

I-WAYS MAGAZINE

BIG I WNY | OCTOBER 2018

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



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Kathleen Rapasadi
President Big I WNY

It's been a whirlwind month and the BIG I of WNY is on its way to another successful year. Rich McDonald, our Past Chair of Big I NY, provided color commentary as Master of Ceremonies at the installation dinner on September 27th at the Grapevine. Victor Rutecki, Regional Director of Big I NY, presided over the installation dinner for the installation of Officers. Our Board committed to a plan for achieving the goals of supporting our members, increasing our charitable giving and having as much fun as possible. Thanks to Rich and Vic, our many sponsors and members who supported the ceremony and dinner. A special thanks to our Board for leading the charge. Also, a debt of gratitude is owed to our outgoing president, Tamara Storch and her team of Officers, Directors and volunteers who made 2017-2018 a great success. A special Thank you for Matt Saxe – Outgoing Chair for his years of support on the Big I WNY.

There was no wasted energy in October. On the 12th, our Members and Board networked with local and State legislators at our annual Legislative Breakfast. As an election year, we had the full attention of our state representatives and their staff, and we are grateful for their time. Thanks to Lisa Lounsbury and Scott Hobson, from our State Leadership for leading the discussions with the legislators.

The next day, October 13, Rob Glenn, our Treasurer, attended the 128th Buffalo Fire Department Annual Ball on behalf of the Big I WNY to honor the heroics and service of Capt. Jeff Szalay, Lt. Michael Kick, Firefighters Elizabeth Krug, Michael Pasquale, Michael Sullivan, Mark Barrett, Jason Walker and Leonard Falzone. On September 24, 2017, these brave firefighters evacuated 13 people, including 5 children from an apartment building with a life-threatening CO2 leak. Everyone was saved, and the Big I of WNY presented these heroes with a plaque honoring them at this great event. The Ball was held at the Buffalo Grand Hotel, formerly known as the Adam's Mark. Not only did firefighters save the day, but the strength of our insurance lobby created the regulations to require CO2 detection systems in buildings today.



We still have a huge slate of activity and I want to see many of my friends, colleagues, members and competitors attending these fun events, including:

1. Holiday Christmas Luncheon – Friday, December 7th at the Twentieth-Century Club
2. NextGen event – 3rd Annual Speed Networking Event – Tuesday November 13th at Big Ditch Brewing Company – 5-7 PM.

We still need help from you, as follows:

- Come to our activities above – please invite your associates
- Find us new members – if you know anyone who is not a member, please encourage them to join!
- Be a leader and sponsor a NextGen event- offer ideas or just help out.
- Do a session at a high school for Project Invest – it's fun working with the high school students and we have a script for you to follow!

UPCOMING
EVENT

BIG I WNY CHRISTMAS LUNCHEON

FRIDAY, DECEMBER 7, 2018

TWENTIETH CENTURY CLUB

(PARKING LOT BEHIND CLUB ON FRANKLIN ST)

COCKTAILS at NOON | LUNCHEON at 1:00 PM

Entrée Choices:

- Filet with risotto and vegetable
- Broiled salmon with lemon dill sauce
- Eggplant roulade with quinoa on a bed of red lentils with red pepper sauce

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

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.

Early Bird Pricing (until Friday November 17th): \$55 | Registration: \$65

Registration deadline is 11/24/18.



We hope to see you there! If you are unable to attend yourself, please extend this invitation to your staff.

Register Here:

<http://www.bigiwny.com/events/the-big-i-wny-christmas-luncheon/>



NeXtGen Buffalo invites you to attend their 3rd annual

WNY Young Professionals Speed Networking Event



Tuesday, November 13th, 2018

5:00-7:00pm

**Big Ditch Brewing Company – Beer Hall
55 E Huron St. Buffalo, NY 14203**

Registration: \$30 (which includes food, drink ticket, and good company)

Event Details:

- This is non-romantic speed dating => speed networking!!
- Enjoy food, drinks, and **3 rotations of guided networking** with local Insurance professionals (rotations begin at 5:30pm)
- Each session offers you time to talk about where you work and what you do, and a chance to meet and **learn from other young professionals working in the Insurance Industry**
- After the rotations, there is a chance to win a prize and open networking can continue!



REGISTER NOW!

<https://icob.wufoo.com/forms/nextgen-3rd-annual-speed-networking-event/>

Looking to sponsor the event? There are various levels of sponsorship, some that include free registration!
Contact Shannon Sommer at ssommer@lawleyinsurance.com for more information.



SPEED NETWORKING!

Due to feedback we have received from our Affiliate members regarding sponsorship and membership, the Board of Directors has come up with a new Affiliate membership renewal form. This new format was created to provide our Affiliates with options regarding sponsorships up front to make it easier for budget planning for the year. You will still be able to renew your membership as before or now you can choose a One and Done sponsorship for the upcoming year.

If there are any questions regarding this new form, please reach out to me or any of the Board Directors or Officers. As always, we very much appreciate our Affiliate members and the value they bring to our Western New York Community.



Big I WNY

2019 Annual Affiliate Membership and Sponsorship Form

○ Diamond Sponsor: \$5,000

Includes:

- Affiliate Membership fee
- 4 golfers for golf outing (includes lunch & dinner & full page ad in golf program)
- 4 tickets to each of the following events:
 - 1 Other Big I WNY monthly Program event
 - Legislative Breakfast
 - Annual Holiday Luncheon
- 4 tickets to Installation Dinner
- Sponsorship recognition at same events
- Social Media Spotlight recognition on Big I WNY platform
- NeXtGen Sponsorship included
- Advertising in IWAYS News Magazine

○ Platinum Sponsor: \$2,500

Includes:

- Affiliate Membership fee
- 2 golfers for golf outing (includes lunch & dinner & half page ad in golf program)
- 4 tickets to each of the following events:
 - 1 Other Big I WNY monthly Program event
 - Legislative Breakfast
 - Annual Holiday Luncheon
- 2 tickets to Installation Dinner
- Sponsorship recognition at same events
- Social Media Spotlight recognition on Big I WNY platform

○ Gold Sponsor: \$1,000

Includes:

- Affiliate Membership fee
- 2 tickets to each of the following events:
 - 1 Other Big I WNY monthly Program event
 - Legislative Breakfast
 - Annual Holiday Luncheon
- 1 ticket to Installation Dinner
- Sponsorship recognition at same events
- Quarter page ad in golf program



○ Silver Sponsor: \$500

Includes:

- Affiliate Membership fee
- 1 ticket to following events:
 - 1 Other Big I WNY monthly Program event (excluding installation dinner)
 - Legislative Breakfast
 - Annual Holiday Luncheon
- Sponsorship recognition at same events
- Recognition in golf outing program

○ Bronze Sponsor: \$250

Includes:

- Affiliate Membership fee
- 1 ticket to Legislative Breakfast
- Recognition in golf outing program

○ Membership fee only: \$200

Includes:

- Listing on our Affiliate page with link to your website
- Member rates to Big I WNY events
- Opportunity to advertise in our IWAYS e-newsletter

Any other events not included above will be under separate sponsorship.

Please send your logo for the advertisements and any signage to IIAAWNY@gmail.com. Thank you for your support!

Contact Name: _____

Company Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

For more information please contact IIAAWNY@gmail.com.

Return completed form along with check payable to: IIAAWNY at PO Box 983, Orchard Park, NY 14127



KEYS TO PROGRESS®
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The Progressive Group of Insurance Companies is honoring veterans with its 6th annual giveaway event. Along with the National Auto Body Council's Recycled Rides™ Project and several supporting partners, we're donating over 100 vehicles as a way to thank our military heroes. Please join us!

THURSDAY, NOVEMBER 8TH

TIME: 11:00am to 1:30pm

**PLACE: Progressive's Service Center at
6699 Transit Rd Ste 150
Williamsville, NY 14221**

Light lunch/appetizers and reception included.
Please feel free to bring guests from your group or organization.
We look forward to seeing you!

**RSVP by October 31st to
Matthew Chiaravalle at
Mchiara1@progressive.com -or- 716-810-1460
and include the number of attendees.**

**If you have any questions, call
Suzanne Forster at
716-810-1452**

Glenn DiTillio

Glenn DiTillio served in the Marine Corp from 1996 – 2000. He traveled to 17 different countries throughout his time in the military. He is proud that he survived, made many relationships along the way with his fellow Marines and for working his way up through the ranks to Sergeant. In addition, he gained medical training while serving which helped him become an EMT after his time in the military.

His accomplishment he is now most proud of is The Alpha & The Omega Retreat, Inc. Glenn is the Secretary and his wife Rose is the Treasurer. The ultimate goal of their organization is to have multiple locations throughout the country that provide temporary housing for veterans when they are done serving to help them get reacclimated to life as a civilian. Recently, Glenn traveled to Washington D.C. for a radio interview to promote their organization and they are now in the process of working with politicians to look for grants and other ways to help with funding to create their first Alpha Omega Retreat location.

Glenn and his wife currently share a 2005 Dodge Caravan with approximately 200,000 miles. Glenn works full-time, while his wife's time is spent trying to get the organization off the ground. They will use this new vehicle for their organization, every-day errands and for running his 4 kids around.

Stephen McCloskey

Stephen McCloskey served in the Army from July 2003 – September 2011. He had many different roles throughout his time in the military. His proudest accomplishments during his time in the Army were becoming a training room NCO-IC, graduating Air Assault School, finishing his Pre-Ranger course and leading a five man security team on base.

Stephen has lost many friends throughout his life and military career and is now passionate about helping veterans. Stephen has now returned to school, assists his fellow brothers and sisters in arms in any way he can, and is being the father he was unable to be while serving back to back deployments and training. Since returning to life as a civilian he has pushed for an expansion of the veteran's lounge at Canisius college, volunteers for Boy Scouts of America, is President of The Alpha & The Omega Retreat, Inc. and serves as a volunteer chairperson for the Vets4Energy organization.

Currently, Stephen owns a Chevy Astro van that he purchased from an auction which has proved to be a bad investment. It's an unreliable vehicle and they have had to spend a lot of money in repairs to keep it running. They also decided to lease a new vehicle with no money down to have something reliable to attend his grandmother's funeral in West Virginia. His grandmother took him in at an early age and raised him so it was important for him to be there when she passed away. Now, the lease has become a burden on his family and is ending October of this year. Stephen has 3 kids, 2 dogs, and 2 cats. This vehicle will allow him to continue attending school, transport his family and continue to help other veteran's in need while allowing him to save money for needed repairs to his home.

CALL OUT!

Pioneer Award

*For Significant Contributions to
Our Association and Industry*

If you would like to nominate someone for the annual Pioneer Award please complete and submit this [form](#).

There are no strict criteria that needs to be met for the award other than the nominee should be or has been an active Big I member during their career and has served our industry and community well.

Please be as specific as you can about the person's background, so our committee can make a well-informed decision.

Big I WNY Legislative Breakfast

This year's breakfast was a great success. On Friday, Oct. 12 at the Hyatt Place in Amherst, Jill Muratori of Barrett Associates provided legislators and members with an update of Big I NY's agenda for the 2019 session. We were honored to host Senators Michael Ranzenhofer and Robert Ortt as well as members of the New York Assembly: David DiPietro, Angelo Morinello, and Ray Walter.

In addition, staff members from nine local representatives' offices were in attendance. The formal program was brief, giving Big I WNY members a chance to visit with senators and assembly members before and after breakfast.

Next on Big I WNY's legislative committee calendar is L-Day in Albany on March 5, 2019!



Installation



APPELLATE COURT REAFFIRMS WELL-SETTLED PRINCIPLE THAT ABSENT A SPECIAL RELATIONSHIP, BROKER CANNOT BE LIABLE FOR INSURED'S FAILURE TO MAINTAIN PROPER INSURANCE COVERAGE

Recently, the Appellate Division, Third Department, affirmed a trial court's decision granting summary judgment and dismissed an insureds' claim against their insurance broker where the insureds alleged that their insurance agent was negligent in failing to secure higher coverage limits for a property destroyed by fire. See *Hefty v. Paul Seymour Insurance Agency*, 163 A.D.3d 1376 (3rd Dept. 2018). In 2010, the insureds purchased the insured property for \$33,000, and insured the property for a replacement cost limit of \$92,000. Thereafter, the insureds invested over \$200,000 in renovations to the home. Upon completion of those renovations, the insureds requested that their broker visit the property in order to reassess its value. No reassessment occurred, however, before the home suffered a total loss in 2013. Because the limits of their policy were significantly lower than the value of the loss, the insureds commenced a negligence action against their insurance broker for failing to provide the insureds with enough coverage.

The broker moved for summary judgment on the ground that it was under no duty to ensure that plaintiffs' increase their coverage limits. Despite the fact that plaintiffs requested a value reassessment and informed defendant of the improvements made to the property, at no point did plaintiffs specifically request an increase in coverage. "[I]nsurance brokers have a common-law duty to obtain requested coverage for their clientshowever, they have no continuing duty to advise, guide or direct a client to obtain additional coverage." *Id.* [quoting] *Voss v. Netherlands Ins. Co.*, 22 N.Y.3d 728, 734 (2014). Here, plaintiffs merely expressed an interest in increasing coverage. Conduct short of a direct and specific request for additional coverage is insufficient to impose a duty on an insurance broker to obtain the requested coverage or to inform the insured that it is unable to do so.

While the facts of the case clearly established that plaintiffs did not specifically request an increase in coverage, plaintiffs argued they had a special relationship with the broker. "Even in the absence of a specific request, an insurance broker may be liable for failing to advise or direct the client to obtain additional coverage where a special relationship has developed between

the broker and the client." *Id.* at 1378. While special relationships in the insurance brokerage context are rare, the New York Court of Appeals has promulgated three situations in which a special relationship exists. They are: (1) when the insurance agent receives consulting compensation from the insured that is distinct from a premium payment; (2) when the insured relies on the advice of an insurance agent with respect to a question of coverage; or

(3) there is a long-standing course of dealing between the parties that a reasonable insurance agent would understand to be a request for, and reliance upon, advice. See *id.* Here, although plaintiffs took all of their insurance needs to defendant for over 10 years, they did not rely on the advice of their insurance agent. In fact, on multiple occasions over the course of their relationship, plaintiffs dismissed their agent's advice and made independent decisions regarding coverage options.

Because plaintiffs did not specifically request additional coverage and did not rely on the advice of their insurance broker, the Third Department determined no special relationship existed between the parties and the broker had no duty to ensure plaintiffs obtained an increase in coverage.

Practice Pointer: The *Hefty* case serves as an excellent reminder that insurance agents' duties may vary based on the nature of their relationship with a client. If a specific request for coverage is made and not executed on by an agent, then the agent may be exposed to liability for not following through on the request for coverage. It is good practice for insurance agents and brokers to put systems in place to ensure that specific requests for insurance coverage indeed are made so they can avoid potential negligence claims.

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

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