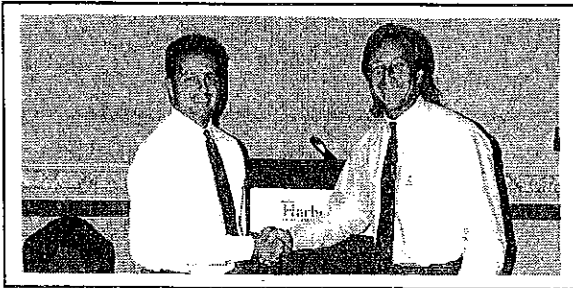


Quarterly Update

VOL. 2

March, 1995



Outgoing F.A.P.I.A., Raymond Allieri, Jr., Congratulates New President, Steven B. Lesser At F.A.P.I.A. Mid-Year Meeting In Ft. Lauderdale

The National Association Of Public Insurance Adjusters

Charles R. "Dick" Tutwiler
C.P.C.L.A.

The National Association Of Public Insurance Adjusters held its mid-year meeting at the Disney Resort Facility in Orlando, on Friday, December 8-12, 1994. This meeting was described by the N.A.P.I.A. administrators as a record turnout from public adjusters throughout the world. In attendance were member firms participated in lively debate and discussions on many topics including continuing education, the psychological aspect of disaster victims as presented by a Ph.D., and an excellent presentation on business interruption coverage issues. Mr. Paul Cordish, Esq., the counsel for N.A.P.I.A., gave a very educational and informative discussion concerning the history, the current state, and prospective issues of interest to public adjusters.

One of the issues raised by Mr. Cordish and discussed in committee meetings concerns the need for continuing educational programs for N.A.P.I.A. members. In a mini-conference with Attorney Chip Merlin, one of the advisors for the Florida Association of Public Insurance Adjusters, it was our opinion that this is an agenda that needs to be pushed strongly by the Florida Association of Public Insurance Adjusters with the new insurance regulators in Tallahassee.

While Florida has continuing education requirements for most professionals, including many within the Insurance Department's preview, unbelievably there are no continuing education requirements for adjusters be it public, independent, or company.

Unequivocally, knowledge and information is empowering and omnipotent. Clearly, a mandatory continuing education program will provide knowledge and information to help everyone in a continuing, changing claim environment which ultimately will only help to benefit the insurance-consuming public.

While I am sure that many insurance companies feel that they provide some in-house training, those of us who have experienced tenure with insurance companies know that this training is often lacking, certainly it is sporadic and has no uniformity in substance and issues. In fact, for many, the only exposure to new issues comes from the Intercom, a quarterly newsletter issued by the Florida Department of Insurance. While this paper certainly is informative and helpful, there are many other sources of information that could be utilized and presented in a structured environment with mandatory attendance.

As timing is everything with a new administration coming into Tallahassee, it would be a great opportunity to place this issue on an agenda now.

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Note From F.A.P.I.A. President

Steven B. Lesser,
F.A.P.I.A. President

It Was good to see new faces at our last meeting in Ft. Lauderdale and I hope this trend continues. Unfortunately, this was matched by an equal amount of no-shows which is contrary to the whole idea of F.A.P.I.A.

You need to attend the seminars so you can find out what's happening, give us new ideas and see who else is out there. I always have a good time and learn something, too.

Besides, I'm not going to give you all the news in these letters, there are going to be things that I don't know about.

So, please come to Tampa on February 23-24th '95 for the mid-year convention.

We are also working on putting together a nomination committee and process to simplify next years election by this meeting.

Doug Grose has some good news about F.A.P.I.A. that we'll share with you in February.

Finally, Senator Gary Siegel, the politician who is the cause of us founding F.A.P.I.A., lost his re-election bid.

See you in Tampa.

Steve Lesser, President

National Association of Public Insurance Adjusters

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Further, we feel that the Florida Association of Public Insurance Adjusters should take the lead in pressing for a continuing education program in Florida for all participants in the casualty / property adjusting field.

In closing, if there are members of the Florida Association of Public Insurance Adjusters or public adjusters in this state who are not now members of the National Association, we would strongly recommend you give some consideration to join this organization. They provide support, continuing education, and a bi-yearly forum to meet with fellow public adjusters throughout the world sharing common experiences and knowledge in a very difficult but challenging profession.

Best wishes for a healthy, happy and prosperous New Year. ■

Ms. Giever's, Thank You For Your Support

Charles R. "Dick" Tutwiler
C.P.C.L.A.

This organization, as well as the National Association of Public Insurance Adjusters would be remiss in not extending a heartfelt thanks to Attorney Karen Gievers for her input and support that she has provided to us in our common goals of providing a level playing field for the insurance-consuming public. When Hurricane "Andrew" struck South Florida in August 1992, Ms. Gievers, then the president of the Dade County Bar Association, stepped into the forefront and provided a liaison and services between the Bar Association and citizens of Dade County who were in need of professional assistance. At a time when controversial issues were raised concerning the role public insurance adjusters were to play in this unprecedented disaster, Ms. Gievers spoke at the mid-year meeting of the National Association of Public Insurance Adjusters. This gesture, I think, will forever endear Ms. Gievers to those who were present at the time of her support.

Ms. Gievers was also very kind and gracious to speak before the Florida Association of Public Insurance Adjusters meeting in Tallahassee at a very busy and hectic period in her campaign efforts for the Florida State Insurance Commissioner's position.

Public insurance adjusting will always be controversial if for no other reason than the fact that the insurance adjusting profession involves attempts to reach agreement on financial matters in very difficult and trying times following a disaster. It takes real courage, vision, and foresight to step above the fray and support organizations of people trying to provide a very good and valuable service for the people of this State.

Finally, for those who actively supported Ms. Gievers, she took the time following the election to personally call and express her thanks and gratitude for the assistance as small as it may have been. Clearly, a class gesture! I am sure that you all share with me our sincere best wishes for her continued success. ■

Appraisal Clause Can Be Invoked After Suit Is Filed

Judy Kahn

According to Preferred Mutual Ins. Co. v. Martinez, 643 So.2d 1101 (Fla. 3rd DCA 1994), once the appraisal clause in a policy is invoked, appraisal becomes a condition precedent to recovery under the insurance policy. This case, however, goes further than other cases in saying that, if a party has done nothing to waive its right to invoke the appraisal clause, that party can move to compel appraisal even after a complaint is filed. The court in Martinez responded by dismissing the lawsuit and entering an order compelling appraisal.

(Look to the February meeting for further discussions of Appraisal and how it may affect your cases). ■

No News Is Good News, But Let's Go

Raymond A. Altieri, Jr., CPPA

Great title for quiet times! Things have been comparatively quiet in relation to recent events. This is obviously good news. This is the time for the organization to solidify its membership and financial positions.

The theme of our last convention was that of looking inward at what we need to do to assure ourselves of growth and strengthening as an association that will be respected by our profession, the insurance industry, our state insurance department, and other professional bodies that are related through daily, weekly, or monthly interaction.

New Officers and Directors have been announced by current president, Steve Lesser. Committees have been named, as well. Some members find themselves on a different committee from last year while others remain in the same role. Whatever the case, we ask for your help.

Committee chairman will have already contacted their respective committee members

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No News Is Good News, But Let's Go

(continued from page 2)

In an article in Newsweek Magazine, October 3, 1994, Florida was listed as one of the nine states where a new and powerful fifth column of consumer aware insurance commissioners are taking up such issues as how to speed up reimbursement to property holders when their insurance companies fail; how to make better judgement about whether rate increases are justified. The article, entitled "The Regulators Boogie, Insurance Commissioners Can't Break Free of Industries They Oversee" gives a history of the National Association of Insurance commissioners.

After 20 months and \$65 million in renovation and repairs, the Vista International Hotel at the World Trade Center in New York City has re-opened. The 820 room hotel was significantly damaged in the bomb blast of February 26, 1993, which killed 6 people and injured hundreds. The Port Authority of New York which owned the Vista had originally predicted the hotel would re-open in 6 weeks following the blast.

What is bad news for many condominium associations, the JUA will no longer be allowed to offer insurance to condominium associations requiring these associations to secure coverage in the private market at what is expected to be a very expensive proposition over current rates now within the JUA.

Single premium homeowners insurance, a good deal? A new policy is being offered, called a perpetual homeowners policy, in which you pay the insurance company a lump sum amount and you get every penny of this money back when you cancel the policy even if a claim has been made. An example offered is for a one-time payment of \$4,000, the insurance company will provide the coverage for as long as you require, and when the policy is cancelled or non-renewed, the money is returned. This versus the standard method in which a company bills a premium every year. This type of policy currently is not available in Florida, but one carrier has stated their intent to start offering this product in this market within the year.

A \$100 million dollar fire claim is to be paid by Allendale Mutual Insurance Company of Johnston, Rhode Island, after it withdrew its arson accusation against a French firm, Cie De Machines Bull. The insurance company still believes the fire was set and the settlement gives it the right to get its money back if it can prove who set the fire. The fire was in Seclin in Northern France.

to initiate duties and goals for their committee. Interaction of committee members is vital to goals being accomplished. This is OUR organization and unless there is a WE approach, there will be no accomplishments to speak of. No accomplishments translates into no progress and the eventual disintegration of the association. This will then leave our profession to scramble in a fragmented way the next time a solitary voice in Tallahassee will be required.

Shouldn't we be using this time to discuss such issues as:

- How do we want the Insurance Department to respond to out of state public adjusters trying to work in Florida in the next catastrophe?
- Is it wise to develop and nurture a relationship with the managers of the State's Insurance Complaint Division that will allow us to gain real help in a timely manner for our clients when adjusters decide to deal unfairly or outside of the States prescribed laws?
- Should we actively pursue a relationship with the Florida Bar and Trial Lawyers Associations, as well as other similar collateral organizations?

These goals require aggressive, organized and progressive members giving of themselves. We should begin to reach out to these and other such organizations in a proactive manner to institute a formal networking system with organizations that can help us.

While I realize this is a challenge for our new president and president-elect to get us moving towards these goals, I stand ready to assist them in the implementation of all issues adopted or to be adopted and approved by the membership. I ask all members to pledge the same commitment, otherwise, stagnation will certainly do us in.

•BULLETINS•

Winter Meeting F.A.P.I.A.

Where: Wyndham Harbour Island Hotel, Tampa, FL

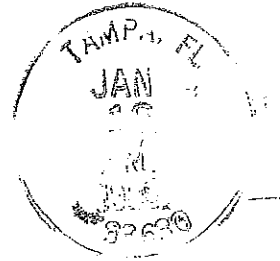
When: February 23 and 24, 1995

Reception: 7:00PM, Thursday, February 23, 1995

Contact: Mr. Dale McCrory, Committee Chairman-
1-800-647-2236, or contact hotel directly
for special F.A.P.I.A. room rate-1-813-229-
5000- Victor Mutillo, Director of Catering

Quarterly Update

Jr., CPPA Raymond Altieri
F.A.P.I.A.
2803 W. Busch Boulevard
Suite 200
Tampa, FL 33618



F.A.P.I.A. Winter Convention Information Inside!

MEMBERSHIP APPLICATION

Name _____ Phone () _____

Address _____ Fax () _____

Are You A Licensed Public Adjuster In The State Of Florida? _____ Since When? _____

Are You Interested In Joining A Committee? _____

Please Return To:

F.A.P.I.A. c/o Raymond Altieri
2803 W. Busch Boulevard
Suite 200 Tampa, FL 33618

