



ANDREA ROSEN & ASSOCIATES

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Information Package

Services to the Public Sector





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ABOUT ANDREA ROSEN & ASSOCIATES

Andrea Rosen and Associates (ARA), a boutique regulatory consulting firm, offers advisory services to firms facing enforcement or regulatory action and will custom-build compliance programs for specific needs. ARA works with law or consulting firms, associations or directly with clients. We also assist public sector agencies in developing responsive programs that deliver high impact results.

The ARA team encompasses former senior executives, who are some of Canada's leaders in administering enforcement and regulatory programs and negotiating settlements in anti-trust/competition law, privacy law, telecommunications regulation (including Do Not Call and Voter Contact Registry rules), business and trade law, cybercrime and Canada's Anti-Spam Legislation (CASL), as well as drafting legislation and providing legal advice.

ARA provides assistance to Regulatory and Enforcement agencies by:

- developing, enhancing and redesigning regulatory and enforcement programs and procedures for optimal results
- coaching in C-suite regulatory leadership skills
- training officers in effective investigative procedures, and preparing for litigation
- developing regulatory, enforcement, public outreach and compliance strategies
- leveraging partnerships, and advocating for change



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EXPERIENCE



Andrea Rosen has over 30 years' experience in law enforcement and regulation. She was Deputy Commissioner of Competition at the Competition Bureau of Canada and Chief Compliance and Enforcement Officer at the Canadian Radio-Television and Telecommunications Commission. She created and designed the enforcement infrastructure and processes at these agencies to great success; and has deep and extensive experience in law enforcement and fostering compliance with regulations. She led the drafting of CASL and its Regulations, numerous amendments to the Competition Act, the recent review of the Unsolicited Telecommunications Rules, many Guidelines and the first Immunity Program under the Competition Act. She also led many strategically important cases at the Bureau and Commission, involving world-wide cartels, misleading advertising, Do Not Call, Robocalls and telemarketing fraud, all of which resulted in landmark fines or penalties, clarity of the laws and education of the marketplace.

Andrea is now President and CEO of Andrea Rosen & Associates, and draws on this experience and that of the ARA team, when providing advice and technical assistance to governments that seek to optimize their legal and regulatory regimes, providing blueprints for concept and design, mounting and operating enforcement programs, and advising on strategic direction to ensure high impact results.

The team at ARA has extensive experience in anti-trust investigations, merger review (including Investment Canada review), pricing laws including anti-bidrigging laws, telecommunications regulation including the Unsolicited Telecommunications Rules, and the Do Not Call and Voter Contact Registry Rules, privacy law, business law, trade law, cybercrime, electronic commerce, and Canada's Anti-Spam Legislation (CASL). All of those on the team were involved in drafting CASL and numerous amendments to the Competition Act. The ARA team encompasses some of Canada's leaders in administering enforcement and regulatory programs, conducting investigations, drafting legislation and regulations, and developing high impact communications and advocacy strategies. This enables the team to provide advice and training on effective investigative procedures, compliance programs, partnership development and preparation for litigation.

Andrea and many on the team have led high stakes negotiations on behalf of the government and have in-depth knowledge in this area. Members of the firm have been involved in multilateral negotiations in a global context, and have also led hundreds of negotiations, involving firms in all sectors of the economy. The team has demonstrated their keen negotiation skills and ability to arrive at the desired successful conclusion.

ARA's ability to form trusted relationships, and foster international partnerships has led to effective transnational policy development, enforcement and advocacy, allowing agencies to successfully navigate through complimentary legal processes and trans-border cooperation requirements. Andrea Rosen & Associates is available to assist government agencies in implementing legislation and enforcement programs to surpass their expected results.

ARA offers advice to governments in policy development and legislative drafting of the following areas of law: anti-trust/competition laws, privacy law, business law, criminal and cybercrime legislation, consumer protection laws and regulations, marketing and advertising practices, telemarketing, electronic commerce and marketing laws, and telecommunications laws and regulations.



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SERVICES TO THE PUBLIC SECTOR

Is your agency new, developing or mature?

Does it need to draft new or amended legislation or mount enforcement or regulatory programs to achieve maximum impact?

Do you have scarce resources and too many demands for service?

Are you a senior executive trying to marshal resources to best effect?

Do managers in your organization need to develop better operational plans, case management strategies or negotiation skills?

Do staff need to hone investigative skills?

Have you leveraged your potential domestic and foreign partners and private sector relationships?

When enforcement action is not possible or ineffective, have you developed advocacy programs that can produce results?

Does your agency communicate well with the public, business and legal community, parliamentarians, and the media?

Do your public reports truly communicate results and demonstrate value for money?

Each of the members of ARA has over 30 years experience in complementary areas of regulation and enforcement. The firm is nimble and responsive in assisting public sector agencies and departments in attaining high impact results through effective design of legislation, sustainable program development and priority setting, and training of management and staff to exceed and communicate stated goals.

Customized products and services offered by ARA to the Public Sector are, as follows:

- Policy Development
- Drafting of Legislation, Regulations and Guidelines
- Effective Agency Organizational Design
- Operational Review and Cost-Saving Assessments
- Change Management Advice and Plans
- Strategic Analysis and Planning for Improved Results
- Customized Compliance Outreach Programs
- Development of Service Standards and Performance Measurements
- Training for High Impact Results and Effective Case Management Practices
- Effective Negotiated Settlements
- Strategic Communications Advice designed for Regulatory and Enforcement Agencies
- Customized Internal and External Communications Plans
- Targeted Advocacy Blueprints
- Assistance in Building Partnerships, Stakeholder Engagement, International Relations, Media and Public Affairs

ARA provides technical assistance in drafting and implementing anti-trust, consumer protection, anti-spam, cybercrime, trade and business laws. It provides training and direction in the conduct of investigations, strategic case management, and the development of operational manuals and litigation processes.

ARA also provides both training in settlement negotiations and will conduct negotiations on behalf of agencies that wish to improve results or train staff on-the-job.

The firm also provides expertise to international agencies, government departments, and enforcement and regulatory agencies in the development of communications and outreach plans, as well as business and consumer education programs, strategic partnerships, and advocacy programs. Further, ARA provides expertise in developing e-processes and forensic computer analysis teams.



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ASSOCIATES

RHONA EINBINDER-MILLER



Rhona Einbinder-Miller, Q.C. is a seasoned bilingual lawyer, and Member in good standing of the Barreau du Québec, with over 36 years experience with the Canadian Department of Justice.

She is a graduate of McGill University Law School and recipient of a fellowship and Diploma in Legislative Drafting from the University of Ottawa. Rhona has extensive experience in the drafting of legislation relating to anti-trust law, telecommunications law, business and trade law, criminal code, cybercrime and electronic commerce.

She is a leading expert in interpreting legislation and developing policy in these areas. Prior to retiring from the Department of Justice in September, 2014, she held the position of Deputy Executive Director and General Counsel of the Competition Bureau Legal Services, having acted as Executive Director and Senior General Counsel for the Competition Bureau Legal Services between December 2008 and December 2011.

IAN NIELSEN-JONES



Ian Nielsen-Jones is an economist by training having earned Bachelor and Masters degrees from two universities in Canada.

For the last 20 years, he has held executive-level positions with consumer product, communications and technology companies, international consulting groups, and Canadian government agencies. Ian began his career with the Competition Bureau where he rose to the second highest position, Deputy Commissioner of Competition.

He then became President of the Ontario Lottery Corporation, and was subsequently recruited by The Rank Organization to lead its entertainment investment activities in North America. He has also served as the Chief Operating Officer for a communications company in California and as the CEO for two international consulting firms assessing business operations and government program improvements.

After returning to and retiring from the Competition Bureau, where he specialized in bid-rigging, conspiracy and mass marketing fraud, Ian worked with the Organization for Economic Co-operation and Development, providing advice on how to detect and avoid bid-rigging and to increase competition in government procurement practices.



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SALLY SOUTHEY



Sally Southey is a seasoned bilingual leader with 35 years of Canadian and international experience managing difficult communications challenges, shaping policy and advocating for Canada.

Sally began her career as a radio, television and newspaper journalist in 4 Canadian provinces and in Geneva Switzerland. After 10 years, she joined the public service. Sally was the Deputy Commissioner, External and Public Relations at Canada's Competition Bureau, where she was instrumental in creating the International Competition Network, the Fraud Prevention Program, and the Bureau's Advocacy initiative.

She then became Minister-Counsellor, Public Affairs, at the Canadian Embassy in Washington DC from 2006 to 2010. As head of Public Affairs, she was responsible for media relations, internet outreach, academic and think tank relations and cultural affairs for the Government of Canada.

She returned to Canada to become Vice-President, External Relations and Communications for the Natural Sciences and Engineering Research Council. Before retiring in 2013, Sally spent 2 years at the Canadian Radio and Television and Telecommunications Commission (CRTC) as the Director General of Strategic Communications and Parliamentary Affairs and as Special Advisor International Affairs.

Sally has an Honours BA from Queen's University in Political Science, History and Geography and has completed the course work for Master's Degree in International Relations from the Hautes Etudes Internationales in Geneva (thesis not presented).

MICHAEL SULLIVAN



Michael Sullivan is a competition law and policy expert. He has a Bachelor of Commerce (Honours Economics) degree from Saint Mary's University and a Master's of Arts in Economics from Queen's University.

With more than 32 years of experience at the Canadian Competition Bureau, Michael has extensive experience in criminal investigations, merger reviews, restrictive trade practices investigations, as well as legislative amendments.

Over the years, Michael has reviewed over 300 mergers, and has been extensively involved in legislative amendments. In 2007-8, he was seconded to the Competition Policy Review Panel Secretariat as the Panel's in-house competition policy expert. The Panel's report, *Compete to Win*, also known as the *Wilson Report*, led to significant revisions to Canada's competition and foreign investment laws in 2009.

Prior to retiring from the Competition Bureau in February 2015, Michael held the position of Major Case Director and Strategic Policy Advisor.