\*\*\*\* 2011 33rd Annual \*\*\*\*

COCCEL

CONFERENCE

NASHVILLE, TN



HOSTED BY THE
TENNESSEE BUREAU OF ETHICS AND CAMPAIGN FINANCE

DECEMBER 4-7, 2011 NASHVILLE, TN

### **WELCOME**

### 2011 33rd ANNUAL COGEL CONFERENCE

December 4–7, 2011 Nashville, Tennessee Loews Vanderbilt Hotel

COGEL and the Tennessee Bureau of Ethics and Campaign Finance invite you to the 33<sup>rd</sup> Annual Conference. Known as Music City and the home of country music, our host city has a wide range of music venues, historical sites and cultural opportunities. The conference location, Loews Vanderbilt Hotel, is directly across the street from Vanderbilt University, one of the country's most prominent private research universities and medical centers.

Explore the areas of COGEL member interests — ethics, campaign finance, elections, lobbying regulation, and freedom of information against the backdrop of the Country Music Hall of Fame and the Grand Ole Opry. As the annual gathering of industry leaders both in and out of government, COGEL brings you insights into:

- current hot topics
- updates on recent legislation and litigation federal, state, local, and international
- analysis of the impact of these decisions

And...networking, networking, networking!

In the spirit of openness and transparency, come prepared to share "what's working for you." This year's sessions focus on best practices, include topics that span disciplines, and provide a diversity of moderators/panelists. In addition to COGEL's traditional sessions, this year's programming includes areas of leadership management, citizenry engagement and technology in governance.

#### **ABOUT US**

The Council on Governmental Ethics Laws (COGEL) is a professional organization for government agencies, organizations, and individuals with responsibilities or interests in governmental ethics, elections, campaign finance, lobbying laws and freedom of information.



Government agencies entitled to Full membership in COGEL conduct the affairs of COGEL through the exercise of their voting rights and by electing a Steering Committee. The Steering Committee is responsible for the organization's day-to-day operations. The committee also plans COGEL's annual conference, oversees the work of its subcommittees, oversees the publication of all COGEL materials, and ensures the preservation of COGEL's charter, bylaws, regulations, minutes, and financial records.

COGEL is an active organization which works to ensure that ethics professionals are connected to each other and aware of new developments in the field. By offering opportunities to connect in person and online, COGEL enables networks to grow and strengthen. We also aim to share knowledge and foster debate.

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	<b>♦</b> St	
-	3:30 am - 3:00 pm	Steering Committee Meeting
_	8:00 am – 5:00 pm	Conference Registration
		Electronic Filing Roundtable
L	12:00 pm – 1:30 pm	Lunch on Your Own – Opportunity to network with the other COGEL members
	1:30 pm – 3:00 pm Concurrent Session	Vanderbilt University a rand
	3:15 pm — 4:15 pm	
	5:30 pm – 7:00 pr	Presentation of Zorz on
	Dinner on Your O	wn Opportunity to network with other COGEL members 😯

	7.00	MONDAY DEC	
	7:30 am — 8:30 am	DICAKTACT T. I.	
	8:45 am — 10:15 am	Welcome to the 32rd a	
	10:25 am – 11:55 am	Plenary Session — "What's Working for You?"	_
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	In Th	dependent Expenditures in the Spotlight  e Ins and Outs of Online Research	ıd?
12:0	00 pm — 1:30 pm — Plen	e Ins and Outs of Online Public Disclosure	
	<sup>1.30</sup> pm Plen	ary Luncheon	

#### 12 ry Luncheon 🛟 Presentation of 2011 COGEL Award Plenary Speaker: John Avlon 1:45 pm — 3:15 pm Freedom of Information (FOI) Legislation and Litigation Update Concurrent Sessions Campaign Finance Update I—Litigation Keeping All Hands on Deck in a Budgetary Tidal Wave: Motivating and Engaging Your Crew and Keeping the Ship Afloat in Difficult Budgetary Times Higher Education and the Real World of Governance Enforcement Challenges: What Works? Are Fines Fine? Are They Worth the Cost? Should They Be Confidential? 3:30 pm-4:45 pm Dealing with Your Legislature Concurrent Sessions Board, Commissions and Staff: Who Is In Charge Here? A Peek Behind the Curtain—Corporate Compliance Constitutional Challenges to Ethics Laws

6:00 pm – 10:00 pm

Dinner on Your Own

Hotel Shuttle Service

## **PROGRAM** AT-A-GLANCE

<b>⇔ T</b>	UESDAY, DECEMBER 6
7:30 am – 8:45 am	Breakfast Table Topics 🕏
9:00 am — 10:00 am	Plenary Speaker: Charles Kolb
10:15 am – 11:45 am  Concurrent Sessions	Campaign Finance Update II—Legislation Open Data, Open Government—Intended and Unintended Consequences for Transparency
	Implications of Extending Lobbying, Pay-to-Play, and Gift Laws to Contractors
	Mainstream Media Engagement — "Get Ahead of the Crisis"
	Performance Metrics Roundtable
12:00 pm — 1:30 pm	Lunch on Your Own — Opportunity to network with other COGEL members
1:45 pm — 3:15 pm	Lobbying Legislation and Litigation Update
Concurrent Sessions	Elections Update: Current Trends in Legislation and Litigation
00	Freedom of Information — Delays, Excuses — Solutions?
	What's Going on Inside the Office — Are You Managing the Data Your Agency Collects or is it Managing You?
	Maximize Participation Through Use of Technology and New Media
3:30 pm – 4:45 pm	Plenary Speaker (Professional Development): Richard Daft
Dinner on Your Own	Opportunity to network with other COGEL members 😯

		Breakfast — Plenary Session Annual COGEL Business Meeting	4	
	9:15 am – 10:30 am Concurrent Sessions	Freedom of Information Roundtable  Now What? Leadership Lessons for Transitional Times  What Does an Ethical Agency Look Like?		
	10:45 am — 12:00 pm	Engage & Educate — Next Steps in Interactive Training Round Up: Regulating Campaign and Lobby Grassroots Act	ivity	
	12:00 pm - 5:00 pm	Steering Committee Meeting	unit!	

Networking opportunity

#### SUNDAY, DECEMBER 4TH

8:30 am – 3:00 pm **Steering Committee Meeting** 

Rand

8:00 am – 5:00 pm **Conference Registration** 

Mezzanine

9:30 am – 12:00 pm **Electronic Filing Roundtable** 

Carmichael & McTveire

Facilitator: Bob Stern, Former President, Center for Governmental Studies

This interactive session will discuss electronic filing systems for campaign finance, conflicts of interest and lobbying. Participants will be encouraged to share what is happening in their jurisdictions, and innovations they have undertaken to improve electronic filing programs and public disclosure.

12:00 pm - 1:30 pm

**Lunch on Your Own**— Opportunity to network with other COGEL members

1:30 pm - 3:00 pm

#### **Local Agency Roundtable**

Neely

Facilitator: Nedda Massar, Deputy Executive Director, City of Philadelphia Board of Ethics

This session will provide a forum for local ethics, campaign finance, disclosure and lobbying agencies to compare notes on the issues faced in administering and enforcing laws at the local level. An active discussion format will enable attendees to explore common ground, share best practices, and help each other make a positive difference in the work of their own local agencies.

1:30 pm - 3:00 pm

#### **International Perspectives Roundtable**

Kirkland & Calhoun

Facilitator: Wendy Pond, International Programs Specialist, U.S. Office of Government Ethics

The International Perspectives Roundtable is planned as an unstructured discussion among attendees of experiences and involvement in international activities over the past year. All COGEL delegates are invited to attend the discussion.

1:30 pm - 3:00 pm

#### Vanderbilt University & Area Self-Guided Tour

Mezzanine

Visit the conference registration table to receive a map of the Loews Hotel area and Vanderbilt University campus. We encourage you to take a self-guided tour of the campus beginning with Vanderbilt's Alumni Lawn and ending at the The Wall, Sarratt Student Center, Rand Dining Hall, and Bookstore. (http://admissions.vanderbilt.edu)

3:15 pm - 4:15 pm

#### **The Kay Williams First Timers Session**

Carmichael & McTyeire

Panelists: Theresa M. Kirk, 2011 COGEL President, Executive Director, West Virginia Ethics Commission Rita Looney, Chief Counsel, Arkansas Ethics Commission

Michael Sullivan, Director, Massachusetts Office of Campaign and Political Finance

What is COGEL? How long has COGEL been around and how did it get started? How can it make your professional life easier? What is the Steering Committee and why is it important to the organization? If this is your first COGEL conference, you're new to the job, or you just want to know who and what makes COGEL work, then this is a session you don't want to miss. Ask those questions that everyone in the room has; we'll try to answer them for you in a friendly forum. It's not easy to be the new kid in the room; we'll make you comfortable.

### SUNDAY, DECEMBER 4TH (continued)

5:30 pm – 7:00 pm Welcome Reception Skylight Foyer

Presentation of 2011 Outstanding Service Award:

Michael Sullivan, Director, Massachusetts Office of Campaign and Political Finance

Following the reception **Dinner on Your Own**— Opportunity to network with other COGEL members

#### MONDAY, DECEMBER 5<sup>™</sup>

7:30 am – 8:30 am **Breakfast Table Topics** (see listings on page 16)

Symphony Ballroom

8:45 am - 10:15 am

Plenary Session

Symphony Ballroom

Welcome to the 33rd Annual Conference

Opening remarks: **Theresa M. Kirk**, 2011 COGEL President, Executive Director, West Virginia Ethics Commission **Tre Hargett**, Tennessee Secretary of State

#### "What's Working for You?"—An Interactive Session

Facilitator: Carol Carson, Executive Director, Connecticut Office of State Ethics

Why are you attending this conference? To learn more about your field, to enhance your professional skills, and to meet new people who are facing the same challenges you are, of course! The first plenary of the 2011 COGEL conference will kick off with an entertaining and interactive session that will allow attendees to share what's working for them. Please come prepared to report in one minute or less "what's working for you."

10.25 am - 11.55 am

**Ethics Update** 

McTyeire

Panelists: Stacey Fulhorst, Executive Director, City of San Diego Ethics Commission

Paul M. Nick, Executive Director, Ohio Ethics Commission

This traditional session consists of a survey and discussion of developments and trends in ethics and conflicts of interest legislation, litigation and recent advisory issues since the last COGEL Conference.

10:25 am - 11:55 am

#### The Ethics of Using Social Media—Can You Manage the Cloud?

Kirkland & Calhoun

Moderator: Eliza A. Saunders, Director of Public Records & Open Public Meetings, University of Washington

Panelists: Maria Everett, Senior Attorney, Division of Legislative Services, State of Virginia Jane Feldman, Executive Director, Colorado Independent Ethics Commission Jodi Hrbek, Director of Business Development, Nextpoint (www.nextpoint.com)

E-mails and social media were going to make governing easier and make access as simple as a push of a button. Has that happened? Using e-mail and other social media also has raised ethical considerations attached to their use. The panel will explore these topics in depth.

10.25 am - 11.55 am

#### **Redistricting Models**

Carmichael

Moderator: Bob Stern, Former President, Center for Governmental Studies

Panelists: Keith Archer, Chief Electoral Officer, Elections British Columbia; Former Professor of

Political Science, University of Calgary

Christopher Skinnell, Attorney, Nielsen Merksamer Parrinello Gross & Leoni LLP

The panelists will describe some different redistricting models, including the new Californian model and the Canadian models. They will also provide an update of recent U.S. experiences with redistricting and relevant court challenges and legal issues.

#### MONDAY, DECEMBER 5<sup>TH</sup> (continued)

#### 10:25 am – 11:55 am Independent Expenditures in the Spotlight

Neely

Moderator: Darrin Lim, Attorney, Nielsen Merksamer Parrinello Gross & Leoni LLP

Panelists: Ann Ravel, Chair, California Fair Political Practices Commission

Ciara Torres-Spelliscy, Assistant Professor of Law, Stetson University College of Law

Mike Wittenwyler, Attorney, Godfrey & Kahn S.C.

As election season heats up for federal races and many high-profile state campaigns in 2012, the influence of outside spending will certainly be noticed in the form of television ads and direct mail pieces throughout the country. This panel explores the growing influence of "independent expenditures" and the latest issues in regulating independent expenditure activity.

10.25 am - 11.55 am

#### The Ins and Outs of Online Public Disclosure

Sarratt & Kissam

Moderator: Elizabeth A. Upp, Director of Communications, New York City Campaign Finance Board

Panelists: Denise Roth Barber, Managing Director, National Institute on Money in State Politics

Donnita Crittenden, Principal Assistant, Kentucky Legislative Ethics Commission

John Schaaf, Counsel, Kentucky Legislative Ethics Commission

Many agencies are engaged in some form of online public disclosure — campaign finance data, lobbyist information, financial disclosure — and we can all use some advice on making it available in ways that engage the web-browsing public. What are the characteristics of excellent online public disclosure? "Just getting it up on the web" doesn't cut it in 2011. This session starts with a look at some of the best state campaign finance websites and what they are doing right, followed by a behind-the-scenes look at developing and implementing an online submission process for collection of data from Kentucky lobbyists, which streamlined the process for the regulated community as well as for KLEC. The rest of this session will be a roundtable discussion between the audience and the panelists. Bring your experiences, challenges, mandates, and aspirations for leading-edge online disclosure to the table for a lively discussion on best practices and how to get there.

12:00 pm - 1:30 pm

#### **Plenary Luncheon**

Symphony Ballroom

Presentation of 2011 COGEL Award: Paula A. Franzese, Professor of Law, Seton Hall University School of Law

Speaker: John Avion, Author and Senior Political Columnist for Newsweek and the Daily Beast,

CNN contributor (http://johnavlon.com)

1:45 pm - 3:15 pm

#### Freedom of Information (FOI) Legislation and Litigation Update

Kirkland & Calhoun

Panelists: David Goodis, Director of Legal Services at the Ontario Information and Privacy Commissioner Lisa Siegel, Staff Attorney, Connecticut Freedom of Information Commission

This session is a moderated discussion that will explore legislative and litigation developments from the past year involving freedom of information. It will present a state-by-state report on the issues and allow ample time for the audience to exchange information and insights from their own jurisdictions concerning government access.

#### **MONDAY, DECEMBER 5**<sup>TH</sup> (continued)

#### 1:45 pm — 3:15 pm Campaign Finance Update I — Litigation

McTyeire

Carmichael

Moderator: Jason Kaune, Partner, Nielsen Merksamer Parrinello Gross & Leoni LLP

Panelists: David Kolker, Associate General Counsel, Litigation, Federal Election Commission

Paul S. Ryan, FEC Program Director & Associate Legal Counsel, Campaign Legal Center

Nola Western, Assistant Chief Electoral Officer, Elections British Columbia

This must-attend panel will lead an interactive discussion of significant developments in campaign finance litigation in the U.S. and Canada at the various levels of government. The discussion will feature David Kolker, Associate General Counsel for Litigation of the FEC, who will share his unique perspective on the latest federal developments.

1:45 pm - 3:15 pm

#### Keeping All Hands on Deck in a Budgetary Tidal Wave: Motivating and Engaging Your Crew and Keeping the Ship Afloat in Difficult Budgetary Times

Moderator: Craig C. Dilger, Chairman, Kentucky Registry of Election Finance

Panelists: Elizabeth Z. Bartz, President and CEO, State and Federal Communications, Inc.

Adia Kapoor, Manager, Human Resources and Development, Elections British Columbia

Facing a tidal wave of unprecedented budget cuts, organizations must explore new ways to engage and motivate employees faced with layoffs, furloughs, travel and training reductions, and a myriad of other cost saving strategies. How do you maintain the level of staff morale necessary to accomplish your mission while being forced to cut your budget in ways that affect each and every staff member? Panelists will highlight a variety of management tools and strategies they have successfully used to engage, reward and motivate employees despite the tough budgetary climate. Audience members will be encouraged to share non-traditional motivational strategies and success stories.

1:45 pm - 3:15 pm

#### **Higher Education and the Real World of Governance**

Neely

Moderator: David E. Freel, Adjunct Faculty, Max M. Fisher College of Business, The Ohio State University;

Former Executive Director, Ohio Ethics Commission

Panelists: Keith Archer, Chief Electoral Officer, Elections British Columbia; Former Professor of

Political Science, University of Calgary

Roy J. Lewicki, Irving Abramowitz Memorial Professor, Max M. Fisher College of Business,

The Ohio State University

Eric D. Raile, Assistant Professor of Political Science, North Dakota State University;

Intergovernmental Programs Advisor, Office of Government Ethics (OGE)

Can we provide enhanced value to the public in ethics/elections practitioners working collaboratively with academics to advance agency mission? What benefits/challenges do academics see to their research or educational endeavors in jointly working with public sector governance agencies? Is time spent in joint endeavors cost-effective for overwhelmed public agencies or overwhelmed educators?

### MONDAY, DECEMBER 5<sup>TH</sup> (continued)

1:45 pm – 3:15 pm Enforcement Challenges: What Works? Are Fines Fine?

Are They Worth the Cost? Should They Be Confidential?

Sarratt & Kissam

Moderator: Steve Berlin, Executive Director, City of Chicago Board of Ethics

Panelists: Virlindia Doss, Executive Director, Florida State Ethics Commission
David Weisbaum, Chief Deputy Director, Illinois Secretary of State

Karl J. Sleight, Partner, Harris and Beach PLLC

There are different approaches to penalties among ethics, campaign financing and lobbying regulators and agencies with enforcement authority. Some can levy fines — significant fines, at that — others can merely recommend appropriate disciplinary sanctions, up to discharge, or suspend lobbyist registration — and still others can recommend criminal charges and cooperate in bringing them. What are the challenges facing agencies in collecting fines levied? Must they go to court? Must they petition their law departments to do so? Is that worth the cost? Are there other ways to enforce penalties and collect fines? What are the successes and challenges other jurisdictions have faced? What advice can experienced enforcement practitioners in the field offer you, or your lawmakers?

3:30 pm - 4:45 pm

#### **Dealing with Your Legislature**

Neelv

Moderator: Norman Ostrau, Ethics Officer, City of West Palm Beach, FL; Director of Public Ethics

Academy, Florida Atlantic University

Panelists: Henry Fincher, Board Member, Tennessee Registry of Election Finance (former Tennessee

State Representative)

Les Ihara, Jr., Hawaii State Senator, 9th District, Senate Majority Policy Leader

Peggy Kerns, Director, Center for Ethics in Government at the NCSL (former Colorado House

Minority Leader)

In order for agencies to be effective they must work with their legislators. Whether it is changes in legislation, explaining the enforcement of existing statutes or dealing with budget issues, agency personnel must "Deal with Their Legislature." This will be an open panel discussion of the issues faced by both sides of the fence.

3:30 pm - 4:45 pm

#### **Board, Commissions and Staff: Who Is In Charge Here?**

Sarratt & Kissam

Moderator: Jane Feldman, Executive Director, Colorado Independent Ethics Commission

Panelists: Steve Berlin, Executive Director, City of Chicago Board of Ethics

Paul M. Nick, Executive Director, Ohio Ethics Commission

Michael E. Weaver, Chair, Hawaii Campaign Spending Commission

Most agencies have stable staffs and ever-changing board members. Executive Directors are faced with challenges in "on-boarding" new members — how do you bring a new member up to speed, how much background information does a new member need? Executive Directors must also work well with multimember (and often divided) Boards, maintain good staff/board relations, facilitate good relations among the members, deal with micro-managing board members or members who have their own agenda which may conflict with the mission of the agency. Board members must also deal with Executive Directors and senior staff who are entrenched in the "old way" of doing things, and are not open to new ideas or suggestions.

#### MONDAY, DECEMBER 5<sup>TH</sup> (continued)

#### 3:30 pm – 4:45 pm A Peek Behind the Curtain — Corporate Compliance

**McTyeire** 

Moderator: Matthew Bobys, Counsel, Skadden, Arps, Slate, Meagher & Flom LLP Panelists: Wesley D. Bizzell, Assistant General Counsel, Altria Client Services Inc.

Marilyn Hughes, Executive Director, Oklahoma Ethics Commission

Kevin Rooney, Senior Compliance Officer & Associate General Counsel, Cerberus Capital Management, L.P.

This interactive panel will examine how effective corporate compliance programs are structured and how companies can work with regulators to achieve the common goal of compliance with ethics and election laws. Among the issues addressed will be the challenges companies and regulators face when confronted with ambiguous laws, and how companies approach (and what regulators look for with respect to) compliance with laws that impact non-employees (e.g., outside directors and outside consultants) or large numbers of employees.

3:30 pm - 4:45 pm

#### **Constitutional Challenges to Ethics Laws**

Kirkland & Calhoun

Lobby

Moderator: Jason Gramitt, Staff Attorney and Education Coordinator, Rhode Island Ethics Commission

Panelists: Tony Bledsoe, Legislative Inspector General, Ohio Joint Legislative Ethics Committee

Robert Wechsler, Director of Research, City Ethics, Inc.; Administrator, New Haven Democracy Fund

Recent court decisions from around the United States have called into question the ability of ethics commissions to enforce some of the most basic and longstanding conflicts of interest provisions. Join in a discussion of the challenges raised by this trend and the favorable decision of the United States Supreme Court in Nevada Commission on Ethics v. Carrigan, 131 S.Ct. 2343 (2011)(whether voting is protected speech). The panel will also provide an overview of other recent decisions, including Brinkman v. Budish, 692 F.Supp.2d 855 (S.D. Ohio 2010)(legislative revolving door prohibition against lobbying violates First Amendment); and Irons v. R.I. Ethics Commission, 973 A.2d 1124 (R.I. 2009)(Speech in Debate Clause provides legislators with immunity from Ethics Commission prosecutions).

6:00 pm - 10:00 pm

#### Shuttle Service

Transportation from the hotel to Broadway and The Gulch will be provided. Bring your COGEL Conference badge to get on the bus!

**Dinner on Your Own**— Opportunity to network with other COGEL members

#### TUESDAY, DECEMBER 6TH

7:30 am – 8:45 am **Breakfast Table Topics** (see listings on page 17)

Symphony Ballroom

9:00 am - 10:00 am Plenary Session

Symphony Ballroom

Speaker: Charles Kolb, President, Committee for Economic Development (http://ced.org)

10:15 am – 11:45 am **Campaign Finance Update II — Legislation** 

McTyeire

Moderator: Darrin Lim, Attorney, Nielsen Merksamer Parrinello Gross & Leoni LLP

Panelists: J. Duane Pugh, Director of Congressional Affairs, Federal Election Commission

Paul S. Ryan, FEC Program Director and Associate Legal Counsel, Campaign Legal Center

Nola Western, Assistant Chief Electoral Officer, Elections British Columbia

The panel will lead a lively and interactive discussion of important developments and trends in campaign finance legislation in the U.S. and Canada at the various levels of government. The panel will present the popular COGEL Blue Book with important updates on campaign finance activity on the federal, state and local level in the United States and in Canada, with audience participation.

10.15 am - 11.45 am

# Open Data, Open Government—Intended and Unintended Consequences for Transparency

Carmichael

Panelists: Mary Carlson, Deputy Registrar of Lobbyists for British Columbia

Elizabeth Denham, Information and Privacy Commissioner for British Columbia

Across North America, governments of all levels are implementing "Open Data" policies, whereby they pledge to make relevant information quickly and routinely available. This includes posting whole data sets by which researchers and members of the public can sort. It also means routinely publicly posting the results of freedom of information requests at the same time they provide the records to the requester. Open Data policies have come under attack by both the media and transparent government advocates, who claim these policies have the ability to diminish openness, rather than increase it. Hear from two seasoned regulators how open data has evolved, the incentives to implement them and the unintended consequences these policies may have on calling governments to account.

10:15 am - 11:45 am

#### Implications of Extending Lobbying, Pay-to-Play, and Gift Laws to Contractors

Moderator: Ki P. Hong, Partner, Skadden, Arps, Slate, Meagher & Flom LLP

Panelists: Edward E. Biddle, Managing Director, Political Law and Government Entities Coverage,

JPMorgan Chase & Co.

Joanne McMahon, Leader — Governmental Compliance, GE Corporate

Heather M. Rowan, Commission Counsel, Legal Division, California Fair Political Practices Commission

The panel will address the unique ethics and election laws aimed at businesses with government contracts, including pay-to-play, lobbying, and gift and entertainment laws. What are the positive and negative implications of these laws? Are these laws achieving their purpose or should they go further? To what extent do these laws overreach or strike an unintended target?

Neely

#### TUESDAY, DECEMBER 6<sup>TH</sup> (continued)

10:15 am – 11:45 am Mainstream Media Engagement — "Get Ahead of the Crisis"

Kirkland & Calhoun

Moderator: Ilona Kramer, Deputy Director of External Affairs, New York City Campaign Finance Board

Panelists: Todd F. Lang, Executive Director, Arizona Citizens Clean Elections Commission

Susan Willeke, Education and Communications Administrator, Ohio Ethics Commission

This session will cover how to engage local media and ensure your agency's mission is understood, as well as how to share data and information to members of the press. It will also discuss how to anticipate and respond to local, state, and federal decisions made at the judicial and legislative levels.

10:15 am - 11:45 am

#### **Performance Metrics Roundtable**

Sarratt & Kissam

Facilitator: Carol Carson, Executive Director, Connecticut Office of State Ethics

More and more governments are looking for metrics and the use of data to demonstrate agency accomplishments. You will be energized, inspired and informed by a short video of Hans Rosling and "The Best Stats You've Ever Seen." After the video, please bring your experiences and your questions. This roundtable will be audience driven.

12:00 pm - 1:30 pm

**Lunch on Your Own**— Opportunity to network with other COGEL members

1:45 pm - 3:15 pm

#### **Lobbying Legislation and Litigation Update**

**McTyeire** 

Panelists: Ken Gross, Partner, Skadden, Arps, Slate, Meagher & Flom LLP

Karen Shepherd, Commissioner of Lobbying, Office of the Commissioner of Lobbying, Canada

An annual review and discussion of significant developments in legislation and litigation affecting lobbyist registration, reporting, and regulation in the United States and Canada.

1:45 pm - 3:15 pm

#### **Elections Update: Current Trends in Legislation and Litigation**

Sarratt & Kissam

Moderator: Greg Essensa, Chief Electoral Officer, Elections Ontario

Panelists: Kevin Kennedy, Director and General Counsel, Wisconsin Government Accountability Board

Paul Pirani, Chief Legal Officer, Australian Electoral Commission

Electoral legislation, including voter identification rules, voting opportunities and legislation enabling the use of technology, continues to evolve. Panelists will discuss current trends in electoral legislation and litigation in the United States, Canada and Australia and the current legal issues regarding election administration in each country.

#### TUESDAY, DECEMBER 6<sup>TH</sup> (continued)

1:45 pm — 3:15 pm Freedom of Information — Delays, Excuses — Solutions?

Carmichael

Moderator: Mary E. Schwind, Director, Law Department, Connecticut Freedom of Information Commission

Panelists: Mary Carlson, Deputy Registrar of Lobbyists, British Columbia

Barbara E. Housen, General Counsel, Connecticut Office of State Ethics

Maria Everett, Executive Director, Virginia Freedom of Information Advisory Council

The panel discussion will focus on compliance delays. Why do agencies seem to take longer and longer to do what they are required to do? We will tell some nightmare stories, explore the various reasons for delay—be they economic, political, bureaucratic, or otherwise. We will also discuss possible solutions.

Come and share your tales of woe!

1:45 pm — 3:15 pm What's Going on Inside the Office — Are You Managing the Data Your Agency Collects or is it Managing You?

Kirkland & Calhoun

Moderator: Michael Sullivan, Director, Massachusetts Office of Campaign and Political Finance

Panelists: Tracey Dano, Special Projects Manager, Massachusetts Office of Campaign and Political Finance

Al Grimes, CIO, Massachusetts Office of Campaign and Political Finance

As agencies move deeper into the electronic age, are you getting the most out of the data you collect? Does your agency use the data it collects other than to simply post it on the website? What do you do with your information? How do you use today's technology? Our panelists guide you through the minefield of data overload, while explaining how innovative electronic processes can assist in investigations. They will demonstrate an application to ensure that agency staff is providing consistent and accurate advice to the public. Moving forward, the session will also focus on the goal of the paperless office and what it takes to achieve it.

1:45 pm - 3:15 pm

#### Maximize Participation Through Use of Technology and New Media

Neely

Moderator: Daniel Cho, Director of Candidate Services, New York City Campaign Finance Board

Panelists: Jed Alpert, Co-Founder & CEO, Mobile Commons (mobilecommons.com)

Thomas Gensemer, Managing Partner, Blue State Digital (<u>bluestatedigital.com</u>)

Public and private entities now require a digital roadmap. How can your agency use technology and new media to effectively connect with candidates, voters, public employees, and of course, the public? Can both the public and private sector use online tools to leverage the cost of elections? Learn and discuss how to elevate your agency's conversation using Twitter, Facebook, Tumblr, and text messaging.

3:30 pm - 4:45 pm

#### **Plenary Session (Professional Development)**

Symphony Ballroom

Speaker: Richard Daft, Professor of Management, Vanderbilt University

5:00 pm **Dinner on Your Own**— *Opportunity to network with other COGEL members* 

#### WEDNESDAY, DECEMBER 7<sup>TH</sup>

8:00 am - 9:00 am

#### Plenary Session — Breakfast and Annual COGEL Business Meeting

Symphony Ballroom

9:15 am - 10:30 am

#### Freedom of Information Roundtable

Kirkland & Calhoun

Facilitators: Colleen Murphy, Executive Director and General Counsel, Connecticut Freedom of Information Commission

Paula Pearlman, Staff Attorney, Connecticut Freedom of Information Commission

This session is your opportunity to join a lively and wide-ranging discussion about emerging government access issues. Join your colleagues from all COGEL disciplines in this roundtable into freedom of information and how we make it work.

9:15 am - 10:30 am

#### **Now What? Leadership Lessons for Transitional Times**

Carmichael & McTveire

Moderator: Michael Sullivan, Director, Massachusetts Office of Campaign and Political Finance

Panelists: Carol Carson, Executive Director, Connecticut Office of State Ethics

Paul M. Nick, Executive Director, Ohio Ethics Commission

The times, they are a 'changing! Agencies facing transitional times with new fiscal realities, new laws, and/or new leadership must adapt quickly in order to survive and thrive. How do you manage the present and look toward the future when everything around you seems to be changing? This facilitated discussion will allow attendees to share insights and advice with peers in an informal setting. There will be no long presentations at this session, just an opportunity to ask questions, get answers and be able to take home some practical tips, strategies, and encouragement to help you be an even more effective leader in the year ahead!

9:15 am - 10:30 am

#### What Does an Ethical Agency Look Like?

Sarratt & Kissam

Facilitator: Patricia Zemple, Director of the Office of Agency Programs, Office of Government Ethics (OGE)

You may work for an ethics agency or office, but have you ever stopped to think about the characteristics of an ethical agency? Can those characteristics be identified in an "ethics audit," and does your office need one? Participate in this roundtable discussion and share your ideas for practices and activities that create the maximum ethical climate in an agency or office.

10:45 am - 12:00 pm

#### Engage & Educate — Next Steps in Interactive Training

Sarratt & Kissam

Facilitators: Daniel Cho, Director of Candidate Services, New York City Campaign Finance Board Susan Willeke, Education and Communications Administrator, Ohio Ethics Commission

An engaging and interactive curriculum can make all the difference when providing training regarding ethical standards of conduct, campaign finance or public records. Join us for an informal and stimulating dialogue regarding new and innovative methods to reach audiences with your agency's message. Topics such as E-Learning and new trends in training will be explored.

#### WEDNESDAY, DECEMBER 7<sup>TH</sup> (continued)

10:45 am – 12:00 pm Round Up: Regulating Campaign and Lobby Grassroots Activity

Neely

Moderator: Jennie Unger Skelton, Partner, Nielsen Merksamer Parrinello Gross & Leoni, LLP

Panelists: Andrea McNamara Doyle, Executive Director, Washington State Public Disclosure Commission

Wesley D. Bizzell, Assistant General Counsel, Altria Client Services Inc.

This must-attend panel will include a nationwide overview of grassroots regulations and disclosure provisions at the state and local level. Additionally, the panel will address grassroots regulation legal

challenges, including developing litigation, and an overview of compliance in this arena.

12:00 pm – 5:00 pm **Steering Committee Meeting** 

Rand

### BREAKFAST TABLE TOPICS

#### MONDAY, DECEMBER $5^{TH}$ , 7:30 am -8:30 am

#### Agency Under Fire: Extinguishing the Media Firestorm

Tom Hennick, Public Education Officer, Connecticut Freedom of Information Commission

#### **3** Beyond Networking: Making the Most of Your COGEL Contacts

Joe May, Social Media Coordinator, State and Federal Communications, Inc.

#### O Book Corner: Chatting Up Recent Books on COGEL Topics

John Steiner, Integrity Officer, City of Austin

#### • Citizens United: Road Map or Roadblock?

Emily Dennis, General Counsel, Kentucky Registry of Election Finance

#### COGEL 101

Jennifer Hardin, Chief Advisory Attorney, Ohio Ethics Commission

#### O COGEL First Timers: Coffee Chat and All That

Rita Looney, Chief Counsel, Arkansas Ethics Commission

#### O Commissioners/Board Members: Developing and Valuing Your Relationship with Staff

Kathleen King, Commissioner, Alaska Public Offices Commission

#### Executive Directors: Making the Grade: Evaluating Staff

Alec Palmer, Staff Director, Federal Election Commission

#### Investigations: Making the Most of Information Technology Tools

Tracey Dano, Special Projects Manager, Massachusetts Office of Campaign and Political Finance

#### **○** Lobbyist Campaign Contributions: Pass the Hat, Pass the Bill?

John Schaaf, Counsel, Kentucky Legislative Ethics Commission

#### Local Agencies: Local Challenges

Jabu Sengova, Interim Ethics Officer, City of Atlanta Ethics Office

#### O No Longer "9 to 5" Club

Al Lenge, Former Executive Director, Connecticut State Elections Enforcement Commission

#### O Canada: A Canadian Roundtable

Christine McCulloch, Chief Electoral Officer, Nova Scotia

#### Personnel Potpourri

Rupert Borgsmiller, Executive Director, Illinois State Board of Elections

#### Unwrapping Gift Law Trends

Jennie Unger Skelton, Partner, Nielsen Merksamer Parrinello Gross & Leoni LLP

**NOTE:** Don't see a topic that interests you? Offer to host your own Breakfast Table Topic! There will be a limited number of blank Breakfast Table Topic signs available at the COGEL Registration Desk. Grab an empty table, make a sign and head up a lively discussion!

### BREAKFAST TABLE TOPICS

#### TUESDAY, DECEMBER 6<sup>TH</sup>, 7:30 am – 8:45 am

#### Agency Data: Getting It From the Filers to the Public Denise Roth Barber, Managing Director, National Institute on Money In State Politics

#### American Law Institute Project: Principles of Government Ethics Kathleen Clark, Associate Reporter, American Law Institute

#### Building a Better COGEL Website: Membership Input Eliza A. Saunders, Director of Public Records and Open Public Meetings, University of Washington

#### Campaign Embezzlements: What's a Regulator to Do? Bob Stern, Former President, Center for Governmental Studies

# Columbus Discovered America (1492)—COGEL Discovers Columbus (2012) Susan Willeke, Education and Communications Administrator, Ohio Ethics Commission

#### Commissioners / Board Members: Maintaining Consistency Maria Sullivan, Chairperson, Hawaii State Ethics Commission

# **❖ Election Administration: Prescribed Chaos**Victor Powers, Chief Electoral Officer, Newfoundland and Labrador

#### Executive Directors: Team Building Kathleen Allen, Ethics Administrator, Louisiana Board of Ethics

# General Counsels: "Can I Get Quick Advice?" Evan Mever, General Counsel, City of Philadelphia Board of Ethics

#### Getting Creative: Enforcing and Prosecuting Ethics Violations TJ Jones, Ethics Enforcement Officer, Connecticut Office of State Ethics

#### Hot Budget Issues & Cool Solutions Rebecca Feland, Budget Analyst, Kentucky Registry of Election Finance

#### International Roundtable: Sharing Visions & Borrowing Strategies Brian DeCelis, Director of Funding and Disclosure, New South Wales Electoral Commission

#### ❖ It's YOUR Organization: Meet Our COGEL President-Elect Amy Loprest, Executive Director, New York City Campaign Finance Board and COGEL President-Elect

# Rulemaking: Pitfalls & Triumphs Robert Knop, Assistant General Counsel for Policy, Federal Election Commission

#### Vendors + Government Agencies: Ethics Roadblocks John Cozine, Research Manager, State and Federal Communications, Inc.

# WebChat: What Makes Your Website Appealing? Elizabeth A. Upp, Director of Communications, New York City Campaign Finance Board

**NOTE:** Don't see a topic that interests you? Offer to host your own Breakfast Table Topic! There will be a limited number of blank Breakfast Table Topic signs available at the COGEL Registration Desk. Grab an empty table, make a sign and head up a lively discussion!

### **PLENARY SPEAKERS**

# MONDAY, DECEMBER 5<sup>TH</sup>, 12:00 pm−1:30 pm Plenary Luncheon



#### JOHN AVLON

John Avlon is senior columnist for Newsweek and the Daily Beast as well as a CNN contributor. He is the author of Independent Nation: How Centrists Can Change American Politics and Wingnuts: How the Lunatic Fringe is Hijacking America as well as co-editor of the anthology Deadline Artists: America's Greatest Newspaper Columns. Previously, he was a columnist and associate editor for the New York Sun and chief speechwriter for New York City Mayor Rudy Giuliani.

After the attacks of September 11<sup>th</sup>, 2001, he and his team were responsible for writing the eulogies for all firefighters and police officers murdered in the destruction of the World Trade Center. Avlon's essay on the attacks, "The Resilient City" concluded the anthology Empire City: New York through the Centuries and won acclaim as "the single best essay written in the wake of 9/11."

Avlon has appeared on The Daily Show with Jon Stewart, CNN, Real Time with Bill Maher, PBS, and C-SPAN. He has spoken at the Kennedy School of Government, the Citadel, the State Department's visiting journalist program, and civic organizations around the nation.

In a profile, author Stephen Marshall wrote "Avlon talks about politics the way ESPN anchors wrap up sports highlights." Columnist Kathleen Parker wrote, "Americans who are fed up with the Ann Coulter/Michael Moore school of debate and are looking for someone to articulate a commonsense, middle path, may have found their voice in John Avlon."

He is married to Margaret Hoover, the author of American Individualism. They live in New York City.

http://johnavlon.com

### PLENARY SPEAKERS

# TUESDAY, DECEMBER $6^{TH}$ , 9:00 am -10:00 am Plenary Session



#### **CHARLES KOLB**

Charles Kolb is President of the Committee for Economic Development (CED) located in Washington, D.C. CED is an independent, nonpartisan organization of over 200 business and education leaders dedicated to economic and social policy research and the implementation of its recommendations by the public and private sectors. He has held this position since September 1997.

Prior to joining CED, Kolb served as General Counsel of United Way of America from 1992 to 1997. During nearly ten years of government service, he held several senior-level positions. He served as Deputy Assistant to the President for Domestic Policy at the White House (1990–1992) where he worked on several domestic policy issues involving economic, education,

legal, and regulatory matters. From 1983 to 1990, he held three other government positions: Assistant General Counsel, Office of Management and Budget (1983–1986); Deputy General Counsel for Regulations and Legislation, U.S. Department of Education (1986–1988); and Deputy Under Secretary for Planning, Budget and Evaluation, U.S. Department of Education (1988–1990).

Prior to government service, he practiced law at two Washington, D.C., law firms: Covington & Burling and Foreman & Dyess. He also was a law clerk to U.S. District Court Judge Joseph H. Young in Baltimore, Maryland.

Kolb received his undergraduate degree at Princeton University and did graduate work at Balliol College, Oxford University, from which he received a Master's Degree in Philosophy, Politics, and Economics. He holds a law degree from the University of Virginia School of Law where he was Editor-in-Chief of the *Virginia Journal of International Law*. He is also the author of a book on policymaking in the first Bush White House and numerous law review and op-ed articles.

He lives in Alexandria, Virginia with his wife, Ingrid, and their daughter, Charlotte Amanda.

http://ced.org

### **PLENARY SPEAKERS**

# TUESDAY, DECEMBER 6<sup>™</sup>, 3:30 pm – 4:45 pm Plenary Session



#### RICHARD DAFT

Richard L. Daft holds the Brownlee O. Currey, Jr. Chair in the Owen Graduate School of Management, Vanderbilt University, where he specializes in the study of leadership, organizational performance, and change management. Professor Daft received his M.B.A. and Ph.D. from the University of Chicago, is a Fellow of the Academy of Management, and has served on the editorial boards of *Academy of Management Journal* and *Administrative Science Quarterly*. He also served as Associate Dean at Owen, was the Associate-Editorin-Chief of *Organization Science*, and served for three years as Associate Editor of *Administrative Science Quarterly*.

Professor Daft has authored or co-authored 13 books, including his latest, *The Executive and the Elephant* (Jossey-Bass, 2010). Through real-life examples and recent studies in psychology, management and Eastern spirituality, *The Executive and the Elephant* provides guidance in finding one's own balance and cultivating the behavior of others. Other books include his world-wide best-selling textbooks, *Organization Theory and Design*, 10<sup>th</sup> ed. (Cengage/South-Western, 2010) and *Management*, 9<sup>th</sup> ed. (Cengage/South-Western, 2010). Professor Daft also published *The Leadership Experience*, 5<sup>th</sup> ed. (Cengage/South-Western, 2010) and Fusion Leadership (Berrett-Koehler, 2000). He has authored dozens of scholarly articles, papers, and chapters on the topics of organization design, innovation and change, and information processing. He is listed among the world's most highly cited authors in the fields of Economics and Business (ISIHighlyCited.com).

Professor Daft also is an active teacher and consultant. He has taught leadership, change management, organizational design, organizational behavior, management consulting, and strategic management. Professor Daft has been involved in management development and change consulting for many companies and government organizations, including the National Academy of Science, American Banking Association, Bell Canada, Bristol-Myers Squibb, Bridgestone/Firestone, J. C. Bradford & Co., Aegis Technology, Central Parking System, U.S. Army, United States Air Force, Tennessee Emergency Pediatric Services, Vanderbilt University Medical Center, Vanderbilt Medical Group, Jacoby & Meyers Law Offices, T.V.A., Allstate Insurance, State Farm Insurance, Oak Ridge National Laboratory, Pratt & Whitney, Nortel, United Methodist Church, USAA, and First American National Bank.

### **2011 OUTSTANDING SERVICE AWARD**

#### MICHAEL J. SULLIVAN

Michael J. Sullivan, the Director of the Massachusetts Office of Campaign and Political Finance (OCPF), is the recipient of the 2011 COGEL Outstanding Service Award. Mike almost needs no introduction as to his worthiness for this award. He has devoted himself to selflessly serving COGEL and its mission since becoming a member in 1994. He has presented at almost every conference, participated as the head of numerous committees, co-hosted the 2005 Boston conference and was COGEL's president in 2008. Outside of these official roles, Mike is willing to do whatever it takes to get the job done and to ensure the stature of COGEL in the international community. He has mentored many new COGEL members and provided support and guidance to many senior ones.

Mike's leadership and willingness to keep on giving of himself has contributed, in no small measure, to what COGEL is today—a vibrant association of officials with a unique mission in government. He has done many things; some of them go unnoticed or unheralded, such as being a key participant at Heartland conferences of COGEL members with jurisdiction over campaign financing in the Midwest region of the U.S. Others go to the very core of COGEL—Mike was instrumental in enacting significant changes to the COGEL bylaws that set the organization on more stable financial footing.

Mike was first appointed Director of OCPF, the state agency that administers and enforces campaign fundraising and expenditures on the state and local level, by a bipartisan commission in June of 1994 to a six year term. He was reappointed in 2000 and 2006. Prior to his appointment at OCPF, he served as Newburyport City Clerk for seven years. Mr. Sullivan also worked as a legislative aide to the Joint Committee on Election Laws in the Massachusetts Legislature.

He is a 25 year member of the Association of New England Football Officials and the North Shore Baseball Umpires Association. In 2010, he was the recipient of the Public Servant Award presented by the Massachusetts City and Town Clerks Association. A native of Lynn, MA and a graduate of Tufts University, Mr. Sullivan currently resides in Newburyport, MA.

### 2011 COGEL AWARD RECIPIENT

#### PAULA A. FRANZESE

Paula A. Franzese, the Peter W. Rodino Professor of Law, Seton Hall University, is the recipient of the 2011 COGEL Award. This award is the highest form of recognition conferred by the organization. The COGEL Award is presented annually to an individual who has made a significant, demonstrable, positive contribution to the field of campaign finance, elections ethics, freedom of information, or lobbying. Professor Franzese is being recognized for her outstanding contributions to the field of government ethics. She has spearheaded ethics reform initiatives on behalf of three New Jersey governors, serving as Special Ethics Counsel to Governor Richard Codey, Chair of the State Ethics Commission, Vice-Chair of the Election Law Enforcement Commission, and as an ethics advisor to state and local governments across the country, including Mayor Cory Booker's administration in Newark.

In 2006, Prof. Franzese was appointed Chair of the newly empowered New Jersey State Ethics Commission by then Governor Jon Corzine. In 2005, she was appointed by Gov. Corzine to serve on the gubernatorial transition team's Ethics and Policy Management Task Force. In 2004, she and New Jersey Supreme Court Justice Daniel J. O'Hern were appointed Special Ethics Counsel to Governor Codey. In that capacity, they submitted the most comprehensive ethics audit and reform agenda of its kind, resulting in significant ethics reform of the Executive Branch of State government and promulgation of New Jersey's first Uniform Ethics Code. Their work garnered national attention as other states take up the task of ethics reform. In 1996, Prof. Franzese was appointed by Governor Whitman to serve as Commissioner of COGEL member agency, the New Jersey Election Law Enforcement Commission, and in 2000, she was elected Vice-Chair of the Commission where she served until 2004. Prof. Franzese has been featured on the PBS documentary, Ethics in Government and has addressed the National Conferences of State Legislators and has twice been featured as a plenary speaker at the annual COGEL conference, in 2006 and 2008.

Professor Franzese is nationally renowned for her excellence in law teaching. Featured in the forthcoming book, What the Best Law Teachers Do (Harvard Univ. Press, 2011), she is the unprecedented nine-time recipient of the Student Bar Association's Professor of the Year Award, has been named "Exemplary Teacher" by the American Association of Higher Education and was ranked the Top Law Professor in New Jersey by the New Jersey Law Journal.

Professor Franzese was a litigator with Cahill, Gordon, and Reindel in New York City, where she also served as a member of the New York Housing Court Reform Project and the Governor's Task Force on Life and Law. She clerked for Justice Alan B. Handler of the New Jersey Supreme Court. She received her B.A., summa cum laude, Phi Beta Kappa, from Barnard College, Columbia University, where she was awarded the Bryson Prize, Alpha Zeta Fellowship, Marion Churchill White Prize, Davidson-Foreman Foundation Award and Barnard Alumnae Fellowship, and her J.D. from Columbia University School of Law, where she was an International Fellow, Teaching Fellow and recipient of the prestigious Rosenman Prize for excellence in public law courses.

### **2011 COGEL COMMITTEES**

#### **STEERING COMMITTEE**

Theresa M. Kirk, President
Amy Loprest, President-Elect
Eliza A. Saunders, Secretary
David Reisman, Treasurer (September 2011 – present)
J. Shane Creamer

Greg Essensa Jennifer Hardin Albert P. Lenge D. Mark Renaud Joseph F. Stoltz (December 2009 – June 2011)

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### **ACKNOWLEDGMENTS**

COGEL extends special thanks to the following for their generous contributions to the planning and presentation of the 33<sup>rd</sup> Annual COGEL Conference in Nashville, Tennessee.

#### PROGRAM COMMITTEE

Amy Loprest, Chair	L. Diane Gill	Nedda Massar
Steve Berlin	Tom Hennick	Drew Rawlins
Matthew Bobys	Sarah M. Jackson	Mike Sullivan
Carol Carson	Theresa M. Kirk	Nola Western
Daniel Cho, Deputy Chair	Darrin Lim	Susan Willeke

#### BREAKFAST TABLE TOPICS COORDINATOR

Sarah M. Jackson, Executive Director, Kentucky Registry of Election Finance

#### **HOST COMMITTEE**

Tennessee Bureau of Ethics and Campaign Finance Tre Hargett, Tennessee Secretary of State and staff

#### PROGRAM PARTICIPANTS

A special thank you to the guest speakers, moderators, and panelists who contributed their time and resources to the planning, development and implementation of this year's COGEL Conference.

#### **SPECIAL PROJECTS**

Joshua Blevins — cover artwork
Ilona Kramer — tech expo research and Twitter
Winnie Ng — design and layout of program

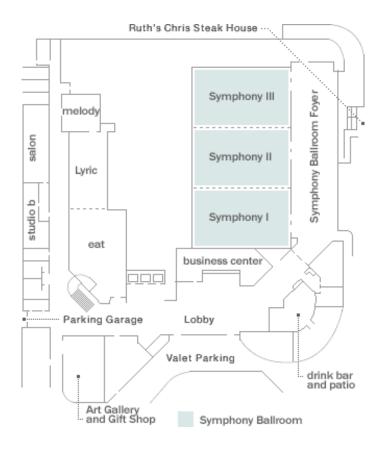
#### **COGEL STAFF**

L. Diane Gill, CAE, Executive Director

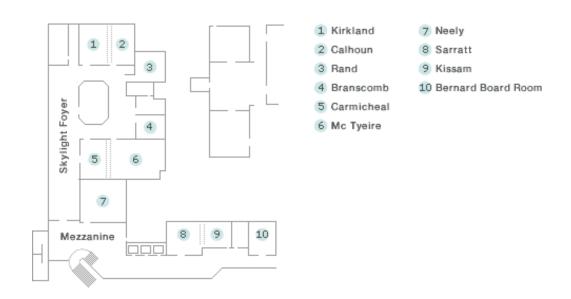
Larry M. Gill, CPA, Executive Director

# **LOEWS HOTEL MAP**

#### **LOBBY LEVEL**



#### **MEZZANINE LEVEL**



# SAVE the DATE DECEMBER 2-5, 2012

# 2012 COGEL CONFERENCE

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