

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

July 12, 2018

A regular meeting of the Council of the State Bar of Michigan Taxation Section was held on July 12, 2018, at 3 p.m. at the offices of Honigman Miller Schwartz and Cohn LLP, 222 N. Washington Square, Suite 400, Lansing, Michigan. Carolee Kvoriak Smith, Chairperson of the Taxation Section, presided.

COUNCIL MEMBERS PRESENT

James Combs	Jackie Cook	Sean Cook
Andrea Crumback	Alexander Domenicucci	Brian Gallagher
Mindi Johnson	William Lentine	Andrew MacLeod
Michael Monaghan	Carolee Smith	

COUNCIL MEMBERS ABSENT

Thomas Fabbri	Ryan Peruski	Joshua Wease
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COMMITTEE CHAIRPERSONS PRESENT

Eric Gregory	Rebecca Pugliesi	Nick Papisifakis
Daniel Stanley		

COMMITTEE CHAIRPERSONS ABSENT

Jon Baloch		
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OTHERS PRESENT

John Arendshorst	Jeff Kirkey (ICLE)	Josh Lowenthal
Maximillian Mathies (ICLE)	Shenique Moss	

Carolee Kvoriak Smith called the meeting to order at 3:18 p.m. A quorum was present at the meeting.

Ms. Smith deferred discussions for Wayne Roberts to discuss the amicus brief until Andrew McCloud, Mike Monaghan, Bill Lentine, James Combs, Ryan Peruski, Becky Pugliesi, and Sean Cook left the meeting.

Wayne Roberts of Varnum and Rhonda Cozier of Ford Motor Company joined the meeting to discuss their request for the Tax Section to participate in a motor fuel tax case as amicus.

Mr. Roberts cited to the Tax Section's amicus policy that promotes the Section getting involved in tax cases impacting the fair administration of tax. He proposes this case has such an impact, that the issues warranting the Supreme Court accepting leave relate to the fair administration of tax. Mr. Roberts indicated Ford just filed an application last week, so time is limited to participate as amicus, although there is not a specific deadline for filing. Carolee indicated there will be further discussion among the officers and Council and thanked Wayne and Rhonda for their time.

After Mr. Roberts and Ms. Cozier left, Andrew McCloud, Mike Monaghan, Bill Lentine, James Combs, Ryan Peruski, and Becky Pugliesi rejoined the meeting.

Carolee asked for corrections to the minutes. George Gregory noted he had attended and p. 1 of the minutes should be corrected to reflect that.

TREASURER'S REPORT

Mr. Combs presented an update on budget for the 2017-2018 fiscal year. James noted there is approximately \$109,000 cash on hand. Revenue is trickling in from MTL and membership. Eric has done a good job of spending his budget on his committee events. And Jackie submitted expenses from the State Bar Leadership Forum attended in June. Cash on hand is close to what it was this time last year.

MINUTES OF PRIOR COUNCIL MEETING

Ms. Smith presented the Council Meeting Minutes of April 19, 2018. Mr. Gallagher motioned to approve, subject to amendment, and Mr. Combs seconded. The minutes were unanimously approved.

COUNCIL ACTIVITIES

1. Strategic Planning – Ryan Peruski [provided by James Combs]

Mr. Combs presented on planning for Fundamentals to be held on October 25.

2. Public Communications – Brian Gallagher

Mr. Gallagher briefly mentioned an E-blast for updated committee pages. Mr. Gallagher encouraged social media on Facebook and with great committee events coming up please take more pictures from events. LinkedIn account has been obtained. The last activity was 3 years ago so updates are needed.

Mr. Gallagher reached out to Mr. Kirkey and the State Bar to address concerns about privacy considerations. After discussions with both ICLE and the State Bar, he discussed continuing the past practice of posting pictures.

Secured LinkedIn password to make LinkedIn a public forum. He encouraged joining.

3. Michigan Tax Lawyer – Mindi Johnson

Mindi is in charge and discussed that authors needing to reach out to her.

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

Mr. Cook reminded Council of the Townsend annual event on September 13, 2018 at 3:00 for the Annual Dinner. The menu is not secured and he is working on the tables and seating arrangements to foster greater discussion. Ms. Smith mentioned the Eblast to disseminate the information.

5. Annual Tax Conference

Ms. Smith included the report from the Tax Conference. Mr. Kirkey indicated that he will discuss next time (in the interest of time). Please pay attention to the 2019 comments.

Mr. Monaghan commented that the venue is an important discussion to have today.

2019 – Michael Monaghan:

Ms. Smith discussed the comments regarding the venue at Inn at St. Johns was extremely positive. Therefore, the questions associated with changing venue should be considered with a view towards retaining the Inn at St. Johns as the venue with all the other changes associated with the conference.

General perspective was that the room format was better than in prior years.

The only facility issue was related to hall-way setup.

6. Federal & State Legislative Update and Public Policy Liaison – Andrew MacLeod

Mr. MacLeod discussed Wayfair, Tax Cuts 2.0 for reducing corporate tax rate and making permanent individual reform, guidance 97-88, regulations for bottom-line guaranty's remain in place. Supreme Court heard the Wayfair case on Nexus for Sales and Use Tax so anticipate some news on that front in the coming year.

7. ICLE – Max Matthies

Mr. Matthies met with Mike Monaghan met to discuss topics such as planning for the future of estate taxes, uncapping, recent tax legislation, and federal tax impact on M&A.

Discussion followed that the *Wayfair* case would be a more timely topic than uncapping.

4 film days for Tax Law Series are being scheduled.

8. Grant Program – Tom Fabbri

Mr. Fabbri was not present, but since we voted Ms. Smith discussed the need for a resolution to ensure timely payment of the grants.

9. Pro Bono Project/Community Service Initiative Coordinator – Joshua Wease

Mr. Wease was not present, but provided a report on a pro bono training webinar with 20 attendees held last month.

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

Messrs. Skinner and Heitmeyer were not present and did not provide a report.

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

Mr. Gregory was present and provided a written report, attached.

12. State Bar of Michigan Liaison Report – Shenique Moss

Ms. Moss was present. The State bar had their finance meeting and indicated the July 27 meeting of the Bar will elect officers for the upcoming bar year.

A new lawyer seminar will take place in Novi in August to provide basic skills for new lawyers on ethical matters and civility. Presentations will also include the practice resources made available by the Bar. Ms. Moss reported on the Young Lawyers Section. Ms. Smith recommended sending the materials for the new lawyers to Ms. Pugliesi for her committee.

13. Program Facilitator Report – Mary Owiesny

Ms. Owiesny was not present.

COMMITTEE ACTIVITIES

1. Federal Income Tax – Jon Baloch

Mr. Baloch was not present and did not provide a report.

2. Employee Benefits – Eric Gregory

Mr. Gregory was present and reported that on April 26, 2018 the Employee Benefits committee held an event at the Knickerbocker on the new Labor Department Rules. Also, Nick and Eric are obtaining a presenter for November regarding planning for estate planning for retirement plan assets.

3. Estates and Trusts – Nick Papsifakis

Mr. Papsifakis was present and reported on the joint event referred to above. Additionally, Mr. Papsifakis is planning another event for mid-November. He also secured an author for the MTL.

4. State and Local Taxation – Daniel Stanley

Mr. Stanley was present. Mixer is September 5 at 5-7:30 at the Michigan Chamber of Commerce. Letters will be sent at the end of this week. Judges will be invited. *Wayfair* case – lunchtime webinar to discuss the implications of overturning the physical nexus standard.

Ms. Smith discussed doing both the webinar and another with ICLE to disseminate the information broadly. ICLE had requested a blog post which Mr. Stanley submitted to ICLE.

5. Young Tax Lawyers – Rebecca Pugliesi

The YTL held an event on May 10 – meet the chairs event in Detroit. Ms. Pugliesi reported that the YTL will hold an event in Lansing at the Lansing Brewing Company on July 31, 2018 at 5:00.

OLD BUSINESS

Due to time constraints, old business was not discussed.

NEW BUSINESS

Tax Leadership Forum on Mackinac Island – Jackie Cook went – to learn about other associations managing their associations. Peter Cunningham was present and discussed the state bar perspective.

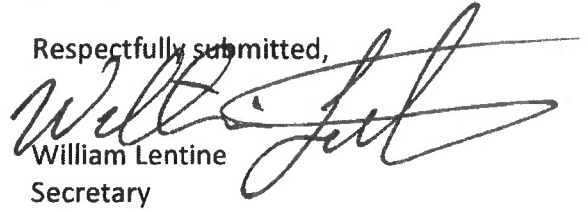
Andrew Marks discussed State Bar Connect. Materials are attached for reference.

Mr. Gregory then added to his liason report regarding a state tax case with respect to uncapping - *TRJ&E v. Lansing*.

There being no additional business, a motion to adjourn was made by Mr. Arendshorst, seconded by Mr. Monaghan.

The meeting was adjourned at approximately 5:01 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William Lentine", written over the typed name and title.

William Lentine
Secretary