

# I-WAYS MAGAZINE

BIG I WNY | JULY 2022

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



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[bigiwny.com/officers](http://bigiwny.com/officers)

I would like to thank all of our directors and officers for the work they've put in so far this year, we had some really great events and their hard work really shows!

We've also been putting in work to keep our members engaged & offer opportunities for in-person events. Here's an update:

**April 2022-** Big I WNY officers took part in Independent Agents Advocacy Week. We met virtually with our leaders in Albany to discuss issues affecting our industry at the state level. Some of the topics that were discussed: Reform Auto Photo Inspection, Excess Lines Modernization Package, Repeal Anti-Arson Application, State Fund 30-day notice.

Big I WNY officers also attended the annual Big "I" Legislative Conference in Washington D.C. This was a great opportunity for our officers to have conversations with our elected officials on the different issues affecting our industry. These topics included Maintaining Small Business Tax Fairness, Extend & reform the National Flood Insurance Program, Cannabis legal protections for Independent Insurance Agents, Protect the Federal Crop Insurance Program, Safeguard against future pandemics & Preserve Employer Sponsored Health Insurance.

**May 2022-** Big I WNY hosted a joint CE class with Big I NY to discuss newly released CE requirements. This 4-hour class was held at Diamond Hawk Golf Course and covered the topics of Insurance Law, Ethics, Diversity & Inclusion & Flood Insurance. We had almost 65 attendees and the feedback to this class was fantastic! Huge thanks to Sue, Jim & Tim for coming out to speak to our attendees!

On May 14th, our city was shattered by the events that happened at the Tops on Jefferson Avenue. As a board, we decided that a contribution to our local food bank was in order to help assist those who were affected by this tragedy.

On May 19th, Big I WNY officers met with Senator Patrick Gallivan at his office in Elma, NY. The purpose of this meeting was to have a conversation directly with the Senator and make him aware of some of the topics that were on our agenda. Of all the topics we talked about, we had a huge victory in getting him to sponsor the bill for reforming the Auto Photo Inspection process. Huge shout-out to the officers for attending this meeting and advocating for this change!

Additionally on May 19th, our NeXtGen committee hosted a happy hour at Forty Thieves. This was another well attended and highly successful event. Great job to our NeXtGen committee for hosting the event!

**CONTINUED ON THE NEXT PAGE...**

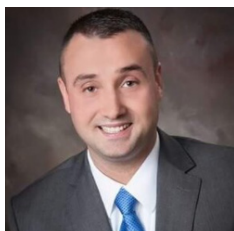
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On May 23 & 24th, Big I WNY Officers & Directors attended Go Big in Syracuse, NY. This was a great event hosted by Big I NY. The event featured speakers, carriers & agents from across the state and the goal was to network, uncover new markets and learn from the speakers on ways to improve our daily processes using technology and building relationships. Special thanks to RT-Specialty for hosting a dinner for some of our board members and thanks to those who made the trip to Syracuse for this event!

On July 29th, we'll be hosting our Annual Roger M. Gurney Memorial Scholarship Golf Outing. It will be held @ Diamond Hawk Golf Course and we hope to see you there!

Thanks for all your support and we look forward to diving back into our events in the fall with the installation of Doug Benz as our incoming President.

Thanks for your time and I hope you all have a great summer!



A stylized, handwritten signature in black ink, appearing to read 'Rob Glenn'.

**Rob Glenn**  
President, Big I WNY  
Lawley Insurance

# 20th Annual Roger M. Gurney Memorial Golf Outing

Join us on Friday, July 29 at Diamond Hawk Golf Course for a wonderful day of golf, networking and prizes! This golf outing is a fundraiser for the Roger M. Gurney Scholarship fund, and the funds we raise will go directly to our local Project InVest students here in WNY.

## Event Highlights:

50/50 Raffle  
Prize Raffle - 4 big ticket items  
Bloody Mary Bar (courtesy of Frank Gallo)  
Wine Toss

RT Specialty Par 3 Challenge  
Door Prizes  
On-Course Contests

Not a golfer? You can still participate by attending the dinner or purchasing a raffle ticket online.

No 001

Name \_\_\_\_\_  
Phone# \_\_\_\_\_

**Roger M. Gurney Memorial Scholarship**  
**-PRIZE RAFFLE-**  
**JULY 29, 2022 AT DIAMOND HAWK**  
- TICKETS: \$25.00 -  
**A CHANCE TO WIN ONE OF THE FOLLOWING 4 PRIZES!**  
•• YETI COOLER FILLED WITH BOOZE ••  
•• LABOR DAY WEEKEND B&B IN ELLICOTTVILLE ••  
*Four-Bedroom Home, Sleeps 8 Comfortably*  
•• JUST PIZZA FOOD TRUCK PARTY FOR 20 ••  
•• BUFFALO SKI CLUB - FAMILY SEASON PASS ••  
(Eligible to win every prize) • No need to be present to win.

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# neXtgen POWER UP

## UPCOMING EVENTS

### **JULY 20** NextGen PowerUp: Sales

*Follow the career paths of two NextGeners as they talk about successfully building client relationships and how doing so has increased sales for their agencies.*

### **AUGUST 3** NextGen PowerUp: Learning & Development

*Two members of our NextGen community share CE and professional development opportunities they have benefited from and how they have helped grow their careers and made them valuable members of their agency.*

### **AUGUST 17** NextGen PowerUp: Networking

*Learn the value of building relationships with fellow independent agents and companies.*

### **AUGUST 31** NextGen PowerUp: Advocacy & Legislative Efforts

*Learn about opportunities for young agents to get involved with advocacy efforts. Hear from Scott Hobson, Big I NY AVP of Government Relations, as he discusses top issues and recent successes.*

### **SEPTEMBER 28** NextGen PowerUp: How to Get Involved with NextGen

*Our NeXtGen leaders will share what they value about being a NeXtGen member. Learn too what's on the calendar for the fall.*

Join us for the free POWER UP webinar series, presented by NextGen and created especially for you.

Learn the skills you need to succeed...and meet some great peers along the way.

This free webinar series starts July 20th - Register Now at [BigINY.org/NeXtGen](https://BigINY.org/NeXtGen).

## Buffalo Bisons vs Syracuse Mets

Next month the Buffalo Bisons play the Syracuse Mets in Syracuse! The NextGen CNY chapter is inviting Buffalo and Rochester young agents to join them for some friendly competition and networking at the baseball game. If you're interested in taking the road trip to Syracuse for this event, please reach out to Ashley Engl ([aengl@lawleyinsurance.com](mailto:aengl@lawleyinsurance.com)) and we'll coordinate transportation plans for the Buffalo group.

### DETAILS:

**When:** Thursday, August 11, 2022

Tailgate starts at 4:30 PM, Game starts at 6:30 PM

**Where:** NBT Bank Stadium | Syracuse, NY

## 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.

For more information on this group, feel free to reach out to any of the members of our NeXtGen Planning Committee.

Ashley Engl - Lawley  
Craig Willoughby - Willoughby Insurance  
Ashley Atkinson - Tompkins Insurance Agencies  
Amanda Roache - W.H. Greene & Associates  
Kara Rozak - Walsh Duffield

Dan Bauer - ServPro  
Sara Haak - Lawley  
Joseph Shorr - RT Specialty  
Victoria Church - Walsh Duffield  
Emily Smith - W.H. Greene & Associates  
Jack Lyons - Lawley

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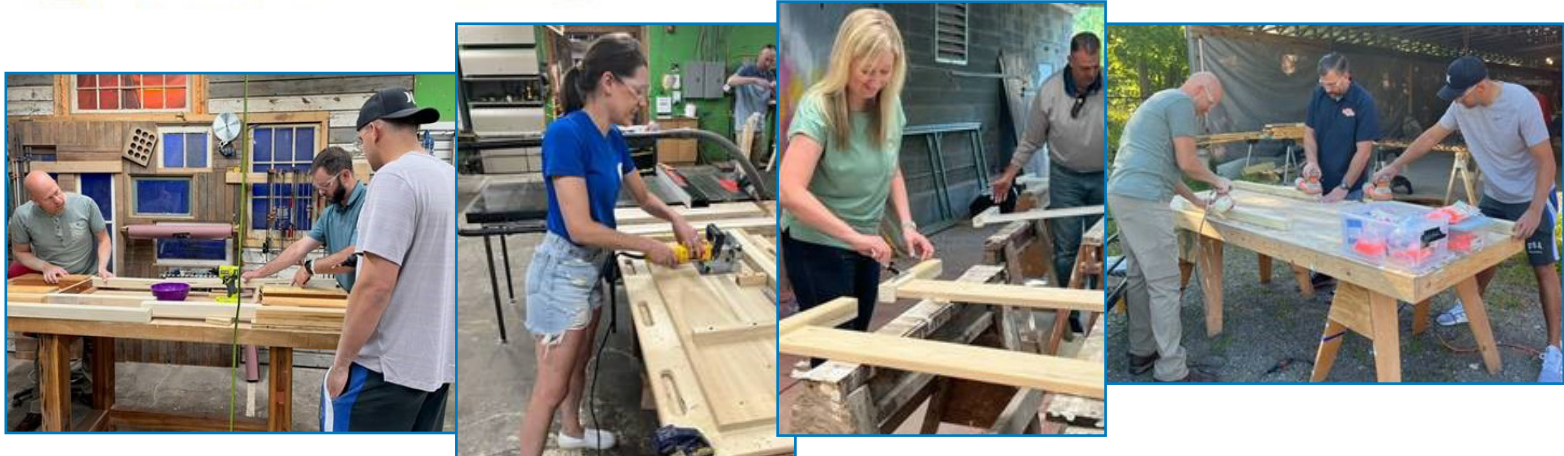
# NeXtGen Continued

## EVENT RECAP



Thank you to all of the NeXtGen members that volunteered their time on Friday June 24th to help build beds for the Service Collaborative of WNY Beds4Buffalo project! Our group had a great time sanding, painting, and even assembling beds. We look forward to volunteering again on Friday August 12th.

If you'd like to join us in August for our next project, [Click Here.](#)



## NeXtGen Happy Hour

On Thursday May 19th, NeXtGen held a Happy Hour at Forty Thieves in Elmwood.

Those who attended enjoyed food, drinks, and networking with fellow young insurance professionals. Lots of fun was had by all!





# Summer 2022 Project InVest Update

PROJECT  
INVEST

Every year, Big I WNY awards scholarships to high school seniors who have participated in the Project Invest Program.

The scholarships are given for the following amounts: 2-\$1,000, 4-\$500, and 4-\$250. Each student must submit an application, photo, transcript, and an essay on how Project Invest has made an impact on them. We had a total of 20 applicants from four different schools (Hamburg, Lakeshore, Clarence and Depew). Scholarships were awarded to students from each school.

The award winners were as follows:

\$1,000: Ashlie Hansen (Hamburg)  
\$1,000: Hailey Garrison (Lakeshore)  
\$500: Clara Forehand (Hamburg)  
\$500: Ryan Buettner (Clarence)  
\$500: Elizabeth Degenars (Lakeshore)  
\$500: Bethany Fuer (Depew)  
\$250: Nicholas Florzak (Depew)  
\$250: Hailey Alix (Clarence)  
\$250: Shaelynn Meyer (Clarence)  
\$250: Andrew Mukolajczyk (Lakeshore)



Project Invest works in conjunction with the school districts' Academy of Finance to bring knowledge and awareness of the insurance industry to high school seniors. As we break for the summer, please take some time to think about giving back and participating in Project Invest in the fall. It requires a minimal investment of time, but gives you the ability to make an everlasting impact on a student. If you have any questions or would like to know more about volunteering, please contact Rob Glenn at [rglenn@lawleyinsurance.com](mailto:rglenn@lawleyinsurance.com).



**Rob Glenn**

Big I WNY Project InVest Chairman

716.849.1591

[rglenn@lawleyinsurance.com](mailto:rglenn@lawleyinsurance.com)

## BIG I LEGISLATIVE CONFERENCE RECAP & LOCAL LEGISLATIVE EFFORTS

On April 27, the Big I WNY executive committee departed for Washington D.C. to attend the Big I National Legislative Conference.

The event was held virtually in 2020 and 2021, so it was great to be back in person. For board VP Doug Benz and Treasurer Lisa Hussainov, it was the first time making the trip, joining veterans Rob Glenn and Ashley Engl, your board president and chairwoman. Lisa was the recipient of the NYS Big I Young Agent Scholarship award presented to a first time attendee.

Our brief trip was jam packed with legislative meetings on Capitol Hill, including a meeting with Rep. Chris Jacobs and staff members from Rep. Brian Higgins and Sen. Chuck Schumer's offices, among others. We discussed many issues including flood insurance reauthorization and legislation regarding handling of future pandemics plus other pertinent and timely matters that are important to insurance consumers in our state and also nationwide. The trip was a great success.

In May, our same delegation met with state Sen. Patrick Gallivan in his local office. Among the issues discussed were revisions to the Carco legislation. The senator offered his support and the legislation passed with Sen. Gallivan as co-sponsor. Having been already approved in the New York State Assembly, it now awaits Gov. Kathy Hochul's signature. If the governor signs the bill, carriers will have the option to waive Carco inspections.

Big I WNY and the entirety of Big I NY continues to be a force in Albany, advocating for insurance consumers and our members across the state and everywhere.

Save the Date for our  
annual board of directors  
and officers installation  
dinner at Sandy Beach  
Yacht Club on Thursday,  
October 6, 2022.



**Maintain Small Business Tax Fairness**

The Big “I” supports H.R. 1381/S. 480, the Main Street Tax Certainty Act, which would make the 20% small business deduction, passed as part of the Tax Cuts & Jobs Act, permanent. The deduction, which is scheduled to expire at the end of 2025, is heavily relied upon by many Big “I” members and their clients to expand their small businesses, hire more employees, and better serve their communities. The Big “I” also opposes any attempts to increase taxes on small businesses, especially when many are still recovering from the effects of the COVID-19 pandemic and facing new challenges due to an historic level of inflation. Specifically, the Big “I” would oppose efforts to cap or eliminate the small business deduction, raise individual/corporate rates, boost the capital gains rate, or make changes to stepped-up basis.

**Extend & Reform the National Flood Insurance Program (NFIP)**

With the NFIP extended through September 30, the Big “I” supports a long-term reauthorization of a modernized NFIP that would increase take-up rates, both in the NFIP and the private market. Specifically, the Big “I” supports H.R. 4699, the Continuous Coverage for Flood Insurance Act and S. 2915, the Flood Insurance Consumer Choice Act. Both bills would allow for private flood insurance to satisfy continuous coverage requirements, which ensures that if consumers leave the NFIP for the private market and later must return, they can do so without penalty. The Big “I” opposes any policies that would harm the Write-Your-Own (WYO) Program (including WYO reimbursement reductions). As FEMA continues implementation of Risk Rating 2.0, FEMA’s new pricing methodology, it is essential that FEMA communicates closely with independent insurance agents who represent policyholders. While some consumers will experience premium reductions as a result of Risk Rating 2.0, others will see increases and will rely on their insurance agents to assist them in understanding these changes.

**Advocate for Legal Protections for Independent Insurance Agents**

Despite being illegal at the federal level, many states offer medical marijuana, have decriminalized recreational marijuana, or have given full legal status to cannabis. The Big “I” supports H.R. 1996/S. 910, the SAFE Banking Act, which creates a safe harbor for agents and brokers who choose to do business with cannabis-related legitimate businesses in those states. This legislation would protect Big “I” members and other financial services providers from both criminal and civil liability.

**Protect the Federal Crop Insurance Program (FCIP)**

The current Farm Bill expires in 2023 and it will be critical to support policies strengthening the stability and effectiveness of the FCIP. Over the past several years, crop insurance has helped farmers navigate the challenges posed by weather disasters, supply chain disruptions, and uncertain markets. The Big “I” supports a strong and robust FCIP that provides certainty for our farmers and communities and will continue to oppose legislative and regulatory efforts to weaken the efficient and effective private sector delivery of crop insurance. The Big “I” was pleased to see that President Biden’s recent Fiscal Year 2023 budget proposal fully funded the FCIP and we urge Congress to follow suit by protecting and strengthening crop insurance.

**Safeguard Against Future Pandemics**

Pandemics produce an immense magnitude of potential financial losses, do not allow for an insurance-like spreading of risk, and make it impossible for the private marketplace to provide traditional coverage and protection to the millions of businesses and nonprofit entities in the United States. If Congress ultimately considers the establishment of a new government mechanism for addressing future pandemics, the solution should look more like a prospective Paycheck Protection Program (PPP) than an insurance product and utilize the insurance market for delivery rather than underwriting and coverage.

**Preserve Employer Sponsored Health Insurance**

It is imperative that Congress protect the employer-sponsored health care system for the more than 180 million Americans who depend on it. The Big “I” would object to any policies that damage the way that the majority of Americans receive their health insurance. As a result, the Big “I” opposes S. 386, the Medicare-X Choice Act, which would create a public option and H.R. 1976, the Medicare for All Act, which would replace the current, employer-sponsored healthcare system and force all Americans into a one-size-fits-all government run program.

**Defend State Regulation of Data Security for Insurance Consumers**

As a state-regulated industry that is already subject to a variety of federal data security statutory requirements, the Big “I” supports leaving data security standards and enforcement to state insurance regulators who are in the best position to oversee the marketplace for consumers. If Congress considers a national data security standard, it is important that any legislation be scalable and reasonable, while recognizing the significant differences between large and small businesses.

**For more information, please contact us at [CapHill@iiaba.net](mailto:CapHill@iiaba.net) or 202.863.7000**



# Go Big Recap

STATE



On May 23rd and 24th, several of our Big I WNY officers and directors traveled to Syracuse to attend the Big I NY Annual Meeting and attended our state association's "Go Big" event! The conference featured a variety of guest speakers and offered attendees the opportunity to network with fellow agents, company and vendors that support our industry.

Photographs from top to bottom:

1. "Go Big" Agenda
2. Installation ceremony for incoming Directors and Officers of Big I NY Board
3. NY Group enjoying a night out with local association board members from across the state!
4. Lisa Lounsbury presenting at the Big I NY Annual Meeting





# Additional Go Big Photos

PHOTOS



1. "Doug Benz leading a moment of silence at lunch to honor the victims of the recent shooting in Buffalo"
2. Panel Discussion at Go Big
3. Ashley Engl introducing the afternoon Panel Discussion
4. Statewide NY Young Agent Committee

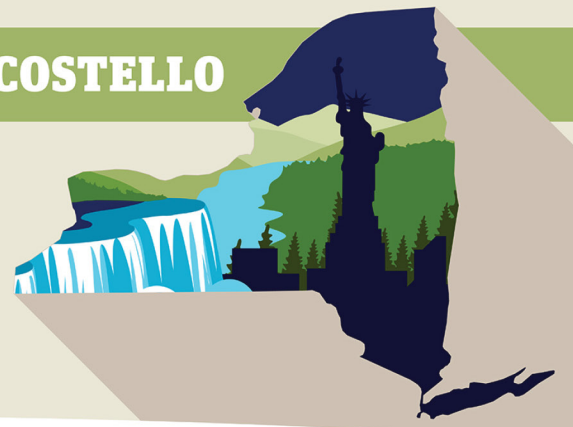


**THE INSTALLATION OF IIABA CHAIR JOHN COSTELLO**

# celebrate new york

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SEPTEMBER 17, 2022 • NIAGARA FALLS



## Installation of John Costello

**September 17, 2022**

**12:00 PM - 2:00 PM**

**Conference & Event Center**

**101 Old Falls St, Niagara Falls, NY 14303**

John Costello, CIC, CRIS will be installed as chair of IIABA during the Fall Leadership Conference at 12:00 PM (during the luncheon). We are excited to have Ben Nemtin as our keynote speaker!

## KEYNOTE SPEAKER BEN NEMTIN

We're excited to have Ben Nemtin, #1 New York Times best-selling author of "What Do You Want To Do Before You Die?" and star of MTV's "The Buried Life" as our Keynote Speaker. As the co-founder of The Buried Life Movement, Ben's message of radical possibility has been featured on The Today Show, The Oprah Winfrey Show, CNN, FOX, and NBC News.

In his first year of university, Ben was unexpectedly hit with a depression that forced him to drop out. In an attempt to feel more alive, he created the world's greatest bucket list with his three best friends. Ben's bucket list quest has inspired millions to thrive personally and professionally.



Visit **BigNY.org/Installation**

## COURT UPHOLDS NARROW INTERPRETATION OF EXCLUSION FOR “EXPECTED OR INTENDED” INJURY

Recently, a New York appellate court found in favor of the insured when interpreting an exclusion in an insurance contract for when injury is “expected or intended” and the definitions of “damages.” *Certain Underwriters at Lloyd’s, London v NL Indus., Inc.*, 203 AD3d 595, 595 (1st Dep’t 2022). In *Lloyds*, Santa Clara County brought a class action against NL Industries for public nuisance alleging that NL Industries marketed lead paint while knowing the dangers lead paint posed. Subsequently, NL Industries settled the class action for a \$101.6 million payment into an abatement fund and sought insurance coverage for the settlement. *Certain Underwriters at Lloyd’s London v NL Indus., Inc.*, 2020 NY Slip Op 34331[U], \*14 (Sup Ct, NY County 2020).

The insurers denied the claim for two reasons. First, some of the policies at issue excluded coverage when damages were “expected or intended.” While the lawsuit giving rise to NL Industries’s liability settled, the California Courts where the lawsuit was brought did make some findings. Namely, that NL Industries had knowledge of the increased risk of harm from using lead paint. *Id.* at 35. However, the New York appellate court agreed with the lower court that the exclusion was not applicable as “[i]n general, what makes injuries or damages expected or intended rather than accidental are the knowledge and intent of the insured. It is not enough that an insured was warned that damages might ensue from its actions, or that, once warned, an insured decided to take a calculated risk and proceed as before.” *Id.* at 22.

Second, the insurers argued that the payment to the abatement fund did not constitute “damages” as the abatement fund was only to prevent future harm and not to compensate for past losses. However, the New York appellate court disagreed with the insurers stating, “the abatements payments...had a compensatory effect, which qualified them as damages under the applicable law and insurance policies.” *Certain Underwriters at Lloyd’s, London*, 203 AD3d at 596.

**Practice Pointer:** The *Lloyds* case should serve as a reminder that certain New York courts are favorable to the insured and tend to read insurance contracts in favor of finding coverage for an insured. Insurance policy exclusions should be drafted clearly and account for any contingencies or unintended consequences that may arise. Otherwise, the insurer may be found liable for coverage it never intended or anticipated being covered by the subject policy. Insurance agents and brokers should take great care in knowing the policy exclusions contained in the policies they are selling and communicate those exclusions to the insured to make sure their insureds are aware of what is not covered under the terms of an insurance contract. This can protect an agent/broker from potential liability claims made by insureds against their agents should a situation arise where the insured thinks he or she is covered, but actually is not!

*For answers to your legal questions, feel free to contact Marco Cercone, Esq., James Graber, Esq. or Matthew F. Withiam-Leitch, Esq. at Rupp Baase Pfalzgraf Cunningham LLC, 1600 Liberty Building, Buffalo, New York 14202, 716-854-3400, [www.ruppbaase.com](http://www.ruppbaase.com).*



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## CONTACT US TO DISCUSS CARRIER OPTIONS!

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