

Redundancies and Other Pet Peeves

by : Gil Van Over

Admit it, there are things that rub you raw. Pet peeves. Irritating actions. Call them what you want, but they are repetitive actions that you observe, scratch your head and wonder, “what the...?”

I have my set of pet peeves. Likely my biggest one is people who don't know how to manage the gaps. They are driving slow in the fast lane about half a mile behind the car in front of them. They are usually on a cell phone, or eating, or from a state where the speed limit is 55 while driving in a 70 mile an hour state. They would get run over in Europe driving like that. Have you ever noticed, though, that people driving slower than you are idiots, but those driving faster are maniacs?

Another irritating, repetitive action is when people let you know they are chewing gum because you can either see the silver filling in their molars or hear the stupid stuff popping and smacking. Apparently their mamas never told them to shut their mouths when they chew.

Have you ever noticed that some people are redundant while using acronyms? Annoying! ATM machine translates to automatic teller machine machine. VIN number becomes vehicle identification number number. I get it! You don't have to tell me twice. You don't have to tell me twice.

Plaintiffs' attorneys count on redundancies

I am equally amazed and irritated when I read depositions or trial testimony where an attorney working on the wrong side of the aisle persistently badgers a dealership manager over stupid, technical, yet redundant points. To wit:

Why aren't the numbers on this contract lined up?

The sarcasm literally drips off the pages. You are the professional (the manager's background has already been discussed). You have been in this business over 10 years; you have preprinted forms to make the appropriate disclosures. You pay a software company to program the code so that it can print on the lines or in the right boxes. Why can't you get it right? You did this to confuse my client, didn't you?

While it sounds ludicrous to suggest that you are trying to deceive (or confuse) your customers by printing numbers on pre-printed forms where they don't belong, the jury of six people can certainly get that impression, especially when 100 straight deals are misprinted.

Solution: Print a test retail and lease deal and make sure the forms are programmed to print correctly. Correct any errors. Then review five deals from each F&I manager to see if the forms are printed correctly. If the managers are loading the forms wrong to print them, provide some remedial training.

What type of training has your dealership provided to comply with state and federal regulations? Let me see, finance manager, your dealer requires that you disclose the federal Truth in Lending Act (or Reg M or Equal Credit Opportunity Act, etc.). How much training have you received to provide these disclosures? Then the attorney asks the same question of the other three finance managers and the two sales managers and the general sales manager and the repeating, redundant answer is “none.” Look out.

Solution: Require that your managers (finance and sales) be certified in the F&I process. AFIP is an independent certification source, FILES is another certification option. I'm not going to sit here and recommend one over the other. I am going to sit here and recommend that you choose one of the options.

Why is the price of (name your favorite product) different on these forms? “I don't know, Judge.

There are different prices for NYFP on three different documents in the file. I don't know which one is right, but one is wrong and my client was confused..."

Furthermore, when reviewing a sampling of deals, a high percentage of deals have the same fact pattern. Is it redundant sloppiness or willful deceit? If you want to let the judge or jury to decide the answer to that one, keep on creating smoking guns.

Solution: This sometimes happens with recontracted deals when the finance manager simply prints a new contract. The resulting deal file has a menu and an enrollment form printed with the original documents and the pricing on some of the products may have changed. Make sure that every document, starting with the menu, is reprinted, signed and retained when recontracting a deal.

Most of my pet peeves simply raise my blood pressure. Most I cannot do anything about. However, the redundant pet peeves raised by the dark side in lawsuits can be prevented with a little bit of training and is time and dollars well spent.

Gil Van Over is the president of gvo3 & Associates, a nationally recognized dealer compliance consulting firm. He assists dealers with F&I and sales compliance.