

**2017 ABA/IPT
ADVANCED
TAX SEMINARS**

**March 20 - 24
The Ritz-Carlton
New Orleans, LA**

Preliminary Program

**Advanced
Income Tax Seminar
March 20 - 21**

**Advanced
Sales/Use Tax Seminar
March 21 - 22**

**Advanced
Property Tax Seminar
March 23 - 24**



TAXATION

A Section of the American Bar Association



ABA/IPT Advanced Income Tax Seminar

March 20-21, 2017 ~ New Orleans, LA

Monday, March 20, 2017	
7:30-8:30 am	Registration & Continental Breakfast
8:30-9:00 am	Welcome and Introductions
9:00-9:50 am	East Coast vs. West Coast, "In-House" vs. "Out House" – Different Perspectives on Tax Controversy Strategy
10:00-10:50 am	Staring into the Great Unknown: State Implementation of "Prior Administration" Federal Rules under the "New Administration"
11:10 am-12:00 Noon	The Rise of Gross Receipts Taxes
12:00-12:30 pm	Luncheon
12:30-1:30 pm	The Battle of the Incentives - Get Your Money for Nuthin' and Your Jobs for Free!
2:00-2:50 pm	Net Operating Loss Issues (NOLs)
3:00-3:50 pm	Retroactive? Really? Is There a Line? Defining the Limits of Retroactive Legislation in the Post-Carlton Era
4:10-5:00 pm	What a Difference Your Entity Choice Can Make: Market-Based vs. Cost of Performance Sourcing
5:00-6:00 pm	Reception
Tuesday, March 21, 2017	
7:00-8:00 am	Registration & Continental Breakfast
8:00-8:50 am	Operating with Transparency and Protecting Confidential Information — Where is the Line?
9:00-9:50 am	Top 10 Income Tax Cases
10:00-10:50 am	Economic Nexus in State Income Tax: Problems for Taxpayers - Problems for the States
11:00-11:50 am	Pomp vs. Goodman
11:50 am-12:30 pm	Joint Luncheon: Income Tax Seminar & Sales/Use Tax Seminar
12:30-1:30 pm	Joint Ethics Session with Sales/Use Tax Seminar: Illegal or Just Frowned Upon? An Exploration of Black, White, and Gray Areas
1:30 pm	Seminar Adjourned

ABA/IPT Advanced Sales Tax Seminar

March 21-22, 2017 ~ New Orleans, LA

Tuesday, March 21, 2017	
10:30-11:50 am	Registration
11:50 am-12:30 pm	Joint Luncheon: Income Tax Seminar & Sales/Use Tax Seminar
12:30-1:30 pm	Joint Ethics Session with Income Tax Seminar: Illegal or Just Frowned Upon? An Exploration of Black, White, and Gray Areas
1:30-1:45 pm	Welcome and Introductions
1:45-2:45 pm	The Annual Big Easy Brawl
3:00-4:00 pm	Nexus Today – Overturning Quill?
4:00-5:00 pm	The Definitive Yearly Sales and Use Tax Guide! Everything That Has Happened in Sales and Use Tax Over the Past Year and More!
5:00-6:00 pm	Reception
Wednesday, March 22, 2017	
8:00-8:30 am	Continental Breakfast
8:30-10:00 am	Is a Sample a Lifetime Commitment?
10:15-11:30 am	The Really Final, Last Word: A Dialogue with State Tax Administrators
11:30 am - 12:00 Noon	Luncheon
12:00-1:00 pm	Officer/Successor Liability
1:15-2:15 pm	Construction Contracts – Who Pays? What is the Basis for the Tax? What State gets the Tax?
2:30-3:30 pm	Sales Tax Issues in the Shared Economy
3:45-5:15 pm	Dealing with the Difficult Audit and Preparing for Appeal/Litigation in Court and in Appeals Courts
5:15 pm	Seminar Adjourned

ABA/IPT Advanced Property Tax Seminar
 March 23-24, 2017 ~ New Orleans, LA

PROGRAM ORGANIZERS

Thursday, March 23, 2017

7:30-8:00 am	Registration & Continental Breakfast
8:00-8:10 am	Welcome and Introductions
8:10-9:40 am	Issues in Unit Assessment Valuation Properties
9:50-11:05 am	If It Walks Like a Duck . . . Identifying and Valuing Intangible Assets
11:15 am-12:30 pm	Valuation Issues for Manufacturing and Industrial Properties
12:30-1:00 pm	Luncheon
1:00-1:45 pm	Things Change – An Outlook for Real Estate and the Economy
2:00-3:30 pm	Roundtable – Around the Nation: What’s Hot, and What’s Not
3:45-5:15 pm	The Big Box Store Controversy: Looking for Solutions
5:15-6:15 pm	Reception

Friday, March 24, 2017

7:30-8:00 am	Continental Breakfast
8:00-9:30 am	The Dark Store Theory: Controversy in the Property Tax World
9:45-11:15 am	How to Win Your Case on Obsolescence
11:15 am-12:15 pm	Ethics in a Tax Practice
12:15 pm	Seminar Adjourned

American Bar Association, Section of Taxation

1050 Connecticut Ave. NW, Suite 400
 Washington, DC 20036
<http://www.americanbar.org/tax>

The mission of the ABA Section of Taxation is to serve our members and the public by providing education about taxes and tax systems, and by providing leadership to support the development of an equitable, efficient and workable tax system.

The Section of Taxation provides education and analysis on the latest administrative, judicial and legislative developments concerning federal, state and international taxes. Its publications, continuing legal education programs and expert advice help you understand the constantly changing landscape of tax law. To join the Section of Taxation, please visit: <http://www.americanbar.org/join>.

Institute for Professionals in Taxation®

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The Institute for Professionals in Taxation®, founded in 1976, is a 501(c)(3) nonprofit professional association serving over 4,100 members representing approximately 1,450 corporations, firms and taxpayers throughout the United States and Canada. The Institute provides outstanding educational opportunities for its members tailored to their professional needs. Professional designation programs in income, property and sales tax leading to the CMI designation (Certified Member of the Institute) and in credits and incentives leading to the CCIP (Certified Credits and Incentives Professional) are also available to members who satisfy the educational, experience and examination requirements. The Institute is dedicated to uniform and equitable administration of income, ad valorem and sales & use taxes, to minimizing the cost of tax administration and compliance, and to a high degree of professionalism. More information about IPT is available at www.ipt.org.

PROGRAM ORGANIZERS

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Jaye A. Calhoun, Esq., Kean Miller LLP, New Orleans, LA

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Stewart M. Weintraub, Esq., Chamberlain, Hrdlicka, White, Williams & Aughtry West Conshohocken, PA

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SCOPE AND PURPOSE

The ABA/IPT Advanced Income, Advanced Sales/Use, and Advanced Property Tax Seminars are designed for attorneys, accountants, tax directors, state and local tax managers, government tax officials, appraisers, property tax managers, commercial and industrial property managers, and others interested in sales, use, ad valorem taxation of property, and income.

The increasing burden of state and local income, sales, use, and property taxes throughout the country requires an increasingly greater knowledge and understanding by those professionals who are responsible for managing and minimizing this burden. In addition, businesses must now focus more on the process for evaluating and selecting professionals who are needed to contest state and local tax matters. Over the course of three seminars, a distinguished and multidisciplinary faculty, including appraisers, government and private sector tax officials, tax managers, and state and local tax attorneys, will lead you in the practical examination of current state and local tax issues facing different businesses and industries. These programs devote substantial time to current issues in the field.

REGISTRATION (VIA ABA SECTION OF TAXATION)

Registration fee includes admission to the program, presentation materials, receptions, lunches, and continental breakfasts. Register early and save!

- **Early-Bird Tuition (Deadline February 9, 2017):** \$520 per seminar, \$870 for two seminars, and \$1,300 for all three seminars
- **Advance Tuition (Deadline March 16, 2017):** \$570 per seminar, \$940 for two seminars, and \$1,400 for all three seminars
- **On-site Tuition:** \$575 per seminar, \$970 for two seminars, and \$1,460 for all three seminars

MAIL the [REGISTRATION FORM](#) to ABA Service Center - MTG/Event Registration Dept; TX 1703IPT, 321 N. Clark Street, Floor 16, Chicago, IL 60654. (Make check payable to the ABA Section of Taxation); or

FAX FORM to the ABA Section of Taxation, (202) 662-8682; or

REGISTER ONLINE USING A CREDIT CARD AT <http://shopaba.org/17taxipt>. To protect your credit card security, we are accepting credit card payments only through online registration. Faxed and mailed registrations must be accompanied by payment in the form of a check. All seminar registrations must be sent to the ABA Section of Taxation by March 16, 2017. Please note that registrations are limited and will be granted on a first-come, first-served basis.

All cancellations and requests for refunds or substitutions must be received in writing by **March 16, 2017**. No refunds will be approved after that date; however, substitute registrants are welcome. All refund requests will incur a \$50 cancellation fee. **Absolutely no refunds will be granted at the meeting.** To request a refund or a substitution, please send your written request to the ABA Registrar by fax to 202-662-8682 or e-mail at thomas.blandi@americanbar.org.

HOTEL ACCOMODATIONS

A block of sleeping rooms has been reserved for the ABA/IPT program at The Ritz-Carlton, 921 Canal Street, New Orleans, LA 70112. Reservations can be made through central reservations by calling 1-800-826-8987 or online as indicated below. **The reservation cut-off date is Friday, February 24, 2017.**

- Group Name: ABA/IPT Tax Seminars
- Group Codes: Deluxe King Rooms: TQQTQQA
Deluxe Double/Double: TQQTQQB
- Group Link:
[Reserve a Deluxe King Bedded Room at the Ritz-Carlton, New Orleans](#)
[Reserve a Deluxe Double-Double at the Ritz-Carlton, New Orleans](#)
- Group Dates: Sunday, March 19, 2017 – Saturday, March 25, 2017
- Rate: \$229
- All reservations will be guaranteed by the individual's credit card or check.
- Individuals with guaranteed reservations must cancel their reservations at least 24 hours prior to the scheduled day of arrival to avoid a one-night cancellation charge.

Reservations requested after the room block is filled or beyond the 2/24/2017 cut-off date, whichever comes first, are subject to availability. Rooms may still be available after the room block is filled or after the cut-off date, but not necessarily at the negotiated rate. Requests for accommodations after that date, or sooner if the block sells out, cannot be ensured.

PRESENTATION MATERIALS

Written presentation materials will be available to registrants through the meeting website. In addition, all attendees will have access to hard copies of PowerPoint slides onsite. Those who are interested in the materials, but who are unable to attend the meeting, will be able to purchase access to the materials on the meeting website.

ABA OPEN MEETINGS POLICY

In accordance with the ABA Open Meetings Policy, all ABA programs are open to the media unless they are to conduct business sessions of a confidential nature. The Association encourages media coverage of its activities. If you have questions about this policy, please contact the Tax Section at +1.202.662.8670.

CONTINUING EDUCATION CREDIT

Continuing education credit for this program is available for tax professionals, attorneys, accountants, and appraisers who register and attend.

CLE: The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit http://www.americanbar.org/groups/taxation/events_cle/fall_cle.html or contact Tim Brady at tim.brady@americanbar.org.

SCHOLARSHIP INFORMATION: Scholarships to defray tuition expense for this program are available upon application on a case-by-case basis. To request a scholarship application, please contact Thomas Blandi at thomas.blandi@americanbar.org.

CPE: Questions concerning continuing professional education (CPE) credit should be directed to IPT, telephone (404) 240-2300.

Registrants attending the Income Tax Seminar will receive approximately 12 continuing education credits; those attending the Sales and Use Tax Seminar will receive approximately 13.4 and those attending the Property Tax Seminar will receive approximately 14 continuing education credits for full attendance based on a 50-minute credit hour.

Each of the Seminars has 60 minutes of ethics equal to 1 CE credit. This ethics credit is applicable for the CMI Continuing Education requirement and may be applicable for other continuing education requirements.

The Institute's designated members (CMIs) will receive hour-for-hour continuing education credits towards their requirements for actual session attendance (based on a 50-minute credit hour).

As required by regulatory agencies, IPT must verify individual attendance at sessions in order to grant Continuing Education Credits. Each attendee's name badge has a unique barcode that identifies that individual. In order to obtain CE credit, attendees must have their bar-coded badge scanned during the first 15 minutes of each session. A lost name badge should be reported immediately to the registration desk in order to obtain a replacement. If any attendee does not participate in the barcode scanning, IPT will not be able to verify his/her attendance or award any credit in the future.

The Institute 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. Concerns regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website: www.NASBARRegistry.org. For more information regarding administrative policies such as concerns and refund, please contact our office at (404) 240-2300.

IPT also files for credit for the attendees of the Property Tax Seminar, with the Texas Department of Licensing and Regulation.

Prerequisites: None • Program Level: Update • Recommended Field of Study: Taxes & Regulatory Ethics • Instructional Method: Group Live • Advanced Preparation Required: None

Consent to Use of Photographic Images: Photos will be taken at this event, which may be used in ABA or IPT publications, multimedia presentations, or on the ABA or IPT websites, LinkedIn and Facebook pages and other ABA or IPT-related social media websites. Registration and attendance at, or participation in, the ABA/IPT Advanced Tax Seminars constitutes an agreement by the registrant to the ABA's or IPT's use and distribution of the registrant speaker or attendee's image in photographs, videotapes, and electronic reproductions of the ABA/IPT Advanced Tax Seminars for educational and promotional purposes. Tape recording of sessions is not permitted.

ADVANCED INCOME TAX SEMINAR

7:30 – 8:30 am **Registration & Continental Breakfast**

8:30 – 9:00 am **Welcome and Introductions:**

President, Institute for Professionals in Taxation®:

Kellianne M. Nagy, CMI, CAE, KMN Enterprises, Charlotte, NC

ABA SALT Committee Chair:

Jaye A. Calhoun, Esq., Kean Miller LLP, New Orleans, LA

ABA/IPT Advanced Tax Seminars Overall Chair:

Stewart M. Weintraub, Esq., Chamberlain, Hrdlicka, White, Williams & Aughtry
West Conshohocken, PA

Local Host:

William M. Backstrom, Jr., Esq., Jones Walker LLP, New Orleans, LA

9:00 – 9:50 am

East Coast vs. West Coast, “In-House” vs. “Out House” – Different Perspectives on Tax Controversy Strategy

This program will link the technical merits of an issue with a practical approach, and take it all the way through the process from audit to settlement or court. The panelists will explore the differing perspectives of outside counsel and in-house subject-matter experts, and the strategic differences in litigating on the east and west coasts.

Learning Objectives

By attending this session, the participant will be able to:

- Identify new practical tips about audit, appeal, and trial strategies
- Improve in-house (client)/outside counsel relationships through a better understanding of how each faction views each stage of the controversy

Moderator/Speaker:

Margaret C. Wilson, CMI, Esq., Partner, Wilson Agosto LLP, Somerville, NJ

Speakers:

Karen Dean, Esq., Tax Counsel & Senior Director, Level 3 Communications,
Broomfield, CO

Arlene Gustilo, Director, Domestic Tax, Oracle Corporation, Pleasanton, CA

9:50 – 10:00 am **Networking Break**

10:00 – 10:50 am

Staring into the Great Unknown: State Implementation of “Prior Administration” Federal Rules under the “New Administration”

Most states use federal taxable income as a starting point for computing state income tax. There have been significant changes in federal rules impacting state and local tax systems recently and more are likely to come. The Balanced Budget Act of 2015 introduced new rules for how nearly all entities taxed as partnerships will be audited at the federal level, and the Internal Revenue Service issued final regulations under Internal Revenue Code section 385 that may have sweeping implications for federal consolidated group taxpayers with intercompany debt. Although there has been some indication that the rules may change under the new administration, the full implications of these two new sets of rules for taxpayers are not yet fully understood, and will have important and far-reaching parallel effects on how taxes are administered at the state level. In addition, federal-state coupling and decoupling issues continue to present challenges. This presentation will provide an overview of the new rules, a summary of the issues these rules create at the state level, and will address some of the ways taxpayers may address these issues.

Learning Objectives

By attending this session, the participant will be able to:

- Summarize the scope of the partnership audit regulations, exemptions, calculation of audit liabilities, and the opportunities for opting in and out of coverage
- Recognize the choices that must be made in selecting a partnership representative, deciding whether to pay audit liabilities at the partner level, issuing partner adjustment statements in the event of an audit liability, and making elective partnership adjustments

- Demonstrate a working knowledge of some of the state tax consequences of the new partnership audit rules, such as: conformity of federal elections; rate adjustments based on character of partners; credits for taxes paid; composite and amended return issues; apportionment issues; state return filing obligations; and changes in partners' residency
- Explain the scope of the IRS final section 385 regulations, how they changed from prior proposed regulations, and when equity may be re-characterized as debt under the final 385 regulations
- Summarize the fundamental concepts in the final 385 regulations, such as: the general rule, the funding rule, documentation rule, their applicability to transactions among members of a federal consolidated group, and best practices
- Identify the factors that may make equity more likely to be re-characterized as a debt, and take away helpful strategies for dealing with post-recharacterization issues, along with the state tax implications
- Explain the essential state corporate income tax consequences of the final 385 regulations, how the states are considering and incorporating these rules, and consider when recharacterization may be a benefit for state and local tax purposes
- Assess the most recent developments in state and federal guidance regarding the various implications of these and other federal rules on state taxation

Moderator/Speaker:

Kelvin M. Lawrence, Esq., Attorney, Baker & Hostetler LLP, Columbus, OH

Speakers:

Jaye A. Calhoun, Esq., Partner, Kean Miller LLP, New Orleans, LA

S. Lucky DeFries, Esq., Partner, Coffman, DeFries & Nothern, P.A., Topeka, KS

Antonio ("Tony") Ferachi, Esq., Director, Litigation Division, Louisiana Department of Revenue, Baton Rouge, LA

10:50 – 11:10 am Networking Break

11:10 am – 12:00 Noon

The Rise of Gross Receipts Taxes

This session will explore recent state attempts to impose gross receipts taxes (including Oregon and Nevada) and the policy and legal arguments for and against their imposition, particularly as compared to other methods of raising revenue.

Learning Objectives

By attending this session, the participant will be able to:

- Distinguish the theory behind imposition of a gross receipts tax as compared to other means of raising revenue
- Explain the arguments for and against their imposition
- Recall the status of current gross receipts taxes (and proposals)
- Summarize current and developing legal issues, including nexus and apportionment, in the context of gross receipts tax issues

Moderator/Speaker:

Eric J. Coffill, Esq., Senior Counsel, Eversheds Sutherland (US) LLP, Sacramento, CA

Speakers:

Damian Hunt, Esq., LL.M., Senior Manager, State & Local Tax, Amazon.com, Seattle, WA

Judith B. Vorndran, CPA, Esq., State and Local Tax Partner, TaxOps, LLC, Lakewood, CO

12:00 – 12:30 pm Luncheon (Presentation to follow immediately after lunch)

12:30 – 1:30 pm

The Battle of the Incentives - Get Your Money for Nuthin' and Your Jobs for Free!

Incentives are a doubled-edged sword - the taxpayers receive lucrative grants, tax credits, property tax abatements and the potential for increased earnings per share in return for creating new jobs and new capital investment in otherwise depressed areas, but the question remains, are these public dollars well spent? Do both taxpayers and governments win?

Learning Objectives

By attending this session, the participant will be able to:

- Develop internal and external discussions of whether incentives should be part of a relocation or original placement of a new business facility
- Compare both sides of the argument with points that should be understood and included in every tax professional's toolbox

Moderator:

Janette M. Lohman, Esq., CMI, CCIP, CPA, Partner, Thompson Coburn LLP, St. Louis, MO

Speakers:

Mike L. Bernier, CPA, Senior Manager, Ernst & Young LLP, Boston, MA
David Brunori, JD, MA, Partner, Quarles & Brady LLP/Research Professor of Public Policy, The George Washington University, Washington, DC

1:30 – 2:00 pm Networking Break

2:00 – 2:50 pm

Net Operating Loss Issues (NOLs) in Today's Economy

Net Operating Losses are under attack by legislatures and during audit. This session will discuss some recent developments in the NOL arena, including some traps and opportunities.

- How state rules may differ from the federal rules
- Problems in claiming NOLs
- Are limitations on utilization unconstitutional

Learning Objectives

By attending this session, the participant will be able to:

- Identify state-specific adjustments that are required when computing NOLs
- Build a better tracking system to reflect the state adjustments and utilizations
- Consider whether returns should be filed in additional states to ensure the capture of NOLs

Moderator/Speaker:

Leah Robinson, Esq., Partner, Eversheds Sutherland (US) LLP, New York, NY

Speakers:

Duane W. Dobson, Jr., CMI, CPA, Director, State and Local Tax Practice, KPMG LLP, Tysons Corner, VA

2:50 – 3:00 pm Networking Break

3:00 – 3:50 pm

Retroactive? Really? Is There a Line? Defining the Limits of Retroactive Legislation in the Post-Carlton Era

This session will focus on the legal theories related to challenging retroactive tax legislation and the pros and cons of such legislation. The panelists will apply the constitutional theories to the facts of pending cases in Michigan concerning the Multistate Tax Compact three-factor election to exemplify the difficulties in proving constitutional infirmities and highlight concerns with retroactive legislation and its impacts on business.

Learning Objectives

By attending this session, the participant will be able to:

- Recognize current legal theories that apply constitutional principles to retroactive tax laws
- Identify practical applications of the legal theories to current Controversies
- Indicate the strengths and weaknesses of attacks on retroactivity
- Evaluate challenges in presenting complex legal issues in litigation

Moderator/Speaker:

Erica L. Horn, Esq., CPA, Counsel to the Firm, Stoll Keenon Ogden PLLC Lexington, KY

Speakers:

Gregory A. Nowak, Esq., CPA, Principal, State Tax Services Leader, Miller, Canfield, Paddock and Stone, P.L.C, Detroit, MI
Daniel L. Stanley, Esq., Partner, Honigman Miller Schwartz and Cohn LLP, Lansing, MI

3:50 – 4:10 pm Networking Break

4:10 – 5:00 pm

**What a Difference Your Entity Choice Can Make:
Market-Based vs. Cost of Performance Sourcing**

As states have been migrating to market-based sourcing approach, the migration has not been uniformly applied to all business entities. The disparate treatment raises issues for mixed entity structures that could be required to employ different sourcing methodologies when computing their entity-level liabilities. Further, the uneven application of market-based sourcing provides opportunities to reduce a business's overall tax liability. This program will help unravel the intricate web of sourcing rules and provide the participants with thoughtful ideas on how to leverage the new sourcing landscape.

Learning Objectives

By attending this session, the participant will be able to:

- Recall state-sourcing rules for corporations, pass-through and other business entities
- Compare and contrast the various apportionment outcomes for different business entities
- Analyze the impact of variant sourcing regimes in mixed entity type structures
- Identify the potential opportunities and barriers to leveraging the current state sourcing disconformities
- Evaluate probability of States' harmonizing state sourcing rules amongst various entities

Moderator/Speaker:

Raymond J. Freda, Esq., Managing Director, Andersen Tax, New York, NY

Speaker:

Arthur R. Rosen, Esq., Partner, McDermott Will & Emery LLP, Miami, FL/New York, NY

John F. Fletcher, Esq., Partner, Jones Walker LLP, Jackson, MS

5:00 – 6:00 pm Reception

7:00 – 8:00 am Registration & Continental Breakfast

8:00 – 8:50 am

**Operating with Transparency and Protecting Confidential Information
—Where is the Line?**

Is all information public information? In many cases, if it is, the release of that information could prevent the right decisions from being made. Or, it could risk lives. Or, it could simply reveal information about an individual or organization that really doesn't need to be revealed. Most contend that there should be a bit of both—transparency and confidentiality—and that there needs to be a clearly defined line between the two. The panelists will discuss the definitions of transparency and confidentiality from a business perspective, and provide the current status of case law in this important and emerging topic.

Learning Objectives

By attending this session, the participant will be able to:

- Discuss the definitions and interpretations of “transparency” and “confidentiality” from a business perspective
- Examine the current cases involving transparency and confidentiality
- Examine the roles of corporate officers, employees, and other in-house professionals in the release of information vs. the need for confidentiality
- Examine the responsibility of counsel on both issues
- Discuss the effect on private letter rulings, administrative decisions and closing agreements—pros vs. cons

Moderator/Speaker:

Glenn C. McCoy, Jr., CMI, Esq., Director - State and Local Tax, KPMG LLP, New York, NY

Speakers:

Jennifer Y. Barber, Esq., Partner, Frost Brown Todd LLC, Louisville, KY

Gregg D. Barton, Esq., Partner, Perkins Coie LLP, Seattle, WA

Cara Griffith, Esq., Editor in Chief and Vice President, Editorial Operations, Tax Analysts, Falls Church, VA

8:50 – 8:55 am Speaker Transition

8:55 – 9:45 am

Top 10 Income Tax Cases

Burden of proof...unconstitutional discrimination...nonresident trusts...net operating losses. This fast paced session will address these issues and more as it covers ten of the most recent and significant income tax decisions in the SALT world.

Learning Objectives

By attending this session, the participant will be able to:

- Identify recent and significant SALT income tax cases
- Recognize how these recent cases affect taxpayers
- Analyze why the courts ruled the way they did
- Appraise the ramifications of these decisions in other states

Moderator/Speaker:

David A. Hughes, Esq., Partner, Horwood Marcus & Berk Chartered, Chicago, IL

Speaker:

Doug Sigel, Esq., Practice Group Leader Sales and Income Tax, Ryan Law Firm, LLP, Austin, TX

9:45 – 10:00 am **Networking Break**

10:00 – 10:50 am

Economic Nexus in State Income Tax: Problems for Taxpayers - Problems for the States

This session will explore various issues and problems raised by states' adoption and application of economic nexus standards. While the panel will briefly summarize different approaches to economic nexus, the session's focus will be on specific issues raised by economic nexus standards, including (i) the interplay of economic nexus and P.L. 86-272, (ii) impacts of economic nexus on sales factor throwback and throwout; (iii) consistency between inbound and outbound nexus; (iv) the retroactive application of economic nexus standards; and (v) the application of economic nexus to non-U.S. taxpayers.

Learning Objectives

By attending this session, the participant will be able to:

- Identify different state approaches to economic nexus
- Explain the interplay of economic nexus and PL 86-272
- Recognize how economic nexus standards impact throwback and throwout

rules used to determine a taxpayer's sales factor

- Consider whether economic nexus standards are being applied (or should be applied) consistently in the inbound and outbound contexts
- Evaluate whether economic nexus standards should apply retroactively in either the inbound or outbound context
- Analyze issues raised by the application of economic nexus standards to non-U.S. taxpayers engaged in international commerce

Moderator/Speaker:

Robert Lee Mahon, Esq., Partner, Perkins Coie LLP, Seattle, WA

Speakers:

Bartley B. Baer, Principal, Deloitte Tax LLP, San Francisco, CA

Christopher J. Sullivan, Esq., Shareholder and Treasurer, Rath, Young and Pignatelli, P.C., Concord, NH

10:50 – 11:00 am **Networking Break**

11:00 – 11:50 am

Pomp vs. Goodman

Awesome. Cool. Brilliant. Amazing. Chic. Sharp.....

Mere words cannot define the Pomp-Goodman face off! Join Professor Richard D. Pomp and Jordan M. Goodman in an in-depth point – counter-point discussion of trending SALT issues!

Learning Objectives

By attending this session, the participant will be able to:

- Explain alternative views of current SALT issues to help develop strategies for SALT positions in their companies or for their clients

Speaker Introduction by:

Stephanie Anne Lipinski Galland, Esq., Partner, Williams Mullen PC, Washington, DC

Speakers:

Jordan M. Goodman, Esq., CPA, Partner, Horwood Marcus & Berk Chartered, Chicago, IL

Helen Hecht, Esq., General Counsel, Multistate Tax Commission, Washington, DC

Professor Richard D. Pomp, JD, Alva P. Loiselle Professor of Law, University of Connecticut School of Law, Hartford, CT

11:50 am–12:30 pm

Joint Luncheon: Income Tax Seminar & Sales/Use Tax Seminar
(Presentation to follow immediately after lunch)

12:30 – 1:30 pm

Joint Session with Sales/Use Tax Seminar:
Illegal or Just Frowned Upon? An Exploration of Black, White, and Gray Areas

This session will be an interactive analysis of several ethical issues that have arisen over the past few years. Our panelists will discuss a variety of situations that present professionals with difficult ethical decisions. This will be an interactive discussion, allowing the audience to discuss, on an anonymous basis, how they might choose to conduct themselves in the given situation. Our panelists will discuss these results, while incorporating additional context from the Model Rules of Professional Conduct as well as IPT's Ethical Canons. From there, we will discuss how a party faced with the similar circumstances in the future could conduct themselves in order to avoid problems.

Learning Objectives

By attending this session, the participant will be able to:

- Identify and analyze certain situations that present ethical issues
- Recognize how the Model Rules of Professional Conduct and IPT's Ethical Canons apply to their practice
- Incorporate loss prevention strategies to ensure compliance with the applicable rules and avoid potential claims

Speaker Introduction by:

Stewart M. Weintraub, Esq., Shareholder and SALT Practice Chair, Chamberlain, Hrdlicka, White, Williams & Aughtry, West Conshohocken, PA

Speakers:

Kyle Martin Brehm, CMI, Esq., MBA, State and Local Tax Director, PricewaterhouseCoopers LLP, Minneapolis, MN

Randy J. Curato, Esq., Vice President—Loss Prevention Counsel, ALAS, Inc., Chicago, IL

1:30 pm **Seminar Adjourned**

ADVANCED SALES AND USE TAX SEMINAR

10:30 – 11:50 am **Registration**

11:50 – 12:30 pm

Joint Luncheon: Income Tax Seminar & Sales/Use Tax Seminar
(Presentation to follow immediately after lunch)

12:30 – 1:30 pm

Joint Session with Income Tax Seminar:
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Speaker Introduction by:

Stewart M. Weintraub, Esq., Shareholder and SALT Practice Chair, Chamberlain, Hrdlicka, White, Williams & Aughtry, West Conshohocken, PA

Speakers:

Kyle Martin Brehm, CMI, Esq., MBA, State and Local Tax Director, PricewaterhouseCoopers LLP, Minneapolis, MN

Randy J. Curato, Esq., Vice President—Loss Prevention Counsel, ALAS, Inc., Chicago, IL

1:30 – 1:45 pm

Welcome and Introductions:

President, Institute for Professionals in Taxation®:

Kellianne M. Nagy, CMI, CAE, KMN Enterprises, Charlotte, NC

ABA SALT Committee Chair:

Jaye A. Calhoun, Esq., Kean Miller LLP, New Orleans, LA

ABA/IPT Advanced Tax Seminars Overall Chair:

Stewart M. Weintraub, Esq., Chamberlain, Hrdlicka, White, Williams & Aughtry West Conshohocken, PA

Local Host:

William M. Backstrom, Jr., Esq., Jones Walker LLP, New Orleans, LA

1:45 – 2:45 pm

The Annual Big Easy Brawl

Round Deux – SALT Heavyweight Championship

A Bayou Battle – Professor Richard D. Pomp enters the ring to face perennial underdog Jordan M. Goodman in a battle royale match on all matters SALT. This never-ending battle of good versus evil in SALTdom will feature discussions of cases and evolving trends in the SALT world.

Learning Objectives

By attending this session, the participant will be able to:

- Identify major developments in today's state and local tax world and spot trends in the SALT area to anticipate potential problems and find potential solutions
- Recognize positions that taxpayers and states are currently taking and issues affecting positions multistate taxpayers may see in the future
- Recall the most important recent SALT cases and better comprehend the basis and reasoning of the decisions
- Analyze key decisions and legislative actions that have established new laws and determine the potential positive and negative effects of these new developments

Moderator:

Mark F. Sommer, Esq., Attorney, Frost Brown Todd LLC, Louisville, KY

Speakers:

Jordan M. Goodman, Esq., CPA, Partner, Horwood Marcus & Berk Chartered, Chicago, IL

Professor Richard D. Pomp, JD, Alva P. Loiselle Professor of Law, University of Connecticut School of Law, Hartford, CT

William M. Backstrom, Jr., Esq., Jones Walker LLP, New Orleans, LA

2:45 – 3:00 pm **Networking Break**

3:00 – 4:00 pm

Nexus Today – Overturning Quill?

While the proposed federal legislation that would overturn *Quill* is unlikely to see traction as a result of a shift in policy making under the new administration, there are increasingly practical ramifications for multistate taxpayers regarding collection and remittance obligations for sales tax; particularly in light of numerous legislative changes statutorily imposing such obligations. This session will review the trend toward overturning *Quill*, current efforts underway, and discuss the landscape for 2017.

Learning Objectives

By attending this session, the participant will be able to:

- Discuss various legislative initiatives to overturn *Quill* in the various states and in Congress
- Provide instruction as to the mechanism of each option
- Describe the benefits and drawbacks of the different approaches
- Recognize the role that the Multistate Tax Commission may play in the process
- Share best practices for implementation of overturning *Quill*

Moderator:

Doug Sigel, Esq., Practice Group Leader Sales and Income Tax, Ryan Law Firm, LLP, Austin, TX

Speakers:

Richard Cram, Director, National Nexus Program, Multistate Tax Commission, Washington, DC

Brian S. Goldstein, Esq., Principal, PricewaterhouseCoopers LLP, New York, NY

4:00 – 5:00 pm

The Definitive Yearly Sales and Use Tax Guide! Everything That Has Happened in Sales and Use Tax Over The Past Year and More!

Once again, this session will provide a national update on the world of sales and use tax with citations and references to each update. A new chapter to your sales and use tax reference guide, no ABA/IPT SALT Annual Seminar would be complete without it! This session fills in around all the other sessions that may discuss a specific sales or use tax topic. You will leave the session with an overview of the national trends in sales and use tax and a reference of the year's case law, rulings, opinions and alerts from states and localities across the country.

Learning Objectives

By attending this session, the participant will be able to:

- Recall current state and local sales/use tax developments
- Identify current legislative, administrative and judicial developments and trends involving state and local sales/use taxes

Moderator:

Stephanie Anne Lipinski Galland, Esq., Partner, Williams Mullen PC, Washington, DC

Speakers:

Janette M. Lohman, Esq., CMI, CCIP, CPA, Partner, Thompson Coburn LLP, St. Louis, MO

Michael J. Wasser, Senior Manager, National Tax - Indirect Tax Consulting State & Local, Ernst & Young LLP, Washington, DC

5:00 – 6:00 pm **Reception**

8:00 – 8:30 am **Continental Breakfast**

8:30 – 10:00 am

Is a Sample a Lifetime Commitment?

It is Sunday and you are in your favorite wholesale club to buy three tons of peanuts and four dozen rolls of paper towels for the week. While cruising up and down the aisles, there, staked out at strategic intervals, are those lovely people offering luscious samples of goodies. Have you ever taken one of those samples and then walked away just to discover that you wanted to find the nearest trash can? Life happens and so it goes with audit sampling as well. This session will provide the rationale for sampling and how to agree on a sample that you will want to live with. Also in the discussion, are some suggestions on how to try to get another sample when the one you picked turns out to be the one that should be thrown out.

Learning Objectives

By attending this session, the participant will be able to:

- Explain the basis of sampling and how to structure a sample that will reflect the activities of the taxpayer
- Apply techniques for determining if the “old sample” is inappropriate and decide how to defend the choice of a new sample

Moderator:

Stephanie Anne Lipinski Galland, Esq., Partner, Williams Mullen PC, Washington, DC

Speakers:

Kevin S. Berry, CPA, Manager, Sales, Use & Excise Tax, General Electric Company, Ft. Myers, FL

Reese Brackett, Eastern Regional Audit Manager, Virginia Department of Taxation, Virginia Beach, VA

10:00 – 10:15 am **Networking Break**

10:15 – 11:30 am

The Really Final, Last Word: A Dialogue with State Tax Administrators

It's tough being a state tax collector! Join these esteemed tax department heads as they discuss current issues, pressing needs and best practices for taxpayers. The tax collectors will take your questions and comments. Please submit questions in advance.

Learning Objectives

By attending this session, the participant will be able to:

- Identify what these administrators see as their state's pressing issues
- Summarize how these issues are being addressed
- Question the presenters on current issues and concerns in order to be in compliance

Moderator:

Jaye A. Calhoun, Esq., Partner, Kean Miller LLP, New Orleans, LA

Speakers:

Courtney M. Kay-Decker, Esq., Director of the Iowa Department of Revenue, Des Moines, IA

Julie Magee, Commissioner of the Alabama Department of Revenue, Montgomery, AL

Kimberly Robinson, Esq., Secretary of the Louisiana Department of Revenue, Baton Rouge, LA

11:30 am – 12:00 Noon **Luncheon**
(Presentation to follow immediately after lunch)

12:00 – 1:00 pm

Officer/Successor Liability

As states struggle to generate revenue under a cloud of economic uncertainty, they are aggressively pursuing recovery of unpaid sales and use taxes from "responsible persons" and successor entities. This session will explore the parameters of responsible person and successor liability, noting differences in the states' approaches and analyzing potential defenses and strategies that may be available.

Learning Objectives

By attending this session, the participant will be able to:

- Identify key issues concerning the imposition of responsible person and successor liability
- Determine who may be held liable as a "responsible person" or successor entity, and for what periods
- Distinguish different states' approaches to imposing responsible person and successor liability
- Analyze key determinants to imposing responsible person and successor liability
- Recognize potential defenses to the imposition of responsible person and successor liability

Moderator:

Mark E. Holcomb, Esq., Of Counsel, Dean, Mead & Dunbar, Tallahassee, FL

Speakers:

Brett R. Carter, Esq., Member, Carter Shelton, PLC, Nashville, TN

Jennifer S. White, Associate, Reed Smith LLP, New York, NY

1:00 – 1:15 pm **Networking Break**

1:15 – 2:15 pm

Construction Contracts – Who Pays?

What is the Basis for the Tax? What State gets the Tax?

Learn definitions of construction contract and real property and how these definitions vary from state to state. The presenters will also cover who is the taxable consumer and the effects of interstate commerce.

Learning Objectives

By attending this session, the participant will be able to:

- Identify facts that determine who is the taxable consumer in a construction
- Explain why the determination of the consumer affects the basis for tax—contractor's purchase price vs. contract cost
- Recognize what states do to make unfavorable determinations of the basis for tax
- Realize how taxpayers' actions can cause favorable determinations of the basis for tax
- Know how to avoid multiple taxation by multiple states

*Moderator/Speaker:***J. Whitney Compton, Esq.,** Partner, Barnwell Consulting, LLC, Atlanta, GA*Speaker:***Luis G. Partida,** State Tax Manager, Bechtel Global Corporation, Houston, TX

2:15 – 2:30 pm Networking Break

2:30 – 3:30 pm

Sales Tax Issues in the Shared Economy

Technology has created a whole new industry where companies act as intermediaries between individuals buying or selling goods and services. Uber, Lending Club, Just Park, and Liquid Space are examples of businesses that have changed how customers access goods and services.

This session is designed to provide the sales & use tax professional with an understanding of what the shared economy is and how it may be taxed. This session features a panel of tax experts discussing common business models in the shared economy, the nature of the shared services, sourcing the services, and determining who is responsible for collecting and remitting the sales tax. The experts will also discuss the discrepancies and recent tax developments among the states.

Learning Objectives

By attending this session, the participant will be able to:

- Explain the basic premises of the shared economy
- Recognize how states are treating businesses in the shared economy differently than businesses in similar industry
- Identify sales and use tax implications of the shared economy

*Moderator:***Darcy N. Kooiker, CPA,** Principal, Sales and Use Tax, Ryan, LLC, Bellevue, WA*Speakers:***Kyle Martin Brehm, CMI, Esq., MBA,** State and Local Tax Director, PricewaterhouseCoopers LLP, Minneapolis, MN**Brett Durbin, Esq.,** Of Counsel, Stoel Rives LLP, Seattle, WA

3:30 – 3:45 pm Networking Break

3:45 – 5:15 pm

Dealing with the Difficult Audit and Preparing for Appeal/Litigation in Court and in Appeals Courts

It's bound to happen eventually. Your company receives a sales and use tax audit notice and almost immediately you realize that this is not going to be a routine audit. Or, this realization hits midway during the audit when it becomes apparent that the auditor's position on certain transactions or audit expectations differs from the company's. It then may become apparent that you are probably not going to be able to resolve these issues at the audit or internal review stage and litigation may become the only remaining available option. This session will share strategies that can help you minimize the frustrations of dealing with a difficult audit or auditor and the time and resources devoted to the audit while achieving resolution and completion of the audit. This session will also explore the considerations that go into making the important decision of engaging outside audit assistance and litigation counsel to prepare for possible litigation.

Learning Objectives

By attending this session, the participant will be able to:

- Handle a difficult auditor
- Recognize and address the issues that will not be resolved at the audit level
- Determine when to engage "outside" help, including litigation counsel
- Determine when to agree to disagree with the auditors
- Develop the basis for the administrative appeal
- Explain how taxpayers and litigation counsel must collaborate to litigate effectively

*Moderator:***James W. Dawson, Jr., Esq.,** Principal, Miles & Stockbridge P.C., Rockville, MD*Speakers:***Chad. B. Bailey, CPA,** Director – Sales Tax, Target Corporation, Minneapolis, MN**Matthew J. Landwehr, Esq.,** Partner, Thompson Coburn LLP, St. Louis, MO

Paul H. Masters, Esq., Tax Lead – U.S. Direct Tax Filing & Reporting, Shell Oil Company, Houston, TX

Jan Nash, Director, Non-Income Tax, Tyson Foods, Inc., Fayetteville, AR

Doug Sigel, Esq., Practice Group Leader Sales and Income Tax, Ryan Law Firm, LLP, Austin, TX

Michael A. Dunavant, Staff Director, Tax Law, FedEx Corporation, Memphis, TN

5:15 pm **Seminar Adjourned**

ADVANCED PROPERTY TAX SEMINAR

7:30 – 8:00 am **Registration & Continental Breakfast**

8:00 – 8:10 am

Opening and Welcome:

President, Institute for Professionals in Taxation®:

Kellianne M. Nagy, CMI, CAE, KMN Enterprises, Charlotte, NC

ABA SALT Committee Chair:

Jaye A. Calhoun, Esq., Kean Miller LLP, New Orleans, LA

ABA/IPT Advanced Tax Seminars Overall Chair:

Stewart M. Weintraub, Esq., Chamberlain, Hrdlicka, White, Williams & Aughry West Conshohocken, PA

Local Host:

William M. Backstrom, Jr., Esq., Jones Walker LLP, New Orleans, LA

8:10 – 9:40 am

Unit Valuation: Key Concepts, Critical Issues, and How It Could Affect Your Business

The unit valuation method is used in property tax assessment in over thirty states, primarily for communications, energy, pipeline, and transportation companies. With the convergence of data and communication technologies and the development of new and ancillary methods of energy production, additional companies are being subjected to unit valuation as states conclude they are in a communication or energy business. In addition, local assessors are increasingly using the method to appraise facilities such as hospitals, hotels, and entertainment venues.

Because unit valuation looks to the value of property as an operating business unit and includes all property that is part of the unit, the value may differ substantially from the value determined on an item-by-item basis or based solely on the value of a plant or facility. Given the impact it may have, understanding the key issues unit valuation presents is important not only for businesses already appraised under this method but for businesses that may become subject to it.

This panel will briefly cover the basics of unit valuation, how it differs from other valuation methods, and the industries to which it applies. The panel will then address key issues in the method's application, current hot topics, and strategies in negotiating unit values. The panel will present both the taxpayers' and government appraisers' points of view.

Learning Objectives

By attending this session, the participant will be able to:

- Identify key issues in determining whether property is subject to unit valuation, the scope of the taxable unit, and what property should be excluded
- Recognize the critical issues in determining unit value
- Explain the treatment of intangible value under unit valuation statutes, and methods to determine and exclude intangible value in states where it is not taxed
- Identify strategies for negotiating unit value issues

Moderator:

John Gadon, Esq., Shareholder, Lane Powell PC, Portland, OR

Speakers:

D. Brent Eyre, ASA, Appraiser, Brent Eyre, Taylorsville, UT

Robert F. Reilly, CPA, Managing Director, Willamette Management Associates, Chicago, IL

9:40 – 9:45 am Speaker Transition

9:45 – 11:00 am

If It Walks Like a Duck . . . Identifying and Valuing Intangible Assets

Assets have historically been classified as either real property or personal property. Personal property assets are generally characterized as either tangible personal property or intangible personal property. Emerging trends have, however, blurred the distinction between real property interests and personal property interests. Intangible characteristics can be associated with real estate assets, just as intangible assets can be identified with personal property interests. This presentation will address the historic classification of assets and examine factors that suggest that intangible property has emerged as a distinct property classification. This session will discuss issues related to the

classification of intangible property, and will provide practical guidance for the identification and valuation of those assets.

Learning Objectives

By attending this session, the participant will be able to:

- Identify intangible assets and how to classify those assets properly, particularly when they are intertwined with real or personal property
- Define an intangible asset
- Recall information used by appraisers and analysts to determine which intangible assets a taxpayer owns and operates
- Assess current trends and issues regarding the valuation of intangible assets

Moderator:

Edward Kliewer III, Esq., Senior Counsel, Norton Rose Fulbright USA LLP, San Antonio, TX

Speakers:

John J. Coyle III, MAI, CRE, President, Coyle, Lynch & Company, Sharon Hill, PA

John C. Ramirez, ASA, Vice President, Willamette Management Associates, Portland, OR

Michele M. Whittington, Esq., Attorney, Stites & Harbison, PLLC, Frankfort, KY

11:00 – 11:15 am Networking Break

11:15 am – 12:30 pm

Valuation Issues for Manufacturing and Industrial Properties

Determining the value of manufacturing and industrial property is a complicated and multi-faceted process. This session will offer a “soup to nuts” discussion of the various stages of valuation disputes involving different types of manufacturing and industrial property and highlight the latest valuation trends.

Learning Objectives

By attending this session, the participant will be able to:

- Recognize different value approaches for manufacturing and industrial properties
- Explain how energy price fluctuations and the interest in renewable power impact value
- Weigh the impact of the “millennial influence” on value

Moderator:

Angela W. Adolph, Esq., Partner, Kean Miller LLP, Baton Rouge, LA

Speakers:

Lawrence Chehardy, Esq., Commissioner Chairman - District 1, Louisiana Tax Commission, Baton Rouge, LA

Peter J. Crossett, Esq., Partner, Barclay Damon, LLP, Syracuse, NY

Mark Pomykacz, MAI, ASA, MRICS, Managing Partner, Federal Appraisal & Consulting LLC, Whitehouse Station, NJ

Kevin S. Reilly, ASA, Managing Partner, evcValuation LLC, Brookfield, WI

12:30 – 1:00 pm **Luncheon (Presentation to follow immediately after lunch)**

1:00 – 1:45 pm

Things Change – An Outlook for Real Estate and the Economy

He chased the election, and he won. Now what? Listen how the future economy may be affected by the election of Donald J. Trump as President and how property in particular could be impacted.

Learning Objectives

By attending this session, the participant will be able to:

- Summarize expert’s view of the economy after the election
- Assess plans for future investment

Speaker Introduction by:

Edward Kliewer III, Esq., Senior Counsel, Norton Rose Fulbright USA LLP, San Antonio, TX

Speaker:

Ted C. Jones, Ph.D., Chief Economist, Director of Investor Relations, Stewart Title Guaranty Co., Houston, TX

1:45 – 2:00 pm **Networking Break**

2:00-3:30 pm

Roundtable – Around the Nation: What’s Hot, and What’s Not

Get an update from our panel of state tax experts from across the country on important property tax trends across the country, likely coming soon to a state near you.

Learning Objectives

By attending this session, the participant will be able to:

- Summarize the latest judicial, statutory and administrative developments in key states
- Be better equipped to advise clients and/or employers
- Recognize the potential impact of these developments in other states

Moderator:

Charles J. Moll III, Esq., Partner, Winston & Strawn LLP, San Francisco, CA

Speakers:

Mark A. Loyd, Esq., Partner and Chair, Tax and Employee Benefits Practice Group, Bingham Greenebaum Doll LLC, Louisville, KY

Angela W. Adolph, Esq., Partner, Kean Miller LLP, Baton Rouge, LA

David C. Wilkes, Esq., CRE, FRICS, Partner, Huff Wilkes, LLP, New York, NY

3:30 – 3:45 pm **Networking Break**

3:45 – 5:15 pm

The Big Box Store Controversy: Looking for Solutions

From an assessment perspective, big-box stores continue to be one of the most controversial types of property. In this session, a panel of experts will summarize the issues surrounding the big-box store controversy, review applicable court decisions, and offer possible solutions that are fair and supported by the market.

Learning Objectives

By attending this session, the participant will be able to:

- Identify and discuss definitions that are key to the big-box issue
- Discuss and explore sources of valuation methodologies, including market behavior, appraisal texts, appraisal standards and industry attempts to find market-supported methodologies
- Discuss possible solutions to the big-box controversy, and seek input from attendees

Moderator:

Michele M. Whittington, Esq., Attorney, Stites & Harbison, PLLC, Frankfort, KY

Speakers:

Peter F. Korpacz, MAI, CRE, FRICS, President, Korpacz Realty Advisors, Inc., Mount Airy, MD

Kathryn D. Myers, Esq., Assistant County Counselor, Johnson County, Olathe, KS

Gaylord A. Wood, Jr., Esq., Partner, Wood & Stuart, P.A., Fort Lauderdale, FL

5:15 – 6:15 pm **Reception**7:30 – 8:00 am **Continental Breakfast**

8:00 - 9:30 am

The Dark Store Theory: Controversy in the Property Tax World

The “Dark Store” Theory currently poses what is arguably the single most controversial issue in the valuation of real property for property tax purposes. Proponents and opponents of the Dark Store Theory have generated some of the most passionate, if not heated comments in the print media in recent memory. The decisions reached by tribunals have engendered special legislation designed to overturn those decisions, followed by later legislation to overturn the original legislation. A panel of experts drawn from the front lines will square off to debate the fundamental appraisal and legal issues raised by this provocative issue.

Learning Objectives

By attending this session, the participant will be able to:

- Recall the fundamental appraisal principles and practices necessary to understand and properly value properties, including the use of comparables which are vacant, sold subject to deed restrictions, or constitute build-to-suit or sale leaseback transactions
- Summarize the critical legal concepts and doctrines, which may vary from state-to-state, which determine the fair and lawful valuation of retail properties using comparables which may be vacant, sold with deed restrictions, or constitute build-to-suit or sale leaseback transactions
- Recognize the fundamental issues involving the selection and analysis of reasonable comparables, and debate conflicting views regarding the taxable market value and “fair share” for property tax purposes

Moderator:

Thomas R. Wilhelmy, Esq., Attorney, Fredrikson & Byron, P.A., Minneapolis, MN

Speakers:

Thomas W. Hamilton, PhD, MAI, CRE, FRICS, Gerald Fogelson Distinguished Chair, Roosevelt University, Chicago, IL

Mark Hutcheson, CMI, Esq., CRE, Managing Partner, Popp Hutcheson PLLC, Austin, TX

David Lennhoff, CRE, MAI, FRICS, AI-GRS, Senior Director, Altus Group, Tysons, VA

Amy R. Seibel, Esq., CPA, Member, Seibel Law Offices LLC, Mequon, WI

9:30-9:45 am Networking Break

9:45 – 11:15 am

How to Win Your Case on Obsolescence

The success of a property tax appeal can easily turn on how persuasively obsolescence is identified and measured in the cost approach. In this session, our panel of experts will discuss the concepts of obsolescence, methods to identify and measure it, and how decision makers (i.e., judges, board members, etc.) perceive those methods.

Learning Objectives

By attending this session, the participant will be able to:

- Explain what constitutes obsolescence and why it is important to consider
- Describe methods to identify and quantify obsolescence
- Evaluate strengths and weaknesses of those methods in a litigation context

Moderator:

Charles J. Moll III, Esq., Partner, Winston & Strawn LLP, San Francisco, CA

Speakers:

Michelle DeLappe, CMI, JD, LLM, Owner, Garvey Schubert Barer, Seattle, WA

Alexander L. Hazen, ASA, IFAS, CEO, International Appraisal Company, Upper Saddle River, NJ

Stan Tish, MAI, Former Chair, Santa Clara County Assessment Appeals Board, Palo Alto, CA/Principal, Berliner, Kidder & Tish, Santa Clara, CA

11:15 am - 12:15 pm

Ethics for Property Tax Lawyers and Consultants: When providing property tax services, you need to know and play by the rules. This ethics refresher is presented by property tax practitioners for property tax practitioners

Examples of ethical situations that have occurred or could occur for state tax professionals will be discussed as well as appropriate action that may be taken. Suggestions for how to minimize and/or avoid falling into these situations in the future will also be provided.

Learning Objectives

By attending this session, the participant will be able to:

- Recognize various codes of ethics that apply to, guide and protect state tax practitioners, their employers and our profession
- Identify situations that may compromise ethical conduct

Moderator:

Stewart M. Weintraub, Esq., Shareholder and SALT Practice Chair, Chamberlain, Hrdlicka, White, Williams & Aughtry, West Conshohocken, PA

Speaker:

Mark A. Loyd, Esq., Partner and Chair - Tax & Employee Benefits Group, Bingham Greenebaum Doll LLP, Louisville, KY

Brad Hasler, Esq., Partner, Bingham Greenebaum Doll LLP, Indianapolis, IN

12:15 pm Seminar Adjourned

SALES TAX SEMINAR GOLD SPONSOR



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A series of horizontal lines for taking notes, spanning the right side of the page.

