

I-WAYS MAGAZINE

BIG I WNY | AUGUST 2019

Promoting the value of **independent insurance agents** in Western New York



PRESIDENT'S MESSAGE

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Contact our Board at:
www.wnyagent.com/officers-
directors/



Kathleen Rapasadi
President Big I WNY

Nothing beats summer in Western NY! I hope everyone is enjoying the weather and events outside. There are many summer events happening in Western New York.

The Big I WNY has been very busy with our own events! In May our Board of Directors went to Washington DC for the annual Big "I" Legislative Conference. Attendees were Kathleen Rapasadi, President, Ashley Engl Vice President, Rob Glenn, Treasurer and Tamara Storch, Chair of the Board. Lou Atti - Chair of the Board from our State Leadership was also in attendance.

We lobbied on Capital Hill and met with our local Senate and Staff members. Our discussions included Flood Insurance, Single Pay Health Care, Terrorism, Scaffolding Law and Taxes. The voice of a constituent is the most powerful on Capital Hill. Big I WNY was happy to join our peers to leverage one voice on behalf of the Independent Agents!

Big I WNY hosted our 18th Annual Roger M. Gurney Golf Outing on Monday, June 17th, 2019. We held the event at Harvest Hill Golf Course in Orchard Park, NY. We had a wonderful turnout and the weather was very nice. Robert Glenn, Treasurer was our Golf Chair and did an amazing job bringing the event to life! We had our Basket Raffle, 50/50 Drawing and raffled off our Yeti Cooler full of Cheer! Dinner was provided by Chef's Restaurant. All proceeds go to Project Invest for our local high school students. A Big Thank You to all Sponsors of our Golf Outing. Thank you to everyone who donated a Basket for the raffle and your time in planning this event.

Please join us for our next big event: the 2019 Big I WNY Installation Dinner on September 26, 2019 at 5:30 PM at The Columns Banquets in Elma, New York. Please come out and meet your new incoming President, Ashley Engl, ACSR, GBDS of Lawley Insurance. Ashley has been an intricate part of our Board for many years working our projects including NeXtGen. Cost is \$50 per person and includes buffet dinner and two hour open bar. Please sign up on our website <https://www.bigiwny.com>.

We are always looking for people to join the Big I WNY Board. It's an amazing experience being a member of our Board. As a Director, you will get to meet and collaborate with new people who stand strong for our Independent Agents. If you feel you would like to discuss joining, please reach out to me. Big I WNY is always looking for new members to join our organization also. If you know of anyone who would like to join, please have them reach out to me at Krapasadi@tompkinsfinancial.com.

Big I WNY Installation of Officers & Directors

Thursday September 26, 2019 | 5:30-8:30pm | The Columns Banquets

Please join us for our Installation of 2019-2020 Officers and Directors. Come and meet your new WNY Board of Directors and celebrate with our incoming president, **Ashley Engl, ACSR, GBDS** of Lawley Insurance.

\$50 per person includes buffet dinner and two-hour open bar reception.

Sponsorship packages are available and include recognition at our event:

\$250 - includes 2 complimentary tickets
\$500 - includes 3 complimentary tickets
\$1,000 - includes 4 complimentary tickets
\$1,500 - includes 5 complimentary tickets



[REGISTER HERE](#)

Big I WNY Legislative Breakfast

Thursday, Oct. 24, 2019 | Buffalo Club | 388 Delaware Ave, Buffalo, NY 14202



Please join Big I WNY at our annual legislative breakfast. Registration and breakfast will be followed by a brief legislative update and **Roundtable Discussion** amongst our members, WNY legislators, and representatives from our Big I NY legislative team.

Come and meet your elected representatives from our local area to discuss the issues critical to our industry. Sign up today to make our voices heard!

Schedule of Events:

Registration & Breakfast 8:00 a.m.

Roundtable Discussion 8:30-9:30 a.m.

\$20 pre-paid registration – Registration deadline is 10/18/2019

[REGISTER HERE](#)

Big I WNY Roger Gurney Memorial Golf Outing

Thank you to everyone who sponsored and attended our 18th annual Roger M. Gurney Memorial Golf Outing.

Leading up to the event, we had multiple days of rain and while the course was still pretty wet, we had fantastic weather the day of and we were able to tee off without any issues!

We host this outing in the name of Roger M. Gurney. Roger was very active in many IIAAWNY committees that routinely discussed problems that small agents face, proposing solutions to streamline insurance office operations. Roger remains one of the most highly respected agents to have served on the IIAAWNY board. His efforts and hard work in promoting the independent agency system is deserving of an ongoing memorial. Because of this memorial outing each year, Big I WNY is able to present scholarships to deserving high school graduates through Big I WNY's "Invest" Program so they can continue their studies and advocate on behalf of the independent insurance agency system.

Thank you again to all who contributed to make this annual outing a success. We look forward to hosting this event again in 2020!



Project InVEST

Sheila Sampson, business teacher at Hamburg High School, and the students wish to thank Big I WNY for their generous support of the Project Invest Scholarship program funded by the generous support of our annual Roger M. Gurney Memorial Golf Outing.



2019 Hamburg High School Project Invest scholarship recipients (from left to right): Michael Skora, Christina Birt, Beth Eberhardt, Dakota Reynolds, Chris Damiani and Lauren Chiachia.

Elite Women 2019



Congratulations to **Marcia C. Brogan of Marcia C. Brogan Agency LLC** (affiliated with Niagara National Inc.) for being recognized by Insurance Business America as one of the **Elite Women of 2019**. Marcia is one of the 69 women who are changing the face of leadership in the insurance industry county wide. Congratulations to Marcia for representing WNY and all we have to offer. You can find all the 69 women listed in the [IBAMAG.com](https://www.ibamag.com) issue 7.06.

NeXtGen Professional Development Event Recap

Thank you to all of our NeXtGen members that attended the Professional Development Seminar on July 17th. Claire Petrie shared a variety of helpful tips on Building your Personal Brand and developing your LinkedIn Profile to help promote yourself and your company. It was a great opportunity to learn about the value of enhancing our social media profiles and participating in online networking.

Stay tuned for upcoming NeXtGen events in Fall 2019!

NeXtGen would like to thank our 2019 Diamond Sponsor:



Sponsorship opportunities for upcoming NeXtGen events are still available! Please contact Claire Gerlach at cgerlach@lawleyinsurance.com if you are interested in helping to support this organization.

What is NeXtGen?

Next Generation of Insurance Professionals (NeXtGen) is a professional skills development and networking group open to those working in the insurance industry. Membership is not limited to agents only; it is open to anyone involved in or supporting the insurance industry, including all agency and company personnel. For more information on this group, you can feel free to reach out to Ashley Engl (aengl@lawleyinsurance.com) or any of the members of our NeXtGen Planning Committee.

2019 NeXtGen Planning Committee

Christopher Ryan – The Hartford
Ashley Engl – Lawley
Devon Sundlov – Lawley
Justin Shuttleworth – WH Greene & Associates
Kara Rozak – Lawley
Jocelin Parkin – SERVPRO of The Southtowns
Sara Haak – Lawley
Shannon Sommer – Lawley
Joseph Shorr – RT Specialty
Claire Gerlach – Lawley

NeXtGen Upcoming Events

VOLUNTEER ACTIVITY

SEPTEMBER 2019

4TH ANNUAL NEXTGEN SPEED NETWORKING

NOVEMBER 2019



#NeXtGenBuf

NeXtGen Buffalo

Next Generation of Insurance Professionals (NeXtGen) is a professional skills development and networking group open to individuals under 40, or those who are new to the independent insurance industry. Membership is not limited to agents only; it is open to anyone involved in or supporting the insurance industry, including all agency and company personnel.



What We Offer:



Professional Development

Do you want to grow professionally? Invest in your insurance career! We offer opportunities for CE credit and other career-enhancing professional development sessions. Interested in a leadership opportunity? We have those too! Education is a key to success.



Networking

Life is all about relationships. NeXtGen offers fun networking events that allow you to build relationships with fellow insurance professionals. This can lead to connections that you would not have had otherwise, as well as a broadening of your insurance knowledge base.



Community

Come together to participate in volunteer activities within our community – whether it's helping at Food Bank of WNY or building beds with Beds for Buffalo. It is incredibly rewarding to be able to give back to the community that we all work in and love!

What are you waiting for? Join Now!

Contact Ashley Engl (aengl@lawleyinsurance.com)

Sponsorship Opportunities:

Help NextGen fulfill their mission while you gain fresh relationships with the best and brightest rising leaders in the area!

Stay Connected

... so that you hear about upcoming events!

Like our Facebook Page:

<https://www.facebook.com/neXtgenBuffalo>

and join our LinkedIn Group:

<https://www.linkedin.com/groups/4338428>



Save the Date!

The Big I WNY

Christmas Luncheon

Friday, December 6, 2019 | Twentieth Century Club |
595 Delaware Avenue, Buffalo, NY 14202
(Parking lot located behind the club on Franklin St)



Cocktails at Noon
Luncheon - 1:00 pm

Sponsorship packages available!

\$250 – Includes 1 ticket to our event plus recognition that includes your company logo in our powerpoint presentation, your marketing materials at a sponsor display table

\$500 – Includes 3 tickets to our event plus recognition that includes your company logo in our powerpoint presentation, your marketing materials at a sponsor display table

Registration deadline: 11/29/19

In keeping with our tradition, we will be collecting for the WNY Food Bank. Your cash/check contributions are greatly appreciated. All contributors will be eligible for our door prize drawing.

Save the Date!

WNY Young Professionals Networking Event

Tuesday November 5, 2019



Event Details

- Registration and open networking with local Insurance Professionals
- Enjoy food, drinks, and guided networking which is broken into 3 sessions
- Non-romantic speed dating=> Speed Networking!
- Each session offers you time to talk about where you work/your role and to meet and learn from other young professionals working in the insurance industry
- Throughout the evening, you will have the chance to win raffle prizes
- After the rotations, open networking can continue

Registration link will be sent out soon!

Looking to sponsor the event? There are various levels of sponsorship, some that include free registration(s)! Contact Claire Gerlach at cgerlach@lawleyinsurance.com for more information.

Save the Date!

Raise the Rooftop Happy Hour

Thursday Oct 10, 2019 5-8pm

Patrick's Rooftop Bar | 500 Pearl Street, Buffalo, NY 14202

Cost: \$25 per person, includes 2 Hour Open Bar and Light Appetizers

[Register online at BigIWNy.com](http://BigIWNy.com)



PLAIN LANGUAGE OF THE INSURANCE CONTRACT RULES THE DAY: INSURED NOT ELIGIBLE FOR REPLACEMENT COSTS WITHOUT TIMELY REPAIR

Insureds are not eligible for replacement costs when they fail to repair their property in accordance with the time requirements contained in their insurance policy. See *Kathleen Cushing, now known as Kathleen Wiatr v. Allstate Fire and Casualty Ins. Co.*, and *Frank Boden Insurance Agency* (not published as of yet) (4th Dep't 2019).

In *Kathleen Cushing*, the Appellate Division affirmed the Supreme Court's award of summary judgment for the insurer on the plaintiff's second cause of action, which sought payment of replacement costs under the plaintiff's insurance policy for damage to the plaintiff's roof. The Court reasoned that the defendants were not required to provide replacement costs under the policy as the plaintiff did not conduct repairs of the roof within two years from the date of loss. Specifically, the court noted that the policy language only required the insurer to pay plaintiff the "actual cash value" of such damage and merely provided that the insurer would pay additional repair or replacement costs only if the plaintiff made such repairs within two years from the date of loss. The court concluded that the defendants met their burden on the summary judgment motion by establishing that they paid the actual cash value and that the plaintiff did not repair her roof within two years of the date of loss. Based on these facts, the insurer had no obligation to pay for replacement costs as the insured failed to comply with her policy preconditions to replacement cost coverage.

During the course of the litigation, the plaintiff attempted to argue that the insurance company was estopped from invoking the time limit requirement under the policy as the insurer "slept" on its rights. However, the court disregarded this argument as there was nothing in the record to indicate that the insurer "discouraged" the plaintiff from replacing

her roof within the two-year period after the date of loss. Moreover, the insured failed to meet her policy obligations on replacement costs and her claim appropriately was dismissed by the Court.

Practice Pointer: While the *Kathleen Cushing* case was undoubtedly a win for insurers and the enforcement of the plain language of an insurance contract requiring insureds to complete timely repair or replacement prior to issuance of a single replacement cost dollar to an insured, the holding also offers a word of caution for insurers and their agents. Moreover, insurers and their agents must be careful what is said to an insured verbally and in writing with respect to claims made. In this court's rational, the court implied that if the plaintiff could have provided something to indicate that the insurance company "discouraged" the insurer from completing her roof repairs within two years of the date of loss, then, the court may have ruled differently. Said another way, had the agent or insurer said or wrote something suggesting that the two-year timeframe to complete repairs somehow was extended, the plain language of the policy would have been ignored by the Court. Agents and their carriers should be careful not to promise insureds who suffer a loss rights greater than those contained in the insurance contract to avoid confusion and/or a waiver of those rights held by the insurance carrier.

For answers to your legal questions, feel free to contact Marco Cercone, Esq. or Shawn Byrns, Esq. at Rupp Baase Pfalzgraf Cunningham LLC, 1600 Liberty Building, Buffalo, New York 14202, 716-854-3400, www.ruppbaase.com.

BASIC INSURANCE MATH:



ALLEGANY INSURANCE GROUP is pleased to announce that it has been awarded an A. M. Best Financial Strength Rating of “A” (Excellent) in 2019. This is the 28th year in a row that Allegany has achieved this recognition.

We are able to enjoy this rating only through the support and hard work of our partner Independent Agents. We value your knowledge, experience and perspective in these quickly changing times, and promise to do our very best to maintain financial strength while offering a wide variety of comprehensive, competitively priced products for your clients.

Thank you!

Byron K. Long, CEO and President



“A” Stable for 28 years!



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