GRANY

October 2017

6 WALKER WAY, ALBANY, NY 12205
(518) 452-4367 – grany@nysassrs.com – www.nysassrs.com

Attorney's Corner
By Larry Culley

A great deal of trouble can be avoided if repair shops ensure that their repair invoices are in conformance with the DMV Commissioner's regulations. Once you make sure that this is the case by ordering an invoice form fully in compliance with the Regulations, it's a simple matter to keep using the same invoice form and habitually filling it out with the information relevant to each customer. It's well worth the effort to get into this habit.

First, every invoice or work order should have on it clearly and legibly the following: the name of the business and the official DMV license registration number. This is a MUST, and I've seen several instances in the past few years where the shop did not have a registration number printed on its form. This could be considered a 'fraudulent and deceptive practice'.

Next, of course, you will need to enter the customer's name, address, invoice date, vehicle information (car model, make, year, & plate and/or VIN number) and the date the vehicle was presented for service before you start the diagnostic. Be sure to enter the mileage in and, at the end of the job, the mileage out. You must also provide a list of all parts used in the repair as well as the status of the parts, that is, original quality, rebuilt or used. Also the cost of each part and the labor performed, plus a promised date of delivery if any was given.

As to authorization for the work to be performed, have the customer initial his or her consent or, if consent is taken over the phone, note the name of the person you spoke with, their phone number, and the date and time during which you spoke with them. Be sure to note a brief description of the customer's description of the problem on the invoice. Also be very sure to have the customer sign the invoice when the vehicle is picked up after the repairs are performed. With the customer's initials or notation for authorization, and finishing with the signature at pick-up, the customer will never be able to say he or she did not authorize the work. As experienced repair shops know, this is a crucial protection for you in filling out the invoice properly.

If the inflatable restraint system is replaced, the invoice shall state the name and tax ID number from whom it was purchased --- If such system is a salvage unit the invoice the invoice must also state the dismantler's registration number, the VIN from the vehicle the unit came from as well as the part number from the vehicle restraint system and must indicate 'salvage inflatable restraint system' and a copy of purchase invoice must be provided to insurer and customer for the replacement inflatable restraint system --- a repair which has a warranty must follow these guide lines as well if parts are used the invoice must indicate status (new oem, aftermarket equipment manufacturer, used part) unless otherwise indicated.

The foregoing cautions are among the most significant found in Section 82.5 of the Commissions Repair Shop Regulations. See the whole text of this section for everything that affects the obligations of the repair shop to the customer. In addition, to get pre-printed or computerized forms for legally complete invoices just contact your Associations and they will be happy to tell you whom to contact. Remember, even if you do the repair work 100% correctly you may still be subject to a fine of several hundred dollars or more, and possible suspension or revocation of your license, if you fail to properly fill out your invoice form. Why prevail on the merits and still lose on a technicality? Protect your self and get in the 'happy habit' of properly filling out your invoice!

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

Inside This Issue

China To Gas, Diesel Cars: You're Not Welcome Here

China's automotive market—the world's largest—will have only electric models in the near future, as the government starts investigating a ban on diesel and gasoline vehicles, the BBC reports. Xin Guobin, China's vice minister of industry, said the government had begun "relevant research" into a ban. "Those measures will certainly bring profound changes for our car industry's development," he said.

Last year, China produced 28 million cars, nearly a third of the total worldwide. Already France and the United Kingdom said they would prohibit new gasoline and diesel vehicles by 2040 in efforts to curb pollution and carbon emissions. In July, Volvo said all new car models would have an electric engine starting in 2019. Geely, the Chinese owner of Volvo, wants to sell a million electric cars by 2024.

China would like to have sales plug-in hybrids and electric cars as one-fifth of all vehicles sales by the quarter century. The government's proposals would mandate that 8% of auto sales be for battery electric or plug-in hybrid by 2018, jumping to 12% by the end of the decade. The measures come ahead of new rules to slash pollution.

Meanwhile, American states are considering whether utility companies should build charging stations for electric cars, Stateline/The Pew Charitable Trusts reports. More electric charging stations would help eliminate "range anxiety" for drivers and could help boost sales of electric and plug-in hybrids, but some officials worry that utility companies would make all customers pay for a service only used by an elite few.

California has already approved three utilities to build more than 12,500 charging stations, but recently Kansas, Michigan and Missouri all refused requests from utilities to build such stations with customers' money. "Let the private sector invest in the EV market, rather than have ratepayers finance the speculative venture," said the Kansas Corporation Commission.

Jury Finds Woman Guilty of Multi-State Skimming

A federal jury found Naples, Fla., resident Eunises Llorca-Meneses guilty on Friday for her role in a scam using skimming devices to steal credit and debit card numbers at fuel islands, according to the U.S. Attorney's Office for the Middle District of Alabama.

The guilty verdict follows a multi-agency investigation that was initiated by the Ozark Police Department, the Alabama Attorney General's Office, the United States Secret Service, and the Baldwin County Sheriff's Office.

In February, a federal grand jury charged Llorca-Meneses, 30, and her co-defendant Reiner Perez-Rives, 34, of Houston, Texas, with conspiracy to commit wire fraud, wire fraud, and aggravated identity theft. Perez-Rives pleaded guilty in July to conspiracy and identity theft charges.

Authorities said Llorca-Meneses and Perez-Rives would rent vehicles and travel between Florida, Alabama, Tennessee and Virginia, visiting several gas stations and installing skimming devices inside the pumps. The skimmers collected fuel customers' credit or debit card information and used it to activate or reactivate credit, debit, or gift cards, and to make unauthorized ATM cash withdrawals at gas stations and purchases at several places around the Southeast.

To uncover the scheme, law enforcement followed multiple reports from victims of unauthorized debit card use. Information from financial institutions revealed that many of the victims had used their cards at the same gas station in Ozark, Ala. Investigators found a skimming device with Bluetooth capability installed on a gas pump there. The technology allowed the defendants to collect information from up to 30 feet away.

When Llorca-Meneses and Peres-Rives were arrested last December, they had 39 credit or debit cards that had been re-encoded with stolen card numbers, along with an additional 317 gift cards, authorities said. Investigators found a Walmart gift card with stolen account information from a victim's Capital One credit card and a key used to gain access to the inside of a gas pump in Llorca-Meneses' purse. Law enforcement also found a homemade device with connectors that matched the connections on the skimming device found in the Ozark gas pump in their luggage.

The two defendants each face a maximum sentence of 30 years in prison and payment of restitution to their victims. Sentencing will be scheduled within the next few months.

--Donna Harris, dharris@opisnet.com

Philly Soda Tax Costing Grocers $300k A Month

Philadelphia's beverage tax is costing supermarkets $300,000 a month in lost sales as consumers head to retail locations outside of the city where the tax does not apply, reports the Philly Tribune.

Enacted on January 1, 2017, Philadelphia Mayor Jim Kenney proposed the beverage tax as a revenue-raising measure for pre-Kindergarten education. Initially, Kenney sought a 3-cents-per-ounce tax but ultimately the final tax levies a 1.5-cents-per-ounce beverage tax, which by some estimates, impacts about 4,000 beverage products—not just soda.

A new study by John L. Stanton, an expert in food marketing at the Department of Food Marketing of the Saint Joseph's University Haub School of Business, found that total beverage sales in five Philadelphia supermarkets dropped by more than $80,000 each month, writes the news source. However, the loss in sales is not limited to beverages.

"The average monthly loss in sales per Philadelphia store of $304,433 will lead to some reduction in labor force," Stanton wrote in the study, adding:

"There is almost no scenario that would lead one to believe that the Philadelphia Beverage Tax will permit taxed supermarkets to maintain existing labor forces. Furthermore, the decline in supermarket sales will negatively impact

distributors and other channels of distribution companies serving those supermarkets. While the reduction in force may take a few months to reach an equilibrium level, a labor reduction seems inevitable."

Grocers like Jeffery Brown, president of Brown's Super Stores, which operates 13 ShopRite stores in Philadelphia, told the Pennsylvania Senate Local Government Committee in written testimony that the thousands of products impacted by the beverage tax include sports drinks, flavored waters and nutrient enhanced drinks.

"The beverage tax has cut beverage sales by half at our 13 ShopRite stores in the city and created storewide sales drops that vary from 10% to a whopping 25%," Brown said, adding that in six of his 13 stores, overall sales were down an average of 15%, and beverage sales were down nearly 60% since the tax took effect in January.

"We know that shoppers are going outside the city to buy their beverages and they are taking all their grocery dollars with them," Brown said.

The loss of sales in Brown's ShopRite stores has also been met with a decrease in labor. "We are cutting back hundreds of work hours and not filling open positions," Brown wrote. "I have 210 fewer associate positions in my stores this year as a direct result of the beverage tax. And I'm not alone. This trend is happening at stores around the city."

The news source writes that in his study, Stanton compared sales receipts of five Philadelphia supermarkets with four suburban supermarkets, and he compared sales in each store after the tax was imposed with trends before the tax was imposed. He found that the beverage tax came during an already challenging time for Pennsylvania's supermarket industry, which had been facing sales declines due to changing consumer patterns. Therefore, the beverage tax doubled sales losses in Philadelphia stores.

"This study confirms our worst fears and highlights the struggles supermarkets across the city have been facing every day this unfair tax has been imposed on them," Dave McCorkle, president emeritus of the Pennsylvania Food Merchants Association, said in a news release.

"At a time when food retailers were already confronting headwinds from online shopping and other changes in consumer behavior, this tax is dealing a death blow to an industry that provides access to groceries for families in low-income neighborhoods," McCorkle added. "Our elected officials need to recognize the existential threat this tax poses for an industry that employs thousands of Philadelphians in family-sustaining jobs."

Justice Department Won't Appeal Obama Overtime Rule

U.S. Department of Justice has dropped its appeal, filed during the Obama Administration, to fight a decision last year to delay former President Barack Obama's overtime rule, The Hill reports. The Justice Department's announcement comes after the same federal judge who delayed the rule last year formally overturned it because the U.S. Department of Labor didn't use a salary-level test correctly to figure out which employees would be exempt from overtime compensation. Even though the appeal was filed during the previous administration the Trump DOL had planned on moving ahead with the appeal in order to protect their ability to set their own standard.

Texas federal District Judge Amos Mazzant's new ruling returns the overtime salary cutoff to $455 per week ($23,660 per year), rather than $913 per week ($47,476 annually.) The Labor Department under Obama had objected to the judge's decision to put the matter on hold last December. "We strongly disagree with the decision by the court, which has the effect of delaying a fair day's pay for a long day's work for millions of hardworking Americans," the agency said. "The department's overtime rule is the result of a comprehensive, inclusive rulemaking process, and we remain confident in the legality of all aspects of the rule."

In the meantime, the Trump administration DOL has requested feedback on how to revise the Obama-era rule, with comments due on September 25. NACS plans to file comments. It is widely expected that the Trump DOL will reissue a new revision of the rule, likely setting the salary threshold somewhere between the current threshold and where the Obama administration set it.

Speedway To Remain Fully Integrated Part Of Marathon Petroleum

Marathon Petroleum Corp. (MPC) has decided to not hang a for-sale sign on its retail network, Speedway LLC.

According to Findlay-based MPC, its board of directors has determined that maintaining Speedway as a fully integrated business within MPC provides the best opportunity for enhancing long-term shareholder value.

The board's decision came at the recommendation from its independent special committee.

"Our board has a well-established track record of taking bold and transformative actions to drive value and will continue to do so when it's in the best interests of shareholders. Following a rigorous review led by an independent committee of the board, the board has unanimously concluded that shareholder value is best optimized with Speedway remaining part of our integrated business," said Gary R. Heminger, MPC chairman and CEO.

He thanked the independent committee for its efforts in performing a comprehensive review of options to ensure the company is positioned to deliver the greatest possible long-term value for its shareholders.

"MPC has returned $1.55 billion to shareholders including share buybacks and dividends through June of this year alone," Heminger said. "And, we remain committed to closing the substantial gap between our stock and the intrinsic value of the business through the execution of the remaining dropdowns to MPLX, continued share repurchases, and by highlighting the significant value of our GP interests in MPLX through an exchange of GP economic interests for LP units."

The company expects to repurchase approximately $450 million of its shares by the end of the third quarter, funded partially by after-tax cash proceeds from its Sept. 1 dropdown, and another $550 million in the fourth quarter.

MPC "plans to return this additional capital to shareholders prudently and expeditiously — subject to maintaining its current investment grade credit profile — and will further consider repurchasing additional shares in the fourth quarter subject to operating performance and market conditions," it said.

Further return of capital is planned with the after-tax cash proceeds from the remaining dropdowns expected to be completed in the first quarter of 2018.

Since the company announced its strategic actions in January, MPC stock has outperformed its peer group by 6 percent. The board and management team believe there is still significant upside to the company's valuation and remain committed to further capturing value for the benefit of shareholders, and will not hesitate to act on opportunities to drive shareholder value wherever those opportunities may exist, it added.

"We are confident that our value creation plan — combined with our proven operational excellence — will further drive substantial long-term shareholder value," Heminger said.

MPC launched a strategic review of its Speedway c-store chain in early January more than a month after an investor group called for the company to take a closer look at its retail network, as CSNews Online previously reported.

In November, Elliot Management Corp. said that MPC is "severely undervalued and that there are readily available steps by which the board can unlock $14 billion–$19 billion in value for shareholders.

"Over the past year, MPC has taken significant steps to create value for shareholders. Elliott is supportive of those steps and appreciates the constructive dialogue with the company," said John Pike, senior portfolio manager at Elliott Management. "We are encouraged by management's efforts to date, applaud the intent to repurchase an additional $1 billion in shares by the end of the year, and look forward to the completion of the further midstream transactions in the first quarter of 2018.

"While we see value in a spin of Speedway, today's decision to maintain an integrated Speedway came after a full, rigorous and independent review. We are also confident in the company's commitment to take further action as needed to realize the upside in the company's value," Pike added.

Key factors in the MPC board's decision to maintain Speedway as an integrated business within MPC include the following:

- Substantial integration synergies would be lost as a result of a spin-off or separation. Following an initial supply agreement, MPC estimates the synergy loss at between approximately $270 million and $390 million annually. Any supply agreement structured in pursuit of a tax-free separation would be market-based. Such a conventional, arm's length supply agreement would be limited in term and volume, providing only a temporary offset to the lost synergies.
- A spin-off or separation of Speedway would require at least $2.5 billion of incremental debt reduction at MPC and an additional $1 billion of cash on hand at MPC in order to manage pro forma leverage targets and maintain MPC's current investment grade credit profile. This would be a significant use of MPC cash and likely reduce the future return of capital to shareholders and investments in the business.
- Speedway is a proven, best-in-class convenience store retailer and its value appears to be well understood by the market. The potential advantages of separation are not compelling relative to the disadvantages, nor does Speedway remaining part of MPC present a structural impediment to its long-term growth prospects.
- There is strong value in cash flow diversification, particularly in the energy sector. A separation would leave the remaining business significantly more volatile and vulnerable to sector downturns.

The independent special committee and the board believe the best vehicle to convey the full value of the businesses is MPC common stock.

"Throughout the execution of our plan to deliver substantial value to MPC shareholders, the board and management team have benefited from our constructive dialogue with, and valuable input from, Elliott and all of our shareholders," Heminger said on the engagement with Elliott.

Since January, MPC has contributed assets to MPLX LP with a combined transaction value of $3.065 billion, netting $1.7 billion in after-tax cash proceeds and 32 million MPLX units. MPC is on track to complete the dropdown of remaining identified assets, which generate approximately $1 billion in annual EBITDA, by the end of the first quarter of 2018.

The company expects to exchange its general partner economic interest in MPLX for MPLX common units in conjunction with the completion of the dropdowns — providing a clear market valuation of MPC's economic interest in the GP and reducing MPLX's cost of capital.

The independent committee of the board engaged J.P. Morgan Securities LLC as financial advisor and Jones Day as legal advisor. The company engaged Citigroup Global Markets Inc. as financial advisor and Ernst & Young LLP and Crowell & Moring LLP as tax advisors.

MPC is the nation's third-largest refiner, with a crude oil refining capacity of approximately 1.8 million barrels per calendar day in its seven-refinery system. Marathon brand gasoline is sold through approximately 5,600 independently owned retail outlets across 19 states. In addition, Enon-based Speedway owns and operates the nation's second-largest convenience store chain, with approximately 2,730 convenience stores in 21 states.

Colonial Pipeline Partially Shuts Down

Hurricane Harvey has partially shut down the Colonial Pipeline, which funnels fuel between Houston and the East Coast, CNN Money reports.

"Colonial's Lines 1 and 2 continue to operate from Lake Charles east. Deliveries will be intermittent and dependent on terminal and refinery supply. The lines remain down from Houston to Hebert due to the storms," notes the Colonial Pipeline Company's website.

"We currently estimate that we will be able to return to service from Houston Sunday, following an evaluation of our infrastructure and successful execution of our start up plan," the company says.

Earlier this week, the nation's largest refiner, Motiva, had initiated a full shutdown at its Port Arthur, Texas, plant. Many other refineries have closed temporarily because of the storm. However, some refineries that shut last week said they would restart in the coming days. Valero Energy Corp. and Flint Hills Resources have said they are planning to restart plants in the Corpus Christi, Texas, area.

EPA Issues Multi-State Fuel Waivers For E15

The U.S. Environmental Protection Agency (EPA) issued a multi-state waiver through September 15, 2017, of the federal Reid vapor pressure (RVP) requirements for conventional gasoline and Reformulated Gasoline (RFG) for:

- All east coast states in PADD 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia;
- All midwestern states located in PADD 2: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Oklahoma, Tennessee, and Wisconsin; and
- All Gulf coast states located in PADD 3: Alabama, Arkansas, Louisiana, Mississippi, New Mexico, and Texas.
- The waiver supersedes and expands the areas covered by the August 30 waiver.

The EPA's temporary waiver will, in effect, end the summer low RVP sales restrictions and permit the sale of gasoline with up to 15% ethanol in 38 states and the District of Columbia.

Under this temporary waiver, "regulated parties may produce, sell or distribute winter gasoline (including gasoline blendstocks for oxygenate blending (BOBs)) with an RVP of 11.5 pounds per square inch (psi) before the addition of any ethanol in conventional gasoline areas within the designated states." In addition, EPA will "allow regulated parties to produce, sell or distribute conventional winter gasoline (including BOBs) with an RVP of 11.5 psi before the addition of any ethanol in any RFG covered area within the designated states and [District of Columbia]." Additionally, the EPA is waiving the provisions at 40 C.F.R. § 80.78(a)(7) "that prohibit any person from combining any RFG blendstock for oxygenate blending with any other gasoline, blendstock, or oxygenate, unless certain conditions are met."

For reformulated gasoline, the EPA will allow regulated parties to produce, sell or distribute conventional winter gasoline with an RVP of 11.5 psi in any RFG covered area within the designated states and Washington, D.C. Additionally, the EPA is waiving the provisions that prohibit any person from combining any RFG blendstock for oxygenate blending with any other gasoline, blendstock, or oxygenate, unless certain conditions are met. This waiver applies to all designated states and D.C.

This waiver is effective immediately and will continue through September 15, 2017, the end of the high ozone season.

NYC Won't Enforce Menu Labeling Until Federal Compliance Date

NACS, the Association for Convenience & Fuel Retailing, the New York Association of Convenience Stores (NYACS), the Food Marketing Institute and the Restaurant Law Center have settled their lawsuit against New York City, which they filed over the city's intention to enforce the posting of calorie counts on restaurant menus ahead of the Food and Drug Administration's (FDA) regulations going into effect.

Under terms of the Aug. 25 settlement in the U.S. District Court for the Southern District of New York, New York City agreed not to fine or sanction businesses for alleged non-compliance with calorie and nutrient information menu-labeling requirements prior to the FDA's established May 7, 2018 compliance date.

A day prior to the announcement of the settlement, FDA Commissioner Scott Gottlieb stated that "additional, practical guidance on the menu-labeling requirements" would be available by the end of the year.

"This settlement with New York City is a clear victory for common sense. States and cities cannot enforce menu labeling rules until [FDA] rules are enforced. We're pleased that New York City has agreed not to jump the gun," said Lyle Beckwith, NACS senior vice president for government affairs, in a statement.

"There are good reasons for everyone to wait: It is increasingly clear that the federal regulations have real problems that must be fixed before they go into effect," he added. "A recent economic study confirmed that total costs for all of the industry under the rule will be more than triple the FDA estimate, at more than $300 million per year — and seven times the estimate for convenience stores."

Beckwith noted that according to an economic study released by NACS, routine calorie count variations would result in 93 percent of prepared foods being in violation of the FDA's rules, no matter how much businesses spend on compliance, as CSNews Online reported.

The lawsuit was filed in July. Following an Aug. 16 meeting between legal counsel for the plaintiffs, the city and

the federal government, with presiding U.S. District Judge Victor Marrero, New York City agreed to delay enforcement of the regulations to allow time for further discussion of potential solutions to the legal dispute.

New York State Comptroller To
New York State Department of Motor Vehicles
"You Bad"

NEWS From the Office of the New York State Comptroller Thomas P. DiNapoli
Contact: Brian Butry, 518-474-4015
For release: Immediately,
August 15, 2017 DiNAPOLI: DMV MUST DO MORE TO CRACK DOWN ON UNREGISTERED AUTO REPAIR SHOPS Agency Also Slow To Schedule Hearings to Resolve Consumer Complaints The Department of Motor Vehicles (DMV) has not done enough to prevent automotive repair shops and inspection stations from operating without valid registrations, putting consumers at an increased risk to be scammed by dishonest businesses, according to an audit issued today by New York State Comptroller Thomas P. DiNapoli. "DMV has a responsibility to help prevent consumers from being taken for a ride by unscrupulous repair shops," said DiNapoli. "This means doing more to ensure that New York's repair shops are legitimately registered and working harder to investigate and resolve consumer complaints in a timely manner." Valid registration of repair shops and inspection stations provides customers with reasonable assurance that the business owners do not have a history of either criminal activity or operating an auto business engaged in deceptive or fraudulent practices. But the audit revealed DMV has established little in the way of controls to restrict unregistered repair shops from operating. A review of DMV data identified approximately 23,600 automotive businesses with expired licenses or registrations. Of those, auditors selected 170 used car dealerships and repair shops with lapsed registrations and found 22 percent of these businesses with strong indications of continued operations; such as multiple cars being worked on, signs advertising services requiring registration, and dealerships with multiple cars being advertised for sale, warranting additional investigation by DMV. Auditors also reviewed county property tax parcel data and found an additional 266 potential automotive business locations that were not registered with DMV. Visits to 65 of these locations found that 18 percent appeared to be actively operating, but unregistered, auto businesses. The analysis shows that, in addition to reviewing an agency's own records, publicly available data can also be used to help identify unregistered facilities. The audit also identified 21 automotive dismantlers that are required to report to the Department of Environmental Conservation (DEC), but are potentially not registered. DMV officials stated they plan to meet with DEC to implement a methodology to coordinate and ensure facilities are properly registered. Records also show that although DMV is generally addressing consumer complaints against automotive facilities in a timely manner, it took DMV over a year to schedule required hearings for more than half of the complaints against repair shops that committed fraud, grossly over charged, or had practiced dishonest or misleading advertising. Of the 6,890 consumer complaints that were open or filed with DMV between January 1, 2014 and December 16, 2016, nearly a quarter (22 percent) warranted further investigation by DMV and had the potential for penalties and sanctions to be imposed on businesses. DiNapoli's auditors reviewed 1,127 complaints alleging fraud or other severe violations and discovered more than half (583) did not receive a hearing within 12 months from the date the complaint was made. In fact, auditors determined that 489 of these cases took more than 17 months from the time the complaint was filed until a hearing and decision occurred. As a result of the audit, DiNapoli recommended DMV officials: · Take steps to improve the identification of potentially unregistered facilities and determine whether they continue to operate; and · Develop a structured process for periodic coordination with DEC to compare its listing of dismantlers with dismantlers registered with the department to identify facilities that may be unregistered, improperly registered, or not reporting as required; and · Examine the underlying causes of the delays and explore options for improving the ability to promptly address and resolve consumer complaint cases. DMV officials disagreed with some of the audit findings. Their response is included in the final report, which can be found at: *http://osc.state.ny.us/audits/allaudits/093017/16s71.pdf* A map of potentially unregistered motor vehicle facilities in New York can be seen here: *http://osc.state.ny.us/audits/allaudits/093017/16s71_map.pdf* ### For access to state and local government spending, public authority financial data and information on 130,000 state contracts, visit Open Book New York. The easy-to-use website was created by DiNapoli to promote transparency in government and provide taxpayers with better access to financial data.

Hyundai Motors Group Plans to
Introduce EV Models Beginning 2018

South Korea's Hyundai Motors Group, the fifth-largest auto manufacturing company in the world by sales, plans to introduce its first electric vehicle (EV) to the market sometime during the first half of next year.

The announcement signals a shift in the car maker's low-emission vehicle development plans, which had initially focused solely on hydrogen fuel cell technology. The EV announcement was made during a press conference to unveil Hyundai's upcoming next generation hydrogen fuel cell SUV.

Hyundai Motors Group -- which includes luxury brand Genesis Motors and Kia Motors -- restated its intention to introduce 31 "eco-friendly" models to global markets by 2020. Perhaps compelled by the success of EVs produced by companies such as Tesla, Chevrolet and Nissan, today's announcement signaled Hyundai's evolving attitude toward

alternative drivetrains outside of hybrid and fuel cell, the latter of which they have long championed.

Hyundai's first foray in EVs is expected to come as soon as next year with an all-electric version of the Kona compact SUV. The vehicle will come with an estimated range of around 240 miles, putting it at the lower end achieved by the Tesla Model X, which at an MSRP of $83,000, has an estimated range of between 240-290 miles.

Hyundai plans to follow up the Kona EV with its own all-electric Genesis luxury model by 2021, and with a long-range EV (roughly 310 miles) sometime after.

A number of auto manufacturers have recently scaled up their EV ambitions as political sentiment for the internal combustion engine wanes. Japanese car maker Toyota, a fellow advocate of fuel cell technology, alongside Mazda, recently announced their intention to collaborate on EV technologies, citing their acknowledgment of "increasing demand and expectations for electric vehicles worldwide."

Toyota plans to introduce its first all-electric model to the global market by 2020, while Mazda expects to introduce an all-electric model to the U.S. by 2019 specifically to meet the California ZEV mandate.

Earlier this year, German automaker Daimler AG announced plans to invest 10 billion euros ($10.75 billion) in the coming years to introduce more than 10 additional electric models to market by 2022, three years ahead of schedule. Further, Swedish automaker Volvo announced in July that it would discontinue its gasoline-only models by 2019. The carmaker plans to sell 1 million electrified vehicles by 2025.

Several European nations -- notably France and the U.K. -- have taken steps to promote the full-scale transition to electric vehicles through pronouncements that they would ban petrol-powered vehicles in the coming decades. Meanwhile, countries such as Norway, the world leader in electric vehicle penetration, plans to continue generous incentives through 2025 that, while not banning petroleum vehicles outright, would aim to steer all new car sales to zero (electric and hydrogen) and low (plug-in hybrid) emission vehicles.

Germany and the Netherlands have also floated proposals that would ban petroleum-powered vehicles.

In the U.S., efforts to support EV adoption have been driven by California, which makes up around half of the country's all-electric vehicle sales.

With the California ZEV mandate, which requires automakers to provide the market with zero-emission models or obtain credits from automakers that do, and a potential tightening of Corporate Average Fuel Economy standards (CAFE), carmakers can no longer afford to write off EVs as a passing trend, according to Devin Lindsay, principal automotive analyst for IHS Markit, the parent company of OPIS.

"Really, no one can afford to relax and not invest in the technology because it's going to be needed, not only to help their overall fleet score for CAFE, but also for the ZEV mandate," said Lindsay.

--James Burbridge, jburbridge@opisnet.com

Gas Station Owner Faces Prison For Cigarette Trafficking

A federal judge today sentenced the owner of a gas station in Fredericksburg, Va., to two years in prison, ordered him to pay $3 million in restitution, and required him to forfeit $1.42 million for participating in a conspiracy to traffic contraband cigarettes.

According to a statement filed with the plea agreement, Bernard Ekelemu, 60, directed another individual to purchase a Gulf gas station in Fredericksburg in November 2013. Ekelemu then registered a Virginia corporation to operate that gas station and obtaineda "Certificate of Registration for the Collection of Virginia Sales and Use Tax." The certificate exempted Ekelemu from paying the Virginia sales and use tax when making business purchases.

Authorities said he opened business memberships at various wholesale clubs and with wholesale cigarette distributors in Virginia and used those memberships to make sales-tax-free purchases of more than $7.1 million worth of Virginia-stamped cigarettes between March 2014 and November 2016.

Ekelemu admitted that he had bought the tax-free cigarettes and stored them at several locations, including storage units in Fredericksburg and Springfield. From there, he would sell them to cigarette traffickers. The traffickers smuggled the cigarettes to New York state and other areas to be sold as contraband cigarettes on the black market.

--Donna Harris, dharris@opisnet.com

DMV Record Retrieval

DMV record retrieval is available to association members and affiliates at a cost of $12 per record. Additionally, you may order DMV certified paper abstracts of driver’s license, vehicle registration, and vehicle title records for an additional fee of $2 per abstract. Please call 518-452-4367.

Attention Inspection Stations

The Association has received a flurry of requests for legal representation for violations of the DMV commissioner regulations known as "clean scanning." that is when a vehicle other that the one to be inspected is substitute for the OBD-II part of the test. We have no defense for these violations. DMV has the ability to trace the OBD-II inspection to the vehicle used for the inspection.

If you cannot pass a vehicle for any reason, get help. That help could come from DMV. This violation almost always results in revocation.

7827 Convoy Ct. | Suite 408 | San Diego, CA | 92111
Toll-Free 800.233.3182 | Office 858.486.8525 | Fax 858.486.8530

ATG AUTOMOTIVE TRAINING GROUP

SEATING IS LIMITED. CALL OR FAX IN YOUR ORDER TODAY TO RESERVE YOUR SEAT!

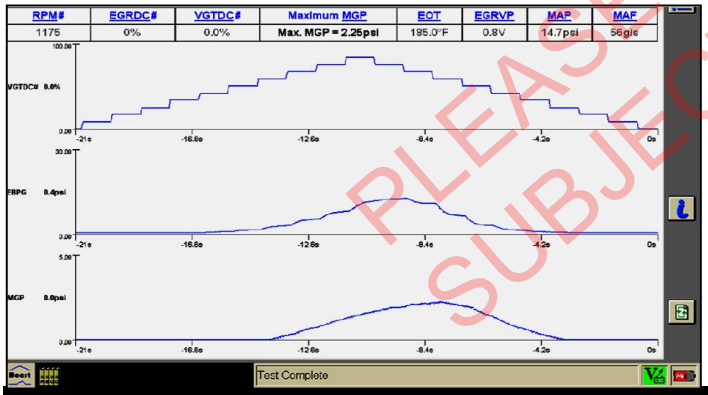
FORD 6.0L, 6.4L & 6.7L POWERSTROKE ENGINE PERFORMANCE

ATGs Engine Performance Training series helps you choose the best tests that get you the most information with the least effort. These strategies are even more critical on Powerstroke engines because they are so time consuming to work on. This seminar contains field-tested diagnostic & repair strategies that actually work, and includes tips and tricks developed in shops across the nation.

- *Mechanical issues & repair techniques*
- *High & low pressure oil systems (6.0L)*
- *High pressure fuel systems (6.4L & 6.7L)*
- *Oil & fuel injection control & issues*
- *Variable geometry turbo systems & controls*
- *EGR flow & function diagnostics*
- *The best ways to find restrictions & leaks*
- *Diesel Oxidation Cats & Diesel Particulate Filters*
- *...And much more*

Come for some great shortcuts & homemade tools to quickly isolate faults that can take hours more to find using conventional diagnostics.

Scan Tool Turbo Boost Test:



Seminar Information

Date: Monday, October 16, 2017 & Tuesday, October 17, 2017

Time: 6:30 p.m. to 10:00 p.m. Each Evening

Instructor: KRIS LEWIS

Location: NYSASSRS (New York State Assoc. of Service Station & Repair Shops)
6 Walker Way
Albany, NY 12205
(518) 452-4367

PLEASE NOTE: SUBJECT CHANGE

Contact: Your ATG Sales Rep:
Heather Fitzgerald
at (800) 233-3182 Ext. ***325***

Cost: $209.00 - Includes Seat & Training Manual

SPECIAL: **$298 - Seat plus 1 add'l manual**

SPECIAL: **$378 - Seat plus 2 add'l manuals**

www.atgtraining.com **PLEASE PRINT CLEARLY** www.atgtraining.com

Contact: _____

Company: _____

Address: _____

City, ST, Zip: _____

Work Phone: ( ) _____

ATTENDEE 1) _____

ATTENDEE 2) _____

Signature X _____

PAYMENT TYPE: ☐ INVOICE ☐ CHECK # _____

☐ P.O. # _____ ☐ Visa ☐ MC ☐ Amex ☐ Disc

Card # _____ Exp. _____

CC Name: _____ CVV: _____

Seminar Code: ***17101635***

COST per Attendee: _____

Number of Attendee(s): _____

Total Amount Due: _____

Attach sheet of additional names if necessary. Invoice and Confirmation will be mailed to the address above.

Lawley & NYSASSRS

New York State Association of Service Stations & Repair Shops

Together we have returned $45,425,528 to policy holders since 1991

NYS Worker's Compensation Program Highlights

- Up to a 25% upfront discount offered
- Over 30% Average Annual Dividend (25 Years)
- Save up to 55% off your current premium*
- Last years dividend was 30% ($3,045,773)
- Dividend checks as high as $65,433 have been issued to our policy holders
- Easy quoting process
- Program available to all members

*Based on 25% up-front discount + declared dividends

Bill Adams

716.849.8641 | badams@lawleyinsurance.com

lawleyinsurance.com | 361 Delaware Ave, Buffalo, New York

Lawley

You owe it to yourself to make sure you are getting the best deal.

ELITE PRO
WEBSITE PACKAGE

Our most powerful solution, designed to provide you with all of the tire and auto service tools you need for your full-service shop.

BEST VALUE FOR YOUR BUSINESS!

WHAT'S INCLUDED?

WEBSITE SOLUTION

- Responsive custom website design
- Tire catalog with over 200 tire videos
- Drivecast service videos
- Service catalog with in-depth illustrations
- Up to 5 custom content pages
- Contact Us form
- Lead Manager
- Call tracking
- Reputation Management
- Diagnostic Center
- Tire and service quoting and appointment scheduling Maintenance Adviser
- Testimonials *(customer reviews)*
- Coupons and automated promotions
- Online job application
- Up to 10 FREE domain based emails
- Automotive Q&A
- Website blog

INTERNET MARKETING

- Search engine optimization
- Drive Local *(submission to top web directories)*
- Social media page setup and integration with your website

CONSULTING & SUPPORT

- Dedicated Account Manager
- Unlimited customer support
- Website hosting
- Quarterly calls with your Account Manager
- Monthly and quarterly reporting
- Training on website best practices

NET DRIVEN®

1-877-860-2005 www.netdriven.com sales@netdriven.com

Great Options.
Incredible Service.
A Winning Combination.

SANDRI IS KNOWN for our long history with Sunoco, but did you know that we also offer programs from VP Racing Fuels, Valero, and Gulf? We even offer unbranded options.

When you partner with Sandri, we'll help you design a program that gives you a competitive edge in your marketplace.

When you choose Sandri, you can count on:

- **PRODUCT CHOICES** from multiple brands & unbranded options
- **INCREDIBLE SERVICE** from a family-owned business with 85 years of experience as a trusted fuel supplier
- **LOCAL REPS** who are always there when you need them
- **FLEXIBLE DELIVERY OPTIONS** using Sandri's fleet of tankers and drivers or our network of partners
- **EXPERT GUIDANCE** if you need help navigating environmental compliance & other regulatory issues

Enjoy all the benefits of doing business with Sandri, plus a flexible program tailored to your needs.

SUNOCO

VALERO

Gulf

VP Racing FUELS

Options. Service. Value.
Experience the Sandri Difference!

Call Tyler Van Epps at **(413)325-5794**
or email tyler@sandri.com.

Sandri

400 CHAPMAN STREET, GREENFIELD, MA 01301
SANDRI.COM

FREE MONEY

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

FREE MONEY

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

FAX this form back to:
518 452-1955

ARE YOU AN OWNER OR EMPLOYEE IN NEED OF TRAINING?

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

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

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

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

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

Garage Insurance Survey

Name of Business:			
Street Address:			
City:	State:	Zip:	
Phone #	Fax #	E-Mail:	
Contact Person:		Phone # (if different from above)	
Are you happy with the cost and service provided by your carrier/agent?		Yes	No
If yes STOP here… If NO or NOT SURE you may want to look at the following			
Is your coverage insufficient?		Yes	No
Is the service poor to non-existent?		Yes	No
Is the cost too high?		Yes	No
Are you satisfied with your current coverage?		Yes	No
Are you interested in a quote from another insurer?		Yes	No
Is so please check each that apply:			
		Property & Casualty	
		Workers Comp	
		Disability	
		Health	
If you checked one or more of the above please provide the following information:			
Name of Current Insurer:			
Type of Insurance:			
Renewal Date:			
When/How is the best time to contact you?			

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

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.

CIGARETTE SALES TO MINORS
CLERK CERTIFICATION

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

CERTIFICATION OF A CLERK WHO SELLS TOBACCO PRODUCTS
POINT REDUCTION CLASS

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

THE STATE IS ENFORCING THIS LAW

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

WHERE:

ASSOCIATION OFFICE
6 Walker Way
Albany, New York 12205

WHEN:

The First Tuesday of every month at 2:00 PM
The Third Wednesday of every month at 10:00 AM

COST:

MEMBERS: $15.00 - NON-MEMBERS $30.00

PLEASE CALL FOR RESERVATIONS AT (518) 452-4367

SPONSORED BY: GRANY