

**ASSOCIATION OFFICERS:**

**PETER (MAC) BROWNSON**  
President

**FRED BORDOFF**  
First Vice President

**PAUL BARTHOLOMEW**  
Second Vice President

**TIM MORRIS**  
Third Vice President

**JANE OPER**  
Secretary

**RONALD J. HILL**  
Treasurer

**FRED ALTMAN**  
General Counsel

**RALPH BOMBARDIERE**  
Executive Director

The new retest fees based on components reinspected are as follows:

	Old	New
Safety	\$10.00	Same
Emission	\$25.00	\$27.00
Gas Cap	\$ 4.00	\$ 6.00
Safety/Emissions	\$35.00	\$37.00
Safety/Emissions/Gas Cap	\$35.00	\$37.00
Safety/Gas Cap	\$14.00	\$16.00
Emissions/Gas Cap	\$25.00	\$27.00

While this appears to be a simple pass through of the increase in the sticker cost that was part of the State's 2003 – 2004 budget, there was a great deal of behind the scenes discussion. The Governor's office wanted the industry to absorb the increase until the OBD II program started. Others sought to increase the fee by \$6.00.

Our Association met with the Governor's office three times, trying to get an increase. We believe that without our efforts there would not have been the pass through of the sticker fee increase. Often, we downplay our role. Here, we need to inform our members that we did everything possible to get an increase but were only able to get the pass through. Our efforts, nonetheless, saved the industry \$20 million a year. We wanted to do more and will continue our efforts.

The next dilemma will be what fee increase will come when the OBD program begins in July of 2004, and what will the fees be downstate when OBD replaces dyno testing for 1996 and newer vehicles. Will the downstate inspection fee decrease, increase, or remain level? We know the State will seek to lower the fee for the OBD II Test. The dyno equipment will have been amortized and the OBD equipment will cost much less. We do not have the answers. We can only assure you that we will remain involved and will do everything possible to protect our members.

**DMV Inspection Sticker / Fee Jumps \$2**

Effective October 13, 2003, the cost of Enhanced (Emissions) Inspection Certificates has increased \$2.00. Each Sticker will now cost \$6.00. Any order postmarked or ordered on the Internet on or after October 14, 2003 will be charged the new fee. If there is not enough money to cover the new cost, your order will be adjusted or rejected.

At the same time that the Department of Motor Vehicles announced an increase in the inspection sticker cost to inspection stations it also stated it would permit an increase in the inspection fee by \$2.00. The combined inspection fee for upstate will now be \$16.00 and downstate will be \$37.00. The new inspection fees are:

	Old	New
High Enhanced	\$25.00	\$27.00
Low Enhanced	\$ 4.00	\$ 6.00

### **Waste Tire Management Fee Collection Begins September 12, 2003**

According to a bulletin from the Technical Services Division of the New York State Department of Taxation and Finance, tire retailers, including car dealers, must collect a fee of \$2.50 on most new tires sold at retail within New York State beginning September 12, 2003. The first MT-170 Waste Tire Management Fee Return will cover the period from September 12 through December 31, 2003, and be due on January 31, 2004.

The new tax is the linchpin of the state legislature's Waste Tire Management & Recycling Act of 2003 which amends section 27-1913 of the Environmental Conservation Law to fund remediation efforts and generate as much as \$56 million annually in new state revenue. Business owners affected by the new regulation are allowed to keep \$.25 per tire from the fee collected, but prevented from applying separate charges to recover the cost of managing the disposal of a customer's old tires.

The bulletin (TSB-M-03(3)M) issued by the Department of Taxation and Finance (DTF) states that the fee applies to new tires sold for use on cars, trucks, motor homes, buses, and trailers, or any other vehicle that could qualify for registration under section 401 of the Vehicle and Traffic Law. This includes nearly all self-propelled or towed vehicles that could be registered to operate on a public highway for any reason. Tires for motorcycles and all terrain vehicles (ATVs) are among the few conveyances that have been excluded from the tax.

In addition to its effect on tire retailers and repair shops, the new fee will apply to all new tires sold by a dealer of new or used vehicles. Consequently, according to the DTF bulletin, when a dealer sells a vehicle,

the fee must be collected on all new tires sold with the vehicle, including spare tires, whether they are full-size or for emergency-use only. Every sale of a new tire will be treated as a retail sale and subject to the fee unless the retailer has documentation (Form MT-171) to establish the sale is not subject to the fee.

Recapped or resold (used) tires have been spared from the levy, as have mail-order, phone order, or Internet sales where the tires are delivered to the purchaser by the U.S. Postal Service or a common carrier.

To raise the public's awareness of the new program, all affected business owners have to post a sign measuring at least 8.5-inches by 14-inches in a prominent location. The sign must announce the mandatory tire acceptance rule, and state the amount of the waste tire fee, and also state that any additional tire management recycling costs are included in the advertised price of the new tire.

To learn more about the "Initiation of Waste Tire Management Fee on Sales of New Tires," visit [www.nystax.gov](http://www.nystax.gov) on the Internet. Fax-on-demand copies of the forms mentioned in the article can be obtained by calling 1-800-748-3676.

---

### **Ban against gasoline containing MTBE**

Effective January 1, 2004, the gasoline additive methyl tertiary butyl ether, better known as MTBE, will no longer be permitted in New York State. Agriculture and Markets Law section 192-g provides as follows:

Methyl tertiary butyl ether prohibited:

1. For the purposes of this section, "gasoline" shall mean any fuel sold for use in motor vehicles and motor vehicle engines, and commonly or

commercially known or sold as gasoline.

2. No person shall import into, or sell, dispense or offer for sale any gasoline which contains methyl tertiary butyl ether.
3. Any person who violates the provisions of this section shall be liable for a civil penalty of not less than five hundred dollars nor more than ten thousand dollars.

The Department of Agriculture and Markets oversees a sampling and testing program to verify conformance of motor fuels with this and other sections of the Agriculture and Markets Law and associated regulations. Beginning January 1, 2004, samples taken under this program will be examined to determine the presence of MTBE in gasoline.

The Department has received inquiries from regulated parties as to how a trace amount of MTBE that may be found will be treated for enforcement purposes. The Department recognizes that MTBE exists naturally in some gasoline. It may be absorbed from inadvertent co-mingling with other gasoline products or residues while in transit in tankers, barges, or in pipelines.

Other states that have banned gasoline containing MTBE have set a tolerance level for that additive at one-half of one percent by volume. Such de minimus level for New York would be consistent with the regulatory approach taken by other states.

Thus, in enforcing Agriculture and Markets Law section 192-g, the Department will not consider regulatory action in instances where laboratory analysis confirms the presence of MTBE at a level of 0.5% by volume, or less, in gasoline.

### **Association Lobbies State Leaders on MBTE**

*In an effort to convince Governor Pataki, Majority Leader Senator Bruno, and Speaker Silver, to come to a legislative method to stay the ban on MBTE, the association sent the following letter.*

The New York State Association of Service Stations and Repair Shops, Inc., on behalf of its 3500 members, wishes to raise our concern on New York's ban of the gasoline additive, MTBE. We voice our opinion that the State should wait until the Federal Government implements such a ban.

Since the early seventies, we have seen suppliers use a multitude of excuses to increase the price of motor fuel. There were the alleged shortages of 1974 and 1982, the Valdez Spill, the Kuwait war, boutique fuel and the most recent spike supposedly due to the blackout and a pipe line leak in Arizona. Handing the supplier a ready made excuse that can be blamed on government plays into their hands.

We are concerned that New York's gasoline infrastructure, storage capacity and overall distribution network is not yet prepared to cost-effectively maintain gasoline supplies throughout the state without significant price increases. As representatives of one of the principle retail sectors of the gasoline distribution industry, most directly affected by consumer concerns about gasoline price increases, we bare the brunt of consumer frustration when gasoline prices increase. As a result, we are extremely concerned about any state policies that will unnecessarily increase gasoline prices.

Those who are seeking a delay in the implementation of the ban have told us that reports from the U.S. Department of Energy's Energy Information Administration (EIA) and the New York

---

Mercantile Exchange (NYMEX) indicate that New York's ban will reduce the available gasoline supply.

Also, a recent study conducted by the National Taxpayers Union suggests that gasoline prices in New York could increase as much as 80 cents per gallon if the NY MTBE ban is implemented. Consequently, this will dramatically increase gasoline prices throughout the State of New York. As a result, the citizens and the independent service station dealers of our state will be unfairly victimized by taking action to ban the use of MTBE as of January 1, 2004. These reports support our worse fears.

If these fears come to fruition, our members will face unfair competition from states without the ban and from Native American service stations. The state will also lose much needed tax revenues.

There is also a study by the Northeast States for Coordinated Air Use Management (NESCAUM) that determined, if ethanol is substituted for MTBE in New York, there will be fuel compatibility issues regarding tanks, gaskets, seals, etc. New York has come a long way in preventing underground storage tank leaks of gasoline by replacing the tanks. As a result, we believe these NESCAUM questions need to be fully addressed by NYS DEC before we consider transitioning to another gasoline additive.

Because the impact on consumers and dealers in our state will be so drastic, and so many questions remain unanswered, we respectfully request the State initiate an in-depth study into the ramification of the MTBE ban before it is implemented. Or, the more practical solution would be to wait for the federal government's regulations.

Thank you for your time and attention to this important matter. We look forward to working with you and your office in finding

a more acceptable solution that does not unfairly burden New York consumers and businesses with the risks of dramatic spikes in gas prices and potential supply shortages.

---

### **Westchester Investigates Price Gouging of Motor Fuel – Subpoenas Issued**

A report from Westchester, New York indicates that state officials are investigating twenty-one gasoline retailers accused of taking advantage of their customers during the month of August when motor fuel prices escalated. In Westchester County, consumer protection officials have served subpoenas on twenty-one gasoline station operators.

The County claims that the retailers allegedly raised their gasoline prices at least sixteen cents or more a gallon before the Labor Day weekend. If the charges are substantiated the dealers can be fined \$1,000 for gouging. The subpoenas ordered the retailers to produce records indicating the wholesale cost of the motor fuel they purchased prior to Aug. 25, which is when the county began a check of the prices, and just before Sept. 3, the date of a second survey by the Department of Consumer Protection. The department will investigate whether stations pushed their profit margins unusually high by increasing the prices.

Some county legislators, reacting to the higher prices and different pricing practices at stations want to outlaw zone pricing. They are calling for a state review by Attorney General Eliot Spitzer's office and a state law to ban the practice.

While gasoline prices usually increase during the summer months, price hikes this year were higher than usual this year. Excuses by suppliers ranged from the war in Iraq, the refinery shutdowns caused by the Northeast blackout, and, the rupturing of a

pipeline in Arizona.

According to the price survey gasoline prices rose five to ten cents a gallon from the dates of the first survey to the date of the second. However, prices at the stations under investigation increased an average of 18.8 cents, according to the report.

Two stations, Dave's Fifth Avenue Mobil in Mount Vernon and the Harrison Service Station Citgo in Harrison, raised their prices 30 cents, according to the county's survey. A man who identified himself as the owner of the Harrison station refused to comment when contacted by the Journal News. The station's price for regular unleaded was \$2.199 at the time of the second survey.

As usual rapidly increasing of motor fuel prices leads to a flurry of gouging accusations and routinely prompts political leaders to call for investigations into gouging as a way to score points with voters or win public opinion. But it is easy to prove because in order to fine the real guilty parties, they need to deal with major oil companies, and they are no match for big oil.

---

### **Below Cost Selling Bill (A.8398 - S.4974) Enacted**

We have been informed that the Below Cost Selling Bill (A.8398 - S.4974) has been signed into law by Governor George Pataki. The bill outlines and makes unlawful certain predatory and discriminatory pricing practices and rebates, exempts certain sales and sets civil penalties and enforcement. The bill also authorizes the Executive Director of the Consumer Protection Board to initiate, investigate, attempt to resolve and if necessary refer to the Attorney General, any complaint received regarding these provisions.

In enacting this law, legislators and the Governor recognized that fair and healthy competition in the marketing of motor fuel provides maximum benefits to the consumers of the state, and certain market practices which impair such competition are contrary to the public interest. Predatory pricing practices are unfair trade practices and restraints that adversely affect motor fuel competition. Subsidized pricing is inherently predatory because it is unfair and destructive to, and reduces competition in, the motor fuel marketing industry.

This represents a great deal of hard work by distributors and dealers. We wish to acknowledge the support of Assemblyman Tonko and Senator Nozzolio. Thank you to all who assisted.

---

### **When is the Best Time To Have Your Clerks Certified For Tobacco Sales?**

If you have been putting off have your clerks certified for tobacco sales, what reason have you chosen. Is it that

- a. To difficult to find a time to have them out of the store to take the class.
- b. Unsure when next class is being held.
- c. Expense of sending them to the class.
- d. Just haven't gotten around to it..

Well let's do a little math. If you get just one violation this year, your store will accumulate 2 points. Additionally you will have a fine of anywhere from \$300 to \$1000. Every six months, for three years, you experience an enforcement action. You can train your clerks at this point, and it will reduce the likelihood of a second violation. However, any violation still gives you at least three total points. This results in a 6 month suspension of your tobacco registration and lottery license, after which three points will be removed from your record.

Compare this with the situation where a trained clerk makes a sale. In the first place the likelihood of successfully arguing for a reduced fine is much greater. Second, although you will need to be careful to have all new employees trained before letting them sell tobacco products, your next error, will bring your total to two points, and your tobacco registration will not be lifted.

So clearly the time to have a clerk trained is before the first violation. Call your Association to find out when the next class is being held. Make time for your employees to attend that class and sign them up. Remember, the expense of that class is minimal to that of having your customers have to go elsewhere because you cannot provide them with the product or service they are looking for.

---

### **New \$20 Bill Enters Circulation**

The unusual flash of color on the \$20 bills you receive at your service station, repair shop or convenience store is a result of the U.S. government rolling out the newest design for its currency, beginning with the \$20 note. The Federal Reserve System and the Department of the Treasury are committed to protecting U.S. currency against counterfeiting. While efforts have been successful (current estimates of counterfeit notes in circulation worldwide are 1 to 2 in every 10,000 genuine notes), advances in technology are making digital counterfeiting easier and cheaper. In 1995, less than 1 percent of counterfeit notes detected in the U.S. were digitally produced, but by 2002, that number had grown to nearly 40 percent. To stay ahead of counterfeiters, enhancement of the designs of our money has become an ongoing process, with new designs to be introduced every 7-10 years.

Last redesigned in 1998, the redesigned \$20 note will be the first of this series to be issued, in late 2003. The new design will make it more burdensome for counterfeiters to produce phony hills and will be safer, smarter and more secure. Safer, because they're harder to fake and easier to check. Smarter to stay ahead of tech-savvy counterfeiters. More secure to protect the integrity of U.S. currency. Older-design \$20 notes will gradually be replaced by new-design notes, although both will continue to be legal currency at full face value. New designs for the \$50 note will follow in 2004 and the \$100 notes in 2005. A redesign of the \$5 and \$10 bills is still under consideration, but a redesign of the \$2 and \$1 notes is not planned.

The most noticeable difference in the notes is the subtle green, peach and blue colors featured in the background. The new \$20 note will mark the first use of background color in U.S. currency since the 1905 series \$20 Gold Certificate, which was tinted gold. Different colors will be used for different denominations, which will help everyone, particularly those who are visually impaired, to tell denominations apart. The redesign also features symbols of freedom, a large blue eagle in the background and a smaller metallic green eagle and shield to the right of the portrait. Also, small yellow 20s are printed on the back of the \$20 note.

While color makes counterfeiting more difficult, it should not be used to check a bill's authenticity. Instead, consumers and merchants can look for three security features first introduced in the 1990s, which are difficult for counterfeiters to reproduce well. The first is the watermark, a faint image, similar to the portrait, which is part of the paper itself and is visible from both sides when held up to the light. Second is the security thread, also visible from both sides when held up to the light, this vertical strip of plastic is embedded in the paper and

spells out the denomination in tiny print. Third is the color-shifting ink found in the number in the lower right corner on the face of the note, indicating its denomination, which dramatically changes color from copper to green when the note is tilted.

If you receive a bill that you believe may be counterfeit or if you question a note that is already in your possession, turn it over to your local police or U.S. Secret Service office. If the note is genuine, it will be returned to you as soon as possible. If the note is counterfeit, you will not be reimbursed, but knowingly passing a counterfeit note is illegal.

The Secret Service offers this advice to cash-handlers who are handed a suspect bill. Keep the bill from the passer. Delay the passer by some excuse, if possible, without putting yourself in danger. Contact the police. Observe the passer's description and that of any companion or vehicle used. Handle the bill as little as possible, to preserve fingerprint evidence. Write your initials and the date on an unprinted edge on the front of the bill, place it in an envelope, and surrender it only to the police or the U.S. Secret Service.

---

### **Tax-Free Indian Summer Fades**

The days of tax-free sales of cigarettes and gasoline by Native American retailers are set to end December 1 under a regulation quietly proposed last week by the state tax department.

In response to an order by the state legislature earlier this year that the Pataki administration begin collecting hundreds of millions in lost sales taxes, the state Department of Taxation & Finance is ordering that wholesale distributors of cigarettes deliver only products that are

already taxed to their Native American retail customers.

The legislature believes that cracking down on the tax-free Native American sales will bring the state \$165 million this year and \$330 million next year, a figure industry groups say is conservative. But tax officials say the regulation will be worth \$20 million this year and \$64.5 million in 2004.

A tax department official said he believes the rule applies to both retail establishments like smoke shops as well as the Seneca Nation of Indians Internet sales outlets that have seen business boom as the state has raised its taxes on tobacco products in the past few years.

Seneca Nation retailers and a lawyer for the Native American businesses were already threatening legal action to stop the regulation, said the report. The Oneida Nation, which has a busy tobacco and gasoline retail business in Central New York, vowed to "resist all efforts" to collect the taxes, a spokesperson said.

The regulation, if it takes effect with no changes, applies to all tobacco and petroleum products, said the report. It would, according to the state, effectively end the pricing edge Seneca and other Native American retailers have had to attract consumers to tribal smoke and gasoline shops. In the case of cigarettes, they are able to charge at least \$1.50 less per pack--the going state cigarette tax. "It basically creates a level playing field for the non-Indian vendors who were complaining they weren't able to compete.

Seneca retailers had not yet heard about the regulation proposal Friday, but were defiant. "I don't think it's going to happen," said Kevin Seneca, who runs a smoke shop, Papa's Place, on the Senecas' Cattaraugus Reservation. "If there are going to be any

tax stamps on cigarettes, they'd have to be Seneca Nation stamps. The nation is the one to decide that, no one else."

"It's an attempt at a death sentence on the economic welfare of Indian retailers and is complete disregard for Indian sovereignty," said Joseph Crangle, a Buffalo lawyer who is a registered lobbyist for Seneca business interests.

The regulation permits Native Americans to continue buying tax-free products from reservation stores for their own consumption through a system in which special coupons will be distributed quarterly, the paper said.

Under the system that was proposed a decade ago by the administration of Gov. Mario Cuomo, cigarette distributors would be required to sell to Native American retailers only those packages of cigarettes with tax stamps. That means the distributor prepays the \$1.50 state excise tax, and then it is up to him to collect the wholesale price and tax from the Native American retailers. Gasoline distributors also would be responsible for paying the state for any taxes on products sold to Native American retailers, the report said.

While the burden to collect the excise tax will fall directly on wholesalers who market to Native Americans, consumers will ultimately have the responsibility to pay the sales tax. State tax officials said that beginning next year, personal income tax forms will have a line on which non-Native American residents must pay sales taxes that were avoided by purchases on reservations.

"Responsible people are going to comply with the law," tax department spokesperson Tom Bergin told the paper. In July, a top state tax official said the agency was working on plans to collect the names of consumers who buy cigarettes over the Internet from Native American retailers. The

Senecas are the nation's top tobacco sellers on the web.

The clock began this week on a 60-day public comment period on the regulations and state tax officials said Friday they expect the new rules to take effect December 1.

The U.S. Supreme Court in 1994 backed the state's authority to collect the taxes. Gov. George Pataki first tried to collect the taxes in 1997 but backed down after a series of violent protests by Senecas and other Native Americans along the Thruway. In vetoing the state budget this year, Pataki said the collections would be extremely difficult to obtain because of legal and other obstacles.

Representatives of non-Native American retailers praised the action, though they were reserved in calling an end to their decade-long fight to resolve the tax issue, because they have seen the state back down in the collection effort before. If the tax department follows through fully and fairly and consistently enforces it, then it would go a long way toward leveling the playing field for retailers of tobacco and motor fuel in New York.

---

### **2003 Convention A Success**

The 2003 convention was a success, at least according to the 50 plus attendees who were said they wanted to come back to the Sagamore next time.

Friday afternoon saw guests registered, a golf tournament, and a cocktail party followed by a dinner buffet. These gave a chance for renewal of friendships from conventions past. The conviviality spilled over neatly into the Veranda lounge for after dinner drinks.

Saturday morning saw the beginning of the General Session, with the presentation of colors and opening remarks by State Association president Mac Brownson.

Following this A.R. Charnes of Getty Petroleum Marketing addressed motor fuel supply issues. In his talk “The Future of the Motor Fuel Industry” he held that the answer to most of the industry’s woes were to develop more supply sites, thereby increasing supply, and making the market more stable. He urged dealers to write their legislators in support of several issues, arguing that getting involved in government is the single most important thing dealers can do to support their industry. Often we find ourselves in disagreement with big oil marketing. Here, however, we find ourselves in agreement — getting involved in government is the single most important thing dealers can do to support their industry.

Repair shop issues came next. Donald Savage, Deputy Commissioner of DMV and Steve Flint, Chief of In Use Programs, Division of Air Resources DEC spoke about the upcoming OBD-II Emission Inspection Program. Then discussion moderator Fred Bordoff, opened the floor to questions. Attendees learned the following. Upstate, the State is very close to coming to terms with a single supplier. The costs are expected to be much lower for shop owners than originally projected. Until the new system is tried out, it is best not to speculate on the downstate system.

The next set of issues addressed was those pertaining to convenience stores. Dan Finkle spoke on “The Changing Convenience Store Industry”. Included in his discussion was the greater role the stores were playing as a profit center, changes brought on by decreases in the rebates on some items, as well as competition from Indian locations which are selling “tax free”

items to non-Indians.

Next to present were the Legal Panel. Fred Altman, general counsel of the State Association, and representing GRANY’s legal plan, Bill Crowell the lobbyist for the State Association, Ken Geller, GASDA’s in house attorney, and Jason Roth, representing RSGDA’s legal plan, made up the panel. Panelists discussed Association legal plans, what they covered and what they did not cover. They also spoke about what to expect at hearings such as DMV hearings and small claims court hearings. Members received a legislative report, in which they could find literally hundreds of bills which were drafted. The task of stopping a large number of these bills is rarely reported to our members. Then came a question and answer session. Although several pieces of free legal advice were elicited, they were far too many to report here. So here is just one - always ask your tobacco customer “Are you eighteen or over.” If it’s a cigarette sting he/she has to answer no.

Joe and Tim Bradley of Bradley and Associates spoke about changes in the tax law and what to do if you are audited. Changes in the tax law are far too many to enumerate here. If you are audited, see your lawyer and then your accountant. If you have done anything illegal, the lawyer may bring the accountant under the attorney-client privilege. Second, negotiate anything. Third, expect the process to take a long time. There have been cases where audits have dragged out over seven years.

The final panel, the insurance panel, was moderated by Dick Deveans, Lawley Services, and featured John Casazza, GRANY, Lloyd Keith Freidlander, LKF Partners, and Pat Phillips, Mountain Valley Indemnity.

After some free time in the afternoon, the convention continued with a cocktail hour

followed by the awards banquet. The highlight is usually the naming of the recipient of the Presidents Award. This year was no different. Once again the recipient was taken by surprise. For the name see the next article.

The next morning saw two seminars. The first, on Workers Compensation covered two issues. Dick Deveans reported on the state of Safety Group #536. Rich Morrison spoke about a relatively new product, Workers Comp Insurance Trusts. Although they often appear to be a better deal, they have a big drawback. The insured is held strictly liable, so should your trust be hit with a large claim, you can end up owing much more than your premiums. The trust can buy Umbrella Coverage to limit their liability, however some of these insurers have gone out of business. Unlike safety groups, the state does not step in to protect the trust.

Roxanne Savino hosted the final seminar of the convention focused on compliance with OSHA regulations and just some of the regulations that they enforce. First on the list was Material Safety Data Sheets, which list the potential health hazards of every hazardous chemical used in your shop or station. They must be kept in a hazardous communication book, accessible to all employees. Here are just five questions to which you should know the answer:

1. Are you responsible for the safety of employee owned tools?
2. What is the permissible distance of the guard from the stone on a bench grinder?
3. Are your employees required to put out a fire in the shop?
4. Is a simple diagram a written lockout procedure?
5. What is the proper temperature for a workplace?

## **Fred Bordoff Named Man Of The Year**

The highlight of the convention is the awards banquet, and the highlight of the banquet is the presentation of the President's Award. The recipient is commonly known as the Man of the Year. Recent recipients include of this elite honor include Peter Brownson, Sr., Ron Wetzel, Ron Hill, Andrew Spiak, and Roxanna Savino, to name just a few.

Fred Bordoff, distinguished himself by being involved with his local association as well as holding several offices in the State Association. This includes a four year stint as president and his current role of first vice president.

He also has been our delegate to the National Association, the Service Station Dealers of America & Allied Trades (SSDA&AT). He currently holds the office of Treasurer there. Anything any one of these associations has asked of him, he has performed in exemplary fashion.

The honoree not only receives a plaque, he is also roasted with a slide presentation. Thanks to his wife Nina who provided the association with a bevy of candid shots, we were able to treat the recipient in style.

When the laughter was over, though, attendees were left to realize the Fred Bordoff may be all of the above-mentioned things to the association, but he is much more. He has had a radio call in show, where people would ask questions about car repair, he went to driving school to race open wheeled cars, he has been an avid boater, a good father, a skier, and once even the man on the flying trapeze.

Congratulations Fred.

---

### **Exxon Class Action Group Receiving Solicitations**

The Association has heard that some members of the successful class in the Exxon lawsuit have received solicitations asking them to sign on as clients of these companies. Solicitors would then charge these members a portion of the Exxon overcharge settlement monies that would be due them.

The money these companies plan to charge is money to which class members are already entitled. There is no need to pay for the offered services for which they intend to charge you. Please contact the Association if you receive one of these letters.

---

### **Minimum Age For Cashiers Who Sell Alcoholic Beverages**

The Association has received questions relating to minimum ages for clerks who sell alcoholic beverages. The regulations on these, taken from page 7 of the State Liquor Authority Handbook are as follows:

1. Clerks and cashiers who handle and receive payment for alcoholic beverages in drug stores, grocery stores and convenience stores must be at least 16 years old and must be supervised by someone who is at least 18 years old.
2. Clerks and cashiers in liquor and/or wine stores must be at least 18 years old.

**WORKERS' COMPENSATION  
SAFETY GROUP  
#536DECLARED DIVIDENDS  
AVE AVERAGED 35% FOR  
THE PAST FIVE YEARS**

### **DMV Record Retrieval**

DMV record retrieval is available at a cost of \$10 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. To use this service should call 518-452-4367.

---

### **We Have Changed Our Web Address**

The Association is pleased to announce a new web site. The old website has been completely revamped to provide you with easier faster access to the information you need. The new address is

**[www.nysassrs.com](http://www.nysassrs.com)**

Our e-mail address has changed to:

**[state@nysassrs.com](mailto:state@nysassrs.com)**

In addition to being able to read back issues of newsletters, and providing you with links to important sites we have added a bulletin board to provide you with information as the stories break.

**WARNING**

**YOU CANNOT DO  
INSPECTIONS IF ANY OF  
YOUR EQUIPMENT IS  
MISSING OR INOPERABLE.**

**PERFORMING AN  
INSPECTION UNDER  
THESE CONDITIONS CAN  
RESULT IN REVOCATION  
OR SUSPENSION OF YOUR  
INSPECTION LICENSE.**