

# I-WAYS MAGAZINE

BIG I WNY | AUGUST 2018

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# BIG I

WESTERN NEW YORK



## PRESIDENT'S MESSAGE



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P.O. Box 983  
Orchard Park, NY 14127

Phone: (716) 207-3886

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This has been a busy year for our Board. We accomplished A LOT. I wanted to take a moment to look back and give our members and affiliates a summary of what the Board and their committees have accomplished during this past term. To say I am beyond astounded is an understatement. I apologize for the length, but what can I say, this Board does a great job!

Before I begin, I hope to see everyone at Kathleen Rapasadi's installation this September 27th at the Grapevine Banquets on Dick Road in Depew! Looking forward to this social event!

Here is a recap of our 17-18 term:

**October 2017** – This was a big month. Our Program committee changed the format of our Legislative Breakfast to a roundtable platform with 4 key discussion points so our members could have an opportunity to talk with our local legislators.

Attended the 127th Annual Buffalo Fire Fighters Awards Ball where we presented Joseph Kalinowski with the IIAAWNY Bravery Award.

We next attended and sponsored the CPCU Society Chapter's 2017 Conferment Ceremony for five of their new designees.

NeXtGen and Board members volunteered their time to help build Beds For Buffalo project.

**November 2017** – NeXtGen & YIPs held a networking event at Osteria 166 which was a big success.

Keys to Progress event provided by Progressive Insurance donated cars to local Veterans to help give back to our Veterans who gave so much of themselves for this country. We attended the event as well as provided donations to the veterans awarded at Progressive's Williamsville location.

**December 2017** – Our Annual Holiday Luncheon at Park Country Club where donations were collected and presented to the Food Bank of WNY in the amount of \$2,500. At this year's luncheon, members had a chance to vote for a By-Law change in regards to voting members which was recommended by Big I NY, which was passed unanimously.

JoAnn Decker was awarded the 2017 Pioneer Award at our luncheon. Thank you, JoAnn for your support and continued contribution to our community.

# PRESIDENT'S MESSAGE

**February 2018** – We provided members with an educational program of “Why Social Media Should Matter at Your Agency, Yes Even Yours”. The discuss centered on mainly Facebook, Twitter, & LinkedIn, but some of the other social platforms were discussed as well.

**March 2018** – L-Day was back and four Board Directors traveled to Albany to attend. As this was a new opportunity for all this year and the agenda was changed from years past we were not sure what to expect, but after

attending this year we came away with thoughts and ideas to make next year’s a better experience for those attending. Our attending members did get a chance to speak with some of the actual legislators themselves and felt the new set up was a good option. Topics discussed were:

- Workplace Safety & Loss Prevention Program – Code Rule 59 Payroll Threshold Increase
- Future of Health Insurance
- Scaffold Law Reform
- License Renewal Date Consolidation

NeXtGen hosted a Leadership Development Breakfast with guest speaker Frank Ciccia. This was a great seminar; interesting perspectives and ideas.

**April 2018** – Project InVest, with the help of the Insurance Club of Buffalo and Philadelphia Insurance, provided the opportunity for a select group of students from Hamburg High School to attend I-Day at the Buffalo Convention Center. The students were given the task of introducing themselves to insurance professionals and asking questions regarding the industry and their professions.

IIAAWNY Board Officers attended the Big I Legislative Conference in Washington DC. I encourage those on the Board as well as any members who may consider joining our Board to take the leap to becoming a Board Officer and attending this Conference. It is worth the work to get here. The people you meet, the legislators you get to talk with and hear speak bring a different perspective to what we as insurance agents provide and can do for our communities. A fulfilling journey. The topics of discussion for this year’s conference were Flood Insurance, Crop Insurance, Tax Reform, Insurance Regulatory Reform, Health Care, and Cybersecurity.

**May 2018** – Members and Affiliates attended the Big I NY Annual meeting where Louis Atti of The Evans Insurance Agency was installed as Chairman of the Big I NY Board.

At that meeting IIAAWNY was awarded the Local Association of the Year for 2018 for our contributions and efforts we provide for our members, affiliates, and in our community.

Mark Garvelli of Walsh Duffield and past IIAAWNY president was awarded the 2018 Vincent Alba Award for his contributions to the success of the Big I NY’s political action committee.

NeXtGen held a CE Trivia night at Bada Bings which was a lot of fun.

**June 2018** – A 3 credit CE program with Tim Dodge regarding Insurance, IT, and Innovation was very enlightening!

Our 17th Roger Gurney Memorial Golf Outing is one of our biggest events and this year was no exception. We rolled out to members and affiliates that IIAAWNY will now be called Big I WNY. We have a new logo and with the encouragement of Big I NY, we are branching out to surrounding counties to provide local support to members in Niagara, Chautauqua and Cattaraugus counties. Our Board is delighted to be able to accomplish this achievement.

Lastly, other programs and contributions this Board has worked hard on this year:

**Trusted Choice Commercial** – 1-year advertising campaign featuring local agents on WIVB Channel 4 and WNLO Channel 23 as well as the station's website. The commercial informs the community why an Independent Agent is who you want to seek for your insurance needs. We are in our third year with this campaign thanks to the support of Safeco Insurance and Trusted Choice. Without your support we could not do this for our members.

**Sponsorship** provided to Change MS Masquerade Ball that was held at Salvatore's Italian Gardens.

**Project InVest** - is a program presented to high school seniors who participate in their school's Academy of Business & Finance. It focuses on the basics of insurance and gives the students an opportunity to learn about this great industry. We step inside a classroom for 45 minutes or less with simple course material provided by the National Organization of Project InVest. This year we have actively presented the National Program in front of approximately 60 Students within a total of three schools (Hamburg, Lakeshore, & Depew)! We are always focused to grow our footprint into more local schools. The volunteers include independent Agents, Account Executives, carrier employees, and even some local clients have allowed their Risk Managers to present to students. This helps show the students all areas of insurance and lets them know it's not just a boring desk job. This is more than a presentation, it is relationship building on multi levels. We provide Scholarships to qualifying students to help them pursue their dreams in continued education after they graduate. We also donate to Academy fundraisers. In 2017, we provided \$3,000 in scholarships to seven high school seniors.

**IAPAC** (Insurance Agents Political Action Committee) – donated \$1,000 to continue support for change.

**Social Media** - our website and Facebook updates keep you in the know! Thank you, Tom Ditzel of Lawley Insurance for providing us with website support. He may be behind the scenes but plays a big role for us!

I would like to thank this year's Committee Chairs for their hard work:

- Roger Gurney Memorial Golf Outing – Ashley Engl
- Installation – Kathleen Rapasadi, CPIA, CISR
- Affiliate Members – Tamara Storch, ACSR, AINS
- Legislative – Matthew Saxe
- Programs – Doug Benz
- Membership – Kathleen Rapasadi, CPIA, CISR & Doreen DeCarlo
- Public Relations – Mark O'Brien & Megan Spiegelhoff
- NeXtGen – Ashley Engl
- Project InVEST – Theresa Crisp

As always, our Board is here for you. Please let us know if we can assist you with any questions or concerns! If you wish to get involved, feel free to reach out to me or any Board member for more information.

Thank you and enjoy the rest of your summer! See you in September!!

UPCOMING  
EVENT



# Big I WNY Installation of Officers & Directors

THURSDAY, SEPTEMBER 27 | 5:30 PM | THE GRAPEVINE BANQUETS



Please join us on Thursday, September 27 at 5:30 p.m. at The Grapevine Banquets, 333 Dick Road, Depew, NY for our Installation of Officers & Directors. Come and meet your new Western New York Board of Directors and celebrate with our incoming president, Kathleen Rapasadi, CIC, CPIA, CISR, Commercial Insurance Account Executive, The Evans Agency.

We have the link for Registration and Sponsorships on our website or you can access here: **2018 Installation Registration/Sponsorship**

\$50 per person includes buffet dinner and two-hour open bar reception.

Sponsorship packages are 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

Register Here:

<http://www.bigwny.com/events/annual-installation-dinner/>

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# Big I WNY Legislative Breakfast

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Friday, October 12, 2018 | Hyatt Place

Registration & Breakfast: 8:00 AM  
Roundtable Discussion: 8:30 - 9:30 AM



Please join Big I WNY at our annual legislative breakfast. Registration and breakfast will be followed by a brief legislative update and **Roundtable Discussion** amongst our members, WNY legislators, and representatives from our Big I NY legislative team.

Come and meet your elected representatives from our local area to discuss the issues critical to our industry. Sign up today to make our voices heard!

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

**Registration Cost:** \$20 Prepaid

**Address:** 5020 Main Street, Amherst, N.Y. 14226 (Main St. & I-290)

**Registration Deadline:** October 5, 2018

**Register Here:**

<http://www.wnyagent.com/events/big-i-wny-legislative-breakfast/>

# Volunteering at Beds for Buffalo 2.0



Last October, NeXtGen Buffalo volunteered with the Beds for Buffalo project. When the Service Collaborative of WNY announced that they would be holding another project this summer, NeXtGen was excited to be involved again! This year the Beds for Buffalo project will build and furnish 150 twin beds for children in need throughout Niagara, Erie, and Cattaraugus Counties.

The Service Collaborative of WNY (TSC) will distribute completed beds through identified community partners that serve families surviving poverty. These new beds will improve the children's self-esteem, ability to learn, and positively impact the likelihood of graduating from high school. In addition, it will combat the epidemic of bed bugs forcing families to replace all their beds and bedding at once, which is unaffordable for most low-income families living in poverty. Beds for Buffalo

is bringing the WNY community together to tackle a shared challenge and increase awareness focusing on child poverty.

NeXtGen Buffalo spent the mornings of July 20 and 27 at The Foundry to contribute to this great cause. NeXtGen volunteers assisted with sawing, planing, sanding, drilling, and much more.

NeXtGen is also collecting donations of Twin Size Mattress Sheet Sets, Twin Size Comforters, Blankets, Standard Pillows, and Bed Bug Covers that will be delivered along with the beds to families in need.

**For more information on this project, you can visit their website:**

<https://www.tscwny.org/Beds-for-Bufferalo>



## NeXtGen Upcoming Events

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**August 24, 2018**

**8:30 am - 12 pm**

Volunteer with Beds for Buffalo 2.0 Project

If you are interested in volunteering, please contact

Ashley Engl at [aengl@lawleyinsurance.com](mailto:aengl@lawleyinsurance.com)

**October 2018**

Social Event

**November 2018**

3rd Annual Speed Networking Event



# Big I WNY Roger Gurney Memorial Golf Outing

*Thank you to all who participated in the 17th Annual Roger M. Gurney Memorial Golf Outing on Monday June 25 at Crag Burn Golf Course.*

We would like to thank all of our sponsors for their generosity, the volunteers for all your help, all of the golfers that participated. With the income raised at this event, we can provide valuable scholarships to deserving students in our Project InVest program.

I would like to personally thank the golf committee, who all helped me tremendously with planning the details of this event and securing sponsorships. Without you we would not have been so successful: Tamara Storch, Evans Agency; Kathleen Rapasadi, Evans Agency; Matt Saxe, M&T Insurance Agency; Barb Duke, Duke Insurance; Jean Toth, M&T Insurance Agency; Rob Glenn, Evans Agency; Theresa Crisp, Walsh Duffield Companies; Doreen DeCarlo, Kemper Personal a& Commercial Lines; Frank Gallo, Glass America; Rick Gurney, RG Graphics; Megan Spiegelhoff, Walsh Duffield Companies; Chris Ryan, The Hartford.

We are looking forward to seeing everyone again next June for the 18th Annual Golf Outing!

Ashley Engl  
Treasurer and 2018 Golf Chair



# APPELLATE COURT AFFIRMS AWARD OF SUMMARY JUDGMENT TO INSURER BASED ON APPLICATION OF THE POLICY REQUIREMENT FOR INSURED TO MAINTAIN ADEQUATE HEAT IN PREMISES

Recently, an appellate court reviewed whether dismissal of a case in favor of an insurer was warranted based on the insured's failure to use reasonable care to maintain heat in the insured premises while it was unoccupied. See *Stephenson v. Allstate Indem. Co.*, 160 A.D.3d 1274, 1275, (3rd Dept. 2018).

In *Stephenson*, in March 2014, the insured's home sustained significant water damage after a pipe froze and burst. The insurer disclaimed coverage based on the insured's failure to take reasonable care to ensure that heat was maintained in the insured property while it was unoccupied. After denial of the claim, the insured sued alleging breach of contract.

After discovery, the insurer moved for summary judgment on the basis that the insured failed to use reasonable care to ensure that heat was maintained in the premises while it was unoccupied. Summary judgment only can be granted when there are no questions of fact on the issues presented. In this case, the facts were undisputed—the insured's home was unoccupied from December 2013 through March 2014, the water supply was not shut off, and the plumbing system was not drained. The only potential unresolved question was whether the insured used reasonable care to maintain heat while the property was unoccupied.

The insurer submitted deposition testimony and a statement from the insured proving that the property was left unoccupied without making any arrangements to have it inspected and checked. Furthermore, an affidavit from an expert witness demonstrated that the consumption of natural gas during that time period was insufficient to support the insured's position that heat was maintained at the property while it was unoccupied. To contradict the insurer's proof, the insured submitted an affidavit of the individual who was responsible for the lawn mowing and snow removal at the insured property. However, the affidavit did not assert any claims that the insured asked the deponent

to inspect the interior of the premises to confirm whether it was adequately heated, or that the deponent actually entered the premises during the relevant time period.

The insured's policy very clearly stated that coverage would be denied if reasonable care was not used to maintain heat to the premises. As a result, the court concluded "that [the insured] failed to use reasonable care, as a matter of law, to maintain heat in the premises while it was unoccupied for three months during the winter heating season, because it is undisputed that she did not arrange for inspection of the premises or take any other action to ensure that adequate levels of heat were actually maintained during that time period." See *id.*

**Practice Pointer:** The *Stephenson* case should serve as a reminder that an insured's duties under a policy of insurance should be strictly adhered to. To avoid any potential claims by insureds, it is good practice to do the following: (1) meet with the insured and discuss all of their affirmative obligations under a homeowners' policy; (2) develop a list of insureds who you know relocate for the winter and send them a reminder postcard that they should maintain adequate heat while they are absent from their property; (3) periodically review coverage with your insureds to ensure that you are aware of any changes in their circumstances that could affect their ability to meet their insurance policy obligations. Taking these steps not only will protect your insureds from possible claim disclaimers, but these actions also can protect insurance agents from false claims that they failed to meet their obligations to the insureds. Make sure you document your files if you provide any of the above-information to an insured.

*For answers to your legal questions, feel free to contact Marco Cercone, Esq. or Robert Zielinski, 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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A handwritten signature in black ink, appearing to read 'Byron K. Long', is written in a cursive style.

**Byron K. Long**, CEO and President



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Commercial Insurance  
Placement Supervisor  
tstorch@evansagencyins.com



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**CIC, CPIA, CISR**  
Vice President  
IIAAWNY  
Commercial Insurance  
Account Executive  
krapasadi@evansagencyins.com



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