



South Carolina

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Who's the Largest Independent Insurance Wholesaler in North America?

IIABSC Chairman of the Board

Jon A. Jenson, AAI, AIP



Independent Insurance Agents
Brokers of South Carolina

To fulfill the mission of our association requires many things including an informed and involved membership.

Over the years the IIABSC has focused on keeping our members informed by communicating as effectively and efficiently as possible. These efforts included sending out Big “I” bulletins and hiring a communications director, and now they have evolved even further.

At first glimpse the picture on the cover seems like a typical South Carolina condo, but it is much more. It is the snapshot of a vision held by many of the association’s paid and volunteer leaders past and current: a vision to have our own professionally published magazine, a forum to communicate and educate our members on a variety of issues such as current news, legislative matters, agency and associate member benefits and services, and upcoming events. We have worked hard on this vision and now have a fantastic new way to keep our membership informed.

Another key to the fulfillment of our mission is involvement. Involvement of each and every one of us with one common vision: to have an even better association. But, to carry it out we need more of you participating.

The pages in this magazine (and the issues to come) tell the goings on inside your association. So, as you read these pages, ask yourself....”Why not me? Why aren’t I involved? Why shouldn’t my associates be involved?” Once you do involve yourself, you’ll find benefits beyond anything you could imagine.

I hope you enjoy this publication!

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State National Director

John T. Cook, CIC



I am extremely excited about the new IIABSC magazine and the way it will help keep our members abreast of what is going on at the state and national levels. As your State National Director (SND) representing the Palmetto state on the IIABA Board of Directors for the past five years, I have been impressed with the power and dedication of our national staff. I have one more year as SND and am thankful to have had the opportunity to represent South Carolina at the national level.

Big “I” members from every state dedicate countless hours to support activities that enhance the insurance industry and our opportunity for success. The role of our association is to create an environment in which its members can prosper. The Big “I” is working hard to improve the business environment for its members in new and innovative ways. The Big “I” Virtual University, Agents Council for Technology, company relations outreach, federal and state government affairs efforts, legal advocacy, National Legislative Conference & Convention, Best Practices, Young Agents program, Diversity program, InVEST initiative, E&O program, Big “I” Markets and so much more demonstrate our association’s effort to lead on the issues that matter most to our members. If you are not familiar with all that IIABA does for you and would like more information, please feel free to contact the local Big “I” office or get in touch with me personally. I can be reached at my office at 843-626-9491 or by email, tommy@jtcook.com.

I am really excited about the opportunities ahead for all Independent Insurance Agents and encourage each one of you to get involved and learn as much as you can about your great association.

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IIABSC President

Frank Sheppard, AAI



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W

Welcome to the first issue of ***South Carolina Agent & Broker!*** We are very excited about this “return feature” from the Big “I” and hope you will find it helpful and informative. I say “return feature” because this is not the first magazine for our association. Until the mid-1960s, ***Palmetto Insurer*** was published by what was then called the SC Association of Insurance Agents. Over the years, we have used a variety of publications – printed and electronic – to deliver information on industry news, legislative news, products and services, and we are pleased to be adding this new communication tool to our publications.

It was always the dream of my predecessor, Lee Ruef, to re-start the Big “I” magazine. Unfortunately for Lee, his primary support for communication efforts (me!!) was just not up to the task. And I take no credit for bringing the magazine to life even now. This project has fallen into place because of the diligence, hard work and persistence of our publishing partner who happened to catch me on the telephone one day last August and proposed a South Carolina agent magazine.

We will be using South Carolina Agent & Broker to provide in-depth coverage on topics that are important to your business, information on opportunities, products, services and events that are available through IIABSC and, of course, advertisements for products and services that are available to your agency and clients.

So pass this magazine around the office. Better yet, add someone from your office to the mailing list so they get the next issue directly. Also, send us your suggestions on topics that you would like to see discussed in future issues. This is your magazine, Big “I” – enjoy!

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Finding the Right Direction

Have you ever left home for a trip, and you weren't exactly sure how to get to your destination? If you're a married woman you have!

When my husband and I started shopping for a new car last summer he insisted it have a navigation system. This was just fine with me because even though I am "gadget-challenged" I knew it would be put to use when we went on a trip. No more trying to read a map at 70 mph, or heaven forbid stopping to ask for directions. Just start the car, type in the address, pick one of several suggested routes and a soothing female voice tells him just where to go. (I've told him where to go on numerous occasions as well, but it just hasn't had the same effect!) The chosen route is mapped out for us, and all we have to do is follow it to reach our destination. If we deviate from the route, the system just recalculates and starts us on our way again: Simple and efficient.

IIABSC has developed a tool to help our members reach their initial destination for professional development by putting together some suggested career paths. These career paths are designed to help agency owners and managers determine an efficient and effective "direction" for their employees so that the employee can become productive and successful as soon as possible. By the end of a four-year period, the employee will have at least two professional designations and be eligible to attend advanced courses of study such as Ruble Seminars and William T. Hold Seminars. There is a career path for Commercial Lines CSRs, Commercial Lines Producers, Personal Lines CSRs and Personal Lines Producers.

Each career path outlines the preparations needed before starting the journey and some basic resource material that will be helpful along the way. The recommended curriculum is based on seminars provided by IIABSC's education department and even includes recommendations on when each course should be completed and in what order.

Of course our professional lives also encounter some detours and delays along the way, and that's okay. These career paths are meant to be used as recommendations for employees – not the only way. Often, a "side trip" may be needed to learn about a particular product or changes in a standard coverage form. No problem, the career path can still be used to get you back on your way again.

To learn more about the IIABSC Professional Development career paths, go to www.iiabsc.com and click on the "Career Path" link under the Education tab.

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The Value of the Trusted Choice® Pledge



By Phil Compton, CIC, AAI
George Johnson Insurance
SC Trusted Choice Chairman

The heart of any brand — good or bad — is the customer’s experience with the product or service. If you give buyers a poor customer experience, that memory will eclipse even the slickest ad campaign. On the flip side, a repeatedly positive experience will make those customers your fans for life, regardless of your media efforts (or lack thereof). It is for those very reasons that a “Pledge of Performance” is incorporated into the Trusted Choice® branding program.

Thus, the two big questions for you, the Trusted Choice® agency, are these:

1. Are you and your staff embracing the Trusted Choice® Pledge of Performance and living up to its promises?
2. Are you maximizing the Pledge’s power as a marketing tool?

It is vital for all Trusted Choice® agencies to fully adopt the principles laid out in the Pledge of Performance. These ideals were not pulled out of a hat; they are the result of significant consumer research on the subject. Insurance buyers told us what is important to them: customized policies, advocacy, courtesy and respect, 24/7 service, choice and expertise. And we — you — can deliver on all of those things. The pledge articulates those abilities to our customers and reminds us that these are priorities.

Most of the behaviors outlined in the pledge are regularly observed in the majority of independent agencies anyway: We all help clients identify the right products, explain coverages, solve problems, and shop around for the right product and price. We depend on both experience and continuing education to succeed. And we are courteous, ethical and prompt in our business dealings. Even the commitment to 24/7, which gave many agents pause when we first raised this issue, has been satisfied by members, primarily through e-mail response, emergency cell phone numbers, and company service centers.

For those of you looking for an enhanced way to fulfill your 24/7 commitment to customers, however, consider these tactics used by fellow Trusted Choice® agencies around the country:

- An agency in Maine rotates the “on-call” CSR, who takes

home the laptop with full client data. The agent says the staff doesn’t get many 3 a.m. calls, but customers love that the access is there.

- An agency in Georgia offers a variety of services from its Web site: online commercial client certificates, emergency phone numbers for claims reporting and post-event clean-up, and links to company sites for billing inquiries.
- An Oklahoma agency offers online quotes for auto, life, home and business policies, as well as online claims submission.
- One Florida agency offers certificate requests and policy change requests from its Web site, as well as online quote requests and frequently asked questions.

Agents also are being creative in how they use Trusted Choice® as a marketing tool. Beyond merely including a Trusted Choice® logo on their promotional items, these agencies are promoting the value of the Pledge of Performance itself:

- The chairman of a multi-branch agency in Indiana wrote an open letter to his clients, which he posted on the agency’s Web site. The letter highlights the benefits for customers of using a Trusted Choice® agency — “namely choice, customization and advocacy.” The letter also provides a click to the full pledge.
- A New Hampshire agency announces on its Web site that, as a Trusted Choice® agency, it has “committed to a Pledge of Performance that promises customers quality customer service, competitive pricing, a broad range of programs and unparalleled advocacy.”
- An agency in Florida uses the pledge in proposals as another means of differentiating his agency from the competition.
- An Idaho agency adapts the pledge for 60-second radio ads with the agency owner as narrator.
- Several agencies include the pledge in various mailers to customers.
- An agent in Washington state used bullet points from the pledge to create a series of print ads for his agency.

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Other ideas on how to make the Pledge of Performance more meaningful for you, your employees and your customers:

- Hold a “Pledge of Performance summit” with key leaders in the agency to go over ways in which the firm can live up to the pledge.
- Discuss a different bullet from the pledge during your weekly or monthly staff meetings, so that your employees will be fully invested in these performance criteria.
- Use the Pledge as the basis for your customer survey questionnaires.

To help member agencies better communicate their membership in the branding movement, Trusted Choice® has partnered with two national vendors. One is The Mines Press, which has a long and valued history with the Big “T” and can create a variety of items with your agency information and a Trusted Choice® logo, including stationery, calendars, ID holder and mailers. Visit www.MinesPress.com or call 1-800-447-6788. The second is API, which carries a wide selection of Trusted Choice® gifts and apparel and can be reached at 1-800-507-7007, www.iaa-store.com or www.apisource.com.

However you decide to promote your membership in Trusted Choice®, remember to review the Trusted Choice® logo rules to ensure you are using the brand identity correctly. You can download these rules at the “Agents/Brokers” section of www.TrustedChoice.com.

Remember, the Trusted Choice® Pledge of Performance is at the heart of our brand. It is meaningful to your customers, so it should be meaningful to you. Live it, embrace it, promote it.

Go to www.TrustedChoice.com for more branding tips.



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2007 LEGISLATIVE OUTLOOK

Lee Ruef

Director of State Governmental Affairs

W

With every New Year comes the theme of change and new beginnings. Every other T.V. commercial features weight loss aids and products to help you quit smoking or get organized, but in Columbia there is another media inevitability: a focus shift to the SC State House and the start of the new legislative session. As there are almost always a variety of issues brewing regarding the insurance industry, we must be vigilant to make our voices heard.

Here are some issues that Lee Ruef and our governmental affairs team will be watching closely in 2007, ready to jump to action if necessary. Also included are some national issues that IIABA, our national association, will be following in Washington, D.C.

Horry Legislator introduces legislation to make all of Horry County eligible for coverage through the SC Wind Pool

At the end of 2006, Myrtle Beach legislator Rep. Alan Clemmons introduced legislation that would make all of Horry County eligible for insurance from the South Carolina Wind and Hail Underwriting Association.

There are those who apparently believe that making property eligible for Wind Pool coverage will reduce the overall cost of property insurance.

The territory eligible for wind pool coverage is written in the Insurance Code and permanent changes require the General Assembly to pass legislation. The Director of Insurance has authority to temporarily increase wind pool territory should she find that availability of coverage is a critical problem. Director Eleanor Kitzman says she has not found that availability is critical so she has not moved to increase the territory.

Two Senators and a House member introduce bills requiring election of Director of Insurance

In reaction to coastal condominium owner's complaints about property insurance costs, two coastal Senators and a Horry County legislator have introduced bills that would require the election of the Director of Insurance. The bills have been pre-filed by Sens. Luke Rankin (R-Conway) and Ray Cleary (R-Murrells Inlet) and Rep. Alan Clemmons (R-Myrtle Beach).

The legislators said they noted that coastal property rates are

lower in North Carolina, where the Insurance Commissioner is elected. The Commissioner is also elected in Georgia. They did not note that changing to an elected commissioner may cause some carriers to think twice about how aggressive they want to be in South Carolina.

Senate Study Committee moving toward Re-regulation of Workers' Comp Loss Cost Multiplier – but little reform to date

A State Senate Workers' Compensation Study Committee has asked staff to draft legislation that would re-regulate Department of Insurance scrutiny of the Workers' Compensation Loss Cost Multiplier (LCM), the factor used by insurance carriers to mark up Loss Cost premium rates filed by the National Council on Compensation Insurance. The LCM includes taxes, assessments, overhead and profit.

Committee discussion led by Chairman Sen. Larry Martin (R-Pickens) indicates they will look at a "file-and-use" or "use-and-file" system that would not create much, if any, delay in a carrier implementing a change in the LCM.

Also of interest, powerful Senate leader Sen. Glenn McConnell says he cannot get an answer on what is included in the LCM and should he not be satisfied with what he hears, he may draft legislation that would make LCM filings subject to prior approval.

The LCM has not been subject to DOI review since de-regulation of Commercial Lines three years ago, but Loss costs filed by NCCI *are* subject to DOI approval.

Otherwise, the subcommittee has adopted some restrictions regarding the Second Injury Fund, but will not abolish it or cap the losses. The entire business community and the insurance industry advocates that the Fund be abolished because the assessments create huge unbudgeted costs for insurance carriers and those self-insured.

But, the subcommittee has thus far not come to terms on addressing many reforms advocated by a broad coalition of business organizations including IIABSC. These include addressing three other Supreme Court decisions that affect Workers' Comp awards and setting restrictions on the discretion of commissioners with respect to awards.

Continued on page 22

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IIABA/ BIG "I" NATIONAL 2007 LEGISLATIVE AGENDA

"We made great progress on a number of fronts in 2006," said Big "I" CEO Robert A. Rusbuldt. "The President signed into law pension and health care reform that will be of great benefit to insurance consumers. We made important progress in other critical areas as well. A unanimous House vote on H.R. 5637, the surplus lines bill, illustrates that the industry can come together and support a bipartisan targeted insurance regulatory reform approach. The House also passed H.R. 4973, a comprehensive flood bill with a number of Big 'I'-supported provisions. The agriculture appropriations bill included a provision prohibiting federal funding for so-called 'Premium Reduction Plans' that would have hurt farmers and agents alike.

"We also worked with key policymakers in Congress to address natural disaster coverage and to establish a more accurate depreciation schedule of intangible assets for small businesses," Rusbuldt added. "Additionally, we worked diligently at the state level on producer compensation, agent licensing, and natural disaster coverage. Big 'I' members were called to testify before Congressional committees numerous times on the most important issues facing our members."

The legislative agenda for the nation's largest insurance association this year includes the following items:

Producer Licensing—The Big "I" wants all jurisdictions to issue and renew producer licenses on a truly reciprocal basis and to implement uniformity in key areas. Many states claim to have enacted reciprocity and other reforms in the early part of the decade, but that reform effort has not produced meaningful results for many agents. The Big "I" supports targeted federal legislation to streamline the licensing process and to implement uniformity.

One of the association's key objectives is to address the requirements in many states that force an insurance agent to obtain three licenses (an individual license, an entity license, and a corporate registration) before placing business in a particular jurisdiction. These duplicative requirements impose significant and unjustified costs on producers, hinder an agent's ability to serve customers, and are a likely violation of state and federal law. The Big "I" is also developing a targeted list of reforms that will make the licensing process simpler for multi-state producers.

Producer Compensation—Very few states enacted any legislation in this area in 2005 and 2006, and very little legislative activity—if any at all—is expected in 2007. The educational efforts undertaken by the Big "I" in recent years have been well-received by state legislators and helped prevent knee-jerk policy responses in the wake of the Marsh scandal, and, predictably, no state has banned the payment of incentive compensation. The Big "I" is concerned, however, that some attorneys general are usurping the authority of state regulators and legislators and

using legal settlements as vehicles for imposing costly and unnecessary requirements and altogether banning forms of legal incentive compensation.

Insurance Regulatory Reform—The Big "I" will continue to strongly support targeted federal legislation, or "federal tools," to reform the current state-based regulatory system without creating a federal regulator or "optional" federal charter.

Targeted reforms would retain the strengths of the existing system while improving it in the areas where it is sorely needed. The surplus lines bill was a great first step, and IIABA hopes to take the next steps in 2007, particularly in the areas of producer and company licensing.

Terrorism Insurance—With the Terrorism Risk Insurance Extension Act (TRIEA) set to expire on Dec. 31, 2007, renewal or extension of a federal backstop for catastrophic terrorist acts is a top priority of the Big "I".

Flood Insurance Reform—The Big "I" was very pleased with the Senate Banking Committee action and House passage of the Flood Insurance Reform and Modernization (FIRM) Act in 2006, and remains committed to comprehensive reform of the National Flood Insurance Program (NFIP).

The new leadership in the House and Senate have indicated flood insurance reform will be a priority, and IIABA will continue to push for needed reforms that will help ensure the solvency and effectiveness of the National Flood Insurance Program for many years, and also help consumers by providing new levels of coverage, such as business-interruption insurance, increases in the maximum coverage limits, and the inclusion of additional living expenses coverage for residential policies.

Natural Disaster Legislation—The active hurricane season of 2005 and the subsequent constraints in the insurance market reiterated the need for comprehensive natural-disaster legislation in Congress, and the 109th Congress considered four bills on the subject, including two general approaches: the creation of a federal reinsurance program and the ability of insurance companies to set aside tax-free reserves for certain catastrophic risks.

IIABA will support any solution that allows our members to serve consumers with natural disaster coverage, whether that means a federal backstop, tax-free reserving, catastrophic savings accounts (CSAs) or some combination approach. Legislation was introduced in the Senate by Sen. Bill Nelson (D-Fla.) and in the House by Reps. Debbie Wasserman Schultz (D-Fla.) and Patrick McHenry (R-N.C.) that would establish a commission to help the federal government prepare for and manage natural disaster exposures. IIABA will work with all parties in the insurance marketplace to reach consensus on a viable solution to address this national problem.

Continued on page 24

RLI Personal Umbrella Program: Debunking the Myth of the Dry Umbrella

There is only ONE admitted, stand-alone personal umbrella product available in all states through an A+ rated carrier. The name of that carrier is RLI. Becky Lundberg, AVP of RLI Specialty Markets, says "RLI is truly committed to the product and to our partner agents. In this marketplace where insurance companies' financial security is heavily impacted by catastrophic events, RLI with its A+ rating and admitted paper is a stable and consistent solution for personal lines customers. With this class of business and its high per-claim cost and long tail, agents and their customers can rely on RLI's experience and financial backing."

SO WHAT IS A PERSONAL UMBRELLA?

Umbrella liability insurance is so named because it acts like an umbrella, sitting on top of your auto and homeowners liability policies to provide extra protection. Even if your clients do not own a home, they still need renters insurance to cover both their liability and personal property. An umbrella policy is excess liability insurance coverage over and above that which is covered by basic homeowner or automobile insurance. In picking up where homeowner and automobile policies leave off, it is an extra layer of protection against lawsuits resulting from damage to someone else's property or injuries as the result of an accident.

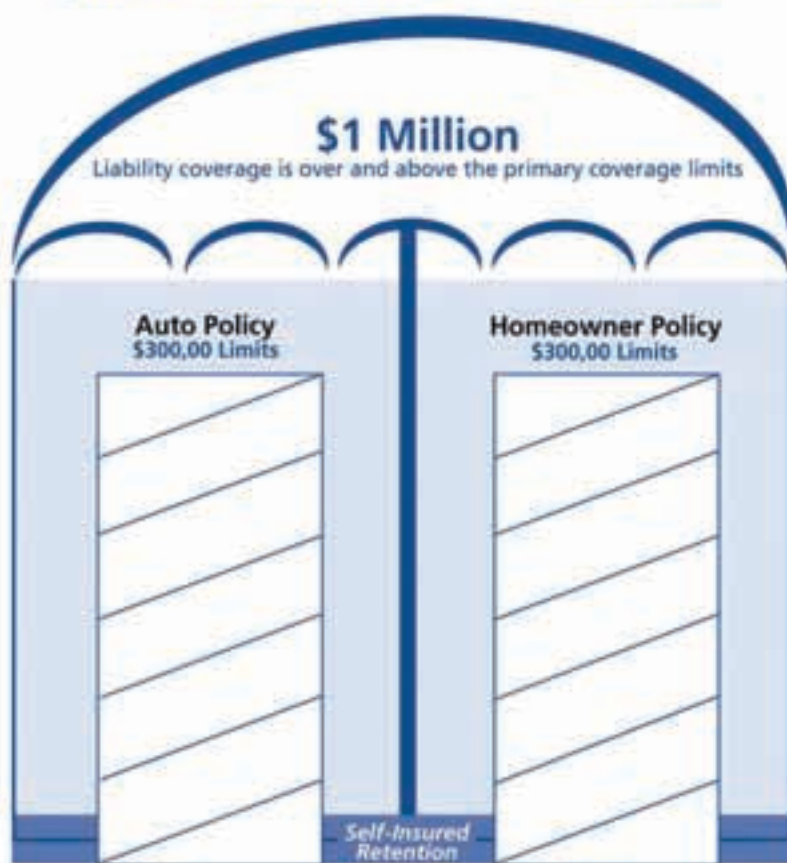
Another virtue of a personal umbrella policy is the so-called "drop-down" coverage area, a layer of protection for exposures, not covered by your client's primary insurance policies, which is subject to a modest deductible. This brings the metaphor of an umbrella full circle (see below).

WHY YOUR CLIENTS MAY NEED IT

Lawsuits are pervasive these days. When it comes to personal liability exposures we've come to expect the unexpected. A neighbor or guest could slip and fall on your client's property, break a leg and sue your client under your client's homeowners insurance. A child in your client's neighborhood could suffer a severe injury on your client's backyard trampoline. Lawsuits in cases like these are becoming more common, and the amount that juries award in these cases is often unpredictable and expensive.

EVERYONE needs to protect themselves and their assets against lawsuits and you should make sure ALL of your clients have umbrella coverage. A good question to ask your clients is whether they have assets that they don't want to put at risk in the event of a catastrophic liability. These days, the equity on a person's home is a considerable asset, so your clients don't need to be "wealthy" to have assets at risk.

How an Umbrella Works...



Coverage for exposures not covered by the primary, subject to policy exclusions. (Note the shaded area in light blue)

The basic concept of Personal Umbrella Insurance: First, the policy provides coverage that sits on top of your primary auto and homeowner policies. Second, it provides coverage, subject to the Self-Insured Retention or Deductible, for third-party liability exposures not covered by primary insurance and not otherwise excluded by the Umbrella policy itself.

So take advantage of all RLI has to offer. In the words of one agent, "RLI has consistently been there when we have needed them. Our standard carriers usually have a personal umbrella solution but when an account is split between carriers or their underlying company has fairly strict underwriting guidelines for their umbrella, RLI works!"

In addition you can also order the new RLI brochure that you can use to help your customers understand the need for an umbrella policy. Refer to the list of RLI administrators included in the newsletter and contact the administrator in your state for more detail on either the brochure or how to access their RLI Personal Umbrella.

More information about the RLI program is available online at www.iiabsc.com.

Crop Insurance—Independent agents and brokers will continue to oppose federal funding for Premium Reduction Plans (PRPs). The Big “I” advocated for and Congress agreed to the defunding of this program in 2006 because of various issues with PRPs that are contrary to the best interests of consumers. The United States Department of Agriculture’s Risk Management Agency (RMA) published an unprecedented interim rule allowing providers to give rebates to their customers, a provision at odds with the laws of 48 states and longstanding Federal Crop Insurance Program (FCIP) regulations prohibiting rebating.

Additionally, PRP rebating would allow for rebates to be offered to farmers in some states but not others, contrary to FCIP regulations disallowing discrimination in favor of farmers in any state at the expense of farmers in other states. The funding prohibition of PRP was successfully extended in the recent Continuing Resolution passed at the conclusion of the 109th Congress, and we will work with the leaders of the 110th Congress to continue this prohibition of PRP and to eliminate the plans altogether.

Tax Reform—The Big “I” supports S. 3974 and H.R. 4960, introduced in 2006, and will seek to move that legislation forward in 2007. The bills would amend the current tax code to allow a more accurate depreciation schedule for intangible assets, such as customer lists, when they are acquired in the pur-

chase of small businesses, and to allow purchasers of eligible small businesses to write-off as much as \$5 million of purchased intangibles over a five-year period, with ratable depreciation over 10 years. S. 3974 was introduced by Sens. Jim Bunning (R-Ky.) and Sen. Kent Conrad (D-N.D.), and H.R. 4960 was introduced by Reps. Eric Cantor (R-Va.) and Earl Pomeroy (D-N.D.).

Data Security—Independent agents and brokers will continue to push for legislation that will address this issue while making sure any national standard is not burdensome, and enforcement of the standard is done primarily through state insurance regulators.

IIABA will also work with carriers and vendors through the Agents Council for Technology and other advocacy outreach to assure that any new legal or regulatory requirements are implemented in ways that do not interfere with agency efficiency or necessitate inconsistent work flows for different carriers.

Health Care Reform—Independent agents and brokers will continue to seek increased access to health insurance to help the uninsured obtain the coverage they need. The Big “I” was heartened by enactment of the Tax Relief and Health Care Act of 2006, which includes a number of provisions designed to improve the operations of Health Savings Account (HSA) plans, and we look to build upon this legislation in the coming year. ■

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Education Calendar

February		April		26		CISR Commercial Property <i>Columbia, SC</i>		4		CISR Dynamics of Service <i>Florence, SC</i>	
1-2	CIC Commercial Casualty, Days 2 & 3 Marriott Resort at Grande Dunes <i>Myrtle Beach, SC</i>	4	CISR Commercial Property <i>Bluffton/ HHI, SC</i>	27	E & O - Loss Control Best Practices IIABSC Office <i>Columbia, SC</i>	11	CISR Commercial Property <i>Myrtle Beach, SC</i>	23	E & O - Loss Control Best Practices <i>Myrtle Beach, SC</i>	24-25	Brokers Pre-Licensing Courses <i>Columbia, SC</i>
6	Stump the Chumps <i>Charleston, SC</i>	4-5	Brokers Pre-Licensing Courses <i>Columbia, SC</i>	28	CISR Commercial Property <i>Charleston, SC</i>	30	CISR Personal Residential <i>Charleston, SC</i>	30	CISR Agency Operations <i>Bluffton/ HHI, SC</i>	31	CIC Agency Management, Day 1 Hilton Oceanfront Resort <i>Hilton Head, SC</i>
7	Stump the Chumps <i>Columbia, SC</i>	11-13	Ruble Graduate Seminar (A & B) Kingston Plantation <i>Myrtle Beach, SC</i>	11-12	July Broker's Pre-Licensing Courses <i>Greenville, SC</i>	30	CISR Personal Residential <i>Charleston, SC</i>	30	CISR Agency Operations <i>Bluffton/ HHI, SC</i>	1-2	CIC Agency Management, Days 2&3 Hilton Oceanfront Resort <i>Hilton Head, SC</i>
8	Stump the Chumps <i>Greenville, SC</i>	19	CISR Dynamics of Service <i>Charleston, SC</i>	17	CISR Agency Operations <i>Greenville, SC</i>	30	CISR Agency Operations <i>Bluffton/ HHI, SC</i>	30	CISR Agency Operations <i>Bluffton/ HHI, SC</i>	7	AAI, 83C <i>(Location based on demand)</i>
13	CISR Agency Operations <i>Myrtle Beach, SC</i>	24	CISR Commercial Property <i>Florence, SC</i>	19	CISR Personal Auto <i>Rock Hill, SC</i>	31	CIC Agency Management, Day 1 Hilton Oceanfront Resort <i>Hilton Head, SC</i>	31	CIC Agency Management, Day 1 Hilton Oceanfront Resort <i>Hilton Head, SC</i>	8	CISR Personal Auto <i>Columbia, SC</i>
14	CISR Agency Operations <i>Columbia, SC</i>	25	E & O - Loss Control Best Practices <i>Greenville, SC</i>	2	August CISR Personal Residential <i>Columbia, SC</i>	1-2	CIC Agency Management, Days 2&3 Hilton Oceanfront Resort <i>Hilton Head, SC</i>	1-2	CIC Agency Management, Days 2&3 Hilton Oceanfront Resort <i>Hilton Head, SC</i>	14	CISR Dynamics of Service <i>Rock Hill, SC</i>
15	CISR Personal Auto <i>Charleston, SC</i>	8	May CISR Personal Auto <i>Myrtle Beach, SC</i>	22-24	CIC Life & Health Embassy Suites <i>Columbia, SC</i>	7	AAI, 83C <i>(Location based on demand)</i>	7	AAI, 83C <i>(Location based on demand)</i>	4	E & O - Loss Control Best Practices IIABSC Office <i>Columbia, SC</i>
28	Flood Insurance <i>Greenville, SC</i>	8	Commercial Lines Nuts & Bolts: Property, including business income <i>Columbia, SC</i>	29	CISR Agency Operations <i>Charleston, SC</i>	8	CISR Personal Auto <i>Columbia, SC</i>	8	CISR Personal Auto <i>Columbia, SC</i>	11	CISR Personal Auto <i>Greenville, SC</i>
1	March CISR Dynamics of Service <i>Columbia, SC</i>	9	CISR Personal Residential <i>Greenville, SC</i>	29	AAI, 83A <i>(Location based on demand)</i>	14	CISR Dynamics of Service <i>Rock Hill, SC</i>	14	CISR Dynamics of Service <i>Rock Hill, SC</i>	4	E & O - Loss Control Best Practices IIABSC Office <i>Columbia, SC</i>
6	CISR Commercial Property <i>Greenville, SC</i>	9	Commercial Lines Nuts & Bolts: General Liability and Umbrella <i>Columbia, SC</i>	30	E & O - Loss Control Best Practices <i>Bluffton, SC</i>	4	E & O - Loss Control Best Practices IIABSC Office <i>Columbia, SC</i>	4	E & O - Loss Control Best Practices IIABSC Office <i>Columbia, SC</i>	5	CISR William T Hold Seminar <i>Charleston, SC</i>
7-9	CIC Personal Lines Embassy Suites <i>Greenville, SC</i>	10	Commercial Lines Nuts & Bolts: Business Auto Policy and Workers Comp <i>Columbia, SC</i>	30	CISR Agency Operations <i>Charleston, SC</i>	12	CISR William T. Hold Seminar <i>Columbia, SC</i>	5	CISR William T Hold Seminar <i>Charleston, SC</i>	6	CISR Dynamics of Service <i>Myrtle Beach, SC</i>
13	CISR Commercial Casualty <i>Rock Hill, SC</i>	11	Nuts & Bolts: Personal Lines Q & A <i>Columbia, SC</i>	12	CISR Commercial Casualty <i>Greenville, SC</i>	19	CISR Commercial Casualty <i>Greenville, SC</i>	6	CISR Dynamics of Service <i>Myrtle Beach, SC</i>	11	CISR Personal Auto <i>Greenville, SC</i>
14	E & O - Loss Control Best Practices <i>Charleston, SC</i>	10	Commercial Lines Nuts & Bolts: Business Auto Policy and Workers Comp <i>Columbia, SC</i>	26-28	CIC Commercial Property Kingston Plantation, Embassy Suites <i>Myrtle Beach, SC</i>	26-28	CIC Commercial Property Kingston Plantation, Embassy Suites <i>Myrtle Beach, SC</i>	11	CISR Personal Auto <i>Greenville, SC</i>	12	CISR Commercial Casualty <i>Columbia, SC</i>
27	CISR Personal Auto <i>Columbia, SC</i>	11	Nuts & Bolts: Personal Lines Q & A <i>Columbia, SC</i>	3	AAI, 83B <i>(Location based on demand)</i>	3	AAI, 83B <i>(Location based on demand)</i>	11	CISR Personal Auto <i>Greenville, SC</i>	4	CISR Agency Operations <i>Columbia, SC</i>
27	Commercial Lines Issues <i>Greenville, SC</i>	22	CISR Commercial Casualty <i>Columbia, SC</i>	4	CISR Agency Operations <i>Columbia, SC</i>	4	CISR Agency Operations <i>Columbia, SC</i>	12	CISR Commercial Casualty <i>Columbia, SC</i>		
28	Commercial Lines Issues <i>Columbia, SC</i>	20-22	CIC Commercial Casualty Doubletree Guest Suites <i>Charleston, SC</i>								
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Tips For Avoiding E & O Claims

“Don’t take on duties you don’t owe.”

by Jeffrey W. Deane, J.D.

from “E&O Angle” *Independent Agent Magazine* August 2005

Disagreements about the quality of the services an agent provides customers are inevitable in today’s litigious climate. The key to both preventing disagreements and ensuring the best possible outcome of any legal dispute is to provide prompt and professional services. To do this, agents must understand their duties to customers. These legally imposed duties form the minimum standard that agents are held to in the event of an E&O claim. While it is good business practice to do more than the minimum, taking on too much can create more problems.

Under the statutory and case law of several states, insurance agents have varied duties to customers. In some jurisdictions, agents are merely “order takers” responsible for giving customers what they ask for (or promptly advising that they cannot procure an order). In other areas of the country such as South Carolina, agents may have additional duties based on what they know or should have known about a customer to recommend coverage types and/or limits they believe are appropriate, even when the customer did not request them. The courts generally will evaluate the agency or agent’s actions against the applicable standard. Those who fall short of the duty they owe are in for an expensive lesson.

In an effort to provide better service to the customer, agents often inadvertently assume a greater duty than the minimum imposed by law. When an agency’s actions can be seen to suggest a risk management relationship, the plaintiff’s attorney will try to characterize the agent/ customer relationship as a “special relationship,” which means that the courts are prone to hold the agent to a much higher standard than the minimum imposed by the law.

The most obvious way to inadvertently create a special relationship status is to hold out the agency as a risk manager or to offer a “full service” insurance agency or use terms like “one-stop shopping.” Promotional materials or copy on an agency’s Web site or business cards often use this verbiage. Even using promotional messages instead of hold music can create additional duties.

Regardless of where the messages are coming from, a careful review of exactly what your agency is telling its customers about what it will and will not provide is an essential part of the agency’s own internal risk management. Reviewing both the duty the law imposes on agencies and any additional duties they take on themselves as a result of their own representations are

also central themes in good agency risk management.

A thorough review of your agency’s communications, advertising and promotional materials will not prevent all litigation. However, knowing what standard your agency’s actions will be held to in the event of a disagreement will help the agency minimize its risk and understand its liabilities.

Jeffrey W. Deane, J.D. is a claims specialist at GE Insurance Solutions, the carrier for the Big “I” Professional Liability Program.

For information about the minimum duties expected of South Carolina’s independent agents, call Charlene Bernotas at 803-731-9460, Ex 22.

Best practices for Avoiding E&O Claims

You haven’t even written the account, yet you must be careful to not create E&O exposures. Here are some proactive steps you can take to help prevent a possible future E&O claim.

- Develop a written procedure for reviewing marketing and advertising materials.
- Always check marketing and advertising materials to be certain they do not overly promise benefits of policies or services to be received.
- Avoid use of terms like “all risk” that imply coverage is broader than is actually the case.
- Be sure to review all materials that agency personnel, including producers, develop themselves prior to distribution.
- Remember that the same rules for printed materials apply to the agency’s Web site. Include disclaimer language on any proposal.
- Review coverages provided and options offered and rejected with the client.
- Advise customer in writing of coverages that cannot be placed.
- Document *in writing* any coverage declined by the applicant.

Source: Jeffrey W. Deane, J.D.

When it comes to your agency's E&O coverage, you need stability.



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Swiss Re



Protecting Agency Customer Information From Identity Theft

By the ACT Emerging Security Issues Work Group of IIABA

HIGHLIGHTS

The federal Gramm-Leach-Bliley Act requires independent agencies and brokers to proactively implement administrative, technical, and physical safeguards to protect customer non-public personal information. See “*Key Considerations in Setting Up & Implementing an Agency Security Policy*” below for practical guidance on setting up and implementing an agency security policy.

Many agencies are also now covered by a state identity theft law, which may require an agency to notify a customer and take other remedial steps (such as procuring credit reports for the customer) if the agency is involved in the customer’s non-public personal information being lost, stolen, misdirected, or otherwise the subject of a security breach. *Many of these laws, however, provide a safe harbor if the affected data is encrypted.*

Beyond the legal requirements, being proactive about securing customer personal information is just good business, given the devastating impact of having to notify customers that their most sensitive information may have been compromised. In addition, *taking proactive steps to prevent a security breach is very likely to be less costly than cleaning up the mess that typically occurs after a breach has occurred.*

Many agencies are surprised to learn that the most significant security threats they face are not posed by external parties hacking into their systems. See “*The Three Biggest Security*

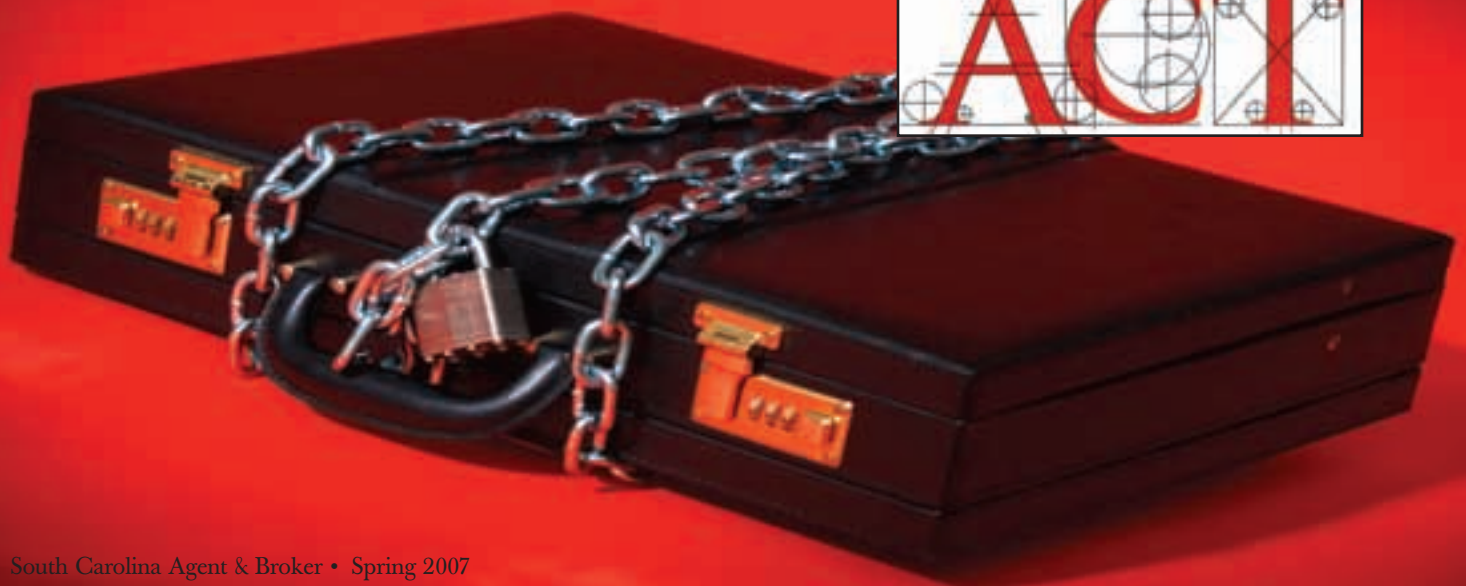
Threats Most Agencies Face” for what the biggest threats are.

Back ups represent a major security risk. The work group recommends that back ups be encrypted and kept in a secure place. Many of the identity theft cases involve back ups.

There has been a proliferation of PCs, portable devices, and removable media (zip drives, memory sticks, CDs,) taken outside of agencies, potentially creating a major new security risk for agencies. Agencies are encouraged to have their security policy address each of these items specifically. Agents should not store customer and policy information on them, if at all possible. Rather, it is preferable that this sensitive information be accessed from the agency’s system through a password protected Virtual Private Network when needed. If there is a possibility customer and policy data will be kept on these devices, then the work group recommends that the data be encrypted. Many of the identity theft cases involve lost or stolen PCs and other types of portable devices.

Agencies should avoid sending customer non-public personal information by unsecured email, because regular email is like sending an open postcard through the mail. The report presents several additional recommendations to help protect data while in transit to and from the agency.

If an agency handles individually identifiable health information for clients or employees, then it also may be subject to the federal HIPAA law. (For more on HIPAA, see www.independentagent.com/ACT, “Agency Improvement Tools.”)



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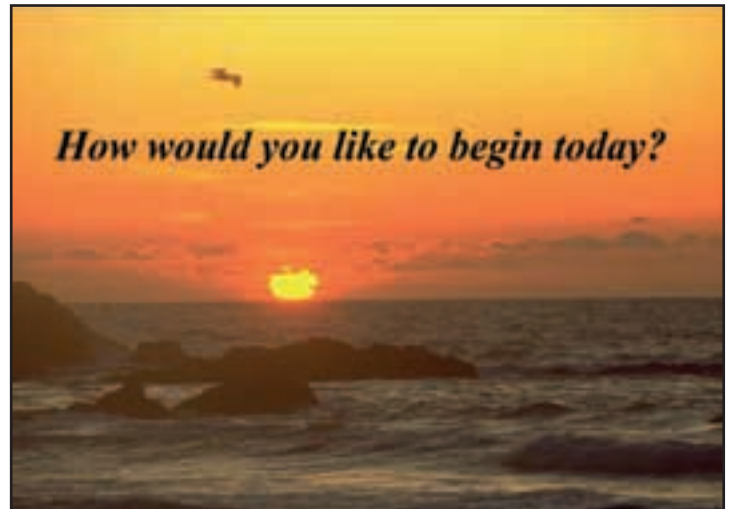
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The three biggest security threats most agencies face

While a security threat can come at an agency from many directions, the following threats are probably most likely to cause the typical agency to experience a security breach:

1. *An employee theft or inadvertent mistake* that exposes customers' personal information to unauthorized parties. (An example of an inadvertent mistake would be opening an email attachment containing a virus from an unknown source.)
2. *Physical loss or theft of a computer, portable device, back up tape or other removable media*—all containing customers' non-public personal information. As these devices have become more portable, and they are regularly taken outside the agency premises, this security risk has multiplied significantly. Also, the substantial risk of a break-in to the agency's offices and the theft of its computers is often overlooked when an agency develops its security policy.
3. *Loss or theft of a password* permitting unauthorized individuals to gain access to customers' personal information.

Common sense precautions to consider for mitigating these security threats

- ◆ *No more passwords on sticky notes.* Passwords should be kept hidden and private. Agents should note that their carrier agreements are likely to make them responsible if an unauthorized party gains access to the carrier's systems using an agency password.
- ◆ *Escort your visitors throughout the office.* Know your nighttime cleaning crew.
- ◆ *Desktops should be password protected,* and employees should log off of their system when they go to lunch, attend a meeting, or leave in the evening.
- ◆ *Physical office security.* How secure is your physical office when you leave in the evening?
- ◆ *Computer security.* Keep non-public customer and policy information off of PCs, portable devices, and removable media. Encrypt any of this non-public electronic information that leaves the agency office, whenever possible. See sections below for more details.
- ◆ *Encrypt back ups* and keep them in a secure place.
- ◆ Consider whether it's necessary to keep particular types of sensitive personal information in your system at all, if it could instead be pulled from a third party source.
- ◆ *Contracted care.* Consider housing systems and/or back ups in a hosted data center employing 24 hour security, data traffic monitoring, and the the latest security technologies, procedures, and even an armed guard.

Key considerations in Ssetting up & implementing an agency security policy

A successful security strategy requires that an agency take proactive steps and implement multiple layers of protection. No single security measure is adequate by itself. Some of the major steps for an agency to consider taking include:

- ◆ *Security policy and procedures.* Thinking through and then implementing a security policy based upon an assessment of the specific risks your agency faces and developing and implementing written security procedures.
- ◆ *Employee education* and training on all of the security risks, the security policy and the procedures.
- ◆ *Conducting security audits* by outside experts periodically to identify security "holes."
- ◆ Taking specific steps to *secure the physical perimeter* of the agency, escorting any guests in the office, and prohibiting guests from accessing agency systems while in the office.
- ◆ Implementing *password protected firewalls* that protect the perimeter of your systems from intrusion by unauthorized persons and viruses.
- ◆ *Diligently managing passwords,* so that only authorized persons gain access to your system, their identity is authenticated, and terminated employees' access is immediately cut off.
- ◆ *Limiting employee access* so that they only view the information they need to see.
- ◆ Implementing the latest versions of *anti-virus, anti-SPAM and intrusion software* on desktops, servers, PCs and other portable devices, continuously updating them, and activating automatic updates wherever possible.
- ◆ *Auditing employee activity* regularly for compliance with the security policy and procedures.
- ◆ *Monitoring systems traffic* continuously for unusual activity that indicates a breach may have occurred.
- ◆ Implementing *specific procedures for back ups,* PCs, home computers, portable devices, and removable media. Keep non-public customer and policy information off of these devices wherever possible and encrypt them when they contain such sensitive data.

Protecting agency data while in transit

Some of the important steps and approaches for an agency to consider to protect data in transit include:

- ◆ *Requiring passwords for remote access.* When agency employees seek to access customer and policy data remotely from the agency's system using a PC, home computer or other portable device, the entry of an individual password should be required to access the agency system and that

transmission should be secured and encrypted, wherever possible.

- ♦ *Use Real-time interfaces rather than unsecured email.* Unsecured email, including unencrypted insurance applications and other attachments, is analogous to sending an open postcard through the mail. Agencies should be mindful of this when they need to transmit customer non-public personal information to carriers and customers. Real-time interfaces, in contrast, enable the agency to send policy data to carriers in a secured and encrypted manner. If real-time is not available, then the agency should consider using desktop faxing to transmit application information to carriers. The industry is actively working on recommendations to enable agencies and carriers to send secure email to each other using a consistent and efficient workflow.
- ♦ *Be mindful in using wireless technology.* When interacting with your agency system remotely using a wireless connection, it is important to connect through your agency's virtual private network (VPN). The WEP encryption protocol provided with the wireless connection can be easily broken by a determined hacker. (The WPA encryption protocol is much more secure than WEP.) When you deploy wireless access points, understand that you run the risk of extending your network outside of your building. This technology raises a number of specific security issues that are best handled by a technology professional.

For more in-depth coverage of these issues, go to www.independentagent.com/ACT, "Agency Improvement Tools" for the full electronic version of this report with additional details, as well as for ACT's other reports on agency security.



The ACT Emerging Security Issues Work Group includes agent, carrier, and vendor volunteers working to enhance the security of independent agencies and carriers. For more information about this work group, or ACT (Agents Council for Technology), please contact Jeff Yates, ACT's Executive Director, at jeff.yates@iiaba.net.

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February

- 6 IIABSC Board of Directors meeting
Columbia, SC
- 19 President's Day/Optional Holiday

March

- 21 Big "I" Day at the State House
Columbia, SC
- 21-22 IIABSC Spring Conference
Columbia, SC

April

- 3 IIABSC Board of Directors Meeting
Columbia, SC
- 6 Good Friday/Office Closed
- 9 Easter Monday/Optional Holiday
- 25-27 Big "I" National Legislative Conference & Convention
Washington, DC

May

- 28 Memorial Day/Office Closed
- TBD IIABSC Board of Directors Meeting and Young Agents Conference
- TBD Young Agents Scholarship Golf Tournament
- TBD Trusted Choice Big "I" Junior Classic

July

- 4 Independence Day/Office Closed

August

- 9-12 IIABSC Board of Directors Planning Retreat

September

- 3 Labor Day/Office Closed

- 28-30 Young Agents Leadership Institute
San Diego, CA

October

- 14-16 IIABSC State Convention
Savannah, GA
- 16 IIABSC Board of Directors Meeting

November

- 22-23 Thanksgiving/Office Closed
- 27-28 IIABSC Board of Directors Meeting

December

- 7-9 Southern Agents Conference
Atlanta, GA
- 24-25 Christmas Holidays/Office Closed



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2007 Spring Conference

INDEPENDENT INSURANCE AGENTS & BROKERS OF SOUTH CAROLINA
March 21-22
 Embassy Suites Hotel, Columbia, SC



Highlights

Exhibitors

Dozens of exhibitors will be displaying their products and services on **Wednesday** of the Spring Conference and agents can visit during breaks, lunch and at the appreciation reception. Learn valuable information, gather industry resources and earn the chance to win special prizes.

CE Credit

7 hours of CE credit will be filed with the S.C. DOI for the conference. *Earn your needed CE hours!*

Speakers and Sessions

Ron Rosenberg will present the Inner Secrets of Outrageous Marketing!

Shawn Goff from the SC DMV will briefly explain the SC Automobile Insurance Reporting System, the system used to transmit insurance compliance information (FR4a Cancellation Compliance, FR10, FR5 and SR22) to the SC DMV in real-time.

New S.C. DOI Scott Richardson will make an appearance to share his plans for the new direction of the DOI and speak on "hot topics" facing the insurance industry.

A regular feature of the IABSC Spring Conference, state legislators will discuss proposed legislation and other issues affecting our industry during our **Government Affairs Panel**.

The Thursday morning session will now be held in conjunction with the South Carolina CPCU Society - "I" Day. The topic of discussion will be **Workers Compensation Issues in SC and Disaster Planning**. Those registered for Spring Conference can attend the session for no additional charge, unless they want to stay for lunch. If they do, they must pay an additional \$25.

Networking Opportunities

You'll have the opportunity to network with exhibitors, gain new contacts and to visit with old friends & colleagues during the Spring Conference's **breaks, lunch, continental breakfast and Exhibitor Appreciation Reception**.

Schedule of Events

Wednesday, March 21

10:00am-11:00am	Big "I" Day at the State House
11:00am	Agent Registration Opens
11:00am - 6:30pm	Exhibit Hall Open
11:30am - 1:00pm	Lunch with Exhibitors
1:15pm - 3:00pm	"Inner Secrets of Outrageous Marketing"
<small>Need for 2 hrs. CE, P&C or L&H</small>	
3:00pm	Break in Exhibit Hall
3:30pm - 5:15pm	Auto Ins. Reporting Syst./ DOI Dir. Scott Richardson/ Gov. Affairs Panel
<small>Need for 2 hrs. CE, P&C or L&H</small>	
5:15pm - 7:00pm	Exhibitor Appreciation Reception (prize giveaways)

Thursday, March 22

8:00am	Continental Breakfast
8:30am - 12:00pm	SC Workers Issues and Disaster Planning
<small>Need for 3 hrs. CE, P&C or L&H</small>	
Noon	Lunch with CPCU (add'l \$25)

Kick off the Spring Conference at the second annual

Big "I" Day

at the
State House

Join fellow Big "I" members as we converge on the capitol to visit with legislators on March 21.

(Depart from Embassy Suite at 10:00am and return by 11:30am)

Discuss key legislative issues with your elected officials and demonstrate IABSC's strong grassroots support!!

Transportation is provided, and there is no cost to participate.

Visit www.iabsc.com for more details and to preregister

Information

Who Should Attend?

The Spring Conference offers programs and valuable information for agencies of all sizes and locations. **All IABSC members are encouraged to send representatives!**

Where is the Spring Conference?

The Spring Conference returns to the Embassy Suites in Columbia, S.C. The hotel is holding sleeping rooms for a rate of \$117/night until February 19, 2007. **Reservations must be made directly with the hotel** by calling 803-252-8700.

What are the registration fees?

The full registration fee includes:

- lunch and continental breakfast
- breaks in the Exhibit Hall
- Exhibitor Appreciation Reception
- all seminars and materials

Single day/event registrations available

Online Registration is now available for regular conference attendees at www.iabsc.com.

** See the Attendee Registration Form for pricing and details.

Questions??

If you have questions, contact Elaine Mikell at emikell@iabsc.com or directly at 803-731-9460, Ext. 16.

Visit www.iabsc.com to register online or download registration forms.



ATTENDEE REGISTRATION

2007 Spring Conference

INDEPENDENT INSURANCE AGENTS & BROKERS OF SOUTH CAROLINA

March 21-22, 2007

Embassy Suites Hotel, Columbia, SC



ONLINE REGISTRATION NOW AVAILABLE AT WWW.IIABSC.COM!!

American Express, MasterCard and Visa are accepted forms of payment.

REGISTRATION FEES: Both full and single event conference registrations are available. Full registration fee includes seminars, materials, breaks, lunch with exhibitors and the exhibitor appreciation reception.

The registration form should be completed by agents and company representatives (if not registered as an exhibitor). Please complete a separate registration form for each individual. Spouses/guests attending may register on the same form as the main attendee. Spouses that are also agents should register separately.

Each attendee must be registered. Only individuals wearing a name badge may attend conference events (including spouses). Payment of registration fee must accompany this form. No registration will be processed without full payment. Confirmation of conference registration will be mailed to you by IIABSC.



EARLY BIRD REGISTRATION FEES: Available this year for all full conference registrations received by February 21, 2007. All full registrations received after this date will pay an increased registration fee.

CANCELLATION POLICY: No refund for cancellation within 5 business days of the event. Cancellation or any changes to the registration within 10 business days of the event will incur a \$50 processing fee. Any other changes made within 30 days of the event will incur a \$30 processing fee. All cancellations must be made in writing.

REMIT FORM AND PAYMENT TO: IIABSC, PO Box 210008, Columbia, SC 29221 or Fax (803) 772-6425

Name: _____ Designations: _____

Badge Name: _____ Spouse/Guest: _____

Please check one: Agent Company Guest Other

Agency/Company: _____

Address: _____

(As it should appear on roster) Mailing Address City State Zip Code

Phone: _____ Fax: _____ Email: _____

REGISTRATION FEES:	Member	Non-Member	Total
Full Registration - BEFORE Feb. 21	_____ \$120.00	_____ \$145.00	\$ _____
Full Registration - AFTER Feb. 21	_____ \$145.00	_____ \$170.00	\$ _____
Wednesday Only (March 21, 2007)	_____ \$90.00	_____ \$115.00	\$ _____
Exhibitor Appreciation/Legislative Reception	_____ \$35.00	_____ \$60.00	\$ _____
Legislative Reception Only	_____ \$35.00	_____ \$60.00	\$ _____
Thursday Only (March 22, 2007)	_____ \$50.00	_____ \$75.00	\$ _____
		TOTAL TO BE PAID	\$ _____

Method of Payment: Check MasterCard Visa

If paying by credit card, please complete the information below:

Card Number: Card Expiration Date: ____/____/____

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