



The MIIAB UN-EXPO

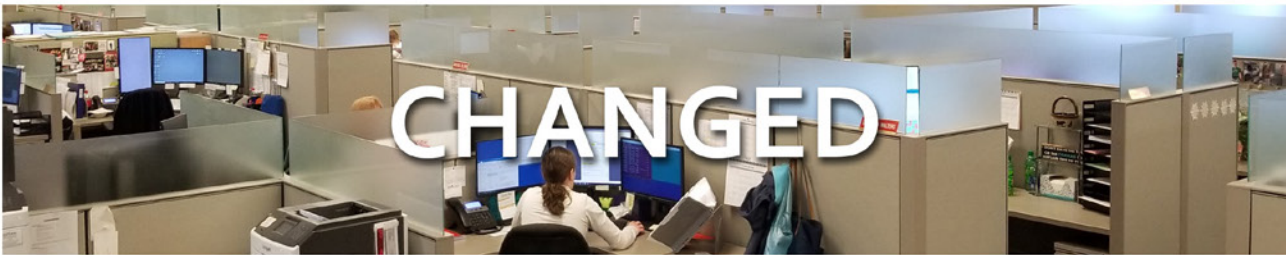
A Great Success!!!



The Familiarity Trap

By Matthew R. Davis, J.D., Vice President, Claims Manager, Swiss Re Corporate Solutions

**2020
Legislative
Wrap-Up Video**
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BUT OUR PURPOSE REMAINS THE SAME

The world today is vastly different than it was in 1920. Over the past 100 years, North Star survived The Great Depression, a World War, numerous recessions, unprecedented technology advances and many other changes. It takes a combination of hard work, determination, informed decision making and a little luck to adapt to all these changes and still be around a century later.

One thing that hasn't changed is our commitment to personable service. The relationships we have built over the years with our agents and policyholders have been the key to our success and we will continue to place a high value on providing the right people, the right tools and the right mindset as we progress forward into the next century.



Fall 2020

The Minnesota News

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MIIAB Adapting to the New Normal

I never thought that my first opportunity as President to address my fellow MIIAB members would be in this message. It has been quite a year already and there are sure to be more challenges to come.

First, I would like to take this opportunity to thank the entire board and MIIAB staff for being so flexible with our organization since March. During these unusual circumstances, these people have made themselves available and made it a priority to serve the MIIAB's members. There have been important decisions to be made and much discussion regarding several issues. Because many of these topics have needed timely responses, flexibility of attending conference calls and virtual meetings has been essential. This is what helps make the MIIAB special.

Unfortunately, this year we had to first postpone the annual convention then cancel the actual in-person portion of the event, which we all look forward to. Our MIIAB staff did a superb job organizing the very successful UN-EXPO, the best thing possible considering the circumstances. The ability to adapt and change was impressive as the staff organized the three days of UN-EXPO including an opportunity for everyone to still get continuing education credits. What a tremendous success considering the short amount of time allowed to prepare this unique event.

There has been a lot of positive feedback regarding our successful adaptation of our continued education opportunities. We have moved them to webinars through March and are happy that that we can continue to offer our members great continuing education opportunities despite the challenges with the pandemic.

We continue to adapt and change as we move through this challenging time. In the fall, we normally look forward to visiting our company partners. Unfortunately, it looks like those in person visits will not be able to happen. We hope to see our company partners virtually, meetings which we have all become accustomed to since March. Our company partners are extremely important to us. Please make sure you thank them for their partnership when you get a chance since we were not able to see them in person at the annual convention.

With COVID19 drastically disrupting our lives, it has been reassuring to know that the MIIAB board members and staff are continually helping our agencies run smoothly. Perhaps now more than ever, it is evident how important it is to be a member of the MIIAB. Early during these unfortunate times, the communications with the commerce department and legislators ensured us that we would be considered an essential service. From that point forward, we have continually been notified of anything that could affect our agencies, thus allowing us to focus our time on running our agencies and serving our customers. We are currently on a membership drive and with all that the MIIAB has done the past 6 months alone, it is easy to see why it is so important to become a MIIAB member.

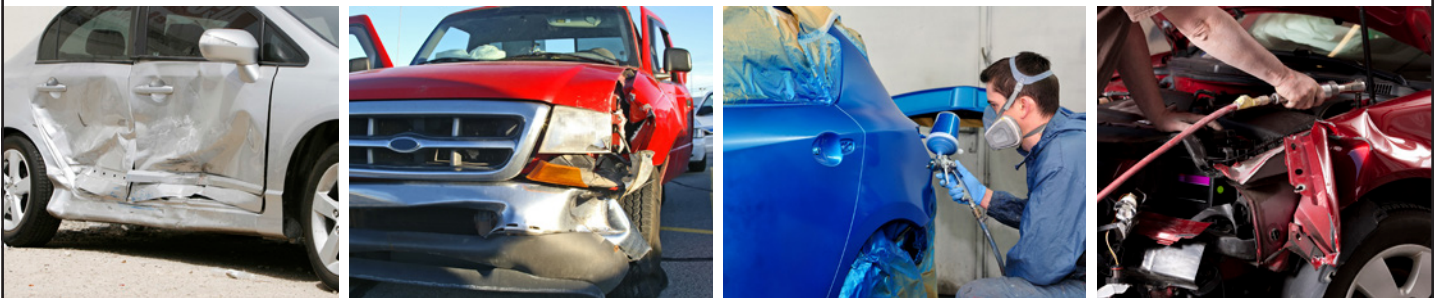
Be well and stay Safe!

Your President, Chad W. Ostermann



The Silver Lining[®] shines through on claims survey

West Bend is Number 12 and earns B+ on Crash Network's 2020 Insurer Report Card



When more than 1,000 collision repair shops around the country graded auto insurers on how they handle claims, West Bend ranked Number 12 of 79 and earned a B+ rating!

This ranking highlights West Bend's exemplary claims service, not just price and brand recognition. We're proud to be included on this list as it shows repair shops how we take care of our customers.

Crash Network is an independent source of news, views, and information vital to the collision industry. Find out more at <https://www.crashnetwork.com/irc.php>.



MIAB Holds it First UN-EXPO

We've had many firsts this year as I'm sure you all have in dealing with the nationwide pandemic. As you know, we had to reschedule our Annual EXPO twice this year and finally we concluded that we had to communicate with our members in a virtual manner through our UN-EXPO program. This was a new experience for us, however, by the number of registrations we received for each of the three days, it was a success. During the UN-EXPO we highlighted the award recipients for 2020 and thanked all the insurance company partners and vendors for their support. We honored these companies who have stuck with us through these tough times and we hope that we will all be back at Mystic Lake on May 19, 2021!

Another feature of the UN-EXPO was the description of the Internet of Insurance powered by Dais. Their CEO, Jason Kolb, gave a terrific overview of how insurance needs a technology boost to compete with other industries and direct insurance carriers for customers. We had several MIAB members who have been involved in the development of the Internet of Insurance who gave their testimonials on how this new technology is strengthening their agency in the marketplace. These two videos are highlighted in this publication so you can view it again.

By now you are all familiar with our new Lobbyist, Robyn Rowen, who has taken this position beginning in January has had to step up to the plate and go to bat for our independent agency force at the capitol and the department of commerce. This has been a stressful and very different year for the MIAB leadership and lobbyist to make sense of all the regulations and coverage questions that have come about because of the pandemic and the civil unrest following George Floyd's death. Robyn, along with the staff, and the MIAB leadership worked tirelessly with the department of commerce and the legislators in trying to help navigate through these difficult issues. Robyn did a terrific job in her first year of being our lobbyist for our industry. Unfortunately, because of the number of special sessions, she has been working overtime to ensure our industry stays healthy.

We hope that you enjoyed the diverse topics presented with 6 hours of FREE continuing education over the three-day program. The cost of the UN-EXPO production expenses and continuing education were paid by the insurance company partners and vendors that you would normally see at the live EXPO. Again, we thank them for their generous support.

MIAB Membership Investments

Thank you to those who have already sent in your membership investments for the upcoming year. This investment goes towards running a vital association that can support your independent agency and staff. From our education, to our advocacy (state & national), communication to agents & companies, partnerships with members and universities. The MIAB is dedicated to the independent agency system, however, we must all work together to ensure the livelihood of all our businesses. Thank you for your support!





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Thank You to Everyone Who Donated to Second Harvest Heartland



This pandemic that struck Minnesota caused an enormous amount of disruption in the lives of many families across our state. The MIIAB board and staff decided in March that it would try to raise money to feed these families who are in desperate need. This 30-day campaign that the MIIAB put forth raised approximately \$34,000 and delivered over 100,000 meals to these families in need. We want to thank all our agency and company members for their donations and efforts to support MN families. We should all be proud of the fact that the members of MIIAB made an extra effort to help in these difficult times. If you would like to continue to help families, as there are still many in need, please go to <https://www.2harvest.org/>

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The MIIAB staff has become very familiar with Zoom meetings and similar online communications during the shutdown.

Big I Staff Emerges As Valuable Resource During Challenging Time

Dealing with the COVID-19 pandemic shutdown was challenging enough for the Minnesota Independent Insurance Agents & Brokers Association staff. The significant business-interruption losses, workers' compensation considerations and health coverages involved thrust their members into the forefront. One of the first places those members turned was to the staff for information and advice.

They weren't the only ones. The regulators at the Minnesota Commerce Department, among others, sought information about coverages and the extent of losses as well as help in coordinating such routine activities as license renewals, moving continuing education classes online and licensing of new agents. At the same time, Legislative and Regulatory Counsel Robyn Rowan was regularly reaching out to members of the state's Congressional delegation and the Minnesota Legislature to ensure that the agents' perspective was represented in any legislation.

Then came the chaos and turmoil in the aftermath of the George Floyd killing. That added another layer of issues and pressures for the staff, which was also simultaneously formulating plans to take online the association's huge annual Expo and Convention after cancelling the actual event scheduled for the Mystic Lake Center in Shakopee. The massive property damage arising from the subsequent rioting raised an entirely new set of needs for members as well as regulators, elected officials, insureds and others.

"One thing that has clearly come out of this," said Executive Vice President Dan Riley, "is the realization that the MIIAB association is a significant resource. People now understand we offer a valuable perspective in that we have a responsibility to do our best for the insured as well as the insurer. We are truly in a position to see both sides. Whether it is business interruption coverage, or work comp or property-damage questions, our members and staff have access to a wide store of beneficial knowledge to help sort out

the best solutions to very complicated problems. We especially have been doing a lot of brainstorming via Zoom meetings with Commerce Commissioner Steve Kelley and his staff who are very involved." The agents' association has also directed its expertise to address property damage in the areas of the Twin Cities that suffered the most severe losses. Member Jake Olinger, co-owner of the Foster White agency in Monticello, has been among those advising merchants about coverage issues. One of the most important first steps for policyholders affected by damage, Riley noted, is for them to report their losses, enabling insurers to examine whether they are covered.

The staffer facing one of the biggest challenges because of the pandemic limitations has been Rowan. "It is hard to lobby from my living room," she acknowledged. "Having to phone, text and e-mail instead of meeting face-to-face is especially hard for an extrovert like me. But it is critical that they hear from us on the issues. For example, the insurance community understands the importance of directing some of the funds from the CARES Act to cover work comp claims, which is not one of Gov. Tim Walz's priorities." Rowan was also busy explaining to Congressional members such basics as why most commercial policies were unlikely to cover business interruption losses caused by the pandemic and that the industry could not retroactively cover such losses.

Further complicating things were the COVID-19 health constraints. Staffers rotated making the trip from their home offices to the association's office in Maple Grove. "Fortunately, we have enough space to easily practice social distancing," explained Director of Operations April Goodin, adding there has been a heavy reliance on technology like Zoom for such things as board meetings in addition to conferences with the regulators and others.

An unanticipated benefit of all the adaption, Riley observed, is that the new methods of working demonstrated the potential for producing greater staff efficiency and economy in the future. ■

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Kevin Steiner

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



*President & CEO
Kevin Steiner*

West Bend: The Silver Lining®

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

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

When it comes to understanding commercial risks, we're proud

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

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

Add to that loss prevention professionals who use a hands-on approach to develop programs tailored to the individual business and property/casualty and workers' compensation claim reps who have the expertise and technology to process claims quickly and efficiently, and you have a quality commercial insurance product provided with unmatched service and dedication to you and your customers.

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



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Striving for excellence, CPCUs continuously enhance their organizations, and The Institutes 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!

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HEADQUARTERS

Lansing, Michigan

AM BEST RATING

"A++" (Superior)

Auto-Owners Insurance Company, based in Lansing, Michigan, has been providing protection to its policyholders since 1916. Auto-Owners has over 3 million policyholders in its 26-state marketing territory, providing a full line of property & casualty and life insurance products.

Auto-Owners entered Minnesota in 1945 and has been a strong presence in the state ever since. The company has an underwriting branch in Lake Elmo and claims offices in Lake Elmo, Rochester, St. Cloud and Willmar.

Auto-Owners also has nine marketing representatives and a marketing manager in Minnesota to service the 458 independent agencies that represent the company. The marketing representatives visit agents regularly and most

Minnesota Independent Insurance Agents & Brokers Association recognizes Auto-Owners Insurance Company as one of its Diamond Partners. MIIAB Diamond Partners are the highest level of sponsorship to our organization.



*Regional Vice President
Kait Keller, AU, AINS*

have backgrounds in either underwriting or claims, which enhances their marketing knowledge. Auto-Owners markets its products exclusively through independent agents.

Auto-Owners was ranked the best commercial lines carrier in a national survey conducted by National Underwriter Property & Casualty magazine in 2018. The survey, which was distributed to the PIA's national membership, placed Auto-Owners first in six of 10 evaluation factors in determining the best carriers in the nation.

Auto-Owners prides itself on its financial stability and its claims service. The company has been rated A++ (Superior) by AM Best every year since 1992, and has earned its highest rating every year since 1972. The Auto-Owners Life Insurance Company has been rated A+ (Superior)

by A.M. Best every year since 1976. And for 18 consecutive years Auto-Owners has been listed among the Fortune 500, ranking 320 in 2020.

Auto-Owners received the 2017 Company Award of Excellence from the National Association of Professional Insurance Agents (PIA). "Auto-Owners is highly deserving of this, our association's highest company honor. PIA National President Gary Blackwell said. "For independent agents, Auto-Owners is a true partner."

In regards to claims service, Auto-Owners consistently garners high rankings from consumer publications, and from J.D. Power. In 2015 the company was once again ranked as "Highest in Customer Satisfaction with the Auto Insurance Claims Experience."



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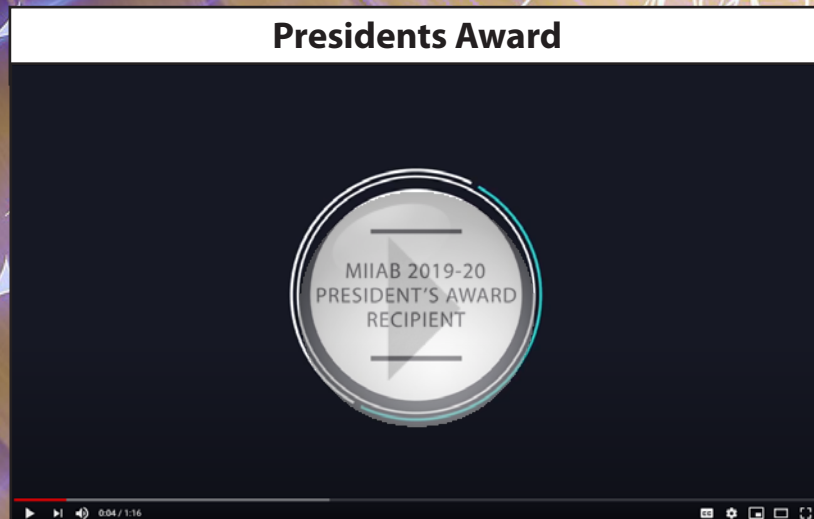
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THE MIIAB UN-EXPO A GREAT SUCCESS CHECK OUT THE VIDEOS

MIAB Award Winners



Presidents Award





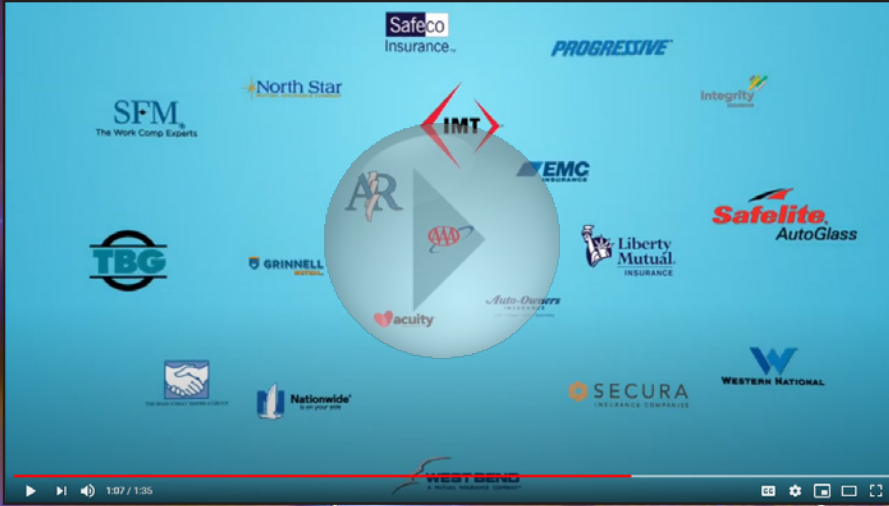
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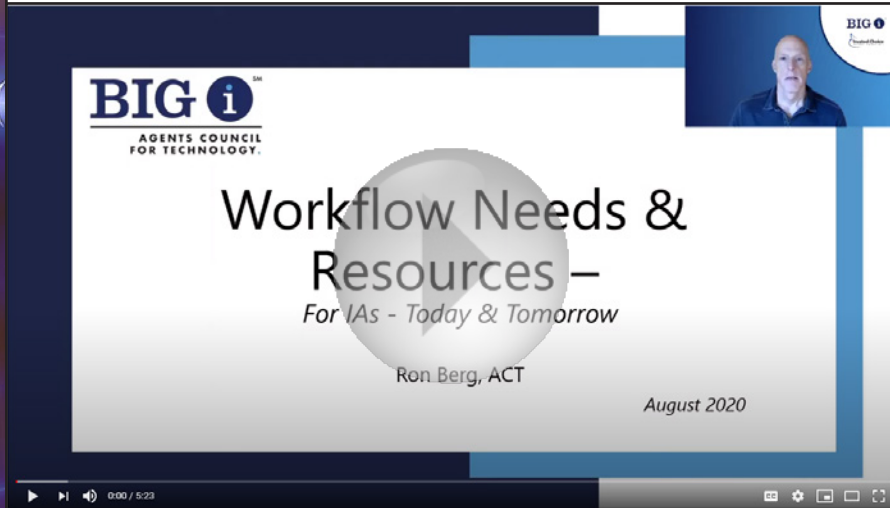
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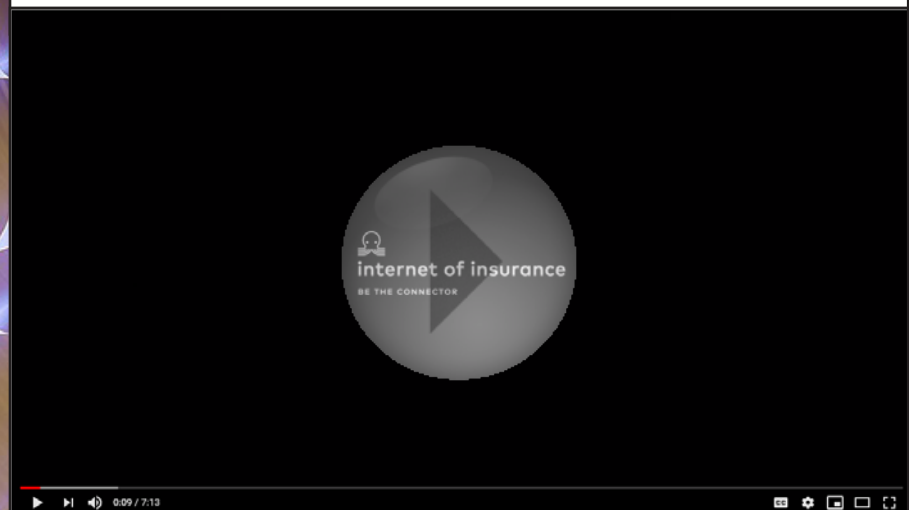
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EDUCATION AT THE UN-EXPO



Sam Bennett, CIC, CPIA, AFIS

WATCH WEBINAR

If It Moves On the Farm It Presents a Risk

This presentation will address the exposures associated with items on the farm that move – both under their own power and those provided mobility by other vehicles. The purpose of this presentation is to remind the agent that the policy forms we use can certainly provide the coverages necessary for the exposures, but without careful review of these forms, their many exclusions can prove problematic. The basis of the presentation will be the coverages for “mobile equipment” found in the farm liability forms routinely used in the agribusiness market, the coverages for owned and non-owned vehicles found in the Personal Auto Policy (PAP), and the “auto” coverages found in the Business Auto Policy (BAP). Use of the exclusions found in each of these forms will solidify the understanding of the risks associated with items that move.



Terry Tadlock, CIC, CPCU, CRIS

WATCH WEBINAR

Your Agency's Culture: Asset or Liability

Good (and error-avoiding) habits begin with good decision making. It sounds like a no-brainer, but employees in agencies across America struggle with this every day, souring agency culture and leading to costly E&O claims. Join agency principal and long-time insurance educator Terry Tadlock as he guides you through the many methods available to improve your agency's culture and reduce its E&O exposure through an emphasis on ethical conduct.



Nicole Broch, CIC, CISR

WATCH WEBINAR

Homeowner's Policy Coverage Concerns for the Modern Family

Adult children coming home (or never leaving). Caring for aging relatives. Pets. Earning extra money, “Smart” appliances and toys. The evolving role of a Homeowner's insurance policy, and how it addresses these and many other exposures relating to the lives and possessions of the modern family, will be discussed in this course.



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The Familiarity Trap

By Matthew R. Davis, J.D., Vice President, Claims Manager, Swiss Re Corporate Solutions*

It's been said that familiarity breeds contempt. But in an insurance agency, familiarity can sometimes breed complacency.

How many times have you, as an insurance agent, had a customer to whom you've provided great service for many years, but still does not quite seem to understand the risks associated with his property? Here's an example: You've known Jerry, a savvy speculator in aging commercial buildings, for 20 years and have been his insurance agent for 15. In 1999 Jerry got a sweet deal on a building for \$300,000 that had been built in 1989. He called you and said he needed fire coverage for the building. You began talking about appraised value, but he cut you off, saying, "What appraisal? Look, I paid \$300,000, so that should be plenty." You write the coverage with \$300,000 limits as instructed and everyone goes along their merry way.

In 2000, you're reviewing Jerry's insurance needs and you realize that you never really discussed with Jerry what the value of the building was. You talk to him and ask what he thinks the building is worth. He says \$400,000 since he's put an additional \$100,000 in it since he bought it. You ask him if he knows how much the building cost to build and he says, "I'm guessing it was around \$1,000,000, give or take – but it's been beat up since then." You suspect that the cost to replace the building is probably closer to the \$1,000,000 – if not more – so you ask him if he wants to increase the limits to \$1,000,000 to cover the replacement cost. But Jerry, as you know, is a very difficult customer and doesn't want to hear that because he doesn't want to spend the money. You make the recommendation; he rejects it, comments that "You're always trying to hit me up for more commission!" and tells you to quit bugging him.

In 2005 you are again reviewing Jerry's insurance needs and know he should have higher limits on the building, but you also know how difficult he is to deal with and that he wouldn't increase the limits anyway, because he's constantly looking for ways to drive his premiums down. As a result, you don't offer the higher limits.

And so it goes for several more years. You see Jerry from time to time and you mention in passing that maybe he ought to consider reviewing his limits on that building. Every time you do he says, "No, that's ok, it's fine." Or he says, "Yeah, maybe I should look into that..." and you tell him to call, but he never does. But then again, neither do you call him because you're certain it won't do any good.

Unfortunately, your familiarity with Jerry and his 'insurance buying habits' has become a trap. You've grown accustomed to telling your customer what he wants to hear rather than what he needs to hear, because frankly, you know that's where you'll end up no matter what you say.

It's now 2012 and Jerry gives you a call. His building has burned to the ground and there's nothing left. You notify the carrier and then, as they say, the spit hits the fan. The adjuster on site tells Jerry that the carrier won't tender the full \$400,000 because replacement cost for that structure is \$1.6 million, which brings the coinsurance penalty clause into play... "The 'go-insure-me-what clause?" says Jerry, right before he picks up the phone....

Yes, you get the call from Jerry. "You told me my coverage would be enough to rebuild my building!" Jerry complains, voice rising. "You are my agent. Why didn't you tell me it wasn't enough?" You get a sinking feeling in your stomach because you've certainly known for a long time that he should have had higher limits, and you also know you told him that he should have had higher limits. When you mention that to Jerry, though, he seems to have forgotten the times you've talked about it. Then you look in your file and can't find anything that shows you talked to him about higher limits, because you never thought you needed that kind of backup with a friend. And let's not even talk about coinsurance. The next words out of his mouth are "IT'S ALL YOUR FAULT!" (OR) "I'M GONNA SUE!" And the next call you make is to your E&O carrier.

Unfortunately, this scenario, or something similar, is all too familiar in the world of E&O claims. A normal aspect of human nature -- the desire to avoid confrontation -- can lead to a far more serious headache when it is not dealt with properly from the start.

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So how do you prevent this from happening? It's really quite simple.

1. Annual Reviews - A keystone of good customer management is conducting an annual review of your customers' exposures. That means asking the right questions every year and paying close attention to the answers. The best tool to get that conversation started is a coverage checklist.
2. Coverage Checklists - If you have a coverage checklist, use it! If you don't have one, get one! If you are an IIABA member and insured by Swiss Re Corporate Solutions, you have one available to you. The 'E&O Happens' website that has samples of both commercial and personal lines checklists for you to download and use. In addition, the 'Virtual Risk Consultant,' a service available through your state IIABA association, not only includes checklists, but also provides information about analyzing risks and determining the types of coverage necessary to protect exposures.
3. Document - After you've determined your customer's exposures through your annual review and use of the coverage checklist, be sure you document what you've recommended to them. The best way to document this is to send them follow up correspondence, either by mail or email, outlining the coverages you've recommended, the coverages they've accepted, and just as importantly, the coverages they've rejected. If they will sign and return that to you, or acknowledge receipt of the email, all the better.
4. Follow up - Was your customer persuaded to accept some additional coverage or increase in limits? Are there questions that need answers before he makes a decision? Did he say he wants to think about it...? Follow through is essential. Keep careful notes and diary entries to ensure that no loose ends are left to hang you.

If you are a Swiss Re Corporate Solutions insured, the documentation process is one that could even save you money. The Swiss Re Corporate Solutions, preferred policy now includes a deductible reduction feature. If, as in this example, the agent had offered coverages or limits that were rejected, and there was contemporaneous written documentation maintained in the agency file showing that rejection, Westport would reduce the deductible payment for the agency by 50% up to a maximum of \$12,500 - not to mention making it much easier for you to prove what you told Jerry.

So let's turn back the clock and take another look at Jerry and his agent. In 1999, Jerry got a sweet deal on a building for \$300,000 constructed in 1989 for \$800,000. He called you and said he needed fire coverage for the building. You asked him how much and he said "well, I paid \$300,000, so that should be enough." You ask him how much the building cost to build and he tells you \$800,000. You ask what it would cost to replace the building in today's dollars and he answers without hesitation because he knows the square footage and current construction costs: \$1 million. You recommend that he insure the building for that much. He, of course, says "No". You then send him a letter advising him that you had offered to obtain replacement cost coverage for the building for \$1,000,000, but he had chosen to insure it for only \$300,000. Each year after that you review his exposures, offer higher limits, Jerry rejects them, and you send him a letter confirming both your recommendation and his rejection.

In 2012, Jerry calls you and tells you his building burned to the ground and the carrier offered him a check for a fraction of his \$400,000 limit even though it will cost \$1.6 million to rebuild.

"You told me my coverage would be enough to rebuild my building!" Jerry complains, voice rising - but this time you cut him off. You remind of the letters you sent him every year recommending higher limits and you offer to send him copies. A remorseful Jerry says, "No, that's ok. I remember..." Like you, Jerry has those very letters sitting on the desk in front of him.

Familiarity can become a trap, but it doesn't have to be that way. Every day, with every customer, it's your choice.

(Thanks to Richard F. Lund, JD, Vice President, Senior Underwriter, Swiss Re Corporate Solutions, for his assistance with this article.)

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2004, Matt has handled claims for insurance agents and brokers as well as small/mid-market law firms.

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E&O Q&A

By Mary LaPorte, CPCU, CIC, LIC, CIA

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

Q: Due to COVID-19, many of our account managers are still working from home. I am a personal lines manager, and responsible for a team of seven account managers. Although we have always tried to instill E&O awareness in our employees, I'm concerned that our exposure may be heightened at this time. Can you suggest any areas where we need to be especially careful?

Cora, Texas

A: Cora, welcome to the new "normal." I am sure you are finding that many of your workers may be reluctant to come back into the office even as restrictions are being relaxed. You may need to continue your work-from-home protocols well into the future, since these concerns could be here to stay.

One of an agency's best defenses in an E&O situation has always been their documentation record. This has not changed, but as litigation ramps up due to the pandemic, agencies who have strong documentation standards will be better equipped to defend any allegation.

Documentation should be maintained in your agency management system under "activities" or "notes" which are tied to a customer's digital account record. Documentation for a particular customer should capture and summarize everything that has transpired on that account. To provide strong evidence in an E&O situation, it should be entered as soon as possible after an event takes place, by the party involved in that event. An "event" can include any service that was performed or any communication that took place related to that specific account.

Most remote workers can access the agency's management system and easily enter documentation when performing sales or service activities. Some employees find that their home environment has fewer distractions than when working in the office. Others may be faced with situations which occasionally disrupt concentration or cause distractions. It is understandable that when hanging up from a customer call, someone would first address a barking dog or crying child before returning to their workstation. The challenge then is to create a fool-proof system or discipline to assure that any workflow started is followed to its conclusion. This is a good topic to discuss with your employees at one of your remote team meetings and encourage them to brainstorm solutions.

Another reason that documentation is important at this time is because of the increased number of coverage inquiries or claims related to the pandemic. Even if you feel that the policy does not provide coverage for a situation, do not discourage the customer from making a claim. Allow the carrier to do their job and handle all coverage issues. If the customer is not making a claim, but simply making an inquiry about their policy, include sufficient detail in the documentation. Summarize any explanations made and describe how the conversation was concluded.

It is clear that the COVID-19 pandemic is impacting agencies' exposure to E&O. All employees should be aware of the critical role documentation plays in protecting your agency.

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

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Commercial Property Outdoors

In the past few years, I have received notice about losses to outdoor property, and whether the ISO Commercial Property Form or the BOP Form covers this type of property. The answer is that they do – but often not very well.

Let's examine the latest form of the Building and Personal Property Coverage Form (CP 00 10) first. Under the **Building** coverage section, the policy form lists ***“fixtures, including outdoor fixtures.”*** This usually is aimed at outdoor parking lights, in-the-ground outdoor barbecue sets, flag poles, ATM machines and the like. Then the policy mentions in the **Your Business Personal Property** coverage section that property used to maintain the building like outdoor furniture is covered (later on in the **Valuation** section, it limits the coverage to **ACV** for ***“awnings...and outdoor equipment and furniture”***).

Then comes the **Property Not Covered** section. No coverage at all for ***“bridges, roadways, walks, patios or other covered surfaces; bulkheads, pilings, piers, wharves or docks; or for retaining walls that are not part of the building.”*** No coverage for the following while outside the building, ***“grain, straw or crops; fences, radio or television antennas (including satellite dishes) and their lead-in wiring, masts or towers, trees, shrubs or plants (except trees, shrubs or plants that are stock or are part of a vegetated roof).*** Finally, this section also excludes ***vehicles or self-propelled machines (including aircraft or watercraft)*** and then gives back some limited coverage. (A note here, drones would be excluded for physical damage coverage unless the drones were manufactured, processed or warehoused by the insured, or held for sale). As you can see, a lot of various types of Personal Property are not covered very well or, mostly, not covered at all.

In the **Coverage Extensions** section, the Form gives back a little coverage. It allows us to extend this coverage form to: ***“your outdoor fences, radio and television antennas (including satellite dishes), trees, shrubs and plants (other than trees, shrubs or plants which are stock or part of a vegetated roof)...”*** The amount given is for \$1,000, subject to \$250 per tree, shrub or plant. But this extension is only good for the following covered causes of loss: fire, lightning, explosion, riot or civil commotion, or aircraft. Not exactly the perils we would want for this kind of exposed property, like wind, hail, etc.

Next, what does the ISO BOP do for this outdoor property? Under the **Building** coverage section, it is almost the same as the BPP above. It includes outdoor fixtures and outdoor furniture. In the **Property Not Covered** section, it excludes the fences, radio & TV antennas, signs not attached to the building (outdoor signs are no longer listed here in the BPP), trees, shrubs and plants. It does NOT exclude coverage for bridges, wharves, docks, and other property as shown in the list above. Again, the covered causes of loss are the same five causes as listed in the BPP. The current BOP form gives \$2,500 in coverage, instead of \$1,000. Also, the BOP does **not** limit the Valuation of this property to ACV as the Building and Personal Property Form does.

Both the BPP and the BOP exclude coverage for any outdoor property for the perils of rain, snow, ice or sleet.

So, how do we cover this Outdoor Property? In the BPP, we can use the Additional





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Covered Property endorsement (CP 14 10). We simply list what we want to cover, say the \$25,000 in fencing around the apartment complex and pool, and the endorsement removes the property from the “Property Not Covered” section and adds it to the “Covered Property” section. You would add this either to the Building or to the Personal Property coverage (be sure and include this in the amounts of insurance that you are using). You can use this for any of the **Not Covered Property** in the form. (Note – some companies prefer to use a separate Sign endorsement for outdoor signs).

The BOP allows easy coverage for signs – it is one of the four **Optional Coverages** that is built into the policy. You simply show an amount of insurance for the sign on the BOP Declarations and the coverage is automatically triggered. For other property, like fences, you will have to ask the underwriter if they have an Additional Property endorsement (or if it is covered under one of their multiple-coverage endorsements). If they do provide some coverage already, check that the amount of insurance is adequate for your client.

Both policies treat outdoor property the same with respect to the peril of collapse. Collapse is excluded in both policies, and then brought back for specific hazards, like the Specified Causes of Loss (roughly the equivalent of the Broad Form Causes of Loss), the weight of snow, or people, etc. Both policies exclude most outdoor property items for collapse unless the outdoor property is damaged along with the collapse of the building, and **it is covered property under this policy.**

One note in case your BPP form is an older one – the 2007 Building and Personal Property Coverage Form (and the latest forms) changed the Outdoor Sign coverage. It removed the signs that are not attached to the building from the Outdoor Property Extension (remember, covered for only five not very attractive perils) and now treats them the same as the signs attached to the building. The result is the un-attached signs also get the perils of the building. Much better coverage, and ISO increased the amount to \$2,500. (Be careful – I just worked on a claim for a 75-foot-high electronic sign that cost around \$75,000. This included the cost of the sign plus installation).

In other claims that have come to my attention, it is becoming clear that some of this property is a lot more expensive than what we might realize - \$25,000 - \$75,000 for fences and bridges, and similar amounts for outdoor signs. Fencing especially is increasing in cost as many insureds are now using the newer “plasticized wood” that needs little or no maintenance; this can cost 50 – 200% more than red wood or cedar. This exposure needs to be brought to the attention of your clients, so they can make a rational decision to insure it or not.

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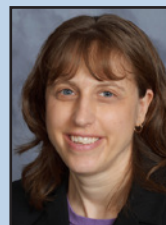
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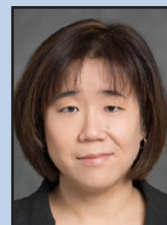
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Robyn Rowen, J.D.
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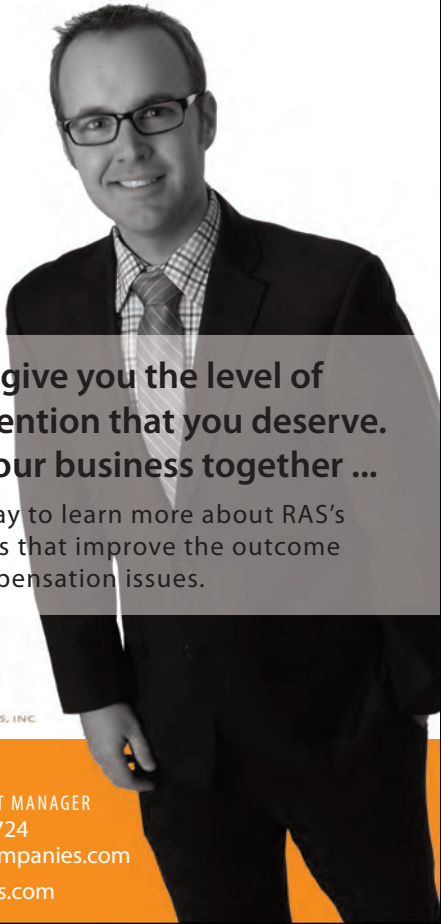
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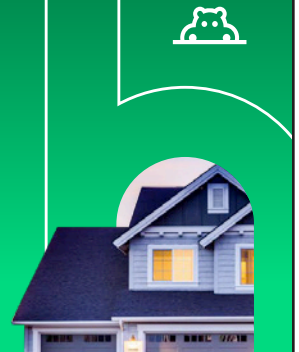
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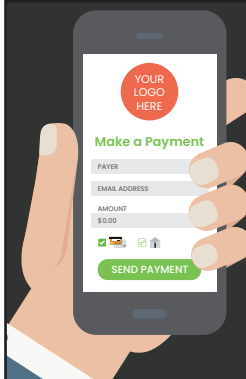
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