

BottomLine



THE VOICE OF MIDWEST INDEPENDENT RETAILERS // VOL. 31, NO. 5 // MAY 2020

At Your Own Discretion

pg 14

■ Keeping Employees and Customers Safe
// PAGE 18

■ To Close or Not to Close // PAGE 21



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columns

02 CHAIRMAN'S MESSAGE
People Who Need People

06 C-STORE NEWS & VIEWS
Making Consumers
Feel Safe

08 GOVERNMENT RELATIONS REPORT
Unprecedented Times

10 MICHIGAN LOBBYIST REPORT
Michigan Versus COVID-19

12 OHIO LOBBYIST REPORT
Ohio Tackles the Coronavirus

departments

04 MIRA HISTORY
In the '80s: A Time of Transition (Part 1)

16 CORONAVIRUS RESPONSE

- Businesses Helping with the COVID-19 Crisis
- Relief for Businesses

24 LEGALLY SPEAKING

- The Impact of COVID-19 on Real Estate Transactions
- Once Again Estate Planning is on Sale

28 EXPRESS LINES
Industry-Wide Items of Interest

38 SUPPLIER DIRECTORY
Your Resource for Products and Services

40 MIRA CALENDAR
Upcoming Industry Events



BottomLine

THE VOICE OF MIDWEST INDEPENDENT RETAILERS
VOL. 31, NO. 5 // MAY 2020

features



COVER STORY // **AT YOUR OWN DISCRETION**

Since the COVID-19 crisis began to escalate, staff with the Midwest Independent Retailers Association (MIRA) have been fielding calls from members about what to do.



KEEPING EMPLOYEES AND CUSTOMERS SAFE

In late March, Haitham Thomas started to feel sick. He had been working long hours at his business, Heather's Liquor Land in Redford, Michigan "I already felt run down," he said. "I started to get the chills. I know I was overworked. One day on my way home, I grabbed a fruit punch drink and I couldn't taste it."



TO CLOSE OR NOT TO CLOSE

Whether they stay open or close their stores, owners of food retail businesses are facing major challenges and are on the frontlines every day of the COVID-19 crisis.



chairman's message

PAUL ELHINDI // MIRA CHAIRMAN

People Who Need People

We are all operating in uncharted waters these days. We have never seen our whole country brought to a standstill. We recall the attack of September 11th, 2001, the MERS and SARS epidemics, and if you're old enough you might even remember the Oil Embargo(s) of 1973 and 1979, but nothing has been like this COVID-19 Stay-Home mandate.

Fortunately, most of our member stores are on the "essential" list and are allowed to be open for business. This blessing involves serious responsibilities that are thrust upon you as a business owner.

You must remain healthy, along with your employees and customers. You must utilize as many safeguards as possible to protect others. You need a healthy crew to be able to operate and attract customers.

Your business must also remain healthy. This means retaining your employees, adequately stocking shelves, maintaining reasonable prices, and recognizing that you must make a fair and equitable margin on all your products to be able to stay in business and pay your bills. A closed store cannot serve needy customers. It's important that you calculate pricing that enables you to survive while still serving the customer. If possible, take advantage of government programs and loans designed to benefit small businesses during this time of uncertainty.

"You must remain healthy, along with your employees and customers. You must utilize as many safeguards as possible to protect others. You need a healthy crew to be able to operate and attract customers."

Using MIRA's rebate and discount programs is a great way to enjoy some incremental profit on the items and services that you sell. Go to the MIRA website (www.miramw.org) and review the long list of vendors that can help you.

Most importantly, reach out to other small business owners and MIRA members or staff for advice or to share ideas and success stories. Please know that the MIRA staff is available to help you through this challenging time. We wish you, your families, employees and customers good health and will keep you in our prayers. We are all in this together. ■

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New & current customers are eligible for the following rebates:

- 2% Non-Tobacco/Non-Cigarette
- Additional 1% on Energy Supplements (Total of 3%)
- Additional 2% on Foodservice products (Total of 4%)
- Additional 2% on Supplies (Total of 4%)

Requirements:

Customer must purchase the following categories:

- Cigarettes
- OTP
- Energy Supplements
- Supplies
- Coffee (If offered by retail operator)

Customer needs to average \$3,500 in total weekly purchases

Customer needs to purchase 12 out of the 13 weeks per quarter

Customer must maintain good credit standing

• TOTAL VALUE TO YOU •

\$1,350

Estimated Rebate*
(Annual Total Paid Quarterly)

\$2,000

**Est. MIRA Member
Program Savings**

\$3,350

**Total Member Benefits
PER LOCATION**

* Based on \$1,000 non-tobacco purchases weekly

**For more information on Team Sledd, call the office at 800.333.0374
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Each month, MIRA will feature a decade in the association's history. During our 120-year existence, the association has seen many changes along the way. We are updating the history book this year and to celebrate, we are sharing with you snippets from each decade.

In the '80s: A Time of Transition (Part 1)

In 1981, AFD sought to expand its reach by allowing supplier members full voting powers and the ability to run for office and serve on AFD's board of directors. AFD's membership and board of directors included representatives of the wholesale and manufacturing industry. Supplier members were able and encouraged to serve on all committees and attend events, allowing them an opportunity to work productively with their customers for the common good of the industry.

His first meeting with the association (then AFD) was at the Eight Mile office. "In 1980, Tony Munaco was the President of AFD; that strong Italian link was reflective of his presidency," said Garcia. "Jack Tocco, who owned Melrose Linen, sat on the board of AFD. You can only imagine what that was like back then."

During the '80s, AFD was focused on the bottle deposit act and how the smaller and independent store owners had to deal with the cost associated with it.

"Our job as lobbyists was to help the association with any issue," said Garcia. "This included liquor licensing issues, relationships with state governments involving social services issues and any relationship with the attorney general department of treasury and tax issues."

"Sitting across the table from Jack Tocco was an experience," he continued. "Walking out of the first board meeting at the AFD office on Eight Mile was an eye opener."

AFD also broke new ground when it added women to its board in 1987 with Barbara Weiss-Street of Paddington Liquor Corp. Diversity is part of the mission of the organization

and AFD has always sought to reflect the racial and ethnic diversity of its members, as it believes that a diverse board brings a range of skills, diverse perspectives and experience to the association and industry.

"Another change that transpired was the AFD publication needed to become more instrumental and Raymond E. Amyot was hired from the *Detroit Free Press* to help with the publication," said Lamia Arcori, speaking on behalf of her husband Frank, AFD chairman from 1992 to 1993.

Ed Deeb's tenure at AFD ended in the 1980s and former treasurer and board member Joseph Sarafa became the new executive director and eventually President and CEO of the association.

"Joe really brought a strong business-minded perspective to the association," said James Bellanca, AFD in-house counsel 1982-2014. "We worked closely as team and he really stepped up the lobbying efforts in Lansing."

At the time, the lottery was becoming a factor in members' businesses. "The lottery machines that came out in the late '80s really changed the industry," said Sarafa, executive director from 1985 to 2002. "It also changed the way

"The focus in the '80s was not only to resolve issues, but to optimize customer experiences. Joe Sarafa was truly instrumental in this area."—JERRY YONO // AFD CHAIRMAN 1979

The AFD board, which was now made up of both retailers and suppliers, regularly worked collectively to set priorities for industry initiatives. This approach has fostered an environment where the two groups work harmoniously for the betterment of the industry.

The association was also heavily influenced by the Italian community, as longtime lobbyist Joseph Garcia noted.

convenience stores operated. They needed another employee and space for the customers that would line up.”

In the 1980s, when Sarafa took over, lottery, item pricing, and the Bottle Bill were all top issues and required constant contact with the legislature in Lansing. “AFD was opposed to item pricing primarily because our members did not have scanning abilities,” said Sarafa. “Only the chains had that ability. The Bottle Bill was a big deal in the ’80s and remained so for decades.”

The focus in the ’80s was not only to resolve issues, but also to optimize customer experiences. “Joe Sarafa was truly instrumental in this area,” said Jerry Yono, chairman in 1979. Yono sold his last store in 1986, but remained extremely involved in AFD until the early 2000s. “He really understood how to help store owners with customer service. He is already a humble and peaceful person and he brought this attitude to the AFD.”

“It was during this time Frank and Joe and other board members implemented new positions and employees that would become another milestone for the organization,” recalled Lamia Arcori.

Bellanca noted, “Our slogan became, ‘Become part of the solution, not the problem.’”

They were known as the Associated Food Dealers of Greater Detroit and were still trying to become a stronger

entity in the Metro-Detroit area. “I viewed our influence as very narrow at the time and almost a three-county area,” said Sarafa. “We were located right next to a topless bar, so I was not happy with the image that created. One of the first goals set by the board when I came on was to get another location — more central and appropriate.”

Garcia continued: “It was not located in best neighborhood and its location was closely aligned to a less-than-reputable business ... and you smile when you get in the car and drive back to Lansing.”

“It became too small, the location was not desirable any longer and the neighborhood began to change,” said Arcori.

Sarafa’s father, Salim, was in real estate at the time and helped the association find their Southfield offices, located on 10 Mile Road. “It was easy access,” said Sarafa. “It was a great location. We sold our Eight Mile building and put a down payment on the new building and leased out our second floor to help pay our monthly payments.”

Once the move was made, Sarafa and board members created a strategic plan to grow AFD into a statewide association. “It was a living document,” said Sarafa. “We had to be flexible and change as time passed and my successors did just that; however, I don’t think the ’80s was much different than what was to come.”

They had another motto:

“AFD is either going to make you money or save you money.” Customer service was a priority for Sarafa. Special events and networking were also a focus of AFD in the ’80s. In addition, its charity endeavors began to flourish — both the Turkey Drive and the college scholarship program.

In the early 1980s, AFD started its own self-insured workers’ compensation fund, as well as operated three successful credit unions. “The workers’ compensation was very successful,” said Bellanca. “It eventually became a challenge and we could not afford it.”

“For workman’s comp, we had a great program with AFD that was funded by us,” said Ronnie Jamil, AFD chairman from 2004 to 2005. “As a matter of fact, I remember with some of my stores, I got all my money back and then some. Jim Bellanca did a great job on that.”

While Sarafa was credited with reorganizing the operations of the association and moving it forward over the next nearly two decades, the coupon program went through a serious transition and grew in the ’80s. Store owners would use the association to redeem coupons customers redeemed at their stores for various products, and AFD would sort and organize the coupons, send them to the manufacturers and get the checks for the store owners. ■

More about the 1980s in the next issue.



c-store news & views

JIM GREEN // MIRA VICE PRESIDENT, PROGRAM DEVELOPMENT

Making Consumers Feel Safe

It is safe to say that retail operations as we know it will change forever due to COVID-19. There will be numerous regulations and recommendations that retailers will be required to follow, in order to keep your employees and customers safe. It can feel overwhelming just trying to keep up. The CDC has published guidance for businesses which covers things like cleaning facilities and educating employees about how to reduce their risk at work. However, beyond just implementing procedures that keep your employees safe, it will be important to make customers feel safe when they visit your store. This will not only come from implementing high safety standards, but also taking every opportunity to communicate to consumers what precautions and procedures you are doing in order to keep them safe. Rest assured, consumers have new expectations and will not automatically assume every retailer is adhering to safe business practices. Communicating this message will be critical, in order to make consumers feel confident about being safe when visiting your store and it should not be downplayed! The retailers that win the “committed to keeping customers safe” messaging will not only retain customers but attract new ones.

It starts at the pumps. Make customers feel safe from the moment they stop at your store to fuel up by installing hand sanitizer dispensers at the pumps. Make sure they are filled and never empty. Many retailers have and will be doing this, but what can separate yourself from other retailers is to offer disposable gloves at the pumps. The pumps are high contact areas with customers touching the nozzle, pin pad and fuel selector. Make sure you clean the pumps daily and have signs at the pumps that informs

customers when and how often the pumps are clean and sanitized. These measures will give consumers confidence that it is safe to go inside, because this retailer is taking all the necessary precautions.

As customers enter your store, let them know immediately what you are doing to keep them safe by posting your safety procedures on your door. Also post it at the registers, in order to reinforce that your customer's shopping experience has been safe. Let them know how often you clean and disinfect, what you are doing to keep your employees safe, how you monitor your employee's temperature, requiring employees to wear masks, etc. It is imperative that your action steps are front and center for your customers to see.

There are five more low-cost recommendations that I would encourage all retailers to implement that will reinforce to your customers that you are taking all the necessary precautions, in order to keep your employees and them safe. First, install plexiglass shields at the checkout counters which creates a barrier between employees and customers. Second, place pre-printed floor decals for customer spacing especially in high traffic areas like the checkout counter and coffee bar. Third, install hand sanitizer stations throughout your store. Obviously, it will be important to keep them full. Four, customers will want to prevent human contact with any hard surfaces. Install disposable wax tissue dispensers at the coffee bar so customers don't need to touch any hard surfaces. The tissues can help prevent people from picking up or passing on germs from direct contact. Five, implement touchless payment systems. MIRA has a program that provides our members a solution in this area. If you have any questions on how to implement, please call our offices and we can help.

All these recommendations will give customers confidence that it is safe to shop at your store and their safety is your priority. This will not only build customer loyalty, but also enhance your brand in the market. Good luck and stay safe! ■



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MIRA rebate program details:

- Minimum order of \$800, must purchase weekly to qualify.
- We service PA, OH, MD & NY.
- 2% Non-tobacco / non cigarette rebate.
- Plus and extra 1% if purchasing energy supplements
- Plus an additional 2% if purchasing foodservice products
- Plus an additional 2% if purchasing supplies

Customer must purchase these categories to qualify:

- Cigarettes
- Smokeless & other tobacco
- Energy supplements
- Coffee

Subject to pre-qualification by McAneny Brothers



government relations report

JUAN ESCAREÑO // MIRA DIRECTOR, GOVERNMENT RELATIONS & COMMUNITY OUTREACH

Unprecedented Times

*"Once more unto the breach, dear friends,
once more!"* – SHAKESPEARE

We stand in unprecedented times. The COVID-19 pandemic has swept all facets of our society and will shape our industry and families for years to come.

We stand here today, six feet apart from each other to evaluate what has changed for good, what will normalcy look like in six months? We wear masks to buy, work, or walk. The silence imposed upon society with the shuttering of restaurants and retail stores will be deafening.

In a world topsy-turvy with all these changes, the most profound moment was when MIRA sent condolences to a member that lost employees to this pestilence. It was a sad affirmation that food retailers are on the frontlines and that every day, you and your employees continue serving customers.

We wrote to the member, "No one entered this industry with the intention of being at the frontline of a global pandemic, but our employees, friends, and families continue to cover their post with courage and determination. We will look back at this historic moment and recall the words of Shakespeare, 'Once more unto the breach, dear friends, once more'. When others went home, your employees and co-workers continue to work to ensure our communities can eat. May their memories be eternal."

When others went home, you kept your store open and worked along side of your employees bagging groceries, ringing registers, and stocking shelves. You and your employees have demonstrated courage in front of overwhelming odds. Aristotle wrote, "...courage is noble.

Therefore the end is also noble; for each thing is defined by its end. The brave man endures and acts as courage directs." You have endured beyond measure when others would have gone home. You adjusted to the daily changes in your stores to protect your employees, and new regulations.

I spoke to children, spouses, and owners concerned for the health of their families and their employees. In the last six to eight weeks, I have fielded countless calls from retailers asking how to help their employees to be safe. Calls to discuss how to treat those afraid for legitimate reasons at home. I can not count how many times I was told, "I want to do what is right for my guys." Regardless of your position in an independent store, whether you are the owner, or a bagger, everyone faces the same challenges. We all have our part to play and you played yours well.

You have endured beyond measure, no one needs to label you or your employees emergency responders to validate the commitment shown. The personal protection equipment (PPE) cost, countless signs, extra security, overtime hours worked, and new rules almost daily were handled with professionalism. No one complained. Everyone kept showing up to work to do a job when others went home.

We continue here at MIRA to work every day for you. We are on countless conference calls to learn what new regulations they are asking you to follow. We continue to educate elected officials and regulators about the impact their ideas can have on your stores. We are laying the groundwork to protect you even more once this pandemic is defeated.

As Spring approaches, the change in season will be both literal and figurative. With our combined hopes for this to end, we will take this opportunity to learn and adapt for the future. But this day cannot be forgotten because of the countless souls lost. I will end by recalling the ancient antiphon of the Byzantines when remembering those that have gone to their eternal rest: May their memories be eternal. Amen. ■

A photograph of three diverse people (two men and one woman) sitting at a table in a cafe, smiling and looking towards the left. The man on the left is holding a coffee cup. The background features exposed brick walls and industrial-style pipes.

A FORCE FOR GOOD

Strong communities are the foundation of a healthy, thriving environment for all people. That's why you can count on DTE Energy to support local organizations that are having a real impact. We are proud to partner with MIRA.

DTE



michigan lobbyist report

MATT MINER // CAPITOL STRATEGIES GROUP

Michigan Versus COVID-19

We are certainly living in interesting and trying times here in Michigan. The Coronavirus pandemic has significantly changed life as we know it for the foreseeable future. While the legislature has been idle for the past 6 weeks, the Executive Branch has been active in an effort to control the spread of this virus. Over 50 executive orders have been handed down from Governor Gretchen Whitmer during the duration of this pandemic, with many of those simply replacing or clarifying pre-existing ones. From the extensive “Stay Safe, Stay Home” orders to the specific occupationally oriented ones, here’s a list of pertinent orders to MIRA members.

EXECUTIVE ORDER NO. 2020-31: EXPIRES MAY 30, 2020 AT 11:59 PM

Rule 4(g) of Regulation No. 564, which outlines the proper vapor percentages that are usually required month by month, has been temporarily suspended.

EXECUTIVE ORDER NO. 2020-36: LASTS THROUGH THE DECLARATION OF EMERGENCY

Employers cannot fire or retaliate against an employee for staying home when they are at particular risk of infecting others with COVID-19. This employee leave

will be protected under the Paid Medical Leave Act, even if there are fewer than 50 employees. Employers that do not have paid leave can offer this as unpaid leave. The amount of time off allowed is determined by a few factors. If they have tested positive for COVID-19 or display the principal symptoms, they should stay home until all symptoms have been gone for at least three days and it has been a full seven days since first becoming symptomatic or being swabbed for their positive test. If their test comes back as a negative or if 14 days have passed since the last close contact with the sick or symptomatic person, then they may return.

EXECUTIVE ORDER NO. 2020-53: EXPIRES MAY 15, 2020 AT 11:59 PM

Any individual or business caught reselling a product at a grossly inflated price, which is considered more than 120% of that product’s retail price on March 9th, will be facing a misdemeanor. Any price increases due to cost increases should be proportional. This order does not limit or impair the ability of the attorney general to investigate, determine, or impose liability under the Michigan Consumer Protection Act or other applicable laws.

There have been discussions about extending waivers for all penalties and interest for late payment of sales tax, use tax, payroll tax, motor fuel tax, and unemployment insurance. There have also been talks of allowing gas sales at pumps after hours, even if a staff member is not onsite. As things change, we’ll keep you posted. Stay safe and stay informed. ■





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ohio lobbyist report

TERRY FLEMING // TC FLEMING & ASSOCIATES

Ohio Tackles the Coronavirus

I usually look forward to writing a positive story for the *MIRA Bottom Line* magazine. I like to point out actions being taken by the government and especially the Ohio Legislature that will be of help to MIRA members. But sadly, during these times, good news is not around the corner. To paraphrase a Thomas Paine quote “These are the times that try men’s souls.”

Ohio, like every other state and indeed every country in the world, is suffering from not just a health emergency, but an economic emergency. We talk about mitigation and how quarantine helps stem the death toll in the United States and rightly so, but we also need to discuss the hardships endured by people who are now without a job and businesses that are closed, especially small businesses. Both the federal and state governments are trying their best to help small businesses. President Trump has instituted

programs through SBA and FEMA to provide much needed funds to help see small businesses through these tough times. Ohio Governor Mike DeWine has also enacted programs directed at small businesses. Gas stations and convenience stores are open for business in Ohio, but the problem is there is little-to-no traffic even at \$1.50 or less a gallon. There just isn’t a market.

When the President opens up the economy again, I think gas stations will be ready and able to meet demand. OPEC countries and Russia have come to an agreement to limit production by as much as 10 million barrels a day. This will hopefully raise oil prices to between \$50 and \$60 dollars a barrel which would help refiners and oil patch workers. A recovering economy needs a strong energy group to grow the economy. MIRA has talked to the Ohio EPA and they told us that summertime RVP fuel regulations has been pushed back to May 20th, with a strong possibility it could be pushed back even further. Currently there is a glut of fuel in the U.S. with nowhere to store it, so when the economy is turned back on, we can quickly go through the excess winter RVP fuel.

MIRA has had conversation with Ohio’s legislative leaders, and they’ve assured us they will be working on legislation to help with recovery when

we go back to work. In fact, at MIRA’s suggestion, HB606 was introduced by Representative Diane Grendell that would provide immunity from lawsuits for those people working in jobs that have been determined to be essential. State Representative Bill Seitz has told MIRA he is strongly urging that JobsOhio pay all liquor permit fees for 2020, to help a little with those small mom and pop convenience stores. There are a lot of people anxious to get back to work and, God willing, it will be soon. Until then, stay safe and God Bless the USA. ■





WINNING TAKES CENTER STAGE

What a show! Ohio Lottery players took home more than \$2 billion* in prizes last year! And that was just the opening act. Thanks to the Ohio Lottery, more than \$1.2 billion* in funds went to Ohio education. Plus, retailers across the state earned hundreds of millions in bonuses and commissions, too. That's a whole lotto winning!



ohiolottery.com/whowins



Lottery players are subject to Ohio laws and Commission regulations. Please play responsibly.

Publication Date 10/19

*Rounded averages from FY19.

A composite image featuring a realistic view of the Earth from space, showing blue oceans, white clouds, and green landmasses. The Earth is positioned as if it is wearing a white, pleated surgical mask that covers its lower half. The background is a deep blue space filled with numerous small, bright white stars. The text "At Your Own Discretion" is printed in a teal, serif font across the white band of the mask.

At Your Own
Discretion



Since the COVID-19 crisis began to escalate, staff with the Midwest Independent Retailers Association (MIRA) have been fielding calls from members about what to do.

“We are telling members to use their own discretion,” said Auday Arabo, President and CEO of MIRA. “There is no wrong way or right way as long as you are following Center for Disease Control (CDC) guidelines and protocols. If a store owner wants to close their business and another wants to stay open, that is an individual decision.”

Common sense and best practices are the messages MIRA is reminding members to use. “Our members are actually in a better position than so many other businesses, like restaurants and bars,” said Ed Weglarz, MIRA’s Director of Petroleum. “Our membership department has been calling all of our members to see how they are doing and see if they need anything including a shoulder to cry on. We are telling members to look for our daily e-blasts and constant updates that we are sharing from the CDC, FDA, USDA, NACS, FEMA and other sources. We are talking about best practices and what experts are saying about using masks, plexiglass, gloves – we are trying to give them as many tools as possible.”

MIRA is sending emails up to twice a day to update members on state and federal issues as it relates to COVID-19. One email last month included *Best Practices for Retail Food Stores, Restaurants, and Food Pick-Up/Delivery Services During the COVID-19 Pandemic*.

The email stated, “FDA is sharing information about best practices to operate retail food stores, restaurants, and associated pick-up and delivery services during the COVID-19 pandemic to safeguard workers and consumers. This addresses key considerations on how foods offered by retailers can be safely handled and delivered to the public, as well as key best practices for employee health, cleaning and sanitizing, and personal protective equipment (PPE).”

MIRA executives realize these are challenging times that require tough decisions. “Sometimes when people face difficulties, they want someone else to make the decision for them and we can’t do that,” said Arabo. “They have to decide whether to shut down lottery, or limit the number of customers in the store.”

It was MIRA that was instrumental in working with the Michigan Lottery Commission to allow store owners to decide individually if they will shut down their lottery

machines during the Coronavirus crisis and not get penalized for doing so.

“We are looking at the big picture every day,” said Arabo. “We are focused on the states where our members are doing business including Michigan, Ohio and Illinois. We are arming them daily with information so they can make the best decisions for their businesses and families.”

In addition to working with the Lottery Commission, MIRA is closely monitoring CDC and other protocols. “We encourage members to use tape to mark the 6-foot-distance between customers in line,” said Weglarz.

“Every day we are talking to members about using good judgement,” said Juan Escareno, MIRA’s Director of Government Relations.

The association itself is using its own discretion. “We have been changing the way we’re doing business,” said Arabo. “We canceled upcoming events like the Annual Innovations Buying Show and Chicago’s Trade Dinner Gala. We are spending a lot more time on the phone talking to members.”

The fallout of this is still unknown and so is the idea of a “new normal.”

“We, as an association, are impacted as well from a financial standpoint,” said Arabo. “If our members suffer, then so do we.”

Today, the majority of the staff is working at home and using their own discretion of whether or not to go into the offices.

“We don’t know what is going to happen,” said Arabo. “Suppliers and retailers are affected by COVID-19. They can’t keep stock on the shelves. Suppliers can’t fill orders. They are in low supply of a variety of items. They are all using their own discretion to maintain their businesses.”

Comparing to other historical crisis’ this one seems to have a larger reach. “COVID-19 has had a global impact compared to 9-11,” said Escareno. “The new normal may mean we no longer shake hands or give hugs until there is a vaccine and people feel safe.”

Some businesses are closing their doors for a couple of weeks. Others are limiting hours, limiting the number of customers in the store, closing down departments, or may never open their doors again (see article *To Close or Not to Close* on page 21).

Regardless of what businesses and people do, they must make the best decision for themselves, their employees and their customers. ■



Businesses Helping with the COVID-19 Crisis



As the virus spread throughout Michigan, two brothers transformed a section of their wholesale company in Oak Park into a 3D printing place to make needed medical masks for those on the frontlines of the COVID-19 crisis.

Matt and Brian Loussia are still operating their grocery delivery business, working hard to keep up with the demands of customers amid COVID-19.

Even though their customers are keeping them busy, they decided to increase their work hours to help protect those on the front lines.

“We originally had 43 printers at the warehouse that we use to produce our own products,” said Matt Loussia. “We decided to stop our regular production to make face shields for doctors and nurses. We added 65 more printers and reached out to volunteers.”

In addition to calling out for help making the masks, the brothers started a *Go Fund Me* account to pay for costs, which is about \$2.50 a mask. “Our community has been very generous,” said Brian. “We are so grateful to those who donated and to our volunteers. Our mom Carol has helped tremendously and so has Antonia Kassab, Amer Bally and Travis Babri. They, along with so many others, have put in countless hours.”

Due to demand and growth, they had to move the face shield productions to a building in Commerce and a hotel – both spaces donated by local Chaldean businessmen.

On the first day, they produced 100 masks and by mid-April they were producing up to 1,600 masks a day and up to 12 volunteers a day. Their goal is to fill the demand at hospitals and

then distribute to others on the front lines, including their own customers operating independent grocery stores and convenience stores.

As of mid-April, the Loussia operation donated more than 12,000 masks to hospitals in Wayne and Oakland counties including DMC’s Detroit Receiving, Henry Ford in Detroit and West Bloomfield, Providence hospital in Southfield and St. Joseph in Pontiac.

In 1991 their late father, John, founded Value Wholesale Distributors in Oak Park. The business has always been grounded in tradition, family and community.

“We want to carry-out his legacy, someone who truly cared about the community,” said Matt. “He would have had the same reaction - to shutdown operation to make these shields.”

Value Wholesale serves independent supermarkets as a nationwide distribution company. “We have been blessed,” said Brian. “Our staff is phenomenal. The food industry has been booming. We have been working 13 hours a day, seven days a week. Our employees put in tireless effort to distribute essential goods to stores as fast as possible.”

Other MIRA members have also donated time and products to those on the frontlines. Last month, Plum Market posted on their Facebook page this message: “Thank you to the first responders, nurses, and doctors working on the front lines. We appreciate all of your hard work and dedication in combating COVID-19. To show our gratitude, we donated meals from the Plum Market Kitchen for a unit of

heroes working at Beaumont Hospital in Royal Oak.

Meanwhile, Regency Manor & Banquet Center in Southfield also donated food to frontline workers. On their social media platform was this post: “We would like to thank all our frontline workers during this crisis. A special thanks to our healthcare workers as they put their life on the line daily during this crisis! A special thanks to our healthcare professionals & law enforcement; we have collaborated with some amazing people to donate today’s meals. Team work allows us to spread the love as we all fight this together.”

Also, Princess Mediterranean Grill in Commerce has served up lunch for healthcare workers. They wrote: “Honored to be serving our healthcare heroes and all those on the front lines! We are in this together! Please message us to prepare individually wrapped meals for hospital staff or first responders. We can’t hug them, but sure can feed them an awesome shawarma sandwich!”

The Loussia brothers will continue to print out face shields as long as they are needed. “Thank you to everyone for helping us in this huge group effort. We are doing our best,” said Brian Loussia. “We are getting a ton of emails, phone calls and text messages. We are doing our best to help everyone we can. We are trying to get everyone a shield who needs a shield.”

If you want to find out more about the Loussia efforts or volunteer your time, email info@valuewholesale.com. ■





Keeping Employees and Customers Safe

In late March, Haitham Thomas started to feel sick. He had been working long hours at his business, Heather's Liquor Land in Redford, Michigan "I already felt run down," he said. "I started to get the chills. I know I was overworked. One day on my way home, I grabbed a fruit punch drink and I couldn't taste it."

His wife Heather, a pharmacist, gave Haitham Tamiflu but after a couple of days, he was getting worse. "I was freezing. I would wake up so cold, I felt like I was having a seizure; I was shaking so much."

Heather had a telehealth call with a doctor who encouraged Haitham to get tested. The couple drove to a clinic about an hour from home and within two days got the results. "I asked to be tested too as a healthcare provider and because I was exposed to Haitham."

While Heather tested negative Haitham tested positive. "It was 16 days in my bedroom looking at four walls," said Haitham. "I couldn't get out of bed."

At first, he didn't have a fever and then he did for 11 days. He also had a cough and a headache.

The longtime MIRA member kept his business open with the help of employees. "They wanted to keep working," said Haitham.

As an essential business, he is permitted to keep operating. However, it is not business as usual. "We cut our store hours, closing about two hours early each day," said Haitham. "We also limit customers to no more than seven people in the store at one time."

That is a challenge for a 3,000 square-foot business that when busy will have 15 or more people in the store. "Our business is up 50%," said Haitham. "Our customers keep thanking us for staying open."

"There really isn't another business in walking distance," noted Heather. "Customers come in to buy a variety of items."

Haitham sells a variety of products including every day staples like milk, eggs, bacon, hot dogs, condiments, and cleaning supplies. "We are selling items daily that we would normally sell occasionally. And, liquor sales are up."

In addition to customers lining up outside to get in the store on busy hours, Haitham's staff are wearing masks and gloves. "I am already a very clean person," said Haitham. "We stepped it up tremendously. We are wiping down the store every one to two hours and I mean everything from glass doors, to handles, to aisles to counters – everything."

Once the store closes for the night, his team cleans the entire store with Lysol and Clorox. He has also shut down the lottery at various times. "It gets ridiculous sometimes," he said. "We will have people coming to the store two to three times a day to play the lottery and sometimes seven people inside are there just to play the lottery and it's not fair to the customers who need to buy essentials. We shut the machine down and our customers really appreciate it."

Just six miles north of Heather's Liquor Land is Cloverleaf BP in Southfield. Owner Paul Lufty was

fighting COVID-19 for 17 days. He believes he contracted the virus from a vendor he was dealing with for his wedding that was planned for May.

He started to feel sick a few days later. "My hands and arms began to hurt. I was aching," said Lufty. "I didn't think much of it and just went home after work and relaxed."

Later the next day after work, he started to ache again. "I didn't have a fever at first," he said. "But I began to feel chest pains. He went to his doctor later in the day. He got an EKG, breathing tests and gave him a shot and Z-pack and robotism. The next day, in the evening "I felt like a bus hit me," he said. His fiancé got concerned and took him to Beaumont. "They wouldn't accept me, because I am younger than 60, I am not on dialysis and don't have heart problem," said Lufty.

He lost his taste buds and felt lethargic. "I was gasping for air in the middle of the night and I felt like I was hallucinating. I really felt like I was going to die. The doctor skyped with my fiancé the next morning."

The next day, he got the malaria medicine. "I didn't like it," he said. "We called the doctor again. I was still feeling sick at night."

The symptoms continued to him hit hard. "I couldn't lift anything," he said. "The worst was my lungs."

He ended up having a doctor friend make a house call who tested his oxygen levels. "I went back to the ER at Beaumont," said Lufty. "There were 25 people in waiting room."



He ended up getting a room around 2 a.m. and stayed in the hospital for about five hours where he was finally tested for COVID-19. "I got the results within 8 hours," he said. "I was prescribed an antibiotic. Upon taking the first pill, I felt it working. I took it for seven days and had a fever for about a week strong."

After days inside, he started to venture into his own yard to walk and do gardening. "It took a toll on me," he said. "I am not still 100% back."

He is facing employee issues. "Three of them said they are not working," he said. "One of my guys was sick for 18 days the same time I was sick."

He continued working from home on the phone, watching cameras and doing billing. "I just wanted to know if my lungs would come back strong," he said. He was given the machine to help breathe and an inhaler.

The health department called him a couple of times and then finally cleared him to work again. "My fever is gone. I had to wait until I had no Symptoms for seven days," he said.

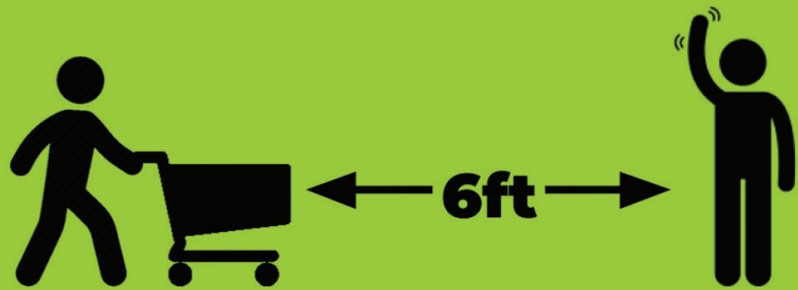
The MIRA member has implemented several protocols at his business to keep employees and customers protected.

"We are fully stocked with gloves, masks and bandanas to protect customers," said Lutfy. "We also have 6-feet-spacing markers on the floor through the store in green to make it easy and visible for customers. Lottery is key to keep customers spaced out correctly."

KEEPING EMPLOYEES SAFE
continued on page 22.

GROCERY SHOPPING TIPS

from Detroit Food Policy Council



Stay at least **SIX** feet apart when shopping. Wait for other customers to make space and leave 6ft when checking out

GROCERY SHOPPING TIPS

from Detroit Food Policy Council



If you feel sick - **STAY HOME!** Help protect the whole community.

If you are sick and need groceries, call **2-1-1** to find help with grocery pickups.



Relief for Businesses

Business Loan Programs; Paycheck Protection Program

Over the last few weeks, MIRA has been updating members on Federal Programs offering financial relief to businesses.

There are several Small Business Association (SBA) loans available to help small businesses during this COVID-19 crisis including the Paycheck Protection Program loan.

“This program is designed to keep employees on the payroll,” said Ed Weglarz, Director of Petroleum. “This is for an eight-week period of time. If the money can be proved it was used for payroll, the loan is forgiven. You have to submit payroll information to obtain the loan and, after the quarantine is lifted you will need to prove it was used for payroll.” The application is still open.

As explained on the SBA website, this interim final rule announces the implementation of sections 1102 and 1106 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). Section 1102 of the Act temporarily adds a new product, titled the “Paycheck Protection Program,” to the U.S. Small Business Administration’s (SBA) 7(a) Loan Program. Section 1106 of the Act provides for forgiveness of up to the full principal amount of qualifying loans guaranteed under the Paycheck Protection Program.

The Paycheck Protection Program and loan forgiveness are intended to provide economic relief to small businesses nationwide adversely impacted under the Coronavirus Disease 2019 Emergency Declaration

(COVID-19 Emergency Declaration) issued by President Trump on March 13, 2020.

This interim final rule outlines the key provisions of SBA’s implementation of sections 1102 and 1106 of the Act in formal guidance and requests public comment.

The Small Business Administration has approved 38,106 loans to small businesses in Ohio, for a total of \$10,368,882,724 in Paycheck Protection loans.

That makes Ohio ranked about 6th in the nation for loans approved, according to SBA documents obtained by the Dayton Daily News.

The total loans approved nationwide amount to nearly \$248 billion so far, the documents indicate, for just more than 1,035,000 loans approved nationally.

The Paycheck Protection Loans are a lifeline to struggling small businesses. They are forgivable to the extent that businesses retain their workers during the COVID-19 pandemic.

Another SBA program was originally \$2 million loan for 30 years at a 3.75% interest rate or 2.75% interest rate for non-profits. “This is not a forgivable loan,” said Weglarz.

MIRA members are being updated regularly about these programs. “We did send that information out to members,” said Auday Arabo, MIRA President and CEO. “We are email-blasting information and applications about

various programs daily as soon as we receive the information. We emailed our members with this information and we told them to consider applying for these programs.”

The deadline for the Paycheck Protection Program (PPP) is June 30th and the deadline for the Economic Injury Disaster Loan program (EIDL) deadline is December 31, 2020.

As of publication, about \$220 billion in loans from the federal Paycheck Protection Program have been approved, leaving about \$130 billion remaining in the popular but rapidly shrinking fund. That number includes funds banks have processed and the Small Business Administration (SBA) has approved, though customers may not have received.

The federal loans — part of \$2.2 trillion in overall federal assistance — are forgiven to small businesses to the extent that they retain workers and keep their lights on during the COVID-19 pandemic. Some businesses have been effectively closed by government edict, or their customer count has been impacted dramatically by stay-at-home orders.

Typically, the SBA awards \$28 billion in business loans a year, across all of its programs. So, these programs are 12 times bigger than the amount the SBA usually processes.

Since this is such a dynamic situation, please refer to the daily email updates that you receive from MIRA for the very latest information. ■

To Close or Not to Close

Tough decisions for retail stores as they cope with the COVID-19 crisis

Whether they stay open or close their stores, owners of food retail businesses are facing major challenges and are on the frontlines every day of the COVID-19 crisis.

They are considered an essential business even though Michigan Governor Gretchen Whitmer did rule to close certain sections of businesses, such as home repair departments within food retail stores.

"I am not discounting the risks our healthcare providers are taking going to work every day," said Ed Weglarz, MIRA's Director of Petroleum. "I appreciate what they do and the acknowledgement they are getting, but our store owners are not getting the attention they deserve. They risk their lives daily working inside their stores and often it's not appreciated."

Some businesses decided on their own to close certain departments. "They have closed deli departments, for example," said Weglarz. "They are prepacking deli meats and salads and displaying them in refrigerated sections. This practice reduces the risk of spreading the virus and requires less staff."

Because of the efforts of MIRA's government relations department, store owners in Michigan are allowed to shut down lottery machines without penalty to reduce traffic in their store.

Many store owners have employees who either can't work or don't want to work because of the virus. "Some stores are down employees by more than half their staff," said Auday Arabo, MIRA

President and CEO. "One member alone has 140 employees and only about 40 are showing up to work."

Unemployment is more enticing to some people. "They are getting up to \$950 a week in unemployment during this crisis and in some cases it's more than people make when they work," said

Juan Escareno, MIRA's Director of Government Relations. Essentially, people are being paid to stay-home.

Some of the stores that are remaining open are making adjustments to maintain safety for their employees, customers, and vendors. Some store owners are limiting the number of customers in the store at a given time. The Centers for Disease Control (CDC) is recommending that stores tape 6-foot markers in check-out lines, so customers maintain the social distancing requirements. Some stores are reducing their hours of operation and are closing one day a week to do a thorough disinfecting, cleaning, and re-stocking.

"Our members are getting backlash from customers because of these changes," said Arabo. "Even though they are remaining open to offer an essential products and service; they are trying to make decisions that will be in the overall best interest of everyone, yet customers are upset. They are in a no-win situation, whether they decide to stay open or close during this time."

"While stores are doing a good



job, customers are holding them accountable for things out of their control" said Weglarz. "If deliveries are short and distributors don't have the products, retailers are taking the blame."

Like many people, store owners are on edge. "Some have closed for a few days and others have reduced hours and customers are calling and complaining," said Arabo. "They are doing their best under the circumstances."

Some factors that grocers are considering is the ability to stock shelves. "Relationships with suppliers is proving to be crucial," said Arabo. "We have a member who, because of his relationships with various suppliers, is able to buy products from various companies. He was also able to purchase an entire truckload of toilet paper. Not many store owners have established these kinds of relationships that in a crisis they can get this kind of help."

Not all stores are following CDC rules. "Rules are only as good as you enforce them," said Escareno. "If retailers can't enforce rules in their own business, then they should close," said Arabo. ■



KEEPING EMPLOYEES SAFE

continued from page 19.

Lutfy also added protective acrylic to protect employees and customers from spreading the virus. “I also gave everyone bonuses during the month of April for every hour they worked and extra for working Sundays.”

Throughout this crisis, members of MIRA have been kept abreast of latest developments through daily emails that include updates from the Centers for Disease Control (CDC) and the U.S Food and Drug Administration (FDA).

At the height of the crisis the FDA issued a 110-page document that outlines various protocols for food establishments regarding COVID-19, which includes retail businesses.

“We are emailing members daily to keep them informed, as they navigate through this crisis,” said Auday Arabo, President and CEO of MIRA.”

An email that was distributed on April 5th discussed, “How do I maintain social distancing in my food production/processing facility and food retail establishment where employees typically work within close distances?”

To prevent spread of COVID-19, CDC is recommending individuals employ social distancing or maintaining approximately 6 feet from others, when possible. In food production/processing facilities and retail food establishments, an evaluation should be made to identify and implement operational changes that increase employee separation. However, social distancing to the full 6 feet will not be possible in some food facilities.

The risk of an employee transmitting COVID-19 to another

is dependent on distance between employees, the duration of the exposure, and the effectiveness of employee hygiene practices and sanitation. When it’s impractical for employees in these settings to maintain social distancing, effective hygiene practices should be maintained to reduce the chance of spreading the virus.

The CDC is always warning store owners and customers that “maintaining social distancing in the absence of effective hygiene practices may not prevent the spread of this virus. Food facilities should be vigilant in their hygiene practices, including frequent and proper hand-washing and routine cleaning of all surfaces.”

Because the intensity of the COVID-19 outbreak may differ according to geographic location, coordination with state and local officials is strongly encouraged for all businesses, so that timely and accurate information can guide appropriate responses in each location where their operations reside.

Reports show that the high numbers of COVID-19 have been reported in urban areas.

“We have been sharing recommendations of using masks and some stores have put up plexiglass between clerks and the customers,” said Ed Weglarz, director of Petroleum. “Gloves are now posing a problem and are now not being recommended because bacteria can stay on gloves opposed to having clerks wash hands or use sanitizers.”

Sick employees should follow the CDC’s “*What to do if you are sick with coronavirus disease 2019 (COVID-19)*”.

Currently there is no evidence of food or food packaging being associated with transmission of COVID-19.

Unlike foodborne gastrointestinal (GI) viruses like norovirus and hepatitis-A that often make people ill through contaminated food, SARS-CoV-2, which causes COVID-19, is a virus that causes respiratory illness. Foodborne exposure to this virus is not known to be a route of transmission.

The virus is thought to spread mainly from person-to-person. This includes between people who are in close contact with one another (within about 6 feet), and through respiratory droplets produced when an infected person coughs or sneezes. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. It may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their mouth, nose, or possibly their eyes, but this is not thought to be the main way the virus spreads. However, it’s always critical to follow the 4 key steps of food safety—clean, separate, cook, and chill – to prevent foodborne illness.

“Our stores are part of city infrastructures just like water and roads,” said Arabo. “It is in the best interest of store owners and manager to keep employees and customers safe. There is this rumor of ‘food deserts’ in urban communities and we have consistently challenged that myth.”

Keeping employees and customers safe is a challenge for many businesses who are also struggling to keep doors open. “There are reports that 1 and 4 businesses will close because of this crisis,” said Weglarz. “These are challenging times for our industry.”

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For More Information Please Contact Our Midwest Region:

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CRAIG LITTLE, Market Development Manager, **262-357-4403**

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The Impact of COVID-19 on Real Estate Transactions

■ BY RANDALL A. DENHA, J.D., LL.M.*

Many of our clients engaged in the commercial real estate sector are asking us about the ramifications of the coronavirus disease (COVID-19) for their businesses. In particular, many are asking about the impact of the outbreak on agreements already in place.

The situation is changing rapidly, so it is important to remain attentive to government guidelines, directives, laws and orders – whether issued by the CDC or other federal, state or local health authorities (“Health Guidelines”).

As a general matter, owners, operators, developers, managers and users should always comply with Health Guidelines, review the relevant agreements and consult with counsel when considering the potential legal ramifications of action or inaction. More specifically, the terms of the relevant agreements that have already been entered into will generally govern the obligations and responsibilities of landlords and tenants as they relate to COVID-19 or the impact that COVID-19 may have on the timing for performance. However, common law doctrines and prudent business practices require parties to act reasonably in the face of the issues presented by COVID-19.

Here are some issues to consider:

OWNER COMMUNICATIONS WITH PROPERTY MANAGERS

Many commercial property managers have, or are developing, plans for notification, enhanced cleaning and interruptions in

operations. Owners and managers are encouraged to work together to fine-tune such plans for each building based on asset type, how the building operates, the extent of COVID-19 in the applicable region, Health Guidelines and the laws of the applicable jurisdiction. Property managers may also be mindful of employment laws and Health Guidelines when asking employees to clean affected areas, and aware of recommended practices in the industry for cleaning standards and the safety of employees.

NOTIFYING OTHER PARTIES REGARDING POTENTIAL EXPOSURE TO COVID-19

The terms of the applicable lease, Health Guidelines, common law and prudent business practices will likely determine whether disclosure is required. Tenants might even proactively request that landlords commit in writing to provide enhanced cleaning, commit to transparent reporting and prohibit potentially exposed individuals from entering the building. While it may be unlikely that a landlord will be contractually obligated to comply with such a request under current leases, landlords could choose to proactively communicate their notification plan to tenants; modify rules and regulations to require disclosing any potential exposure or contraction by those in the building to the extent permitted by Health Guidelines; notify all users in the event of a potential or actual exposure in the building; and/or provide enhanced cleaning services when appropriate. Landlord and property managers are encouraged to be mindful of

lease confidentiality provisions, Health Guidelines and the privacy of affected individuals. All parties are urged to carefully weigh the pros and cons of action versus inaction.

PREPARING FOR ENHANCED CLEANING

Commercial real estate buildings may not be sanitized every day, and some daily cleaning contractors may not have the workforce or skill to sanitize affected areas. Owners or their property managers may anticipate the need for enhanced cleaning and confirm that their contractors have a plan for absenteeism within the work force. For retail or other properties where tenants are responsible for cleaning public portions of the premises, owners and property manager may consider modifying rules and regulations to require tenants to perform enhanced cleaning of areas open to the public.

SUPPORTING SELF-QUARANTINED TENANTS

Owners and managers of multifamily projects may anticipate the needs of self-quarantined tenants and enhanced cleaning of common areas. Some plans anticipate the need to limit use of amenities such as community rooms, health clubs and swimming pools. Self-quarantined tenants may need services such as trash removal, grocery delivery, laundry and dog-walking. Areas used by all residents, such as lobbies and elevators, may need to be sanitized as recommended by the Health Guidelines.



POTENTIAL CLOSURES

All parties are urged to prepare themselves for the possibility that a general quarantine or lock-down pursuant to Health Guidelines will prevent access to non-residential property. The consequences of such closure may vary from lease to lease, especially among different asset classes. It is common for leases to include a requirement that the tenant comply with all laws. Whether those “laws” include Health Guidelines may vary by lease or by the extent of the Health Guideline (a recommendation versus a directive). This will determine whether a landlord has the contractual right to prohibit access to the building even if a tenant is granted 24/7 access under the lease. Additionally, certain retail leases may require a tenant to be open and operating, and the specific language of such requirements and other lease terms will need to be reviewed against the specific requirements of a conflicting Health Guideline.

NEW LEASES/CONSTRUCTION

If the landlord is committing to performing landlord work as part of a new lease, consider the timing impact that may be caused by COVID-19. For any projects that are underway, owners, developers and construction managers are encouraged to review the force majeure provisions in construction contracts. Travel bans and quarantines domestically and abroad may result in scarcity of materials, and self-quarantines may cause a reduction in work force or delay in construction approvals. Building in timing flexibility in the lease or other contract through

a force majeure or similar clause may be prudent. A party invoking the defense of force majeure will have to show how it falls into the definition of force majeure under the contract and how it directly delays its performance. In force majeure clauses in new agreements, one might even consider a reference to pandemics or COVID-19 specifically.

CURRENT TRANSACTIONS

Buyers of commercial property may consider the potential effect that COVID-19 will have on the market. Will due diligence or closing efforts be impacted by travel bans, self-quarantines or closures? Will loans be harder to obtain or close? Purchase and sale agreements typically include provisions that “time is of the essence.” A prudent buyer may seek to include force majeure clauses that will either excuse or delay performance under the agreement if certain circumstances occur or otherwise include some flexibility in the time for performance. Sellers of commercial property are encouraged to consider whether to disclose to the potential buyer that tenants or employees who have been diagnosed with COVID-19 or areas in the building that may have been affected. Though in many states there may be no duty to disclose in commercial real estate transactions, state laws vary – some of which speak to the concealment or misrepresentation of material defects, as defined.

EXPENSE RECOVERY

A landlord’s ability to pass through to a tenant costs for enhanced cleaning and preventative measures

will typically be governed by the lease language. However, some leases will include a “reasonableness” qualification for such passed-through costs, and some leases may have a cap on the amount which may be passed through to the tenant.

RENT WITHHOLDING

Many leases will not permit the tenant to withhold rent; however, leases may include provisions permitting rent withholding if a landlord is not providing required services or the tenant cannot access its premises. The provisions of the applicable lease will govern in these circumstances, as well as local and state laws that may impact residential projects. It may be challenging to recover withheld rent under rental interruption insurance policies. Insurance policies often exclude coverage for losses related to bacteria, mold, and other disease agents. Whether or not COVID-19-related losses or liabilities are excluded from coverage will largely depend on the language of the policy and the nature of the losses incurred by the owner. Property policies that include sub-limited coverage for income loss associated with decontamination costs, cleanup and interruption by a communicable disease are available in the insurance market, but are rarely purchased. Previously, as in the case of SARs, bird flu and Zika, coverage for

IMPACT ON REAL ESTATE
continued on page 27.



Once Again Estate Planning is on Sale

■ BY RANDALL A. DENHA, J.D., LL.M.*

It seemed like yesterday, but in 2008, the nation entered a global financial crisis, caused by a combination of artificially inflated real estate prices and behaviors by certain financial institutions ranging from speculative to criminal. The values of publicly traded equities, as represented by the S&P 500 Index, plummeted by approximately 38.5% despite the underlying health of many of the companies in the index. Volatility became the norm. At the same time, interest rates began to drop. The Treasury's "Section 7520 rate," which is the interest rate applicable to many estate planning strategies, dropped from a high of 4.2% in 2008 to a low of 1.0% in 2012.

Low interest rates, artificially depressed values and increased volatility – in short, estate planning went on sale. This allowed wealthy clients to create great value for their beneficiaries at much reduced, or even zero, federal gift tax cost by using leveraged estate planning tools, saving large amounts of potential future estate tax and generation-skipping transfer tax costs in the process.

Estate planning has always been about getting what you have where you want it to go with the lowest tax burden possible. Those brave enough to do this early and often beginning in 2008 accomplished these goals with great success.

Today, we are again faced with artificially depressed asset values,

vastly increased volatility and (happily) low interest rates. If you are fortunate enough to have assets that you intend to transfer to younger generation family members or other beneficiaries, you have another unprecedented opportunity to accomplish your estate planning goals using the tools discussed below. But this environment won't last forever. Those who planned during and after the last global financial crisis were very successful in accomplishing their estate planning goals. Those who did not plan lost the opportunity – until now.

SIMPLE GIFTS

The simplest of strategies is to give away assets now that you expect to appreciate in the future. The federal estate, gift and generation-skipping transfer ("GST") tax lifetime exemption amounts are \$11.58 million. This amount is scheduled to increase by inflation until the end of 2025, when the exemption amount will revert to a pre-2018 inflation adjusted amount of approximately half that.

Given that these exemptions are at all-time highs, and values are depressed, the simplest effective estate planning tool is to gift assets, either outright to beneficiaries who are mature enough and not at risk, or better, into flexible long-term trusts that benefit them and their children and grandchildren. Trusts provide continuity of management as well as protection against divorces,

lawsuits and bad habits. With a flexible trust that lasts for the lives of children and grandchildren, or maybe even longer, you can also eliminate federal and state estate tax on the gifted assets for several generations. These current exemption levels will be reduced dramatically in 2026, or maybe earlier if the coming election changes the balance of power in Washington, so today it's literally "use it or lose it."

INTRAFAMILY LOANS

You can also benefit your children and grandchildren by lending money to them that they can then invest and earn both current income and future capital appreciation. Loans have no gift tax consequences if you charge at least the interest rate specified by federal law. In April, the AFRs for loans with a maturity of 9 years or longer are 1.44% if interest is paid annually and 1.43% if interest is paid semi-annually, quarterly or monthly. If your beneficiaries use the borrowed funds to invest in assets that produce a combined current and future return of greater than this rate, you have again achieved your estate planning goals. Loans can also be made to trusts for their benefit to get the same benefit and achieve the protections discussed above (see below).

GRANTOR RETAINED ANNUITY TRUSTS ("GRATS")

A Grantor Retained Annuity Trust, or GRAT, is an irrevocable trust which you fund with your assets,



retaining the right to receive them back, with interest at a minimum rate set by the IRS. This rate is only 1.2% in April. Your retained payments, called an annuity, are paid annually. This means that if the GRAT's asset growth exceeds the 1.2% "hurdle" rate fixed by the IRS, that excess passes to or in trust for your children gift tax free. GRATs are usually done for a very short term such as 2 or 3 years, because the only "catch" is that you must survive the GRAT term to reap its benefits, and because GRATs are designed to capture upward volatility.

SALES TO GRANTOR TRUSTS

Here's where it starts to get really complicated! Assets properly transferred to an irrevocable trust usually are excluded from your estate for estate tax purposes. Yet it is possible to create such an irrevocable trust that is effective for estate tax purposes but defective for income tax purposes – on purpose! Such a trust is called a "grantor trust" because all of the trust's income must be reported directly on the grantor's income tax returns, even though the earnings remain in the trust. It is therefore possible to sell assets to a grantor trust and not have a taxable event for income tax purposes, because you can't get taxed when you sell something to yourself.

Usually a grantor trust must pay you back for the purchased assets with a promissory note, creating estate planning leverage. As with straight intrafamily loans, in April you could lend funds to a grantor

trust for a term of 9 years or more and charge interest of only 1.43% or 1.44%. Any combined current income and future appreciation in excess of that would accrue to your trust beneficiaries gift tax free. Further, if you continue to pay the income tax on the trust's income and gains, you have made another de facto gift to your beneficiaries that is not classified as a gift for gift tax purposes. The tax law makes you responsible for the income tax, so paying it is not a gift.

THE TIME TO ACT IS NOW!

While there are no guarantees in these uncertain times, in the past broad and precipitous market declines eventually recovered nicely. If you plan when values are down, interest rates are low and volatility is high, you have a greater likelihood of achieving those estate planning goals of getting what you have where you want it to go, when and how you want it to get there, with the lowest possible tax burden. ■

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

IMPACT ON REAL ESTATE

continued from page 25.

these situations was provided at times, but was determined by specific policy wording. Policyholders are encouraged to review their insurance policies closely with the broker or claims consultant.

COMPLIANCE WITH LOAN DOCUMENTS

Owners are encouraged to review their loan documents to determine whether there are any disclosure requirements in the event that a building or tenant is affected by COVID-19 and/or a building shutdown is required.

This alert is not intended to be comprehensive, nor does it constitute legal advice. Please contact Randall Denha at rad@denhalaw.com if you require more specific advice, whether on real estate matters or any wider business issues. ■

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Congress Passes More Small Business Funding

The PPP will get a \$310 billion infusion for loans, and the EIDL program will get \$60 billion

■ BY NACS ONLINE

On April 23rd, Congress passed a \$484 billion funding bill to replenish two small business lending programs and provide more funding for hospitals and for COVID-19 testing. In early April, the Paycheck Protection Program (PPP) and the Economic Injury Disaster Loan Programs (EIDL), both created under the CARES Act, reached their maximum loan amounts, leaving tens of thousands of small businesses without the help the programs were designed to provide. To add insult to injury for many small business, a number of large publicly traded restaurant and hotel brands reportedly obtained millions in funding from the PPP. Many of those companies have since returned the money, but Congress remained under significant pressure to

provide more funds for these loan programs.

On April 14th, Senate democrats rejected an attempt by Senate Majority Leader McConnell (R-KY) to simply add \$250 billion to the program. More than a week of negotiations resulted in the bill passed by the Senate on April 21st and the House on April 23rd.

The bill provides \$310 billion for the PPP, with the \$30 billion relegated to be distributed by banks with less than \$10 billion in total assets and another \$30 billion for banks with between \$10 billion and \$50 billion in assets. Those provisions are an attempt to get smaller local banks who are more likely to serve the smallest businesses more involved in the program.

About \$60 billion will go toward another Small Business Administration (SBA) program that

has run out of funds. The EIDL program provides grants up to \$10,000 and loans up to \$2 million to small businesses. EIDL will get a \$10 billion injection for grants and \$50 billion for loans.

Finally, the legislation provides \$75 billion in additional aid to health-care systems, many of which have been overburdened with COVID-19 cases and seen a slowdown in elective surgeries, and \$25 billion for the Trump Administration to develop and expand access to COVID-19 tests. It further requires the administration to develop a plan to provide greater testing support and access for states.

President Trump is expected to quickly sign the bill to enable banks to once again begin processing PPP applications and the SBA to restart the EIDL program. ■

Economist Sees Quick Rebound for U.S. Economy

Pent-up demand, low interest rates could fuel resurgence when businesses reopen, SOI speaker said

■ BY ANGEL ABCEDE // CSP MAGAZINE

While historic job losses and the current unprecedented recession in the aftermath of the COVID-19 pandemic are real-life concerns for Americans, a resurgence of economic activity on the other end as businesses reopen is likely, based on past circumstances and the current financial climate, economist Anirban Basu said during the session, *The Return of the Economist*, in the just-released *NACS State of the Industry (SOI) Virtual Experience*.

That will bode well for the convenience channel, which has maintained its foothold in the economy as the federal government has deemed c-stores essential businesses, said Basu, who is chairman and CEO of Sage Policy Group, Baltimore.

That's not to say the outlook isn't dire. New York-based Morgan Stanley is predicting the nation's gross domestic product (GDP) will drop by 30%,

Basu said. GDP during the Great Depression fell 8.4% in comparison.

Even before the coronavirus emergency, economists were concerned about the country's 10-year growth in jobs and economic activity, set against the underlying warning signs of manufacturing losses, trade wars and both consumer and commercial debt. Where Baby Boomers entered into "jobs they loved" in manufacturing and construction, that productivity is ebbing. Basu said younger generations are working in more dispassionate jobs, businesses are not investing in training and workers are not using the best equipment, he said.

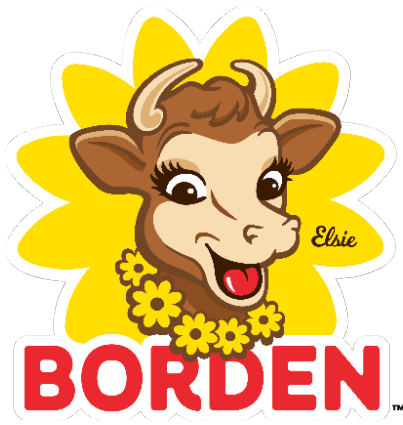
Still, while not claiming to be an epidemiologist, he said "the best minds" are working on vaccines and therapies, and areas of Europe and even here in the United States have shown signs of moving past peak infection and death rates.

When the economy is set to recover, Basu said

inflation has remained low, allowing the Federal Reserve to lower interest rates to practically zero. He also predicted pent-up demand will be high. "People before [the pandemic] were wanting to buy car," he said, extending the analogy to homes. "Interest rates can only fall. And when supply runs out, inventory has to be replenished."

Looking at past epidemics in Asia, Basu said he expects a "rapid recovery in activity" when the economy resumes. "It won't be a complete recovery," he said. "There will be a lot of empty storefronts and shattered businesses, but the initial recovery will be more dramatic—not a U [shaped curve] but a V."

View this session and the complete NACS SOI Summit Virtual Experience on demand by visiting www.convenience.org/events/SOI. Video presentation viewing is available for download until September 1, 2020. ■



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Curbside Pickup Soars

More consumers than ever are using the contactless service, and the pace isn't expected to abate

■ BY NACS ONLINE

The number of online orders for at-store pickup by customers jumped 208% between April 1st and 20th compared with a year earlier, according to Adobe Analytics, CNBC reports. U.S. online sales surged 49% from March 12th to April 11th, compared with the baseline period of March 1st to March 11th. Retailers didn't start closing stores until mid-March as states began issuing specific orders targeting brick-and-mortar locations.

The bump comes as more retailers are pivoting to curbside pickup to stay open amid social distancing and stay-at-home edicts. Some essential stores, like Target, have been pushing online ordering and in-store pickup to customers who don't want to wait for shipped packages, while others closed stores but offer pickup at certain locations.

Industry watchers like Naveen Jaggi, President of JLL's Retail Advisory team, believe the curbside pickup trend likely will continue to blossom after restrictions are lifted. This week, the Retail Industry Leaders Association and the National Retail Federation issued general guidelines for how merchants can reopen their stores safely as governors begin easing restrictions. Phase 1 would let e-commerce operations increase with contactless curbside pickup and in-home delivery. Phase 2 would be re-opening to the public with social distancing rules and lower capacity. Phase 3 would involve establishing protection protocols and going back to normal.

For example, in Texas, the governor allowed nonessential retailers to start a "retail to go" model of curbside pickup. "I think our retail stores are going to become fulfillment centers," Galleria Dallas' general manager, Angie Freed, said in an interview about mall tenants moving toward this model. "Retailers are trying to figure it out. ... Some of them are more advanced, more savvy and have better systems in place to handle it. Others are scrambling."

Convenience retailers are stepping up forecourt and at-home delivery services. West Des Moines, Iowa-based Kum & Go, for instance, earlier this month announced plans to expand forecourt delivery services to all of its stores across Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota and Wyoming. To pick up food and merchandise at the curb, customers call the main store phone number and place their order, which is delivered to their vehicle upon arrival. Ankeny, Iowa-based Casey's is another c-store offering curbside pickup, as well as delivery through a partnership with DoorDash.

NACS has compiled resources to help the convenience retail community navigate the COVID-19 crisis. For news updates and guidance, visit our coronavirus resources page at www.convenience.org/Topics/Operations/Disaster-Preparedness/Coronavirus-Resources. ■

MICHIGAN //

MDARD Institutes Remote Consultation Sessions with Food and Dairy Licensees During COVID-19 Response and Recovery

■ BY TIM SLAWINSKI // MDARD FOOD AND DAIRY DIVISION DIRECTOR

The COVID-19 pandemic has led to a lot of changes in our daily lives, including our work lives, but the mission of the Michigan Department of Agriculture and Rural Development (MDARD) to protect food safety in our state remains a priority. In order to continue to protect public health and help facilitate safe practices among food operations, MDARD staff will be reaching out to operators via phone to conduct remote consultation sessions with the person in charge at each food establishment. These calls typically take 15 to 30 minutes and involve several elements listed below. We encourage operators to please be responsive to these calls and take the time to have the discussion with their food inspector.

Remote consultation sessions will include:

- MDARD inspectors providing resources developed to help operators during this time.
- Getting feedback on the current state of operations and discussing how things are being done safely.
- Getting feedback on what measures food establishments are taking to protect customers and employees.
- Sharing information with operators about best practices being implemented by the food and agriculture industry.
- Promoting frequent cleaning and employee hygiene.
- Getting feedback on what struggles food establishments are currently experiencing.

These sessions are intended to serve

two purposes. First, the sessions are intended to help operators implement practices that will protect public health. This involves discussing practices related to social distancing, sanitation and food safety. As operators make changes to their day to day operations, there can be unintended impacts on food safety. These sessions will help ensure operators are keeping food safety in mind as they function in this unique time.

Second, the remote consultation sessions provide MDARD's Food and Dairy Division staff with valuable information about the current risk at our licensees. This information can then be used to adjust our approach for providing guidance and other resources needed by the food and dairy industry to safely operate.

As we continue response efforts and begin to move toward recovery, I encourage you to reach out to your MDARD inspector if you have questions or need assistance. Food and agriculture industry-specific COVID-19 resources are available on MDARD's website at www.michigan.gov/mdard. Overall state resources, including public health information and business-related resources can be found at www.Michigan.gov/coronavirus, and federal resources are available at www.cdc.gov/coronavirus.

Thank you for all you do as critical members of the food supply chain infrastructure. You and your employees are frontline heroes during this crisis and your vital work to feed Michigan residents is truly appreciated. Please stay safe and healthy. ■



**Thank you to all the dedicated essential workers
making a huge difference in our communities!**





How to Handle ‘Carding’ During COVID-19

We Card’s president outlines how retailers can check IDs while enforcing social distancing



■ BY NACS ONLINE

Checking customer identification for age-restricted purchases is typically a high-touch interaction, but the outbreak of COVID-19 in the United States and the ensuing social distancing measures—not to mention customers wearing face masks—has upended that model. Doug Anderson, president of We Card, offers some advice for retailers in a new Q&A.

NACS is a longtime proponent of We Card, a national non-profit organization serving U.S. retailers of alcohol, e-cigarettes, tobacco, vapor products and other age-restricted products. Individual retail establishments as well as

large retail chains utilize We Card’s educational and training services for their compliance efforts with federal, state and local laws on preventing age-restricted product sales to minors.

Q: How are retailers adjusting to COVID-19 and their responsibility to “card” customers safely?

A: First, and it goes without saying, we’re all amazed at the efforts retailers have made to adjust to COVID-19 to keep operating to

provide food and products to the country.

Prior to COVID-19, the face-to-face transactions at the retail counter involved retail employees using age calculation tools such as ID bar-code scanners either as part of the point-of-sale (POS) systems or with a smartphone app like We Card’s Age Checker App. Other tools include date-of-birth data entry into their POS system or comparing the customer ID’s date-of-birth to the We Card Age of Purchase Calendar’s date. Now, we’re seeing these same tools used with self-distancing and safety adjustments, together with a few modifications:

- First, retailers are configuring ID bar-code

scanners or smartphone apps to allow customers to complete self-scans on the customer side of the sales counter. It’s important to remember that ID scanning is just one of the steps during carding.

- Second, customers are showing their IDs through any existing plastic or glass partitions or placing them on the counter face up for examination. This replaces having to hold the customer ID by hand.
- Third, retailers are using gloves to handle customer IDs.

With or without the dynamics of the COVID-19 impact at retail, electronic age verification—like ID scanning—is here to stay, and we believe it’s the preferred or best age-calculation tool going forward. We encourage each retail store to check on existing company policies and develop practices that are most appropriate for their customers, employees and regions.

Q: What about customers with face masks and the challenge of checking their photo ID?

A: Yes, that is a challenge, but it’s not unlike a customer standing before you with a beard, but without one in their photo. It’s clearly a subjective decision when you’re examining an ID and comparing it against the customer in front of you. In this safety-first environment, we all have to do



our level best, and that's the case here. Remember, retailers always have the right to deny a sale in good faith when determining whether or not to sell an age-restricted product. In addition, some state IDs provide other physical information (e.g., height and weight, eye and hair color) that can assist the employee's assessment of the customer.

Q: With state governments and motor vehicle departments shut down, there are some customers with expired IDs who can't renew their ID. During this pandemic how should those IDs be treated?

A: That's another one of those disruptions to the norm where there's no absolute and fair right answer. FDA regulations requiring verification that customers are 21 years old or older during the carding process includes that a customer's ID cannot be expired. We have not seen FDA issue guidance relaxing this requirement. We are aware of some states that have relaxed the deadlines for driving with an expired ID, but that doesn't necessarily mean it applies to an ID during an age-restricted product transaction. You can always ask for a second form of ID; however, we know it's fairly rare for customers to carry around extra photo ID. Until FDA issues guidance on this question, the default is to stick to the policy that an expired ID is an invalid ID and the sale must be denied.

Q: Is FDA or are the states doing compliance checks?

A: On March 19, 2020, FDA indicated it was stopping

compliance checks but reevaluating it over the coming four weeks. State governments seemed to have done the same. The responsibility to continue to identify and deny underage attempts to buy age-restricted products remains with retailers, and I think they are well positioned to uphold that important role.

Q: Just before the COVID-19 pandemic, the new federal law requiring a 21-year minimum age became effective without any lead time to adjust. How's that transition going, what are you seeing?

A: For many, it was a scramble to adjust to the 21-year (T-21) federal law that FDA said was immediately effective on December 20, 2020. Approximately half of the nation's retailers were prepped for a 21-year minimum age because many state governments already had this law in place or were switching their laws to "21" at the beginning of 2020. In states where 18 or 19 years of age was the minimum age, retailers had to scramble to adjust. We Card immediately offered free downloads for temporary signage; we restocked our "21" materials and sent them out to retailers in January to replace their 18- or 19-year signage. Our popular We Card Age of Purchase Calendar ran out of stock right away, but we're now restocked and shipping them out. Customers also had little notice or information on the change, and often it was a retail employee informing customers of the new law. We helped retailers

with a free 10-12 minute Training Booster Course to help with this transition.

In 2020, more states have changed their minimum-age laws to match the federal 21 law, which have varying effective dates throughout the year, but it is important to remember that regardless of when a state law might change, the current federal 21-year minimum age is effective in every state and U.S. territory right now.

Q: Finally, is We Card fully operational during COVID-19?

A: Yes. We Card remains committed to providing retailers with the best training, education and news during these uncertain times. We are working diligently to ensure we provide the most effective online training. Our fulfillment operation is shipping orders while following important safety and self-distancing measures, and we anticipate a few delays here and there as major U.S. shippers adjust to this environment. Our ID Check-Up mystery shopping program was paused in March, and our plan is to re-start it when it's safe to do so.

We would like to end with praise for the nation's retailers, who are continuing to provide a vital service to Americans while keeping customers and store employees safe. And as always, we are here to help—feel free to write and let me know how things are going and how we can help you prevent the underage sale of age-restricted products during these difficult times. ■



MICHIGAN //

In-State Alcohol Retailers and Consumers Big Winners in U.S. Sixth Circuit Court Decision

■ BY MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

In-state liquor retailers were saved from being undercut by out-of-state businesses. A federal appeals court, in its strong opinion for the State of Michigan, has upheld the statutory authority of the Michigan Liquor Control Commission (MLCC) to regulate alcohol distribution through its three-tier distribution system that protects the business interests of in-state retailers through fair competition and prioritizes public health and safety.

“This decisive ruling is a significant victory for Michigan retailers, our business community and consumers,” said MLCC Chair Pat Gagliardi, on behalf of all MLCC Commissioners. “We are very pleased with this unanimous decision that continues to ban out-of-state retailers who want to bypass our three-tier distribution system to poach business from Michigan retailers.”

In *Lebamoff Enterprises v. Gretchen Whitmer, Dana Nessel, and Pat Gagliardi* (No. 18-2199-2200), the U.S. Sixth Circuit Court of Appeals upheld the MLCC’s restriction on out-of-state retailers delivering alcohol directly to Michigan consumers. Reversing the lower court’s opinion that would have extended the delivery rights to retailers nationwide, the Sixth Circuit concluded that the challenged statute permissibly regulates the importation of alcohol and protects the health, safety, and welfare of Michigan citizens. The decision validates Michigan’s regulatory authority

to funnel alcohol that enters Michigan through in-state wholesalers and protects in-state retailers from unfair competition from out-of-state retailers not subject to Michigan’s laws.

The suit, filed by a Fort Wayne, Indiana wine retailer and three Michigan wine enthusiasts, asserted that Michigan could not allow its licensed retailers to deliver alcohol to Michigan consumers without also allowing out-of-state retailers to ship directly to Michigan consumers, even though the out-of-state retailers would be bypassing Michigan’s required wholesaler tier of distribution.

The unanimous, 3-0 decision of the Sixth Circuit panel on April 21, 2020, affirmed the validity of Michigan’s retailer-delivery statute and the State’s authority under section 2 of the 21st Amendment and that the law has the predominant effect of protecting public health and safety.

The Court noted that the three-tier system of alcohol distribution has been a key part of state efforts to control the flow of alcohol since the end of Prohibition in 1933. In particular, the Court observed that wholesalers (or in the case of hard liquor, the State itself) play a key role in that three-tier system, and the 21st Amendment allows states to funnel alcohol sales from suppliers through in-state distributors to licensed retailers.

One of the key goals of the three-tier system is to balance the availability of alcohol to consumers against excessively low prices that could

overstimulate consumption. By upholding the statute, the Court preserved Michigan’s authority to prevent out-of-state retailers like Lebamoff—unfettered by Michigan’s regulatory requirements—from undercutting Michigan retailer prices and “escaping” the State’s interests in limiting consumption.”

The Court also recognized that states may require retailers to be located in the state, and that to ensure regulatory compliance, the MLCC conducted more than 18,000 retailer inspections in 2016 alone. The Court concluded that Michigan had presented sufficient evidence to show that requiring in-state presence serves the public health and that the plaintiffs failed to “sufficiently refute” that evidence.

The Court stated that in-state retailers “all live with the bitter and sweet of Michigan’s three-tier system—the bitter of being able to buy only from Michigan wholesalers . . . and the sweet of being subject only to intrastate competition.” By avoiding purchasing alcohol from Michigan wholesalers “Lebamoff seizes the sweet and wants to take a pass on the bitter.” But allowing states to funnel alcohol sales through the wholesaler tier is “precisely what section 2 is for.”

It is the mission of MLCC to make alcoholic beverages available for consumption while protecting the consumer and the general public through regulation of those involved in the importation, sale, consumption, distribution, and delivery of these alcohol beverage products. ■



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Grocer Checks Shoppers' Temperatures

It's one more way to help curb COVID-19, Connecticut grocery chain says



■ BY NACS ONLINE

Numerous retailers are taking employees' temperatures before they go on duty, *NACS Daily* has reported, but a Connecticut grocery has joined a smattering of retailers that also are checking shoppers' temperatures before they enter stores.

LaBonne's of Woodbury, Connecticut, is a four-store chain not far from New York City, which has been hit hard by COVID-19. Recently, the supermarkets started screening customers for fevers before they go inside to shop, reports *GroceryDive.com*.

Bob LaBonne Jr., President and CEO, has no hesitation about taking people's temperatures before letting them in. "There is no playbook for how to run a grocery store in a pandemic," he said. "I wake up and ask myself several times a day what else can I do to keep my people, their families, and my customers and communities safe," he said.

Workers at LaBonne's Markets began checking the temperature of every customer on April 7th, using thermometers that don't

touch the skin. Anyone registering a temperature of 100.4 degrees Fahrenheit or above, employees and vendors included, is barred from entering. No exceptions.

"It's not an option. It's not, 'Can I take your temperature?' It's, 'Excuse me, but I have to take your temperature,'" LaBonne said. "I'm hoping the whole process of checking temperature raises the awareness of, 'Hey, if you're sick, stay home, go see a doctor, take proper steps.'"

The company has been promoting its curbside pickup and home delivery options to customers. The grocer also put a 40-foot container with refrigerated space and an office outside the chain's Salisbury, Connecticut store. Business recently tripled due to an influx of New Yorkers escaping the city.

LaBonne has heard complaints that his efforts provide a false sense of security. "That's true. People can be asymptomatic, but if someone does have a fever and the test says they have it, it's one less person that can walk around and potentially infect another customer or one of my associates," he said. "It's not 100%, but it's more than my competition is doing, that's for sure."

In addition to the temperature checks, LaBonne's 400-plus employees are required to wear face masks, which he provides. So far, there is no requirement for customers to wear masks. "If I had them to give out, I would give them

out," he said. "But they're in short supply, and I want to be sure that the medical people have them."

A few other stores are taking similar measures. Last month, the six City Farmers Market stores in Georgia began using sensors that remotely beam the temperature of each shopper to a screen as they walk past it. If someone appears to have a fever, a store employee will take the shopper aside and perform another check with a handheld thermometer. Store personnel will offer to bring groceries to anyone told they cannot enter the store.

Menards, a Midwestern home improvement chain that carries a selection of groceries, began checking the temperature of customers at a store in Eau Claire, Wisconsin, on April 1, using a handheld thermometer that doesn't need to touch an individual's skin to function.

Grocery foot traffic nationwide has moderated in recent weeks following a mid-March surge in panic buying. That makes it easier for retailers to control customer inflow, but telling customers they can't enter stores, and then actually enforcing the rule without putting employees and others in danger, could be challenging.

"Checking the temperatures of shoppers would help protect both grocery workers and shoppers," said John Logan, professor and director of labor and employment studies at San Francisco State University. "But it's likely that not all shoppers would agree to this." ■



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Western's Smokehouse LLC (503) 551-8799

COFFEE

Goodwest Industries, LLC (Bulk Cream/Iced Coffee)
1-800-948-1922
Ronnoco Coffee, LLC (314) 371-5050

CONTRACTORS & CONSTRUCTION

Duraguard Commercial Roofing (810) 730-2532

COUPON REDEMPTION/MONEY TRANSFER/ BILL PAYMENT

MIRA Coupon Redemption 1-800-666-6233
..... (405) 525-9419
DivDat Kiosk Network (248) 399-0715
Fairway Pay, LLC (833) 321-7929

CREDIT CARD PROCESSING

MIRA Credit Card Processing 1-800-666-6233

DELI & MEAT MANUFACTURERS & DISTRIBUTORS

Lipari Foods, Inc. (586) 447-3500
Concord Premium Meats Ltd. (905) 738-7979
Dearborn Sausage Co. (313) 842-2375
Premier Snacks Distributors (248) 289-1088
Harvest Sherwood (313) 659-7300
Wolverine Packing Company (313) 259-7500

ENERGY, LIGHTING & UTILITIES

DTE Energy 1-800-477-4747
DTE Your Energy Savings 1-855-234-7335
Mid-American Energy Services, LLC (563) 333-8570
Running Right (248) 884-1704
U.S.E.C. LLC (713) 772-0446

FOOD EQUIPMENT, MACHINERY & KIOSKS

Culinary Products, Inc. (989) 754-2457
Taylor Freezer/Broaster Chicken (734) 525-2535

FOOD MANUFACTURER

Barilla America (847) 405-7575
Nino's LLC (847) 685-0478
Pastificio Fabianelli SPD luca@fabianelli.it

FRANCHISING OPPORTUNITIES

DCT Enterprises-Little Caesars Pizza (989) 792-0322
Jopatico-Little Caesars Pizza (989) 686-3600

FURNITURE

Matress Firm (248) 218-0606

GAS STATION BRANDING & MAINTENANCE

Oscar W Larson Co. (248) 620-0070

GASOLINE WHOLESALE

Central Ohio Petroleum Marketers (614) 889-1860
High Pointe Oil Company, Inc. (248) 474-0900
Markham Oil Company, Inc. (517) 861-7366
Obie Oil, Inc. (937) 275-9966
Teer Management LLC, Exxon Mobil (810) 584-7975

GREETING CARDS

Leanin' Tree 1-800-556-7819 ext. 4183

GROCERY WHOLESALE & DISTRIBUTORS

Lipari Foods, Inc. (586) 447-3500
D&B Grocers Wholesale (734) 513-1715
International Wholesale (248) 353-8800
SpartanNash (616) 878-2248
T.I. Spices, Inc./Amal Distributing (586) 790-7100
UNFI West Region (262) 942-3387
Value Wholesale Distributors (248) 967-2900

HISPANIC PRODUCTS

La Preferida, Inc. (773) 254-7200

HOTELS, CONVENTION CENTERS & BANQUET HALLS

Genoa Banquet Center (517) 545-1000
Penna's of Sterling (586) 978-3880
Petruszello's (248) 879-1000
Suburban Collection Showplace (248) 348-5600

ICE CREAM SUPPLIERS

Nestle DSD (Small format only) (616) 291-8999
 Prairie Farms Ice Cream Program 1-800-399-6970 ext. 200
 Velvet Ice Cream Co. (740) 892-3921
Blue Bunny Ice Cream (616) 453-6358
Cedar Crest Dairy, Inc. (616) 797-1103

ICE PRODUCTS

U.S. Ice Corp. (313) 862-3344
Arctic Glacier Premium Ice 1-800-327-2920
Home City Ice (513) 598-3738
Taylor Ice Co. (313) 295-8576

IMPORTERS & DISTRIBUTORS

Via Volare Imports 1-847-258-4502

INSURANCE SERVICES: COMMERCIAL

Conifer Insurance Company (Liquor Liability) (248) 559-0840
Globe Midwest/Adjusters International (248) 352-2100
Insurance Advisors, Inc. (248) 694-9006

INSURANCE SERVICES: HEALTH & LIFE

BCBS of Michigan (313) 448-2756
 Blue Care Network (248) 799-6300
Business Benefits Resource, LLC (248) 482-8282

INSURANCE SERVICES: WORKERS' COMPENSATION

Conifer Insurance Company (248) 559-0840
 CareWorks 1-800-837-3200 ext. 7188

LEGAL SERVICES

Bellanca Beattie, PC (313) 882-1100
Cummings, McCloy, Davis & Aho, PLC (734) 261-2400
Dawda, Mann, Mulcahy & Sadler, PLC (248) 642-6961
Denha & Associates, PLLC (248) 265-4100
Kullen & Kassab, PC (248) 538-2200
Lippitt O'Keefe Advisors, LLC (248) 646-8292
Willingham & Cote, PC (517) 351-6200

LIQUOR SHELF TAGS

 Saxon, Inc. **M**(248) 398-2000

LOTTERY

All-Star Gaming (855) 772-4646
IGT Global Solutions (517) 272-3302
Michigan Lottery (517) 335-5648
Ohio Lottery 1-800-589-6446

MILK, DAIRY & CHEESE PRODUCTS

 Borden Dairy **Q**(216) 214-7342
 Lipari Foods, Inc.(586) 447-3500
 Prairie Farms Dairy Co. **M**(248) 399-6300
Cedar Crest Dairy, Inc.(616) 797-1103
LaLa Branded Products (*Lipari*)1-866-648-5252
Harvest Sherwood (313) 659-7300

MONEY ORDERS

 Retailers Express Money Orders 1-800-666-6233

OFFICE SUPPLIES & PRODUCTS

 Office Depot(855) 337-6811



PAPER PRODUCTS & PACKAGING SUPPLIES

Cartotecnica Cambianese Srl
daniele@cartotecnicaCambianese.it
YPV Distribution (847) 718-1101

PET SUPPLIES MISC.

 Great Lakes Pet Treats(810) 715-4500

PIZZA SUPPLIERS

 Omni Food Concepts **M Q** 1-888-367-7829
 Tringale's Pizza Pinwheels (*Lipari*)(248) 943-5090
Hunt Brothers Pizza (615) 259-2629

POINT OF SALE & RETAIL TECHNOLOGY

 Great Lakes Data Systems (*LOC Software*)
..... (248) 356-4100 ext. 107
 Petrosoft LLC(412) 306-0640
BMC-Business Machines Company (517) 485-1732


PRINTING, PUBLISHING & SIGNAGE

 Saxon, Inc. **M**(248) 398-2000
CLE Billboards (216) 801-9924
Fisher Printing (708) 598-1500
Pace Custom Printing.(248) 563-7702


PRODUCE DISTRIBUTORS

Anthony Marano Company (773) 321-7500

PROPANE

 Blue Rhino (989) 345-0170
Pinnacle Propane Express.(847) 406-2021

REAL ESTATE

 Sell Your Business Program. 1-800-666-6233
NAI Farberman (248) 351-4386
Trade World Consulting. (614) 332-8762

REFRIGERATION SOLUTIONS (COMMERCIAL)

Cooler Fabrications 1-800-396-1480
Raves Cooler Doors (248) 887-0648
Sprint Business (248) 893-8017

RETAIL CONSULTING

White Knight Marketing. (901) 494-1352

RETAIL FIXTURES, DISPLAYS & FLOORING

 Display Max.(810) 494-0400
Mitchell's Flooring. (248) 887-4864


REVERSE VENDING MACHINES & SERVICE


UBCR, LLC. (248) 529-2605

SECURITY, SURVEILLANCE & MORE

Netco Services (248) 850-2228

SODA POP, WATER, JUICES & OTHER BEVERAGES

 Coca-Cola Refreshments (*Metro Detroit program*)
..... Metro Detroit **M** (313) 868-2008
..... Belleville **M** (734) 397-2700
..... Flint **M** (810) 237-4000
..... Cleveland **Q** (216) 690-2653

 Faygo Beverages, Inc. **M**(313) 925-1600
Amica Tea LLC (312) 796-7445
Boom Boom Energy (313) 722-2221
Monster Energy Company (800) 426-7367
Pepsi Beverages Detroit 1-800-368-9945
..... Howell 1-800-878-8239
..... Pontiac (248) 334-3512
..... Cleveland (216) 252-7377
..... Twinsburg (330) 963-5300
Smart Life LLC (248) 466-0770

TOBACCO ALTERNATIVES

Feel Good Labs/Star Pods (216) 854-0090
Grinds Coffee Pouches. (412) 414-3155
JUUL Labs. (415) 299-7341
Swisher International (904) 607-7405

TOBACCO COMPANIES & PRODUCTS

Altria Client Services (513) 831-5510
R.J. Reynolds Tobacco Company (336) 741-0727
Xcaliber International (918) 824-0300


UNIFORMS, LINENS, WORK WEAR & SUPPLIES

 Detroit Chemical & Paper Supply /
1st Impressions (586) 558-8805
 UniFirst Corporation (888) 256-5255 ext. 232
Socks Galore Wholesale (248) 545-7625

WASTE DISPOSAL & RECYCLING

 Midwest Recycling **M Q** (*Clothing recycle boxes*)
.....(313) 304-9099
Commercial Waste Systems (*Cardboard recycling buyers*)
..... (219) 663-5678
Stamper Facility.(586) 228-6500

WINE & SPIRITS COMPANIES

 Benchmark Beverage Co. 1-800-666-6233
Broken Shed Distilleries (914) 282-0457
Cheurlin Champagne. (312) 929-2699
Cornerstone Wine Distributor (586) 839-2552
Diageo (517) 349-3790
Endless West (313) 590-7491
Heaven Hill Distilleries 1-800-348-1783
Luxco (313) 333-4637
Proximo Spirits (810) 278-0599
Remy Cointreau USA (248) 347-3731
Tenute Delogu info@tenutedelogu.com
Vision Wine & Spirits. (312) 320-4445

WINE & SPIRITS DISTRIBUTORS

European Wine Imports of Ohio, LLC (216) 426-0979
Great Lakes Wine & Spirits 1-888-860-3805
Lagniappe Beverage (773) 358-2344
RNDC of Michigan 1-888-697-6424

FOOD RESCUE / FOOD BANKS

MICHIGAN

Feeding America West Michigan Food Bank
..... (616) 784-3250
Feeding America West Michigan Food Bank -
Benton Harbor (269) 983-7229
Feeding America West Michigan Food Bank -
Cadillac (231) 779-0056
Feeding America West Michigan Food Bank -
Ishpeming (906) 485-4988
Feeding America West Michigan Food Bank -
Sault Ste. Marie (906) 632-0348
Food Bank of Eastern Michigan (810) 239-4441
Food Bank of South Central Michigan .. (269) 964-3663
Food Gatherers (734) 761-2796
Forgotten Harvest (248) 967-1500
Gleaners Community Food Bank (866) GLE-ANER
Greater Lansing Food Bank (517) 908-3680
Kalamazoo Loaves & Fishes (269) 343-3663
The Manna Food Project (231) 347-8852
Western Upper Peninsula Food Bank ... (906) 482-5548

OHIO

Akron-Canton Regional Foodbank (330) 535-6900
Cleveland Foodbank (216) 738-2265
The Foodbank, Inc. (937) 461-0265
Freestore Foodbank (513) 482-4500
Mid-Ohio Foodbank (614) 274-7770
SE Ohio Foodbank & Kitchen (740) 767-4500
Second Harvest Food Bank of Clark, Champaign and
Logan Counties (937) 325-8715
Second Harvest Food Bank of North Central Ohio
..... (440) 960-2265
Second Harvest Food Bank of the Mahoning Valley
..... (330) 792-5522
Shared Harvest Foodbank (800) 352-3663
Toledo Northwestern Ohio Food Bank ... (419) 242-5000
West Ohio Food Bank (419) 222-7946

ILLINOIS

Central Illinois Foodbank (217) 522-4022
Eastern Illinois Foodbank (217) 328-3663
Greater Chicago Food Depository (773) 247-3663
Northern Illinois Foodbank (630) 443-6910
Peoria Area Food Bank (309) 671-3906
River Bend Foodbank (563) 345-6490
St. Louis Area Foodbank (314) 292-6262
Tri-State Foodbank (812) 425-0775





JUNE 16, 2020

**MIDWEST INDEPENDENT RETAILERS
FOUNDATION'S 12TH ANNUAL
SCHOLARSHIP LUNCHEON**

Every year, the Midwest Independent Retailers Foundation awards academic scholarships in the amount of \$1,500 each to extraordinary and deserving students in Michigan, Ohio and Illinois. Help the MIR Foundation invest in the leaders of tomorrow. Tickets and sponsorship opportunities available. *Detroit Athletic Club // Detroit, MI*



JUNE 18, 2020

**MIRA'S 15TH ANNUAL OHIO GOLF
OUTING**

This outing is a social event where retailers, wholesalers, manufacturers and service providers all come together to have a little competitive fun. A day on the course includes breakfast, dinner and 18 holes of golf!

Shale Creek Golf Club // Medina, OH



JULY 15, 2020

**MIRA'S 44TH ANNUAL MICHIGAN
GOLF OPEN**

A day on the course includes breakfast, lunch, 18 holes of golf and samples at every hole! Last year we sold out! Sponsorship opportunities are available.

Fox Hills Golf & Banquet Center // Plymouth, MI



SEPTEMBER 22, 2020

**MIRA'S 22ND ANNUAL HOLIDAY
FOOD & BEVERAGE BUYING SHOW**

As Michigan's largest liquor show, retailers and on- and off-premise licensees come from miles to see, sample and buy a wide variety of new products. Admission for MIRA members is free. Must be 21 years or older to attend this show.

Suburban Collection Showplace // Novi, MI

publishers statement

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