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# Internet Leads in a Buyer's Market Require Discipline

If your market is not already considered a buyer's market, rest assured, it will happen soon enough. Most dealerships today face a buyer's market – that is, a market where there is ample supply and flat or dwindling demand. In these markets, we often expect lower grosses, though that doesn't have to be the case for you... if you'll employ some discipline with your Internet Leads.

## SPEED TO LEAD

Everyone knows a fast response is critical, but too often the focus is only on speed, and not on quality.

We know from our data that a fast **QUALITY** response starting with a Phone Call, then a Text, and then an Email - in that order - gets you connected with your internet leads faster than responding in any other fashion.

We also know from our data that the first dealer to reach a new internet prospect – not the first one to stop the clock – is 4-5x more likely to sell them a vehicle than the second dealer. Why is that?

Because nearly all the information is already online, and because consumers don't love talking to dealerships, most are willing to give the first dealership the chance to earn their business before engaging with anyone else.

We also know that getting a reconnection in the first three days is critical because buying timelines are shorter than they were even a few years ago. That lead that arrived today wants to buy today. And every day that passes before you reconnect means the customer could lose their new car fever or buy from someone else – someone who reached them ahead of you.

## ONLY FOUR OUTCOMES

Let's say you do reach an Internet customer over the phone, and they want to know their exact payment before they'll commit to a test drive. What do you do?

Unfortunately for many dealers, buyer's markets also bring a panic to sell vehicles while breaking their own rules. For example, I'm sure you have a rule that salespeople are not allowed to discuss price or payments on the lot. However, if you're like most dealers and managers today, you'll routinely allow them to discuss these over the phone with customers who could drive to your dealership.

But I get it, she wants to know if she can be under \$550/month on her payments, and she's adamant that she won't come in until you confirm this over the phone.

You could try to fully answer that question and then she'll never need to come in, or you can use old-school AIM (Acknowledge, Ignore, and Move on to your goal) to set an appointment that shows:

*That's a great question.*

*Of course, there is so much that goes into calculating final payments that it would be impossible for me to even give you a ballpark over the phone, so let's do this...*

*Let's go ahead and schedule a priority test in the Explorer, make sure it's the vehicle you want to own, and when we get back, I promise we're going to give you all the numbers, including final*

*payments, so that you can take everything home and make an informed decision. How's that sound?*

Think about this for a minute: She lives or works close enough to the dealership to drive to the store, yet she refuses to do so until you answer a Write-Up question over the phone – something you won't allow your salespeople to do on the lot. What are the possible outcomes of sharing payments, interest rate, down payment, or trade value with someone like this?

1. They love the numbers, drop everything, and rush over to buy the vehicle.
2. They love the numbers, but they want to see if Competitor A can beat it.
3. They don't love the numbers, so they decide now is not the time to buy.
4. They don't love the numbers, so they shop your numbers with your competition.

Scenario 1 will only happen if you're willing to lose more money on a deal than all your competitors. This means losing money on the Front hoping you'll make it on the Back or with the trade (if they have one). And even then, there's no guarantee that they'll still love the vehicle after the demo drive or that you can make the deal happen (because their credit is a little dinged up, etc.).

## IT'S ALL DISCIPLINE

Believe it or not, you'll sell more vehicles in any market – including in a buyer's market – when your team is disciplined enough to always make a fast, quality response to new leads and when they're disciplined enough to avoid vomiting information on those who can drive to the dealership.

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](mailto:Steve@SteveStauning.com)



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# FTC Secures Historic \$2.5 Billion Settlement Against Amazon

**A**gency alleged that Amazon used deceptive methods to sign up consumers for Prime subscriptions and made it exceedingly difficult to cancel

The Federal Trade Commission has secured a historic order with Amazon.com, Inc., as well as Senior Vice President Neil Lindsay and Vice President Jamil Ghani, settling allegations that Amazon enrolled millions of consumers in Prime subscriptions without their consent, and knowingly made it difficult for consumers to cancel. Amazon will be required to pay a \$1 billion civil penalty, provide \$1.5 billion in refunds back to consumers harmed by their deceptive Prime enrollment practices, and cease unlawful enrollment and cancellation practices for Prime.

“Today, the Trump-Vance FTC made history and secured a record-breaking, monumental win for the millions of Americans who are tired of deceptive subscriptions that feel impossible to cancel,” said FTC Chairman Andrew N. Ferguson. “The evidence showed that Amazon used sophisticated subscription traps designed to manipulate consumers into enrolling in Prime, and then made it exceedingly hard for consumers to end their subscription. Today, we are putting billions of dollars back into Americans’ pockets, and making sure Amazon never does this again. The Trump-Vance FTC is committed to fighting back when companies try to cheat ordinary Americans out of their hard-earned pay.”

The FTC has charged Amazon and several Amazon executives with knowingly misleading millions of consumers into enrolling in Prime, violating the FTC Act and the Restore Online Shoppers’ Confidence Act (ROSCA). The FTC alleged Amazon created confusing and deceptive user interfaces to lead consumers to enroll in Prime without their knowledge. Compounding these deceptive enrollment practices, Amazon also created a complex and difficult process for consumers seeking to cancel their Prime subscription, with the goal of preventing consumers from cancelling Prime. Amazon documents discovered in the lead up to trial showed that Amazon executives and employees knowingly discussed these unlawful enrollment and cancellation issues, with comments like “subscription driving is a bit of a shady world” and leading consumers to unwanted subscriptions is “an unspoken cancer.”

The historic monetary judgment contained in the settlement is only the third ROSCA case in which the FTC has obtained a civil penalty. It includes:

a \$1 billion civil penalty, which is the largest ever in a case involving an FTC rule violation; \$1.5 billion in consumer redress, providing full relief for the estimated 35 million consumers impacted by unwanted Prime enrollment or deferred cancellation. This is the second-highest restitution award ever obtained by FTC action.

Additionally, the settlement requires Amazon to stop their unlawful practices and make meaningful changes to the Prime enrollment and cancellation flows by:

including a clear and conspicuous button for customers to decline Prime. Amazon can no longer have a button that says, “No, I don’t want Free Shipping.”

including clear and conspicuous disclosures about all material terms of Prime during the Prime enrollment process, such as the cost, the date and frequency of charges to consumers, whether the subscription auto-renews, and cancellation procedures.

creating an easy way for consumers to cancel Prime, using the same method that consumers used to sign up. The process cannot be difficult, costly, or time-consuming and must be available using the same method that consumers used to sign up; and paying for an independent, third-party supervisor to monitor Amazon’s compliance with the consumer redress distribution process.

The Commission vote approving the stipulated final order was 3-0. The FTC filed the proposed order in the U.S. District Court for the Western District of Washington.

NOTE: Stipulated final orders have the force of law when approved and signed by the District Court judge.

**Media Contact**  
**Christopher Bissex**  
**Office of Public Affairs**  
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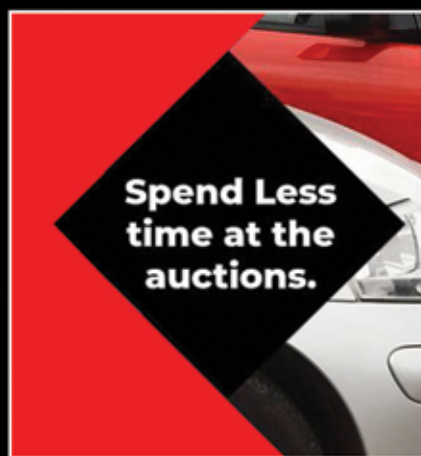
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# The CARLAWYER<sup>©</sup>

## Federal Developments

On July 31, House Financial Services Committee Chairman French Hill (R-AR) and Financial Institutions Subcommittee Chairman Andy Barr (R-KY) issued a request for feedback from the public on potential changes to current federal consumer financial data privacy law. Comments must be received by August 28, 2025. Specifically, the House Financial Services Committee requests feedback on the following questions concerning Title V, Subtitle A, of the Gramm-Leach-Bliley Act: (1) Should we amend the GLBA or consider a broader approach? (2) Should we consider a preemptive federal GLBA standard or maintain the current GLBA federal floor approach? (3) If the GLBA is made a preemptive federal standard, how should it address state laws that only provide for a data-level exemption from their general consumer data privacy laws? (4) How should the GLBA relate to other federal consumer data privacy laws? (5) How should we define "non-public personal information" within the context of privacy regulations? (6) Do the definitions of "consumer" and "customer relationship" in the GLBA require modification? (7) Does the current definition of "financial institutions" sufficiently cover entities such as data aggregators? (8) Are there states that have developed effective privacy frameworks? (9) Should we consider requiring consent to be obtained before collecting certain types of data, such as PIN numbers and IP addresses? (10) Should we consider mandating the deletion of data for accounts that have been inactive for over a year? (11) Should we consider requiring consumers to be provided with a list of entities receiving their data? (12) Should we consider changing the structure by which a financial institution is held liable if data it collects or holds is shared with a third party and that third party is breached? (13) Should we consider changes to require holders of consumer financial data to minimize data collection to only collection that is needed to effectuate a consumer transaction and place limits on the time period for data retention?

On August 5, the Federal Deposit Insurance Corporation released a Financial Institution Letter that updates the agency's supervisory approach regarding whether an FDIC-supervised institution can use pre-populated customer information for the purpose of opening an account to satisfy Customer Identification Program requirements. According to the FIL, "[t]he CIP rule, 31 C.F.R. § 1020.220, implements Section 326 of the USA PATRIOT Act, which, among other things, requires financial institutions to implement reasonable procedures for verifying the identity of a person seeking to open an account, to the extent reasonable and practicable, and maintain records of the information used to verify a person's identity. The CIP rule requires an institution to collect certain information from a customer opening an account. It is the FDIC's position that the requirement to collect identifying information 'from the customer' under the CIP rule does not preclude the use of pre-filled information. A commonly encountered example is the opening of an account electronically where fields in a digital form are automatically pre-populated (or 'pre-filled') with a customer's identifying information." "Under the FDIC's interpretation, a financial institution could use information from current or prior accounts or relationships involving the bank or its agents, or other sources, such as parent organizations, affiliates, vendors, and other third parties to pre-fill information that is reviewed and submitted by the customer. The FDIC considers such information from the customer for purposes of the CIP rule. When examining an FDIC-supervised institution that collects identifying information from a customer where some or all of the information was pre-populated, FDIC examiners will consider the pre-filled information as from the customer provided that (1) the customer has opportunity and the ability to review, correct, update, and confirm the accuracy of the information, and (2) the institution's processes for opening an account that involves pre-populated information allow the institution to form a reasonable belief as to the identity of its customer and are based on the institution's assessment of the relevant risks, including the risk of fraudulent account opening or takeover."

On August 7, President Trump issued a new executive order - "Guaranteeing Fair Banking For All Americans." The EO states that "[f]inancial institutions have engaged in unacceptable practices to restrict law-abiding individuals' and businesses' access to financial services on the basis of political or religious beliefs or lawful business activities," resulting in unlawful discrimination against individuals and businesses in credit transactions and undermining public trust in banking institutions and their regulators. The EO states that "[i]t is the policy of the United States that no American should be denied access to financial services because of their constitutionally or statutorily protected beliefs, affiliations, or political views, and to ensure that politicized and unlawful debanking is not used as a tool to inhibit such beliefs, affiliations, or political views. Banking decisions must instead be made on the basis of individualized, objective, and risk-based analyses." The EO requires federal banking regulators to eliminate "reputation risk or equivalent concepts that could result in politicized or unlawful debanking" from their guidance documents, manuals, and other materials used to regulate or examine financial institutions. Federal banking regulators must also conduct reviews to identify financial institutions that have had any past or current policies or practices that have influenced the financial institution to engage in politicized or unlawful debanking and to take remedial action, including levying fines and issuing consent decrees. During reviews of their supervisory data, federal banking regulators must also identify any financial institution that has engaged in unlawful debanking based on religion and refer the matter to the Attorney General. Financial institutions subject to the Small Business Administration's jurisdiction and supervision must "make[] reasonable efforts to identify and reinstate any previous clients of the institution or any subsidiaries denied service through a politicized or unlawful debanking action."

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# The CARLAWYER®

## Case(s) of the Month

Car Buyer Agreed to Arbitration Agreement that Was Incorporated into Buyers Order She Signed, Whether or Not She Gave Consent to Have Her Electronic Signature Affixed to Arbitration Agreement: An individual selected a car to purchase from a dealership and signed a Retail Buyers Order, among other documents. Her electronic signature also appeared on an arbitration agreement. When the dealership was unable to obtain financing for the individual, it repossessed the car. The individual sued the dealership and the finance company to which she had applied for financing for violating the Ohio Consumer Sales Practices Act, among other state law claims. The defendants moved to compel arbitration of the individual's claims, and the trial court granted the motion. The individual first argued that the trial court erred in allowing arbitration because she did not consent to having her electronic signature placed on the arbitration agreement. The Court of Appeals of Ohio found that whether or not the individual signed the arbitration agreement, there was no dispute that she signed the RBO, and the RBO incorporated the terms of the arbitration agreement by reference. The appellate court also addressed, among other claims, the individual's claim that the finance company, as a nonsignatory to the arbitration agreement, should not be able to seek arbitration of her claims because it is not an "assign" of the dealership. The appellate court determined, based on precedent, that the dealership, as a signatory, has a right to demand arbitration and to have the issue of whether the finance company qualifies as its assign heard by an arbitrator. See *McCreary v. Taylor Cadillac, Inc.*, 2025 Ohio App. LEXIS 2490 (Ohio App. July 21, 2025).

### This Month's CARLAWYER® Compliance Tip

The case above shows how important it is for the dealer's documents to "work" together for a common goal; in this case arbitration. The dealer's buyer's order incorporated the terms of the arbitration agreement by reference and the court found that whether or not the buyer signed the arbitration agreement, there was no dispute that she signed the buyer's order, and the buyer's order incorporated the terms of the arbitration agreement by reference. As it took going to the Court of Appeals to get this result however, it was likely an expensive endeavor. What about your documents; do you have the buyer(s) sign a buyer's order that includes an arbitration agreement or do you have a separate arbitration agreement? If separate, do your documents "work" together and incorporate other documents like the arbitration agreement by reference? Time to pull your customer facing documents out and talk to your trusty compliance lawyer!

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# 4927-5172-2597*

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