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March 2011

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Appeals Court Rejects FDA Bid to Regulate E-Cigarettes

The Food and Drug Administration was dealt another blow in its efforts to regulate electronic cigarettes by the U.S. District Court of Appeals for the District of Columbia. In the latest setback, the court rejected the FDA's bid to have the full court review a three-judge panel's earlier decision rejecting the agency's effort to regulate electronic cigarettes as drug devices.

The FDA now has the option of asking the U.S. Supreme Court to take up the issue. An agency spokesman said on Jan. 24 that it is evaluating the latest court ruling "and considering its legal and regulatory options," according to The Wall Street Journal.

The FDA contends that e-cigarettes are drug or medical devices that require preapproval from the agency -- similar to nicotine gums, patches or sprays. Two years ago the FDA began intercepting e-cigarette shipments from China, sparking a lawsuit by the industry. In January 2010 a district judge granted a preliminary injunction to e-cigarette distributors who sued the FDA; the appellate panel upheld this ruling, CSNews Online previously reported.

The news of the court's rejection comes as New York State lawmakers are eyeing a bill that would ban e-cigarettes in the state until there is some action by the FDA. According to the Associated Press, New York State Assemblywoman Lind Rosenthal (D-Manhattan) introduced the bill and it is slated to be voted on by the Assembly Health.

Rosenthal's bill was approved by the Assembly in 2010 but it stalled in the Senate, which was then controlled by Democrats. However, Senate Health Committee Chairman Kemp Hannon, a Republican, said the bill would likely be considered by his committee, the Associated Press reported.

Will Credit Cards Become Obsolete?

Mobile devices will soon take the place of credit cards, CNN Money reports. Some experts predict that this year is the beginning of the end for paying with plastic. "Your plastic card hasn't changed since the age of the vinyl records," said Michael Abbott, CEO of Isis, which processes payments via mobile devices. "This is the chance to bring payments forward from the plastic age and the vinyl records age to the digital age."

This year will be the year that contactless mobile payments will soar because millions of phones equipped with ability to make such payments will ship in 2011. The pay-by-phone market is expected to generate $22 billion in transactions by 2015, up from "practically none," in 2009, according to the Aite Group.

"Mobile payment is going to get really interesting and is going to see a lot of activity in 2011," said George Peabody, director of emerging technologies at Mercator Advisory Group. "We're going to start seeing more and more people leaving their homes without their wallets."
However, most predict the change will not occur too quickly. "I definitely believe that the mobile wallet will eventually replace the plastic card -- but it's going to take some time because consumer habits take a long time to change," said Jane Cloninger, director at Edgar Dunn & Co. "But where before it's been a lot of discussion, we're at the point now where you're going to start seeing momentum toward it and going to see

it move beyond the trials and into reality."

With Bank of America, Citi, Google, MasterCard, U.S. Bank and Visa all testing contactless mobile payments, it won't be too long before more consumers want to pay for everything with their mobile devices. "2011 is going to be a very exciting, very dynamic year when it comes to mobile payments because it's the Wild West again, with all these players positioning in various different ways to redefine the digital payments landscape," said Michael Upton, senior vice president of online and mobile banking at Bank of America.

Apple Gets Into Mobile Wallet Game

Apple is moving into the mobile payment arena with its development of a microchip that facilitates payments between an iPhone and a retailer's reader, *Newsweek* reports.
The near-field communication (NFC) technology allows data to be sent across distances of around 4 inches, such as from a smartphone to a reader. Richard Doherty, research director at Envisioneering Group, thinks Apple will place NFC chips into the next generation of iPhones and iPads.

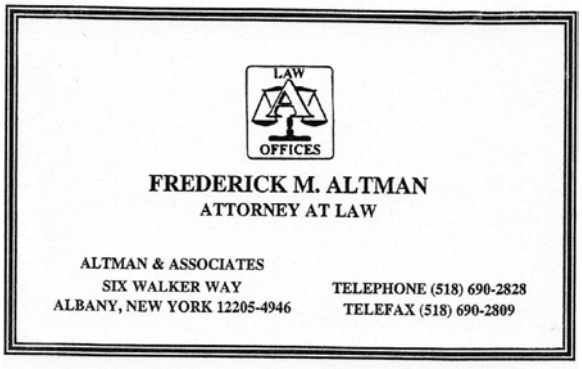
Doherty sees Apple's move as what something that could transform mobile commerce. Sources tell Doherty's firm that the tech company is working on its own version of a mobile-payment system. Other companies have been investigating NFC chip technology. For instance, Nokia and Sprint have shipped phones with technology for mobile wallets, and Starbucks recently announced it could accept mobile payments from Blackberry and Apple iOS users.

For Apple, what's at stake is the fees it pays to credit card companies and PayPal to process payments at its iTunes Store, where users buy apps, books, movies and music. "When NFC meshes with iTunes, the world suddenly changes," said Doherty.

SUNY Cortland Gets Automated C-Store

When the spring semester commences students will notice a new addition to the State University of New York (SUNY) Cortland campus -- Shop24, an automated convenience store. The university reported that the new "store" will dispense items ranging from one ounce to eight pounds and will carry about 175 items, including a wide variety of foods and beverages as well as non-food items that students use on a daily basis.

In the heart of the campus, Shop24 stands at nine feet high, 13.5 feet wide and 10 feet deep and occupies 136 square feet. Shop24, a world leader in the automated c-store market worked with SUNY's Auxiliary Services Corporation (ASC) to bring the



futuristic concept to the campus. All Shop24 stores are self-contained, unmanned retail stores, designed to capitalize on the gap between staffed c-stores and traditional vending machines, the university stated.

"We are the leader in the automated store market," Ken Horner, CEO of Shop24 Global said in a released statement. "We have the first-mover advantage with more than 230 stores delivered to date, predominantly located throughout Europe and now with a strong presence in the U.S. market at our locations in Ohio, New York and California."

"By partnering with Shop24, we are able to leverage technology to offer our students all of the advantages of a traditional convenience store without the high labor costs typically associated with those operations," added Pierre Gagnon, executive director of ASC, a non-for-profit organization that provides dining services, vending, bookstore, student ID cards and other essential services to the campus community.

Shop24 was completed over the winter break, so students could begin using it when classes were back in session. Patrons can access Shop24 by using cash, credit cards and Connections cards. Items are selected using a computer screen which then prompts the Shop24 robot to select the items and place them into a shopping basket; up to eight items can be purchased in a single transaction, the release noted.

Santa Monica Approves Ban On Plastic Bags

The Santa Monica City Council approved a ban of plastic bags in all retail outlets except for restaurants, the *Los Angeles Times* reports. The city joins other California municipalities, such as San Francisco and San Jose, in prohibiting the use of plastic bags. Next month, American Samoa will ban plastic bags.

Retailers will be able to sell paper bags priced at a dime or more and supermarkets will be allowed to stock produce bags for public health reasons. Grocery and drug stores can hand out paper bags made with a high percentage of recycled materials. Heal the Bay, along with environmental advocates, spearheaded the effort to curb widespread use of plastic bags.

Two years ago, Santa Monica had considered such a ban, but a lawsuit threat from an industry group halted proceedings until the city could investigate the environmental impact of the ordinance. The Save the Plastic Bag Coalition praised the city for changing the ordinance based on its findings. For instance, the first measure banned reusable polyethylene bags but the city nixed that prohibition after a study found that those bags can be cleaned and reused many times.
With less than 5 percent of plastic grocery bags recycled in California, Heal the Bay said it would target Los Angeles city next. Currently, only unincorporated areas of Los Angeles County have a plastic bag ban.

Oregon is the only state considering a statewide ban on plastic bags. California rejected a similar ban in September.

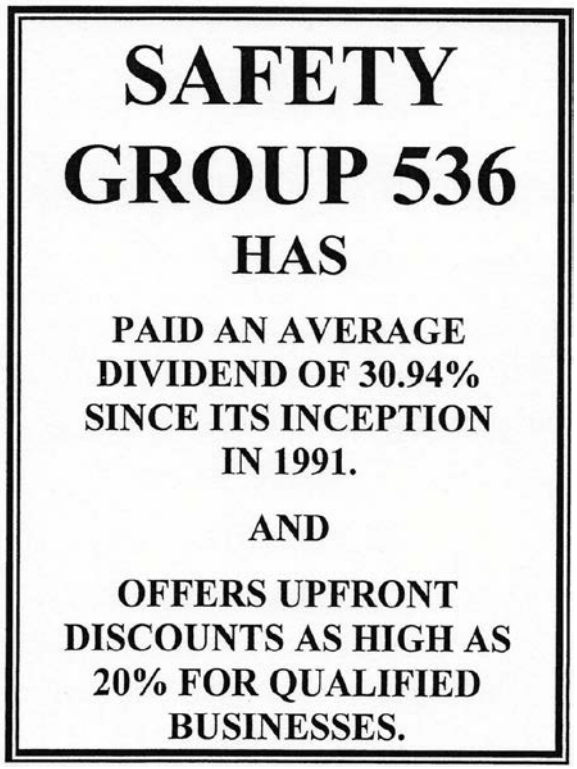
BP to Divest ARCO Brand

BP says it plans to focus future downstream

investment in the U.S. on further improving and upgrading its more advantaged refining and marketing networks in the country. BP is repositioning its refining and marketing (R&M) business in the U.S. and divesting two of its US refineries, in a move that will halve BP's U.S. refining capacity, *The Financial* reported.

Arizona and Nevada. As part of this sale, BP expects to divest the ARCO brand (though retaining brand rights for northern California, Oregon and Washington) and to retain ownership of and license the am-pm brand. Subject to regulatory and other approvals, BP plans to complete the sales by the end of 2012.

"BP plans to focus future downstream investment in the U.S. on further improving and upgrading its other, more advantaged R&M networks in the country—based around the Whiting, Indiana and Cherry Point, Wash., refineries and its 50% interest in the Toledo, Ohio refinery. These refineries have greater flexibility to refine a range of crude oils including heavy grades, and on average are more diesel-capable than BP's current portfolio. They are also well-integrated with BP's marketing operations and benefit from advantaged and focused logistics infrastructure," BP was quoted as saying.



BP plans to sell both the Texas City refinery and the Carson refinery with its marketing network as going concerns and expects significant market interest in the assets.

"The U.S. remains a very important market for BP's fuels, lubricants and petrochemicals businesses and the moves we have announced today will give BP a smaller, but well-positioned and very competitive portfolio of refining and marketing businesses," said Iain Conn, BP chief executive refining and marketing told The Financial. "I have no doubt that the businesses we are seeking to divest will prove extremely attractive to other operators."

The Carson refinery, south of Los Angeles, is at the heart of an integrated fuels value chain stretching across southern California, Arizona and Nevada. The refinery, which has 265,000 barrels per day (bpd) refining capacity and supplies some 25% of Los Angeles gasoline demand, became part of BP through the 2000 acquisition of ARCO. It employs some 1,200 staff and 500 contractors.

The assets associated with the Carson refinery also to be divested include BP's interests in a cogeneration plant on the refinery site, crude and product terminals in addition to its marketing interests.

The Texas City refinery became part of BP with the 1998 merger with Amoco. The highly complex refinery offers 475,000 bpd refining capacity as the third biggest refinery in the U.S., and has gasoline manufacturing capability equivalent to about 3% of U.S. production. The refinery employs some 2,200 BP staff and, contractor numbers can vary between 2,000 and 4,000 each day.

During the last few years, more than $1 billion has been invested in modernizing and improving the plant. But, Texas City reportedly lacks strong integration into any BP marketing assets. The assets to be divested associated with the sale of Texas City also include the cogeneration plant. BP intends to retain the Texas City Chemicals complex adjoining the refinery, The Financial noted.

BP currently is in the process of a number of major investments in its other U.S. refineries, including a large investment program to transform its 405,000 bpd capacity Whiting refinery, significantly increasing its capability to process heavy Canadian crude; a clean diesel upgrading project at its 240,000 bpd Cherry Point refinery and the addition of a continuous catalytic reformer to its 160,000 bpd capacity Toledo refinery (a 50/50 joint venture with its partner Husky Energy Inc). "BP plans to focus future downstream investment in the U.S. on further improving and upgrading its other, more advantaged R&M networks in the country—based around the Whiting, Indiana and Cherry Point, Wash., refineries and its 50% interest in the Toledo, Ohio refinery. These refineries have greater flexibility to refine a range of crude oils including heavy grades, and on average are more diesel-capable than BP's current portfolio. They are also well-integrated with BP's marketing operations and benefit from advantaged and focused logistics infrastructure," BP was quoted as saying.

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Shell Market Tests Nitrogen Enriched Diesel

New branded diesel helps protect engines, can reduce fuel consumption in heavy duty fleets, Shell reports. Shell Oil Products US today is testing Shell Nitrogen Enriched Diesel, extending the company's "Nitrogen Enriched" advanced cleaning system to diesel.

The fuel has been proven to reduce fuel consumption in an extensive test of heavy-duty vehicles and is available on a trial basis as of the end of January. It is being offered to both commercial as well as retail New branded diesel helps protect engines, can reduce fuel consumption in heavy duty fleets, Shell reports.

Shell Oil Products US today is testing Shell Nitrogen Enriched Diesel, extending the company's "Nitrogen Enriched" advanced cleaning system to diesel. The fuel has been proven to reduce fuel consumption in an extensive test of heavy-duty vehicles and is available on a trial basis as of the end of January. It is being offered to both commercial as well as retail customers at select points of sale in the Nashville, Tenn., Baltimore, Md., and Richmond, Norfolk and Virginia Beach, Va., areas. Shell Nitrogen Enriched Diesel will only be available to commercial customers in the Atlanta area.

Shell Nitrogen Enriched Diesel is an ultra low sulfur diesel fuel (ULSD) with an exclusive advanced cleaning system that helps protect diesel engines against performance robbing gunk build-up on fuel injectors with continual use. Gunk build-up can impair optimal fuel flow and can result in increased fuel consumption and associated CO2 emissions.

Shell Nitrogen Enriched Diesel also helps protect investments in both heavy duty commercial and personal light duty vehicles—cars and pickup trucks—alike by guarding against corrosion. Like the Shell-branded ULSD in the market today, Shell Nitrogen Enriched Diesel contains lubricity agents to help prevent fuel pump and injector wear and damage. Anti-gel agents for colder winter climates will also be available where needed.

Additionally, extensive heavy-duty truck fleet trials of Shell Nitrogen Enriched Diesel demonstrated a 4.8% reduction in fuel consumption in more severe stop-and-go city service and a 1.3% reduction in fuel consumption in less severe long-haul highway service as compared to regular ULSD.

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driven by higher industry refining margins, which increased earnings by $1.3 billion.

Earnings from the U.S. downstream were $226 million, up $513 million from the fourth quarter of 2009. Non-U.S. downstream earnings of $924 million were $826 million higher than last year.

For the quarter, upstream earnings were $7.48 billion, up $1.7 billion from a year ago. Fourth-quarter earnings from U.S. upstream operations were $1.317 billion, $306 million higher than a year ago. Non-U.S. upstream earnings were $6.163 billion, up $1.394 billion a year ago.

Fourth-quarter capital and exploration expenditures were $10.1 billion, up 22 percent from the fourth quarter of 2009. Oil-equivalent production increased 19 percent from the fourth quarter of 2009. Excluding the impacts of entitlement volumes, OPEC quota effects and divestments, production was up 18 percent.

Cash flow from operations and asset sales in the quarter was $14.7 billion, including asset sales of $1.7 billion. Share purchases to reduce shares outstanding were $5 billion. Full- year earnings from U.S. upstream operations were $4.272 billion, an increase of $1.379 billion from 2009. Full-year U.S. downstream earnings were $770 million, up $923 million from 2009.

Three Steps YOU Must Take to Preserve Debit Card Swipe Fee Reform

1. ***Send a comment to the Federal Reserve Board in favor of their proposed debit fee setting regulations.*** In December, after extensive analysis, the Federal Reserve released their first draft of these regulations, which include limiting the per transaction fee for debit purchases to between 7 and 12 cents. This represents a reduction in fees of approximately 80%. There is a comment period currently underway, in which the public is invited to weigh in on the proposed regulations. The comments are almost entirely from bankers (what else do bankers have to do all day but write comments to the Fed?) who are trying to water down, delay or repeal the regulations. In order to balance out the public comments, PLEASE click here to send your own letter, which you can edit or write in your own comments. This is **extremely important**!

2. ***Register for NACS Day on the Hill March 9-10.*** Join your industry colleagues in Washington, DC, to lobby your members of Congress. NACS will set up appointments for you and conduct a group briefing prior to your meetings. Additionally, there will be NACS staff attending most meetings to help you find your way. The credit card lobby is planning on bringing hundreds, if not thousands of bankers to town in February to lobby against the swipe fee regulations. Do not let them distort this issue! Stand up for yourself and your business! Click here to register.

3. ***Respond to Calls to Action.*** As this battle develops over the next several months, we will be sending calls to action requesting you to write letters, make phone calls or arrange

appointments with your members of Congress back home. When you get these emails please open them and respond to the request. It is because of the tremendous grassroots pressure the convenience store industry placed on Congress that these much needed reforms are close to becoming a reality. It is essential that we keep up the pressure these last few months!

Onerous Tax Provision in Health Care Law Repealed by Senate

The Senate has voted 81-17 to roll back a new tax reporting requirement that was included in the health care law. The 1099 reporting requirement would have forced business owners to fill tax documents on all cumulative purchases from a single vendor that total more than $600 a year. It was included in the law because it was estimated to raise about $17 billion in previously uncollected taxes.

Business groups, including NACS, have been opposed to the provision from the start because of the enormous paperwork burden it would place on businesses of all sizes. This marks the first piece of the health care bill that has been brought up for repeal. The Senate tried to address this issue in the lame duck session at the end of 2010 but was not able to come to an agreement. Fortunately, this time, a bipartisan approach worked and it passed overwhelmingly. It also helped that President Obama mentioned this tax burden specifically in his state of the union speech a few weeks ago.

Republicans Make Moves to Block EPA from Regulating Greenhouse Gases

A bill introduced this week by House Energy and Commerce Committee Chairman Fred Upton (R-MI) and Senate Environment and Public Works Committee Ranking Members James Inhofe (R-OK) would add a new section to the Clean Air Act exempting greenhouse gases from EPA's jurisdiction, while repealing numerous agency actions to implement new emissions restrictions.

According to Congressional Quarterly Upton and Inhofe said in a joint statement, "With this draft proposal, we are initiating a deliberative, transparent process that we hope will prevent EPA from imposing by regulation the massive cap-and-trade tax that Congress rejected last year."

It is expected that the House will act first on the Upton-Inhofe legislation. There have been several bills introduced just this week which are meant to curtail EPA regulations requiring new or expanded large sources of carbon dioxide emissions, such as power plants and oil refineries, to install modern technology to reduce emissions. Senator John Barrasso (R-WY) and Senator John Rockefeller (D-WV) have separately introduced proposals that would limit or delay the EPA's ability to enforce greenhouse gas regulations.

Debate Continues On Offering E15

The debate over whether to increase ethanol content has drawn a line in the sand between those who sell and produce the fuel, reports *The Courier*.

The U.S. Environmental Protection Agency (EPA) issued a partial waiver late last year that allows for the use of E15 in vehicles manufacture during or after model year 2007. More recently, EPA expanded authorized use of E15 to include model year 2001 and later vehicles.

If a customer in a 2000 model car fuels with E15, that retailer may have some serious issues. The driver may, in fact, sue the retailer for potential damage to his vehicle, or the EPA or an environmental group may sue the retailer for allowing the misfueling to occur in violation of the Clean Air Act — fines can go up to $37,500 per day.

And then there is the issue of compatibility. Prior to March 2010, there were no dispensers in the country certified by Underwriters Laboratories as compatible with gasoline containing more than 10 percent ethanol. What this means is that any retailer selling a mix of ethanol higher than E10 (including E85) through non-certified equipment is violating regulations of the Occupational Safety and Health Administration, tank insurance policies, bank loan covenants and exposing themselves to claims of gross negligence. It does not matter if your local fire marshal approved the fuel for your station; you are still violating the law.

Virginia To Ask For U.S. Supreme Court Expedited Review Of Health-Care Law

Virginia Attorney General Ken Cuccinelli II will ask the U.S. Supreme Court to look without delay at the constitutional challenge against the health-care reform act, the Washington Post reports.

The unusual legal demand would circumvent appeals courts and go straight to the high court. Cuccinelli pointed to conflicting court rulings about the constitutionality of the law as creating enough uncertainty about its execution to validate expediting review by the Supreme Court.

The U.S. Department of Justice disagrees with the motion, saying all cases should proceed through lower courts before reaching the Supreme Court. Historically, the high court has heard such requests sparingly. Many experts don't believe Cuccinelli's motion will fly.

"Regardless of whether you believe the law is constitutional or not, we should all agree that a prompt resolution of this issue is in everyone's best interest," said Cuccinelli in a statement.

At the heart of the dispute is a requirement that all individual purchase health insurance, but not until 2014. In December, a Virginia U.S. District Court judge decided that the law is unconstitutional because of that requirement. An appeal by the federal government pushed the case into the Fourth Circuit Court of Appeals, which has the case on the May docket.

Meanwhile, a Florida federal judge also decided that the law is unconstitutional in a lawsuit filed by Florida and 25 other states. But two other federal judges have upheld the law in other cases.

Copper Prices and Incidences of Copper Theft Rise

Thieves broke into a muffler shop in Chillicothe, Ohio, and stole cash — and 130 catalytic converters. Pervasive thefts of copper wire from under the streets of Fresno, Calif., have prompted the city to seal

thousands of its manhole covers with concrete. And in Picher, Okla., someone felled the town's utility poles with chain saws, allowing thieves to abscond with 3,000 feet of wire while causing a blackout.

Copper on a scale at Atlas Metal & Iron in Denver, where cameras are placed to try to guard against buying stolen materials. Near-record prices for copper, platinum, aluminum and other metals have spurred a resurgence in the past several months in the theft of common items that in better economic times might be overlooked — among them, catalytic converters from automobiles and copper wiring that is being stripped out of overhead power lines, tornado warning sirens, and foreclosed homes, where thieves sometimes tear down walls to get to copper pipes and wiring. The thieves then make quick money by selling the items to scrap yards.

The thefts have proved difficult to stop for overmatched law enforcement agencies and have been a costly nuisance to public utilities, which have been forced to spend millions of dollars on repairs and security.

From Hawaii to Florida, thieves have electrocuted themselves and caused electrical and telephone failures and street light blackouts. Many municipalities, which have been hard hit by budget deficits, have been unable to afford repairs. Highways in some states have remained darkened for months. In California, where copper wire theft appears to be most rampant, according to law enforcement officials, Little League baseball fields have gone dark because the wiring was stolen from the lights.

The ebb and flow in the thefts over the past several years appear to be tied to the movement in international commodity

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markets. Copper, for instance, is near an all-time high, which has translated into $4-a-pound prices for scrap copper at salvage yards. The price in 2009 was about $1.25 a pound. Platinum is now trading at about $1,800 an ounce; rhodium at about $2,400 an ounce; and palladium, at more than $800 an ounce. Catalytic converters, a component of an automobile's exhaust system, contain trace amounts of one of the three precious metals. The metals help cleanse emissions by turning toxic gases into less harmful exhaust at high temperatures.

The FBI has said it considers theft of copper wire to be a threat to the nation's baseline ability to function. Last month, the agency said it was planning to update a 2008 report that called the crime a threat to the nation's "critical infrastructure."

Several states have enacted laws in the past few years to combat the theft of copper and catalytic converters. Some cities have taken particularly strong measures. Fresno had been losing nearly $1 million a year to copper wire thefts before it began shuttering its utility covers with concrete.

California enacted a law in 2009 requiring people selling copper wire or catalytic converters at scrap yards to be photographed, have their driver's license copied and wait at least three days for payment. Georgia and Oregon have approved similar laws. Other states, including Florida, Hawaii, Michigan and Oklahoma, have elevated the illegal possession of a large amount of copper wire to a felony. In Arizona, the purchase or sale of individual catalytic converters by most people is now illegal.

Salvage yard owners say the primary flaw in the laws is that local police forces lack the time to monitor every scrap business, which

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larger business owners insist gives smaller firms a competitive edge.

Right to Repair Introduced in Two States

Motor Vehicle Owners' Right to Repair legislation was introduced in two states last week. Of particular note, a Right to Repair bill (H.B. 3243) was offered for the first time in Oregon by Rep. Tim Freeman (R).

Similar to bills introduced in other states, H.B. 3243 would require car companies to make the tools, information, software and wireless capabilities available to consumers and repair shops in the same manner as they make them available to new car dealers. The bill would not interfere with franchised dealer warranty responsibilities and would provide full protection for car company intellectual property rights.

Last week also saw the reintroduction of a Right to Repair bill in Massachusetts. The 2011 legislation is sponsored by Rep. Garrett Bradley (D-Hingham) and Sen. John Hart (D-South Boston). The bill is virtually identical to legislation considered during the last session of the Massachusetts legislature. The state Senate unanimously passed a Right to Repair bill last year. The House was unable to complete action before the end of the session.

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

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. To use this service, please 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

Our e-mail address has changed to:

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 keep you better informed as 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

FORM 1099 NIGHTMARE COMING IN 2012
SSDA-AT WANTS YOU TO HELP STOP IT

As a result of the Patient Protection and affordable Care Act signed this year, beginning with payments made in 2012 every business will be required to issue to any vendor of services OR property to which the business has paid more than $600 a year for those services or property, an information reporting form known as Form 1099. The Form 1099 must also be sent to the Internal Revenue Service. In addition to issuing the forms, a business will have to get Taxpayer Identification Numbers (TINs) from all of those vendors and withhold payments to any such vendor until it receives the TIN. Penalties apply if you fail to issue the Forms 1099.

Under the existing law, businesses issue the Form 1099 only to individuals who provide services to a business. The new law makes two changes: the Form 1099 must be issued to corporations of all sizes and shapes as well as to individuals AND a Form 1099 must also be issued to individuals and corporations that provide property to a business.

The payments that are included under this are not only those made directly by check but also those made by other means such as credit cards, for example. Think about the airlines, hotels, rental cars, and restaurants that appear on your credit card bill. You might not think of them as vendors of goods and services, but that is what they are. Also, if you are in the business of selling or distributing goods, all of your suppliers of products are also vendors under the new law. (Under existing law there are regulations that provide narrow exceptions for some types of vendors (telegrams, telephone, freight, storage) and some individual vendors that accept payment from you by credit card and meet qualifications set forth by the IRS. Even if some regulatory exceptions are carried over under the new law, you will still be the one responsible and liable for issuing the information report and it will not be easy.) And Congress is considering doubling the penalties.

And, of course, any business that pays you more than $600 will be sending *you* a Form 1099.

Representative Daniel Lungren (R-CA) has introduced bill H.R. 5141, The Small Business Paperwork Mandate Elimination Act. Senator Mike Johanns (R-NE) has introduced S.3578, its sister bill.

SSDA-AT, as well as other organizations, has signed a letter of support to Rep. Lungren and Sen. Johanns.

TAKE ACTION

If you want to send emails to your Senators and Representative, go to www.stopform1099.org.

But do not stop there, call your Senators and Representatives (202-224-3121) and deliver the message you will find at www.stopform1099.org.

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 too 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.

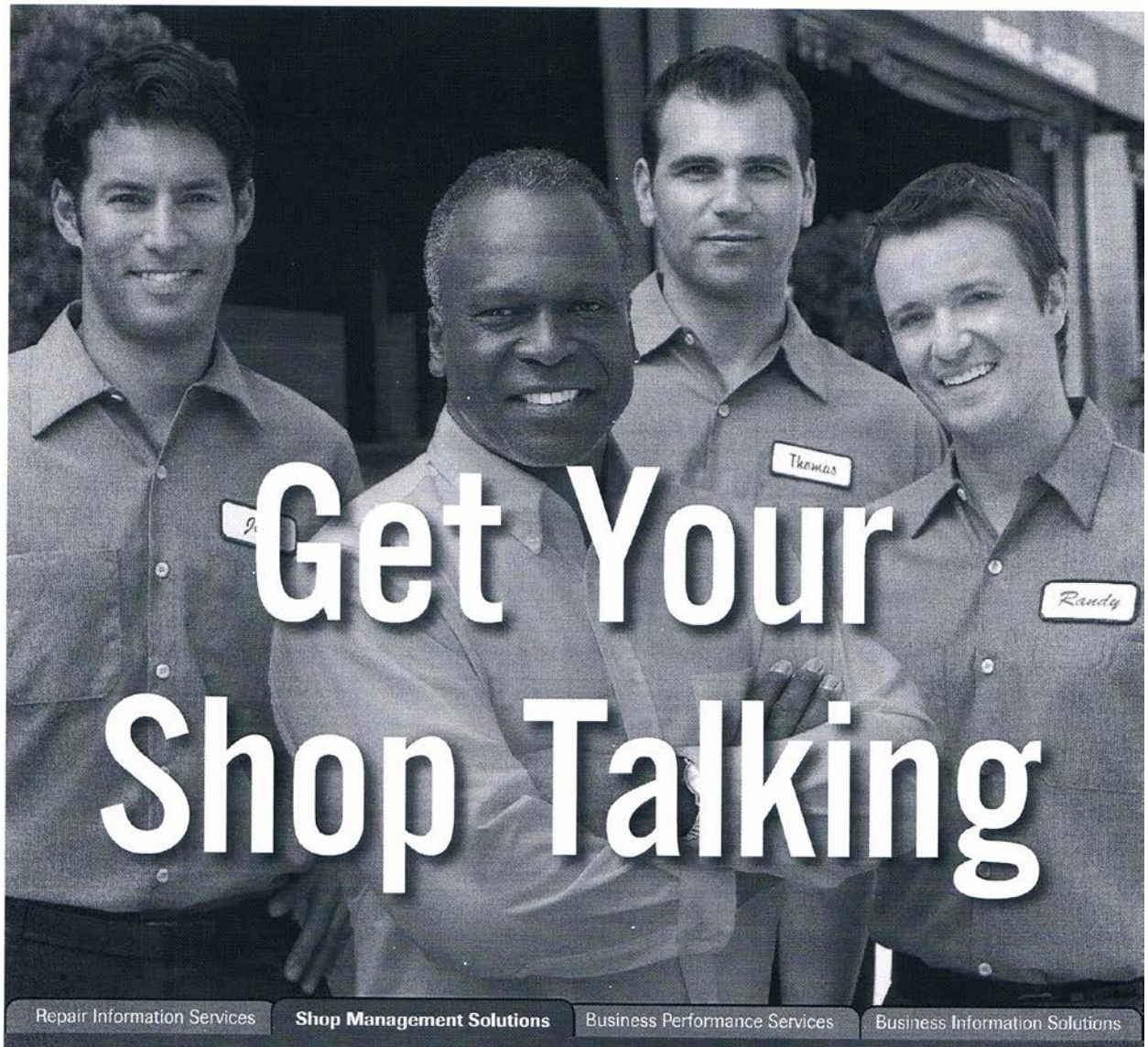
Additional legal services will be provided by the designated law firm's standard hourly rate less 15%. Special contract prices have also been negotiated for the following services.

- 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.



Get Your Shop Talking

Repair Information Services | **Shop Management Solutions** | Business Performance Services | Business Information Solutions

Mitchell1 TeamWorks™

Mitchell 1 TeamWorks combines the features of Manager, Estimator and Repair to seamlessly integrate all parts of your shop. From the moment your customer walks in the door, TeamWorks allows your Service Advisor to look up customer and vehicle information, calculate time to diagnose, check TSBs and prepare an estimate. Parts advisors order and track parts from your favorite vendors. Techs pull up work requested with associated diagnostic and service information, and enter recommended service. That's the kind of shop talk you can turn into profit!

AASP NATIONAL ALLIANCE OF AUTOMOTIVE SERVICE PROVIDERS

888-724-6742
mitchell1.com

Mitchell1 Shop Management Solutions

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Repair Information Services | Shop Management Solutions | **Business Performance Services** | Business Intelligence Services

Mitchell1 eCRM™

Now you can turn customers into loyal, profitable repeat customers easily. Mitchell 1 CRM integrates seamlessly with your shop management system to track your customers' vehicle history and send timely scheduled service reminder postcards and e-mails automatically. You choose the postcards and customize with your logo and message – finally, a way to communicate your message to your customers that they'll be glad to receive.

- Service Reminder E-mails & Postcards
- Consumer Vehicle History Website
- Service Recommendations
- Custom Promotions
- Dedicated Marketing Support Center
- Return on Investment Reporting

AASP NATIONAL ALLIANCE OF AUTOMOTIVE SERVICE PROVIDERS

800.410.0529
mitchell1.com/eCRM

Mitchell1 Business Performance Services

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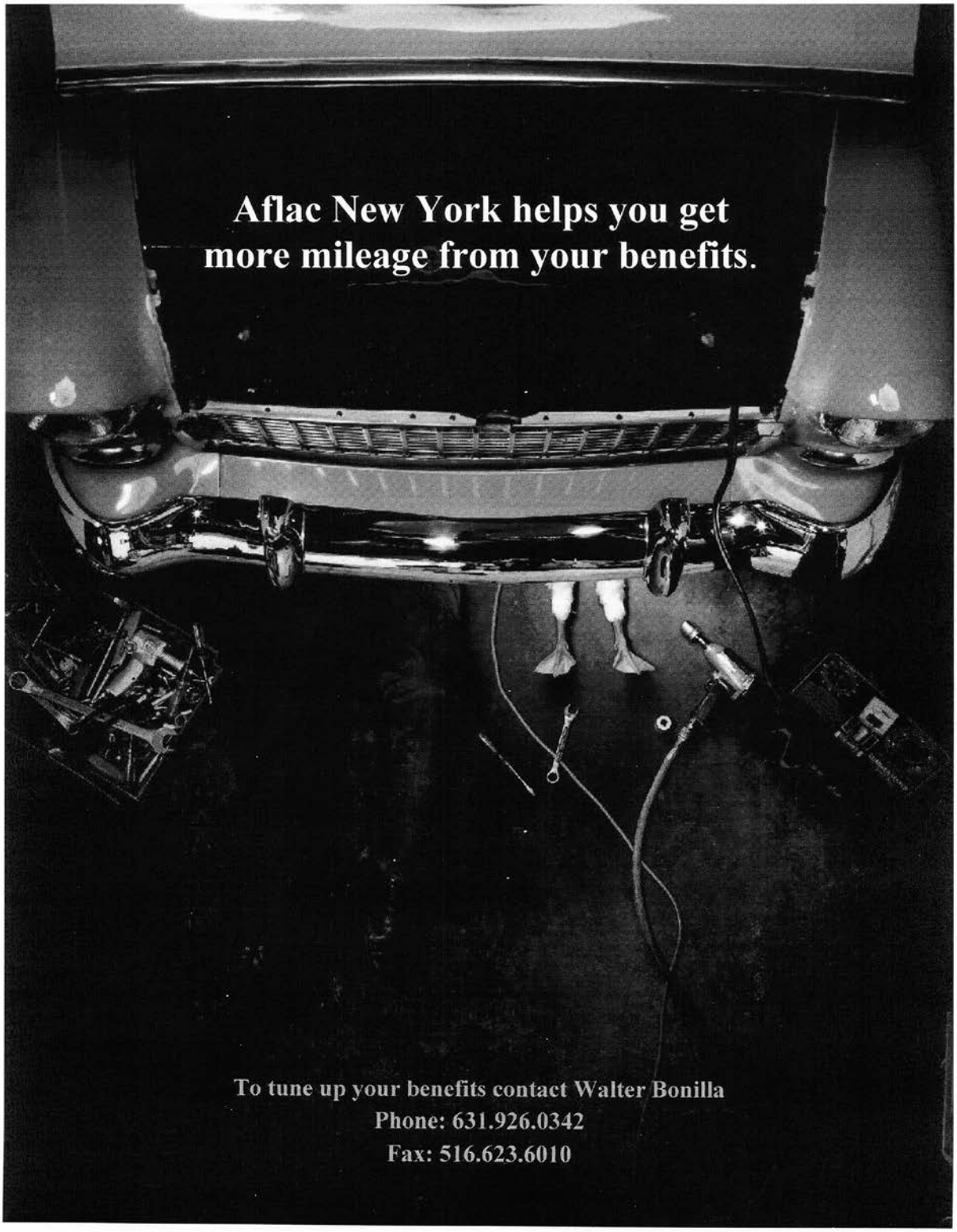

Aflac New York helps you get
more mileage from your benefits.
To tune up your benefits contact Walter Bonilla
Phone: 631.926.0342
Fax: 516.623.6010

Aflac™

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

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

Lawley

New York State Association of Service Stations & Repair Shops, Inc.

Declares Dividend

Workers Compensation Safety Group #536
Pays dividend for the 19th consecutive year.

35%

(Applies to Policy Term 5/1/09 - 5/1/10)

Dividend checks will be mailed direct to your address by The State Insurance Fund

Recent Dividend History

35%	08-09
35%	07-08
30%	06-07
30%	05-06

Lawley – Group Manager
Workers Compensation State Fund Safety Group #536

Jim Propis
716 849 8235
jpropis@lawleyinsurance.com
lawleyinsurance.com

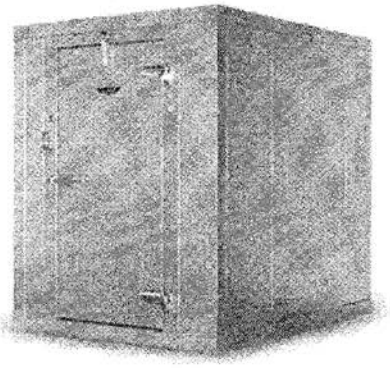
INSURANCE | EMPLOYEE BENEFITS | RISK MANAGEMENT | BONDS

RTF Manufacturing
www.RTFManufacturing.com

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.



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

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 for an estimate.

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?

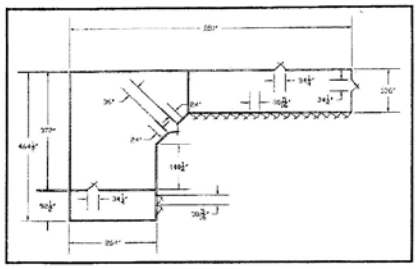
State-of-the-Art Quality Custom Designed Walk-In Refrigeration Systems

SUPERIOR DESIGN

RTF Walk-in Coolers and Feezers 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 Feezers 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 Fridy 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.

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)

RTF Manufacturing

www.RTFManufacturing.com

RTF WALK-IN COOLERS & FREEZERS

COUNT ON US

At ***RTF* MANUFACTURING** we focus on you—our customers—providing a full line of reliable, highly efficient and environmentally safe products.

The ever increasing need for new technology in refrigeration equipment has never been greater. You can rely on us at *RTF* Manufacturing to continue to make advancements in our design and engineering capabilities to meet the ever-growing needs of our customers.

Our large facility enables us to design, engineer and produce all of our refrigeration products in one location—our location. Our interactive production team work hand-in-hand, our capabilities allow us to deliver specialized custom solutions using superior materials and exacting standards for the quality and performance you expect.

RTF products are energy efficient—helping the environment by reducing total power consumption while enhancing the user experience through improved control and functionality.

Our manufacturing facility is located in Hudson, New York. Feel free to contact us with questions about our products or to request a quote. We have a knowledgeable staff ready to assist you with all your inquiries. Simply call, email or go to our website. We're here for you!

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

RTF Manufacturing

SUPERIOR DESIGN • DURABILITY • ENERGY EFFICIENT • RELIABLE SERVICE
TECHNICAL ASSISTANCE • QUALITY AND VALUE

Please contact us for more information and to review your needs:

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