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VOLUME 38 • NUMBER 2

SPRING 2018

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CHAIRMAN'S MESSAGE

by Cecil Vaughan



As we are nearing summer, Stephanie Spahn is working hard to get ready for our IIAM Convention and Trade Show which will be June 10-13 at the Sandestin Beach Hilton Hotel. As usual, we are looking forward to seeing you and your family for some fun and sun on the beach as we do some “Rockin’ -n- Destin”. Something we started last year was offering the opportunity to earn some continuing education credit at convention. This year we will again offer three hours of continuing education presented by David Barfield and Lara Ashley Coleman of Pettis, Barfield & Hester PA. This will be on Monday, June 11, at 9:00 a.m. and you can still sign up on your registration form or at convention.

I can't believe that my year as IIAM Chairman is almost over. I owe a special word of thanks to my executive committee for putting up with me. Chairman-Elect Ray Robertson, Vice Chairman Josh Smith, Treasurer Ray Collins, National Director Shaw Johnson III, Young Agents Chairman John Morgan Mims, Durr Boyles, Tatum Brown, Roman Galey, Gwen Jolly, Brad Kent, Pam Wilson and Scott Woods. If you haven't served on the Executive Committee you can't imagine how much time it takes while these agents are also running their own agencies. They have no idea how much

I appreciate them!

As I and many others before me have said, we are so fortunate to have our staff. Clinton Graham is one of the most respected lobbyists at our state capitol; Stephanie Spahn leaves me in awe with the way she gets so much done and how much she enjoys doing it; Kathy Roberts manages a huge E&O book that produces the association's largest stream of income; and Lauren Hawkins does so much for our communications, media and education, which is one of the few profitable Big I education departments in the country. Thank you to them for their hard work and working with me this year.

I would also like to mention one more group in our association that I am very proud of – our Young Agents. They are doing a fine job of promoting themselves and our association. We recently enjoyed their first annual sporting clays competition at Providence Hill Farm as well as their annual Governor's Cup Baseball Outing. If you didn't attend these events you missed a fun time and will want to add it to your calendar for next year. I know I will!

This being my final article as Chairman, I want to express my appreciation for all of our members allowing me to serve you this year. I was so anxious when the year began, but it has flown by. This has not been an easy year for our agency or our extended family, but allowing me to serve has helped me and you have no idea how proud I've been to serve as your Chairman.



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FROM THE COMMISSIONER

by Mike Chaney
INSURANCE COMMISSIONER



Another legislative session has come and gone. Special thanks our Senate Insurance Chairman Videt Carmichael, our House Insurance Chairman Gary Chism, Accountability Chairman Jerry Turner as well as our staff who worked hard this session on a number of bills affecting insurance. This article will focus on new legislation as well as a healthcare update.

I am pleased to announce that the United States Department of Health and Human Services (HHS) has once again granted permission to extend transitional relief for insureds living in Mississippi. By taking this action, HHS helps us continue bringing stability to the health insurance market and keep rates affordable for small businesses and individuals in Mississippi. Without it, over 95,000 Mississippians could join the ranks of the uninsured.

In 2013, HHS allowed individuals and small groups to maintain certain “Grandmothered” insurance plans, also known as Transitional Plans. These are plans that were purchased after the enactment of the Affordable Care Act and before October 1, 2013, that were not required to comply with certain ACA reforms. Transitional relief was originally set to expire at the end of 2017, and last year HHS granted an extension through 2018. This latest extension is effective through December 31, 2019.

My good friends Senator Roger Wicker and the staff of Senator Cindy Hyde-Smith continue to carry our message on this issue and I am grateful for their assistance in obtaining the extension of transitional relief. Our agency has worked since early 2016 to seek the extension of the transitional relief policy for Mississippians. These individuals would have seen an average rate increase of more than 75 percent had the policy been allowed to expire.

Now a look at what took place during this year’s legislative session:

SB 2311 – Insurance Companies; revise notice requirements when transferring policies. This bill revises the notice requirements found at Miss. Code Ann. §§ 83-5-28 and 83-11-7 to allow an insurance company an affiliate transfer. An affiliate transfer is when an insurer transfers, at renewal or policy expiration, its personal or commercial lines insurance policies to an affiliated licensed insurer that is a member of the same insurance group or same holding company as the transferring insurer. Under the provisions of SB 2311, the transfer of the personal or commercial insurance policies is considered a renewal and will not be treated as a cancellation or non-renewal. The affiliate transfer must be to a licensed insurer that has been determined by the Commissioner to have the same or better financial strength as the transferring insurer. The policy transfer must be selected on a non-discriminatory basis.

SB 2527 – Insurance; prohibit civil liability against a person or entity for reporting insurance fraud. We believe the passage of this bill assists us in our investigation of our administrative actions. Previously, the only immunity for reporting was found in Section 7-5-307, which concerns reports of fraud to the AG’s Insurance Integrity Enforcement Bureau. That immunity only covered the reporting of criminal activity. In handling some of our administrative actions and investigations, it has been difficult to get witnesses to make statements because of their fear of retaliation. This statute now allows for immunity as long as the person furnishing the information is not acting in bad faith.

Bail:

HB 1479 – Bail bondsmen; remove repealer on certain licensing statutes which will take place on July 1, 2018. Sections 83-39-3, 83-39-7 and 83-39-13 were amended in 2016 SB 2664 to require the Insurance Department to establish a statewide Electronic Bondsmen Registry and Bail Bond Database which provides bond and bail agent information. SB2664 established the Bail Bond Database and Bail Bond Registry, and the repealer was set for June 30, 2018. As required by the



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legislature, the MID submitted a report to them by December 1, 2017. The report was submitted and provided the legislature with information regarding bonds written in this state from October 1, 2016, to December 1, 2017.

A copy of the report can be found on our website. The information gathered by the database and registry has provided useful information to the MID and has greatly assisted this office in the regulation of this industry. MID is pleased that the repealer was removed completely on the statutes authorizing the database and the registry.

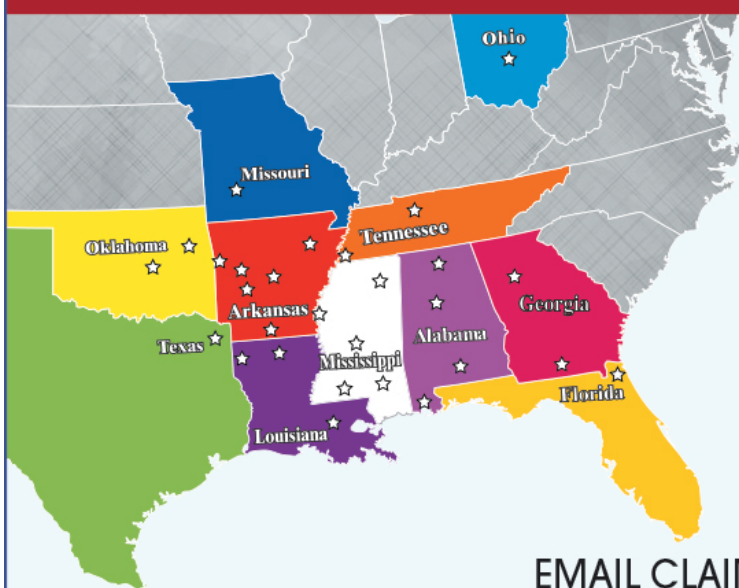
Health:

HB 1196 – Comprehensive Health Insurance Risk Pool; require approval before expending remaining monies after cessation. Prior to the passage of the ACA, MS was one of 36 states that had a residual market for health and accident coverage. MCHIRPA was created by the Mississippi Legislature to provide health and accident insurance to Mississippi citizens who were unable to obtain coverage due to health conditions. With the passage of the ACA, persons who had these pre-existing conditions that made it difficult or impossible to find

coverage in the admitted market could no longer be denied coverage. Therefore, there no longer is a need for MCHIRPA, and the association is no longer writing coverage. It is currently winding down operations and the monies currently held will have to be disbursed. The association currently has about \$19 million in funds that will need to be disbursed. This bill will give me some oversight in how the association will distribute the monies it holds that it received through assessments once the association ceases its operations.

SB 2296 – Group Health Insurance plan coverage for prescription drugs; authorize medication synchronization for beneficiaries. This bill allows consumers to request that their medication be synchronized for refilling. Currently, if you have several medications, you probably have several different refill dates. For the elderly and people who live in rural areas, multiple pharmacy trips to pick up refills can be burdensome. This bill will allow pharmacists to adjust prescription refill dates to allow all of a consumer’s prescriptions to be refilled at the same time; thereby allowing a consumer to only make one trip a month to the pharmacy. This bill will take effect in January of 2019.

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SB 2466 – State & School Employees Health Insurance; extend repealer on payment of premiums. Effective July 1, 2018, this bill extends the repealer in § 25-15-15 which provides for the payment of premiums for the State Employee Insurance Plan from July 1, 2018, to July 1, 2022.

Property:

HB 887 – Compressive Hurricane Damage Mitigation Program

– This bill extends the date of the repealer on the Comprehensive Hurricane Damage Mitigation Program from July 1, 2018, to July 1, 2021. This program was originally created after Hurricane Katrina. Under the authority of this bill, MID conducted a Cost Benefit Mitigation Study that was the basis for the mitigation standards that are used in this state. There are other aspects of this bill such as wind certification and hurricane mitigation inspections and financial grants for retrofitting that have never been funded. However, extending the repealer means the statute remains in effect. Should there ever be another hurricane, the legislative authority to establish these programs

are in place provided any emergency funding. This bill will take effect July 1, 2018.

HB 326 – Relating to allow a County Board of Supervisors to expend funds to maintain and repair and to purchase liability insurance, tags and decals for any personal property acquired through the Firefighter Property Program:

This bill amends Section 19-3-41. The Mississippi Forestry Commission has a Firefighter Property Program that allows MFC to receive excess equipment that is no longer needed by the federal government. Also, any community, organized fire district, or department with an assigned or assumed fire suppression responsibility is eligible to receive Department of Defense Firefighter Property Program equipment. However, unless Section 19-3-41 is amended, counties would be unable to pay the insurance, maintenance, tags and other fees due from receiving and maintaining this equipment as the equipment is titled only to the VFD and not the county. This bill includes the language in Section 19-3-41 to expressly allow the board of supervisors the ability to pay these costs. This takes effect July 1, 2018.

What's New?

- Now a billion dollar company! (Sales passed the mark in 2016.)
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- Broader appetite for select risks (including Total Insured Property Values as high as \$50 million for certain industries and risks).
- Higher A.M. Best financial size (i.e., "X").
- Enhanced infrastructure to support growth.

What's Not?

- Secure financial strength that comes from being a member of the Berkshire Hathaway family.
- Our A+ ("Superior") A.M. Best Company Rating.
- Average annual growth in premium in excess of 25% per year for the past five.
- Ongoing product and service enhancements to win renewals and keep a high retention ratio.
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SB 2465 – Homeowners insurance; require premium discount for new home tornado mitigation construction in any county.

This is a bill to amend Section 83-75-1 to provide for an insurance premium discount or reduction for new homes built in the state that are built to withstand tornadoes or other catastrophic windstorm events. It would be an insurance discount for new construction of residential buildings that are built to better withstand a tornado or other catastrophic wind event. The provisions of SB 2465 apply to newly constructed insurance property as defined in Miss. Code Ann. § 83-75-5, and that definition does not include mobile homes as insurance property.

Whereas the coastal mitigation discount only applied to homes newly constructed or retrofitted on the coast, this will affect all newly constructed homes statewide. Insurers may provide these discounts or reductions to insureds by July 1, 2019. The department is promulgating a bulletin to provide insurers with information regarding the filing of their discounts or reductions so they may provide these discounts or reductions to insureds by July 1, 2019. This is effective July 1, 2018.

SB 2467 – MS Windstorm Underwriting Association; extend repealer on non-admitted policy fee.

Currently, the non-admitted policy fee is a 3% fee that is imposed on surplus lines policies written on risks in this state. The monies earned from the fee are deposited into the WP account to assist the WP in obtaining reinsurance. On average, about \$11 million dollars is collected annually from this fee, and approximately 60% of all monies collected are collected on policies written on risks located outside of the six coastal counties. In looking for funds, the monies that are collected were reviewed by the legislature, and they decided to divert some of these funds for other purposes. This bill was a bit controversial, and it went to conference; however, after a lot of negotiation, the legislature passed this bill which will divert some of the non-admitted policy fee for one year in the following manner:

- This bill extends the repealer that was on this statute from July 1, 2018 to July 1, 2019

- Also diverts \$1.5 million dollars to the Capital Expense Fund and \$4.5 million to the RFTAAP. The remainder of these monies will go to the Windpool.
 - RFTAAP was passed during the 1995 Legislative Session as a mean of helping rural areas in Mississippi acquire fire trucks.
 - Since the beginning of the program there have been a total of 860 fire trucks purchased throughout the state.
 - The total cost of these trucks is \$150,599,942.00 with the state's share being \$45,585,167.00.

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- These purchases have allowed approximately 85% of Mississippi's rural fire districts to achieve lower Public Protection Classifications which has resulted in lower fire insurance premiums and made fire insurance affordable to most Mississippians.
- It has been conservatively estimated that this program has saved homeowners an average of \$50 million per year in reduced premiums.
- That's \$1.6 billion in savings over the life of the program.
- For the past 6 years RFTAAP has not been funded.
- RFTAAP- the bill increases the monies a county may receive in RFTAAP Round 11 from \$70,000 to \$90,000, and it also provides for a new round, Round 12, at \$90,000 a truck.
- This increase was due to the cost of fire trucks rising 250 – 300% since the program began. The cost of a rural fire truck meeting today's standards will cost approximately \$290,000.00 on average.
- Also a new subsection is added that will allow smaller counties that have not participated in previous rounds to forego their right to those rounds and apply for a fire truck

in Round 12. The reason for this change is that some of our smaller counties may only have two or three fire stations, and they have not had the funds necessary to participate in the previous rounds as the \$50,000 provided in those rounds will not be sufficient to purchase a fire truck at today's prices. Allowing these counties to go directly to Round 12 will allow them access to the increased fund amount which will help the smaller counties obtain a fire truck more quickly.

- The authority to spend RFTAAP funds is provided in our appropriation bill (HB 1588). In that bill MID is authorized to spend \$2.7 million of RFTAAP funds in FY 2019. I don't know if the intent is to provide the authority to spend the rest in FY 2020, but we know that the \$4.5 million will be going to the fund.

The governor signed this bill in early April, and the bill will take effect on July 1, 2018.

Other issues we are focusing on this month include social media reminders that April was Distracted Driving month. I continue to urge Mississippi drivers to 'Keep the Road Code,' a new campaign



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*Policyholder retention rate based on voluntary business that we elected for renewal quote: 92.7% in 2016.

from the National Association of Insurance Commissioners (NAIC) that focuses on preventing distracted driving.

There has been a significant increase in distracted driving accidents and fatalities since 2008, and I will continue to be an advocate and push for stronger texting and driving laws in Mississippi.

According to a new study (<http://blog.zendrive.com/distracted-driving/>) released by Zendrive, a San Francisco-based startup that tracks phone use for auto insurers and ride-hailing fleets, people are spending more and more time on their phones while at the wheel.

'Keep the Road Code' aims to educate consumers on the dangers of driving while distracted whether it is from impairment, texting, or doing anything that takes their eyes off the road or hands off the wheel. Distracted driving is a serious public safety concern. Ten percent of fatal accidents in the U.S. involve at least one distracted driver, killing approximately 3,500 people each year. It takes focus, practice, and skill to safely operate a vehicle moving 80 feet per second (55mph). Distractions don't help. Researchers and state insurance regulators all point to distracted driving as a major cause of more frequent, more costly, and too often deadly accidents.

Logically, we all know that higher accident rates result in higher insurance premiums for many. In 2009, average annual insurance premiums had decreased to \$787 from \$843 in 2004. Then the trend reversed. A 2015 NAIC report shows that average expenses had climbed by 12 percent. At the same time, the National Highway Traffic and Safety Administration (NHTSA) began tracking increases in motor vehicle accident fatalities caused by distracted driving — primarily involving cell-phone use. In 2010, auto insurance rates rose for the first time in six years. They've gone up each year since.

We also participated in National Retirement Planning week, reminding consumers how important planning for retirement is.

Finally, in a battle that we continue to wage with fire deaths, the State Fire Marshal's Office will be joining forces with the American Red Cross in a campaign to distribute smoke alarms in needed areas across the state. Please join us in spreading the message that a working smoke alarm saves lives and property.

In closing, I want you to know how proud I am to serve as your Insurance Commissioner. My door is always open to you!

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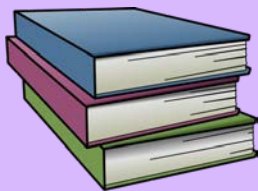
IIAM/IIABL Young Agents Conference
August 2-4
Ritz Carlton - New Orleans, Louisiana



Continuing Education
E&O Risk Management/Ethics Seminars (6 hrs)
September 25 - Inn at Ole Miss - Oxford
September 26 - IIAM Office - Flowood
September 27 - Lake Terrace Conv. Center - Hattiesburg



IIAM-PAC Fall Golf Outing
October 18
Dancing Rabbit Golf Course - Philadelphia



Continuing Education
When Business Stops - Equipment Breakdown,
Business Income & Extra Expense Insurance (6hrs)
October 23
IIAM Office - Flowood



Continuing Education
Who's an Insured on What Auto? (3 hrs)
Emerging Insurance Issues (3 hrs)
October 30
IIAM Office - Flowood

NEWS & NOTEWORTHIES

Diann Anderson Named Transportation Underwriting Assistant at Dixie Specialty



Diann came to Dixie Specialty from Starr Companies in Atlanta where she worked in their energy division. Prior to Starr, she worked with Gulf Insurance in their environmental department and Zurich NA in construction and environmental. She began her career in the insurance industry at USF&G Jackson. Diann brings a broad

background of knowledge and experience that is an absolute necessity in all areas of commercial insurance, but especially in the challenging transportation segment.

Trissi Wilkinson Returns to Dixie Specialty as a Garage Underwriter



Trissi returns to Dixie Specialty after departing in 2011. During that time, she has raised children, taught school and provided executive leadership for fund raising to expand the campus of a local private school. At Dixie, Trissi has assumed the role of Garage Underwriter. For those that don't know Trissi, her "Yes we can!/" attitude is refreshing and welcomed. "We're glad your back" is the response from those that have worked with her before.

Everyone at Dixie Specialty is very excited at the arrival of Diann and Trissi. These quality additions to the staff will enhance their ability to service the brokers that depend on them for the segments of the industry they serve.

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AmFed Insurance Group celebrates 25 years!

AmFed Insurance Group is proud to announce completion of its 25th year in business.

AmFed was founded in 1993 by Billy Roberts, President and CEO. Over these 2 ½ decades, the company has been the leader in quality of service and innovation to the Mississippi Workers' Compensation marketplace. From its beginnings as a trailblazer in the residual market, AmFed helped stabilize the workers' compensation system which serves the needs of employers and employees that have suffered on the job injuries. Today, AmFed is licensed in eleven (11) states, primarily in the southeast and provides both workers compensation insurance and third - party administration services to self-insured employers. Most recently the company was awarded an A- (Excellent) Financial Strength Rating by A.M. Best, the world's leading provider of insurance company rating services.

"The success of our company is a direct result of the dedication and hard work of our staff in providing extraordinary value to our independent agency partners and customers. We are particularly proud of the company's continuous community service projects and look forward to all the years ahead," said Billy Roberts.

David Bondy, Founder and CEO of LUBA Workers' Comp, receives the Top Entrepreneur award from Mississippi Business Journal



David Bondy, Founder and CEO of LUBA Workers' Comp, was named one of the 2018 Top Entrepreneurs by Mississippi Business Journal, a group of distinguished individuals who were selected based on their impact on Mississippi businesses, their professional accomplishments, and community involvement.

"I met David several years ago and enjoyed hearing LUBA's story from its founding to what it has become today," said Alan Turner, Publisher, Mississippi Business Journal. "LUBA's commitment to the businesses and workers here in Mississippi is what sets them apart. They are very deserving of this award."

Long before starting LUBA, Bondy had a significant impact at a time when employers in Mississippi and neighboring states were struggling with unaffordable premiums and poor service. In the late '80s and early '90s standard workers' comp carriers were operating inefficiently and passing along the excessive cost to employers. Bondy was instrumental in forming some of the first self-insured funds in Mississippi, which provided much needed alternatives for businesses seeking workers' compensation coverage. The list includes the Mississippi Municipal Association, the Mississippi Automobile Dealers Association, and the Builders & Contractors Association of Mississippi (BCAM). He went on to found LUBA Workers' Comp in 1991 and it has since grown to be the 4th largest workers' compensation carrier in the state of Mississippi.

Argos Group is now SteadPoint Insurance Group!

There are many new and exciting improvements happening at Argos Group. As part of a rebranding effort to deliver a best of breed experience, Argos will be changing their name to SteadPoint Insurance Group effective immediately. The same amazing team they have had for the past eleven years will still be there to meet your worker's compensation needs, just under a different name.

They are making no changes to their product offerings or their personnel. Their partnership with Benchmark Insurance Company has never been stronger and they will continue to offer that product in Alabama, Mississippi, and Tennessee as well as their SteadPoint Insurance Company product in Tennessee and soon to be in Alabama. Benchmark Insurance Company is rated A- from A.M. Best and SteadPoint Insurance Company was recently assigned a Financial Stability Rating® of A, Exceptional, from Demotech, Inc.

They will also soon be offering the Benchmark Insurance Company product in Georgia and Florida! The next 60 days will be a transition period where you will begin to see their new name on correspondence. This will be a process, so some things may still say Argos Group for a short period of time but rest assured, it is the same company.

Payments made to Argos Group will still be accepted for a period of time but please update your records and systems to reflect the new name. If you have any questions, please feel free to reach out to customer service at 1(888) 344-8006.

Safeco Insurance Appoints Debra Pooley as Vice President and General Manager for the Southeast Region



Safeco Insurance is pleased to announce that Debra Pooley has been appointed Vice President and General Manager for the Southeast Region. She replaces Carl Canales who has been named Vice President and General Manager for the Northeast Region.

Debra, who most recently served as Regional Operations Manager for Safeco in Suwanee, GA, is a CPCU and CPA, and brings a wealth of experience to her new role. A Georgia native, she has worked extensively to support independent agents, and is a natural fit to lead Safeco’s field operations team in the region.

“I am very excited about the insights and expertise Debra brings to this role and her commitment to helping independent

agents win in the marketplace,” said John Mileski, Senior Vice President and Manager, Agency Field Operations at Safeco Insurance. “Debra will spend the next few weeks meeting with our agency partners, strengthening existing partnerships and forging new ones.”

Before moving back to Georgia, Debra was the Director of Distribution for Liberty Mutual Business Insurance leading the state of Oregon and prior to that the Region Vice President directing the underwriting and territory manager teams. She also has served in a variety of roles in finance – including Chief Financial Officer for Ohio Casualty, a Liberty Mutual regional company.

Throughout her career, Debra has demonstrated a commitment to giving back to the community through charitable endeavors, including playing an active role in Give with Liberty. She served on the Board of Directors for the Portland (Ore.) March of Dimes, and is a former board member for Kaya Children International, and the Great Miami Valley YMCA in Hamilton, Ohio. In addition, Debra served as Division Chair and Campaign Cabinet Member for ArtsWave, a Cincinnati area fine arts program.

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IIAM 120th Annual Convention and Trade Show June 10-13, 2018

It's time for another year of fun at IIAM's 120th Annual Convention and Trade Show June 10-13, 2018! This year's theme is "Rockin' n Destin," so get ready for a fun week!

IIAM Chairman Cecil Vaughan invites you to attend this convention where there will be exhibits, networking opportunities and a lot of fun! This year's special guests include author of *Diary of a White Collar Criminal*, Jerome Mayne; Insurance Commissioner Mike Chaney; and IIABA Chairman-Elect Joe Leahy. The convention kicks off Sunday, June 10, with registration and the trade show starting at 2:00 p.m.

Again this year, we will also offer an optional 3 hour CE seminar on Monday morning. David Barfield and Lara Ashley Coleman of Pettis, Barfield and Hester, PA, will present a seminar on Errors and Omissions from a lawyer's perspective. Both of these lawyers have extensive experience with E&O issues and litigation. To register for this seminar, please check the appropriate box on the registration form.

This convention offers something for everyone and is very family oriented. From Kids Nite Out to the Dinner/Dance and beach activities, there will be plenty of action for the whole family.

Make plans now to head to Destin this June for a rockin' good time!

SPEAKERS



Jerome Mayne
*Diary of a White
 Collar Criminal*
 Keynote Speaker



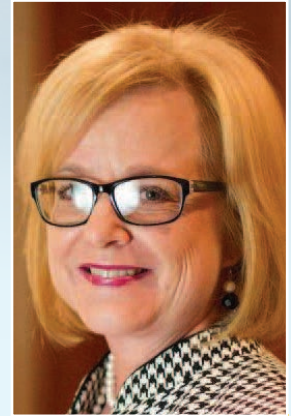
Joe Leahy
 IIABA
 Chairman-Elect



Mike Chaney
 Insurance
 Commissioner



David Barfield
 Pettis, Barfield &
 Hester, PA
 CE Instructor



Lara Ashley Coleman
 Pettis, Barfield &
 Hester, PA
 CE Instructor

CONVENTION & TRADE SHOW SCHEDULE

Sunday, June 10

8:30 - 9:30 a.m.	Board Meeting
10:00 a.m.	Past Presidents Brunch
2:00 - 5:00 p.m.	Registration
	Trade Show Open
6:00 - 11:00 p.m.	Kids Nite Out
6:30 - 7:30 p.m.	Welcoming Cocktail Party
	Dinner on your own

Monday, June 11

6:30 - 9:00 a.m.	Breakfast Cart
8:00 - 10:00 a.m.	Registration
	Trade Show Open
9:00 a.m. - noon	Continuing Education (optional)
1:00 p.m.	Beach Activities - Volleyball and Sandcastle Building
	Young Agents Tent
1:00 - 3:00 p.m.	Ice Cream by the Pool
6:00 - 11:00 p.m.	Kids Nite Out

Monday, June 11 (cont.)

7:00 p.m.	Cocktail Reception
7:30 p.m.	Dinner/Dance
8:30 p.m.	Treasure Chest

Tuesday, June 12

6:30 - 9:00 a.m.	Breakfast Cart
9:00 a.m. - noon	General Session
1:00 - 5:00 p.m.	Young Agents Tent
	Cornhole Tournament
	“Quench your Thirst”
	Beach Refreshment Tent
1:00 - 4:00 p.m.	Frozen Drinks by Pool
6:00 - 11:00 p.m.	Kids Nite Out
7:00 p.m.	Cookout Dinner/Pool Party
8:00 p.m.	Charlie’s Crab Chase

Wednesday, June 13

8:30 a.m.	Jazz Brunch
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IIAM HOLDS YOUNG AGENTS BASEBALL OUTING

IIAM recently held the annual Young Agents Baseball Outing to watch the Governor's Cup Baseball Game between Mississippi State and Ole Miss at Trustmark Park in Pearl. Agents and company representatives gathered at the Holiday Inn Trustmark Park for a pre-game social with hamburgers and hotdogs before heading to the park to watch the game. During the social, the Young Agents hosted an IIAM-PAC Wine/Liquor Toss Fundraiser that raised over \$750 for our state PAC. Raising money for the PAC is again one of the Young Agents' goals for this year and this was a great start! Thank you to Safeco/Liberty Mutual for sponsoring this fundraiser for the second year in a row.

IIAM would like to thank the following sponsors for helping make this event a success:

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IIAM HOLDS YOUNG AGENTS **BASEBALL OUTING** | *(continued)*





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LESSONS LEARNED:

BE VERY CAREFUL WITH EXTRANEIOUS OR NON-EMPLOYEE RELATIONSHIPS

By: David A. Barfield

Lara Ashley Coleman

Pettis, Barfield & Hester, P.A.

4450 Old Canton Road, Suite 210

Jackson, MS 39211

ALLEGATION:

An insured filed suit against the insurance agent, an insurance agency, and the insurer for coverage for injuries to several people when an accident occurred at a rental property the insured owned.

PERTINENT FACTS RELATED TO THE PROCUREMENT OF THE POLICY AT ISSUE:

The insurance agency had entered into a written agreement with an individual agent, that was not its employee, to let him share office space, phone lines, secretarial staff, etc. The agreement also allowed the individual agent to reach insurance markets, through the insurance agency, that he did not otherwise have access to and, in those circumstances, when a policy was procured, the agency and individual agent would share commissions on those procurements.

If the individual agent had the ability to reach the same market as the insurance agency, that it shared office space with, the individual agent could use his own producer number and other pertinent identifying information of his own, and keep the

full commission, as opposed to splitting it with the insurance agency with which he shared space.

The individual agent was not very diligent in his business affairs.

The insurance agent had procured several policies for the insured using the agency's producer number, which policies reflected the agency as the agent.

The insurance agent then undertook to insure a rental property of the insured. Unfortunately, the agent insured it as a personal dwelling, rather than a rental property. After a property inspection, the insurance carrier learned it was a rental property and not a personal residence.

The insurance carrier sent an invoice for an additional premium and endorsed the policy to reflect that it was in fact a rental property, not a residential dwelling of the insured. When the additional premium was not paid by the insured, the insurance carrier sent a notice of cancellation to the individual agent and the insured, advising that if the insured failed to pay the additional premium that was due to the change in the type of risk, the policy would cancel.

The notice to the insured was sent to the insured property address (rental address), not the property owner's address, due to

the fact that the agent listed the rental property address as the owner's address. The insured claimed he never received the notice of cancellation.

The insurance agent never notified the insured that an additional premium was due or that the policy was going to cancel or that it had cancelled. Further, after cancellation, the agent did not attempt to replace the coverage for the insured on the rental dwelling. Although, the agent received the returned premium from the insurer, he never sent it to the insured.

The insurance agency, that the individual agent shared office space with, had no knowledge of any of this because the policy had been placed directly by the individual agent under his producer number and was not placed through the agency.

During the application process, the individual agent used his individual name on some of the insurance documents, but on others the insurance agency's name was used. When the insured purchased the property, the premium check from the real estate closing attorney was made payable to the insurance agency, and not the individual agent.

The individual agent presented the premium payment check to the insurance agency advising that the wrong name was on the check. The insurance agency deposited the check into its account and wrote a check to the wholesale insurance broker for the premium and a check to the individual agent for his commission. The agency received no income from the transaction.

THE CLAIM:

A structure collapsed on the rental property, injuring several people who ended up making claims against the owner of the rental property (the insured). The owner/insured made a claim with the insurer, which was denied, because the insurance on the property had been cancelled due to failure to pay the additional premium.

A lawsuit was filed against the insurance agency, the individual agent and the insurer.

WHAT HAPPENED?

Ultimately, the insurance agency settled the claim due to the fact that from all appearances, it was reasonable for the

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insured to believe the individual agent worked for the insurance agency. He had an email account with the insurance agency, same mailing address, phone number, and the individual agent, apparently, often represented himself as a part of the insurance agency to prospective insureds. Furthermore, the agent had written other policies for the insured through the agency.

While the individual agent had no “actual authority” from the insurance agency to act on its behalf in this transaction and wrote the policy under his own producer number, his relationship with the agency clothed him with the “apparent authority” to act on behalf of the agency. Furthermore, the individual agent had not obtained his own errors and omissions coverage, as he was required to do.

LESSONS TO BE LEARNED:

Be very careful with extraneous or non-employee relationships’ including, but not limited to, independent contractor arrangements. If you choose to enter into such a relationship, the scope, extent, rights and obligation of the

parties should be spelled out in detail in a legally binding written document. Also, make sure there is errors and omissions coverage for the non-employee/independent contractor. Try to avoid clothing the non-employee/independent contractor with the trappings that make it appear to others that he or she works for the agency to attempt to avoid “apparent authority” pitfalls.

Of course, always, make sure, that if the property at issue is a rental property, that the owner of the property’s address is provided as the mailing and/or billing address, not the insured address and that the property is insured as a rental property.

Always, promptly refund any returned premiums to the insured.

“Lessons Learned” is a recurring article authored by David A. Barfield and Lara Ashley Coleman, based on real errors and omissions cases in Mississippi. David and Lara Ashley have represented insurance agents for over 30 years and 20 years, respectively. The names of all parties and all case citations have been omitted to preserve anonymity of the parties.

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2018 AGENCY MANAGEMENT CONFERENCE FOCUSES ON RUNNING AGENCIES

The Independent Insurance Agents of Mississippi recently held its annual Agency Management Conference at The Country Club of Jackson. Larry Linne, President and CEO of InCite Performance Group, was this year's conference speaker. On Wednesday, Larry presented three hours on Running an Agency in a World of Innovative Digital Threats and on Thursday, he presented three hours on People, People, People...What do we do About the People – a class focused on hiring the right employees.

Another highlight of the conference was the "Meet the Companies" reception where agents had a chance to visit with representatives from many of the 25 company sponsors.



IIAM would like to thank all of our sponsors for helping make this year's event a huge success:

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FIRST ANNUAL SKEET SHOOT AT PROVIDENCE HILL FARM

IIAM recently hosted the first annual Skeet Shoot sponsored by the IIAM Young Agents at Providence Hill Farm in Jackson. The weather was perfect and the over 50 shooters and 10 volunteers had a great time shooting and visiting during the event. AmFed Companies provided eye and ear protection for all attendees and Beasley General Agency and Imperial PFS provided boxed lunches. Also, thank you to AmWINS for sponsoring the Skeet Shoot Prizes. The winners of the shoot were Steve Roberts, Joe Shumaker, Jeffrey Carver and Reg Ott. Thanks to everyone who attended and made this a great first year event!



FIRST ANNUAL SKEET SHOOT | *(continued)*



FIRST ANNUAL SKEET SHOOT | *(continued)*



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2018 IIABA NATIONAL LEGISLATIVE CONFERENCE

In April, a delegation from the Independent Insurance Agents of Mississippi traveled to Washington, D.C., for the Independent Insurance Agents and Brokers of America Legislative Conference

The conference included visits and discussions of crucial issues with Senators Roger Wicker and Cindy Hyde-Smith, and staff members from other offices.

The following represented IIAM at this year's conference: Chairman Cecil Vaughan, Chairman-Elect Ray Robertson, Treasurer Ray Collins, National Director Shaw Johnson III, Young Agents Vice Chairman Roger Elfert, Young Agents Chairman John Morgan Mims, and President Clinton Graham.



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