



# THE Minnesota News

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# Summer 2018

# The Minnesota News

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*Hal E. Tiffany, Jr., CIC of Hal Tiffany Agency, Inc. was recently installed as the Minnesota Independent Insurance Agents and Brokers Association President. Minnesota News sat down with Hal to hear his insights on his upcoming term as President.*

## **How did you start your career in the insurance industry?**

When I graduated from St. Thomas in 1980, I was an aspiring journalist, hoping to be the next Woodward or Bernstein with the Washington Post, breaking another investigative story like the Watergate scandal that ended in the resignation of Pres. Richard Nixon. However, the nearest job offer was in Dickinson, North Dakota, so my mother, who worked at St. Paul Companies, introduced me to the manager of an agency in St. Louis Park. I made a decision to enter the insurance business to avoid separating from my wife who was attending nursing school in the Twin Cities.

## **Tell us a little bit about your agency?**

I have ten employees at the agency, four producers, including myself, and six CSR's or account managers. We write 40% Commercial Lines, 45% Personal Lines and 15% Group and Individual life and health insurance. We use VOIP telephones and remote access to our server, which enables all of the staff to benefit from the flexibility of working from home or working in the office.

To attract new business, we concentrate on Search Engine Optimization, referral networks and television advertising in cooperation with one of our top carriers. In addition, we are one of the few predominately Property and Casualty agencies to actively accept business from MNSure. In the first year of open enrollment, the agency added 125 new clients and successfully used cross selling to add other lines of business with those accounts.





In 2011, my son Eric accepted a full-time position in the agency. He is currently one of our top producers and takes evening classes in MBA program at the University of St. Thomas. In addition, in 2011, I purchased the Rice Creek Agency in Fridley, MN and moved it into our Roseville office. The Rice Creek business continues to grow and has successfully merged with the HTA brand.

### **And your family?**

My wife Jone has her Doctorate in Nursing Practice, and is professor at Bethel University. My daughter Sara lives in Jasper, Alberta, Canada with her husband Gareth Short. They both work in the Canadian National Parks System.

My son Eric and his wife Hayley live in St. Paul. Hayley is expecting our first grandchild in October. We are very excited to become grandparents. My parents live in Woodbury, MN on the 12th hole of the Eagle Valley Golf Course.

### **What sort of community service are you involved in?**

Currently, I am a driver for Meals on Wheels and enjoy teaching Sunday school at St. Michael's Lutheran Church in Roseville, where I am also an usher and mentor to confirmation students. For over 10 years, I was guest speaker at Metro New Hope Ministries in Minneapolis. When my kids were younger, I coached soccer and was an avid fan of Irondale High School football, swimming and downhill skiing.

### **What do you find fulfilling about being an insurance agent?**

I immensely enjoy meeting one-to-one with my clients on both Commercial and Personal accounts explaining the transfer of risk from their household or business to an insurer in exchange for the premiums. I have also enjoyed building a team and merging two agencies into one, including the successful data conversion from one management system to my preferred vendor, Applied Systems.

### **How has the Big 'I' benefited you professionally and or personally?**

On a national level, the "Big I" has helped my staff through Virtually University and its team of experts, and has given me the chance to meet our senators and representatives in Congress. Also, behind the scenes, the national "Big I" continues to review contracts between agencies and the major carriers to assure that our agencies still are independent and maintain their value.

Locally, I have enjoyed networking with the Region 9 Board of Directors, promoting education and fun social outing such as the annual evening with the St. Paul Saints, MN Swarm, MN Wild, dinner cruises on the St. Croix River, and our annual golf outing at Dellwood Country Club.

Since 1981, MIIAB has been the agent on my E&O. Westport and Swiss Re provide excellent coverage and advice if the need arises. In 1997, I completed my CIC designation with help from MIIAB and the National Alliance for Producer Studies. All of my staff participates in the MIIAB education opportunities. MIIAB has been there for all the highlights of my career such as starting my own agency in 1990 and seeing my staff win the MIIAB Agency of the Year award in 2015.

### **Who is/was your biggest influence?**

The University of St. Thomas and its liberal arts education, along with my parents, have always encouraged me to be involved in my community. My new role as MIIAB president gives me a platform to continue that involvement, but more specifically to promote the great industry we work within.

Some of my favorite mentors have come from outside our insurance industry. I remember a speaker from years ago at our annual convention, which was held at Madden's Resort that year. The speaker was "Minnesota Education Association teacher of the year." To this day, I remember a story he told about a student who was put in jail. The young man could make one call. He called the teacher of the year. The teacher's motto was: "no one cares what I know about history or English, until THEY KNOW I CARE ABOUT THEM." This motto has always carried over into my relationships with my customers, and it always will. I hope that I never get a call from one in jail, but the motto and the concern for others is still crucial to what we do as insurance agents. I have been influenced by several other eloquent speakers over the years including the past Chairman of the Big I Mike Donohoe from Mankato, MN. He encouraged agents like me to stay involved in our communities and the association.



### **What in your professional experience as an independent insurance agent has prepared you for being the President of the MN Big 'I'?**

I have developed leadership skills through many avenues: past president of my local church council, past president of MIIAB Region 9, and several years as a board member of the state association all while leading my agency, which was built, from scratch. The best traits that I bring to the position are my concern for all independent agents and my ability to listen to their concerns. I truly believe in leading by example. I am not an eloquent speaker, but I do lead by example.

### **If asked, "Why should I join the Big 'I'" what would your answer be?**

I have been asked this question from time to time. I would say that the dues directly support our efforts on Governmental Affairs in Minnesota and in Washington D.C. The Big I separates agents from their competition with educational opportunities and the Big I gives independent agencies security with access to the best E&O coverage through Westport.

### **What is your advice to Young Agents as they begin their careers in the insurance industry?**

This business gives you many ways to serve. I would tell young agents that they are crucial to the transfer of risk from businesses and families to the insurers. When disaster strikes, they are the ones that help put it all back together. On top of that, the insurance industry can be very lucrative for those that work hard and honestly.

### **What significant changes do you foresee in the industry over the next 5-10 years?**

I hope you will see strong small, medium and large agencies align themselves with insurance carriers that are dedicated to the independent agency system. The movement of business to the carriers dedicated to our distribution system sends a strong message to leaders on the company side of the industry. Strong independent agencies will continue leverage and promote its relationships the customers and the underwriters.

### **How important is it that agents become involved in grassroots political activity?**

I think political activity is very important for agents. We are in a business that is heavily regulated, and independent agents can bring issues to our local leaders that are good for our agencies, our insureds and the companies we represent. Legislative activities can help us maintain and protect the revenue stream to our agencies. Agents work hard to build the revenue, and ultimately it is good for the carriers and the customers that we mutually serve.

#### **Hal E Tiffany, Jr. CIC**

Hal Tiffany Agency, Inc.

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# Diamond Profile



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Kevin Steiner

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West Bend, WI

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*Minnesota Independent Insurance Agents & Brokers Association recognizes West Bend as one of its Diamond Partners. MIIAB Diamond Partners are the highest level of sponsorship to our organization.*



*President & CEO  
Kevin Steiner*

### **West Bend: The Silver Lining®**

The foundation of West Bend's strategy is to create a robust property and casualty product and service portfolio that provides our independent agency partners with a market for a large percentage of the business they write. Around this foundation we wrap outstanding service – The Silver Lining® – and deep agency relationships that enable us to win in the marketplace. Finally, we recognize that our associates are our greatest asset, and the perpetuation of our outstanding culture is critical to our success.

When it comes to understanding commercial risks, we're proud of the broad base of knowledge shared by the underwriters in West Bend's Commercial Lines division. Add to that loss prevention professionals who use a hands-on approach to develop programs tailored to the individual business and property/casualty and workers' compensation claim reps who have the expertise and technology to process claims quickly and efficiently, and you have a quality

commercial insurance product provided with unmatched service and dedication to you and your customers.

Our Personal Lines division focuses on providing our valued customers with the right coverages through our Home and Highway® package policy. Not only does the Home and Highway offer quality coverages, benefits, and discounts, it's serviced by knowledgeable and experienced underwriters, many of whom share long and productive relationships with their agents.

NSI®, West Bend's specialty division, offers insurance programs for market segments or situations that don't meet standard insurers' underwriting guidelines. NSI is a leader in providing innovative programs for specialty lines, such as beauty salons and spas, childcare, YMCAs, and health clubs. In addition, NSI's experienced claim and legal professionals have handled the most difficult claims situations and will do all they can to help protect your customers' valuable businesses.

The professionals at Argent®, West Bend's mono-line workers' compensation division, collaborate with you and your customers to improve workers' compensation performance through innovative and customer-focused loss prevention, medical cost containment, education, and communication. This high-touch, results-oriented approach is custom built to fit each culture and designed to help customers control the cost of insurance.

Our associates drive our culture of service and family at West Bend. It's because of them that we've been honored as a Best Place to Work in Insurance for seven consecutive years by *Business Insurance* and as a Top Workplace by the *Milwaukee Journal Sentinel* for eight years. We're also proud of the many awards acknowledging our community service, financial stability, and support of healthy lifestyles for our associates. All of these make West Bend a better company for our trusted agent partners.



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## CEO Industry Summit at the MIIAB Annual Convention – Diversity in CEO participants and Company Visions

Over the past 10 years, the MIIAB has concentrated on building a strong relationship with the insurance companies doing business in Minnesota with our members. We call it our Power in Partners Program in which members of the MIIAB Executive Committee and Board make annual visits to all of the companies in the top levels of our Partnerships. Over this period of time, we have built outstanding relationships with company CEO's and their executive teams in their home offices to ensure the future of the American Agency System. In our last visits, it was suggested that we put together a CEO panel that discussed the changing environment for the American Agency System and all of those connected to this. This year, we had eight panel members who provided us with their vision of where their company is headed in the next decade.

We hired Peter van Aartrijk, a nationally renowned consultant and co-founder of Chromium, a San Francisco based strategy firm dealing in insurance and the financial services industry. Peter worked with these CEO's to build an agenda that was informative and futuristic in the changes that are going on today and the changes we may face in the future. Here are some of the examples of questions that were posed to our company partners during the panel discussion:

### A. Opening Questions

What's keeping you up at night?

What's keeping you from more success? What's keeping independent agencies from more success?

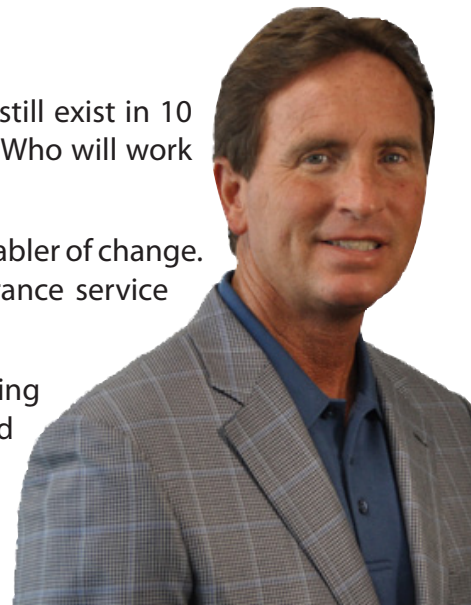
Do you have customer experience projects under way? ("Customer" could be the agent or policyholder – prospective or current.) What are some of the broader lessons you've learned about the insurance industry or the independent agency channel that you can share? Any nuggets?

### B. Disruption of the Marketplace for agents and insurance companies

With all the changes facing the industry, will your company – your brand – still exist in 10 years' time? And if so, what will it look like? What will it do? What will it say? Who will work there?

Agent and consumer needs are evolving. Insuretech is both a disrupter and enabler of change. Where do you see the insurance product headed? Where do you see insurance service headed?

From a MN Big I member: "What have digital insurers such as Lemonade trying to shake up how traditional insurers conduct business. How can insurers and independent agents best compete with companies like this? What can agents do now?"





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### C. The industry as an Employment Brand

A carrier CEO told me the number-one issue facing the insurance industry is the brain-drain of baby boomers leaving full-time work. Agree? What is your company doing about it? (Need examples – can you tell a story of a person you hired – where you found him/her, or they found you? What’s the onboarding been like, the training/education, mentoring, and the career path?)

From a MN Big I member: “What are you doing as a company to close the employment gap that is occurring in our industry?”

From a MN Big I member: “Replenishing our producer force is a major issue in most agencies. Can you give us access to job candidates you screen/interview that don’t fit your company profile? The ones with good sales skills who might be too ‘entrepreneurial’ for your environment?”

It was interesting to have a number of different and unique CEO’s from our distribution system. They provided us with their insight from a national, state, multi-regional, and mono-line insurance company perspective. The feedback that the audience received was very informative, however, they had one commonality and that was how important the independent insurance agents are to all of these distribution systems.

### The MIIAB Board of Directors and members would like to thank the following panel members for taking the time to share their vision on the future of the American Agency System:



**Peter van Aartrijk** (“R-trike,” as in “bike”) is co-founder of Chromium, a San Francisco-based brand strategy firm with a specialty in financial services.



**Pat Callahan**, President Personal Lines, PROGRESSIVE



**Stuart C. Henderson, JD, CPCU** President and Chief Executive Officer of Western National Insurance Group



The Work Comp Experts

**Bob Lund, JD** President and Chief Executive Officer Co-founder, SFM Foundation



**Jeff Mauland** President and CEO of North Star Mutual



**Kevin A. Steiner** President and CEO of West Bend Mutual Insurance Company.



**Jeffery S. Tagsold, CPCU** Chairman & CEO of Auto-Owners Insurance Group



**Jill Wagner Kelly, MBA** is the President of Integrity Mutual Insurance Company based in Appleton, Wisconsin.



**Jason Ward, CPCU** is the Field Vice President of Minnesota, Iowa, Nebraska and North Dakota for AAA – The Auto Club Group, the second largest AAA club in North America.

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# Company Award of Excellence



## Integrity Insurance

The Minnesota Independent Insurance Agents & Brokers (MIIAB) has named Integrity Insurance the 2018 Company Award of Excellence. Integrity's reputation Minnesota for being trustworthy, dependable and great-to-work with company has earned them this honor. The award was presented to Jill Wagner Kelly, Integrity president, at an award ceremony May 16 in Minneapolis.

"It's a tremendous honor to accept this award on behalf of Integrity associates who made this recognition possible," said Integrity President Jill Wagner Kelly. "Our accomplishments are attributed to our meaningful and successful relationships with agents and our investment in innovative solutions to make it easier for them to do business with us. Thank you to our incredible network of independent insurance agents for their partnership in providing superior service to our mutual customers throughout Minnesota."

Daniel Riley, executive vice president of MIIAB, stated "Integrity Insurance is very deserving of this recognition by the members of the MIIAB. Integrity is truly a top tier company representing independent agents throughout Minnesota."

The Company Award of Excellence is presented annually to an insurance carrier and its employees who have shown dedication to the American Agency System and the agencies they represent. Integrity Insurance was chosen for this award by the MIIAB board of directors and member agencies.

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# Company Representative of the Year



## Barry Preslaski, CPCU, CLU Auto-Owners Insurance

The MN Independent Insurance Agents & Brokers would like to congratulate Barry Preslaski from Auto-Owners Insurance on his award, Company Rep of the Year at their annual convention in Minneapolis.

Barry has been a strong advocate for the independent agent and for the association. He has been with Auto-owners for 27 years, and has been in the insurance business for 30. Barry grew up just outside of Green Bay Wisconsin, and yes, is a Green Bay Packer fan. He graduated from Drake University in Des Moines, IA where he was a part of the wrestling team, twice qualifying for Division I Nationals. He has been married to his wife, Victoria for 24 years and they have one son, Kyle who will be graduating from White Bear Lake High School this year and plans to attend the University of St. Thomas in the fall.

Barry would offer the following advice to insurance agents and company representatives, "Focus on taking care of your customers and good things will happen. The insurance business is a people business and the service we provide is what sets the independent agents apart. As our business continues to get more complex and competition continues to increase, we need to identify ways to provide increased value, whether it's additional education, expertise, or enhanced services."

Barry contributes his success to having very good role models and mentors that have helped guide him throughout the years, both personally and professionally. Hard work is also engrained in Barry, having had the experience of growing up on a farm put this in place early on. Working well with others is another attribute that has helped Barry in his success, realizing that working as a team is more successful than working as an individual. When you don't have all the answers, you can trust and rely on your team, and, it's more fun!

Daniel Riley, Executive Vice President of the MIIAB, stated "Barry Preslaski is one of the most professional insurance executives in the country. He cares about his company, his staff, and the agents in Minnesota that represent Auto Owners."

# AGENTS OF *Whatever's next*

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*Robert Bois*

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# Agency of the Year



## The Canopy Group

The Minnesota Independent Insurance Agents & Brokers would like to congratulate The Canopy Group as the 2018 Agency of the Year at their annual convention in Minneapolis.

The Canopy Group opened their office in Le Sueur, MN in 1930. Today, they have an office in Belle Plaine, and Minnetonka with a total of 30 employees. The Canopy Group saw an opportunity in the Minnesota Market where they could meet the needs of consumers by specializing in educating the public on the advantages of using an independent agent to protect them in all their insurance needs.

What makes The Canopy Group successful is their implementation of client focused procedures within their agency that eliminates redundancies, expedites efficiencies and defines expectations. They only hire competent people and are open and honest with them about everything, including the teams' expectations.

The Canopy Group contribute their success to running their agency like a business, making their employees responsible and empowering them. They provide strong role models, abundant resources and cultivate a team that trusts each other and the process. Their people are the reason they have made a place for themselves in the marketplace.

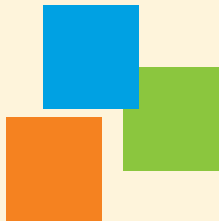
In addition to their excellent team, they make great efforts to monitor the marketplace and the products offered by carriers to better provide their clients with the best resources and products available.

Daniel Riley, Executive Vice President of the MIIAB, stated, "We commend The Canopy Group for promoting the independent agency system throughout social media and other avenues that truly benefit all of the independent agents and company carriers in Minnesota. The association is honored to recognize the Canopy Group as its 2018 Agency of the Year."



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# Agent of the Year



## Daniel J. Scattarella, CPCU Horizon Agency, Inc.

The MN Independent Insurance Agents & Brokers would like to congratulate Dan Scattarella as the Agent of the Year by presenting this award at their annual convention in Minneapolis. Dan Scattarella has been an independent insurance agent for 42 years and was instrumental in forming Horizon Agency, Inc. in 1974. Horizon Agency is located in Eden Prairie, MN.

Scattarella contributes his success as an independent agent to talent of working well with people and trying very hard to meet their expectations. He has built excellent relationships with his underwriters and says he doesn't give up easily! Scattarella stated "My success in the insurance business is due to the professional staff we have at the Horizon Agency. Our agency strives for providing the best possible insurance coverage for our clients through the great companies we represent."

When asked about advice to others in the insurance industry, especially new agents just entering the insurance industry, Scattarella recommends "to network as much as they can, stay focused and never give up trying to put an account together". He also added that "respecting your co-workers and giving your underwriter all the information they need in order to win an account are very important in being successful."

Dan Riley, Executive Vice President of MIIAB, stated "Dan Scattarella is one of the finest independent agents in the country. His expertise in the business is second to none."



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TBG was built for the construction industry, by the construction industry. So it shouldn't surprise you that we've become Minnesota's #1 Self-Insured Construction Work Comp Fund. Working side-by-side with our members, their workers and our trusted independent agents, TBG is stronger than ever. In fact, last year we reached over 1 billion dollars in insured payroll for the third consecutive year. So yeah, we've got a work comp fund that's built to last.



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Members are jointly and severally liable for their proportionate share of obligations for the group and will be assessed on an individual and proportionate share basis for any deficit created by the group. Dividends are not guaranteed.

# Young Agent of the Year



## Jon Diessner Kraus-Anderson Insurance

Minnesota Independent Insurance Agents & Brokers would like to congratulate Jonathon Diessner from Kraus-Anderson Insurance on obtaining the "Young Agent of the Year Award" for 2018 at the MIIAB Annual convention in Minneapolis.

Jonathon Diessner grew up in and around Kraus-Anderson Insurance Agency. Kraus-Anderson, a family owned and operated independent insurance agency located in Burnsville, MN. His father, Dennis Diessner has dedicated his career to Kraus-Anderson and was a great influence on him. After graduating from the University of Colorado in 2007, Jonathon sought his own career at KA.

Jonathon contributes his current success to the people around him. He stated "I've been fortunate to be a part of a team that offers incredible support, education, and mentorship, I wouldn't have made it a week without them."

Advice that Jonathon would give to other emerging leaders would be to let them know what they are doing brings real value to others. He says it's a brutally competitive business, but if you stick with it, invest in your professional development and take a genuine interest in applying your knowledge to help people, you will be very successful over the long term.

In addition to Jonathan's work as a commercial insurance agent, he has helped to establish a branding/marketing position and works with their IT department on software strategy and implementation. Jonathan is married to his wife, Jamie and they have two wonderful daughters, ages 3 & 1.

Daniel Riley, Executive Vice President of MIIAB, stated "Jonathon is one of the future leaders in the insurance industry. He possesses all of the strengths that you would look for in an insurance professional. We are pleased to honor Jonathon as the MIIAB's Young Agent of the Year."



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## PRESIDENT & CHIEF EXECUTIVE OFFICER

Stuart Henderson

## COMPANY HEADQUARTERS

Edina, MN

## A.M. BEST RATING

"A+" Superior

Western National Insurance, headquartered in Edina, is a group of eight active property-and-casualty insurance companies (and one affiliate – Michigan Millers Mutual Insurance Company of Lansing, Mich.) providing personal and commercial coverage in 20 states, plus surety bonds in 32 states, across the Midwestern, Northwestern, and Southwestern U.S. Building quality relationships has been at the core of the company's operations since it was founded in 1901. From its roots as a direct-writing fire insurer for Minnesota's creameries and cheese factories, to its current role as an Independent-Agent-driven super-regional insurer for individuals, families, and businesses, Western National has focused on providing exceptional service to its agency partners, policyholders, and local communities. The company is a proud supporter of the MIIAB.

"At Western National, we believe working with Independent Insurance Agents helps ensure our customers get the best mix of

*Minnesota Independent Insurance Agents & Brokers Association recognizes Western National Insurance Group as one of its Diamond Partners. MIIAB Diamond Partners dedicated the highest level of sponsorship to our organization*



*Western National Insurance Group  
President & CEO, Stuart Henderson*

coverage, expertise, and choice for their insurance needs," said Stuart Henderson, President and Chief Executive Officer. "We're glad to partner exclusively with these trusted professionals, and we look forward to continuing our support of the Independent Insurance Agency system, and associations like the MIIAB, for many years to come."

While Western National is focusing on the future, the Group is also taking time to celebrate its recent successes. In the past year, A.M. Best upgraded Western National's financial strength rating to A+ (Superior); the Group was recognized once again as a Ward Top 50 Benchmark Group of top-performing U.S. property-and-casualty companies (its 12th time in the past 13 years); and the Group received a Wellness by Design award from Hennepin County for excellence in worksite wellness. In addition to these accolades, a strong business plan and the continued hard work of employees and agency partners resulted in growth of the Group's

policyholder surplus to \$460 million and its assets to over \$1 billion.

For 2018, Western National remains focused on providing a uniquely exceptional experience for its customers, as well as achieving profitable premium growth. The company continues to develop its online systems (such as the *AgentsOnline* agency portal and *MyAccount* policyholder portal) based on user feedback, ultimately making it easier for agency partners to write business and for policyholders to access their policy information. In addition, the company recently rolled out a new TV and radio advertising campaign to further build positive brand awareness and support the mutual growth of the company and its agency partners. Combined with the company's ongoing commitment to individual-risk underwriting and to prompt-and-fair claims service, these efforts have Western National on track to continue building on its successes in 2018 and beyond.

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# The Value of Consistency: Establishing and Teaching Standard Operating Procedures

by Kristina Miller

Whether you own or are involved in the management of an insurance agency, there are two actions an agency can take to help avoid or mitigate a claim. An agency should implement standard operating procedures ("SOPs") for all of its employees to follow. Giving employees a clear direction of what actions should be taken – or not taken – in certain situations is essential. However, having SOPs in place is not enough. An agency should properly train all of its employees on its SOPs. Establishing SOPs and training employees on the SOPs go hand in hand. Without proper training, SOPs can be worthless.

Some examples of claims that could have been avoided if the agency had established SOPs and properly trained its employees include:

## **1. Relaxing procedures when procuring coverage for a long-time client.**

A customer of the insurance agency had developed a good business relationship with the agency's CSR over many years. As an investor in real estate, the client would purchase new homes. The CSR verbally agreed to procure coverage for any new home. After the closing, the client would contact the agency CSR to advise the agency about the newly acquired property. Because of their longstanding business relationship, the CSR would not require the client to complete or sign any applications regarding coverages for each property. The CSR abruptly left the agency and failed to procure coverage for 3 of the client's newly acquired homes. The homes were damaged by Hurricane Irma. It was not until after Hurricane Irma did the client and the agency realize that the CSR failed to procure the coverage as requested. As a result of the uninsured losses to his homes, the client filed an E&O lawsuit against the agency.

## **2. Responding to a client's text inquiry regarding insurance coverage.**

In the frenzy prior to Hurricane Irma making landfall, an agency employee receives a text from a concerned client regarding coverages under its insurance policy. The agency's employee was out of the office, so she did not have the opportunity to look at all of the agency's documentation to thoroughly investigate the client's inquiry. The agency's employee wanted to alleviate the client's concerns because of the impending storm and incorrectly advised the client that the policy would provide coverage for wind damage to the client's home. It was only after the client's claim was denied did the agency's employee realize she had provided its client with erroneous coverage information.

## **3. Failing to have a system in place to follow up on requested coverages.**

Within a few months, the unthinkable happened to one agency: one manager unexpectedly left and another manager became seriously ill. The agency tried to operate as best as it could, however, the amount of work was overwhelming and things were "missed." One client had purchased a new vehicle and contacted the agency to add the vehicle to his policy. The agency had submitted an Auto Policy Change Request, but the carrier required additional information and did not accept the Request. The agency was unable to follow up on its Request in a timely manner due to the lack of manpower. The client's new vehicle was involved in a loss. After the carrier denied coverage for the loss, the client made an E&O claim against the agency.

In all of the above examples, if the agency had taken steps to establish SOPs and properly train its employees, a claim could have probably been avoided. It's important for an agency to remember that it should continually consider whether its SOPs should be modified as new situations and new exposures arise.

---

**Kristina Miller** is an Assistant Vice Presidents and Claims Specialists with Swiss Re Corporate Solutions and work out of the Chicago office. Insurance products underwritten by Westport Insurance Corporation, Overland Park, Kansas, a member of Swiss Re Corporate Solutions.



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# E&O Q&A

By Mary LaPorte, CPCU, CIC, LIC, CPIA

## Agent's questions about Errors and Omissions, and how E&O losses can be prevented.

**Q:** I just attended an E&O class and heard some horror stories about what happens when there is no insurable interest on a vehicle listed on a policy. In our personal lines department, we usually do nothing to verify who owns the vehicle. We have always assumed that if the insured is adding it to the policy, that it belongs to them. Should we be requiring the customer to show us the title? How can we best protect our customer, and prevent E&O from this happening?  
**Keri, Alabama**

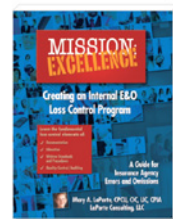
**A:** Keri, this situation is common in both personal and commercial lines, and it can become a serious problem in the event of a loss.

On the personal lines side, we are tempted to assume that vehicles added to the policy are owned by the insured, or their spouse. In truth, many times the vehicle could be owned by one of the children or another relative. Households today are less traditional, and often include parties that are not related to the insured. Sometimes the customer may add a vehicle to the policy which is owned by someone else who lives in the household, or even a friend or relative not living in the household. This is particularly a tempting solution for insuring a vehicle owned by someone who may have a driving record problem and cannot obtain or afford insurance in their name. At the time of a claim, when the carrier discovers that the vehicle was not owned by the named insured (or spouse), the coverage could be voided back to its inception. This leaves your customer without coverage for the loss.

Another temptation is to add a commercially owned vehicle to the personal auto policy of the business owner. On the flip-side, business owners sometimes try to add their personally owned vehicles to their business auto policy. The personal auto policy is not designed to cover commercially owned vehicles, nor is a commercial policy appropriate for personal owned vehicles. Once again there would be no coverage. The only exception would be when the carrier is willing to endorse the policy adding the other party as titleholder of the vehicle.

What is the best practice solution? Always ask for the name of the titleholder when writing new auto policies, or when adding vehicles to an existing policy, whether on a personal or commercial auto policy. Some agencies require that the insured provide a copy of the title or registration. Since this might be viewed as less customer friendly, management may decide against that step. However, it might still be advisable to require a copy of the title when it makes good underwriting sense to do so. Examples would be when adding more vehicles than there are drivers in the household or when the agency is aware of other drivers in the household who supposedly have their own insurance. Your agency's written procedures should provide guidelines for those situations.

Having good practices to verify ownership of vehicles will better protect the insured, support underwriting, and minimize the agency's E&O exposure.



See Mary's new book: "**Mission: EXCELLENCE – Creating an Internal E&O Loss Control Program**"

For more information, go to Mary's website at [www.lpinsuranceconsult.com](http://www.lpinsuranceconsult.com)

*Mary LaPorte is a consultant and educator with a strong background in Errors & Omissions loss prevention. Forward your E&O questions to [marylp@lpinsuranceconsult.com](mailto:marylp@lpinsuranceconsult.com)  
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# Diamond Profile



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# Capitol

## Notes



THE LEGISLATIVE AND POLITICAL NEWSLETTER OF THE  
MN INDEPENDENT INSURANCE AGENTS & BROKERS ASSOCIATION

## 2018 MIIAB Minnesota Legislative Session Report

Governor Mark Dayton's vetoes of this year's major tax and spending bills will mark this legislative session as one of least productive in many years. The Republican controlled legislature put together a very important tax conformity bill and a relatively modest supplemental budget bill totaling \$131 million in new state spending. However, they did so without the usual face-to-face private meetings with the governor that has been the norm during the waning days of the legislative session. In lieu of these high stakes meetings, Dayton consistently expressed his rejection of major provisions in these bills and probable vetoes through correspondence to legislators.

Passing these two major bills without "compromise" (a word that seems to be lost in our current political discourse) shouldn't surprise anyone who was paying attention to the Governor and the MN Legislature. Their vows of bipartisan cooperation dwindled almost immediately once the session began.

### TAX CONFORMITY

The veto of the tax bill could mean a chaotic 2018 tax filing season. Minnesota state income taxes are currently based upon federal taxable income which, due to federal tax changes enacted in December, will no longer include several deductions used by Minnesotans. Without a "conforming" tax bill, tax accountants and filers would have use revenue rules in place before the major tax law passed by Congress. Without an updating of our tax codes, about 300,000 Minnesotans will face increased state taxes. This is the outcome that nearly all legislators and the governor vowed to avoid at the beginning of the session.

Some of the "conformity" was accomplished through tax rate reductions in Minnesota income tax brackets. The governor felt that the tax reductions for businesses and corporations in the bill he received were too great compared to tax reductions for lower and middle-income individuals. Last year remains in everyone's mind when Dayton signed into law a tax bill that contained objectionable provisions that he probably still regrets. It was very clear that he would not do that again.

### SUPPLEMENTAL BUDGET BILL

The budget bill's bulky 985 pages was a problem for Dayton. The bill contained numerous policy proposals that had no impact on the budget. Some of these were bipartisan agreements but many were policy proposals not acceptable to the governor. Dayton provided to legislators a 19-page letter with a list of his objections days before its passage. Legislative leaders addressed some of his concerns but not enough to gain Dayton's signature. The governor was particularly upset that the legislature did not send him stand-alone bills where agreement existed but instead put everything into the budget bill in an attempt to force his signature.

The legislature also passed a significant bonding bill for building and road construction projects. An overdue reform of the state's pension programs was also sent to the governor. He is likely to sign both.

*CAPITOL NOTES continued on page 43*

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*Janet Phillips*  
Janet Phillips, CIC  
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### **DISTRACTED DRIVING AND BOAT LIABILITY**

Two issues of interest to the MIIA that received a great deal of public attention failed to make it to a floor vote in either the House or Senate. A prohibition on hand-held cell phone use while driving that was supported by the MIIA had considerable bipartisan support but was kept off the floor by legislative leaders. Why this occurred is still unclear. A related proposal to merely increase the penalties for driving while texting was contained in the budget bill that was vetoed by the governor and therefore will not become law.

Another highly visible issue relating to eliminating family member exclusions from liability under boat and umbrellas policies also failed to make it to a floor vote. The MIIA joined the PC industry in opposing this bill brought to the capitol by a young woman who lost a foot in a boating incident.

### **RESIDENTIAL CONTRACTOR REBATES**

Under a new law, residential contractors will be required to provide notification to an insured that they are prohibited from paying, either directly or through a rebate, all or part of an insured's deductible. This notice must be included in the contractor's initial estimate. A property casualty insurer or adjuster must also provide this notification in their estimates relating to coverage of a claim.

### **SENIOR FINANCIAL PROTECTION**

This proposal represents an agreement between the Department of Commerce and the financial services industry to create protections for seniors and vulnerable adults that has been three years in the making. The new law applies only to a broker dealer or investment advisor and authorizes them to notify the commissioner of commerce if they reasonably believe that financial exploitation of an eligible adult will or has occurred. A broker dealer may also delay or stop a transaction not to exceed 15 days after notification to the commerce department if financial exploitation is suspected. Most importantly, the act provides immunity from civil or administrative liability to a broker dealer or investment advisor who discloses information to a government agency, authorized third party, or a court.

### **HEALTH CARE**

A new law will exempt up to \$25,000 in a health savings or medical savings account from attachment, or garnishment from creditors. Other health related proposals enacted this session include a new requirement that primary health care providers post their charges and average reimbursement rate for their 25 most provided services. The posting must include their charges for cash paying patients, reimbursements under Medicare and Medicaid and the average payment they receive from health plans. Within 10 days of a request, the provider must provide a patient with a good faith estimate of payments that the patient will be required to pay. Disclosure must include any applicable facility fee.

The legislature established a process for patients and physicians to override health plans' or pharmacy benefit managers' prescription restrictions commonly referred to as step therapy. A step therapy override request must be addressed within 5 days of submission. If the health plan fails to respond within the time limits the request is granted.



**Dominic Sposeto**  
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## Remarkable Habits of Mentally Strong People

Despite West Point Military Academy's rigorous selection process, one in five students drop out by graduation day. A sizeable number leave the summer before freshman year, when cadets go through a rigorous program called "Beast." Beast consists of extreme physical, mental, and social challenges that are designed to test candidates' perseverance.

University of Pennsylvania psychologist Angela Duckworth conducted a study in which she sought to determine which cadets would make it through the Beast program. The rigorous interviews and testing that cadets went through to get into West Point in the first place told Angela that IQ and talent weren't the deciding factors.

So, Angela developed her own test to determine which cadets had the mental strength to conquer the Beast. She called it the "Grit Scale," and it was a highly accurate predictor of cadet success. The Grit Scale measures mental strength, which is that unique combination of passion, tenacity, and stamina that enables you to stick with your goals until they become a reality.

To increase your mental strength, you simply need to change your outlook. When hard times hit, people with mental strength suffer just as much as everyone else. The difference is that they understand that life's challenging moments offer valuable lessons. In the end, it's these tough lessons that build the strength you need to succeed.

Developing mental strength is all about habitually doing the things that no one else is willing to do. If you aren't doing the following things on a regular basis, you should be, for these are the habits that mentally strong people rely on to Be Remarkable!

### **You have to fight when you already feel defeated**

A reporter once asked Muhammad Ali how many sit-ups he does every day. He responded, "I don't count my sit-ups, I only start counting when it starts hurting, when I feel pain, cause that's when it really matters." The same applies to success in the workplace. You always have two choices when things begin to get tough: you can either overcome an obstacle and grow or let it beat you. We are creatures of habit. If you quit when things get tough, it gets that much easier to quit the next time. On the other hand, if you force yourself to push through a challenge, the strength begins to grow in you.

### **You have to delay gratification**

There was a famous Stanford experiment in which an administrator left a child in a room with a marshmallow for 15 minutes. Before leaving, the experimenter told the child that she was welcome to eat it, but if she waited until he returned without eating it, she would get a second marshmallow. The children that were able to wait until the experimenter returned experienced better outcomes in life, including higher SAT scores, greater career success, and even lower body mass indexes. The point is that delay of gratification and patience are essential to success. People with mental strength know that results only materialize when you put in the time and forego instant gratification.

### **You have to make mistakes and try again — without even flinching**

In a recent study at the College of William and Mary, researchers interviewed over 800 entrepreneurs and found that the most successful among them tend to have two critical things in common: they're terrible at imagining failure and they tend not to care what other people think of them. In other words, the most successful entrepreneurs put no time or energy into stressing about their failures as they see failure as a small and necessary step in the process of reaching their goals.

*continued on page 51*



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### **You have to keep your emotions in check**

Negative emotions challenge your mental strength every step of the way. While it's impossible not to feel your emotions, it's completely under your power to manage them effectively and to keep yourself in control of them. When you let your emotions overtake your ability to think clearly, it's easy to lose your resolve. A bad mood can make you lash out or stray from your chosen direction just as easily as a good mood can make you overconfident and impulsive.

### **You have to make the calls you're afraid to make**

Sometimes we have to do things we don't want to do because we know they're for the best in the long-run: fire someone, cold-call a stranger, pull an all-nighter to get a client's renewal prepared, or scrap a project and start over. It's easy to let the looming challenge paralyze you, but the most successful people know that in these moments, the best thing they can do is to get started right away. Every moment spent dreading the task subtracts time and energy from actually getting it done. People that learn to habitually make the tough calls stand out like flamingos in a flock of seagulls.

### **You have to trust your gut**

There's a fine line between trusting your gut and being impulsive. Trusting your gut is a matter of looking at decisions from every possible angle, and when the facts don't present a clear alternative, you believe in your ability to make the right decision; you go with what looks and feels right.

### **You have to lead when no one else follows**

It's easy to set a direction and to believe in yourself when you have support, but the true test of strength is how well you maintain your resolve when nobody else believes in what you're doing. People with mental strength believe in themselves no matter what, and they stay the course until they win people over to their ways of thinking.

### **You have to focus on the details even if it makes your mind numb**

Nothing tests your mental strength like mind-numbing details, especially when you're tired. The more people with mental strength are challenged, the more they dig in and welcome that challenge, and numbers and details are no exception to this.

### **You have to be kind to people who are rude to you**

When people treat you poorly, it's tempting to stoop to their level and return the favor. People with mental strength don't allow others to walk all over them, but that doesn't mean they're rude to them, either. Instead, they treat rude and cruel people with the same kindness they extend to everyone else, because they don't allow another person's negativity (SNIOP) to bring them down.

### **You have to be accountable for your actions, no matter what**

People are far more likely to remember how you dealt with a problem than they are to recall how you created it in the first place. By holding yourself accountable, even when making excuses is an option, you show that you care about results more than your image or ego.

### **Bringing it All Together**

Mental strength is as rare as it is important. The good news is that any of us can get stronger with a little extra focus and effort. A wise person once suggested to me that when you find yourself in hell, just keep on going.

The "Princess" also has suggested that to stay mentally strong a vacation every six months is also necessary.

How can you argue with that!

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# 2018 MIIAB CIC Program Schedule



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## Please select Seminar date

- ~~2/7-2/8/18 Plymouth \*Ruble Graduate Seminar Full~~
- ~~3/7-3/9/18 Maple Grove Agency Management Full~~
- 4/4 - 4/6/18 **Maple Grove** Personal Lines
- 5/2 - 5/4/18 **Maple Grove** Life & Health
- 6/13 - 6/14/18 **Isle** \*Ruble Graduate Seminar
- 8/1 - 8/3/18 **Maple Grove** Commercial Casualty
- 9/10 - 9/11/18 **Maple Grove** \*Ruble Graduate Seminar I
- 9/12 - 9/13/18 **Maple Grove** \*Ruble Graduate Seminar II
- 10/10 - 10/12/18 **Maple Grove** Commercial Property
- 11/7- 11/9/18 **Maple Grove** Commercial Multiline

\* Must be a dues paid member of CISR, CIC, CRM or CSRM to attend a Ruble Graduate Seminar. CE Credit is available for MN and all bordering states, if you are licensed in a different state and registering less than 40 days from the program, please contact National Alliance to determine if CE is available. 1-800-633-2165

Dates and locations are subject to change. Before making any travel arrangements, call to verify the dates, location, start time and availability when registering for a program.

All courses begin Wednesdays at 8:00 a.m. until 5:15p.m., Thursdays from 8:00 a.m. until 5:00 p.m., and Fridays from 8:00 a.m. to 12:00 p.m.  
Optional Exam: **Friday** 2:00 p.m. to 4:00 p.m.

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Cost	Seminar
<b>\$450.00</b>	CIC Institutes (20 Hours)
<b>\$430.00</b>	Ruble Graduate Seminar (16 Hours)

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# 2018 MIIAB CISR Program Schedule



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Please select Seminar date - These courses have been approved by the MN Commissioner of Commerce for 7 hours of Insurance continuing education

- 1/4/18 - Maple Grove Elements of Risk Management
- 1/10/18 - Shoreview Commercial Casualty I
- 1/18/18 - St. Cloud Commercial Property
- 2/1/18 - Maple Grove Agency Operations
- 2/15/18 - Rochester Agency Operations
- 3/1/18 - Maple Grove Personal Lines Miscellaneous
- 3/20/18 - Lake Elmo Personal Lines Miscellaneous
- 3/22/18 - St. Cloud WTH - Commercial Multi Lines
- 3/28/18 - Mankato Commercial Casualty I
- 4/10/18 - Maple Grove Personal Residential
- 4/12/18 - Duluth Personal Lines Miscellaneous
- 4/17/18 - Willmar Elements of Risk Management
- 5/1/18 - Maple Grove Life & Health Essentials
- 5/23/18 - Baxter Personal Lines Miscellaneous
- 5/24/18 - Shoreview Personal Auto
- 6/5/18 - Maple Grove Dynamics of Service
- 6/6/18 - Grand Rapids Personal Auto
- 6/7/18 - Moorhead Personal Auto
- 6/19/18 - Rochester Elements of Risk Management
- 7/10/18 - Bemidji Commercial Casualty II
- 7/12/18 - Edina WTH - Personal Lines
- 7/17/18 - Duluth Commercial Property
- 8/8/18 - St. Cloud Commercial Casualty I
- 8/9/18 - Alexandria Elements of Risk Management
- 8/16/18 - Shoreview Dynamics of Service
- 8/21/18 - Maple Grove Commercial Casualty I
- 9/6/18 - Duluth Commercial Casualty II
- 9/19/18 - Mankato Elements of Risk Management
- 9/25/18 - Edina Personal Auto
- 10/4/18 - Maple Grove Commercial Property
- 10/9/18 - St. Cloud Personal Residential
- 10/17/18 - Rochester Personal Residential
- 10/23/18 - Shoreview Commercial Property
- 11/13/18 - Edina Commercial Casualty II
- 11/14/18 - St. Paul Personal Residential

Dynamics of Service and William T. Hold Seminars are good for CE and updating your designation, not for achieving your designation.

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Cost	Seminar	Time
\$170.00	CISR Seminar	8:00am-3:45pm Test: 4:15-5:15pm
\$180.00	William T. Hold Seminar (WTH)	8:00am-4:00pm
\$170.00	Dynamics of Service	8:00am-4:00pm

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2-7	2	ACTIVE AGENCY PRINCIPAL, OWNER, PARTNER OR OFFICER	ONE PRODUCER OR CSR
8-20	4	ACTIVE AGENCY PRINCIPAL, OWNER, PARTNER, OFFICER <b>AND</b> ONE ACTIVE AGENCY PRINCIPAL, OWNER, PARTNER, OFFICER, OPERATIONS MANAGER OR PRODUCER	TWO PRODUCER'S OR CSR'S
21-50	6	ACTIVE AGENCY PRINCIPAL, OWNER, PARTNER, OFFICER <b>AND</b> ONE ACTIVE AGENCY PRINCIPAL, OWNER, PARTNER, OFFICER, OPERATIONS MANAGER OR PRODUCER <b>AND</b> ONE CSR	THREE PRODUCER'S OR CSR'S
51+	10	ACTIVE AGENCY PRINCIPAL, OWNER, PARTNER, OFFICER <b>AND</b> TWO ACTIVE AGENCY PRINCIPAL'S, OWNER'S, PARTNER'S, OFFICER'S, OPERATIONS MANAGER'S OR PRODUCER'S <b>AND</b> TWO CSR'S	FIVE PRODUCER'S OR CSR'S

### E&O: Road Map to Policy Analysis

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- 4/25/18 - Fergus Falls** 8:30am-3:30pm  
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- 5/1/18 - Edina** 8:30am-3:30pm  
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- 6/26/18 - Morton** 8:30am-3:30pm  
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### Commercial Liability Coverage Gaps and How To Fill Them

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- 9/20/18 - Duluth** 8:30am-3:30pm  
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218.722.1202
- 11/27/18 - St. Cloud** 8:30am-3:30pm  
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Continental Western Group  
Erickson-Larsen, Inc.  
Excelsior Insurance Brokerage  
Great Northwest Insurance Company

ICC Restoration & Cleaning Services  
ICW Group Insurance Companies  
IFC National Marketing, Inc.  
Mackinaw Administrators  
Midwest Family Mutual  
MN Workers Comp Insurers Association  
Motorists Insurance Group  
Personal Property Solutions  
Philadelphia Insurance Companies  
Prime Insurance Company  
R-T Specialty, LLC.

Safeco Insurance  
Safelite Auto Glass  
ServiceMaster & Superior Construction  
State Auto Companies  
The Hanover Insurance Group  
Tomsche, Sonnensyn & Tomsche, PA  
Travelers Companies, Inc.  
United Fire Group  
Universal Property & Casualty  
Westfield Insurance  
Workers Compensation Specialist