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May 2012



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Memorandum In Opposition

Bill Number A6173-S3631

Sponsor Weprin –Adams

The subject bill amends the New York State General Business Law in an alleged attempt to protect consumers from price gouging and product tampering of gasoline. It is directed at service stations selling motor fuel by mandating that a sign be posted with the telephone number where to place a complaint.

The bill is directed at any person owning or operating a premise or facility with four or more gas dispensing nozzles for the retail sale of motor fuels for use in motor vehicles. The motorist or consumer complaints are to be based on

- overcharging for gasoline or
- product tampering of gasoline

The bill requires dealers to provide clear and conspicuous notice on consumer complaint contact information by posting signs at all service desks, gas dispensing areas and other appropriate areas as necessary. The sign needs to contain information, including, but not limited to, a telephone number and mailing address of the state consumer protection board.

The sponsor's cite the consistent rise of gas prices for added need for consumers to feel they are still receiving an adequate product that has been priced at a fair market value and has not been physically tampered with.

This bill is unnecessary and redundant. There is sufficient protection under current law to protect the motorist. The State Agriculture and Markets and County Weights and Measures Department constantly monitor service stations for quality and quantity violations. Recently New York City Consumer Affairs proudly announced that it

had completed inspection of all the stations in the City and had ninety-seven percent compliance. Also, a price gouging law is already in place. If there is a shortage of product the State Attorney has authority to act. If there is no crisis than the customer unhappy with the price at one station need only drive to the next. There is no shortage of competition.

For the above reasons the New York State Association of Service Stations and Repair Shops, Inc., its affiliates and members oppose this bill and request it be defeated.

Memorandum In Opposition

BILL NUMBER: A1970 – S603

SPONSOR: Jeffries (MS) Peralta

The subject bill amends the New York State General Business Law, in relation to prohibiting more than one increase in the price of gasoline in any twenty-four hour period. The purpose of this bill is to prohibit gasoline prices from being adjusted at the pump multiple times daily on the same lot of gasoline, which was purchased wholesale at a fixed price.

This legislation it will make it unlawful for anyone engaged in the sale of motor fuel, or anyone who produces and stores or exchanges motor fuel at a terminal or facility and who sells or transfers motor fuel through the loading rack at such terminal facility, or an affiliate of such, to increase the price of any grade or quality of motor fuel sold at a retail outlet more than once in a twenty-four hour period. Any violation may result in a civil fine of not more than five hundred dollars to be collected by the corporation counsel for any city or by the appropriate attorney of any political subdivision as shall be designated by the governing body of such political

subdivision.

The legislature feels that as gas prices soar, price gouging follows. Typically the motor fuel industry is lumped to together and suppliers and retailer are the focus of enforcement. Unfortunately the State does not have the muscle to go after suppliers and settles on going after the people least able to defend themselves, the retailers.

For the above reason the New York State Association of Service Stations and Repair Shops, Inc., it affiliates and members oppose this bill and ask it be defeated.

Sixth Circuit Issues Mixed Ruling in Tobacco Case

Yesterday the U.S. Court of Appeals for the Sixth Circuit issued its opinion on an appeal of a case brought by tobacco manufacturers against several regulations promulgated by the Food and Drug Administration.

Importantly, the Sixth Circuit disagreed with the U.S. District Court for the District of Columbia and upheld the constitutionality of FDA's requirement for graphic warning labels on cigarette packages. But the court struck down FDA's ban on the use of color in

tobacco advertisements. NACS submitted a brief on that one question, urging the court to strike the provision — the court agreed that such a broad ban violated the First Amendment.

The case also included challenges to FDA's ban on the use of tobacco brand names in event sponsorships and on non-tobacco products, bans on continuity programs, limitations on claims about modified risk tobacco products, and prohibitions on claims that tobacco products are safer because they comply with FDA regulation. The court upheld all of these restrictions except that it struck down the ban on continuity programs, holding that the FDA did not have sufficient evidence to support that restriction.

In light of the differences between the court's decision and that of the U.S. District Court for the District of Columbia, it would not be surprising for the parties to seek review of the case by the U.S. Supreme Court. As a result, it is likely to be some time before these questions are fully settled.

Gas Prices Could Cut Summer Trips Short

A new survey released by the U.S Travel



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Association reveals rising fuel costs will cause travelers nationwide to cut back on car trips this summer, MSNBC.com reports.

The survey polled 2,500 people around the country, of whom 54% said an increase in gas prices would affect their summer vacation plans. Twenty-five percent of business travelers said high gas prices would affect their business travel plans.

Carroll Rheem, research director for PhoCusWright, a travel research and analysis company, said high gasoline prices have emerged as a threat to many travel segments, especially the road trip.

“I think it’s definitely a potential damper to summer travel and the travel industry,” she said. “It’s a little bit frustrating to watch. We’ve been waiting for this recovery, and as soon as economic factors improve, the price of

gas rises.

The impact will also be felt by destinations accessible only by plane, such as Hawaii, where higher airline ticket prices will force travelers to stay closer to home.

“Travelers who might have flown, they’ll be grounded,” Rheem said. “Especially families who are buying four tickets instead of two.”

Nancy White, a spokesperson for AAA, said higher fuel prices would definitely impact travel behavior, though it’s difficult to predict to what extent.

“We have 7,000 travel counselors at 1,000 branch offices, and we did a quick poll of them,” White said. “They told us AAA members are not canceling trips. They are altering distances (driven), and perhaps number of destinations they go to.”

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Convenience Store Sales Topped \$680 Billion in 2011

Convenience store sales, both at the pump and inside the store, set new records in 2011, according to data released today by NACS.

In-store convenience store sales grew 2.4%, reaching a record \$195.0 billion. Combined with \$486.9 billion in motor fuels sales, total convenience store sales in 2011 were \$681.9 billion, or one out of every 22 dollars of the overall \$15.04 trillion U.S. gross domestic product.

The industry's 2011 numbers were announced in Chicago today at the NACS State of the Industry Summit, a two-day conference that reviews and analyzes the industry's key economic indicators.

In-store sales growth was driven by strong sales gains in several beverage categories. Alternative beverages (a category that includes energy and relaxation drinks) saw a 15.3% increase, sports drinks were up 13.9% and cold dispensed beverage sales were up 12.3%. Several beer subcategories also saw strong growth: super premium beer sales increased 10.6% and craft beer sales were up 13.9%.

Convenience stores continued to evolve their foodservice programs with more meal offers and healthy food options. Prepared food sales increased 13.0% and emerging snacking subcategories also grew. The nuts/seeds subcategory saw 5.0% growth, leading salty snack sales.

Meanwhile, fuels price volatility continues to play a huge role in motor fuels sales data. While motor fuels revenues jumped 27.1%, gallons sold per store declined 0.4% compared to 2010. Motor fuels gross margins increased

from 15.8 cents to 18.4 cents per gallon before expenses, but dipped on a percentage basis, falling from 5.64% to 5.23%.

Part of the industry's sales growth also can be attributed to an increase in store count. The number of U.S. convenience stores grew 1.2% over the past year to a record 148,341 stores, according to the NACS/Nielsen Convenience Industry Store Count, released in January 2012. Convenience stores now account for 34.6% of all retail outlets, according to Nielsen.

Beyond sales, convenience stores remained an important part of the economy. They employed 1.88 million people and generated \$162 billion in federal, state and local taxes. Between motor fuels and in-store operations, the average store had 1,130 transactions per day. Cumulatively the industry conducted around 160 million transactions per day in 2011.

While motor fuels continued to drive sales dollars, in-store sales drove profit dollars. Overall, 71.4% of total sales were motor fuels, but motor fuels only accounted for 35.9% of profit dollars. Convenience store pretax profits reached a record \$7.0 billion in 2011, but taken as a percent of total sales, profits fell from 1.146% to 1.027% of total sales, largely because of a 23.0% increase in debit and credit card fees, which hit a record \$11.1 billion.

Total credit and debit card fees surpassed overall convenience store industry profits for the sixth straight year, and are now 87% higher than overall industry profits. As a percentage of overall sales, credit and debit card fees were 1.63% of total industry sales dollars, factoring in all forms of payment, including cash and check. Just looking at motor fuels sales, credit and debit card fees

added 5.7 cents to every gallon of gasoline sold at convenience stores in 2011.

“Our strong performance in 2011 shows that our industry’s core convenience offer – especially one-stop shopping and speed of service for refreshments, food and fuel – continues to resonate with our customers and attract shoppers to our stores,” said NACS Chairman Tom Robinson, president of Santa Clara, California-based Robinson Oil Corporation.

More than 80% of in-store sales are from the top five categories:

1. Cigarettes (38.1% of in-store sales)
2. Foodservice* (16.9%)
3. Packaged beverages (14.3%)
4. Beer (7.3%)
5. Other tobacco products (4.0%)

(*Includes dispensed beverages – hot, cold and frozen – and prepared foods)

While tobacco products (cigarettes and OTP) constituted more than 42.1% of in-store revenue dollars, they accounted for only 22.2% of gross margin dollars. Meanwhile, packaged beverages and foodservice continued to gain share of gross profit dollars and accounted for nearly half (47.8%) of all gross profit dollars, of which the top five categories are:

1. Foodservice (29.4% of in-store gross margin dollars)
2. Packaged beverages (18.4%)
3. Cigarettes (18.1%)
4. Beer (4.5%)
5. Candy (4.4%)

Several other areas showed strong growth profit growth: lottery/lotto commissions grew 14.3%, car wash increased a strong 75.4% and other automotive services increased 36.1%.

The industry’s bifurcation also continues, with a considerable divide between top quartile and

bottom quartile performers. Top quartile performers had gross profit dollars that were at least double that of bottom quartile performers across the board. Demonstrating that convenience stores are a growing mealtime destination, the top performers enjoyed hot dispensed (mostly coffee) profits seven times higher, cold dispensed profits four times higher and both salty snacks and prepared food profits three times higher than the bottom quartile performers.

Supreme Court Debates Health Care Law

For three days this week, the U.S. Supreme Court heard oral arguments from the federal government and challengers on the Patient Protection and Affordable Care Act, while protestors staged demonstrations on the courthouse steps, the Washington Post reports.

The Court said it would decide whether the Affordable Care Act exceeds congressional power by requiring all Americans to have health insurance by 2014 or pay a penalty; whether the law can stand alone without an individual mandate; and whether the court can even pass judgment on the act before a penalty is assessed.

Final arguments centered on the constitutionality of the law’s individual mandate. Other arguments encompassed the government’s planned expansion of Medicaid, about which 26 states have complained.

During Wednesday’s questioning, the court seemed to accept some of the government’s argument that two insurance provisions would be nixed along with the individual mandate. But no clear message emerged on whether the justices would throw out the entire law.

Representing the states challenging the law,

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"These multi-agency efforts to combat inspection fraud are critical to protect the air we breathe and the consumers who did not receive the inspections they paid for," said New York State Department of Motor Vehicles Commissioner Barbara J. Fiala. "These cooperative efforts have proved invaluable and DMV will continue to work with DEC and the Attorney General to ensure the public is protected."

The New York Vehicle Inspection Program (NYVIP) requires annual onboard diagnostic (OBDII) emissions inspections for most model year 1996 and newer light duty vehicles. During an OBDII inspection, certified inspectors must physically connect the state-approved inspection equipment to a standardized connector located in the vehicle being inspected. The investigation into AMI, Gurabo and others revealed the inspectors connected the NYVIP equipment to an electronic simulator instead of the vehicle of record. Staff from DEC was able to identify the "electronic signature" of the simulator using data collected during the inspection. Staff also demonstrated that the inspections were not representative of actual vehicles.

New York Bans Synthetic Marijuana

Synthetic marijuana products can no longer be sold on convenience store shelves in the state of New York.

Last week New York State Health Commissioner Nirav R. Shah issued an order that bans the sale of synthetic marijuana products in the state. "The substances, generally referred to as 'synthetic marijuana,' are sold as a 'legal alternative' to marijuana in convenience stores, smoke shops and tobacco stores with brand names such as 'Spice,' 'K2,'

'Mr. Nice Guy' and 'Galaxy Gold,'" according to a health department press release.

The order states: "Synthetic cannabinoids have been linked to severe adverse reactions, including death and acute renal failure, and commonly cause: tachycardia (increased heart rate); paranoid behavior, agitation and irritability; nausea and vomiting; confusion; drowsiness; headache; hypertension; electrolyte abnormalities; seizures; and syncope (loss of consciousness).

The order calls for sales and distribution of these products to cease immediately, and calls upon local health officials to distribute the order and check for compliance.

According to the National Conference of State Legislatures (NCSL), at least 40 states have banned the synthetic drugs, and the federal Drug Enforcement Agency banned five chemicals used to make K2 last year.

In the U.S. Congress, House-passed legislation to prohibit the sale of synthetic marijuana and other drugs known as "bath salts" and "plant food" has been delayed indefinitely in the Senate

EPA Takes Significant Step Toward E15 Sales

Less than a week after the Senate introduced bipartisan legislation aimed at removing legal and infrastructure obstacles to the sale of alternative fuels in the United States, the Environmental Protection Agency (EPA) moved a step closer to facilitating wider distribution of gasoline mixed with 15 percent ethanol by allowing manufacturers to register as suppliers.

While the EPA is moving the process forward by allowing the registration, E15 still must clear another set of federal tests and become a registered fuel in individual states, according to the Associated Press. Ethanol makers, who applauded the latest EPA news, would then have to convince petroleum marketers to sell it at their gas stations.

Twenty ethanol makers have registered so far to sell E15. They include large corn ethanol manufacturers, such as Archer Daniels Midland Co., based in Decatur, Ill., and Cargill Inc., headquartered in Wayzata, Minn. Ethanol makers in Iowa, the largest corn ethanol-producing state, Colorado, Indiana, Kansas, Kentucky, Michigan, Nebraska, South Dakota, Texas and Wisconsin also registered.

The ethanol industry called the EPA's action the most significant development in a three-year effort to approve the sale of the mid-level ethanol blend. This latest move follows the agency's approval of health effects testing of the fuel in February.

"Our nation needs E15 to reduce our dependence on foreign oil -- it will keep gas prices down at the pump and help to end the extreme fluctuations in gas prices caused by our reliance on fuel from unstable parts of the world," said Tom Buis, CEO of Growth Energy. "[The] announcement from EPA finally puts that goal within reach."

The announcement also strengthens the ethanol industry's efforts to innovate and continue to deliver domestically-produced and affordable alternatives to foreign oil, said Buis. "With ethanol selling an average of a dollar a gallon cheaper than gasoline, and \$4 a gallon gasoline on the horizon, we'd encourage all Americans to ask their local filling station how soon they will see more-affordable E15," he said.

Bob Dinneen, president and CEO of the Renewable Fuels Association, commented: "American consumers may soon have some much deserved relief at the pump. [The] EPA decision clears yet another major hurdle in bringing E15 to the marketplace. States in the Midwest have begun to address their regulatory requirements and perhaps as early as summer, we could see E15 at fuel stations in the Heartland of America. The future for consumers, ethanol producers and this country has just gotten a little brighter, a little stronger."

However, the American Fuel & Petrochemical Manufacturers cautioned the EPA not to rush E15 to market. The trade group has a lawsuit pending, challenging the government's efforts to offer E15. According to the group's president, Charles Drevna, hasty introduction of E15 could endanger American consumers and damage their vehicles and gasoline-powered equipment.

Fuel with higher ethanol content can damage engines not equipped with upgraded rubber parts, gaskets and other fittings. Many opponents worry that although E15 would not be approved for older vehicles, boats, lawnmowers and other small engines, consumers may mistakenly use it, according to the AP report.

Nathanael Greene, director of renewable energy policy for the Natural Resources Defense Council, also said encouraging more corn production to boost ethanol use is not an environmentally sound idea. "We need to be using our land very judiciously if we're going to feed a growing population," he noted. "Corn ethanol is not efficient enough to be directly in competition with food."

The Obama Administration has set a goal to

help gas station owners install 10,000 blender pumps over the next five years. The government has provided grants, loans and loan guarantees to push the use of biofuels as well.

The EPA said Monday's action follows an extensive technical review required by law, and testing by the Department of Energy and other organizations has shown E15 is compatible with engines in models the year 2001 and newer. The agency made clear that it is not requiring the use or sale of E15, and said gas pumps dispensing E15 will be clearly labeled so consumers can make the right choice.

Imported Products Liability

By Zurich

If someone asks if your automotive business is a manufacturer, your first instinct is probably

to say "no, I'm in the automotive aftermarket parts and service industry." But under certain circumstances, the courts could determine that for tort liability purposes, you are a tire, brake or perhaps a wheel manufacturer, or at least stand in the shoes of the manufacturer in the eyes of the law.

In the past, the United States was the center of the manufacturing world and many products were labeled "Made in the USA."

Product liability insurance for most American manufacturers was a necessity in order to do business in the U.S. and abroad. It would have been unwise to sell their products without this essential protection which also benefited their distributors and ultimately, the consumer.

This risk allocation system worked well even when companies began exploring manufacturing opportunities in foreign countries where labor, land and facilities are cheaper. Some of the first manufacturing plants to move out of the U.S. were relocated

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to Canada, Mexico and other nearby Latin American countries. However, most of the companies owning these plants maintained their headquarters, other manufacturing facilities and substantial assets in the U.S.; and continued to carry product liability insurance coverage as an essential standard business practice.

This standard practice began to change, however, as independent manufacturers began making whole products or parts in other areas of the world, most notably in the Pacific Rim.

Manufacturing shift may mean no products liability protection. Manufacturers in Pacific Rim countries, including China, now produce everything from plastic toys and furniture to tires and many other automotive parts. This is no surprise to many of our customers, but you need to be aware that this explosive growth in foreign manufacturing has resulted in some unwanted consequences.

Many of these foreign manufacturers have no U.S.-based assets and are not compelled to obtain product liability coverage for the products they export to distributors and retailers here in the U.S. Many distributors are so anxious to purchase these less expensive (compared to products manufactured in the U.S. and Europe) products that they ignore the fact that the manufacturer does not carry product liability insurance. The “traditional model” of the manufacturer standing behind its product, being financially responsible for damage and personal injury caused by their product and being amenable to suit in the U.S. is not always today’s reality.

What happens when someone sues after suffering bodily injury or property damage caused by a foreign made product? Who will be held responsible for recalls and warranty

returns?

Retailers and distributors all over the U.S. are making agreements with these overseas manufacturers (often on just a hand shake) and acting as direct importers of their products. If you are one of these retailers or distributors, you may have just become the manufacturer for tort liability purposes.

For example, consider a company in China that manufactures steering components (pick any type of product – tires, brake rotors, etc.) which you have arranged to import and sell to your customers. A local repair shop installs one of these steering components on Mr. John Q. Public’s automobile and then Mr. Public is involved in a terrible accident. The cause of the accident is determined to be the failure of a critical steering component – and it just so happens that the part you distribute is identified as the culprit.

A plaintiff attorney files suit and begins his search for the “deep pockets.” Let’s say, for this hypothetical example, the repair shop installed the part properly so its liability is minimal. Next in line in the plaintiff’s search for deep pockets is the distributor who, under the old rules, was viewed as only a “middle man” with a little responsibility for the product. In the past the attorney would then focus on the manufacturer (and their insurance company) because they usually have the deepest pockets and because they are ultimately responsible and accountable for the “defective” product they designed, manufactured and sold.

But in this case, the new rules might include a manufacturer that carries no product liability coverage and has no assets in the U.S.; consequently, the manufacturer becomes a tougher and less desirable target. Where does the attorney turn to now? Right back to you,

the distributor, since you are the last entity in the chain and there is no one else left to defend the product. So, you now step into the shoes of the “manufacturer” of the product for purposes of product liability.

Protecting your company, assets and reputation The only way to protect yourself from becoming a “manufacturer” is to do business with reputable companies that provide you with proof of product liability insurance coverage. Require suppliers to provide a current certificate of insurance with you named as an additional insured under the vendor’s endorsement on the manufacturer’s product liability policy. Pay particular attention to the limits of liability stated on the form. Limits of \$10, \$15 or \$25 million dollars or more are appropriate for a manufacturer. How much is really enough?

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Zurich offers the following suggestions if you decide to negotiate a deal to import products directly. You should at a minimum:

- Consult qualified legal counsel regarding the negotiations. Discuss your potential liability and how to obtain certificates of insurance;
- Negotiate and commit to writing how you and the manufacturer will jointly handle recall and warranty issues;
- Obtain a certificate of insurance from the manufacturer’s liability insurance carrier that does a substantial amount of business in the U.S. and make sure the manufacturer has adequate limits (have your insurance representative and qualified legal counsel review the certificate);
- Obtain additional insured vendor’s status on the certificate and get 30-day notice of any cancellation or nonrenewal; and
- Once you get it, place the certificate in a dated file to follow up 30 days prior to expiration. Even if you think products are manufactured in the U.S., it is good security to get certificates of insurance.

It might reduce your own insurance costs. Even if you think products are manufactured in the U.S., it is good security to get certificates of insurance.

General Counsel Corner

What, Never? Hardly Ever!

By Peter H. Gunst

The recent opinion of the Fourth Circuit Court of Appeals upholding BP's petroleum restriction provision contained in the deed by which it had transferred a service station property to a dealer brings to mind a snippet from an operetta by Gilbert and Sullivan.

The chorus challenges the boast of the captain of the H.M.S. Pinafore that he is "never, never sick at sea" with a doubting "what, never?" to which the captain responds "hardly ever!" Of course, the joke is that "never, never" simply does not mean "hardly ever." That is a distinction which two of the judges on the Fourth Circuit panel failed to recognize.

BP Products North America, Inc. v. Stanley concerned the sale of a Virginia service station property to a dealer, subject to a provision restricting its use to that of "an automobile service station," and prohibiting the sale not only of non-BP branded gasoline, but also of various other products including "kerosene, benzol, naphtha, greases, lubricating oils ... or lubricants in any form" which BP did not offer for sale to the dealer.

Claiming that prices charged by his supplier for BP motor fuel were excessive and uncompetitive, the dealer debranded the station, only to be sued by BP for violating the petroleum restriction provision. The district court held that the petroleum restriction was unenforceable because it would prohibit operation of the service station as a repair facility, even if no gasoline was sold, and because BP had no legitimate interest in restraining the sale of products that it did not itself offer for sale. The three-judge appeal panel split, with the two-judge majority voting for reversal.

With respect to the district court's concern that the term "service station" was too broad, the court held that the term should be interpreted as a synonym for "gas station," and so would not apply to a repair only facility. That part of the opinion appears to be at least plausible.

More troublesome is how the majority discounted the district court's concern that BP had overstepped itself by prohibiting the sale of petroleum products that it did not itself market. Although apparently conceding the provision's overbreadth, the majority concluded that the challenged prohibition was "too inconsequential" to invalidate the petroleum restriction.

In dissent, Judge Floyd jumped on the majority's concession that the petroleum restriction was "slightly broader than necessary to achieve its purpose." He emphasized that Virginia law permits a restraint of trade only where a legitimate business interest needs to be protected.

Judge Floyd concluded:

Virginia law supports narrowly drawn covenants that are reasonable, and general public policy encourages parties to draft precise language on which all participants to a contract can rely. Allowing BP, a multinational, sophisticated corporation, to draft blatantly overbroad restrictions and then, when challenged, simply declare that such restrictions are a mistake and meaningless not only is contrary to basic contract principles, but is detrimental to the public interest.

In sum, Judge Floyd would not have permitted BP unilaterally to convert its "never, never" to a quite different "hardly ever." It is too bad that he could not find another judge to join the

chorus.

Enroll Your Business With Energy Plus!

As a resident of New York, you have the choice to decide who lights up your business. To help members with this decision, NYSASSRS has partnered with Energy Plus®, one of the fastest growing energy suppliers, to offer members a custom electricity and natural gas program. You can enroll with Energy Plus to receive an Activation Bonus just for signing up and annual Cash Back on your energy supply charges each year!

When you enroll your business with Energy Plus, you will be eligible to receive a \$50 Activation Bonus AND an automatic 3% Cash Back rebate on your annual electricity supply charges. You can also enroll your home for a \$25 Activation Bonus and earn annual Cash Back rebates of 2%. Earn even more Cash Back when you enroll your natural gas account. Business accounts receive 3% Cash Back and home accounts receive 2% Cash Back with a \$25 Activation Bonus.

Switching is easy as there are no sign-up fees, cancellation fees, or long-term commitments, and even staff members can save. There are no changes to your service - your utility company will continue to deliver your electricity and natural gas, mail your bill, read your meter and handle any power outages/service issues. To be eligible, you just need an address within the Energy Plus service area, which covers all of New York State, except areas covered by the Long Island Power Authority (LIPA), due to limited eligibility for choice programs in the LIPA region.

Call Energy Plus at 855-388-5274 and mention Offer Code “SER-0059.”

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 drivers license, vehicle registration, and vehicle title records for an additional fee of \$2 per abstract. Please call 518-452-4367.

STAY IN TOUCH

The Association website is
www.nysassrs.com
Our e-mail address has changed to:
state@nysassrs.com

**Did Your Worker's Comp
Policy Give You 35% Of Your
Premium Back Last Year?
Call The Association Today
To Receive A Price Quote**

\$afety Group 536

With a Financial history like this you have
lots of reasons to smile.



DIVIDEND HISTORY

35%	2010-2011
35%	2009-2010
35%	2008-2009
35%	2007-2008
30%	2006-2007
30%	2005-2006
25%	2004-2005
22.5%	2003-2004
17.5%	2002-2003
10%	2001-2002
15%	2000-2001
30%	1999-2000
40%	1998-1999

DISCOUNT HISTORY

25%	2012
25%	2011
20%	2010
20%	2009
20%	2008
25%	2007
25%	2006
25%	2005
20%	2004
20%	2003
20%	2002
20%	2001
30%	2000

Current Group Management took over for the 04-05 policy year
2008 20 % Discount due to 18% rate decrease

Lawley
INSURANCE



New York State Insurance Fund

Workers' Compensation & Disability Benefits Specialist since 1914



Special pricing on merchant services.

An exclusive benefit for New York State Association of Service Stations and Repair Shops (NYSASSRS) — only from Bank of America

Merchant Services

We're pleased to offer you and other members of your organization some of the industry's most flexible and efficient payment processing options available, along with valuable savings.

Specially negotiated discount rates

Fast access to cash — with funds deposited into your account as soon as the next business day.¹

Point-of-sale payment options — virtually every point-of-sale payment option — credit, debit, electronic benefits transfer (EBT), gift cards and fleet (WEX and Voyager). And, for check payers, our TeleCheck Electronic Check Acceptance® helps you reduce the risks of accepting checks while minimizing processing costs.

Internet and telephone payment capability — for safe, secure shopping, whether online, by phone, by mail or in any card-not present environment.

Safety and security — to protect your business and your customers' information. Our systems support you through enhanced security and procedures, which help you comply with card organization rules and regulations.

Gift cards and loyalty programs — for reduced costs, and increased loyalty, sales and profits with our simple, user-friendly programs. Our full range of services includes card production, implementation and program interface.

Terminals and point-of-sale solutions — a comprehensive variety of affordable terminals and peripherals that offer adaptability for changing needs.

Payroll cards — with the security and control of electronic payroll.

One statement — and one customer service number for the convenience of your business.

24/7 technical support — to answer sudden questions or respond to unexpected needs. Expert help is as close as the web or your phone.

Program can support these card types:



Please contact your Bank of America Merchant Services sales representative at 1.877.899.9123.

¹ After deposit of transactions. Must have a Bank of America Business Checking account. Exceptions may apply. Only valid on Visa®, MasterCard® and Discover® transactions.

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GRANY

Gasoline and Repair-shop Association of New York

HEALTH INSURANCE PROGRAM

If you are going without health insurance, you are taking a big risk. Now is the best time to stop exposing yourself to high medical costs. Even if you have insurance, you will want to check how our health insurance programs can better suit your needs. Here are some of the benefits of our program:

- **Reduced premiums by being a member of our groups.**
- **Programs provided by a variety of providers.**
- **Choose from a wide selection of plans.**
- **Tailor your insurance to best suit your needs.**
- **Participating employees may choose different plans.**

Let us work with you to find the best program at the best price. We will send you more information, and help you to navigate the selection of plans and options to find the one that is best for you.

**To find out more information call
John Casazza at (518) 452-4367**

GRANY

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 (518) 452-4367. 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.



Let your energy bill *pay you back*

Enjoy all these great benefits when you switch your energy supplier to Energy Plus®



\$50 Activation Bonus
after two months of active service for your business' electric accounts*



Earn 3% Cash Back
every year on the supply portion of your business' electric bill*



Earn even more Cash Back
when you enroll your natural gas account*



No commitment
when you enjoy the same service without risks, fees, or long-term commitments

► **IS THERE ANY COST TO ENROLL OR CANCEL?**

Not at all! There is no cost to enroll with Energy Plus and you can cancel service at any time without penalty. Give Energy Plus a try risk-free today.

► **FOR YOUR BUSINESS AND HOME.**

Energy Plus provides energy to both homes and businesses throughout New York so you can enroll all your energy accounts. Members with electric residential accounts are also eligible to receive a \$25 Activation Bonus and 2% Cash Back annually on the supply portion of their electric bills. Homes and businesses receive an additional \$25 Activation Bonus and up to 3% Cash Back on natural gas supply charges every year.* Sign up both your business and home today!

► **NO INTERRUPTION TO YOUR SERVICE.**

The best part is that nothing about the way your service is delivered will change. Your local utility will continue to deliver your energy, read your meter, handle service emergencies, and send your monthly statement. You'll be earning Cash Back while still enjoying the safety and reliability of your current service.



► **HOW DO I EARN CASH BACK?**

Once you select Energy Plus, you will receive a Cash Back rebate check automatically after every 12 months of service. Your Cash Back rebate will be 3% of your annual electricity supply charges for home accounts and 5% for business accounts. Earn even more Cash Back when you enroll your natural gas account. Home accounts receive 2% Cash Back and business accounts receive 3% Cash Back on your annual natural gas supply charges.

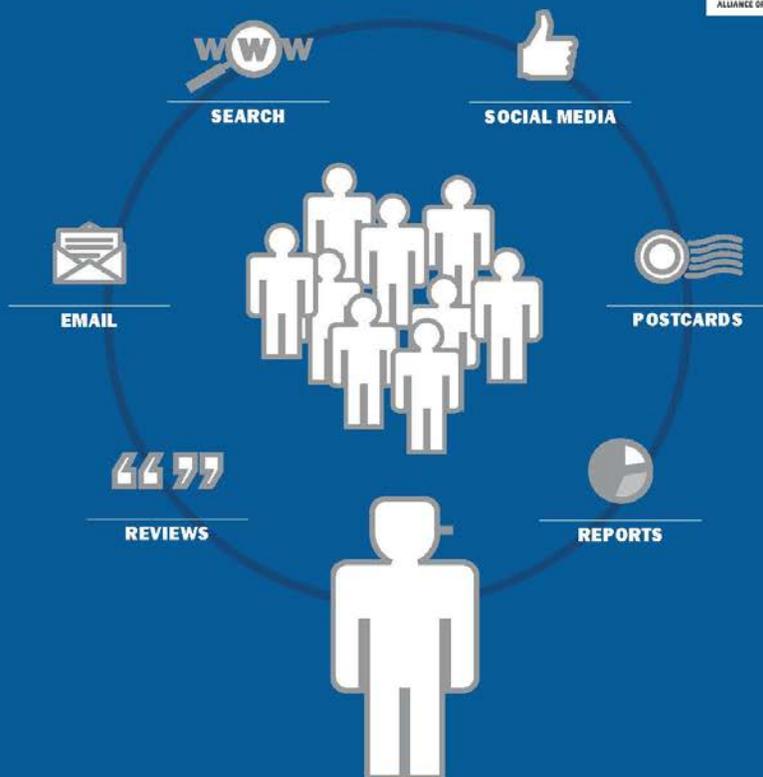


To learn more or enroll, visit this special offer page at www.EnergyPlusRewards.com/NYSASSRS59

or call **855-388-5274** and mention **Offer Code "SER-0059"**

ENERGY PLUS

*If enrolling an electric account, a \$50 Activation Bonus for business accounts or a \$25 Activation Bonus for residential accounts will be awarded after completing 2 billing cycles of active electric service with Energy Plus. If enrolling a natural gas account, a \$25 Activation Bonus check for business accounts or a \$25 Activation Bonus check for residential accounts will be awarded after completing 2 billing cycles of active gas service with Energy Plus. Active accounts are defined as those (i) that are billing more than \$0 and (ii) for which Energy Plus has not received a request on behalf of the customer to discontinue (drop) their service. Please note, if you enroll both electric and gas accounts, it is possible your services will start on different dates - so your bonuses may be awarded on different dates. Members will receive a Cash Back rebate check after every 12 billing cycles of service for active accounts. The Cash Back rebate will be 3% of the annual supply charges per business account and 2% per residential account. Account eligibility for a natural gas Activation Bonus requires a minimum of 900 annual therms or cofs, based on historic usage as estimated by your utility at the time of enrollment. Electricity service is provided through Energy Plus Holdings LLC and natural gas service is through its affiliate Energy Plus Natural Gas LLC. The Energy Plus rate is variable and therefore subject to change each billing cycle. Current and historical rates should not be taken as a guarantee of future rates and Energy Plus makes no warranty, express or implied, regarding specific savings. If you are currently on a Budget Billing plan, your monthly budget billing amount may be adjusted as a result of enrollment with Energy Plus. In addition, your utility may perform a true-up upon enrollment with Energy Plus. Depending on various factors, including season, this true-up could result in a charge, or a credit. Electricity offer valid for NY residents excluding areas serviced by the Long Island Power Authority (LIPA). Natural gas offer valid for NY residents with heating accounts in areas serviced by Consolidated Edison, National Grid (Keyspan NY), National Grid (Niagara Mohawk), Orange & Rockland and National Fuel Gas. Energy Plus reserves the right to discontinue or modify the program and other offers cannot be combined with this offer. Your local utility company will continue to deliver your electricity and/or natural gas, as applicable. Offer not valid for government entities.



SOCIALCRM: SHOP MARKETING MADE SIMPLE

**AASP Members Receive
\$15/month off SocialCRM**

Includes new SocialCRM sales and upgrades of existing eCRM customers to SocialCRM. It does not include a discount on new sales of the eCRM product level.



Please Contact Your AASP Sales Representative
to Schedule a Mitchell 1 Presentation



SEARCH

GO WHERE NEW CUSTOMERS CAN FIND YOU

Our Customer Review System allows your customers to create reviews of your service, which are automatically verified as authentic customer reviews. These reviews, with keywords added to optimize performance, create Search Engine-friendly links – driving your search visibility upwards, where new customers can find you.



EMAIL

STAY CONNECTED TO CURRENT CUSTOMERS

Turn first-time customers into loyal, profitable customers automatically. Mitchell 1's Social CRM integrates seamlessly with your shop management system, calculating mileage history and combining that with specific maintenance schedules to determine next recommended services. Includes:

- Email matching with your customer database
- Ongoing automatic email service reminders
- Target market promotions
- Customizable large-format postcards, artwork, and logos



POSTCARDS



SOCIAL MEDIA

IT'S TIME TO GET SOCIAL MEDIA WORKING FOR YOU

Your dedicated support agents will set up your Facebook page for maximum word-of-mouth marketing. Compelling content, AutoNetTV™ videos and Customer Reviews will be automatically pushed to your Facebook page on a regular basis to keep your shop visible and your customers engaged. Facebook links will be included in the Thank-You emails and on your customer's personalized vehicle maintenance website, OwnerAutoSite.com.



REVIEWS

GIVE YOUR SHOP A REPUTATION BOOST

Your customer reviews are posted to the web, complete with Overall Satisfaction Star Ratings, Review Comments, and Recommend scores. The Customer Review System can also verify which reviews are from actual customers, which studies prove are typically higher than unverified reviews. With ReScore, you can ask for a follow up review once you've had the opportunity to resolve a customer concern.

- Automated low score alerts
- Review customer verification
- Links to your shop's website
- Respond to customer reviews



REPORTS

SAY HELLO TO MARKETING CRUISE CONTROL

Your Mitchell 1 Support Agent will work with you to set up your SocialCRM service and monitor its performance with our extensive Summary Reports. Your support agent will:

- Set up Facebook page and create automatic feeds of video and review content
- Help you choose automatic Email and Postcard campaigns
- Review your Summary Reports and recommend tuning your program for maximum return on your investment
- Help you create coupons and send targeted email blast campaigns



Q1 2012

	<u>Promo Price</u>	<u>AASP Price</u>
<u>Manager</u>		
Manager, Single User	\$0 S&I \$109/mo	\$99/mo
Manager, Multi User	\$0 S&I \$135/mo	\$125/mo
ManagerPlus, Single User	\$0 S&I \$139/mo	\$129/mo
ManagerPlus, Multi User	\$0 S&I \$175/mo	\$165/mo

TEAMWORKS

Manager, Single User w/OnDemand5.com	\$0 S&I \$209/mo	\$199/mo
Manager, Multi User w/OnDemand5.com	\$0 S&I \$259/mo	\$249/mo
ManagerPlus, Single User w/ OnDemand5.com:	\$0 S&I \$239/mo	\$229/mo
ManagerPlus, Multi User w/OnDemand5.com:	\$0 S&I \$295/mo	\$285/mo

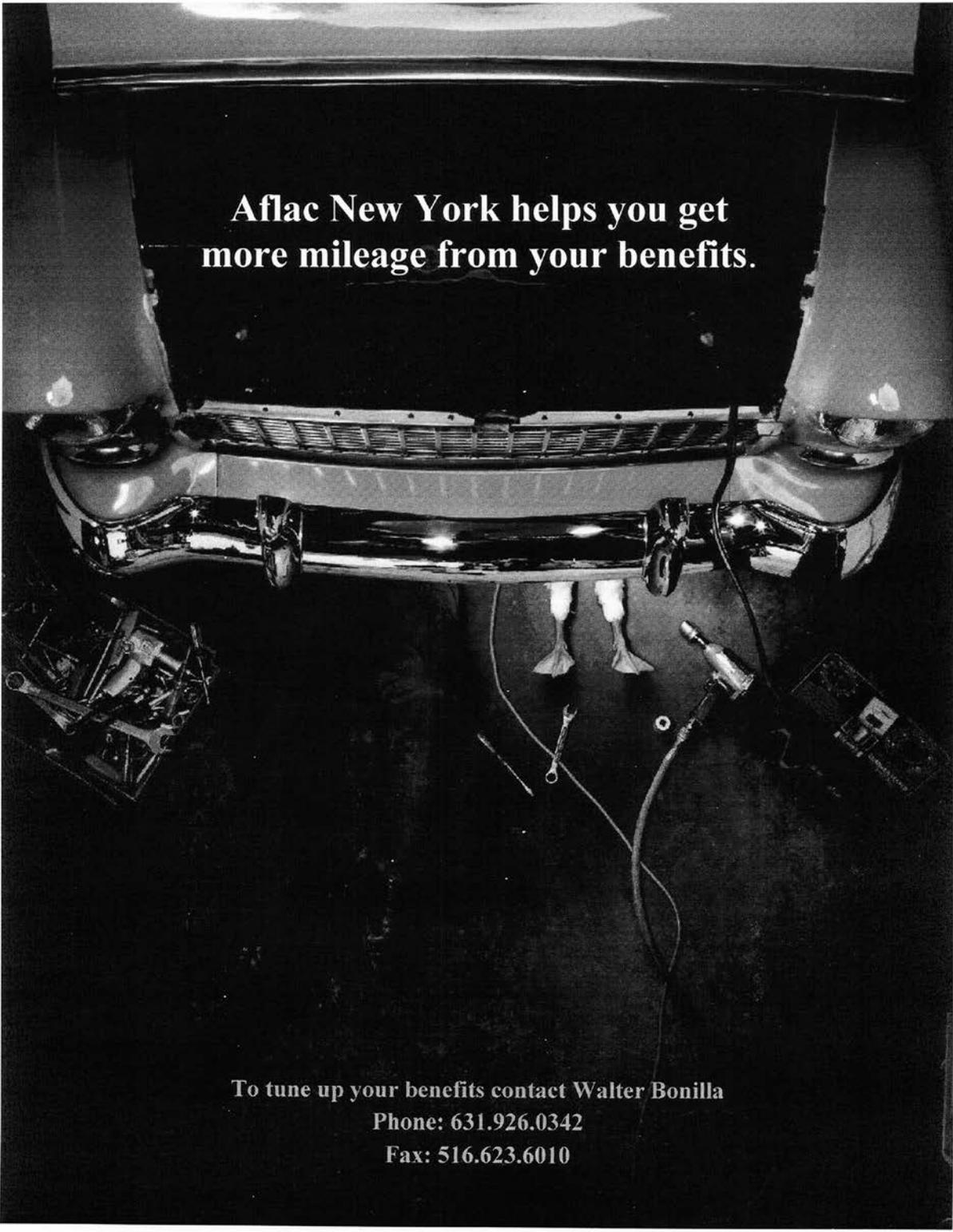
Other Products available as bundles or individually

OnDemand5.com	\$0 S&I \$159/mo	\$149/mo
Medium-Truck.net	\$0 S&I \$129/mo	\$119/mo
Tractor-Trailer.net	\$0 S&I \$235/mo	\$225/mo
SocialCRM	\$0 S&I \$199/mo	
SocialCRM - AASP Members Only	\$15.00/mo Off Promo Price	
	1st Quarter 2012	

Please contact your local Mitchell1 Representative for more info.

To find your local representative, or submit a lead, go to: www.m1leads.com/aasp

- **Prices should not be shared as an example only. Prices may vary depending on the product needs of the Repair Shop Customer.**
- All products come with a 30 day cancellation policy from Mitchell1.
- All products require 12-month agreement. After initial 12 months, each renewal period is 12 months with 30-day guarantee period commencing on renewal date.
- All products offered as software only; customer must provide hardware.
- All products include on-site training and installation.
- Network set up, installation and installation of all multi-user products is the responsibility of customer. Obtaining the services of a Network Professional to set up the network and install all multi-user products is highly recommended.
- Promotional pricing ends March 31, 2012.



**Aflac New York helps you get
more mileage from your benefits.**

To tune up your benefits contact Walter Bonilla
Phone: 631.926.0342
Fax: 516.623.6010



HERE'S HOW AFLAC NEW YORK CAN HELP:

Many industries-like specialized auto repair and customization-require highly skilled talent that is not easy to find and retain. Great benefits are a top priority for these talented professionals when considering where to work. With Aflac New York, you can provide a wide range of benefits that gives them coverage in the areas they need most, and with a brand they know and want. You can attract and retain new talent by providing the kind of benefits they'd expect from a bigger company, helping your business stand out from the crowd.

THE BEST PART ABOUT AFLAC!

NO DIRECT COST TO YOUR COMPANY

Aflac New York's insurance policies are paid entirely by your employees; therefore, adding value to your employee benefits plan without incurring direct costs.

OFFERS A WIDE RANGE OF POLICIES

Aflac New York offers a wide range of policies that can help cover health events from accidents to hospitalization. You choose the ones that are best for you, your employees, and your business.

POTENTIAL TAX SAVINGS

Aflac New York's tax-advantaged plan allows employees to use pre-tax dollars to pay for certain benefit costs, through a Section 125 cafeteria Plan. This plan may also reduce your FICA taxes, helping you counterbalance the challenges you face in today's economic environment.

ATTRACTIVE TO YOUR EMPLOYEES

Aflac New York insurance complements your major medical insurance to help you create a more attractive employee benefits package. Our wide range of policies is designed to provide cash benefits to your employees if they become injured or sick. With Aflac New York policies, there are no deductibles, copayments, doctor networks, or pre-authorization requirements.

Join the 16,500 companies* that Already include Aflac New York as an essential part of their benefits package. Find out more:

Walter Bonilla 1.631.926.0342 walter_bonilla@us.aflac.com

American Family Life Assurance Company of New York (Aflac New York)



The NAPA Major Account Program

*** **FREE MONEY GIVEAWAY** ***



Want to put more money in your pocket
and do nothing more than you do now?



You already buy parts and supplies for your business so why not buy from NAPA and earn 2% rebate!

The Association and NAPA developed a complete, competitive supply program designed to boost your backroom profits and meet your customer needs. Here's what it includes:

BENEFITS TO ASSOCIATION RETAILER

<u>Quality</u> Products that meet or exceed OEM specifications	<u>Consistent</u> Nationwide Parts Warranty
<u>Customized</u> Pricing -Reduced Parts Costs	<u>Availability</u> -Up to 342,000 Part Numbers
<u>Improved</u> Inventory Turnover	<u>Broader</u> Inventory Coverage
<u>Less</u> Downtime -Higher Gross Profitability	<u>Obsolescence</u> Protection
<u>Increased</u> Field Contacts -700 Factory Representatives	<u>Tailored</u> Local Inventories
<u>Consistent</u> Manufacturers Throughout Our System	<u>Recognized</u> Consumer Brand
<u>More</u> Effective Shop Inventory -Reduced Investment and Higher Productivity	
<u>Prolink</u> Internet based catalog, 24/7 parts availability and pricing	

PROFIT PLAN

Very competitive pricing on NAPA Premium and Value Line products
Special quarterly stocking incentives
Quarterly product discounts to enhance competitive pricing during key selling seasons
Discount on electronically ordered parts from participating stores
Prompt payment discount terms (2% 10, Net 20)

A BRIEF LOOK AT NAPA

Since 1925, NAPA (**National Automotive Parts Association**) has helped businesses expand their parts coverage and maximize turnover and ROI. They offer an unparalleled package for people, products and programs to increase your productivity:

More than 5,800 **NAPA AUTO PARTS** Stores Nationwide

- Strategically located Distribution Centers servicing all 50 states
- Computerized inventory control linked to your station
- Highly trained Factory Reps.
- Training for you and your employees

(O V E R)

Now...what do you have to do to participate in the NAPA Program? It's easy. You just have to:

- Register in **NAPA** Major Account Program with the Association
- Stock a minimum of four product lines
- Designate **NAPA** as first call supplier, and
- Purchase a minimum of \$7,500 per quarter (Average \$2,500 per month)

It couldn't be easier so why not join today. **No risk**...if you don't meet the quota you just don't receive the rebate, nothing lost...but additional profit could be gained!

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:	

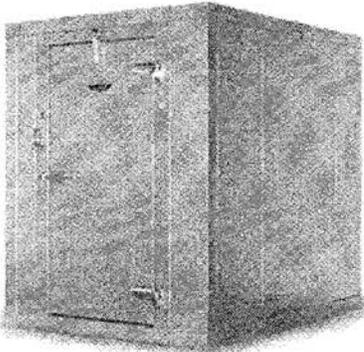
FAX this form back to:
518 452-1955



RTF WALK-IN COOLERS & FREEZERS

State-of-the-Art Quality Custom Designed Walk-In Refrigeration Systems

**RTF Manufacturing
is Your Source for
Custom Designed
Walk-In Coolers, Freezers
and Beer Caves—
Built to Fit Your Plans.**



**RTF Manufacturing
Premium Cooling Systems—
Engineered and Built for use in
Convenience Store, Restaurant,
Industrial, Warehouse and
Commercial Refrigeration
Applications.**

Call 1-800-836-0744 or
email: info@rtfmanufacturing.com
for an estimate.



- **Built to Suite Your Needs**
- **Superior Design**
- **Durability**
- **Energy Efficient**
- **Reliable Service**

Technical Assistance Always Available:
Call our toll free support hotline: **1-800-836-0744.**
Our engineering or service department will be happy
to assist you.



RTF
Manufacturing

www.RTFManufacturing.com

WHY CHOOSE US?

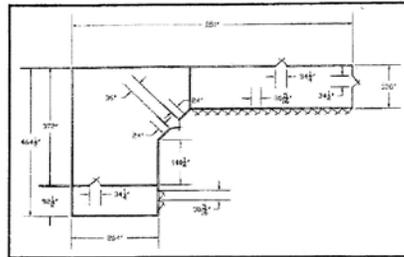
State-of-the-Art Quality Custom Designed Walk-In Refrigeration Systems

SUPERIOR DESIGN

RTF Walk-in Coolers and Freezers are designed using superior heavy gauge embossed galvanized steel interiors and exteriors with foamed in place CFC-free urethane insulation. Our Walk-in Coolers and Freezers save energy costs and meet all building code requirements including UL Standards for safety and performance. *RTF* superior designs keep operating costs to a minimum.

CUSTOM DESIGNS AND SPECIAL SIZES— MADE TO FIT

All *RTF* products are in-house CAD designed, engineered and built to best fit your unique requirements. Our CAD drawing department will be happy to assist you in providing all the drawings for your next special project—Indoor or outdoor, whatever shape and size you need. *RTF* Manufacturing will design, engineer, manufacture and deliver your complete Walk-in request.



DURABILITY

RTF Walk-in Coolers and Freezers are engineered to the highest specifications and manufactured using superior materials and exacting standards for the quality you expect. Our continued commitment to the food-service and floral industry allows us first hand to witness some of the harshest conditions this equipment operates in and we are proud to say that we pass the test.

PRICING AND VALUE

We deliver reliability, durability and quality at a competitive price.

MODULAR CONSTRUCTION

RTF offers the availability of modular construction to meet the needs of special installation challenges. Confined space and limited accessibility is not a problem when installing our expertly engineered modular units.

TECHNICAL ASSISTANCE

Have a question or problem? No problem! Call our toll free support hotline: 1-800-836-0744 and our engineering or service department will be happy to assist you. We pride ourselves on providing you with an unsurpassed level of service. Our staff of highly qualified experts are available from Monday through Friday 8:00 a.m. to 4:00 p.m. Eastern Standard Time. Experience the finest in technical support.

REQUEST A QUOTE

Call us to request a quote today—discuss your requirements with an *RTF* engineer and we will provide the assistance you need. A detailed quote and specifications will be provided for each job.

RTF WALK-IN COOLERS & FREEZERS

Toll Free: 1-800-836-0744 • info@rtfmanufacturing.com • www.rtfmanufacturing.com

SPECIFICATIONS

METALS AND FINISHES

Standard Interior and Exterior Finishes

- 26 Ga. Bright stucco embossed galvanized steel

Optional Finishes Available

- 26 Ga. Painted stucco embossed galvanized steel
Standard colors available are white, black and almond. Optional colors are available by request.
- .032 Stucco embossed aluminum
- .040 Smooth white aluminum
- .040 Stucco embossed aluminum
- Acrylume
- 22 Ga. Type 304 stainless steel finish

Interior Floor Finishes

- .050 Smooth aluminum
 - 22 Ga. Type 304 stainless steel with #2B finish
- Other gauges and finishes are available upon request.

INSULATION

Standard insulation is foamed-in-place Non-HCFC U.L. Class 1 rated urethane foam. 'R' value of the insulation meets or exceeds the requirements of the Federal Energy Code for Walk-ins. Class 1 urethane foam has a flame spread of 25 or less overall and smoke developed of 450 or less as tested per ASTM E-84 (UL 723). Recommended wall thickness for wood frame construction is nominal 3.5" for cooler applications and nominal 5.25" for freezer and outdoor applications.

PANEL CONSTRUCTION

All panels are joined together using a cam locking fastener, operated with a hex wrench. Access holes are sealed with vinyl snap-in caps. Ceilings are typically attached to walls using lag bolts. Walls can camlock to ceilings if necessary or requested (optional).

PANEL FASTENERS

All panels are joined together using a cam locking fastener, operated with a hex wrench. Access holes are sealed with vinyl snap-in caps. Walls can also camlock to ceilings (optional).

FLOORLESS MODELS

Alignment screed is furnished for all floorless models. Screeds are designed to be anchored to masonry floors to provide an accurate template for the erection of the wall panels.



FLOOR PANELS

Floors are built with metal bonded to exterior grade underlayment and foamed in-place. Floors are capable of maintaining a load maximum of 1000lbs./sq.ft. when uniformly distributed.

WALK-IN ACCESSORIES AND FEATURES

Standard:

- Dial thermometer
- Compact fluorescent light with vapor-proof globe
- Flush mount lighted toggle switch
- UL Listed Class 1 Non-HCFC
- Urethane
- USDA approved materials
- Self-closing doors

Optional

- Alarm systems
- Digital thermometers
- Storage shelving
- Built-in wall supports
- Heavy duty floor plates
- Roof systems for outdoor applications
- Foamed in-place electrical boxes

DOOR, JAMB AND HARDWARE

Standard RTF walk-in doors are in-fitting, overlap swing type.

Standard Features:

- High quality heavy duty hardware with safety release
- Magnetic door gasket and door bottoms
- Heated jamb and door bottom (freezer only)
- Heated threshold (freezer only)
- Heated pressure relief vent (freezer only)