

OCTOBER 7-8, 2019
WASHINGTON, DC



Legal & Regulatory Seminar

MONDAY, OCT. 7

8:00 A.M. – 5:00 P.M.

Registration Open

8:30 – 9:30 A.M.

Breakfast

9:30 – 9:45 A.M.

Welcome

9:45 – 10:45 A.M.

Looking at Independent Work from Different Perspectives: A Discussion with the Coalition for Workforce Innovation

The Coalition for Workforce Innovation has brought together a diverse group of stakeholders to modernize federal workforce policy. These proposals will enhance independent work in ways that ensure the freedom and economic opportunities provided these workers.

The Coalition seeks to educate policymakers on the benefits of the evolution of independent work for workers, employers and the economy as well as opportunities to enhance those relationships. Members of the Coalition will share the latest legislative updates and policy conversations that could have once in a generation impact on independent work.

- **EVAN ARMSTRONG**, Vice President of Workforce, Retail Industry Leaders Association
- **BRIAN BENNETT**, Vice President Government Affairs and Policy, Direct Selling Association
- **CARL CAMDEN**, Founder and President, iPSE-U.S.
- **HOLLIE HEIKKINEN**, Chief Executive Officer and Founder, iWorker Innovations
- **TOMMY LEANDER**, Federal Policy Advisor, Lyft

10:45 – 11:45 A.M.

Update and Insights on Recent Federal Trade Commission Enforcement Actions

Direct selling is one of the many businesses under the purview of the Federal Trade Commission (FTC) to ensure consumers are protected and ethical business standards are followed. 2019 has seen significant activity by the FTC that all companies should be aware of to update senior leadership and determine if their companies need to reexamine the business structures. In house and outside attorneys will discuss these developments and advise on what the actions mean for direct selling companies and if shifts are needed to marketing, advertising, and compensation plans.

- **BERNADETTE CHALA**, Senior Vice President, General Counsel, Arbonne International, LLC
- **THOMAS COHN**, Director and Senior Counsel, Sales, Marketing and Government Affairs, New Avon Company
- **BRENT KUGLER**, Partner, Scheef & Stone, LLP

11:45 A.M. – 1:00 P.M.

Keynote Lunch: A View of Trade from the Trump Administration

The Trump administration has been actively renegotiating trade agreements and revising policies for partners across the globe. A senior administration official will discuss the prospects for future policies and agreements for markets around the world.

- **NAZAK NIKAKHTAR**, Assistant Secretary for Industry and Analysis, U.S. Department of Commerce, International Trade Administration

1:00 – 2:00 P.M.

General Counsel/Outside Counsel Forum

This panel of leading legal minds will discuss a variety of policy and business topics that should be top priorities for the legal department in any direct selling company. Audience members will have the opportunity to get panelists' thoughts on the questions they need answered.

- **MATTHEW DORNY**, Vice President, General Counsel and Secretary, Nu Skin Enterprises
- **JANE FERGASON**, Partner, Foley Gardere LLP
- **JOSH FOUKAS**, Chief Legal Officer, USANA Health Sciences, Inc.
- **JUSTIN POWELL**, Chief Legal Officer and General Counsel, Isagenix International
- **ADAM SHERMAN**, Partner, Vorys, Sater, Seymour and Pease LLP

2:00 – 3:00 P.M.

Developments in Independent Contractor Status: Are Direct Sellers at Risk?

Newly enacted regulations in Massachusetts requiring Paid Family Medical Leave for independent contractors and codification of 2018 California Supreme Court decision in Dynamex v. Superior Court are two of the most important developments to independent contractor status in decades. Speakers will discuss how direct sellers are positioned in comparison to other businesses utilizing independent contractors and other legal and legislative developments.

- **NOAH BRYSON**, Associate General Counsel, Nu Skin Enterprises
- **REBECCA DREIER**, General Counsel, Regal Ware, Inc.
- **RYAN KEARNEY**, General Counsel, Retailers Association of Massachusetts
- **LEWIS RETIK**, Partner, Gowling WLG LLP
- **PATRICIA ZACHARIE**, Vice President, Legal and Regulatory Affairs, Ambit Energy

3:00 – 4:00 P.M.

Food and Drug Administration Position on CBD

The CBD market is projected to be \$20 billion by 2024. Direct selling companies have already started selling and researching how they might offer products with these ingredients. This conversation will explore the legal and regulatory landscape of hemp derived CBD and the issues that arise when it's marketed as a dietary supplement as well as a topical product. The United States Food and Drug Administration will detail current developments and state of the law on sales, marketing and research on these products.

- **REND AL-MONDHIRY**, Senior Counsel, Amin Talati & Upadhye
- **SHARON LINDAN MAYL**, Senior Advisor for Policy, Office of Foods and Veterinary Medicine, Food and Drug Administration (FDA)
- **MEGAN OLSEN**, Assistant General Counsel, Council for Responsible Nutrition

4:30 – 6:00 P.M.

Reception: Solarium

MASTERS OF CEREMONIES



Bernadette Chala, Senior Vice President, General Counsel, Arbonne International, LLC



Thomas Cohn, Director and Senior Counsel, Sales, Marketing & Government Affairs, New Avon Company

TUESDAY, OCT. 8

7:30 A.M. – NOON

Registration Open

8:00 – 9:00 A.M.

Breakfast

9:00 – 9:15 A.M.

Welcome Back

9:15 – 10:00 A.M.

Insights from the Federal Trade Commission

A senior official from the Federal Trade Commission will address conference attendees and provide guidance to the industry on ensuring continued compliance with legal and regulatory standards. The Commission will also offer insights on the interplay between the agency, direct sellers and marketplace standards.

- **ANDREW SMITH**, Director, Bureau of Consumer Protection, Federal Trade Commission

10:00 – 11:00 A.M.

United States Department of Labor: Enhancing Opportunities for Independent Contractors

The United States Department of Labor (DOL) is responsible for developing guidance and standards on classification of independent contractors. The Department has been extremely active in the past 12 months defining the government's position on independent work in a variety of arrangements. A senior official from the DOL will speak about guidance already issued and how it has positively impacted direct sellers.

- **ALISON KILMARTIN**, Deputy Assistant Secretary for Policy, United States Department of Labor

11:00 – NOON

Direct Selling Self-Regulatory Council: One Year Down

About to conclude its first year, the Direct Selling Self-Regulatory Council has proactively worked with direct selling companies to ensure income, product, and lifestyle claims abide by government standards to ensure the marketplace is acting ethically. This will help obviate the need for government action and provide businesses with clarity going forward. Peter Marinello, Executive Director of the program will discuss the ongoing compliance needed for companies and offer his insights on the program after the first year of operation.

- **JOSEPH AQUILINA**, Ethics and Compliance Counsel, Direct Selling Association
- **PETER MARINELLO**, Executive Director, Direct Selling Self-Regulatory Council
- **HOWARD SMITH**, Senior Staff Attorney, Direct Selling Self-Regulatory Council

NOON – 1:00 P.M.

Lunch



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DSA ANNUAL MEETING

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