

NOZZLE & WRENCH

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NOVEMBER 2020

KIRK'S CORNER

District of Columbia – Tobacco Sales Alert



By Kirk Mccauley,
Director Of Member
Relations &
Government Affairs

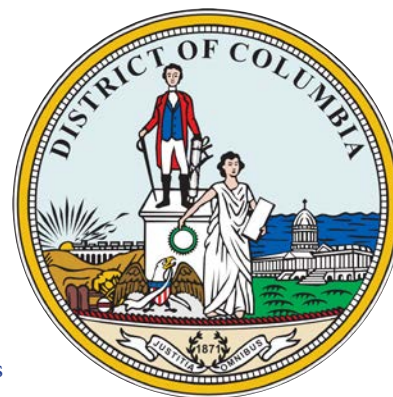
On January 2, 2020 of 2020 I attended a hearing conducted by the Committee on Judiciary and Public Safety in the District of Columbia.

As introduced Bill 23-453 prohibits the sale or distribution of flavored electronic smoking devices. WMDA and MAPDA sent a joint letter of opposition. Now we understand that the of committee wants to move the bill before the end of year. They are being pressured to amend the bill to include all flavored tobacco products including, menthol. A link to the bill without amendment is <https://lims.dccouncil.us/Legislation/B23-0453>.

Any business that sells tobacco or ESD products in District of Columbia should email their council member to tell them why this is a bad bill. WMDA will be emailing all council members a letter of opposition which will be in this issue. I would give you a standard reply form for everyone to use but it is much better if you send something original. Use any information from the WMDA response but put it in your own words. It does not have to be long, but from the heart. Tell your story of how this will hurt you while doing extraordinarily little to stop the use of tobacco and ENDS products.

Members of the committee on the Judiciary and Public Safety where the bill will be marked up have an * before their name below. Send to all members of committee, chairman and your ward councilperson.

*Charles Allen (Chairperson)	ward 6	callen@dccouncil.us
*Mary Cheh	ward 3	mcheh@dccouncil.us
*Vincent Gray	ward 7	vgray@dccouncil.us
*Brooke Pinto	ward 2	bpinto@dccouncil.us
*Anita Bonds	@ large	abonds@dccouncil.us
Brandon T. Todd	ward 4	btodd@dccouncil.us
Brianne Nadeau	ward 1	bnadeau@dccouncil.us
David Grosso	@ large	dgrosso@dccouncil.us
Elissa Silverman	@large	esilverman@dccouncil.us
Kenyen McDuffie	ward 5	kmcduffie@dccouncil.us
Phil Mendelson	Chairman	pmendelson@dccouncil.us
Robert White jr.	@large	rwhite@dccouncil.us
Trayvon White Sr.	ward 8	twhite@dccouncil.us



*Any business that
sells tobacco or
ESD products
in District of
Columbia should
email their
council member
to tell them why
this is a bad bill.*

Continues on page 4

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TABLE OF CONTENTS

KIRK'S KORNER

District of Columbia – Tobacco Sales Alert Cover

CAR TALK

What Would You Do? 6

NEWS FROM WASHINGTON

Goals for After the Election. 14

Editorial – SBA and Treasury Announce Simpler PPP Forgiveness for Loans
of \$50,000 or Less 16

ALSO IN THIS ISSUE

Competing With Your Motor Fuel Supplier? 8

The Pandemic Storm: Serving Communities When They Need It Most 10

Optimizing Your Business Through Responsive Design 12

WMDA/CAR Endorsed Membership Benefits & Service Providers 18

ADVERTISERS' INDEX

Carroll Motor Fuels 17

CMR Insurance Agency, LLC/Erie Insurance 15

Day, Deadrick & Marshall 15

Parts Authority Inside front cover

Petroleum Marketing Group 17

Service Station Vending Equipment, Inc. 11

Spigler Petroleum Equipment, LLC 17

The Wills Group. Back cover

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Continued from page 1



Chairperson Charles Allen
Members of Committee on Judiciary and Public Safety
RE: B23-0453

WMDA represents convenience retailers in District of Columbia. We understand B23-0453 is coming back up in committee. We have been told that there is movement to add a flavor ban on tobacco. Both would be counter-productive to the cause, and here is why.

The law of the land is 21 to buy electronic smoking devices (ESD) or tobacco. The cost of cigarettes in the District of Columbia and age verification by license retailers tells you youth sales are coming from street sales of the product. Contraband sales in D.C. are a good percentage of the market now. A flavor ban on legally bought and age verified sales would do nothing to stop sales to youth. The ban would create more outlets for street sales along with the violence associated with neighborhood territory and easy access for youth.

The District of Columbia is **not an isolated** island and the roads, bridges, and subway in and out of town put a new meaning to the saying tobacco road, some bought for personal use and a lot bought for street sales. Profits are high and enforcement is little if any.

This bill while well intended would only enhance street sales of non-taxed, and non-age verified ESD and tobacco sales. Not only losing much needed tax revenue but inviting criminal activity into neighborhoods on a large scale. Every sale of non-DC taxed tobacco or ESD product takes needed funding away from the city. Every sale of non-DC taxed tobacco or ESD product takes needed funding away from a small business. That same business also loses out on any ancillary sales that would have taken place and taxed.

Use ESD and tobacco tax money to educate in early years of learning, do not send youth and adults out in the streets and alleys, putting them in harm's way. You cannot Legislate behavior or taste and make it work. Legislating educational programs is the better choice.

During these extraordinary times of COVID 19 it is extremely hard to communicate and be heard, our businesses have been serving the communities, while trying to survive and keep their employees and customers safe. My cell and email are below if you have any questions.

Respectfully,

Kirk McCauley
WMDA/CAR
301-775-0221
kmccauley@wmدا.net

Delaware – Vapor Control

The Delaware Department of Natural Resources and Environmental Control (DNREC) has proposed 7 amendments to vapor emission control at motor fuel stations to mirror California Air Resources Board (CARB) regulations. These proposals will have a virtual public hearing on December 8, 2020 at 6 P.M. I will follow up with more information as soon as I can. I will attach a notice and links to more information that will not be available until November 1, 2020.

As soon as I receive all the changes, I will send out more information, I have attached the notice.

Baltimore City – Action Needed

Baltimore city council President Brandon Scott has introduced a bill 20-0631 that would tax electronic smoking devices (ESDs).

- The legislation would impose a 30% excise tax on e-cigarettes effective on the date it is enacted. Final approval and signed by the Mayor.
- A hearing is scheduled for Nov. 12 @ 10 AM.

As missed guided as this bill is it will pass without strong opposition from sellers and users of ESD devices. Baltimore City members need to email council members and voice their concerns. WMDA has not made up a paper to submit to

council but will do so well before hearing. Some points to make in your response.

- City bill would only drive legal sales to surrounding counties
- Illegal sales are high in the city now, this would only enhance contraband sales and crime in the city.
- Businesses are struggling now to survive, give them help, not higher taxes on products to drive customers away
- Tell them how this would affect your business, speak from the heart.
- Link to the bill and link to council members is below. It would not be a bad idea to inform your regular ESD buyers to voice concerns with council.

Link to bill:

<https://tinyurl.com/BaltExciseTax>

Link to council member contacts:

<http://www.baltimorecitycouncil.com/council-members>

Call me if you have any questions 301-775-0221 or kmccauley@wmda.net.

Tobacco Training Links for Employees and Owners

Delaware

<http://www.detobaccotraining.com/web/index.php?siteid=316>

Maryland

<https://health.maryland.gov/notobaccosalestominors/Pages/Home.aspx>

U.S. Food and Drug Administration

<https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/selling-tobacco-products-retail-stores>

UST Testing

WMDA/CAR received this notice from the Ad Hoc committee on oil control, and I thought it worth while to pass it along.



DNREC- DIVISION OF AIR QUALITY (DNREC-AQ)

LEGAL NOTICE Notice of Public Hearing

The Department of Natural Resources and Environmental Control (DNREC), Division of Air Quality will conduct a public hearing (Docket #2020-R-A-0022) on the proposed amendments to 7 DE Admin. Code 1124 Section 36.0 "Vapor Emission Control at Gasoline Dispensing Facilities." Due to the current State of Emergency, this public hearing will be virtual, unless otherwise by further notice.

The objective of amending 7 DE Admin. Code 1124 Section 36.0 is to update the California Air Resources Board executive orders referenced in Section 36.0 regarding Stage I enhanced vapor recovery systems being used at Delaware gasoline dispensing facilities. The proposed amendments will extend the executive orders' expiration dates and provide vapor recovery system component flexibility for Delaware gasoline dispensing facilities.

The virtual public hearing will be held on Tuesday, December 8, 2020, beginning at 6 p.m.. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a password, please use 36VEC@GDF. To access the audio-only portion of the virtual hearing, dial 1-408-418-9388 and enter event code 173 779 4117. Closed-captioning is available by request if made at least 7 days before the event.

The proposed amendments to Section 36.0 may be inspected online starting November 1, 2020 at http://regulations.delaware.gov/services/current_issue.shtml or in-person, by appointment only, by contacting Frank Gao by phone at 302-739-9402 or by email at Frank.Gao@delaware.gov.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing at <https://de.gov/dnrecomments> or by telephone at 302-739-9295.

The Department will accept public comment through the close of business on Wednesday, December 23, 2020. Comments will be accepted in written form via email to DNREHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

Theresa Newman, Hearing Officer
DNREC – Office of the Secretary
89 Kings Highway, Dover, DE 19901

THIS IS THE ONLY TIME THIS NOTICE WILL APPEAR.

In the note below, MDE received a Tank Tightness Testing Notice email from the VA DEQ. They are aware that a precision testing company may not have proper credentials or certifications to conduct the Estabrooks, Inc. EZY 3 Locator Plus precision test method. MDE recommends UST owner/operators confirm a tester has proper certifications and test equipment is certified by the equipment manufacturer at the time of a test to ensure they receive a valid precision tightness test. Anyone with questions in this regard can contact the Oil Control Program's Chris Ralston chris.ralston@maryland.gov or Tom Walter (tom.walter@maryland.gov)

Tank Tightness Testing Notice

The Virginia Department of Environmental Quality has recently been alerted by Estabrooks, Inc. -- manufacturer

of the EZY 3 Locator Plus tank tightness method -- that the testing company, Bestest, Inc. has not been meeting the necessary protocols for performing the EZY 3 Locator Plus tank tightness test method. DEQ has given Bestest the opportunity to correct the situation; however, to date, DEQ has not received any information from Bestest indicating the company is now in compliance with the manufacturer's requirements. As a result, after Nov. 1, 2020, DEQ will no longer accept tank tightness test results if:

- (1) the testing company is Bestest, Inc., and
- (2) the tank tightness testing method used is the EZY 3 Locator Plus method.

This notice does not apply to any other tank tightness testing method that may be performed by Bestest, Inc. or any line tightness testing performed by them.

Please contact Alicia Meadows at with any questions. ■

What Would You Do?



By Sandi Weaver
BA Auto Care, Inc.

A little over two years ago we had a customer come in for a Maryland State Inspection on a 2005 Volkswagen Beetle she had just purchased from Virginia. She purchased the car from a no name used car lot and boy did it show. The vehicle failed for multiple issues and also needed a new clutch. She took the car back to the used car lot and they “fixed” everything. Less than a month later she brings it back in for the re-inspection and to have the clutch replaced. Some things had been fixed others hadn’t but the kicker was when we went to remove the transmission, we saw major leaks and internal problems with the transmission. The customer, who was very upset, opted to not have the work completed, have it put back together and to try to get her money back. The car lot would not refund her money so she hired a lawyer.

At the beginning of 2020 we got a call from the customer asking if we would go to court as an expert witness. The witness had to be the service advisor, who over saw the job or the technician himself. The service advisor agreed to go if his daily wage, food and gas (the court is in Virginia) were covered. Then Covid hit and the court date was delayed until October. The service advisor no longer works for us so now it is up to the technician. The lawyer’s office said the lady has \$20,000 in legal fees on the line and without an expert witness from our shop she will most likely lose her case. The technician who worked on the car is highly skilled and always has a problem car needing his attention.

So what would you do? As the business owner, I left it up to the technician to decide if he wants to go or not. I personally would have no problem going down and testifying as I feel it’s the right thing to do. On the other hand, the customer was negligent and did no research on the used car lot she purchased from or the vehicle she was buying. ■

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Why Should I Work for You?

NOV. 17 | 12PM-1PM | Dan Gilley, RLO Training



You want an experienced, quality technician who has a great attitude, is ready to work, and is committed to the industry. We know there is a shortage of technicians. You need to know why someone should work for you. If you can't answer that, there is no reason a technician will choose to work at your shop out of the many, many choices

he/she has. We understand how attracting quality technicians is vital to running an efficient and profitable shop. Answer the question, "Why Should I Work For You?" Be the shop where technicians want to work!

Pulse Width Modulation for Power, Control & Sensing Circuits

NOV. 24 | 12PM-1PM | Gary Smith, Diagnostics.com



In this one-hour mini class, we will discuss Pulse Width Modulation (PWM) theory and specifically how it applies to various automotive systems. The web class will flow theory to scanner and scope analysis during diagnosis of recent case studies.

The focus of this mini class is specifically fuel pump, Valvetronic and other common motor control applications.

- What is Pulse Width Modulation and How Does It Work?
- Understand the differences in use and applications of PWM in power, control and Sensing circuits in modern vehicle platforms.
- Brief explanation of PWM motor encoding for sensing and motor control applications.
- Brief Introduction to 3-Phase AC/DC Fuel Pumps and Controls.

Secrets to Creating Accountable People

DEC. 1 | 12PM-1PM | Cecil Bullard, Institute of Automotive Business Excellence



This class is centered around creating accountability and performance with your team. Students will learn:

- Victim vs Accountable Behaviors
- A Proven Process for Management and Accountability
- Goals Setting for the Business and the Team
- Solutions Focused Hiring
- Being a Great Example for the Team
- Steps to Better Communication

Shift...Selling to a New Generation of Tech Savvy Consumers

DEC. 15 | 12PM-1PM | Jeremy O'Neal, Advisorfix



Welcome to a new generation of tech savvy consumers. Are you prepared to thrive in this new economy? Do you know what the new generation of tech savvy consumers want? Are your sales skills and systems up to speed? This workshop will provide you with real world systems and tools needed to thrive with this new consumer. You'll learn the exact systems cutting edge auto repair shops are using to dominate the sales landscape. **Jeremy O'Neal** (AdvisorFix) will assist each student in understanding the fundamental tools needed to meet the demands of this new generation and create a system to thrive in the coming years.

The Vehicle Inspection Done Right

DEC. 22 | 12PM-1PM | John 'JB' Burkhauser, BOLT ON TECHNOLOGY



With longer intervals between vehicle services the inspection is much more important to the vehicle's safety than it ever was. Doing and documenting a proper inspection will not only protect the drivers, but also the shop from possible liabilities. During this webinar, we will discuss the proper methods of performing, documenting and sharing of the inspections for the benefit of all involved.

Diagnosing Difficult Deposit Related Driveability Concerns

DEC. 29 | 12PM-1PM | Gary Smith, Diagnostics.com



This one-hour mini class looks at how fuel and oil depositing plays a major role in getting the diagnosis right the first time on these modern close tolerance, fast-fuel control vehicles.

- This is an eye-opening class for techs, advisors and shop owners alike, and talks about critical knowledge that the OEMs are NOT teaching today.
- Learn how adding this strategy to your diagnosis saves time, un-necessary parts replacement and LESS COMEBACKS. A Must-See class for all shop positions, techs, advisors and shop owner.

As the major oil companies began to company operate some of their stores, some independent dealers began to suffer a competitive disadvantage with the retail stores that were being operated by their supplier.

Competing With Your Motor Fuel Supplier?

By James L. Parsons, Jr., Lynott, Lynott & Parsons, P.A.

What appears to be a common occurrence in today's retail motor fuel market is the situation where a dealer is paying wholesale prices for product that are equal to or higher than the retail "street" prices of the dealer's nearby competitors. This situation is compounded where the competing retailer is operated by the dealer's own supplier through a company operated store or through a commissioned agent. What are a dealer's options when this occurs? A brief historical background of the laws in Maryland relating to the marketing of gasoline, and recent decision from the Maryland Court of Special Appeals, shed some light on this all-to-common predicament.

Historical Background

In the 1970's, many retail gasoline dealers in Maryland were directly supplied with motor fuel by major oil companies. As the major oil companies began to company operate some of their stores, some independent dealers began to suffer a competitive disadvantage with the retail stores that were being operated by their supplier. The Maryland legislature took notice of this competitive imbalance between the majors and the retail dealers, and in 1973 it passed the Maryland Gasoline Products Marketing Act, now known as the Gasohol and Gasoline Products Marketing Act, Md. Code Ann. Comm. Law Section 11-301 et seq. (the "Act").

The Act contains numerous provisions directed to the protection of dealers, including:

- A requirement that the distributor make certain disclosures to a prospective dealer before entering into a marketing agreement (3 year volume history, information about previous dealers, and other obligations of the dealer);
- A prohibition of price setting by the distributor;
- A distributor may not force mandated hours of operation on a dealer, and hours of operation have to be negotiated in good faith, arrived at in mutual agreement and be based on a bona fide business need;
- A distributor cannot unreasonably withhold its consent to an assignment or a transfer;
- A distributor must pay the dealer for goodwill if it terminates the marketing agreement;
- A franchise is considered personal property and will devolve on death or retirement of a dealer to the dealer's spouse or child.

The Four Cent Rule and Divorcement

Another provision in the Act designed to protect dealers is what is known as the "Four Cent Rule." This rule requires that a distributor sell fuel to its "noncontrolled outlets" (i.e., independent dealers) "at a wholesale price of at least 4 cents per gallon under the lowest price posted for each grade of gasoline at any controlled outlet" (i.e., company operated or commissioned agent stores). Md. Code Ann. Comm. Law Section 11-304(l). Dealers today may question whether providing a guaranteed margin of four cents is really adequate protection, but that was the amount that the Legislature deemed appropriate at the time. More importantly for present





...dealers should be aware that if their supplier is pricing motor fuel so as to place the dealer in a position where they cannot possibly compete, there may be some legal recourse available under these (and possibly other) laws.

purposes, the Act also contains language stating it does not apply to an “independent jobber,” which is broadly defined as an individual or corporation purchasing gasoline or gasoline products from a wholesaler for resale to a dealer.

In 1974 and 1975, the Maryland legislature went a step further and passed what is known as the Divestiture or “Divorcement” Law, which prohibits producers or refiners of petroleum products from operating retail service stations. However, the Act remained in place.

Transition to Jobber Market and the Azam Decision

The early 2000’s witnessed the withdrawal of most of the majors from direct supply to retailers in this region. As a result, the market supply has become dominated by “middleman” jobbers/distributors. As this transition occurred, there were concerns raised by dealers that since the jobbers/distributors are not subject to the Divorcement Law, they can open their own company stores or commissioned agent stores and compete with the dealers to whom they supply fuel, in the same way that the majors did in the 1970’s. Those concerns have come to fruition in some instances, as witnessed by the recent case of *Azam v. Carroll Independent Fuel*, 240 Md.App. 1 (2019).

Mr. Azam is a BP dealer in Baltimore County. He filed a declaratory judgement action seeking to apply the Four Cent rule to his supplier, Carroll Independent Fuel (CIF). After the circuit court ruled against him, Mr. Azam appealed the decision to the Court of Special Appeals of Maryland. After reviewing

the legislative history referenced above, the appellate court found that since CIF meets the definition of an independent jobber, the Act (including the Four Cent Rule) does not apply to CIF. The court also found that CIF’s supply agreement was not a marketing agreement as defined by the Act, because CIF does not own the trademark (BP) that was the subject of the supply agreement.

The court’s opinion did not address the question of whether CIF also meets the definition of a distributor (to which the Act does apply). In this regard, the Act appears to have some ambiguity, but the Court did not address it. Instead, it relied on the historic context of the Act and the fact that it was passed at a time that the majors dominated the supply market and had company operated stores in Maryland. In the court’s opinion, the Divorcement Law addressed the competitive imbalance that existed between the majors and the dealers in the 1970’s, and as a result, the Four Cent Rule became an “anachronism.” The court concluded by stating that if “new and modern problems have replaced the problems of the 1970’s, the General Assembly is always empowered to address them.” In other words, if the transition to a distributor/jobber market has created a new “uneven playing field,” then dealers should seek to have new legislation enacted to address the current competitive imbalance.

Fuel Pricing Protections Still Available

While the “Four Cent Rule” (and the Act) may no longer be

available as a possible means to address pricing practices of jobber suppliers, there are other laws related to fuel pricing that may still provide some protection to dealers. The prices for motor fuel charged by a jobber are subject to the limitations in the Uniform Commercial Code Section 2-305 that they be set in “good faith,” which “includes observance of reasonable commercial standards of fair dealing in the trade.” However, proving a violation of that section may be difficult if the supplier establishes that the price charged to the dealer is the “price in effect” or “posted price” charged to similarly situated dealers. Nonetheless, courts in some jurisdictions allow inquiry into the motives of the supplier, including whether the supplier is attempting to force the dealer out of business. In addition, jobbers may not engage in unlawful price discrimination under the Robinson Patman Act, where such discrimination has a “prohibited effect on competition.”

A detailed description of these laws is beyond the scope of this article, but dealers should be aware that if their supplier is pricing motor fuel so as to place the dealer in a position where they cannot possibly compete, there may be some legal recourse available under these (and possibly other) laws. Whether these laws are implicated will depend on the factual circumstances of each case. But more importantly, dealers impacted by this predicament should take action to make the Maryland legislature take notice and hopefully pass legislation to address the problem as they did in the 1970’s. ■

...the Wills Group and its sister brand, Dash In, ramped up efforts to support the following four regional food banks working to meet the increased demand for food assistance...

The Pandemic Storm: Serving Communities When They Need It Most

For nearly 100 years, the Wills Group has committed to caring for and supporting the communities where it operates. Since 2015, the company reinvested in its community engagement program to focus on childhood hunger, resulting in significant financial support and volunteer hours being dedicated to ensuring kids facing hunger across the Mid-Atlantic get the food they need to learn, grow, and thrive.

Fast forward five years later to 2020, the COVID-19 pandemic now plaguing the globe has rendered childhood hunger an even bigger threat with school closures, job losses, and communities struggling to have the most basic of needs: food. Fortunately, thanks to existing trusted nonprofit partnerships, the Wills Group and its sister brand, Dash In, ramped up efforts to support the following four regional food banks working to meet the increased demand for food assistance: Maryland Food Bank, Food Bank of Delaware, Capital Area Food Bank, and FeedMore. The following timeline highlights the company's response efforts, working alongside critical partners.

In March, to alleviate some of the strain the regional food banks were facing, the Wills Group donated \$200,000 in unrestricted funds, providing \$50,000 to each food bank to support their COVID-19 emergency relief efforts.

In May, Dash In launched its 'Lift Up Program' with two efforts to help show appreciation for local heroes: a free breakfast sandwich offer for healthcare and first responder professionals and its Snack-O-Gram initiative for customers to send a free snack and personal message of appreciation to frontline heroes.

In June, regional food bank partners reported an increased demand for food along with decreased food supply from their vendors. The Wills Group provided an additional round of funding totaling \$300,000. Each regional food bank received \$50,000 to support their mobile food distribution efforts, with \$100,000 provided to three Southern Maryland-based nonprofits deploying innovative programs to make food accessible locally, including LifeStyles of Maryland's cabana project which makes food and toiletries available to community members at satellite sites.

In July, Dash In delivered over 2,500 Snack-O-Grams to hospitals and fire stations across Delaware, Maryland, and Virginia. Also in July, the Wills Group partnered with the Maryland Food Bank and LifeStyles of Maryland to host a contactless "Pantry on the Go" mobile food distribution site at its headquarters in La Plata, Maryland, distributing nearly 100 fresh produce meal kits to families and individuals in Southern Maryland, as well as 400 gallons of milk. An additional



The Wills Group recognizes that the timeline and support cannot stop here as the needs of communities across the Mid-Atlantic continue to grow.



150 fresh produce meal kits were distributed through local organizations.

In September, the Wills Group raised more than \$153,000 in support of the Blackie Wills Community Leadership Fund at its fourth annual Blackie Wills Golf Classic event. The funds raised will help to support the Wills Group's ongoing

community engagement efforts to end childhood hunger, as well as respond to increased needs of children and families in local communities amid the COVID-19 pandemic.

The Wills Group recognizes that the timeline and support cannot stop here as the needs of communities across the Mid-Atlantic continue to grow. Food



Bank partners are planning for the pandemic's impact to last over the next few years. Please consider donating to Maryland Food Bank, Food Bank of Delaware, Capital Area Food Bank, or Feedmore to join the Wills Group in helping ensure more children and families have access to food.

To learn more about the Wills Group, visit www.willsgroup.com. ■



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Optimizing Your Business Through Responsive Design

Since the arrival of the **COVID-19 pandemic**, searching online has become the cornerstone of the economy's "new normal" and you need to be ready to connect with your customers on their own terms, no matter where they are. Everyone in the automotive industry has seen how the COVID-19 pandemic has already dramatically accelerated this trend over the past few months and, with 53% of users abandoning any website that takes more than 3-seconds to load, the need for every business to have an optimized, easy-to-navigate website has only increased.

Here's a few facts that underscore exactly how important a well-designed website is for your business:

- 57% of internet users say they won't recommend a business with a poorly designed website
- 94% of first impressions of a website are design-related
- 75% of consumers admit to making judgments on a company's credibility based on the company's website design.

While your website is still the heart of your digital presence, much of today's browsing happens on a wide range of devices with different screen sizes. For example, Apple and Samsung alone are currently selling products with more than 30 different screen sizes! Add the number of tablets, laptops, and desktops on the market from other companies and you've got 100+ screen formats. That's why your website has to be based on what is known as a responsive design.

Responsive design is an approach to web page creation that allows you to have pages that automatically detect the visitor's screen size and orientation and change the layout automatically to provide a seamless browsing experience. Responsive websites adapt to all screen sizes and resolutions, not only on desktop but also on mobile, tablet, and sometimes even a smart TV.

Mobile Matters Most

But the big driver behind updating your site to a responsive format can be summed up in one word: Mobile. In 2020, the number of global smartphone users is projected to reach 3.5 billion and 96% of Americans now own a cell phone, 81% of which are smartphones. Mobile technology has enabled consumers to shop anywhere they are at any time, so having a site with a responsive design is critical. Mobile traffic was responsible for nearly 79% of all global traffic last year, meaning that a website not well optimized for mobile devices is losing out on more than three-quarters of its traffic.

Businesses without a mobile-friendly website are falling behind at an alarming rate, because 8 in 10 visitors will stop engaging with a website that doesn't display well on their device. We all know that first impressions matter and, with such a significant percentage of all digital searches completed from a mobile device, mobile-first design is crucial because it's way too easy for users to hit the back button and try a rival instead. What's more, Google prioritizes responsive websites



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in ranking responses to searches. In other words, responsive web design is also likely to increase a shop's visibility on search engines without changing a single piece of your SEO strategy.

Want to see how your current site stacks up to the competition? Then go ahead and take Google's mobile-friendly test here.

But with the majority of your customers owning – and searching – on more than one device, 83% of mobile users say that they should be able to continue the experience on desktop if they wish. That's why you need a comprehensive responsive design to display your products and services.

Responsive Design: Best Practices

When starting a responsive design project, its best to begin with the mobile version. Mobile websites have more usability concerns (mostly due to the lack of real estate on a smaller screen), so it's practical and more efficient for the primary focus to be on mobile design. It's also easier to scale up the mobile version than it is to scale down the desktop version (mostly because of the lack of space on mobile websites). Mobile-first web design helps you to reevaluate what's visually and functionally necessary.

But responsive web design is not just a matter of squeezing things to fit different screens it's about delivering one website countless ways depending on the width of the screen. But what to add? What to remove? How do you prioritize what's most important? What are the implications for search rankings? And how do you do all of that with just one code base?

It really takes an expert to code a responsive website, but here are five best practices to keep in mind when upgrading your site:

Hidden Navigation Menus

On smaller screens hiding the

main navigation menu is a good way of keeping layouts simple. An icon, text, or combination of both indicates to the user where the menu is. Your options include a simple drop-down menu where the menu slides down and covers the main content below or the overlay method where the menu expands and covers the whole screen.

Larger Clickable Areas

It sounds counter-intuitive, but rather than making buttons smaller on mobile you make them larger so that they are easier to tap. In fact, this doesn't just apply to small screens, it's good for them to be large whatever the device – from touch screen tablets to desktop PCs. Large buttons improve usability. In addition to making buttons larger, text links also benefit from being larger.

For example, if you have a grid of headlines that promote a product or service special, you may want to use a text link that says "Read More" under each of them. To make it even easier to use, be sure to make the whole content block a link so that the user can click anywhere.

Design for Thumbs

Responsive web design is tricky in the sense that users will interact with the desktop website via clicks, but the mobile version will be accessed via taps and swipes. There are physical differences as well. Desktop users typically have their computers on a surface, whereas mobile users hold their devices in their hands. These differences significantly change the way mobile user interface (UI) designers design "tap" targets and other important elements because thumbs can easily reach the center of the screen when held in one hand.

Important Information Goes Up Top

Show telephone numbers, contact info, "buy now" prompts, and other critical messages at the top

on mobile. Mobile users want information quickly, but this also works well on any device. For example, on any of your eCommerce product details page it's good to have the "Add to Basket" button visible to the majority of users without them having to scroll.

Link Phone Numbers and Addresses

Optimizing for mobile is all about streamlining a customer's experience and any action should take them as few steps as possible. This means taking advantage of interactions on mobile that will help make visiting your website (or buying your product, scheduling service, or contacting your business) an easy and pleasant experience. One simple way to add value to your "contact us" page is to make your phone number a clickable link. Everybody knows the pain of frantically swapping back and forth between your phone and browser apps to type in a phone number or trying to copy it and accidentally copying all of the other content on the page, too. You can do the same with your address by making it launch in Google Maps to highlight the location of your shop and make getting directions as easy as a single tap or two.

In 2020, all of this – and more – is essential if you want to have a well-optimized website for your business. Since it's possible that half of your website traffic is coming from mobile, it is not an option to alienate them by giving them a sub-par experience. By reviewing your site with these responsive design best practices in mind, you'll be able to determine if your site is truly fit for the mobile-first times we live in or if you need to make some changes.

This article was created by the team at Net Driven. Learn more about Net Driven digital marketing solutions by visiting www.netdriven.com. ■

Goals for After the Election



By Roy Littlefield IV

As we continue to adapt and change, many government affairs efforts have moved to virtual formats. These includes meeting with members of Congress, coalition meetings, legislative roundtables, grassroots efforts, fundraisers, and hearings. In October, WMDA/CAR being represented by SSDA-AT took part in a series of virtual meetings, webinars, conference calls, and zoom meetings.

Election day will produce a new constellation of power in the Congress and change the calculations of the participants. This will impact three major tasks Congress cannot avoid after the election – a stimulus bill, appropriations to fund the government, and extension of the work opportunity tax credit, VOW to Hire Heroes Act hiring credits, and other tax code provisions expiring December 31st.

We expect stimulus to be top priority in November as COVID-19 infections develop, vaccine prospects emerge, and Federal Reserve governors renew their frequent warnings of recession risk. Our goals will continue to be enacting the new Employee Retention and Rehiring Tax Credit and the new COVID-19 WOTC target group.

Continuing appropriations to fund the government expire December 11th. If the current “lame duck” Congress hasn’t agreed an omnibus appropriations bill by that date, to avoid a government shutdown it can enact a further continuing resolution till January or later.

The new 117th Congress begins January 3rd. President Trump continues in office till January 20, when either he or his successor is sworn.

The House of Representatives has sole power to originate revenue measures. If Democrats win the presidency or gain seats in the new Congress, they may opt for another continuing resolution till next year to have a stronger voice in writing the omnibus for remainder of FY 2021.

With an omnibus bill to fund the government, our goal will be to attach an amendment calling for permanent or long-run extension of WOTC and VOW to Hire Heroes Act credits.

With a continuing resolution, our goal is the same but we may have to wait till the end of February or later to extend WOTC and the VOW Act credits because a new Congress often takes till February or March to get organized.

This raises the prospect of WOTC and the VOW Act credits expiring for months, sometimes two or three, sometimes longer. We’ll work to forestall this at all costs, because we know there are only a few tax bills a year and we may have to wait till June or July for a bill to enact WOTC and VOW Act credits if they’ve expired.

We’ve been through this scenario before and can deal with it.

Fortunately, a high percentage of tax writers of both Parties whom we work with will win re-election. We have committed supporters who understand what



Election day will produce a new constellation of power in the Congress and change the calculations of the participants.

GOVERNMENT AFFAIRS

we're aiming for, and should the presidency change hands, we'll promptly connect with the new White House and department officials to explain our expectations, especially regarding the President's budget.

There's a cloudy sky ahead, but our unity and commitment are rock-solid. When election returns roll in, we'll meet new faces and gain new allies. We'll get the job done. ■



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SBA and Treasury Announce Simpler PPP Forgiveness for Loans of \$50,000 or Less

SBA began approving PPP forgiveness applications and remitting forgiveness payments to PPP lenders for PPP borrowers on October 2, 2020.



By Roy Littlefield III

The U.S. Small Business Administration, in consultation with the Treasury Department, released a simpler loan forgiveness application for Paycheck Protection Program (PPP) loans of \$50,000 or less. This action streamlines the PPP forgiveness process to provide financial and administrative relief to America's smallest businesses while also ensuring sound stewardship of taxpayer dollars.

"The PPP has provided 5.2 million loans worth \$525 billion to American small businesses, providing critical economic relief and supporting more than 51 million jobs," said Secretary Steven T. Mnuchin. "Today's action streamlines the forgiveness process for PPP borrowers with loans of \$50,000 or less and thousands of PPP lenders who worked around the clock to process loans quickly," he continued. "We are committed to making the PPP forgiveness process as simple as possible while also protecting against fraud and misuse of funds. We continue to favor additional legislation to further simplify the forgiveness process."

"Nothing will stop the Trump Administration from supporting great American businesses and our great American workers. The Paycheck Protection Program has been an overwhelming success and served as a historic lifeline to America's hurting small businesses and tens of millions of workers. The new form introduced today demonstrates our relentless commitment to using every tool in our toolbelt to help small businesses and the banks that have participated in this program," said Administrator Jovita Carranza. "We are continuing to ensure that small businesses are supported as they recover."

SBA and Treasury have also eased the burden on PPP lenders, allowing lenders to process forgiveness applications more swiftly.

SBA began approving PPP forgiveness applications and remitting forgiveness payments to PPP lenders for PPP borrowers on October 2, 2020. SBA will continue to process all PPP forgiveness applications in an expeditious manner.

While SSDA-AT continues to work in support of legislation to simplify the PPP loan forgiveness process, particularly for small businesses, we were pleased to see that Treasury has announced a simplified loan forgiveness application for PPP loans of \$50,000 or less.

Contact us if you need assistance locating the application or need additional materials. ■





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Having a Voice – Representing Our Members

Our Industry is facing not only the overwhelming effects of COVID-19 but issues that affect the core of our business.

- Maryland, Delaware, and District of Columbia belong to the Transportation Climate Initiative (TCI) with a goal of reducing carbon fuel use up to 30% by 2030.
- New cars manufactured are installing telematics in vehicles that only send information to their dealerships – no option to the car buyer.
- Ban on menthol cigarettes (already a law in Massachusetts)
- California bans gas powered cars by 2035.
- Baltimore council member wants to ban new service stations in the city.

This sounds like a Steven Spielberg horror movie, but these are real issues that face our industry!

These issues will be or already are in the legislative process and will affect every business WMDA/CAR represents. Outside and inside sales, and car count in our shops. Legislators are looking to raising funds for their next election. They are also looking at supporters who provide those funds and support their efforts.

We are working hard to protect our members and associates and your contributions are essential to that process. The devastating effects of COVID -19 and combining that with real legislative issues that affect all our members is difficult to absorb but they are a real danger to our businesses.

Now is the time to support the WMDA PAC and protect your business.

We suggest \$150 per location however, any amount is welcome. Please send contributions to:
WMDA PAC
1532 Pointer Ridge Place, Suite F
Bowie, MD 20716

You may direct any questions about legislation to Kirk McCauley at kmccauley@wmdda.net.

Your fellow business owners and PAC officers,
Rick Agoris, PAC Chairman
Riaz Ahmad, PAC Treasurer



CONTRIBUTION RULES:

1. Maryland currently is in a 4-year election cycle which began January 1, 2019 through December 31, 2022.
2. No individual or corporation can contribute more than \$6,000 to any single candidate or a state PAC over the 4-year election cycle.
(The maximum contribution to the WMDA PAC cannot exceed \$6,000 in total during this cycle.)
3. Your contribution to WMDA PAC can be a personal or corporate check. Political contributions are not considered a business expense or tax deductible.



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