



THE INDEPENDENT **DEALER**

OFFICIAL PUBLICATION OF THE OHIO PETROLEUM RETAILERS & REPAIR ASSOCIATION

VOLUME 42 ISSUE 1 • JANUARY/FEBRUARY 1998

Introducing
the

OPRRRA

Story, Registration
Information on
pages 6-8!

BUYING POWER

GROUP

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ALSO IN THIS ISSUE:



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- 1997 INFO EXPO REVIEW Page 14
- YOUR LEGAL RIGHTS: Green Light for Price Fixing Page 19



DEAR OPRRA MEMBER:

At a recent meeting of dealers and association execs from around the country, a dealer from a Southern state told a story about a former member of Congress who had long been a personal friend of the dealer. One afternoon, when they were discussing dealer issues and problems, the Congressman indicated his continued willingness to introduce any legislation which the dealer desired. However, he continued by asking when dealers were going to realize that they were dinosaurs. Fortunately for dealers, that individual is no longer a member of Congress.

That story struck a chord that continues to ring in this writer's ear. All too often we have heard that dealers are dinosaurs, that their day in the sun has passed and that they have outlived their usefulness. By comparing and equating dealers to dinosaurs, many are saying that dealers are doomed to inevitable extinction.

But is the comparison truly accurate? We know from history that dinosaurs were, in most cases, large, often slow moving reptiles with small brains, a limited ability to think and communicate and little or no ability to change or adapt. We also know that because of these shortcomings, they were victims of circumstances that surrounded them, most notably, the coming of the Ice Age.

Dealers, on the other hand, are human beings with well developed brains and an ability to think and reason. They possess an ability to communicate

amongst themselves and others. Like most other humans, they are surprisingly adaptable and are seldom, if ever, content to allow themselves to be victims of circumstance.

In other words, dealers and repairmen are not the same as dinosaurs. They have an ability to change many of the circumstances that effect their business environments and an additional ability to adapt when they can't change the environment. Unlike the prehistoric creatures whose bones are now displayed in museums and who were unable to overcome challenges and adapt to changes, dealers are blessed with those very abilities. Dealers and repairmen are NOT dinosaurs.

Just having the ability is not enough, however. Dealers and repairmen, as independent business owners must use their abilities to meet and overcome the challenges they face and avail themselves of every opportunity presented to preserve and protect their business and profits.

The environment which dealers and repairmen operate in is constantly changing and that evolution of change brings both new challenges and opportunities. Independent dealers and repairmen in Ohio and around the country have witnessed and experienced an erosion of their rights and options as business persons. That erosion has all too often resulted in higher costs of operation and dramatically reduced profits.

It is time for dealers and repairmen to meet the challenge and seize the opportunity to protect their remaining rights



DEAR OPRRA MEMBER

continued...

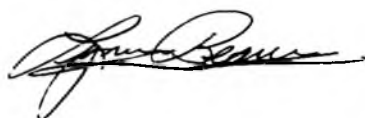
and win back those which have been taken away or compromised. The challenge is formidable but the opportunity to successfully meet it and overcome it is real provided that the people who will benefit from the action are committed to its successful completion.

Your association has made numerous changes over the past several months, those changes were designed to streamline our operations and adapt the association to its ever-changing environment, thereby making it easier to provide help and leadership to our members. The goal is to provide you with the tools and information you need to make sound decisions which will lead to improved profit and independence.

The Board of Directors of this association is committed to using all of their abilities to meet the challenges that it faces now and in the future. But the Board can't meet those challenges alone. Without the help and cooperation of the members which the Board serves, that commitment will be less than successful. With that commitment and support, we will succeed.

And if you want to see a dinosaur, rent *Jurassic Park*.

Sincerely,



Lynn Bearer
Executive Vice President
Ohio Petroleum Retailers
and Repair Association

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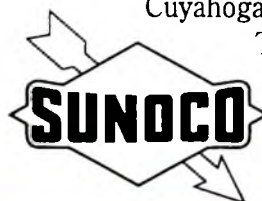
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The Independent Dealer is a publication owned and published by the Ohio Petroleum Retailers & Repair Association, Inc. It is dedicated to the improvement of the independent gasoline retailer's and repair shop's position in the oil and automotive industries. Total circulation is 1,200. The magazine is mailed six times a year to service station operators, station suppliers, tire dealers, radiator dealers, automotive wholesalers, repair facilities and those in related businesses in northern, central and southeastern Ohio.

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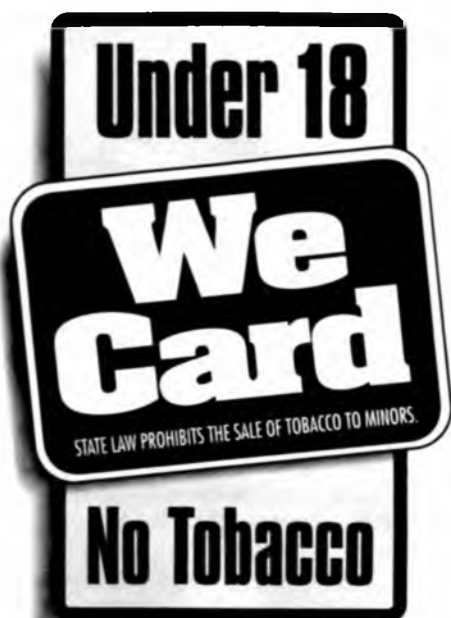
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filing process is complicated and can be very expensive.

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from assessment to "in the pits" contracting.

PART II

Free Cash!

By Gina LaVecchia
OPRRRA Correspondent

IN NOVEMBER, THE INDEPENDENT DEALER REPORTED THAT OPRRA DEALERS WERE ABOUT TO BE OFFERED MEMBERSHIP TO A MONEY-SAVING GROUP BUYING PROGRAM. HERE ARE THE DETAILS ON THIS VALUABLE MEMBER BENEFIT:

Tired of watching your competitors sell pop, chips, candy and groceries at prices you can't even buy items for?

Well, the great equalizer is here! Because of a new service from OPRRA, Ohio dealers are now armed with an advantage that company-owned stations have had, by themselves, for much too long: Purchasing c-store merchandise at a very competitive price.

Through the new OPRRA group buying program, OPRRA members can now enjoy group rates on c-store items. How? What's the catch? No catch—we promise!

OPRRRA members simply need to join the new buying group for one year to receive lower prices on c-store items, as well as participate in ac-



.....
Left: Brooks Beverage Representative **Paul Tarney**. Below: J.F. Walker Co. Representatives **Dick Adams, Rob Stein, Charlie Hutson and Larry Wadsworth**.



crual programs on items they purchase—another perk gas companies—but not independents—have enjoyed for years.

The idea for a group buying program was designed by OPRRA staffer Terry Mulgrew and OPRRA member Ken Frank. Frank says he saw oil company-owned competition "taking advantage of purchasing in large volumes," he explains. "So I thought, hey, we, as Ohio independent dealers, are a large group, too. Together, we spend millions of dollars every year, so why aren't we getting the same prices as other big purchasers? It just seemed silly not to do this."

Fired up by the idea, Frank and Mulgrew put together a committee of OPRRA members, including Neysi Sample, Ron Milburn and other board members, to find food and beverage distributors to partner with. J.F. Walker and Brooks Beverage Management, Inc. (BBMI), submitted the best bids, and are now the official partners in the OPRRA Buying Power Group. Through the Group, Ohio independent dealers are finally leveling the convenience store playing field.

OPRRRA Member Services Director Terry Mulgrew says, "Members only have to commit for a year, but I'm sure after they see the improvement in their bottom line, everyone will want to stay in the group. It is free money for doing absolutely nothing differently than you are doing right now, except purchase from our partners. The only difference is that we are now buying together, instead of separately."

So are you ready to be more competitive? Here's how OPRRA Buying Group partners will help you make

Continued on next page

more money with your c-store items:

When you join the OPRRA buying group, you will receive your beverages through OPRRA partner Brooks Beverage Management, Inc. in the OPRRA-Brooks Beverage 1998 Partnership Program.

"Cola giants are dictating to the independent operators how to run their businesses, requiring them to dedicate an unreasonable amount of their cooler space for the products that might not sell in every location. Dealers are often required to carry a full shelf of an item that doesn't sell very quickly, when a few facings of that product would suffice. Dealers know their customers better than anyone else. With our program, they can maximize their profits by properly managing cooler space," Nyeste says.

"More important than that," says Nyeste, "Is that dealers realize the savings that comes from having 'strength in numbers.' We are very committed to this program—it is leveling the playing field for the independent dealer."

J.F. WALKER

OPRRA has also partnered with J.F.



Also joining the OPRRA Buying Power Group is TeleManagement Solutions Corporation. Above: **Cindy Lehman and John Herrity** of TeleManagement Solutions.

J.F. Walker, like Brooks Beverage Management were chosen, says Terry Mulgrew, because of the low prices, quality products, good service and value they are offering to dealers.

He adds, "I think OPRRA members should be excited about this. This is an opportunity they've never had before. But remember, a buying group is only as strong as the members are committed to that group. The thing that will make the group successful is to get as many members as possible. The more members, the lower their prices will be and the greater their allowances will be."

Continued on page 23





OPRRRA Buying Group Program Agreement

Name: _____ Membership Number: _____

Company Name: _____

Please complete a separate form for each of your locations.

Address: _____

Telephone: () _____ Fax: () _____

Existing vendor account number:

Company: _____ Acct #: _____

Company: _____ Acct #: _____

Please enroll me in the OPRRA Buying Group Program. I have read and fully understand the terms outlined in this contract and agree to abide by the terms herein stated.

Signature _____

Title _____

Please print name here _____

Date _____

TERMS

Participation requirements

- 1) Must be an OPRRA member in good standing.
- 2) Must complete all necessary paperwork including but not limited to:
 - a) Buying Group Program Agreement

Accrual Allowances

- 1) J.F. Walker: The allowance will be issued by OPRRA monthly, on approximately the twentieth day of the following month that the goods were purchased in.
- 2) Brooks Beverage: The allowance will be issued by OPRRA quarterly, on approximately the twentieth day of the month following the quarter the goods were purchased in.
- 3) To participate in Brooks Beverage Partnership Program an additional form must be completed with your local Brook's representative.
- 4) The allowance amount cannot be used to offset any money owed to the supplier.
- 5) Accrual allowances will begin from the date the agreement is received by this office.

Administration

- 1) OPRRA will receive 5% of the allowance amount to offset the administration cost. This agreement, upon notification, can be amended or adjusted as necessary for proper administration of this program.
- 2) Suppliers will be notified of a members participation by the OPRRA office. Credit terms are available through the supplier. Please contact them directly for any credit applications. The vendors in this program are the sole decision makers regarding credit extension.
- 3) Any member cancelled from the Buying Group Program due to non-payment of dues will be notified by mail. OPRRA will advise suppliers to discontinue any rebate programs and discounts available.
- 4) This program can be amended by the addition or deletion of vendors.

Application accepted by: _____ on behalf of OPRRA Buying Group Program

Date: _____

Please retain the yellow copy for your records.

Group Rating Program: How are we doing?

By L. Michael Stange
The Frank Gates Service Company

KEEPING UP with Workers' Compensation Group Rating can be tough to do. Various factors affecting the amount of premium savings, promises tossed about by plan administrators vying for your business, and timing of the programs all converge to cause confusion.

Let us briefly consider three separate group rating plan years. We'll take them one at a time.

Although we are now close to the end of 1997, the most recently completed group rating plan year is 1996. It covered the fiscal period of July 1, 1996 through June 30, 1997. When the plan was filed with the Ohio Bureau of Workers' Compensation (BWC), Frank Gates forecasted OPRRA members to save just over 65 percent of their original premium cost. How did they fare? Actual premium savings amounted to \$2.29 million, a 67.4 percent savings!

In the interest of honesty and fairness to you, Frank Gates does not inflate savings forecasts. All data produced arises from sound and conservative bases. As a business operator, you are better served by carefully prepared conservative estimates, not ones that appear attractive but are unrealistic.

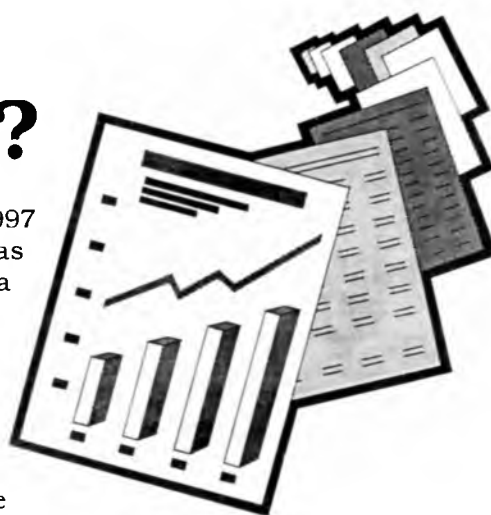
OPRRA's 1997 group rating

plan, running from July 1, 1997 through June 30, 1998, was filed with the state almost a year ago as required. Participants are again forecasted to save approximately 67 percent of their original premium cost. Half of the savings will be distributed in March, 1998, the other half in September, 1998. Savings distributions always follow the completion of the semi-annual payroll period and premium payment. The total amount of savings will be greatly reduced, but for a good reason. The BWC recently announced a phenomenal 75 percent divi-

dend credit to all employees! Your group rating savings percentage is unaffected.

OPRRA's 1998 program will be filed with the BWC in January 1998. The period covers July 1, 1998 through June 30, 1999. As with every other group rating program in the state, savings will be realized in

early-and mid-1999. Members are projected to receive savings refunds of about 66 percent of their premium. This will mark the fourth straight year OPRRA's group rating program has saved members 65 percent of their premium without removing any participants from their program. For the petroleum industry, those savings reflect excellent performance and safety by anyone's standards. ♦



➤ **Frank Gates always welcomes calls from OPRRA group rating participants and inquiries from others. The toll free number is 800-777-4283. Ask for Mike Stange at extension 431 or Dave Merz at extension 318.**

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What's up underfoot?

Monitoring your underground storage tanks for compliance is required by state and federal regulations. It's also a good way to keep track of your gasoline inventory. A new OPRRA member can help make monitoring your tanks a little easier.

A new OPRRA associate member, USTMAN Industries, of Lakewood, Colorado is a provider of leak detection services for petroleum retailers. USTMAN performs an important and valuable service: Statistical inventory reconciliation (SIR) of petroleum retailers' underground storage tanks and lines.

USTMAN's Shawn Sicking says, "We provide compliance for a petroleum system's underground storage tanks (USTs) and lines, with the capability of detecting leaks as little as .1 gallons per hour."

In addition to assuring compliance with regulations, inventory and monitoring services like USTMAN's SIR provide retailers with a centralized method of collecting UST data and management information so that you are aware of things that can go awry with your tanks and lines, including meter miscalibrations, tank tilts, short deliveries, temperature and pilferage.

ABOUT SIR

What is SIR? It is one of the most accurate methods of detecting leaks currently available. It utilizes statistical computer analysis to calculate the integrity, or "tightness," of your underground tanks and lines, helping you to better comply with de-

manding Federal and Ohio UST regulations. Moreover, this type of monitoring may help you to better keep track of your gasoline inventory.

USTMAN's SIR system is certified for monthly monitoring and leak detection and it is adapted to federal as well as Ohio

petroleum retailers currently own, and, says Sicking, USTMAN's "complete computer package," called "EXTREME." It is a data collection system which can be installed in your office and utilizes SIRSEND, TANK TRAX and SIRPLUS all in one computer.



environmental regulations beyond 1998.

HOW DOES SIR WORK?

Statistical inventory reconciliation is one of the simplest forms of leak detection compliance. It uses inventory figures you are already collecting at your station, including daily volumes (stick readings), daily sales, daily delivery readings, and bi-monthly water readings.

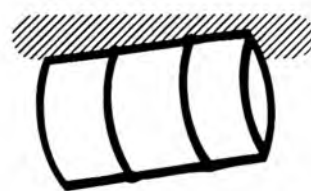
You send your information to USTMAN's headquarters for analysis. Submit your data by mail or fax, through "SIRSEND," USTMAN's automated telephone data entry system, "TANK TRAX," USTMAN's accounting software for UST inventory, or the "SIRPLUS" system, a combination of SIR and an automatic tank gauge system.

Also available are direct interfaces with accounting software systems some

"This provides the petroleum retailer with centralized alternatives for data collection, and provides on-demand compliance and management reports," Sicking says.

Once your data is received by USTMAN, it is statistically analyzed by one of USTMAN's 13 analysts, who determine your system's status. USTMAN then reports back to you with pass/fail compliance status.

"The analysis also includes a certified test for both the tanks and the lines and it provides information on meter miscalibrations, tank tilts, short deliveries, and pilferage," adds Sicking. "Each status call and report is checked for completeness, then it's mailed or sent electronically to the dealer. But if a problem exists, the customer is notified immediately by phone or fax," he says.



By Gina LaVecchia
OPRRA Correspondent

Additionally, "Each USTMAN client is provided with a specific analyst/account manager to address questions and provided service," says Sicking.

HOW CAN THIS HELP ME?

Sicking explains that there are many benefits to enlisting a statistical inventory reconciliation service like USTMAN's

"For many dealers, this type of system is a good economic alternative to physical tank testing and installing expensive equipment at your site," he says. "Also, we are providing much more than help with compliance. On a monthly basis, we provide valuable management information related to meter miscalibration, tank tilts, short deliveries, temperature and pilferage," he says.

"Lastly, this is easy to use. There is no equipment to install, and, we utilize the data already being collected and recorded at the underground tank site. This requires no new procedures on the dealer's part." ♦

For more information, call USTMAN at 800-253-8054. **Note:** Be sure to see next month's issue of the *Independent Dealer* for information about one OPRRA member's trial experience with the USTMAN SIR system.

If you missed the you missed...



- practical solutions to business problems
- profitable business ideas • industry consultants
- exhibits including the best products and services available
- exciting seminars • free samples • General Membership Meeting
- keynote address from SSDA-AT's Roy Littlefield • vital legal information

...you missed out! So here's a list of show exhibitors and photos at the November 11 and 12 event.



Booth 101
Emil Pawuk and Associates, Inc.
Richfield, OH 44286
(330) 659-9393
Steve Cox, Vice President, Sales
AmerCan Canopies; Catlow Dispensing
Equipment; Emco Electronics Tank Gaug-
ing; Dresser Wayne Dispensing Equip-
ment.

Booth 103
Buckeye Payphone Service, Inc.
Hindkey, OH 44233
(330) 220-8053
Mark Higgins, President
State-of-the-art payphones and en-
closures to compliment your business and
increase your profits.

Booth 105
ALLDATA Corp.
Elk Grove, CA 95758
(800) 829-8727 ext. 3031
Cherry Scott, Trade Show Coordinator
ALLDATA is the leading publisher of elec-
tronic Automotive Diagnostic and Repair
Information. Available on CD-ROM and
also online via modem.

Booth 106
Harrell's Car Wash Systems
Reynoldsburg, OH 43068
(614) 860-1978

Allan DeLoye, Ohio Systems Marketing
PDQ Touchless Laserwash 4000 Car
Wash Systems - the latest technology in
touchless (frictionless) automatic car
wash systems; Belanger soft cloth tunnel
systems.

Booth 107
The Fedeli Group
Cleveland, OH 44131-6806
(216) 328-8080
Mark A. Mangione, Account Executive
insuring your business and its assets is
our primary business. Offering liquor li-
ability, multi-year guaranteed proceed
contracts, tow trucks, c-store, food spoil-
age, equipment breakdown. Non-
auditable contracts

Booth 109
Petro Environmental Technologies
Seville, OH 44273
(330) 948-1494
Gregory P. Marshall, General Manager
Petro Cell Soil Treatment Facilities; Re-
mediation of Petroleum-Impacted Sites;
Turnkey Contracting Services.

Booth 110
SRW Environmental Services, Inc.
Milford, OH 45150
(513) 576-0009
Matthew Wagner, Business Manager
BUSTR Compliance; PUSTRCB Assis-
tance; Corrective Action Funding;
Guaranteed Services

Booth 111
Eby-Brown Co.
Springfield, OH 45501-0119
(800) 325-9254
Jeff Horaney, Sales Manager
Wholesaler/Distributor providing a full ar-
ray of convenience store products and
services.

Booth 112
Brouse & McDowell
Akron, OH 44308
(330) 535-5711
Keven D. Eiber, Attorney
Full range of legal services.

Booth 113
Mid-Valley Supply
Zanesville, OH 43701
(800) 499-0019

Mark Cartmell, Sales Representative
Service Station Equipment.

Booth 114
**Kovachy Brothers and Budget Auto
Parts**
Brookpark, OH 44142
(216) 267-8400 ext. 216
David Runkle, Sales Manager Auto Parts.

Booths 201 and 203
Snap On Tools/Snap On Diagnostics
Solon, OH 44139
(800) 775-7594
Kurt Cargill, Branch Manager
Automotive Service Equipment.

Booths 202 and 204
Marathon Oil Company
Findlay, OH 45840
(330) 335-2332
Snaun W. Spangler, Marketing Rep.
A growing company with 2,300 brand out-
lets in 11 states, Marathon Oil Company
is built on a history of success. We are
committed to customer service and do-
ing everything possible to help your busi-
ness grow and prosper under the Mara-
thon name.

Booth 205
Ohio Lottery Commission
 Cleveland, OH 44113
 (216) 787-4813
 William Dean-El, Special Projects, Sales Division
 New state-of-the-art twelve-bin Instant Ticket vending machine; new in-counter ticket dispensers.

Booth 206
Acron Manufacturing Company
 Cleveland, OH 44102
 (216) 651-9200
 Steve Shaw, Technical Sales and Training Manager
 Hand-held Diagnostic Equipment for Professional Tech.

Booth 207
Online Professional Electronic Network/OPeN
 Columbus, OH 43216-0549
 (614) 481-6999
 OPeN is an online information service providing access, through a PC, to records such as driver's license abstracts, arrest and conviction records, workers' compensation claims, pre-employment credit reports, nationwide bankruptcies, liens and judgments.

Booth 208
BJAAM Environmental Inc.
 Canal Fulton, OH 44614
 (330) 854-5300
 Libby Iskandar
 Underground Storage Tank Removals; Environmental Clean-up and Tank Assurance Fund Financing.

Booth 210
Suntronic Technology Group
 Crystal Lake, IL 60014
 (815) 459-1959
 Shellie Halfpenny, Marketing Com. Administrator
 Point-of-sale systems to the c-store and petroleum industries.

Booth 211
Sage Financial Corporation
 Auburn Hills, MI 48326
 (248) 371-3500
 Kevin B. Lasser, President
 Equipment Leasing.

Booth 212
J.F. Walker Co., Inc.
 Gahanna, OH 43230
 (614) 751-5100
 Charlie Hutson, Business Development Manager
 Complete convenience store supplier.

Booths 213 and 215
Automotive Equipment Co., Inc.
 North Ridgeville, OH 44039
 (216) 777-2707
 "C. J." Datko, Vice President
 Hunter Wheel Service Equipment; A/C Equipment; Ammco Lathes; Coats Balancers and Tire Changers; Rotary Surface Mount Lifts; new and used Wreckers, towing equipment and tilt beds.

Booth 214
Brooks Beverage Management, Inc.
 Columbus, OH 43219
 (614) 237-4201
 Dan Nyeste, Sales Promotion Manager
 7-UP Splash bottle and Ohio's favorite New Age beverages.

Booth 217
TeleManagement Solutions Corp.
 Reston, VA 20191
 (703) 620-6677
 John Heritty, President



ATM's; Pre-Paid Phone Cards and Pay telephone management. Endorsed by OPRRA.

Booth 301
Ameri-Serv Group
 Ann Arbor, MI 48106
 (313) 426-9700
 Thomas Jenkins, Dir. of PrePaid Phone Cards; Prepaid Phone Card Vending.

Booth 303
Parsons Engineering Science
 Cleveland, OH 44119
 (216) 486-9005
 Gary Wm. Gray, Associate
 Full service environmental engineering, design and construction management, reimbursement claims filing.

Booth 305
AD/EZ International
 Akron, OH 44305
 (330) 258-1456
 Alex Kallas, President
 FM Broadcasting station to be used for advertising products in your store.



Booth 400
Cotton Club Bottling Co.
 Cleveland, OH 44125
 (216) 271-2600
 Ludie M. Jackson, New Age Beverage Manager
 Soft drinks; juice; teas; waters; single serve.

Booth 401
Service Station Equipment Co.
 Cleveland, OH 44103
 (216) 431-6100
 Phil Havel, Dir. of Sales/Marketing
 Ohio's largest supplier of tanks, canopies, canopy lights, underground tank monitoring, overfill protection, EPA compliance equipment, Schlumberger service station pumps, hoses, nozzles and rotary lifts.

Booth 402
Corpro Companies, Inc.
 Medina, OH 44256
 (330) 723-5082
 Fred Cregut, Reg. Sales Rep.
 Engineering, materials, installation; corrosion control for underground storage tanks.

Booth 403
CTC Distributors
 Hazel Park, MI 48030
 (248) 543-1500
 Edward A. Carman, President
 Full Line of Zippo lighters and other Zippo
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 erage from "A" to "Zippo!"

Booth 404
McQuaid Oil Company
 Grand, OH 44420
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 James Pascoe (216) 564-9232
 Motor oil distributor

Booth 405
Service Station Computer Systems
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 (505) 972-7727
 Ms. Meghan Emerson, Marketing Rep
 Back office software for the retail petroleum
 industry since 1981. The "CDB" serves the
 needs for both auto repair and c-stores with
 POS interface capabilities

Booth 500
Datatek
 Macedonia, OH 44056
 (330) 467-2002
 Gary Brown, Account Executive
 Demonstrating Autotrak Shop Management
 Software.

Booth 502
Monorail, Inc.
 Auburn, NY 13021
 (800) 544-9274
 Gerald B. Servais, Sales Manager
 Manufacturer of coin-operated Auto Vacu-
 ums and Self-Service Car Wash Equipment.
 Auto Vacuums Self-Serve Car Wash Equip-
 ment is ETL Listed and Approved.

Booth 503
Employee Benefit Specialists
 Dublin, OH 43017
 (614) 793-7770
 Todd Cullen, Senior Account Mgr.
 Information about the OPRRA-endorsed
 health insurance plans, including benefit
 plan descriptions, provider directories and



**thanks all exhibitors,
 attendees, sponsors and
 prize donors!**



enrollment applications. Assistance with any
 questions regarding the plans.

Booth 504
TeleCheck
 North Olmsted, OH 44070
 (216) 777-3730
 Toni Mullee, Area Manager
 TeleCheck, a division of First Data Corp.,
 provides check guarantee, authorization and
 collection services to over 167,000 retail
 outlets in the US, Canada, Puerto Rico, Aus-
 tralia and New Zealand. Visit our website at
<http://www.telecheck.com>.



Booth 506
The Frank Gates Service Company
 Dublin, OH 43017
 (614) 793-5431
 Mike Stange, Senior Account Exec.
 Administrator for the OPRRA Workers'
 Comp Group Rating Program and cost con-
 trol programs for Unemployment Comp.



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MEMBERSHIP MEETING HIGHLIGHTS

General Membership Meeting jam packed with information

Missed the meeting? Highlights included insurance updates, legislative action and the expert insights of SSDA-AT's Roy Littlefield

OPRRA's General Membership Meeting, like the rest of last November's annual OPRRA Information Expo was an informative, valuable session for the OPRRA members who attended. At the general meeting, addressess from OPRRA Board Members and staff, as well as from **Roy Littlefield**, Executive Vice President of the Service Station Dealers of America and Allied Trades



(SSDA-AT) provided expert updates on the state of the associations, and the industry in general.

Littlefield, who is also Executive Director of the Washington/Maryland/Delaware Service Station and Automotive Repair Association is a respected political and legal scholar, and spoke about several topics of vital importance to independent dealers and repair business owners.

On the horizon, said Littlefield, "are many economic and political challenges dealers and repair business owners must overcome to preserve their future." Most notably, he said, these include declining profitability because of very low gas prices, as well as threats posed by "secret rent formulas, zone pricing and constantly-changing rebate and rent programs."

Littlefield, along with OPRRA

and other state associations, is also working to overcome what he called "the greatest threat" to independent petroleum retailers: The sale of gas by mass marketers and fast food chains. Some of these gas outlets, already located at some Wal-Marts, Home Depots, Targets, and regional grocery chains are threatening competition by selling fuel up to 18 cents per gallon below market prices. Some of these stations, he said, "Pump 900,000 gallons a month and have lines that are 20 minutes long."

Littlefield reported that he and individual states are also currently working on a response to the recent devastating U.S. Supreme Court decision (U.S. Oil v. Kahn), which now allows oil companies to set retail price ceilings. "We have to protect ourselves against this," Littlefield said.

Also at the Meeting...

OPRRA Vice President **Pat LaVecchia** announced this year's winners of the Anthony E. Procaccini Memorial Scholarship: They are Scott Kacirek, Jr. and Kendra Yeo. LaVecchia also announced the formation of an OPRRA Technician's Award, in which two technicians will be chosen via an annual lottery and receive technical training, to be paid by OPRRA. Details are coming. The award will be named in memory of two recently deceased members: Bill Theodore and Robert Adams.

OPRRA Executive Vice President **Lynn Bearer** also said that OPRRA was working with Roy Littlefield and SSDA-AT to combat the effects of the U.S. Oil v. Kahn decision. Bearer also reminded dealers to prepare for the 1998 tank standards regulations, which go into effect next December. "The



deadline is very close. Make sure you have all the facts," said Bearer. "If you don't know what you need to do to comply, contact the OPRRA office to get the information you need."

OPRRA Vice President and SSDA-AT President **Tony Licata** spoke about changes at SSDA-AT, including a direct membership drive, which will result in more members nationwide. Licata said more direct members will provide more input, strength, and lobbying power.

OPRRA Vice President **Andy Tilton** spoke about the OPRRA Workers Compensation Program, and said that members could expect to see as much as a 75% cut in premiums due to the Ohio Bureau of Workers Compensation. The reason? Over a billion dollars in surplus funds exists. Also, Board Member **Ron Milburn** spoke about OPRRA's health insurance program, which now allows members to choose between two viable plans: United Healthcare and Anthem. Watch your mail for information.

Lastly, OPRRA President **David Freitag** challenged members to become more involved in the exciting things happening in the organization. "We need your input on committees," he said. "The board and the entire organization benefits from your efforts and your ideas." ♦



Happy Holidays

*The Ohio Petroleum Retailers
and Repair Association
wishes our Members, Family
and Friends the very best this
Holiday Season.*



GREEN LIGHT FOR PRICE FIXING

By Glenn D. Waggoner, Esq.
OPRRRA Counsel

IN A DECISION sending shock waves through the independent dealer community, the U. S. Supreme Court has reversed its prior position that it is always an anti-trust violation for a supplier to set a maximum price at which a dealer can sell petroleum products. The decision may clear the way for revolutionary changes in the degree of control exercised by refiners and jobbers over street prices charged by their dealers. The case is *State Oil vs. Khan* which arose from a dispute between an Illinois gas station and his supplier.

For nearly 30 years, the Supreme Court had stood by an interpretation of the Sherman anti-trust act which held that vertical maximum price fixing was illegal. The theory supporting this rule was that free and fair competition is the best way to set prices in the marketplace, and this is hindered if the manufacturer/distributor is allowed to dictate either the maximum or the minimum price at which a retailer could sell product.

The Supreme Court now says that while minimum price fixing is still automatically illegal, this rule no longer holds true for maximum price fixing, and instead such arrangements may only be declared illegal if the arrangement imposes an "unreasonable restraint on competition." This, of course, amounts to no real legal standard at all — vertical maximum price fixing is now legal unless a federal judge would determine (after the likely expenditure of tens of thousands of dollars on attorneys and experts) that the particular arrangement is unreasonable. Minimum price fixing is still illegal, because the Court reasons that consumers will always lose if an artificial floor is established for prices.

Only time will tell what legalized

maximum price fixing means to independent petroleum franchisees. The decision also cuts across many other industries, and can affect everything from tires, batteries and accessories to the snacks in the convenience store. Allowing a distributor to set maximum price levels, the Court reasoned, is generally "pro-consumer" because this inhibits price gouging.

The Court further reasoned that it would be economically foolish for a distributor to set maximum prices so low that its retailers are driven out of business. This may be an easy conclusion for justices having lifetime appointments, but it gives no assurance to the major-brand petroleum marketer whose margins are already tight. These marketers can easily go under and lose their investments if refiners limit their ability to price at a profitable margin. And if the marketers do go under, the refiners always seem to have a ready pool of new dealers who will sign up to experience the same fate.

The scope and effect of the new



Glenn D. Waggoner, Esq

decision will be developed in new court cases. But meanwhile, the only sure fix would be new legislation at the state or federal level to reinstate an absolute ban on any vertical maximum price-fixing arrangements. Such efforts have begun already, and make it all the more important that informed independent dealers maintain their memberships in OPRRA and the Service Station Dealers of America. These organizations will be leading the fight to maintain the freedom to price products at the retail level.

Now, more than ever, it is a simple matter of survival. ♦

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Call for more information and references.

Look for an ATM in a store near you

By R. Dave Hughes, PhD
President, Kadoka Investments, Inc.

THINK BACK about five years ago; the US automated teller machine market was limited to sporadic placement within bank premises. The growth rate of terminals was a slow but steady six percent per annum between the years 1985 and 1993. The market supported approximately 80,000 terminals. The market has shifted and a window of opportunity exists for dramatic growth of off premises and non-bank ATM units. The window is open for OPRA members.

It is now common to locate the ATM units within convenience stores, grocery stores, office buildings, shopping centers and truck stops. In fact, everywhere people traffic, one might locate an ATM. Strategically placed ATM units generate customer traffic and also provide considerable profit opportunity for both the owner of the ATM and the business site. ATM customers spend an average of 20 percent more with each purchase. The implications for C-store owners are clear. As the electronic universe expands, usage rates will continue to rise and today's prime locations only grow in value.

CURRENT POSITION AND FUTURE OUTLOOK

The strength of the ATM industry has relied on the continuing consumer demand for convenience. Non-bank locations feed this demand and the recent ruling which allows ATM owners to add a surcharge fee to each transaction only accentuates the profitability of the ATM industry.

ATMs are a growing part of US culture. There are 149 million Americans over the age of 18 and seventy-one percent of that group have an ATM card. The average American uses an ATM card six times per month. Usage carries an inverse relationship to age which means with time the use of ATMs or convenience banking is only going to increase.

MARKET RESEARCH AND ASSUMPTIONS

Bank locations are a finite entity. There are only a fixed number of locations and their numbers are shrinking; not expanding. People want access to cash and a recent survey indicates the use of automated teller machines as a preferable means by which to obtain it.

There are in excess of six million retail locations in the United States, potential sites for the placement of an ATM unit. The current level of ATM units

in operation in the US is approximately 120,000 : 2 percent of the retail locations. Experts expect the figure to double in the next five years.

The greatest growth aspect of the ATM industry is yet to come. For the year 2,000, electronic commerce could reach \$755 billion. The reason for this seemingly extreme optimism revolves around two emerging technologies and programs directly tied to automated teller machines.

The first is the smart card, a card similar in appearance to a conventional credit card but embedded with a microprocessor chip. Many of these smart cards also have the magnetic stripe common to credit cards, but the embedded chip holds far more information than a magnetic stripe is capable of holding.

Smart cards are "reloadable", their value can be replenished at the ATM and even transferred from one card to another. There are more than 800 million smart cards in use worldwide. This is mostly a European commodity but smart cards emerged at the 1996 Olympic games in Atlanta. Five million smart cards will be issued in the US this year and it is believed 3.8 billion will be issued by the year 2,000 on a worldwide basis.

The second major growth source is the federal government. The proposed Electronic Benefits Transfer (EBT) will streamline and strengthen the disbursement of federal benefits such as food stamps and welfare assistance cash. Electronic delivery of these benefits will automate labor intensive paper driven functions of these social assistance programs. Imagine the windfall for convenient retail oriented automated teller machines.

Like it or not, the electronic banking and convenience phenomenon is happening. It is happening all around you and applications of electronic banking either do or soon will encompass every socioeconomic level in the area of your store. The question one has to ask is, will this be happening at my business or my competitors'? ♦



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CALENDAR

IMPORTANT EVENTS, TAX DUE DATES AND IMPORTANT DEADLINES



JANUARY - MARCH

1993 through 1996 claims with any amount of lost-time-from-work during the Jan. Mar. 1998 period can greatly reduce group savings. Employers should contact their Frank Gates claims rep. immediately should a claim reactivation occur.

JANUARY 15, 1998

4th Quarter estimated tax payments due.

FEBRUARY 15

Deadline for receipt of July 1, 1997 December 31, 1997 premium payment. This premium payment will be 75 percent less than usual due to a dividend credit granted by BWC.

FEBRUARY 28

BWC deadline for receipt of July 1, 1997 December 31, 1997 premium payment in order to avoid lapsed coverage.

MARCH 1998

First semi-annual savings rebate check sent to all July 1, 1997 participants.

SPRING 1998

ASE Spring Tests: Automobile/Light Truck, Medium/Heavy Truck, Collision Repair/Refinish, Engine Machinist, Auto Advanced Level, Alternate Fuels/CNG, School Bus, All recertification tests. Deadline for registration is April 3, 1998. Test dates: May 5, 7 and 12.

APRIL 1-4, 1998

SSDA-AT International Conference & Exposition in Louisville, KY.

NOVEMBER 3-6, 1998

SSDA-AT Board & Committee Meetings, Las Vegas, NV

DECEMBER, 1998

Deadline for new Underground Storage Tank Regulations. Call Terry Mulgrew, Director of Member Services, at (614) 221-0095 soon for more information.



Send your calendar items to: Editor, The Independent Dealer

P.O. Box 16818 • Rocky River, OH 44116

or Fax to: (440) 356-3776

OPRA NEWS

Just a reminder...

Effective January 1, 1998, the membership dues will no longer be billed monthly. If you were previously billed monthly for your OPRRA membership your next dues billing will be for a full quarter: January 1 - March 31, 1998.

Please note: Your dues have not increased, in fact... if you decide to pre-pay for six months, or for the entire year, you can earn a discounted rate. Look out for these savings on your next invoice.

If you have insurance or workers' comp questions:

Representatives David Merz and Mike Stange of the Frank Gates Service Company are on hand to answer all of your workers' compensation questions. In Columbus, call them at (614) 793-8000, or toll-free at 800-777-4283.

For Health-Dental Insurance Plan questions contact Employee Benefit Specialists locally in Columbus at (614) 793-7770 or toll-free 800-373-4327 Your representatives Debbie Hollingsworth, Amy Sarver and Todd Cullen are available to assist you.

BURNING USED OIL IN SPACE HEATERS

DURING COLDER months, service centers, car dealerships and related businesses help heat their shops by burning used oil in space heaters. Businesses burning used oil in their space heaters must be aware of Ohio EPA's hazardous waste and air pollution requirements.

The hazardous waste requirements that cover used oil are Rules 3745-58-50 to 3745-58-54 of the Ohio Administrative Code (OAC). Rule 3745-58-51(C) states that used oil may be burned in space heaters if the following conditions are met:

- the space heater is only used to burn oil that is generated at the business or received from a do-it-yourself oil changer who generated it as a household waste;
- the space heater does not exceed a capacity of 500,000 (.5 million) British Thermal Units (BTUs) per hour;
- combustion from gases from the unit must be vented to the outside;
- the used oil must not be mixed with any hazardous waste.

Burning used oil in space heaters causes air pollution. The level of air pollution (or emissions) depends on the amount of oil burned. Space heaters having a burner rating of less than 500,000 BTUs per hour cause little air pollution and can qualify for the "de minimis exemption" under OAC Rule 3745-15-05.

Qualifying for the de minimis exemption means that the business does not have to get an Ohio EPA air permit to operate the space heater. If the space heater qualifies for this exemption, the business does not need to provide Ohio EPA's Division of Air Pollution with this information. However, any



**You must keep a
monthly record of
the amount and
origin of oil burned.**

business burning waste oil should keep a monthly record of the amount burned (in gallons) and the origin of the waste oil (either generated on-site or received from another

generator). Records of any lab testing that has been done on the oil or information from the generator should also be kept on file.

The burner rating (BTU capacity) is usually found on the space heater itself or in the manufacturer's literature. Most space heaters on the market are rated less than 500,000 BTU/hr. If the heater's rating is unknown, the manufacturer can be contacted for this information. Heaters that cannot burn more than five gallons of waste oil per hour are also likely to qualify for the de minimis exemption.

Acceptable waste oils for burning in space heaters include:

used crankcase oils from automobiles and trucks; used metal working and lubricating oils; 90 W. gear oil; automatic transmission fluid; hydraulic oil; and heat transfer fluids. Burning other types of waste oils may require approval from Ohio EPA's Division of Air Pollution Control (DAPC).

Contact the DAPC Small Business Assistance Office at (614) 644-4830 to obtain a copy of the de minimis exemption or for additional information on the air pollution requirements for space heaters. For more information on the hazardous waste rule, contact the Technical Support Unit in the Division of Hazardous Waste Management at (614) 644-2956.

OPERA

INTERNET DIRECTORY

*Next time you log on, check out the following
industry and business web sites:*

ASE

www.asecert.org

Find the latest events at ASE including class registration and testing information, plus repair tips and much more.

EPA

www.epa.ohio.gov

Stay up-to-the-minute on EPA regs and rulings.

NACS, National
Association of C-stores
www.cstorecentral.com

Petroleum Equipment
Institute
www.peinet.org

Steel Tank Institute
www.steeltank.com

American Petroleum
Institute
www.api.org

PMAA

www.pmaa.org

National Petroleum
Council
www.npc.org

Oxygenated Fuels Association

www.cleanfuels.com

Find out how your state is rating cleaning up the air by using more efficient fuels.

Corvette Enthusiasts
www.corvette.net

Corvette art, clubs, events, links, museums, parts, pictures, sales.

Motorcycle Online
www.motorcycle.com
Everything you ever wanted to know about motorcycles, and buyers' guide.

COMPUTING

Bank Rate Monitor www.bankrate.com

Lists best credit card deals, data on auto, personal and home loans. Popular CD and MMDA rates for online accounts.

Quotesmith

www.quotesmith.com

Online insurance quotes. You can instantly review rates and products offered by 200 life insurance companies. You can apply for coverage online.

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www.bestfares.com

Hot deals on hotels, airfare and travel related discount deals.

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BN1 offers employee benefit to all OPRRA members

AS AN EMPLOYER, have you ever thought about ways to reward your employees? What could set your company apart from others? Why would someone want to work for you? The answer is simple, provide them with good pay, working conditions and benefits.

Benefits. That seems to be the recent buzz word lately in many industries. What benefits do you provide? Have you ever been asked that? Well now you can add an additional benefit for your employees. You can give them something of value with no cost to you.

BN1 Telecommunications, our member benefit provider, is extending the telecommunications benefit to the employees of the members of our association. Simply put, if you are a member of our association, your employees are eligible to receive the same low rates on their home bill as the members.

All you have to do as an employer is provide applications for your staff. These can be obtained through the OPRRA office or by contacting BN1 at (800) 860-1261. A BN1 representative is also available to give a presentation to your organization. The company is in no way responsible for any of the employee accounts.

In addition to the long distance program, BN1 offers prepaid calling cards, 800/888 service, marketing on hold, internet services, and several other telecommunication products.

So the next time someone asks you what benefits you provide, you can tell them proudly, "we offer discounted telecommunications services through OPRRA and BN1 Telecommunications." With BN1 you can Be Number 1 with your employees!



Free Cash!



Continued from page 7

programs will be returned to OPRRA and distributed among group buying members.

Mulgrew says "The lower prices and special allowances will make our dealers much more profitable."

Hutson agrees. "The beautiful thing about a buying group is that you don't have to be the biggest fish out there. The strength is in the numbers. No matter how small your store is, you will be getting something you would never have had the opportunity to receive independently."

Throughout the months of December and January, all OPRRA members will be visited by BBMI representatives, who will explain the company's part in the group buying program. They will also explain how OPRRA members, even if they don't join the buying group, can participate in monthly specials.

Similarly, representatives from J.F. Walker will visit OPRRA members throughout December and January to explain how to become part of the buying group. (Or for more information on J.F. Walker, call 614-751-5118.)

"There's no charge to be a member," Mulgrew reminds. "Big or small, all members of the buying group will get the same prices. Dealers only have to sign up and commit to the program for a year to start receiving the benefits of the buying group. This is money for nothing." ♦

Watch for representatives from Brooks Beverage, and from J.F. Walker to visit you at your location. Or for more information about the OPRRA Buying Power Group, call Terry Mulgrew at the OPRRA office: 1-888-804-9808, toll free.

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GET INVOLVED! OPRRA needs your help.

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We do better together!

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Goals, planning and implementation take you where you want to go

By Henry Holland, EA
The E.K. Williams & Co.

AS THE CALENDAR ROLLS to 1998 it's time to plan your personal and business goals. Everyone needs goals to focus on what they want to accomplish. Your goals must be specific, measurable, and have deadlines. You need to plan a way to reach each goal, and you must adjust your plan whenever you drift away from your goal. I set a goal to write this article and I set a deadline for reaching my goal. Without the deadline, the article never would have been finished. Goals are a great way to make the things you want become a reality.

Since I love to travel, it is easy for me to compare goals with travel. A goal is a destination. It must be very specific, and you must know your starting point before you begin your journey. Each year our family plans at least one major trip. This year the trip is to Mallorca. We know our starting point is Phoenix. Because we know where we are going, we know what clothes to pack and how much money to take with us.

Goals must have deadlines. A date must be set for accomplishing a goal, or it will be continually postponed. We set the date for our trip far enough in advance to take advantage of low fares and frequent flier miles. We know what day to go to Sky Harbor International Airport, what flight to board, and when it will leave.

You must have a plan for reaching your goal. The plan for making our trip has included many details. We have scheduled our vacation time and arranged for the care of our cat while we are away. We have shopped for the right

clothes for the trip. We have arranged to stop our newspaper delivery while we are away.

Progress toward a goal must be continually measured and the plan adjusted so you are once again on target. When we fly to Mallorca, the pilot of our airplane will follow a very specific route. Wind factors will cause the plan to drift from that route, and the pilot will have to make adjustments to get us to our correct destination on time.

Imagine making a trip without a specific destination, no deadline, and no plan. You know you are going somewhere, but you don't know where. Since you have no deadline, you don't know when you will be leaving. Since you have no plan, you don't know whether or what to pack. The result for most people in this situation is that they don't go anywhere. Set specific, measurable goals with



Henry Holland, EA

deadlines. Set and adjust your specific course to ensure you arrive at your destination when you want.

Convert your long-term goals into appropriate short-term goals and take action immediately. Annual goals must be broken down into monthly, daily, and hourly goals. Each month you should be resetting goals that, with hard work, can be realized. Even the longest journey begins with one step. Take your first step now, and begin the exciting path to your dreams. And remember to reward yourself along the way. ♦

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history

The Cleveland Gas Dealers Association began in 1950, and eventually changed its name to NOPRA. The Toledo Association joined NOPRA in 1989, then in 1993 the Columbus Association (ISSARA) allied with us to form OPRRA. Our goal is to help dealers be effectively represented in the marketplace.

benefits

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I am interested in joining OPRRA.
Please contact me and send me more information on the following topics:

Fax or mail this form to OPRRA at: (Fax) 614-221-1989 • (Phone) 888-804-9808
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