Summer 2026

TENNESSEE TDN DEALER NEWS

Est. 2007

THE SOURCE

IN THIS ISSUE:

Table of Contents

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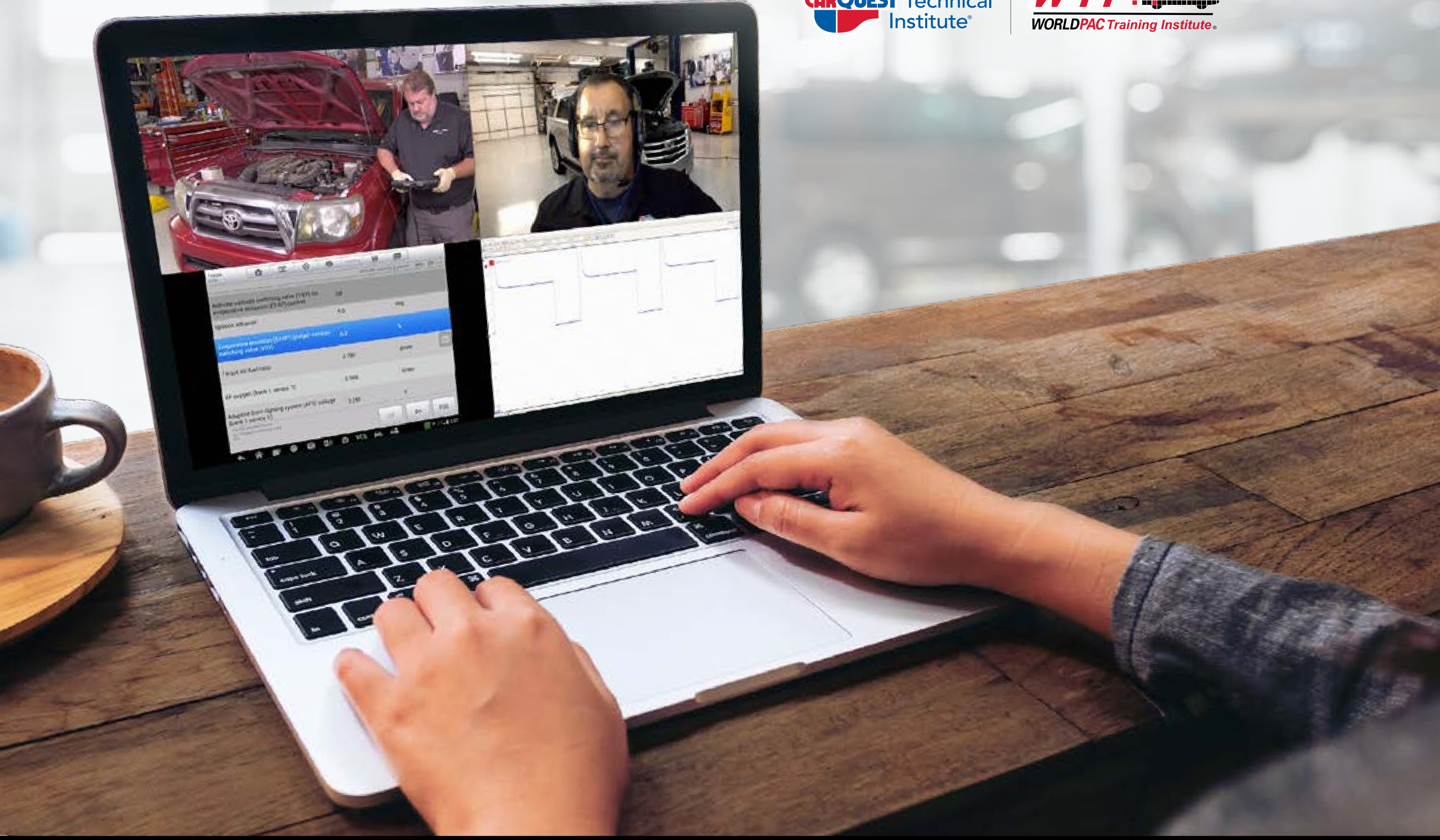

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By: Steve Stauning

Stop Chasing Shiny Objects

It's been almost 14 years since I delivered a presentation titled Stop Chasing Shiny Objects (and Start Selling Cars!) at a Digital Dealer Conference. The timing was perfect, as dealers were being inundated by vendors insisting they dump thousands of dollars and dozens of manhours every month into Pinterest, Foursquare, and Twitter despite clear data that these sources were ineffective at driving sales.

As I explained to those in attendance, they would be better served spending that money on bus bench advertising and spending their time on virtually anything else.

Unfortunately, it seems little has changed since then. Dealers looking for shortcuts continue to jump at the chance to buy the next shiny object offered by anyone and everyone who claims to have the secret to magically growing sales and grosses without anyone on the sales staff having to lift a finger.

Stop Chasing Shiny Objects

No, really, stop it. Stop it now!

The secrets, if you will, to growing market share and enjoying better grosses all require work. They require simple activities like holding salespeople and managers accountable. The secrets are about running a good business and focusing on the basics. If you've mastered the basics, then trying a short-term test with the latest and greatest might make sense; provided the expense is manageable. Of course, those who are quickest to jump at shiny objects have done very little to master the basics.

Accountability

Are you responding to your leads within 15 minutes with a call, text, and email in that order? Are you solely focused on setting appointments that show with every Phone Up and connected Internet Lead? If not, then your slowing sales have nothing to do with where you're spending your marketing dollars and everything to do with holding your salespeople accountable to the best practices proven to move more metal for more money.

Oh, and AI won't help. At least not yet. Every team I work with that added AI to their sales processes has seen their results remain flat or even decline. Why? Because when salespeople know that the AI bot will respond to a lead, they stop making outbound calls. When they believe that the AI bot will set appointments, they stop setting them.
The only things that grow are your expenses. Master the basics, then look for an edge.

Good Processes

I get it: processes are boring and shiny objects are fun. But good processes move metal, and great processes move metal at higher grosses. Simple, time-tested processes like adhering to a strict road-to-the-sale also create a better customer experience.

For example, the road-to-the-sale, when conducted properly, helps the customer fall in love with their vehicle of interest. It builds like and trust in the salesperson and the dealership. And it leads to fewer deals being lost in the Write-Up.

The issue for most dealers today is not that they don't have a road-to-the-sale, it's that so few follow it. Some salespeople are too quick to sniff out tire kickers, so they vomit all the information on your Fresh Ups before they've even taken a demo drive. You don't lose deals in Write-Up, because so few Fresh Ups get that far. Dust off your road-to-the-sale; update it if necessary; start enforcing it, then look for an edge.

Competitive Advantage

When I was with the Asbury Automotive Group, our CEO Charles Oglesby once told me, "You cannot hold a creative competitive advantage in automotive." His point was that if some vendor really did invent some secret to moving metal, every competing vendor and every competing dealer would quickly copy it. His words were true nearly 20 years ago and they're still true today.

There are no secrets to selling cars, it just takes work. Put in the work, then look for an edge. Until then, spend your time refining and enforcing your processes. Oh, and keep your money in the bank (or spend it on bus bench advertising). 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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John Summer

The FTC is Watching Your Ads

On March 13, 2026, the Federal Trade Commission (FTC) sent letters out to 97 of the largest Francise Dealer Groups in the nation representing hundreds of dealerships. This is a shot across the bow for many dealerships, and it addressed three main concerns. The first was not disclosing Hidden Fees. The second addressed the practice of advertising Contingent Pricing, and the third involved advertising vehicles that are not available. That first item should be getting the attention of all car dealerships, New and Used.

Online advertising is about the only kind of advertising utilized by car dealerships today. Newspapers have all but disappeared, radio advertising got confusing when we moved from FM to satellite radio. The consumer today can find anything they want online, and it is no different for their next vehicle purchase. For that reason, almost every dealer in the nation has a website. Most dealerships are also advertising on 3rd Party Classified Sites and Social Media platforms. The average car dealership has more than just one website for their dealership, and it is not uncommon to have as many as a dozen other online advertising outlets in play for any one dealership.

Let's face it, most dealerships are charging a processing fee and that is the main focus of this letter from the FTC. They used the term, "Junk Fees" several times in this letter. It is obvious they don't like Processing Fees and the main point they were making in this letter is that Federal law requires all car dealerships to disclose all "junk fees" in all advertisements. Some of our clients have read this letter and decided now is the time to move to both including the processing fee in all advertised pricing as well as disclosing the processing fee and amount in separate disclaimers. That is most likely not what your state law requires but they would rather error on the side of caution than become the target of the FTC.

It is extremely easy and affordable for a car dealership to advertise online. There are sites that contain your vehicle listings that you may not even be aware of. To complicate matters you may have salespeople listing your vehicles on Social Media platforms like Facebook and TikTok without your knowledge. Are you sure that ALL your online advertising is compliant with State and Federal law? That may be hard to answer if you are not even sure exactly where you are advertising online. However, the government does not give you a pass just because you were not aware of an infraction. If they find one of your listings advertised without the processing fee disclosure you will face warning letters and possible fines.

It may be next to impossible for you to find all your online advertising. Even if you know where you are advertising today, things change. Tomorrow your listings could be on any number of other sites with or without your knowledge. This all makes it very hard for you to ensure you are advertising in a compliant manner 100% of the time. That is, until now. JTZ Enterprise has introduced a new service that will help you not only verify your advertising is compliant today, but it will also ensure your advertising remains compliant in the future.

Enroll in our Dealer Online Advertising Monitoring (DOAM) services today and put to rest the worry you could be the next dealership receiving a nasty letter from the FTC or your state governing body. When you enroll in the DOAM service you instantly get a full review of all your online advertising. We will identify all websites we call, "Dealer Dedicated". These are sites that only advertise your dealership and no others. We also provide you with a list of all known Social Media pages dedicated to your website. Finally, we can provide a list of all 3rd Party Classified sites that are reported to contain advertisements for your listings and/or your dealership. You will probably be surprised to find out just how many advertising outlets you currently have in play. You may find some of these advertisements are old and should have been taken down long ago. We will help you first by identifying all your advertisements thereby giving you a chance to do a thorough review on your own.

Once the DOAM has a complete snapshot of your online advertising efforts it then goes to work reviewing these advertisements one at a time. That review is where we identify any advertising infractions you may have. Processing Fees are just one regulation we monitor. We also verify Freight disclosures, improper use of the word "Free" (you can give away free hotdogs to everyone who shows up next Saturday but you cannot restrict free hotdogs for those who buy a car next Friday), advertised Sale prices without a Sale End Date, improper use of Trigger Terms, and much more. We have a focus not just on the Federal laws, we also take into account your State's Regulations. The DOAM utilizes Artificial Intelligence (AI) to review all your Dealer Dedicated websites, Social Media Posts, and 3rd Party Classified sites. Once you provide us with a list of your salespeople, we then scour Facebook and TikTok for posts from them that contain your vehicles. If any such posts are found, we then verify these posts are compliant with all State and Federal laws. When we find any Advertising Regulation Violations, we generate a snapshot of each one and report them to you. The goal is to let us find your infractions before the government does.

You can get DOAM protection on a one-time basis or for a continuing period of time. Your choice. We provide you with a portal to review all past findings. We will send you emails and/or text messages immediately upon finding any infractions so that you can act on them before they become a problem. Call today to put the DOAM to work for you and avoid any run-in with the FTC!

John Summer

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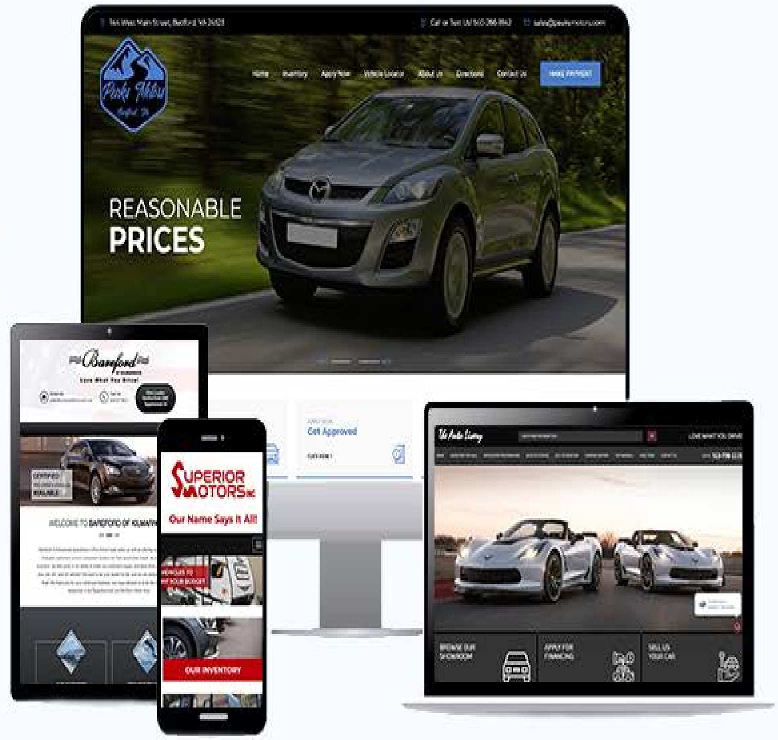

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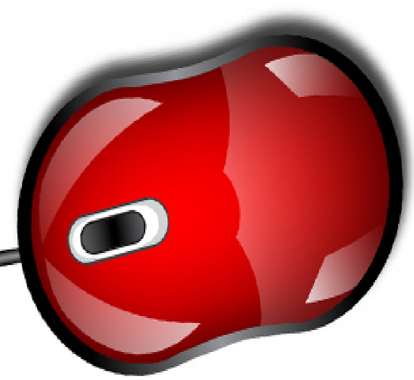

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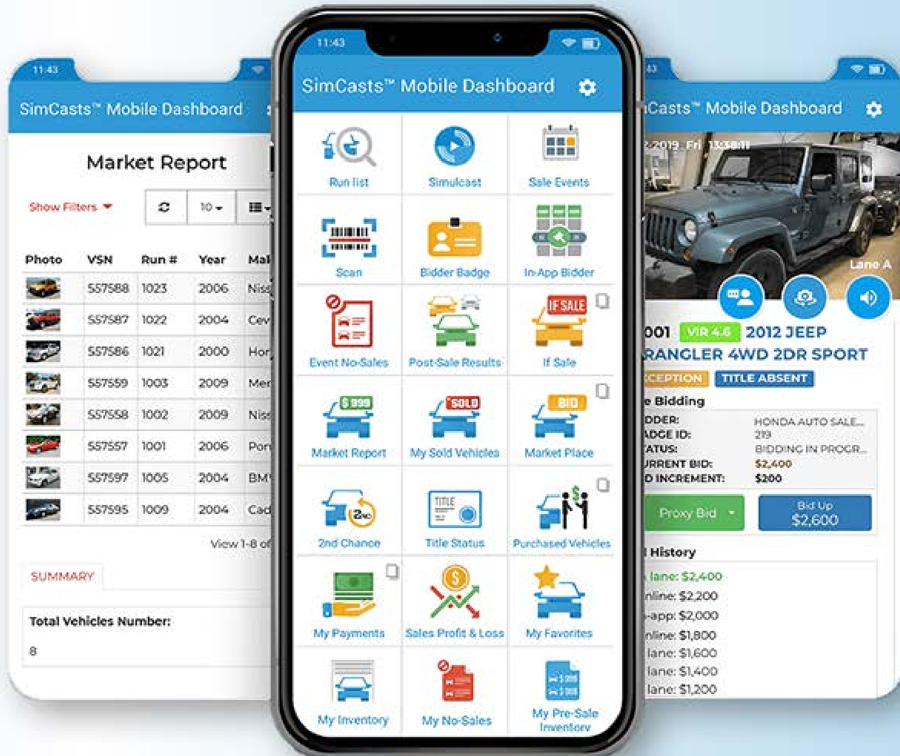

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Primary Phone: 615-847-7400

www.adesa.com/Nashville

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5400 Getwell Rd, Memphis, TN 38118
Primary Phone: 901-365-6300

www.adesa.com/memphis

ADESA Knoxville

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Primary Phone: 865-988-8000

www.adesa.com/Knoxville

BAMA Auto Auction

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Primary Phone: 256-304-0947
Alt. Phone: 256-304-0949
www.bamaautoauctionusa.com

Mid-South Classic Car Auction

Sale Day: Check website for schedule

50 Fiberglass Rd
Jackson, TN 38301
Primary Phone: 731-423-5551

www.midsouthclassiccarauction.com

JONESBORO AUTO AUCTION

Sale Day: Tuesday at 1:00 p.m.
114 Auction Rd.
Jonesboro, AR 72401
Primary Phone: 870-935-7524

www.jonesboroautoauctionar.com

AUCTION PARTNERS

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Nashville

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Tuesday / Wednesday / Thursday

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Mt. Juliet, TN 37122

Primary Phone: 615-773-3800

www.manheim.com

Shoals North Alabama Auto Auction

Sale Day: Tuesday at

2:15 p.m.

651 Fairground Rd.

Muscle Shoals, AL 35661

Primary Phone: 256-381-2745

www.snaaa.com

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1Click Auto Auction LLC

Austin, TX 78726, USA

Primary Phone: 1-888-461-2542

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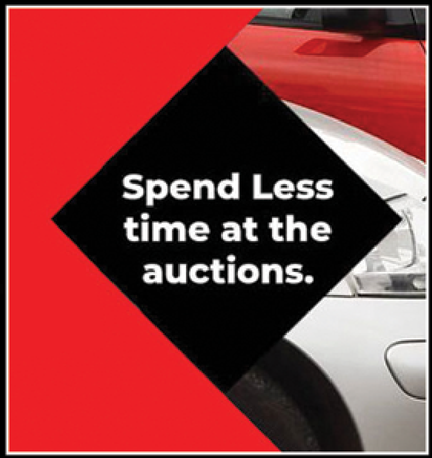

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By: Nicole F. Munro

Federal Agencies' Withdrawal of Joint Statement on Fair Lending Likely to Reduce Credit Opportunities for Non-Citizens

On January 12, 2026, the Consumer Financial Protection Bureau and the Department of Justice withdrew their October 2023 joint statement regarding the implications of a creditor's consideration of an individual's immigration status on compliance with the Equal Credit Opportunity Act. The 2023 statement cautioned that creditor policies related to an applicant's immigration or citizenship status could, in certain circumstances, run afoul of the ECOA's and Regulation B's prohibition against discrimination on the basis of protected classes, including race and national origin.

The CFPB recently revised its policies regarding the issuance of guidance documents and will avoid issuing guidance that is not necessary or would increase compliance burdens. With this withdrawal, the CFPB concluded that the additional guidance on this topic was unnecessary, and, "to the extent that the joint statement was understood to require new or increased compliance efforts, it is appropriate for recission under the Bureau's revised policy."

The withdrawal noted that Reg. B permits the consideration of any information obtained, so long as the information is not used to discriminate against an applicant on a prohibited basis and expressly allows a creditor to take the applicant's immigration status into account. Under Reg. B, a creditor may consider the applicant's immigration status or status as a permanent resident of the United States and any additional information that may be necessary to ascertain the creditor's rights and remedies regarding repayment. It went on to discredit the 2023 joint statement as creating confusion that the ECOA or Reg. B prohibits the consideration of immigration or citizenship status by a creditor evaluating an application for credit. To the contrary, the published withdrawal statement emphasized the legitimacy of consideration of immigration status to fully assess underwriting risks related to providing credit to those without lawful status or who are otherwise unauthorized to work in the U.S.

Although the guidance withdrawal is consistent with the administration's, and, consequently, the current CFPB's, approach to guidance, this withdrawal might, ironically (given its stated purpose), effectively allow discrimination, or, at the very least, have a discriminatory impact, based upon race and national origin. When coupled with ICE raids in a growing number of states across the country resulting in the imprisonment or deportation of non-violent non-citizens who would have otherwise qualified for credit and paid according to the terms of the transaction, the notion that someone is a non-citizen may have a greater impact on that person's ability to pay than it did before. As a result, credit may be significantly (although arguably legally) constricted for non-citizens, at least in part because of their national origin.

Over the years, creditworthy non-citizens have typically had no trouble buying and obtaining financing for vehicles or obtaining other extensions of credit. In fact, many government programs offer incentives for creditors to engage in banking and credit transactions with underserved communities. We have invited non-citizens to join in what can be one of the most American opportunities for growth—buying a house or buying a car—and doing so on credit. The withdrawal of this guidance may have the opposite effect.

So, what does a creditor do? Creditors may modify their programs. However, you should only do so under the advice of knowledgeable counsel. You also don't have to change anything. We note that a creditor cannot be penalized simply for continuing to rely on withdrawn guidance. Creditors that have structured their operations consistent with the joint statement's comments on compliance risks can continue to operate in that manner without penalty, and because the joint statement was non-binding on the public or courts, consumers' rights under the ECOA are unchanged.

Nicole F. Munro is a partner in the Maryland office of Hudson Cook, LLP. Nikki can be reached at 410.865.5430 or by email at nmunro@hudco.com.

By: Eric Johnson

Continued on page 20

The CARLAWYER©
Federal Developments

On June 8, the National Credit Union Administration published an interim final rule to clarify federal credit unions' power to charge non-interest charges and fees, including interchange fees. An interchange fee is generally a fee paid to an issuer bank as part of a payment card transaction. The interim final rule also clarifies that federal credit unions may charge non-interest charges and fees even when those charges and fees are set by or in consultation with third parties. The NCUA's interim final rule is intended to preempt any state law affecting non-interest charges and fees related to payment card services and is specifically in response to Illinois's Interchange Fee Prohibition Act. The IFPA, enacted in 2024, prohibits card issuer banks, card networks, and acquirer banks from charging or receiving interchange fees on the tax and gratuity portions of payment card transactions and restricts the use of payment card transaction data. However, a federal district court recently issued a permanent injunction against enforcement of most of the IFPA after the Office of the Comptroller of the Currency issued its interim final rule in April that clarifies that a national bank's power under the National Bank Act to charge non-interest charges and fees includes the power to charge and collect interchange fees for processing credit and debit card transactions, regardless of whether those fees are set by the bank or a third party. The NCUA's interim final rule is effective on June 30, 2026. Comments on the interim final rule must be received by July 9, 2026.

On June 24, the Consumer Financial Protection Bureau announced several changes to its consumer complaint portal. The CFPB's news release states that the changes address, in part, purported abuse of the complaint process by consumers, noting specifically that the volume of complaints about credit reporting has increased 3,700% from 2019 to 2025 and that the nationwide consumer reporting agencies do not have a uniform process for responding to this growing number of consumer complaints. The CFPB has made, or intends to make, the following changes: (1) The CFPB issued a new Company Portal Manual that provides a standardized process for CRAs and other companies to follow when responding to consumer complaints and categorizing responses to complaints; (2) The CFPB now requires consumers to use two-factor authentication. The CFPB also added clarifying text and new relationship categories to emphasize that third parties must disclose their involvement in the complaint process. The CFPB plans to implement address validation at the complaint submission step. The CFPB also plans to provide user support materials so adult children of aging parents, spouses of servicemembers, and other authorized representatives know how to submit complaints; (3) The CFPB added a notice informing consumers that they must first exhaust their disputes of inaccurate or incomplete information directly with CRAs in accordance with the Fair Credit Reporting Act before submitting a complaint to the CFPB. The CFPB is also considering adding an additional administrative response option so CRAs can efficiently return complaints where the consumer has not exhausted his or her FCRA dispute obligations; (4) The CFPB intends to provide greater specificity regarding when to use existing administrative response categories and may add additional administrative response categories, such as when a consumer appears to be abusing the complaint process; (5) The CFPB has developed resources to educate consumers about how to address errors in their credit reports, including materials highlighting the costs and risks of credit repair and how to spot fraud and scams; and (6) The CFPB is implementing technology that will increase the efficiency of the complaint process.

On June 25, the National Credit Union Administration published a final rule that codifies the elimination of reputation risk from its supervisory framework. This change aligns with Executive Order 14331, 'Guaranteeing Fair Banking for All Americans.' Effective September 25, 2025, the NCUA ceased examining for reputation risk. This final rule affirms that the agency will not consider reputation risk in supervisory determinations or other decisions and will not take adverse actions on that basis. The final rule prohibits the NCUA from requiring, instructing, or encouraging an institution to close an account, to refrain from providing an account, product, or service, or to modify or terminate any product or service on the basis of a person or entity's political, social, cultural, or religious views or beliefs, constitutionally protected speech, or solely on the basis of politically disfavored but lawful business activities perceived to present reputation risk. The final rule also restricts the NCUA from taking any supervisory action or other adverse action against a credit union, a group of credit unions, or the institution-affiliated parties of any credit union that is designed to punish or discourage an individual or group from engaging in any lawful political, social, cultural, or religious activities, constitutionally protected speech, or, for political reasons, lawful business activities that the agency or its personnel disagree with or disfavor.

On June 25, the Consumer Financial Protection Bureau, the Securities and Exchange Commission, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Federal Housing Finance Agency, the Commodity Futures Trading Commission, and the Department of the Treasury issued a final rule that establishes uniform, technical standards for data submitted by financial entities to the federal regulatory agencies. The joint final rule is required under the Financial Data Transparency Act of 2022 to promote interoperability of financial regulatory data across the agencies. According to the CFPB's news release, "[t]he new standards being adopted establish common identifiers for entities, geographic locations, dates, and certain products and currencies. The standards include a principles-based joint standard with respect to data transmission and schema and taxonomy formats, which would allow financial institutions to submit high-quality, machine-readable data to the agencies."

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Continued from page 16

The CARLAWYER©
Case(s) of the Month

By: Eric Johnson

Dealership that Served as Arranger of Credit Could Be Liable as Creditor Under ECOA: An individual wanted to buy a car from a dealership and obtained financing approval from a finance company. As part of the credit application, the individual submitted his driver's license and proof of income, which both identified him as African American and showed that part of his income came from Veteran's Administration benefits. The individual alleged that when the dealership learned of his race and his VA income, it decided it no longer wanted to do business with him. The individual also alleged that the dealership's finance manager made hostile remarks to him over the phone. The individual sued the dealership for violating the federal Equal Credit Opportunity Act and the Kentucky Consumer Protection Act. The dealership moved to dismiss the complaint, and the U.S. District Court for the Eastern District of Kentucky granted the motion in part and denied it in part.

The individual claimed that the dealership violated the ECOA by discriminating against him due to his race and source of income and by failing to provide an adverse action notice stating the reasons for credit denial. The dealership argued that it was not a "creditor," as defined in the ECOA, to which these requirements apply. The court disagreed, noting that the ECOA includes in the definition of "creditor" a person who regularly arranges for the extension, renewal, or continuation of credit and that the regulations implementing the ECOA explain that "creditor" also includes any person who, in the ordinary course of business, regularly refers applicants or prospective applicants to creditors. The court found that because the dealership referred the individual's application to the finance company and because the dealership "served a gatekeeping function which has the effect of denying [the individual] the opportunity to finance a vehicle," he sufficiently pled an ECOA claim as a member of a protected class. The individual claimed that the dealership violated the KCPA by denying him credit based on his race. The court disagreed for several reasons. First, the court found that the individual did not allege the requisite false, deceptive, or misleading practice as required to state a claim under the KCPA. Second, the court determined that, in order to state a claim under the KCPA, a plaintiff must be in privity of contract with the defendant. Because the car purchase and financing were prospective, the court concluded that the individual did not satisfy this element. Finally, the court noted that a claim under the KCPA requires financial harm, but the individual did not allege any financial harm due to his prospective transaction with the dealership. **See Golden v. Rod Hatfield Chrysler Dodge Jeep Ram, LLC**, *2026 U.S. Dist. LEXIS 113840 (E.D. Ky. May 19, 2026).*

This Month's CARLAWYER© Compliance Tip

What steps are you taking in relation to the FTC's warning letters to 97 auto dealer groups? The letters advised recipients of the FTC's concern that the advertised prices of their vehicles did not include all mandatory fees and thus did not reflect the actual prices that consumers paid. A failure to include required fees, among other practices, would be a violation of the FTC Act's prohibition on unfair or deceptive acts and practices (UDAPs). The press release issued in conjunction with the warning letters noted that it was part of the FTC's ongoing work to ensure price transparency across multiple markets including rental housing, ticketing and hotels, grocery and delivery services, and auto sales and leasing. To help support affordability in the marketplace, the FTC is dedicated to ensuring that consumers only pay the advertised price for products and services, and are not subject to undisclosed fees, hidden charges or other illegal conduct. The warning letters also noted several pending actions the FTC has brought to address deceptive pricing practices and named several dealership defendants. The warning letters advised the dealership groups to review its practices, including by making sure the prices it advertises include all required fees and charges except for required government charges. The FTC's warning letters should be a wakeup call for dealers everyone. So, what steps are you taking to ensure your advertised prices and actual prices match?

Eric L. Johnson
Partner of Hudson Cook, LLP

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

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.

Our Mission

The Tennessee Auctioneers Association (TAA) is a professional organization supporting the auction industry. We promote high standards and encourage members to practice the highest principles of integrity in their auctioneering profession. Members agree to work uniformly to remain competitive in the auctioneering profession.

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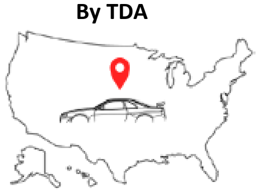

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