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New MIIA Ad!
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Summer is Upon Us!

Hopefully, everyone has had a chance to be outside, enjoying the warmer weather. While we hope 2021 is drastically different than 2020, one thing that is not changing is the executive board at the MIIAB. Due to pandemic, the decision was made to keep the executive board intact for another year. I am thankful for the opportunity to continue as President and appreciative of the commitment of my fellow board members.

One of the biggest benefits of being a MIIAB member is the advocacy we receive for our agencies and our industry. In the last 12 months, this could not have been more evident. MIIAB lobbyist Robyn Rowen has done a terrific job of communicating to us what is going on at the capitol. She brings to light anything that would have implication on our agencies. The combination of Robyn as our lobbyist and the relationships developed by the MIIAB over several years has allowed the association to be at the forefront of any insurance related issues. This is an invaluable part of our membership!

The MIIAB has started some Lunch+Learn webinars. While there is no CE attached to these one-hour sessions online, the topics are very fresh and pertinent to our industry and businesses. April Goodin has done a great job mapping out various speakers and topics. If there is a topic you would like to hear more about, please reach out to us. These sessions are free to members and you can register online. I encourage you to attend.

Many of us have a lot of catching up to do this summer on several of the things we missed from the last year. Perhaps it is a family vacation, a golf or fishing trip, a concert, a ball game, or some youth sports; but one thing we will all can look forward to is the MIIAB Expo. August 10th, 2021 is the Minnesota Independent Insurance Agents and Brokers Expo at Mystic Lake Casino Hotel. It should be a huge celebration of getting everyone back together again, some may even call it a big party! I hope to see all of you there.

Your President,

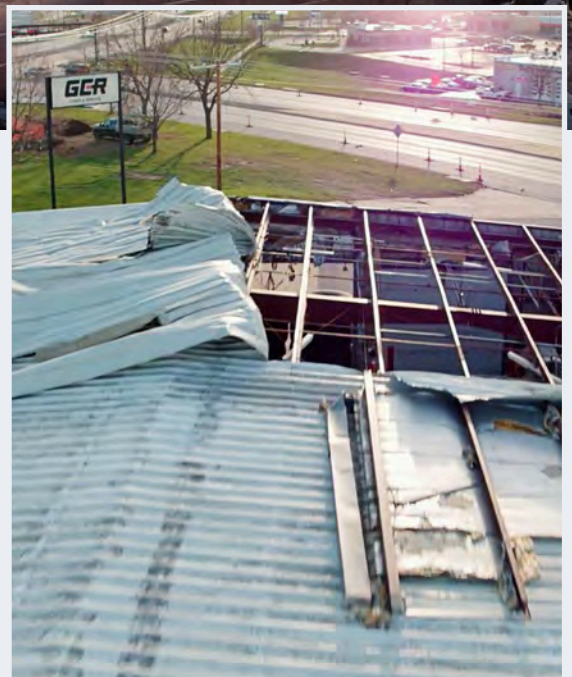
Chad W. Ostermann



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Congratulations...Insurance Minnesota magazine Re-Invented

A number of months ago, we were informed by Jack Meusey, the publisher of Minnesota Insurance, that he would no longer be publishing his magazine. According to our conversations with Jack, he was looking to retire and end his 35 year old publication. We had several conversations with Jack and he was not interested in selling the rights to his magazine, he just felt it was time for him to move on. Over the past three decades, Jack was an ally of the insurance industry in Minnesota and covered the stories around the state. Minnesota Insurance was a monthly staple for all of us involved in the insurance industry. We were all sad that Jack decided to retire and would no longer publish this magazine. We would again, like to congratulate Jack on his many years of success reporting the insurance industry happenings.

We were surprised to see a new face and entrepreneur, Allan Johnson from Oak Street Publishing take Jack's original magazine concept and will be expanding it for a fresh look with familiar features. After talking with Allan, he is very excited about the prospect for success in moving Jack's magazine into a new light. Representing the independent agents throughout Minnesota, I know they will be happy to keep reading news from Allan's new publication. We wish Allan much success on his new endeavors and we hope that all of us will support the continuation and improvements of Insurance Minnesota by purchasing a subscription at www.insuranceminnesota.net

Difficult Times at the 2020-21 Legislative Session for Everyone

As the COVID-19 pandemic begins to wind down, the stress of keeping the Minnesota legislature on track has become increasingly difficult. Over the past 18 months, MIIA and our Lobbyist, Robyn Rowen, have been working overtime in discussing legislative issues with the current legislators and the Department of Commerce in virtual meetings. It is extremely hard for an association like the MIIA and its lobbyist to have a frank discussion via virtual meetings. We very much miss the ability to tell our story in person with the governmental officials that regulate our industry. Over the past several months, the MIIA was constantly in communication with the regulators and legislators discussing a vast array of issues that could affect how independent agents do business. Many of these issues were talked through and resolved before any introduction proposals could reach the legislators in St. Paul or Washington D.C.. In the next 30 days, our Lobbyist, Robyn Rowen, will be putting together the annual Legislative Wrap-Up Report which will be made available to members of MIIA.

The past several months have been very challenging but the MIIA is "Always Here For You". We look forward to serving independent agents and their companies in Minnesota.



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North Star Mutual is a Minnesota based regional insurance carrier specializing in Farm, Home, Auto and Small Business insurance. The company, formed in 1920, celebrated its 100th Anniversary last year. Today the company writes approximately \$475 million in premium and insures over 345,000 policyholders across eight states. All business is written through a network of more than 1,500 independent agency partners located throughout the operating territory.

"North Star Mutual uses the Independent Agent exclusively in our distribution system," said Pete Hellie, President. "We highly value these partnerships with our agents. They play an important role in serving as the risk management consultant for

their customers and initial frontline underwriters for North Star."

Uniquely located in the small farming community of Cottonwood, North Star prides itself on its rural values and personable service. The company is the top Farm writer in Minnesota, working in partnership with township mutuals across the state. North Star has been a recognized leader in the agricultural insurance market and has had a historic emphasis on insuring farm and rural properties in the Upper Midwest.

The past year brought on a new set of challenges with the Covid-19 pandemic having a major impact on how we all live our daily lives. In response to reduced driving habits, North Star Mutual began offering a 10% "Stay at Home" Discount on auto policies, which will run through May 31st 2021. About half of North Star's staff continue to work remotely.

"Our goal is to continue to respond to claims and meet the ongoing needs of our agents and policyholders while doing what we can to support the health and safety of our staff and community," said Pete Hellie, "We hope to continue our in-person agent advisory councils in the fall and resume our spring agent meetings in 2022. These open lines of communication are so valuable and allow us to keep up with the issues agents face every day."

North Star is proud of its financial stability and strong commitment to serving agents and policyholders. The company is rated A+ Superior by A.M. Best and in 2020, was selected as a Wards Top 50 Property/Casualty Insurance Company for the 16th consecutive year. North Star looks forward to its continued commitment of working closely with its agency partners in the years to come.

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Rick Lindsey, CEO, President & Chairman and Jenna Contreras, National Business Development Prime Insurance

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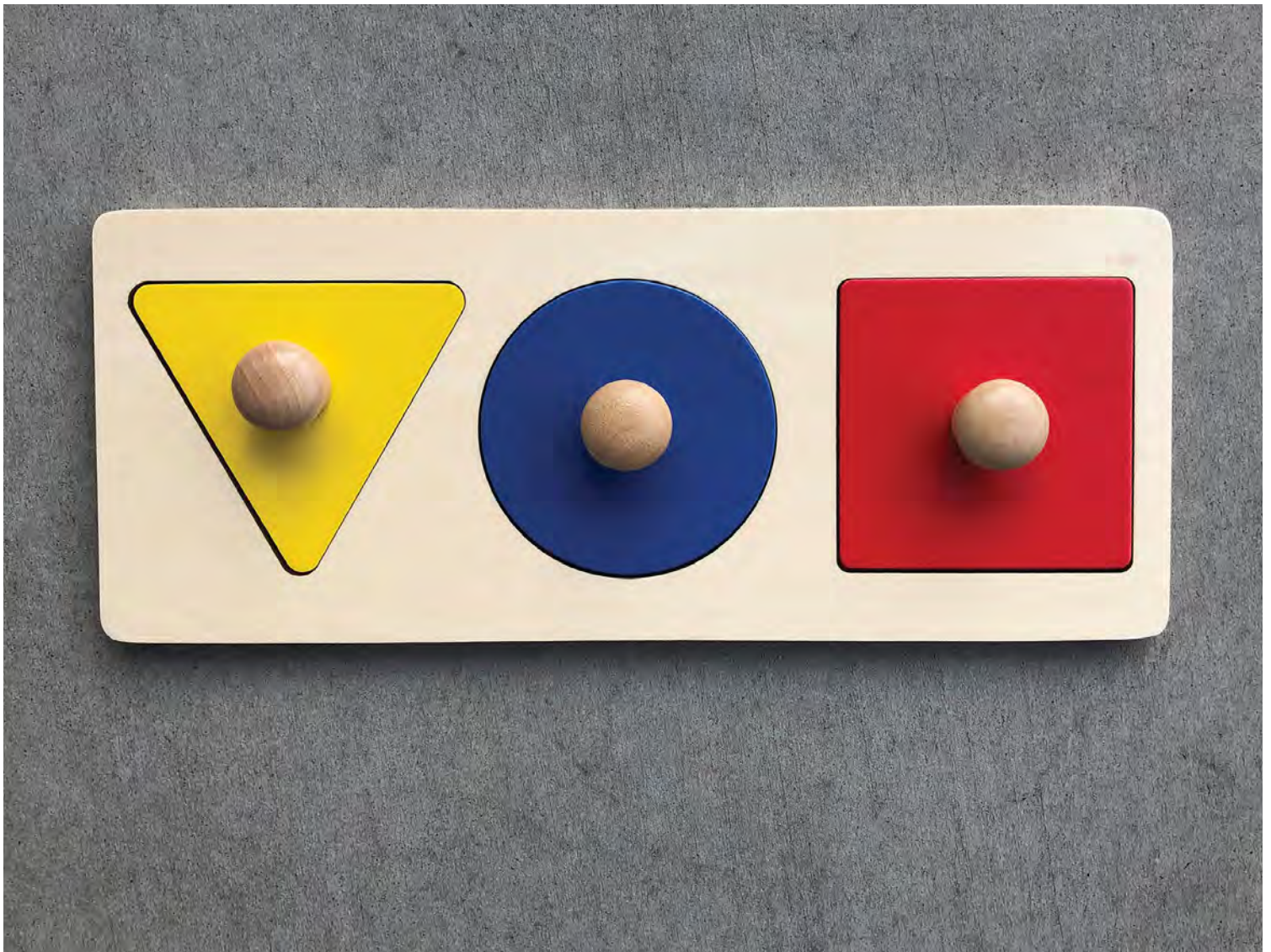
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7/14/21 Robust Policies and Procedures = Top E&O Preventions

Aaron Simon, Attorney Meagher + Geer

Meagher + Geer attorney, Aaron Simon, explores the important role of agent policies and procedures and how strong policies and procedures can prevent E&O claims.

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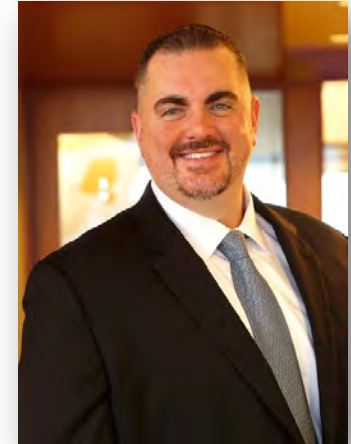
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Agency Litigation Update and Agency Planning for Preparing to Exit COVID-19 Pandemic

May 2021

By Aaron Simon¹



While it is certainly too soon to declare the COVID-19 pandemic is over, it does appear the end is in sight and we can begin preparing for somewhat of a return to normal life. Given this, what has been the COVID-19 pandemic's effect on insurance agents and agencies as far as business and claims, and what can insurance agents and agencies expect moving forward?

Throughout the pandemic serious concerns were raised that COVID-19 litigation may have significant impacts on insurance agents. See:

“Agents Warned of ‘Creative’ Attorneys and COVID-19 Lawsuits” by Stephanie K. Jones – *Insurance Journal* - September 21, 2020.

<https://www.insurancejournal.com/magazines/mag-features/2020/09/21/583090.htm>

“2020 Could Make 2021 the Year of Insurance Agency E&O Lawsuits” by Andrew G. Simpson – *Insurance Journal* – January 21, 2021.

<https://www.insurancejournal.com/news/national/2021/01/21/598096.htm>

“Are Brokers in for a Tsunami of Pandemic- Related E&O Claims in 2021?” by Worldwide Facilities, an Amwins Company – *Insurance Journal* – April 27, 2021.

<https://www.insurancejournal.com/blogs/worldwide-facilities-llc/2021/04/27/611450.htm>

On the other hand, some reports have indicated “that the amount of litigation alleging that COVID-19 caused harm, both economically and physically, did not reach the stratospheric proportions once predicted at the start of the pandemic.”

See “A look back at 2020's COVID-19 insurance coverage lawsuits” By Amanda Bronstad – *PropertyCasualty360* – January 4, 2021. <https://www.propertycasualty360.com/2021/01/04/lawsuits-filed-in-2020-over-covid-19-were-diverse-but-limited-414-194049/>

¹**Aaron Simon** is a litigation attorney with the law firm of **Meagher + Geer, PLLP**. He is admitted to practice law in State and Federal Court in Minnesota, Wisconsin, and North Dakota. A large focus of Mr. Simon's practice involves representing insurance agents and agencies and handling insurance coverage matters. Mr. Simon is also an approved insurance agent CE instructor and approved insurance agency risk management auditor. Mr. Simon is a member of the Minnesota State Bar Association, the Hennepin County Bar Association, the Wisconsin State Bar Association, the Minnesota Defense Lawyers Association, the Defense Research Institute, the Professional Liability Defense Federation, and the Professional Liability Underwriting Society. To learn more about Aaron, go to: <https://www.meagher.com/our-people/aaron-m-simon/>

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Although it may be a little too soon to cancel the alarm, we have not yet seen a “deluge” or “tsunami” of COVID-19 pandemic related insurance agent E&O claims materialize as of yet. It also appears that in most jurisdictions—outside of some isolated claims—the courts have not really embraced most COVID-19 related lawsuits.

Given this, agents and agencies should still remain vigilant in their E&O prevention matters and continue to work with their insurance customers to make sure their insurance customer’s expressed needs and requests are being met.

On the other hand, agency business and premium generation throughout the end of 2020 and the beginning of 2021 appears to be in most circumstances strong.

See “Travelers reports 22% Q1 profit gain despite cat losses” by Claire Wilkinson – *Business Insurance* - April 20, 2021. <https://www.businessinsurance.com/article/20210420/NEWS06/912341275/Travelers-reports-22-Q1-first-quarter-2021-profit-gain-earnings-despite-catastr>;

All in all, the outlook for insurance agents and agencies moving through 2021 should be cautiously optimistic.

In addition to representing professionals in litigation matters, Mr. Simon also represents agents and agencies (and other business owners) in transactional matters such as policies and procedures review, contract review, business structure, business sale and/or transfer, and related matters. This time of year is a great time to take a look at these things and make sure you are set up for success in the new year. Thus, if you have a legal question or need some legal transactional consulting advice please feel free to reach out to Mr. Simon at 612-386-4617 or asimon@meagher.com. Initial consultations are always no charge.

The information in this article is intended only for general informational purposes. No attorney-client relationship is created by presenting this information. You should always consult with your own attorney regarding your own specific circumstances.

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Motivating the Un-motivated: Don't Give Up Too Soon

By Liz Uram

When Mary started with the company, she was enthusiastic, energetic, and consistently the top sales person on the team. She got along well her co-workers and was known for her superior customer service skills.

Over time something changed. Mary began starting work late, leaving early, and taking long lunches. The brief interactions with her co-workers usually turned into complaint sessions. She ignored phone calls and didn't respond to emails. Customers were frustrated. Mary spent more time on her cell phone than doing the work she was getting paid for.

John, Mary's manager, was at his wits end. He wanted Mary to get back to the level of work he knew she was capable of. He went from one extreme to the other. First, he tried money. Then, he tried disciplinary action. Both resulted in short-term improvements but they didn't last.

Does this situation sound familiar? If so, don't give up too soon. There are six other ways to motivate employees that have longer lasting results than money or disciplinary action. The challenge is determining what motivates employees.

Asking an employee outright what motivates them usually doesn't work. Most people haven't given it much thought. Instead, act like an investigator and look for the clues so you can identify the motivational factors of each individual.

Here are six common motivational factors and the clues to look for:

1. Belonging – People who are motivated by a sense of belonging get energized by being part of a group.

You might notice them coming up with creative ideas for celebrations or suggesting get-togethers. "When's the last time we went out for Happy Hour?", they might say. Listen for what they do outside of work. Do they spend a lot of their free time with friends and family? Do they participate in group events like book clubs or sports teams?

Keep this employee motivated by asking them for ideas; designating them as the celebration coordinator; and including them in projects.

2. Influence – A formal leadership title isn't needed to have influence. Many people are happy with an informal leadership role where they can influence others.

You can identify them by their willingness to speak for the group. They are the 'go-to' person when others need answers or reassurance. They are the person the team looks to for direction and advice.

Keep this employee motivated by asking them for their opinion on matters that affect the group. "How do you think the team is going to react to this change?" is a simple, yet very effective way to let this person know that their position within the group is clear.






3. Appreciation – A simple sincere thank you is what motivates employees who have this motivational factor. They just want acknowledgement for their efforts.

Employees who are motivated by appreciation talk a lot about their accomplishments. They might come to their one-on-one with a list of what they've done. Managers who don't understand what clues to look for may



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mistakenly assume the person is full of themselves or is just bragging. That usually isn't the case. These employees are looking for some appreciation.

Keep these employees motivated by giving sincere, specific, and timely appreciation for their efforts. Catch them in the act of doing something right and comment on it immediately.

4. Achievement – People who are motivated by achievement are always looking to outdo themselves. While they enjoy friendly competition, they are more interested in pushing themselves to be better than they were the day before.

They are usually self-starters who take an interest in their productivity. They tend to set goals both professionally and personally. They love the feeling of accomplishment when they can check off a goal and then they are on to the next one.

Keep them motivated by communicating key performance measures, encouraging them to set bigger goals, and sharing their progress with them on a regular basis.

5. Security – People with this motivational factor have a high need for job or financial security. Anything that threatens their sense of security can demotivate them.

They might obsessively worry about their performance. They ask a lot of questions. They are excessively concerned about change. Some managers assume the person is needy. In a way they are. They need security, reassurance, and confidence in their abilities.

A manager can help this employee by taking the time to answer questions; communicating changes early and often; and boosting their confidence by giving them opportunities to prove they are capable.

6. Growth – these employees aren't satisfied with the status quo. They have career goals and they want opportunities to advance.

One of the most obvious clues is that they ask about career advancement when they interview for a job. They're willing to take on extra responsibility in order to prepare themselves for their next step.

Keep them happy and motivated by talking to them about what they are interested in doing next and creating a career path for them that clearly outlines a plan for advancement. Delegating projects is a way to provide growth opportunities if a promotion isn't an option.

Back to John and Mary. Once John took the time to look for the clues, he realized that what Mary really wanted was appreciation. John wasn't known for giving out verbal praise but he was willing to give it a try. Instead of waiting until Mary told him about her accomplishments, he looked for opportunities to praise her. Before long, John saw improvements in Mary's attitude and she began to have the same energy and enthusiasm she had when she started.

It wasn't easy for John to get out of his comfort zone, but it was a lot less expensive and stressful than what he had been doing.

Before you give up on an unmotivated employee, challenge yourself to search for clues about how to motivate them. You might be surprised at what a big change can come from a small adjustment to handling motivation issues.



ABOUT THE AUTHOR:

Liz Uram is a nationally-recognized speaker, trainer, consultant, and author. She equips leaders with the tools they need to communicate like a boss so they can make a bigger impact, get better results, and motivate others to do their best. With 20 years of experience, she's developed systems that work. Uram's written four books packed full of strategies leaders can implement to get real results, real fast. For more information, please visit www.lizuram.com

Don't Lose Great Talent By Focusing On Years Of Experience!

Use these four interviewing best practices to avoid ruling out the best talent for your organization

By Jeremy Eskenazi



Many organizations use years of experience as a qualifier for jobs. It seems like second nature, but it doesn't garner better talent. Using years of experience is often tied to a compensation range exercise and can lead to a sloppy path to your company being at risk of being accused of agism, or worse!



Rather than use years of experience in a job posting to eliminate very junior (or senior!) people, a best practice is to describe what the actual job would do. Consider the key accountabilities and indicate that these are things that the candidate needs to show you they can already do. This is not the kind of talent you want to lose out on for policy-sake. During your intake meeting with the hiring manager, this is a good discussion to have, and make sure to ask, "what would someone have done in those X years that would make them qualified?"

Today, we need skills that may not yet be taught in schools, new thinking in our evolving workplaces and agility to respond to customer needs quickly. No matter your industry, the skills you need today are likely very different than what you were hiring for five years ago. With this being the norm and not the exception, why are so many HR departments still so fixated on time over mastery of skills? Don't underestimate how your company looks to candidates when they read years of experience in your job posts!

If you are staunchly committed to this qualifier for hiring and recruiting, STOP NOW! Here are some scenarios to help you see how a small change to your hiring training can deliver big results.

- 1. Learning happens fast.** In one year (or even less), a teenager can build a functional social media app, a scientist can have a world-changing breakthrough, and an entrepreneur can change a supply chain model. We see it often, so why wouldn't you consider someone with 2 years of experience just because your job description template reads 3-5 years? Don't let your templates blind you to how quickly learning and skill acquisition happens!
- 2. Prioritize accomplishments vs. time.** When you or your hiring managers are discussing what is required in a new hire, what they have accomplished and could accomplish at your company matters most. Do you need someone who has managed a sales pipeline of over \$1M, or organized merchandise in a specific way, or learned how to interact with customers to achieve a goal? If a candidate can demonstrate that they have successfully accomplished what your company needs, then how many years they have done it for may be irrelevant (for most jobs).
- 3. Using artificial barriers.** Just because you have done something a certain way in the past does not mean you can't change it! Take some technology jobs as an example. Many are brand new – as in there is no degree program yet, or the qualifications and skills have evolved very recently. Requiring 10+ years' experience and a related degree will rule out the exact type of talent you really need, make your employer brand feel stuffy and could lead to age discrimination! Don't let rules that don't make sense from the start of the candidate experience deter candidates from speaking to you or accepting your offer.



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4. Look what I can do. If you are using behavioral interviewing, which asks candidates for specific examples of how they acted in specific employment-related situations, you can easily understand what the candidate has done or is doing now. Use your discussion with the hiring manager to understand what the candidate will need to accomplish in their first 12 months. If this list matches their resume or interview responses, they will probably be able to do the job at your organization as well – this could be a great match! If they are doing half of what you need them to do, are you willing and able to train them to learn and grow with your organization. When a candidate explains what they are already able to do, listen to them! It's the most important way to determine if they can do your role too. If they are successful in a role, does the length of that success really matter?

While these are just a few examples, the point remains the same. If you are able to – remove the use of years of experience in your hiring and focus on what people have actually done. Asking the question of what someone can do today will give you the answer you need in what they will potentially do for you tomorrow. Training recruiters, HR and hiring managers to look for a match in skills and accomplishments will lead to more productive interviews and eventual hires for everyone. Don't worry about trying to box someone into a compensation range based on years. If you are realistic about what the role is worth in the market you are hiring in, you will have greater speed to hire and an easier time targeting the right talent for your company.

Not yet convinced? Here is a question to consider. If your job posting qualifications currently list 5-7 years of experience required and you are interviewing a fantastic candidate who has proven that can accomplish 95% of the tasks within the role, but they only have 4 years of experience, what are they really missing? Would you not hire them and continue recruiting for this role? If you are clear on what you need before you start looking for candidates, you will know if they are right in front of you! Does that one year really make a difference in what they can accomplish and bring to your team today? Don't let the legacy of demanding a specific timeframe of experience let you miss out on top talent. Let your hiring team look for what matters most in people – their abilities today and their proven track record in what you need to be successful!



ABOUT THE AUTHOR:

Jeremy Eskenazi is the founder of Riviera Advisors, a boutique talent acquisition optimization consulting firm. Riviera Advisors does not headhunt, it specializes in recruitment training and strategy consulting, helping global HR leaders transform how they attract top talent. From best practice recruiting, to improving speed to hire, to candidate experience, Riviera Advisors is a go-to place for strategic talent advisors. For more information, visit www.RivieraAdvisors.com



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TO NOTARY OR NOT TO NOTARY, THAT IS THE QUESTION....

By Richard F. Lund, J.D., Vice President,
Senior Underwriter, Swiss Re*

In William Shakespeare's "Hamlet", the title character famously ponders, "To Be, or not To Be, that is the question". He reflects on the unfairness of life, yet knows that it is better than the alternative. Such is the notary's dilemma. In most instances, a person who takes on the noble mantle of 'Notary Public' chooses it for himself knowing that the best way to avoid a 'sea of troubles' is not to become one. Still, they choose to do so in order to provide a valuable service to society – and their customers.

But with that service, as with most things of value, comes risk. And the primary risk is the possibility of not doing the job correctly, which could ultimately lead to some error that may be of great cost.

So what is a "notary"? In ancient times a notary was simply a scribe who wrote in shorthand. Over the course of time, notaries became able to draft legal documents and other written instruments. To commemorate their work, they used wax seals and ribbons to show that the document had a semi-official status. Eventually, governments saw the need to regulate their actions and to give notaries the purpose that is bestowed upon them to this day: to act as "a person of proven integrity by the state to act as an impartial witness" (National Notary Association Home Study Course). By being in such position, the notary is most commonly called upon to acknowledge that a signature placed on a legal document was, in fact, put there by the person to whom it is ascribed, and that the

person signed the document in their presence. The notary does not pass judgment on the legality of the document or guarantee its truth, only that the named signatory did so in their presence.

While being a notary public may seem relatively innocuous, an error committed while exercising ones duties can be quite significant, both monetarily and emotionally. That is why the Swiss Re Corporate Solutions Insurance Agents Professional Liability (E&O) insurance policy provides coverage for several ancillary acts that an insurance agent or agency staff may undertake, including that of a notary public under the "Other Related Services" section of the policy. (Coverage is also provided for teaching a formal insurance course, testimony as an expert witness, advertising, or services as a claims adjuster. Please see the policy itself for details or contact your state E&O administrator.)

For a proper notarization to occur, it must include the following:

1. The signature of the individual
2. A notarial certificate stating the document was signed before the notary
3. The signature of the notary as commissioned
4. The notary's seal or stamp

While these steps seem simple enough, the claims that occur can be complex because of the parties that may be involved.

The most common error associated with being a notary public is notarizing the signature of a person who later claims they did not appear in front of the notary and, in any event, the signature is not theirs. This will most likely occur when the document is a bond or some other financial guarantee that is later called into question. While it is not a claim that happens with great frequency, the severity can be quite sizable -- especially when a bond is at stake. In most such cases the bond involves some type of construction project in which there is some defect causing the entire amount of the bond to come due. Difficulty arises when the signature on the bond application is called into question. A claim in this situation is not unheard of to be in the value of 6 or even 7 figures. That's right, millions of dollars over something as simple as a signature.

Another common scenario involves real estate transactions. Sometimes the property in question is sold outright, while in other cases there is a partial grant of ownership, e.g., selling mineral rights. Did both husband and wife sign the deed? All of the siblings with an ownership interest? Every owner of the business? Gathering all of the busy parties to these transactions in one place just to scribble a quick signature can be a challenge. 'Is it really necessary that [the notary] watch everyone sign in person? I can vouch for the signature of my wife/brother/partner...'

Faced with significant pressure from all concerned to cut a small corner or two, what must one do to avoid being put in the position of having a claim made against them while acting as a notary?

Simple! Begin by following the guidelines set out by the American Society of Notaries, National Notary Association, and your state government. As a general rule notaries are commissioned by the state government (most commonly by the Secretary of State), but also by state licensing boards, or possibly even the governor. In virtually every state, in order to be a notary the person must be at least 18 years of age, be a resident or have a place of employment in the state, read and write the English language, complete a notary training course, not been convicted of a felony or a crime involving fraud, dishonesty or deceit, and pass a state exam. A background check by state law enforcement may also be conducted.

After the minimum steps are completed, each state is different as to its requirements for term of office, continuing education, having a notary bond, notary record book or journal, seal, and other requirements. Each state also prescribes what authority the notary may have including taking acknowledgements and proofs, administration of oaths and affirmations, certifying copies, and performing any other acts permitted by law. An excellent resource that provides information about each state's requirements can be found on the American Society of Notaries State Information page: <http://www.asnnotary.org/?form=stateinfo>. The National Notary Association also introduced "The Notary Public Code of Professional Responsibility" in 1998, which provides a detailed code of ethical and professional conduct for notaries public. A copy of the code and additional information about it can be found on their website:

<http://www.nationalnotary.org/knowledge-center/reference-library/notary-public-code-of-professional-responsibility>



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Having gone through all the proper steps to become a notary, what else should you do to protect yourself from the 'slings and arrows' of an E&O claim? The following tips may not be required by individual state law, but they are essential to being able to defend a notary claim:

- **Journal or record book:** As with any E&O claim, proper documentation is the first line of defense. Your journal/record book should be permanently bound with numbered pages. The book should include the month, day and year of every notary activity; the type of activity, such as an acknowledgement or jurat; the type of document being notarized; the printed name and address of the person whose signature is being notarized; the identification used by the signer, such as a driver's license or passport; the signature; the notary's countersignature; a witness' printed name and signature; and any fee associated with the notary. These journals are available from local office supply stores and from the two associations mentioned previously.
- **Protect your seal:** Most states require the use of either an engraved embosser seal or an inked rubber stamp seal on every notary certificate to serve as verification of your witnessing a transaction. The seal usually must include the notary's name as given on their commission certificate, their commission number, and phrases including, but not limited to, "Notary Seal" or "Notary Public", and the state issuing the notary commission. The seal is available from the same places as the journal. Given its importance, your seal must be protected from loss, theft or 'borrowing'. There are unscrupulous people who would readily take advantage of someone who is cavalier about protecting this piece of equipment and would not hesitate using it for their own suspect purposes. Locking it in a safe or other secure location is important to protect yourself from the 'less-than-honorable-persons' who may put your seal to improper use. If your seal is lost or stolen, you should immediately contact the entity that awarded you a commission so proper steps can be taken to protect you and any others who may become a victim of an unauthorized act.
- **Stand firm on the rules.** Yes, it can be problematic to have all parties sign a document in person with proper identification. That does not make it your problem. The drafter of the document can often make provision to have the parties sign different copies at different times/locations. If she chose not to do so? Cut no corners. Never agree to notarize a signature unless all of the rules regarding personal presence, ID, etc., are followed to the letter.

Remember that the designation of 'notary public' is an official position that is appointed by the state for good reason. While it may be ministerial in nature, not regulatory or judicial, it is an important role nonetheless. The person who acts as a notary is a true professional, recognized by the state as being a person of integrity and impartiality. When that status is called into question, the challenge will become more personal because it calls into question that you value most as a professional: your integrity.

The simple steps outlined above can help ensure that you do maintain your integrity and don't become an E&O claim statistic. If you have chosen "To Be", you should "Be" the best you can.

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E&O Q&A

By Mary LaPorte, CPCU, CIC, LIC, CPIA

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

Q: I hope you can help. I think our agency really needs to worry about proposals, but no one else seems to be concerned. I am a commercial account manager who works with four different producers. Each of them has a preferred proposal they like to use for new or renewal presentations. We can get one from our agency management system, but most of them don't like that one. They have different ones in a Word document that they like better. This forces me to type in the information which takes a lot of time. At least on renewals, I can just overwrite last year's information and it is a little easier. Even the one that comes off our system needs to be cleaned up which takes time. I spent almost two days trying to get three proposals done. Isn't there some E&O that can come from this? I'm hoping if our owners see this in writing from you, they will be more likely to address the problem.

Ashley, Indiana

A: Ashley, I applaud your initiative to step up and try to resolve the agency's proposal concerns. Yes, proposals are frequently pulled into E&O litigation, and having good proposal standards can minimize the agency's exposure.

Proposals should be issued through the agency management system as a standard. The proposal in most management systems is simply a Word document. So any "preferred" proposal which can be done in Word, can be done in your system. If no one in your office knows how to edit the proposal templates, then reach out to your vendor or user's group for help. The reason for using only the proposal in your system is twofold. First, it saves keystrokes. Management should realize that keystrokes are time and that time is money. Second, and most important, since the information is pulled from the application or policy, it minimizes entry error. There are plenty of horror stories where a transposed number or a comma in the wrong place created an E&O loss for an agency.

Management should evaluate all the preferred proposals and create a style that is consistent with the agency brand and which all producers should use. In creating the proposal, include a variety of optional pages which can be selected when building a specific proposal. This eliminates the need to cut and paste or otherwise tweak the proposals to satisfy each producer.

Some agencies may have a marketing/sales program which includes proposal development. This is also fine, but only if the software integrates with the management system and eliminates the need to manually enter the information. Once again, consistency is important and everyone should use the same proposal system.

Here are a few more helpful hints:

- Include an appropriate disclaimer on each proposal stating that it is simply a brief representation of coverages proposed, and only the policy should be referenced when determining coverage.
- Include a footer with the date on each page of the proposal so that one page cannot be taken out of context.
- Avoid trying to reproduce the policy by listing specific coverages. Reference the cause of loss form (ie: Special Form CP 10 30) but never use terms such as "all risk."
- Avoid listing exclusions. Listing three or four "important" or "notable" exclusions may get you in trouble when a claim is later denied by an exclusion you did not list. If you must draw attention to a specific exclusion, state "but not limited to the following exclusion(s)."
- Consider including a page for optional coverages quoted/suggested. Some agencies use that page to have the customer to sign-off on the ones refused.
- When the proposal includes liability coverage, always include the statement "higher limits may be available. Please notify us if you would like to secure a quote for higher limits."

Ask management if you can head up a team to create updated proposal standards. I hope that these suggestions help you in that endeavor.

Mary LaPorte is a consultant and educator with a strong background in Errors & Omissions loss prevention. Forward your E&O questions to marylp@lpinsuranceconsult.com

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A misty forest path with tall trees and fog. The path is a dirt road winding through a dense forest of tall, thin trees. The ground is covered in fallen leaves and low-lying vegetation. The fog is thick and white, obscuring the background and creating a sense of mystery and depth. The lighting is soft and diffused, typical of a foggy day.

5 Necessities To Navigate Your Team Through The Fog

by Jason V. Barger

It's been quite foggy out the windshield for many teams and organizations lately.

The last years have been blurry with a fast-moving and often divided world. We've experienced differing modes of communication, the expansion of remote workers, a global pandemic, issues of racism, social injustice and equity, political and economic uncertainty, all while continuing the pursuit to maximize the experience, product or service that you are delivering to the marketplace. The view of the road ahead has been quite foggy for many teams.

The best leaders and organizations understand that cleaning off the windshield and the view of the road ahead is a necessity for those who are traveling with them. It's not reactionary, it's proactive. The best team cultures are committed day in and day out, month in and month out, year in and year out to removing obstacles from the view and aligning their people on the next actions needed for the road ahead.

Leaders often beckon their people to "Trust the Process" but then are surprised or frustrated when people don't just magically fall in line. The idea of "Trusting the Process" is good in theory, but all too often the "process" is blurry due to a lack of clarity on the game plan or the inability of the messenger to communicate the road ahead. Therefore, the "process" is unclear and "trust" is nowhere to be found.

The best leaders and teams on the planet understand their role is to help navigate their people through the fog and to continue to advance the Mission. Here are five necessities to help your team navigate through the fog:

1. Identify Obstacles — Don't assume everyone sees or has been willing to be honest about the obstacles, challenges and threats you are facing as a team. Take time to step back as a team and identify the obstacles that lie ahead and assure the team that you will face them together with a solutions-focused mind-set.

2. ReClarify Mission / Vision & Values — Take a step back and make sure people's sight is clear on the Mission, Vision and Values of your team. The Mission is WHY you are going on the journey you're on. It is the heartbeat and soul to all your efforts. The Vision is WHERE you are heading as a team or organization. It's the dream of what is possible and what can be created together. Paint the picture of what you hope to create that doesn't exist and what that future Vision looks like. Your Values are HOW you are committed to traveling along the journey. They are the compass that helps you know that you are on track with HOW you're committed to traveling. Values aren't dictated to us, but are discovered, discerned and identified by participatory discussion.



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3. Articulate the Game Plan — It's hard to "Trust the Process" if we aren't fully sure what the actual game plan is or the process for moving forward. Take time to articulate the strategy moving forward and why you'll approach it the way you are as a team. The strategy is WHAT you are going to do proactively to bring the Mission, Vision and Values to life. It's the game plan that clarifies the priorities, people, and next actions to bring the dream into reality.

4. Deposit Trust as the Messenger — Trust does not magically exist between people or leaders and a team. It is bartered every single day by the deposits we make in the relationship over time. Do we do what we say we are going to do? Do we hold ourselves and others accountable for holding up our end of the commitment? Leaders deposit trust by being transparent about the obstacles and what hasn't been successful and by honoring their commitments. As the messenger, they deposit trust by owning the next stretch of road ahead and jumping in with the team to seek solutions.

5. Cascade Consistent Messages — As the strategy and game plan becomes clearer, rinse and repeat the message throughout the team and organization. Marketers remind us that it takes seven times for a consumer to hear a message before they take action and the same thing is true for cascading messages throughout your organization. Communicate the game plan over and over and over again and then continue to update the progress being made along the way.

Every time you return to these discussions and seek clarity as a team, the fog doesn't quite seem so thick. The path forward becomes clearer. Your team may not have all the answers, but they'll have a compass with clear direction on where to head.

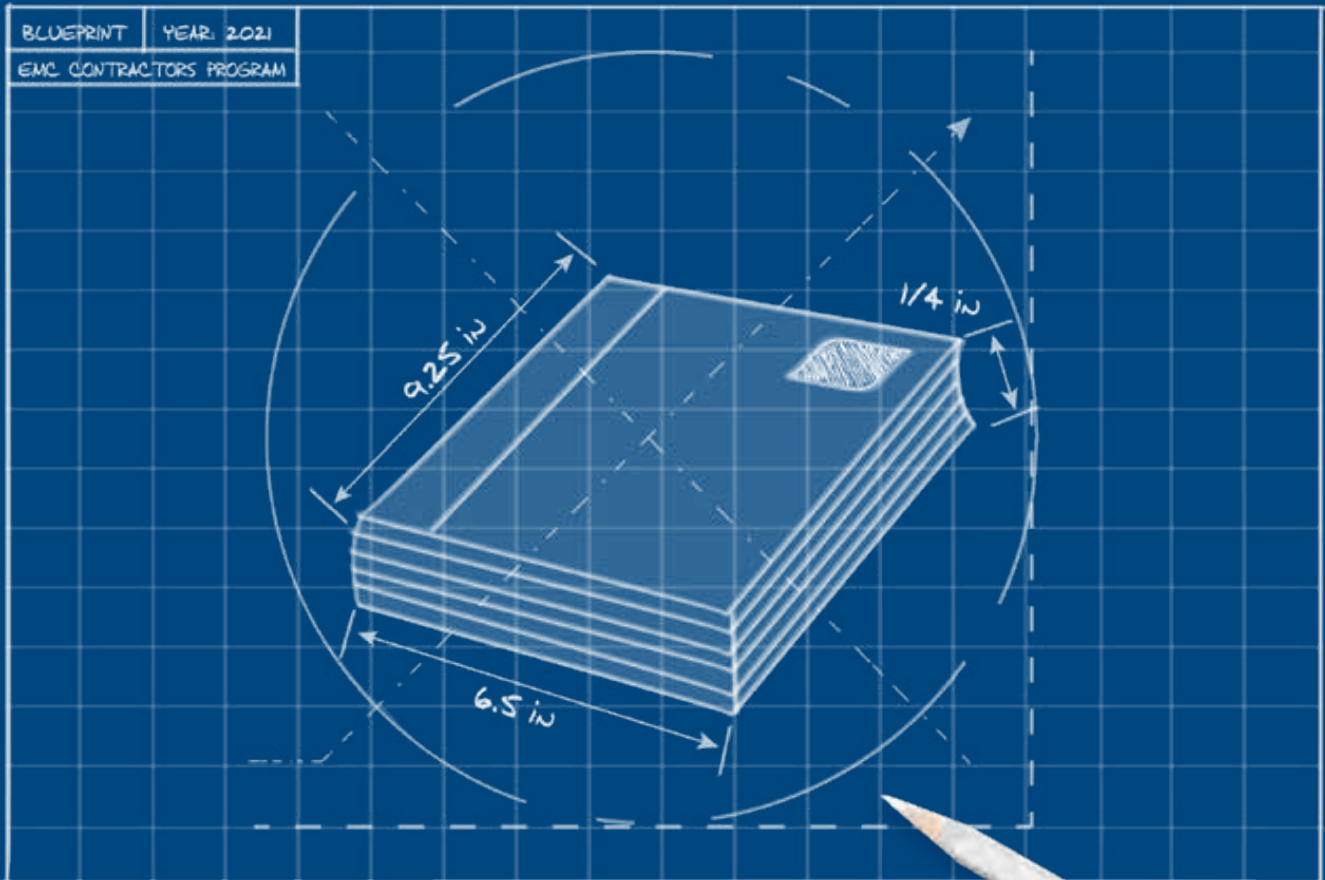
The best cultures proactively help their people navigate their way through the fog, together. They are grown, developed, cultivated and led with intentionality. The process for developing high-performing and engaged teams never stops and the best leaders, teams and organizations are committed to setting the temperature in how they hire, onboard, do performance evaluations, develop emerging leaders, and recognize excellence. The best leaders invest in their teams and how they travel, together.

If you're experiencing fog, division, negativity, blame, blurry vision, disconnection or uncertainty, it may be time to clean off the windshield!



ABOUT THE AUTHOR:

Jason V. Barger is the globally-celebrated author of *Thermostat Cultures*, *ReMember* and *Step Back from the Baggage Claim* as well as the host of *The Thermostat* podcast. As Founder of Step Back Leadership Consulting, he is a coveted keynote speaker, leadership coach and organizational consultant who is committed to engaging the minds and hearts of people and growing compelling cultures. Learn more at JasonVBarger.com



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Two Claims Not Paid

- 1. Insuring Computers** – I first wrote about this over 20 years ago, but it bears repeating based on a claim that I discussed with the involved agent last week. It seems that the insured refused the agent's offer of a separate computer policy and decided to just cover his computers and software and electronic data as personal property. Part of the problem was that the insured noticed the "Electronic Data" Additional Coverage under his ISO Building and Personal Property form. So, he obviously thought he had some coverage. Two things happened: an "electronic worm" was introduced into his computer system which obliterated his data base, and his back-up system (which was in some back room) failed to function properly. He is now in the process of rebuilding his electronic data system, and he is finding out firsthand how expensive that can be. Then he found out some more bad news – the worm was introduced by a disgruntled employee (this causes over 50% of these claims), and that is excluded under the Additional Coverage, "Electronic Data". I doubt that the \$2,500 the Additional Coverage provides would be of much help anyway. He is looking at weeks of work and effort and expense, and now he is blaming his agent. Luckily the agent has a well documented file that shows he has repeatedly offered a computer policy which would have paid for the resurrection of his data and the extra expenses that will be incurred along the way. We are guessing a \$45,000+ loss here. Lesson here – **every client gets a computer quote or some kind of endorsement coverage.** By the way, the ISO and most insurance company BOP policies would have provided the same "no coverage" answer.
- 2. Customer Loss** – this claim came in January, and involved an insured who had Business Income coverage. Her policy took care of her loss pretty well while she was rebuilding, but fell short after she reopened. The ISO Business Income policy with no extensions gives you 60 days of coverage for loss of customers and the fact that you are doing less business after you reopen. It is called "**Extended Business Income**". Her business was in catering and she was doing very well before the fire. Unfortunately, she had not done any risk management plans in case of a disaster (pretty typical for many clients), and had a hard time getting organized after the loss. So, she lost several good clients who signed agreements with her competitors. As a result, some of them **can't** come back until their contractual obligations expire. She is unhappy, of course, and wonders if her agent could have done more from an insurance standpoint. The answer is – yes. The 60 days that the Business Income form extends the policy and pays for doing less business after a covered loss can be extended in increments of 30 days, up to 720 days. While two years is a bit much, we probably

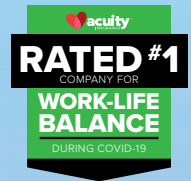


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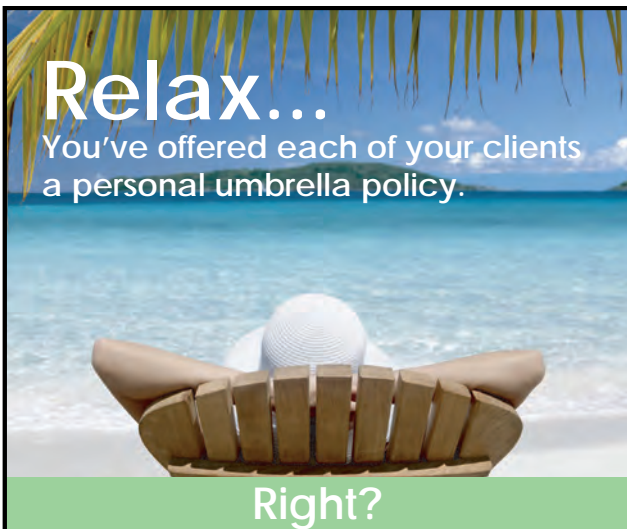
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should think about offering this extension for our clients who cater to other people. Events have to go on, and the caterer's customers will just find someone else to do it. I like to think about 180 days as a good starting point (2 months already covered, add 120 days). Ask your client if customers will come back soon after an absence of a month or two – or even several months. This may give you indication of how long to “guess”, since that is what you will be doing. One more thing – this extension relies on some money being left in the Business Income policy limits after the insured has been shut down by a covered cause of loss. If the insured has used up all the Business Income limits for the loss, there is no extension left, no matter what you show on the Declarations Page. The money for this extension comes out of the Business Income policy limits you choose, and it only pays after the insured is back in business. So, another educated guess on your part will be how much more money to add to the Business Income limit of insurance. Just be open and honest with your insured, tell them you are guessing about the future, and then use their past income amounts to come to a mutually agreeable amount of additional insurance.



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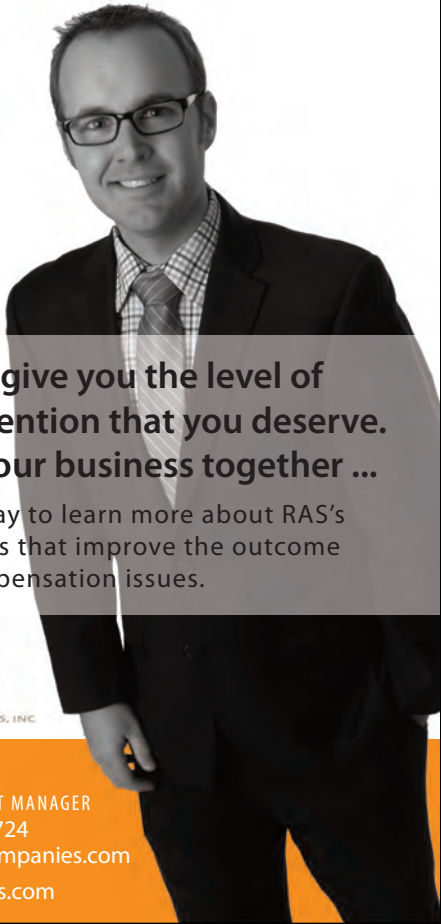


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