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# FREE STATE

A Publication of the Maryland Society of Accounting & Tax Professionals



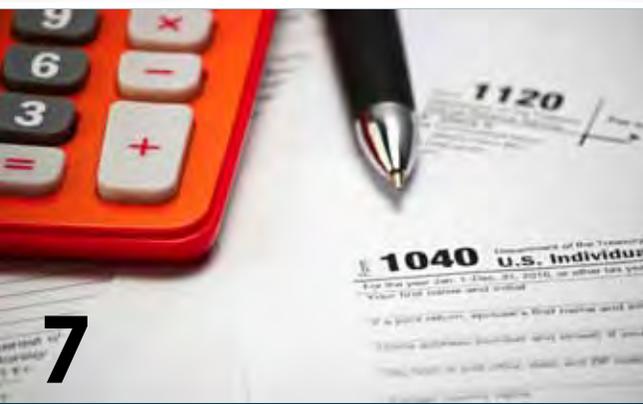
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Worked two years for a regional CPA firm performing audits and preparing personal income tax returns. Began his State career in May 1970 with the Comptroller's Office, Revenue Administration Division (formerly Income Tax Division) as an internal auditor. As a result of becoming knowledgeable of the processes and responsibilities in each department of the Division, he was appointed as an Assistant Director in September 1986.

In 1997, was appointed by the late Comptroller Louis L. Goldstein to the position of Director of the Revenue Administration Division replacing the late George H. Spriggs, Jr.

After the 2010 election, Comptroller Peter Franchot appointed Jim as the Comptroller's Ombudsman where he worked closely with the Comptroller, Comptroller's Chief of Staff and members of the General Assembly to assist individuals and businesses to resolve issues when progress had discontinued when using the normal procedures in dealing with the various divisions within the Comptroller's Office. Jim retired December 31, 2012 after 42.4 years with the Comptroller's Office.

Jim is an avid reader, enjoys riding his Harley, helping his neighbors in his community and is a big New York Yankee fan!



**Dana Brunn** is Regional Sales Director (RSD) for Total Administrative Services Corporation (TASC) for the past 15 years, with an area that covers Maryland, DC and Virginia. His innovative marketing strategies include product development,

professional education and the design of tax-advantaged benefit plans such as Section 105-HRA, Section 125-FSA, HSA, COBRA, FMLA, ERISA, HIPAA, ACA Reporting and each program's affiliation with Healthcare Reform. With the ACA in full swing in 2015 & beyond, his main focus is to help your clients "Prepare for an Audit."



**Glen Frost** is managing partner of Frost & Associates, LLC, which is located in the Washington, DC metropolitan area and currently employs 10 attorneys. The firm focuses on Tax Controversy and Litigation, International Tax Matters, Tax Planning, Estate

Planning, White-Collar Criminal Defense, and regulatory investigations by various government agencies including the Office of Foreign Asset Control (OFAC). Mr. Frost manages a team of Attorneys, Certified Public Accountants, Enrolled Agents, Former IRS Employees, Certified Fraud Examiners, and other professionals.



**Al Giovetti** is a CPA in Maryland with over 35 years of public accounting experience, Accreditation in Business Accounting (ABA, 1989), Tax Advisor (ATA, 1984), Retirement Advisor (ARA, 2007), and Principal, Giovetti and Giovetti

Certified Public Accountants (1992 - current).

Giovetti and Giovetti Certified Public Accountants is a full-service small CPA firm in Catonsville, Maryland. Al is currently serving as President on the Board of Governors for the National Society of Accountants (NSA).



**Dave Kile** is co-founder of Ease Technologies and a former Apple employee with over 25 years' experience in the IT industry. He provides an invaluable expertise working with clients in all aspects of IT support. Mr. Kile has lead teams implementing

projects ranging from healthcare patient portals, the creation of public safety IT help desks to the relocation of financial trading firms. Additionally, he is actively involved in providing education seminars, webinars and blogs sharing ways that businesses can improve security and productivity.



**Jerry Lotz** is Senior Savings Advisor at CostSeg Energy Solutions. CostSeg Energy Solutions represents companies whose mission is to help commercial property owners and leaseholders save money.

He serves as an agent for Cost Segregation Services Inc. (CSSI), based in Baton Rouge, LA. CSSI is an "independent" company that provides "engineering-based" IRS Approved, Cost Segregation Studies and Tangible Property Regulation Consultation. Other CSSI services include: CAP-EX Reversal Analysis, Engineering-Grade Energy Audits, 179D, 45L and LED Lighting Tax Savings Implementations. Jerry is a Baltimore native and holds a business degree from Towson University. He spent 30 years in various managerial positions in the medical sales industry. Jerry enjoys working to provide "exemplary" service to tax professionals and the clients they serve. When he is not working, he enjoys spending time with his wife, children and grandchildren.



**Darla McClure** - When clients hire Darla McClure, of Stein Sperling, they work with a partner who understands their needs, approaches matters from their point of view and designs practical legal solutions to meet their business objectives. Darla's focus on serving her clients' best

interests and getting matters done successfully is underscored by her commitment to providing responsive answers, keeping clients informed and delivering the highest levels of service.

Darla regularly counsels business clients on employment matters and resolution of employment disputes. Working closely with management, she helps ensure compliance with state and local laws, and assists in drafting employment policies, benefits and contracts, such as restrictive covenants and confidentiality agreements. Darla's extensive experience also includes organization and entity selection, structuring business ventures, developing shareholder and operating agreements, resolution of business disputes, commercial transactions, mergers and acquisitions, and joint ventures. In addition to her employment and business law practice, Darla is the Managing Principal of Stein Sperling's Frederick, Maryland office. A frequent speaker on topics involving business organization, disputes and employment matters, Darla has addressed various organizations throughout the region, including the Montgomery County Medical

Society, where she sits on its Advisory Board. She also serves as the Legislative Affairs Director of the Montgomery County Chapter of the Society for Human Resource Management (MC SHRM), where she contributes to the organization's monthly newsletter and gives presentations on employment law topics. Darla has also spoken to groups of financial professionals, including the Maryland Society of Accounting and Tax Professionals and various chapters of the Maryland Association of Certified Public Accountants.



**Jon Parks** is a Financial Planner at Academy Financial Inc, a twenty-five year old financial services firm in Lutherville, Maryland. Academy has a staff of over twenty professionals and manages nearly \$1

billion dollars for its clients across various asset classes. Jon has earned the designation of Chartered Retirement Plan Specialist, CRPS®, from the College of Financial Planning, and he leads Academy's 401K Strategies initiatives. The 401KStrategies.com website is dedicated to providing accurate, clear information about all kinds of retirement plans for small businesses. Academy Financial also has expertise in supporting business owners with Buy-Sell agreements, Estate Planning, and Business Succession planning. Jon has a BA from Franklin & Marshall College in Lancaster, PA, and a master's degree from Rutgers University. He is Series 7, Series 66, and a registered life and health insurance agent in over fifteen states. Jon is married with three kids and one dog. Jon enjoys politics, hiking, and entrepreneurship. Jon is an avid Shark Tank viewer and is passionate about helping small businesses grow and helping entrepreneurs achieve their retirement goals.



**Jim Seminara** is an investment advisor and financial planner with Mass Mutual Financial Group of the Mid Atlantic, a MassMutual Agency; courtesy of Massachusetts Mutual Life Insurance Company



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**MSATP BEACH BASH**  
**(Annual Convention)**  
**May 22 - 26, 2017**

## MSATP News

### Nominations Committee

## 2017 - 2018 MSATP Elections

To all voting members of the Society:

To view biography and photograph of each candidate for elected office, please click this link: <https://www.msatp.org/about/elections/>.

At the November 17, 2016 Maryland Society of Accounting and Tax Professionals, Inc. Board of Directors meeting, the Board voted to accept a change to the Mission Statement in our bylaws. The Current and Proposed Mission Statements are included on the ballot you received by mail.

Please remember to complete and mail your ballot to Nominating Committee Chair Ron Grafman no later than May 19, 2017:

Ron Grafman  
Nominating Committee Chair  
PO Box 1360  
Germantown, MD 20875

The ballots will be counted and the newly elected officers and delegates will then be installed at the Annual Convention on May 25, 2017 in Ocean City, Maryland.



### Volunteers represent a key component of MSATP

- They provide support to the staff during seminars and events
- Their dedicated involvement in the Society allows them to successfully represent the Society at trade shows
- The experience they bring plays an integral role in guiding the Society through involvement with committees and the Board of Directors

MSATP was created by and functions through the involvement of volunteers. If you are interested in volunteering, send the Society a message. Through involvement, the Society can become the organization you want to see. Email [info@msatp.org](mailto:info@msatp.org) to start the conversation today.

### MSATP

2016-2017

### Board of Directors

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# Don't Wait to Plan Your Retirement

by Jon Parks

**M**ost of us find it easier to earn and spend money than to save it. Planning and saving for retirement too often takes a back seat to other priorities. Why is procrastination the rule, rather than the exception when it comes to retirement planning? I've heard many reasons from my clients: thinking about retirement makes them uncomfortable; they're too busy to find time to plan for retirement; they're too young to worry about retirement; and retirement planning is too complicated. If you find yourself making similar excuses for avoiding some serious thinking about retirement planning, it's time to change your tune.

Saving for retirement has become a more pressing concern than ever before. Companies are putting the burden of funding retirement plans largely on their employees, the Social Security system is straining under the burden of an aging population, inflation erodes the purchasing power of a dollar over time, and life expectancies are longer. Aging baby-boomers are feeling particularly squeezed – many are trying to save for their children's college educations and their own retirements, while supporting their elderly parents at the same time.

Personal savings will have to fill the gap between your retirement plan and government benefits on the one hand, and your retirement needs on the other. Surprisingly, people earning higher incomes aren't immune to the realities of retirement savings. In fact, the 2014 Retirement Confidence Survey, conducted by the Employee Benefit Research Institute (published March 2014), found that fewer than 44% of today's workers have actually calculated the amount of money they will need to have saved prior to retirement and 36% of workers say they have saved less than \$1,000 for retirement.

Setting Goals. Setting specific goals should be at the heart of your overall retirement planning strategy. That means figuring out when

you want to retire and what kind of lifestyle you expect to maintain in your golden years. Those answers will, in turn, help you determine how much money you'll need at retirement.

One rule of thumb says that in each year of retirement you'll need 70 percent of your annual pre-retirement income. Of course, your financial needs may be more or less, depending upon your individual circumstances. While you can't predict the rate of inflation or the return on your retirement investments over the next several years, a financial planning professional can help you make some projections of how these factors will affect your retirement plan.

Investments. If your projections show you'll have a financial shortfall in retirement, you have several choices: retire later, retire on less, save more, or attempt to improve your rate of return. If the first three options aren't practical or desirable, you should consider investments that have the potential to improve your rate of return if you can tolerate the risk.

Your investment strategy should be shaped by your age, time frame, tolerance for risk, and personal investment philosophy. Remember that time is your ally. By starting to save sooner rather than later, you have the potential to generate a larger nest egg down the road due to the power of compounding investment returns. With compounding, the growth in an investment's value is computed on the sum of the original investment plus the continual reinvestment of dividends or interest it generates. The benefits of compounding increase with time.

Retirement investing generally means long-term investing. If you can afford to tie up your money for a relatively long period, you can take on more risk with your investments. Too many people are conservative – stashing their savings in certificates of deposit (CDs) and money market funds, for instance – which may leave them cash-poor at retirement time. CDs are FDIC insured and generally provide a fixed rate of return for a given period of time, usually

between six months and five years. Money market funds are not insured and invest mostly in low-risk securities such as U.S. Treasury bills, and their yields are pegged to short-term interest rates.

A well-balanced, diversified portfolio of stocks, bonds and other investment vehicles is more likely to help you toward your retirement planning goals. Despite the fluctuations of the stock market, many investment advisers adhere to the maxim that stocks are a good choice for long-term investments.

If you don't have the stomach for buying individual stocks and bonds outright, consider mutual funds. Mutual funds offer a combination of professional management expertise plus ready-made diversification. With several thousand funds from which to choose, there are funds for practically every conceivable investment objective. Some funds seek capital appreciation, others emphasize paying income, and still others combine these goals.

Variable annuities offer the potential for a stream of income in the future are another popular way to invest retirement savings. Under these contracts, the money you invest builds up free of current income taxes. The taxes are deferred until you take the money out later, usually at retirement. Variable annuities combine aspects of insurance and investment sub-accounts, and offer a variety of investment choices. Withdrawing annuity money before age 59 ½ may result in a 10% early withdrawal penalty and income taxes.

Setting up a retirement planning strategy should be a top priority. More than ever, it's up to you to achieve your retirement goals. Speak to a qualified financial planner about the appropriate way to build your nest egg and to learn which investment options make the most sense for you.

Each investment type has different investment characteristics. Stocks can have fluctuating principal and returns based on changing market conditions. The prices of small company stocks generally are more volatile than those of large company stocks. Bonds have inflation, credit and interest rate risk. Bonds have fixed principal value and yield if held to maturity. Variable annuity sub-accounts fluctuate with changes in market conditions, and when withdrawn, the principal may be worth more or less than the original investment.

Mutual funds and variable annuities are offered by prospectus. An investor should carefully consider the investment objectives, risks, charges and expenses of a mutual fund and a variable annuity and the underlying fund options of the variable annuity before investing. Read a prospectus carefully before you invest. The investment return and principal value of an investment will fluctuate with changes in market conditions so that an investor's shares when redeemed may be worth more or less than the original amount invested. •

# AHCA...How are Employers to Move Forward?

by Dana Brunn

**A**s we all know now, The AHCA Plan to Repeal and Replace The Affordable Care Act fell through on April 24th. On May 4th a new AHCA Bill passed the House by a super slim margin of 217-213 and is on its way to the Senate. The bill contains many important reforms, but it still risks throwing millions of low-income Americans off of their health insurance plans. Here we are again, taking the “We’ll see what happens” approach until the Senate makes its changes. All of America is waiting to see how this will all “shake” out.

Accountants and Brokers let me make this very clear. All of the current ACA regulations are still in Full Force. The IRS and DOL are still enforcing the Law!

Employers are still subject to all of the regulations of “Pay or Play” and Americans are expected to have health insurance or pay a fine. Based on the new proposed legislation, a lot of this is “supposedly” going to change. But let’s look at the present state of the ACA. IT IS STILL THE ACA!! The same Laws until further notice which could be years. Stay up to date and proactive.

As for the employers, the amounts of the Fines and Penalties have risen and Compliance is a Must. The rules of ERISA go back to 1974. It carries stiff Penalties for noncompliance and the cost of the Fines and Penalties go up every year.

ERISA Compliance, HIPAA, FMLA are also areas of concern. Some states, including Maryland, are close to passing legislation that would require employers to give PAID Domestic leave based on the amount of hours and employee works for companies that employ more than 15 employees. This is an area of concern for small employers due to the extra record keeping that would be required to track the hours for an employee to earn Paid Leave.

As for Healthcare there are still ways that small employers can offer tax savings advantages for their employees and tax savings for themselves to help curb the ever rising cost of Healthcare.

Especially now, adding FSA’s, HRA’s, and

HSA’s are still extremely viable answers to help small, mid-sized and large companies and their employees save money. These are tools that have been here. Use the tool!

TASC offers 21 different services ranging from sec 105 AgriPlan and BizPlan for 1 employee C Corps, S Corps, LLC’s and Sole Proprietors with a minimum \$2000 Tax Savings Guarantee. Add Exclusive Hold Harmless or Audit Guarantees on all TASC services and you get the best “BAM” (Benefit Administrative Management) in the US.

**NEW NEWS!!** In December 2016, The “Cure’s Act” became law which allows employers who currently do not offer insurance, the ability to use the new QSEHRA (Qualified Small Employer Health Reimbursement Arrangements). This new law allows employers to reimburse employees for Insurance Premiums that employees currently pay themselves but NOW on a TAX FREE Basis “Legally”. Up until this point many employers were giving employees a raise to help cover the costs of healthcare which was not allowed. Both Employer and Employee sides paying taxes on those reimbursements. The new QSEHRA allows employers a way to reimburse the employees with a family up to \$10,000 per year or an individual up to \$4950 per year who can prove that they have Health Insurance even if it was purchased through the Marketplace. The reimbursements can also be used to pay for out of pocket medical expenses. Certain rules apply to offer this new benefit. Ask TASC for more information on ways to stay compliant and use the many tools still available to save money in this ever changing market. TASC will keep you up to date and offers discounts to MSATP Members. Use TASC, Stay Compliant and Save money.

Remember Noah?? Remember the ARC? TASC has YOUR ARC... “Attract, Retain, Compensate”. We offer Up-to-date Free Webinars every week. Speak with your Regional Sales Director and Certified Healthcare Reform Specialist Dana Brunn for more details or email him at danab@tasconline.com. •

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## MSATP EDUCATION SEMINAR

### ACA Updates & Requirements

October 17, 2017 • 10:00 am – 12:00 pm  
Howard County Business Training Center,  
Columbia • 2 CPE

October 17, 2017 • 10:00 am – 12:00 pm  
Webinar • 2 CPE

FACILITATORS: Gene Hamilton, Dana Brunn,  
Phillip Buchanan, Gary Utterback  
HOURS: 2 CPE (Recommended)  
DELIVERY: Group Live; Group Internet Webinar  
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# Six Tips on Better Password Protection

by Dave Kile

**O**ver the past year, there have been numerous compromises that have made the headlines. Everything from political parties to Yahoo had cyber breaches as a result of password hacks. Be sure to follow a few simple password tips on ways you can help mitigate the risk of hackers gaining access to your data and websites.

## 1. Use Complex Characters

Use a combination of upper case, lower case, symbols and numbers. Most cyber experts suggest a minimum of eight character passwords, but using nine characters or more is better. Use random nonsensical like words and turn them into something like b!GB72kd using upper case, lower case, numbers and characters.

## 2. Different Passwords Across Different Sites

Don't use the same password across all the sites you access. It would be very troubling to have your Facebook account compromised, but foolish to give those same hackers access to your bank, email, and credit cards, too.

## 3. Use a Password Manager

Plenty of people still write down their passwords and hide them under a mouse pad, keyboard or worse still, post them on a monitor. Don't write them on a piece of paper! Use a program to keep track of all your passwords. AgileBits offers an application called 1Password that provides full access to all your password data between your laptops, iPads, smartphones and other systems. It is a quick and easy way to securely store all your passwords while at the office, at home or on the road. LastPass is another service that can help you to manage all your passwords.

## 4. Frequent Password Changes

Just like you hear about you about testing your smoke alarms at regular intervals, take the time to schedule and change your passwords. Most security groups encourage that you change your passwords at least once every 90 days.

## 5. Local Lockdown

Require login access on all your computers and mobile devices. There are plenty of stored passwords that are automatically held in your Internet browsers. Eliminate those compromises by enabling the auto-locking features that protect those devices after several minutes of inactivity. While these steps don't prevent hackers from gaining access to companies holding your information, it does help protect a variety of security points that you control.

## 6. Multi-Factor Authentication

Standard authentication, or logging in, relies on a username and password. If an attacker obtains the password associated with a username, they can easily compromise the related account. As its name suggests, multi-factor authentication (MFA) instead relies on multiple pieces of information, providing an added layer of protection.

Typically, MFA requires two pieces of information: something you know and something you have. An example of MFA in everyday life would be authentication for ATM access. In order to access your bank account through an ATM, you need something you know (your PIN) and something you have (your card). Similarly, accessing an MFA-enabled account requires not only a password, but also interaction with something you have, such as a getting a special code sent to your mobile phone.

When available, MFA is one of the best available options for protecting an account. Banks and larger IT service providers, like Google and Microsoft, usually offer MFA, and many more services are adding this important security step.

# You Made It Through Another Tax Season... Now What?

by Jerry Lotz

**C**ongratulations!! Another tax crunch season in the books! By now, you have most likely completed the less complicated and most pressing returns. You've worked with other clients to file formal extensions when necessary. So, after a few days of R & R, you're ready to tackle the world!

Now you may have some time to take survey of your clients' overall financial health. This is perfect timing because you either just met in person with your clients, or you have held extensive phone conversations in which you learned about their families, their struggles, and their successes.

Clients who own residential rental and commercial property need special attention. The NEW IRS Tangible Property Regulations (TPRs) offer great opportunities for property owners to save on taxes.

As you look back on the conversations you held with clients, take special note to remember the clients who own residential rental and

commercial property. In the spirit of tax planning for those clients, you might want to ask yourself:

- Have I put written Capitalization Policies in place for ALL those clients?
- Do I have valuations in place for every building Unit of Property (UOP) and building system on my client's property?
- Do I have the framework in place for making future Capitalization vs Expense decisions?
  - Do I have clients who own buildings, costing over \$250K, who might benefit from the tax savings that a Cost Segregation study will define?
  - Do I have clients who have performed renovations over the past years?
  - Do I have clients who are going to perform renovations this year and dispose of parts of their buildings? A Partial Asset Disposition (PAD) allows for the write down of the basis of what the owner removed and the costs for the removal and disposal of

those items. Owners receive a tax deduction in the current year, but it is a "use it or lose it" opportunity. If you do not capture it in the current tax year, your client may lose the write down.

- Do I have clients for whom I can scrub depreciation schedules and perform Capitalization to Expense Reversals (CAP – EX REVERSALS)?

You can be a "hero" by helping your clients comply with the NEW TPRs and reap the benefits that lie in the implementation of the regulations. Partnering with a Cost Segregation Expert will give you the calculations you need in order to comply with the regs and to maximize the tax savings. Taking some time at this juncture to look back at the conversations you recently held will pay huge dividends for your practice and for your clients' business for years to come!•

# Get Ready for Next Year's Tax Season Now

by Frost & Associates LLC

**T**he majority of people put preparing for next year's tax season at the bottom of their to do list once their tax return is filed. If you're one of the many people who have been struggling the last few weeks before the deadline, you can save yourself a huge headache and a lot of time come next year by preparing now. Here are five ways you can stay ahead.

1. Have one designated space to put all of your documents that you may need when filing your taxes. Most people attempt to implement this but do not maintain this throughout the entire year. It is always better to keep everything which may include documents or receipts that you don't need, as opposed to not keeping something that you may need when preparing to file next year.

2. Each year you should use your completed return to help you decide whether to adjust your withholdings or keep them the same. If you receive a large refund, you should consider increasing your personal allowances. On the other hand, if you typically owe a large amount in taxes, you may want to decrease your

personal allowances to have more withheld each pay period.

A misconception among many individuals is that receiving a large refund is similar to a built-in savings account. In reality, the money that is being held each month could have earned interest in a savings account or contributed to a retirement fund, as opposed to being held by the government only to be returned to you.

If you're struggling to figure out your withholding amount, contact a tax professional or use the IRS Withholding Calculator.

3. If marriage, children or buying a home are in the cards for you this year, you may need to adjust your personal exemptions to plan for these big life changes. The taxes you owe can vary with a change in marital status, the birth of a child, or by purchasing a home. Married couples may have a reduced tax burden if they file jointly and having a child will allow you to claim another dependent, which impacts your withholdings. It is always best to plan ahead and know what to expect.

4. If you weren't happy with your tax bill this year, you may want to check your retirement contributions and consider making an increase. Any money taken from your paycheck that is put into a 401(k) will lower your taxable income and could result in you having a smaller tax bill. If you're like most people, you may touch base with the person or company managing your retirement funds once a year. It may be best to review your account with them quarterly to assure that everything is inline with your goals.

5. It's better to seek a professional opinion now when you are not up against a deadline and in the middle of tax season. A tax professional or CPA would be able to make recommendations based upon your previous return for the following year and can become a year round financial adviser. It's important to have a comprehensive view of your financial picture so you can make better decisions throughout the year.

Any time you have a question in regards to any aspect of your finances or taxes you should consult a tax professional or seek guidance from one of your advisers.•



# The Major 2017 Tax-Related Maryland General Assembly Legislation

by Jim Arnie

**T**his is a summary of major legislation for the 2017 Maryland General Assembly session:

## **Maryland Healthy Working Families Act (Mandated Earned Sick and Safe Leave)**

### **HB001 - Passed Enrolled SB0230 - Died in Committee**

Requires employers with 15 or more employees to provide for up to 5 days of paid sick and safe leave per year. Employers with 14 or fewer employees would be required to provide for up to 5 days of unpaid sick and safe leave per year. An employee may earn up to 40 hours of paid sick and safe leave per year; may carry over from one year to the next 40 hours of paid sick and safe leave; limits the amount they can use annually to 64 hours. An employee would be allowed to use the benefit for parental leave after the birth of a child.

This bill does not apply to Agricultural workers, unionized construction workers and an employees working less than 90 days per year.

*Note: Governor Hogan has stated he will veto this legislation; however, the General Assembly can override that veto at the start of the 2018 General Assembly session.*

## **Income Tax Subtraction Modification - Retirement Income of Law Enforcement, Fire, Rescue, and Emergency Services Personnel**

### **HB0100 - Passed**

Allows retirement income to qualify for the State pension exclusion subtraction modification if the individual is at least 55 years

old and the retirement income is attributable to employment as a law enforcement officer or as fire, rescue, or emergency services personnel of the United State, the State, or a local jurisdiction. Emergency services personnel includes emergency medical technicians and paramedics. The maximum exclusion in the tax year is limited to \$15,000.

*Note: Expected to become law*

## **Unemployment Insurance - Electronic Transmission of Information and Documents - Authority**

### **HB 0135 - Passed**

Provides that an individual or employer may electronically send to the Department of Labor, Licensing and Regulation information, a report, a request, or a document, including a request for a determination, a redetermination, or an appeal.

The Department of Labor, Licensing and Regulation may electronically send a determination, a redetermination, an appeals decision, a notice, or any other document provided to an individual or employer under this title. The Department shall adopt regulations establishing the methods and means for electronically sending information and documents.

*Note: Expected to Become Law*

## **Recordation and Transfer Taxes - Exemptions - Property Conveyed From Sole Proprietorship to Limited Liability Company**

### **HB0363 - Passed SB 0111 - Passed**

Exempts from recordation and transfer taxes the transfer of real property from a sole proprietorship to a limited liability company if the sole member of the limited liability company is identical to the converting sole proprietor. A sole proprietorship includes an individual who owns an interest in real property in the individual's name. The bill also clarifies that the transfer of a controlling interest in a limited liability company that is the product of an untaxed conversion from a sole proprietorship is subject to the recordation and transfer tax under specified circumstances.

*Note: Expected to become law*

## **Independent Living Tax Credit Act**

### **HB0644 - Passed SB0180 - Passed Enrolled**

Creates a tax credit against the State income tax for an individual that incurs qualified expenses to renovate an existing home with accessibility and universal visit-ability features to assist individuals with disabilities. The non-refundable credit is equal to 50% of the qualified expenses, not to exceed \$5,000 per taxpayer, and \$1 million in aggregate credits may be approved by the Department of Housing and Community Development (DHCD) each year.

*Note: Expected to become law*

## Maryland Personal Information Protection Act - Revisions

### HB0974 - Passed SB0525

Expands the Maryland Personal Information Protection Act (MPIPA) to impose additional duties on a business to protect an individual's personal information, including the implementation of reasonable security procedures and practices. These include developing the procedures in good faith; are set forth in a written information security policy; designate one or more employees or contractors to coordinate an information security program; require a risk assessment to identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of personal information and to assess the sufficiency of existing safeguards in place to control the identified risks; once a risk assessment is completed, include design safeguards to address the identified risks and to regularly monitor the effectiveness of the controls; ensure, in any contract with a service provider entered into on or after January 1, 2018, that the service provider is capable of providing appropriate safeguards for the personal information; and evaluate and adjust the information security program periodically based on material changes to operations or business arrangements; or new circumstances that the business knows or should know may have a material impact on the information security program of the business.

*Note: Expected to become law*

### Inheritance Tax - Exemption - Evidence of Domestic Partnership

#### HB1104 - Passed SB0276 Passed

Alters the required documentation that a domestic partner of a decedent must produce in order to exempt from the State inheritance tax the value of a certain primary residence that passes to the domestic partner. The documentation required is the affidavit described in Section 6-101(B)(1) of the Health-General Article OR any two of the proofs of domestic partnership listed under 6-101(B)(2) of the Health-General Article.

*Note: Expected to Become Law*

## Taxpayer Protection Act

### HB0424 - Died in Committee SB304 - Passed

**Registration of Tax Preparers:** Prohibits a person from employing an individual to provide, attempt to provide, or offer to provide individual tax preparation services in the State unless the individual is registered by the State Board of Individual Tax Preparers.

**Authorized Taxing Officials:** Expands the definition of taxing official under Section 13-203 of the Tax-General Article to include a U. S. Department of Justice attorney, including a U. S. attorney as a taxing official, and includes the State Board of Individual Tax Preparers as an entity in which tax information may be disclosed.

**Field Enforcement Bureau - Police Powers:** Expands police powers to employees of the Comptroller's Field Enforcement Bureau to include the admission and amusement, income and sales and use taxes.

**Electronic Filing of W-2 Forms:** Specifies the W-2 statement information must be provided in an electronic format required by the Comptroller, but retains the current law authorization for the Comptroller to waive the requirement of electronic submission if the Comptroller determines that the requirement will result in undue hardship to the employer or payor.

**Confidentiality of Tax Information:** Confidentiality provisions define protected tax information to include any information contained in the following two types of returns: an admission and amusement tax return; and a sales and use tax return. The list of returns considered to be tax information has been expanded to include the following returns: (1) alcoholic beverage tax return; (2) bay restoration fee return; (3) boxing and wrestling tax return; (4) E-9-1-1 fee return; (5) financial institution franchise tax return; (6) inheritance tax return; (7) Maryland estate tax return; (8) motor carrier tax return; (9) motor fuel tax return; (10) other tobacco products tax return; (11) public service company franchise tax return; (12) savings and loan association franchise tax return; (13) tire recycling fee return; (14) tobacco tax return; and (15) transportation services assessment return.

**Penalties and Fines:** Alters specified penalty provisions in the Tax-General Article (Title 13). First, authorizes a tax collector to assess a penalty not exceeding 100% of the tax due resulting from a false return on a person hired to prepare a tax return who makes a false tax return with the intent to evade the payment of tax. Second, authorizes the Comptroller to

assess a penalty of \$100 for each violation on an employer or payor who willfully failed to provide an annual withholding reconciliation report or provides a false withholding reconciliation report. Finally, authorizes the Attorney General to bring an action in the name of the State or the Comptroller to enjoin a person from acting as an income tax return preparer. Allows a court to issue such an injunction if the court determines that the income tax preparer has either failed to properly identify themselves on tax returns; misrepresented their experience, education, or registration as an income tax preparer; guaranteed the payment of a tax return or credit; or engaged in other fraudulent or deceptive conduct which interferes with the proper administration of the Tax-General Article, and if such an injunction would prevent the recurrence of such conduct. Adds that an income tax return preparer who willfully attempts to evade any tax imposed or the payment of the tax imposed is guilty of a misdemeanor and, on conviction, is subject to a fine of up to \$10,000 and/or imprisonment of up to five years.

*Note: Expected to Become Law*

### Maryland Pay Stub Transparency Act of 2017

#### HB1143 - Unfavorable Report Senate Finance

Expanded the contents of the initial wage notice that an employer must provide to employees and modified the timeframe for doing so. An employer must provide an employee within 30 days after the first date of employment, instead of at the time of hiring, written notice of the information required under current law, plus the basis of how the employee is paid, whether the employee's wages would be subject to a tip credit, allowances claimed, and contact information of the employer. On written request of an employee, an employer must provide an explanation in writing of how the employee's wages were calculated for one or more pay periods.

*Note: Bill Received Unfavorable Report by Senate Finance Committee •*

# Five Tips for Your Better Financial Future

by Jim Seminara

If you are like many Americans, the current economic environment continues to make it difficult for your family to make ends meet.

Many of us have readjusted our spending habits to such an extent that there is now a new normal. For example, we may no longer shop as much as or where they used to; we may settle for a staycation, rather than a true getaway; and items that were previously considered to be necessities have been relegated to the “can’t afford” or “not needed” category.

If you think these are temporary changes, think again. Many economic analysts feel that these new attitudes are here to stay.

Tips to help improve your economic future  
Here are some tips to help you take stock of your overall economic picture, with actionable steps designed to help improve your long-term financial security.

**Tip #1: Determine what is really important.**  
Take stock of what is really important to you and your family—is the newest electronic game system or cell phone more important than creating a secure financial future?

Start by developing your family’s mission statement. This is easier than it sounds: Simply write out what is important to you as a group. Be sure to include what your long- and short-term goals are, and what you are willing to give up in order to make these goals a reality. Don’t forget that along the way, you may still want to

decide what little luxuries your entire family can enjoy (like a get-away) that you want to keep in your budget – since these can help you feel less deprived and even save you money (by keeping you from going out to first-run movies, for example).

**Tip #2: Cut back, even if it hurts (a little).**  
Figuring out what is most important to your family from a financial perspective is a smart move –and a good decision for your long-term financial security. Making even small sacrifices in your spending can help you meet your goals. Look carefully at how you and your family members spend your money so you can identify where you can make small changes to cut back on non-essential expenditures. And don’t overlook the bigger-ticket items you pay for every month, such as your cable TV/Internet subscriptions and car insurance. Making minor adjustments to these items can free up more dollars than you might imagine, and play a significant role in helping you fund your family’s long-term financial goals.

**Tip #3: Become a dedicated saver.**  
If you are like many families, trying to juggle financial priorities can make saving extremely difficult.  
Successful savers use the concept of paying themselves first whenever they receive a paycheck. Over time, adopting that one smart move can help you reach your financial goal

of saving for a car, a vacation, or whatever is a priority for your family. To help make it easier, check with your employer to see if you can have part of your pay automatically deposited into one or more savings accounts. It can make saving automatic—and nearly painless.

**Tip #4: Run your numbers.**  
Do you know if you are on track with your current disability coverage, life insurance, and retirement savings plan(s)? In other words, will these important items provide you and your family with the amount of financial protection you’ll need – when needed? Don’t wait until it’s too late. Take the time now to assess their adequacy and make the appropriate adjustments.

**Tip #5: Get the help you need.**  
When it comes to Tips 1 through 4, you may feel you need some assistance. Whether you need help in just one area or all four, start looking at your future through a new lens – one that has your family’s financial goals in focus, with a plan to help you get there. Contact a financial professional to discuss ways they can help you put these tips into action—and your financial dreams on track.

Taking the right steps today can help to ensure a better financial future for both you and your loved ones. •

# Can I Be Held Personally Liable for My Employee’s Claim for Unpaid Wages?

by Darla McClure

In Maryland, if you are an owner, officer or even human resource manager, you could be held personally liable for unpaid wages. The corporate structure of a corporation, LLC or other limited liability entity may no longer protect certain individuals within the company when it comes to complaints made by current or former employees that the company has failed to pay all wages due and owing to them.

The Maryland Wage Payment and Collection Law (“MWPC”) defines employer as “any person who employs an individual in the State or a successor of the person.” (See Md. Cod Ann., Lab & Empl. §3-501(b)). To determine if an owner, officer or even human resource manager can be deemed an “employer” the Courts have utilized the “economic realities test.” The economic realities test states that an employer is someone who (i) has the authority

to hire and fire employees, (ii) supervises and controls work schedules or employment conditions, (iii) determines the rate and method of payment, and (iv) maintains employment records. The totality of the circumstances, and not a single factor, must be reviewed to determine if an individual is an employer.

If an individual owner, officer or human resource manager satisfies the economic realities test and are found to be an employer, Courts in Maryland have held that they could be liable for unpaid wages. Wages include bonuses, commission, fringe benefits, overtime, and any other remuneration promised for work performed. Vacation pay may be deemed a wage as it is a fringe benefit. Vacation pay is not a compensable wage if the employer has a written policy, and this policy was communicated to the employee at the time of

hiring. For example, if an employer informs employees in writing at the time of hiring that unused vacation leave will be lost or forfeited upon termination, then an employee will not be able to claim an entitlement to vacation pay as wages. On the other hand, where the employer does not have a written policy that states that vacation pay will not be paid out upon termination, that employee will be entitled to the cash value of whatever unused but earned vacation leave is available.

Furthermore, under the MWPC an employee can seek up to three times the amount of wages due plus recovery of their attorneys’ fees if successful. This can turn a relatively simple wage claim into a huge liability for the employer because the attorneys’ fees may turn out to be more than the amount of the wages claimed. •



# Samsung Galaxy S8 and S8 Plus Review

by Al Giovetti

There are many manufacturers of smartphones. Just to give you an idea, the list of brand name phones includes Samsung (Galaxy A7, Note 7, S8, and S8 Plus), Apple (iPhone), Google (pixel), OnePlus (3T), Alcatel (A5 and A30), HTC (Ultra), Motorola (Moto G5), Sony (Xperia L1), LG (Phoenix 3 and G6), ZTE (Blade V8 Pro and Mini), Xperia (XA1), Nokia (Android 3 and 3310), and Huawei (P10 and Mate 9) – and that’s just to name a few. Most people buy the Apple iPhone, the Nokia Android, or one of the Samsung phones, just to keep things simple.

Life is complex enough already without consciously recognizing there are over a dozen phones to choose from. I have limited myself to Apple phones since the flip phones that reminded me of Star Trek became outdated. Sometimes I wish I still had a flip phone – beam me up, Scotty.

The most popular phones are made by Samsung and Apple, who are locked in a battle for the best phone. Like most competing super products, these phones often leapfrog features and often outdo each other on an annual or biennial (2 year) basis. So how has Samsung’s attempt to outdo Apple’s iPhone turned out this year?

To quote a Samsung executive, “Samsung has had a very difficult year.” This year hundreds of millions of Samsung Galaxy Note 7s were recalled. This phone was a press and public relations nightmare, with phones catching fire and exploding, due to battery instability.

As batteries become smaller, lighter, more powerful, and more complex, they also become more unstable. Charging requires a computer to control how much charge to put into the

phone from moment to moment. Too much juice at the wrong time, due to a failure of the computer controlling the charging, causes the battery to become unstable, heat up, sometimes during the discharge of power, and catch fire. It takes about 150 degrees Fahrenheit to melt a phone, and a bit more temperature to catch fire. These phone batteries are high tech and really hot – and not in a good way.

Thankfully, Samsung cannot legally, morally, or ethically throw millions of phones with toxic components into a landfill. They became a company seeking an ecofriendly way to dispose of hundreds of millions of phones. Samsung’s solution – refurbish and update all the recalled phones and resell them to hundreds of millions of consumers. To avoid the eco-disaster on a local level (in Korea), Samsung intends to let consumers dispose of the phones after a year of usage.

This disposal of outdated computer equipment, phones, iPads, and other electronic devices that have a one- to five-year life is an ecological disaster on a global level. Some program for recycling this toxic trash must be developed. Despite the environmental consequences, the world’s appetite for new technology is only accelerating, without a top end in sight, and the ecological consequences are being dealt with – at least by Samsung – by passing the buck.

Back to the Samsung Galaxy S8 and the S8 Plus: the real question is – can the new iPhone 8, which will be announced sometime after this article is published, leapfrog the Galaxy s8 and S8 Plus? Apple might come up with a bevel-less display with a seamless, curved edge to edge screen. This is not likely, since Samsung owns that technology patent, which it has yet to implement on its own phones. Samsung

will likely not sell the screens to Apple before introducing them on their own phones.

Apple does have a patent for a fingerprint (fp) scanner – this would be under the screen, allowing them to one-up Samsung’s fp scanner, which is now on the back of the phone, and placed too close to the 12-megapixel (MP) camera. Most reviewers and testers did not like this position of the fp scanner. There is a high camera-lens-smudge fear factor.

Samsung Vice President of Smartphone Product Planning, Kim Gae-young, has admitted that the S8 (and S8 plus) facial recognition software is not as sophisticated or secure as it could be. For higher security, Kim recommended the iris or fingerprint scanner. This gives Apple a chance to bring out a more secure facial recognition scanner that uses depth to increase the complexity of the image analysis.

The weakest area of the new Samsung S8 (and S8 plus) is that it has the same battery as the S7. Many had hoped for a removable battery. With all the battery problems Samsung had this year, they opted for a less risky tried and true design. Apple could introduce the new iPhone this month with a better battery than that in the S8.

The Samsung Galaxy S8 and S8 Plus are scheduled to be released on April 21, 2017. Samsung started taking pre-orders in March. The suggested retail price of the S8 is \$750 and the S8 plus is \$850, compared to the price for iPhone 7 of \$649 (32GB), \$749 (128GB) and \$849 (256GB). Apple could reduce the price on the iPhone 8 when it is released later this year, but this is highly unlikely.

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So what's new with the Galaxy?

The screen now covers over 83% of the front of the phone, with almost no bezel. The on-screen power button is moved to the edge of the phone. The edge of the screen is curved and seamless, with no hard edges anywhere. One user said that this new thin phone will require a sturdy, thick case to protect it.

One advantage over the iPad is that Samsung uses Gorilla glass, which is less likely to shatter on impact when dropping or accidentally hitting the phone with a hammer. It is always a good idea to keep your temper when using a smart phone. While the smart phone is training the human in its proper use, the human is advised to dissipate frustration by breathing deeply and counting to ten before deciding what to do next.

While the battery is not new (3,000 mAh), the chipset has 10% more CPU (central processing unit) power, and there is 21% better "management" on the GPU (graphics processing unit). These smart phones are getting more and more powerful, approaching the power of a laptop or desktop. The S8 has an interface dock (Samsung DeX) that allows you to hook up a full-sized screen, mouse, and keyboard so you can use the phone like a desktop.

The battery uses fast, wireless charging. The S8 has full HD as default, but you can manually go into the phone and increase the sharpness manually. The S8 has more pixels than the S7. With more pixels to power, the battery life will be somewhat reduced if you optionally increase the picture sharpness.

The S8 and S8+ come with 4GB of RAM (random access memory) compared to Apple iPhone's 2GB. The S8 screen is 5.8 inches, compared to the iPhone 7's 4.7 inches. The S8+ screen is 6.2 inches. The S8 pixel density is 570 ppi (pixels per inch), nearly twice the iPhone pixel density of 326 ppi. The S8+ pixel density is 528 ppi.

The S8 and S8+ 12MP back camera with a single lens is the same as the one used in the S7 and S7+. The front focusing camera is 8MP. Storage is 64 GB (gigabytes), as compared to the iPhone 7's storage of 32GB, 128GB, or 256GB. The Apple iPhone back camera is 12 MP, with a double lens for wide pictures. The S8 and S8+ do not have the widescreen option. The S8 and S8+ back camera activates (launches) with a double-press power button, which is much easier than selecting the camera app from the home screens of the iPhone.

The S8 and S8+ uses a USB-C cable, while

the Apple 7 and 7+ use the lightning cable. Just about every phone other than the iPhone uses USB-C. The lighting cable is an Apple innovation.

Samsung S8 and S8+ both use Bixby, another digital assistant similar to Apple's Siri, Google's "ok google" assistant, Amazon's Alexa, and other digital assistants. In my experiences with digital assistants, they do not respond the repeated requests, and most of the time the assistant says, "I cannot help you with that," "I cannot do that yet," or some other statement that is equally unhelpful.

Christine and I have a Google home application, have used Amazon Alexa, and have had battles with Apple's Siri. Once I told Siri to shut up, after she kept telling me something I already knew, and she responded with "I don't deserve that." If you do not want Siri or any other digital assistant to talk back and you have not figured out how to disable your digital assistant, I have found that saying, "Siri (or whatever your digital assistant's name is), turn off," and you will return to where you were before your ineptitude got you into a conversation with a machine.

In a recent conversation, a colleague told me that he always enjoys watching software-based computer assistants train computer-using humans. The more I examine the precision speech needed to consistently get an intelligible answer from a computer assistant, the more I am convinced that my colleague and friend hit the nail on the head when he said the computer assistant trains the human, not the other way around.

But I digress. Bixby is three different assistants in one, somewhat like the old "two mints in one" Certs commercial: Bixby voice, Bixby home, and Bixby vision. Bixby voice is like Amazon Alexa (sold by Amazon in two flavors, from about \$50 with a \$20 charging cable to a \$150 device), Google Home (which costs about \$130 from Google Store), and Apple Siri, which unfortunately comes on every Apple device. Bixby voice cannot launch an internet search like Google Home's "ok google" supposedly can do.

I am ambivalent about turning off these digital assistants. Beyond the fact that it takes a doctoral degree to learn how to turn the digital assistants off, I probably would like the digital assistants to work right, and I cannot kill my hope that the next upgrade will make these assistants assist rather than annoy.

Bixby Home, like Google, now can turn the lights in your home on and off. Bixby can also run appliances, like the Samsung remote control

vacuum cleaner and other devices. Bixby home can track your step count (how can it track your step count when all these wrist devices do not talk to one another including the Apple watch?). Bixby can recommend certain actions like grocery shopping, visiting the doctor or nurse, going to the bank or post office, etc., with "more actions supported with every update." Don't hold your breath.

Bixby Vision (BV) is like Google Goggles or Bing Vision. BV uses optical character recognition (OCR) and can read QR codes, scan wine bottles, and read about the wine through Vivino while you consume the bottle and forget all this digital complexity. BV can translate the OCR into 50 different languages. You can also image search, but I cannot fathom how. Besides, I've written enough. Now where is that bottle of wine?•

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