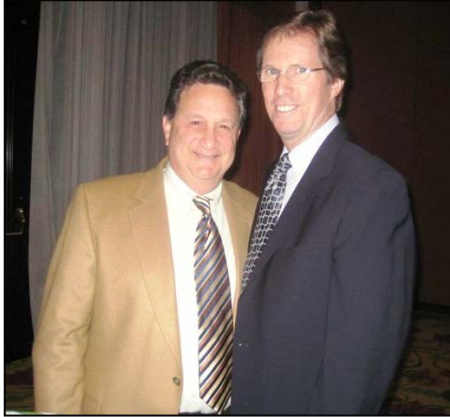


NAPIA BULLETIN



National Association of Public Insurance Adjusters

Winter 2010



Randy Goodman, SPPA (l) with NAPIA "Person of the Year," David Barrack (r)

DAVID BARRACK NAMED NAPIA "PERSON OF THE YEAR" AT 2009 MID-YEAR MEETING

The NAPIA Mid-Year Meeting was held December 3-5, 2009 at the Wynn Hotel & Resort in Las Vegas, Nevada. Programs included at least two hours of professional education each morning. Speakers were Katherine Smith Dedrick, Esq. of Risk Assessment & Transfer International/Childress Duffy Goldblatt LLC; Edward Eshoo, Esq. and Andy Plunkett, Esq. of Childress Duffy Goldblatt LLC; Jonathan Wilkofsky, Esq. of Wilkofsky, Friedman, Karel & Cummins; Marc Gravely, Esq. of Gravely & Person LLP, and Wes Baldwin of The Baldwin Company. Subjects ranged from how to get paid promptly -- to the handling of Chinese drywall claims -- to the odds of having a successful appraisal process. According to post meeting surveys, all speakers and topics were well received by attendees.

A total of four CE credits were awarded to all SPPAs and CPPAs in attendance at the education sessions. Eleven states also approved the two-day program for a similar number of credits.

The association business agenda included officer and committee reports as well as an update by Counsel Brian Goodman, Esq. on legal and legislative issues. Goodman detailed efforts by NAPIA in numerous states, including ongoing threats to the practice of public adjusting in Florida.

NAPIA Vice President Ray Altieri, CPPA, provided further information on problems in his home state of Florida. He also reviewed steps taken by the Florida Association of Public Insurance Adjusters (FAPIA).

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Jonathan Wilkofsky, Esq. (r) and Marc Gravely, Esq. (l) speak on the appraisal process at a Mid-Year Meeting education session

BRUCE SWERLING, SPPA JOINS THE RANKS OF FPPAs



NAPIA extends congratulations to Bruce Swerling, SPPA of Swerling Milton Winnick Public Insurance Adjusters upon receiving the designation of Fellow Professional Public Adjuster (FPPA). The prestigious designation is awarded to practitioners who have made a significant contribution to the quality and advancement of the education and certification programs promulgated by NAPIA.

"It is an honor to be recognized for my work on activities that play such an important role in our profession," says Swerling, firm president and treasurer.

Swerling has been an SPPA for many years and a public adjuster since 1963. In addition to his FPPA and SPPA certifications, he is a past president of both the National and Massachusetts Associations of Public Insurance Adjusters.

Others holding the FPPA designation are: Stephen Figlin of Young Adjustment Company; William Goodman of Goodman-Gable-Gould/AI; Robert Lucurell of Adjusters International Corporation, and Marvin Milton of Swerling Milton Winnick.

2009 Mid-Year Meeting *from page 1*

President Drew Lucurell, Esq., SPPA said that additional funding is required to pay for local representation and other expenses associated with the work to be done in Florida. As a result, he said, the Board of Directors has agreed to a resolution to assess each firm at the rate of fifty percent of their annual membership dues in order to raise the money needed.



Karl & Lisa Denison enjoy a night out in Las Vegas during the 2009 Mid-Year Meeting

At the second of two evening receptions, NAPIA Executive Director David Barrack received the association's "Person of the Year" award. Past President Randy Goodman, SPPA spoke on behalf of Barrack and presented him with his plaque. He noted that the recipient was being honored for his vision and leadership in launching a successful First Party Claims Conference last October.

Survey results indicated that nearly everyone was satisfied with the Mid-Year Meeting social and networking events; which included the opening reception on Thursday, morning breaks each day, and Friday evening's Person of the Year Award reception.

The Winn Las Vegas proved

to be a very popular destination for the 2009 winter convention. Nearly all survey respondents agreed that it was a great spot for business and recreation. General comments submitted on Mid-Year Meeting surveys included:

- *"Perhaps a program that focuses on PA contract provisions would be good seminar program."*
- *"Total cost (travel, hotel & registration) is an issue when thinking about bringing others from my firm."*
- *"Any chance on getting someone to discuss how to get paid by mortgagees when they hold the policyholder's money in escrow?"*
- *"Great job!"*

Thanks to everyone who took time to participate in the Mid-Year Meeting survey. All input will be evaluated by members of the convention committee to see how future NAPIA events can be improved.

The next major association event is the June 9-13, 2010 Annual Meeting at Ojai Valley Inn & Spa in Ojai, California. To stay informed about this and all other association events, visit www.napia.com and navigate to the 'Event Schedule' page.



Seminar speaker Katherine Smith Detrick, Esq. talks about how to get paid promptly



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COUNSEL

Brian Goodman, Esq.
901 Dulaney Valley Rd., Suite 400
Towson, MD 21204
Ph: 410-938-8800
Fx: 410-321-7044
bgoodman@hpklegal.com

EXECUTIVE DIRECTOR

David Barrack
21165 Whitfield Place, #105
Potomac Falls, VA 20165
Ph: 703-433-9217
Fx: 703-433-0369
info@napia.com
www.napia.com

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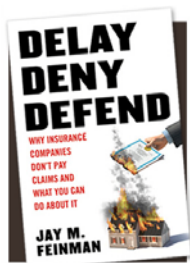
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*Delay,
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... tells the story of how insurance companies have transformed the claims process into a profit center, making it more difficult for property owners to receive the benefits to which they are entitled.

For public adjusters, the book provides a broader context for the difficulties they often encounter: why company adjusters often are less well trained and have less discretion, how experts can be used and misused, why problems often arise in scoping loss, and estimating damage.

The book also answers many of the questions clients often ask public adjusters: why doesn't my "all-risks" policy cover all kinds of risks? Will my replacement value policy always pay the full cost of replacement? Why does the claim process take so long? Why is my insurance company being so difficult? Why do I need a public adjuster anyway?

In addition to describing the changes in the industry generally, the book includes chapters on homeowners insurance, natural disasters such as Hurricane Katrina, advice for policyholders, and needed legal reforms.

The author is Jay M. Feinman, Distinguished Professor of Law, Rutgers University School of Law, Camden, NJ.

More information is available at www.delaydenydefend.com.

FUTURE MEETING SITES & DATES

2010 INSURANCE SEMINAR

Marina Del Rey Hotel
Los Angeles, CA
March 16

2010 ANNUAL MEETING

Ojai Valley Inn & Spa
Ojai, CA
June 9-13

2010 FIRST PARTY CLAIMS CONFERENCE

Crowne Plaza Hotel
Warwick, RI
October 18-20

2010 MID-YEAR MEETING

Ritz Carlton South Beach
Miami, FL
December 9-11

2011 ANNUAL MEETING

Atlantis Resort
Paradise Island, Bahamas
June 8-12

2011 MID-YEAR MEETING

Arizona Biltmore
Phoenix, AZ
December 1-3

2012 ANNUAL MEETING

The Grand Del Mar
San Diego, CA
June 20-24

2012 MID-YEAR MEETING

The Ritz Carlton
San Francisco, CA
November 29-December 1

fession of public adjusting in that important state, and to hopefully secure a permanent agreement for licensing and regulation of public adjusters.

We have already been to a number of meetings in Florida, and more are planned this spring when the legislature convenes. We appreciate the support of all NAPIA member firms in this important effort and will keep everybody posted on all developments in that state.

In Arkansas, our attorney has made positive headway with a number of groups in our efforts to secure a licensing bill in that state. The Arkansas legislature only meets every other year, and we are positioning ourselves for an effort at licensure after the first of the year in 2011.

Our relationship with the NAIC continues to grow. Dick Burr is leading the Past Presidents Committee with me in keeping the NAIC relationship strong, which is important for NAPIA as we deal with the regulators throughout the country.

As always, please keep us aware of any matters, either positive or negative, that may arise in your particular states.



COUNSEL'S CORNER

*Legal Counsel
Brian S.
Goodman, Esq.*

NAPIA continues to be very busy on a number of fronts with regard to advancing and stabilizing the public insurance adjusting profession.

We are working diligently in Florida with local counsel and with FAPIA to protect the pro-

PRESIDENT'S MESSAGE

*Drew Lucurell,
Esq., SPPA*



Since there has been so much activity on the state legal and legislative fronts over the past several weeks, I thought it only appropriate that I address a few items that weren't known when Brian Goodman submitted his report a short while ago.

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Brian has already informed you about matters in Florida that present a constantly changing environment for our profession, as well as Arkansas, which has been a little more predictable. Currently we are addressing legislative issues in Indiana, for which we had to raise additional private funds in order to hire a lobbyist to assist with challenges brought on by an attempt to ban solicitation under the new licensing bill for six days following a loss.

Additionally, we have just been made aware of proposed legislation affecting licensing in West Virginia. We are in the process of determining what difficulties this may present for public adjusters in the near future.

I would like to remind you of NAPIA's upcoming insurance seminar in Los Angeles which is being co-hosted by the California Association of Public Insurance Adjusters (CAPIA). Registration is still open and we would really like to see you there. Please contact David or Jessica at headquarters if you need additional details.

I look forward to seeing each of you this June for our 2010 Annual Meeting at the Ojai Valley Inn & Spa in Ojai, CA.

GENERATE LEADS WITH A NAPIA WEBSITE LINK!

The NAPIA website features a searchable database of public insurance adjuster and affiliate members. It is a valuable resource for members, insureds and the general public. For an annual rate of \$200, a direct link to your company's website can be activated immediately. For details, contact headquarters.

NAPIA/CAPIA INSURANCE SEMINAR PROVIDES ADJUSTERS WITH CE CREDITS IN 11 STATES

This year's spring insurance seminar presented by NAPIA and the California Association of Public Insurance Adjusters (CAPIA) features five sessions on a wide range of topics of interest to first party insurance claims professionals. Recently added to the program is an open discussion on insurance matters specific to California PAs led by Robb Greenspan, SPPA of The Greenspan Company/AI. The seminar takes place Tuesday, March 16, 2010, at the Marina del Rey Hotel in Marina del Rey (Los Angeles), CA. Speakers and topics include:

"Good Stuff in California's Insurance Claims Practices Statutes and Regulations ... Know Them and Use Them to Your Clients' Advantage" by Joel Gumbiner, Esq. of Gumbiner & Eskridge, LLP

"Forensic Methods/Tools in Damage Evaluation" by Dilip Khatri, Ph.D., S.E. of Khatri International, Inc.

"Case Study of a \$12 Million Homeowner Loss" by Ken Crown, SPPA of Greenspan Adjusters International, Inc.

"International Building Code 2009" by Dilip Khatri, Ph.D., S.E. of Khatri International, Inc.

"Why You Shouldn't Sue for a Fee and Why to be Cautious on Other Client Suits" by Glenn Rosen, Esq. of Loewenthal, Hillshafer & Rosen, LLP

The seminar provides six continuing education (CE) credits for all SPPAs and

CPPAs. The program has also been approved by the state insurance departments of California, Florida, New Hampshire, New York, North Carolina, Oklahoma, Tennessee, Texas and Wyoming for six CE credits (Massachusetts is granting four). As of this writing, an application is still pending approval for Utah.

To receive CE credits, registrants must attend the entire seminar program. Attendees will also be required to sign in and out.

The registration desk will open at 7:15 am on Tuesday, March 16. The education program begins following the opening remarks at 8:20 am (*which is a new time*) and will conclude at approximately 3:10 pm. Registration includes all handouts, continental breakfast, lunch and refreshment breaks.

The Marina del Rey Hotel is conveniently located about five miles from the Los Angeles International Airport (LAX). To stay overnight, call the hotel at 800-882-4000 or 310-301-1000 and ask for the NAPIA group rate of \$109 single/double (based on availability). A first night's deposit is required.

For more details or to register online, go to www.napia.com.



The harbor view from LA's Marina del Rey Hotel

MEMBER NEWS



Robert Sill has been named World ORT's representative to the United Nation's Economic and

Social Council (UNECOSOC). The Council serves as a forum for discussing international economic and social issues, and for formulating policy recommendations. World ORT has Consultant Status on UNECOSOC.

A past president of NAPIA, Sill is the chief executive officer of the Alex N. Sill Company in Cleveland, Ohio. He is active in many civic, cultural, and philanthropic organizations. He is a former board member of a major nationwide bank, a past president of the American ORT Federation, and an officer of World ORT.

For additional details about Sill's work with World ORT, visit www.ortcleveland.org.

LINK IN WITH NAPIA!

Have you joined the NAPIA LinkedIn group? Currently this professional network group includes 31 NAPIA members, plus there has been significant interest from others in the insurance community.

Join to receive up to date information on insurance related issues and events as well as current news from your peers! Simply sign in to your LinkedIn account and search "Groups" for "NAPIA".

Questions? Contact Jessica Elleman, NAPIA Membership and Events Coordinator, at jessica@napia.com or 703-422-9217.

CONVENTION SPONSORS & EXHIBITORS RECOGNIZED

NAPIA wishes to acknowledge the generous support of the following 2009 Mid-Year Meeting Exhibitors & Sponsors:

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MEMBERS ASSESSED TO ADDRESS RESTRICTIVE MEASURES IN FLORIDA

In recent years public adjusting has been facing an aggressive movement in Florida to greatly hamper their ability to work in that state. This activity persists as Florida insurance companies, regulators and legislature are entertaining and advocating new restrictions. Until now, a few member firms have funded NAPIA's efforts in Florida (the great majority of which are not domiciled there) with hundreds of thousands of dollars. This has successfully protected the PA's right to work there. In December; however, the NAPIA Board of Directors determined that our presence in Florida must be strengthened and authorized an assessment of fifty percent of dues to do so.

If you have not submitted your assessed amount, please act soon. Your support is much needed and appreciated.

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Matthew Pearson, Esq.
Gravely & Pearson, LLP
San Antonio, TX

Childress Engineering Services
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Joey Childress (rep.)
Don Wessinger (rep.)

TOPICS SET FOR NEXT PCMA COMPETITION

The Paul Cordish Memorial Foundation was established in memory of the late Paul L. Cordish, Esq., to ensure that the future of the association and the profession he nurtured and served by providing a prize, award or fellowship for a law student at the University of Maryland School of Law who successfully competes in a writing contest or other competitive process based on criteria developed in consultation with NAPIA and approved by the law school.

Entrants in the competition may choose any topic they wish so long as it focuses on public insurance adjusting. While papers written on any topic are eligible and may be

selected, the following general topic areas have been offered by members of the NAPIA Past Presidents Committee to be considered for this year's competition:

1. Should public adjusters be required to sit for an examination under oath?
2. The moral, legal and ethical dilemma of corporate profits vs. policyholder service and benefits – the effects of the McKinsey report on the adjustment process.
3. The potential effect of the recent expansion of the first-party bad faith cause of action (both by case law and statute) on the practice of public adjusting.
4. Should the public adjuster's right to payment for services give rise to an equitable lien, and, if so, how should it be implemented?
5. The applicability of the Unfair Claim Settlement Practices Act to non-licensed carriers.
6. Do state statutory restrictions on the ability of public adjusters to contact insured persons violate constitutional rights of commercial speech?

To enter the competition, authors must have completed the first year in either the full-time or part-time program at the University of Maryland School of Law or have been accepted as a transfer student at the time of submission. All applicants must currently be enrolled as a candidate for a J.D. degree to be awarded by the University of Maryland School of Law and be in good standing at the school at the time of submission. No paper

that has been published previously in any form will be considered.

In April, a University of Maryland School of Law faculty committee will select the five best papers to be forwarded on to the Paul Cordish Memorial Award competition advisory board to choose the winning entrant.

The 2010 PCMA recipient will be announced in May, and receive his or her award at the NAPIA Annual Meeting in June.

CURRENT SPONSORS & EXHIBITORS FOR NAPIA EVENTS IN 2010!

MARCH NAPIA/CAPIA INSURANCE SEMINAR

- Merlin Law Group, Tampa, FL

2010 Mid-Year Meeting

- Rolyn Companies, Inc., Rockville, MD & VA Beach, VA

2010 ANNUAL MEETING

- Weidlinger Associates, Inc., Marina del Rey, CA

2010 FIRST PARTY CLAIMS CONFERENCE (FPCC)

- Childress Duffy Goldblatt, Chicago, IL
- Childress Engineering Services, Inc., Richardson, TX
- Continental Machinery Co., Inc., Dallas, TX
- Exponent, Inc., Menlo Park, CA & Boston, MA
- iSurePro, Miami, FL
- MAPIA, Boston, MA
- Merlin Law Group, Tampa, FL
- Rolyn Companies, Inc., Rockville, MD & VA Beach, VA
- Wilkofsky, Friedman, Karel & Cummins, New York, NY

Interested in sponsoring or exhibiting at a NAPIA event? Contact Jessica Elleman, NAPIA Membership & Events Coordinator at 703-433-9217 or jessica@napia.com.



**OJAI VALLEY INN & SPA –
SITE OF THE 2010 NAPIA
ANNUAL MEETING**

Edward D. Libbey's dream for Ojai Valley began to take shape in 1923 as his private country club and golf course were built to harmonize with the unspoiled beauty of this rural paradise. Guest rooms were added to the private country club a few years later. From its early days, guests felt the Ojai Valley Inn was an escape, a sequestered yet sophisticated getaway that gave them the feeling of being on their own private country estate.

In 1942, the Ojai Valley Inn was transformed into Camp Oak for a military training center for a battalion of 1,000 U.S. Army troops. Two years later the Army turned the base over to the U.S. Navy for a rest and recuperation facility.

Ojai Valley Inn & Spa opened again in 1947, playing host to Hollywood notables Clark Gable, Irene Dunne, Lana Turner, Loretta Young, Hoagy Carmichael, Walt Disney, Nancy and Ronald Reagan, Judy Garland, Paul Newman and others. Since that time, the resort has been a sophisticated and tranquil escape with the feel of a private country estate.

Generations of guests have relaxed and rejuvenated in an atmosphere of casual elegance while enjoying the quiet peace presented by the scenic Ojai Valley.

A \$90 million renovation took place in the spring of 2005. The resort debuted 308 new rooms and suites, a new lobby and entrance, new golf shop, new restaurants, and new ballrooms and meeting space while preserving its original charming architecture and unique sense of place. In 2006, the Resort was awarded the coveted 5-Diamond Award for excellence.



The Inn is a Spanish colonial-style resort situated on 220 acres in the serene Ojai Valley, 33 miles south of the town of Santa Barbara and 14 miles from ocean beaches. Facilities include riding stables, an 18-hole championship golf course, three swimming pools, four restaurants and the 31,000 square-foot "Spa Ojai," that offers a variety of facial, skin, and body treatments.

Nearby airports include Santa Barbara Municipal (SBA) – about 50 minutes away, Los Angeles International (LAX) – 1 hour, 50 minutes away, and John Wayne International (SNA) – about 2 hours away (travel time from airports may be longer depending on traffic).

For more information about Ojai Valley Resort & Spa, visit www.ojairesort.com.

To make a room reservation for the NAPIA Annual Meeting, call (888) 697-9116 and ask for the group rate of \$350 single/double. Full convention details will be available soon.

**REMINDER TO ALL NAPIA
MEMBER FIRMS**

Upon membership approval, each member firm receives a welcome letter and membership kit including:

- NAPIA logos for use on printed and digital materials
- NAPIA decal
- A copy of "The Professional Public Insurance Adjuster" brochure with order form
- NAPIA member news form, to submit updates and other current news from your firm
- NAPIA Certification Program packet with application

To request additional copies of these materials, contact NAPIA at info@napia.com or 703-433-9217.

**CONTRIBUTE TO THE WILL
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The Will Goodman Foundation was created to serve as a resource for the education of public insurance adjusters. Contributions made in the name of a colleague or loved one will be acknowledged with a letter to the family. All donations are tax deductible. Checks may be made payable to:

Will Goodman Foundation
c/o NAPIA
21165 Whitfield Place, #105
Potomac Falls, VA 20165

To make a donation by credit card, call 703-433-9217.

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