

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

July 20, 2017

A regular meeting of the Council of the State Bar of Michigan Taxation Section was held on July 20, 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	Mindi Johnson
James Combs	Andrea Crumback	Michael Monaghan
Andrew MacLeod	Josh Wease	William Lentine
Carolee Kvoriak Smith	Sean Cook	

COUNCIL MEMBERS ABSENT

Michael Antovski	Paul McCord	

COMMITTEE CHAIRPERSONS PRESENT

Ryan Peruski	Tom Fabbri	

COMMITTEE CHAIRPERSONS ABSENT

Jon Baloch	Marcy Rosen	Brian Gallagher
Dan Stanley		

OTHERS PRESENT

Jeff Kirkey	John Swift	Max Matthies
George Gregory		

The Chair called the meeting to order at approximately 9:03 a.m. A quorum attended in person and via phone.

The Chair announced the resignation of Katie Wilbur from Council.

MINUTES OF PRIOR COUNCIL MEETING

The Chair requested comments on the previous meeting's Minutes. Upon motion by Carolee Kvoriak Smith seconded by Andrew MacLeod, the aforementioned Minutes were unanimously approved and adopted.

TREASURER'S REPORT

Jackie Cook was present and provided a report. Jackie noted that dues are slightly down for 2017. All Committees have held events and, while continuing to spend their budget on the events, have funds remaining to spend. A few items that have not yet been reflected in the budget are costs for the next edition of the *Michigan Tax Lawyer*, a conference attended by Carolee Smith on Mackinac Island, and pro bono grants.

ICLE CONTRACT DISCUSSION

Following the temporary departure of the ICLE participants, Council discussed the ICLE contract for the 2018 Annual Tax Conference. The contract will be the same as in 2017, including the \$12,000 cost. A motion to approve the contract was made by Carolee Smith, seconded by Andrew MacLeod. Council unanimously approved. Following the vote, the ICLE participants rejoined.

COUNCIL ACTIVITIES

1. Strategic Planning – James Combs

James Combs was present and provided a report, principally focusing on the Fundamentals of Taxation Program.

James reviewed the status of program to be held in October and planning activities regarding the program. At present, James is primarily focused on identifying presenters for the program and presented a list of speakers being considered. Council members made a number of suggestions for potential speakers and for the operation of the Fundamentals program.

James also discussed other strategic planning opportunities, including reaching out to sections of other state bars. It was recommended that Wayne Roberts be contacted for additional leads. Mike Monaghan volunteered to reach out in Ohio and Illinois.

2. Social Media / Communications – [Unfilled]

None

3. Michigan Tax Lawyer – Andrew MacLeod

Andrew MacLeod was present and provided a report. The most recent *MTL* has been sent to the printer. For the next issue, the Young Tax Lawyers and the Practice and Procedures committees are due to submit articles (with a due date near the end of September). Andrew encouraged others to submit articles and noted that potential speakers for Fundamentals could submit a related article to the next *MTL*.

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

Sean Cook was present and provided a report. Sean had previously hosted the Tax Court luncheon, which is expected to be the only one this year because there are no other calendared dates. Sean will submit a note discussing the Annual Meeting plus the Fundamentals of Taxation program to the *MBJ* for publication in the upcoming issue. He will also check on the status of a Tax Law issue of the *MBJ*.

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 has met with Jeff Kirkey and outlined next year's May 24th conference at St. John's. Have tentative outline of topics and are contacting potential speakers. Patrick Robertson will return as a speaker and Andrea requested input on other dynamic speakers. Andrea will circulate the topics list upon request. Council discussed whether the Fundamentals of Taxation track will be included again. The plan is for a two-track program this year, with the identification of certain presentations to be branded as part of the Fundamentals of Taxation program.

Council also discussed potential sponsors. Stout will be approached about returning as a sponsor and, possibly, having someone speak at the conference.

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

Michael Monaghan was present and provided a report. Mike discussed the Affordable Care Act legislation and noted that there have been changes as to how the net investment income tax would be treated under a revised Act. Mike also commented on the streamlined audit partnership rules and the need for tax partnerships to address this issue, including in operating agreements. This would be a possible topic for a presentation. Mike has reached out to the MICPA on this, but has not heard back yet.

Carolee noted that the Michigan Tax Tribunal reform bill is before the Senate after moving through the House. The Michigan Chamber of Commerce is also working on various tax bills.

Lastly, there was a discussion of a notice by the City of Detroit of the potential need to register as a lobbyist at the local level. Several Council members have received notices addressed to them in their capacity as State Bar Tax Section members. Council's belief that the Tax Section has not been lobbying the City of Detroit was discussed.

7. Annual Meeting – Paul McCord

Paul McCord was not present and did not provide a report. The Chair noted recent discussions with Paul regarding venues for the planned September 28th Annual Meeting.

8. ICLE – John Swift

John Swift was present and provided a report. John opened up a discussion on whether the Tax Law Series brochure should continue to be printed or whether it should just be distributed electronically. He also raised the question of the timing for mailings.

Tax Law Series – Andrea needs a few more speakers for estate planning and SALT. Proposed speakers and topics were discussed.

9. Grant Program – Mindi Johnson

Mindi Johnson was present and provided a report. She received the grant award checks from the State Bar and has forwarded them to the grant recipients, who should have received them. Carolee noted that she had received an acknowledgement from MSU.

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

Josh Wease was present and provided a report. Josh noted that the pro bono panels held their training program this summer. Nicole Appleberry Christina Thompson and Josh together trained about 25 people. Josh plans to hold another training session next summer.

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 written report. George noted that the Probate and Estate Planning Section has been considering multiple topics, including disinheritance, the dollar amounts to qualify as a small estate, electronic wills, and modifying court rules.

George also reported on additional items, including notices to trust beneficiaries, reconciliation of different transfer acts, limited guardianship legislation, funding of trial courts, exoneration of trustees of irrevocable life insurance trusts, potential roll-out of community property trusts, new laws on guardianship and conservatorship, and premarital agreements.

13. State Bar of Michigan Liaison Report – Shenique Moss

Shenique Moss was not present and did not provide a report.

14. YLS Liaison Report – Shenique Moss

Shenique Moss was not present and did not provide a 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. He met with the Business Law section small business forum. The Employee Benefits committee will hold a joint session on September 19, 2017. The topic will be benefits in M&A transactions, including Section 409A and the Section 280G golden parachute rules. Then, on November 9, 2017, Sherry Brackney from the Cincinnati office of the Department of Labor will discuss plan fiduciaries.

2. Estates and Trusts – Thomas Fabbri

Thomas Fabbri was present and provided a written report. He has an event planned for this month with details to be released soon.

3. Federal Income Tax – Jon Baloch

Jon Baloch was not present, but provided a written report. Jon's next event will be held at 5 pm 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 not present and did not provide a report.

6. Young Tax Lawyers – Ryan Peruski

Ryan Peruski was present and provided a report. Ryan is planning a late August/early September event.

NEW BUSINESS.

- ICLE Contract for 2018. See above.
- Mackinac Leadership Conference. To be discussed at the next Council meeting.
- Tax Law Series. See above.

OLD BUSINESS

- Fundamentals of Taxation Program. See above discussion from James Combs under the "Strategic Planning" header.
- Update of Policy and Procedures Manual. Carolee is aiming for August 21, 2017, to discuss the MTL. Will also focus on duties of Committee chair and timing of planning (*e.g.*, Calendar basis planning instead of planning based solely on the fiscal year).

The next Council meeting is rescheduled to Thursday, August 24, 2017.

There being no additional business, a motion to adjourn was made by Sean Cook seconded by Andrew MacLeod. The meeting was adjourned at approximately 10:57 a.m.

Respectfully submitted,



James H. Combs
Secretary