

# BottomLine



THE VOICE OF INDEPENDENT RETAILERS // VOL. 26, NO. 10 // OCTOBER 2015

## Driving the AFPD Turkey Campaign Forward

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■ How Would You Recommend a Retailer Market their Products During the Holiday Season? // PAGE 32



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# BottomLine



THE VOICE OF INDEPENDENT RETAILERS  
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## features



### COVER STORY //

#### DRIVING THE AFPD TURKEY CAMPAIGN FORWARD

Every year, the AFPD Turkey Drive Committee pledges to put a turkey on the Thanksgiving table of more than 6,000 families throughout Michigan and Ohio who may not otherwise enjoy this special meal. There is now an opportunity for retailers to raise money at their registers and give back to the charities of their choice.



### LIFESTYLE ADVICE //

#### FALLING INTO A FAMILY-FUN SEASON

Like his colleagues in the industry, John Denha has spent the end of summer preparing for the holiday season at his retail businesses. He also has been planning fall excursions.



### ASK THE MEMBER

How would you recommend a retailer market their products during the holiday season?



# chairman's message

JOHN DENHA // AFPD CHAIRMAN

## You Own AFPD

I absolutely love the holiday season. The weather cools down and the cider mills open up with donuts and fresh apple cider. The leaves start to change colors and the holidays begin; Halloween and then Thanksgiving and Christmas or Hanukah and the New Year. Every month your business needs to stay on its toes and change decorations, displays and merchandise so you can capitalize on what your customers want.

I can't believe my first year as AFPD Chairman is almost in the books. I am very happy with the progress our staff has made on so many fronts. Our Holiday Food & Beverage Buying Shows were the best I have been a part of in the last 15 years and it has been another record breaking year for AFPD in almost every category.

It is election time again and we are always looking for AFPD members to serve on our board of directors. If you are interested in serving, please contact our office. Serving on the board really gives you an inside look at our industry and is fulfilling in so many ways.

We are also looking for more retailers to sign up for our 35th Annual Turkey Drive because this year you can sell paper turkeys at your register and all the proceeds you raise will purchase turkeys for the charity of your choice. Some members are even willing to match their customers' donations, dollar for dollar in order to feed those in need.

During the holiday season is where our industry sees the largest movement of alcohol. Alcohol is a major area AFPD consistently works on. Many people don't know that alcohol is so important to our country that it is mentioned in two amendments of the US Constitution; the 18th and 21st. Some members have asked me what AFPD is doing regarding spirits and alcohol in general. Many people do not realize that we are one of the few states in the entire country that has a minimum mark up on spirits. Some in our industry, and some in the general public would like to get rid of Michigan's minimum markup on spirits. We fight to protect our minimum mark up all the time along with fighting to protect the half mile rule. Sometimes you need to play defense and look for the right time to play offense.

One item AFPD has been working on for two years is a SDM cap. We would like beer and wine licenses to hold some value and be proportionate to the population similar to SDD licenses. A SDM cap would create uniformity between SDD and SDM licenses, but would also be flexible enough to continue growth. At some point, enough is enough when it comes to new SDM licenses. How many of you know that dollar stores and even Bed, Bath & Beyond now have SDM licenses?

In addition to our multi-state lobbyists, AFPD is hiring a Director of Government Relations to further focus on these issues and others affecting our industry in Michigan and Ohio. I know we can never make every member happy on every issue, but we continue to fight and try our best to help our industry. We are here to serve you, the AFPD member, and your existence is the only reason we exist! If tomorrow, the AFPD board of directors decided to dissolve the association, every member would receive their share of the proceeds. We do not plan to do this, but you need to understand, you own AFPD. You are able to drive the truck and tell us where to take you. We need to hear from you! God Bless. ■

### EXECUTIVE COMMITTEE

<b>John Denha</b>	Chairman, 8 Mile Foodland/Huron Foods
<b>Phil Kassa</b>	Supermarket Retail Vice Chair, Heartland Marketplace/ Saturn Food Center
<b>Clifton Denha</b>	Convenience/Liquor Store Vice Chair, Wine Palace
<b>Paul Elhindi</b>	Petroleum/Auto Retail Vice Chair, Lyndhurst Valero
<b>Bobby Hesano</b>	Supplier Vice Chair, D&B Grocers Wholesale
<b>Al Chittaro</b>	Treasurer, Faygo Beverages, Inc.
<b>Jerry Crete</b>	Secretary, Ideal Party Stores
<b>Joe Abro</b>	Vice Chair of Fundraising, Princess Superette
<b>Jim Garmo</b>	Vice Chair of Community Relations, Kuzana Enterprises
<b>John Abbo</b>	Vice Chair of Vendor Program Development, Hartland Mobil
<b>Saad Abbo</b>	Vice Chair of Political Action, U.S. Ice Corp.
<b>Michael Mitchell</b>	Vice Chair of Membership, Markham Oil

### SUPERMARKET RETAIL DIRECTORS

<b>Najib Atisha</b>	Indian Village Market
<b>Tom Baumann</b>	Ric's Food Center
<b>Jacob Garmo</b>	Village Food Market/Fresh Food Depot
<b>Calvin Pattah</b>	Food Pride Supermarket/ Fresh Choice Marketplace
<b>Marvin Yono</b>	Alpine Market Place

### CONVENIENCE / LIQUOR STORE DIRECTORS

<b>Frank Ayar</b>	Walter's Shopping Place
<b>Pat Hand</b>	Discount Drinks
<b>Al Jonna</b>	Picnic Basket/Wine Merchants
<b>Brian Yaldeo</b>	Hills Fine Wine & Spirits

### PETROLEUM/AUTO RETAIL DIRECTORS

<b>Kevin Bahnam</b>	USA2Go
<b>Vickie Hobbs</b>	Whitehall Shell

### SUPPLIER DIRECTORS

<b>Ken Hebert</b>	Coca-Cola Refreshments
<b>Jason Ishbia</b>	Sherwood Foods
<b>Marsha Keenoy</b>	Diageo
<b>Brad Miller</b>	SUPERVALU Midwest Region
<b>Gary McGuirk, Jr.</b>	Liberty USA
<b>Brian Pizzuti</b>	RNDC of Michigan
<b>Mike Quinn</b>	Pepsi Beverages Company

### ASSOCIATE DIRECTOR

<b>Tiffany Otis-Albert</b>	Life Secure
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### EMERITUS DIRECTORS

<b>Pat LaVecchia</b>	Pat's Auto Service
<b>Joe Bellino, Jr.</b>	Broadway Market
<b>Jim Hooks</b>	

### STAFF & CONSULTANTS

<b>Auday P. Arabo, Esq.</b>	President & CEO
<b>Ed Weglarz</b>	Director, Petroleum
<b>Ron Milburn</b>	Director, Ohio Operations
<b>Kenny Ibrahim</b>	Director, Membership Sales
<b>Ila Konja</b>	Bookkeeper/Insurance
<b>Maegan Hesano</b>	Event Coordinator
<b>Angie Kassab</b>	Office Manager/Publication Sales
<b>Mary Ann Yono</b>	Business Development
<b>Veolet Al Harraq</b>	Receptionist/Office Assistant
<b>Linda Milburn</b>	Executive Assistant, Ohio
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<b>Joe Garcia, Esq.</b>	Michigan Lobbyist Honigman Business Law
<b>Terry Fleming</b>	Ohio Lobbyist TC Fleming & Associates
<b>Tyler Valdo</b>	TMV Consulting
<b>Tamar Design's, LLC</b>	Graphic Design
<b>Rice &amp; Diggs, LLC</b>	Consulting
<b>Diversity Management</b>	Consulting
<b>Denha Media and Communications</b>	Public Relations
<b>Steve Hood</b>	Public Relations
<b>UHY-MI</b>	Certified Public Accountant



## AFPD Accepting Nominations for 2016 Board of Directors

It's time to exercise your right to help choose AFPD's Board of Directors for 2016. Any voting member of AFPD may be nominated to serve on the Board of Directors.

To be eligible, you must be a member in good standing for no less than the prior 12 months, and you must be nominated in writing on or before Friday, October 23, 2015. All nominations require the support of 10 additional members in good standing or a majority vote by the nominating committee.

The election results will be tallied on Tuesday, December 1, 2015.

AFPD urges members to nominate candidates who will devote their time to represent the food, beverage, and petroleum industries with professionalism and integrity.

Please send your nominations, with supporting signatures, on or before Friday, October 23, 2015 to the AFPD Nominating Committee | 5779 West Maple Road | West Bloomfield, Michigan 48322. For more information, contact AFPD President & CEO Auday Arabo at (800) 666-6233 or [aarabo@afpdonline.org](mailto:aarabo@afpdonline.org). ■

A member is able to challenge any incumbent in their own respective category. This year we have elections for the following positions:

### **TWO SUPERMARKET DIRECTORS ARE UP FOR RE-ELECTION (THREE-YEAR TERM):**

- John Denha, Huron Foods
- Tom Baumann, Ric's Food Center

### **TWO PETROLEUM DIRECTORS ARE UP FOR RE-ELECTION (THREE-YEAR TERM):**



- Kevin Bahnam, USA 2 GO
- Vacancy

### **TWO SUPPLIER DIRECTORS ARE UP FOR RE-ELECTION (THREE-YEAR TERM):**

- Al Chittaro, Faygo Beverages
- Jason Ishbia, Sherwood Food Distributors


### **ONE ASSOCIATE DIRECTOR IS UP FOR RE-ELECTION: (THREE-YEAR TERM):**


- Jim Garmo, Kuzana Enterprises





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# petroleum news & views

EDWARD WEGLARZ // AFPD DIRECTOR, PETROLEUM

## Michigan Underground Storage Tank Authority

**T**he Underground Storage Tank Cleanup Fund was established on December 30, 2014. It is funded through receipt of the first \$20 million that is collected from the Environmental Protection Regulatory Fee of 7/8ths of a cent per gallon and through the revenues generated when petroleum underground storage tank owners and operators (O/O's) choose to buy-down their deductible amounts through the payment of an annual fee of \$500 per tank.

The main purposes of the Fund are to assist O/O's in meeting their financial responsibility requirements and to fund eligible corrective actions needed to address releases from refined petroleum underground storage tank systems.

The fund is managed by the Underground Storage Tank Authority created in Act 451, which was created as a body corporate within the Michigan Department of Environmental Quality (DEQ). It is governed by a Board of Directors appointed by the Governor consisting of:

- The Director of the DEQ
- An individual representing petroleum refiners
- An individual representing independent petroleum marketers
- An individual from a statewide motor fuel retail association
- An individual from a statewide business association that includes owners and operators of refined petroleum underground storage tanks
- An individual from a statewide environmental organization
- A member of the general public
- At their meeting on July 21, 2015, the Board of Directors voted to have the DEQ serve as the Fund Administrator. The duties of the Fund Administrator will be housed within the Administration Division of the DEQ.

### MISSION

The mission of the Underground Storage Tank Authority is to serve Michigan's petroleum underground storage tank owners and operators by managing the Underground Storage Tank Corrective Action Fund on a sound fiscal basis while assisting them in meeting their financial responsibility requirements and efficiently providing financial assistance to remediate contamination caused by releases from petroleum underground storage tanks.

### COMMITMENT

The Underground Storage Tank Authority will provide excellent customer service to Michigan's underground storage tank owners and operators in administering the Underground Storage Tank Corrective Action Fund by:

- Preserving the solvency of the Fund through the execution of sound fiscal practices, strategies, and policies
- Maintaining a high level of communication with owners and operators, the consulting community, the legislature, and other state agencies
- Delivering prompt, consistent, and effective services with a well-trained and dedicated group of employees
- Working to continually improve the program's efficiency and quality of service

The Authority is currently in discussions with the EPA as to the format and required content for the submission of the materials required so that the EPA Regional Administrator can make the determination as to the acceptability of the Fund as a financial assurance mechanism for underground storage tank owners and operators.

Pending the determination by the Regional Administrator, the owner or operator of a covered class of USTs will be deemed to be in compliance with the requirements of The Code of Federal Regulations 40 CFR Section 280.93 for the amounts and types of costs covered by the Fund.

To keep you informed as to the status of implementation of the Fund, information has been posted on the MUSTA webpage at <http://michigan.gov/deq>. The webpage also provides information on the MUSTA Board of Directors.

For program questions, please contact Robert Reisner, Michigan Underground Storage Tank Authority, at (517) 284-5141, or at [reisnerr@michigan.gov](mailto:reisnerr@michigan.gov). ■

### PROCESS TIME-LINE:

- Begin accepting Requests for Determination for eligibility November 1, 2015.
- Have all materials necessary to accept claims, invoices, Requests for Indemnification, and deductible buy-downs completed and made available to owners and operators by December 1, 2015.
- Begin accepting claims, invoices, Requests for Indemnification, and requests for deductible buy-downs on January 1, 2016.

**DO NOT CANCEL YOUR UST POLLUTION INSURANCE POLICY UNTIL YOU RECEIVE WRITTEN CONFIRMATION THAT THE "MUSTA" AUTHORITY IS OPERATIONAL AND ACCEPTING CLAIMS!**



AFPD INVITES YOU TO JOIN US FOR OUR

*100th Annual  
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SATURDAY, JANUARY 9, 2016

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# the millennial mindset

TYLER YALDO // TMY CONSULTING

## Great Tools to Stay Successful

Lou Kyriakoza of Jonna's Market in Westland, Michigan, along with The Westland Chamber of Commerce, hosted a wine tasting event held at city hall. Lou has grown his market to be a staple of the community by adapting new strategies as times have changed so he can stay successful. Before Jonna's Market came into the picture, the market before it was a struggling business. Lou, along with his creativity, built a presentable brand that appealed to customers. With a full meat counter, fresh hot food table, home made chips, fine wine, and a wonderful selection of craft brews, Lou took the changing culture of retail and adapted them into his store.

This is how Lou and Jonna's Market of Westland stay successful. With the event like the wine tasting, it draws customers in by creating an image for your brand; An image that brings in repeating customers time after time. It puts a suggestion in their brain that when in need of wine in Westland; go to Jonna's Market. With the help of Great Lakes Wine & Spirits and the Westland Chamber of Commerce, Lou was able to host this successful event. It is a great idea for retailers to adapt Lou's marketing and branding strategies to hold events like these to increase community involvement.

Mayor William Wild made an appearance and congratulated the Chamber along with Lou for their incredible event. There were reporters and local journalists taking down notes and pictures to capture the memories. Also, this is incredible advertising as the story will most likely be published in a local magazine or newspaper.

After the event, I walked with Lou around his store that is down the street from city hall. He showed me around the store and had me try some



of his food—exceptional quality and taste, especially in his home made chips. With custom packaging and labeling made for Jonna's Market, private label branding is an incredible venture for retailers to explore. Kroger, Meijer, Whole Foods, etc. all have private label products that they sell at their stores. Higher profit margin and brand exposure make it a great tool to stay successful.

Retailers need to become more creative to stay in business and to continue bringing in customers to your stores. Within the Millennial community, we love to see operators like Lou, that love and care for his business and customers. You have to be creative and hold events like the wine tasting, offer free samples of products, produce in-house products like Lou's chips, and offer a wide range of craft beer. Within the community, you will draw a younger crowd to start purchasing products from your location. Partner with your beer & liquor distributors, the city, and the local chamber of commerce to help you formulate an event that's right for you! ■



# Thinking Warm Yet?

Java Emporium is a full-service hot beverage program that provides high quality, full-flavor product from experienced importers and roasters with over 100 years of experience in the coffee industry. We can bring you a variety of solutions to help create a branded program for your customers without the franchisee costs.

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# michigan liquor

ANDREW DeLONEY // MICHIGAN LIQUOR CONTROL COMMISSION

## Modernizing the Licensing Process

As one of 17 control states in the nation, the Michigan Liquor Control Commission (MLCC) is leading the way in developing a more modern, customer friendly and effective program for its liquor licensees and the state's beer, wine and spirits industries.

As recently as 2011, the state had a woefully outdated and slow liquor licensing process when it took more than 275 days to process a license application. With a new establishment ready to open its doors to thirsty customers, the last thing you want is a delay in sales because you didn't get your liquor license on time. Our system had too many delays, unnecessary paperwork, duplicative process steps and bureaucratic red tape.

With a team of engaged MLCC employees and the input from our stakeholders, we set out to change this.

Today, job providers can obtain liquor licenses in less than 100 days. This improved efficiency means a world of difference for businesses, especially those that are seasonal.

But our process improvements didn't end there. Effective last year, we began issuing conditional licenses to qualified applicants to operate a licensed establishment while their permanent license application is being processed and investigated.

We want to make it easier, not more difficult, for our job providers to do business in Michigan. We can do this primarily by identifying and eliminating burdensome processes.

For example, earlier this year our licensing division reviewed state liquor laws and found there were no requirements that applicants complete and sign a

contract for licensure that was contained in the final stage of the licensing process.

Realizing the needlessness of this step, we eliminated the preparation of the closing packet – a process that previously took weeks to complete. As a result, applicants now receive their Commission order sooner and can coordinate the closing with the bank and sellers significantly faster.

We're further eliminating unnecessary paperwork by condensing the number of application forms. At one time, some licensees filled out as many as 70 different forms. Four years later, we have reduced that number by more than 80%.

At the start of 2015, the Commission dumped paper fingerprint records and began accepting electronic records. A process that took weeks or even months to complete is now completed in as little as one day. We continue to move toward a paperless environment to save our customers time and hassle.

Over the next year, the MLCC will be entering the next phase of its license application process improvement. This will involve replacing its outdated licensing software with an updated online application system that will further reduce wait times and improve overall efficiencies.

The feedback we have received on our process improvements business customers has been constructive and tremendously positive. It shows us that these changes are making a difference and truly resonating with the business community.

All of these process improvements have allowed us to strengthen our oversight to ensure the health and safety benefits of our regulation.

We are proud of the positive changes we have made that benefit Michigan's nearly 18,000 licensees, but our work isn't finished. We want to spark new dialogue with licensees, partner agencies and other stakeholders to update them on our improved services, but more importantly, solicit critical feedback that will enable us to continue to modernize our program to better serve our customers. ■



## Back to Business After Summertime Diversion

**T**he Michigan Legislature returned to session after the summer break and the Labor Day holiday. They were immediately confronted with resolution of the scandal involving Representatives Courser and Gamrat.

### COURSER & GAMRAT RESIGN AND ARE EXPELLED FROM THE LEGISLATURE

After a lengthy 18 hour session, the Michigan House of Representatives accepted a resignation from Representative Todd Courser (R-Lapeer) and voted to expel Representative Cindy Gamrat (R-Plainwell) from the body. The vote on expulsion was 91 to 12 and occurred only after two previous votes fell short with Democrats withholding votes in protest of the process. With these two legislators gone from the House, and with the resignation of Democratic Representative Brandon Dillon to become Chair of the Democratic Party, the House now has 107 members with three vacancies. These means that it will only take 54 votes to take any legislation out of the House until the vacancies are filled. Special elections have been called for the two Republican

seats with the primary in November, and general election in March of 2016. Numerous individuals are already lining up to run for the seats.

### ROAD FUNDING

With the above scandal and nightmare out of their way, the Legislature can now return to issues at hand including road funding fixes. It appears that a deal is in the works to raise gas tax revenues and registration fees to obtain approximately \$800 million in new money to go along with a possible reduction in general fund spending of \$400 million ear-marked for roads which would equal \$1.2 billion per year. Again, because of vacancies, only 54 votes will be required in the house instead of the normal 56. This is no guarantee of success but could be an impetus to get this issue finally resolved. Stay tuned!

### POWDERED ALCOHOL

The Senate had previously passed SB 240 to prohibit the sale and use of powdered alcohol on a 37 to 0 vote back on May 20th of this year. The House Regulatory Reform Committee considered SB 240, sponsored by Senator Rick Jones (R-Grand Ledge), and HB 4416, sponsored by Representative Scott Dianda (D-Marquette), to both accomplish the same purpose. The House reported both bills to the house floor and it is very likely that they will be split and passed so both sponsors can gain credit and still accomplish their purpose. ■

## MANDATORY LABOR LAW POSTING CHANGE IN MICHIGAN

Michigan had a recent mandatory change in the MIOSHA posting. The description of the change is below:

**Safety and Health:** The Michigan Occupational Safety and Health Administration has updated their Safety and Health Protection on the Job notice. Employers are now required to notify the Michigan Department of Licensing and Regulatory Affairs within 24 hours of all work-related inpatient hospitalizations, amputations and losses of an eye. These notifications may now be made through the new MIOSHA Injuries and Illness Reporting number provided on the updated notice.

Furthermore, the Consultation and Training Assistance number and the address for the Department of Licensing and Regulatory Affairs have been revised and an email address has been added as an additional resource for contact information.

The change is effective now.



# michigan lottery

M. SCOTT BOWEN // MICHIGAN LOTTERY COMMISSIONER

## Veterans Day 50/50 Raffle Expected to Generate Strong Sales

One of the questions we hear from players is: “When will the Lottery have another raffle?”

Since 2006, the Lottery has offered 22 different raffle games. These games have featured different designs and top prize amounts ranging from \$56,000 up to nearly \$2.5 million. All told, players have purchased more than 11.7 million wagers for these raffle games.

To meet the demand from players, the Lottery again will offer a raffle game this fall. Tickets for the Veterans Day 50/50 Raffle went on sale on September 28th, and we are very excited about the game’s sales potential and the fact that it also will help some brave people, Michigan’s veterans. A portion of proceeds from every ticket sold will go to the National Guard Association of Michigan, and support its work to help Michigan veterans and their families.

We expect the Veterans Day 50/50 Raffle, and the support it offers Michigan veterans and their families to be well received by players. Club retailers especially may

be interested in this game and we expect strong sales at veterans’ organizations and other fraternal groups.

Players may purchase a single Veterans Day 50/50 Raffle play for \$5 each, five plays for \$20, 15 plays for \$50, or 40 plays for \$100. Tickets for the raffle will be sold until 11:59 p.m. on Veterans Day, November 11th. The jackpot drawing will take place on November 12th. One lucky player whose number matches in exact order the number drawn by the Lottery wins the huge jackpot.

The Veterans Day 50/50 Raffle jackpot will grow with each ticket purchased. Fifty cents of each \$1 wagered will be added to the jackpot. Players will be able to check the amount of the steadily growing jackpot by visiting [www.michiganlottery.com](http://www.michiganlottery.com).

In addition to the jackpot drawing, bonus drawings will be held each week, starting October 7th and running through November 4th. Each bonus drawing gives players a chance to win \$25,000. Players automatically are entered in the bonus drawings when they purchase their tickets. Players will be eligible for bonus drawings after they purchase their Veterans Day 50/50 Raffle tickets. Players who win the bonus drawings still will be eligible for the jackpot drawing.

This will be the third time the Lottery has offered players a 50/50 raffle game. The previous 50/50 raffle games accounted for about 17% of all raffle ticket sales, and produced top prizes of \$1.3 million and \$2.5 million. With that track record, we expect the Veterans Day 50/50 Raffle to offer a strong sales opportunity for retailers, create player excitement, plus help veterans and their families across Michigan. ■

### INSTANT TICKETS / PULL TAB TICKETS

#### NEW INSTANT TICKETS:

##### Went on sale September 29th:

- Triple Stars \$3 (IG # 750)
- Ultimate Millions \$20 (IG # 742)

#### INSTANT GAMES SET TO EXPIRE:

##### Expiring September 7th:

- Cash Multiplier \$5 (IG # 660)

#### PULL TABS GAMES SET TO EXPIRE:

##### Expiring September 14th:

- The Golden Ticket \$1 (MI # 519)
- \$10,000 Explosion \$2 (MI # 539)
- Rollin’ Dice \$.50 (MI # 594)

##### Expiring October 12th:

- Bar Game Series \$.50 (MI # 524)

**TICKET ACTIVATION:** Retailers are reminded to activate all game tickets before putting them on sale to ensure winning tickets may be redeemed by players.

*“The Michigan Lottery. All across the state good things happen.”*

*About 97 cents of every dollar spent on Lottery tickets is returned to the state in the form of contributions to the state School Aid Fund, prizes to players and commissions to retailers. In the 2014 fiscal year, the Lottery’s contribution to Michigan’s public schools was \$742.8 million. Since it began in 1972, the Lottery has contributed nearly \$19 billion to education in Michigan.*

# ONE HUGE JACKPOT WINNER!

Jackpot GROWS with every ticket sold

## VETERANS DAY 50/50 RAFFLE

TM

### Buy More, Save More!

1 Wager - \$5

5 Wagers - \$20

15 Wagers - \$50

40 Wagers - \$100

\$5,000 bonus commission  
to the retailer who  
sells the  
jackpot-winning  
ticket!

### 5 - \$25,000 BONUS DRAWINGS

*Buy early for more chances to win!*

**On sale Sept 28 – Nov 11    Drawing Nov 12**



*A portion of proceeds from every ticket sold will  
benefit the lives of Michigan veterans and their families*

Odds of winning a Bonus Drawing or the Jackpot Drawing depend on the number of wagers sold by each drawing deadline. If you bet more than you can afford to lose, you've got a problem. Call 1-800-270-7117 for confidential help.





# ohio liquor

BRUCE D. STEVENSON // OHIO DIVISION OF LIQUOR CONTROL

## Ohio Division of Liquor Control Hires New Chief Operating Officer

**T**he Ohio Department of Commerce is pleased to announce the recent hiring of our Chief Operating Officer for the Division of Liquor Control (Division).

Harry G. Knight joined the Division in September and will lead the Liquor Agency Operations team. Harry's background perfectly lends itself to the opportunities before us in the liquor sales industry. He oversaw all areas of a 10-million-barrels-per-year brewery and a large distribution center, while directing a staff of over 175 employees. With Harry's knowledge, skills and extensive background as a business professional, leader and manager, combined with his experience in the beverage industry, he will play a key role as a member of the Commerce leadership team.

Harry has worked in supply-chain systems and food & beverage operations/distribution for more than 30 years. For most of that time, Harry worked for Anheuser-Busch and later on for Kroger. He started with Anheuser-Busch as an hourly employee in the Williamsburg, Virginia brewery. His career eventually encompassed all areas of beer packaging and shipping, with the last eight years being responsible for the warehousing and distribution operation at the Columbus, Ohio facility. During his time working for Kroger, Harry was responsible for the floor to ceiling operation of a one million square foot distribution center that services more than 270 Kroger banner stores in Ohio, Michigan, and West Virginia.

Here's a brief Q & A with Harry to get his perspective of the new job after his first week as Chief Operating Officer for the Division of Liquor Control:

**Q: How do you feel about joining the Division?**

**A:** Not only am I extremely excited about the opportunity given to me by Director Williams and the Department of Commerce, I'm honored to be serving the state of Ohio in such a key role. Public service has always been something that I wanted to do and this is really fulfilling a lifelong ambition. I'm humbled to be a part of this great team.

**Q: What are you looking forward to as Chief Operating Officer for the Division?**

**A:** I always look to the leadership development opportunities within an organization as a great challenge. Being able to be an enabler to others' success, which in turn drives the success of the business, is a primary focus and requirement for me. The development of your people, helping them to be successful and reach their goals, is directly proportional to the success of the business. Aligning one's personal development strategies with the core business is paramount for success for both entities.

**Q: What are your expectations for the Division going forward?**

**A:** Consistent business growth that is supported by a dynamic and a high performing business unit. Strategic planning as market demands change/evolve will require us to be flexible to consumer trends and changing demographics.

**Q: What are some of the immediate challenges you see and what approach will you take to solve them?**

**A:** The immediate operational challenges will be to grasp and retain the core business fundamentals and dynamics, assess the "health" of the surrounding organization staff and processes, and develop and implement long-term strategies to keep the ship on a positive course. I am learning the core operating principles working within the Department of Commerce and the overall public sector. I am working closely with Director Williams to ensure my vision and focus are in alignment with the Department's goals and with Bruce Stevenson to gain as much general knowledge of the Ohio liquor business strategies as possible.

**Q: What experiences will you draw upon that will help you and the Division succeed?**

**A:** My early life experiences in college and professional athletics required tremendous leadership and taught me how success is built upon a solid foundation of team dedication and strengths. Just as important is the need to pick each other up when we're down. Individual honors mean nothing if the team fails to achieve the desired goals. Anheuser-Busch provided me with not only a great opportunity to succeed as a leader in the company, but it challenged me daily to set and achieve stretch goals for myself and the business while providing me the necessary tools and opportunities to achieve those successes.

Please join the Division in welcoming Harry to the Ohio Department of Commerce. ■



## Hot Ohio Summer Slows Down the Assembly

**T**he Ohio General Assembly continued their long summer recess and finally returned the last week of September. They did pass legislation that fixed a tax problem that was in the General Revenue Budget to make sure that the small business tax relief was what they originally intended in the budget bill. There were several bills introduced over the summer, but they had little to do with business and were much ado about nothing. We don't anticipate any major business issues being addressed prior to the end of this year.

There will be two statewide ballot issues in November dealing with marijuana. One would allow for the drug to be sold for medicinal purposes but would create a monopoly regarding where the product could be grown and harvested. The General Assembly passed a proposed constitutional amendment that said any statewide ballot issue that creates a monopoly is illegal. This means if both pass, then the legalized marijuana for medicinal reasons ballot issue would not be allowed as the anti-monopoly amendment supersedes the other.

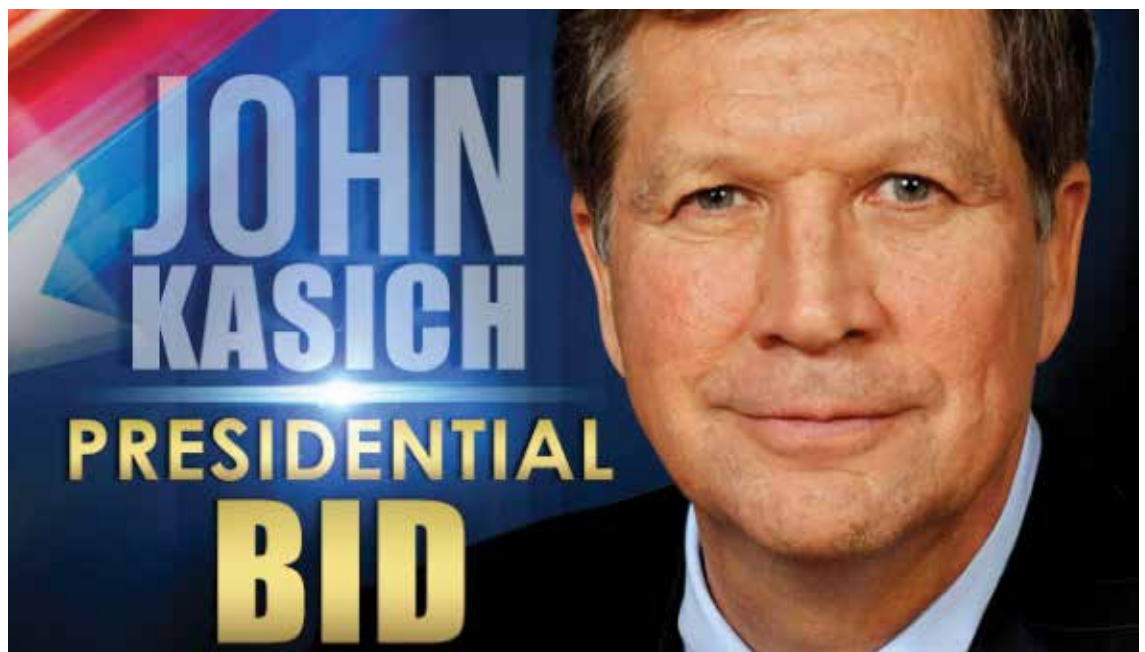
On the political front Governor John Kasich continues to gain support for his bid for President. He is currently in second place in New Hampshire and gaining. He has spent considerable time in Michigan and South Carolina and is raising money at a very good

clip. Another potential political issue arose when a group calling themselves "Eight is Enough" has threatened to attempt to put an issue on the ballot next year that would limit legislators to an 8 year term, no going from House to Senate or vice versa. However, I'm not sure this group has the resources to pull this off.

While the legislature is on vacation, AFPD continues to work hard on behalf of its Ohio members. AFPD over the summer months has met with the Ohio Turnpike Commission which may result in a number of AFPD members selling "E Z PASS" passes at their location. We hope a meeting with the Ohio Lottery Commission will result in them becoming much more involved with AFPD. Another meeting with the Ohio Department of Liquor could result in a change in Ohio law that will greatly benefit AFPD members. Lastly, a meeting with the Towing and Recovery Association of Ohio (TRAO) was held to discuss their association becoming members of AFPD.

We are working with Franklin County Auditor, Clarence Mingo, to give him sole authority on testing pumps in Franklin County at no cost to station owners.

As always we close with the same message, encourage those who don't belong to AFPD to join and for those who are already members to please contribute to the AFPD PAC. ■





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# Driving the AFPD Turkey Campaign Forward

**E**very year, the AFPD Turkey Drive Committee pledges to put a turkey on the Thanksgiving table of more than 6,000 families throughout Michigan and Ohio who may not otherwise enjoy this special meal. There is now an opportunity for retailers to raise money at their registers and give back to the charities of their choice.

Since 1980, AFPD and its members have provided Thanksgiving turkeys to needy families and each year the list of charitable groups asking for turkeys grows. “There are more requests than we could ever fill,” said Auday Arabo, AFPD president and CEO. “We need help from our members.”

Your business can generate a significant donation for AFPD’s Annual High Five Turkey Drive by participating in the AFPD Paper Turkey Program. “Paper turkeys are a fun and simple way to raise funds while sending a message to your customers and the community that you care about feeding the hungry,” said Arabo. “Best of all, 100% of the money you raise will go toward purchasing turkeys for a charity of your choice!”

Longtime AFPD member and store owner Ed Bahoura has had an active role in the annual Turkey Drive — not only as a donor, which he has been since its inception, but also in recent years as a helper manning the logistics at the Motown Snack Foods warehouse in Detroit on the turkey pickup day.

“This new part of the program adds another

dimension enabling us to help more people,” said Bahoura. “The whole meaning of this holiday is to give thanks and to appreciate your blessings; we live in a safe country and have economic opportunity to support our families. If we are truly going to live our lives as faithful Christians — which many of us are — this is a good way to evangelize that faith. Your behavior will show your faith because you’re helping someone else out.”

Bahoura is not only participating with his three stores, but he is also taking a lead role in making sure other AFPD members participate. “I cannot stress this enough,” said Bahoura, “but if store owners want this program to succeed, they need to take a personal interest in it and engage their cashiers. Offer them an incentive to ask every customer if they would donate at least \$1 to the program.”

Bahoura has extensive experience in this type of campaign, having worked closely with Gleaners Community Food Bank on a similar campaign a few years ago. “While some stores were raising \$100 here and there, my stores were bringing in \$2,000 because we were engaging and training our cashiers — especially our head cashiers — on how to promote the program.”

“My hope is that we just keep doing better than we did the year before,” said Bahoura. “That is my goal.”

He is urging all AFPD members to participate. “When you get the package from AFPD, cut a check



and send it in. Don't wait for the phone call," said Bahoura. "I am going to do whatever I can to get as many people involved in the Turkey Drive and AFPD and achieve record funding this year."

Bahoura suggests offering various incentives, such as a gift card or extra paid day off, to the cashier who has the most customers donating. AFPD member Tom Baumann, with five stores around Michigan agrees. "Our cashiers can get very competitive with promotions like this and we will certainly offer an incentive to the cashier who is able to bring in the most donations," he said.

"It is very exciting to be part of the High Five Turkey Drive," said Baumann. "We hope to raise enough money to purchase more than 150 turkeys."

He is also promoting the program inside his stores, in his weekly advertisements and on all his social-media platforms. "Not only do I want to participate as a newer member of AFPD, but I do believe it is so important to encourage our customers to give back to those people in most need," said Baumann.

A variation on the new addition of the program started in Lansing with the help of AFPD board member Marsha Keenoy. "I saw what the association was doing in the Detroit area and I wanted to take the concept to the Lansing area and mid-Michigan," said Keenoy, division marketing director for Diageo. She branded the High Five Turkey Drive with cutout hand-traced paper turkeys. Donations were raised at local grocery stores.

"Diageo really believes in their employees giving back and if they know you have a passion for something, they will support it," said Keenoy. Diageo has contributed to annual Halloween parties at Lansing bars and restaurants to benefit AFPD's Turkey Drive. Keenoy has hosted events at Buffalo Wild Wings, for instance. "They are amazing donors," she said. "I would set up tables on a busy night and we often give a t-shirt and \$5 off the meals at Buffalo Wild Wings for a \$10 donation to the drive."

Her family — including her husband and three kids — has helped since she started working on the Turkey Drive. "My kids were with me one year when a woman came up to our table to thank us," she said. "She was having tough financial times and was a recipient of our program on Thanksgiving. It was so wonderful to hear that and

for my kids to hear it — to see the benefits of our work."

To spread the word about the Turkey Drive, Keenoy started creating public service campaigns with the local TV 10 WLIX in Lansing.

"I really applaud the AFPD for what they were doing in Detroit. I saw the need in the middle of the state and how we could bring that footprint to that area. Tradition and focusing on family is important to me. I wanted to bring that experience to more families," added Keenoy.

As AFPD expands on this new program, Baumann's store directors at Ric's Food Center have been collaborating on how to engage other groups in the community, such as churches and banks, in helping to make the Turkey Drive more successful than ever before.

"I think retailers should participate because it really doesn't cost them a lot, but it helps to build goodwill within their communities," said Phil Kassa, longtime AFPD member and board member. He has committed Heartland Market to the Turkey Drive and hopes to raise \$1,000 at his stores. "Selling 'Turkey Bucks' gets our stores, as well as our customers, involved in the community," said Kassa. "It's not just a donation that goes unnoticed."

Here's how the Paper Turkey Program works:

- AFPD will send you a starter packet, which includes posters to place in your store to raise awareness, turkey cut-outs, tape and markers.
- Place the paper turkeys at the register and have your cashiers encourage customers to buy a paper turkey for a suggested donation of \$1, \$5 or even \$10. Every \$15 you raise buys you one turkey toward your charity.
- The purchaser can sign the paper turkey and we encourage you to display it prominently in the store. Paper turkeys can be displayed on walls, windows, or hung from the ceiling to generate maximum awareness.
- The program runs from October 1st through November 6th.

If your business is interested in selling the High Five paper turkeys to benefit the AFPD High Five Turkey Drive, please fill out the form on the next page, or call Maegan Hesano at (800) 666-6233 and we will mail you a starter packet. ■

# High Five TURKEY DRIVE

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- Program runs from **October 1st – November 6th.**



If your business is interested in selling the High Five Paper Turkeys to benefit the AFPD High Five Turkey Drive, please complete the form below and fax to (248) 671-9610 or call Maegan at (800) 666-6233 and we will mail you a starter packet!

**YES! I want to sell High Five paper turkeys to raise money for families in need!**

All donations are tax deductible. AFPD Tax ID# 38-1203756

NAME: \_\_\_\_\_ # OF PAPER TURKEYS WANTED: \_\_\_\_\_

BUSINESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ ST: \_\_\_\_\_ ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_



## A Super Giant Member of the Community

■ BY VANESSA RYCHLINSKI

**T**he Brikho's have owned Super Giant Liquor in Detroit since 1987. Wadi Brikho and his brother Mike opened the store when they decided to go into business together. After 10 years of jointly owning the store, Wadi Brikho purchased his brother's share in 1997. Since then, Wadi and one of his sons, Jason, have been running the store.

Jason, who is the second oldest of four children, manages the store with his brother Eddie. Together, they handle the day-to-day activities. However, their father is still very much involved. Wadi oversees the operation and stops by daily to make sure everything is running smoothly. "He still works 60 hours a week and he's more than 60 years old," said Jason Brikho.

In order to best serve their customers and their over-all needs, the Brikho's make sure they carry a wide-variety of products. Even though the store may not be as big as one of the big-box stores, don't let the size deceive you. "More or less, it's like a mini supermarket," Brikho explained. Aside from the large variety of liquor, they also sell everyday items like cleaning supplies, pet supplies, groceries and frozen food.

The store used to be known as Super Giant Supermarket, which carried a bigger selection of day-to-day products, before the building burned down in 2001. The fire was the result of a faulty electrical panel. Getting the business running again was tough, "it took us almost a year to get everything back, dealing with insurance and everything," said Brikho. However, after reaching out to their insurance provider to rebuild, the Brikho's were back in business.

After the fire, they decided to take the accident as an opportunity to change the business. "We figured — the way



things were with all the competition around — the best thing would be to just go in a different direction." Focusing on selling liquor and spirits, at the state minimum, has allowed them to make a living and run their business over the past decade.

The Brikho's are members of AFPD and have participated in several of the rebate programs. The store redeems its customer coupons by shipping them directly to AFPD for reimbursement. The store also takes advantage of AFPD's ice cream rebate program.

One of the biggest challenges at Super Giant Liquor is when customers attempt to unlawfully buy alcohol. "We've been in business long enough to know what's right and what's wrong," Brikho said. The difficulty is making sure they don't serve underage drinkers. "When you ask them for identification, they give you a hard time about it," said Brikho. "There's no reason for us to try and guess their age and get a ticket in the process."

AFPD offers TiPS training classes on how to properly check ID's for those who are not as experienced as the Brikho's.

The adapted store has proven to be a good fit and best serves its clientele. "We've been here so long, we grew up with most of the neighborhood," Brikho said. Jason was only 8 years old when his father and uncle bought the store, and so he and his siblings grew up with many of the other children around the neighborhood.

It's for that reason that Super Giant Liquor reaches out to help the neighborhood whenever it can. For events, like block parties, the store will provide the water or ice. "For barbecues, for the kids, we donate hot dogs and things like that," Brikho said.

The Brikho's, having been in the area for many years, are very much part of the community. "We've been here for a long time and we know a lot of the people here. We have a lot of respect in the neighborhood," said Brikho. Knowing your community, helping your community and being willing to change and adapt for your community has proven successful for the Brikho's and Super Giant Liquor — a 30 year legacy in Detroit. ■

*Vanessa Rychlinski is a writer for Denha Media & Communications.*

### RETAILER: SUPER GIANT LIQUOR

**Location:** Detroit, Michigan

**Founded:** 1987

**Employees:** 8

**AFPD member since:** 1998

**Slogan:** "Your neighborhood convenience & liquor store!"





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## Automotive Service From One Generation to the Next

Operating a successful automotive repair service requires expert technicians, quality service and customer care

■ BY VANESSA RYCHLINSKI

**D**ave Raischel of Dave's Auto Care has been providing all three to his customers for nearly 30 years; he attributes that to his success. It has been a long road for the Raischel family leading up to the service station owners they are today. It began when Raischel first decided to operate a gas station. He first started in the gasoline industry when he and his wife opened a shell station in Willoughby, Ohio, in 1981.

Years later, the Raischels added another lease location for Shell in Euclid, OH. This Shell station became part of the business at a time when there were 86 other independent Shell dealers in the Cleveland area alone.

After years of steady growth, Raischel decided to move away from selling gasoline and focus on automotive repair. They first sold the Willoughby Shell station in 1998 and the Euclid station soon afterward. The decision to sell came when the company mandated their retailers to buy their business in the late 90's. It was at that time that Raischel and his wife made the decision to step out of the gasoline business. "We have remained in the automotive service business since," said Raischel.

The repair business was part of the service that was offered at the Willoughby station. "I figured one day I would take the repair business and move it away from the oil company," Raischel said. He continued his personal relationships with customers and simply moved the client base over to his new location. Earlier



in 1998, the Raischels were leasing a separate building, in addition to the Shell in Willoughby. They decided to transfer the repair business from the Shell station to the freestanding building which is where Dave's Auto Care sits today. During the transition, they "didn't miss a beat," said Raischel.

Raischel first became a member of AFPD during his time as a Shell dealer. He originally belonged to the Northern Ohio Petroleum Retailers Association (NOPRA) before the merger with AFD in 2006. As a member, Raischel uses the workman's compensation program for his nine employees and is proud that one of his employees has been with Dave's Auto Care for 28 years.

What Raischel enjoys most about his work are the people he gets to work with every day. More than 80% of his business is repeat business, so building trust is important when working on his customer's vehicles. "Once you build that relationship the whole process becomes much more comfortable for both of us."

Building relationships on trust has worked well for Dave's Auto Care. His current customers are the children and grandchildren of the original customers that Raischel has been servicing for years. Seeing the same people and servicing them for more than 30 years in some cases is very rewarding. "We've watched the very young ones turn into adults and start their own families," Raischel said. "It's just been a great thing to know that grandpa referred us."

Dave's Auto Care still focuses on just service and getting a customer's vehicle the best service available is important to Raischel. "They can pick up the phone and call, or they can just stop by," he said. Building trust with your customers can take years, but Dave's Auto Care has built that trust not only over the years, but over generations. ■

*Vanessa Rychlinski is a writer for Denha Media & Communications.*

### RETAILER: DAVE'S AUTO CARE

**Locations:** Willoughby, Ohio

**Founded:** 1981

**Employees:** 9

**AFPD Member Since:** 1981

**Slogan:** "A customer base that's based on service!"



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## A Fairway to Retirement

■ BY KRIS HARRIS

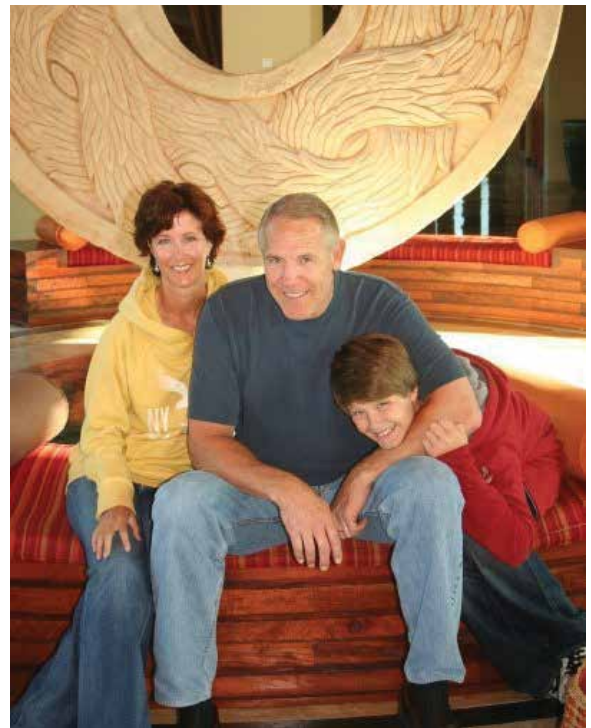
In 1988, Frank Bodi moved to Farmington Hills from Southern California, as the state's General Manager for Seagrams Liquor. It was at this time that he first began to work with AFD. His work as a supplier, gave him the opportunity to not only work directly with AFD retailers, but with the association itself on legal matters. "The thing that stands out the most is that Michigan is a control state and politics plays such a big role in how you do business," said Bodi. "I enjoyed working with the Associated Food Dealers and lobbying for better opportunities to sell and make money in the liquor industry. The legal process was very prevalent," Bodi continued.

Bodi was a member of AFD's board of directors in the mid-90's, a position he held until he had to transfer out of state in 2001. "The Seagram Company had been sold and it was broken apart. Pernod Ricard USA bought half of the brands and I went to work for them in Illinois," explained Bodi. He worked for the new company for another seven years, as its Mid-west Regional Manager, and finally decided to retire in 2008.

At the time Frank was retiring, his wife Dawn was finishing up her degree in Seminary. "She had been a stay-at-home mom, but just as I retired, she was offered a job as a pastor in Lafayette, Indiana at the Evangelical Covenant Church," said Bodi.

Today, Bodi describes himself as a "stay-at-home Dad." He and his wife have two children, Kendal and Frank. His daughter, who is the oldest, is a sophomore at Purdue University and is studying Business and Agriculture. His son, a senior at West Lafayette High School, has his eyes set on Indiana University (IU) when he graduates. "He's thinking IU and looking at working in non-profit Management," said Bodi.

These days, Bodi spends most of his time on the golf course. "I'm a ranger at the Kampen golf course. Purdue University has two courses, the Kampen course and Ackerman Hills. I volunteer there, so I work as a ranger one day a week and then I get to play golf. As



a ranger you get to drive around and make sure people are keeping pace with play and handle any issue that comes up," Bodi said.

When Bodi is not on the golf course, he spends time at his church where he's part of the Stephen Ministry program. The program is focused on helping others by being there for them in difficult times through listening and prayer.

Looking back, Bodi has fond memories of the years he spent working with, and being a part of AFD. He enjoyed the opportunity to work side by side with members of the association. "Working together with a team of people from AFD was very rewarding for me and I was impressed by the commitment from AFD for excellence," said Bodi.

Timing often plays a critical role in our lives and for Bodi, timing was essential to his retirement. "The thing I enjoy most about retirement is that I retired when my kids were fairly young. So, to be able to go through their Junior High and High school years with them has just been incredible for me. Just to be home and to be present during those years," explained Bodi.

Whether he's on the golf course, at church or spending time at home, Bodi is spending his time enjoying life doing what he loves most. ■

*Kris Harris is a writer for Denha Media & Communications.*

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## Falling into a Family-Fun Season

Like his colleagues in the industry, John Denha has spent the end of summer preparing for the holiday season at his retail businesses. He also has been planning fall excursions.

“I really missed my calling,” said Denha. “I should have been a travel agent or comedian – depending on who you ask.”

The traveling comic, who operates several businesses with his father Mike and two brothers Jeff and Chris, is also a dedicated family man who is always looking for ways to have fun with his wife and four kids.

“Everyone still has that kid in him,” said Denha. “When I think of things to do, I think like a kid.”

His favorite place to research for fall destinations is the Pure Michigan website. “I love that website and the campaign has been great for the state,” said Denha. “Anyone who is looking for ideas needs to go to that website.”

And that is, of course, if you haven’t gone to Denha first who is often called upon by friends and family to offer ideas for day

and overnight trips. Most of the advice he gives is from personal experience.

“Frankenmuth is always a great place to go,” said Denha. “It is an hour away from the Metro Detroit area and you feel like you are out of state.”

His family has gone to the Bavarian town on day trips and for over-night stays. They enjoy eating the famous chicken and spending time at the hotel/ waterpark. There is also the world-known year-round Christmas spot — Bronner’s.

This Frankenmuth destination is the world’s largest Christmas store with more than 90,000 square feet of newly expanded shopper’s dream! Bigger than 1 1/2 football fields in size, it features more than 50,000 trims, gifts, and collectibles and has outdoor decorations that are illuminated nightly. It’s also open 361 days a year.

If you are looking for a half-day adventure this fall, Denha highly recommends any of the local cider mills and orchards for

apple picking. “There are so many around the tri-county area in Michigan and around the state.”

Many of them offer hayrides, arts and crafts as well as walking paths like Yates Cider Mill in Rochester that sits next to the Clinton River alongside a 1/2 mile path. Yates is a Michigan landmark and a registered historic site that has been making delicious apple cider with water power from the Clinton River since 1876.

Erwin Orchards & Cider Mill is a well-known Pure Michigan Travel spot located in South Lyon.

Erwin Orchards & Cider Mill is a third generation family farm which just celebrated its 82nd year in operation. It sits on 200 acres of fruit and features state of the art technology.

“Kids get old so fast. They grow so fast and before you know it, they do not want to go with you anymore and so you enjoy every minute of it,” said Denha whose children are now teenagers. “Now I tell my kids, who always want to do things





with their friends, to bring their friends with us.”

Apple picking is a traditional Midwest fun thing to do which is why Denha has planned a northern Michigan trip with his family to Traverse City this fall. He highly recommends traveling to Mackinac Island to see the Michigan fall colors.

Just as the leaves begin to fall, Haunted Houses begin to surface. Crossroads Village & Huckleberry Railroad offer some of the best Halloween adventures noted Denha. If traveling south to neighboring Ohio, you can enjoy even more fall season activities. “Cedar Point is a great place to do Halloween. They have the Halloweekends,” said Denha. “Of course for those who love swimming and water slides,

Kalahari is a great place to go all year round.”

Fall also kicks off the beginning of football season which is perfect for the Denha family who loves attending sporting events. “Tailgating this time of year is a great thing to do,” said Denha. “We go to U of M football games and tailgate. We also love to spend a fall night at Comerica Park for a Tiger Game.”

A family that often travels and enjoys excursions with other families — friends and relatives — Denha says a weekend in Chicago will never disappoint.

Chicago, on Lake Michigan in Illinois, is among the largest cities in the U.S. Famed for its bold architecture, it has a skyline bristling with skyscrapers such as the iconic John Hancock Center,



the Willis Tower and the neo-Gothic Tribune Tower. The city is also renowned for its museums, including the Art Institute and its expansive collections, including noted Impressionist works.

“You just have to do a little research or just ask me,” said Denha. “There are so many things to do in the fall here in Michigan and around the Midwest.” ■



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## Nearly One Third of Workers' Comp Claims in Michigan Caused by Slips and Falls on Ice and Snow



During last year's difficult winter, slips and falls on ice and snow accounted for nearly one third of all workers' compensation claims in Michigan that resulted in lost time from work, according to Accident Fund Insurance Company of America.

Winter-related slips and falls claims doubled in 2013-2014 over the previous year, representing 32% of all Michigan workers' compensation claims.

"These claims have a significant negative impact on American businesses each year, resulting in time off work, temporary employee costs, overtime for existing employees and increased insurance costs," said Mike Britt, president of Accident Fund Insurance Company of America. "To avoid these costs this winter, employers need to be extra vigilant and employees should exercise extreme caution in the months ahead. Although we can't change the weather, we can do much more

to prepare and keep workers safe, beginning with some common-sense reminders."

### Tips for Winter Safety and New Campaign for Employers

To help avoid injury when walking on ice and snow, Accident Fund offers simple tips:

- Walk slowly and deliberately and wear boots or other slip-resistant footwear
- Be prepared for black ice formation after melting occurs
- Exercise caution when getting in and out of vehicles
- Watch for slippery floors when entering buildings
- Avoid carrying items, keep hands empty so arms are free to move for stabilization – use backpacks if possible

Along with this advice and to provide even greater slip and fall protection this winter, loss prevention experts from Accident Fund launched their annual safety campaign this month. Beginning with snow and ice removal plans, the campaign addresses everything from proper salting and shoveling techniques to the importance of wearing the right footwear, and gives employers the resources and ideas necessary to create a

campaign to help reduce costly workplace accidents.

Employers are offered a host of resources, including:

- Winter weather preparedness plan guidelines
- Ideas for proper snow removal procedures and equipment
- Employee safety campaign materials
- Weather communications suggestions
- Recommendations for signs and barriers
- Regular maintenance reminders

For more information, visit <http://www.accidentfund.com/safe/>.

### ABOUT ACCIDENT FUND HOLDINGS

*Accident Fund Holdings, Inc. (Lansing, Mich.) and its subsidiaries are one of the largest workers' compensation insurers and the largest non-governmental specialty writer of workers' compensation insurance in the United States. Accident Fund Holdings conducts business through its four brands: Accident Fund, United Heartland, CompWest and Third Coast Underwriters.*

*Accident Fund Holdings' insurance company subsidiaries are rated "A-" (Excellent) by A.M. Best. ■*

BROUGHT TO YOU BY:





## Controlling Your Unemployment Expenses

Many of BWC members may not be aware that in addition to providing state of the art Workers' Compensation programs for business, our partner, CareWorksComp is also available to assist them with unemployment cost control. Their dedicated team has 16 years of unemployment claims and tax management experience. Every participant of our Workers' Compensation Group Rating program receives companion Unemployment Consultation at no additional cost.

In addition to the consultative service, CareWorksComp offers full service unemployment cost control services. Highlights of the full service unemployment program include:

### CLAIMS MANAGEMENT

Employers can avoid the risk of having just one unmanaged claim increase their tax rates for multiple years. The experienced professionals at CareWorksComp can work directly with the Ohio Department of Job and Family Services (ODJFS) on your behalf to aggressively protest and appeal all unwarranted claims.

### PRE-TERMINATION CONSULTATION

Discuss employment issues with a CareWorksComp consultant to help increase claim win ratio results.

### AVOID CLAIM PENALTIES (NEW PENALTIES BECAME EFFECTIVE IN OCTOBER 2013)

CareWorksComp has the knowledge and expertise to help you navigate ODJFS requirements to



save your business time and money. No more dealing with time sensitive and lengthy claim questionnaires.

### CLAIM IMPACT/ANALYSIS

CareWorksComp provides financial analysis to determine tax rate impacts of particular claims. This is information businesses need to know in determining when or if to protest a claim as well as tax budgeting purposes.

### HEARING PREPARATION/ REPRESENTATION

Save time and hassle by consulting with CareWorksComp on which separation issues are appropriate to challenge at hearing. CareWorksComp representatives are available to participate and conduct prehearing conferences so all employer witnesses know what to expect.

### ACCOUNT MONITORING

Based on data from the U.S. Labor Department, Ohio has a 13.36% improper payment rate (7 states exceed Ohio). Ongoing attention needs to be placed on monitoring employer accounts to detect potential errors and take appropriate action with ODJFS.

### CONTROLLING FRAUD

CareWorksComp helps control unemployment fraud by communicating and monitoring potential benefit fraud situations.

### TAX ANALYSIS

CareWorksComp offers tax analysis and verification, common ownership analysis for grouping payroll for lower tax options and voluntary contribution recommendations. Ohio tax rates vary widely from 0.3% to 8.6% so it is important to make sure your assigned rate is correct.

For additional information on controlling your unemployment expenses, contact CareWorksComp's Kammy Staton toll-free at 1-800-837-3200, ext. 57165 or via email at [kammy.staton@careworkscorp.com](mailto:kammy.staton@careworkscorp.com). ■

BROUGHT TO YOU BY:





## New Platform Increases Business Efficiency, Reduces Labor Costs and Optimizes Human Resources Processes

■ BY ED CLINK // BUESINESS BENEFITS RESOURCE, LLC

Today, business owners are faced with a number of challenges. In addition to managing the daily activities of their firms, many are also tasked with overseeing payroll, benefits packages as well as other human resource needs. It can become a heavy burden, but it doesn't have to be this way. Small to mid-size organizations are being pulled in so many different directions when it comes to the management of their employees.

There is now a cloud based technology that can end the confusion and create a single source, turnkey solution. My agency, Business Benefits Resource, LLC is announcing the availability of SuiteHR, our premier suite of:

- HR
- Benefits,
- Payroll
- Consulting services

Through the SuiteHR Platform, our company combines state of the art technology with fully integrated services and local support in a seamless and "simple" way.

Our new SuiteHR workforce management program is designed for:

- The employer that wants to accurately manage all aspects of their workforce through one web-based application.
- From recruitment to employment termination, the suite empowers managers and employees with intuitive self-service features.

- The robust technology has functionality in the HR, benefits, payroll, and recruitment areas in a single database.
- It can be accessed via the web, tablets, or mobile devices by the employer and employees.

SuiteHR is not just a technology platform. Employers who work with BBR also access an experienced, local and accountable single point of contact for all their needs. Employers can count on a dedicated advisor to share your business objectives, brand and culture. They also deliver HR, benefits consulting and personal customer service.

Most employers do not have the time, capacity, or capabilities within their organization to get the processes they need in place to comply with ACA, HIPAA, ERISA, etc. Furthermore many of these companies are frustrated by costly mistakes that cause billing errors that may deny employees access to their coverage. Our technology tools simplify HR, benefits, and payroll for small and mid-sized companies. SuiteHR is a better and easier way to reduce enrollment mistakes and billing errors. It also gives employees access to information 24/7. The communication challenges of the past are no more. We make it easy.

The SuiteHR model is based on simplicity with the tagline "Simple is Suite." Employers are saddled with too many systems, passwords, laws and vendors.

Paper, data and time were issues as well. Compliance, data accuracy, and higher costs are always issues that HR must manage. The SuiteHR solution delivers a single technology and source that makes it simple. Common employer issues are eliminated through a single log-in.

In an addition to the exciting news regarding SuiteHR, BBR is a full service benefit provider that has experts available to help employers better utilize existing payroll platforms with customized solutions. Our market knowledge combined with our step by step process ensures the best results.

Together we take our clients through the following stages of support:

- Conduct Needs Analysis
- Prepare Vendor Comparison
- Negotiate Prices
- Manage Demos
- Support Vendor Selection
- Manage Implementation

### ABOUT ED CLINK

*Ed Clink has over 30 years of experience in the Financial Services and Insurance Industry and Co-Founder of Business Benefits Resource LLC. Ed specializes in Employee Benefit Delivery Systems for mid-size companies in a variety of industries. He is a Graduate of Michigan State University. Is a Past President of NAIFA Greater Detroit and is a member of both the National Association of Health Underwriters, The National Association of Insurance and Financial Advisors. ■*

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R041335



## Your Estate Plan- Update. Update. Update.

■ BY RANDALL A. DENHA, J.D., LL.M.\*

Most people are generally aware of the importance of getting an estate plan in place. Regardless of who you are, you can benefit from an estate plan, whether it be a simple or complex one. For family business owners, of course, having an estate plan is particularly important to ensure the success of the business. And, in fact, most family business owners do have estate plans.

A bigger issue for family business owners, perhaps, is keeping their estate plans up to date. What many people don't realize, or don't sufficiently consider, after establishing an estate plan is that their plan is

essentially a snapshot of their financial situation and goals at one point in time. Keeping an estate plan up to date is important in order to ensure that the plan takes into account changes in the law, changes in personal and/or family circumstances, changes in one's business and the economy, and perhaps changes in one's goals.

Although there is no set frequency with which an estate plan should be updated, many business owners are in the habit of doing an annual review to ensure everything is in order and that they are happy with the direction they are going with the plan.

In doing an annual review, it is advised that business owners work with an experienced estate

planning attorney to go over their plan and determine whether any changes need to be made, and if so, the best way to make them. Doing so ensures that their plan will effectively achieve their goals, especially when it comes to the success of their family business. ■

*\*Randall A. Denha, j.d., ll.m., principal and founder of the law firm of Denha & Associates, PLLC with offices in Birmingham, MI and West Bloomfield, MI. Mr. Denha continues to be recognized as a "Super Lawyer" by Michigan Super Lawyers in the areas of Trusts and Estates Law; a "Top Lawyer" by D Business Magazine in the areas of Estate Planning and Tax Law; a Five Star Wealth Planning Professional and a New York Times Top Attorney in Michigan. Mr. Denha can be reached at 248-265-4100 or by email at rad@denhalaw.com.*

## Do You Have a Social Media Policy?

■ BY RONALD G. ACHO, ESQ. // CUMMINGS, MCCLOREY, DAVIS & ACHO PLC

Are you on Facebook? If you're not, chances are pretty good that you will not be able to hold out much longer. Social media is here to stay. It has worked its way into the lives of teenagers, parents, and grandparents. Families, schools, sports teams, stores, products, and businesses all have Facebook pages, and people are even creating pages for their pets!

This means there is a new and growing area for you to market your business. Social media will help you to connect with your customers. Facebook has more than 950 million accounts and Twitter has more than 500 million users. It can be a great way to

offer deals, sales, and limited offers. It's also generally free.

As a business person, this is important for you for two reasons. One, you need to decide how you can use social media in the best way to promote your business and reach out to your customers.

Two, many employees are also on social media sites, and they have their own personal pages or accounts. Sometimes, they can post photos or comments that may negatively reflect back on your business.

You should also think about creating a good social media policy for your employees. The policy should set out the standards of conduct for your employees and how they use social media sites in any way that may connect

back to your business.

Your policy should be easy to understand and be as brief as possible. But, it needs to cover your employees' use of social media on behalf of your company. It should also outline the different responsibilities for your employees when they use social media for themselves personally and when they use it for your business.

Finally, you will need to monitor your use of social media to make sure that there are no defamatory, misleading, deceptive, or derogatory posts by any employee or a third party. You also don't want to infringe on any copyrights or trademarks, or accidentally disclose confidential information. ■



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## How Would You Recommend a Retailer Market Their Products During the Holiday Season?



"The biggest thing is make it appealing. Give it some sort of theme, background and holiday feel to it. Presentation is everything. The more presentation you have the better off it's going to be. I'm a firm believer that if you do a better job of presenting, then people are going to be more attracted to it and then go ahead and purchase it. The ones that sell are the ones that draw people in."

BOB BRIDGES // AGAVE LOCO LLC



"Place the products in as big and prominent spot as you can with your displays. Include things to go with it as far as other items to help with sales, like banners for example. Provide as much eye information as possible. Someone might walk buy the display, but then walk over and get the product off the shelf, because they remember seeing it on the display."

TODD PARRY // 8 SECONDS BLENDED CANADIAN WHISKEY



"We try to come along with a couple of recipes that retailers can place on the shelf with the products. We let people know about simple ways to use our product. It really helps when you place products that can be used together, next to one another. For example our products can be put together with apple cider and it makes a great apple pie shot. You can then put the mixture in the microwave to make a warm apple pie shot."

ED RODRIGUEZ // LEAF VODKA



"For me personally, the key thing is to keep the products together. When they're on a display it's better to have them together because they are complimentary to each other. The recipes on the bottles include the other products we sell, so if they aren't displayed together, then people have to go looking for the other items. Keeping them together is important. A lot of stores, for the holiday, put them together in a basket, as a basket-gift."

TAREK ABOULJOUD // TETA FOODS



"It's a proven fact that a percentage of what people buy in the stores is impulse, so the better the display, the more apt people are to buy it. Shoppers buy with their eyes. When you make a mass display, you are sending a signal to the customer that this is something that is really popular with a lot of people. Signs sell products because people assume that there's a value just because there's a sign."

RON GARDNER // SPARTANNASH



"The key thing is presentation. You have to display the products that are unique that people are looking for, for the holiday season. Unique and seasonal flavors excite the customers, for example old recipes and eggnog flavors. It's about a variety of things including getting excitement into the dairy door with new holiday items, so the store owner can have another ring at the register. You have to come with something new and different."

DAVID ORLANDO // PRAIRIE FARMS DAIRY CO.

## Michigan WIC Program is Changing its Minimum Stock Requirements

The Michigan WIC Program is changing its minimum stock requirements concerning infant fruits and infant vegetables. Below is a summary of the minimum stock change:

### INFANT FRUITS & INFANT VEGETABLES

Effective immediately, Gerber 4 oz. 2-pack plastic tubs may be counted towards the 72 unit infant food minimum stock requirement. This revision allows WIC vendors the option of glass and/or plastic, and requires at a minimum:

- 72 (4 oz.) glass jars consisting of at least one variety of single or mixed fruits AND one variety of single or mixed vegetables; OR
- 36 (4 oz. 2-pack) plastic tubs consisting of at least one variety

of single or mixed fruits AND one variety of single or mixed vegetables (each 4 oz. 2-pack counts as 2 units towards the 72 unit requirement); OR

- Any combination of 4 oz. glass jars and 4 oz. 2-pack plastic tubs that amount to a minimum of 72 units, consisting of at least one variety of single or mixed fruits AND one variety of single or mixed vegetables.

### CLARIFICATIONS & REMINDERS

4 oz. 2-packs may NOT be separated and sold as single tubs. The 2-packs must be sold as a 2-pack ONLY.

Fruits and vegetables mixed in the same container do not count towards the minimum stock

requirement (for example, apples and sweet potatoes mixed together do not count for minimum stock purposes.)

Beech-Nut, Gerber, Meijer Naturals and Meijer Baby are the only WIC approved brands of infant fruits and infant vegetables.

**NOT ALLOWED:** Dinners, added meats, added sugar or salt, added DHA, added cereal, desserts or organic.

Below is a copy of the revised WIC Vendor Minimum Stock Requirements sheet for your reference.

Please be certain you share this information with appropriate staff. If you have any questions, please contact your Vendor Relations Analyst at (517) 335-8937. ■

See the Michigan WIC Food Guide to determine the specific WIC authorized brands, types and sizes.  
Only those items listed on the most recent Michigan WIC Food Guide will be counted toward the mandatory minimum stock requirements listed below.  
**A WIC VENDOR MUST HAVE, AT A MINIMUM, THE FOLLOWING FOOD ITEMS IN STOCK AT ALL TIMES:**

CATEGORY	TYPE OR BRAND	QUANTITY
INFANT FORMULA	12.5 oz. can powder Enfamil Premium Infant AND/OR 12.4 oz. can powder Enfamil Gentlease. 13 oz. concentrate Enfamil Premium Infant must be made available upon request.	12 Cans Total of Powder
INFANT FRUIT AND INFANT VEGETABLES	4 oz. glass jar and/or 4 oz 2-pack plastic tub only. WIC approved brands are Beech-Nut, Gerber, Meijer Baby or Meijer Naturals. -Any variety single fruit or vegetable (ex. apple sauce, sweet peas); -Any variety mixed fruits and/or vegetables (ex. apples & bananas, mixed vegetables). -Fruits and vegetables mixed in the same container <b>DO NOT</b> count toward the minimum stock requirements. (For example, apples and sweet potatoes mixed together do not count for minimum stock purposes) Not authorized - Organic, additives or DHA. See WIC Food Guide for more information.	72 Units Total At least one variety of single or mixed fruit <b>AND</b> one variety of single or mixed vegetable
INFANT CEREAL	Any brand 8 oz. box/container, dry infant cereal without fruit.	6 Boxes/Containers
FRESH FRUITS & VEGETABLES	Any combination of fresh fruits and vegetables except those listed in the WIC Food Guide as not authorized. Must carry at least 2 varieties of fruits and 2 varieties of vegetables. - Minimum stock requirements are measured as the total amount of all fresh fruits and vegetables on hand. - Varieties of fruit within the same family count as one variety. For example: white and red grapes count only grapes. - For minimum stock purposes, white potatoes <b>DO NOT</b> count towards the minimum stock requirements. Yams and sweet potatoes <b>DO</b> count towards the minimum stock requirements. Lemons and limes count as one variety. Not authorized: Fruit baskets, party trays or vegetable trays, herbs or spices.	\$25 Retail Value OR 10 Pounds Vendors that prefer to only meet the 10 pound requirement must make equipment available to weigh fruits and vegetables.
MILK	Any brand of Whole, Low Fat (1% $\frac{1}{2}\%$ or Fat Free (skim). Not Allowed: Flavored milk, glass bottles, organic milk, Vitamite, Guemsey, or value added milk.	4 Gallons Whole Milk <b>AND</b> 8 Gallons Low Fat or Fat Free Milk
CHEESE	Any brand U.S. made real cheese in the types listed in the WIC Food Guide. Must be pre-packaged in 16 oz. size only. No other sizes allowed. Must be labeled with type of cheese, weight and price. Not authorized: Individually wrapped slices or sliced cheese except American. See WIC Food Guide for other types of cheese that are not WIC approved.	5 Pounds
EGGS	Any brand medium or large white eggs only. Grade A or AA	5 Dozen
CEREAL	At least 6 brands in approved sizes only. At least 3 of the 6 brands must be whole grain. See WIC Food Guide for approved brands and sizes of cereal, including those that are whole grain.	12 Boxes
BREAD	Any combination of 16 oz. loaves of whole grain bread and/or 16 oz. packages of tortillas. See WIC Food Guide for approved brands of bread and tortillas.	6 Loaves and/or Packages
JUICE	At least 2 flavors in 64 oz. bottles AND 2 flavors in 48 oz. bottles or 11.5 – 12 oz. concentrate. See WIC Food Guide for approved brands, flavors and sizes.	10 Bottles 64 oz <b>AND</b> 5 Bottles of 48 oz. or 11.5-12oz conc.
PEANUT BUTTER	Any Store brand (smooth, crunchy, extra crunchy) 16-18 oz. jar only. No national brands or specialty brands. *See WIC website for more information <a href="http://www.michigan.gov/wic">www.michigan.gov/wic</a> (see vendor link)	4 Jars

Vendors are strongly encouraged to stock as many varieties of WIC approved foods as possible. The following items must be made available upon request:  
Infant meat, tuna, pink salmon, brown rice, 15-16 oz canned beans, dry beans, lentils, or peas, soy beverage, lactose free milk, evaporated milk, non-fat dry milk, 2% reduced fat milk.

DOH-5228 Rev 9/15

Authority: PA308 of 10766



## 5 Ways to Make Sure Family Runs Your Company in the Future

Business owners need to prepare themselves now for eventually handing over the reins to their successors

■ BY STEVE FAULKNER // ADVICE LAB AT J.P. MORGAN PRIVATE BANK

Business founders typically devote years to building their companies. Many want their firms to continue beyond their lifetimes, managed by their children and possibly future generations. If this is your desire, then you will want to devote the same kind of energy, thought and planning that it took to build your business to help you successfully pass the baton and leave behind a sustainable legacy.

You'll need a well-thought-out plan to ensure all goals are accomplished: yours, your family's and your business's. A vital objective of making this multifaceted plan is to set the stage for family harmony.

Developing a mission statement for the business is a great first step. This can cover the values of both the family and the business, providing a vision of what will be expected of the next generation of leadership. Knowing where you want to go helps you to get there eventually. It is therefore important to articulate what your goals are for your immediate family, for each extended family member and for the business. Only then can you assess where these various goals converge — and possibly diverge.

Businesses are more likely to succeed into the second, third, fourth and even fifth generations when they have prepared for these five critical issues:

### SUDDEN EVENTS

Successful legacy businesses have contingency plans for a sudden

management change, just as they do for other catastrophic events. You must regularly review and revise these plans as circumstances evolve.

### ORDERLY TRANSITION

Even if the current owner's withdrawal from the business is not expected to occur for a decade or more, management needs to acknowledge and prepare for succession. This preparation entails having a formal succession plan, creating appropriate legal documents that can effectively make the succession plan a reality, formally training interested younger family members and integrating them into the business.

### LIQUIDITY/ESTATE TAXES

The U.S. estate tax rate is 40%, and payment is usually due nine months after a person passes away. If that is not planned for, then this federal tax liability can be a tremendous burden on a business, severely limiting the possibility of reinvestment and distributions to shareholders. Even if the estate-tax payment can be deferred, the principal and interest due in later years can hamper a business's competitiveness. Many families are forced to liquidate a business to pay the estate taxes due on it — often in a hurry and for less than the business's full value. It's vital to take action now to help reduce the estate taxes that will be due.

### CONCENTRATION

One of the greatest threats to long-term shareholders of a business is concentration. For example, the business itself can be overly concentrated in a product, a select

customer base or an individual supplier. Concentration of personal wealth in private company investments is an equally critical issue. Nothing better illustrates the potentially unfortunate consequences of this risk than the experiences of many closely held businesses during the financial crisis of 2008. Many businesses of all sizes were forced to dramatically reduce or stop distributions to shareholders or beneficiaries. Some were forced to shut down.

### FAMILY INVOLVEMENT

Successful family businesses anticipate and work to defuse potential family discord long before it arises. They do so by proactively addressing typical, systemic causes of such discord, taking into account the potential complexity of family-business systems. These include policies on compensation, qualification to work in the business, minimum distributions and sale restrictions.

These are the five key elements that are essential to creating a business-succession plan that will help your family continue to thrive after you've retired. Make sure to establish and follow policies regarding distribution, control, advancement, entrepreneurial vitality and escape clauses.

Passing along control in a family business can be fraught with all of the various challenges that families and businesses face separately, complicating matters in unexpected ways. But with careful thought and planning, you can successfully pass the torch to family members and ensure that many successive generations will carry it. ■



## Bottled Water Preparing to Flood the Market

Bottled water is on track to outsell soda by 2017, buoyed by dozens of new high-end waters



### ■ NACS ONLINE

Despite some potential downside—cost and over-use of plastic—Americans' thirst for bottled water just keeps growing, writes the Wall Street Journal, citing a 7% increase in bottled water volume over last year and putting it on track to outsell soda by 2017.

According to industry tracker Beverage Marketing Corp., Nestlé SA (whose water brands include Pure Life and Poland Spring) sold more water than Dr Pepper Snapple Group Inc. sold soda last year, making Nestlé—not Dr Pepper—the No. 3 company in the United States for nonalcoholic beverages, according to Beverage Digest. Between 2000 and 2014, per capita bottled-water consumption more than doubled to 34.02 gallons from 16.74 gallons, while soda fell to 39.92 gallons from 53.17 gallons, according to Beverage Marketing. Market researcher Euromonitor,

estimates retail sales of bottled water totaled \$18.82 billion last year, compared with \$36.87 billion for soda.

There are now hundreds of bottled water brands vying in a market that was nonexistent not that long ago, including the major soda players such as Coke and Pepsi, who together have about a fifth of the bottled water market (Coke with their main brand Dasani and Pepsi with Aquafina). Meanwhile, dozens of smaller, high-end specialty-water brands with names like Real Water, People Water and HappyWater have begun flooding the market. They are backed by investors of all types who are trying to create higher margins with new bottle designs, exotic minerals and elaborate tales of provenance.

Although environmental concerns are an issue for bottled water producers and drinkers in some arenas—at least 18 national parks have prohibited the sale of

bottled water and the product is frowned upon on many college campuses, bottled water's success is flowing right along.

According to the Wall Street Journal, some of the increased interest in bottled water may have been stirred up by a 2013 industry-funded study attributing scores of illnesses to tap water. But much of it is being generated by a new consumer obsession: hydration. According to a Mintel poll late last year, 29% of bottled water drinkers said they would “feel strange” not always having water with them. However, some scientific studies indicate Americans may be going overboard. The Institute of Medicine estimates women and men need about 2.7 and 3.7 liters of water a day, respectively, but that includes water from other sources like soda or coffee and 20% from food. It says fluid intake prompted by thirst and drinking at meals is usually sufficient. ■



## FDA Halts Sale of Four R.J. Reynolds Tobacco Products

Retailers have 30 days to dispose of inventory for Camel Crush Bold, Pall Mall Deep Set Recessed Filter, Pall Mall Deep Set Recessed Filter Menthol and Vantage Tech 13



■ NACS ONLINE

On September 17, 2015, the U.S. Food and Drug Administration (FDA) issued orders that will stop the further sale and distribution of four currently marketed R.J. Reynolds Tobacco Company cigarette products—including its Camel Crush Bold brand—because the company's submissions for these products did not meet requirements set forth in the Federal Food, Drug, and Cosmetic Act (FD&C Act).

The FDA's evaluation found that Camel Crush Bold, Pall Mall Deep Set Recessed Filter, Pall Mall Deep Set Recessed Filter Menthol and Vantage Tech 13 cigarettes were not substantially

equivalent (NSE) to their respective "predicate" products (i.e., products that were commercially marketed as of February 15, 2007) as identified by the manufacturer. The FDA says that at this time, these products can no longer be sold, distributed, imported or marketed in interstate commerce.

"We believe that our substantial equivalent applications fully satisfied the guidance the agency provided, and we respectfully disagree with their evaluations of the products in question," said Jeffery S. Gentry, Ph.D., executive vice president of operations and chief scientific officer for R.J. Reynolds, in a statement. "We supplied the agency with extensive information on each of the

products, and responded to all of the agency's questions. Our product stewardship process is rigorous and ensures that we are producing the highest quality products that meet regulatory requirements."

All of the brands included in the order represent a very small portion of R.J. Reynolds' business, less than 0.4 share of market. "Our submissions to the agency on these brands were comprehensive and we believe we effectively demonstrated substantial equivalence. We're examining all of our options at this time," Gentry said.

When the FDA issues an NSE order, the tobacco product in inventory, including at a retail location, becomes adulterated and misbranded. As a result, it is illegal to sell or distribute the product in interstate commerce, or sell or distribute the product received from interstate commerce. Doing so may result in the FDA initiating enforcement action, including seizure, without further notice.

Recognizing that retailers may have limited options for disposing of products in their current inventories, the FDA does not intend to take enforcement action for 30 days on previously purchased products that a retailer has in its inventory. Importantly, the policy does not apply to inventory purchased by retailers after the date of the order. Retailers are encouraged to contact their supplier or manufacturer to discuss possible options for existing inventories at specific retailer locations. ■



## COMPLIANCE //

## State to Begin Processing Detroit Individual Income Tax Returns; Changes to Take Effect for 2015 Tax Year

Detroit taxpayers to be able to file city returns electronically for first time

### ■ MICHIGAN DEPARTMENT OF TREASURY

The state Treasury Department will process City of Detroit individual income taxes starting in January, 2016 as part of a partnership that will help the city to run more efficiently. As part of the transition, Detroit income tax filers will be able to, for the first time, submit their tax returns electronically.

The transition is part of Detroit's post-bankruptcy management plan and applies to the 2015 tax year and beyond. The change will involve any residents or non-residents subject to the Detroit City income tax.

The new partnership will benefit city taxpayers by allowing them to e-file their Detroit return along with their State of Michigan Individual Income Tax return. The combined e-filing of city and state returns will

provide the following benefits:

- Improve accuracy of the returns
- Provide faster refunds
- Allow access to Treasury's on-line services to confirm receipt of a return and the date a refund is issued

The city of Detroit will benefit from increased income tax revenues as a result of improved accuracy of e-filed returns and expanded compliance and enforcement efforts.

"Taxpayers deserve an easy and convenient filing process and the ability to e-file directly with the state will do just that," said Detroit's Chief Financial Officer, John W. Hill. "More efficient tax collection also means the city will have more resources to provide vital services to our citizens. We appreciate the state working with us in this partnership."

City leaders and Treasury staff are meeting regularly and working collaboratively to ensure a seamless transition, a user-friendly system, and quality customer service for City of Detroit taxpayers.

"Treasury will administer the city's income tax with the same competence, diligence, and professionalism that we demonstrate each year in processing five million Michigan income tax returns," State Treasurer Nick Khouri said. "We are looking forward to our continued work with Detroit and supporting the city staff through this transition."

Forms, instructions, and additional information will be posted on the City of Detroit and Michigan Department of Treasury websites as they are finalized. ■





## Department of Labor Takes on Employment Practices

Convenience retailers should prepare for heightened enforcement of labor practices, due to latest policies from Department of Labor

### ■ NACS ONLINE

The Department of Labor (DOL) has been busy of late — and convenience store owners should pay attention. Convenience store owners may soon face significant new employment costs relating to overtime, and they now may be liable for substantial penalties related to their employment of independent contractors.

Earlier this month, DOL proposed a rule that would extend overtime protections under the Fair Labor Standards Act (FLSA) to nearly 5 million white-collar workers within the first year of its implementation. Specifically, the proposed rule would raise the salary threshold — that triggers when an employee becomes ineligible for overtime — from the current \$23,660 per year level to the 40th percentile of weekly earnings for full-time salaried workers: approximately \$970 per week, \$50,440 annually.

But DOL did not just stop at overtime.

Shortly after proposing the overtime rule, they issued a guidance aimed at curbing the misclassification of employees as independent contractors. Significantly, DOL states that most workers are employees — not independent contractors — under the FLSA. To address this problem, the guidance lays out a six-factor test that should be used to evaluate the worker-employer relationship to assess whether a worker is an independent contractor.

This is a big deal because the possible penalties for misclassification under the FLSA, the tax code and the Affordable Care Act (ACA) could be astronomical.

For example, if misclassified independent contractors (who did not receive offers of health-care coverage under the ACA), are reclassified as employees, then the result is that less than the required minimum number of full-time employees received offers of coverage. This misclassification will trigger a penalty of \$2,000 times the overall number of the entity's full-time employees on an annualized basis. That's right — the potential fines are staggering.

Separately, both of these DOL actions are cause for concern. The overtime proposal could significantly impact the c-store business model and a retailer's ability to hire full-time employees. Similarly, the guidance may force companies to alter their hiring structure. Taken together, the DOL's actions raise a red flag that the administration is planning to be more active in employment matters. The guidance, in particular, is putting employers on notice that DOL plans to intensify enforcement in this area.

Convenience store owners need to begin preparing for heightened enforcement now by reviewing worker classifications to make sure they are appropriate. Because if they are not, c-store owners may find themselves flooded with penalties so enormous that they threaten store viability. ■

## NACS Issues Menu-Labeling Compliance

### ■ NACS ONLINE

Following up on the Food and Drug Administration's (FDA) announcement of a draft guidance document that addresses some of the questions raised about its final menu-labeling rule, NACS is providing a general understanding of their obligations for the December 2016 compliance deadline.

The FDA's menu-labeling rule states that establishments covered by the rule must post calories for standard menu items on menus or menu boards or, for self-service items and foods on display, on signs adjacent to the items. They also will be required to provide additional written nutrition information to consumers upon request. Covered establishments must begin complying with the final rule no later than December 1, 2016.

It is important to note that many of the menu-labeling rule's requirements are difficult to navigate—particularly as they apply to convenience stores. The rule is designed primarily for chain restaurants, and applying it to convenience stores creates many complexities that the final rule does not adequately address. NACS is working with members of Congress to pass legislation, the Common Sense Nutrition Disclosure Act, to allow its members and others to comply with the rule in ways that are more helpful to consumers and more reasonable for businesses of all types to follow.

Menu-labeling compliance obligations and strategy should be developed on a company-by-company, and often store-by-store basis. ■



## Google to Start Testing Grocery Deliveries

■ BRIAN WOMACK, BLOOMBERG NEWS

Google Inc. will start testing a delivery service for fresh food and groceries in two U.S. cities later this year, stepping up competition with online retailer Amazon.com Inc. and startup Instacart Inc.

The trial will begin in San Francisco and another city, said Brian Elliott, general manager of Google Express, which already delivers merchandise, including dry foods, to customers. Whole Foods Market Inc. and Costco Wholesale Corp. will be among Google's partners for the new service, he said.

"For a lot of our merchants that have been successful with this, we're not representing the whole store today," Elliott said in an interview.

"It's in our incentive, as well as the merchant's incentive, for us to help customers get the full store delivered to them."

Google is investing in delivery services for homes and businesses as it seeks to lure more traffic to its websites. The move puts the company in more direct competition with Amazon, which has rolled out its Fresh Direct service in several U.S. cities. In April, a report showed the e-commerce giant was the lowest-cost among rivals in New York. Online groceries are a \$10.9 billion industry in the U.S., and the market is expected to grow 9.6% annually through 2019, according to a December report by IbisWorld.

Google is also expanding next-

day deliveries in the Midwest for more than 25 million potential customers in places such as Indiana, Wisconsin and Ohio. The web company already offers services in Manhattan and Chicago with Walgreen Co., Kohl's Corp. and other retailers.

The fresh-food trial, which includes fruits and vegetables, is part of a move away from making deliveries from warehouses, which can add complexity and requires refrigeration, Elliott said. Giving customers more options should help to boost profit and sales, he said.

"If I've got to pay someone to drive the product from point A to point B, the bigger the basket size, the more revenue I've got to offset that cost," he said. ■

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## Judge Throws Out American Express Settlement

Judge rules that lawyer misconduct is grounds to reject class action settlement in its entirety

■ NACS ONLINE

NACS, along with dozens of merchants, has long opposed the class action settlement with American Express because in many merchants' view the settlement does nothing to change the anti-competitive restrictions that American Express has placed on merchants. In a strongly worded opinion, Judge Nicholas Garaufis of the U.S. District Court for the Eastern District of New York rejected the settlement in its entirety.

Judge Garaufis did not, however, rule on the fairness of the terms of the settlement itself. Instead, he focused on the misconduct of one of the lawyers for merchants in the case: Gary Friedman. According to the decision, Friedman sent confidential material from the

American Express case to one of MasterCard's lawyers, Keila Ravelo, and consulted with her on the case numerous times. The judge found that these communications – numbering more than 1,000 – betrayed Friedman's duty to his clients and meant the merchant class was not adequately represented in the case.

The judge wrote that the communications between Friedman and Ravelo were "improper and disappointing" and that they "fatally tainted the settlement process." As a result, the judge not only rejected the settlement but also removed Friedman as counsel to the class and required other counsel to the class to justify why they should be able to continue their representations of merchants in the case.

The opinion was highly critical

of the reactions of other class counsel to Friedman's conduct. Rather than condemning his conduct, counsel kept him as part of the counsel team and sought to minimize his impact rather than expressing concern and seeking to protect the clients' interests.

Friedman and Ravelo also shared confidential communications relating to the Visa/MasterCard class action. NACS and other merchants have filed a similar motion in that case contending that the settlement should be rejected because of the actions of the two lawyers. While that case is before a different judge, the court is expected to consider Judge Garaufis' decision to reject the American Express settlement when deciding the fate of the Visa/MasterCard settlement. ■

MICHIGAN ONLY



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AFPD MEMBER ID#: \_\_\_\_\_

CONTACT NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

NAME OF STORE: \_\_\_\_\_

**STORE LOCATION:** (If multiple locations, attach a store list)

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

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International Food Service Distributors Association ..... (703) 532-9400  
Local Business Network ..... (248) 620-6320  
National Association of Convenience Stores (NACS) ..... (703) 684-3600  
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S. Abraham & Sons, Inc. .... (616) 453-6358  
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## NOVEMBER 19 & 20, 2015

### AFPD "HIGH FIVE" TURKEY DRIVE

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*Detroit & Lansing, MI // Cleveland & Columbus, OH*

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