

# SECURITY LINE

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

JULY - AUGUST 2018



# UP-SELL:

*Increasing Your Sales  
The Easy Way*

*—page 4*

ADT Sued for Failing to Respond To Residential Fire...page 6

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## *Executive Director's Message...*



**Alan Glasser**

### ↑ UP-Sell ↑

## Increasing Your Sales The Easy Way

By Alan Glasser, Executive Director of MBFAA

**F**rom last year's period compared to this year's same period, your sales forecasts may be off. (Author's note: If they are not and you are ahead of the curve, congratulate yourself and take a couple of days off with the family. And even if you are ahead of the curve you might want to continue reading this article and increase your sales even more!)

Up-Selling is probably one of the easiest ways of increasing your sales revenue without increasing your sales costs!

All of us have been subjected to Up-Selling. You may be readily aware of it or you may have been subject to subliminal Up-Selling you were not aware of:

Here are some that you are readily aware of:

Typical fast food chain store dialogue: "Would you like French Fries with your hamburger?" "Would you like 'Hot Apple Pie?'" "Would you like to Bigger Size it?"

Typical electronics chain store dialogue: "Do you need batteries?" "Would you like to join our battery club?" "Would you like the "extended warranty?"  
Typical TV advertisements that you have call an "800" number to place an order: "In addition to the boxed CD set we also have yada, yada, yada. Would you like me to add it to your order?"

Typical Catalog Sales order call: "The money saving specials for today are... would you like to add that to your order?"

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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, NY. He can be reached at 516-747-6700, ext. 301. Email to: Ken@KirschenbaumEsq.com.*



## ADT Sued For Failing To Report Residential Fire / Loss Of Life

Every alarm company fears being sued for a loss which the alarm / security / fire system was designed to detect. And that concern is not only financial. How about the feelings the alarm company and those involved with the signal must have when they learn of loss of life as a result of their mistakes. When it comes to "life/safety" fire is right there on top of the list, and fire loss can cause catastrophic loss in terms of money, personal injury and death. On the one hand alarm companies are given guidelines

and AHJ intervention and approval for fire, which is a good thing, and on the other hand, these same guidelines and AHJ requirements set minimum standards that, when not complied with, can result in liability exposure.

What you should be thinking about as you read the below news report is what if it was you, not ADT, named in the law suit. Are you carrying enough E&O insurance [probably not]? Is your contract with the subscriber up to date, properly executed and strong enough to protect you if the allegations in the law suit are true [probably not unless you have Kirschenbaum™ All in One Agreement]?

It appears from the news report below that ADT failed to call the FD when a fire signal came in. Instead it tried reaching the subscriber, unsuccessfully. Plaintiff will try to establish that the procedure violated the customary practices and guidelines as well as ADT's own procedural policy.

Thanks to Captain Frank J. Herrick, City of Leawood Fire Department, for bringing the article to

*Continued on page 8*

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## ADT Sued

Continued from page 6

my attention.

Lawsuit just filed accuses ADT of failing to alert FD to alarms for Kansas fire

JULY 13, 2018

REPORTED BY POST STAFF

*TOPEKA, Kan. (AP) — Security services company ADT received alarms at a burning Topeka home with a woman inside but didn't alert authorities about the deadly fire, according to a lawsuit.*

*The wrongful death lawsuit was filed Wednesday on behalf of Elizabeth Frost's child, who is a minor. Frost, 36, died of carbon monoxide poisoning from inhaling smoke and soot inside her burning home in August 2016.*

*ADT received two alarms regarding the fire, the lawsuit said. But the company didn't alert officers and "inexplicably ... fully cleared" the incident about an hour before first responders pulled Frost's body from the home, according to the lawsuit.*

*The suit accuses ADT of negligence, fraud, deception and breaching the Kansas Consumer Protection Act and*

*its agreement with Frost. It seeks damages for Frost's pain prior to her death and subsequent medical expenses, as well as damages for the loss suffered by Frost's child.*

*Fire fighters didn't respond to Frost's home until city employees noticed the fire and called 911. ADT received the first alarm for a broken glass window about 90 minutes earlier. The second alarm was received two minutes later for a failure of the home system's main keypad, according to the lawsuit.*

*An ADT employee attempted unsuccessfully to contact Frost three times and Frost's mother twice, the lawsuit stated. The employee cleared the incident about 30 minutes after the first alarm and made no attempt to contact first responders, according to the suit.*

*ADT's website said that the company will notify authorities if an employee couldn't make contact with a resident under an alarm.*

*"These representations were known to be false or untrue by (ADT), or were recklessly made without knowledge concerning them," the lawsuit stated.*

*ADT has declined to comment to The Associated Press citing pending litigation. •*



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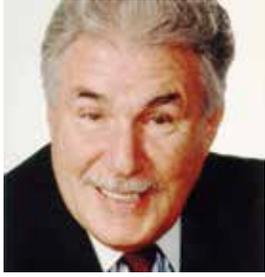
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## THE START OF THE DEAL



**Everything you want to know about buying, selling, financing, or even managing an alarm company**

*By Ron Davis*

*It seems as though everyone in the alarm industry is interested in is buying, or selling, or financing alarm companies. My company, DAVIS MERGERS AND ACQUISITIONS GROUP is one of the leading brokers in the industry. We've done hundreds of transactions, and last year exceeded over hundred million dollars in transactions. We've been doing it for 20 years. The following article, as well as the articles that appear in future publications, are all excerpts from the best-selling book THE START OF THE DEAL. Thousands of alarm dealers have requested this book, and many more are asking the questions that this book answers. Everything you want to know about buying, selling, financing, or even managing an alarm company is pretty much contained within the covers of this amazing book. As you start reading some of the reprints, you'll start to understand why. And at the end of this article, an amazing offer! Now, some interesting observations about bumblebees.....*

### THE FLIGHT OF THE BUMBLEBEE

Many years ago, long before there were industry educational training programs, our little company, then the Davis Marketing Group, conducted virtually all of the education programs that were available at the time.

Steve Rubin and I conducted most of those seminars and in order to get people interested, even motivated, we passed out adhesive cloth stickers with a picture of a bumblebee. Then we would tell the story about the flight of the bumblebee, and how most physicists, scientists and other knowledgeable people all agreed on the fact that there was no way that the bumblebee could fly.

Wings too short. Body too heavy for the wings. Not built for

flight. Well, you get the idea. In other words, according to all the experts in the world, the bumblebee simply could not fly. Only problem was, nobody bothered to tell the poor little bumblebee, and he just flew from one flower to another doing what a bumblebee does. I was reminded of this story not long ago when I had a conversation with a dealer about selling his company. We went back and forth about multiples, valuations and other things that you discuss when a potential transaction is in the offing. At the end of the conversation, I asked him if he would like us to represent him. He thought about it, scratched his head and said he didn't think he would be able to present a strong enough picture to warrant the kind of dollars that he was looking for if he were to sell the company.

I asked him what he thought the valuation might be, and then what the actual number was that he was seeking. Big variation! But what was startling to me was the fact that he didn't think anybody would pay him the price that he thought the company was worth. I told him I thought the company was worth more than the price he was asking.

A couple of months went by; he called back and asked if I was really serious, which I was. He told us to go ahead and help sell his company. We got his asking price plus a little more because of things that he felt had little or no value.

You see, just like the bumblebee, he was not willing to "fly" into the face of rejection. After we did the deal, and we were able to get a price that was greater than his asking price, I asked him why he decided to pull the trigger and move ahead with the transaction.

He said "Ron, you just sounded so enthusiastic about it and, after a while, the idea of not doing it became more odious than I imagined." Like bumblebees that shouldn't be able to fly, alarm dealers sometimes drastically underestimate their own valuation... and that's a big mistake.

*For over 45 years, Ron Davis has been helping alarm dealers get more out of their businesses. Ron has authored several books, is a featured columnist with SECURITY SALES AND INTEGRATION magazine, was in the first group of Hall of Fame inductees, and is one of the industry's most sought after speakers. And now, the offer! Just email Ron at [www.rdavis@graybeardsrus.com](mailto:www.rdavis@graybeardsrus.com)*

*and he will send you a signed copy of the book, THE START OF THE DEAL, at absolutely no charge. And if you have any immediate questions, just include those in the email, along with your order. We will ship it out to you, prepaid. •*



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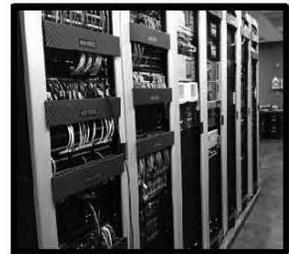
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## DEALER - SUPPORT SERVICES

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# Issues That Concern Buyers Of Alarm Accounts Are Matters You Need To Deal With Now – By Kenneth Kirschenbaum, Esq.

I feel a little better after yesterday's little rant. So let's discuss issues that concern buyers of alarm accounts that are matters you need to deal with now. If selling accounts is not something you are considering now, why think about these issues? Even if you think you'll never sell, why think about these issues?

Buyers of alarm accounts typically won't buy any and all of your accounts. They may want you to turn all these accounts over at closing, but they won't be paying for all of them. The common term in the Buy-Sell Agreements [the professional terminology is Asset Purchase Agreement or sometimes Stock Purchase - or Member Interest- Agreement] is Qualified Accounts or Qualified RMR. If a buyer is paying 35 times plus for your alarm contracts the buyer has some confidence that the accounts are worth buying; they have value, and that value is measurable by the multiple the buyer is willing to pay. Conversely, if a buyer isn't willing to pay anything for an account, or less than the other accounts, it stands to reason that the buyer does not think those accounts are worth much, if anything. In fact, these identified accounts are probably worth nothing and will only be a potential liability, unless they can be turned into accounts that measure up to the full value of the other accounts, the 35 times.

If you currently own the accounts, whether selling or not, you need to be asking yourself if those accounts are worth retaining, or are they a drain on your operation? At the very least, should you be doing something about these accounts now, or should you just keep going on and wait until you are selling and the issue arises?

Qualified Accounts and Qualified RMR really mean the same thing. It's what accounts the buyer will pay for. If you are at the point of discussing Qualified Accounts it means the buyer has already expressed an interest in buying your accounts and has given you a good idea of

what multiple the buyer is willing to pay. But qualifying accounts means excluding those that the buyer doesn't want. It's a criteria set by the buyer; it doesn't have to have any basis in good judgment or practice, it's the buyer's sole prerogative. Common issues that cause account rejection [which is the opposite of an account qualifying] is no contract, poorly written contract, contracts executed when the seller didn't have a license, accounts that are 90 or more days in arrears in payment, maybe accounts with high false alarm incidents or accounts well under priced for the service provided. There are others, but you'll have to call me to get those [for free of course].

So the question you need to be asking yourself is, if the buyers don't want these accounts, why do you? From an equity perspective, these accounts have less value and more risk. Yes, but even these accounts provide you with cash flow, which is better than nothing. A good point, but if you can identify these accounts why not do something about them? Get a new contract signed, price the services properly, fix the false alarm problem, and compel the subscriber to bring the arrears within industry tolerable range, 60 to 90 days. For Pete's sake, you invoice in advance of service. How does a subscriber get behind 90 days after the service period is over. That means you billed in December for January - maybe through March, and it's now June and the subscriber hasn't paid that December invoice. All you got between December and June were a few false alarms and a few nasty phone calls demanding something or other. Come on man, cut bait. Send the account to K&K for collection [only if you have our contracts please].

Running your business, having a subscriber base that doesn't have proper contracts or working alarms and who don't pay their bills timely, is like making up a fake bank accounts that you look at weekly to make yourself feel better and secure. It ain't real buddy. When do you want to find this out, when you're ready to sell, or now. You have time to fix this, and today's a good time to start. Trust me, every company has accounts that need attention; get to it. •



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## UP-Sell from page 4

Typical Credit Card activation / security call while you are on hold: "Our credit guard / fraud services can be added for only pennies per day."

Typical Car Dealership: "I suggest the lighting package, as well as, the advanced fuel saving super duper round tires."

And... if you grew up in New York City, and if you are a baby boomer, you might have ordered an "Egg Cream" from your favorite corner candy store, luncheonette, or drug store. Did you know that the "modern" egg cream doesn't contain any eggs? Yet a long long time ago a chain drug store used to ask "do you want one or two eggs in your egg cream?" What an Up-Sell! Story has it that the chain drug store was selling so many eggs they purchased their own chicken farm! (Don't take my word for it GOOGLE "Egg Cream.")

Think about it... Successful businesses increase sales by Up-Selling.

Are you Up-Selling?

Here is what a typical security contractor does: "Please sign here." Wait nervously for the customer to write a

check. Scramble out the door as soon as they can. Sound familiar? Maybe it's your salesperson? Could it be you!?

But Up-Selling is easy! You are doing a disservice to your customer if you don't! You are not informing your customer of all of their options and services you can provide.

Up-Sell by asking exploratory questions. (There are hundreds if not thousands of questions you can ask to Up-Sell. Here are just a few to get your brain working...)

"I noticed you have some pre-teen children. Would you like to be notified if they didn't come home on time after school?" [Doesn't your central station offer "latch key children" notification service via e-mail or short text messaging? Why aren't you selling it?]

"You made a smart decision to install a fire alarm system. We also install carbon monoxide detectors that will notify our monitoring service and they will notify the authorities. Would you like to add those now? Did you know we also sell fire-proof safes (for those of you that are also locksmiths) for the storage of your papers (or back-up computer data disks)? What size do you think you will need?"

"Are you concerned about the children and the safety of  
*Continuing on page 14*

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## UP-Sell *from page 13*

your back yard swimming pool? (47 percent of children who suffered swimming pool injuries did so at a residential swimming pool.) We can monitor the opening and closing of your swimming pool gate. We can provide a video picture of your pool area to be viewed on all television sets in your home. Even from your computer or smart phone from almost anywhere in the world!”

Commercial CCTV sales: “In high risk security applications we provide off site video storage and monitoring, just in case of destruction by natural disaster or fire. Would you be interested in providing video documentation to your insurance company in case of disaster?”

Access Control sales: “We can provide remote programming and file maintenance for your access control system software, freeing up your HR and Security Departments to do their other jobs. Would you like me to add that option to the proposal?”

You only have one chance to make a first impression but you have many chances to make an Up-Sell!

Give your installers the opportunity for “One-upmanship by Up-Selling!”



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“Mrs. Jones, an extra keypad at your garage entrance will save you extra steps when you come home from shopping. Would you like me to install one while I’m still here?”

Mr. Factory Owner: “Instead of leaving all your high cost high energy lighting on all night, we can supplement the CCTV system with infrared illuminators. Would you like me to install them while I have the ladders and lift on the job site?”

And give your installers a commission for the Up-Sell!

Make sure you add any add-ons to your sales contract and/or schedule of protection! See them at MBFAA’s legal counsel website [www.kirschenbaumesq.com](http://www.kirschenbaumesq.com).

After the job is done solicit service contracts, back-up or alternative monitoring options, etc. Also let your customer(s) know ALL the other services you have to offer so they will call YOU first instead of looking somewhere else.

Up-Selling while in front of a customer is probably one of the easiest ways of increasing your sales revenue without increasing your sales costs!

Up-Selling while installing is also probably one of the easiest ways of increasing your sales revenue without increasing your sales costs!

But you don’t have to be in front of the customer to up-sell! Try it NOW! Call an existing customer! Up-sell them new products or services you now have to offer

*Continuing on page 15*



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# UP-Sell *from page 14*

that you didn't have when you sold the original job. What do you have to lose?

Check it out!

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Alan Glasser,  
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