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of the Nebraska Grocery Industry

November/December 2014

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Spirit of America Award



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Vendor of the Year



Ted Stessman

Distinguished Service Award

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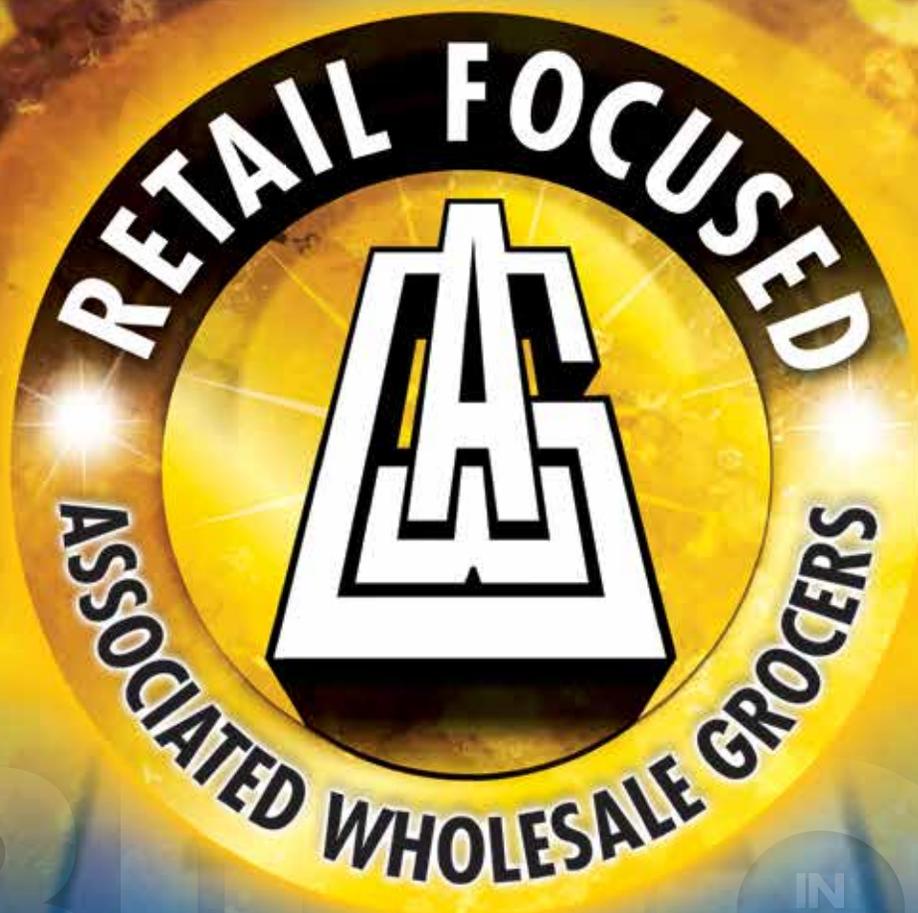
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Nebraska Food News... People... Places... Things...

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.

Two Omaha **Bag 'N Save** supermarkets closed in October. The stores, at 7646 Dodge St. and 770 N. 114th St., are owned by SpartanNash, a Michigan-based wholesale food distributor and grocery retailer. SpartanNash has cut the number of retail stores it operates to 166 from 177 since November 2013. Other SpartanNash brands in the Omaha market are No frills and Supermercado Nuestra Familia.

Hy-Vee at 97th and Q Street in Omaha completed its major renovation that included a Market Café restaurant, a sushi bar, and artisan stone bread oven, a Starbucks, a new liquor store and a larger selection of natural and bulk foods. Andrew Yochum is the Store Director.

Val Market in Valparaiso was recently purchased by Jennifer and Doug Nelson. The Nelsons own and operate **Nelson's Butcher Shop** in town. The store has been named **Nelson' Market**.

Three Gering elementary schools earned free educational equipment during the 2013 – 2014 school year, thanks to some help from **Fresh Foods**. The Gering supermarket participated in Register Tapes for Education. It's a nationally recognized program to help grocery retailers raise funds for participating local schools to purchase educational equipment. "This is a great program for both customers and the schools," said Kerri Dishman of **Fresh Foods**. "It's an example of how shopping local can help local schools get equipment and supplies for the year. And this way, everybody can help out."

Discount grocer **ALDI** opened a Lincoln store at 27th and Yankee Hill Road recently and are scheduled to open a second store at 84th and O Street the first part of December.

Syracuse **Shur Save** grocery store closed this fall after being in the community of Syracuse for more than a century.



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Around the State

Nebraska Experiences a Record \$769M Cash Reserve

(Lincoln Journal Star) -- JournalStar.com reports, "Preparing a state budget for the next two years will come down to balancing needs of crowded prisons and the state's health and human services (HHS) with the clamor for cutting property taxes." Mike Calvert, chief fiscal analyst for the Legislature, said the estimated budget shortfall for the Legislature's 2015 session appears manageable. The state's "revenue growth is expected to be about 6.3% this fiscal year" -- while "spending growth is projected to be 3.7% over the next two fiscal years." But the spending growth projection does not include new funds related to prison crowding and reform at this time, Calvert said. Meanwhile, "the state's rainy day fund, or cash reserve, is projected to be the highest it has ever been -- \$769 million." And more than \$707 million of that is "in the bank," Calvert said -- representing "16-17% of total revenue in any one year."

New State Law Lets Nebraskans Keep More of What They Earn

(AP/Businessweek.com) — The AP reports that a law (LB987) passed earlier this year this year by the Nebraska Legislature will "ensure Nebraska's income tax brackets automatically keep pace with inflation. Previously, taxpayers who received a cost-of-living increase would get bumped into a higher tax bracket." The new tax bracket-indexing law is expected to save Nebraska taxpayers roughly \$100 million over the next decade, the story notes.

Report: Nebraska Needs \$10.2B for Roads Over 20 Years

(Lincoln Journal Star) -- JournalStar.com reports that Nebraska "needs to spend \$10.2 billion on its highways and roads in the next 20 years. And with inflation, those needs could reach \$14.6 billion." That's according to Randy Peters, state Department of Roads director, who appeared at a joint meeting of the Legislature's Appropriations and Transportation and Telecommunications committees. However, "unlike previous years, the state is doing better on its highway funding outlook" due to the Build Nebraska Act (LB84). About 65% of the needed funding is for restoring pavement, the story notes, and "nearly a third is for rural highway reconfiguration and bridges." The article also quotes Peters as saying that "Nebraska's chance at success in addressing its 20-year needs is 'critically' dependent on Congress' success in passing a new, stable and adequately funded federal transportation bill."



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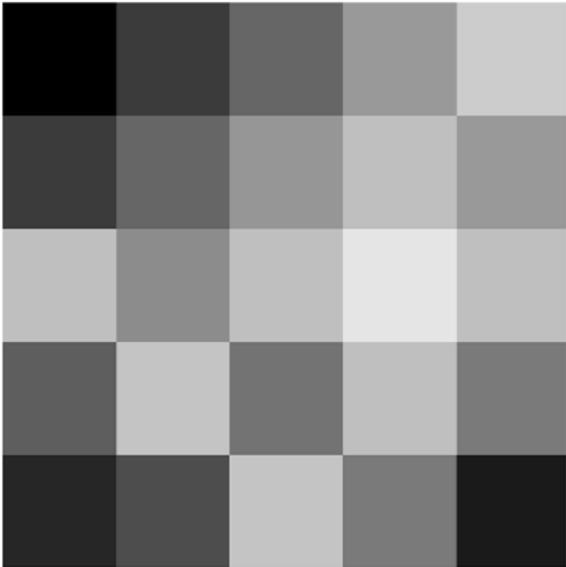
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2014 Spirit of America Award

Tim Henderson is the owner operator of Henderson's IGA in Valentine. Tim has been very active in the political arena by participating in NGIA's Legislative Reception & Dinner, by contacting both State and Federal representatives whenever an issue arises that impacts the food industry, and by making several trips to Washington DC to lobby on behalf of the food industry during the Washington Public Policy Conference. Tim was recognized as IGA's Retailer of the Year in 2013 (a worldwide award). Tim serves his community as a volunteer in the Volunteer Firefighters and other local organizations. He is currently serving on the Affiliated Foods Board of Directors.



2014 Distinguished Service Award

Kirk Anderson is Vice President of Sales and Marketing for Pepsi of Lincoln. Kirk served on the NGIA Board of Directors as a representative of the vendor community. He has generously supported NGIA events and has participated in all NGIA programs throughout the years. Kirk serves on the Vendor/Grocer Committee, and was instrumental in updating the NGIA Scholarship Program. His innovative ideas have helped NGIA grow and change as our industry has evolved.



2014 Vendor of the Year Award

Ted Stessman is Tobacco Director at Farner Bocken. Ted has taken a very active role in promoting positive legislation and opposing legislation that would be detrimental to our industry. He has gathered statistics from sales in Nebraska and Iowa and we have used that statistical information to further education legislators on issues that impact our industry. Ted has served on the NGIA Board of Directors for 12 years. He participates in NGIA events and promotes our organization. He has been a strong supporter of NGIA for years and continues to focus on solving issues that would harm our industry.

National Grocers Association Files Comments with USDA in Response to Meat Grinding Log Proposed Rule

Arlington, VA - The National Grocers Association (NGA) submitted comments to the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture (USDA) regarding its proposed rule, released in July of this year, that requires all makers of ground beef, including grocery stores, to keep better sourcing records in order to help the agency and retailers conduct recalls.

Citing the high compliance costs and burdens these regulations would impose on independent supermarkets, NGA expressed concern that many of its members would no longer be able to provide consumers with beef ground freshly in store. Through feedback from its membership, NGA estimated that the proposed rule would cost independent supermarkets more than \$387 million dollars in compliance costs annually.

"Independent retail supermarkets are known for providing high quality service in their meat departments, which often have on-premise butchers who provide value, variety, and service. The proposed rule as currently written places unnecessary new regulatory burdens and costs onto supermarkets and will particularly impact NGA's members who often differentiate themselves in the marketplace through their meat departments," said Peter J. Larkin, president and CEO of NGA. "We urge FSIS to adopt NGA's recommendations and we look forward to continuing to work with the Agency on this matter."

NGA's members are committed to providing their consumers with high quality meats and ensuring the safety of the food supply. NGA believes that FSIS can make modifications to the proposed rule that will significantly reduce independent retailer compliance costs, while preserving the goal of establishing more effective food safety protocols.

In its comments, NGA outlined several suggestions, such as reducing the amount of data required and reducing the frequency of required record keeping, as well as eliminating the requirement to log customer requested grinds of muscle cuts. NGA also strongly urged the Agency to consider the impact the proposed rule will have on small businesses and to take steps to reduce those burdens.



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FDA Chain Restaurant Menu Labeling Initial Analysis of Final Rule

This is an initial analysis of FDA's Final Rule that was released on 11/25/2014. The full document of the final rule can be viewed at http://ofr.gov/OFRUpload/OFRData/2014-27833_PI.pdf

Compliance Date:

Effective December 1, 2015

Enforcement: The FDA has primary enforcement authority under the Food Drug and Cosmetic (FD&C) Act. Failure to comply with the rule will render the food misbranded under sections 201(n), 403(a), 403(f), or 403(q) of the FD&C Act (76 FR 19192 at 19219).

NGA Analysis: The FDA will make decisions regarding enforcement actions on a case-by-case basis depending on specific facts and circumstances. In the past, FDA has held franchisors or licensors liable for food that is misbranded. If an infraction occurs, FDA will determine if the parent organization sought out and remedied violations and if measures were in place to insure violations do not occur. The FDA will look for documentation of the basis of a covered establishment's nutrient content disclosures, including recipe and ingredient information. Penalties are assessed on a tiered basis depending on the severity of the violation.

Covered Entities:

FDA Excerpt: "covered establishment [defined] as a restaurant or similar retail food establishment that is a part of a chain with 20 or more locations doing business under the same name (regardless of the type of ownership, e.g., individual franchises) and offering for sale substantially the same menu items, as well as a restaurant or similar retail food establishment that is registered to be covered under section 403(q)(5)(H)(ix) of the FD&C Act. (Emphasis added)"

FDA expanded the covered entities beyond those listed in the proposed rule to now include chain hotel restaurants, movie theaters, and bowling alleys as well as amusement parks and superstores. The final rule now also covers alcohol listed on menus or menu boards.

Co-Ops / Marketing Banners or Groups:

FDA Excerpt: "To be subject to the rule, a cooperative must satisfy all the criteria in the definition of "covered establishment." In other words, to be subject to the rule a cooperative must be a restaurant or similar retail food establishment that sells restaurant-type food and is a part of a chain with 20 or more locations doing business under the same name (regardless of the type of ownership, e.g., individual franchises) and offering for sale substantially the same menu items. As we explain in section VI.D., we are not defining the term "chain" in this rulemaking. In addition, for the reasons we provide in section VI.E., we continue to define doing business under the same name to include names that are slight variations of each other. Independent businesses that are cooperatives, even those that are similarly named, are not covered establishments if, for example, they are only connected insofar as they take advantage of economies of scale when procuring goods and services, or for marketing and advertising purposes, but are not "offering for sale substantially the same menu items."

NGA Analysis: To be covered under this final rule entities must operate 20 or more locations under the same name (regardless of ownership) and offer for sale substantially the same menu items. FDA notes that locations that may have a slight variation in the name (i.e. Smith's Supermarket or Smith's Express) , but offer for sale "substantially the same menu items" (in the hot deli or bakery, for example) would still be covered. Slight variations in menu items would still be covered. For example, if a covered chain makes collard greens with smoked turkey at one store, but makes it with smoked pork at another, they would still be covered.

It's appears from the final rule that FDA has given some flexibility to co-ops, which could also be interpreted as giving flexibility to non-franchise marketing & banner groups (IGA, Harvest Foods,

Piggly Wiggly, etc.), which do not offer for sale substantially the same menu items. It's unclear how this may impact those items which may be offered for sale at all / most locations (i.e. olive bar items, etc.)

Excerpt from Final Rule: "Independent businesses that are cooperatives, even those that are similarly named, are not covered establishments if, for example, they are only connected insofar as they take advantage of economies of scale when procuring goods and services, or for marketing and advertising purposes, but are not "offering for sale substantially the same menu items."

Items Covered Under Final Rule

Final Rule covers items that are like restaurant type foods. FDA identifies covered items as those that will be expected to be eaten on premise, consumed while walking away, or taken to another location for immediate consumption. Items considered for use at a later time would not be covered under the final rule. Certain foods bought from bulk bins or cases (e.g., dried fruit, nuts) and foods sold by weight that are not self-serve and are not intended solely for individual consumption are also not included.

Examples of covered items may include: Hot buffet items, salad bars or full service salad stations, soups, sandwiches (either self-service or full-service / on display), bagels (likely individually sold as opposed to a 6pk of bagels), donuts, or rolls (for individual sale).

The final rule would exclude: condiments, daily specials, temporary menu items, custom orders, foods offered for sale for less than 60 days per calendar year or items for consumer testing available for sale less than 90 days.

FDA Excerpt: "Foods that we therefore would not consider to be within the meaning of "restaurant-type food" include foods to be eaten over several eating occasions or stored for later use (e.g., loaves of bread, bags or boxes of dinner rolls, whole cakes, and bags or boxes of candy or cookies); foods sold by weight that are not self-

serve and are not intended solely for individual consumption (e.g., deli salads sold by unit of weight such as potato salad, chicken salad), either pre-packed or packed upon consumer request; and foods that are usually further prepared before consuming (e.g., deli meats and cheeses)."

NGA Analysis: For covered chain stores the final rule would capture those items which are offered for more than 60 calendar days and include selections offered on your hot buffets, salad bars, custom made or pre-made sandwiches, bakery items such as self-service, individual, bagels, rolls, and donuts. Loaves of bread, whole cakes, boxes of dinner rolls, and bags or boxes of candy or cookies would not be covered. Luncheon meat from a deli is not covered under the final rule as it would be considered foods that would require further preparation. Additionally, foods that are sold by weight and are not self-service, such as full-service deli salads (pre-packaged or prepared upon customer request), would not be covered under the final rule.

Items such as customer requested custom cakes would not be covered nor would those items that may only be available for less than 60 calendar days. This could include special holiday menu items or holiday / special event bakery items.

Conducting Nutritional Analysis

FDA Excerpt: "Regarding costs related to determining nutrition information for standard menu items, we note that this rule also provides flexibility in order to minimize such costs. As discussed in section XVIII, section 403(q)(5)(H)(iv) of the FD&C Act provides that a restaurant or similar retail food establishment must have a reasonable basis for its nutrient content disclosures. As also discussed in section XVIII, this rule provides that a covered establishment can satisfy the requirements of 403(q)(5)(H)(iv) of the FD&C Act by various means, including use of nutrient databases, cookbooks, laboratory methods, and other reasonable means, including the use of Nutrition Facts on labels on packaged foods that comply with the nutrition

labeling requirements of section 403(q)(1) of the FD&C Act and § 101.9, FDA nutrient values for raw fruits and 87 vegetables in Appendix C of part 101 (21 CFR part 101), or FDA nutrient values for cooked fish in Appendix D of part 101 (see § 101.11(c)(1)). In addition, this rule provides that a covered establishment can satisfy the requirements of 403(q)(5)(H)(iv) of the FD&C Act by relying on nutrition information for a standard menu item determined by the establishment's corporate headquarters or parent entity (see § 101.11(c)(3)(i)(F), (c)(3)(iii)(D), and (c)(3)(iv)(D)). In some cases, a corporate headquarters or parent entity could decide to maintain a nutrient database and use it to determine nutrition information for specialty standard menu items offered for sale by one or a few individual establishments in the chain. Therefore, this rule provides flexibility for covered establishments in order to minimize costs while also helping to ensure that calorie and other nutrition information is made available to consumers in a direct and accessible manner to enable consumers to make informed and healthful dietary choices."

NGA Analysis: NGA had raised with FDA and OMB the cost to conduct nutritional analysis of covered items. FDA appears to provide covered entities some flexibility when determining nutritional analysis to include use of nutrient databases, cookbooks, or nutrition labels on packed foods, among other things. It's unclear whether this flexibility can be realistically implemented or whether covered entities will still opt to conduct costly chemical analysis of items to ensure regulatory compliance.

Display of Nutrition Information to Consumers

FDA Excerpt: "Some comments may have misinterpreted the proposed rule. We did not propose to require that covered establishments post or otherwise have menu boards. Rather, within this context, we proposed to define the terms "menu" and "menu board," based on the statutory definition at section 403(q)(5)(H)(xi) of

the FD&C Act, and to provide direction regarding what information must be disclosed on menus and menu boards for covered establishments that have menus and menu boards. That proposed definition relies on the concept of a primary writing. If an electronic display is the primary writing of the covered establishment from which a customer makes an order selection, it would satisfy our definition of a menu or menu board. As such, electronic menus may be used by covered establishments, and we have retained electronic menus as an example of menus in the definition of menu or menu board in § 101.11(a)."

NGA Analysis: Regarding the posting of nutritional information for covered entities FDA references the term "primary writing...from which a customer makes an order selection". This would likely mean that if the customer is making their selection on a hot buffet the caloric information would need to be on the product tag that is identifying the item. Similarly, if available sandwiches are displayed on a menu board the information would need to be provided on that board or if the customer makes their selection electronically the information could be displayed there.

Additional NGA Information and Resources
<http://www.nationalgrocers.org/industry-issues/food-labeling/fda-menu-labeling>

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Who Messed Up This Computer?

by Jack L. Shultz and Robert B. Truhe
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A federal district court in Texas answered the question listed above by pointing the finger at prior employees of a technology company. Those former employees allegedly downloaded and then deleted confidential and proprietary information belonging to their employer. The employees then left to start a competing venture. As you might expect, the former employer filed a lawsuit in federal court and the issues and conclusions apply equally well in Nebraska.

THE COMPANY POLICY

The former employer must have been a reader of their trade association newsletter because the former employer made sure to write down a policy about computer usage. That policy stated that it is “inappropriate conduct” to use the company computer system to engage in private or personal business activities. The policy also stated that it was “inappropriate conduct” to make unauthorized copies of data or to delete data. Interestingly enough, one of the former employee defendants helped write the policy.

THE ACTIVITIES

The former employees in question allegedly copied confidential company information. The former employees then deleted the information from the company computer. Finally, the former employees left the company to launch a competing venture.

FEDERAL LAW

The Computer Fraud and Abuse Act (CFAA) establishes liability for anyone who “knowingly and with intent to defraud” exceeds authorized access to a protected computer and obtains anything of value to further the intended fraud. The federal court concluded that all of the former employees exceeded their authorized access to the computer system and that the value of the misappropriated information completed the requirements to state a claim under the CFAA. The CFAA also establishes liability for anyone who knowingly causes the transmission of a program, information, code or command and thereby causes intentional damage to a protected computer. The federal court concluded that the alleged use of a hard drive erasure program stated an additional claim under the CFAA. Finally, the CFAA establishes liability for anyone who intentionally accesses a protected computer and causes damage

and loss. The federal court concluded that the former employer stated a claim under this section of the CFAA as well.

NEBRASKA LAW

In 2008, the federal district court in Nebraska stated that under Nebraska law it is a generally recognized principle that an employee owes a duty of loyalty to his employer during the course of his employment. In that case the defendant employees breached the duty of loyalty by intentionally preventing the employer from discovering that specific customers are considering not renewing their business with the employer and taking steps to persuade customers not to renew their business with the employer in order that a competing firm could take over the accounts. In addition, the Nebraska Uniform Trade Secrets Act applies to misappropriation of proprietary information even if there is not an employment relationship. In other words, activities of the type alleged to have occurred in Texas would have been actionable in Nebraska under both federal and state law.

CONCLUSION

All employers should develop and distribute a computer use policy to all employees. The types of computer usage which are considered by the employer to be “inappropriate” should be clearly spelled out. Incorporating the prohibitions found in the CFAA and in Nebraska state law is a good starting point. However, each employer and business has unique proprietary and confidential information, and the written policy should be clear in spelling out that information and prohibiting its misappropriation. All employers hope to avoid litigation involving employee misuse of computers and the information stored on those computers. However, in the event such a situation develops, a written policy is extremely valuable, as it was in this Texas case. Write your policies carefully!

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. Truhe, 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 btruhe@hslegalfirm.com.

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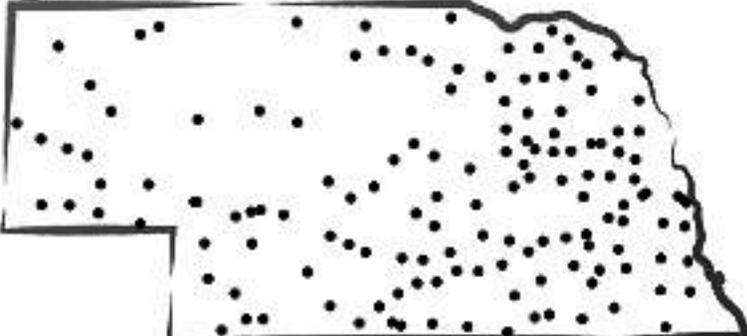
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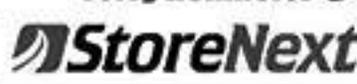
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Who are the Villains? The Companies, The Individuals Who Commit Crimes, or the Federal Agencies that Go After Them?

by Larry Katzen

Recently, our government flexed its muscles as evidenced by the following headlines that appeared in the national press.

“An arrogant and lawless IRS”
“GOP turns up heat over IRS emails”
“Refusing to Buckle to SEC Intimidation”
“Citigroup Nears Justice Pact”

Let’s look at what is behind some of these stories.

IRS

As the IRS was being investigated for its handling of conservative not-for-profit groups, it was discovered last April that former IRS official Lois Lerner’s subpoenaed emails were lost. John Koskinen, IRS commissioner, admitted that the emails were irretrievably gone and that the backup tapes had been erased. According to IRS court filings, Lerner’s hard drive was destroyed.

Mr. Koskinen failed to mention that to either Democrats in Congress or House committee members until specifically asked. He said he couldn’t remember who at the IRS told him that two years of Ms. Levine’s emails couldn’t be found on her computer due to hard drive failure. Mr. Koskinen said he learned of the problems in February, but he didn’t understand the full extent of the problems at the time of his earlier testimony and wanted to reconstruct the missing emails before discussing it with Congress.

Lawmakers are seeking to understand how the IRS could be unable to keep track of its own official emails.

So what will happen to the IRS and Ms. Lerner? One thing’s for sure -- it will not be anything near the punishment dealt by the government to the Arthur Andersen accounting firm. In 2002, the

Department of Justice indicted Arthur Andersen and put the largest accounting firm in the world out of business. Eighty-five thousand people lost their jobs, making this the biggest travesty in the history of Corporate America.

The government indicted Arthur Andersen on charges of destroying emails. The policy the firm followed was similar to the policy that all accounting firms follow, namely to destroy non-relevant documents (e.g. drafts, to-do points, etc.) that do not support its final conclusion. The Supreme Court later overruled the indictment in a 9-0 decision, but it was too late.

So who was the villain?

SEC

The SEC continues to try to prosecute companies and individuals on insider trading charges. Sometimes it wins and sometimes it loses, as when it tried to convict Mark Cuban, the owner of the Dallas Mavericks, or more recently, Rengan Rajaratnam. However, not everyone is as visible as those public figures, nor do they have as much money to defend themselves. Take for example Nelson Obus, partner for Wynnefield Capital.

Nelson was involved with a small securities firm and fought the SEC’s accusations of insider trading. After 12 years and two court cases, he successfully defended himself. However the cost was enormous; he spent millions of dollars on legal fees and his business suffered while his time and energy went to asserting his innocence.

The SEC kept pressuring Nelson and his firm to settle by paying a fine and making admissions of guilt. This might have been the easier route, but being a principled man, Nelson refused to admit to something that he did not do. The SEC tried everything in its power to win the case. In

fact, before Nelson received a copy of the lawsuit, the SEC and its public relations firm were in full spin mode, giving interviews to journalists and attacking the firm.

Eight years passed before it finally went to trial. After Nelson was vindicated, the SEC appealed and it went to trial again. The result was the same. So after 12 years and a lot of aggravation, this small company was finally successful in defending itself.

So, who was the villain?

Department of Justice

The agency that uses even tougher Gestapo tactics is the Department of Justice. Recently, it has been relentless in trying to get our major banks to cough up BILLIONS of dollars, accusing them of selling shoddy mortgages. JPMorgan Chase & Co. settled for \$13 billion because it felt the cost to defend itself was too great considering the reputational risk it would incur.

Citigroup has offered to settle its case for \$4 billion, but the Justice Department was seeking \$10 billion. Some large investors of Citigroup were encouraging the bank to fight rather than pay billions to the government. But Citigroup was worried about going to court against the government, which would be a long, expensive process and a public relations nightmare, even if the bank won. It recently negotiated a settlement for \$7 billion.

The bank is also trying to stay in the good graces of the Federal Reserve, which this year rejected the bank's "stress test" request to raise its dividend and expand its share buyback.

Likewise, Bank of America is dealing with negotiations over a mortgage-securities settlement with the Justice Department. The Justice Department has rebuffed the bank's requests for a meeting of CEO Brian T. Moynihan and Attorney General Eric Holder. The Justice Department has said that the two sides were still too far apart on the size of a settlement to even have a discussion.

Once again, these tactics remind me of the Arthur Andersen indictment. For months the SEC

and Justice Department discussed a settlement in order to avoid indictment. After finally reaching a deal, the only thing preventing the settlement was getting the signature of Michael Chertoff, then head of the Justice Department. But Mr. Chertoff would not sign off unless Arthur Andersen admitted it committed fraud.

Andersen would not admit to such a thing for two reasons. First, it believed it never committed fraud; it merely followed its document destruction policies. Second, if it was convicted of fraud, it would be out of business -- convicted criminals cannot practice public accounting.

The government indicated that it had indicted large companies like GE and Sears Roebuck and they are still in business. But the firm could not convince them that public accounting is different than selling light bulbs or refrigerators – and the rules are different. In the end, the firm was falsely convicted and 85,000 people lost their jobs, despite not doing anything wrong.

So who was the villain?

Conclusion

We have had too many episodes of our government convicting companies of wrongdoing and making it onerous for them to survive. Companies don't commit fraud. People commit fraud. By fining firms billions of dollars, our government is really punishing the shareholders. They are the owners of the company. If an individual commits a crime, the individual should be held accountable and convicted, not the company. It makes no sense to destroy the lives of so many innocent people.

About Larry Katzen

After graduating from Drake University in 1967, Larry Katzen started working at Arthur Andersen and quickly rose through the ranks to become the Great Plains Regional Managing Partner. An honorable, hard-working man who devoted his life to Arthur Andersen, Larry was there from the company's meteoric rise to its unjust demise. He stayed with the firm for 35 years, serving clients globally until 2002. He recounts his experiences in, "And You Thought Accountants Were Boring - My Life inside Arthur Andersen," (www.larrykatzen.com).

Nebraska Grocery Industry Association

2015 Annual Conference

& Legislative Dinner

January 22, 2015

Cornhusker Marriott, Lincoln, NE



Registration Form

Company Name _____ Contact Person _____
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Name (please print) Please use back of form for additional names	Full Registration for both events: \$185/pp 12:00 – close Includes Annual Conference, Legislative Reception and Legislative Dinner \$195 after Jan. 8	Annual Conference Only: \$110/pp 12:00. – 5:00 Includes Lunch, workshops, breaks \$120 after Jan. 8	Legislative Reception & Dinner Only: \$75/pp 5:30 – close Includes Reception & Dinner \$90 after Jan. 8	Reserved Seating at Legislative Dinner for Tables of 10 \$750/10 pp Your company name will be placed on the table	Total
TOTAL					

Reserved seating is available at the Legislative Dinner when an entire table for 10 is purchased. The Company name will be placed on the table to reserve those seats for your group. Open seating is available for groups less than 10.

Please complete this form and

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For More Information Contact: Nebraska Grocery Industry Association

5935 South 56th Street, Suite B, Lincoln, NE 68516-3307

Telephone (402) 423-5533 Toll Free (800) 433-6742 Fax (402) 423-8686

**Nebraska Grocery Industry Association
Annual Conference & Legislative Dinner: That's the Ticket!**

On January 22, 2015 NGIA will hold its Annual Conference at the **Cornhusker Marriott in Lincoln**. We have a great lineup of speakers who will address topics that will help your team improve - through teamwork that allows them to work together toward greater productivity and success. The registration form allows you to register for the Annual Conference which runs from 12:00 to 5:00 along with the Legislative Dinner that runs from 5:00 to 9:00. If you are interested in reserved seating at the Legislative Dinner, tables of ten are available for purchase. New this year on the Silent Auction are Husker Football Helmets – both the standard and alternate, along with a KC Chiefs autographed football and helmet. All net proceeds of the Silent and Live Auctions go toward the NGIA Scholarships! A special room rate of \$119 has been negotiated at the Cornhusker Marriott (866-706-7706). Just tell them you are with NGIA. Room cut-off is **Jan. 2**.

12:00 Opening Remarks & Lunch

12:30 Coach Kevin Kush, M.A., has been a teacher and coach for more than 26 years. He was honored as ABC News "Person of the Week" for leading his Boys Town High School football team of at-risk youth to an undefeated regular season. Coach Kush will present "**A Piece of the Puzzle**" **Eight Traits of a Quality Teammate**, which is also the title of



his latest book. Coach Kush will ask tough questions: How well do the members of your organization work together? Are you a smooth, well-oiled machine or a fractured collection of in-it-for-yourself individuals? In a straightforward no-excuses style, Coach Kush discusses eight traits that can turn any team into a cohesive, high-performing team. His passion for performance is contagious and his high energy will help you lead your team through adversity, adaptation and accountability.

1:30 NGIA General Membership Meeting

1:45 Break

2:00 Controlling Worker Compensation Costs by Carl Zeutzius, CIC, CWCA and Tom Champoux, CPCU, AIC, CWCA.



Carl and Tom will share an informative and interesting presentation regarding communication and why it is so key when it comes to workers' compensation and the

role supervisors play in helping their business. The presentation will focus on injury management and proactive steps that can be taken to improve this process. This session will address ways to help your company increase profitability by lowering workers' compensation costs. We will discuss what will happen to costs when an employee injury occurs

and the steps that should be taken to ensure the claim is handled properly. The session will include a review of the experience modification factor and how to be proactive to lower that factor. They will also address the value of forming clinical relationships and how that can interact with your return-to-work program.

2:45 Break

3:00 – 5:00 DING! It Happens! How to Improvise, Adapt, and Innovate in an Ever-Changing World! By Avish Parashar.



We are called upon to constantly deal with changes in the industry, economy, market, organization, and technology. This hilarious and energetic program will show you and your associates how to stop fearing and hating change and how to use the power of improv comedy to improvise, adapt, and innovate – no matter what happens! Simple but effective tools can be used to automatically make smarter choices that allow you to not only react to the unexpected, but to find opportunities within the setbacks. You will learn how to create your own unexpected moments so you can lead change instead of being a victim of it. No matter how well you plan, the universe will throw you a curveball and force you to improvise. Throughout the program you will learn critical lessons and skills that will assist you in improvising with the unexpected:

- The critical mentalities that great improvisers use to flow with the unexpected.
- The approaches great improvisers take to find opportunities in setbacks.
- The techniques great improvisers use to create new opportunities that let them jump ahead into new territory.

Attendees will be captivated as Avish seamlessly combines humorous stories, improvisation, and solid business advice to achieve one goal: teach you and your associates how to improvise, adapt, and innovate in an ever-changing world.



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WOMAN OF THE YEAR AWARD NOMINATION FORM

The Women Grocers of America (WGA) invite you to nominate yourself or another exemplary female in the independent food sector for the 2015 WGA Woman of the Year Award. The WGA Woman of the Year will be recognized for her accomplishments at the National Grocers Association Show in Las Vegas, NV at the Mirage Casino and Hotel. The award recipient will also receive complimentary registration to the 2015 NGA Show and gala.

The prestigious WGA Woman of the Year Award was established by the WGA Board of Directors in 1996 to give visible support and recognition to outstanding women in the independent grocery industry who have achieved excellence in business, civic work, and charitable causes in their neighborhoods and local communities.

NOMINEE QUALIFICATIONS

- The nominee must exemplify the true characteristics of a leader with passion for the independent grocery industry. She is a visionary and strategic thinker, a standout representative of her company or organization, and has the perseverance to face almost any challenge presented to her.
- The nominee can be from any sector of the independent food industry. From single store retailers to multi-state wholesalers to state association executives, women from all sectors of the industry are considered for this prestigious award.
- The nominee must be a female professional with a minimum of 10 years of experience in the independent food sector.
- The nominee does not have to be a member of WGA, but must be employed by a member of NGA.

JUDGING CRITERIA

Nominees will be judged by the current WGA Board of Directors on the following criteria mentioned above as well as below:

She is a Legend (50 percent)

- This woman has helped shape the face of her company or organization. She is a long-term employee who has made considerable contributions. She is a true leader with a strong work ethic, passion for the industry, and someone who has clearly distinguished herself from her peers.
- Her demonstrated abilities should include, but are not limited to: creativity, management skills, contributions to the growth of her organization, unique or prestigious jobs held, as well as other major accomplishments.

She is a Visionary (30 percent)

- She is forward thinking, progressive, and pioneering. She is breaking new ground with innovative ideas that shatter stereotypes. She strives forward no matter what the challenge is, making her mark in the independent grocery industry.

She is a Humanitarian (20 percent)

- The nominee makes it a priority to devote her time to community causes and activities. Her passion and dedication for civic and charitable work in her local community has changed and bettered the lives of those around her.

HOW TO SUBMIT A NOMINATION

Are you the next WGA Woman of the Year? Or do you have a colleague who deserves this prestigious award? If so please write a brief (one page or less) letter highlighting the nominee's strengths and why she deserves the WGA Woman of the Year Award based on the criteria listed above. Self-nominations are also accepted.

CANIDDATE'S INFORMATION

Name: _____

Title: _____

Company: _____

Phone Number: _____

NOMINATOR'S INFORMATION

Name: _____

Title: _____

Company: _____

Phone Number: _____

E-Mail Address: _____

One page should:

- Describe why this woman should be nominated (be specific).
- Describe/list the candidate's business achievements and accomplishments.
- Describe/list the candidate's effectiveness in serving her community and/or in her civic work.
- Describe how this candidate has contributed to the independent grocery industry. Please share any stories or events that would summarize the candidate's qualifications and illustrate why she should receive WGA's Woman of the Year Award.

* Please include lists, links, or attachments to any supporting materials (awards, recognitions, articles, photos, etc.) the candidate has received for business, community, or civic leadership.

Please postmark, fax, or email nominations with any additional materials by **December 5, 2015**. If you have questions, contact Kristine Bender at kbender@nationalgrocers.org or call 703.516.8828.

WOMEN GROCERS OF AMERICA

Attn: Kristine Bender

1005 North Glebe Road, Suite 250

Arlington, VA 22201

Fax: 703.516.0115

Email: wga@nationalgrocers.org

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The Women Grocers of America (WGA) is the sole organization representing women grocers and those affiliated with the industry. WGA's mission is to ensure long-term prosperity in the evolving industry of grocery by recruiting and retaining the next generation of successful individuals in the independent sector with an emphasis on young women through scholarships, awards, and professional development opportunities. To learn more, visit us online at www.nationalgrocers.org/WGA

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Food Pantries Have Crucial Need For More Milk

The Great American Milk Drive' Has Launched To Make it Easy to Give a Gallon of Nutrient-Rich Milk to Nebraska's Food Banks with a Click of Mouse

Omaha, NE, October, 2014 -- That gallon of milk you consider a staple in your refrigerator is missing in Nebraska's food banks.

According to Feeding America®, the nation's largest domestic hunger-relief organization, milk is one of the items most requested by food bank clients, yet there is a nationwide shortage because it is rarely donated. Feeding America clients receive the equivalent of less than one gallon of milk per person per year. That has changed with the launch of The Great American Milk Drive, the first-ever national program to help deliver highly desired and nutrient-rich gallons of milk to hungry families who need it most.

Hunger impacts 1 in 7 Americans, including 12 million children and 7 million seniors who do not have access to adequate nourishment to help them reach their full potential. Hunger has no boundaries and is a problem that exists in urban, suburban and rural communities.

Map the Meal Gap shows how hunger impacts every county in the country. With its network of more than 46,000 agencies, Feeding America helps provide food to families in need – including many in our local communities.

It's been a challenge for Feeding America to meet the demand for milk due to the lack of donations – canned goods and other non-perishable items are more likely to be donated. Now, thanks to The Great American Milk Drive, it's easier for Nebraska residents to lend a hand and contribute nutritious milk to food insecure families.

With a simple click of a mouse (www.milklife.com/give) or text message (text "Milk" to 27722), it is possible to buy much-needed milk and donate it for as little as \$5.00 to a family who does not have regular access to milk. By entering your zip code, you can ensure that the milk is delivered from the farm to a local Feeding America food

bank in your very own community.

"With our pantry partners, we serve more than 250,000 different people each year through Food Bank for the Heartland. We are rarely able to provide gallons of fresh milk to our clients," said Susan Ogborn, president and CEO of the food bank. "The lack of dairy protein is a major challenge for us. Gaining access to the protein and nutrients like those in milk will have a major impact on our clients and their families."

The Great American Milk Drive is made possible by the nation's dairy farmers and milk companies. The goal of the campaign is to deliver two million gallons of milk to food banks across the country, and Nebraska residents can help meet that goal.

Nourishing Our Nation – The Need Is Greater Than Ever

Many Nebraskans are pressured financially due to a convergence of economic stresses – which means more people are turning to their local food bank for help. Compared to four years ago, one million more people are seeking emergency food assistance from the Feeding America network each week. Increasingly, food banks have introduced nutrition criteria for the meals served to clients. More than two-thirds of the groceries distributed by the Feeding America network meet Feeding America's "Foods To Encourage" guideline, based on the USDA's MyPlate guidelines, which include a serving of milk.

A recent network survey of Feeding America food banks revealed that 94 percent of respondents are actively working on improving the nutritional quality of meals provided to food bank clients. Yet, 95 percent of those surveyed say they do not receive enough milk to meet the demand. The number one reason cited is inadequate milk donations.

Milk tops the list of the food items most requested by food bank participants (85 percent), followed by fresh fruits (77 percent) and fresh vegetables (74 percent). While several recent initiatives have focused on getting more produce into feeding programs, The Great American Milk Drive is the first program to help resolve the milk shortage.

Feeding America, whose network includes more than 200 food banks, is encouraging Americans to join The Great American Milk Drive to help provide the much-needed milk to food banks in their area. By visiting www.MilkLife.com/give, you can learn more about the need for more nutritious foods like milk in America's food banks and how a small donation can make a significant impact.

About Feeding America

Feeding America is a nationwide network of more than 200 food banks that leads the fight against hunger in the United States. Together, we provide food to more than 37 million people through 61,000 food pantries, soup kitchens, and shelters in communities across America. Feeding America also supports programs that

improve food security among the people we serve; educates the public about the problem of hunger; and advocates for legislation that protects people from going hungry. Individuals, charities, businesses and government all have a role in ending hunger. Donate. Volunteer. Advocate. Educate. Together we can solve hunger. Visit <http://www.feedingamerica.org/>. Find us on Facebook at www.facebook.com/FeedingAmerica or follow us on Twitter at www.twitter.com/FeedingAmerica.

About MilkPEP

The Milk Processor Education Program (MilkPEP), Washington, D.C., is funded by the nation's milk companies, who are committed to increasing fluid milk consumption. The MilkPEP Board runs the Milk Life campaign, a multi-faceted campaign designed to educate consumers about the powerful nutritional benefits of milk – with 9 essential nutrients, including high-quality protein, in each 8 ounce glass. For more information, go to www.MilkLife.com. Lowe Campbell Ewald is creative agency for the Milk Life campaign – from America's milk companies.

The advertisement features a collection of White Owl Cigarillos packs in various flavors: Black, Gold, Sweets, Silver, White Grape, and Peach. Each pack prominently displays the offer "2 CIGARS FOR 99¢". Below the packs is a large graphic with the White Owl logo and the text "2 CIGARS FOR 99¢" and "GUARANTEED FOILFRESH®". At the bottom, the slogan "Signed. SEALED. DELIVERED." is written in a stylized font. In the bottom right corner, there are three stars and the text "SWEDISH MATCH".



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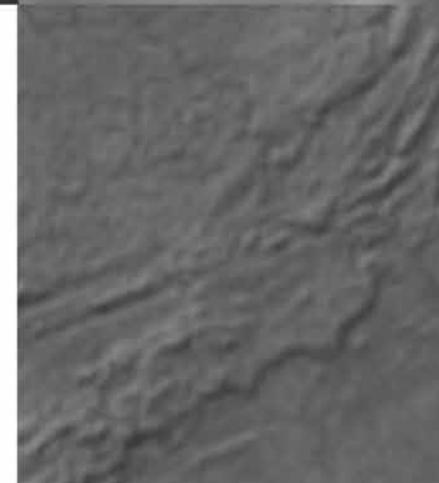
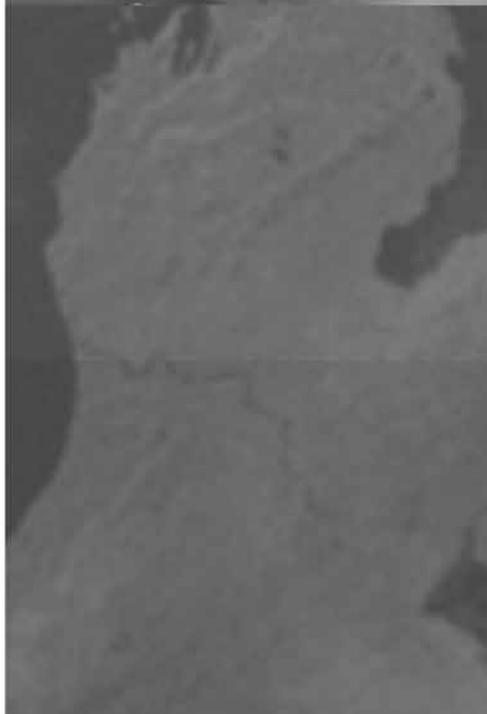
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4 Tricks for Creating a Winning Corporate Culture

CEO & Sales Guru Says the Right Culture Fosters Engagement, Loyalty & Productivity

If you're the CEO of a company, the realization that much of what you do can be copied by your competitors may be distressing, but veteran sales manager, consultant and business speaker Jack Daly says not so fast.

"Sure your competition copy what they can, but there are two things they can't: your people and your culture," says Daly, author of "Hyper Sales Growth," (www.jackdaly.net).

"I specialize in corporate coaching and sales, the latter of which really counts on the talent and sustained motivation of the sales force. Even your best salesperson needs that extra shot from time to time, and the best way to ensure a driven team is to create a culture that fosters the results you want."

Some companies are outpacing their competition because of their culture, including Southwest Airlines, Zappos and the Virgin Group, says Daly, who offers these tips for growing a business culture that inspires loyalty, engagement and the high performance those qualities produce.

- Start new hires on a Friday – and with a big welcome. Many managers think new employees should start on Monday – the day when their new co-workers are facing a long to-do list for the week. Consider starting them on Friday, when the office is a bit looser. Also – how about throwing the new hire a welcoming party? Many offices hold going away parties for departing employees, but it makes more sense to put this enthusiasm toward the person with whom you're making a commitment, rather than the person who's no longer working for you.

- Recognize accomplishments by putting it in writing – handwriting. Typing emails and instant messaging is clearly much more convenient,

which is why an employee who deserves special attention will recognize the extra effort behind a hand-written note. A letter has that personal touch; the receiver knows that the manager or CEO has taken some time and effort to create a special communication just for him or her.

- Provide lunch – for free. "One of my clients started with just 10 employees, and each day one would bring in lunch for everyone," Daly says. "As the company grew to several hundred employees, the CEO found that free lunches were so beneficial, the company now hires a caterer to maintain the boost in culture it provides." While many may cringe at the expense, employee appreciation outweighs the cost, Daly's client says, and it keeps people engaged within the office, rather than having employees leave for lunch.

- Flatten the privilege structure. It's not a good idea to create anything resembling a class system, including special parking for upper management. "I was the No.1 salesman at one company, but I always preferred to park with the others," Daly says. "I'd come in at 5 a.m. and noticed that those with reserved parking arrived significantly later than those who parked in unreserved spots." Parking should be on a first-come, first-serve basis. Upper management shouldn't feel too entitled or privileged above other employees.

About Jack Daly

Jack Daly, (www.jackdaly.net), author of "Hyper Sales Growth," is an expert in sales and sales management, inspiring audiences to take action in customer loyalty and personal motivation through explosive keynote and general session presentations. He draws upon more than 20 years of business experience, with several successful stints as the CEO of fast-growing companies. Daly has a bachelor's degree in accounting and an MBA. He was a captain in U.S. Army and is an accomplished author, with audio and DVD programs.

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- **2015 Expo Floor:** With more new exhibitors and pavilions in categories such as produce, meat, technology, and health, beauty, wellness and general merchandise products, you'll have more opportunities than ever to see the solutions you'll need, all in one place.
- **Special Events:** Former U.S. Secretary of Defense and Director of the CIA Leon E. Panetta will join us as the 2015 Keynote Speaker and iconic music group America will take center-stage for the Chairman's Gala and Reception!

www.theNGAshow.com/register

(703) 516-0700

The NGA Show is the venue “where independents gather”, offering opportunities for independent retailers to learn cutting-edge tools and tactics to increase their bottom lines and examine marketplace trends and best practices. You will come away from the show equipped with new ideas that you can take back and immediately implement in your store.

SUNDAY							
12:30 PM - 4:30 PM	Pre-Convention Workshops						
1:00 PM - 4:00 PM	Student Case Study Competition						
1:00 PM - 5:00 PM	Trading Partner Collaboration Lounge						
3:00 PM - 4:30 PM	Grocers PAC Event						
5:00 PM - 6:45 PM	Opening Keynote Session - Leon Panetta						
6:45 PM - 8:00 PM	Opening Reception						
MONDAY							
Workshop Tracks	Marketing / Merchandising 	Finance 	Store Operations 	Store Leadership 	Compliance 	Digital Marketing 	Fresh Foods 
6:00 AM - 7:00 AM	WGA 5K Fun Run/Walk						
6:45 AM - 8:00 AM	Super Breakfast Session – Consumer Panel Survey: Understanding Shopping Habits						
8:00 AM - 12:00 PM	Trading Partner Collaboration Lounge						
8:15 AM - 9:15 AM	Reaching Hispanic Consumers	Opportunities for Growth	In-Store Dietitians	Diversity Means Business	Future of Payments	Aggregating Shopper Data	Fresh Cut Produce Programs
9:45 AM - 10:45 AM	Craft Beer	Financial Benchmarking	Payments Processing	Recruiting College Students	Food Safety	Online Shopping	Natural/Organics
11:00 AM - 12:00 PM	General Session - Consumer Trends: Evolution of Growth Opportunities						
12:00 PM - 5:00 PM	Exhibit Floor Open						
2:00 PM - 4:00 PM	Student Case Study Competition (FINALS)						
4:00 PM - 5:00 PM	Reception on EXPO Floor						
5:00 PM - 6:00 PM	Best Bagger Competition						
6:00 PM - 7:00 PM	Networking Reception with Students						
TUESDAY							
Workshop Tracks	Marketing / Merchandising 	Finance 	Store Operations 	Store Leadership 	Compliance 	Digital Marketing 	Fresh Foods 
7:00 AM - 8:15 AM	Super Breakfast Session - Creative Choice Awards Presentation						
8:30 AM - 9:30 AM	Merchandising Healthy Foods	Shrink Reduction Tools	Store Design Showcase	Traditional and Reverse Mentoring	Responding to a Data Breach	Digital Marketing	Marketing Meat to the Value Consumer
9:30 AM - 1:30 PM	Exhibit Floor Open						
1:30 PM - 2:30 PM	General Session - Cyber Security - A National Perspective						
1:30 PM - 5:00 PM	Trading Partner Collaboration Lounge						
2:45 PM - 3:45 PM	Digital Signage	Succession Planning	Nutrition Labeling Programs	Training in Fresh Foods	Rising Health Care Costs	Mobile Analytics	Local Products
5:45 PM - 6:45 PM	Chairman's VIP Reception						
6:30 PM - 10:00 PM	Chairman's Reception, Dinner & Gala						

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