



2019 SALES TAX CONFERENCE AND AUDIT SESSION
February 25 – 28, 2019
ATLANTA, GA
Draft 1-23-19

THANKS TO OUR SPONSORS:

MONDAY, FEBRUARY 25, 2019	
2:00 – 7:30	Registration –
2:00 – 5:45	<p>Special Technology Session: Improving your Tax Operations by Using Twenty-first Century Technology</p> <p>This session will provide a general update on the technology available to improve your transactional tax business operations followed by breakout sessions where several vendors will have their systems on display. We'll follow that with industry only session to discuss everyone's observations. Regardless of the status of your technology implementation, this session will provide valuable information on the current technology to enhance your operations.</p>
6:00 – 7:30	Reception
TUESDAY, FEBRUARY 26, 2019	
7:30 – 5:30	Registration
7:30 – 8:15	Continental Breakfast and Networking
8:15 – 8:30	<p>Welcome and Opening Remarks</p> <p>Douglas Lindholm, COST President & Executive Director, Washington, DC Arthur Parham, COST Chair, Entergy Services, Inc., Woodlands, TX Charles Drury, COST Vice-President/Chief Operating Officer, Washington, DC</p>
8:30 – 10:00	<p>Wayfair – Interactive Panel Discussion on Its Implications and the States' Reactions</p> <p>The <i>Wayfair</i> decision handed down last June by the U.S. Supreme Court has serious ramifications. The states have not been shy and over the past seven months they have reacted to the <i>Wayfair</i> decision—administratively and via legislation. A panel of leading experts in this area will provide their analysis of the case, explain how the states have reacted, and provide their predictions of what will evolve in the future. This thought-provoking session will include interaction from the attendees and is the perfect session to kick off a successful and informative COST Sales Tax Conference.</p> <p>Moderator: Karl Frieden, COST, Washington, DC</p> <p>Speakers: Loren Chumley, KPMG*, Nashville, TN Rick Heller, Deloitte*, Parsippany, NJ Kevin Herzberg, Grant Thornton*, Tampa, FL Stephen Long, Baker & McKenzie*, Dallas, TX Marc Simonetti, Pillsbury Winthrop Shaw Pittman*, New York, NY Eric Tresh, Eversheds Sutherland (US)*, Atlanta, GA</p>
10:00 – 10:15	Refreshment Break & Networking
10:15 – 11:05	<p>Choice of 3 Breakouts</p> <p>Best Practices for Handling Sales Tax Exemptions and Direct Payment Permits</p> <p>The speakers in this session will discuss best practices for handling the documentation and recordkeeping for exemptions and direct pay permits. Among other aspects, the speakers will discuss organizing the documentation the provides a paper trail and supports sales tax exemptions and manages direct pay permits.</p> <p>Speakers: Nicole Johnson, Morrison & Foerster*, New York, NY Jeff McGhehey, The Home Depot, Atlanta, GA Kathy Neggers, PwC*, Fort Myers, FL</p>

	<p>Taming Local Taxes by Enforcing State and Federal Constitutional Constraints</p> <p>Local level tax jurisdictions are subject to the same federal limitations as state tax laws. In addition, there are important state constitutional limitations, which the locals sometimes try to ignore. This session will cover the application of federal and state constitutional limitations to local taxes and discuss controversies related to locally administered taxes.</p> <p>Speakers: Maria Todorova, Eversheds Sutherland (US)*, Atlanta, GA Randy Varner, McNeese Wallace & Nurick*, Harrisburg, PA</p>
	<p>Hot Topics – East of the Mississippi</p> <p>This session will cover litigation and legislative issues east of the Mississippi River. If you have extensive operations east of the Mississippi, this session is designed to keep you up to date and will help keep you out of trouble—you will be in “the know” with what’s going on east of the Mississippi.</p> <p>Speakers: John Fletcher, Jones Walker*, Jackson, MS Jennifer Jensen, PwC*, Washington, DC</p>
11:10 – 12:00	<p>Choice of 3 Breakouts</p>
	<p>Penalties, Penalties, Penalties – Are There Ways to Mitigate Them?</p> <p>It’s no secret that the state tax administrators are getting tougher on imposing penalties and are more reluctant to abate penalties. This session will explain ways to avoid penalties and tips to reduce and/or eliminate penalties.</p> <p>Speakers: Mitchell Newmark, Morrison & Foerster*, New York, NY Mark Sommer, Frost Brown Todd*, Louisville, KY</p>
	<p>Protecting Privacy w/Filing & Registration Requirements – How Much Information is Too Much?</p> <p>The panelists in this session will discuss the states’ increasing attempts to obtain officers’ and employees’ personal information as part of the filing and registration process. Is the information necessary and is it really legally required? Are there ways to avoid providing the information? The panelists will discuss these issues as well as discussing states’ attempts to impose corporate officer and personal liability for unpaid transactional taxes. Whether the exposure is on you or your boss, or the boss’s boss, this session will guide you through the maze of complicated state laws to collect information, including some new troublesome methods to collect “delinquent” taxes (which sometimes are not delinquent).</p> <p>Speakers: Michael Tedesco, Baker & McKenzie*, New York, NY Jennifer White, Reed Smith*, New York, NY</p>
	<p>ASC 450 – When Did You Last Review Your Reserves?</p> <p>Given the impact of <i>Wayfair</i>, has your company conducted a comprehensive review of its financial reserves? <i>Wayfair</i>’s impact is being felt in a lot of situations and the combination of <i>Wayfair</i>’s potential nexus change and the requirements of ASC 450 (former FAS 5) is one of those situations. This session will guide you through the best practices for setting, or resetting, financial reserves.</p> <p>Speakers: Marc Grossman, Crowe*, Atlanta, GA Sherry Lam, Grant Thornton*, Miami, FL</p>
12:00 – 1:00	<p>Lunch & Networking</p>
1:00 – 2:10	<p>Choice of 3 Breakouts</p>
	<p>What is the Future of Sales Tax Post-Wayfair</p> <p>Much of the attention post-<i>Wayfair</i> has been directed at the impact the small and medium-based internet sellers who are collecting and reporting the states’ sales/use taxes. However, <i>Wayfair</i> will require all organizations, regardless of size, to rethink and rework how they conduct business to properly and efficiently collect and remit the states’ sales/use taxes. While many aspects of <i>Wayfair</i> were covered in the general session, the attendees in this session will gain insight into the unique business impacts <i>Wayfair</i> will have on large multinational business structures (and businesses with simpler structures). Issues with retroactivity, economic nexus, and enforcement of conflicting jurisdictional policies will be addressed in this session, along with issues such as gaps in reporting technology, record retention, matrix development, and invoicing and appropriate line item billing to comply with all applicable jurisdictions.</p>

	<p>Speakers: Robert Peters, Duff & Phelps*, Chicago, IL Mark Loyd, Bingham Greenebaum Doll*, Louisville, KY</p>
	<p>Planning Tips to Address Mergers, Acquisitions and Divestiture Transactions Mergers, acquisitions, and divestitures can create a lot of complicated issues to review along with dealing with all the emotional issues that comes along with them. The speakers in this session will explain planning tips to guide you through a process you can use to help reduce the sales and use tax (and other transactional tax) problems faced when dealing with one of these M.A.D. transactions. Attending this session will allow you to avoid those nasty nightmares of wondering if all the issues were addressed.</p> <p>Speakers: Scott Kocienski, Dykema Gossett*, Bloomfield Hills, MI Kelvin Lawrence, Baker & Hostetler*, Columbus, OH Dan Schulder, Cozen O'Connor*, Harrisburg, PA</p> <p>Making the Most out of Credits and Incentives This session will cover the steps you need to take to make sure you are aware of all the transactional tax incentives that are available and ways to make some available based on your business changing its operations. Additionally, tips on how to best comply, including documentation to support compliance, with a credit or incentive will be covered. Lastly, what if your forecast did not meet a requirement, best practices to deal with those compliance issues will be covered.</p> <p>Speakers: Christopher Grissom, Bradley Arant Boult Cummings*, Birmingham, AL Christopher Wilson, Waller Lansden Dortch & Davis*, Nashville, TN</p>
2:20 – 3:30	<p>Choice of 3 Breakouts</p> <p>Hot Topics – West of the Mississippi This session will cover litigation and legislative issues west of the Mississippi River. If you have extensive operations west of the Mississippi, this session is designed to keep you up to date and will help keep you out of trouble—you will be in “the know” for all the important transactional tax issues west of the Mississippi.</p> <p>Speakers: Kirk, Lyda, Jones Day*, Dallas, TX Curtis Osterloh, Scott, Douglass & McConnico*, Austin, TX Timothy Van Valen, Askew & Mazel*, Albuquerque, NM</p> <p>Tax Implications when Using & Accepting Cryptocurrency – Should I Care? This session will first explain what cryptocurrency is and the different formats it can be used. Next, the speakers will guide you through the tax issues faced when using and/or accepting cryptocurrency and how to stay out of trouble if you start using/accepting cryptocurrency.</p> <p>Speakers: Will Ault, Crowe*, New York, NY Joel Waterfield, Grant Thornton*, McLean, VA</p> <p>Status of Streamlined Sales Tax Project in the Post-Wayfair World Over the last couple of years questions over the importance and relevance of the Streamlined Sales Tax Project have been raised by almost all the attendees at the COST Sales Tax Conference. This session will cover issues the Streamlined Sales Tax Governing Board is working on post-Wayfair to stay relevant and discuss its future in attempting to simplify and provide additional uniformity to the states’ sales and use taxes.</p> <p>Speakers: Craig Johnson, Streamlined Sales Tax Governing Board, Westby, WI Carolynn Kranz, Industry Sales Tax Solutions*, Washington, DC Fred Nicely, COST, Washington, DC Patrick Reynolds, COST, Washington, DC</p>
3:30 – 3:45	Refreshment Break & Networking
3:45 – 5:30	<p>COST Members-Only Audit Session –Phase 1 - Focused Discussion on Handling Disputes and Dealing with Difficult Audits and Auditors This is your chance to participate in phase 1 of a lively discussion of transaction tax audit issues in the states along with the ability to provide suggestions and audit strategies for dealing with them.</p>

	<p>Moderators: Fred Nicely, COST, Washington, DC Pat Reynolds, COST, Washington, DC</p> <p>Facilitators: Steve Barela, Arizona Public Service Company, Phoenix, AZ John Goss, Newell Brands, Atlanta, GA</p>
5:45 – 6:00	First-Time Attendee/New Member Meet & Greet with Board and Staff Reception If you are a first-time attendee and/or new member – please come early so we can provide you with some special attention.
6:00 - 7:00	Reception – Network, network, and network – grab some refreshments and appetizing snacks and chat with some new friends to conclude the first day of the COST Sales Tax Conference.
7:30	Group Dinner – Everyone is invited to join other COST members for dinner! 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 that you will be there or contact Judy Slotnik! Folks will pay their own way.
WEDNESDAY, FEBRUARY 27, 2019	
6:45 – 7:45	Early Morning Walk Join COST Member Coordinator, Judy Slotnik, and fellow early-risers for a brisk walk through the streets of Atlanta and the Buckhead area. Get a jump on your day and enjoy an opportunity to meet other attendees and see some beautiful sites. Meet in the hotel lobby at 6:45.
7:15 – 5:15	Registration –
7:15 – 8:15	Continental Breakfast –
8:15 – 9:45	<p>State Tax Administrators' Roundtable - Get the Gospel from Key Sales Tax Administrators - Plenty of Time Will Be Allotted for Q&A's –</p> <p>This roundtable discussion will feature key state sales tax administrators discussing the latest news, developments, and outlook from a transaction tax perspective in their respective states. These administrators will also provide insights on what their states are planning in the transaction tax arena for 2019 and beyond. This session will provide an opportunity to ask important questions, either confidentially or face-to-face, directly to the sales tax administrators.</p> <p>Moderator: Janette Lohman, Thompson Coburn*, Saint Louis, MO</p> <p>Panelists: Karey Barton, Texas Comptroller of Public Accounts, Austin, TX Amy Oneacre, Georgia Department of Revenue, Atlanta, GA Ginny Upchurch, North Carolina Department of Revenue, Raleigh, NC TBD</p>
9:45 – 10:00	Refreshment Break & Networking –
10:00 – 11:10	<p>Efforts to Improve Sales Tax Systems –</p> <p>This session will cover COST Sales Tax Systems Scorecard and COST's Administrative Scorecard along with other initiatives across the country to improve the administration of transactional taxes. What can we do to improve the "F" graded states: Colorado, Louisiana, and New Mexico and reduce the states' taxes on business inputs?</p> <p>Speakers: Karl Frieden, COST, Washington, DC Fred Nicely, COST, Washington, DC Pat Reynolds, COST, Washington, DC</p>
11:10 – 11:30	<p>Navigating COST's Website & Resources – Focused on Transactional Taxes –</p> <p>This session will cover COST's website and ways to navigate it to provide you with the information you need. COST directory, forums, testimony, studies, calendar of events, etc. will be covered. Also, COST legislative and legal advocacy efforts will be discussed.</p> <p>Speakers:</p>
11:35 – 12:35	Choice of 3 Breakouts

	<p>Effective Ways to Manage Gross Receipts Taxes</p> <p>While gross receipts can appear to be simple, what is a taxable gross receipt and how it is sourced to a state (or local jurisdiction) can quickly make them a complicated mess to comply with. This session will cover ways to effectively and efficiently deal with gross receipts taxes.</p> <p>Speakers: Gregg Barton, Perkins Coie*, Seattle, WA David Froling, Vorys, Sater, Seymour and Pease*, Columbus, OH</p>
	<p>Sampling – Make Sure it is Appropriately Used on Audit and Refunds</p> <p>Block sampling, statistical sampling, make it up as you go sampling – the different types of sampling used by the states and ways to make sure sampling is appropriately used in an audit will be covered in this session. Additionally, when tax is overpaid, sampling may also be an option to obtain a refund. The speakers in this session will bring you up to date on the latest developments in the sampling arena and provide ideas and techniques to achieve the best results.</p> <p>Speakers: Roger Pfaffenberger, Ryan*, Austin, TX Bradley Tomlinson, Zaino Hall & Farrin*, Columbus, OH</p>
	<p>Navigating Federal Legislation – What’s Out There and What may be Enacted</p> <p>Post-<i>Wayfair</i> (and even pre-<i>Wayfair</i>) federal legislation has been introduced that would affect state taxation. Some legislation is very transactional specific, <i>e.g.</i>, Marketplace Fairness Act, others deal with business activity taxes (<i>e.g.</i>, Business Activity Tax Simplification Act), and still others are targeted towards specific issues (<i>e.g.</i>, Digital Goods and Services Act). The speakers in this session will provide an overview of these bills, discuss the issues involved, and handicap the odds of legislation passing in the 216th Congress.</p> <p>Moderator: Deborah Bierbaum, AT&T, Bedminster, NJ</p> <p>Speakers: Annabelle Canning, Capitol Tax Partners, Washington, DC Aziza Farooki, COST, Washington, DC</p>
12:35 – 1:35	Lunch & Networking
1:35 – 2:35	Choice of 3 Breakouts
	<p>Taxation of Mixed Transactions and the True Object Test and Bundled Transactions</p> <p>The speakers in this session will discuss the taxability of mixed transactions and contracts, especially large projects that involve multiple types of services, technology and products, and how the individual items provided are analyzed in conjunction with the true object test and the impact on taxability and sourcing.</p> <p>Speakers: Peter Larsen, Akerman*, Jacksonville, FL Michael Wasser, EY*, Washington, DC</p>
	<p>Telling the Story - Effective Audit Advocacy</p> <p>To convince an auditor to strike a proposed assessment on a contested transaction, you need to provide more than just a copy of an invoice. At a minimum, you should enhance your advocacy by presenting the supporting evidence such as photographs, business records, process diagrams, and affidavits. In this session, the speakers will explore ways to present such evidence in a clear and compelling manner. They’ll also explore how data analytics and multimedia platforms can be used to educate and convince auditors (tell your story) of your right to relief on contested transactions.</p> <p>Speakers: David Gutowski, Reed Smith*, Philadelphia, PA Mark Richards, Ice Miller*, Indianapolis, IN</p>
	<p>Digital Goods, Digital Services, Cloud Computing - Demystifying these Concepts</p> <p>Okay, you have likely heard a presentation before on digital goods and services and the cloud computing world—however, you are not alone if you are still trying to figure it all out. This session will demystify these issues by explaining what they are and why they create tax issues. The problem states will be highlighted and attempts to get federal legislation to address concerns with states taxing the cloud will be addressed by the presenters.</p> <p>Speakers:</p>

	Christine Hanhausen, Reed Smith*, Philadelphia, PA Kathy Saxton, Deloitte*, Atlanta, GA
2:45 – 3:45	Choice of 3 Breakouts
	<p>2019 Transaction Tax Issue of the Year? Developments in Online Marketplace Legislation</p> <p>Some states have already passed legislation and others are exploring enacting legislation in the area of marketplace facilitators collecting and remitting the states’ taxes. And, some are using consignment and other laws to try and enforce collection. The efforts of the MTC and other organizations will be covered in this area to deal with who is the seller (or sellers) required to collect the states’ taxes. The different strategies states are using to regulate online marketplaces will be addressed in detail.</p> <p>Speakers: Jonathan Feldman, Eversheds Sutherland (US)*, Atlanta, GA Andy Yates, Alston & Bird*, Atlanta, GA</p>
	<p>Taking the Headache Out of Filing and Proving Transactional Tax Refund Claims</p> <p>The states are eager to process you tax payments but a little less receptive when you file a refund claim to get an illegal or erroneous tax payment back. This session will guide you through the minefields and avoid (to the extent possible) problematic and burdensome documentation and audit requests from state revenue agencies questioning a refund.</p> <p>Speakers: Jaye Calhoun, Kean Miller*, New Orleans, LA Chad Roberson, DuCharme McMillen & Associates*, Fort Wayne, IN</p>
	<p>The 2019 Bloomberg Tax Survey of State Tax Departments: Expectations and Planning Opportunities</p> <p>This session will preview results from the 2019 Bloomberg Tax Survey of State Tax Departments regarding sales tax nexus policy. The discussion will focus on state responses on issues that have arisen since the ruling in Wayfair, including retroactivity, economic nexus thresholds, collection obligations for marketplace facilitators, and nexus for small marketplace sellers. We’ll take a big picture look at emerging trends in the new sales tax nexus era and shed light on sound practices for nexus and sales tax collection planning.</p> <p>Moderator: Lauren Colandreo, Bloomberg Tax, Washington, DC</p> <p>Speakers: Fred Nicely, COST, Washington, DC Leah Robinson, Mayer Brown*, New York, NY Marilyn Wethekam, Horwood Marcus & Berk*, Chicago, IL</p>
3:45 – 4:00	Refreshment Break & Networking –
4:00 – 5:15	Choice of 3 Breakouts
	<p>Use of Bot-Based Technology</p> <p>The panelists in this session will discuss what tax professional needs to know about emerging technologies and how they are altering the ways business is conducted. These “problems” create “opportunities” for tax departments – including the use of innovative technologies, such as “bots.” The panelists will be encouraging audience participation as they consider “what’s actually working” to automate routine tax functions and manage data.</p> <p>Speakers: Erin Kirsch, EY*, Atlanta, GA Angela Myers, Ryan*, Chicago, IL</p>
	<p>Unclaimed Property Update</p> <p>This session will focus on recent significant developments in the unclaimed property arena, including the use of estimation in unclaimed property audits, state attempts to use unclaimed property laws to expand the nature of the obligation that is owed to the creditor, the escheatment of foreign-owned property, and whether federal common law is applicable only to disputes between states. The speaker will also discuss recent legislation, including the Revised Uniform Unclaimed Property Act and the ABA Model Unclaimed Property Act.</p> <p>Speakers: Jeff Henshall, Ryan*, Atlanta, GA Patrick Reynolds, COST, Washington, DC</p>
	Going Global - How to Comply with VATs

	<p>Businesses today are global and rarely operating in a single country. This session will explain the value-added-tax (VAT) structure and discuss the differences between, and the pro and cons of, VATs and sales taxes. This session will also go into U.S.-based businesses' requirements to register for other countries VATs and how to best administer those taxes from within the US. After this session, you will know when a business is required to register and collect a VAT in a foreign country (the rules often differ from the US "substantial nexus" requirement)</p> <p>Speakers: Fred Sangster, KPMG*, Philadelphia, PA Diane Yetter, Yetter*, Chicago, IL</p>
5:30 – 7:30	<p>Vendor Fair Reception – Come join our Vendors, stay until the end and have a chance to win a great prize! Thanks to our Vendors:</p>
THURSDAY, FEBRUARY 28, 2019	
6:45 – 7:30	<p>Early Morning Run Join COST West Coast Counsel, Nikki Dobay, and fellow early-risers for a run through the city of Atlanta. Get a jump on your day and enjoy an opportunity to meet other attendees. Meet in the hotel lobby at 6:45.</p>
7:00 – 11:45	<p>Registration –</p>
7:00 – 8:15	<p>Continental Breakfast –</p>
7:15 – 8:15	<p>Coffee, Donuts, and Early Morning Ethics Talk: Ethics and Professional Responsibilities for Transaction Tax Professionals It's early, but what a great time to learn about ethics! Come to this early morning session and be awakened by entertaining (and informative) speakers. They will cover new and breaking ethical issues related to transactional taxes. Speakers: TBD</p>
8:20 – 9:20	<p>Taking the Bite out of Difficult Audits Sales and use tax audits (and other transactional tax audits) are not going away and continue to be a struggle for many companies. This session will focus on hot issues and trends in sales and use tax audits, along with discussing best ways to approach an audit from a pre-audit, current audit, dispute and appeal resolution perspectives. Speakers: Carolynn Kranz, Industry Sales Tax Solutions*, Washington, DC Diann Smith, McDermott Will & Emery*, Washington, DC James Taylor, Alliance Data Systems, Columbus, OH</p>
9:20 – 9:45	<p>Sales Tax Committee Meeting – Open to Everyone Bring your ideas to discuss the transactional tax issues that COST should focus on along with providing transaction tax topics for this year's transactional workshop in Las Vegas (September), COST Annual Meeting (Washington DC – October), and next year's Sales Tax Conference. Issues COST should advocate as a result of <i>Wayfair</i> will also be discussed.</p>
9:45 – 10:10	<p>Refreshment Break & Networking, and Hotel Check Out –</p>
10:10 – 11:45	<p>COST Members-Only Audit Session – Phase 2 Focused Discussion on Handling Disputes and Dealing with Difficult Audits and Auditors – Including Local Tax Jurisdictions & "Real-Time" tax remittance initiatives This is your chance to participate in Phase 2 of a lively discussion of transaction tax audit issues in states, including an additional focused on local tax jurisdictions and some "real-time" remittance initiatives. Join you fellow COST members in providing suggestions and audit strategies to deal with these issues. Moderators: Fred Nicely, COST, Washington, DC Patrick Reynolds, COST, Washington, DC Facilitators: Steve Barela, Arizona Public Service Company, Phoenix, AZ John Goss, Newell Brands, Atlanta, GA</p>
11:45	<p>Sales Tax Conference Adjourns</p>

12:00 - 1:30 p.m.	COST Board of Directors Meeting This meeting is closed and is open only to COST Board Members
1:30 - 2:00 p.m.	STRI Board of Directors Meeting This meeting is closed and is open only to STRI Board Members

*Denotes Practitioner Partners