

IAAWNY

I-WAYS

February
2018

MAGAZINE

INDEPENDENT INSURANCE AGENTS ASSOCIATION OF WESTERN NEW YORK, INC.

keeping you
**up to
speed**



A Message from the **PRESIDENT**



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As we finished out 2017 and kick off 2018 we continue to keep our momentum going.

On November 9th I attended the Keys to Progress Annual Event by Progressive for their Veterans Day Celebration. They awarded two deserving veterans from our local community with vehicles to help them and their families along with gift cards donated by area businesses. It was an emotional event and I am so glad that together we can make a difference. Congratulations to Progressive on another successful event!

Also on November 9th our NeXtGen group got together with YIPs and had a good networking function at Osteria 166. The evening was enjoyed by all. Don't miss out on their next get-together, they are open to all ages not just the young crowd!

For those who got the opportunity to attend our Holiday Luncheon on December 1st at Park Country Club, we enjoyed great food, time with friends and colleagues, and some giveaways. Photos are included in this newsletter. We also collected donations for the Food Bank of WNY and provided them with a check for \$2,500. During our luncheon members voted on an amendment to our By-laws Section a..1, 2 and 3 of Article III Membership that was emailed out to our voting members on 11/22/17.

We recently sent out a survey to get feedback on what you want to see as far as events, possible name change for the Association, CE classes, and much more. If you did not have an opportunity to participate and wish to, please let us know. Without your valuable feedback we miss a valuable opportunity to provide for you, our members, with what matters most, so please let us know what is and is not working or what you would like to see from us going forward.

We are currently working on a CE program to provide in the early part of 2018 so be on the lookout for that.

Also a date to keep in mind is March 6th! We have brought L Day back with a shorter time frame! In the past this usually took several days depending on times and travel. This year Big I is looking to just have one day with our legislators. We have not participated in the past couple years opting to visit with legislators locally. However, we realized the impact is not as significant as when we go as a group. More information on L Day can be found in this newsletter. Please consider participating or if you cannot join us, please consider sending a representative from your office. As a large group we can make a difference for our WNY area!

Hope to see you at our next function! As always please feel free to reach out to any of our Board Directors or Officers with any questions or if you have any suggestions you would like us to consider in 2018!

Tamara Storch, ACSR, AINS
President IIAAWNY

Why Social Media Should Matter At Your Agency. *Yes, Even Yours.*

IIAAWNY invites you to attend an Educational Session led by Charlie Riley, Director of Marketing and Communications at Lawley!



February 27, 2018

Millennium Hotel Buffalo
2040 Walden Avenue
Cheektowaga, NY 14225

8:00 a.m. - 8:30 a.m.

Registration and Hot Breakfast

8:30 a.m. - 9:30 a.m.

Class Program with Q&A to follow

Class Description: Regardless of your size, social media can be a sales, retention and recruiting tool for any sized insurance agency. Learn from Lawley Director of Marketing and Communications Charlie Riley about what social media channels you should be using today, why social media can be helpful to agency owners and seasoned industry veterans alike (we know the millennials already get it) and walk away with actionable steps you can take today to improve your social media presence.

Cost: \$15 for Members | \$20 for Non-Members

REGISTER HERE by Friday February 23rd!

Questions? Please contact Theresa Crisp at tcrisp@walshins.com or
Doug Benz at debenz@newbuffaloinsurance.com

L DAY IS BACK!

Make a difference for your business in Albany on March 6th!

Members have spoken and we've listened. That's why we're introducing a newer, leaner, impactful version of L Day (Big I New York's premier legislative event) on Tuesday, March 6, 2018! Based upon your feedback we're planning an abbreviated legislative day, focusing on appointments with legislators, to make the most of your time in Albany and get you quickly back to your business. Our committee of agents, representing all regions of the state and chaired by Big I NY director Ron Brunell, is planning this exciting event.

Big I NY's Legislative day, or "L Day", is designed to bring agents and their elected representatives together to discuss the priority issues for our industry. Legislators want to hear from you about issues affecting your business and your ability to succeed in New York's business climate. L Day provides the opportunity to do so in a convenient and meaningful setting, positioning you as a resource on insurance issues.

L Day makes a difference in our success in helping you continue to deliver the incredible value you provide to consumers. After a three-year hiatus it's time to bring it back! We hope that you can join fellow agents **in Albany on Tuesday March 6th, 2018** as its success will depend on it.

The event starts with a 9:30am briefing on the talking points. Meetings with legislators are from 10am-1pm. Following the meetings, IIAAWNY will coordinate lunch for our members before heading back to Buffalo. **Big I NY has arranged a special rate of \$116 at the Hampton Inn Albany – Western Avenue for the night of March 5th.** We are looking to have 10-12 members represent WNY and can assist in arranging car-pooling to Albany.

L Day is March 6, 2018 – RSVP now ([Register Here](#)) and join your fellow agents in Albany for this important event. Together we make a difference. Together we are Big I New York.

**Please contact Matt Saxe – msaxe@mtb.com or
Doug Benz – dbenz@newbuffaloinsurance.com
for more information.**

LEADERSHIP DEVELOPMENT BREAKFAST

Tuesday, March 20th, 2018

Keynote Speaker: Frank Ciccio, of the Illuminare Group



Hilton Garden Inn

Airport Location
4201 Genesee Street
Buffalo, NY 14225

8:00 a.m. - 8:30 a.m.

Registration and Hot Breakfast

8:30 a.m. - 12:00 p.m.

Class Program

“Leadership begins with YOU:” Developing Your Credibility as a Leader

This session focuses on the importance of developing effective leadership skills and the impact leadership has on achieving individual and organizational goals. We discuss the components for establishing credibility and creating effective followership.

Cost: \$30/person | **Group Discount:** \$30/person for registrations of 3+



Register Here

Register by March 16th!

SAVE THE DATE!



WHAT:

IIAAWNY Roger Gurney
Memorial Golf Outing

WHERE:

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

WHEN:

June 25, 2018

Register Here:

<http://www.wnyagent.com/events/2018-roger-gurney-memorial-golf-outing/>

IIAAWNY

ROGER GURNEY MEMORIAL GOLF OUTING

SPONSORSHIP REQUEST FORM

June 25th, 2018
12:00 PM Shotgun
Crag Burn Golf Club

NOTE: All requests must be received by June 8th 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**

- 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
- Driving Range or Golf Cart Sponsor (*please circle one*)

☐ **Platinum Sponsor: \$1,000**

- 2 Golfers (Golfing & Dinner)
- Full Page Program Ad
- Recognition at Dinner or Reception or Score Card Sponsor
- 2 Tickets to IIAAWNY Holiday Party in December
- An ad in the IIAAWNY newsletter
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☐ **Gold Sponsor: \$500**

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- Recognition at Dinner
- An ad in the IIAAWNY newsletter
- Tee Sponsor
- Par 3 Challenge OR Lunch/Program/Beverage Station Sponsor (*please circle one*)

☐ **Silver Sponsor: \$250**

- 1/4 Page Program Ad
- Recognition at Dinner
- Tee Sponsor

☐ **Bronze Sponsor: \$100**

- Name listed in Program
- Tee Sponsor

☐ **Stars: Prizes Needed for Golf Contests & Drawings**

- Name listed in Program

Item(s) _____

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Return completed form along with check payable to: IIAAWNY @ PO Box 983, Orchard Park, NY 14127
For more information please contact: Jeanne Hellert, Executive Secretary @ 716-207-3886 or iiaawny@gmail.com

IAAWNY HOLIDAY LUNCHEON

Please enjoy these photos from our holiday luncheon held on December 1st at Park Country Club.





On Thursday, November 9th, NeXtGen teamed up with Young Insurance Professionals of NY to host the second annual WNY Young Professionals Networking Event



Participants enjoyed food, drinks, and 3 sessions of speed- networking with fellow Insurance Professionals at Osteria in downtown Buffalo. Those who attended had the opportunity to strengthen industry connections and make new ones.



*Professionals from the following agencies and companies were in attendance:
Superior Payment Plan, WH Greene, SERVPRO of The Southtowns, Houck-Seward Agency, Selective Insurance, RT Specialty, Walsh Duffield, NYCM, HUNT Insurance Agency, Russell Bond, Lawley Insurance, Farmers Insurance*

Thanks to all who attended!



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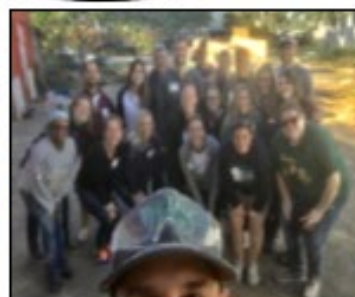
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Lawley

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>.



2017 Events Were a Success!



At the 2017 NeXtGen events, participants were able to enjoy food, drinks, and networking with other Insurance Professionals. Thanks to all who attended and helped to make 2017 a successful year!



Stay tuned for...

SOCIAL Networking Educational



opportunities coming in 2018!

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 and fundraising events. If you are interested, please contact Ashley Engl at aengl@lawleyinsurance.com. We also welcome any feedback that you have for future events!

Appellate Court Re-Affirms Case Law Controlling Relationship between Insureds and Insurance Brokers

For answers to your legal questions, feel free to contact:

Marco Cercone, Esq. or
James Graber, Esq.

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

716-854-3400
www.ruppbaase.com

The ability of an insured to sue his or her insurance broker recently was examined by a New York appellate court. See *Petri Baking Prod., Inc. v. Hatch Leonard Naples, Inc.*, 151 A.D.3d 1902 (4th Dep't 2017). In *Petri*, a business utilized an insurance broker to procure insurance coverage. The broker successfully obtained a policy, although the policy contained a flood exclusion. On September 18, 2006, one of the insured's representatives called the broker to ask about the flood-insurance provisions in the policy. Specifically, the insured's representative was confused and asked: "We have flood insurance, right? Because we want it." The insurance broker stated that he would "get back to him," although there was no evidence that he did so.

Subsequently, on August 19, 2009, a flood damaged the insured's business operations. While the insured submitted an insurance claim, it was informed that flood coverage was excluded from the policy. Thus, unable to recover from its insurer, the insured sued its insurance broker. In assessing the dispute, the appellate court reaffirmed a long line of case law in New York governing the relationship between an insured and his or her insurance broker. Specifically, the broker has a duty to obtain requested coverage within a reasonable time or to inform the client of the inability to do so. Absent a specific request for coverage or the existence of a special relationship, an insurance broker has no continuing duty to advise an insured.

Ultimately, the court held that there was no special relationship between the parties and that their relationship presented "only the standard consumer-agent insurance placement relationship." *Id.* at 1904. The court cited the fact that the broker received no compensation from the insured over and above the commissions it received for the insurance

policies it had procured, that the insured did not use the broker as its exclusive agent, and that the insured retained final decision-making authority over what coverage to obtain. The court did, however, permit the lawsuit to proceed to trial on the limited issue of "whether plaintiff made a specific request for flood coverage prior to the flood event." *Id.* at 1905.

Practice Pointer: The *Petri* case should serve as a reminder to insurance brokers that while there generally is no continuing duty to advise a client, there absolutely is a duty to obtain requested coverage or to advise a client of the inability to do so. Therefore, when a client makes a specific request for coverage, the broker promptly should look into the coverage and keep the client informed along the way. Moreover, a broker always should communicate with his or her client in writing, such as email. The importance of communicating by email can be demonstrated by the *Petri* case as the broker was unable to prove that he "got back to" his client. If the broker simply had produced an email to his client stating that he was unable to procure flood coverage in furtherance of their conversation on September 18, 2006, the court very likely would have dismissed the entire lawsuit. This case also reaffirms the importance of an insurance agent documenting his or her communications with an insured, especially when insurance coverage is discussed!

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.

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For more information about Adirondack Insurance Exchange, please contact:

Lisa Farnham

*Business Development Manager
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