

GASSA

Georgia Self Storage Association

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GASSA Expo! Register today!

NEWSLETTER
Issue 5 | September, 2016

IMPORTANT UPDATES TO GASSA BYLAWS ARE COMING

All current GASSA members can vote on these proposed changes online starting September 14th. Voting will close on September 28th. More information coming from GASSA HQ!

PROPOSED CHANGES:

- **Modify length of term for directors.** Full and Associate Member Directors may serve two, 2 year consecutive terms. Following the two, 2 year terms, Directors must take one year off before seeking re-election.
- **Modify length of term and description of officers.**
 - Officers of the association are President Elect, President, Past President
 - Term of office for Officers is 1 year
 - The Past President does not have a vote.
- **Modify Nominations method.** Nominations for directors and President Elect may be submitted by members in good standing.
- **President Elect shall be elected by full members of the association.** Following services as President Elect, the individual automatically moves to President, then Past President.

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LEGAL CORNER - By Scott Zucker

Credit Card Surcharges

Storage operators have long experienced the anguish of the transaction fees charged by credit card companies that come with accepting credit payments. As these transaction fees (also called "swipe fees") can be up to 3% of the charge to the credit card, merchants have looked for ways to offset these fees. One of those solutions was to charge the customer fees for using a credit card to make a payment.

Merchants filed an antitrust class action lawsuit against Visa and MasterCard on claims related to the transaction fees charged by those credit card companies. In 2013, the parties entered into a settlement agreement which provided, in part, that Visa and MasterCard had to allow merchants to charge fees to customers who use a credit card to make a payment. The settlement agreement was finalized by the court in December 2013 however the settlement was appealed **and in late June, 2016, the appeal was granted and the settlement was rejected.** American Express is currently involved in a similar class action lawsuit and had reached a settlement agreement that would have mirrored the Visa/MasterCard settlement agreement, but the court in that case also rejected the settlement agreement due to attorney misconduct.

As part of the settlement (which is now subject to reversal) merchants decided to try and offset the credit card swipe fees charged to them by turning around and charging a fee to the buyer for the use of a credit card to make payments on goods and services (often called "credit card surcharge" or "checkout fee"). However, before moving forward with charging a fee for credit card usage, merchants must be aware of applicable state laws, as several states, including **Colorado, Connecticut, Kansas, Massachusetts, New York, Oklahoma, and Texas**, strictly prohibit assessing surcharges on the use of credit cards, and more and more states are proposing similar legislation.

In November 2015, the Eleventh Circuit Court of Appeals reversed a district court decision and ruled that Florida's law banning credit card surcharges violated the First Amendment as it was an unlawful restriction on free speech. The Court of Appeals also held that a business could be allowed to offer a discount to customers who use cash instead of credit cards.

While the vast majority of states permit credit card surcharges, it is important to note that merchants who wish to charge credit card surcharges are also subject to numerous rules imposed by the credit card companies themselves regarding these surcharges. For example, if a merchant accepts other credit cards in addition to Visa and MasterCard, those merchants cannot assess a surcharge to customers using Visa and MasterCard unless a similar surcharge is assessed for the use of other credit cards as well.

As such, if you wish to start charging surcharge fees on credit card purchases, we would recommend consulting with an attorney regarding your state law on credit card surcharges, then contact the credit card company to let them know of your intent to do so, and speak with them regarding

their rules for assessing surcharges to ensure that you are on the same page so that you do not end up violating your agreement with them.

Until next month - Happy storing!

Scott Zucker is a partner in the law firm of Weissmann Zucker Euster Morochnik P.C. in Atlanta, Georgia. Scott specializes in business litigation with an emphasis on real estate, landlord-tenant and construction law. Scott is a frequent lecturer at national conventions and is the author of *Legal Topics in Self Storage: A Sourcebook for Owners and Managers*. He is also a partner in the Self Storage Legal Network, a subscription-based legal service for self storage owners and managers. Scott can be reached at 404-364-4626 or at scott@wzlegal.com.

Meet one of the newest GASSA Members!

Ringgold View Storage

Kimberly Dougher, Owner

WHAT DOES YOUR COMPANY DO?

We operate a self-storage facility with 157 units and 6 retail office spaces. We've just recently affiliated with U-Haul to try our hand at truck and utility rentals.

WHY DID YOUR COMPANY DECIDE TO JOIN THE GASSA?

We wanted to be part of a professional network to learn more about the business and utilize the valuable resources available. Hopefully, we can help other newbies going forward.

WHAT IS THE MOST IMPORTANT ISSUE FACING THE SELF-STORAGE INDUSTRY TODAY?

We anticipate competition to be the biggest challenge ahead. Self storage seems to be the most attractive asset class drawing a lot of investors to the market.



An advertisement for BADERCO.COM. The background is a gradient of blue. On the left, the text "BADERCO.COM" is written vertically in white. In the center, the text "More than insurance. Assurance." is written in yellow. Below this, the word "BADER" is written in large, bold, white letters, with "Be Assured" in smaller white letters underneath. At the bottom, there are three icons: a document for "TENANT INSURANCE", a building for "RENTERS INSURANCE", and a factory for "COMMERCIAL INSURANCE".

DAN & LAURA DOTSON'S STORY

We are excited to have Dan and Laura Dotson, featured auctioneers of Storage Wars and the owners of American Auctioneers, attending, speaking and exhibiting at the 2016 GASSA Expo!

Dan took a few minutes to tell us a little about his journey through the auction industry to the creation of Storage Wars.

Our beginnings were humble as my grandfather and mother were both auctioneers. I learned the chant in 1974 at the age of 11 and have enjoyed the auction industry ever since. My grandfather always encouraged me to have a good time and enjoy my work, he told me if I listened and made it fun, I would be one of the best auctioneers around. I love my work, the rest is speculation.

I started American Auctioneers in 1983, we started selling storage in 1985. Laura and I met in 1996 and starting taking in the self storage industry by storm. By 2007 we started putting our presence on YouTube (theauctionguydan) and that's how StorageWars was discovered and inspired.

Laura was the first one to ever film the revealing of an unknown box. <https://youtu.be/zkg2PoCaTsE>

ABC, NBC and KCET all approached us and requested that they do a thrift economy story and wanted to feature our company as the auctioneers. https://youtu.be/Kb5JG_KNNVw After these aired we were approached by 27 production companies and networks over the next 18 months. We originally went into contract with a production company called GoGo Lucky and they had a difficult time pulling together a vision. We found it very frustrating.

Then Laura had a dream early August 2009 that on September 2, 2009 we would be approached by a company called A to Z productions. She predicted and wrote in her dream book that they would have offices in New York City, Los Angeles, Miami & Memphis and she dreamt that they would introduce us to the network that would pick us up on October 14, 2009. On September 2, 2009 we received an email from Northsouth productions and they had offices in New York, Miami, Los Angeles and not in Memphis but they had an office in Knoxville, Tennessee. We immediately put all other offers on hold and went into contract with this new production company. We received an email on October 13, 2009 stating that we were going to be pitched to the History Channel the next day, October 14, 2009 just as Laura had dreamt.

Laura talked to an Executive from History Channel on October 14th and this gentleman's name was David McKillip. Unbeknownst to us he was leaving the History Channel to go to the parent company, A&E.

Laura had a dream after that, that Northsouth productions had taken our tape and put it in the cabinet and shut the door. She immediately called up Northsouth productions and asked how our show was coming along. They mistook Laura as the wife of another Auctioneer in an unrelated auction program that they were producing at the time. I was watching Laura talk on the phone with these folks and when they told her that the network loved the Auction House concept she asked about the storage

concept. They came back with a negative response, then realized that they were speaking with Laura Dotson of 'Dan and Laura Dotson - The Storage Auctioneers'. Laura became very heated in this conversation and when she hung up, she prayed out loud, "God please send us Thom Beers." I had no idea who that was and she explained that he produced and narrated The Deadliest Catch, Ice Road Truckers, Ax Men which were all shows I watched so I replied "yes" that would be nice to have a man like that approach us.

Three weeks later, I'm in Los Angeles doing an auction and a man approached me asking if I would be interested in doing a reality show, I sarcastically pointed at him and said "your number 16 baby, what's your name?"

He handed me his card... It was Thom Beers! I freaked out and stammered and told him that my wife and I prayed that he would come. I explained he was the guru and he could turn this into gold.

Over 200 shows later and 13 spinoffs we have done well with the franchise. The show is in 300 million homes a week worldwide and season 10 is expecting to start filming soon.

We are very excited to introduce StorageAuctions.net on our show to the world. Storage is expanding not only in the US but worldwide and StorageWars has been a wonderful facilitator for that. We are excited as to what the future holds for us and the storage industry. This industry has changed our lives in a positive way and we believe Storage Wars has put a positive light on the self storage industry.

We are very happy and open to discuss self storage auctions both live and online. We're also happy to share our procedures when it comes to inventory, lock cutting and the best ways to manage buyers.

**Don't miss this chance to meet Dan and Laura!
Register for the 2016 GASSA Expo Today!
www.gassa.org/expo**



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Two More Regional Luncheons for you to Attend in 2016

GASSA has enjoyed providing education to members across the state thus far. Regional luncheons are a great way for you to get to know the self-storage industry in your local area. We hope you will join us for one of the remaining Luncheons in 2016!

SEPTEMBER 20TH – Columbus

NOVEMBER 10TH – Gainesville



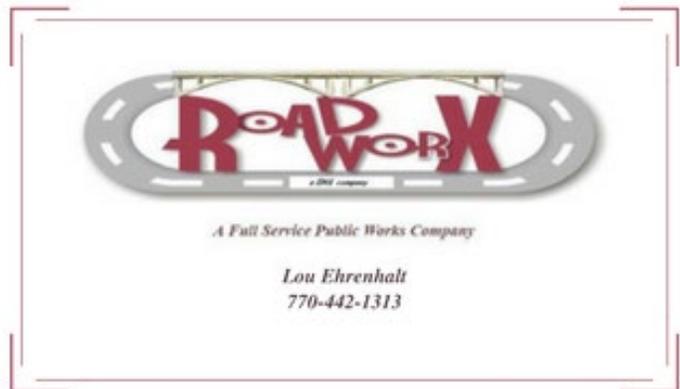
Are you a member of GASSA? Membership dues are only \$180 for remainder of 2016!

GASSA offers outstanding educational sessions, networking opportunities, legal support and more! Membership Dues have been prorated for the remainder of the 2016 year. Join today for only \$180! [Click here to join!](#)

GASSA membership offers these distinctive advantages:

- Access to the Georgia Self-Storage approved rental lease – updated annually by our legal counsel.
- Access to member/vendor directories.
- Member newsletters which bring up-to-the-minute news as well as tips and features of GASSA members.
- Unparalleled networking opportunities – GASSA members gain knowledge from each other.
- Discounts on Monthly Luncheons – held the 2nd Tuesday of the month in Atlanta and periodically throughout other Georgia areas
- National SSA affiliation – GASSA partners with SSA to keep you posted on national news to enhance our statewide actions and benefits.
- Annual Expo – held in the Fall, the GASSA Convention & Expo offers networking, education and vendor meeting opportunities to help you stay competitive.
- Legislative Advocacy – representation on pertinent issues at the Georgia State Capital.

[Click here to join!](#)



JOIN US IN ATLANTA!

Save these dates for our next two monthly luncheons!

NOVEMBER MONTHLY LUNCHEON - NOVEMBER 8TH
Educational Topic: *The Value of Managers*

DECEMBER MONTHLY LUNCHEON - DECEMBER 13TH
Educational Topic: *"Talking Heads" Panel*