



BOARD OF DIRECTORS MEETING

The Board meeting of the Colorado FAIR Plan was held at 8:30am MDT on June 25, 2024, via Zoom with notice having been posted to the Plans website.

Those in attendance:

Board of Directors:

Bryan Bernier – Board Chair	CO Ins. Trade Ind. Agent	PIIAC
Trina Markey – Vice Chair	Admitted Mutual	State Farm Insurance Company
Jae Walker	Admitted Mutual	Liberty Mutual Insurance Company
Mark Woods	Admitted Stock	Travelers Insurance Company
Brad Levine	Consumer Advocacy	Levin, Sitcoff, Waneka
Carole Walker	CO Ins. Trade	RMIIA
John Bonner	Admitted Stock	Colorado Farm Bureau Insurance

Colorado FAIR Plan Association Staff:

Kelly Campbell	Executive Director	Colorado FAIR Plan Association
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Colorado Division of Insurance:

Keilani Fleming		DORA Division of Insurance
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Other:

Melissa Chlon		FAIR Plan Cost Sharing Alliance
Russ Hamblen		FAIR Plan Cost Sharing Alliance

Guests:

Melanie Bartlett	Plan Counsel
Rachel Cohen	

1. Call to Order

Mr. Bernier called the meeting to order and noted that a quorum was present.

2. Move to Executive Session

Mr. Bernier made a motion for the Board to move to Executive Session pursuant to CRS 24-6-402(3). Ms. Markey seconded the motion and it passed unanimously. The



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Board convened the Executive session at 8:35am MDT. and adjourned the Executive session at 9:26am MDT.

3. Reconvene General Session

Mr. Bernier reconvened the General Session.

4. Anti-Trust Preamble

Ms. Campbell read the Anti-Trust Preamble and noted that all Board members had previously signed the anti-trust statement.

5. Roll Call and Introduction of the Board

Mr. Bernier noted that a quorum was present.

6. Approval of Minutes

Mr. Bernier noted that the General Session Minutes of the prior meeting on June 11th, 2024, had been posted to the Plans website, and were also provided to all Board members prior to the meeting.

Ms. Walker moved to accept the Minutes of the June 11th, 2024, General Session meeting, Ms. Markey seconded, and the motion carried.

7. Updates and Decisions

Ms. Campbell noted that there were a number of updates as well as decisions to review and address within the Plan of Operations.

a. Article II, Section 1: The Plan will continue to operate under the definition of 'residual market mechanism'.

b. Article III, Producer Section:

i. Continuing Education: Detailed conversation took place as to whether the producer CE requirement of 2 hours should be considered permissive. Mr. Bernier explained the current statutory requirement for producers. He opined that the need for training is important, but the logistics and tracking is a large undertaking. Using the footprint set by the National Flood Insurance Program may be an option. Ms. Fleming noted that the Commissioner believes CE requirements are important, but it should not hamper producers' ability to submit applications on 1/1/2025 because of the lack of training programs.

Further discussion addressed whether the training is a requirement of the Plan or if it's a requirement that should be mandated in the statute.

ii. E&O Coverage: Mr. Levin asked if the producers should submit proof of active E&O insurance coverage. Ms. Cambell noted that she would work



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with the Alliance to ensure that applicable workflows and documentation are in place.

- c. Article IV, Section 2: Mr. Walker noted that it is a good idea to secure additional clarification on market share basis if the company is not actively writing business.
- d. Article V, Sections 6-9: Ms. Campbell and the legal team defined Officers, Compensation, Standard Conduct, and Conflict of Interest to be in line with other Associations.
- e. Article VIII, Section 2: Ms. Campbell lead a discussion about the Plan being defined as an 'insurer' in the section and the recommend rephrasing to reduce confusion since Plan is not a licensed insurance company. Mr. Levin agreed that clarification is needed or that the section should be removed.
- f. Article VIII, Section 4: Mr. Levin suggested removing the cited regulation since it only pertains to insurers.

Ms. Campbell noted that the indemnity and dispute resolution sections have been removed from this draft to allow for additional review. Further, she asked for any additional comments to be emailed by the end of business on Wednesday. She will review and send the updated draft to Commissioner Conway on Thursday, June 27th.

8. Other Business

Ms. Campbell asked the Board to review the dwelling and commercial manuals. The completion goal for the manuals is mid-July.

9. Adjournment

Mr. Bernier moved to close the meeting. Ms. Markey seconded; the motion passed unanimously.

Respectfully Submitted,

Kelly Campbell
Executive Director