

IAAWNY

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MAGAZINE

August
2017

INDEPENDENT INSURANCE AGENTS ASSOCIATION OF WESTERN NEW YORK, INC.

keeping you
up to
speed



A Message from the **PRESIDENT**



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The end of June saw another successful Roger Gurney Memorial Golf Outing at Crag Burn Golf Club. I would like to thank our golf committee, volunteers, sponsors, and participants in helping to raise scholarship money for our Project Invest students. The final figures are being tallied and we will end up raising over six thousand dollars for next year's class. Money raised from last year's tournament was handed out this year to ten recipients from a total of almost 20 student applicants. The total scholarship money handed out thanks to your efforts was \$5,000.

As my term comes to a close, I would like to thank the current board for all its support and help this year. We had a successful year in advertising all the good work Independent Insurance Agents do on a daily basis with both print and media campaigns. We held some new types of programming and continue to look for your feedback on additional programming. We partnered with NeXt Gen to revive that organization and assist younger agents in developing a career in the industry and will look to try and hold some joint programming in the future. I am sure you noticed with our recent elections that we will be changing five directors for next year. I would like to thank our incoming directors for their commitment to keep our organization strong.

Our incoming president, Tamara Storch, is working on finalizing the details for our September 28th Officer and Director Installation at the Foundry. We will be emailing out invitations in the coming weeks.

I look forward to seeing you at our next event aboard the Moondance Cat on Thursday, August, 17th.

Matt Saxe
President IIAAWNY

IIAAWNY SUMMER OUTING

Thursday August 17, 2017, 6-8pm



Join us aboard the Moondance Cat for a night of networking with fellow agents, brokers, and company affiliates. The outing will start at the Erie Basin Marina and sail for approximately 2 hours on Lake Erie. Members can attend at the low cost of \$25.00 per person (includes 1 drink ticket).

If you are interested in attending, please register [HERE](#) by Monday August 14th.

IIAAWNY 2017 INSTALLATION OF OFFICERS AND DIRECTORS

The Foundry, Thursday, September 28, 2017 6:00pm

Please join us on Thursday, September 28th at 6:00pm at The Foundry Suites on Elmwood Ave in Buffalo for our Installation of Officers & Directors. We will be having dinner stations for all to enjoy in a relaxing atmosphere. Come and meet your new Western New York Board of Directors as well as Board members from IABNY.

We have the link for Registration and Sponsorships on our website or you can access by clicking on [2017 Installation Registration/Sponsorship](#)

Cost is \$40 per person

Sponsorships available and include recognition at our event:

\$250 – includes 2 complimentary tickets

\$500 – includes 3 complimentary tickets

\$1,000 – includes 4 complimentary tickets

\$1,500 – includes 5 complimentary tickets



16TH ANNUAL ROGER GURNEY MEMORIAL GOLF OUTING

RECAP 2017

Thank you to all who participated in the Independent Insurance Agents Association of Western New York 16th Annual Roger M. Gurney Memorial Golf Outing on June 26th, 2017 at the Crag Burn Golf Course. We had a beautiful day for golfing!

Each year our sponsors give selflessly to make this event a huge success. We had nearly 100 golfers this year. Thank you for your contributions for raffle items, gift certificates, clothing, restaurant certificates, raffle baskets, 50/50 raffle. This year, our "Chance Raffle" was a great addition to the event. Watch for an even bigger and better Chance Raffle in 2018!

Thank you to all our volunteers who helped plan this event as well as working at the event:

- Jean Toth, M & T Insurance Agency
- Matthew Saxe, M & T Insurance Agency
- Tamara Storch, Tompkins Insurance Agencies, Inc.
- Rob Glenn, Evans Insurance Agency
- Rick Gurney, RG Graphics
- Frank Gallo, Glass America
- Barbara Duke, Duke Insurance Agency
- Doreen DeCarlo, Kemper Personal & Commercial Lines
- Vic Rutecki, Rutecki Agency
- Theresa Crisp, Walsh Duffield Companies

- Ashley Engl, Lawley Service, Inc.
- Jamie Murphy, Allegany Insurance (our Diamond Sponsor!)
- Thomas Toth, Curbell Inc.
- Tracey Williams and Amanda Glor, Enterprise Rent-A-Car
- Linda Zaborowski, ECMC

And a big thanks to the staff of Crag Burn for their tremendous service.

With the income we raise, we provide valuable scholarships to deserving students of IIAAWNY's Project Invest Program. This year we awarded ten deserving students with scholarship funds!!

We also use the proceeds for various events that support the insurance industry.

From all of us on the Independent Insurance Agents Association of Western New York Board we would like to say "Thank you" for keeping Roger Gurney's memory alive and supporting the Insurance industry.

See you in June 2018!!

Kathleen A. Rapasadi
Treasurer & 2017 Golf Chair

16TH ANNUAL ROGER GURNEY MEMORIAL GOLF OUTING



Professional Development for Young Professionals

NeXtGen Buffalo had a great turnout for their Professional Development Breakfast with Frank Ciccio on July 20, 2017. Those who attended enjoyed team-building activities and a very inspirational presentation on Creating an Effective Multi-Generational Work Team.



THANK YOU TO OUR SPONSOR



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Bison's Game!

NeXtGen Buffalo teamed up with YIP of NY to host a Summer Networking Event at Coca-Cola Field on June 28, 2017. The night was filled with great company, good food & drinks in the party suite, and a chance to win a FitBit. The proceeds of the raffle were donated to Mason's Mission Fund!



2017 NeXtGen E-Board



From Left to Right: Joe Shorr, Ashley Engl, Shannon Sommer, Kyle Burch, Claire Gerlach, Brian Jaszka

What is NeXtGen?

NeXtGen is open to individuals under 40 years old or new to the insurance industry who are interested in creating lasting business relationships and joining the ranks of insurance industry leaders. There's no cost to be a member of NeXtGen, and you gain access to great happy hours and networking events! 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>.

Coming soon:

- Volunteer Activity – Sept 2017
- Speed Networking – Nov 2017





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PROJECT INVEST SCHOLARSHIPS

Each year IIAAWNY offers scholarships to students who have participated in the Project Invest program through their school's Academy of Finance. This year we offered 10 scholarships in the following amounts: (2)-\$1,000, (4)-\$500, (4)-\$250. We presented the program in three school districts this year, had 12 scholarship applicants and presented winners from each school. I would like to highlight our two top scholarship award winners, both from Hamburg High School!

Dana Bender will attend Cleveland State University in the fall and plans to study Business Economics and hopes to find a future career in Financial Analysis. She has been active in several sports, extra-curricular activities, and volunteer efforts throughout high school. Dana has earned many scholastic and achievement awards as well. From Project Invest she has learned how her chosen degree relates to insurance and how understanding both the economic field and the insurance industry will help her to be more marketable to future employers. She was very interested in all the different facets of the insurance industry; however Dana was particularly interested in the Actuarial path. Based on her essay and her application we awarded Dana the \$1,000 scholarship and we hope to have her join our industry one day.

Our second \$1,000 scholarship winner was **Vanessa Marzullo**. Vanessa has been accepted to the University of Albany where she plans to study Nutrition and Wellness. Like Dana, she has been involved in many opportunities from sports and band to volunteering to being Student Body Treasurer. Through Project Invest she has learned that insurance isn't just home, life, and auto and that her field of study could potentially lead her to a successful career in the industry. She also made the unique observation that insurance isn't just about protecting assets, but about the overall need to help protect and make an individual or organization feel secure, which if she would also be doing with nutrition and wellness. If she doesn't end up sharing a career in insurance, she will be helping others "insure" their health by offering healthy choices and options to individuals – such as suggesting one less donut.

Both these girls and the other eight winners have presented a knowledge and growth from the Project Invest program that most teenagers don't receive. Based on all submissions received, we would expect these students to excel wherever their life may take them.

If you'd like to share your industry knowledge with the next generation, please contact Theresa Crisp at projectinvest@gmail.com. Classes run about 45 minutes and are offered in the Fall and Spring semesters. Also, if you know of a local school that would benefit from this program, please let us know!

SAVE THE DATE!

IIAAWNY Legislative Breakfast

October 12, 2017 at the Hilton Garden Inn Buffalo Airport

IIAAWNY would love for you to join us at our annual Legislative Breakfast. Come and meet your elected representatives from our local area to discuss the issues critical to our industry. Sign up today to show our representatives that we matter!

Schedule of Events:

Registration 8:15am

Breakfast 8:30am

Speaker 9-10am



Jill Muratori will provide an update on issues that the IIABNY legislative team is pushing in Albany and Washington, DC. From legislative matters to company initiatives, IIABNY is your advocate in Albany & Washington DC on the issues that matter to your agency's success!

The Fourth Department Takes Issue With Insurance Policy Contractual Limitations Period

Lobello v. New York Cent. Mut. Fire Ins. Co., 2017 N.Y. Slip Op. 05543 (4th Dep't July 7, 2017)

For answers to your legal questions, feel free to contact

Marco Cercone, Esq. or James Graber, Esq.

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Recently, the Appellate Division, Fourth Department created new precedent when it overruled its previous decisions and held that the deadline to commence a lawsuit against an insurer begins to run from the date of the alleged breach of contract and not the date of the incident giving rise to the claim. See *Lobello v. New York Cent. Mut. Fire Ins. Co.*, 2017 N.Y. Slip Op. 05543 (4th Dep't July 7, 2017).

In *Lobello*, the plaintiff-insured suffered losses in 2009 and 2010. Shortly after the two-year anniversary of the 2009 loss, NYCM denied coverage for both losses. Thereafter, the plaintiff commenced a lawsuit against NYCM for breach of contract. Following discovery, the trial court dismissed the plaintiff's complaint in connection with the 2009 loss, because the insurance policy provided no lawsuit could be brought against NYCM unless it was "started within two years after the date of loss"; however, the plaintiff's lawsuit was commenced more than two years after the 2009 loss occurred. In support of its decision, the trial court relied on two decisions by the Fourth Department that applied similar policy language to dismiss several lawsuits. See *Baluk v. New York Cent. Mut. Fire Ins. Co.*, 114 A.D.3d 1151 (4th Dep't 2014) and *Klawiter v. CGU/OneBeacon Ins. Grp.*, 27 A.D.3d 1155 (4th Dep't 2006).

On appeal, however, the Fourth Department reversed the trial court's decision, and it expressly disavowed its previous decisions in *Baluk* and *Klawiter* as no longer being good law. The Fourth Department noted the phrase "date of loss" was undefined in the policy, and it also noted there was Court of Appeals precedent from 1966 stating "inception of loss" was the proper phrase to describe the date when a loss actually occurred. See *Proc v. Home Ins. Co.*, 17 N.Y.2d 239 (1966). Accordingly, the Fourth Department held "date

of loss" was ambiguous and had to be construed in the insured's favor to refer to the date when "the loss became due and payable." Said another way, the Fourth Department determined "date of loss" referred to the date NYCM denied coverage (i.e, the date of the alleged breach of contract), and not the date on which the incident giving rise to the claim occurred.

Practice Pointer: Policy forms across New York State regularly provide that lawsuits against an insurer must be commenced within two years of the "date of loss." In light of the *Lobello* decision, however, the two-year limitation to bring a lawsuit against an insurer will not toll from the date of the incident that occurred. Rather, the suit limitations period will toll two years from the date of the denial or the alleged breach occurred. We suspect that many insurers will begin the process of revising relevant policy forms to change the suit limitation language to ensure that lawsuits are commenced within two years from the "inception of loss." If the policy forms are not updated, then the time period for an insured to commence a lawsuit will not begin to run until an insurer denies coverage or issues an undisputed payment. Under the current case law, insureds will have significantly more time to weigh their options and to seek out plaintiffs' attorneys to take their cases after an insurer denies coverage for a claim. Consequently, we expect that claims will remain open and unresolved for longer periods of time and litigation expenses likely will increase, because more lawsuits may be filed against insurers, agents, and brokers.

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

WNYIA 2017 Golf Outing

Save The Date

Monday, August 28th 2017

Brierwood Country Club

5324 Rogers Road, Hamburg, NY 14075

The Western New York Insurance Association invites you to its annual golf outing! Mark your calendars now to enjoy a great day on the links with your fellow insurance professionals. Join us for lunch, games, golf, dinner and refreshments.

*-Registration beginning at 10 a.m.
-Lunch beginning at 11 a.m.
-Shotgun start at Noon
\$150 per golfer. Not a golfer? You can
join us for cocktails and dinner for \$55.*



Kyle Burch
Golf Chair
716-341-5497 (cell)
716-805-8847 (office)
kburch@whgreene.com



Introducing the IIABNY DIY Hiring Toolkit

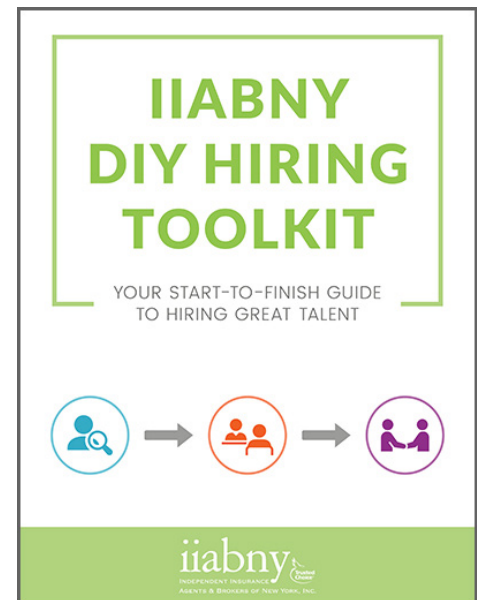
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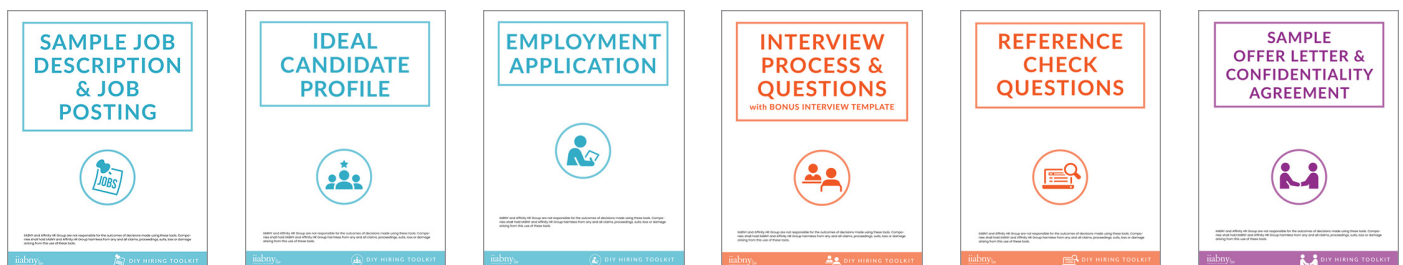
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