



RETAILERS ASSOCIATION  
of MASSACHUSETTS  
*The Voice of Retailing*

# The Retail Review

THE OFFICIAL NEWSLETTER OF THE  
RETAILERS ASSOCIATION OF MASSACHUSETTS

March/April 2009 ISSUE



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## The Retail Review

March/April 2009

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## A Letter from the President

Dear RAM Member:

As goes the Massachusetts consumer, so goes Main Street Massachusetts. As goes Main Street Massachusetts, so goes our economy.

Until recently, 71% of our economy has been consumer spending. Unfortunately the consumer is still taking a beating due to housing values, the stock market, and the job market. Even for those consumers with little reason to worry or to hold back in spending, building their savings has become their priority. If we can start turning things around some time this year in the value of our homes and our 401k's, hopefully consumer spending will rebound with their growing confidence and pent up demand, and employer confidence and hiring could then follow next year.

The retail employment sector is the largest for profit sector in the state, with over half a million people working in stores, restaurants, and service stations. At least half of those people work for small businesses. I don't need to tell you that these small employers are struggling to cut costs in order to keep the doors open as sales volume remains below prior year.

All employers are hurting today, including public employers. The Governor and the Legislature are looking at a variety of tax increases, most aimed at the most important segment of our economy—the consumer. Care needs to be taken to not further injure our consumers and their ability and desire to invest back into the economy.

The 3100 members of RAM are diverse in their products and customer base. Different tax proposals would impact various sectors of our membership in different ways—whether they are hard and soft line sellers, grocers, restaurants, service stations or liquor stores. It is important that you convey to your state legislators how a sales tax increase, a sales tax expansion, a meals tax, or gas tax increase would affect your customers and your ability to compete. Consumption taxes can be the most regressive taxes on the books, disproportionately hurting low to middle income families—as well as small businesses versus big businesses. Call, write or meet with your legislators as soon as possible to relay your concerns.

While you are speaking to your legislators, tell them that we must see action this year on health insurance costs for small businesses. Small employers across the Commonwealth saw average premium increases of 14% this year, on top of several other years of double digit increases. Compare those increases and your increases to the state's Group Insurance Commission increase of only 3%, and taxpayer subsidized plan increases of 2%, and one has to question the fairness of health insurance rates today in Massachusetts.

Small businesses continue to be discriminated against with the prohibition on group buying and negotiated discounts under the law. Insurers have taken advantage of this discrimination by possibly creating cross subsidies of small purchasers to the benefit of large purchasers, as well as taking larger margins off the backs of small business. This situation simply is not right economically or politically—particularly in a state with mandated health insurance—and must change now! Tell your legislators to support H. 3452 (Rep. Steve Walsh—Lynn) and S. 446 (Sen. Steve Baddour—Methuen) which will give small businesses the rights currently given big business and big government. We need either competitive rights, or new strict rate regulation.

This is an important year for small businesses economically and legislatively. Let's work together to protect and promote your viability and future!

Jon B. Hurst

President



## Massachusetts Retail Merchants Workers' Compensation Group declares \$3.8 million in dividends to members

Announcement marks 16<sup>th</sup> straight year program has paid a dividend

First Cardinal LLC, a leading provider of third-party administrative services for workers' compensation self-insurance groups, has announced that current and past participating businesses in the Massachusetts Retail Merchants Workers' Compensation Group will share a dividend distribution that aggregates \$3.8 million.

The dividends, a portion of which have been previously distributed, were declared on certificates of insurance issued at the following rates for the stated policy years:

2006: 30.23%	2004: 20.68%
2005: 23.18%	2003: 28.99%

The Retailers Association of Massachusetts (RAM) and the Massachusetts Package Stores Association (MassPack) created the Massachusetts Retail Merchants Workers' Compensation Group in 1991 to provide pricing discounts, dividends and outstanding service to small stores at levels previously seen only by large employers.

The group currently serves more than 3,200 Massachusetts retailers, package stores, restaurants, auto shops and other businesses.

"We're very pleased to see this program continue its record of success by delivering a dividend for an incredible 16<sup>th</sup> straight year," said Jon B. Hurst, President of The Retailers Association of Massachusetts, and Chairman of the Massachusetts Retail Merchants Workers' Compensation Group. "This is our own stimulus package."

"Time and time again, this group has proven to be a cost-effective option for merchants and other business owners seeking a workers' compensation program that delivers top-notch service and support," said Massachusetts Package Stores Association Executive Director Frank Anzalotti.

Since its 1991 inception, the program has delivered an average annual dividend of 32 percent. Nearly \$45 million has been earned by the group's members in the form of dividends since its founding – \$36 million of which has already been paid. The group also offers an upfront discount of 17 percent.

Dividends declared are payable over a four-year period. At the end of the second year following the close of the certificate period, an initial distribution of one quarter of the declared percentage is paid. At the end of the third year following the close of the certificate period, a second distribution of one third of the computed remainder is paid. At the end of the fourth year following the close of the certificate period, one half of the recalculated remainder is paid. The final portion of the dividend is paid at the end of the fifth year following the close of the certificate period.

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### *About First Cardinal*

*Headquartered in Latham, N.Y., with a regional office in Braintree, Mass., First Cardinal LLC is the exclusive administrator for 10 self-insurance groups that provide workers' compensation coverage to nearly 4,200 businesses throughout Massachusetts, New Hampshire, New York State and Texas, representing \$40 million in premium under management.*

*A self-insurance group is an association of employers in the same industry and state that provides workers' compensation coverage to its members. More information can be found on the company's Web site: [www.firstcardinal.com](http://www.firstcardinal.com).*

*CardinalComp LLC, a managing general agent (MGA) affiliated with First Cardinal, offers a fully insured workers' compensation program through licensed insurance carriers under AmTrust North America that enjoy an A- rating by A.M. Best. CardinalComp provides workers' compensation policies to more than 11,000 businesses in the states of Connecticut, Illinois, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Vermont, representing \$100 million in premium under management. More information can be found on the company's Web site: [www.cardinalcomp.com](http://www.cardinalcomp.com).*

# Legislative Information



## Welcome New Members of the Legislature

### SENATE

Sonia Rosa Chang-Diaz, Boston

Kenneth J. Donnelly, Arlington, Billerica, Burlington and portions of Lexington and Woburn

James B. Eldridge, Acton, Ayer, Boxborough, Harvard, Hudson Littleton, Maynard, Shirley and Scarborough.

Jennifer L. Flanagan, Ashby, Bolton, Lancaster, Lunenburg, Sterling, Townsend, Westminster and parts of Clinton

Thomas Patrick Kennedy, Brockton, Halifax, Hanover, Hanson, Whitman and parts of E. Bridgewater and Easton.

Michael O. Moore, Auburn, Grafton, Leicester, Millbury, Shrewsbury and Upton.

### HOUSE

James Arciero, Westford, Littleton and some of Chelmsford

Brian M. Ashe, Hampden, Longmeadow and Meadow, half of East Longmeadow

Jennifer E. Benson, Boxborough, Harvard, Lunenburg, Shirley, parts of Acton and Lancaster

William Bowles, Attleboro

Michael D. Brady, Brockton

James M. Cantwell, Marshfield, Scituate

James J. Dwyer, Woburn, Reading and Stoneham

Carolyn Coyne Dykema, Holliston,

Hopkinton, Scarborough, Westborough and Medway

Ann- Margaret Ferrante, Gloucester, Rockport and Essex

Danielle W. Gregoire, Marlborough, Berlin and Scarborough

Jonathan Hecht, Watertown and Cambridge

Kate Hogan, Bolton, Hudson, Maynard and Stow

Jason Lewis, Winchester and Stoneham

Timothy R. Madden, Falmouth, Martha's Vineyard and Nantucket

Dennis A. Rosa, Leominster

## And the Legislative Process Begins Anew...

While the 2009-2010 legislative session officially began back in January, things don't tend to really heat up in the first year of the two year session on Beacon Hill until the beginning of April. With the onset of spring, comes joint committee hearing season!

By now, the thousands of bills that were filed in December and January have been numbered, printed and referred to a House, Senate or Joint legislative committee. Approximately 6,000 bills were filed by the filing deadline, a number that will grow over the next two years with additional late-file bills. With so many bills in play and so many steps to make along the way, the legislative process can be difficult and confusing to follow at times. But that is precisely why you have the RAM staff to do it for you!

RAM is currently monitoring and tracking over 720 bills that directly impact some aspect of the retail industry here in the Commonwealth. Retail issues run the gamut. Small business health insurance reform, sales taxes, loss prevention and Organized Retail Crime (ORC), minimum wage, gift cards, item pricing, store hours/Blue Laws, e-Waste, restaurant menu labeling, signage, pharmacy sales and the list goes on and on and...

But we're not just tracking bills and reporting on their progress, RAM is actively participating on your behalf in the shaping of the public

policy around these issues. We are at the table with legislators, testifying before committees, redrafting legislation, all in an effort to protect the interests of our members and the retail community as a whole. However, no one is better equipped to tell your story than you – the small business owner, the retailer or the restaurateur, the constituent. So how can make sure you are heard on Beacon Hill?

### Watch your email and get involved.

When you see an issue that interests you in the RAM eNews, a bulletin or this newsletter, use our VoterVoice system to contact your legislator and encourage other like-minded people (your employees, business colleagues) to do the same by sharing this information. All you have to do is visit our webpage to get started.

During the legislative session we will periodically be sending email alerts to our membership. Whether it is a legislative committee hearing, a vote on the House or Senate floor, regulations being proposed or a bill awaiting the Governor's action....a click of your mouse could make the difference. (If you have not previously seen these emails, you may not be on our distribution list. Please contact us at (617) 523-1900 to be added.)

continued >>>

## Taking Action Continued



RETAILERS ASSOCIATION  
of MASSACHUSETTS

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## 54 New Members

3A Tires, Inc.  
Billerica

A & B Tire Service, Inc.  
Leominster

Agawam Opticians  
Agawam

Allcare Medical Supply  
Millbury

APG, Inc.  
North Reading

Atlantic Spice Co.  
North Truro

ATV, Inc.  
Westford

Auto Promo, Inc.  
Holliston

Azon Cigars, Inc.  
Agawam

Bagel Planet  
Canton

Ben's Uniform, Inc.  
Amesbury

Big G Mini Mart  
Orange

Bocado  
Worcester

Bolwyn Corp  
Newburyport

Bradford Liquors  
Haverhill

C & R Tire Company  
Sturbridge

Clarendon Restaurant  
Boston  
Classic Floors, Inc.

- When you receive an email alert from RAM click on the TAKE ACTION tab at the bottom of the alert to access RAM's VoterVoice system. First time users will be prompted to provide their home address (this is so the system can properly identify not only the legislators that represent your business district but also where you live). Once this section has been updated you will be directed to the message section of the system. Your legislators will be identified for you. You may also see instructions or talking points to help you craft your message. The system will walk you through the rest of the process.
- Active issue campaigns can also be accessed via our VoterVoice System by visiting our web page [www.retailersma.org](http://www.retailersma.org).
- Call or write your legislator: If you need help finding your legislator, you can use the "Look up Your Legislator" link on our webpage under the government relations tab.
- Call the State House: If you know who your legislator is, call the State House at (617) 722-2000 and ask to speak to your legislator.

Finally if you have any questions or problems, do not hesitate to contact Andi Shea, Membership Director, at (617) 523-1900 or at [ashea@retailersma.org](mailto:ashea@retailersma.org).

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## ISSUE *Update*

### RAM Hosts Successful Consumer Product Safety Seminar

On March 5th, RAM partnered with Greenberg Traurig and Associated Industries of Massachusetts (AIM) to host a breakfast seminar on the Consumer Product Safety Improvement Act of 2008 (CPSIA). The CPSIA is the most sweeping consumer product safety legislation enacted in the United States in over 30 years.

The program provided up-to-the-minute reporting on recent developments surrounding the Consumer Product Safety Commission's (CPSC) interpretation of the CPSIA, its implementation, and its enforcement. Attendees heard from distinguished panels of experts from around the country, including: Tom Reilly, Former Massachusetts Attorney General; Diane Lawton, Managing Attorney, Consumer Protection Division, Office of the Massachusetts Attorney General; and Senior attorneys from Greenberg Traurig's National Consumer Products Liability Practice Group.

Topics covered included: 1) An overview of the CPSIA, changes to prior law important to all consumer product manufacturers, importers, private labelers, distributors and retailers; 2) CPSC interpretation; rule-making; product exemptions and compliance issues; 3) Enforcement of the CPSIA by the CPSC; State Attorneys General and private litigants, including potential class actions; policy considerations under Massachusetts and California law, including Proposition 65 and related consumer statutes and 4) Practical advice and compliance tips.

Anyone interested in learning more about the CPSIA or to receive handouts from this meeting should contact Bill Rennie at (617) 523-1900 or at [brennie@retailersma.org](mailto:brennie@retailersma.org).

continued >>>

The unfortunate truth of today's economy is that many businesses, both large and small, are closing their doors. Some companies operating in multiple locations may be able to remain in businesses while closing one or two locations. While it is difficult for any person or company to make the difficult decision of shutting their doors, we ask that you be mindful of the laws governing "going out of business" (GOB) sales in order to protect yourself and your company from liability.

The requirements of GOB sales are found in Massachusetts General Laws Chapter 93 Sections 28A-F. The statute requires businesses to file an inventory, limits the number of days a GOB sale may be offered, and requires a payable bond to the city or town where the sale is to take place. A summary of these requirements is listed below, however, we ask that you visit our website to view the statute in its entirety.

Inventory

Retailers must complete a detailed inventory, signed by the owner under the penalties of perjury, which shall include:

- (i) A list of all items to be included in such sale which shall consist of only the goods, wares and merchandise actually in the place of business wherein or whereat such sale is to be conducted, at the opening of such sale, describing same by name or kind and the quantity of each thereof, and
- (ii) Whether or not previously listed, a listing separately in the same manner of any goods, wares and merchandise to be included in such sale which had been purchased during a sixty day period immediately prior to the filing of the inventory.

Retailers must submit the detailed inventory along with a fee of one dollar per page to the town clerk in the city or town where the sale is to take place and a copy of that inventory must be sent to the Attorney General's office. GOB sales should only include goods sold in the usual course of business. Any unusual additions to the stock made within sixty days prior to the filing of the inventory shall be evidence that such addition was made in contemplation of a GOB sale.

Length of Sale

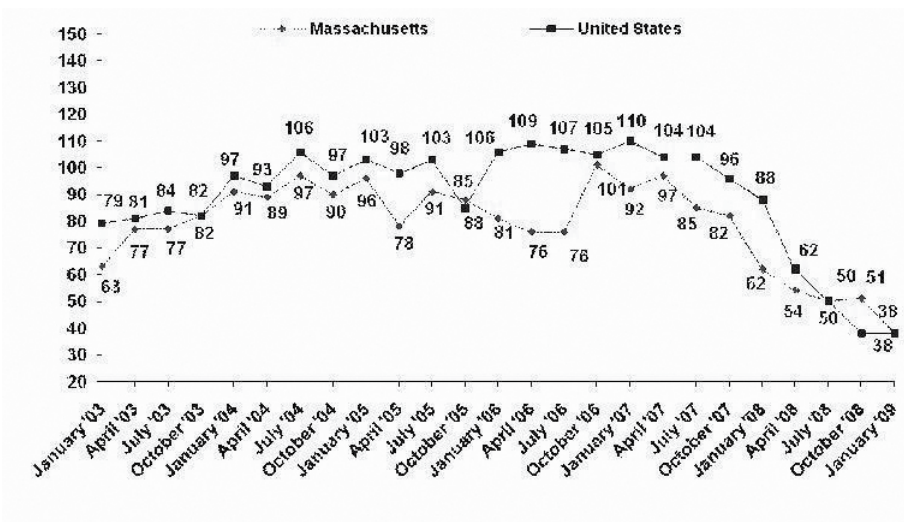
GOB sales cannot last more than 60 days. The law does not give the city/town clerk or the Attorney General the right to grant any extensions therefore no exceptions can be made. The final date of the sale must be included in all advertisements of the sale.

Bond

Retailers must provide a good and sufficient bond, payable to the city or town, in the sum of \$1,000. Every bond given in connection with any GOB sale shall be kept by the clerk of the city or town until the expiration of three years from the final date of the GOB sale, and shall be surrendered to the owner upon request; provided, however, that if at the expiration of three years the clerk has reason to believe a pending action relates to such bond, he shall retain such bond until final disposition of such action.

Again, please visit the business resources section of our website for the statute in its entirety. If you have any questions, please feel free to call Erin Trabucco, RAM General Counsel, at 617-523-1900 ext.13.

Consumer Confidence Index



The Massachusetts Consumer Confidence Index is published quarterly by Mass Insight, a Boston-based firm that organizes public-private initiatives on competitive issues affecting Massachusetts.

# RAM

## { New Members Continued

Lowell	Cambridge	Stoneham	Westboro
Classic Flowers Chelmsford	Green Pond Fish -n- Gear East Falmouth	Mezcal Tequila Cantina Worcester	Silva's Market, Inc. Marlboro
Colombo's Cafe & Pastries Hyannis	Haggard & Ewing Stoughton	Normand's Meat Specialties New Bedford	South Coast Restaurants Southboro
Cube Cab Quincy	Hollander, Inc. Boston	Ocean Grove Tire & Auto Swansea	Stephen Buynich West Springfield
Dom Vito Westboro	Infinite Herbs Hallandale	Paul Mino, Inc. Jamaica Plain	TA Restaurant Fall River
Dominick's Family Restaurant Three Rivers	Joe's Diner, Inc. Oxford	Pleasant Cafe, Inc. Maynard	The Angler Fish Mkt and Chowder Co., Inc. Westminster
Dutton Street Concord	Johnny D's Produce Brighton	Reardon Electric Supply Co. Roslindale	The Palter Company Burlington
Egg Too Company West Dennis	Jose's Auto Repair, Inc. Roslindale	Robbie's Auto & Truck Repair Springfield	West Lynn Auto Services Lynn
Finnegan's Wake, Inc. Walpole	Lake Motors, Inc. Haverhill	RPM Ventures, Inc. North Easton	Wicked Restaurant, Inc. Mashpee
Flying Toad, Inc.	Linden Service, Inc. Wellesley MC Tieri	Sapporo, Inc.	

## member news

### *National Chocolate Guide Spotlights Local Chocolatier*

TasteTV announced its national Chocolate Stimulus Plan spotlighting people who are guaranteed to lift the spirits of America. They are premium and artisan chocolatiers showcased in *The Chocolate Guide*, (Eastern Edition). *The Chocolate Guide*, (Eastern Edition), released in January 2009, is the ultimate East Coast Foodie tour, featuring *The Chocolate Truffle* in Massachusetts. This local chocolate chain is owned and operated by Erin Calvo-Bacci and Carlo Bacci. TasteTV selected them for inclusion in the East Coast edition. The chocolatiers chosen for *The Chocolate Guide* are the best boutiques on the East Coast, as well as Chicago, Ohio,

and Pennsylvania. *The Chocolate Guide*, (Eastern Edition), includes an informative profile of *The Chocolate Truffle* and the Bacci family, photos of their specialty items, and chocolate information that make this an excellent resource guide on regional chocolate for any self respecting chocoholic. Given the economic climate, it's important to offer exceptional products. Great chocolate is an affordable luxury and quality is a must. *The Chocolate Truffle* is located at 494 Main Street in Reading, 586 Main Street in Lynnfield, Massachusetts, and [www.thechocolatetruffle.com](http://www.thechocolatetruffle.com). *The Chocolate Truffle* manufactures and sells locally made, hand dipped chocolates and

truffles using the best ingredients. Signature items include the "chocolate brioche", a shell filled with truffles and assorted chocolates, whimsical and decadent chocolate pizza (featured in *The Chocolate Guide*) and their lighter than air chocolate mousse line. The newest and most interesting bacon chocolate line of truffles and gourmet bars is creating amazing buzz from their clientele. As one customer put it after sampling the bacon bbq bar... "I shouldn't love it but I do!"

**The Chocolate Truffle  
located in  
Lynnfield & Reading  
[www.thechocolatetruffle.com](http://www.thechocolatetruffle.com)**

## up coming events

**June 3, 2009**

Spring Board Meeting  
Hampshire House, Boston

**September 10, 2009**

Organized Retail Crime Symposium & Trade Show  
DCU Center, Worcester

**November 19, 2009**

Annual Board Meeting & 12th Annual RAMAES  
Conference Center at Bentley College, Waltham

Thank you to all the members who have  
already paid this year's dues.

Please note: RAM dues must be paid in  
full in order to participate in Retailer  
Merchants Workers Compensation  
Insurance plan.

{ [www.retailersma.org](http://www.retailersma.org) }



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