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MIIAB STAFF
Daniel D. Riley
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952-253-6072 driley@miia.org
April Goodin
Director of Education
952-253-6074 agoodin@miia.org
Judy Hansen
Administrative Assistant
952-253-6077 jhansen@miia.org
Michelle Herr
Asst. Dir. of Education and Communications
952-253-6070 mherr@miia.org
Keith B. Knapp
Director of Communications
952-253-6243 kknapp@miia.org
Alan Lepley
Chief Financial Officer
952-253-6076 alepley@miia.org
Bernie Neff
Technical Expert
952-253-6073 neffb@aol.com
Dominic Sposeto
Government Affairs Director
952-253-6075 dsposeto@gmail.com
Shelley Waldhauser
Director of Insurance Operations
952-253-6089 swaldhauser@miia.org
Frank Whitcomb
Sales and Marketing Expert
952-253-6239 fwhitcomb@miia.org

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Young Agent Committee "Reboot"

When I went on my run today at 5 am, it was still dark and a bit chilly. I am already missing the humid mornings and daylight from just a few weeks ago. The talk in my house from my kids has been around school, their new teachers and seeing their friends again. Football training camps, are in full force and the leaves are starting to change; there is no way to deny it, Fall is on the way.

When we think of Fall, we usually think of “Change”. Since Fall signifies “Change” to a lot of people, there isn’t a better time of the year to implement a change. After many conversations and discussions, we have decided to “reboot” the Young Agent Committee (YAC).

I want to first thank Bill Butler for his leadership of the Young Agent Committee the past few years. He has done a great job keeping the YAC visible to the MIIAB membership with events like the YAC gatherings at the Local the last few conventions.

When I have gone to meetings, conventions, golf outings, etc., the more “seasoned” agents have entertained me with stories of social events, friendships (which they still have to this day) and camaraderie they have enjoyed with their fellow agents in the past. With the “reboot” of the YAC, I am hoping we can capture some of this fellowship with the young agents.

In the next few weeks, we will be sending Agency Principals out an email requesting that they nominate young agents in their office to be on the new “Young Agent Council”. Also, if you are a Young Agent Principal and would like to be considered as well, that would be welcomed. After all nominations have been collected a new council will be selected.

This council will meet approximately four times a year and their meeting will mirror the meeting times of the MIIAB board. The new YAC’s role will be to help the MIIAB with building its relationship with young agents and young consumers.

Some of the benefits for the members of the “Young Agent Council” will be additional sales training, prominent guest speakers, networking, Council Social Events and opportunity to sit in on portions of MIIAB board meetings.

If you are a young agent and this sounds like something you would like to participate in, talk to your agency owner and let them know you have interest in the “Young Agent Council”. Please contact me or Dan Riley If you have any questions about this great opportunity.

Wishing everyone a great end to the summer and GO VIKINGS!

Chad Bjugan
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Tom Ealy, President of Encompass, Talks With MIIAB’s Young Agents

Last week, Tom Ealy, President of Encompass, took the opportunity to speak to approximately 100 young agents and agency owners about his vision of our industry and how important it is that we educate and train young agents in our business. Encompass is a strong supporter of the MIIAB’s Power in Partners Program. In fact, in our visits with Tom and his executive staff last fall, he emphasized the importance of Encompass' involvement in the Association and our collective interest in bringing new, young talent into our business.

During Tom’s remarks, he emphasized that agents, especially young agents, should focus on their clients and their “insight” on the coverages they need to reduce their risk. He talked about a new sales program called, “Insight Selling” which takes a different approach in moving clients from their existing insurance carrier to independent agents. We also would like to recognize Regional Sales Manager, Jen Sellers, and their sales staff in Minnesota, Dean Ohlues, Brian Mitchel, and Karen Peters, from the Chicago office. We applaud Tom and his staff for participating in this special meeting for young agents.

TCF Stadium, A Great Venue for a Meeting

After Tom’s remarks, we had Mike Hatch, former Commerce Commissioner and Attorney General from Minnesota, discuss the laws and regulations pertaining to cyber liability on a state and federal level. Mike discussed the fact that agencies must have a written information security plan which they regularly update to be compliant with these laws and rules. We had representatives from Data Risk Consultants discuss with members how they can comply with these issues by working with their company on the education portion of the law and providing a plan for every agency to implement in their offices. If you would like more information on cyber liability affecting independent agents in Minnesota, please go to their website, www.datariskconsultants.com

In conclusion, we would like to thank Encompass for their involvement in our Young Agents program and we expect to bring more young agent programs to our membership in the near future. We also must emphasize that agents should look at the state and federal laws that affect how they handle personal data in their agency, and if they do have any questions, please contact our resource, Data Risk Consultants.

Finally, we held our meeting at the TCF Bank Gopher Football Stadium which was a huge draw for young agents and owners. We had the opportunity to have the new Athletic Director, Norwood Teauge, say a few remarks on the overall athletic program and his enthusiasm for the upcoming 2013 football season. Following Norwood’s speech, attendees had the opportunity to take a private tour of the new stadium which I know they all enjoyed. For those of you who attended the meeting, thank you for your participation.
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It is likely there have been situations when you have asked yourself, “Why are there times when I experience anxiety relative to a change I am facing in my life?”

To answer this question, let’s start by thinking of your replies to the following few simple questions:

1. What do you think has the potential of creating more anxiety: the change associated with taking a bus to work in the morning or the change associated with having an operation to repair your knee?

2. What do you think has the potential of creating more anxiety: the change associated with rearranging a room of furniture at work or the change associated with moving an entire business to a new location?

3. What do you think has the potential of creating more anxiety: the change associated with driving your car across town or the change associated with flying on an airplane across the country?

While the answers seem absurdly obvious and probably the associations between the questions may have some similarity in characteristics, there are definitely differences between the examples that are relevant to our quest to understand the relationship between anxiety and change.

In the first question, the major reason the anxiety associated with the operation on your knee is more likely to occur is due to how much more significant having an operation is relative to taking a bus to work. So the level of significance associated with a specific change will tend to influence the potential anxiety you experience.

In the second question, it is the level of difficulty that is a driver in determining the potential for anxiety. It is far more difficult to move an entire business operation to another location than it is to simply rearrange a few pieces of office furniture. We need to recognize that no matter how you want to personally define difficulty, the more difficulty you have associated with a change the more likely you are to experience the potential of anxiety.

continued on page 11
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Finally, the third question raises the issue of control. When you are driving the car you are completely in control. So generally speaking, you are more likely to experience less anxiety, when you are in control than when you are not in control—as in the case of relying on an airline and its pilot to fly you where you want to go. It is an interesting dynamic that having control of a situation can often greatly reduce the level of anxiety associated with a change, even when that change fails to occur.

A lack of control can also be associated with the unknown. Even though a change might be fairly simple, if an individual, organization, or society faces a change that contains a lot of unknowns, the unknowns create a feeling of a lack of control. This then increases the potential for anxiety.

For example, taking a train from one city to another city can be a relatively straightforward way of obtaining the change of traveling between locations. However, if you have never taken a train before and/or you are in a new city, there can be the potential for a great deal of anxiety associated with this change because the unknown creates a perception of a lack of control. So it a lack of control that in turn increases the potential for anxiety. If you continue to take this same train in the future between the cities, chances are your anxiety will probably decrease, given that you become more familiar (that is, more experienced) with the change, resulting in a feeling of being more in control.

It is also important to realize that significance, difficulty, and control are not just individual characteristics but are, in fact, dynamics that can be interacting with each other relative to the same change. For example, a change can be very significant, but if you believe that you have a great deal of control over the change, then the anxiety that might otherwise exist can be tempered or even completely negated.

So the level of significance, difficulty, and control play a considerable role in the amount of anxiety that can be associated with any given change we are facing and the following rules can be applied:

- The greater the significance associated with a change, the greater the potential for anxiety.
- The greater the difficulty associated with a change, the greater the potential for anxiety.
- The greater the control you have associated with a change, the lower the potential for anxiety.
- Significance, difficulty, and control can be interacting simultaneously relative to a given change, thereby, creating a set of mixed dynamics relative to the anxiety that exists with any given change that we face.

It is important to note that these rules apply to us not only as individuals but also as organizations and societies. In fact, much of history has been influenced by the anxiety associated with the change an organization or a society was facing. For example, there is a good chance that you have been employed by, or maybe even managed, a business organization that completely reorganized itself because of its anxiety about its ability to remain competitive in the changing marketplace. Or how about a society that went to war because of its anxiety over an actual or perceived loss of control in its access to food, water, or other resources.
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Now that we have established the main drivers behind anxiety and change, is there a why behind these relationships?

The answer to “why” exists in the fact that you realize that you are not always successful in obtaining the change you desire. If you know that the change you desire will always take place, then there would be no reason to have any anxiety. However, through experience, you have come to recognize that a desired change cannot be guaranteed.

You also have learned to realize the ramifications and affects associated with significance, difficulty, and control and this inability to obtain guaranteed change. From the time you were a baby on you have accumulated a vast conscious and unconscious knowledge base relative to change. This knowledge base has inherently provided you with the ability to realize that change is not guaranteed and has created recognition that significance, difficulty, and control can play a major role when attempting to obtain a desired change.

It has also inherently created a defense mechanism in the form of anxiety that helps bring certain change from the unconscious to the conscious where you are more likely to focus on it relative to everything else going on in your daily life. Even though in the end there might not be anything you can do about increasing the potential for success, this anxiety response provides you with an opportunity to focus on the desired change with the hope of increasing the chances for a successful change.

Is this set of dynamics good or bad? I believe that the answer is generally positive. While anxiety caused by the underlying drivers of significance, difficulty, and control can sometime paralyze us or create negative consequences, these emotions are in fact the natural response associated with bringing issues/change into the forefront of our conscious attention. This in turn helps us focus on changes that require immediate and/or our full mental awareness.

In the end, this new found understanding of the relationship between anxiety and change should help you recognize the positives of the anxiety response while eliminating some of the negative aspects of anxiety by providing a basis for you to focus on and leverage off of the underlying drivers of significance, difficulty and control.

ABOUT THE AUTHOR

Tom Somodi is a speaker and expert in the areas of domestic and international reorganizations, acquisitions and strategic change initiatives covering manufacturing, distribution and service sectors. He has extensive public and private company executive and board level experience including positions as CEO, COO, CFO and CSO. Tom's forthcoming book, The Science of Change: Basics Behind Why Change Succeeds & Fails, is expected to be released in the Fall of 2013.
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Eye of The Storm – The Independent Insurance Agent’s Role in the Claims Process

By Aaron M. Simon, Attorney at Law, Tomsche Sonnesyn, and Tomsche, P.A.

As we all know, there have been a significant amount of severe storms this spring and summer. Naturally, with this severe weather comes an increase in claims. As claims come in, it is important to be aware of how involved you, as an independent insurance agent, are going to be in the claims process. In most circumstances, the independent insurance agent’s role in the claims process should be limited. Obviously, as a conscientious agent, you want to assist your insurance customer in submitting and resolving the claim. Nevertheless, in most circumstances, your role as an independent insurance agent, if any, in the claims process should be limited to assisting in promptly providing accurate information regarding your insurance customer’s claim to the insurance company. In fact, it is certainly proper and commonplace for an independent insurance agent to assist in relaying information between the insurance customer and the insurance company during the claims process always making certain that any information you are relaying is accurate, and remembering to document everything as much as possible.

However, if as an independent insurance agent you begin to advocate for and offer advice to your insurance customer in the claims process, extra caution should be taken. This is particularly so if you are contradicting or questioning the insurance company’s determination of coverage or adjustment of the claim. Should a dispute arise between your insurance customer and the insurance company, you have now inserted yourself in the middle of this dispute. It is to be remembered that as an independent insurance agent, it is not your job to make claim and coverage determinations. It is the insurance company’s claims adjuster’s job to make those determinations. Often, coverage conflicts between an insurance customer and an insurance company are very complicated and can turn on very nuanced and sophisticated coverage issues. It can obviously be problematic to voluntarily and blindly interject yourself into these conflicts.

In addition, once an insurance customer begins to believe the insurance company is acting unfairly or improperly, the insurance customer may begin to blame you as the agent for this issue. This is why advocating for and offering advice to your insurance customer in the claims process can be risky. If it turns out that the insurance company is correct and you are wrong, you may have just created a potential Errors and Omissions situation for yourself. Particular concern should arise if an insurance customer starts asking you for specific coverage advice during the claims process. Again, this is not your duty as an independent insurance agent. If this situation should occur, it is recommended that you tell the insurance customer that it is not your role to make claim and coverage determinations. It is understood that this can often be difficult or not feasible. Thus, if coverage advice or advocacy is provided, make certain to take extra caution when providing this type of advice or advocacy.

Aaron M. Simon is an attorney with the law firm of Tomsche, Sonnesyn & Tomsche, P.A. He has been admitted to practice law in the State of Minnesota since 2003. A large part of Mr. Simon’s law practice is in defending insurance agents and handling insurance coverage cases in both State Court and Federal Court in Minnesota. Mr. Simon is a member of the Hennepin County Bar Association, the Minnesota State Bar Association, the Minnesota Defense Lawyers Association, and the Defense Research Institute.
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1. You believe your number-one business goal is to make money. Ummm…isn’t that the point of running a company? you might be asking. Well, it’s a point, but it’s not the point. A too-acute focus on improving the bottom line takes your attention off of the people who are going to enable you to raise it: your customers. Your clients can always tell when they’re not your first priority. (If you’re skeptical, just consider the backlash that often occurs when small businesses are bought out and transformed by larger, more impersonal corporations.)

The difference between paying attention to service so that your clients will give you more business and doing so because serving the customer is your first priority may feel slight, but it’s significant. Taking your focus off the bottom line may feel uncomfortable at first. But you’ll soon find that when you focus on how best to serve clients, tough decisions make themselves. If it serves the client, you do it. If it doesn’t, you don’t—even if you make less money. This neutralizes moral dilemmas and really simplifies your life. And it can have a miracle effect on your growth and success.

2. You let the little things slide. As a business owner, there are a lot of “big” things you’d never neglect. For example, you wouldn’t lock up for the night without making sure that your restaurant’s kitchen was thoroughly cleaned, and you wouldn’t allow your accountancy office’s college intern to prepare a client’s taxes. However, you might not be such a stickler for what you believe are “smaller things.” Rushing through paperwork so you can get home early, failing to spellcheck an email or two, and running late to a meeting probably won’t matter that much six months from now, you think. But that’s not necessarily the case.

So often in life, it’s the small details that differentiate ‘good’ from ‘great’. And make no mistake: If it impacts a customer’s happiness, best interests, comfort level, or anything else even the slightest bit, it’s not a ‘little’ thing. When you fail to get the small details right, you fail to truly put customers first. On the other hand, promises kept, deadlines met, little extra flourishes, and small acts of kindness add up to happy clients.

One thing I do with clients in escrow is to call or email them every day, even if nothing is happening. This simple message of ‘nothing happening, wanted you to know’ is a huge stress reliever and an even bigger business builder.

3. If it’s not “broke,” you don’t fix it. Many business owners subscribe to the theory that if something’s not broken, they don’t need to fix it. If the check-in paperwork your receptionist uses has been in place for years and you’re not getting many complaints, why tinker with it? If your knowledge is sufficient to handle most of your clients’ problems, why spend valuable time learning more? The answer is simple: If you don’t consistently strive to improve, you’re not putting your clients first.

I’m not saying you need to spend every minute of your spare time attending conferences, taking classes and webinars, and reading industry journals. You should make it a priority to stay familiar with the way your industry is growing and changing. You should also do everything possible to offer your customers the quality and value they deserve. Always question the status quo, and ask yourself how you can make it better. You don’t just want your customers to be satisfied; you want them to be pleasantly surprised every time they do business with you.

4. You downplay your mistakes. Nobody likes the mishmash of negative feelings that accompanies making a mistake. That’s why many business owners (and their employees) resolve matters with clients as quickly as possible when a ball is dropped, and then try to never speak of the matter again. After all, there’s no sense wallowing in your slip-up—you need to move forward! Right?

continued on page 29
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Wrong. When your company makes a mistake, no matter how big or small, it’s your responsibility to stare that mistake in the face and get to the very bottom of what went wrong. That’s not just so you can fix one particular error; it’s so you can figure out why it happened and make sure it doesn’t occur again.

Every mistake is a good learning opportunity. Maybe you’ll figure out that you need to improve a quality-control procedure, for example, or perhaps a client’s complaint about mail being sent to her former address will spur you to update your record-keeping systems. My point is, when you sweep a mistake under the rug instead of allowing it to make you better, you aren’t putting your clients’ future interests first.

5. **You subscribe to the idea that the customer is always right.** I’m not saying that you should disregard a client’s preferences and desires—of course you should try to get to the bottom of what each customer wants, and then do whatever is in your power to deliver that product or service. However, when customers are simply wrong and their best interests are at stake, it’s your responsibility to say so.

Allowing a customer to be ‘right’ when you know he isn’t may pacify him temporarily, but in the end, it won’t be good for either of you. Putting clients first sometimes means politely but honestly disagreeing with or disappointing them. If a financial advisor allows a client to make an overly risky investment he’s determined to make, it doesn’t make the client right; it just makes the advisor irresponsible.

JoAnn and I had our **Clients First revelation** while wrestling with whether or not to allow a customer to be ‘right’. Should we allow a family to buy a home they wanted, but that would have stretched the buyer’s finances and caused the seller to accept less than they should? We could have kept our mouths shut, but we decided to tell both parties that the transaction was a mistake. Ultimately, we were able to find a better option for both parties because we put their best interests above profits, pride, or convenience.

6. **You habitually let certain clients go to voicemail.** It’s happened to everyone: When you see that name flash on your phone’s caller ID, you slowly pull your hand back from the receiver and let the ringing continue. You just don’t want to deal with the drama, or the whining, or the accusations, or the belligerence just now. Yes, we all have “problem” clients. But to avoid them or just go through the motions for them is a mistake. They will notice and remember your behavior. (And be honest: Would you want to give your business to someone who might write you off when the going got tough?)

Clients First means all clients. In over fourteen years, my wife and I have never gotten rid of a single client—even when we secretly wished we could—and we believe this no-fire strategy has contributed significantly to our ultimate success. Here’s the payoff: When you make the choice to stand by all of your frazzled, frustrated customers, you will eventually reap financial and personal rewards.

You may even become known in your company or industry as the guy or gal who can handle the toughest customers. And chances are, your clients themselves will be grateful that you didn’t give up on them and may even send others your way.

7. **You find yourself telling white lies.** Telling clients white lies, or exaggerating, misdirecting, or omitting, might make life easier temporarily. It’s easy to justify such behavior (She’ll never know, and it’ll save me hours of work, for example). But these “little” lies are as bad as the whoppers. There is always a chance that customers will see through you and call you on the carpet. Even if they don’t, a willingness to play fast and loose with the truth suggests a broader attitude that relegates clients to second or third priority. (In return, that’s usually how they’ll rate you.)

Honesty can be tough in the moment, but a reputation for trustworthiness—or untrustworthiness!—can stick with you for life. Live by a policy of never holding back or sugarcoating and you’ll gain loyalty that money can’t buy. Plus, when you have only the truth, you don’t have to worry about getting the story straight or remembering what you have and haven’t shared. You know you’re doing the right thing.

8. **You spend more time trying to get off the phone than really hearing what the customer has to say.** Chances are, you roll out the red carpet in order to get prospective clients on board. And you’re probably willing to bear with the whims, questions, and requests of fairly new customers whose business isn’t yet cemented. But what about older, more established clients? Do you take the same amount of time and care with them, or do you assume they’ll stick with you out of habit and convenience?
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If you wouldn’t hang up the phone at the first opportunity with a client you signed last week, don’t do it with one you signed ten years ago. Companies that become number one don’t do so because they win customers over once, but because they do it every day. A good experience last month usually won’t keep a customer coming back this month if he or she believes that your level of service has slipped.

9. You don’t know your client’s daughter’s name or what he likes to do on the weekends. In your eyes you’re being professional when every question in your meeting is about the client’s financial preferences, for example, and not his family, pastimes, and interests. But in his eyes, you’re cold and impersonal. Remember, to truly serve, you have to care. When you keep yourself at arm’s length, you can’t give your clients 100 percent…and you give them an incentive to take their business elsewhere.

Do you see your clients as sources of income, or do you see them as actual human beings with likes, preferences, quirks, and stories? People want to do business with individuals they like—and they like people who like them! Make a deeper connection with your clients by asking about their kids, their pets, their hobbies, and their jobs or businesses. You’ll find that most of them are just like you: filled with worries, hopes, and dreams. Once you get familiar with and invested in these things, you’ll work that much harder on each client’s behalf, and you’ll earn their loyalty in the process.

10. You feel your main obligation to employees is writing their paycheck. While (of course) you don’t treat employees like dirt, you may feel that you don’t owe them any special favors, either. After all, you’re paying them—isn’t that enough? Well, no. The way your people treat customers reflects the way you treat them. Are you courteous? Kind? Enthusiastic? Do you listen when they talk to you and try to accommodate their needs? Or are you short, perfunctory, and even (sometimes) rude?

Your job is to serve others, period. You can’t do that by making distinctions between the people who work for you and the people to whom you provide a good or service. Realize that you set the tone for your company’s ‘personality,’ and that you’re creating a tribe of people who will beat the drum for your message. Try to see your employees through a client’s eyes and be honest: Would they win first or second place in a customer service competition? If you don’t like the answer, try adjusting your own attitude first.

After reading through all of these scenarios, the one way to put your customers first is probably pretty obvious: Put them first! There can be no excuses and no exceptions.

If you recognized yourself or your business in any of the examples above, don’t beat yourself up, Clients First is definitely the exception in the marketplace, not the rule. And that’s why adhering to it will propel you to increased customer satisfaction and success.

About the Authors:

Joseph Callaway and JoAnn Callaway are coauthors of the New York Times best seller Clients First: The Two Word Miracle and founders of the real estate company Those Callaways.

JoAnn sold more than four thousand homes totaling in excess of a billion dollars. She accomplished this in her first ten years selling real estate and she did it one client at a time. She is proud to be a REALTOR® and believes her fellow agents share her heart for helping others. She loves flowers, art, books, and Joseph. JoAnn lives in Scottsdale, Arizona, and wishes it had a beach.

Joseph is the author of countless advertisements, newspaper pages, magazine layouts, fliers, blog posts, manuals, property profiles, and thousands of real estate contracts. He surfed Dana Point, California, before the Army Corps of Engineers built the breakwater and he loves JoAnn very much.

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Confidence
The basis of all success in business and life is confidence. This does not mean blind hope -- it is more about how you think about yourself and the future.

Self-Belief
A confident person believes in themselves and their abilities to be successful. If you do not believe in yourself, then you are doomed to failure and your customer will not believe in you either, nor will they believe what you say. Your doubt will become their doubt and doubt does not lead to success.

Informed Optimism
Blind belief is not always a good thing. Being positive because you have evaluated the product and analyzed the customer’s needs is a greater reason to be confident. Belief and optimism provide powerful support but they do not replace knowledge.

Pride

Pride in your Agency and Industry
First, you should be proud to work at your Independent Agency. Associating yourself with your agency brand and the Trusted Choice values that you represent, being an independent agent should make you feel good. You should be proud to tell others where you work and what you do.

Pride in the Product
Secondly, as a Trusted Choice Independent Agent you should be proud of the companies and products that you are representing. Knowing that you have the privilege of representing superior products should make you very confident indeed.

As with pride in your agency, an intrinsic pride in the companies and products that you represent is a powerful motivator, both for you and for your customer.

Care
Finally, a Trusted Choice attitude is a caring attitude. Rather than just sell price to your customers, you should care about them and their insurance needs. Care for customers can include taking time out from your normal service routine where they contact you, for you to contact them. When others know that you care about them personally, then they will be far more willing to trust you -- and trust is the doorway towards success professionally and personally.

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The August 1, 2013 Anti-Indemnification Statute

The new Minnesota statute regarding assumption of another entity’s negligence has promoted much conversation, and a lot of press. Effective August 1 of this year, the statute is usually referred to as the “Minnesota Anti-Indemnification Law”. If you need to look it up on one of your Internet search engines, just type in “Minnesota Statutes 2012, section 337.05” and it should come right up.

Much of the conversation is about the exceptions that were built into the law. The statute begins: (a) “Except as otherwise provided in paragraph (b), sections 337.01 to 337.05 do not affect the validity of agreements whereby a promissor agrees to provide specific insurance coverage for the benefit of others”.

Then comes (b), which was just referred to: (b) “A provision that requires a party to provide insurance coverage to one or more other parties, including third parties, for the negligence or intentional acts or omissions of any of those other parties, including third parties, is against public policy and is void and unenforceable”. This is the anti-indemnification part referred to in my opening paragraph.

And then comes (c) through (e) in the statute which are the exceptions to (b). It states: "Paragraph (b) does not affect the validity of a provision that requires a party to provide or obtain workers’ compensation insurance, construction performance or payment bonds, or project-specific insurance, including without limitation, builder’s risk policies or owner or contractor-controlled insurance programs or policies”.

Let’s take them one at a time.

1. (c) says: “to provide or obtain workers compensation insurance,…” Good risk management at a job would dictate this – that all the contractors have coverage for their employees, and there is nothing prohibited here for the owner/general contractor to require this coverage of their sub-contractors.

2. Then (c) goes on: “construction performance or payment bond,…” Again, this is a common requirement for the financing of a project. If one or more of the contractors defaults on the project and cannot or will not complete the job, these types of surety bonds will provide the money to finish the project.

3. Then: “project-specific insurance, including, without limitation, builder’s risk policies or owner or contractor-controlled insurance programs or polices.” This is referring to usually very large projects in which all the contractors on the project are covered by insurance policies provided by the owner or the general contractor, or some other entity hired to do so. For example, all the contractors on the project would be covered by one large-limit general liability policy. This is required of all the contractors, and the statute would not impede these arrangements.

Next is paragraph (d) which states: "Paragraph (b) does not affect the validity of a provision to provide or obtain insurance coverage for the promisee’s vicarious liability, or liability imposed by warranty, arising out of the acts or omission of the promissor”. This exception is referring to the original intent of Hold Harmless agreements – namely to cover the promisee’s (for example, the general contractor’s) vicarious liability for the acts or omission of the promissor (the sub-contractor). Put another way, the general contractor could be sued (vicariously) for the acts or omissions of the sub-contractor that he/she hired. The warranties mentioned here, I believe, are referring to the implied warranties (guarantees) of safety that the work performed by the sub-contractor has been done in a safe and professional manner.
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Finally comes (e) which states: "**Paragraph (b) does not apply to building and construction contracts for work within fifty feet of public or private railroads, or railroads regulated by the Federal Railroad Administration.**"

As we all know (if your contractor has ever worked near a railroad), the usual coverage required here is a “Railroad Protective” liability policy that the contractor has to purchase, and in which the railroad is the named insured. It protects the railroad, up to the limits required, for their vicarious liability for the acts or omissions of the contractor(s) working near their tracks. This exception keeps this coverage available with no issues.

One question that has come up – does this new law affect the Additional Insured requests, in which the owner or the general contractor wants to be an additional insured under the sub-contractor’s policy? I do not believe it will impact anything – especially since we have ISO and insurance carrier additional insured endorsements that will cover the owner or general contractor, **but only for the negligent acts or omissions of the sub-contractor.** In other words, to protect the owner or general contractor for their vicarious liability, as already discussed and allowed in paragraph (d).

I would like to end here with a disclaimer. I am looking at this new law from the standpoint of insurance coverage, as I am an insurance geek, and am not an attorney. Other professionals may look at this same language and have a much different opinion than the ones that I have shown. Also, it will take time to see what legal challenges and difficulties will surface in the future. If any of you see other insights, please share them with me. I can be reached at neffbj@aol.com

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SECURA INSURANCE ANNOUNCES PRESIDENT/CEO RETIREMENT, NAMES SUCCESSORS

SECURA Insurance announced today that President & CEO John Bykowski will retire from the company effective July 1, 2014. This comes after Bykowski led SECURA for 16 years of long-term profitable growth by building a people-focused culture and first-rate agent relationships. Bykowski will continue as Chairman of the Board after his retirement.

Senior Vice President – Underwriting Operations Dave Gross will be appointed President and Chief Operating Officer on Sept. 1, 2013. In this capacity, he adds responsibility for claims operations, with Senior Vice President Scott Huiras reporting to him. This promotion positions Gross to become President and Chief Executive Officer effective the day after Bykowski retires.

Gross joined SECURA in 1997 as Vice President – Sales. In 2001, he was promoted to his current position with responsibility for both underwriting and sales. Gross successfully helped guide the company’s new product development, state expansion, and its agency force, ultimately helping profitably grow the organization to the $450+ million company it will be by year end.

Senior Vice President and CFO Kathryn Sieman will be appointed Executive Vice President on Sept. 1, 2013, making her the company’s second-highest ranking executive. She also will remain CFO and continue to lead the company’s Finance and Information Technology areas. Sieman joined SECURA in 1992. In 2005, she was promoted to Senior Vice President, named CFO in 2007 and, in 2012, the company’s Information Technology division became part of her team.

“Dave’s past success, his dedication to our associates and agency partners, and his passion for our industry prepare him well to become SECURA’s next leader. Kathryn’s financial acumen, strategic ability, and drive for internal efficiency make her a strong complement to Dave,” said Bykowski. “I am confident the company remains in well-qualified hands with talented leaders able to take SECURA successfully into the future.”

John Bykowski
Biography
SECURA Insurance

Upon John Bykowski’s retirement July 1, 2014, he will have contributed more than 40 years to the property and casualty insurance industry. Currently, Bykowski is the President and CEO of SECURA Insurance, a mutual property and casualty insurer headquartered in Appleton, Wis. He has served in that role since joining the company in 1997 and was named chairman of its board of directors in 2004.

Bykowski’s leadership and focus on relationships — both within and outside the company — have made a dramatic impact on its success. Overall employee satisfaction has soared over the years to the current high of 97 percent. Empowering people paid off. During his tenure, SECURA underscored its broadening appetite by entering Farm-Ag and opening a Specialty Lines division.
In addition, the annual company revenue (direct written premium) is slated to reach half a billion dollars the year of his departure.

Signals of strong leadership abound outside the company, too. A.M. Best consistently rates the company A (Excellent) for its ability to meet financial obligations to policyholders. And agents rank it among the nation’s Top 10 carriers for ease of doing business. Since joining SECURA, Bykowski has held fast to his vision that the company is only as strong as the relationships with its agents. The agency force was honed over the years to include only the finest, and the goal is to continue to foster this success through his leadership transition and beyond.

Bykowski brought impressive property/casualty experience to SECURA. From 1972-79, he held underwriting management positions at Milwaukee Mutual and Allstate Insurance. He worked as vice president of casualty operations at Wisconsin Employers Group from 1979 to 1983, and then moved to West Bend Mutual where he was senior vice president of marketing from 1983 to 1997. Bykowski is a graduate of Marquette University.

Bykowski has long been active in the community and the insurance industry. He currently serves on the board of directors for the Trout Museum of Art, and is the immediate past chairman of the board and a board member for the Fox Cities Community Foundation. He has served on boards for many other community organizations, such as M&I Bank Fox Cities, the Fox Cities Performing Arts Center, United Way Fox Cities, and the YMCA of the Fox Cities. He also served on the board of directors for the National Association of Mutual Insurance Companies (NAMIC) from 2003 until the conclusion of his 2007-08 term as board chairman.

A transition plan for Bykowski’s retirement begins Sept. 1, 2013, when Dave Gross is appointed SECURA’s President and Chief Operating Officer, positioning him to become President and Chief Executive Officer upon Bykowski’s retirement July 1, 2014. Bykowski will remain Chief Executive Officer until his retirement and will remain chairman of the board indefinitely. Gross is currently Senior Vice President – Underwriting Operations and has been with the company since 1997.

IOWA NOMINEE SELECTED AS THE 2013 NATIONAL OUTSTANDING CSR OF THE YEAR

Ms. Nicole Keck, CISR, Commercial Lines Coordinator and Senior Customer Service Agent for AW Welt Ambrisco Insurance, Inc. in Iowa City, Iowa, has just been awarded the most prestigious honor available to insurance customer service representatives: the 2013 National Outstanding CSR of the Year Award.

The Society of Certified Insurance Service Representatives (CISR) and the Society of Certified Insurance Counselors (CIC) selected Ms. Keck as the winner of this award from a field of 49 state winners. After five finalists were chosen from this field, a blue-ribbon panel of five judges evaluated the finalists based on their individual contributions to the insurance community, and the strength of their essays written on the topic: “Communication is one of the most important parts of building strong relationships with your clients, companies, and coworkers. Identify and explain the four greatest barriers to effective communication that you face (or have faced) and how you’ve worked to overcome these barriers.”

Nicole Keck was praised by an associate as “committed and driven to excellence. She is always willing to help others and strives to make others around her better. Nicci has helped our agency open our eyes and minds to new ideas and methods of communication internally to help us improve our service model and better serve our clients. It is so difficult to find someone with so many strong character and leadership traits, but Nicci has them all.”

In her essay, Ms. Keck cited four communication barriers she has faced and how she has overcome them: (1) finding a common language; (2) communication style differences; (3) email pitfalls; and (4) time management.

Ms. Keck receives a cash award of $2,000, a distinctive gold and diamond lapel pin, and her name is inscribed on a sculpture on permanent display at The National Alliance headquarters in Austin, Texas. A scholarship will be awarded to her employer, AW Welt Ambrisco Insurance, for participation in any National Alliance program.
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For more info and to register follow this link: https://www.scic.com/courses/CRM#

The five CRM courses are:

- Principles of Risk Management
- Analysis of Risk
- Control of Risk
- Financing of Risk
- Practice of Risk Management

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

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

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

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

Financing of risk can be an intricate and complex task. In this course, you will compare the various financing options presented: non-insurance transfer, guaranteed cost plans, retro plans, dividend plans, pools, and various types of captives. You will learn how to deliver the message to management in present value dollars.
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- **4/24 - 4/26/13** Eden Prairie **Life & Health**
- **5/15 - 5/17/13** Eden Prairie **Personal Lines**
- **6/12 - 6/14/13** Brainerd **Agency Management**
- **7/17 - 7/19/13** Eden Prairie **Commercial Casualty**
- **8/24 - 8/26/13** Eden Prairie **Life & Health**
- **9/25 - 9/26/13** Plymouth **Ruble Graduate Seminar**
- **10/16 - 10/18/13** Eden Prairie **Commercial Property**
- **11/13 - 11/15/13** Eden Prairie **Personal Lines**

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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.

### Important Information

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

### 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)

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### Registration Information

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<th>Cost</th>
<th>Seminar</th>
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<td>$420.00</td>
<td>Ruble Graduate Seminar (16 Hours)</td>
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Return to: MIIAB, 7500 Flying Cloud Dr, Suite 900, Eden Prairie, MN 55344  P: 952.835.4180  F: 952.835.4774  E: agoodin@miia.org  www.miia.org
2014 MIIAB CIC Program Schedule

It’s easy to register - by fax, phone, mail or on-line!

Please select Seminar date

- 1/15 - 1/17/14 Eden Prairie Commercial Casualty
- 2/12 - 2/13/14 Plymouth *Ruble Graduate Seminar
- 3/5- 3/7/14 Eden Prairie Agency Management
- 4/9 - 4/11/14 Eden Prairie Personal Lines
- 5/21 - 5/23/14 Eden Prairie Commercial Property
- 6/11 - 6/13/14 Brainerd Life & Health
- 7/5- 7/7/14 Eden Prairie Personal Lines
- 8/6 - 8/8/14 Eden Prairie Commercial Casualty
- 9/10 - 9/11/14 Plymouth *Ruble Graduate Seminar
- 10/8- 10/10/14 Eden Prairie Agency Management
- 11/5 - 11/7/14 Eden Prairie Commercial Property

* 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.

Cost Seminar

$430.00 CIC Institutes (20 Hours)

$420.00 Ruble Graduate Seminar (16 Hours)

Important Information

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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.

Please select Seminar date

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2013 MIIAB CISR
Program Schedule

It’s easy to register - by fax, phone, mail or on-line!

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

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

Method of Payment
- Check Enclosed (Payable to MIIAB) or Charge to:  VISA  Mastercard (Additional non-refundable charge of $5 will apply per seminar 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.

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

Card Number  Expiration Date  Signature

Name on Card  Security Code (3 digits)  Billing Address

Name  MN Insurance License #  DOB  Designations

Agency/Company  Phone  Email

Address  City  State  Zip

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www.miia.org
**2014 MIIAB CISR Program Schedule**

It’s easy to register - by fax, phone, mail or on-line!

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

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

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$158.00 | **Dynamics of Service** | 8:00am-5:00pm

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

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September 2013 • The Minnesota News 47
### 2013 MIIAB E&O Risk Management: Meeting the Challenges of Change

These courses have been approved by the MN Commissioner of Commerce for 6 hours of Insurance continuing education of which 3 hours also qualify for Ethics continuing education.

<table>
<thead>
<tr>
<th>AGENCY STAFF SIZE</th>
<th>TOTAL ATTENDEES REQUIRED AT A (6 HOUR) SEMINAR</th>
<th>POSITION IN AGENCY</th>
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**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.

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Thank you to the following companies that are supporting the association through our Power in Partners Program in 2013. Their support helps to make possible exceptional education opportunities, quality networking events, up-to-date communications to our members and strong lobbying presence within the state of Minnesota.

**DIAMOND LEVEL**

- American Strategic Insurance
- Foremost Insurance
- Liberty Mutual Insurance
- Midwest Family Mutual
- Kemper Preferred
- Meadowbrook, Inc.
- MVP Service Solutions
- RPS Schneider Agency
- Safeco Insurance
- Safelite Auto Glass
- Scobie Group
- Selective Insurance
- S.H. Smith & Company, Inc.
- Solbrekk Business Technology Solutions

**PLATINUM LEVEL**

**GOLD LEVEL**

- ACUITY
- AFCO/Prime Rate Premium Finance
- AmTrust North America
- Astonish
- Capital Premium Financing
- CNA Insurance
- Continental Western Group
- Encompass Insurance Company
- Erickson-Larsen, Inc.
- ICC Restoration & Cleaning Services
- Spring Valley Mutual Insurance
- State Auto Companies
- The IMT Group
- Tomsche, Sonnesyn & Tomsche, PA
- Toshiba Business Solutions
- Travelers Companies, Inc.
- Westfield Insurance
- Wilson Mutual Insurance Company
- Workers Compensation Specialist

**SILVER LEVEL**

- Western National Insurance
- The relationship company

- Allied Insurance
- Burns & Wilcox
- Grinnell Mutual Reinsurance
- Integrity Insurance
- North Star
- PREMCO
- RAS
- SFM
- Swiss Re
- ACUITY
- AFCO/Prime Rate Premium Finance
- AmTrust North America
- Astonish
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**2013 POWER IN PARTNERS PROGRAM**

Minnesota Independent Insurance Agents & Brokers Association

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