

BottomLine



THE VOICE OF INDEPENDENT RETAILERS // VOL. 29, NO. 7 // JULY 2018

**Marijuana Legalization:
What Does it Mean to
Retailers?**

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WE LISTENED.
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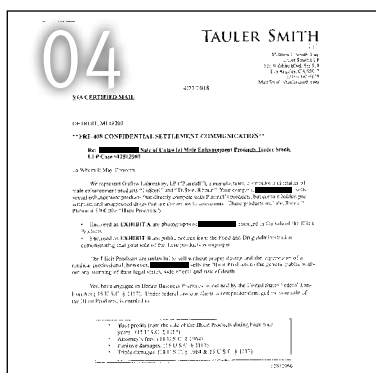
THE VOICE OF INDEPENDENT RETAILERS
VOL. 29, NO. 7 // JULY 2018

features



AFPD ENDORSED VENDOR BRINGS SUCCESS TO MEMBERS

Success comes in many forms. In the case of Wheelhouse Graphix, AFPD's Endorsed Sign and Graphics Company, success comes when customers are happy with the service and products they deliver.



KNOW BEFORE YOU BUY

Since April, AFPD staff members have been fielding calls from retailers stunned, as they find themselves the target of a law suit. Several retailers in Michigan and Ohio are being sued by a California-based law firm over the sale of a male enhancement product.



COVER STORY // MARIJUANA LEGALIZATION: WHAT DOES IT MEAN TO RETAILERS?

Michigan voters will decide whether to legalize recreational marijuana in November after Republicans in the state Legislature said last month they would not vote on a preemptive proposal.



president's message

AUDAY P. ARABO, ESQ. // AFPD PRESIDENT & CEO

Parents Always Want Better for Their Children

As the AFPD Foundation, soon to be Midwest Independent Retailers Foundation, held our 10th Annual Scholarship luncheon in late June, I reflected on the hundreds of young men and women the Foundation has helped over the years. Although the association has giving out scholarships for over forty years, the Foundation was officially established in 1999. The Foundation has donated over \$750,000 in scholarships since its inception.

Seeing these young men and women every year really re-emphasize the importance of our industry and the long hours that many of you put into your business really does pay off! Your most important investment is your kids! When you see your kids accomplish their goals, it makes all your sacrifices well worth it! Every parent wants a better life for their children than the one they had. A special and heartfelt thank you for all the sponsors of the annual scholarship foundation. Always happy to see so many winners from all over Michigan, Ohio and Illinois. Just as parents always want a better future for their children, our industry would also like a better future for itself. Some have said it is the end for independent retailers and the big boxes and online sales and delivery services are taking over, but the pendulum of time shows things go in both directions. You can see this take place as everyone is trying to become tech savvy, while Costco has stayed their course and they continue to set record numbers. I make this point because when the chains zig, we as independents need to zag. Chains are going to self-service checkouts and self-service everything; we should be going the other way. We need full service, customization, amazing customer service and providing specialized items. We need to show off more fresh items, in the produce section, the meat department, the deli department and hot food sections just to name a few areas. You should learn and recognize the trends, but also understand what you do best and make sure you stand out from the crowd. We used to say that you cannot out do Wal Mart, when it comes to pricing on center store items. However, that saying is the same for other chains as well. You cannot and should not try to immolate them, you need to create your own niche and do what the chains can never do, which is to customize, specialize and individualize the customer experience in your retail establishment. Remember when they zig, you need to zag. If you follow them, you are setting yourself up for failure unless you have the resources they have.

In addition, our association tries to do what we can to help you compete against the chains, with our endorsed programs and lobbying and compliance efforts in each state. Soon you will see even more vendor programs coming your way. We are very proud to welcome our new director of supplier programs, Jim Green who has over twenty years of experience as one of the best convenience store buyers in the trade. He will work on finding more manufacturer dollars to share with our members. Every chain receives funding from manufacturers, so why shouldn't independents be treated the same? We are very excited about his addition to our staff and we are actively looking for a business development representative for the state of Illinois. A lot of great things are continuing to happen at our association, as we continue to move forward! Stay tuned as we unveil our new logo next month. ■

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Rishi Makkar	International Beverage, Region #3
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EMERITUS DIRECTOR

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AFPD Endorsed Vendor Brings Success to Members

Success comes in many forms. In the case of Wheelhouse Graphix, AFPD's Endorsed Sign and Graphics Company, success comes when customers are happy with the service and products they deliver. Here are a few examples & testimonials from fellow AFPD Members:

HEARTLAND MARKETPLACE // FARMINGTON HILLS, MI

Mark and Phil Kassa were looking for a way to dress up their entrance area and if possible to clean up the can and bottle recycling area. They needed an expert and trusted Wheelhouse with the task. We designed and produced See-through Window Perf for the entrance and created a FUN theme for the recycling machines... now the kids love coming to the store to return bottles and cans!



"Wheelhouse Graphix did a fantastic job designing and installing customized window graphics for our supermarket. Professional, creative, timely and affordable. Highly recommended!" —MARK KASSA // HEARTLAND MARKETPLACE

WIXOM BP // WIXOM, MI

Marvin felt that his Wixom store needed a refresh. He picked out the tile for the walls, another for the floor, the store would look great. Now he thought... How do I handle the signage? As you might imagine, he came to Wheelhouse. We designed signage that highlighted the BP brand and gave clean colorful direction for his customers.



"Thank you for all you and your company have done. I would say the process working with you was seamless and rewarding as well."—MARVIN POOTA // WIXOM BP

UNCLE JOE'S MARKET // WAYNE, MI

On a call we made to Uncle Joe's Market, Sam Gamsho expressed a need for signage for the store as well as new clothing, jackets, smocks and polo shirts each embroidered with the Uncle Joe's Market logo. Wheelhouse was able to make suggestions and provide them with just what they needed! And without a doubt, they have some of the best dressed employees in Wayne, MI.

"I would like to thank you for reaching out to our business and offering your services which we were in need of. I was treated with KINDNESS, was given GREAT service, QUALITY products, professionalism and acceptable turnaround times. For that, I will continue to utilize Wheelhouse Graphix when needed and also refer any contacts to your company for potential business opportunities. Thank you and keep up the GOOD work!"—SAM GAMSHO // UNCLE JOE'S MARKET



WHEELHOUSE
design. create. transform.

Now the question is... How can they help you? With anything from a new sign or window graphic to a complete store refresh! Be sure to ask about the AFPD member rebate program! Call (248) 522-0292 today to learn more and discover how Wheelhouse Graphix can help transform your store!

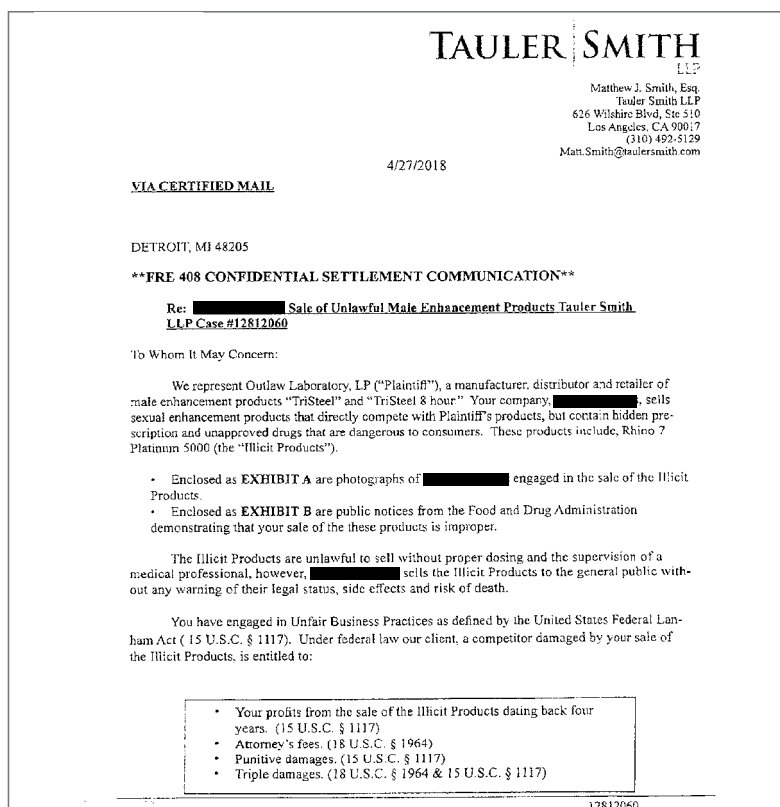
Know Before You Buy

Since April, AFPD staff members have been fielding calls from retailers stunned, as they find themselves the target of a law suit. Several retailers in Michigan and Ohio are being sued by a California-based law firm over the sale of a male enhancement product.

The letter was from legal counsel to Outlaw Laboratory, LP, a manufacturer, distributor and retailer of male enhancement products “TriSteel” and “TriSteel 8 Hour”. The letter alleged that retailers in Michigan were illegally selling the competing male enhancement product “Black Panther”.

“Most of the retailers I spoke to had no idea they were illegal because they bought them from legitimate distributors and jobbers,” said Rita Denha, from AFPD’s business development and publications team. “Some retailers told me they didn’t sell, so they had sent them back to distributors, but when they received the letter, they had pictures of their stores and pictures of the male enhancement on the shelves.”

AFPD is urging members to know what they are buying before they purchase any items especially medications or supplements. “There is more checking on gas stations and convenient stores now than ever before,” said Mary Ann Yono, from AFPD’s business development team. “The local police come in and ask to see licenses for tobacco and liquor for example. You must be up to date on everything. Retailers need to be aware of what they are purchasing and from whom.”



The California based law firm is asking the retailers to settle the case for \$9,765.00 each. “While unaware that these products are illegal, retailers were surprised to discover that photos of the products were taken without their knowledge,” said Yono. “Then, they received a letter with a picture from the Food & Drug Administration that the sale of these products is improper.”

This is just one of many issues that AFPD helps members navigate through and in this case, “at a request of AFPD, an attorney has answered the claim for one of our members stating that the pictures do not demonstrate any loss profits directly from the sale of illicit products nor that its reputation has been damaged as a result of the alleged presence in the store,” said Yono.

Currently, Brian O’Keefe from

Lippitt O’Keefe Advisors LLC is representing AFPD and a few retailers, “but I have spoken with 20 to 30 retailers who all received the same letter,” said O’Keefe.

The letter threatens the retailers with a lawsuit. The lawsuit claims that the retailers are violating the Lanham Act by selling the illicit product “Black Panther,” said O’Keefe. “My position is that the retailers are not in violation of the Lanham Act because their actions in innocently selling minor amounts of “Black Panther” does not violate the Act and in any event Outlaw Laboratory did not suffer any damage.”

O’Keefe is not taking this suit lightly. “Any action by Outlaw Laboratory against any retailer that I represent and/or against AFPD will be strenuously defended and may result in a counter-claim against Outlaw Laboratory,” he said. Stay tuned. ■

We get every party started!



U.S. Ice delivers fast, reliable service for your ice needs. You can trust us to get the ice delivered with the newest fleet of trucks in the industry that are GPS-enabled to locate the nearest truck and re-route to support your emergency ice needs. We can also provide coolers, ice sculptures and help with event planning. Call 313-862-3344 or visit us online at usicecorp.com.



PURE MICHIGAN®



Gasoline Business Issues Can Bog You Down

All businesses have compliance and legal issues that must be addressed, but the retail gasoline business comes with its own set of challenges. In addition to local health department and occupancy permit requirements, there are federal and state regulations that must be in compliance.

The most visible issue and the issue that causes the most customer complaints are “weights and measures” compliance. Motorists often think if they “report” a retailer for “shorting” a gas sale, somehow that complaint will lower the price of gas. While the governing body will test retail gasoline dispensers for accuracy, it's important that you regularly have the dispensers tested by a certified calibration contractor to be sure you are complying. Pumps are mechanical, and they are just as likely to over-pump as under-pump. No retailer wants to shortchange the customer, but semi-annual calibrations of dispensers will keep you in compliance, and costly over-pumping issues will also be avoided.

Underground Storage Tanks (UST's), Tank Monitoring systems and leak detectors are other areas that could cost you money and unwittingly result in legal action against your business. You need to have a system and procedure in place that monitors inventory daily and use it! A small leak in a tank or piping can cost you significant dollars, and pollute the ground, resulting in fines and legal action against your business.

Federally mandated Owner/Operator training requirements are still being enforced across the country because of the Energy Act of 2009. If you are properly maintaining your dispensers, UST's,

and tank monitoring systems you are likely to be in compliance, without additional expenditures. If you are deficient in any of these areas, now's the time to get up-to-date. Remember to have a Class “A” & “B” UST Operator listed for each site you operate.

Another obstacle facing many retailers, but a bigger issue for gasoline retailers are “automatically renewing service contracts”. In the petroleum business we have more services than the average retail store, and more exposure to this challenge. **DO NOT SIGN** any contract that automatically renews and/or has a restrictive cancellation “window”. Many service contracts automatically renew at expiration for another defined period of time, unless you notify the supplier of your desire to terminate within a certain time frame “window”. Most of us are way too busy to remember to cancel unwanted or unneeded services within the cancellation window, and then the encounter with the supplier becomes messy. The solution is to delete any reference to automatic renewal, limited cancellation opportunities, and right of first refusal clauses in any contracts that you feel obligated to sign. Review any clause that locks you into a price but allows the provider to increase the price of the service. This is a one-way street to the advantage of the provider. A few of the services that you should be wary of when considering contract provisions are: phone providers, trash pickup, fuel suppliers, maintenance agreements, credit card processing agreements, landscaping, snow removal, alarm systems, equipment leases, employee uniform agreements, ATM providers and “help desk” agreements.

Every dollar you save goes right to your bottom line. And suppliers eager for your business, are much more willing to negotiate terms and conditions of any agreement.

Now is the time to review your present contracts and agreements to determine the cancellation window and automatic renewal provisions so you don't get caught in the renewal spiral! ■

Eby-Brown

Delivering Solutions Daily
for more than 125 years



THE VOICE OF **INDEPENDENT** RETAILERS

TAKE ADVANTAGE OF **AFPD'S** GROUP PURCHASING **POWER!**

This program provides a customized marketing plan and competitive retail pricing that is sure to help you increase sales and build a better bottom line.

TOTAL VALUE TO YOU

\$2,080	2% Rebate* (annual total paid quarterly)
\$500	AFPD Membership Dues (paid by Eby-Brown)
\$1,500	Chain Buying Book Average Savings
\$2,500	Est. AFPD Member Program Savings
\$6,580	Total Member Benefits Per Location

* Based on \$2,000 non-tobacco purchases weekly

GENERAL REQUIREMENTS

- \$3,500 minimum delivery required (including tobacco).
- Must purchase from Eby-Brown weekly to qualify.

Subject to pre-qualification by a Eby-Brown sales representative, quarterly sales to be evaluated.

NEW EBY-BROWN CUSTOMERS

- Receive a 2% rebate on all purchases (excluding tobacco). Rebate checks are sent quarterly by AFPD.
- AFPD membership fees paid by Eby-Brown.
- Access to AFPD/Eby-Brown Chain Buying Book.
- Access to AFPD approved national and local programs (where applicable).

CURRENT EBY-BROWN CUSTOMERS

- Must qualify for the 2% rebate (excluding tobacco) and paid membership fees at the discretion of the Eby-Brown sales management team. Rebate checks are sent quarterly by AFPD.
- Access to AFPD/Eby-Brown Chain Buying Book.
- Access to AFPD approved national and local programs (where applicable).



michigan liquor report

ANDREW DELONEY // MICHIGAN LIQUOR CONTROL COMMISSION

Updates from Michigan Liquor Control Commission

The LARA Revenue Services cashier office has relocated to the Bureau of Medical Marihuana Regulation (BMMR) building located at 2407 North Grand River Avenue, Lansing, MI 48906. Those wishing to make payments in person at the cashier office will need to go the BMMR building to pay and not to the Commission office as in the past.

The cashier fax number has also been changed to (517) 284-8557 for applications being submitted with a credit card payment. Commission forms have been updated to include this new fax number. To mail a payment via check or money order, you may send your payment to Michigan Liquor Control Commission, P.O. Box 30005, Lansing, MI 48909.

Please note that LARA Revenue Services is not a part of the Michigan Liquor Control Commission. Receipt of payment and application forms by LARA Revenue Services does not constitute receipt of an application by the Commission. Applications submitted through LARA Revenue Services may take up to two (2) additional business days to be received by the Commission after receipt by LARA Revenue Services.

For requests that require a timely receipt of an application by the Commission to be processed, such as Special Licenses and temporary requests, please ensure that your application will be received in adequate time to be processed by the Commission after the payment is received and processed by LARA Revenue Services.

AUTHORIZED DISTRIBUTORS

The Michigan Liquor Control Commission (MLCC) reminds retailers that – as retail license holders in the state or Michigan – they may not purchase, sell, or

possess beverage alcohol that has not been purchased from MLCC, MLCC's authorized agent or distributor, an authorized distribution agent certified by order of MLCC, or a licensee of MLCC authorized to sell that alcoholic liquor to a retail licensee.

BEER, WINE AND MIXED SPIRIT DRINKS

Beer, wine and mixed spirit drinks are distributed in Michigan through a private wholesale network. The MLCC licenses suppliers – Brewers, Wine Makers, Manufacturer of Mixed Spirit Drink, Outstate Seller of Wine/Beer/Mixed Spirit Drink – to deliver and sell their products to licensed Michigan Wholesalers. The Wholesaler is licensed to ship and sell to licensed Michigan retailers, who in turn are licensed and authorized to sell to Michigan consumers. Licensees must not purchase from outside the approved wholesale network.

SPIRITS

Michigan operates as a “control” state for the sale of spirits and, as such, MLCC itself acts as the wholesaler for all spirit products. A “Vendor of Spirits” sells spirits to the MLCC which then resells the spirits to both on- and off-premises retail licensees. Spirit products are warehoused and delivered to retail licensees by Authorized Distribution Agents (ADA). An ADA is required to be certified by the MLCC and is also required to have a contract with each Vendor of Spirits they represent to deliver their particular spirit products. Spirit products that are sold to consumers for off-premises consumption are sold by licensed Specially Designated Distributors (SDD). These licensees must purchase from legal sources only – do not get your alcoholic liquor products from illegal shipping or delivery.

GROWLERS

Senate Bill 973 added Specially Designated Distributor (SDD) licenses that also hold Specially Designated Merchant (SDM) licenses as eligible merchants that

MICHIGAN LIQUOR

continued on next page.



Michigan Legislature Concludes Spring Session

On June 12th, the legislature concluded its spring legislative session with a marathon day that went late into the evening. In accordance with tradition, the main focus of the spring session was centered on the completion of the 2018-2019 state budget. While there were a few policy items of note exchanged between the two legislative chambers, for AFPD members, there is still one major issue lingering in the process. The Half-Mile Rule still languishes in the House Regulatory Reform Committee after a brief hearing earlier this year. Throughout most of the spring session AFPD's lobby team has negotiated with legislators and members of the Governor's office to find compromise on this issue. After many concessions and drafts, the Governor has chosen to abandon talks and side with his commission, killing

the Half-Mile Rule's chances of passage during the spring session.

While there is significant support to retain the rule within the House of Representatives, pressure from the Governor's office has kept the bill from advancing to the House floor. At this time, the Governor's office has conveyed to legislators that if a bill codifying the Half-Mile Rule were to pass the House of Representatives and advance to his desk for his signature, he would VETO it. This has essentially left House leadership in an unenviable spot. Passing bills that the Governor openly opposes is not the tradition of the legislature, especially when all branches are controlled by one party.

WHAT CAN BE DONE TO TURN THIS POLICY AROUND?

At this moment, the only impediment to the passage of the Half-Mile legislation is the Governor. AFPD's strength is in its grassroots organization. I would encourage every interested party to reach out to the Governor personally and ask him to support the small businesses of this state and support Senate Bill 501. The Governor can be reached by mail at: Governor Rick Snyder, P.O. Box 30013, Lansing, Michigan 48909; by telephone at (517) 335-7858 or by email at governorsoffice@michigan.gov. ■

MICHIGAN LIQUOR *continued from previous page.*

may fill growlers. This is in addition to the current law that already allowed on-premises retailers with SDMs to fill growlers. Furthermore, licensees that hold the appropriate licenses under this law do not require any additional approval from the Michigan Liquor Control Commission to fill growlers.

The requirements for filling growlers will remain the same. An eligible merchant may fill and sell growlers with beer for consumption off the premises as long as they comply with all applicable rules promulgated by the commission and do so under the following conditions:

- The premises where the filling of growlers takes place comply with the requirements for food service establishments under the food law.
- The growler is sealed and has a label affixed to it that includes at least the brand name of the beer, the class of the beer, the net contents of the container, and the name of the retailer filling the growler.
- The eligible merchant shall not fill a growler in advance of the sale and shall only utilize containers that have a capacity of 5 gallons or more.
- The beer to be dispensed has received a registration number from the commission and has been approved for sale by the commission. ■



michigan lottery report

BRIAN O. NEILL // MICHIGAN LOTTERY COMMISSIONER

Red Ball Double Draw Daily 3 Promotion Coming Soon to Boost Player Interest & Sales

The Daily 3 and Daily 4 games are among the most popular offered by the Michigan Lottery. We often hear from players who have a special story or reason they have played their numbers for years. That personal link, along with the chance to win cash, keeps players regularly playing the Daily 3 and Daily 4 games.

To build on this player support, the Lottery will bring back one of the most popular Daily 3 promotions this summer: the Red Ball Double Draw. The promotion is scheduled to start on August 1st, and will offer Daily 3 evening players extra chances to win during the promotion.

Beginning August 1st, five white balls and one red ball will be loaded into a drum and a special "Double Draw" will be shown after the regular Daily 3 evening drawing. If a white ball is drawn, it will be removed from the drum, set aside, and another "Double Draw" will occur the next day. When the red ball is drawn,

the Lottery will conduct a second Daily 3 evening drawing. Once the red ball has been drawn, all balls are loaded back into the drum for the next Daily 3 evening drawing. The Red Ball Double Draw promotion applies to Daily 3 evening drawings Monday through Saturday. The promotion will run for a limited time in August.

During the Red Ball Double Draw promotion, the Lottery will conduct at least eight Daily 3 evening drawings each week rather than seven. With an extra drawing each week during the promotion, players will have more chances to win and more incentive to buy Daily 3 tickets. We expect this promotion to bring additional store traffic to retailers, boost sales, and also provide more opportunities for retailers to earn more in commissions by cashing winning tickets for players.

Best of all, the promotion is easy for retailers, because no additional action or cost is required for a player to take part in the Red Ball Double Draw promotion.

Historically, Daily 3 and Daily 4 promotions have been very successful. They have boosted player awareness and interest in daily games, leading to increased sales and commissions for retailers.

PLAYERS HAVE CHANCE TO WIN \$1 BILLION WITH NEW GOLDEN TICKET™ II INSTANT GAME

Players frequently share their thoughts on Michigan Lottery games with us. One universal theme always stands out: players want the chance to win big prizes, the bigger the better.

The Michigan Lottery's GOLDEN TICKET™ instant game (#231) was a huge success for retailers. The \$10 instant game has performed well with four million GOLDEN TICKETS sold since the game launched in July 2017.

To capitalize on the popularity of the game, the Lottery will launch GOLDEN TICKET II (#267) on Monday July 2nd. Each \$10 ticket will offer players more than 20 chances to instantly win prizes ranging from \$10 up to \$1 million. Once again, players also may enter codes from non-winning tickets by visiting www.michiganlottery.com/goldenticket for a chance to win one of 15 trips for two to Las Vegas and for the opportunity to play the BILLION DOLLAR CHALLENGE and possibly win up to \$1 billion. The trip includes deluxe hotel accommodations for four days and three nights, round-trip airfare for two, ground transportation to and from the Las Vegas airport and hotel, and \$1,000 spending money. ■

PULL TAB TICKETS // INSTANT TICKETS

NEW INSTANT TICKETS:

On Sale July 2nd:

- IG 261 – Electric 8's – \$2
- IG 267 – Golden Ticket II – \$10

INSTANT GAMES SET TO EXPIRE:

Expiring August 6th:

- IG 741 – Hot Spicy Cash – \$2
- IG 770 – Cashword – \$2

NEW PULL TAB TICKETS:

On sale July 2nd:

- MI 505 – Another Round – \$1
- MI 522 – Wild Cherry – \$2

PULL TABS SET TO EXPIRE:

Expiring July 10th:

- IT 869 – Big Win – \$2

Expiring July 11th:

- MI 563 – Snow Much Money – \$1
- MI 571 – Treasure Trove – 50¢

Expiring August 7th:

- MI 576 – Reel Time – 50¢
- MI 587 – \$2,000,000 VIP – \$5

Expiring August 28th:

- MI 578 – Mega Bucks Multiplier – \$1
- IT 870 – Brewin Bucks – \$1

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

THERE'S FUN IN EVERY ONE!

Players love Instant Games! There are dozens to choose from and millions in cash prizes. Last year, retailers earned \$106 million in commission on Michigan Lottery instant tickets. So keep plenty in stock because what's fun for players means profits for you.

MICHIGAN LOTTERY INSTANT GAMES™



STOCK THE NEW GOLDEN TICKET™ II INSTANT GAME

Players can enter to win a trip to Las Vegas and a chance to win up to \$1 BILLION!



Odds of winning: \$10: 1 in 12.31; \$20: 1 in 7; \$25: 1 in 37; \$50: 1 in 40; \$100: 1 in 120; \$200: 1 in 1,579; \$500: 1 in 6,007; \$1,000: 1 in 120,000; \$1,000,000: 1 in 2,400,000. Overall odds of winning: 1 in 3.50. Odds of winning one of 50 trips to Las Vegas for the opportunity to play the BILLION DOLLAR CHALLENGE™ and a chance to win up to \$1 Billion depend on the total number of tickets entered by November 20, 2018. Winning your limits is always the best bet. Call the Michigan Problem Gambling Helpline for confidential help at 1-800-270-7117.





ohio lobbyist report

TERRY FLEMING // TC FLEMING & ASSOCIATES

Ohio Legislature Finally Shifts Into Gear

After two and a half months without a Speaker of the House due to resignation of former Speaker Cliff Rosenberger who is under FBI investigation, the Ohio House was a mess. No bills were being heard or passed, because only the Speaker can call a legislative session. Representative Ryan Smith who was chairman of the powerful Ohio Finance Committee and was hand-picked by Rosenberger to succeed him said he had the needed 50 votes to become Speaker. However Representative Larry Householder (himself a former Speaker from 1998 to 2004) was oddly enough also under investigation by the FBI when he was term-limited in which nothing ever came of that, but two of his top aides were fired and in a bizarre twist and now both work for a Super PAC for Ryan Smith. Turns out Smith only had 44 votes and Householder who was supporting a caretaker until the end of the year had 20 votes but come next January he claimed to have 40 plus in the new General Assembly to make him Speaker for a two-year session. Under Ohio law a Speaker needed 50 votes but if after 11 votes no one had 50 then on the 12th vote who ever had the majority would be Speaker and as neither side would give in, Smith became Speaker on the 12th ballot. Immediately a session was scheduled and over 40 bills were passed and there are more hearings and votes scheduled for the future.

Of major importance to AFPD members is HB 566, providing for minimum mark-up on cigarettes, the bill is scheduled to be heard by the House Ways & Means Committee but the only reason it's being heard is because of House Rules all bills must have at least one hearing. As the bill is sponsored by two Democrats who are buried deep in the minority there is no chance the bill will move this year. There will only be 5 or 6 more session days in which bills can be moved, two this month most likely two in September



and then 3 or 4 in December in a lame duck session. That means all bills not passed die at the end of the year and must be reintroduced next year. AFPD sponsored HB 307, making the month of September a permanent "We Card" month was amended into SB 86 by the House State Government Committee and then passed and is awaiting a floor vote on the House, after which it will need Senate concurrence.

The November elections are still 4 and a half months away, but campaigning and polling have already started. It's a very safe bet that the Ohio Senate and House will remain heavily Republican as will the Ohio Supreme Court but that may not be the case in the 5 statewide elections. The Governor's race is a toss-up at this point between Attorney General Mike DeWine and Democrat Richard Cordray. State Treasurer, Attorney General, Auditor and Secretary of State offices are all very close at this point in time. Ohio's Congressional delegation will remain heavily Republican, but Democrat U.S. Senator Sherrod Brown is the heavy favorite to be reelected.

As you can see Ohio is in turmoil and anything can and probably will happen between now and the end of the year, but one thing is not in turmoil and that's AFPD members will be well represented at the Ohio General Assembly and with Regulatory Agencies. Please encourage fellow small business owners of convenience stores, small grocery stores and fast food franchises to consider membership in a fast-growing association with your welfare in mind, AFPD. Have a wonderful and prosperous Summer. ■



July



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MARIJUANA LEGALIZATION: WHAT DOES IT MEAN TO RETAILERS?

Michigan voters will decide whether to legalize recreational marijuana in November after Republicans in the state Legislature said last month they would not vote on a preemptive proposal.

A strategic GOP bid to pass the proposal, then rein it in by amending it, fell flat when Republicans in the state House couldn't gather the votes necessary to pass it.

State canvassers in June approved a ballot proposal to decriminalize recreational use of marijuana in Michigan. AFPD members and consultants are weighing in. "It should be on the ballot for the voters to decide," said Joe Abro, CPA Abro & CO., CPA, PC.

If approved by voters, adults 21 and older would be allowed to possess and consume limited amounts of marijuana – the proposal calls for legalizing possession and sale of up to 2.5 ounces of marijuana.

You would be allowed to purchase the allowed amount of marijuana from a licensed business. Businesses would be licensed by the state. The initiative allows cities to decide if they want to allow these businesses in their municipality.

If voters do pass the legalization of recreational marijuana, legislators will have to write the new law. For instance, Maine voters decided to legalize cannabis in their state in 2016. That prompted the Marijuana Legalization Act, which was to take effect within 40 days of November 8, 2016.

That means Michiganders won't necessarily be able to use cannabis recreationally as soon as the votes are counted. They may have to wait several weeks before the actual new law goes into effect.

If passed, Michigan would become the 11th state (including Washington D.C.) to legalize marijuana, or cannabis. Michigan voters already legalized medical marijuana in 2008.

Terry Flemming, who handles government affairs for AFPD in Ohio, explained that Ohio has both medicinal and recreational marijuana. Although he supports medical marijuana for relief of pain, considering how addictive pain pills can become it may be a better

alternative and a lot cheaper, he doesn't support recreational marijuana.

"I think eventually the high won't be enough and users will move on to other drugs that are more powerful and costlier," he said. "In addition, marijuana, unlike alcohol can be used frequently and the hangover isn't as bad, so you will see it used more and more if legalized; which will result in more car accidents and arrests for impaired driving. It also is much easier for minors to get than alcohol and you can fake the impact of a pot high easier than an alcohol high."

Currently, Ohio is trying to control it by limiting sellers but as Fleming noted, it could create a monopoly of sorts and illegal marijuana will still flourish. "I doubt retailers and convenience stores will be impacted in the near future, but it could eventually cut into sales of legal alcoholic beverages," he said.

"Ohio hopes to heavily tax the product and use the money for addiction treatment and to increase state revenues. I see a day in the not too distant future when all 50 states will have legalized marijuana. Gambling is already present in most states in the form of horse racing, lottery and casinos so that just leaves legal prostitution which is way off in the future but eventually it will join the other vices of marijuana and gambling. Government believes it controls all of this, but I think that one day it will all come tumbling down."

Retailer and AFPD board member Jerry Crete has a similar perspective. "I am personally having a hard time putting my arms around the whole issue of legalized marijuana. I think the whole thing is progressing much too fast," he said.

"We live in a time where governments are struggling and looking for revenue to help with unfunded liabilities and they look at marijuana tax revenue as a way to help. I am personally against the legalization. I think there is a valid reason it has always been illegal. I don't think it will eliminate crime, as many people believe. Taxes always create a black market. There is still a black market for cigarettes and liquor today."



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As far as what it will do for the industry, Crete doesn't believe it will have a major impact in the short term, because he doesn't see people changing their behavior overnight. If someone doesn't already smoke marijuana, he doesn't expect the person to pick it up just because it is legal.

"In the long term we could end up with a new generation that grows up with it being legal. When they reach the age of deciding to drink alcohol, smoke pot (or both) it could impact our industry in a negative way if they choose pot," he said.

"When alcohol became legal, most of it was sold in pharmacies where alcohol was already sold (for medicinal purposes). To me it would make sense to sell pot through the channels that are already experienced with selling controlled products (alcohol). This would be helpful to our industry as it would help us keep customers regardless of their choice of alcohol or pot. That being said, we have a legislature (in Michigan especially) that really don't think things out very well and are trying to set up new channels for this "new product" pot. I don't have a lot of confidence that they will get it right."

Regardless, Crete does believe that marijuana will have some kind of impact on the industry. "We as an industry and small business owners must pay very close attention and make our voices heard as this plays out," he said.

"Change happens faster than ever today. I watch the big box stores aggressively targeting our businesses because they are afraid of the Amazon's of the world taking their business. They look at small businesses, like AFD represents, as easy targets to keep their sales/businesses afloat. AFD members need to be laser focused on providing customer service that the big guys will never be able to match. This is our key to survival!"

Crete added that if Marijuana becomes legal on the federal level, he would sell it but if not, he will not bring it into his business. "I am a board member of a small community bank. We are afraid to "bank" anyone that has anything to do with this because it is not legal on a federal level and we are regulated by federal agencies," said Crete.

Rishi Makkar from International Beverage in Grand Rapids makes note of the unknowns that he would like answers to before he commits. "I would like to know the details of how it will be governed and regulated," said Makkar. "It is still vague in terms of governing it."

Makkar did some of his own research reaching out

to independent retailers in Colorado where Marijuana is legal. "The independent retailers in Colorado claim the revenues have dropped on alcohol and they attribute it to the choice consumers are now given."

However, he sees a value in making it legal. "It will reduce crime," he noted. "From an ethical and logistical standpoint. I am firm believer if this is going on anyway underground, it's just as prevalent on alcohol. It is a burden on society. The people dealing it are not reputable. From a public safety stand point it is a concern. I am not for it, as a family man, but I would feel more conformable that kids get it from an authorized legit source, as opposed to someone on the street."

Abro would agree. "Legal or not, we as parents have to deal with the reality of marijuana and other substances."

Makkar wants retailers to be part of the on-going discussions that need to be had in terms, from a distribution and tax revenue standpoint. "If that is still unknown, that is a problem. Gray areas in the law will only end up hurting the state instead of benefiting the state. You need clear legislative language first. There needs to be a game plan on how to execute it instead of amending it. Consumers and the market respond better to certainty. It's just the same as giving gas stations beer and wine licenses. You can't make these things legal without asking retailers our opinions."

Also, from a business stand point, Makkar is concerned about the short-term and long-term effects on the beverage industry. "I do believe it is better to have governance on an item instead of it being sold underground," he said. "From a business standpoint, I need more information to know how it will be distributed. The question is not should it be legalized. From a business perspective, the question is how is it going to end up in the consumers hands. How will it go from grow to sale? Is it a three-tier system or direct supply system? Those issues have major impact on how an entrepreneur will feel about it regardless if they are in the industry."

As beverage retailers, Makkar believes that how it gets into consumers' hands is the real battle and stresses that retailers should be at the table when it is defined how marijuana is sold. "Our concerns should be heard," said Makkar.

"For sure retailers should not be exempt from selling it if it is legal," Abro. "The options should be for dispensaries and retailers." ■



SCHOLARSHIP LUNCHEON

Scholarships Awarded

AFPD continues to give back to exceptional students

■ BY ASHOURINA SLEWO // DENHA MEDIA GROUP

The AFPD Foundation hosted their 10th Annual Scholarship Luncheon this year, where they were able to distribute \$57,000 in scholarships to 38 deserving students from throughout the Midwest.

The students attended the luncheon with their parents and sponsors at the historic Detroit Athletic Club in Detroit on June 19, where they were recognized for their many achievements. Each year the AFPD Foundation awards scholarships in the amount of \$1,500 to extraordinary and deserving students who plan to or are pursuing a college education.

"This period in your life marks a key transition as you pursue your college education," said AFPD President and CEO, Auday Arabo. "We hope your college education provides you with the necessary skills to make a difference in the world."

During the luncheon, scholarship recipients are given the opportunity to meet with fellow scholarship recipients, as well as donors and contributors.

Since its inception in 1999, the AFPD Foundation has been able to award more than \$750,000 to deserving students throughout Michigan and Ohio. It is through contributions that the foundation has been able to continue in giving back for nearly two decades.

While the foundation has been giving out scholarships from inception, the scholarship luncheon only came to fruition ten years ago. The luncheon aims to highlight the successes of each scholarship recipient.

Ron Fournier, president of Truscott Rossman, a public relations agency, delivered this year's keynote address and with thousands of dollars being awarded to exceptional students, it was only fitting for his speech to be centered around education. Fournier also addressed the trials and tribulations of life after school and being in the "real world".

The former Crain's publisher and editor – and author of the parenting memoir *Love That Boy* – drew from his own experiences, recalling his struggle to find a job in his hometown of Detroit after graduating college.

Fournier's story begins at the University of Detroit during his junior year where he first took a journalism ethics class for one reason alone – the professor. It was in this class that Fournier was set on his path to a career in journalism.

Without the guarantee of a job in Detroit after graduating, Fournier headed to Hot Springs, Arkansas. "I called Neil and I asked him if there was a chance – not even a promise, but a chance that I could work for the Detroit Free Press in the next two years. If there was, I wouldn't move to Arkansas," said Fournier. "Without hesitating, he said, 'I think you better move to Arkansas'."

In addition to discussing the struggles of his early career, Fournier also highlighted the importance of the people one encounters throughout their journeys.

"One day I'm sitting in Little Rock and the next I'm in Washington," said Fournier. "This was all because someone took a chance on me, took a kid out of Little Rock and put him in the White House. That was John Oldman, the Bureau Chief of the Associated Press. John is now the publisher of the Detroit News."

After several years of working as a reporter in the White House, Fournier quit to pursue other endeavors. After these endeavors failed to take off, Fournier found himself back at AP.

"I took a chance and I failed, I fell flat on my face," Fournier said. "I ended up going back to AP. Not only did they hire me back, but at a higher position."

In this new position, Fournier took on more of a leadership role. It was during this time he truly learned about his abilities to lead. "I was a lousy leader," he said.

While facing several failures throughout his career, Fournier states that these failures are what have allowed him to be so successful today. It is through these failures that he has been able to learn more not only about his career, but his abilities. As discouraging as the failures may feel at the time, they serve a greater purpose. ■

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What is Your Connection to the Industry and What Does This Scholarship Mean to You?



"My father owns a little convenience store and it means a lot to me because he works really hard on it. He and that store have provided for me my entire life. He built that store from scratch and here we are now, I'm getting a scholarship because of it."

– JACOB PETERITIS



"This industry means I have a job and other opportunities. I work at a deli and slaughterhouse and through that I had the opportunity to get this scholarship."

– KYLIE VELDMAN



"Through a family friend in the industry, I had this connection and got this scholarship. Getting this scholarship helps me go to school, which I'm going to teach. So, getting this scholarship can help me teach kids and help them grow up."

– JESSICA LOVEJOY



"I work for a grocery store – packing and unloading trucks, which is how I found out about the scholarship. This scholarship is definitely going to help me with college."

– GEORGE KINTNER



"This scholarship means a lot to me and my family because I am attending Wayne State University next year and tuition, in any college, is high. So, getting as many scholarships as possible is important. Especially with the connection of my uncle and my dad owning a business and having that as a connection to get a scholarship and having that foundation to set me up for a better future is amazing."

– EMILY KADO



"My dad for a long time, he's defended members of the industry when claims or stuff like that arise. So, I admire him in that respect. I learned a lot about the industry from him over the years – from helping people to understanding both sides of an issue. His involvement in the industry has opened up this opportunity for me. This scholarship, for me, means my work in high school has meant something and someone has chosen me and a bunch of other people to highlight our achievements."

– DAPHNE FIATO



"My mom's work is associated with AFPD and I work at one of her companies and that's how the opportunity for this scholarship came about. This scholarship has given me the opportunity to achieve my academic goals at Grand Valley this fall to pursue a degree in cellular molecular biology."

– AUTUMN BARBOUR



"The petroleum and food business is important to many families and communities around the state, it impacts a lot of small family owned businesses. My father, for instance, works for a food distributor. That connection and this scholarship are going to help fund my education."

– KYLE HEREEN



MEET THE 2018



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ANNE ELIZABETH ACHO TARTONI

Annie is a freshman at the University of Detroit Mercy. She graduated from Mercy High School where she was Vice President of the International Thespian Society, four-year Student Council Representative, Link Leader Commissioner, Latin Club Officer, Lacrosse Captain, and Student Director. Annie was a member of National Honor Society, a Mercy Mime, and an Irish Dancer. She was also crowned Miss Malta 2018, representing the United States and Canada. Annie volunteers at Beaumont Hospital Post Operation, Our Lady of Sorrows, and the University of Michigan's MPACT program.

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RAHAF ASSOFI

Rahaf is a junior at Oakland University majoring in biology. She graduated from Mercy High School where she was a member of National Junior Honor Society. Rahaf has volunteered at Hazel Park Medical Center and was a part of the Chaldean Angels in high school. She currently works in the emergency department as a scribe at Providence Park in Novi, Michigan.

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TRISTAN ATTISHA

Tristan is a freshman at Wayne State University studying biology. She plans to major in biology and minor in economics, further, in hopes of eventually becoming a Physician. Tristan graduated from the International Academy where she was a member of National Honor Society, Math Honor Society and Spanish Honor Society. She currently volunteers with St. Jude Iraq, St. Thomas Church and at the Ronald McDonald Houses.

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AUTUMN BARBOUR

Autumn is a freshman at Grand Valley State University studying Cell & Molecular Biology. She graduated from Fowlerville High School where she was the Sports Editor on the yearbook staff, a member of National Technical Honor Society, Interact Club and volunteer for Big Brothers Big Sisters of Livingston County. Autumn played on the varsity volleyball team for 3 years and was Captain her senior year. She also played competitively on the Top Gun Volleyball Club travel team for 5 years.

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CLAIRE BRENNAN

Claire is a freshman at Michigan State University studying business and Spanish. In high school, she was involved in National Honor Society, varsity softball, multiple choirs, and was the school liaison/coordinator for the American Red Cross. Claire holds a part time job and is active in many volunteer events. She is also active in church and was a Core Leader in her youth group. She really enjoyed being able to participate in an alternative spring break with her youth group on a week long project with Habitat for Humanity. Claire looks forward to continuing her journey at MSU!

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CAMERON CAFMEYER

Cameron is a sophomore at the University of Michigan studying Materials Science and Engineering. He graduated from Hartland High School with high honors where he was a member of National Honor Society. Cameron played on the soccer team all four years, as well as one year on the snowboard cross team. He volunteered at Big Brothers/Big Sisters, Hartland Cromaine Library, Livingston County Humane Society, Wolverines for Life, and tutored students at the high school. During the upcoming school year, he will be conducting undergraduate research at the University of Michigan.

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CHRIS DECLERCQ

Chris is a freshman at Michigan State University's Honors College studying business. He went to Eisenhower High School where he was valedictorian, a member of National Honors Society, and a member of Project Unify. Chris also won the departmental achievement awards in math and social sciences. He was captain of his club soccer team for 10 years, played varsity soccer for three years (team captain for 2 years), along with playing varsity basketball. Chris currently volunteers with Habitat for Humanity, and was actively involved with tutoring programs at his high school.

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SAMANTHA DELADURANTAYE

Samantha is a sophomore at Delta College with hopes to transfer to Northwood University in the future. She is studying business marketing management. Samantha went to Bay City Western High School where she was on the golf team and dance team. She currently manages three small businesses while going to school and is a pharmacy technician.

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CONNOR DOLENCE

Connor is a freshman at Oakland University studying biomedical engineering. He graduated from Trenton High School where he was a part of the varsity swim team and varsity rowing team, of which he has been captain of for the past three years. Connor also participated in many clubs and organizations, including National Honors Society, Student Council, and Quiz Bowl. He has also taken several international mission trips with his church to places like Bulgaria and Panama, and he is also involved in music, playing the guitar, bass, and drums.

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JORDAN ELHINDI

Jordan is a senior at Case Western Reserve University where she is studying nursing and psychology. She earned Dean's Honors in 2017 and Dean's High Honors in 2018. Jordan was a member of the CWRU women's varsity basketball team during her freshman year. While attending CWRU, she works at One-to-One Fitness Center and University Hospitals. Jordan has a passion for health and fitness, and completed her first half marathon where she placed first in her age group. She graduated from Hathaway Brown School in 2016 as an accomplished student athlete and Global Scholar with High Academic Honors.

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DAPHNE FIATO

Daphne is a freshman at College for Creative Studies studying game design. She graduated from Lake Orion High School where she was President of the S.N.A.I.L. Writing Club, and a member of National Art Honors Society. Daphne recently received a gold portfolio award for her AP Art Portfolio, as well as an honorable mention from the Scholastic Art & Writing competition. Besides being an avid artist, she has turned her love of cosplay, hair, and makeup into a company—Kyoki Arts—which provides custom costume wigs to customers around the globe. Along with her brother, Daphne also runs Kyoki's Slime—a division of Kyoki Arts that acts as a slime company, and offers monthly subscription boxes through marketplaces like Cratejoy.

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ALLISON GRAY

Allison is a freshman at Grand Valley State University studying exercise science. She graduated from Midland High School where she was a member of National Honor Society. Allison played on the Midland varsity softball team, and track team, and served as a captain on the softball team. She has also participated in Midland County Youth Leadership, Blessed Sacrament Outreach Team, and Business Professionals of America. Allison has volunteered with the Midland Open Door, Shelter House, Northwood University's Go MAD Day, and United Way.

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ELIZABETH GRELLA

Elizabeth is a freshman attending Lorain County Community College. She graduated from Midview High School where she was captain of the varsity volleyball team. Elizabeth was involved with many clubs including Link Crew, Paint Crew, Yearbook and National Honors Society. She received many rewards as part of her academic achievements. Elizabeth also volunteered at church and school functions, along with babysitting.

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MASON GRUNOW

Mason is a freshman at Ferris State University. For the past two years, he has been studying information technology and will be majoring in cyber security and defense, a field in which he has already earned ten certifications from Microsoft and CompTIA. Mason currently works as a summer counselor at the YMCA Camp Pandalouan, which he has attended for thirteen years.

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SPENCER HAISHA

Spencer is a sophomore at Wayne State University. He is currently double-majoring in biology and honors while minoring in chemistry on the pre-med track at WSU where he has a 4.0 GPA. Spencer is a competitor on the Wayne State Forensics (speech and debate) Team where he was a three-time National Qualifier and a member of the team that took 11th place in the nation this past year. He is a Peer Mentor in biology at WSU and was one of six elected to the Hall Council for Towers Residential Suites. Spencer will be a Resident Advisor for the 2018-19 school year and looks forward to continuing his journey towards medical school.

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CHRISTOPHER HAMAMA

Christopher is a freshman at the University of Michigan Ross School of Business. He graduated from Walled Lake Central High School where he was the student body president. Christopher was a member of National Honors Society, Chaldean American Student Association, and DECA. He also ran cross country & track and recently completed his first marathon. Christopher currently volunteers at Henry Ford Hospital and his church where he is a catechism teacher and Vacation Bible School leader.

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KYLE HEEREN

Kyle is a freshman at Merrimack College located 20 minutes north of Boston, Massachusetts. He is studying business and Spanish and will also be playing lacrosse at Merrimack. Kyle graduated from Rockford high school where he was captain of the varsity lacrosse team. He has also helped with relay for life, coaching youth lacrosse, and volunteered for many other small community events.

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SUBMITTED THROUGH: HEEREN, LLC



EMILY KADO

Emily is a freshman at Wayne State University studying pre-pharmacy. She graduated from Stoney Creek High School where she was involved in several extracurricular activities such as National Honor Society, Art Club, Science National Honor Society, and the Freshman Mentor Program. Emily has been a member of the Stoney Creek Chamber Ensemble for 4 years, where she was able to receive Division 1 ratings in MSVMA District Solo and Ensemble competitions, and sing at the Detroit Opera House with the Sistine Chapel Choir. She has completed several hours of volunteer work at Ascension Crittenton Hospital, and Rochester Wellness and Primary Care Clinic.

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MIRANDA KAJY

Miranda is an upcoming freshman at Wayne State University studying biology. She graduated with a 4.1 GPA from Walled Lake Central High School where she was a member of National Honor Society, Giving Tree, Spanish Club, and Interact Club. Miranda was also the Vice President of the Chaldean American Student Association.

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SUBMITTED THROUGH: SUMMIT PARTY SHOPPE



ZENA KASHAT

Zena is a junior at Michigan State University majoring in kinesiology with minors in health promotions and Arabic and is pursuing a career as a physician's assistant. As a health professional, she hopes to bridge the language gap between the younger and older generations of the Chaldean community using her minor in Arabic. At her university, Zena is the public relations chair as well as the social chair for "Slow Foods MSU," the communications chair for MSU's Chaldean American Student Association (CASA), is a part of MSU's Pre-PA club, and is involved in a pre-professional frat Phi Epsilon Kappa (PEK). Other than her passions for health and wellness, Zena has been singing at her church choir since eight years old, plays recreational volleyball in the summers, and shares her passion for cooking by managing her food Instagram account and blog @coconuttyandnice.

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MALLORY KEENOY

Mallory is a freshman at Indiana University majoring in film arts focusing in documentary and screen writing. She graduated from Okemos High School where she spent her time volunteering in National Honor Society and ACTION Club and also started her school's first film club. Mallory was also captain of her junior varsity basketball team and varsity lacrosse team.

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GEORGE KINTNER

George is a freshman at Adrian College studying chemistry and biochemistry. He graduated from Waldron High School where he was a member of National Honor Society and Valedictorian. George was a four-sport athlete, playing baseball, basketball, and football, while also running track. George also volunteered with the American Red Cross Association and FFA.

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RYAN KIZY

Ryan is a freshman at Wayne State University. He graduated from the University of Detroit Jesuit High School where he was on the varsity ski team and received 2 scholar athlete awards. Ryan participated in the Arabic club and also, took on the roll and became vice president of the schools broadcast club. He studied trumpet for 5 years being in both the marching and symphonic band at U of D Jesuit. Besides helping at his family's business, Ryan spent many service hours in and out of the Metro Detroit area at various places such as Our Lady of Victory school in Northville, Gleaners Food Bank, and Capuchin Soup Kitchen.

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TYLER KOLASSA

Tyler is a sophomore at Olivet College studying biology with a concentration in veterinary medicine. He graduated from Lincoln High School where he was the Captain of the varsity bowling team and received the accommodation of 2015 All-State Bowling Champion for Division 3, as a high school sophomore. Tyler has volunteered with Gleaners Food Bank, his church St. Mary's Our Lady Queen of Families Catholic Church, the local Knights of Columbus and several bowling events and tournaments. This past year, while he was a college freshman, he received the Non NCAA Athlete of the Year Award from Olivet College and was ranked in the Top 10 College Bowling Rookies.

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JESSICA LOVEJOY

Jessica is a junior at Saginaw Valley State University where she is part of the Cardinals for Special Olympics. She graduated from Coleman High School where she was captain of the cheer and track teams. Jessica was a member of student council and National Honors Society. She is a member of 4H Positive Youth Development and Mentoring Organization and volunteers at the elementary school.

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KARA MANUEL

Kara is going into her sophomore year at the University of Michigan studying cognitive science and minoring in Spanish and crime & justice. On campus she is involved with Big Ticket Productions where she works to bring musical artists to campus by working with students and faculty. In her spare time, Kara also enjoys playing the violin which she has been studying for over 10 years and volunteering with organizations such as a s Detroit Partnership.

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ASHLEY MAZUR

Ashley is a freshman at the University of Michigan Dearborn studying biological sciences. She graduated from Carlson High School where she was a member of the varsity tennis team and a captain of the varsity swim & dive team. Ashley was a member of National Honor Society, Earth Club, Pep Club, Interact Club, and Foreign Language Club, and she served as an officer in each of them. She also volunteered with Children With Hair Loss, The Gibraltar Rotary, and her school's Interact Club.

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CELESTE NAFSO

Celeste is a sophomore at Oakland University where she is majoring in biology and minoring in business. In the future, she hopes to continue her education in dental school. Celeste is a member of the Alpha Lambda Delta Honor Society at Oakland University where she will be able to give back to her community and participate in leadership opportunities. She is also a member of the Diverse Dental Society and is on the pre-dental board at Oakland University. Celeste has also earned a spot on the Dean's list for her first year at Oakland University. She graduated from Walled Lake Central High School where she was on the honor roll for all four years. Celeste is currently working at Bloomfield Hills Dental Associates.

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AYA NASRALLAH

Aya is a sophomore at the University of Michigan Dearborn majoring in behavioral and biological sciences. She graduated from Dearborn High School as a member of National Honors Society and various community service groups. Aya is very enthusiastic about making a change in people's lives, especially children, which is why she's on a pre-med track and hopefully on her way to becoming a pediatrician. Aya's dream is to open free clinics in Detroit and other low-income areas to heal those who can't afford it.

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DYLAN ORMSBY

Dylan is a freshman at the University of Toledo studying chemical engineering. He graduated from Bedford High School where he was a member of the Youth Advisory Council and participated in Quiz Bowl. Dylan volunteered with the Monroe County Mobile Food Pantry, Backpacks for Kids, and the Heart of Hope: Chris Comstock Legacy.

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JACOB PETERITIS

Jacob is a freshman at John Carroll University studying accounting. He graduated from Perry High School where he was on the varsity football team, wrestled, played baseball, and ran track. Jacob volunteered parking cars at the Perry Fall Festival, helped with pee wee football camps, and was a teacher's aid for a middle school gym class.

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ANDREW SCHOENJAHN

Andrew is a sophomore at Grand Valley State University studying product design and manufacturing engineering with a minor in business, while also a member of the Frederik Meijer Honors College. He graduated from Lake Orion High School where he was a member of the varsity football and track & field teams. Andrew was a member of National Honor Society and X-Tend mentor club, where he volunteered to help middle school students with their needs. He has been umpiring in Lake Orion's Youth Baseball League for six years, where he helps teach young athletes the game he loves.

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KAITLYN SNYDER

Kaitlyn is a freshman at Central Michigan University. She played varsity softball all four years at her high school and was a captain her senior year. She also played volleyball on junior varsity her freshman year. Kaitlyn participated in clean ups for her community and mentored younger grades in volleyball.

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SAMUEL VANANDEL

Samuel is a freshman at Cornerstone University studying business. He graduated from Western Michigan Christian High School in the top ten of his class, as well as a gold cord recipient. Samuel received the mathematics and industrial arts awards granted by his teachers for demonstrating great accomplishments and contributions in each area of study. He was a member of the school's chamber choir and was also active in his community as being a member of the Sportsmen's For Youth Board and also the West Michigan Wildlife Association. Samuel has also been an active member in his church volunteering on a weekly basis, as well as going on 3 mission trips throughout high school.

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KYLIE VELDMAN

Kylie is a sophomore at St. Clair County Community College studying accounting. She graduated from Yale High School where she was a member of National Honor Society, the varsity golf team, and the Mock Trial team. Along with her in high school extracurricular activities, she has been involved in 4H Positive Youth Development and Mentoring Organization for the past 11 years. She shows cattle, swine, sheep, and completes many community projects with her 4H club. Community projects include assembling care-packages for soldiers and volunteering at the salvation army. Kylie is still very much involved in 4H and continues helping her community as much as she can.

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CHASE WARREN

Chase is a freshman at the University of Michigan studying vocal performance as a soprano. She has been performing on the stage for as long as she can remember. From playing a rich woman in 12 Angry Jurors to Glinda the Good Witch of the South in The Wiz, Chase has loved getting to play different characters. However, what really won her heart over was music. Starting in her sophomore year of high school, Chase has been taking voice lessons for three years now. She hopes to one day perform at the MET in New York City and travel the world singing Opera.

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MOLLY WOZNAK

Molly is a sophomore at Lake Superior State University studying fisheries and wildlife management. At school in Sault Sainte Marie, she is a member of the Fisheries and Wildlife Club and Laker Legion. In high school, Molly was Valedictorian of her graduating class and was an active member of National Honor Society, Student Council, and the Pom Pom Team.

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LAUREN ZAITOUNA

Lauren is a junior at Wayne State University studying special education. She graduated from Harrison High School where she participated in the special education programs, tutoring programs and other organizations. In this past year, Lauren has volunteered in a high school in the Detroit area and a non-profit organization in Southwest Detroit where she pursued to help students academically succeed.

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Working for You in Congress

■ BY WILLIAM R. WILD* // MAYOR OF WESTLAND, MICHIGAN

While serving the City of Westland on City Council and as Mayor, I have spent more than 15 years listening to what our residents and business owners need and want. Since running for Congress in the 13th District, I have been doing the same. The only way to truly lead is to fully understand the challenges people face and what residents deem to be a quality of life and what businesses define as a successful community.

As elected leaders, we are charged with creating environments that are business friendly. I know there are many issues at the federal level that are of great concern to AFPD members. I am not only well aware of these issues but am actively looking at strategies.

Every business operates on particular profit margins. I am also well aware that the profit margins in the grocery business are exceptionally narrow and when it comes to petroleum, stations sometimes lose money on selling gas especially when motorists use credit cards. The reality is the credit cards fees are too high and often make it impossible for retailers to turn a profit. Gas stations have evolved into convenience stores because few make money on selling gasoline. It's a loss leader. Credit cards fees play a significant role in decreased profit margins. I will work with the retailers to gather all the necessary information and create a strategic plan to take to the credit card companies.

An elected leader is charged with giving constituents a voice. As business owners in the communities in which I will serve, you are constituents.

We want businesses to invest in our communities. The 13th district is among the poorest in the country and with business investments, we can turn that around. In order to invest, small business needs access to credit or capital. That has been a long-time obstacle in the Metro-Detroit area including the 13th District. As a business owner myself, I understand that challenge. We will collaborate with banks and investors on behalf of entrepreneurs to ensure business investment continues in the 13th District.

There are legitimate reasons for regulations but not when regulations and mandates are imposed for no real purpose or that directly negatively impact business growth and success. When regulations are put into place, we need to first understand all the consequences. That is why government needs to have on-going dialogue with business owners.



We need to fully grasp the operations before we mandate increases such as on Ethanol blending percentages into gasoline or impose regulations on services or products. I know there is talk regarding regulations on underground storage tanks, as well. We need to have common sense solution to issues that affect businesses to understand the cost-benefit relationship of any regulation.

In 1961, the government promised not to commercialize Interstate Highway Rest Areas. I know that AFPD adamantly opposes changing this decision as it would negatively impact existing businesses. I have been told it could possibly be a safety hazard as people will slow down traffic for more and more drivers to stop at rest areas to purchase gas and other products in stores if rest areas are commercialized.

Thousands of businesses have invested billions of dollars in businesses at Interstate interchanges to accommodate travelers who need to stop for fuel, food, gas and other products service and lodging. I realize there is no need to create competition for these businesses.

As United State Congressman, I promise to engage all the stakeholders. We cannot make decisions in a vacuum. Everyone affected by these decisions should have a seat at the negotiating table. Again, we as elected leaders need to make sure you have a voice. ■

** William R. Wild is the Mayor of Westland, Michigan and Candidate for the 13th Congressional District*



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Update Your Estate Plan After You Move Out of State

■ BY RANDALL A. DENHA, J.D., LL.M.

There is a lot to think about when you relocate to a new state – things to pack, people to inform, and paperwork to fill out. The list can be long and sometimes in the hustle and bustle, things can get overlooked... important things, like your estate planning documents. If you have a will and or trust, advance medical directive, or power of attorney prepared in your previous state, make sure you have those documents reviewed by an estate planning attorney in your new state.

Generally speaking, legally executed wills and trusts prepared in one U.S. state are valid in another. However, laws governing wills and trusts can vary from state to state. These changes can include signature and execution requirements, as well as many others. There may be provisions in your new state's laws that are more favorable than those in your current documents.

These documents might have also been designed to address state-specific inheritance or estate taxes which may no longer apply after you move out-of-state.

With respect to advance directives like durable powers of attorney for finances and advance health care directives for medical care, those documents were also likely created under the laws of your previous state. Sometimes, there can be significant differences in the required form or content of valid advance directives. Many states' laws governing such directives are substantially identical. If that is the case between your former state and your new state, there may not be a need to update these documents. However, there can still be nuances in the format or information required for a valid directive.

Moving also often means purchasing real estate in your new state, changing employers, and moving assets from one financial services provider to another.

An estate planning attorney in your new state can help advise you on how to title assets and designate beneficiaries in a coordinated manner so your estate planning strategies will work most effectively.

Your estate planning documents will generally not kick in until you become incapacitated or die. Of course, none of us knows when either of those things might happen, so taking a "wait-and-see" approach to updating your legal documents is not recommended. If you recently moved or are planning an upcoming out-of-state move, make sure you add "review estate planning documents with my attorney" to your list of to-dos. ■

**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 can be reached at (248) 265-4100 or by email at rad@denhalaw.com.*



What Will Influence American Food?

Latin America, Middle East and the Mediterranean are the top three regions that will impact American food this year

■ BY NACS ONLINE

What will shape the culinary cultural landscape of tomorrow? Les Dames D'Escoffier International provides some insights in its 2018 Trends Report, forecasting the international, restaurant, catering, health and lifestyle trends. The report paints a rich picture of what's new, what's losing steam and what's around the corner for the coming years.

The top three regions identified as having the most influence on the American food scene in the coming year are the Mediterranean, Middle East and Latin America. Here are the top five international food concepts and flavors expected to become prominent food trends:

- Puebla Hot Pot (Latin America, Mexico): ancho chile, smoked paprika and spices in chicken stock, served with chicken or pork, corn, avocado crema and fresh garnishes.
- Manouri (Mediterranean, Greece): a semisoft, fresh white whey cheese made from goat's or sheep's milk.
- Millet (India): ancient grains harvested from small-seeded grasses used for porridge.
- Mishkaki (East Africa, Tanzania): marinated meat skewers including a blend of lemon, tomato, green papaya, curry, garlic, red pepper and ginger.
- Jianbing (North Asia, China): street-

food breakfast crepe brushed with umami-rich hoisin and chili sauce; layered with egg, pickled veggies and herbs, and sometimes customized with sausage or bacon.

For restaurant trends, the top three established and growing restaurant concepts are chef-driven fast-casual, farm-to-table and family-friendly. The top three emerging restaurant concepts are ones that are dog-friendly, upcycling and hyperlocal.

For retail trends, the top three retail departments expected to generate the most consumer excitement include prepared foods, grocerant in-store drinking and dining, and produce. ■



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Bottled Water No. 1 Beverage in America

The gap continues to widen between soda and bottled water



■ BY NACS ONLINE

Bottled water is the No. 1 beverage product in the United States, by volume, for a second year in a row, according to the International Bottled Water Association (IBWA) and the Beverage Marketing Corporation (BMC). Bottled water volume grew to 13.7 billion gallons in 2017, a 7% increase over the previous year.

“Bottled water’s rocket-like rise in popularity coincides with pronounced shifts in consumer preferences for refreshment and rehydration. As the quintessential portable and affordable beverage, bottled water introduces new usage occasions and habits. Suitable for consumption at any time of the day or night, and not necessarily in need of being kept ice-cold, bottled water simply is the preferred beverage not only for consumers aiming to reduce caloric intake or lessen artificial sweetener usage but also for consumers of all kinds,” said

Michael C. Bellas, BMC chairman and CEO, in a press release.

The distance between bottled water and carbonated soft drinks continues to widen as consumers increasingly choose bottled water instead of soda. Carbonated soft drink sales decreased for the 13th consecutive year, according to the most recent numbers from BMC.

Bottled water sales now total \$18.5 billion, an increase of 8.8%. Per capita consumption exceeds 42 gallons of bottled water, a 6.2% increase. Meanwhile, the average annual intake of carbonated soft drinks has slipped to 37.5 gallons, BMC statistics show. Beverage Marketing predicts bottled water will climb higher than 50 gallons per capita within just a few more years.

Within the bottled water category, all segments grew in 2017. Domestic nonsparkling water increased 5.5%, while domestic sparkling jumped

27.5%. Imported water rose 9.2%, and home and office delivery (3- and 5-gallon size bottles) accelerated 1.3%.

“Healthy, convenient and safe, bottled water is America’s favorite packaged water for many reasons,” said Joe Doss, IBWA president and CEO. “Research and polling indicate people are continuing to make the switch from other packaged drinks to bottled water.”

A Harris Poll conducted for IBWA found more than three in five Americans (63%) say bottled water (still and/or sparkling) is among their most preferred beverages, followed by coffee (62%). Fewer Americans (58%) say soft drinks (regular and/or diet) are among their most preferred drinks. Nearly all Americans (94%) believe that bottled water is a healthier choice than soft drinks, and 93% say bottled water should be available wherever drinks are sold.

“Amid worries about obesity, diabetes, heart disease, and other health matters, bottled water’s lack of calories and artificial ingredients, convenience, and refreshing taste attract health-conscious consumers,” said Doss. “As some consumers are becoming wary of artificial sweeteners, they are abandoning diet offerings, as well as regular soda, and instead are switching to bottled water.” ■



U.S. Supreme Court Closes Sales Tax Loophole for Online Stores

The ruling means that states can require Internet retailers to collect sales tax without having a physical presence in that state

■ BY NACS ONLINE

As Americans have shifted to shopping more online, online retailers often had a competitive advantage over brick-and-mortar locations: Many online transactions didn't require collection of sales taxes. But late last week, the U.S. Supreme Court ruled that e-commerce companies could be compelled to collect sales tax in states where the companies don't have a physical location, the New York Times reports.

The South Dakota v. Wayfair Inc. decision marks a victory for brick-and-mortar retailers that have long opposed the loophole allowing

online competitors to forgo sales tax collection in states where they didn't have an actual store.

"State and local governments have really been dealing with a nightmare scenario for several years now," said Carl Davis, research director at the Institute on Taxation and Economic Policy. "This is going to allow state and local governments to improve their tax enforcement and to put local business on a more level playing field."

The ruling fixed a 1992 decision by the court (Quill Corporation v. North Dakota) that stated the U.S. Constitution prohibited states from mandating companies without

"substantial connection" to the state to gather sales taxes. But with online companies doing massive business, the 5-4 majority felt the Quill decision cost states too much annual tax revenue.

"Quill puts both local businesses and many interstate businesses with physical presence at a competitive disadvantage relative to remote sellers," wrote Justice Anthony M. Kennedy for the majority opinion. "Remote sellers can avoid the regulatory burdens of tax collection and can offer de facto lower prices caused by the widespread failure of consumers to pay the tax on their own." ■

Four Food Trends for Summer

Vegan offerings, low-cal ice cream, bold snacks and flavored sparkling waters are in

■ BY NACS ONLINE

No one is going cold turkey on hot dogs, burgers or backyard barbecues, but this summer, consumers are expected to sample new, different foods and beverages, according to the Mintel Summer Food & Drink Trends report for 2018.

Four food and drink trends stand out as defining products for the summer of 2018. They include vegan offerings, low-calorie ice cream, bold snacks and flavored sparkling water.

Vegan products will be making appearances at summer parties and celebrations. According to the consumer research organization, 33% of consumers and 37% of

millennials in the United States say they plan to buy more plant-based food products in the coming year.

As for ice cream products, the success of Halo Top Creamery of Los Angeles "was the surprise of last summer," the report says.

In July 2017, the company's low-sugar, low-calorie, high-protein ice cream was the best-selling ice cream pint in the United States, and Mintel predicts similar products will be in big demand this year. "Better-for-you" ice cream offerings already are coming online from Breyers, Skinny Cow and Arctic Zero.

When it comes to snacking, 36% of U.S. consumers surveyed said they would buy more chips if there were new flavors to try, Mintel reports, indicating that the demand

for more unique and flavorful varieties of chips and snacks will continue.

Last year, Kellogg responded to this desire by introducing Pringles Loud, with the "loud" denoting the zesty flavor options, including spicy queso, salsa fiesta, super cheesy Italian, fiery chili lime and mighty Margherita pizza.

Healthy concerns have had an impact on the popularity of traditional drinks, such as soda and lemonade. Beverage makers have responded by introducing flavored sparkling waters that contain no sugar or artificial ingredients. According to the Mintel report, 37% of Americans ages 25 to 34 drank flavored sparkling water in the last three months. ■



NATIONAL //

House Passes Farm Bill with New SNAP Work Requirements

■ BY THE SHELBY REPORT

After weeks of negotiations hinging not just on differences over the Supplemental Nutrition Assistance Program (SNAP), but also on immigration policy, the House of Representatives has passed its version of a new Farm Bill on a 213-211 vote. The Agriculture and Nutrition Act of 2018 would replace the current Agricultural Act of 2014 when it expires at the end of September. The \$867 billion bill includes stricter work requirements for SNAP recipients that have proven controversial.

Many in the food retail and agriculture industries are responding positively to the bill's passage.

"Passage of the House Farm Bill was a critical next step in the reauthorization of this important legislation and ensuring that a strong public-private partnership between retailers and the federal government in the Supplemental Nutrition Assistance Program (SNAP) is maintained," said Greg Ferrara, National Grocers Association EVP of advocacy, public relations and member services. "The voice of the independent grocer was clearly heard through the grassroots efforts of our members as the bill included key priorities, such as the extension of the temporary prohibition of processing fees on Electronic Benefit Transfer (EBT) transactions, the protection of highly sensitive store-level SNAP redemption data, and expansion

of the Food Insecurity Nutrition Incentive (FINI) program. NGA extends our thanks to U.S. House Agriculture Committee Chairman Mike Conaway (TX-11) for his diligent efforts to pass a Farm Bill, and we look forward to continuing our work with Senate Agriculture Committee Chairman Roberts and Ranking Member Stabenow as they move forward with their work on the Farm Bill."

"FMI appreciates the work U.S. House Agriculture Chairman Mike Conaway and the Committee have done over the past few years holding dozens of hearings on SNAP policy in order to craft H.R. 2, the Agriculture and Nutrition Act of 2018," said Hannah Walker, senior director, technology and nutrition policy for the Food Marketing Institute (FMI), in a statement. "The legislation offers a permanent ban on EBT processing fees and protects the privacy of our non-publicly traded retailer members. H.R. 2 maintains many of the efficiencies within SNAP that have helped keep costs down and improves SNAP retailer provisions.

"FMI and its retail members are committed to the public-private partnership we uphold with the U.S. Department of Agriculture as a facilitator of the SNAP program. We look forward to being a resource to Congress as the Farm Bill moves through the Senate, and we'll continue to remind members of Congress how jobs, wages and SNAP participant data affect each state. Our partnership has

created tremendous efficiencies, fraud reductions and cost savings in the program over the past several decades.

"The grocery store serves as an area's economic and social hub, providing safe affordable food and jobs while investing in local communities all across America."

U.S. Secretary of Agriculture Sonny Perdue also expressed optimism as the Farm Bill moves forward.

"I applaud Chairman Conaway and the House Agriculture Committee for their diligence and hard work in passing their 2018 Farm Bill through the House of Representatives," Perdue said. "American producers have greatly benefited from the policies of the Trump Administration, including tax reforms and reductions in regulations, however a Farm Bill is still critically important to give the agriculture community some much-needed reassurance. No doubt, there is still much work to be done on this legislation in both chambers of Congress, and USDA stands ready to assist with whatever counsel lawmakers may request or require."

American Soybean Association (ASA) President John Heisdorffer, a soybean farmer from Keota, Iowa, urged the Senate to pass its version of the bill as well.

"Farmers need the long-term certainty and stability that passing a new five-year Farm Bill will provide," he said. "Right now, the economic future of our industry



is clouded by low crop prices and farm income, and by volatility in foreign markets. We call on the Senate to follow suit and pass its version of the farm bill next week so Congress can complete the 2018 Farm Bill in July.”

“With key programs including crop insurance, farm support programs, and export promotion funding for market development programs on the table, ASA urges Congressional leaders to continue pushing forward for final approval.”

RELIGIOUS, ENVIRONMENTAL ORGANIZATIONS OPPOSE BILL

Organizations outside the food retail and agriculture industry are expressing concerns about the impact the bill could have on low-income consumers and the environment.

Sister Simone Campbell, SSS, executive director of Network Lobby for Catholic Social Justice, is among those protesting the bill.

“Speaker Ryan and House Republicans revealed their true colors by voting to take food off the tables of our most vulnerable sisters and brothers. H.R.2 cuts the Supplemental Nutrition Assistance Program (SNAP) for millions of people and creates a complex government bureaucracy to enforce punitive and unreasonable work requirements,” she said. “It is shocking that the GOP would choose to undermine one of our most effective anti-poverty programs. This comes exactly six months after passing a tax overhaul that benefits the wealthiest in our nation. Our faith values tell us that no one deserves to go hungry, no matter a person’s circumstance.

“Fortunately, the Senate has chosen to maintain bipartisan

negotiations,” Campbell continued. “In the process, the committee created a balanced bill that Network can support. H.R.2 is a hyper-partisan bill trying to hold together the fractured Republican party. We affirm the 20 Republicans who voted against it. Now, the Senate needs to take the lead for the good of our nation. As Congress moves toward conference, the contrast couldn’t be starker: a harmful, partisan bill and a bipartisan bill for the common good. We urge lawmakers to reject proposed changes to SNAP in H.R.2.”

Environmental organization Friends of the Earth also voiced its strong displeasure with the bill, calling it a “disaster” for the health of people and the environment.

“The bill is a massive handout to corporate agriculture and factory farms that pollute our air, water and soil. This shameful bill will slash nutrition and conservation programs and weaken essential protections that safeguard public health and our environment and regulate toxic pesticides,” the organization said in a statement.

“This GOP Farm Bill props up pesticide industry profits at the expense of children’s health, farmworkers and the environment. It slashes conservation programs that help farmers shift away from pesticide-intensive farming, weakens the organic program, and stops state and local governments from protecting their communities from harmful pesticides. It allows the chemical industry to bypass important environmental protection laws and spray toxic pesticides without regard for our waterways or for endangered and threatened species.” ■

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We hope to see you at one of our helpful summer seminars! Is your event sold out? Do you have suggestions for topics or locations? Questions? Contact Us at TreasuryOutreach@michigan.gov. ■



U.S. EPA Releases Proposed Renewable Fuel Volumes

2019 draft volumes are less than statutory targets

■ BY NACS ONLINE

On June 26th, the U.S. Environmental Protection Agency (EPA) released its proposed rule regarding the renewable volume obligations (RVOs) for 2019 and biomass-based diesel volumes for 2020. Overall, EPA has proposed a 3.1%

VOLUMES USED TO DETERMINE THE PROPOSED PERCENTAGE STANDARD

	2015	2016	2017	2018	2019	2020
Cellulosic biofuel (in millions of gallons)	123	230	311	288	381	n/a
Biomass-based diesel (in billions of gallons)	1.73	1.90	2.0	2.1	2.1	2.43
Advanced biofuel (in billions of gallons)	2.88	3.61	4.28	4.29	4.88	n/a
Total renewable fuels (in billions of gallons)	16.93	18.11	19.28	19.29	19.88	n/a

PROPOSED PERCENTAGE STANDARDS

	2015	2016	2017	2018	2019
Cellulosic biofuel	0.069%	0.128%	0.173%	0.160%	0.209%
Biomass-based diesel	1.49%	1.59%	1.67%	1.74%	1.72%
Advanced biofuel	1.62%	2.01%	2.38%	2.37%	2.67%
Total renewable fuels	9.52%	10.10%	10.70%	10.67%	10.88%

increase in renewable fuel blending. The proposed total renewable fuel requirement for 2019 is 19.88 billion gallons of biofuel with no more than 15 billion gallons from conventional renewable fuels such as corn ethanol. Using its statutory waiver authority, EPA has proposed volumes for cellulosic biofuel, advanced biofuels and total renewable fuels that are below the volume targets mandated by Congress. In the proposal, EPA also is asking for public comments on whether to limit who can trade renewable fuel compliance credits and how long they can be held.

Under Section 211 of the Clean Air Act, EPA is required to set the final 2019

volumes for cellulosic and advanced biofuels and total renewable fuels and the 2020 volumes for biomass-based diesel by November 30. Public comments on the proposal must be submitted by August 17th.

EPA'S PROPOSED RENEWABLE VOLUME OBLIGATIONS AND PERCENTAGE STANDARDS

EPA's proposed RVOs and percentage standards for 2019 and 2020 are shown in the charts, with final volumes and percentage standards for 2015–2018 listed for reference. All volumes are ethanol-equivalent, except for biomass-based diesel, which is actual. ■

U.S. Supreme Court Rules in Favor of American Express

Implications for other card networks unclear following 5-4 decision

■ BY NACS ONLINE

On June 25th, the U.S. Supreme Court ruled in the case of *Ohio v. American Express* that the Justice Department and state attorney general had not shown that American Express violated the Sherman Antitrust Act.

“The Supreme Court has given us a clarification of antitrust law as applied to American Express. Whether this approach will be applied to Visa and MasterCard remains to be seen, but whatever that decision is, merchants will be able to demonstrate that the major credit card networks have violated the antitrust laws. The actions of the card networks are so far-reaching and abusive of both merchants and consumers that merchants will not have difficulty showing that the card networks have violated the antitrust laws in multiple ways. We look forward to demonstrating those violations

of law in court,” said NACS Senior Vice President of Government Relations Lyle Beckwith.

The case, which was brought by a collection of 17 state attorneys general and the Department of Justice in 2010, examined whether American Express rules that bar retailers from encouraging customers to use lower-fee payment methods violate antitrust law. The Supreme Court agreed to hear the case after the U.S. Court of Appeals for the Second Circuit overturned a February 2015 district court decision finding that the American Express rules constitute an illegal restraint on trade. NACS filed an amicus curiae brief with the Court as part of a coalition of retailer associations urging the Court to reverse the Second Circuit decision.

Ohio and several other state attorneys general asked the Supreme Court to decide the case. The Supreme Court’s

5-4 decision upheld the Circuit Court. Judgment will be issued in favor of American Express in the case.

Justice Stephen Breyer read part of his dissenting opinion from the bench and asserted that the Court’s decision was inconsistent with basic principles of antitrust law. And, Justice Breyer wrote that the Department of Justice and states proved that American Express used its market power in anticompetitive ways so the case was proven regardless of whether the Court were to apply the test it espoused in the case.

The decision, however, means that American Express can continue to enforce provisions of its contracts with merchants preventing merchants from discounting other payment cards and not American Express. It remains to be seen whether the reasoning in the case will be applied to other credit card networks such as Visa and MasterCard. ■

SpartanNash CFO: Decline of Independents “Overblown”

Food distribution customers show resilience in changing market

■ BY RUSSELL REDMAN //
SUPERMARKET NEWS

While players have come and gone amid the disruption in the retail grocery sector, SpartanNash Co. Chief Financial Officer Mark Shamber sees independent supermarkets holding their own.

“I think the expected death of the independents has been way overblown,” Shamber said Thursday at the Jefferies Global Consumer Conference in Nantucket, Massachusetts.

Through its core food distribution business, Grand Rapids, Mich.-based SpartanNash serves about 2,100 independent retailers, primarily in the Midwest and southeastern United States. The grocery wholesaler also supplies 142 corporate-owned supermarkets under multiple banners.

“When you look at our [independent grocery] customers from a geographical perspective, they’re not necessarily competing in many of those markets with regional players or international players. They may be competing with a deep discounter like Aldi, they may be competing with Walmart or — certainly in the Midwest — with Meijer, who we compete with on a regular basis,” Shamber explained. “But in many of those areas, they’ve been competing with those folks for years, and there’s not enough demographic demand to allow for an entry of another competitor into the space.”

In the question-and-answer session with Jefferies food retail and distribution analyst Chris Mandeville, Shamber dismissed a recent report projecting that 25% of retailers will close in the next five years.

“There may be some additional competitive openings, but I don’t see a wholesale dynamic shift to where they’re going to be forced out of the market,” he said. “I don’t see anywhere near that level for our customer base in the markets they serve.”

Amid news headlines about regional retailer bankruptcies, independent grocers have demonstrated an ability to operate with financial flexibility in a changing

business climate, according to Shamber.

“They operate within a very reasonable level of leverage because they’re positioning themselves to be able to survive downturns or higher interest-rate environments that we’re now seeing for the first time in a decade,” he said.

And though competitive pressures or generational ownership turnover may lead some independents to exit the market, others are looking to branch out.

“Within our customer base, we’ve got independents who are looking to grow and expand,” said Shamber, who joined SpartanNash last September. “And so, in many of those instances, they may acquire one of their competitors — who are also one of our customers in the market — and look to grow their base.”

For its fiscal 2018 first quarter ended April 21st, SpartanNash reported total sales of \$2.39 billion, a year-over-year gain of 1.3%. Food distribution sales rose 3.7% to nearly \$1.13 billion. Revenue for corporate-owned stores fell 5% to \$566.2 million, primarily due to the closure and sale of retail stores and to a 2.2% decrease in same-store sales (excluding fuel).

During the quarter, SpartanNash closed three retail stores and ended the period with 142 owned retail stores, down 153 stores a year earlier. Its primary banners include Family Fare Supermarkets, D&W Fresh Market, VG’s Grocery, Dan’s Supermarket and Family Fresh Market.

Since the merger with Nash Finch in 2013, SpartanNash has continued to rationalize its base of retail stores, which totaled 177 at the deal’s completion.

“We’re getting sort of towards the end of that stretch where we brought the store base in line with the [number of] stores that we want to operate,” Shamber said.

“There will be, on occasion, stores that are underperforming or — based on what we’re being asked for market rent increases — where we may choose to exit. But I would say that the pace will slow dramatically,” he added. “I think last year it probably was in the high single digits and maybe even got close to 10% of the store base closed.



**SPARTANNASH
CHIEF FINANCIAL
OFFICER MARK
SHAMBER**

This year, we’ve had three stores [close] so far, and I would be surprised if it got above the mid-single digits.”

In a research note released in June, Mandeville noted that SpartanNash’s retail store segment brings advantages to its food distribution business.

“Management continues to see strong value with owning and operating its own stores, as it provides proof-of-concept for initiatives also offered to distribution customers,” he said in his report.

In early June, for example, SpartanNash launched a private label line of heat-and-eat meal items called Good to Go!. The products are now available at its Family Fare, D&W, VG’s and Forest Hills Foods stores in Michigan, and plans call for the brand to roll out to the distributor’s more than 300 Michigan independent retailers in the coming months.

SpartanNash, too, has continued to expand its online grocery presence, including curbside pickup and home delivery via its Fast Lane service and Instacart.

Regarding Fast Lane, Shamber said, “We see some significant increases in the consumers who adopt that — whether they’re existing customers or new customers, their basket size increases. And surprisingly, we see a little bit of a scenario where it doesn’t necessarily eliminate their trips to the store. They may use Fast Lane for their primary shop of the week. But through card data, you may see that there are individuals who still come into the store once or twice for fill-ins.” ■



Industry Organizations Urge Congress to Address Truck Driver Shortage

■ BY THE SHELBY REPORT

Forty-two trade associations—ranging from grocers to distributors to restaurants—have signed a letter urging Congressman Bill Shuster, chair and ranking member of the House Committee on Transportation and Infrastructure, to support the DRIVE-Safe Act, short for the Developing Responsible Individuals for a Vibrant Economy Act.

The act addresses the national truck driver shortage by promoting a program intended to engage those 21 and younger in interstate commerce. The program would

offer safety training and help young drivers develop their skills. The letter points out that while 48 states currently allow drivers to obtain a commercial driver's license (CDL) at age 18, those same drivers are prohibited from driving in interstate commerce until they are 21 years old. Under current federal law, a 20-year-old truck driver could not drive 14 miles from Springfield, Virginia, to Washington, D.C., but that same driver could haul a load from Arlington to Norfolk, Virginia, a more than six-hour, round-trip drive.

"The DRIVE-Safe Act is a common-sense proposal

that will open enormous opportunities for an emerging workforce and strengthen safety training programs," said Mark Allen, president and CEO of the International Foodservice Distributors Association (IFDA).

The DRIVE-Safe Act creates a two-step training program to allow younger drivers to enter the industry safely. Candidates would be accompanied in the cab by experienced drivers for a total of 400 hours of on-duty time with at least 240 hours of driving time.

Trucks would be required to be outfitted with the latest safety technology, including active braking collision mitigation systems; forward-facing, event-recording cameras; speed limiters set at 65 miles per hour or less; and automatic or automatic-manual transmissions.

Based on current projections, the letter estimates that the nation needs an additional 50,000 truck drivers immediately and that the driver shortage could grow to more than 174,000 by 2026. Companies are increasing prices to account for higher transportation costs. It is estimated that individuals entering the trucking profession could begin earning \$53,000 with full benefits.

Food groups signing the letter include the American Bakers and Beverage Associations, Associated Grocers of New England, Food Marketing Institute, National Association of Wholesaler-Distributors, National Grocers Association, National Milk Producers Association, National Potato Council, New Hampshire Grocers Association and SNAC International. ■

**AMERICA NEEDS
900,000
TRUCK DRIVERS**

**CONGRESS CAN HELP.
#DRIVESafeAct**

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JULY 18, 2018

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NOVEMBER 15 & 16, 2018

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Michigan // Ohio // Illinois

JANUARY 26, 2019

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publishers statement

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