



# Montana Automobile Dealers Association

## SEPTEMBER 2018 NEWS BULLETIN

PRESIDENT'S MESSAGE:

### Montana High School Students Can Take Two College Credit Courses for Free, Officials Announce

Montana students at any high school will be able to take two college credit courses through their high school for free, Montana officials announced Thursday.

The decision removes a \$50.50 per credit fee, following the lead of several colleges that have completely waived the fees in the last few years.



**Eric Henricksen**  
MTADA President

Gov. Steve Bullock and Commissioner of Higher Education Clay Christian announced the move in Helena.

“By eliminating the barrier of cost, we’re ensuring that all throughout our state students have exposure to the opportunities that college provides,” Bullock said in a press release. “Dual enrollment is making a difference for students, families and employers across our state by saving money, streamlining workforce preparation, and inspiring more students to pursue higher education.”

Statewide, enrollment in the program has nearly tripled since 2012. Growth has been especially steep at City College, the community college branch of Montana State University Billings, where enrollment grew from about 300 in the 2012-13 school year to more than 1,000 during the 2017-18 school years.

That school decided to waive the fee for courses in 2016, and has continued to ever since. Miles Community College followed suit, and Dawson Community College in Glendive announced that it would expand a pilot fee waiver program to dozens of eastern Montana high schools this year.

Dawson County High principal Wade Murphy called the program, “a pretty sweet deal for our kids.”

Last year, when asked why more Montana University System schools didn’t offer free dual enrollment, then-deputy Commissioner of Higher Education John Cech said “that’s a good question.”

The City College program began in part because the school received unexpected funding late in the year that effectively become a slush fund, which was used to replace any revenue lost from the fee waiver.

The press release estimated that students taking two dual enrollment courses for free would save \$1,190 on average compared to paying full tuition and fees.

Colleges don’t lose out on much revenue; the dual enrollment fee costs about \$150 for a typical course. And students count toward colleges; enrollment-based funding, though it’s not a huge impact.

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DIRECTOR'S MESSAGE:

# Nada Urges Administration to Address Trade Concerns Without Auto Tariffs

WASHINGTON (July 19, 2018)—In testimony before the U.S. Department of Commerce, NADA President and CEO Peter Welch on Thursday urged the Trump Administration to find ways to address “genuine trade concerns” without imposing auto tariffs that would only hurt American consumers and small businesses.

“NADA recognizes the importance to the United States of leveling the trade playing field; eliminating unfair trade practices; and keeping America’s automotive industry strong,” Welch said during a Department of Commerce hearing to examine potential tariffs on automobiles and auto parts. “But a 25% tariff applied to all imports would hurt auto manufacturers, dealers, consumers and the economy as a whole. And the hardest hit would be our customers.”

As part of his testimony, Welch announced the findings of a new study by the Center for Automotive Research (CAR) – commissioned by NADA – showing dramatic increases in vehicle prices and significant economic consequences

arising from new auto tariffs, including a possible 25% tariff on all imported vehicles and auto parts.

CAR found that under a 25% tariff on all imports and parts, “consumers would see the price of the typical vehicle sold in the United States rise by \$4,400. Prices of U.S. assembled vehicles rise due to an increase in the cost of imported vehicle parts, adding \$2,270 to the price. For the typical imported vehicle, these tariffs raise consumer prices by \$6,875 per vehicle.”

The CAR study, “Consumer Impact of Potential U.S. Section 232 Tariffs and Quotas on Imported Automobiles & Automotive Parts,” also found that a 25% tariff would result in:

- A 2-million-unit reduction in the total number of new vehicles sold.
- Total U.S. employment losses of nearly 714,700, and GDP losses of \$59.2 billion.



Don Kaltschmidt  
NADA Director

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CHAIRMAN'S MESSAGE:

# Local Dealers and President Trump's Workforce Initiative

In July President Trump announced an executive order establishing the President's National Council for the American Worker and the American Workforce Policy Advisory Board. The council is developing a national strategy to address urgent workforce issues, including a national campaign to raise awareness of the job skills crisis.

NADA applauds the President's efforts since America's auto dealerships are facing our own crisis with a shortage of automotive service technicians. Improving our employment numbers with skilled workers is a top priority, and I'm proud that NADA leadership has been meeting with White House officials to examine how we can be involved in this vital initiative.

Earlier this month, NADA President & CEO Peter Welch, and NADA Foundation Chairman Annette Sykora met with White House officials who are overseeing the President's new workforce initiative. We presented our own plans for the NADA Foundation's Workforce Initiative – which will launch in early 2019 – to promote the value of careers at new-car and -truck dealerships. For an industry that is part of Main Street, we know that we can successfully tackle this skills crisis head-on.

Dealerships nationwide provide more than 1 million jobs in sales, management and service, and service departments are especially critical in a time when thousands of cars are still in need of repairs following recalls and scheduled maintenance and warranty. The U.S. Bureau of Labor Statistics estimates that 750,000 auto techs and mechanics are currently employed across the industry. New-vehicle dealerships alone employ around 317,000 service techs. But to meet future demands from retired workers

and those learning to adapt to new-car technologies, our industry needs close to 70,000 more technicians by 2026.

A lack of dealership workers means that thousands of good-paying local jobs remain unfilled, and we will have difficulty getting the necessary people – and skill sets—to service and repair vehicles on the road. Without the service operations at local dealerships – and our technicians staffing those operations – the entire economy would grind to a halt. The future of the auto business rests in the employees who work with us day-in



Wes Lutz  
2018 NADA Chairman

Continued on **PAGE 5**

## Raising the Bar Yet Again

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**LEGAL UPDATE**

# Is The CFPB Constitutional?



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

A New York federal judge who previously ruled that the Consumer Financial Protection Bureau is unconstitutionally structured in *Consumer Financial Protection Bureau and the People of the State of New York v. RD Legal Funding, LLC et. al*, 2018 WL 3094916, (S.D. New York, 2018) has agreed to finalize her judgment against the agency, teeing up its expected appeal to the Second Circuit. U.S. District Judge Loretta A. Preska booted the CFPB in June from a suit it brought with New York's attorney general against RD Legal Funding LLC and several associated entities, finding that the agency's single-director independent structure was unconstitutional.

The winds of judicial change are slow but they are also steady. The decision of Judge Preska reflects the continuing concern by many in the judiciary that the legislation setting up the Consumer Financial Protection Bureau (CFPB) as contained in the Dodd Frank act is unconstitutional.

According to an article from the Commercial Law League of America, authored by Linda Herbst on July 10, 2018, the Court cited the recent DC circuit case of *PHH Corp. V CFPB*, 881 F.3d 75 (D.C. Cir. 2018) upholding the CFPB. However, Judge Peska in the RD Funding case, stated specifically that she disagreed with the en banc holding in the PHH decision. Going a step further, Judge Preska adopted parts of the dissent in the PHH decision by Judge Brett Kavanaugh, now President Trump's nominee for the U. S. Supreme Court.


Judge Kavanaugh's dissent in the PHH decision expressed concern in finding the CFPB the only Federal agency headed by one director not expressly subject to Presidential appointment. All other such agencies not subject to Presidential appointment, such as the FTC, are headed by a multi-member commission. Ultimately, Judge Kavanaugh found

this "combination – power that is massive in scope, concentrated in a single person, and unaccountable to the President – triggers the important Constitutional question at issue in this case." Judge Kavanaugh found history, liberty and presidential authority mandated the change of the CFPB to an executive agency subject to Presidential approval. However, Judge Kavanaugh stopped short of eliminating the CFPB altogether.

Judge Peska, in the RD Legal case, used the decision by Judge Kavanaugh in finding the CFPB "unconstitutionally

Continued on **PAGE 13**

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Chairman’s Message CONTINUED FROM PAGE 3

and day-out, and we must retain the best ones out there.

Dealership jobs are among the last jobs in America where individuals without a four-year college education can make an excellent living and have opportunities to advance into management careers. NADA has proudly espoused the benefits of local dealerships via our own national campaign: mydealership.org if you haven’t already, I urge you to share a particular section called “my dealership creates jobs.” Share this on your own websites and social media pages. The average dealership job pays \$70,000 per year with benefits. And tech jobs are particularly vital to providing safe transportation to all Americans.


And we encourage all interested dealers to engage with the White House and consider joining the President’s Workforce Initiative. If your dealership would like to make a pledge to increase career opportunities for students and workers, including apprenticeships, work-based learning programs, continuing education, on-the-job training or re-skilling, click here for the information you need to sign up.

NADA—along with industry allies—must take action now to narrow the work gap at our dealerships and other American industries. We look forward to working with the White House in any way we can so that more people


take advantage of the good-paying careers dealers offer and discover the benefits of employment at our new-car dealerships. ■


*Lutz is 2018 NADA chairman and president of Extreme Chrysler-Dodge-Jeep-Ram in Jackson, Mich*

*Source: Charles Cyrill, NADA Director of Media and Public Relations*



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## Press Release

### American Financial Raises the Bar in the 2018 Dealers' Choice Awards

American Financial & Automotive Services, Inc. is honored to once again receive top awards in the 2018 Dealers' Choice Awards. Considered to be one of the leading F&I development companies in the industry, American Financial received six (6) different awards that were selected by dealer partners, as well as Auto Dealer Today and F&I and Showroom readers. This is an increase from the five (5) awards they received in 2017.



- Compliance Training – Diamond Level (Diamond Level in 2017)
- F&I Product Training – Diamond Level (New for 2018)
- Sales Training – Diamond Level (Diamond Level in 2017)
- F&I Training – Platinum Level (Diamond Level in 2017)
- Service Training – Platinum Level
- Special Finance Training – Platinum Level (Gold level in 2017)

Arden Hetland, President of American Financial, states, “It is an honor to be recognized with six (6) Dealers' Choice Awards by our dealer partners and Bobit Industries. We take great pride in our trainers, curriculum, and development programs for our partners. However, our mission remains the same – put our client's needs first and exceed their expectations. We would like to thank the industry for these distinguished awards.”

American Financial offers a comprehensive portfolio of dealership solutions that include customized in-dealership development, the Automotive Training Academy (ATA), F&I University (FIU), Compliance Programs, and the MasterTech™ F&I product suite.

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to gain skills that can be applied as soon as they return to the dealership.

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For more information about American Financial, please visit [www.AFASinc.com](http://www.AFASinc.com).

**President’s Message** CONTINUED FROM PAGE 1

Evidence from Missoula County Public Schools seems to point to the fee being a barrier for students.

The district offers dozens of dual credit courses. Almost 500 students took at least one dual credit course in fall 2016, but only 290 paid the fees. Without paying the fee, they couldn’t earn college credit.

Missoula County Superintendent Mark Thane called that “a travesty.”

**Adding courses**

Schools have said that student interest is high in the classes, but their biggest challenge is getting teachers qualified to teach the courses.

Murphy said that his school saw several teachers qualified to teach dual enrollment courses retire last school year.

“That limits a little bit of what we can do,” he said.

Across the state, rural schools tend to struggle more to offer dual enrollment courses. But more than 90 schools offer at least one course, according to the press release, and some courses are available through the Montana Digital Academy, the state’s online platform available to students across the state.

Teachers need to have a master’s degree and meet a university’s requirements for teaching dual credit — at least an additional nine graduate-level subject area credits.

Montana State University Billings received a grant to help teachers meet the 9-credit requirement in writing, art and political science at a reduced cost. The university has targeted teachers in rural districts.

Offerings sometimes compete with other college-credit options, especially Advanced Placement courses. Students have to pass a rigorous year-end test to earn those credits, but they’re more likely to be accepted by universities outside Montana.

Dual enrollment credits are only guaranteed in-state, but students are judged on their body of work over the

entire course, not one test. It’s often pitched as a way for students who aren’t sold on attending college as a way to sample higher education before committing.

In Glendive, dual enrollment offerings actually expanded this year: The high school will offer Geology, Intro to Ag, Welding, Child Development and six different music courses.

There are more music offerings than last year and Geology, Ag and Welding are new, but the school lost an art and an English course.

Murphy said that even before the fee waiver, the school pushed kids to consider dual enrollment as a cost-effective option.

“It’s a no brainer, man,” he said, “especially if you’re going to stay in state.” ■

*Eric Henriksen is the owner of Don Aadsen Ford in Ronan, Montana*



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## Director's Message

CONTINUED FROM PAGE 2

- A loss of 117,500 of the 1.1 million U.S. new-car dealership jobs, with the average franchised dealership losing 7 jobs.
- An increase in used car prices due to heightened demand and constricted supply.

Increases in the cost of vehicle maintenance and repair due to higher automotive parts prices, “so even holding on to an existing vehicle will become more expensive.”

Welch asked the Administration to “fully and carefully consider not only the new study we are submitting with my testimony, but all the data and analysis provided to the Department during this investigation.”

“The average price a new car already hovers around \$35,000,” Welch explained. “According to Edmunds, in the past year interest rates on new car loans have risen 86 basis points and now average 5.82% – with more increases on the horizon. The average monthly car payment for a new vehicle now stands at \$533 per month with an average loan term of 69 months. Our customers are already strapped to make those payments. A \$4,400 tariff on top of that would increase new car payments to \$611 per month (a \$78 per month increase) – and put the purchase of a new car out of the reach of many Americans.”

“New tariffs or quotas would also reduce competition and consumer choice; increase the cost of used vehicles; and raise the cost of getting vehicles serviced and repaired,” he added. “As a nation, we can and should work together to address genuine trade concerns, without hurting American consumers and small businesses.” ■

Source: Jared Allen, NADA Senior Director of Media Relations

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# IT Security Tip: A New Evil PDF Infects PCs with a Secret Backdoor and Steals Your Data Via Email

The Turla threat group, Russian-speaking and widely attributed to Russian intelligence services, is back with a new scary phishing technique. These bad guys are sending emails with a malicious PDF payload that installs a hidden backdoor on the PC.

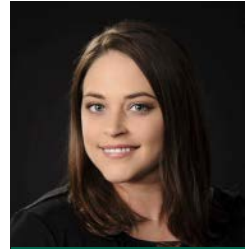
The backdoor is able to install itself and interact with Outlook and other email clients. It exfiltrates data through email, which means that it evades detection by many commonly used security products. The software steals data by enclosing it in a PDF file, which also looks unproblematic to many security solutions. The malware can be completely controlled via email, the data exfiltration can look entirely legitimate.

The purpose of this malware is monitor to all incoming and outgoing emails from infected systems and to gather info about the sender, recipient, subject, and attachment name (if any). That data is then organized into logs that are sent to Turla operators.

The Outlook backdoor also checks all incoming email for PDFs that might contain commands from the attackers. It will accept commands from ANY threat actor that is able to encode them in the right format in a PDF document. If the email address to which the malware typically transmits stolen data is blocked, the hacker can recover control of the backdoor simply by sending a rogue PDF with a new C2 address.

This is really a nightmare you don't want to wake up to. Organizations should make sure employees understand that the PDFs they're receiving may not be what they seem.


If you would like to know more about protecting your data from cybercriminals or even if you just have questions about your current IT situation, call our DIS helpdesk at 866-293-9359. ■




**Erin Dickey**  
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## Thank You for Your Submissions

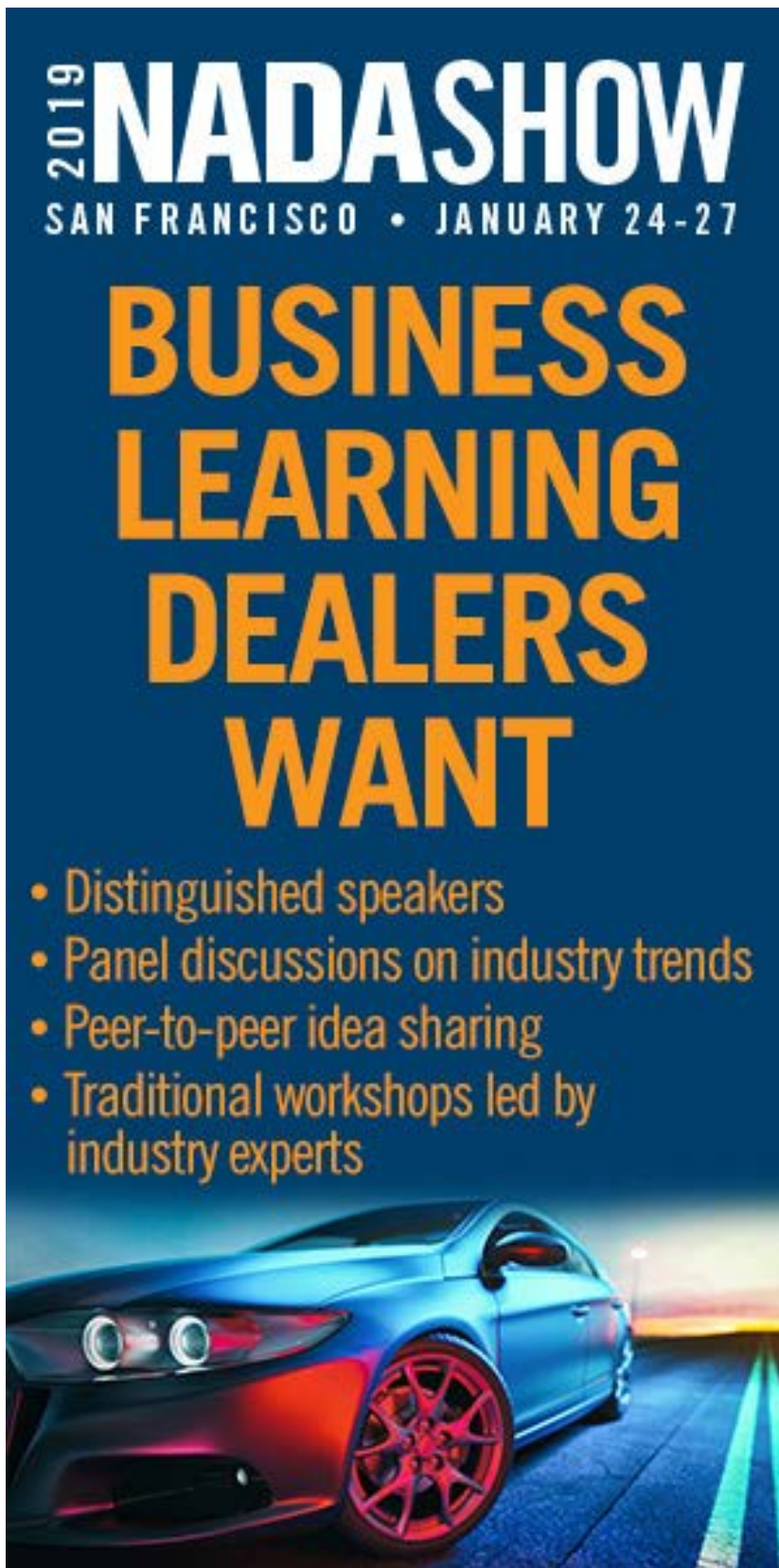
Thank you to all who submitted your questions for this month's article!

**BETTY SMITH-TOWSLEY**  
**DEMARIOS BUICK GMC**

**Q:** I am having serious issues with sending title work out-of-state. I sent title work to California, Certified with Signature Confirmation. Customer called from DMV, DMV said they couldn't find it. Did not care which of their employees had signed for it, said they would not try to hunt it down and told customer the dealer had to supply them with a new title. THANK GOODNESS it had been a Montana Title and was easily replaceable. However, this is rarely the case. I have also had issues with Washington State.

If there is no loan the title work could be sent to customer. But if a lien needs to be filed, we are responsible for that. It is strongly advised we never give title work to customer if there is a lien. What are other dealers doing? How are they handling out-of-state title work?

**A:** Unfortunately, we have no control over other states. Some thoughts we had were to verify the documents are being sent to the correct address, sending them certified so they need to be signed for (although that doesn't seem to have helped this time), or putting it to a specific department or staff members attention. I wonder if other dealers could give feedback on the things they are doing. ■



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## Diabetes Prevention: Keeping Families Healthy

Diabetes doesn't just affect the person who's diagnosed; it affects the entire family. Help your children prevent or delay type 2 diabetes by encouraging them to eat a healthful diet, stay active, and keep a healthy weight. This doesn't just happen with a lecture; the entire family needs to get involved.

Choose healthy foods and drinks for your family. Stop bringing soft drinks into the house. Find a funky water bottle that your child will love taking everywhere, and encourage him/her to fill it up with water often. Stick to water to decrease sugar intake and limit calorie consumption.

Stock the refrigerator with fruits and vegetables. This will make it easier for you and your children to reach for a healthy snack when hungry, rather than a processed, caloric option. Keep grapes or bananas on the counter, and eliminate the candy dish.

If you end up stopping at the regular fast food joint after dance class, order salads with dressing on the side. Skip the crispy chicken; go for grilled. Better yet, drive past the fast food place and go home to a crock pot filled with vegetables and lean meats that have been simmering in goodness all day.

Get active as a family. Join a gym together. Throw front room dance parties. Go for a family bike ride. Coach your child's soccer team. Take a swim with your kid after their swimming lessons. Show your child how you incorporate fitness into your daily routine so they know they can do it, too.

Make activity goals as a family, and then turn it into fun! Try hosting a game night when your family has met a certain activity goal. Consider a trip to the ice skating rink for a family party. Create a scavenger hunt in your yard, or go on an adventurous hike. Use physical fitness activities to create happy, family memories for your children and yourself. ■



### Educating Your Members Begins with You

The Montana Automobile Dealers Association has partnered with EBMS to provide you and your employees with a variety of resources to keep you physically and financially well on your journeys. So pass it on! Consider sharing this information with your employees so you can empower them to be their healthiest selves. After all, a healthy workforce means a healthy business.

#### Contact a healthcare provider if your child has any of the following type 2 diabetes symptoms:

- Increased thirst
- Frequent or nighttime urination
- Blurry vision
- Unusual fatigue

**Montana ranks fifth for the lowest incidence of diabetes, compared to all 50 states. Less than nine percent of Montanans had diabetes in 2015, while more than 24 percent were obese.**

Sources:

<http://www.diabetes.org/>

<http://info.healthways.com/hubfs/Gallup-Healthways%20State%20>

**Legal Update** CONTINUED FROM PAGE 4

structured because it is an independent agency that exercises substantial executive power and is headed by a single Director.”

However, the RD Legal decision goes even further than the Kavanaugh dissent in PHH by finding the Court cannot sever the CFPB as part of the Dodd Frank Act. The RD Legal Court found the structure of the CFPB unconstitutional in its entirety and granted the Motion to Dismiss filed by the Defendants as to the CFPB.

The decision by Judge Peska in RD Legal, continues a trend by the United States judiciary of finding issues with the CFPB setup. These decisions continue to weaken the authority of the CFPB. This weakening authority serves to trump the ability of the CFPB to file enforcement actions in U.S. District Court. The continuing actions of President Trump, along with the continuing judicial movement to find the CFPB unconstitutional among the District Courts may ultimately lead to the demise of the CFPB or at least its reformation as an executive agency.

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