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***Regulatory Oversight Podcast: 12 Days of Regulatory Insights - Day 10:***

**Understanding Local Government Dynamics**

**Speakers: Stephen Piepgrass and Chuck Slempp**

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**Stephen Piepgrass:**

Welcome to the "12 Days of Regulatory Insights" podcast series brought to you by Troutman Pepper's Regulatory Investigation Strategy and Enforcement or RISE team. I'm your host, Stephen Piepgrass, and today I'm excited to introduce Chuck Slempp, counsel here at Troutman and Pepper.

Chuck comes to our team with a host of government experiences, including his most recent service as Chief Deputy Attorney General in the Virginia Attorney General's office. Chuck was also an elected official and was a local government attorney.

Welcome, Chuck.

**Chuck Slempp:**

Hey, thanks so much for having me, Stephen. I'm so grateful to be part of this team.

**Stephen Piepgrass:**

Well, we're really thrilled to have you and now had you on board for several months now. And Chuck, I think today our listeners will be interested to hear, we're going to be focusing some on challenges that local governments face and challenges that businesses face as they interact with local governments. Would you be able to maybe give us just a quick overview of some of the topics you'd like to cover in that area?

**Chuck Slempp:**

Listen, county, city, other local governments face unique array of legal issues, ranging from compliance with federal, and state laws, and regulations, economic development partnerships, and local governments also often have profound impact on business, strategy, and operations. So, as we talk about local government in our RISE practice, there are a host of issues that this touches on.

**Stephen Piepgrass:**

Thanks, Chuck. As many of our listeners know, I've been practicing in this space for a decade and a half or more working in local government law, primarily in Virginia, but also in a number of other states. But I think our listeners would love to know what areas of focus you bring and the additional facets that your addition to our team really can offer our clients as they're thinking about the challenges that they might face is they're either working for localities or dealing with localities from a business perspective.

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**Chuck Slempp:**

Absolutely. Well, let me begin by saying my background not only as a local government attorney, I represented a town and assisted with representation of local government agencies, economic development authorities. I was also a Commonwealth attorney, a local elected prosecutor, and worked at the Attorney General's office, working on not just statewide issues, but issues touching on local government.

There are so many complex issues, whether you are a local government official or a business interacting with local government. From my experience, you need a skilled and experienced legal counsel. I'm so thrilled to work with you, Stephen, and others here at Troutman Pepper, with the decades of experience guiding local governments in a wide variety of legal, legislative, regulatory, and administrative matters. Whether it's the administrative proceedings and litigation, or strategic counseling on state and federal issues that impact local matters.

Similarly, we represent businesses and individuals in these matters, local governments, including economic development to land use at zoning, utility franchises, infrastructure projects, public-private partnerships, and more. Our experience includes local governments across the country with particular deep experience in states where we have offices here at Troutman Pepper.

**Stephen Piepgrass:**

Thanks, Chuck. That's a great overview of all the different areas we have covered over the years. One area that I think is going to be great to bring your experience to bear on and really help bolster is in the investigations area. Could you talk a little bit, Chuck, about your experience in that space? And I know that's obviously something you would have handled as a local prosecutor, but also in the Attorney General's office.

**Chuck Slempp:**

For sure. Well, as a local prosecutor, I handled countless investigations, multi-jurisdictional investigations, and I led the largest prosecutor's office west of Roanoke, working with state federal and local authorities to investigate wrongdoing and bring those cases forward, whether it was in state or federal court.

Now, that's a criminal aspect, but we also worked on local government investigations in that role. At the Attorney General's office, I worked with our team on a wide variety of investigations. Some of them I can't really talk about specifically here, but bring that wealth of investigative background to the work that we do here at Troutman. Local government investigations are so unique because of the political and personality dynamics at play within localities. Disputes or conflicts arise within local government, whether it's a town or a city or school board, county administrator, or authority. Sometimes that requires an outside external investigator to come in, find out what happened, and help the locality move forward.

This could be compliance issues such as grant management or employment issues such as investigating grievances or complaints or wrongdoing on the part of a particular official. It could be in response to high-level or crisis management situations like a tragic event like a shooting or

something of that nature. Our team has experience with leading multi-jurisdictional investigations in both the civil and criminal context. I focused on my background, but there's a wealth of experience conducting these high stakes reviews. We offer the service to local government clients, and I think we're a unique firm because we have that broad range of experiences, Steve, and it helps bring the service to local government entities if they need it.

**Stephen Piepgrass:**

Of course, we've also helped local officials who are themselves the subject of investigations from time to time, whether that's in the civil or criminal malfeasance context. It's certainly an area where we've had experience in the past, but I think your depth of experience will be a great addition to that investigation space.

**Chuck Slemp:**

Well, and also when businesses are facing state where local false claims investigations, we provide that wealth of knowledge and information as well.

**Stephen Piepgrass:**

There are a number of areas, and I think I'd like to cover probably four, where we have a real depth of experience and knowledge that I think is another way that we are set apart from other firms that operate in the local government space. Obviously, we do the bread and butter. Number one, land use and zoning. We deal with those issues all of the time. Two, and this I think really is a differentiator, we also have a lot of experience with really complex interlocal issues, everything from merging of school divisions to reversions from city to town status, which raises a whole host of issues on both the legislative and legal fronts and requires knowledge of the administrative process as well. Revenue sharing agreements. You name it. Those very complex interlocal agreements and issues that we have addressed over the years and because of that, have that knowledge base to build on for our clients who are interested in those sometimes very creative sorts of ways of moving forward as a locality.

Another area, again, where I think it's a real differentiator for us is economic development. Obviously, we've done a great deal in Virginia where we are based in Richmond. David Dove, one of our newest partners in Atlanta, has a tremendous wealth of experience coming out of the governor's office there helping clients with economic development projects. Then one of the areas I'm extremely excited about with our upcoming merger as of January 1<sup>st</sup> with Locke Lord is the public finance background that they bring being one of the top public finance firms in the country, and I think we'll be able to provide a much wider range of opportunities for our clients in that space as well.

Then we've also dealt with various other administrative issues where there's an overlap between state and local government. I'd put environmental issues in that category as we deal with DEQ, Departments of Environmental Quality and localities that have perhaps overlapping regulatory authority, state corporation commission that also deals with localities. We dealt with a very recently with an effort to raise tolls on a toll road going through a Virginia locality.

So again, there are areas that we've worked in. I think many other firms may not have had that range of experience, and I think adding you to the team, adding David Dove more recently in Atlanta, and then with the merger with Locke Lord is really going to expand the range of offerings for our clients.

**Chuck Slempp:**

Well, indeed, and these are just a few of the high-level issues and complex matters where Troutman's unique blend of litigation and government service and regulatory enforcement practice offers clients a wealth of service. Stephen, I know we could spend a lot more time on each of those particular areas of the law, so much to discuss here.

**Stephen Piepgrass:**

Yes. So, let's turn to perhaps one final area to talk about before we wrap things up, and that's public records laws. Obviously, that's an area that you and I have both worked in a great deal over the years, but it's something that many of our listeners may not have thought about, particularly because many firms have specialties in public records in the state where they happen to operate. But I think one of the things that makes us unique is our expertise really across the entire country, all 50 states, having dealt with the public records laws in all of those different states in various capacities.

**Chuck Slempp:**

Well, this is something that you and I know a lot about. We both lectured extensively on the Freedom of Information Act and provided information to not only clients or state agencies, but handled extensively these kinds of cases and situations and requests on both sides of the aisle, whether it's a public records request that you're responding to as a state agency or locality, or you're making those requests, our team has a lot of experience in the public records space.

It's crucial understanding the public records and how the laws work and what the exceptions are and what the exclusions are from the Public Records Act to ensure not only transparency in government operations, but also to promote openness. The Freedom of Information Act in most states can be weaponized creating challenges for local governments, and it's important that we advise clients, and whether it's localities or businesses, on their public records obligations and rights and help them understand the implications of their interactions with state and local bodies.

We, here at Troutman, assist clients in protecting not only the trade secrets but other confidential information. Troutman has a 50-state presence. We've helped clients develop a comprehensive strategy on FOIA across the entire nation.

**Stephen Piepgrass:**

One of the reasons why we've been able to do that, and this will be the, I think, the last subject we cover. You and I are both part of a state attorney general practice, as well as our local government practice. One of the things we do is we handle investigations by state attorneys general in every state in the union. In doing so, we've had to learn the public records laws of

every state in the union because one of the very first things you do when you receive a CID or a subpoena from an attorney general is you negotiate confidentiality, because anything you produce might become a public record, and you need to be able to understand the public records laws of each state and the exemptions that may or may not apply when you're providing records to the government.

So, would you, in our final minutes here, talk just a little bit about some of the other ways in which our state attorney general practice and the local government practice really complement each other?

**Chuck Slemp:**

Well, I think one of the biggest ways is because of the role of the state AG as one of the most important and powerful state officials and an influential player in public policy and legal policy within their state. It's important to have on your side attorneys who have the wealth of experience in both worlds, the AG world and the local government world. So many times, I've found that a state AG influences local government policy, whether it's home rule state or Dillon rule state.

AG opinions, for instance, where an attorney general weighs in on a matter that might be a little unclear in the law and issues official opinions that are guidance to local governments and guidance to state government officials and actually carries significant weight, giving direction to government on questions of law and great deference by the courts, and these opinions are published. So, when an opinion is published in one state, it has far-reaching consequences beyond just the borders of their particular geographic boundary.

They frequently touch on local government issues and tax issues and regulatory issues. So, it's crucial to monitor and be on top of legal changes as they happen, as AG opinions weigh in. Our attorney general practice, our state AG team, has handled investigations and handled opinions and other matters across all 50 states. We have firsthand experience developed from resolving hundreds of matters with AGs across the country with our team that includes a former AG and numerous former state AG senior staff, deputy AGs, assistant AGs, as well as attorneys who've practiced in a number of other various governmental backgrounds and decades of experience.

So, as we're monitoring these opinions, one thing that we offer for clients is also helping the client get in front of an AG on an issue that might need an opinion to clarify what the law should be, and we help the attorneys general in their particular states, see those holes in the law, and where those holes need to be filled by guidance from the attorney general.

**Stephen Piepgrass:**

Yes. That's one more way, I think, in which we're able to come up with creative solutions for clients who either are governments or are interacting with governments, whether that be at the state or the local level, as we've been discussing today.

Well, Chuck, it's been great to have you on the podcast. Really excited to have you as part of the team and excited about the additional facets of local government practice we're able to

cover with you on board. Thank you to our listeners as well for joining this “12 Days of Regulatory Insights” podcast. Please make sure to subscribe to this podcast via Apple Podcast, Google Play, Stitcher, or whatever platform you use, and we look forward to seeing you next time.

**Chuck Slemp:**

Thank you so much, Stephen, for letting me join you today.

**Stephen Piepgrass:**

Thank you, Chuck.

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