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of Domino's Pizza Franchisees



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FEATURES: Seth's Ride Across the U.S.

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Issue 3 2014



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"If it was easy, then everyone would be doing it. Set yourself apart!" I am a firm believer in hard work pays off and I never shy away from hard work. I know my competitors aren't willing to do the hard work, so that is what is going to separate me from them."

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"Sales are on fire! Some Mondays, I can't believe the sales numbers we push through some of the rural stores we have. My team has pushed hard this year to be the #1 choice for pizza in their trade areas and it is paying off each week!"

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"We truly understand we are only as strong as our weakest link. We treat our team with the respect that each is just as important as the next."

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Ken's Korner

Franchisees,

I woke up this morning to some great news! Yesterday, the California Senate passed SB-610, a Bill providing Franchisees greater legal protection. It is now heading to Governor Brown for his signature which is expected to happen. The fact that this bill is becoming a reality rather than a dream that started almost two years ago is exciting for me as your DFA leader.

This piece of legislation is a great example of all the hard work going on behind the scenes by many Franchisee organizations including the CFA (Coalition of Franchisee Associations of which the DFA is a member).

The basics around the Senate Bill 610 are as follows:

- **It solidifies the rights of Franchisees to freedom of association.**
- **It expands termination rights in that a default must be a "substantial and material breach of a lawful requirement of the franchise agreement" for a termination to occur. Current law which is not changed contains the 30 day cure period on the default, and has exceptions for immediate termination, such as a serious health or safety issue.**
- **It expands transfer rights by giving franchisors 60 days after the receipt of required transfer documentation to approve a transfer, or provide written documentation if not approved.**
- **If a termination or transfer is not done in accordance with these provisions, the Franchisee shall either be reinstated and receive damages, or the franchisor shall pay the Franchisee the fair market value of the franchise and franchise assets.**
- **And finally, it specifically prohibits a franchise agreement to waive any provision of this law, or to waive the implied covenant of good faith and fair dealing.**

If you would like to read the actual amended Bill, it can be found by going to http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml;jsessionid=ca7b60a6b49e27e0f6c4d3189bf0?bill_id=201320140SB610.

Those opposed to this Bill tried very hard to kill it, but our side used an amazing grass roots strategy to get our message out there. This Bill was needed in order to help ensure small businesses survive. Here are two components of our strategy that were key to our success.

1) We needed to make sure legislators understood that being a Franchisee is more like a small business owner with small operating margins than being part of a strong wealthy national Brand organization, many with shareholders in a publicly traded corporation.

2) We had to make sure decision makers knew the International Franchise Association (IFA) did not speak on behalf of the majority of Franchisees on this issue. While the IFA is a powerful organization in the Franchise industry (made up of a cross section of Franchisees and Franchisors), it was mainly the Franchisor members with a small amount of Franchisees who opposed this Bill. These IFA members were not aligned with a strong majority of Franchisee organizations and Franchisee attorneys.

I cannot say enough about the amazing grass roots efforts by Franchisees working hard on our behalf to protect Franchisee rights written in this Bill. Many of them were jeopardizing their relationship with their Franchisor, but believed the risk was worth the reward. Close to 100 Franchisees were involved at Assembly and Senate hearings discussing the Bill certainly had a major positive impact in gaining legislative support. Keith Miller (Subway Franchisee), who is the Chairman of the Board of Directors for the Coalition of Franchisee Associations (CFA), was instrumental in organizing support as well as lobbying for this Bill to pass. The DFA is a proud member and supporter of the CFA. We are very grateful for Keith's leadership and hard work to protect Franchisee rights.

Below are **links** to two great documents prepared by supporters of SB-610 helping explain why we supported the Bill. They also contain how we responded to the fear tactics created by the IFA and others who opposed the Fair Franchising Bill. Please take the time to read these documents since both are great resources for us in the future when dealing with franchising legislation in other states.

Truth about Fair Franchising <http://dominosdfa.com/TruthAboutFairFranchising.pdf>

Fear and Facts about SB-610 <http://dominosdfa.com/FearVsFactsSB610.pdf>

In addition to Fair Franchising legislation, the DFA and CFA continue to be active with several other Legislative issues.

Affordable Care - Pushing for 40 hour work week instead of 30 hours and seasonal worker exceptions.

Tax Issues - Pushing for extenders packages on 15 year depreciation, 179 Expensing, Bonus Depreciation, Food donations, and WOTC.

Labor - Working to ensure small business owners' opinions on issues supported by either the NLRB and/or Unions are considered before final decisions are made.

Joint Labor - DFA continues to support historical belief that Franchisers and Franchisees are separate entities and not one large organization.

Minimum Wage - On the local level, the DFA is working to have Franchisees recognized as small business owners instead of large employers in numerous city and state initiatives (that would require Franchisees to pay a higher minimum rate than smaller competitors). On the Federal level, we are also involved in educating the legislators on the impact of a higher minimum wage for the small business owners.

The Domino's Franchisee Association has a good relationship and supports the current leadership at DPLLC. While we believe Patrick Doyle and his executive team are reasonable and interested in seeing Franchisees succeed, the DFA Board of Directors felt strongly we needed to support the CA SB-610 Bill to ensure fairness in the overall industry. Plus, the Bill protects us in the future if there is ever a significant change in DPLLC leadership or philosophy.

One known saying is, "Where California goes... the country follows." The CA SB-610 Bill is just one example of the efforts around the country to strengthen Franchisee rights. In the future other states may have legislation similar to California. The DFA will continue to work on Fair Franchising at both the state and national level. We are not anti-Franchiser. We believe the Franchise industry depends on their success as well as ours. When we are aware of pending legislation in any of the states, we will reach out to those Franchisees to explain the details and ask for your support, but more importantly... your involvement! Thank you to all Domino's Franchisees who support the DFA with your Membership. If you are not a current Member, please let us know what we need to do to help convince you to join this very worthwhile organization. By joining the DFA, you become part of our ever growing family.

Respectfully,



Ken Peebles
Chief Executive Officer
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Franchisee Interview | Eric Arntson

Franchisee Name: Eric Arntson

Title: CVO "Chief Viking Officer"
-Great grandpa emigrated from Norway in 1911

Company: Eat Pizza, LLC

Age: 38

Family: Married to Stephanie for 17 yrs. with 4 Daughters (Abigail 15, Megan 13, Emma 10, Olivia 8)

Years with DP: 20

Years as Franchisee: 15

Stores: 5

Store Locations: Michigan

Team Members: 86

Boards: Michigan Supply Chain Center Advisory Board

Awards/Accolades: 2 Rolex Challenges, Rookie Franchisee of the Year

Domino's Career Path: My cousin, Randy Arntson, started with Domino's in 1977. As a family, we were religious customers ordering two Large Pizzas (PSC & HMC) every Saturday night for as long as I can remember. The summer after I graduated from high school, I decided to apply as a driver at my local store. I was lucky the owner (Tom Damerow) was working – he hired me on the spot. I worked as many hours as I could that summer before pursuing a pre-med degree at Michigan State University, with the intent of becoming a pediatrician. For the next couple of years, I worked part time during school and full time whenever I was on break, which I loved. I was offered to run some shifts during the summer, which I jumped at the opportunity. I have some of the best memories during those summers. In 2008, Tom offered me the opportunity to run my first store and I decided it was too good of a chance to pass up. From June of 2008 till when I franchised in fall of 1999, I managed store #1208 in Lansing, Michigan.



Eric & family at Spartan Football Stadium

In 2001, Randy and I decided to form a partnership and expand. Between 2001 and 2005, we built or purchased stores maxing out at a store count of 14. Times were great! Sales and profits were high and my wife and I had 3 of our daughters. We were enjoying life. Then things started to change within my markets. We had 17 Regional pizza players (Cottage Inn, Jet's, Marco's & Hungry Howies, etc.) all open within the calendar year of 2005. As I'm sure most every Franchisee can understand, times were tough the later part of the 2000's... especially in the Midwest. It seemed like every year I was doing things to ensure my survival. In 2005, I bought out Randy's percentage of the company. The next 2 years, I sold off some stores. Since 2007, I've operated the same 5 stores I have now.

Since 2007, I have been focused on making my 5 stores the best I can never relenting on PSI and sales building. Just recently, we have seen some of those competitors that opened 8 to 9 years ago close their doors, and boy does it feel good!

Favorite Quote/Advice: "If it was easy, then everyone would be doing it. Set yourself apart!" I am a firm believer in hard work pays off and I never shy away from hard work. I know my competitors aren't willing to do the hard work, so that is what is going to separate me from them.

Best Advice You Ever Received: The best advice I ever received was from Julie Gates when she was our Midwest Operations Vice President. When times were at the absolute toughest, she and I met because I was convinced I needed to close an underperforming store. She told me closing that one store wasn't the answer, and I needed to act like "my house was on fire". Recommit myself to my stores and figure out a way to keep going until the fire has been put out. After that meeting, I was certainly recommitted and I'm happy to say the store that I wanted to close is now one of my better stores today.

Biggest Mistakes: Definitely most of my biggest mistakes came from 2001 to 2003. I was young and very eager to grow. When I purchased stores, I overpaid. Using DNC profit sharing to dictate part of the store values was a huge mistake.

Formative Influence/Event: No question, my most formative influence has to be Tom Damerow. He ran his company every single day with a serious focus on PSI. He would never shy away from correcting an employee (not wearing a hat, always calling for remakes if the pizza wasn't perfect, always being available if a store was short staffed) or compromise product. That is how I try to conduct myself to this day.

Local Organizations Involved In: In the past, I've been involved with the Kiwanis Club, but right now with my busy schedule with 4 daughters' involved in sports/academics, time is certainly a valuable commodity.

Three Highest Priorities in your Life: My family is certainly my highest priority, my loyal team members and then my stores.

REIMAGING

How many stores do you have with the new Pizza Theater image? How many are reimaged? Currently, none of my stores have been reimaged, but we will have one completed before the end of 2014. I have one store on the mandatory relocation list, which has been getting virtually 100% of my focus. Started the process back in November of 2013 and the projected open date is February 2015. I'll be relocating Store #1208 in Lansing from a residential area to an A+ location right

on a major corner in Downtown Lansing. Very excited!!

What do you think the biggest learning curve is with each type? I can only imagine what this answer will be in 6 months. When my stores were reimaged to Image 2000, I personally did almost all of the construction myself. So, working with a General Contractor is definitely going to be new territory for me, but I am looking forward to it.

Do you have any recommendations on providers and/or services you would recommend? So far, because I haven't completed a reimage yet, I don't have much experience. However, Jessica Rust from Rust Architects has been extremely helpful. She has helped design the relocation of Store #1208, which is a unique space, as well as a reimage plan for Store #1213. They are excellent!!



Eric and Scott Hinshaw

MANAGEMENT

What has played a key role in your success as a Franchisee? There is no question I have been blessed with some really amazing employees over the years. Every GM I have currently in my stores has worked for me a minimum of 8 yrs, with a couple since 2001. Another huge key has to be the support from my wife Stephanie for sticking by my side during the rough times, and giving me the motivation to keep going strong. We were high school sweethearts, so we've grown up together and so very fortunate to have her by my side.



Eric, Marc McHugh, and Michael McCallum

What systems do you have in place for your team to measure, monitor, and achieve success? Every Sunday, each of the GM's turns in single sheet form to me showing how they are doing compared to last year/last week. Our bonus program is every period and performance based (how close to ideal food, ideal labor, sales per labor hour, etc), which keeps the GM's acutely aware of their performance.



Eric and his oldest daughter Abby (15) standing in front of the winning mural at the WRC

Tell us about the stores you planned to close and how you turned them around to be successful. Well, I sort of touched on that earlier, but the store was really struggling in the summer of 2008 virtually evaporating all profits from the other 4 stores. It's in a small market in Lansing, about 45 minutes away from my core 3 stores. After

Franchisee Interview | Eric Arntson

meeting with Julie, I had decided the store deserved my 100% effort to turn it around. I scheduled a meeting with the GM and then held a series of crew meetings to communicate my plan/vision. We had to get rid of a couple of bad team members who didn't share our vision. Then, we went to work. The city doesn't allow doorhanging, or wobbleboarding, which definitely posed its own set of hurdles. So, we partnered with some apartment management companies to doorhang for us. We got permission to stand outside stores and hand out fliers (which is OK if you physically hand the flier to someone) plus anything and everything we could think of to raise sales. 2009 was better, but once 2010 came we were in position to take control of the town. We were able to close Pizza Hut as well as a couple of other Mom & Pops... each time adding another bump in sales. Now I'm happy to say, in the past 5 yrs the store I desperately wanted to close has been double digit positive four of the last five years! They are even getting new ovens in the next few months because they've outgrown the old ones! In essence, never give up!

As an operator, what are the two most important things you rely on from DPLLC? Well, definitely the number one thing I rely on would be motivation! I attend every meeting, every Rally, and almost every Campuspalooza! No question, I'm a better Franchisee because of attending those and meeting new people. I'd say number two would be accountability. I've always embraced the OER program and definitely think it helps me run better stores!

How do you maintain an average 4.8 star OER score? No question, it's the commitment from the GM's. I couldn't achieve that average without great people! We obviously aren't perfect and we stumble just like everyone else, but we try hard to learn from our mistakes and get better. Our stores fill out a Self OER at minimum of once per week and we try to include everyone in the store. From insiders, to drivers, to assistants... anyone and everyone can fill out a SOER. Also, once per period, a member of

management will do a surprise OER on the store. Obviously, the goal is to get to a point where we don't have to worry about when the inspection is going to happen. We are a 5 Star store every day anyway. The store that was the not so proud owner of the 4 Star on their last inspection has achieved a 5 Star six out of the last nine inspections. They are working very hard to get back to the 5 Star level. I have said the following quite a bit the last couple years "5 stores averaging 5 stars". I really think by the time this is published we will have achieved it.

What have you done different to raise sales in your area, which is one of the worst hit economical parts of the country? I don't think we've actually done anything different besides maybe being relentless. The things that worked to raise sales in the early 2000's, that stopped working in the later 2000's, is most certainly working again. We do alot of doorhanging, EDDM's, fundraisers, college move-in kits, hotel marketing, etc. Nothing fancy, just constant with a focus on Online Ordering.

TEAM MEMBERS

What do you consider when recruiting? I try to be very upfront with all new recruits, telling them this job isn't for lazy people. We need high energy all of the time and having fun is a must. Every day is game day and we can't lose. However, without question, the most important thing for me to consider when I'm hiring is their smile. If they have a hard time smiling during the interview, then they're probably not a good fit because you cannot teach someone to smile.

How has the most recent economic cycle affected you, your employees, and your customers? The biggest impact occurred during the mid 2000's when Lansing was devastated with quite a few automotive factory closures. GM closed several plants. One of the biggest employers at the time was Fisher Body, which closed and many automotive suppliers also closed shop. This created a very large number of skilled workers unemployed and

Eric with each of his GMs



looking for a job. My alma mater, Sexton High School, located in downtown Lansing had nearly 1,700 students when I graduated. Now, the last I heard it was below 700. Not only did we lose the sales to those businesses but the workers were unemployed and most moved out of state or to the suburbs. Uncertainty was everywhere and seeing the recent reinvestment by GM in the Lansing area has been a very welcomed sight.

How do you recognize top performing Team Members?

This is definitely something I am going to commit to doing a much better job of going forward. Especially once I have been able to relocate/reimage the stores. However, for every 5 Star inspection, the entire crew working during the inspection gets a share of the cash award. We also try to drop off on the next Friday night either a cake or box of cupcakes to make sure everyone in the store knows how much we appreciate their hard work.

BOTTOM LINE

How are you doing on your 2014 goals? My company AWUS is continuing to grow and we've been able to outpace my projections with a PCYA of 15.7% positive thru Period 8. Most of my goals for 2014 have been centered on finding the perfect location to relocate Store #1208 (which I believe I did). Plus, securing the financing while setting the stores up for an amazing 2015.

Where do you want to be in 5 years? Other than having two of my daughters in College? I'm extremely excited for the future! I decided a couple of months ago to take a giant leap and bring on a partner. Marc McHugh, who some of you might know as the old GM of the Michigan State University store. We've decided to form a partnership and take my company to the next level. Between Marc and I, we are going to take our markets by storm, with relentless focus on raising

sales and opening stores. Our goal is to open 5 new stores by the end of 2017. Our stores will be winning awards, our team members will be making a lot of money, and life is going to be great. There has never been such a great opportunity within Domino's Pizza and I'm really looking forward to a long mutually benefiting partnership with Marc.

Is there anything else you want others to know about you, either personally or professionally? I'm definitely a competitive person and like to stay active. I play in a basketball league in the winter, softball leagues in the Spring/Summer/Fall, and like to play golf when I can. Sports have helped shape me into the person I am and will always be a part of my life. Wrestling was a big part of my childhood and into early adulthood. Wrestling taught me so many valuable lessons, especially about never giving up. It is a team sport, but you battle one person individually and you don't want to let your team down. You are accountable to only yourself, and the harder you prepare/fight the better you'll become. Definitely, how I try to live my life and more importantly, raise my girls. I will never give up trying to be a better Domino's Pizza franchisee, and I'm very proud to be part of this amazing brand!



Top & Middle: Eric and family
Bottom: Eric with the Volkswagen Beetle Tom Monaghan traded

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Should I Have My Employees Sign Arbitration Agreements

J. Hagood Tighe Fisher & Phillips, LLP

On a regular basis, I am asked whether franchisees should have their employees sign arbitration agreements. Generally, I am in favor of arbitration agreements. Before deciding arbitration agreements are for you and your company, you should consider the pros and cons, costs, legal issues, etc.

What is Arbitration?: Many times, people confuse mediation and arbitration. Mediation is a voluntary meeting where a neutral person attempts to facilitate the resolution or settlement of a dispute. However, the mediator does not have any authority to make any participant do anything they do not want to do.

Arbitration is an alternative to court litigation. This is a binding way to resolve disputes. If parties subject themselves to arbitration, they are bound by the decision the arbitrator (basically a private judge) makes. That decision can only be appealed in very limited situations.

Costs: Although hiring an arbitrator can be expensive, many employers believe the total legal fees and costs expended in arbitration are typically lower than those spent in a traditional court case from start to finish. Sometimes, savings occur due to limited discovery and fewer motions and hearings. This is not always true. Arbitrations can sometimes be just as pricey as litigation in court.

While arbitrations may, on average, be less expensive, they are not cheap. Some believe if you have an arbitration program, employees are more likely to sue. Additionally, companies are required to pay most of the fees to ensure that arbitration is not cost-prohibitive for an employee. These expenses can

run into the thousands of dollars very quickly. Once again, some employers are concerned that employees may find all of this appealing since they bear very little of the cost.

Speed: Arbitrations are typically faster than court litigation. Arbitrations are often resolved in less than a year. Litigation in the court system, depending on where you are located, can last anywhere from six months to several years.

Confidentiality: Another appealing part of arbitration is the confidentiality of the proceedings. Unlike court cases, which are typically open to the public, arbitrations typically are not and the decisions often are not published. This helps minimize the risk of “copy cat” lawsuits as well as unwanted press.

Arbitrations are not always confidential. On some occasions, plaintiffs’ attorneys will first file their case in court, requiring that the employer ask the court to send the matter to arbitration. While courts typically do this if the agreement is properly prepared, the initial filing is public and this can generate publicity.

No Jury: Employers may prefer arbitration because there is no jury. Some speculate that jurors identify with employees and are predisposed “against” a company. Leaving the decision to an arbitrator relieves concerns for some about runaway jury awards. Most believe that experienced arbitrators are more realistic than juries when valuing damages to be awarded.

State Law Issues: There are a number of legal issues employers need to consider before entering into an arbitration agreement. Because arbitration agreements are contracts,

state law can have an effect on how they should be created. Therefore, you or your employment lawyer need to consider the states’ laws where you plan to use the agreement.

State law issues, for example, include how to enter into arbitration agreements with existing employees. When entering into a contract, by law, you must provide the other side something of value. This is often referred to as “consideration.” When it comes to existing employees, some states will not allow continued employment to serve as the consideration. This means the employer must give something else of value to its existing employees if it wishes for them to be bound by the arbitration agreement.

One-Sided Agreements Not Allowed: In some parts of the United States, courts focus on whether agreements are “unconscionable” or so one-sided that they should be void as a matter of public policy. To address this, courts typically require arbitration agreements be mutual. In other words, both the employer and the employee are bound by the agreement. Additionally, many employers include an opt-out provision, which allows employees to back out of the arbitration agreement within a certain time period after employment begins. If they opt-out and later sue, they are not bound by the arbitration agreement.

Class Action Waivers: Another issue to consider is class action waivers. If your company is sued in a class or collective action and your employees have signed an arbitration agreement including a class action waiver, you may be able to get the class action dismissed.

This will not likely be the end of the legal dispute. The National Labor

Relations Board (NLRB) has taken the position that an employer violates the National Labor Relations Act (NLRA) when it requires employees, as a condition of employment, to sign an agreement that precludes them from filing joint, class or collective claims addressing wages, hours, or working conditions.

Under the current state of the law, the NLRB considers these agreements to be illegal and to violate the NLRA. On the other hand, most of the federal circuit courts of appeals to address these have upheld the agreements. This means until the U.S. Supreme Court rules, including such a clause, though advantageous, may subject you to litigation with the NLRB. However, you may decide the benefit of including this provision (namely avoiding expensive class action litigation) outweighs the potential cost of litigating with the NLRB.

Conclusion: When it comes to employment litigation, there is

no one-size fits all answer. While there are practical and legal hurdles to consider, if you can afford the potential expense associated with arbitrating cases, arbitration agreements with your employees are still worth considering.

Hagood Tighe is also an attorney with Fisher & Phillips. He concentrates his practice exclusively in the labor and employment area, representing Domino's franchisees across the country. Hagood Tighe can be reached at htighe@laborlawyers.com or (803) 255-0000. Fisher & Phillips, founded in 1943, is one of the oldest and largest labor and employment law firms concentrating its practice exclusively upon representation of employers. For more information, please visit our website at www.laborlawyers.com

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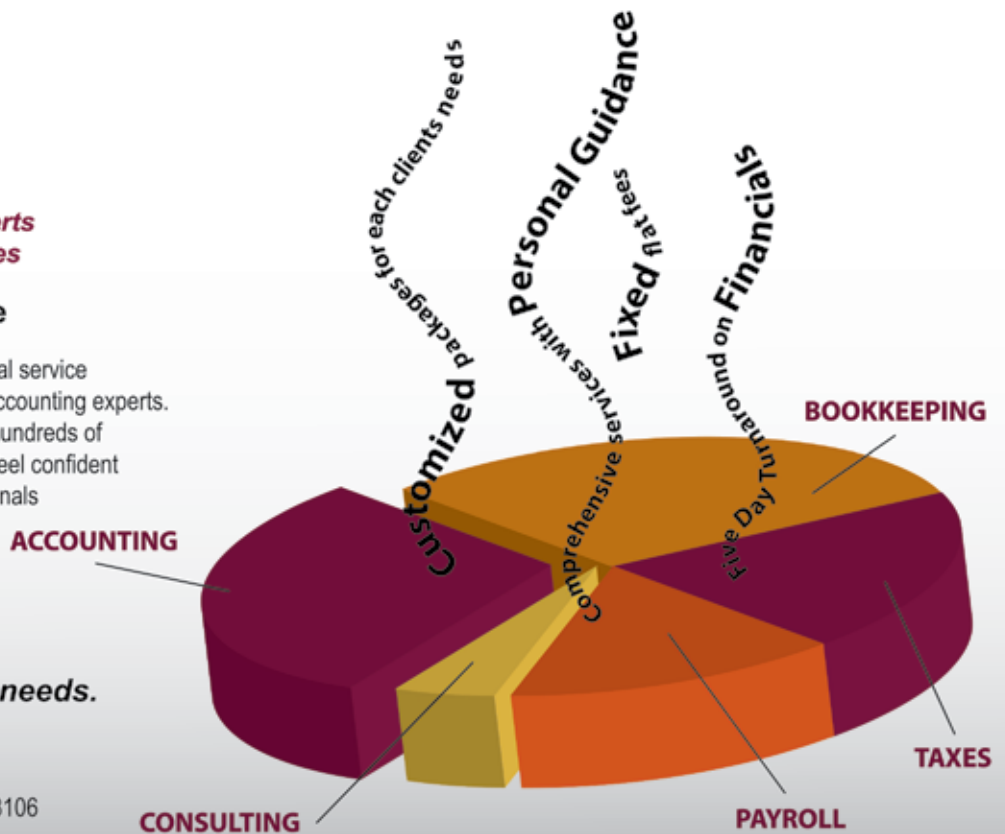
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In The Midst of a Remodel

Mike McDermott



Like some of you, I am in the midst of my Pizza Theater remodel. I have a 1,200 sq ft store I have decided to change into a full Pizza Theater. This has required a complete demolition and basically keeps only one interior wall in the store. I have taken a hybrid approach to construction. Instead of just hiring a big company to do all of the work, I have hired a local contractor named Tom Shoemaker, along with my good friend Greg and myself. My brother Matt, the GM of the store, also comes in every night until about 4 AM. This is on top of running the store. We are 14 days into what I am hoping is a 3 week project. It is still up in the air whether or not we will make that deadline. I have learned a lot over the last couple of weeks I would like to share with you.

There is no way of getting around it... a Pizza Theater is expensive to build. The design is labor intensive and very time consuming. Tom is really good at drywall, and he has days into the soffit so far. There is a lot of subway tile in my layout, which takes quite a bit of time to install

and doesn't come cheap. The finishes are varied, and all come with a premium cost. I could not have justified the cost of going with the full theater design if I hired a contractor to do all the work. My friend John is in the process of relocating his store and utilizing the full Theater design. He will have over \$250K (including equipment) in his project and is doing most of the work himself. I am not sure how much I have spent so far, but I believe total project cost will exceed \$100K. My store is an older busy store. It needed to be reimaged because it had been used hard. I just hope there is a return on my significant cash outlay.

We have not closed during the remodel. A couple of contractors gave me bids and wanted me to close for three weeks. I really had trouble with that. Not just the loss of revenue, but I didn't want to force my customers to go to the competition. I am not completely convinced my decision was the best. There is a lot of time spent each day to bring the store back to a state ready to service our customers. We have to adjust what tasks we are going to work on with the deadline of making

sure we can finish and clean up by open. This puts my construction crew in a much more difficult working environment. They work overnight and around the store's operations. Furthermore, this put my store's crew in a tough spot because they come into work every day to a store in a different state of change. Customers are very understanding and in fact quite curious about what we are doing. All in all, everyone works around each other and makes the best of the situation. I could not have asked for a more understanding crew.

It is really tough not to become overwhelmed. I don't know how it would have been if I just hired a contractor to do everything. I would imagine, it would have been much easier, but much more costly. I can only relay my experience to you, and it was very overwhelming. The sheer scope of the project is on the outer edge of my comfort level. We went from no seats and no bathroom up front, to 4 tables, a viewing bar, and a bathroom. Every day there are decisions to make, schedules to try to adhere to, and materials to buy. Working at night is difficult too. We rarely

get more than 5 hours of sleep a day, and that is broken up by phone calls as well as other things needing to be taken care of during the day. There are quite a few nights when we are delirious by the time we get home. My advice is to know in advance this will be tough and to just take some time out every once in awhile to put things back into perspective.

Planning is very important. There are materials to buy requiring different lead times. My store is very small, so I didn't have room to store a bunch of materials. I tried to time the deliveries based on when I thought I would need the different items. That has worked out OK. It is really tough to know what day you will need the different materials, and you do not want to be waiting on an item in order to move forward. Greg and I thought about it and planned for this project for weeks. I think we did well. However, there are things that come up unexpectedly, and you just have to roll with them. I ended up renting a Uhaul truck to sit in the parking lot as a storage shed for

a few days. This was cheaper than getting a pod. I used the consolidated shipping from E&S to be able to narrow down the number of deliveries and to better time the shipment of equipment. I can't reiterate enough to plan and plan some more. This will be very helpful in reducing the number of surprises that pop up during construction.

There are a few things I have realized throughout this experience. The first thing is how thankful I am of my construction crew. They have worked in tight quarters, moved tables and equipment out and back each day... all without complaining. I know we have all gotten on each others nerves at times, but I wouldn't trade them. Having Matt help each night also made a big difference. While we slept during the day, he still worked his shifts and kept the store going. I don't know how he does it. He is truly a machine. My crew also gets kudos for putting up with the disarray for so long. I think customers are going to like this new look. Standing in the kitchen looking out into the dining area gives you a very open feeling. We have designed a pretty good flow into the layout which is really important. The Pizza Theater design is very classy. It just looks good. I am excited to see the reaction of customers once we are finished. Keep in mind; you must do your homework. Talk to other franchisees that have completed a

remodel. Find out where they got their materials. There is a wide range of prices out there for the same item. Shop around.

I am very excited to see if we get a sales increase from our remodel. We are a busy store in a small town, so I don't know how much more there is to get. We are providing another service to them in the form of sit down, so that can be a new source of sales. The store is really going to look great. The theater design is very sharp. I think it will give the crew a new sense of pride, and the customers are going to enjoy the new atmosphere. This has been an incredible experience so far. I will keep you updated on any future sales' increases.



Mike McDermott
Franchisee: PA, FL





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U.S. Court Gives Hope on ACA- But No Immediate Relief

Trey Darby

In dueling decisions within hours of one another last month, two U.S. Courts ruled in diametrically opposed positions regarding the ACA and who is actually eligible for premium subsidies. If you have heard me speak at any time in the last year, you know I have felt that this case, of all the court cases, has the best chance of derailing the law. At the crux is the issue of the wording in the law and how it applies to subsidies.

The U.S. Court of Appeals in Virginia found for the plaintiffs, employers and individuals from states that did NOT adopt the federal insurance exchange. They argued the wording of the law strictly allows subsidies for those individuals that seek and secure coverage from a state insurance exchange. Their argument is that the law is silent regarding subsidies for those that obtain coverage from a federal exchange, and therefore, those individuals are not eligible to receive a subsidy.

The court, by a 2-1 decision (Here's a surprise: two judges were appointed by Republicans and one from Democrats), ruled in favor of the plaintiffs, interpreting the law as it is written.

Hooray for the good guys, you think? Not so fast.

Within hours, a similar case in Virginia was decided 3-0 in favor of the defendants. The judges, all Democratic appointees, ruled that the law was too ambiguous to restrict the availability of federal funds. But, even their support was tepid however, as the court noted that "The court is of the opinion that the defendants have a stronger position, although only slightly."

So where does it go from here? You know where... more court time.

The D.C. Court suspended their ruling pending an appeal by the administration. The administration has said they will appeal the ruling to the entire D.C. Circuit Court, which is dominated by democratic appointees, making the standing of the current ruling doubtful.

Regardless of the outcome of this process, which will take months, the case will likely end up in the hands of the Supreme Court again. How they rule is anyone's guess at this point.

In the meantime, the ACA train rolls on. If you have over 100 full time employees, 1/1/2015 is your date of compliance and you are behind in planning if you aren't looking at options. We are not hearing positive things from the marketplace as carriers are skittish to issue "firm" bids to companies with a large population of

newly-eligible employees (like a DFA franchisee).

Many of you were on the DFA Webinar to announce the launch of the DFA Private Health Exchange. We are proud to be a part of the development and launch with the DFA and hope it will give members an affordable, workable solution allowing them to get back to what they love to do... make great food.

As always, please contact me or the DFA office with questions or comments.



Trey Darby,
Senior Vice President
Lockton Dunning Benefits

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Franchisee Interview | Ken Cobbs

Franchisee Name: Ken Cobbs

Title: Franchisee

Company: TEAM COBBS (Triple C Pizza LLC / Southside Pizza LLC)

Age: 39

Family: Jennifer (Wife) Ashleigh (11) Chloe (9) Averie (7) Tate (6)

Years with DP: 23

Years as Franchisee: 11

Stores: 16 currently, planning to have 21 by the end of 2014

Store Locations: Virginia

Team Members: 237 and growing!

Boards: NC Commissary Advisory

Awards/Accolades: Gold Franny

Domino's Career Path:

Working for Domino's Pizza was the first and only job I've ever had. I started as a teenager. I remember my first day on the job, I was asked to wash the windows. I went home to tell my mom and dad I hated my job and wasn't going back. I remember my dad telling me it would get better and he was right. I have to thank Mike O'Brien (Durham, NC) for giving me that first job as an insider. I was hooked for life! I couldn't wait until the day I was old enough to deliver pizzas and when that day came, I was on top of the world. Domino's Pizza became my life and my passion. When I went off to college, I worked for Domino's on the weekends and during summers. In my last year of college, while all my friends were interviewing with different companies deciding whom to go work for, I stuck with Domino's. I graduated in 1998 from East Carolina University and went to work for Tim Bennett. By October, I was managing a store. For the next 5 years, he moved me from store to store. One day, I decided I wanted to try and do it on my own. I found a store for sale in Rustburg, VA, a one stop light town. My family thought I was crazy and wondered how I was going to make a living. I had a vision. I saw the area as underdeveloped with no real leader in the area. If I had to do it all over again, I wouldn't change a thing! Today, we are on a mission to get to 30 stores or more. We have been very blessed with success. My hope is that my kids will someday want to take over.



Ken and his wife, Jennifer, children: Ashleigh (11), Chloe (9), Averie (7), Tate (6), and dogs Doughball & Sauce

Best Advice You Ever Received: I was told by the first Franchisee I worked for to make mistakes on his dime before I Franchised on my own.

Formative Influence/Event: 2014 World Wide Rally was amazing! I felt this was the best rally we have had thus far. A huge thank you to Domino's Pizza for such a great event.



Ken's daughters: Chloe, Averie, & Ashleigh

Three Highest Priorities In Your Life: God, family, and work

next 10 years, it may be a good time to get out before investing a ton of money on remodels.

REIMAGING

How many stores do you have with the new Pizza Theater image? 7

How many are reimaged? 0

How many relocated? 2

How many new? 5

What was the biggest learning curve with each type? We had the first full pizza theater in Virginia. So, just looking at a construction book that seemed to change every month was a challenge.

If you had to do it all over again, what would you do differently? Bigger spaces. I see Domino's today and I think back at all the changes in the last 5 years. It makes me think about the next 5 years and what this new image could bring to us. We will be the hub in many communities.

Any issues with your local municipalities in getting permits and/or approvals? No, most of our projects have been in rural areas and haven't run into any issues yet.

What was the average time to complete each type? The shortest time to complete a new build was 27 crazy days! Typically it takes us 5 weeks from demo.

Did you ever have to shut down during a reimage or relocation project? We haven't lost any hours. We close on a Sunday at one spot and reopen Monday in a brand new store. We don't take much of the old equipment; it's not worth it. I want it to be a fresh look, the crew feels so much better in the new location. This naturally creates excitement for the customer and brings them back again and again.

Any tricks you can pass on to help your fellow Franchisees? I don't think I have any tricks. I will say if you don't see yourself being in this business for the

If you could ask DPZ for something what would it be? I would like a cold sandwich or something I could have ready for the customer to grab at lunchtime and be out the door in 30 seconds. I know this isn't something for every store, but for those that have great foot traffic at lunch... we could kill it!

MANAGEMENT

What has played a key role in your success as a Franchisee? I don't know if we are successful or just really lucky. I have been to great meetings over the years where other Franchisees have talked about what is working for them. All we have done is just taken those ideas and put them into motion. Thank you to the other Franchisees out there for pushing me to be better. Each year, we push harder and harder to be better than the year before.

What systems do you have in place for your team to measure, monitor, and achieve success? We set company goals and post them in each store's office for every GM to see every shift. We have a meeting with the GMs every period to keep them informed on what is going on in the company and we honestly just try to have a good time. We run contests for them to win prizes. They really enjoy having friendly competitions against each other and it's great to watch. We want them to learn they can turn to each other for help.

What has been your greatest challenge? The greatest challenge has been keeping up with the growth rate. Great employees are hard to find. When you find that diamond, you try to keep them motivated so they will keep pushing to be the best! It has become more competitive with other QSR's moving into small towns. We have to be aggressive in offering the best product and experience to our customers in order to be #1.

As an operator, what are the two most important things you rely on from DPLLC? All I rely on from DPZ



Top & Bottom: Ken's store in Forest, VA #8084
Middle: Art Pursel (Director of Operations), Kenny Cobbs & Jennifer Cobbs, and Matt Hanson (Director of Operations)

Franchisee Interview | Ken Cobbs

is to make the phones ring. It is up to my team to keep the customers coming back again and again. Each year, it gets harder and harder to make a dollar off the \$5.99 & \$7.99 price points so we have had to adjust the way we attack the phones and not allow the customer to just order those specials.

The WWR is a great motivator for our GMs. Last year, we used St Jude's and 5 Star OERs as an automatic bid for an all expense trip to Vegas, and it worked! Cash bonuses for 5 Stars and Record Weeks are a great motivator, but it all comes down to the pride you take away from the goal you beat!

With such quick growth, how do you handle the staffing and leadership needs when adding new stores to your organization?

We are constantly telling our managers to train their replacement. It is very exciting to watch those employees who work their way up from being a delivery driver all the way to becoming a GM. They have the excitement and determination to be the best in the business and it's contagious. It is so rewarding to see team members get addicted to the brand and the opportunities it has to offer.

TEAM MEMBERS

What do you consider when recruiting? We look for team members with positive attitudes who are passionate about what they do. We look for folks who can motivate a team. They need to be able to have a good time at work and make the best of any situation. Today's Domino's Pizza is hard and you have to be on top of your game each day.



Kenny's Dough Show

How has the most recent economic cycle affected you, your employees, your customers? Our customers have become more price sensitive. They are always looking for a great value. Our goal is to kill them with kindness and they won't care what they pay for the pizza. I think the economic down turn has helped with recruiting. Everyday, we are looking for the person that wants that 20 hour a week part time job. That is our focus.

How do you recognize top performing Team Members?

BOTTOM LINE

How are you doing on your 2014 goals? 2014 has been a great year so far! We are up 8.9% as a company, up 7% in order growth, 0.6% over ideal labor, and 0.7% over ideal food. This is much better than where we were in 2013. Sales are on fire! Some Mondays, I can't believe the sales numbers we push through some of the rural stores we have. My team has pushed hard this year to be the #1 choice for pizza in their trade areas and it is paying off each week!

Where do you want to be in 5 years? I plan on continuing to grow our company each year and to create new opportunities for our existing team members to grow and develop. So many opportunities are available with Domino's Pizza. I personally want to help develop the next generation of Dominoids to carry this company to its 100th birthday!

Is there anything else you want others to know about you, either personally or professionally? Some probably say I am the worst person to work for because I demand success. I look at every day that I am reinvesting into myself and I demand the best. I love the taste of winning and how it makes the team feel. It is very powerful once the team buys into your plan. It feels so good. Celebrate every little win! Thank you to my wife for being so supportive of me chasing my dreams. Without her, none of our goals would be met.



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The Training Room

Dominic Benvenuti

One of the best things about being part of Domino's Pizza is the networking opportunities with fellow Franchisees. Being part of the DFA makes it even better because we get more time to talk and get to know each other. Over the years, I have been fortunate to know many great Franchisees and to be able to call a good number of you my friends. Very often, I am inspired by something one of you says or does. Most recently, a great Franchisee spoke briefly on a conference call and what he said is the inspiration for this article. That Franchisee is my friend, Mack Patterson.

Here's the story. At a recent DMA meeting, Mark Rudd approached me and said the East Zone was possibly launching an initiative based on making perfect pizzas. He explained that since the rollout of the New and Inspired product, we have not really focused training on our core product... pizza. With all the new products rolled out after New and Inspired, we have focused training on these products. Considering the turnover the average Franchisee has had since the new pizza rollout, we have not really gone back to it. Indeed, the average product score on the OER would support this case. Next, he explained the East Zone was going to support a refocus of training on making perfect pizzas in the month of August. East Zone support staff will visit every store in the zone and will just focus on making perfect pizzas. He then explained they were setting up two conference calls to get all Franchisees on board with this initiative. He said they wanted two Franchisees on each call who were already on board and pushing this initiative in their stores. He asked me if I would be one of them and share what we do to ensure great pizzas (that helped us achieve ten 5 star scores this year). I will share those at the end of the article. One of the other Franchisees on the calls

was Mack. I am sharing his thoughts because they were a perfect analogy as to why every Franchisee in the country should consider doing the same thing. The question/comment we anticipated was... why should we do this? After all, my managers are the same ones who took this training when it rolled out. We already make great pizzas. Why spend time retraining on the basics? Mack's answer hit the nail on the head! He said that right now in 32 cities across the county, highly paid professional athletes were all doing the same thing. They are professional football players and they are ALL in training camp. What happens in training camp? These athletes, many of whom have been playing the game for years, are relearning the basics! They are going through drills, honing their skills and mentoring rookies. They already know the game. Some of them are world champions and yet, they prepare for the upcoming season the same way every year... practice and training.

I began to think the fall could be considered the start of our season. Most of us have our busiest times as kids go back to school and colleges return to session. We know it's coming every year and yet, service times go down and pie quality drops as we often go into fall short staffed and ill prepared. What would happen if we treated August and maybe September as training camps? We put together game plans and we gear up our teams for battle and kick butt! I used this same analogy with my teams. I put them in the mindset of looking at fall as our season and said we needed to remaster the basics before the season started. What better thing to focus on than perfect pizzas? After all, that's what we do.

I dedicated this article to this concept because we as Franchisees must also internalize this mindset. We can do an

all out blitz on pizza training and if we never follow up on it, then it's wasted. One and done training is the killer of improvement. We have to stick with it.

Here at Boston Pie, we have a few techniques to keep our minds focused on perfect pizzas all the time. Here are my top 5:

5. Picture Perfect Pizzas

We randomly call a store and ask the person in charge to text us a picture of all the pizzas on the rack so we can see what's going out. We also have new or struggling pizza makers text photos of pizzas every day. This raises awareness and forces them to show us their best pizzas.

4. Perfect Pie Contests

Supervisors walk into a store unannounced and have a prettiest pizza contest. We give cash to the winners. Just a few \$\$ but, again it shows us who needs our focus and allows the supervisor to work directly with those who need attention.

3. Mystery OLO Shop

On the way to a store, a supervisor places an anonymous online order for pick up. When they arrive, they can see exactly what a customer is getting and who made it.

2. Self OERs

We mandate two per day, one per shift. This keeps the stores aware at all times of what their score is and how important perfect pies are to the score.

1. Pizza Certification

No one in BPI makes a pizza for a customer until a supervisor certifies them to do so. They must pass 3 certification visits to be certified and can be uncertified if we see bad pizzas on their shifts. This motivates managers to train perfectly and raise their standards on what they accept. Life is much harder for a manager without certified pizza makers and it's in their best interest to have as many certified as possible. Yes, our supervisors keep a list.

I'd like to challenge all of you to get your teams into training camp and certify or recertify your people to make pizzas that are up to YOUR standards. If you work your store, then send yourself back to camp. Let's attack our season with incredible preparation and blow our customers away with the core of what we do!

Oh, and thanks Mack!

As always, feedback is welcome and appreciated.

Dominic Benvenuti
Vice President
Boston Pie, Inc.
dominic@bostonpie.com



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Franchisee Interview | Allan Erwin

Name: Allan Erwin

Title: President

Company: Happy People Pizza, Inc

Age: 40

Family: Married

Years with DP: 21

Years as Franchisee: 16

Stores: 12

Store Locations: North Dakota, South Dakota, Wyoming, Montana

Team Members: 200+

Boards: Western Leadership Team

Awards/Accolades: 2014 Gold Franny

Domino's Career Path:

I started delivering to pay for my college in 1993. I was going to school for Business Administration. After three weeks of delivering, I asked to be put in the MIT program. The Cody store did not have room. Two weeks later, my fiancé at the time and I packed up and moved to Bozeman, MT where I worked as a manager for a year. Shanna started with Domino's Pizza in Bozeman. We then moved to Gillette, WY where I managed a store for a year. Shanna worked in the store while going to college for accounting. I became a supervisor for the Gillette and Sheridan stores until the Franchisee in Cody, WY asked if I wanted to purchase the store. Shanna and I purchased the store in July of 1998 at which time Bill Leiker moved to Cody and started managing for us. Within a year, we opened Powell, WY and Worland, WY. Next, the Franchisee I worked for in Sheridan and Gillette offered his stores to us. So, we purchased Sheridan, Gillette and Spearfish. Bill was a key player in helping us grow. About five years later, we bought the Rapid City market and recently, with the help of Jeremy and Stacy McMillian, took on Butte, MT and Missoula, MT. Last year, with the advice from our Area Leader Dan Schafer, we went and spent a few days with top-notch Franchisees Steve Dolan and Jay Feavel from Team Say Yes. This was a turning point for our company. We completely flipped the company upside down. We restructured our leadership team, made changes in our marketing and completely changed how we do business. Shortly after this trip, we were opening our first Pizza Theater store and trying to figure out the right fit for our existing location. We quickly realized the standard was about to change and we needed to change it in all of our stores not just Pizza Theaters. We decided good enough was no longer good enough and cleaned house. We lost 7 of 9 store managers in about six months and had the worst round of OERs we have ever had. However, our next round of OERs was the best we ever had.



Allan holding the newest member of his Domino's family

David Shearer, my Director of Operations, and Alex Usera, my District Manager in South Dakota, really stepped up and made it possible for us to purchase Dickinson, ND. I am amazed every day by my team. They continue to raise the bar everyday.

Favorite Quote: We are what we repeatedly do, excellence then is not an act, but a habit. - Aristotle

Any issues with your local municipalities in getting permits and/or approvals? Our new store in Rapid City went very smooth in this department.

Best Advice You Ever Got: Dan Schafer having us go down to Jay and Steve.

Formative Influence/Event: My martial arts instructor Robert Shepard. Steve Dolan and Jay Feavel are also key.

Local Organizations Involved In: Cancer Run (a cancer fundraising event)

Three Highest Priorities in your Life: Family, Domino's Family, Time

REIMAGING

How many stores do you have with the new Pizza Theater image? How many are reimaged? 1

How many relocated? 0

How many new? 1

What was the biggest learning curve with each type? The kind of people you need to work in them.

If you had to do it all over again, what would you do differently? I would have started the hiring process months before the store was opened.



Allen stepping in and showing the team how to "wow" the crowd



Alex Usera, David Shearer, Keli Jahner, Jim Stansik, Alex Lind, Evan Rairdon and Allan Erwin



David Shearer in the new Theater Store

What was the average time to complete the new store? 8 weeks

Any tricks you can pass on to help your fellow Franchisees? Try and stay ahead of the little things that DPZ does not offer. These can hold up your project if you are not ahead of them.

MANAGEMENT

What has played a key role in your success as a Franchisee? We truly understand we are only as strong as our weakest link. We treat our team with the respect that each is just as important as the next.

What systems do you have in place for your team to measure, monitor, and achieve success? We use a group chat called GroupMe. We post daily winners as well as weekly winners. We use a bottom up reporting system that managers generate daily.

What has been your greatest challenge? Growing quickly without diluting our success.

How do you oversee your operations of stores that are geographically spread out? I spend a lot of time traveling. I communicate with the team on GroupMe. We have an operating partner in Montana, Jeremy McMillian. My director of ops, David Shearer, also

spends a lot of time traveling to the stores training and overseeing the day to day store operations. My DM in the Dakotas, Alex Usera, also helps with our success.

How do you maintain such a high OER score average when you can not be in all of your stores on a regular basis? At our 2013 Leadership retreat, our team committed to a 4.5 Star OER average. We focus on controlling what we can control and perfect pizzas. Our team has done an amazing job of raising the bar. We do weekly self critical OERs. It's a mindset.

TEAM MEMBERS

What do you consider when recruiting? Hire the smile.

How do you recognize top performing Team Members? I personally call them and tell them thank you. It is amazing how far that goes.

BOTTOM LINE

How are you doing on your 2014 goals? Our OER was a 4.42 last round, so we have some work there. We are on track to be at 14 stores by the end of the year. 2014 has been a great year for us.

Where do you want to be in 5 years? Continue to provide opportunities for our team.

Is there anything else you want others to know about you, either personally or professionally? I can't say enough about my amazing team. They raise the bar every single day. It is amazing what people can do when they believe in something.



An advertisement for RUST Architects Construction Management. The top left features the RUST logo, which consists of a square divided into four quadrants with the letters 'RUST' to its right. To the right of the logo, the text 'ARCHITECTS CONSTRUCTION MANAGEMENT' is displayed. Below the logo are three Polaroid-style photographs: one showing a restaurant interior with red tables and chairs, another showing a counter area with a 'DFA Vendor Partner' logo, and a third showing a completed restaurant interior. Handwritten text on the photos includes 'Reasonable Price' and 'completed 100+ locations (and counting)'. At the bottom, there is a paragraph of text: 'Allow us to assist you in bringing the Pizza Theater Renovation to a reality in your location(s). We are currently working with numerous franchise owners implementing this exciting new image. With our extensive knowledge of the requirements we can provide you with an efficient, cost effective, seamless process.' Below this is the contact information: 'Call today, we look forward to working with you!', '(651) 429-1913', and 'www.rustarchitects.com'. On the left side of the advertisement, the text 'The Voice / dominosdfa.com' is written vertically.

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Legal Chameleon: It Comes And It Goes

Brook J. Carroll

The ever-changing story of employment arbitration agreements. The turnstiles of litigation are never slow with arbitration. Every day, companies across the country are in courtrooms fighting with employees about whether they should be in court at all. Can employers require their employees to arbitrate their disputes with the company as opposed to filing a lawsuit in court? Can employees waive class action claims? Are some claims subject to arbitration at all? Staying current is a dizzying task complicated by rules of the game that seem to change as often as chameleons change color, making it difficult for employers to predict whether their agreement will hold up when they need it, usually years after the employee is hired. Here are some recurring and current issues:

What is Arbitration in the Employment World?

Arbitration agreements are the “prenups” of the employment relationship, and terminated employees are the slighted spouses. Revenge can be profitable. Companies do not want to be profit centers for former employees. Legally, arbitration is an agreement, always in writing, between an employee and the employer that determines the “who, what, where, when and why” of a claim. Arbitration agreements specify who will decide a dispute, who will be parties to that dispute, where the dispute will be decided and the timing under which the dispute will be decided. Arbitration means that both sides give up their rights to have a jury decide the claims.

What is the Federal Arbitration Act (FAA)?

The FAA is a federal law that applies when parties to an arbitration agreement 1) make the FAA applicable in their agreement, and 2) the agreement involves “interstate commerce.” Interstate commerce means business activities that “affect” national commerce. The FAA’s rules will usually control situations where state law conflicts with the FAA (although the exceptions can swallow the rule, so get good legal advice). In agreements involving national brand restaurants with interstate marketing and supply chains, there is little question that commerce is “affected,” but only if employers put the correct FAA references into the company’s arbitration agreement!

What Are State-Specific Arbitration Laws?

State-specific arbitration laws are critical to employers, because the FAA doesn’t control every arbitration agreement in every potential employee dispute. Many of the 50 states have adopted specific laws that apply to arbitration agreements. Some states have not. To name two, New York and California have specific rules for arbitrating employment disputes that sometimes determine whether the company’s agreement is enforceable. Employers must be aware of these limitations and the ways to avoid them in order to implement a valid arbitration agreement.

What Are “Class Action” Waivers?

Class action waivers are provisions that require employees to pursue

only their own claims in arbitration and not claims on behalf of other employees. Class action waivers are the employer’s response to the dramatic increase in “wage and hour” class actions. Why do employers try to enforce class action waivers? Because these waivers take away the economic leverage of employees aggregating a large number of “small” claims into a single very expensive lawsuit. Class action waivers reduce the chances that a simple \$200 individual overtime claim will become a \$2,000,000 problem involving hundreds of current and former employees. The most recent cases involving the FAA have explained that under most circumstances, a correctly drafted and fairly implemented class action waiver is enforceable. Class action waivers are not a silver bullet, but they are one way to reduce legal risk.

What is the NLRB, and Why Does the NLRB Matter to Arbitration Agreements?

The NLRB is the National Labor Relations Board. The NLRB is a federal agency that is responsible for enforcing the National Labor Relations Act (NLRA). Most employers have heard of the NLRA, but don’t think it applies to them unless they have union employees (or employees that are trying to unionize). This misconception is incorrect. The NLRB can take action with every non-retail private employer with \$50,000 in out of state transactions. Why does this matter? Because the NLRB has become much more active in trying to prevent employers from enforcing arbitration agreements with provisions that try to limit so-called “collective actions” by employees (particularly some Domino’s Pizza operators). These

questionable NLRB enforcement actions highlight the importance of reviewing the company's current arbitration agreement and considering whether any changes may be necessary.

When Should Employers Ask Employees to Sign an Arbitration Agreement?

Employers and employees should sign the company's arbitration when an employee is first hired. At a minimum, the employer should obtain and keep the evidence that the employee agreed to arbitrate, such as how the employer asked the employee to agree and the employee's signature (or e-signature) on the agreement.

Don't be caught off guard. Don't just pull down a form from the Internet or recycle existing forms when implementing an arbitration agreement. As with any complex topic, employers should consult with local legal counsel who knows their state's specific rules

when implementing an arbitration program. Keep informed about the current "rules of the game" and stay ahead of potential employee lawsuits.



Brook J. Carroll
Attorney at Clark*Everson,
LLP in Westlake Village, CA

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-Mike Brown, Domino's Pizza Franchisee, Domino's Franchise Association Board Member

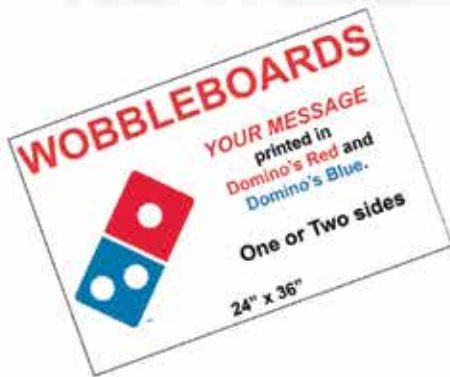


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Ride Across the U.S. for St. Jude

Seth Gollhardt

Around seven years ago, I had descended into poor physical condition. I was no longer working in stores. As I sat at my desk, I was gaining weight and losing mobility in my legs. I developed type two diabetes and began taking oral medication. When my son, Bryden, began training for a fifty mile bike ride with the High Point Church youth group, I joined them. My last two years of high school, I had done summer bike tours in Canada and France. I had a passion for riding my bike. Once I reached college, I stopped riding and Domino's took over as my passion. The youth group ride helped change my life. The following season I joined the weekly group ride from Around Town Bikes in Wilkes-Barre. Within a few years, I was doing road rides over 100 miles and my health improved dramatically. I lost 30 pounds, flexibility returned to my knees, I lessened my medication and eventually eliminated it altogether. Always needing a challenge, about four years ago I set the goal to ride cross country and talked it up so I would be less likely to back out.

As I began planning the trip, I thought about raising money for a charity and considered the Partners Foundation. I wanted to do fundraising through the stores and Partners does not have appeal outside the Domino's system, so I picked St. Jude Children's Research Hospital instead. Still wanting to help Partners, I made a pledge to the system that I would make a personal donation to Partners that matched all St. Jude donations equal to 10% of the St. Jude total. As of August 13th, we have raised **\$15,295** for the hospital. I want to thank all of the donors and the teams at my nine stores for everything they have done to get us to this point. Donations are still being accepted for the ride at www.sethsride.com. Simply click the "Donate Now" button and you are connected directly to St. Jude where you can donate by credit card or check. This will be available until the end of October and I am issuing a challenge to get the total over \$25,000. If we reach \$25,000 by October 31st, I am going to double the Partners match to \$5,000. If you would like to donate an amount per mile, I rode a total of 4,038 miles.

It was the first of May, a cloudy Thursday afternoon with a chill blowing from the Atlantic Ocean. A small group saw me off from the beach in North Wildwood, New Jersey. Within one mile, I had my first taste of rain on the bike. The sun eventually came out and I



Seth completes his 4000 miles journey in Seaside Oregon

had a great ride around the horn of Cape May to Villas where I stayed with franchisees Rob and Adelia Jonas. They were the first of many wonderful hosts that blessed my trip. Rob has recently changed his lifestyle and lost a large amount of weight. It was a good start to my journey as this is a theme I am promoting plus he made me the most delicious mashed yams with fresh ginger. I hope my ride has inspired some people to make life changes to be more active or eat better. I am often asked how much weight I lost on the ride and unfortunately the answer is less than five pounds! The majority of nights I stayed with hosts who either cooked or took me out to dinner. It was like a summer of Thanksgiving dinners. I burned a load of calories, but I must have eaten them all back. When I get home I plan to change my diet to lose that last twenty pounds I had hoped to shed on the ride .

After camping my 2nd night, I found I was near the grand opening of a new theater style store owned by Salim Joarder. The same day I started the trip, I had purchased a building for my first theater relocation so I was excited for the festivities and the chance to get ideas at Salim's store. Southern New Jersey is

absolutely flat, a bonus I had not thought about when I picked my route. The first hill I encountered was climbing the Ben Franklin Bridge to get to Philadelphia. By climbing, I mean carrying my 80 pound bike up the 3 flights of metal steps from the Camden side. Entering Pennsylvania was the first of thirteen border crossings as I rode in parts of Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, South Dakota, Wyoming, Montana, Idaho, Washington and Oregon. I entered Michigan on the worst roads of the trip. They may have better roads but the route I took earned them top prize for road neglect. I rode with Jim Stansik to Domino's WHQ in Ann Arbor and was

families at St. Jude. After a day's rest, I took a shorter 50 mile route to Seaside, OR to reach the ocean. My leg was still in rough shape and it was a struggle. Once I got within 15 miles, there was no quitting. I wanted to just toss the bike out as far as I could in the Ocean, not from a sense of frustration but rather as a completion of the journey. Calmer thoughts prevailed and I brought it back to shore and shipped it home.

One of the best parts of the trip was meeting people; other franchisees, Domino's corporate team members, friends, family, plus the people I had never met who

After 2500 miles, Seth finally met some other cross country riders.



Riding around Minneapolis with Wayne Peterson



Crossing the Continental Divide



Reception in Ann Arbor



greeted by a reception of close to 100 people awaiting for us outside. About a half mile before Domino's Farms, my chain broke, but I was able to fix it quickly and fortunately the crowd was still waiting for us when we pulled in. The enthusiasm and support from this group was one of the highlights of the trip.

opened their homes and their hearts to support the ride. I was let in to see a more intimate side of people other than what I knew from a casual or business setting. Meeting strangers was a great opportunity and a good chance to step out of my comfort zone. I was put in touch with friends of friends, found hosts on social websites and met up with other riders on the road. From the start of the ride, my father became involved in tracking me on a daily basis. I carried a satellite device that left a breadcrumb trail of my ride every ten minutes and reported to the "track me" tab on my website. This new closeness was the best unintended consequence of the ride. He flew to Oregon and we were able to spend a few days together before and after my final ride to the Pacific Ocean. It was great to see him so involved in the adventure. My daily thoughts and photos can be found on my Seth's Ride Facebook page. You can find the page easily by clicking the Facebook icon at sethsride.com.

I rode the bike for 74 days and took 23 days off plus another six days to backpack 100 miles on the Pacific Crest Trail in Oregon. Some of the days off included work time but my team at home stepped up so I had little to do. Mostly, I was able to spend time with family or friends that I was visiting or just take a day to relax. On the bike, I averaged 55 miles per day with my longest one day ride at 98 miles. I was saving a century ride (over 100 miles in one day) for my last leg to the Pacific. I planned a 115 mile ride from Portland to a beach near Astoria. Two days before, I had pulled a muscle while backpacking. I thought it had healed but by the end of the first climb it was in bad shape. I could only make 30 miles and had to call it a day. Maybe it was fitting that my biggest physical challenge was as I approached the final goal. It reminded me to be humble and appreciate life's challenges but also to persevere in overcoming them. It also made me reflect on the challenges faced by the children and

Although I was out for over three months, most days I felt like I was just out for another day ride. Only rarely did I feel alone especially since I spent most nights with hosts. On the road, I get engaged with the traffic or the effort and time passes easily. After Minnesota,

Ride Across the U.S. for St. Jude

Seth Gollhardt



Seth's journey begins at the Atlantic Ocean



4000 miles later in Seaside, Oregon

I added a bluetooth speaker to my handlebars. Some days, I listened to music or a book to pass the time but mostly I just let my thoughts wander. It is kind of like dreaming and as such, I have trouble recalling most of my thoughts. There were a few tough sections with bad traffic, headwinds or other challenges that made some days drag on. I only rode in significant rain five days. The worst was a storm that hit as I was only about five miles from my destination in Dayton, WA. The rain on the leading edge was coming down at a 45 degree angle to the road. I had to stop and stand at the roadside with my back to the rain. The rain was followed with headwinds over forty miles per hour. When I dropped a piece of grass to gauge the wind, it was swept up in the gale and landed out of sight. I was warned it was going to be more windy to ride Westward, which was true at times but I encountered winds going all directions. Wind was a major factor on less than ten days and not all of those were due to wind from the West.

I can't say that I had an epiphany on the ride. I did reinforce my belief that most people are good and helpful. The news and instant media take the bad out of context and keep people scared. Would I do it again? I rarely do the same thing twice so I expect I will tour again but on a different route, maybe in Europe. For a while, I need to focus on upgrading my stores. When the wanderlust strikes again, you just might see me riding down the road in your town. Just wave and please give me at least three feet of space as you pass.

Ride Trivia

Total miles: 4,038

Total feet climbed: 115,307

Number of flat tires: 5

Number of tire changes: 2 (the front tire made it almost the entire way and was changed in Portland)

Best descent: Off the Camas Plateau into Lewiston, ID

Steepest Climb: Keystone, SD to Mt. Rushmore

Biggest climbing day: 4,606 feet from Nazareth, PA to Mountain Top, PA (62 miles)

Highest elevation: 6,131' at Flesher Pass near Helena, MT

Most boring state: Let's not hurt anyone's feelings

Seth's Trail Map Across The U.S.



“Go out and pursue your dreams... remember to put your health high on your priority list.”

Seth

Camping on the banks of the Mississippi River



Seth taking a break from the ride to backpack around Mt. Hood

An advertisement for Persona Signs. The main image shows a Domino's pizza theater storefront with various signs. A large sign on the left says "Order your Pizza Theater Signs Today!!!". Below it, a sign says "Deadlines Rapidly Approaching". In front of the entrance are "ENTER" and "EXIT" signs. The Domino's logo is visible above the entrance. On the right side of the building, there are signs for "PICK UP" and "100% REAL PIZZA".

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-Mike Bernal V.P. Operations TEAM MURPH



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To better franchisees, their families and relationships.

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Franchisee Forum Upcoming & Past Meetings

2015 Aspen, CO – March 15, 2015
The Gant

2014 Whistler, BC
Alaskan Cruise – August 8, 2014

2013 Aspen, CO
Maui

2012 Park City, UT
San Diego, CA

2011 Aspen, CO
Ann Arbor, MI

2010 Vail, CO
Ann Arbor, MI

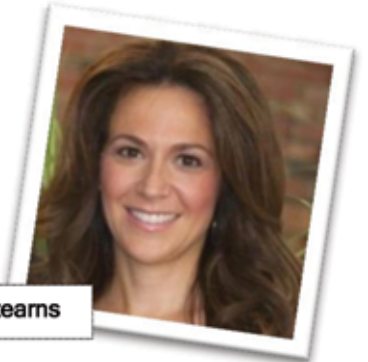
*"Celebrate endings –
for they precede new beginnings"*
– Jonathan Lockwood Huie

TEAM MEMBERS HELPING TEAM MEMBERS



Partners People In The News ...

Have you ever heard the phrase 'the only constant is change'? That statement is true in every facet of life, and recently, it has become true within the Partners Foundation. Last year, Dana Stearns, our Executive Director for the past 12 years, made the difficult choice to move on, and the search for her replacement began; it has now come to a conclusion. The Foundation is very appreciative for the many years of hard work and effort she spent growing and managing the Foundation; in doing so, she has been an exceptional liaison to the Domino's Franchise population. Her 'can do' attitude and positive spirit has never failed to inspire support for Partners. Along with all of you, we gratefully wish her the very best as she takes on a different challenge in life.



Former Director Dana Stearns



New Executive Director: Judy Adams

In conjunction with that transition, the Partners team put out our welcome mat for someone you may already know. Judy Adams has been employed at Domino's for the last 6 years, most recently working as a Media Planning Purchasing Manager, but involved in the Domino's business for the past 20 years. Embracing her new role in the Foundation with energy, enthusiasm and a desire to succeed, Judy graciously agreed to respond to a few introductory questions; her responses are shown below.

What prompted your interest in the Partner's position?

The Partners Foundation has always been a "passion" point for me. I think it says something when a company goes out of its way to help its own team members. I want to be a part of that process. I love what the Partners Foundation has been able to accomplish and I'm excited to be a part of the future of Partners.

Do you have any particular personal or business philosophies that will help you lead Partners?

I believe in leading an organization with open communication, humility and empathy. Your team members are your most valuable resource, and treating them with respect and empathy is just the right thing to do. I don't know how you can be a great leader without warmth and humility. People have to trust you and know you always have their back. I don't think you can have too much warmth or too much empathy.

Can you provide a few words (your personal opinion) about the work the Foundation does?

I believe that everyone, at least once in their lives, will find themselves in a situation where they are facing adversity or some type of hardship. I've certainly been there, more than once. Being able to help others through those challenging times is what the Foundation is all about. Most importantly, we are able to provide those "lifelines" because of the generosity of so many team members and franchisees. It's an amazing equation.

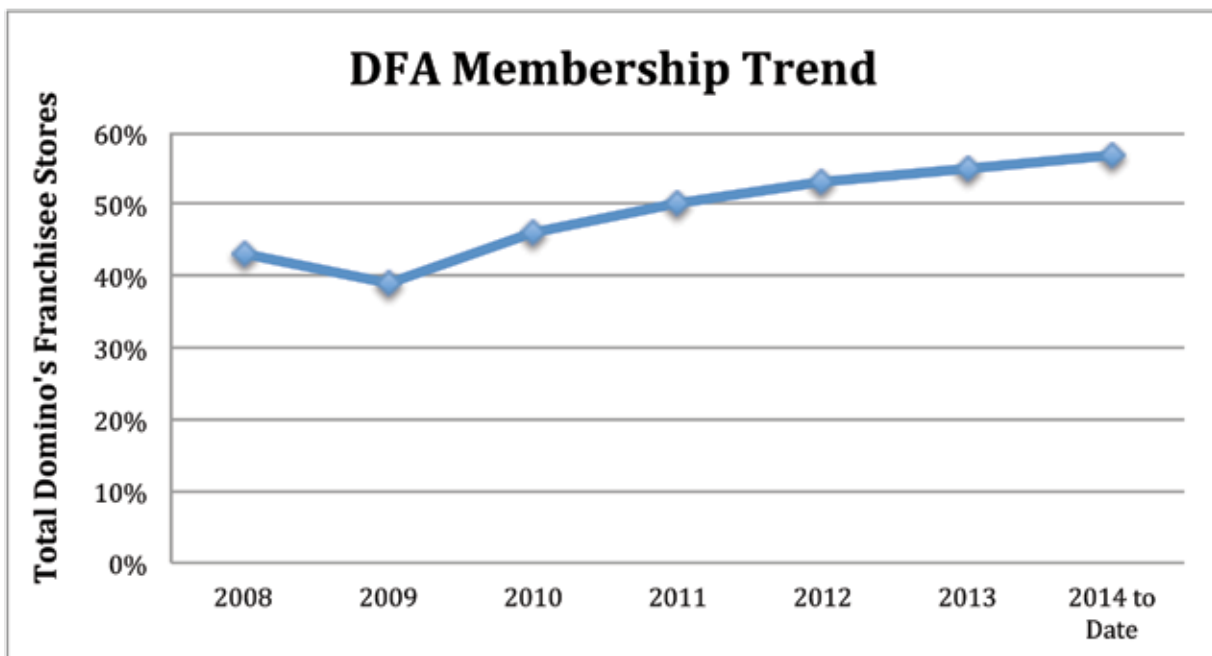
Please share a little about yourself so that we can get to know you better!

I grew up here in Michigan and come from a large family, who fortunately still all live in the area! I'm married to a former Domino's team member and we live in Ann Arbor. My daughter recently completed her Master's Degree from the Steinhardt School of Music at NYU and resides in Manhattan. In my spare time, I enjoy cooking and baking and travelling abroad.

Domino's Pizza Partners Foundation 30 Frank Lloyd Wright Drive Ann Arbor, MI 48106
Call Toll Free: 1-800-284-0911 or Direct Dial 1-734-930-3297 partners@dominos.com



Our Mission: "To provide Domino's Pizza Franchisees a unified organization working to maximize the value of our Member's stores."



Be a part of the upward trend!

Undoubtedly, there *IS* strength in numbers! Your success is our success. Become a Member and work together with your fellow Domino's Pizza Franchisees for a strong unified voice. Through advocacy, education and member benefits, the DFA is committed to providing vital support and assistance to the Franchisee community.



The DFA exists solely as an organization of Franchisees helping Franchisees. To help ensure Domino's Franchisees have a strong collective voice, we need your involvement! These are difficult economic and competitive times, and now more than ever, Franchisees need to be united in order to improve your immediate financial health and long term success!

"United we stand and divided we fall."

Having you as a DFA member allows us to have a stronger voice for Domino's Franchisees!

Please fill in the information below.

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.....

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Please indicate frequency of payments: Annually Bi-Annually Quarterly Monthly

Type of Card: MC/Visa Amex

Name as it appears on Credit Card _____

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By signing this form, you authorize the Domino's Franchisee Association to process your credit card for your Membership Dues on an auto-renewal basis until such renewal is cancelled. If applicable, you are also granting permission to the DFA to process your credit card for Bi-Annual, Quarterly or Monthly Payments.

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Thank you for your support of the Domino's Franchisee Association!**

Your DFA Board Members



For complete Board Member bios, terms of service and election process, please log onto dominosdfa.com.

Midwest Chapter



John B. Glass
25 Stores in OH
513.886.2639 (office)
gfpi96@gmail.com



Steve Gfell
15 Stores in OH
419.706.8571 (office)
gfells4neo.rr.com



Bill Graves
DFA Board Officer
94 Stores
612.306.0679 (cell)
320.235.8277 (office)
badgraves@aol.com

North Chapter



Chris Reisch
DFA Board Vice Chair
7 Stores in KY
502.867.7087 (office)
502.316.3456 (cell)
cdreish@msn.com



Rob Rivard
13 Stores in Boston
978.697.4396 (office)
978.697.4396 (cell)
dominosboston@gmail.com



Rob Jonas
1 Store in NJ
609.846.6872 (office)
jonaspizza@hotmail.com

South Chapter



Peter D'Andrea
15 Stores in TN & VA
740.905.9220 (cell)
pdandrea@dominsovolts.com



Alan Murph
55 Stores in TX & TN
DFA Board Treasurer
210.657.4043 (office)
512.844.4594 (cell)
alan.murph.d@gmail.com



Brent Medders
14 Stores in AR
501.753.4111 (office)
imaugaman82@aol.com

West Chapter



Tareq Hishmeh
76 Stores in AZ & CA
805.901.7407 (cell)
tareq@hishmehenterprises.com



Mike Brown
8 Stores in Seattle
253.474.4831 (office)
253.468.8557 (cell)
mbrown8582@aol.com



Jim Gerety
13 Stores in TX
DFA Board Chairman
432.570.1990 (office)
432.967.3030 (cell)
gerety@clearwire.net

Forum Representatives



Daniel Dain

8 Stores in Corpus Christi
361.937.6364 (office)
361.438.7682 (cell)
dwdpizza@aol.com



Art Hurteau

13 Stores in MO
417.353.1726 (cell)
dominosteam@aol.com

Board Appointed



Brian Edler

9 Stores in OH
419.425.1130 (cell)
bedler@woh.rr.com

Your DFA Staff



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ken@dominosdfa.com



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Operations Manager
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 Monterra Franchise Svcs
Susan Burhans | 800-481-8990


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Karen Sladden | 877-216-3655

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