

# COMPLIANCE & LEGAL SECTIONS ANNUAL MEETING 2019

JULY 15-17 | FORT LAUDERDALE MARRIOTT HARBOR BEACH RESORT & SPA  
FORT LAUDERDALE, FL



## PROGRAM AGENDA

SUNDAY, JULY 14

1:00-5:00 PM

### OPTIONAL AFTERNOON ACTIVITY: **Deep Sea Ft. Lauderdale Fishing**

Enjoy a perfect afternoon as you board the 46-feet of sportfishing pleasure, **Marlin My Darlin**, for some offshore fishing. For generations deep sea captains have plied the waters in and around the Miami area, taking fishing enthusiasts to the best spots to seek their prey. Enjoy the same fast paced action for tuna, billfish and other pelagic species that Ernest Hemingway made famous. Nothing beats the exhilaration of battling a really big fish in the Gulf Stream. When the fishing trip concludes, the crew is available to clean your catch and the captain can direct you to nearby waterfront restaurants who will cook it for you. [Click here for additional information.](#)



4:00-5:30 PM

### **ACLI Market Conduct Committee Meeting (By Invitation Only)**

5:30-6:30 PM

### **ACLI Market Conduct Committee Reception (By Invitation Only)**

MONDAY, JULY 15

8:00-9:30 AM

### **ACLI Legislative & Regulatory Breakfast and Meeting (By Invitation Only)**

9:00 AM-4:30 PM

### **REGISTRATION**

10:00 AM

### **WELCOME AND OPENING REMARKS**

**Sharon Cheever**, ACLI Legal Section Chair; Senior Vice President, General Counsel, Law Department, Pacific Life Insurance Company

**Chad Eslinger**, ACLI Compliance Section Chair, Life, Employee Benefits and Annuity Chief Compliance Officer, Voya Financial

10:15-11:15 AM

### **GENERAL SESSION: NAIC Regulatory Update**

A Conversation with Leaders. Join a free-flowing conversation with two high caliber leaders. Director Ray Farmer of South Carolina and Commissioner David Altmaier of Florida will discuss the most pressing topics of the day – both from the perspective of chief insurance regulators in their state and as officers of the NAIC.

Moderator:

**Pat Reeder**, Vice President & Deputy General Counsel, ACLI

Speakers:

**David Altmaier**, Commissioner, State of Florida Office of Insurance Regulation

**Ray Farmer**, Director, South Carolina Department of Insurance

11:15 AM-12:05 PM

### **GENERAL SESSION: Mid-Year Check-In: Best Interest Standard of Care Issues**

In this session we will provide an update of the various regulatory tracks that are addressing changes in the legal Standard of Care that will affect insurance transactions for financial professionals including insurance producers and brokers. This will include the latest regarding the NAIC's proposed modifications to the Suitability Model Regulation for Annuities, the SEC's Regulation Best Interest, and certain state legislative proposals. How close are we to a harmonized standard? What is the same among the proposals? What is different? And how this will or could impact the legal and compliance efforts for insurance sales and policy administration?

Moderator:

**Steve Toretto**, Former Vice President & Associate General Counsel, Pacific Life Insurance Company

Speakers:

**Jillian Froment**, Director, State of Ohio Department of Insurance

**Stephen Jorden**, Partner, Drinker Biddle & Reath LLP

12:15-1:45 PM

**LUNCH SESSION: Guest Lunch Speaker Debra Jasper**  
**You Have Eight Seconds, Go! Competing in a Connected World**

Mobile, custom, fast and easy. That's what it takes to meet the demands of today's digitally savvy consumer. But simply recognizing this isn't enough. You need to:

- Understand how legal and compliance teams can help sales, marketers and leaders shift from no to go
- Embrace three key mandates for competing -- while staying compliant -- in a digital age
- Get ready for what's coming next (AI, charming chatbots, emotion analytics and more)

To help companies survive, compliance and legal teams need to adapt. Debra will share insights to help you "connect the dots" and take advantage of new technologies and approaches that lead to breakthrough results.

Speaker:

**Debra Jasper**, Founder and CEO at Mindset Digital



Lunch Sponsored by:

**EVERSHEDS  
SUTHERLAND**

2:00-3:00 PM

**GENERAL SESSION: Cost of Insurance**

Hear from nationally renowned experts discuss the controversial Cost of Insurance issues roiling the life insurance industry.

Moderator:

**Michael Lovendusky**, Vice President & Associate General Counsel, ACLI

Speakers:

**Paul Gallagher**, Vice President & Counsel, John Hancock

**Christopher A. Lisy**, Counsel, Litigation, Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates

**Charles Platt**, Partner-In-Charge, WilmerHale

3:00-3:30 PM

**REFRESHMENT BREAK**

Sponsored by:



Wolters Kluwer

3:30-4:30 PM

**CONCURRENT SESSIONS****LEGAL CONCURRENT - Insurance Business Transfer and Corporate Division Transactions and Legislation**

The panel will discuss the various insurance business transfer (IBT) and corporate division bills that have been introduced and enacted in certain states, how they work and their potential effects on the industry. It will also address the Principles and Guidelines that ACLI has developed with regard to both types of legislation, including those relating to court approval, regulatory review of policyholder interests and insurers' financial condition, balance sheet considerations, independent expert reports, public hearings and notice, licensing in other states and the potential impact on guaranty associations. Panelists will then discuss the recent activities of NCOIL and the NAIC's Restructuring Mechanisms Working Group and Subgroup.

Moderator:

**Wayne Mehlman**, Senior Counsel, Insurance Regulation, ACLI

Speakers:

**Richard Bowman**, Associate General Counsel, Office of the General Counsel, New York Life Insurance Company and Chair, ACLI Receivership Committee

**Chris Cramer**, Counsel, Talcott Resolution

**Marilyn Lion**, Partner, Debevoise & Plimpton LLP

**COMPLIANCE CONCURRENT - Practical Implications of New York Regulation 187**

"The details are not the details; they make the design." – Charles Eames. The same can be said for New York Regulation 187 compliance solutions. Whether it's suitability data collection, product disclosures, best interest considerations, producer training, suitability reviews, insurer processes or supervisory controls, the revised regulation requires great attention to detail...and documentation. As the effective draws nearer, hear an industry panel share insight regarding carrier challenges and learn how some carriers plan to approach compliance solutions.

Moderator:

**Carla Strauch**, Director, Insurance Compliance, Thrivent

Speakers:

**Richard Hoffman**, Vice President & Corporate Counsel, Prudential Financial

**Rania C. Sarkis**, Assistant Vice President Compliance & Deputy Chief Compliance Officer Life Insurance Division, Pacific Life Insurance Company

**Cara St. Martin**, Senior Compliance Director and Chief Compliance Officer of the Registered Separate Accounts, Allianz Life Insurance Company of North America

5:30-6:30 PM

**WELCOME RECEPTION**

Welcome Reception Sponsored by:



7:00 AM-5:00 PM

**REGISTRATION**

7:30-8:30 AM

**NETWORKING BREAKFAST**

8:30-9:30 AM

**GENERAL SESSION: Cybersecurity**

This panel will review current law and trends in cybersecurity impacting the insurance industry. After a basic review of the primary laws governing cybersecurity, the panel will discuss the importance of strong governance in managing cyber risk especially in defining the respective roles between compliance, legal, information technology, information security, risk and procurement. How should governance be established and who is the captain? The panel will also provide an update on cybersecurity legislation and regulation under state and Federal laws. Issues discussed will include how should carriers address managing third party service providers? How does an insurance carrier manage information security risk as between the carrier and the producers' that sell its products? What is the importance of data and data ownership in managing cybersecurity risk? What are future trends by regulators and legislatures regarding cybersecurity? What is the role of cybersecurity insurance in managing cybersecurity risk? Come and learn about the increasingly challenging compliance and legal requirements related to cybersecurity risk.

Moderator:

**Gary Jenkins**, Senior Legal Counsel, Senior Vice President, Legal and Compliance, Swiss Re Management (US) Corporation

Speakers:

**Scott Lashway**, Partner, Manatt, Phelps & Phillips LLP

**Paul Luehr**, Partner, Faegre Baker Daniels

9:30-10:00 AM

**REFRESHMENT BREAK**

Sponsored by:



10:00-10:55 AM

**GENERAL SESSION: The Future of Consumer Privacy in the Tech Revolution: Is it Time for Federal Preemption?**

This session will include a discussion of the evolution of consumer privacy in the midst of rapid technological advancement. While insurers have long been the diligent stewards of sensitive medical and financial information, rules around the privacy and confidentiality of personal information are nearly 20 years old. How do they mesh with today's increasingly cyber world? What is the impact of changing insurer business models that now often include non-insurance business? Are the state privacy laws due for an overhaul or should the industry support strong federal preemption?

Moderator:

**JoAnne Breese-Jaeck**, Assistant General Counsel & Assistant Secretary, Northwestern Mutual

Speakers:

**Kristin Jones**, Partner, Stradley Ronon Stevens & Young, LLP

**Mike McRaith**, Managing Director, Blackstone Insurance Solutions

**Rachel Reid**, Vice President, Chief Counsel and Chief Privacy Officer, Voya Financial

11:00-11:55 AM

**CONCURRENT SESSIONS****LEGAL CONCURRENT - Life Industry Arbitrations- The Future of the In-House Lawyer**

Want a fascinating career after you retire? Learn about the current need for life insurance executives and lawyers as arbitrators, given that life insurance and reinsurance arbitrations are escalating in both number and complexity. One of the founders of the ARIAS-US arbitration society will describe the goals of the organization and ways to become a certified arbitrator. A current arbitrator of life disputes will join in and, together, the two will describe the types of arbitral issues that are confronting our industry.

Speaker:

**Susan E. Mack**, Partner, Adams & Reese LLP

**Thomas Zurek**, ARIAS-US Certified Arbitrator, Schiff Hardin LLP

**COMPLIANCE CONCURRENT - Hot Topics in Fraud**

This session will cover recent hot topics in fraud and AML.

Speakers:

**Andrew Davies**, Vice President, Global Market Strategy, Financial Crime Risk Management, Fiserv

**Brenda Fischer**, Head of Financial Transactions, Cyber & Fraud Investigations, The Guardian Life Insurance Company of America

12:00-1:30 PM

**NETWORKING LUNCH**

Sponsored by:

**DrinkerBiddle**

1:35-2:30 PM

**CONCURRENT SESSIONS****LEGAL CONCURRENT - Litigation Update**

This session will provide an overview and on recent litigation developments.

Moderator:

**Irma Solares**, Shareholder, Carlton Fields, P.A.

Speakers:

**Justin Krypel**, Counsel, Securian Financial**Ashley Street**, Senior Attorney, USAA**COMPLIANCE CONCURRENT - Trends in Market Conduct Exams**

This panel will discuss best practices in preparing for examinations, considerations for managing regulatory exams and recent trends in market conduct exams. We will cover certain areas of regulatory focus, how regulators' approaches to exams are changing and how regulators are increasingly sharing information with each other, all of which could impact how insurers approach regulatory examinations.

Moderator:

**Scott Creutzmann**, Senior Vice President, Chief Compliance Officer, Protective Life Insurance Corporation

Speakers:

**Lisa Harpenau**, Vice President, Head of Regulatory Exams, Global Atlantic Financial Group**Tom Ward**, Partner, Ernst & Young LLP

2:30-3:00 PM

**REFRESHMENT BREAK**

Sponsored by:



3:00-3:55 PM

**GENERAL SESSION: Eight Years Later: What Have We Learned and How Have We Improved? A Discussion of Current Unclaimed Property Practices.**

This session will discuss best practices and lessons learned from the implementation of the death master file focusing on state law and various settlements agreements. Regulators and member companies will share insight from recently conducted examinations and best practices used in the screening of the death master file.

Moderator:

**Don Walters**, President & CEO, The Compliance & Ethics Forum for Life Insurers (CEFLI)

Speakers:

**Anoush Brangaccio**, General Counsel, State of Florida Office of Insurance Regulation**Chad Eslinger**, Life, Employee Benefits and Annuity Chief Compliance Officer, Voya Financial**Cyndi Hall**, Vice President & Chief Compliance Officer, Sammons Financial Group

4:00-5:00 PM

**CONCURRENT SESSIONS****LEGAL CONCURRENT – Ethics**

Don't Mess With The Exes! Come to this high-energy session prepared to be challenged – and to have fun! This panel, which includes former insurance commissioners and current practitioners, will make you work through a number of difficult compliance and ethical issues based on real life matters that your organizations face every day. You'll laugh. You'll cry. You'll get an ethics credit. This session will provide an interactive case-study discussion regarding in-house ethics.

Moderator:

**Pat Reeder**, Vice President & Deputy General Counsel, ACLI

Speakers:

**Scott Burton**, Partner, Eversheds Sutherland**Jennifer Hammer**, Former Illinois Insurance Commissioner**Ted Nickel**, Former Commissioner of Insurance, State of Wisconsin**COMPLIANCE CONCURRENT – Hot Topics in the Employee Benefits Space**

2019 has been an eventful year for the group insurers – especially those that offer disability insurance and supplemental benefits. This session will look at some of the compliance challenges for carriers offering those products including: short-term disability insurance challenges in the face of a wave of Paid Family and Medical Leave (federal and state); the growth of absence management practices; regulatory challenges associated with insurance/non-insurance "benefits", etc.; the availability of value added services; increasing regulator restrictions on the use of implementation/technology or other transition credits; dental network leasing challenges, ACA Reinsurance Pool Assessments on non-ACA products, minimum loss ratio requirements, and other compliance challenges.

Moderator:

**Chuck Piacentini**, Vice President, Insurance Regulation & Associate General Counsel, ACLI

Speaker:

**Nimesh Patel**, Assistant Vice President and Legal Counsel, Unum

6:00-7:00 PM

**NETWORKING RECEPTION**

Reception Sponsored by:

Reception Entertainment Sponsored by:



**WEDNESDAY, JULY 17**

7:30-11:00 AM

**REGISTRATION**

8:00-9:00 AM

**HOT CAKES AND HOT TOPICS: ROUNDTABLE DISCUSSION BREAKFAST**

Join us for breakfast and conversation during this interactive session to discuss the latest industry issues.

9:00-10:00 AM

**GENERAL SESSION: Hot Topics in the Annuity Space**

The panel will discuss a variety of current legal and compliance issues relevant to the development and marketing of annuities including proposed revisions to the NAIC Annuity Disclosure Model Regulation relating to illustrations of indexed annuities, SEC disclosure rules regarding revised prospectus disclosure and summary prospectuses for variable insurance products and electronic delivery of shareholder reports of mutual fund offered through variable insurance products (Rule 30e-3); an update on registered non-variable and indexed linked products; and compliance considerations for annuity issuers in the fee only adviser channel.

Moderator:

**Max Berueffy**, Chair, ACLI Annuities Committee, Senior Vice President & Senior Counsel, Protective Life

Speakers:

**Scott Kreighbaum**, Senior Counsel, Allianz Life Insurance Company of North America

**Joseph F. McKeever, III**, Partner, Davis Harman LLP

**Stephen E. Roth**, Partner, Eversheds Sutherland

10:00-11:00 AM

**GENERAL SESSION: Regulatory Compliance in an Evolving Environment – How Regulators are Tackling Complex Social Issues Through Underwriting Rules**

This session will discuss some of the challenges and opportunities arising from the rapidly developing regulatory responses to a host of complex social issues like the opioid crisis, HIV/AIDS prevention drugs (Truvada/PrEP), and the use of external data in traditional and accelerated underwriting programs. Participants will consider how the industry can continue to innovate and promote consumers well-being at the same time, while also navigating choppy regulatory waters.

Moderator:

**Mariana Gomez-Vock**, Assistant General Counsel, ACLI

Speakers:

**Michael Gugig**, Vice President, State Government Relations & Associate General Counsel, Transamerica Life Insurance Company

**Karen Phelan**, Vice President, Underwriting Strategy & Innovation, PartnerRe North America Life

**Dr. Dave Rengachary**, Senior Vice President, Chief Medical Director, US Mortality Markets, RGA Reinsurance Company

11:00 AM

**ADJOURNMENT**