

IIA WNY

I-WAYS

MAGAZINE

April
2017

INDEPENDENT INSURANCE AGENTS ASSOCIATION OF WESTERN NEW YORK, INC.

keeping you
up to
speed



A Message from the PRESIDENT



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President

Tamara Storch, ACSR,
AINS
Vice President

Kathleen Rapasadi
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Stephen Seitz
Megan Spiegelhoff

Jeanne Hellert
Executive Secretary

GENERAL ENQUIRIES

P.O. Box 983
Orchard Park, NY 14127

Phone: (716) 207-3886

iiawny@gmail.com
www.wnyagent.com

Contact our Board at:
[www.wnyagent.com/
officers-directors/](http://www.wnyagent.com/officers-directors/)

The board has been busy the past few months planning out our calendar of events. We are looking into some different events and venues to fill out the rest of the year.

I am very pleased to announce that two of our esteemed local members will be representing us on the state level. **Lou Atti, The Evans Agency LLC**, is moving from our Regional Director to Vice Chairman & Secretary/Treasurer of the State Board. **Vic Rutecki, Rutecki Agency**, will be replacing Lou as the new West-Central Region Director. Both will be installed into their new positions at the May 11th annual state meeting. Please join me in congratulating both men for their service to our association.

At our March meeting, **Kathy Weinheimer** presented the latest updates on the new Cybersecurity Regulations. IIAAWNY has worked very hard in getting many changes specific to our industry revised in the final regulation. The original regulation would have required the majority of agents to comply with all components of the new cybersecurity rules. However, through the efforts of our state team, only the largest of agents will be required to meet all the security thresholds. We have a copy of the presentation, including compliance dates, on our website.

The golf outing will be coming up fast on Monday, June 26th at Crag Burn. Additional information can be found in this newsletter, make sure to register now before we sell out.

Project Invest completed its spring programs and the students are now working on scholarship applications. I would like to thank everyone that volunteered their time to teach a class at one the academies. Once again this year, students from various academies will be at Buffalo I-Day to learn more about our profession.

The board revised our Independent Insurance Agent commercial in February. The new commercial has been airing on WIVB, Channel 4. There is a link available on our website if you have not had the opportunity to see it.

NeXt Gen held an event at Buffalo Riverworks in March and is planning an Insurance Trivia/CE credit event in May. This event is open to all members.

We encourage all our members to take advantage of our meetings and educational opportunities. Please contact me if you have any suggestions for a meeting topic or would like to volunteer on one of our committees.

Matt Saxe
President IIAAWNY

CALL FOR BOARD NOMINATIONS!

Four board members will be coming off the IIAAWNY board this September. We are seeking members willing to run for these board spots in this June's election. It is a three-year term.

The nominating committee is recruiting candidates to fill these spots. Please contact me if you have a desire to run for our board.

If you have any questions, contact me at vic@ruteckiagency.com.

Respectfully submitted,
Vic Rutecki
Chair of Nominating Committee

CYBERSECURITY EVENT

On March 30, IIAAWNY members and guests attended a Cybersecurity seminar presented by Kathy Weinheimer from IIABNY (lower right). Below from Upper Left: attendees enjoyed a great breakfast at the Millennium Buffalo prior to the presentation. Pictured Upper Right: Lou Atti, Evans Agency; Kevin Johns, Travelers; John Schwab and Lori Kozuch, Niagara National; Paul Chisholm, Insurance Associates Marketplace Agency and Doreen DeCarlo, Kemper. Lower Left: Kathleen Rapasadi, Evans Insurance with Don Houck, Donald Houck Agency.

Kathy's Cybersecurity presentation can be viewed [HERE](#).



IIAAWNY ROGER GURNEY MEMORIAL GOLF OUTING

June 26, 2017
Noon Start

Crag Burn Golf Club
1231 North Davis Road
East Aurora, New York 14052

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

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

Cocktails & Dinner Only: \$ 60 per person

Schedule: 10 a.m. Registration | 11:00 a.m. Lunch | 12:00 p.m. Golf

Registration Deadlines

Golf: June 10, 2017

Dinner only: June 17, 2017

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: _____

Register Online at: <http://www.wnyagent.com/events/iiaawny-roger-gurney-memorial-golf-outing-2/>

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.

Volunteers Needed! If anyone wishes to help out with registration, set up, etc. please contact Kathleen Rapasadi, Golf Chair at Krapasadi@Evansagencyins.com

315 761 5634 - Cell

Sponsor Request Form

IIAAWNY Roger Gurney Memorial Golf Outing

June 26, 2017 | 12:00 PM Shotgun

Crag Burn Golf Club | 1231 North Davis Road, East Aurora, NY 14052

NOTE - All requests must be received by June 9th 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**

Includes:

- 4 Golfers (golfing & dinner)
- Full page program ad
- Recognition at dinner
- 2 tickets to IIAAWNY Holiday Party in December
- An ad in the IIAAWNY Newsletter
- Tee Sponsor
- **(Pick One)** ☐ Driving Range Sponsor ☐ Golf Cart Sponsor

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

Includes:

- 2 Golfers (golfing & dinner)
- Full page program ad
- Recognition at dinner, reception, or score card sponsor
- 2 tickets to IIAAWNY Holiday Party in December
- An ad in the IIAAWNY Newsletter
- Tee Sponsor

_____ **Gold Sponsor: \$500**

Includes:

- Half page program ad
- An ad in the IIAAWNY Newsletter
- Tee Sponsor
- **(Pick One)** ☐ Par 3 Challenge ☐ Lunch / Program / Beverage Station Sponsor

_____ **Silver Sponsor: \$250**

Includes:

- Quarter page program ad
- Recognition at dinner
- Tee Sponsor

_____ **Bronze Sponsor: \$100**

Includes:

- Tee Sponsor
- Name in program

_____ **Stars: Prizes needed for golf contests and drawings**

Includes:

- Name in program

Items: _____

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.

Contact Name _____

Company Name _____

City _____ State _____ ZIP _____

Address _____

E-mail _____

Phone # _____ Fax # _____

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

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

To view ad specs, please [click this link](#).



**Independent Insurance
Agents Association of
Western New York Inc.**

March, 2017

2017 Board Members:

Matthew Saxe
President
Tamara Storch
Vice President
Kathleen A. Rapasadi
Treasurer
Vic Rutecki
Chairman of the Board

2014-2017 Directors:

Karen M. Catalano
Theresa Crisp
Doreen DeCarlo
Ashley Engl
David Gelia
Jamie Murphy
Mark O'Brien
Stephen Seitz
Megan Spiegelhoff

Executive Director:

Jeanne E. Hellert

2017 Golf Committee:

Barbara Duke
Frank Gallo
Robert Glenn
Rick Gurney
Jean M. Toth

RE: 16TH ANNUAL ROGER M. GURNEY MEMORIAL GOLF OUTING
MONDAY, JUNE 26TH (CRAG BURN GOLF COURSE)

Dear Friend:

I am pleased to announce the **16th Annual Roger M. Gurney Memorial Golf Outing** which will be held on Monday, June 26, 2017 at Crag Burn Golf Course. The money raised by this event supports the "Invest" Scholarship Fund established by IIAAWNY.

Roger Gurney was, **and remains**, one of the most highly respected agents to have served in the Insurance Industry and this Golf Outing and proceeds carries on his legacy. The Golf Outing raises valuable scholarship dollars to deserving graduates of IIAAWNY's "Invest" Program. The "Invest" Program has sponsored various local events supporting the insurance industry and in 2016, 106 students took an "Invest" Insurance course. Last year, we proudly awarded 9 deserving students with scholarship funds. **Please help us continue Roger's legacy.**

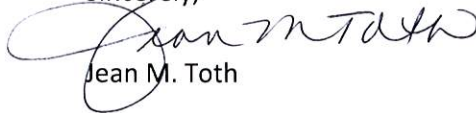
Each year many sponsors give unselfishly to make this event a huge success. **We welcome you to be one of those sponsors!** There are many ways to contribute to this event and I am asking for a donation, which we can use as raffle items. It can be a gift certificate, clothing, restaurant certificates, or anything we can use to make our chance raffle the big draw it has been in the past!

By contributing to this event, your name would proudly be displayed showing your participation.

If you wish to mail in your contribution, please send it to the address on this letterhead. If you would like us to pick up your contribution, please feel free to email me at jtoth@mtb.com.

Thank you for your consideration.

Sincerely,



Jean M. Toth

Independent Insurance Agents Association of WNY, Inc.
P.O. Box 983 Orchard Park, NY 14127
(716) 207-3886 | iiawny@gmail.com
www.wnyagent.com

NeXtGen Buffalo

Next Generation of Insurance Professionals (NeXtGen) is a professional skills development and networking group open to individuals under 40, or those who are new to the independent insurance industry. Membership is not limited to agents only; it is open to anyone involved in or supporting the insurance industry, including all agency and company personnel. For more information on NeXtGen, like our Facebook Page: <https://www.facebook.com/neXtgenBuffalo> and join our LinkedIn Group: <https://www.linkedin.com/groups/4338428>.



UPCOMING *Mark Your Calendars* EVENTS



- Buffalo I-Day booth – MAY 4th 2017
- CE Trivia & Happy Hour – MAY 16th, 2017 at 4pm
- Bisons Game – JUNE 28th, 2017 at 7pm
- Professional Development Breakfast – JULY 2017
- Volunteer Activity – AUGUST 2017
- 2nd Annual NeXtGen Networking Mixer – FALL 2017
- Community Outing – WINTER 2018

*Look for
NeXtGen at
I-Day on
May 4th!*

Stay tuned for other

SOCIAL *Networking* Educational



opportunities!

Get involved

Get involved with planning future NeXtGen events! We are seeking volunteers from Independent Insurance Agents, Companies, or affiliates of Insurance Agents and Brokers to join our planning committee. We meet monthly to plan and promote NeXtGen programming. If you are interested, please contact Ashley Engl at aengl@lawleyinsurance.com.



NeXtGen spent the day on February 18th volunteering at

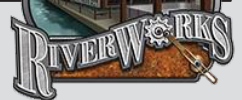
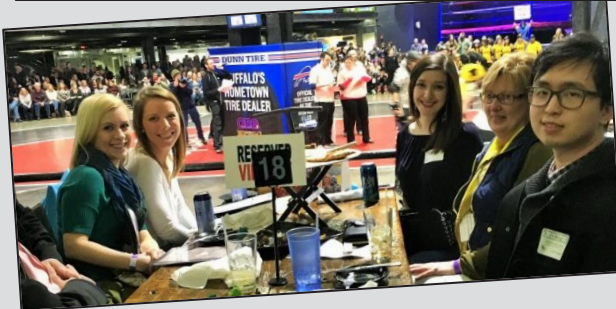
Food Bank of WNY, packing & sorting food for our local community!
Fighting Hunger One Day at a Time
Serving Cattaraugus, Chautauqua, Erie & Niagara Counties

2017 Happenings



On Friday March 3rd, NeXtGen gathered at Buffalo Riverworks for networking, food, and drinks during a Queen City Roller Girls Game! Young insurance professionals from various agencies, carriers, and insurance affiliates around Buffalo mixed and mingled, while watching the Subzero Sirens take on the Greater Toronto Area Rollergirls.

Thanks to all who attended – it was a great event!



Thank you to our sponsors!



GREENE
& ASSOCIATES



Lawley

Appellate Court Finds That Insureds Are Members Of The Same Household When They Live Together

Nicotera v. Allstate Ins. Co., N.Y.S.3d, 2017 WL 538229 (4th Dep't Feb. 10, 2017).

For answers to your legal questions, feel free to contact

Marco Cercone, Esq. or
Patrick D.R. Leavy, Esq

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

716-854-3400
www.ruppbaase.com

The New York State Appellate Division, Fourth Department recently examined whether relatives were considered members of the named insured's "household." See *Nicotera v. Allstate Ins. Co.*, -- N.Y.S.3d --, 2017 WL 538229 (4th Dep't Feb. 10, 2017). *Nicotera* involved fire damage to a two family home in Utica, New York. The home originally was owned by Virginia Eannace; however, in 2003, she transferred the home to an irrevocable family trust. Mrs. Eannace named her two nieces, Gioia L. Nicotera and Marisa L. Nicotera, as beneficiaries of the trust. The home was insured by a homeowners' policy with Allstate Insurance Company. Despite the transfer of the home to the trust, Mrs. Eannace remained the only named insured on the policy.

In 2010, Mrs. Eannace moved out of the home and into a nursing home. Shortly thereafter, Mrs. Eannace's niece, Gioia, occupied the first floor of the home and two tenants occupied the second floor. In 2012, the home was damaged by a fire. Allstate disclaimed coverage based on the fact that its insured, Mrs. Eannace, did not reside at the insured property at the time of the fire. The trustees and beneficiaries of the trust (the "plaintiffs") commenced a lawsuit against Allstate for breach of contract following its denial of coverage. Allstate moved for summary judgment contending that the named insured did not reside at the home; therefore, there was no coverage. Instead of challenging Allstate's basis for its denial, the plaintiffs contended that there was coverage because Gioia was an insured under the policy who resided at the home. They argued that she was an insured because she was a member of Mrs. Eannace's household and a relative. Under the policy at issue, an insured person included any member of Mrs. Eannace's household if such a person was a relative. The trial court granted Allstate's summary judgment motion and dismissed the plaintiffs' complaint. The plaintiffs appealed.

Initially, the Fourth Department noted that "household" has been characterized as an ambiguous term; thus, any interpretation must favor coverage and reflect the "reasonable expectation and pur-

pose of the ordinary business person when making an insurance contract and the meaning which would be given it by the average person." Certainly, there was no dispute whether Gioia was a relative. There also was no question whether Gioia resided at the insured property. Given these facts, if Gioia was a member of the household, there would be coverage because she would be an insured under the policy. However, the Court held that Gioia was not a member of Mrs. Eannace's household and concluded that it could not interpret the policy to provide coverage where the named insured and the relative did not live in the same "household." Simply put, Mrs. Eannace and Gioia were not members of the same household because they did not live together in the home, so the Court affirmed the trial court's dismissal of plaintiffs' complaint because for relatives to be members of the same household, they must live together.

Practice Pointer: The holding in the *Nicotera* case provides an illustration of how important it is for insurance agents to communicate with insureds (and potential insureds) to secure accurate information about the use and occupancy of insured properties. For example, in *Nicotera*, if the plaintiffs had updated the homeowners' policy when Mrs. Eannace moved out and Gioia moved in, they could have added Gioia to the policy and their likely would have been coverage for the loss (assuming no other defenses to coverage applied). Insurance agents may best serve their client and protect themselves from liability by communicating regularly with their insureds to ensure that they have the most up-to-date information on the use and occupancy of an insured property. The simple use as a yearly or bi-annual property update form sent to your clients may make the difference between ensuring that your clients have proper coverage, and protecting your agency from an errors and omissions claim.

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

**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.



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IIABNY E&O LOSS CONTROL SEMINAR

2017 marks the 30th anniversary of IIABNY's annual E&O seminar. Jim Keidel and Chris Weldon, founding partners of Keidel, Weldon & Cunningham, LLP will share NY Law, trends, statistics and E&O case examples that agents and brokers get involved in.

Stay up to date on DFS regulations, including new Cybersecurity Regulation, along with current trends in E&O claims and how to avoid them and protect your agency.



Live

Registration: 8:00 am | Seminar: 8:30 am – 12:15 pm | 4 CE Credits (All Licenses) NYC-253982

May 16 :: Hauppauge

Radisson Hotel Hauppauge - Long Island

May 17 :: NYC

Allianz Global Corporate & Specialty |
28 Liberty St., 38th Floor

May 18 :: Rye Brook

800 Westchester Ave
5th Floor Auditorium

May 24 :: Syracuse

Genesee Grande Hotel

May 25 :: Depew

Salvatore's Italian Gardens Restaurant

Video

Registration: 8:00 am | Seminar: 9:00 am – 12:45 pm | 4 CE Credits (All Licenses) NYC-253982

**June 7 :: Simultaneously
broadcast to locations...**

Albany

Hudson Valley Community College

NYC

SUNY College of Optometry

Rochester

DoubleTree Rochester

Buffalo

Erie Community College/North Campus

Poughkeepsie

Dutchess Community College

Syracuse

IIABNY Office

Hempstead

Hofstra University

Queensbury

Adirondack Community College

Westchester

DoubleTree Tarrytown

Riverhead

SUNY Suffolk Eastern Campus

Webinar

New in 2017! | Online registration only - www.iiabny.org | 4 CE Credits (All Licenses) NYC-253982

June 7th :: 9:00 am - 12:45 pm

All E&O seminars/webinar have the same course approval number.



JIM KEIDEL

CHRIS WELDON



KEIDEL, WELDON & CUNNINGHAM, LLP

iiabny
INDEPENDENT INSURANCE
AGENTS & BROKERS OF NEW YORK, INC.



Well-known and respected E&O attorneys Jim Keidel, Esq and Chris Weldon, Esq bring their vast experiences in representing and defending our members in IIABNY's errors and omissions program in this acclaimed annual seminar series.

EARN UP TO A 10% PREMIUM REDUCTION ON YOUR E&O RENEWAL...

Swiss Re / Westport

IIABNY members whose E&O coverage is written by Swiss Re/Westport Insurance Corp. through IAAC can qualify for a 10% premium reduction on their 2018 renewal if they meet the following criteria:

Agency Size	Who Must Attend*
1	1 Active Agency Principal
2 - 7	1 Active Agency Principal 1 Producer (commercial or personal)*
8 - 20	1 Active Agency Principal 1 Producer (commercial or personal)* 1 CSR (commercial or personal)*
21 - 50	1 Active Agency Principal 1 Office Mgr or Supervisor 1 Producer (commercial or personal)* 1 CSR (commercial or personal)*
51+	1 Active Agency Principal 1 Office Manager or Supervisor 1 Producer (commercial or personal)* 2 CSR (commercial or personal)*

Multiple offices – The attendance requirements apply to total staff of all offices.



Fireman's Fund

IIABNY members whose E&O coverage is written by Fireman's Fund on the IIABA RPG ProGuard Form may qualify for a 10% premium reduction on their 2018 renewal if the required agency staff (see left) attend a designated E&O seminar in the 2016 calendar year. IIABNY members whose E&O coverage is written on the non RPG Form may qualify for a 7.5% premium reduction on their 2018 renewal if they follow the attendance guidelines.

The above are minimum requirements. You are encouraged to send as many of your office staff as is practicable.

Please note – These requirements must be met on an annual basis. Attending previous E&O seminars will not qualify an agency for the 2018 premium reduction.

IMPORTANT NOTICES

- You must register at least two weeks prior to the seminar to receive your CE certificate on site.
- Continuing Education rules will not allow CE credit to be awarded to anyone arriving after the start of the program.
- Full payment must be received prior to admittance.
- Photo ID must be presented at registration.

GENERAL INFORMATION

- We invite all registrants to advise us of any disability and any requests for accommodation to that disability. Please contact IIABNY's Education Department at 1-800-962-7950.
- Refreshments will be available, however lunch is not provided.

Registration Form

See our full course listings & register online at www.iiabny.org/edcalendar

Name (please indicate if changed)

E-mail

NYS License Number(s)

Agency (please indicate if changed)

Agency Street Address

City, State, Zip

Phone

Fax

Please Select:

☐ LIVE Seminar
\$160 per IIABNY member | \$195 per non-member
Location: _____

☐ VIDEO Seminar
\$110 per IIABNY member | \$175 per non-member
Location: _____

Fee will increase \$10 for registering "at the door."

Payment Method

☐ Check (made payable to IIABNY, Inc.)
Amount \$ _____
☐ Credit card ☐ American Express ☐ MasterCard ☐ Visa
Amount \$ _____

Card #

Expiration Date

Name on Card (please print)

Authorized Signature

**Return to: Independent Insurance Agents & Brokers of New York, Inc., 5784 Widewaters Pkwy., 1st Floor, Dewitt, NY 13214
or Fax: 888.432.0510**

CANCELLATION POLICY: Full credit toward another seminar will be allowed for cancellation requests received at least 3 business days before a seminar. Any cancellation request received less than 3 business days prior to the seminar will receive a 50% credit. Cancellation requests received on or after the date of the seminar will NOT be eligible for credit. ALL CANCELLATION REQUESTS MUST BE IN WRITING.