



IN THIS ISSUE:

Steve Stauning | Pg 6

John Summer | Pg 8

Eric L. Johnson | Pg 16



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Table of Contents



06- Uncomfortable Conversations

Steve Stauning

08- AI and Selling Cars

John Summer

20- Case of the Month

Eric L. Johnson

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Uncomfortable Conversations

One of the biggest challenges I see with today's salespeople is getting them accustomed to having a few uncomfortable conversations with their prospects. It seems every seller wants to avoid even the slightest amount of friction when dealing with a buyer. They'll answer every question (even before the customer asks), and when it's time for a commitment, they're afraid to ask for the sale.

THE KUMBAYA APPROACH

Most are employing what I call The Kumbaya Approach to selling cars. With this approach, everyone walks away from the conversation feeling good. The customer feels good because they got all their questions answered without feeling any sales pressure. The salesperson feels good because the customer likes them and there was no friction. And the neighboring dealer feels good because they got to sell a car.

When your team uses The Kumbaya Approach, your deals are skinnier. In competitive situations, you only win the ones where you're willing to lose more money than the other guy. Even your unicorns and Batmobiles don't bring what they should because with The Kumbaya Approach, the customer has all the control.

GRAB & MAINTAIN CONTROL

Holding gross and selling at volume are not mutually exclusive outcomes. Of course, accomplishing both simultaneously requires control. Salespeople must grab control of their customers with the first words out of their mouths and then maintain control as they pull them through your road-to-the-sale. Vomiting information and answering write-up questions before the write-up ensures your grosses evaporate on the few deals you do make.

The interesting thing about control done right is that most customers will simply (and gladly) follow your salesperson's lead. You see, they want your help buying a car. However, if your team would rather just dump all the information on them so they can buy somewhere else, that's okay with the customers too.

GO OLD SCHOOL

Sure, grabbing and maintaining control can lead to a few uncomfortable conversations – though far fewer than your team thinks. And saving write-up answers for the write-up will cause some friction with some buyers; but that's okay because the opposite kills your deals or kills the grosses on the deals you do make.

The great news is that maintaining control is one of the oldest and most successful sales techniques your team can employ. And there's an old school word track called AIM that you should be teaching and mandating – that is, if you want to sell more vehicles for more money.

AIM is short for Acknowledge, Ignore, and Move on to your goal (and your goal is always just the next step in the road-to-the-sale). Using AIM to address any write-up question is the easiest way to avoid an information dump while maintaining control as you move the customer forward.

For example, during the feature presentation, a customer asks if they can be under \$700 a month. Using AIM, your salesperson can easily pivot them to the demo drive (the next step in the road-to-the-sale) without having to fully answer that question:

- Acknowledge: "That's a great question."
- Ignore: "Of course, there's so much that goes into calculating payments that it would be impossible for me to even give you a ballpark number out here on the lot."
- Move On: "So, let's do this. Let's take the vehicle for a quick test drive and make sure it's the one you want to own. When we get back from the test drive, I promise we'll give you all the numbers so that you can take everything home and make an informed decision. How's that sound?"

While no word track works every time, your salespeople will be shocked at how well this one works to avoid vomiting information while they maintain control of the customer. Certainly, some buyers won't be happy with this response, and it could lead to a few uncomfortable conversations; but that's why they're called Automotive Sales Professionals and not Order Takers.

Plus, having a few uncomfortable conversations while you take the customer through every step of the road-to-the-sale makes asking for the sale easier. It's easier, because the road-to-the-sale builds value and gives your team "permission" to ask for the sale.

Good selling!



Steve Stauning
Founder
Stauning Solutions Group

Steve is the author of Ridiculously Simple Car Selling and Ridiculously Simple Sales Management; as well as a respected automotive industry veteran and founder of Stauning Solutions Group – a leading training & consulting firm. Steve's consulting work puts him in dealerships nearly every week, working side-by-side with managers, salespeople, and internet teams to help them improve their sales, processes, and profits. Prior to this, Steve served in various automotive leadership roles, including as the Asbury Automotive Group's (NYSE: ABG) director of ecommerce, the director of the Web Solutions division of Reynolds & Reynolds, and as the general manager of Dealer Web Services for Dominion's Dealer Specialties. You may contact Steve directly by calling him at 888-318-6598 or via email at Steve@SteveStauning.com

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How Can Artificial Intelligence Help You Sell More Cars?

The term, "AI", short for Artificial Intelligence, became a buzzword in just the last couple of years. It is credited for improving efficiency and driving innovations across many sectors. But the real question is how can it be applied to the Automotive Industry?

JTZ Enterprise has been a leader in Internet Technology Solutions for the Automotive Industry for almost 30 years. We were one of the pioneers in providing custom designed Dealer Websites in the mid 90's. We were one of the first to provide Inventory Data Feed services. We jumped into SMS Marketing and Call Tracking as soon as the technology became available. It is no surprise that JTZ Enterprise was one of the first to begin developing AI Solutions for Independent Car Dealers like you.

We are about to launch our sixth AI powered service for car dealerships and every one of them has been a Game Changer for many of our clients. Please allow me to list these products and share with you how they can help you sell more cars.

Live Chat: For the Independent car dealership, having a Live Chat feature on their website just has not been practical, until now. We have all seen the "Have A Question" pop up modal that allows the consumer to engage in a conversation with the sales staff in real time and online. The problem is that it requires a salesperson to be at the computer and able to respond at a moment's notice. It is impossible for a salesperson to sell cars and sit in front of a computer all day. So, often a consumer trying to get quick answers to their questions only gets met with silence and they give up. JTZ Enterprise created an AI powered Live Chat that answers many of the basic questions instantly and in real time, 24 hours a day. This keeps the consumer engaged until the salesperson is freed up to jump in and take over the conversation.

SMS and Email Auto Responses: Just like Live Chat, AI helps salespeople respond to SMS and Email leads much quicker. It takes only a few minutes to train the AI on how to respond to the most often asked questions and the responses we provide are so life-like that most do not ever realize they are not talking to a human.

Image Manipulation: Inventory images are important to selling cars and trucks online. However, unless a dealer hires a company to take those photos, they don't always come out looking very good. Our Image Manipulation Service fixes all that. Our dealerships upload their images and we then clean them up by using AI to take the vehicle out of the picture and placing them on any background image the dealership chooses. This eliminates all the noise of the other cars next to the one you are photographing, shoppers walking in the background, cars getting detailed or worked on in the background, etc. We can put your vehicles in your showroom, in front of your business, in a city park, or with a city skyline in the background. Studies have shown that a high-quality picture is 70% more likely to get viewed or clicked on. The more your vehicles are viewed, the faster they sell!

Stock Images: For some dealerships it is hard to find the time to take those images. JTZ Enterprise employs AI to help find you stock images that match the year, make, model, trim level, body style and color of the vehicle you have for sale but don't have the time to photograph. This stock image is always better than no image at all and can tide you over until you get that car or truck through the detail shop and on the front row.

Custom Descriptions: Vehicle descriptions are almost as important as images. Yet, many dealerships rely solely on the data the VIN provides. Many lack the creative talent needed to provide quality, custom Comments and Descriptions for every listing. JTZ Enterprise provides custom Descriptions content with just the click of a button. AI will provide positive accolades about any vehicle ever made. The content is grammatically correct and factually accurate. Best of all, it is unique and precise to each listing.

Internet Advertising Analysis Service: The newest AI driven service we will be launching in November of 2025 is our Internet Advertising Analysis Service. Many Automotive Dealership Regulating branches of State government are ramping up their enforcement of Advertising Regulations. The problem is that many dealerships have no idea exactly where they are advertising or what those advertisements look like. JTZ Enterprise's newest service is designed to help keep dealerships out of trouble. With the help of AI, we first scour all the major search engines for a list of links to your dealership. Then we use AI to visit and index all those websites and find any advertising infractions you may not be aware of. We identify dozens of possible infraction types including whether you advertise your processing fees properly, use any "Trigger Terms" without the full disclosure as required by the FTC, improper Rebate disclosures, advertised sales with no end dates, and much more. When you get the letter saying you are getting fined for advertising infractions they usually don't care whether you knew about it or not. We inform you of such violations before they get to that point, giving you an opportunity to correct them before they do.

Many people were deathly afraid of telephone service when it first came out in the 1920's. There were fears of electrical shock, potential for evil spirits, and bad luck that would come from bringing a phone into the home. Today, we could not live without a phone. Artificial Intelligence has been touted as something that has the potential to do more harm than good. The facts are that AI will never replace car dealerships but it can be utilized to help the dealership sell more cars. Don't be afraid. Come on in. The water is just fine!

This article was written by an oxygen breathing being with two index fingers.



John Summer
JTZ Enterprise

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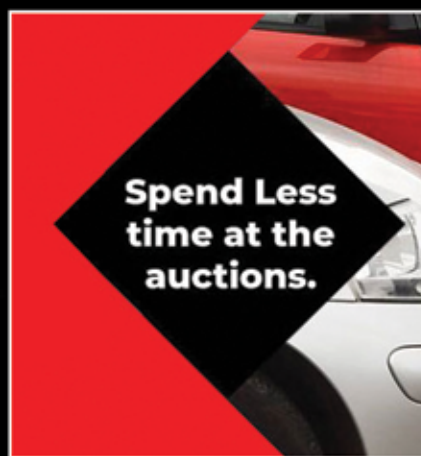


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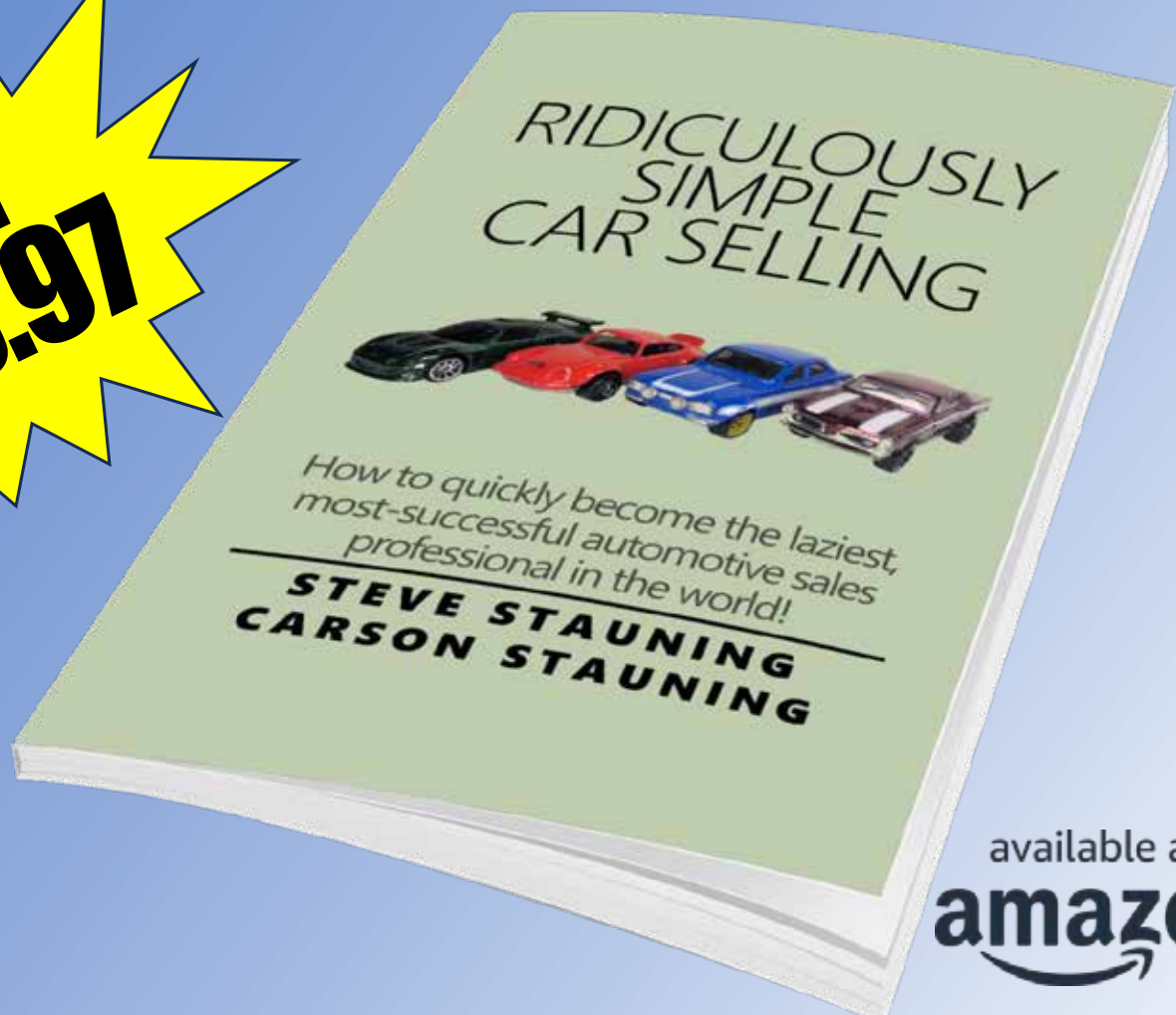
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Federal Developments

On November 11, **in the first press release posted on its website since July, the Consumer Financial Protection Bureau announced that it filed a notice with the U.S. District Court for the District of Columbia in National Treasury Employees Union v. Vought.** The NTEU, representing employees across multiple federal agencies and departments, including CFPB employees, sued acting CFPB Director Russell Vought in February 2025, challenging his efforts to dismantle the CFPB. The federal district court granted NTEU a preliminary injunction that prevented the CFPB from shutting down operations and terminating its employees, but, on appeal, the U.S. Court of Appeals for the D.C. Circuit vacated the injunction in August 2025. The November 11 notice filed by the CFPB with the federal district court concerns the effect of a potential lapse in appropriations on the Bureau. According to the press release, the notice informs the court that "the Department of Justice's Office of Legal Counsel (OLC) has determined that the Bureau may not legally request funds at this time from the Federal Reserve under Dodd-Frank. OLC made this conclusion on the basis that the Federal Reserve System currently lacks any 'combined earnings' from which the Bureau may draw funding, as required by Dodd-Frank. OLC opinions are binding upon Executive Branch agencies including the Bureau. The Bureau anticipates having sufficient funds to continue operations until at least December 31, 2025." In the notice, the CFPB states that it "anticipates exhausting its currently available funds in early 2026." The Dodd-Frank Act requires the CFPB to draw its funding from the "combined earnings of the Federal Reserve System." According to the OLC's opinion, "combined earnings" refers to the Federal Reserve's profits, and the Federal Reserve has operated at a loss since 2022. "If the Federal Reserve has no profits, it cannot transfer money to the CFPB."

On November 13, the **Consumer Financial Protection Bureau requested public comment on a proposed rule that would amend certain provisions of Regulation B, which implements the Equal Credit Opportunity Act.** Specifically, the proposed rule would amend provisions of Reg. B related to whether disparate impact claims are cognizable under the ECOA, under what circumstances a creditor may be deemed to be making a statement to an applicant or prospective applicant that would discourage, on a prohibited basis, a reasonable person from applying for credit, and under what conditions a creditor may offer special purpose credit programs. The proposed rule would generally: (1) provide that the ECOA does not authorize disparate impact claims, delete language in Section 1002.6(a) of Reg. B indicating that disparate impact liability, referred to as the "effects test," may be applicable under the ECOA, and add language stating that the ECOA does not recognize the "effects test"; (2) amend Section 1002.4(b) of Reg. B's prohibition on discouraging applicants or prospective applicants from applying for credit to clarify that it prohibits statements of intent to discriminate in violation of the ECOA and is not triggered merely by negative consumer impressions and also to clarify that encouraging statements by creditors directed at one group of consumers is not prohibited discouragement as to applicants or prospective applicants who were not the intended recipients of the statements; and (3) amend the standards for special purpose credit programs offered by for-profit organizations under Section 701(c)(3) of the ECOA to prevent unlawful discrimination. Comments on the proposed rule must be received by December 15, 2025.

On November 21, the **Consumer Financial Protection Bureau issued its annual report on the Fair Debt Collection Practices Act, summarizing certain activities carried out by the CFPB and other federal agencies relating to debt collection during 2024.**

On November 21, the **Consumer Financial Protection Bureau announced that examiners in its supervision division will be required to read a "Humility Pledge" to a supervised entity before conducting an examination of that entity.** The pledge states, among other things, that the CFPB will focus its supervision efforts on pressing threats to consumers, particularly servicemembers and veterans, and matters within its statutory authority, provide greater transparency regarding the exam process and exam expectations, avoid duplication of supervision with states, tailor its requests for information from supervised entities to a defined scope, and focus its Matters Requiring Attention on pattern and practice violations of law where there is substantive and identifiable consumer harm or clear violations of the disclosure requirements.

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- Do you give the vehicle's Buyers Guide or a copy to the purchaser at the time of sale and make sure it states the final negotiated warranty coverage accurately?
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Case(s) of the Month

Car Dealership Was Not Liable for Using or Obtaining Consumer Report Without Permissible Purpose Where It Merely Submitted Financing Application on Behalf of Car Buyer to Multiple Finance Companies: An individual applied online for vehicle financing with a bank. He filled out the application jointly with his mother. The online financing application was pre-approved by the bank. The individual then went to a dealership, and the salesperson presented the individual with a joint financing application. The individual signed this application at the dealership and also signed on behalf of his mother, as her attorney-in-fact under a power of attorney. The individual asked why another financing application was needed since his online application had been pre-approved by the bank. The salesperson allegedly responded that the bank needed a "hard pull" of the individual's and his mother's credit reports to approve the financing. According to the individual, the salesperson gave assurances that the joint application signed at the dealership would be sent only to the bank. According to the salesperson, the individual was told that the joint application would be sent to multiple finance companies, and the individual did not object. In any event, it was undisputed that the dealership submitted the joint application to multiple finance companies. Later that day, the dealership informed the individual that the bank had denied the joint application. The next day, the individual learned that he, individually, had been approved for financing with a finance company. The individual returned to the dealership and signed a different credit authorization document in his name only. He ultimately purchased the vehicle in his name only with financing from the finance company. Later, the individual sued the dealership on behalf of himself and as representative of his then-deceased mother's estate for violating Section 1681b(f) of the Fair Credit Reporting Act by submitting the joint vehicle financing application to multiple finance companies without his knowledge and consent. The individual contended that the resultant credit inquiries substantially lowered his and his mother's credit scores. The dealership moved for summary judgment on the FCRA claims.

The U.S. District Court for the Southern District of Indiana granted the motion. Section 1681b(f) of the FCRA prohibits a person from using or obtaining a consumer report without a permissible purpose. The court found that the individual could not show that the dealership used or obtained a consumer report and, therefore, could not be liable for the credit pulls by the third-party finance companies. According to the court, "Section 1681b(f) does not prohibit the unauthorized use of any and all information pertaining to credit. It prohibits only the use or obtainment of a 'consumer report.' The FCRA defines 'consumer report' as 'any ... communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness ... which is used or expected to be used or collected ... for the purpose of serving as a factor in establishing the consumer's eligibility for ... credit.' [The dealership] did not use or obtain a 'consumer report.' [The individual] insists that [the dealership] improperly distributed his and his mother's 'credit information,' but the undisputed material facts show that [the dealership] only distributed the Joint Application, which is not a 'consumer report' because it does not contain or communicate information from a 'consumer reporting agency bearing on [the individual's or his mother's] credit worthiness.' The Joint Application is nothing more than a one-page form giving [the individual's] consent to obtain a consumer report. [The dealership] ... did not 'use or obtain a consumer report' by sending the Joint Application to multiple lenders, and there are no allegations that [the dealership] itself used or obtained a consumer report from the lenders or a credit reporting agency. Accordingly, ... [the dealership] did not violate § 1681b(f) and is therefore not liable for negligent or willful non-compliance with the FCRA." See *Wilson v. Kelsey Chevrolet, LLC*, 2025 U.S. Dist. LEXIS 216935 (S.D. Ind. November 4, 2025).

This Month's CARLAWYER[®] Compliance Tip

The Wilson case decision on a consumer report came out in favor of the dealer. That's always welcome news, but the consumer's challenge of the "Joint Application" should send up a warning flag. The question of what the joint application stated, what permissions it gives, and whether the dealer referenced the creditors' name and address on the credit application, is one of the thorniest legal problems facing dealers. If your dealership takes credit applications from customers and has not had a recent thorough legal review of the application, it's lawyer time again.

So, there's this month's roundup! Stay legal, and we'll see you next month.



Eric L. Johnson
Partner of Hudson Cook, LLP

Eric (ejohnson@hudco.com) is a Partner in the law firm of Hudson Cook, LLP, Editor in Chief of CounselorLibrary.com's Spot Delivery[®], a monthly legal newsletter for auto dealers, and a contributing author and editor of the F&I Legal Desk Book. For information, visit www.counselorlibrary.com. ©CounselorLibrary.com 2025, all rights reserved. Single publication rights only to the Association. HC# 4937-9942-3356



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The background of this section is a photograph of a city skyline at dusk or dawn, with several skyscrapers illuminated. On the left side, there is a logo for the National Auctioneers Association (NAA). The logo features the letters 'NAA' in a large, bold, black font. Below the letters is a stylized black and white illustration of a gavel. Underneath the gavel, the words 'NATIONAL Auctioneers Association' are written in a smaller, black, sans-serif font.

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9am

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