



Avoiding Maintenance Cost Surprises in Purchases

by Mark Karolczyk

A problem sometimes faced by purchasers of leased post offices involves unexpected liability for maintenance costs that arise out of events occurring before the closing of the purchases. As one of its remedies when a postal lessor fails to perform maintenance required under a lease, the USPS can perform the maintenance itself and recover the cost of the maintenance by withholding future rent. If a purchase closes after the USPS performs the maintenance in question but before the USPS has fully recovered the expense through such withholding, a purchaser that is unaware of the situation will be surprised when the USPS later withholds rent to recover the expense.

Purchasers can use contract provisions to protect themselves against potential losses related to sellers' past failures to perform maintenance. First, a purchase contract can include a representation from the seller that the seller knows of no events occurring prior to the closing that create a right in favor of the USPS to withhold or otherwise refuse to pay rent. Second, a contract can also include an indemnity provision requiring the seller to indemnify the purchaser against losses resulting from events or occurrences prior to the closing of the sale. While such provisions will not prevent the USPS from withholding rent for expense recovery, they will give the purchaser a claim to recover the lost rent from the seller.

Also, a post office purchaser should always inspect the post office in question and the maintenance obligations the purchaser will assume under the lease. If conditions are found that exist prior to the closing and will require the purchaser to spend money on maintenance after the closing, an adjustment of the purchase price can be made prior to the closing to allow the purchaser to retain the



funds required for the maintenance. Such a solution will obviously require the purchaser to conduct its investigations and discover the condition(s) within the inspection period under the purchase contract.

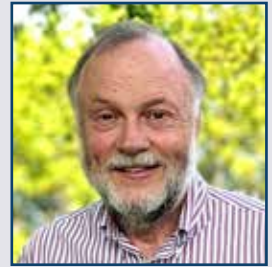
DID YOU KNOW?

It is important to follow up with EMCOR after required repairs are completed. Telling the Postmaster is not enough. A May 2020 OIG Report stated, "The LMP [Landlord Maintenance Program] did not ensure the contractor [Lessor] followed up on urgent/routine repairs to ensure work was completed within 30 days. As a result, landlords did not complete 118 of 192 (61 percent) urgent/routine repair requests as required." Since then, the USPS has increased efforts to make sure that Lessors complete maintenance requests within required time frames.

AUSPL BOARD UPDATES

New Board Member

AUSPL welcomes its newest AUSPL Board member, Stephen Roberts. Steve is a third-generation postal lessor from Cleveland, OH. His grandfather, George W. Timmons, built post offices in the Great Lakes states during the 1960s, and the family continues to lease the USPS almost 100,000 sq. ft of space in Ohio, Michigan, Indiana and Kentucky. His uncle, David Timmons, previously served on the AUSPL Board.



Mr. Roberts is a graduate of the University of North Carolina at Chapel Hill and has an MBA in Management and Finance from the Wharton School, University of Pennsylvania. He has twenty-five years of experience as a business appraiser and four years as the Technology Transfer Officer at Kent State University. This experience will provide excellent background for the AUSPL Board. As President and Managing Partner of Timmons Properties, he is well versed in all phases of working with the USPS. Lease negotiations, maintenance issues, technology platforms, and monitoring USPS policies and market conditions are all part of his customary responsibilities. He has worked closely with his cousins and siblings to ensure that this family business will succeed in the third generation, and, with luck, well into the fourth.

Mr. Roberts' experience and expertise are a welcome addition to the AUSPL Board.

Farewell

AUSPL Board member Morgan Wolaver is stepping down from his position on the Board after many years of service. Morgan has been an AUSPL Member since 1997 and was elected to the Board in 2000. He served as AUSPL's President from 2012 – 2015. Morgan is a second-generation postal property investor. He worked on postal facilities and other construction projects for his father, who built more than 150 post offices over a 33-year period. After college, Morgan spent 17 years in the marine industry, and in 1995 he took over management of his family's investments, which included a portfolio of postal properties.



Morgan has been the motivating force behind of AUSPL's legislative efforts and was instrumental in creating the AUSPL Political Action Committee. His extensive knowledge in this area as well as the contacts and friendships he has made in Congress have been important in furthering postal reform legislation. Morgan will continue to serve on AUSPL's Legislative Committee.

AUSPL Network

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AUSPL Goes Virtual for 2021 Hill Day –and Long-Awaited Progress in Postal Reform Legislation

Despite the restrictions brought on by COVID, AUSPL held another successful Hill Day in 2021. Because of COVID, Hill Day 2021 went virtual. Over 50 meetings with Senators, Representatives and their staff brought AUSPL participants face to face online with their legislators and staff. Participants voiced concerns about the need for postal reform legislation and reiterated the importance of the network of leased postal facilities.

As featured speaker at the virtual lunch, **Representative Carolyn Maloney**, NY-12 discussed the postal reform bill she was to introduce the next day in the House. That Bill, **H.R. 3076, The Postal Reform Act of 2021**, includes a provision repealing the prepayment of future retirement benefits. This provision has been on the list of important reforms that AUSPL has brought to Congress for many years. Additionally, a provision of particular importance to Lessors gives the USPS the ability to sublease space in retail facilities to other government and tribal agencies – another item AUSPL has frequently discussed with Congress.

Rep. Maloney Chairs the House Oversight Committee. As Chairman, she can decide which bills are voted on in that Committee and moved on to be voted on by the full body of the House of Representatives. H.R. 3076 has been ordered reported – which means the Oversight Committee is preparing a report on the Bill. When the report is

filed in the House, the Bill will actually be considered “reported.” Once a Committee orders a bill reported, it is incumbent upon the Chair to report it promptly and take all other steps necessary to secure its consideration by the full House. As author of this Bill, Rep. Maloney will be doing all she can to bring a postal reform bill to a vote in the House.



Rep. Carolyn Maloney and AUSPL President Mark Dattel at Hill Day 2020.

A similar Bill has been introduced in the Senate by **Senator Gary Peters**, Chairman of the Homeland Security Committee. Current expectations are that the House Bill will be voted on first.

The persistence of AUSPL Hill Day participants over the years is producing results and AUSPL leadership thanks each of these individuals.



AUSPL



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Healing Hearts

Mission of Mercy Volunteer News

Summer 2021

Keeping an Eye on Good Health

When it comes to our patients' health, MOM is always looking for opportunities to improve the lives of those we serve. That's why we were pleased to welcome Stanley Shorb, M.D., to our roster of impressive medical volunteers earlier this year

Dr. Shorb is a renowned ophthalmologist who specializes in retinal diseases. He ran his own practice for many decades and served as the team ophthalmologist for the Arizona Cardinals.

After closing his practice late last year, he discovered he was too bored to retire, so he decided to volunteer his time at our Mesa clinic and also with St. Vincent de Paul. He also recently joined another local practice three days a week to fill his time because full-time retirement wasn't for him!

Dr. Shorb has been lending his expertise to MOM patients with Type 2 diabetes. He is considered an expert in diabetic retinopathy and macular degeneration. Many of our older patients have problems with their eyesight, and Dr. Shorb's insight has already been a blessing to them.

Diabetic retinopathy is caused by damage to the blood vessels of the light-sensitive tissue at the back of the eye (retina). Patients with Type 2 diabetes who often also have high cholesterol, high blood pressure and issues maintaining a healthy weight are most at risk for the condition. Diabetic retinopathy can begin with only mild vision problems, but eventually it can lead to blindness.

"Dilated eye exams prevent blindness," said Dr. Shorb. "I'm enjoying my time at the Mesa clinic working with MOM patients and helping with their eyesight issues." He recently worked with a patient who had an unusual eye inflammation that, after testing, turned out to be sarcoidosis, a rare inflammatory disease that can sometimes be life threatening. He worked with Dr. Ira Ehrlich, another MOM volunteer physician, to confirm the diagnosis and develop a treatment plan.

We are grateful to Dr. Ehrlich for referring Dr. Shorb to MOM! He has been a blessing to our clinic. ■



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Medical Team Update:

Dr. Brad & Dr. Roz

A little more than a year after COVID-19 disrupted “normal” clinic operations (and one in which the Mission of Mercy Arizona clinics can proudly say that we did not miss one single day of getting medications to our established patients), we are now beginning to see more of our valued volunteer doctors, nurses and clinic support staff returning to our clinics. During the pandemic, we dipped below 50% of our usual volunteer force and relied more heavily on MOM staff to continue serving our patients. As vaccines are now widely available to all, we hope to see more of our volunteers returning to our clinic sites.



Additionally, we have been accepting new patients on a limited basis at most of our clinics since late 2020. Our new RV, which was finally put into service last October, has been a blessing to store medications, manage patient refills and conduct exams that require privacy.

Based on our numbers, we are well on our way to ramping back up following a challenging year. During the first five months of 2021, **MOM has logged over 5,400 patient visits** (including 665 diabetes/nutrition/food encounters), and we have **given out over 17,000 prescriptions** (that translates to more than 840,000 pills)! Humana Pharmacy’s donations have greatly aided us in this endeavor, and in particular, the help of pharmacists Kevin, April and others who have separated and logged numerous medications.

Although this has been a tough year for our patients (many of whom lost friends and family members due to COVID), we continue to keep our mission focused on restoration of dignity to the poor and healing through Love. Continued thanks to our dedicated volunteers for their time and talents, Sonora Quest for providing patient labs, the Arizona Health Fund Partnership board for their leadership, and all those who pray daily for us and our important mission! ■

Focus on Volunteers



- 80 active volunteers in 2021
- 15 physicians
- 25 nurses
- 17 interpreters
- 9 fundraising/administrative
- 15 various clinic roles

Between January and May, volunteers contributed 3,783 hours valued at \$137,867!

Continuing to Serve Our Community During the Pandemic

Statistics represent MOM's impact from April 2020 to March 2021

1,994
patients seen



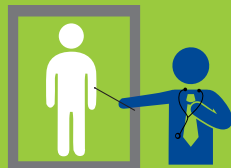
11,969
patient visits



38,821 Rx
dispensed



1,043 diabetes
education
sessions



1,174 fresh
produce bags



620 flu shots



Former Volunteer Leaves Legacy Gift

We recently received news of a generous legacy gift to MOM following the 2020 passing of Mary Carlson, a registered nurse who volunteered with us in registration shortly after our first two clinics opened.



Legacy gifts create additional financial resources for MOM's long-term needs and offer lasting economic stability, despite economic conditions. Through a charitable provision in a will, trust or gift annuity contract, or by designation of a future gift of insurance or retirement assets, legacy gifts to MOM ensure the continued vitality and growth of our mission.

For more information about legacy giving, contact Paula Carvalho at pcarvalho@amissionofmercy.org or 602.861.2233. ■

In Memoriam

Earlier this year, we lost two long-time volunteers who dedicated many years of service to MOM.

Helen Davis was integral in the planning and launch of our very first clinic sites. As a founding registered nurse, she loyally volunteered for us for more than two decades, and her compassion for the patients she served was evident in all that she did.



Shelby Carl was a dedicated member of the Avondale Baptist Church, and served faithfully at our clinic there since its opening in 2010 until he could no longer do so in 2018. As a registration volunteer, he was one of the first smiles our patients received.

Volunteer Survey Responses



93% of volunteers would recommend MOM as a great place to volunteer

"Mission of Mercy goes the extra mile always in order to provide the best care and treatment for our patients."



98% of volunteers find their time at MOM to be enriching

"Mission of Mercy is an incredible support for people without medical insurance and low income that makes them feel that they are not alone in the care of their health."



Average volunteer age is 72

"MOM does a good job serving our patients and showing them kindness, patience, and understanding. Also, seeing the face of God in each person."



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Mission of Mercy - Arizona Staff

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Donna Castrenze-Steele, FNP, RN, Nursing Director
Debi Lynch, RN, Assistant Nursing Director
Paula Carvalho, Executive Director
Diana Navarrette, Office Coordinator
Shoshana Simones, Community Engagement Manager

MOM Clinic Tours Are Back!

As a MOM volunteer you are our best recruiters and ambassadors for Mission of Mercy. Inviting potential donors and/or volunteers to a tour will help open their eyes to all MOM does. We would love it if you would invite your friends to come tour our clinics.



JOIN US FOR A CLINIC TOUR

Come see firsthand how we bring doctors to the people to **restore dignity, empower patients** and **strengthen communities**.

Mission of Mercy has been providing free medical care and prescription medications to those in need for 24 years in Arizona!

Join us for a tour and bring a friend.

2021 Tour Dates

Please note dates are subject to change

1st Monday of month West Valley

Avondale Baptist Church
1001 N. Central Ave.
Avondale, AZ 85323

2nd Wednesday of month Central Phoenix

North Phoenix Baptist Church
5757 N. Central Ave., Bldg. B
Phoenix, AZ 85012

3rd Friday of month East Valley

Chandler First Church
of the Nazarene
301 N. Hartford St.
Chandler, AZ 85225

Tours are held from 10-11 a.m. Reservations required. Masks required.

Contact Diana at 602.861.2233 or dnavarrette@amissionofmercy.org to schedule your tour today.