



PLAIN DEALING

A policy and administrative bulletin for licensed dealers
from the WisDOT DMV Dealer and Agent Section

April 2014

Volume 25 Issue 1

DMV Focus On Privacy Protection

In the normal course of daily business you have access to customer information that contains personally identifiable information, some of which you collect for financial transactions, product sales, and title and registration purposes. Additionally, as a partner with us you have access to the DMV database for processing title applications online. The DMV database access comes with responsibilities to assure personal information remains secure. This can be accomplished for you by monitoring who has access, how access is used and by developing best practices to maintain security. Customers have an expectation and a right that their information will be kept secure.

Compromises to personal data can have serious consequences to customers by way of identity theft and to a business or government agency in costs to notify compromised customers. In Wisconsin, personal information is protected by Wis. Statute 134.98 where notification is required to the customers if data is compromised. The notification can be embarrassing for a business and can result in civil forfeiture. No one wants that publicity! Additionally, the federal Driver's Privacy Protection Act (DPPA) protects the personal information of private citizens from being released. Violations are severe, including the right to sue for actual damages and a \$2,500 fine per record. Releasing 500 records could make you liable for fines totaling \$1,250,000! We want to remind you to review your data practices and make necessary adjustments to assure compliance with all personal data access. The DMV is increasing its focus on monitoring and enforcing privacy protection from improper use of DMV vehicle inquiry.

There are many ways dealers may need to access records - for example, electronic title records via eMV11, CVR or Dealertrack - for the purpose of processing titles electronically, especially when the title is held by the lien holder. This information is available for business purposes, such as verifying ownership and liens on trade-in vehicles. Your staff must have a permissible business use when accessing records and the information should be handled in compliance with DPPA guidelines. For instance, you can't release the information, share it with others or use it for the wrong purpose. In the past,

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dealers and agents or their employees have improperly used DMV data to check license plates.

Under long-standing consumer information laws in the state of Wisconsin, dealers are required to provide material history on a vehicle, which may include the previous owner's personal information. The WisDOT Office of General Counsel has advised that anything a dealer receives *from a customer* can be shared without violating DPPA.

Here are some examples:

- ◆ Providing the name and address of prior owner upon request; s. 218.0146(2) Wis. Stats., and Trans 139.06(6)(a)(2), Wis. Adm. Code. Even the Wisconsin Buyers Guide (window sticker) includes a recommendation to consumers to seek this information from the dealer.
- ◆ Showing the odometer statements and previous title to the customer; Trans 139.07(7), Wis. Adm. Code.
- ◆ Having the title available for inspection by potential buyers of consigned vehicles; Trans 138.04 (1)(b) (1)(g), Wis. Adm. Code.

The WisDOT Office of General Counsel says that dealers are not in violation on these required consumer disclosures if *the information is obtained from the prior owner*, and not the DMV. It's the responsibility of the dealer to make this distinction. The best rule of thumb is to be extremely careful with the data you get from DMV. Don't unnecessarily release or misuse someone's personal information.

Fiscal Year-End Plate Inventory Coming June 30th

The end of DMV's fiscal year is approaching, which means it's time for our annual license plate inventory count. In 2012, DMV began a program which allowed dealers to submit their inventory counts to DMV online. It is mandatory that every dealer report this information to DMV and we strive to make this process as easy as possible. Thankfully the electronic reporting initiative was very successful and we encourage all dealers to utilize this system again this year.

Dealers will need to report their inventory on June 30th. The very small window to report this data helps ensure the accuracy of the count. Dealers will receive a follow up reminder and additional information prior to the due date, but we would like everyone to start planning now.



Moped season is upon us! If you are currently licensed as a moped dealer, you can legally sell only mopeds. You cannot sell motorcycles. A moped has an engine size of 50cc or less. Before you start selling bikes with engines larger than 50cc, you will need to update your dealer license to a motorcycle dealer license. In addition, you will need a franchise appointment from the distributor in order to sell new motorcycles. Franchise appointments are not required for mopeds.

Processing Tips

License plate renewals for leased vehicles

When processing a stand-alone license plate renewal on a leased vehicle, be extremely cautious about changing the customer's address. DMV recently became aware that some of the electronic processing systems display the lessor's address in the renewal transaction screen. For example, if your customer is leasing the vehicle from Honda Lease Trust, when you renew your customer's license plate, you may see Honda Lease Trust's address on the screen, depending on which system you use. If you change that address to where your customer lives, DMV will mail dozens of Honda Lease Trust's titles to your customer's home address until it is corrected. Our partners are working diligently to correct this – in the meantime, please be cautious.

Changing addresses for the co-owner

DMV mails ownership and registration documents to the primary owner, which is the name listed first on the title. Sometimes, co-owners live at separate addresses – for example, when a vehicle is co-owned by a person and their parent. If you update the primary owner's address, please only update the co-owner's address when you are sure that the owners share a residence. DMV receives calls every week about a co-owner's address being changed by mistake. This affects all of their vehicle records and can create all kinds of havoc if their license plate renewal notices and other items are mailed to the wrong place.

Reminder: Odometer Disclosure On The Buyers Guide

When completing the odometer reading on the Wisconsin Buyers Guide, dealers should not be checking the EXEMPT box and also writing in the actual numerical odometer reading from the vehicle. The Department understands this may assist with selling the vehicle; however if a complaint arises regarding the odometer reading the dealer will be responsible for the reading they disclose.

The correct way to annotate exempt vehicles is to write the word **EXEMPT** in the blocks provided for the numerical reading and also mark the EXEMPT box as shown below.

ODOMETER READING
Odometer information will be on your title.

ODOMETER READ E X E, M P T . ██████

miles when vehicle was acquired. To the best of dealership's knowledge, the reading was:

Actual

In excess of mechanical limits

Not actual – **WARNING ODOMETER DISCREPANCY**

EXEMPT from odometer disclosure because vehicle is 10 or more model years old. Reading is not required.

Don't Be Left Out In The Cold! And Don't Be A Leaker

Most of the On Board computer/engine management systems are relatively unaffected by outside temperature; not so with the vehicle's evaporative system monitor. If your customer's vehicle is due for an emissions inspection in winter, keep in mind that the emissions inspection may take place within 180 days of the vehicle's registration renewal due date. Your customer might prefer to get an emissions inspection in warmer weather, rather than waiting until it is very cold and snowy. This is because ambient (outside) air temperature affects fuel volatility and the amount of vapor ultimately formed in the fuel tank.

A vehicle's OBDII system runs a readiness monitor for each emissions control component. The evaporative system monitor runs a test to ensure that the system minimizes the release of gasoline vapors into the atmosphere. The monitor checks system fuel tank and fuel line integrity by performing a pressure or vacuum decay test. If a leak is detected, the monitor will log a specific diagnostic trouble code such as P0442 Evaporative Emission Control System Leak Detected (small leak). Always ensure that the gas cap is tight after filling the tank. Listen for the ratcheting sound that the cap makes when it is properly seated on the seal of the fuel filler neck. The Check Engine Light will appear on the dash/instrument cluster if a leak is detected. A smoke test can be performed by a trained diagnostic technician using an approved unit (compatible with the fuel system's volatile vapor environment), to establish the actual location of the leak.



A faulty fuel sensor may also prevent the evaporative monitor from setting because the monitor is affirming that there is sufficient fuel in the tank to run the system check. One of the criteria for resetting an evaporative monitor is to have the fuel tank between one-quarter and three-quarters full.

It is important that these monitors "run" and are "ready" to test. With ready monitors the emission test will yield a final result of: Pass or Fail. If too many monitors are in a "not ready" state; the test result will be a Reject. In effect, a test with no result, and no path to renew the registration. If readiness issues persist, and the vehicle is in a county that requires emissions testing, your customer can get help by calling the Systech (Opus) hotline at [1- 866-OPD-TEST \(1-866-623-8378\)](tel:1-866-623-8378). The Opus operators will direct the customer to one of the five Technical Assistance Centers serving the seven county test area.

**The Wisconsin Vehicle Inspection Program (WIVIP) program
management contractor, Systech International, LLC,
changed its name effective January 1, 2014.
Systech is now Opus Inspection, Inc.**

DAS Quarterly Report Numbers Published

The Dealer and Agent Section has been compiling a weekly report for many years. Last summer, DAS decided to report its numbers on a **quarterly** basis. The following are some of the numbers generated by the report. This data is from the **first** (July - September 2013), **second** (October - December 2013) and **third** (January - March 2014) quarters.

➤ **Field Investigation Unit (FIU)**

The following statistics represent the Field Investigation Unit’s compliance efforts, community outreach and enforcement actions.

Activity	First Quarter	Second Quarter	Third Quarter
FIU INSPECTIONS (DEALERS)	276	214	249
FIU COMPLAINTS CLOSED	329	305	408
FIU EDUCATIONAL PRESENTATIONS	1	4	1

➤ **APU/CSU**

The Agent Partnership Unit (APU) answers phone calls from dealers, government agencies, financial institutions, gas stations, grocery stores and various other types of agents throughout the state. These agents process either title and registration or renewal registration applications electronically on behalf of the DMV.

The Consumer Service Unit (CSU) issues and renews multiple business license types. Individual licenses are issued to individuals who are selling or purchasing vehicles on behalf of dealerships. CSU answers dealer licensing questions as well as providing information about consumer harm and how to file a dealer complaint to the general public.

Activity	First Quarter	Second Quarter	Third Quarter
AGENT PARTNERSHIP UNIT PHONE CALLS	11,072	9409	9601
CUSTOMER SERVICE UNIT PHONE CALLS	5158	4474	5176
BUSINESS LICENSES ISSUED	624	594	771
INDIVIDUAL LICENSES ISSUED	3638	4129	4976

➤ **Lemon Law**

The Lemon Law complaint calls reflect inquiries primarily from consumers (and some dealers and lawyers) seeking information on the specifics of the Lemon Law and to a greater degree, assistance in pursuing a claim.

Activity	First Quarter	Second Quarter	Third Quarter
LEMON LAW COMPLAINT CALLS	171	135	182

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➤ **Electronic Title and Registration Processing**

Dealers and agents processing titles and/or registration electronically:

Date	Renewal agents	Title agents (includes dealerships)	Total
9/30/2013 (end of 1 st quarter)	716	4323	5039
12/31/2013 (end of 2 nd quarter)	739	4351	5090
3/31/2014 (end of 3 rd quarter)	756	4399	5155

These systems are available for electronic processing:

- eMV11 – for **dealers only**
- eMV Agent – for **lenders only**
- Computerized Vehicle Registration (CVR)
- Dealertrack Registration and Title, formerly known as TriVIN
- National Financial Corporation (NFC) – registration only
- Opus Inspection Inc., formerly known as Systech International LLC – registration only

Wisconsin motor vehicle dealers are required to electronically process all title/registration applications for their customers. For more information regarding electronic processing options, see: www.dot.wi.gov/business/dealers/emv11/index.htm

➤ **Electronic Title Delivery**

Lenders receiving electronic title records:

Date	Lenders
9/30/2013 (end of 1 st quarter)	281
12/31/2013 (end of 2 nd quarter)	323
3/31/2014 (end of 3 rd quarter)	358

These service providers deliver and manage electronic titles:

- Assurant Specialty Property
- Dealertrack Collateral Management Services
- Decision Dynamics, Inc.
- PDP Group, Inc.
- VINtek

The electronic lien and title (also known as ELT or e-Title) program is an optional program for lien holders that prefer receiving electronic title records instead of paper titles. This program has been available since July 30, 2012. For more information regarding ELT options, see: www.dot.wi.gov/drivers/vehicles/title/lienholder/lenders.htm

What's News... and Notes



New DAS Chief Announced

From the desk of the Bureau of Vehicle Services Director, Mitchell Warren: “I’m pleased to announce the appointment of **John Fandrich** as the new Chief of the Dealer and Agent Section. John previously served in multiple areas within WisDOT including the Office of Policy, Budget and Finance, the Division Transportation System Development (as the manager for the DOT Surplus Real Estate Program), and in the Secretary’s Office (as the Department’s Economic Development Officer). John returns to us from the Department of Workforce Development where he was the Assistant Deputy Secretary. I’m confident that John will be a great addition to the DAS team.” John joined us on October 21. John is replacing Ann Perry, who was recently appointed as the Director of the DMV Bureau of Driver Services.

Motor Vehicle Individual Credential Changed

Recently, WisDOT made some small changes to the look and feel of the individual credentials issued, such as salesperson, BID or buyer licenses. The credential is no longer printed on special laminated paper, though the information contained on the card remains the same. Dealers or individuals may choose to laminate or protect the card after signing. The change to the cards provides significant cost savings to the DMV. Over 10,000 credentials are printed annually.

“Internet Only” Prices

Recently, we have seen an increase in the use of “Internet Only” pricing. Wisconsin Administrative Code Trans 139.03 (3)(c) specifically states “Whenever a dealer licensee has a promotion on a used motor vehicle and a sales price is stated in an advertisement, the sales price shall be disclosed on the vehicle during the sales promotion period.” Offering “Internet Only” prices is a violation of this rule. All prices must match across all advertisements.

Internet must match Newspaper must match Radio must match Vehicle.



This is important because a dealer may be required to reimburse the consumer the difference between the sale price and purchase price if the sale price was not offered or disclosed at the time of purchase.

Repeal of Mayville Wheel Tax

The city of Mayville repealed their wheel tax effective [April 1, 2014](#). This is a fee of \$10 which is collected along with the license plate registration fee, for vehicles that are kept in the city of Mayville.

Wheel tax is due for:

- ◆ Renewals of license plates expiring on or before March 31
- ◆ New license plates with a dealer delivery date (date of operation) on or before April 1

Customers who have plates expiring March 31 or earlier still pay wheel tax if they renew late, along with the late fee of \$10.

Wheel tax will not be due for:

- ◆ Renewals of license plates expiring April 1 or later
- ◆ New license plate with dealer delivery date (date of operation) of April 2 or later

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New DAS Unit Supervisor Announced

From the desk of the Dealer and Agent Section Chief, John Fandrich: “I am pleased to announce that Shin Lin Tung has accepted our offer to become the Supervisor for the Business & Consumer Service Unit in the Dealer and Agent Section. Shin was previously a TCR Lead in the Vehicle Services Contact Center, Bureau of Vehicle Services, and before that was the TCR Lead in the Drivers Information Unit, Bureau of Driver Services. She will be a welcome addition to our Agent Partnership and Consumer Services units.” Shin joined us on February 24th. Shin is replacing Allison Benton, who was recently hired as Withdrawals and Uninsured Motorists Unit Supervisor in CWS, in the DMV Bureau of Driver Services.

What’s In A Number?

Recently the Dealer and Agent section was made aware that there are hundreds of MV11’s coming in for processing that do not include the title number. What’s the big deal, you ask? Departments get delayed, which in turn costs time and money; dealers do not get their paperwork processed as fast, and the customer does not receive their title or plates on time. It is approximated that it takes two hours to search for information and this happens an average of four times a week. That’s a full day’s work just looking up title numbers! We know it’s just “one little number,” but it’s *really important* to have all of the application filled out – especially that number in the upper right-hand corner.

Plain Dealing, Winter, 2012 also reminded dealers to submit all paperwork in proper order in order to further avoid delay. Some highlights from that include:

1. **We don’t like staples or paperclips!** Please do not use them when sending in the paperwork.
2. What should be the first thing we see? An MV11, MV1, MV12 or E-MV receipt.
3. The second thing we see? An MCO, WI or Out-of-state title.
4. NEVER send incomplete work with your bundle of completed applications.

Thank you for reminding your staff of these important steps and for all your hard work!

Child Support Liens

Protect Yourself: Check the Child Support Docket when Applying for Replacement Titles on Trade-In Vehicles

If you’re applying for a replacement title when a customer can’t find the title for their trade-in, it’s a good idea to check the child support docket before completing the sale.

DMV’s titling system checks the delinquent child support docket and will automatically add a child support lien for these transactions when the titled owner is listed on the docket:

- Title transfers
- Replacement titles

Therefore, if a customer trades in a vehicle and you need to apply for a replacement title, a child support lien could be added to the title. This happens when a customer is added to the docket after a title has been issued in the past. The lien will not be listed on the title until a new application is received.

When this occurs, DMV will deliver the replacement title to the Department of Children and Families (DCF) and either you or the customer will need to work with DCF to obtain a clear title.

To protect yourself, always check the docket when applying for a replacement title:
<https://www.dwd.state.wi.us/liendocketweb/>

DOT Criminal Actions

Aliu, Nevrus dba Tony's Auto Sales – Racine - Charges originally filed for Operating as an Unlicensed Salvage Dealer; Hearing scheduled for 2/1/12. There were 62 Citations issued by the Racine County DA's Office for Failure to Keep Required Records (Log Book). There were \$174,000 of additional forfeitures ordered by Racine Municipal Court for storing 63 nuisance vehicles, storage of leaking oil barrels and operating a junkyard (with no license). Jury Trial rescheduled for 11/13/2013. Plea deal reached. Aliu forfeited \$15,000 bond posted for bail and agreed to go out of business effective 12/1/13 and to clean up property of all vehicles, parts, etc.

DOT Citations

Ahmed, Gulzar – Milwaukee – Ahmed was issued two citations for operating as an unlicensed motor vehicle dealer.

Banks, Arthur – Milwaukee - One citation was issued for acting as a motor vehicle dealer without a license. Banks found guilty due to no contest plea. A forfeiture of \$771 was due to court by 10/21/13.

Courtesy Sports – Stevens Point - 15 citations were issued for failure to transfer title.

Dhillon, Parminderjeet dba Dhillon Enterprises LLC – Milwaukee - Four citations were issued, two for failure of dealer to maintain motor vehicle logbook, and two for failure to maintain evidence of ownership for vehicles offered for sale. Dhillon was found guilty on all four counts due to no contest plea. A forfeiture of \$204 was ordered due to court by 10/28/13.

Family Auto Budget Sales – Fond du Lac - 14 citations issued for not declaring off-premise sales. Default judgment on all citations.

Griffin, Donald dba Interstate Auto Group Inc – Milwaukee - One citation issued for failure of dealer to make required disclosure on face of motor vehicle purchase contract. Griffin was found guilty due to a no contest plea. A forfeiture of \$204 was paid to court.

Groom, Torrey – Viroqua - Two citations were issued, one for operating as an unlicensed motor vehicle dealer, and one for failure to transfer the interest in a motor vehicle. Groom pled no contest for acting as an unlicensed motor vehicle dealer. The citation for failure to transfer the interest in a motor vehicle was dismissed.

Hi Ridge Inc. – Milwaukee - Five citations issued for not processing titles within seven days.

Johnson, Arthur dba Johnson Motors LLC – Milwaukee - Nine citations issued for not processing titles within seven days.

Johnson Motors LLC – Milwaukee - Nine citations issued for failure to transfer titles within seven days. Dealer paid a forfeiture of \$1,836.

Jones, Jeffrey – Menasha - Plea hearing held. Jones showed the DA that he is in the process of applying for a salvage license. Jones plead guilty to one count of failure to transfer title and was assessed a \$175.30 forfeiture. The remaining citations were dismissed.

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DOT Citations

King, Lamonda – Milwaukee - King entered a not guilty plea for 14 citations issued for operating as an unlicensed motor vehicle dealer. The case was adjourned for a pre-trial conference on 7/9/2013. King pled guilty to four of the charges and was ordered to pay a forfeiture of \$500.00 for each. The other 10 cases were dismissed.

Manske, Thomas dba Discount Transmission and Auto Sales Inc. – Milwaukee - Ten citations were issued for failure of dealer to maintain motor vehicle logbook. Manske pleaded not guilty. A pre-trial conference was scheduled for 10/1/2013. Manske appeared in court and entered a no contest plea and was found guilty. He was ordered to pay forfeitures on three of the ten citations requested (the other seven were dismissed). For citations 2013TR021760, 2013TR021761, and 2013TR021762, Manske was ordered to pay \$200, \$200, and \$100 respectively plus the additional court fees. Forfeitures were paid in full.

White, Dantae dba Money Talk Auto Sales LLC – Milwaukee - Two citations for failure of dealer to maintain motor vehicle logbooks were issued by the Wisconsin State Patrol.

Willis, Earnest dba Nationwide Sales and Services LLC – Milwaukee - One citation for failure to make records available for inspection was issued by the Wisconsin State Patrol.

DOT Enforcement Actions

Family Auto Budget Sales – Fond du Lac - Began serving perpetual suspension due to non-compliance of off-premise sales. Off-premise vehicles must be moved to the appropriate storage facility or a sub lot license must be obtained.

Gill, Terry dba A to B Auto (IN) – Milwaukee - Buyer's license denied due to unlicensed dealer activity in Wisconsin under A to B Auto (IN).

Haese, Barry – Oshkosh - Salesperson's license denied due to violations of conditional license for Bayview Auto LLC.

Jarvis, Richard dba A to B Auto (IN) – Milwaukee - Buyer's license denied due to unlicensed dealer activity in Wisconsin under A to B Auto (IN).

McCoy, Charles – Milwaukee - Buyer's license denied due to unlicensed dealer activities.

Mustafa, Nadir dba A to B Auto (IN) – Milwaukee - Buyer's license denied due to unlicensed dealer activity in Wisconsin under A to B Auto (IN).

Nwachukwu, Emmanuel dba Vince Auto – IN - Buyer's license cancelled due to expired Indiana dealer license.

Perryman, Mario dba ALM Auto Sales (IN) and Show Ready Services (AZ) – Milwaukee - Buyer's license denied due to unlicensed dealer activity in Wisconsin under ALM Auto Sales (IN) and Show Ready Services (AZ).

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DOT Enforcement Actions

Sanchez, Erick dba Zamudio Auto Sales - Chicago, IL - Buyer's license denied due to their previous activity of filing false credentials to obtain access to WI dealer auctions.

Sanchez, Israel - dba Zamudio Auto Sales - Chicago, IL - Buyer's license denied due to their previous activity of filing false credentials to obtain access to WI dealer auctions.

Sloan, Carl dba A to B Auto (IN) - Milwaukee - Buyer's license denied due to unlicensed dealer activity in Wisconsin under A to B Auto (IN).

Southern Wisconsin Auto and Tire - Muscoda - Special Order and Stipulation signed and a three day license suspension (served 7/4/13 - 7/8/13) was ordered for failure to properly repair an odometer.

Zamudio, Jose Trinidad - Chicago, IL - Buyer's license cancelled under Zamudio Auto Sales as the dealership has gone out of business.

Sign up to receive Plain Dealing by email at:

<http://www.dot.wisconsin.gov/business/dealers/listserv.htm>

Community Pitches In By Donating Car

When Don Dillman and the folks at Stoughton's Stark Automotive heard the terrible news about the death of Michael Iverson in a car crash in October, they didn't know what to do. They just knew they wanted to help out somehow.

The tragedy was not distant to them, either, as Iverson's father, Matt (who was seriously injured in the crash) used to work there and still had many friends on staff. Their first thought was simple, but fitting – the family was going to need a new vehicle to replace the damaged one, and they were going to do all they could to make it happen.

And perhaps as surprising as it was heartwarming, at every turn, when Dillman asked businesses Stark works with to help out, people pulled out all the stops. Now, thanks to the efforts of many area businesses, the Iversons will have at least one less thing to take care of, as a 2004 Chevy Trailblazer is primed and ready for their use. Stark took the vehicle in on trade, and when the sales staff heard of the plight of the Iversons, they immediately made the connection.

“They said, ‘It's in really clean shape,’ they took it in for the right dollar amount and it just needed an alternator,” Dillman said. “They said, ‘We'll get it here, and if it's what we think, that's your vehicle to donate.’

From there, it just spider-webbed.”

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One call to Schmidt’s Towing, and the vehicle was on its way from Middleton, no charge. Bumper to Bumper Automotive provided some parts, D & M Service provided a full tank of gas, Morrison Auto Salvage donated a front bumper, and Stark technicians donated time and parts to complete the project. In the meantime, Asleson’s Hardware loaned the family a vehicle to drive.

“We were just looking for some help here and there to keep costs down but provide Matt and his family with a vehicle that is more than safe to drive that he doesn’t have to worry about, and everybody stepped right up to the plate,” Dillman said. “It just kind of snowballed. It’s been a great, fantastic thing to be a part of.”

Dillman said the episode just proves that Stoughton is “old school” when it comes to taking care of their own.

“Every time somebody heard about it, they were willing to jump in,” he said. “It’s been enlightening.”

The above article was reprinted with permission from the *Stoughton Courier Hub*.



Contributors' Corner

Many thanks to those who made this issue of **PLAIN DEALING** possible...

- | | |
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