

**5<sup>th</sup> Annual Texas Margin Tax Conference**  
**September 1, 2011 • AT&T Conference Center • Austin, TX**  
**September 7, 2011 • Belo Mansion • Dallas, TX**  
**September 8, 2011 • South Texas College of Law • Houston, TX**

**Day 1 Morning**

**Presiding Officers:**

In Austin: **Christina A. Mondrik**, Mondrik & Associates - Austin, TX

In Houston: **Christina A. Mondrik**, Mondrik & Associates - Austin, TX

7:30 am In Austin Only	<b>Registration Opens</b>  Includes continental breakfast.
8:20 am In Austin Only	<b>Welcoming Remarks</b>
8:25 am In Austin Only 0.00 hr ethics	<b>Attendee List</b>
8:30 am 1.00 hr	<b>Franchise Tax Audits</b>  The audit process, records needed and common errors.  Moderator: Kathy Applegate, KHA Consulting PC - Fort Worth, TX Panelists: Gary Dullum, Texas Comptroller of Public Accounts - Dallas, TX Panelists: Bobby Lebkowsky, Texas Comptroller of Public Accounts - Dallas, TX Panelists: Ted Pace, Texas Comptroller of Public Accounts - Houston, TX
9:30 am 1.00 hr	<b>Cost of Goods Sold Issues</b>  This presentation provides a brief overview of the Texas cost of goods sold calculation and more detailed examples of the common issues that taxpayers are facing on audit. The discussion also includes issues related to the qualification of certain businesses and industries for the cost of goods sold deduction.  In Austin: Douglas Francis Maziur Jr., KPMG LLP - Houston, TX In Houston: Douglas Francis Maziur Jr., KPMG LLP - Houston, TX In Dallas: Christopher E. Bajec, KPMG LLP - Dallas, TX
10:30 am In Austin Only	<b>Break</b>

10:45 am 1.00 hr	<p><b>Putting It Together: Practical Examples of the Application of Margin Tax</b></p> <p>This visual presentation is aimed at the practical application of the margin tax to common entities and structures. It includes comparative analysis of federal income tax treatment of the structures. Special attention is also given to choice of entity; selected nexus issues; special partnership agreement provisions; and the treatment of passive entities within complex organizational structures.</p> <p>William H. Hornberger, Jackson Walker L.L.P. - Dallas, TX Steven D. Moore, Jackson Walker L.L.P. - Austin, TX</p>
11:45 am In Austin Only	<p><b>Break to Pick Up Lunch</b></p> <p>Included in conference registration fee.</p>

## Day 1 Afternoon

### Presiding Officers:

In Austin: **Hon. Peter Brooks**, State Office of Administrative Hearings - Austin, TX

In Houston: **Hon. Peter Brooks**, State Office of Administrative Hearings - Austin, TX

In Austin Only	<b>Luncheon Presentation</b>
12:00 pm 0.50 hr	<p><b>The Future of the Texas Margin Tax</b></p> <p>Billy C. Hamilton, Billy Hamilton Consulting - Austin, TX</p>
12:30 pm In Austin Only	<b>Break</b>
12:45 pm 0.50 hr	<p><b>Legislative Update</b></p> <p>An update on recent legislative developments affecting Texas margin tax and other state taxes.</p> <p>In Austin: Eleanor Hyeran Kim, DuCharme, McMillen &amp; Associates, Inc. - Austin, TX Mona Shoemate, DuCharme, McMillen &amp; Associates, Inc. - Austin, TX In Houston: Eleanor Hyeran Kim, DuCharme, McMillen &amp; Associates, Inc. - Austin, TX In Dallas: Eleanor Hyeran Kim, DuCharme, McMillen &amp; Associates, Inc. - Austin, TX</p>
1:15 pm 0.50 hr	<p><b>Litigating Texas Tax Disputes in District Court: Opportunities and Pitfalls</b></p> <p>Many taxpayers assume that an administrative appeal is the only option available to them for challenging a Texas tax assessment or a refund denial. But district court may present a better option in some instances, including situations where a taxpayer may be able to recover attorneys fees. This presentation focuses on various matters that should influence a taxpayer's decision to assert a Texas tax dispute in state district court.</p> <p>David E. Colmenero, Meadows, Collier, Reed, Cousins, Crouch &amp; Ungerman, L.L.P. - Dallas, TX</p>

1:45 pm 1.00 hr	<p><b>Texas Margin Tax Nexus and Apportionment Issues</b></p> <p>Panel members discuss state tax nexus issues as they relate to multistate businesses, including a discussion of recent Amazon/internet seller sales/use laws, affiliate nexus and other policies and procedures affecting modern business models. The panel members also discuss frequently overlooked tax reduction opportunities for businesses in apportioning their Texas franchise tax gross receipts.</p> <p>Ira A. Lipstet, DuBois, Bryant &amp; Campbell, L.L.P. - Austin, TX Christina A. Mondrik, Mondrik &amp; Associates - Austin, TX</p>
2:45 pm In Austin Only	<p><b>Break</b></p>
3:00 pm 0.50 hr	<p><b>Rebutting the Unitary Presumption</b></p> <p>The Comptroller presumes that all affiliated entities are engaged in a unitary business so that combined reporting is required. This topic identifies circumstances in which the presumption may hurt taxpayers, and how to overcome the presumption when it does.</p> <p>Ray H. Langenberg, Scott, Douglass &amp; McConnico, LLP - Austin, TX</p>
3:30 pm 0.50 hr	<p><b>Substance over Form</b></p> <p>In 2006, the Comptroller announced its intention to examine the business purpose of transactions between related parties designed to avoid sales and use tax on purchases of aircraft. Questions persist concerning the limits of the Comptroller's authority to ignore the form of these transactions and whether the Comptroller will extend this practice to other transactions and/or taxes. This presentation discusses and analyzes those issues.</p> <p>David H. Gilliland, Duggins Wren Mann &amp; Romero, LLP - Austin, TX</p>
4:00 pm 1.00 hr	<p><b>Ask the Tax Policy Experts</b></p> <p>Is the Texas franchise tax still a bit vague? Indefinite? Obscure? Confusing? If so, then you must attend this session as Janet Spies and Jerry Oxford from the Franchise Tax Policy Group at the Comptroller's office attempt to provide definite, exact, resolved, or settled answers to your questions.</p> <p>Moderator: Daniel J. Micciche, Akin, Gump, Strauss, Hauer, &amp; Feld, L.L.P. - Dallas, TX Panelists: Jerry Howard Oxford, TX Comptroller of Public Accounts - Austin, TX Panelists: Janet Spies, Texas Comptroller of Public Accounts - Austin, TX</p>
5:00 pm In Austin Only	<p><b>Adjourn</b></p>