



HISTORIC
FRANKLIN
TENNESSEE

ITEM #7
WRKS 05/28/13

MEMORANDUM

May 20, 2013

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *Eric*
Special Events Advisory Team

SUBJECT: Viva la Diva Event Application

Purpose

The purpose of this memo is to outline recommendations for approval of the Viva la Diva Event application.

Background

The Viva la Diva Run is an event sponsored by Fifty Forward. The event is hosted by Nissan and will begin and end at their corporate headquarters on November 16th. The event includes a 5K and 10 mile runs. The first run begins at 8 a.m. Estimated attendance is 1,300.

Recommendation

Staff recommends approval of the event application with the following recommendations:

- Applicant will provide a \$1,000 refundable damage deposit to City prior to event.
- Applicant will provide a Good Neighbor letter which will be distributed to affected neighborhoods.
- **Risk Management:**
 - Applicant will provide certificate of insurance naming the City as additional insured.
- **Police Department:**
 - Applicant will hire at least ten (10) Franklin Police Officers to provide traffic control.
- **Building & Neighborhood Services Department:**
 - Electrical permit may be required.
- **Solid Waste Department:**
 - Volunteers will provide cleanup along the route and at water stations.
 - Applicant will meet with department to determine if assistance needed at Nissan.

OFFICE USE ONLY:

Permit No:



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CITY OF FRANKLIN EVENT PERMIT APPLICATION

*Application is Due 90 Days Prior to Scheduled Event.
Please read application carefully and fully complete each section.
A non-refundable application fee of \$100 is due at time of filing.*

Note: Filing this application does not guarantee that your request will be granted.

Please check
all that apply:

street closure

parade

other special event

beer served (*separate permit required*)

Please supply the following information. For additional space, use separate sheets of paper and attach to the application.

1) **Location requested (if Temporary Street Closure only, list major roads to be closed):**

Aspen Grove Park

____ Liberty Park

____ Eastern Flank Battlefield Park

Fieldstone Farms

____ Pinkerton Park

Jim Warren Park

____ Harlinsdale Farm

Other: See attachment "A"

2) **Name/purpose of event:** Viva la Diva Run – Fundraising event

3) **Date or dates of event:** Saturday, November 16, 2013

4) **Time of Event:** 8:00am

5) **Time of Street Closure (if applicable):** Approximately 8:00am – 10:30am (see attachment "A")

Set-Up Date/Time: 11/16/2013 05:00am

Tear-down Date/Time: 11/16/2013 11:30am

**Note: Two (2) hours will be added before set-up time and two hours (2) will be added after tear-down to allow time for clean-up. Event is responsible for payment of Franklin Police Officers during this time. Read Additional Requirements section for more information.*

6) **Name of Applicant and Organization Requesting Permit:**
Gail Sonia on behalf of FiftyForward

a) **Address:** FiftyForward, 174 Rains Ave., Nashville, TN 37203

Gail Sonia

Gail Sonia (Main Contact)

FiftyForward

b) **Phone:** 615-397-0978

c) **Cell:** 615-397-0978

d) **Fax:** 615-743-3480

e) **E-mail address:** gailsonia@gmail.com

7) **Person in charge on day of event:** Gail Sonia

Cell: 615-397-0978

E-mail address: gailsonia@gmail.com



8) Name and Cell Number of at least two others available on day of event:

Name: Christopher McClintock Cell: 615-838-4523 E-mail address: below
Christopher@christophermcclintock.com

Name: Shannon Duke Cell: 615-512-3265 E-mail address: sduke@fiftyforward.org

9) DETAILED description of event (use additional sheets):

Please see attachment "B".

10) **ENCLOSE A DETAILED MAP** of event site, detailing any temporary or permanent structures, street closures, parking, etc. If applicable, list the location, blocks, streets, and/or intersections in which such event will occur. *For large-scale events, map should be obtained from the City's GIS division. Please see attachment "C"*

11) An estimated number of participants and an estimated number of attendees expected to attend during the course of the event:

Estimated participants: 1300; Volunteers: 200; Spectators/visitors: 300

12) Please **attach a list** containing the names, addresses, and phone numbers of the Chairperson of the organization and all other persons involved in the management or control of organization and/or committee. **Please see attachment "D"**

13) Is your organization based in Williamson County? Circle Yes or No
(if no, please state where: Nashville – with services in Williamson County - Attachment "E")

14) Is your organization authorized to do business in Tennessee? Circle Yes or No

15) Is your organization a tax-exempt organization as described by the Internal Revenue Code Section 501(c)(3) or a not-for-profit organization? Circle Yes or No. If yes, please attach copy of IRS tax exemption letter providing proof of status.

16) Will you charge an admission/participation fee (including vendors)? If yes, please specify how much per person/vendor. Yes, see attachment "B"

17) Will any charity, gratuity, or offers be solicited or accepted during the event? Circle Yes or No.

18) Is this event a fundraiser? Circle Yes or No. If yes, what organization will be benefactor of event? What percentage of funds will they receive? FiftyForward: 100%

19) Will parking in the area of the event need to be restricted or prohibited? Circle Yes or No.



- 20) Will any sound amplification equipment be used during the event? Circle Yes or No. If no, please skip to Question #22.
- 21) For what purpose will sound amplification be used (i.e. announcements, entertainment, etc.)?
Announcements, Awards presentation, Entertainment - all sound will be on the Nissan Campus
-
- 22) What type of sound amplification will be provided (DJ, Band, etc.)? Please list all that apply.
DJ, Band, Event Emcee
-
- 23) During what time period is sound amplification requested? 6:30am – 11:30am
- 24) If for entertainment, give details of entertainment being provided (i.e. number of musicians, type of music, amp wattage, etc.). tbd
-
- 25) Will any stages, amusement attractions, or amusement rides, including inflatables, be erected for the event? Circle Yes or No. If yes, Applicant must give specific details as to the location and type of games/activities, i.e. inflatables, Horseshoes, relay races, etc. along with the name of the company providing the stages and/or activities. Applicant must also include a copy of that company's insurance certificate indicating coverage and listing the City of Franklin as additional insured. ***For stages, tents, inflatables, etc. constructed on site prior to the event, that date must be included on Certificate of Insurance provided to the City of Franklin. Stages MUST be removed from site at end of event. ***Rented inflatables/interactives that are set-up and manned by applicant must be included specifically in applicant's Certificate of Insurance.
Please see attachment "C" for location of tents and stage.
- 26) What, if any, vendors will be present at event? (i.e medical related, shirts, arts, etc.) Please provide detailed list. Use additional sheets. To be determined with a detail list provided.
- 27) Will food, beverages, or merchandise be sold or given away? Circle Yes or No. If yes, clean-up is required. Please provide name of clean-up provider, contact, and phone number of person on-site during event. See Question #28. Volunteers will be responsible for clean-up under the supervision of Volunteer Coordinator, Shannon Duke (cell phone – 615-512-3265).
- 28) Events under 200 participants require a \$250 refundable security deposit at the time of approval. For events over 200, a \$1000 security deposit is required upon approval. If clean-up is not done properly, the organization requesting the permit will be fined (See Attachment A). Applicant's event coordinator or representative and a City of Franklin representative will conduct a Pre-Event meeting prior to event date for Pre-Event Check List Site Review. *At the end of the event, a Post-Event Check List shall be completed by the Applicant's event coordinator, or representative, and a City of Franklin representative to re-assess the site for trash and damage, and to secure with caution tape and signage (provided by event group) any tents left for removal.* Damage deposit will be refunded after a satisfactory Post Event Check List has been completed and signed off on by both the City of Franklin and organization requesting event.



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- 29) ***NOTE:** Events that include deep frying cooking oil operations are required to have a grease pit on-site and contract with a grease waste hauler to handle the grease waste and removal of the grease pit. A copy of this agreement shall be filed along with this application. The primary event sponsor is required to remove all cooking grease from the site immediately after the event. Illegal dumping of cooking grease will be prosecuted. *Please read Additional Requirements section of this application for more information.*
- 30) Will you require a temporary water tap? Circle Yes or No. If yes, please list exact locations:

- 31) Will alcohol, beer, and/or wine be given away or sold? Circle Yes or No. If yes, a permit from the relevant board is required. *Please read Additional Requirements section of this application for more information.*
- 32) Will your event include tents or other temporary structures, propane use, or open flames? Circle yes or no. Events using tents of size 20 x 10 or larger require permitting from Franklin Fire Department. Safety measures must be provided on all tents, especially those set-up prior to the actual event. Tents should be taken down the date the event has ended. *Please read Additional Requirements section of this application for more information.*
- 33) Attach Good Neighbor Letter and Mailing List used. *Please read Additional Requirements section of this application for more information.* **Good Neighbor letter and contact list attached.**

TITLE VI OF THE 1964 CIVIL RIGHTS ACT

"No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

The City of Franklin does not discriminate based on race, color or national origin in federal or state sponsored programs, pursuant to Title VI of the Civil Rights Acts of 1964 (42 U.S.C. 2000d). For more information or to file a complaint against the City of Franklin under Title VI of the 1964 Civil Rights Act, contact the Title VI Coordinator:

Rodney Escobar
Risk Manager
City of Franklin
109 Third Avenue South
Franklin, Tennessee 37064
615.791.3277

The City of Franklin is committed to providing reasonable access and accommodations upon request for people with disabilities. Please call the Risk Management Department at (615)791-3277 for specific requests.



PLEASE READ ATTACHMENTS BEFORE SIGNING
APPLICATION.

- 1) I/We agree to abide by all ordinances and regulations of the City of Franklin and all conditions placed upon the event by the City Administrator and the Board of Mayor and Aldermen.
- 2) I/We do swear or affirm that all of the information given in this application is true and complete.
- 3) I/We do hereby agree to assume the defense of and indemnify and save harmless the City, its aldermen, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the City may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such event and the activities permitted in connection there with, and to submit a certificate of insurance prior to the event in an amount acceptable to the City Administrator.
- 4) I/We agree to provide a copy of this signed Event Application to any vendors, planners, and related parties associated with the event to ensure they are familiar with the guidelines set forth herein.
- 5) I/We understand that I/we assume the responsibility of the actions of any vendors, planners, and related parties for this event.
- 6) I/We understand that granting of Special Event Permit does not imply granting of other permit that is separately required.
- 7) The application for an event permit shall be filed not less than 90 days nor more than 364 days prior to the scheduled date of such event. Suggested filing is at least 180 days prior to scheduled event. Events should not be advertised or promoted until an event permit has been obtained from the City. Failure to file in a timely manner may result in denial of a permit.
- 8) The City reserves the right to require one or more City of Franklin police officers or other emergency personnel be present at any and all events that occur within the city limits. Please budget for this request at a rate of \$30 per hour at a minimum of two (2) hours.

BY: Jeanette Jeanette Date: March 18, 2013
(Signature and title - must be officer of organization)

Approved by the Board of Mayor and Aldermen on _____, 20____.

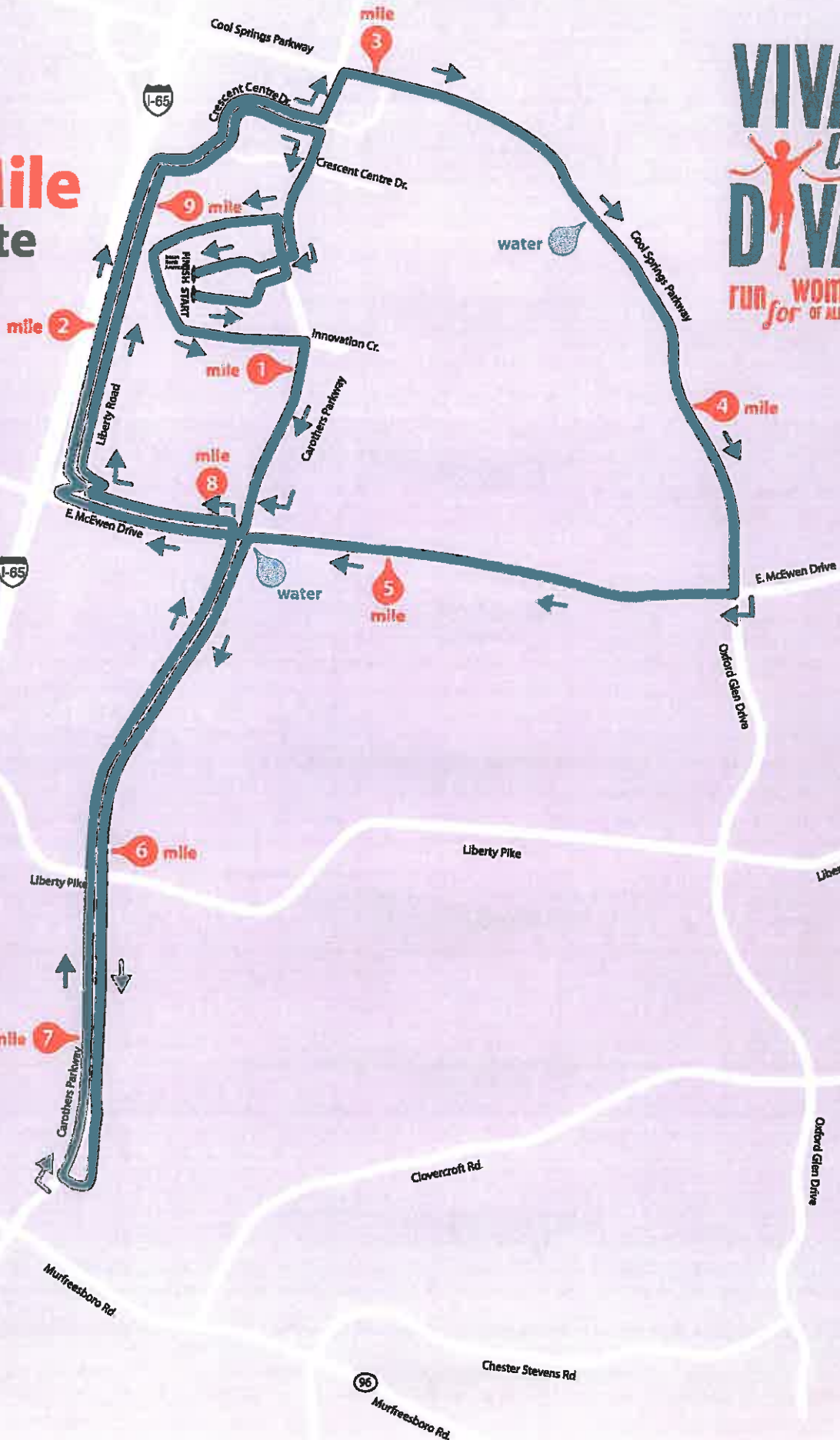
Dr. Ken Moore, Mayor

Eric S. Stuckey, City Administrator

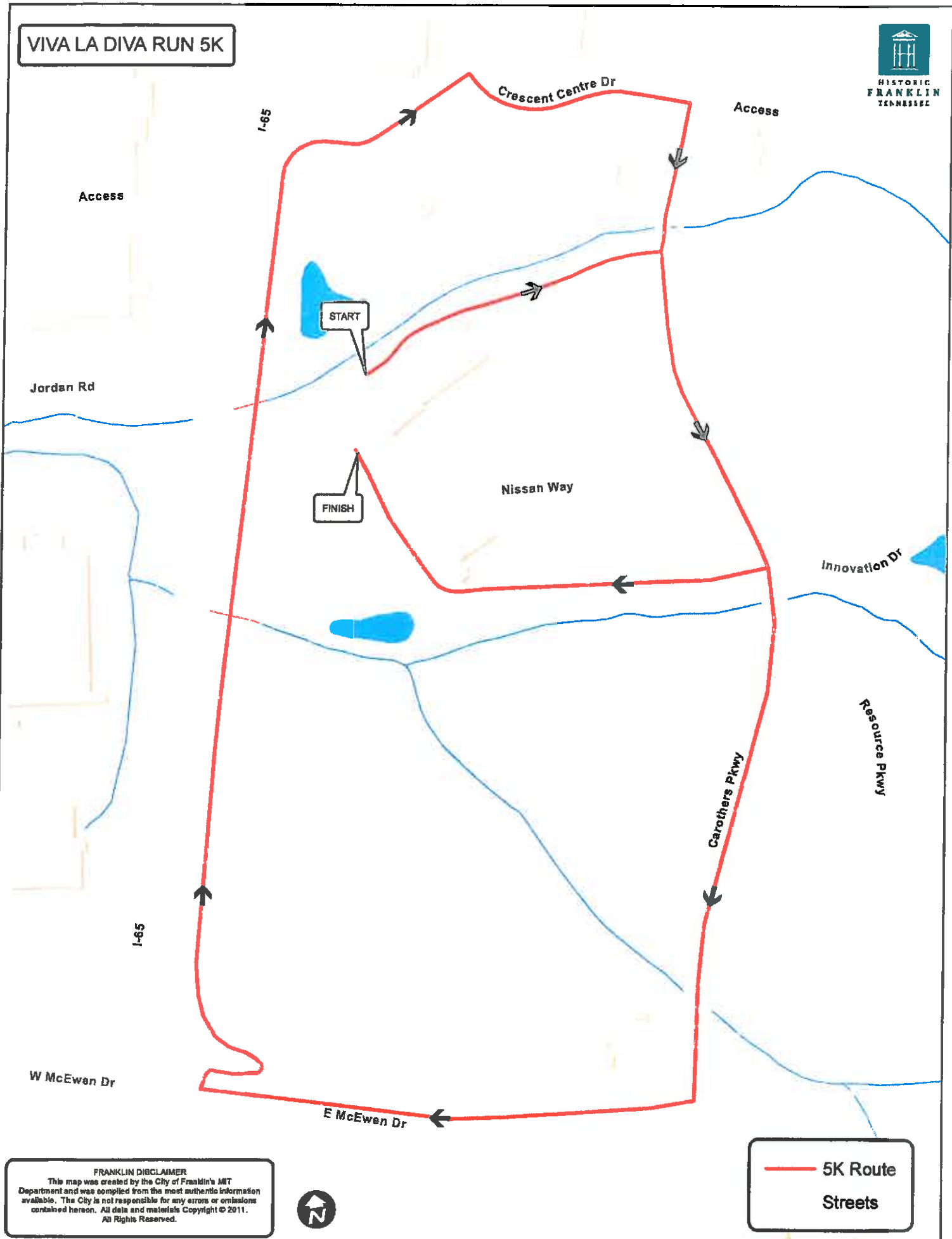
If you have questions concerning your request, please call 615-550-6606.

Return application to:
City Administrator's Office
City Hall
109 Third Ave South
Franklin, TN 37065
615-791-3217
615-790-0469 (FAX)

10 Mile Route



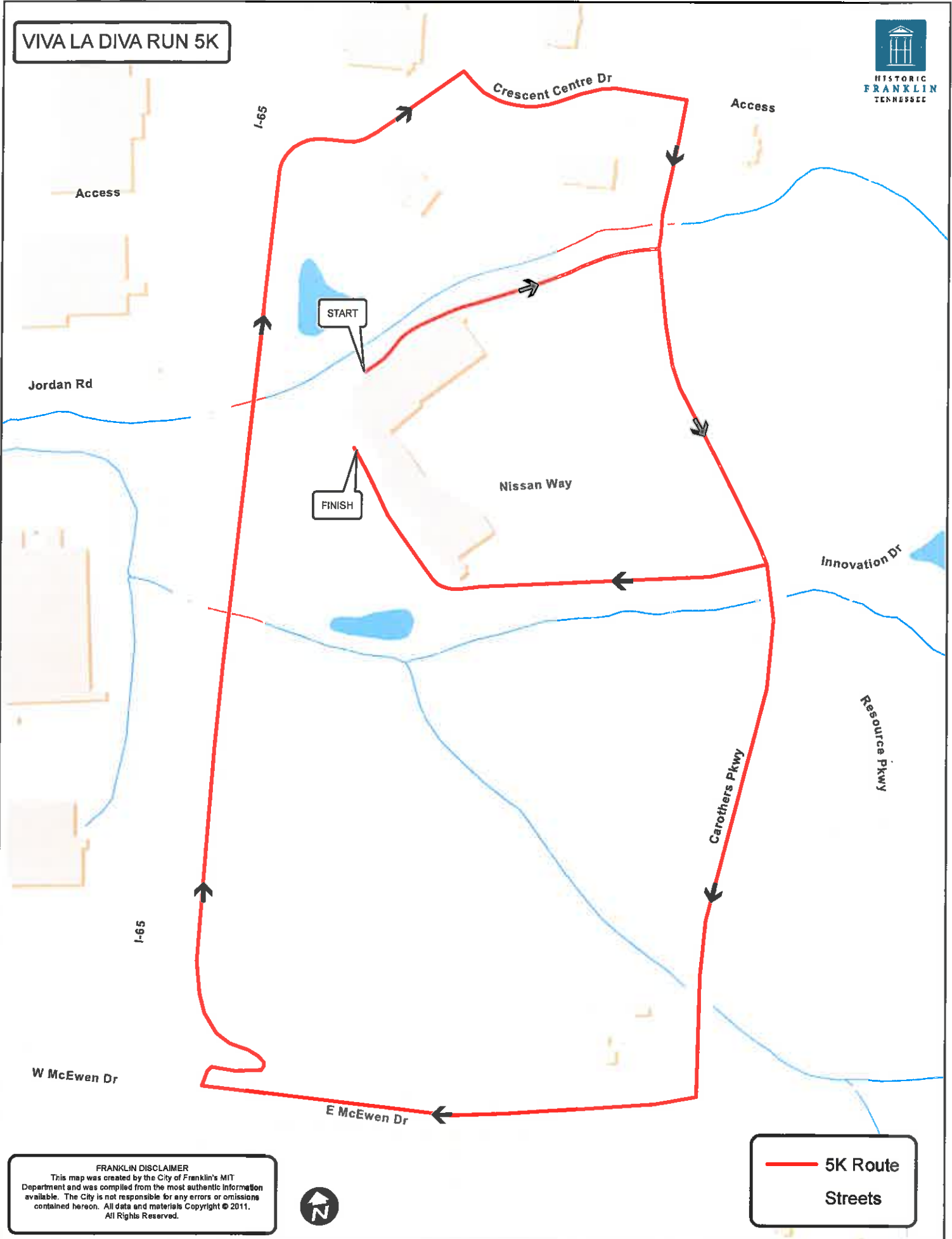
VIVA LA DIVA RUN 5K



FRANKLIN DISCLAIMER
This map was created by the City of Franklin's MIT Department and was compiled from the most authentic information available. The City is not responsible for any errors or omissions contained hereon. All data and materials Copyright © 2011. All Rights Reserved.

— 5K Route
Streets

VIVA LA DIVA RUN 5K

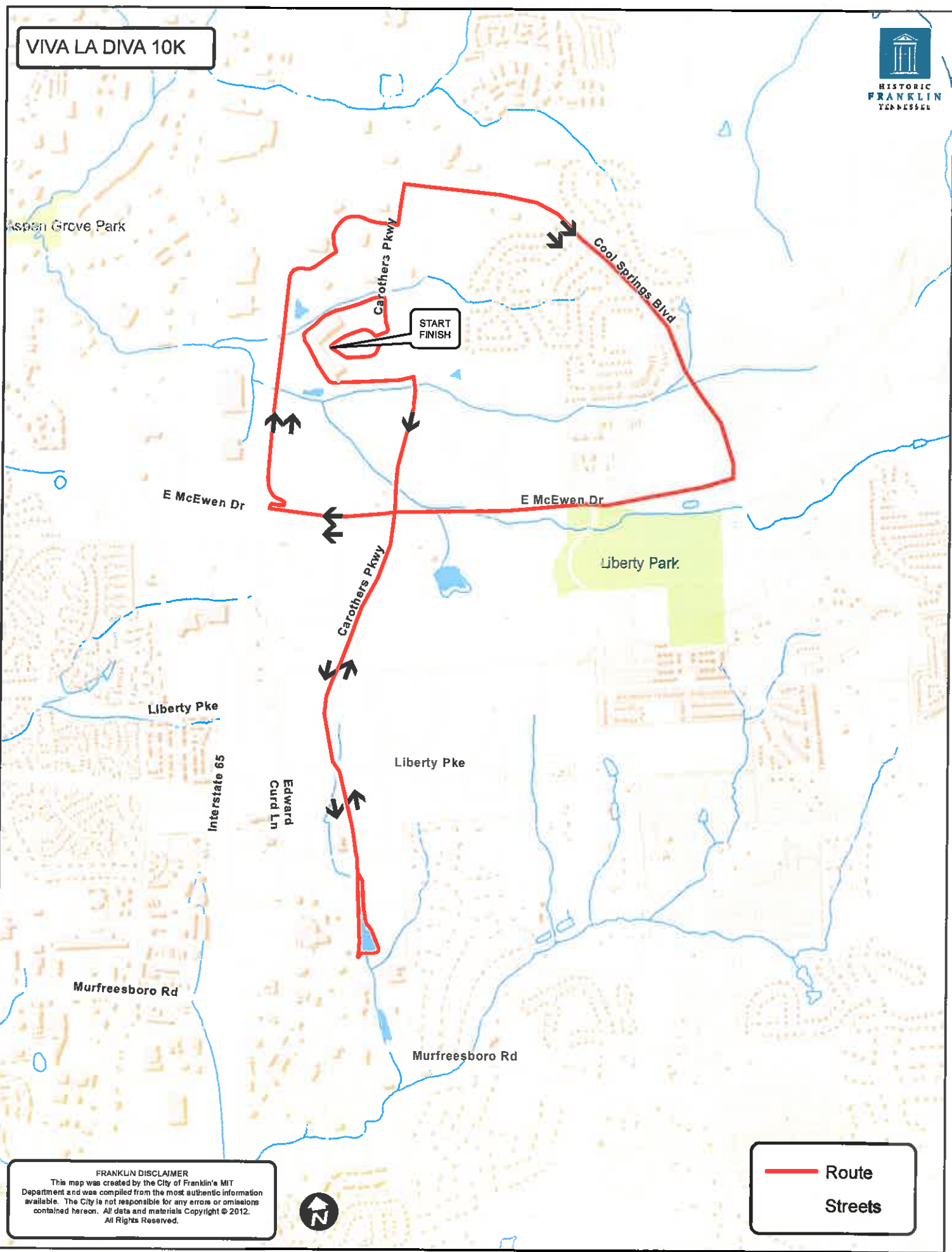


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— 5K Route
Streets

VIVA LA DIVA 10K



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— Route
Streets

Viva la Diva 10 Mile Route 2012

<http://www.usatf.org/routes/view.asp?rID=479946>

Start Nissan (8:00am)

LEFT on Carothers (8:00 – 8:05)

LEFT on Nissan Way (8:05 – 8:10)

0.9 RIGHT on Carothers (8:06- 8:15)

1.4 RIGHT on McEwen (8:08- 8:20)

1.7 RIGHT on Old Liberty Rd/PATH (8:07 – 8:22)

2.5 LEFT on Crescent Center Dr (8:11 – 8:38)

2.8 LEFT on Carothers (8:13 – 8:42)

2.9 RIGHT on Cool Springs Blvd (8:15- 8:45)

4.3 RIGHT on McEwen (8:23- 9:05)

5.3 LEFT on Carothers (8:28-9:20)

6.3 LEFT onto path around the pond

Follow Path RIGHT back onto Carothers Parkway

7.9 LEFT onto McEwen Dr. (8:40 – 10:00)

8.4 RIGHT on Old Liberty Rd/PATH (8:07 – 8:22)

9.2 LEFT on Crescent Center Dr

9.5 LEFT onto Carothers Pkwy (8:55 – 10:30)

9.8 LEFT onto NISSAN Main Drive

Viva la Diva Run – City of Franklin Event Application

Attachment B:

9.) Detailed description of the event:

Saturday, November 16, 2013 will be the 3rd annual Viva la Diva Run in the Cool Springs area of Franklin, Tennessee. This race is presented by FiftyForward as an event to promote and benefit health, wellness and safety programs for girls and women of all ages. It is one of five (5) events (Girls on the Run, Girls Tri it On, Femme Fondo, Susan G. Komen Race for the Cure and Viva la Diva) marketed in the Making a Move series to promote health and wellness for women and girls in Middle Tennessee. Viva la Diva was added to the Nashville Sports Council Corporate Challenge roster in 2012 and will again participate in 2013.

It is the intention of FiftyForward that Viva la Diva benefits the residents and businesses of Franklin and Williamson County. It is an integral part of Nissan's employee health and wellness program with a large number of employees participating as volunteers and/or runners. With the inclusion of Viva la Diva in the Nashville Sports Council's Corporate Challenge, Viva added numerous area businesses competing as teams.

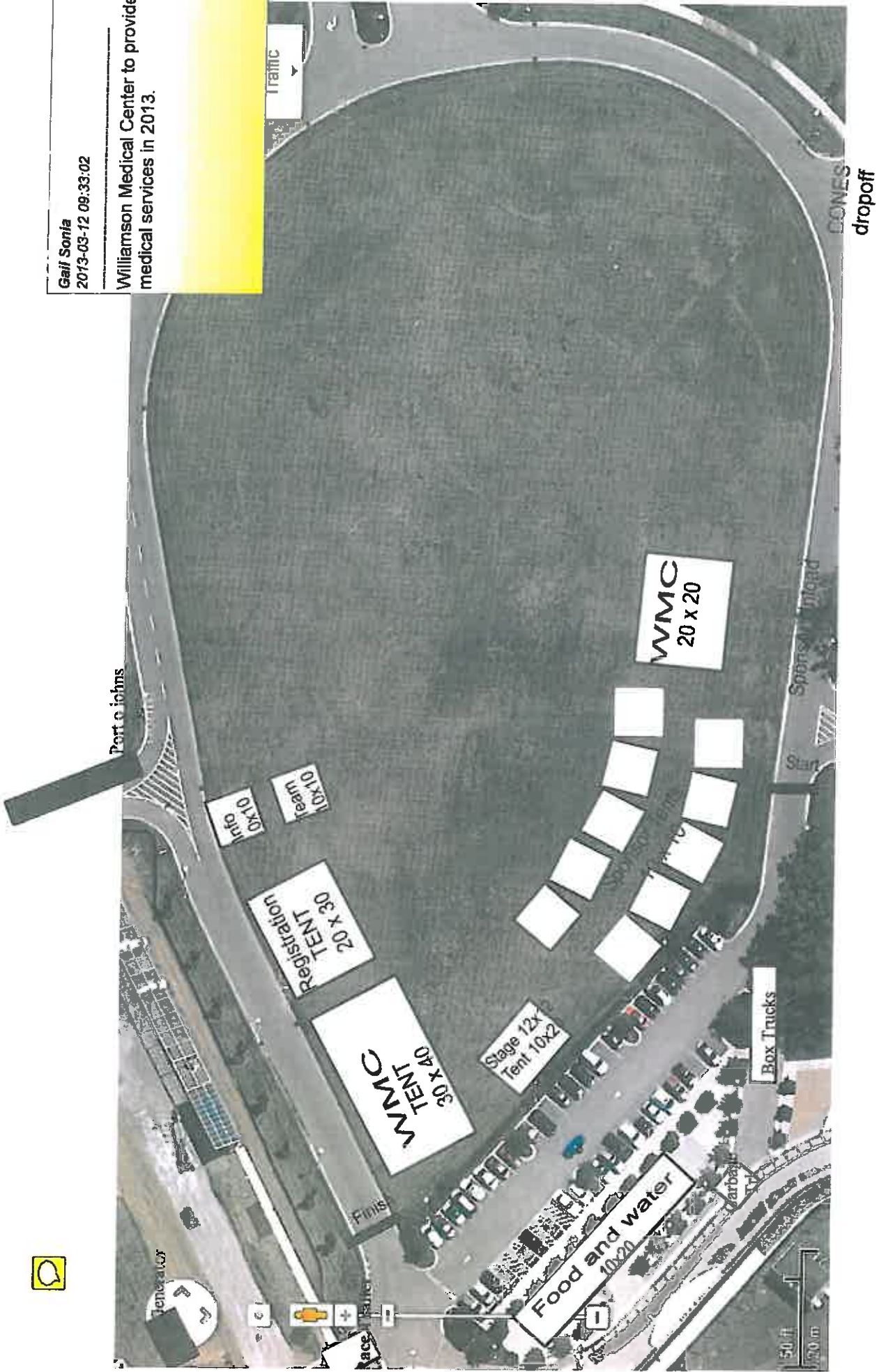
In 2012, over 1100 registered participants participated in the 5k or 10 mile certified courses or the 1 mile fun run/walk. Participants, spectators, and sponsors enjoyed entertainment, appearances by local officials, including Franklin City Mayor Ken Moore, Titan Sen'Derrick Marks, and others at the Nissan campus. Nashville Striders will again be providing race management services and Williamson Medical Center will provide medical services.

16) Participation Fees:

Event	Fee by 10/27	10/28 – 11/15	Race Day
5k	\$30.00	\$35.00	\$40.00
10 Mile	\$40.00	\$45.00	\$50.00
1 Mile	\$20.00	\$20.00	\$20.00

Gail Sonia
2013-03-12 09:33:02

Williamson Medical Center to provide
medical services in 2013.



Viva la Diva Run – City of Franklin Race Application

Attachment D:

12.) List of individuals in management/control of organization and/or committee

Executive Committee:

Gail Sonia
4038 Clovercroft Rd.
Franklin, TN 37067
gailsonia@gmail.com
615-397-0978

Race Manager

Christopher McClintock
5120 Maryland Way
Brentwood, TN 37027
Christopher@christophermcclintock.com
615-838-4523

Race Director

Janet Jernigan
174 Rains Ave.
Nashville, TN 37203
jjernigan@fiftyforward.org
615-743-3404

FiftyForward

Shannon Duke
174 Rains Ave.
Nashville, TN 37203
sduke@fiftyforward.org
615-512-3265

Volunteer Coordinator

Race ChampionChip Timing:
Peter Pressman
4035 Trail Ridge Dr.
Franklin, TN 37067
Pasta4run@aol.com
615-293-8862

President, Nashville Striders

Viva la Diva Run – City of Franklin Event Application

Attachment “E”

FiftyForward’s administrative offices are not based in Williamson County, but the organization provides comprehensive services to residents as follows:

FiftyForward: Formerly known as Senior Citizens, Inc., this non profit organization provides opportunities for health, well being and lifelong learning for adults age 50 and older in Davidson and Williamson Counties. The FiftyForward Martin Center of Brentwood and FiftyForward College Grove Center are located in Williamson County. Services provided to Franklin residents include home-based care management services to 39 frail, low income, elderly homebound individuals through the FiftyForward Living at Home Program. An additional 60 homebound older adults are served through this program in other areas of Williamson County.

The Martin Center and College Grove Center have 141 active members who reside in Franklin and an additional 550 who live in other areas of Williamson County. These represent persons who regularly attend classes and/or activities at a Williamson County Center. Hundreds of other Williamson County residents participate in community events offered by FiftyForward each year.

FiftyForward’s Retired Senior Volunteer Program (RSVP) members regularly provide volunteer service within Williamson County. FLIP (Friends Learning in Pairs) serves four of the five elementary schools in FSSD. This intergenerational tutoring program serves students (K – 4 grade) who are struggling with basic reading and arithmetic skills through weekly one-on-one guidance and mentoring during the school day.



DRAFT OF GOOD NEIGHBOR LETTER:

November 6, 2013

Dear Resident;

The 3rd Annual Viva la Diva Run will take place on Saturday, November 16, 2013 from approximately 8:00am – 10:30am. Viva la Diva is an event to benefit FiftyForward programs that support the health, wellness and safety of women and girls of all ages.

The 5k and 10 mile events will begin at 8:00am at the Nissan Headquarters on Carothers Parkway. Portions of Cool Springs Boulevard, McEwen Drive, Carothers Parkway and Highway 96 will experience temporary closures under the direction of course monitors and the Franklin Police Department. If your road must be closed, it should be only for a short period of time, and we have taken every precaution to keep any traffic issues to a minimum. All roads will be open by 10:30am.

We apologize for any inconvenience, and we sincerely appreciate your cooperation and support of this event. We hope you will join us by participating in Viva la Diva as a runner, walker or volunteer.

If you have any questions or concerns, please visit the Viva la Diva website at: www.vivaladivarun.org for event information and a detailed map of the race routes with anticipated road closure times.

Sincerely,

Gail Sonia, Race Manager
4038 Clovercroft Rd.
Franklin, TN 37067
615-397-0978

City Administrator's Office
City Hall
109 Third Ave. South
Franklin, TN 37065
615-791-3217



Good Neighbor Letter
Contact List 2013

- Businesses along Carothers (Quail Hollow to Cool Springs Boulevard)
- Business along Carothers (Liberty Pike to Quail Hollow)
- Businesses along Cool Springs Blvd. (Carothers to McEwen)
- Neighborhoods on Cool Springs Boulevard:
 - Carronbridge Subdivision
 - The Enclave of Carronbridge
 - Ashton Park
 - Avalon

- Neighborhoods on McEwen Dr.
 - The Venue of Cool Springs

Neighborhood Associations of the above have been very helpful in getting the word out about Viva la Diva by sending out email notification to residents along with our Good Neighbor letter.

Road closure signs are posted along the route approximately 7 days prior to race day.



Department of the Treasury
Internal Revenue Service

P.O. Box 2508
Cincinnati OH 45201

In reply refer to: 0248567568
Feb. 24, 2010 LTR 4168C E0
62-0566419 000000 00

00031578
BODC: TE

SENIOR CITIZENS INC
174 RAINS AVE
NASHVILLE TN 37203-5319



123112

Employer Identification Number: 62-0566419
Person to Contact: Bill Bertram
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Feb. 12, 2010, request for information regarding your tax-exempt status.

Our records indicate that your organization was recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in MARCH 1958.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Beginning with the organization's sixth taxable year and all succeeding years, it must meet one of the public support tests under section 170(b)(1)(A)(vi) or section 509(a)(2) as reported on Schedule A of the Form 990. If your organization does not meet the public support test for two consecutive years, it is required to file Form 990-PF, Return of Private Foundation, for the second tax year that the organization failed to meet the support test and will be reclassified as a private foundation.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Client#: 13902

SENICIT

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/15/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER: The Crichton Group, 3011 Armory Drive Suite 250, Nashville, TN 37204. CONTACT NAME: Lisa Hostettler, PHONE: 615 383-9761, FAX: 615-687-2828, E-MAIL ADDRESS: Lhostettler@cbjw.net. INSURER(S) AFFORDING COVERAGE: INSURER A: Hanover Insurance Company (NAIC # 22292 A), INSURER B: Accident Fund Ins. (10166 A), INSURER C, D, E, F.

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL SUBR INSR WVD, POLICY NUMBER, POLICY EFF (MM/DD/YYYY), POLICY EXP (MM/DD/YYYY), LIMITS. Rows include General Liability (ZZ5959993200), Automobile Liability (AZ5954344800), Umbrella Liab (UH5959993100), Workers Compensation and Employers' Liability (WCV6043777), Profes Liability (ZZ5959993200), and Property (ZZ5959993200).

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required) The City of Franklin is named as additional insured on General Liability for the Viva La Diva 5K/10K/1mile Run/Walk

CERTIFICATE HOLDER

CANCELLATION

Certificate Holder: City of Franklin, Admin Office, 109 Third Ave. So., Franklin, TN 37064. Cancellation: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE: [Signature]

!!!! IMPORTANT NOTICE !!!!

PLEASE READ

ACORD Certificates of Liability Insurance

In September 2009, ACORD revised the ACORD 25 Certificate of Liability Insurance form. *One of the major changes was the removal of the cancellation notice provision.* For the following reasons, we are unable to issue an older edition of this form, modify the current form, or complete a proprietary form you provide:

- ACORD certificate forms must be filed and approved for use in some states. When a new form is approved, prior versions can no longer be used. Therefore, it may be illegal for us to issue anything other than the currently approved ACORD form in these states.
- Notice of cancellation is a policy right, not an unregulated service. No insurer is able to provide the exact cancellation notice you desire by endorsement. For example, **the Named Insured can cancel a policy immediately with no advance notice to the insurer**, so it would be impossible for the insurer to give you the notice you request. **State laws also grant the insurer the right to cancel for reasons such as nonpayment with less notice than you may require.**
- For the reason just cited, if our agency issued a certificate that provides the cancellation notice you request, we would do so with the full knowledge that it would be impossible to actually give that amount of notice under certain circumstances. As such, **the certificate could be alleged to constitute a misrepresentation or fraud which could subject our agency and staff to serious civil and criminal penalties.**
- If a certificate purports to provide a policy right different from that provided by the policy itself, then the certificate effectively purports to be a policy form. Policy forms must be filed and approved by our state department of insurance. **Use of non-filed policy forms is illegal** and could result in legal sanctions distinct from the assertion that the certificate is fraudulent.
- Under the ACORD Corporation's licensing agreement, the prior editions of superseded forms can be used for one year from the time the new forms are introduced. Beginning in September 2010, this is another reason we cannot use an older edition of the ACORD 25. Doing so would **violate ACORD's licensing agreement and, as a copyrighted document, federal copyright law.**
- Likewise, we are unable to modify the new certificate to add a notice of cancellation. **ACORD forms are designed to be completed, not altered.** ACORD's Forms Instruction Guide says that a certificate should not be used "To waive rights...To quote wording from a contract...To quote any wording which amends a policy unless the policy itself has been amended." Also, since some states require ACORD forms to be filed, any alteration to a filed form would require its re-filing. In addition, **insurance company contracts allow us to issue unaltered ACORD forms. Therefore, we cannot issue any proprietary certificates that have not been reviewed by the appropriate state insurance department or pre-approved by all insurers.**

We appreciate your understanding of the legal restrictions on our ability to modify an ACORD form, issue other editions of the form, or complete a proprietary form.