



AT THE PUMP & DOWN THE AISLE

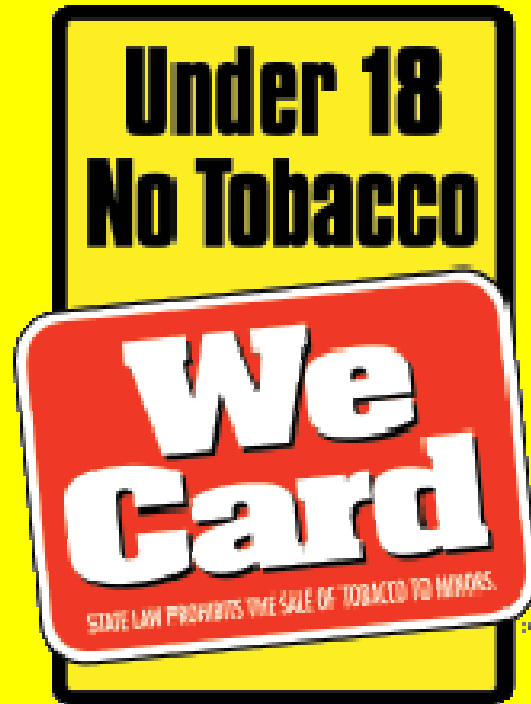
PROVIDING LIFE'S ESSENTIALS TO WEST VIRGINIA-
FUEL , FOOD & CONVENIENCE

September 2015

Number 653

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Employees
Trained?*

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one way we stand out!



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For Brand and Wholesale opportunities visit
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Fueling the American Spirit.

From the President ...



As we go to print, we are putting the final touches on the **Children's Charity Golf Outing** at Stonewall Resort. We are very pleased with member participation in this tournament, which raises funds for the Children's Home Society of WV. Look for results from this campaign soon!

As reported last month, September is **We Card Awareness Month**. Governor Tomblin issued a proclamation recognizing this very important month for our industry. Are your employees trained? It is important to make sure that they are. We have to do a better job of not selling to minors! Order your training and POS items from We Card at www.wecard.org.

We have set the dates for our **UST Re-Certification Seminar**, which will be October 20 - 22 at the Charleston Civic Center. All licensees were mailed registration materials. If you need to recertify but didn't receive this information, please contact the Association Office.

We will be publishing a **new membership directory** this year. If you need to update your information, but haven't done so, please do so ASAP. We will be going to print in October. There is also ad space available for this publication. Contact Traci Nelson at traci@omegawv.com for more information.

This month **Traci Nelson** celebrates 20 years with OMEGA! Time sure has passed quickly! I hope you will join me in congratulating Traci on 20 years and wishing her 20 more!

Jan

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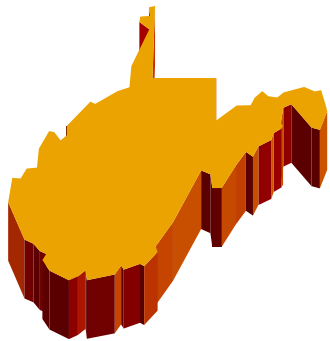
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West Virginia News

Coalfield Layoffs Draining State Unemployment Trust Fund

Having the highest unemployment rate in the nation is beginning to have a negative impact on the state's Unemployment Trust Fund.

West Virginia's seasonally adjusted unemployment rate increased in August rose for the eighth straight month, increasing from 7.5 percent to 7.6 percent. The number of unemployed state residents increased 700 to 59,800. The national unemployment rate decreased two-tenths of a percentage point to 5.1 percent. West Virginia's not seasonally adjusted unemployment rate decreased one-tenth of a percentage point from 7.6 percent to 7.5 percent.

Most of the current unemployment situation is blamed on layoffs in the coal industry.

The trust fund ended 2010 at \$76 million coming off the recession. West Virginia, unlike many other states, was able to keep its trust fund solvent. Many states had to borrow money during the recession to cover unemployment and that's now being paid back with a special fee.

In 2009, the legislature passed a bill that raised the base wage rate from \$8,000 to \$12,000 a year. It froze the benefit rates and provided a one-time cash infusion, Carenbauer said.

Nohe Leaves Senate to Take Position on State Parole Board

Wood County's David Nohe has resigned his seat in the state Senate to become a member of the state Parole Board. There are more than two years left on Nohe's term. His replacement should have political experience, he said. The 3rd Senatorial District executive committee will make recommendations to the governor who will choose Nohe's replacement.

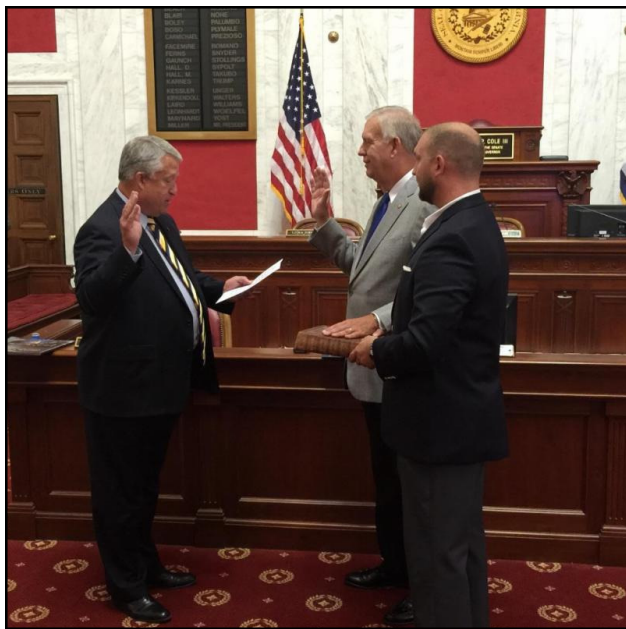
Senator Nohe was a huge supporter of our industry and we will miss him.

Governor Tomblin Appoints Delegate Bob Ashley to Represent 3rd District in WV Senate

Gov. Earl Ray Tomblin has announced the appointment of Delegate Bob Ashley to represent residents of the 3rd District in the West Virginia Senate. Ashley's appointment

fills the vacancy created when former Senator David C. Nohe resigned to serve on the West Virginia Parole Board. The governor's appointment is effective immediately.

OMEGA & WVTA wrote a letter to the Governor on Senator Ashley's behalf in support of his appointment.



Tax Reform Committee Was Updated on Sin Taxes

In a presentation on the 15th of September committee members were told that West Virginia ranks third in the United States in the percentage of state revenue that comes from so-called "sin taxes". This 11 percent is funded by gambling, alcohol and tobacco. Only Rhode Island and Nevada receive a bigger percentage of their state revenues from sin taxes. Nationally, state sin taxes account for approximately 3.8% of state tax revenues.

On the lottery side most of the money comes from casino and video lottery. Lottery has faded from its peak year of 2009 but still provides the state more than \$500 million a year in revenue.

On cigarettes we have the 6th lowest tax in the country at 55-cents-a pack. Jared Walczek, a policy analyst for the Washington, D.C. based Tax foundation said that increasing the state's cigarette tax from 55 cents to \$1.50 a pack would increase cigarette tax collections from the current \$100.4 million a year to about \$121 million. He stated that states that have increased cigarette taxes have seen decreases in consumption, increases in smuggling and increases in purchases across state lines to lower-taxed state.

He also stated that because of the relatively low costs, about 20 percent of all cigarettes purchased in West Virginia are re-sold elsewhere. Conversely, in New York City, with the nation's highest cigarette tax, at \$5.85 a pack, estimates are that half of all cigarettes sold there are smuggled.

Jared did state that there is "a strong case to be made against the idea of imposing a new, specific tax on vapor products at all, since, from a public health standpoint, these products –often utilized as a substitute for traditional cigarettes – are widely held to produce less adverse health outcomes, and therefore impose lower societal costs, than cigarettes."

Liz Pardue, tax analyst for the Department of Revenue covered alcohol taxes for the committee. She said that West Virginia's 18-cent-per-gallon excise tax on beer is below the national average of 29 cents. However, the state's \$1-per-gallon excise tax on wine is above the 84-cent national average, and higher than most neighboring states.

West Virginia Alcohol Beverage Control Administration operates as the state's liquor wholesaler, selling liquor to retail outlets at a 28 percent mark-up, producing about \$16 million a year in revenue.

While the tax on beer is relatively low, beer accounted for 69 percent of all alcohol taxes collected in the 2013-14 budget year with liquor accounting for 20 percent and wine at 11 percent. Beer tax collections decreased from about \$7.6 million in 2010 to \$7.4 million in 2014, while sales taxes collected on beer purchases increased from \$23 million to \$24 million during that period, suggesting a sales trend toward higher-priced beer.

Presentations from this meeting can be found at: Alcohol Taxes and Wholesale Markups - http://www.legis.state.wv.us/legisdocs/2015/committee/interim/TAX/TAX_20150915091351.pdf and ToBacco Tax Presentation: http://www.legis.state.wv.us/legisdocs/2015/committee/interim/TAX/TAX_20150916140600.pdf

Tax Reform News

West Virginia receives about \$4.7 million a year in tax payments from out-of-state retailers who voluntary participate in a sales tax agreement among states, but loses an estimate \$103 million a year on online sales to state residents where no sales tax is collect.

Our consumers sales tax is one of the state's major revenue sources, bringing in more than \$1.3 billion a year.

We currently have 72 categories of sales tax exemption in state law for various goods and services. Sales tax exemptions for professional services amount to at least \$145 million a year , while exemptions for personal services and other services top \$93 million a year.

Because of low gas prices this year, it appears that the fuel tax will I adjust downward next January by about 1 ¾ percent. This is expect to save the average West Virginia driver about \$10 to \$11 over the next year but will cost the state about \$20 million in Highway funding.

(Continued from Page 5)

Jason Pizatella and Jan Vineyard spoke to the legislature on Monday, September 14th outlining the Blue Ribbon Commissions report.

WV Briefs

Recently Jan Vineyard had the honor of representing OMEGA and IIAWV at The Business Summit. Here are some quotes from that event:

Quotes from Dr. Arthur Laffer, former presidential economist, ..."You can't tax an economy into prosperity." "If you tax people who work and pay people who don't work, don't be surprised to find a lot of people not working."

Dr. E. Gordon Gee, president, WV University ..."Big ideas and big change starts at home. Out state is about talent and culture. We have been a net exporter of talent. We have to create jobs to keep (people) here.

MetroNews West Virginia Poll Finds Solid Support for Right-to-Work Law

Fewer West Virginians back right-to-work or open-shop laws compared with views nationally, according to new numbers from the MetroNews West Virginia Poll, but there remains widespread support for the concept in the Mountain State.

Some 60 percent of the likely West Virginia voters questioned said they would favor such a law, 23 percent said they would be against such a law and 17 percent were undecided.

The question posed: "As you may or may not know, some states have passed right to work laws that say each worker has a right to hold a job in a company, no matter whether he joins a labor union or not. If you were to vote on such a law, would you vote for it or against it?"

In a national Gallup poll conducted in August 2014, 71 percent said they would support such a law, 22 percent were against it while 7 percent were undecided.

Respondents were asked to say where they aligned on an opinion scale between the following two questions: 1. "Mr. Smith says that no American should be required to join a private organization, like a labor union, against their will." 2. "Mr. Jones says that all workers share in the gains won by the labor union, all workers should have to join and pay dues to give the union financial support."

On the scale, 47 percent said they were much closer to Smith and 22 percent a little closer. For Jones, 14 percent said they were much closer and 11 percent were a little closer. Six percent were not sure.

In all, 61 percent of those questioned had at least heard of right to work or open shop laws, according to the poll numbers released on Monday's MetroNews "Talkline."

(Continued from Page 5)

More than two dozen other states already have right to work laws. An effort to add West Virginia to that list stalled during the 2015 legislative session.

As proposed, the bill would have prohibited any requirement that a person become or remain a member of a labor organization as a condition of employment; prohibited a requirement that any dues or fees be paid to a labor organization and prohibited any requirement that a person contribute to a charity instead of paying dues or other fees to a labor organization.

The proposal would have allowed for exceptions for federal employers and employees, employers and employees covered by the federal Railway Labor Act, employers and employees on exclusive federal enclaves or where there would be another conflict with, or preempted by, federal law.

The MetroNews West Virginia Poll from Repass Research and Strategic Consulting included a sampling of 402 likely West Virginia voters who were contacted and questioned between Aug. 19 and Aug. 30 via random digital dialing, landline phone, cell phone and opt-in Internet panel.

Created in January 1980, the West Virginia Poll is a non-partisan survey of public opinion. For the first time, MetroNews is partnering with Repass for the poll ahead of the 2016 primary and general elections.

State Home Rule Board Approves Six New Cities

The state Home Rule Board has approved applications from six new cities.

Beckley, Grafton, Princeton, Moundsville, Oak Hill and St. Albans have joined nearly two dozen West Virginia cities that have already been granted home-rule status.

The Municipal Home Rule Pilot Program was created in 2007 and began with four cities: Charleston, Huntington, Wheeling and Bridgeport. In October 2014, the Home Rule Board accepted 16 more cities including: Bluefield, Buckhannon, Charles Town, Clarksburg, Dunbar, Fairmont, Martinsburg, Milton, Morgantown, Nitro, Parkersburg, Ranson, Shinnston, South Charleston, Vienna and Weirton.

Orion Strategies Polls 406 Respondents

Orion Strategies recently did a poll with some interesting results:

- ◆ **Would you support raising gas tax to fund roads/bridges/infrastructure?**
Yes 35 No 58 Undecided 7

- ◆ **Would you support increasing DMV fees to raise revenue for infrastructure?**
Yes 46 No 46 Undecided 8

Results from 406 respondents, proportional to all three congressional districts with respondents being 54% Democrat, 34% Republican 14% Independent

Politics Are LOCAL - We Need Your help!

It appears that everyday municipalities and counties across West Virginia are getting more and more into the regulation of our businesses. For example:

Charleston City Council introduced Bill No. 7664 on September 8th that amends the Zoning Ordinance adding a conditional use permit in two districts. They are wanting to be able to deal with public nuisance issues.

A proposal to fix Monongalia County's roads by establishing a surcharge on alcohol and tobacco products was discussed during the Monongalia County Commission's meeting on Wednesday, July 22. The sin tax would range from 10 to 25 cents per item, whether it's a six pack of beer, a glass of wine at a restaurant, a pack of cigarettes or a pint of liquor. According to Bloom, the proposed additional sin tax is a measure the legislature could consider as either a pilot project for Monongalia County or a statewide project, with counties choosing to be a part of the program.

We need your help. We can't possibly keep track of everything at the city and county level. If you hear of an issue please advise us so that we can get involved.

Together we can make a difference!



Federal Issues

Busy Legislative Calendar to Continue this Fall

While this summer was one of the busiest legislative periods, especially for energy issues, in recent years, this fall is expected to be even busier. The 2015 fiscal year ends on September 30, meaning that if Congress does not pass a full appropriations bill or a short-term continuing resolution ("CR") by the end of the fiscal year, it will have another government shutdown on its hands. Congress also has a limited amount of time on the agenda given the Pope's visit in a few weeks and handling the Iranian nuclear deal.

Senate Majority Leader Mitch McConnell (R-KY) has stated that there will be no government shutdown; however, McConnell may face challenges from inside his own party in seeing this promise through. The funding (or defunding) of Planned Parenthood will continue to be a big issue in the appropriations debates.

Also looming on the horizon this fall are estimates from the Treasury Department that the country will hit the debt ceiling somewhere late in October or early November. There has yet to be much discussion about how Congress will handle this issue. As with the budget, McConnell has stated that Congress will act and the U.S. will not default on its debt. However, the partisan nature of debate around the debt ceiling will certainly line this up as another challenging issue for Congress to face this fall.

Regarding highway funding, it remains to be seen whether, amongst the many other high profile and partisan issues it will be facing, Congress will be able to come together on a long term highway plan or whether another short term patch will be in the works. (see article below on the highway trust fund).

Members of both parties have expressed an interest in passing a tax extenders package to create some semblance of tax certainty before the end of the year; however, it is not clear where the extender bill will be placed in the pecking order of issues for Congress to address this fall.

NLRB General Counsel: Unions Can Now Use Electronic Signatures on Authorization Cards

Unions no longer will need to gather employees' signature on authorization cards before they file a petition with the National Labor Relations Board (NLRB) for a representation election, according to a memorandum issued by NLRB General Counsel Richard Griffin. Memorandum 15-08 states that effective immediately, unions filing petitions will be allowed to submit and the Board will accept, "electronic signatures in support of a showing of interest if the Board's traditional evidentiary standards are satisfied."

As Griffin pointed out, when the NLRB voted to adopt its amended elections rule in December 2014, commonly known as the "ambush election" regulations, the agency made it clear that additional changes to union election procedures were very likely. The Board held at that time that its regulations, as they currently existed, were "sufficient to permit the use of electronic signatures" to form the basis for showing appropriate interest required when a petition for election is filed. The Board gave the General Counsel the responsibility "to determine whether, when and how electronic signatures can be practically accepted" and to "issue guidance on the matter."

According to the memorandum, for an electronic signature to be acceptable and considered, the minimum requirements are as follows:

1. the signer's name;
2. the signer's e-mail address or other known contact information (e.g., social media account);
3. the signer's telephone number;

4. the language to which the signer has agreed (e.g., that the signer wishes to be represented by ABC Union for purposes of collective bargaining or no longer wishes to be represented by ABC Union for purposes of collective bargaining);
5. the date the electronic signature was submitted; and
6. the name of the employer of the employee.

Griffin's memorandum further explains the procedures for submission of a showing of interest based on electronic signatures as follows:

"A party submitting electronic digital signatures must submit a declaration (1) identifying what electronic signature technology was used and explaining how its controls ensure: (i) that the electronic signature is that of the signatory employee, and (ii) that the employee signed the document; and (2) that the electronically transmitted information regarding what and when the employee signed is the same information seen and signed by the employees.

"When the electronic signature technology being used does not support digital signatures that lend itself to verification as described... above, the submitting party must submit evidence that, after the electronic signature was obtained, the submitting party promptly transmitted a communication stating and confirming all information listed [in the above six minimum requirements]."



BrickStreet Discount Program

Effective March 1st, our discount is 2.3% on workers' compensation premiums through BrickStreet. Have you checked with your agent to see if you qualify?



Convenience Store News

New Food-Stamp Rules Could be Felt in Convenience Stores

Convenience stores will have to start stocking a variety of “staple foods” alongside the snacks and fountain drinks if they want to keep accepting food stamps, under a little-noticed section of the federal farm bill.

The provision, tucked into the nearly 1,000-page bill signed into law Feb. 7 by President Barack Obama, would require that stores increase the “depth of stock” in four of those staples: bread or cereals, vegetables or fruits, dairy products, and meat, poultry or fish.

Lyle Beckwith of the National Association of Convenience Stores said most members of the group’s board of directors have told him they will carry more items if it is necessary to comply with the Supplemental Nutrition Assistance Program – SNAP, or food stamps.

“It will really come down to the individual store, whether they benefit from SNAP or not,” said Beckwith, the association’s senior vice president of government relations.

He said some stores may choose to increase their stock regardless of the amount of food stamps they accept, while others may see the costs outweigh the benefits.

Under the changes to the Food and Nutrition Act of 2008, convenience stores that accept food stamps will now have to have at least seven items in each category of staple foods, up from three items per category that were required before. The changes also would require a perishable food item in at least three of the categories, up from two categories previously.

New Study Reveals Debit Card Impact on Merchants

A new Federal Reserve Bank of Richmond study reveals the impact of regulations on debit card swipe fees contained in the Durbin Amendment to the Dodd-Frank Act. The study showed 90% of merchants had not seen any savings, did not know or saw their costs actually rise—the opposite effect Congress envisioned when it passed debit reform five years ago.

“The Richmond Fed report should be a wake-up call for the U.S. Federal Reserve,” said Lyle Beckwith, senior vice president of government relations at NACS. “Ninety percent of merchants having their fees stay the same or go up makes no sense when Congress recognized that the price-fixed fees were too high already.”

Under the Durbin Amendment, Congress required the U.S. Federal Reserve to impose rules to make the market more competitive and exorbitant fees more reasonable. However, the Fed bowed to heavy pressure from the big banks and introduced only half-measures. For instance, the Fed doubled its own original estimate of a fair fee on a debit transaction and for some small transactions, the fees increased.

According to the Merchants Payments Coalition (MPC), of which NACS is a founding member, figures the banks themselves report to the Fed, show that they still earn a 500% profit on debit fees, which they charge merchants every time a customer swipes a debit card to pay for something. These fees, set by MasterCard and Visa for their member banks so the banks don’t have to compete, raise prices for consumers, hurt small retailers and slow the entire economy.

The Fed’s rules have failed to create the result Congress intended: A fair, competitive market that looks like the rest of our free-market system.

Right Decisions Right Now Youth Tobacco Prevention Program Launches Website Enhancements

Right Decisions Right Now: Be Tobacco Free (RDRN), a free, evidence-based youth tobacco prevention program, has made major enhancements to its website, offering a more user-friendly experience for educators, parents and community groups.

"Any teacher, parent, coach or youth leader can access this successful online program free of charge, and now we've made it both easier to navigate and more intuitive with our redesign of the website," said Steve Curl, a public-policy director involved in efforts to help prevent youth tobacco use on behalf of R.J. Reynolds Tobacco Company, which funds RDRN.

RDRN provides the tools educators need to convey a strong anti-tobacco message to students in grades five through nine. The program also provides valuable information and tools to parents, grandparents and community leaders.

The RDRN program and supplementary educational materials such as videos and posters can be downloaded from the website to computers, smart boards and mobile devices, and are used to teach middle-school students about the risks of using tobacco products. The program is designed to empower students to make good decisions, including the decision not to use any form of tobacco, and to give them the knowledge to live a healthy lifestyle.

More than 20,000 middle schools across the country have used the RDRN program since it was independently developed more than 20 years ago. The program is also used by community groups such as Boy Scouts of America; Big Brothers, Big Sisters; and the Crosby Scholars Program.

The evidence-based program has been tested nationally and found to be successful on two key measures: Smoking levels decreased significantly in test schools, particularly for grades eight and nine; and the program lowered anticipated tobacco use among middle school-aged students. Additionally, students' susceptibility to peer pressure and their perception of the popularity of tobacco-using peers both showed significant declines versus control groups.

Free materials provided through the RDRN program include teacher and parent guides, as well as interactive activities that give students factual information about tobacco prevention that they can reference when completing subsequent lessons. All of the guides are available on the website: www.rightdecisionsrightnow.com.

Tobacco Firms Get Breathing Room

The tobacco industry is breathing easier after the end of a federal assessment that force cigarette manufacturers, cigar companies and chew makers to make 10 years of payments to farmers, averaging nearly \$1 billion annually.

The expiration of the Tobacco Transition Payment Program has bolstered the bottom line of Big Tobacco after years of tax increases and declines in smoking.

The annual savings equal about 2.4% of the U.S. tobacco industry's annual revenue - or about 9.9% of its profit - based on industry figures provided by research firm IBISWorld.

For 10 years, the government forced tobacco manufacturers such as Altria Group, Reynolds American and Lorillard to make quarterly payments totaling about \$9.6 billion to help farmers cope with the sudden deregulation of tobacco farming in 2005.

The U.S. Department of Agriculture passed those payments along to tobacco growers to help them deal with the resulting drop in the crop's price.

7 Things Retailers Need to Know About Credit Card Processing

If you are a small business owner accepting credit cards, be careful when choosing a merchant service provider for credit card processing. Here are 7 things you must know:

1. Know the Parties You Will Be Dealing With

Credit Card Associations – These companies make the credit cards and decide the rules. Visa and American Express are some examples.

Issuing Banks – These financial institutions issue credit cards. Wells Fargo and Citi are popular issuing banks. Companies like American Express and Discover play the role of bank and credit card companies, too.

Processors or Acquirers – These are messengers between credit card associations and merchants. There might be many processors handling different tasks in just one transaction.

Payment Gateways – Payment gateways are portals that direct transactions to a processor.

Merchant Account Providers – These are companies that manage all the work that goes in credit card processing.

Know Your Base Fees and Markup Costs

Creating a merchant account for credit card processing involves two types of fees:

Base fees – Also known as pre-markup or wholesale fees, base fees are the wholesale charges for your sales via credit cards. Credit card associations and issuing banks determine these fees and are non-negotiable.

Markups – Markups are negotiable and vary with credit card processing companies. In Ben's story, this is exactly where he needed to be careful while comparing processing companies. Sadly, processors use different pricing models and other hard terms which leave even the most experienced owners confused.

3. Merchant Account Pricing Models

Interchange Plus – The most transparent of them all, your wholesale fees and markup costs are clearly listed in your monthly statement. It will be a lot more difficult to read, but at least you'll know the exact difference between your wholesale costs and other fees.

Tiered – Here, you pay processing fees based on whether your transactions fall under one of the following categories: qualified, mid-qualified and non-qualified. As a business owner, if you meet the processor's criteria for how transactions should happen, then you are a qualified merchant. If you do not meet these standards, you downgrade to mid-qualified and non-qualified tiers.

Some credit card processing companies take advantage of these tiers and do not disclose which tier your transactions fall into, and could charge you excessive fees.

Membership – This model, like Interchange Plus, has separate charges for transactions and markups. But instead of paying a percentage of markup fees, you pay a small transaction fee. This model is new, but is catching on already. Merchants with large transactions can save a lot while having a good level of transparency.

4. Know all kinds of fees

Interchange Reimbursement and Assessment Fees – These fees are charged by credit card associations and issuing banks. Interchange fees has a percentage of each transaction and flat per-transaction fee (say, 2.15% + .10). Assessments are usually a percentage of the total volume of monthly transactions. These are non-negotiable.

The following are all flat fees that fall under markup. Get familiar with these and negotiate with processing companies after understanding them:

PCI fees – Fees paid to the Payment Card Industry. Complying with these standards can help save on non-compliance fees. Also make sure that your processing company is actually meeting these standards for you.

Terminal Fees – Merchants who own physical stores are charged this fee, where they directly swipe a customer's card. Online businesses need not pay this. Some companies try to lock merchants into lease terminals but that is unnecessary. Good providers will tell you to buy your own terminal for a one-time fee which won't cost you much.

Payment Gateway Fees – These are for ecommerce businesses. Some processing companies have in-house payment gateways.

Early Termination Fees – If you cancel your contract early, it will cost you this fee. Try to avoid this extra charge.

Monthly Fees – These are charged for usually paying for call center costs. But it is mostly mistakes by the merchant account providers that make call center costs necessary.

Annual Fees – These are for the basic use of the services a provider gives you. See if you can ask the service provider to drop this one.

Minimum Fees – Merchants who don't reach a minimum total transaction amount every year are required by some companies to pay this fee. Most providers charge around \$50,000 every year as minimum fees.

IRS Report Fees – Merchant account providers charge this amount for reporting transactions to the IRS.

Network Fee – Card networks charge a non-negotiable fee, which is passed on by service providers to the merchants.

Statement Fee – These are for printing and mailing credit card statements. Some merchants avoid paying this by opting for electronic statements.

5. Reduce processing fees

Find credit card companies that set up your merchant account and terminal well. Note that as a merchant, the more risk you pose to the companies, the more will they charge you. How can you avoid these charges?

Swipe every credit card possible. Apart from this, entering security information (like billing and security zip codes when asked for it) is a great way to cut costs.

6. What if you have a low credit score?

If you've got a low credit score, it's hard for a merchant account provider to approve credit card processing. You have to shop around. There are a few providers that may be able to set up your account within 24 hours, with a few stipulations.

If it's possible, offer reserve funds to cover your provider in case you default. In ACH delays, your processor withholds your funds for a few days more as guarantee.

7. Choose reliable credit card processing companies

Reliability is not an option when you are looking for a service provider. Look for a company that has a 24/7 customer support service in place, offers the latest technology and does not demand outrageous fees. Reading their agreement thoroughly before committing is a good way to assess what they're providing.

USDA Issues Order to Stop Sale and Distribution of Four Cigarette Products

On September the 16th, the U.S. Food and Drug Administration issued orders that will stop the further sale and distribution of four currently marketed R.J. Reynolds Tobacco Company cigarette products – including its Camel Crush Bold brand – because the company’s submissions for these products did not meet requirements set forth in the Federal Food, Drug, and Cosmetic Act (FD&C Act) The FDA’s evaluation found that Camel Crush Bold, Pall Mall Deep Set Recessed Filter, Pall Mall Deep Set Recessed Filter Menthol and Vantage Tech 13 cigarettes were not substantially equivalent (NSE).

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

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

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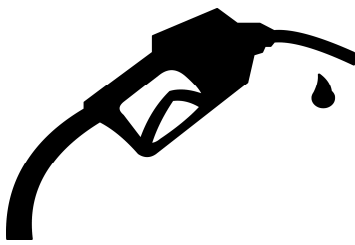


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Have some good news to share?

Let OMEGA know and you may be featured in our next newsletter!





Oil Marketers Update

PMAA Asks White House to Maintain Current Ozone Standard

This week, PMAA sent a letter to White House Chief of Staff Denis McDonough regarding EPA's proposed ozone standards. The letter urged the EPA to retain the standards currently in place. Specifically, the letter stated: "If EPA succeeds in adopting this new standard, it will have a significant negative consequence for gasoline refiners and retailers. The United States could see over 200 new counties impose RFG and/or lower RVP requirements for gasoline which would increase the cost of gasoline and stifle economic growth."

EPA plans to issue a final rule on a new national ozone standard by the court-ordered deadline of October 1, 2015. Last year, EPA issued a proposed rule on ozone to tighten the standard to 65 to 70 parts per billion (ppb), down from the 75 ppb set by a George W. Bush-era rule.

Repealing Crude Export Ban Will Have Little Impact on Gasoline Prices - EIA Report

Recently, the U.S. Energy Information Administration released a report which will likely influence how Congress tackles the crude oil export ban policy this fall.

One of the most significant findings the EIA found was that U.S. gasoline prices would stay the same or may be slightly reduced by the removal of current restrictions on crude oil exports.

Currently, petroleum product prices throughout the United States have a much stronger relationship to Brent prices than to WTI prices. The EIA claims that the elimination of current restrictions on crude oil exports will narrow the Brent-WTI spread by raising the WTI price.

Although unrestricted exports of U.S. crude oil would either leave global crude prices unchanged or result in a small price reduction, other factors affecting global supply and demand will largely determine whether global crude prices will rise or remain close to their current level, the EIA report said.

U.S. Senate Energy and Natural Resources Committee Chairwoman Lisa Murkowski (R-AK) is leading the charge in the Senate to lift the ban on U.S. crude exports. This week, she stated that "the year of study is over. It is time to send a signal to the world by lifting the ban on oil exports from the United States."

Senator and GOP Presidential candidate Marco Rubio (R-FL) also offered his support for lifting the ban, saying "one of the first things I will do as President is immediately lift the ban on crude-oil exports."

OPEC Forecasts Higher Demand in 2016

The Organization of Petroleum Exporting Countries predicted a rise in world oil demand in 2016. The oil producers group forecast that demand will grow at 1.3 million barrels per day to 94.04 million barrels per day. The cartel said, "In 2016, non-OPEC oil supply is expected to increase by 0.27 million barrels per day, a 40 tb/d downward adjustment from the previous report."

Highway Trust Fund to Last Longer Despite Funding Uncertainty

The Department of Transportation (DOT) indicated that the federal government is projected to run out of money for the Highway Trust Fund (HTF) in June 2016, six months later than previously projected, according to the Petroleum Marketers Association of America (PMAA).

Congress will still have to pass a transportation spending bill by Oct. 29, but this alleviates pressure to complete a long-term funding bill right away.

The HTF is a transportation fund which receives money from a federal fuel tax of 18.4cts/gal on gasoline and 24.4cts/gal on diesel and related excise taxes. The HTF helps fund road construction and maintenance. It also supports mass transit as well as the leaking underground storage tank fund.

OPIS notes that in the past year, several senators and trade groups have come up with their own individual proposals to help reform the current highway funding program, with some seeking a gasoline tax hike and others a cut, which could put more financial burden on the states.

PMAA said that lawmakers cast the last extension in July as a stopgap on the road to a multi-year highway bill this fall, but the update from the DOT could lure lawmakers back to another temporary transportation spending and authorization patch through June 2016.

A multi-year House transportation funding bill is expected to be introduced later this month.

Congress has been grappling since 2005 with a transportation funding shortfall that is estimated to be about \$16 billion per year, and it has not passed a transportation bill that lasts longer than two years in that span.

Since 2009, Congress has pumped \$73 billion into the HTF from the General Treasury fund and used other budgetary maneuvers, given that the motor fuels excise tax is inadequate to maintain the HTF's solvency.

Transportation advocates are pushing for a gas tax increase to pay for a long-term transportation bill, but House and Senate leadership in Congress have all but ruled out a tax hike.

USDA Announces 21 States Awarded Blender Pump Funding

U.S. Department of Agriculture (USDA) Secretary Tom Vilsack announced recently that 21 states have been awarded funding to support infrastructure enhancements to increase availability of renewable fuel options to American consumers.

The funding is made available through the Biofuels Infrastructure Partnership (BIP) program. It is estimated that the BIP grants will support installation of nearly 5,000 fueling pumps offering intermediate blends of ethanol, mainly E15, at over 1,400 stations across the country.

West Virginia is on the list of finalists with estimated pumps donated of 107.

In late May, USDA announced the plan to invest up to \$100 million for biofuel blender pumps to help bring about greater access to higher-level ethanol blends.

The competitive grants must be matched by states.

USDA's funding effort was announced in conjunction with EPA's rollout of its proposed 2014-2016 Renewable Fuel Standard (RFS2) targets.



Grocery Highlights

Retailers Should Be Aware of Scammers Offering Assistance with SNAP Applications

USDA reports recent incidents of retailers falling victim to scam by third party offering to expedite their SNAP applications.

Recently, the USDA Food and Nutrition Service (FNS) issued an alert regarding recent reports from retailers of a scam taking advantage of SNAP retailer-applicants. According to the notice from USDA, since the week of August 10, FNS has received at least a half-dozen complaints from SNAP retailer-applicants.

In the documented complaints, the retailer was in the process of, or had just submitted their SNAP application, and was subsequently contacted by a so-called Third Party Processor (TPP)/Independent Sales Organization (ISO) offering to assist them in expediting the SNAP-authorization process, for a fee (typically \$299). In these instances, the retailers provided the self-described TPP/ISO with bank information and the funds were withdrawn, yet the retailer received no further follow-up or information from the company.

Please note: SNAP does not charge a fee for processing your retailer application, nor does any outside entity have the ability to expedite your application. Any request for information about you or your business will come via an official letter from USDA after the SNAP retailer application has been filed. Under no circumstance should a retailer provide personal information or credit card information over the phone to unsolicited callers. If you have already fallen victim to this or a similar scam, please visit www.ftc.gov/bcp/edu/microsites/idtheft/ for more information on identity theft.

The USDA FNS is continuing to review this issue and has posted an alert about this concern on their website. Retailers are urged to contact the SNAP Retailer Service Center at (877) 823-4369 if they are uncertain about any request regarding the SNAP retailer application.

FDA Releases FSMA Final Rules – Preventive Controls for Human and Animal Food

The FDA released long-awaited final rules on preventive controls for human and animal food as part of the agency's implementation of the Food Safety Modernization Act (FSMA). The rules will be published officially in the Federal Register on September 17. FMI released a statement in response to the release of the rules and is in the process of compiling a comprehensive regulatory alert to share soon. The final rules are linked below in addition to supporting documents from FDA.

Preventive Controls for Human Food:

<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334115.htm>

Preventive Controls for Animal Food:

<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm366510.htm>

NGA Government Relations Roundup

NGA Members host Members of Congress

A big thanks to Associated Wholesale Grocers and Columbiana Foods/Giant Eagle for hosting Members of Congress at their facilities over the past two weeks! Senator Moran (R-KS) visited AWG's headquarters in Kansas City, KS on September 8, and Ron Graff, Jr. and his family hosted Congressman Bill Johnson (R-OH) at one of his store locations in East Liverpool Ohio this past Monday. NGA owes a huge thank you to our members at AWG and Columbiana Foods/Giant Eagle for your willingness to host these Members of Congress. It is an enormous help to NGA's efforts on the Hill for Members to become more familiar with the independent supermarket industry. Thank you!

Congress Heading to Another Shutdown?

Current funding for the federal government expires at midnight on September 30. Many House Republicans do not want to federal money to fund Planned Parenthood in the wake of the undercover videos that have been released over the past few months showing Planned Parenthood official engaging in conversations surrounding the purchase of fetal tissue. Democrats want to maintain funding for Planned Parenthood, and it is widely expected that President Obama would veto any funding mechanism that did not include funding to the organization, should that bill make it to his desk. House Republican Leadership has been holding 'listening sessions' with their Members all this week in an effort to try to thread the needle on this issue and cobble together a package to satisfy the members of the Republican Conference. Speaker Boehner wants to prevent Republicans from being blamed for a shutdown, as they were two years ago, and on top of everything, is trying to avoid a fight within his party that could threaten his Speakership. The House Appropriations Chairman Hal Rogers (R-KY) has stated that he has a 'clean' Continuing Resolution (CR) ready to go. A 'clean' CR would fund the government at current funding levels (maintaining funding for Planned Parenthood). He has said he is waiting for instructions from Leadership regarding how to proceed.

Boehner is emphasizing to members that the House is already taking action this week separately on two abortion-related bills, including one that would place a one-year moratorium on funding for Planned Parenthood pending a House investigation into the videos.

Meanwhile in the Senate, Senate Majority Leader Mitch McConnell (R-KY) warned Wednesday that the conservatives' strategy to defund Planned Parenthood won't work because President Barack Obama would veto any such measure. He has called such a move an "exercise of futility". Meanwhile, Senate negotiators are eyeing a stopgap funding bill that would keep the government operating into mid-December. The Senate CR would keep the government operating at current funding levels through Dec. 11. Senate leaders are negotiating details and putting together their own package in case the House finds itself at an impasse over funding for Planned Parenthood.

On top of all of this, it is important to note that after today, there are 5 remaining legislative days in the House in September, and 7 in the Senate. One of those days is the day the Pope will address Congress on Sept. 24; much of the time available for legislative business on that day will be lost due to the Pope's address. Time is running short to address government funding for the next fiscal year.

NGA is refreshing a document we last had to use during the last shutdown in 2013 that will outline exactly what government services will continue and which will be suspended in case we have another shutdown. We will circulate that document soon. Stay tuned!

Menu Labeling Update

The FDA released a draft guidance document, including some Q&A's recently, however, most of what was included in the guidance is not very helpful to our industry and reinforces the need to pass the legislation. We continue to build co-sponsors in the House (nearing 80) on H.R. 2017, and are working hard to get a bi-partisan bill introduced in the Senate. Menu Labeling will be a big focus of our meetings on the Hill later this month.

Senate Ag Committee Postpones Action on Child Nutrition Reauthorization Bill

A scheduled markup of the Child Nutrition Reauthorization (CNR) bill was originally slated to take place yesterday, but was cancelled earlier this week. CNR contains many programs surrounding school lunch programs and also reauthorizes the WIC program. Authorization of these programs is currently scheduled to expire on Sept. 30. We are hearing that it is likely that S. 1996, a Summer Feeding Bill authored by Senator Boozman (R-AR) will be included in the Committee mark of the CNR bill. This bill from Senator

Boozman would allow for two additional summer feeding options in specified areas of specific states: to provide a summer EBT card to be used in supermarkets (with the value of the card not to exceed \$30/child/month) and an option for a meal delivery program. As the bill is currently written, this EBT card will only be able to be used to purchase WIC eligible items in states that are E-WIC. The Committee is aware of the concerns NGA has with the bill. Be on the lookout for more updates next week on CNR and this specific provision.

Joint Employer

On August 27, the National Labor Relations Board (NLRB) handed down their decision in the highly-anticipated Browning-Ferris case. The decision contained a new definition of "joint employer" that is highly concerning to business. The new definition looks at direct, indirect, potential and ultimate control over the terms and conditions of employment. Under the new definition, the NLRB could potentially charge an employer with labor violations as a joint employer, for merely having the potential to influence hiring, firing, or disciplinary decisions. This is a far cry from the previous definition, which required that joint employers share "direct and immediate control" over employees. This could have significant impacts on union bargaining practices, as well as carry increased liability for employers. Last week, leaders on the Education and Workforce, and HELP Committees in the House and Senate introduced legislation (H.R. 3459, and S. 2015- the Protecting Local Business Opportunity Act) that would roll back the definition to reestablish the "direct and immediate control" standard. In addition to legislation seeking to address the NLRB's new definition, it remains possible that BFI could appeal the decision. To view a slideshow presentation put together by the Coalition to Save Local Business on the issue, please click [HERE](#).

Overtime Rule

On September 4th, the Department of Labor officially closed the public comment period concerning the proposed overtime rule for salaried workers. The Department received nearly 250,000 comments. NGA submitted comments individually, in addition to signing on to comments put together by the Partnership to Protect Workplace Opportunity (PPWO). The proposed rule would more than double the current salary exemption level for salaried workers, from \$23,660 (\$455 per week) to \$50,440 (\$970). The DOL also included an informal request for feedback on potential changes to the duties test. While not formally included in the rulemaking process, it has been widely speculated that the DOL is seeking to move to a 50% duties threshold that would require employees to closely monitor their activities into exempt and non-exempt duties-a logistical nightmare for employers. NGA, and many other organizations, pushed back hard against any potential changes to the duties test. If the DOL does include changes to the duties test in the final rule, it is expected that it would be subject to litigation, as potential changes were not formally laid out in their request for comment in the proposed rule. NGA's comments can be viewed [HERE](#), and the PPWO's comments can be viewed [HERE](#).

WTO Arbitration Hearing on COOL

The World Trade Organization (WTO) has ruled four different times that the US COOL rules are discriminatory to Canada and Mexico. Yesterday marked the second day of a two-day hearing being held in Geneva, Switzerland regarding the appropriate amount of retaliatory tariffs that Canada and Mexico can level against US products if the COOL rules are not changed. Canada and Mexico are threatening to raise tariffs totaling as much as \$3 billion annually; the US argued in a written statement to the WTO in July that the tariffs should not exceed \$47.55 million annually for Mexico and \$43.22 million annually for Canada. At the end of the hearing, it was announced that the WTO would release their final decision (which cannot be appealed) in November. We do not expect the Senate to act on a bill addressing COOL until this final decision is handed down in November.

Roundy's

Recently, NLRB dismissed the Roundy's case, which had been under review since 2010. Roundy's Supermarkets had been accused of not allowing agents for a union to hand out leaflets on store property, calling for a boycott of the store, despite the fact that Roundy's had previously allowed other third-parties to operate on the premises. It was expected that a negative ruling by the NLRB in this case would have made it harder for employers to exclude unions from their premises. NGA filed an amicus brief in 2011 with the NLRB on the issue of whether or not the NLRB should expand the scope of its "discrimination exemption," a standard which the Board uses to determine whether an employer has violated federal labor law by allowing third-party groups on their property, to the exclusion of unions. The Board has not yet finalized the settlement in the case. To view NGA's amicus brief, please click [HERE](#).

(Continued from Page 19)

Transportation Extension

The House Transportation and Infrastructure markup of the transportation funding bill that had been tentatively scheduled for this week was called off by Committee Chairman Bill Shuster (R-PA-12). It is now expected that the House will not introduce a long-term bill until later this month, and possibly into October. With the October 29th deadline to extend authorization to the Highway Trust Fund rapidly approaching, it appears more and more likely that a short-term extension will be necessary to buy Congress time to find a way to pay for a long-term extension of highway programs. Progress on the House version of the transportation extension should come more quickly once the House Ways and Means Committee finds a way to pay for the program, which will help determine funding levels and the length of the proposed extension. Chairman Shuster has previously indicated his distaste for the Senate version, which is technically a 6-year extension, though it contains only 3-years' worth of funding. LIFO continues to be discussed as a possible pay-for for a long term highway extension; NGA is continuing to keep up the pressure on the Hill to make sure Members know that repealing LIFO to pay for a highway bill would be completely unacceptable to the numerous industries and businesses that are LIFO users.

FMI Statement on FDA's Chain Restaurant Menu Labeling Guidance for Supermarkets

Food Marketing Institute (FMI) President and CEO Leslie G. Sarasin released the following statement on September 11th upon receiving draft guidance from the U.S. Food and Drug Administration (FDA) regarding the food retail industry's challenges to implement a chain restaurant menu labeling rule.

Sarasin said, "We certainly appreciate FDA's attempt to clarify a cumbersome regulation that was not originally designed for the supermarket industry. This guidance is a helpful start to what we hope will be an ongoing dialog about the most appropriate ways of addressing implementation questions being raised by food retailers.

"As we and Members of Congress have reminded FDA, chain restaurants and supermarkets are fundamentally different – and on issues as diverse as their business operations and their service offerings. So, we look forward to working with the agency in shaping guidance for a labeling process that makes sense both in a grocery store setting and to provide meaningful information to food retail customers.

"We are in the process of reviewing the guidance document with our food retail members. At the same time, we will continue to work with FDA and pursue our legislative objectives with Congress in order to clarify and/or address the outstanding concerns."

At first glance, the guidance does not appear to answer all of our questions, let alone provide the flexibility we have been seeking. As a result, FMI members will likely still need legislation to address these outstanding concerns. However, we want to highlight two areas where FDA has provided some clarity.

In section 5.94, FDA indicates that cold prepared foods that (1) are sold from behind a deli counter, (2) do not appear on a menu or menu board, and (3) require further preparation by the consumer before consumption would not be considered a "restaurant-type food" and therefore, would not be subject to the nutrition labeling requirements.

In section 5.90, FDA clarifies that calories provided directly on the package of a "grab and go" food that is a standard menu item at a covered establishment would be acceptable under the rule.

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If you ask for an apples-to-apples quote, it's also fair to consider what might happen if you currently have a bad apple. You sure wouldn't want another one!

Your insurance contract's greatest value is the insurance professional who gets to know you and your business, and helps you define your needs and build a portfolio of coverages that address your business's most significant exposures. Observing your on- and off-site operations and reviewing your loss history and financial statements all help the insurance professional build information that is invaluable for providing you with coverage and risk management programs tailored specially for your business.

If you ask for an apples-to-apples quote, be sure to consider what happens if there's one bad apple. Then, do yourself a favor and set aside the time for good, thorough dialog about your business.

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Miscellaneous



Ameen "Joe" Joseph Celebrates 90th Birthday

Happy Belated Birthday to OMEGA Member Ameen "Joe" Joseph who just celebrated his 90th Birthday. A birthday part was recently held in his honor at his Foodland Fresh Store on Spring street in Charleston.

New Members

We hope you will join us in welcoming two new members to the Association:

Intra-State Insurance Corp.

1385 Rosemar Road
Parkersburg, WV 26105
Phone: 304.295.1048
800.633.0083

Email: info@intrastateinscorp.com

Contact: Eric Fitzer

Premier Manufacturing, Inc.

117 Crown Vic Court
Duncansville, PA 16635
Phone: 814.207.2979

Email: eheiberg@gopremier.com

Contact: Eric Heiberg

Calendar of Events

**2015 Children's Charity Golf Outing & Awards Banquet
September 21 & 22
Stonewall Resort
Roanoke, WV**

**UST Re-Certification Training
October 20 - 22
Charleston Civic Center
Charleston, WV**

**2016 The Locker Room Trade Expo & Golf Outing
May 17 - 19
The Resort at Glade Springs**

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**West Virginia Oil Marketers and Grocers Association
2006 Kanawha Blvd., East
Charleston, WV 25311
www.omegawv.com**

**Phone: 304.343.5500
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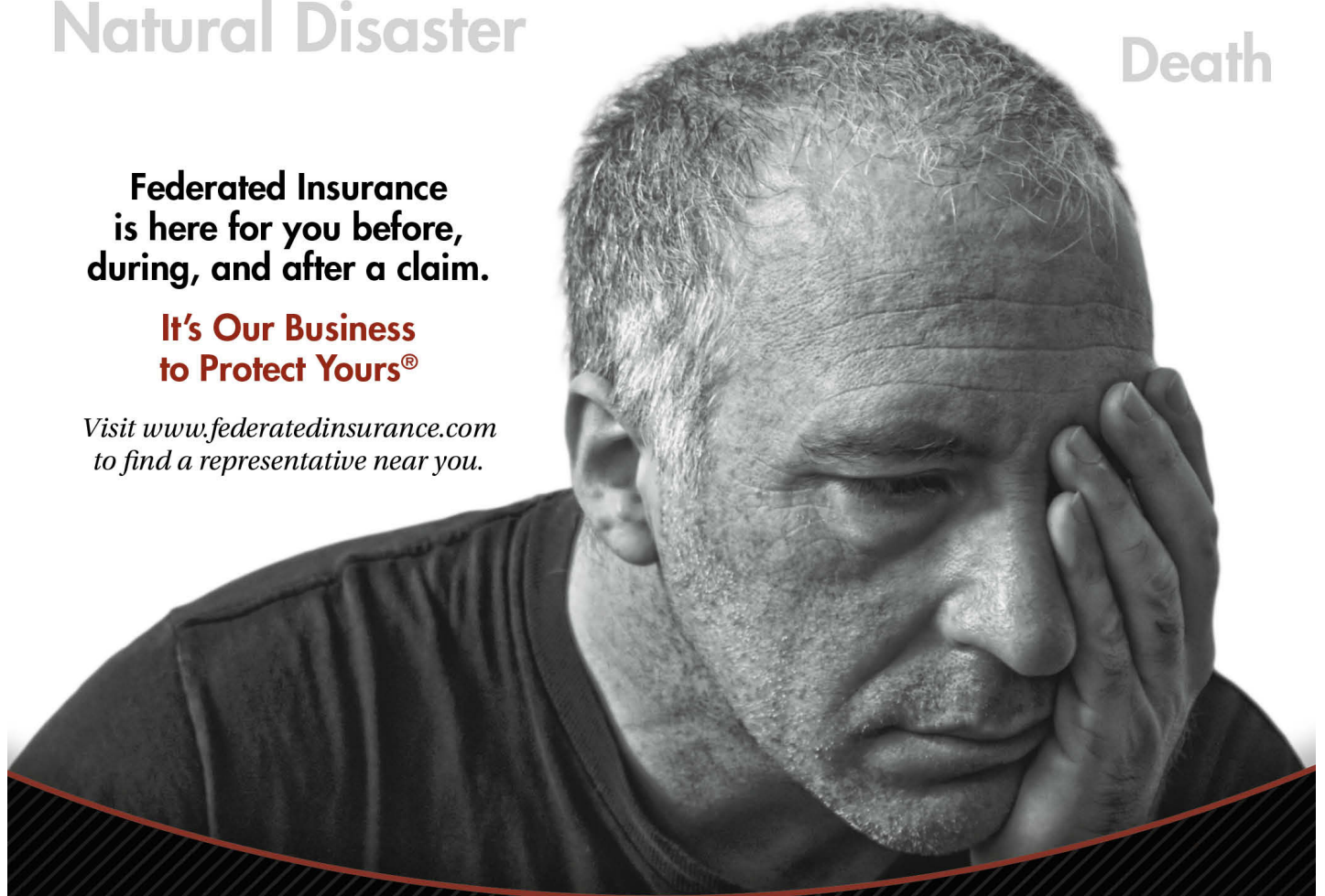
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