

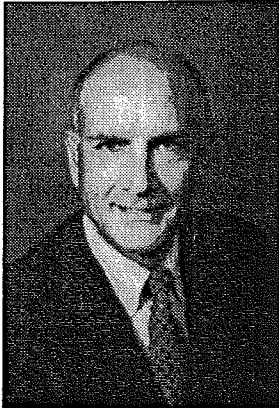
Quarterly Update

VOL. 5

JUNE 1997

PRESIDENT'S COLUMN

By: Charles R. "Dick" Tutwiler
President, Florida Association of Public Insurance Adjusters



The Annual Meeting of the Florida Association of Public Insurance Adjusters, Inc. will be held on August 13 and 14 in Ft. Lauderdale, FL.

This meeting will be 2 days of seminars and discussions on relevant issues of concern to Florida-licensed public insurance adjusters. In addition, the annual business of the Florida Association of Public Insurance Adjusters, Inc. will be conducted. We would ask that you review the itinerary enclosed with this newsletter for specific information concerning agenda items.

At this time, I would like to provide a brief status of the Florida Association of Public Insurance Adjusters, Inc. as we enter the 1997 storm season.

The Florida Association of Public Insurance Adjusters, Inc. the only organized, chartered association for public adjusters in the State, has come of age. Interest in our Association is at an all-time high, with new prospective members inquiring regularly as to the benefits of our organization.

We are being taken seriously by other professional associations, as well as the regulatory body in Tallahassee who oversees our licensing.

Professional groups wishing to attend, participate in, and contribute with their areas of expertise are also at an all-time high. For example, witness the interest we are receiving from the legal profession in that they have come to realize that we are not competitors, but in fact complement each other in our respective areas of expertise.

Other areas of progress are:

For the first time, concerning the regulatory process, we have been asked to participate in and lobby for perspective legislative issues, as well as participate in and contribute to authoring rules that govern our conduct as found in the Florida Administrative Code.

For the first time, the Florida Association of Public Insurance Adjusters has been represented in a committee, writing and reviewing the examination to be given to prospective licensees desiring an adjusting license in Florida.

For the first time, due to effective public relations, the Florida Association of Public Insurance Adjusters, Inc. has been featured in several regional and national publications.

For the first time, the Federal Emergency Management Agency (F.E.M.A.) through its subsidiary, The National Flood Program, has welcomed and encouraged Florida licensed public adjusters to attend yearly seminars for the purpose of obtaining continuing education on flood policy revision.

Clearly, a lot has been accomplished within the short life of this organization, but much work needs to be done in the future.

With the increase in visibility, we can expect to be continually evaluated, audited, scrutinized, and of course, criticized. You can be sure with the next

large storm there will be adversarial and controversial issues that will arise.

Adversity and controversy, however, leads to opportunity, progress, and growth. How we, as an organization, manage and deal with these issues will determine not only our Association's fate, but each individually licensed public adjuster's future in the State of Florida.

Turning to the future and having the advantage of hindsight, it is my view that some of the major issues facing us in the future that should be of concern to all our members are:

1. Active Commitment and Participation in the Florida Association of Public Insurance Adjusters Organization;
2. Active Legislative Participation;
3. Continuing Education;
4. Community Involvement;
5. Ethics;
6. Membership Growth; and
7. Public Relations.

In closing, at the conclusion of our Annual 1997 meeting, I will step down as the President of the Florida Association of Public Insurance Adjusters. Over the course of this last year, I have enjoyed working in this position and hopefully have made some meaningful, lasting contribution. Once again, I want to thank those of you who have expressed appreciation for the work that has been accomplished to date, through your letters, faxes, and phone calls.

I very much appreciate your confidence in allowing me to serve in this position. I look forward to seeing all of you in Ft. Lauderdale.

Charles R. "Dick" Tutwiler
C.P.C.L.A.
President, F.A.P.I.A.

PUBLIC ADJUSTER/CONTRACTOR LICENSE ISSUE

ETHICS

Over the last year, there has been a number of inquiries, complaints, and discussions concerning the new trend for contractors licensed in this state who hold two licenses, one as a contractor, and also a public adjuster license.

The reason for the controversy is that the Florida Department of Insurance has stated publicly that they have under investigation, a number of occasions wherein contractors are advising people concerning issues reserved only to licensed public insurance adjusters. In other words, they are acting as a licensed contractor and an unlicensed public adjuster. The Insurance Commissioner's Office has stated that these people will be investigated and the appropriate action taken.

As this word has gotten out in the contracting community, contractors are now obtaining public adjusters, licenses. As you will recall in our last meeting in Tallahassee, Phil Fountain, the head of Agent and Agency Investigation has stated his position regarding this issue. He has stated on the record that this is an issue that needs to be looked into from an ethics standpoint and perhaps will require a rule change. "We stand for full disclosure to the consumer." "We need to be told about this type of event." "This conduct is real close on crossing the line." "I see land mines everywhere."

Clearly, there exists potential for abuse and with this potential conflict of interest wherein the public adjuster is representing a consumer in settling his claim, and at the same time, being aware of the settlement, is attempting to obtain the contract for repair or restoration of the damaged property.

This is a topic which needs to be discussed in an open forum and a position taken by the Florida Association of Public Insurance Adjusters.

As of today, the Administrative Code and Florida Statutes appear to be silenced on this issue, I would suggest that after discussion and a vote, the Florida Association of Public Insurance Adjusters petition to the Department of Insurance to amend the rules or take whatever other action is needed so that this conflict of interest no longer exists with the contractor and the public adjuster being the same person with the financial interest on both sides of the claim process.

FLORIDA LEGISLATIVE REPORT 1997

For those of you who do not know, the two bills introduced in this past year's legislature, both of which were of material concern to Florida Public Adjusters, did not pass. Both bills in their final form were not detrimental to Florida Public Insurance Adjusters. In fact, it is with great disappointment that I report to you that these bills did not pass as a great deal of work and effort was expended in Tallahassee and on the telephone by members of the Florida Association of Public Insurance Adjusters to get these bills in their final form in a manner that was not detrimental to our profession and our members.

In my opinion, this legislation will re-surface next year and will require again a great deal of effort, time, and expense to work with the legislature to satisfy their goals, and at the same time, to protect our interest as well as the insurance-consuming public.

For those of you who do not belong to the National Association of Public Insurance Adjusters, and have not had an opportunity to review the last N.A.P.I.A. (Newsletter), there was an article detailing the experience public adjusters had in Maine in their last legislative session.

Unfortunately, our colleagues in Maine were not watching the ball and legislation was introduced in their state which was passed that was detrimental to their interest. They did not know that this legislation was pending, or that it passed until the Governor had signed the bills.

Clearly, here in Florida, we have become somewhat sophisticated, however, every year the legislative issue will have to be monitored very closely.

For all who participated in the efforts to date, I would like to thank you for your time, effort, and commitment. This was truly a great job, notwithstanding the fact that the bills did not pass simply because of time running out with the short 1997 legislative session.

A few weeks ago, I had the pleasure to meet Dr. Peter A. French, the Director of the University of South Florida Ethics Center.

I was particularly impressed with Dr. French and his programs that are offered not only to the University but to the business community at large.

Over the course of our dinner, Dr. French advised me that he has been retained by various private business entities to write ethics programs based on their particular business environment after conducting a study of the particular practices and procedures involved in the day-to-day operation of the industry and/or profession.

For those of you who have not kept up with this particular area in business publications, ethics has become a hot topic. While most organizations, including ours, has a written code of ethics, the truly progressive organizations and companies are engaging in ethics training through a formal environment.

In regards to public relations, I would suggest to you that it would be a very positive statement if we would, through our Association, offer an ethics accreditation program and a certificate for those individuals who complete it through the Florida Association of Public Insurance Adjusters.

As an aside, Dr. French's daughter was just selected among numerous national candidates to teach the Ethics Program to the Naval Academy Cadets at the Naval Academy in Annapolis, Maryland. While certainly we are not going to be driving nuclear submarines or navigating aircraft carriers, I would offer this as a topic for further discussion.

In conclusion, in my opinion, this type of training and the positive public relations that would follow is of incalculable value in regards to the perception of our profession and organization by the general public and the regulators.

For any of those who would like to speak with Dr. French directly, he can be reached at the USF Ethics Center in St. Petersburg, FL (813) 553-3170. Dr. French is also the chairholder of the Dr. Edward Cole, Chair for Ethics, University of South Florida.

ANNUAL MEETING - Ft. Lauderdale, FL

The 1997 Annual Meeting of the Florida Association of Public Insurance Adjusters has been set for August 13 and 14 in Ft. Lauderdale. The Embassy Suites Hotel located at 1100 S.E. 17th Street, Ft. Lauderdale, FL 33316 has been selected for this meeting. This full-service facility offers a convenient location, excellent accommodations, and ease in location and transfer from the Ft. Lauderdale Airport. For reservations, you may contact the Embassy Suites at 954-527-2700, fax no. 954-7289294, or call their reservation number, 1-800-EMBASSY.

A special rate has been negotiated for the Florida Association of Public Insurance Adjusters. At this time, a 30 block room has been set aside. Because of the itinerary of this meeting, we expect a full turnout so we would urge you to call early to make sure that space is reserved for you.

A seminar cost has been held at the previous cost of \$125.00 for members, or \$150.00 for non-members. We would appreciate receiving a reservation and check as soon as possible.

We are allocating two full days for this seminar. Please see the enclosed itinerary for details.

Again, I look forward to seeing you in Ft. Lauderdale for what we expect to be a record turnout.

August 12

5:00 p.m. - Cocktail Party
7:00 p.m.

August 13

9:00 a.m. Opening Remarks
Charles R. "Dick" Tutwiler, President
F.A.P.I.A.

9:30 a.m. Arden J. Lea, Esq., The
Law Office of Arden J.
Lea, Attorney at Law,
"Understanding Lloyds of
London, "The Great
British Robbery Case."

10:30 a.m. Break

11:00 a.m. John Pappas, Esq., Butler,
Burnette & Pappas,
Attorneys at Law. "How
Public Adjuster Can Help
In The Adjustment and
Investigative Process."

12:00 p.m. Lunch

1:15 p.m. Doug Grose, Esq. Douglas
L. Grose, P.A., "Public
Adjusters Contract; What
is Valid Assignment?" (To
Be Followed By A
Workshop.)

3:00 p.m. Open Forum

4:00 p.m. Adjournment

August 14

9:00 a.m. William F. Merlin, Jr., Esq.
The Merlin Law Group,
"Replacement
Cost Policy Provision."

10:00 a.m. Break

10:30 a.m. Senator John Grant, Esq.,
Harris Barnett, Mann &
Dew, Attorneys at Law,
"Working With The Florida
Legislature and Insurance
Issues Today In Florida."

11:30 a.m. Judy Kahn, Esq., Levin &
Tannenbaum, Attorneys at
Law, "Market and Business
Development Techniques
For Public Adjusters."
(Will present an edited T.V.
production tape for our
viewing.)

12:30 p.m. Lunch

1:30 p.m. New Officers,
F.A.P.I.A. Business

2:30 p.m. Adjourn

Would you like to become a member of F.A.P.I.A.?

*If you or someone you know would like to become a member of F.A.P.I.A.,
please complete and mail this application to:*

Charles R. "Dick" Tutwiler
Tutwiler & Associates, P.A.
2203 N. Lois Avenue, #720, Tampa, FL 33607

Applicant's Name _____

Firm Name _____

Business Address _____

Business Phone _____

Fax _____

Are you a public adjuster licensed in
the state of Florida? Yes No
Year Licensed _____

Type of Practice:

All Lines
 Motor Vehicle/Physical Damage
 Workmen's Comp.
 Health Insurance
 Property/Casualty

F.A.P.I.A.

Special Thanks

• To all The **F.A.P.I.A. Members and Guests** who attended our mid-year meeting in Tallahassee. You can always tell the true professionals - they are the ones who show up for the continuing education and networking that are part of these events.

• To **Richard Wilson, Esq.** for his attendance at our spring meeting and giving an excellent lecture on Alternative Dispute and Appraisal. We really appreciate the handout with the most recent court class.

• **Ron Deleo** for filming our last meeting and making it available for our membership.

• And finally, to **William "Chip" Merlin, Esq.** and **Jim Toukatly** for attending the all-important meeting in Tallahassee with this writer early in my term with the insurance commissioner department heads.

That lengthy meeting was the beginning for a lot of door being opened at various levels this past year.

** Please Fill Out and Mail Right Away **

FLORIDA ASSOCIATION OF PUBLIC INSURANCE ADJUSTERS '97 Annual Meeting (Ft. Lauderdale, Florida) Registration Form

Name _____ Phone () _____

Address _____ Fax () _____

(if different from label)

Number of people coming ____ Rooming Requirements ____ Amount Enclosed _____

Are you currently a member of F.A.P.I.A. ? _____