



The Retail Review

THE OFFICIAL NEWSLETTER OF THE
RETAILERS ASSOCIATION OF MASSACHUSETTS

July/ August 2019 Edition

UPCOMING EVENT:

August 17th & 18th



The MA DOR has posted Regulation 830 CMR 64H.1.8: SALES TAX HOLIDAY in advance of the STH weekend to provide guidance.

Members are encouraged to visit the RAM website to review the regulation in its entirety, and the list of Frequently Asked Questions.



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New Deadlines for Paid Family & Medical Leave Program

With the start of the Massachusetts Paid Family and Medical Leave (PFML) program delayed three months, a number of the program's compliance deadlines have been extended and the initial contribution rate has been increased to account for the loss of three months' worth of contributions. Employers should be aware of the following changes.

Notification Deadline: September 30, 2019

Employee notification and workplace poster requirements have been extended to September 30, 2019. Employers are required to display a program poster in the workplace, provide individual written notice to all workers, and retain written acknowledgement of receipt from each worker, or in the alternative written rejection of such notification.

Employers that had provided such notice prior to the July 14th delay, must update their workplace poster and provide employees a "Rate Update" sheet which details the new starting date and increased contribution rate. Employers are required to keep a record that such updates have been distributed, however, written acknowledgment of receipt by workers is not required. The DFML has published model notifications, workplace posters, and "Rate Update" sheets on its website.

Contribution Rate and Quarterly Collection: October 1, 2019

Starting October 1st employers must begin collecting required program contributions. The initial contribution rate set by DFML has been increased from .63% to .75% of all wages, with taxable wages per employee currently capped at \$134,900. Contributions collected from October 1st through December 31st will then have to be remitted through the Department of Revenue's MassTaxCollect platform along with supporting employment and wage detail reports starting January 2020. Exact deadlines for the January filing have yet to be established.

Leave Benefits: January 1, 2021 and July 1, 2021

The delay will have no impact on the start date for taking leave benefits. Family Leave to bond with a new child and for managing family affairs of an active duty member of the military, as well as Medical Leave for a serious personal health condition begin January 1, 2021. Family Leave to care for a family member with a serious health condition begins July 1, 2021.

All members are strongly advised to visit the Department of Family and Medical Leave website <https://www.mass.gov/orgs/departments-of-family-and-medical-leave> to familiarize yourself with your rights and obligations under this complex law. ■

{ www.retailersma.org }



A Letter from the President

Baker Administration Obtains Small Biz ACA Health Insurance Flexibility

The Retail Review

July/August 2019

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Dear RAM Member,

Finally, some good news on the small business health insurance front. Through the good work of the Baker Administration, the state has obtained from the federal government some small business rate flexibility, which will once again allow the state's non-profit small business purchasing cooperatives to offer enhanced upfront discounts to their members beginning January 1, 2020. The largest cooperative in the Commonwealth is the Retailers Association of Massachusetts Health Insurance Cooperative (RAMHIC).

As many RAM members are aware, for more than a decade your association has been the leading voice calling for health insurance premium fairness for small businesses and their employees in the Commonwealth. Due to complexity of health insurance laws—made worse by often conflicting requirements under federal and state regulation—employees of small businesses in Massachusetts have the second highest premiums in the nation. Yet curiously, individuals have among the lowest premiums in the US, despite the fact we live in a very high cost state.

The discrepancy of rate fairness in Massachusetts as compared to 49 other states is due to the fact that we are the only state which puts individuals and small business employees in the same risk pool. That state law coupled with federal rate setting requirements under the ACA, which was written under the assumption that individual and small group risk pools would be kept separate, has created unfair and discriminatory premiums for those working on Main Street in Massachusetts. Without getting into the very complicated rate setting reasons, what in effect happens in Massachusetts as compared to everywhere else is that small businesses of 50 employees or fewer pay more so individuals can pay substantially less.

RAM was the driving force behind the passage of the Massachusetts Small Business Health Insurance Cooperative law back in 2010, which not only made more choices available to our members, but incented wellness and consumer education efforts, while saving real dollars off the premiums. Unfortunately, the implementation of the ACA disrupted the ability of the cooperative model to provide meaningful premium savings as intended. Yet, with the recent approval from Washington D.C. to reinstate the cooperative rating factor allowing us to offer discounted health plans, we now see a better pathway going forward for our small business members.

Pending final state approval, beginning in January our upfront discount for plans offered by both Blue Cross Blue Shield of MA and Fallon Health will return to 3%. This discount will be offered on top of the additional choices, benefits and product enhancements RAMHIC already makes available to our members. Like our industry leading small business workers compensation group, we know that by working together to become better healthcare consumers and advocates, we can collectively level the playing field with big business and big government insurance options; and achieve greater savings and better coverage in the years ahead. Watch for more specific details on the offerings from RAMHIC this fall. In the meantime feel free to contact the RAM staff for more information.

Sincerely,

Jon B. Hurst, President



Legislature Approves \$43B Budget, Includes RAM Supported “Marketplace” Sales Tax Provisions

On July 22nd, the Legislature adopted a compromise FY20 state budget deal and sent the final \$43.1 billion spending plan to Governor Baker for his consideration. As this newsletter went to print, the Governor was reviewing the proposal, with ten days to review and sign the bill into law, while also sending back any amendments or vetoes of items of disapproval.

The final plan includes important provisions requested by RAM relative to the extension of sales tax collection responsibility to online marketplace facilitators, similar to the legislation RAM had drafted and filed earlier this session. This important step to update the Commonwealth’s sales tax collection laws is in line with similar actions being taken across the country in the wake of the *Wayfair* decision, and will bring us closer to true marketplace and sales tax fairness between all sellers. The budget language also sets in law a new sales threshold of \$100,000 in sales into MA at which remote

sellers are required to collect and remit, again modeled after *Wayfair*. The \$100,000 sales threshold will replace the current threshold set by the Department of Revenue (DOR) in its “cookie tax” regulation of October 2017.

The final budget does not include the Governor’s earlier proposal to require a preliminary sales tax remittance or prepayment from certain sellers, as was previously rejected by both the House and Senate. The budget also does not include any references to past “Real Time” sales tax collection proposals.

The Conference Committee also chose not to adopt the Senate proposed language relative to establishing a 75% excise tax on electronic nicotine delivery systems, which was opposed by RAM. ■



To commemorate their 100th anniversary, Michelson’s Shoes held a rededication and ribbon cutting ceremony on Friday, June 28.



Michelson’s Shoes Celebrates Milestone 100 Year Anniversary

RAM wishes Michelson’s Shoes in Lexington and Needham the very best as 2019 marks their 100th year in business. Michelson’s Shoes is the kind of business every community would like to see on their Main Street. For generations, families have visited Michelson’s to get the best service while purchasing quality footwear. Even in this age of internet sales, the relationships the Michelson family has made in the communities they operate, keep people coming back.

Fourth generation owners, Jerry and Eric Michelson learned early on that their success went hand in hand with their community support. The Michelson brothers continue to be active and engaged leaders in their communities. “The challenge we were trying to overcome in the ’60s, ’70s and ’80s is the same we’re facing now: being relevant, being important to your customers. Back then it was malls and department stores, then it was big box stores, now it’s online inventory. But it’s the same thing, it’s having a place in the eyes of the people looking to buy footwear,” Eric said. “I think that we have a really unique way of doing business,” Eric continued. “Caring about people, having the business be part of the community, having the community be part of the business.”

“Congratulations to Michelson's Shoes, of Lexington and Needham, on an incredible milestone — a century of service! Please help them celebrate by stopping in the next time you’re in need of footwear and unparalleled customer service,” said Jon Hurst, President, RAM. ■

An Explanation of RAM's 401k Plan Benefit



by John Heise, CFP®, CLU®, ChFC®, CLTC®, AIF®.

We are here with John Heise, the investment fiduciary of the Alliance of State Retail Associations 401k Plan, a Multiple Employer Retirement plan (MEP) offered through RAM. John is an expert in the field of employer sponsored retirement plans and serves as investment fiduciary to many small to mid-size businesses throughout New England. Our intent of this interview is to provide our members and prospective members some basic information regarding our retirement plan solution, so they can have a better sense of why we are excited about this program.

Q: Welcome John, thank you for taking the time today, let's get right into it! What's a MEP?

JH: In the basic sense and at the core, it is a way for many, unrelated employers, to band together with a desire to save money! You see, the way retirement plans are priced, it truly is, he who has the most assets, wins. By aggregating the assets of many smaller plans, we are afforded greater buying power, thus lower recordkeeping fees, third party administration fees, investment management fees, etc....

Q: What are some of the advantages of a MEP?

JH: To begin, I would like to point out that there are two types of MEPs, Open and Closed, and our plan is a "Closed MEP". For the sake of time and to not add confusion, I will focus on the specifics of our Closed MEP.

The nature of a Closed MEP is, homogenous membership, in that the members are of like kind and in the same industry, i.e.; retail. This affords us the unique ability to be treated as a single plan in the eyes of ERISA and the DOL, the governing bodies overseeing retirement plans. Why that's a big deal? With single plan status, we're allowed to have a single plan document, single trust agreement, single board of trustees, single ERISA Bond, single Fiduciary Liability Policy, we file a single form 5500, and have a single annual audit.

As an example, if you had 50 companies, unrelated but similar, you would wipe away 49 form 5500s, ERISA Bonds, and for those

of audit size, typically 100 employees or more, say goodbye to the annual audit and related costs. This saves in some cases tens of thousands of dollars, which should translate into greater retirement savings for owners and plan participants.

Our plan is really one of kind and to our knowledge the first, and only, in the nation to be a Multi-State, Multiple Employer Retirement Plan. We are currently in ME, NH, MA, CT, IL, MD and are in talks with many other state retail associations about offering our program.

Q: What about plan design, does the MEP allow for our members to have flexibility or do they have to fit a rigid mold.

JH: Great question, with our MEP, employers have full design flexibility to structure their plan however they wish! One employer may want to have a Safe Harbor 401k, another may want to utilize Profit Sharing, one may want loans another may not, one may want a vesting schedule while another may want immediate vesting. We will customize their plan however they wish with limited restrictions.

Q: What are some of those restrictions?

JH: If a company is an ESOP (employee owned) and their existing plan allows for stock purchase inside of the retirement plan, that is not a fit. If a company really wants to have a self-directed brokerage account, that would also not be a fit due to the liability that may expose plan trustees. Otherwise, anything a company can do with a single plan they can do in our MEP!

Q: What is the structure of our MEP?

JH: The basic structure, which is not dissimilar from a single employer plan is you have a plan sponsor, recordkeeper, third-party administrator, plan administrator, trustee(s), and investment adviser.

Our plan sponsor is the Retail Association of Maine, where this plan originated before going multi-state. Our Recordkeeper is Empower, which is the second largest provider of retirement plans in the US. The Retirement Advantage (TRA), which serves as our third-Party

administrator as well as dedicated 3(16) Plan Administrator, I will expand on that shortly. Our trustees are comprised of various executive directors from each participating state retail association along with representatives from some of our adopting employers. Lastly, my firm, Atlas Financial Group, LLC as the 3(38) Investment Fiduciary.

Q: What are some of the key attributes afforded by our MEP?

JH: Our program is designed to do 3 things, same time, money, and liability!

How we accomplish that is like this;

Time, we have contracted with TRA (The Retirement Advantage) to be our dedicated 3(16) Plan Administrator. All plans are required to have a plan administrator whom is tasked with the daily operations and oversight of plan activities, which are many! TRA handles all the functions for our adopting employers, such as, eligibility tracking, payroll uploads, distribution of all required participant notices, enrollment packages, distribution processing, loan processing and monitoring, hardship approval and processing, all required testing, etc. Basically, everything necessary to keep the plan compliant and operational, they assume responsibility and liability for! I don't know of any company that went into business solely to provide a retirement plan for their employees, if we can take this off their plate, it allows them to focus on what is most important, their businesses. They just remit the payrolls and TRA takes care of the rest!

Money savings, we discussed earlier, our unique ability to have single plan status and eliminate costs for many employers along with the decrease in fees associated by aggregating assets, just makes sense!

Liability; When a company decides to join our MEP, they become an adopting employer and their fiduciary liability shifts to the MEP board of trustees. That separation of liability is huge! Being a fiduciary on a retirement is not a laughing matter, but one where many plan sponsors really don't understand what their responsibilities are. Did you know, plan fiduciaries can be held personally liable for losses incurred by plan participants for a failure to monitor plan investments, personally! We have put safeguards and a board governance processes in place to help insulate plan trustees. This consists of fiduciary outsourcing with the use of a 3(16) Plan Administrator, discussed earlier, a 3(38) Discretionary Investment Manager, as well as Fiduciary Liability Insurance coverage for plan trustees.

Our plan oversight consists of quarterly Fiduciary Investment Reviews, periodic benchmarking, provider negotiations, plan promotion marketing, and education. The fiduciary review process is where we scrub the universe of investments to ensure we

are providing top investments for our plan participants. Empower affords us an open architecture platform, meaning we can be completely independent and investment agnostic when selecting an investment option. In addition, our investments are all zero-revenue share classes so mitigate conflicts in our selection process without back end revenue sharing. The menu is robust, consisting of a full suite of institutional investments for almost every asset class, risk-based portfolios by Vanguard, and target date suite by TIAA-CREF.

We're doing the things that are supposed to be done when offering a plan, we're consistently monitoring investments, negotiating fee arrangements, eliminating conflicts of interest in our analysis, all with the goal to help individuals retire with dignity!

Q: Financial services is a relationship business, many of our members who have plans may see the value but wish to keep their existing adviser, can they do that?

JH: Yes, our plan is purposely designed to be offered by retirement plan advisers. As long as, their existing adviser is properly licensed as an RIA (Registered Investment Adviser), either affiliated with a firm or independent, they can retain their services and offer the Retail401k plan.

Q: It really sounds like this program provides members with a great deal of flexibility, protections, in addition to saving money! How can an employer participate, should they wish?

JH: We are happy to provide a cost/benefit analysis, free of charge so an employer can evaluate for themselves or they can have their adviser reach out directly as well! Interested members may simply send an email to team@Retail401k.com and we will promptly respond.



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Boston

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Newton

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Centerville

Castle Island Brewing Company
Norwood

Chef Wayne's Big Mamou Cajun
on the Go
Springfield

Crooked Stick Pops LLC
Easthampton

D'Angelo
Ashburnham

Dunkin Donuts
Medford

Emory
Boston

European Auto Solutions
Waltham

Flynn's Irish Pub
Marion

Fratelli
Boston

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Chicopee

Gaslight Nantucket
Nantucket

Gianni Figs Ristorante LLC
South Deerfield

Gowell's Candy Shop
Brockton

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Gloucester

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Dalton

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E. Taunton

Kravings
Millis

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Dracut

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Woburn

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North Andover

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Mattapoisett

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Methuen

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Saugus

Oyster Club
Boston

Parlour
Brookline

R & R Auto Center
Dorchester

Red Stone Grill
North Attleboro

Ryal Side Auto
Beverly

Salut!
Littleton

Shy Bird
Cambridge

Skewers Catering
Tewksbury

Starland Partners LLC/ Players Lounge LLC
Hanover

TJ Collectibles, Inc.
Milford

Tonno LLC
Gloucester

Topsfield Bakeshop, Inc.
Topsfield

Universal Auto Repair, Inc.
Lawrence

Winthrop Arms Hotel & Restaurant
Winthrop

Yankee Fire and Rescue, Inc.
Palmer



Robert Saquet Chosen to Attend Advocacy Training Hosted by NRF in Washington, D.C.



Congressman William Keating (center) with RAM members Bob Saquet, Eggers Furniture, Middleboro (left) and Neil Abramson, ECI Stores, Leominster (right).

Robert Saquet, owner of the Eggers Furniture Company in Middleboro, recently attended a National Retail Federation conference in Washington, DC. While there he met with Congressman William Keating to discuss some of the problems faced by retailers and asked for help dealing with the recently enacted tariff taxes that will be passed on to American consumers.

Congressman Keating was told that tariffs are not doing what the president expected. Countries are now retaliating against the U.S. The impact is already clear on both U.S. imports and exports, and the effects will soon trickle down to impact nearly every consumer and the economy at large.

The trade policy also disproportionately affects small businesses. If all the tariffs get enacted, all products are going to be affected. The higher the prices are, then the less people will buy those products. Retail and the overall economy will suffer.

Saquet told Congressman Keating that his store sells American made furniture but he has been getting price increase notices from his sources explaining that many imported component parts are used. "Price increases will be passed on to customers who are ultimately paying the tariff tax."

Other issues explained at the conference included the importance of the retail sector of the economy which employs over 42 million workers. The sign of a healthy economy is a vibrant retail environment. Other important topics were reforms to credit card processing and correction of errors in the recent tax cuts that eliminated usual deductions on depreciation on renovations.



RAM members Bob Saquet (left), Erin Calvo Bacci, The CB Stuffer, Swampscott and Neil Abramson (right) also met with Congressman Joe Kennedy III.



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What is your policy on shoplifting? Do you apprehend shoplifters, do you allow them to leave with unpaid product, or do you deal with it on a case by case basis?

All options should be considered and revisited as we head into Q3 and Q4 – peak holiday sales. If you or your employees are making apprehensions, do you have a clear understanding of the legalities behind it? In general, you open yourself and your business up to potential lawsuits if the steps below, which are common practice in all of retail, are not in place:

- 1. An individual is observed entering the store / location without the product**
- 2. You witness a subject select an item.**
- 3. You witness a subject conceal the item.**
- 4. You witness the subject pass the last point of sale with the item (entering the backroom, entering a fitting room, out through a fire door, or past all of the front registers).**
- 5. You maintain constant observation - You do not lose sight of the individual or the area on their person where the item is concealed.**

How can you best deter shoplifters?

- 1. The number one way to deter shoplifters is to train and educate your employees.**
 - a. Train them to greet every individual entering your shop/store.
 - b. Keep high priced easily concealable items off the sales floor and behind the cash register.
 - c. Employees should be alert to groups of shoppers who enter the store together, then break up and go in different directions.
 - d. Employees should watch for a customer who handles a lot of merchandise, but who takes an unusually long time to make a decision.
 - e. They should watch for customers lingering in one area, loitering near stockrooms or other restricted areas or wandering aimlessly through the store.
 - f. They should try to be alert to customers who consistently shop during hours when staffing is low, or around the early opening or late closing hours.
 - g. Cashiers should be trained to check the lower racks of shopping carts, to watch for switched price labels, to inspect containers such as garbage cans, storage bins or tool boxes which could conceal stolen items.

If you feel like you need further support or have any questions on how to create a streamlined process for your business, please reach out to us at info@nelpag.com



MASSACHUSETTS



RAMHIC to offer BCBSMA Financial Accounts starting September 1.

Starting September 1, 2019, RAMHIC will begin offering members tax-qualified financial accounts from Blue Cross Blue Shield of Massachusetts which may be paired with their health plans, making it easier to pay for eligible expenses. The products, which are typically reserved for accounts with ten or more participants, will be available through RAMHIC for members with as low as five participants.

Types of Health Financial Accounts

Health Savings Account

A health savings account (HSA) is a tax-advantaged savings account that can be used to pay for medical, dental, vision, and other qualified expenses now or later in life. Contributions are limited annually and the funds can even be invested, making it a great addition to your employees' retirement portfolios. In order to contribute, employees must be enrolled in a high-deductible health plan, under the age of 65, not covered under another health plan, not eligible for benefits under Medicare, and not another person's dependent.

Limited Purpose Flexible Spending Account

A limited purpose flexible spending account (LPFSA) allows your employees to contribute a portion of their paycheck, before taxes, to pay for qualified vision and dental expenses for themselves and their dependents. An LPFSA allows your employees to continue to contribute to an HSA while also contributing to an LPFSA. This additional pre-tax deduction helps maximize tax savings beyond an HSA alone.

Dependent Care Flexible Spending Account

A dependent care flexible spending account (DCFSA) is a flexible spending account that allows your employees to contribute a portion of their paycheck before taxes are taken out to pay for qualified dependent care expenses. Qualified expenses must be for the purpose of allowing your employees to work or look for work.

Services may be provided at a child or adult care center, nursery, preschool, after-school, summer day camp, or by a nanny or care provider in your home.

Health Reimbursement Arrangement

A health reimbursement arrangement (HRA) is part of your employee benefit plan. You decide how much money to contribute each year to help your employees pay for eligible health care products and services for themselves and their dependents not covered by any other source. You also decide what health care expenses are covered by the HRA.

Flexible Spending Account

A flexible spending account (FSA) is an employer-sponsored benefit that allows your employees to set aside pre-tax dollars to be used for eligible out-of-pocket medical expenses not covered by the health plan. An FSA covers eligible expenses for your employees and their dependents.

2019 Contribution Limits*

Health Savings Account \$3,500 (individual); \$7,000 (family)

If employees are age 55 or older, they can make additional "catch-up" contributions to their HSAs.

The "catch-up" contribution limit for 2019 is \$1,000.

Flexible Spending Account \$2,700

Limited Purpose FSA \$2,700

Dependent Care FSA \$5,000

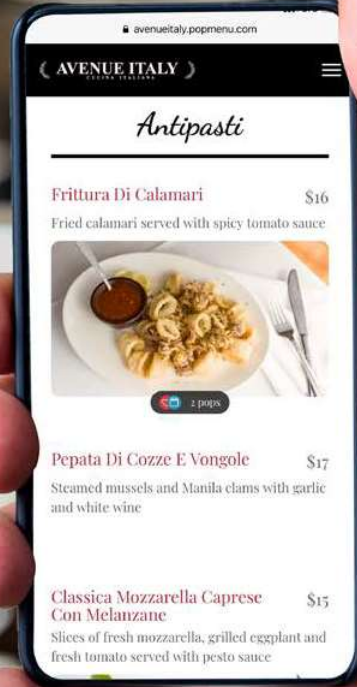
**Contribution limits are set by the IRS and are adjusted annually for inflation*

For more information please visit the RAMHIC page of the RAM website at www.retailersma.org/ramhic

To receive these benefits your BCBSMA plan must be purchased through RAMHIC. To do so, members should contact their broker or BCBSMA directly to tell them you are a RAM member and are interested in receiving a RAMHIC quote.

Members may also contact RAM General Counsel, Ryan Kearney, at 617-523-1900 or via email at rkearney@retailersma.org.

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For more than 20 years, the RAMAES have honored small and large retailers, rookies and veterans, identifying hidden gems from all corners of the state.

For category descriptions and to submit an online nomination today – for your business as well as others you think should be recognized, visit www.retailersma.org/ramaes.

*Awards will be handed out at our annual
RAMAE luncheon on November 14, 2019 at the
Conference Center at Bentley University in Waltham.*

