

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: December 15, 2020

SUBJECT: Report on PR 23-1007, “Metropolitan Washington Airports Authority Board of Directors Thorn Pozen Confirmation Resolution of 2020”

The Committee of the Whole, to which Proposed Resolution 23-1007, the “Metropolitan Washington Airports Authority Board of Directors Thorn Pozen Confirmation Resolution of 2020” was referred, reports favorably thereon, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On November 2, 2020, PR 23-1007, the “Metropolitan Washington Airports Authority Board of Directors Thorn Pozen Confirmation Resolution of 2020” was introduced by Chairman Phil Mendelson at the request of Mayor Muriel Bowser. PR 23-1007 would confirm the Mayor’s nomination of Mr. Thorn Pozen for appointment to the Metropolitan Washington Airports Authority Board of Directors for a six-year term expiring January 5, 2027. 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 WMATA's rail line, known as the Silver Line, connecting the region 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 2021. MWAA's other major infrastructure project currently underway is the \$1 billion Project Journey at Ronald Reagan National Airport. Slated for completion in 2021, the project will add a new 14-gate concourse to replace commuter Gate 35X, and new two new security checkpoints above the arrivals level that will replace the existing checkpoints. The new checkpoints will place most of National Hall post-security, allowing for free movement between Concourses B/C and the new concourse.

The Metropolitan Washington Airports Authority Board of Directors (the Board) governs the activities of MWAA. It is 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 may not serve after the expiration of a term unless they are reappointed, and each member is limited to a maximum of two terms. 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.¹ These provisions are the result of changes required by Congress 2012 that increased the number and allocation of seats, prohibited the holding over of a seat, and limited reappointment.²

Mr. Thorn Pozen was re-nominated by Mayor Bowser on November 2, 2020 to a second term. Mr. Pozen will not be eligible for reappointment after completion of his next term.

Thorn Pozen is a native District resident residing in Ward 2 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 the District government for over 30 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 into 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 entirety of the Adrian Fenty mayoral administration and several months of the Vincent Gray

¹ 49 U.S.C. § 49106(c)

² Pub. L. 112-55, §191 (2011), H.B. 1245, 2012 Reg. Sess. (Va. 2015), D.C. Law 19-222 (Bill 19-829).

administration. In his role at the OAG, Mr. Pozen 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 Applesseed 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 has received no testimony or comments in opposition to Mr. Pozen’s appointment. At the December 7, 2020 hearing on his nomination, he testified about his qualifications for the position on the Board and the challenges faced by the Board and MWAA as a result of the reductions in air travel due to the COVID-19 pandemic that began in March 2020. In addition, Mr. Pozen described some progress on addressing airport noise at National Airport and progress on Project Journey. For these reasons, the Committee supports the Mayor’s nomination and recommends adoption of PR 23-1007.

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

Council Resolution	Member Name	Appointing Jurisdiction	Term Expiration
	Earl Adams Jr., Chair	Maryland	October 10, 2024
	William E. Sudow, Vice Chair	Virginia	October 11, 2024
R 22-17	Warner H. Session	District of Columbia	January 5, 2023
R 22-668	Judith N. Batty	District of Columbia	October 4, 2024
R 22-667	Joslyn N. Williams	District of Columbia	January 5, 2025
PR 23-1007	Thorn Pozen	District of Columbia	January 5, 2027
	Mark Uncapher	Maryland	November 30, 2022
	A. Bradley Mims	Maryland	November 30, 2026
	Robert W. Lazaro, Jr.	Virginia	November 23, 2022
	Albert Dwoskin	Virginia	October 11, 2024
	J. Walter Tejada	Virginia	November 23, 2024
	John A. Braun	Virginia	November 23, 2024
	Katherine K. Hanley	Virginia	November 23, 2026
	David G. Speck	Virginia	November 23, 2026

II. LEGISLATIVE CHRONOLOGY

November 2, 2020 PR 23-1007, the “Metropolitan Washington Airports Authority Board of Directors Thorn Pozen Confirmation Resolution of 2020” is introduced by Chairman Mendelson at the request of Mayor Bowser.

November 10, 2020 PR 23-1007 is “read” at a regular Legislative Meeting; on this date the referral of the PR to the Committee of the Whole is official and the 90-day period for Council review begins. If this measure is not acted upon by the

- Council before February 19, 2021, PR 23-1007 will be deemed disapproved.
- November 13, 2020 Notice of Intent to Act on PR 23-1007 is published in the *District of Columbia Register*.
- November 22, 2020 Notice of a Public Hearing on PR 23-1007 is published in the *District of Columbia Register*.
- December 7, 2020 The Committee of the Whole reconvenes the public hearing on PR 23-1007.
- December 15, 2020 The Committee of the Whole marks-up PR 23-1007.

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 hearing on PR 23-1007 on Monday, December 7, 2020. The testimony is summarized below. 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 Mr. Pozen's experience on the Board and his other relevant past experience. Mr. Session also described some of the challenges facing MWAA and the status of airplane noise at National Airport.

Thorn Pozen, Nominee, testified about his background and willingness to continue to serve on the MWAA Board. Mr. Pozen also testified to how he has moved forward his original priorities for MWAA and a renewed focus on providing economic opportunity for District residents through MWAA policies and practices.

The Committee received no testimony or comments in opposition to PR 23-1007.

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 § 9-901 *et seq.*), as amended by D.C. Law 19-222, 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 PR 23-1007 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 PR 23-1007.
<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, 2027.
<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.

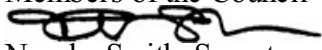
IX. COMMITTEE ACTION

X. ATTACHMENTS

1. PR 23-1007 as introduced.
2. Nominee's response to Committee questions.
3. Written testimony and comments.
4. Legal Sufficiency Review.
5. Committee Print for PR 23-1007.

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

Memorandum

To : Members of the Council

From : Nyasha Smith, Secretary to the Council
Date : Thursday, November 19, 2020
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Monday, November 02, 2020. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Metropolitan Washington Airports Authority Board of Directors Thorn Pozen Confirmation Resolution of 2020", PR23-1007

INTRODUCED BY: Chairman Mendelson, at the request of Mayor

The Chairman is referring this legislation to Committee of the Whole. This resolution will be deemed disapproved on Friday, February 19, 2021 without Council action.

Attachment
cc: General Counsel
Budget Director
Legislative Services



MURIEL BOWSER
MAYOR

November 2, 2020

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 reappointment:

Mr. Thorn Pozen
P Street, NW
Washington, D.C. 20007
(Ward 2)

as a District of Columbia member of the Board of the Metropolitan Washington Airports Authority Board of Directors, for a to end January 5, 2027.

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,

A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel E. Bowser
Mayor


Chairman Phil Mendelson
at the request of the Mayor

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6 A PROPOSED RESOLUTION
7
8

9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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13

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

16
17 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
18 resolution may be cited as the "Metropolitan Washington Airports Authority Board of Directors
19 Thorn Pozen Confirmation Resolution of 2020".
20

21 Sec. 2. The Council of the District of Columbia confirms the reappointment of:

22
23 Mr. Thorn Pozen
24 P Street, NW
25 Washington, D.C. 20007
26 (Ward 2)
27

28 as a District of Columbia member of the Metropolitan Washington Airports Authority Board of
29 Directors, established by section 6007(e) of the Metropolitan Washington Airports Act of 1986,
30 effective October 30, 1986 (100 Stat. 3341; D.C. Official Code § 9-1006(e)), for a term to end
31 January 5, 2027.

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

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



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. He currently serves as a member of the Metropolitan Washington Airport Authority (MWAA) Board of Directors.

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.

Mr. Pozen 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.

A Ward 2 resident, Mr. Pozen received a juris doctorate from American University, Washington College of Law, and a B.A. in History from Connecticut College with honors and distinction in his major.



THORN POZEN



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

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

Thorn Pozen
[REDACTED] - P Street, N.W.
Washington, D.C. 20007

December 4, 2020

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 December 3, 2020, 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 re-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.

A copy of my most recent D.C. Financial Disclosure Statement is attached.

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.

Metropolitan Washington Airports Authority, 2015 – 2020.

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, 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. Please describe any local political activity (i.e. the District of Columbia local elections or campaigns) that you have engaged in over the past five years, including all campaign contributions to a D.C. candidate or political committee.

Campaigns/political committees to which I have contributed since 2015:

Marcus Goodwin for DC 2020; Paul Strauss Committee; Friends of Robert White; Kenyan McDuffie 2018; Reelect Brandon Todd 2020*; Rhonda Henderson for State Board of Education; Adrian Jordan 2018; Mendelson for Chairman 2018; Cheh 2018; Elissa 2018; Anita Bonds 2018; Re-Elect Charles Allen for Ward 6; Karl Racine 2018; Re-Elect Muriel Bowser Our Mayor*; Brianne for D.C. 2018; Re-Elect Brandon Todd for Ward 4*; Grosso At-Large 2016; Re-Elect LaRuby May*; Re-Elect Yvette Alexander 2016; Brandon Todd for Ward 4*; LaRuby May 2015**

**Committees for which I also performed legal services*

14. Are you registered with any local, state, or federal government to lobby? If so, list the jurisdiction(s) in which you are registered.

District of Columbia.

15. Why have you agreed to serve another term and how do you plan to continue to help the Board fulfill its role and mission during your time on the Board?

I feel that my work on the Board is not done. Several of the projects and initiatives on which I have begun to work during my first term are continuing.

Specifically, I set out during my first term to ensure the interests of the District of Columbia are fully represented, ensure Authority procurement and hiring are fully open and transparent and appropriately available to D.C. businesses and residents, continue the progress the Authority and the Board have made on ethics reform, ensure appropriate management oversight, work 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.

To those goals, during my first term I added the goals of securing an appropriate management leadership succession plan and providing real and sustainable economic opportunity to all those who work on both airport campuses. I look forward to using the experience and institutional knowledge learned and gathered in my first term to help me finish the job.

16. Given that you are being reappointed to the Board, what challenges do you believe the Board has experienced since your time on the Board, and how do you believe these challenges should be addressed moving forward?

With the Coronavirus Pandemic, the Board is facing the biggest and most existential threat in its history and in the history of the aviation, travel, and hospitality industries as well. We are all hopeful that safe and effective vaccines will help allow domestic and international travel to rebound, but it will, in any case, be a long and challenging road back. Specific issues the Board is facing now include: employee health and safety; passenger health and safety; airline financial viability; concessionaire financial viability; WMATA financial viability; and even the long-term financial viability, growth, and direction of MWAA itself. All of that is on top of the day-to-day challenges of a multi-million dollar enterprise, including management and budget oversight, succession planning, and promoting and protecting the interests and priorities of the District of Columbia such as noise mitigation and worker pay initiatives.

As noted above, I look forward to using the experience and knowledge I've gained in my first term on the Board, along with the relationships I've fostered with MWAA management and my fellow Board members to bring coalitions together to address these monumental challenges.

17. 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.

I look forward to the opportunity to talk further about all these points at my confirmation Roundtable on December 7. Please let me know if I can provide any additional information to the Committee before then.

Sincerely yours,



Thorn Pozen

cc: Evan Cash

FDS Filing Details for 2019

Name: Thorn Pozen

Date of Appointment or Employment: 7/14/2015

Final Date of Service:

Position: Board Member

Agency: Metropolitan Washington Airports Authority

Position Held with the District Government During the Prior calendar year (If Not The Same As Above)

Position:

Final Date in Position:

Agency:

Non District Employment/Business

1) Did you have any non-District employment or engage in any outside business or other activity during the previous calendar year for which you received compensation of \$200 or more?

Position / Title	Name of Employer	Description of Work	Start Date	End Date	Income Received from Outside Business	Client Name
Partner	GMP LLP	Attorney	4/1/13		\$250,001 - \$500,000	

2) Was your spouse, registered domestic partner, or dependent child(ren) employed by a private entity or did they engage in any business endeavors during the previous calendar year for which they received compensation of \$200 or more?

Position / Title	Name of Employer	Description of Work	Start Date	End Date	Client Name
Sr VP for Global Antitrust	General Electric	Attorney	10/1/14	4/30/19	
Partner	Clifford Chance	Attorney	5/1/19		

3) Did you serve in any unpaid position (without compensation) as an officer, director, partner, consultant, contractor, volunteer, member or in any other formal capacity of a non-government board or other outside entity during the previous calendar year?

Position / Title	Name of Entity	Start Date	End Date
Board of Directors	D.C. Appleseed Center for Law & Justice	1/1/13	
Board of Directors	JCRC of Greater Washington	1/1/14	
Board of Directors	Council for Court Excellence	1/1/15	
Advisory Board	Tzedek DC	1/1/16	

4) Did your spouse, registered domestic partner, or dependent child(ren) serve in any unpaid position (without compensation) as an officer, director, partner, consultant, contractor, volunteer, member or any other formal capacity of a non-government board or other outside entity during the previous calendar year?

Position / Title	Name of Entity	Start Date	End Date
Board of Directors	National Partnership for Women and Families	1/1/15	
Board of Trustees	Connecticut College	1/1/16	

5) During the previous calendar year, did you have any agreements with a former or current employer, other than with the District of

Columbia, for future payments or benefits (such as separation pay, partnership buyouts, or pension or retirement pay) or for future employment or for a leave of absence?

No

6) During the previous calendar year, did your spouse, registered domestic partner, or dependent child(ren) have any agreements with a former or current employer, other than with the District of Columbia, for future payments or benefits (such as separation pay, partnership buyouts, or pension or retirement pay) or for future employment or for a leave of absence?

No

Securities, Holdings and Investments

7) Did you have a beneficial interest in or hold any security ("security" means stocks (any class), bonds (including savings bonds and tax exempt bonds), stock options, warrants, debentures, obligations, notes (not mortgage notes), mortgages (not on one's home), investment interests in limited partnerships, REITs, and such other evidences of indebtedness and certificates of interest or participation in any profit-sharing agreement as are usually referred to as securities) at the close of the previous calendar year that exceeded in the aggregate \$1,000 or that produced income of \$200 or more?

No

8) Did your spouse, registered domestic partner, or dependent child(ren) have a beneficial interest or hold any security ("security" means stocks (any class), bonds (including savings bonds and tax exempt bonds), stock options, warrants, debentures, obligations, notes (not mortgage notes), mortgages (not on one's home), investment interests in limited partnerships, REITs, and such other evidences of indebtedness and certificates of interest or participation in any profit-sharing agreement as are usually referred to as securities) at the close of the previous calendar year that exceeded in the aggregate \$1,000 or that produced income of \$200 or more?

List each security and/or beneficial interest you held below	Total Value of Beneficial Interests or Securities at the close of previous calendar year.
General Electric (Stock Options)	\$0 - \$1,000

9) Did you owe any entity or person (other than a member of your immediate family) \$1,000 or more, (excluding: mortgages on your personal residence, student loans, automobile loans, credit card accounts or other revolving credit, and other loans from a federal or state insured or regulated financial institution), during the previous calendar year?

No

10) Did your spouse, domestic partner or dependent child(ren) owe any entity or person (other than a member of their immediate family) \$1,000 or more, (excluding: mortgages on personal residences, student loans, automobile loans, credit card accounts or other revolving credit, and other loans from a federal or state insured or regulated financial institution), during the previous calendar year?

No

11) Did you have an interest in any real property located in the District of Columbia during the previous calendar year, aside from primary personal residence, occupied by you, your spouse or your domestic partner, where your interest had a fair market value of more than \$1,000, or where the property produced income of \$200 or more?

No

12) Did your spouse, domestic partner, or dependent child(ren) have an interest in any real property located in the District of Columbia during the previous calendar year, aside from their primary personal residence, where their interest had a fair market value of \$1,000 or more or where the property produced income of \$200 or more?

No

Regulated Professions

13) Do you hold any professional or occupational licenses issued by the District of Columbia government (i.e., are you licensed to practice law in the District of Columbia, or are you licensed by the District's Department of Health, the District's Department of Consumer and Regulatory Affairs, the District's Department of Mental Health, the District's Department of Insurance Securities and Banking, the Metropolitan Police Department, the District's Occupational and Professional Licensing Administration, etc.)?

Type of License Issued	Issuing Entity
Law License	District of Columbia Court of Appeals

14) Does your spouse, domestic partner, or dependent child(ren) hold any professional or occupational licenses issued by the District of Columbia government (i.e., are they licensed to practice law in the District of Columbia, or are they licensed by the District's Department of Health, the District's Department of Consumer and Regulatory Affairs, the District's Department of Mental Health, the District's Department of Insurance Securities and Banking, the Metropolitan Police Department, or the District's Occupational and Professional Licensing Administration, etc.)?

Type of License Issued	Issuing Entity
Law License	District of Columbia Court of Appeals

Gifts

15) Did you receive any gift(s) (A gift is defined as a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, unless consideration of equal or greater value is received) from any person that has or is seeking to do business with the District, conducts operations or activities that are regulated by the District, or has an interest that may be favorably affected by the performance or nonperformance of your duties in the total amount or with a total value of \$100 or more during the previous calendar year?

No

Additional Comments

Supporting Documents

I certify that I have:

- Not caused title to property to be placed in another person or entity for the purpose of avoiding the disclosure requirements on the preceding form;
- Filed and paid my income and property taxes;
- Diligently safeguarded the assets of the taxpayers and the District;
- Reported known illegal activity, including attempted bribes, to the appropriate authorities;
- Not been offered or accepted any bribes;
- Not directly or indirectly received government funds through illegal or improper means;
- Not raised or received funds in violation of federal or District law; and
- Not received or been given anything of value, including a gift, favor, service, loan gratuity, discount, hospitality, political contribution, or promise of future employment, based on any understanding that my official actions or judgment or vote would be influenced.
- I certify that I have:
- Not caused title to property to be placed in another person or entity for the purpose of avoiding the disclosure requirements on the preceding form;
- Filed and paid my income and property taxes;
- Diligently safeguarded the assets of the taxpayers and the District;
- Reported known illegal activity, including attempted bribes, to the appropriate authorities;
- Not been offered or accepted any bribes;
- Not directly or indirectly received government funds through illegal or improper means;
- Not raised or received funds in violation of federal or District law; and
- Not received or been given anything of value, including a gift, favor, service, loan gratuity, discount, hospitality, political contribution, or promise of future employment, based on any understanding that my official actions or judgment or vote would be influenced.

Additional Comments

TESTIMONY OF WARNER H. SESSION, ESQ

BEFORE THE COMMITTEE ON THE WHOLE

**ON PR 23-1007, “METROPOLITAN WAHSINGTON AIRPORTS AUTHORITY
BOARD OF DIRECTORS THORN POZEN CONFIRMATION RESOLUTION OF 2020**

MONDAY, DECEMBER 7, 2020

10:30 AM

Good morning Mr. Chairman and Council Staff. I am Warner Session, principal of the Session Law Firm and current Board Member of the Metropolitan Washington Airports Authority (“MWAA”). I am pleased to appear this morning in support of my friend and colleague, Mr. Thorn Pozen, for his reappointment to the MWAA Board.

I have served on the MWAA Board since 2011 (which now makes me the longest serving MWAA board member) and I can emphatically state with great pride that it has been a privilege and honor to serve alongside Thorn. Thorn is extremely thoughtful, intellectually curious and very principled – all attributes that are important to being an effective board member and attributes necessary for consequential governance. He has given significant time and attention to the tasks at hand, including co-chairing the Risk Management Committee in 2018 and currently serving as co-chair of the Human Resources Committee. In the latter capacity, Thorn has been very conscientious, along with Joslyn Williams (another District of Columbia appointee) in overseeing the fair and equitable treatment of those individuals who work for the airlines as contract employees, as well as those who work in our concessions. He has participated in numerous listening sessions with union workers and leadership to understand the issues and to inform his opinion.

Thorn was a key member of the MWAA Ad Hoc Labor Committee which I appointed in 2019 to address our Airport Workers Wage Policy and which resulted in the Board’s adoption of a resolution (**Resolution No. 19-24**) to increase the wages of low-wage workers to \$15.00/hour by 2023. His insight and contributions to that process were invaluable.

In closing, I want to say that Thorn’s reappointment comes at a critical time in the life of our two airports. Like other enterprises and governments in this country and around the world, we are challenged by the extraordinary circumstances of the pandemic which has impacted all aspects of our operations. As we collectively work to address these challenges, it is important that all of the MWAA Board members have an oar in the water. I am confident, given his performance to date, Thorn will be a valuable contributing member.

Thank you, Mr. Chairman. I am happy to answer any questions.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Metropolitan Washington Airports Authority Board of Directors



Public Roundtable on

**PR23-1007, the “Metropolitan Washington Airports Authority Board of Directors Thorn
Pozen Confirmation Resolution of 2020.”**

**Testimony of
Thorn Pozen**

Before the
Committee of the Whole
Council of the District of Columbia
The Honorable Phil Mendelson, Chairman

Virtual Meeting Platform
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

December 7, 2020
10:30 AM

Chairman Mendelson, members of the Committee of the Whole, and committee staff, good morning. I am Thorn Pozen, a nominee for re-nomination to 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. I want to thank Mayor Bowser for this expression of confidence in re-nominating me to the Board.

This morning I want to speak briefly about my experience: both working with and for the District of Columbia government, in the community here, and through my law practice; as well as during my first term as MWAA Board member. All of these experiences I believe, qualify me for re-appointment to the position to which I have been nominated. I want to also talk a bit about my work on the Board. , 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 30 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, the Jewish Community Relations Counsel of Greater Washington, the Council for Court Excellence, and on the Advisory Board of TzedekDC. 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 Two 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 have and will continue to serve me in very good stead on the MWAA Board. I think also that my broad current and former Board and ethics experience has and will continue to 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.

Through my MWAA Board service, I have focused on both the five priorities I outlined when I was first before you for confirmation and new initiatives I've taken on since then. The priorities I outlined when coming to the Board were:

- 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 National and Dulles Airports, so the Authority can continue to be an economic driver for the District of Columbia.

Additionally, since joining the Board, I have also focused on securing an appropriate management leadership succession plan and providing real and sustainable economic opportunity to all those who work on both airport campuses. I feel that I have made real progress on each of those goals, including, in particular taking a leadership role in the Board's workers' wage initiative, bringing living wage guarantees to previously largely neglected airport workers; working on building bridges between DOES and MWAA; and chairing the Board's Ethics Committee.

I must say, though, that my most important and daunting work has been working with my fellow Board members and MWAA management to confront the tremendous challenges posed by the COVID-19 pandemic. This has posed the single greatest threat to the aviation, travel, and hospitality industries in history. We all hope that a safe and effective vaccine will allow domestic and international travel to rebound next year, but even with that, continuing to ensure MWAA employee and passenger safety and charting a path back to economic stability and growth will be very tough. I do, though, look forward to using the experience and institutional knowledge I've learned and gathered, as well as harness the relationships with management and my fellow Board members to help me face these challenges and finish the work I've begun.

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In conclusion, I am honored to be re-nominated to this important position. If confirmed I pledge to continue 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.

1 **DRAFT COMMITTEE PRINT**
2 Committee of the Whole
3 December 15, 2020
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7 A PROPOSED RESOLUTION
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10 23-1007
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13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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18 To confirm the reappointment 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 2020”.

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

25 Mr. Thorn Pozen
26 P Street, N.W.
27 Washington, DC 20007
28 (Ward 2)
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), for a six year term to
33 end January 5, 2027.

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.