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31 EPLI Coverage Is Worth Another Look Now That Human Rights Act Allows For Jury Trials

43 Be Remarkable! Attitude is Everything!
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Thank You For All Your Support

As you read this last magazine, this will be my last official communication to you as MIIAB President. I must say that this has been a valuable experience for me this year as your President, but, the most value that I’ve gained over the last decade, is being involved in the association on a committee or member of the board of directors. Over the past four years moving into a leadership position, I have grown to understand how valuable the association is for its members and its company partners. More importantly, I have come to value the hard work and dedication of the MIIAB board of directors and its staff. During the last two years in these leadership positions I’ve had the opportunity to visit many of our Power in Partner insurance company executives to discuss industry issues and how the MIIAB and insurance companies can work together to further the independent insurance agency industry. I would like to thank all of these company president’s and their executive teams for taking the time to meet with me and our leadership over the past 9 years. The MIIAB’s Power in Partner Program is the premier company partner program in the country and we must keep the open dialogue with our company partners to ensure our success in the future.

As your association President, I again, want to thank my staff and my family for supporting me during my term as President and I would like to welcome Darian Hunt to the MIIAB leadership team as your incoming President. I’m confident that Darian will do an outstanding job in this next year leading the MIIAB into the future.

One of my final duties as your President will be to pass the Presidential torch to Darian Hunt at our upcoming convention and trade show on May 10-11, 2017 at the Minneapolis Convention Center. I would like to highlight some of the key educational opportunities for you and your staff below and I would also like to encourage all MIIAB members to attend and network over 100 companies and vendors at our trade show. Hope to see you all there!

Peek into the Upcoming Annual Convention on May 10-11, 2017

We are all excited about another upcoming convention that is scheduled for May 10-11 at the Minneapolis Convention Center. Each year our convention seems to keep going by attracting not only agency owners, but their producers and CSR’s. This year we have many exciting education opportunities for all levels of your agency staff to take part in. We will be featuring one of our keynote speakers at the convention, Richard Coffey, former MN Gopher and Timberwolves basketball standout, who will be focusing on developing your image and professionalism to your clients. We are excited about Richard Coffey’s keynote presentation at the convention awards luncheon. Another program I would like to highlight is our 2nd annual “Insuring the Farm” in which we invited IIABA’s National Lobbyist to provide us an overview of what has taken place in Washington D.C. on the Federal Crop Insurance Program. We will also be discussing how Drones have become an important part of farming and how to insure them and finally, how to fully protect your farm client and all their commodities that they produce. For all of the details on the convention, please see the convention overview in this issue.

Ted Dyste
MIIAB President
Thank you, agents.

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

www.auto-owners.com
MIIAB Membership Growing in Many Directions

As you all know, the independent agencies have been going through a metamorphosis over the last decade. It seems as though in the late 1990's and early 2000's many of the small agencies were being merged with their local counterparts throughout the state of Minnesota. Over the last 10 years it seems like the medium sized agencies have been solicited by the national brokers and many of these agencies have been absorbed by these brokers. Fortunately for us, the larger brokers are members of the MIIAB and the medium sized agencies have grown over the years in staff size. Lately, we have been seeing new models of agencies that may be called networks, aggregators, or even clusters have emerged to become a major factor in the independent agency system as members of the MIIAB and as agencies for our company partners. A number of agencies throughout the state of Minnesota have grown substantially by attracting direct writers into their agencies to offer more opportunities as independent agents through independent agencies. As we look at our membership today in Minnesota, the number of independent agencies has increased, however, the number of agents now involved in independent agencies are up significantly. Your association has attracted these new models and have retained the traditional member as we see the American Agency System change. We provide the vast majority of independent agencies their E&O insurance, lobbying on your behalf in St. Paul and in Washington D.C. and we are the leader in professional education for independent agents by offering the CIC, CISR, CRM, online webinars, and many in-house programs designed specifically for our members and their agents. The board of directors and staff would like to thank all independent agents and agencies for their loyal support of the association, making MIIAB the leader in the industry.

Your Leadership Strengthens Relationships Between Agents & Companies

Over the past 9 years, the leadership of the MIIAB and the Executive Staff of the Association has made it a priority to personally meet with the CEO's of our company partners. Each year we visit insurance company executives and their executive team throughout Minnesota, Wisconsin, Iowa, Michigan and Illinois. During these meetings we discuss industry issues facing their companies and independent agents in Minnesota. We discuss legislative issues and, more importantly, we discuss the future of the independent agency system and how the MIIAB can work together with our company partners to ensure the future of the “American Agency System”. I would like to personally thank all the company CEO's for opening up their door in their home offices to discuss industry issues, more importantly, I would like to thank all of your colleagues who are in the leadership position of the MIIAB who have taken their personal time to visit these company executives throughout the Midwest. I know these company executives appreciate the efforts of the MIIAB in making these annual visits to their offices.
At North Star Mutual, we specialize in more than just Farm, Home, Auto and Small Business insurance; we specialize in service. With our straightforward agency tools and accessible staff, it’s easy to get things done. Thank you to our independent agency partners for your excellent long-term support. We look forward to our continued commitment of serving you and your policyholders for years to come.

www.northstarmutual.com
Changing of the Leadership Position at the MIIAB’s Convention

On behalf of the board of directors and the MIIAB staff, I would like to personally thank Ted Dyste, CIC from the Dyste Williams Agency in Minneapolis for his dedication and hard work that he has put in to his Presidency this year. If you know Ted, you know that he is a busy man and is always running from one appointment to another. He is a very successful independent agent and he has found time to give back to his association in hopes that we expand the bright future of the independent agency system in Minnesota. As Ted steps back as President of the MIIAB on May 9th, Darian Hunt, CIC from the House of Insurance in Le Center will take the helm as President. Darian has been very active over the years in the association serving in many capacities, more importantly, helping the association build our partnership with company executives. Similar to Ted, Darian comes from a family owned agency in which he, his brother and sister are now principals in this growing agency south of Minneapolis/St. Paul. I know Darian is concerned about the future of the independent agency system and is looking forward to encouraging young professionals into our business throughout Minnesota. We all look forward to working with Darian in the upcoming year.

Come Grow with Us!

You don’t triple in size in five years without satisfied agents!
• We now feature more lines of business in most states (including a One-Stop Insurance Shopping solution via BizGUARD Plus).
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  - Unique Coverage Extensions
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Visit www.guard.com for product availability in specific states.
A national study showed that a majority of consumers don’t purchase another form of insurance through their auto carrier. This represents a universe of opportunity for you! Take advantage by bringing the Hitch to your sales plan. Ask your customers, “Do you have a hitch on that vehicle?” And then, “What are you towing? I can give you a quote for that with Foremost.” These questions can lead to increased retention, satisfaction, referrals, discounts for your customers, and more premium for you.

Learn more from Hitch Guy and Hitch Cat at ForemostAgent.com/Hitch

No matter what your customer tows, or where they go … Foremost Means More.™
Company Information

Founded in 1937, today Throughout our more than 75 years in business, we’ve learned that the needs of independent agents are as diverse as agents themselves—and we’ve grown by meeting the changing needs of more than 37,000 agents and their customers every day.

We built our company as a go-to for under-served segments. Over time, we’ve earned agents’ trust as the number one carrier for a broad range of personal auto risks, as a specialized offering for your RVers, boaters, bikers, and business owners, and more recently, as a destination for your most complex bundled households.

We help agents keep their promises by always keeping ours, operating consistently from our Core Values and delivering intuitive technology, claims and service excellence, marketing support for their local brand, and a national name customers know and trust.

We’re proud to serve independent agents by making insurance a little better every day, and we’re proud to have independent agents like you representing our brand in your community.

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Superior Claims Service—We work with customers throughout the entire claims process to provide fast and fair service. With Service Centers located across the country, we provide a one-stop-shop for getting drivers back on the road quickly after an accident. Additionally, customers can get a claim started anywhere, anytime through our mobile app.

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Competitive Rates – Through a variety of discounts and programs we offer your customers ways to save and personalize their rate, like our usage-based insurance program Snapshot®, we offer a way for customers to personalize their rate.

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90+ Exhibitors

NEW!!! Additional Thursday Education Option

Insuring the Farm
9:30am-12:30pm

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90+ Exhibitors

Awards Luncheon

LUNCH KEY-NOTE
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Richard Coffey

1000+ Attendees

Top Speakers

Continuing Education

Largest Insurance Convention in Minnesota!!!
**Drink & Drone: Insuring the Business of Booze & Flying Things**

**Wednesday**

8:30am-11:30am

Location: TBD

Kevin Amrhein, CIC

FISCE, Inc.

Drinking and droning: activities that should never mix…except in this course. We will discuss a variety of risks and insurance solutions for the growing business of booze and the personal/business use of drones. (3 CE’s)

---

**Cyber Liability - What Every Agent Should Know**

**Wednesday**

8:30am - 11:30am

Location: TBD

John Immordino

Arlington/Roe

Cybercrime has grown seventeen times since 2009 with no slowdown in sight. All businesses, including Insurance Agents, which collect private information about their clients, must comply with State and/or Federal Notification Laws. These notification requirements can cost small businesses on average over $200,000 and larger businesses can be in the millions. Since this is also a rapidly growing exposure it is difficult for businesses to understand the definition of private information, how to protect it and how to comply with Notification Laws. This course will provide agents with an understanding of the current exposures associated with cyber risks and ways to protect themselves and their clients. (3 CE’s)

---

**Drugged Driving**

**Wednesday**

8:30am-11:30am

Location: TBD

Mark Peterson

AAA-The Auto Club Group

Gail Weinholzer, M.B.C.

AAA-The Auto Club Group

Did you know while alcohol impaired driving is decreasing, drugged impaired driving is increasing? Did you know drugged impaired driving includes legal and illegal drugs and spans all age groups? Enhance your knowledge of drug use and its potential impact on driving. Learn about challenges and countermeasures to this ever evolving issue. Access new drugged driving materials for your family, friends, community and insureds.

---

**Social Networking**

**Wednesday**

8:30am-11:30am

Location: TBD

Kelsey Terschak

Foremost Insurance Group

Noelle Kimble

Foremost Insurance Group

Whether you use social media every day, or haven’t looked at your agency’s Facebook page, this presentation will teach you all you need to know about the world’s largest growing marketing platforms. We will teach you new techniques and tactics to improve your agency’s digital presence. You’ll see real examples from Foremost’s own award-winning social media campaigns and get tips on everything from what to put on our agency website to how to boost a Facebook post. Each attendee will also receive Foremost’s Straight-to-the-Point Social Media Marketing Guide.
We know what it took to build this business.

And we know what it takes to protect it.

Underwriters who know and understand what coverages are necessary to protect the business.

Loss prevention professionals who use a hands-on approach to help develop programs tailored to the individual business.

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To find out more, talk to your West Bend underwriter.

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**MIIAB Awards Luncheon**

Wednesday

11:45am - 2:00pm

101B-I - Level 1

**Awards**

Company Award of Excellence
Company Rep of the Year
Agency of the Year
Young Agent of the Year
Agent of the Year
Presidents Award

Ted Dyste, CIC
MIIAB President
2016

Darian Hunt, CIC
MIIAB President
2017

**Lunch Keynote - Richard Coffey**

Richard Coffey is a native of North Carolina. He is a businessman and former professional athlete. Richard served three years in the United States Army as an Airborne Paratrooper—a member of the first to fight last to fall 82nd Airborne. Richard is a former University of Minnesota Gopher Basketball player and ex NBA Minnesota Timberwolf. After his stint in the NBA, he continued his basketball career by playing and coaching abroad in Europe and Asia. In his professional career, Richard has started multiple businesses, worked in corporate America, and has given presentations throughout the United States.

Richard’s presentation focuses on personal and professional development. Focusing on the ever-changing seasons of our lives and how to overcome challenges personally and professionally to reach our next level. He will teach the audience the importance of self-evaluation, how to overcome fear and how to create standards and rituals to continue to break down barriers that arise. He believe there is another level for all of us! How quickly we get there depends on our courage, attitude and perseverance.

**Convention Schedule**

**Wednesday May 10, 2017**

8:30-11:30am Drink & Drone: Insuring the Business of Booze & Flying Things TBD
8:30-11:30am Cyber Liability - What Every Agent Should Know TBD
8:30-11:30am Drugged Driving/Social Networking TBD

11:45am - 2:00pm Awards Luncheon 101B-I

2:00 - 5:30pm Exhibit Hall Ballroom A&B

5:30 - 7:00pm Reception Hosted by the Young Agents - Brits Pub

**Thursday May 11, 2017**

8:30-11:30am I Screwed Up and My Insured is Toast: Personal Lines TBD

8:30am-3:30pm E&O Risk Management TBD

9:30am-12:30pm Insuring the Farm TBD

**Wednesday Afternoon**

**Exhibit Hall Open**

Ballroom A&B - Level 1

2:00 p.m. - 5:30 p.m.

**Reception Hosted by the Young Agents**

Brits Pub
1110 Nicollet Mall
Minneapolis, MN 55403

Wednesday

5:30 p.m. - 7:00 p.m.
You have goals.

We understand what agents want and we’re committed to giving you the tools you need to grow your agency.

To learn more, visit nationwide.com.
Hello, I’m an agent. I screwed up and my insured is toast. It started when I assured him that all was well with his personal insurance, only to learn that he flies drones, rents out his house, is self-employed, drives for a ride-sharing service, has kids, hosts parties, and a slew of other things. This course is my story…please don’t be like me.

(3 CE's)
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Help your clients stay ahead in the long run. Turn to Western.

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Government Affairs Legislative and Crop Insurance Update  
Jen McPhillips  
IIABA Senior Director of Federal Government Affairs  
9:30am - 10:30am  
Location: TBD  

Jen McPhillips will highlight legislative issues impacting the livelihood of independent insurance agents and to understand how to engage with Congress on these issues. (1 CE)  

The Value of Drones and Crop Insurance  
Nathan Hochhalter  
QBE NAU  
10:30pm - 11:30pm  
Location: TBD  

This course will provide information regarding the exploratory steps QBE NAU has taken using Drones for Crop Hail and MPCI business practices. This program will give agents a broad overview of what drones can currently offer for Crop Insurance purposes, and potential future uses. (1 CE)  

Whole Farm Revenue Protection Plan  
Lucas Peters  
QBE NAU  
11:30am - 12:30pm  
Location: TBD  

This course will provide information regarding the Whole Farm Revenue Protection (WFRP) policy. Whole Farm Revenue Protection provides the producer with risk management protection for all commodities in a farming operation under one insurance policy. (1 CE)
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Registration Form

Please complete one form per participant. Photocopy for your associates.

Pre-registration deadline is April 28, 2017

Full Convention Registrations received after April 28 will incur a late fee of $25.00.
Ala Carte Registrations received after April 28 will incur a late fee of $5.00

EXHIBIT HALL IS RESTRICTED TO AGENCY PERSONNEL, MIIAB POWER IN PARTNERS AND EXHIBITORS ONLY.

Full Convention

Includes Awards Luncheon, Exhibit Hall and Seminars listed below

- $175.00 Member
- $275.00 Non-Member
- $100.00 Young Agent

Wednesday Sessions (select one only)

- 8:30am - 11:30am Drink & Drone: Insuring the Business of Booze & Flying Things (3 CE's)
- 8:30am - 11:30am Cyber Liability (3 CE's)
- 8:30am - 11:30am Drugged Driving/Social Networking

Thursday Sessions (select one only)

- 8:30am - 11:30am I Screwed Up & My Insured is Toast: Personal Lines (3 CE's)
- 8:30am - 11:30am E&O Seminar (6 CE's)
- 9:30am - 12:30pm Insuring the Farm (3 CE's)

Total Due: _______________________

Check which applies:  ☐ Agent  ☐ Company Representative

Name

MN Insurance #

Agency/Company

Address

City  State  Zip

Phone

Email

Ala Carte Registration

Wednesday Only

Includes Wed Seminars, Awards Luncheon and Exhibit Hall

- 8:30am - 5:30pm
- $125.00 Member
- $225.00 Non-Member

Wednesday

Awards Luncheon Only

11:15am - 1:30pm

- $35.00 Member
- $50.00 Non-Member

Wednesday

Exhibit Hall Only

2:00pm - 5:30pm

- $25.00 Member
- $35.00 Non-Member

Thursday Morning

Insuring the Farm

includes Lunch

- Government Affairs & Crop Insurance Update 9:30am-10:30am
- The Value of Drones and Crop Insurance 10:30am - 11:30am
- Whole Farm Revenue Protection Plan 11:30am - 12:30pm

- $50.00 Member
- $65.00 Non-Member  3 CE's

Thursday All Day

E&O Seminar

8:30am - 3:30pm

- $151.00 Member  6 CE's
- $166.00 Non-Member

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DENNIS KING
Risk Improvement Specialist
EMC Minneapolis Branch

“REDUCING LOSSES ADDS VALUE FOR CLIENTS.”
Q: As a service to our customers, we always read the insurance requirements in any contract before issuing a Certificate of Insurance. We want to assure our customer that the insurance provided meets the requirements. How should we handle situations when an additional insured is requesting a 30-day notice of policy cancellation? If we point out that the coverage is not in compliance, the insured may lose out on the contract. Since the carrier’s will not do this, could our agency send the additional insured notice of cancellation? The problem we see is that we do not always know that a policy is going to be cancelled 30 days out. Any suggestions?

Teresa, Florida

A: Teresa, your question raises so many concerns, but I will try to address each of them in this short, condensed response.

First of all, the fact that you are reading the insurance requirements of contracts is a good practice, but only if this is done by someone highly skilled and experienced in this area. This person needs to have an in-depth understanding of the coverage form, including an understanding of how the policy will respond to complex contractual situations.

You state that the certificate holders are additional insureds. There are two ways they can become an additional insured:

1. By being named in the policy by endorsement. Most carriers are not willing to name an additional insured without charging a premium for the endorsement. It will depend on the language in the endorsement whether the additional insured will receive a notice of cancellation. Some carriers may even be willing to send a 30-day notice, perhaps excepting non-payment of premium.

2. By blanket additional insured endorsement. The ISO form CG 20 33 Additional Insured – Owners, Lessees or Contractors – Automatic Status When Required in Construction Agreement With You endorsement requires that the additional insured status applies only “when you and such person or organization have agreed in writing in a contract or agreement that such person or organization be added as an additional insured on your policy”. Other carrier endorsements may be more restrictive. Since the carrier does not know the identity of every party covered under the endorsement, they certainly are not sending notice of cancellation to anyone.

If your agency were to take on the role of notifying additional insureds of cancellations, it would greatly increase your E&O exposure. You would need a fool-proof system to assure that none were missed. As you already stated, in many situations, you often don’t even know about a cancellation in sufficient time to do so. An additional insured would consider the fact that you didn’t know about a cancellation to be a poor excuse for non-compliance with the requirement.

The better alternative is to have a frank conversation with your insured as you explain the problem. If your carrier is willing to endorse the additional insured to the policy, you must explain that the endorsement will result in an additional premium. Depending on the carrier, this may or may not result in the additional insured receiving a 30-day notification. If this is not an option, advise your customer that the notice cannot be provided. A good risk management practice is to put this statement in writing to your insured.

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

For more information, go to Mary’s website at www.lpinsuranceconsult.com
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March 2016

Diamond Profile

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

Serving Independent Insurance Agents Since 1964

“Ruth, I quit my job” are the words that began the legacy of Arlington/Roe. In 1964, with five children to support, Jim Roe’s father, Francis, made the decision to start a family-owned insurance business. Today, Jim and Vickie Roe are honored that three of their children, Andy, Patrick and Katie Roe Weiper, choose to join, nurture and grow the family business.

Our Values

Individually is valued and contributes to success

Arlington/Roe attributes success to:

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

Our Growth in Numbers

We value quantity but quality is our benchmark

<table>
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<th>Year</th>
<th>Premium</th>
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<tr>
<td>2005</td>
<td>$100 million</td>
</tr>
<tr>
<td>2016</td>
<td>$202 million</td>
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- 7 State offices in Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, and Tennessee; Wisconsin & Missouri designated key growth states

Our Practice Areas

Providing markets, expertise and relationships

- Aviation
- Bonds
- Commercial Underwriting
- Commercial Brokerage
- Cyber Liability
- Farm
- Medical Professional
- Personal Lines
- Professional Liability
- Transportation & Garage
- Workers’ Compensation

Our Expansion into Minnesota

Valued relationships have always spurred our state expansions

Our success is built upon your success! We value our Minnesota agency partners that have contributed to our successful expansion into the state. And our continued growth in Minnesota demonstrates the increasing need for a different kind of wholesale partner. As a family-owned regional wholesaler, we offer local relationships with national capabilities. We’re in business to help you find solutions.

We are grateful for the support of our agency partners in recognizing Arlington/Roe as a Five-Star MGA (Insurance Business America, 2016), ranked by reputation, range of carriers, underwriting turn around and competitive pricing. In addition to these standards, Arlington/Roe continues to develop new solutions for emerging markets. Together with our agency and carrier partners, we shape the marketplace to meet the ever changing needs of your customers. They simply won’t accept anything less.

Arlington/Roe continues to recruit new agency partners seeking a highly motivated managing general agency and wholesale broker. How can we help you? Professional liability and cyber liability continue to be among our leading practice areas. In addition to our association/program business, we continue to deliver new products to our retail partners. Similarly, Arlington/Roe’s work comp, commercial brokerage, commercial underwriting and personal lines departments all represent rapid growth in MN. And we will introduce alternative solutions through healthcare & human services, aviation and other specialized industries.

We’ve demonstrated our commitment to the MIIAB and the state of Minnesota. We will continue to support the communities in which we live and work. And beyond the national and state associations and recognized industry groups, we will continue to support the Independent Agency System. You may already have found success with one or more of our MN team members, but we’re eager to strengthen our role as your preferred MGA/Wholesale partner.

Arlington/Roe . . . Look to us for solutions

FEATURED PARTNER

Arlington/Roe

PRESIDENT

Jim Roe, CPCU

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Indianapolis, IN

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EPLI Coverage Is Worth Another Look Now That Human Rights Act Allows For Jury Trials

By Bill Celebrezze
Tomsche, Sonnesyn and Tomsche, P.A.

Employment Practices Liability Insurance, or EPLI coverage, has become increasingly available over the past two decades. A typical EPLI policy provides coverage for claims arising out of certain defined “employment practices,” which often include harassment, sexual harassment, discrimination, and retaliation. Minnesota law prohibits all of these types of conduct, which are considered “unfair employment practices” under the Minnesota Human Rights Act. An employer who violates the MHRA may be liable for a wide variety of money damages, including back pay and benefits, compensatory damages which may be multiplied in an amount up to three times the actual damages, punitive damages of up to $25,000, a civil penalty payable to the State, damages for mental anguish and suffering, and reasonable attorney’s fees and costs.

For many years, MHRA claims were tried to the judge in what is known as a “bench trial”. Back in 1995, when that was the case, the Supreme Court of Minnesota addressed the issue of multiplying compensatory damages. The Supreme Court held that a trial judge is vested with discretion to multiply damages after a finding that the employer has engaged in an unfair discriminatory practice, up to three times the amount proven at trial, without making additional findings that the employee was not fully compensated. The Supreme Court noted that the MHRA contains no guidelines as to when, or under what circumstances, a trial judge may multiply compensatory damages. In other words, it was simply left up to the judge.

In 2014, the MHRA was amended to allow for jury trials of MHRA claims. Under current law, an employee bringing a civil action seeking redress for an unfair discriminatory practice, or an employer defending such an action, is entitled to a jury trial. If a jury finds the employer liable, it shall issue a verdict directing appropriate relief, which includes compensatory damages, which the jury may multiply by a factor of up to three.

At present, juries deciding employment cases under the MHRA are given the same discretion as judges to determine when, and to what extent, to multiply compensatory damages. To this point, the courts have not given juries any guidance in making this determination. Nor has a standard jury instruction been developed on the subject. The decision to multiply, and the multiplication factor, are now in the hands of the jury. Having lay people make these determinations likely increases the risk of damages exposure associated with employment claims here in Minnesota. It also provides agents and brokers with a compelling reason to encourage employers in this state to give EPLI coverage another look.

Bill Celebrezze has been in private practice since 1992. His practice centers on the defense of employment and insurance agency E&O claims. He works with his clients in a collaborative effort to advance their legal interests. He joined Tomsche, Sonnesyn & Tomsche, P.A. in 2015.
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Now that the state legislature has enacted a one-time subsidy program for Minnesotans caught in the collapse of our individual health insurance marketplace, discussions have begun on legislation making more permanent changes to the individual market. At the top of the list of long-term reforms is the creation of a state reinsurance pool.

**Reinsurance**

Since the Accountable Care Act will likely not be repealed or replaced during our legislative session, any reinsurance model must be consistent with the ACA’s guaranteed issue. We cannot reinstitute the MCHA program in which people are denied coverage to become eligible for the pool. Any reinsurance mechanism must assure guaranteed issue. Two differing ideas about reinsurance pooling are being presented at the capitol.

The Council of Health Plans have been working on a reinsurance pool that relies on the concepts of reinsurance prevalent to the property-casualty. The plans propose a medical expense threshold that would serve as an attachment point at which a state funded reinsurance pool would provide financial assistance. The attachment point and the state pool’s share of the risk have yet to be determined.

The Department of Commerce is looking closely at the Alaska reinsurance program that has been accepted by the federal government and is up and running. The Alaska reinsurance mechanism identifies specific conditions that can be ceded to the reinsurance pool. Whether people will be re-insured based upon medical history or after a specific diagnosis/treatment would need to be decided. While this is like MCHA but the ceding to the pool would not occur during the application process but behind the scenes. The policyholder need not now they coverage has been placed into the pool.

Hearing on reinsurance will begin next week and we will get a better picture of these proposals. Our position would likely be to support any proposal that assures the continuation of the individual insurance market in 2018.

**MinnesotaCare Public Option**

Another health care proposal to address the problems of the individual markets is being offered by Governor Dayton. His proposal would make the state MinnesotaCare program a public option offered in competition with private insurance through the health insurance exchange. Enrollees would pay a sliding premium based on income. Such a program could be very problematic for maintaining a viable private market in Minnesota.
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A proposal introduced by Rep. Bob Loonan, an insurance agent, would make unenforceable agent contract provisions that prohibit a terminated agent from working in a specific geographic region or soliciting business with customers of the insurer. The proposal would apply only to agents involuntarily terminated by an insurer. It would not apply to agent – agency contract provisions.

Uninsured - License Plates

This bill provides for special registration plates for vehicles owned by a driver convicted of operating a motor vehicle without insurance. The commissioner of public safety will require owners to obtain plates with a special series of numbers that would be readily identified by law enforcement. Law enforcement would be authorized to stop vehicles with these plates to request proof on insurance.

Seat Belt Gag Rule

This proposal would repeal current law that prohibits seat belt use from being admissible as evidence in court. This would then allow seat be usage to be discussed in no-fault cases for purpose of determining degrees of negligence.

The legislature has announced their first major deadline. For a bill to advance during this legislative session, it must be passed by a major committee prior to March 10. Bills not heard before that date are technically dead for the session.

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

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

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- Continental Western Group
- Erickson-Larsen, Inc.
- First Insurance Funding
- Great Northwest Insurance Company

GOLD LEVEL

- Harmon Auto Glass
- ICC Restoration & Cleaning Services
- Kaplan Financial Education
- Lindstrom Restoration
- McNeil & Company, Inc.
- MN Workers Comp Insurers Association
- Motorists Insurance Group
- Prime Insurance Company
- R-T Specialty, LLC.
- Safelite Auto Glass

SILVER LEVEL

- State Auto Companies
- Tomsche, Sonnesyn & Tomsche, PA
- Travelers Companies, Inc.
- Ungerman, Inc.
- United Fire Group
- Universal Property & Casualty
- Westfield Insurance
- Workers Compensation Specialist