



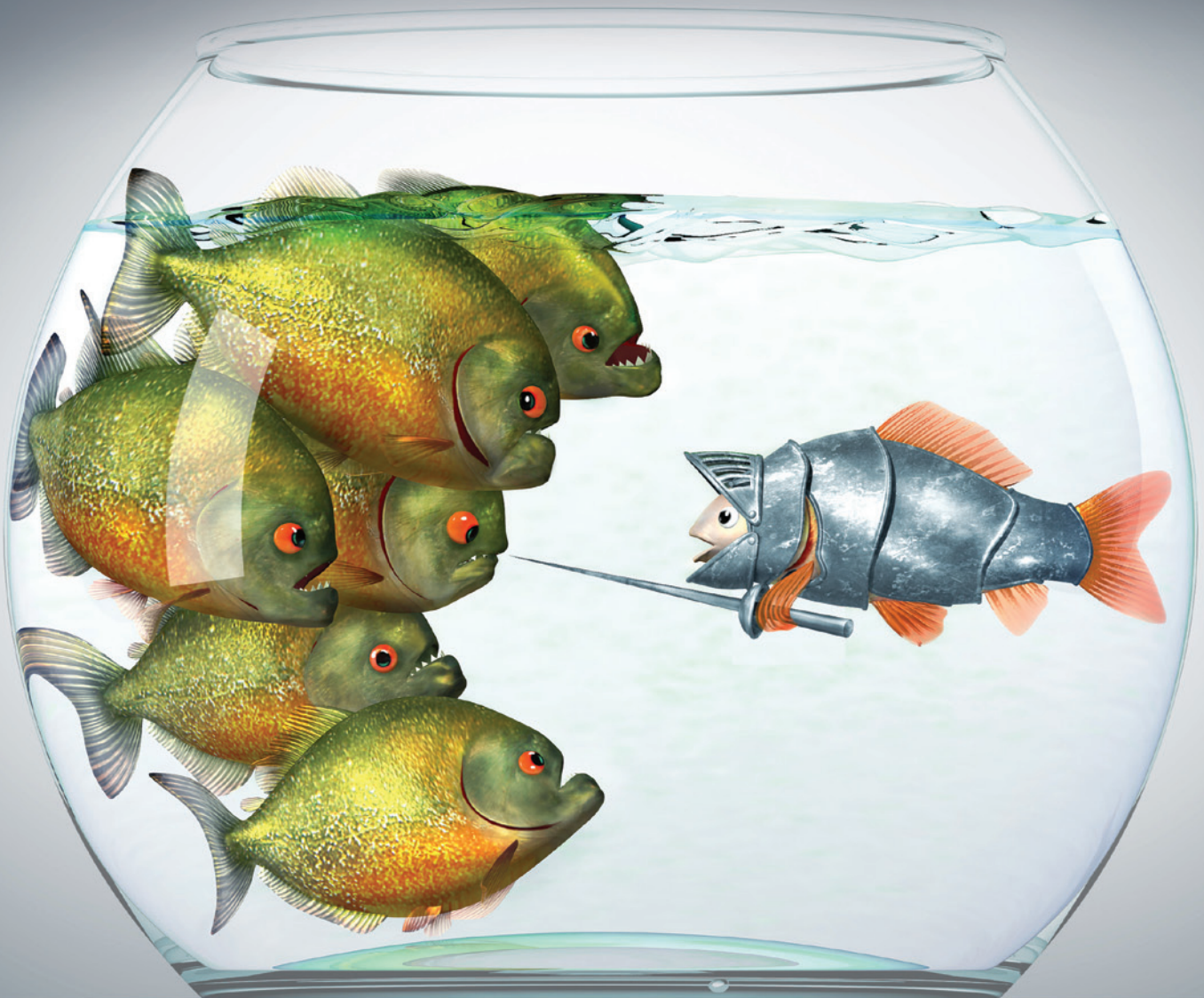
# THE Minnesota News

*Lessons in Communication Learned from Irate Customers*





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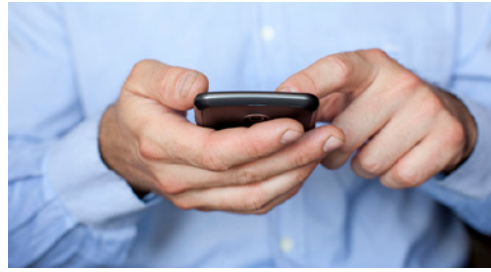
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## Your Most Important Client

Your most important client is you! There, I said it! The most important client you advise is the one you see every morning in the mirror.

I know what you are thinking, "My biggest client is my most important client." Ok, your clients do provide you an income and you work hard for them. But, here's where I am going: YOU deserve the same high-end advice and service your clients have come to expect out of you. Use the proactive and professional agent skills you have developed for yourself and your agency. Most likely, you are proficient at determining the value of your building and the amount of liability coverage your agency needs. When we are all about agency perpetuation, have you even thought about your Errors & Omissions coverage? For most of us, E&O coverage is something of a mystery. It's something for which we pay the premium each year and pray we don't have a loss. Do you even know what's in your E&O policy? I'm here to tell you that the Westport/SwissRe product the Big I offers is great!

We have all heard stories of strange E&O lawsuits that are brought against our fellow "Big I" friends. Granted, there are a few times that we just plain make a mistake, we unintentionally don't add something, or we're misinformed about a potential exposure our client has. Even with all the E&O seminars that are designed to make you come to rethink your livelihood and usually alter your agency procedures, there will be a time in your insurance career that you will make a mistake...and when that mistake happens, you would feel terrible about destroying the lives of family and staff if you were to lose a lawsuit for \$1 million above your E&O limit.

Twenty years ago, a \$1 million limit was considered more than adequate, but then again we lived in a different time. A new car was \$20,000 and a gallon of gas was \$1.09, plus, we now live in a very litigious society. There is no amount of documentation preventing the \$3,000,000 or more lawsuits. You and I need to be protected so that we can sleep at night. Some agents say they set their agency limits to some factor multiplied by their largest client's umbrella or GL limits. Others use the number of agents/CSR's in the agency and divide by 2. I've also heard of agencies setting their limit based on some randomly derived formula. As I come to see it, because we are all independents, every agency has a different level of exposure; every limit is, and should be different. This is why there is no cookie cutter solution to the question.

When I was looking for some hard and fast rules about E&O limits I found a few websites such as [www.independentagent.com/EOhappens](http://www.independentagent.com/EOhappens) which is a "Big I" website with a ton of tools, checklists, and articles for our members. You can go there to get an E&O audit set up and not only save money on your E&O policy, but you will be more apt to sleep better at night knowing you are making improvements in agency processes. There are others out there, but this one does such a good job and is put together with help from our E&O Company, SwissRe.

This year, when your E&O policy renews please speak with Dan, Frank and their staff about your E&O limits and find out what the minimal cost is of increasing those limits, along with other things you may need added to your policy. They would be more than happy to be a resource and help you decide what best fits your agency. Your most important client is you and our most important client is you!

Finally, let me say "Merry Christmas". May the joy of the season remind you of why we celebrate: it's the birth of a Savior. I pray you also are reminded why you are part of this noble profession. So be blessed and be a blessing to all you meet and serve!



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We also participated in raising money for Make-A-Wish at our convention last May in which we raised approximately \$7500. We also sponsored a Trusted Choice Independent Insurance Agents table at the Make-A-Wish Ball last May for \$10,000 and we raised over \$5,000 last August in the Minneapolis Make-A-Wish Walk for Wishes at Theodore Wirth Park.

Finally, your association under its Trusted Choice Independent Insurance Agents brand was chosen by Make-A-Wish to be the major matching donator in its annual "Give to the Max Day". During this day, we raised over \$20,000 to help support Make-A-Wish MN and the hundreds of children that they support throughout the year.



We thank all of our members and our insurance company partners for their participation in these fundraising efforts. Next year, we will be building upon our commitment to the Make-A-Wish foundation and will be looking for our local members support in their communities to help us make these children's wishes come true. Thanks again for all your support!



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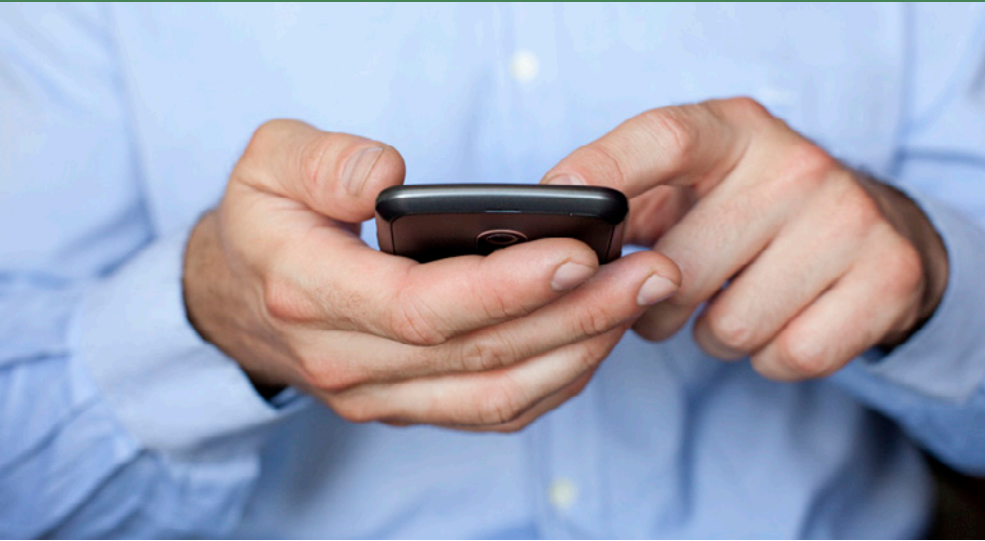


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# The Text Revolution: Changing Times Call for Changes in your Communication Practices

By Aaron Simon

## Introduction

In today's day and age there are numerous ways you can communicate with people, including your insurance customers. This includes phone calls, letters, text messaging, Facebook Messenger®, Skype®, LinkedIn®, and so on. The use of what was once known as "non-traditional" forms of communication, particularly text messages, has exponentially increased over the past few years. This article will focus on this rise in text messaging, how you can properly use it to increase and improve your business, and the legal implications of texting for insurance agents.

As an attorney, I regularly have clients text me and message me on Facebook® and LinkedIn®. My clients are using this format to contact me and likely so are your insurance customers. In addition, you may have communications with insurance company underwriters and other insurance company personnel via text messaging. It would not surprise me if you will soon be able to report an insurance claim via a text message. Even my 73 year old father regularly uses text messages to communicate with me, and expects me to promptly respond to him!

Some research has shown that **"sending and receiving text messages is the most prevalent form of communication for Americans younger than 50"**; and "[m]ore than **two-thirds of 18- to 29-year-olds say** they sent and received text messages 'a lot' the previous day, as did nearly **half of Americans between 30 and 49.**"<sup>1</sup> In addition, some studies have shown that **more than 90 percent of people read a text message within the first three minutes of receiving it.**<sup>2</sup>

While some may not like the predominance of texting, it cannot be ignored. There are no legal prohibitions against the use of text, or similar, messaging with your customers. But, there are both positives and negatives to texting. Some of the biggest positives are that texting is simple and easy; texting documents your communications; and the cost of texting is very low. Some of the biggest negatives are the potential for misunderstandings and misinformation and the impression of informality and unimportance.

## Positives of Text Messaging

First, as a marketing tool, allowing your customers to reach you via text, should you choose to do so, gives them access to you 24/7. This could be a big selling point for you, particularly with the Millennial Generation (born between 1980-1999), an 80 million-plus group of customers. Millennials are always near their phones, and their next text, with 80% sleeping with their cell phones next to their beds.<sup>3</sup>

Text messaging is also a way for you to successfully reach your customers, with instant confirmation that a text has been sent, and statistics showing that it will likely be read. For example, some studies show that **"Brands using SMS successfully reach 95 percent of smartphone and non-smartphone users."**<sup>4</sup> Text messaging is, likewise, generally a reliable and a universal way of communicating with customers and others not just in the United States but throughout the world. Texting internationally is generally the same as a making a phone call; you just need the country calling code to send a text.

Further, texting is instant and to the point. Texting forces you to be succinct, which is important to customers. It is, in fact, the most inexpensive form of communication. To quote Mark Twain, "I didn't have time to write a short letter, so I wrote a long one instead." So if you have a tendency to go on and on to make a point, texting forces you to be brief and to succinctly convey your message.

*continued on page 11*



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Additionally, you don't have to "break the bank" to use texting technology in your business. Software can allow you to sync your phone to your desktop computer and allow you to send text messages directly from your desk. You can also store, download, characterize, and sort your text messages using various applications on your smart phone, most of which are free or at a very low cost.<sup>5</sup>

## Negatives of Text Messaging

So with all of these positives to texting, are there any negatives? The answer is yes, and the lesson is: be aware and be careful when communicating via text.

First, texting, Twitter®, chatting and IM abbreviations, while common, may be confusing. In normal, everyday life, a "TTFN" would be totally appropriate, but when communicating with an insurance customer, such abbreviations are too informal. Certainly, the use of "THX" would be acceptable, but use caution. While you might be up-to-date on the latest lingo, your customer might not know what "BTW," "RBTL," "2moro," or "IMHO" mean. Similarly, if you receive a message with such abbreviations, make sure you are clear on the meaning. A simple message back with a confirmation would suffice.

Likewise, context is very hard to convey in a text message, such that sometimes the benefit of conciseness is outweighed by the need to put the information you are conveying, or receiving, into context.

Errors in spelling and content are also more prevalent in text messages as opposed to emails and traditional letters. Auto-correct can also entirely change the meaning of the message sent or received. Proofread before hitting "send."

Finally, some people are just not yet comfortable sending and receiving text messages. In those instances, traditional communications are best.

## Legal Implications of Text Messaging

While text messaging has taken over as the dominant form of communication, there is little case law or legal authority that discusses text messaging in the insurance agent insurance customer dynamic. Currently, there is no legal prohibition on the use of text messaging, or other forms of IM, in communications with your insurance customers. In fact, courts have recognized texting as a valid and predominant form of communication.

However, text communications do have potential legal implications. The most obvious issue is making sure you receive and acknowledge communications that you receive via text from your insurance customers. What is the effect of an insurance customer texting you "please add new 2015 Camaro to my automobile policy the VIN is..." Does this bind coverage? Probably not. However, if you as the agent fail to add the new vehicle, and a claim involving that vehicle later arises, you might be exposed to a professional liability claim.

Another potential legal implication of texting is sending a text to the wrong customer. There is likely limited liability exposure here but there is chance to upset and offend your customers.

Another legal issue that arises with using texts in business is sending sensitive information (driver's license numbers, social security numbers, bank information, etc...). First, it is highly recommended that you do not send sensitive information via text. However, if you or your customers are sending sensitive information via text, then make sure at minimum you are always locking your phone when not in use; and you should encrypt<sup>6</sup> your phone.



**Aaron Simon** is a litigation attorney with the law firm of Brownson & Linnihan, PLLP. He is admitted to practice law in Minnesota and Wisconsin. A focus of Mr. Simon's practice is defending insurance agents and agencies and handling insurance coverage cases in state federal courts. Mr. Simon is a member of the Minnesota State Bar Association, the Wisconsin State Bar Association, the Minnesota Defense Lawyers Association, and the Defense Research Institute and the Professional Liability Underwriting Society. To learn more about Aaron, go to

<http://www.brownsonlinnihnan.com/bio/aaron-m-simon/>





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One should also take care if you are sending mass marketing via text messaging. There are federal and state regulations that exist that apply to this and that should be carefully followed.<sup>7</sup>

## Recommendations

Like it or not, text messaging (and other forms of non-traditional communication) are here to stay. Be aware of this and embrace these forms of communication while at the same time taking care to still communicate appropriately. Even though texting is less formal than other forms of communication, carefully composing and sending text messages is important. Only communicate via text or instant message with customers who have specifically agreed to this form of communication. Have the customer confirm on the first text that you have the right contact number. In fact, a best practice is to ask your customers what form of communication they prefer.

As always from a professional liability standpoint, documentation is key. Set standards and follow them: all “conversations,” with a customer—whether by text, email, phone or in person— should be documented and preserved.<sup>8</sup> You should also obtain written acknowledgement from your customer regarding all decisions and transactions. Unfortunately, it is sometimes not enough to have one-sided documentation. It is also recommended that if you regularly communicate with a customer via text that you send that customer a written statement regarding your policies and limitations regarding your agencies’ text communications.

A best practice is to develop policies and procedures for your agency’s communications with customers and others by text or other forms of instant messaging. Make sure these procedures are understood by all and carefully followed.

## Conclusion

Communication continues to evolve with technology and social media. For the insurance industry, this evolution can provide an opportunity to connect in a new way with your customers, particularly as the Millennial Generation takes over the marketplace. For every communication, there's an appropriate form of messaging, including text messaging. The bottom line is that this form of communication, used with proper safeguards, can be advantageous to an agency’s business, both in terms of reaching more customers and, if a liability claim arises, creating documentation to protect you.

---

<sup>1</sup> <http://www.gallup.com/poll/179288/new-era-communication-americans.aspx>

<sup>2</sup> <http://venturebeat.com/2015/03/27/why-businesses-cant-ignore-sms-hint-90-of-people-read-a-text-message-within-the-first-3-minutes/>  
See also: <http://www.fastcompany.com/3010237/bottom-line/texting-is-the-new-email-does-your-company-do-it-right/>

<sup>3</sup> <https://www.uschamberfoundation.org/millennial-generation-research-review>

<sup>4</sup> <http://www.forbes.com/sites/cherylsnappconner/2013/11/12/fifty-essential-mobile-marketing-facts/>

<sup>5</sup> <http://smallbusiness.chron.com/improve-business-communication-through-text-messages-74614.html>

<sup>6</sup> Most smart phones have a setting that allows to encrypt all of the data on your phone.

<sup>7</sup> The Telephone Consumer Protection Act (TCPA) and the CAN-SPAM Act set for the requirements for commercial messages and marketing. More information on both laws can be found at <https://www.ftc.gov>

<sup>8</sup> Texts should be immediately forwarded to your business email address and entered into your agency management system. It is important for everyone in your agency to learn how their specific phone works for text forwarding and understand the characteristics of their devices, as they differ.







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## Twenty Years Ago – Employment Practices Liability

I was looking at my calendar the other day and I noticed that it has been twenty years since 1) I retired from the St. Paul (now part of the Travelers Companies) and 2) we became aware that we had better be offering Employment Practices Liability insurance to our clients. Whether they bought the coverage or not, the offer was something that had to be made.

I have never seen a need for an insurance product explode onto the insurance scene as fast and dramatic as EPL coverage did. Think back, how often did you even think of this coverage twenty years ago? The reason for its dramatic arrival, of course, was the full force and urgency of the federal and state legislation that was being passed in the early 1990's, especially the Civil Rights Act of 1991 and the American Disabilities Act that was finalized in 1994. I don't mean to ignore the many other laws that also impact this coverage, but time only permits a brief look. Also, don't forget the various state agencies that can be involved, like the Human Rights Commission and the Equal Employment Opportunity Commission (EEOC) that may require our policies to provide some needed legal assistance at hearings as well as defense coverage.

So what has happened in the last twenty years? Remember the long, drawn out applications twenty years ago that took hours to fill out? All the larger companies began to come out with their stand-alone EPL policies (prior to that, the coverage was usually provided as an endorsement to the Directors and Officers policies, or some other policy). Just like the D & O policies in their early development, one size fit everyone. We had one policy for the for-profit companies and the non-profit companies as well. The market was also fairly limited, prices were considered "high" and the minimum premiums were substantial.

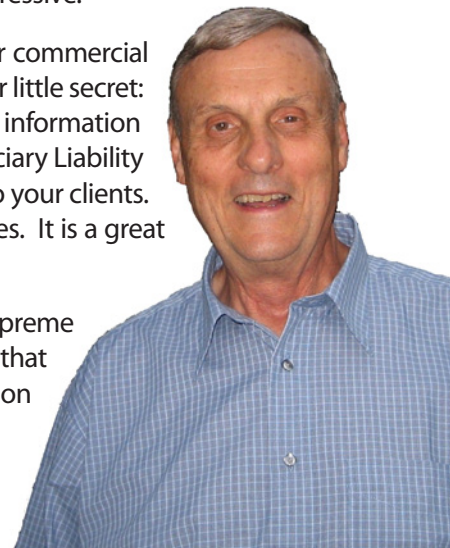
A lot has changed in these following years. We now have EPL policies for all kinds of different specialty risks, the applications have slimmed down, prices are getting much better as well as the minimum premiums, and the market is much more open to your submissions.

The methods of providing coverage have changed considerably. The non-profit D & O policies now often offer EPL coverage automatically, or as an option, often with separate limits and retentions. Stand alone policies still have their place, especially for the larger or more adventuresome risks, but now we are seeing easy-to-use endorsements being used in the Businessowners and smaller commercial market. Even ISO got on the band wagon and now has a sample EPL endorsement for use with the GL policies.

This accomplishes two nice effects: no "heavy" minimum premium and the pricing is really getting more attractive. Several companies have begun to provide EPL coverage this way and are getting very aggressive.

As a quick aside, several coverages can be added to the BOP policies and even the larger commercial packages: EPL, D&O and Fiduciary Liability. You can write any or all of them. Here's another little secret: if the insurance carrier is providing the GL coverage, they will already have almost all the information they need to write the D & O exposures, and with a few more questions, the EPL and Fiduciary Liability coverages. So it can be done with a minimum of your time and with a minimum of cost to your clients. The moral here: start thinking about adding these coverages to your commercial packages. It is a great cross-sell approach. Just start asking your underwriters.

As to the EPL exposures and how they have changed over the past twenty years, the Supreme Court of the United States has been somewhat busy. One of the biggest areas of change is that of sexual preference with reference to both discrimination (including wrongful termination








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cases) and sexual harassment cases now being covered by the ADA (actually the Court said that they “could” be covered by the ADA, depending on the circumstances, but I don’t think we - or our clients - want to be taking chances). Overall, the courts have broadened what the various federal and state laws demand, and put more burdens on our clients to comply in their human resources endeavors.

One area to be aware of is the policy limits and the question of “how much should I buy”? EPL cases are very expensive to defend because the defense attorney has to question most, if not all, the employees. Courts are always looking for a pattern, especially in cases of discrimination and sexual harassment. While there is no easy answer to the above question, I would suggest that a policy or endorsement with limits of \$300,000 or less is a defense policy only, because that is about all that will be left if the case is litigated. There won’t be much (if any) limits left to pay for the judgment. Be especially careful of the “throw in” coverages that can be provided, especially in the various BOP policies. Many companies have their customized endorsements that will bring in several coverages under some kind of “blanket” endorsement. While these can be wonderful additions to a BOP policy, the limits are often woefully inadequate. A throw in coverage of \$25,000 or \$50,000 for EPL exposures is fine, but is just a start in what might be needed if your client is involved in a claim. Be sure to offer higher limits.

Finally, there are the “desperate cases”, that is, those trying to find coverage under our standard policies the past twenty years. The GL, Umbrella, Employers Liability and even the Homeowners have been taken to trial as desperate people looked for help, where almost always, the court found there was none. So, our final thought, is this. If providing EPL coverage today is so relatively easy, don’t forget to mention it to every client. The one policy I didn’t list above, but one that has also frequently been in litigation is the E & O policy. Emphasis on the (O) omission here.

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Maple Grove, MN

**WEBSITE**  
[www.msagroup.com](http://www.msagroup.com)

**A.M. BEST RATING**  
"A" (Excellent)

Austin Mutual Insurance Company became an affiliate of super-regional The Main Street America Group in 2012 and the partnership has opened many great opportunities throughout Minnesota.

Minnesota's independent agents are benefitting greatly from this affiliation. Main Street America and Austin Mutual are focused on expanding their market share in the state in commercial lines, personal lines and bonds. Their commercial product suite features the robust Main Line Business Owners Policy (Main Line BOP), as well as tiered commercial auto, commercial umbrella and workers' compensation. Austin Mutual's personal lines product suite includes private passenger auto, homeowners, umbrella, dwellings and mobile homes. Their bonds product line features fidelity bonds and commercial surety.

"Product improvements to our personal auto and homeowners' programs and our commercial lines suite are driving significant results, with many of our long-term

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*Main Street America  
Western Region President  
Tiffany Daly*

agent-customers experiencing competitive rates and excellent closing ratios," said Tiffany Daly, The Main Street America Group's Western Region president.

Austin Mutual has been meeting the insurance needs of Minnesota individuals, families and businesses since 1896. Much like Austin Mutual, Main Street America's rich history began nearly a century ago when the company was established to provide auto liability insurance to members of the Grange Fraternity in New Hampshire.

The two storied insurance carriers share much in common – in particular, our steadfast commitment to you, the independent insurance agent, as our sole channel of distribution. In addition, both Austin Mutual and Main Street America are strong company partners of Trusted Choice® and the TrustedChoice.com consumer agent portal. In fact, Main Street America was honored with the "2013 Award of Excellence" from the MIIAB for its commitment

to Minnesota and independent agents. The Twin Cities suburb of Maple Grove is headquarters for Austin Mutual and Main Street America's Western Region.

Austin Mutual – as well as Main Street America's other eight property and casualty writing companies – are "A" rated by A.M. Best for their financial strength. They also carry an "a+" issuer credit rating from A.M. Best.

Main Street America annually writes nearly \$1 billion in premium and has more than \$2.4 billion in total assets. It partners with more than 3,000 independent agents to provide superior, personal service to over 600,000 policyholders. The company writes personal lines and commercial lines in 36 states, and fidelity and surety bond products in 47 states and the District of Columbia.

To represent Austin Mutual and Main Street America in your local market, and capitalize on their financial strength and solid Minnesota presence, please visit [www.msagroup.com](http://www.msagroup.com) and click on the "Become a Main Street America Agent" link.





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From left to right: Andy Roe, Katie Roe Weiper, Jim Roe and Patrick Roe

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# Capitol Notes



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

## State Operated Retirement Savings Plans

Last month, the Minnesota Department of Management and Budget held a meeting on a proposal to establish a state administered employee retirement savings plan for employees who do not have a retirement plan at work. Last year, we were able to keep the legislature from enacting this proposal sponsored by the AARP and labor unions. However, the proponents of this scheme are very powerful and the legislature threw them a bone by directing MMB to conduct a study of its feasibility. MMB has hired Deloitte Consulting to conduct this study.

Deloitte focused on two options. Option one would established a state-sponsored defined contribution plan for small businesses not currently providing a retirement plan. The state would mandate the DC plan for employers of 10 or more employees and make it voluntary for 10 or fewer employees. Employees would be automatically enrolled. It is unclear who would administer the plan, but administrative fees must be less than 1%. The estimated startup costs would be \$8 -15 million.

Option two would require employers of 10 or more to offer a payroll deduction IRAs. Employees would be enrolled automatically at a 3% contribution rate but could opt-out. Contributions would not be required by employers, but they could choose to make a contribution. Administrative fees must be below 1% and could be charged to employee's accounts. The state would manage the investments through the State Investment Board which oversees public pension plans. The estimated startup costs for this option is \$12 – 20 million.

I and others spoke to the myriad plans currently available to employees without retirement plans for as little as \$25 a month. Proponents point to the fact that most employees are not taking advantage of these options for a variety of reasons. They believe a state sponsored plan would garner more participation because people would be attracted to a simple government plan administered by the state, similar to public pensions.

Other options including more education and promotion of the private retirement savings market, or a separate state program of education about retirement savings, were very briefly discussed. The MyRA program was also on the table and I suggested promotion of this program. The proponents don't like the federal program because of its limitations and investment in only treasury bonds. They believe state sponsored plans can do much better with investment returns again referring to public pensions.

Since the study requires a recommendation back to the legislature on one of these options, I think Deloitte is leaning to the two aforementioned options of a defined contribution or payroll deduction plan. I doubt very much that either will be well received by the Republican controlled House.

## Federal Crop Insurance

The much heralded budget agreement passed by Congress last month was a rare win for bipartisanship in Washington. It could only have happened because of John Boehner's resignation. I hope this is not a precedent for getting major bipartisan bills passed. If so, we could see lots of Speakers in the months ahead.

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The budget document is really just a blueprint, the specific language and funding to various government programs and agencies still has to be enacted as a series of appropriations bills. This should occur before December 11. It is likely that Republican leaders will use parliamentary rules to bring these bills to a vote that will require only 51 votes in the Senate.

Unfortunately, the \$3 billion in cuts to the crop insurance program that were strongly opposed by the IIBA are in the global budget bill that was signed by the President. However, it appears that the House leadership has given assurances to IIBA and our supporters including Collin Peterson that the issue will be revisited with much if not all of the \$3 billion restored.

Only in Washington can losing with a promise to fix the loss at a later date be considered a victory. I will rely on our Washington lobbyists and staff that this is the case. In my experience this is not a done deal. I don't know if the new house leadership, in particular Speaker Paul Ryan and his staff, signed off on this reinstatement? He conveniently avoided the budget talks.

The Tea Party and other fiscal conservative Republicans aren't very happy about the deal and they are the prime movers of the Dept. of Ag budget cuts. As the budget goes forward, they will be looking for a victory on the budget. Their major targets are defunding Planned Parenthood, cutting the EPA and derailing ObamaCare all of which are veto bait for the President. One scenario might be to give the Tea Party some budget cuts in lieu of taking on these divisive issues. Could this keep the crop insurance cuts on the table?

Legislators that seek cuts in the US crop insurance program have introduced a reform bill that limits the rate of return for insurance companies to 8.9 percent and restricts premium subsidies for farmers with more than \$250,000 in gross income. The proposal would also eliminate the Harvest Price Option and cap premium subsidies at \$40,000. This proposal claims to save \$24.4 billion over the next 10 years. The Obama Administration has already indicated its willingness to look at crop insurance cuts and such a proposal could become attractive to budget cutting Republicans.

It appears we are technically alive to fight another day, but it could be a tough fight. Sometimes that is good enough.

## Day on the Hill

The 2016 Insurance Industry Day on the Hill has been set for March 30. Mark your calendars and join your colleagues as we descend on St. Paul in force to meet with our elected officials to discuss the insurance issues of the day. You will receive more information as the day approaches.



**Dominic Sposeto**  
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# Diamond Profile



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[www.ForemostAgent.com](http://www.ForemostAgent.com)

**A.M. BEST RATING**  
"A" (Excellent)

## About Foremost®

Foremost was founded in 1952 to insure manufactured homes and a few years later created the first travel trailer policy. The company grew from there, excelling in insurance for specialty products. In 2000, Farmers Insurance Group, Inc., the third largest insurer in the nation, purchased Foremost, bringing them into the Farmers family of companies. In 2011, the company began marketing auto insurance under the Foremost brand and added commercial lines to the robust Foremost portfolio in 2013. Foremost now offers business insurance products for a wide range of small businesses.

## Robust Product Offering

Foremost offers a full line of Personal Lines products, including Manufactured Home, Auto, Motor Home, Travel Trailer, Luxury Motor Coach, Specialty Homeowners, Vacant Property, Seasonal Property, Landlord and Rental Property, Motorcycle, Off-Road Vehicle, Snowmobile, Boat, Personal Watercraft and Collectible Auto.

Foremost also offers a suite of Small Business products including: Commercial Auto, Workers' Compensation, Umbrella and a full range of Business Owners Policies including Office, Retail, Wholesale and many more.

## Financial and Market Stability

Foremost is part of the most stable, longstanding and well-recognized group of companies in the industry. The company has a history of growth and financial stability, as demonstrated by its excellent A.M. Best "A" rating. Foremost is the leading insurer of manufactured homes in the country.

## Superior Claims Service and Customer Care

Every Foremost policy is serviced when needed with quick, responsive claim handling. In the event of a catastrophe, Foremost adjusters are often on the ground at disaster sites before other insurance companies arrive. Foremost quickly and thoroughly tracks the claim situation as it unfolds and delivers on-site presence to expedite claim handling and to provide excellent customer assistance. Claim service is available 24 hours a day, seven days a week, including holidays. Customers can file a claim easily and trust that the highest level of service is delivered...from the smallest fender-bender to putting the pieces back together after a storm.

## Discounts Save More

Foremost offers many customer discounts. The opportunity for savings increases when combining multiple Foremost lines and discounts. Some discounts include:

- Multi-policy
- Multi-vehicle



*President  
Steve Boshoven*

- Multi-property
- Prior Insurance
- Paid-in-full
- Advance Quote
- Electronic Funds Transfer (EFT)

Foremost offers many more discounts for specific products, including discounts for taking a safety course or being a member of an affinity group. (Discounts vary by state and product and may require proof of eligibility for customers to qualify for certain discounts.)

## Commitment to Independent Agents

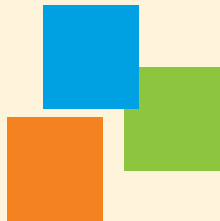
Foremost appreciates the unique aspects of Independent Agencies and the need to provide products, processes and systems that match up to the way you do business. The company's commitment is to provide one of the broadest product suites in the industry to meet your customers' needs, a focus on profitable growth and easy-to-use online platforms for business transactions.





# THE RIGHT MIX

**Austin Mutual Insurance Company's rich tradition and strong Minnesota presence sets us apart in the marketplace. As the newest affiliate of super regional The Main Street America Group, our two companies are building upon this solid foundation with the introduction of new competitive commercial lines products.**



Our Main Line Business Owners Policy (Main Line BOP), tiered commercial auto, workers' compensation and commercial umbrella products – written through our Spring Valley Mutual Insurance Company – are now available for you to sell to your commercial insureds. Our tiered commercial auto is available as a standalone product or you can pair it with our Main Line BOP, which includes many coverages not available in competing products.

Quoting and issuing all of our commercial products is easier than ever through our Main Street Station commercial lines system.

## **Need More Information?**

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# Gambling

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MIAB has partnered with Arlington/Roe to offer members an exclusive program to help protect their agencies from information security breaches. The holistic risk management program helps train staff on privacy compliance in addition to handling data breach notification and third party results.

### A data breach program you can gamble on

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### Coverage Benefits

- MIAB members pre-qualify for enrollment\*
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- Online compliance materials and support
- Step-by-step procedures for compliance
- Staff training programs and newsletters
- Data breach coach to help with notification
- Forensic investigator, public relations expertise, and privacy counsel
- Credit monitoring and credit restoration services
- Notification costs outside limit of liability
- Security and privacy liability





# Lessons in Communication Learned from Irate Customers

By: Joe Curcillo

Boss Deborah is sitting in her office reviewing monthly reports as she listens to routine bustling of her staff. Suddenly, she hears a single voice amidst the regular noise. It is Mary, her secretary, attempting to get a word in as she deals with a rather stubborn and authoritative customer. The call is placed on hold and is transferred into her office. Mary announces *“Mr. Money is on the phone; he is angry and is demanding your help.”*

As Deborah reaches for her phone, she recognizes that how she handles the next few seconds will determine whether Mr. Money will raise or lower the bottom line on the next monthly report.

In the time it takes to reach for the phone and say “Hello,” you must have the focus and knowledge necessary to take control and lead the caller back into your corner.

Preparedness comes by having the structure in mind that will allow your persuasive and reassuring abilities to control the situation. Maybe it was your staff, your management team or a salesman, but the buck stops with you. As you listen to the complaint, pay attention to how the caller became disgruntled, and match their words to the organizational structure and discipline that you have in place. Many times the caller has reached your desk because someone in the chain of command failed to listen and address their concerns.

*continued on page 29*



Let's begin with the approach; how you manage the window between the "ring" and the "answer" will define the experience as educational, confrontational or successful.

In the seconds before answering the call or meeting, keep in mind that the best way to initiate control is to take the high ground. Not just the high road of virtue and doing the right thing, but the high ground as a vantage point to observe the situation as a whole. Prepare to remove yourself from the fray and look at the big picture. The best means of accomplishing this is to remember 4 rules.

### **1. Do not speak until you have truly listened.**

The opposite of speaking is not listening—it is waiting to speak. Listening is a separate task, and in fact is an art. If you're waiting to speak, you are preparing to address the other person with words.

The easiest of all customers to deal with in the world of irate customers is the one that just wants to be heard. Everyone has dealt with someone who expressed every detail of their complaint to every person in their organization. They have begun to tell their story to the parking lot attendant as they parked their car, and each person they encountered en route to the manager's office.

Their repeated rehearsal of the story should be your first indication that all they need is understanding and reassurance. They want someone to listen; step up and make that person you.

### **2. Do not defend, until you have heard the attack.**

Step back, and allow the speaker to talk. As you listen, do not formulate your responses, but follow the speaker with an eye towards understanding the nature of their accusations and allegations. The ability to effectively challenge someone's argument hinges upon your understanding of their argument, not on the merits of your own.

Taking control of a situation requires you to pay attention to what is being said so that you may take all you've heard and use it collectively as you map out your proposed solution. Adopting the other person's arguments in your solution will make it much more difficult for a person to logically rebuff your offer of resolution.

### **3. Identify the true nature of the complaint and the complainant.**

There are many reasons why a person will complain. Dissatisfaction with a product or service is obvious, but some complaints are born and nurtured in environments outside of your control. Taking control of these types of complaints require you to listen and explore with questions the circumstances leading the customer to your door.

**Some people are simply disappointed with your entire industry.** Lawyers and mechanics will identify with this. It is necessary to set yourself apart from the herd and let the speaker know that you care.

**Some complaints are born from a lack of clear expectations.** Explore their concerns and guide them back to a more realistic path.

The most difficult of all complaints is the person who, due to their own shortcomings, has an inability to understand that the reason your products or service is failing, is their inability to follow instructions or guidance. It is essential that you speak to these people as you would to a friend. There is no need to use industry jargon or million-dollar



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words. Make sure that your vocabulary and speech is simple enough that they can follow your directions to the letter. But do not allow yourself to come across condescending. This can be avoided by remaining social and human as you address your customer.

#### **4. Focus on areas in which you and your company can improve.**

Learn. Even the most irrational or self-absorbed customers can teach you valuable tools to improve service. As you listen, pigeonhole some of their thoughts and complaints into the recesses of your mind. By looking for areas of improvement in each and every conversation, you will not only actively listen, but you will enjoy the opportunity to grow and become better.

Consider the following checklist as a starting point. Obviously, your industry may have specific questions or concerns that you should include. Allow these thoughts to operate as a springboard dive into your next irate customer moment.

- With whom have they spoken?
- What remedies have failed?
- Is the problem real or imagined?
- Is it related to a personality conflict with the representative with whom they have been working?
- What are their expectations?
- Are the expectations something you can address?
- Are their expectations reasonable?
- How many people have they spoken with at your company?
- Has everyone given them sound advice or bad advice?
- Is the disappointment with your company and you?
- Have they allowed their anger with the industry to fester?
- Have they been given sound advice but the problem rests with their inability to understand and listen?
- What can I learn from the situation to improve my bottom line?

#### **ABOUT THE AUTHOR:**

**Joe Curcillo**, The Mindshark, is a speaker, entertainer, lawyer and communications expert. As an Adjunct Professor at Widener University School of Law, Mr. Curcillo developed a hands-on course, based on the use of storytelling as a persuasive weapon. He has been a professional entertainer helping corporations and associations improve their communication techniques since 1979. For more information on bringing Joe Curcillo in for your next event, please visit [www.TheMindShark.com](http://www.TheMindShark.com)



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"Ruth, I quit my job" are the words that began the legacy Arlington/Roe celebrated at the company's 50th anniversary Stakeholder Ball in August of 2014. In 1964, with five children to support, Jim Roe's father, Francis, made the decision to start a family-owned insurance business. Today, Jim and Vickie Roe are honored that three of their children, Andy, Patrick and Katie Roe Weiper, chose to join, nurture and grow the family business.

**Our Values**  
**Individuality is valued and contributes to success**

Arlington/Roe attributes success to:

- Careful selection and professional growth of our people
- Caring relationships with customers and suppliers
- Diversification of product lines in a changing environment
- Involvement in preserving and advancing the insurance industry and Independent Agency System
- A culture anchored in trust, the Golden Rule and the development of stakeholders

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Jim Roe*



*Senior Broker  
Cindy Larson*



*Underwriter  
Cindy Kurtz*



*Vice President  
Mark Maurer*

**Our Growth in Numbers**  
**We value quantity but quality is our benchmark**

2005	\$100 million in premium
2015	Projected \$200+ million
170	Committed associates
200	Select markets
7	State offices: IN, IL, MI, OH, KY, TN, MN

**Our Practice Areas**  
**Providing markets, expertise and relationships**

Aviation  
Bonds  
Commercial Binding & Brokerage  
Farm  
Medical Professional  
Personal Lines  
Professional Liability  
Transportation & Garage  
Workers' Compensation

**Our Expansion into Minnesota**  
**Valued relationships have always spurred our state expansions**

Arlington/Roe welcomed Minnesota insurance professionals Cindy Larson and Cindy Kurtz to champion Arlington/Roe's Upper Midwest expansion into Minnesota. We value their reputations, commitment and expertise.

In 2013 MIIAB selected Arlington/Roe to serve as the broker and administrator of their Workers' Compensation program. And, through MIIAB and a national Big 'I' endorsement, Arlington/Roe offers members agency E&O and cyber liability insurance.

With a strong foundation and a bright future, in 2015 we committed to office space at 2 Carlson Parkway near the Carlson Company twin tower complex. We have developed a plan for local staff expansion. Our staff spearheads service to Minnesota agents, complemented by the expertise and capabilities from all of our offices.

When you see our name at events, please spend time with us. Or simply call to learn more. Mark Maurer, VP Marketing out of Michigan, assists Cindy Larson in building our agency partnerships. All associates can be reached at 800.878.9891. Learn more about our team in Minnesota in the people and bulletin sections of our website [www.ArlingtonRoe.com](http://www.ArlingtonRoe.com)

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# E&O Q&A

By Mary LaPorte, CPCU, CIC, LIC, CPIA

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

**Q:** I am a Commercial Account Manager in a very busy agency. All of us Account Managers are struggling to stay on top of our work, and it seems that we are always behind. At first, we thought it was because we didn't have enough people to do the work, but our boss insists we are adequately staffed when compared to agencies of a similar size. So we put our heads together to try to figure out where we are spending most of our time and were surprised that we all came up with the same answer. It's the producers! They are bringing in new business for us to quote, complete applications, create submissions, etc. They rarely give us enough information or the correct information to get a quote, and certainly not enough put a submission together. We spend most of our time going back and forth to them trying to get missing information so we can do our job. When we email them, they don't get back to us, and we need permission to go direct to the customer. Sometimes we "guess" at information so we can get the quote done and off our desk, but point out to the producer that the quote was based on a certain assumption. We are afraid that they don't always pay attention to that so it could lead to misunderstandings with the customer or the company. Do you have any suggestions as to how we can minimize errors and at the same time re-train the producers?

**Rachel, Pennsylvania**

**A:** Rachel, it might be asking a lot to re-train producers, but let's break this problem down and come up with some solutions. You don't mention how the producers are presenting business for you to quote, but it is not unusual for producers to send an email, drop a note on your desk, or perhaps furnish a copy of the prospect's current declarations page with scribbled notes on it. I want to stay away from stereo-typing producers, but I think we can agree that many of them are not detail oriented, even though they may be great at building relationships and making the sale. The trick is to give them the tools they need so that they can easily put the information together required to obtain a quote.

Consider developing a sheet for producers to complete for each line of business. On the sheet, clearly indicate which fields are required in order to just get a quote. That way, the producer can decide if they want to get the rest of the information later if all they need is a quick quote. For this to work, management must get behind it and require that the sheets be completed for all quotes and submissions. (No sheet, no quote!)

A simple way to do this is by creating a "kit" for each producer. The kit could be comprised of an accordion-type folder with multiple color-coded folders inside, each including a supply of forms for each line of business. This will make it easy for producers to quickly see which forms they need to complete for the lines of business they need quoted. It will also help them understand which fields they will have to complete in order to get a quote.

Having said all that, it should be noted that this system is very paper dependent. It may work for agencies whose producers are not extremely tech savvy. In many agencies today, producers frequently quote their own business through carrier portals and complete applications in the agency management system. The procedures and cultures of agencies can vary dramatically. The producer "kit" could also be provided digitally by creating fillable PDF forms or using software designed for this purpose. There are apps that can be customized for producers to use on tablets and submit the information digitally to the account manager. The goal is to provide a streamlined method of collecting and passing on information correctly and completely the first time, thereby minimizing the chance of misunderstandings and errors.

Hopefully, you will then spend less of your time chasing producers and more time delivering quality service to your customers.

*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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## Succeed in Personal Lines

Commercial lines accounts may command higher premiums, but many independent Trusted Choice agencies are taking a fresh look at personal lines. Even though captive writers and direct writers leverage massive advertising budgets to increase brand visibility, some Trusted Choice agencies are finding other ways to grow their market share.

### Sidestep 'Andre'

Auto and home insurance represent half of the P&C premium pie, totaling some \$530 billion. Private-passenger auto alone makes up a full third of that total.

Agents who were running scared from the direct writers are now realizing that they can very effectively compete with them.

But it takes a savvy strategy. You're not going to wrestle with 'Andre the Giant' and come out a winner. The smart agency doesn't pit itself against the pricing strength of the direct writer. You must go after them with the strength of the independent agency system, and that strength is personal relationships and knowledge. If you use your knowledge base and the fact that you're a local professional to your benefit, you can beat the direct writers pretty much every time.

### Make It Personal

Try taking a personal approach to personal lines. Go deep and establish a personal relationship with your clients. Trusted Choice agents can approach personal lines by making friends with their clients. Consider sending handwritten notes to clients every year, making personal calls to every homeowner for renewal, and sending a newsletter that includes "nothing about insurance."

Client appreciation events can form the cornerstone of an agency's personal lines strategy. In June host an opening game of your local baseball team, buying everyone tickets and dinner. During the holiday season hosts a "gratitude open house" in your home.

Or how about a Christmas tree farm open house where you invite client families to a tree farm for hot chocolate and snacks, festivities and a free Christmas tree. This event will provide an opportunity for you and your agency team to see many clients in a three-hour period. You could never drive to all their homes to personally say 'thank you.'

### Make the Workflow Work

While keeping up with customer outreach, the back end needs to operate efficiently in order to make personal lines profitable.

To compete with the captives and direct writers you have to operate faster, smarter and better. How are you going to do that? Technology!

Before the advent of agent-carrier workflows in real time, personal lines were time-consuming. But now, an agency can adapt technology to roll out a customer portal for clients to access ID cards, policies, endorsements and more. The future success of a Trusted Choice independent agency will be predicated on technology to help achieve customer-service and operational efficiency. Agents not only need better technology—that technology needs to be standardized. Carriers have to help and push standardization so agents can do business in an efficient manner without having to learn to do business 12 different ways for 12 different companies.

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# MN Independent Insurance Agents & Brokers Association



## 2016 MIIAB CIC Program Schedule

### Please select Seminar date

- 1/13 - 1/15/16 **Maple Grove** Commercial Casualty
- 2/10 - 2/11/16 **Plymouth** \*Ruble Graduate Seminar
- 3/9 - 3/11/16 **Maple Grove** Personal Lines
- 4/6 - 4/8/16 **Maple Grove** Commercial Property
- 5/18 - 5/20/16 **Maple Grove** Life & Health
- 6/8 - 6/9/16 **Walker** \*Ruble Graduate Seminar
- 7/13 - 7/15/16 **Maple Grove** Agency Management
- 8/10 - 8/12/16 **Maple Grove** Commercial Casualty
- 9/21 - 9/22/16 **Plymouth** \*Ruble Graduate Seminar
- 10/12 - 10/14/16 **Maple Grove** Personal Lines
- 11/9 - 11/11/16 **Maple Grove** Commercial Property

\* Must be a dues paid member of CIC or CRM to attend a Ruble Graduate Seminar

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.

### Method of Payment

Check Enclosed (Payable to MIIAB) or Charge to:  VISA  Mastercard

**(Additional non-refundable charge of \$15 will apply per seminar for credit card transactions)**

*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.*

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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.  
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**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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# MN Independent Insurance Agents & Brokers Association



## 2016 MIIAB CISR Program Schedule

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

- 1/7/16 - St. Cloud Personal Lines Miscellaneous
- 1/12/16 - Shoreview Personal Auto
- 1/20/16 - Maple Grove Commercial Casualty I
- 2/4/16 - Maple Grove Personal Auto
- 2/9/16 - Rochester Personal Auto
- 3/8/16 - St. Cloud Commercial Casualty II
- 3/16/16 - Maple Grove WTH - Personal Lines
- 3/17/16 - Mankato Personal Residential
- 4/5/16 - Maple Grove Elements of Risk Management
- 4/12/16 - Duluth Personal Auto
- 5/12/16 - Brainerd Commercial Property
- 5/17/16 - Maple Grove Life & Health Essentials
- 5/18/16 - Shoreview Agency Operations
- 5/24/16 - Rochester Commercial Property
- 6/2/16 - Duluth Commercial Casualty II
- 6/7/16 - Bemidji Personal Lines Miscellaneous
- 6/14/16 - Maple Grove Agency Operations
- 7/7/16 - Grand Rapids Commercial Property
- 7/12/16 - St. Cloud WTH - Commercial Lines
- 7/20/16 - Maple Grove Personal Residential
- 8/3/16 - Shoreview Personal Lines Miscellaneous
- 8/9/16 - Willmar Commercial Casualty I
- 8/16/16 - Alexandria WTH - Personal Lines
- 8/18/16 - Maple Grove Dynamics of Service
- 9/13/16 - St. Cloud Personal Residential
- 9/15/16 - Rochester Elements of Risk Management
- 9/20/16 - Maple Grove Commercial Property
- 10/6/16 - Maple Grove Personal Lines Miscellaneous
- 10/18/16 - Mankato Elements of Risk Management
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\$164.00	CISR Seminar	8:00am-3:45pm Test: 4:15-5:15pm
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## Please Check Location

- 1/21/16 - Maple Grove** 8:30am-3:30pm  
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Best Western Kelly Inn  
100 4th Ave S  
St. Cloud, MN 56301  
320.253.0606
- 4/7/16 - Fergus Falls** 8:30am-3:30pm  
Best Western/Bigwoods Event Center  
925 Western Ave  
Fergus Falls, MN 56537  
800.293.2216
- 5/5/16 - MIIAB Convention** 8:30am-3:30pm  
Minneapolis Convention Center  
1301 2nd Ave S  
Minneapolis, MN 55403  
612.335.6000
- 6/21/16 - Morton** 8:30am-3:30pm  
Jackpot Junction  
39375 County Hwy 24  
Morton, MN 56270  
507.644.3000
- 7/14/16 - Brainerd** 8:30am-3:30pm  
Arrowwood Lodge at Brainerd  
6967 Lake Forest Rd  
Baxter, MN 56425  
877.687.0144
- 8/11/16 - Rochester** 8:30am-3:30pm  
The Kahler Apache Hotel  
1517 16th St SW  
Rochester, MN 55902  
507.289.8866
- 9/8/16 - Duluth** 8:30am-3:30pm  
Holiday Inn  
200 West First St.  
Duluth, MN 55802  
218.722.1202
- 10/19/16 - Maple Grove** 8:30am-3:30pm  
MIIAB/Austin Mutual Training Center  
15490 101st Ave. N  
Maple Grove, MN 55369  
763.235.6460

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

**Cost per person**  
**\$151.00 MIIAB Member Price**  
**\$166.00 Non-Member Price**

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.

## 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	
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Return to: **MIIAB, 15490 101st Ave N, Suite 100, Maple Grove, MN 55369 P: 763.235.6460 F: 763.235.6461 E: miia@miia.org**

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For more info and to register follow this link:

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

**Financing of Risk** November 29 - December 2, 2016 Maple Grove, MN



# MN Independent Insurance Agents & Brokers Association

# POWER IN PARTNERS PROGRAM 2015

Thank you to the following companies that are supporting the association through our Power in Partners Program in 2015. 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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## PLATINUM LEVEL



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