

# NOZZLE & WRENCH

WMDACAR

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AN OFFICIAL PUBLICATION OF THE WASHINGTON DC, MARYLAND & DELAWARE SERVICE STATION & AUTOMOTIVE REPAIR ASSOCIATION

## INSIDE THIS ISSUE:

- >> The Corporate Transparency Act
- >> New Government Report Highlights Importance of Right to Repair
- >> SSDA-AT Calls to Pause CTA

*I feel like a Pinata hanging by a string and legislators are blind folded swinging a stick at small business and seeing what falls out.*

## KIRK'S CORNER

# Legislative Pinata



By Kirk McCauley, Director Of Member Relations & Government Affairs

**Governor Wes Moore has his hands full these days** days with over a three billion dollar deficit in transportation funding and hundreds of millions short for unfunded legislation passed in the last two years. On top of that, the Key Bridge is down. This year our legislators were looking at small business like a dog eyeing up a juicy steak. On the 8<sup>th</sup> of April at midnight was Sine Die, The final adjournment of a session. Remembering that the governor still must sign a bill for it to become law, here are some of the main bills WMDA worked on, I will post a full list as bills progress through governor to be signed or vetoed.

The governor's Budget bill normally does not affect us, but this year changed all of that. When the Budget Bill was introduced, it had a reduction in lottery agent fees from 6% to 5.5% and a reduction in cashing fees from 3% to 2%. When it was received in general assembly it got added to.

### [HB0352/SB0362](#) - Budget Reconciliation Financing Act (BRFA)

The results are an assault on small business, below are taxes and fees that are in BRFA that directly affect our members.

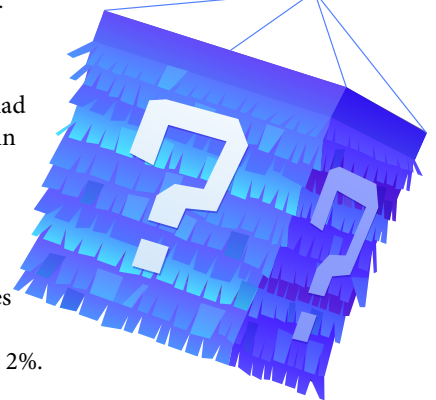
- Lottery agents selling fees ended up at 5.75% and cashing fee at 2%.
- Cigarette Tax – Increase \$1.25 Per Pack
- OTP – Increase from 53% to 60% of Wholesale Price (Not Cigars) 2.1
- Electronic Smoking Devices – Increase from 12% to 20% the Sales and Use Tax Rate

### [HB1515](#) Sales and Use Tax - Rate Reduction and Services

This bill would have reduced sales tax to 5% and added sales tax to every service and labor performed in Maryland. Car repair, professional services, attorneys, accounting, payroll, home repair and much more. **Failed to in committee.**

### [SB1056/HB1180](#) Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024)

Would ban tobacco and OTP license holders from continuing to sell electronic smoking devices (ESDs). Instead, ESDs would only be allowed to be sold by a "vape shop vendor" that exclusively sells vape products and their accessories. Bill would also increase licensing fee to \$300.



Continues on page 4

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**HELP  
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*Continued from cover*

SB1056 came out of the Finance Committee without changes and would have banned our stores from selling ESD products. WMDA worked with the Economic Matters Committee and offered amendments to SB1056 when it came over to the house. In legislative language this bill was a “Snake - A bill or provision that has a hidden purpose.” The Economic Matters Committee made extensive changes and the end outcome is our tobacco retailers license fee goes from \$25 to \$300 dollars and we are able sell all ESD products. **Passed with amendments.**

**[HB1218 State Lottery – Internet Sales Authorization and Distribution of Proceeds](#)** Authorizes the State Lottery and Gaming Control Agency to develop and operate internet-based lottery games. **Failed in committee**

**[HB1226/SB994 Maryland Predictable Scheduling Act](#)** Requires retail and food establishment employers to post a 7-day work schedule at least 14 days in advance. The employer must also respond to an employee’s scheduling requests. An employer may also be responsible for paying ½ an employee’s regular rate of pay if the employee was scheduled, was changed after being posted. Would cost the employer 4 hours’ pay if employee had to work overtime no matter for how long or time and half which ever is greater. 4 hours pay for 15 minutes, you cannot make this stuff up. **Failed in committee.**

**[SB0525/HB0649 Workplace Fraud and Prevailing Wage - Violations - Civil Penalty and Referrals](#)**

This bill as written would have an apprentice just learning and

being taught by an instructor receiving same salary as the instructor, IE A tech teaching a C tech in one of our repair facilities, a master chief teaching trainee. **Failed in committee.**

**[HB882/SB651 Business Regulation – Sale of Motor Fuel – Pricing Signage – Gas price Clarity Act](#)**

This has a 7 year history, WMDA has killed this bill every year, but sometimes thing change, and this year is one of those times. With two price sign bills already passed in two counties and two more pending, all four have different wording and regulations, it was time to bring uniformity to Maryland, our dealers, and the consumer. We had a meeting with the senator that introduced this bill year after year, and she agreed on our amendments. Change the name to Gas price Clarity, if your credit or debit price is higher than cash price it must be displayed in same size, you can use a separate sign such as a-frame, and the bill has a preemption, that will override all counties and city bills and zoning laws for placing a second sign if necessary. Applies to all retail locations. **Passed with amendments.**

**[HB1272 Department of the Environment – Cap-and-Invest Program - Establishment](#)** Requires the Maryland Department of the Environment to develop a cap-and-trade program by December 31, 2024. Like what California has and would add a considerable amount to the price of gas. **Failed in committee.**

**Members that stepped up for all! Thank You**

Riaz Ahmad, Jamal Khawaja,

Mansoor Anvari, Nasir Cheema, Mike Goitom, Bruce Spenser, Tapos Mozumder, and Ken Quasney are the ones I know contacted legislators and/or testified on issues, and I am sure there are others that sent emails and made phone calls, thank you all for participating from all our members. Any time you contact a legislator, send me a text, and let me know who you contacted and if you know a legislator personally.

### **Key Bridge Effects**

Key bridge down will certainly extend travel time for tankers that have to go west to get to the east, but supply effects will be limited since most of our motor fuel comes via Colonial Pipeline. The first small 11 ft of depth channel was opened, and the first barge being pushed through by a tug was hauling jet fuel to Dover Air Force base. We do get ethanol and Bio- products by barge but also by rail tanker. Some of our members’ locations could very well be affected by a lack of traffic in the general area.

### **The Governor of Maryland Declaration of Emergency for Key Bridge**

This is a good example of why we had three meetings with A.G. office on Gouging bill 2 years ago. As the bill was written there was a list of products and services that would have automatically come under price control when a declaration of emergency was declared. Included in the list was motor fuel and other items our stores and repair shops sold. We were able to have that list amended out and could be put back in as needed but not automatic. [Executive Orders -](#)

*Key bridge down will certainly extend travel time for tankers that have to go west to get to the east, but supply effects will be limited since most of our motor fuel comes via Colonial Pipeline.*



*The app that gives money back on gas, groceries and restaurants does not lower price at the pump.*

[News - Office of Governor Wes Moore \(maryland.gov\)](#) dated 3/26/24

### **App that Gives Gas Customers Money Back on Fuel Purchases, is it for you?**

Every time I think of this app, I think back to when I started working in a service station and S&H Green Stamps were given to customers according to amount of purchase. Stamps could be saved and redeemed for items in a catalog. Other types of retailers offered green stamps as well. Very prevalent in the 60s and 70s.

The app that gives money back on gas, groceries and restaurants does not lower price at the pump. Customer must upload recipe on phone app and a percentage of purchase is credited to customer via gift card, bank deposit or PayPal. Station is charged a percentage of sales, enough to pay for amount refunded to customer and a profit for app.

Yes, this app has potential to increase volume, even pickup sales in a convenience store or gain a new repair customer. That being said, there are potential down sides to app beyond your cost to app administrator. Customer downloads app on phone, with location service enabled. App sends you businesses in your area that are participating in program, along with price at each location.

You are now competing in an online app to keep your customers and attract new; this can drive street prices down on top of paying for app use when fuel is purchased. The more locations sign up, the likelihood of driving street prices down is elevated, you

must balance your gains and losses constantly.

Like green stamps, this customer reward program will have shelf life, when the area is saturated, there will be no value in the program and the impact will be negative. At the same time, it will be hard to drop and lose customers to those still enrolled.

Before you decide to enroll in this type of program set expectations down on paper and keep close track of fuel margins, volume, store/bay sales, car wash, and any measure you can think of that indicates the good, the bad and the ugly.

Remembering that volume does not necessarily mean increased profit. In a February 1985 issue of Service Station Management (SSM) magazine a local dealer and WMDA member Bob Oliver, owner of Colesville Exxon penned an article in SSM about profit margins, volumes, and price elasticity. I still have that 1985 issue and it is still relevant in the market today. Every time I think of a dealer chasing volume I think of Bob's article and wonder if they should be raising prices, just and old man thinking LOL.

### **Feds and Right to Repair, Telematics**

The GAO states that the Federal Trade Commission is looking at new ways to categorize consumer complaints, which could help it identify how this issue negatively affects vehicle owners.

I took this from Service Station Dealer of America - Allied Trades (SSDA - AT), April newsletter of a study that was published March 21, 2024, to view the full article on

this review, [full report click here.](#)

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### **Reminder - Baltimore City Alert - Importance High**

The Baltimore City Police Department will hold a press conference today announcing an enforcement action that will focus on the enclosed law: City gas station will be the target of BCP looking for sign that should posted and selling fuel to illegal street bikes. **You need to read the law to post a sign (can be printed off computer) this law was passed in 2010 but has not been enforced, but that is changing.** Email me if you need copy of the signage required.

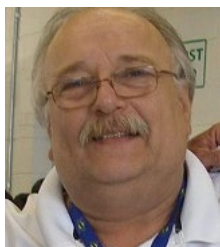
[Baltimore City Police Department - Dirt Bike Violators](#)

### **Delaware legislators on a recess until April 16th DE Calendar**

[https://legis.delaware.gov/docs/default-source/default-document-library/legislativecalendar-2024.pdf?sfvrsn=76ff8938\\_2](https://legis.delaware.gov/docs/default-source/default-document-library/legislativecalendar-2024.pdf?sfvrsn=76ff8938_2)

Call me if you have any questions. 301-775-0221 [kmccauley@wmda.net](mailto:kmccauley@wmda.net) ■

# Filling the Void



Ken Quasney  
Owner, Auto Sense

**Recently I found myself in an unfamiliar territory.** I had to find a Tech. I placed ads in all the normal places such as Indeed, Monster, Craigslist, Facebook etc. The people who applied did not have enough experience (about 90%). The Techs who had experience wanting ridiculous amount of money (one wanted \$200,000 a year salary). I almost reached the point of giving up. That is hard for me. I am not a quitter. I pushed forward looking for the right person. I learned it was the art of writing a good ad created the responses I was looking for. Reflecting on the old days when I was a Tech. I remembered what made me respond to an ad. Most of the applicants thought they were A Techs, and they were not even close. My process for interviewing Techs needed work also. I learned to sell myself and our shop without sounding like I was selling. Unbelievably, it took six months to find the person I was looking for.

Here is what I observed. Techs know they are in short supply. The good ones either are not leaving their current job or want more money than the national dept and can be very arrogant. Then there is the hoppers that never stay at one place long or think they know more than they do, or the ones who haven't figured out what they want to be in life, they go from one occupation to another. You learn very quickly how to read between the lines. Moving forward I realized that I wasn't going to find the Tech I was looking for and I would have to grow a Tech. I am extremely fortunate that I have a Tech who has been here for 24 years. I just promoted him to working shop foreman. He is very knowledgeable and has the patience of a saint. I was starting to narrow down what would work for me in the current market of Technicians. Now I had to fine tune my efforts. One thing I realized from interviewing Techs was I needed to find someone with a work ethic and wanted to grow and not just stay stagnant. If I could find that person, I could work with that. Something else I noticed while interviewing Techs was some were in a rut at the shop they are currently working for. No chance for advancement, no training and couldn't see the light at the end of the tunnel. Bingo, right up my alley. I can train Techs. I have for years and if I can't find the time, my A Tech/Shop foreman could. Now I know exactly what I was looking for. I pinned down my search, rewrote my ad, and started getting the responses I was looking for. I also learned how to sell them on what I had to offer. I wanted a Tech that wanted to be a winner. Someone who wants to be the best at what they do.



Moving forward. I made a plan to train people. This took a little doing but I put a good plan together that would attract potential applicants. I found the winning solution to my problems. I set goals for them to achieve to learn and advance to make more money. I would like to mention we do not work weekends; we have a clean shop and we have AC in the summer. I put that in my ad with pictures. Where to put the ad matters also. You can't attract someone without them seeing your Ad. Also, we did not want a complete rookie. We wanted someone with some good old-fashioned work experience that just wanted to be taken to another dimension in Auto Repair (the winner). Within five days I had five potential applicants to choose from. Two weeks ago, I pulled the trigger and hired a guy in his early 30's and he is doing a great job (although the jury is still out...lol). We'll see how this works in six months. So far, I am pleasantly surprised. Remember, keep your eye on the ball and live the good life! ■

*I made a plan to train people. This took a little doing but I put a good plan together that would attract potential applicants.*



**OCT. 22, 2024**

**TRADESHOW & AWARDS DINNER  
MARYLAND LIVE CASINO & HOTEL**

# If You are in the Fuel, Convenience Store or Repair Business, MAFCAS is for YOU!

Mid-Atlantic Fuel, Convenience & Auto Repair Show (MAFCAS) will be held at Maryland Live Casino & Hotel. The one constant facing our members is change, unless you keep up with buying trends, technology, what is hot

## PRELIMINARY SCHEDULE

**TUES., OCT. 22**

9:00 am-11:00 am	EXHIBITOR CHECK IN
11:00 am-5:30 pm	ATTENDEE CHECK IN
12:00 pm-6:00 pm	TRADESHOW
6:00 pm-7:00 pm	COCKTAIL HOUR
7:00 pm	DINNER
7:30 pm-9:30 pm	AWARDS CEREMONY & ENTERTAINMENT

in the market, you quickly fall behind. Don't become another statistic of change! One day at MAFCAS can get you up to date and pay dividends all year. Mark Your Calendar Now!



# The Corporate Transparency Act

Brought to you by James L. Parsons, Jr., [Lynott, Lynott & Parsons, P.A.](#)

**The Corporate Transparency Act (“CTA”)** became effective on January 1, 2024. The CTA was enacted to combat money laundering and other financial crimes by requiring a broad category of entities to disclose information about their owners and persons who exercise control to the Financial Crimes Enforcement Network (FinCEN), a bureau of the U.S. Treasury. The CTA requires that entities (which includes most small businesses) file a report, known as a beneficial ownership information (“BOI”) report, with FinCEN. The BOI report provides information about the beneficial owners and applicants of the entity.

Three key questions to address in connection with compliance with the CTA are the following:

- Whether an entity is a “Reporting Company” that must file a report with FinCEN (or whether the entity falls into one of the exceptions to the reporting requirement);
- Who Beneficial Owners and Company Applicants are whose information must be reported; and
- When reports are due to be submitted to FinCEN.

## Key Terms Under the CTA

**1. Reporting Company:** includes all entities (unless an exemption applies) that are formed or registered to do business in the United States by the filing of a document with a secretary of state or similar office (e.g., corporations, LLCs, LLPs). If an entity is not created by such a state filing (which includes most trusts), the entity is not subject to the CTA.

The CTA lists numerous exemptions, which exclude certain categories of entities, including:

- Public companies;
- Larger companies (with a physical location in the U.S., over 20 employees, and over \$5 million in gross receipts/sales);
- Companies in regulated industries (e.g., financial services, including certain investment companies, fund advisors, and insurance companies);
- Tax-exempt entities; and
- Subsidiaries wholly owned by exempt entities.

Entities that fall within one of these exemptions are not required to file CTA reports.

**2. Beneficial Owner:** includes as any individual who (i) owns 25 percent or more of a Reporting Company or (ii) exercises “substantial control” over a Reporting Company. Senior executives may be considered Beneficial Owners under the CTA based upon their control over a Reporting Company.

**3. Applicant:** includes the person who directly files the formation or registration document of the reporting company and (ii) the person who was primarily responsible for directing such filing. Entities formed prior to January 1, 2024, will not need to provide information for their applicants.

*The CTA was enacted to combat money laundering and other financial crimes by requiring a broad category of entities to disclose information about their owners and persons who exercise control to the Financial Crimes Enforcement Network...*





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## WMDA/CAR

# GOLF OUTING

## TUES., JUNE 11, 2024

*Renditions Golf Course • Davidsonville, MD*

**8:00 a.m. Registration and breakfast**

**9:00 a.m. Shotgun Start (4-Man Scramble Format)**

**1:00 p.m. Lunch with contest prize distribution**

### \$169 per Golfer/\$650 for Foursome

Price includes Greens Fee, Cart fee, bag drop, Grab n Go Breakfast and Buffet Lunch. Each Golfer will get two Drink tickets redeemable for Alcoholic/Non-Alcoholic Beverages at the Beverage cart. Refreshments will be available on the course. WMDA/CAR will assist in pairing individual registered golfers to make a foursome if requested.

### REGISTRATION INFORMATION

Golfer #1: \_\_\_\_\_ Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Golfer #2: \_\_\_\_\_ Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Golfer #3: \_\_\_\_\_ Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Golfer #4: \_\_\_\_\_ Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Please assist in making a foursome if less than 4 golfers listed above.

Contact Person: \_\_\_\_\_ Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### REGISTRATION FEES

Golfers x \$169 = \$ \_\_\_\_\_

Foursome \$650

Lunch only \$69

### PAYMENT INFORMATION

Check Enclosed (payable to WMDA). WMDA, 1532 Pointer Ridge Place, Suite F, Bowie, MD 20716

Bill my credit card:  Visa  MasterCard  American Express  Discover

Account # \_\_\_\_\_ Exp.Date: \_\_\_\_\_ CVV Code: \_\_\_\_\_ Billing Zip Code: \_\_\_\_\_

Account Name (print): \_\_\_\_\_ Signature: \_\_\_\_\_

Checking this box is my electronic signature

**REGISTER TODAY! EMAIL: [wmdacar2024@gmail.com](mailto:wmdacar2024@gmail.com) CALL: 301.390.0900 FAX: 301-383-2725 [www.wmdacar.com](http://www.wmdacar.com)**

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6th Annual

WMDACAR  
**GOLF**  
 OUTING

**SPONSORSHIP OPPORTUNITIES**

**TUES., JUNE 11, 2024**

*Renditions Golf Course • Davidsonville, MD*

**LEGENDS OF GOLF SPONSORSHIP PACKAGES** (Please check desired sponsorship package)

<input type="checkbox"/> THE TIGER WOODS - \$2,500	<input type="checkbox"/> THE JACK NICKLAUS - \$1,800	<input type="checkbox"/> THE ARNOLD PALMER - \$1,500
<ul style="list-style-type: none"> <li>• One Free Foursome Team</li> <li>• Signs at Registration &amp; Awards Lunch</li> <li>• 18th Hole Sponsorship</li> </ul>	<ul style="list-style-type: none"> <li>• Two Free Players</li> <li>• Signs at Awards Lunch</li> <li>• 9th Hole Sponsorship</li> </ul>	<ul style="list-style-type: none"> <li>• One Free Player</li> <li>• Signs at Awards Lunch</li> </ul>

**ADDITIONAL SPONSORSHIP OPTIONS** (Please check desired sponsorship)

<input type="checkbox"/> Lunch Sponsor - \$1,000 x 2	<input type="checkbox"/> Cigar Sponsor - \$500 x 2	<input type="checkbox"/> Closest to Pin Sponsor - \$300
<input type="checkbox"/> Breakfast Sponsor - \$500 x 2	<input type="checkbox"/> Best Score Team Award Sponsor - \$600	<input type="checkbox"/> Longest Drive Sponsor - \$300
<input type="checkbox"/> Goodie Bag Sponsor - \$1,500	<input type="checkbox"/> Event Supporter - \$300	<input type="checkbox"/> Hole Sponsorship - \$150
<input type="checkbox"/> Beverage Cart Sponsor - \$500 x 4	<input type="checkbox"/> Hole Sponsor with table - \$300 (Limited)	<input type="checkbox"/> Door Prize Donation _____

**I don't play golf but would like to contribute \$69** (Your contribution includes lunch for one person)

**CONTACT INFORMATION**

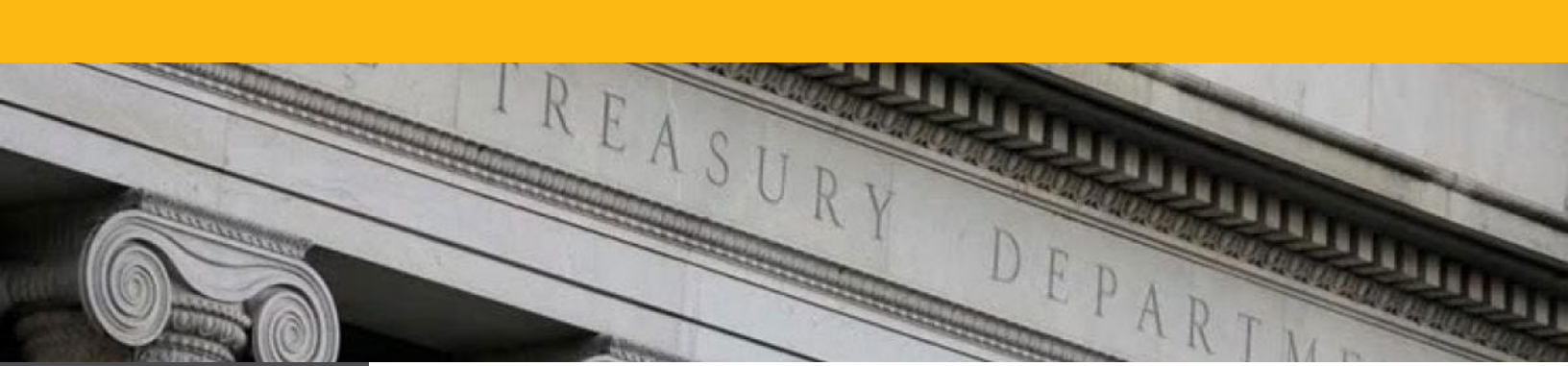
Contact Person: \_\_\_\_\_ Company Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**PAYMENT INFORMATION** SPONSORSHIP TOTAL: \$ \_\_\_\_\_

Check enclosed (payable to WMDA), WMDA, 1532 Pointer Ridge Place, Suite F Bowie, MD 20716  
 Bill my credit card:  Visa  MasterCard  American Express  Discover

Account # \_\_\_\_\_ Exp.Date: \_\_\_\_\_ CVV Code: \_\_\_\_\_ Billing Zip Code: \_\_\_\_\_  
 Account Name (print): \_\_\_\_\_ Signature: \_\_\_\_\_ or  Checking this box is my electronic signature

**REGISTER TODAY!** EMAIL: [wmdacar2024@gmail.com](mailto:wmdacar2024@gmail.com) CALL: 301.390.0900 FAX: 301-383-2725 [www.wmdacar.com](http://www.wmdacar.com)



### Contents of BOI Report

Each BOI report must disclose the Reporting Company's name, address, taxpayer identification number and its "beneficial owners" and "applicants" (full legal name, date of birth, address and passport or driver's license number, with a photocopy of such document). Information in BOI reports will not be publicly available. Generally, such information will be disclosed only (i) to federal and state law enforcement agencies in specified circumstances and (ii) with the Reporting Company's consent, to financial institutions.

### Entities Impacted by the CTA

The CTA is very broad and will impact entities across the U.S. and the individuals who own or control those entities.

- Every corporation, LLC, and other legal entity formed in the U.S. must determine whether it is a Reporting Company under the act or whether it falls within an exemption.
- Every entity that is a Reporting Company needs to identify its Beneficial Owners and Applicant(s).
- Trustees will be deemed Beneficial Owners of a Reporting Company if the trust owns 25% or more of the Reporting Company.
- Attorneys and other service providers involved in forming new entities after January 1, 2024, may be deemed Applicants.

It is the obligation of the Reporting Company to file reports with FinCEN. However, individual Beneficial Owners, senior officers,

and Applicants may face civil and/or criminal liability for willful failure to provide required information or for providing false information in the BOI reports.

### Deadlines for CTA Compliance

- Reporting Companies formed between January 1, 2024, and December 31, 2024, must file their initial BOI Report with FinCEN within 90 days after receiving actual or public notice, whichever is earlier, of their company's creation or registration.
- Reporting Companies created on or after January 1, 2025, will have 30 days within which to make the required BOI report filing.
- Reporting Companies created *before* January 1, 2024, must file their initial BOI report by January 1, 2025.
- Reporting Companies created before January 1, 2024, are not required to identify their Applicants.
- Updates: A Reporting Company must file an updated BOI report whenever there is a change in (i) its basic information, (ii) Beneficial Owners, or (iii) status as a Reporting Company (i.e., if the company becomes eligible for an exemption). The updated report must be filed no later than 30 days after the change.

### Potential Consequences for Non-Compliance

- A willful failure to report complete or updated beneficial ownership information to FinCEN, or the willful provision of or attempt to

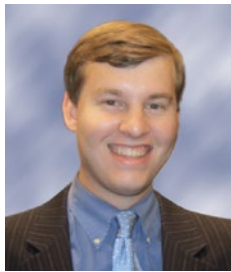
provide false or fraudulent beneficial ownership information may result in civil or criminal penalties, including civil penalties of up to \$500 for each day that the violation continues, or criminal penalties, including imprisonment of up to two years and/or a fine of up to \$10,000.

- A person may be subject to civil and/or criminal penalties for willfully causing a Reporting Company not to file a required a BOI report or to report incomplete or false beneficial ownership information.

### Federal Court Rules that CTA is Unconstitutional

On March 1st, 2024, the US District Court for the Northern District of Alabama ruled that the CTA was unconstitutional. The lawsuit was brought by the National Small Business Association (the "NSBA"), against the U.S. Treasury Department and its leaders. The NSBA argued that the CTA is burdensome on small businesses, violates privacy and free speech protections, and infringes on states' powers to govern business. The Court sided with the NSBA, holding that the CTA was unconstitutional because Congress exceeded its powers in enacting the law. The U.S. Justice Department has appealed the ruling, and FinCEN has interpreted the decision to apply only to the parties before the Court. Therefore, according to FinCEN, compliance with the CTA is still required, pending the final outcome of the case. ■

# New Government Report Highlights Importance of Right to Repair



By Roy Littlefield IV

**In a recent development underscoring** the ongoing debate over the Right to Repair, the U.S. Government Accountability Office (GAO) unveiled a comprehensive report titled “Vehicle Repair: Information on Evolving Vehicle Technologies and Consumer Choice.” This document delves deep into the intricate interplay between advancing vehicle technologies and the essential principle of consumer choice in repair options.

At its core, the report meticulously examines the ramifications of evolving technologies on the right-to-repair paradigm. It goes beyond mere scrutiny of technological shifts to explore how these changes reverberate across the landscape of competition and consumer decision-making within the vehicle repair market. Central to this analysis is the impact of emerging data transfer mechanisms, which are increasingly becoming integral to modern automotive diagnostics and repair processes.

One key aspect highlighted in the report is the potential asymmetry in access to critical vehicle data. As automakers leverage technology to wirelessly transmit crucial information regarding vehicle health and repair diagnostics, there is a palpable concern that such data flows could disproportionately benefit dealerships at the expense of independent repair shops. This disparity in access to vital information could ultimately translate into a reduced spectrum of repair choices for consumers, thereby impinging upon their ability to make informed decisions about vehicle maintenance and repair.

The report further amplifies these concerns by citing insights gleaned from interviews with stakeholders within the independent repair community. Many voiced apprehensions about the competitive advantage that telematics systems, facilitating seamless data exchange between vehicles and automakers, might confer upon dealership networks, potentially marginalizing smaller repair establishments in the process. Amidst these deliberations, the GAO sheds light on the proactive stance taken by regulatory bodies such as the National Highway Traffic Safety Administration (NHTSA) and the Federal Trade Commission (FTC).

Of note is the FTC’s exploration of novel approaches to categorizing consumer complaints, a strategic endeavor aimed at gauging the extent to which restricted access to vehicle data adversely impacts owners. In response to the report’s



*One key aspect highlighted in the report is the potential asymmetry in access to critical vehicle data.*

# GOVERNMENT AFFAIRS

findings, groups like the SSDA-AT are galvanized into action, viewing it as a clarion call for legislative intervention.

We contend that the report underscores the urgent imperative of enacting robust Right to Repair legislation to safeguard consumer interests and promote a level playing field within the vehicle repair ecosystem.

Central to advocacy efforts is the REPAIR Act, a bipartisan legislative initiative that has garnered support from 50 co-sponsors in Congress. This growing bipartisan consensus underscores the broad recognition of the need for concrete legislative measures to uphold the principles of consumer choice and competition in the ever-evolving realm of automotive repair. ■



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# SSDA-AT Calls to Pause CTA



By Roy Littlefield III

**SSDA-AT is calling on Congress to enact** the Protect Small Business and Prevent Illicit Financial Activity Act (S. 3625). The legislation, championed by Senator Tim Scott (R-NC), would delay by one year the onerous Corporate Transparency Act (CTA) filing requirements and accompanying jail time and penalties. A similar bill sponsored by Representatives Zach Nunn (R-IA) and Joyce Beatty (D-OH) [passed the House](#) late last year 420-1.

Such a delay would allow the ongoing legal battle to play out, be consistent with lawmakers' original intent to give covered businesses two years to file their CTA reports, and give regulators more time to continue their outreach and education of affected entities.

To the first point, two weeks ago a Federal District Court deemed the CTA unconstitutional. The decision was welcome but confusing. Even though the entire law was found to be unconstitutional, the ruling applied only to the plaintiffs only – members of the National Small Business Association (NSBA). As the letter reads:

*Following the ruling, FinCEN indicated it would continue to enforce the CTA against all small businesses and other entities not named in the lawsuit. This decision effectively creates two classes of small businesses: those that were members of the NSBA as of March 1st will enjoy the protections of the Constitution while the remaining 32 million small businesses targeted by the CTA will not.*

*Meanwhile, many small business owners will hear about the ruling and conclude that they are no longer obligated to comply, unaware that they are making themselves vulnerable to the CTA's stiff fines and criminal penalties. FinCEN, meanwhile, has no practical means of distinguishing between NSBA members and other small businesses. The NSBA's membership is not public, and the courts have previously ruled that the government cannot compel trade associations like the NSBA to turn over their membership lists.*

Second, a two-year deadline was the plan along:

*The CTA statute, adopted as part of the National Defense Authorization Act for Fiscal Year 2021, called for a reporting deadline of "not later than 2 years after the effective date of the regulations" for existing entities. This timeframe was designed to give affected entities sufficient time to learn of, understand and comply with the new reporting regime. The two-year initiation period is in keeping with the legislation's preamble which instructs FinCEN to "seek to minimize burdens on reporting companies associated with the collection of beneficial ownership information."*

*In its rulemaking, however, FinCEN shortened this deadline and gave existing entities just one year to comply. That decision is problematic both in its disregard of congressional intent and its practical implications for CTA compliance rates. The CTA covers tens of*



*The legislation, championed by Senator Tim Scott (R-NC), would delay by one year the onerous Corporate Transparency Act (CTA) filing requirements and accompanying jail time and penalties.*

millions of legal entities plus all those millions of individuals defined as their so-called “beneficial owners,” yet the vast majority of the law’s targets remain wholly unfamiliar with their new compliance obligations. They simply need time to learn about the new law.

Finally, affected businesses remain largely unaware of their new reporting obligations, and regulators are far behind in their efforts to engage the business community:

Filing under the CTA began more than two months ago, yet fewer than 2 percent of covered entities have submitted their required information to FinCEN. At this rate, it will take more than ten years for filings to reach FinCEN’s estimates of 32 million submissions.

One reason for this low compliance rate is that most business owners are ignorant of the new law. A recent survey conducted by the National Federation for Independent Business found that four out of five small business owners are “not at all familiar” with the new reporting requirements. Meanwhile, as a Tax Notes article highlighted, while the accounting community is best positioned to educate their small business clients regarding their filing obligations under the CTA, they are precluded from doing so it could constitute practicing law without a license.

The CTA is the largest data grab in history outside the Tax Code. Covered businesses and other legal entities need time to learn about their new obligations, particularly as a failure to comply could result in two years in jail and thousands in fines.

The one-year delay called for in the Scott legislation is exactly what the business community needs right now. It would give them time to learn about the CTA, time for the courts to work their will, and time for FinCEN to finish the job educating the public about the new law. ■

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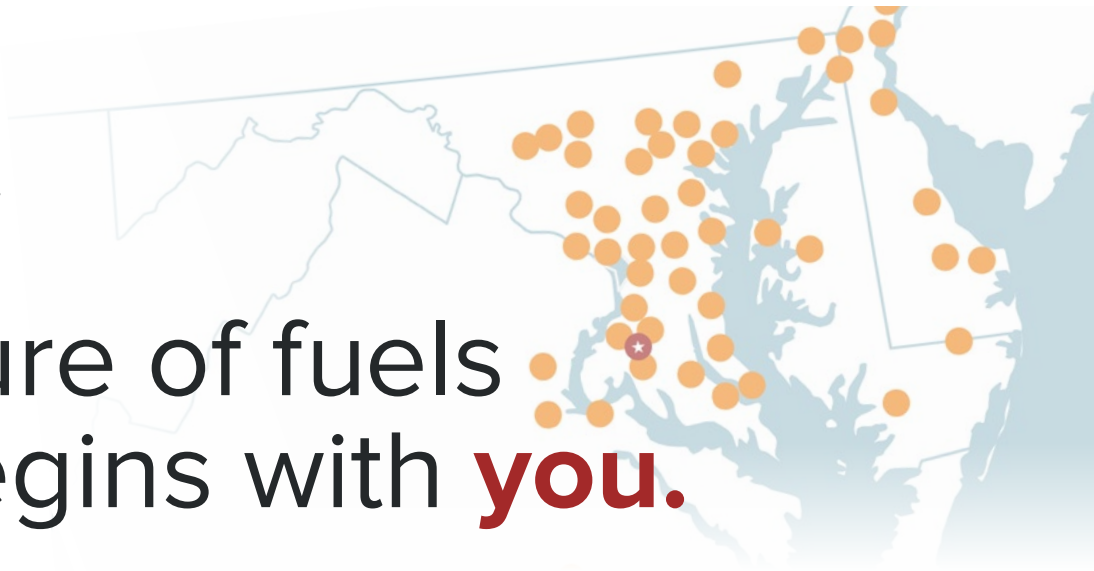
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