



2018 14th Annual NADC Member Conference

April 22-24, 2018

The Ritz-Carlton Naples
Naples, FL



Register Today! [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 meeting materials, sessions and meal functions. To register, go to the Events tab on the NADC website, www.dealercounsel.com, and look for "2018 14th Annual NADC 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 2018 NADC 14th Annual Member Conference can be accommodated by NADC up to Friday, April 6 less a \$25.00 processing fee. After April 6, we are not able to process refunds.

CLE CREDIT

CLE Credit will be available for the 690 minutes of educational program pending approval in your state (11.5 general credits for states that calculate 60 minutes per credit; 13.8 for states that use 50 minutes per credit).

The "The Trump Administration's Labor Policy" will be a lunch session and may not be eligible for CLE credit in some states. For states that do not approve this session, 660 minutes of educational program (totaling 11 credit hours for states that calculate 60 minutes per credit and 13.2 for states that use 50 minutes per credit) will be available.

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

Conference attendees and guests are invited to join NADC for a cocktail reception on Sunday, April 22 from 6:00 – 7:30 pm. The conference will conclude on Tuesday, April 24 at 2:00 pm.

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 welcome reception immediately prior to the conference opening cocktail reception on Sunday, April 22. The welcome reception will begin at 5:30 pm. 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 Ritz-Carlton Laguna Naples is approximately 25 minutes from Southwest Florida International Airport (RSW), 2 hours from Miami International Airport (MIA) and 2 hours from Ft. Lauderdale International Airport (FLL). All major car rental firms operate at the airports, and taxi and limousine services are also available. Taxi service from RSW is approximately \$80. Taxi service from MIA is approximately \$365 and \$336 from FLL.

Services provided by the Resort - Naples Transportation & Tours (NT&T) (www.nttp.com) is the preferred and recommended provider of transportation services for groups and individual travelers. Please call 239-262-3006 for more information.

HOTEL RESERVATIONS

The conference will be held at the Ritz-Carlton Naples, Naples FL.

Hotel reservations can be made by calling **877-590-8187** or by visiting:

<http://www.ritzcarlton.com/en/hotels/naples/naples-beach/meetings/>

To receive the group rate, hotel reservations must have been made prior to **March 23, 2018**.

Hotel Address:

The Ritz-Carlton Laguna Naples
280 Vanderbilt Beach Rd, Naples, FL 34108

Hotel Cancellation Policy

Deposits will be refunded for rooms cancelled more than seventy two (72) hours prior to arrival. If a reservation is not cancelled within 72-hours of arrivals, or is a "no show", the Hotel will assess a fee equal to one (1) night's room and tax.





CONFERENCE SCHEDULE

SUNDAY, April 22

1:00 - 3:00 pm | Salon IV

Dealer Counsel 101: A General Legal Introduction to Automotive Dealerships

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

NADC will be offering a Dealer Counsel 101 session that will kick off the 2018 NADC 14th Annual Member Conference this year. This program, led by Deborah Dorman, Stuart Rosenthal, and Melinda Levy-Storms, 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 - 5:00 pm | Estuary

Board Meeting

5:30 - 6:00 pm | Center Court

New Member and First Time Attendee Welcome Reception

**Inclement Weather Location: Salon 1 & II*

6:00 - 7:30 pm | Center Court

Reception

**Inclement Weather Location: Salon 1 & II*

MONDAY, April 23

7:00 - 8:00 am | Salon II Foyer

Registration

7:00 - 8:00 am | Vanderbilt II & III

Breakfast

7:00 - 8:00 am | Port Royal

In-House Counsel Breakout Session: Sitting Second Chair at Trial

Les Stracher, *Napleton Dealership Group*

Les Stracher will lead a discussion on sitting as an effective second chair at trial. Topics to be covered: (1) Client control during trial-managing expectations; (2) Strategies and timing for effective Communication with outside counsel during trial; (3) Managing adjusters at trial; (4) Trial phases; (5) Jury selection; (6) Motions in limine; (7) Summary motions; (8) Litigation holds and spoliation instructions.

8:00 - 8:30 am | Ritz-Carlton Ballroom

Opening Remarks and General Meeting of Members

8:30 - 10:00 am | Ritz-Carlton Ballroom

Session 1: NADA Update

Andy Koblenz, *NADA*

Paul Metrey, *NADA*

During this session, NADA attorneys Andy Koblenz and Paul Metrey will highlight salient and breaking federal regulatory developments affecting auto dealers, with a deeper dive on the challenges created by DOD's December 2017 Interpretation of the Military Lending Act regulation.

10:00 - 10:15 am | Salon II Foyer

Break

All Monday Breaks Sponsored by:



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10:15 am - 11:45 pm | Ritz-Carlton Ballroom

Session 2: Top Legal Issues for Dealers in 2018

Eric L. Chase, *Bressler, Amery & Ross, P.C.*

Michael G. Charapp, *Charapp & Weiss, LLP*

Eric Chase and Mike Charapp will discuss some of the most important and timely legal issues for dealers during 2018. Eric's annual Top Twenty publication in the January 2018 Defender identifies more topics than this Panel can cover in the time allowed. They expect to talk about several subjects, including this year's number one, and the subject of an NADC task force: Franchisor Sales Performance Standards and Pressures on Dealers: The Time Has Come to End the Way Manufacturers Unfairly, Unlawfully, and Inaccurately Measure and Police Dealer Performance. A "Modest Proposal" for a Better Way.

11:45 am - 1:00 pm | Vanderbilt II & III

Lunch and The Trump Administration's Labor Policy: Looking Back One Year and Forward One Year

Douglas Greenhaus, *NADA*

Lauren Bailey, *NADA*

It has been a year since Donald Trump was sworn in as president, promising to roll back regulations and make America great again. Since then, the Trump Administration has put into place pro-employer policies at the DOL, OSHA, NLRB and the EEOC, undoing most of the previous administration's overzealous regulation. This session will cover which regulations and polices have been relaxed, undone or changed and which obstacles still remain.

Lunch Sponsored by:

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1:00 - 2:00 pm | Ritz-Carlton Ballroom

Session 3: Teleservices Compliance 2018 - Regulations for Texting & Calling Consumer & Risk Mitigation Strategies

Michele Shuster, *Mac Murray & Shuster LLP*
Adam Todd, *Mac Murray & Shuster LLP*

Courts dockets have exploded in recent years with Telephone Consumer Protection Act (TCPA) claims thanks to steep statutory penalties. Multi-million dollar class action lawsuits and regulatory enforcement actions pose incredible risks to dealerships that communicate with consumers using calls and texts. Marketing messages, service communications such as recall notices, appointment confirmations, and other important notifications all serve as potential TCPA violations. Attorneys Shuster and Todd will discuss how you can sleep easy at night by avoiding compliance landmines. Hear from a former regulator and leading compliance counsel attorney in the teleservices industry, providing you with knowledge on key requirements, recent developments and compliance strategies.

Attendees will leave with knowledge of the regulatory landscape, high risk areas, vicarious liability, substantive rules, and contract management surrounding the TCPA. The session will also cover best practices to mitigate risk, maintain productivity, and ensure continued engagement.

2:00 - 2:15 pm | Salon II Foyer
Break

2:15 - 3:45 pm | Ritz-Carlton Ballroom

Session 4: Automotive Technology: Disruption and the Death Star. Can Luke Skywalker Save Us?

Oren Tasini, *Qvale Auto Group*
Alisa Reinhardt, *California New Car Dealers Association*
Jonathan Tsarong-Blomker, *Anderson Economic Group LLC*

Technology is changing every day at a rapid pace and the automobile industry is no exception. This session will focus on technology that is impacting the automotive industry which holds much promise, but may well result in enormous disruption to the industry and presents a myriad of legal issues, many of which are novel.

3:45 - 4:00 pm | Salon II Foyer
Break

4:00 - 5:00 pm | Ritz-Carlton Ballroom

Session 5: Conditional Incentive Programs: A Primer on Current Programs, Trends, and Benefits Versus Injury

Russell McRory, *Arent Fox LLP*
Todd Milbury, *NADA*
Joseph Roesner, *The Fontana Group, Inc.*

The presentation will address Manufacturer Incentive Programs including infamous Stair-Step Programs. It will also address the move by manufacturers to replace unconditional margins with performance-based or conditional incentive programs. Manufacturers are pressuring dealers to make specific investments and operate in a specific manner by reducing margins on new vehicles and replacing them with "incentive" payments tied to the mandated actions. This presentation will highlight a number of these programs and will address both potential benefits as well as pitfalls in the programs. As average grosses plateau or even diminish, the factory incentive payments are, many times, the difference between operating profitably or at a loss.

The presentation will also address recent court decisions against Maserati finding that such a conditional program resulted in a modification from an assured holdback to a subjective bonus program. The decision itself, as well as the potential implications for dealerships on a going-forward basis, will be discussed. The program will also discuss reactions and feedback from dealerships concerning manufacturer Stair-Step programs. The Stair-Step programs are seen by many as a two-tiered pricing strategy by the manufacturers. There are also concerns as to the influence they have on consumers' perceptions of dealerships.

5:00 - 6:30 pm | Vanderbilt Courtyard
Reception

**Inclement Weather Location: Vanderbilt II & III*
Reception Sponsored by:



TUESDAY, April 24

7:15 - 8:15 am | Vanderbilt II & III
Breakfast

8:15 - 8:30 am | Ritz-Carlton Ballroom
Opening Remarks

8:30 - 10:00 am | Ritz-Carlton Ballroom

Session 6: Tax Reform: What Dealers Need to Know

Rex A. Collins, *HBK CPAs and Consultants*
Robert Davis, *Dixon Hughes Goodman LLP*
Buddy Dearman, *Dixon Hughes Goodman LLP*
Jennifer Kobylarz, *Rosenfield and Company, PLLC*
Amy Stillwell, *Moss Adams LLP*

In this session, the participants will become familiar with the changes imposed by the Tax Cuts and Jobs Act of 2017 that affect retail automobile dealers. The session will include presenters from multiple firms specializing in accounting and taxation of automobile dealers. The topics will concentrate on changes to taxation of individuals and their estates, C Corporations, pass-through entities such as partnerships, LLCs and S Corporations, and reinsurance companies used for F&I products.

10:00 - 10:15 am | Salon II Foyer
Break

Tuesday Breaks Sponsored by:





10:15 - 11:15 am | Ritz-Carlton Ballroom

Session 7: Managing your Market Territory—Improving Profitability and Reducing Risk

Patrick L. Anderson, *Anderson Economic Group*
Cristina Benton, *Anderson Economic Group*

Market territories are vital elements of a franchisee's business, especially in the automobile retailing industry. Conceptually, market territories indicate the area in which one franchisee has a location-based competitive advantage over neighboring same-make dealerships. In practice, the market territories designated by manufacturers are critical to the profitability, and the value, of an automobile dealership.

Manufacturers in the auto industry rely heavily on market territory definitions for proposing sales targets, establishing contractual requirements for facilities and staffing, and for evaluating sales performance. In recent years, manufacturers have aggressively increased the use of territory-based performance evaluations, bonuses, incentives, and facility requirements. Furthermore, Anderson Economic Group estimates that, as of 2017, a typical dealership had between \$.5 million and \$1.0 million per year in earnings strongly dependent on market territory-based incentive payments. Given these stakes, it is imperative that dealers and their attorneys understand the role these territories play, and how to make use of their contractual and statutory rights related to them.

11:15 am - 12:15 pm | Ritz-Carlton Ballroom

Session 8: Sustainable Cybersecurity Management for Dealerships: Why it's Critical to Review Your Program Now

Michael Mader, *Baker Tilly Virchow Krause*
Tom Wojcinski, *Baker Tilly Virchow Krause*

Cybersecurity is one of the most urgent topics of executive leadership and boards of directors. Almost daily there are new stories about data breaches affecting millions of customer records, payment card data, personal health information, and loss of intellectual property or trade secrets. Dealerships dealing with cybersecurity not only need to focus on thwarting hackers to prevent disruptions, but they must be proactive in building a sustainable cybersecurity management program – one that can adapt to evolving threats, remain aligned to the organization's culture and objective, and developed with industry-specific risks in mind. Baker Tilly will lead a critical discussion on what it takes for dealerships to manage cyber risks for today's and tomorrow's threats.

12:15 - 1:00 pm | Vanderbilt II & III
Lunch

1:00 - 2:00 pm | Ritz-Carlton Ballroom

Session 9: Latest Legal Trends in Sexual Harassment Law and What Attorneys Advising Auto Dealers Need to be Thinking About

Timothy C. Davis, *Davis Wang, PLC*
Erin K. Tenner, *Gray Duffy LLP*
Shirley C. Wang, *Davis Wang, PLC*

This panel will provide an overview of sexual harassment law, and discuss legal trends and risks to dealers. The presenters will also address best practices on policies, training, investigations, and accountability.

2:00 pm | Ritz-Carlton Ballroom
Closing Remarks and Adjourn

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LOCAL ACTIVITIES

NAPLES MUSEUM OF ART AT ARTIS-NAPLES

Formerly the Naples Philharmonic Center for the Arts, the center hosts over 400 events a year including world-class theater, dance, comedy, classical and popular music, and is home to the Naples Museum of Art, the Naples Philharmonic Orchestra and Edward Villella's Miami City Ballet.

www.artisnaples.org

THE VON LIEBIG ART CENTER

With an emphasis on Florida art and contemporary American art, the von Liebig Art Center is a facility that caters to both locals and tourists. Admission is free and the center is open to the public 7 days a week with art courses, lectures and workshops offered. The center is well known for its excellent festivals presented every year. Please visit the website for festival schedules.

www.hnaplesart.org

NAPLES BOTANICAL GARDEN

Escape from the typical park experience with a trip to the Naples Botanical Gardens, an extraordinary 170-acre site with seven different habitats just south of Old Naples. Explore all the Lea Asian Garden, Scott Florida Garden, Kapnick Caribbean Garden, Water Garden and Brazilian Garden in the morning. After a delightful lunch, become a kid again in the Smith Children's Garden. Spend a day exploring the grounds with the family. Tours offered November through April.

www.naplesgarden.org



POPULAR RESTAURANTS

1500 South

Overlooking Naples Bay, 1500 SOUTH inspires the Naples, Florida, dining scene with a menu featuring dishes that lend inventive international flare to Southern cooking traditions.

Under the culinary direction of Chef William Conroy, the new 1500 SOUTH restaurant at Naples Bay Resort pairs Southern American Food with Italian accents to deliver "a one-of-a-kind restaurant menu with a lot of surprises.

1500 Fifth Ave. S., Naples
239-774-1500

www.1500southnaples.com

Tacos & Tequila Cantina

Funky unconventional Tex-Mex at its best with popular Americana sprinkled into your favorite south of the border treats. Fresh local products and handmade tortillas are the essence of T&T's great food. Enjoy a cold beer from our extensive craft and import beer menu or one of our specialty margaritas. The eclectic atmosphere and chill vibe makes this the perfect place to be in Naples!

8971 Tamiami Trail N., Naples
239-254-8226

www.tacosandtequilanaples.com

Azure

Escape from the mundane to experience imaginative French-European culinary sensations with just a hint of Southern flare. Azure offers guests an intimate dining experience that features an open style kitchen, delightful chef's table and a fresh take on popular European classics. At Azure, you will discover savory yet simple dishes designed to bring out the natural flavor of each individual element. For years Chef Joe Pittman spent honing his craft while working under Top Chef Richard Blais, chef Haller MaGee and chef Charles Mereday.

15301 McGregor Blvd., Fort Myers
239-288-4296

www.azurefortmyers.com