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ATTORNEY'S CORNER

Lawyers have been trolling for business aiming at petroleum marketers seeking to file claims for their share of the multibillion-dollar settlement in the massive Visa/MasterCard swipe fee litigation, according to a recent memorandum from the petroleum marketers' legal counsel. But DON'T take the bait, because those services are likely unnecessary.

Alphonse Alfano of Bassman, Mitchell & Alfano stated that in his view petroleum marketers eligible for reimbursement can handle the simple payment calculation necessary to make that claim on their own.

"A large settlement fund has been established as part of the settlement from which class members (those who have not opted out of the class) can obtain partial reimbursement of the credit card fees they paid," wrote Alfano. However, marketers must also keep in mind that the Second Circuit Court of Appeals still needs to weigh in on that settlement. "Certain class members have challenged the settlement on a number of grounds, and a final decision of the Court of Appeals is still pending," said Alfano.

Even if the court approves the settlement, the claims process should be simple. In my view, the class members will not need the assistance of claims aggregators to prepare the form or to calculate the amount of their respective shares of the settlement proceeds. If this changes as a result of the claim form being provided to members, your Association will let you know.

Finally, be aware that many branded marketers may think they're entitled to file a claim, but they're actually ineligible. Eligibility for payments from the settlement fund is limited to those who paid the credit card fees directly to Visa or MasterCard. In the case of branded marketers, the fees were paid directly to Visa and MasterCard by their branded suppliers.

Please check your Association Bulletins regularly for updates on this very important matter.

The contents of this column are not intended as legal advice. I give no legal advice without an appointment and interview with a client.

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Retailers On The Hook For Counterfeit Transactions

Beginning with the October 2015 EMV liability shift, retailers that have not upgraded their payment terminals to accept EMV chip-card transactions are "on the hook" for counterfeit transactions, writes the Wall Street Journal, and this particular cost of fraud—chargebacks—is adding up.

The news source reports that chargebacks among small and medium-size merchants increased 15% in Q4 of 2015 from a year earlier, according to a Strawhecker Group survey, adding that the volume of chargebacks has likely increased even more since then. Although the group didn't put a dollar figure on the chargebacks, other experts put the total around the tens-of-millions of dollars mark.

Since the October 2015 EMV liability shift, many retailers are experiencing an outrageous increase in chargebacks that are mostly erroneous. Mike Lindberg, payment solutions manager at CHS Inc., commented during the Conexxus Annual Conference last week that some smaller retailers have reported a $10,000 to $15,000 increase in chargebacks per week, while larger retailers are experiencing $1 million in chargebacks per week.

"I can't imagine what will happen at the pump come October 2017," Lindberg warned. The No. 1 chargeback reason code since October 2015 is "merchandise not received," he said, which in theory makes no sense for the big box retailers. Some retailers are even seeing multiple chargebacks on the same credit card, and indicating that there is very little interest from card issuers or acquirers to help solve this costly problem.

Due diligence, however, can pay off. Convenience retailers experiencing a higher volume of chargebacks can successfully reverse the charges on challenge because convenience retailers aren't within the October 2015 liability shift specification for type and applicability (i.e., the fuel dispenser).

"The banks will hopefully learn from the first October 2015 liability shift what is chargeable, because right now it's a 'charge it all back and see what gets challenged' approach," said Gray Taylor, executive director of Conexxus. He previously stated that this approach to chargebacks "will have dire consequences for small to mid-size retailers, who can scarcely afford dedicated chargeback staff."

Should C-stores Fear New Fuel Delivery Services?

With on-demand car service from Uber, on-demand food delivery from companies like DoorDash and Postmates, and even Amazon Prime Now which delivers products in one hour, the concept of on-demand fuel delivery is not as far-fetched as it might have seemed a couple of years ago.

"There is definitely a rise in the on-demand economy, and the sector is growing very fast," Bruno Uzzan, co-founder and CEO of Purple, an on-demand gas delivery company in California, told Convenience Store News. "Over the past two years, technology improved and we can locate the exact location of where someone is. Plus, most people are trained to want to save time. With our service, we can save someone 10 to 15 minutes by not having to go to a gas station."

As of today, most of the fuel delivery services are popping up in California, while others are only covering small regions in their respective states. The majority of these services are app based, with customers downloading the app and creating an account.

Purple, which started in Los Angeles, is now in San Diego and Orange County, and most recently expanded to Seattle. The company, which reports close to 15,000 users, plans to be available in 15 cities by the end of this year, according to Uzzan.

Another service, Mobile Fuelz Inc., offers fuel delivery in the Nashville, Tenn., area, with less than 100 clients so far. Then, there's both Filld and WeFuel Inc. that operate primarily in California's Silicon Valley and Bay area. However, WeFuel plans to expand nationwide within three years, according to CEO Ale Donzis, and Filld raised $3 million in seed funding for its plans to expand nationwide as well.

Do convenience stores, which sell more than 80 percent of the gasoline purchased in the United States, need to worry about these companies becoming major competitors?

Some believe the on-demand/fuel delivery customer is not the same as the typical c-store customer. Chris Aubuchon, CEO of Filld, initially thought area gas stations would be upset by the competition presented by such new companies, but after talking to different groups, he found that was not the case in his area.

"A lot of owners find the c-store products are more their bread and butter, and the people who use our service are not the user who spends any time going into the store to buy chips, etc.," Aubuchon pointed out.

Still, some fuel delivery companies, such as WeFuel, are planning to add c-store product delivery to their service. WeFuel already has the technology in place to add c-store products in the future, Donzis reported. The company launched this January and in its first two weeks, had more than 700 customers signed up and 100 deliveries completed.

ohn Eichberger, executive director of the Fuels Institute, believes "it could potentially be a threat to c-stores, but the market potential and share will remain small in the near future." The Fuels Institute, a nonprofit research-oriented think tank, is a division of NACS, the Association for Convenience & Fuel Retailing.

"It opens up a discussion where c-stores can look at how they can capture that home delivery market," Eichberger explained. "If you are looking at how to enhance the customer experience, this is a model worth evaluating. If you want to be a cutting-edge, leading retailer in the industry, you need to pay attention to all these models. Why is it successful? What elements appeal to customers? Are they our customers or not? And if not, how can we improve our services to make them so?"

FDA Issues Deeming Tobacco Regulations

The U.S. Food and Drug Administration issued deeming rules, extending the agency's authority to all tobacco products, including e-cigarettes, cigars, hookah tobacco and pipe tobacco, among others.

The FDA first released its proposal to regulate e-cigarettes and other tobacco products in April 2014. The final regulations published this week will have a severe impact on the electronic cigarettes industry, thanks to a mandate that requires any nicotine delivery devices that hit stores after Feb. 15, 2007, to apply retroactively for approval, a costly and lengthy Premarket Tobacco Application (PMTA) process. E-cigarettes were not on the market prior to Feb. 15, 2007 (the predicate date).

While e-cigarettes could remain on the market during the PMTA process, it's an extremely expensive route with an uncertain outcome. The FDA previously indicated that it did not have the authority to change the predicate date, and that it could only be done by congressional action.

This regulation, according to Ray Story, CEO of the Tobacco Vapor Electronic Cigarette Association, would "wipe out" the e-cigarette industry because it would require a change in current law.

"We agree with the commonsense decision to establish a minimum purchase age for electronic cigarettes," said Jan Verleur, CEO and co-founder of vapor company VMR Products. "V2 was among the first electronic vaporizer companies to advocate for a ban on sales to underage users. Electronic cigarettes and vaporizers are not and have never been intended for anyone under the age of 18.

"We do disagree, however, with the decision to subject electronic vaporizers to an unnecessarily onerous approval process identical to combustible cigarettes," Verleur added. "Current scientific research does not support this all-or-nothing approach, which threatens to eliminate 99% of the electronic vaporizer industry. And while many electronic vaporizers may look like traditional cigarettes to better simulate the tactile aspect of the smoking experience, there is otherwise no meaningful resemblance between the two product categories."

Congressional action to change the predicate date took place on April 19. NACS Daily previously reported that the House Appropriations Committee passed an amendment to its Fiscal Year 2017 Agriculture Appropriations Bill that would change the predicate date for newly deemed products to the date of the FDA's final rule. The amendment also includes additional consumer protections such as requiring safety product standards for e-cigarette batteries, requiring face-to-face sales, requiring "keep out of reach of children" and "underage sale prohibited" displays on vapor products, restricting advertising of the products to children, and labeling of nicotine content. The amendment also requires retailers to register with the FDA if they engage in the retail sale of vapor products, unless a retailer is already subject to an active registration under any state law relating to tobacco products.

Gregory Conley, president of the American Vaping Association, told Roll Call that the FDA's refusal "to modernize the February 2007 predicate date will cause a modern day prohibition of products that are recognized worldwide as far less hazardous than cigarettes," adding that if the rule is not changed through congressional action or the courts, "thousands of small businesses will close in two to three years. Tens of thousands of jobs will be lost and consumer choice will be annihilated."

FDA's new regulations also restrict the sale of e-cigarettes to those under the age of 18. In March 2014, NACS issued a statement of position that encourages stores selling e-cigarettes to adopt as a best practice a policy of treating these products as age-restricted, subjecting them to the same age-verification procedures as those applicable to tobacco products.

The new regulations are effective 90 days from the date of publication of the final rule

Study Urges Smokers To Take Up E-Cigarettes

A major British medical organization is suggesting that smokers who want to stop should switch to electronic cigarettes, saying the devices are "the best hope in generations for people addicted to tobacco cigarettes to quit," reports The New York Times.

A report published this week by the Royal College of Physicians "summarizes the growing body of science on e-cigarettes and finds that their benefits far outweigh the potential harms. It concludes resoundingly that, at least so far, the devices are helping people more than harming them, and that the worries about them—including that using them will lead young people to eventually start smoking traditional cigarettes—have not come to pass," the NY Times writes.

"This is the first genuinely new way of helping people stop smoking that has come along in decades," John Britton, director of the U.K. Center for Tobacco and Alcohol Studies at the University of Nottingham, who led the committee that produced the report, told the news source. E-cigarettes, he continued, "have the potential to help half or more of all smokers get off cigarettes. That's a huge health benefit, bigger than just about any medical intervention."

The medical group's findings may be controversial in the United States; the Food and Drug Administration is expected to release its final deeming e-cigarette regulations by the end of the month.

The news source notes that some public health experts consider e-cigarettes as the "first real chance in years" for smokers to quit. However, the U.S. government, including the U.S. Centers for Disease Control and Prevention, has focused attention on potential dangers associated with the devices, such as being a gateway for children to take up cigarettes. (Editor's note: In 2014, NACS issued a statement of position that encourages stores selling e-cigarettes to adopt, as a best practice, a policy of treating these products as age restricted and subjecting them to the same age-verification procedures as those applicable to tobacco products.)he news source notes that some public health experts consider e-cigarettes as the "first real chance in years" for smokers to quit.

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Meanwhile, some American public health experts are applauding the British report, saying the recommendation that smokers try e-cigarettes could save lives.

"This is two countries taking pretty much diametrically opposed positions," Kenneth E. Warner, a professor of public health at the University of Michigan School of Public Health, told the NY Times. "One is focused exclusively on the hypothetical risks, none of which have been established. The other is focusing on potential benefits."

The Royal College of Physicians report covers "a decade of science" and studies both in favor and not in favor of e-cigarettes. The report suggests that e-cigarettes are only 5% as harmful as traditional cigarettes, "a conclusion that some American experts say has been lost in the United States in the rush to condemn e-cigarettes," notes the NY Times, adding, "The report states bluntly that long-term effects of nicotine are likely to be minimal."

The report notes that the "emergence of e-cigarettes has generated a massive opportunity for a consumer as well as a health care-led revolution in the way that nicotine is used in society," adding that as the technology of e-cigarettes improves, "so the vision of a society that is free from tobacco smoking, and the harm that smoking causes, becomes more realistic."

ExxonMobil's Q1 Downstream Earnings Fall 46% On Weaker Refining Margins

ExxonMobil said Friday that its downstream earnings in the first quarter were 46% lower than a year ago due to weaker refining margins and lower products sales.

Downstream earnings were at $906 million, down $761 million from the first quarter of 2015. Weaker margins decreased earnings by $860 million.

Volume and mix effects increased earnings by $10 million. All other items, primarily favorable foreign exchange effects, increased earnings by $90 million.

Petroleum product sales of 5.3 million b/d were 480,000 b/d lower than the prior year's first quarter.

Earnings from the U.S. downstream were $187 million, down $380 million from the first quarter of 2015. Non-U.S. downstream earnings of $719 million were $381 million lower than last year.

The downstream segment earned $906 million as global gasoline demand remains relatively strong.

ExxonMobil's estimated first-quarter total earnings were at $1.8 billion, or $0.43 per diluted share, compared with $4.9 billion a year earlier.

The impacts of sharply lower commodity prices and weaker refining margins were partly offset by strong chemical results.

Chemical earnings increased 38% to $1.4 billion on stronger margins and higher sales volumes. The business is capturing increased specialty and commodity product demand along with significant cost benefits from both gas and liquids cracking advantages at its integrated sites.

Upstream earnings declined $2.9 billion from the first quarter of 2015, to a loss of $76 million. Lower liquids and gas realizations decreased earnings by $2.6 billion.

Sales mix effects decreased earnings by $100 million. On an oil-equivalent basis, production increased 1.8% from the first quarter of 2015. Liquids production totaled 2.5 million b/d, up 261,000 b/d, while natural gas production was 10.7 Bcf/d, down 1.1 Bcf/d from 2015.

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Comments On Proposed Lottery Regulations

On behalf of thousands of convenience stores, grocery stores, gas stations, bodegas, newsstands, restaurants, taverns, and other retail establishments that are licensed to responsibly sell New York Lottery products to adult customers, our associations jointly submit the following comments concerning SGC-12-16-00009-P, "Consequences for Commission Licensees, Agents, and Other Regulated Parties Who Violate Prohibition on Underage Wagering."

With regard to face-to-face sale of lottery tickets, the penalty structure seems reasonable.

The graduated scale of warnings, fines, and suspensions set forth in the proposed regulation provides reasonable disincentives for selling lottery tickets to minors at the counter.

Lottery vending machines should be equipped with ID card readers. We oppose enforcement of underage sales and the proposed penalties for such for lottery vending machine sales until such time as the Gaming Commission retrofits each lottery vending machine with an ID card reader that will prevent sales to underage persons. Without the introduction of such a tool, retailers with vending machines will be exposed to lottery license suspension – not because they don't care about age verification, but because it's physically impossible to keep an eye on the vending machine every minute of every day. Rather than accepting that risk, many retailers will choose instead to simply remove the lottery vending machine from their premises, resulting in lost sales to adult customers.

The proposed regulation fails to set forth due process provisions for lottery retailers accused of an underage sale that would be punishable by a fine. Section 5000.6 of the New York Codes, Rules and Regulations provides for a hearing in cases involving suspension or revocation of a lottery license. However, neither the existing nor proposed regulation sets forth a hearing procedure for a lottery agent facing a fine for an alleged underage sale. As with any other state agency disciplinary proceeding, lottery retailers should be afforded the opportunity to defend themselves. We urge you to amend the proposed rules to provide for such a process.

The proposed regulation fails remove the lottery agent's unfair exposure to lottery license suspension for underage sale of tobacco products. Since 2000, the Public Health Law has required the suspension of a lottery license for six months if and when an establishment's New York State retail tobacco dealer registration is suspended in a proceeding involving the sale of tobacco to a minor. The State of New York maintains separate laws, separate agencies, separate licenses, separate license fees, and separate enforcement for lottery and tobacco. Therefore the

license actions should be uncoupled. The proposed regulation creates an inconsistency with the Public Health Law in that lottery license suspension can result from as few as two underage tobacco sales within any 36-month period, whereas the proposed regulation provides for lottery license suspension only after at least four underage lottery sales. The Public Health Law provision is confusing, inconsistent, and excessively punitive. The Gaming Commission should use this opportunity to repeal the excessive, inconsistent Public Health Law provision regarding lottery license suspension.

The proposed regulation conveys an inconsistent message with regard to preventing youth access to age-restricted products. Section 5001.27(c)(1) of the proposed regulation retains the provision prohibiting the sale of instant lottery tickets to anyone under 18 but sating that it's perfectly legal for those 18 or older to buy them for someone under 18 (while the MegaMillions and PowerBall provisions do not permit adult purchases for minors). We train our retail cashiers to refuse to sell alcohol or tobacco to an adult customer whenever the cashier has reason to suspect the product may end up in the hands of a minor. Inconsistency of rules results in confusion at the counter and heightens the risk of underage sales. We recommend you revise the proposal to make it unlawful for a person over 18 to provide a lottery ticket to an underage sale. New York State should forego these sales if it is committed to preventing underage sales of lottery tickets.

The references to "within one year of a violation" may be confusing. Section 5001.27(c)(2) of the proposed regulation sets forth the following penalties for underage sale of lottery tickets:

- "for a first violation, a written warning of such violation"
- "for a second violation within one year of a violation, a fine of $500"
- "for a third violation within one year of a violation, a fine of $1,000"
- "for a fourth or subsequent violation within one year of a violation, such further action as the commission may deem appropriate, which may include without limitation the suspension or revocation of any license or privilege to sell lottery tickets"

It may not be clear to every lottery retailer what "within one year of a violation" means with regard to the third, fourth, and subsequent violations. Suppose the first violation occurs January 1, 2017, and the second occurs June 1, 2017. If another violation occurs April 1, 2018, is that treated as the second violation because it has been more than one year since the January 1, 2017 violation, or as the third violation because it has been less than one year since the June 1, 2017 violation? Language clarifying your intent would be beneficial to all.

The enforcement protocol should be spelled out. The regulation should set forth which agency or agencies will be authorized to carry out underage lottery sale enforcement, and under what protocols. Will the Gaming Commission itself do the compliance checks, or will they be delegated to some other agency with an agenda? How much time will pass before the establishment is notified it failed a compliance check? Will the establishment be notified if it passes? Will undercover minors be permitted to lie about their age if asked by a cashier, as is State Liquor Authority practice? Retailers deserve to know up-front what the rules of engagement are. Getting such details right makes all the difference between a public relations stunt and a credible underage enforcement program. We've seen both varieties in alcohol and tobacco enforcement and have learned from experience that what you do matters. The Commission should take the time to detail its plan, publish it for comment and adopt it as a Commissiom policy if you want to be effective at preventing underage lottery sales.

We would welcome the opportunity to speak with Gaming Commission representatives regarding these concerns.

Global Partners to Sell 86 C-Stores With Gasoline

Global Partners LP has put 86 convenience stores with gasoline up for sale as part of an initiative to divest non-strategic retail sites, according to NRC Realty & Capital Advisors, which is handling the sale.

The stores are in the Northeast and Mid-Atlantic, 28 of them in Connecticut, 22 in Massachusetts, 12 in New York, eight each in Maine and New Hampshire, five in Rhode Island and three in Maryland.

The average lot size is 28,000 square feet and the average building size is 1,700 square feet. The stores range from kiosks to buildings more than 4,610 square feet. Of the total, 51 are fee-owned properties and 35 are leaseholds, NRC said in an announcement this morning.

"These are all unique properties, many in markets where building new stations may not be possible," said Evan Gladstone, executive managing director of NRC. "The portfolio consists of sites that may be of interest to first-time c-store owners as well as experienced multi-site operators and jobbers."

The properties will be sold using NRC's "buy one, some or all" sealed-bid sale process. For a complete list of the properties, their channels of trade, site specific information and instructions for submitting offers, visit www.nrc.com/1608. Interested parties can register online for sale updates or by calling the NRC Customer Service Center at 800-747-3342, extension 1608.

Property Specific Packages (PSP) are expected to be available in early May, with a bid deadline of June 14, 2016.
--Donna Harris, dharris@opisnet.com
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Goldman Sees High Gas Demand Prevailing: EVs Won't Short the Growth

"We do not assume a meaningful decline in gasoline demand associated with EVs (electric vehicles) between the middle of the next decade."

With that bold and assertive statement, analysts at Goldman Sachs this weekend predicted that U.S. gasoline growth would be quite robust this year, and through the rest of the decade. What's more, the bank believes that even the most aggressive adoption rate for electric cars might only knock gas demand down by about 131,000 b/d, and not until about 10 years from now.

The bank's comprehensive research report sees three refiners as big winners if gasoline's kingdom continues and even expands. It has outright "buy" ratings on Marathon, PBF and Valero, noting a preference for coastal processors.

Those U.S. refiners will be beneficiaries in part because they can manufacture so much more gasoline than their global peers. U.S. plants can yield about 48% gasoline versus a paltry 22% for global processors. The bank believes that gasoline cracks will widen through the second and third quarters with particularly robust margins on the West Coast. But like other investment banks, Goldman is not a fan of the diesel market. They suggest that despite the recent spring rally, the distillate market will remain oversupplied on the intermediate time, with key Chinese demand expected to slip.

Notably, Goldman is not thrilled with all refiners. They have a "sell" rating on Phillips 66, HollyFrontier and CVR Refining, in part because they believe that Midcontinent crude oil discounts are not likely to be resurrected.

Gasoline Demand by the Numbers

Goldman researchers largely believe that America will remain on a road trip in 2016, which will only ease slightly from 2017-2020. They see gasoline demand growth of 1.9% this year, easing to 0.4% per annum from 2017-2020. There are multiple caveats, of course, with a projected WTI crude price level of $50- $60/bbl in the background and global GDP numbers of 2% from 2016 through 2018.The bank crunches numbers and calculates that every 0.25% of GDP swing translates into 16,000 b/d of gasoline demand. Every $5/bbl in the variation of benchmark crude prices moves the demand needle by about 24,000 b/d. A $5/bbl lower crude oil range, in other words, would add to gasoline demand growth.

Interestingly, the Goldman 2016 demand forecast is slightly more bullish than EIA's most recent prediction of a 1.4% uptick in gas demand this year. Goldman's 1.9% increase would project to a 9.335-million-b/d final number this year, which would break the record established in 2007. By 2020, demand would be in the 9.485-million-b/d neighborhood.

The analysis suggests that investment analysts don't put much credence in U.S. weekly estimates, however. Weekly EIA reports year-to-date imply growth of over 4%, which would translate into a 2016 demand number of over 9.5 million b/d. Most analysts in physical and paper markets believe that weekly numbers are grossly overstated.

The 1.9% yearly growth rate and the smaller 0.4% pace that Goldman projects in the subsequent four years are very much tied to multiple working parts. Oil prices, consumer gravitation toward SUVs and light trucks, and fleet turnover rates are emphasized, while the recent "buzz" over Tesla EV orders is downplayed.

Tesla has indeed taken orders for another 400,000 Tesla Model 3 sedans in the last two weeks, but the bank sees problems in that company's fulfillment and build-out. In the most aggressive case where there is a "hyper-adoption" rate for EV enthusiasts, Goldman sees limited traction. The bank's base case calls for 381,000 EV sales, or about 3% of new car sales in 2025. The hyper-adoption case would see EVs hit a 6% threshold, which only knocks gasoline demand down by 131,000 b/d.

So, ultimately the electric vehicles become disruptive, but not until well into the next decade when they pose a headwind for gasoline and other fossil fuels. A small dip in gasoline demand thanks to EVs requires sales that would be about 20 times the more recent rate for electric vehicles, or the addition of about 3.6 million EVs.

In addition to the aforementioned refiners, Goldman puts a "buy" rating on Green Plains Renewable Energy, which fetched a price of $18.50 at the close of trading Monday. Goldman believes that GPRE will be a major consolidator and suggests Wall Street is not capturing its intrinsic value or its upside. They have a $28 target price, predicting an advance of more than 51% from today's level for the 1.2-billion-gal/year producer.

Some other numbers in the report:

--Goldman projects that U.S. consumer spending on gasoline will be just $277 billion this year, based on an average 2016 price of $1.93/gal.

--The bank believes that motorists will drive even more than the record 3.1 trillion miles that they traversed last year with a 2016 increase of about 2.3% in vehicle miles traveled (VMT).

--Researchers estimate that there are about 175,000 EVs on the road in the U.S. today, out of the vehicle universe of 260 million.

--Some 56% of U.S. car sales were from SUVs or light trucks, and Goldman sees this "mix-shift" into higher vehicles continuing.

--The bank continues to project that global oil demand growth will range between 1.1 million b/d and 1.2 million b/d.

--The investment house is not excited about prospects for gasoline retailers. While it maintains a "buy" rating on Sun, it posits that retail margins will flatten.

--Tom Kloza, tkloza@opisnet.com

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Discover Card Endorses Chip And Pin

Discover Chairman and CEO David Nelms announced the company would begin migration to chip and PIN technology to secure credit card transactions in the United States.

The Retail Industry Leaders Association (RILA) applauded the announcement, noting that over the past year,

merchants and law enforcement officials have questioned why U.S. banks and card networks chose to implement a chip and signature system in the U.S., rather than the more secure chip and PIN, which is used throughout the industrialized world to combat fraud and reduce card theft. Retailers have invested billions to install upgraded payment terminals to accept new chip cards while asking banks and card networks to meet that investment by implementing chip and PIN in the United States.

"Retailers appreciate the candid assessment from a leading card issuer that the financial services industry has missed an opportunity to provide a higher level of security for U.S. consumers," said Austen Jensen, vice president of government affairs at RILA. "Banks and other card issuers should follow Discover's lead and make a commitment to providing American consumers with the same level of security that consumers in Canada and Europe now enjoy."

Payments Source was the first to announce the news, noting that Nelms backed the move to make EMV cards more secure through the use of chip and PIN while speaking at the Electronic Transactions Association's TRANSACT 16 meeting in Las Vegas.

RetailDive.com reports that technically, Discover currently supports chip and signature for its credit cards, but Nelms said that with some cards requiring PINs and others just signatures, the environment is becoming more confusing for consumers, and that as the U.S. continues to transition to the more secure EMV cards, the switch should favor the inclusion of a PIN to further bolster consumer protections. The news source notes that Nelms said debit cards already require PIN; a discrepancy doesn't make sense in the chip and PIN context.

Minn. Checks For Skimmers
During Routine Pump Inspections

Minnesota officials recently announced that a three-week, statewide sweep to look for gas pump skimmers turned up nine skimmers and that routine, state pump inspections will include checking for skimmers.

During the recent sweep, which started in March, state weights and measures inspectors checked nearly 8,500 payment card readers on gas pumps at more than 1,000 gas stations across the state, officials said. They prioritized stations with older pumps, which are considered more vulnerable, as well as stations located on heavily traveled streets and highways.

Weights and measures inspectors are now looking for skimmers and any signs of tampering as part of their routine inspections of retail gas pumps for accuracy, safety and fuel quality, according to Minnesota Commerce Commissioner Mike Rothman.

The state also has started an education campaign with gas station operators, providing guidance on how to protect their pumps against skimmers, how to identify the devices and what to do if one if found.

A page on the Commerce Department website designed for retailers has a host of educational information, including photographs of skimmers, the contact information for reporting skimmers, and several tips to protect the pump and to detect the presence of skimmers.

Among the tips:
--Use customized security tape on the dispenser;
--Use customized keys on locks on the dispenser. Also, consider placing security tape over the key holes;
--Check gas pumps for skimmers every day. Design an internal inspection program that triggers an alert to upper management if the daily inspection doesn't get done;
--Shut down an affected dispenser immediately, and don't let customers continue to use it.
--Leave the skimmer in the dispenser until law enforcement can remove and take custody of it;
--Review security film regularly, especially after unusual encounters that took employees' attention away from the pumps; and
--Post signs on dispensers telling customers that you check daily for skimmers.

The signs should ask customers to immediately report any broken security tape, damaged cabinet or suspicious activity to station employees.
--Vincent Taylor, vtaylor@opisnet.comvtaylor@opisnet.com
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Because You Asked

Q. How many monitors need to be up before a vehicle fails a New York State Inspection?
A. 1996 to 2000 model year vehicles may have two monitors up to trigger a failure. Vehicles 2001 and newer vehicles will fail if it has more than one monitor up.

DMV Record Retrieval

DMV record retrieval is available to association members and affiliates at a cost of $12 per record. Additionally, you may order DMV certified paper abstracts of driver's license, vehicle registration, and vehicle title records for an additional fee of $2 per abstract. Please call 585-423-9924 or.716-656-1035

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NIAGARA COUNTY

INSPECTION LICENSE
AND EQUIPMENT

FOR MORE INFORMATION
CALL 716-656-1035

FREE MONEY

BE A MEMBER OF OUR ASSOCIATION OR AFFILIATES
FILL OUT THIS FORM AND FAX BACK TO US
BUY $7500 IN PARTS IN ONE QUARTER FROM YOUR **NAPA DEALER**
RECEIVE A REBATE CHECK FOR 2% OF YOUR PURCHASES (MINIMUM OF $150 REBATE)
PUT THE MONEY IN YOUR POCKET
NOTE: YOU CAN NOT BE A MEMBER OF THIS AND ANOTHER NATIONAL NAPA PROGRAM

FREE MONEY

Name of Your Business:		
Business Address Street:		
City:	State:	Zip:
Phone:	Fax:	E-Mail:
Name of NAPA Dealer:		
NAPA Street Address:		
City:	State:	Zip:
Phone:	Fax:	
Additional NAPA Dealer(s) you do business with:		
Name of NAPA Dealer:		
NAPA Street Address:		
City:	State:	Zip:
Phone:	Fax:	
Name of NAPA Dealer:		
NAPA Street Address:		
City:	State:	Zip:
Phone:	Fax:	

FAX this form back to:
518 452-1955

ARE YOU AN OWNER OR EMPLOYEE IN NEED OF TRAINING?

DO YOU WANT TO PROTECT YOUR BUSINESS FROM EXCESSIVE FINES
OR
THE POSSIBLE LOSS OF YOUR:
TOBACCO LICENSE
LOTTO LICENSE
ALCOHOL LICENSE?

DO YOU WANT TO BE CERTIFIED IN SECTION 609 MOTOR VEHICLE AIR CONDITIONING (MVAC)?

THE NEW YORK STATE ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS
OFFERS ON-LINE COURSES THAT NOT ONLY PROVIDE TRAINING AT YOUR CONVENIENCE, BUT AT VERY COMPETITIVE PRICES FOR BOTH MEMBERS AND NON-MEMBERS OF OUR AFFILIATES

ALL INFORMATION AND MATERIALS ARE PROVIDED THROUGH OUR WEBSITE AT:
NYSASSRS.COM

QUESTIONS CAN BE DIRECTED TO (518) 452-4367. WE ARE AVAILABLE TO PROVIDE PERSONAL ASSISTANCE.

Garage Insurance Survey

Name of Business:			
Street Address:			
City:	State:	Zip:	
Phone #	Fax #	E-Mail:	
Contact Person:		Phone # (if different from above)	
Are you happy with the cost and service provided by your carrier/agent?		Yes	No
If yes STOP here… If NO or NOT SURE you may want to look at the following			
Is your coverage insufficient?		Yes	No
Is the service poor to non-existent?		Yes	No
Is the cost too high?		Yes	No
Are you satisfied with your current coverage?		Yes	No
Are you interested in a quote from another insurer?		Yes	No

Is so please check each that apply:

		Property & Casualty
		Workers Comp
		Disability
		Health

If you checked one or more of the above please provide the following information:
Name of Current Insurer:
Type of Insurance:
Renewal Date:
When/How is the best time to contact you?

If you are interested in learning how you may save on insurance costs
Please fill out and fax to your local association at 518-452-1955

RSGDA

LEGAL PLAN

As a member in good standing of the Association, you are entitled to participate in our group legal service plan. If you are in need of this service, you must first call the Association office at (585) 423-9924. An appointment will be arranged that will be convenient for you and the attorney.

Covered services available to members include:

- Defense in Small Claims Court if your business is sued or at Department of Motor Vehicles or at any other New York State Administrative Proceeding hearing. (Once per year.)
- Review of leases, supply contracts and franchise agreements to advise you of your obligation under these contracts. The plan does not include actual negotiation on your behalf. (One hour per issue, up to five hours per year.)
- Consultation on legal questions pertaining to your business. (One hour per issue, up to five hours per year.)

Appeals of judgments against you are not a covered benefit, but are available to members at special contract prices.

Additional legal services will be provided by the designated law firm's standard hourly rate less 15%. Special contract prices have also been negotiated for the following services.

- Residential real estate purchase or sale. The designated law firm will represent you in the sale of purchase of your primary residence and/or a second home or vacation property at the following rates:

Sale	$295.00
Purchase	$350.00

- Simple will $75.00 Simple will (husband and wife) $125.00

In order to participate in the plan you must be a member in good standing and must have been a member for ninety days prior to the need for legal service.

CIGARETTE SALES TO MINORS
CLERK CERTIFICATION

COMPLIANCE .WITH THE NEW STATE CERTIFICATION OF CLERKS WHO SELL TOBACCO PRODUCTS

CERTIFICATION OF A CLERK WHO SELLS TOBACCO PRODUCTS
POINT REDUCTION CLASS

NEW YORK STATE AMENDED ITS POLICY OF ENFORCEMENT FOR RETAILERS WHO SELL TOBACCO. UNDER THE NEW LAW A POINT SYSTEM HAS BEEN ESTABLISHED. EACH VIOLATION OF A TOBACCO SALE TO A MINOR WILL GENERATE A FINE AND TWO POINTS. THREE POINTS AND THE RETAILER'S LICENSE TO SELL CIGARETTES WILL BE SUSPENDED. HOWEVER, IF THE CLERK HAS RECEIVED A CERTIFICATION BY TAKING AN APPROVED SEMINAR, THE VIOLATION WILL RECEIVE ONE POINT.

THE STATE IS ENFORCING THIS LAW
IN ORDER TO ACCOMMODATE OUR MEMBERS,
WE ARE CERTIFIED TO PROVIDE THIS TRAINING.
PLEASE NOTE DATES, TIME, AND LOCATI0N OF THE NEXT SEMINAR

WHERE:

Shadow Lake Golf Course – Woodlands Room
1850 Five Mile Line Road
Penfield, NY

WHEN:

First Thursday of every month at 4:00 PM

COST:

MEMBERS: $15.00 - NON-MEMBERS $30.00

PLEASE CALL FOR RESERVATIONS AT (585) 423-9924

SPONSORED BY: RSGDA

ALLYHEALTH

24/7 DOCTORS BY PHONE SERVICE

What is Telemedicine?

- Telemedicine a/k/a **"Doctors by Phone Service"** is quickly becoming an integral part of the healthcare environment.
- Speak to a real live doctor **24/7/365.**
- All doctors are **US Board Certified,** licensed to practice medicine and write prescriptions in the state the caller is located in.
- Doctors have an average of **15 years experience.**
- **100% HIPAA** Compliant.
- Designed for **non-emergency care;** 71% of all medical visits today are non-emergency.

WHAT CAN BE TREATED

GENERAL CARE: Allergies · Asthma · Bronchitis · Cold and Flu · Ear Infections · Joint Aches and Pain · Respiratory Infection · Sinus Problems · and many more

PEDIATRIC CARE: Cold and Flu · Constipation · Ear Infection · Fever · Nausea & Vomiting · Pink Eye · and many more

EMPLOYEES:

- Speak with a U.S. Board Certified Physician 24/7/365
- $0 consultation cost to speak to a doctor.
- Avoid wait times at Doctors Office, Urgent Care and ER.
- Save your co-pay, deductible and claim against your policy.
- Avoid leaving work to go to the doctor. (national average of 4 hours missed work time)
- Speak with a doctor anytime day or night.
- Membership includes all dependents.
- Get a prescription called into your local pharmacy.

EMPLOYER GROUPS:

- Reduce costly visits to the doctor.
- Reduce claims against your company health benefits policy.
- AllyHealth includes Unlimited Consults with No co-pay or consultation fee. This is ZERO cost compared to $140 doctor visits, $158 urgent care visits and $750 ER visits.
- Reduce employee absenteeism and therefore reduce lost productivity.
- Monthly reports on utilization and productivity savings.
- Membership includes employee and all legal dependents.

Click for more details:

INSURANCE AGENCY GROUP OF NY
Kelly Hurley: 518 791-7616
Pat Phillips: 518 573-0534

ALLYHEALTH

NEW YORK STATE SAFETY GROUP 536 DECLARES

DIVIDEND

GET ON THE TRAIN – CALL 518-452-4367

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