

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

June 16, 2011

A regular meeting of the Council of the State Bar of Michigan Taxation Section was held on June 16, 2011 at 9:00 AM at the Thomas M. Cooley Law School, 3475 Plymouth Road, Ann Arbor, MI. Gina M. Torielli, Chairperson of the Taxation Section, presided.

COUNCIL MEMBERS PRESENT

Warren Widmayer	Wayne Roberts	Lynn Gandhi
Marla Carew	Michael Antovski	Marjorie B. Gell
Paul V. McCord	Gary Glenn	Gary Remer
George V. Cassar	Gina M. Torielli	

COUNCIL MEMBERS ABSENT

Daniel Houlf	Michael Domanski	Gary Remer
Ronald T. Charlebois		

COMMITTEE CHAIRPERSONS PRESENT

Alex Domenicucci	Tom Shaevsky	Chris Ballard
Peter Kulick	Andy Lane	

COMMITTEE CHAIRPERSONS ABSENT

Carolee Cameron		
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OTHERS PRESENT

Eric Skinner	Phil Admiraal	Jeff Kirkey
Deb Michaelian		

Council Chairperson, Gina M. Torielli, called the meeting to order at approximately 9:00 AM.

Minutes

The Minutes of the April 28, 2011 meeting of the Council were previously distributed. Upon the motion by George Cassar, seconded by Paul McCord, the Minutes were unanimously approved and adopted.

Treasurer's Report

Wayne Roberts provided his report as Treasurer for the seven months ended April 30, 2011. The revenue amounts reflect the Annual Conference revenue. There is an increase in cash on hand, and the Committees need to complete their programming and expected expenses.

A motion to approve the Treasurer's report was made by Warren Widmayer, seconded by Paul McCord and unanimously approved.

Council Activities

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

Jeff provided details of the new ICLE studio that will be hosting the next 2 After Hours sessions. The use on an in-house studio allows web presentations without the need to incur "live" expenses at St. Johns. The next 2 sessions will cover "The MBT and Beyond" and "Tax Administration & Controversies." "Law Practice Management for Tax Lawyers and "Hot Topics in Estate and Gift Tax" will follow.

2. 2011 Tax Conference –Gary Remer

A discussion was held regarding the 2011 Annual Conference. Jeff Kirkey acknowledged the concerns that had been voiced regarding ICLE's management of the conference. Jeff was then excused for a further discussion among Council and Committee members regarding use of ICLE for conference management in 2012, or the potential to explore other providers, including the MACPA.

The Conference was a big success, with an increase in total registered and paid registrants holding steady. The largest number of attendees continues to be from Oakland and Wayne County. There was an increase in webcast participants.

The Council congratulated Gary for his excellent work on the Conference.

2012 will be the 25th anniversary of the conference, and the Committee will work to leverage off lessons learned from the 2011 conference.

3. Tax Court Luncheon – Gary Glenn.

Gary Glenn will contact Judge Laro to determine his availability for a Tax Court Luncheon to be held on October 25. It was agreed that the Doubletree Lafayette is a good forum for the luncheons.

4. Directory – George Cassar

George reported on the review of the SBM on-line offerings. It was decided that due to the content contained on the SBM site, there was no need for the Tax Section to duplicate information. The Tax Section's website will be updated to reflect the recent IRS move.

5. Michigan Bar Journal Liaison – Paul McCord

The next all tax edition of the Michigan Bar Journal will be in July of 2012. Please let Paul know if you are interested in writing. Section Briefs will be in the Annual Meeting report in September.

6. Michigan Tax Lawyer – Marla Carew

The spring issue should be in your mailbox shortly. Articles for the Fall issue are due September 1.

7. Internet – Daniel Houlf

Dan Houlf was absent but provided a written report. The Section's Facebook page is still under construction. Dan has been working with SBM to address architectural issues with the page.

8. Public Policy Liaison – Marjorie B. Gell

Discussion was held regarding the highlights of the new Michigan Corporate Income Tax. Various issues were discussed, including the treatment of partnership distributions and the new withholding requirements for pass-through entity members. It was noted that the Michigan Supreme Court has scheduled a hearing on the constitutionality of taxation of public employee pensions.

Various Council and Committee members volunteered to serve on a Task Force to review this issues and potential guidance to be provided to the legislature. Marjorie will chair the task force, with Lynn Gandhi, Mike Antovski, Wayne Roberts and Alex Domenicucci. The task force welcomes additional participants.

Marjorie reported on the letter to be sent to Sen. Steven M. Bieda regarding Proposals for Michigan Tax Legislation, which included elimination of the prepayment requirement to the Court of Claims and Offer-in-Compromise Legislation. The Council provided comments and discussion.

9. Membership Outreach Coordinator – Dan Houlf

Dan Houlf was absent but provided a written report. There has been no activity since May due to summer break. Positive feedback was received from the students as well at professionals regarding the student achievement awards at the Annual Conference. We will follow up with these students and hope they will become active members of the Section.

10. Annual Chairpersons' Dinner – Gary Glenn

The annual meeting will take place on September 22, 2011 at St. Johns at 5:00. It will be follow the regular meeting. The program will include invitation to prior Chairpersons, with cocktails at 5:30 and dinner and possible speaker to follow.

11. Grant Program – Michael Domanski

Mike was absent no report provided.

Probate and Estate Planning Section Liaison Report – Fred Hoops

Fred Hoops was absent and sent a report. The Probate Council voted to oppose SB 404 and 406 largely because of the procedural burdens they would place on courts, banks, fiduciaries and other third parties. The bills were introduced by Sen. Kahn, chair of the Senate Appropriations Committee and would dramatically change the nature of estate recovery in Michigan. The bills would convert Michigan to a lien state, subjection the property of Medicaid beneficiaries to liens, eliminate most of the exclusions created by the 2007 estate recovery law and eliminate the viability of ladybird deed and other planning tools. The bills would also require tracing all assets a Medicaid recipient has that are subject to recovery.

State Bar of Michigan Liaison Report – David Perkins

David Perkins did not attend, no report was provided.

IRS Area Counsel Liaison Report – Eric Skinner

The Detroit Office completed their move to 500 Woodward Avenue, One Detroit Center. There will be an open house in conjunction with the U.S. Attorney's Office. The new space contains a training center that is being considered for a joint session with Council and Appeals.

Young Lawyers' Section Liaison Report – Phil Admiraal

Phil reported on the YLS Annual Summit held May 20 – 21, 2011 in Grand Rapids, at which Marjorie Gell, Wayne Roberts and Tamika Mayes presented on the Michigan Business Tax, which was enjoyed by the attendees. The YLS is reviewing options to join with the Tax Section for community service/pro bono opportunities.

Program Facilitator Report – Deb Michaelian

Nothing to report

COMMITTEE ACTIVITIES

Business Entities – Alex Domenicucci

The Committee had a good presentation at the Annual Conference and will reconvene in the early Fall, with the topic to be decided later.

Employee Benefits – Thomas Shaevsky

The Committee had a good presentation at the Annual Conference. John Hazewinkel, JD, MPA, Project Manager of the Institute for Health Care Studies, Michigan State University, addressed key elements of the Patient Protection and Affordable Care Act (PPACA) and how they may be implemented in Michigan.

Estates and Trusts – Chris Ballard

Exploring a joint meeting with the probate section.

Practice and Procedure – Peter Kulick

Peter indicated that his committee is looking into a joint meeting with the International Committee.

State and Local –Carolee Cameron

Carolee was absent and no report was provided. The Committee will have a call on June 20th with the study group organized to review personal property tax classification issues with the recent decision allowing an appeal from the State Tax Commission.

A social meeting will be organized with Treasury officials and representatives in August or later.

Very positive feedback was received from Bruce Fort's presentation at the Annual Meeting. Consideration should be given to having nationally known speakers present to the whole group, rather than as a breakout.

International Law – Michael Domanski and Andy Lane

The Committee will have a joint program with the young lawyers section on June 23 at Cooley Law School in Auburn Hills.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Warren provided a report from his attendance at the SBM Leadership Conference for incoming Chairs. Materials will be circulated regarding a diversity pledge for Sections.

The Council discussed the timing and management of the Annual Conference. A motion was made by Warren Widmayer, seconded by Lynn Gandhi and unanimously approved to purchase a Taxation Section Banner for display at future conferences.

A motion was made by Mike Antovski, seconded by Marla Carew and unanimously approved to hold the 2012 Annual meeting of the Section in May of 2012 following the Annual Conference. This may encourage participation by Section members and prior Chairpersons.

A motion was made by Marla Carew, seconded by Warren Widmayer and unanimously approved to have ICLE manage the 2012 Annual Conference. The committee will explore multi-tier sponsorships for the conference.

There being no further business, upon motion duly made by George Cassar, seconded by Gina Torielli and unanimously approved, the meeting was adjourned at approximately 11:04 AM.

Respectfully submitted,

Lynn A. Gandhi
Secretary