

One Bala Plaza, Suite 100 Bala Cynwyd, PA 19004

A Member of the Tokio Marine Group

FLEXI PLUS FIVE APPLICATION

NOT-FOR-PROFIT ORGANIZATION DIRECTORS AND OFFICERS LIABILITY INSURANCE EMPLOYMENT PRACTICES LIABILITY INSURANCE FIDUCIARY LIABILITY INSURANCE WORKPLACE VIOLENCE COVERAGE INTERNET LIABILITY INSURANCE

> THIS IS AN APPLICATION FOR A CLAIMS MADE POLICY PLEASE READ YOUR POLICY CAREFULLY

Instructions:

- Whenever used in this Application the term **Applicant** shall mean the Parent Organization and its whollyowned/controlled subsidiaries.
- The **Applicant** is required to complete Sections 1, 2, and 7.
- The **Applicant** should complete other applicable Section(s) for which coverage is desired. (See chart below)

Check Coverage Desired	Section	Requested Limit	Requested Retention
General Information	1	N/A	N/A
Directors & Officers	2	\$	\$
Employment Practices	3	\$	\$
Fiduciary Liability	4	\$	\$
Workplace Violence	5	\$	\$
Internet Liability	6	\$	\$
General Summary	7	N/A	N/A

SECTION 1 – GENERAL INFORMATION (All Applicants <u>must</u> complete this section)

1. Name of Parent Organization:

2. Address:

Telephone:

_____ Internet Address: www. _____

3. Date Established: _____ State of Incorporation: _____

4. Standard Industrial Classification (SIC) #: _____

5. Please describe the nature of the Applicant's operations:

- 6. Does the **Applicant** have a tax-exempt status under the U.S. Internal Revenue Code? Yes No **If no**, **provide an explanation**.
- 7. The Officer of the **Applicant** designated to receive any and all notices from the **Underwriter** or their authorized representative concerning this insurance is:

E-mail Address

8.	Number of Members:		Number of Chapte	rs:		
	Please attach details for all "YES'	' answers to quest	ions 8 – 12.			
9.	Does the Applicant publish any ma	gazines, periodicals	or newsletters?	Yes	No	
10	. Is the Applicant involved in product	research, product o	levelopment, testin	g and/o	r certification? Yes	No
11	. Does the Applicant set standards fo Yes No	or the qualification a	nd performance ar	nd/or ce	rtify its members?	
12	. Does the Applicant engage in any o	disciplinary actions a	as a result of peer i	eview a	activities? Yes No	
13	. Does the Applicant administer or sp	consor any insuranc	e programs for its	membei	rs? Yes No	
FI	NANCIAL INFORMATION	CURRENT FISCA	L YEAR	PRE	VIOUS FISCAL YEAR	
тс	DTAL ASSETS:	\$		\$		
NE	T ASSETS / FUND BALANCE:	\$		\$		
AN	INUAL REVENUE:	\$		\$		
NE	T REVENUE Please attach th	\$ ne most recent anr	ual financial audi	\$ t or 990) form.	
	SEC	TION 2 - DIRECTO	RS AND OFFICE	RS		

(All Applicants must complete this section)

1. Directors and Officers Liability Insurance has been continuously in force since: ____

2. Provide a list of all direct and indirect subsidiaries or any other entity or organization the **Applicant** controls:

F	Percent the Applicant	DateCreated/	For Profit /
Name/Type of Business	Owns/Controls	Acquired	Non-Profit
Example: ABC Foundation, Inc/ Charitable Children's Foundation	100%	01/01/2000	Non-Profit

□ Additional entities listed by attachment

3. Has the **Applicant** or any person proposed for coverage herein been the subject of, or involved in, any of the following in the past five (5) years? **If yes, please attach details.**

Anti-trust, copyright or patent litigation?	🗌 Yes	No
Any disciplinary action by any regulatory agency or association?	🗌 Yes	No
Any action where a license was revoked or suspended?	Yes	No
Any administrative proceeding charging violation of a federal or state law or regulation?	Yes	No
Any other criminal actions?	Yes	No

It is agreed that with respect to Question #3, if such circumstances exist, any claim arising from such circumstances are excluded from the proposed insurance.

i	In the past twenty-four (24) months involved in any of the following? Mergers, acquisitions or consolidation		. ,			or antici Yes	ipate being No
	Changes in the board of directors or					Yes	No If yes,
	please attach details.	J. J			,.		,, , ,
	Does the Applicant direct or reques entity?		o serve as direct	or, officer, gov	ernor or tr	ustee c	of any other
	SE (Complete this section)	CTION 3 – EMP only if Employn			age is des	sired.)	
1.	Employment Practices Liability Insu	rance has been c	ontinuously in fo	rce since:			
	Please provide the following employ U.S. based employees/volunteers			One Year Ag	0	` wo	Years Ago
	Full Time employees:						
	Part Time employees: Temporary employees:				_		
_	Volunteers:				-		
	Non U.S. based employees/volunt OTAL SUM OF ABOVE:	eers:					
3.	How many employees have been te Voluntary: Involu					ted:	
4.	Is any reduction of employees or ch Voluntary: Involun				Demot	ions:	
6. 7. 8. 9.	Does the Applicant have an emplo Does the Applicant use an emplo Does the Applicant have an "At W Has the Applicant implemented a Has the Applicant implemented an Does the Applicant use outside en	yment application /ill" provision in th n anti-sexual har anti-discrimination	n for every poten ne employment a assment policy? on policy?	pplication or h		Ye Ye Ye	es No es No
		SECTION 4 – FI					
	(Complete this s			U	iesirea.)		
1.	Fiduciary Liability Insurance has bee	en continuously ir	n force since:				
	List all plans for which coverage is r	Year	Assets/	• /			
	an Name ample:	Established	Contributions	Type* Partie	<u>cipants</u>	Admi	<u>nistrator</u>
	The ABC Children Corp 401K Plan	2000	\$1,000,00	2	75		self
a)							
b)							
c)							
d)							
ER	=Employee Welfare Benefit Plan (IISA), 3= Defined Benefit Plan (as pplemental Application must be c	defined by ERIS					

Please attach a separate page or use the additional information page provided at the end of the application.

- 3. Does any plan(s) employ the investment, trustee, actuarial, legal, administrative, custodial or benefits consulting services of any outside provider? Yes No **If yes, please attach details.**
- 4. Has termination been requested or contemplated for any plan?
 Yes No
- 5. Has any amendment to any plan been made or contemplated within the past two (2) years, or is any amendment now contemplated, which has resulted or might result in any reduction of benefits including, but not limited to, an increase in participants' portion of cost? Yes No If yes, please attach details. If there has been any amendment(s), please attach copies.
- 6. Has any plan been spun-off (sold), transferred or terminated? Yes No If yes, please attach details.
- 7. Are there or have there been within the last three (3) years any known or alleged violations of ERISA or any similar statutory or common law (including applicable amendments, rules and regulations) of the United States, Canada or any state or other jurisdiction to which a plan is subject? Yes No If yes, please attach details.
- 8. Does the **Applicant** have any information to suggest or indicate that any of the plans it sponsors may be under governmental or regulatory investigation with regard to the applicable plan's funding, administration or investment strategies? Yes No **If yes, please attach details.**
- 9. Is Form 5500 filed on an annual basis for each plan? Yes No If yes, provide a copy of the most recent 5500; If no, please attach details.

SECTION 5 – WORKPLACE VIOLENCE

(Complete this section only if Workplace Violence coverage is desired.)

Please attach a copy of your employee and customer complaint/grievance procedures.

1. Wor	kplace Violence Insurance has been continuously in force since:		
2. The	Applicant's total number of work locations:		
	Applicant's total number of employees:s the Applicant:		
	have an employee assistance program?	Yes	No
	have a progressive disciplinary policy?	Yes	No
	have an employee complaint/grievance resolution procedure?	Yes	No
	have a written policy on workplace violence that is circulated to all employees?	Yes	No
	train employees to recognize, report, and respond to potentially hostile situations?	Yes	No
	have a process for performing background checks for all potential employees?	Yes	No

- 5. In the past twelve (12) months, has the **Applicant** been involved with any layoffs, staff reductions, or facility closings? Yes No **If yes, please attach details.**
- 6. In the next twelve (12) months, does the **Applicant** contemplate any layoffs, staff reductions, or facility closings? Yes No **If yes, please attach details.**
- 7. Has the **Applicant** or any person proposed for coverage herein been the subject of, or involved in, any incidents of workplace violence in the last five years? Yes No **If yes, please attach details.**

SECTION 6 – INTERNET LIABILITY (Complete this section <u>only</u> if Internet Liability coverage is desired.)

- 1. Internet Liability Insurance has been continuously in force since: _____
- 2. Please identify the internet site(s) for which coverage is sought, the date each site first went on-line, and (if known) the average number of page views per month:

Interr	net site address	Date on-line	Average page views per month
3. Do	es the Applicant conduct transactions (e-	commerce) on the site o	r is the site informative only?
	Transactional / E-commerce (Please com Informational Only (Please go to question Both (Please complete questions 4, 5,& 6	6))

- 4. The Applicant's projected annual gross revenues from the internet site: \$ _____
- 5. Please describe the type and purpose of the transactions performed on the site:
- 6. What percentage of monthly page views on the **Applicant's** internet site originates outside the U.S. and Canada? %

SECTION 7 – GENERAL SUMMARY (All Applicants <u>must</u> complete this section.)

- 1. Has the **Applicant** given written notice under the provisions of any prior policies providing similar insurance or claims, or of specific facts or circumstances which might give rise to a claim being made against any person or entity applying for this insurance? Yes No **If yes, complete a Claim Supplemental for each incident**.
- 2. No person applying for this coverage is aware of any facts or circumstances which he or she has reason to suppose might give rise to a future claim that would fall within the scope of any of the proposed coverages for which the **Applicant** has applied, except: None or as noted below:

3. Current Coverage

COVERAGES	Insurance Company	Limit of Liability	Deductible	Policy Effective Dates	Premium
D&O		\$	\$		\$
EPLI		\$	\$		\$
Fiduciary		\$	\$		\$
Workplace		\$	\$		\$
Violence					
Internet Liability		\$	\$		\$
General Liability		\$	\$		\$
Professional		\$	\$		\$
Liability					

4. With respect to the above coverage, has any Underwriter refused, canceled or non-renewed coverage? (Not applicable in Missouri) Yes No If yes, provide details.

Material Change

If there is any material change to the answers of this Application's questions prior to the policy inception date, the **Applicant** must notify the Underwriter in writing. Any outstanding quotation may be modified or withdrawn.

False Information

WARNING: 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.

FRAUD NOTICE STATEMENTS

NOTICE TO APPLICANTS: "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 MAY SUBJECT SUCH PERSON TO CRIMINAL AND CIVIL PENALTIES."

NOTICE TO ALASKA RESIDENTS APPLICANTS: "A PERSON WHO KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD OR DECEIVE AN INSURANCE COMPANY FILES A CLAIM CONTAINING FALSE, INCOMPLETE OR MISLEADING INFORMATION MAY BE PROSECUTED UNDER STATE LAW."

NOTICE TO ARKANSAS RESIDENT APPLICANTS: "ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON."

NOTICE TO ARIZONA RESIDENTS APPLICANTS: "FOR YOUR PROTECTION ARIZONA LAW REQUIRES THE FOLLOWING STATEMENT TO APPEAR ON THIS FORM. ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS IS SUBJECT TO CRIMINAL AND CIVIL PENALTIES."

NOTICE TO COLORADO RESIDENTS APPLICANTS: "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."

NOTICE TO DISTRICT OF COLUMBIA APPLICANTS: "WARNING: IT IS A CRIME TO PROVIDE FALSE OR MISLEADING INFORMATION TO AN INSURER FOR THE PURPOSE OF DEFRAUDING THE INSURER OR ANY OTHER PERSON. PENALTIES INCLUDE IMPRISONMENT AND/OR FINES. IN ADDITION, AN INSURER MAY DENY INSURANCE BENEFITS IF FALSE INFORMATION MATERIALLY RELATED TO A CLAIM WAS PROVIDED BY THE APPLICANT."

NOTICE TO FLORIDA RESIDENTS APPLICANTS: "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."

NOTICE TO KENTUCKY APPLICANTS: "ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE 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."

NOTICE TO LOUISIANA RESIDENTS APPLICANTS: "ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON."

NOTICE TO MAINE RESIDENTS APPLICANTS: "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 OR A DENIAL OF INSURANCE BENEFITS."

RESIDENTS OF MARYLAND APPLICANTS: "ANY PERSON WHO KNOWINGLY AND WILLFULLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR WHO KNOWINGLY AND WILLFULLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON."

RESIDENTS OF MINNESOTA APPLICANTS: "ANY PERSON WHO, WITH INTENT TO DEFRAUD OR KNOWING THAT HE/SHE IS FACILITATING A FRAUD AGAINST ANY INSURER, SUBMITS AN APPLICATION OR FILES A CLAIM CONTAINING A FALSE OR DECEPTIVE STATEMENT IS GUILTY OF INSURANCE FRAUD."

RESIDENTS OF NEW JERSEY APPLICANTS: "ANY PERSON WHO INCLUDES ANY FALSE OR MISLEADING INFORMATION ON AN APPLICATION FOR AN INSURANCE POLICY IS SUBJECT TO CRIMINAL AND CIVIL PENALTIES."

RESIDENTS OF NEW MEXICO APPLICANTS: "ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO CIVIL FINES AND CRIMINAL PENALTIES."

RESIDENTS OF NEW YORK APPLICANTS: "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 SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS AND THE STATED VALUE OF THE CLAIM FOR EACH SUCH VIOLATION."

RESIDENTS OF OHIO APPLICANTS: "ANY PERSON WHO, WITH INTENT TO DEFRAUD OR KNOWING THAT HE/SHE IS FACILITATING A FRAUD AGAINST ANY INSURER, SUBMITS AN APPLICATION OR FILES A CLAIM CONTAINING A FALSE OR DECEPTIVE STATEMENT IS GUILTY OF INSURANCE FRAUD."

RESIDENTS OF OKLAHOMA APPLICANTS: "ANY PERSON WHO KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD OR DECEIVE ANY INSURER, MAKES ANY CLAIM FOR THE PROCEEDS OF AN INSURANCE POLICY CONTAINING ANY FALSE, INCOMPLETE OR MISLEADING INFORMATION IS GUILTY OF A FELONY."

RESIDENTS OF OREGON APPLICANTS: "ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD OR SOLICIT ANOTHER TO DEFRAUD AN INSURER: (1) BY SUBMITTING AN APPLICATION, OR (2) BY FILING A CLAIM CONTAINING A FALSE STATEMENT AS TO ANY MATERIAL FACT, MAY BE VIOLATING STATE LAW."

RESIDENTS OF PENNSYLVANIA APPLICANTS: "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."

RESIDENTS OF TENNESSEE APPLICANTS: "IT IS A CRIME TO KNOWINGLY PROVIDE FALSE, INCOMPLETE OR MISLEADING INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING THE COMPANY. PENALTIES INCLUDE IMPRISONMENT, FINES AND DENIAL OF INSURANCE BENEFITS."

RESIDENTS OF TEXAS APPLICANTS: IF A LIFE, HEALTH AND ACCIDENT INSURER PROVIDES A CLAIM FORM FOR A PERSON TO USE TO MAKE A CLAIM, THAT FORM MUST CONTAIN THE FOLLOWING STATEMENT OR A SUBSTANTIALLY SIMILAR STATEMENT: "ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON."

RESIDENTS OF VIRGINIA APPLICANTS: "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."

RESIDENTS OF WASHINGTON APPLICANTS: "IT IS A CRIME TO KNOWINGLY PROVIDE FALSE, INCOMPLETE, OR MISLEADING INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSES OF DEFRAUDING THE COMPANY. PENALTIES INCLUDE IMPRISONMENT, FINES, AND DENIAL OF INSURANCE BENEFITS."

RESIDENTS OF WEST VIRGINIA APPLICANTS: "ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON."

Signature

The Undersigned warrants that to the best of his/her knowledge and belief the statements set forth herein are true. The Undersigned further declares that any occurrence or event that takes place prior to the effective date of the insurance applied for which may render inaccurate, untrue, or incomplete any statement made will immediately be reported in writing to the Underwriter. The Underwriter may withdraw or modify any outstanding quotations and/or authorization or agreement to bind the insurance. The Underwriter is hereby authorized to make any investigation and inquiry in connection with the information, statements and disclosures provided in this Application. The signing of this Application does not bind the Undersigned to purchase the insurance, nor does the review of this Application bind the insurance company to issue a policy. It is agreed that this Application shall be the basis of the contract should a policy be issued. This Application will be attached and become a part of the policy.

Name (Please Print/Type)

Title (MUST BE SIGNED BY THE PRESIDENT, CHAIRMAN OR EXECUTIVE DIRECTOR)

Signature

Date

Agency

The above signed warrants that he/she is authorized and has the power to complete and execute this Application, including the Warranty Statement on behalf of the **Applicant** and their respective Directors, Officers or other insured persons.

Produced By: (Section to be completed by Producer/Broker)

Producer

Agency Taxpayer ID or SS No.

Producer License No:

Address (Street, City, State, Zip)

ADDITIONAL INFORMATION

This page may be used to provide additional information to any question on this application. Please identify the question number to which you are referring.

Signature

Date

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