

**GNSO
Operations Steering Committee (OSC) GNSO Council Operations Work Team
15 October 2010 at 17:00 UTC**

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Participants on the Call:

Ray Fassett – Registries Stakeholder Group

Wolf Ulrich Knoben – ISPC

Ron Andruff – CBUC

Avri Doria – NCSG – vice chair

Staff:

Liz Gasster

Julie Hedlund

Gisella Gruber-White

Coordinator: Excuse me everyone, this is the operator. I need to inform you that today's conference call is being recorded. If you have any objections, you may disconnect at this time. And you may begin.

Julie Hedlund: Thank you very much. Should I go ahead and do a roll call Ray?

Ray Fassett: Yes please.

Julie Hedlund: Thank you. This is the GNSO Council Constituency and Stakeholder Group Operations Work Team. Today is Friday, the 15th of October.

On the call we have from the work team, Ray Fassett, Avri Doria, Ron Andruff and Wolf-Ulrich Knoben. And from staff we have Liz Gasster and Julie Hedlund; over to Ray.

Ray Fassett: Thank you Julie. This is Ray Fassett. All right so we're picking up today what might be all of the remaining action items in front of us pertaining to the rules of procedure.

I am in the process of opening up some documents right now to start at the right place. I don't have any housekeeping items off hand. Does anybody have any housekeeping items before we get started?

Obviously there's the normal anybody wish to declare an update to their disclosure of interest? Since it's only been two days I doubt that there are. But I will go ahead and allow that. Anybody?

Wolf-Ulrich Knoben: Yes, if I may.

Ray Fassett: Yes please, Wolf.

Wolf-Ulrich Knoben: Wolf speaking here. Today I just saw the draft agenda for the next council meeting and they say a part of the session is devoted to the DOI-SOI question.

Ray Fassett: Yes?

Wolf-Ulrich Knoben: Roughly 20 minutes or a half an hour or so. And I saw you also may participate in the council meeting. Is that the case? Do you know about that?

Ray Fassett: Yes. I was asked by the Chair of the GNSO Council to join that meeting for certain parts to discuss the rationale behind the remedies that have been put in place for the absentee voting for example...

Wolf-Ulrich Knoben: Yes.

Ray Fassett: ...and also secondly as it pertains to the SOI-DOI.

You know, obviously there are issues going on with regards to certain complexities of how to incorporate the remedies for the absentee voting into the various charters.

Wolf-Ulrich Knoben: Yes?

Ray Fassett: Chuck thought it could be helpful if the rationale of this work team as to why we came up with such remedies could be useful to the council.

And then secondly, also addressing the statements of interest and declarations of interest and how these go together. And I think some of what we're doing now pertains to what the issues are that have risen that has brought this on so. Does that answer?

Wolf-Ulrich Knoben: Yes, okay. So I'm fine with that too. And I assume that you are very well informed by Chuck, you know, about the situation. Because as I mentioned last time, these procedures are, seem to me personally, based on the discussion we had on council, are critical in terms of simplicity, let me say that.

It means, I think some of the council they expect very easy - procedures easily to be handled. So they don't like really to get into deeply and more deeply in the procedures themselves which means they would like to just to pick up something to know, okay these procedures are okay and not to handle it in a complicated way.

So that's more whatever that I understood and if we to take...to be careful about that. Otherwise, you know, people come up again and will ask for new working teams as it happened last time. And that would be really a disaster I would say.

Ray Fassett: Well Chuck did express his appreciation of our work team to go back and look at the issues that are involving the disclosure of interest particularly the language we talked last time about them being written.

Wolf-Ulrich Knoben: Yes?

Ray Fassett: He appreciated us taking on that work. With regards to the remedies that are in place in the procedures, I believe that those - it's up to each stakeholder group to decide how they want to implement those remedies.

Wolf-Ulrich Knoben: Yes.

Ray Fassett: Isn't that right? So I don't know if it's up to the council members. I don't think the council members should be bogged down by these remedies. Unless, I mean other than to the extent that each of the stakeholder groups chooses to implement them into their charters.

Wolf-Ulrich Knoben: Yes, that's right. You know, but it's always the question that's okay. And that's really kind of I would say type of education we have to do towards the different stakeholder groups and the council members belonging to stakeholder groups as well to understand how this process works.

So that's what I would like to say. I have the feeling so it's not well communicated at the time being.

Ray Fassett: Right.

Wolf-Ulrich Knoben: So that's why may be...

Ray Fassett: Right.

Wolf-Ulrich Knoben: It may be the case...

Ray Fassett: Right now I do know that each of the stakeholder groups were provided the opportunity to have a, you know, a call including with Ken Bauer who of course created that chart and has done a lot of the drafting and not many of have taken them up on it from what I understand.

So you're right. So we just have to keep trying on the communication side for folks to understand the spirit. And really what Chuck reached out to me for was to explain sort of the history of the rationale of why we even came up with these remedies to begin with.

You know, I think some of the communications not so much from a technical standpoint how to incorporate the remedies into the charter for example but why. You know, why? What was our rationale?

What was our thinking? What was the basis...

Wolf-Ulrich Knoben: Yes.

Ray Fassett: ...for how these came to be? And Chuck thinks or suspecting in the spirit of trying to improve communications that by my trying to articulate that to the council will help in why they're being asked or why the stakeholder groups are being asked to look at these remedies to determine whether they want to include them or not into their own respective charters.

Wolf-Ulrich Knoben: Yes.

Avri Doria: Ray, this is Avri.

Ray Fassett: Yes Avri?

Avri Doria: I think one of the questions that you'll be facing just from my listening to...

Ray Fassett: Yes?

Avri Doria: ...the council and reading the council list is the question of timing on why they need to be done in writing before a meeting as opposed to during. Not passing judgment on that issue.

But I think that is one of the issues that you will encounter or questions that you will encounter.

Ray Fassett: As it pertains to the remedies?

Avri Doria: As it pertains to the remedies. Why, you know, the absentee -- not the absentee ballot but the proxy or something like that -- can't be done, you know.

I've been at the meeting for ten minutes. All of the sudden, you know, I'm running out of the meeting because there's been an emergency. I give my vote too and run out. Why that isn't.

And so I'm just saying.

Ray Fassett: No, that's good. That's a good heads up.

Avri Doria: That I've seen among various council members is the written formality of it. And why it all has to be prior. Maybe those questions have been answered but I kind of doubt it.

Ray Fassett: Yes. So I think we do have an answer for that as a work team. So if that were to be the day that I was asked that question, I think the answer I would provide is that the high-level principle that we were really trying to hold to is that council members are to be present at these meetings.

That their vote is really not the counselor's vote; it's really the vote of the stakeholder group. And while things happen, if you will, those are exceptions and should be stressed upon as exceptions.

And the spirit of this is to really make clear to council members that you are, you know, your duty is to be there. And if you allow sort of relaxed guidelines in terms of on-the-fly, if you will, ways then what are you accomplishing in that regard?

Avri Doria: Yes. As I say, I wasn't trying to get into the (unintelligible).

Ray Fassett: Well actually I did that because I want to make sure that I am stating what the work team.

Avri Doria: If I happen to be in the meeting and didn't happen to be a member of this group, I might challenge you on where the decision came from that it's not the counselor's vote having been duly elected by their constituency slash stakeholder group and such. And you might find divided opinion on that.

So that's a decision that we made that you might also be questioned about. Otherwise, there's also a presumption in our answer here that sort of says, yes, you know, (unintelligible).

Ray Fassett: Well, no hold on. Let me try that first one. I think that issue arose when it came to - I have a conflict. I can't vote on something. I have a conflict with my firm or my business.

Avri Doria: Yes.

Ray Fassett: And what we said was, okay, well we certainly can acknowledge and appreciate that those conflicts can exist. But at the end of the day, the vote that you are not able to vote on is the stakeholder group's vote not your vote.

So what we can do is look to provide you remedies of how to pass that vote. All right?

Avri Doria: Yes.

Ray Fassett: But not go so far as allowing it to become such a loophole that the procedures are not for - are for the purpose of what they're intended for not to be so loose that they become I hate to use the word gamed but that they become gamed.

Avri Doria: I almost feel like we're doing trial prep here. And I apologize.

Ray Fassett: No, no that's okay. Does that -- but I want to make sure that the group...

Avri Doria: That does but...

Ray Fassett: ...is okay with those kinds of responses.

Avri Doria: That brings up the question of, okay; I understand why you're doing it in these conflict of interest situations, but in terms of having extended it to all absences, can you explain why, you know, you all decided that it wasn't only for those that you wanted to relieve me of the burden of doing something I had a conflict of interest.

Therefore my vote reverted back to my constituency and stakeholder group. And have decided that for all votes including a sudden absence or a planned absence, it applies to that too.

As I say I feel like I'm doing jury prep or, you know, (unintelligible).

Ray Fassett: Yes the issue is the unexpected, sudden absence. That is really what the issue is that people are questioning. And I believe I have an answer. I have to go back and look through my notes.

Avri Doria: Anyhow, I'll shut up now.

Ray Fassett: Okay. No, that's good. Thank you, Avri. Anybody else? Okay, so why don't we try to move into today's agenda.

So we thought -- I have in front of me some of the documents from the action items that Julie sent over. One of them is the current GNSO Operating Procedures document that has the red-lined items in there that in under definitions and disclosure of interest, we asked that the word written be stricken.

And in the separate section, under 5.4.2, another sentence was stricken. Does anybody have any comments on this item in terms of its completeness now?

To recommend, the objective is to recommend this document, these changes, now over to the OSC.

Wolf-Ulrich Knoben: Ray, it's Wolf speaking.

Ray Fassett: Yes.

Wolf-Ulrich Knoben: Maybe just a question - while I saw the document and I also saw your comment on what's proposed in regard to the extensions for example. So you suggested a little bit different with regarding including staffing contractors. Isn't it?

Ray Fassett: Yes, a good point.

Wolf-Ulrich Knoben: Is that already in the document or not?

Ray Fassett: No it is not.

Wolf-Ulrich Knoben: It is not.

Ray Fassett: From what I can determine and going back, it would be a new section 5.2.3. And I believe what happened here is we went back to staff to question them on the concept of...Right Now I believe as we all understand this though the rules of procedures basically do not exempt staff.

It's silent. So therefore I think the presumption is that they're not exempt. So we went back to staff on the question a few meetings ago. And staff came back with I think -- now Julie you can correct me -- but I think what happened is they came back with a 5.2.3 exemptions.

And then, of course, that's them.

Julie Hedlund: Ray, this is Julie.

Ray Fassett: Yes.

Julie Hedlund: Yes, that's true. That was some suggested language that Samantha had floated several weeks ago.

However, after that the work team had asked for because there was some discussion around that and then the work team had asked for additional clarification from legal staff on SOIs, you know, for staff, you know, staff providing SOIs.

And that was the sort of additional language or statement from legal that we've been awaiting, that we haven't received. I did ask, you know, put in through the request that, you know, for more actions items on Wednesday.

And I have been advised that legal is still working on something that they're hoping to have out within a week. They also have stated that they're very supportive of the general idea that these types of interest have to be identified in some form with respect to staff.

So they don't have any proposed language at this point for a section on exemptions. So that previous section is sort of now held in abeyance. It's not really an active proposal anymore from legal.

But I think they would be nonetheless extremely interested in what the work team has as far as guidance along the lines of what you sent Ray with respect to language on exemptions and some of the things that we discussed on Wednesday's call with respect to declarations of interest and so on.

Ray Fassett: All right so let's all right, right now, okay. So right now we're okay with the edits as they sit in that document that Julie did for us correct -- the two deletions basically -
- right? Okay.

Man: Yes.

Ray Fassett: Let's go right into this then. How do we feel as a group about adding a section called 5.2.3 Exemptions which is entirely intended to make clear to anybody that staff is not required in their participation in policy venues. And the reason is because they are already bound to be obligated to ICANN. So how do we about adding? Right now as I said, it's silent.

And I thought our -- and I could be wrong; you guys can correct me -- but I thought the ideal was originally when we sent these out over to the OSC and eventually approved was so, no staff involvement are not - staff is not exempt from completing SOIs or DOIs.

So my point is this question will come up. We've heard Eric Brunner-Williams intimate quite passionately the issue is real. It won't be the last time. So my question to the group is and we've had this prior suggestion from staff to include a 5.2.3 exemption; how do we feel about including that, something for that?

Avri Doria: This is Avri. I personally support I guess Eric's position. I guess it's also been mine that we don't need such an exemption. And, you know, I know we're still waiting for legal to tell us why they absolutely must have one. And I know that we've offered sort of a compromise position that says, well maybe not SOI as long as you've done x, y and z but still DOI especially in the cases of A, B, C.

But that's sort of a compromise that's still dangling and that hasn't been responded to. So I would say at this point we're not a place to add exceptions.

Ray Fassett: Okay, anybody else?

Ron Andruff: This is Ron.

Ray Fassett: Yes Ron.

Ron Andruff: I think that the -- I understand the principle of exemptions. And in my view my principle exception exemptions stands on the basis that I sign a contract as an employee with ICANN or I am a full-time consultant to ICANN.

Therefore I have a responsibility to -- it's kind of a judiciary responsibility -- to make sure that I put the interest of the organization first. So I can see staff getting an exemption of an SOI. But I do think that DOI, it would be a valuable thing to keep in place for staff because things could have changed in the short-term for staff members.

And therefore the DOI process brings that out. It should be a non-issue for a staff member anymore than it is for a working team member when you ask that question, does anyone have a DOI; either they have one or they don't.

Ray Fassett: So their only avenue though in the DOI example is a verbal.

Ron Andruff: Yes. Something changed on this particular topic and therefore I'm going to declare my interest in this topic as a staff member.

Ray Fassett: Whereas everybody else is required to verbally state it and then go back to their SOI and update it.

Ron Andruff: Right. And it may be that the DOI brings them to, you know, it may be the staff member is no longer full time. Maybe that's part of the issue that they've gone part time. And they've taken on work with another body. And so they declare that.

And then at that point, if they're now part time they would also have to go back and do an SOI.

Ray Fassett: Right. So at the end of the day are you suggesting that 5.2.3 exemptions could be useful?

Ron Andruff: I can agree with an exemption on SOI.

Ray Fassett: Yes but not the DOI.

Ron Andruff: But I don't think there should be any exemption for DOI.

Ray Fassett: All right, at a higher level, should we be going down a path as a work team run in putting in a 5.2.3?

Ron Andruff: I'm ambivalent on it. I can go either way.

But I do believe that if there is, you know, if staff are going to be exempted then we should have a 5.2.3 simply because it clarifies why.

If staff are going to be brought or forced to fill out SOIs then obviously exemption is no longer necessary. But if in fact we're going to give staff an exemption then theoretically there should be some documentation that supports that.

Ray Fassett: Well staff has communicated to us that there is a need for an exemption. And we've acknowledged that we don't have a problem with the exemption. Avri, Avri -
- I hear you.

I'm not...

Avri Doria: Well you had placed a -- we had no problem as long as they did the things you talked about.

Ray Fassett: Right. So let me try that again. So, Avri, if staff was able to provide a legitimate reason in your mind of why filling out SOIs is redundant or not necessary, would in that scenario, would you feel it appropriate to go ahead and put in a 5.2.3 exemption?

Avri Doria: Okay. This is going to be what is the question -- I think if they are able to provide it and by that we discussed at the last meeting which means that it's a written, you know, on the Web site statement that says in all its activities, all full time staff members are committed to the following A, B, C, D. And, you know, and this serves as the statement of interest for all staff members or some such wording.

Then, yes, I am totally fine.

Ray Fassett: Did you see the language I've put together just to throw it out? Where I changed what they originally gave us. All I did was include full time or I'm sorry, exclusive contractors and I took out where it said in the interest of ICANN and the broader interest of the internet community. I just don't think that can fly personally.

But anyway, I took that out and made it just really crystal clear that any ICANN staff or exclusive contractor is to be understood to be representing the interests of ICANN.

I thought on our last call --- not the last call, the one before that -- you were kind of warming to that Avri.

Avri Doria: Yes, I actually am not all that worried about what the language says. And I'm fine with it as long as it's something stated publicly that then if someone like Eric or others says, what a second, I don't think so-and-so is behaving according to this SOI code that you stated for the following reasons. Then there's recourse.

I think said privately to this group as an explanation is interesting, it's good. It should be recorded but it's not sufficient.

Ray Fassett: Right, that's why I want to put...

Avri Doria: Yes. It's interesting.

Ray Fassett:it in the rules, yes.

Avri Doria: I wasn't thinking it's so much in the rules as a declaration made by staff as we're all making declarations.

And what I'm seeing as a reasonable substitute is for legal staff using or whomever within ICANN making their singular SOI that applies to all full time, you know, or applies to all (unintelligible).

Ray Fassett: Yes, but don't people want to point to the rules. I mean when these things come up, you know, like you're playing a game and you're arguing over, or you're playing Monopoly and I'm sure we all have. And okay, let's get out the rulebook.

Don't people want to go to the rules and say, you know, look it says right here.

Avri Doria: Well I think we should have a rule that says they have that statement online and then because that statement may change over time given the realities of the world without needing to change the rulebook.

So yes I think there should be a pointer in the rules that says, you know, and it's almost not an exception but perhaps it is, you know, staff can opt to make one statement of interest declaration, one public statement of interest publication that applies to all staff members participating in any and all, you know, policy, etc., working stuff. And then that works.

Ray Fassett: Yes.

Avri Doria: So we put in a pointer to their statement and it needs to be their statement. And then they make that whatever it is. And then we can delete in public if we don't like as much as we like. And it becomes a public issue of what a second, you've got to be kidding. Just like anything happens.

And it also gives people a leg to argue from if they do not believe a staff person which I mean I'm not saying I have cases, you know, Eric may have cases, I'm not saying I have cases.

If, you know, someone feels that that's not the case then they have something to make an appeal against.

Ray Fassett: All right. So it could be something like this, 5.2.3 Exemptions colon: It is the obligation of ICANN staffs to provide a blanket explanation of why all full time staff members are exclusive contractors are representing the interests of ICANN at all times.

Avri Doria: I wouldn't go so far as to say it's an obligation. What I would go so far as to say is all staff members may be exempt from the individual responsibility of an SOI if ICANN has posted a global statement of SOI applicable to all employees and those with exclusive contracts with ICANN.

Ray Fassett: That was good. I like that. Can you write that down?

Avri Doria: Probably.

Ray Fassett: That was very good. I like that. Let's hear from Wolf and Ron. What do you guys think?

Wolf-Ulrich Knoben: Yes. I tried to follow as you were speaking. The first thing, the first with regards to Ron's comment, I'm still not clear why you make a difference between

in that respect the difference between DOI and SOI with regards to staff declaration?

Their obligation to declare a DOI but not an SOI, I don't know.

Ron Andruff: Well Wolf, if I may, this is Ron.

Wolf-Ulrich Knochen: Yes?

Ron Andruff: Just to clarify that. Because what we're saying is that, you know, the SOI, a staff statement of interest is I work for ICANN.

Wolf-Ulrich Knochen: Yes.

Ron Andruff: And therefore I put the corporation first.

Wolf-Ulrich Knochen: That's okay.

Ron Andruff: However, something may happen, again, recognizing the SOI is this long-term statement; DOI is something that's more current. Something just happened recently.

So if there was, the reason that the DOI is important is that the staff member has this exemption under the policies that we're discussing now. But if something changes, the DOI forces them to make the community aware that at that moment something has changed.

If we don't ask them do - to comment on the DOI period then the community may never be aware that the staff member now has gone on half-time with ICANN and half-time with IGF. That's the point I'm bringing out.

So the only way we could ever determine that a change has happened in a staff member's circumstances is through the DOI process. That's where I was coming from.

Avri Doria: And -- this is Avri -- if I can add a possible thing to it. I mean among the things in DOI and we haven't really spoken to this but I think it's pertinent -- if, you know, you're a contractor and your company is also in another part of the company an applicant for a gTLD or if your spouse is an applicant for (new) gTLD, that could reach the level of being more of a DOI.

Wolf-Ulrich Knoben: Thank you.

Ron Andruff: And all we're saying here is we're just I think, when you peel it all back, all we're saying to staff and contractors is if you feel you have something to declare; declare it. That's all we're saying.

Liz Gasster: This is Liz. I have another way of maybe expressing it and see if this is what you know, If it's crisp and accomplishes it could say something of the sort but it would say something like staff can satisfy this requirement by submitting a single-staff wide statement of interest provided that any additional role of that interest also be disclosed in a DOI or in addition.

Ray Fassett: Yes, and I think you could say verbally right?

Liz Gasster: Yes, whatever you want. You could fill it in as you like just as a structure for expressing, yes.

Ray Fassett: Yes.

Liz Gasster: I'm just playing with the words really.

Ray Fassett: I'm pretty good with that. I'm just thinking to myself, okay, how do we get this language. We're almost at that point, right. We're at the rubber-hits-the-road. We want to get this done.

So what is this language is my question?

Liz Gasster: At this point, I think that legal staff will help not hurt once we get that.

Ray Fassett: We've got to get this in front of the council.

Liz Gasster: Okay.

Avri Doria: I just sent that language. I don't know if it's good but I just sent language.

Ray Fassett: You just sent it?

Avri Doria: To the mailing list, yes.

Ray Fassett: I mean if staff has an issue with it later or legal then it can raise it at the OSC level.

Avri Doria: And I even tried to put in the last thing that was said but I'm not sure I did it competently.

Ray Fassett: Okay I don't have it yet.

Avri Doria: I mean I could possibly read it, what I just sent.

Ray Fassett: Yes, why don't you?

Avri Doria: Well let me find it because that's in the mailbox.

Wolf-Ulrich Knohen: Okay a second question and Wolf speaking. I have with regard to Avri's suggestion, its okay to me. But what would be the difference between an SOI for staff, a kind of summary of SOIs for staff provided by ICANN or the individual SOI given by staff members of the two.

How should that be - what should that look like in practice? So do you mean is it kind of one let me say general SOI for all ICANN staff?

Avri Doria: Yes.

Ray Fassett: Yes.

Avri Doria: Yes. It's basically one. And I had sent that language to the word address so I just resent it. It's basically one statement from ICANN that basically says all staff members participate in working groups and working teams in the role of advisors. Their only interest in participating is to serve the, you know, the requirements of the ICANN processes or some such, you know, much more legalistic, much nicer wording.

Wolf-Ulrich Knohen: I see yes.

Avri Doria: And therefore they don't have to say anything more because that applies to all staff. The DOI, which they might say, you know, by the way, someone that's participating in the Jazz Group, I'm co-chair of -- and this again, is not an example that's happening --is by the way, I just wanted to mention that my husband or my wife is working with a consortium of people that's looking into applying or is advising a group in Africa who will be applying for aid, so I just wanted to get it on the record that -- or in another group, sort of saying, you know, I just want to point out that I'm the editor for a security RSB that may pertain to the object we're talking about and just wanted to get that on the record. And again, I don't think that one's happening either. It's just a for instance and I'm not making any accusations.

But for those kind of things where you're doing something special, you're doing something extra that may affect the viewpoint that you have. And so you basically, that's why you put a flag up and say, hey, when you're listening to me be aware this may or may not be the case.

Wolf-Ulrich Knoben: Okay. Okay that is why I like this idea of having such a general SOI provided.

Ray Fassett: Okay. I got your language Avri. Hold on; I'm just playing with it a little bit. Sorry for the delay.

Ron Andruff: This is Ron. I'm reading through your proposal Avri. And I'm just wondering whether we need the word if ICANN has posted the global SOI. Why don't we say they would be exempt because ICANN.

Avri Doria: Simply because they haven't done so at the moment.

Ron Andruff: Yes?

Avri Doria: And let's say at some point two years later, they un-post it. This rule is a conditional rule.

Wolf-Ulrich Knoben: After instead of if?

Avri Doria: Okay, yes.

Ron Andruff: There you go.

Avri Doria: Okay that's fine. Sorry, I tend to be - appear "languagey" if this has happened then that has happened. But yes, after is fine too.

Ron Andruff: So Ray, just so you understand what we've been discussing. It should read, ICANN staff members may be exempt from the individual responsibility for filing an SOI after -- rather than if -- after ICANN...

Ray Fassett: Got it.

Ron Andruff: ...has posted the global. And it's rather than does pertain; it should be that pertains.

Avri Doria: Yes.

Ron Andruff: Avri, you've just got to slowdown girl.

Avri Doria: These are my standard typos. I think something should - yes, thank you.

Ron Andruff: So after posted the global SOI that pertains to all employees and those blah, blah.

Ray Fassett: Okay, I just did a wordsmith and I was able to catch that with that one. And let's see if I just send it to the list. See what you guys think.

Avri Doria: It's my typos -- while we're waiting -- it's my typos that allow me to give up control of the language I write so easily because I know it needs to be corrected.

Ron Andruff: It's a very nice story.

Ray Fassett: Okay so while we're waiting on email, we also we want to make sure get over to, you know, Chapter 5 and look at those edits. Has everybody had a chance to look at the edits that Julie forwarded to us particularly 5.3.3 contents?

If not, take a look at that now while we wait for email too. All right let me read what I put together.

ICANN staff members can be exempt from the individual responsibility of completing an SOI after ICANN has posted a global SOI that all employees and those who have an exclusive contract with ICANN are representing the interest of ICANN at all times.

Individual staff members would still be obligated to be make a verbal declaration from time-to-time on any particular interest they may have as these individually arise.

Avri Doria: This is Avri with a pittance comment.

Ray Fassett: Yes.

Avri Doria: Can indicate physical ability to do something; may indicates the permission. Now it may just be correct to say are exempt after. And not may be exempt because may be exempt as I think about what I wrote could mean that somebody would decide in a particular case that they weren't.

And it brings in an ambiguity. Perhaps better words than "may" or "can" is "are."

Ray Fassett: I agree with the word after, yes that does make sense to me.

Wolf-Ulrich Knoben: Yes.

Ron Andruff: I also agree.

Wolf-Ulrich Knoben: Yes, okay.

Ray Fassett: I think you guys should have that now. And, you know, just polishing it up here.

Julie Hedlund: Hey Ray, this is Julie, I have it.

Ray Fassett: Okay. So obviously we've got one change already.

Julie Hedlund: And I noted that. Can becomes are.

Ray Fassett: Right, yes, can be becomes are.

Julie Hedlund: Can be.

Avri Doria: That's another one of my standard typos. I would have just replaced the can with are and would have said are be.

Julie Hedlund: Yes Avri, we must think alike. Because that's what I was going to put there.

Ray Fassett: You might want to change too in the second sentence, would still to are. Individual staff members or remain. Individual staff members remain obligated are obligated, whatever you guys think.

Julie Hedlund: I guess I think are is consistent...

Avri Doria: Yes.

Julie Hedlund: ...with what we're saying.

Avri Doria: The power of construction.

Ray Fassett: You could say should because there's really no policing or enforcement action here. Maybe it should be should. Individual staff members should make a verbal declaration from time-to-time on any particular interest they may have. Maybe should; it's not a must.

You know, this is the old should-must thing.

Ray Fassett: Well why is it not a must?

Avri Doria: It is a must.

Ray Fassett: Well is it not a must? Because if we put must in there's got to be an enforcement ability.

Avri Doria: No.

Ron Andruff: Yes the chair enforces that thing; everybody have a DOI. And the staff is obliged - it says any other work team participant.

Avri Doria: Right.

Ray Fassett: Okay.

Avri Doria: And if I happen to be working with so-and-so's wife on something or happen to know because they're a competitor of mine, I will enforce it.

Ron Andruff: Yes.

Avri Doria: Hey, wait a second. Isn't so-and-so etc. or aren't you doing and that's what makes it enforceable just like it's enforceable with everybody else.

Ron Andruff: Exactly.

Ray Fassett: All right how about individual staff members are obligated.

Avri Doria: Yes.

Wolf-Ulrich Knoben: Yes.

Ray Fassett: Yes, all right, that works for me. So with that said, this, you know, I guess in front of the word ICANN at the very beginning, it would read, what 5.2.3 Exemption and colon: ICANN staff members or underneath it; I don't know.

Julie Hedlund: Yes, why don't we just, if we're following the general construct, it would be 5.2.3 Exemptions no need for a colon I don't think.

Ray Fassett: Okay.

Julie Hedlund: And then the text would just appear below.

Ray Fassett: Okay. Are we all okay with that?

Ron Andruff: Yes.

Avri Doria: Yes.

Wolf-Ulrich Knochen: Yes.

Ray Fassett: All right.

Julie Hedlund: I guess I do have a question.

Ray Fassett: Sure.

Julie Hedlund: Since we are saying in this section for exemptions that individual staff members are obligated to make a verbal declaration from time-to-time then do we -- we had talked on Wednesday about also inserting language in the section on Declaration of Interests that indicated that those applied to staff as well.

Ray Fassett: I think we've got it covered up here. I don't think we need to be redundant. What do others think?

Ron Andruff: Agreed.

Ray Fassett: Less is better right now I think on the edits.

Julie Hedlund: I've captured these.

Ray Fassett: Great. Okay, so I think that takes care of that document now; doesn't it? The document that you sent over that had the GNSO Operating Procedures 5.0, I think that take care of that.

So you're going to add this in.

Julie Hedlund: Yes, I've added it in based on what you've provided and what we've discussed as changes.

Ray Fassett: Okay. So now we're on to 5.3.3 right?

Julie Hedlund: Right. And that was some previously suggested language from legal on a way to address concerns about whether or not you can sort of have a finite, you know, place to look for ICANN, you know, contractor parties so that someone can answer these questions, you know, as best as they could without having to look at, you know, try to figure out every single possible...

Ray Fassett: Yes.

Julie Hedlund: ..., you know, that ICANN has a contract with.

Ray Fassett: Just for housekeeping, is this it then? I mean is this or everything now is left - this is it for us, right, is figuring out this 5.3.3?

Julie Hedlund: Yes, that's all that I'm aware of except for now, keep in mind as you reminded actually, Ray, 5.3.2 relates to the online form which also has been held in abeyance because 5.3.3 is not determined until we determine the contents. We can't really determine the form.

And I noted that in I think in some of the email traffic that we had had earlier, in the mention of the form that I think Avri had raised some concerns about what this form would be and to what extent it would be sort of open and so on.

And I don't think the procedures actually delineate that but I guess that would be a question for the group as to whether or not we want to have a little bit more clarity. I'm not trying to create work. I'm just trying to remember what's happening here.

Avri Doria: These are things that was an issue I thought was sort of something that later an implementation group should look at. And I'm certainly not in favor of adding implementation work to this particular group.

Julie Hedlund: And thank you. I certainly wasn't trying to suggest that. And I think that the Section 5.3.2 doesn't state, you know, what the form should be and what it should contain and so on, you know, and what format it should be.

So that certainly I agree to be an implementation. I just wanted to mention it.

Ron Andruff: Ray, this is Ron.

Ray Fassett: Yes Ron?

Ron Andruff: I unfortunately have a hard stop in 13 minutes. So if we could jump into this thing, I would be happy if...

Julie Hedlund: Sorry, and I apologize.

Ray Fassett: No.

Ron Andruff: No, no I just wanted to make you aware...

Ray Fassett: No, I'm glad you pointed that out Julie. All right, so let's go right into Number 4, I've read it a few times. Anybody have any thoughts?

Avri Doria: I'm not comfortable.

Ron Andruff: Yes it's Ron. Let me throw out the kind of things that I had. So basically what we had asked for was a list of all contracted parties to ICANN. What we've come back with is a list of links to the registries, the registrars which are the contracted parties in the host.

I don't know if other contracts that might be out there that are not included. But I'm assuming that that's the only contractual relationships that ICANN has because this is what legal's given us back.

Ray Fassett: No, Ron, I have to correct that.

Ron Andruff: No?

Ray Fassett: Ron, Ron, I'm sorry.

Ron Andruff: Please, go ahead.

Ray Fassett: What we did is we went back to staff on the feasibility of creating and publishing a list of all its contractors. And staff came back and stated at this time it is not feasible for them to do that.

And we really started to attack this as to well why were we even asking for this to begin with. And it became because we were in these contents asking a question that couldn't be answered by some they felt unless there was such a list.

So, you know, so then it became an exercise of well was the intention of what we were asking really about making ICANN publish a list of contractors? Or was it merely for the purpose of allowing people to state that they have an arrangement that they should be disclosing?

So then it became an exercise of changing the wording for not the intent of making ICANN publish a list although if they could, that would be great. We went back. We asked them, can you do that. And they said, no, it's really not feasible

for us at this time. We do share the vision of doing so in the future. But right now, is not something we can commit to for your rules, for these rules.

That's my recollection and really kind of take on things. Anybody else, any thoughts?

Ron Andruff: Well if I may just finish my comment that I'm a little perplexed that this is the list that they provided. I understand what you just said. But if we have the registries, we have the registrars, who else is out there contracted that we're not aware of in this transparent organization?

Ray Fassett: That's a different issue. This is about the transparency and disclosures of the statements of interest as it pertains to individuals' involvement in ICANN venues.

Ron Andruff: I know; I understand that. But what I'm saying is that they provided us a partial list. And I'm still not - I didn't get the satisfactory answer from Samantha when she was on the phone as to why they cannot publish a list of all those with which ICANN has a contract.

I understand that's kind of one of those things they haven't been able to apply someone to do the work as I understood it. But again, these are pretty short list I would think.

In any case, the other issue that I had with this was the issue of so we've got the link to the registries. We've got the link to the registrars. Then I went and looked at the link for the IRS 990 filing. And I don't understand why we would say the highest paid individual contractor; any contractor that someone has a relationship which should be noted.

I'm still stuck on that same point. I don't know what ICANN as a transparent body cannot provide a list of its contractual relationships so that anyone who is filing out a statement of interest cannot make it very clear that yes I have a relationship with xyz party so.

Ray Fassett: I think that question though has to be taken up under their operating plan and budget discussion because that's an allocation of resources issue. Why they can or how they...

Ron Andruff: I'm sorry. I just don't understand. This is a very simple list. Somewhere in a file it says, here is all the people we're contracted with. There's got to be something there. No office cannot have a list of its contracted parties.

Ray Fassett: But as a work team all we can do is seek advice from staff. We asked the question and I'm not sure it's our place to judge whether the response is what we want to be. It's merely what it is.

Ron Andruff: Well what it...

Ray Fassett: The response was they don't...

Ron Andruff: What it is is a stonewall is what I'm hearing, quite frankly. I'm hearing stonewall. I'm not hearing, yes, yes, we'll put an intern on that. They'll pull all the contracts and they'll give the information.

I mean if something's buried way back in a file somewhere that they don't know; no one knows. But I just cannot understand that an organization of this size, with the few contracted it has. It's not like its contracted all over the planet.

You know, I'm not saying...

Ray Fassett: I'm not saying I disagree. I think I have to be careful as to how far this group reaches out of its, you know, abilities.

Julie Hedlund: Ray, this is Julie

Ray Fassett: Yes.

Julie Hedlund: To make a point that Kristina Rosette raised in a conversation with Liz Gasster and I.

Ray Fassett: Right, I think it has to do with that, you know, if there was such an exhaustive list published anyway, it would nearly be impossible for Kristina to go through that as lawyers do to investigate their conflicts.

Ron Andruff: That's done. No, no, no I'm sorry.

Avri Doria: I think without such a list she couldn't.

Ray Fassett: Well no, hold on. But that was my take. Now let's hear what Julie and Liz heard.

Julie Hedlund: Well that was the point. Her point was that if it's a huge list and a complicated list that she couldn't, you know, she couldn't easily answer or perhaps not honestly answer this question.

Ray Fassett: Okay so here, I think that was my understanding too. So I know she came out originally and said, look if you're going to ask me that question I need to have a list.

Now she's allowed to change her mind or have a different reflection on things. She's, Kristina in particular we're picking on her, is now saying well even if this list is such that it is so large I can't - it's not feasible for me to go through it and from time-to-time by the way; this isn't a one-time thing. You have to continually review that list to see if any new conflicts arise, you take on new clients, think of the attorney situation.

So again, I accept that as substantive feedback. I understand that she was the one originally. So it comes back to again, rephrasing the question or that is in these contents in a way that isn't saying, well they can't even answer the question if there's not a list. That's what we're trying to do.

Ron Andruff: Chair this Ron. I'm struggling with all of this because we talk about a list that I can't check. I'll alphabetize the list and I'll provide search function for it. I mean this is nuts. This is 2011 we're on the cusp of.

There's no difficult issue in listing all of the contracted parties as they did with the registrars, as they did with the registries. What other parties stand outside that they have not told us about? That's the question.

No for some reason, legal's saying, no, no we don't want to tell you what those guys are. I cannot expect it's 100; I can't even expect it's 50 other contracts they might have. Because after registrars and registries, what other contracts would you have?

So my point is we should be building an institution here. And institution building means that ICANN should be publishing a list. I mean when I - Let me back out a little bit.

Ray Fassett: We can't be...

Ron Andruff: No stop for a second, when I went to the - I put my name forward for the review team that is happening right now, the ATRT or whatever it is, I had to put my resume online. I had to publish a tremendous amount of detail about myself.

Now why I as a volunteer have to publish all of that to be selected or not for a work team and in the meantime, ICANN, the body for whom we're doing all this voluntary work isn't required to publish a list of people its contracted with?

Ray Fassett: I think that's my point. I think my point I'm trying to make is we can't fore ICANN staff, the organization to do something through the GNSO Council rules of procedure.

As much as I might agree with everything you just said, I don't think it's within our authority or legitimacy to force ICANN staff as an organization to do something through the GSNO Council rules of procedures.

Ron Andruff: Well I don't know why because that's who this works. It's a bottoms-up consensus driven organization. Our job is to determine right now the rules of procedures. One of the things we've settled on is statements of interest.

Statements of interest why? For transparency purposes so people know who's talking from what position. So as we've been going through this thing for months on end we've now come to a place where we have a list of questions we're asking.

One person, only one person said well I'm not sure if I don't know what the list looks like and that's tweaked members' interest here, working team members' interest.

Ray Fassett: You're asking a different question. Why doesn't this language -- I'm reading Number 4 and you're saying it could be more than that.

Ron Andruff: I'm just saying...

Ray Fassett: That's what you're...

Ron Andruff: I'm just saying that there can not be a long list after what's been presented to us here. Registries, registrars are contracted. Then there's going to be some contractors and they've added the highest paid. Well I don't know why highest paid, a contractor is a contractor.

If I have a relationship with a contractor, my wife might be a contractor and she's getting paid \$12,000 a year from ICANN. But is there a reason I shouldn't show I have a relationship to an employee of ICANN?

Ray Fassett: I think the difference though is...

Avri Doria: I tend to support, if I can. I actually tend to support that because one of the very interesting things is as a member of the volunteer group, if I've got a family member or someone else who is or even if I'm part-time contracting, I can make more work for myself by asking more questions.

And so that, you know, as a contractor especially with the flexibility of constantly getting, you know, new work items on a contract, I think it really is a very important part of transparency to know that when I'm saying, you know, we really need an extra report on xyz and I know that, you know, some I'm involved with is going to get that contract. That's a problem.

Ray Fassett: Yes, as the Chair though, folks as the Chair of the work team all I can do at this point is obviously we're not getting there in approving Number 4 here, all I can do is go back to staff and say the work team does not accept the fact that you cannot provide a complete and exhaustive list. That's all I can do.

In the meantime 5.3.3 does not get adopted or does not get recommended over to the OSC.

Liz Gasster: Ray, it's Liz, I just have one additional, small suggestion.

Ray Fassett: Yes, please.

Liz Gasster: So the degree you see this as a GSNO kind of going to Ron's and Avri's point, to the degree you see this as necessary to resolve the GNSO statement of interest, sort of Kristina's issue that they're inextricably linked then, you know, you could certainly make a recommendation or assertion in this report that that's necessary.

But I think in addition, the broader question that you're both making about ICANN transparency and the degree to which you feel like overall beyond the GNSO

Coordinator: procedures work that you think this should be an element of transparency.

I think you should make a DB request that makes that clear that this document, you know, disclosure, official document disclosure request. Because that gets attended to at the broader level and sheds the light on your concern at the broader level. So it would give you a way of asserting that point of view in making that case in addition to this context of the...

Ray Fassett: Well my question is procedurally, how do we make that assertion? And I'm not against it by the way. I just want to - Everybody understands I'm just trying to represent the group here.

Liz Gasster: There's a procedure online.

Ray Fassett: There's a procedure online for what Liz?

Liz Gasster: I'll send it to you, request for information from ICANN that's currently not being disclosed.

Ray Fassett: The DI something?

Liz Gasster: UGIDP it's an acronym and I wish I could tell you right off the top of my head what it stood for but I can find out.

Ray Fassett: Are you suggesting that I, as the Chair, the work team use that procedure...

Liz Gasster: Any of you.

Ray Fassett: ...on behalf of the GCOT?

Liz Gasster: No, no. I'm making the distinction that I think you were making before, Ray, about that this is - that this goes beyond -- I think; I don't know that it does -- to the

degree that it goes beyond what you as the GCOT Chair feels is within the remit of this group to facilitate the SOI issue.

Like Ron is raising a broader issue about transparency at ICANN. And, you know, that his view that contractors should be, the names of contractors should be disclosed. That's a broader - That goes beyond GNSO procedures.

The original conversation emerged because some members thought that it was needed to adequately make their disclosures of interest and statements of interest and Avri just gave an example of how that could be possible in your case too.

And I understand that. And so that might still need to be something you say in this report. But in addition to the degree that members of this group feel that ICANN should be more transparent about contractors separate from its impact on GNSO's statements of interest I'm simply making the group aware that there is a process for requesting information from ICANN that isn't public today that you feel should be public.

And it also shines a more public light on because it goes to the Secretary. You know, we have to respond and there's a process. And, you know...

Ray Fassett: All right, I think I get it. I think I get it. You're offering to those that are taking a rather strong position on this point that there is this other mechanism for them to use.

Okay and my point is...

Liz Gasster: Not a strong position but a position beyond the remit of this group.

Ray Fassett: Yes. And my point as the Chair is I'm really seriously questioning our ability from the rules of procedures to, you know, force that kind of action on staff. Whereas staff is saying then also there is this other mechanism that goes to the secretary.

Avri Doria: Can I suggest something?

Ray Fassett: Yes, please.

Avri Doria: It's quite reasonable for us to say, listen we think that in your statement of interest you need to list any relationship you may have with any contractor. We don't have to say that there's a list.

Then it becomes Kristina's move within the council to say, interesting proposal but I don't see how I can do this unless they give me a list.

Ray Fassett: That's where we...

Avri Doria: And then it becomes a council issue it's not really an us issue.

Ray Fassett: Yes.

Avri Doria: I think it's quite reasonable for us to say any relationship you may have with a contractor, you need to list it. And, you know, to say to Kristina, you know, listen your company, you know, the same statement Ron's making about ICANN should be able to tell who their contractors are in the same way, Kristina's company should be able to tell who her company has contracts with.

And so it's quite reasonable for us to say, listen we understood Kristina your comment. We agree that it is a reasonable request for, you know, council or others to make that such list be posted by ICANN.

However, you know, we also believe that by the same logic by which we can expect it from ICANN, you should be able to get it from your company. We should be able to send, you know.

So I think it's fine for us to say a person has a personal obligation to list any of their relationships. Now if council believes that to do that more information is needed; that's good. But I think it's quite reasonable for us to say just you have a personal obligation.

Ron Andruff: I support what Avri just said and I have to apologize because I'm the one that threw the monkey wrench into this works. But I have to get off this call.

So thank you very much for carrying that forward however the team feels it's appropriate and I will look forward to seeing when the next call is.

Ray Fassett: Thank you Ron.

Ron Andruff: Thank you bye.

Woman: Hey thanks Ron.

Wolf-Ulrich Knoblen: Bye.

Ray Fassett: All right Avri, and Wolf, if you don't mind, we pretty much have Ron, you know, that was nice of Ron to share that. So I think we can continue. Do you guys mind?

Avri Doria: No, I suppose not.

Ray Fassett: All right, so Avri, if I'm understanding you correctly, you're basically suggesting a complete wipeout of this edit that sits now in Number 4.

Avri Doria: Yes. I'm basically suggesting that we go back to you, as a participant, have a responsibility to answer about any relationships with any. And that in response to Kristina and the, you know, the thing we build up that responds to questions, saying, you know, we understand your point about needing a list and we think that's a reasonable request for council to make.

We also believe that it should be possible for you to ask your company accounting or contract administrator, you know, a question as to who they have contracts with. And, you know, because I think the logic that Ron applied to ICANN applies to Kristina's company just as easily.

Julie Hedlund: Ray, can I make a -- this is Julie -- can I make a quick comment on that.

Ray Fassett: Yes.

Julie Hedlund: In the discussion that Liz and I had with Kristina it was interesting that she noted that her company keeps a very detailed database, one that she has to search frequently. So and I'm not going to speak for her, I certainly can't.

But it would seem to me that, you know, if the company does have a database and legal firms I think very well do because they must, you know, then they have a mechanism for doing this. I mean her point was that well, she didn't know the sort of exhaustive...

When the question was directed as far as what ICANN entities, you know, do you have relationships with then she would be looking outside of her company's database, you know to try to determine all of the entities. It would probably be simpler for a company to look within itself at its own mechanisms for tracking these types of entities.

Ray Fassett: Well I don't know. Yes, we can go back and forth on that one. This is really about, you know, providing a statement of interest document that allows relevant parties to self-identify an interest.

Everybody must complete the form. That is the procedural must of this. From there, it is then up to the individual to identify. And we're not policing these forms that to my knowledge whether they're accurate or full disclosures. So I mean I

think we're just trying to find a way to have an enforcement mechanism in this that is not possible.

Avri Doria: Well I think we have the common, I mean that we have the same enforcement on this we have on any SOI-DOI. -- the community collective knowledge.

Ray Fassett: Right.

Avri Doria: If I care, I read the SOIs and I know there are people that do. I tend not to. I know that there are people that read the SOI. And if you see something you raise a flag.

Ray Fassett: Right.

Avri Doria: I've had the flag raised on me.

Ray Fassett: Right.

Avri Doria: So, you know, and that's why I've become so incredibly particularistic about mine because I did have the flag raised on me once.

Ray Fassett: Right. So if we are in agreement with what you just said then we can rephrase the question if you will, in a way that isn't about placing an administrative onerous mechanism upon staff unless staff says, yes, we can do that but they didn't.

So I think we just...Actually I have to communicate, I think staff kind of complicate our situation here by in their edits, offering some lists, right. Because then it became, okay you offered these lists what about all this. Why highest paid and not lowest paid? You know, and it just I think it's complicated our discussion, I have to be honest with you.

Avri I think is on the right track here in terms of this about providing the opportunity for the individual to identify but not about providing lists. Okay. So I don't have the language though.

I don't have it to say here's what it should be.

Avri Doria: What was it before we started making all these changes?

Ray Fassett: Okay good. I was looking at that. So they changed -- it originally said, please identify any ownerships, investment interests or compensation arrangements by answering the following three questions.

That got changed. That sort of heading got changed to please identify the types of work performed at Number 1 above. And Number 1 above is please identify your current employers and positions.

All right, I don't think we need to change it. But then going into the substance it said, it used to say, do you have any ownership or investment interests excluding ownership of a de minimus number of shares in a publicly traded company in any entity with which ICANN has a transaction, contract or other arrangement.

That's what sparked the, well I don't know what all other arrangements ICANN may be having each transaction with unless ICANN publishes it. So it was really simply about trying to polish that a little better to be the spirit of what it was about which is if you happen to know that you do then just state what it is. Rather than turning this into policing function.

Avri Doria: I would go back to that sentence.

Ray Fassett: I would agree. Do you have that statement in front of you Avri and Wolf?

Avri Doria: No.

Ray Fassett: Okay, all right let's try so do you have any ownership or investment interest, I might change that to can you declare. Declare just say declare any ownership or

investment interest excluding ownership of a de minimus number of shares in a publicly traded company period. No.

Avri Doria: We need a little bit more...

Ray Fassett: Yes, we need a little bit more there.

Avri Doria: ...information on what is ownership and I mean yes. That ownership of the credit union down the road but...

Ray Fassett: Yes, it has to have something to do -- the reason we brought ICANN into it is because this pertains to ICANN.

Avri Doria: Right.

Ray Fassett: So we said in any entity

Avri Doria: In any arrangement...

Ray Fassett: Yes.

Avri Doria: ...the SOI you'll get from it if you leave it open-ended like that.

Ray Fassett: Yes.

Avri Doria: I love to fill out forms to be assertive.

Ray Fassett: Yes. I don't have the answer and we've got a lot pause going on.

Avri Doria: How about something simple?

Ray Fassett: I'm trying.

Avri Doria: Okay. I have a suggestion I'm trying.

Ray Fassett: Good.

Avri Doria: I'm sure it's too simple and illiterate.

Ray Fassett: Good.

Avri Doria: Please list any financial relationship you may have with any company that does business with or is contracted with ICANN or contracted to ICANN.

Ray Fassett: Doesn't it beg the same question though? How do I know unless I know all the businesses?

Avri Doria: Well that's their problem. I mean...

Ray Fassett: Yes, that's the way it should be.

Avri Doria: ...that's their problem.

Ray Fassett: Yes, the (unintelligible). Right.

Avri Doria: Right. And we can add a second, you know, any financial relationship beyond, stock ownership and I'll send this out.

So please list any financial relationship, finance spell on the first try, financial relationship beyond de minimus stock ownership you may have with any company that does business with or is contracted to ICANN.

And then basically our response is if you want to volunteer to do stuff, you know, you should figure this out. And as I said, it's quite reasonable. And this we should put in our response to if it was whoever it is that made the initial comment or question, that, you know, this is information that you should be able to obtain if,

you know, that you believe that ICANN should be publishing a list of these things either to help with this or to help, you know, or just as a general, you know, disclosure of information, you know, take it further.

But for us, as I was saying, it's just reasonable to ask somebody to know that. Just like I always figure it's reasonable for people to know what their offset is from UTC. Yes, it might be a little complicated to keep track of but it's your life you should know it.

Ray Fassett: Well I do agree with your Avri, it's better to go back to the way it was before and try and massage it a little bit rather than go down the path of ICANN is able to supply some list but not all lists.

So I'm in favor of that. Wolf, how do you feel?

Wolf-Ulrich Knoblen: In favor to the original.

Ray Fassett: In favor to the original approach?

Wolf-Ulrich Knoblen: I would be, you know, I could live with that. You know, for me, it's not a little bit to try to cover all potential situations and potential contact and potential if we say relationship in terms of this is not possible.

So for me, I could live with this approach. If this way is easy, the original one or what you are saying, it's okay to me. It sounds okay.

Ray Fassett: Okay. All right so how do...

Avri Doria: I sent those words whether we want to use them or not I sent them.

Ray Fassett: Okay great, let's try to.

Avri Doria: And then people can correct them. Oops, did I send them to the right address?
I'm constantly sending things wrong.

Wolf-Ulrich Knoben: By the way, did we leave the list here? The question for the list of companies which I believe the point is which one was raising o because I'm not in favor of that. I'm really not.

Ray Fassett: I'm sorry. What are you not in favor of Wolf?

Wolf-Ulrich Knoben: Well I'm not so I understood that we left this question regarding a list, a specific list of companies. So I personally tried to understand how such a list could help me as being a member of the working group to understand the SOI or DOI of such a person or other members, or other people attending meeting in case we have such a list.

So I cannot find any reason for that.

Ray Fassett: You cannot find any reason to have such a list?

Wolf-Ulrich Knoben: Well I'm interested, you know. I'm interested in any information, you know.

Ray Fassett: Yes?

Wolf-Ulrich Knoben: But with regards to that, to the question how does it help me understand an SOI or DOI so.

Ray Fassett: Yes, it had to do with our question. Our question was, you know, please list any party that has any kind of relationship whatsoever with ICANN. And then...

Wolf-Ulrich Knoben: Yes, okay.

Ray Fassett: Yes. Then it became people going well I can't answer that question because I don't know what all parties ICANN might have an interest in. So it's really a procedural thing. It was a procedural.

I can't answer this. Procedurally I can't answer the question.

Wolf-Ulrich Knohen: Yes.

Ray Fassett: Which is different than substantive purpose which is what you're driving at like substantively my involvement in a working group, how does it help me that ICANN has published this big list. That's your point and I think I understand the distinction.

Wolf-Ulrich Knohen: Yes.

Ray Fassett: Okay, I've got Avri's language. Please list any financial relationship beyond de minimum stock ownership you may have with any company that does business with or is contracted to ICANN.

How about this, please list any relationship beyond de minimum stock ownership you may have with any company that has a financial relationship or contract to ICANN? Pointedly different, let me try that.

Please list any relationship beyond de minimus stock ownership you may have with any company that has a financial relationship or contact with ICANN.

Wolf-Ulrich Knohen: Yes.

Ray Fassett: I'm going to send that around. I just sent that.

Avri Doria: And I see them written up and I'll send in a second a word that one could use in the comment response to the request. I was planning to write other stuff all afternoon so I had the writing thing going.

Ray Fassett: Okay. So you're working on...

Avri Doria: I'm just about to send. This is basically, this is a response, you know, we're obligated to respond. And if we've basically taken that recommendation for a list off of the things that we're doing then we owe the questioner an answer as to what. Right? Don't we?

Ray Fassett: Oh the questioner?

Avri Doria: In other words, in responding to comments, don't we owe the commenter a response as to the disposition of their comments? Not in this document. But aren't we producing...I don't know what we're doing.

Ray Fassett: You mean the comments to us, was to have a list?

Avri Doria: The comments are supposed to have answers aren't they? Didn't we do that? Isn't somebody doing this?

Ray Fassett: Which comments?

Avri Doria: Am I'm dreaming. Am I in the wrong group? I might be in the wrong group.

Ray Fassett: Yes, I don't think we had a comment. I mean isn't this part of the public comment forum? You mean that or?

Avri Doria: Yes. Aren't we...

Ray Fassett: Yes, no I don't believe...

Avri Doria: ...responding to a comment here in this issue?

Julie Hedlund: Well we're responding -- this is Julie -- we're responding to an issue that raised.
But we haven't gone out to...

Avri Doria: Oh we haven't gone to comments yet.

Julie Hedlund: No.

Avri Doria: So I'm being...

Julie Hedlund: No, at least one of your other groups is doing that now.

Avri Doria: They're all doing that. Okay, never mind. Forget it. I'll send this anyhow because I wrote it.

Julie Hedlund: Well don't worry; we will. This will go out for public comment.

Avri Doria: So we will get that comment.

Julie Hedlund: We'll get there. We'll need it.

Ray Fassett: Nothing like thinking ahead Avri.

Avri Doria: Thank you.

Ray Fassett: Okay so I believe that is for Number 4. What about, there are some edits in here like after Number 2, there's 4.1 and 4.2. I think Number 1 is about existing relationships and Number 2 is about ones that may be coming in the future.

Are you aware that you have ownership or investment interest in or compensation arrangement with any entity or individual with which you know that ICANN is negotiating a transaction? So that's like a future arrangement.

Are you aware of a future arrangement that's in the works? Are you aware of an arrangement that's going to happen?

Avri Doria: So why don't we just take the previous one to keep things nice and short.

Ray Fassett: Yes.

Avri Doria: And add you may have or be negotiating.

Ray Fassett: Yes, I would, yes though my comment to Number 2 originally before we got into all this was going to be ICANN is actively negotiating.

I mean let's just take the example of a new gTLD applicant. They've gone and filed someone has involved with a new applicant. The application has been filed. ICANN has not made that public, right, who the applicant is because they're going to wait 30 days before they make that public or whatever that is, that period of time.

So, you know, what am I to do? Am I suppose to, you know, disclose that before ICANN has even published, you know, the list of applicants for example. So I think we just say is actively negotiating a transaction or contract.

Because if I just submitted an application as part of a new gTLD applicant, ICANN isn't actively negotiating anything with me, right; I'm just one of many. Does that make sense?

Am I'm sorry if the example is not good. All right, so back to Avri's point, okay, let's collapse these things.

Julie Hedlund: So Ray if we collapse them and we before had, you know, one, two and three, and then I think there was a suggestion to delete three, essentially we would have just four as I see it which would be please list any financial relationship and on de minimus stock ownership you may have or may be actively negotiating a

transaction or contract with any company that has a financial relationship or contract with ICANN.

Ray Fassett: Yes, that's kind of where I was heading. What do you guys think?

Avri Doria: Yes.

Ray Fassett: So we're collapsing one and two together.

Avri Doria: Make it simpler.

Ray Fassett: Yes I agree. I agree with that. Wolfe, are you okay with that?

Wolf-Ulrich Knoben: Yes, okay.

Ray Fassett: All right so that takes care of I think of one and two. I don't see any changes that we asked or were looking at for five and six except for it looks like we've got a comment that has popped into us for Number Three which is, do you receive any tangible or intangible benefit from participation in ICANN GNSO...Hey by the way, you know what? I'm going to put on the record here; I can see why this was not adopted.

I mean, good work by, either, who was it, the OSC or whatever to say, you know what? This needs some more work. I can see, really can see why.

All right, so do you receive any tangible or intangible benefit from participation in ICANN GNSO policy development processes and outcomes? We've got a comment here that says, we recommend removing this requirement as it's not easily definable and can call for any number of disclosures. I can't disagree.

Do you guys have Number 3 in front of you here? I don't disagree that this should just be wiped out. I mean think about it. Do you receive any tangible or intangible benefit...

Avri Doria: Oh that's the favorite one. That's the one that gets me to write all kinds of absurd stuff. That's my favorite. That's my favorite absurdum. I love that one. That's the one that everybody gets mad at me when I write long treatises. I write anything that comes to my mind.

Ray Fassett: I can imagine. I can imagine.

Avri Doria: Let me tell you, I treat the rules to their full extent.

Ray Fassett: That's right, to the T. That's why these rules are really very important. You want to go, and again, I hate to use the example and I know we're being recorded but as kids, how many of us played Monopoly? Right.

And we'd make up our own rules and you go back and you all pull out the rulebook. But that's exactly it. So we want to be crisp here as best we can. And, you know, in my view, I'm kind of agreeing with whoever is providing us this comment to this document that is saying just that I think you need to get rid of this one.

But I'm looking to you two...

Julie Hedlund: Ray, this is Julie. I should note that that comment came from Samantha Eisner...

Ray Fassett: Okay.

Julie Hedlund: ...in (Unintelligible).

Ray Fassett: Right. So I'm looking to Avri and Wolf.

Avri Doria: Oh yes, the NCSG more than just maybe NCSG is intimating that one done away with.

Ray Fassett: Okay. Wolf, do you have any position the other way?

Wolf-Ulrich Knochen: No.

Ray Fassett: All right. So I'm going to ask Julie to edit this section by deleting that.

Julie Hedlund: It is now gone.

Ray Fassett: Okay great. All right, so are we there? Are we there? We've just gone through - oh wait a minute, no we're not. And I'm going to ask you guys to hang out a little bit longer here because we've got Section 5.3.2 although we did discuss that didn't we?

Julie Hedlund: Yes.

Ray Fassett: Yes.

Julie Hedlund: We said we weren't going to...Admin is only awaiting the disposition of 5.3.3 because the online forms can't be created and implemented until we know what questions we're asking people.

Ray Fassett: All right, yes. We talked about that a little while ago. So with that said, I believe we have now come to a relative consensus view on the proposed recommendations to the OSC. Right?

Avri Doria: Yes, we probably want to read through it before, but yes.

Ray Fassett: Yes. So what is our deadline?

Julie Hedlund: Yes, this is Julie.

Ray Fassett: What is our deadline?

Julie Hedlund: I've captured these and I can put them all into one redlined document and send them around (unintelligible)...

Ray Fassett: Yes.

Julie Hedlund: ...this call.

Ray Fassett: Yes, what's our deadline to get the recommendation in front of the OSC in time for the October 28 council meeting?

Julie Hedlund: Well it's pretty tight. I mean I think you'd want to get it by Monday because Wednesday is the deadline for resolutions to go to be submitted to the council.

So if the OSC says yes, these are great so we want to, you know, send it up to the council. And then counselors would have to very quickly do, you know, suggest a resolution that would say these are approved. So we're pretty tight.

Ray Fassett: All right but still time.

Julie Hedlund: Right and even so, I mean I think the point was to be able to show that there was progress on these issues, you know, to be able to report on them. And, of course, we'd like them all to be taken care of and maybe that will happen quickly.

But if you got it to the OSC on Monday, you know, and give them a day or part of Monday to look at it, I'm sure that would be fine.

Ray Fassett: So Julie, your schedule, do you think you'll able to get us say edited version, redlined version out before end of day today?

Julie Hedlund: Yes within the half hour because I've been using a document and editing. I've been editing a document live as we've been going so.

Ray Fassett: Okay, so we're in last call here. Please put that in when you send around the document, please state these are the edits as they sit today. This is last call prior to the Chair sending it onto the Chair of the OSC and which will take place end of business day Monday.

Julie Hedlund: I will do that and I'll indicate that in the message.

Ray Fassett: Yes so is everybody good with that?

Avri Doria: Okay.

Ray Fassett: Okay, any other business?

Julie Hedlund: And you do want to wait and see what happens, you know, and not schedule a call for next Wednesday? Because I don't know that there'd be anything to discuss but there might be, you know, some traffic online.

Ray Fassett: There's no call for this work team next Wednesday.

Julie Hedlund: There isn't scheduled as of now.

Ray Fassett: And it's not possible because people are unable to...

Julie Hedlund: (Unintelligible) that's right. That's why we're having it today. Thank you for reminding of that.

Ray Fassett: That's okay.

Julie Hedlund: All right, good.

Ray Fassett: All right so this is it. So yes, so I think that's where we are unless something arises we should be all anticipating that the redlined version...Please send me a redlined version and then of course a complete version Julie.

Julie Hedlund: Okay. I'll do redlined and clean.

Ray Fassett: And then if I don't hear anything by end of day Monday, you know, figure, you know, late Monday this is going over to Philip at the OSC with our recommendation from the work team for the OSC approve.

Julie Hedlund: And he's going to have a full plate because we're following the exact procedure for the constituency and stakeholder group operations team on their outreach recommendations. So he'll have two things in front of him on Monday.

Ray Fassett: Good we want to keep Philip busy. All right and so as part of this is me just talking out loud to make sure I've got the, you know, the next step down correctly. So if I've said anything from the work team that they're not sure about or in agreement with, speak up.

But I don't hear anything so I think we're okay. All right, so if no other business, why don't we end the recording and adjourn the meeting.

Woman: Great.

Wolf-Ulrich Knoben: Okay.

Julie Hedlund: Everyone, this meeting is adjourned and operator, please end the recording.

END