

I-WAYS MAGAZINE

BIG I WNY | MAY 2019

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



BIG I WESTERN NEW YORK | BIGIWNYS.COM

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Contact our Board at:
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Kathleen Rapasadi
President Big I WNY

Happy spring! We are anticipating flowers and sunny days ahead!! We are excited for events happening with the Big I WNY this Summer. Please be sure to sign up for our events.

Here is recap of some of Big I WNY events we held. On Saturday, March 2nd we held our first annual Defensive Driving Course – we had over 20 participants attend. It was very well received. We will hold this event again next year!!

On March 5th members of the Big I WNY Board headed to the annual L Day (Legislative Day) in Albany, NY. We had great meetings with our Local Legislators. The topics we discussed were Workers Compensation – 30 day Notice to Withdraw from NYSIF, Anti Arson Law, Single Pay Health Care System, Photo Inspection Law and Work Place Safety and Loss Prevention Program. Our Local Legislators were on board with making changes! It was great to have our voices heard for all Independent Insurance Agents and Brokers across New York State.

Big I WNY invited students from Project Invest to Buffalo I Day. We sponsored a table for the students. The feedback from the students was well received. They enjoyed meeting Insurance Professionals and seeing career paths in the insurance industry. Project Invest is looking for people to teach in the Business Classes in our local schools. We have a program you can teach from and have some fun with the students. We discuss Personal Insurance, Business ownership, Marketing and Selling, Life and Health and Agency Operations. The students are very engaged and always look forward to hearing our presentations. Please email Theresa Crisp who handles Project Invest for the Big I WNY at Tcrisp@walshins.com.

On May 8th to May 10th the Board of Directors of Big I WNY will be attending the 2019 "Big I" Legislative Conference in Washington DC. The event has Independent Insurance Agents from all States in attendance. Our Board of Directors will meet with our Local Senators and Congressman to discuss Insurance issues. We are looking forward to attending!

We are pleased to announce our 18th Annual Roger M. Gurney Golf Outing on Monday, June 17th, 2019. We have changed the date and location this year. We will be holding the Golf Outing at Harvest Hill Golf Course in Orchard Park, NY. The cost is \$165 per person or \$160 Early bird! We are very excited this year to offer a lower cost than past years. Robert Glenn, our Treasurer, is the Golf Chair. Should you wish to be a sponsor or golfer, please contact Rob Glenn at Rglenn@Lawleyinsurance.com. We look forward to seeing everyone at our Golf Event in June!!

Please join us for NeXtGen Spring Happy Hour. It will be held on May 1, 2019 at Flying Bison Brewery, Buffalo NY!! Location is 840 Seneca Street. Entry is only \$10 which includes a drink and snacks. Please join us by signing up on our website at www.BigIWNY.com. We are always looking for sponsors for our NeXtGen events – you can offer ideas or help out. Ashley Engl – Vice President, works with NeXtGen. If you have ideas or would like to attend an event, please reach out to Ashley at Aengl@lawleyinsurance.com.

Big I WNY is always looking for new members to join our organization! If you know of anyone who would like to join, please have them reach out to me at Krapasadi@evansagencyins.com.

SAVE THE DATE!



WHAT:

Big I WNY Roger Gurney
Memorial Golf Outing

WHERE:

Harvest Hill Golf Center
3052 Transit Rd
Orchard Park, NY

WHEN:

June 17, 2019

[REGISTER HERE](#)

BIG I WNY

ROGER GURNEY MEMORIAL GOLF OUTING

SPONSORSHIP REQUEST FORM

June 17th, 2019
12:00 PM Shotgun
Harvest Hill Golf Course

NOTE: All requests must be received by May 31st to be able to get your name in our brochure.

Act Fast! Sponsorships are assigned on a first come, first served basis.

☐ **Diamond Sponsor: \$2,000**

- 4 Golfers (Golfing & Dinner)
- Full Page Program Ad
- Recognition at Dinner
- 2 Tickets to Big I WNY Holiday Party in December
- An ad in the Big I WNY newsletter
- Tee Sponsor
- Driving Range or Golf Cart Sponsor (*please circle one*)

☐ **Platinum Sponsor: \$1,000**

- 2 Golfers (Golfing & Dinner)
- Half Page Program Ad
- Recognition at Dinner or Reception or Score Card Sponsor
- 2 Tickets to Big I WNY Holiday Party in December
- An ad in the Big I WNY newsletter
- Tee Sponsor

☐ **Gold Sponsor: \$500**

- 1/4 Page Program Ad
- Recognition at Dinner
- An ad in the Big I WNY newsletter
- Tee Sponsor
- Par 3 Challenge OR Lunch/Program/Beverage Station Sponsor (*please circle one*)

☐ **Silver Sponsor: \$250**

- Name listing on Silver Sponsor Page
- Recognition at Dinner
- Tee Sponsor

☐ **Bronze Sponsor: \$100**

- Name listed in Program
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☐ **Stars: Prizes Needed for Golf Contests & Drawings**

- Name listed in Program
Item(s) _____

NOTE: Diamond, Platinum and Gold sponsors are allowed to display signage or a banner in appropriate areas. Please send your text and logo for the program to Big I WNY.

Company Name: _____

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Return completed form along with check payable to: Big I WNY @ PO Box 983, Orchard Park, NY 14127

For more information please contact: Jeanne Hellert, Executive Secretary @ 716-207-3886 or jiaawny@gmail.com

Meet our Big I WNY Board Nominees

Each year Big I WNY must elect new Board Members as terms expire. We are excited to welcome the following individuals who have volunteered to hold a position on our Board for 2019-2020.



Mark O'Brien

Senior Claims Management Consultant,
Lawley

Mark is responsible for evaluating client claim management exposures and making recommendations to reduce claim costs impacting the client's cost of risk. Mark holds a Master of Business Administration from Canisius College and Bachelor of Science in Business Administration from SUNY Fredonia. He holds a General Insurance Certification and a New York State Brokers License.



Pat Vaeth

Territory Manager
Merchants Insurance Group

During Pat's 10 years with Merchants, he's worked as a Personal Lines Underwriter, Commercial Lines Underwriter, Regional Marketing Specialist, and now as Territory Manager. Pat has a Bachelor of Science Degree from the University of Massachusetts at Amherst Isenberg School of Management, and has obtained his CLCS (Commercial Lines Coverage Specialist) designation.



Dan Ludwig

Commercial Lines Account Manager,
United Insurance Agency

Dan started his insurance career in 2012 at Amherst Insurance Agency. Dan graduated with a dual major in English and Communications from Canisius College.



Megan Spiegelhoff

Personal Lines Account Manager
Walsh Duffield Companies, Inc.

Megan has previous experience working for a direct writer and has now been at Walsh Duffield for over 5 years. Megan has a Bachelor of Science degree in Business Management from Niagara University and holds her Personal Lines as well as Life and Health insurance licenses. Megan has also served on the board for Big I WNY since 2016.



Demi Walsh

Sales Associate, Commercial & Personal
Lines, Walsh Duffield Companies, Inc.

In 2018, Demi was the 5th generation of her family (but the first female!) to join the family's insurance company. Before working at Walsh Duffield, she was the Volunteer & Events Coordinator at The Salvation Army, and is still very involved in their mission and programs. Demi grew up and still lives in North Buffalo and went to Canisius College.



Josh Watkins

Commercial Producer
SDN Insurance Agency

Josh began his career with State Farm Insurance working primarily on personal lines coverages, prior to joining SDN Insurance Agency in June 2015. At SDN, Josh has held a variety of positions including Account Management, Commercial Marketing, and ultimately Production. Josh graduated from the University at Buffalo where he earned a Bachelor's Degree in History and German Language.

These individuals will represent the interests of Big I WNY members very well. When you see them, please welcome them to our Association and thank them for their dedication. The board members who have completed their terms are: Theresa Crisp, Walsh Duffield and yours truly (Tamara Storch). I would like to personally thank Theresa for her contributions and leadership as our Project InVest chair.



Several Project InVest students participated in I-Day on April 4, 2019. We had students from both Depew and Hamburg in attendance. The students enjoyed networking and took a real interest in several sides of the insurance industry that they never knew existed. With this experience and exposure to the industry, several of the students were intrigued enough to change their current career decision to insurance. We would like to thank the Insurance Club of Buffalo and all our sponsors for your continued support. The Roger Gurney Memorial Golf Outing is one of our biggest fundraisers for Project InVest and helps us have the ability to send the kids to events like I-Day. If you would like to help donate to Project InVest and fuel the future of our industry, consider being a golfer or come to just enjoy the dinner at the 18th Annual Roger Gurney Memorial Golf Outing on Monday, June 17 at Harvest Hill Golf Course!



DEFENSIVE DRIVING COURSE



On Saturday, March 2, Big I WNY invited Bob Yockey to teach a Defensive Driving Course for our members as well as their friends and families. Thank you to M&T Insurance for hosting this course and to Doreen DeCarlo, Kemper Personal Insurance for sponsoring the lunch. Those who attended would highly recommend this course!



INDEPENDENT AGENTS ADVOCACY DAY

March 5, 2019 | Albany, NY

Amplifying the voice of the independent insurance agent.



On March 4-5th, representatives from the Big I WNY Board traveled to Albany for Independent Agents Advocacy Day. The group met with lawmakers including NYS Senators Rob Ortt and Chris Jacobs and NYS Assemblyman Angelo Morinello on several key issues, including increasing the payroll threshold for the Workplace Safety and Loss Prevention Program, repealing requirement to provide 30 days-notice to withdraw from NYSIF Workers Comp policies, and opposing single payer healthcare. We also called for repeal of the Scaffold Law, auto photo inspection law, and NYC's anti-arson application.



Thank you to our Big I WNY members who participated: Kathleen Rapasadi, Evans Insurance; Ashley Engl and Rob Glenn, Lawley Insurance; Doug Benz, New Buffalo Insurance and Vic Rutecki, Rutecki Agency.



Together we make a difference.
Together we are **Big I New York**.

UTILIZING EXTRINSIC EVIDENCE TO SETTLE COVERAGE DISPUTES

The appropriate use and effectiveness of extrinsic evidence in coverage disputes recently was examined by one New York court. *See Nova Casualty Co. v. Peter Thomas Roth Labs, LLC*, 61 Misc. 3d 1215(A) (N.Y. Sup. Ct. 2018). In *Nova Casualty Co.*, an insurance company denied its insured, a laboratory, that submitted claims for flood damage for two of its properties that were damaged during Superstorm Sandy. The insurance company determined the locations of the insured's properties "were in flood zone AE, which was a sub-zone of A," and denied coverage based on the endorsement exclusion in the policy. *Id.* The issues in this case were whether the endorsement exclusion clearly and expressly excluded coverage for flood damage located in flood zone AE and whether the insured understood and agreed that the policy would exclude coverage for flood damage in zone AE. The insurance company brought suit in order to settle the dispute regarding coverage and subsequently moved for summary judgment seeking a declaration that the policy at issue did not provide coverage for the insured's properties that sustained flood damage.

The insured claimed the policy exclusion was ambiguous. Although the court acknowledged the policy exclusion at issue was determined to be ambiguous by a higher court, the court opined that whether or not the insured understood and agreed to the policy exclusion was subject to its determination. "Extrinsic Evidence of the parties' intent may be considered only if the agreement is ambiguous." *Id.* (citing *Warberg Opportunistic Trading Fund, L.P. v. GeoResources, Inc.*, 112 AD3d 78, 84 (1st Dept. 2013)) (internal quotation marks and citation omitted). Therefore, the court permitted the insurance company to submit extrinsic evidence demonstrating both parties understood the policy exclusions and agreed to the policy knowing that the policy would exclude coverage for flood damage to the insured's properties.

The insurance company submitted various emails between representatives of the insured evidencing its knowledge that the policy did not provide flood coverage for the two properties. One email explicitly stated that the insured's properties were "uninsurable under a standard property policy." *Id.* Further, the insurance company submitted testimony of a representative of the insured company confirming that he approved the renewal of the policy at issue and was aware of the flood coverage exclusions. *Id.* Therefore, the court concluded the insurance company had demonstrated that during negotiations leading up to the renewal of the policy at issue, the parties were aware that the two properties were not being covered for flood damage. The court granted the insurance company's motion for summary judgment.

Practice Pointer: The *Nova Casualty Co.* case should serve as a reminder to insurance companies of the effectiveness of exercising their legal remedies in order to resolve coverage disputes. As was the case in *Nova Casualty Co.*, an insurance company may bring suit in order to elicit extrinsic evidence from an insured in order to prove the absence of an actual dispute. Therefore, when coverage disputes arise, insurance companies may permissibly utilize the court system to create an avenue that allows the admission of evidence supporting their assertions. As in *Nova Casualty Co.*, evidence put before a court can eliminate coverage disputes that arise from ambiguous policy provisions and alleged misunderstandings by insureds. Insurance agents can assist in these matters by adequately documenting their files and communications with an insured, especially when questions of insurance coverage are discussed and considered.

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.

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2. Check your email.

You will receive a reminder email with instructions about how to join the webinar.

3. Enjoy the webinar!

Contact Enterprise With Questions:

*Tracey Williams
tracey.williams@ehi.com*

Upcoming Webinars:

March 20, 2019.....10am EST
April 17, 2019..... 1pm EST
May 14, 2019.....10am EST

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