



2021 INTERMEDIATE/ADVANCED SALES & USE TAX SCHOOL

December 5-9, 2021
Georgia Tech Conference Center
Atlanta, GA

(08/03/21)

Sunday, December 5, 2021	
6:00 – 8:00	Registration, Dinner and Evening Fun
7:30 – 8:00	Tablet Orientation
Monday, December 6, 2021	
7:45 – 8:30	<p>Welcome and Introduction</p> <p>Douglas Lindholm, COST Executive Director, Washington, DC Robert Tuinstra, COST Chair, Corteva Agriscience, Wilmington, DE Charles Drury, COST Vice-President/Chief Operating Officer, Washington, DC</p>
8:30 – 12:00 8:30 – 10:15 Lecture 10:15 – 10:30 Break 10:30 – 12:00 Facilitated Breakout	<p>Constitutional Issues</p> <p>Up to date information on limitations of a state to impose sales and use taxes, including an in depth discussion of the Due Process and Commerce Causes along with addressing other constitutional provisions such as Freedom of Speech, Establish Clause, Full Faith and Credit, Supremacy Clause and Tonnage Clause. Recent affiliated nexus and reporting laws enacted by the states are also covered. Students will test and build on the key concepts learned in this class by breaking into small groups to discuss a case study.</p> <p>Instructors: Karen Currie, EY*, Dallas, TX Fred Nicely, COST, Washington, DC</p>
12:00 – 1:30	Lunch/Networking
1:30 – 5:00 1:30 – 3:15 Lecture 3:15 – 3:30 Break 3:30 – 4:00 Lecture 4:00 – 5:00 Facilitated Breakout	<p>Situs: Who Can Tax the Transaction</p> <p>With nexus generally a non-issue, especially after <i>Wayfair</i>, situsing sales for sales tax purposes becomes of the utmost importance for both buyers and sellers. This concept becomes unusually complicated when dealing with drop shipments and goods other than tangible personal property. This session will examine the consistent and inconsistent ways states are trying to tax these transactions as they attempt to bolster sagging revenues. Students will test and build on the key concepts learned in this class by breaking out into small groups to discuss a case study.</p> <p>Instructors: Jordan Goodman, Horwood Marcus & Berk*, Chicago, IL Marilyn Wethekam, Horwood Marcus & Berk*, Chicago, IL</p>
6:15 – 8:45	Vegas Night with COST
Tuesday, December 7, 2021	
8:30 – 11:15 8:30 – 10:00 Lecture 10:00 – 10:15 Break 10:15 – 11:15 Lecture	<p>Audit Strategies for Statistical Sampling</p> <p>While some states still use block sampling, the trend is for more states to use random statistical sampling. This session does not require you to be a statistician, but it will give you insights and strategies to use to defend your company against auditors using a sampling methodology that does not comply with a state's law or with legitimate statistical sampling techniques.</p> <p>Instructors; Jason McGlamery, Ryan*, Dallas, TX Brad Tomlinson, Zaino Hall & Farrin*, Columbus, OH</p>
11:15 – 11:45	<p>Streamlined Sales Tax – Changing the Sales Tax Landscape</p> <p>The Streamlined Sales and Use Tax Project is more than a decade old. Whether you are experienced with the scope of the project or a novice, you will learn more about the issues this project is trying to address along with a discussion of the</p>

	<p>federal legislation pending before Congress to grant states remote seller collection authority.</p> <p>Instructors: Fred Nicely, COST, Washington, DC Patrick Reynolds, COST, Washington, DC</p>
11:45 – 12:15	<p>Emerging Issues Associated with Unclaimed Property <i>(joint session with Income Tax School)</i></p> <p>States are getting more aggressive in the unclaimed property area. They are shortening their dormancy periods, asserting claims to new types of obligations, and hiring contingent fee auditors. Some states use unclaimed property as a source of revenue rather than acting as trustee for the true owners. While unclaimed property is not a tax, a company's tax function frequently owns the audit. Just when you thought dealing with a state income or transactional tax audit can be burdensome, wait until you wrestle with an unclaimed property audit with no statute of limitations or uniform procedures, limited protest rights, and very little guidance. This session will provide an overview of the states' unclaimed property practices and cover recent unclaimed property legislation and litigation. It will bring you up to date on the latest unclaimed property issues.</p> <p>Instructor: Michael Giovannini, Alston & Bird*, Charlotte, NC</p>
12:15– 1:15	Lunch/Networking
1:15 – 5:30 1:15 – 3:00 Lecture 3:00 – 3:15 Break 3:15 – 4:15 Lecture 4:15 – 5:30 Facilitated Breakout	<p>Acquisitions, Mergers and Divestitures</p> <p>It may not be your favorite project to work on, but failing to conduct a due diligence review when your company faces an acquisition, merger or other significant type of business restructuring can be costly to both you and your company. You will spend a productive afternoon learning the do's and don'ts of conducting a due diligence review, verifying that documents are drafted correctly, mitigating successor liability issues and considering issues after the transaction. Students will test and build on the key concepts learned in this class by breakout into small groups to discuss a case study.</p> <p>Instructors: William Backstrom, Jones Walker*, New Orleans, LA Michael Jacobs, Reed Smith*, Philadelphia, PA TBD, Alston & Bird*, Atlanta, GA</p>
6:15 – 10:00	Optional Evening Outing
Wednesday, December 8, 2021	
8:00 – 9:15	<p>Comparison of the Imposition of Sales Taxes & Gross Receipts Taxes</p> <p>They seem similar, but sales taxes and gross receipts taxes have unique features that you need to know about. This session covers the differences between the two taxes along with providing you planning opportunities and predicting future trends with these taxes.</p> <p>Instructors: Stephen Blazick, Reed Smith*, Philadelphia, PA Randy Holloway, Grant Thornton*, Atlanta, GA</p>
9:15 – 10:00	<p>Transaction Tax Accounting Practices - Due Diligence/Reserve Issues Under FAS 141R & Litigation Reserves Under ASC 450(FAS 5)</p> <p>Your business not only has to comply with the states' tax laws but it also needs to comply with the federal financial reporting requirements. This presentation will update you on the due diligence and the tax reserve issues you need to know about that impact transactional taxes.</p> <p>Instructor: Scott Jackson, KPMG*, Atlanta, GA</p>
10:00 – 10:15	Refreshment Break/Networking

10:15 – 11:45	<p>Taxing Bits and Bytes – Taxation of Electronic Information Services, Digital Products, and Access to Software (including Outsourcing to the Cloud)</p> <p>You are not alone if you feel like you are in the fog about the states’ taxation of electronic information, digital goods and accessing software without physically downloading that software. This session will not only give you a baseline and explain what those terms mean, it will also give you some comfort (or discomfort) to learn the states are having the same problems. With changes to the tax law moving slower than technology, this session addresses the issues the states are having when they attempt to tax the “cloud.” The presenters will also provide you with planning opportunities.</p> <p>Instructors: Harley Duncan, KPMG*, Washington, DC Carolynn Kranz, Industry Sales Tax Solutions*, Washington, DC James Taylor, Alliance Data, Columbus, OH</p>
11:45 – 12:45	Lunch/Networking
12:45 – 2:15	<p>Retailing Sales & Use Tax Issues</p> <p>Whether you work for a retailer or not, this session will give you pointers to make sure you collect (or pay) the correct amount of tax and what to do when something goes wrong.</p> <p>Instructors: Christie Anderson, Ryan*, Chicago, IL Robert Overstreet, Ryan*, Los Angeles, CA</p>
2:15 – 4:00 3:00 – 3:15 Break	<p>Manufacturing/Construction Sales & Use Tax Issues</p> <p>Knowing that it is hard to get a refund for overpaying tax, this presentation will guide you through the differences in the states’ laws in how they determine what constitutes “manufacturing” and what is taxable in a “construction contract.”</p> <p>Instructors: Jonathan Feldman, Eversheds Sutherland (US)*, Atlanta, GA Nicole Ford, Baker & McKenzie*, Dallas, TX</p>
4:00 – 5:30	<p>Services Sales & Use Tax Issues</p> <p>The states want more revenue but they do not want to face the wrath of the voters by increasing the state and/or local sales and use tax rates. Increasingly, the states have augmented the revenue base by taxing more services. Often, the burden of the expanded tax base falls squarely on the business sector. This session will help you sort out the different sales and use taxes imposed on services that impact business and assist you in minimizing your company’s exposure to these taxes.</p> <p>Instructors: Stanley Kaminski, Duane Morris*, Chicago, IL Michael Wynne, Jones Day*, Chicago, IL</p>
6:00 – 8:00	Game and Trivia Night With COST
Thursday, December 9, 2021	
8:30 – 9:45	<p>Federal Tax Reform – Deciphering the State Tax Implications <i>(joint session with Sales Tax School)</i></p> <p>It’s been almost a year and a half since the TCJA was passed. In this session, the panel will first briefly cover the provisions of the TCJA and then examine the states’ actions in adopting the TCJA provisions, or not adopting them. The panelists will highlight the primary policy, regulatory and compliance issues that have emerged in relation to key provisions such as the repatriation transition tax, GILTI and 163j. Finally, the panelists will look ahead and give their predictions on how conformity/non-conformity with TCJA will change the state tax landscape in the future.</p> <p>Instructors:</p>

	Harley Duncan, KPMG*, Washington, DC Karl Frieden, COST, Washington, DC
9:50 – 11:00	<p>A Taste of COST and Ask the Experts <i>(joint session with Sales Tax School)</i></p> <p>The speakers in this session will discuss and demonstrate the Audit Sessions that are a unique feature of COST's conferences, the Forums available on the COST website, and how gray areas of state taxation provide opportunities for tax planners. The session will close with an Ask The Experts session to enable attendees to request guidance from COST Practitioners on timely state tax issues.</p> <p>Instructors: Madison Barnett, The Coca Cola Company, Atlanta, GA Sandy Cary, LKQ Corporation, Antioch, TN Doug Lindholm, COST, Washington, DC Arthur Parham, Entergy Services LLC, Winter Park, FL TBD</p>
11:00 – 11:15	Refreshment Break/Networking & Check Out

11:15 – 12:30	<p>Preparing for Audit Challenge and Controversy (<i>joint session with Income Tax School</i>)</p> <p>Handling a state tax audit requires that a taxpayer not only know the substantive state tax law, but that they also know procedures and auditor personalities. This session will help students prepare for those audits and offer helpful tips to efficiently deal with audits that become difficult.</p> <p>Instructors: Doug Sigel, Ryan Law Firm*, Austin, TX Daniel Stanley, Honigman Miller Schwartz and Cohn*, Lansing, MI</p>
12:30 – 1:00	Lunch/Networking
1:00	Adjourn