

Clippings are brief summaries of recent news articles in the consumer media. These stories offer a peek at how garage door companies and products are being reported to the public.

Garage door dealer charged with making death threats to leading Congressmen

Sources: Drew Broach, "Inside Steve Scalise threat suspect's home, police find ammo, books on building bombs," *The Times-Picayune* (New Orleans, La.), Aug. 4, 2018; and Marc A. Thiessen, *Washington Post*, "The Democrats' rhetoric is just as dangerous as Trump's," Aug. 7, 2018; and Drew Broach, "Steve Scalise threat suspect, newly indicted, pleads not guilty," *The Times-Picayune*, Aug. 16, 2018.

63-year-old Carlos Bayon, reported to be the CEO of All Garage Door and Service of Getzville, N.Y., was indicted by a grand jury on Aug. 9 on charges of threatening "to assault and murder" two ranking Republicans in the U.S. House of Representatives.

On Aug. 14, Bayon pleaded not guilty to leaving threatening messages on the voice mail of Rep. Steve Scalise of Louisiana and Rep. Cathy McMorris Rodgers of Spokane, Wash. Scalise and Rodgers are the No. 3 and No. 4 (respectively) GOP members of the House.

Bayon allegedly made the calls on June 30. After a month of investigation, prosecutors issued a search warrant of Bayon's home in upstate New York. He was arrested Aug. 1.

Investigators say they found 200 rounds of ammunition, receipts for two guns, and 17 books about homemade explosives, circumventing security systems, computer hacking, and other suspicious activities. The federal charges were filed in U.S. District Court in Buffalo, N.Y., in Bayon's home area.

Editor's note: When we called All Garage Door and Service, a recording did not identify the business but simply said to leave a message. We did, but no one called back. The business has no website.

Chamberlain wins more concessions against Ryobi

Sources: Jan Wolfe, "Chamberlain wins attorneys' fees in open-and-shut garage-door patent case," *Reuters/WestLaw News*, Aug. 2, 2018; and "Permanent injunction granted to Chamberlain Group Sale of infringing Ryobi garage door openers blocked until 2023," *Globe Newswire*, May 24, 2018.

The lawsuit by Chamberlain against Techtronic Industries (maker of Ryobi garage door openers) has resulted in two recent rulings favoring Chamberlain.

As D+AS reported in our winter 2017 issue, a unanimous federal jury found in August 2016 that TTI willfully infringed on two Chamberlain patents and awarded \$3.6 million in lost profits.

"this case may be the most costly patent-infringement case in our industry's history"

More recently, in May 2018, Chamberlain reportedly won a permanent injunction that blocked the sale of the Ryobi GD200 and GD200A openers—and any similar units—until 2023. Further, the court tripled the jury's award of damages to \$11.4 million, finding TTI's behavior to be egregious.

Then, on Aug. 1, an Illinois federal judge awarded more than \$5.2 million in attorneys' fees to Chamberlain's lawyers. The judge said the attorneys' fees were warranted because Techtronic had "behaved less than admirably" by trying to sell as many of its openers as possible before the ban took effect.

Editor's note: Our industry occasionally sees these patent-infringement cases involving garage doors, rolling doors, and operators. As Chamberlain has now received millions of dollars more in damages and awards, this case may be the most costly patent-infringement case in our industry's history. If you know of a case that was more costly, let us know.

Are side-hinged garage doors the next big thing?

Source: "Are side-hinged doors the next big thing?" *Door Industry Journal* (UK), April 4, 2018.



Photos courtesy of Fort Doors.

"Side-hinged doors are having a renaissance in the garage door market"

This U.K.-based journal reported, "Side-hinged doors are having a renaissance in the garage door market with many end users deciding that up and overs are no longer a viable option particularly if the garage [is] being used for storage."

A spokesperson for Fort Doors, which makes the product, says that customers like the idea of opening only half the door so that neighbors won't see all the other stuff in the garage. He also says that side-hinged doors "typically retail at 40 percent more" than equivalent one-piece doors, and installation takes only 10 minutes more.

“If you’re not selling side-hinged doors today, you may be missing out on valuable sales and more importantly valuable profit,” he said.

Editor’s note: Are they “the next big thing”? They may have some appeal in the U.K., but I don’t see North America jumping on this design anytime soon.

Garage door manufacturer forced to pay \$55k in back wages

Source: “U.S. Department of Labor investigation results in southern California garage door company paying \$55,764 owed to 43 employees,” DOL press release, July 27, 2018.

According to this July press release from the U.S. Department of Labor, Ziegler Doors, a wood garage door and gate manufacturer based in

Santa Ana, Calif., will pay \$55,764 owed to 43 employees. An investigation found the employer violated minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA).

Investigators found that Ziegler paid some workers a piece rate without regard to the number of hours they worked. This practice resulted in minimum wage violations when the piece rate paid failed to cover all the employees’ hours at the federal minimum wage of \$7.25 per hour. Overtime violations resulted when these employees worked more than 40 hours in a work week but were not paid overtime.

Additional overtime violations were found when the employer incorrectly classified some employees as independent

“Additional overtime violations were found when the employer incorrectly classified some employees as independent contractors and paid them without regard to the number of hours they had worked.”

contractors and paid them without regard to the number of hours they had worked. Other workers were paid flat salaries, resulting in more overtime violations when these employees worked more than 40 hours in a week.

Editor’s note: As we have reported, the DOL has been claiming to be watching for these violations for some time. This is evidence that they mean business. Ziegler’s website says the company started in 1969 and serves the Orange County, Los Angeles, and San Francisco areas.

Garage door dealers warn of local scams

Source: “Industry reps take concern to right place,” *Citrus County Chronicle* (Crystal River, Fla.), Aug. 19, 2018.

This editorial praised local garage door dealers who have alerted the local Seniors vs. Crime program about the predatory practices of some competitors in the area.

Lee Alexander, a former police chief and the head of the local Seniors vs. Crime program, warned that some garage door companies are “charging \$20-\$25 for rollers that wholesale for \$1.50 or less, \$400 for a door spring that wholesales for \$40; and \$40 for bushings that wholesale for less than a dollar.”

Alexander urged seniors and homeowners to ask a prospective garage door company in advance:

- ... if the garage door technician is paid a commission. “If so, find another company,” he said.
- ... whether the tech is an employee or a subcontractor.
- ... if they provide free estimates.

“Given the concerns of those in the business community, knowledge and caution should take priority over trust,” said the editorial. “Ethical businesses will not mind the scrutiny.”

Editor’s note: It’s noteworthy that reputable local dealers took their concerns to Seniors vs. Crime, a statewide program of the Florida Attorney General. If every customer rejected all service companies that use commission-paid technicians, how would your company fare?

“If every customer rejected all service companies that use commission-paid technicians, how would your company fare?”

To comment on any of these stories, send an email to the editor trw@tomwadsworth.com.