

# SSDA SERVICE QUARTERLY



September  
1994  
\$10

An official publication of The Service Station Dealers Association of Michigan

## SSDA President Mick Kildea retires, Dennis Sidorski steps in

This month SSDA-MI President Mick Kildea officially retired after 30 years of service to the Association and the gasoline retailing industry. Stepping in as the new president is former 1st Vice President Dennis Sidorski, a veteran SSDA board member.

Mr. Kildea is leaving his business to his three sons, and moving to Mexico with his wife Sally. He said he is optimistic about the future of the SSDA in the hands of members like Mr. Sidorski.

Mr. Sidorski said he is excited and up to the challenge of becoming president of the SSDA, although he added it won't be easy to fill Mr. Kildea's shoes.

"I don't think anyone has cared as much in this Association as Mr. Kildea," he said.

Both Mr. Kildea and Mr. Sidorski believe the Association needs to continue in its present efforts and stay politically informed.

"As I look at the board and the officers, I see that the people who have changed with the times are successful," Mr. Sidorski said. "We need to keep changing with the times."

Mr. Sidorski will finish out Mr. Kildea's term, which ends December 31, 1995.

## 1994 Convention breaks the mold

The crowd was standing room only Saturday August 6 as the Service Station Dealers Association of Michigan welcomed G. Gordon Liddy to the Annual Convention. More than 450 people, including SSDA Convention attendees and ticket holders from Greater Lansing, were on hand for Mr. Liddy's presentation "Survive or Prevail."

Inviting the public to part of the festivities was just one way the SSDA broke away from the norm for this year's Convention in downtown Lansing.

This year the SSDA linked up with Eby-Brown, one of the largest distributors to c-stores in the midwest, for the first-ever co-trade show. Holding the two shows together was a great success for both attendees and exhibitors. Together, the two shows welcomed more than 300 exhibitors and as many as 1,000 attendees.

Last winter the SSDA's Convention Committee, chaired by Board Member Rich Bratschi, decided to break from the past and hold 1994's Convention in Lansing. What started as a new idea ended as one of the most highly attended SSDA-MI conventions.

For a look back at this year's big event see pages 14-15.



G. Gordon Liddy signs autographs at the Lansing Center. More than 450 people welcomed Mr. Liddy to Lansing.

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# President's Corner

Mick Kildea, SSDA-MI President



Goodbye.

After almost 30 years as a dealer and member of the Service Station Dealers Association of Michigan, I am faced with saying "goodbye." This fall my wife Sally and I are moving to Mexico to become professional travelers and "beach bums."

There are two important things I want to do in my last installment of "President's Corner." First, I want to wholeheartedly thank everyone in the Association for all of your support. I have always believed that the strength of the SSDA lies within its members. Likewise, the effectiveness of an SSDA president lies within the support of fellow members. The SSDA has never

## I leave you now with thanks and a bit of advice

been a one-man show. Your encouragement, advice, criticism and involvement have enabled me to guide the SSDA to a more successful role over the last few years.

Thank you.

Second on my agenda is a little bit of advice. The SSDA president will need all the help he can get from members; not in the form of dues, but in support. You as SSDA members owe it to the incoming president to be honest and understanding. The president needs to hear about any problems in the Association right from the source, not from a third party. Members need to understand

that the president is a dealer just as they are. He is facing the same problems and members need to be supportive and open with him.

Over the last few decades I have seen this Association evolve into a smarter, wiser and more politically involved group of professionals. As long as the guts of the Association are there, there will be a Service Station Dealers Association of Michigan.

As I say goodbye, I am both optimistic about my future and the future of the SSDA. I also realize I am leaving a great group of busi-

nessmen behind. Therefore, Sally and I invite all of you to drop by if you're ever in Mexico; or feel free to write or call us. Our new address will be:

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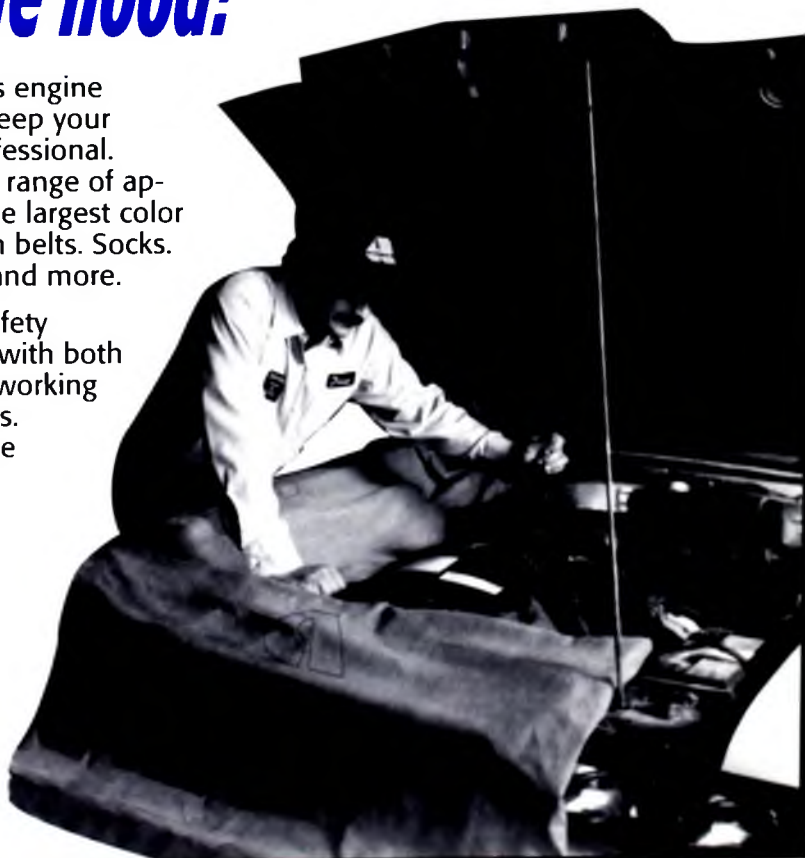
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# Viewpoint

Terry Burns, SSDA-MI Executive Director



## Is the dealer down the street an SSDA member?

President Mick Kildea is retiring. That statement about Mr. Kildea is one most people never thought would be said. Mick has always exemplified hard work, dedication and a sincere desire to help others. He has maintained a schedule most people could not even attempt to follow, and he always had time for our Association. I thank you Mick for your leadership, straight forwardness and your friendship. We hope the very best for you and Sally.

Many times when a leadership position opens there is a great concern of who will fill those shoes. In our case we are very fortunate to have Mr. Dennis Sidorski step right in as president.

As required by the Association's bylaws, upon receipt of Mr. Kildea's resignation, an executive board meeting was immediately called. The executive board upon notification is directed

to elect the new president from the members holding the three vice president positions. Mr. Sidorski, 1st Vice President, was unanimously elected and graciously accepted the position.

Mr. Sidorski is respected as a dealer of two major brands and a long time active board member. He has served on many committees in the past and most recently served on the Convention Committee for our August convention. I look forward to working with him as president in meeting the needs of the Association.

The involvement of dealers is still the key of our success. This point was made very evident last week as I spoke to a new member who

joined after eight months in the business. When asked why he joined the SSDA he replied it was because of the concern of three fellow dealers in his area. He said that those dealers made sure he had the proper information to make good business decisions; and much of the information they gave him came from the Association. He wanted to be a part of a group that involved themselves with others like these dealers had done.

That type of involvement is what the Association is all about, and it is needed to help us grow and succeed. Survey your area and note if there are any dealers who are not members. If you find one, get involved and ask them to join

today.

I also want to thank all of you who attended our Convention in August. It was a very profitable Trade Show and an enjoyable Convention. I would like to thank the Convention Committee, chaired by Rich Bratschi and steered by members Dennis Sidorski, Larry Troy, Jim Malek, Reg Binge, Joe Grish and Dan Harrison. Their leadership was essential in designing an altogether new format for this year's event. Thanks for your hard work and bold steps.

We are already working on plans for 1995's Convention. If you have any suggestions or comments, please call us at (517) 484-4096.

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## Proposals share ballot in November

There is no doubt this November's election will have unmeasurable effects on Michigan. The governor's, U.S. Senate, and several state seats are up for grabs. Equally important, if not more, this fall are the following four ballot proposals.

### Proposal A

#### **A PROPOSAL TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF DRAFTING A GENERAL REVISION OF THE STATE CONSTITUTION**

Shall a convention of elected delegates be convened in 1995 to draft a general revision of the state constitution for presentation to the state's voters for their approval or rejection?

### Proposal P

#### **A PROPOSAL TO ESTABLISH A MICHIGAN STATE PARKS ENDOWMENT FUND, INCREASE THE MAXIMUM ALLOWABLE FUNDS IN THE MICHIGAN NATURAL RESOURCES TRUST FUND AND ELIMINATE THE DIVERSION OF DEDICATED REVENUE FROM THE MICHIGAN NATURAL RESOURCES TRUST FUND.**

The proposed constitutional amendment would:

- 1) Establish a Michigan State Parks Endowment Fund to be funded by certain royalties, bonuses and rentals collected by the state from the drilling of oil and gas or mining of minerals on state-owned land.
- 2) Require that money in the Endowment Fund be used to operate, maintain and improve Michigan state parks.
- 3) Limit accumulated principal of the Michigan Natural Resources Trust Fund from \$200 million to \$400 million.
- 4) Eliminate the diversion of dedicated revenue from the Michigan Natural Resources Trust Fund.

### Proposal B

#### **A PROPOSAL TO LIMIT CRIMINAL APPEALS**

The proposed constitutional amendment would restrict a criminal defendant who pleads guilty or nolo contendere (no contest) from appealing his or her conviction without the permission of the court. Currently, someone who pleads guilty or no contest to a crime has the automatic right to appeal.

### Proposal C

#### **A REFERENDUM ON PUBLIC ACT 143 -- AN AMENDMENT TO MICHIGAN'S AUTO INSURANCE LAWS**

Public Act 143 of 1993 would:

- 1) Reduce auto insurance rates by 16 percent (average) for six months for policy holders reducing personal injury (medical) insurance to \$1 million. Extra coverage made available at added cost.
- 2) Permit Insurance Commissioner to waive company's obligation to reduce rates if statutory formula would be in excess of 1989-1992 state average.
- 3) Place limits on personal injury benefits.
- 4) Limit fee paid to health care providers.
- 5) Limit right to sue by setting higher standards for the recovery of damages for "pain and suffering" and prevent uninsured drivers and drivers over 50 percent at fault from collecting damages.
- 6) Allow rate reductions for accident-free driving with the same insurer.

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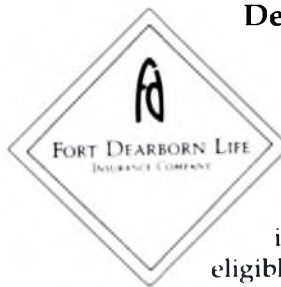
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If selling gasoline is part of your business or job, you should not take safety for granted. Working with and storing gasoline poses real threats at work and at home.

The following information from the Mid-Continent Burn Foundation can be life savers for family, friends, employees and customers.

## THE FACTS

- Gasoline fumes can crawl like a snake. A fiery explosion can occur if they come in contact with a spark or a pilot light.

- One gallon of gasoline can do as much damage as six sticks of dynamite.

- A hot engine, such as a lawn mower or carburetor, could cause gasoline to ex-

plode.

- Burns suffered from gasoline explosions are usually severe or fatal.

## PREVENTION

- Store gasoline and all flammable liquids in approved containers with the lid screwed tight at all times.

- Keep in a cool, dry place away from children.

- Do not store gasoline in

a basement or where there is a pilot light.

- Never transport gasoline inside your car or truck.

- Never light or smoke a cigarette around gasoline or flammable liquids.

- Never use flammable liquids to start an outdoor barbecue or an indoor fire.

## FIRST AID TIPS

- If on fire: Stop, Drop and Roll!

- Remove burned clothing; run cool water over burn.

- Call a doctor or go to the emergency room if the burn is larger than the palm of your hand or if it is on your hands, feet, face or genitalia.

*The Dodson Corner is a service of Dodson Group, SSDA-MI's endorsed provider of workers' compensation insurance.*

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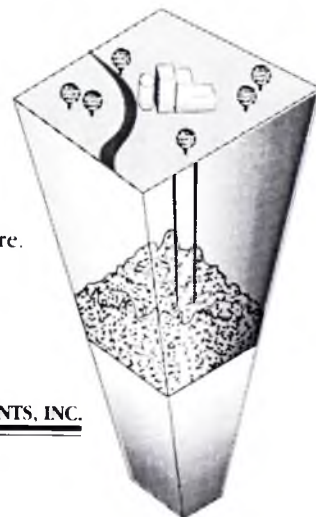
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# Environmental Update

Dyck Van Koevering, SSDA-MI

## The UST fee is back

Mark your calendars! Beginning **October 1, 1994**, the new Underground Storage Tank (UST) Section within the Michigan Department of Natural Resources (DNR) will again charge dealers the **\$100** Underground Storage Tank Registration Fee. This registration fee is levied per tank per year, and payment of the fee is required in order for dealers to be eligible for Michigan Underground Storage Tank Financial Assurance (MUSTFA) funds.

The Underground Storage Tank Registration Fee was established by the initial UST legislation to pay for administrative costs associated with Michigan's UST program. Through tough negotiations, SSDA was able to have language added to the

legislation providing that registration fees would only be collected so long as the UST administrative fund balance was below \$8 million. Once the fund balance went over \$8 million, the registration fee requirement would be suspended, and not reinstituted until the fund balance dropped down to below \$2 million. (This required minimum balance of the fund has recently been increased to \$4 million.)

By the summer of 1992, the fund balance had indeed surpassed the \$8 million mark, and so the registration fee was suspended -- saving dealers hundreds of dollars each year. That suspension has lasted until now.

Many dealers pay this fee as a tax directly to their supplier. Therefore, those fees should have been suspended during this time also. If you think you may have inadvertently paid this fee, you may want to contact your supplier.

Registration fee dollars will continue to fund the administration costs of the new UST Section within the DNR. This section will operate next to the Leaking Underground Storage Tank (LUST) section; however, DNR staff has assured us that administration costs for both sections will be kept separate.

The registration fee will be billed to dealers in eight

cycles beginning in October and ending in July. The cycle in which you were billed in the past will determine when your billing will begin this year; so if you get a bill in October, and your neighbor doesn't, don't think you're being singled out. They, too, will soon be billed. Some large companies will be billed for all USTs at one time, rather than on a site by site basis.

Following the receipt of your bill, return the invoice to the DNR with payment. Within 30 to 60 days, a DNR tank certification will be sent to you for posting. Also enclosed will be a letter of veri-

See *UST* pg. 20

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# Membership

Dyck Van Koevering, SSDA-MI

Say a customer drops off his or her automobile for repair work. You perform the requested service for a total bill of \$500. Two weeks later, the customer has yet to show up to take the car or pay the bill. What do you do? And, when can you do it?

In situations similar to the above, a dealer has a considerable equity interest in the vehicle. As well, a dealer does not want a vehicle to remain on his lot for an extended period of time, taking up valuable space and possibly degrading the overall appearance of the station. A dealer has a few options in addressing these problems: 1) take the owner to court, 2) apply for a Garage Keepers Lien and sell the vehicle at public auction, or 3) contact the local police to take the car away.

The first option will not be discussed here as an attorney would be a better source

for procedural information.

The second option, applying for a Garage Keepers Lien and public auction, is a fairly simple procedure, yet lengthy. To begin with, the dealer has to take "reasonable steps" to notify the vehicle owner that the vehicle is ready. If the customer has not responded 30 days after the dealer's reasonable steps, the vehicle is considered "abandoned" for purposes of applying for a Garage Keepers Lien. To obtain the lien, the dealer may simply contact the Special Services Division within the Secretary of State's office to request an application, or the dealer can write a letter requesting a lien. Such a letter must contain the garage keeper's

## Know your options when faced with an abandoned car

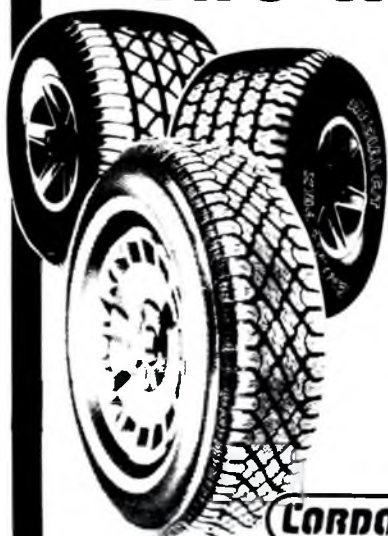
name and address, the repair facility number, vehicle identification number, vehicle description, license plate number, and the name of the person who authorized the repairs. The Bureau of Automotive Regulation within the Michigan Department of State will investigate to be sure the dealer followed state law in terms of providing written estimates, and performing no unauthorized work. The Bureau of Automotive Regulation, in some situations, continues its involvement in a "dispute resolution" capacity to facilitate in bringing the parties together.

If none of the above apply, the lien will be issued to the dealer along with step-

by-step instructions on how to proceed. Essentially, the dealer has to again take reasonable steps to notify the vehicle owner of the imposition of the lien. There is then a 45 day waiting period to give the owner time to respond. If, 45 days after the reasonable steps were taken the vehicle owner has not contacted the dealer or collected the car, the dealer can then schedule a public hearing. This hearing can occur no earlier than 20 days nor later than 60 days after the end of the 45 day waiting period. At this point, the dealer has to again attempt to notify the owner and any lien-holder on the vehicle of

*see Abandoned pg. 17*

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## News Briefs

### SSDA member elected to national board

The National SSDA-AT elected officers at the annual convention August 7-10 in Las Vegas.

The new officers are:

President:

**Beverly Donati**

1st Vice President:

**Tony Licata**

2nd Vice President:

**Phil Bucalo**

3rd Vice President:

**Carroll Hansen**

Treasurer:

**Tom Markos**

Their term begins in November and is for two years. We are pleased to be represented by Mr. Phil Bucalo as 2nd Vice President. Phil has been an important voice in the restructuring of the national association.

### SSDA-AT joins Antifreeze group

The Service Station Dealers Association and Allied Trades is participating in an antifreeze coalition that will submit remarks and recommendations to the Environmental Protection Agency in an effort to classify antifreeze as non-hazardous, and to promote it as a recyclable material.

The coalition is urging the EPA to encourage government agencies to require the purchase of recycled coolant in their procurement guidelines. SSDA-AT is working to ensure that dealers and repair shops have a fair shot at the antifreeze market. Regulations should be written so as not to exclude small businesses from taking advantage of recy-

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cling opportunities. Many antifreeze producers have expanded their product line to include additives for recycled coolant as well as recycling equipment.

If you have comments or questions regarding the antifreeze coalition, call Frank Ryan at (301) 577-4956.

## UST fee will again be charged

The Underground Storage Tank (UST) Section within the Department of

Natural Resources (DNR) will again charge dealers the \$100 Underground Storage Tank Fee beginning October 1, 1994. Payment of the fee is charged per tank, per year and payment is required to be eligible for MUSTFA funds.

According to legislation the fee is only collected when the UST program's administrative balance is below \$8 million. Two years ago the fund balance went above \$8 million and the fee was temporarily eliminated.

For more information on this fee, please see page 8 of this issue of **Service Quarterly** for an in-depth article.

## ATTENTION DEALERS

*Dealers must notify suppliers by October 24 for '94 holiday closing*

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

To take advantage of this law, dealers must notify their supplier in writing (certified mail insures accuracy) 60 days before the holiday that they intend to close the station. For dealers to close on Christmas Day 1994, they must notify their supplier by October 24, 1994.

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# Family's station is one for the history books

By Amy Johnston

According to Vicki Frye, her husband Neil is the kind of guy who likes to fix up old things.

But forget about used furniture or antiques. In 1991 Neil decided to take an old grange hall (a traditional town lodge in farming communities) from the side of the road and turn it into a service station.

The Grange General Store in Stanwood, about 45 minutes north of Grand Rapids, sits alone in the vast field where the old hall was erected around 1915. Rather than tear down the hall, the Fries decided to use its historic, rustic appearance to their advantage. Inside, the original tin ceiling is intact as well as a maple floor. On the outside, wooden benches and tables complement the newly painted white hall with green trim.

Vicki, who runs the store's day-to-day operations, said renovating the hall was more than your average construction project. There was a bit of nostalgia and history tagged on to the move.

"When we were moving the hall we had people stop by who said they had their wedding reception in the grange," Vicki said.

The Grange General Store is about more than history. It's also a family affair. Neil and his brother bought the property and renovated the grange. Then Vicki stepped in as manager so Neil could keep his job with Consumers Power.

"They bought the land without my knowing and decided I would run it," Vicki said with a small laugh.

Over the last three years, Vicki's mother and brother both worked at the station, as well as two nieces and a nephew. These days son Shane, a 23-year-old graduate of



The groceries and convenience items of the Grange General Store are displayed under the grange hall's original tin roof and on top of the grange's second maple floor.

Michigan State University, joins his mom in operating the station and convenience store.

"It just kind of moved into that {managing the store}," Shane said. "I kept doing more and more and just kind of stuck around."

Keeping with the mix of family and business, Shane met his fiancée at Van Manen Oil, the Grange General Store's BP



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**BEFORE**



**AFTER**

gas supplier. In addition, most of the Fries' employees are straight from their small community.

"Most of the people we have employed are relatives of people we grew up with," said Vicki, who grew up down the road in Morley. Neil was raised in Stanwood and the two met in high school.

The Grange General Store may have sprawling empty fields on either side, but it's not exactly out of the loop. Less than a mile from exit 131 on U.S. 131, the station draws its customer base from nearby campers, Ferris State University students and loyal regulars. Vicki said they have customers who stop in two or three times a day, including a lot of commuters to and from Grand Rapids.

"You get to know all these people by what they buy rather than by names," she said.

And the items they buy could be just about anything. Next to the basics, like gasoline, pop and chips, the store sells bait and tackle, toys, hardware, automotive supplies, groceries, and Christmas trees grown on the Fries' farm.

"I think we have to have it all to make a go of it," Vicki said. "We have to offer more out here to stay busy. Shane and I are constantly looking at what people want."

*See Grange*

*pg. 20*



*Vicki Frye, who runs the store, stands on the outside porch.*

### **FORMALITIES**

- Opened the Grange General Store with BP gas facilities in May of 1992.
- Added a snack bar with pizza, sandwiches and ice cream in Spring of 1994.
- SSDA members since January 1993.
- Family: Neil and Vicki Frye, son Shane who helps run the station, and daughter Sheryl, a teacher in Maryland.

*To see which  
Convention  
attendees  
turned up in  
pictures...*

**Turn the  
Page!**

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# A look back at the SSDA 1994 Convention



*Above: President Mick Kildea and his wife Sally at the President's Cocktail Reception, which was held in their honor. President Kildea is retiring this fall.*



*Left: From left, Gary Fuller, Joanne Nashar, Joe Nashar and Bill Fox mingle at the President's Cocktail Reception. The reception, held at the Lansing Center, was followed by dinner and "An Evening With G. Gordon Liddy."*

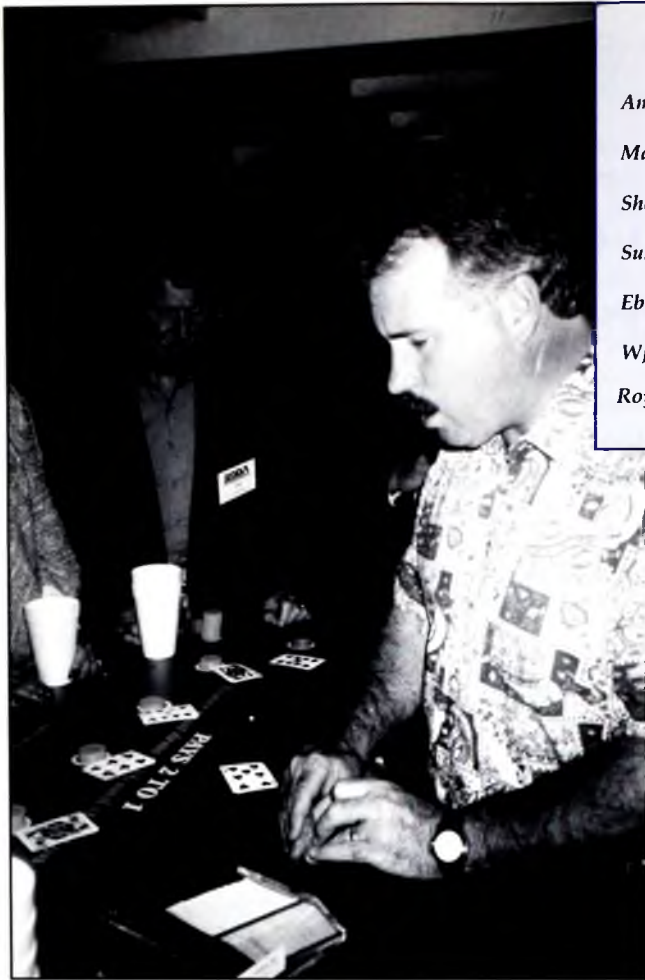
## Exhibitors

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Blue Cross Blue Shield	Superior Environmental
Great Lakes Environmental Sales	Tire Wholesalers
The Hale Company of Michigan	Young's Fuel Equipment Services
Hunter Engineering	



*Exhibitor Dave Campbell of RMF Global works the Chuck-o-Luck game during Casino Night on the Michigan Princess Riverboat. RMF Global was also one of the sponsors of the SSDA Casino Night and Riverboat Cruise.*





Bob Coughlin of Eby-Brown takes the reigns as a Black Jack dealer during Casino Night. Eby-Brown co-sponsored the Convention's Saturday evening activities.



Above: Reg Binge takes the helm of the Michigan Princess Riverboat as fellow Board Member Derry Middleton acts as first mate.

Left: Anthony Marocco eagerly checks the numbers on the 90 raffle tickets he and Pat Fireno won at Black Jack to see if he is the lucky winner of a cordless phone. Marocco did indeed win the phone!

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## G.Gordon Liddy: Survive or Prevail





## The Sum of All Fears

O.K. So I stole the title from the Tom Clancy novel. But the phrase did not originate with him. And it is an apt method to describe the problem a certain dealer faces; a problem that the dealer did not create, but which he must help solve.

This column has not spent much time discussing issues of environmental law. The reason is that dealers do not often have to hire counsel to resolve legal problems associated with the environment. Certainly dealers are very concerned about the law. It impacts them in dozens of ways, from repair of air conditioners to the solvents used to clean parts. But, mostly, dealers stay out of trouble. It's the supplier who must assure that the facility is in compliance. And dealers (rightly) rely on other vendors to dispose of waste

graded twice, with tanks replaced during the second rebuild. The dealer had no control over the placement of the tanks or of the remediation of existing contamination. He was unable to direct the supplier regarding the construction of the facility.

The supplier did perform some remediation of contamination while the facility was being reconstructed. But, apparently, the project was incomplete or badly planned. Contaminated soil beneath islands was not excavated. It is uncertain how badly contaminated the area was.

A few years ago, residents in the surrounding neighborhood noticed a strong odor of gasoline in their drinking water. The area, served by wells without direct supply, was apparently contaminated by gasoline, source unknown. A major investigation followed.

The Michigan Department of Natural Resources quickly supplied residents with bottled water. And the area was rapidly connected to city water. As you might expect, this project was expensive -- over a million dollars.

An extensive environmental study was conducted. The study concluded that the area was badly contaminated; that the contamination came from three sources: a dry cleaner and two gasoline stations -- one of which is op-

erated by our dealer.

The State of Michigan decided that these facilities were responsible for the contamination; that they should pay the million dollar cost of connecting residents to clean water; and assume the cost of remediation of contamination. The major oil company suppliers and the owner of the dry cleaner were informed that they were "potentially responsible parties." That is, they may be obligated to reimburse the State. And our dealer was also notified that was a PRP.

The state was unable to resolve the dispute with any of the parties. A few weeks ago, the attorney general sued the major oil companies, the owner of the dry cleaner and our dealer. The dealer has been forced to retain counsel and defend the action.

Michigan's "Polluters Pay" law (the Michigan Environmental Response Act) does, indeed, create liability for damage to the environment. The law permits the state to collect from those responsible. But who is responsible? And for what? And is our dealer really liable for a million dollars? I don't think so. But the case is going to have to be defended and resolved.

Is the dealer theoretically liable? The law imposes liability upon the "owner" and the "operator" of an underground storage tank in the event of a release of contaminants into the environment. The law was intended to permit the state to recover from either, without having to de-

cide which one of the two was more guilty. The state claims that our dealer is an "operator" and therefore liable. Theoretically, then, our dealer is potentially liable. But is our dealer actually liable?

To be liable, a dealer must be an "operator" of a UST. But an operator is someone who is in control of the UST system. I submit that dealers are not often in control of UST systems they neither plan nor maintain.

First, this dealer had no role in the design of the UST system. It was planned, selected and installed by the supplier. The dealer could not make any suggestions about the location, brand or type of components.

Second, this dealer has no role in the maintenance of the UST system. He is required to stick tanks daily, but no more. The franchise package contains a detailed explanation of who does what regarding the facility. The supplier accepts complete responsibility for maintenance of the system.

Third, the supplier has acknowledged that any release from the property was not the fault of the dealer. The dealer performed his obligations under the franchise.

Given all this, it seems likely that the dealer will be able to prove that he had no part in the operation of the UST system, and cannot be liable for any environmental response costs. But that does

*see Law Talk pg. 20*

*Once in a while, a dealer gets caught in a problem that he or she did not make; and must expend resources to protect himself or herself against claims for injuries they did not cause.*

oil and hazardous waste.

But once in a while something happens that reminds us of the difficulties that can arise. Once in a while, a dealer gets caught in a problem that he or she did not make; must expend resources to protect himself or herself against claims for injuries they did not cause. Such a case has arisen.

A dealer in Southeast Michigan has operated his facility for more than two decades. The station was up-



the public sale at least 10 days before the public sale. If there is a lien on the vehicle, such as a purchase loan, the lienholder can reclaim the vehicle for payment of the repair cost or \$600, whichever is less.

Following the public sale, the dealer can reimburse him/herself for the repair cost, with any overage going to a lienholder, and/or the vehicle owner. The dealer can charge for and reimburse him/herself for storage fees, but must notify the vehicle owner of his/her intention to charge storage prior to doing so. This notification of intent to charge for storage can be made in any of the contacts prior to sale.

The third option is to contact local law enforcement to report the car as abandoned and ask that they collect the vehicle. At that point, they will impound the

car and take it off your hands. The police attempt to notify the owner, and eventually sell the vehicle if not contacted by the owner. The police will not reimburse the dealer for any repair or service interest the dealer has in the vehicle.

However, procedures do vary among the various law enforcement departments, and a few will offer more options of disposal of the vehicle. For example, some law enforcement departments will follow a procedure by which the dealer applies for a Scrap Certificate from the Secretary of State's office. If this is the case, the dealer contacts the local law enforcement office, which will dispatch an officer to make a physical inspection of the vehicle and fill out the required forms. These forms will be sent to the Secretary of State's office along with

the Scrap Certificate application. If the vehicle and dealer meet the necessary requirements, the dealer will be issued a Scrap Certificate and the vehicle can be scrapped. Contact your local police department to see which course(s) of action they allow.

Dealers are not liable for any violation of Michigan vehicle registration laws should the vehicle license or registration expire while the car is on the dealer's property, so long as it was properly licensed at the time it was taken in. If the vehicle was improperly licensed at the time it was left with the dealer, the dealer is required by law to contact local law enforcement to have the vehicle impounded.

A dealer is required to take "reasonable care" to protect the car from vandalism and damage while the car is in the dealer's care, and may be liable for damage.

"Reasonable care," like "reasonable steps," is a legal term of art which allows a site by site standard to be established depending on the circumstances. "Reasonable care" in one area may mean garaging a vehicle indoors, whereas in another, it may mean parking the car around back out of sight.

If you have any questions or comments regarding this issue, please do not hesitate to contact the SSDA at 517/484-4096. This is a complicated and changing issue. In this article we have tried to give an accurate overview. However, for specific situations please contact your local law enforcement agency or the Secretary of State.

\* To initiate Garage Keepers Lien proceedings, contact the Special Services Division within the Secretary of State's office at 517/322-1066.

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	Non-Member Cost	Non-Member Income	SSDA Member Cost	SSDA Member Income	Member Dealer Savings
<b>SSDA Legal Program</b> (1 hr. free legal phone consultation per year)	150	—	0	—	<b>150</b>
<b>Annual Convention/Registration</b>	270	—	239	—	<b>31</b>
<b>Environmental Program</b> (Consultation re UST Regulations/hour)	60	—	0	—	<b>60</b>
<b>BCBS Coverage</b> through SSDA (compared to private policy)	4,800	—	3,600	—	<b>1,200</b>
<b>Service Quarterly Magazine</b>	40	—	0	—	<b>40</b>
<b>Service Monthly Newsletter</b>	60	—	0	—	<b>60</b>
<b>Tank Manual</b>	99	—	19	—	<b>80</b>
<b>Visa/MasterCard Program</b> (\$100,000 in charges per year)	4,200	—	2,400	—	<b>1,800</b>
<b>Telephone Program</b>	N/A	0	—	1,000	<b>1,000</b>
<b>Dodson Rebate</b> (Average Yearly Rebate)	N/A	0	—	600	<b>600</b>
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COUNTY: \_\_\_\_\_ TYPE OF OWNERSHIP: ☐ NON-CORPORATE ☐ CORPORATION

STANDARD MEMBERSHIP ONLY:

TYPE OF GASOLINE SOLD: \_\_\_\_\_

TYPE OF BUSINESS: ☐ Full Service ☐ Pumper ☐ Repair Facility ☐ Car Wash ☐ C-Store

ASSOCIATE MEMBERSHIP ONLY (no gasoline retailed):

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☐ Other \_\_\_\_\_

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Signature \_\_\_\_\_ Date \_\_\_\_\_

## Upcoming SQ feature puts you in pictures

**Service Quarterly** is your magazine and we want to make you an even bigger part of it.

We will be launching a new feature with the December issue; one that will put you in pictures. Each issue we want to recognize our members and capture them at their best. We will travel to different parts of the state to bring you photo essays on various dealers on the job and in the community.

This new feature will bring you candid shots at different stations, as well as dealer events.

If you have an exciting event, such as a customer appreciation day, grand opening, fundraiser or get-together with other dealers, let us know and we'll be there!

We want to introduce you to members who may not already know you, and present a different view of the gasoline retailing industry. If you have any ideas or suggestions please call Amy Johnston at (517) 484-4096.

## In Memory of...

*The Service Station Dealers Association of Michigan would like to offer its deepest sympathy to the families of the following members and friends who have passed away.*

### **Roger DeGroff**

Mr. DeGroff was the owner/operator of Romeo Amoco on Main St. in Romeo. He had been an operator of Amoco stations in the Detroit area for the past 43 years. He was a loyal member of the SSDA who was active in the Association's Pump Club.

### **Milton Elanges**

Mr. Elanges was owner/operator of Jeff-Chene Shell on Jefferson in Detroit. A dedicated member of the SSDA, Mr. Elanges was active with the Pump Club.

### **Frank Lutfy**

Mr. Lutfy operated

Shores Service Center, a Mobil station and family business in St. Clair Shores. He was a long-time friend and member of the SSDA.

### **Jack McCallum**

Mr. McCallum owned and operated McCallum's Sunoco Service in Macomb Township. A member of the Pump Club, Mr. McCallum believed in the effectiveness of the SSDA.

### **James Karoub**

Mr. Karoub was a founding partner of Karoub and Associates, a Lansing-based lobbying firm. Mr. Karoub was a great friend and supporter of the SSDA and our issues.

## Member's daughter wins national SSDA scholarship

The Service Station Dealers Association of Michigan would like to congratulate Michelle Walter, this year's recipient of the Charles L. Binstead Memorial Scholarship. The scholarship is awarded each year by the National SSDA-AT.

Michelle is the daughter of Board Member Robert Walter and his wife Linda of Novi. Michelle, a 1994 graduate of Detroit Country Day, started school at DePauw University in Greencastle, Indiana this fall. She is enrolled in the Media Fellows Honors Program, and is studying communications and international business.

Michelle will receive \$500 a year for four years. The scholarship is awarded through a lottery system each year to a son or daughter of an SSDA member. This is the second year a dealer from Michigan has received the scholarship. Last year Matthew Asher, son of dealer Richard Asher, was the winner.

Robert Walter is the owner of Franklin Standard, Inc. in Franklin, Michigan.

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Customer feedback prompted the Fries to build an addition last spring for ice cream, pizza and fresh sandwiches.

"That now means you have to watch the pumps and dip ice cream," Vicki joked.

The Fries have also expanded their cooler to house more beer and pop. Pop is also being sold self-serve, as is coffee and donuts.

Learning by trial and error is the basis of the gasoline retailing industry. Vicki said the Service Station Dealers Association of Michigan has been a great help with advice and cost-savings programs. She said they first joined the Association for the tank bond benefit, and now they are saving money through the SSDA-sponsored workers' compensation program.

"I really had no idea what went on in this business. I'm learning so much," she said.

Future plans for the Grange General Store center around "getting more people in the store," Shane said. He said they will push more products through store displays, and promote the store itself through advertising. Currently they have a billboard on southbound U.S. 131.

"I think people are still just finding out about us," Shane said.

But their most effective advertising is still their employees.

"We always hear that employees don't last much longer than three months in this business, but we still have two that started with us," Vicki said. "They all take this business as their own."

*The SSDA is proud to be a service to new members like the Fries. We are happy that the Fries were able to count on us when they were starting out. Being there for members, and helping members help each other, is what the SSDA is all about. We wish the Fries all the best in their new business, because new members like themselves are the current and future strength of the Association.*

## UST

from pg. 8

fication, to be used if necessary as a proof of MUSTFA eligibility. Keep this letter in your files.

Also, **Service Quarterly** readers take note: the final interim Qualified (MUSTFA) Consultant List will be avail-

able from the DNR in December.

If you have any questions or comments regarding the registration fee, or MUSTFA, please do not hesitate to contact the SSDA at 517/484-4096.



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not mean the dealer can disregard this lawsuit.

First, the dealer has had to reply to the suit; to file an action against his supplier (asking it to agree to indemnify him against the claim). The dealer will have to expend resources protecting himself against the claim, and making sure that all potential liability is extinguished. The dealer acted promptly when the problem arose; acted quickly when sued. This will save him considerable dollars now.

Second, there is the potential for liability here. It is possible, albeit not likely, that the dealer will have to pay substantial sums to resolve the suit. This remains to be seen.

The dealer here will have to spend money protecting himself against a problem not of his making. Some dealers similarly involved have not hired counsel; have filed answers themselves. This is an extraordinarily bad idea. It has the potential of causing real problems. The action may not be properly defended; some defenses may be waived; a settlement may not provide proper protection.

This experience is, indeed, the "sum of all fears" for most dealers. This case will likely be resolved in a satisfactory manner. But the involved dealer will still have to endure the expense and consumption of time associated with litigation. These problems do not arise often. But they are very serious concerns for the dealer involved.

This dispute teaches an important lesson: dealers facing possible liability will want to obtain advice immediately; and will want to obtain an indemnification agreement from their supplier. The failure to act promptly can create greater expense later.



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Frank Green, Copley News Service

*Fall is here. You may be thinking to yourself that that golf game didn't improve as well as you had hoped. Well, don't despair your local golf course or pro shop may have the answer with a video recorder. It's time to tee off on the video 19th hole.*

So you think you can handle a 5-iron with the aplomb of Jack Nicklaus, circa 1972.

Never mind that whenever you grab a club, your head droops, your right shoulder slumps and your follow-through looks like you're trying to pick off gophers on backyard turf.

It's all there on the video screen of the ASTAR golf-learning system. The high-tech machine records those embarrassing moments, but also allows amateur golfers to compare their flawed strokes to those of professional players.

"The style of a swing is a repetitive process," said Ray Barger, vice president and general manager of ASTAR Inc. "On the system, a golfer can very quickly, very easily look at the video playback of his swing and begin to make corrections."

But don't expect the system to become a fixture around every golfer's house any time soon.

At \$15,000 to \$20,000 per machine, the ASTAR is primarily being purchased by golf courses, and mostly being used by players taking lessons from instructors.

At least 30 courses throughout the United States are running the system.

ASTAR began distributing the interactive machine earlier this year. And it seems that anybody who has ever used a driver now wants to

## High-tech invades world of golf

tee off with it.

Using a video camera, the ASTAR records a player's swings and stores them in a personal file. The player reviews the tape -- which can include an instructor's audio comments -- in slow motion or freeze-frame on a video monitor.

Each student can store as many as 10 swings in the computer's memory.

Another monitor on the machine can simultaneously run clips of the swings of professional golfers, including Tom Kite, for frame-by-frame comparisons by the student.

The ASTAR allows the student or instructor to superimpose the stick-figure representation of pro golfers' bodies over the student's video image, or to draw multicolor lines, circles, boxes and angles -- a la John Madden -- anywhere on the tape.

Thus the student can gauge posture or backswing against the ideal stance or swing, said Barger, noting that students can take the videotapes of their sessions away with them for home study.

The novice golfer, however, may want to go around the course a few dozen times before stepping up to the camera. The ASTAR is a bit pricey, costing as much as 75 cents for a minute of use. Add 15 minutes of that to instructor's fees of \$45 an hour and the \$7 price for a bucket of balls, and it all can total an expensive afternoon.

Of course, that's why ASTAR chose to build a golf system instead of a tennis or baseball system.

"With tennis, there is not a lot of money being spent on practice," Barger said. "But our research indicated that there is a very large golf instruction market."

ASTAR Inc. was originally known as Telephoto Communications Inc. In 1991, the company introduced a high-speed, image-compression and decompression product for SUN Spacestations and compatibles called ALICE-SPC. Image compression technology reduces the file size for digitized images, increasing storage capacity and reducing transmission times.

But company President Dave Ahlgren decided that compression technology was

being transformed, and that high-end video technology was edging into the computer-platform arena.

"The company's focus shifted to developing interactive sports systems," Barger said.

Maybe the student who needs the ASTAR machine most right now is Barger himself.

For months, he has been working on company business as intensely as Greg Norman on the 18th hole at the Masters Tournament, with no time for hitting the green.

"Right now, my game's in the toilet," Barger acknowledged.

**SSDA-MI members shared \$163,604 in Dodson dividends last year.**

**E**ndorsed by Service Station Dealers Association of Michigan since 1962, the Dodson Plan gives association members the opportunity to earn dividends each year on their workers' compensation insurance.

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# New Members

*The Service Station Dealers Association of Michigan would like to welcome the following new members. These dealers are joining hundreds of others who realize that together we can ensure the success of the independent gasoline retailer.*

• **Michael Klimczak, M.E.K.** Petroleum / West Main Shell, Kalamazoo. Mr. Klimczak manages West Main Shell, which is owned by SSDA member Bob Willmarth. The station, which opened last fall, is one of four Shell locations in Kalamazoo owned by Willmarth. Mr. Klimczak said he has found the Blue Cross Blue Shield health insurance and the informative Association newsletters to be the main benefits of joining SSDA.

• **Lester Spangler, O'Connor's Service, Midland.** Mr. Spangler, who has been in the industry 15 years, recently joined with semi-retired SSDA member Mike O'Connor in running O'Connor's Service. The station specializes in repair work, and still offers full service pumping. Mr. O'Connor encouraged Mr. Spangler to join the SSDA, and Mr. Spangler said he agrees it was a great idea. He said he has received the most benefit from the legislative updates in *Service Monthly*, especially information on the recent gasoline sales tax.

• **Phil Zoufal, Phil Zoufal's Village Marathon Service, Grosse**

**Pointe.** Mr. Zoufal was born in the business; his father was an Amoco dealer for 60 years and one of the founding members of the SSDA. Mr. Zoufal himself has been in the business more than 30 years. He said he felt the time was right to join the SSDA and make sure the industry's voice was heard in government. He also mentioned the Blue Cross Blue Shield health insurance program was the most reasonable one he found.

• **Jeff McWilliams, McWilliams Amoco Service and Food, Waterford.** Mr. McWilliams is new to both the gasoline retailing industry and the SSDA. After talking with friend, and now fellow SSDA member, Dan Ogle, Mr. McWilliams decided to open his Amoco station in November 1993. The station features a c-store, pumps and a car wash. He said the new business has definitely been a learning process. Other dealers in his area encouraged McWilliams to join the SSDA. "Just knowing there is an organization like this that you can contact when you have questions is great," he said.

Service  
Quarterly

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Terry Burns

**Editor**  
Amy Johnston



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# New Products

## Brake Caliper Grease

CRC Industries Inc. has introduced the Sta-Lube Synthetic Brake Caliper Grease for lubricating high tech disc and drum brake systems.



The caliper grease was developed to withstand the intense heat generated by disc brake systems. The product will keep critical sliding brake caliper parts free for optimum braking efficiency.

Sta-Lube is a synthetic lubricant blend with rust and oxidation inhibitors, extreme pressure agents, anti-seize, polymers and other lubricant fortifiers.

For more information on Sta-Lube Brake Caliper Grease, which is available in a 2.5 ounce tube, a 12 ounce tub and a 35 lbs. pail, write CRC Industries, 885 Louis Drive, Warminster, PA 18974, or call (215) 674-4300.

## Prestone Stops Leaks



First Brands Corporation has introduced Prestone Stop Leaks, which is designed to stop cooling system leaks quickly. The dissolving pellets seek and seal all four types of major cooling system leaks -- head gasket, water pump, radiator and heater core.

Prestone officials said Stops Leaks not only seals gaskets around the water pump, where most leaks occur, but it also conditions and revitalizes water pump seals. The product also fills holes and seals stress cracks throughout all of a vehicle's cooling system.

Prestone Stops Leaks is available in six and 12 ounce sizes.

## Super Deluxe Scanner



Snap-on Inc. is introducing the advanced 1994 Super Deluxe Scanner, that includes a powerful Domestic Combination Primary Cartridge with OBD-II and Ford DCL onboard, and the award winning Domestic Fast-Track Troubleshooter Cartridge. The 1994 Scanner enables technicians to service vehicles through the OBD-II transition years (1994-1996) without fear of obsolescence.

The new scanner includes GM, Ford and Chrysler vehicle diagnostics in a single PROM updatable cartridge. The scanner provides access to GM engine, transmission, body, ABS and airbag diagnostics; Chrysler engine, transmission, body and CCD; and Ford EEC-IV DCL and EEC-V OBD-II.

For more information call 1-800-424-7226.

## Metal Tank Repair Kit



A new metal tank repair kit for quickly making permanent repairs to holes and cracks up to 1" diameter is being introduced by Syon Corporation.

The Seal-N-Place Metal Tank Repair Kit features a pre-measured two-part epoxy resin system, which is neatly mixed inside a pouch. Applied with a brush along with fiberglass patch to the crack or hole, this metal tank repair kit lets the user make a permanent repair to any metal surface, in about 20 minutes.

Seal-N-Place produces a patch which will not dissolve in gasoline, oils or water. Included in the kit are a two component epoxy system, a fiberglass patch, sandpaper and a brush.

Seal-N-Place sells for \$11.95. For more information call (508) 881-8852.

## Air Drill



The Ingersoll-Rand Company has introduced a new 3/8 inch high-performance reversible air drill, designed with an angle head for automotive service jobs in tight, confined areas.

The IR7804R drill offers a variable-speed throttle for precision and control in starting and finishing holes. This feature helps operators maintain control throughout operation. The drill offers a reversible motor and speeds up to 1200 RPM along with a forward/reverse valve that locks into both positions to prevent direction change during use. It also features a compact angle head design with integral grease fitting that makes maintenance fast and a rear exhaust that directs exhaust air away from the work area.

For more information call (908) 689-5580.

## Ready Air



Ready Air has just come out with a new heavy duty two-stage oil-less 12 volt electric air compressor that is compact enough to keep

on a service vehicle. The 1/2 H.P. commercial quality compressor produces 1.1 SCFM of air at 175 PSI continuous duty, while drawing only 42 Amps at full load.

The unit's construction requires no lubrication, belts or couplings. It comes fully equipped with a check valve, 200 PST ASME relief valve, and continuous duty solenoid wired to the motor and 175 PSI pressure switch, all mounted on a rugged steel base.

Weighing in at only 47 lbs., it may be mounted in any position, under a seat, on a bulkhead or hung from the ceiling, requiring only a 12" x 8" x 18" well ventilated space.

For more information call (619) 356-4515.

## Containment Manhole

Universal Valve Company has announced the availability of the Model #76CD-1608 Above Ground Containment Manhole.



The #76 CD features an internal drain assembly to help meet today's environmental regulations. It is designed for applications requiring a seven-gallon spill container. The model can be locked to prevent tampering. Universal's #76 also has a light weight hinged cover that makes the filling procedure easy and prevents the cover from being misplaced. Its all metal construction and epoxy-coating give it added protection.

For more information please write Universal Valve Co. at 478 Schiller Street, Elizabeth, NJ 07206, or call (908) 351-0606.

## Fuel Injection Cleaning



The fuel injection cleaning system from Airtex Products features a simplified design, permitting the mechanic to tap into the fuel filter outlet instead of the fuel rail and cut time in half for most applications.

Airtex's system operates without disabling the fuel pump, and eliminates difficult and time-consuming hookups at the fuel rail or throttle body. The mechanic saves additional time with one cleaning system hookup and fuel filter replacement at the same fuel line location. The Airtex fuel injection cleaning system is designed for TBI and multi-port injection on domestic and import models.

For more information call (812) 426-7756.

## Drum Tourniquet



The new Drum Tourniquet provides a quick and effective means of stopping leaks in punctured or corroded drums. Best described as a "high-tech bandage," the Drum Tourniquet utilizes magnetic or suction technology to compress a chemical-resistant, flexible pad against the leaking area.

The stainless steel backing plate is flexible and may be applied in any direction. No straps or tools are required. Optional forklift-mount assembly allows a Drum Tourniquet to be carried on board, ready for immediate response.

For more information call 1-800-353-1611.



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