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THE OFFICIAL  
PUBLICATION OF THE  
ALABAMA RETAIL  
ASSOCIATION

*THE VOICE  
of Retailing in Alabama*



ALABAMA RETAIL  
ASSOCIATION

## BROWN TO LEAD ALABAMA RETAIL ASSOCIATION



*Rick Brown*

**R**ick Brown has been chosen by the Alabama Retail Association Board of Directors to serve as President of the Association upon the retirement of current President Charles McDonald. He has served as Vice President of ARA for sixteen years.

Rick joined the Alabama Retail Association in 1989 with a background that included sales and banking. Under his leadership, membership in ARA has grown exponentially from approximately 200 members to a membership today of more than 4,000.

A graduate of the University of Alabama, Rick is a Certified Association Executive as designated by the American Society of Association Executives. In addition, he is a graduate of the Institute for Organization Management at the University of Delaware and of Leadership Montgomery. He serves on the Board of Directors for the Alabama Council of Association Executives.

*(Continued on page 8)*

## *Thirty-five years sure do pass fast when you are having fun!*

**R**ecently, a cashier at one of our member stores told me as I left to "have a blest day." Well, I have done more than that. I have had a "blest" career.

By the time you read this, ARA will have a new President and CEO. Richard E. "Rick" Brown has been named my successor. Rick has been with ARA since 1989 where he has served as Fund Administrator of Alabama Retail Comp.

During his tenure, the Comp Fund has achieved substantial growth and has returned millions in premium saving to ARA members.

Rick has also been most active in legislative affairs on behalf of retailers. An aggressive fundraiser, he has boosted the Association's political action committee contributions many fold.

Many others have contributed to the progress and effectiveness of ARA. It would not have achieved the stature it now enjoys without the dedication of so many staff members and volunteers. I must mention a few: Virgie Todd, Toni Hill, Alison Wingate, Jim Rotenstreich, Claude Kitchin, Jerry Beasley and Jimmy Smith.

So, I leave with no regrets. ARA is in good hands.

Finally, I must thank my wonderful wife, Elaine, who has supported me every day during these last 35 years. It wouldn't have happened without her.



*Charles McDonald*

# THE VOICE

THE VOICE OF  
RETAILING IN ALABAMA  
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FOURTH QUARTER

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RICK BROWN

**EDITOR:**  
ALISON WINGATE

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# FROM THE PRESIDENT

R I C K B R O W N



I am truly excited and energized by the opportunity to lead this fine organization. I have worked with our outgoing President, Charles McDonald, for sixteen years. I have learned a lot from him. Perhaps the greatest thing he ever taught me about politics is that without honesty and integrity, there is no credibility with elected officials.

Honesty and integrity are the essence of Charles McDonald. I think those attributes will be his greatest legacy and contribution to this organization and its culture. His legacy will be felt for many generations.

The Alabama Retail Association has a long history of advocacy on behalf of Alabama's retailers. As President of ARA, I intend to continue this tradition.

Our legislative agenda for the upcoming year is very broad and encompasses such issues as a back-to-school sales tax holiday, the taxation of internet and catalog sales, increased criminal penalties for organized retail theft and product liability tort reform, just to name a few.

In 2006, the entire Legislature, the Executive Branch, five of the nine Supreme

Court Justices (including Chief Justice), and two of the five Court of Civil Appeal

Judges are up for election. We will be working through our Political Action Committee, RetailPAC, to ensure that pro-business candidates are properly funded.

Finally, I am pleased to announce staff changes at the Alabama Retail Association and Alabama Retail Comp.

At ARA, Alison Wingate has been promoted to Vice President. Alison has been with our organization for five years. Along with management responsibilities, she will lead our governmental affairs and public relation efforts.

At Alabama Retail Comp, Mark Young has been promoted to Fund Manager. Mark has been with ARC for eight years. Mark will be responsible for the management of our insurance operations.

In closing, please know my door is always open. This is YOUR association! Keep in touch and let us know what we can do to help.

## VOTERS' RIGHT TO ELECT JUDGES IN JEOPARDY

*Rick Brown, ARA President*

Recently elected Alabama State Bar Association President Bobby Segall announced plans for the group to push an amendment to Alabama's constitution that would take away voters' ability to select appellate judges and instead allow the Governor to make judicial appointments.

Taking away the voters' right to select their judges by simply moving the politics to another branch of government is not a healthy move. People across the state, and indeed across the country, are having a broad debate about the role of judges in society. ARA believes that the best way for their voices to be heard is by selecting their judges democratically as they do now.

Not so long ago, Alabama's judiciary was the target of much unwanted national

media coverage. The state was even dubbed "Tort Hell"! Alabama voters were smart enough to recognize the problem and went to the polls to restore credibility to the courts. Now the Alabama State Bar wants to take their voice away?

When the average person knows the trial lawyers are behind a candidate, that candidate loses. Now, the trial lawyers are trying to change the rules of the game because they know they can't win honestly in the electoral process.

ARA has always and will remain opposed to any legislation that would limit or remove the right of Alabama voters to elect our judges. Alabamians have long believed that voters should have the right to decide who sits on the bench in our courtrooms, and we couldn't agree more strongly.

# UNION DISCORD AFFECTS ALABAMA RETAILERS

*Richard I. Lehr, Esq., Lehr Middlebrooks Price & Vreeland, P.C.*

In one of the most significant developments in the history of labor unions, unions with that focus on the retail sector have split from the AFL-CIO to form their own organization, called the "Change to Win Coalition" (CWC). These unions are the United Food and Commercial Workers Union, the Service Employees International Union, UNITE HERE, and the Teamsters. The UFCW in Alabama represents employees at Bruno's stores. It also has a considerable number of members who work for nursing homes. UNITE HERE includes employees in the hotel, restaurant and retail sector, the Service Employees International does not have a strong presence in Alabama and the Teamsters represent several employees involved with distribution and delivery within our state.

These unions split from the AFL-CIO because they believe that the AFL-CIO spent too much time and money on politics, and not enough effort on trying to bring in new members. At its founding convention in St. Louis, Missouri on September 27, 2005, the CWC selected Anna Burger to become its first Chair, serving a two-year term. She was the Secretary-Treasurer of the Service Employees International Union. The CWC focus will be on women and minorities, particularly those in lower wage jobs with little or no benefits. CWC unions at the St. Louis conference also announced a major focus on lower paid employees displaced by hurricanes Katrina and Rita, and thus their focus on efforts to train and unionize employees in south Alabama, Mississippi and Louisiana.

CWC unions will use several strategies to try to sign up new members. First, they will try the "partnership" approach with non-union employers. They will state to an employer's workforce that they offer affordable healthcare programs for the employer, and why wouldn't the employer want to do business with them to extend that benefit to the workforce. If employers do not cooperate, they will apply the public pressure approach, such as their efforts nationally to unionize Wal-Mart. Historically, employers with identifiable products or services are most vulnerable to these public pressure tactics. If an

employer has some facilities that are unionized and others that are not, the unions at the bargaining table for the unionized facilities will seek concessions of "neutrality" from the employer. Neutrality could mean that the employer will take no position with its non-union workforce should the unions try to organize.

Some Alabama retailers may have become complacent about remaining union free, believing that with a relatively small number of employees at each location and the high turnover and number of part-timers, how and why would a union seek to organize that workforce. However, that workforce is the focus of UNITE HERE,

the Service Employees International and the United Food and Commercial Workers, particularly a workforce comprised largely of female and/or minority employees. Therefore, ARA members would be prudent to evaluate their overall vulnerability to employee interest in unions and what steps they may take to be sure that outcome does not occur.

*Lehr Middlebrooks Price & Vreeland, P.C. represents employers only regarding labor and employment matters. The firm can be reached at: 2021 Third Avenue North, Birmingham, AL 35203; Phone 205-326-3002; Fax 205-326-3008; www.lmpv.com*

## NATIONAL RETAIL FEDERATION PROJECTS MODERATE HOLIDAY GAINS OF 5.0% IN RETAIL HOLIDAY SALES

On the heels of the strongest holiday season in five years, retailers can expect moderate holiday sales growth this year. According to the National Retail Federation (NRF), total holiday retail sales are expected to increase 5.0 percent over last year, bringing holiday spending to \$435.3 billion. In comparison, holiday sales in 2004 rose 6.7 percent to \$414.7 billion.

NRF defines "holiday retail sales" as retail industry sales which occur in the months of November and December. Retail industry sales include most traditional retail categories including discounters, department stores, grocery stores, and specialty stores, and exclude sales at automotive dealers, gas stations, and restaurants.

"A combination of many factors, including energy prices, the job market, disposable income, and consumer confidence, will ultimately affect retailers' sales this holiday season," said NRF Chief Economist Rosalind Wells. "Though it might be easy to label gas prices as the make-or-break factor for the holidays, it is crucial for analysts to look at the big picture instead of isolating one economic indicator to project sales."

One-fifth of retail industry sales (19.9%) occur during the holiday season, making it the most important time period

of the year for the industry. This year, retailers will struggle with tough comparisons over 2004, which will make significant gains more difficult to achieve. In addition, the effects of Hurricane Katrina and high prices at the pump play a role in the tempered outlook. However, NRF maintains that steady consumer spending and strong second and third quarter gains indicate potential for a solid holiday season.

"Consumers won't have to wait until the last minute to get the best deals this year because retailers are expected to be aggressive in their pricing strategies throughout the entire holiday season," said NRF President and CEO Tracy Mullin. "Stores are planning for holiday sales and promotions, so discounted prices won't have a negative effect on profits."



# GOVERNOR'S REGIONAL ECONOMIC ROUNDTABLES

## PROVIDING INFORMATION FOR EMPLOYERS

*A statewide series of employer seminars designed to give Alabama businesspeople easy access to valuable, up-to-date information about policies and programs critical to their business bottom-line.*

Presented by: The Alabama Department of Industrial Relations

In partnership with: The Governor's Office, The Alabama Retail Association, The Business Council of Alabama  
The Chamber of Commerce Association of Alabama, The National Federation of Independent Business, Troy University - Dothan

**How can you find ways to reduce your workers' compensation rates, get the latest employment law information, or how best to plan for a natural disaster or other crisis that could shut you down? Attend one of the seven employer seminars coming soon to locations throughout Alabama!**

November 1	Montgomery	Alabama Center for Commerce 401 Adams Avenue, 7th Floor Auditorium, Hull Street Parking Deck
November 2	Dothan	Troy University - Dothan, 500 University Drive
November 8	Huntsville	Huntsville Board of Realtors, 535 Monroe Street
November 9	Florence (Shoals)	University of North Alabama Banquet Hall, One Harrison Plaza
November 15	Birmingham	Blue Cross/Blue Shield Auditorium, 450 Riverchase Parkway East
November 17	Mobile	University of South Alabama, Main Library, 300 North University Boulevard
November 22	Demopolis	Demopolis Civic Center, 501 North Commissioner Street

***REGISTER TODAY and join us for the 2005 Governor's Regional Economic Roundtable nearest you!***

### HERE'S WHAT YOU WILL LEARN! 2005 Governor's Economic Roundtables Agenda

8:00 to 8:30 a.m.	Registration
8:30 to 9:00 a.m.	Welcome Gov. Bob Riley or his representative
9:00 to 10:30 a.m.	An Update on Employment Law
10:30 to 10:45 a.m.	Break
10:45 to 11:30 a.m.	Tips on Reducing the Cost of Your Workers' Compensation Insurance
11:30 a.m. to 12:30 p.m.	Lunch on Your Own
12:30 to 1:30 p.m.	Managing Your Health Insurance Costs
1:30 to 2:30 p.m.	Preventing Identity Theft and Fraud in the Work Place
2:30 to 2:45 p.m.	Break
2:45 to 3:15 p.m.	Managing Your Unemployment Insurance Tax
3:15 to 4:30 p.m.	Crisis Planning for Your Business
Conference Adjourns	

### REGISTRATION FOR GOVERNOR'S ROUNDTABLE

Please register me for the Governor's Regional Economic Roundtable in (City) \_\_\_\_\_.

Please mail this form and a check for \$20.00 per person, payable to **Roundtable Fund**, to the address below.

Confirmation of your registration will be sent via e-mail. If you don't have an e-mail address your confirmation will be mailed or faxed to you.

E-mail address: \_\_\_\_\_.

FAX #: \_\_\_\_\_.

Please type or print your business name and Person(s) attending seminar, address, and phone number, clearly below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Special Accommodations: \_\_\_\_\_

\_\_\_\_\_

Return to: DIR Public Information Office

649 Monroe St., Room 2828, Montgomery, AL 36131

IF YOU HAVE QUESTIONS OR NEED MORE INFORMATION, PLEASE CALL THE ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS AT 334-242-8609.

# BEING BEST IS BETTER THAN BEING BIG

Independently-owned businesses have been taking an unfair rap for the last few years. It seems that they are all failing or about to fail. According to 'common knowledge' we are told they can't compete with the BIGS who are owned and operated by publicly traded corporations. As the story goes, the smalls can't buy merchandise as advantageously, they aren't as professionally managed, they can't get as good a deal on leases or interest rates, they are not technologically up to date and on and on. In short, there are only a few survivors and their days are numbered. It is true that many small stores have closed up and a lot of those have failed. But at the same time, many large retailers have also failed.

It is difficult out there. There are too many stores. Even without hearing the statistics about how many square feet of retail space there is for every person in the country, we can see it with our own eyes. The number of shopping centers seems to be increasing without any end in sight. If the lenders will lend the money the developers will build the centers and lease the space to anyone who can come up with a month's rent. Too many times the lease is so one-sided the landlord is the only one who can possibly make any money.

There are exceptional small, independently owned retail stores out there. They exhibit some common traits, which are listed below:

## NARROW FOCUS

Small stores do not try to be everything to everybody. They know their customers and buy appropriate merchandise to take care of them. Big stores are general. The Best small stores are specific to city and customers.

## PASSION FOR CHANGE

Retailing has gotten more difficult in that management must recognize when dramatic change is called for and be proactive about initiating whatever change is called for. Business as usual is not good enough. Primarily, the retailer must recognize that the store, its product and marketing effort must

be sharply focused. More than ever, the store must stand for something and the customer must have a clear understanding of what it is the store is standing for. Then the store must reach out and capture the customer.

## ESSENTIAL TECHNOLOGY

Too many store owners still operate from the seat of their pants; or if they have a good management information system, reports are not accurate or not published on a timely basis or even worse, the reports are not used.

Best stores know that they need technology to run their stores in an effective and efficient manner. They look forward to getting new technology that will help them and give them a competitive edge. Retailing has gotten more difficult. The biggest risk in retailing is owning inventory. Information is powerful medicine in the combat with competitors. Complaining about the competition from chains

that have great systems is wasted energy. It is more productive to make the commitment to modernize the recordkeeping by implementing an integrated computerized management information system that includes any or all of the key retail modules; sales and inventory, accounts payable, accounts receivable, payroll, general ledger, customer marketing and point-of-sale.

## NECESSARY MARKUP

For the best stores, 50% markup is long gone. They know they are entitled to a fair profit and low markups won't get the job done. The expense of operating a store continues to increase and so must the markup. They are not like Wal-Mart and able to tell a vendor the price they will pay; however, they

know the markup they require and are not hesitant about passing up any vendor's merchandise that will not allow them to get it.

## OBJECTIVE RELATIONSHIPS

Best stores know they can not just continue to buy from the same vendors year after year. They must expect their suppliers to produce results. If sales drop or shipments are late or incomplete for a vendor, then it is time to look for a new one to replace it.

## CONFIDENT BUYING

Best stores thoroughly understand their customer and their merchandise. The person doing the buying is also on the floor selling. They use an Open-To-Buy so they do not overbuy or underbuy (both bad).

## AGGRESSIVE MERCHANDISE MANAGEMENT

Best stores take appropriate markups and appropriate markdowns. Their gross margin is exemplary and their turnover exceeds industry norms. They do not carry merchandise over from season to season or year to year. Their inventory is clean with an appropriate selection of new goods. They use an Open-To-Buy at the classification level to help them purchase the 'correct' amount of merchandise so they do not have too much or too little.

## EXCEPTIONAL STAFFING

One feature they have in common is that they rely on their sales staff and themselves to bring customers into the store rather than relying on bloated inventories and advertising budgets. They know having an excellent sales staff can be the difference between a successful store and a store doing poorly.

## EXEMPLARY SERVICE

At Best stores, customer service isn't just a policy, it's an attitude. Empowered sales

*(Continued on page 6)*

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*At Best stores, customer service isn't just a policy, it's an attitude. Empowered sales staffs keep customers happy. Best stores understand that exceptional customer service is what sets them apart from the BIGS and they work at it every day.*

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# RESPONDING POSITIVELY TO “JUST LOOKING”

by Richard Fenton

Research shows that of every 100 shoppers, approximately 20 are what are referred to as “explicit” customers... they know what they want and will tell you right away exactly what they're looking for. The other 80% are what are referred to as “implicit” customers... they want something but won't tell what it is. Why won't they tell you what they're looking for? Because they are afraid. Afraid of what? They are afraid that you just might sell it to them!

This fear has been created, in large part, by sales sharks who high pressure customers into making unwanted purchases. As a result, many customers put up their defenses early, and their primary defense is to say they are “just looking.”

So what should you do? The most important strategy for a retail sales associate to make a customer lower their defenses is to make the customer relax. Here's how:

## **ONE: RESPOND TO “JUST LOOKING” POSITIVELY, WITH EXCITEMENT!**

Not only should you never refuse a customer's right to browse, you should make them feel instantly comfortable in your store. When a customer says they are “just looking,” respond immediately with energy and excitement. Tell them “That's terrific! We're delighted to have you here today!” Or something to that effect.

## **TWO: IMMEDIATELY ASK A NON-THREATENING QUESTION**

Your goal at this moment is to keep the customer engaged, but without pressuring or crowding them in any way. The best question to ask is usually, “Have you shopped with us before?” If the answer is yes, say “Great. Let me tell you quickly what's new, on sale, etc.” If the answer is no, then give the customer a quick overview of who you are and what you sell.

## **THREE: OFFER ASSISTANCE TO “GET THEM STARTED”**

Now, ask the customer one more question: What can I do to get you started? It is at this point that many of the customers who initially tried to push you away, now that you've proven not to be one of the sharks, will respond by saying, “As a matter of fact, can you show me where I can find...” And you are off and running!

Of course, you will still have some customers who require their space no matter what approach you use. But, if you do the above with the right attitude and a smile on your face, you will find fewer and fewer “lookers” pushing you away.

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*Richard Fenton conducts keynote presentations and workshops for the retail industry on sales, performance acceleration, and recruiting. He has a new book out: *The Run With the Lions Sales Safari* co-authored with Andrea Waltz. For more information, or to order, call (800) 290-5028.*

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*Big stores are general.  
The Best small stores  
are specific to city  
and customers.*

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## **BEING BEST IS BETTER THAN BEING BIG**

*(Continued from page 5)*

staffs keep customers happy. Best stores understand that exceptional customer service is what sets them apart from the BIGS and they work at it every day.

## **UNCOMPROMISING STANDARDS**

Best store owners don't settle or make excuses. If sales are below plan, they find out why and make changes to turn it around. They are very focused - their business is their only career. Too many store owners don't feel that they are accountable to anyone. This is a distinct advantage of publicly held companies whose stock is widely held. The management is accountable to a board of directors who is accountable to the stockholders. Too often the independent retailer does not know how to resolve a need or problem and won't seek help. Tough decisions don't get made. Complacency sets in and it is just a matter of time before they are no longer profitable and their creditors are barking at their heels. Also, too many individual owners treat their business as a tax shelter trying to avoid income tax instead of generating the maximum amount of profit. They coast along in low gear and then it takes only a little head wind to push them backward. They don't demand that they and their business operate at full throttle all of the time.

Not all people want to shop at the BIG stores who all seem to have similar offerings. They want personal service and a good value for their money. These are the people that shop at specialty retail stores. These are your customers. The Best stores know this and do all they can to get these people into their store.

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*Linda Carter, The Retail Management Advisors. Helping independent retailers survive and thrive. [www.the-retail-advisors.com](http://www.the-retail-advisors.com) 1-877-206-1299*

# HURRICANE RELIEF QUESTIONNAIRE

*ARA would like to compile information on what Alabama retailers have donated, both monetarily and in-kind, to support hurricane relief efforts this year. Please take just a moment to answer and return the below questionnaire. This information will be compiled and released to the membership and the media. Thank you for your time.*



Fax to: 334-262-3991  
or e-mail information to:  
awingate@alabamaretail.org

Name \_\_\_\_\_ Name of Store \_\_\_\_\_

Number of Employees \_\_\_\_\_ Amount of corporate and employee money donated to hurricane relief efforts \_\_\_\_\_

Amount of money collected from customers \_\_\_\_\_ Value of goods donated by store \_\_\_\_\_

Value of goods donated by customers \_\_\_\_\_

Items such as \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Other ways in which services or time was donated \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Any other useful information about your store's hurricane relief efforts \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

You may use my name and store information in a press release.

You may use the information I have provided to compile statistics, but please keep my name and store information confidential.

This information will be compiled and released to the membership and the media. Thank you for your time.

Fax to: 334-262-3991 or e-mail information to: awingate@alabamaretail.org

# WELCOME NEW MEMBERS

Academy Restaurant Group, L.L.C. ....	Irondale	FIG .....	Tuscaloosa
Alabama Golf Management Group, Inc.	Northport	Fitness Together Mountain Brook, L.L.C. ....	Birmingham
Auburn Network, Inc. ....	Auburn	Holderman & Long Enterprise, Inc. ....	Huntsville
B & S SPORTING GOODS .....	Anniston	JCD, Inc. ....	Helena
Bowen Pharmacy L.L.C. ....	Dothan	Jim Dowdy Controls, Inc. ....	Birmingham
Butlers Mill Restaurant, L.L.C. ....	Graham	MLM Toys, Inc. ....	Hoover
Cardon, L.L.C. ....	Spanish Fort	Reflections Car Wash, Inc. ....	Montgomery
Carolyn's Restaurant .....	Pine Hill	RGJ's, Inc. ....	Troy
Cazadores, LLC. ....	Hampton Cove	Samples Properties, Inc. ....	Huntsville
Choo Choo BBQ, Inc. ....	Wedowee	Storage Partners, L.L.C. ....	Mobile
Conwell's Pharmacy, L.L.C. ....	Theodore	Talk Source, Inc. ....	Foley
Craft Fine Printing Papers, Inc. ....	Montgomery	The Babytalk Store, L.L.C. ....	Northport
Diann's Florist. ....	Headland	Thomas Financial Group. ....	Birmingham
El Merate .....	Dothan	WB Excellence, Inc. ....	Austin

## BROWN TO LEAD ALABAMA RETAIL ASSOCIATION

(Continued from page 1)

Rick is also Fund Administrator of Alabama Retail Comp, a self-insured trust that provides workers' compensation coverage to Alabama's retailers. In this capacity, Rick is a member of the Alabama Self-Insurers Association Board of Directors and is Chairman of COMP PAC, the official political action committee of the Alabama Self-Insurers Association.

"Through the years, Rick Brown has been a major factor in the success of the Alabama Retail Association and Alabama Retail Comp," said ARA Chairman Jerry Beasley. "With his extensive experience and leadership qualities, the continued success of the Alabama Retail Association is assured."

Rick and his wife Tina live in Montgomery with their two children, Evans and Bailey.



ALABAMA RETAIL ASSOCIATION

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