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July 2013



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New York City Paid Sick Leave

The New York City Council passed a bill that would grant sick leave of up to five days for employees. The bill is a compromise between the Speaker of the Council, Christine Quinn and the labor unions.

Under the bill businesses with twenty or more employees would have to offer five days sick leave a year, beginning in April 2014. The mandate would be expanded to businesses with at least fifteen employees the following year. The City Council says 925,000 of the 1.3 million workers without sick leave would eventually be covered.

However, the bill also includes an anti-retaliation provision. This would apply to all New York City employers, regardless of how many employees they have. The anti-retaliation provision prohibits New York City employers from taking retaliatory action or discriminating against an employee because the employee has taken paid or unpaid sick leave.

Employers who violate the law will be liable for a civil penalty of not less than \$1,000 for each violation to be enforced by the New York State Department of State. The bill also gives the employees the right to sue for compensatory damages, injunctive and declaratory relief, attorney's fees, costs, and such other relief as the court deems appropriate within eighteen months of when that person knew or should have known of an alleged violation.

It will be difficult for employers to terminate employment of employees for excessive absences.

Mayor Bloomberg has vowed to veto the

legislation when it comes to his desk.
We will keep you informed.

Iowa Gas Stations Forced To Bag Their E15 Pumps

Six Iowa gas stations were forced to stop selling the alternative fuel E15 as of June 1. Monte Shaw, executive director of the Iowa Renewable Fuels Association (IRFA), said during a press conference today that the halt in E15 sales is due to summer fuel blending volatility limits caused by "Big Oil's monopoly power over [fuel] distribution."

"There's a hypocrisy on the part Big Oil," Shaw said. "They claim retailers don't want to sell E15 and consumers don't want to buy it. That simply is not true."

Backing up that statement was Jim Bechhold, service manager for Linn Coop Oil Co., which operates a gas station in Marion, Iowa. The station became the first in the Hawkeye State to offer E15 on Sept. 17, 2012, but Bechhold said he can no longer receive the proper blend stock to formulate the alternative fuel.

"Consumers asked me on Saturday, [June 1] why we had to bag the E15 pump," Bechhold said during today's press conference. "E15 is better performing and cleaner burning than [traditional petroleum]. But we can't sell it because we can't get the blend stock."

Linn Coop Oil and the other five Iowa gas stations that sold E15 will be able to do so again in September because fuel volatility limits in the summer are different than other seasons due to evaporative concerns, according to the service manager.

"If Big Oil could restrict the blend stock retailers receive during other times of the year, they would," Shaw added. "But they can't."

The IRFA's executive director noted that Big Oil's monopoly on the fuel distribution process in Iowa is the primary reason why retailers there can't offer an E15 blend.

"The reason E15 can't be offered is because it means lower profits for Big Oil companies," said Shaw. "Consumers are being denied competition for lower-priced fuel."

In fact, E15 -- which was approved by the Environmental Protection Agency for sale for all 2001 or newer cars -- sold for 5 cents cheaper than E10 at Bechhold's gas station on Friday.

The closure of Iowa's E15 fuel pumps has not gone unnoticed by politicians. U.S. Rep. Bruce Braley (D-Iowa) joined the press conference and stated that the government is facing a multi-tiered fight against Big Oil and its war on renewable fuels, as well as a mounting campaign calling for the repeal of the Renewable Fuel Standard, which requires refiners to use 13.8 billion gallons of ethanol this year and 15 billion by 2015. Ethanol is typically combined with gasoline in a formula of up to 10 percent.

"With the price of gas surging in the Midwest, Iowans should have as many choices at the pump as possible. With their actions, oil companies are essentially restricting the sale of E15, a fuel option that helps reduce the price of gasoline. That's why they should immediately reverse course and agree to ship blend stock that allows the sale of E15 to more drivers," said Braley, who serves on the U.S. House of

Representatives' Energy and Commerce Committee.

Although Linn Coop Oil cannot sell E15 for another three months, it continues to sell E30, E85 and the commonly offered E10. In a direct response to a CSNews Online question, Becthold said he has yet to face any misfueling concerns or subsequent legal actions resulting from misfueling.

"The pumps are clearly marked that they sell E15," he said. "We also really make sure to educate both our staff and consumers about it. If we see a vehicle we think may not fit the E15 requirement, we check the VIN [vehicle identification number] to make sure it is from 2001 or newer."

Also in response to a question posed by CSNews Online, Shaw said the belief that auto manufacturers will void a vehicle warranty if it ever uses E15 fuel is a

misconception. "Auto manufacturers can only reject a warranty claim if they can trace the cause of the problem to the extra 5 percent of ethanol in the fuel," he said.

Shaw was referring to the fact that most fuel sold in the United States today contains a blend of 10 percent ethanol.

Only a handful of U.S. retailers currently offer E15 at the pump. It is uncertain whether any gas stations in other states are facing similar problems. Calls placed to other convenience stores offering E15 were not returned as of press time.

Government Issues Finalized Wellness Rules

The U.S. Department of Health and Human Services issued final rules on employment-

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Services issued final rules on employment-based wellness programs. The final regulations support workplace health promotion and prevention as a means to reduce the burden of chronic illness, improve health, and limit growth of health-care costs, while ensuring that individuals are protected from unfair underwriting practices that could otherwise reduce benefits based on health status.

The final rules continue to support “participatory wellness programs,” which generally are available without regard to an individual’s health status. These include programs that reimburse for the cost of membership in a fitness center; that provide a reward to employees for attending a monthly, no-cost health education seminar; or that reward employees who complete a health risk assessment, without requiring them to take further action.

The rules also outline standards for nondiscriminatory “health-contingent wellness programs,” which generally reward individuals who meet a specific standard related to their health. Examples of health-contingent wellness programs include programs that provide a reward to those who do not use, or decrease their use of, tobacco, or programs that reward those who achieve a specified health-related goal such as a specified cholesterol level, weight, or body mass index, as well as those who fail to meet such goals but take certain other healthy actions.

The final rules ensure flexibility for employers by increasing the maximum reward that may be offered under appropriately designed wellness programs, including outcome-based programs. The final rules also protect consumers by requiring that health-contingent wellness

programs be reasonably designed, be uniformly available to all similarly situated individuals, and accommodate recommendations made at any time by an individual’s physician based on medical appropriateness.

The final rules will be effective for plan years beginning on or after Jan. 1, 2014.

Midwest Prices Retreat From Historic Highs

For the second consecutive year, the average American motorist paid less per gallon at the pump when filling up for Memorial Day travel, this year paying an average of \$3.63 for a gallon of regular unleaded gasoline, according to the AAA Fuel Gauge Report.

In 2011, the national average on Memorial Day was \$3.79, and in 2012, it was \$3.64. AAA forecast that approximately 31.2 million American drivers traveled 50 or more miles from home over the holiday weekend, a slight increase over last year’s 31.1 million.

This week’s \$3.63 national average is 13 cents more expensive than one month ago, but 3 cents less expensive than one week ago. On average, American drivers have seen a lower year-over-year price at the pump for 87 days. However, since the peak year-to-date discount of 39 cents on April 18, savings have dropped to less than two cents per gallon.

The national average has dropped for six consecutive days following 17 straight days of increases. It is only 3 cents below the recent May 22 peak of \$3.66, but still more than a dime less than the year-to-date peak

price of \$3.79 per gallon, recorded on Feb. 27.

Dramatic price drops from historic highs in the Midwest were key to the overall recent decline, according to AAA. Low gasoline supplies and significant refinery maintenance caused a major run-up in the region, but several states there have now seen week-over-week drops of more than 10 cents per gallon.

Minnesota has seen the greatest decline at nearly a quarter during the same time period, but the state's average is still at a historic high of more than \$4 per gallon.

Are Natural Gas Cars Next?

A consortium of North American energy producers is planning to preview several natural-gas-powered vehicles at a Southern California Gas Co. facility, an event that it will follow-up with a broader public awareness campaign next month, the Wall Street Journal reports.

Among the vehicles being unveiled by America's Natural Gas Alliance, a trade group representing two dozen North American oil and gas companies, include a BMW SUV and a Ford Mustang coupe retrofitted to run on compressed natural gas (CNG), efforts to stimulate interest in the use of natural gas in passenger cars.

Converted vehicles from Ford Motor Co., Chrysler Group LLC and four other manufacturers are expected to be part of the Alliance's lineup.

Chrysler said it has no plans to make a passenger car conversion available. A BMW

spokesman said, "We are not currently involved in natural-gas vehicles," and Ford said it isn't involved in the Alliance's project, nor does it plan to produce a conversion kit for Mustang.

The gas-industry group said the demonstration is designed to generate both consumer and automakers' interest in CNG-powered cars at a time when surging gas production has dramatically lowered prices.

"We hope the excitement created by these vehicles encourages policy makers to take notice," said Anne Shen Smith, CEO of Southern California Gas.

Auto-industry analysts remain skeptical that manufacturers will rush into the market, no matter how low natural-gas prices fall.

"You can't dedicate a vehicle to this fuel until you've got natural-gas pumps almost as ubiquitous as gasoline pumps," said Phil Gott, senior director at IHS Automotive.

Gas company officials said major automakers are paying attention to these efforts and are readying conceptual models that may serve as trial balloons for future mass-market vehicles. "You will see over the next year or two, probably less than a year, some concepts of natural-gas [passenger] cars," said Eric Marsh, executive president at Encana.

More States Consider Raising Minimum Age For Tobacco Sales

New York City has always been known as a trendsetter. But there is one trend retailers are hoping won't catch on -- increasing the legal age to buy tobacco products.

In April, several members of the New York City Council introduced legislation that would raise the legal age to buy tobacco products from 18 to 21. The measure is currently before the council's health committee. Within days, two New York State elected officials proposed similar legislation at the state level, as CSNews Online previously reported.

Now, New Jersey officials are also considering the move. On Thursday, State Sen. Richard Codey (D-Essex) unveiled a proposal to raise New Jersey's legal age from 19 to 21. Codey signed legislation hiking the age from 18 to 19 in 2006 while governor, The Star-Ledger reported.

"In the long run, this will prevent young adults from starting at a younger age," Codey said.

He was joined in his announcement by New York City Council Speaker Christine Quinn, who noted that the effort has "now truly become a regional, if not national, effort."

The legal age to buy tobacco products in most states is still 18, but New Jersey, Alaska, Alabama, Utah and a few New York counties have set the age at 19.

Meanwhile, a bill to raise the legal age to 21 is pending in the Texas legislature. Only two towns in Massachusetts have set the legal age that high, the newspaper added.

Sal Risalvato, executive director of the New Jersey Gasoline-Convenience-Automotive Association, said increasing the legal age is "dumb," adding it would do little to curb teen smoking while burdening gas station and convenience store operators.

M

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"The legislature should let parents steer their children away from cigarettes. The laws are not going to do it," Risalvato told the newspaper. "This is going to make it more difficult for small-business owners to check IDs, and these kids are going to figure out a way around it. They may use false IDs or [ask] someone else to buy their cigarettes." Risalvato said the bill would also drive some to buy their smokes online or across state lines, depriving New Jersey of revenue.

New FDA Tobacco Head Promises To Move Quickly On Backlog

For the past several years, tobacco companies have been looking to fill the hole left by struggling cigarette sales with new products. Those efforts have stalled as their applications sit waiting for Food and Drug Administration (FDA) approval.

That is about to change, however. Mitch Zeller, director of the agency's Center for Tobacco Products (CTP), told the attendees at the 98th annual Tobacco Merchants Association meeting that it will move quickly to work through the backlog of approximately 3,500 applications submitted by tobacco companies -- for both new products and changes to existing ones, according to the Richmond Times-Dispatch.

"You have my word that addressing the backlog ... is a high priority and that we are working diligently," he said.

Zeller, who took the helm at the CTP in March, also said the agency is "very close" in determining whether it will ban menthol cigarettes and how it will regulate such products as cigars and pipe tobacco. It also is "ramping up" a public education

campaign aimed at preventing youth from starting tobacco use, he added.

As the tobacco industry waits for FDA action, Zeller pledged "efficient, effective and fair" regulation of tobacco products.

If the American Cancer Society succeeds, flavored tobacco products could soon disappear from New York convenience store shelves, the Huffington Post reports. The group is pushing the state to ban all candy- and fruit-flavored tobacco products, including flavored chewing tobacco, cigarillos and water-pipe tobacco. Those products would only be available in tobacco stores.

Currently, no state has such a ban, although New York City and Providence, Rhode Island, have enacted similar restrictions. Maine forbids the sale of "premium" flavored cigars (which are larger than cigarillos), and Maryland is considering a comparable law.

"If New York acts, it would be the first state in the nation, and turbocharge efforts nationally," said Blair Horner, vice president of advocacy at the American Cancer Society and Cancer Action Network of New York and New Jersey.

The Association opposes the ban because:

- It would drive the sale of these products underground.
- It's an all-out ban, as opposed to a regulation.
- It leapfrogs FDA regulation.
- It's a solution disproportionate to the problem.
- It inexplicably exempts one channel of retail trade.

- It unjustifiably exempts certain tobacco products.

The number of flavored tobacco products has jumped over the past five years, and during the same time period, convenience stores have reached a 94% compliance rate in adhering to state laws regarding sale of tobacco products to minors.

In September 2009, the U.S. Food and Drug Administration banned candy-, clove- and fruit-flavored cigarettes as part of the Family Smoking Prevention and Tobacco Control Act.

Op-Ed: Gas Station Owners Are Not Schemers

Sal Risalvato responds to a news story

charging one retailer with scamming customers.

One bad apple doesn't mean the entire bushel is spoiled. That's the message Sal Risalvato, executive director of the New Jersey Gasoline, C-Store, Automotive Association (NJGCA), wants his fellow New Jersey residents to realize after a TV news story caught one station manager and employee jacking up the pump price without customer knowledge.

In New Jersey.com, Risalvato wrote, "Well, I have to say it: I am sick. No, it's not my health. I'm sick because news reports revealed a gas station seemed to be scamming its customers. ... I can't imagine a valid explanation for this behavior. I cannot express how upset this episode has made me. Both the authorities and the gasoline company are investigating. If the station is found guilty, I encourage them to

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throw every book they have at the dealer.”

What really made Risalvato sad “is that motorists will be thinking that all gasoline retailers are dishonest. Too many consumers already think gas stations are out to cheat them, and that’s simply unfair. Cases like this are extremely rare. NJGCA has a zero-tolerance policy, and when they do happen, I stand with authorities and call for severe punishment of perpetrators. NJGCA members also turn in bad apples for me to report. We police our own.

“Unfortunately, there are the rare few who will cheat in order to avoid making the painfully small profits that most gasoline retailers make. Even when prices skyrocket, retailers make only pennies on a gallon of gas in order to stay competitive, while credit card companies and oil speculators laugh all the way to the bank. Our honesty is an asset that we cherish.

“Gasoline retailers are small-business owners who struggle to survive. They, too, are victims of big corporations, government regulation and grandstanding officials. Consumers shouldn’t let the actions of one allegedly unethical gas station reflect upon all other honest small-business owners.”

Hess, Elliott Find Middle Ground to End Proxy Fight

Hess Corp. and Elliott Management Corp. reached a resolution to end their months-long proxy fight – just ahead of Hess’ annual shareholder meeting.

Under the agreement, Elliott Management withdrew its slate of five board of director nominees and supported the election of

Hess' five new directors: John Krenicki Jr., Fredric Reynolds, William Schrader, Kevin Meyers and Mark Williams. In turn, three of Elliott's nominees -- Rodney Chase, Harvey Golub and David McManus -- will be named to Hess' 2015 board of directors class.

"We are pleased to reach an agreement that we believe is in the best interests of Hess shareholders, and we welcome each of our new directors. We remain focused on execution and believe that the new board will provide effective oversight," said Hess Chairman and CEO John Hess.

Hess Corp. and Elliott Management -- owner of 4.52 percent of the oil company's stock -- have been trying to work out an agreement prior to today's annual meeting in Houston. Previously, Hess Corp. sent six letters to shareholders explaining why they should vote for its candidates. In these letters, the company explained that its plan to become a pure-play exploration and production (E&P) provider would help it prosper for years to come.

In turn, Elliott Management sent several letters of its own to Hess Corp. shareholders and even hosted the "Reassess Hess Town Hall Meeting" on April 30 in New York City.

Elliott's efforts perhaps paid off. More than 50 percent of all shareholders voted for its board of director candidates prior to today's last-second agreement, according to the investor group.

Despite acknowledging the possibility that all five of its board of director nominees could have been elected this year based on the preliminary results, Elliott Management reiterated it is pleased with all of the

changes Hess will now take in an effort to boost its stock price.

"The reassessment and transformation of Hess is underway," the activist investor wrote in a just-released statement. "We are extremely proud to have been the catalyst for welcomed changes."

Meanwhile, investors in Hess Corp. stock were not as enthusiastic today. The company's shares were down nearly 3 percent during trading this afternoon on the New York Stock Exchange.

As part of its transformation into an E&P company, Hess Corp. intends to sell its retail division comprising 1,361 convenience stores and gas stations.

Jury Convicts Store Clerk Of Food Stamp Fraud

A federal jury has convicted a St. Petersburg, Fla., convenience store clerk of several fraud charges in connection with a food stamp scam.

The case is part of federal and local crackdowns on food stamp fraud that has in many cases involved small mom-and-pop operators of c-stores.

Isam Nasser, 30, was found guilty of one count of conspiracy to defraud the United States and to commit wire fraud, five counts of wire fraud, and five counts of food stamp fraud, said the U.S. Attorney's Office for the Middle District of Florida.

The conspiracy charge carries a maximum penalty of five years in federal prison, the wire fraud charges each carry a maximum

penalty of 20 years in federal prison, and each food stamp fraud charge carries a maximum penalty of one year in federal prison.

Nasser is scheduled to be sentenced July 10, 2013.

Based on evidence presented at the trial, Nasser was a clerk at Hungry Baba LLC, a St. Petersburg c-store owned and operated by Mehdi Babul. The store participated in the Supplemental Nutrition Assistance Program (SNAP) administered by the U.S. Department of Agriculture (USDA), formerly known as the Food Stamp program.

Authorities allege that from November 2008 through April 2010, Babul, Nasser and others were involved in a scam to cheat SNAP by purchasing SNAP benefits from customers in exchange for cash, minus a fee of about 50% of the total amount charged to the recipient's SNAP account. The illegal practice is known as "discounting" or "cash-back." According to testimony introduced at trial, the conspiracy resulted in an estimated \$350,000 loss to the USDA.

On March 1, 2013, Babul, the store's owner, pleaded guilty to one count of conspiracy to defraud the United States and to commit wire fraud. He will be sentenced on May 20, 2013, authorities said.

--Donna Harris
Copy write Oil Express, 2013

**MEMORANDUM IN OPPOSITION
BILL NUMBER: A5415
SPONSOR: Assemblymen Dinowitz (MS)**

It must be April Fool's Day.

The subject bill amends the New York State General Business Law to oil change requirements for automobiles. The described purpose of this bill is to increase public awareness about the required frequency of having a vehicle's motor oil changed.

It adds a new section to the law that would define "lubricating oil", "service establishment", and "on-premises oil changing operation", as similarly defined in the Environmental Conservation Law. It would also require establishments that perform oil changes to indicate the vehicle's mileage at the time of such oil change rather than a future mileage amount as well as require such establishments to inform consumers that 3,000-mile intervals for oil changes may be superfluous. THESE ARE THE SPONSORS WORDS NOT OURS.

The JUSTIFICATION per the sponsor: "Many people assume that their vehicle's motor oil needs to be changed once every 3,000 miles. While this may have been true at one point, newer vehicles and technologies, particularly synthetic oils, allow for longer intervals between oil changes. A 2010 article on Edmunds.com indicates that an average car can travel 7,800 miles between oil changes - over twice as long as the often-proscribed distance and, further, that some automobile manufacturers suggest oil changes every 20,000 miles. Drivers should always check their manufacturer's service recommendation guidelines to see what interval works for their vehicles."

The Sponsor continues, a 2005 study done by the U.S. Department of Energy on used oil re-refining including the following,

"Many major automobile manufacturers believe this extended oil drain interval/high quality trend is good for the consumer and are featuring this change in newer models with appropriate warranty safeguards."

He also say, "this bill would help consumers save money, time, and oil by promoting the concept of extended oil change intervals."

WOW what could have triggered this reaction? With all the hardship, unemployment, the wake of Sandy, people homeless what has motivated the legislator to dive into such a critical issue. Perhaps he believes motorists are stupid.

What next, how often you need your teeth cleaned or clothes cleaned. We could go on, but what's the sense.

For the above reasons the Association opposes this bill and urge it be defeated.

MEMORANDUM IN OPPOSITION
Bill Number A910
Member of the Assembly Weprin

The subject bill amends the New York State Vehicle and Traffic Law, concerning the payment of restitution by registered and unregistered repair shops. Its intent is to ensure the payment of restitution by motor vehicle repair shops to consumers.

The bill requires motor vehicle repair shops found to have committed certain violations to pay restitution to consumers when ordered to do so by the Department of Motor Vehicles upon a finding of financial loss to consumers. The bill also calls for an increase in any civil penalty imposed for violations, if a repair shop fails to pay DMV-ordered

restitution, and allows the waiver of a civil penalty and/or suspension upon payment of restitution.

According to the bill's sponsor, consumers who have been harmed by negligence or fraud perpetrated by a motor vehicle repair shop should be compensated. Under the Repair Shop Registration Act, administrative law judges are authorized to order violators to pay civil penalties, pay the affected consumer restitution, and/or suspend or revoke the shop's license to operate.

The Act allows judges to offer a more "attractive" option to violators often involving lowered civil penalties and reduced license suspension periods - if the violator agrees to pay the consumer the restitution ordered.

Unfortunately the Department of Motor Vehicles administrative law system is suspect. The judges are paid by the department. This in effect makes DMV judge, jury and executioner. Registered repair shops already face an unfair playing field this bill make the process a minefield.

Also, there should be no unregistered repair shops in New York. DMV has the authority and the resources to close down this business. Even if an unregistered repair shop is issued a violation in most case DMV cannot bring them to a hearing because the principals disappear. There is no information for DMV to follow up on the violator.

The automobile repair shop industry in New York is already inundated with regulation and aggressive enforcement by state and local government. It does not need additional burdens it needs relief.

For the above reasons the New York State association opposes this bill and urges it be defeated.

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General Counsel Corner

Beware of State Pricing Gouging Laws

By Peter H. Gunst

Recently, five Michigan service station dealers admitted guilt to criminal charges that they had fixed the street prices they charged consumers within a penny or two of each other on at least 5 separate days in February and March 2011. They were lucky to escape by paying fines of between \$10,000 and \$15,000 each.

Most states have laws that mimic the Sherman's Act's condemnation of price fixing, which they can enforce against local conspirators too small to be targets of the Justice Department or the Federal Trade Commission. These defendants fit that profile.

Under most if not all state antitrust laws price-fixing is a felony. Under Michigan's Antitrust Reform Act, the dealers could have faced up to two years in prison. Also, their businesses could have faced fines up to \$1,000,000 each.

Conviction for price-fixing can cause collateral damage as well. There is the risk that consumers can use the guilty plea as proof in civil cases demanding up to triple

damages and attorneys' fees as well. In addition, under the Petroleum Marketing Practices Act, such criminal misconduct can constitute a ground for termination or nonrenewal of the franchise relationship.

To be found guilty of price-fixing, the state does not need to prove that dealers enter into an ironclad agreement to set prices at a specific level. An agreement can consist of a "nod and wink" among participants.

As in the Michigan, it is no defense that there was some discrepancy among the competitors' prices so long as there is some underlying agreement that affects pricing. Price-fixing agreements may consist of, for example, agreements to hold prices firm, to eliminate or reduce discounts or to maintain price differentials between different grades of product. The best defense is not to discuss retail pricing with your competitors at all.

Be sure your managers know about the danger and obey the law. Their actions can result in liability to your business.

In these days, the climate of hostility towards gasoline pricing makes it an inviting target for aggressive state enforcement agencies. Don't become a target; price-fixing isn't worth it.

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. Please call 516-371-6201 for more information.



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- Toilet Paper.
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- Window Squeegees.
- Squeegee Buckets.
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We offer Same or Next day service. Free Delivery and Installation. QNC is Fully insured for Liability and Pollution. We are API Safety Certified. Authorized OPW Repair technicians. QNC is the Primary contractor for Hess, Sunoco Corp, Exxon/Mobil Corp and BP corp. and many others. We offer 1 Year Free onsite warranty service.

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Sign, sign, everywhere a sign — but the wrong one earns NYC stores \$8K fines

“I’ve seen nonsensical violations imposed on retail shops during the past six months that I’ve never seen before,” said Robert Bookman, an attorney for many small businesses and an ex-official at the Department of Consumer Affairs.

NEW YORK DAILY NEWS

TUESDAY, JUNE 18, 2013, 1:04 AM

Outrageous fines and kangaroo justice meted out by the Department of Consumer Affairs to this city’s mom-and-pop stores have reached scandalous levels.

The Daily News reported Monday that internal agency records and interviews with employees have revealed a hush-hush quota system for inspectors aimed at driving up revenue from fines.

“I’ve seen nonsensical violations imposed on retail shops during the past six months that I’ve never seen before,” said Robert Bookman, a lawyer for many small businesses and a former top official at Consumer Affairs.

At least two agency administrative law judges have told the Department of Investigation they are being pressured by supervisors to rule for the city in appeals by shop owners.

SALE of
cigarettes, cigars,
chewing tobacco, powdered tobacco,
shisha or other tobacco products,
herbal cigarettes, rolling papers
or smoking paraphernalia,
to persons UNDER 18 years of
age is PROHIBITED BY LAW.

Notices banning tobacco sales to minors must be in red and contain every word as mandated. Missing words or incorrect colors will result in a \$1000 fine for each count. This sign earned a Brooklyn shopkeeper thousands of dollars in fines because it's printed in black.

Why eight? Because the city has been interpreting each of seven items missing from tobacco signs as a separate violation. So there's one count for "cigarettes," another count for "cigars," another for "shisha or other tobacco products." And Consumer Affairs throws in one count for failing to post the sign on a white card with red letters.

The frenzied ticket blitz has even prompted state officials to object. The state Health Department notified the city in April that it cannot impose multiple fines of up to \$8,000 on storeowners who fail to post a single state sign that prohibits tobacco sales to minors, The News has learned. "If a municipality needs clarification, the Department of Health works with them to better understand the law," department spokesman James O'Hare said. A violation of the tobacco sign law should cost no more than \$1,000, the state has told the city. Tell that to Josnarra Ahmed, the owner of N.S. Discount & Grocery, at Church and New York Aves. in Brooklyn. A Consumer Affairs Department inspector visited her 300-square-foot store on Nov. 18. "He told me, everything okay, you only need to send \$20 by mail for problem with your scale," Ahmed said. He asked her to sign two forms. But when her husband arrived, he noticed the second form listed eight violations for a single missing tobacco sign.

Logic tells you: if there's no sign, there are no red letters. A stunned Ahmed raced down to Consumer Affairs, where a mediator offered a deal — plead guilty and pay \$1,000. She insisted the sign had been posted by her cash register when the inspector came and demanded her day in court. At a February hearing, Ahmed brought Valerie Mackintosh, a customer who was in the store when the inspector visited. Mackintosh testified and provided a sworn affidavit that the sign had indeed been visible that day.

The administrative law judge later labeled Ahmed's defense "self-serving, and unsupported by credible evidence." He levied an \$8,000 fine — \$1,000 for each count. If Ahmed didn't pay it, her license to sell cigarettes and lottery tickets would be revoked. "That would drive me out of business," she said. "Where's the justice in this?" She's been paying the \$8,000 in installments.

Asked about quotas and the epidemic of fines under his watch, Mayor Michael Bloomberg said Monday: "The quotas are, you gotta inspect X number of restaurants. Not you got to fine X number of faults."

"Taxes you can't avoid, fines you can," our billionaire mayor said. "Just don't do what we fine you for."

\$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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Workers' Compensation & Disability Benefits Specialist since 1914

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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:	

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after two months of active service for your business' electric accounts*



Earn 3% Cash Back
every year on the supply portion of your business' electric bill*



Earn even more Cash Back
when you enroll your natural gas account*



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when you enjoy the same service without risks, fees, or long-term commitments

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► **FOR YOUR BUSINESS AND HOME.**

Energy Plus provides energy to both homes and businesses throughout New York so you can enroll all your energy accounts. Members with electric residential accounts are also eligible to receive a \$25 Activation Bonus and 2% Cash Back annually on the supply portion of their electric bills. Homes and businesses receive an additional \$25 Activation Bonus and up to 3% Cash Back on natural gas supply charges every year.* Sign up both your business and home today!

► **NO INTERRUPTION TO YOUR SERVICE.**

The best part is that nothing about the way your service is delivered will change. Your local utility will continue to deliver your energy, read your meter, handle service emergencies, and send your monthly statement. You'll be earning Cash Back while still enjoying the safety and reliability of your current service.



► **HOW DO I EARN CASH BACK?**

Once you select Energy Plus, you will receive a Cash Back rebate check automatically after every 12 months of service. Your Cash Back rebate will be 3% of your annual electricity supply charges for home accounts and 5% for business accounts. Earn even more Cash Back when you enroll your natural gas account. Home accounts receive 2% Cash Back and business accounts receive 3% Cash Back on your annual natural gas supply charges.



To learn more or enroll, visit this special offer page at www.EnergyPlusRewards.com/NYSASSRS59 or call **855-388-5274** and mention **Offer Code "SER-0059"**

ENERGY PLUS

*If enrolling an electric account, a \$50 Activation Bonus for business accounts or a \$25 Activation Bonus for residential accounts will be awarded after completing 2 billing cycles of active electric service with Energy Plus. If enrolling a natural gas account, a \$25 Activation Bonus check for business accounts or a \$25 Activation Bonus check for residential accounts will be awarded after completing 2 billing cycles of active gas service with Energy Plus. Active accounts are defined as those (i) that are billing more than \$0 and (ii) for which Energy Plus has not received a request on behalf of the customer to discontinue (drop) their service. Please note, if you enroll both electric and gas accounts, it is possible your bonuses will start on different dates - so your bonuses may be awarded on different dates. Members will receive a Cash Back rebate check after every 12 billing cycles of service for active accounts. The Cash Back rebate will be 3% of the annual supply charges per business account and 2% per residential account. Account eligibility for a natural gas Activation Bonus requires a minimum of 500 annual therms or ccf's, based on historic usage as estimated by your utility at the time of enrollment. Electricity service is provided through Energy Plus Holdings LLC and natural gas service is through its affiliate Energy Plus Natural Gas LLC. The Energy Plus rate is variable and therefore subject to change each billing cycle. Current and historical rates should not be taken as a guarantee of future rates and Energy Plus makes no warranty, express or implied, regarding specific savings. If you are currently on a Budget Billing plan, your monthly budget billing amount may be adjusted as a result of enrollment with Energy Plus. In addition, your utility may perform a true-up upon enrollment with Energy Plus. Depending on various factors, including season, this true-up could result in a charge, or a credit. Electricity offer valid for NY residents excluding areas serviced by the Long Island Power Authority (LIPA). Natural gas offer valid for NY residents with heating accounts in areas serviced by Consolidated Edison, National Grid (Keyspan NY), National Grid (Niagara Mohawk), Orange & Rockland and National Fuel Gas. Energy Plus reserves the right to discontinue or modify the program and other offers cannot be combined with this offer. Your local utility company will continue to deliver your electricity and/or natural gas, as applicable. Offer not valid for government entities.

For Immediate Release:

Net Driven Announces the Release of the Net Driven Service Center

SCRANTON, Pennsylvania, November 30, 2012 - Net Driven is proud to announce the next generation of its interactive auto service guide. The Net Driven Service Center represents a significant upgrade and will be rolled out to all Net Driven websites and mobile sites at no additional cost throughout the month of December 2012. This exciting new module features thousands of new automotive illustrations, hundreds of new service descriptions, online customer quoting and enhanced service scheduling, specials/coupon integration, search engine optimized content and is GPS-enabled.

“The Net Driven Service Center represents our continued commitment to delivering the most cutting-edge effective internet marketing solutions to the automotive industry,” said Pat Sandone, Net Driven Founder and CEO. “We are excited to roll this out to our clients to help them get found online by customers looking for service, educate their customers on what services they need and ultimately sell more.”

The Net Driven Service Center is the latest in a long line of modules that Net Driven provides to its tire and automotive service clients to help them harness the power of the internet to drive more traffic, drive more leads and drive more sales. Other modules include a best-in-class tire catalog with integrated fitment guide, wheel configurator, tire advantage calculator, automotive Q&A, ecommerce solution, and lead management system.

About Net Driven: Founded in 2007, Net Driven is a SaaS (Software as a Service) technology platform designed to provide effective and affordable online marketing solutions exclusively to the automotive industry. The Company focuses on helping dealers increase sales, profits and retention using the internet. Headquartered in Scranton, PA, the Company works with over 3,000 businesses across the United States and Canada. Net Driven’s product is a three step online marketing solution that drives consumers from their living room to a dealer’s showroom and includes internet marketing, Net Driven’s proprietary website solution and comprehensive training, analytics and support. The Company’s technology and content was developed in conjunction with independent dealers and is now available to the industry at affordable prices. Learn more about Net Driven at www.netdriven.com.

For more information, contact:

**Renny Fidlon
VP of Marketing
Net Driven
215-915-6990
rfidlon@getnetdriven.com**

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The Internet is the most effective way to get new customers and is the #1 way local consumers find tire dealers (not the Yellow Pages). Over 70% of consumers start their purchase process online and without the right website and Internet marketing program you could be missing out on over 2/3 of all potential new customers.

Get Net Driven today and improve your sales on the Internet! Driven to be great.



INCREASED SALES \$10,000 Per Month

"Net Driven is the first internet company we worked with that really got results for us. After just a few months using their website solution, we were seeing additional sales of over \$10,000 per month."

Jeff Pohlman - Owner, Jeff Pohlman Tire

300 SALES LEADS in the First Month

"We had a website prior to Net Driven's solution and were surprised by the increase in leads we received, it was amazing!"

Marc Gagnon - Retail Manager, The Tire Warehouse

INTERNET MARKETING
DRIVES MORE VISITORS

NET DRIVEN WEBSITE
DRIVES MORE LEADS

CONSULTING & SUPPORT
DRIVES MORE SALES

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- Turbo SEO
- Social Media Integration
- Directory Management
- Mobile Skin

- Tire Catalog
- Auto Catalog
- Wheel Configurator
- Tire Advantage Calculator
- Auto Q&A

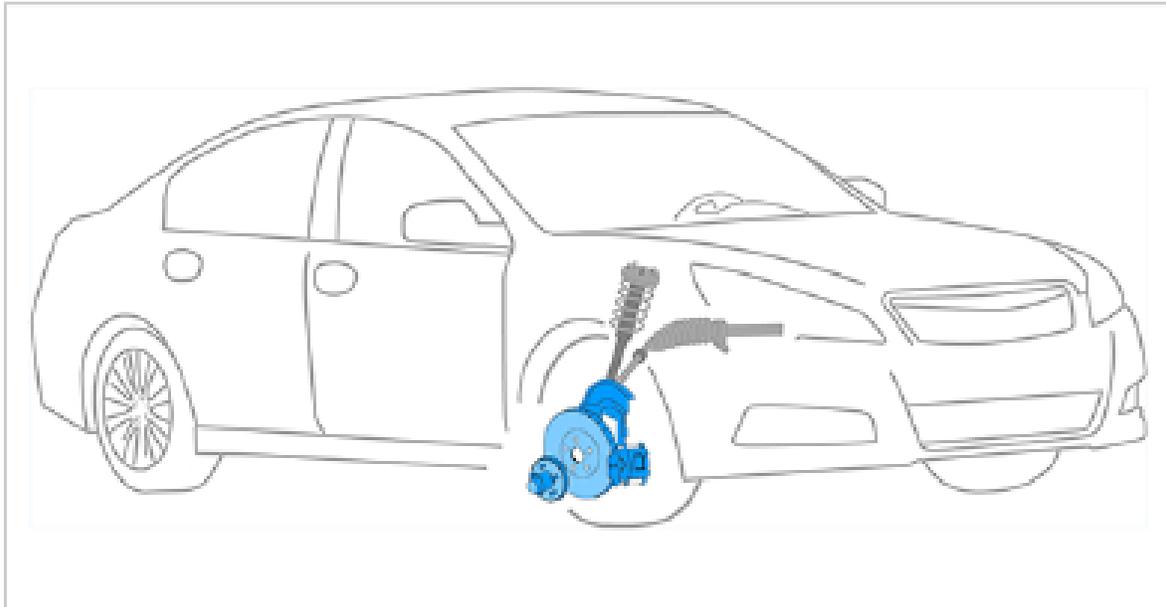
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and bearing



Brake
disc

Brake
shoe

Caliper



Brake
shoe

The split second it takes you to press down on the brake should equal the speed and precision of your brake to force your vehicle to a stop. Simply, you apply the brake, your car stops—immediately. And that's the way it should be. Your brakes should allow stop for any obstacles on the road and then continue on your journey. But sometimes your vehicle's brakes are not as responsive—sluggish, squeaky, and shaky. When your brakes are having difficulty stopping your vehicle, it poses a risk to your safety in the vehicle as you travel. We can offer your brakes the care they deserve so your vehicle can return to the road in peak condition at our Alexandria, Louisiana location. In the case that your front disc brakes are to blame we can accommodate your vehicle's need for brake repair or brake replacement. We are aware of the safety risks that worn brakes can impose on the way your car handles and we can provide you the quality service that you require. We also offer additional services to keep your vehicle in top working conditions in Alexandria, LA, Pineville, LA, and Oakdale, LA.

When you are experiencing issues with stopping safely and efficiently, we can help restore your front disc brakes to their optimal performance. If your front disc brakes are functioning correctly, the friction material on the pad or shoe will squeeze against the rotor or drum when the brake is applied to slow your vehicle to a stop. Over time, the pad or shoe wears thin. The rotor or drum can become worn due to contact and heat. A technique called machining can be performed, which involves scraping or cutting the rotor or drum so it is smooth and true. This can be done within specifications, but if the thickness of the rotor or drum becomes too thin or the surface is too scored or warped, they will need to be replaced. An inspection of your brakes will determine which option will service your front disc brake system best. Whether you need brake repair or brake replacement on your front disc brakes, we can offer you superior care and efficient services. So, if the precision of your front disc brakes is in question, our location at Alexandria, LA will be a dependable and reliable stop on your travels. We will return balance to your worn brake system with our services. Do not wait to schedule your vehicle for the superior brake repair or brake replacement services we can provide. We will restore your vehicle to a safe state for your journey and any obstacle you might face.

Approximate Time: 120 Minutes (Time may vary by vehicle, this is a guide only)

Price Range: [Get Quote for Price](#)
(Estimate Only)

Specials: [\\$20 Off Brake Service](#)

SCHEDULE SERVICE APPOINTMENT

Thank you choosing us to handle your automotive repairs. To schedule an appointment with our service department, please complete the form below. We will confirm your appointment with you by phone and/or email within one business day. **Items marked with an asterisk (*) are required.**

STEP 1 OF 5 - SELECT A LOCATION

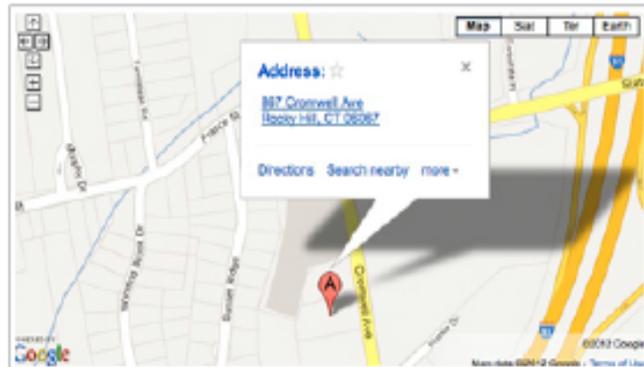
You have selected the following location:

-- Choose a Different Location --

867 Cromwell Avenue
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(877) 860-2005

Hours

Monday: 7:00 AM - 6:00 PM
Tuesday: 7:00 AM - 6:00 PM
Wednesday: 7:00 AM - 6:00 PM
Thursday: 7:00 AM - 6:00 PM
Friday: 7:00 AM - 6:00 PM
Saturday: 8:00 AM - 5:00 PM
Sunday: Closed



STEP 2 OF 5 - VEHICLE INFO

Please select your vehicle below:

Year: -- Select Year --

Model: -- Select Model --

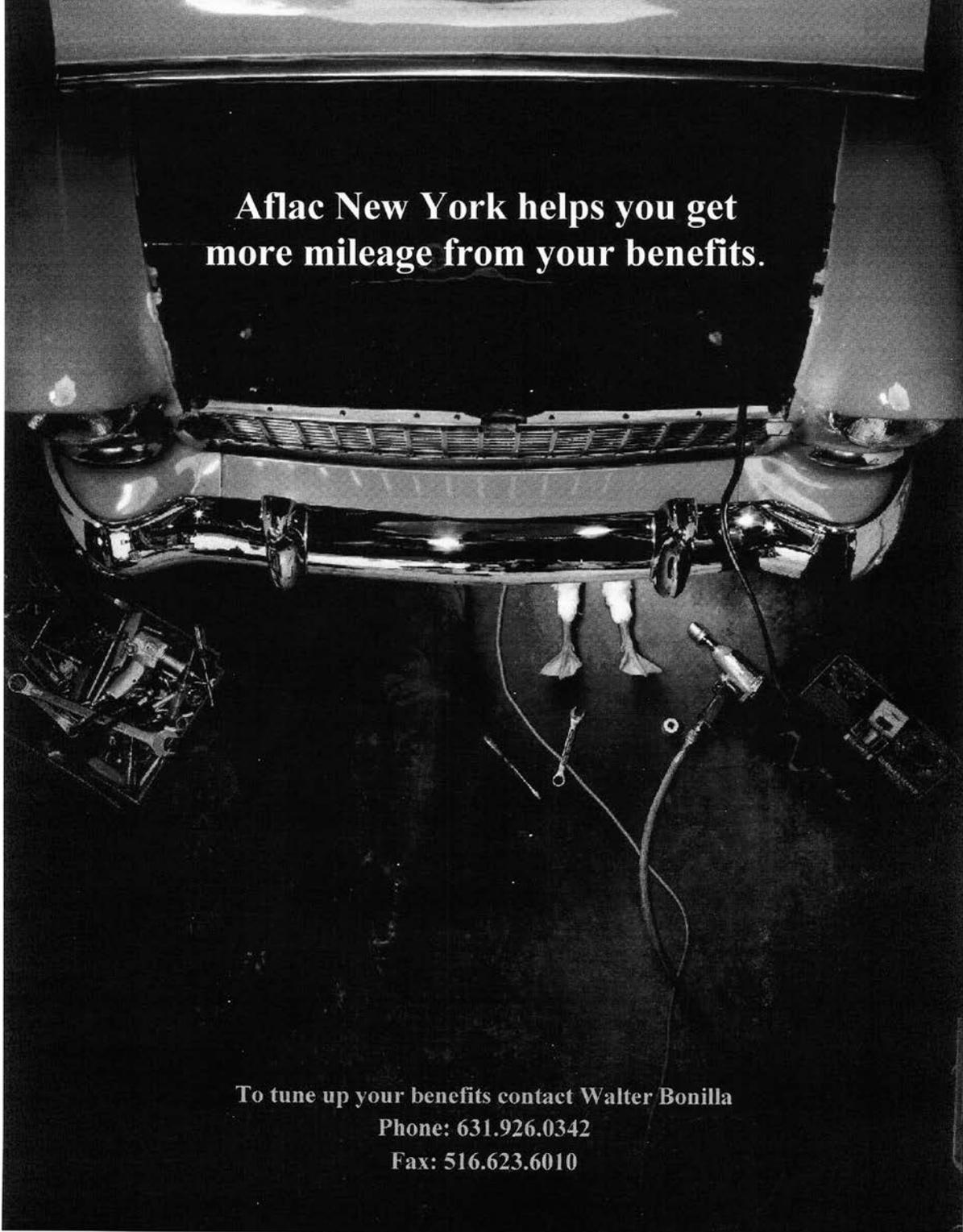
Make: -- Select Make --

Year: -- Select Option --

STEP 3 OF 5 - SELECT YOUR SERVICE

- | | |
|--|---|
| <input type="checkbox"/> Axle, CV Joint, Driveshaft Repair | <input type="checkbox"/> Heating & Air Conditioning |
| <input type="checkbox"/> Belts & Hoses | <input type="checkbox"/> Lube, Oil & Filter Service |
| <input checked="" type="checkbox"/> Brakes | <input type="checkbox"/> Preventive Maintenance |
| <input type="checkbox"/> Cooling System | <input type="checkbox"/> State Inspection |
| <input type="checkbox"/> Differential Repair | <input type="checkbox"/> Steering and Suspension |
| <input type="checkbox"/> Electric: Electrical and Electronic Systems | <input type="checkbox"/> Tires |
| <input type="checkbox"/> Electrical: Starting, Charging & Batteries | <input type="checkbox"/> Transmission |
| <input type="checkbox"/> Engine: Diagnostics and Performance | <input type="checkbox"/> Wheel Alignment |
| <input type="checkbox"/> Exhaust Systems | <input type="checkbox"/> Wheels |
| <input type="checkbox"/> Four Wheel Drive Systems | |

Please provide us with a short description of the requested service(s):



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NO DIRECT COST TO YOUR COMPANY

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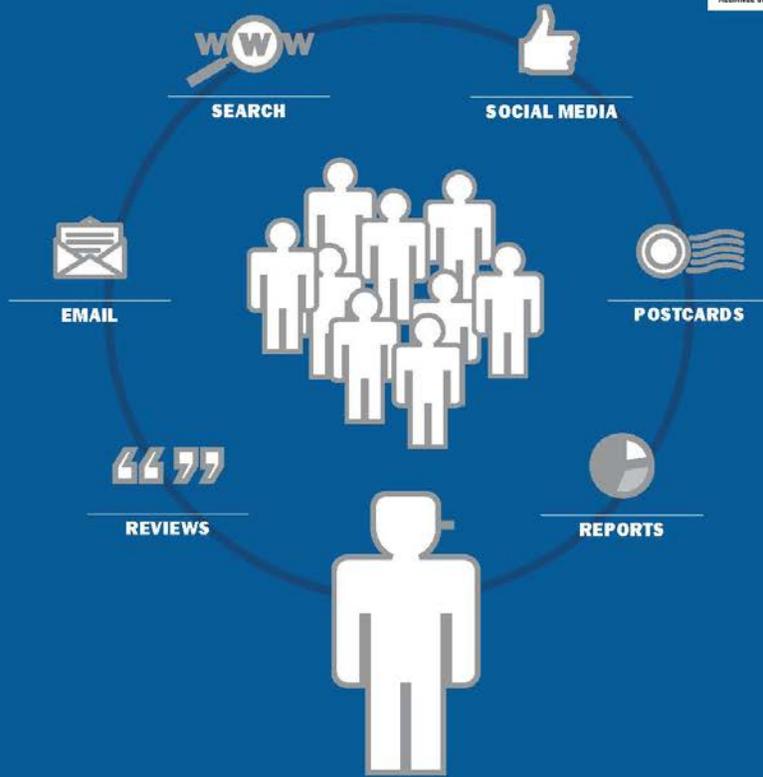
Aflac New York insurance complements your major medical insurance to help you create a more attractive employee benefits package. Our wide range of policies is designed to provide cash benefits to your employees if they become injured or sick. With Aflac New York policies, there are no deductibles, copayments, doctor networks, or pre-authorization requirements.

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GO WHERE NEW CUSTOMERS CAN FIND YOU

Our Customer Review System allows your customers to create reviews of your service, which are automatically verified as authentic customer reviews. These reviews, with keywords added to optimize performance, create Search Engine-friendly links – driving your search visibility upwards, where new customers can find you.



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STAY CONNECTED TO CURRENT CUSTOMERS

Turn first-time customers into loyal, profitable customers automatically. Mitchell 1's Social CRM integrates seamlessly with your shop management system, calculating mileage history and combining that with specific maintenance schedules to determine next recommended services. Includes:

- Email matching with your customer database
- Ongoing automatic email service reminders
- Target market promotions
- Customizable large-format postcards, artwork, and logos



POSTCARDS



SOCIAL MEDIA

IT'S TIME TO GET SOCIAL MEDIA WORKING FOR YOU

Your dedicated support agents will set up your Facebook page for maximum word-of-mouth marketing. Compelling content, AutoNetTV™ videos and Customer Reviews will be automatically pushed to your Facebook page on a regular basis to keep your shop visible and your customers engaged. Facebook links will be included in the Thank-You emails and on your customer's personalized vehicle maintenance website, OwnerAutoSite.com.



REVIEWS

GIVE YOUR SHOP A REPUTATION BOOST

Your customer reviews are posted to the web, complete with Overall Satisfaction Star Ratings, Review Comments, and Recommend scores. The Customer Review System can also verify which reviews are from actual customers, which studies prove are typically higher than unverified reviews. With ReScore, you can ask for a follow up review once you've had the opportunity to resolve a customer concern.

- Automated low score alerts
- Review customer verification
- Links to your shop's website
- Respond to customer reviews



REPORTS

SAY HELLO TO MARKETING CRUISE CONTROL

Your Mitchell 1 Support Agent will work with you to set up your SocialCRM service and monitor its performance with our extensive Summary Reports. Your support agent will:

- Set up Facebook page and create automatic feeds of video and review content
- Help you choose automatic Email and Postcard campaigns
- Review your Summary Reports and recommend tuning your program for maximum return on your investment
- Help you create coupons and send targeted email blast campaigns



Q1 2012

Manager

	Promo Price	AASP Price
Manager, Single User	\$0 S&I \$109/mo	\$99/mo
Manager, Multi User	\$0 S&I \$135/mo	\$125/mo
ManagerPlus, Single User	\$0 S&I \$139/mo	\$129/mo
ManagerPlus, Multi User	\$0 S&I \$175/mo	\$165/mo

TEAMWORKS

Manager, Single User w/OnDemand5.com	\$0 S&I \$209/mo	\$199/mo
Manager, Multi User w/OnDemand5.com	\$0 S&I \$259/mo	\$249/mo
ManagerPlus, Single User w/ OnDemand5.com:	\$0 S&I \$239/mo	\$229/mo
ManagerPlus, Multi User w/OnDemand5.com:	\$0 S&I \$295/mo	\$285/mo

Other Products available as bundles or individually

OnDemand5.com	\$0 S&I \$159/mo	\$149/mo
Medium-Truck.net	\$0 S&I \$129/mo	\$119/mo
Tractor-Trailer.net	\$0 S&I \$235/mo	\$225/mo
SocialCRM	\$0 S&I \$199/mo	
SocialCRM - AASP Members Only	\$15.00/mo Off Promo Price	
	1st Quarter 2012	

Please contact your local Mitchell1 Representative for more info.

To find your local representative, or submit a lead, go to: www.m1leads.com/aasp

- **Prices should not be shared as an example only. Prices may vary depending on the product needs of the Repair Shop Customer.**
- All products come with a 30 day cancellation policy from Mitchell1.
- All products require 12-month agreement. After initial 12 months, each renewal period is 12 months with 30-day guarantee period commencing on renewal date.
- All products offered as software only; customer must provide hardware.
- All products include on-site training and installation.
- Network set up, installation and installation of all multi-user products is the responsibility of customer. Obtaining the services of a Network Professional to set up the network and install all multi-user products is highly recommended.
- Promotional pricing ends March 31, 2012.



Keep Your Customers Coming Back

Repair Information Services

Shop Management Solutions

Business Performance Services

Business Intelligence Services

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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.

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- Consumer Vehicle History Website
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Business Performance Services

GASDA

Gasoline and Automotive Service Dealers Association

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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.**

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Wayne Bombardiere at (516) 371-6201**



GASDA Legal Service Plan

GASDA'S legal plan provides for consultation services and representation at hearings. The following are included:

- Representation at one small claims proceeding or one administrative hearing per year. Requests for representation must be received at the association's office 20 days prior to the hearing date.
- One-hour consultation on any single issue relating to a member's business.
- Small claims proceeding ONLY. The first two court appearances are covered under the plan. The third and all subsequent appearances are not covered. If the member wants continued representation, the appearance fee is \$375 per appearance.
- The legal service attorney will provide legal representation or consultation to GASDA members at the rate of \$185 per hour for any issue not included in the legal service plan.

In order to be eligible for Group Legal Service representation, a member's dues in full and all obligations to the Association must be current. For additional information, please call the GASDA office at:

516-371-6201

**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
372 Doughty Blvd, Suite 2C
Inwood, New York 11096

WHEN:

The First Monday of every month at 2:00 PM
The Second Wednesday of every month at 10:00 AM

COST:

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

PLEASE CALL FOR RESERVATIONS AT (516) 371-6201

SPONSORED BY: GASDA/LIPDRA