

# **INSTITUTE FOR PROFESSIONALS IN TAXATION**

**2003**

**Sales and Use Tax Academy**

**April 29 - May 2, 2003**

**Marriott Renaissance Washington Hotel  
Washington, DC**



## **PROGRAM**

# Institute for Professionals in Taxation

2003 SALES AND USE TAX ACADEMY

April 29 - May 2, 2003

## TUESDAY, APRIL 29

1:00 p.m. - 7:00 p.m.           ■ **Registration**

6:00 p.m. - 7:00 p.m.           **Welcoming Reception**

## WEDNESDAY, APRIL 30

6:15 a.m. - 7:45 a.m.           **Continental Breakfast**

7:45 a.m. - 8:00 a.m.           **Opening of Academy**

**Thomas J. Kuder, CMI**

IPT President  
Reliant Energy Inc.  
Houston, Texas

**Richard J. Ayoob, Esq.**

Academy Co-Chair  
Attorney  
Ajalat, Polley & Ayoob  
Glendale, California

**Cass D. Vickers, CMI, Esq.**

Academy Co-Chair  
Attorney  
Vickers Madsen & Goldman, LLP  
Tallahassee, Florida

8:00 a.m. - 9:45 a.m.           ■ **General Session**

"National Trends"

"A review of the emerging issues in various states that show the potential for widespread adoption by other jurisdictions. Topics will include, among others, officer liability, software, intangibles, and bad debt assignments. Those who have confronted the issues in their jurisdiction will learn of the latest treatment in other states, while those who have not had these issues arise will receive an early warning of potential controversies."

*Speakers:*

**Stephanie Anne Lipinski Galland, Esq.**

Attorney  
Holland & Knight LLP  
Washington, DC

**Philip M. Tatarowicz, Esq.**

Partner, National Director, State & Local Tax  
Ernst & Young, LLP  
Chicago, Illinois

## WEDNESDAY

10:15 a.m. - 11:15 a.m.

### ■ Breakout Number 1

Review of submitted issues. Breakout groups will review national topics issues and report back to the general session on the discussion. The small group format will allow participants an opportunity to discuss various ideas and concerns they have, and put together a summary analysis for later presentation to the other Academy attendees. (Four concurrent, similar sessions of about 25 people each, but broken into smaller groups of 5 to 8 people. This is a problem solving/discussion workshop.)

*Facilitators: (Two More To Be Named)*

#### **Stephanie Anne Lipinski Galland, Esq.**

Attorney  
Holland & Knight LLP  
Washington, DC

#### **Philip M. Tatarowicz, Esq.**

Partner, National Director, State & Local Tax  
Ernst & Young, LLP  
Chicago, Illinois

11:15 a.m. – 11:45 a.m.

### ■ General Session

Results of Breakout Sessions

12 Noon - 1:30 p.m.

### Luncheon

"The Role of Congress in State Taxation of Interstate Commerce."

*Speaker:*

#### **Senator Kent Conrad (D-ND)**

United States Senate  
Washington, DC

1:30 p.m. - 3:00 p.m.

### ■ General Session

"Dealing with Business Acquisitions"

This session will provide a practical analysis of the potential tax and related business issues a company can face as a result of the acquisition and integration of another company or business operation. The panel, consisting of a consultant specialist, corporate tax professional and former government official, will address various exposure issues uncovered in due diligence, and available remedial options such as voluntary disclosure agreements and amnesty settlements. The panel will also discuss methods for the quantification and substantiation of the exposure - and some of the administrative practicalities associated with disclosure.

*Speakers:*

#### **Joe Huddleston, Esq.**

Managing Partner, State & Local Tax  
Grant Thornton LLP  
Nashville, Tennessee

## WEDNESDAY

### **Donald E. Orr, CMI**

Manager - Tax & Legal Services  
PricewaterhouseCoopers LLP  
Bloomfield, Michigan

### **Joseph P. Wills, Jr.**

Manager, Excise & Employment Taxes  
E.I. Du Pont De Nemours & Company  
Wilmington, Delaware

3:30 p.m. - 4:30 p.m.

### ■ **Breakout Number 2**

Case Study: The breakout groups will Highlight the various issues in a specific setting.

*Facilitators:*

### **Joe Huddleston, Esq.**

Managing Partner, State & Local Tax  
Grant Thornton LLP  
Nashville, Tennessee

### **Donald E. Orr, CMI**

Manager - Tax & Legal Services  
PricewaterhouseCoopers LLP  
Bloomfield, Michigan

### **Barbara Sweasy, CPA**

Vienna, Virginia

### **Joseph P. Wills, Jr.**

Manager, Excise & Employment Taxes  
E.I. Du Pont De Nemours & Company  
Wilmington, Delaware

4:45 p.m. – 5:15 p.m.

### ■ **General Session**

Results of Breakout Sessions

## THURSDAY, MAY 1

6:15 a.m. - 7:45 a.m.

### **Continental Breakfast**

8:00 a.m. - 10:00 a.m.  
(15 Minute Break)

### ■ **General Session**

“Streamlined Sales Tax Project (SSTP) Panel Discussion”  
This Panel, comprised of key representatives from both state government and a cross section of the private sector, will discuss the general purpose and structure of the SSTP, an initiative to simplify and modernize sales and use tax administration for all types of commerce. After briefly outlining the key features of the adopted agreement, Panel members will then focus their attention on critical unresolved issues, state conformity with the agreement, and federal legislative activity.”

*Speakers:*

## THURSDAY

**John Cmelak**  
Director - Tax Policy  
Verizon Wireless  
Walnut Creek, California

**Harold Fox**  
Deputy Director  
New Jersey Division of Taxation  
Trenton, New Jersey

**Diane L. Hardt**  
Division Administrator  
Wisconsin Department of Revenue  
Madison, Wisconsin

**Richard J. Prem**  
Director - Global Consumption Taxes  
Amazon.Com  
Seattle, Washington

**Wayne Zakrzewski, Esq.**  
Assistant General Counsel  
J.C. Penney Corporation  
Dallas, Texas

10:30 a.m. - 12 Noon

### ■ General Session

#### "Pursuing Sales and Use Tax Refund Claims"

This session will address the important issues to consider when sales and use tax overpayments are identified and refund claims are pursued. We will focus first on the procedural requirements, limitations, and constitutional constraints that may impact a taxpayer's ability or the timing and means by which valid refunds are secured. Then we will turn to some of the practical challenges to realizing actual refunds, such as: quantifying and documenting claims; the use and acceptability of sampling; vendor claims or vendor assignments; protective claims and the time requirements for submitting supporting detail; dealing with delay and obstruction tactics by the DOR.

#### *Speakers:*

**Ginny Buckner Kissling**  
Principal  
Ryan & Company  
Dallas, Texas

**Arthur R. Rosen, Esq.**  
Partner  
McDermott, Will & Emery  
New York, New York

## THURSDAY

12 Noon - 1:30 p.m.

### **Luncheon**

Presentation of Soon To Be Published Article:

*“Sales Tax Base Growth in States:  
Is the Tax Too Volatile and Too Slow?”*

The presentation will examine the sales tax growth trends of the states over the past several decades and will seek to identify the factors that cause sales tax revenues to grow faster in some states than in others and to be more stable in some states than in others. The individual income tax will also be discussed to provide a base for judging the sales tax's performance.

*Speaker:*

### **William F. Fox, Ph.D.**

Director, Center for Business & Economic Research  
University of Tennessee  
Knoxville, Tennessee

1:30 p.m. - 2:30 p.m.

### ■ **Breakout Number 3**

Case Study with various topics in a set of facts:

- Audit (Refund Claim/Sampling for a refund)
- Credit or Refund
- Claim for Refund
- Collect & Remit: Who gets the refund?
- Class actions
- Private attorney general
- Government perspective

*Facilitators: (Two More To Be Named)*

### **Ginny Buckner Kissling**

Principal  
Ryan & Company  
Dallas, Texas

### **Arthur R. Rosen, Esq.**

Partner  
McDermott, Will & Emery  
New York, New York

2:30 p.m. - 3:00 p.m.

### ■ **General Session**

“Debrief Breakout Number 3.”

Moderator and breakout session facilitators summarize key points discussed in case study breakout sessions.

3:30 p.m. - 5:00 p.m.

### ■ **General Session**

Mock Hearing - A three-scene simulation ending with a hearing on a disputed claim before a three-member administrative tribunal. In the first scene, the taxpayer discusses its case with counsel, in the second the auditor and agency counsel review the refund denial, and in the third, arguments are presented to the tribunal for ruling.

*Speakers:*

## THURSDAY/FRIDAY

- Tax Manager: **John Cmelak**  
Director - Tax Policy  
Verizon Wireless  
Walnut Creek, California
  
- Tax Attorney: **H. Michael Madsen, Esq.**  
Partner  
Vickers Madsen & Goldman, LLP  
Tallahassee, Florida
  
- Auditor: **Anita M. DeGumbia**  
Audit Administrator  
Georgia Department of Revenue  
Atlanta, Georgia
  
- Agency Counsel: **Richard L. Aguglia, Esq.**  
Attorney/Counsel  
Hunton & Williams  
Washington, DC
  
- Member State  
Agency Panel: **Richard J. Ayoob, Esq.**  
Attorney  
Ajalat, Polley & Ayoob  
Glendale, California
  
- Carolyn L. Elerson , CMI**  
Manager, Property/Sales & Use Tax  
Federal Express Corporate Services  
Memphis, Tennessee
  
- Cass D. Vickers, CMI, Esq.**  
Attorney  
Vickers, Madsen & Goldman, LLP  
Tallahassee, Florida
  
- Moderator: **Richard V. Carlson, CMI**  
Principal  
Ryan & Company  
Los Angeles, California

## FRIDAY, MAY 2

6:30 a.m. - 8:00 a.m.

**Continental Breakfast**

8:30 a.m. - 10:00 a.m.

■ **General Session**

"Best and Worst Proposals for Meeting State Budget Shortfalls"  
As the states struggle to cover rising program costs in a faltering economy, many of them are facing substantial gaps between projected revenue collections and projected expenses. Four panelists review some of the more noteworthy proposals for meeting those needs through tax law changes being considered or implemented by state legislatures in 2003.

## FRIDAY

### *Speakers:*

#### **Robert Cline**

Director of State and Local Tax Policy  
Ernst & Young, LLP  
Washington, DC

#### **Harley T. Duncan**

Executive Director  
Federation of Tax Administrators  
Washington, DC

#### **Earl Goldhammer, Esq.**

Lead Tax Counsel  
American Electric Power  
Canton, Ohio

#### **Douglas L. Lindholm, Esq.**

President & Executive Director  
Council On State Taxation  
Washington, DC

10:30 a.m. - 12 Noon

### ■ **General Session**

Being involved in the Creation of Tax Policy by State Legislatures

- Tax Policy - How does a company identify issues that are broad policy matters in jurisdiction where it does business? What are some of the policy issues that are facing companies now?
- Tax Policy - How does a company influence legislative and regulatory items to solve problems for themselves and others similarly situated?

### *Speakers:*

#### *Attorney:*

**Mark W. Eidman, Esq.**  
Attorney  
Scott, Douglass & McConnico  
Austin, Texas

#### *Corporate:*

**Deborah Bierbaum**  
Director External Tax Policy  
AT&T  
Basking Ridge, New Jersey

#### *State:*

**Billy Hamilton**  
Deputy Comptroller  
Comptroller of Public Accounts  
Austin, Texas

#### *Corporate Interest:*

**Joseph R. Crosby**  
Legislative Director  
Council On State Taxation  
Washington, DC

12 Noon

### **Academy Conclusion**



## 2003 Sales Tax Academy Committee

**Richard L. Aguglia**  
Hunton & Williams  
Washington, DC

**Gwendolyn S. Evans, CMI**  
Raytheon Company  
Dallas, Texas

**Barbara A. Sweasy**  
Vienna, Virginia

**Richard J. Ayoob (Co-Chair)**  
Ajalat, Polley & Ayoob  
Glendale, California

**Anne R. Glasco, CMI**  
Halliburton KBR  
Houston, TX

**Thomas N. Tiscione**  
Verizon Wireless  
Bedminster, NJ

**Richard V. Carlson, CMI**  
Ryan & Company  
Los Angeles, CA

**Arlene M. Klika, CMI**  
Schneider National, Inc.  
Green Bay, Wisconsin

**Cass D. Vickers, CMI (Co-Chair)**  
Vickers Madsen & Goldman, LLP  
Tallahassee, FL

**Carolyn L. Elerson, CMI**  
Federal Express Corporate Services  
Memphis, TN

**David L. Moore**  
American Electric Power  
Canton, OH

**Joseph P. Wills, Jr.**  
E.I. Du Pont De Nemours & Company  
Wilmington, DE

### Hotel Accommodations

The Academy is being held at the Renaissance Washington D.C. Hotel in Washington, DC. Reservations are to be made directly with the hotel by either using the hotel reply form that follows (which can be faxed directly to hotel Reservation Department at: 202-789-4213) or by calling the hotel at : 202-898-9000 or by calling Marriott Central Reservations at: 800-228-9290 (be sure to mention that you are with IPT to secure the special negotiated hotel rate). The mailing address for the form is: Renaissance Washington D.C. Hotel, Reservations, 999 9<sup>th</sup> Street, N.W., Washington, DC 20001. **Reservations must be made with the hotel no later than March 28, 2003. The hotel will sell out, so make your reservations as soon as possible.** After this date, there is no assurance that rooms will be available at this rate. The room rate at the Renaissance Washington D.C. Hotel is \$171.00 (plus tax), single or double occupancy. This room rate includes a continental breakfast Wednesday through Friday.

### Ground Transportation

The Renaissance Washington, D.C. Hotel is located in downtown Washington. It is about 10 blocks from Washington's Union Station (for those utilizing the train) and approximately 5 miles from Washington Reagan National Airport. Cabs are readily available from both locations as is the Metro (the subway – the Gallery Place/China Town Metro station is one block from the hotel). Dulles and BWI airports are about 40 miles from downtown Washington. Cab service (around \$40.00), bus, limousine, and metro/train service are available to downtown at varying prices. There is parking at the hotel: valet is \$20.00 per day, and self parking is \$15.00. Please contact the hotel directly if you have further questions.

### Registration and Fees

Please complete the IPT Registration form that follows and return to the IPT Office. Or register on-line (if you are a member) at IPT's web site ([www.ipt.org](http://www.ipt.org)) Confirmation of acceptance will be sent to all applicants.

**All registrations must be completed in advance of the Academy.** As well as covering the usual Academy expenses, the fee includes Tuesday and Wednesday night receptions, two luncheons, refreshment breaks, and course materials. Course materials and registration packets may be picked up at the IPT Registration Desk in the hotel between 1:00 p.m. and 7:00 p.m. on Tuesday, April 29th. Those who arrive after the desk closes may pick up registration materials after 7:00 a.m. on Wednesday morning.

#### The IPT registration fee structure is as follows:

Individual Personally Belongs To IPT:	\$525.00
Individual Does Not Belong, Someone In Company Does:	\$725.00
No One From Company Belongs To IPT:	\$875.00

### Cancellation Fee

\$100 for any filed registration. After April 23rd, no refunds will be made.

## Credit Cards

The Institute accepts the following credit cards: American Express, MasterCard, Visa. Please carefully follow the instructions on the IPT Registration Form if paying by credit card. Also be sure to note, where indicated, the correct, **complete**, billing address for the credit card if it differs from your registration address. You may register on-line, as well, at IPT's web site [www.ipt.org](http://www.ipt.org) (members only).

## Continuing Education Credit

### NATIONAL ASSOCIATION OF STATE BOARDS OF ACCOUNTANCY

The Institute for Professionals in Taxation is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State Boards of Accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the:

#### National Registry of CPE Sponsors

150 Fourth Avenue North  
Suite 700  
Nashville, TN 37219-2417  
Telephone: 615.880.4200  
Web site: [www.nasba.org](http://www.nasba.org)

**Nineteen (19)** continuing education credits are available for attendance. In accordance with the standards of the National registry of CPE Sponsors, CPE credits have been granted based on a 50-minute hour. CMIs will obtain hour-for-hour continuing education credits for attendance upon submittal of the appropriate continuing education form. Registrants who wish to obtain credit from other organizations for the school must submit their own form to the IPT Office.

<i>Prerequisites:</i>	CMI or successful completion of Course II or 7 years' sales tax experience
<i>Program Level:</i>	Multiple
<i>Field of Study:</i>	Taxation

## CMI Designation

The Institute for Professionals in Taxation's designation "Certified Member of the Institute" (CMI) is available to anyone who has been a sales tax member of the Institute in good standing for at least one year and who meets all other requirements. The purpose of the certification program is to further the professional development of its members. For further information, please contact the IPT Office or visit the Institute's Web Site ([www.ipt.org](http://www.ipt.org)).

## For Further Information

Institute for Professionals in Taxation  
Suite 280  
3350 Peachtree Road N.E.  
Atlanta, Georgia 30326-1040  
Telephone: (404) 240-2300  
Facsimile: (404) 240-2315  
E-mail: [ipt@ipt.org](mailto:ipt@ipt.org)  
Home Page: <http://www.ipt.org>

### Note:

Two forms follow:

- (1) The Hotel Registration Form which should be mailed or faxed to the Renaissance Washington DC Hotel. **Do not send this to the IPT Office, as it will delay your reservation request.**
- (2) The IPT Registration Form which should be completed and returned to IPT with payment.