

IIA WNY

# I-WAYS

## MAGAZINE

November  
2016

INDEPENDENT INSURANCE AGENTS ASSOCIATION OF WESTERN NEW YORK, INC.

keeping you  
up to  
speed



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# A Message from the **PRESIDENT**



It is my honor to serve as president of the Independent Insurance Agents Association of Western New York. This will be my fourth year serving on the board and through the great leadership of our past presidents, I have witnessed the organization's continued growth on a local and state level. I hope to continue this pattern with the help of our board and members. This year we will continue our local advertising campaign through television and print media.

Among some of the other areas we plan to focus on are member benefits, Project Invest which is adding two more schools, and NeXt Gen. The Christmas Party will be held on December 2nd at Park Country Club while our golf outing will be heading back to Crag Burn on June 26, 2017.

I would like to thank everyone that helped to make the 175th Anniversary and Installation a great success. We were pleased to have Bob Rusbult, the President of IIABA, as our keynote speaker for the night. We were also able to honor Dick Poppa for his years of service to IIABNY as he will be stepping down at the end of this year.

We are grateful for the continued support from our many sponsors. I'd like to especially thank all of our sponsors for the 175th Anniversary. Without your continued support we would not be able to put on our many local events, support Project Invest, or educate the public on the importance of an independent agent.

Your support is critical to help grow the organization. Volunteer for committees or to teach a module and share your insurance experience with Project Invest. IIAAWNY is well positioned in the community but we still need assistance from our membership to help keep us at the forefront.

I look forward to seeing everyone at our Fall events!

**Matt Saxe**  
President IIAAWNY





# SAVE THE DATE!

## The Annual IIAAWNY Holiday Party

Friday December 2, 2016 | 12:00 PM Cocktails | 1:00PM Luncheon

Park Country Club | Williamsville, NY

*New  
Location!*

To register, please visit <https://icob.wufoo.com/forms/iaawny-2016-holiday-party/>

## Did You Know?

IIAAWNY has a Career page on our website?

Check it out at [wnyagent.com/career](http://wnyagent.com/career)

*Young Insurance Professionals of NY and NeXtGen Buffalo  
together invite you to attend*



# WNY YOUNG PROFESSIONALS NETWORKING EVENT



**Thursday, November 3<sup>rd</sup>, 2016**

**5:30pm**

**Bada Bing Bar and Grill – Banquet Room  
42 W Chippewa St. Buffalo, NY 14202**

**Registration: \$25** (which includes food, drinks, and good company)

**Event Details:**

- Registration and open networking with local Insurance Professionals
- Enjoy food, drinks, and guided networking which is broken into 3 sessions
- Non-romantic speed dating => speed networking!!
- Each session offers you time to talk about where you work and what you do, and a chance to meet and learn from other young professionals working in the Insurance Industry
- Throughout the evening, you will have the chance to win raffle prizes
- After the rotations, open networking can continue!



**REGISTER NOW!**

**[To Register, Click Here](#)**

Looking to sponsor the event? There are various levels of sponsorship, some that include free registration(s)! Contact Ashley Engl at [aengl@lawleyinsurance.com](mailto:aengl@lawleyinsurance.com) for more information.

*There will be more chances to win by sharing our Facebook event – stay tuned!*

Enjoy the chilly fall weather inside Bada Bing's awesome banquet facility while



**SPEED NETWORKING!**





# Veteran's Day Event

**Thursday, November 10, 2016 | 11:30 a.m. - 1:30 p.m.**

**6699 Transit Road | Lancaster, NY 14221**

***PROGRESSIVE***

**On Veteran's Day, Thursday, November 10, 2016, Progressive Insurance is holding a special event at their Progressive Service Center located at: 6699 Transit Road, Lancaster, NY 14221 (behind Tim Horton's) between 11:30 a.m. and 1:30 p.m.**

Progressive Service Centers across the country will honor more than 100 veterans or military families with a special vehicle donation in appreciation of their service. We'd like to invite you and others from your agency to participate by joining us during this special event at the Progressive Service Center and/or bringing a contribution—such as gas cards, grocery cards, gift cards—the day of the event to give to the recipient families.

IIAAWNY will be collecting gift cards and cash from our members for the veterans. Please bring your donations to the October 19 Legislative Breakfast or and if you cannot attend the breakfast or the day of the event, please collect gift cards in your offices (any denomination) and send them to Jeanne at:

IIAAWNY  
PO Box 983  
Orchard Park NY 14127

Also, if we have any members that are Veterans, we'd love to have you come along to the Progressive Insurance event on Veteran's Day, November 10!

Learn more about this event by watching the Keys to Progress [here](#).



# 175<sup>TH</sup> CELEBRATION RECAP



1. Past Presidents' Oath by Mark Garvelli 12-13 & 14-15, Wendy Clemens 13-14, Chris Alderson 09-10, Dave Gelia 05-06, Paul Gugino 02-03, Marcia Brogan 07-08, Jo Ann Decker 89-90, Vic Rutecki 08-09 & 15-16, Lou Atti 10-11
2. Over 120 guests enjoyed a wonderful celebration of IIAAWNY's 175th Anniversary and Installation on September 29 at the Saturn Club.
3. Bob Rusbuldt, President & Chief Executive Officer of the Independent Insurance Agents & Brokers of America, Inc. (IIABA) provided the keynote for the evening.
4. Dick Poppa, President and Chief Executive Officer of the Independent Insurance Agents & Brokers of New York, Inc. (IIABNY) conducted the Past Presidents' Oath and installed the 2016-2017 Officers and Directors.
5. Everyone enjoyed the wine favors with the 175th Anniversary label!



# 175<sup>TH</sup> CELEBRATION RECAP

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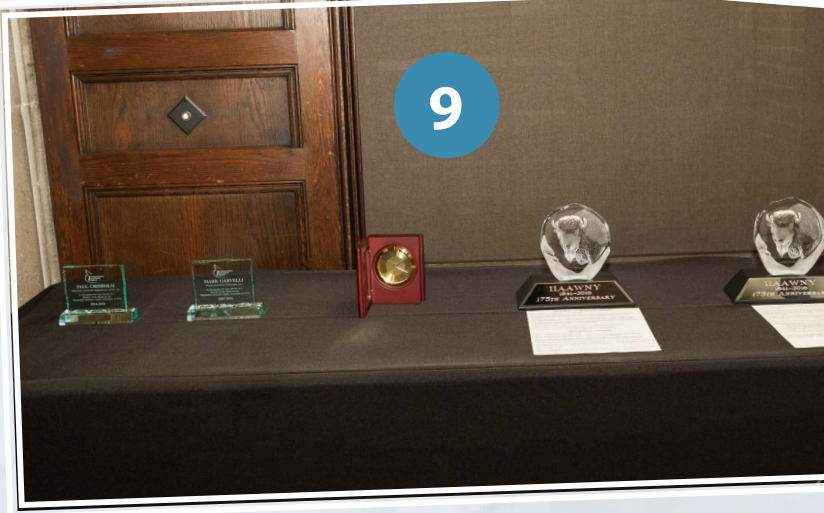


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- 6. Barb Duke, Amedeo J Duke Agency with Jamie Deapo, IIABNY
- 7. Mark Garvelli, Walsh Duffield Companies, was our MC for the evening.
- 8. Vic Rutecki, Rutecki Agency and John Costello, national director of IIABA
- 9. Gifts presented at the 175th Anniversary.

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## Want to learn about our 175 years?

[Click here](#) to view a video!



# Federal Court Dismisses Action Against Insurer Based On Definition of “Insured” and Lack of Insurable Interest, but Leaves The Door Open For Claims Against Agent

For answers to your legal questions, feel free to contact

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Recently, a New York federal court reviewed two common requirements underlying every policy of insurance within the State: whether an individual qualifies as an “insured” under the policy, and whether an individual has an insurable interest in the insured property. See *Mikaelian v. Liberty Mut. Ins.*, 2016 U.S. Dist. LEXIS 121561 (E.D.N.Y. Sep. 8, 2016). In *Mikaelian*, Mikael and Harry Mikaelian, a father and son, brought a lawsuit against their property insurer, Liberty Mutual Insurance, after coverage was disclaimed for a loss resulting from mold damage at the insured property. Liberty Mutual disclaimed coverage, in part, because the son, Harry, was not an “insured” under the policy and the father, Mikael, did not have an insurable interest in the property.

The Court stated that based on the unambiguous terms of the contract of insurance and New York Insurance Law, neither plaintiff could bring a breach-of-contract lawsuit against the insurer. In dismissing the plaintiffs’ claims against Liberty Mutual, the Court focused on several key facts: First, the named insured on the policy was the father, Mikael; however, Mikael did not own the insured property and he did not reside there. The Court explained that to bring a lawsuit, a person must have an insurable interest, and New York Insurance Law states that an insurable interest only exists if an individual would suffer direct economic harm if damage occurred to the property. Accordingly, even though Mikael was the named insured and paid the policy premiums, he could not maintain a breach of contract lawsuit against Liberty Mutual because he did not own or reside at the property, and he had no insurable interest in it.

Second, although the son, Harry, owned the insured property and resided there, he was not a named insured on the policy. Further, the policy defined “insured” to include relatives of the named insured so long as they were residents of the named insured’s household. Given that definition, and because Harry did not live with his father (the named insured), Harry did not qualify as an additional insured—even though he owned the insured property and lived there. Consequently, the Court dismissed both of the plaintiffs’ claims against Liberty Mutual, and granted the plaintiffs a brief window of time to amend their complaint, while noting that the Court doubted that the plaintiffs possessed any plausible claims against Liberty Mutual.

**Practice Pointer:** The holding in the *Mikaelian* case should serve as a reminder to insurance agents of how important communications with potential insureds can be. As noted above, the Court dismissed the insureds’ claims against the insurer, but it granted the insureds time to amend their complaint. Given the unique facts of the case, the insureds may attempt to sue the agent who procured the policy for them by alleging that the agent did not obtain the proper coverage for them, or by alleging that the agent somehow misled them. Without getting into the merits of those possible claims, *Mikaelian* should serve as a reminder for agents to communicate with potential insureds about who owns and uses property that will be insured, as well as who is going to be the named insured(s) on a policy. For example, in *Mikaelian*, if the son had been a named insured on the policy, there may have been coverage for the loss (assuming no other defenses to coverage applied) because the son owned the property and lived there, even though his father was paying for the policy. Relatedly, agents and brokers should make every effort to memorialize their communications with potential insureds in writing to guard against potential claims that seek to impose liability on agents based on their alleged failure to procure the insurance coverage requested.





**AFFILIATE  
SPOTLIGHT**



## Personal Insurance Solutions Customized For Your Western New York Agency

Adirondack Insurance Exchange, a New York insurance company, offers a full suite of personal insurance solutions including homeowners, auto, package, umbrella, renters and more. Our products cater to the needs of your customers in our shared local neighborhood. It's insurance for New Yorkers by New Yorkers.

***For more information about Adirondack Insurance Exchange, please contact:***

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