

e REPORTER

Professional Insurance Agents of New Jersey Inc.

Feb. 13, 2009

PIANJ meets with Peerless Insurance, new Safeco Insurance

Fresh from a series of meetings with their New Jersey agents, executives with **Peerless Insurance** sat down with **PIANJ's** leadership and explained the company's plans to expand its presence in the Garden State, under the Peerless Insurance and Safeco brands.

"Premium-wise, this is our biggest state and we see this as a great opportunity, and intend to be a player here for the long term," said Mike Christiansen, CPCU, ARM, Peerless president and chief executive officer. Christiansen met with PIANJ President Gary C. Rygiel, CIC, CPCU, ARM, CRM, AIS, and other PIANJ leaders in the conference room of Rygiel's Millstone Township agency.

With Christiansen were Gary Waggoner, CPCU, FLMI, Peerless regional vice president and Chris Alexander, regional manager for Safeco Insurance. The gathering was the third in a series of discussions held by PIANJ with companies doing business through

PIANJ members. Christiansen and his team thanked Peerless agents for the company's "phenomenal results," where they met or exceeded all of the company's financial plans. Clearly, the company's focus going forward will include maintaining comparable profit margins while successfully integrating previously separate carriers into a cohesive organization.

The Safeco acquisition. Christiansen reviewed briefly for PIANJ the acquisition last year of Seattle-based Safeco Insurance Corp., by Peerless parent Liberty Mutual Group. He explained synergies the move produced for Liberty Mutual's Agency Markets business unit in terms of geographic balance, distribution force and products. "We like to say the fit couldn't be better if we had used a dating service," Christiansen quipped.

Liberty Mutual completed its acquisition of Safeco in September 2008, making Liberty the fifth-largest

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PIANJ hails Liberty Mutual's support of independent agents

PIANJ applauds **Liberty Mutual Group's** announcement made Thursday, Jan. 22, that it will deliver its commercial-insurance products for mid-sized business exclusively through independent agents and brokers.

"Liberty Mutual's support of the independent agency system and this announcement illustrates the company's recognition that professional independent agents are the most agile and efficient force in helping its current and potential customers," said Diane Fowler, PIANJ executive director.

Through its business unit, Liberty Mutual Market, the company said it will offer its commercial property/casualty products through appointed producers.

As part of its decision, Liberty Mutual plans to expand its network of agents and brokers, including making middle-market policies available to producers already writing personal lines and small businesses.

PIANJ commends Liberty Mutual for its business model and anticipates this trend will continue among

carriers as consumers seek the most value from their insurance purchases. Independent agents are fully equipped to provide businesses and consumers alike with the top-of-the-line service they need.—*Christiano*

Want to know more about all the technology options available to you? Check out PIANJ's Technology Info Central at www.pia.org/IRC/tech.

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Association

PIA HR Info Central—your newest member benefit

Are your human-resource responsibilities keeping you up at night? **Think PIA first.** New for 2009, PIA unveils its latest member benefit—PIA HR Info Central, available at www.pia.org/IRC/hrinfocentral/.

Through this member-exclusive Web portal, PIA members have the tools they need to handle their HR responsibilities. Designed specifically for the HR manager in your agency, PIA HR Info Central offers access to a wealth of tools, including: points to consider when developing your agency-specific personnel policy; an administrator's guide to assist your HR manager in his or her job responsibilities; comprehensive job descriptions you can tailor to your agency's specific needs; common HR forms that can be adapted for your business; an HR audit tool to assist you in identifying HR issues you might be overlooking; information on federal and state labor laws; and much more.

HR legal information. As an added bonus, PIA is proud to announce a partnership with the nationally renowned law firm of **Wilson Elser Moskowitz Edel-**



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man & Dicker LLP to offer informational/consultative services to our association members through PIA's Industry Resource Center. The next time you're not sure about a specific HR issue and need help, contact PIA's Industry Resource Center by phone: (800) 424-4244; fax: (888) 225-6935; or e-mail: resourcecenter@pia.org. Through the PIA Industry Resource Center, members can have their HR concerns addressed by our in-house legal staff or be referred to Wilson Elser for up to 30 minutes of free consultation. *Only the PIA Industry Resource Center can request the free consultation.*

If your agency doesn't have a large personnel department, PIA HR Info Central is a "must-have" asset for staying on the cutting edge of the laws and regulations that affect your business and your employees.

This program is designed specifically for the HR professional in your agency, so your assigned HR manager should register for this program. Only one registration is permitted per agency.

PIA is your business partner, so **Think PIA first** for all your business management needs.—*Albright*

PIANJ Industry Resource Center

Agent/broker of record changes

Relationships between insurance agents/brokers and their clients are ever-changing. There always is the possibility insureds may choose to take their business elsewhere

and as a result, the formal termination process is usually left to the incumbent agent or broker. Have you ever wondered what the proper procedure for this type of cancellation may be?

Did you know there are no laws or regulations that govern a policyholder's right to cancel?

PIANJ's Director of Research Dan Corbin, CPCU, CLU, CIC, offers

his experience and an overview of the termination rules and etiquette that come into play when an insured chooses to move their business to another agent or broker.

This resource kit also includes information on the proper use of the ACORD 35 and ACORD 36 forms in these particular instances.

To access this resource kit, logon to www.pia.org and type **QS90218** in the Quick-Link box in the upper-right-hand-corner, or fax PIANJ's Industry Resource Center at (888) 225-6935.—*Albright*



PIANJ: Producers should be compensated fairly for their services

PIANJ applauds the **Department of Banking and Insurance** for its proposal to amend regulations set forth in the New Jersey Administrative Code on rules for insurance producer compensation and fees. The proposed changes will allow producers, when acting as agents, to be compensated appropriately for additional services provided to their commercial-lines clients.

The requirements in New Jersey's administrative code restrict producers from receiving any fee from a client for additional services provided, when acting as an agent. This archaic rule discounts the fact that, in addition to selling a policy, agents offer a range of additional advisory and professional services. Lifting this constraint would permit them to provide the specialized services and extra attention sought by their clients.

PIANJ long has supported allowing producers acting as agents to charge reasonable and appropriate fees when they grant such supplementary services to commercial-lines policyholders.

"Current regulations essentially prevent producers from making added services available to their insureds," said Gary C. Rygiel, CIC, CPCU, ARM, CRM, AIS, PIANJ president. "Why should we impede the ability to give customers the support they desire?"

PIANJ recently submitted comment on the suggested amendments to Robert J. Melillo, chief of legislative and regulatory affairs for the DOBI. "We thank the department for allowing PIANJ to respond to the proposed regulations," said Rygiel. "If passed into law, the amended regulations will allow producers to do more for the insurance consumers."—*Cibelli*

Legal

Court: Pay-to-play decision upheld

On Jan. 15, 2009, the New Jersey Supreme Court issued a decision in *In Re Earle Asphalt Co. (A-37-08)* upholding the Appellate Division's earlier determination that the law (Chapter 51 of 2005 (www.njleg.state.nj.us/2004/Bills/PL05/51_.PDF)) does not violate the First Amendment.

This case originated when the owner of a New Jersey road construction company (Earle) made a campaign donation to a county political committee. Upon being advised that the donation could violate New Jersey's "pay-to-play" laws, the contributor sought the donation returned. Concurrently, the company submitted a successful bid on a state construction project, which ultimately was rejected because of the earlier campaign contribution.

Seeking to invalidate this result, Earle filed suit challenging the law. The statute in question, is a 2005 amendment to the Campaign Contributions and Expenditure Reporting Act, also known as Chapter 51 of 2005. It prohibits awarding a contract of more than \$17,500 by a state agency to a business that has provided more than \$300 in the prior 18 months to the governor, a state or county political party, or a candidate for governor.

Previously, the Superior Court stated that the limitations embodied in Chapter 51 are appropriate if the state can show a sufficiently important interest and the law does not unnecessarily restrict a party's freedom of association.

In upholding the decision, the Appellate Division held that the \$300 cap on contributions by parties seeking a state contract protects the interest of avoiding actual or perceived corruption in the awarding of state contracts, without unnecessarily abridging associational freedom, interests that must be protected even if the contract to be awarded was placed through a competitive bid process. Additionally, the court addressed Earle's claims that he availed himself of the "safe harbor" provisions in the law by stating that exact compliance with the requirements, particularly the method of requesting return of the contribution.

The takeaway from this case is that the restrictions put forth by New Jersey's pay-to-play law have withstood constitutional scrutiny, and business owners in New Jersey seeking to bid for state contracts must be exceedingly aware of, and observe, the tight scrutiny placed on campaign contributions they make.—*Wallace*

Association *(continued)*

Handful of vendors dominate agency technology field

One of the findings from PIA's recent *Online Technology Survey*: A relative handful of vendors provide the bulk of members' technology solutions in Connecticut, New Hampshire, New Jersey and New York state. Whether we are speaking of agency management systems or comparative rating, a small number of products are used by the bulk of PIA members.

This article will look at the top two agency management system vendors, their products and usage, plus some feedback by users. The results reflect responses from PIA members who took part in the recent (Fall 2008) survey, as well as a similar survey the previous year.

Complete survey results from both years are available at PIA's Web site, in the *Technology Info Central* section (use the Member Resources tab).

Agency management systems. Nearly nine out of 10 PIA members use a software system to maintain and manage their client and business records. In 2008, 86 percent of the 730 respondents used some type of system; in 2007 it was 89 percent of 279 respondents.

No surprise: Just two vendors overwhelmingly provide this technology to PIA members in the four states covered by the survey, sharing 88 percent of the market between them. **Applied Systems** (including its acquired DORIS platform) holds 47 percent of the 2008 market, while **AMS Services** holds 41 percent. (For the 2007 survey sample it was Applied Systems 54 percent, AMS Services 35 percent.)

Other systems include: **Ebix** (3 percent in both surveys) and several others, mentioned by a smaller number of agents in 2008, including: **QuickFile**, **ASI EasyApps/Agency Pro**, **AmSoft**, **IMS Xanatek**, **Nexsure**, **USD** and **SIS**.

Looking at results state-by-state, Applied Systems holds a greater market share than AMS Services in New Jersey and New York state, while AMS Services edges Applied Systems in Connecticut and New Hampshire. Overall, the 2008 survey provided data from 295 Applied Systems users and 259 AMS Services users.

Product offerings. Each vendor offers a variety of products, geared to different agency sizes and preferences. Among Applied Systems users, The Agency Manager (TAM) is by far the most-used

product, at 78 percent of all respondents using products from this vendor in 2008. Other products include DORIS (19 percent); Vision (2 percent); and the vendor's late-2008 roll-out, Epic (1 percent).

AMS Services customers are divided more evenly among this vendor's various offerings. AMS 360 is used by 33 percent (up from 24 percent in 2007); followed by AfW (30 percent—down from 38 percent); Prime (21 percent); Sagitta (8 percent); and InStar (7 percent).

Real Time use. About seven out of 10 AMS Services users (69 percent) say they use their systems' Real Time capabilities. This is up from 62 percent in 2007. Applied Systems users employ Real Time at the rate of 66 percent, nearly identical to the 2007 rate (67 percent). Among Applied Systems users, only 38 percent of the DORIS agencies use Real Time (up from 31 percent in 2007).

Looking at individual Real Time functions, we see that a bigger share of all AMS Services customers in the 2008 survey use each type of Real Time transaction, compared to the 2007 survey. More than half of all AMS Services customers use each function (in order of usage): Billing Inquiry (66 percent); Policy View (63 percent); Single-Company Quotes (57 percent); Endorsements (56 percent); and Claims Status (55 percent). All Real Time functions were used by at least an extra 4 percent of AMS Services agencies in 2008, compared to 2007.

Applied Systems users in the 2008 survey did not show the same pattern of increased usage in 2008, compared to this vendor's customers in the 2007 survey. Usage actually was less for two functions: Claims Status (49 percent of users in 2008, compared to 55 percent in 2007); and Endorsements (41 percent in 2008 compared to 45 percent in 2007). Remaining functions were used by only 1 percent more Applied Systems customers in 2008 than in 2007: Policy View (61 percent); Billing Inquiry (60 percent); and Single-Company Quotes (46 percent).

What lies behind the difference between consistent increases of Real Time use for AMS Services agencies and a more mixed pattern among Applied Systems customers? Since the two survey samples obviously differ, caution must be used in drawing conclusions.

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PIANJ meets with Peerless, Safeco *(Continued from page 1.)*

property/casualty insurer in the United States. It was formerly sixth-largest, based on 2007 direct written premium of \$20.2 billion, while Safeco had 2007 direct written premium of \$5.9 billion. Liberty Mutual Agency Markets had revenues of \$5.6 billion in 2007. Combined, the organization will have approximately 14,000 independent agencies.

With Safeco, “we’re now the number three writer of personal lines through independent agents [behind Travelers and Progressive],” Alexander said. “We’re aiming to become number one. Realistically, you don’t achieve that goal by staying out of a \$5 billion marketplace like New Jersey’s personal-auto market. We are seriously evaluating the opportunity to add personal auto to our product lineup in the state,” he added. (New Jersey also was the eighth most profitable state for personal auto in the decade ending in 2007, with an average 10-year profit margin of 10.6 percent of direct earned premium.)

Liberty Mutual recently announced plans to use the Safeco brand for all of its Agency Markets personal-lines business throughout the United States. For commercial, Agency Markets will retain the regional identities of its eight existing companies, including Peerless in the Northeast. Safeco’s regional organization for personal lines will mirror the Agency Markets’ existing commercial-lines regions.

Responsible for personal-lines profit and growth throughout Safeco’s eight-state Northeast territory will be Victor M. Pepin, vice president and Northeast regional general manager. Pepin most recently served as vice president of personal lines with Peerless Insurance and will continue to be based in Keene, N.H.

According to Alexander, “We’ll be balancing national resources like Safeco’s brand and technology with the strong regional structure of Agency Markets, retaining more decision-making authority at the regional level than the previous, more centralized Safeco approach.” The new Safeco will be a purely independent-agent focused personal-lines carrier, PIANJ was assured. “When you look at Liberty Mutual’s recent business investments, they have invested mainly in independent agents,” Christiansen pointed out. “The Agency Markets segment is now at \$12 billion and growing.”

Garden State plans. The transition to Safeco for Peerless’ existing personal book in New Jersey will wait on approval for Safeco to re-enter the Garden State’s personal-lines market, Christiansen explained. Like a number of other carriers, Safeco left during the upheavals of the 1970s. Peerless agents will continue to write personal-lines business under the Peerless brand until Safeco has a filed personal-lines product offering in the state. An implementation review is ongoing, but the transition is anticipated in 2010, Christiansen said; however, the actual date will depend on regulatory approval as well as information-technology issues.

Liberty Mutual’s presence in New Jersey should help smooth the way for Safeco, Christiansen predicted, recounting how Liberty’s Massachusetts experience helped out when Peerless recently re-entered the Bay State, where it had been absent since the 1980s. Plentiful auto experience in New Jersey from Liberty Mutual’s existing distribution channels would help develop Safeco’s filings, although the Safeco products will be distinct in terms of features, rates and commission, he added. “We’re committed to having a bundled, package approach as one option,” he said.

Technology plans. The acquisition brings with it access to **SafecoNow**[®] Quote & Issue technology platform for independent agents, which will be used for personal lines country-wide. In New Jersey, use of this platform will commence with new business; the Peerless personal-lines book will be transferred later. Safeco also brings a fully functioning 24/7 service center, a feature that Agency Markets had started to develop prior to the acquisition.

Safeco consistently has scored well above average for overall technology in PIA’s Company Performance Surveys (in Connecticut, New Hampshire and New York state), including two recent top-five placements for Real Time functionality (Connecticut and New York state, 2008). “Great rating system—easy to use,” a Connecticut personal-lines agent said.

On the commercial side, Peerless, Ohio Casualty and Safeco business reside on their own computer platforms. The Ohio Casualty and Safeco acquisitions doubled Peerless’ volume in New Jersey. Business from the three companies’ platforms will be integrated

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Association *(continued)*

PIANJ meets with Peerless, Safeco *(Continued from page 5.)*

one time to a new enhanced commercial-lines system, which will incorporate the best features of each, such as Ohio Casualty's paperless environment.

PIANJ Secretary Tom Henkler, who is active in the **AUGIE** technology effort, encouraged the Peerless executives to include successful commercial-lines download in their integration plans; PIANJ provided Peerless with the AUGIE document explaining the role this functionality plays for agents.

Growth projections. Asked about Peerless' commercial-lines business projections for 2009, Christiansen said that several factors are expected to foster growth. "First, we experienced growth in 2008 of around 2.5 to 3 percent. Also, we will have an expanded production force and enhanced products this year. We have great opportunities with many new agency relationships. Additionally, we believe the opportunity exists for positive rate movement."

For the industry as a whole, Christiansen said, he believes the fourth quarter of 2008 "won't be all that great. Companies won't add to surplus, and when that happens, it generally means higher rates." In response to a PIANJ query, he acknowledged that an unknown factor will be economic conditions in 2009 and a possible reduction in the exposure base that could result from less economic activity.

PIANJ encouraged the Peerless group to continue

its training and development of new insurance professionals. Based on personal experience, Liberty's training ground "is just what we need," said PIANJ past President Andy Harris, CIC, CPCU, ARM. The groups exchanged information on their recruitment programs, including Liberty's existing internships and PIANJ's **Project Y**, with its résumé bank and outreach to New Jersey area college students.

"It's extremely valuable to expose company trainees to the agency environment, and vice versa," observed PIANJ President-elect Bill Vowteras, CPIA, suggesting that the organizations explore ways to do so more systematically in the future.

Asked by PIANJ Director Nick SanFilippo how agents can work most effectively to grow with Peerless, Christiansen said they should come up with a meaningful plan that focuses on specific accounts and specific books. "Have a point of arrival in mind, and a way to get there. Then make sure the underwriting staff and management is aware and backs you up, regarding your business plan. But, if it is not a fit and it isn't going to work, both sides should just say it."

Also discussed with Peerless: The crowded personal auto market in the Garden State and PIANJ's campaign to "**take back personal lines**;" the importance of a respected brand; and the growing importance of multi-company rating functionality.—*Kiehl*

Technical

ACORD offers new personal-lines apps and supplements

ACORD is updating its personal-lines applications and related supplements, in response to recommendations by its members. The new approach is designed to streamline the workflow for all parts of the industry.

For agents, the change will eliminate redundancy and capture information more precisely. For carriers, it will reduce company-specific information and improve the process of writing business. For everyone, it should mean better and more efficient customer service.

Why are forms changing? For years, ACORD offered several stand-alone, personal-lines applications. However, nearly half the information collected by each of these applications was identical. In some cases,

as much as 90 percent of the information on a form was identical to another, which creates unnecessary duplication of data and effort.

More than two years ago, ACORD members began work on a new approach. PIA has been involved actively in the effort. Implementation of the personal-lines recommendations was pursued by an ACORD Working Group made up of agents, carriers, vendors and association members.

The result is a base application for personal-insurance lines, with related forms as supplements. (A similar approach has been successful for ACORD commercial-lines forms since the 1980s.)

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(continued) Association

Some vendors dominate agency technology field *(Continued from page 4.)*

Company-share functionality. One clue may be another pattern of differences reported by respondents. This difference concerns the proportion of companies with which the agency transacts in Real Time.

This data came only from agents who use each Real Time transaction. Those who said “yes” to using a specific function were asked a follow-up question: “If yes, with what portion of your companies?”

The following percentages are not based on all of these vendors’ customers in our survey. Rather, the discussion below shows percentages of *only those agencies who use the specific function* we’re discussing.

Among AMS Services users, the percentage of those using a function who also said they use this Real Time transaction with half or more of their companies increased strikingly between the 2007 and 2008 surveys.

In 2008, between 77 percent and 86 percent of AMS Services users said they use Real Time with half or more of their companies, depending on the function (highest for Billing Inquiry at 86 percent, lowest for Single-Company Quotes at 77 percent). For each func-

tion, at least 17 percent more users in 2008 said they use the function with half or more of their companies. For two functions the increase was 22 percent.

Among Applied Systems users, the percentage of those using a function, who also said they use this Real Time transaction with half or more of their companies, also increased across the board between the two surveys (2007 versus 2008). However, the amount of the increase, as well as the total percent of agencies who do so, was smaller for every function.

In 2008, between 43 percent and 65 percent of Applied Systems users said they use Real Time with half or more of their companies, depending on the function (highest for Billing Inquiry at 65 percent, lowest for Endorsements at 43 percent). For each function, the increase in Applied Systems customers using the function with half or more companies was in the single digits (ranging from 1 percent to 8 percent).

Watch for more information based on responses to PIA’s *Online Technology Survey*. Next up, we’ll look at comparative rating vendors.—*Kiehl*

(continued) Technical

ACORD’s personal-lines apps and supplements *(Continued from page 6.)*

The new forms available now are: **ACORD 88:** *Personal Insurance Application—Applicant Information Section*; and **ACORD 89:** *Residential Section*.

The ACORD 88 and 89 forms were approved by an ACORD member vote in the spring of 2007 and as part of this change, the ACORD 80 (Homeowners Application), 84 (Dwelling Application) and 85 (Mobile Home Application) were marked for withdrawal in late 2008. Announcement of these changes was made in 2007.

How to work with the new forms. Users will notice several specific areas where the forms have changed.

- Common data and questions have been moved to the new personal-lines application. The base application collects *all* applicant information. Each of the supplements collects only the information required for a specific business line.
- Sections are re-positioned to better follow the usual flow of data-gathering conversations with clients.

- Carriers and agents have offered input on necessary data, to eliminate the need for any carrier-specific supplements.
- New fields allow for specific data capture previously collected in generic “Remarks” areas.
- Revised Forms Instruction Guide, also known as FIG, “help” text corresponds to each field, to ensure consistent and appropriate use.

This approach aims to eliminate redundant data and duplication of effort, resulting in more streamlined workflow and ease of doing business. ACORD Working Groups actively are exploring a similar approach to other personal-lines forms.

Additional information. You can **download FIGette here:** www.acord.org/forms/Personal_Lines_FIGette_non-auto.pdf; **download a FAQ here:** www.acord.org/forms/ACORD_Personal_Lines_Forms_FAQ.pdf. **Still have questions?** Contact PIA’s Industry Resource Center at (800) 424-4244.—*Kiehl*

PIANJ calendar of events

February

- Feb. 20—Your office
PIA Lunch and Learn: Condo Issues, Gaps and Coverages
NJCE: N/A
- Feb. 24—Morris Plains
CPIA 1: Position For Success
NJCE: 7
- Feb. 26—Your office
PIA Lunch and Learn: An owner's guide to acquiring or selling an agency
NJCE: N/A

March

- March 3—Your office
PIA Lunch and Learn: How to Combat the Commoditization of Personal Insurance in Your Agency—Part 1: The Risk Management Approach
NJCE: N/A

- March 4—East Hanover
CISR AO: Agency Operations^{FF,UM}
NJCE: 7 PC, 1 Ethics/or 12 with designation
- March 5—Jamesburg
CISR AO: Agency Operations^{FF,UM}
NJCE: 7 PC, 1 Ethics/or 12 with designation
- March 11-12—Jamesburg
March CE Madness 2009
NJCE: Various, see Web site: www.pia.org/EDU/extras/marchcemadness.shtml.
- March 19—Your office
PIA Lunch and Learn: How to Combat the Commoditization of Personal Insurance in Your Agency—Part 2: Risk Transfer to Insurance and Non-Insurance
NJCE: N/A

- March 19—Edison
PIANJ Advantage Program: The 7 Triggers to YES For Insurance Agents Workshop
NJCE: N/A

*To register for an education event, call the Education Department at (800) 424-4244. Or, logon to the PIA Web site, and type **EC10027** in the Quick-Link box.*

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