

TAPIA Times

TEXAS ASSOCIATION OF PUBLIC INSURANCE ADJUSTERS

Spring 2017



TAPIA 2017 **SPRING** Conference

February 22-23, 2017

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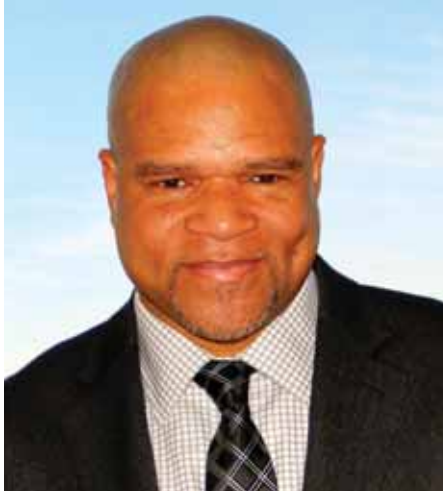
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**A Message
 from the
 President**



Curtis Hordge

TAPIA Community,

There's a word I've been thinking about a lot lately. *Focus.*

I imagine all the things I'd like for TAPIA to accomplish in my time as president. Then, those things come face to face with the realities of an organization like TAPIA. A group of hard-working professionals—most running our own businesses. Busy, busy, busy. Loved ones to tend to, obligations, commitments, etc. There's only so much extra time and energy to give.

So, I think focusing on just a few priorities is important. As I write this in early December, we're making arrangements for a TAPIA board planning meeting in January. There, I will ask the leadership to focus on three specific areas where I think TAPIA can realize the most immediate and tangible results.

Meaningful member benefits: Supportive community. Resources/support (such as legislative representation, marketing materials, mentoring, etc.).

Effective communication: Organizational communication. Industry outreach/awareness. Public education. The best communication tool for the intended audience and purpose.

Accountability: A versatile and dynamic plan to build on. Sound business, financial and procedural practices.

Yes, they seem pretty basic. But, I believe they create a strong foundation for some of our longer-term goals like member recruitment and retention, more positive recognition in related industries and the general public, and TAPIA's continued financial and programmatic health.

By the time we're together at our February conference in Dallas, we'll have more specifics to report. In the meantime, I welcome your thoughts and ideas about these areas of focus (or any others you'd like to suggest). We've included the Board roster in this newsletter. Please feel free to give feedback to any or all of us.

Thank you, Melissa!

In December, we said goodbye to Melissa Edwards as our executive director. For six years. Melissa did a fantastic job of getting us established and organized. We will long remember and appreciate her hard work, good nature, and devotion to TAPIA's mission and growth. Though retiring, Melissa has graciously agreed to continue to work with us on a limited basis to make sure we have a smooth transition to a new executive director.

Welcome, Kaye!

Speaking of which, we welcome Kaye Beneke as our new executive director. You may recall that Kaye has been our public relations contractor for a little over a year (see the last issue of *TAPIA Times* for a feature on her). Some of you met her last fall, when she presented lobbying tips at the San Antonio conference. Kaye has close to 40 years' experience working with membership organizations and volunteer boards on the state and national levels. And, as a Beneke, admiration for the public adjusting profession runs in her blood.

Happy New Year!

The new year is still in its early stages, so allow me—on behalf of the entire TAPIA Board—to wish you and yours a Prosperous, Healthy, and Happy 2017! We appreciate your interest in the organization. We need your participation. And we welcome your talents, energy, and ideas!

Sincerely,

Curtis Hordge
 TAPIA President 2017

TAPIA Prepares for the 2017 Texas Legislative Session

As TAPIA members close out one of the association's most productive years in recent memory, plans are underway to prepare for the 85th Texas Legislative Session beginning on January 10, 2017. And, if the last legislative session is any indicator, it's potentially going to be another turbulent time when legislators get back to Austin in January! Last session saw TAPIA step to the forefront of issues related to property and casualty losses including those related to adjuster ethics. In doing so, TAPIA set the standard for the profession of public adjusting and helped protect the industry from additional scrutiny by agreeing to make sensible reforms in several key areas of the profession. Moving forward, TAPIA will again be ready to work with lawmakers if called upon however the association believes we will see less attention during the 2017 Session. Instead, TAPIA will once again work on proactive "wins" for the industry like the repeal of sales tax on public adjusting services accomplished in the 2015 Session.

In addition to the preparations being made for the 85th Session there are also many TAPIA members renewing their license with TDI or preparing to do so. As a result, some members are experiencing confusion around what is or isn't required to be in their standard contracts. As you'll recall, TAPIA negotiated new rules with the TDI applicable to public adjuster contracts that took effect in 2013. Based on that process the department issued Form 535 as an "example" of what needs to be included in a public adjuster's contract. While this form is only an example it is a good guidepost for each adjuster to follow when completing their renewal application.

To assist with any questions, below are the required items to be included in a Texas Public Adjuster contract post-rule adoption. When you renew your license be prepared to have your contract reviewed and approved by the TDI. By including the following information you can ensure that process goes smoothly.

Texas Public Adjuster Contracts – What's Required?

- Requires licensees to disclose whether insurance settlement proceeds paid to the insured prior to the date of the contract will be included in calculating the amount payable to the licensee.
- Requires licensees to use contract language specifying the method that will be used to calculate compensation and to describe in certain detail how the licensee's compensation will be calculated.
- Requires licensees to provide a general description of services that will be provided under the contract.
- Requires licensees to describe the claim and property damage, location, and event date.
- Requires licensees to provide a listing of separate costs, if any, that will be payable to the licensee in addition to compensation based on the claim settlement, including expenses, direct costs, and sales tax.
- Requires a licensee to provide, at the insured's request, a written statement detailing amounts paid by the insurer before and after the contract was initiated, services provided by the licensee, the date of each service, and time spent on each service provided to the insured.
- Requires licensees to use contracts drafted or approved by the department.
- Requires licensees to submit contracts with an original license application or renewal.
- Requires licensees to submit modified or amended contracts between license renewals.

As a primer for the upcoming session, I thought it might be helpful to outline the legislative process in Texas. Over the years I've found it helpful to explain the "who, what, when and where" of our legislative system in Texas. Hopefully this primer will help answer some of your common questions about legislative process in Texas.

The Texas Process

The Legislature of the State of Texas is the state's lawmaking body. Its primary function is to enact laws to provide for the health, welfare, education, environment, and economic and general well-being of the citizens of Texas. It also establishes public policy through the passage of bills and resolutions and proposes amendments to the state constitution, which are then submitted to the voters for approval or disapproval.

Like most other states, Texas employs a bicameral system for its legislative branch of state government. The Texas Legislature consists of two separate chambers, a 31-member senate and a 150-member house of representatives. State senators and representatives are elected from single-member districts to serve four-year and two-year terms, respectively. The rich diversity of Texas is mirrored in the composition of the two chambers as 181 men and women from all walks of life unite to represent the 18 million people of the Lone Star State.

In accordance with the Texas Constitution, the legislature meets in a regular legislative session in Austin every two years. By statute, the legislature convenes in a regular session on the second Tuesday in January of every odd-numbered year. These biennial sessions are limited to 140 days' duration. The constitution also allows the governor to call additional special sessions as necessary. During a called session, which cannot exceed 30 days, the legislature may consider legislation only on matters specified in proclamations issued by the governor.

How a Bill Originates

A legislator wishing to pass a bill may draft the legislation personally or obtain the professional staff services of the engrossing and enrolling department of the senate or the Texas Legislative Council, a legislative agency that provides bill drafting services, research assistance, computer support, and other services for legislators. Bills may also be prepared by attorneys retained for that purpose by organizations or individuals with a particular interest in

certain legislation. All bills except for general appropriations bills are limited to a single subject.

Introducing a Bill

A bill may be introduced by any member of the legislature in the member's own chamber, and the steps in a bill's progress in each house are basically the same. A bill passed by one house must proceed to the other for final passage before going to the governor for approval or veto.

To introduce a bill in the House of Representatives, a state representative must first submit the required number of copies of the bill for filing to the chief clerk of the house, who sequentially numbers each document according to the order in which it is received. The house rules of procedure permit unrestricted introduction of bills during the first 60 calendar days of each regular session. After the 60-day deadline, the introduction of any bill other than a local bill or a bill relating to a matter declared by the governor to be an emergency requires the consent of at least four-fifths of those members present and voting.

To introduce a bill in the Senate, a senator must first submit the required number of copies of the bill to the secretary of the senate, who sequentially numbers each document according to the order in which it is received. The senate rules of procedure also permit unrestricted introduction of bills during the first 60 calendar days of each regular session. After the 60-day deadline in the senate, the introduction of any bill other than a local bill or a bill relating to a matter declared by the governor to be an emergency requires the consent of at least four-fifths of the membership of the senate.

The Role of Committees

The size of the legislature and the volume of work confronting it each session make thoughtful deliberation on the many proposed measures by the entire membership impossible. For this reason, the basic business in both houses is conducted according to the committee system whereby permanent, general, and special bodies, determined and formed by the rules of the respective chambers, are appointed to consider bills introduced

in the legislature and to advise on their disposition. The committee stage in the deliberative process is at the core of legislative politics since the fate of bills under consideration hinges on committee action. A large percentage of all legislation is never reported out of committee. Thus, committee action is the first crucial step in the process by which a bill becomes law.

Floor Action

The first real floor consideration of a bill occurs on its second reading. After it is read the second time, again by caption only, the measure is subject to debate and amendment by the entire membership of the chamber. On second reading, a bill may be amended by a simple majority. If no amendment is made, or if those proposed are disposed of, the final action on second reading of a bill is a vote on its passage to engrossment, if the bill is being considered in the chamber in which it was introduced, or passage to third reading, if the bill is being considered in the opposite chamber. The bill is then laid before the body for a third reading and final passage. A bill may be amended again on third reading, but amendments at this stage require a two-thirds majority for adoption.

Return of a Bill to the Originating Chamber - Action on Amendments

After a bill has passed through three readings in the opposite chamber, the bill is sent back to the originating chamber and, if there have been no amendments, the bill is enrolled. The enrolled bill is then signed by both presiding officers in the presence of their respective chambers and sent to the governor. When a bill that has been amended by the opposite chamber is returned to the originating chamber, the originating chamber must concur with all of the amendments made by the opposite chamber before the bill can be enrolled. If the originating chamber does not concur with any or all of the opposite chamber's amendments, it may request the appointment of a conference committee to resolve the differences between the house and senate versions of the bill.

Governor's Action

Upon receiving a bill, the governor has 10 days in which to sign the bill, veto

it, or allow it to become law without a signature. If the governor elects to veto the bill and the legislature is still in session, the bill is returned to the house in which it originated with an explanation of the governor's objections. A two-thirds majority in each house is required to override the veto. If the governor neither vetoes nor signs the bill within the allotted time, the bill becomes law. If a bill is sent to the governor within 10 days of final adjournment, the governor has until 20 days after final adjournment to sign the bill, veto it, or allow it to become law without a signature.

About Your Lobbyist:



Jake Posey, Posey Law Firm, PC

The Posey Law Firm, led by Jake Posey, is a sharply focused government

relations and business law firm based in Austin, Texas. Named as a Texas Rising Star by Texas Monthly's Super Lawyer from 2008-2014, the firm's government relations practice advises clients and advocates for the successful development of public policy in the legislative, judicial, and executive branches of Texas government. Representing Fortune 500 companies, respected market leaders, and some of Texas' leading state associations, Mr. Posey's mission is to diligently deliver government relations solutions for his clients.

Jake has served in several state government capacities including as an attorney for the Texas Legislative Council, General Counsel to key House Committees and Chief of Staff to a sitting Member of the Texas House of Representatives. In addition, Jake also continues to counsel and advise several state and locally elected officials across Texas.

Born and raised in Southeast Texas, Jake holds a B.A. from Baylor University and a Juris Doctor from Texas A&M School of Law.



TAPIA 2017 Spring Conference

DoubleTree by Hilton Hotel
Dallas Near the Galleria
4099 Valley View Lane,
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972-385-9000

February 22-23, 2017

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Check here if this is updated member information

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TAPIA SPRING CONFERENCE

Registration is \$149 per member and \$195 per non-member.

Payment Information:

- Please mail checks along with this form to:
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c/o Beneke/Adjusters Int'l.
1717 W 6th St, #220
Austin, TX 78703
- Please make checks payable to TAPIA.
- To pay online through PayPal, go to mytapia.org and click on the TAPIA Spring Conference banner on the homepage.
- You must make your hotel reservation directly with the hotel.
- There will be a \$50 fee should you need to cancel your registration by **February 10**. No refunds will be made after that date.

A Fond Farewell

Six years ago, when Art Jansen talked me into taking on the executive director position with TAPIA (after 5 years with FAPIA), he promised me fun, challenges, and a pretty small retainer. He delivered. And the board over the years increased my compensation as the association grew so it was a win-win.

So did the fun.

You are the best public adjusters in the country, and that's coming from someone who knows.

When the industry faced legislative issues requiring funding, there was no begging for monies to help. People just sent in checks. When consumers would call me for recommendations – and some of them were very off-the-wall -- the members I referred were kind and professional in helping. And when I'd get a bit stressed or frazzled at the conferences, everyone would pitch in to hand out name badges, welcome the speakers or whatever was needed.

A true testament of kindness is those of you whose name badges I misplaced or butchered (yes, Jett

McKay, not Jeff, and Stanley, not Stinky, Miller) which became a source of amusement, not anger.

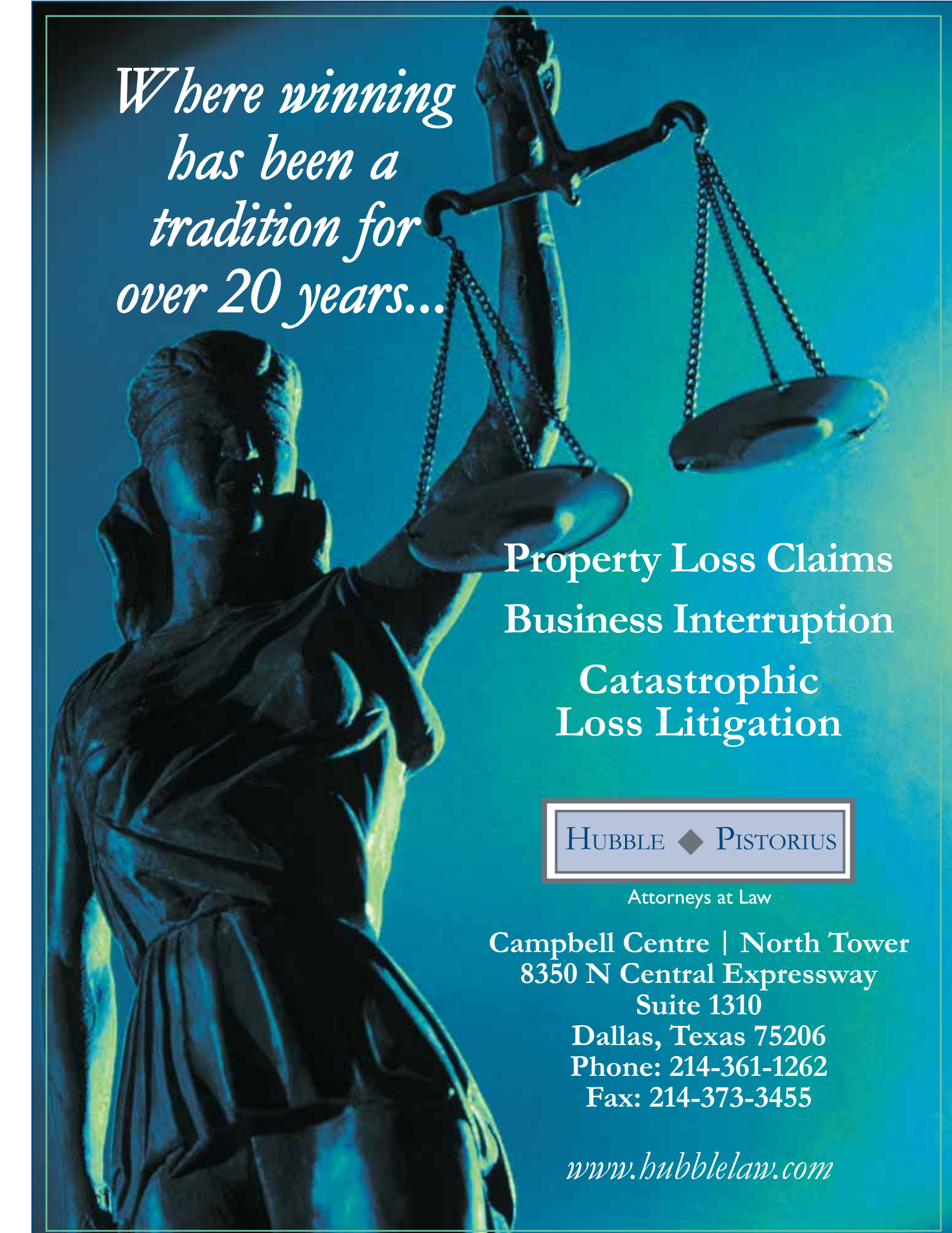
I've made so many friends. I've enjoyed such good times. It was the best job ever. You've been complimentary even when perhaps it wasn't deserved. A special shout-out to the presidents I was fortunate to serve with: Art, Clay, Doug, Tom, Gary & Don. And thanks to

the best lobbyist I've ever worked with – Jake Posey.

It's time for me to stand down. Kaye Beneke, whom the board hired a year ago as public relations liaison, is ready and able to take over. I'll miss you all – but I'm still on Facebook and many of you have my phone number. Keep in touch. Stay well. Be happy.

Love, Melissa





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TAPIA Spring Conference

Conference Location



DoubleTree by Hilton Hotel Dallas Near the Galleria

4099 Valley View Lane,
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Located just blocks away from the Galleria Mall, the DoubleTree Near the Galleria features 290 guest rooms with wired/wireless internet access, 42-inch flat-screen TVs and views of the Dallas city skyline.

Complementary services included with your stay include the business center, local area transportation within a three-mile radius, fitness center and heated pool.

The TAPIA Spring Conference will be held in the main ballroom area and signage will be in place to direct you to the Welcoming Cocktail party and meals.

To get the special TAPIA rate of \$134 per night, mention TAPIA when calling to make reservations at 1-800-222-TREE (8733).

February 22-23 2017

Join public insurance adjusting professionals like yourself at the TAPIA Spring Conference being held in Dallas, Texas at the DoubleTree Hotel by Hilton Near the Galleria. The TAPIA Conference will begin 2:00 PM on February 22 and run until 4:00 PM on February 23. Registration is \$145 for TAPIA members and \$195 for all others.

There will be six (6) hours of continuing education credits offered.

By popular demand, the TAPIA Forum will open the conference, allowing the Board Members and Officers to discuss their goals and programs. Members are free to participate.

"This conference we are bringing new information, such as OSHA compliance, to members," said TAPIA President Curtis Hordge. "We constantly strive to bring new topics, new presenters and beneficial information to our members and attendees."

Additional topics will give you the cutting edge in getting full and fair compensation for your clients.

Registration is easy – simply visit MYTAPIA.ORG and follow the links for registration.

Contact TAPIA administrator Kaye Beneke at 512-299-6680 with any additional questions.

**Subjects & speakers are subject to change.*



2017 Conference

TAPIA Spring Conference 2017 Speakers & Topics



Kevin Dandridge
Unified Disaster
Resources

"TAPIA Forum"

Officers & Board members discuss their plans and goals with the membership and answer questions.



Michael Fried
All American Public
Adjusters

"How to Incorporate OSHA into Your Estimates"

Panel presentation: Kevin Dandridge, Unified Disaster Resources; Michael Fried, All American Public Adjusters; Kelli Rogers, SouthWind Public Adjusters; William Kendall, Esq., Grisham-Kendall; Pete Scaffidi, Unified Disaster Resources.



Jeffrey Raizner
Raizner-Slania

TAPIA General Business Meeting

Officers & Board of Directors presiding.



John Hubble
Hubble Pistorius

"Latest Case Law Updates"

Jeffrey Raizner, Esq., Raizner-Slania, moderator; Panel: Matthew Pearson, Gravely Pearson; David Degroot, Degroot Law.

"Concurrent Causation"

John Hubble, Esq., Hubble Pistorius & James Beneke, Beneke/Adjusters International

"Ethics & Professionalism"

William "Chip" Merlin, Esq. Merlin Law Group

"How to Prepare You File for Appraisal & Litigation"

Brian Haden, Haden Claims Services; Patrick McGinnis, Merlin Law Group; Paige Jones, Phelps Dunbar; Tom Powell, Independent Adjuster.



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Loy Vickers likes his job as president of Empire Public Adjusters in McKinney, Texas.

"We get to ride in on the big white horse, help get someone's life, house or business back together," he said. "And we even get paid to do it. What's more rewarding than that?"

Of course, he admits that there is a lot more to public adjusting than getting thanks and checks. "We wear so many hats in our industry. You have to sell the client, determine the full scope of the loss, deal with continuous regulatory issues and negotiate with insurance companies who don't want to part with 'their' monies. It's a multi-faceted job that presents new challenges every day," he added.

Loy didn't start out with a penchant for the insurance industry. Born in San Angelo, his family moved to northwest Arkansas when he was young and worked the family farm. He attended the University of Arkansas and got his degree in agriculture with a specialty in agricultural mechanization. "It's another way of saying I learned to explain complex engineering concepts to the layperson."

He was first licensed as an insurance agent in 1989 and worked with a who's who of companies including Farmers, New York Life and Bankers Life and Casualty. He maintained all the licenses required, with the exception of the one year gap when he and his wife, Priscilla, relocated back to Texas.

"My wife's job brought us back. She was with J.B. Hunt Transport. When J.B. Hunt launched there logistics company, Transplace, she received the proverbial promotion offer she couldn't refuse. We realized I could work anywhere, so we moved," Loy said.

While they were in Arkansas, Loy had a side construction business, building homes and light commercial buildings. "Those were the boom times when you could pour a foundation and have the building sold before completion," he said. This gave him a pretty strong construction background which he converted into a paycheck upon moving



to Texas. He became a representative for Duro Last roofing systems and American Building Systems.

Eventually, he was running the engineering group and worked assisting the Corps of Engineers with installation of metal roofing systems on all military bases in Texas. This in turn led to his introduction of the public adjusting profession.

"A public adjuster came to me with a big group claim involving metal roofs. I helped him resolve the issues and settle the claim. During the course of that, I became intrigued with the concept of public adjusting."

He worked with this seasoned adjuster for several years and when licensing was instituted in Texas, was among the first to receive his PA license in 2003. "At that time, we had a reciprocal agreement with Florida and so when the hurricanes of 2004 hit Florida, so did I."

Loy effectively relocated to the Treasure Coast of Florida (Vero Beach to Ft. Pierce) and worked claims up and down A1A until 2008. Then it was back to McKinney and working claims in Texas and throughout the Midwest and beyond.

"Being a public adjuster allows me to be an entrepreneur and do some philanthropy at the same time," Loy said. His main focus is on mentoring people new to the industry. "You can be the best

sales person in the world, but you don't get paid until a claim is settled. That's a hard lesson to learn when you're first entering the industry"

He finds educating the public about public adjusting is his new passion. "A homeowner has watched thousands of commercials telling them that they are in good hands. Then they suffer a loss and find a completely different mind-set. It's a surprise to figure out that the company

adjuster has a fiduciary responsibility to the company, more so than to the customer. As Shakespeare says 'Therein lies the rub.'"

His focus on education led him and a few other TAPIA members to found "Insurance 911," a radio show airing since April 1 on Talk Radio 1190 AM in the Dallas market. "We wanted to give people a source of good information on settling claims. We also get to educate them about the public adjusting industry, why some claims have to go to court and how to find reputable roofers and construction companies," he added.



"I think public adjusters are the best kept secret in America. My goal is to raise awareness for the industry and to help those suffering property losses get whole again."

He's taken that one step beyond the radio show, and gone "Hollywood" or maybe that's a slight exaggeration. He recently was in Boston taping six 30-minute TV segments for public broadcasting about public adjusters and their roles in helping people. "The producers liked the initial series and are planning on twelve more shows in a documentary format with some audience participation thrown in," said Loy.

"I estimate that maybe five percent of property owners know about public adjusting, and those are mainly in the coastal states which suffer storm losses. Across the country, even the insurance agents and adjusters don't know what public adjusters do," he said. "My long term goal is to not only raise awareness, but make public adjusting a full-blown industry."

That's one reason that Loy got involved with TAPIA. "I think it's a great organization of professionals with similar viewpoints. The insurance companies are constantly slinging arrows at us, and one person can't deflect them very effectively. Together, we can."



TAPIA Times - Spring 2017

Loy has served on the board for several years, and was elected to the ladder as secretary at the TAPIA Fall Conference in San Antonio. He has strong feelings about involvement in TAPIA. "It's so easy to sit back and wait for someone else to do the work, lobby the Legislature, keep an ear to the ground for potential problems facing our industry," he said.

"It's quite another to roll up your sleeves and make changes for the better." His advice to new public adjusters is to join TAPIA and take full advantage of the networking and education that is available. He says he gets five to ten people a month calling him to learn more about public adjusting as a

profession. He's mentoring several of them as they make their way into it.

On the personal side, Loy and Priscilla have two grown children, Preston and Alysa, and two grandchildren, Carson and Caleb. "We're teaching them really early about the industry," laughed Loy.

He is a member of the Free Masons, Shriners, Scottish Rite and Knights Templar in Texas. He is a licensed pilot and drone pilot. His love of bird-hunting has taken him to Argentina, and he's planning a future return trip. And in his spare time (?) he rides motorcycles.

Loy will serve as TAPIA president in 2020.



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Oh What A Conference It Was!!

TAPIA 2016 Fall Conference

The TAPIA Fall Conference, held at the Menger Hotel in San Antonio on October 11 & 12, was possibly the best ever. Great speakers, great networking and the Star Spangled Banner to open the conference sung by recently retired Metropolitan Opera soprano Joyce Guyer Wise.

"These conferences just keep getting better and better," opined newly elected TAPIA president Curtis Hordge. "If you are a public adjuster in Texas and don't attend, you're really losing out."

Day one featured a stellar group of presenters including Ware Wendell, Esq., executive director of Texas Watch, and Deeia Beck, Public Counsel and Executive Director of the Texas Office of Public Insurance Counsel. Keynote speaker, Dave Lieber, Watchdog Columnist for the Dallas Morning News, thoroughly entertained the sold-out crowd with story after story focusing on his experiences with insurance claims gone wrong.

Other presenters included: **"Common Sense Lobbying for Public Adjusters"**

Kaye Beneke, TAPIA Communications Liaison; **"Setting Up Claims for Positive Litigation Results,"** Philip Sanov Esq., Merlin Law Group & Evan Wolfe, Wolfe Law; **"Cutting Edge Cases & Regulations Affecting Public Adjusters"** Moderator: Jeff Raizner, Doyle Raizner; Panel: Will Allan, Allan Nava Gander, Matthew Pearson, Gravelly Pearson & Brent Klender, Wayne Wright Lawyers; **"Ethical Behavior & the Public Insurance Adjuster"** Chip Merlin, Merlin Law Group and **"Tech News You Can Use"** Tina Nicholson, Esq., Baker Nicholson, Michael Fried, All American Public Adjusters & Tom Ross, RHI Claims.

Conference sponsors who help defray the costs of the conferences and keep them affordable for all public adjusting professionals were: Baker Nicholson; Gravelly & Pearson, LLP; Grisham & Kendall, PLLC; Hubble Pistorius; Ketterman, Rowland & Westlund; Loree & Lipscomb; Merlin Law Group; Raizner Slania LLP; Wayne Wright Lawyers and Wolfe Law.



Our esteemed speakers at the TAPIA Fall Conference.



TAPIA members elected a new secretary to the ladder and three new board members. Pictured Left to Right: Loy Vickers, TAPIA Secretary, Empire Public Adjusters; Board Members Kermith Sonnier, Sonnier & Fisher Adjusters; Kelli Rogers, Southwind Public Adjusters; and Chris Lackey, Maxim Public Adjusters.



**TAPIA
2017
FALL
Conference
November 2-3**



**DOUBLETREE
BY HILTON**

AUSTIN



A hand is shown holding a small, yellow house with a white roof, which is framed by the hand's fingers. The background is a bright, hazy sky, suggesting a sunrise or sunset. The overall image conveys a sense of care and protection, likely representing the insurance industry.

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