



TIRES & TREADING



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California Tire Dealers Association



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Issue 4 CALIFORNIA

TIRES & TREADING
California Tire Dealers Association



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59545

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NLRB Delays Posting Deadline - Again

(NLRB = National Labor Relations Board)

The following information is important, because it will have an influence on all tire dealers regardless of size

The National Labor Relations Board (NLRB) has agreed to postpone the effective date of its employee rights notice-posting rule at the request of the federal court in Washington, D. C. hearing a legal challenge to the rule. The posting requirement was originally set for mid- November 2011 and was later delayed until January 31, 2012.

Now the deadline for posting the notice is April 30, 2012.

The Board's ruling states it has determined that postponing the effective date of the rule will facilitate the resolution of the **legal challenges** that have been filed with respect to the rule. Business groups including the U. S. Chamber of Commerce and the National Federation of Independent Business have filed lawsuits seeking to block implementation of the poster requirement. They contend the NLRB has overstepped its authority by mandating what the groups say is a blatantly **pro-union message**.

This second postponement is to avoid an injunction preventing the rule from going into effect during litigation.

We will keep you posted on any additional developments related to this issue.

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Legislative Report

By Terry Leveille
President of T.L. & Associates



.2012 is the second year of California's two-year legislative session. Any bill that didn't pass last year will get another shot in 2012 as long as its author asked for "reconsideration" when it failed to get enough votes. Reconsideration is given as a matter of courtesy.

Friday, January 27, is the deadline for drafting and submitting new legislation this year. As this report is being written, it is unclear which specific bills will most affect tire dealers. One, a proposal from the state Board of Equalization to require that out-of-state new tire sales to California, such as those from Internet sales, be subject to the \$1.75 tire fee, has not yet been submitted.

While legislative proposals are still up in the air, every Californian, including all CTDA members, will face the issue of taxation in 2012. The two most serious proposals would be on the November 2012 ballot:

- 1) The most talked about proposal, of course, is the Governor's bid to fund K-12 schools, public safety, social services, higher education and corrections by increasing the sales tax by ½-cent and higher state income taxes on individuals making \$250,000 or more per year.
- 2) A second one that may be on the ballot is funded by wealthy civil rights attorney Molly Munger, who would increase state income taxes on every Californian, but especially the wealthy, to raise \$10 billion annually over 12 years. For the first four years, \$3 billion would go to pay off bond issues and \$7 billion would go to K-12 schools and early childhood programs; for the final eight years, all \$10 billion or so would go to the K-12 schools and pre-schools.

Both initiatives will start circulating soon in a quest for the required number of signatures to make it on the ballot. The Governor and his supporters are trying to dissuade Ms. Munger from

competing with their initiative because of polling that indicates multiple tax requests on the ballot tend to fail. However, current polling shows that if the Governor's proposal is the only one on the ballot, a majority of Californians will support it. This is because without the revenue, the hit on schools and public safety will be severe.

In addition to the Governor's and Ms. Munger's proposals, several other initiatives may be circulated in hopes of making the November ballot:

--Hedge fund manager Tom Steyer and environmentalists are proposing an initiative to close a loophole that has allowed out-of-state companies to avoid paying an estimated \$1.1 billion in California taxes. That money would go to education and to make buildings more energy efficient.

--The California Federation of Teachers and Courage Campaign would raise 3% on incomes of individuals making over \$1 million annually and 5% on those who make over \$2 million in a year.

--A "split roll" change in Proposition 13, which would make it easier to reassess commercial properties.

--A tax on marijuana.

--An oil severance tax on oil drilled in California.

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--An oil severance tax on oil drilled in California.

--An income tax hike to eliminate tuition and fees for in-state students at UC and CSU.

In other news:

While we were expecting that a penalty table for violating the new "check and inflate" regulation would be issued by the California Air Resources Board's on January 1, 2012, no such "luck." Following numerous calls to ARB, no response. I will let you know when the penalties have been set.

On April 17, 2012, CalRecycle plans to hold a workshop dealing with a new way of using the Tire Fee to promote tire-derived

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Continued from page 5 - Legislative Report by Terry Leveille

manufacturers. The proposal, which will have background information available sometime in March, may have some effect on the fee that haulers charge tire generators. That is one issue that I will be keeping my eye on when more information is available.

The Board of Equalization was considering several legislative proposals late in 2011 to bring in more revenue to the state. One of these was to require that new, out-of-state tires sold to residents in California carry the \$1.75 tire fee. That proposal was pulled at the last minute. The BOE wants to see what happens when the vote comes in on Amazon.com tax initiative next November.

Finally, a crisis is hitting California tire recyclers, tire processors and those who manufacture tire-derived products. A wave of "fly-by-night" brokers that send waste tires to China, ultimately to be used as fuel in generators, are diverting tire haulers with extremely low tipping fees. The brokers then bale the tires and load them into cargo containers and ship them out of ports in northern and southern California.

The "free market" you say? The problem is that the brokers are operating unpermitted facilities and CalRecycle, the state department that has the power to stop it, has not yet been able to get around the lengthy amount of time it takes to set up administrative hearings to shut the places down. Meanwhile, the balers will pay a fine or two and keep on operating.

It should be noted that a facility needs a state permit to process or store 500 or more tires. It should also be noted that a registered tire hauler that takes their load of waste tires to the unpermitted facility is also committing a violation.

Those who generate waste and used tires, generally tire dealers, car dealers and scrap yards should know that their tire haulers are taking their loads to permitted facilities because the Legislature is about to crack down on illegal facilities and haulers who deal with them.

California, the exemplary environmentally conscientious state is witnessing the slow death of its tire recycling industry and the markets for tire-derived products because they cannot get the tire flow from haulers that they could before this massive diversion to China. In addition, the crazy thing is China bans imported waste tires. However, they often get into the country overland through Vietnam where at the Chinese border "friendly" guards are paid to look the other way as loads of baled tires make their way to heavily polluting energy generators and become the fuel source with a huge carbon footprint.

The goal, say legitimate tire stakeholders, should be a rapid closure of all non-complying operations and the revocation of a tire hauler's registration after a second violation of disposing of tires at an identified unpermitted facility.

That goal may be an incentive for CalRecycle to work with local zoning and fire authorities to shut the illegal shops down. It may also be the basis for legislation in 2012. We will provide an update in the next issue of Tires & Treading.

Terry Leveille, President of TL & Associates, is your representative in Sacramento. If you have any questions about bills, new laws, waste tire regulations or programs, or need copies of bills, please give him a call. He can be reached at 916-709-7566 or by e-mail at terry@caltirereport.com

Regional Roundup

The views and opinions expressed herein do not necessarily state or reflect those of the California Tire Dealers Association. Contents of this publication reflect the opinion of authors only. This publication is for informational purposes only.



South Bay

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Tire Rotations – Are we doing this right?

I look at most owners manuals and Tire manufacturers recommendations and I see that they usually say to rotate tires every 6000 or 7000 miles or so. I hear counter people in tire stores telling their customers to rotate every 4000 miles. There doesn't seem to be a real standard on what probably is one of the three key elements to tire longevity. (Air pressure, Alignment, and Rotation)

Until fairly recently with the advent of synthetic motor oil, we always told everyone to change their oil at 3000 miles and even then I'd hear service writers tell customers to rotate every 4000 miles. I never agreed with that. Who is going to come in for an oil change and 1000 miles later return for a rotation? I always told my customers to rotate when they changed their oil. I also strongly recommend they cross rotate to the drive axle on non directional tires.

I don't think I've ever seen a tires store recommend cross rotation. All I know is I doing these things on my personal vehicles and I get great mileage on my tires. I usually manage to get 50,000 miles on tires that aren't even guaranteed that long.

I've had people in the trade say they have vibration problems with cross rotation. I wonder if the problem arises because they did the cross after too many miles had been run before the cross rotation.

I always cross rotate my tires on my Lexus GS430 (rear wheel drive) every 3000 miles and I balance the fronts when I do it. Not only do the tires wear evenly and longer, rotating them more often gives you the chance to catch problems before they ruin the tire. Sort of like catching cancer early. You can cure the problem if you catch it early.

I'm an overkill guy. If it takes a two by 4, I'll use a 4 by 4. I've never thought you could rotate too often. The more you do it, the less the tire can "set a direction" that can cause vibration when cross rotating. I've had great success with this and I wondered how this would debate with all my fellow tire professionals out there.

Lastly, if you have directional tires. You REALLY should rotate more often. Almost every person that buys directional tires that has a problem with them, I'll bet comes partly due to lack of rotation. That's my story and I'm sticking to it.



North East Bay Area

George Pehanick, East Bay Tire Co
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I just returned from Continental-General Tire's annual Commercial Dealer Meeting in Naples, Florida. It was well attended by many of the biggest commercial tire dealers in the country as well as Canada.

The Continental team did a good job. They went through 2011 results, 2012 forecasts and all their new products including a serious focus on their own retreading process. They forecast more truck tire shortages for 2012. The good news is they don't foresee price increases like we've experienced these past two years. Trucks tires have increased at least 50% since January 2010. The stabilization of pricing (and possible roll back) was recently reinforced by Bloombergs report of a forthcoming glut of natural rubber due to the decline of the Chinese economy. Currently China consumes approx one third of the world's natural rubber production. I was in Asia in early December and witnessed first hand that things are slowing down over there. I predict it won't be long before we start hearing about government corruption and serious banking issues in China. Sound familiar?

Naturally the upcoming presidential election was a hot topic among the dealers. Without a doubt the shared concern of the dealers was what a disaster a re-election of Obama would mean for our business and our country. Even the dems themselves won't debate that their party stands for more and bigger government. This means, of course, more burdensome government regulation.

Obama hasn't created private sector jobs, he's blown up the budget by creating more government jobs, and we all know that Government doesn't work. At the same time he has increased entitlements etc. Hopefully he and his cronies are exposed as the farce they are in November.

Naturally the Socialist State of California - for the past few years - has been voted the most business unfriendly state in the U.S. Dealers from business friendly states like Texas and Florida asked me how we do business here. - and I could not paint a rosy picture of the situation.

Yesterday signing checks I noticed a check for \$577 to a Bay Area Air Quality for some sort of bogus permit. This - by the way - is on top of a similar and more costly permit/extortion we are forced to pay for from the California Air Resource Board. Included in the extortion was a billing charge. In other words the fee was roughly \$502 and they charge \$75 to invoice us.

I bring this up because make no mistake if Obama and his band of bozos are re-elected this will only embolden other leftist knuckleheads in other states. California, New York etc are lost causes. We have way too many folks living off the government and contributing nothing. It's the simple reason why we are broke. The Elitist Hollywood Left and parasitic lawyers are also to blame. They care only about themselves.

Buckle down folks, if Obummer and Co are re-elected we're in for a rough ride. Stand up and be counted now or risk being counted out later.



Los Angeles

Jay Goldberg, Director CTDA
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I would like to share some California Tire Dealer Association history. One of the reasons there were always two state associations was the geography of the state. There was simply too much ground to cover. I have been on the board since 1962 and over the years communication became much easier, hence our merger became a painless event. The point of course being that member services could take place easily and quickly.

Another reason for a north and south was the animosity between some members on both sides of the state. This was caused by petty jealousies, common vendor issues[eg:2 Goodyear dealers jousting for position with the manufacturer; distribution and territory issues and other silly things that kept the pot boiling.] We were able to get a joint trade show done when that was understood to be financially practical for both groups. For many years it moved from north to south and back with great results. As times changed that became less practical and today we are rebuilding a single association with regional meetings some table top displays by members who are vendors to the industry.

It has been a labor of love for me to be a part of our merger process. I have spent too many years at this to see the association in the south dissolve after our executive director Ed Cohn passed away [We were at that time starting to integrate the north and the south with a single trade publication].Our next steps are to grow the whole state to a solid, stable organization with a growing membership.

Our mission is to serve the independent tire and automotive dealers of California although we may well represent some of the larger chains with common interests. Those interests could be things such as tire air pressure or tire age or tire matching on replacement, all things that have come before the legislature. We all have concern about the issue of the internet vs brick and mortar sales tax advantage. That may take federal legislation. Terry Leveille represents us in Sacramento quite well and we often read the latest on scrap tire disposal in his monthly reports.

We might still be a bit fragile as a combined organization and what concerns me is how far we can go in using our trade publication for stating personal political opinion.I am not about censorship or first amendment rights. My concern is our federal status as a recognized 501 [c] [6] non profit organization. I do not want to see CSTDA deviate from our primary activity and step over any lines that could jeopardize us. I have spoken to other association executives who have agreed that there is a line that is best not crossed.

We also, I am sure have members with opposing views to what's been in our publication. My other fear would be that a new split could occur in an inappropriate venue.

Thanks for the opportunity to share my thoughts. Good business to all.



A Small Price to Pay

Every person you hire has the potential to be a blessing or a curse to your business. Most people you interview are trying to impress you, and some may not limit themselves to the truth.

Consider the study by American DataBank:¹

- 30% of employment applications contain false material and information
- 40% of résumé information is misrepresented
- 45% of potential employees have either a criminal record, bad driving record, workers compensation claim history, or bad credit history
- 95% of companies are victims of theft, yet only 10% discover it
- 72% of all negligent hiring suits are lost by employers
- 40% of American drivers have a violation on their driving record and 25% of American drivers don't have insurance at all
- 30% of business failures are caused by employee theft

Negligent hiring lawsuits, theft, and workplace violence are risks you take when you hire a new employee. Sometimes, a bad hire can have devastating financial consequences for a business when that person's actions cause property damage or harm to others—or worse. The good news is that your chance of hiring the right person is greatly increased when you follow professional employment screening practices. Completing a background check is a small price to pay to protect your company.

If you have hiring responsibilities, check out the employment screening services offered through Federated's Shield NetworkSM to see how we can help you protect your company, your employees, and your customers without breaking your budget. Contact your local Federated representative and schedule a tour.

¹ American DataBank, Employment Statistics, www.americandatabank.com/statistics.htm

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Your News - My Views

By **Billy Eordekian**

1-800EveryRim – OEM Wheels

1-800 383 7974 / Billy@1-800EveryRim.com

Upcoming Regional Meetings

Attention Dealers! Ask a vendor to host a meeting then contact me!

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Summer 2012 / 1-800EveryRim – OEM Wheels / San Gabriel Valley

Welcome to our newest member **Armando Cueva of San Diego Tire Supply!**

San Diego Regional Meeting - January 24th

Hosted by American Tire Distributors

Thank you to **ATD** for supporting your association. I need to say something else; AND, I will keep saying it until board members **Scott Highfill** and **Gary Tillery** stop this! Twice in three months these guys have put together a meeting with little effort by our host and even less by me. Heck, I even felt like a President! **Scott Highfill** and **Great Western Tire** helped with the invite and RSVP side, while **Gary Tillery of Tire Depot** was our MC. Our speaker was **Bill Hagerty** (Formerly K & S Tire) who talked about his experiences in forensics regarding tire related lawsuits, and he was most informative. Then **ATD**, with the blessing of **GM Murray Smith**, paid the bill. Also from ATD were **Tire Pros** business Manager **Jesse Linne**, and **Jim Gill** who I remember from his days at Tire Factory here in LA when he worked with his father, Lee.



Gary, ATD's Jim Gill, Speaker Bill Hagerty, Scott



Mark Pugh & Steve Williams (front center) own five Ace Tire Center locations

San Diego Regional Meeting Continued



On right is my nephew, SDSU student, and 1-800EveryRim man, Vahé Michaelian – Helped out a lot that night at the check in table and with the raffle.



At center is Paul Ibbetson of Service Specialists – Carlsbad. His partner Al handles the Irvine location. Two great guys and great dealers!



Left - hard working CTDA VP Chris Barry. Right - Chris' Boss and VP of Independent Tire Dealer group was in town from Florida. Ed has Chris traveling so much that once when Chris got home, he asked his wife if there was a complimentary breakfast!



Well, sorry there is a picture of me on the left, but I had to get a good one in of my nephew Vahé Michaelian. When our crew hears the word that Vahe' is working with us during his vacations, a loud roar of approval goes out! I love this kid, and besides he helps us make money!

Performance Plus – Long Beach - 40 Year Anniversary

Congratulations again to Ricky Oropeza and Hank Feldman

Note: I cover any industry event when there is free food. Invite me please!



Cutting the cake were Ricky & Elvia Oropeza, Joyce & Hank Feldman, and Roslyn & Glenn Feldman



Great to see many old friends - Wheel Pros Trent Morris and Jess Riddle formerly of Santa Wheel

Will Davi

CSTDA INSURANCE SERVICE

Common Uses of Business Owner Life Insurance



Here is some information that would protect you and your business in the event of untimely death.

Life insurance has long been a valuable tool that business owners use to reduce risk and to provide the basic financial foundation for continued success. Most business owners recognize the importance of life insurance and use it to solve many of the problems associated with maintaining and growing a successful company. Some common uses of business owner life insurance include: key man insurance, security for loans, buy-sell agreement funding, asset accumulation and estate planning.

Key Man Insurance for Business Owners

With many small businesses the key man or key employee in the business is the business owner. In these cases, key man life insurance can be purchased on the life of the business owner to protect the company in the event that he/she unexpectedly passes away. With key man insurance, the business owns the insurance policy and pays the premiums and is also the beneficiary. If the business owner dies, the business receives the policy proceeds and can use the funds to hire a capable replacement, pay off debts or simply use the funds to buy time until the businesses assets can be liquidated and the business can be closed. In any event, key man life insurance on the business owner can provide much needed stability if there is a sudden and unforeseen death.

Life Insurance as Loan Collateral

Loans are crucial to the expansion and growth of small businesses. Whether your business is acquiring funds from a local bank, the SBA or a private lender, many of these institutions will require life insurance on the business owner(s) as security for the loan. In most cases, inexpensive term life insurance policies that offer guaranteed level rates for the duration of the loan can be purchased to satisfy this requirement. When buying life insurance to secure a loan, the company pays the premiums, owns the policy and is the named beneficiary.

As soon as the key man policy is effective, a collateral assignment agreement can be signed by the business owner and the bank. The collateral assignment is a lien against the policy proceeds. In the event of the business owner's death, the bank would have first rights to the policy proceeds in the amount of any outstanding loan balance due. The business would then receive any remaining proceeds. Banks and Insurance companies have their own collateral assignment form.

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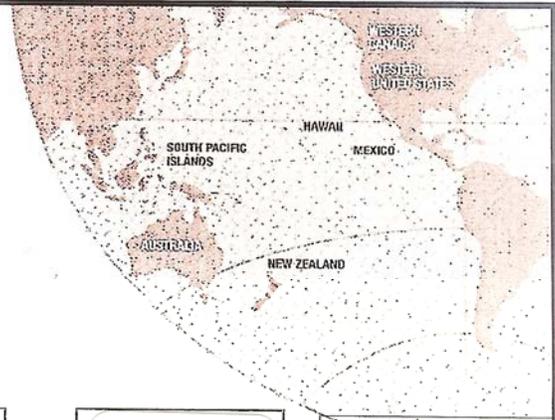
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John S. Solon, Myers Tire Supply
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As we move through the winter months in the East Bay, we (finally) are beginning to see some rain. Tire Dealers tell us that, after a relatively slow holiday season, business has picked up in the new year – selling service, new tires, and add on products – such as wiper blades. We continue to see increases in building activity in the east bay with commercial and residential projects under construction along the Hwy 580, 880, and 680 corridors.

California politics:

Some facts about our state government, and representatives:

The proposed state budget carries a deficit of over ten billion dollars.

Our Governor and both U.S. Senators are over seventy years old.

The youngest member of the San Francisco Bay Area congressional delegation is over sixty years old.

I commend our individual representatives for there public service, however (and regardless of ones political leaning) perhaps it’s time we considered leaders with fresh ideas, and perspective.

Successful business people wanting to give back through public service.

Standout members of city councils, school boards, county boards, and Mayors.

These, typically, are the people who run against incumbents - with small budgets, and volunteers. In this election cycle let’s seek these people out and listen to what they to say.



San Gabriel Valley

Paul Arellano, Lakin Tire
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“The only thing that overcomes hard luck is hard work!”

Harry Golden - Writer

THE WINDY CITY

The San Gabriel Valley is now home to the new, “windy cities”: Altadena, Arcadia, San Marino, Sierra Madre and more! November 30th & December 1st brought the strong, Santa Ana Winds up to our beautiful valley! Why couldn’t they stay down in Orange County? Over 100 power poles and literally hundreds of trees were downed in just 2 days. 43,000 households had power knocked out, some for up to 6 days! My elderly mother’s home was one of them, but luckily, we rescued her with a power generator and lots of love, comfort, and good old fashioned sitting around the fireplace. Though damage was severe, topping out at over \$43 million, it fell short of the \$50.3 million threshold for formal, FEMA disaster declaration. While making my rounds on Colorado Blvd, I saw firsthand, what did look like a real disaster – a full week after the winds had gone away! There was so much debris, from trees to business signs to plywood and more, that city crews just formed piles at every corner, for cleanup at a later date. With so many power poles downed, crews were stringing new lines, temporarily, on nearby trees!

Local tire dealers that I spoke with, though treated by a burst of compressed air from Mother Nature, came out OK! Somehow, we all seemed to enjoy the Rose Parade, down Colorado Blvd (now cleared of debris!), a little more this year!

Buy-Sell Agreement Funding and Life Insurance

A buy-sell agreement is a legally binding contract which states that at an owner or partner's death, disability, retirement or otherwise separation from the company, the individual's interest in the company must be sold back to the business or to the remaining owners at agreed upon terms. These agreements are crucial for small and closely held companies, as in many cases, the death or disability of a business owner creates a significant financial burden on the business as well as the remaining partners. To limit this potential risk, most buy-sell agreements are funded with life insurance and or disability insurance policies. Depending on the type of buy-sell agreement, the business itself or the individual partner(s) acquires a policy on each owner/partner so that at death or disability the funds needed to "buy out" the individual's ownership interest are readily available.

Asset Accumulation for the Small Business Owner

Successful business owners use life insurance as an essential means to protect their businesses but they also use life insurance as a vehicle to accumulate cash and future retirement income. Life insurance policies offer a unique combination of death benefits and tax advantages available in no other financial product. These advantages include tax deferred growth as well as the potential to access policy cash values without paying taxes via withdrawals and policy loans. Additionally, in most states, cash value inside a life insurance policy is protected from creditors making it an especially effective tool for business owners to use to grow their assets.

Smart business owners use nonqualified executive benefit plans and other arrangements that use life insurance to provide tax managed benefits for themselves and their partners. In many cases, these individuals earn levels of income that allows them to easily exceed the contributions limits under a 401(k) plan or other qualified retirement plan. Properly structured life insurance becomes a legitimate option to grow wealth. There are many policy choices available including traditional whole life insurance as well as variable and equity indexed universal life policies. The type of life insurance policy to use depends on the desired objectives of the business or business owner.

Estate Planning for Business Owners

In many cases, the majority of a business owner's estate is tied up in the value of the business. Without an effective estate plan, including a business succession plan, the business may have to close or be liquidated to pay estate taxes. With the proper use of life insurance, a business owner can provide the liquidity needed to pay any estate taxes due at his or her death. For example, an irrevocable life insurance trust (ILIT) can be established for the purposes of owning a life insurance policy on the life of the business owner (or business owners if married). The trustee of the trust is usually the intended beneficiary. At the owner's death, the policy proceeds are payable to the trust which can then, at the direction of the trustee, be used to pay any applicable estate taxes.¹

(You should consult your CPA regarding the above example).

For more information please call me (Will Davi) @ 510 440-9400



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