a dealership.

Participants will leave with an updated perspective of dealership valuations and what we are seeing in the industry today regarding dealership acquisitions.

Session 4B: Active Shooter/Crisis Situation Preparedness

Steve Gibson, *Dealer Risk Services*
Patrick Hutchinson, *Dealer Legal Services*
Brian Richardson, *Green Beret: 18D Special Forces Medical Sergeant*

This session will focus on the following items:

- Review recent events and their impacts on various businesses
- Identify potential perils with Active Shooter incidents
- Risk and security assessments
- Preparation – how to prepare, what to expect, and how to respond
- Ramifications from a PR perspective
- Potential costs to the business
- Solutions available in the Industry

3:30 to 4:00 pm

Break

4:00 to 5:00 pm

Session 5A: Creampuffs, Sleds and Clunkers – Used Vehicle Sales – Legal Issues and Answers

Randy Henrick, *Randy Henrick & Associates, LLC*
Terrence O'Loughlin, *Reynolds & Reynolds*

Used vehicle selling has become a larger portion of many dealers' businesses and presents unique and difficult compliance challenges. This session will identify the key issues and provide remedies, along with documentation solutions. Issues to be addressed include: "As Is" sales and warranty requirements, prior use and damage disclosures, certified pre-owned vehicles, used car buyers guide, titling, and odometer tampering, among others.

Session 5B: Impact of Marijuana Legalization

Donald W. St. Denis, *St. Denis & Davey*
David B. Willis, *Eckert Seamans*

This presentation will focus on the effects of marijuana legalization in the workplace, with attention to the ADA, workers' compensation laws, Unemployment Insurance Benefits, limitations on drug testing, and inconsistencies between federal and state laws.

5:00 to 6:30 pm

Reception

TUESDAY, APRIL 28

7:00 to 8:15 am

Breakfast

7:00 to 8:15 am

Tax Breakout Session: Dealer Beware: Dealers Doing Business in Multiple States Receiving Large Tax Assessments – The Unintended Consequences of the Wayfair Decision on Every Dealer

Rex Collins, *HBK CPAs & Consultants*

Wayfair v. South Dakota case ruled that the "sales tax nexus" standard was incorrect and that moving forward, companies who do business with customers from another state could be responsible for taxes in that state even if they do not have a physical presence there. The decision has had an unfortunate and profound impact on dealerships. These effects are not limited to state taxes but also include income tax, licensing fees, registration and parts/service departments and shipping. Just the annual compliance costs for dealers are substantial with estimates between \$50,000 and \$150,000.

Each state, and locality will set its own standard governing when and how much companies doing business in their states will have to pay. Not understanding your obligations can be devastating. Just ask the Indiana dealer who incorrectly remitted \$250,000 to Illinois for taxes that should have been remitted to Indiana, then lacked the standing to get it back. Or the multiple Indiana dealers getting a half million-dollar assessments for deliveries into Kentucky and Ohio.

Rex Collins will present how to contend and comply with the staggering amount of legislation and what dealers need to ask when doing business in multiple states.

8:15 to 8:30 am

Opening Remarks

2020 NADC 16th Annual Member Conference

April 26-28, 2020



Amelia Island, FL
The Ritz-Carlton, Amelia Island

8:30 to 9:30 am

Session 6: TCPA 2020: Dealerships Under Attack

Lisa Messner, *Mac Murray & Shuster*

Michele Shuster, *Mac Murray & Shuster*

Marketing to consumers has never been more fraught with risk. In the aftermath of the FCC's 2019 Declaratory Ruling and conflicting court decisions, auto dealers are seeing increasing TCPA enforcement and class action lawsuits. How can dealers protect themselves? This session will provide the current state of TCPA litigation and provide practical guidance on how to avoid TCPA liability pitfalls while proactively managing marketing risks.

9:30 to 9:45 am

Break

9:45 to 10:45 am

Session 7: Privacy Laws and In-Car Tech: Are They on a Collision Course?

Andrea Amico, *Privacy4Cars and Kennesaw State University*

Eric L. Johnson, *Hudson Cook LLP*

Are rapidly evolving in-car technologies and privacy laws on a collision course? While the impact of privacy laws is extensively discussed in dealer settings when it comes to "traditional" information systems (DMSs, emails, web, etc.), somehow the topic of Nonpublic Personal Information collected by the vehicles themselves is often left behind. This dealer "blind spot" can result in significant liabilities (to the tune of hundreds of dollars per day for every vehicle). How can dealers best prepare to reduce and mitigate their exposure? In this session speakers will:

1. Discuss a number of State privacy laws, primarily focusing on the California Consumer Privacy Act (CCPA) which has become a blueprint for a number of other State legislatures and proposed federal bills. We will address the definition of Nonpublic Personal Information, Covered Devices, the rights granted to consumers (and consequently, the duties dealers must be able to perform), what is happening at both the state and federal levels on the issue of consumer privacy, and other relevant laws, including record disposal laws and a new breed of cybersecurity laws.
2. Discuss what (and how much) information vehicles collect and clarify once for all: are vehicles "Covered Devices" and what data collected by vehicles is "Personal Information"? Presenters will compare how the protocols defined by law may – or may not – be met by vehicles, to identify the gaps dealers will have to manage.
3. Highlight some options dealers may have when tackling the issue of Personal Information and data collected by vehicles, and offer some strategies to minimize exposure.

10:45 to 11:00 am

Break

11:00 am to 12:00 pm

Session 8: The Dealership Workplace of the 2020's: Handling diversity, appearance, and hiring issues in an ever-evolving world...without getting sued by employees

Kimberly A. Ross, *FordHarrison LLP*

Jack Schaedel, *FordHarrison LLP*

Frederick L. Warren, *FordHarrison LLP*

This session will include three main topics:

1. Diversifying your clients' management teams (possible inclusion of manufacturer initiatives on women- and minority-owned dealerships)
 - a. Hiring issues
 - b. Increasing prevalence of "ban-the-box" legislation restricting use of criminal history as hiring criteria
 - c. Equal pay legislation restricting use of salary information
2. Appearance Discrimination (how factors like hair, clothing, tattoo/piercing policies are used at dealerships and when they can get dealers into trouble. Additional discussion on issues like attractiveness, "youthfulness," obesity/size)
3. Environmental issues in the 2020's. As the #MeToo movement evolves, what will be the new challenges for dealers in the new decade?
 - a. Training requirements such as anti-harassment
 - b. Other best practices

12:00 to 1:00 pm

Lunch

1:00 to 2:00 pm

Session 9: Dealership Disruption, Valuation and Damages Update: Under the Hood

Stephen Dietrich, *Holland & Knight*

Adam Lawyer, *DHG Dealerships*

Joe Roesner, *The Fontana Group*

The dealership industry is changing rapidly and there are many new opportunities, challenges and disruptions on the horizon, including autonomous vehicles, increasing regulatory oversight, changes in consumer demographics and purchasing behavior and increased manufacturer involvement and control over dealer operations. And, like other businesses, disputes occasionally arise between owners, employees, manufacturers or competitors that can have an adverse impact on business operations. These factors present numerous financial, legal and economic considerations for determining dealership value and quantifying potential damages arising from disruptions or disputes. Experienced dealership professionals Adam Lawyer, Stephen Dietrich and Joseph Roesner take a look at the current environment of auto dealership valuations, potential damage claims occurring within dealerships and the impact on the economics of dealership operations.

2:00 pm

Closing Remarks and Adjourn

2020 NADC 16th Annual Member Conference

April 26-28, 2020



Amelia Island, FL
The Ritz-Carlton, Amelia Island

Thank You to our Sponsors

NADC would like to thank the following event sponsors:



2020 NADC 16th Annual Member Conference

April 26-28, 2020



Amelia Island, FL
The Ritz-Carlton, Amelia Island

Local Activities



Historic Downtown Fernandina Beach

Amelia Island is a treasure trove of history and heritage. One of the best things to do in Amelia Island to learn about the more than 4,000 years of history is to walk along the brick streets of historic Fernandina Beach. Many of the buildings are on the National Register and several historic homes are now cozy B&Bs.

<https://www.visitflorida.com/en-us/cities/fernandina-beach.html>



Amelia Island Museum of History

Amelia Island has a very interesting history and culture that comes from many different groups of people who have settled in the city since the beginning. Visitors can do self-guided tours but it is recommended to go for the 45-minute guided tour since the tour guides are very knowledgeable and explain the history in an engaging manner. Some of the information includes the history of African-Americans in the region and how the city was affected before, during and after the Civil War.

<https://ameliamuseum.org/>

Popular Restaurants

Joe's 2nd Street Bistro: Located in a restored 1900s home in downtown Fernandina Beach, Florida, Joe's 2nd Street Bistro features fresh, local seafood, certified angus beef and a unique wine list to fit all occasions. Open since 1998, Joe's has become a mainstay in Fernandina's historic district. With Chef/Owner Ricky Pigg and his wife Mari running the restaurant since 2012, Joe's has received regional and national acclaim and has become a local favorite.

14 S 2nd St, Fernandina Beach, FL 32034

(904)-321-2558

<http://www.joesbistro.com>

Le Clos: Enjoy a memorable dining experience at Le Clos (be sure to make reservations well in advance). This excellent French restaurant has a long established reputation downtown. Look for the charming cottage, circa 1906, with its white picket fence along the sidewalk.

20 S. 2nd Street, Fernandina Beach, FL 32034

(904) 261-8100

<https://www.leclos.com/>

Espana Restaurant: Specializing in traditional Spanish and Portuguese dishes, Espana Restaurant is a very popular place to dine. Reservations are suggested, especially on weekends. Menu includes varied hot and cold tapas, steaks, fish, paellas, and homemade sangria. Indoor dining room, enclosed patio dining or outdoor garden dining are available.

22 S. 4th St., Fernandina Beach, FL 32034

(904) 261-7700

<https://espanadowntown.com/>



Amelia Island State Park

For a relatively small island, Amelia is packed with some amazing Florida State Parks. These parks offer a variety of ways to enjoy the island's natural beauty, from lush forests to beach access to walking and biking trails with plenty of chances to spot wildlife.

<https://www.floridastateparks.org/parks-and-trails/amelia-island-state-park>