

COLORADO BAR ASSOCIATION
Section of Taxation – Executive Council

April 23, 2009 Meeting Minutes

Meeting Time and Place

The Executive Council of the Section of Taxation met at 12:00 p.m. on April 23, 2009.

Attendance

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| Chair | Neil Pomerantz |
| Vice-Chair | Rachel James (absent) |
| Secretary | Steven Weiser |
| Treasurer | Stuart Sargent (by phone) |
| Members | Peter Rose Andrew Elliot (by phone) Andrew Kroll (absent) |
| Others | Erica Driver (CBA) Amy Sreenen (CBA) Adam Cohen |
| Absent | Rob Keyser Hank Vanderhage Tracy Villeco |

Call to Order

Neil Pomerantz called the meeting to order.

Approval of Minutes

A motion was made (Steven Weiser, seconded by Neil Pomerantz) to approve the minutes from the March Council meeting, provided the names of the nominees for the lifetime achievement award are redacted. The motion passed.

Treasurer's Report

Stuart presented this month's report and we continue to be ahead of where we were last year (in terms of available cash).

CLE

Jeremy Wysocki and Eric Zinn presented another CLE (day of blizzard) to 30 persons. The Section is entitled to dues from those persons who attended the event.

Topical Lunches

There was no April luncheon on account of a miscommunication with the planned speaker. Peter will be speaking in May about renewable energy tax incentives. June is the legislative update (though one additional speaker is needed). Marc Chorney will be speaking in the second week of November (one week late) about estate planning. Speakers are still needed for September and October.

The lifetime achievement award will likely be presented at the June 10th Section lunch.

Pro Bono

Tom Yearout volunteered his services at the most recent Tax Court calendar call and he and Stuart were able to assist two taxpayers.

The Tax Court is asking the Section that we impose some standard as to who attends each calendar call and insure that such attendees are knowledgeable in tax. Adam recommended that Stuart contact the Tax Court for information concerning standards established by other state bar associations.

Legislative Report

Federal:

No report.

State:

Adam circulated proposed revisions to H.B. 1093 (reportable transaction legislation) which has been forwarded to Michael Valdez, Eric Zinn and Steven Weiser. Adam would like to have his proposals circulated to the Council prior to the next meeting so that the proposals could be voted on at that time, so that the legislation can be moved forward by Michael and the CBA.

In an effort to assist with the State's budget deficit (which prohibits the imposition of new taxes without voter approval), Neil reports that the legislature is looking into whether or not the removal of certain exemptions (e.g., cigarettes and vending machines) is considered a new tax, or is not subject to Tabor.

A new budget report is expected in June, as reported by Peter Rose. Neil mentioned that the new report is expected to forecast greater deficits which could lead the legislature to eliminate other exemptions or exceptions.

Newsletter

Hank e-mailed that a newsletter is all but ready to go out. Hank is waiting for a luncheon schedule, and the proposed slate of Council members for the coming year.

Tax Tips

Andrew Elliot received an inquiry from a colleague. Andrew will likely recommend that his colleague contact Adam for editing as a Tax Tips articles (as opposed to a newsletter article).

Website

Steven reported that the website is up to date (other than listing Steven as the current newsletter editor).

Agency Positions Committee

No report.

Internal Revenue Service

Stuart will be attending the June liason meeting. Stuart will be the Council's new liason (replacing Adam Cohen).

Colorado Department of Revenue

Neil reported that there is nothing new of substance happening to his knowledge at the Dept. of Revenue.

There is a rumor that the Dept. may soon withdraw some taxpayer-favorable legislation concerning the taxation of software, and that this legislation will be radically withdrawn.

Peter reported that there is a new responsible person for voluntary disclosures.

Interprofessional Committee

No report.

ABA Report

No report.

Section Reports

Business. No report.

Trusts & Estates. No report.

Real Estate. No report.

CBA Board of Governors

Andrew Elliot has agreed to take over as representative to the Board of Governors on behalf of the Section.

Section Scholarships

Rachel sent an e-mail to HRO requesting funds for the CU scholarship.

Alisha Buckingham has been awarded the DU scholarship.

Old Business

Lifetime Achievement Award: The Council discussed the nominations and a motion (Eric Zinn, seconded by Adam Cohen) was passed to present this year's award to Robert Rich. The motion passed.

Nominating Committee: A proposed slate has been presented and will be circulated by Hank Vanderhage. Any members may proposed an alternative slate by May 15.

New Business

Bill Frey requested, on behalf of his firm, the tax section mailing list so Bills firm can mail notices of CLE they are co-sponsoring. Erica commented that section mailing lists are available for purchase (though individual members can opt out of the mailing lists). Additionally, a mailing list will not be provided if CLE In Colorado will have a conflicting CLE scheduled for the same day (though notice of Bill's CLE can be posted to the website). Also, Erica can provide the list to the Council, which can take their own action and independently perform an e-mail blast.

The Council discussed the appropriateness of making our mailing list available to third parties. The general consensus was that Council members were not in favor of making the mailing list available, through means other than purchasing it from the Section. The Council did, however, approve of providing a link of the Section website, to some other website (if Bill's firm is maintaining such).

Next Meeting

The next meeting will be held on May 28, 2009, at 12:00 p.m. at the offices of the Colorado Bar Association, Ninth Floor, 1900 Grant St., Denver, CO.

Ending Time: 1:05pm

*Steven M. Weiser,
Secretary*