

2019 NADC 15th Annual Member Conference April 28–30, 2019

Monarch Beach Resort
Dana Point, CA



REGISTER TODAY!

[click here.](#)

Hotel Deadline is Friday, April 5, 2019.

[click here.](#)



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

CONFERENCE REGISTRATION

The registration fee is \$495 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 “2019 NADC 15th 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 2019 NADC 15th Annual Member Conference can be accommodated by NADC up to Friday, March 29, 2019 less a \$25.00 processing fee. **After March 29, we are not able to process refunds.**

CLE CREDIT

CLE Credit will be available for the 600 minutes of educational program *pending approval* in your state (10 general credits for states that calculate 60 minutes per credit; 12.0 for states that use 50 minutes per credit).

CLE Credit will be requested separately for “Dealer Counsel 101”. CLE Credit may be eligible for 150 minutes for this session (2.5 general credits for states that calculate 60 minutes per credit; 3 general credits for states that use 50 minutes per credit).

CLE Credit will also be requested separately for the morning breakout sessions. The tax session on Monday may be eligible for 60 minutes (1.0 general credits for states that calculate 60 minutes per credit; 1.2 general credits for states that use 50 minutes per credit). The In-House Counsel session on Tuesday may be eligible for 75 minutes (1.25 general credits for states that calculate 60 minutes per credit; 1.5 general credits for states that use 50 minutes per credit).

Contact Moira Skelley at mskelley@dealercounsel.com for more information. Please make sure to indicate on your online registration form what states you would like to receive CLE credit.



TRAVEL PLANS

Back by popular demand is the Dealer Counsel 101 session on Sunday, April 28 at 12:00 pm. Please arrange your travel to join us. **This session is free for all members but separate registration will be required.**

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 30 at 2:00 pm. Only a select number of rooms are available pre and post 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 a welcome reception immediately prior to the conference opening cocktail reception on Sunday, April 28. The welcome reception will begin at 5:30pm. 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: 79°F (26°C)

Average Low Temperature: 61°F (16°C)

TRANSPORTATION

The Monarch Beach Resort is approximately 25 minutes from John Wayne/Orange County Airport (SNA), 45 minutes from Long Beach Airport (LGB) and 1 hour from Los Angeles International Airport (LAX). All major car rental firms operate at the airports, and taxi and limousine services are also available. Taxi service from SNA is approximately \$79. Taxi service from LGB is approximately \$137 and \$198 from LAX.



HOTEL RESERVATIONS

The conference will be held at the **Monarch Beach Resort**.

Reservations can be made [here](#) to receive the **group rate of \$355** per night when booked by **April 5, 2019**. Rates are subject to availability. Additional fees include 10.315 % taxes and a \$3 TBID fee.

In addition to the specified room rates, there will be a Portage charge of \$15.00 per room, roundtrip and a Maid Gratuity of \$3.00 per room, per night.

A one (1) night room and tax deposit is required at the time of booking.

Hotel Address:

Monarch Beach Resort
One Monarch Beach Resort, Dana Point, CA 92629

Hotel Cancellation Policy

Cancellation is 7 days prior to arrival.

SUNDAY, APRIL 28, 2019

12:00 – 2:30 p.m.

Dealer 101: A General Legal Introduction to Automotive Dealerships

Deborah Dorman, *Eastern New York Coalition of Automotive Retailers*
 Shari S. Patish, *Hall Automotive*
 Stuart A. Rosenthal, *Attorney at Law*
 Melinda Levy-Storms, *The Niello Company*

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.

2:00 – 5:00 p.m.

Board Meeting

5:30 p.m.

New Member and First Time Attendee Reception

6:00 – 7:30 p.m.

Opening Reception

MONDAY, APRIL 29, 2019

7:00 – 8:00 a.m.

Breakfast

7:00 – 8:00 a.m.

Tax Breakout Session: Tax Reform “A Year in the Rear-View Mirror”

Stephen P. Bedell, *Crowe LLP*

This session will review key aspects of tax reform, guidance issued in the first year after passage, what dealers should focus on and what they should be doing to maximize their benefits.

8:00 – 8:30 a.m.

Opening Remarks and General Meeting of Members

8:30– 10:00 a.m.

Session 1: NADA Update

Andrew Koblenz, *NADA*

Paul Metrey, *NADA*

During this session, NADA attorneys Andy Koblenz and Paul Metrey will highlight an array of salient and breaking federal regulatory developments affecting auto dealers, including tariffs, the Military Lending Act, and the rollout of the optional NADA/AIADA/NAMAD Voluntary Protection Products Policy.

10:00 – 10:30 a.m.

Break

10:30 – 11:30 a.m.

Session 2: Best Practices for Conducting Internal Workplace Investigations – Tips From the Trenches

Melinda Levy-Storms, *The Niello Company*

Shirley Wang, *Davis Wang, PLC*

Frederick L. Warren, *Ford & Harrison LLP*

Now more than ever, especially in light of “#MeToo,” responsible employers must conduct workplace investigations into all incidents or complaints of workplace harassment. The reality, however, is that many employers either don’t know where to begin or make common mistakes that can derail an investigation which, in hindsight could have easily been avoided. This hour-long presentation will bring you up to speed on conducting a thorough and effective workplace investigation.

11:30 a.m. – 1:00 p.m.

Lunch

1:00 – 2:00 p.m.

Session 3: Reviewing and Negotiating F&I Provider Contracts – a Hands-On PresentationErika Ahern Curran, *CNA National*Mark Barnes, *Portfolio*Andrew Weill, *Weill & Mazer*

Dealers are often excited by the sales pitches of F&I programs. However, the sign-up documentation and related papers may not always correspond to the dealer's expectations and may pose risks to the dealer. These issues are usually fixable by negotiation and proper drafting. The presenters will discuss examples from real contracts, comment on the problems posed, and provide perspectives on how the issue can be resolved. As one example, some programs may have onerous and nonobvious terms that impede an easy termination of the arrangement by the dealer.

Break

2:00 – 2:30 p.m.

2:30 – 3:30 p.m.

Session 4: Cybersecurity and the DealershipRobert Shimberg, *Hill Ward Henderson*

This session will discuss what to do if there is a data breach at your dealership involving customer (or employee) personal identifying or financial information or credit card information.

Break

3:30 – 4:00 p.m.

4:00 – 5:00 p.m.

Session 5: The Impact of New Vehicle Allocation on Dealership Sales or “You Can’t Sell What You Don’t Have”John Forehand, *Kurkin Forehand Brandes LLP*Todd Milbury, *NADA*Joseph Roesner, *The Fontana Group, Inc.*Ted Smith, *Florida Automobile Dealers Association*

The presentation will address the need for a manufacturer to allocate new vehicles among its franchised dealers. The speakers will review historical examples of abuse of allocation systems, how those abuses helped shape current allocation systems, and lessons learned. In general terms, this session will explain by example, the most common systems for allocation of vehicles including “Turn-and-Earn” and “Balanced Days Supply.” Additionally, the presentation will give examples of systems currently used in the allocation of vehicles and potential repercussions for dealers obtaining vehicles under those systems. Several states have statutes providing some protections from allocation abuse. This session will provide examples of both statutory language and language within specific Sales and Service Agreements that might be helpful in pursuing the fair allocation of vehicles. The speakers will give examples of how the lack of allocation can be used as a defense in both termination and additional point cases. Lastly, this presentation will discuss the financial impact on a dealer that has not received sufficient allocation and recent attempts by manufacturers to implement allocation systems that bypass dealers and state laws.

Reception

5:00 – 6:30 p.m.

TUESDAY, APRIL 30, 2019

7:00 – 8:15 a.m.
7:00 – 8:15 a.m.

Breakfast

In-House Counsel Breakout Session: Flying in Formation To Prevent And Defend Litigation

Johnnie E. Brown, *Pullin, Fowler, Flanagan, Brown & Poe, PLLC*
Evan Nahmias, *City Enterprises, LLC*
Harold Oehler, *Lazydays RV*

In the battle to defend consumer claims, dealer counsel face an onslaught of attacks from several different fronts: trial lawyers, claimants, and manufacturers.

With attacks coming from all sides, and corporations trying to decrease rising litigation costs, enormous pressure exists on dealer counsel to use innovative means to repel these escalating threats on a shrinking war budget.

A panel of veteran dealer attorneys, with decades of experience as both outside and in-house counsel, will share battle-tested and state-of-the-art strategies on how to resolve claims at a fraction of the cost.

8:15 – 8:30 a.m.

Opening Remarks

8:30 – 10:00 a.m.

Session 6: Top legal issues for Dealers in 2019 – What Dealers Need to Know and Do

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

Eric Chase and Mike Charapp will discuss several of the top legal issues for dealers in 2019, and how dealers may act proactively in response to them. Issues such as factory-mandated performance standards, self-driving vehicles, the impact of #metoo on dealerships, regulatory reform/reduction and the future of state franchise laws will be included.

10:00 – 10:15 a.m.

Break

10:15 – 11:15 a.m.

Session 7: Buy-Sells: Beyond the Basics

Joseph S. Aboyoun, *Aboyoun Dobbs LLC*

The session will entail the exploration of several special considerations in buy/sell negotiations and drafting, such as the so-called “money provisions” of the Buy/Sell Agreement, the contingencies (especially franchise approval), tax considerations, the ROFR, and other automotive-sensitive issues.

11:15 – 11:30 a.m.

Break

11:30 a.m. – 12:30 p.m.

Session 8: From Pulp to Ions – How Electronic Document Law is Effectuated Through Technology

Terrence J. O’Loughlin, *Reynolds & Reynolds*
Edward Somers, *Buckley LLP*
Timothy Yalich, *Reynolds & Reynolds*

There are both advantages and disadvantages that come with electronic documents replacing paper. What new regulations must dealers comply with for these new processes? What new protocols must be implemented? What traditional laws must continue to be observed? New technologies invite new liabilities along with the continuing legal challenges. This session will address these issues in a pragmatic manner and provide perspective and remedies to protect dealer interests

12:30 – 1:15 p.m.

Lunch

1:15 – 2:15 p.m.

Session 9: Vehicle Subscription Services: A Path to Direct Sales?

Anthony Bento, *California New Car Dealers Association*

Michael Cypers, *Glaser Weil*

Andrew Stearns, *Robards & Stearns*

During the past several years, manufacturer-offered new vehicle subscription programs have multiplied. The significance of these programs is hotly debated – some see them as an expensive novelty, while others see manufacturer-offered vehicle subscription programs as a subversive assault on the franchise system. During this presentation, we will provide an overview of the most popular vehicle subscription programs, with an emphasis on those programs offered by manufacturers. We will then explore a specific vehicle subscription program that is the subject of a pending legality challenge, as well as related implications of state franchise law.



SPONSORS

Thank you to our 2019 15th Annual NADC Member Conference Event Sponsors



LOCAL ACTIVITIES

Mission San Juan Capistrano



Mission San Juan Capistrano, the Birthplace of Orange County, was founded more than two hundred years ago. Today it is a monument to California's multi-cultural history, embracing its Native American, Spanish, Mexican and European heritage. Originally built as a self-sufficient community by Spanish Padres and Indians, the Mission was a center for agriculture, industry, education and religion. Sites of interest include the Serra Chapel, Padres Quarters, Industrial Area, Soldiers Barracks, Cemetery and The Great Stone Church.
www.missionsjc.com

Ocean Institute



The Ocean Institute has over 60 marine science and maritime history programs. Throughout the year, the institute offers family programs, summer camps, whale-watching cruises, tallship sails, and various events including the annual Toshiba Tall Ships Festival and Festival of Whales.
www.ocean-institute.org

The Richard Nixon Library & Birthplace



The Richard Nixon Library & Birthplace is dedicated to educating the public about the life and times of the 37th President and encouraging interest in history, government and public affairs. The nine acre Library & Birthplace is a three-dimensional walk-through memoir featuring a 52,000 square foot museum, 22 high-tech galleries, movie and interactive video theaters, the spectacular First Lady's Garden, the President's faithfully restored 1910's birthplace, and the flower-ringed memorial sites of President and Mrs. Nixon.
www.nixonfoundation.org

Laguna Art Museum



Laguna Art Museum focuses on the cultural heritage of California and on the unique history and accomplishments of Laguna Beach. The Museum's collection consists of more than 3,500 works from the early nineteenth century to the present day. Significant examples from all periods of California art are represented.
<http://lagunaartmuseum.org/>

POPULAR RESTAURANTS

Bandera- Corona del Mar

At Bandera one can enjoy the exciting theater of a kitchen in the round. The display kitchens are situated next to a central bar with the dining room surrounding all the activity. Bandera's signature jalapeño iron skillet cornbread is a crowd favorite.

3201 East Pacific Coast Highway, Corona del Mar

(949) 673-3524

banderarestaurants.com

Craft House

Founded in May of 2016 by Chef Blake Mellgren, Craft House has quickly become a staple in the Dana Point community. With craft cocktails by mixologists, to savory gourmet dishes, you never leave the restaurant without a good time.

34094 Pacific Coast Highway, Dana Point

(949) 481-7734

www.eatatcrafthouse.com

Waterman's Harbor

Guests at Waterman's Harbor will not only be impressed with the amazing views of Dana Point Harbor, but with the award-winning seafood dishes made with fish so fresh, it goes from ocean-to-plate within hours of being caught. A true "Dock-to-Dish" restaurant, the seafood is delivered by local fisherman daily.

34661 Golden Lantern St, Dana Point

(949) 764-FISH (3474)

watermandp.com



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