Chapter 6

"The greatest glory in living lies not in never falling, but in rising every time we fall." —Nelson Mandela

Falling

I returned to the office Friday morning feeling and wishing I was still in Milan. One draggy day to go and I could sleep in on Saturday. I needed updates on site visits during my absence and we needed to coordinate next week's schedule. Was the clock broken? Each hour felt like three. The office was so quiet; our usual banter was missing. Just me, I thought, still on Italian time. Finally, thirty minutes 'til five. All I wanted was for the day to end so I could relax over a cold martini, eat some dinner, and crash.

I was distracted from my computer screen by Ms. G and Ms. S entering my office together, beepers in hand. They closed my door.

"What's up?" I asked.

"We got new beepers while you were away." They spoke simultaneously, like a chorus. They both laid their beepers on my desk and took chairs at the small conference table in the center of the room. That was odd. Generally, employees made a beeline for the little Danish leather couch nearer my desk where they could slouch in comfort.

"Why? Did both of your beepers fail?" I asked the stupid question though I knew that was highly unlikely.

"No," Ms. G said. "We want to change our working relationship with Upbeat! Systems." They both sat upright, underscoring the tension in their words.

"If there's a problem, we can discuss it." I hoped the expression on my face communicated my desire for rest. Their faces indicated I'd have to spell it out. "I'd prefer to do it another day. I'm wiped."

"We'd like to address it now," Ms. S said.

"Yes," Ms. G echoed. "We're ready to make the change today."

Through my fog of fatigue, I sensed that Ms. G had been the mastermind and Ms. S, her acolyte. That aligned with the facts that I'd met Ms. G as an independent software consultant, operating on her own, and I'd trained Ms. S from the ground up. Ms. G's earnings had tripled by joining Upbeat! And Ms. S's training had moved her from an unskilled clerk to a software consultant.

“We’d like to work out an amicable separation from Upbeat! Systems that will allow us to work as independent consultants, not Upbeat! Systems consultants.”

Her slow and methodical style of speech made the hair on the back of my neck feel prickly.

“But you are already independent contractors. As long as you take care of our clients’ needs, you have total say about your schedule. What am I missing?” I looked from one to the other. “What’s wrong with your beepers?”

“Those are yours. We got our own beepers because we have formed our own company, together.” Ms. G was speaking more rapidly as though she needed to get it all out at once. “We will be happy to subcontract for custom programming services from your programmer. We can bring Steve in for networking services and we will agree to purchase software through Upbeat! going forward.” She stopped to wet her lips. “But we want to bill the clients directly for the consulting and training services we provide.”

“At the full rate?” I asked.

“At the full rate.” Again, they spoke as one.

“But that’s my revenue! I bill the clients for services you provide!”

(Twenty-three years later, I’m fumbling over the keys as I type. It’s an old wound that I had forced to heal by never thinking about it. I had vowed to never speak their names again, reminding myself they weren’t worth my spit. There is no way possible, even after all these years, to process my feelings at their proposal.)

At that time, to develop software consulting skills to the extent the consultant could go on-site alone and produce billable hours required a minimum investment of $50,000. Their expertise and knowledge had been paid for, every damn dime, out of the money I’d earned in the business. Professionals, working for consulting firms, like lawyers and accountants, are paid a percentage of the billing rate–not the full rate.

I won’t claim that I spoke calmly or with clarity that day, but I did know the rules. “You can’t operate like that,” I told them. “You were trained and certified in the software under my franchise.” A part of me refused to believe what I was hearing. It wasn’t the Wild Wild West in the franchised accounting software world. Software sales and consulting certifications were licensed under written agreements with both Accpac (Computer Associates) and Solomon Software. “You cannot just walk out of here and provide client services on your own.”

“We have applied for certification in our own names and have made arrangements to purchase software through another dealer.” They glanced at each other acknowledging the contradiction of this statement to a promise stated not three minutes before. Ms. S cleared up the confusion. “Just in case we can’t come to a fair agreement to purchase software through you.”

Fair? Fair agreement?

The conversation was going downhill fast so Ms. G stepped in. “While you were away, we got new beepers and gave our numbers to all the Upbeat! clients we work with.” They both stood.

“You did what?” I jumped out of my chair; it rolled back and hit the credenza behind it.

After clearing her throat Ms. G continued. "We explained that when we leave, Upbeat! Systems will no longer have the resources to provide training and consulting support for their Windows-based accounting software."

The truth of her statement resounded in the space between us like a Chinese gong. She was correct, absolutely correct–that was why I employed them!

Exacerbating that truth was the reality that while my skills in the MS-DOS character-based world had atrophied, accounting software had transitioned to the GUI of Microsoft Windows. Windows-based software products did not look, feel, or function the same as DOS applications.

My skills in using the software had diminished as theirs had blossomed. I needed them and their services. My job was to bring in more accounts and create a greater demand for their skills and knowledge.

"We only want the Accpac for Windows and the Windows Solomon accounts," the two bandits said.

"That's over half of my business!" I made a slight move to step to the side of my desk but checked myself.

"Well," Ms. G said, her words slow and deadly as she restored her chair to its position under the table, "it will be business that you can't handle, regardless."

I soon learned they had been working this plan so long that Ms. S, who lived in a neighboring town, had completed renovations on her garage to house their new offices. They were committed and they were implacable.

We did not come to an amicable agreement. One half of my company revenues were ripped out from under me and they were covertly purchasing software modules (an important segment of our company profits) from another dealer, a dishonest move on the parts of both parties.

In anger, I held back their last checks, honestly believing they were the very epitome of perfidy. I was positive I was within my rights. It never entered my head these two daylight robbers would fight for money, given the circumstances. They went to a lawyer who wrote a demand letter for their pay. I went to my lawyer to fight back and learned that I *had no standing*. What did he mean by *no standing*? It's my business and they were stealing it! What a naïve victim I had been. I was as dumb as a door-knob. I had not required these two scoundrels to sign non-compete agreements. I'd never even heard about non-compete agreements. That's how ignorant I had been.

I had never thought about a non-compete agreement because I was inexperienced and because I could not even conceive of the need. There could never come a time in my life when I would steal a legitimate source of income from another person. Thoughts like that couldn't form in my head. And that was the problem. That was the core of my stupidity. At the age of fifty-four, I still assumed people were essentially good. I judged others by myself. Big mistake.

When I look at the words I just wrote, I want to scream. It was very painful and costly to face the sudden failure of my company after years of slowly and methodically building a client base out of thin air. I was angry. I was devastated. I was personally shattered.

It would be so erudite and awesome if I could write that I read Mandela's quote, took a deep breath, and plunged forward with courage and conviction. It would also be a lie. That weekend I wept and felt sorry for myself and my loss. I questioned all the beliefs with which I'd been raised that promised success in exchange for diligence, persistence and hard work. Confidence in doing the right thing gave way to corrosive doubt.

When my ruminations and sufferings were over that Sunday night, I had one dominant conviction: whatever I did, it had to be different. I conferred with Larry and told him I had two options: either close the company or build it back bigger and better. If I couldn't commit to doubling the number of employees, the business wasn't viable. It was too vulnerable and required too much effort for too little reward.

"I will support whichever choice you make," Larry promised.

While licking my wounds, I toyed with the idea of quitting. But I knew failure was not an option. I would overcome my discouragement and despair. I would require all employees, current and future, to sign non-compete agreements. I would learn from my painful lesson and find better people. I would bounce back. As late autumn of 1998 grew colder, my resolve to rebuild, bigger and better, hardened.