

IIA WNY

I-WAYS

MAGAZINE

April
2015

INDEPENDENT INSURANCE AGENTS ASSOCIATION OF WESTERN NEW YORK, INC.

keeping you
up to
speed



Independent Insurance Agent

wnyagent.com

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GENERAL ENQUIRIES

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A Message from the **PRESIDENTS COUNCIL**



Your association has been very busy this first quarter of 2015. We encourage every member to take advantage of all the activities, educational opportunities and especially the comradery of fellow agents and affiliates that are designed to benefit all parties.

At the state level, the Certificate Law has been signed by Governor Cuomo. This makes it illegal for anyone to request (demand) agents to issue certificates of insurance with coverages that do not appear in the policy. This problem has been prevalent with government entities trying to extend or add coverages before allowing companies to get permits or licenses. Please do your part and report any attempts to circumvent this new law to the Financial Services Department.

Locally, our February Affiliates night was a blast. We mingled and partied late into the night at the Saturn Club. The highlight was Doreen DeCarlo bowling. I would not bet against her!!

Revised local Trusted Choice and No texting commercials have been released. It will start airing on WBBZ and Fox 29 shortly. Both commercials are available on our website. (Of course yours truly played a starring role!)

Look for details in this newsletter about how you can get involved in the WNY National Academy of Finance Regional Mixer on April 22.

Doreen DeCarlo and her committee are working with ECC to offer licensing courses and integrating insurance subjects into the business curriculum. This can only benefit our agency system and support organizations, exposing the next generation to the role of insurance in everyday life.

Free Car Seat Check will take place on May 15 at the Carstar location on Niagara Falls Blvd from 10am to 2pm. This is a great event to use for showing your clients that we care about child safety.

The Board has moved the installation to September. This will help spread out the major events of our organization. But, we will still hold elections in May. That new board will still take office on July 1.

June 29th is our famous golf outing, once again being held at Orchard Park Country Club. The committee is currently meeting to plan this event. Watch your emails and newsletters. Remember it usually sells out quickly both with foursomes and sponsors. So do not wait to the last minute.

As you can see, your board has been very active. If you want to be a part of the action, contact Wendy Clemens at the Decker Agency.

I look forward to seeing you at our next event!

Paul R. Chisholm
VP IIAAWNY
Insurance Associates Marketplace Agency, Inc.

Out & About

From local events planned for you - our members - to presenting awards in our community, your local team is working hard for you.

TOP LINE PRESENTATION SKILLS

APRIL 29, 2015

HOLIDAY INN BUFFALO INTERNATIONAL AIRPORT

4600 GENESEE ST, CHEEKTOWAGA

\$25 PER PERSON | [CLICK TO REGISTER](#)



We have a wonderful speaker coming Wednesday, April 29 at the Holiday Inn near the Buffalo Airport. Jerry Chelus, President and CEO of Top Line Solutions will be talking about "Top Line Presentation Skills" in a morning session which will include breakfast.

Jerry Chelus is President and CEO of Top Line Solutions. He brings over 25 years experience as a CEO, CFO, Entrepreneur, corporate trainer and public accountant. He has worked with professionals, athletes, executives, entrepreneurs, government leaders, and individuals working to advance their skills. His clients range from Fortune 500 to startups in the for-profit and not for-profit worlds.

Presentation Focus Areas:

- Poise, Polish and Creditability
- Control excess energy
- Speaker's tool kit
- Pack a punch
- Motivate others

Attend this workshop to perfect your presentation skills to help you drive revenue, increase productivity, and improve your bottom line going forward.

8:15am - 8:30am: Registration

8:30am - 9:00am: Breakfast

9:00am - 11:00am: Presentation



Springtime Happy Hour

May 14th 5:00 pm - 7:00 pm
Templeton Landing, Buffalo
\$30 per person

Ready for some nice weather and the start of fun in the sun? Please join the Board of Directors for happy hour down by the waterfront for some food, drinks and enjoy the warm weather on their outdoor patio. Parking is free.

[CLICK TO REGISTER](#)

WHAT'S HAPPENING

Dates to Note

April 22-24

Big "I" Legislative Conference

Washington D.C.

April 29

"Top Line Presentation Skills"

Holiday Inn Buffalo Airport
Cheektowaga

May 14

Springtime Happy Hour

Templeton Landing
Buffalo

June 29

**Annual Roger Gurney
Memorial Golf Outing**

Orchard Park Country Club
Orchard Park



Annual Affiliate Mixer

February 26, 2015 @ The Saturn Club



Connor Brogan, Carubba Collision with
Jo Ann Decker, The Decker Agency



Kathleen Rapsadi, Brown & Brown of NY with Wendy
Clemens, The Decker Agency and Debbie Junkin, Lawley



Mike Carroll, Hanover Insurance and Barb Duke, Amedeo J.
Duke Agency Inc.



Thomas Wronski and Barry Harper from United Frontier Mutual
Insurance enjoy billiards



IIAAWNY Roger Gurney Memorial Golf Outing

Orchard Park Country Club, S4777 South Buffalo Street, Orchard Park, NY 14127

June 29, 2015

Full Day (golf, lunch, cocktails & dinner):
\$180 per golfer

Cocktails & Dinner Only:
\$60 per person

Name _____ Company _____

Email _____ Phone Number _____

_____ Golf & Dinner _____ Dinner Only _____ I cannot attend but please accept my donation

Register me as:

_____ An Individual

_____ Part of a Group

Person #2 _____

Person #3 _____

Person #4 _____

Total Amount Due (golf/donations): \$ _____

Payment Method: _____ Credit Card _____ Check (payable to IIAAWNY)

Please list desired foursome partners and company if you are not registering a complete foursome above:

Comments: _____

Registration Deadlines

Golf: June 8, 2015

Dinner: June 15, 2015

All reservations are first come, first serve basis. **Don't delay - We can only accept 120 golfers!**

Register Online at <https://icob.wufoo.com/forms/iaawny-2015-golf-registration-form/>

If Paying by Credit Card

After hitting submit you will be taken to the credit card payment screen.

If Paying by Check

After hitting submit, you will be taken to the credit card payment screen. Just disregard and exit the page.

If Paying by Mail

Please include a copy of your email confirmation and send to:

IIAAWNY, PO Box 983

Orchard Park, NY 14127

Remember: Metal spiked shoes and cargo pants/shorts are NOT allowed. Sneakers are OK.



IIAAWNY Roger Gurney Memorial Golf Outing

June 29, 2015 - 12:30 pm Shotgun

Orchard Park Country Club

Sponsor Request Form - Act fast !

Sponsorships are assigned on a first come, first served basis.

_____ **Diamond Sponsor: \$2,000**

includes 4 golfers, full page program ad, recognition at dinner, tee or hole sponsor, and driving range or golf cart sponsor

Circle one: Tee Sponsor

Hole Sponsor

Circle one: Driving Range

Golf Cart Sponsor

_____ **Platinum Sponsor: \$1,000**

includes 2 golfers, full page program ad, recognition at dinner, and dinner OR reception OR score card sponsor

Choose One: ___ Dinner Sponsor ___ Reception Sponsor ___ Score Card

_____ **Gold Sponsor: \$500**

includes ½ page program ad, recognition at dinner, and Par 3 challenge OR lunch OR program OR beverage station sponsor

Choose One: ___ Par 3 Challenge ___ Lunch ___ Program ___ Beverage Station

_____ **Silver Sponsor: \$250**

includes ¼ page program ad, recognition at dinner

_____ **Bronze Sponsor:**

\$100 includes tee/green sign on course, name in program

Name on sign _____

_____ **Stars: Prizes needed for golf contests** includes name 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 IIAAWNY.

Company Name: _____

Contact Name: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

Return completed form along with check payable to:

IIAAWNY @ PO Box 983, Orchard Park, NY 14127

Or register online at <https://icob.wufoo.com/forms/iaawny-2015-golf-sponsor-form/>

For more information, please contact Jeanne Hellert – Executive Secretary @ 716-207-3886 – iaawny@gmail.com

Each year IIAAWNY 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 this year:

I believe that they will represent the interests of IIAAWNY members very well. When you see them, please welcome them to our Association and thank them for their dedication.

The board members that are leaving are:

- Leo Kuziemkowski, Lawley
- Debbie Junkin from Lawley
- Barb Duke, Amedeo J. Duke Agency
- Christine Garvelli, Walsh Duffield Companies, Inc.

They have been a dedicated group and will be missed on the Board. Each one of them provided insight and dedication, taking their board membership very seriously. They really deserve a lot of praise for the jobs they did during their terms.

Wendy M. Clemens, CIC, CISR, CPIW
IIAAWNY - Chairman of the Board 2014-15



Karen M. Catalano
The Cesar Group

Karen has been a member of The Cesar Group for the past five years. She has a strong family and community commitment; she prides herself on always giving back. In 2007 Karen joined the segment of Project InVest, an organization that works with educators and industry professionals in providing a National Curriculum on Insurance products. This program is presented to our local High Schools students of The National Academies of Business & Finance and in the past seven years, the schools have been recipients of over \$56,000 in Scholarship funds.

In 2008 Karen was appointed to the Lake Shore Advisory Board for the Academy of Business and Finance. This opportunity is what drew Karen to seek the local representation of our national carriers to step up and give to Project InVest.

In 2013, Karen was appointed to the West Seneca Advisory Board for the Academy of Business and Finance. Karen spoke on behalf of our industry and the Academy program to the West Seneca School Board. She presented several students with NYS Honors, Prizes and Scholarship sponsored by the NY Stock Exchange and Smith Barney.



Ashley Engl
Lawley

Ashley joined Lawley Insurance as an Operations Analyst in 2011. Prior to that, she worked as a Financial Analyst at BlueCross BlueShield of WNY and as a Business Analyst at M&T Bank. Her primary role at Lawley is managing the development and distribution of report requests and administering the Erlon Bond System. She also works closely with the Personal and Commercial Insurance teams to communicate and coordinate training requirements for new products and processes.

For the last two years Ashley has served as an officer of Lawley Lingo, the internal Toastmasters Club for Lawley employees. She is also a member of Lawley Strong, the internal wellness committee at Lawley promoting a healthier workplace. Community involvement has always been important to Ashley. Since 2008, she has been a dance instructor at Moving Miracles, a therapeutic dance/movement program for individuals with developmental disabilities and special needs. In 2014, she joined the Advisory Board of Lancaster High School's Academy of Finance, serving as a mentor and coach to high school students regarding career readiness.



Mark V. O'Brien
Lawley

Mark is responsible for evaluating client claim management exposures and making recommendations to reduce claim costs impacting the client's cost of risk. He continues to support our clients by managing claim oversight among carriers, third party administrators and self-insured clients. He also provides claims reviews and training to our clients.

He started in insurance in 1987 as a claim adjuster. His experience as a claim consultant includes multi-line claims investigation and litigation management. In his career, Mark has served as workers' compensation claims examiner for One Beacon Insurance Company and senior field investigator at Liberty Mutual Insurance Company.

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.

He is a parent volunteer at St. Joseph's Collegiate Institute as well as Sacred Heart Academy.



Victor J. Rutecki
Rutecki Agency

Vic is the owner of Rutecki Agency. Rutecki Agency is part of WNY Agents Group, Inc., a cluster of insurance agencies in West Seneca. He has been an independent agent for over 30 years.

Rutecki is a past president of this organization serving in that role for the 2008-2009 term. He is also a past president of Canisius College Alumni Association as well as the St. Joe's Alumni Association. He has been co-chairman for numerous years for the American Heart Association Golf Tournaments.

“Getting to Know You”

WNY Regional NAF Networking Mixer

“Getting to Know Us”

You're Invited!



Please join other Advisory Board members of the WNY NAF Regional **Academies of Finance**, **Academies of Information Technology** and **Academies of the Health Sciences** for a Networking Mixer!

Wednesday, April 22nd, 2015
5:00 pm—8:00 pm



The Protocol Restaurant
6766 Transit Road
Williamsville, NY 14221

*\$20/pp includes
Hors d'oeuvres,
Beverages & Special
Entertainment*

WNY Regional NAF Networking Mixer RSVP

Name: _____

Business: _____

NAF Affiliate School: _____

Checks payable to: *West Seneca Academy of Finance*

Send payment to: *West Seneca Academy Office*

4760 Seneca Street, West Seneca, NY 14224





WNY Regional NAF Networking Mixer



Advisory Board Sponsorship Opportunities

“SENIOR
PARTNER”

Or

“JUNIOR
PARTNER”

\$200

\$100



SPONSORSHIP INCLUDES:

- ◆ Company name / logo on program announcements
- ◆ Company name recognition at event and all local press releases
- ◆ Company name / logo on table tents and evening materials
- ◆ Opportunity to display signage, brochures, business cards, etc.

WNY REGIONAL NAF ADVISORY BOARD NETWORKING MIXER 2015 SPONSORSHIP FORM

The Protocol Restaurant • Wednesday, April 22, 2015

Sponsor Name: _____ Affiliate School: _____

Address: _____ E-Mail: _____

Please check One: _____ **\$100 Junior Partner** _____ **\$200 Senior Partner**

Please make checks payable to:
Send this form and payment to:

West Seneca Academy of Finance
West Seneca Academy Office
4760 Seneca Street
West Seneca, NY 14224



**Your clients
depend on you.**
You can depend on us.



Every successful business is built on strong relationships. That's why we're committed to the partnerships we create with agents and brokers like you. At Liberty Mutual Insurance, you can depend on us for responsive, local decision making and comprehensive coverages for your clients, for all business sizes and industries. You're passionate about helping your clients, we're passionate about partnering with you. For more information, contact your territory manager or visit libertymutualgroup.com/business.



FREE CAR SEAT CHECK

Conducted by a certified police officer

Friday, May 15th
10am - 2pm

Carstar Collision of Amherst
2915 Niagara Falls Blvd
Amherst, NY

No appointment necessary - Just stop in!

Sponsored by



Independent Insurance
Agents Association of
Western New York Inc.

www.wnyagent.com

CERTIFICATES OF INSURANCE LEGISLATION



You Helped Make This Happen!

IIABNY celebrated a major win for all members issuing certificates of insurance after legislation it helped develop was signed into law by Gov. Andrew Cuomo on January 29, 2015. The new law will become effective on July 28, 2015 and will stop businesses and government agencies from pressuring insurance producers into issuing certificates of insurance that include language of any kind, including warranties of coverage, not found in the underlying policy.

You, our members, played a huge part in this successful effort! Thank you to all of you who attended previous L Days in Albany to lobby on this issue, met with lawmakers in your districts, sent letters and emails, made phone calls and relentlessly worked to raise legislators' awareness of this issue. Your strong support was invaluable.

IIABNY worked with the governor's office, state Department of Financial Services (DFS) and State Legislature over the past several months to come to an agreement on amendments to the law raised by concerned parties. The governor signed this bill contingent on the legislature passing these amendments which were passed by the Legislature and signed by the Governor on March 13, 2015. Now that the amendment has been signed by the Governor, the new law will take effect July 28, 2015, which is 180 days from the date the governor signed the law in January.

The new law will resolve certificate problems by:

- Prohibiting anyone from requiring a certificate to include terms, conditions or language of any kind, including warranties or guarantees, when these are not found in the policy.
- Clarifying that certificates cannot change coverage provided by the policy and cannot confer new rights.
- Prohibiting anyone from requiring a producer to issue a liability certificate unless it is:
 - 1) a form issued by the insurer,
 - 2) a standard certificate issued by an industry standard-setting organization that has been approved by DFS, or
 - 3) any other form which has been approved for use by the DFS.
- Authorizing the DFS to levy fines up to \$2,000 for those in the private sector that violate the law.

IIABNY is working with the DFS to develop a complaint process and also determine how approved forms will be made public. IIABNY has created a special resource section on its website, where you will find a one-page fact sheet and an archived Member Q&A webinar that was presented on March 19. We are also reaching out to other trade associations and state agencies to educate them on the new law. The DFS has posted information on its website on how to submit a certificate for approval.

Get the latest information at www.iiabny.org/certificates

Because Policy Incorporated False Information and Renewed for Years, Insured Could Not Pass Blame to Third Party for Material Misrepresentation on Insurance Application

For answers to your legal questions, feel free to contact

Marco Cercone, Esq.
cercone@ruppbaase.com

or

Sean W. Costello, Esq.
costello@ruppbaase.com

at

Rupp, Baase, Pfalzgraf,
Cunningham & Coppola LLC
1600 Liberty Building
Buffalo, New York 14202

716-854-3400
www.ruppbaase.com

Morales v. Castlepoint Ins. Co., 2015 NY Slip Op 01618 (2d Dep't 2015), involved an insurance company's rescission of a dwelling insurance policy after a fire loss based on a false statement on the insurance application. The New York appellate court held that even if the insurance application was not submitted with the insured's actual or apparent authority, he was still bound by the false statement in the insurance application.

As many readers know, an insurance company can rescind and declare void an insurance policy at any time if it discovers that the insured made a material misrepresentation when applying for the insurance policy. A material misrepresentation is a false statement that was relevant to the insurer's decision to enter into the insurance contract. A misrepresentation is "material" if the insurer would not have issued the insurance policy on the same terms, or charged the same premium, if the truth had been disclosed. It does not affect the insurer's right to rescind the insurance policy if the material misrepresentation was unintentional or a mistake by the insured. Often, an insured's material misrepresentation will be discovered only after the insurer begins investigating a reported claim, which was the case in *Morales*.

In *Morales*, the insurance application stated that the insured premises were owned and occupied by plaintiff as his "primary residence." The insurance application was submitted several years before the fire loss, and each year the declarations page for the insurance policy contained a notation that the premises were owner-occupied.

In truth, the insured never lived at the insured premises, and the insurer discovered this fact after the insured submitted a fire-loss claim. The insurer rescinded the insurance policy, and the insured sued. The court found that the insurer met its burden of demonstrating that the misrepresentation regarding the insured's residence at the insured premises was material to its decision to enter into the insurance contract on the terms that it did.

How the court dealt with a defense to the rescission that the insured tried to employ is at the heart of this case. The insured tried to argue that the policy should not be rescinded based on the material misrepresentation because the insurance application containing the

material misrepresentation was submitted without his actual or apparent authority. The court found that "even if the application for insurance had been submitted without his actual or apparent authority, he ratified the representations contained in the application by accepting the policy for owner-occupied premises and permitting it to be renewed for years on the same terms." Thus, because the policy clearly stated that it was issued for an owner-occupied dwelling and the insured never told the insurance company that this was not true, the insured was found to have adopted the misrepresentation in the insurance application.

Practice Tip: An insured has the obligation to be truthful when applying for an insurance policy and to read and understand his insurance policy. The insured will not be permitted to recover from an insurance company by passing the blame a third party (such as his insurance agent) if there are incorrect statements on the insurance application. The insured always should read and sign the complete insurance application, and insurance agents should take care to ensure that they obtain truthful responses to questions posed during the application process.