



NEXT EVENT



Holiday Luncheon & Silent Auction

December 5, 2014

Richmond Marriott Downtown

Schedule

10:30 a.m.
Registration & Silent Auction

11:45 a.m.
Lunch & Awards Program

1:30 p.m.
Adjourn

Register online at
www.vsaе.org/holiday

UPCOMING EVENTS

Holiday Luncheon & Silent Auction

December 5th
Richmond Marriott Downtown

January Monthly Meeting

January 9th (not the first Friday)
Hilton Garden Inn Richmond
Downtown

February Monthly Meeting

February 6th
Omni Richmond Hotel

HOLIDAY LUNCHEON & SILENT AUCTION

Join VSAE at the Richmond Marriott Downtown on Friday, December 5th as we celebrate the holidays at the much-anticipated annual **VSAE Holiday Luncheon & Silent Auction**. This is one of our most well-attended events of the year.



Recognize Your Colleagues

At the Holiday Luncheon VSAE bestows its annual Awards of Excellence. These awards recognize members who have shown consistent leadership and dedication to VSAE and our industry. Be there to congratulate your colleagues on their achievements.

Many members bring their entire staff and **make this their office holiday party**. So sign up your entire staff to attend.

Register today at www.vsaе.org/holiday.

Donate to the Silent Auction

Please consider donating an item to the Silent Auction. Donating to the silent auction is one of the best ways to **promote your organization to association executives, while supporting a charitable endeavor**. It also helps VSAE continue to deliver high quality educational programming to executives in the association management industry.

Be creative with the donation. Some suggested items include gift baskets, getaway packages, dinner certificates, dine around weekends, framed artwork, and so on. Like last year, there is also a Silent Auction Fund for members who would prefer to make a cash donation. All funds will be used to purchase additional auction items.

(Continued on page 3)

NEW LOBBYIST DISCLOSURE & REPORTING REQUIREMENTS

On Friday, October 24th, VSAE held a special seminar on the new lobbyist ethics laws that recently passed the Virginia General Assembly. David Poole, Executive Director of the Virginia Public Access Project (VPAP), came and gave an in depth presentation on the changes and what they mean for those who lobby the General Assembly.

These new requirements were a result of House Bill 1211 (HB 1211). This bill took effect on July 1, 2014. It created an Ethics Advisory Council, changed the reporting period from annual to semi-annual for lobbyists, and put a \$250 limit on "tangible" gifts from lobbyists, among other things.

Several charts of some of the key changes and deadlines can be found on page 4.

Key Definitions

Gift - Anything valued at \$50 or more is considered a gift.

Tangible gift - A thing of value that does not lose its value upon the happening of an event or expiration of a given date.

Intangible gift - A thing of temporary value or a thing that upon the happening of a certain event or expiration of a given date loses its value.

Immediate family - A spouse or any child (a) under age 18, who (b) resides in the same household as the officer or employee and (c) who is a dependent of the officer or employee.

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3 DANGER ZONES FOR SOCIAL MEDIA LIABILITY

ABOUT THE AUTHOR



Blake Hegeman, CAE
is Deputy General Counsel for the VA Association of Realtors. You can write him at blake@varealtor.com.

I will admit it. I am a social media convert. There was a time when I found social media to be nothing more than a creative way to avoid actual human contact. Over time, I came to see the value it brings to associations, and now I believe it should be an integral part of any association's communications strategy.

However, along with all the benefits social media offers come an equal number of risks associations must manage. Associations should be especially vigilant about three in particular; defamation, intellectual property infringement and antitrust violations.

Defamation

For whatever reason, when people communicate using a keyboard, they become braver and make statements they would never make in person, including statements that may be defamatory. The nature of the Internet increases the risk. Publishing a defamatory statement is as easy as

typing a nasty comment and clicking "post." A statement published online is often out there forever and can be easy to find. All a plaintiff's attorney has to do is search for the defamatory statement, hit "print" and head to the courthouse.

Why is this important to associations? Increasingly, associations host social media platforms where members and staff can post comments. This exposes associations to defamation liability on two fronts; for comments posted by staff and for those by third parties.

An association should assume that comments posted by an employee on its website can result in liability. To mitigate this risk, the organization should have a well-crafted social media policy, drafted by an attorney, which addresses who on staff has permission to post on the association's sites. Specific social media risk-management training should be provided to those authorized staff, and all staff should receive training on social media best practices and risk management annually. This training should be supplemented with risk-management communications throughout the year.

Recent National Labor Relations Board (NLRB) decisions require social media policies to be narrowly drawn to protect employee speech about the terms and conditions of employment. The NLRB has jurisdiction over all non-supervisory

employees, not just union employees, so it is critical to work with an attorney familiar with this area of the law when drafting a social media policy.

With respect to third-party or member postings, associations enjoy considerable protection under federal law. Section 230 of the Communications Decency Act affords significant immunity for such postings to interactive online service providers, including blogs and other social media platforms provided by associations. Even with this protection, association staff should remove disparaging comments immediately and include a no-tolerance policy for defamatory statements in the association's online terms of use.

Intellectual Property Infringement

Social media platforms allow users to post comments, pictures, speeches, music and videos with ease. This functionality obviously has benefits, but it also creates liability risks. It allows members and staff to publicly share information that does not belong to them and potentially infringe on another's intellectual property rights.

Intellectual property can be broadly defined, but it most often refers to copyright, patent and trademark rights. Examples of intellectual property that can be protected include articles, books, photographs, speeches, software code,

(Continued on page 6)



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Questions? Contact:
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Silent Auction Donors: (as of 10/31/2014)

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 Virginia State Golf Association
 Virginia Tourism Corporation
 Virginia Transportation Construction Alliance
 VisitNorfolk
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 Westin Richmond Hotel
 Westin Virginia Beach Town Center

Auction Fund Supporters:

Barbara Homiller, CAE
 Michael Ward, VA Petroleum Council

HOLIDAY LUNCHEON & SILENT AUCTION - *CONTINUED*

(Continued from page 1)

A donation form, donation display template, and a current list of donations, as well as an event registration form, are all available online at www.vsaе.org.

Please note that this year's annual holiday auction proceeds will be used to make a substantial contribution to **Jill's Blankets**, an organization named in honor of VSAE member Mike Ward's wife. Before her passing, she organized a group of family and friends to make lap blankets for those who are receiving cancer treatments. This charity was designated by VSAE's Community Service Committee.

Live Auction Item

From **Virginia International Raceway**, a VIP experience with 2 tickets to TUDOR United SportsCar Championship's Oak Tree Grand Prix (August 21-23, 2015) PLUS VIP Experience for two, including a hot lap in an IMSA car and IMSA guided tour of the pits. You cannot buy this anywhere.
Estimated Value: \$4,500.



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NEW LOBBYIST DISCLOSURE & REPORTING REQUIREMENTS - *CONTINUED*

(Continued from page 1)

SUMMARY OF HB 1211

- Created an Ethics Advisory Council.
- Put a \$250 limit on "tangible" gifts from lobbyists and companies seeking state contracts.
- Did not stiffen penalties.
- Made minimal changes to disclosure forms.
- Changed disclosure for lobbyists from annual to semi-annual.

IMPORTANT DATES 2014-2015

11/21/2014

Gifts Notification:
Deadline to provide executive and legislative officials notice of tangible or intangible gifts provided from May 1st to October 31st.

12/31/2014

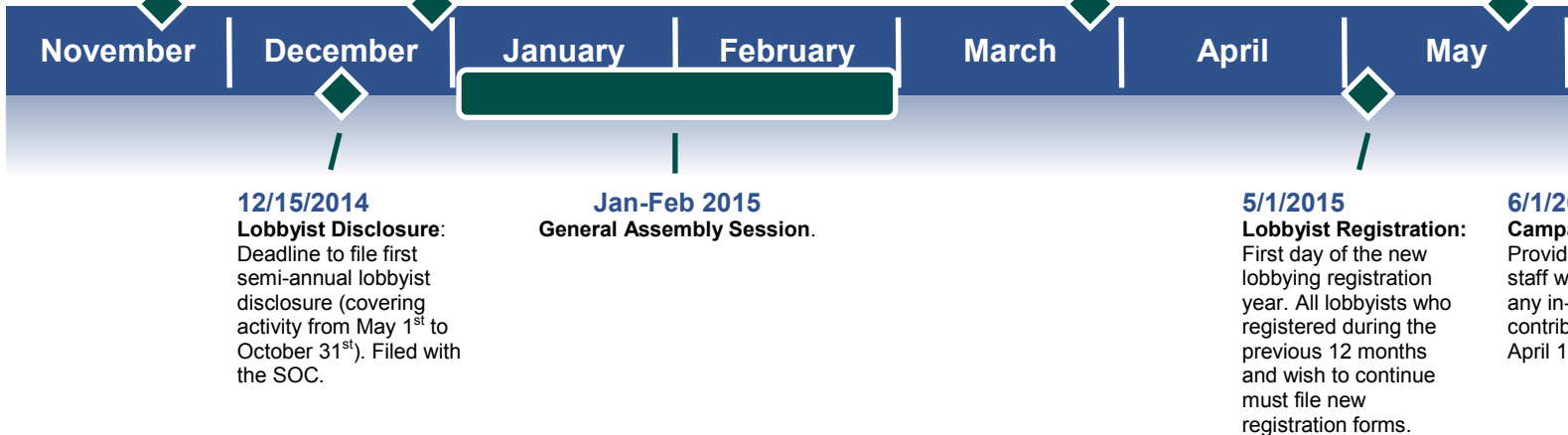
Campaign Finance:
Provide legislators' staff with notification of any in-kind campaign contributions (covering second half of 2014).

3/31/2015

Campaign Finance:
Provide legislators' staff with notification of any in-kind campaign contributions through March 31st.

5/21/2015

Gifts Notification:
Deadline to provide executive and legislative officials notice of tangible or intangible gifts provided from November 1, 2014 – April 30, 2015.



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UPCOMING SIGs MEETINGS

Meeting Planner

November 18, 2014

8:30 - 10:00 a.m.

VA Association of Community Banks

Emerging Association Professionals

December 4, 2014

5:00 - 7:00 p.m.

Strangeways Brewery

Membership

February 3, 2015

8:30 - 10:00 a.m.

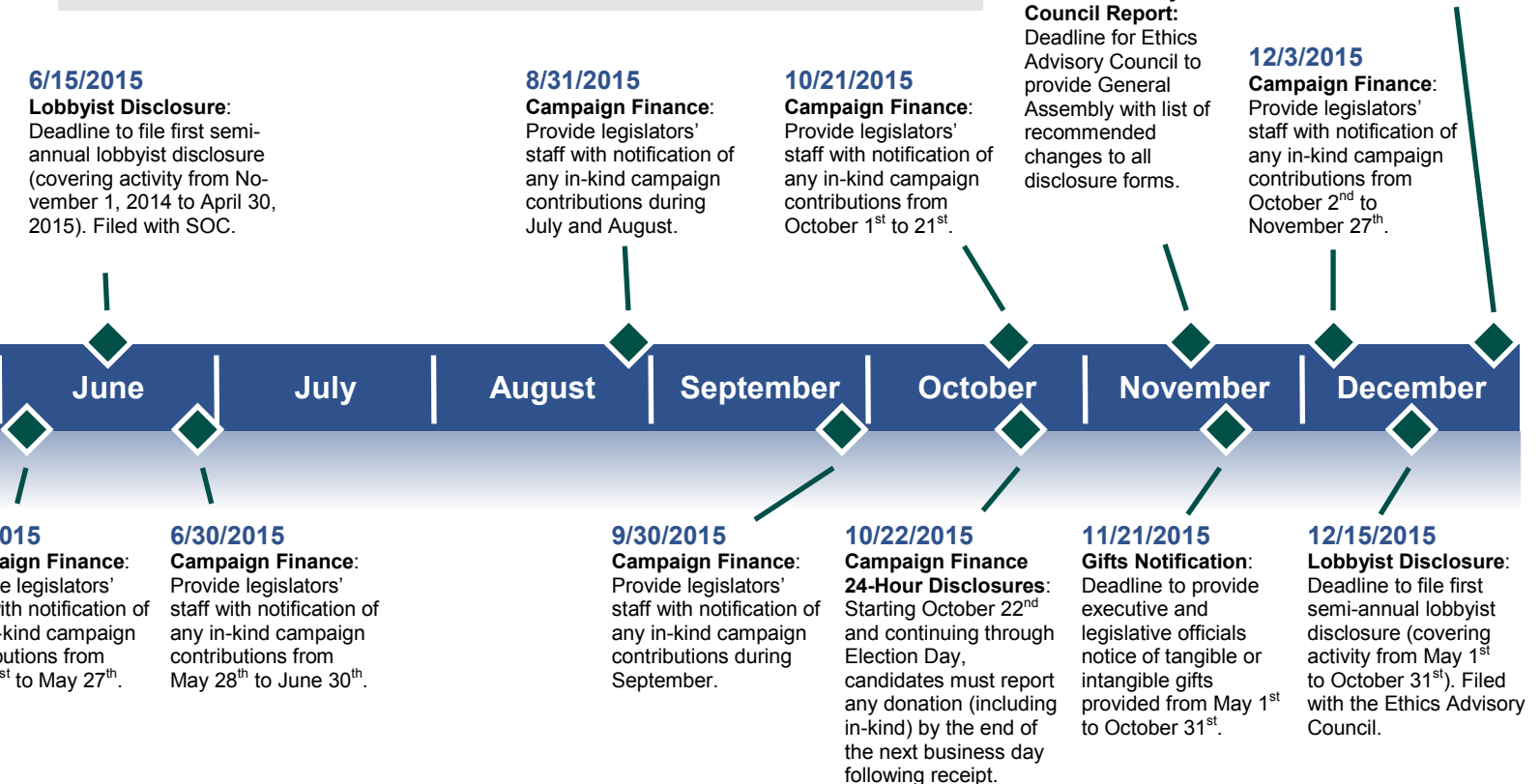
TBD

Register online at www.vsa.org,
click Online Registration in the
Events & Education Section.

ETHICS ADVISORY COUNCIL APPOINTEES

- **Four members** appointed by Speaker of the House (one of which will be a member of the House and one will be a former member of the House).
- **Four members** appointed by the Senate Rules Committee (one of which will be a member of the Senate and one will be a former member of the Senate).
- **Four members** appointed by the Governor (two of which will be executive branch employees).
- **One member** appointed by the Attorney General.
- **One member** appointed by the Senate Rules Committee, selected from three nominees chosen by the Virginia Association of Counties.
- **One member** appointed by the Speaker of the House, selected from three nominees chosen by the Virginia Municipal League.

For a printable checklist version of the disclosure timeline below, visit www.vsa.org/ethics_timeline.



EXPO EVALUATION PRIZE WINNER

Congratulations to Kendall Tyree, Executive Director of the VA Association of Soil & Water Conservation Districts, who was the winner of the Expo Evaluation Prize.

Her prize was a treasure of beach baubles from the Virginia Beach Convention & Visitors Bureau.

Don't miss out! Submit your event evaluation through Survey Monkey to be eligible to win.

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3 DANGER ZONES FOR SOCIAL MEDIA LIABILITY - *CONTINUED*

(Continued from page 2)

and music (copyright), a new machine (patent), and an association logo (trademark). Registration of copyrighted works is not necessary to confer ownership, so the lack of a copyright mark does not mean that material found on the Internet is unprotected and can be used freely.

An association must take steps to prevent intellectual property infringement on its social media sites. Internally, it should have a social media policy that clearly outlines dos and don'ts for staff. Posting material the association does not own without permission should be high on the list of don'ts. Associations should frequently train employees on social media policies and intellectual property issues generally.

To reduce liability risk for content posted by members or other third parties, an association should prominently display its terms of use on its websites, clearly explaining takedown procedures for infringing material, describing consequences for infringement, and providing contact information so that a user may notify the association of a possible infringement. Ideally, users should be required to click a box acknowledging that they agree to the terms of use when they log on to an association social media platform. Some courts have required this level of agreement before the terms are binding on users.

A safe-harbor provision in the Digital Millennium Copyright Act provides substantial protection for associations against copyright infringement by third parties. Associations should consult their attorneys about properly engaging its protections.

Antitrust Violations

Associations are especially vulnerable to antitrust liability because they constitute a group of competitors that cooperate for some purpose. Typically, this cooperation is meant to advance the industry generally, and most of this activity complies with the law. However, any activity that attempts to interfere with competition is a violation of antitrust law, including, for example, price fixing, anticompetitive membership restrictions, and improper standard-setting or certification conduct. Violations can carry severe penalties, both civil and criminal.

A violation can be inferred from an actual or informal agreement to restrain trade. For example, imagine a membership meeting in which a member stands up and suggests that all members should charge a certain amount for widgets. If members later start setting the same price for widgets, it is likely that an antitrust violation has occurred. Associations must monitor their social media sites for antitrust red flags. For example, a member might post a comment on an association blog suggesting that all members refrain from doing business with a certain company. Even if no one agrees

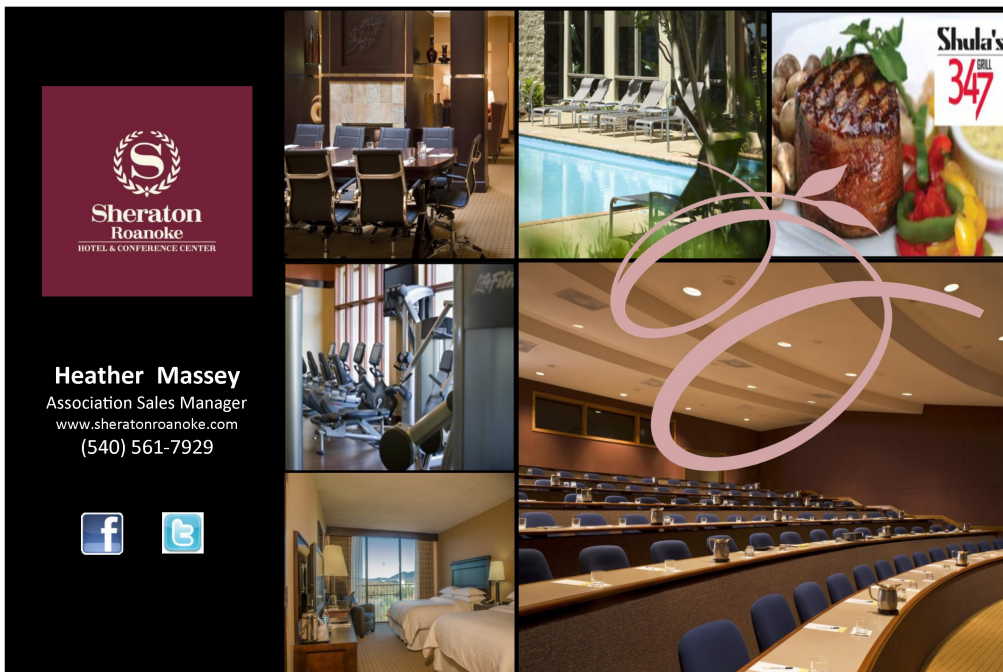
publicly, staff should encourage users of the site to (in antitrust parlance) "loudly dissociate" from the comment, stating their disagreement and saying they want no part of a boycotting conspiracy. The anticompetitive post should also be deleted as soon as possible.

Other protective measures associations should implement.

- The association should have an antitrust policy.
- The policy should be linked or displayed on all association sites.
- Staff and volunteers should be trained on antitrust law, especially those responsible for monitoring social media platforms.



Social media platforms are useful tools for associations, but they can create significant legal problems. Associations should work with counsel to establish a social media policy, terms of use, and other policies for staff, volunteers, and members to minimize the liability risk.

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LAST CALL FOR 2015 BOARD NOMINATIONS

There is still time to submit a nomination to the VSAE Board of Directors. The VSAE Board should be representative of the membership and comprised of the finest leaders in the profession.

If you meet the qualifications to serve (Executive member in good standing for three years or more and have been involved in a broad base of VSAE activities) we encourage you to submit your name for consideration.

Visit www.vsaе.org to download a 2015-2016 Board Candidate Form. **Applications are due by Thursday, November 20th.**

Should you have any questions about the process, please call Rick Eisenman, CAE, at 804-249-2233 or write him at rick@vsaе.org.

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Sophistication by the Sea

This Virginia Beach hotel is ideally located on 31st and Atlantic Avenue, just steps from the sun-soaked oceanfront and the boardwalk. Situated on the city's famed boardwalk adjacent to Neptune's Park, the Hilton Virginia Beach Oceanfront features a collection of 289 upscale guest rooms with exquisite views of the ocean or city's skyline. Other on-site amenities include a 24-hour business center, an inspiring fitness center and Virginia's first rooftop infinity pool overlooking the Atlantic Ocean.

The Hilton is the crown jewel of the newest development in Virginia Beach, 31Ocean, a rich center of activity and excitement. 31Ocean includes nightly entertainment, as well as renowned boutique shops, salons and eateries.

Beachside Culinary Pursuits

Guests are often thrilled to find out that some of the best dining along the Virginia Beach Oceanfront is right here at the hotel. From fresh seafood at Catch 31 to exquisite steaks at Salacia, Virginia's only AAA 4-Diamond Steakhouse, your attendees will experience two award-winning restaurants just steps from their room.



The hotel is also home to Sky Bar, where guests can sip cocktails in the sky and soak in the breathtaking panoramic views of the coastline.

Come Network with the Big Fish

Plan group travel to the Hilton Virginia Beach Oceanfront, the ultimate destination for elegant meetings and events on the boardwalk. Featuring a 7,100 square foot oceanfront grand ballroom and six smaller rooms of varying sizes and shapes, perfect for board meetings and breakout sessions, the hotel combines style and functionality for exceptional occasions.

Whether you have a corporate agenda in mind or a plan to relax and bask in the sunshine, the Hilton Virginia Beach Oceanfront offers a range of services and amenities to enhance every pursuit.

Contact Information

Mary Kelly, CMP
Sales Manager
757-213-2332
Mary_Kelly@hiltonvb.com

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BOUDREAUX JOINS BOW TIE STRATEGIES

Demas Boudreaux, Director of Government Relations for the Virginia Hispanic Chamber of Commerce has joined Bow Tie Strategies, a Leesburg based public relations firm. Boudreaux will be serving as a Government Relations Consultant.

CLARKSON AWARDS 2015 VANGUARD AWARD

The Board of Directors of the Hospice & Palliative Nurses Association has named **Brenda Clarkson** as the 2015 recipient of the Vanguard Award. This award recognizes "outstanding leadership skills and contributions in advancing expert care in serious illness." The award will be presented in February, 2015 at the HPNA Annual Assembly to be held in Philadelphia.

HARE NAMED PRESIDENT OF VA HEALTHCARE ASSOCIATION

The Virginia Health Care Association (VHCA) Board of Directors has appointed **Keith Hare** as its President. Hare previously served as the Vice President of Government Relations for VHCA.

MORALES ACHIEVES VDP CERTIFICATION

Cheryl Morales, Marketing Manager for **Newport News Tourism Development Office** has earned the Virginia Destination Professional certification from the Virginia Association of Convention & Visitors Bureaus.

SALES TAX UPDATE

Meeting planners, you are not required to pay tax on service charges and gratuities.

Hoteliers, you are not required to collect tax on service charges and gratuities.

See below.

Legislation passed in 2006 eliminated the retail sales tax and local meals tax on gratuity or service charges that are mandatory or automatically added to the price of a meal by the provider. Previously, service charges, sometimes called "mandatory gratuities," were subject to the retail sales tax, while discretionary gratuities were not.

The exemption will apply only if the service charge does not exceed 20% of the sales price of the meal. Those service charges in excess of the 20% cap would remain subject to the retail sales and use tax.

Information from the Virginia Department of Taxation website and originally printed in the November, 2006 issue of *Association Press*.

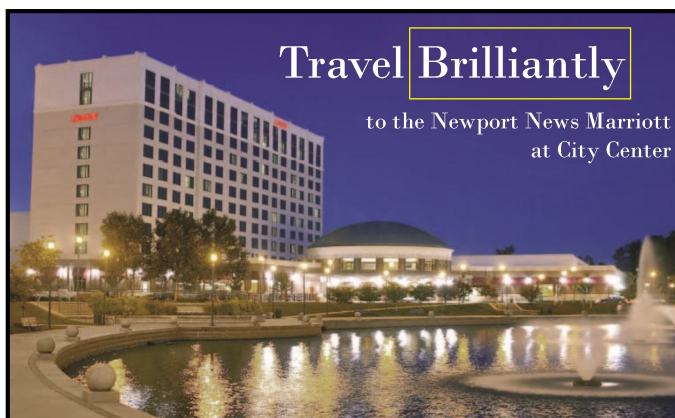
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