

September 27, 28, 2010, Ottawa

Inaugural Two-Day Event!

Conducting Regulatory Investigations

Practical insights on key investigative skills from leading regulatory investigators

Workshop Included: Interviewing skills for investigators

participating organizations

Canada Border Services Agency	Heenan Blaikie LLP
Canada Revenue Agency	Lang Michener LLP
Competition Bureau Canada	Lenczner Slaght Royce Smith Griffin LLP
Environment Canada	McCarthy Tétrault LLP
Fisheries and Oceans Canada	Transport Canada
Fraser Milner Casgrain LLP	

who should attend

Vice-Presidents, Directors & Managers of Regulatory Affairs, Enforcement, Compliance, Investigations

course highlights

- Planning and preparing the investigation
- Honing your observation and analytical skills
- Determining the proper use of investigative information
- Following the scope and legal principles of regulatory investigations
- How to acquire and manage evidence
- Effective analysis of evidence
- Effective report writing and making recommendations
- Preparing and conducting investigative interviews
- Dealing with investigations in a shared jurisdiction environment

Course Leader

John F. Blakney,
Fraser Milner
Casgrain LLP



Cynthia
Amsterdam,
Heenan Blaikie
LLP



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Canada Border
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Christopher
B. Hynes,
Transport
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Scott A.
Mossman,
Fisheries &
Oceans Canada



Brenda C.
Swick,
McCarthy
Tétrault LLP



Daniel J.G.
Bidal,
Environment
Canada



Martin Masse,
Lang Michener
LLP



Bradley Yeaton,
Fisheries &
Oceans Canada



as well as:

Morgan Currie,
Competition
Bureau Canada

Brian McAlpine,
Canada Rev-
enue Agency

FACULTY

COURSE LEADER

JOHN F. BLAKNEY

John F. Blakney is a Partner in the Ottawa office of **Fraser Milner Casgrain LLP**. His practice focuses on administrative law and federal regulation of business conduct.

CO-LECTURERS

CYNTHIA AMSTERDAM

Cynthia Amsterdam is a partner at **Heenan Blaikie LLP**, where she practices out of our Calgary and Toronto offices. She has a broadly based commercial and securities litigation practice.

CATERINA ARDITO-TOFFOLO

Caterina Ardito-Toffolo is Director, Industrial Products Division, Anti-dumping and Countervailing Directorate at the **Canada Border Services Agency**.

MORGAN CURRIE

Morgan Currie is the Acting Assistant Deputy

Commissioner of Competition, Enforcement Services, Compliance and Operations Branch at the federal **Competition Bureau**.

LINDA FUERST

Linda Fuerst is a partner at **Lenczner Slaght Royce Smith Griffin LLP**. Her litigation practice includes a broad range of commercial and professional liability matters.

CHRISTOPHER B. HYNES

Christopher B. Hynes is Chief, Regulatory Projects with the **Aviation Security Regulatory Review**, and is involved in regulatory analysis and regulatory framework development.

SCOTT A. MOSSMAN

Scott Mossman has over 23 years of regulatory enforcement experience. He is currently the Manager of National Programs for the Maritimes Region at **Fisheries & Oceans Canada**.

BRENDA C. SWICK

Brenda C. Swick is a partner in the Litigation Group at **McCarthy Tétrault LLP** and is a

member of the firm's International Trade and Investment Law Group.

DANIEL J.G. BIDAL

Daniel J.G. Bidal is the Manager of Operations for the NorthWest District of the Quebec Region, Environmental Enforcement Directorate, **Environment Canada**.

BRIAN MCALPINE

Brian McAlpine is a Policy Advisor in the Policy, Planning and Disclosure Division at the **Canada Revenue Agency**.

MARTIN MASSE

Martin Masse is a Partner at **Lang Michener LLP**. He has a wide-ranging commercial and regulatory law practice.

BRADLEY YEATON

Bradley Yeaton is Fishery Officer with the Conservation and Protection Branch at **Fisheries & Oceans Canada**. He has over 26 years of regulatory enforcement experience.

COURSE PROGRAM

PLANNING AND PREPARING THE INVESTIGATION

Preparation is a fundamental aspect of any investigation, audit, or inspection under a legislative scheme. There must be a precise understanding of the nature and scope of authority under the empowering legislation. This discussion will address the alignment of a public authority's power to investigate, audit, or inspect a regulated entity with the governing statutory context, including:

- Preparing the investigation plan
- Conducting the investigation in alignment with regulations
- Identifying the issues
- Identifying the scope and precise mandate
- Setting time-frames and deadlines

MANAGING AN INVESTIGATION

An investigation can get quickly derailed if it is not managed properly. The problem is compounded when departments are managing multiple investigations. This discussion details key factors to consider when managing regulatory investigations, including:

- What constitutes a thorough investigation
- What constitutes good evidence
- Managing information and staying organized
- Honing your observation and analytical skills
- Maintaining focus on the facts of the investigation
- Gaining access to documents
- Devising an investigative strategy
- Defining the scope of the investigation
- Executing the investigation

SUPPLEMENTARY COURSE MATERIAL

Federated Press is now providing delegates with access to an innovative new database containing at least 25 interactive multimedia presentations by leading experts and approximately 20 hours of lectures on the topics covered by this course, including all slides and speakers' papers. See the list of presentations on page 4.

Delegates will also receive a trial subscription to the Government/Regulatory Channel, a much broader resource representing hundreds of hours of interactive multimedia lectures on leading edge tax topics as delivered at our many recent Government/Regulatory conferences and courses.



USING INVESTIGATIVE INFORMATION

Often, it's not the amount of information obtained during an investigation that determines the success or failure of an investigation, but rather how that information is used. This discussion details how to manage the information arising from an investigation, including:

- Can information obtained in one investigation be used in another?
- Dealing with information in concurrent regulatory and criminal cases
- How much investigative information are you required to disclose and to whom?
- Investigating and managing cases of illegal practice

FOLLOWING THE SCOPE AND LEGAL PRINCIPLES OF REGULATORY INVESTIGATION

For most government regulatory agencies, there is an increased expectation to effectively investigate and enforce statutory legislation and guidelines. However, it is essential that any investigation follow the legal parameters as outlined in the legislation. This discussion details the legal scope of a regulatory investigation, including:

- The nature of regulatory investigations
 - How they differ from criminal investigations
 - How they differ from inspections and audits
- Understanding the legal limits of the investigation
 - Cooperation
 - Search warrants
- Ensuring procedural fairness in the investigation
- Ethics and the structure of investigations
- The role of the Canadian Charter of Rights

ACQUIRING AND MANAGING EVIDENCE

The rules related to evidence gathering and admissibility in a regulatory investigation are more flexible than that of a criminal investigation. Understanding the restrictions as well as what is permitted in a regulatory investigation is critical to ensure the most effective and efficient investigation. This discussion details how to gather and manage evidence in a regulatory investigation, including:

- The fundamentals of evidence
- Powers / authorities for investigation
- Preparing / executing summonses and search warrants
- Sourcing information
- Dealing with electronic evidence

ANALYSIS OF EVIDENCE

Regulatory investigations can generate huge amounts of evidence, both from documents and from witness statements. Making sense of all this often contradictory evidence requires special analytical skills. This discussion details best practices in evidence analysis, including

- Analyzing large numbers of documents
- Forensic analysis of documents
- Reviewing evidence from witnesses, including deceptive statements and half-truths
- Determining what evidence is relevant
- Using the latest technological solutions to analyze evidence

ETHICAL AND LEGAL ISSUES RELATING TO INVESTIGATIONS

This discussion details the key legal and ethical issues that are likely to occur during an investigation and how to manage them, including:

- Legal and ethical issues relating to investigations
 - Privilege issues during investigations
 - Dealing with claims of privilege over documents
 - Ability to maintain privilege over investigative report

- Multi-party representation and conflicts of interest
- Investigator's duties:
 - Fairness
 - Impartiality
 - Candour

REPORT WRITING

The tasks of investigation and report writing represent one of the most difficult challenges faced by many regulators. Maintaining impartiality and ensuring the report serves the reader's purposes are some of the key challenges facing the investigator. This discussion details how to write-up the report, including:

- Knowing your audience—determining what they expect to see in the report
- What should the report contain, what should it not contain
- Ensuring your report is useful to the reader and maintains impartiality
- Effective presentation of the main points of the investigation
- Making compelling recommendations

INVESTIGATING ENVIRONMENTAL ISSUES AT ENVIRONMENT CANADA

Managing investigations in a highly technical, multi-jurisdictional environment is a complex endeavor requiring a thorough understanding key investigative skills. This discussion details key challenges of investigating environmental malfeasance and how to overcome them, including:

- Dealing with constitutional issues and investigations in a shared jurisdiction environment
- Investigating science-based regulations and the technical challenges of evidence
- Taking into account case-law or the relative absence of case law when doing investigations
- Navigating procedures, prosecutions and the determination of penalties

KEY STAGES OF SPECIALIZED INVESTIGATIONS AT THE CANADA BORDER SERVICES AGENCY

The Canada Border Services Agency is responsible for scores of regulatory investigations each year, including those involving dumping and subsidy issues. This discussion details the agency's very practical approach to conducting dumping and subsidy investigations, including:

- Basis for the investigations
- Opening the investigations
- Gathering documentary evidence
- Managing the investigations
- Writing reports and making recommendations
- Implementation of decisions

WORKSHOP

INTERVIEWING SKILLS FOR INVESTIGATORS

Interview skills are among the most valuable for any investigator. But conducting a successful interview is no accident. It requires careful planning, a systemic approach and a keen sense of both verbal and non-verbal cues. This discussion details the key elements that go into a successful interview, including:

- General framework and systematic approach for preparing and then conducting investigation interviews
- Importance of the interview: what can be obtained
- Common mistakes made during an interview
- Interpreting the subject's responses and demeanor
- Dealing with defensive, evasive and other uncooperative subjects

MULTIMEDIA PRESENTATIONS

Your registration includes an interactive multimedia database comprising the following presentations from recent Federated Press courses and conferences. They are presented in their entirety with complete audio or video and accompanying slides. You may also purchase the multimedia proceedings of the course which will be available on CD-ROM 60 days after the course.

Handling a Government Investigation Into Your Financial Institution

Gary Moulton,
Deloitte & Touche LLP

A Practical Approach to Planning the Investigation

Jerry Forst,
PricewaterhouseCoopers LLP

Computer Forensic Techniques

Ian Middlemas,
Deloitte & Touche LLP

Encouraging and Protecting Whistle-Blowers

Normand Côté,
Bank of Montreal

Implementing an Effective Anti-Money Laundering Program

Demetra T. Valente,
State Street Global Markets

Challenges of Global Terrorist Activity Financing

Kenneth H. Saul,
Cambridge Mercantile Corp.

Current Trends in Mutual Fund Governance and Compliance

Rebecca A. Cowdery,
Borden Ladner Gervais LLP

Using a Risk-Based Approach to Enhance Regulatory Compliance in Ontario

Denis Gertler,
Ontario Ministry of Labour

Bill 159 Regulations: Training and Evaluating Your Security Employees

NewTopic:
Speaker: Steve Summerville

Complying With Privacy Legislation

Kent E. Ziegler,
Deloitte & Touche LLP

Performing Employee Pre-Screening and Background Checks

Joe Pendleton,
Department of Government Services

Interviewing Techniques to Obtain Information and Detect Deception (Part 1)

Rick Gagnon,
Landmark Introspective Group Ltd.

Interviewing Techniques to Obtain Information and Detect Deception (Part 2)

Rick Gagnon,
Landmark Introspective Group Ltd.

Legal Issues Surrounding Workplace Investigations

F. Albert X. Lavergne,
Reynolds Mirth Richards & Farmer LLP

Detecting and Dealing With Workplace Fraud

Rob Shull,
Ernst & Young

Online Research and Investigations

Dave Chu,
Intelysis Corporation

Effective Employee Pre-Screening and Background Checks

Graeme Eastmure,
Safeguard Security & Investigation Services Ltd.

Conducting Comprehensive Accident Investigations

David Bois,
Home Hardware Stores LTD

Mastering Interrogation Techniques

Graeme Eastmure,
Safeguard Security & Investigation Services Ltd.

Ontario Tax Investigations: Policies and Procedures

Anthony Molica,
Ontario Ministry of Finance

Dealing with Foreign-Based Information Requests

Salvador M. Borraccia,
Baker & McKenzie LLP

Legal Issues Surrounding Workplace Investigations

Russel W. Zinn,
Ogilvy Renault LLP

Forensic Document Examination

Brian Lindblom,
Document Examination Consultants Inc.

Expense Account Padding

Gary Moulton,
Deloitte & Touche LLP

Registration: To reserve your place, call Federated Press toll-free at 1-800-363-0722. In Toronto, call (416) 665-6868 or fax to (416) 665-7733. Then mail your payment along with the registration form. Places are limited. Your reservation will be confirmed before the course.

Location: The Westin Ottawa, 11 Colonel By Drive, Ottawa, ON, K1N 9H4

Conditions: Registration covers attendance for one person, the supplementary course material as described in this document, lunch on both days, morning coffee on both days and refreshments during all breaks. The proceedings of the course will be captured on audio or video. Multimedia proceedings with all slides and handouts can be purchased separately on a CD-ROM which will also include the course material.

Time: This course is a two-day event. Registration begins at 8:00 a.m. The morning sessions start promptly at 9:00. The second day ends at 4:00 p.m.

Cancellation: Please note that non-attendance at the course does not entitle the registrant to a refund. In the event that a registrant becomes unable to attend following the deadline for cancellation, a substitute attendee may be delegated. Please notify Federated Press of any changes as soon as possible. Federated Press assumes no liability for changes in program content or speakers. A full refund of the attendance fee will be provided upon cancellation in writing received prior to September 14, 2010. No refunds will be issued after this date. Please note that a 15% service charge will be held in case of a cancellation.

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Payment must be received prior to September 20, 2010

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Approving Manager Title _____
Organization _____
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Please bill my credit card: AMEX VISA Mastercard
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