



A Specialty Program from Stuckey and Company

# Claims Scenarios



Aspire A&E, Stuckey's insurance program for architects and engineers, is designed for firms with less than \$1,500,000 in annual revenue. Aspire A&E was designed to give small firms easy access to competitively priced, clearly defined, broad Errors and Omissions.

## Professional Claim

### Scenario #1:

Less than three months after completion of a small apartment building with less than 20 units, multiple residents report insufficient heating regardless of thermostat setting which is leading not only to their comfort displeasure, but also affecting their pocketbooks. Building owner pays to have the entire HVAC system looked into and it is determined by multiple consultants that there are design flaws in the air circulation system. Subsequently, the building owner sues the HVAC engineer for over \$200,000 to have error corrected properly.

### Scenario #2:

After investigation, structural designs as well as construction defects on an office building are determined. The structural engineer puts blame on the construction company and the construction company blames the engineer leading to a back and forth battle. After a lengthy legal process, where the plaintiff sought approximately \$700,000 in damages this situation is settled out of court, but not before \$300,000 in costs were incurred just on legal defense - and that doesn't take into account the cost of fixing the problems!

### Scenario #3:

Recently a landscaper was involved with a project where large trees were planted near a glass building to provide some shade. As time went on the trees grew, and so did their roots... so much in fact, that they cracked the foundation of the building causing structural damage, and a lawsuit. The damages sought exceeded the policy limits. Our insured thought of themselves as having 'no exposure' and carried a minimal policy just for the sake of adding validity to their company. Also, this particular project was done over 6 years ago, and the client was long out of their minds. And in the blink of an eye, they were tagged with a massive lawsuit that was about triple the policy limits they carried (not counting the defense costs).

### Scenario #4:

Construction on the foundation and lower floors of a mid-rise office building located in Southern California had begun. The project was halted entirely when it was realized that the thickness of the floors and walls needed to be revised because they were insufficient for earthquake loading. Several individuals, including the original contractor, engineers, project drafter, and various other construction personnel were targeted in the lawsuit - including an individual that merely utilized a CAD program in the process. The situation was eventually settled - after more than 4 years of being tied up in the legal system!

20 Years  
OF INSURING  
YOUR CONNECTION

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# Comparison - Coverage, Features and Highlights

How does the Aspire program Stuckey & Company, backed by Aspen Specialty Insurance compare to any other quotes you may have received for professional liability?

	US	OTHER CARRIERS
Having the strength and financial stability of a top rated carrier	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Predecessor firm coverage available	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Defense costs included with coverage	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5-part coverage agreement with BROAD definitions	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worldwide Territory coverage included	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intellectual Property coverage	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Libel/Slander/Defamation coverage	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coverage written on a "duty-to-defend" form	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Prior Acts coverage available	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Innocent Insured Coverage	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pre-Claims Assistance for all policyholders	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Free Policy Holder Contract Review Service through Gordon & Reese	<input checked="" type="checkbox"/>	<input type="checkbox"/>
"Blanketed" coverage for clients requiring to be added as "additional insured" at no extra charge to the policyholder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Asbestos Coverage	<input checked="" type="checkbox"/>	<input type="checkbox"/>
An experienced service provider with a 20 year specialization history of helping small firms	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Specimen policy forms issued with your quote so there are no concerns or surprises when coverage is purchased	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coverage for Joint Ventures	<input checked="" type="checkbox"/>	<input type="checkbox"/>
"First Dollar Defense" coverage extension is available	<input checked="" type="checkbox"/>	<input type="checkbox"/>
And so much more...	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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# Coverage Highlights

- Five Part Coverage Agreement
- Pre-Claim Assistance
- Broadly Defined Definition of Insured
- Broadly Defined Definition of Professional Services
- Reimbursement Coverage
- Joint Ventures
- Worldwide Territory
- Free Contract Review Service
- Prior Acts of Coverage
- Extended Reporting Options
- Pollution Condition Coverage Asbestos
- Intellectual Property

## Five Part Coverage Agreement

Our standard form includes coverage agreements for the following: architects & engineers products and services, technology services, technology products, network security and multimedia/advertising. Sleep safe knowing we cover everything from data theft, defamation of character, architecture work, or even intellectual property rights of a project!

## Pre-Claim Assistance

At some point during your coverage period, you may report a covered act but if a claim hasn't been formally made, we may offer legal advice in an effort to mitigate the cost to all parties. We will gladly take this into consideration up to \$10,000 at our own expense!

## Broadly Defined Definition of Insured

The definition of 'insured' on the Aspire policy form includes not only the named insured on the policy, but also extends to any present or former director, officer, partner, member, employee, leased or temporary worker, the estate, executors, administrators and legal representatives of the policy.

## Reimbursement Coverage

We will compensate you for actual loss of earnings and reasonable personal travel expenses up to \$500 a day and a \$10,000 max when you or an employee on your behalf, attends a hearing, deposition or trial at our written request.

## Joint Ventures

Built into the policy as part of the definition of "insured," coverage is there for any joint venture in which you are a member.

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# Coverage Highlights, cont.

## Worldwide Territory

Everyone has heard that it is becoming a 'global economy' and subsequently there are projects to be found around the globe. If you decide to take on a project in another country, why should you leave your coverage at the airport? Well, you don't have to worry about that because the Aspire form includes coverage for products and services offered worldwide as part of the standard policy form. Not good enough for you? We can even endorse the policy to include worldwide coverage so that in the event of a claim, it would be defended under another country's legal system.

## Free Contact Review Service

That's right! FREE! As an Aspire program policy holder, you are entitled to utilize the knowledge of Gordon & Rees, LLP. This nationally recognized law firm has 17 offices in the United States and over 400 attorneys specializing in a wide range of legal services – including representation of architects and engineers. Having the benefit of experienced attorneys to review your contract (or client contracts) helps you ensure that you understand your basic rights and obligations under the contract, in addition to various insurability or contract provisions.

## Prior Acts Coverage

Most of the exposure to architects & engineers comes from projects that are already completed, as opposed to what is being done right now. How is that building holding up? Did that mold issue get resolved? Were those drafting plans ever approved and put into use? - and regardless, does your policy go back far enough to make sure you are covered in the event of a claim, loss or suit? Be sure to ask about prior acts coverage in your quote.

## Extended Reporting Options

Automatically included in the policy is a 60 day extended reporting option if this policy is canceled or non-renewed by us. Optional extended reporting periods are available for yearly periods for when coverage ceases. So if you decide to retire, sell the business, etc... you will be able to acquire coverage to report claims from the work previously done.

## Pollution Condition Coverage Asbestos

We offer coverage for actual pollution conditions as part of our policy. This includes: smoke, vapors, acids, alkalis, chemicals, bacteria, etc... whether actual or alleged presence.

## Intellectual Property

Our Multimedia and Advertising Coverage agreement includes protection for infringement of copyright, trade dress, domain name, title or slogan or the dilution or infringement of trademark or service mark or misappropriation of trade secrets.



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# Aspire A&E FAQ's



***If I don't have an insurance agent yet. What should I do?***

We would be happy to refer you to one of our licensed agents in your area. Also, you are free to use ANY licensed agent of your choice so long as they meet our approval criteria.

***Do I have to complete ANOTHER lengthy application form just to get a quote?***

Of course not!!! Our application has been compressed to include only vital underwriting information. If you have already completed an application from another carrier, we would be happy to quote from that, as long as it addresses all pertinent underwriting information.

***I provide more than one type of service. Do I still fit into the coverage program?***

Probably! Working in various service disciplines has become quite common. We are glad to look at all submissions on a case by case basis. Most fit with ease into the program.

***My operations are based outside of the United States. Do I still qualify?***

We write coverage for services rendered worldwide, however the firm must be a U.S. domiciled operation.

***My client is requiring to be listed as an "additional insured" on my policy. What can I do?"***

Additional insureds" are blanketed in our policy form through vicarious liability coverage ... at no additional premium charge to you!

***Why do I need to submit an application? Can't you just tell me what it costs?***

There are MANY factors that come into play when determining premium charges. Things like the size of your firm, the types of services offered, claims history, location of work done, types of projects, and professional experience are just some of the factors taken into consideration when rating a policy.

***I purchased a policy already, but now I have a new client requiring me to carry higher limits. What now?***

We can endorse a policy at any time during the coverage term to accommodate your needs, so long as your account is in good standing.

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# Aspire A&E FAQ's, cont.



*This coverage is a bit more expensive than I budgeted for.*

*Do you have payment options?*

Payment is due in full for the coverage term within 15 days of the coverage effective date. We understand that flexibility is necessary for many people and that is why we offer premium financing plans based on a minimal down payment. Our 3rd party providers allow you to pay on a 10-pay or quarterly plan - or you could even go find your own financing – we are flexible to meet your needs.

*I have a quote from another company that is 'admitted' in my state.*

*What is the difference?*

By definition, 'non-admitted' or 'surplus lines' means that an insurance company is not formally licensed in the state, HOWEVER, that does not mean they aren't regulated. Years ago, this was seen as a bad thing, but often times this can work in an insured's favor. For example, non-admitted carriers still must demonstrate their financial strength and stability, reputation and integrity. In our case, we are a surplus lines market backed by a carrier (Aspen) that proudly boasts one of the strongest GLOBAL ratings of any carrier, much higher than many 'admitted' products – and when it comes time to pay a claim on your behalf, it is certainly worth considering a carrier's financial strength, not just how they are filed with the state insurance department. Additionally, many admitted carriers do not offer products that meet the coverage needs of certain professionals. The flexibility of surplus lines products can certainly prove their worth with specialty products that are backed by solid and reputable companies.

*I have never heard of Aspen or Stuckey.*

*Where did they come from, and why should I be comfortable with your offer?*

Aspen is a leading specialty insurance and reinsurance company, operating through wholly-owned subsidiaries and offices in Bermuda, France, Germany, Ireland, Singapore, Switzerland, the UK and the United States of America. Stuckey & Company was founded in 1991 and is one of the fastest growing insurance providers emphasizing hard-to-get specialty insurance programs. While we excel in specialty coverages that require in-depth industry knowledge and experience (such as our A&E program with Aspen), you can also depend on Stuckey & Company for standard coverage needed by small to medium sized businesses. Stuckey & Company has been a specialty insurance broker for the past fifteen years. We are able to advise and take on many companies who have been turned away by traditional insurance brokers. With our many years of experience, and more than eight thousand producing agents, Stuckey & Company has the knowledge needed to handle accounts that fall outside the standard insurance realms. We have quality products, from top-rated carriers and our service is second to none.



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# Aspire Contract Review Service

Architects and Engineers use contracts to delineate the rights and responsibilities of the parties and to manage client expectations. Your Aspire A&E Insurance Policy provides a free contract review service to provide you with the peace of mind that comes with understanding the basic terms of a contract before you sign.

## ***What is the Aspire Contract Review Service?***

The Aspire Contract Review Service is policy benefit in which an experienced attorney from the law firm of Gordon & Rees will review your contract or a contract that your client asks you to sign to ensure that you understand your basic rights and obligations under that contract.

## ***What is needed to access the service?***

Two things are needed to use the Aspire Contract Review Service:

1. Policy number of an active, fully-paid Aspire A&E Professional Liability Policy
2. Electronic pdf of the contract to be reviewed

## ***How do I use the Aspire A&E Contract Review Service?***

Simply email the policy number and electronic document to [aspire\\_crs@stuckey.com](mailto:aspire_crs@stuckey.com). We will assign your contract to an experienced attorney at Gordon & Rees, LLP who will review it and provide you with a written explanation of the contract terms and provisions. The review process will typically be completed within 48 hours.

## ***What type of legal service is provided?***

This service will provide you with basic contract review and a basic written description of the terms of your contract, including a description of the parties, the scope of work, time of commencement, and substantial completion, compensation, insurance, indemnity and penalties for failure to perform. The service will also point out any unique or unusual contract terms or other pitfalls that may warrant further review, although any further review is not included in the basic contract review service and must be purchased separately, through direct retention of Gordon & Rees, LLP or another attorney of your choice.

## ***What legal services are not provided in the Contract Review Service?***

This service does not include creation of a contract, legal advice regarding your potential liabilities, defenses and damages owed under a contract, insurance coverage under your A & E policy, or any legal services required to resolve any dispute under a contract. This service also does not include review and analysis of specially negotiated or unique contract terms that exceed the parameters of the contract review program. If these services are needed, they can be provided through direct retention of Gordon & Rees, LLP or another attorney of your choice.

## ***How much time is allowed with the Free Service?***

Policies provide a free review of a maximum of two contracts per policy period. Review of more than two contracts during a policy period can be provided through direct retention of Gordon & Rees, LLP at your expense.

## ***Who is Gordon-Rees?***

Gordon-Rees is a nationally recognized law firm with 17 offices in the US and over 400 attorneys specializing in a wide range of legal services including representation of architects and engineers. For more information, <http://www.gordonrees.com>

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