33RD ANNUAL
NONPROFIT ORGANIZATIONS INSTITUTE

WORKSHOP
January 13, 2016
Four Seasons Hotel
Austin, Texas

INSTITUTE
January 14–15, 2016

Workshop—Earn up to 3.25 Hours CLE Credit Including 0.50 hr Ethics, and 3.50 Hours CPE Credit (NASBA)
Institute—Earn up to 15.00 Hours CLE Credit Including 1.50 Hours Ethics, and 18.00 Hours CPE Credit (NASBA)
TX Legal Specialization Credit Approved for Estate Planning and Probate Law, and Tax Law
## 2016 NONPROFIT ORGANIZATIONS COMPLIANCE AND INTERNAL REVIEW WORKSHOP

**January 13, 2016 • Four Seasons Hotel • Austin, Texas**

Earn up to 3.25 Hours CLE Credit Including 0.50 hr Ethics, and 3.50 Hours CPE Credit (NASBA)

<table>
<thead>
<tr>
<th>Concurrent Tracks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRIVATE FOUNDATIONS</strong></td>
<td></td>
</tr>
<tr>
<td>Presiding Officer:</td>
<td>Joyce Hellums, Ernst &amp; Young LLP, Austin, TX</td>
</tr>
<tr>
<td>3:00 p.m.</td>
<td>Registration Opens</td>
</tr>
<tr>
<td>3:05 p.m.</td>
<td>Welcoming Remarks</td>
</tr>
<tr>
<td>4:00 p.m.</td>
<td>.75 hr</td>
</tr>
<tr>
<td>Grant-Making:</td>
<td>Process Issues for Private Foundations</td>
</tr>
<tr>
<td>Grant-making requires rigorous administrative processes to ensure effective impact, legal compliance, and financial accounting controls. Review the basics of grant-making processes and administration, including sourcing and the due diligence process, internal review and approvals, electronic signatures and other logistics, maintaining grant records, release of payments and other financial controls, and how good processes can help when grants go bad.</td>
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<tr>
<td>Mia Hsu Burton, Michael &amp; Susan Dell Foundation</td>
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<tr>
<td>Coleith Molstad, The Roy F. &amp; Joann Cole Mitte Foundation</td>
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<tr>
<td>4:45 p.m.</td>
<td>.75 hr</td>
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<tr>
<td>Chapter 42 Excise Taxes and UBIT</td>
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</tr>
<tr>
<td>Explore the restrictions applicable to private foundations under Chapter 42 of the Internal Revenue Code, including the prohibition against self-dealing, investment restrictions, and the 5% payout requirement, as well as the unrelated business income tax as it applies to private foundations.</td>
<td></td>
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<tr>
<td>Tyree Collier, Thompson &amp; Knight LLP</td>
<td></td>
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<tr>
<td>5:30 p.m.</td>
<td>.75 hr</td>
</tr>
<tr>
<td>Form 990-PF:</td>
<td>Clues to Interpret Significant Parts</td>
</tr>
<tr>
<td>Walk through a mock-up of a private foundation annual IRS return for clues to areas that need serious attention to avoid common mistakes. Consider appropriate depth of disclosures, strategies for correcting problems, annual compliance review, and steps to avoid penalties.</td>
<td></td>
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<tr>
<td>Jody Blazek, Blazek &amp; Vetterling</td>
<td></td>
</tr>
<tr>
<td>6:15 p.m.</td>
<td>Break</td>
</tr>
</tbody>
</table>

| **PUBLIC CHARITIES** |  |
| Presiding Officer: | Andrea L. March, Texas Rio Grande Legal Aid, Austin, TX |
| 3:00 p.m.  | Registration Opens  |
| 3:05 p.m.  | Welcoming Remarks  |
| 4:00 p.m.  | .75 hr  |
| The New World of Grant-Seeking  |
| The grant-writing world has changed dramatically for nonprofit organizations. Grant-making organizations have shifted priorities, revised processes, and refocused their investments in unexpected ways. Grant-seekers are often caught off guard by these changes, with disastrous budgetary consequences. Consider grant-making trends, paying special attention to the increasingly rigorous requirements imposed on grant recipients. |  |
| Ronnie Hagerty, United Way of Greater Houston  |
| Bob Weiss, Carl B. and Florence E. King Foundation  |
| 4:45 p.m.  | .75 hr  |
| Selected Operational Issues for Public Charities  |
| Using various case studies, reexamine certain operational issues applicable to public charities, including ultra vires activities, non-charitable activities, private benefit issues, intermediate sanctions, and UBIT. |  |
| Jeffrey T. McClean, Fizer Beck  |
| 5:30 p.m.  | .75 hr  |
| Form 990: | Red Flags and Common Pitfalls  |
| Learn how to put your best foot forward on Form 990 by being prepared, including what to look for, what to worry about, things to avoid, and mitigating risk through disclosure. |  |
| Michaela J. Cromar, CliftonLarsonAllen LLP  |
| 6:15 p.m.  | Break  |

| 6:30 p.m.  | 1.00 hr | .50 hr ethics  |
| Assessing Governance Risk from the Board Perspective  |
| Identify and analyze areas of risk that boards should consider, including responsibilities for understanding internal control, whistleblower procedures, financial reporting transparency, compensation policies, and other areas of financial risk. |  |
| Rudolph R. Ramelli, Jones Walker LLP  |
| Kay Walther, Blazek & Vetterling  |
| 7:30 p.m.  | Adjourn  |

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**WELCOME RECEPTION**

**THANK YOU TO OUR SPONSOR**

**7:30 p.m. – 8:30 p.m.**

Join us for drinks and hors d’oeuvres with program faculty and attendees.

### WORKSHOP FACULTY

- **JODY BLAZEK**
  Blazek & Vetterling
  Houston, TX

- **MIA HSU BURTON**
  Michael & Susan Dell Foundation
  Austin, TX

- **TYREE COLLIER**
  Thompson & Knight LLP
  Dallas, TX

- **MICHAELA J. CROMAR**
  CliftonLarsonAllen LLP
  Fort Worth, TX

- **RONNIE HAGERTY**
  United Way of Greater Houston
  Houston, TX

- **JEFFREY T. MCCLEAN**
  Fizer Beck
  Houston, TX

- **COLEITH MOLSTAD**
  The Roy F. & Joann Cole Mitte Foundation
  Austin, TX

- **RUDOLPH R. RAMELLI**
  Jones Walker LLP
  New Orleans, LA

- **KAY WALThER**
  Blazek & Vetterling
  Houston, TX

- **BOB WEISS**
  Carl B. and Florence E. King Foundation
  Dallas, TX

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### THURSDAY MORNING, JAN. 14, 2016

**Presiding Officer:**
Tomer Inbar, Patterson Belknap Webb & Tyler LLP, New York, NY

<table>
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<tr>
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<tr>
<td>7:30 a.m.</td>
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<tr>
<td>8:20 a.m.</td>
<td>Welcoming Remarks</td>
</tr>
<tr>
<td>8:30 a.m.</td>
<td>.75 hr</td>
</tr>
<tr>
<td><strong>Shifting Tides in the Exempt Organizations Sector</strong></td>
<td>A look at current challenges and pressure points in the exempt organizations sector, including fallout from the IRS Exempt Organizations realignment, legislative initiatives, and other trends and developments.</td>
</tr>
<tr>
<td>9:15 a.m.</td>
<td>1.00 hr</td>
</tr>
<tr>
<td><strong>A Practical Approach to Cybersecurity for Nonprofits: Assessing the Legal, Regulatory, and Headline Risks of a Data Breach</strong></td>
<td>It seems barely a day goes by without a “cyber breach” headline in the news. Examine two separate, but equally important, issues: the legal, regulatory, and corporate governance issues every nonprofit should consider, and how best to prepare for, and remediate, a cybersecurity breach.</td>
</tr>
<tr>
<td>10:15 a.m.</td>
<td>Break</td>
</tr>
<tr>
<td>10:35 a.m.</td>
<td>.75 hr</td>
</tr>
<tr>
<td><strong>Lobbying and Political Campaign Activities in an Election Year</strong></td>
<td>Learn when you can, cannot, and what it means to lobby, engage in issue advocacy, express an opinion on proposed legislation, propose legislation, and give a call to action—including all the caveats, exceptions to the rules, and exceptions to the exceptions that apply—without losing your exempt status!</td>
</tr>
<tr>
<td>11:20 a.m.</td>
<td>.75 hr</td>
</tr>
<tr>
<td><strong>Making 501(c) Connections for Advocacy</strong></td>
<td>Is your 501(c)(3), 501(c)(4), 501(c)(5), or 501(c)(6) ready for the upcoming election or the next legislative session? Hear practical lessons on permissible lobbying and election-related activity and how to create and operate affiliated organizations to expand the scope of your legislative and electoral advocacy.</td>
</tr>
</tbody>
</table>
| 12:05 p.m.   | Pick Up Lunch
Included in registration. |

### THURSDAY AFTERNOON

**Presiding Officer:** Lucille DiDomenico, Philanthropy Southwest, Dallas, TX

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>12:35 p.m.</td>
<td>.75 hr</td>
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<tr>
<td><strong>Compassionate Careers:</strong> Strategies for Attracting, Developing, and Retaining Talent in Cause-Focused Organizations</td>
<td>Gain insight on how to inspire, engage, and align your most important asset—your people—and learn the “secret sauce” to helping your organization be ready for the talent transfusion of the 21st Century.</td>
</tr>
<tr>
<td>1:20 p.m.</td>
<td>Break</td>
</tr>
<tr>
<td>1:35 p.m.</td>
<td>1.00 hr</td>
</tr>
<tr>
<td><strong>The Role of the CEO, CFO, and GCO: Managing the Relationship between the Executive Branch, Finance, and Legal</strong></td>
<td>An interactive discussion among C-Suite officers about the issues that cause them the most concern through the lens of each officer’s perspective. Hear thoughts on how to successfully collaborate and utilize each skill set, and the challenges and successes of working with C-Suite colleagues.</td>
</tr>
<tr>
<td>2:35 p.m.</td>
<td>Break</td>
</tr>
</tbody>
</table>
2A: EMPLOYMENT AND HR ISSUES

Presiding Officer: Frank Sommerville, Weycer Kaplan Pulaski & Zuber, P.C., Arlington, TX

2:55 p.m. .75 hr

Employment Issues for Nonprofit Organizations

Review employment issues for nonprofits, including managing employees, independent contractors, unpaid interns, and volunteers; social media issues for employees; and background checks and hiring issues.

Katrina Grider, Attorney at Law

3:40 p.m. .75 hr

Current Affordable Care Act Issues for Nonprofit Employers and Social Service Providers

Having survived another Supreme Court challenge, the Affordable Care Act (ACA) is here to stay, expanding coverage and also creating other consequences that affect nonprofit organizations, both as employers and as social service providers. Review what nonprofit employers must do to avoid penalties and handle new information reporting responsibilities, and learn how the ACA is affecting nonprofits that serve those in need of health care.

Catherine E. Livingston, Jones Day

3:45 p.m. .75 hr

Private Foundation Relationships with Businesses and Family Offices

Learn about considerations that can arise when affiliating a private foundation with a business or family office; plus explore key foot faults and complex issues, such as structuring relationship, staffing the foundation (including whether to employ Grandma, Junior, and Rover), special grant-making concerns, purchasing tickets or tables to fundraising events, co-investing, and more.

Edward T. Chaney, Schell Bray PLLC

4:25 p.m. Break

2B: FOUNDATION STRUCTURING

Presiding Officer: Amanda M. Gyeszly, Texas Crude Energy, LLC, Houston, TX

2:55 p.m. .75 hr

Structuring, Restructuring, and Breaking Up Private Foundations

Considering forming a private foundation or altering the structure of an existing private foundation? Weigh the pros and cons of available options to accomplish your goal(s) and possible alternatives, including donor-advised funds and supporting organizations. Identify when separation may be a viable option, gain best practice tips for negotiating and implementing the separation, and review important considerations and traps for the unwary, including fiduciary considerations, the role of donor intent, and the perspectives and involvement of the Attorney General's Office.

Michael V. Bourland, Bourland, Wall & Wenzel, P.C.
David M. Rosenberg, Thompson & Knight LLP
Susan K. Staricka, Charitable Trusts Financial Litigation and Charitable Trusts Division, Office of the Attorney General

3:40 p.m. .75 hr

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Edward T. Chaney, Schell Bray PLLC

4:25 p.m. Break

3A: IP AND SOCIAL MEDIA

3:45 p.m. .75 hr

Gift Agreements and Gift Restrictions

Learn what to consider when you are offered a gift and what to consider offering in return, what you should address in a gift acceptance policy, and tips for drafting gift agreements.

Jennifer I. Reynoso, Simpson Thacher & Bartlett LLP

5:20 p.m. .75 hr

Living with Gift Agreements: Managing Living Donors and the Dead Hand

Explore various challenging legal and practical issues related to the ongoing management of restricted gifts, including problematic gift restrictions, endowment gifts, meddlesome donors, outdated restrictions, and publicity and privacy requirements.

Morye Ward, Ropes & Gray LLP

6:05 p.m. Adjourn to Reception

THANK YOU TO OUR RECEPTION SPONSOR

Frost BANKING INVESTMENTS INSURANCE

6:05 p.m. – 7:00 p.m.

Join us for drinks and hors d’oeuvres with program faculty and attendees.
FRIDAY MORNING, JAN. 15, 2016

Presiding Officer:
Jody Blazek, Blazek & Vetterling, Houston, TX

7:00 a.m.  Conference Room Opens
Includes continental breakfast.

8:00 a.m.  .50 hr
Texas State Legislative and Regulatory Update
Hear the latest developments affecting nonprofits, including updates from the 2015 Texas Legislature and state regulatory agencies, and look ahead to interim legislative committee activity for the 2017 session.
Richard W. Meyer, Attorney at Law

8:30 a.m.  Year in Review
Review current developments, including federal legislation, regulations, IRS rulings, and court opinions with emphasis on qualification for exemption, application process, public charity rules, IRS audit and compliance check activity, governance, unrelated business, joint ventures, private inurement and private benefit, intermediate sanctions, legislative and political activity, supporting organizations, donor-advised funds, endowments, and planned and other charitable giving.
Bruce R. Hopkins, Bruce R. Hopkins Law Firm

9:30 a.m.  Break

Concurrent Tracks

4A: STRATEGIES/STRUCTURES FOR SHARING
Presiding Officer:
Norman E. Nabhan, Morgan Stanley
Graystone Consulting, Houston, TX

9:50 a.m.  1.00 hr
Joint Ventures and Other Organizational Structures (Big and Small)
Nonprofits of all varieties and sizes increasingly have opportunities for which they need to consider how organizational structures can enhance their results, ensure clarity of purpose and direction, and protect their exemptions. Learn when spinning out a program, asset, or initiative might be wise and, if so, how to do it. Understand when, why, and how to go beyond contracting to more formally structuring relationships using joint ventures and other collaborative vehicles. Finally, address issues associated with operating or maintaining these enterprises, subsequent exit strategies and the potential need to unwind the relationships.
James P. Joseph, Arnold & Porter LLP
John Tyler, Ewing Marion Kauffman Foundation

10:50 a.m.  1.00 hr
Public–Private Partnerships: More Useful than You Thought
Explore governments’ use of private organizations to provide public goods—whether housing, infrastructure, healthcare, work force preparedness, or other social services—focusing on the role that nonprofits play in these partnerships. Examine how to identify local, regional, and national opportunities and outline how these relationships work.
Moderator:
Nicola Fuentes Toubia, Fuentes Toubia, PLLC
Panelists:
Mary Lawler, Avenue Community Development Corporation
Neal Rackliff, City of Houston Housing and Community Development Department

11:50 a.m.  Pick Up Lunch
Included in registration.

4B: SHOW ME THE MONEY
Presiding Officer:
Lucille DiDomenico, Philanthropy Southwest, Dallas, TX

9:50 a.m.  1.00 hr
First You Need to Find It: Accessing New Forms of Capital to Finance Your Work
Regardless of an organization’s size, financing the mission requires strategy, effort, and a willingness to consider new and different alternatives to standard fundraising. Examine different alternatives available, including nonprofit involvement in commercial activities and the emerging convergence between for-profit and nonprofit business models; social venture and social entrepreneurship; earning revenue and capturing value with mission-related consistency, including through strategic corporate sponsorships and cause-related marketing; and the role of impact investments as a new source of financial capital for the mission.
Matt Kouri, Mission Capital
Darren B. Moore, Bourland, Wall & Wenzel, P.C.

10:50 a.m.  1.00 hr
Then You Need to Keep It: Complex UBIT Issues and Strategies for Coping
When does a money-making idea cross the line to create potential problems for a tax-exempt organization? Consider both the critical business and legal issues—and learn strategies to address potential UBIT concerns—of selected fundraising ventures, including licensing, corporate sponsorships, advertising, unrelated debt-financed income, facilities rentals, and commercial services.
Terri Helge, Texas A&M University School of Law

11:50 a.m.  Pick Up Lunch
Included in registration.

FRIDAY AFTERNOON

Presiding Officer:
Lucille DiDomenico, Philanthropy Southwest, Dallas, TX

12:20 p.m.  .75 hr
Outcome-Based Philanthropy: Tracking, Measuring, and Promoting Impact
Gain useful guidance, tools, and real-life examples about how funders and nonprofit agencies can answer the question, “are we making a difference?” Learn how evaluation in philanthropy can strengthen both grant-making and grantee performance in mutually beneficial and reinforcing ways.
Tim Wilmot, San Antonio Area Foundation

1:05 p.m.  Break

1:20 p.m.  1.25 hrs | .25 hr ethics
Anatomy of a Fraud
Examine a case study that demonstrates the importance of having sound systems of internal control in which it quickly becomes obvious that internal control procedures were either missing or broke down in several important areas. But, were more sinister forces at play? Who had motive, access, opportunity? Did someone misappropriate funds? Did someone funnel funds to cronies? If so, who did it? Participants have the opportunity to cross-examine the key suspects in the case in order to arrive at The Truth.
David L. Cotton, Cotton & Company LLP

2:35 p.m.  Break
State Lobbying and Ethics Laws
The involvement of nonprofits in the political process is becoming one of the most scrutinized areas of both campaign finance and corporate law. Different jurisdictions are approaching regulations in a variety of ways. Learn about current trends in Texas and beyond, and how to comply with lobbying, ethics, and disclosure rules for nonprofit corporations.

Ross Fischer, The University of Texas School of Law and Gober Hilgers PLLC

State Tax and Cross-Border Issues: Traps for the Unwary
Explore state and local tax issues unique to nonprofit organizations, including taxes imposed by Texas and differences in other states, and identify best practices as well as traps to avoid.

Kirk R. Lyda, Jones Day
Davila Niesen, Ernst & Young LLP

State Tax and Cross-Border Issues: Traps for the Unwary
Explore state and local tax issues unique to nonprofit organizations, including taxes imposed by Texas and differences in other states, and identify best practices as well as traps to avoid.

Kirk R. Lyda, Jones Day
Davila Niesen, Ernst & Young LLP

5B: GOVERNANCE
Presiding Officer: Joyce Hellums, Ernst & Young LLP, Austin, TX

2:55 p.m. .75 hr | .50 hr ethics
Advising the Organization: Advanced Issues in Corporate Governance
Balancing the roles and responsibilities of the board of directors, individual board members, and staff can be an interesting exercise in corporate governance. In some cases, the individuals step out of their roles and into governance problems.

Jonathan S. Blum, Polsinelli PC

3:40 p.m. .75 hr | .25 hr ethics
Protecting the Fiduciaries: Board Liability and Protections
An overview of the potential legal exposures faced by board members and other fiduciaries of nonprofit organizations and how they can be protected. Review volunteer immunities available under the law, director indemnification, and D&O insurance.

Shane W. Hudson, Fizer Beck

4:25 p.m. Adjourn

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San Antonio Area Foundation
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Ropes & Gray LLP
Washington, DC

TIM WILMOT
San Antonio Area Foundation
San Antonio, TX

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WORKSHOP ACCREDITATION

CLE CREDIT
Approved in Texas, California and Oklahoma
Texas Legal Specialization Credit Approved for Estate Planning and Probate Law and Tax Law

CPE CREDIT
Earn up to 3.50 credits in Taxes (NASBA)
Delivery Method: Group-Live
Program Level: Overview
Advance Preparation: None

INSTITUTE ACCREDITATION

CLE CREDIT
Approved in Texas, California and Oklahoma
Texas Legal Specialization Credit Approved for Estate Planning and Probate Law and Tax Law

CPE CREDIT
Earn up to 18.00 credits in Taxes (NASBA)
Delivery Method: Group-Live
Program Level: Overview
Advance Preparation: None
## Registration Form

### Registration

1. **Select Registration Type**
   - [ ] Individual registration by January 6 ........................................ $100
   - [ ] Individual registration after January 6 ...................................... $130

2. **Select Course Materials Format**
   - [ ] Electronic Course Binder Download (PDF) ONLY
   - [ ] Printed Course Binder ONLY (available through January 6)

3. **Select Workshop Concurrent Track**
   - [ ] Private Foundations
   - [ ] Public Charities

**Workshop Registration Total** ........................................ $_____

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### IN-HOUSE

**For Texas MCLE Credit**

1. **Select Registration Type**
   - [ ] In-House CLE for 2 ...................................................... $850
   - [ ] Additional participant(s) for $250 each ................................ $_____

**Workshop In-House Total** ........................................ $_____

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### Conference/Complete Materials

**For Research and Self-Study**

1. **Select Course Materials Format**
   - [ ] eBinder Download (PDF) .................................................. $85
   - [ ] Printed Binder ................................................................. $135
   - [ ] Audio Download (MP3) ..................................................... $75
   - [ ] Audio CD Set ................................................................. $125

**Workshop Conference/Complete Materials Total** ........................................ $_____

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### Institute

1. **Select Registration Type**
   - [ ] Individual registration by January 6 ........................................ $575
   - [ ] Individual registration after January 6 ...................................... $625

2. **Select Course Materials Format**
   - [ ] Electronic Course Binder Download (PDF) ONLY
   - [ ] Printed Course Binder ONLY (available through January 6)

**Institute Registration Total** ........................................ $_____

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### ORDER GRAND TOTAL

**$_____

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### METHOD OF PAYMENT

- [ ] Check (make check payable to The University of Texas at Austin)
- [ ] VISA
- [ ] MasterCard
- [ ] American Express
- [ ] P.O.

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**Card/P.O. #** ___________________________ **Exp. Date (mm/yy)** ___________ **Authorized Signature** ___________________________
33RD ANNUAL
NONPROFIT ORGANIZATIONS INSTITUTE
January 13, 14–15, 2016 • Four Seasons Hotel • Austin, Texas

AUSTIN
January 13, 14–15, 2016

CONFERENCE LOCATION

Four Seasons Hotel
98 San Jacinto
Austin, TX
512.685.8100

Special Room Rate: $249
good through December 14, 2015
reference “UT Law Nonprofits Institute”
(subject to availability)

Parking:
$12 daily self-parking; $16 valet
$32.50 overnight self or valet

KEY DATES
January 6, 2016
last day for early registration
add $50 for registrations
received after this time

January 8, 2016
last day for cancellation (full refund)

January 11, 2016
last day for cancellation (partial refund)
$50 processing fee applied

January 13, 2016, 3:55 p.m.
Workshop begins

January 14, 2016, 8:20 a.m.
Institute begins

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