



Service Station Dealers Association

Michigan

SERVICE QUARTERLY

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The official publication of The Service Station Dealers Association of Michigan

AET UPDATE

Keeping up with the A.E.T. program status is an hour by hour proposition. As most dealers are aware the most visible proposal has been House Bill 4165. That bill sets up centralized testing in the nonattainment areas of the state. The Service Station Dealers Association has taken a strong stance in opposition of that bill.

The reasons the SSDA opposes the bill are: 1. The consumer inconvenience of centralized testing including length of time waiting in line for a test. 2. This bill eliminates small business participation in testing. 3. Centralized testing is not mandated by E.P.A. for Michigan due to Michigan Moderate Ozone

Attainment Level. 4. The cost of both the program and the test is very high.

Through the work of many members and the association office, information on this bill was given to the motoring public and the representatives that must vote on this legislation. With this involvement, the proper information has been distributed, causing viable questions to be raised on why centralized testing is needed.

Also, to add to the situation, the Southeast Michigan area did not exceed the Air Quality Standards for this past summer. This would make the 3rd year with no exceedence and redesignation from a moderate to a

marginal ozone non-attainment level should be the result. This would once again lower the requirements on the SE Michigan area and require only a maintenance plan to be considered, which would include an upgraded I/M program.

A new development in the

Environmental Protection Agency's stance was reported in a Wall Street Journal article on Monday, September 13. It stated the E.P.A. had backed down on their threats to sanction California. Also, in the article they reported that questions have been raised on the Environmental Protection Agency's testing concept. These concerns have been raised many times in the past and now are being reported on. These two issues have been of great concern to the Legislators.

With all this information, a new bill was introduced by Representative Tom Alley, Westbranch, (Chairman of the House Conservation, Environment, and Great Lakes Committee). That bill calls for a decentralize program in SE Michigan with an up-



DEALER LARRY TROY, PERFORMING AET TEST.

grade to Bar 90 equipment with a set fee of 11.00 per test with 1.00 going to Administration. The west side of the state would be centralized with Bar 90 equipment. At this time this bill is very young and negotiations are just starting. Representative Alley is to be commended for taking such a proactive stance in this issue. This shows his commitment to the concerns of the people of Michigan.

One factor we know for sure, is the dealer involvement on a grass roots level has been very important. We must continue to let the views of the dealers and the motoring public be known. This will be a long process and we can not let up. Yes it is worth it, keep up the good work. ♦

FIRE ENGULFS STATION

On July 1st, it was required by the Flammable & Combustible Liquid Rules, that a sign be posted in the dispensing area which stated that: "A person shall

home's propane powered refrigeration unit pilot light was not extinguished, and therefore, ignited a fire which engulfed the motor home and the station canopy

causing an estimated \$80,000 to \$100,000 in damage to the station alone. The impact, upon falling, caused the latch open device to properly shut off the flow of fuel from the pumps and no one was



Photo by Dianne Ames

remain in attendance outside of the vehicle and in view of the nozzle." A prime example of why this is a very necessary precaution is what happened in Grand Ledge in early September.

A customer left his motor home unattended while fueling at the Grand Ledge Food Mart. Consequently, he was unaware that the nozzle had fallen to the ground causing a small fuel spill. The motor

home's propane powered refrigeration unit pilot light was not extinguished, and therefore, ignited a fire which engulfed the motor home and the station canopy

causing an estimated \$80,000 to \$100,000 in damage to the station alone. The impact, upon falling, caused the latch open device to properly shut off the flow of fuel from the pumps and no one was hurt in the blaze.

Standard policy for motor home refueling is to extinguish all pilot lights, however, many RV users neglect to take this safety measure.

Cathy Andrews, owner of Grand Ledge Food Mart said, "I will never again let a motor home customer fuel up at my station without first checking with the owner to make sure the pilot light is out." ♦

NEW OFFICERS

Elections were held for terms ending in the officer positions at this year's Annual Meeting of the Service Station Dealers Association of Michigan.

President Mick Kildea of Kildea Kar Kare in Lansing was re-elected to serve another term. Mr. Dennis Sidorski of J & S Shell in Ann Arbor was elected as 1st Vice President. Mr. Louis McAbay of Motor City Shell in Southfield was elected

2nd Vice President. Mr. Dave Cornish of Westgate Standard Inc. in Ann Arbor was elected as 3rd Vice President, and Mr. Larry Troy of M-59 & Crooks Auto Care in Rochester Hills was elected as Treasurer.

The new SSDA-MI board of directors will take the helm on January 1, 1994. They are a team of strong dealers sure to direct the voice of our organization into the future. ♦

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SEPTEMBER 1993

3RD QUARTER, 1993 VOL. VI, No. XXIII,
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NOTICE

DEALERS MUST NOTIFY SUPPLIERS BY OCTOBER 24TH FOR 93 HOLIDAY CLOSING

One of the provisions that became law when the Dealer Equity Bill (H.B. 4244) passed the legislature and was signed by the Governor took effect December 1991 and will impact the holiday season of 1993.

Under Public Act 134 of 1990, dealers who do not operate their station within 1/2 mile of an interstate or U.S. Route freeway exit have the right after December 1 of this year, to close their business on one recognized holiday a year from 6:00 p.m. the day preceding the holiday to 6:00 a.m. the following day.

To take advantage of this part of the law dealers must notify their supplier in writing (certified mail insures accuracy) 60 days before the holiday that they intend to close their station. For dealers to spend Christmas of 1993 with their families they must notify their supplier in writing by October 24, 1993. ♦

PRESIDENT'S CORNER

By Mick Kildea, SSDA-MI President

ANNUAL CONVENTION

The response has been "thumbs up!" to the 1993 Convention and Trade Show, held at the beautiful Park Place Hotel in Traverse City, August 22-25.

Dealers and their families attended informative seminars and exciting functions including the dealer trade show, profitability seminars, a cooking demonstration, and the B.B.Q. at the O.K. Corral Western Extravaganza.

The SSDA-MI was pleased with dealer participation and also pleased to see Representa-

tatives Vincent Porreca (D-Trenton) and Joseph Palamara (D-Wyandotte), along with their families, join in the fun.

The SSDA-MI would like to give special thanks to the following convention sponsors and trade show exhibitors whose support of the independent dealer in Michigan is evident by their participation in this event. Amoco Oil Company, Marathon Oil Company, Mobil Oil Company, Shell Oil Company, Eby-Brown, American Brewed Coffee, ATEC Associates, Blue Cross Blue Shield of Michigan, Blue Care Net-

work, Coca-Cola Bottling Company of Michigan, Comerica, D/A Central, Davidson Sales & Maintenance, Dodson Group, Environmental Consultants and Services, FEA Management, Gadaletto Ramsby & Assoc., Geo-Test, Grand Traverse Resort, Holiday Inn Lansing, Keebler Convenience Division, MacKenzie Environmental Services, Mackinac Environmental Technology, Inc., Michigan Bell, Mission Point Resort, Mr. Pure, North Michigan Pump Division of H.E.C., Oscar W. Larson Company, Otis Spunkmeyer, Inc., Park Place Hotel, Prudential Se-



curities, Inc., R.W. Mercer Company, Royal Equipment and Supply, Inc., S. Abraham & Sons, Shoreline Petroleum Equipment North, Inc., Stouffer Battle Creek, Sunrise Tank Testing, The Parks Company, Tire Wholesalers, Treetops Sylvan Resort, USTTech, Waste Management, and Young's Environmental Cleanup. ♦

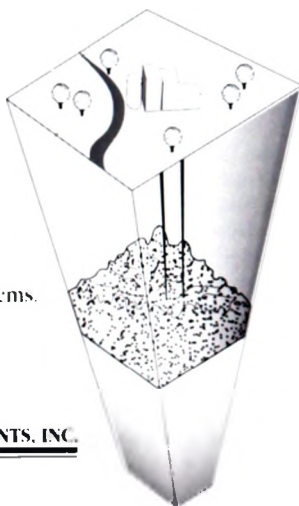
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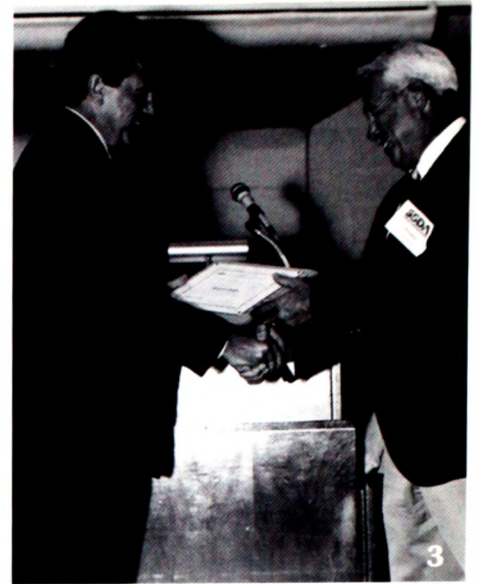
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CONVENTION PHOTO CAPTIONS

(Opposite Page)

1. Executive Director Terry Burns, awards President Mick Kildea with an appreciation of excellence award for his 1992-1993 term. (President Kildea has been elected to serve 1993-1994 for the SSDA-MI.)
2. Executive Director Terry Burns looks on as President Kildea awards George Schuhmacher with the President's Club "25 year member" award.
3. President Kildea awards Howard Hobbs with the President's Club "25 year member" award. (Not pictured is Larry Troy, whom also became a member of the President's Club.)
4. Dealers Tim Marinar and Duane Stiles talk with Rick Thornton, District Manager of Shell Oil Company.
5. Representative Joseph Palamara (D-Wyandotte) and his family joined the SSDA-MI at the Park Place for the 1993 event.
6. President Mick Kildea awards Mathew Asher (son of dealer Richard Asher) with the 1993 Charles L. Binsted Memorial Scholarship Fund.
7. Jeff Wilson, Vice-President of Shoreline Petroleum Equipment demonstrates his product to dealers Evert & Joan Buckner at the dealer trade show.
8. A highlight of this year's event was the Western Night -- B.B.Q. at the O.K. Corral. This major event was sponsored by Amoco, Marathon, Mobil and Shell Oil Companies.
9. First time exhibitors Cadillac Coffee made a great impression on the dealers during the 1993 Trade Show. Pictured is regional sales manager, Steve Thompson offering a sample.
10. Dealer Larry Troy was voted third runner-up in the best dressed contest.
11. Everyone loved learning that achy-breaky! Pictured is (left to right) Sally Kildea of East Lansing, Angie Lentz of Haslett, and Phyllis Fox of Royal Oak.
12. More country fun!



By Terry Burns, SSDA-MI Executive Director

A QUIZ TO THINK ABOUT



Let's start with a little quiz.

1. Break-even means:

- A. To break into 2 even parts
- B. Selling at cost, therefore recouping my money
- C. One morning break, one afternoon break
- D. None of the above

2. How many items would it take to break-even selling at cost?

- A. One
- B. Cost is break-even
- C. 100,000 items
- D. None of the above

To help answer these questions one must define some words.

1. Break-even: All income equals all costs.

2. Cost: The amount

spent in producing a commodity including time, money, effort, etc.

I heard the story told about the two people that went into business together. In order to get a real start in the market they sold their products at cost.

The response was so great so they continued to do so, selling more and more product each month. Soon a problem came up, they weren't making enough money. So after a lengthy discussion the conclusion was they still were not selling enough items.

Usually when these terms come up, one is talking about how little or how much profit was made. In the retail gasoline business

this is a daily calculation and rightfully so. The question many people have asked is how much money should a dealer make?

That question is very difficult to answer due to the many types of retail operations, gallons sold, geographic area and product mix. But what one can do is to look at other positions and then compare to ours.

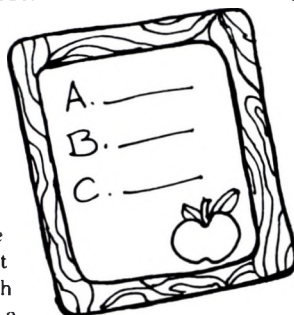
Let's take, as our example, a salaried position at \$50,000 a year + payroll taxes. (The field could be a marketing representative, advertising person or a state employee), this position also requires some daily travel so a vehicle with phone, an expense

account and calling card is needed. Also included is paid health insurance, a retirement plan, disability insurance and 3 weeks paid vacation and holidays, and only a 5 day work week, eight hours a day. There is training required for this so 1 week of seminars and 2 weeks of home office training are allowed both paid in full.

After putting very conservative dollar amounts to these categories that position now is worth over 75,000 a year.

Realizing this is an employee, we must take into account that dealers are owners and operators and the taxes and expenses may be

CONTINUED ON PAGE 16



Questions?

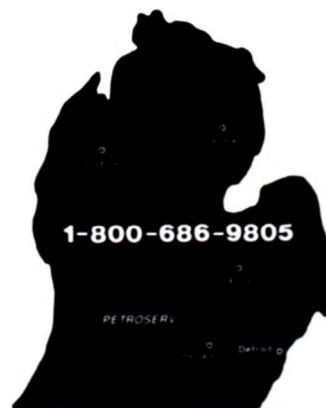
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DEALER PROFILE: Reg Binge

By Brent Morton, SSDA-MI

HE'S NEW TO THE BOARD, NOT NEW TO THE BUSINESS

Before he became a dealer, Reg Binge was a Marketing Representative for Amoco Oil. After five years though, he became tired of the corporate life, and moving around, and decided that he wanted the independence of operating his own business.

He began retailing Amoco gasoline, and continued for fourteen years. Reg then moved to the Sunoco station he currently operates, on the corner of Groesbeck and Sixteen Mile in Mount Clemens, and has been there for twelve years. Three years ago, he purchased a towing company and a repair company, and consolidated them all under one roof. Three months ago, Reg purchased his station from Sunoco, and is currently deciding which brand will be best for him to market.

Reg has seen a lot of changes, not only at his own station, but in the industry as a whole. But through it all, he has held to the business philosophy that if you give top quality service to your customers, they'll come back. He is pleased to be the newest member to the SSDA-MI Board of Directors, and looks forward to helping the association and its members.



REG HAS SEEN A LOT OF CHANGES AT HIS STATION ON GROESBECK.

S.Q. What's the most enjoyable part of being a dealer?

R.B. I think it's the independence of operating your own business. It's got its good points and its bad points, but after you've done it for so many years it's kind of hard to change. It's something different everyday, and you've got to be able to deal with the public.

S.Q. What are some of the down sides of it?

R.B. Many times I try to go too far, or do too much. We try to keep the customer happy, which is what you have to do to remain in business. Sometimes I think we actually hurt ourselves by the amount of stuff that you have to do for them, but this is what keeps them coming back. You want everyone to be 110% happy, and with the way prices are, and increases, expenses increasing you'd like to be able to go out there and fix it for 10 dollars, but you can't do it anymore.

S.Q. What do you see for the future of the Service Station industry?

R.B. The locations are decreasing, and you just don't have that many full service type stations left anymore. If somebody breaks down on Friday, you may have to go 30 miles to find a place that's open. I'm sure it's going to hurt the motoring public, but this is the way it's going. The number of locations are diminishing.

S.Q. What do you attribute that to?



THREE YEARS AGO, REG ADDED TOWING TO HIS LIST OF SERVICES.

R.B. Well, I guess you have to take it back to the motoring public, and what they want. It seems like more and more they want to be

able to do a one stop. As far as purchasing their quick bread, milk, impulse items -- rather than thinking about their car and getting it fixed. I'm sure there'll always be a market there for the service station dealer, and the dealer that takes care of his customers. I think it is declining. Especially the numbers, the numbers are going down. But I think that should create more opportunities for the guys that are there.

S.Q. This is obviously a very difficult and competitive business to be in. What have you concentrated on in order to be successful in this industry?

R.B. The main thing is customer service. Keeping that customer happy -- doing everything you can to please him. They're your customers; you've got to take care of them.

S.Q. What is your biggest concern?

R.B. The biggest concern that I have is probably worrying about my employees. Wanting them to succeed. Your not a GM type em-

ployer, and there's certain things you can do and certain things you can't do. You'd love to be able to pay everybody 2,000 dollars a week and that's just not feasible. I worry about that. I want them to be happy, and make a decent living.

S.Q. If I had just bought a station, what advice would you give me as a new owner?

R.B. It's awful hard going into this business, starting out. There's just so much involved. Including capital, equipment -- to get started. I guess if you were going into it, I'd say that customer service should be the main aspect. That's the only thing that makes you. Service that customer, and they'll come back.

I had a dealer one time tell me, when I was first going into the business, that if you sell the customer half of what he needs, you'll never have to worry about a thing. Just half of what he needs, and basically I've tried to follow that, and make the customer aware of what they need.

CONTINUED ON PAGE 21



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SALES AND THE LAW



In June, 1990, then Governor Blanchard approved a law making it possible for dealers to sell their franchises. The Motor Fuel Distribution Act (1990 PA 134), contains three very significant sections. One permits a franchise to devolve to a Franchisee's designated successor; another permits a Franchise to close on one recognized holiday; another permits sale of a franchise.

chisor would not be required in case of a sale. The reason is that the owner of a corporation may sell his or her stock in the corporation, transferring control of the business to another person. But most major brand franchises anticipate this possibility.

First, most franchisors will not grant a franchise to a corporation; it is given to an individual. This, it does not matter how the dealer styles his business or files

Consent

The most important provision of this Act is the obligation of a Franchisor to consent to a sale unless it has a good reason to reject the sale. The Act states that the consent of the franchisor shall not be "unreasonably withheld." That phrase is an important one, as it has considerable meaning in the law. It means that the franchisor may not refuse to grant a consent without having a reason; the reason must be a valid, acceptable, reason. The franchisor may have objections to the proposed purchaser. But the objections must be reasonable, not imagined, and not absurd. For example, the franchisor may not object to the

purchaser on the basis of his or her gender, race, or national origin. But the franchisor could reject a purchaser who had recently filed bankruptcy. A franchisor could not object to a prospective purchaser because he or she does not maintain prices the franchisor prefers. But the franchisor could object based on a purchaser's history of unsatisfied customer complaints. In short, the reason must be valid.

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The most important provisions of this Act is the obligation of a Franchisor to consent to a sale

A lot has been said about the sale section of this Act. But many dealers have submitted questions about the law. These questions suggest that there is a lot of misunderstanding about this statute. A brief review may be in order. This article will deal only with sales. Another article will deal with survivorship.

A. Every sale is (at least) a three party transaction: the franchisee seller, buyer, and the franchisor. The consent of all three is required to consummate a sale. Seller and buyer must reach agreement. But their deal is subject to the approval of the franchisor. Every major brand franchise expressly requires the approval of the franchisor for any transfer of ownership.

A note here on dealers operating as corporations: many dealers incorporate. There are several reasons for doing so including limitation of some liability and certain tax advantages. If a dealer's franchise were granted to the corporation, the permission of the fran-

chisor is personal to the dealer. And sale of the corporate stock will not accomplish transfer of the franchise.

Second, many franchises provide that the franchise is granted on the condition that a particular person will act as manager on a full time basis. And the withdrawal of that person as manager is grounds for termination of the franchise.

Either of these events will successfully prevent the dealer from simply selling corporate stock. Thus, the approval of the franchisor is always required before a sale can be completed.

B. Before the Motor Fuel Distribution Act, franchisors operating in Michigan had no limits on their discretion. They could approve or reject a proposed sale as they wished. They could give a reason, or not give a reason. And they could take their time in providing an answer, or never answer at all. The law changed all of this. Section 4 contains three basic concepts: "consent", "time" and "reasons".

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By Brent Morton, SSDA-MI Staff

MUSTFA ...GAS TAX...USED OIL

MUSTFA

As you are well aware, the Michigan Underground Storage Tank Financial Assurance (MUSTFA) program has been experiencing cash flow problems resulting in unpaid claims. The Legislature has been working since the beginning of this year to resolve financial, as well as other, problems facing the program.

Due to the recent passage of House Bill 4785 (Public Act 132 of 1993), the MUSTFA fund. In early September, MUSTFA began mailing \$50 million in reimbursement checks to Michigan tank owners with approved claims for clean-up. HB 4785 allows the state to bond against the seven-eighths of a cent environmental regulatory fee, which currently funds the MUSTFA program.

\$50 million worth of bonds have already been sold, and additional bonds will be sold each month totalling as much as \$200 million. These bond payments will cover only approved invoices for clean-up work performed prior to August 31, 1993.

In an attempt for the Legislature to solve some of the

MUSTFA problems, Senator Ehler's bills (Senate Bill 644 and 645) and Representative Alley's bill (House Bill 4783) were reported out of the conference committee on September 14. These bills will now return to the Legislature, and if passed would restructure and extend the life of the MUSTFA program.

Representative Alley requested that a revised clean-up standard proposal be presented to his sub-committee

Excise Fuel Tax

Effective October 1, 1993 the Federal Budget Bill imposes a permanent excise tax increase of 4.3 cents per gallon increase on all transportation fuels currently subject to the Leaking Underground Storage Tank (LUST) Trust Fund excise tax, liquefied petroleum gases currently taxable as special motor fuels, and diesel fuel used in noncommercial mo-

Under the de minimis rule, dealers with floor stocks of less than 4,000 gallons of gasoline and less than 2,000 gallons of diesel fuel will be exempt from the floor stock tax. Those dealers with floor stocks over the specified amounts will need to file before the November 30th deadline.

Local Gas Tax

Attorney General Frank Kelley ruled August 18th that the State Constitution does not empower counties to impose a local tax on gasoline, in addition to the state tax.

Attorney General Kelley said that: the state's specific sales and use tax on gasoline, imposed in 1927, is intended to be in lieu of all other taxes on gasoline by the state or any political subdivision. Any local tax on gasoline would be subject to the constitutional limitations on the use of the proceeds of a specific tax on motor fuel.

Used Oil

Due to the Used Oil Recycling Act of 1990, the Department of Natural Resources is developing a comprehensive plan creating a statewide network of used oil collection facilities. This network will include private, state, and local entities to ensure that used oil generated by do-it-yourselfers is reclaimed appropriately.

Currently, workgroups have been established to discuss possible legislation. These workgroups are made up of representatives from all interested groups. SSDA-MI has been involved since the onset, and will continue to keep you informed of any pertinent issues. ♦

In early September, MUSTFA began mailing \$50 million in reimbursement checks to Michigan tank owners with approved claims for clean-up

(the House Conservation, Environment and Great Lakes Affairs subcommittee) within the next three weeks. It is still, however, a long way from a resolution to the MUSTFA problem, and many changes can be expected to any bill on this subject.

torboats.

The new excise tax is generally collected in the same manner as are existing excise taxes on these fuels. Floor stock inventory at the opening of October will also be taxed at the 4.3 cent per gallon rate. This floor stock tax will be due on November 30.

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NEWS BRIEFS

Election Date Set

Tuesday, December 7th has been chosen as the date that voters in the 3rd Congressional District will go to the polls to fill the vacancy created when U.S. Representative Paul Henry (R-Grand Rapids) died of brain cancer July 29th. Under the schedule, announced by Governor Engler, a special primary will be held Tuesday, November 2nd.

ASE Certification

The National Institute for Automotive Service Excellence has set its Fall 1993 test dates for November 3, 4, and 9. If the October 1st registration deadline is missed, it will be another six months before the next ASE certification opportunity.

ASE will be offering a wide variety of certification tests including: Automobile/Light Truck, Medium/Heavy Truck, Compressed Natural Gas Light Vehicles, Body/Paint, Engine Machinist, and Parts Specialist; along with Recertification Tests. For further informa-

tion, or a registration booklet, contact the SSDA-MI office at (517) 484-4096.

R-12 Substitutes

Recently, the Environmental Protection Agency published its Significant New Alternatives Policy (SNAP). In the SNAP are listed acceptable substitutes for banned and soon to be phased out substances; including those for CFC-12 (R-12). Only two substances have been chosen as substitutes for R-12. They are HFC-134a (R-134a), and a DuPont blend HCFC-22/HFC-152a/HFC-124.

These substitutes are not interchangeable with R-12. They are simply the chemicals to be used for new vehicle air conditioning units, and retrofits.

Scrap Tires

Recently, **House Bill 4691 (the Scrap Tire Regulatory Act)** was voted out of the House and sent to the Senate. This bill could have meant additional regulations on how you handle

your scrap tires. However, thanks to the efforts of the SSDA-MI, an exemption was gained for retailers who store under 1,500 tires on site and adjacent properties. This will allow small tire dealers to be able to store their scrap tires as they deem best; until they are disposed of with a registered scrap tire collection site, licensed landfill, or contracted hauler.

It is through the work of the Association, Pump Club, and our members that Legislation like this can be best addressed. Thank you for your support.

Family Leave

If you have 50 employees within 75 miles, who have worked for you for at least one year, the **Family and Medical Leave Act of 1993** requires you to provide up to 12 weeks of unpaid, job protected leave to them for certain family and medical reasons. Unpaid leave must be granted for any of the following reasons: 1. to care for the employee's child after birth, or placement for adoption or foster care; 2. to care for the employee's spouse, son, daughter, or parent, who has a serious health condition; or 3. for a serious health condition that makes the employee unable to perform the employee's job. Ordinarily, the employee must provide 30 days advance notice to the employer (when the leave is foreseeable) and, an employer may require medical certification to support requests for leave due to a serious health condition.

If this applies to you, you are required by law to post information explaining employee rights under this act.

IRS Publications

The Internal Revenue Service offers several publications to aid small business owners. The publications are free of charge, and can be ordered by calling **1-800-829-3676**.

The publications available are as follows: Understanding the Collection Process (Publication # 594), Tax Guide for Small Business (Pub. 334), Your Rights as a

tax Payer (Pub. 1), Employers Tax Guide (Pub. 15), Travel, Entertainment & Gift Expenses (Pub. 463), Depreciation (Pub. 534), Accounting Period & Methods (Pub. 538), Tax Information on S. Corporations (Pub. 589), Guide to Tax Free Services (Pub. 910), Business Use of a Car (Pub. 917).

Phase Out

The production phase out date for chlorofluorocarbons, including R-12, has been changed. Originally, production of R-12 was to be phased out by January 1, 2000. The new production phase out date has been moved up to December 31, 1995. This means R-12 shortages, along with the necessity to retrofit, will be a reality sooner than expected.

Self Cleaning Bathroom

For about six months in Illinois, Amoco has been testing a new self cleaning bathroom. The \$15,000 to \$22,500 unit uses 39 nozzles to spray cleansers and water at the walls, mirror, sink, and toilet. Then warm air dries the room, leaving the area spotless in 24 minutes. More Amoco installations are planned through Self-Cleaning Environments Inc. of California.

Traveler's Checks

In the last few months, many American businesses have lost thousands of dollars in revenue due to Canadian traveler's checks being passed off as American traveler's checks.

Canadian traveler's checks will be used to pay for an item, and change will be returned in American currency. Traveler's checks look alike from one country to the other, except for the currency designation. The only visual difference is that Canadian traveler's checks say "Canadian Currency" in small print on the bottom of the check.

It is important that you look carefully at the currency designation. It could save your business from being hurt financially. ♦

WHAT DO THEY BUY?

*What types of items do people typically buy at a convenience store?**

Rank	Product	Percent
1	Milk	52.4
2	Gasoline	43.3
3	Bread	42.0
4	Snacks	38.6
5	Cigarettes/Tobacco	27.1
6	Candy	24.1
7	Newspapers	20.6
8	Soft Drinks (Six Pack)	18.6
9	Beer	14.6
10	Soft Drinks (Indiv. Cans)	13.7
11	Soft Drinks (Fountain)	11.3
12	Prepared Foods/Fast Foods	9.2
13	Lottery Tickets	7.0
14	Coffee/Hot Drinks	6.1
15	Ice	6.0

*Percent of Respondents Purchasing Certain Products
Consumer Product Purchases, 1992 Consumer Attitude Study, National Association of Convenience Stores.

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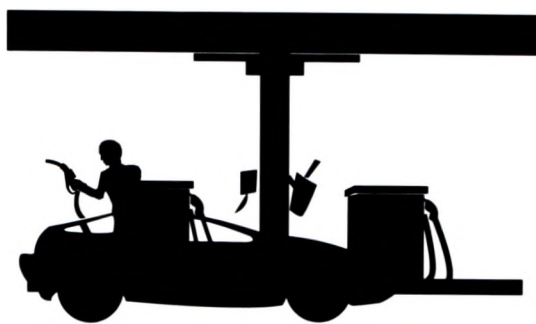


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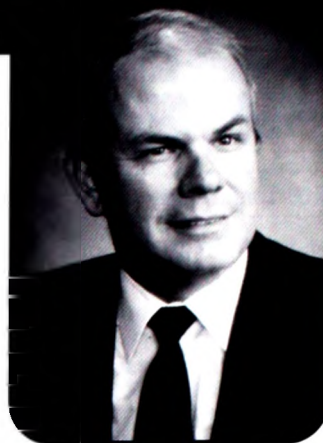
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BUSINESS FOCUS

By Larry Wright, L. A. Wright, Inc.

NEW TAX LAWS



What could be more appropriate than to discuss income tax in this article? Not only is it the right time of year for some of your tax planning, it is also impacted substantially with the new Revenue Reconciliation Act of 1993. At the same time, there's a fly in the ointment called "Team Yellow Jacket" about which you should be aware.

The Revenue Reconciliation Act will substantially affect some service station dealers while it will minimally affect many service station dealers. This overview is simply a skimming of the facts and you should seek tax planning advice from your tax professional as soon as possible.

New tax brackets

The new tax brackets, 36% and 39.6%, affect married taxpayers earning \$140,000 and \$250,000 respectively. Those incomes are based on taxable incomes after itemized deductions and dependent exemptions. I don't perceive that this will affect too many dealers. (In my heart I wish that these tax brackets would affect more of you.) Additional taxes created by these bracket increases can be paid over a three year period of time at no interest expense. This involves a tricky

formula and you want to be sure to get qualified professional advice before trying to take advantage of this limited break. Estimated tax penalties for 1993 will be waived if due to retroactive changes in the tax law.

Retirement

For those of you who are looking forward to retirement (or have already done so), you will find that 85% of your Social Security benefits will be taxable if you are married and your income exceeds \$44,000. This is a second threshold since the first threshold taxing 50% of your Social Security benefits still exists. You have to be careful with this formula as well.

You will no longer earn your way out from under all of the Social Security burden, since part of it has been redesignated as a Medicare tax and the cap on the Medicare tax has been removed.

Also, estimated tax underpayment penalties have changed again. Your most probable safe harbor is to see to it that you pay 100% of your last year's tax in estimated taxes for your current year unless you make over \$150,000; then you will have to use 110% of last year's tax to avoid the penalty.

Furthermore, if you have a bad financial year, you will

find that the earned income credit has been increased and covers more people. The maximum credit for those with two or more children will be \$2,527 in 1994.

I know you've been waiting for this one! The presidential Election Campaign Fund check-off has now been increased to \$3.

Health insurance

The health insurance deduction for the self-employed has been reinstated retroactively. You may wish to check to see if you get to amend the last one or two years returns due to the additional deduction. The problem with this is that it may cost you more to amend it than the tax it will save.

Business

In the business area, you will be interested to know that your corporate tax has gone up by 1% if you earn an excess of \$10 million. I hope more of you will begin to share this problem in the future. (That's not sales, that's earned.) More important in the business arena, your business meals and entertainment are now only 50% deductible.

Furthermore, if you belong to a club where you do entertaining, you have been

allowed deductions for a portion of your dues in the past.

Starting in 1994, those dues will no longer be deductible. You may wish to prepay your 1994 dues in 1993 to protect some of the deductibility.

Some of the most important changes for your business include the ability to write off goodwill and going concern values that you purchase when buying a business. This may affect your business purchases as early as July 25, 1991. This rule provides a 15 year amortization period and there are some exceptions and conditions. Check this out carefully.

Also, you may now write off up to \$17,500 of your equipment purchases in the year of purchase under Section 179. This is up from the \$10,000 figure in the past.

Investing

If you're thinking of investing in commercial real estate, you must now use 39 years to depreciate your building.

CONTINUED ON PAGE 22

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SMART MONEY

Tax-free vs. taxable investments

Many investors face choosing between tax-free mutual funds and taxable mutual funds

How to determine the yield that a taxable investment must return to equal returns from a tax-free investment

Let's say you are planning to invest in a tax-free mutual fund that yields 5 percent — and you are in a 28 percent tax bracket

First, subtract your tax bracket from 100 to get the portion of your income that you keep after taxes

Next, divide the tax-free investment's yield by 72 percent (the amount you keep after taxes)
 $5 \text{ divided by } 72 = 6.94 \text{ percent}$

This figure is the yield that a taxable investment must deliver to outperform the tax-free investment.

SOURCE:
New Woman
magazine



Copley News Service/Ken Marshall



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____ \$250 annual payment

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Signature _____ Date _____

MONEY REVIEW

By Ann Perry, Copley News Service

REFINANCING CAN YIELD A HEFTY DEDUCTION

If you're among the growing number of homeowners who recently refinanced a mortgage for the second or even third time, your "leftover" loan points might entitle you to a hefty tax deduction.

Points are upfront fees charged by lenders, typically between 1 percent and 2 percent of the mortgage loan. When you refinance a mortgage, the IRS lets you deduct those fees over the life of the loan.

Thus a homeowner who refinances a 30-year, \$150,000 mortgage at 2 points can deduct \$3,000 over 360 months. Amortizing the points that way works out to \$8.33 per month or about \$100 per year.

That won't dramatically

alter the bottom line of the average tax bill. But if the homeowner refinances a second time, taking advantage of still-falling interest rates, he can deduct the balance of the points.

"It can make a big difference, writing off \$2,000 or \$3,000 in leftover points on an old loan," said Constance Whitney, an enrolled agent. An enrolled agent is a federally licensed tax preparer.

"I have some clients who refinanced two or three times in 1992," she said. "It gets a little wild."

A taxpayer in the 28 percent tax bracket who deducts \$3,000 worth of points in 1992 would save \$840 in taxes.

A taxpayer also can write off the balance of points

when selling a home that had a refinanced loan.

Multiple Refinancings

Because mortgage interest rates have dropped so dramatically since 1991 from about 10 percent on a 30-year, fixed-rate loan to less than 7 1/2 percent multiple refinancings have become increasingly common.

Last year "was the year of refinancing," said Leland Brendsel, chief executive officer of the Federal Home Loan Mortgage Association, or Freddie Mac. The publicly chartered agency packages home mortgages for sale as securities.

"One third of all existing loans were refinanced in 1992," Brendsel said. "Many

consumers refinanced twice. I did, personally."

Brendsel predicted that in 1993, one-fourth of existing mortgages will be refinanced.

"We're seeing people who've refinanced in the past 12 to 24 months starting to come back in again," said Randy Willox, a regional vice president for Countrywide Funding Corp., the nation's largest originator of home mortgages.

Mortgage rates are at their lowest levels in 20 years. Recently, a borrower could get a 30-year, fixed-rate mortgage at 7 1/4 percent, paying 2 points, or at 7 3/8 percent and 1/4 points, or 7 3/4 percent and no points.

CONTINUED ON PAGE 20



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handled a little different, but all owners require money each month to operate on. Each owner's requirement will be different, but we can use this number divided by 365 days to equal a \$205.00 a day requirement in order to match that example position.

Using these numbers (which again, are very conservative), a dealer has to allow at least a 50% factor

increase in payroll calculation just to come close to an employee position in the

amount of time a dealer works or the initial investment that was required

There will always be a misunderstanding of those people not in an ownership position of how much money a dealer makes.

work force.

This calculation still does not take into account the

verses the example position.

Once again this brings up the idea of "oh, you own

your own business, you've got it made." There will always be a misunderstanding of those people not in an ownership position of how much money a dealer makes.

The grass always looks greener on the other side of the fence. Especially when the other side of the fence has the ability to control what goes on there.

So from this quiz and example we know:

1. That the owner's expenses, insurance and salary must be considered when figuring "cost".

2. In order to break-even all costs must be taken into account when determining the selling price of products being sold.

Now take a walk around your operation and look at the prices. Do they reflect the true cost of the operation? Yes, you have to consider that big sign outside on the corner also!

Just something to think about. ♦

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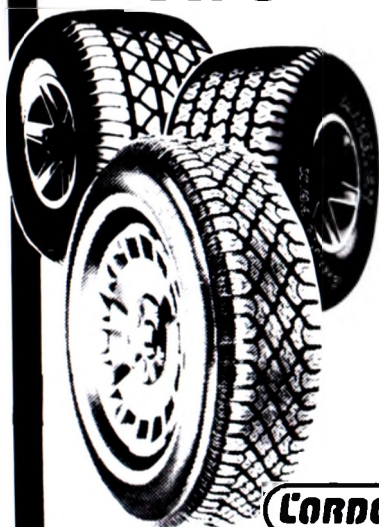
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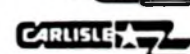
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SOCIAL SECURITY Q&A

By William M. Acosta, Copley News Service

EARNING CREDITS

Q. I am told that I am not covered by Social Security even though I have been working and paying Social Security taxes for nearly a year. Why am I being taxed if I am not covered? - J.M.

A. As you work and pay taxes, you earn Social Security "credits." Most people earn four credits a year, the maximum that can be earned in a year. Usually, 40 credits are required to qualify for benefits. Therefore, most people qualify after 10 years of work.

However, some younger people can qualify for disability or survivor's benefits with fewer credits, and others can get benefits as a dependent or survivor on another person's Social Security record.

Q. I applied for Social Security disability benefits almost a month ago and haven't heard a word yet about whether I qualify. As I recall, my father started to receive retirement benefits shortly after he retired.

How long should I wait before becoming concerned? - M.G.

A. You have no need to be concerned. The claims process for disability benefits is generally longer than for other types of Social Security benefits, often from 90 to 120 days.

It takes longer to obtain medical information to assess the nature of the disability in terms of your ability to work. This is why we encourage people to apply for benefits as soon as they become disabled.

Q. I'll be retiring next month at age 62. When will I be able to get Medicare benefits? - B.L.

A. Medicare benefits will not start until you reach age 65. You should plan to continue your employer's coverage, or enroll in another health-care plan if you cannot continue your present coverage, until your Medicare protection takes effect.

Q. My neighbor and I have been very good

friends for many years. I noticed that she isn't able to get out much and has been having difficulty managing things. I'm concerned about her and would like to help.

Could I file as her representative payee even though we are not related? - B.M.

A. Yes, you can file even though you are not related. Before you are selected to be her representative payee, Social Security will first determine whether your neighbor is unable to manage her benefits.

Contact Social Security and tell them of your concerns about your neighbor. She may simply need someone to help her make out bill payments from time to time but may not need someone to assume total responsibility for managing her benefits.

Each prospective payee is carefully evaluated to make sure that the beneficiary's best interests are served.

Q. I received a letter from Social Security that they plan to review my disability claim. My condition hasn't changed, and I am not working. Why am I being reviewed? - B.K.

A. Social Security disability benefits are paid to people who are disabled and unable to work. The law requires that Social Security disability cases be reviewed periodically to ensure that beneficiaries are still disabled. The frequency of the review depends on the severity of your impairment and the likelihood of improvement.

If your condition has not changed and you are not working, your benefits will not be affected. And if you disagree with the decision after the review, you may appeal it.

Q. I understand that I might be able to get help in paying my Medicare premium and annual deductible. How does this work? - P.L.

A. If your income and resources are limited, the state

you live in may pay your monthly Medicare medical insurance premium, Medicare deductible and coinsurance amounts.

To find out if you qualify, contact your state Social Services office and ask about the Qualified Medicare Beneficiary program (QMB).

Q. My mother is 68 and is covered by Medicare. Isn't she entitled to receive a mammogram every year? - L.S.

A. Only if she has specific signs of a problem - such as a lump in the breast - and has been referred by a physician for a mammogram; then Medicare will help pay for a mammogram.

Otherwise, Medicare would help pay for a mammo-

gram only every other year.

Q. I will be 62 on Jan. 3. I just filed my claim and was told I won't get a check before March 3. Why can't I get paid for the months of January and February? - W.I.

A. Benefits can be paid only for months you are eligible throughout the entire month; therefore, you cannot receive a check for the month of January. The check you will receive March 3 will be for the month February.

Social Security checks are paid after the month has ended.

Questions on Social Security may be sent to William M. Acosta, Social Security Office, 880 Front St., Room 1-N-8, San Diego, CA 92188. ♦

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LAW TALK CONTINUED FROM PAGE 9

Time

The Act requires that a franchisor act promptly to explain its reasons for approving or rejecting a

prospective purchaser. The Act gives the company 60 days "after notice of intent and all requested information" to state its approval or rejection to the sale.

When does the 60 day period begin to run? The Act was designed to require a

prompt response. It is clear that a franchisor cannot use the artifice of continual requests for information to indefinitely delay response time. But the dealer cannot reasonably expect a franchisor to make a decision if inadequate or incomplete information is provided. The best system here is to find out what the company requires before the business is offered for sale. Usually they will require a copy of the purchase agreement (meaning a

items (like divorce decrees or health statements) should not be used for delay. However, information should be provided promptly, to avoid this being used as a basis for rejection of the purchaser.

Reasons

The franchisor must state its decision in writing. And the explanation must be sufficient to permit a dealer to understand why the purchaser has been rejected. The reasons cannot be so obscure as to be meaningless.

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professionally prepared document, not something written on the back of a repair order); the purchaser's financial statement. The 60 days should begin when this information is given. Sometimes the franchisor will request some additional item. A legitimate request can delay the start of the 60 days. But the request must be valid, not for the purposes of stalling. For example, the franchisor may want to see a certified financial statement, or a tax return, but a request for unnecessary

For example, a franchisor could not reject a purchase by stating that the purchaser "does not meet standards." The franchisor must state which standards, and how the person fails.

For dealers, the Motor Fuel Distribution Act is one of the most important pieces of legislation ever adopted. Ranking close to the PMPA, it means that dealer businesses have real value because they can be sold. Dealers should understand this Act to insure that they enforce the rights the Act gives them. ♦

MONEY REVIEW
CONTINUED FROM PAGE 15

A 15-year loan can be had for 7 percent and 1 point, while variable loans are available at 5 1/4 percent and 1 point.

It used to be that homeowners were advised not to refinance unless they could reduce their mortgage interest rate by 2 percentage points - to 8 percent from 10 percent, for example.

But for a growing number of homeowners, it can pay to shave just 1 percentage point off the loan, according to financing experts.

"These days, if you really work the numbers, it makes sense," said Lawrence Frauens, senior loan officer at commonwealth-United Mortgage. "In tough economic times, people will go the extra mile and work a little harder to save."

Lenders report an increasing interest in "zero-point" loans. But those loans carry a higher interest rate than mortgages with points.

The points are, in fact, part of your loan's interest. That's why the IRS allows you to deduct points along with the rest of the interest on your home loan, according to Curt Welker, an accountant.

In certain cases, homeowners can deduct all of their mortgage points in one year instead of spreading them through the life of the loan, Welker said.

When taking out a new loan to buy a home, as opposed to refinancing an existing mortgage, borrowers are eligible to deduct all their points in the first year.

But they must have put at least as much cash into the escrow account as the amount of the points. (And the money must be theirs, not borrowed.)

The IRS then considers the points to be paid up front, even if the escrow proceeds are used for other purposes.

If the escrow account falls below the amount of the points, though, the points must be deducted over the life of the loan.

Points for a refinanced loan can only be deducted over the long term - except in cases where part of the new loan is used for major home improvements, such as a room addition or a new roof.

Then the homeowner can prorate the points on the home-improvement part of the loan and take an immediate deduction, Welker said.

Thus, a family that takes out a \$100,000 loan to replace an \$80,000 mortgage and uses the remaining \$20,000 for improvements would be able to write off one-fifth of the total points in the first year. The family would prorate the remainder of the points over the life of the loan, including that initial year.

If you have refinanced your home loan, it's important to keep the loan records. That way you can take the appropriate deduction should you refinance again or sell the home.

"Continuity is important," said Whitney, the enrolled agent. "If you have changed tax preparers, you run the risk of losing that amortization schedule. Keep that closing statement as long as you have the property." ♦

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DEALER PROFILE
CONTINUED FROM PAGE 7

S.Q. Do you have a good block of loyal customers?

R.B. We have our normal customers, which we've been servicing sometimes for twenty years, and that makes a good customer base. To keep growing, or to keep in business, you've got to keep creating new customers. That comes through your advertising, and through our service tow trucks. We keep trying to build on that base.

S.Q. How have you been effected by the ups and downs of the economy, the recessions?

R.B. In our particular area, we've got major auto companies and a lot of job shops, and so on. When these are effected, when you've got a low economic time – locally, you do notice it. People start checking prices, and so on, more than they normally would.

S.Q. How has the association helped you through the years?

R.B. Well, without the association, we would be in a lot worse shape than we are now. All the new laws, and the way they keep up with them. The lobbying that they do – we could never do this individually. I'm sure, a smaller, independent dealer, like myself, would be in a lot of trouble without the association. You just need somebody where you can go collectively. There are hundreds of things that the association has done – in the past 20, 25 years that I have known. We have shrinkage, AET. There's a constant battle. They put one fire out, and then there's another one.

S.Q. Have you received a lot of advantages from the people you've met in the association?

R.B. This is number one. One of the reasons I like going to meetings and talking to dealers and finding out everybody has the same problems. I guess it makes you feel better when you

come back after finding out that, yes, he has health problems, and yes he has money problems, he has building problems. He's got the same type of problems



THE CITY IS CURRENTLY DOING CONSTRUCTION BESIDE REG'S STATION — HE STAYS OPEN.

that you've got. And you talk about them, and many times you find out how they worked out their problems. You can help somebody else, or they've helped you work yours out. That's one of the major things that I get out of talking to dealers.

If more guys would get involved, either with the association or even with their oil companies, talking to people you find out that you've all got the same kind of problems – this is how you come up with the answers.

S.Q. I understand that you currently run A.E.T.. How do you feel you will be affected if HB 4165 is passed in its' current form?

R.B. Basically it's going to affect us as far as dollars. We don't do a whole lot of tests, but even to the tune of 5, 6 tests a day – It's 50, 60 dollars a day. Which translates into 18,000 dollars a year, and that would be hard to pick up. It would be awful hard to pick up. I don't think you could do it.

S.Q. Are there other benefits from A.E.T.? Does other business come from doing that testing?

R.B. You end up with some repairs that you pick up off from them. It's just like anything else, it brings the customer in. Normally, we'll check oil before we do a test. You know, that's a quart of oil. Could be an extra 75 cents or a buck, but it's still a part of it. With all

of the self service now, you'll find those cars 3, 4 quarts low sometimes on oil, coming in for a test.

S.Q. If HB 4165 is not passed in its' present form, there will probably need to be some changes, and some upgrade in equipment. Will you be willing to do that?

R.B. I think we'll probably

have to if we are going to stay in that business. We'll have to upgrade. I don't know exactly what all the costs are involved at this point. But it's still a portion of our business, and if we're going to be in business it's what we'll have to do as long as we can get financing.

S.Q. I understand you are the newest member of the SSDA-MI board of directors. What made you want to get more involved in the association?

R.B. Well, I think it's becoming more and more political. And there's more and more laws being enacted that are going to directly affect us. Every time you turn around there's something new coming up, and if we're not involved we're going to be hurting in the end.

I am excited about it. I've always wanted to – you just keep putting it off until you see certain things. You want certain things to get done, and you just got to get in there and offer your help. Everybody's always busy, and I'm always busy too, but you just got to take some time and give it back to the association. And along with helping yourself, your helping many other guys and there's a lot of nice guys in the association. ♦

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BUSINESS FOCUS
CONTINUED FROM PAGE 13

It may be easier to acquire private financing by selling some of your corporate stock to a "friendly" investor since he can now redeem that stock with you in the future at a profit that will be taxed at only 50% of capital gains rate (14% tax rate). This should open new fields to small business financing.

Gasoline — Important

A floor tax of 4.3 cents per gallon will be imposed on inventories held on October 1, 1993. The tax will be payable by November 30, 1993.

Now, to add insult to injury, you should be aware that the Internal Revenue Service, under their Audit Specialization Program, has established an audit review booklet entitled PUMPING PROFITS, an auditors guideline for a new look at the neighborhood gasoline service station. This book was published in September 1992 for the new "Team Yellow Jacket" Audit Program targeted at the service station industry. It is MUST reading for the service station dealer.

This is an alert to you that the service station dealer is a targeted audit mark for a far reaching audit sweep that will include many of you.

This is a significant un-

dertaking by Internal Revenue Service and the book provides the guidelines to be utilized by the auditor in reviewing your records. The following information will provide you with some of the guides that are being presented to the auditors in checking your business:

- "Inadequate records is one badge of fraud."
- "Returns with high potential for adjustment (returns that show less than \$25,000 income)."
- "IRS will be using the Lundburg Survey which pro-

chases to goodwill, which, in the past, was nondeductible.

- IRS will specifically look for rent credits applied to the dealer's open account also to see if they have been properly reported.
- "Net profit appears to be close to 10% of total receipts. Especially if there is more than gasoline involved in that location. As an example, a service station doing \$2,500,000 in gross sales per year should have a net profit of \$200,000 to \$250,000 or more." (Guidelines like this could develop substantial

IRS auditor.

- One guideline indicates that mechanical services are expected to be at a 75% productivity level. This means that if you are using \$40 per hour for mechanical services (much too low), IRS will expect to see at least \$240 per day in mechanic's productivity.
- The inadequate records review for possible fraud will be a part of this audit. It will include questions such as: "What kind of car does the taxpayer drive?" and "What price of home does the taxpayer own?"

The above items are just a few of those mentioned in the 35 page PUMPING PROFITS audit guideline. You can have a copy made available to you by calling us at (313) 547-3141.

It's apparent that the tax impact to the service station dealer will be substantially greater in the near future than just those considerations given to the new tax act.

It's also apparent that it is critical for the service station dealer to develop a better discipline in the quality of his records so as to be able to take advantage of all the tax opportunities without repercussions from an audit. Please see to it that you tax professional is well apprised of your overall needs. ♦

***"A computer disc listing names
and addresses of local
independent suppliers is being
sent to each district."***

duces a bimonthly index of retail gasoline prices and are listed by type of oil and type of gas and the location of the particular gas stations."

- "A computer disc listing names and addresses of local independent suppliers is being sent to each district."
- IRS will be looking for business purchases that over value the equipment, lease hold improvements, or non-compete agreements. The reason for this review will be to reallocate pur-

frustration for the dealer being audited if the auditor's perception believes this audit guideline to be true.)

- IRS will be looking for mark ups in oil of 80% to 120%, TBA in 30% to 60%, groceries at 30% to 40%, and fast food at 40% to 60%. Apparently mark ups of less than these numbers will be suspect in the eyes of the



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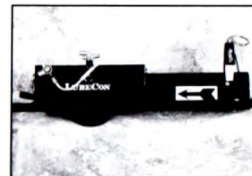
and the SP09.

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For more information, contact your local Rotary representative or authorized distributor. Or you may either write, Rotary Lift, 2700 Lanier Drive, Madison, Inc., 47250 or call, 1-900-445-LIFT (5438).

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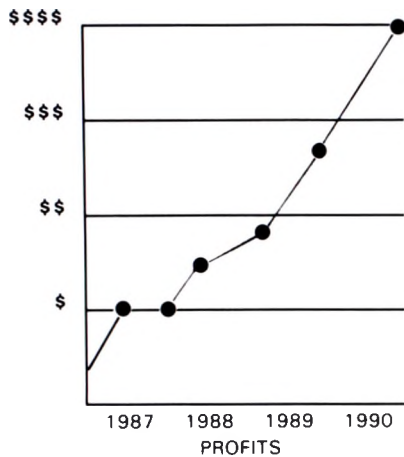
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