

I-WAYS MAGAZINE

BIG I WNY | OCTOBER 2021

Promoting the value of **independent**
insurance agents in Western New York



A MESSAGE FROM YOUR CHAIR OF THE BOARD

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Contact our Board at:
bigiwny.com/officers

After a long year of zoom meetings and virtual events, Big I WNY was thrilled to see members at in-person events again this summer. Since we were unable to hold our 2020 and 2021 Golf Outings that typically support the Roger M. Gurney Memorial Scholarship fund, our board coordinated a fundraiser to help raise the funds for 2022 Project InVest scholarships.

Throughout the month of July, we sold raffle tickets for 5 large prizes and then held a Summer Party at Dos on Lake on July 28th where we announced the winners and celebrated together. We had a wonderful turnout for the event, and lucked out with beautiful weather too! A special thanks goes out to the 2021 Fundraiser Committee: Doug Benz, Rob Glenn, Frank Gallo, Rick Gurney, Lisa Hussainov, Jeanne Hellert, & Dan Ludwig. On behalf of the entire board, I'd also like to thank all of the sponsors and participants for their contributions to this fundraiser and event. The raffle raised over \$4,000 that will help fund scholarships for our 2021-2022 Project InVest students. We are hoping that in Spring 2022 we'll be able to hold our annual golf outing again!

In July, NeXtGen also returned to volunteer with the Service Collaborative of WNY "Beds for Buffalo" project at The Foundry. NeXtGen members have been volunteering with Beds for Buffalo since 2017. It's been very fulfilling to see the project continue to grow and know that our time and efforts helped provide over 200 children a safe and comfortable place to sleep this year. Thank you to all of the members that have joined us for this community service project. Stay tuned for our next volunteer opportunity with Beds for Buffalo next spring!

It's hard to believe that my term as president is complete! The last 2 years have been far from normal, but thanks to our amazing team of Big I WNY Officers and Directors we were able to hold several virtual activities that allowed us to continue our educational programming, legislative efforts, and even Project Invest classes throughout the pandemic. I'd like to thank our entire board for their continued support and flexibility during these challenging times.

A big thanks to everyone who came out to support our board of directors at the 2021-2022 Installation Dinner! It was great to see so many friends and colleagues, and we all had a great time celebrating Rob Glenn's Installation at The Tewksbury Lodge. Rob has been an outstanding leader on our Board for many years. While serving as a director and officer he has been dedicated to growing our Project InVest program and helping plan our Roger M. Gurney golf outing/fundraiser each year. He is passionate about our industry and I am confident that he is going to be a fantastic leader of our local Big I WNY association!

Thank you all for your continued support, it truly has been an honor serving as your president.



Ashley Engl, ACSR, GBDS, VBS
Chair of the Board, Big I WNY
Lawley Insurance

2021 Installation Dinner

RECAP

September 23, 2021 | Tewksbury Lodge, Buffalo, NY



Big I WNY held our annual Installation of Officers at The Tewksbury Lodge. Thank you to everyone that came out to join us for this very special celebration of both incoming and outgoing Officers and Directors!

Thank you to all of the company and agency sponsors that made this event possible, we appreciate your continued support.

Congratulations to the 2021-2022 Big I WNY Officers and Directors, and thank you for making the commitment to our association. We are looking forward to a great year led by our new President Rob Glenn (Lawley Insurance).

NextGen Buffalo Happy Hour

October 7, 2021

SAVE
THE
DATE



TACOS, COMMUNITY
& BEER | BUFFALO

Join NeXtGen Buffalo at TCB for a Happy Hour! This new location on Delaware Ave (near Gate's Circle) offers a long list of craft beers and serves up great cocktails from a full bar. We hope that you will join us for some food, drinks, and networking with fellow insurance professionals.

Date:

Thursday, October 7th

Time:

5:00pm – 7:00pm

Place:

Tacos, Community, and Beer (TCB)
1275 Delaware Ave, Buffalo, NY 14209

Cost:

\$10 per person (*includes 1 free drink and appetizers*)

Members, their guests and prospective members are welcome.

Register online today!

For more information contact Ashley Engl, Lawley Insurance at aengl@lawleyinsurance.com.



NEXTGEN

Thank you to all of the NeXtGen members that volunteered their time in July to help build beds for the Service Collaborative of WNY Beds4Buffalo project!



UPCOMING EVENTS

Fall Happy Hour
October 7, 2021

6th Annual NeXtGen Speed Networking
November 2021

Educational Seminar
Early 2022

NeXtGen Buffalo

Next Generation of Insurance Professionals (NeXtGen) is a professional skills development and networking group open to individuals under 40, or those who are new to the independent insurance industry. Membership is not limited to agents only; it is open to anyone involved in or supporting the insurance industry, including all agency and company personnel.



What We Offer:



Professional Development

Do you want to grow professionally? Invest in your insurance career! We offer opportunities for CE credit and other career-enhancing professional development sessions. Interested in a leadership opportunity? We have those too! Education is a key to success.



Networking

Life is all about relationships. NeXtGen offers fun networking events that allow you to build relationships with fellow insurance professionals. This can lead to connections that you would not have had otherwise, as well as a broadening of your insurance knowledge base.



Community

Come together to participate in volunteer activities within our community – whether it's helping at Food Bank of WNY or building beds with Beds for Buffalo. It is incredibly rewarding to be able to give back to the community that we all work in and love!

What are you waiting for? Join Now!

Contact Ashley Engl (aengl@lawleyinsurance.com)

Sponsorship Opportunities:

Help NextGen fulfill their mission while you gain fresh relationships with the best and brightest rising leaders in the area!

Stay Connected

... so that you hear about upcoming events!

Like our Facebook Page:

<https://www.facebook.com/neXtgenBuffalo>

and join our LinkedIn Group:

<https://www.linkedin.com/groups/4338428>



Big I WNY Legislative Breakfast

SAVE
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Wednesday, December 1, 2021 | 9:00am (via Zoom)



Please join Big I WNY for our 2021 Virtual Legislative Breakfast. During this event, Big I WNY members, WNY Legislators, and representatives from our Big I WNY legislative team will come together to discuss the issues critical to our industry.

Scott Hobson, Big I NY's AVP of Government Relations will recap Big I NY's legislative efforts during 2021 and preview the challenges and opportunities for IAs and our customers in the coming year.

This year's event is FREE! Everyone in attendance will have a chance to win Starbucks e-gift cards.

[Register online today!](#)

Sign up today to show our representatives that we matter!

Annual Big I WNY Holiday Luncheon

SAVE
THE
DATE

Friday, December 10, 2021 | The Saturn Club



Cocktails: 12:00 PM

Luncheon: 1:00 PM

Entrée Choices:

- NY Strip Steak
- Stuffed Split Chicken Breast
- Pan Seared Atlantic Salmon
- Ziti with Garlic & Broccoli

[Click Here](#) to register for the luncheon, we hope to see you there! If you are unable to attend yourself, please extend this invitation to your staff.

Registration deadline is 12/3/2021.

In keeping with our tradition, we will be collecting for the FeedMoreWNY. Your cash/check contributions are greatly appreciated. All contributors will be eligible for our door prize drawings!

COURT UPHOLDS INSURER'S ABILITY TO EXCLUDE COVERAGE FOR VACANT AND UNOCCUPIED PROPERTY

Recently, a New York appellate court upheld an insurer's ability to exclude coverage pursuant to the unambiguous terms of the policy, which in this instance, excluded coverage of the insured's building that was vacant for 60 consecutive days prior to a fire loss. See *Colling Enterprises, LLC v. United Frontier Mu. Ins. Co.*, 195 A.D.3d 1385, 145 N.Y.S.3d 443 (2021). In *Colling*, the insured purchased a vacant property with aspirations to eventually convert the property to a residential/commercial mix. Aware of the insured's aspirations, the insurer issued the policy on the representation that the insured would eventually convert the vacant property into the planned residential/commercial mix. Accordingly, the policy encompassed a clause that stated that the policy would be suspended if the property sat vacant or unoccupied for 60 consecutive days. The insured failed to convert the property into a residential/commercial mix and it instead remained vacant.

A fire later destroyed the property. As the property never was occupied, it remained vacant for 60 consecutive days prior to the fire, which squarely conflicted with the terms of the policy that defined the scope of coverage. Thus, based on the property remaining vacant for 60 consecutive days prior to the loss, the insurer excluded coverage.

After excluding coverage pursuant to the unambiguous terms of the policy, the insured commenced a lawsuit to challenge the insurer's position. The trial court denied the insurer's motion for summary judgment; however, the appellate court modified the decision and ultimately sided with the insurer. Indeed, the appellate court specifically noted: "Here, the clear and unambiguous language of the policy exclude[ed] coverage if plaintiff's building was vacant for 60 consecutive days prior to the loss, and the record establishes that the building was vacant

within the meaning of the policy for the requisite period." *Id.* at 1. Importantly, the Court further noted: "Plaintiff had 'conclusive and presumptive knowledge of the terms of the policy prior to the loss and took no action to close the gap in coverage resulting from the exclusion for vacancy.'" *Id.*

Practice Pointer: The *Colling* case should serve as a reminder to insurance agents of how important it is to ensure that all terms describing the scope of coverage are unambiguous and clearly defined, and the insured knows them. Generally, it is not an insurer's obligation to confirm that an insured complies with the terms of coverage within the policy. As it relates to the *Colling* case, it is not an insurer's obligation to confirm that the insured did not allow the property to remain vacant. Insurance agents should consider thoroughly explaining to prospective insureds that if their prospective insured property remains vacant for a specified amount of time pursuant to policy, coverage may be excluded should they suffer a loss. Therefore, insurance agents should always ensure that the scope of coverage in policies are as definite and unmistakable to the insureds as possible.

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.



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We're here to help you move your agency forward.

Local expertise, national scale.

Liberty Mutual Business Insurance | **Safeco Personal Insurance**



Talk to your territory manager or find one at LibertyMutualGroup.com/Business and Safeco.com/Agent-Resources



**Liberty
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BIG I | NEW YORK

Coronavirus Resource Page

TRUSTED CHOICE®
COVID-19 RELIEF FUND

APPLY NOW!

The Big "I" has your back, when you need it most.

BIG 1 

COVID-19 PANDEMIC:
A Guide to Reopening

No matter where your team has been working from, business hasn't stopped. As you open your location (or open it further), we know it's critical to maintain the health and safety of your employees and clients.

It can be hard to stay on top of everything, so use this checklist to help.

We're here if you need anything. Big I New York has your back.

BigINY.org/Coronavirus

CHECKLIST

Here are several items you should consider while reopening safely for both your employees and clients:

- ☐ Get your work areas ready by following your all employees.
- ☐ Clean and inspect the premises, check HVAC and mechanical systems.
- ☐ Confine working capacity when possible.
- ☐ The less we get together, the healthier we'll be.
- ☐ Bring back staff to work.
- ☐ Don't remember the whole hand at once.
- ☐ Make reasonable accommodations for higher risk employees.
- ☐ Keep your workspace clean and safe.
- ☐ Mask and glove up employees.
- ☐ Increase personal protective equipment (PPE) and require their use if you're allowing visitors, have them wear masks.
- ☐ Stay up and healthy.
- ☐ Encourage frequent hand washing and the use of hand sanitizer.
- ☐ Set regular cleaning schedules and stick to it.
- ☐ Clean surfaces like high touch points.
- ☐ Limit access to common areas.
- ☐ Conduct use of workplace entry, showers, and locker areas.
- ☐ Keep your physical distance.
- ☐ Limit time for face-to-face meetings and others, if when in the office, continue to use Zoom, Skype, and other tools.
- ☐ Monitor employees to monitor their own health.
- ☐ For example: Daily temperature checks that stick in the nose.
- ☐ Encourage employees with symptoms to get tested.
- ☐ Early testing means early treatment.
- ☐ Monitor employees who don't feel healthy.
- ☐ This is no time to be a hero. Stay up and get well.
- ☐ Make sure staff monitor themselves for symptoms.

Team Members:

STAY HOME IF FEELING UNWELL
Don't risk the health of others.

WEAR YOUR FACE MASK
For Everyone's Protection.

PRACTICE SOCIAL DISTANCING

Thank you for stopping by...

and that of our team, stay closed to visitors. provide outstanding service. safe! Trusted Choice®

Our Panel of Experts


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VISITORS: PLEASE READ

 If you are feeling unwell or have been exposed to someone with COVID-19, please call before entering.

When entering our agency, we ask that you...

PLEASE WEAR FACE MASKS
For Everyone's Protection

PRACTICE SOCIAL DISTANCING
6 Feet Minimum



Reopening resources, FREE coronavirus-related webinars, breaking news updates, E&O Reports, tips, tricks, and a whole lot more.

Visit BigINY.org/Coronavirus

BIG I | NEW YORK

2021 Annual E&O Loss Control Seminar



From wherever you call the office these days, grab a cup of coffee and join us. Earn CE, and possibly qualify for a renewal credit.

One last chance to attend! October 14, 2021 | 9:00 AM

Learn More & Register





EXPOSURES ARE EVERYWHERE



IAAC: YOUR SMART SOURCE OF PROTECTION

Protect your Errors & Omissions | Grow your book of business | Increase client retention

WHY IAAC?

- Unparalleled customer service
- Stand-Alone Umbrella with highly rated carriers, **admitted & non-admitted**
- Excess Umbrella available
- Excess uninsured/underinsured motorist coverage offered in all states
- No age limit on drivers
- Easy application process
- Available limits up to \$15 million
- Coverage is subject to underwriting approval

CONTACT US to discuss carrier options!

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