

# **COUNCIL OF TAXATION SECTION MINUTES OF REGULAR MEETING**

**April 19, 2012**

A regular meeting of the Council of the State Bar of Michigan Taxation Section was held on April 19, 2012, at 9:00 a.m. at the Oakland County offices of Varnum LLP, 39500 High Pointe Blvd., Suite 350, Novi, Michigan. Warren Widmayer, Chairperson of the Taxation Section, presided.

## **COUNCIL MEMBERS PRESENT**

Warren Widmayer  
Marjorie Gell  
Alex Domenicucci  
Paul McCord

Wayne D. Roberts  
Carolee Kvorciak Cameron  
Daniel M. Houlf  
Gary Glenn

Lynn Gandhi  
Michael Antovski.  
Marla Carew  
George V. Cassar, Jr

## **COUNCIL MEMBERS ABSENT**

Gina Torielli  
Gary Remer

## **COMMITTEE CHAIRPERSONS PRESENT**

Stephanie Teitsma  
Jackie Cook

Frank Henke  
James Combs

## **COMMITTEE CHAIRPERSONS ABSENT**

Deborah Baughman

Andrew Lane

Nicole Appleberry

## **OTHERS PRESENT**

Fred Hoops  
Erin-leigh Sexton

Jeff Kirkey  
Brian Einhorn

Eric Skinner

Council Chairperson, Warren Widmayer, called the meeting to order at approximately 9:00 a.m.

## Minutes

The minutes of the March 2, 2012, meeting of the Council were previously distributed. There being no objections, the minutes were unanimously approved and adopted.

## Treasurer's Report

Lynn Gandhi provided the Treasurer's Report for the two months ended March 31, 2012. There being no objections, the Treasurer's Report was unanimously approved.

## **COUNCIL ACTIVITIES**

### 1. Continuing Professional Education - After Hours Tax Law Series – Jeff Kirkey

The 2011-2012 After Hours Series has concluded, and the planning for the 2012-2013 series is underway.

### 2. 2012 Tax Conference – Michael Antovski and 2013 Tax Conference – Alex Domenicucci

The 2012 Annual Tax Conference will be held on May 1, 2012. \$16,000 has been obtained from conference sponsors. There was discussion concerning some changes that need to be made in the schedule. There was also discussion regarding student scholarships to be provided to the event; it was decided that each law school in Michigan would be offered several complimentary registrations. Dates for the 2013 Tax Conference that are being considered are May 1 or May 3.

### 3. Tax Court Luncheon/Outreach – Dan Houlf

Dan Houlf reported on the recent Tax Court Lunch held on April 17, 2012, at the Doubletree Hotel in Detroit. There were approximately 65 attendees, including 25 students. He also reported that there were 40-50 attendees (including 30 students) at the IRS Appeals Seminar/Panel held at Wayne State University Law School on March 13, 2012. No further events are planned. Finally, Dan mentioned that he is coordinating the Excellence in Tax Awards to be presented at the Annual Tax Conference to students from each Michigan law school.

### 4. Grants/Michigan Bar Journal Liaison – Gary Glenn

Five grant applications have been received; \$9,000 will be awarded. It was recommended that awards be given to: University of Michigan – Low Income Tax Clinic (\$2,000), Accounting Aid Society (\$2,000), Michigan State University- Tax Clinic (\$2,500), The Baxter Community Center (\$2,000) and The Michigan Poverty Law Program (\$500). George Cassar made a motion to accept the recommendations, Marla Carew seconded, and the motion was unanimously accepted. There was a discussion of the July 2012 tax issue of the Michigan Bar Journal.

### 5. Michigan Tax Lawyer – Marla Carew

The Spring 2012 issue should be out soon. The Fall 2012 issue will focus on International Tax and Practice & Procedure.

6. Internet/Annual Meeting – George Cassar

George reported that he will be meeting with the Chair of the Young Tax Lawyers Committee (Stephanie Teitsma) concerning Taxation Section presence on the Internet and Facebook. The Annual Meeting is scheduled for September 27, 2012.

7. Pro Bono – Paul McCord

Paul reported on the proposed tax pro bono program. There was a discussion concerning the parameters of the proposed program, as well as the poverty thresholds that should apply.

8. Probate and Estate Planning Section Liaison Report – Fred Hoops

Fred was present and discussed the upcoming Probate and Estate Planning Section Annual Conferences. He also reported on special projects that the Probate and Estate Planning Section is working on, including specialization and certification, as well as website content policies of the State Bar.

9. State Bar of Michigan Liaison Report – Brian Einhorn

Brian was in attendance and participated in the discussion regarding the proposed tax pro bono program.

10. IRS Area Counsel Liaison Report – Eric Skinner

Eric discussed the upcoming Tax Court calendar, as well as the possibility of a December 11, 2012, Tax Court Lunch. He also discussed a case of first impression that concerns application of the passive activity loss rules to a trust holding real estate as a trade or business. Finally, Eric mentioned that there will be an upcoming joint meeting between the IRS and Canada Revenue officials to discuss coordination of joint and simultaneous audits, as well as transfer pricing issues.

11. Young Lawyer’s Section Liaison Report – Phil Admiraal

Phil Admiraal was absent; no report was provided.

12. Program Facilitator Report – Erin-leigh Sexton

Erin was present and had no report.

**COMMITTEE ACTIVITIES**

***1. Business Entities – James Combs***

James was present and discussed an upcoming June committee presentation to be held in Kalamazoo.

## ***2. Employee Benefits – Deborah Baughman***

Deborah was not present but submitted a report. A meeting was held on March 22, 2012, at 9 a.m. at the Sheraton Detroit-Novis. The speaker was Sal Tripodi. There were 72 attendees.

## ***3. Estates and Trusts – Frank Henke***

On March 14, 2012, 3–4:30 p.m., at Warner Norcross & Judd, Southfield, MI, there was a presentation on Gift Tax Planning. On August 8, 2012, 3–4:30 p.m., at Warner Norcross & Judd, Southfield, MI, there will be a presentation on U.S./Canadian Cross-Border Tax Issues Related to Estate Planning. On January 25, 2013, there will be a joint event with the Probate Section on Gift Tax Reform; details will be forthcoming.

## ***4. Practice and Procedure – Nicole Appleberry***

Nicole was not present, but submitted a report that was read by Warren. Nicole and the Committee are working on a summer program. The topic will be “Working a Collections Case with Michigan Treasury.”

## ***5. State and Local – Jackie Cook***

Jackie reported on the recent joint mixer with the Real Estate Section held in Ferndale. She is working on upcoming meetings for the SALT Committee. There will be a cocktail mixer on August 23, 2012, 5–7:30 p.m. at Dykema in Lansing.

## ***6. International Law – Andrew Lane***

Andrew was not present, but submitted a report. The Committee recently participated in an April 5, 2012, panel discussion with the Young Tax Lawyers Committee; it was well attended. He is currently working on a joint presentation with the International Tax Committee to be given at the Young Tax Lawyers Summit on June 16, 2012.

## ***7. Young Tax Lawyers – Stephanie Teitsma***

There was a panel discussion on tax careers held on April 5, 2012 in Lansing; 25 people attended. Speakers included Andy Lane (PwC), Phil Admiraal (Alticor), and Tamika Mayes (GM). The Committee is working on putting together a writing seminar for young tax lawyers.

**OLD BUSINESS**

Carolee Cameron reported on Offer in Compromise legislation that was introduced in the Michigan House on March 28, 2012. Carolee will take a look at the bills (HB 5519 and 5514) to see if there should be suggested changes or edits.

A motion was made by Gary Glenn and seconded by Lynn Gandhi to adopt the Taxation Section's Policy Position Statement on Retroactivity, as well as Policy Position Statement on Contingent Fee Audits. After discussion, the policies were adopted, subject to 2 minor revisions. The final versions will be circulated and sent to the State Bar. Marla Carew suggested that the policies be published in the Fall edition of the Michigan Tax Lawyer.

**NEW BUSINESS**

Warren discussed a letter received from attorney John Scott (Schott & Huff, P.C.) concerning the Financial Action Task Force rules on money laundering and anti-terrorist financial transactions. John Scott has offered to make presentations on this topic at future tax conferences.

Attorney Bob Forrest, on behalf of the Oakland County Tax Bar Committee of the OCBA, sent a position statement on officer liability. The matter will be put on the agenda for Council's next meeting in June.

There being no further business, upon motion duly made by Marla Carew, seconded by Alex Domenicucci and unanimously approved, the meeting was adjourned at 11:06 a.m.

Respectfully submitted,

Marjorie Gell  
Secretary