

IIA WNY

# I-WAYS

## MAGAZINE

February  
2016

INDEPENDENT INSURANCE AGENTS ASSOCIATION OF WESTERN NEW YORK, INC.

keeping you  
up to  
speed



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

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# A Message from the **PRESIDENT**



I hope the mild winter is helping to keep claims down in your agency. After last year, we all deserve a bit of a break with the weather.

Your board has been very active. Project InVEST will be in full swing this spring. Next Gen is being revitalized. Plans are in the works for a great evening for all affiliate members, and our annual scholarship golf outing will be returning to Crag Burn Golf Club this June. Look for information on these coming events.

The 175th Anniversary Committee will be announcing our plans to celebrate this milestone. A video is being produced to promote the anniversary. We would appreciate any historic items from the insurance industry to incorporate into the video. Please contact any board member regarding your memorabilia.

The Public Relations committee has created a TV campaign which will be aired on Channel 4 in the coming months. These Trusted Choice ads are designed to drive prospects to your agency while making a comparison between us and our competition.

I am looking forward to seeing you on February 25, when Tim Dodge will be conducting a CE class for our members.

**Vic Rutecki**  
President IIAAWNY

# Out & About

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

## *Annual Affiliate Mixer*

March 10<sup>th</sup> from 5:30 - 8:30 PM

Paddock Chevrolet Golf Dome

175 Brompton Road, Tonawanda, NY 14150



Join us at The Paddock Chevrolet Golf Dome for a night of fun with the Golf Simulators, networking, and plenty of food and drinks. The simulators allow you to choose from over 80 golf courses, or even to sharpen your skills in Baseball, Football, Basketball, Hockey or Soccer.

Affiliate members receive one free complimentary attendee per paid affiliate membership. Agents and other guests can attend at the low cost of \$25.00 per person (includes pizza, wings & 3 hour open bar).

Register online by February 29, 2016 at  
[www.wnyagent.com/events/annual-affiliates-mixer/](http://www.wnyagent.com/events/annual-affiliates-mixer/)

Registration will not be accepted at the door.



**NEXTGEN HAPPY HOUR**

**APRIL 7<sup>TH</sup> FROM 5:00-7:00 PM**

**BIG DITCH BREWERY | 55 EAST HURON ST, BUFFALO**

JOIN NEXTGEN BUFFALO AT  
BIG DITCH BREWING COMPANY, A  
CRAFT BEER BREWERY IN DOWNTOWN,  
FOR AN EVENING OF NETWORKING,  
RAFFLES, AND BEER-TASTING FUN.

ALL NEXTGEN MEMBERS AND GUESTS ARE WELCOME!

**Register Online:**

<http://bit.ly/1noeqtx>

THE FIRST 50 RECEIVE AN EXTRA RAFFLE TICKET.

FOR MORE INFO, PLEASE CONTACT  
ASHLEY ENGL, LAWLEY INSURANCE  
AT [AENGL@LAWLEYINSURANCE.COM](mailto:AENGL@LAWLEYINSURANCE.COM).

## WHAT'S HAPPENING

### Dates to Note

#### February 25

IIABNY CE: "Insurance in a  
Changing World"

Millennium Hotel Buffalo  
Cheektowaga

#### March 10

**Annual Affiliates Mixer**

Paddock Chevrolet Golf Dome  
Tonawanda

#### April 7

**NextGen Spring Happy Hour**

Big Ditch Brewing Company  
Buffalo

#### April 13-15

**Big "I" Legislative Conference**

Washington D.C.

#### June 27

**IIAAWNY Roger Gurney  
Memorial Golf Outing**

Crag Burn Golf Club  
East Aurora



*IIAAWNY invites you to attend an informative session/CE Class*

# INSURANCE IN A CHANGING WORLD

2 CE (All Licenses) NYCR-252426

**February 25, 2016**

**Millennium Hotel Buffalo | 2040 Walden Avenue | Cheektowaga, NY 14225**



**Tim Dodge**

IIABNY's AVP of Research

**Guns. Medical Marijuana. Uber. Drones. Climate Change.**

Tim Dodge will lead a lively discussion on these topics and more in this interesting new class. He'll also look at the loss exposures that insurance agents and brokers should know about. In addition, he will answer questions members often ask about New York rules.

Be sure to bring your questions about rebating, referral fees, certificates of insurance, the changes to the automobile photo inspection rules, electronic auto insurance ID cards, and more.

**8:15 – 8:30am - Registration and Continental Breakfast**

**8:30 – 10:30am - Class Program**

**Cost:  
\$25**

**Register Now**

[www.wnyagent.com/events/  
insurance-in-a-changing-world/](http://www.wnyagent.com/events/insurance-in-a-changing-world/)

**Questions?**

**Please contact Jeanne Hellert at 716.207.3886 or [iaawny@gmail.com](mailto:iaawny@gmail.com).**



## COMING TO A TV SCREEN NEAR YOU

The Public Relations committee has been very busy in January! We helped IIAAWNY secure \$20,000 in financial support from Safeco and Trusted Choice for our television commercials with WIVB Channel 4. Both Safeco and Trusted Choice were gracious enough to grant \$10,000 each for our project. We filmed footage for a 30 second and a 15 second ad on January 29th.



WIVB is in the final stages of editing the commercial. The advertisement should begin airing by the middle of February. The ads will feature members from our board emphasizing the importance of partnering with an Independent Agent. The spots will run for an entire year at various time slots.

This exposure will provide an added benefit for our members throughout all of 2016! We will have the commercial posted on our web site wnyagent.com for your viewing as soon as it is ready.

Thank you to all board members that took the time out of their busy day to participate with the filming. And special thanks to Safeco and Trusted Choice for the financial support!!

## *Roger Gurney Memorial Golf Outing*

**JUNE 27**  
**2016**

**SAVE THE DATE!**

*New Look, New Start Time, New Course.*

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

**Stay tuned - spring is close and there's more to come!**  
**Sponsorship & registration information coming soon.**

# Yale alumnus honored for interviewing high schoolers

IN THE  
NEWS

By Gene Warner | *Buffalo News Staff Reporter*  
on December 25, 2015

John N. Walsh III has interviewed more than 850 local high school seniors trying to get into his alma mater, Yale University, over the last four decades, so he naturally has his favorite stories about some of the applicants.

There was a top student and excellent rower with a severe stutter, whom Walsh congratulated on being elected vice president of his class. The young man, struggling with his words, smiled and quipped that he might have been elected president – if only they had more time for the school meetings.

There was a young lady who applied to Yale only because her father had gone there. After a long discussion, she agreed to let Walsh write a letter on her behalf to her real first choice, a small college in Maine.

And there was an accomplished hockey goalie with a prosthetic leg who didn't get into Yale. Walsh called some friends from Harvard, including a former hockey opponent of his. The young man got into Harvard and served as a back-up goalie, whose teammates kiddingly used to hide his prosthesis while he was in the shower.

For about 35 years, Jack Walsh, a 1967 graduate, has become the top advocate for local high school seniors applying to Yale. Most, of course, don't get in – the prestigious Ivy League college now accepts only about 1 in 15 applicants – but more than 100 students he's interviewed and recommended have been admitted.

Walsh, a Nichols alumnus who also graduated from Harvard Law School before becoming an insurance executive, served for years as a one-man Alumni Schools Committee for Yale. One year, he interviewed 72 local students, each one involving more than an hourlong meeting, followed by a written report sent to the university.

For those efforts, Yale recently thanked Walsh, honoring him with its Alumni Schools Committee Ambassador Award, in a ceremony on the New Haven, Conn., campus. As one Yale official said, "Jack has set the standard for interview reports."

Alumni at many top-notch colleges like Yale interview applicants in their home cities in an effort to personalize the whole process and provide some insights about the prospective student, something that might not jump out of a bulky application folder.

That's clearly a need for a school like Yale, which has more than 30,000 applicants each year vying for about 2,000 admission slots.

"The alumni interview reports give the Yale admissions committee a sense of animation, of personhood, a window to the candidates' souls," Walsh said. "Otherwise, the folders might focus unduly on standardized tests, transcripts, class rank, essays and teacher recommendations."

Walsh gave an example from the business world, suggesting how tough it would be to hire a new CEO if you had 15 applicants – but couldn't meet any of them.

Those interviews also provide the students with a local human face to attach to what might seem like a large, impersonal and even intimidating college.

Besides serving as chairman of Walsh Duffield Co., Walsh chairs the local Darwin Martin House capital campaign and has served as board chairman at Children's Hospital, the Buffalo Philharmonic Orchestra, Nichols, the National Conference for Community and Justice, the American Red Cross and AAA.

Walsh talked about the benefits he still gets from the interviews with such accomplished teenagers.

"These wonderful people keep us young and teach us about gothic dress, modern music, new capacities within our handhelds and a series of new sensitivities to lifestyles and modern career paths, which keep us relevant and educated."

He's thrilled with changes he's seen in his alma mater since his graduation 48 years ago. Yale, he admits, once earned its reputation as inbred, New England, preppy, rich and partial to legacy applicants.

About two-thirds of the undergraduate student body used to come from private schools; now it's about two-thirds from public schools.

"Lately, they're looking for people who have achieved, not people with connections," he said. "I'm proud of that."

# Federal Court Rebuffs Insured's Attempt to Undermine Policy's Residency Requirement *By Relying on Vague & Undocumented Conversations with Insurance Agent:*

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

716-854-3400  
[www.ruppbaase.com](http://www.ruppbaase.com)

Recently, a New York federal court reviewed two common insurance-policy requirements that require an insured to reside at the insured property and to give notice to the insurer of any changes in use or occupancy. See *Rodriguez v. Allstate Indemnity Co.*, 2015 U.S. Dist. LEXIS 79754 (W.D.N.Y. 2015). In *Rodriguez*, the insured owned a property in Lackawanna, New York. He initially resided at the property, but moved out in 2009 to another property in Buffalo, New York. The insured continued to own both properties, and in fact he insured both under primary-residence policies (an error given that he moved out of one) with the same insurer. Ultimately, the Lackawanna property sustained a fire loss on March 25, 2011. The insurer thereafter denied coverage because, among other things, the insured did not reside at the Lackawanna property as was required by the terms of the insurance contract. The insured also did not notify the insurer that he moved out of the Lackawanna property as was required by policy.

The insured did not dispute his policy's residency and notification requirements. In fact, he admitted that he did not live at the Lackawanna property at the time of the fire. Instead, he argued that he informed his insurance agent that he moved from the Lackawanna property to the Buffalo property in 2009. He also pointed to the second insurance policy that the insurer issued to him for the Buffalo property, and argued that it was the insurer's duty to remove the primary-residence requirement since it presumably was aware of his move. The federal court ultimately rejected both arguments. In doing so, it made a number of observations.

First, the federal court noted that the insured only made vague assertions that he told his insurance agent that moved out of the Lackawanna property. Indeed, he could not provide any details as to when, how, or to whom he allegedly gave notice. Second, the federal court noted that the agent himself could not recall if he ever received notice that the insured no longer was residing at the Lackawanna property. The agent could not recall any details. Third, the federal court noted that insureds can have more than one primary residence and that it was the insured's duty to confirm that his policy information is accurate. Based on all these circumstances, the federal court granted the insurer summary judgment dismissing the insured's complaint.

This outcome predominantly was the result of the insured's "complete dearth of proof" regarding his communications with the insurer and/or the agent.

## Practice Pointer:

The *Rodriguez* case should serve as a reminder to insurance agents of how important communications with insureds can be within the context of insurance claims and subsequent litigation. In *Rodriguez*, both the insured and the agent could not recall any specific conversations they had, and neither had any notes that could refresh their recollections regarding same. Learning from this outcome, insurance agents should attempt to memorialize all conversations they have with insureds, if not electronically then at least by handwritten notes. These notes significantly can impact coverage determinations, avoid error-and-omission claims, and help lend finality to factual disputes once they arise. In addition, agents should pay particular attention to residency issues when procuring insurance policies, especially when insureds maintain more than one property, in order to avoid any possible liability should a claim be denied based on the insured's failure to satisfy the residency conditions of the insurance policy.



# Two Connected Stories



## Stronger together than on our own.

As much as we don't want to admit it, there is the perception around insurance and more specifically insurance agents, that they are boring, uncaring or greedy. But as we all know, this couldn't be further from the truth. We at IABNY wanted to do something about it.

Trusted Choice® has done and continues to do a remarkable job raising public awareness of what an independent agent is and the freedom of choice they bring to the table. So we decided not to focus on what an independent agent is, but rather who they are. To break down the stigma barriers and share the untold stories of independent agents. The stories of how they spend time getting to know their clients, support their local businesses, and give back to their communities. Not because they have to but because they want to.

### The Result

With this goal in mind, we set out to create a grassroots campaign that shares – in a new, authentic way – the unique bond between an agent and someone who needs protection... Two connected stories.

We traveled the state talking to our member agents to get their real stories, not just the bios on their website. And what we discovered was magical.

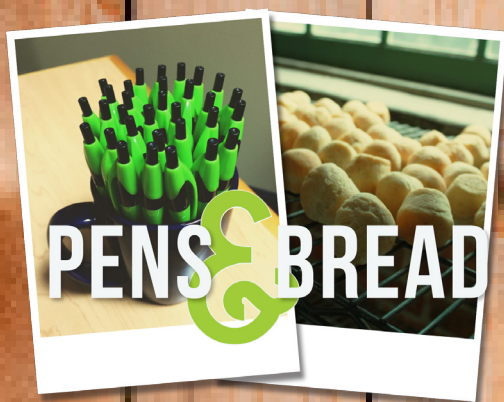
To see the results, you'll need to head to [www.TCStories.com](http://www.TCStories.com), our home base featuring video stories, testimonial interviews, posters and articles, along with our campaign's mission and a link to [TrustedChoice.com](http://TrustedChoice.com) for consumers to find an agent.

**The stories don't stop there. Like connections new and growing, this will too. The 'Share' button on the website offers an easy way for both Trusted Choice® agents and their clients to tell us about a positive connection. PLEASE SHARE!**

We are not only dedicating our time and resources into this exciting campaign, but also advertising dollars. We will be running digital campaigns on Facebook, Twitter, LinkedIn and YouTube to help the world find us and see these amazing stories!

It may seem like an impossible task to get noticed against the mega-insurers and the insurance haters of the world. And truth be told, individually it probably is. But when we join forces, incredible things can happen.

Just one more reason we are stronger together than on our own.



#TCStories | [TCStories.com](http://TCStories.com)





## The Dan Fulwider Award for Community Involvement



Presented by

Dan Fulwider was the Government Affairs Coordinator and Membership Liaison for the Independent Insurance Agents of Iowa, and a huge supporter of Trusted Choice®. But more than this, Dan was a warm and caring young man, whose dedication to his community and the causes he believed in inspired all who knew him. Dan passed away after a valiant fight with cancer.

One of Dan's great passions was basketball, and he served as Assistant Boys Basketball Coach of the Saydel Eagles for three years. He did this as an unpaid volunteer simply because he loved the game and players. He was also a member of the Iowa High School Athletic Association Coaches organization, the National Eagle Scout Association and the Iowa State Alumni Association, and was active in his church.

In the spirit of and to honor Dan Fulwider, Trusted Choice® would like to recognize one of its member agents for going above and beyond in volunteering time and enthusiasm to causes close to their heart.

The recipient of the Dan Fulwider Award for Community Involvement will have \$2,500 paid to the charity\* of their choice, and be recognized at the 2015 Big "I" Legislative Conference & Convention April 20-25 in Washington, DC.

To be considered for this award, complete and submit the award's application form by March 1, 2015.

# The Dan Fulwider Award for Community Involvement 2015 Application

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## Applicant information.

DATE: \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_

APPLICANT'S AGENCY NAME: \_\_\_\_\_

AGENCY ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

APPLICANT'S PHONE: \_\_\_\_\_

APPLICANT'S EMAIL: \_\_\_\_\_

Details of Community Involvement and the motivation for choosing/working with those organizations. Include contact name and information for each entity for verification of application information:

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## Charity\* designated by the applicant if chosen to receive this award.

Charity Name: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Contact Phone & Email: \_\_\_\_\_

\*Note: The selected charity must be a 501(c)3 in good standing with the Internal Revenue Service.

By signing below, I certify, under penalty of perjury, that: i) I am a member in good standing of IIABA and my agency is a participant in good standing of the Trusted Choice® branding program; ii) all information in this Application Form is true and correct; iii) I will notify Trusted Choice® in writing of any material changes to the Application Form prior to the award receipt being announced; iv) that Trusted Choice® and IIABA are authorized to acknowledge me and my agency in press releases and publications if I am selected to receive the award; v) I am authorized by my agency to grant the permission referenced above; and vi) the selection by Trusted Choice® of the award recipient shall be final and binding, in its sole discretion.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Submit this completed form and any supporting materials by March 1, 2015 to:  
**Trusted Choice®, Inc., Attention: Sydney Roe, 127 South Peyton Street, Alexandria, VA 22314**  
**or by email to [sydney.roe@iiaba.net](mailto:sydney.roe@iiaba.net).**

Offering the very best in service  
and support to New York's  
Independent Agents



Download Implementation Award – 2014

Super Regional Property/Casualty Insurer – 2014

National Association of PIA Company Award of Excellence – 2012

Deep Customer Connections, Inc.'s Top Ten P&C Performers List – 2013

Best Practices Award – 2006-2013

NetVU Quantum Award – 2014

ASCnet Partner Award for Dedication to Interface Partnerships – 2007-2014

A Excellent Rating from A.M. Best

**Chris Harris**

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