



FIDUCIARY LIABILITY APPLICATION INCLUDING EMPLOYMENT PRACTICES LIABILITY

I. INSTRUCTIONS

1. Completion of this application neither binds coverage nor guarantees that a quote or policy will be issued.
2. Requested coverage is not automatically provided. Read your quote carefully. The policy, if issued, will determine actual coverage.
3. All questions must be answered. If a question does not apply, write "N/A." If more space is needed, continue a separate sheet, and indicate the question number.
4. Some questions require supporting documentation. Provide all requested documentation with the fully completed application, signed and dated by the owner, partner, or legal officer.

II. APPLICANT INFORMATION

1. Primary applicant's full legal name that is to be listed as first Named Insured: _____

2. Are there any other entities, including Subsidiaries, or DBAs you are seeking coverage for under this policy? Yes No
a. If yes, list: _____

3. The Applicant is a(n):
 Individual Partnership Corporation Non-Profit Privately Held Publicly Trade
4. Please list any names of other entities that you own or manage or that you do business under (such entities are not requesting coverage under this policy): _____

5. Subsidiaries – Please attach the following information on all subsidiaries (including subsidiaries of subsidiaries):
 - a. Name and address
 - b. Percentage of ownership
 - c. Nature of business
 - d. Name of Parent Company
6. Years in operation under current ownership/management: _____
7. Mailing Address: _____
City: _____ State: _____ Zip: _____
8. Primary/Premise Address: _____
City: _____ State: _____ Zip: _____
(If you have multiple premise locations, please attach a complete address list.)

9. Name and Title for best contact: _____
a. Phone Number: _____
b. Email Address: _____

10. Website: _____

11. Do you currently have liability insurance for your operations? Yes No
a. If yes and your policy is with Richmond National, what is the policy number? _____
(if your policy is with Richmond National, skip b. through f. below)
b. What is the policy expiry date? _____
c. If your current policy is on a Claims Made form, what is the Retroactive Date? _____
Please attach a copy of your current policy Declarations Page for Date and Limits confirmation if you want to retain this Retroactive Date.
d. Who is the current insurance carrier? _____
e. Are they offering renewal? Yes No
f. Expiring premium: _____

12. Name of your Insurance Agent/Agency: _____

13. Name of your Insurance Broker/Brokerage: _____

14. Does any entity own your business or does your business own or control any other entity? Yes No

15. Has the name or ownership of the entity changed or has any other business been purchased, merged, or consolidated with the entity within the last 5 years? Yes No

16. During the past five years, has your name been changed or has any other business purchased, merged, or consolidated with you? Yes No

17. Does the Applicant have foreign operations? Yes No

If you answered Yes to questions 14-17, please provide full details including the timing, the essential terms of the event, arrangement, impact on employee base and the surrounding circumstances. Please use a separate page, if needed.

18. Please list any associations of which you are a member: _____

III. ORGANIZATION INFORMATION

1. Please describe the applicant's nature of operations or business (type of products or services provided):

2. Does the Applicant have any subsidiaries or control any other entity or organization for which coverage is requested? Yes No

If Yes, please provide a description of operations, ownership, and tax status for each such entity (use a separate page, if needed): _____

3. In the next 12 months (or in the past 24 months) is the Applicant contemplating or has the Applicant completed or been in the process of completing:

- a. Any actual or proposed merger, acquisition, divestment or consolidation? Yes No
- b. Any branch, location, facility or office closing, consolidations or layoffs? Yes No
- c. Any reorganization or arrangement with creditors under federal or state law? Yes No
- d. Any creation of a new organization, subsidiary, or division? Yes No

If you answered Yes to any part of Question 3, please provide full details including the timing, the essential terms of the event, arrangement, impact on employee base and the surrounding circumstances. Please use a separate page, if needed.

4. Is the Applicant managed or administered by any third party under contract or agreement? Yes No

5. Does the Applicant manage or administer any entity (other than the Applicant Entity) under contract or agreement? Yes No

If Yes, please explain (use a separate page if needed): _____

IV. FINANCIAL INFORMATION (Send financial statements – both a Balance Sheet and P&L statements)

1. Provide the following financial information for the Named Insured and related Subsidiaries:

Indicate the following as it relates to the Applicant’s fiscal year-end (FYE) <i>(Please indicate negative figures with “()” or “-“ as appropriate)</i>	Most Recent FYE (Month/Year) (____ / ____)	Prior FYE (Month/Year) (____ / ____)
Total Assets		
Total Liabilities		
Gross/Total Revenues		
Net Income (Net Loss)		
Cash Flow from Operations		

2. Is the Applicant currently (or has it been in the past 24 months) in violation of, or has it received an amendment to any debt covenant? Yes No

If Yes, please explain (use a separate page if needed): _____

V. FIDUCIARY LIABILITY (Please provide all Plan Statements)

1. Please provide the following information on all Plans for which coverage is requested (please complete a plan questionnaire or provide information on a separate page, as needed, or requested):

Plan Name	Plan Type	Year Established	Total Plan Assets	Total # of Participants	Multi or Multiple Employer Plan (Yes/No)	Plan Funding Percent
			\$			%
			\$			%
			\$			%
			\$			%

Types of Plans: Defined Contribution = DC; Defined Benefit = DB; Excess Benefit Plan = EB; Welfare Benefit Plan = WB; Employee Stock Ownership Plan = ESOP

a. List the names of all Fiduciaries named in the plan:

Administrator: _____

Investment Manager: _____

Directors and Officers: _____

Other Fiduciaries (name/title/role to plan): _____

2. What is the level of funding for the plan(s)? Fully Funded Over Funded Under Funded

3. If any plan for which coverage is requested holds or invests in securities of the Applicant, please provide details, including name of plan, number of shares held and most recent share value. If no such plan, check here: None

4. Is any listed Plan a multiemployer or multiple employer plan? Yes No

If Yes please provide detail and if merger activity is anticipated. _____

5. In the past 18 months has the Applicant merged, spun-off, transferred or terminated any employee benefit plan(s) or is any such merger, spin-off, transfer or termination being contemplated in the next 18 months?

Yes No

If Yes, provide details including transaction date, status of asset distribution, whether similar benefits are being offered, and name of insurance carrier if terminated plan benefits are secured by insurance.

6. Are all plans in compliance with plan agreements or ERISA? Yes No

If No, please describe: _____

7. Does the Applicant or any Subsidiary utilize a Plan investment manager? Yes No

If Yes, what % of Plan assets are managed by the manager as defined by ERISA? _____%

8. Has any Fiduciary been:

(a) Accused of, found guilty of, or held liable for a breach of trust or breach of duty? Yes No

(b) Convicted of criminal conduct or act enumerated in Section 411 of ERISA? Yes No

(c) Refused coverage under an ERISA Fidelity Bond? Yes No

(d) The subject of any alleged breach of duty or other Fiduciary Liability Claim? Yes No

If Yes to any of the above, please attach a full description of the details. _____

8. How often are plan guidelines and goals reviewed and/or amended by the fiduciaries? _____

9. Does the Applicant or any Subsidiary expect any reduction in benefits, cessation of benefits, or increase in costs to the Plan participants as a result of any plan amendment anticipated in the next twelve months?

Yes No

10. Was any such amendment adopted within the last two years? Yes No

11. Do any current or future plan(s) employ outside providers to perform services in the following disciplines?

(a) Investment Yes No

(b) Accounting Yes No

(c) Actuarial Yes No

(d) Legal Yes No

(e) Administrative Yes No

(f) Benefits Consulting Yes No

(g) Trustee Yes No

(h) Other Yes No

12. Does the plan hold any contract with a guaranteed return [including Guaranteed Investment Contracts (GICs), Guaranteed Annuity Contracts (GACs), or Bank Investment Contracts (BICs)]? Yes No

If Yes, please attach complete details, including name of contract provider, the market value of the contract, and the date the contract expires. _____

13. Is there an ERISA Fidelity Bond coverage in force with another Insurer? Yes No

If Yes, please indicate below:

a. Insurer: _____ b. Limit of Liability: _____
c. Premium: _____

14. Has any ERISA Fidelity Bond for this plan ever been refused, canceled, or non-renewed? Yes No

15. Does a non-employee Investment Manager manage all assets? Yes No

a. If Yes, how often is the Investment Manger's performance reviewed?

Monthly Quarterly Semi-Annually Other (If Other, please explain): _____

b. If Yes, how often are the Investment Manager's guidelines for investment reviewed by the Fiduciaries?

Semi-Annually Annually Bi-Annually Other (If Other, please explain): _____

c. If No, or "only for some" assets are invested by an Investment manager, please explain: _____

16. Who controls the documentation about the plan that is distributed to participants and beneficiaries?

a. Is there a process to review documentation before it is distributed? Yes No

If Yes, please attach a copy of the procedure or explain the process on a separate page or below:

17. Has the plan requested or contemplated filing a request for termination?

If Yes, please provide complete details (use a separate page if needed): _____

18. In the past two years, have there been any amendments to the plan, or has any amendment been contemplated, that has resulted in or may result in any change or reduction of benefits, including but not limited to an increase in participants' share of costs?

If Yes, please provide complete details (use a separate page if needed): _____

19. In the last 12 months, has there been any merger, acquisition, restructuring, or consolidation of or by the Sponsor Organization, or any of its subsidiaries, that resulted in or may result in plan participants transferring to another plan, company, or subsidiary?

a. Is any such action being considered?

If yes for either question, attach complete details or advise below on the following:

- Date (or expected date) of the transfer of benefits
- Copies of materials distributed (or to be distributed) to Employees relating to the transfer of benefits
- Most recent financial statements for any created or acquired subsidiaries

20. Has there been, or is there now pending, any claim(s) against any proposed Insured arising out of this plan? If Yes, please provide complete details (use a separate page if needed): _____

VI. EMPLOYMENT PRACTICES LIABILITY (Complete only if applying for this coverage)

1. Number of Employees, Independent Contractors, and Volunteers:

Full Time _____

Part Time _____

Leased _____

Temporary/Seasonal _____

Independent Contractors _____

Volunteers _____

Total number of employees **located outside the U.S** (please include the country/territory): _____

3. If you have multiple locations, please list employees by state:

	State:	State:	State:	State:	State:
Full Time					
Part Time					

Leased					
Temporary/Seasonal					
Independent Contractors					
Volunteers					

4. Salary Ranges: Number of employees by total head count above (including bonuses, dividends, and commissions for all mentioned above)
- \$50,000 or less: _____
- \$50,001 to \$100,000: _____
- \$100,001 to \$250,000: _____
- \$250,000 and over: _____
5. What's the average annual percentage of employee turnover?
- <5%
- 5%-15%
- 16%-30%
- >30%
6. How many employees are covered by collective bargaining or other union agreements? _____
7. In the past 12 months, how many **officers** have left your employment? _____
- Of the above, how many were involuntarily terminated? _____
8. In the past 12 months, how many **other employees** have left your employment? _____
- Of the above, how many were involuntarily terminated? _____
9. In the past twelve (12) months, has your total number of employees decreased by more than ten percent (10) or five (5) employees, whichever is greater, through any reduction in force, systematic lay-off, closure of any division, office or facility that you own or operate or for any other reason? (If Yes, please complete the Reduction In Force supplement.) Yes No
10. In the next twelve (12) months, do you anticipate the total number of your employees to decrease by more than ten percent (10%) or five (5) employees, whichever is greater, through any reduction in force, systematic lay-off, closure of any division, office or facility that you own or operate or for any other reason? (If Yes, please complete the Reduction In Force supplement.) Yes No
11. If during the next 12 months, circumstances of which are you currently unaware make it necessary for you to decrease the number of your employees by ten percent (10%) or five (5) employees, whichever is great, through the implementation of any reduction in force, systematic layoff, closure of any division, office or facility that you own or operate or for any other reason (with any such reduction, lay-off or closure not known, anticipated or planned by you as of the date of this Application), do you agree that you will consult with, and adopt the advice of, a lawyer who specializes in labor and employment law (may include in-house counsel, but only if that counsel is qualified and experienced in the practice of labor and employment law) as respects

the implementation of such reduction, lay-off or closure? (If No, please explain on a separate sheet.)

Yes No

12. Does the Applicant anticipate any merger, acquisition, or addition of any operations that would comprise a twenty-five percent (25%) or ten (10) employees, whichever is greater, increase over the current number of employees? (If Yes, please provide full details on a separate sheet.)

Yes No

13. Has any insurer ever cancelled or non-renewed the Applicant or its predecessor for this type of coverage? (If Yes, please provide details on a separate sheet.)

Yes No

VII. HUMAN RESOURCES

1. Have all management staff and officers attended training and education programs on sexual harassment within the last eighteen (18) months?

Yes No

If Yes, who has attended? _____

If Yes, who conducts the sessions? _____

2. Do you have written employment agreements with all the officers?

Yes No

3. Do you have your labor relations or employment counsel review the employment policies/procedures at least annually?

Yes No

If Yes, identify the firm and date of last review: _____

4. Do you have a separate Human Resources Department?

Yes No

If Yes, how many employee are in this department? _____ Is it centralized? Yes No

If No, who handles this function? _____

5. Does the Applicant publish and distribute an employee handbook?

Yes No

a. If Yes, does the Applicant distribute it to all employees? Yes No

b. If Yes, do all employees sign up for its receipt? Yes No

c. If Yes, does it expressly state that it is not a contract and that employment is "at will"? Yes No

6. Does an employment attorney review the Employee handbook?

Yes No

If Yes, when was the Employee handbook last reviewed by an employment attorney and what was the name of the firm or attorney? _____

7. Are there written procedures for handling employee complaints of discrimination or sexual harassment?

Yes No

8. Do you have written procedures for handling employee grievances or complaints?

Yes No

9. Do you have a parental leave policy in place?

Yes No

10. Do you provide Mother/Lactation room and/or allocated time for Mothers?

Yes No

11. Who does the Applicant require all terminations to be reviewed by:

The person in charge of human resources? Yes No

Outside counsel? Yes No

Other: _____ Yes No

12. Does the Applicant maintain a personnel file for each employee? Yes No
13. Have you had in place for the past three years or since formation, whichever is the shorter time period, written procedures and guidelines to classify the status of each employee as Non-Exempt or Exempt under the rules and regulations of the Fair Labor Standards Act of 1938, as amended? Yes No
14. What percentage of the applicant's employee base is: Exempt _____% Non-Exempt _____

VIII. THIRD PARTY INFORMATION (Complete only If applying for this coverage)

1. Please describe the frequency and nature of third-party contact. _____

2. Estimated number of employees with customer/client contact. _____
3. Have you or you predecessors ever received a formal or informal complaint from a non-employee, such as a customer, client, or prospective customer or client complaining about discrimination or harassment by the Applicant or any employee of the Applicant? Yes No
 If Yes, please provide details here or on a separate page. _____

4. Do you conduct staff training on client and customer relations issues such as avoiding discriminatory behavior? Yes No
5. Does the applicant have policies and procedures for reporting and dealing with complaints by customers/clients? Yes No
6. Is the Applicant in compliance with Title III of the Americans with Disabilities Act (building and premises requirements)? Yes No

IX. PRIOR KNOWLEDGE & OTHER MATERIAL INFORMATION

1. Does the Applicant or any individual or entity proposed for coverage have any knowledge of or information about any fact, circumstance, situation, transaction, event, act, error, omission, misstatement, misleading statement, neglect, breach of duty or other matter which could reasonably be foreseen to give rise to a claim that may fall within the scope of the proposed insurance? Yes No
2. After inquiry with each person as appropriate, in the last five (5) years, does anyone have any other Material Facts to disclose? (If Yes, please provide such Material Facts on a separate sheet.) Yes No

A Material Fact is something that is likely to influence assessment of this risk, the premium we charge, or the terms and conditions we offer. If there is any doubt as to whether a fact would be considered material, you should disclose it. All the information requested in this application is material.

X. INSURANCE AND LOSS HISTORY

1. Please provide your **organization's** recent Fiduciary Liability Insurance history below (include coverage is or was a part of a D&O or other insurance policy)

	Insurance Carrier	Limits Per Claim/Aggregate	Deductible	Policy Period (Month/Day/Year)	Annual Premium
Current Year					
Prior Year 1					
Prior Year 2					
Prior Year 3					
Prior Year 4					

- 2. Does your expiring Fiduciary Liability Insurance policy include Employee Benefits Liability (EBL) coverage? Yes No
- 3. Does your expiring Commercial General Liability Insurance policy include Employee Benefits Liability (EBL) coverage? Yes No
- 4. Are you being canceled or non-renewed by your current Fiduciary liability carrier? Yes No

If Yes, please explain in detail why: _____

- 5. After inquiry with each person as appropriate, has any Fiduciary or any Directors or Officers had a Fiduciary Liability claim or been alleged or found guilty of any Fiduciary breach of duty? Yes No

If "Yes" to any of the above how many? _____ Please complete a separate Supplemental Claim Application for each claim or suit and include a currently valued loss run for each claim.

- 6. After inquiry with each person as appropriate, do you, or any of your partners, officers, directors, or employees know of any circumstances, acts, errors, omissions, or any allegations or contentions of any incident that could result in a Fiduciary Liability claim? Yes No

If "Yes" to any of the above how many? _____ Please complete a separate Supplemental Claim Application for each claim or suit and include a currently valued loss run for each claim.

XI. ACKNOWLEDGEMENTS AND SIGNATURE

FRAUD WARNING

General Fraud Warning: 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.

For applicants in the following states, districts, and territories, the below notice supersedes the previous paragraph:

Alabama	Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or who knowingly presents false information in an application for insurance is guilty of a crime and may be subject to restitution, fines, or confinement in prison, or any combination thereof.
Alaska	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.
Arizona	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.
Arkansas	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.
California	For your protection, California law requires the following to appear on this form: Any person who knowingly presents false or fraudulent information to obtain or amend insurance coverage or to make a claim for the payment of a loss is guilty of a crime and may be subject to fines and confinement in state prison.
Colorado	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 for insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.
Delaware	Any person who knowingly, and with intent to injure, defraud or deceive any insurer, files a statement of claim containing any false, incomplete or misleading information is guilty of a felony.
District of Columbia:	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.
Florida	Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim containing any false, incomplete, or misleading information is guilty of a felony of the third degree.
Idaho	Any person who knowingly, and with intent to defraud or deceive any insurance company, files a statement containing any false, incomplete, or misleading information is guilty of a felony.
Indiana	A person who knowingly and with intent to defraud an insurer files a statement of claim containing any false, incomplete, or misleading information commits a felony.
Kentucky	Any person who knowingly and with intent to defraud any insurance company or other person files a 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.
Louisiana	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.
Maine	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.

Maryland	Any person who knowingly or willfully presents a false or fraudulent claim for payment of a loss or benefit or who 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.
Minnesota	A person who files a claim with intent to defraud, or helps commit a fraud against an insurer, is guilty of a crime.
New Hampshire	Any person who, with a purpose to injure, defraud or deceive any insurance company, files a statement of claim containing any false, incomplete or misleading information is subject to prosecution and punishment for insurance fraud, as provided in RSA 638:20.
New Jersey	Claim: Any person who knowingly files a statement of claim containing any false or misleading information is subject to criminal and civil penalties. Application: Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.
New Mexico	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.
New York	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.
Ohio	Any person who, with intent to defraud or knowing that 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.
Oklahoma	WARNING: 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.
Pennsylvania	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.
Rhode Island	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.
Tennessee	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.
Virginia	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.
Washington	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.
West Virginia	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.

Applicant:

By signing below, I declare that to the best of my knowledge all answers provided herein and any attached or appended documents are true, that no material facts have been withheld or misstated, and that my answers are based on a reasonable inquiry or investigation.

I understand that I have a continuing obligation to notify Richmond National of any material changes in the answers to the questions on this application which may arise prior to the effective date of any policy issued

pursuant to this application, and I understand that any outstanding quotations may be modified or withdrawn based upon such changes at Richmond National's sole discretion. I understand that all written statements and materials furnished to Richmond National in conjunction with this application are hereby incorporated by reference into this application and made a part of this application.

I understand that completion of this form does not bind coverage, and that I will need to accept Richmond National's quotation prior to binding coverage and policy issuance.

Applicant Signature: _____

Applicant Written Name and Title: _____

Date: _____

Agent/Broker:

1. If coverage is currently in place, does your office currently control this risk? Yes No

2. If this application is completed on behalf of an insured, are you personally familiar with the applicant's operations? Yes No
(Application will need to be verified and signed by the applicant prior to binding if a quote is offered.)

Agent or Broker Signature: _____

Agent or Broker Written Name and Agency/Brokerage: _____

Date: _____