

IIA WNY

I-WAYS

MAGAZINE

October
2015

INDEPENDENT INSURANCE AGENTS ASSOCIATION OF WESTERN NEW YORK, INC.

keeping you
up to
speed



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President

Matthew Saxe
Vice President

Tamara Storch, ACSR, AINS
Treasurer

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Doreen DeCarlo
Ashley Engl
David Gelia
Mark O'Brien
Kathleen Rapasadi

Jeanne Hellert
Executive Secretary

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**



On September 24, our organization had its installation of officers and directors ceremony at Crag Burn Golf Club. I am honored to serve as your President for the coming year.

I am excited about the next twelve months. In 2016, the Independent Insurance Agents Association of Western New York will be 175 years old. We plan on recognizing this milestone with a party in September 2016. We will incorporate the anniversary with the installation of officers and directors for the next Board of **IIAAWNY**.

The planning for this event is just starting. We need your help. Please contact the board if you would be willing to volunteer to serve on the 175 committee.

This occasion will also be an opportunity to let the public know about us and what we do professionally and for the community for the past 175 years. The Trusted Choice Brand will get exposure in the area next year, which should benefit all associated with the brand.

I hope to see you on October 21st at our Legislature Breakfast.

Vic Rutecki
President IIAAWNY

INDEPENDENT INSURANCE AGENTS OF WESTERN NEW YORK LEGISLATIVE BREAKFAST

October 21, 2015 at Hilton Garden Inn Buffalo Airport

4201 Genesee St. Cheektowaga, NY

8:15 Registration | 8:30 Breakfast

\$25 pre-paid



Come and meet your elected representatives from our local area to discuss the issues critical to our industry. Elections are just around the corner and it's important that we voice our concerns regarding how difficult it is for businesses in New York to adhere to the insurance regulations and the insurance premium required to meet these regulations.



Jill Muratori, IIABNY Legislative Representative, will speak about the insurance issues from both a legislative and regulatory perspective.

Chance to Win!

Everyone who attends the Legislative Breakfast will be entered into a drawing for two free tickets to our Annual Holiday Luncheon at The Mansion on Delaware coming up on December 4th! Sign up today to show our representatives we matter! If you cannot attend, please send representation from your office.

[Register Now!](#)



ANNUAL HOLIDAY LUNCHEON

Save the Date!

Annual Holiday Luncheon: Friday, December 4

The Mansion on Delaware
414 Delaware Ave
Buffalo, NY 14202

YES! Sea Bass is on the menu. We know this is a favorite for most of you! If you cannot attend yourself, please extend the invitation to your staff. Valet parking is available!

An email with a link to register will be sent soon.





CULTURE



RELATIONSHIPS



POSITIVE CHANGE



DIGITAL RESOURCES



COMMUNICATION

One Day Agency Makeover



When your agency reaches the crossroad, which way will you go? Will you see the signs and realize that you have reached THE crossroad that define the future course for your agency? The road to Consultative Agencies requires agencies to **TURN THEIR ORGANIZATIONS** — not a radical turn — but a distinct change, nonetheless, from the Price/Quote system that puts you in direct competition with the low-priced alternatives to the Consultative system that is the highlight of Relationship Selling.

PAY FOR 1 & BRING OTHER MANAGERS IN YOUR OFFICE AT NO ADDITIONAL COST!

IIABNY is offering a special deal to principals at the association's member agencies and brokerages for a seminar that could forever change how you conduct business. Here's the deal: one registration to our high-level "One Day Agency Makeover" program covers the registration for all principals from your agency or brokerage.

Before you register,
email Kathy Lawler at klawler@iiabny.org
or call her at (800) 962-7950, ext. 218
to take advantage of this offer.

Included in our program is:

- The Asset Protection Model of Relationship Selling - teaching consultative approach to providing insurance that has been the keystone of most great insurance agents over the years.
- Making your agency a CUSTOMER-CENTRIC business - having all employees concentrated on the best interest of the customer - always
- Incentive Compensation - converting from longevity based compensation to incentive based compensation without the use of commissions
- Producer Management and Incentive for Growth - Setting up programs that assure continuous growth from producers without them 'Retiring in Place'
- Implementation Guide - While all material will be provided to you, we now have guided management that we will continue for your agency (if desired) on a monthly basis to assure you that the conversion you seek will be implemented

Who Should Attend: Agency principals and managers

Instructor: Al Diamond & Brandie Hinen | CE: Non CE

Date: Tuesday, October 13

Time: 8:30 p.m. - 3:30 p.m.

Address: Canisius Center - Buffalo

300 Corporate Pkwy Suite 130N

Buffalo, NY 14226

Price: \$125 per IIABNY Member, \$175 per Non-Member

IIAAWNY 2015 Installation of Directors

BELOW: Tony Kubera, Russell Bond & Co with Doreen DeCarlo, Kemper Personal & Commercial Lines



LEFT/BELOW: Dick Poppa, IIAAWNY, reads the Past President's reconfirmation of commitment



RIGHT: Lou Atti, The Evans Agency, swears in the new Board of Directors



ABOVE: Tony Kubera with Jenn Gocella from PuroClean



ABOVE: Thank you to our Installation Sponsors!



ABOVE: Dick Poppa swears in president, Vic Rutecki, Rutecki Agency

PHOTOS CONTINUE ON NEXT PAGE ►



ABOVE: Debbie and Don Houck, Donald L Houck Agency, Inc.



ABOVE: John Schwab, Niagara National, Inc., served as our Master of Ceremonies



ABOVE: Karen Catalano, The Cesar Group, Inc.



LEFT/BELOW: Wendy Clemens, The Decker Agency, presents the 2015 Pioneer Award to Eric Keller, Keller & Co., Inc.



ABOVE: Vic Rutecki presents Mark Garvelli with the Outgoing President's plaque



LEFT: Dick Poppa, IABNY

Caterpillar Case Serves as a Warning

Completing Proof of Loss Form for Insured Invalidates Proof of Loss Defense Based on Insured's Failure to Submit Proof of Loss Within 60 Days of Insurer's Request

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

Marco Cercone, Esq.
cercone@ruppbaase.com
or
Sean W. Costello
costello@ruppbaase.com

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

716-854-3400
www.ruppbaase.com

Most involved in the property insurance industry know that in New York, an insured's failure to submit a sworn proof of loss within 60 days after the insurance carrier's request for same is fatal to an insured's claim. Some insurance policies provide a longer period for the insured to submit the sworn statement in proof of loss, sometimes 90 days, so the insurance policy always should be consulted to evaluate whether the insured complied with the proof-of-loss requirements. There are virtually no exceptions to the rule that failure timely to submit a sworn statement in proof of loss is fatal to an insured's claim, though to invoke the proof-of-loss defense the insurer must follow the relevant statute, Insurance Law § 3407(a), with precision. The insurance company failed to do that in *Caterpillar Ins. Co. v. Metro Constr. Equities*, 14 N.Y.S.3d 128, 130 A.D.3d 856 (2d Dep't 2015).

In *Caterpillar*, the insured submitted a claim for damage to a piece of construction equipment. The insurer denied coverage because the insured failed to submit a sworn proof of loss statement within 60 days after the insurer's request. The insurer's claims adjuster had supplied to the insured a proof of loss form that the claims adjuster had filled out, including a claim amount that the insured considered inaccurate.

The Second Department found that the insurer could not rely on the proof-of-loss defense because it had not complied with Insurance Law § 3407(a), which required that the insurer include with its demand for a sworn statement in proof of loss "a blank form or forms." Because the proof-of-loss form that the insurance company's claims adjuster sent to the insured was partially completed, the insurance company had not strictly complied with the statute's requirement to send a blank form, and the insurance company could not assert as a defense to the insured's claim the failure timely to submit a sworn proof of loss.

Practice Pointer:

The *Caterpillar* case serves as a warning against completing proof-of-loss forms for an insured. Insureds sometimes have questions about the information requested on the proof-of-loss form, and it is not uncommon for an insured to request assistance from his or her agent in completing the proof-of-loss form. Doing so incorrectly could expose an agent to an errors and omissions claim brought by an insured. Further, helping an insured complete proof-of-loss forms also could adversely impact an agent if the agent engages in conduct that violates relevant provisions of an agency agreement with the insurer. Although it may be frustrating to an insured, the best practice in such a situation may be to advise the insured that you cannot provide legal advice or services and cannot help the insured to complete the proof-of-loss form. You may want to consider directing the insured to counsel or a claim representative.



PuroClean®
The Paramedics of Property Damage

PuroSystems, Inc.
Continuing Education
CREDIT COURSE

Hosted by:

PuroClean Property Damage Restoration

Each PuroClean office is independently owned and operated.

Free of Charge

Provider #:NYPO-100318

November 5, 2015

Disaster Safety Planning

Course #247105

Credits: 3

8:00 AM - 11:30 AM

The Creekside Banquet Facility

2669 Union Road

Cheektowaga, NY 14227

*** Presented by a Certified Industry Professional ***

Breakfast provided compliments of:
PuroClean Property Damage Restoration

PLEASE RSVP NO LATER THAN:
October 29, 2015

REGISTRATION FORM (Please fill out completely)

Name as it appears on your Insurance License: _____

Insurance Company/Agency Name: _____

Address: _____

City/ST/Zip: _____

Business Phone #: _____

License #: _____

Date of Birth: _____

E-mail Address: _____

Return registration via Fax to: (716)662-7415

Return registration via eMail to: jgocella@puroclean.com

Attn: Jennifer Gocella T. (716)662-0188

WATER

FIRE

MOLD

BIOHAZARD



MAPFRE INSURANCE - Connect Your Agency:

Don't deny your agency the opportunity to become part of something great! MAPFRE Insurance Company of New York is actively seeking to expand its independent agency distribution in Western New York.

If your agency has an appetite for growth and wants to connect with an International "A" (Excellent) rated Personal Lines Company, MAPFRE Insurance will be a great addition to your portfolio.

Why Partner with MAPFRE Insurance?

A few things to consider:

- \$2.09 Billion in Direct Written Premium (2014)
- 19th largest Auto Insurance Writer in the United States; 30th in New York
- Local New York Regional Office with dedicated New Business Underwriter
- Present in 46 countries; insuring over 23 million clients worldwide; represented by more than 70,000 agents agencies worldwide.
- Private Passenger, Homeowner, Flood and Specialty Lines Products.
- Money saving Affinity discounts
- Competitive Profit Sharing

To discuss future partnership opportunities and to determine how we can connect your agency with all that MAPFRE Insurance has to offer - please contact **Chuck Bova (Senior Business Development Manager)** at **585-208-5759; 716-860-0436** or by email at **cbovamapfreusa.com**



ROCHESTER



- Sept 17** **EO Risk Management: Meeting the Challenge of Change**
8 (All Licenses) NYCR-247194
- Sept 30** **Top 10 Misunderstood General Liability Issues**
5 CE Credits (PC, BR, C3, PA) NYCR-246562
- Oct 7** **ACSR 4: Defining E&O Basics**
7+1 CE Credits (All Licenses) NYCR-236787 + NYCX-236787
- Oct 22** **Trends, Events & New Laws Changing the Insurance World**
4 CE Credits (PC, BR, C3, PA) NYCR-247253
- Oct 28** **AAI 82B Other Commercial Insurance**
7+1 CE Credits (PC, BR, C3, PA) NYCR-236949 + NYCX-236949
- Nov 4** **Insuring Municipalities**
6 CE Credits (BR, PC, C3, PA) NYCR-247076
- Nov 11** **NYAIP Certification Program**
5 CE Credits (PC, BR, C3, PA) NYCR-244978
- Dec 9** **AAI 81A Principles of Insurance**
7+1 (All Licenses) NYCR-236123 + NYCX-236123

SYRACUSE



- Sept 17** **Trends, Events & New Laws Changing the Insurance World**
4 CE Credits (PC, BR, C3, PA) NYCR-247253
- Sept 25** **Flood Claims Overview**
4 CE Credits (PC, BR, C3, PA) NYCR-247292
- Oct 1** **Top 10 Misunderstood General Liability Issues**
5 CE Credits (PC, BR, C3, PA) NYCR-246562
- Oct 8** **ACSR 4: Defining E&O Basics**
7+1 CE Credits (All Licenses) NYCR-236787 + NYCX-236787
- Oct 14** **One Day Agency Makeover**
Not Approved for CE
- Oct 15** **EO Risk Management: Meeting the Challenge of Change**
8 (All Licenses) NYCR-247194
- Oct 29** **AAI 82B Other Commercial Insurance**
7+1 CE Credits (PC, BR, C3, PA) NYCR-236949 + NYCX-236949
- Nov 5** **Insuring Municipalities**
6 CE Credits (BR, PC, C3, PA) NYCR-247076
- Nov 12** **NYAIP Certification Program**
5 CE Credits (PC, BR, C3, PA) NYCR-244978
- Nov 18** **ACSR 3 Personal Lines Related Coverages**
7+1 CE Credits (PC, BR, C3, PA) NYCR-236381 + NYCR-236381
- Dec 10** **AAI 81A Principles of Insurance**
7+1 (All Licenses) NYCR-236123 + NYCX-236123

BUFFALO



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| <ul style="list-style-type: none"> Sept 16 EO Risk Management: Meeting the Challenge of Change
8 (All Licenses) NYCR-247194 Sept 29 Top 10 Misunderstood General Liability Issues
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6 CE Credits (PC, BR, C3, PA) NYCR-247076 Nov 10 NYAIP Certification Program
5 CE Credits (PC, BR, C3, PA) NYCR-244978 Nov 17 ACSR 3 Personal Lines Related Coverages
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7+1 (All Licenses) NYCR-236123 + NYCX-236123 |
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FULL CLASS DESCRIPTIONS, WEBINAR OPTIONS & ONLINE REGISTRATION AT: www.iiabny.org/edcalendar

NEW!
FROM IIABNY

IIABNY MEMBER KIT NOW AVAILABLE

We are proud that we offer such a wide array of products & services. Plus, there are all of the things that we do behind the scenes, like our tremendous legislative and carrier advocacy work.

However, we know that the amount of information available can be overwhelming! Our Member Kits gives you a “table of contents” for your IIABNY membership.

Start by reminding yourself of what’s available, look at your agency and where you could use help, and then LOGIN, USE & BRAND!

Visit www.iiabny.org/MemberInfo for more information



WELCOME



LOGIN



USE



BRAND



FREE for IIABNY members! | October 14 | Led by Dick Poppa

[Register now at www.iiabny.org/Telematics](http://www.iiabny.org/Telematics)



Thank you
for serving
our country
& protecting
our freedoms!

Honoring Veterans Day

JOIN US!

Join us for a special event sponsored by PROGRESSIVE INSURANCE on Veteran's Day, Nov. 11 at the Progressive Service Center located at: 6699 Transit Road, Lancaster, NY 14221 (behind Tim Horton's)

On November 11, at 61 Progressive Service Centers across the country, more than 100 veterans or military families will receive 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.

Date: Wednesday, November 11

Place: 6699 Transit Road Lancaster 14221

Time: 11 a.m. to 1 p.m

You can bring gift cards to the Legislative Breakfast and if you cannot attend the breakfast or the day of the event, please collect gift cards in your offices, any denominations 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 event!