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THE OTTAWA REGION *Charity & Not-for-Profit Law Seminar*

Thursday, February 14th, 2019

“RECENT DEVELOPMENTS IN THE LAW”

WELCOME

Welcome to the Ottawa Region *Charity & Not-for-Profit Law Seminar*, which is designed to assist charities and not-for-profit organizations in understanding developing trends in the law in order to keep up to date and to reduce unnecessary exposure to legal liability. This seminar is eligible for **5 hours substantive CPD credits** with the **Law Society of Ontario** and **CPA Professional Development** requirements.

The *Charity & Not-for-Profit Law Seminar*, with its related *Church & Charity Law™ Seminar* held annually in Toronto since 1994, is hosted by **Carters Professional Corporation (Carters)**, a law firm experienced in advising charities and not-for-profits, with offices in the Ottawa and Toronto areas. The Seminar is presented by a number of expert speakers, including our guest speakers: Kenneth Goodman, The Public Guardian & Trustee of Ontario, and Tony Manconi, Director General of the Charities Directorate of CRA.

CHECK-IN

If you have REGISTERED AND PAID the registration fee, please obtain your name tag and pre-paid handout package in the Foyer of the Centurion Conference Center, and help yourself to the complimentary Continental Breakfast.

If you NEED TO PAY the registration fee or have NOT YET REGISTERED, please proceed to the “Unpaid and New Registrations” table in the Foyer. The registration fee can be paid by cash or cheque payable to *Carters Professional Corporation*. Please obtain a pre-paid handout package from one of our greeters for more information.

CONTINENTAL BREAKFAST & LUNCH BUFFET

A complimentary Continental Breakfast is provided in the morning. A lunch buffet is also included with your registration fee. Both of these meals will be served in the Adriatic Ballroom.

REMINDERS

Please silence all cell phones and electronic devices. We ask that no photos or videos be taken during the seminar as per our Privacy Policy. For re-cycling purposes, please return your name tag (after removing your receipt), along with your Evaluation Form, before you leave.

RESOURCE MATERIALS

Included in this handout package are copies of today’s presentation materials. These materials, along with numerous other articles, seminar materials, and newsletters of interest to charities and not-for-profits, including back issues of *Charity & NFP Law Bulletins*, *Charity & NFP Law Updates* and *Church Law Bulletins* are available free of charge at our websites of www.charitylaw.ca, www.carters.ca, www.churchlaw.ca, www.antiterrorism.ca and Copies of *Charity & NFP Law Bulletins* and *Church Law Bulletins* are on display at the Carters booth in the Foyer outside of the Auditorium.

Copies of the booklet entitled “**2018 Legal Risk Management Checklist for Ontario-Based Charities**”, as well as the “**2018 Legal Risk Management Checklist for Ontario-Based Not-for-Profits**” are available for \$2.00 during breaks, and at no charge on our website at http://carters.ca/index.php?page_id=41.

CHARITY & NFP LAW UPDATE

A limited number of copies of the [January 2019 edition](#) of the Charity & NFP Law Update are available at the Carters booth today. To receive the monthly Charity & NFP Law Update, e-mail us at info@carters.ca with “mailing list” in the subject line. Alternatively, please add your name and email address to our Sign-Up List at the Carters booth indicating your consent to receive firm newsletters and information about future seminars.

QUESTION PERIOD

Questions are welcomed and will be answered before the lunch break, as time permits, and at the end of the day. A question sheet is provided at the back of this handout and should be left at the front podium in the Auditorium or at the Carters booth at any time during the seminar.

ACKNOWLEDGEMENTS

We would like to acknowledge and thank Kenneth Goodman, Tony Manconi, and Ken Hall for their contribution as guest speakers at this year’s seminar. All speakers have freely volunteered their time.

We would also like to recognize the sponsors and resource materials provided for the 2019 Ottawa Region *Charity & Not-for-Profit Law Seminar*: Netsuite for Nonprofits, Thomson Reuters Corporation, Lexis Nexis Group, Robertson Hall Insurance Ltd., CCCC and CRA.

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THE OTTAWA REGION
Charity & Not-for-Profit Law Seminar

Thursday, February 14th, 2019

AGENDA

7:45 a.m.	Check-In (Continental breakfast buffet provided in Adriatic Ballroom)	
8:30 a.m.	Opening Remarks and National Anthem	
8:40 a.m.	Essential Charity and Not-for-Profit Law Update	Jennifer M. Leddy
9:05 a.m.	Critical Privacy Update for Charities and NFPs	Esther Shainblum
9:30 a.m.	Clearing the Haze: Managing Cannabis in the Workplace in Ontario	Barry W. Kwasniewski
9:55 a.m.	Protecting Your Brand in the Digital Age	Sepal Bonni
10:20 a.m.	Morning Break (Coffee and tea provided) (25 minutes)	
10:45 a.m.	Charities and Politics: Where Have We Been and Where Are We Going	Ryan M. Prendergast
11:10 a.m.	The Coming of the ONCA (We Hope) and What to Start Thinking About	Theresa L.M. Man
11:35 a.m.	The Evolution and Empowerment of Charities in Ontario from the Perspective of the PGT	Kenneth Goodman, The Public Guardian & Trustee of Ontario
12:15 p.m.	Questions for the PGT and morning speakers	
12:25 p.m.	Lunch Break (50 minutes)	
1:15 p.m.	Acknowledgements	
1:20 pm	Lessons Learned from Claims to the Courtroom	Kenneth Hall, Robertson Hall Insurance and Sean Carter
2:05 p.m.	Tips for Avoiding Common Errors: A Charities Directorate Perspective	Tony Manconi, Director General of the Charities Directorate of the CRA
2:45 p.m.	Legal Challenges in Social Media for Charities and NFPs	Terrance S. Carter
3:10 p.m.	Question Period	
3:30 p.m.	Program Ends	

Please see **Speaker Biographies** on the following pages.

Take a moment to complete the **Evaluation Form** included at the back of this handout to help us make the next Ottawa Region *Charity & Not-for-Profit Law*[™] Seminar even better.

REMINDERS

PLEASE MUTE ALL CELL PHONES AND ELECTRONIC DEVICES.

For recycling purposes, return your name tag, along with your Evaluation Form, before you leave.

SEMINAR HOSTS

Carters Professional Corporation is a law firm experienced in serving charities and not-for-profits, and is able to provide specialized legal services in the following areas of charity and not-for-profit law:

- Anti-bribery Compliance
- Anti-terrorism Policy Statements
- CRA Charity Audits
- Charitable Organizations & Foundations
- Charitable Incorporation & Registration
- Charitable Trusts
- Charity Related Litigation
- Church Discipline Procedures
- Church Incorporation
- Corporate Record Maintenance
- Director and Officer Liability
- Dissolution and Wind-Up
- Employment Related Issues
- Endowment and Gift Agreements
- Foreign Charities Commencing Operations in Canada
- Fundraising and Gift Planning
- Gift Acceptance Policies
- Governance Advice
- Human Rights Litigation
- Incorporation and Organization
- Insurance Issues
- International Trade-Mark Licensing
- Investment Policies
- Legal Risk Management Audits
- Legal Audits
- National and International Structures
- Privacy Policies and Audits
- Religious Denominational Structures
- Sexual Abuse Policies
- Special Incorporating Legislation
- Charity Tax Opinions and Appeals
- Trade-mark and Copyright Protection
- Transition Under the ONCA

PROTECTION FROM REGULATORY OFFENCES FOR CHARITIES AND NOT-FOR-PROFITS

Charities and not-for-profits are facing significant liability and financial challenges due to increasing enforcement of federal and provincial regulatory legislation dealing with such matters as water, working conditions and environmental issues. Carters is able to provide advice and assistance at all stages from an initial investigation through to a full defence at a trial. For more information, contact Sean S. Carter at (1-877-942-0001 x241).

SEMINAR RESOURCE EXHIBITORS

We are pleased to make resource materials from the following organizations available in the foyer.

- **Netsuite for Nonprofits**, <http://www.netsuite.com/portal/home.shtml>
- **Thomson Reuters Corporation**, <http://store.thomsonreuters.ca/home/>
- **Lexis Nexis Group**, <https://store.lexisnexis.ca/en>
- **Canadian Council of Christian Charities (CCCC)**, <https://www.cccc.org/>
- **Canada Revenue Agency (CRA)**, <https://www.canada.ca/en/services/taxes/charities.html>
- **Robertson Hall Insurance**, www.robertsonhall.com

GENERAL DISCLAIMER

Please note the following Disclaimer that applies to all presentations: This handout is provided as an information service by Carters Professional Corporation. It is current only as of the date of the handout and does not reflect subsequent changes in the law. This handout is distributed with the understanding that it does not constitute legal advice or establish a solicitor/client relationship by way of any information contained herein. The contents are intended for general information purposes only and under no circumstances can be relied upon for legal decision-making. Readers are advised to consult with a qualified lawyer and obtain a written opinion concerning the specifics of their particular situation. © 2019 Carters Professional Corporation

SPEAKER BIOGRAPHIES



Sepal Bonni, B.Sc., M.Sc., J.D., Trade-mark Agent - Called to the Ontario Bar in 2013, Ms. Bonni practices in the areas of intellectual property, privacy and information technology law. Prior to joining Carters, Ms. Bonni articulated and practiced with a trade-mark firm in Ottawa. Ms. Bonni represents charities and not-for-profits in all aspects of domestic and foreign trade-mark prosecution before the Canadian Intellectual Property Office, as well as trade-mark portfolio reviews, maintenance and consultations. Ms. Bonni assists clients with privacy matters including the development of policies, counselling clients on cross-border data storage concerns, and providing guidance on compliance issues.



Terrance S. Carter, B.A., LL.B., TEP, Trade-mark Agent – Managing Partner of Carters, Mr. Carter practices in the area of charity and not-for-profit law, and is counsel to Fasken on charitable matters. Mr. Carter is a co-author of *Corporate and Practice Manual for Charitable and Not-for-Profit Corporations* (Thomson Reuters), a co-editor of *Charities Legislation and Commentary* (LexisNexis, 2019), and co-author of *Branding and Copyright for Charities and Non-Profit Organizations* (2014 LexisNexis). He is recognized as a leading expert by *Lexpert*, *The Best Lawyers in Canada* and *Chambers and Partners*, and is a Past Chair of the Canadian Bar Association and Ontario Bar Association Charities and Not-for-Profit Law Sections. He is editor of www.charitylaw.ca, www.churchlaw.ca and www.antiterrorism.ca.



Sean S. Carter, B.A., LL.B. – Sean Carter is a partner with Carters and the head of the litigation practice group at Carters. Sean has broad experience in civil litigation and joined Carters in 2012 after having articulated with and been an associate with Fasken (Toronto office) for three years. Sean has published extensively, co-authoring several articles and papers on anti-terrorism law, including publications in *The International Journal of Not-for-Profit Law*, *The Lawyers Weekly*, *Charity & NFP Law Bulletin* and the *Anti-Terrorism and Charity Law Alert*, as well as presentations to the Law Society of Ontario and Ontario Bar Association CLE learning programs.



Kenneth Goodman, B.A., LL.B. –The Public Guardian & Trustee at the Attorney General Office. Mr. Goodman received his B.A. from York University (Toronto, Ontario) and his LL.B. from the University of Windsor Law School. He was called to the Ontario Bar in 1982. He was in private practice before joining the Ministry in 1990 and joined the Office of the Public Guardian and Trustee in 1998. While in private practice Mr. Goodman was actively involved as a director and officer of several charities. In 2007, he received the AMS John Hodgson Award from the OBA for contribution and development of law in the charitable sector. He has written and lectured on family law, charity and trust law matters.



Kenneth Hall, B.A. (Hons), R.F. – President, Robertson Hall Insurance Inc., Mr. Hall specializes in customized insurance programs and risk management advice for over 7,000 churches and Christian charities across Canada. He is a frequent presenter at national denominational conferences, NGO association events, the Canadian Council of Christian Charities, webinars and educational seminars for churches and para-church organizations. His "Facing The Risk" series highlights current issues facing Christian charities and leaders, including abuse prevention, board governance, counselling services, injury prevention, transportation risk, refugee sponsorship, short-term mission safety, and many more.



Barry W. Kwasniewski, B.B.A., LL.B. – Mr. Kwasniewski joined Carters' Ottawa office in 2008, becoming a partner in 2014, to practice in the areas of employment law, charity related litigation, and risk management. After practicing for many years as a litigation lawyer in Ottawa, Barry's focus is now on providing advice to charities and not-for-profits with respect to their employment and legal risk management issues. Barry has developed an expertise in insurance law, and provides legal advice pertaining to insurance coverage matters to charities and not-for-profits.



Jennifer Leddy, B.A., LL.B. – Ms. Leddy joined Carters' Ottawa office in 2009, becoming a partner in 2014, to practice charity and not-for-profit law following a career in both private practice and public policy. Ms. Leddy practiced with the Toronto office of Lang Michener prior to joining the staff of the Canadian Conference of Catholic Bishops (CCCCB). In 2005, she returned to private practice until she went to the Charities Directorate of the Canada Revenue Agency in 2008 as part of a one year Interchange program, to work on the proposed "Guidelines on the Meaning of Advancement of Religion as a Charitable Purpose."



Theresa L.M. Man, B.Sc., M.Mus., LL.B., LL.M. – A partner with Carters, Ms. Man practices in the area of charity and not-for-profit law and is recognized as a leading expert by *Expert* and *Best Lawyers in Canada*. In addition to being a frequent speaker, Ms. Man is co-author of *Corporate and Practice Manual for Charitable and Not-for-Profit Corporations* published by Thomson Reuters. She is vice chair of the CBA Charities and Not-for-Profit Law Section. Ms. Man has also written articles for numerous publications, including *The Lawyers Weekly*, *The Philanthropist*, *Hilborn:ECS* and *Charity & NFP Law Bulletin*.



Tony Manconi, B.A. – Tony Manconi was appointed as Director General of the Charities Directorate with the Canada Revenue Agency (CRA) on July 25, 2016. He is responsible for the overall management of the federal regulation of registered charities under the *Income Tax Act*. Mr. Manconi began his career in the Public Service in 1988 at the Secretary of State. Prior to joining the Charities Directorate, Mr. Manconi served as the Director General of the Collections Directorate of the CRA. Mr. Manconi holds a Bachelor's degree from Carleton University with a combined major in Law and Economics.



Ryan M. Prendergast, B.A., LL.B. - Mr. Prendergast joined Carters in 2010, becoming a partner in 2018, with a practice focus of providing corporate and tax advice to charities and non-profit organizations. Ryan has co-authored papers for the Law Society of Ontario, and has written articles for *The Lawyers Weekly*, *Hilborn:ECS*, Ontario Bar Association *Charity & Not-for-Profit Law Section Newsletter*, *Charity & NFP Law Bulletins* and publications on www.charitylaw.ca. Ryan has been a regular presenter at the annual *Church & Charity Law Seminar*[™], Healthcare Philanthropy: Check-Up, Ontario Bar Association and Imagine Canada Sector Source.



Esther Shainblum, B.A., LL.B., LL.M., CRM - Ms. Shainblum practices at Carters Professional Corporation in the areas of charity and not for profit law, privacy law and health law. From 2005 to 2017 Ms. Shainblum was General Counsel and Chief Privacy Officer for Victorian Order of Nurses for Canada, a national, not-for-profit, charitable home and community care organization. Before joining VON Canada, Ms. Shainblum was the Senior Policy Advisor to the Ontario Minister of Health. Earlier in her career, Ms Shainblum practiced health law and corporate/commercial law at McMillan Binch and spent a number of years working in policy development at Queen's Park.

UPCOMING CARTERS' SEMINARS OF INTEREST

Carters Webinars: 2019 Spring Series – Stay tuned, details to follow at www.carters.ca.

SAVE THE DATE 2018 AND 2019

The 26th Annual *Church & Charity Law*[™] Seminar will be held on **Thursday November 14, 2019**. More details will be available soon at www.carters.ca.

The Ottawa Region *Charity & Not-for-Profit Law* Seminar will be held on **Thursday February 13, 2020**, tentatively. More details will be available soon at www.carters.ca.

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