



Journal of the CPA Practitioner

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UPDATE...FROM THE NCCPAP PRESIDENT

Dear Members,

Hard to believe but we are once again knee-deep in tax season. It seems like each tax season is just a bit tougher than the last and it looks like this year will follow suit.



NCCPAP is your first resource to survive tax season. Look to us for up-to-date information regarding additional filing requirements associated with the ACA and changes in Repair and Capitalization regulations. The tax committee is working hard to answer all your questions and will post updates on go.nccpap.org as they get them. Be sure to sign on to our website daily throughout tax season to stay current.

If you are suffering from cabin fever then be sure to escape the four walls of your office to attend one of the many tax season chapter meetings listed on our website including the ever popular MAP (Management of an Accounting Practice) meetings. MAP meetings provide best practice ideas regarding billing, collections, forms, engagement letters and more.

Have a question in the middle of the night? Post your question on the discussion board at go.nccpap.org. The growing popularity of our discussion board has seen numerous responses per discussion. Have a question about taxation in another state? We have members in every state in the country that can help out. Still need more information? Call NCCPAP headquarters at 516-333-8282 and our office staff will connect you with one of our many experts available to help. Whether your question is about federal tax, state tax, A&A, foreign accounts, etc., we can help.

Remember to stay healthy during tax season by eating right, exercising and getting plenty of sleep. You will be far more productive if you do. Should you get sick during tax season, there is no harm in filing extensions. Be sure to have a network of fellow NCCPAP members who you can call on in an emergency. If you are lucky enough to have a chapter near you, get involved. If you don't have a chapter, start one. A network of your peers to share information with, to commiserate with, to be friends with, is the best medicine for surviving tax season.

Best of luck and may this be your most profitable tax season yet! When it's all over, I hope you will join me at the next quarterly conference on May 6-8, 2015 in Bethesda, MD as we head to Capitol Hill.

Sincerely,

Sandra G. Johnson, CPA
President NCCPAP
SJohnson@sgjcpa.com

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(Deceased)*

NCCPAP

IS PROUD TO BE

FEATURED ON THE

IRS TAX PRO ASSOCIATION

PARTNERS PAGE

On December 18, 2014, NCCPAP Tax Committee Chair, Stephen Mankowski, was in Washington D.C. at the request of the IRS Commissioner Koskinen for the launch of a new feature on their website, IRS TAX PRO ASSOCIATION PARTNERS. This new page is designed for taxpayers seeking a tax professional to provide assistance with various tax issues including business/personal returns, etc.

By choosing the NCCPAP link on the IRS TAX PRO ASSOCIATION page, the taxpayer will be re-directed to go.nccpap.org to complete a form requesting a CPA by state, specialty, etc. The NCCPAP National office will receive this request and furnish a qualifying NCCPAP member's information.

NCCPAP is both honored and excited to be included in this new IRS feature and to assist in serving taxpayers throughout the United States.

For More Information, please <http://www.irs.gov/Tax-Professionals/Choosing-a-Tax-Professional>

For More Information, please visit <http://www.irs.gov/Tax-Professionals/IRSTaxProAssociationPartners>

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NCCPAP IS SADDENED **BY THE LOSS OF FOUNDING FATHER** **EDWIN J. KLIEGMAN**



It is with profound sadness that we report the passing of NCCPAP founding father, Edwin J. Kliegman on Wednesday, January 21, 2015 at the age of 89.

Ed had a significant impact on many of us in the Accounting Profession. As a founding father of NCCPAP, Ed was a source of strength, leadership and vast knowledge. Ed was a mentor to many members. I know I share a deep sense of loss with many others who had the privilege to call Ed a friend.

Ed started his college career studying Engineering but luckily for our profession he changed majors and graduated with an Accounting degree from City College in 1946. In 1951 Ed became a CPA and went into partnership with Ed Marcum to form Marcum & Kliegman. Marcum & Kliegman later became Marcum LLP.

In the late 1970s, Ed met Eli Mason, Irwin Pomerantz and Herb Schoenfeld and became active in NCCPAP. Ed then started up the Long Island chapter and served as the chapter's first president in 1979. Ed served as the national president from 1987-1988. Ed stayed active in NCCPAP right up to the end even calling me just two weeks before he passed to complain that he wasn't getting our emails!

Ed's passion for the accounting profession knew no bounds. In addition to running his CPA practice and organizing and running NCCPAP, he was an avid writer on accounting topics, lectured extensively and ran a successful consulting business. In 1989 Ed made the first of five trips to Russia and the Ukraine to teach about American business methods and procedures. In 1991 Ed started a joint accounting venture with a Russian businessman forming ICPA Corp.

Those who knew Ed best knew of the passion he brought to everything. Ed was lucky to have been married to the love of his life, Doris, for 61 years. According to his book, *It's Been Fun!!!!*, Ed proposed to Doris on their second date and she accepted. Ed and Doris had four children; Steven, David, Robin and Kathy.

Ed was at the forefront of time management issues. In 1965 Ed and his partner, Ed Marcum began alternating taking the entire month of August off! At that time, Ed and Doris began camping with their children and camped all over North America from Canada to Florida and from New York to California.

Ed's love for travel took him and Doris around the world. They travelled from Ireland to Israel to Australia to Africa. While most would visit the Great Wall when first landing in China, Ed stopped at the Chinese Institute of Certified Public Accountants in Beijing. Once an accountant, always an accountant.

Ed and I met in 2009 and became fast friends. He walked through the front door of my office with the excuse that he needed help on a tax return. Truth be known, he was trying to reel me into NCCPAP! I am a good listener and Ed was a great talker so I had the pleasure of hearing many of his stories from the man himself. The rest of the stories I read in his book. He was a fascinating man who lived life to its fullest. We can all take a lesson from him about getting the most out of life. We will miss you dearly Ed. Until we meet again!

Sandra Johnson, CPA
NCCPAP President

2014 LONG ISLAND TAX PROFESSIONALS SYMPOSIUM

A FANTASTIC EVENT!

By Robert L. Goldfarb, CPA, CFP, CGMA, PFS, CFE, DABFE, DABFA - Symposium Chair

The Nassau/Suffolk Chapter of NCCPAP certainly proved that working together as a team is truly the best way to accomplish an incredible feat! This past November over 50 volunteers, working toward the same goal, proved that what was believed to be an insurmountable task can, in fact, be accomplished. The 2014 Long Island Tax Symposium, celebrating its 12th anniversary, and my 10th anniversary as its Chair, was sponsored by the Nassau/Suffolk Chapter of NCCPAP together with the Internal Revenue Service in cooperation with the Nassau Chapter of the Financial Planning Association, the Nassau Academy of Law, the New York State Society of Enrolled Agents, the National Association of Tax Professionals, the Association of Divorce Financial Planners, and the New York Society of Independent Accountants. Conveniently held at the Crest Hollow Country Club in Woodbury, New York, over 725 attendees and vendors participated each day of the 3-day event. This year's event was truly a huge success building on the success of the two original symposiums under the leadership of Ross Kass, Karen Giunta, and Harold Ogulnick. These individuals again supported the 2014 Symposium, their TWELFTH STRAIGHT SYMPOSIUM, with their time, expertise and tireless effort.

In addition to the individuals named above, the year-round efforts of the following additional individuals were responsible for the incredible execution of our best symposium ever: Kathy Casey, Stephen Sternlieb, Paula Sheppard, Ruthanne Corazzini, Gary Sanders, Michael Rubinstein, Ed Caine, Carol Markman, Andrea Parness, Barry Zalk, Donald Ingram, Ken Hauptman, Robert Brown, Robert Barnett, Etta Gelbien, Holly Coscetta, Patti Kass, Frank Gallo, Mark Rosman and Megan Kass.

It is also important to note that without the full and continued support of Linda Henson from the Internal Revenue Service, the event could never have been as successful as it was. We thank Linda and the IRS for their support throughout the entire year.

In addition to the highly professional and technical nature of all of the seminar material, the success of the symposium was truly enhanced due to the presence and support of the sponsors that included, but were not limited to: Capital One, ADP, Intuit, CMIT Solutions of Long Island, Thomson Reuters, and CCH, Inc. There were over 45 professional sponsors adding significant value and information to the symposium.

The volunteers assisting in the development, organization and operations of the symposium were truly the nuts and bolts in organizing the event. They selflessly arrived on the Monday evening preceding the symposium at 5pm and worked until after 9pm. Many of the volunteers then arrived again before 6am on Wednesday morning – the first day of the event. Again, we were fortunate this year when Ruthanne Corazzini arranged to have Girl Scout Troop #1725 from Greenport, New York assist us all three days of the event. Without the sustained efforts of all these volunteers (more than 90 in total), the symposium could never have been such a great success. We owe a great deal of gratitude to all the volunteers and staff members who worked on the event. In short, the volunteers were wherever they were needed, whenever they were needed, and did whatever was asked of them. Our sincere thanks to the volunteers, the participants, the partners and all the sponsors!

This year we instituted an award for an outstanding educator serving our organization, in honor of our esteemed mentor Samuel Dyckman. In addition to presenting this award to Sam's family, the award was also presented to Robert Katz, who has also been our friend and mentor for so many years.

Save these dates! November 18, 19, & 20, 2015! Next Year's Symposium, OUR 13th such Symposium, is already shaping up to be equivalent to, or better than, last year's! Don't be shut out---keep an eye out for registration materials in September.

FOLLOW US:



National Conference of CPA Practitioners (NCCPAP)

NOMINATING COMMITTEE SEEKS CANDIDATES FOR ELECTION TO BOARD OF DIRECTORS

The Nominating Committee of NCCPAP consists of three representatives from the general membership; Mary Duff, CPA, Robert Goldfarb, CPA, Lana Kupferschmid, CPA and two representatives from the Board of Directors; Kenneth Hauptman, CPA and Lynn Finkelstein, CPA. Susan Gallo, CPA and Edward Caine, CPA act as advisors.

They are seeking suggestions as to who should serve on the Board of Directors. If you know of anyone, or are interested yourself, please fill out the information below and send it back. Election to the Board is both an honor and a responsibility. The main responsibilities include attendance at all NATIONAL board meetings (4 per year), addressing issues affecting NCCPAP members and the CPA profession and participation on professional committees.

Return To: Nominating Committee Chair
c/o NCCPAP
22 Jericho Turnpike, ste 110
Mineola NY 111501

Dear Nominating Committee,
Please consider the following NCCPAP member for nomination to the Board:

Name _____

Firm Name _____

Address _____
No. & Street Town State Zip

Phone Number _____

Submitted by (if other than above) _____ (optional)



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WELCOME....New Members!

November 2014 - February 2015

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N. Miami Beach, FL
Wellington, FL
Syosset, NY
Jericho, NY
Boca Raton, FL
Cincinnati, OH
Farmingville, NY

IRS CLARIFIES VACATION HOME RULES – MAYBE!

By: Stephen Greenberg, CPA

On August 5, 2013 members of the NCCPAP tax committee received an email from the IRS Stakeholder Liaison. The email contained IRS Summertime Tax Tip 2014-13 titled “Vacation Home Rentals”. I feel uniquely qualified to comment on this topic, having recently concluded a two year plus battle with the IRS on the very subject. I will try not to delve into too many Code references, but it is important to know that heart of this issue is the interplay between Code Sections 280A(c)(5) and 469(j)(10).

Bullet 1 of Tip 2014-13 correctly states “*In most cases, you can deduct the costs of renting your property. However, your deduction may be limited if you also use the property as your home.*”

Bullet 3 briefly talks about the rules if the property is also “used as a home” (which we will discuss in more detail later) your rental expense deduction is limited and refers to Publication 527. That portion is also true. It goes on to state, “*This means your deduction for rental expenses can’t be more than the rent you received.*” **That statement is not true.** Now the fun begins.

The rules for renting a residence are voluminous and at times confusing. Did you know that a day rented to a relative or friend at less than fair market value is a personal day and not a rental day? Even worse, if rented to the same person at FMV it is a rental day and a personal day. Try calculating that ratio. We will not be delving into all of those nuances here. However, I am reasonably sure many of you have the same client I do with a different name.

In 2004 Ken & Stacey Taxpayer purchased a condo in the Disney area of Florida. For a few years the property was available for rental through a management company and personal use was less than 14 days per year. Thus the rental was reported on Schedule E and as their income increased to near \$150K the loss was mostly suspended. By 2007 the rental market had become very soft so Ken & Stacey decided to start using the property more. They eventually exceeded the greater of 14 days or 10% of days rented, so Section 280A began to apply. The rent collected did not even cover the few direct expenses plus the business allocations of real estate taxes and mortgage interest.

IRC Section 469(j)(10) reads as follows:

(10) Coordination with section 280A

If a passive activity involves the use of a dwelling unit to which section 280A (c)(5) applies for any taxable year, any income, deduction, gain, or loss allocable to such use shall not be taken into account for purposes of this section for such taxable year.

It is necessary to understand the definition of a dwelling unit to apply 469(j)(10) correctly. When Section 280A becomes applicable, the activity is no longer passive. The Section 469 Passive Loss Limitations that usually apply (\$25,000 loss cap and phase out of loss from \$100K to \$150K of MAGI) do not apply.

IRC Section 280A(d) provides the definition:

(d) Use as residence

(1) In general

For purposes of this section, a taxpayer uses a dwelling unit during the taxable year as a residence if he uses such unit (or portion thereof) for personal purposes for a number of days which exceeds the greater of—

(A) 14 days, or

(B) 10 percent of the number of days during such year for which such unit is rented at a fair rental.

For purposes of subparagraph (B), a unit shall not be treated as rented at a fair rental for any day for which it is used for personal purposes.

Section 280A tells us that the direct expenses are fully deductible, so the rental commission, cleaning after tenants vacated and occupancy tax are not allocable expenses. Section 280A also states that expenses that would be deductible even with no business use are not limited. Thus the allocable portion of real estate taxes, mortgage interest and casualty loss are allowed in full. The rest of the expenses are called allocable expenses. These would be comprised of a number of categories, but the most common items would be management fees, association dues, utilities and maintenance. The deductions that are allocated to personal use are never deductible. The business portion may only be used to reduce income to zero, but not below zero. Any unused portion comprises a vacation home carry forward.

By 2009 the rent income was insufficient to cover the direct costs plus allocable taxes and interest. Our software correctly applied the rules stated above and prepared a schedule with the statements showing the:

- Direct expenses
- Allowable part of taxes and interest
- Part of allocable expense to be carried forward
- Disallowed expenses allocated to personal use

The non-business part of the taxes and interest are allowable on Schedule A. The schedule was prepared in accordance with Publication 527, which I reviewed and approved.

Ken and Stacey were selected for audit on the 2009 and 2010 years.

The initial part of the audit meeting was easy, as the management agent provided a 1099 for the rent income and a summary of the annual expenses. The taxpayers provided the mortgage statement and receipts for some fixed assets they purchased for the rental unit. Then the auditor stated the loss could not be deducted and that the loss calculation was incorrect as well. He took the position that none of the allocable expenses could be used since there is already a loss from using the taxes and interest. When I showed him that 280A(c)(5) specifically tells us the allocable expenses can be carried forward, he then told me it was not deductible anyway because their AGI exceeded \$150,000. I stated that Section 469 exempts the rental of a dwelling unit from the passive rules. He then told me that the loss could not be deducted because they have a management agent and the taxpayers did not actively participate in management. I stated that Section 469 exempts the rental of a dwelling unit from the passive rules.

The agent was unrelenting, even after I told him that he needs to read the Internal Revenue Manual and the IRS Market Segment Specialization Report relating to this area. Both documents clearly state that if the property is used as a dwelling unit and 280A becomes applicable, then the activity is not passive and Form 8582 should not be filed. Under pressure from the client (they feared penalty and interest building up) I gave in on the audit. I then proceeded to contact the IRS SAMS. Unit (Systemic Advocacy Management System). I did this for academic reasons on behalf of the NCCPAP Tax Committee rather than for my specific client. It took some time to get the issue to the people who really understand the law and also have the power to change an IRS Publication. Section 5 of Publication 527 was written long ago, when the thought of rent income being less than the direct expenses plus allocated taxes and interest did not occur to the drafter. The Donovan Family was the closest example to my facts, but that example only demonstrated how the allocable expenses are limited when a profit already exists. Thus, no example existed in the publication that was exactly on point to Ken & Stacey and the verbal descriptions were unclear at best. After a lengthy wait I was contacted by SAMS to tell me that Publication 527 is being revised because my comments were correct. So I asked what about Ken & Stacey? I was told to file amended returns to undo the audit result and restore my original position.

I filed amended returns for 2009 and 2010. The 2009 refund was issued in a reasonable time. The 2010 refund was denied. The facts and figures of both years are very close and there would not be a difference in their treatment. After getting a run around through a variety of IRS centers they finally figured out who had the 2010 case and I was told it is being denied. We are not talking a lot of money here, but I decided to file an appeal. I was contacted by an Appeals Officer from Buffalo. I told him I was appalled and can't come to Buffalo over \$2,200 of tax. He told me that he reports to a manager in Garden City (now closed) and we could handle the case via telephone. The Appeals Officer told me that my brief was very clear and he read the Code. It may sound funny relating to the Tax Code, but 280A and 469(j)(10) are very clear on this issue. I won the case on Appeal and the client received their refund.

The disturbing part of this story, in my opinion, is the disconnected communications between various units of the IRS. When I first contacted SAMS I was told that there appeared to be some inconsistency in the way this issue is treated in the various IRS offices. They knew about it but no one pushed them to resolve it until now. I have subsequently talked to two field agents from the same office that I respect very much. They knew the issue and agreed with me. Why did I have to take the steps to resolve this issue the way I did? It could and should have been done quickly and locally? I am not sure why. However, if you have clients with mixed use vacation properties please take the time to understand these rules and get your client the correct deduction.

This article was submitted by Steven Greenberg, CPA at Steven Greenberg CPA PC located in Melville NY. He can be reached at 631-271-8000 sgcpa@islandtax.com



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ACCOUNTING FOR
WARRANTIES & GUARANTEES

By: Ryan Nieburg, Esq. & Frimette Kass, CPA

This article is a review of what warranties and guaranties and the accounting implications.

What are warranties and guarantees and how do they differ? Definitions of guaranty and warranty from Black's Law Dictionary (Eighth Edition, 2004)

- Guaranty: A promise to answer for the payment of some debt, or the performance of some duty in the case of the failure of another who is liable in the first instance.
- Warranty: An express or implied promise that something in furtherance of the contract is guaranteed by one of the contracting parties; esp., a seller's promise that the thing being sold is as represented or promised.

A guaranty is often attached to loans, particularly where a borrower's creditworthiness may otherwise be insufficient. A common example is when parents will cosign student loans for the children in college. If the child becomes unable to repay the loan in the future, then the cosigner will become liable for payment.

A warranty typically attaches to products and goods. For example, in New York State when renting an apartment or a house, there is an implied warranty of habitability. The landlord asserts that the premises leased are fit for human habitation. An example of an express warranty is when buying a computer the seller agrees to make repairs for malfunctions that occur within one year of purchase.

For accounting purposes, both guaranties and warranties are treated as liabilities. Management is required to estimate the amount of warranty and guaranty expenses in the period in which they are incurred. In the case of product warranty that will be in the period the product is sold (matching principle). First the amount of the liability is estimated. Then an estimate should be made as to when the liability might be paid to determine if the liability is current, long-term or a combination.

In the period that the warranty and guaranty is initially incurred an expense is debited and liability accounts are credited. When the actual costs under the warranty or guaranty are paid, the liability is debited and an asset account (cash or a related account) is credited to reduce the liability and asset, respectively.

Do you have an accounting, business law or tax question answered? Send your questions to frimette@brooklyn.cuny.edu or execdir@nccpap.org.

Ryan Neiberg, Esq. is an accounting student at Brooklyn College. He expects to begin his accounting career at PricewaterhouseCoopers. Frimette Kass is a Professor of Accounting at Brooklyn College and Editor-in-Chief of the Journal of the CPA Practitioner. She can be reached at fksepa@yahoo.com.



Goldstein Lieberman & Company LLC one of the regions fastest growing CPA firms wants to expand its practice and is seeking merger/acquisition opportunities in the Northern NJ, and the entire Hudson Valley Region including Westchester.

We are looking for firms ranging in size from \$300,000 - \$5,000,000. To confidentially discuss how our firms may benefit from one another, please contact Phillip Goldstein, CPA at philg@glcpas.com or (800) 839-5767.

Save the Dates!!!!

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THE FLIP SIDE OF GOOD END OF LIFE PLANNING (YOU DO NOT WANT TO GO THERE.)

By: Kimberly Westhusing-Kass, J.D.

Everybody knows that they should do some type of end of life planning, and at the very least should have a Will. When I speak with people about this, and usually they bring it up, they always are in agreement that they really must get this taken care of as soon as possible and have put it off for far too long. Sometimes they will even ask me for my card.

But they do not call!

This is perfectly understandable. Why? Oh... well...let's face it... because doing your end of life planning reminds you of death. From a marketing perspective, that is bad.

Yes, thinking about your mortality long enough to make a detailed plan for what will happen is tough, can be time consuming, and requires a bit of organizational skill. You will have to spend a little money. But one thing I know is that the vast majority of humans have family members that they love, whether it is a biological family, legal family or family of choice. I promise you that for your family, the alternative to your few hours of discomfort can be hell on earth, and it is in your power to protect them from it.

Many families are tight-knit, loving units and even for them, dealing with end of life issues can test those relationships to the brink. Most people understand what it means to "go to Court" over an inheritance, but that understanding is often drawn from episodes of "The Good Wife". If any part of your estate has to go through Probate, it will not be over in a week, or a month, and often not even a year.

Far too often, there is a faction of a family, or just one stubborn (greedy) person, ready to gum up the works. When there is not a clear plan where the executor or trustee has the documents and knows what their duties are, things can start to awry quickly. Grandma's wedding set has mysteriously vanished. All of a sudden there is a beneficiary deed on the house leaving it to your cousin who you know your mom never liked. You see your little brother driving around in your dad's prized Cadillac, and dad said he would leave it to you... but did he? Answering that question can take three to five years.

Most attorneys these days recommend something a little foreign to most people, a Trust. They have a vague idea of what it is, but explaining the "alter ego" concept can be tricky, especially when it is in the best interest of that person to give control of that alter ego to someone else. But when they understand what can happen if they do not take control of their financial future and that of their loved ones, they are willing to put in the effort.

Ideally, the client's attorney, CPA and Financial Planner will be working together for the client to have a comprehensive plan with no gaping holes in it (like failure to actually fund a Trust). With a little

team work, getting the appropriate very basic documents together for most people does not have to be a huge burden. The assets of the average person are not incredibly diversified: a house, checking account, savings account, a 401k, cars and maybe a small stock portfolio if they have it as a company benefit. Only a handful of documents are needed to be able to fund a Trust and avoid Probate.

End of life planning has become more important than ever. With the Medicaid look-back now firmly at five years, and not likely to get shorter in the future, families need to understand that 70% of us will need some type of long term care in our lifetime. Depending on where you liveⁱ, the annual cost for a private room in a nursing home is anywhere from \$55,360-\$255,891ⁱⁱ. So if you are on the East Coast, and your mom and dad have a MILLION DOLLAR long term care insurance policy for this, the insurance may fund their care for only a few years. After that, they can wind up needing to use all of their resources and leave their loved ones with nothing but a tangle of debts and attorney fees.

Like the cobbler's children who run around barefoot, often it is professionals like CPAs, Financial Planners and attorneys who fail to do their own basic financial and end of life planning because they are so busy doing it for everyone else. But we should know better than anyone how horrific it can be when the inevitable situations we encounter as we age start happening and there is no plan. The chaos of estate litigation where family members hate (there I said it, they sometimes really do hate) each other, well, it is uglier than anything I have seen in any divorce. Sometimes there are emotional wounds, grudges and jealousies go all the way back through childhood and come roaring out when a parent dies and (if there is no plan) things are up in the air.

Pick up your smartphone, email your attorney (or friend who can recommend an attorney), and get started. Just start. Once you make that initial contact, the process will start rolling and it really will not be as bad as you think. Make sure you hire an attorney who you feel comfortable with and who gives you personal attention. Give your loved ones a huge gift and, where appropriate, encourage the people in your world to do the same. You will have a sense of reduced stress from knowing that these things are handled, and you have saved your loved ones from a tremendous burden of additional and unnecessary grief.

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ⁱU.S. Department of Health and Human Services (2015) *Who Needs Care?* Retrieved from <http://longtermcare.gov/the-basics/who-needs-care/>

ⁱⁱU.S. Department of Health and Human Services (2015) *Costs of Care in Your State*. Retrieved from <http://longtermcare.gov/costs-how-to-pay/costs-of-care-in-your-state/>

NEW REPAIR REGS - SIMPLY TRANSLATED!

Prepared by Robert L. Goldfarb, CPA, CGMA, PFS, CFE, CFP, DABFE, DABFA (2/16/15)

IRS Makes it Easier for Small Businesses to Apply Repair Regulations to 2014 and Future Years IRS Release IR-2015-29 (February 13, 2015) IRS Rev. Proc. 2015-20 (Released February 13, 2015)

IRS released Rev. Proc. 2015-20 after it was bombarded with requests for clarification as to when, or if, Federal Form 3115 (Application for Change in Accounting Method) had to be filed with tax returns filed for tax year 2014 when a company modified its accounting methods to comply with the Repair & Capitalization Regulations issued by the IRS in 2013 (T.D. 9636).

This summary will only address the newly issued Rev. Proc. 2015-20. You are strongly encouraged to read BOTH the original regulations and the newly issued Rev. Proc. and make your own conclusions. It is expected that the reader has read and has a basic understanding of the T.D. 9636 (Guidance Regarding Deduction and Capitalization of Expenditures Related to Tangible Property).

The original regulations and Rev. Proc. 2015-20 both define a "small business" for purposes of the "Repair vs. Capitalization Regulations" as "a business with total assets of less than \$10 million OR average annual gross receipts of \$10 million or less for the prior three taxable years. If a business falls within EITHER of these measurements then the business would be considered a small business. As such, in accordance with the new Rev. Proc., a small business **WOULD BE PERMITTED** to make certain tangible property changes in methods with an IRC Section 481(a) adjustment that takes into account **ONLY** amounts paid or incurred, and dispositions in taxable years beginning on or after January 1, 2014. Additionally, for the **FIRST** taxable year that begins on or after January 1, 2014, the small business is permitted to make certain tangible property changes **WITHOUT THE NEED TO FILE A FORM 3115**.

This new Rev. Proc. **DOES**, in fact, make it easier for small businesses, as defined above, to comply with the new Repair Regulations as the need to file Form 3115 is significantly reduced. However, it is important to note that, as stated in Section 2, paragraph .06 of Rev. Proc. 2015-20 some small business taxpayers may choose to file Form 3115 in order to retain a clear record of a change in method of accounting or to make permissible concurrent automatic changes on the same form. The IRS is suggesting that the small business (by taking advantage of this Rev. Proc.) may prefer the **ADMINISTRATIVE CONVENIENCE** of being able to comply with the final tangible property regulations in their first taxable year that begins on or after January 1, 2014 **SOLELY THROUGH THE FILING OF A FEDERAL TAX RETURN**. As such, the regulations state that the small

business neither needs to file the Form 3115 nor does it need to attach a separate statement to the return. It is important to note, however, that the taxpayer **MAY** wish to consider filing the Form 3115 for other reasons. You should consider these issues as well when advising a taxpayer.

Taxpayers and tax preparers would be remiss if they did not address Section 2, Paragraph .07 of the Rev. Proc. which specifically states that "if, as provided by this revenue procedure (i.e. Rev. Proc. 2015-20), a taxpayer chooses to make certain tangible property changes in methods of accounting on a federal tax return without filing Form 3115, concurrent automatic changes, other than those specifically addressed in section 5 of this revenue procedure, **ARE NOT PERMITTED TO BE MADE WITHOUT COMPLETING A FORM 3115 (EMPHASIS ADDED)**."

This summary was supposed to try and explain, in a short review, the 16 page Rev. Proc. Clearly this cannot be fully done in two columns but I did want to alert you to the major modifications made by the newly released Rev. Proc. It is hoped (and expected) that more information will be forthcoming as not everything is addressed by the Rev. Proc. Personally, I have the following concerns, among others:

1. The regulations, as originally released, and not modified by Rev. Proc. 2015-20, refer to an "Applicable Financial Statement" ("AFS"). Some commentators requested that the definition of an "AFS" be modified to include a **REVIEWED** financial statement. In the final regulations the IRS did not modify the original definition.
2. While the IRS has defined, for purposes of the relief provisions of Rev. Proc. 2015-20, what a small business is, I do not see any clear indication as to what a taxpayer considers when it is determining if its total assets or total revenue exceed \$10 million. My concerns here lie in whether every entity stands alone or are affiliated entities combined for calculation purposes? Also, what about an individual taxpayer with multiple Schedule C's and/or multiple Schedule E's?
3. I am also concerned that the de minimis safe harbor expensing threshold as it relates to businesses **WITHOUT** an "AFS" is really too low. There can be many businesses that are large businesses but do not require the need for an audited financial statement. Why shouldn't they be permitted to use a \$5,000 de minimis safe harbor or provide for a percentage of some number as a de minimis safe harbor e.g. a percentage of gross assets or gross fixed assets or some other threshold amount?

A NEW KIND OF ACCOUNTANT FOR THE INFORMATION AGE

By: Hesly H. Friedman PhD and Barbara-Jo Lewis PhD

ABSTRACT

In the Information Age, a firm needs accountants and auditors that understand the value of the triple bottom line (TBL). If a firm wants to be sustainable it has to consider the effects its decisions will have on people, planet, and profits. It no longer makes any sense to only consider maximizing shareholder value.

INTRODUCTION

All the rules have changed in the Information Age and organizations cannot afford to make any mistakes. Thanks to globalization and the Internet, a firm has competitors all over the world that are ready to seize on any opportunity; a blunder can quickly destroy a company. The accounting scandals of 2000-2001 involving numerous firms and the Great Recession of 2008 have made many educators realize that business schools have failed at teaching ethics and values. Moreover, accounting and auditing irregularities contributed to or caused several major bankruptcies in the United States – Lehman Brothers (the largest bankruptcy in history), Washington Mutual (WaMU), Worldcom and Enron, to name a few. One thing is clear: the accounting profession has to understand that its role has changed and it has to be concerned with factors that affect the financial stability and long-term viability of an organization. Accountants work for all stakeholders and their job is not to simply make financial statements look respectable so that CEOs can increase their bonuses. In fact, accountants should be the first ones to decry the dangerous philosophy of “maximizing shareholder value” as an objective of the firm.

Jack Welch, former CEO of General Electric, was absolutely correct in asserting that maximizing shareholder value was the “dumbest idea in the world” (Denning, 2011). It is a good way to destroy an organization in the long run. What truly matters to the long-term health of a firm is making a high quality, constantly improving product so that customers are always satisfied. Martin (2011) asserts that, ironically, the goal of “maximization of shareholder value” does not maximize shareholder value in the long run. Denning (2012) describes its disastrous economic effects and how it is actually counter-productive to its avowed end: “Thus a focus on maximizing shareholder value leads the firm to do things that detract from maximizing long-term shareholder value, such as favoring cost-cutting over innovation that adds value to customers and builds the brand, pursuing “bad profits” that destroy brand equity, and excessive C-suite compensation.”

Accountants can strengthen the long-term prospects of a company by focusing on the “triple bottom line” (TBL). The TBL is sometimes referred to as people, planet, and profits, or the three Ps. According to Savitz: “The TBL captures the essence of sustainability by measuring the impact of an organization’s activities on the world ...

including both its profitability and shareholder values and its social, human and environmental capital”(Slaper and Hall, 2011).

Accountants have an important role to play in measuring the social, environmental, and financial impact of various business decisions. Possessing the tools and the ability to facilitate crucial adjustments in direction, accountants’ decisions will determine whether a corporation is sustainable and are more important than simply concentrating on profits and financial statements. By understanding the importance of the triple bottom line, accountants and auditors can increase their value to a firm and have a more important role to play as consultants.

Sneirson (2011) has the following to say about a sustainable business:

A sustainable business should therefore pursue financial goals while at the same time treading as lightly as possible on the earth and its natural resources, supporting the business’s employees and local communities, and developing products, services, and technologies that contribute to larger societal efforts to live more sustainably. This might entail being more than minimally compliant with environmental regulations, more than minimally generous with employees and communities, or paying more for goods and services that are sustainably harvested or produced. Such efforts might sacrifice profits, at least in the short run in that money that might otherwise be distributed to shareholders as dividends is reinvested in the company, environmental efforts, or employees and communities. But such expenditures often benefit the firm, financially and otherwise, over the long run; indeed, several studies have shown that—particularly in consumer-oriented industries, but in the business-to-business context as well—sustainable business practices tend to pay for themselves and frequently turn a profit.

Firms that are concerned about more than profits and care about people and the planet, will have a greater likelihood of surviving in the long run (Slaper & Hall, 2011). The future does not look promising for companies that are indifferent about the planet or people.

THE PLANET

Porter and Kramer (2006) use the Toyota Prius, a hybrid automobile, as an example of a car that helped provide the Toyota company with a huge competitive advantage but at the same time provided environmental benefits. It is possible to make money and help the environment. Accountants often see the big picture better than others and will be able to show how being environmentally-conscious can provide enough savings in the long-run to offset the initial costs. Thus, for example, the cost of a LED bulb may be much higher than the cost of other bulbs, but a great deal of money can be saved if one looks at the entire life of the product. The same can be said for LEED green building certification and using solar panels.

Water is becoming a very precious resource and more than one billion people do not have access to safe water; there are droughts in many parts of the world including California (Goldenberg, 2014). A company in the fast-food business should consider that the water

footprint of beef is extremely high (as is the amount of methane produced by cows); on average, it takes 1,799 gallons of water to produce one pound of beef (it is only 108 gallons for a pound of corn) (Olson-Sawyer, 2013). A firm that uses a triple bottom line approach would recognize that it is only a matter of time for the price of beef to skyrocket to reflect the huge amount of water needed. A firm will have to plan for a future in which water is expensive. The days of free water are over.

PEOPLE

In the Information Age, the foremost asset of most firms is the intellectual capital of its employees. Accountants can see the value of having a loyal, engaged workforce. Turnover is a huge cost to business and it often makes more sense to pay more and reduce turnover. However, fair wages are not enough; what really matters is employing engaged workers.

Engaged employees feel connected to their job; a job is not merely a way to earn a living. Engaged employees are motivated, energetic, enthusiastic, and passionate about the work they do; they want their firms to succeed (Gross and Holland, 2011). Sadly, employee engagement is extremely low; one study found that 70% of employees and 50% of managers are disengaged (Gross and Holland, 2011). Among American workers, “job satisfaction is at its lowest level – 45 percent – since record-keeping began over two decades ago” (Barker, 2014). There is a strong correlation between employee engagement and customer satisfaction, productivity, reduced turnover, and profits (Sorenson, 2013; Gross and Holland, 2011; Thottam, 2005). Accountants have the ability to see the big picture and can stress to management the importance to the bottom line of ensuring that employees are engaged.

One way to ensure that employees are engaged is to be a socially-responsible firm. Employees who work at a meaningful job that benefits society show much higher levels of job satisfaction than people who are not performing meaningful work (Barker, 2014). In fact, 80% of respondents aged 13-25 wanted to work for a socially responsible firm that “cares about how it impacts and contributes to society”; many are willing to take a 15% cut in pay to work for an organization with good values (Meister, 2012). A survey by NetImpact found that 53% of employees indicated that working at “a job where I can make an impact” was “essential” as far as happiness; with students the percentage shot up to 72% (Meister, 2012). Holland (2011) asserts: “Corporate social responsibility drives employee engagement, which in turn drives business success. Therefore, investing behind CSR initiatives makes good business sense.” Barker (2014) affirms that “having meaning in your life increases life satisfaction twice as much as wealth.”

There is an additional benefit to being a socially-responsible firm. A 2013 Cone Communications study found that more than 50% of consumers in ten countries would boycott companies that behaved in a socially irresponsible manner. More than 50% of consumers claimed to have avoided buying products from companies because of what they felt was “bad corporate behavior” (O'Donnell, 2013).

CONCLUSION

Today's accountant has to be more than a record keeper. S/he has to be a creative thinker who has an understanding of the big picture. The ultimate goal is to ensure that a firm remains strong and viable for a long time. We all know the damage done when all that mattered was making financial statements look good. Today's accountant is concerned with ensuring that a firm is sustainable. This is why it is so important to consider the TBL. We all know who has the ability to measure it.

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CONGRATULATIONS TO NCCPAP 2015 GRANT WINNER!



Karen Vergara graduated from the University of Central Florida with a B.S in Accounting. After graduation, she joined a large accounting firm as an external auditor. Karen serves as treasurer of Amigos Unidos, an organization that provides support to needy individuals worldwide and is frequently invited to speak at various professional and student events about her journey into becoming a CPA.

LOOK FOR US - NCCPAP

is proud to be exhibiting at the following events, trade shows!
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April 29-30, 2015

New York Accounting Show

Pennsylvania Hotel, New York, NY

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New Jersey Accounting Show

Meadowlands, Secaucus, NJ

June 1-2, 2015

California Accounting Show

LAX Hilton, Los Angeles, CA

JOIN THE FUN go.nccpap

By Lana Kupferschmid, CPA, Co-Chair of Technology Committee

How to use the go.nccpap.org web site, Lesson #101:

1. Open your browser, enter go.nccpap.org and in upper right click "Sign In"
2. Enter your user name (typically your first initial followed by your last name). Then enter your password. If you forgot your password, click on "Forgot Password" enter your email address and an email will be sent to you to reset your password. Then click "login". If registering for the first time, you must agree to a code of conduct.
3. You are logged in when a picture or image appears in upper right.
4. Now complete your profile by clicking "Profile" in the "welcome box".
5. Click "Communities" and make sure that you are in "All Communities". Scroll down to see all of the communities available to you. If the Community is checked with a green check mark, you are already a member. If there is a Community that you would like to join, click "Join".
6. Now let's jump over to "Participate". "Post a Message". A screen will appear that looks similar to your email. You must click "to" the community the discussion is addressing. When you click the down arrow, a list of your communities will appear. Choose the appropriate community and can choose another community in "Cross Post To". Make sure that you write a "Subject" and begin writing. For example, you can ask a tax question about Florida Sales Tax and address it to "The Tax Committee" and the "NCCPAP on the go". You can see the responses in your email or go back to Communities and you can view all of the discussions in that Community. Your fellow NCCPAP practitioners have a wealth of knowledge to share, so join in the discussions.

Other things you can do on the website:

1. Find a Member
2. List Opportunities - Situations, Wanted, Space Sharing...
3. Visit your Chapter Home Page(s).
4. View and Create Blogs
5. See your professional education record and reprint certificates (you may have to log out and log back in due to security)
6. Download your class materials and the symposium audio files
7. Follow what NCCPAP is doing on behalf of the profession and follow important news in the industry.

Our next article will contain information on the go.nccpap APP. Yes, NCCPAP has an APP for your smart phone or tablet. Send me an email if you have any questions about the web site (lanakcpa@aol.com) or write a discussion.

NEW STANDARDS MAY APPLY TO CPAS PROVIDING PERSONAL FINANCIAL PLANNING SERVICES

The AICPA issued its Statement on Standards in Personal Financial Planning in January 2014 with an effective date of July 1, 2014. CPAs who offer financial planning services may be required to follow these standards even if they are not AICPA members as these standards may become de facto standards for the profession.

The statement addresses the responsibilities of AICPA members when providing PFP services, which are defined as including:

- Cash flow planning;
- Risk management/insurance planning;
- Retirement planning;
- Investment planning;
- Estate/gift/wealth transfer planning;
- Elder planning;
- Charitable planning;
- Education planning; and
- Tax planning.

The accompanying chart provides an excellent guide to assisting a CPA in determining whether the standards apply to his/her activities. The chart can also be found at <http://www.aicpa.org/InterestAreas/PersonalFinancialPlanning/Resources/PFPPracticeManagement/ProfessionalStandardsandEthics/DownloadableDocuments/SSFPFSflowchart.pdf>

CPAs may find the following FAQs which are derived from AICPA publications helpful:

Q: When does the statement apply to a CPA?

A: The statement applies when a CPA member provides personal financial planning services and represents to the public or clients that he or she provides personal financial planning services; engages in activities that would require registration as an investment adviser under federal or state law; or sells a product as a result of the engagement.

Q: Are there exceptions to the statement's applicability?

A: The statement does not apply to professional services, whether or not provided as part of a Personal Financial Planning (PFP) engagement, subject to other professional standards.

It is not intended to apply to services, whether or not provided as part of a PFP engagement, that are already subject to other AICPA professional standards, such as:

- Tax services subject to the Statements on Standards for Tax Services;
- Compilation of personal financial statements subject to Statement on Standards for Accounting and Review Services No. 6, Reporting on Personal Financial Statements Included in Written Financial Plans; or
- Valuation services subject to the Statement on Standards for Valuation Services No. 1, Valuation of a Business, Business Ownership Interest, Security, or Intangible Asset.
- When the statement does apply, it is intended to apply

only to the PFP services provided and not to services, such as tax services, covered by other professional standards.

Q: Does the statement apply to a CPA who works for a non-CPA firm that engages in personal financial planning or family office work?

A: The statement applies to a member, not a firm or organization. Therefore, the application of the statement must be considered at an individual member level. It does not matter in what form or organization the member practices.

Q: How does a CPA determine if he/she is engaging in activities that would require him/her to register as an investment adviser under federal or state law?

A: The CPA should consult with legal counsel and review applicable requirements of the Investment Advisors Act to determine if he/she is required to register under the act. If registration is required, then the statement would apply. See The CPA's Guide to Investment Advisory Business Models for more information at: <http://www.aicpa.org/InterestAreas/PersonalFinancialPlanning/Resources/PFPPracticeManagement/PFPPracticeGuides/DownloadableDocuments/CPA-guide-investment.pdf>.

Q: What constitutes representing to the public (or to a client) that a CPA is providing personal financial planning services?

A: This takes place when the CPA takes an action that a client or the public could reasonably rely on to conclude that they are providing personal financial planning services. Examples include:

- Advertising that the CPA provides personal financial planning services;
- Reference on the CPAs business card to personal financial planning services;
- Placing brochures or other client educational materials in the CPAs office describing personal financial planning services;
- Including a description of personal financial planning services in an engagement letter;
- Advertising in telephone Yellow Pages under personal financial planning categories;
- Orally representing to a client or prospective client that the CPA will personally provide financial planning services;
- Soliciting financial planning engagements in any marketing materials used by the CPA; or
- Indicating that the CPA provides personal financial planning services in client proposals executed by the CPA

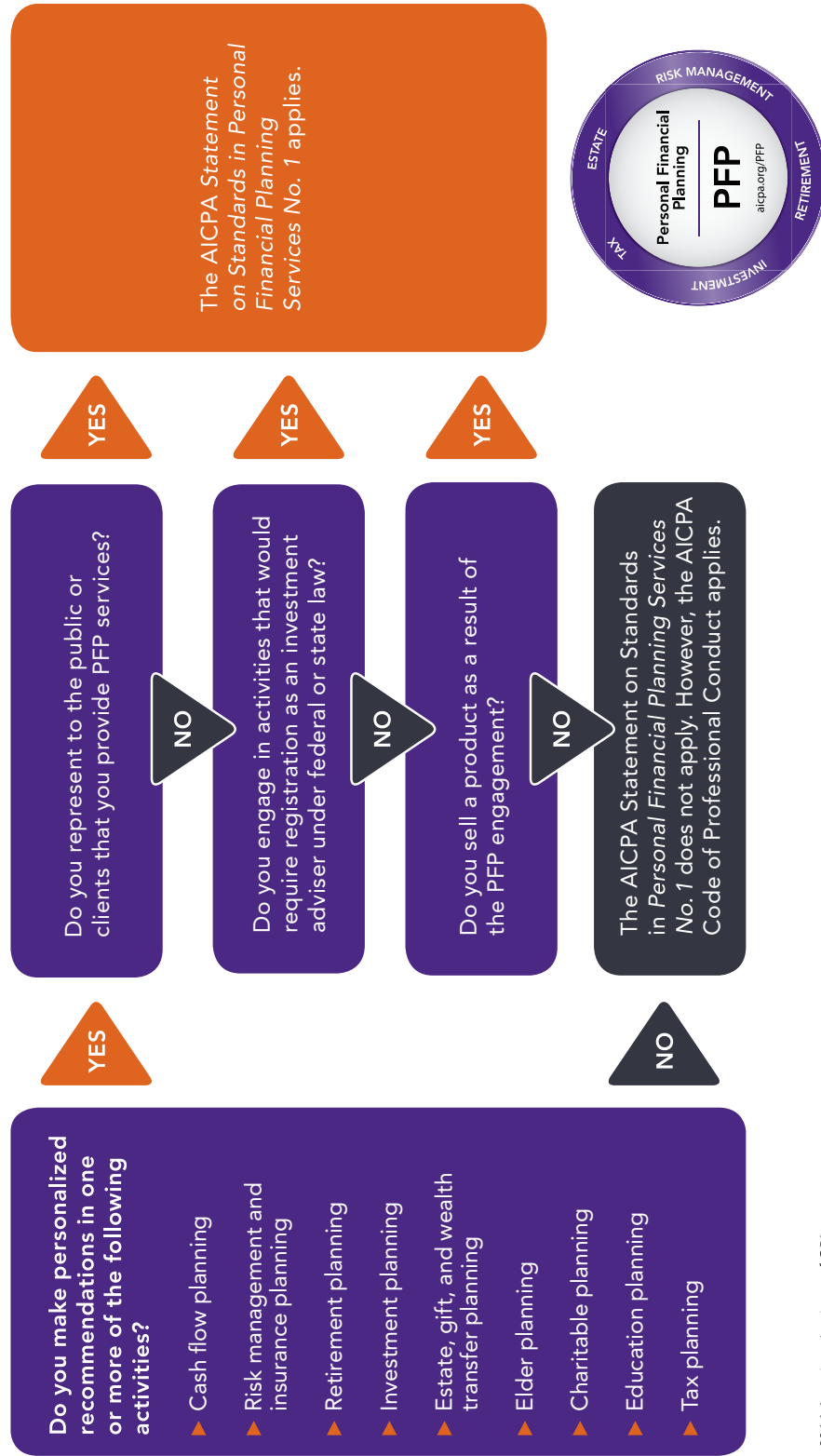
The complete listing of FAQs can be found at:

<http://www.aicpa.org/InterestAreas/PersonalFinancialPlanning/Resources/PFPPracticeManagement/ProfessionalStandardsandEthics/DownloadableDocuments/SSFPFSFAQ.pdf>

There are many resources on the standards available on the AICPA website, some open to all and others available only to AICPA PFP Section members.

The author wishes to thank the AICPA for allowing use of their flowchart.

When Does the AICPA Statement on Standards in Personal Financial Planning Services No. 1 Apply to a Member?



CHAPTER'S CALENDAR OF EVENTS

March & April 2015
Register now @ go.nccpap.org

NASSAU/SUFFOLK

Contact: Chapter Office (516) 997-9500

Chapter Meetings: Registration/Dinner/Networking - 5:30 PM; Seminar - 6:30 PM

The Woodlands@ Woodbury, One Southwoods Road, Woodbury, N.Y.

(In the Town of Oyster Bay Golf Course)

Map Meetings: On Parade Diner, 7980 Jericho Tpke, Woodbury, N.Y.

Thursday, March 5, Chapter Meeting

2015 TAX SEASON ROUNDTABLE - 2 CPE credits (Tax)

Wednesday, April 29, 7:45 AM - 10 AM

MERGERS & ACQUISITIONS - 2 CPE credits (MAP)

@ On Parade Diner, 7980 Jericho Tpke, Woodbury, N.Y.

LONG ISLAND EAST

Contact: James Diapoules, CPA (631) 547-1040

Tuesday, March 3, 8 AM - 10 AM

TAX SEASON ROUNDTABLE - 2 CPE credits (Tax)

@ Airport Diner, 3760 Veterans' Memorial Highway, Bohemia, N.Y.

April: No Meeting

WESTCHESTER/ROCKLAND

Tuesday, March 3, 6 PM - 8 PM

TAX SEASON ROUNDTABLE - 2 CPE credits (TAX)

@Tarrytown DoubleTree Hotel, 455 South Broadway, Tarrytown, N.Y.

April: No Meeting

NEW YORK CITY

to be announced

NEW JERSEY (Northern)

Contact: Fred Bachmann, CPA (973) 377-2009

e-mail: bachmanncpa@msn.com

All meetings at Victor's Maywood Inn

122-124 West Pleasant Avenue, Maywood, N.J.

Phone (201) 843-8022/www.maywoodinn.com

6 - 8:00 PM - Dinner and Seminar

To be announced

CENTRAL NJ

Contact: John Raspante, CPA (732) 216-7552

All meetings @ The Cabin, 984 Route 33, Freehold, NJ

6-8:00 PM - Dinner and Seminar

March & April: Tax Season Hiatus

DELAWARE VALLEY, PA

Contact: Joseph Lowe, CPA - 610-489-8007

March & April: No Meetings

MASSACHUSETTS

To Be Announced

FLORIDA

Contact: Lynn Finkelstein, CPA (561) 703-4464

March & April: No Meetings



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MEETING SCHEDULE 2015

Meeting Locations:

NASSAU/SUFFOLK CHAPTER of NCCPAP EDUCATIONAL FOUNDATION OF N/S NCCPAP

22 Jericho Turnpike, Suite 110, Mineola, NY 11501
(516) 997-9500 x. 2 Fax (516) 997-5155

Email: egelbien@ns-nccpap.org

Website: go.nccpap.org

The Woodlands at Woodbury
1 South Woods Road, Woodbury, NY 11797
In the Town of Oyster Bay Golf Course

On Parade Diner
7980 Jericho Turnpike
Woodbury, NY 11797

New York Life (NYL)
576 Broad Hollow Road, Melville NY
(Just south of the LIE on Route 110)

Crest Hollow Country Club
8325 Jericho Turnpike
Woodbury NY 11797

*Chapter Meetings: Registration/Dinner/Networking is at 5:30 PM
4 CPE/A&A and 4 CPE/ETHICS Registration/Breakfast/Networking is at 7:45 AM
MAP Registration/Breakfast/Networking is at 7:45 AM

Day	Date	Time	Topic	CPE	Location
Wednesday	April 29	7:45 AM to 10:00 AM	Mergers & Acquisitions, is it time to rethink now that tax season has ended?	2 MAP	On Parade Diner
Thursday	May 14*	5:30-9:00 PM	Evening of Real Estate and Hedge Funds	2 Tax	The Woodlands
Thursday	May 21	7:45 AM to 12:00 Noon	Accounting and Auditing CPE	4 A&A	The Woodlands
Wednesday	May 27	7:45 AM to 10:00 AM	Labor Law concerns for Accountants	2 MAP	On Parade Diner
Thursday	June 4*	5:30-9:00 PM	Foreign Tax Issues	2 Tax	The Woodlands
Thursday	June 11	7:45 AM to 12:00 Noon	Accounting and Auditing CPE	4 A&A	The Woodlands
Friday	June 19	7:45 AM to 10:00 AM	Effective Client Communications	2 MAP	On Parade Diner
Tues & Wed	June 23 & 24	All Day	Technology Forum		Crest Hollow
Thursday	July 9*	5:30-9:00 PM	Mid Year Labor Update	2 Tax	The Woodlands
Thursday	July 16	7:45 AM to 12:00 Noon	Accounting and Auditing CPE	4 A&A	The Woodlands
Thursday	July 23	7:45 AM to 12:00 Noon	Ethics Review and Update	4 Ethics	The Woodlands
Wednesday	July 29	7:45 AM to 10:00 AM	Effective Networking	2 MAP	On Parade Diner
Thursday	August 6*	5:30-9:00 PM	To Be Determined	2 Tax	The Woodlands
Thursday	September 17*	5:30-9:00 PM	To Be Determined	2 MAP	The Woodlands
Thursday	October 1*	5:30-9:00 PM	To Be Determined	2 Tax	The Woodlands
Wed, Th & Fri	Nov. 18, 19 & 20	All Day	2015 Long Island Tax Professionals Symposium		Crest Hollow
Thursday	December 3*	5:30-9:00 PM	To Be Determined	2 Tax	The Woodlands

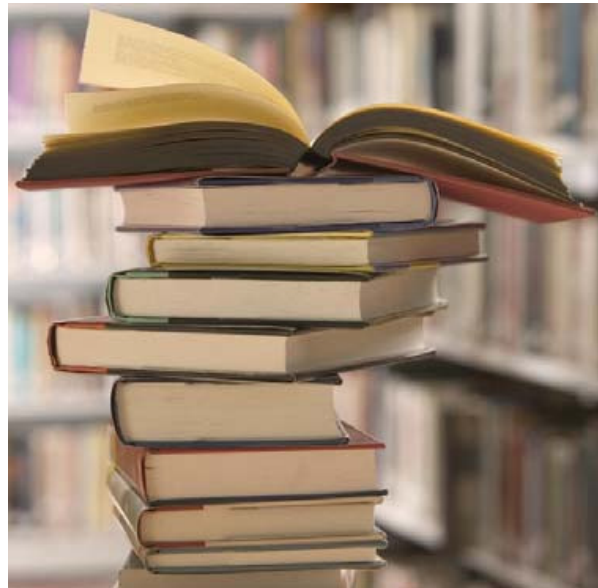
Calendar is subject to change



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Contact Person: _____

Is the firm required to have a peer review? YES/NO

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Email Address: _____

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PTIN #: _____

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Email Address: _____

PTIN #: _____

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## National Conference of CPA Practitioners, Inc.

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