



NEWSLETTER

Official Newsletter of the North Carolina Professional Lobbyists Association

May, 2010

NCPLA President's Message

In This Issue...

President's Message
...page 1

Annual Meeting Set
...page 3

"Brain Stretchers"
...page 3

Contact Updates
...page 4

Dear NCPLA Members:

I would like to take the opportunity in this edition of the NCPLA newsletter to provide you with an overview and an update on certain actions your NCPLA Board of Directors has taken in the past few months regarding an advisory opinion issued by the State Ethics Commission in September 2009 and published in October 2009. As you know, the opinion (AO-L-09-010) impacts the reporting of compensation paid by lobbyists principals to lobbyists. The opinion establishes a "but for" standard or test to be used in the "payment for services" reporting requirements of the Lobbying Law. While we have received various and diverging questions, comments and opinions from NCPLA members regarding the opinion, one uniform theme we have heard has been the uncertainty and confusion surrounding the actual application of the "but for" test. The following summarizes the various activity surrounding this matter and the actions taken to date by the NCPLA Board of Directors and leadership.

NCPLA Compliance Task Force

Shortly after the opinion was issued, the NCPLA Board of Directors directed the appointment of an ad hoc NCPLA committee charged with reviewing the opinion, identifying concerns and making recommendations to the Board. The NCPLA Compliance Task Force includes NCPLA member representatives with diverse lobbying backgrounds and has met several times since November of last year.

NCPLA Meeting with Commission Staff

In November 2009 at the invitation of State Ethics Commission staff, NCPLA Board representatives met with the SEC staff to discuss various questions and concerns with the opinion. Other representatives of the lobbying community participated in the meeting as well. At the meeting, several of the major concerns we have received from NCPLA members were noted for the staff. As an outcome of this meeting, the Commission staff indicated that further guidance on the AO-L-09-010 opinion would be forthcoming.

Additional Guidance from the Commission

On January 28, 2010, the Commission issued additional guidance in an effort to address several of the questions and concerns received regarding the meaning and scope of the opinion. The guidance was emailed to registered lobbyists by the Commission and NCPLA also emailed the information to all members. In the Commission's January 28 communication, it noted that it would be meeting on February 12, 2010, regarding the opinion and the additional guidance. The Commission further noted its expectation that the additional guidance document might lead to additional questions from impacted individuals and entities and welcomed formal comments to be submitted to the Commission in advance of the meeting.

NCPLA Comments

In light of the Commission's request, comments were prepared and submitted to the Commission on behalf of the NCPLA Board of Directors. The NCPLA Board of Directors expressed the Association's continued commitment in helping to advance the important and fundamental public policy goals of the State Ethics Act and in assisting the Commission in any way possible in its efforts to clarify the application of the opinion. The comments also requested that the Commission consider further delaying the effective

Continued on Page 2

President

John Policastro
*NC Automobile
Dealers Association*

Vice-President
Amy Fullbright
Hunton & Williams

**Secretary-
Treasurer**
Estherine Davis
*ElectriCities of North
Carolina, Inc.*

President's Message

Continued From Page 1

date of the opinion while addressing these issues of uncertainty. Essentially, the comments were drafted to address the apparent uniform uncertainty among NCPLA members regarding the proper application of the opinion. A copy of the NCPLA comments was distributed via email to all NCPLA members on February 10th.

SEC February 12, 2010 Meeting

As indicated above, the Commission permitted public comment on the opinion at its February 12, 2010 meeting. NCPLA Legislative Committee and NCPLA Compliance Task Force Co-Chair Bill Scoggin spoke at the meeting and formally presented NCPLA's comments. Other representatives of the lobbying community addressed the Commission on the opinion.

Additional SEC Opinion

On Friday, March 5, 2010, the Commission published an additional redacted advisory opinion in this area. AO-L-10-001 was issued on February 12, 2010 and covered the application of the AO-L-09-010 "But For" test. Again, a great deal of the response that was received from NCPLA members involved continued confusion in applying the "but for" test despite the additional guidance included in the opinion.

Legislative Ethics Committee

Most recently, Bill Scoggin and I were invited to address the Legislative Ethics Committee during its April meeting on issues surrounding the interpretation of the SEC opinion. Other representatives of the lobbying community, as well as SEC and Secretary of State staff were also invited to the meeting.

SEC Educational Program

On April 7, 2010, the staff of the State Ethics Commission held a lobbying educational seminar covering the lobbying law and dedicating a significant portion of the program to the AO-09-010 opinion and the "But For" test. NCPLA appreciates the efforts of the Commission and staff to address the concerns and questions of the regulated community.

I wish to thank the NCPLA Board of Directors and the members of the NCPLA Compliance Task Force for all of their work in addressing this important issue on behalf of all NCPLA members. Your efforts have been conducted in the spirit of advancing the dual goals of helping NCPLA members fully understand and comply with the reporting obligations of our profession and the promotion of the important public policy goals of the State Ethics Act and the Lobbying law.

Further updates and developments on this matter will be provided to all NCPLA members as we receive further information. If you have any questions, comments or concerns, please do not hesitate to contact me.

Finally, I want to extend a special thank you to Bill Scoggin who has served as our NCPLA Legislative Committee Co-Chair since completing his two-year term as NCPLA President in 2004. Bill, who also agreed to join me as co-chair of the NCPLA Compliance Task Force last year, has taken the lead on these types of issues for NCPLA for several years now. All NCPLA members owe a debt of gratitude to Bill for his service to NCPLA throughout the years.

As always, please contact me if I can be of assistance in any way. Thank you.

T. John Policastro
NCPLA President

NCPLA Contact Information

P.O. Box 905, Raleigh, NC 27602 — Tel 919.821.6860 Fax 919.839.0304 info@ncpla.org

2010 Annual Meeting Date Set

We're heading for the beach! Mark your calendars today for the 2010 NCPLA Annual Meeting. This year the big event will be held at the Sheraton Atlantic Beach, October 11 - 12.

The agenda for this year's meeting will follow the same format as past Annual Meetings, with the golf tournament on Monday, followed by dinner and Lobster Awards that evening. Tuesday morning will include breakfast, educational sessions and the Association's annual business meeting.

For the golfers, Paul Stock has made arrangements for our group to play at the brand new course at Carolina Colours in New Bern on Monday, October 11. The shotgun start will be at 10 am sharp! The cost per player will be \$45 and will include range balls, cart, greens fees, and a box lunch.

The NCPLA Events Committee is working hard to bring you informative educational sessions presented by top quality speakers, plus a bit of fun thrown

in. The Lobster Awards are always an entertaining (not to mention hilarious) end to a day of networking and fellowship.

Please watch the NCPLA website for details and registration information as they become available.

Tentative Annual Meeting Agenda

Monday, October 11

10 am	Golf Tournament
6 pm	Welcome Reception
7 pm	Dinner & Lobster Awards

Tuesday, October 12

8 am	Continental Breakfast
9 am-noon	Educational Sessions
12 noon	Adjourn

NCPLA Presents "Brain Stretchers"

NCPLA is proud to present the first of what is hoped will become an occasional free event offered to members. The "After Work Brain Stretcher Series" kicks off on Thursday, May 6 at the office of the NC Beer and Wine Wholesalers Association. The office is located at 210 North Person Street in downtown Raleigh. The program will begin at 5:30 pm and last until approximately 7 pm.

The *Brain Stretchers Series* will feature speakers on a topic relevant to our world today, but just a little outside the usual realm of government and political issues we usually discuss.

The topic for the May 6 program will be "Threat Assessment for North Carolina — Understanding All the Natural and Man-made Perils We Face Today." Guest speakers for the evening will be Joe Eyerma, Ph.D.,

Director for Research and Management, Institute for Homeland Security Solutions; Charles E. Fisher, Vice President for Mid-Atlantic MidWest Region, JLW Associates; and David H. Schanzer, Associate Professor of the Practice for Public Policy and Director, Triangle Center of Terrorism and Homeland Security.

The plan is to host additional *Brain Stretcher* events throughout the year, so if you have suggestions or ideas for other brain stretching topics or speakers, please email them to Joe Stewart at jstewart@ncchamber.net.

There is no charge for attending the series, but it is asked that you please RSVP to Joe Stewart either via email at jstewart@ncchamber.net, or by phone at 919.836.1413. Food and beverages will be provided.

Where Are They?

In case you've lost track of some of your NCPLA friends, here's a run-down of who's moved or changed contact information.

NCPLA reminds members that even though our print membership directory is published at the beginning of legislative long session years, a regularly updated and publicly accessible online directory is maintained on the NCPLA website at www.ncpla.org. You can make changes to your NCPLA membership directory profile by clicking on the "Update Your Membership Information Here" link in the Membership section of the NCPLA website. Also, you can send any necessary changes to info@ncpla.org.

Theresa Kostrzewa

Capitol Advantage Associates, Inc.
A North State Strategies Member Company
2349 Churchill Road
Raleigh, NC 27608
Office: 919.833.3330
Mobile: 919.810.7241
theresak@nc.rr.com
www.northstatestrategies.com

Jack Cozort

Cozort Government Relations
A North State Strategies Member Company
2611 Glen Eden Drive
Raleigh, NC 27612
Office: 919.787.6548
Mobile: 919.810.4864
jlcozort@gmail.com
www.northstatestrategies.com

Gene Ainsworth

Ainsworth & Associates, LLC
A North State Strategies Member Company
721-104 Bishops Park Drive
Raleigh, NC 27605
Office: 919.828.2236
Mobile: 336.829.9002
ainswog42@yahoo.com
www.northstatestrategies.com

Wendy Kelly

Consultant
Policy Group
Office: 919.256.3695
Mobile: 919.819.4636

Alexander P. "Sandy" Sands

Partner/member of the Firm's Government Relations
Office: 919.981.4060
Fax: 919.981.4300
ssands@williamsmullen.com
www.williamsmullen.com/ssands

Patrick T. Buffkin

Government Affairs Specialist
NC Association of Electric Cooperatives
Office: 919.645.2431
Mobile: 919.971.2796

Amy McConkey

Director of Government Affairs
NC Beverage Association
Raleigh NC 27603
919.828.2737
amy@ncbev.org

In Memoriam

As a reminder, a memorial service and reception celebrating the life and memory of Virgil McBride is being held by his family and friends on Tuesday, May 25, 2010 at 4 pm at the North Carolina Museum of History Auditorium.

Virgil was a Charter Member of NCPLA and a member of the initial NCPLA Board of Directors and will be truly missed in the halls of the General Assembly this session. Our deepest sympathy goes out to Sue McBride and Virgil's entire family.

Congratulations

Congratulations and best wishes go out to Paul Meyer and wife Caron on the birth of their son, Cullen Andrew Meyer, born November 12, 2009. Little Cullen joins big sister Madeline who is 5 years old.

Paul is certainly happy to have a healthy baby boy, but also expressed delight in having another male in the family saying, "Starting the day he was born, I was no longer out-voted by the girls."

Paul is Chief Legislative Counsel with the North Carolina League of Municipalities and NCPLA Board member.

2009-2010 NCPLA Board of Directors

President

John Policastro
NC Automobile Dealers Association

Vice-President

Amy Fullbright
Hunton & Williams

Secretary-Treasurer

Estherine Davis
ElectriCities of North Carolina, Inc.

Directors

Christie Barbee
Carolina Asphalt Pavement Assn.

Julia Leggett
The Arc of NC

Bill Scoggin
Troutman Sanders Strategies

Andy Ellen
NC Retail Merchants Assn.

Kevin Leonard
NC Association of County Commissioners

Joe Stewart
NC Chamber of Commerce

Lori Ann Harris
L.A. Harris & Associates, Inc.

John McMillan
Manning, Fulton & Skinner, P.A.

Paul Stock
NC Bankers Association

Kathy Hawkins
Progress Energy

Ken Melton
Ken Melton & Associates

George Teague
Nelson Mullins Riley &
Scarborough, LLP

Evelyn Hawthorne
Evelyn Hawthorne Government &
Public Relations

Paul Meyer
NC League of Municipalities

Susan Valauri
Nationwide Insurance &
Affiliates

Doug Heron
Williams Mullen

Lu-Ann C. Perryman
DLC & Associates, Inc.

Anita Watkins
UNC General Administration

Kevin Howell
NC State University

Joyce Peters
JP Associates

Leanne Winner
NC School Boards Assn.

Tracy Kimbrell
Parker Poe Adams &
Bernstein, LLP

Dean Plunkett
NC Beer & Wine Wholesalers Assn.

Rick Zechini
NC Association of Realtors

Henry Lancaster
Lancaster, Craig & Associates

Sandy Sands
Williams Mullen

Roz Savitt
RS Government Services

Legislative Food Drive May 12

Legislative Food Drive

Wednesday, May 12, 2010

Front of Legislative Building & Entrance of Legislative Office Building



The General Assembly is hosting its annual Legislative Food Drive on the opening day of the legislative session. Lawmakers, legislative staff members, lobbyists and others attending the Opening Day Events are asked to bring food donations to benefit food banks across the state of North Carolina. You can participate in this prestigious drive by participating in the Food Bank of Central & Eastern NC's virtual food drive.

This will mark the 15th year for the drive. Below is a message from House and Senate leadership requesting support for the food drive.

Dear Friend:

Continuing what has become a tradition of giving and goodwill, the General Assembly will hold its 2010 Legislative Food Drive on Wednesday, May 12, 2010, as part of the convening of the short legislative session. The General Assembly began this tradition in 1995 and donations have increased steadily ever since – and with your help the 2010 food drive can far exceed our past successes.

Everyone who visits the General Assembly that day – including legislators and their guests, legislative staff, lobbyists and reporters – is asked to donate nonperishable items or money to support America's Second Harvest Food Banks of North Carolina. Think of your contribution as a small "opening day admission price" that will benefit thousands of North Carolina residents.

This year's short session convenes at noon Wednesday May 12, but volunteers from the Second Harvest Food Banks will be accepting donations from 10 a.m. to 3 p.m. at the front entrance of the Legislative Building and the entrance of the Legislative Office Building.

To continue their commitment to fighting hunger in this state, the food banks depend on donations of food, money and volunteer time. This is an opportunity for all of us to give back to our communities and to raise awareness of the serious problem of hunger across North Carolina. In these tough times, the food banks need our help more than ever.

Please help the General Assembly start the 2010 session with a true act of goodwill by contributing money, canned goods or other nonperishable items to the Second Harvest Food Banks of North Carolina on Wednesday, May 12.

Thank you in advance for participating in this worthy cause.

Sincerely yours,
Marc Basnight
Joe Hackney