

State

April 26, 2013

Insurance professionals gather for PIANY's Long Island RAP

Hundreds of insurance professionals attended PIANY's Long Island Regional Awareness Program at Leonard's of Great Neck, April 25, 2013, to network, earn continuing-education credits, and browse the latest industry innovations.

Prasad Gunturi, senior vice president of catastrophe management services, Willis Re, delivered Long Island RAP's 2013 keynote address on the lasting impact of Hurricane Sandy.

"One important thing I want you to observe here is Hurricane Sandy's track is totally different from what we saw in the last 120 years or so. ... If you look at the historical tracks, we never had a storm similar to Hurricane Sandy."

Gunturi noted that hurricanes along the East Coast feature stronger wind speeds along the right-hand side of their path. "Having intense wind speeds on the right-hand side of the track, water was able to push through ... that's why we had a significant storm surge in Manhattan and also in the Long Island area from Hurricane Sandy."

One startling statistic Gunturi offered was that when Willis Re entered the area to survey damage three days after the storm, it discovered up to 2 feet of sand deposits more than a mile from the coastline. "Which is really intense, in my opinion," said Gunturi.

Other lessons learned from Sandy that Gunturi highlighted (for future consideration) were to focus on a building's age and roof condition when assessing risk and vulnerability. "This is how much impact the building details can have on loss results in a catastrophe risk model. The same can be seen on the ground. If you look at older properties versus newer properties—properties that are sitting next to each other ... they can see completely different damage."

Gunturi then offered what he thought the insurance industry should take from Sandy. "Oftentimes, companies think that collecting more data means more expense, but some of the characteristics of the building, mostly related to the roof, are easy to collect," said Gunturi. "We can collect some of

that information just by visual inspections ... you can ask a question to the homeowner."

He closed his address by saying, "The point I want to make here today is in serving our community, it is our part to

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improve that data quality for effective catastrophe risk management.”

Also, during lunch PIANY Secretary Amy Bryan, CIC, owner of Bryan Insurance Agency LLC, was presented with the 2013 LIRAP *Community Service* award for her recovery work in the aftermath of Sandy.

“It started from an idea that we needed to get out there and help everyone, more than just what we were doing with claims. It didn’t start just from me. It was a whole group of people, and I wouldn’t have been able to have done it without everybody.”

The region’s insurance professionals also enjoyed an expansive trade show, networking opportunities and CE sessions throughout the day.

In the morning, Gary Slavin, CIC, LUTC, CLTC, taught *Health-Care Reform and its Effect on New York State*. In the afternoon, Curt Pearsall, CPCU, CPIA, AU, ARM, AIAF, taught *Everything You Wanted To Know About E&O*^{FFUM}.^{FFUM}—This course has been approved for E&O loss-prevention credit by Utica Mutual & Fireman’s Fund.

For a full wrapup of the event, featuring photos and video, watch the PIANY [website](#) and the June issue of *PIA magazine*.—*Cordes*

Assembly Insurance Committee chair discusses legislative issues with PIANY

Your PIANY board shared coffee and met with New York State **Assembly Insurance Committee** Chair **Kevin Cahill**, D-103, who visited PIA headquarters in Glenmont, April 17.

During a collegial and informal discussion, Assemblyman Cahill commended professional agents for their civic, charitable and economic involvement in their communities around the state. “I know well the high level of involvement you represent, and I thank you for it because it’s rare and extraordinary.”

The assemblyman discussed issues he knows are important to agents, who had the opportunity to discuss concerns and topics of interest to PIA members around the state. Among the issues Cahill addressed were hurricane deductible triggers, an issue he said PIA has brought to his attention. He relayed his understanding that, “next-door neighbors, sitting on adjacent properties will have very different exposure and deductibles in the event of a hurricane if this issue goes unaddressed,” and he affirmed his commitment to addressing this impending crisis.

Cahill also shared stories he’s heard and seen from his visits to Sandy-affected communities and in post-event meetings, and the challenges he understands agents and homeowners are dealing with. He made a point to highlight that professional agents have a unique perspective and understanding of the needs of their communities and clients. From obstacles presented by out-of-town **Federal Emergency Management Agency** adjusters to new building requirements to which homeowners will be subjected through the **National Flood Insurance Program**, he assured agents he recognizes the multitude of flood-insurance related concerns agents and their customers face.

The agents reiterated the hope that lessons learned from Sandy will be remembered and that lawmakers and regulators can work together to affect meaningful change.

Another issue the assemblyman raised is PIANY’s fight to repeal unnecessary photo inspection regulations. He shared his own experience with the impractical process and said he agrees with PIANY. “We need to change this,” he said. “It originally was intended to fight fraud. It’s not working, and it’s senseless.”

PIA officers conveyed their appreciation for Assemblyman Cahill’s attention and for taking the time to meet with your association. As the meeting concluded, he invited PIA to participate in upcoming roundtable discussions on insurance coverage following a disaster to examine further issues following a catastrophe, including insurer claims settlement practices available coverage for consumers and properly informing insureds of their coverage needs and options.—*Guilbault*

PIANY representatives lobby members of Congress

Hundreds of PIA members from around the nation participated in the 2013 PIA Federal Legislative Summit on April 10 and 11 in Washington, D.C. The members visited the offices of their members of Congress to let them know

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firsthand what effects proposed legislation will have on their businesses.

PIA volunteers from New York included: PIANY President Michael J. Skeele, CIC, CPIA; President-elect Alan Plafker, CPIA; National Director and Past President D. Scott Liebert CIC; Vice Presidents John Parsons II, CIC, CPIA, AAI; Tony Kubera, CIC; and Gene Sandy, CIC; Treasurer Mike Cracco; past Presidents Jeffery H. Greenfield and Richard A. Savino, CIC, CPIA; New York Young Insurance Professionals President Gino Orrino; and NY-YIP Director Adam Rostowski.

The representatives discussed issues ranging from health care to state regulation of insurance to national flood insurance. PIA members reminded federal policymakers of the vital role agents play in ensuring that health insurance purchasers find appropriate coverage and, therefore, in order to protect the health of patients, legislation should be passed to exclude agent compensation from any calculations of medical loss ratios.

Members also discussed their support for the continued implementation of the reforms found in P.L.112-1, passed last session, which extends the NFIP program for five years and urged lawmakers to resist any efforts to move the flood program into the private market.

Finally, PIA members spoke of their opposition of any pre-emption by a federal insurance regulator or federal pre-emption of state insurance oversight. Members stressed the importance of keeping insurance regulation on the state level.

Watch the PIANY [website](#) for more information and coverage of this important event.—*Lachut*

PIANY leaders meet to discuss agent issues

Your PIANY board of directors met last week at PIA headquarters in Glenmont, to discuss information and services important to agents, including the status of the health insurance exchange in New York state (and the roles of agents and brokers in the exchange); legislative issues from the state budget (and the transfer of \$1.75 billion from the reserves of the [New York State Insurance Fund](#)); and the [Department of Financial Services'](#) post-Sandy legislative and regulatory issues—including certificates of insurance, photo inspection and automobile no-fault legislation.

The board also discussed networking opportunities for members and carriers. The Legislative Committee reviewed the dozens of proposals that PIANY is tracking.

Over the past several weeks, your PIA leaders have been across the state, continuing their tireless travels and work on your behalf from recent Advisory Councils in New York City, Long Island and the Hudson Valley to networking with the [New York Young Insurance Professionals](#) in Utica and a pre-event cocktail reception that preceded I-Day in Buffalo.

You can be a part of the movement. The PIANY Spring Advisory Council program continues on **Tuesday, April 30**, in Albany and in Kingston on **Thursday, May 2**. It is designed to get valuable input from our members, which is critical to the development of PIANY policies, products and services. If you are interested in participating in the Advisory Council program, please contact PIANY Deputy Director Kelly Norris, CAE, at knorris@pia.org.—*Norris*

PIANY requests ConEd report for Sandy utility interruption claims

Following up on an issue initially raised by PIANY board member and past President Martin Koles during the recent state [Assembly Insurance Committee hearing](#) on Sandy, PIANY formally requested a copy of the “failure sequence report” from Consolidated Edison to determine if Sandy utility interruption claims should be paid.

During Sandy, [an explosion at a substation](#) belonging to New York utility company ConEd rocked Manhattan’s East Village at approximately 9 p.m. The blast occurred on 14th Street near the bank of the East River and plunged much of lower Manhattan into darkness as Sandy battered the city with winds and tidal surges.

Koles testified that, “the reason [business interruption claims were not paid by insurance companies] often cited is Consolidated Edison’s report that the cause of the power outage was a flood at the 13th Street substation. According to the news reports and videos, there were explosions at the 13th Street substation. If some of the businesses lost power due to these explosions before ConEd pre-emptively shut down the system to preserve its integrity, some of these businesses may be entitled to obtain claim payments under their policies.”

According to Koles’ testimony, CP 15 45 Utility Service Time Element provides coverage for business income and extra expense to a suspension of operations at the premises caused by an interruption in utility service resulting from a direct physical loss or damage by a covered cause of loss. CP 10 30 Causes of Loss—Special Form, however, excludes water (flood). But if the water results in fire, explosion or sprinkler leakage, the policy states that it will

pay for the loss or damage caused by that fire, explosion or sprinkler leakage.—*Guilbault*

New York health exchange gears up for launch

The **New York Health Benefit Exchange** is in the final stretch of preparations for October enrollment and a January launch. New York is among 19 states running their own exchanges, and is not affected by the recent decision by the Obama administration to delay until 2015 the Small Business Health Options, or SHOP program, for states that have opted for the federal government to run their exchanges. (The New York exchange released fact sheets on SHOP, available at <http://bit.ly/11qaGqn>.)

“We are proceeding full steam ahead for year one,” said Danielle Holahan, deputy director of NYHBE, speaking at the April 18 meeting of the Hudson Valley chapter of the Healthcare Financial Management Association.

Health plans had until April 15 to let the state know if they planned to participate in the insurance marketplace. Holahan would not disclose which insurers responded. “We are very pleased with the applications and think there will be robust choices,” she said. The plans have until April 30, 2013, to file premium rates with the state.

The exchange is reviewing applications for navigators and expects to award contracts this summer. It released a Request for Applications in February for the In-Person Assistor and Navigator Program, which will provide in-person enrollment assistance to individuals, families, and small businesses and their employees who apply for insurance through the exchange.

Holahan said that premium costs should fall for both individuals and small businesses buying insurance through the exchange. But, hospitals expressed concern about the impact of the exchange on their bottom lines. Kevin Dahill, president of the Suburban Hospital Alliance and NorMet, told the audience at the HFMA meeting that he feared some plans offered on the exchange would have low premiums but high out-of-pocket costs that patients may not pay.

“That puts our hospitals in the position of being a collection agency, and I’m very concerned about that,” he said.—*Wallace*

State workers’ compensation news update

Gov. Andrew Cuomo detailed \$1.2 billion in savings to employers that will occur as a result of the sweeping

reforms to the state’s workers’ compensation and unemployment insurance systems that were included in the recently passed state budget.

The Property Casualty Insurers Association of America disputed (<http://bit.ly/12GeB5f>) Cuomo’s claim that workers’ compensation reforms would save employers about \$800 million in costs, saying instead that the elimination of the Reopened Cases Fund will trigger a cost increase.

Workers’ compensation benefit change July 1. The payroll cap under the New York Workers’ Compensation Construction Employment Payroll Limitation Program will be increased from \$1,188.10 to \$1,204.81 per week for policies with effective dates on and after July 1, 2013.

According to provisions in the 2007 Workers’ Compensation Reform Act, this limit is adjusted every year based upon changes in the average weekly wage as calculated by the **Department of Labor**. Also, the maximum workers’ compensation weekly benefit is two-thirds of the statewide average weekly wage, so the maximum weekly benefit will be \$803.21 effective July 1, 2013.

Loss-cost multipliers updated. The DFS updated the list of lost cost multipliers approved for use by workers’ compensation insurers. These multipliers, which are effective April 1, 2013, may be obtained in PIA QuickSource document No. **QS31151**.

WCB releases its summary of law changes. In **Subject No. 046-520**, the **New York Workers’ Compensation Board** provides its summary of the Business Relief Act changes contained in the 2013-14 Executive Budget Legislation (Part GG, page 130). Future subject numbers will provide additional and more detailed information on certain aspects of the new laws.—*Corbin*

National

Bill to amend NFIP premium increases introduced in the House of Representatives

On March 5, 2013, **H.R.960**, the Flood Victim Premium Relief Act of 2013, was introduced on the floor of the U.S. House of Representatives. This bill would amend the National Flood Insurance Program Reform Law of 2012.

Under the current law, homeowners with NFIP policies will experience premium increases of 25 percent until the full risk premium has been charged.

H.R.960 would amend the current law to allow homeowners to stretch the increased NFIP premiums over an eight-year period. Under H.R.960 premium increases would be at a rate of 5 percent for each of the first four years and 20 percent for the last four years. In order to qualify under this proposed legislation the increased or new premium rate must have become effective after July 6, 2012, the properties must be located within an area for which a major disaster was declared and be within a revised flood rate map or, upon enactment of this legislation, be eligible for preferred risk rate method premiums for flood insurance coverage.

In addition, the property must be owned by the same owner who owned the property when the disaster occurred and it must be a primary residence, except for any periods of non-occupancy resulting from the disaster. H.R.960 has been referred to the [House Committee on Financial Services](#) for further action.—*Lachut*

Technical

Excess-line export list expanded

The DFS recently approved changes to the “export list,” which are detailed in the Thirteenth Amendment To Insurance Regulation 41. Risks on the “export list” are those that DFS has determined to generally not be available among authorized (licensed) insurers. A risk that is on the “export list” is exempt from the regulatory requirement of obtaining three declinations from authorized insurers prior to placing coverage in the excess line market.

For placements made on or after April 10, 2013, the export list has been expanded to include the following risk classifications:

- asbestos, fungi and water damage remediation and removal
- liability and property damage
- builders risk insurance
- coverage for construction projects where the total insured values exceed \$10 million
- elevator service and maintenance contractors
- liability and property damage
- excess professional/errors & omissions liability—all classes
- excess liability coverage where the underlying policy limits and/or self-insured retention is at least \$10,000,000 per occurrence

- excess salary protection (disability) insurance as a monoline policy
- insurance pursuant to Insurance Law Section 1113 (a)(31)(A) against financial loss caused by the cessation of earned income due to disability from sickness, ailment or bodily injury, in an amount up to that portion of an individual’s annual earned income, which is in excess of the amount of in-force disability insurance from an authorized insurer, [in amount not to exceed 75 percent of the individual’s annual earned income in total based upon the sum of in-force disability insurance and salary protection insurance when benefits are payable to individual or individual’s beneficiary]
- large law firm lawyers’ professional liability insurance
- professional liability for a law firm that has more than 100 attorneys
- recreational guide services
- coverage for outfitters and guides for camping, hiking, rafting, bungee jumping, parachuting, hunting and fishing clubs, shooting ranges, hunting and fishing and similar recreational activities
- vacant or unoccupied buildings
- primary and/or excess “liability” insurance for vacant or unoccupied buildings.—*Pittz*

Updates from the NFIP

As part of the Severe Repetitive Loss properties strategy, NFIP insurers notify the agent, lender and policyholder of SRL properties that affected policies will transfer to the special direct facility of the NFIP servicing agent for handling. These notification letters currently reference the SRL grants program, which was eliminated by the Biggert-Waters Flood Insurance Reform Act of 2012.

FEMA has revised the notification letters to reference the Flood Mitigation Assistance Program (authorized by the National Flood Insurance Reform Act of 1994 and amended by the Biggert-Waters Flood Insurance Reform Act of 2012). The FMA Program continues to focus on the mitigation of SRL properties, authorizing federal grant funds to pay up to 100 percent of the cost of eligible mitigation activities. See [Bulletin W-13015](#) for copies of the updated notification letters.

It is important for PIA members to identify any SRLPs among their NFIP books of business and provide sufficient advance time before the renewal date to provide the

updated information that the NFIP will require in order for the renewal process to move forward without difficulty.

Exception to the 30-day waiting period. In **Bulletin W-13017**, FEMA announced that effective Oct. 1, 2013, the NFIP no longer will allow an exception to the 30-day waiting period for lender-required flood insurance policies. Specifically, this rule applies to policies that are required as a result of a lender determining that a loan on a building in a Special Flood Hazard Area that does not have flood insurance coverage should be protected by flood insurance. The only allowable exceptions to the 30-day waiting period are summarized in the bulletin.

Other changes. In **Bulletin W-13016**, FEMA provides notification of broad-based changes that the NFIP will implement effective Oct. 1, 2013, which primarily result from the Biggert-Waters Flood Insurance Reform Act of 2012. It will require modifications to the NFIP Flood Insurance Manual, Policy Forms, Transaction Record Reporting and Processing Plan and the Edit Specifications document. Highlights of the changes include the following: revised premium rates; new reserve fund assessment; exclusion of certain properties from receiving subsidized premium rates; no extension of subsidy to new policies or lapsed policies; increased federal policy fee; updated requirements for new business applications and TRRP Plan; and NFIP form changes.—*PIA National*

Association

Joint Annual Conference to focus on disaster preparedness

The PIANY/PIANJ Joint Annual Conference, **June 9-11, 2013**, at the Trump Taj Mahal, Atlantic City, will offer participants the opportunity to attend the panel discussion: Super Lessons Learned from a Superstorm. The panel will consist of representatives from national and regional carriers, and agents from New York and New Jersey whose companies were hit by Sandy. Glenn Tippy, CPCU, CLU, of GBW Insurance, Flanders, N.J., will moderate the discussion.

The panelists will include: Justin Fries, Garber Atlas Fries & Assoc., Oceanside, N.Y.; Rip Bush, Keer & Heyer Inc., Point Pleasant Beach, N.J.; Richard A. Clements, CIC, CPIA, Clements Insurance Services, Chalmette, La.; Ed Fernandez, president, Plymouth Rock; Lisa Tepper, regional president, Travelers.

Of primary concern is how agents, companies and clients can be better prepared for a future disaster. Participants will highlight lessons that were learned from the impact of Storm Sandy, as well as other major hurricanes such as Katrina and Rita. What has been learned about the NFIP? How can agents and companies change their processes, enhance their disaster planning systems, and/or utilize new technology to better serve their clients after a disaster? How can they better help clients prepare?

Enterprise risk management is critical to be fully prepared for business continuity in the event of a catastrophe. This informative panel discussion is critical for those who want to be able to lead their business and their clients out of danger when the next disaster strikes.

CE opportunities. With seven classes from which to choose, you can find all the continuing-education credits you need. Classes include: *Current Issues in Construction Defects*; *Superstorm Sandy—Commercial Coverage Issues*; *Earthquakes, Hurricanes & Floods, Oh My!*; *CyberTech 2013—Liability Exposures and Coverage*; *Personal and Commercial Lines Q&A*; *Who's Covered by the CGL? Insureds and Additional Insureds*; and *Errors & Omissions Loss Prevention*^{FFUM}. (^{FFUM}—This course has been approved for E&O loss-prevention credit by Utica Mutual and Fireman's Fund. Call the PIA E&O Department for details.)

NJYIP Fun Run. Plan on joining the New Jersey Young Insurance Professionals **Tuesday, June 11, 2013**, at 7 a.m., on the Boardwalk for the 29th annual Fun Run to benefit Special Olympics New Jersey. To date, the Fun Run, together with the PIANJ Golf Classic, has raised more than \$3 million for SONJ. To start a team, join a team or donate, log on to <http://bit.ly/YLjBV9>.

Awards, networking and trade show. On Monday, June 10, 2013, PIANY will honor the recipients of its Distinction of Professionalism awards during the annual recognition banquet. There also will be ample time to network with your fellow insurance professionals during the YIP Nitecap reception, trade show and more.

For more information on the 2013 PIANY/PIANJ Joint Annual Conference, log on to www.pia.org/events/conf/nynj/.—*Czupryna*

PIA survey reveals significant underwriting trends

In the recent PIA Market Trends Survey, more than 400 association members responded to the question: To what extent are underwriting guidelines becoming more strict?

As a result of the recent changes in the market including the result of Superstorm Sandy, more than 37 percent of responses indicated a significant or extreme change in the underwriting approaches to homeowners and commercial property lines of business. In contrast, the survey respondents indicated that personal auto only saw a 14 percent shift in significant or extreme underwriting and commercial liability a 22 percent change.

Full results from the Market Trends Survey will be available in the June edition of *PIA magazine*.—*Pittz*

Worried your carrier's rating slipped overnight?

If you want to stop worrying, sign up for PIA's **Company Rating Tracking Service**.

This unique service, available exclusively to PIA members, automatically sends emails to members when one of your represented carrier's **A.M. Best** rating changes.

To participate, complete the PIA Company Representation Survey that you recently received in the mail or contact PIA's Industry Resource Center by phone at (800) 424-4244 or by email at resourcecenter@pia.org with a listing of the carriers your agency currently represents and we'll get you signed up for the program. Please note: This alert is a product of PIA and is not affiliated with any service provided by A.M. Best.—*Albright*

Upcoming NYAIP Producer Procedures Courses

Get up to speed with PIA's **New York Automobile Insurance Plan** classroom seminars. Every four years, producers certified to place and service business with NYAIP are required to complete a NYAIP Producer Procedures Course.

Our classroom courses provide a full 5 CE credits approved for the BR, PC, PA and C3 licenses. Plan now to keep your NYAIP certification, while earning CE credits toward your next license renewal date. Choose a class near you and complete your NYAIP course in a single half-day.

The next course will be taking place on **Tuesday, April 30, 2013**, at Ramada Adria, Bayside.

To view the entire schedule, or for more information, log on to the PIA **website**, and type **EC10028** in the Google-facilitated search box, or call (800) 424-4244.—*Ringler*

Newtwork at NY-YIP's Spring Bowling Party, May 21

The New York Young Insurance Professionals will host its **Spring Bowling Party Tuesday, May 21, 2013**, at Lucky Strike in Manhattan. Come network with the industry's best and brightest right in the middle of Times Square. Exchange business cards and ideas to further your career with individuals in the state's pre-eminent organization for young insurance professionals.

For more information, or to register for this event, log on to www.nyyip.org and click "Events."—*DerGurahian*

PIANY IRC: Flood insurance—an unforeseen exposure

Most consumers do not realize that having flood insurance is more beneficial to them in a flood disaster than the federal disaster assistance they may receive. Even if a community is declared a disaster, the federal disaster assistance is usually in the form of a loan that must be repaid by the flood victim.

As many of your friends and neighbors are still recovering from Superstorm Sandy's devastation, as an insurance producer it is important for you to learn all you can from these experiences to assist your clients in protecting them from this type of disaster in the future.

PIA offers these QuickSource documents to assist you:

- **QS90018**—"How to" for flood insurance;
- **QS90245**—*Flood damage: are you covered?* (also accessible as a **consumer flier** through PIA's **Agency Marketing Tool Kit**);
- **QS90614**—*Flood insurance frequently asked questions*;
- **QS90526**—*My property is wet, it must be a flood*;
- **QS90554**—*NFIP Community Rating System—what it could mean for your insureds*; and
- **QS90528**—*Recommend flood insurance to every client—key observations*.

The above-noted documents, along with everything you need to know from getting started selling flood insurance, consumer materials, right down to coverage availability and lender compliance are covered in PIA's one-stop Flood Insurance Tool kit available at: www.pia.org/IRC/flood/.—*Albright*

PIANY calendar of events

April

April 30–Bayside

New York Automobile Insurance Plan Producer Procedures Course

NYCE: 5 BR, C3, PA, PC

April 30–Your office

Webinar: The Bare Essentials of Business Income and Extra Expense Insurance

NYCE: 1 BR, C3, PA, PC

May

May 1-4–Buffalo

CIC Agency Management Institute (sold out)

NYCE: 15 BR, C1, C3, LA, LB, LSB, PA, PC

May 2–Newburgh

CPIA 1: Position for Success

NYCE: 7 BR, C1, C3, LA, LB, LSB, PA, PC

May 7–Plattsburgh

CISR PM: Personal Lines Misc.

(Exam required only for those pursuing the CISR designation)

NYCE: 8 BR, C3, PA, PC

May 8–Plainview

CPIA 2: Implement for Success

NYCE: 7 BR, C1, C3, LA, LB, LSB, PA, PC

May 8–Glenmont

CISR PM: Personal Lines Misc.

(Sold out. Exam required only for those pursuing the CISR designation.)

NYCE: 8 BR, C3, PA, PC

To register for an education event, call the Education Department at (800) 424-4244. Or log on to the PIA [website](#), and type **EC10028** in the Google-facilitated search box.