

I-WAYS MAGAZINE

BIG I WNY | MARCH 2022

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



A MESSAGE FROM YOUR PRESIDENT

Officers

Rob Glenn
President

Doug Benz
Vice President

Lisa Hussainov
Treasurer

Directors

Ashley Engl
Chair of the Board

Michael Agliata
Doreen DeCarlo
Patrick Erickson
Ashley Nolan
Kate Sellers
Pat Vaeth
Demi Walsh
Josh Watkins
Craig Willoughby

Jeanne Hellert
Executive Secretary

General Enquiries

P.O. Box 983
Orchard Park, NY 14127

Phone: (716) 207-3886

iaawny@gmail.com
bigiwny.com

Contact our Board at:
bigiwny.com/officers

As we start another year, I can't help but think of what a rollercoaster ride the last couple years have been. It has been anything but normal for our directors & officers, but I believe we've come out stronger and more resilient!

I'd like to share with you what I've been up to since being elected as President of Big I WNY. On September 23rd, we held our annual Installation of Directors & Officers at The Tewksbury Lodge. This was one of our first formal in-person events since the start of the pandemic and it really was great to see everyone in person again! I was honored to be installed as President of Big I WNY! Being surrounded by family & friends, as well as most of our Directors & Officers made it an experience I'll always remember. Thank you all for this opportunity and I look forward to working on your behalf!

On October 7th, I attended a NeXtGen happy hour held at Tacos, Community & Beer. This was a great opportunity to network with other industry folks and catch up with friends who I haven't seen in quite some time.

Also in October, our local Project InVest chapter started presentations with students of four local high schools. These presentations continued through the end of the year and we successfully completed our fall sessions. We look to resume in the spring when we will once again speak to the students and complete our scholarship application process. Thank you all for volunteering your time, the program would not be successful without you!

On November 10th I attended our NeXtGen Speed Networking event held at the new Southern Tier Brewing in Buffalo. This was once again another great opportunity to network with fellow insurance folks and to catch up with friends. I encourage you to attend one of these events, it really is a great way to meet new people and build your industry contacts.

On December 1st, we held our annual virtual Legislative Breakfast. We had a bipartisan group of nearly a dozen state lawmakers and staff members join our agents. Scott Hobson, Big I NY's AVP of Government Relations provided an update on developments during the past year, including progress on our bill to make auto photo inspections voluntary, streamlining the process for placing coverage in the excess market, and the unanimous appellate court ruling in our favor declaring Insurance Regulation 187 unconstitutional. The event also featured a look forward to key issues in 2022, including supporting photo inspection reform and opposing single payer healthcare and a ban on the use of lead paint exclusions in rental property coverage.

The event also included a robust discussion between agents and lawmakers on the issues and how to advocate for progress. A key message from lawmakers: agent participation in the political process is critical!

CONTINUED ON THE NEXT PAGE...

...CONTINUED FROM PREVIOUS PAGE

On December 6th, myself along with officers and various directors attended the Big I NY 2021 Virtual Local Leaders Summit. During this summit, we heard from local leaders across the state and discussed the various topics affecting each of our associations. Big I NY provided tips on how to address these topics and allowed us to share our ideas with others who may not be aware of the programs and events that each association provides. Thank you to Big I NY for hosting this event, it was very informative!



Thank you Big I WNY for this generous \$2,500 donation - can you believe this is their 16th year of giving to #Food2Families?! @WGRZ 🍏🍏



8:33 AM · 03 Dec 21 · [Twitter for iPhone](#)

On December 10th, Big I WNY held our annual Holiday Party at the Saturn Club. This event has always been highly regarded and it was great to bring it back in-person after postponing the event in 2020. At our luncheon, we collected donations from our attendees for our local food bank. This allowed us to continue our tradition of donating \$2,500 to FeedMore WNY. Myself & Ashley Engl (Chair of the Board) presented this check on the WGRZ Food 2 Families Food Drive on December 3rd, which was locally televised. This was the 16th year that our organization has participated in the Food 2 Families food drive.

Also at our holiday party, we presented our 2020 & 2021 Bravery Award checks to the recipients of our annual awards. The Bravery award plaques were presented at the Fireman's Ball held on October 16th, 2021.

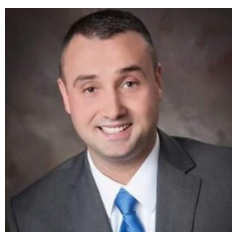
For 2020, the award went to Engine 3, 3rd platoon, consisting of: Lt. Shawn Duffy FF Michael Jaskula, FF Barry Byner & FF Joshua Henderson.

For 2021, the award went to Battalion Chief Thomas Meldrum.

We congratulate these men for their bravery and continued service to our community. I would personally like to thank Lt. Shawn Duffy for attending our holiday luncheon and accepting the donations on behalf of the Buffalo Professional Firefighters Association.

I am excited to see what 2022 brings and to continue pushing forward with in person events. We look forward to the return of our annual Roger Gurney Golf Outing this summer. Our Golf Committee is in the planning stages and we ask that you save the date: July 29, 2022!

Thank you all for your support! I look forward to working alongside our Officers & Directors to continue to be an ambassador for the independent insurance agent and our local region!



Rob Glenn
President, Big I WNY
Lawley Insurance

NeXtGen Buffalo Bowling & Networking Event

UPCOMING
EVENTS



Please join us on Thursday March 10th for networking, dinner, and bowling at Spare Lanes- located in the Aloft Hotel at 500 Pearl.

WHEN: March 10th 5-7pm

WHERE: Spare Lanes (Aloft Hotel, 512 Pearl St Suite 150, Buffalo, NY 14202)

COST: \$30 per person- includes 2 hour open bar, dinner buffet, and bowling

NeXtGen will cover the cost of your parking in the convenient, attached parking ramp.

If you are interested in attending, [please sign up HERE](#).

2022 NeXtGen Annual Sponsorship Opportunities

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

- **Diamond Sponsor \$1,000** - includes 2 tickets to every NeXtGen event in 2022
- **Platinum Sponsor \$750** - includes 1 ticket to every NeXtGen event in 2022
- **Gold Sponsor \$500** - includes 2 tickets to any upcoming NeXtGen event in 2022
- **Silver Sponsor \$250** - includes 1 ticket to any upcoming NeXtGen event 2022
- **Bronze Sponsor \$100** - includes recognition on all advertisements and at event

If your company is interested in purchasing a sponsorship package, [please register HERE](#) and a representative will contact you to arrange payment.

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 event or group, you can feel free to reach out to Ashley Engl (aengl@lawleyinsurance.com) or any of the members of our NeXtGen Planning Committee (listed below).

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

Thanks to Our 2022
Annual Sponsors:



NYS CE REQUIREMENTS

EDUCATION

On November 12, 2021, the Department of Financial Services enacted changes to the current license renewal process in NYS. This amendment mandates that of the 15 continuing education required to be completed every two years by certain insurance producers and public adjusters (collectively, "licensees") include the following classes:

- At least one hour of courses on the provisions of New York insurance law and regulations
- At least one hour of courses on ethics and professionalism
- At least one hour of courses on "implicit and explicit bias; equal access to justice; serving a diverse population; diversity and inclusion initiatives in the insurance industry; and sensitivity to cultural and other differences when interacting with clients, potential clients, or other members of the public."
- For all property-casualty licensed producers, at least one hour of courses on the sale of flood insurance through the National Flood Insurance Program (NFIP)
- For producers who sell coverage through the NFIP, at least three hours of enhanced flood insurance instruction. ****This 3-hour course is not included in upcoming class.***

In conjunction with Big I NY, we have been working to put together a CE class that will offer these credits for anyone who may not be in compliance after the 4/1/22 date.

Please keep an eye out for more information on our upcoming class to be scheduled in May 2022. We are working to book a date and venue to hold that class. It will be an in-person event!

Who should attend:

- Anyone who may have 15 hours of CE, but not including the topics listed above
- If you are anticipating renewing your license in the future, but have not taken these classes yet
- If your agency hasn't enacted a license renewal process that includes the specified classes
- License renewing after 4/1 and these 4 hours are still needed.

If you have any questions, please feel free to reach out for further details!



Rob Glenn

President, Big I WNY

716.849.1591

rglenn@lawleyinsurance.com

SAVE THE DATE!



WHAT:

Big I WNY Roger
Gurney Memorial
Golf Outing

WHERE:

Diamond Hawk Golf Course
255 Sonwil Dr
Cheektowaga, NY 14225

WHEN:

Friday, July 29, 2022

See what we've been up to!

PHOTOS



Big I WNY Honors Our Local Firefighters

LOCAL



2021 Bravery Award: Battalion Chief Thomas Meldrum

On November 26, 2020, members of Ladder 2, Engine 1 and Rescue 1 were dispatched to 1 Niagara Square for a report of a Motor Vehicle Accident. On arrival they were met with a scene of chaos with a car that had crashed and landed $\frac{3}{4}$ the way up on McKinley Monument.

Battalion Chief Meldrum instructed the 1st in crews to assess the scene for victims and for stability of the vehicle. The driver was found to be still alive, however, he was experiencing labored breathing and the crushed door had trapped him in the car. Crews from Engine 1 simultaneously worked to free the trapped passenger. Because of the severe damage to the car and the position it was in, they were ordered by Chief Meldrum to make access to the victim by popping the rear window and climbing into the precariously hanging vehicle. Once inside they found a severely injured female without vitals. They immediately collared her, used a backboard to extricate her, all while performing CPR in efforts to revive her. After bringing her out and continuing lifesaving efforts, it was determined by the AMR supervisor that she was not savable and the victim was declared deceased.

While these actions were ongoing, the members of the Rescue 1 had arrived and after consultation with Chief Meldrum, they setup and first stabilized the vehicle and then assisted the crews in extricating the driver from the vehicle who survived his injuries.

We commend his efforts on this call by presenting him with the 2021 Independent Insurance Agents Association of WNY Award for Bravery.

2020 Bravery Award: Buffalo Fire Dept Engine 3, 3rd Platoon (Lt. Shawn Duffy, FF Michael Jaskula, FF Barry Byrnes, Firefighter Josh Henderson)

On the night of June 26, 2020, the crew responded to the scene of a woman down and unresponsive at 57 Townsend. The crew was also met by the victim's unruly husband. The husband was making threatening statements and attempted to get physical with some of the members of Engine 3. Two members of the crew assessed, and provided life reviving treatment of the victim while the other two members addressed the threatening husband without the assistance of any police presence. The victim was successfully transferred to AMR.

For their actions of saving a life while under duress at a dangerously hectic scene the members of the crew are awarded this citation. We commend the efforts of this crew for their actions on this call by presenting them with the 2020 Independent Insurance Agents Association of WNY Award for Bravery.

These awards were presented at the 2021 Fireman's Ball on October 16th and today we have Lt. Shawn Duffy with us to accept our contribution to them for their efforts.



Project InVest Update

PROJECT
INVEST

I just wanted to take a moment and thank everyone who has volunteered their time to speak with the students on the various topics surrounding insurance. Without your generosity, our program would not be as successful as it's been. Thank you all for your efforts!

Since Project InVest may be something you've never heard of, I'd like to give you a quick breakdown of our program. The program starts with the teaching sessions in the classrooms. Volunteers spend some time speaking to the students on various types of segments within the insurance industry. We discuss anything from Insurance Basics to Life, Accident & Health and we even get into Businessowner's, Automobile & Homeowner's insurance policies. This leads into our scholarship application process. Each year we ask the students to complete an application and explain to us what it is they learned from the program and if it gave them the desire to pursue a career within the insurance industry. We then award numerous scholarships to the students, these range anywhere from \$250-\$1,000.

So here's what we've been up to:

We just wrapped up our Fall/Winter InVest classes with our 4 participating schools. This year brought many challenges to our program. We typically have a golf outing in the spring which raises the scholarship funds that are needed each year, but our board decided to hold a fundraiser instead. We were successful in raising most of the funds needed and we were still able to successfully present our scholarships in 2021.

Many of our sessions were impacted by the presence of positive Covid-19 cases. Some were cancelled just mere minutes before they were to begin, other schools had their entire sessions moved due to the teacher being out in quarantine. Through it all, we were still successful in getting our sessions completed and the students were able to participate in our program.

Looking forward to 2022, we will be scheduling our spring sessions with some of the schools and we are very excited for the return of our annual Roger Gurney Memorial Golf Outing!

Our 2022 scholarships will be awarded in April and we look forward to presenting our applicants with scholarships that will propel them into their new career!

If you have an interest in participating in Big I WNY's Project InVest program, please feel free to reach out to myself through either email or phone!



Rob Glenn

Big I WNY Project InVest Chairman

716.849.1591

rglenn@lawleyinsurance.com

NEW YORK COURT OF APPEALS DISTINGUISHES PENALTY LOSSES FROM COMPENSATORY DAMAGES IN WRONGFUL ACT LIABILITY POLICIES

When it comes to wrongful act liability insurance, insurers should be aware of a recent ruling from the New York State Court of Appeals, distinguishing penalty losses from compensatory losses. See *J.P. Morgan Sec. Inc. v. Vigilant Ins. Co.*, 2021 N.Y. LEXIS 2519, 2021 NY Slip Op. 06528 (Nov. 23, 2021). In *Vigilant*, plaintiff's predecessor – a securities broker-dealer that processed and cleared trades for clients – was under investigation by the Securities and Exchange Commission (SEC). The investigation concerned deceptive market practices carried out by plaintiff's predecessor in connection to the purchase and sale of mutual fund shares. The SEC intended to take action against plaintiff-predecessor, seeking \$720 million in monetary sanctions. Plaintiff-predecessor eventually settled the disputes with the SEC, agreeing to an administrative settlement for a \$160 million "disgorgement" payment and a \$90 million payment for "civil money penalties."

Plaintiff commenced an action for breach of contract against the primary insurance provider and several excess insurance providers, seeking, among other things, a declaration of coverage for the disgorgement payment made to the SEC. Under the insurance policy, the insured was entitled to coverage for losses associated with wrongful act liability, including compensatory damages, punitive damages where insurable by law, multiplied damages, judgments, settlements, costs, and expenses incurred in connection with any investigation by any governmental body. The policy also contained an exception to losses, which did not include "fines or penalties imposed by law." This exception was the core dispute to be determined by the Court of Appeals, as no definition was provided for this exception under the insurance policy.

The Court of Appeals was not persuaded by the insurers' argument that the SEC-ordered disgorgement must be considered a penalty within the meaning of the insurance policies at issue. The Court reasoned that because the disgorgement payment served

"compensatory purposes and was measured by the profits wrongfully obtained and losses caused by the alleged wrongdoing," the payment was not a "penalt[y] imposed by law" but rather a form of compensatory damages covered by the policy. *Id.* at *20. Longstanding principles of insurance law supported this interpretation, since New York law requires that policies be "construed in a manner consistent with the expectations of a reasonable insured at the time of contracting" and that any exclusions be given a "strict and narrow construction."

Practice Pointer: The *Vigilant* case again underscores the well-established precedent that courts will interpret insurance contracts as written and any ambiguity in same will be resolved against the party that drafted the contract. Said another way, if the terms of the insurance contract are not clear and are subject to another reasonable interpretation, chances are the Court will side with the party to the lawsuit that did not draft its terms. That is exactly what the *Vigilant* court did when it found in favor of the insured because the exclusion relied on by the insurer was undefined and ambiguous. Insurance agents should be mindful of how courts generally interpret these insurance contract provisions in order to adequately advise their insureds prior to binding coverage, and to protect themselves from any potential errors and omissions liability should their advice to an insured in connection with a claim somehow be construed as a waiver or estoppel of an insurer's policy rights.

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



© 2020 Liberty Mutual Insurance, 175 Berkeley Street, Boston, MA 02116

We're here to help you move your agency forward.

Local expertise, national scale.

Liberty Mutual Business Insurance | **Safeco Personal Insurance**



Talk to your territory manager or find one at LibertyMutualGroup.com/Business and Safeco.com/Agent-Resources



**Liberty
Mutual**
INSURANCE

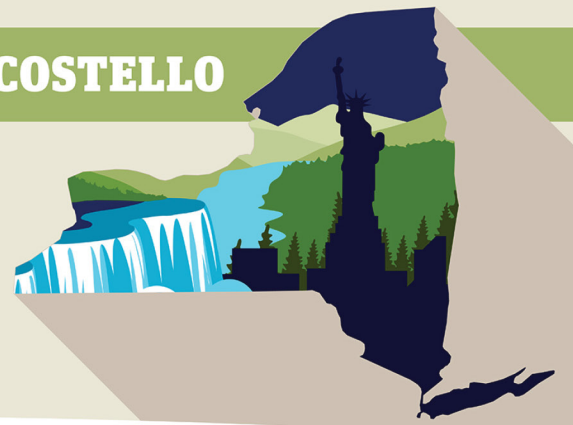
Safeco
Insurance™
A Liberty Mutual Company

THE INSTALLATION OF IIABA CHAIR JOHN COSTELLO

celebrate new york

WITH A PERFORMANCE BY JUNKYARDFIELDTRIP •

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 **BigINY.org/Installation**

GOBIG

2022

**GET READY TO LEARN &
GROW - IN-PERSON!**

**CRAFTED FOR AGENCY LEADERS, DRIVEN TEAM
MEMBERS, PRODUCERS, YOUNG AGENTS, AND
FUTURE AGENCY LEADERSHIP.**

MAY 24, 2022 | SYRACUSE, NY

[BIGINY.ORG/GOBIG](https://biginy.org/gobig)



Independent Agents Advocacy Week(s) April 4th - 15th, 2022 | Virtual

Speak Up and Advocate for Your Industry!

It's back and bigger than ever! Join fellow independent agents from across New York State for Big I NY's Virtual Independent Agents Advocacy Week(s) This empowering event will kick off with an advocacy training session on April 4th, followed by virtual meetings with your state legislators who represent you in Albany.

This is your opportunity to be an advocate for your industry and your customers. During Advocacy Week(s), you'll meet your state lawmakers, and be part of the movement to help the independent channel thrive – all from the convenience of your desk! Don't worry - we'll get you prepped on the issues and ready to share your story.

Learn More & Register

BIG I | NEW YORK

The winter season
is here...



AND SO ARE
EXPOSURES.

Make sure your clients are protected with
a stand-alone IAAC Personal Umbrella Policy.

Increase client retention | Grow your book of business | Protect your Errors & Omissions

A SMART SOURCE OF PROTECTION

- Stand Alone Umbrella with highly rated carriers, **admitted & non-admitted**
- Excess Umbrella available
- Excess uninsured/underinsured motorist coverage offered in all states
- No age limit on drivers
- Easy application process
- Available limits up to \$15 million

CONTACT US TO DISCUSS CARRIER OPTIONS!

Denise Brown-Carter
800.962.7950 x246
dcarter@biginy.org

Cheryl Mullen
800.962.7950 x221
cmullen@biginy.org

IAAC
THE AGENCY FOR INDEPENDENT AGENTS

5784 Widewaters Pkwy
1st Floor
DeWitt, NY 13214
800-962-7950
BigINY.org/PUP