



# 22<sup>nd</sup> NATIONAL RISK MANAGEMENT TRAINING CONFERENCE ORLANDO FLORIDA APRIL 6-10 2008

*Regulation R • Key Risk Indicators • Generational Issues • Structured Products • Higher Standards for HNW Clients*

[www.thefirma.org](http://www.thefirma.org)



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 Marshall & Ilsley Corporation  
 MB Financial Bank, NA  
 Mellon Financial Corporation  
 Members Trust  
 Mercantile Trust & Savings Bank  
 Merrill Lynch  
 Morgan Stanley  
 National City Bank  
 Nebraska Dept. of Banking & Finance  
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 The Bank of New York Trust Company  
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 W.P. Carey  
 Wachovia Bank  
 Weiser, LLP  
 Wells Fargo  
 Wilmington Trust Company  
 Zions Bancorporation



# CONFERENCE SCHEDULE

## **Sunday, April 6, 2008**

Workshop Registration	11:30 am - 1:00 pm
Pre-Conference Workshop	1:00 - 4:00 pm
Early Conference Registration	4:30 - 6:00 pm

## **Monday, April 7, 2008**

Late Registration	7:30 -8:00 am
General Sessions	8:00 - 11:45 am
Hosted Luncheon	11:45 am - 1:00 pm
Concurrent Sessions	1:15 - 4:45 pm
Welcome Reception	6:00 - 8:00 pm

## **Tuesday, April 8, 2008**

General Sessions	8:00 am - 1:00 pm
Seminar Registration	2:00 - 2:30 pm
In-Conference Seminars	2:30 - 4:30 pm

## **Wednesday, April 9, 2008**

Concurrent Sessions	8:00 - 11:30 am
Hosted Luncheon and FIRMA Annual Membership Meeting	11:30 am - 1:00 pm
Concurrent Sessions	1:15 - 4:45 pm

## **Thursday, April 10, 2008**

General Sessions	8:00 - 11:30 am
Adjourn	11:30 am

# 22<sup>ND</sup> ANNUAL NATIONAL TRAINING CONFERENCE

**FIRMA™** is proud to sponsor its twenty-second Annual National Training Conference and we are pleased to bring outstanding topics and speakers to the exciting Hilton Hotel at Walt Disney World Resort. The responsibilities of Risk Management Professionals have expanded beyond traditional fiduciary and investment activities. Expanded areas of responsibilities include asset management, broker/dealer activities, and insurance products. In recognition of this, FIRMA provides training resources to reach the broader range of risk management professionals associated with these activities.

Our national speakers will discuss the current trends in the industry, new products and specialized lines of business, and will provide insights as to the management and control of associated risks. Our program is designed to provide valuable benefits to:

- ♦ Fiduciary Auditors and Compliance Officers
- ♦ Asset and Investment Management Professionals
- ♦ Fiduciary Executives
- ♦ Risk Management Professionals
- ♦ State and National Regulators
- ♦ Legal Counsel
- ♦ Certified Public Accountants

The program will offer a unique combination of general sessions and individualized group sessions. Our general sessions will primarily address issues of significant importance to the risk and investment management industry. This year, we are pleased to continue our offerings of expanded breakout sessions, held both on Monday and Wednesday. We will still offer separate educational tracks each day, totaling 32 breakout sessions. These sessions focus on more specialized products and services from which attendees can choose the topics of most importance to their institutions. We are also pleased to offer a valuable Pre-Conference Workshop on Sunday prior to the start of the formal conference as well as two 2-hour In-Conference Seminars on Tuesday afternoon.

## Workshop and Seminar Fees

FIRMA is proud to announce that our Pre-Conference Workshops are \$125.00 for FIRMA members. FIRMA wants to thank its loyal members who have supported our conference(s) by offering this special price. The Workshop fee is \$250 for non-members. The fee for either of our In-Conference Seminars on Tuesday is \$100 for FIRMA members; \$165 for non-members.

## Conference Fees – (Same as 2007)

Conference fees are \$1,295 for FIRMA members and \$1,495 for non-members. This fee includes all conference materials, daily continental breakfasts, morning and afternoon refreshment breaks, two luncheons and a Monday evening welcome reception.

For conference payments received prior to March 1, 2008, the conference fees are \$1,195 for FIRMA members and \$1,395 for non-members.

## Group Discounts

Group discounts to the above prices are available as follows. Group registrations must be received as a group and paid through a single invoice.

- ♦ 5% off the above fees for 3 registrations
- ♦ 10% off the above fees for 5 registrations
- ♦ 20% off the above fees for 12 or more registrations

## Special Fee Offer

FIRMA also offers special fees for attendees from national and state regulatory agencies. Please call our FIRMA Office at 706-354-0083 to inquire about these special conference fees.

## Cancellation Refund Policy

Cancellations received prior to March 21, 2008, will be refunded in full. Cancellations received March 21st through March 31st will be refunded subject to a \$150 service charge. Cancellations made after March 31, 2008, are non-refundable. No refunds will be processed unless the cancellation is made in writing. Note: You may transfer your registration to another person at any time.

FIRMA reserves the right to change speakers or reschedule or cancel sessions when necessary. FIRMA is not responsible for airfare penalties that may be incurred should this program be canceled. For more information regarding seminar administrative policies such as complaint or refund, please contact our offices at 706-354-0083.

## Continuing Education

The 2008 Training Conference provides 23 continuing professional education hours. The Pre-Conference Workshop provides three continuing professional education hours; the In-Conference Seminars each provide two continuing professional education hours. All of these hours will be recognized as FIRMA-specific for FIRMA certified members.

## Conference Education Prerequisites

There are no educational or advance prerequisites for this seminar. The program skill level for this seminar is rated intermediate.

## Tax Deductibility

The cost of continuing education (when taken to maintain or enhance professional development) may be tax deductible. Please consult with your tax accountant for more information.



**SUNDAY, APRIL 6**

## **PRE-CONFERENCE WORKSHOP**

**1:00 - 4:00 pm** *Implementing Regulation R Compliance*

**Instructors:**

Kieran J. Fallon  
Asst. General Counsel  
FEDERAL RESERVE SYSTEM LEGAL DIVISION  
Washington, D.C.

Melanie L. Fein  
ATTORNEY  
Great Falls, Virginia

Satish G. Pattengar  
CCO-Trust  
US BANK  
Minneapolis, Minnesota

*Regulation R impacts and applies to every banking institution, including independent trust companies. This workshop will explain how it applies, how to comply, and your immediate requirements. Please join our panel of experts as they lead an interactive session that will clarify the complexities of Regulation R. Melanie, Kieran, and Satish will share their valued insights (legal, regulatory and industry) to the following key compliance and risk challenges and opportunities provided by this sweeping Regulation:*

- ♦ *The primary requirements;*
- ♦ *Determination of applicability;*
- ♦ *Implementation approaches;*
- ♦ *Critical compliance dates;*
- ♦ *Documentation requirements;*
- ♦ *Ongoing compliance needs;*
- ♦ *Technology solutions: and,*
- ♦ *Other considerations.*

*Attendees will learn the critical and important next steps and will receive guidance for meeting upcoming compliance dates as well as examiner-focused procedural implementation. You cannot afford to miss this valuable workshop.*

**MONDAY, APRIL 7**

## GENERAL SESSIONS

**8:00 - 8:15 am Welcoming Remarks**  
FIRMA President  
Deborah A. Austin, CTCP, CTSA

**8:15 - 9:15 am Opening Keynote Address**  
***A Higher Standard:  
Exceeding HNW Client  
Expectations in a  
Competitive Market"***

Michael P. Kostoff  
Executive Director – Research  
Financial Services Practice  
CORPORATE EXECUTIVE BOARD  
Washington, D.C.

*This presentation will focus on the changing needs and behavior of the HNW client – and how top firms are rethinking their approach to advice and relationship management to improve client satisfaction and loyalty. Topics covered will include:*

- ♦ Growing demand for holistic wealth management
- ♦ Drivers of HNW client loyalty
- ♦ New approaches for delivering quality advice
- ♦ Leading strategies for acquiring and deepening relationships

**9:30 - 10:30 am General Session**  
***Key Risk Indicators***

Deborah A. Austin, CTCP, CFSA  
VP, Fiduciary Compliance Manager  
PNC FINANCIAL SERVICES GROUP  
Philadelphia, Pennsylvania



Sally Miller  
Director  
Center for Securities, Trust, and Investments  
AMERICAN BANKERS ASSOCIATION  
Washington, D.C.

*Please join Debbie and Sally as they discuss the role of key risk indicators for fiduciary activities and why they are critically important. Debbie and Sally will begin with an analysis of what is a "key" risk indicator and how they differ from key performance indicators and key control indicators. They will also discuss the process to collect, analyze, and measure KRIs, and how to establish an effective KRI reporting process. They will discuss key risk indicator definitions and the attributes such as leading, lagging, risk specific, and controllable. You will not want to miss this interactive session.*

**10:45 - 11:45 am General Session**  
***Generational Issues***



Ty Bello, RCC  
President & Founder  
TEAM@WORK LLC  
Fort Wayne, Indiana

*The workforce is changing. If we are to grow successful businesses, we must understand our future team members and customers. Generation X or "Gen X" and Generation Why are the next generations to be coached.*

*The boomers have landed. Our businesses need to prepare for the buying power, expectations, and intellect of this generation. The Boomers know what they want and, for our businesses to successfully sell and service this generation, we must adapt our business model for growth. Is your business ready for the NeXt and Why Generation? Do you have a Plan to serve the Boomers?*

*Coachshop<sup>SM</sup> Objectives:*

- ♦ Understand the Generations
- ♦ Cultural Aspects and Values
- ♦ How to bring out the best in this Generation

## SPECIAL EVENT – MONDAY NIGHT

**FIRMA's**  
**Welcome Reception**  
**6:00 – 8:00 pm**



# MONDAY, APRIL 7

## CONCURRENT SESSIONS

### TRACK I – ERISA

1:15 - 2:15 pm

#### **ERISA – The State of the Industry**



Roberta J. Ufford  
Partner  
GROOM LAW GROUP  
Washington, D.C.

This session will provide an update on recent legal developments under ERISA affecting fiduciaries and service providers to employee benefit plans, including new DOL regulations on qualified default investment options, developing DOL policies on gifts and entertainment, new regulation of service provider compensation, and investment advice programs for plan participants.

#### **2:30 - 3:30 pm 401(k) Fee Disclosure**

Roberta J. Ufford  
Partner  
GROOM LAW GROUP  
Washington, D.C.

This session will focus on issues raised by fees charged in 401(k) plans, including an update on litigation against plan service providers, new regulation governing fee disclosure, and the outlook for new legislation addressing 401(k) plan fees and fee disclosure.

#### **3:45 - 4:45 pm IRA Distributions**

Judith A. Dorian  
CONSULTANT  
North Providence, Rhode Island

As the Boomer generation ages, more distributions will be requested and required from IRA accounts. This session will cover how institutions should deal with the risks of discretionary and required distributions from IRAs as well as constructive receipt issues and associated reporting.

### TRACK II – FIDUCIARY RISK

1:15 - 2:15 pm

#### **Generation Skipping Tax – The Tax That Keeps on Taking**



Fran M. DeMaris  
Executive Vice President  
CANNON FINANCIAL INSTITUTE  
Athens, Georgia

Although it has been around since 1985, Generation Skipping Tax is still not widely or well understood. It can occur unexpectedly and can cause problems in estate settlement. This session will explain “what it is, how it works, what to do and what to watch out for!” Learn more about rates and dates and find out when GST applies. Also covered will be the rules that apply and types of skips as well as exclusions and inclusions.

#### **2:30 - 3:30 pm Charitable Trusts... Should You Lead or Follow?**

Fran M. DeMaris  
Executive Vice President  
CANNON FINANCIAL INSTITUTE  
Athens, Georgia

This session will explore several charitable giving options and the strategies, benefits, issues and potential tax implications that can be associated with these vehicles. We will also discuss the concept of using split interest trusts and their benefits. Also, plan to learn more about how the following trusts work:

- ♦ Charitable Lead Trusts and Charitable Remainder Trusts
- ♦ Wealth Replacement Trusts using Irrevocable Insurance Trusts
- ♦ Charitable Gift Annuities

#### **3:45 - 4:45 pm Internal Audit and Compliance Reviews**

Deborah A. Austin, CTCP, CFSA  
VP, Fiduciary Compliance Manager  
PNC FINANCIAL SERVICES GROUP  
Philadelphia, Pennsylvania

Gary E. Pelcak, CTA, CFSA, CFE  
Chief Audit Executive  
CENTRAL NATIONAL BANK  
Junction City, Kansas

Is it Audit and Compliance or Audit versus Compliance? Please join Debbie and Gary for an interactive session as they disclose the management interrelationships between the audit and compliance functions within banks. Debbie is the Compliance Manager at PNC and Gary is the internal auditor for CNB. They will bring and discuss valuable checklist procedures for managing these functions and will share how you can best balance and share these responsibilities in your organization.

**MONDAY, APRIL 7**

## CONCURRENT SESSIONS

### TRACK III – TRENDS

**1:15 - 2:15 pm**    ***Why You Should Know About Structured Products***

Eric Miller  
Managing Director  
Structured Products, Americas  
HSBC  
New York, New York

What are structured products? How can you recognize them in your portfolios and how are they valued? What are the risk considerations that apply? Eric will answer these questions and bring us current with the role that structured products play in today's investment strategies.

**2:30 - 3:30 pm**    ***BSA / AML /KYC – Risk Ranking Monitoring Techniques***

C. Rachel Raemore  
Senior Vice-President, Compliance Director  
Capital and Wealth Management Groups  
WACHOVIA CORPORATION  
Charlotte, North Carolina

Trust bankers seem to struggle with clear guidelines for risk monitoring under an enterprise BSA/AML/KYC compliance program for their fiduciary business lines. Rachel will share valuable insights and details for a risk-ranking approach for fiduciary account analyses and monitoring.

**3:45 - 4:45 pm**    ***Fiduciary Litigation***

Gregory J. Lyons  
Partner  
GOODWIN PROCTER  
Boston, Massachusetts

Greg will provide a summary of current fiduciary litigation cases, dealing with administrative and investment decisions, that have significant impact on our industry. Greg will discuss the issues of these cases and offer guidelines to reduce specific risk and liability exposure.

### TRACK IV – INVESTMENT ADVISORS

**1:15 - 2:15 pm**    ***Risks in Investing for High Net-Worth Clients***



Thomas G. Kennedy  
Director, Compliance  
US Private Banking & Tailored  
Portfolio Group  
THE CITIGROUP PRIVATE BANK  
New York, New York

Tom will present a survey of the key risks and the most effective mitigants for them when managing accounts for high net worth individuals and their associated entities. Topics considered will include fiduciary risks involved in KYC, suitability and investment objective setting for complex entities/family offices, potential conflict risks due to increased risks of multiple involvement/affiliate transactions with the ultra high net worth family and their related entities, and risk management challenges for tax aware investment managers in multi-jurisdictional environments and for capital gains embedded accounts.

**2:30 - 3:30 pm**    ***Investment Strategies Using Structured Products***

Eric Miller  
Managing Director  
Structured Products, Americas  
HSBC  
New York, New York

Eric will lead an advanced-level discussion on the decision criteria for using structured products in portfolios. Eric will discuss the role of risk mitigation in using structure products and share industry insights into the reasons structured products are in media headlines – from both positive and negative perspectives.

**3:45 - 4:45 pm**    ***Mitigating Risks in Securities Lending Transactions***



Irving Klubeck  
Managing Director  
PERSHING LLC  
Jersey City, New Jersey

Securities Lending is a very profitable business for all parties – but not understanding the business reasons behind the transaction can lead to unhappy customers, tax liability, legal liability, regulatory scrutiny, and real economic losses. Mr. Klubeck will use real examples to highlight the risks in securities lending that are typically unseen or unperceived – and how to avoid them.



**TUESDAY, APRIL 8**

## GENERAL SESSIONS

**8:00 - 9:00 am General Session**  
***Hot Fiduciary Legislative Issues***

Sally Miller  
Director  
Center for Securities, Trust, and Investments  
AMERICAN BANKERS ASSOCIATION  
Washington, D.C.

*This is a not-to-miss session where Sally will discuss current federal legislation and regulations impacting the wealth management business. Sally will focus on fee issues, tax issues, employee benefit and retirement plan issues.*

**9:15 - 10:15 am General Session**  
***Regulation R Overview***

Sally Miller  
Director  
Center for Securities, Trust, and Investments  
AMERICAN BANKERS ASSOCIATION  
Washington, D.C.

*With the finalization of Regulation R on 9/24/07, Sally will discuss the impact issues that face all fiduciary institutions. With a compliance date of the first day of your organization's fiscal year ending after 9/30/08, the next 12 to 18 months require critical implementation considerations in the areas of compensation programs, contract reviews, and system issues. Sally will lead us through an invaluable discussion of the requirements and exemptions ahead.*

**10:30 - 11:30 am General Session**  
***Are Today's Trust Platforms Relevant to Individual Trustees?"***



Christian G. Heilmann  
Chairman & CEO  
MERRILL LYNCH TRUST COMPANY  
Pennington, New Jersey

*Are you aware that the number of personal trusts has doubled over the past 10 years? Sounds beneficial for the trust business, but with individuals and family members serving as trustee for 90% of the trusts, corporate trust providers need to rethink their platform and model to remain relevant and competitive. Chris Heilmann, Chairman & CEO of Merrill Lynch Trust Company, and a 35 year veteran of the trust industry, will share his perspectives on how to strategically address this phenomenon and the implications of managing risk in an integrated and multi-disciplinary environment.*

**11:45 am - 1:00 pm General Session**  
***Abuse, Neglect and Financial Exploitation of the Elderly and Disabled***

Melissa Lader Barnhardt  
VP & Trust Officer  
SUNTRUST BANK  
Hollywood, Florida

*Melissa will provide an overview of the legal and social dynamics of abuse, neglect and exploitation of the elderly and disabled with examples of how one at the fiduciary level might be involved. We will review the particular state requirements on mandatory and permissive reporting in conjunction with the ethical dilemmas faced by fiduciaries in relation to confidentiality. Finally, the session will provide training and policy suggestions to minimize risk in these situations.*

# SUNDAY

# MONDAY

# TUESDAY

## CONFERENCE SCHEDULE AT A GLANCE

### Pre-Conference Workshop

1:00 - 4:00 p.m.

### Implementing Regulation R Compliance

Kieran J. Fallon  
Melanie L. Fein  
Satish G. Pattegar

### Welcoming Remarks

8:00 - 8:15 a.m.

### Opening Keynote Address

8:15 - 9:15 a.m.

### *A Higher Standard: Exceeding HNW Client Expectations in a Competitive Market*

Michael P. Kostoff

### General Session

9:30 - 10:30 a.m.

### Key Risk Indicators

Deborah A. Austin  
Sally Miller

### General Session

10:45 - 11:45 a.m.

### Generational Issues

Ty Bello

### General Session

8:00 - 9:00 a.m.

### *Hot Fiduciary Legislative Issues*

Sally Miller

### General Session

9:15 - 10:15 a.m.

### *Regulation R Overview*

Sally Miller

### General Session

10:30 - 11:30 a.m.

### *Are Today's Trust Platforms Relevant to Individual Trustees?*

Christian G. Heilmann

### General Session

11:45 a.m. - 1:00 p.m.

### *Abuse, Neglect and Financial Exploitation of the Elderly and Disabled*

Melissa Lader Barnhardt

## CONCURRENT SESSIONS

TRACK I ERISA	TRACK II FIDUCIARY RISK	TRACK III TRENDS	TRACK IV INVESTMENT ADVISORS
1:15 - 2:15 P.M.			
<i>ERISA - The State of the Industry</i> Roberta J. Ufford	<i>Generation Skipping Tax - The Tax that Keeps on Taking</i> Fran M. DeMaris	<i>Why You Should Know About Structured Products</i> Eric Miller	<i>Risks in Investing for High-Net-Worth Clients</i> Thomas G. Kennedy
2:30 - 3:30 P.M.			
<i>401(k) Fee Disclosure</i> Roberta J. Ufford	<i>Charitable Trusts...Should You Lead or Follow?</i> Fran M. DeMaris	<i>BSA/AML/KYC Risk Ranking Monitoring Techniques</i> C. Rachel Raemore	<i>Investment Strategies Using Structured Products</i> Eric Miller
3:45 - 4:45 P.M.			
<i>IRA Distributions</i> Judith A. Dorian	<i>Internal Audit and Compliance Reviews</i> Deborah A. Austin Gary E. Pelcak	<i>Fiduciary Litigation</i> Gregory J. Lyons	<i>Mitigating Risks in Securities Lending Transactions</i> Irving Klubeck

## FIRMA'S Welcome Reception

6:00 - 8:00 p.m.

## IN-CONFERENCE SEMINARS

2:30 - 4:30 p.m.

### SEMINAR I

#### *Consumer Regulations*

Mary Ann Lowney

### SEMINAR II

#### *Investment Advisor (IA) Issues*

Michael Barnes  
Alan J. Herzog

# WEDNESDAY

# THURSDAY

## CONCURRENT SESSIONS

TRACK I ERISA	TRACK II INVESTMENT RISK	TRACK III TRENDS	TRACK IV INVESTMENT ADVISORS
<b>8:00 - 9:00 A.M.</b>			
<i>Oversight of the ERISA Fiduciary</i> J. David Thompson	<i>Highlights of Investment Adviser Marketing and Performance Advertising</i> Chris Hardy	<i>Disaster Recovery – Lessons Learned</i> Lynn M. Slaughter	<i>Regulator Open Session – OCC</i> Joel Miller
<b>9:15 - 10:15 A.M.</b>			
<i>Post-PPA Plan Design Trends and Selected Compliance Issues</i> Mark Lofgren	<i>Proxy Voting</i> Jeffrey S. Kropschot	<i>Record Retention to Manage Risk</i> F. Jay Meyer, Esq.	<i>Regulator Open Session – OTS</i> John R. Rudolph
<b>10:30 - 11:30 AM</b>			
<i>Oversight of the ERISA Fiduciary</i> J. David Thompson (repeat session)	<i>Highlights of Investment Adviser Marketing and Performance Advertising</i> Chris Hardy (repeat session)	<i>Withholding Tax Recovery on Cross Border Investments</i> Len A. Lipton Martin S. Foont	<i>Regulator Open Session – FDIC</i> Anthony J. DeMilo

## GENERAL SESSION

11:45 a.m. - 1:15 p.m.

FIRMA ANNUAL MEMBERSHIP MEETING

## CONCURRENT SESSIONS

TRACK I ERISA	TRACK II INVESTMENT RISK	TRACK III OPERATIONS & IT	TRACK IV REGULATORY
<b>1:15 - 2:15 P.M.</b>			
<i>Service Provider Compensation: Are There New Limits</i> Lisa Bleier	<i>Challenging Asset Allocation Promises</i> W. A. (Trey) Ruch, III	<i>Record Retention to Manage Risk</i> F. Jay Meyer, Esq. (repeat session)	<i>Regulator Open Session – FED</i> Barbara Comyn
<b>2:30 - 3:30 P.M.</b>			
<i>EB Litigation</i> Jeremy P. Blumenfeld	<i>Valuation of Assets</i> Michael Daly	<i>SAS 70 – Creator vs. User</i> Francis P. Thomas III	<i>Regulator Open Session – SEC</i> Gene Gohlke
<b>3:45 - 4:45 P.M.</b>			
<i>Fiduciary Roundtable – Small Bank</i> Gary E. Pelcak	<i>Fiduciary Roundtable – Large Bank</i> Warner W. Price	<i>Investment Advisor Roundtable</i> Carol A. Goulding	<i>Regulatory Roundtable</i> Bridget C. Kovalik

## General Session

8:00 - 9:00 a.m.

*Understanding Criminal Intent*

Don Robon

## General Session

9:15 - 10:15 a.m.

*A New Look at Conflicts of Interest*

Regina D. Stover

## General Session

10:30 - 11:30 a.m.

*Electronic Fraud – Techniques & Methodologies*

Michael E. Schirling

**Conference Adjourns**

11:30 a.m.

CONFERENCE SCHEDULE AT A GLANCE

**TUESDAY, APRIL 8**

## IN-CONFERENCE SEMINARS

### SEMINAR I

**2:30 - 4:30 pm**    **Consumer Regulations**



Mary Ann Lowney  
*Fiduciary Risk Executive*  
U.S. TRUST, BANK OF AMERICA  
PRIVATE WEALTH MANAGEMENT  
Boston, Massachusetts

*What's a Fiduciary to do? Incorporating Consumer Protection into the Trust Professional's Daily Routine...*

*Come explore the mysterious place where consumer regulations and fiduciary obligations converge. Regulation O - Fair Lending - Elder Protection - HIPPA - what do these and other consumer regulations mean to the management of your trust business?*

### SEMINAR II

**2:30 - 4:30 pm**    **Investment Advisor (IA) Issues**

**Seminar Leaders:**

Michael Barnes  
*Manager*  
KPMG LLP  
Philadelphia, Pennsylvania

Alan J. Herzog  
*Compliance Counsel and Manager*  
Corporate Internal Controls Unit  
A.G. EDWARDS & SONS, INC.  
St. Louis, Missouri

*Over the past few years, the increased globalization of the financial markets has dramatically changed the asset management industry. Changing demographics, new products and services and multiple layers of regulation have caused shifts in how we face the industry and meet our regulatory compliance requirements. Join us for a discussion on current issues facing asset managers and how to meet the regulatory challenge. Anticipated topics, include: The State of the Investment Management Industry, the Past, the Present, and the Future; Compliance Program Rules and the Annual Review Requirement; Emerging issues and key areas to be considered for inclusion in the annual review; and working with the Regulators.*

## SPECIAL EVENT — TUESDAY AFTERNOON

On Tuesday, April 8th, FIRMA's program ends at 1:00 pm, followed by two optional In-Conference seminars in the afternoon.

Attendees may also choose to enjoy a wide variety of popular tourist attractions in and around Orlando and the Walt Disney World Complex.

For Orlando events, please visit the Orlando/Orange County Convention & Visitors Bureau at <http://www.orlandoinfo.com/>.

You may preview Walt Disney attractions online and purchase discounted tickets to Disney attractions at the FIRMA Website Homepage at [www.thefirma.org](http://www.thefirma.org).

Or, simply call the Hilton concierge to inquire about costs and availability of specific attractions, tours, golf, tennis, and other entertainment packages.

FIRMA is hosting a golf tournament on Tuesday afternoon at special package fees.





**WEDNESDAY, APRIL 9**

**CONCURRENT SESSIONS**

**TRACK I – ERISA**

**8:00 - 9:00 am    Oversight of the  
ERISA Fiduciary**

J. David Thompson  
Senior Vice President  
Chief Fiduciary Risk Officer  
THE BANK OF NEW YORK  
MELLON CORPORATION  
Pittsburgh, Pennsylvania

From his key perspective as Bank of New York Mellon's Chief Fiduciary Risk Officer, David will describe how a large fiduciary institution manages its fiduciary activities relating to ERISA. David chairs the Fiduciary Risk Management Committee and will explain how this committee oversees:

- ♦ the acceptance, documentation and administration of fiduciary business,
- ♦ the adherence to investment guidelines,
- ♦ the avoidance of conflicts of interests and prohibited transactions
- ♦ other fiduciary activities such as proxy voting

**9:15 -10:15 am    Post-PPA Plan Design Trends  
and Selected Compliance Issues**

Mark Lofgren  
GROOM LAW GROUP  
Washington, D.C.

The Pension Protection Act has been hailed as the single biggest legislative change to the pension system since ERISA itself. It has opened the door for major design initiatives for both defined contribution and defined benefit plans, but has also added difficult compliance hurdles that plan sponsors and service providers, as well as government regulators, must carefully consider. This session will explore the latest design and compliance issues for qualified retirement plans in the post-PPA environment.

**10:30 -11:30 am    Oversight of the  
ERISA Fiduciary  
(Repeat Session)**

J. David Thompson  
Senior Vice President  
Chief Fiduciary Risk Officer  
THE BANK OF NEW YORK  
MELLON CORPORATION  
Pittsburgh, Pennsylvania

**1:15 -2:15 pm    Service Provider  
Compensation: Are There  
New Limits?**

Lisa Bleier  
Senior Counsel  
AMERICAN BANKERS ASSOCIATION  
Washington, D.C.

This session will discuss some recent developments regarding gifts to clients and whether these gifts are allowable. Lisa will also discuss recent conversations with the Department of Labor about the application of ERISA section 406(b)(3) generally, as well as to Taft Hartley plans. The session will also include a discussion of current banking regulations and their application in this area.

**2:30 - 3:30 pm    EB Litigation**

Jeremy P. Blumenfeld  
Partner  
MORGAN LEWIS & BOCKIUS LLP  
Philadelphia, Pennsylvania

Jeremy will cover the major EB litigation being brought today, how to mitigate the risk of being sued, and how to start preparing your defense now. Key discussion items are:

- ♦ ERISA "stock drop" litigation challenging 401(k) plan investments in employer stock
- ♦ "Fees and Expenses" cases challenging the prudence of mutual funds as available investment options
- ♦ ERISA disclosure claims
- ♦ ERISA Section 404(c) as a defense

**3:45 - 4:45 pm    Fiduciary Roundtable –  
Small Bank**

Gary E. Pelcak, CTA, CFSA, CFE  
Moderator  
Chief Audit Executive  
CENTRAL NATIONAL BANK  
Junction City, Kansas

What keeps us up at night? Join your peers in a discussion of best practices, problem solving, leadership, current issues, present challenges, and possible approaches to address them. Gary Pelcak will use more than 20 years of experience as an Audit/Compliance/Risk Management professional to energize and facilitate this roundtable discussion geared towards smaller bank trust departments.



WEDNESDAY, APRIL 9

## CONCURRENT SESSIONS

### TRACK II – INVESTMENT RISK

**8:00 -9:00 am** **Highlights of Investment Adviser Marketing and Performance Advertising**

Chris Hardy  
Partner  
IMS CONSULTING PARTNERS, INC.  
Salisbury, Connecticut

The SEC perennially lists problems in investment adviser marketing and performance advertising as one of its top examination deficiencies. This session is designed to provide knowledge of the different regulatory issues involved, as well as provide attendees with the practical skills to avoid the potential pitfalls associated with advertising.

**9:15 -10:15 am** **Proxy Voting**

Jeffrey S. Kropschot, CTCP, IACCP<sup>SM</sup>  
VP and Chief Compliance Officer  
A.G. EDWARDS TRUST COMPANY FSB  
St. Louis, Missouri

This session will address the traditional proxy voting responsibilities of bank fiduciaries, as well as the enhanced responsibilities of investment advisers who are subject to robust SEC regulations regarding proxy voting. We will review the steps involved in developing and implementing a strong proxy voting compliance program and will consider whether bank fiduciaries should join other bankers who have decided to incorporate SEC proxy voting requirements as a best business practice.

**10:30 -11:30 am** **Highlights of Investment Adviser Marketing and Performance Advertising**  
(Repeat Session)



Chris Hardy  
Partner  
IMS CONSULTING PARTNERS, INC.  
Salisbury, Connecticut

**1:15 - 2:15 pm** **Challenging Asset Allocation Promises**

W. A. (Trey) Ruch, III, CIMA®  
CEO  
STERNE AGEE ASSET  
MANAGEMENT  
Birmingham, Alabama

This breakout session examines the current state of asset allocation programming from a compliance perspective. We will cover organic advisory program components like model construction, client profiling/strategy selection, recommended lists and rebalancing in today's real operating environment to the progressive marketing claims made about the features and benefits of these asset allocation based advisory programs. Are we doing what we say and saying what we do? Come join us and find out!

**2:30 - 3:30 pm** **Valuation of Assets**

Michael Daly  
VP & Manager Risk Management and Control  
Trust Operations and Trust Systems  
UNION BANK OF CALIFORNIA  
San Francisco, California

Please join Mike as he discusses the asset valuation challenges faced by every fiduciary institution. Mike will discuss asset types and unique pricing and valuation intricacies of each. He will also offer a risk based methodology approach to asset valuation.

**3:45 - 4:45 pm** **Fiduciary Roundtable – Large Bank**

Warner W. Price - Moderator  
Senior Vice President  
Senior Administrative and Chief Compliance Officer  
TD BANKNORTH WEALTH  
MANAGEMENT GROUP  
Portland, Maine

Join your peers in an opportunity to participate in a discussion of best practices, current issues, present challenges and possible approaches to address them. Warner Price, a current member of the FIRMA Board of Directors, will use more than 35 years of experience as an Audit/Compliance/Risk Management professional for large bank trust departments and registered investment advisers to facilitate this roundtable discussion. This session will be closed to regulators but open to other attendees representing the fiduciary and investment industry.

WEDNESDAY, APRIL 9

## CONCURRENT SESSIONS

### TRACK III – OPERATIONS AND INFORMATION TECHNOLOGY

**8:00 - 9:00 am**    **Disaster Recovery –  
Lessons Learned**



Lynn M. Slaughter, CFIRS  
AVP  
Financial Planning and Analysis  
HANCOCK BANK  
Slidell, Louisiana

*When we hear the words Disaster Recovery most of us automatically think – here we go again, wasted time, meeting / discussing / writing plans that we know we should have, but everyone hates to do. Don't let your organization be caught off guard – find out some of the lessons that we learned and what really is the number one and most important step that should be in your Disaster Recovery Plan.*

**9:15 - 10:15 am**    **Record Retention to  
Manage Risk**



F. Jay Meyer, Esq.  
TD BANKNORTH, INC.  
Portland, Maine

*This program will examine the management of risk through prudent record retention practices. Mr. Meyer will discuss some of the legal, regulatory and financial risks that may be affected by over-retention or under-retention of records. He will address basic principles of a sound record management program for both tangible and electronic records, including e-mail. Specific examples of prudent and risky record management practices will be considered. The course materials will include a summary of important statutory and regulatory retention requirements*

**10:30 - 11:30 am**    **Withholding Tax Recovery on  
Cross Border Investments**

Len A. Lipton  
Vice President  
GLOBE TAX SERVICES INC.  
New York, New York

Martin S. Foont  
President and CEO  
GLOBE TAX SERVICES, INC.  
New York, New York

*The growth of cross-border investment remains robust as investors continue to look beyond their own country's borders for opportunities for enhanced returns. One issue that arises from this trend is that of withholding tax on cross-border investment income. Whether or not*

*tax reclaims are being pursued (and to what degree of success) by an investor's financial institution, can have a material effect on the performance of an international investment portfolio. Regulators are increasingly viewing this area of asset servicing as a fiduciary duty. The discussion will include market and tax treaty updates as well as, detailed discussion about options and tools available to asset servicers, enabling a comprehensive solution in this complex area.*

**1:15 - 2:15 pm**    **Record Retention to  
Manage Risk**  
(Repeat Session)

F. Jay Meyer, Esq.  
TD BANKNORTH, INC.  
Portland, Maine

**2:30 - 3:30 pm**    **SAS 70 – Creator vs. User**



Francis P. Thomas, III, CTA  
First Vice President & General Auditor  
THE GLENMEDE TRUST COMPANY, N.A.  
Philadelphia, Pennsylvania

*If you provide investment management, trust or custody services to clients, you need to have a SAS-70 to distribute to all the accountants/auditors of clients who need validation of your internal controls. Without it, you risk entertaining all those folks who wish to come learn about your controls for themselves. We'll briefly talk about how your institution maximizes the use of their SAS-70 report. But what about the myriad of vendors contracted for outsourced services? Are their controls important to you? How many of them are you requesting a SAS-70 report from? How many reports do you actually receive and what's done with them? We'll discuss the advantages to proactive vendor management using external SAS-70's as a tool to document compliance with your vendor management program.*

**3:45 - 4:45 pm**    **Investment Advisor Roundtable**

Carol A. Goulding - Moderator  
Administrative Vice President  
M&T BANK  
Buffalo, New York

*Join your peers in an opportunity to participate in a discussion of best practices, current issues, present challenges and possible approaches to address them. This session will be closed to regulators but open to other attendees representing the fiduciary and Investment Advisor industry.*



**WEDNESDAY, APRIL 9**

**CONCURRENT SESSIONS**

**TRACK IV –REGULATORY**

**8:00 -9:00 am Regulator Open Session – OCC**

Joel Miller  
Senior Advisor  
Asset Management Division  
OFFICE OF THE COMPTROLLER  
OF THE CURRENCY  
Washington, D.C.

Joel will bring us up-to-date with the most current initiatives of the OCC's examination of fiduciary activities. Joel will also share insights into recent examination criticisms seen in national banks.

**9:15 -10:15 am Regulator Open Session – OTS**

John R. Rudolph  
Director of Trust Policy  
OFFICE OF THRIFT SUPERVISION  
Dept. of the Treasury  
Washington, D.C.

What's on the radar at OTS? This interactive session will cover two general topics – the trust examination process itself and some trust and trust-related products, services, and activities that the OTS will likely pay particular attention to during the next few examination cycles. Of course, there will be time to discuss anything that's "hot" at the moment - think particularly Regulation R.

John will also talk about some specific products, services, and operating decisions we're seeing in our regulated thrifts that have sparked particular interest from a supervisory standpoint. The use of alternative investment products, third-party service arrangements, automating the investment review process, transfer agent and municipal securities dealer activities, the renewed interest in CIF's, and certain private banking activities come to mind.

**10:30 -11:30 am Regulator Open Session – FDIC**

Anthony J. DiMilo  
Examination Specialist - Trust  
Special Activities Section  
FDIC  
Washington, D.C.

Join us for a session covering frequent trust examination exceptions the FDIC currently encounters in the institutions it supervises, FDIC trust examination focus areas, and what, in the examiner's opinion, are the best practices we see for managing the areas we consider to be of highest fiduciary risk (every department seems to do things a little differently).

**1:15 - 2:15 pm Regulator Open Session – FED**

Barbara Cornyn  
Director, Fiduciary Activities  
FEDERAL RESERVE BOARD  
Washington, D.C.

Barbara will discuss the FED's approach to the supervision and regulation of fiduciary activities. Matters pertaining to BHCs/FHCs will be covered, including the management of conflicts of interest between fiduciary business lines and other business lines, as well as other fiduciary business lines. Matters pertaining to the supervision of State Member Banks will also be discussed.

**2:30 - 3:30 pm Regulator Open Session – SEC**

Gene Gohlke  
Inspections Office  
SECURITIES AND EXCHANGE  
COMMISSION  
Washington, D.C.

Please join the SEC for a discussion of their "hot-button" issues during examinations and the current status of enforcement actions.

**3:45 - 4:45 pm Regulatory Roundtable**

Bridget C. Kovalik, CFIRS -  
Moderator  
VP and Trust Officer  
Manager, Trust Resource Center  
THE HUNTINGTON NATIONAL BANK  
Pepper Pike, Ohio

Calling all examiners! Please join your peers in discussing today's examination issues and industry hot topics from a regulatory perspective. This session will be limited to attendees who are currently working for a state or federal regulator. Plan to participate in this unique opportunity to share experiences and approaches to conducting examinations.

WEDNESDAY, APRIL 9

## GENERAL SESSIONS

11:45 am - 1:15 pm Hosted Luncheon and Meeting

### ***FIRMA Annual Membership Meeting***

Deborah A. Austin, CTCP, CFSA

FIRMA President

THURSDAY, APRIL 10

## GENERAL SESSIONS

8:00 - 9:00 am General Session

### ***Understanding Criminal Intent***

Don Rabon  
CONSULTANT  
Hendersonville, North Carolina

*Whether in the perpetration or the concealment of criminal activity, the criminal is going to try to manipulate people and things. Things can include documents, records, files as well as the truth. In this session, the concept of deception will be explored and the seven salient indicators of deception will be presented all in a fast-paced and enjoyable format. And that's the truth.*

9:15 - 10:15 am General Session

### ***A New Look at Conflicts of Interest***

Regina D. Stover  
SVP and Chief Fiduciary Officer  
MELLON FINANCIAL CORPORATION  
Pittsburgh, Pennsylvania

*This session includes a general overview of potential fiduciary conflicts of interest with specific focus on insider and related party transactions including use of affiliated broker/dealers and purchasing securities from affiliated underwriting syndicates. You will also learn about the potential conflicts with the use of material non-public information in the management of accounts, fiduciary versus investment management compensation, personal securities trading, use of soft dollars, voting proxies, and use of proprietary products.*

10:30 - 11:30 am General Session



### ***Electronic Fraud – Techniques & Methodologies***

Michael E. Schirling  
CONSULTANT  
Burlington, Vermont

*This session will outline the common schemes and methodologies utilized by criminals seeking to defraud businesses and individuals via computers, the Internet, and other means. A discussion of common strategies used by offenders, as well as the means of defense or “countermeasures” that can be employed by would-be victims will be woven together.*

11:30 am

Conference Adjourns



# NOTES

## Hotel and Amenities

The Hilton, located in the WALT DISNEY WORLD® Resort is an official hotel of Walt Disney World in Lake Buena Vista, Florida. Hotel guests will enjoy exceptional facilities at our Four Star, Four Diamond resort. Take a refreshing dip in either of the two swimming pools, enjoy a workout at our health club, play golf in our five Walt Disney World championship courses, and savor a variety of cuisines at our seven restaurants and lounges.

Our Lake Buena Vista hotel is steps away from Downtown Disney, home of the Disney Marketplace, Pleasure Island and Disney's West Side. What's more, complimentary transportation to Walt Disney World Theme Parks is provided for all of our Florida guests. Hilton in the WALT DISNEY WORLD® Resort offers spacious accommodations and relaxed comfort in our newly renovated guest rooms. All feature soft colors and convenient amenities that make it the ultimate retreat whether traveling for business or pleasure.

Relax after a full day of excitement in one of our Deluxe Rooms. These accommodations are perfect for those attending a convention or meeting, or on vacation with friends or family. Each includes special amenities like a coffeemaker, minibar, dual-line telephones, in-room movies, and much more. Guests may access either hard-wired high-speed internet in their guestroom or wireless connections available on guestroom floors by signing up (info provided on TV screens in room), currently at \$9.95 per day. Once signed up, they may access the property's wireless hot spots, at no additional cost. The hot spots are located in the open areas (i.e. lobby, mezzanine above lobby, John T's and pool).

The Hilton family of hotels website is [www.hilton.com](http://www.hilton.com).

## Hotel Reservations

Conference attendees will receive a reduced group rate of \$215.00 single occupancy; \$215.00 double occupancy. Please note that there is currently a 12.5% room tax per night. Simply call the Hotel's reservations department at 1-800-782-4414 and mention that you are with FIRMA when you make your reservations for the conference.

FIRMA has a block of rooms reserved for the conference attendees; however, this block will be released March 4th, 2008. Therefore, ALL RESERVATIONS MADE AFTER 5PM, MARCH 4, 2008 ARE SUBJECT TO AVAILABILITY. The FIRMA group rate will be honored (3) days prior and (3) days after the meeting dates, subject to availability.

**Hotel Government-Rate Reservations** – (*The Hilton does not honor government-rate rooms.*)

For our friends requiring government-rate room accommodations, FIRMA has negotiated a special room-block at the nearby Regal Sun Resort (formerly the Grosvenor Hotel). FIRMA's government rate is \$99.00. Please note that there is currently a 12.5% room tax per night for these rooms, plus \$16.00 in service charges and resort fees. Simply call the Hotel's reservations department at 1-800-642-4109 and mention that you are with FIRMA when you make your reservations for the FIRMA government-rate room block. Or, go to [www.regalsunresort.com](http://www.regalsunresort.com) and click on RESERVATIONS and then click on GROUP RESERVATIONS: The attendees' password is: FIRMA08 (FIRMA zero eight).

This block will be released March 4th, 2008. Therefore, ALL RESERVATIONS MADE AFTER 5PM, MARCH 4, 2008 ARE SUBJECT TO AVAILABILITY. The FIRMA group rate will be honored (3) days prior and (3) days after the meeting dates, subject to availability.

## Dress

Casual dress is recommended for all conference functions. Orlando enjoys a mild climate; the average temperature in April is a high of 83 degrees with lows around 60 degrees at night. While attending conference sessions, a sweater or jacket is always recommended.

## Directions from the Airport

From the Airport: Exit the Airport North and follow to 528 West. Follow 528 West to I-4. Take I-4 West to exit # 68 and make a right. Take the next traffic light and make a left onto Hotel Plaza Boulevard. Follow for 1/2 mile and the Hotel will be on the left.

## Airport Transportation Information

(Prices approximate and subject to change)

- Bus Service @ \$17.00 USD
- Limousine @ \$130.00 USD
- Taxi @ \$50.00

For airport shuttle reservations, please contact Mears Transportation at (407) 423-5566 or visit [www.mearstransportation.com](http://www.mearstransportation.com).

## Americans with Disabilities Act

FIRMA is pleased to assist in complying with ADA. If you are an attendee with a disability, please contact Hale Mast, FIRMA Executive Director, (803) 547-8964, to discuss any auxiliary aids needed to assist you from a communications, transportation, or architectural aspect. FIRMA will then inform the hotel of your special needs.



# REGISTRATION PAGE

## 22nd NATIONAL RISK MANAGEMENT TRAINING CONFERENCE / APRIL 6-10 2008

Choose Program(s):

Check one:

☐ Member

☐ Nonmember

☐ Conference

\$1,295.00\*

\$1,495.00\*

☐ Pre-Conference Workshop

\$125.00

\$250.00

☐ In-Conference Seminar

\$100.00

\$165.00

\* Take a \$100 discount if paid prior to March 1, 2008

Full Name – Mr. / Mrs. / Ms. \_\_\_\_\_

Name for Badge \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

E-mail Address \_\_\_\_\_

### NOTE: REGISTRATIONS FOR GROUP DISCOUNTS MUST BE SUBMITTED

#### IN A SINGLE REGISTRATION FOR ALL INDIVIDUALS IN THE GROUP FOR DISCOUNT TO APPLY.

If you are part of a group registration, please forward this completed form to your group coordinator. Thank you.

☐ I am part of a group registration

☐ Please Invoice

☐ Check enclosed (payable to FIRMA)

☐ Charge it: ☐ VISA ☐ MasterCard ☐ Discover ☐ American Express

Credit Card No. \_\_\_\_\_ Expiration Date \_\_\_\_\_

Authorized Signature \_\_\_\_\_

### How did you hear about this Conference?

☐ Mail ☐ My Employer ☐ Email

☐ FIRMA Website ☐ Referral ☐ Other

### What is your organization's profile?

☐ Community ☐ Regional

☐ National ☐ International

### Please tell us about your responsibilities:

☐ Trust ☐ Investment Mgmt. ☐ Private Banking

☐ Brokerage ☐ Mutual Funds ☐ Insurance

☐ Capital Markets ☐ Other \_\_\_\_\_

### Please tell us about your job function:

☐ Audit ☐ Compliance ☐ Risk Management

☐ Legal ☐ Regulator ☐ Other

## Conference Handouts

All 2008 Conference attendees will receive a CD that contains the conference materials, speaker outlines, and handouts.

### BY MAIL

Copy and mail this complete form to:  
FIRMA, PO Box 507, Stockbridge, GA 30281.

### BY TELEPHONE

Call us at 706.354.0083, Monday-Friday, 8 am to 5 pm EST.

### BY FAX

Send this completed form to 678.565.8788.

### BY E-MAIL

Our e-mail address is [thefirma@negia.net](mailto:thefirma@negia.net)  
or visit our website at [www.thefirma.org](http://www.thefirma.org).

### TRAVEL

Call Action Travel at 800.854.0601, ext. 3012 for travel arrangements.



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