

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

October 23, 2014

A regular meeting of the Council of the State Bar of Michigan Taxation Section was held on October 23, 2014, at 9:00 am at the offices of Maddin Hauser, 28400 Northwestern Highway, Southfield, Michigan. Marjorie Gell, Chairperson of the Taxation Section, presided.

COUNCIL MEMBERS PRESENT

Michael Antovski	Alex Domenicucci	Paul McCord
Marjorie Gell	Richard Siriani	Eric Skinner
Marla Carew	James Combs	Bill Lentine
Lynn Gandhi	Jackie Cook	Joe Pia

COUNCIL MEMBERS ABSENT

Tammie Tischler	Andy Lane	George Gregory
Phil Admiraal		

COMMITTEE CHAIRPERSONS PRESENT

Andrew McLeod	Andrea Crumback	Jack Panitch
Mickey Bartlett	Frank Hencke	

COMMITTEE CHAIRPERSONS ABSENT

Sean Cook		

OTHERS PRESENT

Stephanie Stenberg	Brian Figot	

Marjorie Gell called the meeting to order at 9:15 am. Marjorie introduced Brian Figot, the Council's new Program Facilitator, as well as new council members and committee chairs.

MINUTES

The Council Meeting Minutes of September 16, 2014, were presented. Upon motion by Michael Antovski, seconded by Bill Lentine, the aforementioned Minutes, as amended, were unanimously approved and adopted.

TREASURER'S REPORT

Michael Antovski discussed, but did not distribute, the budget for the twelve months ended September 30, 2014. Last fiscal year the Section's revenue exceeded expenses by approximately \$2500. As has been the case in previous years, committees have not been spending their entire budget. Michael encouraged committees to spend their budget.

Expenses for the After Hours program, now called the ICLE Tax Law Series, have also been largely reduced now that it is offered solely on-line.

Michael discussed revising the budget entries for the Annual Tax Conference. The revenue entry would show separate line items for amounts received from registrations and from sponsors. Expenses would also be reflected separately under expense. This would give the Section a better idea of the exact amount of revenue and expenses associated with the Annual Tax Conference.

Upon motion by Marjorie Gell, seconded by Marla Carew, the budget was unanimously approved and adopted subject to and pending revisions reflecting Michael's concerns above.

Alex Domenicucci distributed a proposed budget for the twelve months ended September 30, 2015.

Before we discussed the proposed budget, Marjorie discussed her overall goals for her term, including tax tribunal reform, amicus briefs and other policy measures. Due to her current position as Judge Talbot's clerk, Marjorie will recuse herself in many of the policy discussions, but this should not stop the Council's policy efforts.

Marjorie also wants to focus on strategic planning, as it is going to be challenge to replace council members and committee chairs because the younger generation communicates and interacts differently. Marjorie encouraged everyone to think about succession planning for each of their positions. This discussion served as an introduction to changes to the proposed budget for the twelve months ended September 30, 2015.

Alex went on to discuss the draft proposed budget. Michael's suggestions regarding breaking out the revenue and expenses for the Annual Tax Conference will be included. The proposed budget will be circulated next week by email for approval by the Council.

The Council discussed whether each committee's budget should be \$2500 or whether this amount should be customized for each committee, as some committees spend more and

some committees spend less. It was decided that committee chairs should submit proposals to Alex by next week.

It was also decided to add a new line for the State Bar Michigan Leadership conference in the amount of \$1500. Richard Siriani suggested that the Council should send two participants each year – the Chairperson and the incoming Chairperson.

It was decided to eliminate the marketing expense for the ICLE Tax Law series. ICLE carries the marketing expenses for this program so we do not need to do our own marketing. The State Bar might also be interested in bidding for our printing cost for the Michigan Tax Lawyer. Bill Lentine will investigate as to whether this saves us money.

Lynn Gandhi suggested we should think about raising section dues for 2015-2016. The Council also discussed the proposed expense item of \$5,000 for strategic planning.

Alex will circulate the proposed budget for approval by Council once he hears from the committee chairs regarding their proposed budgets for the twelve months ending September 30, 2015.

COUNCIL ACTIVITIES

1. Strategic Planning – Jackie Cook

More details regarding what types of activities this Council position will entail will be forthcoming – Jackie Cook is going to look at the strategic goals of the State Bar for ideas. Some suggested areas for further consideration are communications, mentoring, reaching out to law students. The objective is to put goals and plans on paper to preserve continuity and benchmark progress.

2. Social Media / Communications – Marla Carew

Marla reported that the rather uninteresting prior tax section page on the State Bar's website will be replaced by a page on SBM Connect. There is a separate page for the Council – everyone is strongly encouraged to join and update their profile. This page will also replace our list serve.

3. Michigan Tax Lawyer – Bill Lentine

Bill reported that the fall volume will be out shortly – it has a number of interesting articles but does not have any committee reports. It also has a very thorough letter from the outgoing Chairperson, Lynn Gandhi.

The winter volume will be complete on January 1, 2015. So far Bill has tentative commitments for three articles and potential topics for anyone interested in writing an article. The topics for the winter volume are Business Entities and State and Local Tax. Stephanie Stenberg said that Stef Tucker might be interested in submitting an article for the winter volume.

Lynn reminded committee chairpersons that they are responsible for submitting reports – the editor has many other responsibilities and should not have to chase after these reports.

4. Michigan Bar Journal Liaison / Tax Court Lunch

Both Andy Lane and Tammie Tischler were absent and did not submit reports.

5. Tax Conference

a. 2015 – James Combs

The Annual Tax Conference will take place on May 21, 2015 at St John's Inn in Plymouth. James reported that the schedule for both the morning plenary and the afternoon break-out sessions is coming together. This year's Annual Tax Conference will focus on in-house counsel.

James also discussed potential sponsorships in detail and ways to promote the conference.

b. 2016 – Tammie Tischler

Tammie was absent and did not submit a report. Stephanie Stenberg advised that she will let us know as to the date.

6. Federal & State Legislative Update and Public Policy Liaison – Frank Hencke

Frank reported that after election, we should see movement on tax tribunal reform and pay-to-play. Jackie Cook suggested that we should continue to promote our position on pay-to-play.

7. Annual Meeting – Joe Pia

Joe has made contact with the Townsend and informally reserved September 15 and September 22, 2015 for the Annual Meeting. Both of these dates were discussed and because September 15, 2015 is the last date for corporate returns and September 22, 2015 is Yum Kippur, another date was chosen. Joe confirmed with the Townsend that September 24, 2015 is available and reserved that date. Rooms are available for \$265 a night.

8. ICLE Tax Law Series – Jeff Kirkey / Joe Pia

Joe reported that the Tax Law Series is going well. There is a state tax controversies webinar going out on November 4, 2014. The next webinar will discuss transfer taxes.

9. Grant Program – Marla Carew / Paul McCord

Marla briefly discussed grants recently awarded at the Annual Tax Conference.

10. Pro Bono Project/Community Service Initiative Coordinator – Paul V. McCord

Paul discussed upcoming calendar for the pro bono program.

11. Committee Activities

a. Federal Income Tax – Andrew MacLeod

Andrew reported that there will be a meeting on Thursday, November 13 at 4 pm at the Detroit office of Dickinson Wright. The topic will be the “Nuts and Bolts on Getting a Private Letter Ruling.”

Andrew is working on further meetings. Marjorie Gell asked all committee chairs to ball park dates, even if the events are marked TBD, in order to put events on the Council’s calendar as soon as possible.

b. Employee Benefits – Mickey Bartlett

Mickey had to leave the meeting and did not submit a report.

c. Estates and Trusts – Sean Cook

Sean Cook was absent but sent a report. The next Estates and Trust meeting will take place on Thursday, October 30 at 4 pm at the Southfield office of Warner Norcross. Jeff Risius of Stout Risius Ross will discuss personal goodwill cases and the proposed Revenue Administrative Bulletin for estate and trust income.

d. Practice and Procedure – Jack Panitch

Jack reported that there are tentative plans for January, May and fall Practice and Procedure meetings. Eric Nemeth of Varnum might speak at the January meeting.

e. State and Local Taxation – Andrea Crumback

Andrea reported that there is a SALT mixer planned for mid-November with location to be determined.

f. Young Lawyers – Katie Wilbur

Katie was absent but submitted a report. The Young Lawyers committee will host a series of networking events at three Michigan breweries in Grand Rapids, Lansing and Detroit.

LIAISON REPORTS

1. IRS Area Counsel Liaison Report – Eric Skinner and Rob Heitmeyer

Eric reported that both the February and June dockets are regular documents, while the March and April dockets are small case calendars and therefore are not good candidates for a Tax Court Luncheon.

Eric discussed the following topics of current interest: Circular 230, the *Loving* case, and refund claims on contingency fee basis. A recent case out of the DC circuit gutted the IRS' ability to regulate return preparers. The Circular 230 covered opinion rules have been eliminated. There has also been a huge problem with identity theft. Eric recommended Karen Hawkins as a speaker for the Annual Tax Conference.

2. Probate and Estate Planning Section Liaison Report – George Gregory

George was absent and did not provide a report (??)

3. State Bar of Michigan Liaison Report – Richard Siriani

Richard pointed out that the State Bar has a strategic plan; it might be useful for formulating our own plan. Richard's contact information is incorrect – Brian will correct it.

4. YLS Liaison Report – Phil Admiraal

Phil was absent and did not submit a report.

5. Program Facilitator's Report – Brian Figot

Brian is here to help and will continue to send out committee emails. He is a member of the State Bar and he is also a member of the Habeas Chorus Line.

OLD BUSINESS

Brian recused himself while the Council discussed hiring him as our Program Facilitator at the same rate as that paid to Erin Sexton (\$25/ hour). Lynn Gandhi moved to hire Brian as our Program Facilitator, Marla seconded that motion and the motion carried.

NEW BUSINESS

1. Past Chair Advisory Council

Marjorie discussed the idea of forming a past chair advisory council to tie into strategic planning goals. The idea is to engage past chairs and have them contribute and connect with new members. This will be further discussed and considered at future council meetings.

2. Report Participation Policy

Marjorie suggest that we adopt a report participation policy similar to the one adopted by the New York Tax Section. This policy would deal with confidentiality and conflicts of interest. The Council should clearly communicate that reports, amicus briefs, etc, should not be distributed outside of the Council until officially adopted. We should also have a clearly identified position on conflicts of interest, particularly in light of Marjorie's current position. Marjorie asked us to study this for the next Council meeting.

3. Minutes

Minutes for all prior meetings have been posted on SBM Connect. The old web page will be available for only another six weeks.

4. Calendar

An updated calendar will be posted on SBM Connect shortly.

5. Upcoming Meetings

The next meeting will be on Thursday, December 11 at 3 pm with location TBD. The meeting will be followed by holiday cheer.

Tentative dates were discussed for upcoming meetings.

There being no additional business, a motion to adjourn was made by Alex Domenicucci, seconded by Lynn Gandhi. The meeting was adjourned at approximately 11:23 am.

Respectfully submitted,



Carolee Kvorik Smith
Secretary