

IIA WNY

# I-WAYS

## MAGAZINE

May  
2015

INDEPENDENT INSURANCE AGENTS ASSOCIATION OF WESTERN NEW YORK, INC.

keeping you  
up to  
speed



Independent Insurance Agent

[wnyagent.com](http://wnyagent.com)

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# A Message from the **PRESIDENTS COUNCIL**



The IIAAWNY Board of Directors is working on a new updated website, so keep visiting our current website for more information.

Those of you who attended the I-Day were treated to another outstanding event. The day lived up to its well deserved reputation of the "Largest One Day Insurance Event" in the country. The keynote speaker, Larry King, was entertaining and kept the audience laughing the whole time. Plan on attending next year!

The candidates for the new board have been announced and their election will be held shortly. Your support of next year's board is needed to continue moving our association forward. Remember, this your organization. Be vocal about what you want from us.

Join us for the Springtime Happy Hour at Templeton Landing on May 14. Our springtime events help kick off the wonderful summer season in Western New York and will be the last meeting event before the newly scheduled IIAAWNY installation in September.

Also, don't forget to inform and encourage your clients to get their Free Car Seat check at Carstar Collision on May 15. It shows you care about them and their families, but most importantly it can save lives.

Roger Gurney Memorial Golf Outing on June 29 at Orchard Park Country Club Sign up early to reserve a spot and secure sponsorships. Enough said!

Hope to see every member at these events.

**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.



**May 14<sup>th</sup> 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

#### **May 14**

##### **PuroClean Property Damage Restoration**

The Creekside Banquet Facility  
Cheektowaga

#### **May 14**

##### **Springtime Happy Hour**

Templeton Landing  
Buffalo

#### **May 15**

##### **Car Seat Check**

Carstar Collision of Amherst  
Amherst

#### **June 29**

##### **Annual Roger Gurney Memorial Golf Outing**

Orchard Park Country Club  
Orchard Park





## 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**

### Registration Deadlines

Golf: June 8, 2015

Dinner: June 15, 2015

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: \_\_\_\_\_

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.

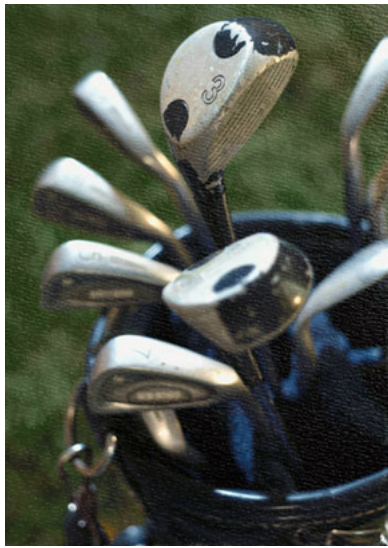
#### *If Paying by Mail*

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](mailto:iaawny@gmail.com)



**PuroClean®**  
The Paramedics of Property Damage

**PuroSystems, Inc.**  
**Continuing Education**  
CREDIT COURSE

**Hosted by:**

## **PuroClean Property Damage Restoration**

*Each PuroClean office is independently owned and operated.*

### **Free of Charge**

Provider #: NYPO-100318

Successful Mitigation of Fire Damage

Credits : 3.0

Course #: NYCR-212802

May 14, 2015

8:00 AM - 11:30 AM

The Creekside Banquet Facility

2669 Union Rd.

Cheektowaga, NY 14227

**\* Presented by a Certified Industry Professional \***

Full breakfast buffet provided compliments of  
PuroClean Property Damage Restoration

PLEASE COMPLETE FORM NO LATER THAN:  
May 7, 2015

#### **REGISTRATION FORM (Please fill out completely)**

Name as it appears on your Insurance License: \_\_\_\_\_

Insurance Company/Agency Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/ST/Zip: \_\_\_\_\_

Business Phone #: \_\_\_\_\_

License #: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Return registration by fax to : (716) 662-7415**

**Attn: Jennifer Gocella**

**Via email : jgocella@puroclean.com**

**T. (716) 983-3359**

**WATER**

**FIRE**

**MOLD**

**BIOHAZARD**



# *Congratulations*

to the NAF Academy Students from West Seneca East and West Senior Hamburg & Lakeshore High Schools who have been selected to receive NFIEC's 2015 Commitment to Education Awards!

## **NFIEC 2015 BEEP Scholarship Award Winners**

### **\$500**

Jeremiah Bill – Hamburg

### **\$300**

Maxwell Matthews – Lake Shore

Emily George – Lake Shore

Melissa McCaffery – Hamburg

### **\$200**

Connor Milligan – West Seneca West

Matthew Dembski – West Seneca West

### **\$100**

Connor Babel – West Seneca East

Hannah Dexter – West Seneca East

The following Business Partners have been selected to receive NFIEC's 2015 Commitment to Education Awards. The recipients are chosen for their commitment and dedication to students through their support & involvement in the educational process.

## ***"Commitment to Education" Award Winners***

Buffalo Niagara Medical Campus

Holly Hutchinson

Greatbatch Medical

Tony Perez

Island Ship Center

Fahim Mojawalla

Keller Technology

Jim Stachewicz, Dick Stern and Lonnie Daigler

Little Match Girl Foundation

Brian Biggie

Lockport Athletic and Fitness Club

Greg Jones and Angela LaDuca

MASH Urgent Care Unit

Bunny O'Brien

Odd Fellow & Rebekah Rehabilitation & Health Care Center

Judy Waite

Roswell Park Cancer Institute

Cynthia A. Schwartz

Solar Montante

Daniel Montante



# **INVEST**<sup>®</sup>

*Please Join Us  
to Celebrate!*

**Award Breakfast @ The Foundry**

**Wednesday May 6<sup>th</sup>**

**7:30 am – 9:30 am**

**Keynote Speaker Rocco R. Termini**

Two tables will be reserved for West Seneca Central Schools.

Please RSVP to Gail Bielani

West Seneca Central Schools

Academy Office

716-677-3318

# FREE CAR SEAT CHECK

Conducted by a certified police officer

**Friday, May 15<sup>th</sup>**  
**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](http://www.wnyagent.com)



# Appellate Court Affirms Denial of Business-Income Claim Caused by Enforcement of Town Law

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

phone: 716-854-3400  
www.ruppbaase.com

Recently, the Appellate Division, Second Department reviewed whether an insurer can rely on ordinance-or-law policy provisions in denying an insurance claim for loss of business income. See *Ira Stier, DDS v. Merchants Insurance Group*, 2015 NY Slip Op 03128 (2d Dep't 2015). In *Stier*, plaintiffs owned and insured a dental office in Poughkeepsie, New York. In 2007, vandals broke a window at the office and caused extensive water damage by inserting a hose through the window. The water damage was so extensive that the basement ceiling collapsed.

Shortly after discovering the damage, a town building inspector discovered the property did not have a proper certificate of occupancy. Plaintiffs immediately were ordered to remedy the violation. In fact, plaintiffs could not reopen their business until they obtained a certificate of occupancy. They did not do so until 11 months after the loss.

As a result of being closed for 11 months, plaintiffs sought recovery from their insurer for loss of business income. Most business insurance policies provide coverage for these circumstances. However, this loss specifically was excluded under the policy because the loss was caused by enforcement of a town law, specifically the law requiring plaintiffs to have a certificate of occupancy. The insurer thus denied the business-income claim based on the ordinance-or-law provisions of the policy.

After the insurer's denial, plaintiffs commenced a lawsuit to recover for the loss of income. Ultimately, the trial court granted the insurer's motion for summary judgment and dismissed the claims to recover for loss of business income. Plaintiffs appealed, and the Appellate Division, Second Department affirmed the trial court's decision. In its decision, the Second Department specifically noted that the ordinance-or-law "provision excludes coverage for losses, including business income losses, caused by the enforcement of the law and, here, it was the enforcement of the Building Code by the Town's Building Department which prevented the plaintiff from

utilizing the premises to engage in their dental business without a proper certificate of occupancy." *Id.* at 1. The insurer sufficiently established the loss of income was excluded under the policy.

## *Practice Pointer:*

The *Stier* case should serve as a reminder to insurance agents that coverage for a loss sometimes cannot be ascertained until weeks or months after the date of occurrence. Insurance agents should avoid quick coverage assessments, especially when third parties such as municipalities are involved. The most prudent course is to collect as many facts as possible when a claim is reported, immediately send that information to a claims professional, and allow the claims professional to make coverage determinations and/or assurances. Insurance agents should avoid making coverage promises in an effort to shield themselves from liability should things go awry in the claim process.

## Workers' Compensation Insurance is no laughing matter.



For most employers, Workers' Comp Insurance is burdensome and expensive. That's why you should call us. As upstate New York's leading Workers' Compensation Self-Insurance Administrator, we may be able to help you save on your premiums, create a safer workplace, and prevent fraud.

**NCAComp** INC.

Making Workers' Compensation Work Since 1991™

Call or e-mail: 716.842.0045 /  
egregory@NCAComp.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](http://www.iiabny.org/certificates)**



## Information

Member Answer Center - ext. 229  
Best Practices - ext. 232  
Disaster Tools - ext. 232  
Technology Assistance - ext. 253

Government Affairs - ext. 239  
Carrier Relations - ext. 239  
Carrier Contracts - ext. 239  
News, Blogs & e-Newsletters - ext. 216

## Products & Tools

### INSURANCE FOR YOUR AGENCY

Cyber Liability - ext. 245  
Employee Benefits - ext. 241  
*Dental, Vision and Life & Disability packages created exclusively for IIABNY members*  
Employment Practices Liability Insurance - ext. 233  
Errors & Omissions - ext. 233  
*Westport, Fireman's Fund, Other*  
Retirement - ext. 241

### OPERATIONS - ext. 232

Affinity HR Group, LLC  
*Endorsed human resources firm*  
AgentQuote.com  
*Discounted website development*  
Agility Recovery Solutions  
*Endorsed disaster recovery and business continuity solution*  
Ovation Payroll  
*Endorsed "Insurance Friendly" payroll provider solution*

StaplesLink  
*Discounted office supply program*  
Superior Payment Plan, LLC  
*Endorsed premium finance provider*  
WAHVE  
*Endorsed cost-saving remote staffing solution*

### E&O TOOLS AND RESOURCES - ext. 247

Customized Training / Consulting  
E&O Loss Control Seminars  
E&O TLC Agency Audit  
Forms, checklists, sample letters, disclaimers, tools  
The E&O Report

### MARKETING & TRUSTED CHOICE® - ext. 226

*Exclusive access to brand of the independent agent*  
TrustedChoice.com - online quoting portal  
Free marketing materials, incl. ad customization  
Marketing Reimbursement - up to \$1600 available

## Market Access

Personal Umbrella Policy (RLI) - ext. 246  
PMC Insurance Group - Unsupported Work Comp - ext. 232  
Flood & Excess Flood Insurance - ext. 232  
*Write Your Own Flood partner Selective Flood Insurance*  
The following are a sampling of products available via Big "I" Markets - ext. 232

### Commercial Lines Programs:

Bonds through Goldleaf Surety Services, LLC: *Contractor, Performance, Bid, Surety & Miscellaneous*  
Travelers Select: *Building Pac, Business Pac, Commercial Auto, Contractor's Pac, Garage Pac, Office Pac, Religious Pac, Store Pac, Technology Office Pac, Apartment Pac & Condominium Pac*  
Travelers Restaurant Programs: *Casual Dining, Fine Dining*  
Travelers Community Bank Program

Markel Outdoors: *Dude Ranches, Hunting & Fishing Lodges, Outfitters & Guides, Rod & Gun Clubs*

Philadelphia Insurance Event Liability  
Middle Oak Worlds Apart Apartment Program & CAP-Sure Community Association Program

### Personal Lines Programs:

Affluent Personal Lines through Chubb, ACE & AIG  
ACE Marine Programs: *Charter Boat, Mega-Yacht, Yacht, Performance Boat, Personal Watercraft, Small Boat (under 27 ft.)*  
QBE Stand-Alone Personal Fine Art and Valuable Articles Program  
Chubb Collector Car Program  
Non-standard Homeowners, Renters, Condominium and Rental Dwellings

## Education & Events

### EDUCATION - ext. 228

Classroom, Online, In-House Offerings  
ACSR & AAI Designations Course Offerings

### TRAINING - ext. 215

New Hires & Reaching Diverse Customers

### EVENTS - ext. 249

Local, statewide & national

## Interact & Engage - ext. 247

NextGen - ext. 249  
InVEST - ext. 215  
Local Associations - ext. 218  
Volunteer Opportunities - ext. 239  
TEAM PAC - ext. 239  
Support NY Company Sponsors - ext. 232



Independent Insurance Agent

As independent agents & brokers, we must create an identity with consumers. We need to convey to them the value of purchasing their insurance through us. That is why we need Trusted Choice®.

We know that your agency already has its own brand. Trusted Choice® is not meant to compete with that but instead enhance it, like a stamp of approval. Here's how to...

## Take Advantage of the Brand

### 1 Use the Logo

Use it on your letterhead, your business cards, your website, your newsletter, etc. The more agencies that make use of the Trusted Choice® logo, the stronger the brand will become.



### 2 Use the Pledge

Hang it in your office, add it to your website, post it socially. Displaying the Pledge of Performance establishes your commitment to your customers and to quality customer service.



### 3 Marketing Money

Receive up to \$1,600 reimbursement for co-branding your materials with the logo and Pledge of Performance and/or using the advertising materials provided by Trusted Choice (more in #4).



### 4 Pre-produced Advertising

Trusted Choice has produced a new campaign with dynamic print, direct mail, and digital files ready and available for you to easily customize and use for your own agency.



### 5 TrustedChoice.com

Did you know 75% of personal insurance consumers research online before purchasing? The new Trusted Choice.com will help them find you and also receive an online quote! Sign up for an Advantage Subscription to ensure your agency is represented.



All Your Tools & Resources in One Place...

# [www.iiabny.org/TrustedChoice](http://www.iiabny.org/TrustedChoice)