

SECURITY LINE

A PUBLICATION OF THE METROPOLITAN BURGLAR & FIRE ALARM ASSOCIATION OF NEW YORK



SEPTEMBER - OCTOBER 2017

AUDIT

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Executive Director's Message...

By: Alan Glasser, Executive Director, MBFAA



Alan Glasser

AUDITED by NYS DOS DLS!

The word "AUDIT" is not the word you want to receive in the mail or in an e-mail.

From Wikipedia, the free encyclopedia:

"An audit is a systematic and independent examination of books, accounts, statutory records, documents and vouchers of an organization to ascertain how far the financial statements as well as non-financial disclosures present a true and fair view of the concern. It also attempts to ensure that the books of accounts are properly maintained by the concern as required by law. Auditing has become such a ubiquitous phenomenon in the corporate and the public sector that academics started identifying an "Audit Society". The auditor perceives and recognizes the propositions before them for examination, obtains evidence, evaluates the same and formulates an opinion on the basis of his judgment which is communicated through their audit report."

What Wikipedia didn't include is that when you receive a letter or e-mail with the word "audit" in it you tend to Shake, Shiver, and utter the word Sh*#!

If you are licensed by New York State, Department of State, Division of Licensing Services, there is a good chance that you may receive a letter or e-mail informing you that they are conducting compliance audits and **YOUR BUSINESS HAS BEEN CHOSEN FOR SUCH AND AUDIT**. Shake, Shiver, and utter the word Sh*#!

The letter below is a sample of such a letter or e-mail you may receive. The names have been changed to protect the innocent.

STATE OF NEW YORK
DEPARTMENT OF STATE
ANDREW M. CUOMO, GOVERNOR
123 WILLIAM STREET
NEW YORK, NY 10038-3804
ROSSANA ROSADO SECRETARY OF STATE

Dear Mr. Qualifier:

The New York State Department of State, Division of Licensing Services is currently conducting compliance audits of persons licensed to engage in the business of installing, servicing or maintaining security or firm alarm systems in New York State. Your business has been chosen for such an audit.

Within three (3) business days of your receipt of this letter, please email and mail to the undersigned's attention the following documents and records:

- a written statement in which you are to list the addresses of all branch offices and secondary locations maintained by your business in New York State;
- copies of your firm's most recently quarter payroll records, as well as the most recent weekly or bi-weekly payroll records; unless already reflected on the payroll record, please note next to each employee's name: a) their job title, b) their date of hire and c) the last four (4) digits of their social security number; initial each page;
- a written statement in which you are to list all employees, owners, corporate officers, members, directors and partners of your business that assist in the installation, servicing or maintenance of security or fire alarms systems, including closed circuit television systems;1
- a written statement in which you are to list your business' current clients; attach to said list copies of the corresponding contracts/advance statements of services and charges, not to exceed three (3).

Continued on page 8

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Legal Side

By **Kenneth Kirschenbaum, Esq.**

Kenneth Kirschenbaum, managing partner of the legal firm of Kirschenbaum & Kirschenbaum, P.C., is legal counsel to the Metropolitan Burglar and Fire Alarm Association of New York. Mr. Kirschenbaum's offices are in Garden City, NY. He can be reached at 516-747-6700, ext. 301. Email to: Ken@KirschenbaumEsq.com.



Special Report: New Camera Law -NewYork And Other States

This was reported on SDM InfoCenter on August 17, 2017:

“It is now illegal to make unauthorized video surveillance recordings of a neighbor’s backyard in New York.

Assemblyman Edward Braunstein, the bill’s sponsor, said he heard from people throughout the state who have been victimized by the practice, according to an AP report. Democratic Gov. Andrew Cuomo signed the bill, saying the legislation will give people legal recourse to sue a neighbor who records activities in their backyard with the intent to harass, threaten or annoy them.

Unlawful surveillance of places where there is an expectation of privacy — such as bathrooms and changing rooms — was made a crime in 2003, the report stated, but this bill would extend to the yards of New York citizens.”

The article is not entirely accurate. It is not necessarily unlawful if cameras capture parts or even all of a neighbor’s back yard. Here is the New York statute which becomes effective September 15, 2017:

“Civil Rights Law § 52-a

§ 52-a. Private right of action for unwarranted video imaging of residential premises

Currentness <[Eff. Sept. 15, 2017.]>

1. Any owner or tenant of residential real property shall have a private right of action for damages against any person who installs or affixes a video imaging device on property adjoining such residential real property for the purpose of video taping or taking moving digital images of the recreational activities which occur in the backyard of the residential real property without the written consent thereto of such owner and/or tenant with intent to harass, annoy or alarm another person, or with intent to threaten the person or property of another person. The provisions of this section shall not apply to any law enforcement personnel engaged in the conduct of their authorized duties.

2. For the purposes of this section, “backyard” shall mean that portion of the parcel on which residential real property is located which extends beyond the rear footprint of the residential dwelling situated thereon, and to the side and rear

boundaries of such parcel extending beyond the rear footprint of such residential dwelling.”

The law is not an outright ban on positioning cameras so that they cover some or all of a neighbors back yard. Also, it’s not “illegal” which means a violation of a criminal law. The statute gives a private right of action, a new cause of action, for the violation but does not impose any criminal penalty. The statute also requires that there be an “intent to harass, annoy or alarm another person, or with intent to threaten the person or property of another person ...” The burden of proving “intent” will be on the complaining neighbor, not the neighbor placing the cameras. Furthermore, the complaining neighbor will also have the burden of proving damages, another hurdle that will have to be overcome.

How is likely to play out?

If you place cameras on your property, to protect your property, and the camera also happens to cover some of your neighbors back yard, you are not likely liable under this new law.

If you place cameras primarily directed to the neighbor’s back yard without any justification [which would be your burden of proof] then you would likely be liable. Justification may be that your property is relatively secure and your neighbor’s is not and there is history of trespass into your yard from your neighbor’s yard. That still wouldn’t justify focusing the cameras on the hot tub or sun bathing area.

Monetary damages are not going to be easy to establish. How the video data is used will certainly affect damages. If the data is not even viewed and is eventually taped over then there may be no damages. If the placement of the camera is obvious and causes a neighbor to stay out of the back yard or causes such emotional distress that medical care is needed, there could be significant damages.

Damages, non-monetary, that may be available would include an affirmative injunction requiring the cameras to be re-positioned.

The Residential All in One already deals with this. You are permitted to install the cameras. The All in One warns the subscriber to ascertain how the cameras can be used lawfully and to use the video lawfully. Having said that, I do not recommend installing cameras in an obvious improper place, but you can’t be liable if the subscriber re-directs the cameras.

This law, new to New York, is not particularly unique. Your state may already have laws dealing with capturing another’s image and liability and damages for how you use those images. Check video laws here: <https://www.kirschenbaumesq.com/page/alarm-law-issues> [there are state laws and federal law]

Keep in mind that it is unlawfully, almost everywhere, [and that means criminal] for you to mechanically intercept or record audio unless 1) one party consents or 2) all parties consent [check your state here: <https://www.kirschenbaumesq.com/page/alarm-law-issues>]



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AUDIT *Continued from page 4*

As already stated above, within three (3) business days of your receipt of this letter email the requested information, documents and records to the undersigned's attention at xxx@dos.ny.gov. Additionally, please mail the requested items to the undersigned's attention at the above address.

Upon completion of the audit, you will be contacted by telephone, at which time the results of the audit will be discussed.

Any questions regarding this audit should be directed to the undersigned's attention at (212) 417-####.

Thank you in advance for your cooperation, which is required pursuant to §69-s of Article 6-D of the New York State General Business Law.

Sincerely,

XXX, Investigator

1 Assisting a licensed security or fire alarm system installer includes on-site and off-site participation in the installation, maintenance or servicing of a security or fire alarm system. Assisting also includes having access to or knowledge of the on-line or off-line condition of a security or fire alarm system installed, serviced or maintained by a licensed security or fire alarm systems installer. Assisting also includes having access to or knowledge of the access codes, system protocols, bypass features or hours of operation of a security or fire alarm system installed, serviced or maintained by a licensed security or fire alarm systems installer.

Not to worry!

Let's go over the four bullet points in the letter above.

A written statement in which you are to list the addresses of all branch offices... This should not have been a problem. You listed all your addresses on the original application and you should have sent in any additional locations you added since the original application. "§195.5 License must be displayed (a) The license to engage in the business of installing, servicing or main-

taining a security or fire alarm system shall be conspicuously displayed at the principal location. A photocopy of the business license issued to the principal location must be conspicuously displayed at each secondary location of the business. (b) Licensee shall maintain, at the principal office, a current list of all such secondary locations. (c) Licensee shall file with the Department of State, by registered or certified mail, the location of such sec-

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Can You Be Liable For Contract Drawings And Specs Prepared By Others?

The short answer is yes. The long answer is also yes. You can be, but you don't have to be. It's up to you. What did you agree to?

If you sign some subscriber agreements, maybe an AIA form or some rip-off variation, you may have very well have agreed to be responsible for any drawings, plans, specifications and cite conditions, even if you had nothing to do with any of those things. If you agree to be responsible then why would you be surprised that a court would hold you to your bargain?

Of course your form agreement, especially if you use the Standard Form Agreements [the All in One or other agreements], you will not have this kind of exposure. And why should you?

What happens if you submit the plans and specs, say for a fire alarm system, and the fire department or fire marshal or fire AHJ approves them? Maybe you finish the installation and the AHJ signs off and issues final approval. But what if the AHJ catches the mistake, the one you made and the one the AHJ missed, and insists on changes, what you will want to call

“extras”. Who is going to pay to correct your mistake, or for the change in position of the AHJ. Well I can tell you for sure that it won't be the AHJ.

So that leaves you, the subscriber or maybe a third party who prepared the plans and specification and signed off on them. In most jurisdictions it's the alarm company who prepares and files the plans. In other jurisdictions, like New York, only an engineer or architect can sign off on the plans. But most of the time it's going to come down to you and the subscriber. And keep in mind at the moment I am discussing mistakes or change in position by the AHJ for your plans and your work. I started the article discussing your liability for plans and specs prepared by others for their work, maybe having nothing to do with your work, other than the fact that you were on the same job at the same time [so why didn't you let the owner or architect know that you saw the other tradesman do something you knew was wrong].

By agreement you can undertake many responsibilities and

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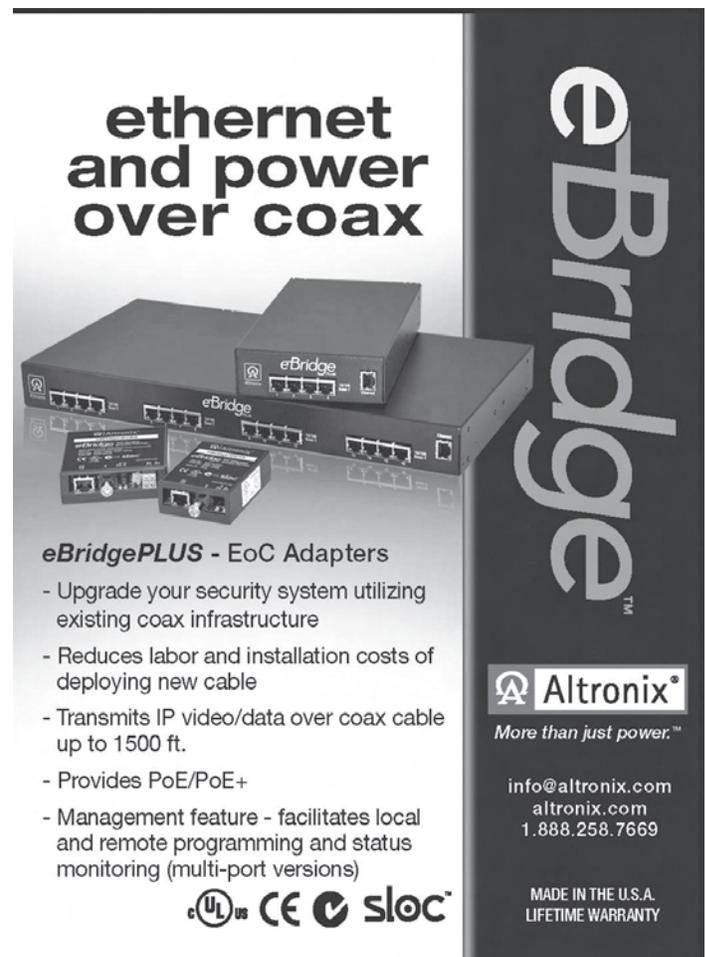


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Can You Be Liable For Contract Drawings And Specs Prepared By Others?

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if you're not careful reading the fine print that's exactly what you will do. The good news is that most of the responsibilities may be insured and covered by your insurance carrier. The bad news is that some of the things you agreed to that exposes you to liability may not be covered by insurance, leaving you wide open to financial ruin, and not just on that job.

I know that not all your customers or subscribers will agree to sign your contract, at all or not without significant changes. That's no reason not to have a form contract of your own. If you don't have one then none of your customers will be signing your contract, because you don't have one. If you have a contract that is so unprofessional on its face then you will have difficulty getting it signed. If you "merge" your customers information in your form, rather than having it appear as a Standard Form, you will have difficulty getting it signed because the customer will think you prepared that contract just for that customer, and the customer will be more inclined to read it or have its counsel read it. It's not that I am encouraging you to not permit your subscribers to read the contract. I am suggesting that when presented with what appears on its face to be a Standardize Form Agreement used by the industry, it's more likely the customer will focus on the provisions added for that customer's specific transaction. No reason to read the "fine print" because it's accepted and

commonly used industry provisions. And, if you use the Standard Form Agreements that happens to be true.

Trust me, [I'm a lawyer] no one has ever regretted getting and using the Standard Form Agreements. Plenty have regretted not getting the forms, usually right after they have

- been sued by a subscriber for a loss
- been sued by a subscriber's insurance company for a loss
- been sued by a former employee for employment issues
- been screwed by a former employee who steals confidential information and then competes unfairly
- been turned down by a central station who won't accept the way you do business without proper contracts
- been turned down by an industry E&O insurance carrier who won't insure you because of your contracts or no contracts
- can't seem to find a broker interested in taking you on to look for a buyer because of the way you do business without proper contracts
- can't seem to find a buyer interested in offering you anything or more than pocket change for your accounts.

It's time to do something for yourself, something smart. Update your contracts today, before you make your next sale. Call our Contract Administrator Eileen Wagda at 516 747 6700 x 312 and she will assist with the selection of the contracts you need. No better time than today. Order contracts here: www.alarmscontracts.com.



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Altronix Introduces New Additions to NetWay Spectrum Fiber Solutions

Provides Highly Efficient Means to Deliver Power and Data Over Fiber



NetWay SP1P



NetWay SP8A

Altronix showcased the latest additions to the company's innovative Fiber Solutions. NetWay Spectrum Series hardened PoE switches and Ethernet-to-fiber media converters accommodate single or multi-mode fiber, as well as composite cable, which combine fiber with copper to simultaneously deliver low-voltage power and data at distances beyond a mile. New additions include the single port NetWay SP1P Media Converter/Injector and the NetWay SP8A/16A 8 and 16-port Media Converters.

"NetWay Spectrum capitalizes on the inherent long-distance transmission capabilities of fiber," said Alan Forman, President, Altronix Corporation. "These new additions to the NetWay Spectrum Series reaffirm our commitment to deliver power and transmission solutions that meet the needs of the market."

NetWay Spectrum includes rack mount media converters for head-end installation, as well as a wide range of indoor and outdoor models with single or multiple SFP Ports for remote

deployment. All NetWay Spectrum PoE Switches feature Altronix LINQ™ Network Communications Technology for remote monitoring, control and reporting.

The latest models added to the growing family of NetWay Spectrum solutions include:

NetWay SP1P Single Port Media Converter/Injector which converts Ethernet to Fiber and provides PoE.

NetWay SP8A/16A Media Converters provide 8 or 16 ports (respectively) in a compact 1U rack mount configuration for head-end installation that converts Ethernet to Fiber.

To complete the fiber solution line of products, Altronix now offers Single-Mode SFP modules – P1SM10 and Multi-Mode SFP modules – P1MM.

All NetWay Spectrum Series products carry a lifetime warranty and are made in the U.S.A.

For more information on Altronix's extensive line of products, call toll free 1-888-258-7669, e-mail info@altronix.com or visit www.altronix.com. •



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Altronix VR6 Voltage Regulator and PDS8 Dual Input Power Distribution Modules are Now UL Listed

Altronix, the recognized leader in power and transmission solutions for the professional security industry, announces its VR6 Voltage Regulator and PDS8 Dual Input Power Distribution Modules are now UL Listed with Altronix eFlow, Maximal, Trove and ULX series products here at ASIS 2017 (booth #2823). Designed to reduce the cost of an additional power supply, the VR6 Voltage Regulator easily snaps together with the PDS8 Dual Input Power Distribution Module via common standoffs saving valuable enclosure space to provide 5VDC or 12VDC and 24VDC simultaneously – individually selectable over each of the eight outputs.



both time and money.”

The VR6 Voltage Regulator converts a 24VDC input into a regulated 5VDC or 12VDC output and offers surge suppression.

The PDS8 / PDS8CB Dual Input Power Distribution Modules feature eight fused or PTC protected power outputs that are selectable to follow power input 1 or power input 2. Individual outputs may be set to the “Off” position for servicing, and multiple units may be daisy chained to accommodate larger system requirements.

The VR6 Voltage Regulator and PDS8 / PDS8CB Power Distribution Modules carry a lifetime warranty and are made in the U.S.A.

For more information on Altronix’s extensive line of products, please visit www.altronix.com.

Solution Enables 12V and 24V DC Simultaneously from a Single 24V DC Power Source •

“Now UL listed, the VR6 Voltage Regulator provides designers and installers with a high degree of versatility to implement more cost-effective security,” said Alan Forman, President, Altronix Corporation. “The ability to repurpose a single 24V DC power supply to deliver 12V DC to a single device, or 12V DC and 24V DC to multiple devices capitalizes on valuable enclosure space, saving

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INSTALLATIONS – SERVICE – MONITORING

AUDIT *Continued from page 8*

ondary locations, within five business days of their opening. (d) Licensee shall post the name of the person in charge at each business location."

☐ **Copies of your firm's most recently quarter payroll records, as well as the most recent weekly or bi-weekly payroll records...** Oy Vey! This is one that WILL get you into trouble. The auditor will correlate the names on your payroll records with the Employee Statements they have on file of your employees. (See the bullet below.) If they don't match... you have some explaining to do. Buy the way, the auditor doesn't care about how much they make, taxes, etc. So you don't have to include all that information.

☐ **A written statement in which you are to list all employees, owners, corporate officers, members, directors and partners of your business that assist in the installation, servicing or maintenance of security or fire alarms systems, including closed circuit television systems;**1... All Employees... I wonder if that also includes secretaries, data entry personnel, etc. Here is the official wording: "...includes on-site and off-site participation in the installation, maintenance or servicing of a security or fire alarm system. Assisting also includes having access to or knowledge of the on-line or off-line condition of a security or fire alarm system installed, serviced or maintained by a licensed security or fire alarm systems installer. Assisting also includes having access to or knowledge of the access codes, system protocols, bypass features or hours of operation of a security or fire alarm system installed, serviced or maintained by a licensed security or fire alarm systems installer." Are all of your employees documented with Employee Statements, Fingerprints, ID cards? Were they sent to NYS DOS DLS within 24 hours of employ-

ment? Shake, Shiver, and utter the word Sh*#!

☐ **A written statement in which you are to list your business' current clients; attach to said list copies of the corresponding contracts/advance statements of services and charges, not to exceed three (3).** This shouldn't be too difficult. You DO have contracts with your customers. Don't you? You only need three copies. Make sure the contracts have your business address and your license information. What is required is: "*§195.17 statement of licensure. All documents or receipts issued by an individual or business licensed pursuant to this article must contain the identification number issued to such individual or business and the phrase "licensed by the N.Y.S. Department of State".*"

You can redact the customer's information for security purposes.

Do you know which one(s) of your employees did the work on the contract? The auditor may want to know. Are those employees documented as I wrote above?

Not a problem you say... I use subcontractors! :-) Well you may be screwed! :- (

Did you read the last issue July - August of Security Line Magazine?

Your subcontractors also need to be licensed AND their employees documented (Employee Statements, Fingerprints, ID cards!) as well. Shake, Shiver, and utter the word Sh*#!

If you are a member of MBFAA we and our attorney Ken Kirschenbaum are here to help. If you are not a member... what are you waiting for... an audit!?

Check it out! WWW.MBFAA.COM

WE ARE STRONGER TOGETHER THAN SEPARATE.

"Be a part of it" the MBFAA

Alan Glasser, Executive Director, MBFAA

...and Thank You! •



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8 Really Smart Reasons Why YOU Should Be Sending Your Clients A Company Newsletter

by Security Guru Bob Maunsell

Here are 8 compelling reasons why you should be sending your clients (and prospects) a newsletter from your security business.

1. Be Viewed As An “Industry Expert”

A newsletter is a great way to share your industry knowledge with your clients. Produce articles of any size and length about security and place it in your newsletter.

You will soon achieve expert status in your client’s’ eyes and they will see the value of your security service.

2. Referrals

The best way to get referrals is to just ask! It’s so important to have the means to ask your clients for a referral. That’s why you should have a marketing system in place that has different referral pieces for different occasions.

Let me give you a few examples:

A Company Newsletter - the most important because it is in your customer’s face several times per year and the referral generator is included in a piece that is considered newsworthy and not salesy.

If you’re interested in a done-for-you company newsletter with a referral-generating section - check out our quarterly Service That Soars™ printed newsletter or our monthly Secure Zone™ enewsletter.

A Survey - sent to your customers after the installation is complete - asking how well you did, if they’re pleased with their new system, etc and includes a referral-generating section.

A Door Knocker - placed on doors in a neighborhood where you are installing a system - letting neighbors know you’re doing work next door and asking if they are in need of your services (a reverse referral really).

Referral Letter - that you mail to your clients.

3. Stealth Marketing

A properly written and executed newsletter (one that trains clients to pay, stay and refer) is truly a “Guerilla” method of marketing. Only your current clients receive it and they become your marketing force if properly influenced (by the newsletter content).

Your competition will never know how you attract all of the top-shelf clients in your town. The newsletter works behind the scenes to keep your clients on board and referring new clients.

4. Introduce New Services & Feature Products

Introducing news services and products in your newsletter

is a great way to truly present the comprehensive nature of your security business.

You should present you new products and services in educational content.

For example: What is the difference between a proxy reader and a biometric reader?: Is an IR-Camera right for you?

By featuring products/services this way, you’ll really make your inquiries grow.

5. People Prefer To Have A Printed Newsletter

According to a Standard & Poors study, people prefer to have a newsletter or written material mailed to them, despite the growing use of the web for distribution of marketing material. The study showed 1/3 of the respondents preferred printed copies, and 41% preferred both print and electronic.

6. The Cost Of The Clients

It takes anywhere from 6 to 15 times the amount of money to attract new clients than it does to keep your current clients coming back for more.

Sending out a company newsletter on a consistent basis is the simplest, easiest and brain-dead way to keep your clients coming back for more, more, more!

7. Building A Relationship

Creating a “personality” for you and your company has a lifelong bonding effect. The more you share your hobbies, travels and lifestyle with your clients the more bonding goes on. The same goes for your staff and referrals. Share a little about them each month. Get warm and fuzzy here!

Clients get a sense that, they really know you and in turn you are breaking down the anti-trust barrier, opening up the flood-gates for a tsunami of referrals.

8. Increase Value

Your clients will perceive higher value in your security business. According to Standard & Poors survey, businesses that send newsletters are viewed as more stable and are regarded as having a higher level of customer service.

Now, I hope you see the value in sending out a monthly newsletter. Once you get started, it really isn’t so hard. You’ll actually grow to love it!

For those of you who can’t see themselves putting a newsletter together or just don’t have the time or desire, then check out one of our done-for-you client newsletters:

Service That Soars™ - quarterly printed newsletter

Secure Zone™ - monthly emailed newsletter

Bob Maunsell & Team SMG

Security Marketing Guru

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counterforce

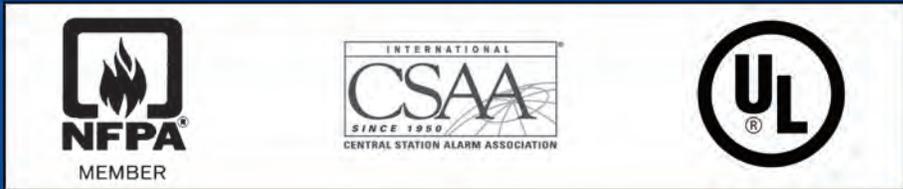
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