

## INSIDE THIS ISSUE:

- Termination Guidelines and Decisions: The When and How
- Board of Pharmacy New Rule on Temporary Absences of Pharmacists During Break and Meal Periods
- Notice to Retailers on “Dursban”

THE OFFICIAL  
PUBLICATION OF THE  
ALABAMA RETAIL  
ASSOCIATION

*THE VOICE  
of Retailing in Alabama*

# ARA

ALABAMA RETAIL  
ASSOCIATION

## THE HIGH AND HIDDEN PRICE OF PRIVACY: FEDERAL CONSUMER PRIVACY REGULATIONS AND SUPERVISION BY THE FTC

*Maurice L. Shevin, Esq. and Jeffrey M. Pomeroy, Esq.*

**H**ave you ever thought of your business as a financial institution? While your answer to that question may be an emphatic “no”, the Federal Trade Commission may not be so quick to agree with you. Depending on your trade or business, the FTC may be right, too, and your company may be unwittingly subject to significant new consumer protection regulations.

### WHY WOULD THE FTC VIEW MY BUSINESS AS A “FINANCIAL INSTITUTION”?

The answer lies, in part, with 1999’s much ballyhooed re-write of federal banking law. In late 1999, Congress enacted the Gramm-Leach-Bliley Financial Modernization Act (“GLB” or the “Act”) in hopes of updating and simplifying the banking and financial services industries by ending decades-old prohibitions on certain business combinations and limitations on activities within and among those industries. As a trade-off for providing banks and other financial service providers with new operating freedom, proponents of GLB insisted on including in the Act certain consumer protection measures designed to guarantee the privacy of consumer financial information. Title V of GLB restricts the use and disclosure of private consumer information and mandates the adoption of federal regulations to enforce the Act’s restrictions.

Logically, the Act required federal bank and securities regulators, like the Federal Reserve Board and the Securities and Exchange Commission, as well as state insurance regulators to develop regulations implementing the requirements of GLB within their respective industries. The Act also assigned to the Federal Trade Commission the daunting task of crafting regulations applicable to all other “financial institutions” not otherwise regulated as part of the banking, securities or insurance industries. Of course, the FTC was also given authority to enforce its privacy

regulations and the provisions of the Act.

### WHAT’S IN A NAME?

As an integral step in defining the scope of its regulations, the FTC had to both define the phrase “financial institutions” and identify those entities to which the definition would apply. The FTC followed Congress’ lead by adopting the following definition:

*Financial institution means any institution the business of which is engaging in financial activities as described in section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)). An institution that is significantly engaged in financial activities is a financial institution. 16 C.F.R. 313.3(k)(1).*

In addition to those traditional financial institutions such as banks and finance companies, the FTC definition includes certain

*(Continued on page 2)*



# THE VOICE

THE VOICE OF  
RETAILING IN ALABAMA  
VOLUME 1, NUMBER 2  
THIRD QUARTER

**PUBLISHER:**  
CHARLES MCDONALD

**EDITOR:**  
ALISON WINGATE

## 2000-2002 ARA OFFICERS

**CHAIRMAN:**  
RODNEY BARSTEIN  
Simply Fashion Stores, Ltd., Birmingham

**IMMEDIATE PAST CHAIRMAN:**  
PETER "GREG" GREGERSON, JR.  
Gregerson's Foods, Inc., Gadsden

**VICE CHAIRMAN:**  
Claude "Bud" Kitchin, IV  
Kitchin's Department Stores, Anniston

**PRESIDENT:**  
CHARLES MCDONALD  
Montgomery

**VICE PRESIDENT:**  
RICHARD E. BROWN, JR.  
Montgomery

**TREASURER:**  
BOB QUERY  
Montgomery

**SECRETARY:**  
VIRGIE TODD  
Montgomery

## 2000-2002 ARC OFFICERS

**CHAIRMAN:**  
JAMES ROTENSTREICH  
JHF Holdings, Inc., Birmingham

**TRUSTEES:**  
JERRY BEASLEY  
Beasley Honda, Ozark

DARRELL BOURNE  
Ragland Bros. Retail Cos., Inc., Huntsville

DAN EDGAR  
Edgar's Foodland, Inc., Eutaw

BUD SKINNER  
Jubilee Seafood, Montgomery

JIMMY SMITH  
Smith Jewelers, Inc., Decatur

WILLIAM "BILL" WAGNER  
The Athlete's Foot, Tuscaloosa

**FUND ADMINISTRATOR:**  
RICHARD E. BROWN, JR.  
Montgomery

*THE VOICE* is the official publication of the Alabama Retail Association, 7265 Halcyon Summit Drive, Montgomery, Alabama 36117. Telephone (334) 263-5757; FAX (334) 262-3991.

*THE VOICE* 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.

**Advertising:** Inquiries should be directed to the Alabama Retail Association. Rates will be furnished on request. The Alabama Retail Association reserves the right to omit any advertising or editorial copy deemed to be unsuitable for publication. Publication herein does not necessarily imply endorsement of any product or service offered.

**Postmaster:** Send address changes to *THE VOICE*, P. O. Box 240669, Montgomery, Alabama 36124.

## FROM THE PRESIDENT

### CHARLES MCDONALD



I hope you all are enjoying the weather as the summer comes to a close. It sure has flown by for us at ARA! We are already busy planning next year's Washington Trip to be held April 25-28, 2002, at the Hyatt Regency. This year's trip was a rousing success, with almost fifty attendees. We had some members that got to tour the Oval Office at the White House, and a few even made their movie debut in a remake of the attempted Reagan assassination. We took in a play at the Kennedy Center, visited our Congressional delegation and saw most of the monuments – all in a few action-packed days! As was the case this year, children are welcome and we have activities planned around them. We are now making reservations at the White House, the Bureau of Engraving and Printing (where money is made), and the FBI. Go ahead and mark your calendar.

The web site has undergone a major facelift. With up-to-the minute news, a message board and chat room for our members, it is truly a valuable benefit of membership. Although it is still being fine-tuned, check it out at [www.alabamaretail.org](http://www.alabamaretail.org).

Another area we are doing much preparation for is the 2002 elections. This is

going to be a make-or-break year in many cases for the business community. We are working hard to raise money for our political action committee, Alabama RetailPAC, in order to help our good friends with their campaigns. I don't have to tell you the importance of having business-oriented candidates. If you have not done so, please consider making a contribution to Alabama RetailPAC. You can mail it to the office or make a pledge on-line by clicking on the RetailPAC logo on our homepage.

Many of you have called in with questions on how the new privacy regulations will affect you. Be sure not to miss our feature article, "The High and Hidden Price of Privacy: Federal Consumer Privacy Regulations and Supervision by the FTC." Hopefully it will answer many of your questions and give you some insight into this broad-reaching law.

I hope the back-to-school season is good to you!

## THE HIGH AND HIDDEN PRICE OF PRIVACY: FEDERAL CONSUMER PRIVACY REGULATIONS AND SUPERVISION BY THE FTC

*Continued from page 1*

retail credit sellers, auto dealerships, some career counselors, accountants and others who complete tax returns, investment advisors, mortgage brokers, real estate appraisers, check cashing companies, check printers, certain travel agencies and other entities not commonly regarded as "financial institutions". In the FTC's analysis, entities within each of these classifications engage in activities that are financial in nature and that give them access to consumers' financial or personal information. For those reasons, the FTC believes the requirements of GLB should apply to such entities. If your business currently complies with the Equal Credit Opportunity Act and the Truth-In-Lending Act, you are most likely subject to GLB. Even if your business is not required to comply with the Equal Credit Opportunity Act or the Truth-in-Lending Act, you will be required to comply with

GLB if you fall within one of the categories referenced above.

### OKAY, WE'RE COVERED — NOW WHAT?

So, if you finance your own accounts, issue proprietary credit cards or otherwise fall under the definition of "financial institution," you are required to comply with the FTC's consumer privacy regulations as of July 1, 2001. In a nutshell, the regulations require each financial institution to develop and publish written policies for protecting the non-public personal financial information of certain consumers. In addition, each financial institution is required to:

- **Disclose** in a clear and conspicuous manner the institution's policies for collecting and sharing "nonpublic personal information" about customers/consumers with third parties. Financial institutions

*(Continued on page 3)*

## THE HIGH AND HIDDEN PRICE OF PRIVACY

*(Continued from page 2)*

are required to give customers initial written notice of the institution's policies when the customer relationship is first established and to give up-to-date and accurate notice of the institution's policies on an annual basis. Notices must identify the categories of information collected about customers/consumers and the categories of third parties to whom such information may be disclosed.

- **Explain** to customers/consumers their right to "opt out" of most disclosures of nonpublic personal information to non-affiliated third parties if you share such information. In other words, explain to customers that they have a right to prevent your company from sharing confidential customer information.
- **Provide** a mechanism for customers/consumers to opt out of information sharing. Financial institutions must develop a reasonable mechanism by which customers/consumers can opt out of the institution's information sharing practices. Institutions must describe or explain the mechanism for opting out in their initial and annual notices.
- **Comply** with the opt out elections of customers/consumers. Financial institutions are obligated to make certain their opt out mechanisms effectively address customer/consumer wishes concerning personal financial information.

If the list above makes the regulations sound relatively straightforward and easy to implement, you have been misled. There is much more to the regulations than the four points outlined above. For instance, the regulations also restrict disclosures of customer account numbers under certain circumstances, impact a number of other consumer protection laws and, eventually, will require financial institutions to revise confidentiality provisions in many of their currently existing contracts with third parties. The regulations went into effect on November 13, 2000, and compliance became mandatory on July 1, 2001.

### **BUT, WE DON'T SHARE INFORMATION... AREN'T WE EXEMPT FROM THE REGULATIONS?**

No financial institution is entirely exempt from the requirements of the regulations. Certain disclosures of customer information are not required to be included in an institution's initial and annual notices (sharing information necessary to complete a customer initiated transaction, for exam-

ple). Certain disclosures of customer information are not subject to a customer's opt out right (disclosures made pursuant to a validly issued subpoena, for instance). However, every entity covered by the FTC regulations is required to make some written statement to customers about its information sharing practices, even if that statement explains that the entity does not share customer information. Additionally, businesses subject to the regulations are required to disclose their information collection practices, regardless of their information sharing policies. In short, initial and annual privacy notices in some form will be mandatory for all businesses subject to the privacy regulations.

### **FIVE STEPS A "FINANCIAL INSTITUTION" SHOULD HAVE ALREADY TAKEN (OR SHOULD TAKE IMMEDIATELY)**

So, what can you and your company do to make sure you comply with the FTC regulations? At the very least, start by focusing on these five steps:

- **Designate a person or committee to spearhead the company's efforts.** Find someone within your organization who is both experienced with regulatory issues and extremely knowledgeable about your organization. Put that person in charge of managing the development of your privacy compliance program. If no one fitting that bill is available, form a com-

mittee of department managers from throughout your organization and charge the committee with responsibility for managing the development of your privacy compliance program.

- **Conduct a thorough self-analysis of existing privacy practices, immediately.** Before your company can begin to disclose its information sharing practices, it has to have a real sense of what those practices are. Look at every aspect of each of your lines of business. Pay attention to any exchanges of consumer financial information with third parties, including dunning information. Also take a hard look at your relationship with vendors, service providers, agents, advertisers, marketing firms, mail distributors, collection agencies and the like.
  - **Develop a time-line and an action plan.** Using the information gained in your self-analysis, develop a checklist of tasks that must be accomplished, prioritize the list and assign responsibilities accordingly.
  - **Formulate a plan for dealing with opt outs.** If you choose to disclose non-public personal information, are you going to allow customers to opt out only via particular means (only a phone call, for example) or can they opt out in any manner they wish? If your opt out mechanism will require new phone lines,
- (Continued on page 8)*



# TERMINATION GUIDELINES AND DECISIONS: THE WHEN AND HOW

It is important that supervisors understand the company's guidelines for discipline and the basis for making disciplinary decisions. The guidelines discussed below should not be part of your employee handbook, but should be included in a supervisor's guide for disciplining employees.

## COMPLIANCE CHECKLIST

- Does the Company have a checklist for preparing supervisors for disciplinary discussions?
- Are the "seven questions" asked every time an employee is disciplined or terminated?
- Does the Company have a disciplinary training program for supervisors?
- Are supervisors made aware of issues involving abusive interviews and false imprisonment?
- What is the procedure for documenting disciplinary decisions and the reasons for the decisions?
- Are employees provided with a written notice of discharge?
- Does the Company conduct a formal exit interview?

Lawsuits resulting from disciplinary actions can be controlled through effective management of the discipline process. The questions employers fail to ask and their

failure to document facts related to disciplinary incidents lead to the increased possibility of litigation. Using constructive discipline in reaction to poor performance or rule violations, and not merely punishment, can avoid legal claims and improve staff performance and attitudes. Hopefully you have a clear statement and a disclaimer that your handbook or policies are not contracts of employment.

## THE SEVEN MOST IMPORTANT QUESTIONS

There are seven questions that should be asked by the employer before the employee is disciplined or terminated.

Generally, if an employer can answer "yes" to each of the seven questions set forth below, it has taken every step necessary to make a justifiable and defensible business decision, it should be able to minimize the legal claims filed against it, and it should be able to win any claims that are subsequently filed by employees. Before you discipline or terminate an employee, make sure you can answer each of these 7 questions.

- Has the employee received fair warning of the possible discipline and the consequences of the employee's conduct?
- Is the employer's rule or managerial order reasonably related to the operations of the Company?
- Has an effort been made to discover whether the employee did, in fact, violate or disobey the employer's rule or managerial order?
- Has the investigation been conducted fairly and objectively?
- Is there "substantial evidence or proof" that the employee is guilty as charged?
- Have the employer's policies been applied consistently to all employees?  
(Inconsistent application of policies is frequently a major problem for employers in legal actions. If an employee in a protected class can point to another similar incident in which an employee not in a protected class either received lesser, or no, discipline, it becomes very difficult for an employer to justify the action.)
- Does the proposed degree of penalty reasonably relate to the offense?

If the answer is "NO" to any of these questions, the employer may have a difficult time successfully defending against an employee's subsequent claim of discrimination (e.g., race, age, sex, sexual harassment,

disability, religion, etc.) or wrongful discharge, or it may have a difficult time proving just cause in an arbitration hearing, if you have a union.

## DISCIPLINARY TECHNIQUES

Supervisory training is critical to the success of any constructive discipline program. Here are some useful techniques and considerations that a supervisor can use to effectively discipline employees:

- **Cool down:** The supervisor must remain calm, no matter how ridiculous the employee's excuses or accusations.
- **Get the facts:** Operate on solid facts. Who, what, when, where and why? What rule was violated?
- **Be decisive:** Do not postpone disciplining employees.
- **Have the supervisor do it:** It is part of the supervisory job.
- **Be flexible:** Consider personalities. Technique, tone of voice and approach are all important. Recognize that employees are different and approach them accordingly.
- **Do it privately:** It is the way all employees want to be treated.
- **Attack the offense, not the offender:** Do not make it "personal."
- **Do not overemphasize the single mistake:** Discuss both good and bad segments of the employee's performance.
- **Avoid chest-thumping:** Persuasion and explanation produce results.
- **Explain why and seek agreement:** Explain the reason for the rule.
- **Discipline present, not past, offenses:** Apply a progressive penalty. The penalty and the offense should "fit". Show confidence in future behavior.
- **Do not hold a grudge.**
- **Be consistent:** Consistency in discipline is difficult to achieve but important if ever faced with a discrimination claim.

## DOCUMENTATION OF DISCIPLINE

Accurate and adequate documentation frequently makes the difference between winning or losing discharge cases. An effective supervisory training program must include a review of applicable documentation procedures and disciplinary action forms. Progressive discipline must be used whenever appropriate and documentation



must be kept each time a supervisor counsels an employee on poor performance. All information must be kept in the employee's personnel file.

The following records and procedures will be of great value to any employer faced with discipline claims:

- Record of incidents of, and reasons for, employee absenteeism and tardiness.
- Record all of misconduct or poor job performance indicating the date, time, place, specifics and work rules violated (who, what, when, where and why).
  - Who is involved: The worker or workers, the steward, the supervisor?
  - What happened to the worker: What failed to happen?
  - Where did the occurrence take place: Department, section, etc.?
  - When did it occur: Date, shift, time of day?
- Make a contemporaneous written record of all verbal warnings regarding misconduct, tardiness, absenteeism, etc.
- Keep a copy of all written warnings and have the employee acknowledge, in writing, a receipt of the warning.
- Record co-workers' complaints regarding misconduct, absenteeism, tardiness or inadequate job performance, and have the co-worker acknowledge the com-

plaint in writing.

- Publicize the written work guidelines listing conduct resulting in possible discipline or discharge, have each employee sign a statement acknowledging that the employee has received, read and understands these rules and make it a part of the employee's permanent personnel file.
- Have two supervisors present at exit interviews or issuance of serious warnings or suggestions. (Specifically record any admissions made by the employee regarding misconduct or any admissions made regarding voluntary termination).
- Require employees voluntarily terminating employment to submit a letter of resignation. (Prepare the letter for the employee. If necessary, have him/her sign it and make it part of the personnel file).

#### EXIT INTERVIEWS

When it becomes necessary to terminate an employee, or if any employee chooses to resign, the employer should consider conducting a formal exit interview. This is a good way to find out if there are problems in the workplace that need to be addressed. It is also an opportunity to find out additional information on the following subjects, all of which are valuable to any employer.

- Did the employee's supervisor handle

employee complaints fairly, timely and consistently? Ask for suggestions for improvement.

- Are the Company's pay and benefits competitive? (Often an employee will indicate if he or she is leaving because of substandard compensation.)
- If the employee is angry with a supervisor, co-employee or the Company, the employer can be alerted to take steps to avoid possible future problems or violence. Assess an employee's attitude; get admissions; have the employee sign an exit interview form stating why they are leaving. Be accurate.

#### CONCLUSION

Discipline in the workplace does not have to carry a negative connotation. The application of constructive discipline is a positive approach. It begins with the realization that the employer cannot change the employee's conduct – only the employee can. Clear guidelines and policies that are communicated to employees and consistently applied will minimize the potential for legal claims against the employer. They will also demonstrate that the procedures are necessary for the company to achieve its goal of a cohesive staff that works together to meet customer needs.



ABSC's

# THUMBPRINT SIGNATURE PROGRAM

*Nationwide dollar losses associated with check fraud increased 40% from \$568 million in 1991 to \$850 million in 1993. Join ABSC and a growing number of financial institutions in our fight against crime. Help us send a clear message to criminals that check fraud will no longer be tolerated.*

Reduce both the risk and occurrence of check fraud in your organization by participating in ABSC's Thumbprint Signature Program. The program offers an easy, inexpensive way to prevent fraud. When customers ask to cash a check, you will ask them to provide the standard forms of identification, but also impress their thumbprint on the check. Each of your cashiers should be provided with a small inkless pad to facilitate the process. The procedure is quick, simple and clean. Similar programs have been well received by businesses and by banks and their customers in other states, and it has proven to be a very effective deterrent. Check fraud has been reduced from 40-80% in participating institutions!

Quantity	Item	Non-member Price	Total
	<b>TOUCH PADS</b>		
	1-100 pads	\$5.00 each	\$
	101-250 pads	\$4.50 each	\$
	More than 250	\$4.00 each	\$
	<b>DECALS</b>	\$4.00 each	\$
	Reversible	\$5.00 each	\$
	<b>WINDOW DISPLAY</b>	\$4.00 each	\$
	Spanish	\$5.00 each	\$
	<b>STATEMENT STUFFERS</b>		
	Packages of 500	\$.15 each	\$
	Spanish	\$.20 each	\$

Subtotal \$ \_\_\_\_\_  
 Tax (x.08%) \$ \_\_\_\_\_  
 Shipping & Handling \$ \_\_\_\_\_  
 TOTAL \$ \_\_\_\_\_

Make checks payable to ABSC and return it with your order to:  
 ABSC  
 Thumbprint Signature Program  
 Post Office Box 427  
 Montgomery, AL 36101-0427  
 Phone: 334-834-1890 or  
 800-239-5521  
 Fax: 334-834-4443

Please send order to:

Name: \_\_\_\_\_

Company: \_\_\_\_\_

P.O. Box - Zip \_\_\_\_\_

Street Address \_\_\_\_\_

City & State \_\_\_\_\_

Phone \_\_\_\_\_

# BOARD OF PHARMACY NEW RULE ON TEMPORARY ABSENCES OF PHARMACISTS DURING BREAK AND MEAL PERIODS

**T**his rule is to allow pharmacists to have breaks and meal periods without unreasonably impairing the ability of a pharmacy to remain open.

In any pharmacy that is staffed by a single pharmacist, the pharmacist may leave the pharmacy area or department, temporarily, for breaks and meal periods without closing the pharmacy and removing interns/externs and technicians from the pharmacy, if the pharmacist reasonably believes that the security of the controlled substances will be maintained in his or her absence.

If, in the professional judgement of the pharmacist, the pharmacist determines that the pharmacy should be closed during his or her absence, then the pharmacist shall close the pharmacy area or department and remove all interns/externs and technicians from the pharmacy during his or her absence.

During the pharmacist's temporary absence, no prescription medication may be provided to a patient or to a patient's agent unless the prescription medication is a refill

medication that the pharmacist has checked, released for furnishing to the patient and was determined not to require the consultation of a pharmacist.

During such times that the pharmacist is temporarily absent from the pharmacy area or department, the interns/externs and technicians may continue to perform the non-discretionary duties authorized to them by any applicable law or rule. However, any duty performed by an intern/extern or technician shall be reviewed by a pharmacist upon his or her return to the pharmacy.

The temporary absence authorized by this rule shall be limited to thirty (30) minutes. The pharmacist shall remain within the facility during the break period and be available to handle all emergency situations.

The pharmacy shall have written policies and procedures regarding the operations of the pharmacy area or department during the temporary absence of the pharmacist for breaks and meal periods. The policies and procedures shall include the authorized duties of interns/externs and technicians, the

pharmacist's responsibility for maintaining the security of the pharmacy. The policies and procedures shall be open to inspection by the Board or its designee at all times during business hours.

*Author: Jerry Moore, R. Ph, J. D., Executive Director  
Statutory Authority: Code of Alabama 1975, 34-23-92  
History: Adopted 6 April 2001; Effective 1 June 2001*



## Tired of writing a check for your quarterly workers' comp installment?

## Sign up for ARC's bank draft program!

The benefits to you are:

- **CONVENIENCE** - No check to issue. We will send you a note in advance of every installment indicating on which day we will draft your bank account. Simply enter the amount in your check register and you are finished.
- **NO COVERAGE LAPSES** - You will not have to rely on the U.S. Mail to deliver your payment on time.
- **IT'S RISK FREE** - If you become dissatisfied, let us know and we will stop the drafts.

## Call Toni Hill to sign up TODAY! Toll Free 1-888-327-1915



7265 Halcyon Summit Drive • Post Office Box 240549 • Montgomery, Alabama 36124 • (334) 263-1915

# WELCOME NEW MEMBERS

A & B Partners, LLC . . . . . Decatur  
A.M. Robbins Mortgage, Inc. . . . . Birmingham  
A.S.A.P. Business Services . . . . . Muscle Shoals  
Advanced Computer Engraving. . . . . Birmingham  
Advanced Micro Services, Inc. . . . . Sheffield  
Airport Restaurant, LLC . . . . . Eufaula  
Alabama Community Health Care  
Network, Inc. . . . . Montgomery  
Alabama Fabrics, LLC . . . . . Gadsden  
Aliceville Rural Health Clinic, P.C. . . . . Aliceville  
All Tune and Lube . . . . . Phenix City  
American Appliance, Inc. . . . . Mobile  
American Manufactures  
Supply, Inc. . . . . Bear Creek  
Amigos Mexican Grill . . . . . Hoover  
Anderson Convenience Store . . . . . Anderson  
Animal Emergency Clinic of North  
Alabama, P.C. . . . . Huntsville  
Apollo Animal Hospital, P.C. . . . . Huntsville  
Ark Professional Services, Inc. . . . . Homewood  
Atlanta Bread Company . . . . . Montgomery  
Auburn First Baptist Church. . . . . Auburn  
B & A Warehouse . . . . . Birmingham  
Bama Cellular & A-1 Herbs . . . . . Anniston  
Bank of Carbon Hill . . . . . Carbon Hill  
Barco X-Ray, Inc. . . . . Mobile  
Barkley & Harbin, Inc. . . . . Hartselle  
Barr's Seafood . . . . . Opp  
Betbeze Realty Co., Inc. . . . . Mobile  
Bit N Spur Animal Hospital . . . . . Mobile  
Bland, Harris & McClellan, P.C. . . . . Cullman  
Burgess & Hale, LLC . . . . . Birmingham  
Carneal Auto Service, Inc. . . . . Selma  
Cellu-Net, LLC . . . . . Prichard  
Chalkville Auto & Tire Service . . . . . Pinson  
Chick & Burger. . . . . Hamilton  
Chuck's & Jubilee Mart. . . . . Fairhope  
Clearbranch United Methodist  
Church . . . . . Trussville  
Collegiate Cellular & Corporate  
Cellular . . . . . Tuscaloosa  
Computer Business  
Applications, Inc. . . . . Homewood  
Country Café & Catering Co., Inc. . . . . Montgomery  
Creative Design & Screen  
Printing, LLC . . . . . Hanceville  
Cricket's . . . . . Madison  
Custom Pizza . . . . . Talladega  
Daddy O's Chicago Style Hotdogs. . . . . Florence  
Daily Scoop, Inc. . . . . Phenix City  
Dari-Dee. . . . . Lafayette  
David Joiner Knapp, M.D. . . . . Montgomery  
David S. Luker, P.C. . . . . Birmingham  
Days Inn . . . . . Enterprise  
Del-Mar/Covington Printing, Inc. . . . . Mobile

Diamond Wireless . . . . . Mobile  
Diehl Nissan Specialist, Inc. . . . . Huntsville  
Dollar Daze, LLC . . . . . Bay Minette  
Domino's Pizza/R.C. Pizza, Inc. . . . . Oneonta  
Domino's Pizza/R.W. Payroll, LLC. . . . . Daphne  
Doug's Grocery . . . . . Piedmont  
DPF Architects, P.C. . . . . Mobile  
Dr. Cecil W. Fuller, D.M.D. . . . . Selma  
Dr. Rick Redmond Family  
Dentistry . . . . . Sylacauga  
Drayton Place, Inc. . . . . Mobile  
Driggers Motor Co. . . . . Selma  
Dumas and McPhail, LLC . . . . . Mobile  
Eastaboga Tackle, Inc. . . . . Eastaboga  
Esco Auto Service, Inc. . . . . Birmingham  
Farrar Hazel Green Tire Center . . . . . Hazel Green  
Flowers by the Shore, Inc. . . . . Gulf Shores  
Global Technical Services, Inc. . . . . Decatur  
Golden Ranch Bar-B-Que, Inc. . . . . Selma  
Gold's Gym of Montgomery . . . . . Montgomery  
Grier's Office Machines, Inc. . . . . Mobile  
Hair Reflections Plus. . . . . Birmingham  
Happy Family Tawainese  
Restaurant . . . . . Hamilton  
Hook-N-Horn Restaurant, Inc. . . . . Theodore  
IHOP #4455 . . . . . Huntsville  
In Your Face Pizza, Inc. . . . . Mobile  
Iocad Technologies Services, Inc. . . . . Huntsville  
Jeff Cooks' Warehouse. . . . . Gadsden  
Jenkins, Munroe, Jenkins . . . . . Anniston  
Joe Jolly & Co., Inc. . . . . Birmingham  
Jones Furniture of North  
Alabama, Inc. . . . . Muscle Shoals  
Jones Valley Animal Hospital. . . . . Huntsville  
Kelley's Superette, Inc. . . . . Dothan  
Ken's Restaurant. . . . . Owens Crossroads  
L & L Saw & Lawn . . . . . Chickasaw  
L.B.'s, LLC . . . . . Fayette  
Lamar, Miller, Norris &  
Feldman, P.C. . . . . Birmingham  
Las Palmas Grocery & Los  
Portales Rest. . . . . Montgomery  
Le Nails . . . . . Dothan  
Lenny's of Huntsville, LLC . . . . . Madison  
Livingston Motel . . . . . Livingston  
M & A Stamp & Sign Co., Inc. . . . . Mobile  
Macro Industries, Inc. . . . . Huntsville  
Magnolia Mortgage Co., Inc. . . . . Mobile  
Mason J. Dillard & Co., Inc. . . . . Birmingham  
Mellow Mushroom . . . . . Birmingham  
Melvin Young Motors, Inc. . . . . Florence  
Miyako, Inc. . . . . Huntsville  
Nealco Products, Inc. . . . . Gadsden  
New Wave Marine, Inc. . . . . Huntsville  
Nina's Cleaners . . . . . Homewood

Nix Florist, Inc. . . . . Daphne  
Northeast Alabama Obgyn, P.C. . . . . Anniston  
Nuts on Top, Store  
#212, LLC. . . . . Mountain Brook  
O'Hair, Inc. . . . . Hoover  
Oral & Facial Surgery of the  
Shoals, LLC . . . . . Sheffield  
Part Two. . . . . Tuscaloosa  
Pasquales Pizza . . . . . Muscle Shoals  
Pelham Cleaners . . . . . Pelham  
Perdido Pass Restaurant. . . . . Orange Beach  
Physician Services of North  
Alabama, LLC . . . . . Albertville  
Piedmont Clothing, Inc. . . . . Huntsville  
Precision Tune Auto Care . . . . . Forestdale  
Purple Onion-Pelham . . . . . Pelham  
Quizno's Classic Subs . . . . . Mobile  
Ram Tire, Inc. . . . . Pinson  
Red Carpet Inn . . . . . Ft. Payne  
Richard H. Real, Jr. DMD, PA . . . . . Hoover  
Rocket City Meats . . . . . Huntsville  
Rocky Ridge Dental Associates . . . . . Vestavia  
Rogers Cable Company. . . . . Muscle Shoals  
Sanders Farm Supply . . . . . Hanceville  
Sandy's Service Center . . . . . Lanett  
Shoals Entrepreneurial Center. . . . . Florence  
Shred-It. . . . . Birmingham  
Smokies Barbeque . . . . . Madison  
S'Moore's Restaurant, LLC. . . . . Dadeville  
Sneaky Pete's Hot Dogs . . . . . Vestavia  
Sonshine Tanning . . . . . Troy  
South Central Agency . . . . . Andalusia  
Southware Innovations, Inc. . . . . Auburn  
Spectrum Adult Medical Clinic, P.C. . . . . Mobile  
Sun Harbor, LLC . . . . . Orange Beach  
Sylacauga Pediatric Clinic, LLC . . . . . Sylacauga  
Tan Palace . . . . . Hoover  
TCBY Yogurt. . . . . Mobile  
The MBF Perry Co., Inc. . . . . Birmingham  
The Embroidery House, LLC . . . . . Northport  
The Medicine Shoppe . . . . . Florence  
The Original Pancake House. . . . . Birmingham  
The Overlook Café, LLC . . . . . Montgomery  
The Picket Fence, LLC . . . . . Oneonta  
The Vineyard Café . . . . . Montgomery  
The Wicker Palace, Inc. . . . . Tuscaloosa  
Thomason & Shores, LLC . . . . . Bessemer  
University Collectables, Inc. . . . . Decatur  
University Market. . . . . Montgomery  
Villa Rosa . . . . . Hoover  
Village Chapel Funeral Home . . . . . Gadsden  
Walter Craig, Inc. . . . . Selma  
Wilson & Berryhill, P.C. . . . . Birmingham  
Wingate Inn . . . . . Oxford  
Yankee Dawg Restaurant . . . . . Tanner

## THE HIGH AND HIDDEN PRICE OF PRIVACY

(Continued from page 3)

personnel retraining, forms revision, or policy and procedures changes, start making headway on those projects now.

- **Start implementing your plan as soon as possible.** Unfortunately, you are out of time. Begin checking off tasks on your action plan as soon as possible. Keep in mind that July 1st was the date by which customers must have actually received their initial notices and, if applicable, have had a reasonable opportunity to opt out



### THE VOICE is seeking identity theft prevention best practices

What does your business do to prevent identity theft? Identity theft is the criminal act of assuming another person's name, address, social security number and/or birth date in order to commit fraud. One way is to get actual bank account or credit card numbers and make fraudulent transactions. Another is to get a person's social security number or other identifying information and open accounts.

THE VOICE is seeking Alabama retailers' best practices in preventing identity theft for an upcoming article. Please submit your best practice to Alison Wingate by e-mail at [awingate@alabamaretail.org](mailto:awingate@alabamaretail.org), or by fax to (334) 262-3991. Be sure to include your name, the name of your business, and a daytime phone number in case there are any questions.

Look for your best practice in an upcoming issue of THE VOICE!

of information sharing practices. Opt out notices should have been in the hands of customers well before July 1st, so your compliance plans need to be well under way as soon as possible.

*Maury Shevin is a graduate of the University of Alabama School of Law and is a shareholder in the law firm of Sirote & Permutt, P.C. in Birmingham, Alabama, where he is chair of the firm's Commercial/General Business practice group. Mr. Shevin serves in leadership roles with a number of trade organizations and is General Counsel for the National Home Equity Mortgage Association and the Alabama Lenders Association. Mr. Shevin regularly advises local, regional and national real estate, finance, consumer credit and*

*mortgage lending clients with respect to federal and state consumer credit protection laws and regulations. Mr. Shevin can be reached at (205) 930-5149 or at [mshevin@sirote.com](mailto:mshevin@sirote.com).*

*Jeff Pomeroy is graduate of the Cumberland School of Law of Samford University and is an associate with the law firm of Sirote & Permutt, P.C., where he is a member of the firm's Commercial/General Business practice group. Mr. Pomeroy's practice is focused on consumer and commercial lending and federal banking law issues, and his clients consist of banks, consumer credit and mortgage lenders, retailers and other business entities. Mr. Pomeroy can be reached at (205) 930-5243 or at [jpomeroy@sirote.com](mailto:jpomeroy@sirote.com).*

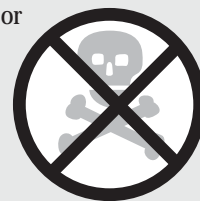
## NOTICE TO RETAILERS

**O**n June 8, 2000, the United States Environmental Protection Agency announced an agreement with pesticide manufacturers to phase out and eliminate many uses of the insecticide Chlorpyrifos. Chlorpyrifos or "Dursban," as it is commonly called, will be cancelled in virtually all home-use products and many other indoor and outdoor non-residential uses as of December 31, 2001. The retail sale and distribution of Chlorpyrifos products allowing home use (except ant and roach bait products in child-resistant packaging) or other cancelled uses after December 31, 2001, may represent a violation of the Federal Insecticide, Fungicide and Rodenticide Act and the Alabama Pesticide Law.

At this time Alabama does not have a Pesticide Disposal Program in place, so the responsibility of the disposal of the remaining products rests with the retailer. These products must be disposed of in a responsible and legal manner according to the law.

You, the retailer, should consider the measures that need to be taken with the remaining inventories that are not sold by December 31, 2001. You may contact your distributor to determine whether they will buy back or take back these products. Also, take into consideration the amount of product purchased in order to reduce the remaining unsold inventory.

For additional information on Chlorpyrifos and EPA's agreement, you can log onto EPA's website at [www.epa.gov/pesticides/op/chlorpyrifos.com](http://www.epa.gov/pesticides/op/chlorpyrifos.com), or by calling the Office of Pesticide Programs at (703) 305-5017. To obtain information on Alabama's rules and regulations concerning disposal of cancelled pesticide products, you may call Tony Cofer, Pesticide Administrator, at Alabama's Department of Agriculture at (334) 240-7237, or e-mail him at [groundwater@agi.state.al.us](mailto:groundwater@agi.state.al.us).



ALABAMA RETAIL ASSOCIATION

7265 Halcyon Summit Drive  
Post Office Box 240669  
Montgomery, Alabama 36124

PRESORTED STD  
US POSTAGE  
PAID  
PERMIT #456  
MONTGOMERY, AL