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# The Agent's Voice

[VOL. XLVIII, NO. 07 | SEPTEMBER 2021]

The official print publication of the Professional Insurance Agents of Louisiana



**FIVE SELF-DECEPTIONS THAT HOLD US  
BACK  
P. 12**

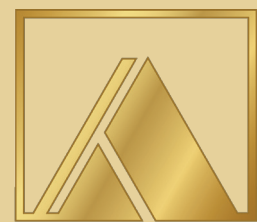
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# INSIDE THIS ISSUE

## The Agent's Voice

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*President, PIA of Louisiana*



When I first started on the state board, I thought I would serve a few years and go back to running my agency, just having had a good experience. The last thing I thought would happen was I would move through the chairs and end up as the state president of the PIA.

I tried my best not to answer the call when I got the feeling that Jody and the rest of the executive board decided that I should move up. It took some convincing and several phone calls from Al, Charlie and Bryan before I decided to take it seriously. I think at some level I just didn't want to let them down, and quite frankly, I wasn't sure I would be able to do as good of a job as they had done.

We, as an association, have been blessed with great leaders. Not mentioning Jody and her staff, we have had Lou Fey who has been a boom for our association with his skills in all things legislative and lobbying. We have had Al Pappalardo who has been a champion for the "Buy Button" and if he ever comes close to his end goal with that issue, the rest of us agents will be reaping the rewards of his passion and hard work for all of us in our own agencies.

That brings us to Bryan Duplantier and Charlie Williams who have had to preside over this unprecedented time during Covid, while not only maintaining the craziness in their own agencies, but had to continue with the business that is the PIA and making very hard decisions on what our association was going to look like after Covid.

All of these things put together made me realize my duty to serve and that no matter how bad I think I might be, I couldn't POSSIBLY be worse than the year and a half we just had to endure. At least I don't THINK I could.

I truly believe that our agents need the association

now more than ever and it is imperative whether we believe we are capable or not to take the step and serve. I am not sure if everyone is aware or not, but the PIA of Louisiana is one of the only state associations that have individual chapters throughout the state. It is my belief that it is what sets us apart and makes us special, especially for our members. We are able to spread the messages and benefits of what the PIA provides and how it helps our members by having in-person quarterly and sometimes monthly meetings.

Having the opportunity to meet and gather gives us the unique ability to talk about the industry and exactly what our association has to offer. Whether you want to know how to get market access, Accord forms, hiring ideas, agency perpetuation or anything in between, PIA has access to the tools you need. But that is only a fraction of what being a member of the PIA gets you. The most important aspect and the reason you should serve is to be a part of the industry and have a voice.

The PIA's main function is to fight for our industry, which has never been more important than now. We have external and internal factors that we are fighting against everyday and that are trying to change our industry, and sometimes for the worse. PIA of Louisiana fights for our agents as well as our clients through advocacy, grassroots campaigns and our Political Action Committee.

As the most recent example of what we do, through the hard work of PIA executive staff along with some of our company partners, we secured an agreement with Commissioner Donelon to make an exception to the 12-month filing rule for changes due to the cost of reinsurance. The changes were much needed due to the unprecedented 2020 Hurricane season.

**Continue On Page 16**





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# COMMISSIONER'S COLUMN

As many Louisianians were taking time to remember the legacy of hurricanes from our past, Hurricane Ida arrived swiftly to give us a new storm to rebuild from and remember. Two days after the one-year anniversary of Hurricane Laura's landfall and on the 16-year anniversary of Hurricane Katrina, Hurricane Ida struck our coast.

The hurricane was a strong Category 4 at landfall on August 29, 2021. It made two landfalls according to the National Hurricane Center. The first landfall occurred at Port Fourchon, just east of Grand Isle, at around noon. The second landfall occurred at Galliano around 2 p.m. Hurricane Ida's top winds were 150 miles per hour during its initial landfall and created a storm surge 16 feet above the ground. Category 5 begins at 157 mph, so this was a very strong storm.

It was also a fast storm. Between the moment Hurricane Ida formed in the Caribbean as Tropical Depression Nine to the moment it made landfall at Port Fourchon, only 74 hours elapsed. For many government officials, this was not enough time to issue mandatory evacuations. No matter how quickly information moves in our world today, it still takes time to physically move people, cars, pets and all the other things that leave town when an evacuation is ordered. This can leave government officials in a standoff between urging people to leave but knowing that issuing the call too close to landfall can leave people stuck in the most dangerous place possible when bad weather arrives: on the road.

On September 3, I joined with the President in urging insurance companies to pay prohibited use coverage to policyholders displaced by Hurricane Ida. I had received a request the day before the President's request to issue such a call from Allstate Insurance Co. I issued my request via Bul-

letin 2021-07 in which I asked insurers to recognize that there was not time for local officials to call for mandatory evacuations to occur without putting residents at greater risk. I asked them not to use the lack of a mandatory evacuation order to deny policyholders coverage for their evacuation expenses. On September 6, our state's largest insurer of homes, State Farm, notified me that it would not pay loss of use claims where no express civil authority order to evacuate was in place.

The civil authority provision in the insurance policy form is placed in the contract for the protection of the insurer. This is to prevent an insured from making a claim for expenses that were not justified by a legitimate need to protect their safety by evacuating. However, the use of that limitation was not intended to unjustly deny coverage to a policyholder who legitimately evacuates to protect their life and health and where it was too risky for a civil authority to issue a formal order of evacuation.

That's why I issued Directive 218, which no longer asks insurers to do the right thing, it tells them they must. The severity that was demonstrated by this storm leaves no doubt Hurricane Ida endangered the lives and property of those in her path.

While I fully believe that this is the right course of action for Louisiana policyholders, I expect there to be challenges to Directive 218 from the insurance industry but the Department of Insurance is working



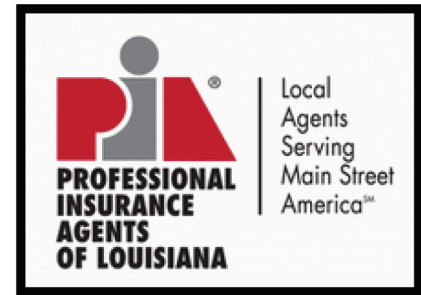
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hard to help consumers with hurricane losses to receive compensation they have paid for through their premiums to rebuild their lives and keep their families out of harm's way. There will be nuance to individual situations and claims regarding loss of use coverage after Hurricane Ida. If you have a policyholder that is expressing confusion or not receiving assistance from their insurers, please have them contact the Department. Consumer Services has a dedicated staff available for Hurricane Ida policyholders with issues and can be reached at 1-800-259-5300, option 3.

As always, I can't thank you enough for the work you are doing on behalf of policyholders at this critical time. It can often be forgotten that insurance agents live in the areas where they sell policies. When disasters like Hurricane Ida impact us, agents are dealing with the same rebuilding issues as everyone else in the area while helping their clients with their claims and questions. You are the true experts and friends for them in their time of need, and I salute and appreciate you for that. 🙏





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# PASSING IT ON!

By Jody M. Boudreaux, CAE, CIC, CISR

Once again, our hearts go out to all our members and their insureds that are dealing with the aftermath of Hurricane Ida. We have been sending our email communications about various topics, pertaining to Emergency Rule 47 and Directive 218 as well as general tips that you should be reminded about when working through claims with your insureds, which we felt was important to pass on here once again. If you're not receiving our emails and would like to be added to our distribution list, please let me know.

### **E&O Tips when dealing with clients:**

- 1.** Do not make any promises you can't keep;
- 2.** Do not opine on coverage unless you are sure of what you are talking about; and
- 3.** Do not use the phrase Agency E&O. Clients have a duty to read their own policies.
- 4. Importantly,** if you are asked to submit a claim, regardless of coverage, you should submit it. Don't refuse to submit a claim just because you may not think it's covered.
- 5.** If a client does not want to submit a claim, but they have informed you of damage, **send them an email** confirming the discussion, and remind them of the policy's prompt reporting requirement.

### **If Your Clients Are At Odds With The Adjuster Regarding Damage Estimates.**

**1.** Agents are not contractors, so be careful in attempting to offer advice on disputes over scope, methods of repair, or unit cost issues.

**2.** If there is a dispute, the client should call for a meeting between the adjuster, the client, and the client's contractor or consultant to try to work through any differences.

#### **Communication is the key.**

**3.** If they can't work through the issues, property policies have an appraisal provision. The client can make a written demand for appraisal citing the policy language. Each party then hires their own appraiser **at their own expense**. If the two appraisers can't agree, the client and the insurer will split the cost of a third neutral umpire, who makes the call. The umpire's decision **sets the amount of the loss**, per the recent statute which went into effect on August 1, 2021. While historically umpires favor the client/insured, there are no guarantees. Obviously **if one or the other side is being unreasonable, they stand a pretty good chance of losing...**

**4.** There have been reports of predatory pricing by contractors. Clients should not ignore the adjuster's estimate and think they will recover more down the road. **The standard is reasonable cost to repair, not whatever a contractor feels like charging.**

**5.** Clients should reach an agreement with the adjuster prior to allowing a contractor to start work (other than temporary repairs to protect the property).

**6.** Mold is usually excluded by most property policies, regardless of cause (other than fire and lightning). There may be small sub-limits provided for mold remediation which will be listed on the Declarations page.

### **There are four sources of problems with roofing claims:**

#### **The insured/client's expectations:**

- 1.** The policy pays **to repair** or replace. If only one slope is damaged, the adjuster technically only owes for one slope;
- 2.** Rule of thumb - if more than 4 or 5 shingles on a slope are damage spread across the surface (not in one area), then the slope should be replaced;
- 3.** While the policy does respond to match shingles (pair and sets clause) they should come close. If they can't match or at least come close, there is an argument that the entire slope or side (not the entire roof) should be replaced. The rule is line of sight; and
- 4.** Many policies now either exclude roofs over a certain age, or only pay ACV (the depreciated value). For example, a 10-year-old roof would only be worth 50% of the cost to replace.

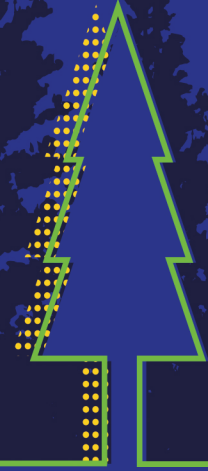
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# Five Self-Deceptions That Hold Us Back

By John Graham

As human beings, we're experts at deceiving ourselves, all because it's so easy for us to think we know more than we do. As a result, we do less than our best work, miss out on opportunities, and mess up our decisions.

To be sure, self-deception is one way we keep ourselves safe. We use it to fend off enemies that would expose us to troublesome situations. No one escapes; we all do it. With self-deception it's easy to believe the little voice inside us is right.

Although we may picture ourselves as rational human beings who process information objectively, psychologists Karen Reivich, Ph.D. and Andrew Shattè, Ph.D. tell us "we are downright shoddy scientists. We collect incomplete data, we use shortcuts to process it that lead to biased appraisals, and we make errors in interpretation that often support our favored hypothesis." In other words, we construe facts until we feel good. In short, we screw up!

Here are five self-deceptions that hold us back:

**Self-Deception #1. "Others are better equipped to handle challenges than I am."** It doesn't take much thought for most of us to conclude that others are better prepared to face personal or work life issues. Yet, the chances are they see us the same way we view them!

As it turns out, what we're doing is measuring ourselves against the wrong standard. It's not us versus them (except in our mind) since the actual competition is with ourselves. We spend time building "this is why I can't" cases against ourselves, rather than realistically assessing our capabilities against our past performance. Simply put, we don't give ourselves enough credit.

**Self-Deception #2. "I need a little space to get everything all set."** There are those who view themselves as perfectionists. But wait a minute, it could be something else. "I don't want to pull the trigger too soon. I

would rather wait a little longer." Some of the seemingly most competent people suffer from this self-deception.

It's easy to set the bar so high we never get ready. If we get close, we keep raising it higher. It's easy to convince ourselves that anything less than flawless is failure. "I need to go over the proposal one more time to be sure it's right. I'll have it to you by tomorrow." As we all know, tomorrow never comes.

**Self-Deception #3. "I'm afraid something will go wrong and I will fail."** Few of us escape the fear of failure's grip at one time or another. Which is why there is so much advice available on how to loosen fear's hold on us. But when it comes right down to it, trying to get over the fear of failure isn't the point.

When I was 11, three of us hiked up to a police shooting range. The goal was to dig out the lead buried in the hillside behind the targets. Hauling our bounty home, we lit a Coleman gasoline camp stove in our garage and melted the lead in a Hills Bros coffee can. To see what might happen, one boy poured gasoline in the can. Instantly flames shot up, along with hot, liquid lead. Although we were scared stiff, miraculously none of us was hurt!

Fear can be an effective survival technique is the point of the story. Ignore it and you can get hurt. But you can also use fear to your advantage by asking, "What could possibly happen if I move forward with this project?" Lay it all out on the table, evaluate it thoroughly, and then make your decision.

**Self-Deception #4. "I may not meet the requirements, but I know I can do it."** As a taxi driver said about Mexico City traffic, "If you don't try, you'll never make it." Such daring describes the "go get'em attitude" of many successful people. But the results don't always come out that way. We can also wind up in trouble.

Perhaps this may be why Nobel Laureate Daniel Kahneman ended a Ted Talk this way: "Don't

trust yourself too much. Don't trust in ideas and beliefs just because you can't imagine another alternative to them. Overconfidence is really the enemy of good thinking, and I wish that humility about our beliefs could spread."

**Self-Deception #5. "I'm good at what I do so I'm not worried."** I've wondered why Hewlett-Packard runs endless ads for its printers at near giveaway prices. Declining printer supply sales may be the answer. As a recent Bloomberg Businessweek article points out, HP's 1989 annual report stated, "New products are the lifeblood of our company." But, as the BB reporters note, "Today old products are arguably the lifeblood of the company." Marketing printers results in a continuing stream of printer supply sales. Yet, the article notes, sales of supplies declined for the last three quarters. Companies, as well as individuals, can suffer from self-deception.

No one lives or works in a "Self-Delusion-Free Zone". We are all victims of self-delusions. We're the prisoners of our own self-serving thoughts, which can be deceptively calming and protecting us from danger. We're eager to believe the little voice, "Everything's going to be OK." For example, "Others may come down with the Covid-19, but I'll escape it." Or, "Others may be laid off, but I'm needed." We are suckers for selfies of our own reality.

There's one self-deception that ties all five together, one that can get us in deep trouble, professionally and personally. It's this: there's so much we think we know that we don't know. The future may well depend on admitting there are glaring gaps in our knowledge, when being tough on ourselves can make a difference.

*John Graham of GrahamComm is a marketing and sales strategy consultant and business writer. He is the creator of "Magnet Marketing," and publishes a free monthly eBulletin, "No Nonsense Marketing & Sales Ideas." Contact him at [jgraham@grahamcomm.com](mailto:jgraham@grahamcomm.com), 617-774-9759 or [johnrgraham.com](http://johnrgraham.com).*



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# PARTNER NEWS

## Home Sweet Home Office - Some PR Stories Provided by LUBA Workers' Comp

Companies can help employees conduct self-assessments to mitigate risks associated with injury claims, which will save them real money in the long run by improving health and wellness. Workers' Comp carriers are responsible for injuries incurred by employees that are working from home, so cutting out as many risk-factors as possible, and ultimately reducing claims, is in the best interest of everyone; insurers, businesses, and employees. What types of injuries are common while working inside of a home office? Eyestrain and musculoskeletal injuries such as neck or back pain are common with remote workers. Assessing your ergonomic risk is the first step in modifying your own workspace for better performance. When you hold yourself in awkward positions, you can put unnecessary strain on your muscles, tendons, ligaments, or nerves.

These simple steps can set you up for home office productivity and success:

•**Make Leg Room a Priority.** Try not to sit directly in front of drawers or cabinets. If you need a higher surface, many desks have adjustable legs to get you the right height, which on average is around 28"-30".

•**Protect Your Back.** To keep a healthy posture, an office chair with lumbar (lower back) support is best. If your chair has armrest adjustments, and paired with the right desk height, your shoulders should stay relaxed while working.

•**Keep Your Screen at Eye Level.** A low computer screen will make you tuck your chin into your chest to see it. This can lead to neck, shoulder and back pain. If you can, place your screen on a surface that's arm's length away and at eye level. Have two screens? Try placing the one you use the most in front of you and the other off to one side.

•**Get the Lighting Just Right.** Natural light will help you see your work better. To reduce glare, set up your workspace to the side of a window instead of having it in front or behind

you.

•**Take Frequent Breaks.** Don't feel like you have to stay in one place all day. It's better if you don't. Your muscles can get tired and sore from supporting you while you sit, which may lead to other problems over time. Try to take a 1-to-2 minute break every 30 min by standing and gently stretching.

•**Make Your Phone Hands Free.** If you talk on the phone while at your work computer,

protect yourself from a stiff neck. Place your phone in speaker mode or try using a headset, especially if you type or write at the same time.

Taking just a few of these simple steps can lead to a better working environment, improved productivity, and bring your own health and wellness into focus.\**Source: WebMD, Ergonomic Tips for a Home Office, Medically Reviewed by Hansa D. Bhargav*

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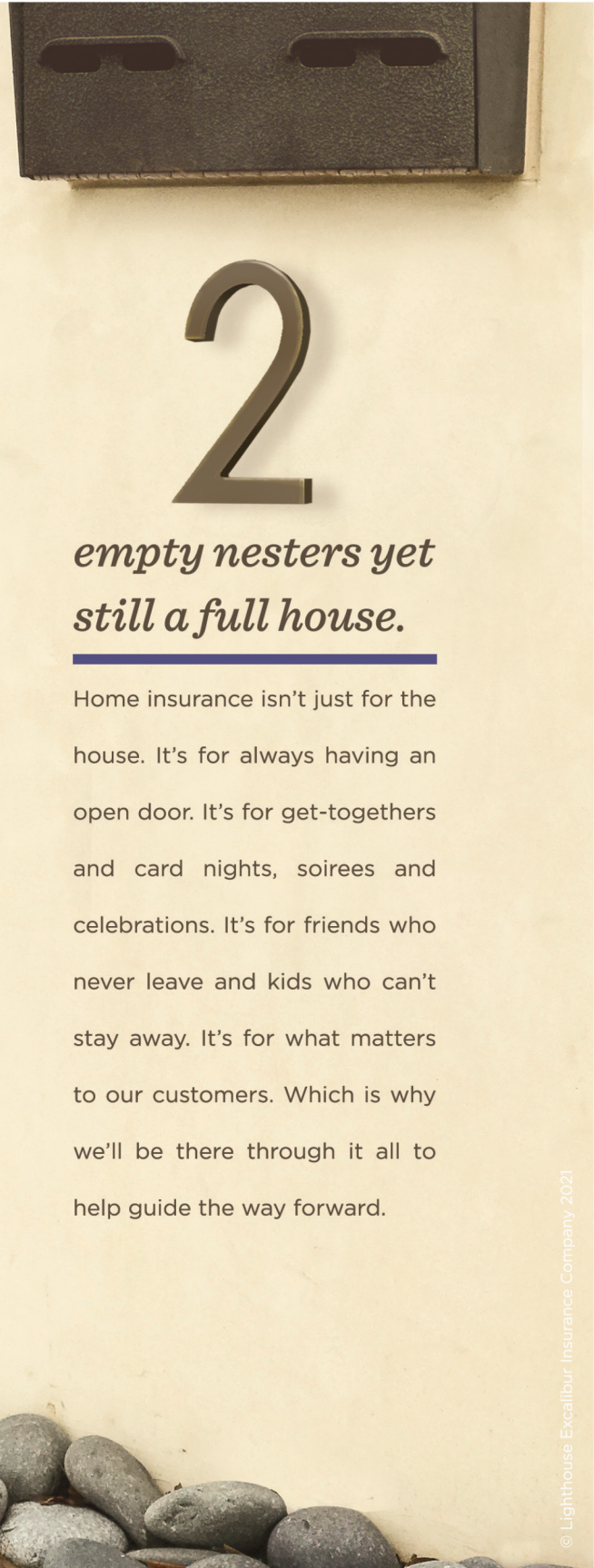
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## President's Message Continued from page 4

That was a huge win for our company partners as well as our agents to maintain stability in the markets and let us continue to do what we do best, which is servicing the needs of our clients. And with Hurricane Ida now affecting so many of our members, it has become even that much more important.

During COVID, it was the association and your friends within it that could help you navigate the seemingly endless changes associated with the pandemic, whether it was Emergency Rule 40 (and now ER 47) and the prohibition on cancellations and non-renewals or the litigation around business interruption and government-mandated shut downs. We were all in the same boat of uncertainty.

That is why this year, more than ever, we must focus on how we can be successful in serving our members, which may mean us individually stepping up to serve the industry that has given us so much. I will try my best to do my part and I hope to see you all along the way. 📌

## Passing it On Continued from page 8 Contractors profiteering

1. The squares estimated by the contractor and the adjuster should be pretty close. If there is a difference, the adjuster and contractor need to work that out. Someone is right, and someone is wrong. That should be easy to rectify.

2. The price per square should be around \$275, which includes tear off, felt and shingles;

3. If the claim involves only roof damage,

there should not be a charge for overhead and profit. In order for there to be overhead and profit, there would need to be damage requiring multiple trades making repairs. Roofers usually can make repairs unsupervised, so no 10/10 O&P should appear on a roofers estimate.

## Adjusters

1. Sometimes adjusters view a claim with a jaded eye because a roof is old and brittle, and they don't feel like they should have to pay for a new one. This is more of an insurer underwriting issue if the underwriter didn't check on the age of the roof and modify the policy accordingly. The test is: **did the windstorm damage the roof**, not its life expectancy. Of course, prior damage is not covered, but the adjuster is required to prove prior damage in order to avoid payment.

2. If the adjuster is acting unprofessionally, refuses to respond, won't cooperate or is otherwise acting unethically, the supervisor or manager should be identified and contacted.

## A lack of communication or too many cooks in the kitchen

1. There should only be one person dealing with the adjuster on behalf of the insured (it should be the insured, **not you**). Agents can make a call or two, but the client has to discuss the claim directly with the adjuster, **not use you as a conduit**;

2. A conference call between the contractor, the insured, and the adjuster can go a long way to clear up misunderstandings. You might decide to participate in those calls to act as a buffer, or to keep things professional. Sometimes a third party listening in (declare your participation to all)

can identify the problem.

Lastly, other tips:

- Agents should not attempt to estimate the damage. Agents are not appraisers and the adjuster and contractor need to come to an understanding.

- The client should not approve the work unless or until the scope and pricing are agreed upon, or they risk coming out of pocket for the difference.

- If there is a coinsurance issue:

- Keep in mind that the client is required to provide the agent with the insurable value to place on the policy for each building;

- Once again, agents are not appraisers and the insured has a much better understanding of the value of their own property than an agent ever could;

- The Dec. page of the policy clearly outlines the values and **the insured has the duty to read the policy**;

- There is no case law or support for the proposition that an agent has a duty to advise a client with regard to the value of the structure, property or the sufficiency of coverage unless the agent overtly undertakes on the responsibility to do so;

- Unless the agent tell the insured how much coverage they should carry (which should not be the case), it's not the agent's fault;

- You can always appeal any coinsurance penalty with the adjuster or his or her supervisor/ manager. As a rule of thumb, the cost should be based upon \$100 to \$150 a square foot. If you get much above that, its probably a custom home or has some other reason or feature justifying the high valuation. The value of land should not be considered, just the cost to rebuild from the slab up. 📌



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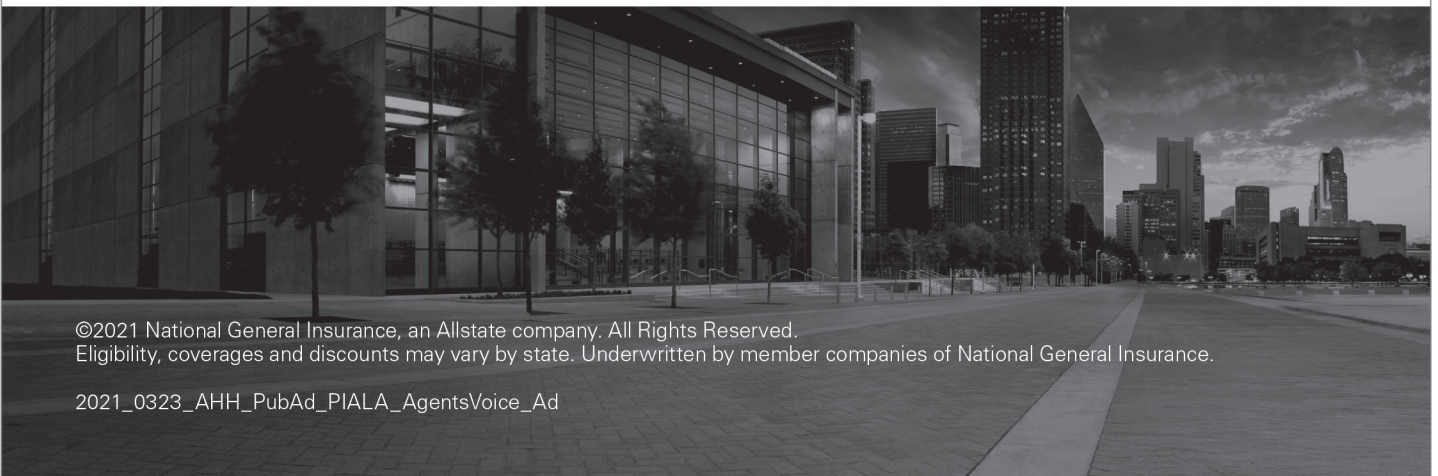
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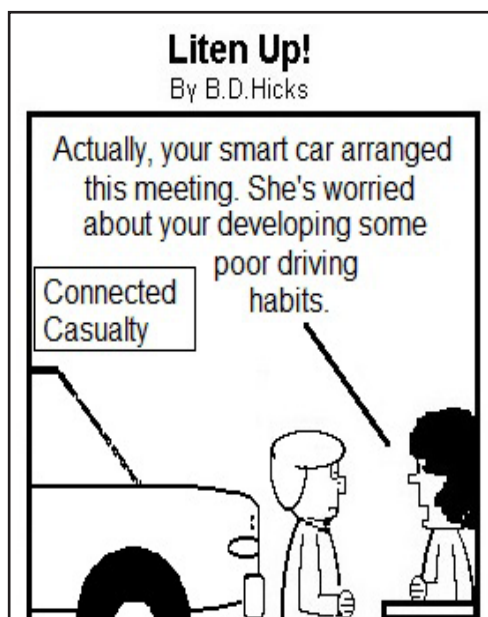
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