



THE Minnesota News

MIAB Young Agents Kick-Off the Gopher Season!

**New 2018
Education Schedules
Available!
Pages 13-15**





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Fall 2017

The Minnesota News

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On the Cover



**MIIAB Young
Agents Kick-
Off the Gopher
Season!**



**MN Independent Insurance
Agents & Brokers Association**

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The biggest question we are asked as we start traveling to our company partners this Fall is what we are doing to bring young people into our business. During my speech last May, I commented on how I would like to see more agencies reach out and look for college interns in the hopes of introducing them to this wonderful world of Insurance!

The past 4 years we have had 3 different college interns. Our current intern, Pat Lloyd from St. Johns, is just finishing this August. Our agency has really enjoyed our experiences with the interns. I am happy to report that our first Intern took a job as an underwriter for 2 years and then came back to our agency as a producer and is doing quite well! The second intern just took a claims adjuster position in the St. Paul area this past July and had numerous offers. Even if our current intern does not enter into the insurance environment, he has gained a great appreciation for the independent agency system and now understands how many great careers there are in Insurance.

We are lucky to have found three in a small town, but I think if you pay attention to your clients and inquire on what their college kids are doing, you will find plenty of opportunities. If you are still having problems please contact our association and we may have some leads for you as well.

I truly believe if every agency took a serious look at bringing in an intern into their agency, we will definitely take a giant step in answering the needs of our young talent. I was able to ask our interns a few questions that you may find interesting on their experiences with our agency. As always, if you would like to talk to me personally on how we handled the interns, please reach out.

1. What were your thoughts about insurance in college compared to what you have experienced while working for us?

Pat - "I always thought of insurance as a dry and routine-filled profession, but this is not the case. I am continuously learning new things every day because every client has a different question or concern."

Cole - "Before taking my first job within the industry I didn't know anything about insurance. After taking that first opportunity, I grew so much and found out that the insurance isn't boring or "crooked", but rather filled with a ton of great people that want to help others in times of need."

Josh - "In college I really didn't think there was much to insurance, it seemed pretty black and white and I really had no idea how large the insurance industry was. Five years later after working on both the company and agency side there is still a ton to learn. Every day there is something new to learn and this helps to keep you on your toes."





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2. How do you think the internship benefited you?

Pat – "I have improved many business skills throughout this internship including: formal and informal communication in the office, professional communication to our clients, problem-solving skills, patience, and several more."

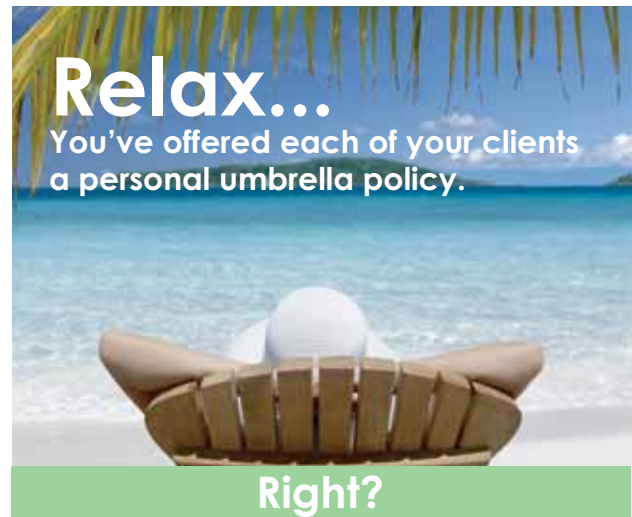
3. From your personal experience, what can the agency system do better to promote themselves to the upcoming generation?

Cole – "I think a few of the biggest obstacles that agencies will face as time goes on is the lack of knowledge the public has about insurance. This lack of knowledge is a setback for future generations to know what happens within the industry and what career paths there are for people to take"

Josh – "Social media, whether it be twitter, facebook, or another form I think this is the best way to promote to the younger generations. Instead of reading the paper, a magazine, or watching the news it seems most of the younger generation now gets their news and information directly off of social media sites."

4. Throughout your first few years in the insurance industry, what advice would you give to young agents or college students who are interested in this field?

Josh - "My advice to young agents is to stay positive, you won't close on every sale and sometimes it's for the best. Learn from your mistakes. My advice to college students who are interested in the field is to give the insurance industry a chance, it doesn't take long to see how rewarding a career in the industry can be. There are so many opportunities on the agency and company side."



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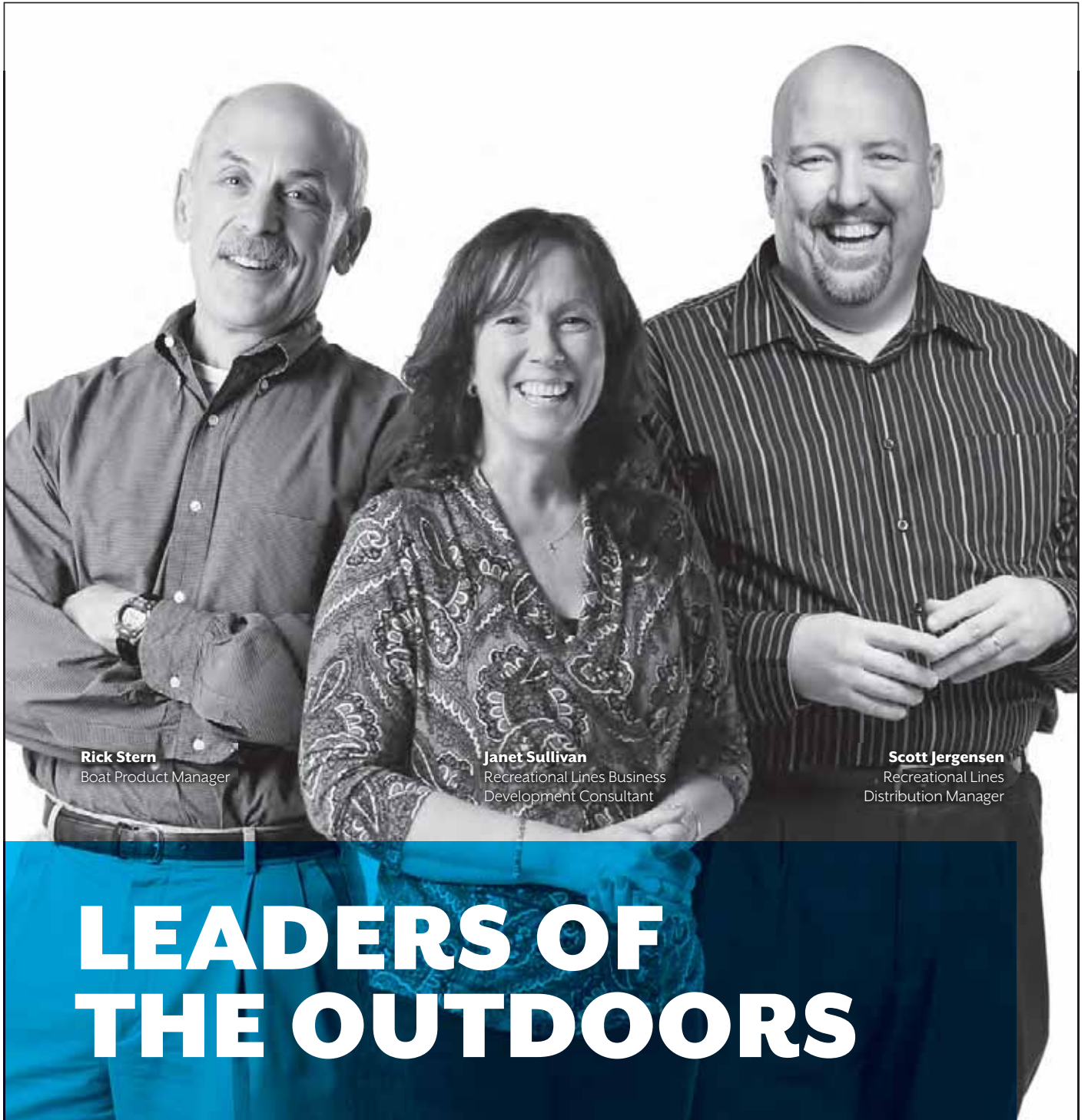
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Thank You For Your Membership

On behalf of the Board of Directors and staff, we want to thank all of our members for their annual investment in the association. Recently, we sent out our annual membership dues statement and our renewals are coming in on a steady basis. In fact, contrary to what many industry experts say, the MIIAB membership is up in all categories (ie: agencies, producers, CSR's, and agency staff members). We appreciate your loyal support to the association and your investment helps us accomplish many of the activities that benefit agencies and their staff. Please let us know if you have any questions about products and services that we provide to you throughout the year.

MIIAB Moves To the Second Floor

We just completed our move to the second floor of the Austin Mutual building in Maple Grove. In doing so, we expanded our education training space by adding another classroom. This gives us an opportunity to run concurrent sessions with our CIC program and also provides us an opportunity to run two separate programs for our members on one day.

MIIAB Expands Their Educational Opportunities

Over the past several decades the CIC and CISR program has been the core educational offerings available to our members. Today, with our relationship with the National Alliance, we offer CRM, CISR Elite, CPRM, CSRM and the expansion of the Ruble Seminars. Due to this expansion, we are able to expand our offerings to different locations throughout the metro area and throughout the state. Thanks to our Power in Partner partnerships and their willingness to share in their training facilities, we can bring these closer to where our membership works or lives. One of our most popular education programs, the Rubles, will have a trial run at our newly expanded training room in Maple Grove. We have also found out from surveying many of our members that some of our advanced education will have to be delivered in different parts of our state in the near future. Also, our online education opportunities are growing at a fast rate and our members appreciate the fact that by being a member, they are afforded a free Ethics webinar each month at their convenience.

MIIAB To Sponsor the National Alliance "Dynamics of Selling" Course

Your association will be sponsoring the first National Alliance Producer Sales Training Program entitled "Dynamics of Selling" in February 2018. This is one of the most popular producer sales programs in the country and it will be offered to our member agents at our Maple Grove location. It is a two day training program which if you click on the following link, will give you more specifics about the class. [Dynamics of Selling](#) If you decide to take part in this class as a producer, you will be looking to increase your revenue, have higher closing ratio's and shorter sales cycles, be able to better qualify your prospects, improve your time and efficiency in the sales process, increase your confidence in your sales ability, and finally, increase your overall professionalism as an independent agent. We will be sending out more specifics on the program and the date in the near future.



Thank you, agents.

Auto-Owners is dedicated to the independent agency system and proudly stands behind the agents who represent us. Thank you, agents for your continued loyalty, which helps us take care of the policyholders who rely on us.



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Kicking Off the MIIAB Young Agents Event at the Gopher Opening Game

Over 100 young insurance professionals attended the Gophers opening game on Thursday August 31st. The event was hosted by Matt Lynch from RPS Insurance . They gathered at the MIIAB/Trusted Choice tailgate party before the game and they all sat together in the stadium. There were prizes for the best dressed Gopher fan and Jake Sheehan from Twin City Group won the event. Many thanks for RPS and Matt Lynch for their sponsorship....the Young Agents had a BALL.....

MIIAB Executive Committee will be Visiting our Power in Partner Members this Fall

Each year the members of the MIIAB Executive Committee and I meet annually with all of our Power in Partner members. We travel to many of your insurance company's in their home offices in the surrounding states to discuss industry issues facing their company's and independent agents. We visit company's in Minnesota, Iowa, Wisconsin, Michigan and Illinois to ensure that we have a well rounded relationship with all the company's that do business with our members. In the past, these insurance company executives have welcomed us with open arms and have said that they very much appreciate our efforts in building a strong partnership between their company, the association and the independent agents that they do business with in Minnesota. We look forward to these visits and if you have any concerns or issues, please send them to me and I'll pass them along to our leadership and the company executives.

Once again, thank you for your membership and we strive to do the best job possible for the independent agents in Minnesota. Hope you have had a great summer and we welcome Fall.



Celebrating Success!

Congratulations to the risk management and insurance professionals of the Minnesota CPCU Society Chapter who have earned the premier Chartered Property Casualty Underwriter (CPCU®) designation. As a CPCU, you:

- Possess invaluable industry knowledge
- Empower yourself to better serve clients
- Engage in the highest level of ethical behavior

Striving for excellence, CPCUs continuously enhance their organizations, and the CPCU Society helps to support them through continuing education, volunteer leadership opportunities, and requiring adherence to a strict code of ethics.

Congratulations to our newest CPCU designees!

Lisa Bonke
State Farm

Brian Haggerty
Federated Mutual Insurance Company

Bonnie A. Opsahl
Federated Mutual Insurance Company

Rachel Spillman
Lockton Companies

Nancy Geolat
Western National Insurance Group

Sam Horak
Western National Mutual

Kristen Roden
Lockton Companies

Michael Tremain
State Farm

Parker Gross
Guy Carpenter & Company LLC

Jason Koch
Broadspire, a Crawford Company

Danielle Schweisthal
Federated Mutual Insurance Company

Michael Walsh
Farm Bureau Financial Services

Heidi Hagemeyer
Liberty Mutual

Cody Kretz
Guy Carpenter & Company LLC

Robert Sellmeyer
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Western National Insurance - The Relationship Company



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2018 MIIAB CIC Program Schedule



**MN Independent Insurance
Agents & Brokers Association**

Please select Seminar date

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

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

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

All courses begin Wednesdays at 8:00 a.m. until 5:15p.m., Thursdays from 8:00 a.m. until 5:00 p.m., and Fridays from 8:00 a.m. to 12:00 p.m.
Optional Exam: **Friday** 2:00 p.m. to 4:00 p.m.
NOTE: Ruble Graduate Seminars only meet Wednesdays and Thursdays from 8:00 a.m. until 5:15 p.m. & there is no exam.

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**.

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

Method of Payment

- Check Enclosed (Payable to MIIAB) or Charge to: VISA 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.

Cost	Seminar
\$450.00	CIC Institutes (20 Hours)
\$430.00	Ruble Graduate Seminar (16 Hours)

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2018 MIIAB CISR Program Schedule



MN Independent Insurance Agents & Brokers Association

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

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

Method of Payment

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

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2018 MIIAB E&O Risk Management: Meeting the Challenges of Change



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

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

Please Check Location

- 1/24/18 - Maple Grove** 8:30am-3:30pm
MIIAB/Austin Mutual Training Center
15490 101st Ave. N
Maple Grove, MN 55369
763.235.6460
- 4/25/18 - Fergus Falls** 8:30am-3:30pm
Best Western/Bigwoods Event Center
925 Western Ave
Fergus Falls, MN 56537
800.293.2216
- 5/1/18 - Edina** 8:30am-3:30pm
Western National
4700 W 77th St
Edina MN 55435
763.235.6460
- 6/26/18 - Morton** 8:30am-3:30pm
Jackpot Junction
39375 County Hwy 24
Morton, MN 56270
507.644.3000
- 8/23/18 - Rochester** 8:30am-3:30pm
Courtyard by Marriott
161 13th Ave SW
Rochester, MN 55902
507.536.0040
- 9/20/18 - Duluth** 8:30am-3:30pm
Holiday Inn
200 West First St.
Duluth, MN 55802
218.722.1202
- 11/27/18 - St. Cloud** 8:30am-3:30pm
Best Western-Kelly Inn
100 4th Ave S
St. Cloud, MN 56301
320.243.0606

Cost per person
\$156.00 MIIAB Member Price
\$171.00 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.

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Agency/Company	Phone	Email	
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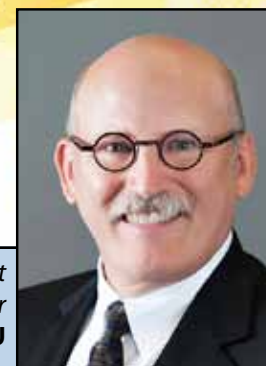
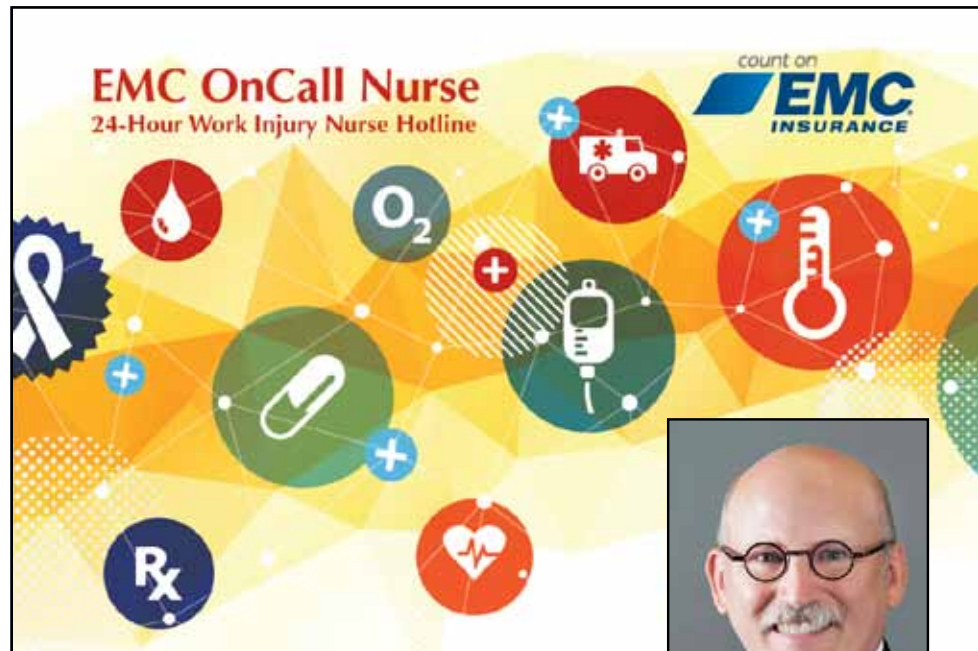
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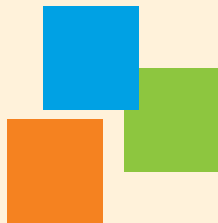
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Potential E&O Claim: Should I report it to my E&O carrier?

By Brian Snyder, J.D., Assistant Vice President,
Claims Specialist, Swiss Re Corporate Solutions*

The decision whether an insurance agency reports a potential claim to its professional liability carrier brings with it a host of issues to consider. What effect does reporting a potential claim have on my agency's loss history? How will it affect my agency's premium? What difference can it make?

After all, it is a potential claim. My customer has not hired an attorney or filed a lawsuit against my agency. Am I only creating trouble for my agency by reporting this potential claim?

The best source to answer this question is the agency's professional liability policy. The policy requires that an agency report potential claims to its carrier. But apart from that, there are additional, common sense reasons for doing so. The following example highlights those reasons.

An agency's most important and long-term customer owned an engineering business along with numerous commercial buildings. The agency handled all of the customer's insurance needs obtaining, among other coverages, commercial property coverage.

A pipe burst in one of the commercial buildings resulting in over \$200,000 in damage. Unfortunately, the building was vacant for several years, a fact not shared by the customer with the agency. As a result, the commercial property coverage placed by the agency contained limitations on coverage for vacant buildings.

Even though the agency suspected the carrier would invoke the vacancy provisions of the policy, the agency thought it was best, nevertheless, to report the claim to the carrier. The agency's suspicions were well-founded as the carrier denied coverage for the property claim because the building was vacant at the time of the loss and was vacant for several years.

The customer was outraged by the lack of insurance coverage though it did not take issue with the carrier's coverage position. Like many business owners, the customer believed that the significant premiums he paid each year entitled him to coverage in the event of a loss regardless of policy language.

The agency was worried about losing its most important customer though it knew it did not breach any duty owed to the customer. After all, the customer never told the agency about the change in the building's status: from occupied to vacant. And the agency also agreed with the carrier's coverage position.

Faced with an angry customer who was litigious by nature, and a significant uncovered loss, the agency decided to report a potential claim to its professional liability carrier, Westport Insurance Corporation.

continued on page 23

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The Westport claim handler made his initial contact with the agency within 24 hours of the potential claim being received by Westport. After collecting the claim information, the Westport claim handler and the agency worked together as a team to develop a strategy focusing on both the customer and the carrier.

The customer was assured that the agency would advocate on the customer's behalf with the carrier in an effort to identify any avenue of recovery for the customer. At the same time, it was explained to the customer that the agency did nothing wrong in placing the property coverage that included vacancy provisions. The customer's indulgence was sought so that the agency could have time to then discuss the situation with the carrier. A commitment was made to provide frequent updates to the customer.

The focus then turned to the carrier. As there was no dispute with the carrier's coverage position, the Westport claim handler and agency agreed on a two-part strategy that would leverage the agency's long-term profitable relationship with the carrier, and the customer's profitable account history.

The agency appealed to the carrier using empirical data to prove that the carrier benefited throughout the years by doing business with the agency and the customer. As a result, the carrier agreed to make a business accommodation by paying the customer \$100,000 on the uncovered claim. This decision was relayed to the customer.

The agency believed that the carrier would contribute more. After further discussions with the Westport claim handler, the agency made an additional appeal to the carrier resulting in an agreement to pay an additional \$100,000 bringing the total recovery to \$200,000. The agency's contact with the carrier said that he had never seen a payment of this kind on a loss that was clearly not covered by the policy.

The Westport claim handler and the agency had many conversations about not only what to say to the customer and carrier, but how to say it. Of utmost importance were creating and keeping goodwill with the customer.

While not every potential claim is resolved on such favorable terms, this example shows what can be achieved when a thought-out, collaborative approach is taken by an agency and Westport. Without question, had this potential claim not been reported to Westport, the customer would have sued the agency and the carrier, and the agency would have lost its most important customer.

The agency may also be concerned about whether the mere reporting of a potential E&O claim will have any adverse underwriting effect on their E&O. Each situation is unique and each carrier is different. Westport will review the facts and circumstances of the individual situation, but as a general rule the mere reporting of a claim does not automatically result in any underwriting action or increase in premium. Because your E&O professional liability policy is claims made, it is imperative that you report any potential claims immediately to your E&O carrier. In fact, Westport recommends that you report them as soon as practicable to ensure that the claim is reported during your policy period so coverage can be determined. In the situation described above, there generally would be no underwriting action taken or premium increase as a result of the potential claim.

Not every potential claim will end up with a result like this one, but if you give yourself (and your E&O carrier) the opportunity to resolve things before they develop into something bigger, the probability of a positive outcome increases dramatically. And if you don't, the possibility is completely gone. By taking steps to report potential claims to Westport early, you may avoid actual claims and maybe even litigation.

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**Brian Snyder, JD, is Assistant Vice President and Claims Specialist with Swiss Re Corporate Solutions. Brian joined the company in 1995 and has worked in several claims departments during that time, and handled insurance agents and brokers professional liability claims since 2001. Prior to joining the company, Brian spent three years as a litigation attorney in Kansas City, Missouri.*



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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: Carriers want to know about young drivers as soon as possible, and often track younger members of the household so they can be added to the policy as they approach driving age. Carriers will sometimes add a driver to the policy even before they have a license, simply because they begin driving with a parent on a permit. We think that exposure is minimal, and if the carrier is not aware of a young driver, we don't add them until they are actually licensed. We see that adding a young driver is more of a rating issue rather than a coverage issue, and we want to minimize that expense for our customers. From an E&O standpoint, do you see any problems with this?

Bill, Texas

A: Bill, unfortunately, you may be on shaky ground here. Let me explain why.

First, let me defend the right of the carrier to get premium for the exposure of the young driver. Even if they are only driving on a permit, they are still behind the wheel and may pose a greater risk of loss than an experienced operator.

But even more important, is the coverage issue. Traditionally, the personal auto policy would include all "family members" as an "insured" – for both liability and physical damage. However, in recent years, there is less standardization in the personal auto policies being sold. Some policies include "drop-down" ("step-down") limits or even exclusions for:

- Drivers without a license
- Drivers not declared on the application
- Drivers under a certain age (16 or 18)

That is one reason you should familiarize yourself with the limitations or exclusions within the personal auto policies you sell. Be careful not to make generalized statements about what the policy will or will not do, since there are too many differences between coverage forms.

One last point I should mention. Remember your responsibilities to your carriers. If you are aware of any information that they would want to know, contractually you may be required to notify them of material facts. The best solution is to disclose new drivers when you become aware of them.



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

For more information, go to Mary's website at www.lpinsuranceconsult.com

*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
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Building & Personal Property Losses

This is a subject that I wrote about over 20 years ago. It involves two losses that happened recently. Both losses involve the Building & Personal Property coverage that we write everyday. Both losses occurred because of a lack of communication between the insured and the agents involved. One was covered, but with not enough dollars, and the other loss was not covered at all.

The first loss had to do with a building loss. It was a large trailer that was wheeled onto the premises and then had the wheels removed. It was placed on some large timbers which acted as a foundation. It was going to be used for storage purposes. But before it was even put into service, a fire destroyed the trailer. The loss was estimated at a little over \$35,000. There was, of course, no physical damage written specifically on the trailers, which had now become "structures".

The problem of coverage stems from the language that has been in the Building and Personal Property Coverage Form (CP 00 10) for many years including that latest October, 2012 edition. "Covered Property" is shown as property **"at the premises described in this Section..."** Then the form goes on to describe the Building as **"the building or structure described in the Declarations"**. You probably guessed by now that the insured did not tell the agent about the trailer being placed on the premises and probably assumed that it was automatically covered as it was on the premises. As you can see, it is not. And so, this claim was denied back in the late 1990's.

The agent was hoping that the one of the **Coverage Extensions** would apply in this case:

a. Newly Acquired or Constructed Property

(1) Buildings

"If this policy covers Building, you may extend that insurance to apply to:

(a) Your new buildings while being built on the described premises; and

(b) Buildings you acquire at other locations..."

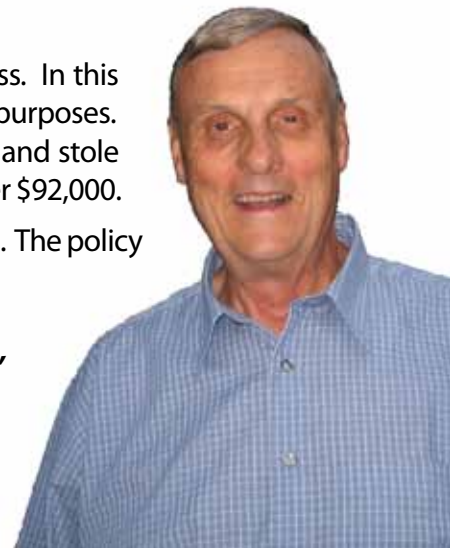
As you can see, this extension will not apply. But in the latest 2012 ISO edition, there is some help. Coverage Extension #f. has been added:

f. Non-Owned Detached Trailers – this extends the Business Personal Property to trailers the insured does not own, is used in the insured's business and the insured is contractually responsible for. Like all the coverage extensions, the trailer must be within 100 feet of the **premises**. However, the amount paid is restricted to \$5,000 (unless a higher limit is selected and shown in the Declarations). So, a little bit of coverage for this loss.

Case number two was very similar but had to do with a Business Personal Property loss. In this case, the insured (a different one from the first claim) again procured a trailer for storage purposes. The storage had been going on for some time, when some one broke into the trailer and stole over \$75,000 worth of valuable goods and trashed the rest. Total loss is estimated at over \$92,000.

We look at the Business Personal Property coverage and run into the very same situation. The policy says:

b. Your Business Personal Property located in or on the building described in the Declarations or in the open (or in a vehicle) within 100 feet of the premises..."





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We tried arguing that the trailer was a “vehicle” but to no avail. Again, the wheels had been removed and the trailer was on a wooden platform or foundation. Ironically, the contents would have been covered had they been in the **open** on the insured premises.

We also looked at the same Coverage Extension as it relates to Business Personal Property and were again frustrated – it might have provided coverage, but the extension for both Buildings and Business Personal Property is restricted to **30 days**. The storage had been going on for over 8 months.

But again, today’s BPP form comes to the rescue(?) – Coverage Extension g. has been added:

g. Business Personal Property Temporarily in Portable Storage Units – this extends the Business Personal Property coverage to property temporarily stored in a portable storage unit (including a detached trailer). It must be within 100 feet of the building or structure or the premises. It is only for 90 days, and if the storage unit has been on the premises longer than 90 consecutive days, there is no coverage at all. The maximum amount of coverage is \$10,000 (unless a higher limit is shown in the Declarations page. Since 8 months of storage had been going on, no coverage for this loss even under the new form.

Both of these claims were reported in late 2016, and this type of situation will probably increase in the future. The reasons: our economy is doing very well in many industries, our clients are running out of storage room, and this is a fairly inexpensive way to get some temporary storage. This exposure is worth a couple of questions at renewal time, or anytime you have a chance to chat with your insureds.

By the way, the agent who reported the first claim (where there was \$5,000 of coverage) told me the insured was angrier than if there had been no coverage at all. His insured seemed to feel that somehow he had failed to provide adequate coverage.



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Court Rules against Governor Dayton

In a major setback for the governor, a district court judge has ruled that his line-item veto of the legislature's 2017-18 appropriation was unconstitutional. The judge was responding to a challenge brought by the legislature questioning the extent of the governor's authority to line-item vetoes.

In the most bizarre legislative session that I have seen, the governor and legislative leaders were very close to deal on the state budget hours before the legislature's mandatory adjournment date. But with not enough time to process the various agreed-to bills, the governor immediately called the legislature into a special session at 7:00 AM the next day. With the legislature back, they began to process their spending bills, but it quickly became apparent that the so-called "budget agreement" may have a few holes. After three days, the Republican controlled legislature passed state spending and tax bills they believed to be part of the agreement.

Governor Dayton signed the tax and spending bills even though he had very strong objections to five provisions in these bills. He signed the bills to avoid another government shutdown like the one that occurred in 2015. But as retaliation for forcing him to sign bills, the Governor line-item vetoed the entire appropriation for the Legislature. The Governor declared that he would call another special session and restore that funding if lawmakers agreed to undo several of the provisions he had already signed into law. Republican legislative leaders were outraged and contended that the governor was objecting to items to which he had previously agreed, including the \$132 million appropriation for the House and Senate. They decided to challenge him in court claiming that the governor does not have the constitutional authority to void another branch of government.

The district court agreed with the legislature saying the governor's action was a violation of the "separation of powers clause of the state constitution. The court declared the governor's action null and void and order the legislature's funding restored. Governor Dayton will appeal this ruling to the Minnesota Supreme Court.

I doubt that this decision will be overturned. However, it will be valuable to have a final determination of the governor's ability to attack the appropriations of the both legislature and the courts. It would deter future governors from attempting this ploy.

A Bi-Partisan Attempt at Health Insurance Reform

Now that the Trump-Republican attempt to repeal and replace the Affordable Care Act has been dealt a near fatal blow, Congress, state governments and the country are pondering what now happens with ObamaCare. A bi-partisan group of House members has stepped into the void with what they are calling an "immediate fix" that would stabilize the individual market under the ACA.

CAPITOL NOTES continued on page 39



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Over 45 House members have formed the Problem Solvers Caucus chaired by Rep. Tom Reed (R-NY) and Josh Gottheimer (D-NJ). They are offering a five-part solution to begin fixing ObamaCare. They want this to pass by late September so insurers will have some certainty when filing rates for 2018. These five recommendations are as follows:

1. Ensure that the federal government continues to make cost-sharing reduction payments. This is the \$8 billion in payments to help make co-pays and deductibles a bit cheaper for people getting insurance through the exchanges. Trump has threatened to cut off these payments to help implode ObamaCare.
2. Create a “dedicated stability fund” for states to help lower premiums and limit losses for insurers. This would provide funding for the reinsurance pool the Minnesota legislature passed this session.
3. Remove the employer mandate which levies a tax for smaller employers who fail to provide health insurance. Current law applies to any employer with over 50 employees. This proposal would raise that threshold to 500 employees.
4. Provide technical changes in the ACA to establish clear guidelines to allow insurers to sell insurance across state lines. Of course, this does not address the major obstacle to insurance across state lines, the ability of out-of-state insurers to establish and operate provider networks that would allow them to be competitive in that state’s marketplace.
5. Repeal the medical device tax on pacemakers, implants, etc. This is a big deal for Minnesota given the operations of Medtronic, St. Jude Medical and Boston Scientific in our state.

The Problem Solvers face a difficult and uphill battle to get their proposal enacted. They will need to get a bipartisan group of Senators to get onboard. Perhaps their biggest problem is to get enough support in the House to force House Speaker Paul Ryan to bring the bill up for a vote. It is my understanding that House conservatives are plotting for another run at the repeal of ObamaCare. It is unclear where Speaker Ryan is on these efforts.

While this is nowhere near the repeal and replace we have heard for seven years, it is a modest approach that can get support from both sides. First, it does not cutback federal funding for Medicaid which garners support from both Democratic and Republican governors. The continuation of cost-sharing payments and a federally funded state stability fund is key for Democratic support. The repeal of the medical device tax and the employer penalty will appeal to Republicans.

We have no idea where Trump stands on the issue, and his involvement/tweets could really muddy the waters. At least some people in Congress are rejecting the partisan bickering and are willing to try to do something to fix the ACA. It is refreshing to see a group of Democrats and Republicans working to gain a consensus on this important issue.



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Focus on What Matters

The voice over the loudspeaker was that generic, Midwestern, slightly southern Texas drawl we've all grown accustomed to on airplanes.

"Okay folks," it started, "Sorry to tell you this but it looks like we'll be stuck here on the tarmac another 20 minutes or so. If I get an update from the tower I'll be sure to let you know what's happening."

The woman in the center seat resumed her complaining.

That's the third time they've delayed this flight. We've been sitting here 45 minutes already? I'm sure I'm going to miss my connection now. I probably won't get home in time for the party no matter what happens."

I had no idea what party she was talking about.

I didn't ask.

The guy sitting at the window seat glanced over her head, caught my eye and rolled his.

She continued, "Can you believe this airline? Don't they care about their customers? Don't they know what matters? Don't they know we have places to be? What's the point of them telling us when the flight is supposed to arrive if it never leaves?!"

Her voice was getting louder and louder.

The criticism went on for another 20 minutes or so before the man sitting in the window seat had had enough.

"Ma'am," he said with a voice eerily similar to the one on the plane loudspeaker, "I'm a pilot. Let me tell you what matters to pilots about delays..."

He paused for a moment before continuing. The angry woman stared at him.

"It's always better to be on the ground wishing you were in the air than to be in the air wishing you were on the ground."

He went back to his book.

Our seatmate didn't make another peep.

Since that day whenever I fly I listen to people complaining about delays, complaining about high ticket prices, even complaining about a shortage of peanuts or pretzels. I never say a word.

Truth is I know what matters. I would much rather be on the ground wishing I was in the air than in the air wishing I was on the ground.

Or, as comedian Louis C.K. said on Conan O'Brien's show: "Flying is the worst because people come back from flights and act like their flight was a trip in a cattle car. They're like 'it was the worst day of my life. First of all, we didn't board for twenty minutes, and then we get on the plane and they made us sit there on the runway for forty minutes...'"

Why not shift your thoughts.... You fly through the air like a bird! You partake in the miracle of human flight! You're flying - It's amazing! Everybody on every plane should just constantly be going "Oh my god we are flying through the sky sitting in a chair.

So what's my simple rule?

Focus on What Matters.

Not only can't you do anything about the flight taking off, but if there's a problem with the plane or the tarmac you're better off being on the ground anyway.

It's the same for your insurance business. If you understand what you do, what your client wants, and where those two things intersect, you already know where to focus your time and attention. Sure, there are other things you can busy yourself with. But just like that delayed flight, you're better off concentrating on the things you can affect and improve instead of busying yourself worrying about things that are out of your control.





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Please select Seminar date

- 1/18 - 1/20/17 **Maple Grove** Agency Management
- 2/8 - 2/9/17 **Minneapolis** *Ruble Graduate Seminar
- 3/8 - 3/10/17 ~~Maple Grove~~ Commercial Casualty - FULL
- 4/5 - 4/7/17 **Maple Grove** Life & Health
- 5/17 - 5/19/17 ~~Maple Grove~~ Commercial Multi-Line FULL
- 6/7 - 6/8/17 **Duluth** *Ruble Graduate Seminar
- 8/9 - 8/11/17 **Maple Grove** Personal Lines
- 9/20 - 9/21/17 **Minneapolis** *Ruble Graduate Seminar
- 10/11 - 10/13/17 **Maple Grove** Commercial Casualty
- 11/8 - 11/10/17 **Maple Grove** Commercial Property

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

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

All courses begin Wednesdays at 8:00 a.m., Thursdays from 8:00 a.m. until 5:00 p.m., and Fridays from 8:00 a.m. to 12:00 p.m.
Optional Exam: **Friday** 2:00 p.m. to 4:00 p.m.
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Cost	Seminar
\$440.00	CIC Institutes (20 Hours)
\$430.00	Ruble Graduate Seminar (16 Hours)

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- 1/11/17 - Shoreview Commercial Casualty II
- 1/12/17 - Maple Grove Personal Auto
- 2/2/17 - St. Cloud Elements of Risk Management
- 2/21/17 - Maple Grove Elements of Risk Management
- 3/7/17 - Shoreview WTH - Personal Lines
- 3/14/17 - Rochester WTH - Personal Lines
- 3/22/17 - Maple Grove Agency Operations
- 3/23/17 - St. Cloud Personal Auto
- 4/4/17 - Maple Grove Life & Health Essentials
- 4/11/17 - Duluth Elements of Risk Management
- 4/19/17 - Mankato Commercial Casualty II
- 5/16/17 - Rochester Personal Lines Miscellaneous
- 5/23/17 - Maple Grove WTH - Personal Lines
- 5/24/17 - Brainerd/Baxter Commercial Casualty II
- 6/15/17 - Maple Grove Personal Residential
- 6/20/17 - Bemidji Personal Residential
- 7/12/17 - Grand Rapids Agency Operations
- 7/18/17 - Maple Grove Commercial Property
- 7/19/17 - Fergus Falls Personal Residential
- 7/20/17 - Duluth Commercial Casualty I
- 8/15/17 - Maple Grove Dynamics of Service
- 8/22/17 - Mankato Personal Auto
- 8/23/17 - St. Cloud Dynamics of Service
- 9/6/17 - Shoreview Personal Residential
- 9/12/17 - Willmar Personal Residential
- 9/26/17 - Maple Grove Commercial Casualty II
- 10/3/17 - Rochester Commercial Casualty II
- 10/10/17 - Duluth WTH - Personal Lines
- 10/24/17 - Maple Grove Commercial Casualty I
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- 11/7/17 - Shoreview Elements of Risk Management
- 11/14/17 - Maple Grove Personal Lines Miscellaneous

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Cost	Seminar	Time
\$164.00	CISR Seminar	8:00am-3:45pm Test: 4:15-5:15pm
\$174.00	William T. Hold Seminar (WTH)	8:00am-4:00pm
\$164.00	Dynamics of Service	8:00am-4:00pm

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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

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- 9/13/17 - Duluth** 8:30am-3:30pm
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- 10/26/17 - Maple Grove** 8:30am-3:30pm
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