

<i>SERFF Tracking Number:</i>	<i>UTCX-125427979</i>	<i>State:</i>	<i>Arkansas</i>
<i>Filing Company:</i>	<i>Utica Mutual Insurance Company</i>	<i>State Tracking Number:</i>	<i>EFT \$50</i>
<i>Company Tracking Number:</i>	<i>E&amp;OAR0945601F01</i>		
<i>TOI:</i>	<i>17.1 Other Liability - Claims Made Only</i>	<i>Sub-TOI:</i>	<i>17.1019 Professional Errors &amp; Omissions Liability</i>
<i>Product Name:</i>	<i>Errors &amp; Omissions</i>		
<i>Project Name/Number:</i>	<i>Errors &amp; Omissions/E&amp;OAR0945601F01</i>		

## Filing at a Glance

Company: Utica Mutual Insurance Company

Product Name: Errors & Omissions

TOI: 17.1 Other Liability - Claims Made Only

Sub-TOI: 17.1019 Professional Errors & Omissions Liability

Filing Type: Form

SERFF Tr Num: UTCX-125427979 State: Arkansas

SERFF Status: Closed

State Tr Num: EFT \$50

Co Tr Num: E&OAR0945601F01

State Status: Fees verified and received

Co Status:

Reviewer(s): Betty Montesi, Edith Roberts, Brittany Yielding

Author: SPI UticaNational

Disposition Date: 01/23/2008

Date Submitted: 01/11/2008

Disposition Status: Approved

Effective Date Requested (New): 07/01/2008

Effective Date (New):

Effective Date Requested (Renewal):

Effective Date (Renewal):

State Filing Description:

## General Information

Project Name: Errors & Omissions

Project Number: E&OAR0945601F01

Reference Organization:

Reference Title:

Filing Status Changed: 01/23/2008

State Status Changed: 01/23/2008

Corresponding Filing Tracking Number:

Filing Description:

Utica Mutual Insurance Company would like to implement two new exclusions for our Life Agents Errors and Omissions Program. One exclusion restricts coverage for acts, errors or omissions of an insured that violates the Telephone Consumer Protection Act, the CAN-SPAM act or any other statute, ordinance or regulation that prohibits or limits the sending, transmitting, communication or distribution of material or information. The other exclusion restricts coverage for any claim against an insured based on or arising directly or indirectly out of or in anyway involving viatical settlements or life settlements. We have also created a policyholders notice to notify the insured that these two

Status of Filing in Domicile: Pending

Domicile Status Comments:

Reference Number:

Advisory Org. Circular:

Deemer Date:

SERFF Tracking Number: UTCX-125427979 State: Arkansas  
 Filing Company: Utica Mutual Insurance Company State Tracking Number: EFT \$50  
 Company Tracking Number: E&OAR0945601F01  
 TOI: 17.1 Other Liability - Claims Made Only Sub-TOI: 17.1019 Professional Errors & Omissions Liability  
 Product Name: Errors & Omissions  
 Project Name/Number: Errors & Omissions/E&OAR0945601F01

endorsements have been added to their policy, and revised our Life Agents Errors and Omissions Application to revise the format, update the Fraud Addenda and added some additional information to some questions.

Attached please find the following:

## Company and Contact

### Filing Contact Information

Julie Garrabrant, Senior State Filings  
 Coordinator julie.garrabrant@uticanational.com  
 180 Genesee Street (315) 734-2000 [Phone]  
 New Hartford, NY 13413 (315) 734-2252[FAX]

### Filing Company Information

Utica Mutual Insurance Company	CoCode: 25976	State of Domicile: New York
180 Genesee Street	Group Code: 201	Company Type:
New Hartford, NY 13413	Group Name: Utica National Insurance Group	State ID Number:
(315) 734-2000 ext. [Phone]	FEIN Number: 15-0476880	
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## Filing Fees

Fee Required? Yes  
 Fee Amount: \$50.00  
 Retaliatory? No  
 Fee Explanation:  
 Per Company: No

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
Utica Mutual Insurance Company	\$50.00	01/11/2008	17452600

SERFF Tracking Number: UTCX-125427979

State: Arkansas

Filing Company: Utica Mutual Insurance Company

State Tracking Number: EFT \$50

Company Tracking Number: E&OAR0945601F01

TOI: 17.1 Other Liability - Claims Made Only

Sub-TOI: 17.1019 Professional Errors & Omissions Liability

Product Name: Errors & Omissions

Project Name/Number: Errors & Omissions/E&OAR0945601F01

## Correspondence Summary

### Dispositions

Status	Created By	Created On	Date Submitted
Approved	Edith Roberts	01/23/2008	01/23/2008

*SERFF Tracking Number:* UTCX-125427979

*State:* Arkansas

*Filing Company:* Utica Mutual Insurance Company

*State Tracking Number:* EFT \$50

*Company Tracking Number:* E&OAR0945601F01

*TOI:* 17.1 Other Liability - Claims Made Only

*Sub-TOI:* 17.1019 Professional Errors & Omissions  
Liability

*Product Name:* Errors & Omissions

*Project Name/Number:* Errors & Omissions/E&OAR0945601F01

## **Disposition**

Disposition Date: 01/23/2008

Effective Date (New):

Effective Date (Renewal):

Status: Approved

Comment:

Rate data does NOT apply to filing.

SERFF Tracking Number: UTCX-125427979 State: Arkansas  
 Filing Company: Utica Mutual Insurance Company State Tracking Number: EFT \$50  
 Company Tracking Number: E&OAR0945601F01  
 TOI: 17.1 Other Liability - Claims Made Only Sub-TOI: 17.1019 Professional Errors & Omissions Liability  
 Product Name: Errors & Omissions  
 Project Name/Number: Errors & Omissions/E&OAR0945601F01

Item Type	Item Name	Item Status	Public Access
Supporting Document	Uniform Transmittal Document-Property & Casualty	Approved	Yes
Form	Application For Life and Health Insurance Agents and Brokers Errors and Omissions Insurance	Approved	Yes
Form	Exclusion - Violation Of Statutes That Govern E-Mails, Fax, Phone Calls Or Other Methods Of Sending Material Or Information	Approved	Yes
Form	Exclusion - Viatical Settlements and Life Settlements	Approved	Yes
Form	Policyholders Notice - Exclusions For TCPA/CAN-SPAM and Viatical/Life Settlements	Approved	Yes

SERFF Tracking Number: UTCX-125427979 State: Arkansas  
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 TOI: 17.1 Other Liability - Claims Made Only Sub-TOI: 17.1019 Professional Errors & Omissions Liability  
 Product Name: Errors & Omissions  
 Project Name/Number: Errors & Omissions/E&OAR0945601F01

## Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type Action	Action Specific Data	Readability	Attachment
Approved	Application For Life and Health Insurance Agents and Brokers Errors and Omissions Insurance	14-A-LEO	Ed. 7-2007	Application/ Replaced Binder/Enrollment	Replaced Form #:0.00 14-A-LEO Previous Filing #:		14-A-LEO.PDF
Approved	Exclusion - Violation Of Statutes That Govern E-Mails, Fax, Phone Calls Or Other Methods Of Sending Material Or Information	14-E-1092	Ed. 11-2007	Endorsement/Amendment/Conditions		0.00	14-E-1092.PDF
Approved	Exclusion - Viatical Settlements and Life Settlements	14-E-1093	Ed. 11-2007	Endorsement/Amendment/Conditions		0.00	14-E-1093.PDF
Approved	Policyholders Notice - Exclusions For TCPA/CAN-SPAM and Viatical/Life Settlements	14-L-0047	Ed. 12-2007	Policy/Coverage New Form		0.00	14-L-0047.PDF

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## APPLICATION

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### Life and Health Insurance Agents and Brokers Errors and Omissions Insurance

Underwritten by



Utica Mutual Insurance Company  
New Hartford, New York

**THIS IS AN APPLICATION FOR A CLAIMS-MADE POLICY. READ YOUR POLICY CAREFULLY.  
COVERAGE IS SUBJECT TO UNDERWRITER'S APPROVAL.**

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## APPLICATION INSTRUCTIONS

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PLEASE FOLLOW THE INSTRUCTIONS AS LISTED TO EXPEDITE THE PROCESSING OF YOUR APPLICATION.

- All questions must be answered. If a question does not apply to you, indicate "Not applicable."
- **All applications must be typed/or legibly hand written.**
- If more space is needed, please use a separate sheet to complete answers and attach to application.

**Return application to:**

Utica Mutual Insurance Company  
Errors & Omissions Department  
P.O. Box 530  
Utica, NY 13503

OR

180 Genesee Street  
New Hartford, NY 13413

- Processing time for a properly completed application is approximately 30 days and should be taken into consideration when applying. All incomplete applications will be returned to agency for completion.

## APPLICATION INFORMATION

New Business, or  Renewal, provide prior UTICA Policy Number \_\_\_\_\_ Expiration date \_\_\_\_\_  
Required in Iowa: Soliciting Agent \_\_\_\_\_ License Number \_\_\_\_\_

1. Name of Individual agent and/or Agency \_\_\_\_\_  
(Include all trade names DBAs, etc.)

Individual     Partnership     Corporation     LLC/LLP     Other

2.a. Mailing Address \_\_\_\_\_  
Street City County State Zip Code

b. Physical Address if different from mailing:

Street City County State Zip Code

Telephone # \_\_\_\_\_ FAX # \_\_\_\_\_ Cell Phone # \_\_\_\_\_

Website Address \_\_\_\_\_

Email Address of Key Contact \_\_\_\_\_

3. Address of branches with identical ownership

(1) \_\_\_\_\_  
Street City County State Zip Code

(2) \_\_\_\_\_  
Street City County State Zip Code

4.a. How is the agency established?

As a:     Career Agent     Independent     Captive  
(Check all that apply.)

b. Date agency originally established \_\_\_\_\_

c. Date of current ownership if purchased \_\_\_\_\_

(If the agency is less than two years old under current ownership, a resume for each agency owner(s) is required.)

5. Has the name of the agency, ownership or principals of the agency changed, or has any other business been purchased, merged or consolidated with the agency, including the purchase of another agency's business, during the past five years?     Yes     No

If "Yes" please list details below including gross income derived from other business.

6. Is the agency engaged in any other business?     Yes     No

If "Yes" please give details.

7.a. Is the agency owned by, associated with or controlled by any other businesses?     Yes     No

If "Yes" please provide name, percentage of ownership, description of business of parent or controlling interest, kind and amount of insurance derived from associated business or owner.

b. Share office space?     Yes     No

If yes, name of entity \_\_\_\_\_

8.a. Provide your gross annual commission and fee income from life, health and financial products for the following:

	Commissions	**Fees	Total
Two Years Prior	_____	_____	_____
One Year Prior	_____	_____	_____
Estimated Next 12 Months	_____	_____	_____

b. \*\* Fee Income received from \_\_\_\_\_

9. Breakdown of your total revenue. Total must equal 100%.

<b>Life, Individual</b> .....	_____	%
Of this percentage of revenue, how much is substandard (Surcharged/High-Risk) business? .....	_____	%
<b>Life, Group</b> .....	_____	%
<b>Health, Individual</b> .....	_____	%
<b>Health, Group</b> .....	_____	%
Percentage guaranteed issue? .....	_____	%
Percentage individually underwritten? .....	_____	%
What percentage of this revenue is from products, which are not fully insured? .....	_____	%
<b>Long Term Care</b> .....	_____	%
<b>Disability Income</b> .....	_____	%
<b>Fixed Annuities</b> .....	_____	%
<b>Variable Annuities**</b> .....	_____	%
<b>Financial Products**</b> .....	_____	%
**For Variable Annuities, Mutual Funds and Financial Products coverage complete questions 32-40 on pages 6 and 7.		
<b>Property/Casualty Products**</b> .....	_____	%
For coverage consideration complete questions 41-54 on pages 7 and 8.		
<b>Consulting for:</b>		
Benefit or Pension .....	_____	%
Insurance .....	_____	%
<b>Administration Income/Activities from:</b>		
Claims Administration .....	_____	%
Third Party Administration .....	_____	%
<b>Miscellaneous Exposures:</b>		
Tax .....	_____	%
Estate Planning .....	_____	%
Actuarial .....	_____	%
Viaticals and/or Life Settlements .....	_____	%
Other (specify) _____ .....	_____	%
<b>TOTAL MUST EQUAL 100%</b> (excluding shaded information percentage) .....	_____	

(Definitions for Question #10)

*Agent* - Place business with companies with which agency is licensed.

*Personal Producing General Agent* - General Agent producing business personally.

*General Agent* - Places business with companies with which the agency is licensed. Commissions are from personal sales and/or sales of sub-agents.

*Managing, Master or Brokerage General Agent* - Has authority to appoint and commissions are from agents and general agents.

10. Please give the approximate percentage breakdown of the total income for business that is placed by you or your agency as:

- \_\_\_\_\_ % Agent
- \_\_\_\_\_ % Personal Producing General Agent
- \_\_\_\_\_ % General Agent
- \_\_\_\_\_ % Managing, Master or Brokerage General Agent

**TOTAL MUST EQUAL 100%**

11. Please give the approximate percentage breakdown of the total production.

- \_\_\_\_\_ % Personal Production
- \_\_\_\_\_ % From your agents (to you as General Agent)

**TOTAL MUST EQUAL 100%**

12. Is agency associated with a cluster or similar type arrangement?  Yes  No

If yes, please attach detailed description.

13. Does anyone from the agency sit on any **Company Board of Directors or Governing Committees** involving an insurance related activity?  Yes  No

If yes, provide details.

14. List all of the insurance entities that together account for 100% of your total agency premium volume. (Include companies that you place all Life, Accident & Health. List any HMOs, PPOs, Wholesalers, General Agencies & their carriers, SIFs, Captives, RRGs, RPGs, etc.) Next to each carrier list the percentage of business placed with that carrier based on 100% of your agencies business. Check the box that represents how you place the business with each.)

Company	%	Business placed direct with insurance companies (Agent/broker)	Business placed through others	Business placed as a GA, MGA or Broker for others
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Coverage may be available for the insolvency for RRGs, RPGs, or Self Insured programs and NR rated carriers upon written request. Coverage is subject to underwriting approval and receipt of any additional information requested by the underwriter.

15. In the last five years, have any agency contracts you have held with insurance companies been cancelled for cause?  Yes  No

If yes, attach full details.

16.a. Please indicate the agency E&O carrier for the last three years. If none, state none.

Carrier	Policy Number	Limit	E&O Premium	Effective and Expiration Date	Retro Date, if any
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

b. If you have not had Errors and Omissions coverage for the last (3) years or have had a gap in coverage please give us a narrative explanation.

17. a. Numbers of the following personnel:
- 1. Owners, officers, partners \_\_\_\_\_
  - 2. Employed solicitors, brokers, agents \_\_\_\_\_
  - 3. Other employees (including clerical) \_\_\_\_\_
  - 4. Total sub-agents \_\_\_\_\_
  - 5. Total \_\_\_\_\_

b. List all agency owners, officers, producers, all licensed and non-licensed employees: **(Attach separate list if necessary.)** (i.e.: Joe Smith / Owner / L&H 14yrs / NASD 6 2yrs / P&C 5yrs)

Name With Professional Designations	Position/Title	Show Licenses & Number of Years Licensed for Each:			
		Life/A&H/yr	NASD 6/yr	NASD 7/yr	P&C/yr
_____	_____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____
_____	_____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____
_____	_____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____
_____	_____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____
_____	_____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____

c. List sub-agents who are not employees to be covered for their acts in the sales and servicing of Life, A & H business written through or on behalf of your agency. **(Attach separate list if necessary.)**

Name with Professional Designations	Number of Years Licensed	Number of Years with your Agency	Commissions Received for Business Placed	Exclusive Agent or Non-exclusive
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**18. Loss Control Questions:**

- a. Have you attended an approved E&O Seminar during the last 15 months  Yes  No
- b. Who is responsible for implementing and auditing office procedures? \_\_\_\_\_
- c. Please describe the details of training sessions, courses provided or taken or any continuing education that you or any agency employees have taken or are enrolled in:

19. List any agent associations that you are currently members of: \_\_\_\_\_

20. Please describe your orientation program for new employees:

- 21. Is all incoming mail date stamped?  Yes  No
- 22. Is there a procedure for documenting important phone conversations?  Yes  No
- 23. Are all policies, riders and endorsements checked for accuracy before mailing?  Yes  No
- 24. Does applicant have planned diary, suspense or follow-up system?  Yes  No

Please check:  Manual System  
 Automated System

Procedures:

25. Please describe the levels of automation within your agency: (i.e.: Production and accounting systems, On-line with carriers, Use of Internet/Website)

**(Questions #26., #27., #28., & #29. apply for Life and Health Insurance Agents & Brokers E&O Coverage, and also for Mutual Funds or Financial Products Coverage and Property & Casualty Coverage.)**

26. Has an application for similar insurance on behalf of the agency, its predecessor in business or any of its present or former owners, partners, executive officers or directors been declined, cancelled or renewal refused?  Yes  No  
If "Yes," please explain in detail. [Not applicable in Missouri]

27. During the past five years, has any claim been made against the agency, its predecessor in business, or any of its present or former owners, partners, officers, or directors?  Yes  No  
If "Yes," a statement giving details and status of each claim including dates, amount of claim, deductibles, payments, open reserves, name of client and full details of loss, if any, must be attached.

28. Is the agency aware of any circumstance, allegation, contention or incident which may result in any claim being made against the agency, its predecessor in business or any of its present or former owners, partners, officers or directors?  Yes  No  
If "Yes," a statement giving complete details including dates and amount of possible claims must be attached.

29. Have there been any fines or disciplinary action, including license suspension, taken against you, your employees, or your associates by any insurance regulatory agency?  Yes  No  
If "Yes," a statement giving complete details must be attached.

30. Life and Health Insurance Agents and Brokers Errors and Omissions Coverage.

- a. Limit of Liability: \$ \_\_\_\_\_ each Loss      \$ \_\_\_\_\_ Aggregate
- b. Deductible: \$ \_\_\_\_\_ Each Loss (An Aggregate deductible or three times your each loss deductible will be applied)
- c. Desired effective date \_\_\_\_\_

**You may have the option of how your deductible amount, per loss, will be subtracted from each loss. Indicate the option desired:**

- 1. \_\_\_\_\_ LOSS ONLY; we will pay for loss in excess of the deductible amount up to the limits of liability, providing first dollar defense expense.
- 2. \_\_\_\_\_ LOSS AND LITIGATION EXPENSE; the deductible will be applied to both loss and (when applicable) litigation expense as defined in the policy. **[Not applicable in Louisiana and New York]**

31. **Optional Coverage(s):** Please check the following option(s) if you currently have or would like to consider coverage for the following: (NOTE: Coverage is **subject to Underwriting approval**. The available optional coverages vary by state.)

- Employment Related Practices Liability Insurance (complete ERPLI Application)
- Mutual Funds/Annuities Coverage (complete Mutual Funds or Financial Products supplemental application on page 6 and 7)
- Financial Products Coverage (complete Mutual Funds or Financial Products supplemental application on page 6 and 7)
- Loan Origination Coverage  
Limits:  \$500,000/\$500,000       \$1,000,000/\$1,000,000       \$2,000,000/\$2,000,000  
Name of Loan origination program: \_\_\_\_\_
- Professional Employer Organization E&O Insurance      Name of PEO program: \_\_\_\_\_

# SUPPLEMENTAL QUESTIONS FOR MUTUAL FUND OR FINANCIAL PRODUCTS COVERAGE

**(Definitions for Question #34)**

*Financial Products (Sales of)* - The sale of shares of a mutual fund (which is a corporation or trust that is an investment company registered under the Investment Company Act of 1940); and the sale of variable annuities, stocks and bonds, limited partnerships or unit investment trusts.

*Mutual Funds (Sales of)* - The sale of shares of a mutual fund (which is a corporation or trust that is an investment company registered under the Investment Company Act of 1940); and the sale of variable

**32.** Name of Agency (if not as shown in item 1. of the Application)

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**33.** Address of Agency (if not as shown in item 2. of the Application)

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**34.a.** Show annual income from sales of the following financial products.

**(See Definitions at top of page)**

Product	Annual Income	Product	Annual Income
Mutual Funds	\$ _____	Private Placements	\$ _____
Stocks	\$ _____	Derivatives	\$ _____
Bonds	\$ _____	Variable Annuities	\$ _____
Unit Investment Trusts	\$ _____	Others (Specify)	\$ _____
Limited Partnerships	\$ _____	<b>TOTAL</b>	\$ _____

**b.** Do you own or have an interest in any broker/dealer organization?  Yes  No

**c.** Provide complete information for all agents for which this Supplemental Coverage is to be provided:

**(This Supplemental Coverage is available only for those persons included in item 17.b. of the Application.)**

Licensed Agent	NASD Lic.	Broker/Dealer Organization	City/State	Coverage Needed	
				Mutual Funds	Financial Products
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**d.** Current E&O Coverage with (name of carrier): \_\_\_\_\_  
 Expiration Date \_\_\_\_\_ Retro Date, if any \_\_\_\_\_

**35.** Are you aware of any market conduct or NASD disciplinary actions involving any Broker/Dealer Organizations named in question **34.c.** above?  Yes  No

**36.** Does product training provided by all Broker/Dealer Organizations named in question **34.c.** above include regular training for all sellers of variable products on?

- |  |  |
|--|--|
| Compliance policies required by the Broker/Dealer? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Federal securities laws?                           | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Self-regulatory organization (SRO) rules?          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| NASD Conduct Rule 2310?                            | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**37.** Do you keep customer complaint logs?  Yes  No  
 If Yes, are customer complaints routed directly to the Compliance Officer of the appropriate Broker/Dealer Organization named in question **34.c.** ?  Yes  No

**38.** When was the last in-house or external compliance and suitability review completed by each Broker/Dealer Organization named in question **34.c.** above?

Organizations	Dates
_____	_____
_____	_____

39. Do all Broker/Dealer Organizations named in question 34.c. above have Security Broker/Dealer Professional Liability Insurance Coverage?  Yes  No

40.a. Limits of Liability requested? (See enclosed sheet for limit options): \$ \_\_\_\_\_ Each Loss  
\$ \_\_\_\_\_ Aggregate

b. (Deductible will be same as shown for Question #30.)

c. Desired effective date: \_\_\_\_\_

### SUPPLEMENTAL QUESTIONS FOR PROPERTY AND CASUALTY COVERAGE

41. Name of Agency (if not as shown in item 1. of the Application) \_\_\_\_\_

42. Address of Agency (if not as shown in item 1. of the Application) \_\_\_\_\_

43. Total gross P&C premiums written annually (new and renewal)? \$ \_\_\_\_\_

44. Premium Volume of substandard business \$ \_\_\_\_\_ (including surcharged auto, assigned risk pools for auto, workers compensation, property, etc.) This does not include coverage for mobile homes, snowmobiles, motorcycles, long haul trucks, etc.

45. Please give the approximate percentage breakdown of the percentage of Property & Casualty business placed:

- \_\_\_\_\_ % Direct with Carriers
- \_\_\_\_\_ % Through Brokers (including Surplus Lines)
- \_\_\_\_\_ % Through MGA's
- \_\_\_\_\_ % Through Retail Agencies
- \_\_\_\_\_ % Through Other Insurance Intermediaries
- \_\_\_\_\_ % As Broker (including Surplus Lines)
- \_\_\_\_\_ % As MGA

**Total = 100%**

46. Please give the approximate percentage breakdown of total premium volume for business received or assumed:

- \_\_\_\_\_ % Direct from insureds
- \_\_\_\_\_ % From other agencies or brokers

**Total = 100%**

47. Please give the approximate percentage breakdown of total premium volume for:

- \_\_\_\_\_ % Personal Lines (excluding Life, A & H)
- \_\_\_\_\_ % Commercial Lines

**Total = 100%**

48. Please give the approximate percentage breakdown based on commissions:

#### Commercial Lines

- |   |                                       |
|---|---------------------------------------|
| _____ % Animal Mortality                | _____ % Umbrella/Excess               |
| _____ % Automobile - Standard           | _____ % Wet Marine                    |
| _____ % Automobile - Non Standard       | _____ % USLH/Harbor Workers           |
| _____ % Long Haul Trucking              | _____ % Workers Compensation          |
| _____ % Aviation                        | _____ % Other (Specify) _____         |
| _____ % Bonds - Surety                  | _____ % <b>Total Commercial Lines</b> |
| _____ % Bonds - All Other               |                                       |
| _____ % Crop Insurance                  |                                       |
| _____ % Fire - Standard                 |                                       |
| _____ % Fire - Non Standard (Fair Plan) |                                       |
| _____ % General Property/Casualty       |                                       |
| _____ % Inland Marine                   |                                       |
| _____ % Professional Liability          |                                       |
| (Specify) _____                         |                                       |

**Personal Lines**

- \_\_\_\_\_ % Auto - Standard
- \_\_\_\_\_ % Auto - Non Standard
- \_\_\_\_\_ % Homeowners & Standard Fire
- \_\_\_\_\_ % Non Standard Fire
- \_\_\_\_\_ % Umbrella
- \_\_\_\_\_ % Wet Marine - Pleasure Boats
- \_\_\_\_\_ % Inland Marine
- \_\_\_\_\_ % Other (Specify) \_\_\_\_\_
- \_\_\_\_\_ % **Total Personal Lines**

**100 % Total Commercial & Personal Lines (TOTAL MUST EQUAL 100%)**

49. Please give the approximate percentage of business written on a Surplus Lines basis: \_\_\_\_\_

50. Is agency associated with a cluster or similar arrangement?  Yes  No

**If yes, please attach a detailed description.**

51. Please list all the Markets that together account for 100% of your total agency premium volume. (Include P&C, Wholesalers, SIFs, Captives, RRGs, RPGs, etc.) Check appropriate boxes.

Company	%	Business placed direct with insurance companies (AGENT)	Business placed through others	Business placed as an MGA or Broker
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Coverage may be available for the insolvency for RRGs, RPGs, Self Insured programs or Companies rated NR by AM Best upon written request. Coverage is subject to underwriting approval and receipt of any additional information requested by the underwriter.

52. a. Please list the agency Property and Casualty E&O Carriers for the last three years. If none, so state.

Carrier	Policy Number (If previously with Utica)	Expiration Date	Retro-date (if any)	Premium

b. If you have not had Errors and Omissions coverage for the last three years or have had a gap in coverage, please explain why.

53. Please list agency personnel and independent contractors involved in the selling and servicing of Property and Casualty business:

Over 20 hours is counted as full time; part time employees are counted as 1/2 each. Please count each employee only once.

Name with Professional Designation	Licensed (Yes/No)	Years Licensed	Full Time	Part Time	Position
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____

54. a. P & C E & O Limit of Liability requested: \$ \_\_\_\_\_ Each Loss \$ \_\_\_\_\_ Aggregate

b. Deductible: (Deductible will be as shown for Question # 31.)

c. Desired effective date: \_\_\_\_\_

d. Check desired Optional Coverages (Subject to Underwriting approval. Available coverages may vary by state)  
 Contingent Catastrophe Extra Expense

**Insurance is effective only upon approval by the underwriter and payment of premium. Premium check or draft is subject to collection in accordance with the practices of the collecting bank or banks and the insurance is not bound until the proper amount of the premium check or draft is received by the company.**

**COMPLETE ONLY IF YOU HAVE KENTUCKY LICENSES:** As a condition precedent to the issuance of the policy, the insurance agency agrees to notify the Kentucky Department of Insurance of any additions or deletions of licensed personnel within the agency.

a. Number of licensed agents for whom a certificate of insurance issued to the Kentucky Department will be necessary. \_\_\_\_\_ (Attach additional list, if needed.)

Name	Home Address of Licensed Agent	Type of License	SS#
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

b. The name of the person who will be responsible for making these filings is: \_\_\_\_\_

## Important Claims-Made Notice

The coverage form, which provides Agents' Errors and Omissions insurance, applies on a claims-made basis.

The following provides a general description of this coverage and is subject to the terms and provisions of the actual policy.

- A. The Coverage Form will not apply to any losses from incidents, which take place before the Retroactive Date, if any, or after the expiration of the policy period.
- B. The Coverage Form will apply to losses from incidents which take place on or after the Retroactive Date, if any, but before the beginning of the policy period only if the insured did not know of the incident before the beginning of the policy period and if any claim is made according to D. below.
- C. The Coverage Form will not apply to any loss for which claim is first made after the expiration of the policy period or any Automatic or Optional Extended Reporting Period described in the Extended Reporting Period section of the Coverage Form.
- D. The Coverage Form will apply only to claims, which are first made:
  - 1. During the policy period;
  - 2. During the sixty day Automatic Extended Reporting Period described in the Extended Reporting Period Section of the Coverage Form; or
  - 3. During the Optional Extended Reporting Period of 12 months to 120 months duration, as described in the Extended Reporting Period Section of the Coverage Form.
    - a. We will send you a written notice within thirty days after any termination of coverage of costs for and provisions of Extended Reporting Periods.
    - b. The Optional Extended Reporting Period must be requested by the insured in writing, by the later of sixty days after the termination of coverage or thirty days after the date of mailing of the company's notice to the insured of costs for and provisions of Extended Reporting Periods, in order to allow claims to be made against the policy coverage after the expiration of any Automatic Extended Reporting Period.
- E. For the first three years of claims-made coverage, premium will be comparatively lower than for occurrence coverage, and will increase for each renewal of those policies. Claims-made prices will still be somewhat lower than occurrence prices for mature accounts (in their fourth or later years.) The purchase of Optional Extended Reporting Periods, as described above, requires additional premium payments.

## IMPORTANT FRAUD INFORMATION

See attached "Fraud Statement Addenda" for important Fraud Information regarding the completion of this application. By signing this application you certify that you have read such Fraud Information that applies to you. That addendum will be deemed attached to and made part of this application and to any revisions, supplements or other additions to it.

**I/WE HEREBY DECLARE that the above statements and particulars are true to the best of our knowledge, that I/we have read and understand the Claims-Made Notice above, that I/we have not suppressed or misstated any material facts and I/we agree that this application shall be the basis of the contract with the Utica Mutual Insurance Company, New Hartford, NY, and deemed a part thereof. It is also acknowledged that the applicant is obligated to report any changes that occur after the date of signature, but prior to the effective date of coverage by owner, partner or officer, signed in ink; carbon or stamped signatures are not acceptable.**

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Name

Title

Date

If policy is issued, one signed copy of the application will be attached to the policy or certificate. Signature to the form and submission of check does not bind the company to complete insurance.

**IMPORTANT: THIS APPLICATION MUST HAVE FRAUD STATEMENT ADDENDA, FORM 8-A-419 ATTACHED TO IT TO BE CONSIDERED COMPLETE (SEE "IMPORTANT FRAUD INFORMATION" SECTION ABOVE).**

**ALL APPLICATIONS MUST BE REFERRED TO UTICA MUTUAL FOR UNDERWRITING REVIEW AND PREMIUM CALCULATION.**

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **EXCLUSION - VIOLATION OF STATUTES THAT GOVERN E-MAILS, FAX, PHONE CALLS OR OTHER METHODS OF SENDING MATERIAL OR INFORMATION**

**(For attachment to Life Insurance Agents and Brokers Errors and Omissions Policy)**

**(Claims-Made Policy)**

**II.** The following exclusion applies in addition to those in Section **III** - Exclusions of the policy:

This insurance does not apply to:

Acts, errors or omissions of an insured that violates or is alleged to violate:

- (1)** The Telephone Consumer Protection Act (TCPA), including any amendment of or addition to such law; or
- (2)** The CAN-SPAM Act of 2003, including any amendment of or addition to such law; or
- (3)** Any statute, ordinance or regulation, other than the TCPA or CAN-SPAM Act of 2003, that prohibits or limits the sending, transmitting, communicating or distribution of material or information.

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **EXCLUSION - VIATICAL SETTLEMENTS AND LIFE SETTLEMENTS**

**(For attachment to Life Insurance Agents and Brokers Errors and Omissions Policy)**

**(Claims-Made Policy)**

**II.** The following exclusion applies in addition to those in Section **III** - Exclusions of the policy:

This insurance does not apply to:

Any claim against an insured based on or arising directly or indirectly out of or in any way involving:

- (1)** Viatical settlements, viatical insurance benefits, viatical investment pools or any security backed by viatical settlements; or
- (2)** Life settlements.

# **POLICYHOLDERS NOTICE - EXCLUSIONS FOR TCPA/CAN-SPAM AND VIATICAL/LIFE SETTLEMENTS**

## **Insurance Agents and Brokers Errors and Omissions Liability Policy**

THIS POLICYHOLDERS NOTICE PROVIDES A SUMMARY OF RECENT COVERAGE CHANGES THAT APPLY TO YOUR POLICY. THIS NOTICE PROVIDES NO COVERAGE NOR CAN IT BE CONSTRUED TO REPLACE ANY PROVISION OF YOUR POLICY. FOR COMPLETE INFORMATION ON YOUR COVERAGES, READ YOUR POLICY AND REVIEW YOUR DECLARATIONS PAGE. IF THERE IS ANY CONFLICT BETWEEN THE POLICY AND THIS SUMMARY, THE PROVISIONS OF THE POLICY SHALL PREVAIL.

PLEASE READ THIS NOTICE CAREFULLY.

### **Reduction In Coverage**

- An endorsement, "Exclusion - Violation Of Statutes That Govern E-Mails, Fax, Phone Calls Or Other Methods Of Sending Material Or Information", has been added to your policy. This endorsement restricts coverage for acts, errors or omissions of an insured that violates or is alleged to violate the Telephone Consumer Protection Act, the CAN-SPAM Act or any other statute, ordinance or regulation that prohibits or limits the sending, transmitting, communication or distribution of material or information.  
This is a reduction in coverage in states where, absent the wording of this endorsement, courts would consider coverage to be provided for violations of the above-mentioned acts or of other similar statutes, regulations or ordinances.
- An endorsement, "Exclusion - Viatical Settlements and Life Settlements", has been added to your policy. This endorsement restricts coverage for any claim against an insured based on, or arising directly or indirectly out of, or in any way involving, viatical settlements or life settlements.  
This is a reduction in coverage in states where, absent the wording of this endorsement, courts would consider coverage to be provided for claims against an insured involving viatical settlements or life settlements.



**Utica National Insurance Group**

Insurance that starts with you.

Utica Mutual Insurance Company and its affiliated companies, New Hartford, N.Y. 13413

*SERFF Tracking Number: UTCX-125427979*

*State: Arkansas*

*Filing Company: Utica Mutual Insurance Company*

*State Tracking Number: EFT \$50*

*Company Tracking Number: E&OAR0945601F01*

*TOI: 17.1 Other Liability - Claims Made Only*

*Sub-TOI: 17.1019 Professional Errors & Omissions  
Liability*

*Product Name: Errors & Omissions*

*Project Name/Number: Errors & Omissions/E&OAR0945601F01*

## **Rate Information**

Rate data does NOT apply to filing.

SERFF Tracking Number: UTCX-125427979 State: Arkansas  
Filing Company: Utica Mutual Insurance Company State Tracking Number: EFT \$50  
Company Tracking Number: E&OAR0945601F01  
TOI: 17.1 Other Liability - Claims Made Only Sub-TOI: 17.1019 Professional Errors & Omissions Liability  
Product Name: Errors & Omissions  
Project Name/Number: Errors & Omissions/E&OAR0945601F01

## Supporting Document Schedules

**Bypassed -Name:** Uniform Transmittal Document-  
Property & Casualty

**Bypass Reason:** Information generates through new version of SERFF.

**Comments:**

**Review Status:** Approved 01/23/2008