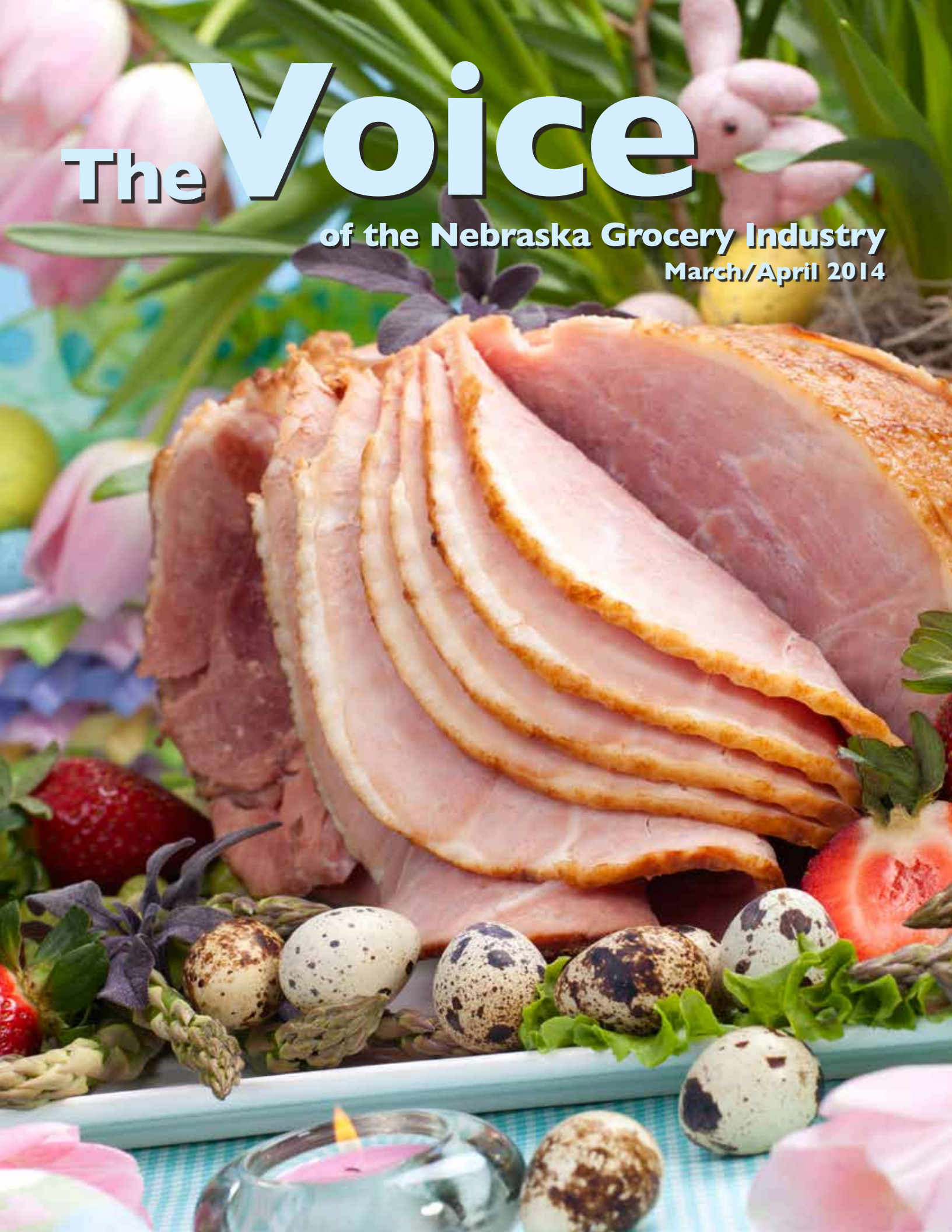


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of the Nebraska Grocery Industry

March/April 2014





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Sincerely,

A handwritten signature in black ink that reads "Jim Gohsman".

Jim Gohsman  
VP Sales- Great Lakes Region  
616-878-8088  
SpartanNash.com

A handwritten signature in black ink that reads "Joe Hermes".

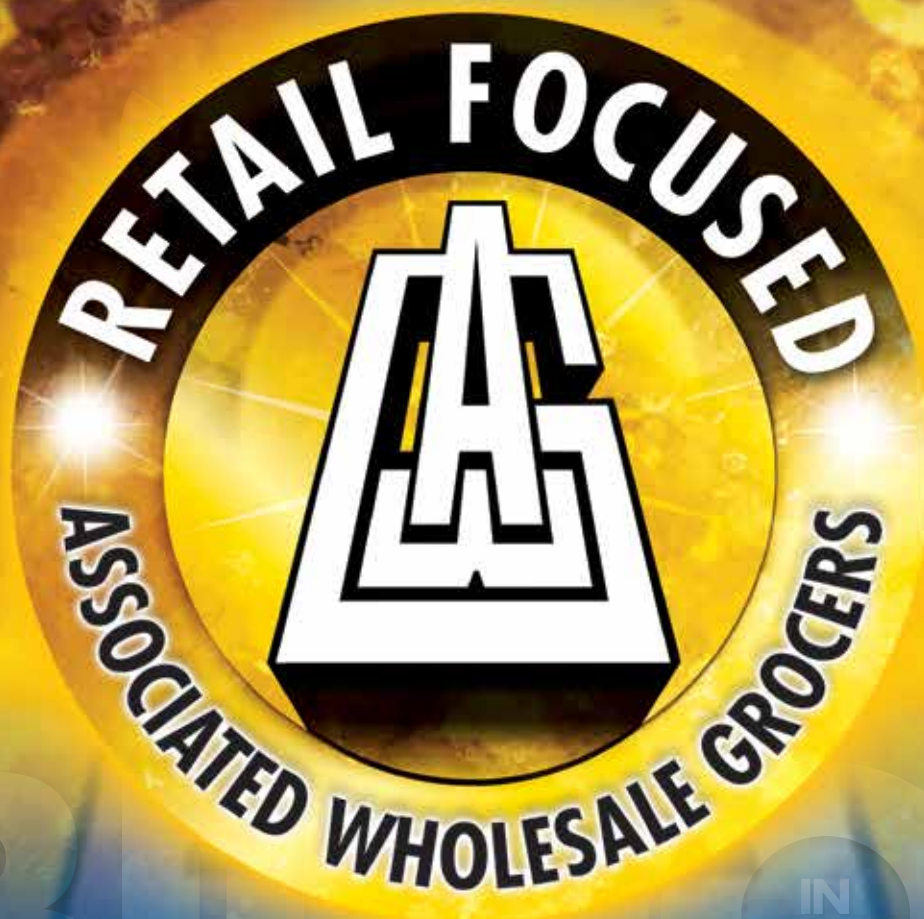
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Owned and Published by:  
**Nebraska Grocery Industry Association, Inc.**  
5935 South 56<sup>th</sup> Street, Suite B, Lincoln, Nebraska 68516-3301  
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# Nebraska Food News... People... Places... Things...

*This section of the magazine is dedicated to announcing the changes, additions, promotions, etc., regarding members of the grocery industry in Nebraska. We invite members to submit information that can be included in this section.*

**Nider's Thriftway** in Pawnee City are updating their store. Three new check stands with new touch screens which will increase the speed at checkout. They are also updating their back office server with software that will enable the store to send email receipts to its charge customers. The store got a Nebraska Workers Training Program grant which is a program available to all small businesses to enhance and keep their businesses update. They are also installed new beer coolers and laminated the floor in the produce section.

The **Sun Mart** at 1340 West O Street closed March 15. The space has housed a grocery store continuously for 47 years. The store opened in 1967 as a Warehouse Market.

**Sun Mart** in Kearney gets a new name, **Family Fresh Market**, and a new design and layout. The store also has something old. Hanging on the walls are 30 large historic pictures of Kearney, ranging from the construction of the Seedling Mile to cozy markets that sold ground beef for 15 cents a pound to scenes of a parade down Central Avenue. Each aisle of the store is named for a Kearney street. Remodeling happens every five or six years at Spartan-Nash according to Store Director Shawn Albert, but hanging historic pictures and naming aisles for city streets does not.

Litchfield, NE welcomed **P & D Market** in December of 2013. Peggy Lewandowski and Dennis Unick own and operate the grocery store. P & D Market is a full service grocery store offering a full line of name brand and Our Family brand foods and home cleaning products.

**Hy-Vee** is expanding its specialty pharmacy business with the purchase of family-owned Amber Pharmacy of Omaha, the grocery chain announced in February. Specialty pharmacy, the fastest-growing branch of pharmacy, treats patients with chronic conditions such as cancer, multiple sclerosis and autoimmune disorders by offering specialty pharmaceuticals as well as support services such as insurance verification, benefits coordination, clinical support and counseling.

**B & R Stores**, the Lincoln supermarket chain that owns grocery brands Super Saver and Russ's Market, has been named a top independent grocer. Progressive Grocer magazine presented B & R Stores with its Overall

Outstanding Operator-Community-Based award at an awards banquet in Las Vegas. The award is presented to independent grocers that demonstrate commitment to their communities, and it's one of the three top national awards Progressive Grocer gives out annually. "B & R Stores is a truly innovative grocer and has a tremendous commitment to the communities it serves," said Joseph Tarnowski, editor-in-chief of Progressive Grocer Independent.

Businesses owners especially those in small communities, have long know one of the best ways to survive is to diversify. Tim Sorsen, owner of the **Corner Market** in Edgar, is doing it with great success. We've tried to turn our grocery store into a real old-fashioned general store. In addition to groceries, the long-time staple of the Corner Market, Sorsen has added liquor, a deli-style lunch counter, and most recently, firearms.

Both the gun trade and the lunch business are thriving, he said. The store currently has more than 500 firearms in stock, and the deli is serving between 30 and 40 meals per day. The Corner Market is equipped with nearly 20 security camera as well as an alarm system linked both to Tim Sorsen's home and the Clay County Sheriff's Office.

**Retail Data Systems (RDS)**, the largest Point of Sale (POS) dealer in the U.S. serving the independent Grocery, Hospitality and Convenience Store market, has been appointed by NCR Corporation as a NCR Premier POS Dealer. The announcement means that RDS will be the only provider in the markets it serves of all three NCR Grocery POS platforms; ISS45, ScanMaster and ACS IR. With the appointment by NCR making RDS a NCR Premier POS Dealer, RDS will be able to expand their sales and support services to ACS IR customers throughout the Midwest and Southeast and provide all customers a definitive roadmap toward the future NCR POS

The **Baker's Supermarket** in Westwood Plaza Omaha recently completed a multimillion-dollar, wall-to-wall renovation, which reorganized the interior to expand and add several sections, including a new olive bar and chees section and fresh, handmade sushi. Other new features are a "build your own six-pack," where customers can mix and match from more than 250 craft and imported beers; and expanded produce section, including more organic offerings; and a new natural foods section that includes bulk items such as nuts and grains. The store also now has a new assortment of premium fine wines; an expanded


*Continued on page 4*

floral department and a consultation room in the pharmacy department.

It's been 15 years since the residents around Cody could purchase a large variety of grocery items in their own community however last May that changed with the opening of Circle C Market. An idea that was incubated through the brainstorming of teachers at Cody-Kilgore High School, a concept for a FFA project by a high school sophomore and a desire by community leaders to build up the town have been transformed into reality through the new Cody grocery store.

Family Fresh Market in Kearney held a Spring into Health Supermarket Tour. Registered dietitian Jennifer Meyer gave a store tour and tips to help consumers make healthy choices and get the most nutritional bang for their buck at the supermarket.

Safeway, which has several western Nebraska locations, has agreed to be acquired by an investment group led by Cerberus Capital Management, the owner of several supermarket chains. The deal, announced in March will bring together Safeway and Albertson's. Cerberus bought the Albertson's stores it didn't already own from Supervalu Inc., along with four other Supervalu chains last year.



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# Do You Live in Fear of an IRS Audit? 5 Red Flags to Avoid on Your Return

By: Rick Rodgers, CFP

It is no secret that one of the biggest fears people have is receiving an audit notice from the IRS. It ranks right up there with being diagnosed with a life-threatening illness. Of course, the IRS does nothing to alleviate this fear because the more frightened you are, the less likely you will be to cheat on your taxes.

The IRS audited one out of every 104 tax returns in federal fiscal year 2013. It's becoming increasingly evident that the greater your total income, the more you'll attract the agency's attention. Last year, the IRS audited about 10.85 percent of taxpayers with income greater than \$1 million. The audit rate dropped to 0.88 percent for those with income less than \$200,000.

Some of the audits were taxpayers pulled at random. The rest of the returns are selected for examination in a variety of ways.

Lowering your IRS profile will help minimize your chances of being audited. Here are five ways to help you stay off the audit list.

**1. Large Itemized Deductions:** The IRS has established ranges for the amount of itemized deductions based on a taxpayer's income. Deductions that exceed the statistical "norm" for a given state and region may be red-flagged for a closer look. This does not mean that you shouldn't take legitimate deductions. Your deductions could exceed the IRS range due to high medical expenses and large charitable contributions. Take all valid tax deductions – just be sure you keep your backup documentation.

**2. Self-Employment Income:** The IRS believes that the vast amount of underreported income occurs among the self-employed. Self-employed taxpayers are audited by the IRS far more frequently than those who receive a W-2 for wages. People who are employed by others and receive W-2 income but also run a business that reports a loss are especially high on the IRS radar screen. You will need to be able to prove you are operating a business with the intention of earning a profit and not just trying to write off the expenses of a hobby. You will need to be able to pass both the "passive loss" and "hobby loss" rules in order for the deductions to stick.

**3. Business Expenses:** Big deductions for business meals, travel and entertainment are always ripe for audit. A large write-off will raise red flags if the amount seems too high for the business. Taxpayers claiming 100 percent business use of a vehicle is also a huge red flag. The IRS knows it's extremely rare for an individual to use a vehicle strictly for business. The IRS looks for personal

meals or claims that don't satisfy the strict substantiation requirements.

**4. Rental Properties:** The IRS is scrutinizing rental real estate losses for those who claim to be real estate professionals. You must meet two requirements: 1. More than half of the personal services are performed in real property trades or businesses in which you materially participate, and 2. You perform more than 750 hours of services in real property trades or businesses in which you materially participate.

**5. Home Offices:** Taxpayers who operate a business from their home are entitled to deduct the portion of their home that is dedicated to operating the business. The IRS believes that many taxpayers use this deduction as a means of writing off personal expenses and carefully scrutinize tax returns that claim the home office deduction. Claiming this deduction greatly increases the chances that your tax return will be audited. You should consult a tax expert to determine if you are entitled to claim this deduction. If the tax savings are minimal you may opt not to claim the deduction simply to avoid the scrutiny. For details, see IRS Publication 587.

There is no way to completely audit-proof your return, and if you do get an audit notice from the IRS, don't take it personally. It does not mean the IRS believes your return is fraudulent. When you get a notice, pick up a copy of IRS Publication 1 "Your Rights as a Taxpayer." Be courteous and helpful without volunteering more information than what is requested. Plan ahead so that you are organized and can answer questions promptly. Ask for a postponement if you need more time to prepare.

If you are a self-employed taxpayer or have unusual circumstances that place your return outside of the statistical norm, let a professional prepare the return. Self-prepared returns are themselves more likely to be audited. The IRS believes that a non-professional has limited knowledge of the 4,000 pages of tax code.

Tax law is complex. The fee charged by an Enrolled Agent or CPA can be easily justified by the peace of mind they bring if you get the dreaded audit notice.

*About Rick Rodgers: Certified Financial Planner Rick Rodgers is president of Rodgers & Associates, "The Retirement Specialists," in Lancaster, Pa., and author of "The New Three-Legged Stool: A Tax Efficient Approach to Retirement Planning." He's a Certified Retirement Counselor and member of the National Association of Personal Financial Advisers. Rodgers has been featured on national radio and TV shows, including "FOX Business News" and "The 700 Club," and is available to speak at conferences and corporate events ([www.RodgersSpeaks.com](http://www.RodgersSpeaks.com)).*




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## Chart Topping Consumer Needs

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# 5 Questions to Ask Your CPA During Tax Season

*Simple Strategy Changes May Boost Your Retirement Dollars, Says Financial Advisor*

By Larry D. Roby

Many people talk to their accountant just once a year – right about now, says financial consultant Larry D. Roby.

“This is a good time to ask a few questions that may not have occurred to either you or your accountant simply because at tax time, you’re both focused on the task at hand and not the bigger picture,” says Roby, founder and president of Senior Financial Advisors, Inc., [www.sfabridge.com](http://www.sfabridge.com). “But, if you don’t have a financial advisor, asking your accountant a few questions may help you spot places where you’re unnecessarily leaking retirement funds. Many of those leaks can be plugged with some simple changes.”

Roby tells the story of a woman he worked with at the financial counseling ministry where he volunteers. She was a widow on Social Security who also received an annual disbursement of \$35,000 from her retirement plan. She didn’t need the whole \$35,000, so she put a large chunk of it in CDs each year. “She was getting hit with what I call ‘the tax torpedo,’” Roby says. “That \$35,000 from her fund caused the portion of her Social Security income being taxed to jump from zero to 85 percent. And she’s also getting taxed on the whole \$35,000! Putting the extra money into CDs earning only about 1 percent interest, meant she was actually losing money.”

The fix, he says, was easy. The woman could pay no taxes on her Social Security benefits if the combined total of 1 – her adjusted gross income, 2 – nontaxable interest income and 3 – half the benefits, was less than \$25,000. If the amount was \$25,000 to \$34,000, she would likely be taxed on 50 percent of her benefits. “By lowering her retirement fund disbursement to the amount she actually needs, she saw a substantial tax savings,” Roby says. Such oversights are surprisingly common and can be corrected when you have the right information. If you’re planning for retirement or already retired, here are the questions Roby suggests you ask your accountant:

1. Do I have to pay taxes on my Social Security benefits?
2. Is there a way to reduce or eliminate those taxes?
3. Why am I paying taxes on money I’m not spending?

4. How long will my retirement funds last based on my current withdrawals?

5. Based on my tax records, will my spouse have sufficient income after my death?

If your retirement picture is far more complicated, with a variety of taxable and non-taxable income streams, Roby says seeking the services of a financial advisor with a diversified perspective may be a worthwhile investment.

“I always recommend people to talk to an advisor who doesn’t specialize in just one area, like annuities,” Roby says. “If you’re a hammer, everything looks like a nail. Someone equipped with lots of tools can put help you put together the best strategies for you.”

*About Larry D. Roby*

*Larry D. Roby is the founder and president of Senior Financial Advisors, Inc. ([www.sfabridge.com](http://www.sfabridge.com)). He’s a Registered Financial Consultant, a professional designation awarded by the International Association of Registered Financial Consultants; a licensed insurance agent; a Master Certified Estate Planner; and licensed to serve as an investment advisor representative. He’s currently finishing a two-year Certified Advisor for Senior Living course. Roby is a firm believer in educating clients and the public alike so that they can make the most of the money they’ve earned, saved and invested. He and his firm volunteer time and resources to the Branches Recovery Center, a counseling ministry.*

## Walmart Express Takes on Dollar Stores

Walmart announced that it will open up to 300 of its smaller format stores this year, double its initial forecasts, Motley Fool reported. Walmart’s smaller store concept, Walmart Express, offers direct competition to dollar stores with similar offerings and customer demographics, according to the news source. “The stores deliver really, really well against three competitive sets,” said William Simon, CEO of Walmart US, adding, “against a dollar store, they have fresh food, pharmacy and gas,” not to mention a “pricing advantage” over companies like Family Dollar, Dollar General and Dollar Tree. Walmart plans to use its Express format to plug the retailing gaps between its Supercenters and Neighborhood Markets – the precise area where dollar stores have thrived. “Suffice it to say, if you’re a dollar store operator – or, for that matter, a shareholder in Family Dollar, Dollar General, or Dollar Tree – this doesn’t look promising,” Motley Fool concluded.

## From Our Nation's Capitol

*Peter Larkin, President & CEO  
National Grocers Association*

Ongoing political tension in the Nation's Capitol will continue as we approach a mid-term election with the entire House of Representatives and a third of the Senate up for re-election in November. While there is never a shortage of issues impacting our industry, I've identified several that directly impact your business and will be on NGA's front burner this year.

### ACA Developments

The rollout of the Affordable Care Act (ACA) continues to experience some rough patches. One of the provisions most concerning to independent grocers is the definition of a full-time employee being set as someone who works an average of 30 hours per week per month. Left unchanged, this provision will have far reaching consequences on the supermarket industry and could impact our ability to continue providing quality benefits to our associates. Simply put, 30 hours is not full-time and requiring employers to meet this new definition is one of the most significant challenges of the law, jeopardizing coverage for our true full-time workforce. NGA is part of a broad coalition that supports amending the ACA to change the definition of a full-time employee back to the traditionally accepted definition as someone who works an average of 40 hours per week per month. At the time of this writing, the House of Representatives indicated that they would bring a bill that changes the definition (H.R. 2575, the Save American Workers Act) to the Floor for consideration sometime during the month of March. NGA supports this effort and will encourage the House to pass the bill with a bipartisan majority, and send it to the Senate for its consideration of the bill.

### Chain Restaurant Menu Labeling

NGA continues to champion bipartisan legislation that was introduced in 2013 in both the House (H.R. 1249) and Senate (S. 1759) titled the Common Sense Nutrition Disclosure Act which prevents the FDA from expanding Chain Restaurant Menu Labeling regulations to grocery stores. The FDA has indicated the final regulation may be released by March 2014; however they have already missed numerous past deadlines. NGA is aggressively working to increase bipartisan support for this legislation and needs your help in Nebraska! Unfortunately as of this writing there are no Nebraskan cosponsors on either bill. To ensure grocery stores are not unnecessarily captured under the regulation, please consider contacting your Senators and Representative and urge them to support this important bill at [www.grocerstakeaction.org](http://www.grocerstakeaction.org).

### Labor and Employment

Employers received welcomed news in early March when the Department of Labor (DOL) once again delayed its timeline for finalizing the "Persuader Rule" which would redefine the concept of "persuader" activity

and hinder the ability of employers and their legal counsel to respond to a union organizing campaign by altering the permissible terms in which they can seek advice from a lawyer. While the DOL did not give a new target date for finalizing the Rule, it stated it would provide a new date in its Spring Regulatory Agenda which is not scheduled to be released for some months. When the final regulation is issued, however, NGA will come out strong against it.

While the National Labor Relations Board's (NLRB) "quickie" ambush election rule was successfully invalidated by the courts in early 2013 because the NLRB lacked a full 5 member quorum, the NLRB as of late 2013 obtained its full quorum of three Democrats and 2 Republicans and re-issued an identical rulemaking in early February 2014. If enacted, this rule would give unions an unfair advantage over employers by drastically shortening the amount of time between the filing of a petition to unionize and when an election would occur from an average of 35-40 days to as few as 11-15 days, among other anti-employer provisions. While the NLRB will be accepting public comments on the rule until April 7, it is likely that a final rule will be issued soon thereafter. NGA has requested to testify before the NLRB and will submit comments in opposition to this rule.

### Patent Trolls

The problem of Patent Assertion Entities (PAEs), also known as "patent trolls," is no longer limited to big technology companies as it has spread from Silicon Valley to Main Street. Patent trolls are for-profit firms with few employees beyond lawyers with a primary business of purchasing patents and asserting them through litigation. Patent trolls impose enormous costs on the economy, costing an estimated \$80 billion a year, and have become a real issue for grocers. Trolls have targeted retailers for litigation over clickable menus on their websites and for offering Wi-Fi in their stores. While the U.S. House of Representatives passed bipartisan legislation to reform the patent system, the U.S. Senate continues to debate patent legislation. NGA is encouraged by broad support in Congress and from the White House for bipartisan patent reform, and continues to encourage the Senate to increase transparency on demand letters, protect end users from frivolous lawsuits, and make trolls pay when they sue companies frivolously.

NGA appreciates the opportunity to update the Nebraska Grocery Industry Association on public policy issues important to your members. Thank you for all that you do each and every day and please continue to reach out to your Members of Congress—invite them to tour your store or distribution facility and help them better understand our industry and the important role grocers play in our communities. In Nebraska alone, independent grocers account for over \$605 million in sales and employ nearly 8,000 people with reliable, stable jobs – and that's something to be proud of!



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# Hey! Is That the Company's Cell Phone or Your Cell Phone?

by Jack L. Shultz and Robert B. Trube  
HARDING & SHULTZ, P.C., L.L.O.

In 2013, two federal district courts issued decisions involving cell phones in the workplace. The decisions, taken together, provide valuable guidance to employers in writing company policies about cell phone use. One case involved an employee's personal cell phone and the other case involved a company's cell phone which was turned back to the company when the employee left employment. The rapidly changing pace of technology is leading to a growing number of court decisions concerning cell phones. Prudent employers should follow the guidance of these decisions when rewriting employment policies.

## 1. THE CALIFORNIA SITUATION

An employee of Wal-Mart Stores, Inc. was terminated. The employee filed an action in state court alleging discrimination (national origin, race and sex) and wrongful termination. The case was removed to federal court.

### THE SUBPOENA

The employer issued a subpoena to AT&T Mobility requesting:

1. All incoming and outgoing cellular phone and text message records for the terminated employee's cell phone number for a designated period of time;
2. All records regarding any data used by the device associated with the terminated employee's cell phone number for the same period of time; and
3. Invoices for the terminated employee's cell phone number for the same period of time.

### THE ARGUMENTS

The terminated employee argued that she was never counseled about cell phone use and that her employment records do not contain any documentation about her using her cell phone during work hours. She contended that she was terminated for not taking her required breaks and that the subpoenaed records are therefore not relevant.

Wal-Mart argued that since the plaintiff brought the action alleging wrongful termination, the records are necessary to defend the claim and to show that the plaintiff was terminated for stealing time. Wal-Mart argued that the plaintiff committed gross misconduct while on the job and that the misconduct is why she was terminated.

### PRIVACY

The plaintiff contended that she has a right to privacy in her cell phone records under both the California State Constitution and California state law. Wal-Mart argued that the subpoena was narrowly tailored to obtain the dates and times of cell phone use but not the content.

## THE CALIFORNIA DECISION

The federal magistrate judge ruled against the plaintiff and denied the motion to quash the subpoena for the cell phone records. The judge noted that the records were directly relevant to Wal-Mart's defense that the plaintiff was terminated for misrepresenting her working hours. The court also concluded that no privacy interests were violated because Wal-Mart was not seeking the content of any messages and because the records being sought were held by a third party and do not contain any content information. The magistrate judge also ruled that since Wal-Mart did not request the identity of any individuals whose telephone numbers would be shown in the records, no privacy violation concerning such individuals was present.

## 2. THE OHIO SITUATION

A former employee of Verizon Wireless returned her company-issued Blackberry when she left employment. When the employee was provided the company-issued phone, she was told that she could use it for personal e-mail. The employee had an account with G-Mail. The employee believed that she had deleted that account from the telephone before turning it in because she understood that Verizon would "recycle" the phone for use by another employee.

The G-Mail account was not closed and during the following 18 months, the former employee's supervisor read (without her knowledge or authorization) approximately 48,000 e-mails sent to her personal G-Mail account and disclosed the contents of some of those e-mails to others.

The former employee filed a lawsuit claiming a violation of both the federal Stored Communications Act (SCA) and a state law violation of privacy.

## THE OHIO DECISION

The federal judge ruled against the numerous (and inventive) arguments of Verizon that the SCA did not apply. The judge concluded that just because the phone was a company owned Blackberry did not mean that authorization to read the personal e-mail had been granted. The court agreed that the former employee was negligent by not having deleted the G-Mail account from the Blackberry before turning it into the company. In ruling against Verizon on this point, the Court stated:

Negligence is, however, not the same as approval, much less authorization. There is a difference between someone who fails to leave the door locked when going out and one who leaves it open knowing someone will be stopping by.

The court also refused to dismiss Verizon from the lawsuit and concluded that both Verizon and the supervisor were proper defendants. With respect to the

state law claim, the Court found that the e-mails were “highly personal and private” and that a reasonable jury could conclude that the actions of the supervisor in reading “tens of thousands of such private communications, if proven to have occurred,” would be “highly offensive.”

#### CONCLUSION

The first lesson from these two decisions is that company cell phone policies should apply to both company issued cell phones and private cell phones. In addition, if private cell phone use on personal matters (whether through a company issued cell phone or with a privately owned cell phone) are prohibited, that prohibition should be clearly stated. Moreover, if company issued cell phones are turned in by departing employees to be “recycled” to other employees, it would be prudent for the employer to ensure that no private information or e-mail accounts remain on the company’s cell phone before recycling the cell phone to other employees.

Finally, in the instance of company cell phones, employers should be sure to add in-service training for supervisors to ensure that supervisors are at least as intelligent as the Smartphone. At a minimum, such in-service training should cover reasonable expectations of privacy, an admonition to all supervisors involved in

the recycling of such company owned cell phones to be sensitive to privacy rights of former employees, and a reminder of Ron White’s statement that “stupid never takes a day off.” Now that federal court decisions are being issued on both federal and state law claims concerning privacy about both company owned cell phones and personal cell phones, prudent employers should take these decisions into account when writing personnel policies. Prudent employers should also increase in-service training for supervisors on this topic.

*Editor’s Note: This article is not intended to provide legal advice to our readers. Rather, this article is intended to alert our readers to new and developing issues and to provide some common sense answers to complex legal questions. Readers are urged to consult their own legal counsel or the author of this article if the reader wishes to obtain a specific legal opinion regarding how these legal standards may apply to their particular circumstances. The authors of this article, Jack L. Shultz and Robert B. Trube, can be contacted at 402/434-3000, or at Harding & Shultz, P.C., L.L.O., P.O. Box 82028, Lincoln, NE 68501-2028, jshultz@hslegalfirm.com or btrube@hslegalfirm.com.*

## Appeals Court Overturns Debit Rule

The U.S. Court of Appeals for the D.C. Circuit has overturned a lower court’s 2013 decision that would have rewritten the Federal Reserve’s rule for implementing the Durbin Amendment.

WASHINGTON – A federal appeals court on Friday, March 21, reinstated a 2011 Federal Reserve rule on the fees banks can charge merchants when customers use their debit cards, a setback for retailers, writes the Wall Street Journal.

“It is unfortunate that the D.C. Circuit Court of Appeals misread the law and the Federal Reserve’s rule on debit swipe fees. Any rule that would allow profit margins of more than 1,000% and raise fees on many transactions clearly violates the letter and intent of the law Congress passed,” said NACS President and CEO Henry Armour. “Congress did the right thing by trying to make debit swipe fees more competitive and the law did that in spite of the Fed’s mistakes. We intend to review all of our options for upholding what Congress did and ensuring that debit swipe fees become more reasonable for convenience retailers and their customers.”

Friday’s decision reverses the ruling handed down last summer by U.S. District Court Judge Richard Leon, who said that the Federal Reserve clearly disregarded Congress’s intent by inappropriately inflating all debit card transaction fees by billions of dollars, which have continued to allow financial institutions to charge exorbitant fees that are ultimately born by consumers. In January, attorneys representing NACS urged the U.S. Court of Appeals for the District of Columbia Circuit to uphold Leon’s decision.

U.S. Senator Dick Durbin commented on Friday’s ruling: “Today’s opinion by a panel of appellate judges is a giveaway to the nation’s most powerful banks and a blow to consumers and small businesses across America.” he said. “The court completely ignored how the Federal Reserve’s swipe fee rule allowed Visa and MasterCard to dramatically increase debit swipe fees on many small businesses, contrary to Congress’s clear language and intent. The court also astonishingly claimed that the swipe fee amendment was crafted in secret and at the last minute. If the court had taken the time to carefully read the law and its history they would have known the amendment was debated and approved on the Senate floor with a strong bipartisan majority months before enactment. Today’s ruling is both confused and tilted heavily towards the big banks and card giants.”



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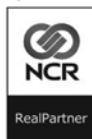
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## MARY MACEY SCHOLARSHIP APPLICATION

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### WHO IS ELIGIBLE?

- Independent retailers and wholesalers, their employees and families, including WGA and NGA members, are eligible to apply.
- Applicants must attend a U.S. college or university, have a 2.0 grade point average or better, and be entering sophomores or continuing students in good standing in a two-year, associate degree-granting institution or four-year, bachelor degree-granting institution or graduate program.
- Applicants must currently work in the independent grocery industry. (Summer employment sufficient)

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- This completed application.
- A personal statement explaining why you merit the Mary Macey Scholarship. Tell us about scholastic achievements, leadership awards, extracurricular activities, personal stories, as well as your intent to pursue a career in the independent grocery sector.
- A letter of recommendation from a sponsor in the grocery industry endorsing your intent to pursue a career in the industry.
- A college/university transcript (can be official or unofficial).

\*Incomplete applications will not be considered.

To be considered, the completed scholarship application, transcript and other requested materials must be postmarked by May 15, 2014.

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Sponsor's Name: \_\_\_\_\_ Sponsor's Company: \_\_\_\_\_

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Scholarship recipients will be chosen from the qualified pool of applicants by the WGA Board of Directors. Please e-mail, mail, or fax your completed application and materials to:

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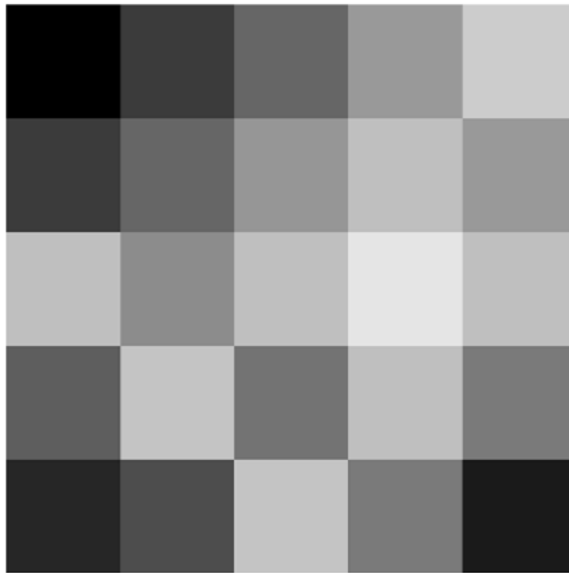
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# How to Overcome Excuses in 2014

## 6 Tips to Gain the Edge & Meet Your Goals

By Dan Waldschmidt

Great people throughout history often fail, quite miserably, before finally reaching their goals, says international business strategist Dan Waldschmidt.

“Van Gogh sold only one painting during his lifetime; Winston Churchill lost every public election until becoming prime minister at age 62; Henry Ford went bankrupt five times; Albert Einstein was a terrible student and was expelled from school; Sigmund Freud was booed from a stage,” says Waldschmidt, author of “Edgy Conversations: How Ordinary People Achieve Outrageous Success,” ([www.EdgyConversations.com](http://www.EdgyConversations.com)).

“Ideas, brilliance, genius – they all mean nothing without the guts, passion and tenacity necessary to make your dream a reality. But often, people fall back on excuses and give up on trying to reach their goals.” Most of us have dreams, and many of us have big ones, but few of us actually see them through, he says.

He offers six tricks for jumping off the excuse train and forge the path to your goals.

1. Avoid the need to blame others for anything. Mean, small-minded people know that they suck. That’s why they are so cranky and eager to point out others’ mistakes. They hope that by causing others to feel inadequate, everyone will forget about how woefully off the mark their own performance is. Don’t blame anyone, for any reason, ever. It’s a bad habit.

2. Stop working on things that just don’t matter. Not everything needs to be done in place of sleep. If you work for a boss, then you owe them solid time. You can’t cut that out. You can, however, cut out television time, meetings and anything else that gets in the way of achieving your goals. Replace

entertainment with activity toward your goal.

3. Refuse to let yourself wallow in self-doubt. You’re alive to succeed. Stop comparing your current problems to your last 18 failures. They are not the same. You are not the same. Here’s something to remember: Your entire life has been a training ground for you to capture your destiny right now. Why would you doubt that? Stop whining. Go conquer.

4. Ask yourself, “What can I do better next time?” And then do it next time. If you spend a decade or two earnestly trying to be better, that’s exactly what will happen. The next best thing to doing something amazing is not doing something stupid. So learn from your mistakes and use the lessons to dominate.

5. Proactively take time to do things that fuel your passion. Exercise is a great example. Living in the moment requires you to live at peak performance. A huge part of mental fitness is physical fitness. A sparring or running partner is a great way to refresh physical competition. Physical activity accelerates mental motivation.

6. Apologize to yourself and those around you for having a bad attitude. Do this once or twice and you’ll snap out of your funk pretty fast. When you start genuinely apologizing for being a bad influence on those around you, you learn to stop whining and start winning.

*About Dan Waldschmidt*

*Dan Waldschmidt is the author of “Edgy Conversations: How Ordinary People Achieve Outrageous Success,” ([www.EdgyConversations.com](http://www.EdgyConversations.com)). He is an international business strategist, speaker, author and extreme athlete. His consulting firm solves complex marketing and business strategy problems for savvy companies all over the world. Dow Jones calls his Edgy Conversations blog one of the top sales sites on the internet. He’s been profiled in BBC, Fox News and The Today Show, and he is a sought-after media source*



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June 1 – 5 . . . . . NGA Executive Leadership Development Program at Cornell University  
April 30-May 1 . . . . . Washington Public Policy Conference  
May 4-6 . . . . . FMI Financial Executive Conference, San Francisco, CA  
June 8-12 . . . . . NGA Leadership Development Program, Los Angeles, CA  
June 9-10 . . . . . FMI Foundation Retail Food Safety Forum  
June 10 - 13 . . . . . FMI 2014, McCormick Place (South Hall), Chicago, Illinois  
July 15 . . . . . NGIA Annual Conference at Henry Doorly Zoo  
July 16 . . . . . NGIA Annual Sand Bagger Golf Outing – Iron Horse  
July 29 . . . . . B&R Stores Golf Outing  
August 13-15 . . . . . FMI Global Sustainability Summit, Boston, MA  
Sept. 7-8 . . . . . FMI Energy & Store Development Conference, St. Louis, MO  
Sept. 10 – 12 . . . . . FMI Financial Management/Technology Conference  
Sept. 19-20 . . . . . Affiliated Foods Midwest food show  
Sept. 24 . . . . . NGIA Hackers & Snackers Golf Extravaganza – Quarry Oaks  
Oct. 1 - 3 . . . . . NGA Fall Leadership Meetings

*If you would like to have your event listed on the calendar, please contact the NGIA office*

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