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## **ARS Restoration Specialists' 18<sup>th</sup> Annual Insurance Symposium**

### **Wednesday, August 2<sup>nd</sup> 2017 | East Putnam Club, Gillette Stadium**

### ***Breakout Session Topics, Descriptions & Speaker Bios***

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#### **The A, B, Cs of Professional Liability Involving Insurance for Independent Adjusters, Public Adjusters, and Agents/Brokers**

**PRESENTED BY:** William Ferranti, Brian Sullivan and Lydia Knight

**BREAKOUT DESCRIPTION:** This session will discuss insurance coverage and forms for independent adjusters, public adjusters and insurance agents and brokers. The session will discuss what errors and omissions coverage is and how it applies. The session will also discuss the subject matters of proving and defending professional liability claims against independent adjusters, public adjusters, insurance agents, and brokers.

**William Ferranti** is a Senior Vice President in the Marketing Group at Hub International New England and has been with the firm for 20 years. He has over thirty years of insurance experience and is a graduate of Worcester Polytechnic Institute with a Bachelor of Science Degree in Mechanical Engineering. Mr. Ferranti is one of the firm's "specialists", providing expertise to the organization in the areas of Directors and Officers, Employment Practices and Fiduciary Liability, Crime, Kidnap & Ransom, International, Environmental and Errors and Omissions. He provides marketing assistance to numerous clients in these areas of expertise.

**Brian Sullivan** is a senior partner at Sloane and Walsh, LLP. Mr. Sullivan received his J.D., *cum laude*, from Boston College Law School in 1995. Mr. Sullivan's legal practice focuses on professional liability defense litigation and employment law in state and Federal Court and before administrative agencies. An accomplished and experienced litigator, Mr. Sullivan has tried multiple jury trials to successful verdicts in both civil and criminal matters, in state and Federal court, and has argued before the Supreme Judicial Court of Massachusetts. Mr. Sullivan has been selected to "Super Lawyers" every year since 2013, and in 2014 he was elected to the American Board of Trial Advocates. Of note, Mr. Sullivan has successfully defended unique professional liability claims involving scientific research activities and publications, including product disparagement and trade practices claims. Prior to joining Sloane and Walsh, Mr. Sullivan served in the U.S. Navy, primarily as a criminal defense lawyer representing military personnel in Courts-Martial.

**Lydia Knight** is an associate at Sloane and Walsh, LLP. Ms. Knight's practice focuses on professional liability defense litigation. Specifically, Ms. Knight specializes in healthcare malpractice. She also practices in other areas of professional malpractice. Prior to joining Sloane and Walsh as an associate in 2012, Ms. Knight worked as a law clerk at Sloane and Walsh. Preceding law school, Ms. Knight worked in San Francisco as a paralegal for a national law firm, primarily working with attorneys defending pharmaceutical product liability litigation.

#### **Innovation – Insurance Keeping Pace with Technology**

**PRESENTED BY:** Brett Corson and Brendan Labbe

**BREAKOUT DESCRIPTION:** This session will discuss the use of technological innovations in the insurance industry, including the use of unmanned air craft/drones and geographic information systems. The session will also discuss insurance coverage and forms relating to temporary property rentals and ridesharing. The session will conclude with a discussion of the use of on-line dispute resolution services by internet vendors for the purpose of resolving consumer complaints.

**Brett Corson** is a senior associate at Sloane & Walsh, LLP. Brett earned his law degree from Chapman University School of Law in 2009 with an emphasis in Advocacy and Dispute Resolution, and his undergraduate degree from the



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University of New Hampshire in 2005 (B.A., Cum Laude). Brett is licensed to practice in the State and Federal Courts of Massachusetts, New Hampshire, New York and in Washington, D.C. Brett's practice focuses on complex civil and commercial litigation, professional liability, products liability, subrogation, and consumer protection actions. Brett routinely represents insurance companies, hospitals, property owners, small and large businesses, medical providers, construction companies and behavioral health facilities. Brett has been named a "Rising Star" by New England Super Lawyers magazine for the years 2014-2017.

**Brendan Labbe** is an associate at Sloane and Walsh, LLP. Brendan earned his law degree from Suffolk University Law School with a magna cum laude distinction. Brendan received his bachelors from Clark University with a summa cum laude distinction. He is licensed to practice in both Massachusetts and Connecticut. Brendan's practice focuses primarily on insurance coverage, first-party property damage, and bad-faith litigation.

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## **Cyber Risk Solutions: Knowing the Exposures and Insuring Against Them**

**PRESENTED BY:** Michelle Lopilato

**BREAKOUT DESCRIPTION:** This session will discuss cyber risk exposures, data breaches and their main causes, legal landscaping as well as the financial impact, protection and insurance coverage.

**Michelle Lopilato** is a cyber risk and technology E&O expert who develops data breach and technology risk transfer strategies for HUB International's client base. As Director of Cyber and Technology Solutions for HUB International, Michelle is responsible for engaging clients on optimal risk transfer for Privacy, Network Security and Technology E&O risks, product development and production on the East Coast, building small business and association business platforms, engaging the product marketplace on coverage concerns and setting sales strategies. Michelle is a leading specialist on cyber risk coverage concerns, a recognized cyber risk insurance subject matter expert, speaker and frequent blog contributor on cyber risk mitigation and business protection.

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## **Code Required Repairs: Establishing the Scope at the Onset of the Claim, Code Coverage Law and Holdback Issues**

**PRESENTED BY:** William Schneider and John Certuse

**BREAKOUT DESCRIPTION:** This session will be focused toward ground adjusters. The session will discuss the history of building codes and the hierarchy and authority of existing codes, including national, state and local building codes. The session will discuss the appropriate resources for determining the scope of code required repairs. The session will also discuss new coverage endorsements and the issue of increased code coverage limits. The session will illustrate code issues with situational examples.

**William Schneider** is a CPCU and a Partner in the Boston office of Morrison Mahoney LLP, and focuses his practice on civil litigation and first-party insurance, with an emphasis on trial and appellate work in the state and federal courts. He has extensive coverage experience, including policy drafting, policy interpretation, and the general representation of insurance companies in a variety of matters across several lines of coverage. Bill also represents insurers in arbitration, appraisal, reference, and other non-judicial proceedings required by the policy or applicable law. He provides advice and counsel to first-party insurers in the investigation and adjustment of complex first-party claims that involve fraud, valuation issues and coverage disputes.

**John Certuse** is a licensed Professional Engineer and Director of Engineering at ISE Engineering in Attleboro, MA. ISE Engineering performs forensic engineering examinations for the insurance industry with a large concentration of these being based upon heating system failures. John has also authored many other papers and articles in regards to fire investigation, plumbing fitting failure, as well as heating system malfunctions and forensic investigation. John holds patents for fuel usage analysis, as well as piping insulation, and is a Professional Engineer licensed throughout New



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England States, as well as several Mid-Atlantic States. He also holds trade licenses in pipefitting, oil burner technology, and stationary power plant operation. John currently serves as President-Elect on the Board of The National Academy of Forensic Engineers.

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## **Asbestos and Demolition & Other Pollution Claims**

**PRESENTED BY:** Matthew Rush, Rick Perini and Steve Bouzan

**BREAKOUT DESCRIPTION:** This session will discuss regulated types of asbestos. The session will discuss the types of buildings that are subject to state regulations, including the regulations promulgated by the Massachusetts Department of Environmental Protection. The session will discuss the issue of when testing becomes necessary after a loss at an insured location and provide suggested guidelines for testing. The session will address insurance coverage and liability issues that may arise from the spread of asbestos at a construction site and other third-party locations. The session will also discuss other pollution claims arising from construction and demolition, including lead abatement.

**Matthew Rush** is a partner at Sloane and Walsh, LLP. Matthew is a graduate of Vermont Law School (J.D., 2007), Duke University's Nicholas School of the Environment (M.E.M., 2003), and Boston College (B.S. 2001). Matthew is admitted to practice law in Massachusetts and the United States District Court for the District of Massachusetts. Matthew maintains a complex civil litigation caseload in the areas of environmental and toxic tort law, construction defect law, general and premises liability, motor vehicle tort law, products liability, employment law, insurance coverage, and bad faith law. Additionally, Matthew counsels clients on environmental claims and coverage as well as on environmental regulatory compliance and enforcement actions. Matthew also counsels construction managers, contractors, subcontractors, and owners, on a full range of construction issues, including claims, project delays and extra work, and contract interpretation. Matthew has been selected to the 2012 through 2016 Massachusetts Rising Stars list published by New England *Super Lawyers Magazine*.

**Rick Perini** is a Senior Manager and Consultant for ARS Restoration Specialists. He is a certified Civil & Structural Engineer with over 40 years of experience in the construction Industry, both commercial and residential. He is a registered Professional Engineer (PE) Civil & Structural in Massachusetts, New Hampshire, Connecticut, New York, Nevada, and California. He has a Rhode Island Builder's License, Massachusetts Construction Supervisors License, and Massachusetts Home Improvement Contractor's License. Rick has a Master Builder's (MBR) Licenses in Boston (A), Connecticut, New York, California and Nevada. He is a Consultant to the insurance industry on many matters concerning construction issues, ice dams, hail damage and assisting in determining the cause and effects of these types of losses. He is an expert witness for various Law firms representing Insurance carriers.

**Steve Bouzan** is the Emergency Services Manager & Safety Trainer for ARS Restoration Specialists, where he has been employed since 2004. In the Restoration Industry for nearly thirteen years, Steve has achieved numerous industry-related certifications including Microbial Remediation and IICRC designations of Master Water and Fire Restorer. Additionally, he is authorized by OSHA to instruct the General Industry 10 and 30 Hour Safety courses as well as being certified in Xactimate Estimating Software.

**William Wade**, CIH, is a Senior Scientist with Environmental Health & Engineering, Inc. and applies his extensive knowledge and experience to help clients address environmental risks. Will supports clients across multiple sectors including commercial, industrial, construction, healthcare, life sciences, and legal. With more than fifteen years' experience, he has managed hundreds of projects assessing and resolving a broad range of industrial hygiene and environmental issues, including chemical, biological, and physical hazards; indoor environmental quality problems; mold, moisture, and fire damage; and hazardous building materials, including asbestos.

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## **The Ups and Downs of Collapse Coverage**

**PRESENTED BY:** Michael Famiglietti, Chris Reilly and Philip Newbury, Jr.



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**BREAKOUT DESCRIPTION:** This session will discuss issues relating to collapse, including policy language and interpretation and statutes of limitation.

**Michael Famiglietti** began his career in 1990 as a field property claims adjuster with Peerless Insurance Company in Keene New Hampshire handling commercial and homeowner losses. In 1996 he was promoted to a Sr. Property Analyst responsible for large property losses in the NH/VT region. In 2001 after Liberty Mutual acquired Peerless, Michael transferred to the homeowner's operation and handled large losses for the New England region. Michael has handled many losses in excess of \$1M and has participated in many CAT events for Hurricane and Wildfire. In 2009 Michael became a large loss team manager responsible for the large loss team for New England. In 2016 Michael became a property claims manager and oversees the New England states as well as several other states within the Northeast. Michael earned his Bachelor of Science degree in Management at Franklin Pierce University. Michael is a member of Loss Executives Association, Society of Registered Professional Adjusters and is a member of the Massachusetts Property Underwriters Insurance Association claims committee.

**Chris Reilly** is a Partner at Sloane & Walsh, LLP, and a graduate of Duke University (B.A., 2003) and Boston College Law School (J.D., 2008). Mr. Reilly has been the lead trial attorney on successful trials in state and federal court on cases involving property insurance coverage, bad faith, G.L. cc. 93A/176D, breach of contract, and the implied covenant of good faith and fair dealing. Mr. Reilly has extensive experience in first-party commercial and residential insurance disputes. He has served as either counsel or as a referee/appraiser in reference/appraisal hearings for property losses in Massachusetts, Rhode Island, Connecticut, and Maine. Mr. Reilly has also lectured on bad faith claims, reference and appraisal hearings, subrogation, examinations under oath, and various coverage issues at courses recognized by credentialing bodies in Massachusetts, New Hampshire, Connecticut, Rhode Island, New York, Florida, California, and Arizona.

**Philip Newbury, Jr.**, handles insurance coverage matters, including bad faith claims, in state and federal courts in Connecticut, Massachusetts, and Rhode Island. He is board certified as a Civil Trial Advocate by the National Board of Trial Advocacy, and has tried over fifty jury cases to verdict. He received his LL.M. in insurance law from the University of Connecticut Law School in 2002. He received his J.D., cum laude, from Suffolk University Law School in 1981. He is admitted to practice in Connecticut, Massachusetts, Rhode Island, the United States District Court for the Districts of Connecticut and Massachusetts, the Second Circuit Court of Appeals and the United States Supreme Court. Mr. Newbury is a member of the American Bar Association, the Massachusetts Bar Association, the Connecticut Bar Association, the Rhode Island Bar Association and the Hartford County Bar Association. He is also a member of the Defense Research Institute, the Connecticut Defense Lawyers Association and the Association of Ski Defense Attorneys.

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## **Large Loss Subrogation**

**PRESENTED BY:** William Lamb, Anthony Antonellis and Richard Splaine

**BREAKOUT DESCRIPTION:** This session will begin with an overview of subrogation and its importance to the insurance industry. The session will transition to a discussion on large loss immediate response for the purpose of investigating subrogation and identification of targets. The session will include a discussion on NFPA 921 and the importance of evidence scene preservation and chain of custody. The session will conclude with a discussion of bundled national subrogation claims and class actions.

**William Lamb** began his career in 1981 as an adjuster with Amica Mutual Insurance Company at their home office in Providence, RI. He held various positions with Amica at several office locations over the course of 31 years. He was the company's first Large Loss Property Adjuster, covering the New England states in the early 2000s. Bill has been involved with almost every catastrophic weather event in the US since Hurricane Gloria in 1985. He retired from Amica on August 25, 2012 and commenced employment at his present position with Norfolk & Dedham on August 28, 2012. He holds a





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CPCU designation as well as an AIC and AIM. He is a graduate of the Commonwealth's flagship public learning institution, the University of Massachusetts at Amherst.

**Anthony Antonellis** is a senior partner at Sloane and Walsh, LLP and focuses his practice on the representation of individuals and businesses engaged in civil litigation before State and Federal Trial Courts throughout the United States. He is a graduate of Wesleyan University and Suffolk University Law School, and is admitted to the Massachusetts, Connecticut and New Hampshire Bars. Prior to joining Sloane and Walsh, Mr. Antonellis was a trial attorney on active duty with the United States Navy and also served as a Special Assistant United States Attorney for the Eastern District of Virginia. He was awarded the United States Department of Justice Award for meritorious public service, the United States National Defense Service Medal, and the Navy Commendation & Achievement Medals. The focus of Mr. Antonellis' practice revolves around insurance law involving large commercial property losses, personal property losses, and litigation. Mr. Antonellis also serves as counsel in reference and appraisal matters, and litigates insurance coverage and bad faith extra-contractual disputes.

**Richard Splaine** has been investigating fires for over 30 years. He is a Nationally Certified fire investigator and an electrical & appliance expert. Mr. Splaine has been certified as an expert witness in a variety of State and Federal Courts regarding fire origin & cause and electrical failure incidents. Mr. Splaine retired from the Boston Fire Department after 32 years of service including 15 years with the fire investigation unit and was the officer in charge of the Major Case Unit. Mr. Splaine is a Senior Principle at Splaine & Freitas Investigations specializing in fire investigations and electrical and appliance malfunctions.

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## **The Evolving Role of the Adjuster**

**PRESENTED BY:** Kristi Sinkus, Kevin Moon and Michael Famiglietti

**BREAKOUT DESCRIPTION:** This session will cover the issue of defending and prosecuting professional liability claims against insurance agents, brokers, public adjusters, and independent adjusters. The course will discuss common claims and pitfalls. The course also will discuss best practices for avoiding professional liability.

**Kristi Sinkus** began her career in April of 1977 when she was invited to interview for a position with Falcon Customer Services, a service company for Fireman's Fund Insurance, a subsidiary of American Express. She was tested and evaluated, sent for class training in CA and then returned for road training in MA to evaluate and appraise damages for office adjusters/examiners. In the winter of 1978, the NE survived a Blizzard that put them all to work for several months. Kristi learned about Catastrophe/ Weather Events, and what strong winds, and heavy wet snow can do to buildings, garages, sheds, pools, fences, etc. She learned how to think quickly on her feet, manage her time, be empathetic to struggling insureds, scope and evaluate damages, so as to assist Fireman's Fund in the handling of its claims. Over the last 40 years, Kristi has worked for several companies, as an adjuster, an examiner, and now, as a Claims Manager with Massachusetts Property Insurance Underwriting Association.

**Kevin Moon** CPCU, AIC is the Director, Property for MAPFRE Insurance and has responsibility for Personal and Commercial Property claim operations. During his 30-plus year tenure in the insurance industry, Kevin has held leadership positions in both Property and Auto claims. These leadership duties included the direction of field and internal operations, CAT response, Subrogation, salvage recovery and rental. In 2012, Kevin was asked to move from Director, Material Damage to Director, Property with MAPFRE Insurance to support the Department's transition to national scale and to introduce alternative claim handling processes and vendor partnerships.

**Michael Famiglietti** began his career in 1990 as a field property claims adjuster with Peerless Insurance Company in Keene New Hampshire handling commercial and homeowner losses. In 1996 he was promoted to a Sr. Property Analyst responsible for large property losses in the NH/VT region. In 2001 after Liberty Mutual acquired Peerless, Michael transferred to the homeowner's operation and handled large losses for the New England region. Michael has handled many losses in excess of \$1M and has participated in many CAT events for Hurricane and Wildfire. In 2009 Michael



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became a large loss team manager responsible for the large loss team for New England. In 2016 Michael became a property claims manager and oversees the New England states as well as several other states within the Northeast. Michael earned his Bachelor of Science degree in Management at Franklin Pierce University. Michael is a member of Loss Executives Association, Society of Registered Professional Adjusters and is a member of the Massachusetts Property Underwriters Insurance Association claims committee.

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## **Property Law Update: Fair Claims Handling & Avoiding Bad Faith/Extra Contractual Claims**

**PRESENTED BY:** Laura Gregory and Richard Beaudette

**BREAKOUT DESCRIPTION:** This session will discuss recent developments in bad faith case law. The session will also discuss recent legal developments concerning first-party property claims.

**Laura Gregory** is a partner at Sloane and Walsh member of the firm's insurance group. Her practice concentrates on the representation of insurers and insureds in insurance coverage and bad faith matters, before state and federal trial and appellate courts. Additionally, she provides coverage opinions, advice and analysis to clients on coverage and bad faith issues, as well as preparing and responding to demands made pursuant to M.G.L. c. 93A. Ms. Gregory also handles cases involving bad faith and unfair claims handling claims, both within and without the context of coverage, and has litigated an insurance fraud claim successfully through trial. Ms. Gregory has specialized in insurance coverage and bad faith matters for more than 25 years and received the Chartered Property & Casualty Underwriter (CPCU) insurance industry designation in 1999.

**Richard Beaudette** AIC, PCA, FCLA is the New England Region Large Loss Team Manager at Liberty Mutual/Safeco Insurance. He has over 27 years of large loss claim handling experience and regularly handles/manages large losses from \$50,000.00 to \$2,000,000.00 which are primarily first party fire/water/wind claims including nationwide claim handling and catastrophe deployment. Prior to his role at Liberty Mutual/Safeco he was a regional large loss adjuster for a New England based independent adjusting firm handling both commercial and personal line claims including suit file handling.

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## **Straight from the Headlines: Complex Property Liability Claims**

**PRESENTED BY:** Nicholas Macera and John Donovan

**BREAKOUT DESCRIPTION:** This session will focus on complex liability property claims and discuss issues including proof and defense of claims, damages and coverage. We will utilize case studies from events that are commonly seen in the media and relate them to potential liability exposures.

**Nicholas Macera** is a graduate of Roger Williams University. Nick began his career with Amica Mutual Insurance Company in 2005 as an Associate Adjuster in their Southeastern Massachusetts office. In March of 2008 he became a Claims Supervisor within the same office. In May of 2013 Nick transferred to Amica's Corporate Headquarters to become an Associate Claims Examiner specifically in the Property Loss Division. In January 2015 Nick became the Assistant Manager of the Rhode Island Claims branch. In January 2017 Nick transferred back to the Property Loss Division and became a Sr. Property Examiner. During his time with Amica Nick has assisted their Training & Development Department with numerous projects and training programs. Currently his job responsibilities include coordinating the companywide CAT response, review claim handling for compliance with all local jurisdictions, establishing and updating claim reserves, and other claim related training initiatives.

**John Donovan** III is a senior partner at Sloane and Walsh, LLP. John received his B.A. from Kenyon College and his J.D. from Suffolk University Law School, Boston, MA. He has been admitted to the Massachusetts Bar since 1995 and is admitted to practice in New Hampshire, Rhode Island, Connecticut and the District of Columbia. John's practice areas



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include subrogation law, property insurance law, insurance practice, coverage and bad faith, construction defect law and construction law.

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### **Auditing a Water Mitigation File**

**PRESENTED BY:** Daniel Bernazzani and Justin Kapisak

**BREAKOUT DESCRIPTION:** The seminar is intended to provide practical instruction on how to properly audit drying data following a water loss. The seminar will focus on procurement of necessary documentation, collection of pertinent data, and application of industry guidelines and technology to review an estimate for mitigation. Additionally, the course will apply real-world experiences with evaluating a contractor's scope for accuracy and reasonableness based on available drying documentation following a water loss. Special considerations, particularly challenges that may occur in commercial losses, will also be discussed.

Dr. **Daniel Bernazzani**, Senior VP Environmental Services Division at YOUNG & Associates is an indoor environmental professional whose credentials in the field date back to the 1980s. He is a past president of the IICRC and a contributing author to ANSI/IICRC's S500 Standard & Reference Guide for Professional Water Damage Restoration and S520 ANSI/IICRC's S520 Standard & Reference Guide for Professional Mold Remediation. He has authored hundreds of articles and taught water and mold remediation classes around the world. He consults on complex claims and leads a team of world-class building consultants ensuring that indoor environmental losses are quickly and properly restored to healthy indoor environments. Dr. Bernazzani has been a keynote speaker and has presented at the Property Loss Research Bureau and many other industry venues.

**Justin Kapisak**, Executive Partner at YOUNG & Associates is presently involved in the supervision of numerous property claims, utilizing a staff of experienced professionals to assist in the completion of the assignments. The services provided are on both a national and international level. The projects encompass a wide variety of industries including municipalities, high-end residential, education, hospitality & gaming, and manufacturing. His assignments require the use of scheduling, specialty estimating, and involve coordinating outside specialty consultants to evaluate large and complex losses. Justin's diverse knowledge from both the general contractor and insurance claims perspective, gives him a unique and progressive vision in the scoping, reporting, estimating, and investigation into property damage losses for YOUNG & Associates clients.

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### **Designing & Tracking Your Customer Experience**

**PRESENTED BY:** Kelly Donahue-Piro

**BREAKOUT DESCRIPTION:** 86% of people are willing to pay more for better service. Knowing this your agency should have a ridiculously amazing customer experience which is your key to boosting retention, generating referrals and growing your business. Today's direct writers have created an experience of cost savings, technology and efficiency. For many agencies the customer experience has been reactive - responding when a client needs something. To survive and thrive, modern agencies are investing in a strong customer experience that includes training, multiple touch points, proactivity and gratitude.

**Kelly Donahue-Piro**, founder and President of Agency Performance Partners, is a no-nonsense effectiveness expert who has helped hundreds of insurance agencies identify and capitalize on sustainable improvement opportunities. Her specialties include agency culture assessment and change; management and supervisory coaching and benchmarking; customer retention strategy development; digital marketing strategy, planning and implementation; and sales planning, management and skill-building. Over the past several years, Kelly has worked with small businesses across the country to build and implement successful programs to boost revenues, profits and efficiency. In 2014, she created Agency Performance Partners with a mission to "partner with insurance entrepreneurs who dream to take their business to the next level and beyond, by relentlessly pursuing excellence in world-class service and sales strategies