



GOTCHA Covered....

Volume 18 Issue 5

January 5, 2008

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CPIW
DAE

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WEB-SITE

www.ipsv.net

Inside this issue:

Legislation	2
Education	3
Safety	6
Program & Menu	5
Membership	3
Misc	5

Presidents Message....Gail Bradley, AAI, CPIW, DAE

I hope you all had a Merry Christmas and a Happy New Year and may the upcoming year bring only good things to all of you.

I want to thank everyone who braved the snow to help at the Soup Kitchen - and I was not one who could brave the snow! I hear that the event was again a huge success and we volunteered to help again next year!

As we begin our new year remember the theme for the year - IPSV Visions. Please share your ideas and your thoughts about what you want our organization to do for you.

Vince Phillips will be presenting our 1 hour CE class on the 14th - ONE WEEK EARLIER than usual. Dinner will be promptly at 6PM so that class can begin by 6:30. Guests are welcome at a cost of \$20 which includes the meal. IPSV member cost for the CE class is \$4.50 plus the meal cost of \$14.

Regional conference registrations will be arriving soon. If you have never experienced a Regional conference you don't know what you are missing. Your NAIW enthusiasm will be renewed 10 times over! The people you meet and the contacts and knowledge that you gain are priceless. We share expenses

as much as possible so please try and join us in Niagra Falls in March.

The Chinese Auction at the December meeting was a great success and we will present the check to a representative of the Women's Center at our February meeting.

Keep up the hard work and again HAPPY NEW YEAR to all.

Words to Live By....

" The really lucky people do not necessarily have the best of everything. They are the ones who make the most of whatever life throws at them"



Secretary Minutes....Patsy Lachat, AAI, CPIW

Association Monthly Meeting December 17, 2008

The regular monthly meeting and Christmas party of the Insurance Professionals of Susquehanna Valley was held at the Pine Barn Inn in Danville on 12/17/2008. The meeting was called to order at 6:15pm by president, Gail Bradley. Gail welcomed our guest, Jean MacDermott and Donna read a beautiful poem by Maya Angelou.

Members in attendance: Gail Bradley, Jeannie Upright, Barbara Kressler, Donna Coombs, Patsy Lachat, Pam Stetler, Charlotte Stetler, and Brenda Weaver.

The secretary's report of the November meeting, as printed in the newsletter, was reviewed and accepted. There was no treasurer's report as only one check was written. It will be combined with the January report.

Business meeting: Donna, Membership chair, advised that Jeff Dugan, the local representative for Safelite-Diamond Glass is our new website sponsor. There were no reports for Education, Safety, Legislative or Sunshine.

Old Business: Pam emailed everyone their assignments for the Soup Kitchen and asked that all be there at 9:00am on Saturday, 12/20. We will begin serving at

Minutes.... continued from page 1

11:00am and Santa would be there at noon to hand out gifts. Everyone was reminded to bring cookies.

New Business: Gail reminded everyone to bring her Christmas cards for St. Jude's.

Correspondence – Patsy read a Thank you letter from The Women's Center, Inc, for our donations.

The January meeting will be a 1 hour CE class with Vince Phillips on 1/14/09. The cost for the class is \$4.50. If you invite a guest, their cost would be \$20.00 and will include dinner. Please be there on time as the class will start at 6:30 sharp.

The Women's center will be at our February meeting so we can give them the proceeds from our auction.

After dinner, Brenda was our auctioneer for our Charity Auction. We raised \$310.00 for the Women's Center! Thank you Brenda and everyone in attendance!

After all present participated in For the Good of the Cause and member visions, and there being no more business to discuss, the meeting was adjourned by President Gail Bradley at 8:30pm.

Respectfully submitted,
Patsy Lachat, Secretary

Legislative....Patsy Lachat, AAI, CPIW

According to the Pennsylvania Action Center, which is part of the American Cancer Network, two very important laws were passed in 2008. The first was Colon Cancer Screening Coverage, which Governor Edward Rendell signed on 7/9/08, and it took effect 60 days from that date. While the bill contains two exemptions, it will result in increased coverage for colon cancer screenings in PA. Increased screening use and screening coverage means that fewer people will require treatment or die from colon cancer in the Commonwealth. The American Cancer Society thanks all the volunteers and all who took the time to write, call and email their congressmen.

The second law was the smoke free legislation that passed and took effect September 11, 2008. The passing of this law was a huge victory for the health of Pennsylvanians and was due to the legislative alerts, calls, visits, contacts and rallies that citizens like you and I took part in. The website states that PA grassroots volunteers are the BEST! As I have said before, the squeaky wheel gets the oil.

When the congress reconvenes in January, the following are listed under the Federal Action Center – so please contact your legislature on any and all:

1. US: Help Fight for Better Cancer Pain Care – ask for support of the National Pain Care Policy Act.
 2. US: More Funding for Cancer Research in the Economic Stimulus – ask for support for the National Institutes of Health
- US: Urge Congress to Fund Mammograms for Women in Need – send a message to support the Breast and Cervical Cancer Program

On another note, an article in our local paper asks that we contact our local congressmen to keep their guard up against I-80 tolls. According to US Rep. John Peterson, Act 44 could be revived as some state Senate and House leaders plan to resubmit the tolling application when President Barack Obama takes office in January. Administrations change and the new highway secretary may have a different view.

Finally, according to the Associated Press, PA Agriculture Secretary Dennis Wolff (yes, our guest speaker last year) has expressed an interest in the agriculture department's top job in the Obama administration. Wouldn't it be great to have a "hometown" person in the Obama cabinet?

Membership....Donna Coombs, LUTCF, AAI, CPIW

Another year has come and gone, and look what we've accomplished! Our Chinese auction to benefit the Women's Center was a big success, bringing in over \$300. The Jubilee Soup Kitchen was another resounding success – and many thanks to our organizers, Pam & Brenda who organized the gift giving, Jeannie & Patsy who organized the food preparation, Char who played the piano beautifully and made the carol sing a pleasant experience, and all of our volunteer food servers who doubled as the clean up crew. An especially big thank you to Christina Bowman, Barb's co-worker, who liked working with us so much that she's going to join our group. Now that's synergy! Combining public relations with

membership in a group effort – Way to go, Barb!

Please remember to bring a cleaning supply, feminine product, or paper product to our regular meeting for our adopted charity, the Women's Center. Brenda will be collecting them on my behalf at the January meeting and will drop them off at the shelter. Kathlene Russell, the director or Zabrina Ashton, the deputy director of the Women's Center will be coming to our February meeting to accept the donation of the proceeds of our Chinese auction.

Best wishes for a happy and healthy 2009!

Education....Dee Musgrave, CISR, CPIW

Pa Property damage, faulty workmanship and the subcontractor Taken from the IA&B Website

The Commercial General Liability (CGL) policy excludes property damage to the insured's work arising out of the work or any part of it under the products-completed operation hazard. However, the exclusion does not apply if the damaged work or the work out of which the damage arises was performed by a subcontractor.

But, are you familiar with the case of Kvaerner Metals Division of Kvaerner U.S. Inc. v. Commercial Union Insurance Company?

Kvaerner Metals contracted with Bethlehem Steel to construct a coke oven battery according to plans and specifications supplied by Bethlehem Steel. The contract stipulated that the materials, equipment and work would be free of any defects, and that Kvaerner Metals would repair and replace any defective work or materials.

Bethlehem Steel filed a complaint against Kvaerner Metals and its subcontractor, TSOA, to recover damages they sustained because the battery was damaged and did not meet contract specifications.

Upon receipt of the suit, Kvaerner Metals notified Commercial Union, Its CGL insurer, and requested defense and indemnity under their policy. Commercial Union denied coverage on the basis that the claim did not constitute "property damage" arising out of an "occurrence" and that the damages were excluded under the Property Damage, Damage To Your Product and/or Damage To Your Work exclusions.

Continued on Page 6

Safety.... Jeannie Upright

Winter Driving Tips:

Check your battery

Switch to snow tires or all season tires. Make sure your tires don't have damage or worn tread. Maintain equal recommended air pressure.

Check your brakes

Adjust your speed to the road conditions. At 20mph it can take four times the distance to stop on packed snow as on dry pavement and eight times the distance on ice. If you go into a skid, don't over steer or hit the brakes. Immediately steer in the direction that the rear end is sliding until you "feel" the recovery. At that point, straighten wheels and continue.

If you get stuck in the snow: turn wheels side to side to clear snow away from tires. Then with a light foot on the gas, try to ease forward gradually. Gentle rocking may help, but could damage your transmission. Spinning your wheels in the snow will only get you in deeper. If you are stuck, keep snow away from your exhaust pipe while the vehicle is running to prevent carbon monoxide from entering.

Safety equipment in your car for winter driving: *ice scraper & snow brush

*booster cables

*short handled shovel

*warm blanket

*bag of sand, rock salt or cat

litter

*flares or reflectors

*traction mat (burlap or carpet)

Tips from the National Safety Council

National Association of
Women, International
6528 E. 101st St.
Suite D-1 PMB #750
Tulsa, OK 74133
Toll Free: 800-766-6249
Fax: 918-743-1968
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We are on the web
www.insp.net

State Council on the Web
www.naiw-pa.com



Charity Up Date

The following are items that are desperately needed, please include these in your weekly shopping list and bring to our monthly meetings.

- Feminine products
- Toiletries – soap, shampoo, toothpaste, etc
- Cleaning supplies such as cleansers, Lysol based products (germ control)
- Antibacterial wet wipes
- Laundry detergent
- Garbage bags
- Fresh fruits and/or vegetables

Donna will be happy to collect at our meetings & drop off at the center, next day.

THANK YOU FOR ALL THE ITEMS THAT HAVE BEEN BROUGHT IN, KEEP IT COMING!

Upcoming Events....

Association Meeting	January 14, 2009
Association Meeting	February 18, 2009
Association Meeting	March 18, 2009
Regional Conference	March 22-25, 2009 Niagara Falls, NY
National Conference	May 27-31, 2009 New Orleans, LA

Program & Menu....

January 14th dinner meeting to be held at Portabella Catering with dinner being served promptly at 6:00 PM.

Please e-mail Jeannie at ottiss98@yahoo.com to make your reservations by January 12th. Last minute adds are ok. If you need to cancel your reservation the day of please call Jeannie at 570-326-2343.

Birthdays....

January - 1/13 Brenda Weaver
1/30 Kathryn Caputo

Reminder....

- **Code your cell phone with your emergency contact labeled ICE, In Case of Emergency**
- **Be sure to check out our web site often, as well as the PA State Council web site and the National web site. Addresses on page 4**
- **Bring in your card fronts to send to St. Jude's Children's Hospital**
- **Save those aluminum soda and beer, etc., tabs for the Ronald McDonald House**

Education... Continued from Page 3

Commercial Union asked for a declaratory judgment on their behalf. The trial court dismissed the case because there had been no “occurrence” as required under the CGL policy to trigger coverage.

The case was appealed and Kvaerner Metals argued that the battery was damaged by an accident because there was longitudinal movement of the roof due to heavy rains and the bricks in the battery’s roof were grouted too early, Kvaerner Metals also argued that products-completed operations coverage included damages to the completed work product performed by a subcontractor.

The Pa Superior Court reversed the trial court, ruling that there was coverage because the heavy rains that damaged the oven constituted an “occurrence” under Kvaerner’s CGL policy.

Bethlehem Steel appealed the Superior Court’s decision to the PA Supreme Court. The court held that an insurer’s duty to defend and indemnify must be determined solely from the language of the complaint and the language of the applicable policies. The court also concluded that it was improper to consider expert reports that the heavy rains may have caused the damage.

The definition of “accident” required to establish an “occurrence” under the policies cannot be satisfied by claims based upon faulty workmanship. Such claims simply do not present the degree of fortuity contemplated by the ordinary definition of “accident” or its common judicial construction in this context. To hold otherwise would be to convert a policy for insurance into a performance bond. We are unwilling to do so, especially since such protections are already readily available for the protection of contractors)referring to the Builders Risk and Professional Liability policies.

The court concluded that the complaint alleged property damage from faulty work to the insured’s own work product. Therefore, the PA Supreme Court held that Commercial Union had no duty to defend or indemnify Kvaerner Metals for the complaint filed against the by Bethlehem Steel.

Does property damage to your work arising out of faulty workmanship constitute an occurrence? The PA Supreme Court is not the first court to say “No!”. Numerous jurisdictions have come to the same conclusion.

Contractors Professional Liability, are you recommending it? If not, maybe you should take a closer look at this ruling and its impact on some of your insured’s.

Part 2 coming in Feb. 2009 Education Report
