

BENEFIT FROM THE VALUE.

THIS ISSUE INSIDE



— Alabama RetailPAC, ARA's political action committee, has endorsed 10 incumbent appellate court judges in their March 10, 2012, primary bids, plus a civil appeals judge seeking the lone open seat on the Alabama Supreme Court.



— At the 30th Annual Retail Day, ARA and UAB recognized 19 outstanding Alabama retailers who operate 13 retail businesses as the 2011 Alabama Retailers of the Year.



— Throughout 2011, ARA members have been communicating with the state's congressional delegation on such issues as efairness and credit and debit fee reform.



— Alabama had seen 21 months of increased month-over-the-same-month-in-the-year-previous sales heading into the holiday shopping season. 2011 has been more profitable for retailers.



— ARA has a new team member, wedding bells have been ringing and several team members have received awards. Read this news and more in ARA/ARC Team Notes.



Certain stores must start

E-Verify system Jan. 1

Alabama employers who contract with state or local governments or have received government incentives or grants must enroll with and use the federal E-Verify system to determine the legal status of all new hires earlier than other employers.

Starting Jan. 1, if your business has a formal relationship with any state, county or city government, you must provide an affidavit to the governmental entity with which you have a business relationship that your business does not employ any unauthorized aliens and that your business is enrolled with the E-Verify system.

You also must have on file similar affidavits from any subcontractor that provides services to your business related to your government contract or grant.

continued on Page 3

Retail works for Alabama

Recent research that shows retail employs more than 400,000 and supports employment of 600,000

in Alabama demonstrates "*just what retail means to the state of Alabama*," Alabama

Speaker of the House Mike Hubbard told ARA members before the Nov. 15 ARA/ARC annual meeting. Alabama's 56,691 retail businesses directly employed 420,755 in 2009, which means **the retail industry** (including food services, drinking places and self-employed

retailers) **employs more people than any other private employer in the state.** Retail employs more than manufacturing,



more than healthcare, more than construction and more than agriculture. The research that puts retail at the top when it comes to Alabama employment is part of the Nation Retail Federation's Retail Means Jobs campaign, an effort to underscore retail's importance to the nation's economy.

Read more at alabamaretail.org/retailmeansjobs

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ALABAMA RETAIL QUARTERLY is the official publication of the Alabama Retail Association, 7265 Halcyon Summit Drive, Montgomery, Alabama 36117-3502. Telephone (334) 263-5757; FAX (334) 262-3991.

ALABAMA RETAIL QUARTERLY is published four times a year, quarterly. Views and conclusions expressed in articles herein are those of the authors, not necessarily those of the editors or officers of the Alabama Retail Association. Opinions expressed in this magazine do not necessarily reflect the policies of the Alabama Retail Association.

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Postmaster: Send address changes to **ALABAMA RETAIL QUARTERLY**, P.O. Box 240669, Montgomery, Alabama 36124-0669.

FROM THE PRESIDENT
RICK BROWN



It is past time for all retailers to collect sales taxes. For the past year, your Alabama Retail Association and its board has advocated for having all retailers collect the tax. Plenty of retailers do.

“Somehow, little old Books-A-Million has managed to figure out how to collect and remit these complex sales and use taxes, not only in Alabama and the other states where we have a physical presence but in big complicated states like New York where we do not have a presence,” says Doug Markham, executive vice president and chief administrative officer for Alabama-based **Books-A-Million** and a member of the ARA board of directors. “So is it really unfair or so difficult to expect mega-internet retailers to do the same?”

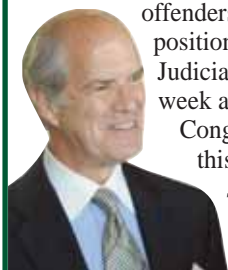
In the spring of this year, several Alabama retailers, including Markham, testified before an Alabama Senate committee to advocate for legislation that would require out-of-state, online retailers who don't collect sales taxes to at least notify their Alabama customers that sales taxes are due to state and local governments on online purchases. Unfortunately, while the full House and a Senate committee approved that bill, it never made it to the Alabama Senate's agenda.

The Retail Industry Leaders Association estimates 98 million online holiday shoppers nationwide have no idea they have an unmet sales tax liability when the retailer doesn't collect the tax at the time of purchase. The Alabama Department of Revenue has reminded Alabama consumers of that liability for at least two holiday seasons.

Three pieces of legislation now before Congress would require remote sellers to collect state and local sales and use taxes (See story, Page 7). Amazon, eBay and

Overstock, the three biggest offenders, expressed their positions to the U.S. House Judiciary Committee the week after Black Friday.

Congress should consider this: “Your daughter or son wants a North



George Wilder

Face jacket or a Patagonia fleece that costs \$199. If you buy it from (TLR), you will pay an additional \$20 in sales tax. And if some catalog or Internet seller in another state is offering to sell you the same product and is not required to charge you the same tax or even to make you aware that you still owe the tax, that is not a level playing field. It is not fair,” says George Wilder, owner and operator of **The Locker Room** and **TLR Outdoors** clothing stores in Montgomery and Auburn and a member of ARA's executive committee.

As Dianne Wammack, co-owner of **Cameras Brookwood**, who will serve as ARA's 2012 chairman, points out, “Professional full-frame cameras can cost \$5,000. (Cameras Brookwood does) not have any customers who will pay \$450 sales tax on those cameras. They buy on the Internet, which is perceived as ‘tax free.’ ... (My husband) and I have spent most of our adult life building this business only to watch it succumb to business models that don't include service for the customer, don't make expense payments to other local businesses, don't pay or collect state and local taxes, don't provide local jobs and do not contribute to the community.”

Local retailers have grown weary of being showrooms for mega-online retailers. This holiday season, Amazon even had the audacity to offer \$5 off to shoppers who used their latest app to scan in-store prices. Amazon prices don't include the tax. While shoppers may think that's too good a deal to pass up, they should ask themselves: *Have you ever seen Amazon.com on the back of a Little League jersey?*

RESOLVE TO CONTACT YOUR LAWMAKER

Why does our government continue to make Amazon and other mega-online retailers sales winners, while forcing hometown stores to be sales losers with laws that require only one type retailer to collect sales taxes? Ask your member of Congress and the Alabama Legislature to require all retailers to collect taxes.

Make it your New Year's resolution to do your part to help ARA resolve the sales and use tax collection issue by the next holiday shopping season.

Similar article appeared in Dec. 13 *Montgomery Advertiser*

Immigration employer mandates go forward

Despite the frequent rulings and discussions about Alabama's stringent immigration law, all Alabama businesses, even single proprietorships, must begin taking steps to comply with the main employer mandates contained in that law.

E-VERIFY IS HERE TO STAY

Of particular note are E-Verify enrollment requirements scheduled to take effect in 2012. Regardless of the eventual outcome of lawsuits challenging Alabama's law, state-mandated E-verify requirements have been upheld by the U.S. Supreme Court and will go into effect.

Every NEW employee, no matter their nationality or place of birth, must be deemed employable under the federal E-Verify system by April 1. **See the Page 1 story** continued on this page for an even earlier deadline imposed on employers with formal business relationships with the government.

STEPS FOR EMPLOYERS

☛ **Ensure that you are properly filling out a federal Form I-9 for each employee you hire.** All employees hired after Nov. 6, 1986, should have an I-9 in his/her personnel file. Do NOT backdate or update completed I-9s. See Page 7 of Vol. 11 No. 1 *Alabama Retail Quarterly* for a detailed explanation of proper I-9 procedure.

☛ **Consider an I-9 audit.** Law firms specializing in employment law should be able to complete such an audit for you.

☛ **Enroll in the E-Verify system, a free online service of the U.S. Dept. of Homeland Security.** Go to dhs.gov/E-Verify If you have 25 or fewer employees and do not have access to the Internet, the Alabama Department of Homeland Security is to provide a toll-free number through which that department will complete the E-Verify process for

your employees. The telephone number was unavailable at press time.

☛ **Add an E-Verify policy in your employee handbook.** The sample handbook in ARA's online Employment Law Resource Center contains an E-Verify policy.

☛ **Terminate any employee if you become aware of their ineligibility for employment.** Even your best employee must be terminated if they are in the country illegally. The penalties are too stiff for employers to consider violating the law.

Ted Hosp, a Maynard, Cooper & Gale lawyer with extensive knowledge of Alabama's immigration law, provided the background for this article. He has prepared a more detailed memo specifically for ARA members, which outlines some of the law's most relevant provisions for employers and provides more detail for the steps that Alabama businesses should begin taking in order to comply with the law. Email ndennis@alabamaretail.org or call 1-800-239-5423 for a copy of the full memo.

Secure I.D.s available statewide soon STAR I.D.s will be required to board planes in 2014

Driver license examining offices in Montgomery, Autauga and Chilton counties began issuing STAR (Secure, Trusted And Reliable) I.D.s on Oct. 3. The secure identification cards, which require more than one form of identification, will be available statewide after the first of the year, according to the Alabama Department of Public Safety. The new identification complies with the REAL-ID Act of 2005, which set federal standards for secure identification.



Beginning Dec. 1, 2014, you will need a STAR I.D. or an unexpired U.S. passport to board commercial aircraft or gain access to certain regulated federal facilities, if you were born after Dec. 1, 1964. All current Alabama driver licenses and ID cards will be accepted for official federal purposes until the 2014 deadline. On Dec. 1, 2017, this federal mandate goes into effect for those born on or before Dec. 1, 1964.

STAR I.D. licenses are issued only at driver license examining offices. They will not be issued at probate judges' offices or license commissioners' offices like traditional driver licenses. To obtain this secure identification, you must present original documents to verify your identity, date of birth, authorized presence in the United States and the address of your principal residence.

For more information and a complete list of required documents, visit dps.alabama.gov or call 877.567.1045.

Certain stores must start E-Verify system Jan. 1

Continued from Page 1

SAMPLE AFFIDAVITS ONLINE

You can find sample contractor and subcontractor immigration affidavits under **Regulation Updates** in the **Political Affairs** section of alabamaretail.org

You should have received a notice from the governmental entity if this early-adaptor provision of Alabama's immigration law applies to your business.

ENROLL IN E-VERIFY BY APRIL

Otherwise, all employers, even if the business has only one employee, must enroll in the E-Verify system by April 1, 2012.

Almost 200 ARA members participated in a Dec. 6 conference call to review this and other provisions of Alabama's immigration law.

CORRECTIONS

A story on Page 4 in the Vol. 11, No. 1 edition of *Alabama Retail Quarterly* misstated the current management team for Pizitz Management Group. Jeff Pizitz, nephew of Richard A. Pizitz Sr., and Richard A. Pizitz Jr., Pizitz Sr.'s son, manage the group.

A story on Page 6 of the same edition needs clarification. All new hires must complete and sign Part 1 of the federal I-9 form on their first day on the job. The employer must complete the remainder of the form in the employee's first three days at work.

Errors in the Alabama Retail Quarterly that warrant correction should be sent to ndennis@alabamaretail.org or call 1-800-239-5423

New workplace posters coming in January

Under an August rule enacted by the National Labor Relations Board, virtually every private employer is required to post an 11-by-17 notice of employees' rights under the National Labor Relations Act (NLRA). If not blocked, that rule takes effect Jan. 31, 2012.

At press time, the workplace notice about employee rights to join a union faced federal district court challenges in both the District of Columbia and South Carolina. Arguments were heard in the D.C. case on Dec. 19. A Senate bill (S. 1666) and two House bills (H.R. 2833 and 2854) also would block

the posting requirement.

All ARA members receive workers' rights posters required by federal and state law as a FREE member service. If this new poster requirement survives the challenges it faces, ARA will mail the NLRA poster along with an updated all-in-one state and federal poster to its members in January.

The last ARA-provided poster is dated September 2009. It does NOT include the Genetic Information Nondiscrimination Act of 2008, or GINA, which became effective Nov. 21, 2009. ARA members were mailed

the GINA supplemental poster. That supplement is also available at alabamaretail.org under **Free Required Workplace Posters** on the homepage.

The GINA poster will be incorporated into the new all-in-one state and federal poster coming in January.

Employers, who wish to do so before receiving the ARA-provided version, can download the union organizing poster at www.nlrb.gov/poster and print it on an 11-by-17-inch sheet or two 8.5-by-11-inch sheets taped together.

2011 holiday sales growth expected to slightly exceed last year's growth

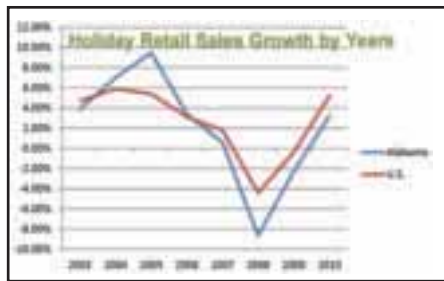
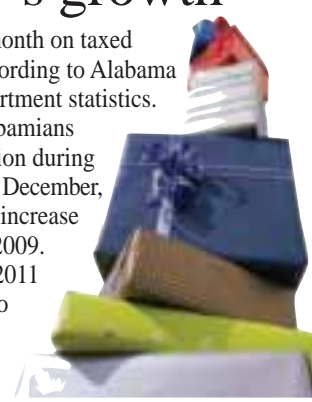
Alabamians were expected to spend about \$300 million more this holiday season than in 2010 on taxed purchases, based on this year's average monthly growth.

At press time, Alabama had experienced 21 straight months of increased month-over-same-month-in-the-previous-year sales increases, averaging almost 3.7 percent

growth each month on taxed purchases, according to Alabama Revenue Department statistics.

In 2010, Alabamians spent \$8.4 billion during November and December, a 3.21 percent increase over Holiday 2009. ARA expects 2011 holiday sales to be at least 3.5 percent higher than 2010.

Alabama tends to fall earlier but recover faster than the national economy and that seems to be holding true as we come out of the Great Recession (See **Holiday Retail Sales Growth graph** at left.)



Fed invites ARA members to complete survey

In an effort to better gauge the inflation expectations of businesses, the Federal Reserve Bank of Atlanta has created a five-question survey emailed to panelists once a month. In addition to serving as a tool to help measure expectations for inflation, the survey helps inform the Atlanta Fed's view of the sources of cost changes and provides them with insight regarding the factors driving business' pricing decisions. These insights are shared with Bank President Dennis Lockhart.

The survey takes only three minutes to complete and asks general questions regarding changes in sales levels, unit costs and margins. If you are interested in serving as a panelist for this survey, please contact Nicholas Parker, the survey's director, at nicholas.parker@atl.frb.org.



Sales tax holiday continues to improve Alabama sales

The amount of taxed goods sold in the month of August in Alabama increased 6.26 percent this year, proving for the fifth time that sales tax holidays help, rather than hurt statewide revenue. The state has only lost money one August in the six years the state has had a sales tax holiday.

"When retail does well, everybody does well," Gov. Robert Bentley said while promoting the annual August sales tax holiday with ARA member **Target** in Mobile and **Books-A-Million** in Alabaster on Tuesday, Aug. 2.

Several Alabama legislators also came out to help promote the holiday including Sens. Cam Ward, R-Alabaster, and Rusty Glover, R-Semmes, along with Reps. Napoleon Bracy, D-Mobile, Victor Gaston, R-Mobile, and April Weaver, R-Brierfield.

ARA thanks Books-A-Million District Manager Roger Reither and Target District Team Leader Joe Malheiro for all



Target #1376 Team Leader Tom Thorn and District Team Leader Joe Malheiro flank Gov. Robert Bentley in front of a back-to-school display at the Mobile Target on Schillinger Road South in August.

their help in organizing the August news conferences.

"This has turned out to be the second biggest shopping weekend other than Black Friday weekend for retailers," ARA President Rick Brown said of the three-day August sales tax holiday, which is always observed in the first



Sen. Cam Ward, R-Alabaster, and his daughter, Riley, the governor, ARA's Rick Brown and Rep. April Weaver, R-Brierfield, listen to what Books-A-Million District Manager Roger Reither has to say about Alabama's sales tax holiday.

full weekend of August. The 2012 dates are Aug. 3-5.

This year, clothing, especially school uniforms, and shoes were the biggest sellers. Electronics retailers also reported strong business with consumers buying up e-readers, tablets and laptops.

RetailPAC endorses 2012 judicial candidates

With the approval of the ARA board of directors, **Alabama RetailPAC**, the political action committee of the Alabama Retail Association, has endorsed 10 incumbent appellate court judges who will appear on the 2012 ballot. RetailPAC also endorses a civil appeals judge seeking the lone open seat on the Alabama Supreme Court. Those 12 races represent all of the Alabama appellate court positions on the ballot this year.

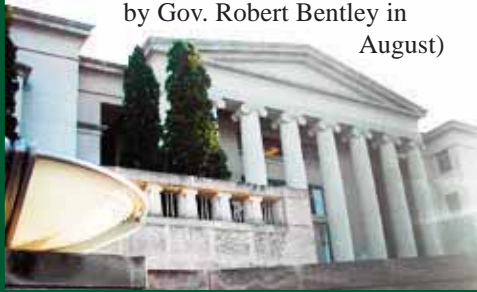
The candidates face their first vote in March 13, 2012, primary.

RetailPAC's endorsements mirror those made in September by the Alabama Civil Justice Reform Committee (ACJRC), a coalition of businesses and business trade associations committed to legal fairness in Alabama. Electing fair judges has a positive impact on Alabama's retail climate. ARA has been a member of ACJRC since the organization's founding in 1985.

ALABAMA SUPREME COURT

For the Alabama Supreme Court, RetailPAC endorses:

- **CHIEF JUSTICE: Incumbent Chief Justice Chuck Malone** (appointed by Gov. Robert Bentley in August)



- **PLACE 1: Alabama Civil Appeals Court Judge Tommy Bryan*** (seeking seat to be vacated by retirement of Justice Tom Woodall)
- **PLACE 2: Incumbent Justice Lyn Stuart*** (seeking third term)
- **PLACE 3: Incumbent Justice Glenn Murdock*** (seeking second term)
- **PLACE 4: Incumbent Justice Jim Main** (appointed by Gov. Bob Riley in January)

The state's highest court reviews decisions of the other appellate courts and the Public Service Commission. It also hears appeals of all civil matters exceeding \$50,000.

COURT OF CIVIL APPEALS

For the Alabama Court of Civil Appeals, RetailPAC endorses:

- **PLACE 1: Incumbent Judge Craig S. Pittman*** (seeking third term)

- **PLACE 2: Incumbent Judge Terri W. Thomas*** (seeking second term)
- **PLACE 3: Incumbent Judge Terry A. Moore*** (seeking second term)

The Court of Civil Appeals, Alabama's second highest court, hears appeals of all cases involving workers' compensation as well as civil matters involving amounts of \$50,000. Alabama's Supreme Court deflects about a quarter of its case load to the Court of Civil Appeals for resolution.

COURT OF CRIMINAL APPEALS

For the Alabama Court of Criminal Appeals, RetailPAC endorses:

- **PLACE 1: Incumbent Judge Samuel Henry Welch** (presiding judge seeking second term)
- **PLACE 2: Incumbent Judge Liles C. Burke** (appointed by Bentley in February)
- **PLACE 3: Incumbent Judge J. Michael Joiner** (appointed by Gov. Robert Bentley in February)

This court hears all criminal appeals. Many of its judges go on to serve on the state's other two appellate courts.

Please plan to vote for and ask your employees to vote for the RetailPAC-endorsed candidates listed here on March 13.

Alabama RetailPAC will make endorsements in other primary races after the first of the year.

** Also endorsed previously by RetailPAC*

2012 ELECTION CALENDAR

Besides U.S. president, offices on the 2012 ballot include 11 state appellate judicial positions, a U.S. Senate seat and all seven Alabama congressional seats. Make certain these dates are on your calendar and that you are communicating with your employees and customers about the 2012 election cycle. For more, see [Election Information](#) in the Political Affairs section of alabamaretail.org.

March 2:	Voter registration deadline for the Primary
March 9	Primary absentee ballot applications due
March 12	Primary absentee ballots are due
March 13:	Presidential Preference and Statewide Primary
April 13	Voter registration deadline for the Primary Runoff
April 20	Primary Runoff absentee ballot applications due

April 23	Primary Runoff absentee ballots are due
April 24:	Primary Runoff
Oct. 26	Voter registration deadline for the General Election
Nov. 2	General Election absentee ballot applications due
Nov. 5	General Election absentee ballots are due
Nov. 6:	General Election

Polls open 7 a.m. - 7 p.m.

Alabama elects three new lawmakers

Rep. David Sessions, R-Grand Bay, co-owner of Sessions Farms, was elected May 10 to fill the Alabama House District 105 seat formerly held by state Rep. Spencer Collier, R-Irvington, who resigned to become director of the state's Department of Homeland Security.

Rep. Jim Carns, R-Birmingham, was elected Aug. 30 to fill the Alabama House District 48 seat, previously held by Greg Canfield. Canfield vacated the seat to become director of the Alabama Development Office. Carns also held the seat from 1990 to 2006.

Rep. Dickie Drake, R-Leeds, , co-owner and operator of Drake Lawn Maintenance, was elected Nov. 29 to fill the Alabama House District 45 vacated by the July 27 death of his brother, Owen Drake.



"The banks have been greedy and swipe fees are too high," U.S. Rep. Spencer Bachus, R-Birmingham, tells the ARA group, which visited Washington on March 30 and 31.

ARA group goes to Washington, helps debit fee reforms go forward

A 14-member joint delegation of the Alabama Retail Association and Alabama Grocers Association were among more than 200 retailers and grocers who descended on Washington in the spring to impress upon Congress that debit card fee reform should proceed on the schedule set by law.

Since Oct. 1, the most retailers should have paid the nation's largest banks per transaction in debit card swipe fees is 24 cents. On June 29, the Federal Reserve implemented a provision in the 2010 financial reform law that called for "reasonable" limits on the fees that banks charge retailers for processing debit card transactions. The Reserve set a 21-cent fee cap with caveats that allow some banks to charge slightly more.

The Hill, a Washington newspaper, recently cited the retail industry's success with swipe fee reform as the top federal lobbying victory of 2011.

The ARA/AGA group, which represented seven small Alabama retailers, employing 981 Alabamians, told the federal lawmakers that they collectively paid almost \$600,000 in swipe fees in 2010. For some, swipe fees are the second highest cost of doing business besides labor.

2012 ARA Vice Chairman Mickey Gee told the congressional members that merchants can't pick and choose which Visa or MasterCard cards they can accept, and they usually can't tell at the cash register which card carries higher or lower fees.

"A lot of times we don't know what the fee is until we get the bill at the end of the month," said Gee, owner of the **Taylor Co.**, which includes The Pants Store retail chain. "We're not trying to gouge anyone. We're trying to do everything up front to control those costs."

While the debit card swipe fee cap is expected to save an estimated \$7 billion for retailers nationwide, the efforts for reform will continue in Congress in 2012 with similar efforts to address credit card swipe fees.

The Durbin amendment to the Dodd-Frank Wall Street Reform Act of 2010, which became law in July 2010, requires reform of swipe or interchange fees.

Retailers rejoice at the idea of a single point for sales tax remittance

Get your comments in by Wednesday, Jan. 11

In a preliminary report issued Nov. 28, the Alabama Streamlined Sales and Use Tax Commission recommended creating a single administrator for retailers to report and remit sales and use taxes.

Retailers need to let the commission know how beneficial it would be to have the sales tax collection and remittal process for state and local sales taxes in our state streamlined through a single entity.

By Wednesday, Jan. 11

Submit email comments to:

alsstcommission@googlegroups.com

Submit written comments to:

Mary Lynn Cooper

c/o Mayer Electric Supply Inc.

P.O. Box 1328

Birmingham, Alabama 35201-1328

Cooper is one of two business representatives on the commission. The other is Alvin Lewis Jr., vice president of tax and payroll for ARA-member **Books-A-Million**. ARA chose Lewis as retail's representative on the 10-member body, which plans to pass on its final recommendations to the Alabama Legislature during the regular session in February. ARA staff has attended and provided input at all five meetings of the commission as well as several subcommittee meetings.

Under the current law, an Alabama retailer has to report and remit sales and use tax to every city and county in which it operates. The commission proposes requiring all Alabama cities and counties to allow retailers to report only to the Alabama Department of Revenue, which would become the administrator for both state and local sales taxes. The recommendation is for the state to remit the local portion of sales taxes to those governments within four business days of receiving the funds.

The commission is tasked with preparing Alabama to join the federal Streamlined Sales Tax Agreement in the event Congress activates the agreement or passes one of two other proposed bills (**See story Page 7**). The commission's work is a first step toward efairness or requiring all retailers to collect and remit sales taxes. Any of the three pieces of legislation pending in Congress would level the playing field for retail collection of sales taxes. The Alabama Legislature also is expected to consider legislation again that would require online retailers to at least notify Alabama consumers if they don't add the tax to the purchase price.

Read the full Alabama Streamlined Sales and Use Tax Commission preliminary report at: http://www.revenue.alabama.gov/documents/sst_commission_prelim_report.pdf

Urge Alabama's congressional delegation to support e-fairness

The movement to end the tax advantage online remote sellers have over local, brick-and-mortar businesses has finally reached Congress. In the past five months, three pieces of legislation have been introduced to rectify the inequity that now exists. None have Alabama co-sponsors.

On Nov. 30, representatives from Amazon, eBay, Overstock, the Streamlined Sales Tax Governing Board and the state of Texas along with the owner of a Michigan music store testified before the U.S. House Judiciary Committee about whether Congress should enact sales tax reform that requires all retailers to collect sales taxes no matter where those retailers operate.

The hearing covered all three proposals:

MARKETPLACE FAIRNESS ACT (S. 1832)

Introduced Nov. 9 by a bipartisan group of lawmakers led by U.S. Sen. Michael B. Enzi, R-Wyo. The bill authorizes states to require remote sellers to collect taxes, while giving states options for how to do that. States that voluntarily join the Streamlined Sales and Use Tax Agreement could require remote sellers to collect and remit sales and use taxes after 90 days. Twenty-four of the 45 states that levy sales taxes already have joined the agreement. Some large states have objected to becoming part of the agreement as would be required by the Main Street

ARA/AGA group at Capitol in March



Fairness Act introduced this summer. Under the Marketplace Fairness Act, states that do not wish to become members of SSUTA could require online sales tax collection if they adopt certain minimum simplification requirements. Those requirements are:

- A single agency to administer collection;
- A uniform base;
- Remote sellers must collect based on the destination rate (the sum of the state tax plus local ones);
- States must provide software to sellers to determine destination rate, and hold sellers harmless for errors stemming from the software;
- States must hold sellers using a third-party provider harmless for errors by the third-party;
- States must hold sellers harmless for errors resulting from bad information from the state;
- States must provide sellers with 30 days' notice of a rate change.

This bill exempts businesses with \$500,000 or less in total sales. It is a hybrid of the Main Street Fairness Act and the Marketplace Equity Act. Among the other nine Senate co-sponsors are Dick Durbin, D-Ill. (author of Main Street Fairness Act) and Lamar Alexander, R-Tenn. It has been referred to the Senate Finance Committee.

MARKETPLACE EQUITY ACT (H.R. 3179)

Introduced Oct. 13 by U.S. Reps. Steve Womack, R-Ark., and Jackie Speier, D-Calif. This legislation gives states collection authority with fewer simplification requirements than the Main Street Fairness Act. It exempts businesses that gross \$1 million or less in national online sales or \$100,000 or less in online sales in any particular state. It has 24 additional co-sponsors and has been referred to the House Judiciary Committee.

Under this legislation, states would be authorized to require remote sellers to collect state sales taxes as long as state law provides the following minimum simplifications:

- the small business exemption for remote sellers with the level of national and in-state online sales mentioned above;
- a single remote seller tax return and a single authority in the state with which the return must be filed;
- an identical tax base and exemptions throughout the state for remote sellers, i.e. uniform rules within a state so out-of-state businesses know



which products are taxable and which are not; and

- A consistent tax rate for remote sellers that is either (a) a single statewide blended rate that includes both the state rate and local rates (b) a maximum state-only rate, exclusive of taxes imposed by or for local jurisdictions; or (c) an address-based rate with software made available by the state to facilitate collection. The destination rate would be the sum of the state rate and the local rate of the location into which the sale is made. The rates for (a) and (b) could not exceed the average rates applicable to non-remote sellers.

A state that requires the destination rate would be required to provide liability relief for errors in the information provided. A state that imposes a lower rate for sales of food or drugs and medicine could require remote sellers to collect tax at those rates.

MAIN STREET FAIRNESS ACT

(S. 1452 and H.R. 2701)

Introduced July 29 by two Democrats, Sen. Dick Durbin, D-Ill., and Rep. John Conyers, D-Mich. This legislation gives states the authority to compel online retailers to collect taxes if they first simplify their taxes.

It requires states to conform to the Streamlined Sales and Use Tax Agreement to receive collection authority.

It has a small-seller exception of \$500,000 in gross annual remote sales. The Senate bill was referred to the Senate Committee on Finance. The House bill was referred to the Subcommittee on Courts, Commercial and Administrative Law.

Momentum favors the states being able to collect sales taxes from all retailers. Alabama's Streamlined Sales and Use Tax Commission (**See story Page 6**) is preparing for the eventuality of one of these federal bills being enacted.

Contact your congressman and Alabama's senators and ask them to support federal legislation, which levels the playing field for retailers in terms of sales tax collection.



PAY TRIBUTE

19 retailers honored during 2011 Retail Day Luncheon

During the 2011 Retail Day Luncheon on Sept. 22, the **Alabama Retail Association** in cooperation with the **University of Alabama at Birmingham School of Business** recognized 19 outstanding Alabama retailers operating 13 retail businesses as Retailers of the Year. This marked the 12th presentation of the Retailer of the Year Awards since 1999. A panel of former winners,

developers, academics and media chose these retailers from a large pool of nominees sent in from throughout the state.

These businesses together with the Centennial Retailers on Page 10 employ almost 8,000 people, have been in business for an average of 57 years and operate in 107 Alabama cities. Two-thirds of the winners are family businesses.

2011 ALABAMA RETAILERS OF THE YEAR

ANNUAL SALES MORE THAN \$20 MILLION



Benny Larussa Sr., Charles Mizerany, Billy Wentz, Scott Crump, James C. Lee III, Mike Manos (for Bill Wakefield) and Rodney and Mark Barstein

☛ GOLD AWARD:

Rodney and Mark Barstein and the **Janak Shah Family**, owners of **Simply Fashion Stores Ltd.** based in Birmingham

Fifty something years ago our dad was involved in a company called Bargain Town USA, so we've grown up in retailing. We are celebrating our 20th year at the Simply Fashion Stores.

☛ SILVER AWARD (Tie):

Scott Crump, owner of Scott Crump Toyota of Jasper

Scott Crump is a true leader and will always play a vital role in our community through his unselfishness, hours of volunteer service and professionalism as a retail business owner.

James C. Lee III, chairman and chief executive officer of Buffalo Rock Co. Inc. based in Birmingham

It has been great to be a part of the Birmingham community for a little over 100 years. On behalf of our 2,150 employees, thank you.

☛ BRONZE AWARD (Tie):

Benny Larussa Sr., Charles Mizerany and **Billy Wentz**, management team for Jack's Family Restaurants Inc. based in Homewood
We want to thank our 100 stores here in Alabama, all of the employees and all of the associates. They said to tell you: 'Come on down for some smiling faces and friendly service.'

Bill Wakefield, president of Wakefield's and Martin's Family Clothing based in Anniston

Communicating with (customers via social media) on a full-time basis has improved our sales. On behalf of all of the employees of Martin's and Wakefield's, we thank you.

ANNUAL SALES \$5 MILLION TO \$20 MILLION



Jacob Shevin, Greg Troncale, Stuart Shevin, Denise Knox and Andy Virciglio

☛ GOLD AWARD:

Denise Knox, owner of **Private Gallery Inc.** based in Fairhope

I am so blessed to be able to go to work every day and do what I'm so passionate about. I have the most amazing team, who are just precious.

☛ SILVER AWARD:

Stuart Shevin and the management team at **Standard Furniture Co.** based in Birmingham

There are 96 people who make us go, and they are the ones who really deserve this award.

☛ BRONZE AWARD:

Andy Virciglio, co-owner of **Piggly Wiggly Food Stores of Jefferson County Inc.**, based in Homewood

Their (Stanley and Andy Virciglio's) generosity is unmatched. They are truly a hometown icon, always keeping up with the market they serve.

Persevere Pizitz Tells Retailers

Former ARA Chairman Richard A. "Dick" Pizitz regaled the more than 250 retailers, academics and students who gathered Sept. 22 for the 30th Annual Retail Day celebration in Birmingham with a history of retailing in Alabama that could be packaged and sold as how to adapt to our state's ever-changing retail landscape.

The key to survival he said is perseverance and adaptability.

"I know of nobody else in the world who sells cookies, yogurt and designer dresses," Pizitz told attendees at the 2011 Retail Day.

Pizitz Management Group – as the Pizitz family retail holdings are now known – operate cookie franchises, 32° yogurt bars and Gus Mayer, a high-end department store. The business that began as

TO RETAILERS OF YEAR

il Day; 2012 nominations due May 25

Retailers of the Year must operate or manage a retail business in Alabama and that business must collect state and local sales taxes. For this award, businesses must have been operating for at least five years to qualify. Gold Retailers of the Year can only be recognized once within a sales category. All other winners can be nominated in subsequent years

Nominations for the 2012 Retailer of the Year awards are due by Friday, May 25.

Want to nominate a Retailer of the Year or Centennial Retailer? Go to Awards and Events at www.alabamaretail.org

AILERS OF THE YEAR

ANNUAL SALES \$1 MILLION TO \$5 MILLION



Terry Shea, Sarah Brown and Terry Chapman

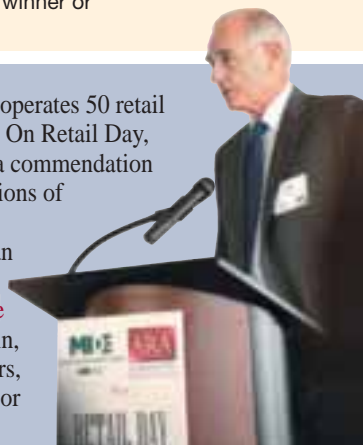
GOLD AWARD:

Terry Chapman, president of Business Electronics Corp. in Homewood
My father started the business with me. It has actually surprised a lot of people to know, it has brought us closer. ... It's the customers and the employees who really deserve the credit.

SILVER AWARD:

Sarah Brown and Terry Shea, owners of **Wrapsody Inc.**, Hoover and Auburn
What a joy it has been to be a part of this retail ride. We have been very blessed with two supportive husbands ... a great group of managers, employees, customers and friends.

Italicized items are quotes from the winner or their nominator.



ANNUAL SALES LESS THAN \$1 MILLION



Doris Butler Truax, Linda Parker, Pam Hope, Love McGehee and Kathy Penton

GOLD AWARD:

Linda Parker, co-owner of **Bruster's Real Ice Cream**, Vestavia Hills
When my husband and I opened our store, we envisioned a place that was not only comforting and inviting to our customers, but also a part of the fabric of the community and a part of the lives of the people who live there. We truly have been successful in doing that.

SILVER AWARD:

Doris Butler Truax, owner of Truax & Co., Selma
Retail is great. I love being in a room full of my peers, fellow retailers, because there is no other job out there this fun. Is there?

BRONZE AWARD:

Pam Hope, Love McGehee and Kathy Penton, owners of Southern Crossing, Opelika
Our husbands and accountants say this is a hobby, that we are a bunch of ladies playing store. Now, we have the evidence to say, we are truly bona fide.

To learn more about these Retailers, go to in the **News** section under alabamaretail.org

More photos from Retail Day can be found on ARA's facebook page.

UAB School of Business photos are available on flickr under Retail Day 2011.

Photos by Tracy Young, Young Photography, Auburn



Louis Pizitz Dry Goods Store in 1895 operates 50 retail businesses in nine Southeastern states. On Retail Day, Alabama Gov. Robert Bentley issued a commendation to the Pizitz family for its five generations of retailing excellence in Alabama.

Dick Pizitz served as ARA's chairman in 1965 and the Pizitz Management Group has been an ARA member since 1988. The Pizitz department store chain, which operated in Alabama for 87 years, also was an ARA member business prior to being sold in 1986.

2011 ALABAMA CENTENNIAL RETAILERS

from youngest to oldest

For more about these retailers, go to [2011 Centennial Retailers](#) under [Centennial Retailers](#) in the [Awards and Events](#) section of alabamaretail.org



Buffalo Rock Co.

Birmingham

Founded in 1901 by Sidney W. Lee

Owner: James C. Lee III



Buffalo Rock began 100 years ago as wholesale Alabama Grocery Co. It moved into the soft drink business when its founder and a Selma chemist developed Buffalo Rock Ginger Ale. It now is one of the largest single-family, privately owned Pepsi-Cola bottlers in the country. It began offering vending products in 1985. The company operates and services cafeterias, food lines and snack bars, provides coffee and tea service and caters.

The Centennial Retailer program recognizes retail businesses operating for 100 years or more for their contributions to the state's past, present and future. To qualify, a business must collect state and local sales taxes. Businesses can only be recognized once as a Centennial Retailer. **Centennial Retailer nominations for 2012 are due by Monday, June 4.** A **Centennial Retailer Nomination Form** is available in the **Awards and Events** section of alabamaretail.org



R.W. Harris Store

Winfield

Founded in 1885

by the R.C. Robertson Family

Owner: Boyd Pate



In 126 years, R.W. Harris Store in downtown Winfield has moved once and had three owners. The R.C. Robertson family founded this general merchandise business. In 1921, R.W. Harris, who had worked there for 20 years, bought the store. His family operated the business for more than eight decades. His descendent, Raymond Harris III, attended the Sept. 22 ceremony honoring this Centennial Retailer. Mr. Harris III died Nov. 5.



Butler-Truax Jewelers

Selma

Founded in 1845

by George L. and James R. Poor

Owners: Doris and Jim Truax



Payne's

Scottsboro

Founded in 1869 by W.H. Payne

Owner: Paula Tabacchi



Payne's 142 years make it Scottsboro's oldest business. It has operated under the Payne name since its founding in 1869 as a drug store, and the building that now houses a soda shop is still owned by the Payne family. Elizabeth Word, the great-great granddaughter of founder W.H. Payne, and its current owner/operator, Paula Tabacchi, accepted the award Oct. 12 at a Greater Jackson County Chamber of Commerce event.

This year's oldest Centennial Retailer has been in continuous operation for 166 years, operating through the Civil War, the Great Depression and the Great Recession. This jewelry store has operated under six different names, all based on the name of the owners at the time. Four extended families have operated the business in four different locations all within the same downtown Selma block. It currently is housed in a recently renovated Art Deco structure built in 1929.



ARA praises driver license division for fighting fraud

Learn more under [Driver License Awards](#) in the [Awards and Events](#) section of alabamaretail.org

When retailers check a driver's license, they count on the customer being who the license says they are.

That is why in 2011, the Alabama Retail Association in its continuing partnership to curtail driver license fraud presented annual and quarterly awards to outstanding Alabama Department of Public Safety driver license specialists and examiners.

The 2010 Examiner of the Year and Driver License Specialist of the Year Awards were presented March 2 at the Wynlakes Country Club in Montgomery; the award ceremony for the first two quarters of 2011 took place July 28 at the Alabama Department of Public Safety headquarters in downtown Montgomery; and one of the third quarter awards was presented during the Nov. 15 ARA/ARC Annual Meeting luncheon in Hoover.

"Since we began this joint awards program in 2000, driver license division arrests have jumped 276 percent, largely thanks to the many skilled examiners and driver license specialists," said ARA President Rick Brown.

In determining the award recipients, a point system is used with points allocated for each arrest. The more serious the offense, the more points are given.

2010 AWARDS

The 2010 Driver License Specialist of the Year was **Regina Hardy**, a driver license specialist for the Birmingham District, Birmingham Driver License Office. Hardy amassed a total of 605 points. Hardy is a three-time recipient, also winning in 2005 and 2007.

Regina Hardy



Holley Cook

First runner-up was Driver License Specialist

Carolyn Spain, Hardy's partner in the Birmingham District, Birmingham Driver License Office. Spain, who earned 482 points in 2010, was the Driver License Specialist of the Year in 2008 and 2009.

The 2010 Examiner of the Year was **Holley Cook**, an Examiner I in the Dothan District, Dothan Driver License Office. Cook accumulated 256 points in 2010.

First runner-up was **Reba Thompson**, an Examiner I in the Huntsville District, Guntersville Driver License Office, with 203 points. She also was recognized as the Examiner of the Quarter for the fourth quarter of 2010. Thompson twice has been named Examiner of the Year (2003/2006).

Driver License Specialists **Denise Allison** and **Sharon Perry**, both from the Mobile District, Mobile Driver License Office, were recognized as Driver License Specialists of the Quarter for the fourth quarter of 2010 with 129 points each.

2011 QUARTERLY AWARDS

FIRST QUARTER: Examiner I Bobbie Fuller with the Opelika Driver License Office was named Examiner of the Quarter for accumulating 115 points and Hardy with 214 points was named Driver License Specialist of the Quarter.



Capt. Terry Tate and Bobbie Fuller

SECOND QUARTER: Mobile's Allison claimed the Driver License Specialist award with 165 points; Guntersville's Thompson received the Examiner award with 99 points.

THIRD QUARTER: Examiner I Brittany Brown from the Birmingham Driver License examining office accumulated a total of 120 arrest points to take the Examiner award. Mobile's Perry earned 189 points and the Driver License Specialist award.



ARA Chairman-Elect Dianne Wammack, presents award to Brittany Brown.

The fourth quarter awards will be presented in the spring with the 2011 annual awards.



From left, Carolyn Spain, Col. Hugh B. McCall, Denise Allison, Reba Thompson, Rick Brown, Sharon Perry and Lt. Col. Kevin L. Wright pose after the annual awards luncheon in March.

NEW MEMBERS

WELCOME TO ARA

5 Kids and 2 Dogs Later, LLC	Dothan	Kathy Long Skipper	Birmingham	SamAnn Inc.	Florence
7 Place Cafe, LLC	Clanton	Kevin Floyd	Dothan	Saraceno's LLC	Fairhope
ABM Brooks Investments, LLC	Mobile	Kreme Delite Inc.	Athens	Sarrell Regional Dental Center	Anniston
ACT Physical Therapy Trussville	Birmingham	Law Offices of David M. Cowan	Vestavia Hills	Shoals Family Pharmacy Group	Russellville
American Computer Enterprises	Daphne	G. Thomas Yearout & Associates	Birmingham	Shyama Inc.	Huntsville
Amigos Mexican Restaurant	Northport	Lee Cuisine Inc.	Homewood	Simon Mirelman, M.D., P.C.	Birmingham
Amy's Surprises Inside, LLC	Dothan	Legacy Ventures LLC	Centreville	Skipper Sales Inc.	Mobile
April by June, LLC	Huntsville	Lewis Screenprinting & Monogramming, LLC	Albertville	Spina & Lavelle, P.C.	Birmingham
Bayou Steamer Inc.	Pell City	Linda Rush	Plantersville	Springville Heritage Animal Clinic	Springville
Beaumont Pharmacy	Birmingham	LoManz Inc.	Birmingham	Star Market Inc.	Huntsville
Berry Frozen Assets Holdings	Birmingham	Lucky J.C. Inc.	Semmes	Starlite Hospitality, LLC	Montgomery
Bhagat Corporation	Jasper	Massage Services, LLC	Dothan	Streamline ASO, LLC	Birmingham
Big Al's Bar-B-Q Shack, LLC	Mobile	Mike Ward's Liberty Safes, LLC	Mobile	Sweeping Beauties Inc.	Huntsville
BradMoore's Southern Grill, LLC	Valley Grande	Mobile Physical Medicine & Wellness	Mobile	SWWB, LLC	Birmingham
BRAVIS Building Solutions Inc.	Birmingham	Mobility Metabolism & Wellness	Mobile	TBM, LLC	Killen
C. Paul Butler III, LLC	Montgomery	National Tobacco Co., LP	Louisville	Teriyaki Express Inc.	Birmingham
Capital City Cupcakes Inc.	Auburn	Ono's Trading Company, LLC	Mobile	The Birdie Boys III Inc.	Meridianville
Carlile Properties, LLC	Hollywood	Parker Smith Cleaners, LLP	Montgomery	The DOWNTOWN Grill and Wings	Cullman
CBG Restaurant, LLC	Birmingham	Part Two, LLC	Tuscaloosa	The River Nile Trading Company	Dothan
Central Camper Inc.	Birmingham	Pickens County Shoppers Guide	Aliceville	The Rose Cafe, LLC	Jemison
Chappy's Seafood Restaurant	Fairhope	Piggly Wiggly Express, Inc	Hayneville	Tony Hill	Hoover
Cleanco, LLC	Montgomery	Pine Bar, LLC	Montgomery	Tupelo Furniture Outlet, LLC	Mobile
Coastal Outfitters LLC	Spanish Fort	Plains Weightloss, LLC	Auburn	Turning Leaf Medical Inc.	Selma
Cold Snap Fairhope, LLC	Point Clear	Richard Breitbart	Birmingham	Urban Cookhouse Summit, LLC	Birmingham
DanRon, LLC	Dothan	RTR Yogurt, LLC	Birmingham	US Public Safety Gear, LLC	Boaz
Dauphin Realty of Mobile Inc.	Mobile	Rubber Ducky, LLC	Daphne	Vega, LLC	Montgomery
Deerfoot Animal Clinic, P.C.	Trussville	S & M Solutions, LLC	Gallion	Vic's Sports Bar and Grill, LLC	Cusseta
Dos Peppers, LLC	Birmingham	S B & N Enterprises Inc.	Athens	Visual Solutions Inc.	Birmingham
Dyer Hospitality, LLC	Jasper	Sabine Hildegards	Huntsville	Wholesale Transmissions Inc.	Birmingham
East Point Veterinary Hospital	Cullman			Wiregrass Orthodontic Specialists	Dothan
Eufaula Fun Center, LLC	Eufaula			Worth Cleaners Inc.	Montgomery
Family Pharmacy of Littleville	Russellville				
Floyd's Exhaust & Performance Accessories Inc.	Orange Beach				
Focus Inc.	Mobile				
Full Moon Hospitality Inc.	Huntsville				
Gilmore Girls, LLC	Mountain Brook				
GJH Inc.	Huntsville				
Gusto Food Services Inc.	Birmingham				
H & M Drug Inc.	Wedowee				
Hare, Wynn, Newell & Newton	Birmingham				
Health Focus, P.C.	Foley				
Helena Family Medicine LLC	Helena				
Henning Innovations LLC	Robertsdale				
Homer's Wagon, LLC	Dothan				
Hope's Food, LLC	Gulf Shores				
Hughes & Scalise, P.C.	Birmingham				
Ice Cream Brands Inc.	Midland City				
Interveston Food Services, LLC	Calera				
Jonel, Inc	Albertville				
Jordan Taylor, LLC	Birmingham				



Alabama Retail Association

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MEMBERS NEWS

AWARDS/HONORS

Rose owner a humanitarian star

Ray Thakor with **Rose Investments Inc.** received the Humanitarian award at the ninth annual Alabama Restaurant Association and the Alabama Hospitality Association Stars of the Industry awards. Tuscaloosa's Rose has been an **ARA member since 2004.**

BBJ names Simply Fashion as one of Healthiest Employers

In late September, *Birmingham Business Journal* and Healthiest Employers Inc. named **Simply Fashion Stores Ltd.** as one Birmingham's Healthiest Places to Work. The company was recognized Nov. 10 at the Healthiest Employers Awards luncheon and highlighted in the Nov. 11 issue of *Birmingham Business Journal*. Employees at Simply Fashion corporate headquarters are given 90 minutes a week to visit its onsite fitness center and on-the-clock access to on-site health fairs. The company's insurance plan allows a free, annual wellness checkup with no co-pay. Those who make the visit also get a \$10 Walmart gift card. Quarterly "lunch-and-learns" educate staff on nutrition and health issues. **Simply Fashion** has been an **ARA member since 1992.**

SOURCE: *Birmingham Business Journal*
WEB SITE: simplyfashions.com

COMMUNITY INVOLVEMENT

Home Depot builds shelving for Pelham High School

Home Depot donated \$1,900 and a team to build shelving for the Pelham High School (PHS) wrestling team. Ramon Gonzales, a 1980 PHS graduate and a Home Depot Pro Desk associate, received the donation request. He asked his Pro Desk supervisor, Adrienne Chesnutt, about making the high school's request into a Team Depot Project. James Davis designed the space. Gonzales said, "Six of us, including class of '82 PHS grad Elizabeth Dolbow, went in and built the space out in one 8 a.m. to 5 p.m. workday with Chesnutt as our team captain."

WEBSITE: homedepot.com



Lowe's District 1246 and store representatives present a \$100,000 check to Phil Campbell High School.

Lowe's gives big to Bama schools

Lowe's Charitable and Educational Foundation gave back in large ways to Alabama towns damaged April 27 by tornadoes.

On Sept. 16 during homecoming, Lowe's presented a \$100,000 grant check to Phil Campbell High School to renovate and restore the school's tornado-damaged field house as well as landscape. An EF5 tornado destroyed more than 50 percent of the high school, demolished 40 percent of the homes and killed 28 people.

At the Oct. 21 Holt High School homecoming game, Lowe's launched Project Hope for Holt, a \$35,000 grant to upgrade classrooms at Lloyd Middle and make repairs at Holt Elementary, which was severely damaged in the April storm.

Hackleburg Public Schools received a \$25,000 grant check to purchase playground equipment. An EF5 tornado struck Hackleburg, destroying about 75 percent of the town and taking 18 lives, 300 homes and 31 of the town's 34 businesses.

"The true blessing in all of this is the people I have met and the feeling that I work for the best company out there, knowing they will always do what it takes to help the communities in need," said Matt Harbison, District 1246 commercial account specialist.

SOURCE: Lowe's
WEB SITE: lowes.com

Walmart funds tutors for Pratt City pupils

Walmart's Facebook campaign, "12 Days of Giving," awarded South Hampton Elementary School in Birmingham's Pratt City neighborhood a \$10,000 grant to tutor students impacted by the April tornadoes. Over 12 consecutive days in December, the

corporation awarded \$1.5 million to 145 organizations in all 50 states, Washington, D.C., and Puerto Rico. Walmart and Sam's employ more than 38,000 in their almost 120 locations in Alabama.

SOURCE: *The Birmingham News*
WEB SITE: walmart.com

NEW VENTURES

Rogers opens pharmacy

ARA board member Tammy Rogers has left the chain drug world to pursue her dream to open her own business. She cut the ribbon on her store, **Beaumont Pharmacy & Gift Boutique** at 264 Inverness Center Drive in Birmingham on Oct. 7. Besides being a pharmacy with a drive-through and offering home prescription delivery, the store also has a gift boutique and an old-fashioned soda fountain, which offers Blue Blue ice cream, milk shakes and Coca-Cola products. Beaumont has been an **ARA member since October.**



Rogers cuts the ribbon on her pharmacy.
WEB SITE: beaumontpharmacy.com

Target comes to Brookwood in '13

Target will join the lineup at Colonial Brookwood Village in March 2013, opening a store that will be the first of its kind for the retailer in Alabama. The 140,000-square-foot store employing about 200 will be elevated above ground-level parking. A two-story glassed-in atrium will connect the parking area and the store, with escalators and elevators to ferry people and shopping carts between the two levels. The retailer has a similar store in Chicago.

Target, which has been an **ARA member since 2003**, has more than 1,700 stores in 49 states, including 19 in Alabama.

SOURCE: *The Birmingham News*
WEB SITE: target.com



STAFF NEWS

Alabama Civil Justice Reform Panel Taps Brown as Vice Chair

The Alabama Civil Justice Reform Committee elected ARA President **Rick Brown** as its 2012 vice chairman at its Nov. 29 annual meeting in Montgomery. Retired ARA President **Charles McDonald**, CRM Associates, also was elected as a member of the ACJRC board of directors. ACJRC is a coalition of Alabama businesses and pro-business organizations committed to legal fairness.



Contact Rick at 334.551.0645 or rick@alabamaretail.org

ARA VP earns ACJRC Chairman's Award

At the same November meeting attended by almost every member of the Alabama Supreme Court and the state's other appellate courts, ACJRC Chairman Tom Dart presented his 2011 Chairman's Award to ARA Vice President **Alison Wingate** for her efforts this past year on behalf of ACJRC. In making the presentation, Dart said, "We are lucky to have someone of such ability, energy and commitment on our team. Alison played a key role in working with House and Senate members to pass our tort reform bills." During the 2011 regular session, the Alabama Legislature enacted four tort reform measures advocated by ACJRC, including product liability protection for retailers.



Contact Alison at 334.551.0694 or awingate@alabamaretail.org

Meet your new controller

Mandi R. Freeman, MBA/CPA, joined the ARA and ARC staffs in August as controller. She manages ARA and ARC finances. She also serves as human resources director for both organizations. Freeman came to ARA/ARC with more than 12 years of accounting experience. She holds both a master's of business administration (2005) and a bachelor's



degree in accounting (2002) from Auburn University Montgomery. She attained certified public accountant status in 2006. Learn more about Mandi under [News Releases](#) in the [News](#) section at alabamaretail.org.

Contact Mandi at 334.551.0639 or mandi@alabamaretail.org

ARC's Edwards no longer on the market

Boyd Edwards, ARC marketing and agency relations director, married Christy Leigh Olinger, an assistant attorney general with the Alabama Department of Revenue, on Dec. 3 at First United Methodist Church in Montgomery. Boyd promotes the Alabama Retail Comp workers' compensation program through its network of independent agents.



Congratulate Boyd at 334.551.0707 or boyd@alabamaretail.org

Johnson weds college sweetheart

ARA Member Relations Manager **Brett Johnson** wed Megan Coxe, a security and controls analyst, on Aug. 6 at Christ United Methodist Church in Mobile. Both are 2008 Auburn University graduates. At their reception, they ran into Evander Holyfield, who is pictured with them.



Congratulate Brett at 334.551.0641 or bjohnson@alabamaretail.org

PR director now a senior

Nancy Dennis, ARA director of public relations, was one of 10 veteran public relations professionals honored as a senior practitioner at the Southern Public Relations Federation's Oct. 3 annual conference. A senior practitioner has high ethical standing, has been in the public relations field for at least 15 years, served in leadership positions at the chapter, state or regional level and has been honored in the past as a Practitioner of the Year.



Contact Nancy at 334.551.0643 or ndennis@alabamaretail.org

Medical claims analyst graduates, wins awards

At its annual meeting in February, the Association of College English Teachers of Alabama (ACETA) awarded **Santessa "Tessa" Lowery**, ARC medical claims analyst and support, the Mary Evelyn McMillan Undergraduate Writing Award for an undergraduate essay titled "The Grapes of Redemption." Lowery wrote the essay in an advanced expository writing class in spring 2010. The essay reflects on her relationship with her grandfather and her first reading of John Steinbeck's "The Grapes of Wrath." Tessa graduated magna cum laude in December 2010 from Auburn University Montgomery with a bachelor's degree in political science. She also won the 2010-2011 Outstanding Undergraduate Student Award from the AUM School of Sciences. She has been a full-time ARC employee since June 2006.



Contact Tessa at 334.551.0629 or tessa@alabamaretail.org

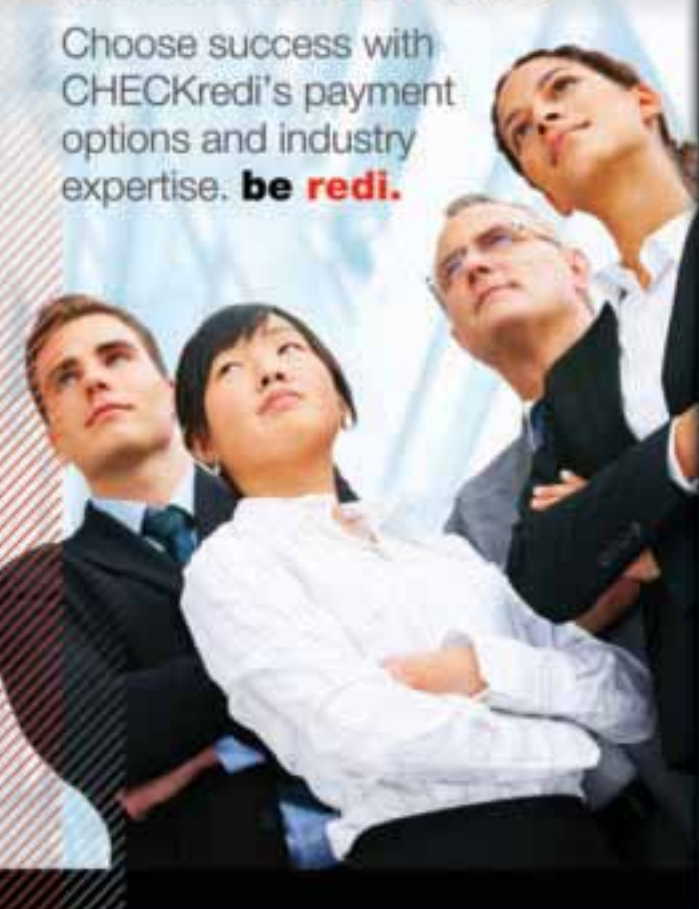
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CHECKredi's Check Verification service is very flexible. It may be used as a stand-alone, with our Check Guarantee, or with our Check Collection services.

Traditional Check Collections

CHECKredi's Check Collection service offers 100% face value reimbursement on all collected checks every 15 days. Our Check Collection service is Ready for YOU!

Returned Check Consolidation (RCC)

CHECKredi's Returned Check Consolidation (RCC) service will substantially reduce your bank fees while maintaining your existing banking account(s) and relationships.

school **program**

CHECKredi's School program offers guaranteed cash for bad checks, ACH processing, and online credit card approvals. Whether your school has one account or multiple accounts, our reporting and online services are customized to meet your needs to ensure easy reconciliation processing.

remote deposit services

Accounts Receivable Conversion (ARC)

CHECKredi's Accounts Receivable Conversion (ARC) service converts a paper check, received in the mail or at a payment location, into an electronic check. The check is then converted into an Electronic Funds Transfer. CHECKredi's ARC Service includes both Internet- and PC-Based Solutions.

Back Office Conversion (BOC)

CHECKredi's Back Office Conversion allows you to accept checks at the point-of-sale as normal but enables you to convert them into an electronic transaction for deposit in the comfort of your own office 24/7. Eliminate bank fees, unnecessary trips to the bank, and returned checks. This product is great for grocery stores, retail stores, or anyone who takes a high volume of checks and does not want to slow down their customers at the cash register.

Automated Recurring Payments

CHECKredi's Automated Recurring Payments service replaces the traditional method of billing and collection by offering you the ability to automatically debit the customer's account when it is time to pay. You can schedule payments one time, weekly, bi-weekly, monthly, quarterly, biannually, or annually. This product is great for rent-to-own companies, apartment complexes, gyms, and companies that sign contracts with their customers to pay a flat rate at a fixed time.

Take Checks Over the Phone

CHECKredi's Telephone Check service electronically debits your customer's bank account for your one-time billing instantly. No more waiting for checks in the mail. This is an Internet-based application that guides your employees step-by-step through the process of taking a check over the phone. Integration is as easy as opening a web-browser and accessing the CHECKredi website.

Take Checks Over the Internet

CHECKredi's Internet Check service integrates quickly and easily into any website. Customers are presented with a simple, secure "check like" interface that shows them how to find and input their bank account information. Your company is notified instantly when a check payment is received.

1-800-239-1222

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Participants to get largest return ever; Almost 14 percent more than 2011!



To learn more about ARC's retrospective return, go to [Retrospective Rating Plan](#) under [About ARC](#) at www.alabamaretail.org

At a time when news of double-digit economic growth is a distant memory, Alabama Retail Comp will return \$5 million to qualified participants in 2012, almost 14 percent more than last year's return. The retrospective return is the largest in the fund's 27-year history and represents the eighth straight year of return growth.

The 2012 retro-return will be distributed to participants as a credit on their premium contribution for 2012. The annual return can represent as much as a 20 percent to 30 percent credit toward a participants' contribution.

"We are pleased to once again bring some good economic news to our members by providing this retro return, which will help lower the costs of doing business," said Rick Brown, the fund's administrator and president of ARA.

RETROSPECTIVE RETURN DISTRIBUTION FOR 2012

ARC's \$5 million retrospective return for 2012 will be distributed from fund years as follows:

2010	\$1,000,000
2009	\$1,000,000
2008	\$1,000,000
2007	\$1,000,000
2006	\$500,000
2005	\$500,000
Total 2012 Return	\$5,000,000

Since its inception in 1984, ARC has returned ALMOST \$45 MILLION – 20 percent of all premiums collected – to its participants through its retrospective return plan. The plan provides a controlled method for the fund to return excess funds accumulated due to favorable operating experience. The retrospective rating plan uses an actuarial formula that takes into account individual participants' experience versus the experience

of the fund as a whole. The amount of credit a participant receives is tied directly to the business's loss ratio. Lower losses mean a higher retrospective credit at renewal. This acts as an incentive for participants to provide a safe work environment.

Alabama Retail Comp, the state's most stable, cost-effective workers' compensation insurance program for retailers, is regulated by the Alabama Department of Industrial Relations and governed by a board of trustees who are fund participants. Almost 4,000 ARA members participate in the fund.

ARC specializes in the retail industry, but also provides coverage to an array of business employers.

Fund Manager Mark Young said, *"At ARC, our goal is simple: To provide the most cost-effective workers' compensation coverage to Alabama businesses with unparalleled customer service."*