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Cover Notes is published monthly by the San Francisco Insurance Professionals

Deadline for Submissions
Articles, Events, Announcements and other contributions for Cover Notes must be received by the 15th for publication in next month’s issue. Submissions can be in a Microsoft Word (.doc), Portable Document File (.pdf) file format, or in plain text. Submissions should be formatted for letter-sized paper in the portrait orientation. Please note, submissions may be edited for content, format, fit, style, etc.

To submit an item, please email covernotes@sfcnaiw.com

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Email:  info@sfcnaiw.com

The San Francisco Insurance Professionals are affiliated with International Association of Insurance Professionals (IAIP)
President-Elect’s Message
By Cassandra K. Yu, 2016-2017 President-Elect

What a success the 12th Annual Golf Tournament was!

This event was co-chaired by Annette Ing-Firmeza and Marie Meadows. Maritza Portillo and Christina Arnote came out to help while we were golfing. The weather was gorgeous and the food at the barbecue buffet was delicious! We are looking forward to having another exciting tournament next year. It wasn’t as large as we have had in prior years, but everyone had a great time and are looking forward to our next event.

The winners at this event were:

**First Place Golf Team** (score of 67): Greg Kinninger, Shawn McCauley, Faye Aguilar & Carolyn Carey

**Woman’s Longest Drive**: Melissa Belgrave

**Men’s Longest Drive**: Shawn McCauley

**Woman’s Closest to the Pin**: Marie Meadows

**Men’s Closest to the Pin**: Greg Kinninger

We want to thank our hole sponsors and raffle prize sponsors:

Ian Meadows of GAC; Alexis Brittain of Markel Global Insurance; Greg Kinninger of Safeco Insurance; Brian Pullen of Falvey Cago; Ivon Friedman of Travelers Ocean Marine; Annette Ing-Firmeza of Aon; Sean McCormick of Zurich; Carole Cabanilla of CHUBB; Marie Meadows of IMU; Marisa Huber of Gibson Robb & Lindh LLP; Rae Lynn Zachary of Lockton; Zac Miyashiro of XL; Cyndi Toms of Allstate; Jeanna Ramos of US Risk; Alvenia Scott; Carolyn Carey of Liberty; Dina Zuger of Worldwide; and Benjamin Cruz of AIG.

On Saturday, October 22nd, SFIP along with JCV Artz & Kraftz participated in the annual American Cancer Society Breast Cancer Walk in Golden Gate Park. We had a very nice turnout and raised approximately $3,000. Susana Baja, Tevea Him and Annette Ing-Firmeza represented SFIP and Jenny Chea Vaing represented MAL. Our total team walkers were over 30 this year. Jenny had a barbecue after the walk and the food was terrific from hamburgers and hot dogs to pork ribs and steaks, grilled zucchini, and chicken shanghai lumpias. Desserts consisted of red velvet cake for Ernest’s birthday and Annette’s macadamia banana bread. Hope to see you next year at this event.

Susana Baja has a friend whose young son was diagnosed with Muscular Dystrophy as age 5. Susana and Annette did the MDA Muscle Walk on Sunday, October 23rd to honor this brave young boy in San Jose. It was again a beautiful day and we got the chance to hear Stanley Roberts, KRON 4 “People Behaving Badly” as the emcee for the event. We hope to participate next year and get more sponsors.

Please let me know if you have any questions.

Best Regards,
Cassandra K. Yu

2016 SFIP President-Elect
Senior Marine Underwriter, Starr Marine - A Division of Starr Indemnity and Liability Company
415 633 3247 | cassandra.yu@starrcompanies.com

Have a Happy Thanksgiving!
## Calendar

Keep up to date with the latest events

<table>
<thead>
<tr>
<th>Nov</th>
<th><strong>Happy Birthday to all members with November birthdays!</strong></th>
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<tbody>
<tr>
<td>1st</td>
<td><strong>Board Meeting</strong> at International Marine Underwriters, One Sansome Street, Suite 1550, SF - All members are welcome to attend, just let Marie Meadows (<a href="mailto:mmeadows@imu.com">mmeadows@imu.com</a>) know that you will be attending so you can be added to the guest list.</td>
</tr>
<tr>
<td>8th</td>
<td><strong>Election Day</strong></td>
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<td>15th</td>
<td><strong>General Lunch Meeting</strong> - Guest Speaker, Victoria Rivas – Long Term Care 101 at the IMU Offices, One Sansome Street, Suite 1550 – <a href="#">Flyer with registration details coming soon.</a></td>
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<td>24th</td>
<td><strong>Happy Thanksgiving!</strong></td>
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<thead>
<tr>
<th>Dec</th>
<th><strong>Board Meeting</strong> at International Marine Underwriters, One Sansome Street, Suite 1550, SF - All members are welcome to attend, just let Marie Meadows (<a href="mailto:mmeadows@imu.com">mmeadows@imu.com</a>) know that you will be attending so you can be added to the guest list.</th>
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<tbody>
<tr>
<td>6th</td>
<td><strong>Annual Holiday Lunch</strong> -benefiting SF SPCA and La Raza Community Center- at Town Hall, 342 Howard Street, SF – <a href="#">See flyer for details and calendar to make your reservations.</a></td>
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<td>13th</td>
<td><strong>Merry Christmas!</strong></td>
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<th>Jan 2017</th>
<th><strong>Happy New Year!</strong></th>
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<tr>
<td>3rd</td>
<td><strong>Board Meeting</strong> at International Marine Underwriters, One Sansome Street, Suite 1550, SF - All members are welcome to attend, just let Marie Meadows (<a href="mailto:mmeadows@imu.com">mmeadows@imu.com</a>) know that you will be attending so you can be added to the guest list.</td>
</tr>
<tr>
<td>17th</td>
<td><strong>General Lunch Meeting and Nominating Committee Elections</strong> - <a href="#">Details coming soon.</a></td>
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<tr>
<th>Feb</th>
<th><strong>Board Meeting</strong> at International Marine Underwriters, One Sansome Street, Suite 1550, SF - All members are welcome to attend, just let Marie Meadows (<a href="mailto:mmeadows@imu.com">mmeadows@imu.com</a>) know that you will be attending so you can be added to the guest list.</th>
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<td>14th</td>
<td><strong>Happy Valentine's Day</strong></td>
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<td>21st</td>
<td><strong>General Lunch Meeting</strong></td>
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<tr>
<th>Mar</th>
<th><strong>Board Meeting</strong> at International Marine Underwriters, One Sansome Street, Suite 1550, SF - All members are welcome to attend, just let Marie Meadows (<a href="mailto:mmeadows@imu.com">mmeadows@imu.com</a>) know that you will be attending so you can be added to the guest list.</th>
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<tbody>
<tr>
<td>17th</td>
<td><strong>Happy St. Patrick's Day</strong></td>
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<tr>
<td>21st</td>
<td><strong>General Lunch Meeting – Presentation of the proposed officers and board for the 2017-2018 term</strong></td>
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For information about other local IAIP Chapters' events, check the CA Council calendar at [caciaip.org/events](http://caciaip.org/events)
Announcements

Keep the Roster Up-to-Date
Please help update our Roster by advising us of any changes/corrections. If you are a member and would like a copy of our roster, contact Annette Ing-Firmeza at annette.ing-firmeza@aon.com and 415-486-7275. Please send all corrections/updates to her. Please take special care in completing the “Specialty Field” column by indicating “Account Manager Construction” instead of just “Account Manager.”

Want to know what’s happening at other associations?
Check out the Membership News and Events Calendar on the CA Council website at: www.caciaip.org

From the Fellowship Committee
We want to recognize our members for their accomplishments in their careers or personal lives and share in their life events — happy or not. If you know of any of our members who should be recognized (promotion, new designation, etc.) or are having a life event (birth, illness, death in the family), please be sure to contact Annette Ing-Firmeza at annette.ing-firmeza@aon.com and 415-486-7275.

Looking for a Career in Insurance?
Check our job listings at www.SFCNAIW.com/careers
Check them out! If you know of a job opening, contact Colleen Bradley at cbradley@okaneins.com.

Work At Home Vintage Employees
Are you an insurance professional with at least 20 years experience and find yourself out in the job market again? Then this company may be for you. Work At Home Vintage Employees (wahve) www.wahve.com. Check them out to see if they are a fit for you.

Welcome Back!
Please welcome back member, Diane Stokes, of Lockton Insurance Brokers.

Helpful Links
California Council of IAIP: www.caciaip.org
Region VII of IAIP: www.iaipregion7.org
IAIP National: www.internationalinsuranceprofessionals.org
Malware & Botnets

The Internet is a powerful and useful tool, but in the same way that you shouldn’t drive without buckling your seat belt or ride a bike without a helmet, you shouldn’t venture online without taking some basic precautions.

Viruses
Viruses are harmful computer programs that can be transmitted in a number of ways. Although they differ in many ways, all are designed to spread themselves from one computer to another through the Internet and cause havoc. Most commonly, they are designed to give the criminals who create them some sort of access to those infected computers.

Many botnets are designed to harvest data, such as passwords, social security numbers, credit card numbers, addresses, telephone numbers, and other personal information. The data is then used for nefarious purposes, such as identity theft, credit card fraud, spamming (sending junk email), website attacks, and malware distribution.

For more information on botnets, visit the STOP. THINK. CONNECT. Keep a Clean Machine Campaign.

Spyware
The terms "spyware" and "adware" apply to several different technologies. The two important things to know about them is that:

• They can download themselves onto your computer without your permission (typically when you visit an unsafe website or via an attachment)

• They can make your computer do things you don't want it to do. That might be as simple as opening an advertisement you didn't want to see. In the worst cases, spyware can track your online movements, steal your passwords and compromise your accounts.

Botnets
Botnets are networks of computers infected by malware (computer virus, key loggers and other malicious software) and controlled remotely by criminals, usually for financial gain or to launch attacks on website or networks.

If your computer is infected with botnet malware, it communicates and receives instructions about what it's supposed to do from “command and control” computers located anywhere around the globe. What your computer does depends on what the cybercriminals are trying to accomplish.

Protect Yourself with these STOP. THINK. CONNECT. Tips:

• Keep security software current: Having the latest security software, web browser and operating system is the best defense against viruses, malware and other online threats.

• When in doubt, throw it out: Links in email, tweets, posts and online advertising are often how cybercriminals try to steal your personal information. Even if you know the source, if something looks suspicious, delete it.

• Protect all devices that connect to the Internet: Along with computers, smartphones, gaming systems and other web-enabled devices also need protection from viruses and malware.

• Plug & scan: USBs and other external devices can be infected by viruses and malware. Use your security software to scan them.
Government Tort Claims Act – Claims Presentation Requirements

Emma Esparza v. Kaweah Delta District Hospital - Court of Appeal, Fifth Appellate District (September 21, 2016)

The Government (Tort) Claims Act (the “Act”) mandates that all claims or damages against a public entity must be presented in writing to the public entity prior to filing a suit. Gov. Code §§ 810-996.6. The plaintiff must plead compliance with the Act in any action that is subject to the claims presentation requirements. This case considered what facts a plaintiff must allege to adequately plead that he or she complied with the claims presentation requirement of the Act.

Plaintiff Emma Esparza (“Esparza”) was hospitalized at defendant Kaweah Delta District Hospital (“Defendant”) from June 3, 2013 to June 8, 2013. During her stay, Defendant’s employees administrated the wrong dosage of a medication named Gentamicin to Esparza. Specifically they gave her 100 milligrams instead of the prescribed amount of 10 milligrams. As a result, Esparza suffered physical ailments, including vertigo, loss of hearing, balance issues, and vision issues. Esparza filed a medical malpractice action against the Defendant. The operative pleadings in the case consisted of a completed Judicial Council Form PLD-PI-001001 – the form complaint for personal injury claims — and a one-page attachment. Esparza checked the boxes to item 9.a of the Judicial Council Form for pleading a personal injury cause of action and thereby alleged that she was required to comply with the claims statute and had in fact complied with applicable claims statutes. The page attached to the form complaint included the additional allegation that Esparza had served a claim on Defendant pursuant to Gov. Code § 910, et seq. on or at December 3, 2013.

Defendant demurred to the second amended complaint on the grounds that it failed to allege compliance with the Act or, alternatively, its allegations were uncertain, ambiguous, or unintelligible with regard to compliance with the Act. Also, Defendant asserted that Esparza’s allegations that she had served a claim on Defendant did not match up with the requirements of Gov. Code §§ 910 and 915 subdivision (a).

The trial court filed a minute order sustaining the demurrer without leave to amend. The court could not discern from the facts stated in the second amended complaint if Esparza’s medical malpractice claims were “viable, time-barred, or that plaintiff timely presented a proper claim to defendant to comply with the requirements of the Act.” The Court also held that Esparza did not allege facts showing that she had presented her claim to defendant by one of the methods of service authorized by subdivision (a) of § 915. Esparza appealed.

The Court of Appeal disagreed with the trial court’s ruling. First, the Court referenced its prior holding in Perez v. Golden Empire Transit Dist. (2012) 209 Cal.App.4th 1228 that “a plaintiff may allege compliance with the claims presentation requirement in the Act by including a general allegation that he or she timely complied with the claims statute.” The Court disagreed with the Defendant’s argument that Perez is no longer good law because it was decided two months before the California Supreme Court decided DiCampli-Mintz v. County of Santa Clara (2012) 55 Cal.4th 983.

In DiCampli, a patient sued two surgeons and a county hospital for malpractice. The patient’s attorney prepared a letter notifying the defendants, in accordance with Code of Civil Procedure § 364, of her intent to sue them for negligence. The attorney personally delivered the letter to an employee of the medical staffing office in the hospital’s administration building, but did not deliver a copy to the county’s clerk or auditor or the clerk of the county’s board of supervisors. The county filed a motion for summary judgment, contending the patient failed to comply with the Act because her claim was never presented to or received by a statutorily designated recipient as required by § 915. The Supreme Court determined that the plain language of § 915 required delivery of the claim to one of the persons designated in the statute, and that substantial compliance was insufficient.

Here, the Court found that DiCampli did not overrule Perez or otherwise disapprove the principal that the ultimate fact of compliance with the claims
presentation requirement in the Act can be plead using a general allegation. Specifically, the Court stated that DiCampli addressed the merits of a motion for summary judgment, the proper interpretation of the claim delivery requirements in §915, and whether there was a triable issue of material fact regarding the patient's compliance with the statutory delivery requirements. It did not address the sufficiency of pleading compliance with the claims presentation requirement.

The Court held that by checking the boxes for item 9.a on Judicial Council form PLD-PI-001, Esparza's general allegations were “sufficient to plead compliance with the claim presentation requirement of the Act.” It was reasonably interpreted as meaning that the claim was timely.

Defendant's second challenge to the adequacy of Esparza's pleading related to the wording of the allegation in the attachment to the form complaint, which stated that she “served a claim on Kaweah Delta District Hospital pursuant to Gov. Code §910 et seq. on or at December 3, 2013.” The Court held that “on or at” were not inconsistent terms because both of those words may be true. Specifically, the Court stated that Esparza's general allegation of compliance could be true even if she served a claim on defendant on or at December 3, 2013. Therefore, her allegations were not inconsistent.

The Court concluded that Esparza adequately alleged compliance with the claims presentation requirement in the Act, and the demurrer should have been overruled.

COMMENT

This case clarified that the DiCampli ruling may require more than “substantial compliance” with the Act's service requirements for purposes of a summary judgment motion. However, at the pleading stage, under Perez, allegations of substantial compliance will be sufficient to survive at least at the demurrer stage. △

Premium Inspiration

“Progress is impossible without change, and those who cannot change their minds cannot change anything.” ~ George Bernard Shaw

“Change is the law of life. And those who look only to the past or present are certain to miss the future.” ~ John F. Kennedy

“If you don't like something, change it. If you can't change it, change your attitude.” ~ Maya Angelou
How to check what others see on your Facebook Page!!

First, you cannot do this from the mobile application on your phone or tablet; you have to sign into Facebook from your computer, the full version.

1) If you land on your news feed, click your name on the top of the page to get to your personal page:

2) At the top of the page, in the lower righthand corner of your cover photo, you will see a box that says “View Activity Log” with three dots next to it … (click the dots)

3) Choose the first option in the drop down box – “View as…”
4) You are now viewing your page as the public sees it, to view it as one of your friends would, click the “View as Specific Person” option, this will open a search box. Just type in the name of one of your friends, select that person and you will exactly what they do on your page.

5) To get back to your regular view, just click your name at the top of the page again, and you are there.

You should check your page this way a few times a year, or when someone says the see something that you know you did not post. You may have been hacked. If that is the case, make sure you 1) report any spam or inappropriate postings and 2) change your Facebook password right away.

Happy Face booking!!!
Flyers

The following flyers are brought to you by SFIP and its sister associations. We encourage you to participate in as many events as you are able to attend. The strength of IAIP is in its community. We provide many opportunities to socialize, extend your personal networks, and communicate with colleagues across the industry.
YOU ARE INVITED

TO THE SAN FRANCISCO CHAPTER OF SFPs

HOLIDAY PARTY

Tuesday, December 13, 2016 starting at 11:30am
Town Hall, 342 Howard Street, SF, CA

Menu
Entrée – Choose one
Butternut squash risotto with mushrooms & kale
Or
Atlantic salmon with glazed carrots, wild rice & sorrel emulsion

Salad & Dessert will also be served

RSVP By: Tuesday, December 5th
Space is limited so RSVP soon
To: Marie Meadows 781-332-8276 or mmeadows@imu.com

Cost: $60

Checks or Exact Cash accepted at the door at the cash discount price; for Credit Card Payments, visit the calendar page of our website at: www.sfcnaiw.com to use PayPal

As is traditional we will contribute to the following charities:

SPCA
La Raza Community Center

Cash donations & checks will be accepted.
Please make checks payable to: SPCA or La Raza.
Happy Holidays!
Sometimes the simplest gifts are the ones most needed

Located at 930 Bryant Street, the Resource Center, which gets its funding from private fundraising efforts as well as local, state and federal sources, provides women with transitional support services including housing assistance, substance abuse programs, employment referrals, healthcare, and legal assistance. The program also offers personal development classes to help the women get their lives back on track.

Since November of 2007, SFCNAIW has partnered with SF Sheriff’s Department’s Women’s Resource Center to help supply them with toiletries and other items they are in need of to serve the needs of their clients. We began first with collecting unopened toiletries and over the years our donations have expanded to include clothing, books, magazines (less than 1 year old), and even toys for the children of the participants in the program. When you travel, pick up all those hotel-provided toiletries; they are perfect for the Center. We also accept full-sized products (the $1 stores are a great resource for these!).

**Items that are always needed:**

- Toothbrushes & toothpaste
- Dental Floss
- Hair dressing products for African American hair
- Soaps – Bar or Liquid
- Deodorant
- Make-up
- Shampoo & Conditioner
- Lotion
- Feminine Sanitary Items

Bring your donations to any general meeting or contact Rae Lynn Zachary at 415-568-4028 or rzachary@lockton.com to arrange a pick-up or drop off.
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<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Company</th>
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<td>Roberta Gonzalez</td>
<td></td>
<td><a href="mailto:rgonzalezsfbroker@gmail.com">rgonzalezsfbroker@gmail.com</a></td>
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<tr>
<td>President Elect</td>
<td>Cassandra Yu</td>
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<td>Vice President</td>
<td>Annette Ing-Firmeza</td>
<td>Aon Risk Services</td>
<td><a href="mailto:annette.ing-firmeza@aon.com">annette.ing-firmeza@aon.com</a></td>
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<td>Treasurer</td>
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<td>RGL Forensics</td>
<td><a href="mailto:carnote@rgl.com">carnote@rgl.com</a></td>
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<td>Premium Assignment Corp</td>
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<td>Fundraising / Special Events</td>
<td>Marie Meadows</td>
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<td>Teresa Peterson</td>
<td>Intl Marine Underwriters</td>
<td><a href="mailto:Tpeterson@imu.com">Tpeterson@imu.com</a></td>
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<td>Immediate Past President</td>
<td>Allstate Insurance</td>
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<td>Lockton Insurance Brokers, LLC</td>
<td><a href="mailto:mbabcock@lockton.com">mbabcock@lockton.com</a></td>
</tr>
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