

IIA WNY

I-WAYS

MAGAZINE

June
2016

INDEPENDENT INSURANCE AGENTS ASSOCIATION OF WESTERN NEW YORK, INC.

keeping you
up to
speed



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GENERAL ENQUIRIES

P.O. Box 983
Orchard Park, NY 14127

Phone: (716) 207-3886

iiaawny@gmail.com
www.wnyagent.com

A Message from the **PRESIDENT**



A member of your local board of directors has been named the state's Young Agent of the Year. That honor goes to Ashley Engl from Lawley. Ashley is chair of event planning for our local association. She also ran the NextGen event in April. Ashley is involved in therapeutic dance for individuals with development disabilities and special needs, as well as being active with numerous community service activities. Congratulations Ashley on the well-deserved honor.

There are still openings for the Roger Gurney Memorial Golf Outing to be held on June 27, 2016 at Crag Burn Golf Club. This scholarship golf event funds awards given to our Invest students. Karen Catalano chairs Invest, which under her leadership expanded into five school districts. Please join us for a fun day of golf while we are raising funds for a good cause. There will also be a hole in one contest sponsored by Towne Automotive Group.

A video promoting the 175th anniversary of our local association is now in production. Any historical artifacts from the insurance industry in Buffalo are still welcomed. Please contact any board member with your items.

Your association will again be sponsoring a free child car seat check on Friday, June 3rd from 10 am to 2 pm at Carstar Collision of Amherst located at 2915 Niagara Falls Blvd.

Enjoy your summer!

Vic Rutecki
President IIAAWNY



WHAT'S HAPPENING

IIAAWNY Roger Gurney Memorial Golf Outing

June 27, 2016

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

Register Online:

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

Tamara Storch, Golf Chair:
tstorch@sdnins.com

NEW THIS YEAR!

Hole in One contest sponsored by



Full Day (Golf, Lunch, Cocktails, & Dinner): **\$180 per golfer**
Cocktails & Dinner ONLY: **\$60 per person**

10 AM Registration | 11:00 AM Lunch | 12:00 PM Golf

Name _____ Company _____

E-mail _____ Phone # _____

☐ 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/ Donation) \$ _____

Payment Method: ☐ Credit Card ☐ Check (payable to IIAAWNY)

Please list desired foursome partners & company if you are not registering a complete foresome above:

Comments:

Registration Deadlines:

Golf: June 10, 2016 | Dinner Only: June 17, 2016

All reservations are first come, first serve basis. **Don't delay – we can only accept 120 golfers!**



This year we have a hole in one contest. Thanks to Towne Ford Inc. you could win a 2017 Lincoln MKC, color to be determined. Hurry and sign up—space is limited!

Sponsor Request Form

IIAAWNY Roger Gurney Memorial Golf Outing

June 27, 2016 | 12:00 PM Shotgun

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

NOTE - All requests must be received by June 10th 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 _____

Address _____

State _____ ZIP _____

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 – iiaawny@gmail.com

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

Each year IIAAWNY must elect new Board Members as terms expire. We are excited to welcome the following individuals who have volunteered to hold a position on our Board this year.

Theresa Crisp, CIC, AINS, Account Executive, Walsh Duffield Companies, Inc.

Jamie Murphy, Marketing Representative, Allegany Insurance Group

Stephen Seitz, AAA Insurance Sales Manager, AAA Western and Central New York

Megan Spiegelhoff, Risk Analyst, Walsh Duffield Companies, Inc.

I believe these individuals will represent the interests of IIAAWNY members very well. When you see them, please welcome them to our Association and thank them for their dedication.

Paul Chisholm, Insurance Associates Marketplace and yours truly will be leaving the Board of Directors. I would like to personally thank Paul, an association past president, for returning to the Board to assist with transition and succession planning.

Mark Garvelli, Walsh Duffield Companies, Inc.
IIAAWNY - Chairman of the Board 2015-16

MEET THE BOARD NOMINEES

Members will be asked to vote electronically or in person at our golf outing on June 27. Our new Board will be installed at our Installation Dinner and 175th Anniversary celebration on September 29.



**Theresa M. Crisp,
CIC, AINS,
Account Executive**

Theresa began her career with Erie and Niagara Insurance Association as a Commercial Lines Underwriter. She then worked as a Product Development

Specialist with Merchants Insurance Group in Buffalo. Theresa has been with Walsh Duffield for almost 2

years as a Commercial Lines Account Executive, focusing mainly on large accounts, with 16 years insurance experience.

Theresa has her Property & Casualty Broker's License, her CIC designation (Certified Insurance Counselor), her AINS designation (Associate in General Insurance) and is currently working towards her CRM designation (Certified Risk Manager).

In her spare time she enjoys spending countless hours at the park with her son and supporting local charity events.

BOARD OF DIRECTORS



Jamie Murphy,
AINS, API, Marketing
Representative

Jamie Murphy is a Marketing Representative for Allegany Insurance Group. After graduating from Jamestown Community College she started in the Insurance Industry at Allegany Insurance Group as Underwriting Assistant, eventually becoming Personal Lines Manager in 2011. In October, 2015 she assumed her new role as Marketing Representative for both New York and Pennsylvania.

Jamie currently holds the AINS and API designations, which she earned through The Institutes Risk Knowledge and Insurance Group, and is currently working towards her CPIA and CIC designations. She also serves on the Cuba, New York Library Board.

Jamie resides in Cuba, NY with her husband, Shane and daughter, Laney. The family enjoys various and assorted outdoor activities.



Stephen Seitz,
AAA Insurance
Sales Manager

Stephen Seitz joined AAA Western and Central New York as AAA Insurance Sales Manager in March 2016. He manages the current agent salesforce in all three regions of the club's territory. AAA Insurance has seen significant

growth in the last nine years and Steve ensures that the growth continues, as insurance is a top priority for AAA. Steve has a vast array of sales, leadership and management experience. A native of Medina, Seitz began a real estate business right out of high school, which led to real estate ownership. Steve also ran a successful retail franchise across Western and Central New York. In 2014, he opened an insurance agency, which he recently sold.

Steve is a licensed insurance broker, life, accident and health insurance broker, real estate broker, real estate salesperson, Series 63 financial advisor, and he's been a councilman for the Town of Shelby since 2009.

Steve lives with his wife, Kate, and their four children (all under the age of eight!) in Middleport. He works out of AAA WCNY's Amherst headquarters.



Megan Spiegelhoff,
Risk Analyst

Megan graduated from Niagara University in 2011 with a Bachelor of Science in Business Administration and Management and a minor in Tourism Management. She began an internship with State Farm Insurance while in college in July 2010. She stayed with State Farm after graduation until January of 2014.

After that, she began her career with Walsh Duffield Insurance in the Personal Lines department as a Risk Analyst. Most recently, she started working with the VIP unit. Since working at Walsh Duffield, she has been a volunteer with Meals on Wheels for over a year.

NEXTGEN EVENT RECAP



Lawley Employees pictured from left to right:
Raman Luthra, Shannon Sommer, Abbie Gowen,
Patrick Quinn, Claire Gerlach, Ashley Engl



Liazon Employees Pictured from left to right:
Colleen Erickson, Ashley Braddell, and Robin
Kendra

- NeXtGen Buffalo had a great turnout for their Spring Happy Hour at Big Ditch Brewing Company – April 7, 2016.
- Those who attended enjoyed beer-tastings, appetizers, raffles, and networking with other young professional in the Insurance Industry.
- Stay tuned for more NeXtGen events this summer!

In case you haven't heard of 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. It's no cost to be a member of NeXtGen, and you get access to great happy hours and events like this one!

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>. You may also contact Ashley Engl, Lawley, at aengl@lawleyinsurance.com.



FREE CAR SEAT CHECK

Conducted by a certified police officer

**Friday, June 3rd
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

DENIAL LETTERS: What policy language should you include?

For answers to your legal questions, feel free to contact

Matthew D. Miller, Esq.
(miller@ruppbaase.com) or

Luisa D. Johnson, Esq.
(johnson@ruppbaase.com) at

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

716-854-3400
www.ruppbaase.com

Recently, the Appellate Division, Second Department discussed the level of detail required for a denial letter in the first-party property insurance realm in *Provençal, LLC v. Tower Ins. Co. of N.Y.*, 2016 NY Slip Op 02644 (2d Dep't Apr. 6, 2016). In *Provençal*, the defendant issued a commercial property insurance policy to the plaintiff. In June 2011, heavy rains caused water damage to the plaintiff's premises that caused, among other things, the collapse of a retaining wall. The defendant denied coverage because the policy did not cover damage caused by water under the ground surface.

In response, plaintiff sued and the trial court determined that there was no coverage for the plaintiff's loss because the policy did not cover losses caused by flood and/or surface water. The plaintiff appealed the trial court's ruling, arguing that the defendant could not rely on the flood and surface water exclusionary language in the policy because it was not cited in the denial letter. Specifically, the plaintiff stated that the denial letter violated Insurance Law § 3420(d)(2).

The Second Department rejected the plaintiff's argument. In doing so, it clarified that Insurance Law § 3420(d)(2), which places "strict" requirements on an insurance company to provide a timely and detailed written notice when a claim is being denied, only applies if a claim arises out of an accident involving bodily injury or death. As a result, in first-party property claims, the sufficiency of a denial letter, relative to a failure specifically to identify exclusionary or other limiting policy language, is evaluated under common-law waiver and estoppel principles. In connection with its analysis, the Second Department stated that waiver did not apply because an exclusion cannot be waived. Finally, in order to establish that defendant was estopped from relying on the exclusions not cited in the denial letter, the plaintiff was required to show that it was prejudiced by the defendant's conduct. Since, the plaintiff did not show that it suffered actual prejudice, the defendant could rely on exclusionary language that was not cited in the denial letter.

The *Provençal* opinion is an extension of recent Court of Appeals precedent explicitly stating that the more stringent requirements for denial letters that arise out of death/bodily injury accidents do not apply to first-party property insurance matters. Although it is clear that the more stringent dictates of Insurance Law § 3420(d)(2) do not apply to first-party property matters, as a practical point, an insurer should include any and all applicable exclusionary policy language in its denial letter in order to avoid litigating (and incurring the additional costs of litigating) the issue of whether its denial letter was complete and sufficient under the circumstances presented by the claim.

2016 Big I Legislative Conference Recap

Vic Rutecki and I attended the 2016 Big I Legislative Conference in Washington D.C. from April 13th through the 15th. With the Big I accomplishing so much in 2015, the message this year was to get out in front of some key issues that will be coming up in the next few years. These issues include the expiration of the NFIP in September 2017, the repeal of the Cadillac tax, continued insurance regulatory reform, Department of Labor Regulations, and Risk Retention expansion.

With the expiration of the NFIP coming up and the program in large debt due to super storm Sandy, the Big I is looking to reform the program and have some level of private carrier insurance as a complement to the NFIP. Since the conference the House has passed the Flood Market Parity Act which will allow each state to regulate private flood insurance and make it possible for a homeowner to return to the NFIP without losing their grandfathered status.

Insurance regulatory reform is being discussed on an international basis with some believing a global system is the best way to regulate insurance. These individuals feel the U.S. should adopt international regulatory procedures. There is currently a Senate and House bill that will setup additional safeguards to ensure our state based system of regulation will be protected going forward.

The Big I does not support the DOL's overtime regulation with is an attempt to increase the base salary of employees who can be eligible for overtime to \$50,440. The Big I supports some amount of increase from the current salary threshold of \$23,660 but increasing it so dramatically will have a negative impact on the Independent Insurance Agent and their small business clients. The Big I is also not in support of the desired expansion of Risk Retention groups into more of the insurance marketplace. The current commercial market is already saturated with carriers and Risk Retention groups are subject to the same regulations as insurance carriers.

On Thursday Senators Mike Conway (R-Texas) and Charles Schumer addressed the conference. Senator Conway

spoke of his experience as an independent agent before running for Congress. Senator Schumer spoke on the importance of passing bills to keep Crop Insurance and Flood Insurance. He also mentioned his work on the TRIA bill and its importance to economic growth. We then went up to Capitol Hill to discuss our agenda with our state representatives. Congress had just returned to session after a break and due to some unexpected votes we were only able to speak with aids for Senators Schumer and Gellibrand and Representatives Collins and Higgins. The aids were familiar with the current bills pertaining to each item and agreed to our positions.

On Friday morning the conference wrapped up with a message from the current Chairman, Randy Lanoix of Lanoix Insurance Agency in Louisiana. Randy stressed the importance for the Independent Agent to have a strong online and social media presence. 80% of customers that purchase insurance online purchase it from an Independent Insurance Agent. He went on to say that Independent Agents need to differentiate themselves now more than ever through social media, partnerships with carriers and taking advantage of resources (such as InVEST) to recruit young talent.

The conference ended with a spirited panel debate on this year's election with Bob Beckel of CNN and Tucker Carlson of Fox News. The discussion centered on the large portion of the country that feels marginalized in the current system and whose needs were not addressed by the mainstream candidates. This has led to the large support for Trump and Sanders. Both panelists agreed that Trump and Clinton have image problems to overcome if either expects to win the presidency. While both Beckel and Carlson were forthcoming, neither came out with a strong endorsement for any of the candidates that were still in the race or had already withdrawn.

Matt Saxe
M & T Insurance Agency



MERCURY INSURANCE

Mercury Insurance was originally founded in 1962

Mercury has been writing Personal Lines business
in New York since 2001

A.M. Best rating of A+ (Superior)

Currently offering Personal Auto and Homeowner products in New York

Recently introduced new auto rating, product and system platform on
July 20 for new business to provide additional discounts and features to
agents and customers.

Highlights include:

- **New Discounts:** 5 Year Accident Free, eSignature, Minor Child
- **Ease of Use Features:** eSignature, straight-through processing