



Montana Automobile Dealers Association

NOVEMBER 2019 NEWS BULLETIN

PRESIDENT’S MESSAGE:

Do you know what your Association Does for you?



James Johnson
MTADA President

In a couple words, “NADA equals POWER.”

As a member dealer of MTADA/NADA, for the most part, I am a very LITTLE fish in a very BIG pond. In fact, most Montana dealers sell a very tiny portion of their factories annual production. In September, I was given the privilege to go with the MTADA delegation to Washington DC where we attended the 2019 Washington Conference. We were now in the BIG pond and had the power of BIG fish!

The trip was eye opening and awesome. The agenda was full, and we stayed very busy. The focal points of this year’s conference were Trade Policy, the Overbroad Recall Bills, Federal Excise Taxes and the Regulatory Maze.

We were able to listen to many great speakers including Ambassador C.J. Mahoney, Representative Anthony Brown (D-MD), Representative Garrett Graves (R-LA), Senator Tim Scott (R-SC), Peter Welsh (NADA President and CEO) and Charlie Gilchrist (NADA Chairman.) These speakers were every educational and informative, which prepared us put our boots on and go to Capital and show the Nations Lawmakers the LITTLE guys point of view.

I have to say that my personal favorite conversation was

with Washington insider and reporter Bob Woodward. Yes, the same Bob Woodward that broke Watergate.

Watergate was just a little before my time, but I love history, so I have read some of Woodward’s work. This was a candid question and answer session with him and Charlie Gilchrist. Charlie asking questions of the ultimate question asker, Bob answering them. Listening to him talk about how things are going today in Washington DC today was very interesting. One take away I got from him was that in today fast paced world sometimes it takes patience and hard work to get what you are looking for. At 76 years young Woodward is going strong and asking questions every day.

It is a fact that the Lawmakers from both sides of the isle get removed from their constituents and while you are in the Capital buildings you can see why. Very busy halls, full of very busy people, doing very important jobs. That kind of sounds like your dealership doesn’t it? The NADA Washington Conference attendees from all over the US marched into those buildings and met with many very busy Lawmaker to slow them down for just a minute and say, “Hey this is what the everyday American needs.” Not every Legislator will take time to meet with their constituents, but many do.

As Montanan’s, the one advantage we do have is that even the LITTLE fish know a BIG fish that knows the BIGGER fish. When visiting with our congressional delegation we get a front row seat in their offices, where they are focused on just us for that period. Our congressional delegation holds some very important seats



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	<i>and more!</i>



DIRECTOR'S MESSAGE: California Emissions Update

“The Trump Administration is revoking California’s Federal Waiver on emissions in order to produce far less expensive cars for the consumer, while at the same time making the cars substantially SAFER.”

This is great news for auto dealers, consumers, and the economy.

While it is expected California will mount a major legal campaign against the ruling it is believed that the government will eventually prevail.

Soon the EPA will announce its “Safe Act” which will lower the rate of increase for CAFÉ fuel economy standards. Wheeler said that if the fuel standards were not reduced EV sales in the USA would have to increase from the current 2% to 50% by 2025. Wheeler said the Safe Act will reduce vehicle cost by thousands of dollars and will lead to millions of additional new vehicle sales.

While there is indeed a market for EVs, it is important that consumers continue to have choice as to what vehicles they can buy.

What might surprise most is that EVs today are not necessarily a solution to climate change. Attached are a few articles that demonstrate the carbon footprint of EVs exceed that of similar sized gasoline and diesel fueled automobiles.

<https://www.brusselstimes.com/all-news/business/technology/55602/electric-vehicles-emit-more-co2-than-diesel-ones-german-study-shows/>

<https://www.instituteforenergyresearch.org/international-issues/electric-vehicles-in-germany-emit-more-carbon-dioxide-than-diesel-vehicles/>

<https://principia-scientific.org/study-tesla-car-battery-production-releases-as-much-co2-as-8-years-of-driving-on-gas/>

<https://contrarian.live/2019/04/11/swedish-study-on-ev-co2-footprint-will-surprise/> ■



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CHAIRMAN'S MESSAGE: Let's Make USMCA Happen



Charlie Gilchrist
2019 NADA Chairman

For nearly two years, the automotive industry has been living in a world of uncertainty as the U.S.-Mexico-Canada Agreement (USMCA) renegotiated by President Trump awaits ratification. And all the while, the dark cloud of tariffs on autos and auto parts has hung above us. But it's not all storms on the horizon. Earlier this month, I had the opportunity to address members of the Automotive Press Association in Detroit about the importance of creating certainty for our industry with the immediate Congressional passage of USMCA.

The reality is that the U.S. auto industry is built on an integrated, global supply chain and is reliant on a favorable trading relationship with our two biggest trading partners—Canada and Mexico. On January 1, 1994, then-President Bill Clinton signed the North American Free Trade Agreement (NAFTA) into law to strengthen trade among the three countries within North America's borders. Since then, NAFTA has permitted OEMs and suppliers in Canada, Mexico and the United States to ship

vehicles and automotive parts without tariffs before final assembly and retail sale.

NAFTA has greatly enhanced the global competitiveness of the U.S. auto industry and has paid dividends to the U.S. economy. Because of NAFTA, the U.S. has become a major vehicle exporter and more jobs were created jobs right here in America.

NAFTA is one example of how trade is an essential element of a healthy and competitive U.S. automotive and parts industry. More than 25 years since NAFTA was signed, the USMCA modernizes NAFTA for our current times and business environment.

The Agreement is vital to our industry. USMCA will maintain auto production and distribution in North America and will preserve the global competitiveness of the U.S. automotive industry. Furthermore, USMCA will

Continued on **PAGE 6**

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LEGAL UPDATE

Direct Mail Advertising

Who oversees your advertising? You the dealer? Your General Manger? Sales Manager? You all hear from the direct mail marketers from time to time. Here are a few FAQ's to bear in mind when considering signing on with a direct mail marketer.

Ads from some of these marketers on behalf of your dealership sport content that might as well say, "C'mon, Federal Trade Commission, sue us!" The Federal Trade Commission was given greater authority and budget under the Dodd Frank financial reform act to regulate car dealer activities. To date, it has spent its greatest enforcement efforts to crack down on car dealer advertising violations.

Don't assume you can "fly under the radar." The FTC has mounted two major efforts to clean up dealer advertising. Operation Steer Clear and Operation Ruse Control are the noisiest and most-publicized FTC efforts, but they are just the tip of the FTC's iceberg of advertising enforcement actions against dealers. The FTC has announced several dozen other advertising enforcement efforts over the last few years. We've all seen the articles involving dealers in neighboring states.



R. J. "Jim" Sewell, Jr.
MTADA General Counsel

The FTC actions have focused on a number of practices that it believes violate the law. Some examples include "we'll pay off your trade, no matter what you owe," "nothing down" big print followed by "no check needed when you pick up the car," use of prices that reflect various discounts that a buyer cannot (or is very unlikely to be able to) use, discount claims, non-compliant email advertising, false green marketing claims, non-compliant internet advertising, satisfaction guarantees, offers of "free" items with a purchase, and use of trigger terms without using the required disclosures triggered by those terms.

The first rule to remember is that you, the dealer, are fully responsible for the ads that you publish. The fine print in the direct mail marketers' contract will likely disclaim responsibility for legal compliance, placing that burden on you the dealer. These marketers likely operate in multiple states, have little knowledge or concern for local advertising requirements and may simply want production above all else and cutting corners may be the simplest answer. Whatever

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Montana Automobile Dealers Association



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a different opinion



President's Message CONTINUED FROM PAGE 1

on important committees, so it is good to give them the Montana take on things.

In closing, to answer the question – “What does NADA/MTADA does for me?” It gives me a BIG voice. This is because of Bruce and the MTADA Staff and Peter and the NADA staff. This voice comes with little effort from all of us busy LITTLE car dealers. I would encourage you to get more involved with MTADA/NADA in one way or another. Bruce and the staff in Helena are impeccable and are the hardest working crew you could ask for. If you need something don't hesitate to ask and when they ask you for something take the time to help. The car business is our life and we should be in control of it. ■

James Johnson is the Dealer Principal at High Plans Motors, Inc. in Wolf Point, Montana

Legal Update CONTINUED FROM PAGE 4

the reason, only one thing is clear: the dealer is ultimately responsible for advertising violations.

Guidance is available. A knowledgeable dealer lawyer can help. A Dealer Guide to Federal Advertising Requirements published by NADA provides examples of “bad” ads and “good” ads and contains chapters on 41 different federal advertising topics. The publication is available for the asking. I have a .pdf copy and would be happy to send it to you upon request. The FTC's own website is a treasure trove of advertising compliance help.

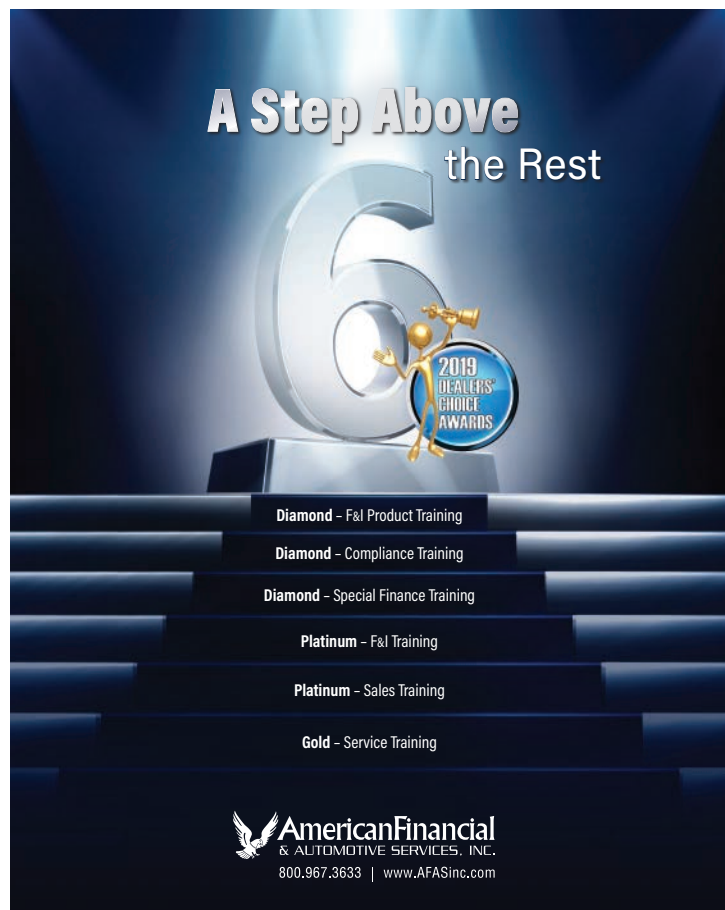
If you delegate the responsibility for dealership advertising, make sure the responsible person is knowledgeable about the requirements of the law and that the FTC is watching. The FTC claims referred to above, as well as a number of other advertising “gotchas,” have received so much publicity and attention that any dealership running those types of ads is committing advertising malpractice.

There is no fighting these FTC enforcement actions.

The advertisements say what they say, so there's not a lot of argument about facts. A response like, “We bought this ad program from a vendor and assumed the vendor knew what it was doing,” or “I didn't know about these developments” will fall on deaf ears.

The FTC will say, correctly, that the advertisements, and the problems, are all yours. There isn't even any assurance that the FTC will include the direct marketer in its enforcement action. When you consider all the trade press articles, all the noise, and all the resources on government and dealership association websites you'd have to be intentionally looking the other way not to know about dealership advertising problems.

Let “a word to the wise” be sufficient. ■



Chairman's Message

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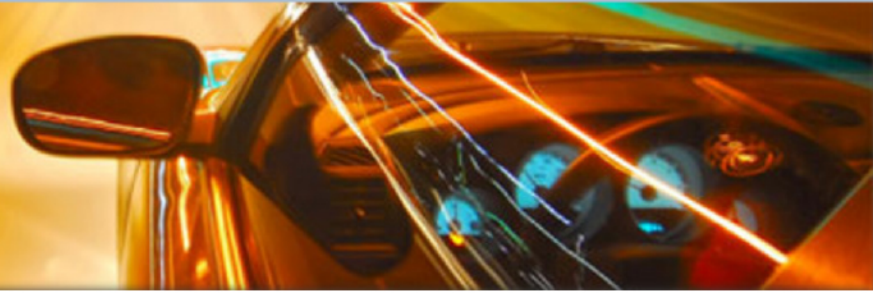
reduce the threat of tariffs on vehicles and parts by exempting those produced in North America—enabling dealers to continue providing affordable vehicles options for American consumers.

There's no question about it: The USMCA is a win for our industry, our customers and our businesses. This is why it's critical that our leaders in Washington move USCMA forward. Let's get behind President Trump's renegotiated deal and make USMCA happen. ■

Charlie Gilchrist is president of Gilchrist Automotive in the greater Dallas-Fort Worth.



Montana Automobile
Dealers Association



Great News!

The Montana Auto Dealers Association Member Dealers enrolled in the MTADA Workers Compensation Program with the Montana State Fund and PayneWest Insurance received **\$246,162** in General Dividends for Policy Year 2017 which was paid to the Dealers in October 2019.

This great outcome is attributed to the continuous safety efforts of the member dealers along with PayneWest Insurance, the Montana State Fund and the Montana Auto Dealers Association. The group has seen significant results in driving down rates with the implementation of the PayneWest safety program ten years ago. The commitment of the dealers that have utilized the tools and made safety a priority is the reason this has been such a success. This has led to improved safety culture in your dealerships and countless savings in other areas of your business. Most importantly, it has provided a safer working environment and aided in sending many more of your employees and friends home safe.

Our team at PayneWest, the Montana State Fund and the Montana Auto Dealers Association want to sincerely thank you for your business and congratulate you on your success. Keep up the great work and please let us know if you need any assistance or have any questions.



Kevin McCutcheon

(406) 457-2111
kmccutcheon@paynewest.com



Sean McCutcheon

(406) 457-2136
smccutcheon@paynewest.com



Pat McCutcheon

(406) 457-2104
pmccutcheon@paynewest.com



Telemedicine Bridges the Gap for Patients and Providers

For the second year in a row, the analysts at Deloitte have identified telemedicine as a current trend that is shaping the future of healthcare. Also known as virtual visits, telemedicine is a method of providing clinical care from a distance, through the use of telecommunications and information technologies.

Deloitte’s recently released report, 2019 Global Health Care Outlook: Shaping the Future, talked about the imperative to use new care delivery models in ways that improve access to and affordability of care. Telemedicine does just that. It offers the industry a means toward sustainability under value-based care models, by providing the right level of care at the right time.

A Deloitte survey found that both healthcare consumers and physicians agree on the benefits of virtual care.

- From the provider’s perspective, 66 percent said the top benefit is improved patient access.
- The majority of consumers (64 percent) rated convenience and access as top reasons for using telemedicine.

- Over half (57 percent) of the consumers who had never used telemedicine said they were willing to try it in the future.

At EBMS, we’d like to add our own voice to this important discussion. As a third-party administrator of self-funded plans, the need to develop new care delivery models is not only clear to us, it is part of our mission. That’s why we’ve partnered with WellVia to offer a dynamic telehealth solution.

“Our members are extremely satisfied with WellVia,” says Dr. Andrew Murray, chief medical officer at EBMS. “And our plan sponsors find it boosts plan performance in several important ways – like reducing unnecessary ER visits, and supporting members who are self-managing a chronic condition.”



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DEALER'S CORNER

Eric Henricksen Wins National Recognition for Community



TIME AND ALLY FINANCIAL HONOR RONAN DEALER

New York, NY, October 21, 2019 – The nomination of Eric Henricksen, general manager of Don Aadsen Ford in Ronan, Montana, for the 2020 TIME Dealer of the Year award was announced today by TIME.

Henricksen is one of a select group of 49 dealer nominees from across the country who will be honored at the 103rd annual National Automobile Dealers Association (NADA) Show in Las Vegas on February 15, 2020. The announcement of this year’s annual award was made by Susanna Schrobsdorff, chief partnerships officer, TIME, and Doug Timmerman, president of Auto Finance for Ally Financial.

The TIME Dealer of the Year award is one of the automobile industry’s most prestigious and highly coveted honors. Recipients are among the nation’s most successful auto dealers who also demonstrate a long-standing commitment to community service. Henricksen, 43, was chosen to represent the Montana Automobile Dealers Association in the national competition – one of only 49 auto dealers nominated for the 51st annual award from more than 16,000 nationwide.

“As a fourth-generation dealer, I was bound and determined not to enter the auto industry,” nominee Henricksen said. “But I had some free time during my senior year of college in Arizona and decided to take a sales position at Courtesy Chevrolet in Phoenix. I quickly found out that automotive retail and I were a pretty good fit together.”

After earning a BS at Arizona State University in Tempe in 1999, Henricksen returned home to work at the family’s dealership, Don Aadsen Ford Mercury in Ronan, which was founded by his grandfather in 1966.

“The differences and challenges that each customer presented quickly fueled a passion for the business, and I found a lot of fulfillment in the job.”

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IN PARTNERSHIP WITH **ally**

FOR IMMEDIATE RELEASE Contact: TIME Dealer of the Year Hotline
 (203) 912-1257
 Bruce Knudsen
 Montana Automobile Dealers Association
 (406) 442-1233

TIME AND ALLY FINANCIAL HONOR RONAN DEALER

Eric Henricksen Wins National Recognition for Community Service
 and Industry Accomplishments at NADA Show

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Today, Henricksen is general manager of the dealership, which he partly owns with his mother, Ann, and father, Gordon. “I was blessed to have family in the business that

Henricksen Honored

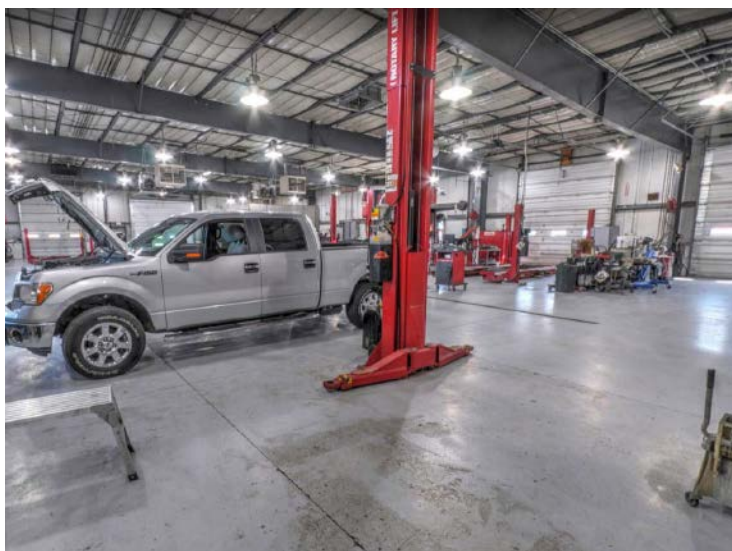
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Today, Henricksen is general manager of the dealership, which he partly owns with his mother, Ann, and father, Gordon. “I was blessed to have family in the business that allowed me the freedom to grow my career quickly,” he said. “I was very fortunate to have predecessors that had established contacts throughout the industry that served as my mentors and teachers.”

Henricksen currently serves as chairman of the board of directors for the Montana Automobile Dealers Association, which he also led as president in 2018. “During my time serving the association, we have had a major impact on the state and national level with our legislative initiatives, groundbreaking data protection bills for dealers and changes to our dealer laws for warranty reimbursement, franchise protection and successorship.”

His dealership has been part of the fabric of his community for more than 50 years, and Henricksen and his family are committed to giving back. They support the Boys & Girls Club of the Flathead Reservation & Lake Co., Boy Scouts of America; Girl Scouts; Ronan Bread Basket (food bank); Toys for Tots; Cantlon Family Youth Home (for at-risk youth in Montana); Future Farmers of America; Lake County 4H; Safe Harbor of Lake County and sponsor various fundraising events. In addition, Don Aadsen Ford provides vehicles to area high schools for driver’s education programs.

Dealers are nominated by the executives of state and metro dealer associations around the country. The award is sponsored by TIME in association with Ally Financial, and in cooperation with NADA. A panel of faculty members from the Tauber Institute for Global Operations at the University of Michigan will select one finalist from each of the four NADA regions and one national Dealer of the Year. Three finalists will receive an additional \$5,000 for their favorite charities and the winner will receive an additional \$10,000 to give to charity.



In its ninth year as exclusive sponsor, Ally will recognize dealer nominees and their community efforts by contributing \$1,000 to each nominee’s 501(c)3 charity of choice. Nominees will also be recognized on AllyDealerHeroes.com.

“The award applauds the incredible effort each of these dealers put into their businesses and their communities,” said Doug Timmerman, President of Auto Finance at Ally. “They are influential business leaders and admired ambassadors for worthy causes. It’s an honor for Ally to recognize their generosity and impact in cities and towns across America.”

Henricksen was nominated for the TIME Dealer of the Year award by Bruce Knudsen, executive vice president of the Montana Automobile Dealers Association. He and Jennifer have four children. ■

IT Security Tip #148: October is National Cybersecurity Awareness Month

We are constantly trying to inform people about the importance of cybersecurity. Here we offer a few simple tips to help keep your accounts safe.

This week InformationWeek Online offered some tips on creating stronger passwords. The first tip being the use of a long passphrase instead of a password, for example, the title of a song or even the title of your favorite book. Then, add in some punctuation and capitalization. The best passphrases reflect something you will easily remember.

Secondly, don't include personal information in your passphrase, such as your name or the names of children or pets. This information is easy to find on social media, making it easier for cybercriminals to hack your accounts.

Don't use common words in your passphrase. Instead, substitute letters with numbers and punctuation marks or symbols. For example, @ can replace the letter "A" and an exclamation point (!) can replace the letters "I" or "L." You can also use phonetic replacements, such as "PH" instead of "F" as in PHam!ly instead of "Family".

We also recommend that you don't use the same passphrase to log in to all of your online accounts. So how do you

incorporate the above suggestions and keep every passphrase original? Use a password manager. With just one master passphrase, a password manager can generate and retrieve very secure passwords for every account. It can protect your online information, including credit card numbers and the three-digit Card Verification Value codes, along with answers to security questions.

If you would like to know more about protecting your business and your identity from cybercriminals, email us at info@dismt.com or call our DIS helpdesk at 866-293-9359. ■



Erin Dickey
IT Services Director
DIS Technologies

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Telemedicine CONTINUED FROM PAGE 8

Our WellVia Success Story

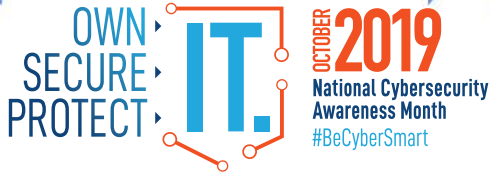
In 2018, our employer groups had fantastic results with our WellVia solution! The average response time for a member to speak with a doctor was less than 10 minutes. And the savings realized by plan sponsors and members was over \$80,000.

Even better, we're on track to exceed those results in 2019. With a growing number of members using our telehealth solution, we project that savings will pass the \$1million mark by year's end. We constantly solicit feedback on our solutions, and WellVia has a customer satisfaction rating of over 96 percent.

Is WellVia Right for You?

If you are self-funding an employee benefit plan, there is very little downside to offering telehealth services. The key is to educate your members about how and when they might benefit from a virtual visit – so they actually use the service.

However, we suggest using the data analytics and reporting capabilities within our miInsights solution to support decision-making. These tools will give you a clear picture of your member population and plan performance, and allow you to compare your statistics to national benchmarks. Once you identify trends, you may be able to improve care quality and better contain costs by adding WellVia to your plan. Get started by talking to your account manager today! ■



5 WAYS TO BE CYBER SECURE AT WORK

Businesses face significant financial loss when a cyber attack occurs. In 2018, the U.S. business sector had the largest number of data breaches ever recorded: 571 breaches.¹ Cybercriminals often rely on human error—employees failing to install software patches or clicking on malicious links—to gain access to systems. From the top leadership to the newest employee, cybersecurity requires the vigilance of everyone to keep data, customers, and capital safe and secure. #BeCyberSmart to connect with confidence and support a culture of cybersecurity at your organization.

SIMPLE TIPS TO SECURE IT.

- **Treat business information as personal information.** Business information typically includes a mix of personal and proprietary data. While you may think of trade secrets and company credit accounts, it also includes employee personally identifiable information (PII) through tax forms and payroll accounts. Do not share PII with unknown parties or over unsecured networks.
- **Technology has its limits.** As “smart” or data-driven technology evolves, it is important to remember that security measures only work if used correctly by employees. Smart technology runs on data, meaning devices such as smartphones, laptop computers, wireless printers, and other devices are constantly exchanging data to complete tasks. Take proper security precautions and ensure correct configuration to wireless devices in order to prevent data breaches. For more information about smart technology see the Internet of Things Tip Card. Read the Internet of Things Tip Sheet for more information.
- **Be up to date.** Keep your software updated to the latest version available. Maintain your security settings to keeping your information safe by turning on automatic updates so you don’t have to think about it, and set your security software to run regular scans.
- **Social media is part of the fraud toolset.** By searching Google and scanning your organization’s social media sites, cybercriminals can gather information about your partners and vendors, as well as human resources and financial departments. Employees should avoid oversharing on social media and should not conduct official business, exchange payment, or share PII on social media platforms. Read the Social Media Cybersecurity Tip Sheet for more information.
- **It only takes one time.** Data breaches do not typically happen when a cybercriminal has hacked into an organization’s infrastructure. Many data breaches can be traced back to a single security vulnerability, phishing attempt, or instance of accidental exposure. Be wary of unusual sources, do not click on unknown links, and delete suspicious messages immediately. For more information about email and phishing scams see the Phishing Tip Sheet.

For more information about connecting with confidence visit: <https://niccs.us-cert.gov/national-cybersecurity-awareness-month-2019>

¹ Identity Theft Resource Center, “2018 End-of-Year Data Breach Report”, 2018.

CONNECT WITH CONFIDENCE

HELPFUL HINTS TO KEEP YOU CYBER SAFE

OWN
SECURE
PROTECT

IT.

OCTOBER 2019
National Cybersecurity
Awareness Month
#BeCyberSmart



OWN IT.

- Only use sites that begin with https:// when shopping or banking online.
- Understand the personal information you knowingly (or unknowingly) put on social media.
- Don't respond or click on links from people or organizations you don't recognize.
- Never share your personal information if you're unsure who's asking.

SECURE IT.

- Apply multi-factor authentication to your accounts ASAP!
- Always lock your personal or work laptop or mobile device when unattended in a public place.
- Use the longest password possible and be creative.
- Check your app permissions frequently.

PROTECT IT.

- Look for the "green lock" icon when online, it signifies a secure connection.
- Use your personal hotspot in public places, they're more secure than free WIFI.
- Make sure you're using the latest security software, web browser, and operating system.
- Secure your WIFI network and digital devices by changing the factory set password and username.



For more information about connecting with confidence visit: <https://niccs.us-cert.gov/national-cybersecurity-awareness-month-2019>





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High Plains Motors, Inc.
Wolf Point
877-818-1913

PRESIDENT-ELECT

Erick Anderson
Placer Motors
Helena
406-442-2603

VICE PRESIDENT

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Lewistown
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NADA DIRECTOR

Don Kaltschmidt
Don "K" Whitefish
Whitefish
406-862-2571

NADA PAC

Jim Stanger
Helena Motors
Helena
406-442-6310

CHAIRMAN

Eric Henricksen
Don Aadsen Ford
Ronan
406-676-4420

OFFICE STAFF

Debbie Jean
Office Manager
MTADA
406-442-1233
Cell: 406-461-6333
bkkpr@mtada.com

Heather Domme
Dealer Services Coordinator
MTADA
406.442.1233
hdomme@mtada.com

EXEC. VICE PRESIDENT & GOVERNMENT RELATIONS

Bruce Knudsen
MTADA
406-442-1233
cell: 406-461-7680
bknudsen@mtada.com

DIRECTORS

Chuck Notbohm
Notbohm Motors
Miles City
406-234-4480

Joe Billion
Billion Auto Group
Bozeman
406-582-7777

Tony Pierce
Snowy Mountain Motors
Lewistown
406-538-4014

Chuck Notbohm
Notbohm Motors
Miles City
406-234-4480

Aaron Jones
Courtesy Ford
Conrad
406-278-5533

James Johnson
High Plains Motors, Inc.
Wolf Point
877-818-1913

Erick Anderson
Placer Motors
Helena
406-442-2603

Wade Rehbein
Rehbein Ford
Plains
406-826-3381