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# Winter 2018

# The Minnesota News

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## Striving to Give Agents a Competitive Advantage

MIIAB is one of the only state insurance agent associations that meets with our partners on the "company-side" of our business on an annual basis. We have discussed issues of mutual concern such as finding good young talent, perpetuation, privatization of flood insurance, new coverages, regulations, mergers and consolidations among agencies and companies, etc. I thank the companies for inviting the MIIAB directors and staff into their offices and sharing information and ideas. MIIAB has formalized this relationship between the insurers and the association. We call it the Power in Partners program. MIIAB provides access to the agency force through publications, social events and our annual convention. In return, the insurance companies provide funding.

Even more importantly, our association receives input and funding from agencies through membership dues. Our Executive Board has heard your concerns this year on such issues as "Price Optimization," company mergers, and proper notification of changes in commission schedules. Agents can trust that MIIAB is reviewing these concerns with the insurers.

Nationally, the Big I makes it perfectly clear: your local, state and national board members and state executives along with their staffs should always strive to give agents a **competitive advantage**. This gets complicated when the needs of agents seem to conflict with the practices of the insurers.

A good example is a proposed bill in several states beginning with Massachusetts House File No. 3682. This law would require all insurers quoting private passenger auto to verify driving history (through a reliable third-party database) before providing a quote or accepting a down payment. Basically, this law or something similar (such as adding insurance scoring to the wording) makes it illegal to conduct a "bait-and-switch" approach to marketing personal auto policies.

As of today, the bait-and-switch is legal in MN and most states. It is legal but not ethical. Do insurers favor such a bill in our state? Through our Power in Partners meeting, I found that many do, along with enforcing the current laws that prohibit "price optimization or predatory pricing." One executive commented that the legislature should not be concerned with costing his company or his competitors \$5 to \$10 per quote for reports when they are paying \$25 to \$75 per click on an Internet browser side panel or on paid Internet advertisement.

Good, hardworking agents favor it as well. One agency owner from southern MN said he pays about \$5,000 per month for reports so his staff can provide accurate quotes before asking for payment information. He went on to tell me that once he loses business to an Internet sale or a captive agent on a toll-free number, the deal is basically done. Once the revised premium is applied to a credit card or bank account, the honest agency is now an outsider, and the insurer that used a bait-and-switch is the incumbent.



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Agencies can document the use this practice of over the last 10 to 15 years. Here is how it works:

- An agent gets a referral from a good client. The agent goes to an agent portal to quote and procure coverage.
- The agent gives the prospect a very accurate quote by ordering three reports...motor vehicle record (MVR), loss history, and an insurance score. With some carriers, the cost of the reports will be deducted from the agency commission statement at the end of the month.
- The agent carefully and professionally explains the coverage and the cost to the prospect.
- The prospect then might say it is unaffordable and he or she must call other agents or companies.
- The prospect calls until mysteriously he or she finds a quote for substantially less, typically \$100 less per month. Naturally, the consumer then provides payment information such as a credit card number and expiration date. The insurer agrees to send proof of insurance as soon as possible. End of conversation.
- Now the insurer and its agent order the reports and issues coverage with the correct rate.
- The premium now applied to the credit card is now actually the same or higher than the quote from the local insurance agent.
- For the customer, who might not realize the discrepancy from the quote to the policy until he or she gets a credit card bill, I can only guess that it is not worth the time or the frustration to reverse the charge to get the same or better from a local agent.

A statute like Massachusetts House File No. 3682 might not fulfill our mission of giving agents a **competitive advantage**, but it could give our members a level playing field. That is all you need to win. You have the talent, training, systems, markets and, most importantly, the determination to succeed!

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## Eleven Years of Visiting our Insurance Company Partners

We just concluded our eleventh year of personally visiting all our insurance company partners who do business with our members. Over the course of a decade, things have changed such as, for years, we would have a formal agenda to discuss and now, these company executives want to meet with us to have an open dialogue on all sorts of issues facing their company and their contracted independent agents. In fact, they are very excited about the fact that we have kept up these annual visits that now, we have strengthened these already great relationships with the leadership of our partners. We are now building upon a sound insurance climate in Minnesota.

I've listed below, the companies that we have visited over the past 90 days and the topics that come up at every meeting are agency perpetuation and mergers/acquisitions, hiring of new employees for the entire insurance industry, and providing sales training and sales management for the new producers that come into our industry. Although the agency force has changed over the last several years, the number of members in the MIIAB has remained constant. With the support of our company partners at the Diamond and Platinum levels, we now provide 60 scholarships for new producers that are recommended by our partners. This is our second year in promoting the National Alliance program "Dynamics of Selling" with an additional "Dynamics of Sales Management" component in 2019. We have scheduled this three-day program for February 19-21, 2019. If you have a new producer with a Diamond or Platinum member partnership, you might want to see if they would provide you with a scholarship.

Companies Visited: ePay Policy, Westfield, West Bend, Liberty Mutual/Safeco, Auto-Owners, Accident Fund, Austin Mutual/Main Street, Western National, North Star Mutual, Integrity Insurance, Secura, Acuity, SFM, Grinnell Mutual, IMT, EMC, Badger Mutual Insurance Company, Arlington/Roe.

Thank you to our Diamond and Platinum Level Partners below for their support of this program:

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# Buying, selling, and merging an agency - What should you do?

By **Ronald Kettner**, CPCU and  
**Richard F. Lund**, J.D., Vice President, Senior Underwriter, Swiss Re\*

One of the biggest decisions of your professional insurance carrier comes when you decide to either sell the agency you've worked long and hard to create, or to buy another agency that someone else has worked long and hard to create. You've met with the owners of the agency, you've looked at the book of business, you've agreed on a price, hopefully you've contacted your attorney to help you draft the buy/sell agreement, and you're a few short days away from closing the deal when suddenly someone asks: what about the E & O coverage? Who's doing what? Are you going to pick up the prior acts or am I? Can we just transfer the E&O policy to the new owners? What kind of losses have you had? All of these questions should be asked at the beginning of the talks regarding the sale/purchase, but unfortunately they usually aren't discussed until the last minute and they can have a big impact on the deal.

Think about this, when you buy a new car or are selling your current one, one of the first things you should do is contact your insurance provider. It's no different when you are buying or selling an insurance agency. It also applies when you are only buying or selling a book of business. In most, if not all cases, your E&O policy states that you must notify your E&O provider within 90 days of a merger or acquisition (check your policy for verification of the time limits.) Failure to notify your carrier in a timely manner could result in a gap in coverage.

So let's go through the steps you should follow when you are making a life and business changing decision regarding your agency.

## Buying an agency

You've been talking with a fellow agent about buying their agency for some time and now you've both decided that the time is right. There are many details to consider and the first of which is to do your due diligence to review the other agencies operations, book of business, finances and E&O Policy. At this point it is advisable to retain an attorney to help you through the process. Remember, an attorney can only represent one party, not both. You and the seller should each seek separate counsel. It is a good idea to have a confidentiality agreement with the seller so that you can freely review all of the documents necessary to begin the change of ownership. After you have completed your due diligence and you and the seller are comfortable with all aspects of the agency, the attorney's will draft the buy/sell agreement. Included will be such things as the timing of the sale, the assets to be transferred, the price, and of particular importance is who is responsible for the liabilities of the selling agency. The cleanest way to do this is for each party to retain their own liabilities. In regard to the seller's E&O policy, they will purchase tail coverage and the buyer will add the new agency's book of business to their current E&O policy.

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The reason this is the cleanest way to make the change, is because the seller will have the peace of mind of knowing that should a claim arise after the sale for acts while they owned the agency, their E&O policy will provide coverage for them. For the buyer, they know that they will not be responsible for any acts that may have occurred prior to the purchase of the agency. This is true whether or not the selling agency will continue as a separate entity or location for the buying agency. In most cases, even if the buyer maintains the new agency as a separate entity or location, it can be included on their current E&O policy for errors and omissions that are made after the sale.

Another option, while not the best way to transfer the ownership, is for the purchasing agency to agree to accept responsibility for prior acts. This is accomplished by adding the selling agency to the buying agency's E&O Policy. However, please remember that this must be approved by the E&O carrier before the sale is completed. It is imperative that you contact your E&O agent as soon as you begin the buy/sell process. You will be required to provide a loss history of the seller, and the carrier may require an application providing information about the mix of business, gross annual premium, commissions, staff, etc. In some cases the carrier may not agree to provide prior acts due to claims history, nature of the book of business, etc. In that case the seller should purchase tail coverage from their current E&O carrier.

One thing to keep in mind is that the cost of tail coverage or additional premium expense if the prior acts are provided by the buyer can, and should, be considered in determining the sale price of the agency.

## **Selling an agency**

As a seller of an agency, you may feel that it is important to maintain your agency's legacy. If this is important to you, be sure to discuss this with your attorney so that it is properly addressed in the agreement. If you have valued employees that you wish to provide for, you should include how they will be taken care of in the agreement. This may be a source of negotiation as the buyer may not wish to add any permanent staff, so make sure this is brought up in your discussions with the buyer.

An important aspect that was mentioned previously is protection for you if a claim should arise after the sale. As stated before, the best way to ensure this is to purchase tail coverage from your current E&O carrier. While you may not want to add the expense of tail coverage and you believe you are protected because of your agreement with the buyer that they will provide coverage for prior acts and will maintain an E&O policy, you have no guarantees that it will be done. It is not unheard of after an agency sale for the buying agency to either go out of business, sell their agency to another party who will not agree to provide prior acts, or have their E&O policy terminate either voluntarily or involuntarily. In each of these cases you could be left without coverage.

Another thing to consider should your agency be added as an additional insured on the buyers' policy is that any claims, whether they are for your agency or the buyer's agency, will be subject to the policy limit of the buyers' policy, regardless of whether there are multiple claims as a result of either agency. In other words, are you comfortable that the policy limits of the buyers E&O policy are sufficient to cover both your and their claims? Also, it should be made clear who will be responsible for any deductible payment.

## **Mergers**

If you are merging with another agency to either form a new agency or be a continuation of one of the two, there are a couple of different ways to handle this in regard to your E&O coverage. One way is to have a new E&O policy for the newly created entity. This ensures a clean slate for all involved. If a new policy is created, each of the former agencies can purchase tail coverage or they can be added as additional insureds on the new entity policy. Again, keep in mind that any claims will be subject to the limits of the

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remaining policy and remember that this must be approved by the E&O provider prior to the completion of the agreement to ensure that the carrier can comply with your wishes. Another way to handle a merger is to terminate one policy and have that agency added as an additional insured to the policy of the “surviving” agency. The agency that is terminating their policy can either purchase tail coverage or be added as an additional insured upon approval by the E&O provider.

## Internal sale

Many times an owner has a key agency employee who they believe is qualified to take over the agency. Everything that has been stated before applies just the same in these situations. There should be due diligence by both parties, attorneys should be retained, agreements drafted and entered into, and all other aspects of the change of ownership should be carefully contemplated and resolved.

## Transfer of a book of business

Remember that even if all you are doing is transferring a book of business, either as a buyer or a seller, all of the things mentioned previously apply. While you might think that a transfer of only a small book of business should be uncomplicated, as soon as a claim is made it can become very complicated.

## Key points to remember

1. Consult your attorney and have a formal written agreement outlining the duties and responsibilities of all of the parties.
2. Contact your E&O provider as soon as you can to ensure that coverage can be provided as you intend and that there are no gaps in coverage.
3. Giving timely notice to your E&O provider is of utmost importance as many carriers may be unable to comply with your intent after the transaction has already been completed.

You spent your professional insurance career building a business that has provided you with a livelihood and personal fulfillment. If you are either growing or selling your agency, you want the peace of mind of knowing that you have adequately protected yourself.

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## CAUTIONARY NOTE ABOUT CYBER INSURANCE

**By Rolf E. Sonnesyn and Jessica C. Richardson,**  
*Attorneys at Law, Tomsche Sonnesyn, and Tomsche, P.A.*

Cyber insurance is in the vanguard of insurance. It is similar to the status of employment practice liability insurance about twenty years ago.

It is good business to offer cyber insurance to your commercial insurance customers. But there is a caveat: the forms are changing. There are about 300 forms in the market now. Be careful about making a representation of expertise. It is important to know the cyber insurance product you are offering to your commercial insurance customer. For example, one can buy a cyber insurance endorsement or a stand-alone policy. As a general rule, most brokers view a stand-alone policy as preferable, but you do have to know the insurance product you are offering your insured.

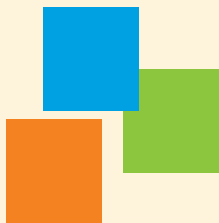
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# Employers Use Fun to Fight Turnover

## *It's Serious Business!*

**By Gregory P. Smith**

Everyone has had a bad hair day, but how about a bad tie, bad hat or bad shoe day? More and more companies are putting together contests on the ugliest dressed. Another company sponsors an annual turkey bowl Employees go out on the loading dock, take a frozen turkey and try to knock down as many empty wine bottles as possible. This is not evidence of companies gone nuts, but tactics used to ward off a serious business problem.

The biggest problem facing business today is how to keep and motivate workers. The other problem slapping them in the face is high turnover. Today's mobile employees jump ship for as little as a \$1.00/hr. raise...unless something keeps them. That something may equate to a fun, flexible workplace that gives them more freedom and responsibility. Wouldn't it be great if you enjoyed going to work? What if your supervisors showed appreciation for what you did?

A company experiencing high turnover has a serious financial problem. It costs anywhere from \$4,000-\$15,000 to recruit, hire and train a new employee. One Atlanta company lost 420 of the 431 employees they hired this year. If it costs them \$4,000 per employee, that equates to a \$1.7 million loss. Unfortunately, most employers do not know how much turnover is costing them.

Here are a few examples of fun workplaces:

### **Humor Corner**

Give employees one corner of a break room or other area to post cartoons, illustrations and other items designed to relieve stress. At the end of each week, the staff can award a prize for the best submission.

### **Flexitime/ flexshare**

First Tennessee Bank believes that if you treat employees well, they, in return, treat your customers well. The use of flexitime and flexshare programs has resulted in double the loan volume handled since 1992 with no increase in staff or major changes in systems or technology. An additional bonus: a giant leap in customer service ratings.

### **The Talking Stick**

Try introducing the "talking stick" into your office. This idea originated from a Native American tradition. Each month a different person in the office receives the talking stick which provides that person certain rights and privileges for the month. For example, the "owner" could provide fellow employees one hour a month administrative leave.

### **Employee Dollars**

At Phoenix Solutions Inc. employees award an "employee dollar" to fellow employees who do something special or exceed company expectations. Each month the employee with the most dollars gets movie tickets, dinner, and a plaque with their name as "Employee of the Month."



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## **Management by fooling around**

Herb Kelleher, CEO and founder of Southwest Airlines, combines fun and hard work into something he calls "management by fooling around." At the nonconformist airline, everything—from the tickets and boarding passes to the casual dress and occasional costumes attendants wear—clearly demonstrates that something is different.

## **Payday**

A Milwaukee office manager doesn't just give out paychecks on payday—employees also receive a Payday candy bar with their check.

## **Man Overboard Award**

CIGNA believes in rewarding employees who go above and beyond for their customers. The Man Overboard Award is a life-saving ring, which the president presents to an employee at a special ceremony. CIGNA also pays teams for implementing ideas that improve productivity with awards as high as \$25,000.

## **Choose Your Own Reward**

A Miami-based business owner rewards her employees with parties, expensive dinners, chauffeured shopping sprees, spa sessions, and cooking lessons with Chef Paul Prodhomme. She lets her employees decide what they want, then figures out how much their package costs and also how much additional business they have to generate to cover those costs. Choose your own reward—sounds like fun!

## **Engineering Bucks**

The technicians at Weather Channel in Atlanta created their own recognition system called Tech Bucks. All they did was Xerox a dollar bill and give five of them out at the beginning of each month. They give them to each other for doing a good job. At the end of the month they tally up who got the most and the winner gets a special prize.

## **Dancing the Macarena**

Employees at PeopleSoft, Inc. still haven't forgotten the day that CEO David Duffield danced the Macarena in front of 500 happy co-workers. Duffield does not act like a boss. His office is a cubicle, he answers his own phone and opens his own mail. Annual employee turnover is three percent or one-quarter of the national average. Employees who earn outstanding service awards get either \$500 in cash or 100 stock options.

## **The Extra Mile**

United Services Automobile Association (USAA) provides blank "Thank You" note stationary to their workers for a program called The Extra Mile. Employees are encouraged to say "Thank You" to each other for the help they receive at work. The most surprising thing happened on the first day USAA printed the notes . . . they ran out! The company couldn't keep up with the demand.

## **Fat Friday**

Just about everybody loves to eat, right? At Texas A&M the first Friday of each month is celebration time. Everyone brings food to share, and they celebrate birthdays for that month as well as work anniversaries.

## **Surprise Celebrations**

Often it's the unexpected and informal that employees enjoy as much as formal awards. Conduct frequent, unannounced recognition and award celebrations, such as having a pizza party. If you don't know of a reason to have a get-together for the work force, invent one.

## **Gold Stars and Frogs**

At Wachovia Bank, each Monday morning they set milestones for the week with input from staff members. On Friday, employees receive a Gold Star and \$2.00 (funny money) for each milestone met. Employees can also recognize their peers with a sticker of a frog, which is worth \$1.00. Staff members display the gold stars and frogs on a white cardboard poster. At the end of each month, they hold a random drawing for a dinner (\$50.00) and movies (\$25.00).

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## Having Fun

Hal Rosenbluth, CEO of Rosenbluth International (the nation's fourth-largest travel services company) believes in creating a fun work environment. He starts by hiring "nice people," since he believes nice people like to work together and they like to have fun. Officers dedicate every Tuesday afternoon to serving high tea and discussing corporate values and other matters of importance to new recruits at the company's Philadelphia headquarters. There's a toll-free 800 number for any associate to contact Rosenbluth. He uses a sort of Crayola Rorschach test by sending associates crayons and blank paper to render their view of the company. A "happiness barometer" team meets every six months to benchmark attitudes and enjoyment levels.

## Faux Paus Award

Sometimes it's fun to recognize an employee's goof. Try the "Faux Paus Award"—a plaque or trophy passed around the organization at a monthly social event with the current recipient's name engraved. The "keeper" of the award is responsible for selecting the next deserving recipient.

## After Dinner Phone Call

Even though you took time during the work day to thank the employee who went "above and beyond," go a step further and call them at home after dinner to say thanks. You might be surprised how much this can mean.

## Breakfast with the President

The Human Resources Department of Nations Healthcare, Inc. initiated a "Breakfast with the President" program to improve communications between employees and the CEO. Each breakfast begins at approximately 8:15 a.m., with coffee and biscuits served by the staff, and ends when the discussion ends. Results—higher morale and a sense of open communication.

## Fun Fridays

A Dallas, TX unit of Sprint Corporation uses "Fun Fridays" to energize workers. Themes have included exchanging a plant with a co-worker, or ice cream socials where managers wore aprons and served sundaes.

## Thrilling Thursdays

Nike Employees in Beaverton, Oregon can't wait for Thursday to roll around. They stop work at 4:30 in the afternoon and after some beer and soda they kayak across a lake, race bikes and compete in a 600-yard run.



### ABOUT THE AUTHOR:

Greg Smith's cutting-edge keynotes, consulting, and training programs have helped businesses reduce turnover, increase sales, hire better people and deliver better customer service. As President of Chart Your Course International he has implemented professional development programs for hundreds of organizations globally. He has authored nine informative books including *Fired Up! Leading Your Organization to Achieve Exceptional Results*. For more information, visit [ChartCourse.com](http://ChartCourse.com) or call (770) 860-9464.



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## Notes



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## Minnesota Elections Follow National Lead

The much heralded “blue wave” that brought the Democrats control of the US House of Representatives hit Minnesota even harder. Democrats had a huge night in Minnesota on November 8th, winning all the statewide races on the ballot; two US Senate seats, Governor, Attorney General, Secretary of State and Auditor. The Democrats also knocked off two incumbent Congressman, Jason Lewis and five termer Erik Paulsen. The Republicans were able to pick-up two open Congressional seats in the 1st and 8th districts to somewhat negate the Democratic Congressional gain.

Perhaps the biggest story of the election was the DFL takeover of the MN House of Representatives. Heading into the election, the Republicans held a 77-57 majority. For the DFL to gain control of the House, they needed to win 11 seats. They wound up winning 18 seats! Not many of my colleagues, even the few that thought the DFL could flip the House, predicted that large of a DFL victory.

Basically, the blue wave in MN was due to rejection of Donald Trump in the Twin Cities suburbs. The Democrats won nearly every contested suburban house seat. They won 16 of the 17 I had on my contested list, knocking off 13 incumbent Republicans. The only endangered incumbent Republican to survive the suburban wave was insurance agent Tony Jurgens from Cottage Grove.

The Democrats won a couple of greater MN seats. One where the incumbent withdrew from the race for family reasons and the other where the Democrat won by only 8 votes and will wait for the results of a required recount. Pending the outcome of the recount, the DFL will now hold a 75-59 majority.

In the MN Senate, only one election was held due to the retirement of Senator Michelle Fischbach who left office to be Lt. Governor under Gov. Dayton. That open seat was won by state representative Jeff Howe who beat Democrat Joe Perske by over 5,000 votes. This win assures that the Republicans retain control of the MN Senate. If the senate had been up for reelection this year, I’m pretty sure the Democrats would have won the senate as well.

### **MN will now be the only divided state legislature in the country!**

The analysis of the governor’s race was pretty much a replica of the election results around the country. Republican candidate Jeff Johnson won the rural MN vote by a 52-45 margin and as expected Democrat Tim Walz won big in Minneapolis and St. Paul by an 82-14 margin. But urbanites represented only 13 percent of the total statewide vote. Again, the TC suburbs was the difference representing nearly 45 percent of the total vote. Walz won there by 54-42.

Johnson won more votes in his unsuccessful race than any other Republican in state history, including Arne Carlson in 94 and Tim Pawlenty in 04. If one were to view the vote by regions based upon land, the state looks largely red with a few pockets of blue representing the larger population areas. Much like the US election map in 2018. While this election contest can be said to amplify the urban-rural political split in our country, I believe education and

*CAPITOL NOTES continued on page 33*



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gender were also key factors in this election.

The effect of the elections on our association's legislative program remains to be seen. The new governor has set up a large and diverse transition team and will be working on his commissioners and state agency staff in the weeks ahead. Perhaps governor-elect Walz will maintain some of the agency commissioners/staff appointed by former governor Dayton. Since this is the first time in decades that the state has elected a Democratic governor back-to-back, there is no blueprint for this transition.

In the House, the Democrats will be choosing their committee chairs and membership very soon. The Democrats will also be hiring all new people for the partisan staff positions in the legislature prior to the beginning of the January 8th legislative session. This will be a big shift for the state legislature. We have, at least for now, continued to maintain the divided government that many Minnesotans seem to prefer.



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## Long Term Contracts Affecting the Business Income Coverage of Your Clients

Do you have insureds who sign contracts, guaranteeing that they will provide products or services to **their customers** for a year or two in the future? Naturally, when they suffer loss or damage to their operations and have their contracts cancelled as a result, they expect that the Business Income coverage that you sold to them will take care of that financial loss. This may or may not happen. So, let's look at what can happen to your client, and how you can rather easily fix the problem when you sell the coverage. This claim just happened this summer (2018) and we now have a very unhappy insured.

The potential problem comes not from the Business Income Coverage Form itself, but from the **Special Causes of Loss** endorsement/coverage that is built into the policy. Towards the end of the Special Causes of Loss endorsement/coverage, there is a section: **4. Special Exclusions**. These exclusions apply only to Business Income and/or Extra Expense losses. In exclusion **a. (3)**, it says: **"We will not pay for: (b) suspension, lapse or cancellation of any license, lease or contract."** The purpose of this exclusion is to preclude coverage for losing a contract or order because of shoddy products, always being late in delivery, etc. The exclusion then goes on: **"But if the suspension, lapse or cancellation is caused directly by the "suspension of operations", we will cover such loss that affects your Business Income during the period of restoration and any extension of the period of restoration..."** Here the exclusion brings back coverage. "Suspension of Operations" requires a **covered cause of loss** to trigger the Business Income/Extra Expense coverage, and it makes it clear that it will pay during the "period of restoration" – which is the time from the cause of loss, like a fire, to when the insured re-opens the business and can fend for themselves. It also says it will pay during any "extension of the period of restoration" – the time after the insured re-opens, but still may suffer some financial loss because it takes time for their customers to come back and do business. The standard Business Income Coverage Forms provide 60 days (you still may see some older forms only providing 30 days of coverage) for this, called **"Extended Business Income."** This can be increased in 30-day increments all the way to 730 days or two years as an optional coverage. This extension is intended to provide your insured for their **"customer loss"**, as it often takes time for their customers to come back and do business after they have been completely shut down. More on this later.

So, let's say your insured just signed a one-year contract guaranteeing that he/she would provide certain products to a manufacturing client. The contract begins on January 1st. On February 1st, the insured suffers a total fire loss. The manufacturing client has no choice but to cancel the contract and look for another supplier. Your insured just lost 11 months of a contract that was supposed to make him/her a lot of money. At first, it looks fine, as the Business Income form will kick in and begin to pay the income and/or extra expense losses you insured can show that resulted from the total fire loss. The estimated time to rebuild your client's building and get back in business is **6 months**. This is a very important fact (and was the situation in last summer's claim).

Six months of coverage (the "period of restoration") from the Business Income Coverage Form will take care of the months of February, March, April, May, June and July. Remember the give back of coverage in the Special Causes of Loss form that





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said it would pay “**during the period of restoration**” (which we now know is 6 months) and during “**any extension of the period of restoration**” (which we know is 60 days from the time the insured re-opens his/her doors)? With the 60-day extension of coverage, your insured now has coverage for the months of August and September. But your insured is going to point out that he/she lost 11 months of income from the cancelled contract, not 8 months. Notice that October, November and December are not covered since they are not in the “period of restoration” nor in the 60-day extension of that period. The insured had rebuilt and was open for business, but the manufacturing customer had signed a contract with another supplier and could not come back right away.

In the claims that I have been involved with, this has caused some hard feelings. Especially when the insured asks if it could have been covered! The answer is yes, of course. All that had to be done was to extend the period of restoration from 60 days to 150 days and the months of October, November and December would be covered. It simply takes a notation on the Commercial Property Declarations Page showing 150 days of Extended Business Income, (and usually very little additional premium).

The insureds you have, who sign the long-term contracts mentioned above, are the insureds that need this coverage. And you can increase the extension time for customer loss up to 730 days (or two years). Remember, it is a very easy task to take care of the exposure. It just takes a little digging to get at the way your insured does business, and to find out the answer to the critical question: “how long will it take to rebuild if you have a serious/total loss”?



**Cheers!**

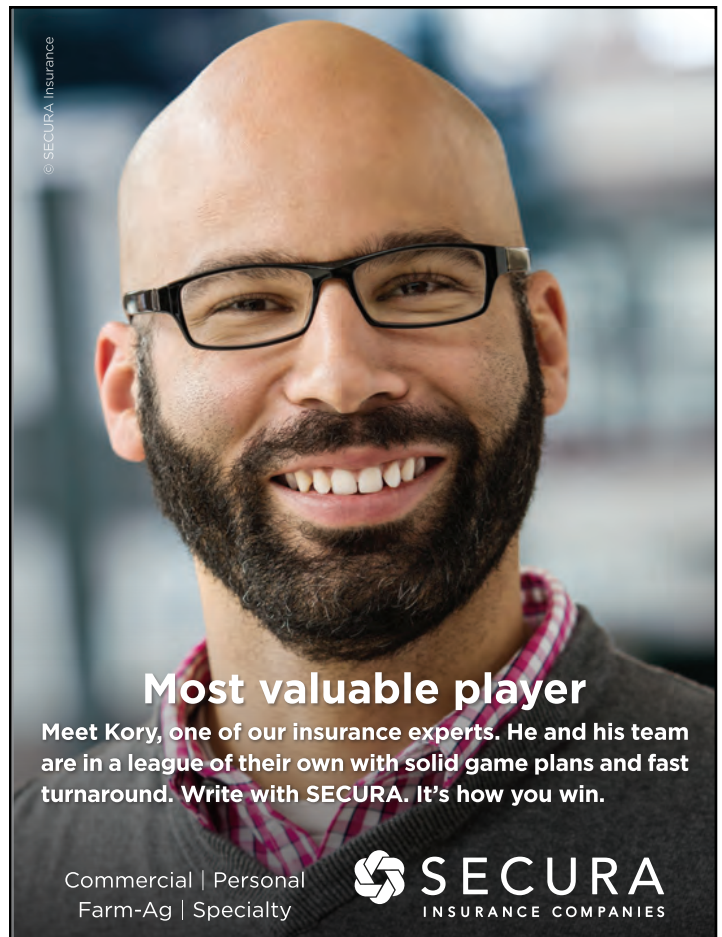
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# E&O Q&A

By Mary LaPorte, CPCU, CIC, LIC, CPIA

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

**Q:** Our management team is trying to establish education guidelines for our employees. Over the last few years we have noticed that the continuing education requirements in our state have caused employees to take the easiest and cheapest courses available. It came to our attention that some of these on-line courses were a joke, and that employees were not really learning anything. We are concerned that the technical knowledge held by our retiring employees is not being preserved in the agency. Do you have any suggestions as we try to implement new education standards?

**Eric, Minnesota**

**A:** Eric, let me compliment you on recognizing this problem and resolving to take step to address the education shortcomings in your office. Over the last few decades, agencies have done a good job in reducing E&O exposures related to operations. Carriers, however, have noticed an increase in E&O litigation related to lack of knowledge rather than poor practices. This includes:

- Failure to identify exposures
- Failure to provide proper coverage for exposures
- Failure to provide coverage requested
- Misunderstanding of coverage or policy requirements
- Failure to provide adequate limits of coverage
- Failure to educate the customer related to exclusions or policy requirements

The best way to address these shortcomings by improving education and experience. When education is applied to day-to-day situations, it enhances experience. Continuing Education (CE) requirements were established in an effort to protect consumers by regulating how much education agents should receive. That only works if an agent really wants to improve their knowledge.

First, management should be willing to pay for insurance (work-related) education. Failing to do so will cause employees to take CE class that are cheap (or sometimes free) which do not necessarily teach them anything new. By paying for education, management can then direct employees to take specific classes, which will not only provide the employee with needed knowledge but enhance the overall expertise within the agency. Make sure that adequate funds are budgeted for education expenses. You may choose to limit the days out of the office for classes or limit the annual cost per employees to stay within the budget.

Next, select classes that will challenge individual employees to continually learn more. Send employees to classes that focus on new coverages or exposures and require that they share the new information with others when returning to the office. Do not overlook on-line learning experiences. There are many reputable on-line courses and webinars that can complement classroom learning.

Encourage professional designation programs. Too numerous to list here, there are professional designations for every area of insurance, and for every level of experience. Consider offering rewards or bonuses when a professional designation is earned.

Keep an education focus during your agency or department meetings. One of the greatest concerns in our industry today is that fewer insurance professionals are willing to read policies. Your agency culture should support policy reading and provide opportunities to examine critical differences between carrier coverage forms. Understanding the products that we sell is the best defense against industry disrupters and the commoditization of insurance.

Set and review education goals with each individual at least annually. Help employees reach goals that will support their career path and help them reach their maximum potential.

*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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We are proud to support the Minnesota Independent Insurance Agents and Brokers.



\*Based on 2016 survey of business insurance buyers on preference of national carriers sold via independent agents.  
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Dean Ohlhues at 651-452-2730, [dean.ohlhues@encompassins.com](mailto:dean.ohlhues@encompassins.com).

Sandy Schow at 320-979-9757, [sandy.schow@encompassins.com](mailto:sandy.schow@encompassins.com)



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# 2019 MIIAB CIC Program Schedule



MN Independent Insurance Agents & Brokers Association

## Please select Seminar date

- 2/6 - 2/7/19 **Plymouth** \*Ruble Graduate Seminar
- 3/6- 3/8/19 **Maple Grove** Personal Lines
- 4/10 - 4/12/19 **Maple Grove** Agency Management
- 5/8 - 5/10/19 **Maple Grove** Commercial Casualty
- 6/5 - 6/6/19 **Red Wing** \*Ruble Graduate Seminar
- 8/7 - 8/9/19 **Maple Grove** Life & Health
- 9/9 - 9/10/19 **Edina** \*Ruble Graduate Seminar
- 9/11 - 9/12/19 **Maple Grove** \*Ruble Graduate Seminar
- 10/9 - 10/11/19 **Maple Grove** Commercial Property
- 11/6- 11/8/19 **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.

## New 2 Day Format for 2019

Wednesday 8:00 a.m. - 5:30 p.m.  
 Thursday 8:00 a.m. - 5:00 p.m.  
 Optional Exam: **Friday** 9:00 a.m. - 11:00 a.m.  
*NOTE: Ruble Graduate Seminars meet 8:00 a.m. until 5:15 p.m. & there is no exam.*

**New for 2019** all CIC courses have been submitted for approval to the MN Commissioner of Commerce for **16 hours** of Insurance continuing education.

**Cancellation Policy:** Full refund or transfer will be granted if request is received in writing within 7 days prior to the seminar. Requests received after that date will incur a \$75.00 fee. No refund/transfer will be granted for no shows.

## Method of Payment

- Check Enclosed (Payable to MIIAB) or Charge to:  VISA  MC  AMEX  
 (Additional non-refundable charge of \$15 will apply per seminar for credit card transactions)

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

*In accordance with Title III of the American with Disabilities Act, we invite all registrants to advise us of any disability and any request for accommodation to that disability. Please submit your request as far as possible in advance of the program you wish to attend.*

\_\_\_\_\_

Name of Attendee MN Insurance License # DOB Designations

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Agency/Company Phone Email

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# 2019 MIIAB CISR Program Schedule



MN Independent Insurance Agents & Brokers Association

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

- 1/10/19 - **Maple Grove** WTH - Commercial Lines
- 1/16/19 - **Edina** Elements of Risk Management
- 1/22/19 - **Minneapolis** Commercial Casualty II
- 2/12/19 - **St. Cloud** Elements of Risk Management
- 2/13/19 - **Red Wing** Personal Residential
- 3/19/19 - **Maple Grove** Commercial Casualty II
- 3/26/19 - **Duluth** Personal Residential
- 4/3/19 - **Edina** Agency Operations
- 4/4/19 - **Moorhead** Commercial Property
- 4/9/19 - **St. Cloud** Personal Auto
- 5/14/19 - **Grand Rapids** Commercial Casualty I
- 5/15/19 - **Bemidji** Agency Operations
- 5/22/19 - **Maple Grove** Personal Auto
- 6/4/19 - **Mankato** Personal Lines Miscellaneous
- 6/11/19 - **Maple Grove** Commercial Property
- 6/13/19 - **Fergus Falls** Commercial Casualty I
- 6/18/19 - **Brainerd** Dynamics of Service
- 7/11/19 - **Duluth** Commercial Casualty I
- 7/16/19 - **Willmar** Commercial Casualty II
- 7/18/19 - **Edina** Personal Lines Miscellaneous
- 8/6/19 - **Maple Grove** Life & Health Essentials
- 8/20/19 - **Lake Elmo** Commercial Casualty I
- 8/22/19 - **St. Cloud** Commercial Casualty II
- 9/5/19 - **Maple Grove** Personal Residential
- 9/17/19 - **Rochester** Commercial Casualty I
- 9/24/19 - **Duluth** Elements of Risk Management
- 10/3/19 - **St. Cloud** Agency Operations
- 10/16/19 - **Mankato** Commercial Property
- 10/17/19 - **St. Paul** Personal Auto
- 10/22/19 - **Maple Grove** Commercial Casualty I
- 11/13/19 - **Rochester** Personal Auto
- 11/14/19 - **Edina** Commercial Property
- 11/19/19 - **St. Paul** WTH - Personal Lines
- 12/10/19 - **Maple Grove** Agency Operations

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

In accordance with Title III of the American with Disabilities Act, we invite all registrants to advise us of any disability and any request for accommodation to that disability. Please submit your request as far as possible in advance of the program you wish to attend.

Dues-paid CISRs may receive up to two years' update credit for full attendance at any James K. Ruble Graduate Seminar.

## Method of Payment

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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

**Cancellation Policy:** Full refund or transfer will be granted if request is received in writing within 7 days prior to the seminar. Requests received after that date will incur a \$35.00 fee. No refund/transfer will be granted for no shows.

Name of Attendee MN Insurance License # DOB Designations

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# 2019 MIIAB E&O



MN Independent Insurance Agents & Brokers Association

Agencies that attend this seminar will receive a **10% loss control credit** on their Westport E&O Premium. Once an agency attends the seminar the 10% credit will apply for 3 years if the agency remains claim free during the 3 year period.

AGENCY STAFF SIZE	TOTAL ATTENDEES REQUIRED AT A (6 HOUR) SEMINAR	POSITION IN AGENCY	PLUS ADDITIONAL REQUIREMENTS
1	1	ACTIVE AGENCY PRINCIPAL, OWNER, PARTNER OR OFFICER	NONE
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

## Please Check Location

- 2/26/19 - Edina** 8:30am-3:30pm  
*Commercial Liability Coverage Gaps and How To Fill Them*
- 3/27/19 - St. Cloud** 8:30am-3:30pm  
*E&O: Road Map to Policy Analysis*
- 4/23/19 - Brainerd** 8:30am-3:30pm  
*Commercial Liability Coverage Gaps and How To Fill Them*
- 5/16/19 - Morton** 8:30am-3:30pm  
*E&O: Road Map to Policy Analysis*
- 8/14/19 - Mankato** 8:30am-3:30pm  
*Commercial Liability Coverage Gaps and How To Fill Them*
- 10/2/19 - Duluth** 8:30am-3:30pm  
*E&O: Road Map to Policy Analysis*
- 11/20/19 - Maple Grove** 8:30am-3:30pm  
*Commercial Liability Coverage Gaps and How To Fill Them*

**These courses have been approved by the MN Commissioner of Commerce for 6 hours of Insurance continuing education.**

**Cancellation Policy: Full refund or transfer will be granted if request is received in writing within 7 days prior to the seminar. Requests received after that date will incur a \$35.00 fee. No refund/transfer will be granted for no shows.**

*In accordance with Title III of the American with Disabilities Act, we invite all registrants to advise us of any disability and any request for accommodation to that disability. Please submit your request as far as possible in advance of the program you wish to attend.*

**Cost: \$156.00 MIIAB Member or \$171.00 Non-Member**

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Name of Attendee \_\_\_\_\_ MN Insurance License # \_\_\_\_\_ DOB \_\_\_\_\_ Designations \_\_\_\_\_

Agency/Company \_\_\_\_\_ Phone \_\_\_\_\_ Email \_\_\_\_\_

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Thank you to the following companies that are supporting the association through our Power in Partners Program in 2018. Their support helps to make possible exceptional education opportunities, quality networking events, up-to-date communications to our members and strong lobbying presence within the state of Minnesota.

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