

IAAWNY

I-WAYS

MAGAZINE

June
2017

INDEPENDENT INSURANCE AGENTS ASSOCIATION OF WESTERN NEW YORK, INC.

keeping you
up to
speed



A Message from the PRESIDENT



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GENERAL ENQUIRIES

P.O. Box 983
Orchard Park, NY 14127

Phone: (716) 207-3886

iiawny@gmail.com
www.wnyagent.com

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

Greetings,

The summer is almost upon us and the board has been busy planning a number of events. Before I touch on that I would like to provide a review of the Big I annual Legislative Conference in Washington D.C. This year the chapter sent four members: our Chairman, Vic Rutecki, and our three officers. The conference took place the first week of May with Senators Cory Gardner (R- Colorado) and Joe Manchin (D-West Virginia) providing their thoughts on current insurance issues and the administration. We were later visiting our elected officials when the House voted on the health care bill. Everyone we heard from, our guest speakers, congressional aids, and other Big I members, agreed that nothing would get done in Washington until the health care bill was completed. That means our primary concern, the renewal of the Flood Program, likely will not be looked at until close to its expiration in September.

The event ended with a panel discussion on current trends in the industry, focusing on alternative markets for insurance purchasing and cyber. The panelist from Selective, Nationwide, Progressive, and EMC commented that their companies were monitoring these companies but felt the lack of infrastructure, especially from a service and claim standpoint, would eventually doom these startups.

Our elections will be taking place in June with five seats open on the board. Vic Rutecki has done a great job reaching out to the nominees who you can read about further down in this issue. The electronic ballots will be sent out shortly. Please be sure to take a moment and vote for our new board members.

The IIAAWNY Roger Gurney Memorial Golf Tournament will be held June 26th at Crag Burn. If you have not signed up yet please do so as soon as possible; space is filling up quickly. This year's event will feature a silent auction and basket raffle. You can register online at www.wnyagent.com. If you have any questions or would like to donate a prize to the event, please contact Kathy Rapasadi at krapasdi@evansagencyins.com.

Our events committee, led by Ashley Engel, is putting the finishing touches on a number of IIAAWNY and NeXtGen events for the summer. Please keep a look out for the NeXtGen/YIPs Bison game, a NeXtGen professional development breakfast, and our affiliate event. All members are welcome to attend any of the events.

Matt Saxe
President IIAAWNY

IIAAWNY ROGER GURNEY MEMORIAL GOLF OUTING

June 26, 2017
Noon Start

Crag Burn Golf Club
1231 North Davis Road
East Aurora, New York 14052

All reservations are first come, first serve basis. Don't delay - We can only accept 120 golfers!

Full Day (golf, lunch, cocktails & dinner): \$180 per golfer

Cocktails & Dinner Only: \$ 60 per person

Schedule: 10 a.m. Registration | 11:00 a.m. Lunch | 12:00 p.m. Golf

Registration Deadlines

Golf: ~~June 10, 2017~~ **Deadline extended - register today!**

Dinner only: June 17, 2017

Name _____ Company _____

Email _____ Phone Number _____

___ 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/donations): \$_____ Payment Method: • Credit Card • Check (payable to IIAAWNY)

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

Comments: _____

Register Online at: <http://www.wnyagent.com/events/iiaawny-roger-gurney-memorial-golf-outing-2/>

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 Kathleen Rapasadi, Golf Chair at Krapasadi@Evansagencyins.com 315 761 5634 - Cell

16TH ANNUAL ROGER GURNEY MEMORIAL GOLF OUTING

Check out what's new this year!

We are looking forward to our upcoming IIAAWNY 16th Annual Roger Gurney Memorial Golf Outing to be held Monday, June 26th at Crag Burn Golf Club. We appreciate your continuous support every year.

The Golf Outing raises valuable scholarship dollars to deserving graduates of IIAAWNY Project Invest. The "Invest" Program sponsors several local events that support our Insurance industry. Over 106 students take part in the "Invest" Insurance classes. Last year we awarded nine deserving students with Scholarships!

At our IIAAWNY Golf Outing this year, we are adding a "Silent Auction" as well as "Chance Raffle". The Chance Raffle will have various gift baskets that you can win. The Silent Auction will offer some great prizes. This year we are adding a "Putting Contest" for prizes awarded to top winners.

We look forward to seeing you at Crag Burn Golf Club on June 26th!! Let's hope for a beautiful sunny day!!

PROJECT INVEST

Every year, IIAAWNY awards scholarships to high school seniors who have participated in the Project Invest Program. The scholarships are given for the following amounts: 2-\$1,000, 4-\$500, and 4-\$250. Each student must submit an application, photo, transcript, and an essay on how Project Invest has made an impact on them. We had a total of 12 applicants from three different schools (Hamburg, Lakeshore and Depew). Scholarships were awarded to students from each school with Hamburg taking the top four awards.

Project Invest works in conjunction with the school districts' Academy of Finance to bring knowledge and awareness of the insurance industry to high school seniors. As we break for the summer, please take some time to think about giving back and participating in Project Invest in the fall. It requires a minimal investment of time, but gives you the ability to make an everlasting impact on a student. If you have any questions or would like to know more about volunteering, please contact Theresa Crisp at tcrisp@walshins.com.

BOARD NOMINATIONS

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 for 2017-2018.

Doug Benz, owner, New Buffalo Insurance Agency

Doreen DeCarlo, Agency Account Manager II, Kemper Personal & Commercial Lines

Rob Glenn, Commercial Lines Marketing Manager and Producer, Evans Insurance Agency

Jean Toth, Ancillary Accounts Specialist, M&T Insurance Agency, 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.

The board members that are leaving are: Karen Catalano, The Cesar Group; Dave Gelia, United Insurance Agency Inc. and yours truly. I would like to personally thank Karen and Dave, for their contributions and leadership.

Vic Rutecki, Rutecki Agency
IIAAWNY - Chairman of the Board 2016-2017



Douglas Benz graduated from the University at Buffalo and spent eight years working as a photojournalist on the local and national level, including the New York Times, the Associated Press, USA Today and Reuters.

During that time, he also served numerous charitable and civic causes, including as president of his alma mater Canisius High School's Alumni Board of Governors, coordinating alumni outreach and the school's popular Downtowners speaker series.

The demands of a career in media gave way to the demands of being a husband and father to a growing family (and best friend to their faithful dog, Bessie). A career in property and casualty insurance was the perfect fit and it brought with it a new adventure. In 2014 the Benz family moved to Naples, Fla. to further Doug's career.

Though his professional career was progressing in Florida, Doug and Liz maintained their desire to start something of their own and raise their family in Buffalo. They say all roads lead home and this was certainly true. Doug, Liz, their 6 kids returned to the city they love in late 2016, founding New Buffalo Insurance Agency.

Specializing in personal and commercial insurance, New Buffalo Insurance Agency's namesake represents both the Benz family's personal story and the city's resurgence. As a proud resident and business owner, Doug is committed to living up to Buffalo's motto: A City of Good Neighbors.

BOARD NOMINATIONS



Doreen DeCarlo

I've been the Agency Account Manager II for Kemper for the last 5 years. It's my privilege to work with our Independent agents to grow profitably with Kemper as well as grow overall through a consultative sales model.



Rob Glenn is

Commercial Lines Marketing Manager as well as Producer for Evans Insurance Agency. Rob has over 8 years in the Insurance Industry. He has held various positions in the insurance industry. Rob obtained his NYS Property and Casualty Broker's

License in 2012. Rob is involved in the West Seneca community where he resides. Rob started with the Evans Agency in August of 2015 in the Commercial Lines department. In his current role he looks to help fellow business owners manage their risk and navigate the insurance marketplace. Rob is working on obtaining insurance designations.



Jean Toth, GBDS, VBS services as the Ancillary Accounts Specialist at M&T Insurance Agency, Inc. (MTIA). Jean has worked for MTIA, formerly Dedecker-Saxe Associates, Inc., for 25 years. During her time with the agency she has

handled Individual Life and Disability Insurance, Group Life/AD&D, Group Long Term Disability, Group Short Term Disability, Group Dental, Group Vision, Group Medical, Critical Illness, Long Term Care and Business Travel Accident Insurance. Jean holds an Accident & Health Insurance License through the NYS Insurance Department, Group Benefits Disability Specialist (GBDS) and Voluntary Benefits Specialist (VBS) designations.

Jean currently manages the ancillary products of the M&T Insurance Agency's Group Benefits Department and handles claims processing. Her ability to analyze customer contracts has been very successful in determining insurance gaps in coverages as well as costing savings opportunities. For the past 25 years, Jean has managed all aspects of the Bar Association of Erie

County's Sponsored Insurance Programs including application process, policy issuance, billing, customer service and claims.

Jean has been in the insurance industry since 1982. Prior to her current position, Jean worked at Equitable Life Insurance in individual sales, Desmon & Kohnstamm, Inc. with Pension Benefits, Defined and Profit Sharing, Connecticut Mutual as an Individual Life Underwriter and joined Matthews, Bartlett & Dedecker, Inc., and Dedecker-Saxe Associates, Inc. in 1992.

Jean received her Associate's Degree in Paralegal from Erie Community College. She has been heavily involved in Community Service Fundraising Efforts throughout Western New York. Jean has chaired the WNY United Against Drugs and Alcohol Abuse Family Fun Day since 1998; and has been active Board of Directors Member since that time. She is also involved with The Independent Insurance Agent's Association of WNY, Inc. Jean also sits on various Committees with her Parish, St. Mary of The Lake, in Hamburg, NY as well as St. Francis of Assisi High School in Athol Springs. Jean resides in Hamburg, NY with her husband, Thomas and son, Nicholas.



NeXtGen and YIP Bison's Game

Wednesday, June 28, 2017

Join NeXtGen Buffalo and Young Insurance Professionals (YIP) of NY at Coca Cola Field for a Buffalo Bison's baseball game!

WHO: Members, guests and friends of NeXtGen and YIPs are welcome

WHEN: Wednesday June 28th 2017 7pm (game starts at 7:05pm)

WHERE: Party Suite at Coca Cola Field

COST: \$25 per person – includes game entry as well as drinks and appetizers in the suite!

Register at <https://icob.wufoo.com/forms/nextgen-and-yip-bisonas-game/>

Space is limited to 40 people, please register by Friday June 23rd.

Sponsorship Levels Available:

Platinum: \$500 – includes 2 tickets

Gold: \$250 – includes 1 ticket

Silver: \$100

If you would like to sponsor this event please contact Ashley Engl at aengl@lawleyinsurance.com.



NeXtGen Professional Development Breakfast

July 20, 2017

Registration and Hot Breakfast: 8:00–8:30am

Class Program: 8:30am–12:00pm

Cost: \$35 Group Discount: \$30/person for registrations of 3 or more

Location: Hilton Garden Airport Hotel

Creating an Effective Multi-Generational Work Team: This interactive session examines the opportunities and challenges when people representing different generations (Baby Boomer, Gen X, Gen Y) work together. The goal of this session is to create a better understanding on how to remove misperceptions, appreciate each other's unique differences, and foster a greater sense of teamwork. We will also focus on how Millennials need to build their credibility and enhance their personal brand.

Register at:

<https://icob.wufoo.com/forms/nextgen-professional-development-breakfast/>

Sponsorship Levels Available:

Platinum: \$500 – includes 2 tickets

Gold: \$250 – includes 1 ticket

Silver: \$100

Questions? Please contact Ashley Engl at 716-849-4357 or aengl@lawleyinsurance.com



IIAAWNY SUMMER OUTING

Thursday August 17, 2017, 6-8pm



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. Registration information will be sent out soon!

IIAAWNY 2017 INSTALLATION OF OFFICERS AND DIRECTORS

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

We will be installing our new Board at the beautiful Foundry so please mark your calendars to join us for an enjoyable evening that will include cocktails and an array of delicious food.

Sponsorship opportunities will be available and online Registration will be opening soon – Watch our website and future Newsletters for details as well as upcoming emails!



Court Upholds Insurer's Recession of Insurance Contract for Misrepresentation on Application

Estate of Gen Yee Chu v. Otsego Mut. Fire Ins. Co., 148 A.D.3d 677, 49 N.Y.S.3d 468 (2d Dep't 2017)

For answers to your legal questions, feel free to contact

Marco Cercone, Esq. or James Graber, Esq.

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

716-854-3400
www.ruppbaase.com

Recently, a New York appellate court upheld an insurer's right to rescind an insurance policy as if it never existed for a materially inaccurate statement made on an insurance application. See *Estate of Gen Yee Chu v. Otsego Mut. Fire Ins. Co.*, 148 A.D.3d 677, 49 N.Y.S.3d 468 (2d Dep't 2017). In *Chu*, the insured purchased a three-unit property in Queens. The insured acknowledged that the property had three units, but thought that the property only legally was a two-family dwelling. Accordingly, when the insured applied for insurance in 2006, the insured stated that the property was a two-family dwelling.

A fire destroyed the insured property five years later in 2011. When investigating the fire, the insurer uncovered that the property actually was a three-unit dwelling and not a two-family unit as listed on the application. Thus, based on the misstatement in the policy application, the insurer rescinded the policy as if it never existed and refunded all premiums paid over the course of five years. This commonly is referred to as voiding a policy ab initio, and insurers are within their rights to proceed in this regard pursuant to New York Insurance Law § 3105, provided that the misstatement on the application was a material one.

After rescinding the policy, the insured commenced a lawsuit to challenge the insurer's position. The trial court ultimately sided with the insurer, however, and that decision was further upheld on appeal. Indeed, the appellate court specifically noted: "[The insurer] established that the [the insured's] misrepresentation was material through the uncontroverted testimony of its witnesses and documentary evidence, in-

cluding its underwriting guidelines, which established that the [insurer] did not insure three-family dwellings, and would not have issued the subject policy if the [insured] had disclosed that the house contained three dwelling units." *Id.* at 678-679.

Practice Pointer: The *Chu* case should serve as a reminder to insurance agents of how important it is to make sure any information listed on an insurance application is accurate. It is not an insurer's obligation to investigate the truthfulness of the information on an application and, even if 10 years go by without issue, an insurer can cancel a policy with full retroactive force if it uncovers a material misstatement, provided that it refunds all premiums paid. The insurer only needs to show, through evidence such as underwriting guidelines, that it would not have issued the same policy it did had accurate information been listed on the application. Therefore, given that insurance agents may assist prospective insureds by filling-out application documents, agents always should have the prospective insureds review the completed application for accuracy purposes before submitting it to an insurer. Agents also should consider sending a yearly questionnaire to clients in order to further verify that the application contains accurate information.

For answers to your legal questions, feel free to contact Marco Cercone, Esq. or James Graber, Esq. at Rupp Baase Pfalzgraf Cunningham LLC, 1600 Liberty Building, Buffalo, New York 14202, 716-854-3400, www.ruppbaase.com.

NextGen at I-Day

On Thursday May 4th, representatives from NeXtGen Buffalo attended I-Day to educate insurance professionals about the organization and promote participation in local events. They shared a booth with IABNY (Independent Insurance Agents and Brokers of NY) and encouraged booth visitors to take a picture in the NeXtGen frame. Here are a few photos of local insurance professionals supporting NeXtGen Buffalo. We also shared some of the photos on social media throughout the day with our hashtag #NeXtGenBuf!

1. (From left to right) Shannon Sommer, Claire Gerlach, Ashley Engl, Matt Piegay, and Caitlin Celis - Lawley Insurance
2. NeXtGen Executive Board Members: Shannon Sommer, Ashley Engl and Claire Gerlach - Lawley Insurance
3. Amanda Barry - Hunt Insurance
4. Hamburg AOF Project Invest Students
5. (From left to right) Emily Bosse, Kate Tally, Janine Pajek, and Karen Palotto - Tompkins Insurance Agencies
6. Christopher Ryan - The Hartford



Payrolling High Liability Employees

Do your clients come to you with the question of how to cover employees for Comp and General Liability insurance? Do your clients have issues with the NYS Comp system?

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Construction Trades Staffing Inc. is a local agency that is fully insured throughout NYS for all the Comp & Liability Insurance. We have the coverage that most Temp Agencies can't offer. We can payroll 1 person or the whole staff.

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Karen Catalano
Queen City Professional Services, Inc.

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