

# ROLL DOOR REVIEW

The only newsletter that gives a “HOOT”  
about the self storage industry in Arkansas.

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## How Will the Vaccination Mandate Issue Impact Self Storage Operators?

By Scott Zucker, Esq.



There has been a lot of discussion lately about the issue of vaccine mandates in the workplace. Much of this has evolved from the Federal Department of Labor's Occupational Safety and Health Administration's (OSHA) announcement requiring that employers with 100 or more employees ensure each of their workers is fully vaccinated or can provide negative tests for COVID-19 on a weekly basis. On top of that, the Centers for Medicare & Medicaid Services (CMS) at the Department of Health and Human Services announced its requirement that health care workers at facilities participating in Medicare and Medicaid must be fully vaccinated. The last federal ruling was an Executive Order issued by President Biden requiring that federal employees and federal contractors must be fully vaccinated in order to work and perform on government con-

tracts. Each of these federal requirements created a deadline for vaccination by January 4, 2022.[1]

Separate and apart from the requirements issued by the federal government, multiple states have issued their own vaccine guidelines as to the public use of restaurants, movie theaters, gyms, performance venues and other locations as well as in industries such as health care or public education. At the same time, other states have specifically prohibited the right to issue any vaccine mandates in their states. All of this has led to significant confusion as to the right of private employers (non-state, non-medical workers) to require vaccines in their workplace.

As it stands now, there are no private employer requirements relating to vaccine mandates for companies with less than 100 employees. As it applies to self-storage, unless your facility is in a state that prohibits any employer mandates (for example Montana and Texas), you can create your own rules and policies. However, whatever policy you create, it is clear that any mandatory vaccine policy 1) should be in writing; 2) must include an exemption if an employee provides a valid disability-related or religious reason for not getting vaccinated; and 3) should have a protocol in place for handling reasonable accommodation requests. It is prevalent for many employers who are seeking protections in the workplace to require their employees to either provide proof of their vaccination or require they submit to weekly testing for Covid-19 and wear a face mask at all times in the workplace.

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## Membership News, cont'd.

- View all of the 2020 and 2021 webinars at ARSSA.org. Click the Events Tab and select Webinar Library.
- If you need to update contact information or add additional accounts ARSSA.org, send that to Shelly at [sharris@arssa.org](mailto:sharris@arssa.org).
- We are already gearing up for the 2022 State Convention. Mark your calendar for **August 17th-18th** at the Double Tree Hotel & Robinson Center in Little Rock.

## MEMBERSHIP NEWS

We have new resources available in the Member Downloads Library! Check out the new **Sample Lien Sale Timelines with law references** and the **Arkansas Self Storage Law Quick Reference**.

Membership Renewals for 2022 will be sent starting December 1st. Look for an email reminder in early December with a link to pay online. If you have questions, please contact us at (501) 607-4775 or [sharris@arssa.org](mailto:sharris@arssa.org).

**Thank you for your continued support!**

If you missed the Legislative Update Webinar from August, click Webinar Library under the Events tab or contact Shelly at [sharris@arssa.org](mailto:sharris@arssa.org)

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**Charles Snapp**  
ARSSA President  
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## LETTER FROM THE PRESIDENT

Dear ARSSA Members,

Thank you for sticking with us through another tumultuous and exciting year. In positive news, HB1027 passed and Arkansas self storage operators no longer have the newspaper ad requirement for lien sales and auctions. In not so positive news, another State Convention & Expo was canceled because of a Covid-19

surge in August.

Sticking to the positive, getting the legislation passed is a huge win for the self storage industry in our state. Since we were not able to meet in person and review the law and how that affects our businesses, we did a webinar with help from Joe Doherty at the SSA. If you missed the webinar, it's available to view at ARSSA.org in the webinar library under the Events tab.

We want to thank everyone again for calling, emailing, and writing letters to their representatives. The bill wouldn't have gotten passed without your efforts. If Senator Mat Pitsch, Senator Jonathan Dismang, Representative Francis Cavanaugh, Representative Fred Allen or Representative Ricky Hill are in your districts, give them a big thank you if you can. This effort was a classic example of why this industry needs to be represented with an association like ours!

The ARSSA has been working on two projects that are finally added to ARSSA.org. We just added these

resources to Member Downloads. All of these include the legislation passed this year.

- Lien Sale Timelines: 45 Day and 75 Day Versions
- Quick Reference for AR Storage Laws

Also in the pipeline, we are in the process of working through some concerns brought to us by a few members about Property Tax appraisals. We've put together a resource that will be available as an instant download on our website for members. We will also send it out through email. It lays out the steps to get questions answered, how to appeal if you think your appraisal is incorrect, and who to contact. We want to thank Board Member Jim White with Crawford County Storage for his help with this.

We are also looking at a luncheon or evening seminar with an expert on property tax. More details on this event will be sent out as they become available.

As with everything, the operational costs of running a business are growing. We haven't raised membership rates in four years, but we do need to stay on top of costs. You'll see a moderate increase in your dues to offset some operational increases we've incurred. If you've got questions or concerns on this, please don't hesitate to reach out.

We thank you for your continued loyalty to the ARSSA, and we're proud to have you as members. Here's wishing you and yours the happiest of holiday seasons!

*Charles Snapp*



**Howard Orsburn**

**ARSSA  
Board Member**

**10 Years of Service**

## Special Thanks

Howard sat on the Board of Directors with ARSSA for ten years. He represented members from Pope County and surrounding areas.

Howard took special time to make sure new board members were given leadership roles and took a proud role representing the independent owner in small town Arkansas.

Howard owned Dardanelle Self Storage and Village Self Storage. He sold both properties over the summer.

We want to give a special thanks for his work on the board and for the members of the ARSSA and for his contributions to the self storage industry in our state. If you ever contacted us via phone and got a call back, there's a good chance Howard helped you out. We want to give him a huge thank you for all his work.

Best wishes on retirement! You will be missed by all of us!



# We are happy to welcome these new members to the ARSSA Family.

Lake Mini Storage  
Cassandra Dunn  
Choctaw

Quick Storage  
Gina Barker  
Van Buren

Storage Capital, LLC  
Eric Aherin  
Springfield, MO

Mabelvale Secure Storage  
Little Rock

Moon Road Storage  
Michelle Chastain  
Jacksonville

Lawson Self Storage  
George Weinbaum  
Scottsdale, AZ

Sportsman's Stowaway  
Philip Neri  
West Memphis

Honeycrisp Self Storage- Hot Springs  
Gabriel Petersen  
Auburn WA

Hot Springs Climate Control Storage  
Donald Byrum  
Hot Springs

La Sirena Storage  
Kim Brown  
White Hall

Vault Self Storage  
William Buchanan  
Little Rock

Allsman Properties NWA  
John Marquette  
Springdale

Rocky Street Mini Storage  
Jordan Woolbright  
Benton

10 Federal Self Storage  
Sarah Bailey  
Raleigh NC

Nancee Roberson  
Searcy

Timothy King  
Little Rock

Casey York  
Sturkie AR

A-Affordable Mini  
Storage  
Neil Ferguson  
Maumelle

Handy Mini Storage  
Britney Duckworth  
Wynn

Orange Door Storage LLC  
Rachel Vann  
Conway

Stone Self Storage  
Brad Stone  
Conway

J & C Storage Rentals  
Carla Harrison  
Benton

Smart Storage of Haskell  
Rusty Thompson  
Haskell

Ridge View Self Storage  
Bryan Hood  
Alma

Kari Bridges  
Siloam Springs

Sundown Self Storage  
Patrick Melikian  
Cabot

K L H , LLC Self Storage  
CJ LeDoux  
Pine Bluff

Waldron Self Storage  
Paul Smith  
Waldron

Riverside Storage  
Steve Gabbard  
Benton



## Continued from Page 1 How Will the Vaccination Mandate Issue Impact Self Storage Operators?

For companies hiring employees, the prevailing opinion is that companies can ask an applicant if he/she has been vaccinated (EEOC has stated that asking employees whether they have received the COVID-19 vaccine is not a disability-related inquiry under the ADA), but the potential employer cannot ask any follow-up questions, as those may likely violate the ADA or Title VII of the Civil Rights Act.

It is recommended that any job postings include the notice that vaccination is required, something similar to "this position requires that you be vaccinated against Covid-19 unless you request a reasonable accommodation for health or religious purposes." After the job offer is given, an employer can ask for a verification of vaccination or can begin the process of working out a reasonable accommodation for someone with a medical or religious exemption.

The impact of Covid-19 in the workplace is far from over, even though the apparent risk of contracting the virus has declined. The vaccine mandate question is only one of the many issues facing employers for the first time. The Courts have only begun to address the rights of employers to protect their workplace. Similarly, the Courts have only begun to address the rights of employees who are not yet prepared to return to work due to the fear of contracting the virus. The answers to these questions will continue to evolve over time. At present, if you are a self-storage operator seeking to create a vaccine mandate for your facility, it is best to seek legal advice and be prepared to be flexible in order to accommodate your employees.

[1] The 5<sup>th</sup> Circuit Court of Appeals recently issued an emergency stay relating to the OSHA requirement for employers with

100 or more employees. There has also been a lawsuit filed in the federal Court in Missouri by ten states challenging the CMS rule and seeking to enjoin its enforcement.

Stay Safe and Happy Storing!

Scott

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Zucker, S. Legal Monthly Minute. November 2021

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# CYBER INSURANCE

Cyber insurance is a cost-effective cyber risk mitigation insurance product that can save a business hundreds of thousands of dollars in the event of a cyber-attack. The number one cause of cyber-attacks is caused by human error, typically rooted in curiosity or blind trust while navigating emails. The FBI released the following statistics for cybercrime impacting Arkansas Businesses: 2018 – 1,849 Attacks, 2019 – 1,991 Attacks, and 2020 – 4,237 Attacks.

Many small businesses have been targets for cybercrime due to the likelihood that their data security is not as sophisticated as larger corporations. Below are five reasons why you should consider Cyber Insurance as a Self-Storage operation.



## ***Privacy Liability***

Customers trust you to store their personal belongings, which can sometimes regard sensitive information including, but not limited to personally identifiable information (names, social security number, etc.), financial information, and trade secrets. Each piece of information has a value and if lost or stolen, notifying and restoring the original identity of the affected individuals can come at a serious cost.



## ***Business Interruption + System Damage***

As a self-storage company, you likely have computer programs or systems that are tracking payment information and sensitive client information. Quoted references can also be helpful. References to people can also be made through the written accounts of interviews and debates confirming the factuality of the writer's information and his reliability.



## ***Cyber Crime***

In today's world, one of the easiest ways to steal money is through online cybercrime. In fact, the number one claim in cyber insurance is an unauthorized electronic fund transfer. All it takes is one of your employees accidentally sending money to what "looks" like a vendor, but is actually a fraudulent third party.



## ***Forensic Costs***

In the event of a breach, a forensic investigator will charge between \$200-\$500 per hour to assess your systems to see how much information has been lost or stolen. Often times, a team of forensic examiners will work around the clock until the security hole is patched, quickly racking up thousands of dollars in bills.

## ***Reputational Harm***

Your "security" reputation is your number one asset, so why not insure it? After a data breach, your company may notice a loss of current or future clients over a 12 month period, resulting in an immediate financial loss. This ultimately is due to a negative connotation around your reputation. Cyber insurance can help pay for the costs of a public relations firm to restore your reputation and the loss of future sales that arise from your customers switching to your competitors.

**If you would like to discuss cyber insurance in greater detail, we would love to assist you.**

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# In Case You Missed It Stating Their Case

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Arkansas SSA wins battle to change  
newspaper advertising statute.

By Mark Wright



Founded in 1873, the Arkansas Press Association (APA) is the oldest professional association in the state, according to its website. Its members include 20 daily newspapers, 73 weeklies and seven semi-weeklies. One of the APA's publications is its Public and Legal Notices Digest. The "444-page compilation of Arkansas statutes requiring publication of public or legal notices in newspapers" is living proof that Arkansas

newspapers take such notices very seriously. That helps explain why the Arkansas Self Storage Association's effort to change the advertising requirement in state law was, as ARSSA Executive Director



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Shelly Harris described it, “an uphill battle.”

House Bill 1027 was introduced in December 2020 and signed into law by Governor Asa Hutchinson (R) as Act 363 on March 15, 2021—a victory that took a lot of effort by a lot of ARSSA members.

First, ARSSA had to get legislators to understand that arranging lien-sale auctions is one of the saddest parts of a self storage operator’s or manager’s job. As anyone in the industry knows, a lien sale signals the end of a facility’s multiple efforts to get a customer to pay their rent. The lien sale is the last-ditch effort to recoup some of the lost revenue and, most importantly, recover the space.

ARSSA also had to educate legislators about the frustration—and extra expense—Arkansas self storage owner/ operators were experiencing. The hassle of organizing lien sales was compounded by the fact that newspaper ads for the auctions were bringing in very few bidders. That meant a facility had to pay to rerun its ad until it could attract a sufficient number of bidders to hold a legal auction.

### Expensive Problem

Not only was the cost of repeated ads a burden, it was an expense storage facilities had to add to the delinquent tenant’s bill.

“So, someone who’s not paying their rent gets an even higher balance due because of that cost,” explained Harris. “The combination of overdue rent plus auction-advertising fees isn’t good for the operator or the tenant. It’s the other piece of our ‘why’ for doing this.”

The problem had been on ARSSA’s radar for about three years when the association decided to pursue a legislative fix.

“We weren’t trying to go after the newspapers,” explained Harris, who has worked with ARSSA since 2014 and has been executive director for five years. “But we had to help our members.” Of the various bills ARSSA has proposed on any issue in past years, Harris said this one drew some of the most fervent opposition. The press association was of course against HB 1027, maintaining that self storage facilities have always had the option to advertise auctions in whatever publications they chose, so long as they also advertised in their local newspaper.

“Before this legislation passed, providing public notice of a lien sale through a paid ad in the newspaper was mandatory under the law,” said Harris. “Now, HB 1027 gives facilities the option of using a ‘commercially reasonable’ alternative to newspaper ads, and even defines what that means.”

Opposition from the newspapers notwithstanding, Harris said the more ARSSA members spoke to their state representatives and senators, the more the legislators understood.

“It’s hard to argue with a good bill that doesn’t specifically go against any particular group,” she said. “It felt like we had really good arguments and information going into the hearings, and we responded to legislators’ questions well.”

### Navigating the Legislature

The one sticking point came from Senator Jimmy Hickey, Jr. (R), president pro tempore of the Arkansas Senate, who wanted the language of the bill to include a definition of “bidder”—a concession ARSSA and the bill sponsor decided to make since it wouldn’t hurt storage facilities. The bill barely made it out of committee, but after conceding that one point, proponents had no trouble moving it through the full Senate.

Harris emphasized that ARSSA members deserve a lot of credit for the bill's passage. As soon as the legislation was introduced, she said, many of them were quick to call their state representatives and senators to explain the issue from the perspective of small business owners.

"Our board put in hours of work," added Harris. "ARSSA Vice President Dan Lusk made a very detailed presentation to the Senate committee, which enlightened senators about the cost of ads. And we got great support and counsel from our lobbying firm, JCD Consulting, and of course from Joe Doherty at SSA national."

Harris said she and the team are especially grateful to Sen. Hickey for working with ARSSA on the compromise language.

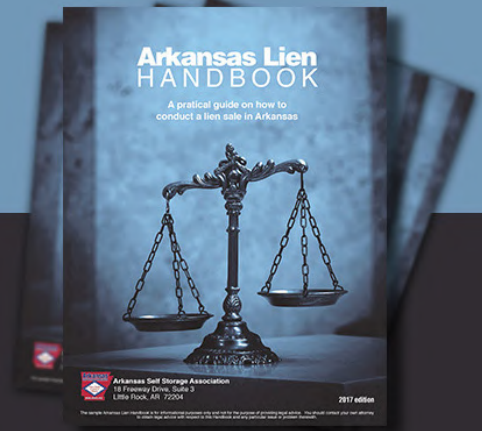
The bill's lead sponsor in the Arkansas House, Rep. Frances Cavanaugh (R), and fellow primary sponsor in the Senate, Sen. Ricky Hill (R), both understood the problem faced by ARSSA members, Harris said, as did the bill's co-sponsors: Representatives Aaron Pilkington (R), Brian Evans (R), Mary Bentley (R), Fred Allen (D) and Kenneth Ferguson (D).

In addition, said Harris, Sen. Jonathan Dismang (R) on the Insurance & Commerce Committee asked insightful questions, which helped a lot of other legislators in the committee and on the floor understand the issue and ARSSA's proposed solution. And Sen. Mathew Pitsch (R) did a masterful job of running the Senate hearing smoothly and fairly so each party got the time they needed to explain their position. ■

# Arkansas Lien HANDBOOK

A practical guide on how to  
conduct a lien sale in Arkansas

To order call or email **Shelly Harris**:  
sharris@arssa.org or 501-607-4775







**Staff Training**

## Rusty Shovels

Rick Beal, Atomic Storage Group

When I was growing up, my family had two shovels in the garage. They were sunbaked, dull and rusted, and would give you a splinter if you even looked at them wrong. For years I thought shovels must be the most expensive tools created, for us to be using such dilapidated ones. This misconception burst sometime during my high school years when I discovered I could purchase one for \$15!

Did the old shovels in my garage do the job? Yes. Were they the best tools for the job? Not even close.

When it comes to your self-storage business, you don't want to use rusty shovels. As a facility operator, I constantly seek new ways to solve problems, improve processes and, essentially, perform better in my role. I'd like to share these few ideas to help you save time and streamline your work day.

Think of the last coaching/training session you participated in at your self-storage business. Now rate that meeting honestly. Was it an in-depth conversation with the potential to improve both parties? Or was it a slimmed-down version because time was short and you were busy?

The irony is what yields the best gains rarely gets the most effort. Staff training is a serious responsibility, but it often doesn't get the time and attention it deserves. Employee development can produce great rewards in the long run, but how much does your company invest in training? The desire to do more may be there, but distance and other responsibilities are often perceived as barriers.

Actually, there's an easy way for you to share and gain knowledge that doesn't require hours of classroom training. I've recently fallen back in love with the vast information found in podcasts. At your fingertips are the greatest experts in human behavior providing lessons in delegation, leadership, culture, time management, motivation and training. Most recordings are available via smartphone, and it's relatively easy to make time during the day to listen, whether it's on the ride to work, or while sweeping the hallways or pulling weeds.

One podcast I recommend is "Coaching for Leaders" by Dave Stachowiak. He has an amazing wealth of knowledge, and he interviews great leaders on a variety of topics. One of his audios helped a friend of mine who was struggling with employee accountability. In the recording, Stachowiak interviewed author Jonathon Raymond, who offered a five-step method for holding people accountable. The method was easy and immediately helped my friend become a more effective leader.

There's a ton of podcasts available. Look for some on customer service, sales or marketing, and share them with your staff or co-workers. Listen, and then discuss them to see what ideas you can implement to improve your storage business.

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# GOOD BETTER BEST

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## INTRODUCING TIERED VALUE PRICING

PRIORITIZE REVENUE GROWTH AND OPTIMIZATION THROUGH UNIT PRICING AND DEMAND, CAPTURE MORE TENANTS LOOKING TO RENT ONLINE, AND PROVIDE CHOICE AND AFFORDABILITY TO CREATE PURCHASING CONFIDENCE AND URGENCY.

## Google Tools

Love it or hate it, Google is the 800-pound gorilla in the room, and we have to get used to it. While we're feeding this gorilla our advertising budget, we might as well take advantage of the tools it offers!

Tired of paying for Microsoft Office every time you buy a new computer? Try Google Docs instead. You'll have access to Google's version of Excel, Word and PowerPoint. Inside each program is a dynamic set of add-ons to for a better experience.

Google Docs gives you the ability to collaborate and share documents as a team. For example, if I'm working on a file, I can give permission to another employee to view and edit. The changes are instantaneous, and there's no need to send the document back and forth via e-mail.

Google Keep is an organization tool that can be visually compared to a computer screen full of sticky notes. It's a great collaborative tool. For example, if I'm working on a project with a facility manager, I'll share a note with him to keep track of what's complete and what still needs to be done. It's a simple, easy way to keep people, projects and tasks organized in a single place. It can be downloaded as a phone app.

The next great tool is Google Voice. Let's say you need to contact a delinquent customer and the usual methods aren't working. You'd like to send him a text, but not from your personal phone number. Google Voice gives you a free number from which to make calls or send texts. You can download the app to your phone or use it under apps in Google Chrome. (If you choose the latter, you'll find a small phone icon in your bookmarks bar.) Just type in the customer's number and the message, and then press send.

## Truck Rentals

Many self-storage facilities provide free use of the company's moving truck to tenants who are moving into a unit. Potential customers will often call the office to:

- **Check truck availability**
- **Ask questions about using the truck**
- **Cancel or change a reservation**

If you look at all those calls over the course of a year, how much time was spent on them? How much of a disruption are they to your average work day? One way to alleviate this time-sucking task is to offer online reservations. Of course, customers can still call or stop by in person to make reserve the truck if that's what they prefer; but now they have options, even after office hours.

To accept online reservations, you'll need to add a calendar to your website, or link to an outside scheduling website. Most calendar systems can be customized to your needs. You can designate hours, collect required forms, even take a credit card deposit. To reduce no-shows, many systems will even send a text reminder to the customer 24 hours in advance, giving him the option to cancel or reschedule. You can promote your truck-reservation option anywhere you communicate with tenants and prospects. By adding this type of functionality to your operation, you're not only saving time and energy, you're creating a better experience for customers. You're providing another way for them to interact with you. Though the system is relatively inexpensive to implement, it has the potential to provide a large return.

As you can see, there are more ways to dig holes than by using dull, rusty shovels. Look at the processes you're using and think of better ways to do things.

I dare you to try something new!

Rick Beal Co-Founder at Atomic Storage Group

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