

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**TO:** All Councilmembers

**FROM:** Chairman Phil Mendelson  
Committee of the Whole

**DATE:** July 14, 2015

**SUBJECT:** Report on PR 21-187, “Metropolitan Washington Airports Authority Board of Directors Thorn Pozen Confirmation Resolution of 2015”

The Committee of the Whole, to which Proposed Resolution 21-187, the “Metropolitan Washington Airports Authority Board of Directors Thorn Pozen Confirmation Resolution of 2015” was referred, reports favorably thereon, and recommends approval by the Council.

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**I. BACKGROUND AND NEED**

On June 2, 2015, Proposed Resolution 21-187, the “Metropolitan Washington Airports Authority Board of Directors Thorn Pozen Confirmation Resolution of 2015” was introduced by Chairman Phil Mendelson at the request of Mayor Muriel Bowser. Proposed Resolution 21-187 would confirm the Mayor’s nomination of Mr. Thorn Pozen for appointment to the Metropolitan Washington Airports Authority Board of Directors to a six-year term expiring January 5, 2021. Mr. Pozen is currently a resident of Ward 3.

The Metropolitan Washington Airports Authority (MWAA) was created in 1987 to assume control of Washington Dulles International Airport and Washington National Airport (later renamed Ronald Reagan Washington National Airport). The airports were formerly run by the U.S. Department of Transportation and the Federal Aviation Administration. MWAA is an independent body created through an interstate compact between the Commonwealth of Virginia and the District of Columbia.

In addition to the two airports, MWAA also operates, maintains, and controls the Dulles Toll Road and the Dulles Access Road. In 2008, Virginia officially transferred control of the Toll Road to MWAA in order for MWAA to construct an extension of the Washington Metropolitan Area Transportation Administration's heavy rail line, known as the Silver Line, connecting the Orange Line to Tysons Corner and Dulles Airport. The first phase of the Silver Line opened in July of 2014, with the second phase currently under construction and expected to open in 2020.

The Metropolitan Washington Airports Authority Board of Directors (the Board) governs the activities of MWAA. It is currently composed of 17 members: seven members appointed by the Governor of Virginia, four members appointed by the Mayor of the District of Columbia, three members appointed by the Governor of Maryland, and three members appointed by the President with the advice and consent of the Senate. Board terms are for six years and members may not hold over and serve after the expiration unless they are reappointed. Each member of the Board is eligible for reappointment for one additional term. All members must reside within the Washington Standard Metropolitan Statistical Area, except for the President's appointments each of whom must be a registered voter of a state other than Virginia, Maryland, or the District.<sup>1</sup> These provisions are the result of changes enacted in 2012 to the MWAA interstate compact passed by the Federal Government<sup>2</sup>, the Commonwealth of Virginia<sup>3</sup>, and the District<sup>4</sup> which increased the number and allocation of seats, prohibited the holding over of a seat, and permitted reappointment. This seat was previously held by Ms. Shirley Robinson Hall and has been vacant since January 5, 2015, making the appointment of a new Board member from the District necessary and should be confirmed quickly.

Mr. Thorn Pozen was nominated by Mayor Bowser on June 2, 2015, nearly five months after Ms. Hall's term expired.

Thorn Pozen is a native District resident residing in Ward 3 and is currently a partner in the law firm of Goldblatt Martin Pozen LLP, advising clients on local District issues, including government ethics, land-use, zoning, government relations, and legislative and regulatory matters. Mr. Pozen earned a B.A. with Honors and Distinction in History from Connecticut College and his J.D. from the American University Washington College of Law.

Mr. Pozen has worked in or with District government for over 25 years, starting as a legislative assistant with former Councilmember John Ray in 1988. After serving for more than a year with the Council, Mr. Pozen moved in to a public relations job with the International Brotherhood of Electrical Workers, where he remained for nearly six years. Mr. Pozen returned to working with the District when he joined the D.C. Financial Responsibility and Management Assistance Authority, commonly known as the "Control Board", as a law clerk for two years. From there he worked at several law firms before returning to District government with Ward 4 Councilmember Adrian Fenty, serving as his Chief of Staff for two years before transitioning to a role as Special Counsel in the Office of the Attorney General. He served in this role for the

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<sup>1</sup> 49 U.S.C. § 49106(c)

<sup>2</sup> Pub. L. 112-55, §191 (2011).

<sup>3</sup> H.B. 1245, 2012 Reg. Sess. (Va. 2015).

<sup>4</sup> D.C. Act 19-524 (Bill 19-829).

entirety of the Adrian Fenty mayoral administration and several months of the Vincent Gray administration where he was the Chief Ethics Counselor and Chief FOIA Officer for the District.

In addition to his experience with District government, Mr. Pozen has served on the Boards of Directors for several legal, community, and charitable organizations, including the D.C. Appleseed Center for Law and Justice, Horizons Greater Washington, the Jewish Community Relations Counsel of Greater Washington, the Greater Chesapeake and Potomac Chapter of the Juvenile Diabetes Research Foundation, the Council for Court Excellence, and the Steering Committee of the D.C. Bar's District of Columbia Affairs Section.

The Committee of the Whole received no testimony in opposition to Mr. Pozen's appointment. At the July 7, 2015 reconvened roundtable on his nomination, he testified about his qualifications for the position on the board and his vision for MWAA to continue their progress on ethics reform and that the District's interests are well-represented. For these reasons, the Committee supports the Mayor's nomination and recommends adoption of PR21-187.

**Table A: Membership of Metropolitan Washington Airports Authority Board of Directors**

Council Resolution	Member Name	Appointing Jurisdiction	Term Expiration
	Frank M. Conner III, Chair	Virginia	November 23, 2018
PR19-67	Warner H. Session, Vice-Chair	District of Columbia	January 5, 2017
PR19-958	Barbara Lang	District of Columbia	October 2, 2018
PR20-17	Joslyn N. Williams	District of Columbia	January 5, 2019
	Vacant <sup>†</sup>	District of Columbia	January 5, 2021
	Michael A. Curto	Maryland	November 30, 2016
	Earl Adams Jr.	Maryland	October 10, 2018
	A. Bradley Mims	Maryland	November 30, 2020
	Bruce Gates	Virginia	November 23, 2016
	Lynn Chapman	Virginia	October 11, 2018
	Caren Merrick	Virginia	October 11, 2018
	Anthony H. Griffin	Virginia	November 23, 2018
	C. Charles Caputo	Virginia	November 23, 2020
	Katherine K. Hanley	Virginia	November 23, 2020
	Richard A. Kennedy	Federal	May 30, 2016
	William Shaw McDermott	Federal	November 22, 2017
	Nina Mitchell Wells	Federal	May 30, 2018

<sup>†</sup> Mr. Pozen would fill this seat, vacated by Ms. Hall, if confirmed under Proposed Resolution 21-187, for a term to expire on January 5, 2021.

## II. LEGISLATIVE CHRONOLOGY

- June 2, 2015 Proposed Resolution 21-187, the “Metropolitan Washington Airports Authority Board of Directors Thorn Pozen Confirmation Resolution of 2015” is introduced by Chairman Mendelson at the request of Mayor Bowser.
- June 12, 2015 Notice of Intent to Act on Proposed Resolution 21-187 is published in the *District of Columbia Register*.
- June 12, 2015 Notice of a Public Hearing on Proposed Resolution 21-187 is published in the *District of Columbia Register*.
- July 2, 2015 The Committee of the Whole holds a public hearing on Proposed Resolution 21-187, which is recessed until July 7<sup>th</sup>.
- July 7, 2015 The Committee of the Whole reconvenes the public hearing on Proposed Resolution 21-187.
- July 14, 2015 The Committee of the Whole marks-up Proposed Resolution 21-187.

## III. POSITION OF THE EXECUTIVE

Mr. Thorn Pozen is the Mayor’s nomination for appointment to the Metropolitan Washington Airports Authority Board of Directors.

## IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from any Advisory Neighborhood Commission.

## V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public roundtable on Public Resolution 21-187 on Thursday, July 2, 2015, but the roundtable was recessed due to a conflict with Mr. Pozen’s schedule and reconvened to Tuesday, July 7, 2015. The testimony summarized below is from that roundtable. Copies of written testimony are attached to this report.

***Warner Session, Vice Chair, Metropolitan Washington Airports Authority Board of Directors***, testified in support of the nominee, citing his experience in District government and legal experience in the private sector, including his work in ethics consulting, that make him well-suited for the Board of Directors. Mr. Session said that this nomination could not have come at a better time, just as MWAA is embarking on a billion dollar capital construction

program at National Airport and the continuing construction of the Silver Line, serving as opportunities for the nominee to weigh in on issues that would advance the interests of the District.

*Thorn Pozen, Nominee*, testified that his service in District government, his legal training, his knowledge of the District, relationships forged during his career, and his devotion to his community made him eminently qualified for the role on the Board. Additionally, Mr. Pozen outlined his five main priorities for his service with the Board.

The Committee received no testimony or comments in opposition to Public Resolution 21-187.

## VI. IMPACT ON EXISTING LAW

Members of the Metropolitan Washington Airports Authority Board of Directors are appointed pursuant to section 5 of the District of Columbia Regional Airports Authority Act of 1985, effective December 3, 1985 (D.C. Law 6-67; D.C. Official Code § 9-904) which establishes the Board, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01).

## VII. FISCAL IMPACT

The approval of Public Resolution 21-187 will have no fiscal impact. Members are not compensated by the District government and the operations of the Airports Authority are self-funded.

## VIII. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	States the short title of Public Resolution 21-187.
<u>Section 2</u>	Confirms the nomination for appointment of Thorn Pozen to the Metropolitan Washington Airports Authority Board of Directors for a term to end on January 5, 2021.
<u>Section 3</u>	Directs the Chairman of the Council to transmit a copy of this resolution to the nominee and the Mayor.
<u>Section 4</u>	Effective date.

## **IX. COMMITTEE ACTION**

On July 14, 2015 the Committee met to consider Public Resolution 21-187, the “Metropolitan Washington Airports Authority Thorn Pozen Confirmation Resolution of 2015.” The meeting was called to order at 10:30 a.m., and Public Resolution 21-187 was item VI-B on the agenda. After ascertaining a quorum (Chairman Mendelson and Councilmembers Alexander, Allen, Bonds, Cheh, Evans, Grosso, Orange, May, McDuffie, Nadeau, Silverman, and Todd present), Chairman Mendelson moved *en bloc* the report and the print with leave for staff to make technical, editorial, and conforming changes. After an opportunity for discussion, the vote on both the report and print was unanimous (Chairman Mendelson and Councilmembers Alexander, Allen, Bonds, Cheh, Evans, Grosso, Orange, May, McDuffie, Nadeau, Silverman, and Todd voting aye). The meeting adjourned at 1:00 p.m.

## **X. ATTACHMENTS**

1. Public Resolution 21-187 as introduced.
2. Nominee’s response to Committee questions.
3. Written testimony and comments.
4. Legal Sufficiency Review.
5. Committee Print for Public Resolution 21-187.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**1350 Pennsylvania Avenue, N.W.**  
**Washington D.C. 20004**

Memorandum

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To : Members of the Council

From :   
Nyasha Smith, Secretary to the Council

Date : June 08, 2015

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Tuesday, June 2, 2015. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Metropolitan Washington Airports Authority Board of Directors Thorn Pozen Confirmation Resolution of 2015", PR21-0187

INTRODUCED BY: Chairman Mendelson at the request of the Mayor

The Chairman is referring this legislation to the Committee of the Whole. This resolution will be deemed disapproved on Monday, November 16, 2015 without Council action.

Attachment

cc: General Counsel  
Budget Director  
Legislative Services



OFFICE OF THE  
SECRETARY

2015 JUN -2 PM 12: 51

**MURIEL BOWSER**  
MAYOR

JUN - 2 2015

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Suite 504  
Washington, DC 20004

Dear Chairman Mendelson:

In accordance with section 6007 (e) of the Metropolitan Washington Airports Act of 1986, approved October 30, 1986 (100 Stat. 3341; D.C. Official Code § 9-1006(e)), I am pleased to nominate the following person for appointment:

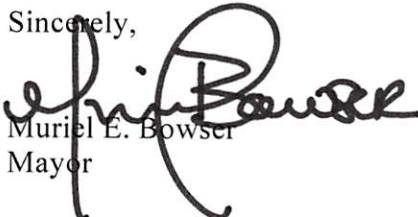
Mr. Thorn Pozen  
4822 Upton Street, N.W.  
Washington, DC 20016  
(Ward 3)

Mr. Pozen will serve as a member of the Board of the Metropolitan Washington Airports Authority Board of Directors, replacing Shirley Robinson Hall, for a six year term to end January 5, 2021.


Enclosed you will find biographical information detailing the experience of Mr. Pozen, together with a proposed resolution to assist the Council during the confirmation process.

I would appreciate the Council's earliest consideration of this nomination for confirmation. Please do not hesitate to contact me, or Steven Walker, Director, Mayor's Office of Talent and Appointments, should the Council require additional information.

Sincerely,

  
Muriel E. Bowser  
Mayor



  
Chairman Phil Mendelson  
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following resolution,  
which was referred to the Committee on \_\_\_\_\_

To confirm the appointment of Mr. Thorn Pozen as a board member of the Metropolitan  
Washington Airports Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this  
resolution may be cited as the "Metropolitan Washington Airports Authority Board of Directors  
Thorn Pozen Confirmation Resolution of 2015".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Thorn Pozen  
4822 Upton Street, N.W.  
Washington, DC 20016  
(Ward 3)

as a member of the Metropolitan Washington Airports Authority Board of Directors, established  
by section 6007(e) of the Metropolitan Washington Airports Act of 1986, approved October 30,  
1986 (100 Stat. 3341; D.C. Official Code § 9-1006(e)), replacing Shirley Robinson Hall, for a six  
year term to end January 5, 2021.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution,  
upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## THORN POZEN

Goldblatt Martin Pozen LLP  
1625 – K Street, N.W., Suite 700 ~ Washington, D.C. 20006  
(202) 795-9999 ~ tpozen@gmpllp.com

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### WORK HISTORY

#### **Goldblatt Martin Pozen LLP**

*Partner, Washington, D.C.*

March 2013 - Present

Advise clients on local government issues, including government ethics, land-use, zoning, and permitting, campaign finance, government relations, and legislative and regulatory matters. Monitor and track District government activities. Assist in developing legislative, regulatory, and administrative strategies, and in the implementation of those strategies, including working with key District community, government, and business leaders. Advise clients on federal, state, and local government ethics requirements and design and implement government ethics training programs.

#### **Stinson Morrison Hecker**

*Partner, Washington, D.C.*

April 2011 – March 2013

Member of firm's government solutions practice group. Advised clients on structure and operations of the government of the District of Columbia.

#### **Office of the Attorney General for the District of Columbia**

*Special Counsel, Washington, D.C.*

January 2007- April 2011

Managed key legal projects and initiatives of the Attorney General and Mayors Adrian Fenty and Vincent Gray. Served as chief Ethics Counselor and chief FOIA Officer for the District of Columbia. Provided legal advice to senior District officials across all District agencies on a variety of government legal issues.

#### **Office of Councilmember Adrian Fenty, Council of the District of Columbia**

*Chief of Staff, Counsel to the Committee on Human Services, Washington, D.C.*

November 2005 – January 2007

#### **Arnold & Porter**

*Associate, Washington, D.C.*

September 1998 – November 2005

#### **Boies & Schiller**

*Law Clerk, Washington, D.C.*

September 1997 – August 1998

#### **Kaye, Scholer, Fierman, Hays & Handler**

*Summer Associate, Washington, D.C.*

May 1997 – August 1997

#### **D.C. Financial Responsibility and Management Assistance Authority**

*Law Clerk, Washington, D.C.*

October 1995 – April 1997

#### **International Brotherhood of Electrical Workers**

*Journal and Public Relations, Washington, D.C.*

September 1989 – August 1995

#### **Office of Councilmember John Ray, Council of the District of Columbia**

*Legislative Assistant, Washington, D.C.*

July 1988 – September 1989

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### EDUCATION

**American University, Washington College of Law, Washington, D.C., J.D.,**

1998

*Magna Cum Laude*

Member, International Law Review

**Connecticut College, New London, Connecticut, B.A.,**

1988

Honors and Distinction in History



Executive Office of the Mayor - Office of Talent and Appointments  
John A. Wilson Building | 1350 Pennsylvania Avenue, Suite 600 | Washington, DC 20004

## Thorn Pozen



Thorn Pozen is a partner in the law firm of Goldblatt Martin Pozen in Washington, D.C., where, among other duties, he advises government and private sector clients on local government, administrative law, and local and federal government ethics issues. Mr. Pozen previously served as the D.C. government's Chief Ethics Counselor and Chief FOIA Officer, Special Counsel, Chief of Staff and Counsel to a D.C. Councilmember, staffer for the former D.C. Financial Control Board, as well as in private practice. He has over 25 years of experience working for and with the District government.

Thorn serves on a number of nonprofit Boards of Directors including the D.C. Appleseed Center for Law and Justice, Horizons Greater Washington, JCRC of Greater Washington, the Greater Chesapeake and Potomac Chapter of the Juvenile Diabetes Research Foundation, and the Council for Court Excellence. He also serves on the Steering Committee of the District of Columbia Bar's D.C. Affairs Section.

Thorn graduated from American University, Washington College of Law, magna cum laude, and from Connecticut College with honors and distinction in his major. He lives in Washington, D.C. with his wife and two children.



**Thorn Pozen**  
4822 Upton Street, N.W.  
Washington, D.C. 20016

June 24, 2015

**SENT VIA ELECTRONIC MAIL**

The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W., Suite 504  
Washington, D.C. 20004

Dear Chairman Mendelson:

I write in response to your letter to me of June 19, 2015, in which you, in your capacity as Chairman of the Council's Committee of the Whole, asked me a series of questions related to my nomination for appointment to the Metropolitan Washington Airports Authority Board of Directors. Below are my answers to those questions:

1. Please provide a copy of the Financial Disclosure Statement you filed with the Office of Campaign Finance or the Board of Ethics and Government Accountability. If you have not filed a Financial Disclosure Statement, please provide answers to questions no. 2-8 in lieu of that statement.

*I was not required to file. See answers to Questions two through eight below.*

2. Please provide the name of each business entity transacting any business with the District Government in which you have a beneficial interest valued in excess of \$1,000, including publicly traded stock.

*Goldblatt Martin Pozen LLP*

3. Please provide the name of each business entity transacting any business (including consulting) with the District Government from which you or your immediate family have received (or are receiving) income for services rendered in excess of \$200 during the past two years.

*Goldblatt Martin Pozen LLP*

4. Please provide the name of each business entity transacting business with the District Government in which you or any member of your immediate family serves as an officer, director, partner, or agent. Also list the position(s) held, a brief description of the entity, and any other pertinent details.

*Goldblatt Martin Pozen LLP. It's a law firm and I am a partner. We represent, as outside counsel, two District of Columbia independent agencies, OPC and DCHFA*

*Horizons Greater Washington. I serve as a volunteer Board of Directors member and they provide educational services and summer meals to DCPS students*

5. Please provide the name of any lender and the amount of liability for each outstanding liability borrowed by you or any member of your immediate family in excess of \$1,000. Do not include loans from a federal or state insured or regulated financial institution, or from any business enterprise regularly engaged in the business of providing revolving credit or installment accounts.

*None*

6. Please list the location of all real property located in the District of Columbia in which you have an interest with a fair market value in excess of \$1,000.

*My home: 4822 Upton Street, N.W., Washington, D.C. 20016*

7. Please list all professional and occupational licenses held by you.

*Law licenses: Bars of the District of Columbia and Maryland*

8. Please list any professional organizations of which you are currently a member.

*Bars of the District of Columbia and Maryland*

9. Please list all boards and commissions connected with the District government on which you are or have been a member, and include the term of service for each.

*None*

10. Please list any other boards (e.g. Boards of Directors of a non-profit) on which you are a member.

*D.C. Appleseed Center for Law and Justice, Jewish Community Relations Council of Greater Washington, the Greater Chesapeake and Potomac Chapter of the Juvenile Diabetes Research Foundation, and the Council for Court Excellence*

11. Do you have any outstanding liability for taxes, fees, or other payments to the District, federal, or other state or local governments, either contested or uncontested? If so, please provide documentation of attempts to pay the amount owed or to resolve the disputed claim.

*None*

12. Do you or any member of your immediate family have any interest, financial or otherwise, that may directly or indirectly pose a conflict of interest for you in performance of your duties as Member of the MWAA Board of Directors for the District of Columbia?

*No*

13. What do you believe is the role and purpose of the MWAA Board of Directors, what is your vision for the Board, and why have you agreed to serve?



*I see the role and purpose of the Board as properly overseeing the management of the Authority. My vision for the Board is supporting the District of Columbia's interests in the operations of the Authority and working to ensure the Authority is smooth running and adheres to the highest organizational ethics standards.*

14. Please discuss any past and present experiences not already mentioned that you believe are relevant to support your appointment as Member of the MWAA Board of Directors.

*I believe my experience serving on the Boards of Directors of a variety of organizations; my experience serving in both the legislative and executive sides of the District government, including serving as the District's chief ethics counselor; my experience serving on the staff of the former D.C. Control Board; and in private law practice have prepared me well for service on the MWAA Board*

15. As the District's representative on the MWAA Board of Directors, what will be your top five priorities for the Airports Authority?

*My top priorities as a prospective MWAA Board member are:*

- *Ensuring the interests of the District of Columbia are fully represented*
- *Ensuring Authority procurement and hiring are fully open and transparent and appropriately available to D.C. businesses and residents*
- *Continuing the progress the Authority and the Board have made on ethics reform*
- *Ensuring appropriate management oversight*
- *Working toward sustainable and steady growth in passenger load, cargo handling, and business activity at both airports, so the Authority can continue to be an economic driver for the District of Columbia*

I look forward to the opportunity to talk further about all these points at my confirmation hearing on July 7. Please let me know if I can provide any additional information or be of service to the Committee before then.

Sincerely yours,



Thorn Pozen

cc: Gregory Matlesky

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**TESTIMONY OF WARNER H. SESSION, ESQ. ON BEHALF OF THORN POZEN TO  
SERVE AS A MEMBER OF THE METROPOLITAN AIRPORTS AUTHORITY  
COUNCIL OF THE DISTRICT OF COLUMBIA  
CHAIRMAN PHIL MENDELSON**

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July 7, 2015

Good morning Chairman Mendelson. I am Warner Session, principal of the Session Law Firm.

I am pleased to appear today in support of Mr. Thorn Posen's confirmation to the Metropolitan Washington Airports Authority Board (the "Airports Authority"). In nominating Mr. Posen, Mayor Bowser has made an excellent choice to fill the seat vacated by Shirley Robinson Hall. As you know, through legislation the Airports Authority Board was expanded a couple of years ago from 13 to 17 members. With the addition of Thorn Posen, there will now be a full complement of Directors.

In addition to operating two airports – Reagan National and Dulles International – the Airports Authority operates the Dulles Toll Road and is managing construction of the Metrorail Silver Line. Through these enterprises and through its contractors and dependent industries, the Airports Authority serves as an economic catalyst for the District of Columbia, supporting more than 120,000 for District residents and generating more than \$4.5 billion in annual labor income. Yet, still more can and needs to be done.

It is for this reason that I am excited that Mr. Posen will be joining the Board. Mr. Posen brings a broad base of experience to this assignment. He is a familiar face in the Wilson Building, having previously served as Chief of Staff and Counsel to the Committee on Human Services for then Councilmember Adrian Fenty, and as Special Counsel in the Office of Attorney General for the District of Columbia, managing key legal projects and initiatives of the Attorney General and Mayors Adrian Fenty and Vincent Gray. Mr. Posen also has broad legal experience in the private sector, having been an associate at Arnold and Porter, a partner at Stinson Morrison and Hecker and currently a partner in his own firm – Goldblatt Martin Posen. His body of experience – in particular, his work as Chief Ethics Counsel for the District of Columbia – makes him well-suited to serve on the Airports Authority Board. Mr. Posen has the right demeanor, judgment and intellect.

Finally, Mr. Posen joins the Airports Authority Board at an important time in its development. As we embark on a billion dollar capital construction program at Reagan National and continue to oversee the nearly three billion dollar construction of the Silver Line, Mr. Posen will be called upon to weigh in and make critical decisions to insure that as a key partner, the District of Columbia's interest are protected and advanced. This means making the Airports Authority more inclusive of District of Columbia businesses and residents. I'm confident that Mr. Posen is up for the task.

Thank you Mr. Chairman. That concludes my testimony.

*Council of the District of Columbia*  
**Committee of the Whole**

**P.R. 21-187, Metropolitan Washington Airports Authority Board of Directors  
Thorn Pozen Confirmation Resolution of 2015**

**Statement of Thorn Pozen**

*July 7, 2015*

Chairman Mendelson, members of the Committee on the Whole, and committee staff, good morning. I am Thorn Pozen, a nominee for the position of member of the Board of Directors of the Metropolitan Washington Airports Authority (“MWAA”). I am a partner in the Washington, D.C. law firm of Goldblatt Martin Pozen LLP, but please know that my comments this morning are my own and not those of my law firm or our clients.

Let me start by thanking you, Mr. Chairman, for recessing this hearing on the 2<sup>nd</sup> and reconvening it today in order to accommodate my travel schedule. The Committee’s flexibility is very much appreciated.

This morning I want to speak briefly about my experience: working with and for the District of Columbia government, in the community here, and through my law practice; all of which, I believe qualify me for the position to which I have been nominated. I want to talk a bit about my vision for my role in that position; and, finally, I want to be sure to answer any questions the Committee may have for me.

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First, as for my experience: I was born and raised here in Washington. In my law practice, I focus on advising government and private-sector clients on local government, administrative law, and local and federal government ethics issues. I have served as Special Counsel in the District government, including serving as the District's chief Ethics Counselor and chief FOIA Officer. Additionally, I have served as Chief of Staff to a former D.C. Councilmember and a staffer for the former D.C. Financial Control Board. In all, I have been working for and with the District government for over 25 years of my professional career.

I also serve on the Boards of several legal, community, and charitable organizations in the District, including the D.C. Appleseed Center for Law and Justice, Horizons Greater Washington, the Jewish Community Relations Counsel of Greater Washington, the Greater Chesapeake and Potomac Chapter of the Juvenile Diabetes Research Foundation, the Council for Court Excellence, and the Steering Committee of the D.C. Bar's District of Columbia Affairs Section. I am a graduate of Connecticut College, in New London, Connecticut, from which I graduated with honors and distinction in my major; and the American University's Washington College of Law, here, from which I graduated *Magna Cum Laude*. I live in Ward Three with my wife and two children.

I believe that my local government expertise, legal training and practice, knowledge of the District of Columbia, and relationships from that experience will serve me in very good stead on the MWAA Board. I think also that my broad current and former Board and ethics experience will help me with ensuring good governance at the Authority and continuing the MWAA Board's progress in dealing with some of the ethics challenges it has faced in the past.

As for my view of my role on the MWAA Board, I have already reached out to the current members of the District's MWAA Board delegation, and received a briefing on Authority issues from MWAA staff. Through those conversations and my additional research, I see the role and purpose of the Board as properly overseeing the management of the Authority. My vision for the Board is supporting the District of Columbia's interests in the operations of the Authority and working to ensure the Authority is smooth running and adheres to the highest organizational ethics standards.

Specifically, I have five main priorities for my Board service:

- Ensuring that the interests of the District of Columbia are fully represented;
- Ensuring Authority procurement and hiring are fully open and transparent and appropriately available to D.C. businesses and D.C. residents;
- Continuing the progress the Authority and the Board have made on ethics reform;
- Ensuring appropriate management oversight; and,
- Working toward sustainable and steady growth in passenger load, cargo handling, and business activity at both airports, so the Authority can continue to be an economic driver for the District of Columbia.

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In conclusion, I am honored to be nominated to this important position. If confirmed I pledge to put in the time and work necessary to be successful and to properly represent the District on the Board.

Thank you for the opportunity to present these comments to you today and I am happy to answer any questions you may have.



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia  
1350 Pennsylvania Avenue NW, Suite 4  
Washington, DC 20004  
(202) 724-8026

**MEMORANDUM**

**TO:** Chairman Phil Mendelson

**FROM:** Ellen Efros, General Counsel *EAE*

**DATE:** July 9, 2015

**RE:** Legal sufficiency determination for Proposed  
Resolution 21-187, the Metropolitan Washington  
Airports Authority Board of Directors Thorn Pozen  
Confirmation Resolution of 2015

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The measure is legally and technically sufficient for Council consideration.

The proposed resolution confirm the appointment of Mr. Thorn Pozen as a member of the Metropolitan Washington Airports Authority Board of Directors, established by section 5 of the District of Columbia Regional Airports Authority Act of 1985, effective December 3, 1985 (D.C. Law 6-67; D.C. Official Code § 9-904),<sup>1</sup> replacing Shirley Robinson Hall, for a 6-year term to end January 5, 2021.

I am available if you have any questions.

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<sup>1</sup> The proposed resolution references the Board as being “established by section 6007(e) of the Metropolitan Washington Airports Act of 1986, approved October 30, 1986 (100 Stat. 3341; D.C. Official Code § 1006(e).” However, this is no longer the operative statutory provision governing the constitution of the Board. See Committee Report to Bill 19-829, the “Metropolitan Washington Airports Authority Amendment Act of 2012” at 1 (noting that the bill “ratifies Congressional changes to the interstate compact between Virginia and the District of Columbia, increasing the number of members of the Board of Directors (the Board) from 13 to 17”).

1 **DRAFT COMMITTEE PRINT**

2 Committee of the Whole

3 July 14, 2015

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7 **A PROPOSED RESOLUTION**  
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10 21-187  
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13 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**  
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18 To confirm the appointment of Mr. Thorn Pozen as a board member of the Metropolitan  
19 Washington Airports Authority Board of Directors.  
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21 **RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this**  
22 resolution may be cited as the “Metropolitan Washington Airports Authority Board of Directors  
23 Thorn Pozen Confirmation Resolution of 2015”.

24 Sec. 2. The Council of the District of Columbia confirms the appointment of:

25 Mr. Thorn Pozen  
26 4822 Upton Street, N.W.  
27 Washington, DC 20016  
28 (Ward 3)  
29

30 As a member of the Metropolitan Washington Airports Authority Board of Directors,  
31 established by section 5 of the District of Columbia Regional Airports Authority Act of 1985,  
32 effective December 3, 1985 (D.C. Law 6-67; D.C. Official Code § 9-904), replacing Shirley  
33 Robinson Hall, for a six year term to end January 5, 2021.

34 Sec. 3. The Chairman of the Council shall transmit a copy of this resolution, upon its  
35 adoption, to the nominee and to the Office of the Mayor.

36 Sec. 4. This resolution shall take effect immediately.