

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

August 24, 2017

A regular meeting of the Council of the State Bar of Michigan Taxation Section was held on August 24, 2017, at 9 a.m. at the offices of Seyburn Kahn, P.C. 2000 Town Center, Suite 1500, Southfield, Michigan. Alexander Domenicucci, Chairperson of the Taxation Section, presided.

COUNCIL MEMBERS PRESENT

Alexander Domenicucci	Jackie Cook	James Combs
Andrea Crumback	William Lentine	Michael Monaghan
Paul McCord		

COUNCIL MEMBERS ABSENT

Michael Antovski	Josh Wease	Andrew MacLeod
Mindi Johnson	Sean Cook	Carolee Kvoriak Smith

COMMITTEE CHAIRPERSONS PRESENT

Ryan Peruski	Dan Stanley	
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COMMITTEE CHAIRPERSONS ABSENT

Jon Baloch	Marcy Rosen	Brian Gallagher
Tom Fabbri		

OTHERS PRESENT

Jeff Kirkey	Max Matthies	Shenique Moss
George Gregory		

The Chair called the meeting to order at approximately 9:17 a.m. A quorum was not present.

The Chair commenced the meeting with the announcement of the recent birth of Brian Gallagher's daughter.

MINUTES OF PRIOR COUNCIL MEETING

The Chair tabled comments on the previous meeting's Minutes until the next Council meeting due to the lack of a quorum.

TREASURER'S REPORT

Jackie Cook was present and provided a report. The budget has been updated to reflect the Section's grants and the expenditures for the trip by the Vice Chair, Carolee Smith, to Mackinac Island for State Bar of Michigan matters. The expenses for the most recent edition of the *Michigan Tax Lawyer* have not yet been included in the budget. Jackie noted that the Section had some savings on the 2017 Annual Tax Conference.

COUNCIL ACTIVITIES

1. Strategic Planning – James Combs

James Combs was present and provided a report on the Fundamentals of Taxation Program. James reported that early registrations are proceeding at a better than anticipated pace, that nearly all speakers have been lined up, and that the logistics of putting on the program are being worked out.

James also discussed outreach to the State Bar of Texas' Tax Section to learn more about programs put on by that Tax Section. James noted that he had received materials from their Chair that he would review and then provide a report to the Council.

James noted that a number of Council members and Committee Chairs had provided their quarterly update reporting their progress on the Strategic Plan. James commented that, notably, the Committee Chairs were doing an excellent job in putting on educational programs and other functions.

2. Social Media / Communications – [Unfilled]

None

3. Michigan Tax Lawyer – Andrew MacLeod

Andrew MacLeod was not present, but provided a report. The summer edition of the *Michigan Tax Lawyer* has been published. There are several article in the pipeline (by Council members Sean Cook and Carolee Smith) and Lorraine New. Raj Malivya will submit part 2 to his article on trust issues, which will be published in a future edition of the *Michigan Tax Lawyer*.

4. Michigan Bar Journal Liaison / Tax Court Lunch – Sean Cook

Sean Cook was not present and did not provide a report.

5. Annual Tax Conference – William Lentine (2017); Andrea Crumback (2018)

Bill Lentine was present, but did not provide a report.

Andrea Crumback was present and provided a report on the 2018 Annual Tax Conference. Andrea reported that she has been making progress with speakers and topics. She has also mailed out plaques for the 2017 student award winners.

George Gregory commented on the topics of the presentations. George noted that the presentation that would provide optional CPE credit could cover a tax accounting-related topic rather than ethics. Andrea noted that the first session has not been finalized and that this change could be made. A discussion of possible speakers ensued and Andrea and Jeff Kirkey will follow up on George's suggestion.

6. Federal & State Legislative Update and Public Policy Liaison – Michael Monaghan

Michael Monaghan was present and provided a report. Mike noted that there have been few federal income tax developments during the current political climate and he referred back to his most recent reports. A discussion ensued regarding the partnership audit rules in the context of the ICLE forms book and the drafting of model language for practitioners to use.

7. Annual Meeting – Paul McCord

Paul McCord was present and provided a report. Paul reported on the location and timing for the Taxation Section's Annual Meeting. The Section has decided to change the date and location of its originally-scheduled meeting because of conflicts with the State Bar of Michigan meeting schedule. Therefore, the Section has changed the time, date and location to 3:00 p.m., October 5, 2017, at the Townsend Hotel in Birmingham, which will result in some additional costs as compared to the Annual Meeting in 2016. There will be an e-blast to inform the Section's members of this change.

8. ICLE – John Swift

Jeff Kirkey and Max Matthies were present and Max provided a report.

Max noted that a speaker on the topic of planning for the future of the estate tax is needed for the Tax Law Series.

9. Grant Program – Mindi Johnson

Mindi Johnson was not present and did not provide a report. The Chair noted that grants under the Sections grant program have been completed.

10. Pro Bono Project/Community Service Initiative Coordinator – Josh Wease

Josh Wease was not present and did not provide a report.

11. IRS Area Counsel Liaison Report – Eric Skinner / Rob Heitmeyer

Eric Skinner and Rob Heitmeyer were not present and did not provide a written report.

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

George Gregory was present and submitted a report. George noted various items that are being considered by the Probate Section, including (i) Yahoo! televising certain judicial proceedings, (ii) community property issues related to a step-up in tax basis, (iii) assisted reproduction technology, and (iv) a case regarding the priority of federal tax liens or administrative expenses.

13. State Bar of Michigan Liaison Report – Shenique Moss

Shenique Moss was present and provided a report. Shenique reported that the next meeting of Board of Commissioners and YLS will be at the Annual Meeting. There will be a Commissioner's meeting on Wednesday, September 27th, and a separate meeting for the Young Lawyers. Shenique also reported that there will be an expungement fair at the downtown Library in October and that the YLS edition of the *Michigan Bar Journal* will be in November.

14. YLS Liaison Report – Shenique Moss

Shenique Moss was present and provided a report. See the discussion above in the SBM Liaison Report.

15. Program Facilitator Report – Mary Owiesny

Mary Owiesny was not present and did not provide a report.

COMMITTEE ACTIVITIES

1. Employee Benefits – Brian Gallagher

Brian Gallagher was not present, but provided a report. The Employee Benefits committee will hold a joint session with the Business Law Section on September 19, 2017, at the Community House in Birmingham. The topic will be employee benefits in M&A transactions, including coverage of the Section 409A and the Section 280G golden parachute rules. There will be a moderator and two panelists. On November 9, 2017, Sherry Brackney from the Cincinnati office of the Department of Labor will be presenting on behalf of the Employee Benefits Committee.

2. Estates and Trusts – Thomas Fabbri

Thomas Fabbri was not present, but provided a written report. He has an event planned September 2017, with details to be released soon.

3. Federal Income Tax – Jon Baloch

Jon Baloch was not present, but provided a report. His next event will be held at 5 p.m. on August 24, 2017, at EY's Detroit office. Trevor Wetherington will be speaking on various types of IRS adjustments and then a mixer will follow.

4. Practice and Procedure – Marcy Rosen

Marcy Rosen was not present and did not provide a report.

5. State and Local Taxation – Dan Stanley

Dan Stanley was present and provided a report. The SALT mixer will be held on September 13, 2017, in Lansing. Dan has invited Section members using SBM Connect and he may also send out an e-blast.

6. Young Tax Lawyers – Ryan Peruski

Ryan Peruski was present and provided a report. Ryan is finalizing details for a September event. He is looking for a member of the Young Tax Lawyers committee to draft an article.

NEW BUSINESS.

- Mackinac Leadership Conference. Carolee attended this leadership conference. This topic is tabled until next meeting due to Carolee's absence.

OLD BUSINESS

- Fundamentals of Taxation Program. See above discussion from James Combs under the "Strategic Planning" header.
- Update of Policy and Procedures Manual. There will be a discussion on August 24, 2017, to discuss the Manual.

Following the completion of the discussion of new and old business, Jackie Cook noted to the attendees that there have been instances of many Michigan Tax Tribunal filings being filed on June 1, 2017, which is after the May 31, 2017, deadline. The reported cause of the late filings was the State of Michigan's electronic filing system for Michigan Tax Tribunal petitions. This system only permits use of a particular credit card for 5 petition filings. As a result, parties/representatives attempting to file more than 5 petitions with the same card were rejected by the system. There will be judicial review of this late filing issue and a discussion among attendees of steps the Taxation Section might take ensued. The Section determined not to take a position at the present time on account of insufficient available information.

There being no additional business, a motion to adjourn was made by James H. Combs seconded by Jackie Cook. The meeting was adjourned at approximately 10:12 a.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'J H Combs', written in a cursive style.

James H. Combs
Secretary