

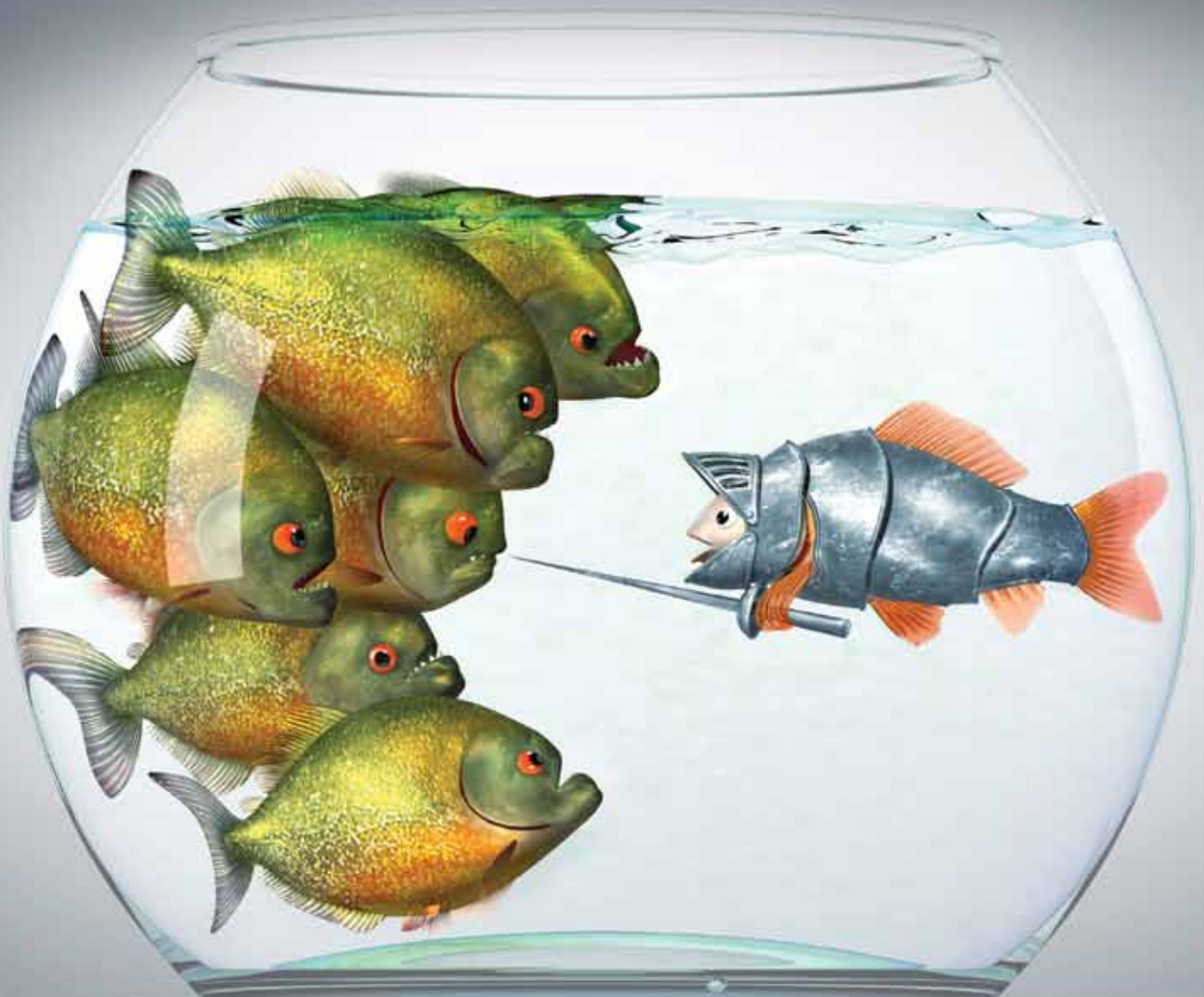


THE Minnesota News

Joann Mueller, Dolliff Insurance Agency, 2013 Outstanding CSR of the Year



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“Remember the Alamo”

Last month we had our Big “I” Fall Leadership conference in San Antonio, Texas. For those of you not familiar with what this conference is, it is the fall meeting where the leaders of each state get together and discuss industry issues. Each state sends their state representative as well as their current president. It is quite a sight to see the setup of the ball room with the state names and flags next to each seat.

Part of this meeting entails breakout sessions with your peers. I was in a room with about twenty other state presidents brainstorming ideas to improve the national association. While I was in there, I thought how lucky I was to be in a room full of industry leaders and hear all of the innovative ideas which I could take back to our association and more importantly my agency.

One of the biggest discussion topics at the conference was the role of the independent agent. This is my 15th year in insurance and I have repeatedly heard professionals in our industry say the role of the independent agent is threatened by insurance purchased on the internet or 800 numbers. That still does not deter us and we are still a strong force in the insurance market.

But this is not to say the industry is not ever changing. The CEO of Encompass, Tom Ealy, spoke to the Young Agents last month at TCF Stadium (As you may have seen in the last issue) and he said a point that struck home with me. Tom said that in the past people would look to their friends, neighbors, and people from their church, to be their agent but now they are also looking for someone to be an insurance advisor to them. It is not enough to just have a relationship with that person; they want someone with knowledgeable expertise in the business.

This is something we can build on, ask someone with GEICO if their 800 number has explained the benefits of an umbrella policy with them, or if their website has ever gone to bat for them on a claim or helped them navigate the claim process. We as agents can make the difference in our loyal customer experience and create the bond that differentiates us for an “800” or online experience. We bring the greatest value to the table!

If we can stack the deck in our favor by being more knowledgeable about our industry through CE, obtaining designations through the MIIAB like the CIC, CISR, or CRM, or other forms of education, it can only make us stronger individually and more respected as a group.

This industry will continue to change and we will also have to change but I believe if we continue to improve as agents there will always be a place for us in the process.

As a group of agents we can band together and stand up for the principles and exceptional ways that give us lasting power as independent agents.

Chad Bjugan
Richfield State Insurance



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MIIAB Leadership Team Meets with Auto-Owners Executives

On October 11th, members of the MIIAB Executive Committee made up of Chad Bjugan, Richard McKenny, Darian Hunt, Robb Wunderlich, and I, met with the executives from Auto-Owners Insurance Company in Lansing, Michigan, to discuss industry issues. This was our fifth annual meeting that MIIAB has conducted with their team. During this meeting we discussed many issues facing the insurance industry in Minnesota, most importantly, was the profitability of homeowners insurance in Minnesota due to the large losses in weather related claims over the last few years. This year,



we explained to Auto-Owners that all of the companies that we have visited this year have deep concerns about the cost of homeowners insurance and replacement of roofs and siding on consumers throughout Minnesota. We all know that all of the companies are looking to provide a solid and financially strong homeowners policy in Minnesota; however, most of them know the replacement cost coverages on homeowners needs to be looked at.

During the meeting we met with Jeff Harrold, Chairman and CEO, Jeff Tagsold, President, Rod Rupp, Executive V.P., Katie Noirot, First V.P., Ken Schroeder, Senior V.P. Commercial Lines Underwriting, Jon Riekse, Senior V.P. Personal Lines Underwriting, and Jeff Pierce, V.P. Marketing, and we discussed not only homeowners insurance, but also discussed how to entice young people into our business and how perpetuation needs to be on the front burner of every independent insurance agent's agenda. We explained to them that our MIIAB Education Foundation is looking to concentrate on these two areas with the help of insurance companies like Auto-Owners. Currently we are working with the University of Minnesota on programs which will explain the many opportunities available to students in the insurance business at all levels. We are also looking to expand our efforts in hiring professionals who can help design perpetuation programs for all of our agencies who are looking to retire over the next five to ten years. Auto-Owners has done an exceptional job in this area and we hope that our Association can expand on this program.

MIIAB's Education Foundation

With the help of many insurance companies and our member agents over the past several years, we have now gotten to the point where we have funds available to help educate our members in competing in the marketplace in many different ways. The Education Foundation has put together its first educational opportunity called the, "Selling Against the Direct Writers" which compares the direct writers homeowners policy with the many homeowners policies our members sell to their clients. We designed this seminar to analyze the strengths of the independent insurance agent's homeowners marketplace in order to produce more business for our members. We hope that other unique programs like this will be coming in the near future from the MIIAB Education Foundation.

If you have any ideas on what the Education Foundation could bring to your agencies, please do not hesitate to contact me or Frank Whitcomb on our staff.

On behalf of the Board of Directors and staff we would like to wish you a happy Thanksgiving and a successful year.



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2013 Outstanding Customer Service Representative of the Year



Joann Mueller
Dolliff Insurance Agency
St. Louis Park, MN

The National Alliance for Insurance Education & Research has announced that Joann Mueller is the 2013 Outstanding CSR of the Year recipient for the state of Minnesota.

To qualify for this top state honor, Joann submitted the winning essay on the topic, ***“Communication is one of the most important parts of building strong relationships with your clients, companies, and coworkers. Identify and explain the four greatest barriers to effective communication that you face (or have faced) and how you’ve worked to overcome these barriers.”*** Additionally, Mrs. Mueller was selected for having demonstrated outstanding service and professionalism within the insurance community.

Joann works for Dolliff Insurance in St. Louis Park, MN. She has 33 years of experience in the insurance industry and specializes in assisting new CSR’s within her agency and the companies they work with. In her essay, Joann makes the point of “being interested in your client and their lifestyle”. She uses this to build relationships with her clients and provide service beyond the expected.

“Joann was chosen as a state winner for exemplifying the characteristics and qualifications required to be eligible for the prestigious National Outstanding CSR of the Year Award,” stated Dr. William T. Hold, Ph.D., CIC, CPCU, CLU, President of The National Alliance. “She represents the backbone of the insurance community, those customer service representatives distinguished for providing exceptional service on a daily basis.”

Joann receives a framed certificate, embossed with the special Outstanding CSR of the Year bronze medallion symbol, and is now one of 49 individuals eligible for the national honor. The National Outstanding CSR of the Year Award carries a \$2,000 cash prize and a scholarship for the recipient’s employer to any program offered by The National Alliance. The national winner also receives a distinctive gold and diamond lapel pin cast with the Outstanding CSR of the Year emblem. Additionally, the winner’s name will be inscribed on a sculpture permanently displayed at the national headquarters in Austin, Texas.

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Getting to know MIIAB's New Insurance Services Manager



As MIIAB's Insurance Services Manager Rachel Baker will be working with member agents on the day to day operations of our E & O insurance program. She will be assisting Frank Whitcomb and Shelley Waldhauser in our new business acquisitions. Additionally Rachel will oversee RLI and Workers' Compensation Specialists Programs.

Rachel Baker

Insurance Services Manager

Minnesota Independent Insurance Agents
& Brokers Association

Q: How did you start your career in the insurance industry?

A: I sort of stumbled into the industry (pretty much the way a lot of people do). I was filling in as receptionist for Cox Insurance Associates, Inc. in St. Paul. The position was only supposed to last for a week, but I ended up staying for over two years!

Q: Tell us a little bit about your insurance career?

A: I worked as an account manager in the commercial lines department for Cox and it was awesome. I worked with two other account managers and two advisors and it was never dull- we made a really great team. We handled a pretty broad book of business- everything from banks to school districts to veterinarians to small business owners to lessors' risks to landscapers and on and on. No two accounts were alike and I loved the diversity of it all. I learned a lot from my coworkers and was fortunate to develop some great relationships with our clients as well as our underwriters. I am tremendously grateful for my time there and am very excited that it's lead me to this opportunity with the MIIAB.

Q: And your family?

A: I met my husband Tom 7 years ago and it was love at first sight. We have one daughter, Lily, who just turned six. She is super cool- I'm pretty sure she'll grow up to be an artist or a musician or the supreme galactic ruler of the universe. She just started at the MN Autism Center in September and we're extremely pleased with and proud of the progress she's making. We also just bought my husband's childhood home in Mound and we're thrilled to be there. We also have two extremely domineering cats named Steve & Ben, and we just adopted two guinea pigs.

Q: What sort of community service are you involved in?

A: Having just moved to a new neighborhood, I haven't had a chance to get involved with anything in my immediate community as of yet. However, I plan to volunteer at my daughter's school and help with the MN Autism Center's annual fundraiser. I also would like to participate with Autism Speaks as it's on a more national level. I previously worked with Soup It Up for Kids- a charity started by my former agency with the intent to help under privileged teens. Additionally I contribute to the ASPCA and the MN Animal Humane Society.

continued on page 21

MY FABULOUS FAMILY



Tom



Lily



Benito Mouseolini

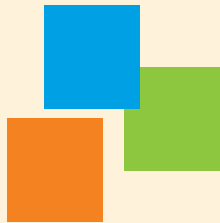


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Q: How have you benefited professionally and personally with your MIIAB association.

A: I've just started to pursue my CIC designation and the MIIAB has been a vital part of that. I've learned so much in the small amount of time that I've been in the industry. I want to ultimately obtain as many designations as possible in order to continually challenge myself and, most importantly, to best serve our members.

Q: Who is/was your biggest influence?

A: Strictly professionally speaking (and this is a tricky question because I've worked with some really cool people), it was Linda Broussard & Tracie Bishop at Cox.

Linda has practically had five different lives: she was an underwriter with the St. Paul/Travelers Company, she was an Allstate agent, she's an account manager- and that's just within the insurance industry. She was the one who took me under her wing when I was still very wet behind the ears. She explained policy coverages to me, taught me how to read contracts for our insureds, trained me in the agency management system we used and just worked with me tirelessly to ensure I was the best I could be within my role. She is the person who made me really see my own potential & I am sincerely grateful to her for that. We worked extremely closely and when Tracie joined us after working at Hays Companies, we made for a pretty killer group. Tracie encouraged me to grow above & beyond the limits I'd already reached. She took her thorough commercial lines knowledge and passed on everything she could to me. I've had some of the best times of my professional career with Linda & Tracie. I'm so privileged to be able to call them my friends.

Q: If asked, "Why should I join the MIIAB" what would your answer be?

A: Members with the MIIAB will have an outstanding support system. Apart from the variety of continuing education classes that are offered, there are opportunities to network, direct contact with our local lobbyist, products specifically for independent agents and brokers, etc. It's an invaluable asset for the continued growth and success for anyone (individuals, agents, and brokers alike) in the industry!

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

A: Learn as much as you can. Taking the classes & getting your license is just the beginning. Stay up to date on the changes in the market, talk with people who have been in the industry longer than you, get to know everything about whichever agency management system that you use, and -most importantly- do not be afraid to work hard. The rewards are totally worth it.



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Certificates of Insurance Revisited

**By Bernard A. Meis, Attorney,
Tomsche Sonnesyn, and Tomsche, P.A.**

Reviewing the potential hazards associated with issuing certificates of insurance can be likened to regularly visiting a dentist—neither is particularly enjoyable, but the mild discomfort you experience today may save you from encountering serious affliction in the future. Under Minnesota law, “a certificate of insurance is a document that provides evidence of property or liability insurance coverage and the amount of insurance issued, and does not convey any contractual rights to the certificate holder.”¹ A contract between a named insured and a third party may require the named insured to obtain specific insurance coverage and limits, and the certificate of insurance provides relevant information to the third party as of the date of the certificate. Perhaps in recognition of the time and expense associated with preparing certificates of insurance, insurers have largely shifted the task onto agents and brokers by making it another aspect of servicing an account. The agent or broker performs the task without additional compensation, while at the same time, exposing themselves to potential errors and omissions (“E&O”) claims.

Two prevalent problems that create E&O exposure for insurance agents include: (1) misrepresenting insurance coverage available to the named insured on the certificate of insurance, and (2) stating that the certificate holder has been made an additional insured without an endorsement to the policy establishing the additional insured status.

Simple human error can be the cause of both of these problems. The number of requests for certificates of insurance has increased over the years. An agent with a significant number of insureds in the construction industry, where requests for certificates of insurance are commonplace, may fall into a routine and fail to check whether coverage has changed or whether an insured has allowed the policy to lapse. An agent’s failure to confirm his authority can also lead to human error. In order to meet the needs of the insured, an agent may turn to the E&S marketplace. Typically, a retail agent will not have authority to issue certificates of insurance and must request them from the surplus lines broker. To help alleviate the potential for human error, agents should establish procedures for reviewing certificates for accuracy before they are released and confirming their authority to issue the certificate of insurance.

The misrepresentations on the certificate of insurance may also be caused by fraud on the part of the agent upon whom undue pressure has been exerted by the insured or the certificate holder. An insured subcontractor may sign an agreement with a general contractor before informing the agent of the insurance requirements in the contract. When the general contractor will not allow

continued on page 29

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the insured onto the job site until the insured provides a certificate of insurance, or worse yet, when the general contractor will not pay the insured for the work it has already completed until a certificate of insurance is provided, the insured can place an enormous amount of pressure on the agent to certify coverage the insured does not have.

In 2009, the Minnesota Legislature enacted a bill on certificates of insurance that prohibits an insurance producer from issuing “a certificate of insurance, or other evidence of insurance coverage that either affirmatively or negatively amends, extends, or alters the coverage as provided by the policy . . .”² The penalties for violating the statute can be severe, including suspension or revocation of an insurance producer’s license and/or a civil penalty.³

At the same time, the Minnesota Legislature attempted to reduce the pressure previously applied by certificate holders to alter certificates of insurance. The statute provides that the standard ACORD or ISO form certificate of insurance or other form submitted by an insurer to the commissioner covering the same information “may not be amended at the request of a third party.”⁴

¹ Minn. Stat. § 60A.39, subd. 1 (2013)

² Id. § 60K.46, subd. 8.

³ Id. § 60K.43, subd. 1.

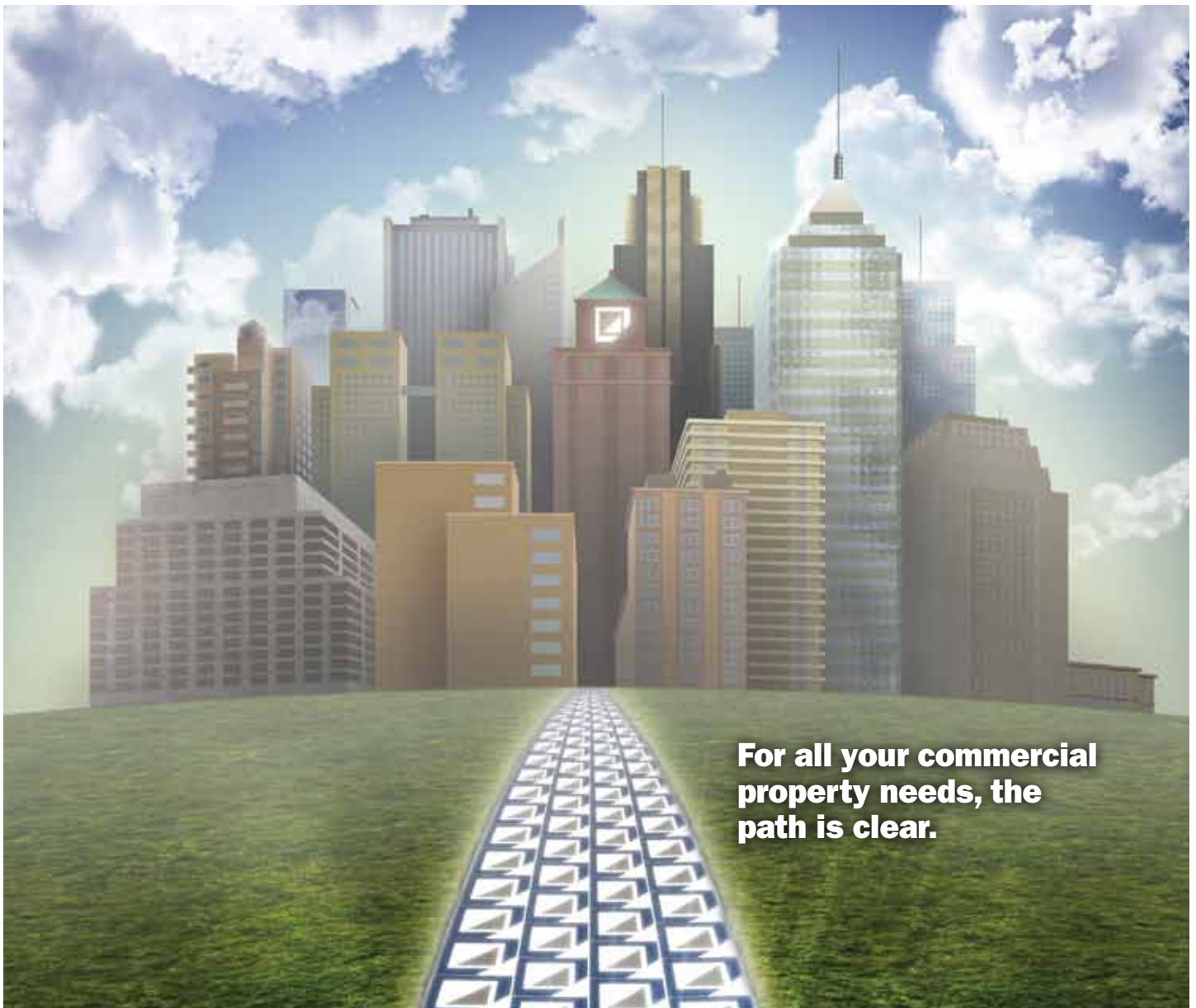
⁴ Id. § 60A.39, subd. 5.

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Capitol Notes



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

MNsure's Rocky Rollout

On October 1, Minnesota rolled out its state health insurance exchange, MNsure, and it was immediately plagued with several problems which deterred consumers from enrolling and receiving health insurance. A good deal of the problems related to the federal system to which MNsure must link in order to determine qualification for the health insurance exchanges and their possible subsidies. Nearly every state has had similar problems with their exchanges and the federal exchange roll out might be even more knotty.

Under the MNsure application processes, an individual seeking insurance must first complete an application for a MNsure account. This is apparently necessary to assure that the individual is who they claim and that their income may qualify for federal subsidies. Once an account has been established, that individual can then begin to look at actual insurance products. Problems arose when individuals were attempting to set up their accounts and were logged off or just plain confused by the verification process. Evidently those with the most success completed paper applications, although actual enrollment in a health plan will require the online tool.

After its initial two weeks, 12,000 accounts have been established. And 5,569 have completed insurance applications. Ninety-three percent of these individuals have signed up for public programs, Medicaid or MinnesotaCare.

Lack of agent participation as well as the involvement of navigators was also initially problematic. Navigator training was delayed so many navigators were unable to become certified to assist consumers by October 1. MNsure reports that most successful applications went through assisters who were on site with the applicants.

The agent participation issue is much more complex. Agents have demonstrated a strong interest as evidenced by well over 1500 MNsure completed agent certifications. MNsure plans to develop two agent portals. The first is where agents can go to assist individuals enrolling in an account and then selecting an insurance product. This portal does not yet have a "go live" date. The second portal is for the SHOP small group producer. Small business owners must initiate an account and will be able to assign a broker to their account which allows the broker to assist with plan management and enrollments. MNsure officials claim that this agent portal will be up and running soon.

Still, individuals may use an agent to enroll in MNsure. However, they must designate their agent by placing the agent's ID number on their application. Unfortunately, this information is requested at the end of the application process on the signature page and not at the beginning of the application process. This has raised concerns from numerous agents. The Agents Coalition for Health Care Reform has raised this issue with MNsure and will continue to pursue a favorable resolution.

CAPITOL NOTES continued on page 33

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For individuals seeking the services of an insurance agent, the MNSure web site contains a simple PDF listing of all qualified agents. MNSure plans to have a “search engine” for agents so individuals could identify agents in the area. Yet, this doesn’t seem to be a top priority. We have not yet seen data on how many of the 5,000 plus successful accounts have designated an agent.

MNSure officials are telling us that things will be getting better for agents and brokers who wish to participate. An agent/broker support line should be up soon to assist agents. This broker “support box” can be accessed by email or phone and will be manned by trained MNSure staff.

MNSure has projected over 800,000 Minnesotans will gain coverage through the exchange by the end of 2014. But for now, the rocky road will continue, at least for a little while.



Dominic Sposeto
MIIAB Lobbyist

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10 Habits of Remarkably Charismatic People

Charisma isn't something you have. It's something you earn. Some people instantly make us feel important. Some people instantly make us feel special. Some people light up a room just by walking in. We can't always define it, but some people have it: They're naturally charismatic. Unfortunately, natural charisma quickly loses its impact. Familiarity breeds, well, familiarity. But some people are remarkably charismatic: They build and maintain great relationships, consistently influence (in a good way) the people around them, consistently make people feel better about themselves--they're the kind of people everyone wants to be around...and wants to be. Fortunately we can, because being remarkably charismatic isn't about our level of success or our presentation skills or how we dress or the image we project--it's about what we do.

Here are the 10 habits of remarkably charismatic people:

1. They listen way more than they talk.

Ask questions. Maintain eye contact. Smile. Frown. Nod. Respond--not so much verbally, but nonverbally. That's all it takes to show the other person they're important. Then when you do speak, don't offer advice unless you're asked. Listening shows you care a lot more than offering advice, because when you offer advice in most cases you make the conversation about you, not them. Don't believe me? Who is "Here's what I would do..." about: you or the other person? Only speak when you have something important to say--and always define important as what matters to the other person, not to you.

2. They don't practice selective hearing.

Some people--I guarantee you know people like this--are incapable of hearing anything said by the people they feel are somehow beneath them. Sure, you speak to them, but that particular falling tree doesn't make a sound in the forest, because there's no one actually listening. Remarkably charismatic people listen closely to everyone, and they make all of us, regardless of our position or social status or "level," feel like we have something in common with them. Because we do: We're all people.

3. They put their stuff away.

Don't check your phone. Don't glance at your monitor. Don't focus on anything else, even for a moment. You can never connect with others if you're busy connecting with your stuff, too. Give the gift of your full attention. That's a gift few people give. That gift alone will make others want to be around you and remember you.

4. They give before they receive--and often they never receive.

Never think about what you can get. Focus on what you can provide. Giving is the only way to establish a real connection and relationship. Focus, even in part and even for a moment, on what you can get out of the other person, and you show that the only person who really matters is you.

5. They don't act self-important...

The only people who are impressed by your stuffy, pretentious, self-important self are other stuffy, pretentious, self-important people. The rest of us aren't impressed. We're irritated, put off, and uncomfortable. And we hate when you walk in the room.



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6. ...Because they realize other people are more important.

You already know what you know. You know your opinions. You know your perspectives and points of view. That stuff isn't important, because it's already yours. You can't learn anything from yourself. But you don't know what other people know, and everyone, no matter who they are, knows things you don't know. That makes them a lot more important than you--because they're people you can learn from.

7. They shine the spotlight on others.

No one receives enough praise. No one. Tell people what they did well. Wait, you say you don't know what they did well? Shame on you--it's your job to know. It's your job to find out ahead of time. Not only will people appreciate your praise, they'll appreciate the fact you care enough to pay attention to what they're doing. Then they'll feel a little more accomplished and a lot more important.

8. They choose their words.

The words you use impact the attitude of others. For example, you don't have to go to a meeting; you get to go meet with other people. You don't have to create a presentation for a new client; you get to share cool stuff with other people. You don't have to go to the gym; you get to work out and improve your health and fitness. You don't have to interview job candidates; you get to select a great person to join your team. We all want to associate with happy, enthusiastic, fulfilled people. The words you choose can help other people feel better about themselves--and make you feel better about yourself, too.

9. They don't discuss the failings of others...

Granted, we all like hearing a little gossip. We all like hearing a little dirt. The problem is, we don't necessarily like--and we definitely don't respect--the people who dish that dirt. Don't laugh at other people. When you do, the people around you wonder if you sometimes laugh at them.

10. ...But they readily admit their failings.

Incredibly successful people are often assumed to have charisma simply because they're successful. Their success seems to create a halo effect, almost like a glow. Keyword is seem. You don't have to be incredibly successful to be remarkably charismatic. Scratch the shiny surface, and many successful people have all the charisma of a rock. But you do have to be incredibly genuine to be remarkably charismatic. Be humble. Share your screwups. Admit your mistakes. Be the cautionary tale. And laugh at yourself. While you should never laugh at other people, you should always laugh at yourself. People won't laugh at you. People will laugh laugh with you. They'll like you better for it--and they'll want to be around you a lot more.

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Back to the Basics, Contractual Liability in the CGL

Since August 1st of this year, I have had many discussions with a lot of insurance folks about the new "Anti-indemnification Statute" that was passed by the Minnesota legislature. It basically forbids the use of "broad form Hold Harmless agreements", in which one party is forced to sign a Hold Harmless which agrees to pay for the negligence of the other party. In other words, the party without any clout has to agree to pay for someone else's (the one with the clout) negligent acts or omissions. In the construction industry, for example, this meant the subcontractors usually had to sign and agree to pay for the general contractor's negligence. I noticed a lot of confusion about this issue – Hold Harmless agreements and Contractual Liability coverage and how they relate to each other.

So, let's review what happens when we issue a standard ISO Commercial General Liability policy. I am using the word "standard" as there are many forms out there in the marketplace, and not all "General Liability" forms cover the Contractual liability hazard.

ISO'S CGL **automatically** covers the Contractual liability hazard. (It can be excluded from the CGL, but this would require an endorsement). The Contractual coverage is found on the second page of the ISO form, and it is contained in exclusion #2.b., entitled "Contractual Liability". (Only in insurance will you find coverage under an exclusion, but that is a different subject). It begins with a complete exclusion of **ALL** assumptions of liability, but then says the exclusion does not apply to "**insured contracts**". The exclusion then goes on to set forth some rules of coverage:

1. It is for "bodily injury" and "property damage" claims only (we do not cover claims for the work being done on time, or claims for the quality of work, claims for cost overruns, etc);
2. The BI and PD must occur **after** the General Liability policy was issued;
3. Reasonable attorney's fees and necessary litigation expenses for a party other than the insured (third parties) are covered;
4. The duty to defend must be a requirement in the Hold Harmless that the insured signed (it almost always is in today's world);
5. The attorney's fees and litigation expenses are for a **civil or alternative dispute resolution proceeding** to which this insurance applies (we do not cover criminal trials and the issue must be one that the CGL does not exclude).

Next we have to look at what those "**insured contracts**" are. They are found in the Definitions section, which is at the end of the CGL policy. This definition, then, is of extreme importance, because it, along with the language that we just studied, will dictate what we will and will not cover.

Insured Contracts are:

1. Lease of premises;
2. Sidetrack agreements;





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3. Easement agreements;
4. Indemnification of a Municipality agreement;
5. Elevator Maintenance agreements;

These used to be called “incidental agreements”, because they are so common or incidental to doing business. All of them contain a Hold Harmless agreement in which one party (for example, a tenant) is assuming the liability of another party (for example, the owner of the building). This is typical whenever one of us signs a lease. Also, take #4 above (Indemnification of a Municipality) – here some group (usually) is asking the city for a permit to hold a parade (or other endeavor), or an individual shop owner wants to erect a sign over a city sidewalk, etc. The idea is – if there is a claim caused by the parade, or by the sign over the sidewalk, the city will be held harmless and the other party’s insurance will defend and pay any claims. Here, the city has the clout.

There is one more part of the definition, and it is here that we find the coverage for most of those Hold Harmless agreements our clients sign:

6. “Any other contract or agreement pertaining to your business...”

There are some rules attached here also:

- a. The Hold Harmless assumption must be for the tort liability of another party;
- b. To pay for BI and PD (only) to a third party or organization;
- c. No coverage for construction/demolition within 50 feet of a railroad;
- d. No coverage for architects, engineers or surveyors and their operations or omissions (this is a professional liability exposure);
- e. No coverage for those **insureds** who are architects, engineers or surveyors if they assume liability arising out of their own rendering or failure to render professional services (again, this is a professional liability exposure that the CGL is not geared to cover).

Assume your insured has signed a construction contract which contains a Hold Harmless agreement. It makes no difference if the Hold Harmless that is signed is a **basic**, an **intermediate** or a **broad form** agreement, the CGL will cover it, subject to all the rules we talked about. If you noticed in the preceding information, the CGL policy makes no distinction as to which kind it will cover. As a result, in those states that do not have an anti-indemnification statute like ours in Minnesota, the CGL will cover broad form agreements.

A final note: coverage for broad form and intermediate Hold Harmless agreements is **not available** in the **Additional Insured endorsements** that have a 2004 edition date or later. Going back to my first example, the subcontractor who adds a general contractor with the 2004 edition Additional Insured endorsement to his/her CGL will only be providing coverage for his/her own negligence, and not for any negligent act of the general contractor. Also, ISO has provided an endorsement – **“Amendment of Insured Contract Definition”** endorsement (CG 24 26) that will restrict the Contractual Liability coverage under a CGL to just the negligence of the insured (the subcontractor in my example). So, there are ways to restrict the coverage for Hold Harmless agreements. These endorsements are generally not to the liking of those who have the “clout”.

This is a brief explanation of the Contractual Liability coverage under the standard ISO Commercial General Liability coverage form. It is the coverage form that most carriers use in today’s marketplace, and, without any endorsements, will cover whatever kind of Hold Harmless agreements our clients sign, according to what the various state statutes allow.

In The News...

BIG "I'S" RUSBULTD SAYS MCKINSEY CONCLUSIONS OFF BASE ON INDEPENDENT AGENCY SYSTEM

But agrees that agents need to evolve their approach to capture more personal lines business.

Robert Rusbult, Independent Insurance Agents & Brokers of America (IIABA or the Big "I") president & CEO, finds serious flaws with much of a recently released study titled "Agents of the Future: the Evolution of Property and Casualty Insurance Distribution" by McKinsey & Company.

"McKinsey's proclamation that it is 'The End of an Era for the Local Insurance Agent' is dead wrong," says Rusbult. "A number of studies over the last several decades have decreed the demise of the independent agency system, and they have all been wrong. Independent agents are resilient entrepreneurs who know how to adapt to marketplace changes."

In remarks before the Big "I" board of directors at their recent meeting in San Antonio, Texas, Rusbult made the following points regarding flaws in the McKinsey study:

- The report ignores the growing trend to "buying local" and the independent agents' use of social media to magnify their local presence and involvement in the community to drive more traffic to their agency.
- McKinsey uses an oversimplified comparison to travel agents and dis-intermediation. Despite rhetoric to the contrary by the direct carriers, personal lines is more complex than basic travel reservations.
- McKinsey doesn't adequately take into account the IA channel market segmentation towards affluent customers who prefer relationships for personal lines.
- McKinsey assumes that the investment in digital capabilities marginalizes the agent rather than aids the agent-customer relationship to add value.
- Agents have the opportunity to organically leverage SEO so that they are well positioned for digital consumer searches. McKinsey's conclusions encompass all agents, exclusive

and independent, and there are fundamental differences between them: independent agency carriers compete for the business of their agents, causing them to take different considerations into account in managing their agency force vs. exclusive carrier relationships with their agencies.

"The Consumer Agent Portal, LLC is providing consumers an electronic pathway to finding and doing business with independent agents, and they are working with agencies on digital marketing, social media, local optimization, and much more, enabling agencies to do business the way consumers want to do business, while adding the value that independent agencies provide," continued Rusbult. "TrustedChoice.com is quickly becoming the way more consumers search for an agent, and everything points to the fact that consumers still want to do business with a local agent if at all possible."

To McKinsey's credit, noted Rusbult, their study does provide agents with several recommendations as to how they can position themselves for success in the future including:

- Develop a value proposition that is compelling for both carriers and consumers.
- Define and reach target markets, rather than just being a generalist in your local market.
- Increase your digital presence.
- Be more flexible in how you communicate with your clients.
- Develop new ways to get in front of your audience, both to develop new prospects and to reach out to your existing clients.
- Deliver more tailored and deeper expertise, such as bundled insurance packages for personal lines & industry-tailored advice for small commercial risks.
- Use technology to be positioned to do more with less.
- Increase scale, whether through organic growth, mergers, banding together, outsourcing certain functions.

Rusbult noted the Trusted Choice® co-brand for independent agencies dovetails with TrustedChoice.com, the way consumers are looking for local agencies now. The Trusted Choice® co-brand, the consumer agent portal, Best Practices, and much more are preparing independent agencies to effectively compete both now and in the future.

"While independent agency market share in personal lines has been relatively static in recent years, many things are converging for the IA system to increase its personal lines marketshare," continued Rusbult. "While McKinsey says 'Auto insurance – which accounts for 70 percent of personal lines premiums – is fast becoming commoditized,' agents can successfully counter the emerging perception of auto insurance as a commodity by 'going opposite' with their marketing strategy and fully embracing a local, relationship based strategy leveraging technology and fully embracing the Consumer Agent Portal (CAP)."

Rusbult also noted the independent agency system is growing. The 2012 Future One Agency Universe Study showed that between 2010 and 2012 more than 1,000 new independent agencies were formed.

FOUR MN AGENCIES AWARDED BEST PRACTICES AGENCY DESIGNATION

Christensen Group, Minneapolis

**Cobb Strecker Dunphy & Zimmermann,
Minneapolis**

Cornerstone Insurance Agency, Chaska

Stearns Insurance Services, St. Cloud

Each year since 1993, IIABA and Reagan Consulting, an Atlanta-based management consulting firm, join forces to study the country's leading agencies in six revenue categories. The agencies comprising the study groups are selected every third year through a comprehensive nomination and qualifying process and awarded a "Best Practices Agency" designation. The selected "Best Practices" agencies retain their status during the three-year cycle by submitting extensive financial and operational data for review each year.

More than 1,100 independent agencies throughout the U.S. were nominated to take part in the annual study, but only 216 agencies qualified for the honor. To be chosen, the agency had to be among the 35-45 top-performing agencies in one of six revenue categories.

The Best Practices Study was initiated by IIABA in 1993 as the foundation for efforts to improve agency performance. The annual survey and study of leading independent insurance agencies documents the business practices of the "best" agencies and urges others to adopt similar practices.

HANOVER NAMES LEFFARD PRESIDENT OF HANOVER PROFESSIONAL PORTFOLIO

The Hanover Insurance Group, Inc., a leading provider of property and casualty insurance for businesses, families, and individuals, today announced that it has named Greg Leffard president of Hanover Professional Portfolio, responsible for the company's E&O businesses. Hanover Professional provides industry leading professional liability and errors and omissions solutions for small and mid-sized firms, with customized offerings for lawyers, architects and engineers, accountants, and a broad range of other professional, technical, and business service industries.

"We are very pleased to welcome Greg to The Hanover," said Andrew Robinson, president of specialty insurance at The Hanover. "Greg is a talented and committed leader who has earned an outstanding reputation for building and leading professional liability businesses over the past 25 years. We look forward to working with him as we further strengthen our competitive position and enhance the value we deliver to our partner agents and brokers."

Leffard comes to The Hanover from The Hartford, where he served in a range of leadership roles over the past nine years. Most recently, he was vice president in the company's financial products division with responsibility for professional liability. Previously, he held a number of underwriting, claims, and business management positions at Travelers and was also in private practice as an insurance defense attorney.



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Expert Advice: Sometimes you need answers to questions that can't be found in the research library. To help with these "just in time" issues, we have assembled a faculty of leading experts from around the country. Big "I" Members can submit questions to our "Ask an Expert" service and a response is usually sent within 3-5 business days, but often sooner.

All of this can be accessed on the web at

www.independentagent.com/vu



MIIAB is now sponsoring the **Certified Risk Managers Designation**

The Certified Risk Managers (CRM) designation demonstrates that you are knowledgeable in all areas of managing risks, hazards, and exposures.

The courses provide you with an in-depth knowledge about today's highest priorities – identifying, analyzing, controlling, financing, and administering operational risks – as well as political risks, catastrophic loss exposures, third-party exposures, fiduciary exposures, employee injury exposures, juridical risks, legal risks, and more – whether insurable or not. The skills you learn will make you more proactive and valuable to your organization in discovering how risks can interrupt the flow of earnings and how to protect against it.

The five CRM courses are:

Principles of Risk Management

Analysis of Risk

Control of Risk

Financing of Risk

Practice of Risk Management

Each course is 2-½ days of instruction, followed by an optional exam. Any eligible individual may attend classes without taking the examinations or working toward the designation.

For more info and to register follow this link:

<https://www.scic.com/courses/CRM#>

CRM Principles of Risk Management June 25-28, 2013 Eden Prairie, MN

We recommend you take this course first because it lays a solid foundation in risk management essentials, and gives you the tools for identifying exposures - the first step in the risk management process. It also provides the background to ensure your success in the courses that follow.

CRM Financing of Risk December 3-6, 2013 Eden Prairie, MN

Financing of risk can be an intricate and complex task. In this course, you will compare the various financing options presented: non-insurance transfer, guaranteed cost plans, retro plans, dividend plans, pools, and various types of captives. You will learn how to deliver the message to management in present value dollars.



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- 1/16 - 1/18/13 Eden Prairie Commercial Casualty
- 2/6 - 2/7/13 Plymouth *Ruble Graduate Seminar
- 3/6 - 3/8/13 Eden Prairie Commercial Property
- 4/24 - 4/26/13 Eden Prairie Life & Health
- 5/15 - 5/17/13 Eden Prairie Personal Lines
- 6/12 - 6/14/13 Brainerd Agency Management
- 7/17 - 7/19/13 Eden Prairie Commercial Casualty
- 8/7 - 8/9/13 Eden Prairie Life & Health
- 9/25 - 9/26/13 Plymouth *Ruble Graduate Seminar
- 10/16 - 10/18/13 Eden Prairie Commercial Property
- 11/13 - 11/15/13 Eden Prairie Personal Lines

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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

All courses begin Wednesdays at 8:00 a.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.
NOTE: Ruble Graduate Seminars only meet Wednesdays and Thursdays from 8:00 a.m. until 5:15 p.m. & there is no exam.

Important Information
 All participants must present photo identification to the on-site registrar at the institute. Cancellations received within 7 calendar days of a program will incur a \$75 non-refundable fee. If you do not cancel and do not attend the program, you will incur a \$125 fee. The balance of the registration fee may be refunded or transferred to another course. You may substitute an eligible person for the same event anytime at no charge with notification prior to the course.

These courses have been submitted for approval to the MN Commissioner of Commerce for 20 hours of Insurance continuing education. Except for Ruble Graduate Seminar that are only 16 hours.

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- 4/9 - 4/11/14 **Eden Prairie** Personal Lines
- 5/21 - 5/23/14 **Eden Prairie** Commercial Property
- 6/11 - 6/13/14 **Brainerd** Life & Health
- 7/16 - 7/18/14 **Eden Prairie** Personal Lines
- 8/6 - 8/8/14 **Eden Prairie** Commercial Casualty
- 9/10 - 9/11/14 **Plymouth** *Ruble Graduate Seminar
- 10/8 - 10/10/14 **Eden Prairie** Agency Management
- 11/5 - 11/7/14 **Eden Prairie** Commercial Property

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Please select Seminar date - These courses have been approved by the MN Commissioner of Commerce for 8 hours of Insurance continuing education (**Dynamics of Service has been approved for 7 hours of Insurance continuing education)

- 1/9/13 - Shoreview Commercial Casualty
- 1/22/13 - Eden Prairie Personal Auto
- 2/5/13 - Eden Prairie *WTH - Personal Lines
- 2/13/13 - Rochester Agency Operations
- 2/19/13 - Eden Prairie Commercial Casualty
- 2/26/13 - St. Cloud Personal Residential
- 3/20/13 - Duluth Commercial Casualty
- 4/17/13 - Rochester Commercial Casualty 1
- 4/18/13 - Eden Prairie Personal Residential
- 4/23/13 - Shoreview *WTH - Commercial Lines
- 5/14/13 - Eden Prairie Agency Operations
- 5/16/13 - Rochester *WTH - Personal Lines
- 5/21/13 - Duluth Personal Lines Miscellaneous
- 5/22/13 - St. Cloud Commercial Property
- 6/4/13 - Mankato Personal Auto
- 6/5/13 - Bemidji Personal Residential
- 6/11/13 - Grand Rapids Agency Operations
- 6/18/13 - Eden Prairie *WTH - Commercial Lines
- 7/11/13 - Shoreview Personal Auto
- 7/16/13 - Alexandria Agency Operations
- 7/25/13 - Brainerd Commercial Casualty 1
- 8/15/13 - Eden Prairie **Dynamics of Service
- 8/22/13 - Fergus Falls Personal Auto
- 9/10/13 - Eden Prairie Personal Auto
- 9/11/13 - Thief River Falls Agency Operations
- 9/12/13 - Shoreview Commercial Property
- 9/17/13 - St. Cloud *WTH - Commercial Lines
- 10/3/13 - St. Cloud Personal Auto
- 10/9/13 - Eden Prairie Commercial Casualty 2
- 10/10/13 - Duluth Personal Auto
- 10/22/13 - Mankato Commercial Casualty 1
- 11/5/13 - Eden Prairie Personal Residential
- 11/13/13 - Rochester Personal Auto
- 12/10/13 - Eden Prairie Commercial Property

*** NEW!!!**
William T. Hold Seminar and Dynamics of Service
Open to All!
 You are no longer required to have your designation or to be a dues paying member of the National Alliance to attend the William T. Hold or Dynamics of Service Seminars. You can also use these courses to update your CISR designation.

BONUS!!!
William T. Hold Seminar Meets Ethics Requirements

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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	Seminar	Time
\$158.00	CISR Seminar	8:00am-3:45pm Test: 4:15-5:15pm
\$168.00	*William T. Hold Seminar (WTH)	8:00am-5:00pm
\$158.00	**Dynamics of Service	8:00am-5:00pm

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- 1/7/14 - Eden Prairie Personal Lines Miscellaneous
- 1/23/14 - Shoreview Agency Operations
- 2/5/14 - Eden Prairie Commercial Casualty I
- 2/6/14 - St. Cloud Commercial Casualty I
- 2/11/14 - Duluth Commercial Property
- 3/4/14 - Shoreview Personal Lines Miscellaneous
- 3/11/14 - Rochester Commercial Property
- 3/12/14 - Eden Prairie Agency Operations
- 4/8/14 - St. Cloud WTH - Personal Lines
- 4/15/14 - Eden Prairie Personal Auto
- 5/6/14 - Eden Prairie Commercial Property
- 5/14/14 - Rochester Elements of Risk Management
- 5/15/14 - Duluth Personal Residential
- 5/20/14 - Grand Rapids Commercial Casualty II
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- 6/17/14 - Thief River Falls Personal Auto
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- 7/15/14 - Alexandria Commercial Property
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- 8/5/14 - Rochester Personal Lines Miscellaneous
- 8/12/14 - Eden Prairie Commercial Casualty II
- 8/12/14 - Willmar Agency Operations
- 8/21/14 - Bemidji Commercial Casualty I
- 9/9/14 - St. Cloud Commercial Casualty II
- 9/16/14 - Duluth Elements of Risk Management
- 9/23/14 - Eden Prairie Personal Residential
- 10/2/14 - Shoreview WTH - Personal Lines
- 10/14/14 - Eden Prairie Dynamics of Service
- 10/15/14 - Rochester Dynamics of Service
- 11/11/14 - St. Cloud Personal Residential
- 11/18/14 - Mankato Personal Lines Miscellaneous
- 12/9/14 - Eden Prairie Personal Lines Miscellaneous

NEW!!!
William T. Hold Seminar and Dynamics of Service Open to All!

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BONUS!!!
William T. Hold Seminar Meets Ethics Requirements

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Cost	Seminar	Time
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\$168.00	William T. Hold Seminar (WTH)	8:00am-4:00pm
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These courses have been approved by the MN Commissioner of Commerce for 6 hours of Insurance continuing education of which 3 hours also qualify for Ethics continuing education.

Please Check Location

- 1/23/13 - Eden Prairie** 8:30am-3:30pm
Prairie Conference Center
7500 Flying Cloud Dr
Eden Prairie, MN 55344
952.835.4180
- 3/14/13 - St. Cloud** 8:30am-3:30pm
Best Western Kelly Inn
Hwy 23 & 4th Ave
St. Cloud, MN 56301
320.253.0606
- 4/24/13 - Fergus Falls** 8:30am-3:30pm
Best Western/Bigwoods Event Center
925 Western Ave
Fergus Falls, MN 56537
800.293.2216
- 5/9/13 - MIIAB Convention** 8:30am-3:30pm
Minneapolis Convention Center
1301 2nd Ave S
Minneapolis, MN 55403
612.335.6000
- 6/20/13 - Morton** 8:30am-3:30pm
Jackpot Junction
39375 County Hwy 24
Morton, MN 56270
507.644.3000
- 7/23/13 - Walker** 8:30am-3:30pm
Chase on the Lake
502 Cleveland Blvd
Walker, MN 56484
888.242.7306
- 8/21/13 - Rochester** 8:30am-3:30pm
Doubletree Rochester
150 South Broadway
Rochester, MN 55904
507.281.8000
- 9/17/13 - Duluth** 8:30am-3:30pm
Holiday Inn & Suites
200 West First St.
Duluth, MN 55802
218.727.7492
- 10/23/13 - Eden Prairie** 8:30am-3:30pm
Prairie Conference Center
7500 Flying Cloud Dr
Eden Prairie, MN 55344
952.835.4180

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 AND 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 AND ONE ACTIVE AGENCY PRINCIPAL, OWNER, PARTNER, OFFICER, OPERATIONS MANAGER OR PRODUCER AND ONE CSR	THREE PRODUCER'S OR CSR'S
51+	10	ACTIVE AGENCY PRINCIPAL, OWNER, PARTNER, OFFICER AND TWO ACTIVE AGENCY PRINCIPAL'S, OWNER'S, PARTNER'S, OFFICER'S, OPERATIONS MANAGER'S OR PRODUCER'S AND TWO CSR'S	FIVE PRODUCER'S OR CSR'S

<p>Cost per person \$151.00 MIIAB Member Price \$166.00 Non-Member Price</p>	<p>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.</p>
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Method of Payment

- Check Enclosed (Payable to MIIAB) or Charge to: VISA Mastercard
(Additional non-refundable charge of \$5 will apply per class for credit card transactions)

CANCELLATION POLICY: Registration fee is fully refundable if cancellation is received seven days prior to class. A \$30.00 fee will be charged for cancellations less than seven days before the scheduled class. NO SHOWS will NOT receive a refund.

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

Card Number	Expiration Date	Signature	
Name on Card	Security Code (3 digits)	Billing Address	
Name	MN Insurance License #	DOB	Designations
Agency/Company	Phone	Email	
Address	City	State	Zip

Return to: **MIAB, 7500 Flying Cloud Dr, Suite 900, Eden Prairie, MN 55344 P: 952.835.4180 F: 952.835.4774 E: mherr@miia.org**

www.miia.org

2014 MIIAB E&O Risk Management: Meeting the Challenges of Change



MN Independent Insurance Agents & Brokers Association

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- 1/22/14 - Eden Prairie** 8:30am-3:30pm
Prairie Conference Center
7500 Flying Cloud Dr, Ste 125
Eden Prairie, MN 55344
952.835.4180
- 3/25/14 - St. Cloud** 8:30am-3:30pm
Best Western Kelly Inn
Hwy 23 & 4th Ave
St. Cloud, MN 56301
320.253.0606
- 4/15/14 - Fergus Falls** 8:30am-3:30pm
Best Western/Bigwoods Event Center
925 Western Ave
Fergus Falls, MN 56537
800.293.2216
- 5/1/14 - MIIAB Convention** 8:30am-3:30pm
Minneapolis Convention Center
1301 2nd Ave S
Minneapolis, MN 55403
612.335.6000
- 6/19/14 - Morton** 8:30am-3:30pm
Jackpot Junction
39375 County Hwy 24
Morton, MN 56270
507.644.3000
- 7/9/14 - Walker** 8:30am-3:30pm
Northern Lights Casino
6800 Y. Frontage Rd NW
Walker, MN 56484
866.652.4683
- 8/19/14 - Rochester** 8:30am-3:30pm
Ramada Hotel & Conference Ctr
1517 16th St SW
Rochester, MN 55902
507.289.8866
- 9/17/14 - Duluth** 8:30am-3:30pm
Holiday Inn & Suites
200 West First St.
Duluth, MN 55802
218.727.7492
- 10/22/14 - Eden Prairie** 8:30am-3:30pm
Prairie Conference Center
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Eden Prairie, MN 55344
952.835.4180

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Card Number	Expiration Date	Signature	
Name on Card	Security Code (3 digits)	Billing Address	
Name	MN Insurance License #	DOB	Designations
Agency/Company	Phone		Email
Address	City	State	Zip

Return to: **MIAB, 7500 Flying Cloud Dr, Suite 900, Eden Prairie, MN 55344 P: 952.835.4180 F: 952.835.4774 E: miia@miia.org**

www.miia.org



POWER IN PARTNERS PROGRAM

Thank you to the following companies that are supporting the association through our Power in Partners Program in 2013. 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.

MN Independent Insurance Agents & Brokers Association

DIAMOND LEVEL



**AUSTIN MUTUAL
INSURANCE COMPANY**
A member of The Main Street America Group



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**American Strategic Insurance
Foremost Insurance
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SECURA Insurance
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