

WMDA NEWS

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An Official Publication of the Washington DC, Maryland & Delaware Service Station & Automotive Repair Association



GET READY FOR MARYLAND LOBBY DAY 2011... SEE PAGES 4-5
AFTERMARKET LEGISLATIVE SUMMIT... SEE PAGE 6

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TABLE OF CONTENTS

Editorial – The Act of Compromise	2
As I See It – Maryland Lobby Day 2011	4
Legislative Update – Key Issues Affecting Our members	6
Mark Your Calendars for the Aftermarket Legislative Summit	6
The Ingle Angle – Membership Is the Key to Strength.....	9
Kirk’s Korner – PMG Buys Eastern	10
2011 WMDA Area Meetings	11
2011 WMDA Calendar of Events (Tentative)	12

ADVERTISER’S INDEX

Benjamin F. Brown Insurance Agency	Outside Back Cover
PAI Financial Products	Inside Front Cover
Kelly Benefit Strategies	12
Maryland Pump & Tank	2 & 8
MTD Services, Inc.	4
PAI Financial Products	7
Spigler Petroleum Equipment.....	10
Tire Distributors, Inc.	Inside Back Cover
WMDA PAC	7



EDITORIAL

by Roy Littlefield

THE ACT OF COMPROMISE

At press time, the White House and the Senate leadership have released the details of their proposed massive tax relief and unemployment benefits renewal bill. The House Democrats are balking at the idea of passing it "as is," so at this point, I would say this will change before the ink dries.

Surprisingly, it does **not** include a repeal of the Form 1099 requirement. I am absolutely flabbergasted it does not. A senior Treasury official told a room full of people and my own ears that "the White House was not the problem." You can draw your own conclusion as to "then who?"

It also does not include a renewal of the popular Buy American Bond program for infrastructure investment.

Some amendments will be allowed in the Senate. I am expecting that a Form 1099 amendment will be offered. If this Congress does not repeal it – it will officially go down as the weirdest behaving Congress ever.

The proposal includes dozens of renewals of expired and expiring credits and deductions. The following are the ones of most interest to small business.

Temporarily extend the 35 percent bracket. Under current law, the 35 percent individual income tax bracket expires at the end of 2010. Upon expiration, the rate becomes 39.6 percent. This proposal extends the 35

percent individual income tax bracket for an additional two years, through 2012.

Temporarily extend the capital gains and dividend rates. Under current law, the capital gains and dividend rates for taxpayers below the 25 percent bracket is equal to zero percent. For those in the 25 percent bracket and above, the capital gains and dividend rates are currently 15 percent. These rates expire at the end of 2010. Upon expiration, the rates for capital gains become 10 percent and 20 percent, respectively, and dividends are subject to the ordinary income rates. This proposal extends the current capital gains and dividends rates for all taxpayers for an additional two years, through 2012.

Two-year AMT patch. Currently, a taxpayer receives an exemption of \$33,750 (individuals) and \$45,000 (married filing jointly) under the AMT. The proposal increases the exemption amounts for 2010 to \$47,450 (individuals) and \$72,450 (married filing jointly) and for 2011 to \$48,450 (individuals) and \$74,450 (married filing jointly).

Deduction of State and local general sales taxes. The bill extends for two years (through 2011) the election to take an itemized deduction for State and local general sales taxes in lieu of the itemized deduction permitted for State and local income taxes.

Temporary estate, gift and generation skipping transfer tax relief. There is a two year extension, and it comes with a couple of positive twists. But it is not permanent!

The EGTRRA phased-out the estate and generation-skipping transfer taxes so that they were fully repealed in 2010, and lowered the gift tax rate to 35 percent and increased the gift tax exemption to \$1 million for 2010. The proposal sets the exemption at \$5 million per person and \$10 million per couple and a top tax rate of 35 percent for the estate, gift, and generation skipping transfer taxes for two years, through 2012. The exemption amount is indexed beginning in 2012. The proposal is effective January 1, 2010, but allows an election to choose no estate tax and modified carryover

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basis for estates arising on or after January 1, 2010 and before January 1, 2011. The proposal sets a \$5 million generation-skipping transfer tax exemption and zero percent rate for the 2010 year.

Portability of unused exemption. Under current law, couples have to do complicated estate planning to claim their entire exemption (currently \$7 million for a couple). The proposal allows the executor of a deceased spouse's estate to transfer any unused exemption to the surviving spouse without such planning. The proposal is effective for estates of decedents dying after December 31, 2010.

Reunification. Prior to the EGTRRA, the estate and gift taxes were unified, creating a single graduated rate schedule for both. That single lifetime exemption could be used for gifts and/or bequests. The EGTRRA decoupled these systems. The proposal reunifies the estate and gift taxes. The proposal is effective for gifts made after December 31, 2010.

Extension of bonus depreciation. Under current law, businesses are allowed to recover the cost of capital expenditures over time according to a depreciation schedule. Congress allowed businesses, beginning January 1, 2008 through December 31, 2009, to take an additional depreciation deduction allowance equal to 50 percent of the cost of the depreciable property placed in service in those years. Under the Small Business Jobs Act of 2010, this temporary increase in the depreciation deduction allowance was extended through December 31, 2010. The bill extends and temporarily increases this bonus depreciation provision for investments in new business equipment. For investments placed in service after September 8, 2010 and through December 31, 2011, the bill provides for 100 percent bonus depreciation. For investments placed in service after December 31, 2011 and through December 31, 2012, the bill provides for 50 percent bonus depreciation. The provision also allows taxpayers to elect to accelerate some AMT credits in lieu of bonus depreciation for taxable years 2011 and 2012.

Temporarily extend increase in the maximum amount and phase-out threshold under section 179. Under current law, a taxpayer with a sufficiently small amount of annual investment may elect to deduct the cost of certain property placed in service for the year rather than depreciate those costs over time.

The 2003 tax cuts temporarily increased the maximum dollar amount that may be deducted from \$25,000 to \$100,000. The tax cuts also increased the phase-out amount from \$200,000 to \$400,000. In 2007, tax cuts temporarily increased these thresholds to \$125,000 and \$500,000

respectively, indexed for inflation. These amounts have been further increased and extended several times on a temporary basis, including most recently as part of the Small Business Jobs Act which increased the thresholds to \$500,000 and \$2,000,000 for the taxable years beginning in 2010 and 2011. This proposal extends the 2007 maximum amount and phase-out thresholds for taxable years beginning in 2012, at \$125,000 and \$500,000 respectively, indexed for inflation. The proposal is effective for taxable years beginning after December 31, 2011.

Temporary reduction in employee-paid payroll taxes. Under current law, employees pay a 6.2 percent Social Security tax on all wages earned up to \$106,800 (in 2011) and self-employed individuals pay a 12.4 percent Social Security self-employment taxes of on all their self-employment income up to the same threshold. The bill provides a payroll/self-employment tax holiday during 2011 of two percentage points. This means employees will pay only 4.2 percent on wages and self-employment individuals will pay only 10.4 percent on self-employment income up to the threshold.

R&D credit. The bill reinstates for two years (through 2011) the research credit.

Exclusion of small business capital gains. The provision extends the 100 percent exclusion of the gain from the sale of qualifying small business stock that is acquired before January 1, 2012 and held for more than five years

Tax benefits for certain retail improvements. The bill extends for two years (through 2011) the special 15-year cost recovery period for certain leasehold improvements, restaurant buildings and improvements, and retail improvements.

Alternative fuels credit. The bill extends through 2011 the \$0.50 per gallon alternative fuel tax credit.

Energy-efficient new homes credit. The bill extends through 2011 the credit for manufacturers of energy-efficient residential homes.

Energy-efficient existing homes. The bill extends through 2011 the credit under Section 25C of the Code for energy-efficient improvements to existing homes, reinstating the credit as it existed before passage of the American Recovery and Reinvestment Act. Standards for property eligible under 25C are updated to reflect improvements in energy efficiency.

Congress may resolve these issues over the holiday season. Is so, we will update you on how we did. ◆



AS I SEE IT

by *Marta Gates-Jones*
Director of Operations

MARYLAND LOBBY DAY 2011

Maryland Lobby Day 2011 will be held in Annapolis on Tuesday, February 1st. The day will start with a WMDA Board of Directors meeting at the Loew's Hotel in Annapolis, followed by a luncheon for all attendees. We cap off the day when we head over to the State House for meetings with Speaker of the House Michael Busch, President of the Senate Mike Miller, and Comptroller Peter Franchot.

This is a great way to have your voice heard by the elected officials in our legislature. Being there together, as a group, shows the Maryland legislators that WMDA members are real people – not some faceless entity that our Director of Government Affairs, Paul Fiore, lobbies for each session.

With many issues on the agenda this year that could affect your business, it is extremely important that you join us in Annapolis on Maryland Lobby Day as we meet with our Legislative Representatives.

Please be sure to RSVP to Marta Gates at 301-390-0900 ext 115, or email mgates@wmda.net if you plan on attending the luncheon at Loew's.

WMDA will be sending out more information to our members about Lobby Day. Please set aside February 1st to attend Maryland Lobby Day. Bring your family and employees! If you have any questions, please contact Marta Gates. ♦

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PLEASE NOTE:
New format in 2011 –
The Legislative Luncheon
replaces the Reception
this year.

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Please join us at the Loew's Annapolis Hotel for lunch before we head to the State House for important meetings with the President of the Senate Mike Miller, Speaker of the House Mike Busch, and Comptroller Peter Franchot.



LEGISLATIVE UPDATE

by Paul Fiore
Director of Government Affairs

KEY ISSUES AFFECTING OUR MEMBERS

Well, the headlines this morning were about Maryland's looming budget shortfall that may be in the neighborhood of \$1.2 B – and last year at this time we stated rather simply that you wouldn't see a gas tax in the 2010 Session because it was an election year. Of course that turned out to be true and now it's another year and it is quite the opposite scenario. The questions we must ask ourselves are the following (in no particular order):

- Do we have any reason to support a gas tax?
- Would we support a gas tax that was not in a "lockbox" where the funds were only dedicated to highway maintenance and construction?

- If some of our friends support a gas tax this year do we oppose them?
- If we said yes, how much would we support?

You have time to weigh in and we would love to get your opinion. If you would like to let us know what you think please e-mail Marta (mgates@wmda.net) and be a part of the decision process.

At this time we'd also like to update you on what the U.S. Congress has been up to. Our federal affiliate, SSDA-AT, has been actively lobbying for small business tax breaks and it is not often that we get to report a resounding victory for a small business issue that they lobbied so aggressively for, but in the late evening on December 16, the U.S. House of Representatives passed the so-called "tax bill compromise" that extended the Bush-era tax cuts and, possibly even more surprising, lowered the estate tax rates while increasing the exempt amount. Here are the details:

- A 35% estate, gift and generation-skipping tax rate, effective January 1, 2011 (down 10% from 2009 and 20% from scheduled 2011 levels) – securing the lowest estate tax rate applied in more than 80 years.
- A \$5 million *reunified* inflation-adjusted exemption for estate, gift and generation-skipping taxes, effective January 1, 2011 (up \$1.5 million from 2009 and \$4 million from scheduled 2011 levels for estate and GST, up \$4 million from 2009 and scheduled 2011 levels for gifts) – enhancing families' ability to plan through reunification.
- An executor election for decedents dying between January 1 and December 31, 2010 – protecting families who have lost loved ones this year.
- An effective date of January 1, 2011 for generation-skipping transfers – providing families with clarity to make certain end-of-year transfers free from GST.

MARK YOUR CALENDARS

JOIN YOUR COLLEAGUES
in Washington, D.C. on June 20-21 for the
2011 Aftermarket Legislative Summit

- Meet face to face with the people that make the laws.
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- Fight for issues of importance to the industry and your business.
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- Spousal portability – enabling families to more easily take advantage of their exemptions.
- No harmful offsets – preserving valuation discounts, grantor-retained annuity trusts (GRATs) and state estate tax deductibility.

Temporary estate, gift and generation skipping transfer tax relief. The Economic Growth Tax Relief Reconciliation Act of 2001 (EGTRRA) phased-out the estate and generation-skipping transfer taxes so that they were fully repealed in 2010, and lowered the gift tax rate to 35 percent and increased the gift tax exemption to \$1 million for 2010. The proposal sets the exemption at \$5 million per person and \$10 million per couple and a top tax rate of 35 percent for the estate, gift, and generation skipping transfer taxes for two years, through 2012. The exemption amount is indexed beginning in 2012. The proposal is effective January 1, 2010, but allows an election to choose no estate tax and modified carryover basis for estates arising on or after January 1, 2010 and before January 1, 2011. The proposal sets a \$5 million generation-skipping transfer tax exemption and zero percent rate for the 2010 year.

Portability of unused exemption. Under current law, couples have to do complicated estate planning to claim their entire exemption (currently \$7 million for a couple). The proposal allows the executor of a deceased spouse's estate to transfer any unused exemption to the surviving spouse without such planning. The proposal is effective for estates of decedents dying after December 31, 2010.

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You have, by now, probably figured out that the efforts to repeal the 1099 Reporting provision in the Patient Protection and Affordable Care Act (now recognized as the ACA) failed to get attached to the afore-mentioned tax bill but SSDA-AT tells us that it should be one of the first orders of business in the 112th Congress.

Speaking of the PPA, our coalition is studying the creation of the state exchanges as mandated and has created some "guidelines" we will be working with. Let us know what you think of them.

Potential Connector/Exchange Roles/Functions. When it comes to addressing small employer needs, at a minimum, the exchange ought to:

1. Provide opportunities to purchase quality health insurance that is affordable for the consumers accessing the exchange – small businesses;
2. Provide small business and their employees with helpful information about their healthcare and healthcare financing options, including information on aggregating premiums from multiple employers for a single employee;
3. Provide a mechanism for employers and employees to compare and choose a health insurance policy that meets their needs (including voluntarily using an agent/broker throughout the process);
4. Provide a standardized application;
5. Provide all small businesses with an easy "one check" option to pay for the health insurance for multiple employees, policies and carriers;
6. Enable purchase of coverage with pre-tax dollars through Section 125 plans;
7. Allow "pooling" of premiums for part-time workers; and
8. Offer easy-to-understand education, outreach, and assistance programs/advice. ♦

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THE INGLE ANGLE

by *Mike Ingle*
Director of Membership & Training Development

MEMBERSHIP IS THE KEY TO STRENGTH

I know I have been saying this for a while now, but here it goes again - **your Association needs your help**. Let's face it; we are all dealing with some very trying times. Through the years we have gotten used to dealing with problems within our industry, but now we are dealing with economic problems which affect everyone. Now is the time, if we really pull together, that we could overcome those challenges and become a stronger entity.

For over 75 years now, WMDA has survived – even with all the ups and downs in our industry. In the last 10 years or so, we have had a net decline in the number of members. Some of that decline came from members selling their stations, getting out of the business, and new owners who did not know about our Association or what we do to aide and protect service stations and independent auto repair shops in Washington DC, Maryland and Delaware. Then there are station owners who have multiple locations and only sign up one location with WMDA. There are owners who don't see the value in belonging to WMDA – but still want to call with problems, or benefit from our programs, or our lobbying efforts.

WMDA continues to be a strong legislative voice for our industry, and continues to find new programs to benefit our membership, but we could be even stronger if we were able to reach those who are not members and get them to join. So, with that being said, I am asking you to join us as we start to grow our membership again.

One of my jobs is to sign up as many new members as possible, and I will do my very best to do that. I have now been in this business for over 40 years. One of the things I have learned over the years is that the more I met with my business neighbors and/or WMDA members, the more I prospered - and so did my contacts. As a group there is so much more we can learn from, and teach, one another. I believe that the more people find out about WMDA, the more willing they will be to join.

It has been just over a year now that we came out with something that has been a great asset to our members, and that is our real time Rack Prices. In the past we used to post rack prices in our monthly newsletter, but they were only a listing of rack prices that were weeks old by the time members got their newsletter. The Rack Prices that you get now via email every morning are strong checks and balances tools that are extremely important to you, and a great benefit of WMDA membership

You may have noticed that we are sending out e-mails more often that are "news that you can use" in your daily business, as well as free member classified ads. Having this "up-to-the-minute" communication and the ability to reach so many people is also a great WMDA benefit. (If there is anything that you would like to have emailed to WMDA members that will help you in your business, please contact Marta via her e-mail mgates@wmda.net.)

We are also going to have some good news to announce this month in reference to our new Health Insurance Program. I believe you will be very happy with this plan because it will give you many options for you and your employees as well as a substantial savings.

We do need to grow our membership, and it is from our members that we get our strength. So, now I am asking all WMDA members to please give me a call with any leads you may have for new members. Better yet, ride along with me on a sales call. You are the key to helping me make a big difference in the future of our Association. Our ride-alongs are the most successful way to increase our membership. I promise you I will not take too much of your time, maybe 2 or 3 hours out of your day.

You can reach me at 301-390-0900, ext. 101 or my e-mail address is mingle@wmda.net.

I thank you in advance. ◆



KIRK'S KORNER

by Kirk McCauley
Director of Member Relations

PMG BUYS EASTERN

The consolidation of our industry began when refiners started selling off their locations and supply contracts to distributors - and it continues today with distributors buying other distributors. Petroleum Marking Group (PMG) recently purchased Eastern Petroleum and its assets. Eastern Petroleum's main assets were BP locations and supply contracts. Eastern also had Citgo and Osprey brands. PMG currently has Shell, Exxon, Gulf, Citgo, Crown, BP, and their house brand Quest.

When Eastern originally bought the BP stations and supply contracts several years ago, the whole deal was "leaking oil" from the start. A fellow distributor brought lawsuits against

BP, and Eastern's dealer prices were out-of-whack so lawsuits against them were the "order of the day." Eastern never recovered, and our dealers paid in the form of higher dealer tank wagons and rents.

I think PMG will be different, and that they will work with the new locations to promote a stronger network and better supplier-dealer relations. There is also talk of PMG selling some of its new locations to a supplier to the north that already has good relations with its dealers, and that would also be a good fit. Out of all of this, I would like to see our members be able to purchase some of the properties their businesses are on and be able to build equity and have more control of their businesses and their futures.

On another note, the WMDA Area Meetings are starting, and I would like to see more dealers participating. All of the meetings are breakfast meetings at restaurants, and we need a count of those dealers or associates that are coming. I also would encourage dealers to bring a non-member dealer they know and let them see how we can be of help and make them part of the family. Please be sure to RSVP to Marta at 301-390-0900, ext. 115, or by e-mail at mgates@wmدا.net so that we can have a seat for you at the restaurant.

One more thing - Montgomery County dealers need to be aware that Costco has applied for Special Exception for a gas station at Wheaton's Westfield Mall. The Kensington Heights Citizens' Association is going to oppose the Exception, and it's important that we support them. Together we stand a good chance of stopping this, even with the Montgomery County Executive Isaiah Leggett backing the exception. I do not think there is a date set for the Special Exception hearing (before a five-member Appeals Board), but I will stay in touch and let you know by e-mail. I will have more information by the Montgomery County Area Meeting on January 11 at Seibel's Restaurant. I hope to see you at breakfast. ♦

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2011 WMDA AREA MEETINGS

Thursday, January 6	Anne Arundel County Area Sponsored by ActionCoach	Bob Evan's Restaurant	2402 Brandermill Blvd, Gambrills
Tuesday, January 11	Montgomery County Area Sponsored by H.N. Funkhouser	Seibel's Restaurant	15540 Old Columbia Pike, Burtonsville
Thursday, January 13	Baltimore Area Meeting Sponsored by Carroll Independent Fuel	Double-T Diner	6300 Baltimore National Pike, Catonsville
Tuesday, January 18	Western Maryland Area Sponsored by Spigler Petroleum	Double-T Diner	5617 Spectrum Drive, Frederick
Thursday, January 20	Eastern Shore Area Sponsored by Maryland Pump & Tank	Holly's Restaurant	108 Jackson Creek Road, Grasonville
Thursday, January 27	Prince George's County Southern Maryland Sponsored by Ben Brown Insurance Agency	Rip's Country Inn	3809 Crain Highway, Bowie

**All Meetings are
9:30am - 11:30am**

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2011 will be an especially challenging year for our industry on the legislative front. We have new bills to introduce, and we need to address current laws that are expiring or that will be targeted for change.

We will bring you up-to-date on these issues and more. Please take time out of your busy schedule to attend. Area meetings are the best opportunity for WMDA to discuss local issues with our members – to tell you what we are doing, and to hear what is on your mind.

Join us for breakfast at any of the above locations. If you can't make the meeting in your area, please come to one of the other meetings.

Because these are breakfast meetings, please be sure to RSVP to Marta Gates at mgates@wmda.net or call 301-390-0900 ext 115 so that we can have a seat for you!

2011 WMDA CALENDAR OF EVENTS (TENTATIVE)

DATE	TIME	EVENT	LOCATION
Tuesday, January 25	4 p.m.	Board of Directors Meeting	WMDA
Tuesday, February 1	All Day	Maryland Lobby Day/ Board of Directors Meeting	Loew's Annapolis Hotel
Saturday, February 26	All Day	Tech & Executive Training	CCBC, Catonsville
Tuesday, March 22	4 p.m.	Board of Directors Meeting	WMDA
Tuesday, April 26	4 p.m.	Board of Directors Meeting	WMDA
TBD	All Day	Spring Golf Tournament	TBD
Tuesday, May 24	4 p.m.	Board of Directors Meeting	WMDA
Monday, June 20 & Tuesday, June 21	All Day	Federal Lobby Days	Washington, DC
Tuesday, June 28	4 p.m.	Board of Directors Meeting	WMDA
Thursday, September 29	10 a.m.	Golf at the Beach – Fall Tournament	Rum Pointe
Friday September 30	4 p.m.	Board of Directors Meeting	WMDA
Thursday, September 29 – Saturday, October 1	All Day	Annual Convention & The Mega Show	Clarion Resort Fountainebleu & Convention Center, Ocean City
Tuesday, October 25	4 p.m.	Board of Directors Meeting	WMDA
Tuesday, November 11	4 p.m.	Board of Directors Meeting	WMDA
Tuesday, December 9	4 p.m.	Board of Directors Meeting	WMDA

See page 11 for a complete schedule of Area Meetings.

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