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Gilbarco And Verifone Join Forces To Power Global Market

Gilbarco Veeder-Root, the worldwide leader in retail petroleum technology, and VeriFone Systems Inc., the global leader in secure electronic payment solutions, announced today that they are partnering to offer next generation forecourt payment solutions and to create the largest at-pump interactive digital media network worldwide.

The two companies will collaborate on future fuel dispenser payment platforms to be developed and supplied by VeriFone, in order to meet convenience and fuel retailers' functionality and regulatory needs in an increasingly complex payment ecosystem, as well as offer at-pump media advertising and entertainment.

"This is very powerful for the industry," said Martin Gafinowitz, president of Gilbarco Veeder-Root, on a media briefing call. "Gilbarco's expertise in the convenience vertical and Verifone's expertise in the payment and media space represent the leading technology in interfacing with consumers in a seamless way."

Gafinowitz also emphasized the significance of this new partnership as retailers prepare for EMV conversion, promising that the new partnership will provide compelling solutions to meet the rapidly changing needs for secure retail payment transactions.

Additionally, Outcast Media, Gilbarco's forecourt media business, and Applause TV, Gilbarco's gas station TV network, will be merged with VeriFone's digital media and VeriFone Digital Network (VNET) businesses. "As of today, we have more than 50,000 screens globally in taxis, gas pumps and c-stores, with 150 million customers per month viewing those screens," said Dan Yienger, senior vice president of petro at VeriFone, in a media briefing. "We're capable of bringing relevant content and a critical scale, which will allow us to bring in additional advertising at the pump, in turn driving consumers into stores."

Next Step for FDA's Deeming Regulations

With the closing of the public comment period, the Food and Drug Administration (FDA) is moving on to the next phase of its bid to regulate additional tobacco products - including electronic cigarettes and cigars.

The agency published its proposed deeming rule in April and drew 75,735 comments during the public comment period, which ended Aug. 8, according to New York-based financial services firm Cowen & Co. The 60-day comment period was originally set to end July 9, but was extended an additional 30 days.

Cowen & Co. said while premium cigars appear to be the center of attention, comments varied and addressed different topics within the proposed regulation.

In a report issued Monday morning, the firm noted that more than 47,000 submissions related to premium cigars, "while approximately 13,500 specifically represented what we believe to be form letters, noting 'As an adult consumer of premium cigars' within the comment."

In addition, the FDA received approximately 3,500 submissions mentioning electronic cigarettes in some variation, including 1,653 comments specifically related to vaping, 545 that called out e-liquids, and 380 that spoke to advertising.

Next up, the FDA is tasked with sorting through the thousands of submissions, which is expected to take several months.

While the agency's 2011 menthol report received more submissions (approximately 175,000), the proposed deeming rule "covers a broader spectrum of products than menthol, including cigars, e-cigarettes and vaping. Given the increased complexity around these multiple product types, we think this could result in a longer review process," said

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Vivien Azer, Cowen & Co.'s director and senior research analyst specializing in the beverage and tobacco sectors.

"As Mitch Zeller, director of the Center for Tobacco Products at the FDA, has mentioned on multiple occasions, the FDA's mission is to take a science-based approach. While it should be easy enough to sort through the many form letters submitted, they will have to take a much closer look at the science, which we believe could take many months," Azer added.

In its comments to the FDA, Lorillard Inc., parent of blu eCigs, acknowledged that additional science evaluation is needed in the area of e-cigarettes, though "the science developed to date shows that electronic cigarettes have the potential to play a critical role in smoking risk reduction and to significantly advance the public health. Available scientific information indicates that electronic cigarettes do not encourage smoking initiation; that they could help some smokers quit smoking; and that electronic cigarettes expose users to far lower levels of harmful or potentially harmful constituents (HPHCs) than conventional cigarettes. All of these data suggest that electronic cigarettes can offer long-term, population-level health benefits.

"Given this potential, Lorillard urges FDA to implement its tobacco product authorities for electronic cigarettes in a thoughtful and prudent manner, proportional to the harm reduction potential that these products present. Aspects of the existing regulatory system for conventional tobacco products are not well-suited for electronic cigarettes," Lorillard concluded.

The Greensboro, N.C.-based tobacco company said it supports regulation of e-cigarettes, including several parts of the FDA proposal such as registration of electronic cigarette manufacturers; listing of electronic cigarette products; submission of electronic cigarette ingredients; restrictions on youth access; reasonable warnings for electronic cigarettes, including nicotine warnings; and limitations on vending machine sales.

"Lorillard stands ready to work collaboratively with FDA to advance the science surrounding electronic cigarettes and to implement a thoughtful regulatory system

Among other comments sent to the FDA was a letter signed by 29 state attorneys general. The letter urges the FDA to strengthen its proposed regulation of e-cigarettes, with the goal of protecting young people from the harms of nicotine addiction. Among other recommendations, the attorneys general asked the FDA to prohibit flavors in e-cigarettes, and to restrict advertising and marketing for e-cigarettes in the same manner as for cigarettes, according to New York State Attorney General Eric Schneiderman.

"Today, we urge the FDA to do the right thing and protect our youth from yet another tobacco epidemic," the letter stated. "We don't need these e-cigarettes aimed at our youth. What we need are strong FDA regulations that protect the public health and protect our youth from a lifetime of nicotine addiction. The FDA should ban all flavored electronic cigarettes and should prohibit e-cigarette advertising on television, radio and youth-oriented magazines."

UC Davis Study Offers New Insights On Biofuels

As the Obama administration tries to address 2015 requirements for renewable fuels, it must consider the efficiency and process improvements that are taking place at existing U.S. biorefineries, according to a new study released last week by the Institute of Transportation Studies at UC Davis (ITS-Davis).

UC Davis researchers measured the incremental changes that are occurring in the U.S. biofuels industry and discussed their relevance in advancing domestic environmental goals. The research shows that a variety of biofuel innovations are doing more today to reduce greenhouse gas (GHG) emissions than the long-sought advanced biofuels and could help speed deployment of those biofuels.

The study, "Three Routes Forward for Biofuels: Incremental, Transitional and Leapfrog," was authored by a team of researchers at ITS-Davis' Sustainable Transportation Energy Pathways Program (NextSTEPS).

The study identifies three routes forward for biofuels:

- An Incremental route in which small improvements are made at existing biorefineries
- A Transitional route in which cellulosic "bolt-on" production and other innovations leverage existing biorefinery investments and build know-how with cellulosic materials and processes
- A Leapfrog route that focuses on major technological breakthroughs in cellulosic and algae-based pathways at new, stand-alone biorefineries.

"Together these three routes suggest a new way to think about the U.S. biofuels future, and a strategy to help achieve California's 2020 LCFS [low carbon fuel standard] targets as well as national ones," writes Fulton. "To the extent that RFS revisions recognize these routes and encourage Incremental GHG reductions at existing biorefineries while leveraging Transitional investments to speed development of Leapfrog technologies, the faster that the entire U.S. biofuels system can deliver on their promised environmental performance."

ITS-Davis partners with government, industry and non-governmental organizations to inform policy making and business decisions, and advance public discourse on key transportation, energy and environmental issues. The program's research contributes significantly to the national dialogue on transportation. ITS-Davis founding director, Dr. Daniel Sperling, will be a keynote speaker at the upcoming Fuels Institute annual meeting November 17-19 in Huntington Beach, California.

Congress Passes Highway Trust Fund Extension

The nation's highway and mass transit programs will be funded for another 10 months after Senate Democrats approved a GOP-crafted \$11 billion extension late Thursday, despite rejecting it overwhelmingly earlier in the week. The Senate's 81-13 vote now sends the legislation to President Barack Obama for his signature. The legislation included a \$1 billion transfer from the Leaking Underground Storage Tank Trust Fund to the highway trust fund.

The eleventh hour approval relieved many, coming mere hours before the Transportation Department said it would need to begin cutting payments to states for any federally-funded highway work, put thousands of jobs at risk.

The bill raises revenue from a controversial budget technique called pension smoothing, as well as boosting customs fees; the money then gets funneled into the Highway Trust Fund, which can no longer maintain program funding at status quo levels on an 18.4 cents-per-gallon gas tax.

Road and concrete interests were not particularly happy with the bill, as they have long pushed for an increase in the gas tax and a longer-term funding plan. This is the 10th short-term extension of the program in the past five years.

For more on this issue, including the bill's potential effect on the Leaking Underground Storage Tank (LUST) Trust Fund, read "Inside Washington" in the August issue of NACS Magazine.

Ruling Makes Franchisors Liable For Labor Practices Of Franchisees

The National Labor Relations Board (NLRB) ruled yesterday that franchisor companies could be liable for the labor practices of their franchisees. If the decision is not reversed, it could be a watershed development for the U.S. economy, including the convenience store industry, disrupting longtime business practices. This ruling would lead to huge potential liabilities for franchisors, facilitate easier unionization and remove one of the major reasons for operating through franchise agreements.

Specifically, the NLRB's General Counsel notified McDonald's Corporation yesterday that it can be named as a "joint employer" for workers in its franchise-owned fast-food restaurants. This would make the company liable for working conditions in its franchisees' stores. The next stage of the proceeding is for the issue to be argued before an Administrative Law Judge. If that judge upholds yesterday's decision, the issue would likely be taken to court. Such legal challenges typically take years to resolve.

Although the McDonald's case concerned allegations of unfair labor practices, the outcome's impact could be also be felt in wage and unionization disputes. It is much easier for unions such as the Service Employees International Union (SEIU) to target a single corporate entity and organize all of the workers at once, rather than having to approach and organize each franchisee on a piecemeal basis. Yesterday's decision could enable unions to focus their efforts on a single corporate entity. Further, as workers in the fast-food

industry have advocated for chains to adopt a minimum wage of \$15 per hour, the companies have often said that franchise owners, not the larger corporate entity, set employee wages. This response would be substantially weakened if the larger corporate franchisor is considered a joint employer.

"The NLRB's flawed, unfortunate decision yesterday is very concerning," said Lyle Beckwith, NACS senior vice president of government relations. "If it is not overturned, thousands of small-business convenience store owners could be forced to surrender control of the operations of their own company."

Yesterday's development has its genesis in 181 unfair labor practice complaints filed with the NLRB against McDonald's and its franchisees over the past 20 months. The NLRB's general counsel announced yesterday that 43 such complaints had merit, and that he would include McDonald's as a joint employer rather than limiting the defendant in those complaints to the franchisee.

Judge Calls FDA Report On Menthol Cigarettes "Tainted"

A federal judge has ruled in favor of two tobacco companies that challenged a 2011 U.S. Food and Drug Administration committee report on menthol cigarettes, finding that three of the panel's members had conflicts of interests.

U.S. District Court Judge Richard Leon ordered the FDA to assemble a new Tobacco Products Scientific Advisory Committee (TPSAC) and barred the agency from using the panel's findings, which said removing menthol cigarettes from the market would benefit public health, describing the report as "tainted."

"NACS will continue to work with a newly constituted TPSAC to highlight the danger of increased black market activity should menthol cigarette availability be curtailed in any way," said Lyle Beckwith, NACS senior vice president of government relations, upon learning of the ruling.

Lorillard Inc. and R.J. Reynolds Tobacco Company filed the lawsuit (Lorillard Inc et al v. United States Food And Drug Administration et al) in 2011, alleging that three of the 12 members of the advisory panel had conflicts of interest which biased them against the tobacco industry. In his ruling, Leon cited the doctors' work as consultants to the pharmaceutical industry regarding tobacco cessation products and their roles as paid expert witnesses in litigation against tobacco product manufacturers.

"The presence of conflicted members on the committee irrevocably tainted its very composition and its work product," the judge said in his decision. He added that the findings that menthol cigarettes harm public health are "at a minimum, suspect, and at worst, untrustworthy."

According to news reports, FDA spokeswoman Stephanie Yao said the agency was reviewing the decision to determine how to proceed.

ExxonMobil Requires Technology Upgrade by 2016

ExxonMobil is rolling out its new technology platform known as "EM1" by 2016.

As previously reported, the technology is designed to lower transaction fees and provide a wider variety of payment options, giving consumers the ability to pay for fuel using their smartphones. However, the upgrade could cost a few thousand dollars, and if branded retailers fail to install the new equipment, they'll be booted off ExxonMobil's payment network.

The major intends to pull the plug on its current payment technology in less than two years, according to documents obtained by Oil Express. The company has said the program is "mandatory" and its existing card processing system will be shut down on Dec. 31, 2015. Also, penalties kick in for sites that fail to complete the upgrade by July 1, 2015.

"If the upgrade is not completed by Dec. 31, 2015, you will not be connected to the ExxonMobil network and be unable to process credit cards," said a letter from a large wholesaler to its retailers.

ExxonMobil is rewarding sites that complete the upgrade by the Jan. 1, 2015, deadline with incentives, the document said. Sites with the Gilbarco Passport system receive \$1,250 off the cost, estimated at \$2,250 plus the cost of firmware for the dispenser, about \$50 to \$250 per dispenser. Sites with a Wayne Nucleus system will pay an estimated \$5,675 plus the cost of firmware for the dispenser, expected to be \$50 to \$250 per dispenser.

After installation the project cost will be invoiced in three equal monthly installments.

EM1 is made up of three major components: a card site device (CSD)-enabled point-of-sale, pump firmware enabling pump rollback capabilities, and a broadband connection for processing credit cards and paving the way for new retail programs.

For sites with the Gilbarco Passport system, the upgrade to Passport V10 Software and Modules is now available. Sites equipped with a Wayne Nucleus system will be able to upgrade in August by connecting a Fusion 6000 Box to the existing Nucleus POS, which must be version 5.02 or later, the letter said.

ExxonMobil has said the new platform provides the following benefits: attracting more customers with a variety of payment options; lower transaction fees by steering debit card users to PIN options; allowing consumers the ability to pay with their smartphones; providing retailers with daily credit card reports by e-mail; eliminating prepaid underruns and reducing unpaid transactions; allowing retailers to download software updates in real time; giving stores the ability to sell and activate gift cards in one simple transaction; expanding PIN/debit network acceptance including electronic benefit transfer (EBT) cards used by welfare recipients; and providing instant price rollbacks at the pump by card type including cards linked to Speedpass.

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Hydrogen Cars Are Here — What Now?

To the 48% of consumers who think that hydrogen fuel cell vehicles are at least a decade away, the auto industry is saying, "Welcome to the year 2024!"

In May, Hyundai Motor Co. began leasing a fuel-cell version of its Tucson sport-utility vehicle in California — the first mass-produced fuel cell vehicle to be sold in the United States. Other automakers plan to introduce their vehicles beginning next year.

To support the sale — or leasing — of these new vehicles, the California Energy Commission also announced in May that it is investing \$46.6 million to help develop the hydrogen fueling infrastructure in the state. This latest investment will add 28 stations to the nine in operation and 17 under development in the state, according to USA Today.

The promise of hydrogen fuel cell vehicles has been touted for years, and was a big focus at this year's Washington Auto Show. From the retail perspective, one of the biggest advantages of hydrogen fueling is that it is very similar to current fueling procedures. Customers fill up their vehicles in a 3- to 4-minute experience that mimics traditional fueling.

It is expected that hydrogen fuel cell vehicles will soon hit the market in several other countries. Toyota announced that it will sell hydrogen fuel cell vehicles in Japan in early 2015, and will expand sales to the United States and Europe later in the year.

So with vehicles hitting the market and the infrastructure being developed, will consumers buy hydrogen fuel cell vehicles? It may take a bit of education given the results of a July 2014 NACS consumer survey. Nearly half of consumers surveyed by NACS (48%) say that hydrogen fuel cell vehicles are at least a decade away (42%) or will never reach the market (6%). Meanwhile, 36% say that they could hit the market in the next year or two and only 15% say that the vehicles are currently available.

While California has been the focus of developing a U.S. market for hydrogen fuel cell vehicles, consumers in the West were no more likely to say that they are currently available, with 46% saying that that these vehicles would either never hit the market (5%) or are at least a decade away (41%).

New York Launches Gasoline Reserve, Backup Power Program

The New York State Energy Research and Development Authority (NYSERDA) just launched two major Fuel NY programs -- the Portable Emergency Generator Program and the State Strategic Gasoline Reserve. Both initiatives are designed to boost availability of fuel during emergencies.

As a direct response to the gasoline disruptions that occurred during Sandy, Gov. Andrew Cuomo (D) launched the Fuel NY initiative to address both the loss of power at gasoline station pumps and fuel distribution problems. Fuel NY includes some of the nation's strongest gas station backup power requirements and the first-in-the nation State Strategic Gasoline Reserve, NYSERDA said.

The State Strategic Gasoline Reserve, now operational, was developed to help bridge gaps in supply following major disruptions. The reserve, which contains nearly 3 million gallons of fuel, is located at Northville Industries' terminal in Suffolk County.

Fuel from the reserve may be sold to distributors at market prices to provide it to emergency responders, government customers and retail gasoline outlets during emergencies. NYSERDA has announced a prequalification program for fuel distribution companies to facilitate the distribution of fuel from the reserve.

Approximately 1,000 gas stations in New York City, Long Island, Westchester County and Rockland County are required to have backup power capability in the event of an emergency. Under the Portable Emergency Generator Program launched July 14, these stations can apply to rent a portable emergency generator through NYSERDA. For more information on the Portable Emergency Gas Generator Program, visit <http://stormrecovery.ny.gov/fuel-ny>.

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Why Do Tires Fail

There are a lot of reasons why you see pieces of tire on the side of the road, but most of them are caused by heat. When a tire is traveling down the road, the sidewalls are flexing which ultimately creates heat. If the air pressure inside the tire is enough to carry the load of the vehicle and it's contents, then the heat created by the flexing sidewalls is minimal and does not damage the tire. However, when the air pressure inside the tire is not enough to carry the load, the sidewalls flex to a much higher degree, which creates additional heat. If the heat is allowed to build up over a long enough time, the bonds between the plies and rubber components start to break down. Eventually the stress becomes too great and the tire experiences what most people call a "blow out".

But tires can also fail as the result of road hazards such as pot-holes, curbs and surface debris. The simple answer to the problem is to avoid running over hazards that might damage a tire, but that is often unavoidable. The best practice is to visually inspect the sidewall after hitting a pot-hole or curb to look for any bulges. If a sidewall bulge is found, the tire must be replaced. After running over road debris, drivers should check the sidewalls and tread for any puncturing objects or damage that exposes ply material. If steel or fabric plies are visible, the tire must be replaced.

Almost all of the tire debris on our nation's roads and highways could be avoided if drivers paid attention to the inflation pressure in their tires. The over-flexing that results from underinflation allows incredible amounts of heat to build up in the tire until it becomes too much for the components to stay together. Regular air pressure maintenance is the best insurance to prevent a "blow out" so it should be checked at least once a month as well as before a long trip.

Menu Labeling A Bad Fit For Convenience Stores

Hand-me-downs might work for clothing, but they're a terrible approach for menu-labeling regulations within the convenience store environment.

This week NACS Chairman Brad Call of Maverik Inc. wrote in Roll Call that "hand-me-down" is the approach being used by the U.S. Food and Drug Administration (FDA) with its proposed menu-labeling regulations required by the Affordable Care Act.

Call's op-ed in the publication reads, in part: "The agency's proposed rules are a reasonable, though hardly perfect, fit for the big chain restaurants. These restaurants offer simple, standardized menus at all locations and Congress's intent was to make sure those menus provide clear, understandable nutrition information.

"But the menu labeling regulations don't make sense at all for convenience stores, grocery stores, delivery operations and other approaches to foodservice. The FDA rules essentially define a 'restaurant or similar retail food establishment' as any business that devotes more than half of its floor space to consumer food sales and also offers restaurant-type items.

"That makes a convenience store a 'restaurant' even if 95% of its space is devoted to grocery items, and it sells only one or two prepared items at the counter. And the same rules apply to delivery-only operations — where consumers may never even walk in the door — as to full-service counterparts," said Call.

He also points out that the regulations "are outrageously expensive for the small businesses that have to comply with them," noting that NACS estimates an average cost of approximately \$20,000 per year, per store, for the additional cost of compliance.

Call also notes that, according to the Office of Management and Budget, the FDA's menu-labeling rules could take 14 million hours to cumulatively comply with: "one of the largest burdens of any regulation issued the year they came out."

He also cited NACS-supported legislation, the Common Sense Nutrition Disclosure Act, in both the U.S. House of Representatives and Senate, that would ensure the final menu-labeling regulations set reasonable standards and treat businesses according to their primary business activities.

"The FDA got the size and style all wrong for thousands of small businesses when it tried to fit them with the same heavy-duty menu-labeling regulations as big fast-food chains," wrote Call. "When it comes to small businesses that just want to offer the convenience of a few prepared food items, let's hope Congress discovers the common sense to design a solution that really fits."

General Counsel Corner

Reconsideration Considered

By Peter H. Gunst, Esquire

A recent Petroleum Marketing Practices Act case decided in New York illustrates the extent to which federal judges are hostile to efforts to second-guess their decisions.

True, a disappointed litigant such as the service station dealer in *Scarsdale Central Service v. Cumberland Farms, Inc.*, may file a motion for reconsideration. But, as that case shows, it may not get him very far.

In the *Scarsdale Central Service* case, Cumberland, the dealer's supplier and landlord, advised the dealer that it had received a third-party offer to purchase the service station premises, and offered the dealer a right of first refusal as it was required to do under § 2802(b)(3)(D)(iii) of the PMPA. The options given the dealer were either to accept the terms of the third-party contract offer or to face nonrenewal of its lease and supply agreement.

The dealer filed suit under the PMPA attacking the sufficiency of Cumberland's offer. Cumberland responded, after the term of the dealer's franchise agreement had expired, by seeking a preliminary injunction requiring the dealer to vacate the service station premises so that it could go forward with the sale of the property to the third party.

In a decision issued on March 7, 2014, the court granted Cumberland's motion and rejected the dealer's contentions that the right of first refusal offered it failed to satisfy the requirements set forth in the PMPA because the down payment term was different and because Cumberland was also requiring the dealer to enter into a mutual termination and release agreement covering the dealer's previous operation of the service station.

The court noted that the change in the down payment term in fact benefited the dealer, and concluded that the dealer could have negotiated away the requirement that it relinquish any preexisting claims that it may have had against its supplier.

On March 25, 2014, the dealer submitted a motion for reconsideration raising the further argument that Cumberland's right of first refusal offer did not comply with the PMPA because it required the removal of underground storage tanks, fuel pumps and other property associated with the pumping of gasoline as a condition of sale. Significant authority supported the dealer's contention that offering a dealer a right of first refusal that would require the removal of tanks and pumps will not pass muster under the PMPA.

In *Roberts v. Amoco Oil Company*, 740 F.2d 602 (8th Cir. 1984), a federal appeals court reversed the grant of summary judgment entered in favor of a supplier who had offered its dealer a right of first refusal that required removal of tanks and pumps. The appeals court held that "the statute clearly dictates that an offer excluding the pumps and tanks cannot be considered bona fide."

The *Roberts* opinion made the important point that Congress' intent was not simply to provide a dealer the opportunity to match an offer submitted by a developer or any other third party who had other plans for the property, but to ensure that the dealer had an opportunity to continue to operate the service station. This intent could only be satisfied by providing the dealer an opportunity to acquire the tanks and pumps as well as the real estate.

Indeed, Congress' reiterated its intent that a dealer be permitted an opportunity to stay in business when it amended the PMPA in 1994 to provide the dealer a right to demand that its supplier make a bona fide offer to sell the dealer any "improvements and equipment" located on the real estate, once the dealer obtained title to the property See 15 U.S.C. § 2802(c)(4)(C).

Nevertheless, the court in the *Scarsdale Central Service* case denied the dealer's motion for reconsideration in an unpublished opinion entered on June 24, 2014. In so doing, the court relied on the standard applicable in that federal district that "reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked."

The court concluded that the dealer's argument constituted "an entirely new theory" of liability, which it could have advanced, but failed to do so, in its opposition to Cumberland's original preliminary injunction motion.

Further, the court held that precedent such as the *Roberts* case, although "persuasive", did not constitute "controlling decisions" because they were decided outside of the Second Circuit, which included the New York district court.

It is easy to understand why courts are hostile to motions for reconsideration. There is a basic reluctance to grant the litigant "a second bite at the apple." Further, motions for reconsideration attack the finality of previous decisions, and prolong the litigation process.

On the other hand, the court's task is to get it right. Hopefully, the dealer can obtain a full hearing on its theory of liability either in the damages phase of the case or on appeal. The underlying lesson, however, appears to be to get it right the first time or else.

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 substituted 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..

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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
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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 LOCATION 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

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Gasoline and Repair-shop Association of New York

HEALTH INSURANCE PROGRAM

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

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

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

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