



As of 4/24/24

COST's Spring Meeting and Audit Sessions

April 30 – May 3, 2024

Boston, MA

Special Thanks To COST's Spring Meeting Sponsors



Please note that all attendees are welcome to attend any session except for the Audit Sessions. Those sessions, as always, are only open to COST industry members.

TUESDAY, APRIL 30 th	
1:00 – 7:00 p.m.	Registration – Amesbury Prefunction
3:00 – 5:00 p.m.	<p>State Tax Legislative Update – Amesbury A/B Open to all registered conference attendees, this session will focus on state income/franchise tax and sales tax legislative trends and hotspots in 2024. Active participation by attendees is encouraged.</p> <p>Panelists: Stephanie Do, COST Aziza Farooki, COST Karl Frieden, COST Leonore Heavey, COST Fred Nicely, COST Patrick Reynolds, COST Marilyn Wethekam, COST</p>
5:30 – 6:30 p.m.	Welcome Reception - Sponsored by EY and Scott Douglass & McConnico – Charles View Ballroom 16th Floor

WEDNESDAY, MAY 1ST

7:30 a.m. – 5:30 p.m.	Registration – Amesbury Prefunction	
7:30 – 8:30 a.m.	Continental Breakfast & Networking – Inman Square/Porter Square/Harvard Squire/Riverside Pavilion	
8:30 a.m. 9:00 a.m.	Welcome & Opening Remarks – Amesbury C/D	
9:00 – 10:00 a.m.	<p>The Covid Gravy Train Has Been Exhausted – How Will States Balance the Budgets? – Amesbury C/D</p> <p>Over the past few years, Covid has dominated our lives. States had to keep things going and federal funding helped to make that possible. But now with Covid behind us that federal funding has largely dried up. However, many of the states’ programs continue. As a result, states are now seeking revenue from other sources. The speakers in this session will cover the various ideas the states have come up with and their impacts on taxpayers. Curiously, even as the Covid funding disappears many states are reducing personal income taxes and/or residential property taxes (it is an election year after all) and finding replacement revenue from other tax sources (e.g., sales tax, DSTs, delivery fees). The speakers will also address those trends along with the litigation/legislation/compliance issues.</p> <p>Moderator: Karl Frieden, COST</p> <p>Speakers: Nikki Dobay, Greenberg Traurig* Ryan Maness, MultiState* Scott Roberti, EY* Jennifer White, Reed Smith*</p>	
10:00 – 10:15 a.m.	Refreshment Break & Networking – Amesbury Prefunction	
10:15 – 11:10 a.m.	<p>SALT in the Wound – Amesbury C/D</p> <p>States continue to test the constitutional limitations on their taxing authority, and are sometimes successful in doing so. The panel will discuss the pivotal cases and the application of those decisions by the states to expand their reach to impose their taxes. Specifically, the application of cases covering sales factor apportionment (<i>Moorman</i>), separate geographic accounting (<i>Butler Brothers</i>), worldwide combined reporting (<i>Container, Barclays</i>), sales tax on services (<i>Goldberg, Jefferson Lines</i>), and nexus (<i>Wayfair</i>) will be discussed. Additionally, the panel will address the future of <i>Complete Auto Transit’s</i> dormant Commerce Clause restriction on state taxation.</p> <p>Moderator: Marilyn Wethekam, COST</p> <p>Speakers: Jeff Friedman, Eversheds Sutherland(US)* Lynn Gandhi, Foley Lardner* Nicole Johnson, Blank Rome* Alysse McLoughlin, Jones Walker*</p>	
11:15 a.m.– 12:05 p.m.	<p>In-House and Outside Counsel Privilege – How to Protect It – Amesbury C/D</p> <p>What is the impact of the Supreme Court’s dismissal of <i>In re Grand Jury</i> on privilege? This session will discuss communications involving legal and non-legal advice from both an in-house attorney and outside counsel perspective, when is that communication protected. More importantly, what should a taxpayer consider in terms of the</p>	<p>Accounting for SALT – Amesbury A/B</p> <p>The accounting for state and local tax consequences can be intimidating to say the least. This session seeks to demystify it and provide practical advice for taxpayers navigating the subject. Topics covered include a description of the application of ASC 740 and ASC 450, valuation allowances, and deferred tax assets. In addition to covering the basics, the discussion dives into specific hypotheticals that are intended to provide practical application of some not-so-practical accounting rules.</p>

	<p>work-product doctrine, attorney-client privilege, and how to best protect your tax positions.</p> <p>Speakers: Bill Backstrom, Jones Walker* Rich Call, McDermott Will & Emery* Richard Fry, Buckingham Doolittle & Burroughs*</p>	<p>Speakers: Todd Betor, Eversheds Sutherland(US)* Amy Letourneau, RSM* Glenn Todd, KPMG*</p>
12:05 – 1:05 p.m.	Lunch & Networking – <i>Inman Square/Porter Square/Harvard Square/Riverside Pavilion</i>	
1:05 – 1:55 p.m.	<p>Income Tax Update – Litigation – Amesbury C/D The speakers in this session will bring you up to date on the latest developments in the state income tax litigation arena. The speakers will cover the most important recent cases and their projections of the cases’ impacts on other issues and other jurisdictions.</p> <p>Speakers: Jordan Goodman, Kilpatrick, Townsend & Stockton* Leah Robinson, Mayer Brown* David Shipley, Stevens & Lee* Mark Wood, Andersen*</p>	<p>The Manufacturing Exemption Today – Amesbury A/B Although most states provide a manufacturing/industrial processing exemption, emerging technologies complicate the application of those exemptions. This session will discuss what a taxpayer needs to establish to obtain the exemption.</p> <p>Speakers: Rachael Averett, Advantous* Marc Grossman, Crowe* Matthew MacNeil, Avalara*</p>
2:00 – 2:50 p.m.	<p>Challenges in Separate Company States – Amesbury C/D This panel would cover challenges in separate company states, including attempts by South Carolina to force combined reporting through the use of alternative apportionment, issues with transfer pricing with intercompany transactions, and attempts by states to add-back intercompany expenses (e.g. Pennsylvania).</p> <p>Moderator: Doug Lindholm, COST*</p> <p>Speakers: Aaron Johnson, Lane Powell* Jennifer Karpchuk, Chamberlain* R. Gregory Roberts, Roberts Law Group*</p>	<p>Keeping up with Marketplace Developments – Amesbury A/B The lack of conformity in the marketplace collection laws have fundamentally changed how sales and use taxes are collected across state and local jurisdictions A number of states have revised their marketplace laws and guidance to expand the concepts to other taxes and fees. This session will discuss the new developments and the consequences on both marketplaces, as well as sellers who engage in transactions on marketplaces.</p> <p>Speakers: Kathleen Cornett, Alston & Bird* David Hughes, Kilpatrick, Townsend & Stockton* Larry Mellon, Vertex* Kelly R. Smith, Evolve Vacation Rental Network</p>
2:50 – 3:05 p.m.	Refreshment Break & Networking – Amesbury Prefunction	
3:05 – 3:55 p.m.	<p>Hot Topics in Transfer Pricing and Intercompany Transactions – Amesbury C/D Transfer pricing challenges have become one of the most frequent issues faced by taxpayers. States’ use of third-party consultants and their own methods and practices need to be reviewed. This session will discuss transfer pricing methodologies employed by the states and address how to counter a state’s aggressive assertions of profit shifting.</p>	<p>AI and Its Present and Future Impact on the Tax Operations Area of Tax Departments – Amesbury A/B The speakers in this session will dive deeper into the implications of AI on the Tax Operations and the reliability of responses obtained from AI programs. They will also discuss how it is being utilized presently and what they foresee as possible uses of AI in the near and distant future.</p> <p>Moderator: Masha Yevzelman, Fredrikson & Byron*</p>

	<p>Speakers: Drew Hemmings, Baker & McKenzie* Steve Kranz, McDermott Will & Emery* Matthew Lindeman, PwC* Jeana Parker, KPMG*</p>	<p>Speakers: Tim Kirkpatrick, PwC* Shail Shah, Greenberg Traurig* Diane Yetter, YETTER*</p>
4:00 – 4:50 p.m.	<p>Big Gain Hunting – Amesbury C/D The apportionment and taxation of non-reoccurring gains from one-time transactions continues to evolve, pushing the boundaries of the external consistency test and extraterritorial taxation. This session will discuss the evolution of apportionment theories including the use of investee apportionment to source gains.</p> <p>Speakers: Jeremy Abrams, Foley Lardner* Zachary Atkins, Pillsbury* Mitchell Newmark, Blank Rome*</p>	<p>4:00 – 5:15 p.m.</p> <p>Indirect Tax – Audit Session – (COST Industry Members Only) – Amesbury A/B This is the opportunity for all of the indirect tax experts to share their audit experiences and receive advice and support from their fellow COST members. Come ready to discuss everything that’s bothering you and help everyone else with their issues.</p> <p>Moderators: Toni Mincic, Lumen Technologies Fred Nicely, COST* Pat Reynolds, COST*</p>
5:30 – 6:30 p.m.	Reception – Sponsored by Blank Rome and Ryan – Charles View Ballroom 16th Floor	
7:00 p.m.	Group Dinner – Everyone is invited to join other COST members for dinner at Legal Seafoods! Don't miss this opportunity to mingle with fellow tax professionals and expand your professional network! Please stop by the Registration Desk to let us know you will be there, or contact Judy Slotnik! (Folks will pay their own way.)	
THURSDAY, MAY 2ND		
6:45 a.m. – 5:00 p.m.	Registration – Amesbury Prefunction	
6:30 – 7:15 a.m.	Early Morning Walk for Early Risers – Get your day off to a great start sharing an early morning stroll with other attendees. The group will leave from the hotel lobby at 6:30 a.m.	
6:45 – 8:00 a.m.	Breakfast & Networking – Inman Square/Porter Square/Harvard Square/Riverside Pavilion	
8:00 - 9:25 a.m.	<p>Tax Administrators Roundtable – Amesbury C/D This roundtable discussion will feature key state tax administrators discussing the latest news, developments, and outlook from a tax perspective. These administrators will provide insights on what happened in their states during 2023 and what is planned for 2024 and beyond. Moderated by an experienced advisor, this session will provide an opportunity to ask those important questions we all seem to have, either confidentially or face-to-face.</p> <p>Moderator: Stephen Long, Baker & McKenzie*</p> <p>Panelists: Justin Nieman, Assistant Commissioner, Minnesota Department of Revenue Sarah O’Leary, Assistant Tax Commissioner, Chief Legal Counsel – Legal Division, Ohio Department of Taxation Neena Savage, Tax Administrator, Rhode Island Department of Revenue Marita Sciarrotta, Acting Director, New Jersey Division of Taxation Geoffrey Snyder, Commissioner, Commonwealth of Massachusetts Department of Revenue</p>	
9:25 – 9:40 a.m.	Refreshment Break & Networking – Amesbury Prefunction	
9:40 – 10:30 a.m.	Border Crossings: State Tax Complexities for Multinational Businesses – Amesbury C/D	Ways to Exempt Business Inputs When States Expand Their Sales Tax Base to Digital Products and Services – Amesbury A/B

	<p>Multinational businesses are experiencing significant state tax impacts, pitfalls, and exposure. In this session we will discuss the state tax complexities associated with a global business including the state taxation of foreign source income, state-specific considerations for foreign entities, and state tax implications of global corporate structures.</p> <p>Moderator: Marilyn Wethekam, COST</p> <p>Speakers: John Fletcher, Jones Walker* Evan Hamme, Pillsbury* Jess Morgan, EY*</p>	<p>States are increasingly expanding their sales tax base to include more services and digital products. This session will cover the history of the states' sales tax systems and address how traditional manufacturing and sale-for-resale exemptions do not work when states expand their sales tax base to services and digital products. While focused on how states can avoid multitiered sales taxes on digital products, these same concepts are applicable to many services. This session will address efforts (successful and unsuccessful) that some of the states have used when expanding their tax bases to mitigate taxing business-to-business transactions.</p> <p>Moderators: Karl Frieden, COST Fred Nicely, COST</p> <p>Speakers: Will Ault, Crowe* Mark Loyd, Dentons* Michael Wynne, Jones Day*</p>
10:35 – 11:25 a.m.	<p>State Tax Implications of Pillar Two for Multinational Companies – Amesbury C/D</p> <p>Pillar Two is reshaping perspectives of the influence state and local tax has on an organization's global tax profile. With the impact of Pillar Two across the globe, multinational companies with operations in the US will have to address the state tax implications. This session will explore the impacts, considerations and opportunities related to Pillar Two. We will also discuss how filing group composition and items like GILTI impact state taxes for Pillar Two purposes.</p> <p>Moderator: Karl Frieden, COST</p> <p>Speakers: Dan De Jong, KPMG* Alexis Morrison-Howe, Deloitte* Mark Yopp, Baker & McKenzie*</p>	<p>Issues in Computing Gross Income for Gross Receipts Taxes – Amesbury A/B</p> <p>One of the most common issues arising in gross receipts tax jurisdictions is the meaning of gross income and the treatment of pass-through or amounts received as an agent. The panelists will start with the meaning of gross income for federal income tax purposes and the treatment of reimbursements. They will then address common meanings of gross income, whether it is tied to the federal meaning, and then describe the treatment of pass-through or agency receipts. In doing so, the panelists will discuss and analyze the following terms, what they mean, and why they are relevant to the measure: Gross Income, Consideration, Compensation, Cash Received, Accrued, Realized, Purchase Price Adjustment, Reimbursement, Agency and Pass-Through.</p> <p>Moderator: Michael Carchia, Capital One</p> <p>Speakers: Gregg Barton, Perkins Coie* David Froling, Vorys, Sater, Seymour and Pease* Robert Hoyt, Ryan*</p>
11:30 a.m. – 12:20 p.m.	<p>Beyond Population: How Companies Can Use Alternative Datasets and Methods to More Effectively Apportion Their Service Receipts – Amesbury C/D</p> <p>The overwhelming trend for apportionment has been the transition to a single sales factor along with market sourcing for</p>	<p>Indirect Tax Update – Litigation – Amesbury A/B</p> <p>The speakers in this session will bring you up to date on the latest developments in the state indirect tax litigation arena. The speakers will cover the most important recent cases and their projections of the cases' impacts on other issues and other jurisdictions.</p>

	<p>services. Whereas cost-of-performance focused on the taxpayer’s own activities, market sourcing requires taxpayers to consider their customers’ perspective. With limited information about customer usage or where benefits are derived, taxpayers often resort to estimates based on relative population or GDP. In this session, we’ll discuss how technology companies can use alternative datasets (including both internal datasets and 3rd party datasets) to more accurately apportion their services receipts. Using real-world examples, we’ll demonstrate how taxpayers can not only reduce their potential tax liability, but also make their compliance process more efficient. We’ll discuss how to identify and leverage 3rd party datasets such as retail data, financial data, and cell phone location data. We also discuss techniques and best practices for analyzing raw data, tools for visualizing the results, and telling an effective apportionment story.</p> <p>Moderator: Marilyn Wethekam, COST</p> <p>Speakers: Dave Gutowski, Reed Smith* Lisa Richter, AT&T</p>	<p>Speakers: Carolynn Kranz, Industry Sales Tax Solutions* Curtis Osterloh, Scott Douglass & McConnico* Marc Simonetti, State Tax Law*</p>
12:20 – 1:20 p.m.	Lunch & Networking – <i>Inman Square/Porter Square/Harvard Squire/Riverside Pavilion</i>	
1:20 – 2:10 p.m.	<p>Combined Reporting Issues – Amesbury C/D Among the many issues an affiliated group of corporations has to face when filing a combined report is the varied, and ever-changing, treatments states impose on foreign affiliates and 80/20 companies within the group. This presentation will review the global reach of state unitary tax regimes with an in-depth look at different states’ approaches to the 80/20 rule treatment of foreign income and any potential relief from double taxation that may result from that treatment.</p> <p>Speakers: Craig Fields, Blank Rome* Breen Schiller, EY* Maria Todorova, Eversheds Sutherland(US)*</p>	<p>A Review of Advanced Technologies and How They Are Changing the Practice of State Indirect Taxes – Amesbury A/B The speakers in this session will discuss which technologies are being used in modern tax departments and how you can approach the implementation of technology in yours by: understanding which technologies are available in the indirect space; understanding what’s needed in a modern tax department (resources/knowledge base); learning how to apply data wrangling/other technologies; how to approach a technology project; and, identifying characteristics for a good business case for technology to be applied.</p> <p>Speakers: Jaye Calhoun, Kean Miller* Mike Czupowski, Deloitte* Grant Smith, Ryan*</p>
2:15 – 3:05 p.m.	<p>Disposition of Pass-Through Interests - State Treatment of Realization Events and Structuring Alternatives in Anticipation of a Realization – Amesbury C/D Dispositions of passthrough interests can have unexpected issues from a state and local perspective if proper planning is not deployed. In this session, panelists will discuss; 1) Day 1 structuring</p>	<p>Mixed and Bundled Transactions and the True Object Test – Amesbury A/B This session focuses on a grey area of sales tax determinations. Flipping a taxability switch on/off is black and white. But, what's the right answer when the transaction includes a mix of taxable and non-taxable elements? Some states use a "true object" test to determine the</p>

	<p>to mitigate the state impact of realization events; 2) state considerations and planning opportunities around realization events, 3) recent activity in multiple jurisdictions addressing the treatment and sourcing of gain realized on sales of pass-through entity interests, and 4) a discussion of the MTC project related to it.</p> <p>Speakers: Elil Arasu, BDO* Shawn David, Deloitte* Will Thistle, Bradley Arant*</p>	<p>taxability answer. But, how should that test be applied? Or, does any taxable portion taint the entire sale? We'll help you make the right decision: Is it taxable (or not)? Or, is part of the sale price taxable?</p> <p>Speakers: Angela Acosta, BDO* David Blum, Akerman* Eric Fader, Duane Morris*</p>
3:05 – 3:20 p.m.	Refreshment Break & Networking – Amesbury Prefunction	
3:20 – 5:00 p.m.	<p>Audit Session – ALL TAX TYPES (COST Industry Members-Only) – Amesbury C/D COST audit session during which participants share recent audit and litigation experiences involving all types of state and local taxes.</p> <p>(States covered in this session: Alaska, Arizona, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin & Wyoming)</p>	
5:30 – 7:00 p.m.	<p>Vendor Fair – Charles View Ballroom 16th Floor - Come join the fun as various service and product providers host our Spring Meeting Vendor Fair. There will be lots of giveaway's, food, and activities. And at the end of the Vendor Fair there will be several drawings for some fantastic prizes. But you must stay to the end to win the prize!!! So come join us for a lot of fun!! Special Note: THEME: Revolutionary War Period Costumes!!!!</p>	
FRIDAY, MAY 3RD		
7:00 am – 12:20 pm	Registration – Amesbury Prefunction	
7:00 – 8:00 a.m.	Continental Breakfast & Networking – Inman Square/Porter Square/Harvard Squire/Riverside Pavilion	
7:30 – 8:30 a.m.	<p>Early Morning Ethics Coffee Talk - Ethical & Professional Challenges Facing State Tax Professionals – Amesbury C/D Rise and shine and enjoy an entertaining, informative hour on the latest ethics developments relevant to state tax professionals. This presentation will serve as your “wake up” for Friday morning. However, there’s much more to this session than getting an hour of Ethics CPE/CLE. Tax professionals and government affairs professionals must navigate a host of ethical issues on a daily basis. Some issues are obvious, others may not be. The speakers will discuss how to spot ethical issues and deal with them in a thoughtful and effective manner. (PLEASE NOTE – THERE WILL BE A SEPARATE REGISTRATION SIGN IN SHEET FOR THIS SESSION AND ATTENDEES MUST ARRIVE AND SIGN IN BY 7:30 AM TO OBTAIN CPE/CLE.)</p> <p>Speakers: Glenn McCoy, Ryan* Kristen Sanocki, Thompson Coburn*</p>	
8:45 – 10:25 a.m.	<p>Audit Session – ALL TAX TYPES (COST Industry Members Only) – Amesbury C/D COST audit session during which participants share recent audit and litigation experiences involving all types of state and local taxes.</p> <p>(States covered in this session: Alabama, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, Oklahoma, Pennsylvania, South Carolina and Virginia)</p>	
10:25 – 10:40 a.m.	Refreshment Break, Networking, and Hotel Check Out – Amesbury Prefunction	
10:40 a.m. – 12:20 p.m.	<p>Audit Session – ALL TAX TYPES (COST Industry Members Only) – Amesbury C/D COST audit session during which participants share recent audit and litigation experiences involving all types of state and local taxes.</p>	

	(States covered in this session: California, Connecticut, Delaware, District of Columbia, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Tennessee, Texas, Vermont, West Virginia)
12:20 p.m.	Spring Meeting Adjourns
12:30 – 2:30 p.m.	COST Board of Directors Meeting/STRI Board Meeting to immediately follow. – <i>Amesbury A/B</i>

* Denotes COST Practitioner Connection Subscriber