

September-October, 1987

NEWS

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SERVICE STATION DEALERS ASSOCIATION OF MICHIGAN NEWS

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**SERVICE STATION DEALERS
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27780 Novi • Suite 106 • Novi, Michigan 48050
TELEPHONE: 313 344-8700

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Executive Director's Report Equity Act is Fair and Equitable To Dealers



Daniel J. Loepp

by **Daniel J. Loepp**
SSDA-Michigan Executive Director

An idea whose time has come...that probably the clearest way I can describe the Dealer Equity Act that was just introduced in the Michigan House of Representatives by Rep. Curtis Hertel (D-Detroit).

Rep. Hertel introduced the bill not to be anti-oil company or pro-dealer, but simply put to have a fair and equitable balance for all concerned.

You all should be proud of the role you have played as community leaders over the years, helping your communities to grow and prosper. Unfortunately the simple times have gone by the wayside; without some changes to enable you as dealers to continue to work hard for your families, and for your community.

The Dealer Equity Act addresses the inequities dealers are facing in operating in the 1980's, including:

- the forcing of dealers to operate 24 hours a day when the traffic counts and location don't warrant it;
- company policies that refuse to allow designation of businesses upon their death to spouses, sons, daughters, even when they have worked side by side with their parents for many years;
- policies that prohibit the sale of dealer franchise even to a qualified buyer;
- policies that force dealers to open on holidays such as Christmas, New Year's, Thanksgiving, etc.

The Equity Act sets the playing field straight. With this Act you can all concentrate on what you do best... serving the public in a business manner.

The passage of this bill will not be an easy chore, there are some who do not want things to be fair and reasonable for the dealers and that is why it is up to each and every gasoline retailer in this state to go all out in support of the Equity Act.



Ernie Remondini of Remondini's Service Center in Iron River for the last 40 years has retired. The SSDA-Michigan wishes him a happy retirement.

Ernie Retires

40 years on same corner

If there is one word to describe Ernie Remondini, it is cheerful.

His cheerfulness and optimistic outlook have rewarded Ernie over the years — say 40 years.

After 40 years on the corner of Fourth Avenue and Adams Street in Iron River as a Standard Oil Company dealer and proprietor of Remondini's Service Center, Ernie Remondini, a SSDA-Michigan member, has retired.

Over the last 40 years, Ernie has won many honors. In 1959, he took first place and won a new red and white Ford station wagon in an 11-point contest based on cleanliness, excellence, service and appearance.

The same year Ernie won the All-American Atlas tire contest and a payoff trip to King's Gateway.

He was recognized in big front page headlines in the June 25, 1959 edition of the *Milwaukee Sentinel*. It read, "Remondini Wins Wagon."

Besides winning many tire and sales contests, Ernie has been chosen by Standard Oil Company for many years to represent other Amoco dealers on the Dealer Advisory Council.

The company had Ernie train dealers who were going to take over stations. He was their designated dealer trainer.

Ernie said, "I am so very grateful for having such wonderful customers. It was my customers who made it a pleasure being in business and helping me make it a success of the 40 years in business. I want to thank them all."

He also said he is grateful to his family for their help and support.

"Forty years. Hey! I've really got mixed emotions. Forty years on the same corner is a long time. But it's been great. I've enjoyed it," he said with his usual cheerful smile.

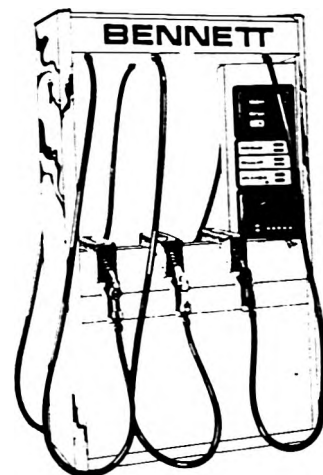


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PMPA AT NINE

Service Station Dealer Equity Act

by Mark Cousens

*SSDA-Michigan Legal Counsel
Miller, Cohens, Martens and Ice
313-559-2110*



The SSDA-Michigan intends to seek approval by the Michigan Legislature of a state law which would dramatically improve dealer protection. Called the "Service Station Equity Act" the bill will go a long way toward relieving many dealer problems.

The bill is necessary because neither federal law (including the Petroleum Marketing Practices Act) or state law offers adequate and fair protection to dealers regarding the matters covered by this bill. The bill contains several parts, each dealing with a different dealer problem. When passed, dealers will be immediately relieved of many major problems. "When passed," however, assumes much. This bill will become law only if the dealers of this state personally explain the problems they have to virtually every member of the Michigan Legislature. The bill can be passed, but dealers will have to work for it.

The bill permits the sale of a dealer's business, and requires the supplier to consent to the sale under most circumstances. This would increase substantially the value of a dealer's business. Presently, many dealers work all their lives at a location, and simply retire without receiving a penny for the value of their business. The bill would and should change that. Businesses would have a value. They could be bought and sold.

The bill permits dealers to designate certain persons as successors in the event of a dealer's death. Presently, a dealer's death terminates the franchise. The dealer's family cannot sell the business. They cannot operate the business as they are not the franchisee. They are often simply out in the cold. The bill would allow a designee to begin operating the business immediately following the franchisor's death.

The bill permits dealers to operate as corporations, provided certain personal guarantees are made. Presently, some suppliers will not recognize a dealer's corporation no matter what personal guarantees are made. Many dealers wish to incorporate to obtain tax advantages, and limit their personal liability. The bill would compel the supplier to recognize the dealer's corporation.

The bill prohibits certain minimum sales requirements. These often unfair and unrealistic sales requirements can be

impossible to meet. Still, suppliers sometimes force dealers to promise to meet goals which can only be accomplished by selling products at cost, or even at a loss. Some dealers have been driven to near bankruptcy by these demands. The bill would outlaw them.

The bill guarantees that dealers may join associations of dealers and may have the right to counsel. Presently, some suppliers penalize dealers who use counsel. Others make it impossible for dealers to secure counsel by demanding that leases be signed on the spot. These two rights are so basic that they should not be questioned! The bill guarantees them.

The bill makes clear that dealers set the retail price of their products. This rule seems obvious, and redundant to federal law. However, there are some suppliers who ignore the law. The SSDA-Michigan knows of at least one jobber who has attempted to impose retail prices on his dealers. Some dealers have acquiesced. The bill would create a method to prevent this pressure and enforce dealer rights in state court.

The bill controls credit card charge-backs. Presently, every dealer is plagued by charge-backs. The suppliers essentially do as they please with regard to questionable credit card invoices. The bill would prevent charge-backs unless the supplier provides the card holder's name, address, copies of the invoice and a reason for the charge-backs. Charge-backs are prohibited after 90 days.

The bill requires all prices charged to dealers to be fair and reasonable. This section would also apply to service station rents. Dealers would be protected against unfair and confiscatory rents which threaten to collapse the entire dealer network.

The bill would prohibit mandatory 24-hour station operation except where it is profitable. Dealers would be permitted to operate 24 hours if they wish.

This is not a complete description of the bill. It is a summary of the major parts. Passage of this bill must become a first priority for every Michigan dealer. It is of critical importance.

Passage of The Dealer Equity Act Depends on YOU!

**Attend one of the SSDA-Michigan
Regional Meetings on this
Important Bill**

(see pages 12-13)

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Paul Richardson
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Ferndale, MI 48220

T & T Service
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Detroit, MI 48221

Jean's Auto Care, Inc.
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Brighton, MI 48116

Mike Schuler's Auto Service
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Union Pier, MI 49129

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Lansing, MI 48917

Carriage Hills Marathon
3010 Lake Lansing
East Lansing, MI 48823

Stinger Standard
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Terry's Shell Service
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Pete's Frandor Shell
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Lansing, MI 48917

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Cathleen Bray joins SSDA-Michigan as Marketing Representative

Cathleen Bray of Waterford Township, Michigan, is the newest addition to the SSDA-Michigan staff.

Cathleen is the marketing representative for the SSDA-Michigan. A graduate of Western Michigan University where she earned a bachelor of science degree from the College of Applied Sciences, her concentration in petroleum marketing made her a natural for the position of marketing representative, which consists of servicing existing member accounts, as well as making non-member dealers aware of the SSDA-Michigan and its benefits.

"I am pleased to be associated with the SSDA-Michigan," says Cathleen. "This position will give me an opportunity to use the knowledge I gained with my degree and also utilize my past experience in customer service."

Prior to joining the SSDA-Michigan, Cathleen served as contracts manager with Technical Aid Corporation, Southfield, and as project manager for Norrell Services, Inc., Rochester, Michigan.

DEALER NEWS

Frank Salazer and his hard-working crew have moved to a new location — from 8 Mile-Gratiot Shell in East Detroit to 14 Mile-Schoenherr Shell in Sterling Heights. Frank has been associated with Shell for over 30 years. The business is family owned and operated with son Jim the service manager and wife Rosemary the office manager.

Karen Anne Henry, past manager of Tel & Penn Sunoco in Dearborn, was married to Mike Gainey October 23 at Sacred Heart Church in Dearborn. Karen is the daughter of Ralph Henry, owner of the station for 35 years. She was station manager for 18 years and is present owner of Baldwin Bait and Marine in Pontiac. Her sister, Rosemary, now the station manager, was the matron-of-honor at the wedding. Best wishes for a happy marriage from SSDA-Michigan.



Elaine Hollis Brings Varied Background to SSDA-Michigan

Elaine Hollis has enjoyed a varied career. She now brings that experience to the SSDA-Michigan, working as administrative assistant.

Elaine earned a nursing degree from Wayne County Community College but decided to make herself part of the public sector by working with U.S. Congressman Lucien Nedzi, Detroit, and later U.S. Congressman Dennis Hertel, who replaced Nedzi after Nedzi retired. The east side Detroit resident came to the SSDA-Michigan in September.

Elaine spends time with her three adult children and two grandchildren. She is also an active volunteer with Henry Ford Hospital's Parent-Infant Beginning Program.

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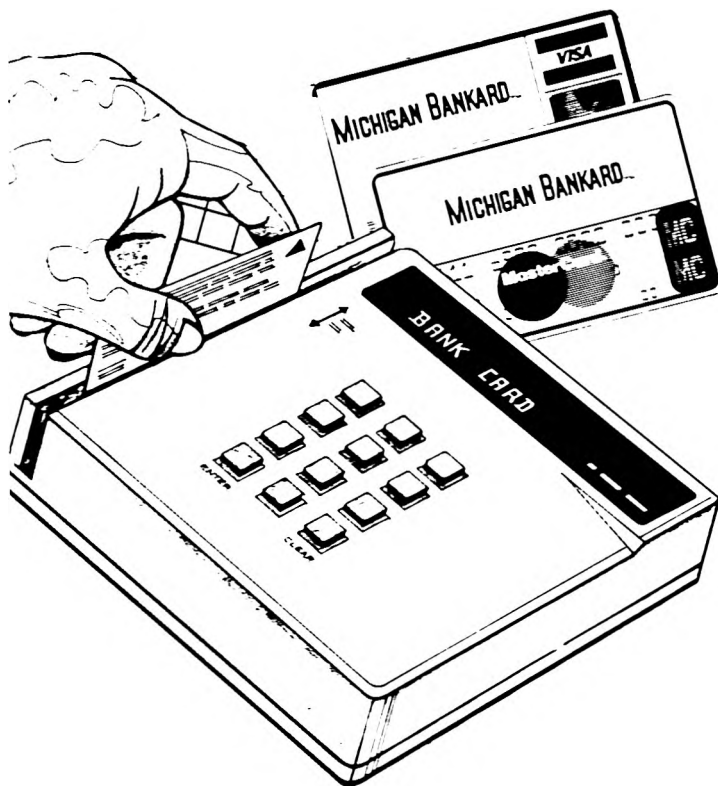
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Highlights of the Dealer Equity Act

The Proposed Act Would:

- **Allow right of transfer to qualified buyers giving dealerships a value on the market like other businesses.**
- **Allow a successor to the dealership in the event of death which would allow the family of a dealer to continue the operation.**
- **Allow dealers to incorporate to take advantage of the current tax laws and allow dealers personal limited liability.**
- **Prohibit unfair pricing by franchisors and allow dealers to remain competitive.**
- **Eliminate minimum sales requirements which are unreasonable, unfair and sometimes impossible to meet.**
- **Eliminate mandatory 24-hour station franchise, unless conditions for profitability exist, returning the rights of operation to the dealers themselves.**
- **Regulate charge-backs to dealers allowing them a say in credit practices maintained by franchisors.**
- **Allow dealers to join trade associations such as SSDA-Michigan and to have representation by legal counsel without penalty or fear of reprisal from the franchisors.**
- **Allow dealers the option of opening on the following days: Christmas Eve (past 9 p.m.), Christmas Day, Thanksgiving Day (past 4 p.m.), New Year's Eve (past 9 p.m.), New Year's Day, Easter Sunday and Yom Kippur.**



SSDA-Michigan Holds Regional Meetings Throughout State on Dealer Equity Act

Service station dealers throughout Michigan were given details on the Dealer Equity Act at a series of regional meetings held in Warren, Novi, Lansing, Grayling, Flint and Grand Rapids.



State Rep. Curtis Hertel, sponsor of the Dealer Equity Act, talks to dealers about the Act at an SSDA-Michigan regional dealer meeting.



(Left) Daniel Loepp, SSDA-Michigan executive director, reviews the contents of the Dealer Equity Act. *(Right)* Phil Bucalo, SSDA-Michigan first vice president, talks about the need for dealer support for the Act.



Dealers listening at the Novi regional meeting.



Rep. Hertel Sponsors Dealer Equity Act

State Rep. Curtis Hertel, sponsor of the Service Station Equity Act, is a long-time friend of gas and service station dealers. Now in his fourth term as a State Representative of District 12 (northeast Detroit), Curtis Hertel, 34, has established a reputation among House colleagues as a diligent and patient public servant.

"We are fortunate to have a legislator who is respected as much as Rep. Hertel is to sponsor this legislation," says Daniel Loepp, SSDA-Michigan executive director. "That's why we are optimistic about the chances for passage."

A lifelong Detroit resident, Rep. Hertel and wife Vicki have three sons, Curtis, Matthew, and Kevin, and a daughter Lisa Marie. He was raised in a family environment that encouraged an interest in community affairs and public service,

and is one of three brothers all having held elected office.

He is a graduate of Denby High School and Wayne State with a B.S. in education. In 1975 he was the recipient of the "Outstanding Young Man of America" award. His current affiliations include the 14th Congressional District Democratic Party, Friends of Belle Isle, the Detroit Historical Society, the Friendship Lions Club, and Board member of the Eastwood Community Clinics.

Rep. Hertel is chairman of the House Transportation Committee. He also serves as a member of House Judiciary, Public Health, Urban Affairs, and State Affairs, and Tourism and Recreation.

Noted as a key legislator in the area of child protection, Curtis Hertel is responsible for passage of legislation to establish the Children's Trust Fund and legislation to create Michigan law guarding against Parental Child Snatching.



State Rep.
Curtis Hertel

List of State Representatives Co-sponsoring Dealer Equity Act

Dominic Jacobetti
Robert Demars
Francis Spaniola
William Browne
Michael Griffin
Stanley Stopczynski
Alvin Hoekman
Mary Brown
Sal Rocca
Dennis Dutko
Dave Gubow
Roland Niederstadt

Thomas E. Scott
Debbie Stabenow
Pat Gagliardi
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Lewis Dodak
Marvin Knight
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Claude Trim
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David Hollister
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Gordon Sparks
Justine Barnes
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Wilfred Webb
Richard Young
Kay Hart

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Answers to Questions About the Dealer Equity Act

by Daniel J. Loepp
SSDA-Michigan Executive Director

Question: Can rights of ownership be transferred under the proposed Dealer Equity Act?

Answer: Yes. Under the new Act, a dealer may transfer his rights through sale of the business to a qualified party. The only way a sale or transfer of rights could be halted by the franchiser is in the event the purchasing party would not be granted a franchise if the buyer is unable to obtain a franchise as a new applicant.

Question: When rights are transferred, when can the buyer assume the rights if the proposed legislation becomes law?

Answer: Immediately

Question: Can rights be assigned upon the death of a dealer under this proposed Act?

Answer: The new Act allows the dealer to designate a successor to their businesses. The current law states quite literally, "The dealership dies with the dealer."

Question: Under the proposed Act, who can be named as the successor?

Answer: The surviving spouse, adult child, adult step-child, son-in-law or daughter-in-law of the dealer.

Question: How does this Act affect 24-hour operations?

Answer: The new Act would allow dealers to operate 24 hours if they desire. A franchiser could only require a dealer to operate a 24 hour 7 day a week facility if **all** of the following conditions were met:

- 1) The business is located next to an interstate highway exit;
- 2) The franchiser has obtained the most recent traffic counts for the area of the dealership for the time period midnight to 6 a.m. and the counts show that 10% of all traffic passes the business during those hours;
- 3) The facility is equipped with a secure area that includes a restroom for the attendant and allows the attendant to operate the facility without leaving the secured area.
- 4) The oil company provides a feasibility study demonstrating that the 24-hour

operation is economically productive to the franchise.

Question: Does the proposed Act allow dealers to operate as corporations?

Answer: Yes, provided certain guarantees are made by the dealers themselves. This would allow dealers to obtain certain tax advantages by incorporating and would also grant them limited liability under the law. The Act would require suppliers to recognize the dealer's corporation.

Question: Would minimum sales requirements be allowed to remain under the new Act?

Answer: The new Act would eliminate minimum sales requirements, which are often unfair and unrealistic and often impossible to meet.

Question: Would this Act allow dealers to join trade associations without fear of recourse from franchisers?

Answer: Yes. The Act would allow dealers to join trade associations such as the SSDA-Michigan and also have the right to legal counsel without penalty

Question: How would pricing be affected by the Act?

Answer: The Act would ensure that all prices charged to dealers be fair and reasonable. This would also apply to service station rents, as dealers would be protected from unfair and confiscatory rents which could threaten the future of their operations. The bill could also clarify that dealers themselves would set the actual retail price of their products.

Question: Are charge-backs allowed under the proposed Act?

Answer: Credit card charge-backs would be regulated in that franchisers must supply the dealer with the card-holder's name, address, copies of the invoices and the reasons for the charge-back. Charge-backs would have a 90 day limitation under the new law.

Question: How would the Act affect dealers being forced by oil companies to stay open on holidays?

Answer: If the Act becomes law oil companies could not force dealers to remain open on the following days: Christmas Eve (past 9 p.m.), Christmas Day, Thanksgiving Day (past 4 p.m.), New Year's Eve (past 9 p.m.), New Year's Day, Easter Sunday, Yom Kippur.

State House of Representatives Committee Members Who Will Be Considering The Dealer Equity Act

Democrats

Rep. Curtis Hertel, Chairperson
Eastside Detroit

Rep. James Docherty
St. Clair County

Rep. Jerry Bartnik
Monroe County

Rep. Ken DeBeaussaert
(Macomb) Mt. Clemens, Harrison Twp., New Baltimore,
Chesterfield Twp., Lenox Twp., Bruce Twp., Armada,
Richmond

Rep. Nate Jonker
Genessee County

Rep. James Kosteva
Wayne County: Canton Twp., Van Buren Twp.,
Belleville, Wayne, Romulus

Rep. Vincent Porreca
Brownstone Twp., Riverview, Trenton, Woodhaven, Gibraltar,
Flat Rock, Rockwood, Grosse Ile

Rep. Nelson Saunders
Westside Detroit

Rep. Stanley Stopczynski
Eastside Detroit

Rep. Ethel Terrell
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Republicans

Rep. Ed Giese
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SOMETHING FOR NOTHING

HERE'S WHY: The demand for air is greater than ever. Less than half of the 195,000 service stations and convenience stores offer air service. Provide a much-needed service for your customers — with no effort or investment on your part!

Consider the benefits of AIR-serv® :

- **Builds Traffic** — new customers will stop at your location each month, specifically seeking air service.
- **Satisfies Customers** — air service is provided 24 hours a day. Your customers appreciate availability of convenient air service.
- **Generates Revenue** — customers who come looking for air will often buy other products as well, which means additional sales for your location every month.
- **Eliminates Costly Maintenance** — the dealer in your area installs and services the

machines *at his own expense* — NO COST TO YOU!

To date, over 22,000 AIR-serv units have been installed across the country through a national dealer network. In fact, 20 of the top 30 C-store chains have approved its placement. Why? Because AIR-serv is the best built tire inflator in the industry.

Find out how you can put AIR-serv to work for you. Give us a call today and we'll show you how you too can increase your profits with a no-cost profit center. Call toll-free — 1-800-247-8363, ext. 24. In MN: 612-454-0465.

Vehicle-Vend, Inc.
519 W. Michigan Ave.
Jackson, MI 49201



517-782-1696

Call Collect

AIR-serv® is a registered trademark of AIR vend, Inc. Patent No. 4,452,371

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**The Service Station Dealers
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List of Exhibitors at SSDA-Michigan Fall Meeting

Champion Spark Plug Co.
Mr. Ron Smith
966 Dahlia Lane
Rochester, MI 48063
(313) 651-0195

PardaData Computer Networks, Inc.
Mr. John Weurding
37525 Interchange Drive
Farmington Hills, MI 48018
(313) 478-8400

Horner Equipment Company
Mr. John Snyder
P.O. Box 1288
Saginaw MI 48606
(517) 755-5327

Michigan Air-Serv Distributors
Mr. Mark Richards
2006 Wealthy
Suite #208
Grand Rapids, MI 49506
(616) 459-3234

Reynolds & Reynolds
Mr. Tom Hardie
10 Oak Hollow Drive Ste. 140
Southfield, MI 48034
(313) 353-8500
Mr. Pat Leddy
3915 Bay Road
Saginaw, MI 48603
(517) 792-4581

N.B.F. Security Systems
Mr. Mark Jones
P.O. Box 489
Milford, MI 48042
(313) 685-3955

Blue Cross/Blue Shield of Michigan
Mr. Mike Galvin
53200 Grand River
New Hudson, MI 48165
(800) 262-8998

continued...

List of Exhibitors at SSDA-Michigan Fall Meeting *(continued)*

Original New York Seltzer
Mr. Arch Matsos
P.O. Box 1201
East Lansing, MI 48826
(517) 337-2226

Monroe Auto Equipment Co.
Mr. Scott Muessig
5519 Wilmont Ct. S.E.
Kentwood, MI 49508
(616) 455-8128

Sun Electric Corporation
Mr. Charlie Lowler
23192 Commerce Drive
Farmington Hills, MI 48018
(313) 478-4304

Dodson Insurance Group
Mr. Elmer Gibson
9201 State Line
Kansas City MO 64114
1-800-821-3760

Weller Auto Parts
Mr. Skip Weller
2525 Chicago Drive
Grand Rapids, MI 49509
(616) 538-5000

Jays Foods
Mr. Abe Schram
2976 Stamford S.W.
Wyoming, MI 49508
(616) 241-6421

W & S Distributing
Terry Sharon
2936 Bay Road
Saginaw, MI 48603
(517) 792-7900

Frito-Lay
Mr. Fred Cahill
12000 Reeck Road
Southgate, MI 48195
(313) 287-9477

Hand Therapy Service
Ms. Brenda Woerker
22809 Kelly Road
East Detroit, MI 48021
(313) 372-5690

Lawrence A. Wright, Inc.
Mr. Larry Wright
28277 Dequindre
Madison Hts., MI 48071
(313) 547-3141

Allen Test Products
Mr. Tim Hudson
5991 Twin Oaks
Laingsburg, MI 48848
(517) 651-6354
Mr. David Lalley
24310 Indoplex Circle
Farmington Hills, MI 48018
(313) 476-7610

Hunter Engineering
Mr. David Gossett
934 E. Third Street
Royal Oak, MI 48067
(313) 399-2643

The Oscar W. Larson Co.
Mr. Gary Walker
6503 S. Division
Grand Rapids, MI 49509
(616) 455-5310

Absopure Water Co.
Mr. Gary Dixon
8845 General Drive
Plymouth, MI 48170
(313) 459-8000
Mr. Tom McKendry
96 84th Street S.W.
Byron Center, MI 49315
(616) 455-5700

Sponsors of Entertainment at SSDA-Michigan Fall Meeting

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Stone, August & Company Public Relations
Lawrence A. Wright, Inc.**

Complete Text of Dealer Equity Act

Introduced by State Rep. Curtis Hertel

A bill to regulate the termination and transfer of motor fuel franchises; and to provide for certain remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. This act shall be known and may be cited as the "motor fuel distribution act".

Sec. 2. As used in this act:

(a) "Affiliate" means a person who, other than by means of a franchise, controls, is controlled by, or is under common control with any other person.

(b) "Company operated station" means a motor fuel service station operated by a franchisor with employees of the franchisor or by a commission manager of the franchisor for the sale of motor fuel to the general public for ultimate consumption or otherwise not operated by the franchisee.

(c) "Contract" means any oral or written agreement. For supply purposes, delivery levels during the same month of the previous year shall be prima facie evidence of a contract to deliver the same levels.

(d) "Control" means the direct or indirect ownership of or the right to exercise a direct influence over the interest in a business.

(e) "Distributor" means a person, including any affiliate of a person, who does either of the following:

(i) Purchases motor fuel for sale, consignment, or distribution to another person.

(ii) Receives motor fuel on consignment for consignment or distribution to his or her own motor fuel accounts or to accounts of his or her supplier. Distributor does not include a person who is an employee of, or who merely serves as a common carrier providing transportation services for, a supplier.

(f) "Franchise" means a contract between a refiner and a distributor, between a refiner and a retailer, between a distributor and another distributor, or between a distributor and a retailer, under which a refiner or distributor authorizes or permits a retailer or distributor to use, in connection with the sale, consignment, or distribution of gasoline, diesel, gasohol, or aviation fuel, a trademark which is owned or controlled by a refiner, or by a refiner which supplies fuel to the distributor which authorizes or permits such use. Franchise includes, but is not limited to, the following:

(i) A contract under which a retailer or distributor is authorized or permitted to occupy leased marketing premises, which premises are to be employed in connection with the sale, consignment, or distribution of fuel under a trademark which is owned or controlled by a refiner, or by a refiner which supplies fuel to the distributor which authorizes or permits the occupancy.

(ii) A contract pertaining to the supply of fuel which is to be sold, consigned, or distributed under a trademark owned or controlled by a refiner.

(iii) The unexpired portion of a franchise, which is sold, transferred, or assigned as authorized by the franchise contract or by a provision of state law which permits the sale, transfer, or assignment without regard to the provisions of the franchise contract.

(g) "Franchisee" means a retailer or distributor who is authorized or permitted, under a franchise, to use a trademark in connection with the sale, consignment, or distribution of fuel.

(h) "Franchisor" means a refiner or distributor who authorizes or permits, under a franchise, a retailer or distributor to use a trademark in connection with the sale, consignment, or distribution of fuel.

(i) "Marketing premises" means, in the case of any franchise, premises which, under the franchise, are to be employed by the franchisee in connection with the sale, consignment, or distribution of motor fuel.

(j) "Motor fuel" means gasoline and diesel fuel of a type distributed for use as a fuel in self-propelled vehicles designed primarily for use on public streets, roads, and highways.

(k) "Refiner" means a person engaged in the refining of crude oil to produce motor fuel and includes any affiliate of that person.

(l) "Retailer" means a person who purchases motor fuel for sale to the general public.

Sec. 3 (1) Notwithstanding the terms of a franchise, a franchisor shall not prohibit or unreasonably withhold its consent to any sale, assignment, or other transfer of the franchise by a franchisee to a qualified third party, unless the franchisor can demonstrate for reasons supported by objective facts that the proposed new franchisee is unable to adequately function as a franchisee or would otherwise not be granted a franchise if the party was an applicant for a new franchise.

2) Except as provided in subsection (1), a qualified third party becomes the franchisee immediately upon the sale, assignment, or other transfer of the franchise.

Sec. 4 (1) Notwithstanding the terms of the franchise, following the death of a motor fuel retailer franchisee of a leased marketing premises, the franchisor shall enter into a new franchise with the designee of the motor fuel retailer franchisee on the terms and conditions then generally being extended by the franchisor to similarly situated motor fuel retailers, if both of the following apply:

(a) Prior to the death of the franchisee, the franchisee notifies the franchisor of the designee, in writing on a form provided by the franchisor of the designee, in writing on a form provided by the franchisor, 90 days prior to the renewal of the lease. The designee shall be the surviving spouse, adult child, adult stepchild, son-in-law, or daughter-in-law of the motor fuel retailer franchisee.

(b) The designee is a qualified third party who cannot be refused a franchise except as provided in section 3.

(2) Except as provided in subsection (1), the designee becomes the franchisee immediately upon the death of the designator franchisee.

Sec. 5. Notwithstanding the terms of any franchise, a franchisor shall not prohibit or prevent the sale, assignment, or other transfer of a franchise to a corporation in which the franchisee has and maintains a controlling interest if the franchisee offers in writing to personally guarantee the performance of the obliga-

continued...

Text of Equity Act *(continued)*

tions under the franchise. In the event of a sale, assignment, or transfer under this section, the franchisor may require the corporation to assume in writing all of the franchisee's obligations to the franchisor under the franchise and may require the franchisee to maintain a controlling interest in the corporation and actively operate the marketing premises during the time that the franchise with the corporation continues.

Sec. 6. Notwithstanding the terms of any franchise, a franchisor shall not require of the franchisee any terms or conditions which are unfair or unreasonable, which shall include, but are not limited to, all of the following:

(a) Require any franchisee to meet unreasonable mandatory minimum sales volume requirements for fuel or other products.

(b) Except for alterations required by law, alter the franchise premises during the effective term of the franchise without the consent of the franchisee.

(c) Interfere with any franchisee's right to assistance of counsel on any matter or to join or be active in any trade association.

(d) Set or compel, directly or indirectly, the retail price at which the franchisee sells motor fuel or other products.

(e) With respect to credit cards issued by the franchisor, charge-back any credit card invoice to a motor fuel franchisee unless the franchisor provides the cardholder's last known address, the reason for charge-back, a refund or credit for any credit card handling fee collected on the transaction by the franchisor from the franchisee, and the original invoice of the credit card charge or the legal equivalent if the franchisor has previously received the invoice or a copy. The cardholder's address need not be provided if the charge-back is based on any alleged unlawful, fraudulent, or deceptive act of the franchisee or an employee of the franchisee, or if the cardholder claims no legal responsibility for payment of the charge because it involved the unauthorized use of a credit card.

(f) The terms and conditions governing a motor fuel franchisee's acceptance of a franchisor issued credit card, including the reasons for which a charge-back may be made, shall be established in writing and a copy provided to the franchisee. The franchisor or its agent shall provide at least 30 days prior written notice to a franchisee before implementing any change to previously disclosed terms and conditions if the change may increase the franchisee's cost of accepting the franchisor issued credit card, or if the change adds to or amends the reasons for which a charge-back may occur.

(g) A credit card invoice for a franchisor issued credit card shall not be charged back after 90 days from the date a charge invoice was submitted to the franchisor, except that a charge-back may be made beyond the 90-day period if the cardholder or franchisor alleges fraudulent or other unlawful actions by the franchisee or an employee in making the sale, or if the cardholder lawfully refuses payment to the franchisor as provided by law.

(h) Require a franchisee to operate the franchised business on a 24-hour, 7-day basis except if all of the following apply:

(i) The franchised business is located within ¼ mile of an interstate highway exit.

(ii) The franchisor has obtained the most recent official traffic counts for the area of the franchised business for the period between 12 midnight and 6 a.m. which shows that 10% of all traffic passes the business during those hours.

(iii) The facility contains a secure area for an attendant that is designed to include a rest room and allows the attendant to operate the facility without leaving the secured area.

(iv) The franchisor has conducted a feasibility study that demonstrates that the 24-hour operation is economically profitable to the franchisee.

Sec. 7 Without limiting the other provisions of this act, the following specific rights and prohibitions shall govern the relationship between the franchisor and the franchisee:

(a) The franchisor shall not require a franchisee to purchase or lease goods or services of the franchisor, or from approved sources of supply, unless and to the extent that the franchisor satisfies the burden of proving that such restrictive purchasing agreements are reasonably necessary for a lawful purpose justified on business grounds, and do not substantially affect competition. This subsection does not apply to the initial inventory of the franchisee.

(b) The franchisor shall not sell, rent, or offer to sell or rent to a franchisee any product, service, property or anything else of value at a price which is not fair or reasonable.

(c) The franchisor shall not require a franchisee to assent to a release, assignment, novation, or waiver which would relieve any person from liability imposed by this act.

(d) The franchisor shall not terminate or refuse to renew a franchise without fairly compensating the franchisee for the fair market value at the time of expiration or termination of the franchise of the franchisee's resalable inventory, supplies, equipment, and furnishings purchased from the franchisor, not including personalized materials that have no value to the franchisor and inventory, supplies, equipment, and furnishings not reasonably required in the conduct of the franchise business. A franchisor may offset against amounts owed to a franchisee under this subsection any amounts owed by the franchisee to the franchisor.

(e) The franchisor shall not impose on a franchisee by contract, rule, or regulation, written or oral, any standard of conduct unless the franchisor can sustain the burden of proving the standard of conduct to be reasonable.

(f) A franchisor shall not prohibit a franchisee from closing on Christmas Eve after 9:00 p.m.; Christmas Day; New Year's Eve; New Year's Day; Thanksgiving Day after 4:00 p.m.; Easter Sunday; or Yom Kippur.

Sec. 8. A person, in connection with the offer, sale, or purchase of any franchise, shall not, directly or indirectly, do any of the following:

(a) Sell or offer to sell a franchise in this state by means of any written or oral communication which includes an untrue statement of a material fact.

(b) Employ any device, scheme, or artifice to defraud.

(c) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

Sec. 9 A person injured in the person's business or property by reason of a violation of this act may bring an action in any court having jurisdiction in the county where the defendant resides or is found, or any agent resides or is found, or where service may be obtained, for injunctive relief or to recover the damages sustained by the person, and may be awarded attorney fees together with the costs of the action.

SSDA-Michigan Annual Meeting and Election of Officers

**Thursday, Oct. 29, 1987 at 4:30 p.m.
Sheraton Lansing • I-496 at Creyts Rd. Exit**



(Left) George Kell, Detroit Tiger TV broadcaster, featured speaker at the dinner banquet. (Right) A buffet breakfast.



Highlights of SSDA-Michigan Fall Meeting Oct. 4-7 at Shanty Creek



(Left) Ed Fredericks, safety consultant - program developer with the safety education department of the Michigan Dept. of Labor, talks about safety standards. (Right) Dampness did not discourage diehards.



(Left) State Rep. Francis Spaniola. (Pictured) State Rep. Curtis Hertel and Dorothy Beardmore, State Board of Education member were featured speakers. (Right) One of the product exhibitors



(Left) Dan Loepp moderates a panel discussion on dealer marketing. (Right) George Kell signs a 1953 baseball card for Rob Adams of Adams Shell in Birmingham.





(Above) Outgoing SSDA-Michigan president George Schuhmacher is given special recognition by 1st VP Phil Bucalo and Dan Loepp (Upper Right) Frank and Rosemary Salazer at a reception (Right) Mike Ranville of Karoub Associates discusses Dealer Equity Act (Left) George Kell signs a T-shirt for Dennis Pellicci, SSDA-Michigan board member.

Winners at SSDA-Michigan Fall Meeting

Charles E. Shipley Scholarship Award

Jon R. Steinhauer (Northville High School)
Son of Robert F. Steinhauer of
Steinhauer's Shell in Livonia

Political Action Committee \$6000 Raffle

\$3000 Winner — Mike Walton, manager of
Morgan's Amoco Auto Repair in Bay City.

\$2000 Winner — Heather Bucalo, grand-
daughter of Phil Bucalo,
SSDA-Michigan 1st vice-president

\$1000 Winner — Tom Swartz, owner of
Miller West in Flint

Safety-Kleen Oil Services

Nation's Largest Used Oil Collection Agency, Refiner

Safety-Kleen Oil Services, Inc. (formerly Speedy Oil Services, Inc.), as the nation's largest used oil collection agency and re-refiner of used oils, is a subsidiary of Safety-Kleen Corporation.

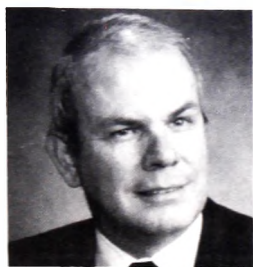
Safety-Kleen Oil Services, Inc. is committed to providing prompt, efficient, and environmentally sound "Professional Service" used oil collection to its valued customers throughout the states of New York, Pennsylvania, West Virginia, Ohio, Michigan, and Indiana.

Safety-Kleen Oil Services, Inc. is fully permitted in all collection areas and is insured to protect its customers during all phases of collection, transportation, and storage of the products collected. It should also be noted that all used oil collected is re-refined into various finished petroleum products. This is, according to various environmental agencies, the best and safest way to treat the material. As well, this reduces the liabilities

of our customers because, as generators, they know that their material is being handled properly because of Safety-Kleen's "in-house" operation.

Safety-Kleen Oil Services, Inc. is also able to offer special services to its customers, such as a trained staff who can answer environmental questions regarding current regulations, computerized reporting of activity to customers with several locations, reporting on the condition of our customers' used oil storage tanks, and other services.

For more information concerning "Professional Service" and how Safety-Kleen can serve you, please contact your local representative, or Mr. Bruce McFadden — area manager at 216-725-0111, or in Michigan call 313-278-1199. Safety-Kleen looks forward to speaking with you and adding your name to its list of "Valued Customers."



Tax Simplification

by Lawrence A. Wright, Inc.
Specialists in Financial Services
for the Service Station Dealer
313-547-3141

When last year's tax reform was first introduced to us, it was billed as necessary for "tax equity" and "tax simplification." We were told that the rich would be responsible for a greater share of the tax burden, and that tax brackets would be brought down once and for all.

What they failed to mention was that "the rich" means anyone making over \$40,000 per year, and that subsequent "corrections" would lower that definition to \$30,000 to help increase tax collections by approximately \$23 billion per year. Also, that a reduction of tax brackets would be followed up by an increase in tax basis (fewer deductions), and that tax simplification is an extremely complex process, of which the following are some examples of their success:

1. Over 40 new tax forms have been or are being introduced and 200 forms are being revised.
2. A new mortgage deduction, Form 8598, with a four-page instruction booklet for people who have incurred mortgage debt after August 16, 1986, has been added.
3. There is a new W-4 with three pages of instructions.
4. Instead of earned income and unearned income, we now have earned, portfolio and passive. Passive can be either passive passive or active passive.
5. Passive losses cannot be offset against earned income unless your passive loss was from certain qualified passive activities or unless you were actively pursuing the activity or you were in a limited partnership before enactment of the new law.
6. Children under 14 who have portfolio or passive income over \$1,000 must file a form so that the income can be taxed at their parents' tax rate or their tax rate, whichever is higher.
7. Vehicle business expenses must be adjusted for depreciation if the vehicle weighs under 6,000 lbs. or cost over \$16,000.
8. Business travel and entertainment expenses are only 80 percent deductible, except certain types of T & E expenses are 100 percent; and sometimes, under certain circumstances, 80 percent items may be 100 percent, and certain 100 percent items may be only 80 percent.

9. You must now pay F.I.C.A. taxes on personal use of company vehicle.
10. You must now get proof of every new employee's right to work in this country if hired after November 1, 1986. If he's an alien, you need only one identification certificate. If he was born across the street, he has to have two pieces of proof. Everyone must fill out an I-9.

Now that we have this new simplified tax structure, as you can see by the above complex set of examples, you can expect to allocate a portion of that "tax savings" to professional help necessary to help you straighten it out.

It's not too soon to get organized for your 1987 taxes. Now's a good time to meet with your tax professionals to find out what he needs from you and to plan accordingly.



DEALER PROFILE

Art Konkle in Bay City

Art Konkle lives by one creed where his customers are concerned: *service* — just like the name of his station.

Konkle Super Service has been a fixture on Center Street in Bay City for 34 years. Not surprising is that Konkle has many of his original customers.

"We know our customers by name," says Konkle. "We're a neighborhood service station. That's our forte. There are always going to be people who will want to deal with neighborhood gas stations and with people they have come to know and trust. They are not going to want to deal with specialty shops."

"Our customers feel comfortable here," continues Konkle. "We give them a sense of security. They call us at home if they need us. They're safe with us. These are the best people to deal with."

And Art Konkle believes in the SSDA-Michigan. An SSDA-Michigan member over 15 years, Konkle has been a dealer representing Sinclair, Arco, Mobil, and currently Marathon, with whom he became associated in January, 1987.

"The SSDA-Michigan is an important organization to belong to," stresses Konkle. "Members share a common goal — unity. Like the old saying, 'Together we stand' and the SSDA-Michigan has stood by us in the good times and the bad. I remember when the 1973 oil crunch hit, the SSDA stood by us and we came to rely upon the organization."

Konkle also likes the fact that the SSDA-Michigan keeps dealers up-to-date on issues that impact upon them, like tank leak insurance and the right-to-know requirements.



APPLICATION FOR MEMBERSHIP SERVICE STATION DEALERS ASSOCIATION OF MICHIGAN, INC.

27780 Novi • Suite 106 • Novi, Michigan 48050
Telephone: (313) 344-8700



(We), by submitting this application and the payment of scheduled dues, hereby apply for membership in the Service Station Dealers Association of Michigan, Inc.

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

CITY: _____, MI ZIP: _____ PHONE: () _____

TYPE OF GASOLINE SOLD: _____

TYPE OF OWNERSHIP: (Check appropriate box)

☐ SOLE PROPRIETORSHIP ☐ PARTNERSHIP ☐ CORPORATION

NAME OF FIRST OWNER/PARTNER/CORPORATION PRESIDENT AND TREASURER:

NAME: _____ TITLE: _____

RESIDENCE ADDRESS: _____

CITY: _____ ZIP: _____ PHONE: () _____

NAME: _____ TITLE: _____

RESIDENCE ADDRESS: _____

CITY: _____ ZIP: _____ PHONE: () _____

LIST ADDITIONAL STATIONS OWNED

STATION NAME: _____ BRAND: _____

ADDRESS: _____

CITY: _____ ZIP: _____ PHONE: () _____

STATION NAME: _____ BRAND: _____

ADDRESS: _____

CITY: _____ ZIP: _____ PHONE: () _____

Signature _____

Date _____

DUES SCHEDULE

Annual Dues \$200.00

Second Station @ \$50.00 _____

Additional Stations _____

@ \$25.00/each _____

Partners @ \$12.00/each _____

Total \$ _____

I would like information on those items checked below:

- ☐ Michigan Bankcard-Visa/MasterCharge
- ☐ Dodson Workers Comp. Insurance
- ☐ Blue Cross/Blue Shield of Michigan
- ☐ Equipment

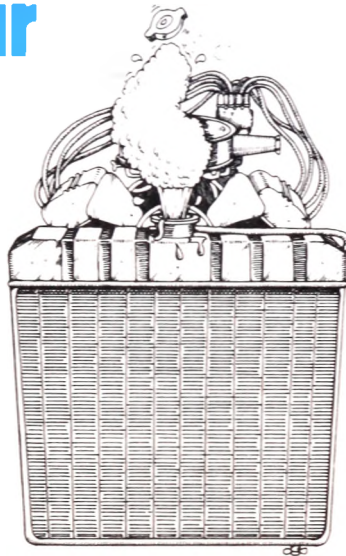
A dirty cooling system can make your engine run hot

When dirt, rust and sludge deposits clog the tiny passages in your heater core, you're in for a long, uncomfortable winter behind the wheel.

That's because these blockages prevent your cooling system from circulating hot coolant from the engine through your heater to warm the inside of your car.

But you really don't have to freeze this winter. Because now there's a method of cleaning out your car's entire cooling system, including the heater core. With WYNN'S

...and your heater run cold.



X-TEND Power-Flush and WYNN'S X-TEND Cooling System products. A new approach to cleaning and maintaining your automobile's entire cooling system, while helping to maximize cooling system efficiency.

WYNN'S X-TEND Power-Flush unit uses pressurized water and air to flush even those hard-to-reach areas of your cooling system.

So act now, before a dirty cooling system can cause your heater—and your blood—to run cold.

**Wynn's
XTEND
Power-Flush**

For further information or personal demonstration please contact:



W & S DISTRIBUTING, INC.

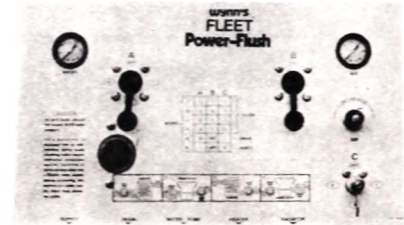
2936 Bay Road
Saginaw, Michigan 48603

Telephone: Saginaw (517) 792-7900 Warren (313) 978-7397

**Wynn's
XTEND**

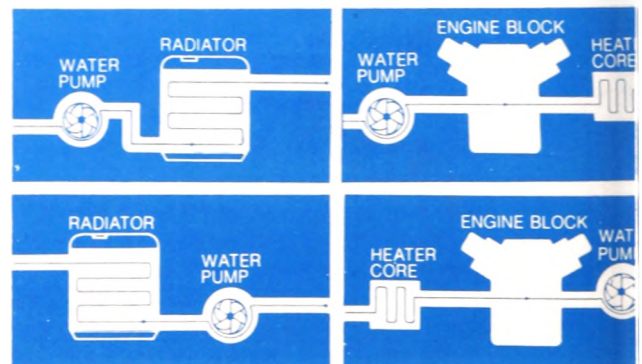
Power-Flush

a major advancement in automotive cooling system maintenance equipment



Water pressure, air pressure and the sight glass located on the face of the unit, allows the operator to completely control the flushing procedure and visually monitor the progress.

Residue removed from the cooling system is directed down the shop drain, helping keep the work area clean and dry.



WYNN'S Fleet Power-Flush utilizes multi-directional pressurized water and air turbulence to quickly and effectively flush and "scrub" all internal components of today's automobile cooling system.

This flow diagram illustrates the flushing direction. Surfaces on the system are "scrubbed" forward and backward to dislodge built-up deposits.

**Wynn's
XTEND
Power-Flush**
Advanced Cooling System Maintenance

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