

THE QUEENS HERALD

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EDITOR'S NOTE

As we continue to age, a number of changes occur in our bodies. One of these changes that may occur is a change in our hearing. Because of the loud noise and loud music that our ears have been exposed, our hearing may have been damaged. Our health article addresses hearing loss and what is available to assist in hearing better.

If you have young children or grandchildren, we know that we have to diligently "child proof" the home so that the "young ins" who seem to get into everything do not hurt themselves inadvertently. There are obvious areas that we try to secure such as medicine cabinets and areas where bleach etc. is stored. This month's article regarding hidden home risk to children may further enlighten you about additional areas that may be dangerous to children that you didn't think of.

In our industry, the last thing that an agency wants is an E&O claim. Our insurance article for this month emphasizes the importance of documentation to avoid the dreaded E&O claim. To quote part of the article, "If it's not in the file, it didn't happen."

Lastly, I had an opportunity to bake the best ever banana cake (yes, I do know how to cook) and I urge the reader if they enjoy baking that they try this recipe. It's delicious.

"MUCHO LOVE"

The Editor

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IS DOCUMENTATION IMPORTANT?

PIA—March 2015 NEW YORK
CURTIS M. PERSALL, CPCU, CPIA, AU, ARM AIAF

Documentation is one of the most important elements of a quality E&O culture and commitment within an agency. However, for an agency staff member to state that he or she documented the conversation in the file may not be good enough. What does the documentation say? What story does it tell? A number of components are essential for documentation to possess its true value such as the following:

DOCUMENT PROMPTLY

This does not mean when the person has a minute to spare or at the end of the day. Ideally, it means as soon as the conversation has concluded. For those who can multitask, documenting the discussion while you are having it is great as it enables you to note the various items/topics discussed accurately.

DOCUMENT DETAILS

The documentation should include details such as with whom you spoke, what was discussed, whether there are open items and who has what responsibilities moving forward.

DOCUMENT PROFICIENTLY

The documentation should be professional. This may fall into the common-sense category, but there is the possibility that the discussion was emotional in some manner. The agency staff member should be careful to ensure the documentation does not reflect their emotion. The saying, “don’t put anything in the file that you wouldn’t want a jury to read” comes to mind. For example, the following statements recovered from actual files did not help the agency’s defense. “I’m sorry I could not get back to you sooner.” and “I’ve been too busy.”

DOCUMENT THE PROCESS

The documentation should tell a story. If the customer calls back and the initial staff member is not available, the staffer helping the customer will be able to read the documentation, know what was discussed and determine the next steps.

DOCUMENT ALL COMMUNICATION

The file should reflect some form of written communication (e.g. email, letter, etc.) that memorializes the conversation. When a person documents a conversation, he or she is documenting his or her version of it. Is it possible there was misunderstanding or that the customer didn’t provide the information he or she thought? This does happen, so documenting the details of the conversation back to the customer is a solid E&O loss-prevention tool. The goal is to make the customer accountable for his or her insurance decisions.

DOCUMENTATION IS CRITICAL

If agencies followed these straightforward concepts, there would be fewer E&O claims and a greater percentage of E&O claims that did develop would be closed for no pay. Unfortunately, this does not always occur and, invariably, the most important document in the E&O matter is the one that is not in the file. It involves those declinations/deletions of coverage and explanations or answers to various insurance related questions.

It is amazing how at the time of an E&O claim, one of the parties (typically the insurance professional) will be adamant that he or she had a conversation with the customer and can almost recite chapter-and-verse details of that conversation. Ironically, the other party (the customer) will have a different version of that conversation or actually may allege that he or she does not even remember the discussion ever happening. Therefore, is it to be assumed that this will happen and that everyone will happen and that everyone will have a different story?

Perhaps. This shows the value of good quality documentation. Imagine an E&O claim has occurred and you are asked to produce various documents as is typically the case. As the agency/customer service representative on the file, you produce records of detailed conversations which the customer. Let's presume that your customer, who will be asked to produce his or her various documents, is nothing.

Who do you think will have more credibility in the eyes of the court? Showing solid track record of providing consistent quality documentation certainly will enhance your credibility.

Now take the opposing perspective. As the agency staff member, you comment that you remember the exact conversation you had with your customer. However, when you are asked to produce details of those conversations, you have nothing. A common phrase used by attorneys in E&O matters is, "If it's not in the file, it didn't happen." Your memory of those conversations will not carry the same weight as the necessary detailed documentation.

A number of E&O claims are determined by documentation. In fact, many E&O carriers state year after year that they close two out of every three E&O claims for no payment. That impressive statistic speaks to the quality of the defense counsel; the agencies the carrier insures; and the agencies strong commitment to solid E&O loss prevention.

Unfortunately, a significant number of E&O claims have lacked documentation causing the agency to be responsible for the damages when it probably should not have been. In some of these cases, the CSR stated he or she was just too busy to do the proper job of documentation.

Imagine being on a jury and hearing that statement.

Clearly, good quality documentation is important. As Aristotle one stated, "Excellence is an art won by training and habituation. We are what we repeatedly do. Excellence, then, is not an act but a habit." Sounds like a pretty smart man.

The logo for PRYOR, featuring the word "PRYOR" in a bold, red, sans-serif font with a black outline. The text is positioned on a black diagonal bar that runs from the top-left towards the bottom-right.

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A large, semi-transparent globe is centered in the background of the page. The globe shows the outlines of continents and a grid of latitude and longitude lines. The background is a dark gray color.

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HOW TO HEAR A WHOLE LOT BETTER

Consumer Reports on Health

March 2014

If you're older than 45, there's about a one in five chance you suffer from some amount of hearing loss—and that rate climbs steadily as you age. Almost one-third of people ages 65 to 74 report difficulty hearing, and the number rises to about half at 75, according to the national Institute on Deafness and Other Communication Disorders. Hearing loss can wreak havoc with your social life causing you to avoid activities such as going to restaurants or parties that require you to hear and converse amid other noise. It can also increase your risk of falls, possibly by making you less aware of your surroundings and impairing balance, and it can make driving dangerous. A recent study at Johns Hopkins University even linked untreated hearing loss to a higher risk of developing dementia.

WHAT CAUSES HEARING LOSS

Most cases of hearing loss in adults stem from damage to the inner ear, where tiny hair cells turn sound vibrations into impulses that nerve cells then carry to the brain. The most common causes of that damage are aging and chronic exposure to loud noises—think rock concerts, sports events, and lawn mowers. A family history of severe hearing loss could signal that you're at increased risk. So does being male.

A second, easier-to-treat type of hearing loss originates in the middle or outer ear and stems from reversible problems such as impacted earwax, fluid buildup from an infection or the use of certain medications. Older adults often have a mix of both types of loss.

If you're experiencing signs of hearing loss, first see a board-certified otolaryngologist—an ear, nose, and throat physician who will check for impacted earwax and other reversible causes. If none are found, the doctor will probably refer you to an audiologist, a professional who specializes in testing and treating hearing problems.

THE NEW HEARING HELPERS

Once hair cells in the inner ear are dead, there's no bringing them back to life. But hearing aids and other devices can dramatically improve your ability to hear and carry on a normal life. We scanned the marketplace and consulted hearing experts to help you determine which are worth considering.

Digital hearing aids. Unlike older hearing aids, which amplified the volume on everything (including background noise), today's digital models have microphones that transmit sound to a computer chip, which moderates the volume and amplifies the frequencies needed to help improve your hearing. They can be programmed to filter out wind and other background noises, and some can sync up wirelessly with Bluetooth to your smart phone, enabling you to hear calls through the hearing aid and to use your phone to adjust the aid's setting. Some accessories also allow you to stream audio from your MP3 player, laptop, or TV right to your hearing aid.

Another boon for people with hearing aids is a technology called the hearing loop. It provides a magnetic signal that's picked up by a tiny coiled wire in the hearing aid, which transmits the sound into the wearer's ear. It's available in some sports and concert venues.

Smaller size in aids is another innovation. You can find aids that fit in the ear canal and are barely visible—through you may give up some features and power.

How to choose: Depending on the sophistication of the device and where you get fitted, expect to pay \$1,000 to \$6,000 for a pair of custom-fitted hearing aids. Medicare and most private insurers don't cover hearing aids, but check your health plan. Veterans may be eligible to get free hearing aids at their local Veterans Affairs facility.

Personal sound amplifiers (PSAPs): These over-the-counter products generally have fewer features and less functionality than hearing aids, although some of the technology may be similar. They're sold online and at some mass retailers and can be a lower-cost solution for people with mild hearing loss who aren't ready to spring for a prescription hearing aid, according to Barbara E. Weinstein, PhD, professor of audiology at the City University of New York. The Food and Drug Administration cautions that PSAPs aren't designed for people with hearing loss, but rather for people who want to amplify certain sounds and they aren't subject to the same safety and effectiveness standards that hearing aids are. So consult an audiologist first if you're considering one.

How to choose: Options range from behind-the-ear models (about \$25 to \$500) to in-ear models such as The Bean (\$375 and more), which claims to amplify hard-to-hear sounds, including soft voices while lowering the volume on loud noises. Ask your audiologist which type might make sense for you.

Assistive Listening devices. If you need just a little help with hearing there are a number of low-cost listening devices to aid you. They include apps that let you amplify sound with your smart phone and ear buds and portable wireless devices that let you listen to your TV and other audio devices with earphones. You can also find amplified, flashing or vibrating versions of basic household items such as telephones, alarm clocks, and doorbells.

How to choose: You can buy listening aids for smart phones and other electronics at many websites. Prices range from about \$80 to \$900. Amplified or flashing household items cost about \$40 to \$300.

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- **Liquor Liability** limits available up to \$1,000,000/\$2,000,000
- **Property Limits** available up to \$1,500,000

Claims Examples

Property: While cooking French fries in the deep fat fryer, an employee decided to take a break. The grease overflowed from the fryer and quickly ignited in the flammable environment of the kitchen. The fire caused \$27,000 in building damage and \$9,500 in business personal property damage. In order to repair the damage, the fast food restaurant had to shut down for a month, causing a \$14,000 loss in income and \$10,000 extra expenses.

General Liability: A customer of the fast food restaurant went to use the restroom, which had recently been cleaned by an employee. The tile floor area outside of the restroom was still wet and the customer slipped and fell, breaking their arm. The customer filed a lawsuit against the fast food restaurant for pain and suffering, medical bills, and rehabilitation expenses.

Liquor Liability: A 19-year-old minor entered the restaurant with an older woman. The waitress did not check the identification of the minor and served them both alcoholic beverages. The minor was later involved in a motor vehicle accident, seriously injuring a man in an oncoming vehicle. The injured man sued the store for knowingly selling alcohol to a minor and was paid \$200,000 in damages

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HOME SAFETY: HIDDEN RISKS TO CHILDREN

US News & World Report

Angela Haupt

April 9, 2012

The child left his mother's sight for mere minutes. Yet that was enough time for 21-month-old Ollie Hebb to fall into the top-loading washing machine and become submerged in a full tub. The Utah boy died a day later, after suffering severe brain damage.

Between 2005 and 2009, two children under the age of five died as a result of laundry room accidents, according to the Consumer Product Safety Commission. Washing machine-related injuries are more common than death, says Scott Wolfson, director of public affairs for the CPSC. Aside from drowning, children may suffer burns from hot water in the machine or injuries to their limbs if they come into contact with a rapidly spinning basin. "Kids are curious. We have to be very vigilant about our children, and really live in the moment and be present when we're supervising them." Says Kate Carr, president of Safe Kids Worldwide, which aims to prevent unintentional childhood injuries.

WASHING MACHINES AREN'T THE ONLY HIDDEN DANGERS LURKING IN HOMES. HERE ARE 5 OTHERS TO BE CAUTIOUS OF:

Standing water:

Drowning concern extend beyond swimming pools. Any type of standing water—even if it's just an inch deep—can harm a child. "The bathroom is the riskiest room in the house," says Gary Gardner, chair of the American Academy of Pediatrics' council on injury violence, and poison prevention. Children lean over and look into the toilet or bathtub, they trip, and they fall in. "Keep young children out of the bathroom unless they're being closely watched, and teach others in the home to keep the bathroom door closed at all times. Ice chest with melted ice water buckets or pails, and whirlpools also pose risk. Empty all buckets, pails, and bathtubs completely after use; never leave them filled or unattended. And adjust the water heater thermostat so that the hottest temperature at the faucet is 120 degrees Fahrenheit, to help avoid burns.

Televisions:

Between 2000 and 2010, nearly 170 children ages 8 and younger were fatally crushed by falling TVs, the CPSC reports. One child, for example, bumped a 100-pound TV that was placed on an aquarium stand. When it fell, it crushed his skull. The best preventative step? Using adequately-sized study stands and shelves to support TV's. They should not be placed on stands that have drawers, since kids could use them for steps to climb to the top, and parents shouldn't put remote controls, toys, or anything else atop TV sets. "We're seeing a mini-epidemic." Gardner says. "If a TV is heavy and sitting on a small stand, and a kid climbs up on it, he's going to pull it right over."

Button batteries:

These high-powered lithium batteries no bigger than a nickel are used to power small electronic devices, including remote controls, watches, musical greeting cards, and ornaments. When accidentally swallowed, they can get stuck in the esophagus and generate an electrical current that causes severe chemical burns and tissue damage. "The window of opportunity for getting it out before it causes irreparable damage is two hours," Gardner says. If you're even remotely concerned that your child has ingested one of the batteries, head to the emergency room immediately.

Treadmills:

In 2009, Mike Tyson's 4-year-old daughter was strangled to death by a dangling treadmill cord. And it wasn't an isolated accident. More than 25,000 children under age 14 are injured each year by exercise equipment, including stationary bikes, treadmills, and stair climbers. Treadmill injuries are typically caused by the moving parts (like the running deck and belt), hard edges, and programmed speeds. Some precautionary steps: When a treadmill isn't in use, unplug it and lock it up, or even surround it with a safety gate. Remove the safety clip that's tied around the handrail. Keep kids away from the machine whenever its in use.

Coffee:

Be wary of where you set down that morning cup of Joe. A child could accidentally tip it over. Burns, especially scalds from hot water and other liquids, are some of the most common childhood accidents. "Kids are not small adults. Because they're growing, their skin is more fragile," Carr says. "And their body surface is much smaller, so a little bit of coffee goes a long way."

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Recipes

FRUIT MEDLEY SALAD

INGREDIENTS:

2 bunches (1 lb.) fresh spinach
1 pkg. (8 oz.) fruit medley
4 slices fresh pineapple in chunks or 1 can (8 oz.) pineapple chunks drained.

2 melon wedges in chunks
½ cup chopped nuts, optional

Dressing

1/3 cup orange juice or pineapple juice
2 Tbsp. water
Dash salt

1/3 cup salad oil
Dash white pepper
Dash dry mustard of 1 ½ tsp. prepared mustard

PREPARATION:

1. Wash spinach well, stem and drain. Chill until ready to use.
2. Measure ingredients for dressing in a small bowl. Whisk until well blended.
3. Place spinach in large salad bowl. Top with pineapple and melon chunks.
4. Pour on the dressing. Sprinkle fruit medley and nuts, if used, over the top. Toss salad gently before serving.

Fruit medley is a combination of chopped dried fruit, such as apricots, plums, raisins, peaches and coconut

Serves 4. To serve 8 double ingredients.

BEST EVER BANANA CAKE

INGREDIENTS: (9 inch cake)

¾ cup butter or margarine
2 eggs
1 cup mashed ripe bananas
1 tsp. baking soda
2 Tbsp. cold water

2 cups brown sugar, packed
1 tsp. vanilla
2 cups all-purpose flour
1/4 tsp. salt
3 squares (3 oz.) unsweetened chocolate, melted and cooled

Chocolate Banana Frosting

Melt and cool 3 squares (3 oz.) unsweetened chocolate. Cream together ¼ cup butter and 2 cups powdered sugar. Stir in 1/3 cup (1 medium) mashed banana. Add ½ tsp. vanilla and 1 to 2 Tbsp. milk or enough to make frosting of spreading consistency

PREPARATION:

1. Cream butter and brown sugar until well blended.
2. Beat in eggs, vanilla and banana. Then add chocolate and beat well
3. Mix flour, baking soda and salt. Add in mixture with the butter
4. Mix well, then turn into 2 greased and lightly floured 9-inch layer cake pans
5. Make at 350 degrees F for 30 to 35 minutes or until pick inserted in center comes out clean.
6. Let stand on wire rack for about 5 minutes. Then turn out on racks, turn right sides up and cool.
7. Put layers together. Spread top and sides of cake with frosting. Garnish with sliced bananas and almonds, if desired.

Recipes

ITALIAN HERBED TUNA

INGREDIENTS:

2 tablespoons no-salt added Italian seasoning, crushed	1 teaspoon garlic powder
½ teaspoon onion powder	Dash of black powder
2 (4-oz) tuna steaks about ½ inch thick	1 tablespoon imported olive oil

PREPARATION:

1. In a small bowl combine Italian seasoning, garlic powder, onion powder and pepper to taste. Rinse tuna, pat dry with paper towels. Rub seasoning mixture on both sides of the tuna steak.
2. In a large skillet, heat oil over medium-high heat. Add tuna, cook 2 to 3 minutes or to desired doneness. Transfer to a platter, and serve

VEGETABLE TERRINE

INGREDIENTS:

1 small cabbage, about one lb.	2 pkgs, (10 oz. ea.) frozen chopped spinach
2 medium onions, chopped	2 Tbsp. butter or margarine
4 eggs, beaten	1 cup half-and-half
1 tsp. Dijon-style mustard	1 tsp. salt
½ tsp. black pepper	Sprinkle of nutmeg

Tomato Sauce

Sauté ½ cup minced onion, 1 tsp. minced or pressed garlic in 2 Tbsp. heated olive oil until softened. Stir in 1 can (16 oz.) diced tomatoes in puree. 1 tsp. sugar and ½ tsp. dried thyme leaves. Cover and simmer 10 minutes. Slowly stir in ½ cup whipping cream, if desired.

PREPARATION:

1. Quarter and core cabbage. Boil in 3 quarts boiling salted water for 25 minutes. Chop cabbage coarsely.
2. Meantime boil spinach in small amount of water until thawed and loose. Drain. Cool or rinse with cold water. Squeeze out excess water.
3. Sauté onions in heated butter until golden. Stir in cabbage and spinach. Combine eggs half-and-half, mustard and seasonings. Stir into vegetables until well combined.
4. Butter a 9-by-5 inch leaf pan and line with waxed paper. Turn mixture into pan. Cover with waxed paper
5. Place pan in another pan. Pour in water to depth of 2 or 3 inches. Bake at 375 degrees F for one hour.
6. Remove pan from oven, Run a knife around edges. Cool about 10 minutes. Unmold onto serving platter. Serve plain or with Tomato Sauce

SMILES

INFORMATION ON AN INSURANCE CLAIM

This one needs an introduction, so you won't be lost at the beginning. This man was in an accident (work accident, not car accident), so he filled out an insurance claim. The insurance company contacted him and asked for more information. This was his response:

“I am writing in response to your request for additional information, for block number 3 of the accident reporting form. I put “poor planning” as the cause of my accident. You said in your letter that I should explain more fully and I trust the following detail will be sufficient.

I am an amateur radio operator and on the day of the accident, I was working alone on the top section of my new 80 foot tower. When I had completed my work, I discovered that I had over the course of several trips up the tower, brought up about 300 pounds of tools and spare hardware. Rather than carry the now un-needed tools and material down by hand, I decided to lower the items down in a small barrel by using the pulley attached to the gin pole at the top of the tower. Securing the rope at ground level, I went to the top of the tower and loaded the tools and material into the barrel. Then I went back to the ground and untied the rope, holding it tightly to ensure a slow descent of the 300 pounds of tools.

You will note in block number 11 of the accident reporting form that I weigh only 155 pounds. Due to my surprise of being jerked off the ground so suddenly, I lost my presence of mind and forgot to let go of the rope. Needless to say, I proceeded at a rather rapid rate of speed up the side of the tower. In the vicinity of the 40 foot level, I met the barrel coming down. This explains my fractured skull and broken collarbone. Slowed only slightly, I continued my rapid ascent, not stopping until the fingers of my right hand were two knuckles deep into the pulley. Fortunately, by this time, I had regained my presence of mind and was able to hold onto the rope in spite of my pain. At approximately the same time, however, the barrel of tools hit the ground and the bottom fell out of the barrel.

“Devoid of the weight of the tools, the barrel now weight approximately 20 pounds. I refer you again to my weight in block number 11. As you might imagine, I began a rapid descent down the side of the tower. In the vicinity of the 40 foot level, I met the barrel coming up. This accounts for the two fractured ankles, and the lacerations of my legs and lower body. The encounter with the barrel slowed me enough to lessen my injuries when I fell onto the pile of tools and, fortunately, only three vertebrae were cracked. I am sorry to report, however, that as I lay there on the tools, in pain, unable to stand and watching the empty barrel 80 feet above me, I again lost my presence of mind. I let go of the rope...”

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