



## Nonprofit Organizations Directors and Officers Liability Renewal Application

NOTICE: ALL COVERAGES FOR WHICH THIS APPLICATION IS MADE ARE WRITTEN ON A CLAIMS MADE BASIS, MEANING EXCEPT AS OTHERWISE PROVIDED, APPLY ONLY TO **CLAIMS** FIRST MADE AGAINST **INSUREDS** DURING THE **POLICY PERIOD**.

CAREFULLY READ THE ENTIRE POLICY FOR WHICH THIS APPLICATION IS MADE AND DISCUSS THE COVERAGE WITH YOUR INSURANCE AGENT OR BROKER. WORDS AND PHRASES WHICH ARE PRINTED IN BOLD ITALIC TYPEFACE HAVE SPECIFIC MEANING AND ARE DEFINED IN SECTION III. OF THE POLICY.

THE APPLICATION, ITS ATTACHMENTS AND ALL PREVIOUS APPLICATIONS SHALL SERVE AS THE BASIS OF THE POLICY, AND SHALL BECOME PART OF SUCH POLICY SHOULD A POLICY BE ISSUED, AND PHYSICALLY ATTACHED. THE **INSURER** RELIES UPON THE APPLICATION IN ISSUING THE POLICY. COMPLETION OF ANY SECTION OF THIS APPLICATION DOES NOT IN ANY WAY IMPLY SUCH COVERAGE UNDER THE POLICY. COVERAGE IS AFFORDED ONLY IF AND TO THE EXTENT INDICATED BY THE TERMS AND CONDITIONS OF THE POLICY IF ISSUED.

### 1. GENERAL INFORMATION *(This section must be completed)*

Named <i>Organization</i> :		
Street Address:		
City:	State:	Zip Code:

### 2. ORGANIZATION LIABILITY SECTION *(This section must be completed)*

- A. Does the named *Organization* continue to have tax exempt status as defined by the IRS? Yes  No
- B. Have there been any changes, other than electoral, in senior management in the last year? Yes  No   
If "Yes," provide details.
- C. In the last year, has the Organization acquired any ***Subsidiaries***, or gained control of any other entity or organization? Yes  No   
If "Yes" list Subsidiaries/controlled entities below and provide requested information for each.

Name	Description of Operations	Date Acquired or Created	For Profit or Nonprofit	Relationship to Applicant and % Applicant Owns

- D. Has the *Organization*, or any entity included in question 2.C:  
(Attach full details with respect to each "Yes" answer referencing the specific question.)
- Been involved in any merger, consolidation, acquisition, or divestment or sale of its operation within the last 12 months, or is such being considered within the next 12 months? Yes  No
  - Considered creating any new ***Subsidiaries*** or entities it will control within the next 12 months? Yes  No
- E. During the past year has the named *Organization*, any entity included in question 2.C, or any director, officer, trustee, or ***Employee*** thereof been involved in any:  
(If "Yes" attach full details.)
- Anti-trust, copyright, patent or trademark litigation? Yes  No
  - Civil or criminal actions or administrative proceedings charging a violation of any federal, state, or local antitrust, fair trade, or securities laws or regulations? Yes  No

3. Representative actions, class actions, or derivative suits? Yes  No
4. Other criminal proceedings? Yes  No
- F. Has the Board of Directors adopted a conflict of interest policy? Yes  No

### 3. FIDUCIARY LIABILITY SECTION (Only complete if coverage is requested)

A. New **Sponsored Plan** Information within the past 12 months(continue on separate sheet if necessary):

Plan #	Name of <i>Sponsored Plan</i>	Date Established	Total Plan Assets	Type of Plan*	# of Participants
1.					
2.					

\*DB-Defined Benefit; SEP-Simplified Employee Pension Plan; PS-Profit Sharing or Stock Bonus Plan; 403(b) Plan; 401(k) Plan; ESOP-Employee Stock Ownership Plan; MP-Money Purchase Pension Plan; CB-Cash Balance Plan

B. Complete the following chart for all plans listed in A above:

Plan #	Administrator	Investment Manager	CPA	Actuary	Legal Counsel
1.					
2.					

- C. Are any **Sponsored Plan** mergers or terminations, or reductions in benefits anticipated in the next year? Yes  No
- D. Have the **Sponsored Plans** been reviewed to assure that there are no violations of any Plan trust agreements, prohibited transactions, or party-in-interest rules? Yes  No
- E. Have any **Sponsored Plans** experienced any event reportable to the Pension Benefit Guaranty Corporation ("PBGC")? Yes  No
- F. Has the IRS withdrawn or threatened to withdraw the tax-exempt status of any **Sponsored Plan**? Yes  No
- G. During the past year have any of the **Insureds** been:
1. Accused or found guilty of, or held liable for a breach of ERISA or similar law? Yes  No
  2. Involved in any civil or criminal action regarding any of the **Sponsored Plans**? Yes  No
  3. Named in any **Claims** (other than for benefits) against the **Sponsored Plans** or any of their current or past fiduciaries? Yes  No

If "Yes" to any of the above, attach full details.

### 4. EMPLOYMENT PRACTICES LIABILITY SECTION (Only complete if coverage is requested)

A. **Employee** and Volunteer census of the named **Organization** and all of its **Subsidiaries** /Entities it controls:

Location	Full-Time	Full-Time One year ago	Part-Time	Part-Time One year ago	Independent Contractors**	Volunteers and Seasonal Employees
California						
All other states						
Foreign						
<b>TOTAL</b>						

\*\*If Independent Contractors, attach detailed job description(s) and employment relationship.

B. Has the named **Organization**, or entity included in question 2.C, closed any location, facility, branch or office, or has it implemented staff reductions or layoffs within the last 12 months? Yes  No

If "Yes":

1. Number of **Employees** terminated: \_\_\_\_\_

2. Date(s): \_\_\_\_\_

3. Was severance provided to each? Yes  No

4. Were releases secured from each **Employee**? Yes  No

C. Does the named **Organization**, or entities included in question 2.C, anticipate a reduction in funding, change of employee classifications, or implementation of staff reductions or layoffs in the next 12 months? Yes  No

If "Yes", advise details.

D. Provide the **Organization's** involuntary turnover ratio for the past 12 months: \_\_\_\_\_%; prior 12 months: \_\_\_\_\_%

E. During the past year has the named **Organization**, any entities included in question 2.C, or any director, officer, or **Employee** thereof been involved in any:

1. Employment or labor-related litigation? Yes  No

2. Administrative proceeding before the Equal Employment Opportunity Commission ("EEOC") or the U.S. Department of Labor including the Office of Federal Contract Compliance Programs ("OFCCP") or other federal, state or local government agency? Yes  No

3. **Claims** or suits by a non-employee (including Volunteers) for harassment, discrimination, or any other civil rights violation? Yes  No

If "Yes" to any of the above provide an attachment for each such **Claim** or incident including:

- (a) Specific allegation(s).
- (b) Date of incident(s).
- (c) Parties involved and their positions.
- (d) If matter is closed, amounts paid in indemnity and the amount paid for defense expense.
- (e) If matter is open, amount for defense expenses paid to date and outstanding indemnity reserve or attorney's estimate of damages.

PRODUCER NAME (IF ANY): \_\_\_\_\_

PRODUCER ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PRODUCER SIGNATURE: \_\_\_\_\_

(IF NEEDED/REQUIRED)

**Applicable in AL, AR, DC, LA, MD, NM, RI, VT and WV**

Any person who knowingly (or willfully)\* presents a false or fraudulent claim for payment of a loss or benefit or knowingly (or willfully)\* presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison. \*Applies in MD Only.

**Applicable in CO**

It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

**Applicable in FL and OK**

Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony (of the third degree)\*. \*Applies in FL only.

**Applicable in HI**

For your protection, Hawaii law requires you to be informed that any person who presents a fraudulent claim for payment of loss or benefit is guilty of a crime punishable by fines or imprisonment, or both.

**Applicable in KS**

Any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written, electronic, electronic impulse, facsimile, magnetic, oral, or telephonic communication or statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act.

**Applicable in KY, NY, OH and PA**

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties\* (not to exceed five thousand dollars and the stated value of the claim for each such violation)\*. \*Applies in NY Only.

**Applicable in ME, TN, VA and WA**

It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties (may)\* include imprisonment, fines and denial of insurance benefits. \*Applies in ME Only.

**Applicable in NJ**

Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.

**Applicable in OR**

Any person who knowingly and with intent to defraud or solicit another to defraud the insurer by submitting an application containing a false statement as to any material fact may be violating state law.

**Applicable in PR**

Any person who knowingly and with the intention of defrauding presents false information in an insurance application, or presents, helps, or causes the presentation of a fraudulent claim for the payment of a loss or any other benefit, or presents more than one claim for the same damage or loss, shall incur a felony and, upon conviction, shall be sanctioned for each violation by a fine of not less than five thousand dollars (\$5,000) and not more than ten thousand dollars (\$10,000), or a fixed term of imprisonment for three (3) years, or both penalties. Should aggravating circumstances [be] present, the penalty thus established may be increased to a maximum of five (5) years, if extenuating circumstances are present, it may be reduced to a minimum of two (2) years.

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## 6. APPLICABLE TO ALL SECTIONS FOR WHICH COVERAGE APPLIES

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**ANY PERSON WHO, WITH INTENT TO DEFRAUD OR KNOWING THAT (S)HE IS FACILITATING A FRAUD AGAINST AN *INSURER*, SUBMITS AN APPLICATION OR FILES A *CLAIM* CONTAINING A FALSE OR DECEPTIVE STATEMENT, IS GUILTY OF INSURANCE FRAUD.**

Are any *Insured(s)* aware of any fact, circumstance, situation, transaction, event, act, error, or omission which (s)he (they) would suppose might afford grounds for a *Claim* which could fall within the scope of coverage applied for herein, or which indicate the possibility of any such *Claim*?

Yes  No

If "Yes," provide full details below.

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WITHOUT PREJUDICE TO ANY OTHER RIGHTS AND REMEDIES OF THE *INSURER*, ANY *CLAIM* ARISING FROM ANY FACT, CIRCUMSTANCE, SITUATION, TRANSACTION, EVENT, ACT, ERROR, OR OMISSION DISCLOSED OR REQUIRED TO BE DISCLOSED ABOVE ARE EXCLUDED FROM THE PROPOSED COVERAGE.

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The signatory declares that to the best of his or her knowledge the statements herein are true. The signatory agrees that if the information supplied on this application changes between the date of this application and the effective date of the proposed insurance the undersigned shall notify the *Insurer* of such and shall provide the *Insurer* with information that would complete, update, or correct the application. The *Insurer* may withdraw or modify any of the terms or conditions of coverage accordingly.

Signature\*: \_\_\_\_\_ Date Signed: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Print Name: \_\_\_\_\_

Title\*:  President  Chief Executive Officer  Chairperson of the Board of Directors

**\*MUST BE SIGNED BY THE PRESIDENT, CHIEF EXECUTIVE OFFICER OR CHAIRPERSON OF THE BOARD OF DIRECTORS WHO IS AUTHORIZED TO SIGN ON BEHALF OF ALL INSUREDS.**

COMPLETION AND/OR SIGNING OF THE APPLICATION DOES NOT BIND THE SIGNATORY TO PURCHASE, NOR THE *INSURER* TO PROVIDE ANY INSURANCE POLICY; HOWEVER, NO POLICY CAN BE ISSUED UNLESS THE APPLICATION IS PROPERLY SIGNED AND DATED.

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Please submit the following items with this **application**:

1. Latest CPA audited annual report (CPA opinion, all statements, all notes to statements). If annual financials are not audited by a CPA, INCLUDE latest annual CPA Review Report or Compilation Report.