

THE 411 ON WEB 2.0 KICKS OFF 2008

It will come as no surprise to those in the workforce today that blogging and social networking appear to be the domain of the young. Elizabeth Weaver Engel, CAE, Manager of Not for Profit Consulting for RSM McGladrey, Inc., presented information published in Business Week on internet use by age group. The creators of blogs and podcasts are overwhelming in the 12-21 age group – with 71 percent of people participating in creation. Thirty percent of Gen Y (age 22-26 and now entering the workforce) are also creators.

Engel broke the general population into groups that are not mutually exclusive: creators – those who originate content (write blogs, create podcasts); critics – comment on content (write re-

views, post ratings); collectors – gather information (via RSS feeds, social bookmarking); joiners – use social networking sites; spectators – consume content (look things up on Wikipedia, watch videos on YouTube); and the inactives – online, but don't participate in that newfangled Web 2.0 stuff.

Engel distributed “A Brief Guide to Web 2.0,” reprinted in part here with permission (document prepared by the Not-for-Profit Consulting Practice Group of RSM McGladrey, Inc. from information collected from whatis.com and Wikipedia.)

Social Networking: Social networking is the practice of expanding the number of one's business and/or social contacts by making individual connections. While social networking has gone on almost as long as societies themselves have existed, the unparalleled potential of the Internet to promote such connections is only now being fully recognized and exploited through web-based groups established for that purpose. It establishes Internet communities that help people make connections with people they would be unlikely to have met otherwise. Example: *MySpace*.



The January FAR topic helped members discover the importance and usefulness of newer communications tools in today's office and business settings.

SMS – Short Message Service (aka “text messaging”): This is a service for sending short messages to mobile devices, including cellular phones, smart phones and PDAs. Need an example? Ask your teenager.

RSS – Really Simple Syndication: RSS is an XML-based (eXtensible Markup Language) vocabulary that specifies a means of describing new or other web content that is available for “feeding” (distribution or syndication) from an online publisher to web users. A person who wants to publish some web content, such as news headlines or stories, creates a description of the content and specifically where the content is on the site in the form of an RSS document. The publishing site then registers its RSS document with one of the several existing directories of RSS

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MARK YOUR CALENDAR (and read in advance)

April 30, 2008

REGULAR MONTHLY MEETING at SunTrust Bank, 9th Floor, 1445 New York Avenue, NW, Washington, DC at 11:15 a.m., “Benchmarking Compensation and Benefits,” Christina Greathouse, Ph.D., Strategic Performance Group

May 21, 2008 (note new date)

REGULAR MONTHLY MEETING, Celebration of FAR's 25th Anniversary and “Investing in a Neural Network World – What the Current Election Scenarios Mean to the Markets and the Economy,” W. Talbot Daley, Legg Mason

June 25, 2008

REGULAR MONTHLY MEETING, “An Update on Tax and Legal Issues”

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Fax 301-785-6610
E-mail: lou@novickgroup.com

Chris Busky, CAE, Past Chair
Heart Rhythm Society
1400 K Street, NW, Suite 500
Washington, DC 20005
Tel: 202-464-3400
Fax: 202-464-3401
E-mail: cbusky@hrsonline.org

Craig Silverio, IOM, CAE, Vice Chair
Packaging Machinery Manufacturers Institute
4350 N. Fairfax Drive, Suite 600
Arlington, VA 22230-1619
Tel: 703-243-8555
Fax: 703-342-8556
craig@pmmil.org

Wes Tomer, CPA, Secretary
Veris Consulting, LLC
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Tel: 703-654-1457
Fax: 703-796-1200
wtomer@verisconsulting.com

Barbara Studenmund, Treasurer
American Association of Law Schools
1201 Connecticut Avenue, NW, Suite 800
Washington, DC 20036
Tel: 202-296-8851
Fax 202-296-8869
E-mail: bstudenmund@aals.org

Patricia H. Adkins, Director
Home Safety Council
1250 I Street, NW, Suite 100
Washington, DC 20006
Tel: 202-330-4905
Email: patricia.adkins@homesafetycouncil.org

Jacqueline M. Bolt, Director
Campaign for Tobacco-Free Kids
1400 I Street, NW, Suite 1200
Washington, DC 20005
Tel: 202-296-5469
Fax: 202-296-5427
jbolt@tobaccofreekids.org

Kristen L. Conte, Director
Eugene and Agnes E. Meyer Foundation
1400 16th Street, NW, Suite 360
Washington, DC 20036
Tel: 202-483-8294
Fax: 202-328-6850
kconte@meyerfdn.org

Peter Frank, CPA, Director
National Restaurant Association
1200 17th Street, NW
Washington, DC 20036-3097
Tel: 202-331-5977
Fax: 202-331-5971
Email: pfrank@dineout.org

James N. May, CPA, Director
National Association of School Psychologists
4340 East West Hwy, Suite 402
Bethesda, MD 20814-9459
Tel: 301-347-1650
Fax: 301-657-0275

Thomas Nordby, CAE, Director
National Defense Industrial Association
2111 Wilson Blvd., Suite 400
Arlington, VA 22201-3061
Tel: 703-247-9461
Fax: 703-522-1885
tnordby@ndia.org

Michael Tryon, Director
Tate & Tryon
805 15th Street, NW, Suite 900
Washington, DC 20005
Tel: 202-293-2200 x 305
Fax: 202-293-2208
mtryon@tatetryon.com

F&A Roundtable
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6277 Franconia Road
Alexandria, VA 22310-2510
Tel: 703-971-1116
Fax: 703-971-7772
E-mail: FARHqtrs@aol.com
Editor—Jack Pitzer/Editorial Assistant—Dixie Kennett

CHAIR'S COLUMN



I attended the home opener for the Washington Nationals at the new stadium, Nationals Park. While standing in line outside the stadium for an hour and forty minutes (to go through security) so that President Bush could stand on the mound for twenty seconds and throw out the first pitch, it occurred to me that there is something truly remarkable about the value proposition taking place. Having arrived hours before game time, paid, in some cases, hundreds of dollars and with the temperature in the low forties, tens of thousands of ticket holders stood in long, slow-moving lines and in many cases were ultimately denied the opportunity to participate in the pre-game festivities that mark opening day. Why would a buyer of any product or service put up with such treatment?

On one level the answer is easy. To quote the commercial from Major League Baseball, "I live for this." Many of you already know my internal clock is reset each year with the opening of spring training in February and the first games in March and April. I'm not alone in this annual rite but of course this doesn't apply to all forty one thousand in attendance.

It occurs to me that what is taking place is more than a transactional exchange. The experience on game day (now stay with me here) has a lot in common with the FAR monthly luncheon. Many people travel on Metro, we are entertained (and educated), we spend several hours together and we stand in long food lines.

But even more than that is the value proposition. Not unlike fans attending a Nationals game expecting entertainment, FAR members come to us with high expectations for networking and quality programming. And while we may not hit it out of the park every month our won-loss record (I'll stop with the baseball metaphors soon, I promise) is remarkably good. The March luncheon topic, the new IRS Form 990, received the most positive feedback and was the highest attended of the season.

There are only three months left in the (FAR) season. The April luncheon topic, Benchmarking Compensation & Benefits, is sure to be a capacity crowd and as a reminder we're celebrating our 25th anniversary at the May luncheon. It's been a great year so far and I'm looking forward to seeing each of you in the next few months.

Lou Novick

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WHERE'S THE SHREDDER?

- A RISK MANAGEMENT APPROACH TO DOCUMENT RETENTION AND ELECTRONIC DISCOVERY

By Leslie White, Croydon Consulting, LLC

Speakers Eileen Morgan Johnson, an attorney with Whiteford Taylor & Preston LLP, and Leslie White, a risk management consultant with Croydon Consulting, LLC, spoke to FAR members in February about the need for proper document retention and destruction policies and procedures. Using the risk management format, Johnson and White presented the risks of not having a policy and how to develop a document retention program.

According to White, the first step in the risk management cycle is to identify the significant risks associated with an ineffective document retention program. The main risk is that retained documents and records contain the "smoking gun" that will prove the allegations made against the organization -- the emails or letters support the claim that the association discriminated against an employee, engaged in anti-trust activities, or someone



Eileen, standing on left, and Leslie, standing on right, gave the document retention topic a realistic approach for all FAR members.

"cooked the books." On the flip side those documents may also be the source of your defense and exonerate the organization from any wrongdoing.

An inadequate document retention program can lead to criminal charges of obstruction of justice if documents were destroyed inappropriately or the court enters an adverse judgment due to the inability to produce discoverable documents and records. For example in Residential Funding Corporation v. DeGeorge Corp.

(Shredder, continued on page 9)

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Larry F. Stokes, CPA
LStokes@stokespc.com

Matthew F. Penniman, CPA
mattp@stokespc.com

(Web 2.0, continued from page 1)

publishers. A user with a web browser can read periodically-provided distributions. Example: SmartReader, Google Reader.

Blog: A blog (short for web log) is a personal online journal that is frequently updated and intended for general public consumptions. Blogs are defined by their format: a series of entries posted to a single page in reverse-chronological order. Blogs generally represent the personality of the author or reflect the purpose of the web site that hosts the blog.

Microblog: Microblogging is the practice of sending brief posts to a personal blog on a microblogging website, which can be made public and/or distributed to a private group of subscribers.

Podcast: Podcasting is the preparation and distribution of audio and/or video files using RSS to the computers of subscribed users. These files may be uploaded to digital music or multimedia players like the iPod.

Wiki: A wiki is a program that allows users to collaborate in forming the content of a web site. With a wiki, any user can create and edit the site content, including other users' contributions using a regular web browser. Wiki web sites operate on the principle of collaborative trust.

List Servers: A list server is a program that handles subscription requests for an electronic mailing list and distributes new messages, newsletters or other postings from the list's members to the entire list of subscribers as they occur or are scheduled.

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Chief Financial Officer
Intelligent Transportation Society of America
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202-721-4213
tcox@itsa.org

Deborah Johnston

Controller
Pact, Inc.
1200 18th Street, NW, Suite 350
Washington, DC 20036
202-552-1923
djohnston@pacthq.org

David Keen

Director of Finance and Administration
National Association of Counties
25 Massachusetts Avenue, NW, Suite 500
Washington, DC 20001
202-942-4206
Fax 202-661-8872
dkeen@naco.org

ATM Pervez

Controller, Finance & Administration
CORE, Inc.
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Washington, DC 20001
202-380-3404
Fax 202-380-3399
upervez@coregroupdc.org

Lynda Ramirez-Blust

LSRB Consulting
5126 16th Street, North
Arlington, VA 22205
703-465-4999
Fax 703-859-7634
lramirezblust@msn.com

Please make a note of new contact information for

Jennifer Boykin, RSM McGladrey:

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(Shredder, continued from page 5)

organization cannot produce the requested documents, the defendant is guilty and is withholding the documents since they prove its guilt.

Discovery costs to produce requested documents can be huge. The discovery costs include staff time, attorney fees and the possible need for computer forensics. One may need to hire a computer forensic expert to retrieve discoverable electronic files. Just the term “computer forensics” implies this is a costly endeavor. Finally, it is costly to store both necessary and unnecessary documents whether hard copies or electronically stored information (ESI). A document retention policy will identify which documents need to be retained and which can be destroyed at the appropriate time.

For historical perspective White and Johnson provided a brief review of the need for a document retention program. Following the collapse of Enron, Arthur Andersen was convicted of obstruction of justice for destroying files related to Enron while it knew the Securities and Exchange Commission was investigating Enron. The conviction was later overturned, but in response to the

Enron collapse and other cases of corporate misbehavior, Congress passed the Sarbanes-Oxley Act of 2002. The Act does not mandate each organization to have a document retention and destruction policy but criminalizes the destruction, alteration, or falsification of records when the entity is in a Federal investigation. The biggest impact of the Act is that destruction of documents itself is sufficient evidence for charges of obstruction of justice if there is a known investigation or reasonable anticipation of a Federal investigation. The penalties are fines or imprisonment for not more than 20 years or both.

While Sarbanes-Oxley created a risk for associations, changes to the Federal Rules of Civil Procedure (FRCP) in December 2006 may be even more expensive. Johnson reviewed briefly the changes, which include a clarification of the definition of electronic discovery and modification of the procedures for electronically stored information (ESI). The new procedures also impose express obligations to preserve, disclose and produce ESI when an organization has reason to believe that a claim or lawsuit might occur.

The speakers explored the differ-

ent types of electronic information that may be subject to discovery, such as cell phone records, text messages, Instant Messaging, electronic calendars, voice-mail, blogs, PDAs, and all of the information stored on hard drives, servers, and back-up materials. In addition to the plethora of ESI, it is next to impossible to destroy electronic information. One option is to completely destroy the hard drive by either shredding then melting it or by degaussing the drive, which removes the magnetic alignment. These options require the purchase of new hard drives as you destroy the old ones.

Another method to “destroy” electronic information is scrubbing where the “deleted data” is overwritten with random data. The US Department of Defense requires their data to be scrubbed at least seven times to ensure no one can retrieve it. Also scrubbing can be detected so be sure you only scrub the right data and there is no litigation or record hold.

Johnson advised that developing a document retention program is not an easy task. One of her clients worked with a consultant for two years to identify the types of documents gener-

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Laura Fitch, Vice President of Human Resources, Employee Relocation Council, provided FAR with a copy of the Articles of Incorporation. It is amazing what has happened in the last 25 years.

In 1983 we were using computers, but not with Windows! DOS was still the operating system in use. There was no World Wide Web, but there were modems that sent data at the rate of 300 baud per minute. A two-page document could take 20 minutes. Printers of the day used tractor-feed paper and had replaceable ribbon cartridges rather than toner or ink.

Cell phones (and probably even car phones) were a thing of the future. There was no instant messaging, text messaging, blogging, or DVDs.

Assuming you were old enough to work, what accounting system were you using? What was your work life like in 1983? FAR would love to have some snippets of what was current and popular in the finance office then. Please forward a few sentences to us at farhqtrs@aol.com by Monday, May 5th, for inclusion for our anniversary celebration.

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(Shredder, continued from page 6)

ated and the retention schedule for those documents, which will vary by various departments. For example the human resource department generates different types of documents than the membership or marketing departments so they will have different categories of documents and retention schedule.

Establishing the retention period for each type or category of documents is difficult. White encouraged associations to first consider the numerous legal requirements for keeping certain documents. The legal requirements may vary by Federal, state or local regulations. Your association may also be subject to industry best practices or requirements for how long you retain certain types of documents. Lastly, consider your organization's needs for retaining certain records as determined by how long your association derives a continued business or historical value from the information.

The last stop of the document retention and destruction program is a procedure to suspend the destruction process and to ensure that all relevant documents are preserved. One suggestion is to activate a litigation response team at the first notice of a suit or investigation or you have the reasonable anticipation of a suit or investigation. The response is to establish a mechanism to preserve all possible evidence and to notify all users to not delete or destroy records including the deletion or alteration of metadata.

Their last piece of advice was to start somewhere perhaps with a very basic policy and then improve the program incrementally.

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