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Tuesday, August 11, 2020

3:00 – 3:05 p.m.	Introductions
3:05 – 4:10 p.m.	<p>Technology – The National Landscape that is Constantly Evolving – Changing Everything</p> <p>We will start the workshop with an update on the latest state and local tax developments impacting tech companies. The speakers will cover the latest on <i>Wayfair</i> and trends in legislation and litigation. The speakers will conclude the session with their predictions as to how these issues will evolve as well as other issues to have on your radar.</p> <p>Moderator: Doug Lindholm, COST, Washington, DC</p> <p>Speakers: Michele Borens, Eversheds Sutherland (US)*, Washington, DC Dana Lance, Grant Thornton*, San Jose, CA</p>
4:10 – 5:15 p.m.	<p>How to Combat the Ever-Expanding Tax Base – ITFA and Other Policy and Litigation Tools</p> <p>Everyone knows the Internet Tax Freedom Act (ITFA) prevents state and local governments from taxing internet access as well as imposing discriminatory taxes on electronic commerce – but what exactly is the scope of its protections? This session will cover the ITFA basics, and the speakers will discuss how it can be used by tech companies to defend audits, pursue refund claims, and litigate possible discrimination cases. In addition, the speakers will cover other policy issues that tech companies should be aware of as they wade into the state and local tax arena.</p> <p>Speakers: Stephen Kranz, McDermott Will & Emery*, Washington, DC Priscilla Parrett, Reed Smith*, San Francisco, CA</p>

Wednesday, August 12, 2020

11:30 – 11:35 a.m.	Introductions
11:35 a.m. – 12:40 p.m.	<p>State and Local Tax Issues for Tech Start-Ups – Part 1</p> <p>Although all new businesses must confront the daunting task of identifying and determining how to comply with the countless possible taxes their business might face, tech companies face unique challenges based on the nature of their operations and/or goods and services. This session will start with an overview of all the different types of state and local taxes to lay the foundation that an emerging or pre-IPO company will need to determine where it has nexus and a potential filing obligation. Further, because tech companies' products often do not neatly fit within the legislated descriptions of taxable operations or taxable goods and the states and localities are often a few steps, or even miles, behind, the panelists will also discuss the basics determining taxability once nexus has been established.</p> <p>Speakers: Carolynn Kranz, Industry Sales Tax Solutions*, Washington, DC</p>

	Jodie Scott, KPMG*, Minneapolis, MN
12:40 – 1:45 p.m.	<p>State and Local Tax Issues for Tech Start-Ups – Part II</p> <p>With the first session under your belt, you now have a basic understanding of the state and local tax types, the nexus standard and some general taxability issues, which may have caused you to identify some potential areas of concern that need to be addressed. This session is focused on helping you determine how to resolve those issues. The panelists will discuss the options available to become properly compliant – especially if you need to “fix” several past tax periods. Find out what the best methods are to bring your operations into full conformance with the laws of the various states. Finally, the panelists will provide an overview of the credits and incentives that apply to start-ups, including the R&D and California Competes Tax Credit.</p> <p>Speakers: Trisha Fortune, Ryan*, San Jose, CA Shail Shah, Reed Smith*, San Francisco, CA</p>
3:00 – 3:05 p.m.	Introductions
3:05 – 4:10 p.m.	<p>Market-Based Sourcing for Tech Companies: Identifying "Customers" and Locating Their "Benefits"</p> <p>Because tech companies use complex infrastructure and often interface with multiple parties in transactions, implementing the market sourcing rules presents unique challenges in the technology space. During this session, the presenters will discuss the ins-and-outs of market sourcing, including how the states determine where a "customer" receives "benefits," where intangibles are "used," what constitutes "reasonable approximation" for identifying market locations, and more. Further, the presenters will provide essential insights for tech companies to help them maximize their apportionment results (<i>i.e.</i>, minimize their factor).</p> <p>Speakers: Josh Grossman, Grant Thornton*, San Francisco, CA Carley Roberts, Pillsbury Winthrop Shaw Pittman*, Sacramento, CA</p>
4:10 – 5:15 p.m.	<p>Advanced Sales Tax Issues for Tech Companies: Characterization and Siting</p> <p>Although the characterization and sourcing of an item for sales tax purposes may seem like simple issues, states often characterize goods or services differently and are not uniform in the determination of where a taxable transaction takes place. Thus, the panelists will start by providing an overview of how and why some states classify an item as a good while others classify the same item as a service—an important distinction since the classification will generally dictate how an item will be taxed. The panelists will then dig into characterization a bit deeper, providing a framework for analyzing different products. Finally, the panelists will discuss siting issues, illustrating the difficulties in making those determinations and showing the inconsistencies between the states, and will provide guidance on dealing with these difficulties and highlight opportunities to obtain the best tax treatment for your transactions.</p> <p>Speakers: Matt Hedstrom, Alston & Bird*, New York, NY Carolynn Kranz, Industry Sales Tax Solutions*, Washington, DC</p>
Thursday, August 13, 2020	
3:00 – 3:05 p.m.	Introductions
3:05 – 4:10 p.m.	<p>Audits, Audits Everywhere—How to Prepare for and Manage Them Successfully</p> <p>Managing audits can be burdensome in the best of circumstances, and the tech industry presents its own unique set of challenges. The panelists in this session will discuss best practices for managing audits in this space, providing tips and tricks on how to drive and manage the audit from the start. Additionally, the panel will discuss how to demonstrate your products/services are not taxable, how to properly substantiate that determination</p>

	<p>how to source your product/service, and strategies for minimizing the audit sample, and successfully negotiating closing agreements.</p> <p>Speakers: Kelly Butler, Ryan*, Houston, TX Clark Calhoun, Alston & Bird*, Atlanta, GA Diann Smith, McDermottWill & Emery*, Washington, DC</p>
<p>4:10 – 5:15 p.m.</p>	<p>IPOs, Mergers, Acquisitions, Divestitures, & Restructurings: A Deep Dive into Transactional SALT Issues for Tech Companies</p> <p>In the fast-paced technology landscape, businesses often change form and structure as fast as the ever-changing world around them. To keep pace with investors or potential investors, tech companies need strategies that align their state and local tax outcomes with operations and maximize post-restructuring tax benefits. Whether your company is an emerging company looking to be acquired or an established company well-seasoned to the M&A environment, you don't want state and local tax to be the issue that undoes a transaction. Thus, this panel will discuss issues in mergers & acquisitions, spin-offs, split-ups, asset distributions, and internal restructuring and entity rationalization projects specific to tech companies that you should be aware of.</p> <p>Moderator:</p> <p>Speakers: Todd Betor, Eversheds Sutherland (US)*, Washington, DC Omar Munoz, KPMG*, Santa Clara, CA Marc Simonetti, Pillsbury Winthrop Shaw Pittman*, New York, NY</p>