

IAAWNY

# I-WAYS

## MAGAZINE

September  
2017

INDEPENDENT INSURANCE AGENTS ASSOCIATION OF WESTERN NEW YORK, INC.

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# A Message from the PRESIDENT



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## GENERAL ENQUIRIES

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Contact our Board at:  
[www.wnyagent.com/  
officers-directors/](http://www.wnyagent.com/officers-directors/)

My time as President of IIAAWNY will be up at the end of month when we install Tamara Storch as the new president on September 28th at the Foundry. It certainly has been a fast year during which we celebrated the association's 175th Anniversary and held our annual Holiday Party and Roger Gurney Memorial Golf Outing. We had another year of interesting programming, especially our legislative breakfast and discussion of the new Cybersecurity Regulations.

Our Invest program continues to grow and this past year we sent a large contingent of students to Buffalo I-Day to learn more about our industry by interacting with our wholesale, associate, and carrier partners. Our group has also worked with NeXtGen to cross promote events and grow a solid base of young agents.

Of course none of this would have been accomplished without help from the dedicated members of our board. I'd like to thank Vic, Tamara, Kathy, Ashley, Karen, Mark, Theresa, Megan, Jamie, Doreen, and Dave for their help and support throughout the year.

I would also like to thank our executive director, Jeanne Hellert, for all her help this past year. Jeanne does a fantastic job in keeping all of us organized and in handling the day to day issues that arise. I hope her hard work does not go unnoticed. Through her efforts and the commitment of our board, IIAAWNY continues to shine as one of the top chapters in New York.

It has truly been an honor to serve as president this past year.

**Matt Saxe**  
President IIAAWNY

# IIAAWNY SUMMER OUTING

*Monday September 11, 2017, 6-8pm  
Rescheduled from August 17 due to weather*



Join us aboard the Moondance Cat for a night of networking with fellow agents, brokers, and company affiliates. The outing will start at the Erie Basin Marina and sail for approximately 2 hours on Lake Erie. Members can attend at the low cost of \$25.00 per person (includes 1 drink ticket).

If you are interested in attending, please register [HERE](#) by Monday August 14th.

# IIAAWNY 2017 INSTALLATION OF OFFICERS AND DIRECTORS

*The Foundry, Thursday, September 28, 2017 6:00pm*

Please join us on Thursday, September 28th at 6:00pm at The Foundry Suites on Elmwood Ave in Buffalo for our Installation of Officers & Directors. We will be having dinner stations for all to enjoy in a relaxing atmosphere. Come and meet your new Western New York Board of Directors as well as Board members from IABNY.

We have the link for Registration and Sponsorships on our website or you can access by clicking on [2017 Installation Registration/Sponsorship](#)

Cost is \$40 per person

Sponsorships available and include recognition at our event:

\$250 – includes 2 complimentary tickets

\$500 – includes 3 complimentary tickets

\$1,000 – includes 4 complimentary tickets

\$1,500 – includes 5 complimentary tickets



# IIAAWNY LEGISLATIVE BREAKFAST

October 12, 2017 at the Hilton Garden Inn Buffalo Airport

IIAAWNY would love for you to join us at our annual Legislative Breakfast. This year we are going to try a new format – a **Roundtable Discussion** amongst our members, WNY Legislators, and representatives from our IIABNY legislative team.

Come and meet your elected representatives from our local area to discuss the issues critical to our industry. Sign up today to show our representatives that we matter!

## Schedule of Events:

Registration 8:15am

Breakfast 8:30am

Speaker 9-10am

**\$15 pre-paid registration** – Registration deadline is 10/6/2017



Jill Muratori will participate in our Roundtable, and then provide an update on issues that the IIABNY legislative team is pushing in Albany and Washington, DC. From legislative matters to company initiatives, IIABNY is your advocate in Albany & Washington DC on the issues that matter to your agency's success!

# SAVE THE DATE!

## The Annual IIAAWNY Holiday Party

**Friday December 1, 2017**

*Park Country Club, Williamsville, NY*



Cocktails 12:00pm

Luncheon 1:00 pm

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

# PROJECT INVEST

Project InVest is a program presented to High School Seniors who are participants of The Academy of Business & Finance within their High School. The program focuses on the basics of Insurance and gives the students an opportunity to learn and get excited about this great industry. We step inside a classroom for 45 minutes or less with simple course material is provided by the National Organization of Project InVest, who is a branch of IIAB.

We are always looking for volunteers to get involved with teaching a class. There is no minimum commitment – you can participate with one class, two classes or 10! It's a great way to pay it forward and share our knowledge and experience with the future professionals.

If you are on the fence about volunteering, take a look at this video for inspiration:

<https://www.youtube.com/watch?v=BFqqkiawE84&sns=em>

And if you are already convinced you'd like to help shape the future generation of insurance professionals, take a look at the Project InVest website: <http://www.investprogram.org/> and contact Theresa Crisp at [projectinvestwny@gmail.com](mailto:projectinvestwny@gmail.com) for volunteer opportunities!



# SAVE THE DATE!

## WNY Young Professionals Networking Event

*Thursday November 9, 2017*

### 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/your role and 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

**Registration Link will be sent out soon!**

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



# Supreme Court Awards Summary Judgment to Insurer Based on Proof-of-Loss Defense and Warns Plaintiff-Insureds about Attempting to Defraud the Court

For answers to your legal questions, feel free to contact

Marco Cercone, Esq. or  
Thomas D. Lyons, Esq.

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Recently, the Supreme Court in Ulster County, New York granted summary judgment to an insurer, despite the plaintiffs' affidavit that swore they did not receive blank proof-of-loss forms with the insurer's proof of loss demand letter. In fact, in the Decision and Order, the Supreme Court remarked that based on the evidence presented by the insurer and its attorneys, not only was summary judgment properly awarded to the insurer, but the plaintiffs' affidavit was "at best self[-]serving and, at worst, falsely fabricated to deceive this Court in order to avoid an award of summary judgment." See *Ralph v. Travelers*, Ulster County Index No. 0002031/2016, Decision and Order of Hon. James P. Gilpatric, dated August 1, 2017 and entered August 10, 2017.

In *Ralph*, the plaintiffs submitted a claim for \$7,000 based on an allegedly lost diamond ring. During the course of investigating the claim, the insurer's attorneys demanded a sworn proof of loss from the plaintiffs; however, the plaintiffs failed to return a sworn proof of loss within 60 days of receiving the demand letter. Accordingly, the insurer denied coverage and the plaintiffs commenced a lawsuit against the insurer.

Immediately after answering the complaint, the insurer moved for summary judgment, because under New York law and pursuant to the terms of the insurance policy, the plaintiffs' failure to return a sworn proof of loss within 60 days of the demand for it relieved the insurer from its obligation to provide coverage. The plaintiffs opposed the insurer's summary judgment motion by submitting an affidavit that claimed the proof-of-loss demand letter did not enclose blank proof-of-loss forms as required by Insurance Law § 3407(a)—which, if true, would have prevented summary judgment from being granted for the insurer.

In response, the insurer's attorneys submitted a video, photographs, and affidavits of service demonstrating the proof-of-loss demand letter

was stuffed, sealed, and mailed to the plaintiffs with blank proof of loss forms enclosed. Further, the insurer's attorneys submitted a U.S. Postal Service receipt showing the plaintiffs signed for the same postage-paid envelope from the aforementioned video and photographs. Based on all of that evidence, the Court granted summary judgment for the insurer, despite the plaintiffs' affidavit. Indeed, due to the irrefutable nature of the evidence produced by the insurer and its attorneys, the Court's Decision and Order stated as follows:

Based upon the review of the aforementioned submissions and reviewing all of the evidence presented, this Court finds that the plaintiff's statements are at best self[-]serving and, at worst, falsely fabricated to deceive this Court in order to avoid an award of summary judgment.

**Practice Pointer:** Unfortunately, unscrupulous insureds are willing to submit affidavits claiming they did not receive the blank proof-of-loss forms (regardless of whether it is true or not). In those circumstances, if the only evidence supporting an insurer's proof-of-loss defense is proof of delivery for a demand letter, then summary judgment generally will not be granted for the insurer, resulting in increased litigation costs. For those reasons, we encourage everyone who demands a sworn proof of loss on behalf of any insurer to over document the proof of-loss demand to the insured (including documenting the fact that blank forms were provided). For example, doing so enabled our firm to obtain the result discussed above in *Ralph*, which otherwise would not have been possible at a very early stage in that lawsuit.

For answers to your legal questions, feel free to contact Marco Cercone, Esq. or Thomas D. Lyons, Esq. at Rupp Baase Pfalzgraf Cunningham LLC, 1600 Liberty Building, Buffalo, New York 14202, 716-854-3400, [www.ruppbaase.com](http://www.ruppbaase.com).



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# Introducing the IIABNY DIY Hiring Toolkit

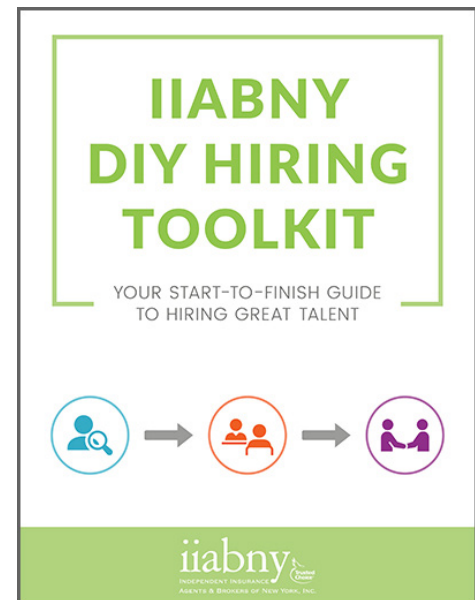
## Your start-to-finish guide to hiring great talent.

You need to hire someone exceptional...and you want to do it yourself. We've developed the perfect resource to help.

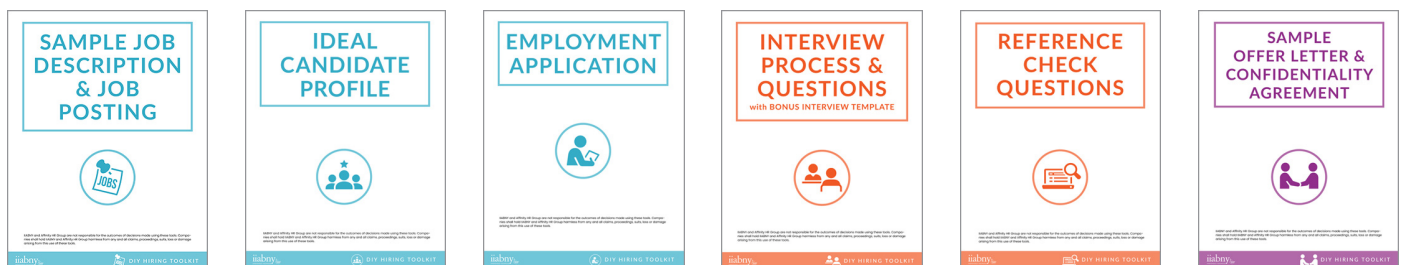
IIABNY's DIY Hiring Toolkit guides you through the entire hiring process from preparing & launching your search, through screening and ultimately hiring & onboarding your next great team member.

We've worked extensively with a top HR firm and a focus group of well-respected and high-performing agency employees to develop the right resources for each specific insurance agency role.

These tools and full toolkit don't only explain how, they include customizable downloads to get you on track in minutes.



- Commercial Lines CSR
- Personal Lines CSR
- Personal & Commercial Lines CSR



Learn more and download free previews:  
[iiabny.org/hiring](http://iiabny.org/hiring)

## YOU BELONG WITH IIABNY.

IIABNY is **THE** trade association for independent insurance agents and brokers in New York.



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