
RSGDA

REPAIR SHOP & GASOLINE DEALERS ASSOCIATION
(585) 423-9924 -- (716) 656-1035 – rsgda@nysassrs.com – www.nysassrs.com

May 2014

Department of Motor Vehicles Undercover Operation

A recent undercover audit operation by DMV is causing an inspection station to go to an administrative hearing. How it happened?

A DMV field investigator went to the station and asked for an inspection. The station accommodated the request. Several safety features were disabled on the vehicles. That station received violations for missing the following,

- ❖ The rear center seat belt latch assembly was removed causing the center rear seat belt and right rear seat belt not to buckle.
- ❖ The right side windshield wiper's blade was torn.
- ❖ Both reverse lights had their bulbs removed causing the reverse lights not to illuminate.
- ❖ The parking brake was made inoperative by loosening the adjuster of the brake cable and would not hold the vehicle stationary with the engine running at a slightly accelerated speed with the shift lever in the drivers position.

How to avoid getting into a situation where you need to go to a DMV hearing? When doing an inspection use a list and check every safety feature on it.

Native American Sales of Cigarettes

Part of the casino/land claim/tax settlement between the Governor and the Oneida Indian Nation, ratified by the Legislature and the federal government, allowed licensed New York State distributors to resume delivering untaxed national-brand cigarettes to the Oneidas' Sav-On stores.

They began selling Marlboros, Newport's etc. again about three weeks ago.

However, we are told that their prices on national-brand product are comparable with those of surrounding non-Indian retailers, in accordance with the agreement which requires them to charge the equivalent of the state excise tax and state and local sales taxes and abide by state minimum pricing. We'll see how long this lasts.

Kicking Our Butts

By Post Editorial Board March 25, 2014

If you enjoyed a smoke in New York today, more likely than not the cigarette you lit up got here illegally. For that, you can thank our high tobacco taxes.

Nearly 57 percent of cigs consumed in New York are brought in illegally, according to a new report from the Tax Foundation, based on an analysis by the Mackinac Center for Public Policy. That's the highest percentage of illegal smokes of any state.

It's no coincidence that having the highest rate of illegal smokes coincides with having the nation's highest taxes on cigarettes. At \$4.35 a pack, New York's cigarette tax outstrips the next highest state (Rhode Island's \$3.46 levy) by 26 percent. And that doesn't count the \$1.50-a-pack tax New York City slaps on top of that, bringing the total to \$5.85 in Gotham.

New York isn't the only state with high levels of smuggling. The report found that, in general, states with high cigarette taxes have the most smuggling. Why? Because it gives smugglers an incentive to buy smokes in, say, Missouri, where the levy is 17 cents a pack, resell them illegally in New York under a high market price caused by high taxes — and pocket the difference.

“Public policies often have unintended consequences that outweigh their benefits,” the report says. “One consequence of high state cigarette tax rates has been increased smuggling.”

Bottom line: New Yorkers are getting more than half their cigarettes from a thriving black market. And this black market robs the state of the revenues it would gain if it weren't undercutting sales from legitimate outlets, such as bodegas.

Talk about a policy going up in smoke.

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State Launching Task Force To Stop Cigarette Smuggling, Tax Evasion

In an effort to crack down on the sale of illegal smokes in New York, Cuomo is set to announce Monday a 13-agency task force dedicated to keeping illegal cigarettes out of the state.

“This new law-enforcement strategy will help to crack down on these illegal cigarette sales and capture those smugglers who seek to evade the law and rob the state of the revenue it is rightly owed,” Cuomo said.

A recent study by the Tax Foundation revealed that almost 57 percent of cigarettes smoked in New York were bought into the state illegally, the highest of any state. That was a 20 percent increase from the previous study, conducted in 2006.

New York State has the highest cigarette-tax rate in the country, making trafficking a profitable and attractive enterprise.

New Yorkers burn a hefty \$4.35 per pack in taxes — and those who light up in the Big Apple are slapped with an additional \$1.50 tax per pack.

In comparison, Missouri, has the lowest cigarette tax, at only 17 cents per pack, according to the study.

“Public policies often have unintended consequences that outweigh their benefits,” Tax Foundation Economist Scott Drenkard said in the report.

A 2012 study by the Virginia State Crime Commission gave an example in which smugglers could profit an estimated \$4 million on 800 cases when first buying the cigarettes in a low-tax state like Virginia and then selling them in New York City, according to the Tax Foundation’s study.

Virginia’s cigarette tax is just 30 cents a pack.

In 2013, two men were sent to prison for trying to smuggle more than 1 million unstamped cartons from Virginia into New York City and the Albany region.

The profit margin on smuggled cartons is higher than that on the sale of illegal drugs such as cocaine, heroin and marijuana, the study showed.

There are fines and penalties already in place to try to prevent such actions that end up robbing the state’s coffers of sales tax.

Penalties for selling illegal cigarettes can include a \$600-per-carton fine and possible criminal charges. But the enforcement has been lax.

The Tax Foundation’s study suggests some enforcement officials “turn a blind eye” to illegal shipments.

The new task force will include federal, state, and county agencies and will be headed by former NYPD Detective Michael Spinosa.

Spinosa, who is currently with the state Tax Department’s Criminal Investigations Division, has already seized smuggled cigarettes in 18 different cases, Cuomo said.

New York Attorney General Sues FedEx For Shipping Illegal Cigarettes

New York Attorney General Eric T. Schneiderman announced that his office has filed a \$70 million lawsuit against FedEx for illegally shipping nearly 80 million contraband cigarettes to consumers across New York in violation of federal and state laws. The lawsuit joins and expands upon a complaint filed in December 2013 in Manhattan federal court by the City of New York and adds extensive claims of FedEx’s unlawful shipments around the state.

A press release notes that the joint complaint alleges that, between 2006 and 2012, FedEx made nearly 33,000 illegal shipments of cigarettes to consumers in New York, amounting to more than 400,000 cartons of untaxed cigarettes and a direct tax loss to the state of more than \$10 million. Each illegal shipment carries a maximum penalty of \$5,000. The shipments violated an agreement FedEx entered into with the state’s AG office in 2006, in which it agreed to cease all unlawful cigarette deliveries to consumers both in New York and throughout the country. The lawsuit further alleges that the company engaged in a pattern of racketeering activity with various cigarette retailers to traffic contraband cigarettes in violation of the federal anti-racketeering statute.

“FedEx’s blatant disregard for its long-standing agreement with New York, as well as federal and state law, enabled tens of millions of cheap, untaxed cigarettes to be shipped to New Yorkers,” Attorney General Schneiderman said. “Not only has FedEx cheated the state out of millions in tax dollars — but many of these cigarettes may have ended up in the hands of teenagers...”

The shipments by FedEx are prohibited by the federal Contraband Cigarette Trafficking Act (CCTA) and Prevent All Cigarette Trafficking (PACT) Act, as well as by New York State tax and public health laws.

Because the federal PACT Act requires shippers to affix specified labels identifying the contents as cigarettes and to report all sales into a state, which FedEx did not do, New York is entitled to significant penalties for these violations. Last, the Assurance of Compliance agreement reached with FedEx in 2006 provides that that company must pay a stipulated penalty of \$1000 per violation, amounting to approximately \$34 million.

FDA Ready To Rule On Electronic Cigarettes

The U.S. Food and Drug Administration is "pushing very hard" to release a proposed rule that would establish the agency’s authority over electronic cigarettes, Reuters reports.

FDA Commissioner Margaret Hamburg told members of Congress during a Senate budget hearing last week that it has taken too long to move the rule forward, and that she expects the proposal to be ready “very soon.” The news source adds that FDA’s proposal has been under review by

the White House's Office of Management and Budget (OMB) for about five months.

The news source notes that U.S. Sen. Jeff Merkley (D-OR) told Hamburg during the hearing the FDA's delays were "disgraceful," noting that "Four years and four months to get the first draft over to OMB is unacceptable and that for OMB to sit on the proposal for months is also unacceptable.

Hamburg agreed that the criticisms were fair, notes Reuters. "I do believe that very soon I will be able to call you, and say the deeming rule is out," she said.

In 2009, the FDA was granted the authority to regulate the manufacture and retail of tobacco products.

Meanwhile, the U.S. Centers for Disease Control and Prevention (CDC) is reporting that the number of calls to poison centers involving e-cigarette liquids containing nicotine is increasing, going from one call per month in September 2010 to 215 per month in February 2014.

CDC also found that more than half (51.1%) of the calls to poison centers due to e-cigarettes involved children under age 5, and about 42% of the poison calls involved people age 20 and older.

In response to the CDC's report, Reynolds American Inc. says that its Vuse e-cigarette is designed to "minimize chances for accidental exposure." Jason Healy, president of Lorillard Inc.'s Blu eCigs, told ABC News that the CDC's findings are "a weak argument" against e-cigarettes and evidence of "an on-going attack on the e-cigs industry by various anti-smoking groups," reports the Winston-Salem Journal.

Prepayment Of Sales Tax And The NYS Budget

A bill that changed the method of collecting sales tax on motor fuel was included in this year's State Budget.

The changes are there are now three regions.

- Nassau and Suffolk will have a prepayment of twenty cents,
- The New York Metropolitan Area will have a prepayment of seventeen and one half cents and
- Upstate is now sixteen cents.

Industry Should Brace For Revised Overtime Rules

A plan to revise the federal rules governing who's entitled to overtime pay could have a significant and direct impact on gas stations, lawyers familiar with labor law said.

The White House has suggested that many people classified as managers in these industries should either make higher salaries or should be reclassified and entitled to overtime pay.

The president has directed the Department of Labor (DOL) to update the exceptions to the rules calling for employees who work more than 40 hours a week to get overtime pay. A common exemption is for workers paid more than \$455 a week to be classified as "executive, administrative, or professional."

The proposed rule change, which would need to go through the DOL rulemaking process, could alter the exemption's description of duties and its minimum pay requirements.

The White House pointed out that if the current floor were adjusted for inflation, it would be \$561 a week today, but it hasn't publicly directed the Labor Department to adopt a specific amount.

The U.S. Bureau of Labor Statistics reports that in 2012, gas station first-line managers earned a median salary of \$31,720 a year, which comes to \$610 a week. But the median is the mid-point of those salaries, so a substantial number of gas station managers are earning below that. And the pay can be diluted if the manager works more than a 40-hour week.

When you calculate the median pay in terms of hours, it comes to \$15.25 per hour for those working 40 hours a week; \$12.20 per hour for those working 50 hours a week; and \$10.17 per hour for those working 60 hours a week.

The BLS reports there were 82,140 first-line supervisors at gas stations in 2012. There's no breakout for convenience store managers, but NACS research shows that c-stores account for the vast majority of the gasoline retailed.

In announcing the plan, the White House specifically mentioned c-store managers and the Labor Department mentioned gas station managers. That suggests the pay scales of these positions are under sharp scrutiny, labor lawyers said.

"This is a clear indication that the convenience store industry and its pay practices are in the cross-hairs of the federal government," said management labor lawyer Matt Austin, based in Columbus, Ohio. "Whether that means more Department of Labor audits or investigations, is yet to be seen. But this is a warning to the industry that they need to comply with the law because the government's coming after them."

And Thomas Bundy, a partner in the Washington office of law firm Sutherland, Asbill & Brennan LLP, said gas stations and c-stores "should pay attention."

Labor Secretary Tom Perez stated in a March 13 official blog that "all too often, these salaried employees are earning less per hour than the employees they supervise. Consider the two New Jersey gas station managers encountered by the Labor Department's Wage and Hour Division. Despite typically working 65 hours per week (say 7 a.m. to 8 p.m. every weekday), their salary was so low that they weren't even making the equivalent of the minimum wage."

Perez wrote, "The law provides for some exceptions [to the overtime rules], but the exceptions haven't kept up with our modern economy. These exceptions were originally designed to only apply to well-compensated employees with greater job security, more bargaining power, and higher potential for promotion."

He stated that the \$455 trigger "doesn't make sense" and is below the poverty line for a worker supporting a family of four.

Austin stated that for now, gas station/c-store owners should consult with their attorneys and make sure they're

complying with the law and have classified employees correctly with regard to whether they are exempted from overtime requirements.

One pitfall many mom-and-pop gas stations/c-store owners fall into is the owner performs so many managerial duties that it erodes the amount of managerial duties performed by the "manager." As a result, those individuals might end up functioning as workers who should receive overtime but who don't because the owner classified them as salaried managers.

Employers should remember that, in classifying employees, what matters is the type of duties the worker actually performs as opposed to the worker's title, or what's in a written job description, Austin said.

Bundy said the ramifications are broad and they fit with President Obama's focus in recent months to increase the wages of working people. The president has raised the minimum wage for federal contract workers and is asking Congress to boost the federal minimum wage for all workers.

Obama might be using the overtime-revision plan as leverage to try to get Congress to boost the minimum wage, Bundy speculated. In most industries, he said, employers would be more troubled by revised overtime requirements than they would an increase in the minimum wage.

Vincent Taylor, vtaylor@opisnet.com
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Connecticut Passes \$10.10 Minimum Wage

The Connecticut General Assembly voted earlier this week for legislation to raise the state's \$8.70 minimum wage to \$10.10 by January 2017, the CT Mirror reports.

The bill passed both the Senate and House, and becomes a political talking point for Governor Dannel Malloy and President Obama. Malloy was expected to sign the bill yesterday evening.

With the bill, Connecticut becomes the first state to establish a minimum wage in excess of \$10. Washington State currently has the highest at \$9.32.

"I am proud that Connecticut is once again a leader on an issue of national importance. Increasing the minimum wage is not just good for workers, it's also good for business," Malloy said.

President Obama issued a statement praising the legislation and urging Congress to follow Connecticut's lead. "But to truly make sure our economy rewards the hard work of every American, Congress must act," Obama said. "I hope members of Congress, governors, state legislators and business leaders across our country will follow Connecticut's lead to help ensure that no American who works full time has to raise a family in poverty, and that every American who works hard has the chance to get ahead."

Connecticut's current \$8.70 minimum wage is the nation's fourth highest, trailing Washington (\$9.32), Oregon (\$9.10) and Vermont (\$8.73).

Locked Out: OEM's Growing Control Of Consumers

Each year, thousands of cars roll off manufacturing lines. Today, most contain embedded telematics systems (like OnStar). Over time, this will enable original equipment manufacturers (OEMs) to "own" consumers.

Brake light goes on? The car's computer sends notice to the local dealership's service department. An e-mail gets triggered, reminding the consumer to get their brakes checked. No response from the consumer? A discount goes out, incentivizing the consumer to get their brakes checked. All automated. All locking the aftermarket out from interacting with the consumer at the moment of choice.

One company fighting for the aftermarket? Atlanta's Vehcon, Inc.

"Car manufacturers are building a closed ecosystem for the entire vehicle ownership lifecycle," says Vehcon CEO Fred Blumer. "Within the next 10 years – unless the automotive aftermarket develops an effective response – they will be shut out of the service market significantly."

"The key to the aftermarket's future is to tap into the consumer's desire for choice – people like options and Americans hate the thought of being manipulated," said Blumer. Blumer encouraged the aftermarket to side with consumers on data rights and, more than anything else, to provide the consumer with alternative, attractive options to OEM systems.

"As consumers realize the value of their data, they will seek to utilize it for their benefit," said Blumer. The aftermarket could leverage existing hardware for accessing consumer data. Options include partnering with usage-based insurance programs (i.e. Progressive's "Snapshot" plug-in dongle) and subprime lending/GPS tracking systems.

However, these systems are costly to operate as they involve distribution and connectivity charges.

As an alternative to hardware-based systems, Blumer recommends smartphone-based solutions.

"Smartphone solutions have no hardware costs, provide real-time car and consumer data, enable location-based offers, and work on every car," said Blumer. "This enables the right offer, at the right time, in the right place."

About Vehcon, Inc.

Vehcon Inc. extracts data from vehicles using smartphone technologies, enabling consumer to lower the total cost of vehicle ownership. The company's patent-pending solutions capture predictive data, such as odometer readings and area of operation, and provide a platform for communicating offers from its marketing partners back to the consumer. Founded in 2012 by innovators in vehicle telematics, mobile data analytics and mobile applications, Vehcon Inc. is headquartered in Atlanta, Ga. For more information, visit <http://www.vehcon.com>

Generator Switch Required By April 1, 2014

We ask the State several question on what would happen if a station did not install a switch that can accommodate a generator in the event of a declared emergency such as the Sandy Storm.

- Question: What will happen if a station does not have a generator switch installed by April 1, 2014?
- Answer: The Department expects station owners within the ½ mile range to be in compliance with AGML Article 16, section 192-h by the April 1, 2014, deadline. However, prior to issuing any penalties the Department will take into consideration stations that have applied for a grant and are in the process of complying or, if they are not applying for a grant, can provide evidence that they have entered into a contract with an electrician to have a transfer switch installed.
- Question: We have heard that a violation will not be issued unless an emergency is declared?
- Answer: We have not heard of a policy like this.
- Question: What is being done to help the stations comply with the law?
- Answer: State Specialists have been visiting stations for the last several weeks offering assistance and explaining the program. NYSERDA has a Helpline for the grant program which can be reached at 1-855-323-3030.

If you need help please call the Association Office

Energy Information Administration Summer Fuels Outlook

During the April-through-September summer driving season this year, regular gasoline retail prices are forecast to average \$3.57 per gallon, according to the U.S. Energy Information Administration (EIA). The projected monthly national average regular retail gasoline price falls from \$3.66 per gallon in May to \$3.46 per gallon in September.

EIA expects regular gasoline retail prices to average \$3.45 per gallon in 2014 and \$3.37 per gallon in 2015, compared with \$3.51 per gallon in 2013. The July 2014 New York Harbor reformulated blendstock for oxygenate blending (RBOB) futures contract averaged \$2.85 per gallon for the five trading days ending April 3, 2014.

Based on the market value of futures and options contracts for this key petroleum component of gasoline, there is a 3% probability that its price at expiration will exceed \$3.35 per gallon, consistent with a monthly average regular-grade gasoline retail price exceeding \$4 per gallon in July 2014.

The North Sea Brent crude oil spot price in March averaged near \$110 per barrel for the ninth consecutive month, while West Texas Intermediate (WTI) crude oil prices remained flat near \$101 per barrel. New pipeline capacity from the Midwest into the Gulf Coast helped reduce inventories at the Cushing, Oklahoma, storage hub to 27 million barrels by the end of March 2014, the lowest level since November 2009. The discount of WTI crude oil to Brent crude oil, which averaged more than \$13 per barrel from November through January, fell to \$7 per barrel in March. EIA expects the WTI discount to average \$9 per barrel in 2014 and \$11 per barrel in 2015.

Appeals Court Overturns Debit Rule

A federal appeals court on Friday, March 21, reinstated a 2011 Federal Reserve rule on the fees banks can charge merchants when customers use their debit cards, a setback for retailers, writes the Wall Street Journal.

"It is unfortunate that the D.C. Circuit Court of Appeals misread the law and the Federal Reserve's rule on debit swipe fees. Any rule that would allow profit margins of more than 1,000% and raise fees on many transactions clearly violates the letter and intent of the law Congress passed," said NACS President and CEO Henry Armour. "Congress did the right thing by trying to make debit swipe fees more competitive and the law did that in spite of the Fed's mistakes. We intend to review all of our options for upholding what Congress did and ensuring that debit swipe fees become more reasonable for convenience retailers and their customers."

Friday's decision reverses the ruling handed down last summer by U.S. District Court Judge Richard Leon, who said that the Federal Reserve clearly disregarded Congress's intent by inappropriately inflating all debit card transaction fees by billions of dollars, which have continued to allow financial institutions to charge exorbitant fees that are ultimately born by consumers. In January, attorneys representing NACS urged the U.S. Court of Appeals for the District of Columbia Circuit to uphold Leon's decision.

U.S. Senator Dick Durbin commented on Friday's ruling: "Today's opinion by a panel of appellate judges is a giveaway to the nation's most powerful banks and a blow to consumers and small businesses across America," he said. "The court completely ignored how the Federal Reserve's swipe fee rule allowed Visa and MasterCard to dramatically increase debit swipe fees on many small businesses, contrary to Congress's clear language and intent. The court also astonishingly claimed that the swipe fee amendment was crafted in secret and at the last minute. If the court had taken the time to carefully read the law and its history they would have known the amendment was debated and approved on the Senate floor with a strong bipartisan majority months before enactment. Today's ruling is both confused and tilted heavily towards the big banks and card giants."

General Counsel Corner

By Peter H. Gunst, Esquire

For Lack Of A Comma

A recent, significant federal appeals court decision concerning swipe fees for debit cards provides further evidence if any were needed of how bizarre judicial decision-making can be.

Service station and convenience store operators well know the significant role that debit cards play in today's retail economy. By 2009, debit cards had become the dominate form of payment in the United States, surpassing credit cards in number of transactions and in dollar volume. Debit card processing is dominated by Visa and MasterCard, which process over 80% of all debit transactions. Not surprisingly given their market power, Visa and MasterCard

were able by 2009 to increase the swipe fees that they charge to 44 cents on average for each debit card transaction.

Enter the Durbin Amendment enacted by Congress in 2010 as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

In an effort to restrict the amount of the swipe fees that could be charged to a merchant, the Durbin amendment limited debit card swipe fees to the “incremental cost” incurred by an issuer for the “authorization, clearance, or settlement of a particular debit “transaction,” and specifically eliminated from the cost formula costs which are not specific to any particular electronic debit transaction.

See 15 USC §1693 o-2 (a)(4)(B).

In sum, the Durbin Amendment restricted debit swipe fees to the variable cost attributable to a particular debit transaction, while eliminating from the equation the issuer’s fixed costs.

Congress gave the Federal Reserve Board the task of enacting rules to enforce the Durbin Amendment’s cost allocation formula.

In late 2010, the Board proposed its implementing rules, which were based upon limiting swipe fees to the incremental cost attributable to a particular transaction, which amounted to a fee cap of 12 cents per transaction, considerably less than the 44 cents the issuers had previously received on average.

After receiving thousands of comments, the Board in its Final Rule almost doubled the proposed cap to 21 cents, adding one half of 1% of each transactions value, plus an additional one cent per transaction if the issuer implemented certain fraud-prevention measures.

The Board’s almost doubling of the proposed debit card swipe fee was attributable to its inclusion in the calculation of recoverable costs certain items which were not attributable to any specific debit card transactions. These included the cost that issuers incurred as the result of transactions-monitoring to prevent fraud, the issuer’s anticipated fraud losses, network processing fees and some other fixed costs.

The National Association of Convenience Stores (“NACS”) and a number of retailers sued the Board in D.C. federal court, charging that the Final Rule created a new category of reimbursable costs out of whole cloth, costs which bore no relation to any specific debit card transaction and thus exceeded what Congress had allowed.

At first, NACS and its allies were successful. The trial court granted their motion for summary judgment, finding in no uncertain terms that the Board had erred in allowing issuers to recover fixed costs and costs not attributed to any specific transaction. The Board then appealed to the United States Court of Appeals for the District of Columbia.

The appellate court’s decision dated March 21, 2014 was a thing of wonder. It reversed the trial court and allowed the Board’s creation of an additional set of costs never referred to anywhere in the Durbin Amendment. It did so in a manner that would have made a medieval scholastic proud.

By parsing obscure grammatical rules, the appeals court determined that Congress by failing to place a comma before its use of the word “which” in the key provision of the Durbin Amendment had opened the door to the Board’s inclusion in its Final Rule of an entirely new set of cost items never identified in the Durbin Amendment. That this was truly Congress’s intent is hard to swallow.

Even a prominent critic of the Durbin Amendment harshly criticized the appellate court’s opinion. Labeling it an exercise in “judicial obscurantism,” Professor Richard Epstein stated that “it does not take a genius” to recognize that the transaction-specific costs expressly identified in the Durbin Amendment were all that Congress intended to permit.

The real world significance of the Court’s opinion is extensive. Debit card swipe fees will be almost twice as high as they otherwise would have been. And this, says the court, is because of a lack of a comma.

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 than 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..

A Day on The Green

SAVE THE DATE

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Penfield, NY 14526

Monday July 28, 2014

\$500 Foursome & Hole Sponsor
\$150 Hole Sponsor
\$100 Golf, Prizes & Dinner
\$35 Dinner ONLY

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Please send check payable to RSGDA

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RSGDA 13th Annual Golf Tournament

RSGDA 13th Annual Golf Tournament
July 28, 2014
Shadow Lake Golf & Country Club, Penfield, NY

Registration and lunch 11:30 A.M.

SIGN ME UP – Fax this Form to 518-452-1955

| | | |
|----------------|--------|--------|
| Name: | | Phone: |
| Business Name: | | |
| Street: | | |
| City: | State: | Zip: |

Please check all that apply and give number of people:

| | | |
|---|---|--|
| Golf/Lunch/Banquet \$100 Number <input type="checkbox"/> | Golf/Lunch \$65.00 Number <input type="checkbox"/> | Dinner Only \$35.00 Number <input type="checkbox"/> |
|---|---|--|

I want to be a SPONSOR at the following level (check one or more):

| | | |
|---|---------|--|
| <i>Platinum Sponsor:</i> Included 2 foursomes, Tee Sign, banquet dinner, a full-page recognition in the program and newsletter, along with special recognition at the banquet dinner. | \$5,000 | |
| <i>Gold Sponsor:</i> Includes 1 foursome, Tee Sign, banquet dinner, and a ½ page recognition in the program and newsletter. | \$2,500 | |
| <i>Silver Sponsor:</i> Includes 1 foursome, Tee Sign, banquet dinner, and a ¼ page recognition in the program and newsletter. | \$1,000 | |
| <i>Bronze:</i> Includes 1 foursome, Tee Sign, banquet dinner and a business card recognition in the program and newsletter. | \$500 | |
| <i>Member Sponsor:</i> Includes Tee Sign, banquet dinner, and recognition in the program and newsletter. | \$200 | |
| <i>Tee Sponsor:</i> Includes Tee sign, banquet dinner, and recognition in the program and newsletter. | \$150 | |
| <i>Prize Sponsor Item:</i> Includes recognition in the program and newsletter. | Prize = | |

GOLF

Name of golfer:

Handicap (if known):

| | |
|--------------------------------------|--|
| <i>1.</i> | |
| <i>2.</i> | |
| <i>3.</i> | |
| <i>4.</i> | |
| Number of Dinner Only guests: | |

Make checks payable to: **RSGDA.**

_____ I will bring my check to the tournament.

_____ I will mail my check to RSGDA at 6 Walker Way, Albany, NY 12205

For additional information call 585-423-9924.

\$afety Group 536

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



DIVIDEND HISTORY

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

DISCOUNT HISTORY

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

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

Lawley
INSURANCE



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JIM CAPUTO
Vice President

DON GLADSTONE
Treasurer

RALPH BOMBARDIERE
Executive Director

FREE MONEY REPAIR-SHOP & GASOLINE DEALERS ASSOCIATION RSGDA – NAPA PROGRAM

| | | |
|---|--------|---------|
| 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

RSGDA

LEGAL PLAN

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

Covered services available to members include:

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

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

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

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

| | |
|----------|----------|
| Sale | \$295.00 |
| Purchase | \$350.00 |
- Simple will \$75.00 Simple will (husband and wife) \$125.00

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

**CIGARETTE SALES TO MINORS
CLERK CERTIFICATION**
COMPLIANCE WITH THE NEW STATE CERTIFICATION OF
CLERKS WHO SELL TOBACCO PRODUCTS

CERTIFICATION OF A CLERK WHO SELLS TOBACCO PRODUCTS
POINT REDUCTION CLASS

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

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

WHERE:

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

WHEN:

First Thursday of every month at 4:00 PM

COST:

MEMBERS: \$15.00 - NON-MEMBERS \$30.00

PLEASE CALL FOR RESERVATIONS AT (585) 423-9924

SPONSORED BY: RSGDA

RSGDA

Repair Shop and Gasoline Dealers Association

HEALTH INSURANCE PROGRAM

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

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

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

**To find out more information call
Ralph Bombardiere at (585) 423-9924**