



Election News

2018 Midterm Results: *Blue Wave Engulfs Minnesota*

Minnesota was ground zero this election cycle due to two U.S. Senate races, four competitive congressional contests, a governor's race and 135 legislative seats on the ballot. After months of campaign ads and tens of millions of dollars spent to sway voters, Democrats benefitted from a groundswell of anti-Trump sentiment in the Twin Cities metro.

Amy Klobuchar (DFL) handily won re-election to the U.S. Senate and voters confirmed that gubernatorial appointee Tina Smith (DFL) should finish the balance of Al Franken's term, beating Republican Karin Housley by 10 points. In the governor's contest, former First District Congressman Tim Walz (DFL) defeated GOP candidate Jeff Johnson by 11 points, largely due to huge margins in the metro area. This sweep was fueled by strong opposition to incumbent Congressmen Erik Paulsen (3-GOP) and Jason Lewis (2-GOP) who lost their re-election bids by 11 points and five points respectively, and dragged down other GOP candidates with them.

The lack of coattails led to the DFL picking up 18 seats in the Minnesota House, easily regaining the majority 75-59. Aside from seats in Bemidji and St. Cloud, all of the GOP losses were in the Twin Cities suburbs.

The bright spots for the GOP were their pick-up of open congressional seats in the First and Eighth Congressional Districts. Jim Hagedorn (1-GOP) and Pete Stauber (8-GOP) will be beginning their first terms in January 2019.

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West St. Paul
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West St. Paul
- jan 9** Dealership Customer
Experience for Sales
West St. Paul

visit
www.mada.org
for details, registration
and a complete list of
Upcoming Events and
Training

Saxon Nominated for 2019 TIME Dealer of the Year



Michael Saxon, president of Saxon's Inver Grove Ford Lincoln in Inver Grove Heights, is MADA's nominee for the 2019 TIME Dealer of the Year award.

Saxon's deep roots in the automobile industry extend back to 1936. His grandfather

and a partner owned four dealerships in Iowa and Minnesota and his father took over the management of those stores. When Saxon's parents wanted to move to the Twin Cities, his father opened a Ford franchise in St. Paul, Minnesota, in 1957. Today, Saxon works with his four brothers and oversees three dealerships, representing brands Ford, Lincoln and Hyundai, plus a fleet division, a commercial finance and lease company and management companies in Minnesota.

In the area of community service, Saxon is committed to giving back. "My wife and I were taught by our parents to always leave this earth better than we received it. We operate under that

mentality, so therefore we continue to give our time and resources in any way we can."

To that end, he has served as president of the Sholom Foundation, a Minnesota group that provides services and facilities that help the elderly, and he actively supports the organization. "We helped raise \$42 million for the Sholom Foundation's capital campaign in 2008," he said.

Saxon has also lent his time, talent and leadership to Temple of Aaron Synagogue in St. Paul, the Jewish Federation of Greater St. Paul and the St. Paul Jewish Community Center, for which he helped raise \$15 million during the group's 2015 capital campaign.

"I like to be involved in any organization where my efforts make an improvement for the cause of the group," he said. "I have been very fortunate throughout my working career to be able to give back to people and the community."

Saxon is one of a select group of 51 dealer nominees from across the country who will be honored at the 102nd annual NADA Show in San Francisco on January 25, 2019.



Minnesota Automobile Dealers Association

The Minnesota Automobile Dealers Association is a non-profit trade association dedicated to the progress of the retail auto industry in Minnesota.

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FAX: 651-291-2894 • Web site: <http://www.mada.org>

Services News

Coming Soon to an Inbox near You

In the coming weeks, MADA Services will no longer send invoices in the mail. We will be sending all invoices via email. Please call MADA Services at 651-291-2400 with the email address to which you would like all invoices sent. Thanks in advance for helping to make a smooth transition.

Legal News

Protecting Vulnerable Adults and Your Business

Dealerships serve entire communities and customers from all walks of life. This sometimes causes employees to walk a fine line between ensuring customers are protected while not discriminating against someone based on age or disability.

Unfortunately, there is no bright line rule. While “vulnerable adult” is a broad category, for purposes of our industry, a vulnerable adult is someone who: (1) possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction, (2) the infirmity impairs their ability to adequately care for themselves without assistance, and (3) because of their dysfunction or infirmity, the individual has an impaired ability to protect themselves from maltreatment. Financial exploitation of a vulnerable adult is a crime in Minnesota.

Keep in mind that age and disability are protected classes and therefore a business cannot discriminate against someone based on their age or the fact that they have a disability. This is important to remember because those persons properly defined as a “vulnerable adult”

will always have some type of disability and very often are senior citizens. To make matters more difficult, the fact that someone may be a vulnerable adult likely is not readily apparent, if it can be discerned at all.

Best practice tip: There is a strong presumption that our customers are not vulnerable adults because they come to us, as opposed to at home sales where there is a greater likelihood that a person can be caught off guard and taken advantage of. However, in deals where a person is buying a vehicle for someone else, and the other person not paying for or financing the vehicle is present and steering the entire deal, you may be in a situation where a vulnerable adult is being exploited.

The Minnesota Legislature has created a statewide hotline for people to report potential mistreatment of vulnerable adults. If you suspect mistreatment of a vulnerable adult, MADA recommends you contact the Minnesota Adult Abuse Reporting Center at (844) 880-1574 or dhs.adultprotection@state.mn.us.

Legal News

Dealers Can Make Claim in Antitrust Settlement

MADA partnered with Class Action Capital in the spring of 2017 to assist Minnesota dealers seeking compensation pursuant to a class action settlement dealing with bid-rigging and price fixing of component parts for automobiles. Thirty-eight dealerships participated. The exact amount each dealership received varied based on parts and vehicle volume; however, as a group, over \$500,000 was paid to the 38 participating dealerships.

A third round of settlements has been approved. This means an additional \$115 million of new money is available nationwide to new claimants as well as the previous participants in the settlement. Claimants who have already filed for

rounds one or two do not need to submit any additional paperwork, they will automatically be included in the next round.

For new claimants, this settlement resolves allegations that the defendants conspired to fix, maintain or artificially raise the price of component parts resulting in auto dealers paying more than they should have for the parts and paid more for new vehicles which contained the parts.

For dealers that would like to participate, or those seeking more information on these settlements, please contact Joshua Kerstein at (914) 200-0066 or josh@classactioncapital.com. The deadline to file a claim is January 21, 2019.

Legislative News

Franchise Feature: Prohibition on Facility Improvements

While much of the focus of the recently enacted updates to Minnesota's Motor Vehicle Franchise Protection Law has been on warranty reimbursement, the bill contained five other provisions that benefit dealers. Another major section to protect a dealer's pocketbook limits how frequently a manufacturer can require facility improvements. The new law states that no manufacturer can "require a dealer or prospective dealer by program, incentive provision, or otherwise to construct improvements to its or a predecessor's facilities or to install new signs or other franchisor image elements that replace or substantially alter improvements, signs, or franchisor image elements completed within the preceding ten years that were required and approved by the manufacturer...including any such improvements, signs, or franchisor image elements that were required as a condition of the dealer or predecessor dealer receiving an incentive or other compensation from the manufacturer, distributor, or factory branch."

Many Minnesota dealers have recently undertaken major remodeling projects to comply with factory image programs and are already being asked to make adjustments because the automakers have come up with new image

standards. Limiting the frequency of these improvements to no more often than every ten years will allow dealers to pay off the first round of improvements before being asked to take on more debt.

There are two noticeable exceptions to the prohibition:

The prohibition does not extend to factory programs where the manufacturer provides lump-sum payments to help dealers make improvements that are not tied to sales incentives.

The prohibition does not apply to the renewal or modification of existing image programs, as long as the modification is not a substantial change in the material term or conditions of such a program.

According to some of our Chevy dealers, the language in the second prohibition has caused GM to retreat from requiring dealers to replace their tile as part of a new EBE standard.

If you receive a mandate from your manufacturer to install new imaging elements or make significant modifications to your store that may violate this prohibition, please reach out to MADA General Counsel Dan Louismet at louismet@mada.org for guidance.

Legal News

New Lease Agreement Requirement in North Dakota

The North Dakota Department of Transportation, Motor Vehicle Division (MVD) has determined that all Lease Tax worksheets submitted to our office must be accompanied by a lease agreement. The reason for this change is to ensure taxes are calculated correctly and to assist dealers in completing the lease tax worksheet.

MVD will continue to review the leased vehicle process and work with the ND Tax

Commissioners Office to assist dealerships with the lease tax worksheet.

Effective December 1, 2018, MVD will require lease agreements to be submitted on all leased transactions.

Please feel free to contact the Dealer Services section of MVD if you have any questions or concerns at mvds@nd.gov or call (701) 328-1285.

Reported registrations at the end of 2017 appear to be negatively impacted by implementation of the state's new vehicle titling and registrations system (MNLARS). This has likely resulted in underreporting of registrations during these months and has led to declines in year-over-year new vehicle registrations. Future data updates released by IHS Markit should address the apparent shortfall in reported registrations.

Minnesota Auto Outlook

Released by:
**Minnesota Automobile
Dealers Association**

Covering the Minnesota automotive market

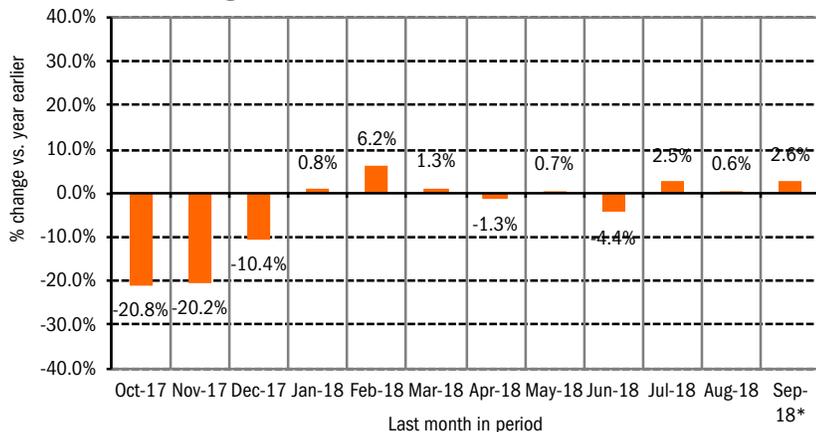
Data thru September 2018

Minnesota New Retail Car and Light Truck Registrations

	Most Recent Two Months			YTD thru Sep.			YTD Market Share		
	8/17 & 9/17	8/18 & 9/18*	% change	YTD '17	YTD '18	% change	2017	2018	change
Industry Total	37,593	37,425	-0.4%	159,593	159,148	-0.3%			
Cars	9,243	7,147	-22.7%	41,241	31,992	-22.4%	25.8	20.1	-5.7
Light Trucks	28,350	30,278	6.8%	118,352	127,156	7.4%	74.2	79.9	5.7
Japanese Brands	14,265	13,937	-2.3%	57,824	56,206	-2.8%	36.2	35.3	-0.9
Honda	3,821	3,876	1.4%	15,729	15,516	-1.4%	9.9	9.7	-0.2
Nissan	1,763	1,612	-8.6%	8,126	6,870	-15.5%	5.1	4.3	-0.8
Toyota	5,391	5,029	-6.7%	20,193	19,113	-5.3%	12.7	12.0	-0.7
Other	3,290	3,420	4.0%	13,776	14,707	6.8%	8.6	9.2	0.6
Domestic Brands	19,064	18,959	-0.6%	83,015	83,400	0.5%	52.0	52.4	0.4
FCA (excl. FIAT)	4,712	5,798	23.0%	21,518	23,740	10.3%	13.5	14.9	1.4
Ford	5,814	5,554	-4.5%	25,555	24,623	-3.6%	16.0	15.5	-0.5
General Motors	8,534	7,508	-12.0%	35,744	34,509	-3.5%	22.4	21.7	-0.7
Other	4	99	2375.0%	198	528	166.7%	0.1	0.3	0.2
European Brands	1,969	2,187	11.1%	8,995	9,909	10.2%	5.6	6.2	0.6
BMW	285	394	38.2%	1,723	1,823	5.8%	1.1	1.1	0.0
Mercedes**	288	303	5.2%	1,460	1,274	-12.7%	0.9	0.8	-0.1
Volkswagen	1,268	1,193	-5.9%	4,647	5,112	10.0%	2.9	3.2	0.3
Other	128	297	132.0%	1,165	1,700	45.9%	0.7	1.1	0.4
Korean Brands	2,295	2,342	2.0%	9,759	9,633	-1.3%	6.1	6.1	0.0

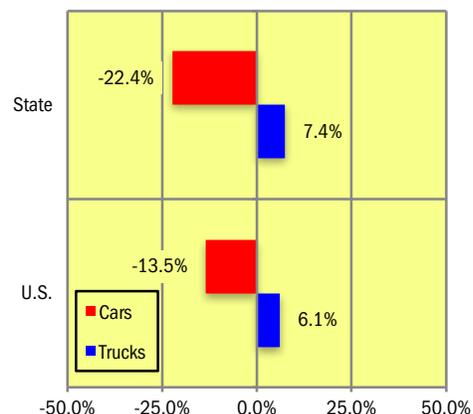
Domestic: GM (Buick, Cadillac, Chevrolet, GMC), Ford (Ford, Lincoln), Chrysler (Chrysler, Dodge, Jeep, Ram). Japanese: Toyota (Toyota, Lexus), Honda (Honda, Acura), Nissan (Nissan, Infiniti) European: VW (Audi, Bentley, Porsche, Volkswagen), BMW (BMW, Rolls Royce, MINI), MB (Mercedes Benz, smart), *Figures for September '18 estimated by Auto Outlook. ** IHS Markit is no longer receiving sales and finance data from Mercedes Benz. This information gave IHS the ability to record lease transactions based on location of lessee. Without the sales and finance data, many lease transactions are now recorded based on location of lessor. This has contributed to the reported decline in Mercedes registrations. Data Source: IHS Markit.

Percent Change in Three Month Moving Average of New Retail Registrations versus Same Period Year Earlier



The graph above provides a clear picture of the trending direction of the state market. It shows the year-over-year percent change in the three month moving average of new retail light vehicle registrations. The three month moving average is less erratic than monthly registrations, which can fluctuate due to such factors as the timing of manufacturer incentive programs, weather and title processing delays by governmental agencies. *Figures for September 2018 were estimated by Auto Outlook. Data Source: IHS Markit.

Percent Change in State and U.S. New Retail Light Vehicle Markets YTD '18 thru September* vs. YTD '17



The graph above compares the change in new retail car and light truck registrations in both the state and U.S. markets. Figures for September, 2018 were estimated by Auto Outlook. Data Source: IHS Markit.

Data Information

All data represents new vehicle retail registrations in Minnesota and excludes fleet and wholesale transactions. Reported registrations at the end of 2017 appear to be negatively impacted by implementation of the state's new vehicle titling and registrations system (MNLARS). This has likely resulted in under-reporting of registrations during these months and has led to declines in year-over-year new vehicle registrations. Future data updates released by IHS Markit should address the apparent shortfall in reported registrations. Data Source: IHS Markit.

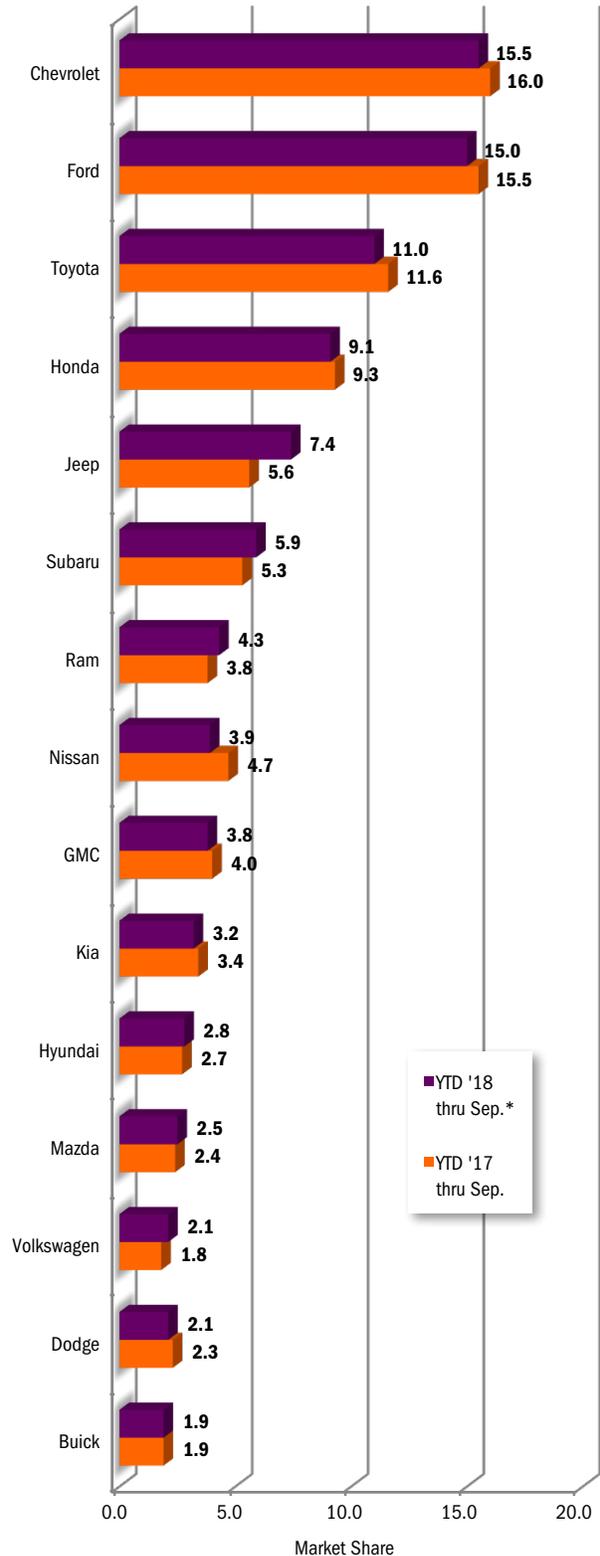
Minnesota New Retail Light Vehicle Registrations					
	Registrations			Market share	
	YTD '17	YTD '18	% change	YTD '17	YTD '18
	thru Sep.	thru Sep.*		thru Sep.	thru Sep.*
TOTAL	159,593	159,148	0%		
Acura	927	1,059	14%	0.6%	0.7%
Alfa Romeo	60	149	148%	0.0%	0.1%
Audi	1,524	1,476	-3%	1.0%	0.9%
BMW	1,444	1,532	6%	0.9%	1.0%
Buick	3,035	2,954	-3%	1.9%	1.9%
Cadillac	829	827	0%	0.5%	0.5%
Chevrolet	25,475	24,646	-3%	16.0%	15.5%
Chrysler	2,812	1,749	-38%	1.8%	1.1%
Dodge	3,703	3,366	-9%	2.3%	2.1%
FIAT	141	107	-24%	0.1%	0.1%
Ford	24,749	23,857	-4%	15.5%	15.0%
Genesis	94	65	-31%	0.1%	0.0%
GMC	6,405	6,082	-5%	4.0%	3.8%
Honda	14,802	14,457	-2%	9.3%	9.1%
Hyundai	4,274	4,482	5%	2.7%	2.8%
Infiniti	602	586	-3%	0.4%	0.4%
Jaguar	143	133	-7%	0.1%	0.1%
Jeep	8,860	11,758	33%	5.6%	7.4%
Kia	5,391	5,086	-6%	3.4%	3.2%
Land Rover	284	360	27%	0.2%	0.2%
Lexus	1,752	1,683	-4%	1.1%	1.1%
Lincoln	806	766	-5%	0.5%	0.5%
Maserati	44	39	-11%	0.0%	0.0%
Mazda	3,830	3,971	4%	2.4%	2.5%
Mercedes**	1,446	1,273	-12%	0.9%	0.8%
MINI	279	289	4%	0.2%	0.2%
Mitsubishi	1,530	1,403	-8%	1.0%	0.9%
Nissan	7,524	6,284	-16%	4.7%	3.9%
Other	61	74	21%	0.0%	0.0%
Porsche	255	265	4%	0.2%	0.2%
Ram	6,143	6,867	12%	3.8%	4.3%
Subaru	8,413	9,330	11%	5.3%	5.9%
Tesla	185	519	181%	0.1%	0.3%
Toyota	18,441	17,430	-5%	11.6%	11.0%
Volkswagen	2,868	3,371	18%	1.8%	2.1%
Volvo	462	853	85%	0.3%	0.5%

Top ten brands shaded green. *Figures for September 2018 were estimated by Auto Outlook. ** IHS Markit is no longer receiving sales and finance data from Mercedes Benz. This information gave IHS the ability to record lease transactions based on location of lessee. Without the sales and finance data, many lease transactions are now recorded based on location of lessor. This has contributed to the reported decline in Mercedes registrations. Data Source: IHS Markit.

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State Market Share for Top 15 Selling Brands
YTD '18 thru September* vs. YTD '17



*Figures for September 2018 were estimated by Auto Outlook.
Data Source: IHS Markit.

Member News

Dondelinger Chevrolet Cadillac in Baxter and **Kolar Chevrolet Buick GMC Cadillac** in Hermantown are celebrating 50 years as GM franchises. Congratulations to both on achieving this milestone!

Ryan Auto Mall has added a new dealership in Monticello: **Ryan Chrysler Dodge Jeep RAM**. The dealership had a soft open on October 12.

The Star Tribune recently published its 2018 Top 150 Workplaces in Minnesota. **Miller Auto & Marine** received the #7 ranking in the mid-sized company category. Congrats!

Legal News

GM's New "Warranty" Product

GM recently introduced a new product they are calling an "Extended Limited Warranty." Under this program, customers can, for a separate and additional fee, buy coverage for the cost of parts and labor stemming from repairs that are needed after the standard manufacturer warranty period has expired. Sound familiar? Of course it does. This is nothing more than a service contract which many different companies provide, including the manufacturers themselves or their subsidiaries.

GM has excluded dealerships in Minnesota, along with California, Florida, Missouri, Maine, and Hawaii from participating in this program. Why? According to GM, such a program is prohibited under MN law. This simply is not true. Minnesota defines a warranty as something offered solely by the manufacturer without separate "consideration" (i.e. cost). If there is an additional cost, as is the case with this new GM product, it becomes a "service contract" for which providers must comply with certain regulations, and for which customers are afforded certain consumer protections like the right to cancel for a full refund within 10 days, or up to 20 days under certain circumstances.

So why then is GM touting this line that our laws prohibit them from selling this product? The most likely answer is that GM does not want to comply with the consumer protections required under MN law, or the equivalent laws in the other states. That, on its own, is fine. However, there is a big difference between saying you are not going to offer a product in a particular state, versus saying you are legally prohibited from doing so when in fact you are allowed to sell the product. The former is a business decision, the latter constitutes bad-faith.



Minnesota Automobile Dealers Association

Endorsed Service & Vendors

Check Guarantee/Credit Card Processing
FIS / Certegy

Dealer Bond Program
Ensure Agency

Disability Income Insurance & Section 125 Cafeteria Plans
American Fidelity Assurance

Employee Placement
Hireology

F&I Products
Protective

Fleet Fueling Program
SuperAmerica/Speedway

Garagekeeper's Insurance
Arthur Gallagher

Group Health Insurance
Blue Cross Blue Shield of MN
Delta Dental
Voya Life

Hole-In-One Insurance
Hole-In-One-USA

Office Supplies
Innovative Office Solutions

Online Marketing Services
Conversica
Dealer 1-2-1
LotLinX
PureInfluencer
Purple Cloud

OSHA, EPA & DOT Compliance/Training
ComplyNet Corporation

Pre-Paid Legal, Jim Gavin
Identity Theft Shield &
Pre-Paid Legal Services

Uniforms and Linen Services
AmeriPride Linen & Apparel Services

Warranty Reimbursement
Bellavia Blatt

Workers Compensation
Ensure Agency



MADA Services sells a wide variety of products directly to the dealers including business forms, clothing and promotional items. For a full review of options, contact your sales representative at 651-291-2400 or go to www.mada.org



MADA NEWS ▪ NOVEMBER 2018

FAQ

Q: We have a service vehicle with an unpaid bill that has been sitting around for months. The customer either can't pay, refuses to pay, or cannot be reached. What can we do with the vehicle?

A: It used to be that a sheriff's sale was the only way to dispose of these types of vehicles. Under the old law, dealers were required to go through an antiquated sales procedure in order to sell the vehicle and obtain a title. This old option still exists; however, the legislature passed a law in 2014 that provides a much simpler process. Now, dealers can sell the vehicle in the ordinary course of business provided they hold the vehicle for a certain period of time and notify the proper parties. Title then passes from the delinquent owner to the new retail or wholesale customer. The complete "playbook" on how the process works, including necessary forms, can be found on MADA's website here: <http://bit.ly/MADApossessary>. Contact MADA General Counsel Dan Louismet with any questions.



Upcoming Classes Register Today!

Register online at www.mada.org/training
OR contact Alice Morse alice@mada.org

	Class Options	Date	Location
Shop Talk: <i>Meet Your Future Technicians</i>	Bloomington 9:00 a.m. - 11:00 a.m. MADA SPCC Members: Free Non MADA SPCC Members: \$129 per person	Friday, December 7, 2018	Hyatt Regency Bloomington 3200 East 81st Street Bloomington, MN 55425
Title Basics	West St. Paul 9:30 a.m. - 11:30 a.m. \$199 per person	Tuesday, December 11, 2018	MADA Headquarters 200 Lothenbach Ave West St. Paul, MN 55118
Putting Emotional Intelligence to Work in Your Dealership	West St. Paul 9:00 a.m. - 11:00 a.m. \$199 per person, \$179 for additional attendees from same rooftop	Wednesday, December 12, 2018	MADA Headquarters 200 Lothenbach Ave West St. Paul, MN 55118
Dealership Customer Experience for Sales	West St. Paul 10:00 a.m. - 3:00 p.m. \$199 per person. Lunch included	Wednesday, January 9, 2019	MADA Headquarters 200 Lothenbach Ave West St. Paul, MN 55118
WEBINAR: <i>The Best Team Wins. Turn Hiring and Retention into a Source of Competitive Advantage</i>	West St. Paul 10:00 a.m. - 11:00 a.m. \$59 per person	Tuesday, January 15, 2019	WEBINAR A link to access the webinar will be provided 48 hours prior to the webinar.
Leadership Training for Service Managers	West St. Paul 9:00 a.m. - 4:00 p.m. \$209 per person	Wednesday, January 16, 2018	MADA Headquarters 200 Lothenbach Ave West St. Paul, MN 55118
The Certified Title & Registration Program	Sales Tax 9:00 a.m. - 10:00 a.m. \$129*	January 17, 2019	MADA Headquarters 200 Lothenbach Ave West St. Paul, MN 55118 *\$387 for all classes
	New to Fleet 10:30 a.m. - 12:30 p.m. \$129*	January 17, 2019	
	Minnesota Titles and Transfers 1:00 p.m. - 3:00 p.m. \$129*	January 17, 2019	

For information on these classes or to register, visit www.mada.org/training.



Workplaces are relational environments. They are typically a melting pot of different personalities, skills, strengths, emotions, and generations. People with high EQ are able to successfully navigate through challenging situations and help others to do the same. Increasing your EQ will ensure you are more successful, regardless of title, function, or industry.

People with high EQ make more money - an average of \$29K more per year than people with low EQ. If each of your sales people and service advisors each made \$29k more per year, how much more would your dealership make? Higher EQ means higher employee engagement and higher customer loyalty.

In this workshop you will learn the importance and impact of EQ in business, and the power it has on overall profitability. You will walk away with a solid understanding of how to create an EQ Action Plan and strategy to increase your EQ, as well as how to introduce EQ to your organization and secure engagement from your employees.

REGISTER TODAY!
WWW.MADA.ORG

For more information contact Alice Morse at 651-789-2956 or alice@mada.org

**WEDNESDAY,
 DECEMBER 12**

9:00 a.m.- 11:00 a.m.

MADA

200 Lothenbach Ave.
 West St. Paul, MN 55118

Meet the Expert

Spencer Eddy,
Leading Edge Consulting



Spencer partners with automotive dealers to help them unlock the profit potential that exists in their people and data. Her unique blend of human resources expertise and experience in the automotive industry make her a valued partner, especially in times of change. Spencer's mix of passion for her craft and experience in a variety of industries including healthcare, automotive, information technology, and hospitality has created a recipe for success for over 15 years.