



**ANNUAL MEETING AGENDA
SANTA BARBARA, CA
JUNE 17 – 20, 2019**

***Draft as of 5/22/19
Subject to Change***

Sunday, June 16, 2019

3:00pm – 6:00pm **Registration and Social Activities Sign up**

Monday, June 17, 2019

9:00am - 5:30pm **Registration and Social Activities Sign up**

6:00pm - 9:00pm **Opening Dinner for all registered attendees**

9:00 pm – 11:00pm **Hospitality Suite**

Tuesday, June 18, 2019

7:30am - 9:00am **Breakfast for all registered attendees**

8:30am - 8:45am **Welcome Remarks**

Meeting Host California Attorney General Xavier Becerra
CWAG Chair, New Mexico Attorney General Hector Balderas

8:45am - 9:15am **Alliance Partnership Achievements**

***Moderator: Sean Reyes, Utah Attorney General and CWAG Alliance
Partnership Co-Chair***

Introduction of all Foreign Dignitaries

Doug Lankler, General Counsel, Pfizer – Award

Session Overview:

The CWAG Africa Alliance Partnership (AAP) recognizes Pfizer Executive Vice President and General Counsel Douglas M. Lankler with the 2019 Rule of Law Leadership Award, for his visionary guidance in growing the AAP's groundbreaking work on the African continent. In less than three years, the Africa Alliance Partnership has implemented vibrant partnerships with Ministers of Justice, Attorneys General and Directors of Public Prosecution in Ghana, Kenya, Malawi, Nigeria, Rwanda, South Africa, Uganda and Zambia, establishing strong commitments to collaborative relationships that advance our mutual interests.

9:15am – 10:30 am **General Counsel Roundtable**

Moderator: Clare Connors, Hawaii Attorney General

Doug Lankler, General Counsel, Pfizer

Teresa Wynn Roseborough, Executive Vice President, General Counsel and Corporate Secretary, The Home Depot

Stephen Simcock, General Counsel for Consumer Lending, JPMorgan Chase

Panel Overview:

Pfizer General Counsel Lankler will discuss the health risks, both pros and cons, of allowing the direct importation of foreign drugs into the U.S. Legislation is pending in 22 states to legalize the practice, bypassing the FDA approval process. Is history repeating itself a good thing? Fifteen years ago, a few states enacted such legislation permitting consumers to import such drugs and/or setting up state buying programs to buy "cheaper" drugs from Canada and elsewhere.

The Home Depot's General Counsel Teresa Wynn Roseborough will discuss the alarming increase in organized retail crime across the country that is endangering customers, employees and law enforcement, and funding the opioid epidemic. These are not petty shoplifters. She will discuss the need for and examples of a comprehensive approach to the problem that requires the cooperation of state legislatures, attorneys general, local police departments, prosecutors, retailers and resellers.

Stephen Simcock, General Counsel of Chase Consumer & Community Banking, will provide insight into certain risks related to the JPMorgan Chase business segment serving consumers and businesses with retail banking, lending, payments and merchant products and services. Specifically, Mr. Simcock will discuss emerging privacy and data security issues affecting financial services companies, including a discussion of the approach Chase takes to protect consumers, their money and their information. In addition, Simcock will address the relevant laws and Chase's practices concerning elder abuse and vulnerable adults.

10:30am – 11:15 am **Gig Economy and the California Automatic Renewal Law (ARL)**

Moderator: Aaron Ford, Nevada Attorney General

Nick Akers, Deputy Attorney General, California Attorney General's Office

John Lapham, General Counsel, Rover.com

Jeff Tsai, Partner, DLA Piper

Panel Overview:

State wage and hour laws are being interpreted by the courts. This discussion will look at recent decisions and their definitions and classifications of Independent Contractors, as well as other legal developments within labor markets where short term contracts and freelance jobs are prevalent.

An update to the California ARL law requires e-commerce sellers, doing business in California, to allow online cancellation of auto-renewing memberships or recurring purchases that were initiated and to provide notify consumers who have accepted an automatic offer that includes a free gift, trial, or promotional pricing to cancel the auto-renewal before they are charged. Will this regulatory feature be adopted nationwide?

11:15am – 12:00pm **Online Sports Betting**

Moderator: Alan Wilson, South Carolina Attorney General

Brian Kane, Assistant Chief Deputy Attorney General, Idaho Attorney General's Office

Stanton Dodge, Chief Legal Officer, DraftKings

Chris Cylke, Vice President, Government Affairs, American Gaming Association

John Pappas, Public Affairs, Geocomply

Panel Overview:

In the aftermath of DOJ's release of its updated opinion on the application of the Wire Act of 1961 (18 U.S.C. §1084) in January, states and the gaming industry are continuing to weigh its potential impact. Reversing the government's 2011 position, the recent opinion re-interprets the Wire Act's prohibitions to apply to any form of gambling that satisfies the statute's interstate commerce requirements—not just online sports betting. This decision effects industrywide systems and practices founded on long-held understandings and precedent limiting the statute's application to sports wagering. Additionally, this decision potentially imperils state-operated lotteries, along with online gaming, intrastate gambling, and brick-and-mortar casinos. It may also reach interstate lottery games such as Powerball: on the face of DOJ opinion, many purely intrastate state lotteries and interactive gaming devices (progressive slot games, etc.) located throughout the country that use the Internet to transmit data in support of their operations could

suddenly be deemed illegal by DOJ. This panel will explore the impact of this opinion on States and industries and the future of gaming and fantasy sports.

12:00pm – 1:15pm **Lunch**

12:15pm – 12:30pm **CWAG Awards (Jim Jones, Nelson Kempsey, WAGGIES)**

12:30pm – 1:15pm **Luncheon Speaker**

Speaker Introduction: Hector Balderas, New Mexico Attorney General

His Excellency Sheikh Meshal Bin Hamad Al-Thani, Ambassador of the State of Qatar to the United States of America

1:30pm – 2:00pm **AG Settlements Federal Requirements and Tax Implication Panel**

Moderator: Tom Miller, Iowa Attorney General

Paul Singer, Deputy Attorney General, Texas Attorney General's Office

Clay Friedman, Partner, Sidley Austin LLP

Panel Overview:

Under the Tax Cuts and Jobs Act of 2017, corporations are expressly allowed to deduct restitution payments which were or may be paid as part of a final judgment or settlement with a government or governmental entity. The new law has broad applicability to consumer protection, antitrust, securities, environment law, and other areas of the law that are regulated by the government. It requires that restitution or money paid to come into compliance with the law be specifically identified as such in the court order or settlement agreement, and the burden is on the taxpayer to prove that the deduction applies. Reimbursement of costs of investigation or litigation are not deductible. The law also imposes reporting requirements upon government regulators, beginning in 2019.

2:00pm – 3:00pm **Crypto Currency and Blockchain Technology**

Moderator: Kwame Raoul, Illinois Attorney General

Diego Zuluaga, Policy Analyst, Center for Monetary and Financial Alternatives, Cato Institute

Dennis Eap, Director on the Governance, Risk, and Compliance, HBUS

Christopher D'Angelo, Deputy Attorney General for Financial Justice, New York Attorney General's Office

Panel Overview:

This panel will explore how the anonymity of crypto currency can be aligned with the needs of regulators to enforce anti-fraud measures and protect consumers.

3:00pm – 3:15pm **Break**

3:15pm – 3:45pm **US Department of Justice and State Attorneys General Collaborations**
Speaker Introduction: Doug Peterson, Nebraska Attorney General

Timothy Shea, Counselor to the Attorney General, US Department of Justice (Invited)

Session Overview:

Timothy Shea, Counselor to the Attorney General, joined Attorney General William P. Barr in the Department of Justice in April of 2019. Mr. Shea's responsibilities include oversight of all civil and criminal matters as well as participating in legal policy developments and management of the Department. Counselor Shea will discuss areas ripe for collaboration with the Attorneys General.

3:45pm – 4:30pm **Regulatory Efforts and Environments in Direct Sales and E-Commerce**
Moderator: Leslie Rutledge, Arkansas Attorney General

Nathan Blake, Deputy Attorney General, Iowa Attorney General's Office

Darnell Self, CEO, Self Defined, Inc.

Peter Marinello, Vice President, National Council of Better Business Bureau

Dave Merriman, Executive Vice President, ACN, Inc.

Panel Overview:

Over 18 million Americans are entrepreneurs in the direct selling arena. Working in conjunction with State Attorneys General and the FTC, members of the Direct Selling Association have partnered with the National Council of Better Business Bureau to launch a regulatory body, the Direct Selling Self-Regulatory Council (DSSRC).

9:00 pm – 11:00pm **Hospitality Suite**

Wednesday, June 19, 2019

- 7:30am - 9:00am **Breakfast for all registered attendees**
- 8:30am - 9:30am **SAGE Breakfast (Society of Attorneys General Emeritus)**
- 8:30am - 9:30am **FREE Breakfast (Former & Retired Executive Employees)**
- 8:30am - 9:30am **CWAG Business Meeting and Breakfast**
CWAG – Western State Attorneys General Only
- 9:30am – 10:00am **Western Issues Discussion**
Moderator: Phil Weiser, Colorado Attorney General
- The Honorable Cynthia Coffman, Former Colorado Attorney General
- The Honorable Ken Salazar, Secretary of the Interior 2009-2013, U.S. Senator 2005-2009, Colorado Attorney General 2000-2004
- 10:00am – 11:00am **State 401 Certifications – What has changed?**
Moderator: Wayne Stenehjem, North Dakota Attorney General
- Jon Bennion, Chief Deputy Attorney General, Montana Attorney General's Office
- Rick Frank, Professor of Environmental Practice and Director, California Environmental Law and Policy Center, UC Davis School of Law
- EPA (Invited)

Panel Overview:

Section 401 of the Clean Water Act requires applicants for a federal permit or license to provide a certification from a state in which a project is located that any discharges from the project into “waters of the United States” will comply with all applicable water quality standards, limitations, and restrictions, and “any other appropriate requirement of State law”. Federal agencies are required to include conditions contained in a 401 certification in any permit or license. Disputes over the states’ exercise of their 401 authority led President Trump to direct EPA to revise its existing 401 guidance. EPA announced it will issue revised guidance by June 10th. The panel will discuss the implications of EPA’s revised guidance on state 401 certifications.

- 11:00am – 11:45am **Cooperative Federalism – The Foundation of Federal Environmental Law**
Moderator: Kevin Clarkson, Alaska Attorney General

Clive Strong, CWAG Environment and Natural Resources Legal Director

Bill Jackson, Partner, Kelley Drye & Warren LLP

Linda Kelly, Senior Vice President, Legal, General Counsel, and
Corporate Secretary, National Association of Manufacturers

American Chemistry Council (Invited)

Panel Overview:

When Congress enacted the Clean Air Act in 1970 it established a framework in which the federal government and the states are to cooperate in the protection of health, environment and natural resources. This Cooperative Federalism framework was carried forward into the Clean Water Act and numerous other environmental laws adopted throughout the 1970s. Despite the Congressional directive to federal agencies to cooperate with states in the implementation of the environmental laws, changes in federal administrations has resulted in innumerable shifts in agency policy regarding the role of states in enforcement of federal environmental laws. This panel will explore the existing state/federal relationship, obstacles and opportunities for cooperative relationships between federal, state and private partners in environmental enforcement, and suggest ways to improve communication in those relationships.

11:45am – 12:15pm **Supreme Court Cases of Interest to the West**
Moderator: Bridget Hill, Wyoming Attorney General

Ed Kneedler, Deputy Solicitor General, US Department of Justice

Dan Schweitzer, Supreme Court Counsel, National Association of
Attorneys General

Panel Overview:

This panel brings two of the most experienced attorneys involved in cases before the United States Supreme Court to discuss the latest cases impacting the west, including water law, Indian law and public lands. Edwin S. Kneedler is Deputy Solicitor General in the United States Department of Justice. He is responsible for reviewing Supreme Court briefs and appeal and amicus recommendations in court of appeals cases on behalf of the United States Government in a variety of subject areas. Dan Schweitzer is the Director and Chief Counsel of the National Association of Attorneys General's Center on Supreme Court Advocacy. Since joining NAAG in February 1996, his principal responsibility has been to assist state appellate litigators who appear before the United States Supreme Court.

12:15pm – 1:30pm **2018-19 Supreme Court Luncheon**
Speaker Introduction: Lawrence Wasden, Idaho Attorney General

The Honorable Mark Bennett, U.S. Court of Appeals for the Ninth Circuit

Jeffrey F. Fisher, Stanford Professor of Constitutional Law

1:45pm – 3:00pm

Comparing the Canadian and U.S. Regulatory Response to Marijuana

Moderator: Karl Racine, District of Columbia Attorney General

The Honorable Caroline Mulroney, M.P.P Minister of Justice & Attorney General of Ontario

William Blair, Minister of Border Security and Organized Crime Reduction, House of Commons, Ontario, Canada (Invited)

David Scherr, Assistant Attorney General & Co-Chief, Community Justice Division, Vermont Attorney General's Office- (STATES ACT, Farm Bill, SAFE Act)

Andrew Smith, Senior Vice President of External Affairs, Surterra Wellness

Panel Overview:

The United States and Canada are both grappling to set up sound regulatory structures for marijuana but are taking two very different approaches. Line the U.S., Canadian Provinces have the responsibility of implementing regulatory structures providing for secure production, distribution and sales along with a robust financial accountability system. However, in the States, elected officials are answering the call of their voter-approved marijuana initiatives without the benefit of federal legality. Canadian and State Attorney General's will talk about the progress and pitfalls of their marijuana experiences.

3:00pm – 3:45pm

Regulatory and Impaired Driving Considerations for Policy Makers, the Public and Law Enforcement

Moderator: Ellen Rosenblum, Oregon Attorney General

Peter Gigante, Head of Policy Research, Eaze

Erin Holmes, Director of Traffic Safety, Responsibility.org

Kenneth Stecker, Traffic Safety Resource Prosecutor, Prosecuting Attorneys Association of Michigan

3:45pm – 4:45pm

Ethics: Signs and Symptoms of Substance Use and Mental Health Issues

Moderator: Kathy Jennings, Delaware Attorney General

Al Lama, Deputy Executive Director, NAAG

Lita Abella, Sr. Program Analyst, Lawyer Assistance Program, The State Bar of California

Panel Overview:

The prevalence of substance use and mental health issues amongst attorneys continues to increase each year. This session will discuss how substance use and mental health issues impairs an attorney's ability to perform legal services with competence; Describe the signs and symptoms of addiction, depression, anxiety, and stress; and provide information on The State Bar of California Lawyer Assistance Program and other resources.

6:00pm – 9:00pm **Dinner**

9:00 pm – 11:00pm **Hospitality Suite**

Thursday, June 20, 2019

7:30am - 9:00am **Breakfast for all registered attendees**

8:30am – 9:00am **Hate Crimes and Attorney General Responses**
Moderator: TBA

Michael Newman, Assistant Attorney General, Civil Rights Section,
California Attorney General's Office

9:00am – 9:45am **Artificial Intelligence, Machine Learning and Cloud Computing for
the Future of Financial Investigations Using Technology**
Moderator: Curtis Hill, Attorney General Indiana

Stu Bradley, Vice President, Fraud and Security Intelligence, SAS

Claire Rushton, Sr. Director of Global Investigations-Crimes Against the
Business (CAB), Wal Mart

Nicole Harrington, Senior Director, Pharmacy Services, CVS Health

Panel Overview:

Consumer trends in the retail industry allow public and private sector entities to share information on purchases and patterns which elevate insights into fraud, money laundering and prescription drug abuse. This panel will highlight the ways data can be integrated to identify

sophisticated criminal activity along with the ways data can be used to approach the opioid crisis.

9:45am – 10:15am **The FinTech Regulatory Sandbox**
Moderator: TBA

Paul Watkins, Bureau of Office of Innovation, CFPB

Session Overview:

The statutory mission of the CFPB includes facilitating innovation, competition and consumer access within financial services. A FinTech Regulatory Sandbox is designed to facilitate innovation within the highly regulated environment of financial services.

10:15am - 11:15am **Device Security in a Time of Device Proliferation**
Moderator: TBA

Tom Galvin, Executive Director, Digital Citizen's Alliance

Panel Overview:

Americans now have a plethora of devices in their home, from computers and tablets and phones to smart TVs, thermostats, doorbells, cameras and entertainment devices. But as the number of devices grow, so does the potential for malware and hacking. This panel will explore how to ensure device security in a time of device proliferation. In particular, the panel will explore the risks posed by millions of illicit entertainment devices and how to balance the importance of device security and device repair.

11:15am – 12:30pm **AG Roundtable on Data Privacy**
Moderator: TBA

Doug Peterson, Nebraska Attorney General

Joe Sciarrotta, Division Chief Counsel, Civil Litigation Division, Arizona Attorney General's Office

Sheila Colclasure, Senior Vice President, Global Public Policy, LiveRamp

Panel Overview:

A Conversation with State Attorneys General on Privacy and Navigating Consumer Protection

Adjourn