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WORKSHOP
January 11, 2017

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2017 NONPROFIT ORGANIZATIONS COMPLIANCE AND INTERNAL REVIEW WORKSHOP

January 11, 2017 ▪ Four Seasons Hotel ▪ Austin, Texas

Earn up to 3.00 Hours CLE Credit Including 0.25 hr Ethics

WEDNESDAY AFTERNOON, JAN. 11, 2017

Presiding Officers: **Joyce Hellums, Ernst & Young, LLP, Austin, TX**
Mia Hsu Burton, Michael & Susan Dell Foundation, Austin, TX

3:00 p.m. Registration Opens — Includes light refreshments.

CONCURRENT SESSIONS

Please select one 4:00 p.m. and one 5:10 p.m. session on registration form.

3:55 p.m. Welcoming Remarks

4:00 p.m.
1.00 hr

1A: The Public Charity Life Cycle: A Compliance Overview
Walk through key compliance issues that typically occur during the lifecycle of a public charity, including organizational matters, operational restrictions, funding and public support considerations, UBIT, 990 filings, and upon merger or dissolution.
Edward T. Chaney, Schell Bray PLLC, Chapel Hill, NC

1B: The Private Foundation Life Cycle: A Compliance Overview
Hear a general overview of the lifecycle of a private foundation, including organizational matters, operational issues, Chapter 42 excise taxes, grant making issues, and dissolution.
Jeffrey T. McClean, Well Fargo Bank, Houston, TX

1C: Form 1023 Workshop
Walk through Form 1023—qualifications, filing guidelines, how your policies and governing documents translate into the 1023, and how the 1023 serves as a "living document" for your organization after filing. ***Space is limited.***
Megan C. Sanders, Bourland, Wall & Wenzel, P.C., Fort Worth, TX

1D: Form 990 Workshop
Walk through Form 990—tips for filling out key sections, policies, financials, compensation, etc. ***Space is limited.***
Michaela J. Cromar, CliftonLarsonAllen LLP, Fort Worth, TX

5:00 p.m. Break

5:10 p.m.
1.00 hr

2A: Anatomy of an IRS Audit of a Public Charity
Follow the flow of an IRS audit of a public charity, including key terms and considerations, the IDR process, hot topics, and how to deal with an IRS agent.
Jennifer L. Franklin, Simpson Thacher & Bartlett LLP, New York, NY

2B: Anatomy of an IRS Audit for Private Foundations
Follow the flow of an IRS audit of a public charity, including key terms and considerations, the IDR process, hot topics, and how to deal with an IRS agent.
Kimberly M. Eney, Morgan, Lewis & Bockius LLP, Washington, DC

2C: Form 1023 Workshop
Walk through Form 1023—qualifications, filing guidelines, how your policies and governing documents translate into the 1023, and how the 1023 serves as a "living document" for your organization after filing. ***Space is limited.***
Megan C. Sanders, Bourland, Wall & Wenzel, P.C., Fort Worth, TX

2D: Form 990 Workshop
Walk through Form 990—tips for filling out key sections, policies, financials, compensation, etc. ***Space is limited.***
Michaela J. Cromar, CliftonLarsonAllen LLP, Fort Worth, TX

6:10 p.m. Return to General Session

WEDNESDAY EVENING

Presiding Officer: **Joyce Hellums, Ernst & Young, LLP, Austin, TX**

6:20 p.m. 1.00 hr | .25 hr ethics

Anatomy of an Attorney General Investigation
Explore the various aspects of an investigation of a charitable organization by the Texas Attorney General's Office. Learn how and why an investigation may be initiated, what to anticipate as part of the investigative process, the potential consequences of an investigation, and best practices for dealing with an investigation.
David M. Rosenberg, Thompson & Knight LLP, Dallas, TX
Susan K. Staricka, Office of the Attorney General, Austin, TX
C. Andrew Weber, Kelly Hart & Hallman LLP, Austin, TX

7:20 p.m. Adjourn

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7:20 p.m. – 8:20 p.m.
Join us for drinks and hors d'oeuvres with program faculty and attendees.

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THURSDAY MORNING, JAN. 12, 2017

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

7:30 a.m. Registration Opens
Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. 1.00 hr

A View of the Sector
Follow an examination of the current regulatory and legislative developments affecting tax-exempt organizations, including recent IRS and Treasury guidance, the "lame duck" session of Congress, and some likely trends in the new administration.

Alexander L. Reid, Morgan, Lewis & Bockius LLP, Washington, DC
David A. Shevlin, Simpson Thacher & Bartlett LLP, New York, NY

9:30 a.m. .75 hr

Current Trends in Socially Responsible and Impact Investing
Hear a discussion focused on how socially responsible and impact investing is gaining momentum as an important and necessary strategy for aligning mission with investing practice within the charitable sector.

Moderator:
Tomer Inbar, Patterson Belknap Webb & Tyler LLP, New York, NY

Panelists:
Tina N. Castro, Avivar Capital, Los Angeles, CA
Matt Onek, Mission Investors Exchange, New York, NY

10:15 a.m. Break

CONCURRENT TRACKS

1A: ADVOCACY

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

10:35 a.m. .75 hr

After the Election Advocacy and Exploring the Boundaries
A new administration and new congress means new opportunities to promote your organization's mission through policy advocacy. Review the law that governs lobbying by 501(c)(3)s and other types of tax-exempt organizations. Learn the limits on lobbying by 501(c)(3) public charities and how to make the most of them, the ways that 501(c)(3) private foundations may fund lobbying by charities, and the tax rules for lobbying by other tax-exempt organizations.

John Pomeranz, Harmon, Curran, Spielberg + Eisenberg, LLP, Washington, DC

11:20 a.m. .75 hr

Advocacy Rules Beyond the IRC: Federal and State Lobbying and Ethics Compliance
Exempt organizations are not only subject to the limits and rules prescribed by the Internal Revenue Code. Hear guidance on ensuring compliance with other applicable laws and rules that impact organizations active in government advocacy, including the federal Lobbying Disclosure Act, state and local lobbying laws, and government ethics rules.

William H. Minor, DLA Piper LLP US, Washington, DC

12:05 p.m. Pick Up Lunch
Included in registration.

1B: CHARITABLE GIVING

Presiding Officer:
Richard W. Meyer, Attorney at Law, Austin, TX

10:35 a.m. .75 hr

Endowments and Other Restricted Gifts—Making Them and Breaking Them
Hear an analysis of important drafting and negotiating issues in agreements to govern endowment funds and other types of restricted gifts, the various ways to modify restricted gifts after they are made, and the role of gift acceptance policies and a board-level approval process.

John Sare, Patterson Belknap Webb & Tyler LLP, New York, NY

11:20 a.m. .75 hr

Financial Reporting for Endowments and Donor-Restricted Funds
Endowments and other donor-restricted funds are subject to financial reporting standards aimed at enhancing understanding of the nature of donor restrictions as well as management's application of the Uniform Prudent Management of Institutional Funds Act (UPMIFA) in managing endowment funds. Hear an overview of the related accounting terminology and financial statement presentation and disclosure requirements.

Mimi Holt, Blazek & Vetterling, Houston, TX

12:05 p.m. Pick Up Lunch
Included in registration.

THURSDAY AFTERNOON

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

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12:35 p.m. .75 hr

Charities in the News

Evan Smith, The Texas Tribune, Austin, TX

1:20 p.m. Break

1:35 p.m. 1.00 hr

Re-Thinking, Re-Structuring, & Re-Inventing Your Organization
Explore the legal, organizational, and governance issues associated with making the changes necessary to realize the mission and deploy resources effectively.

Moderator:
Catherine E. Livingston, Jones Day, Washington, DC

Panelists:
Greg D. Lee, LIVESTRONG, Austin, TX
Ellen D. Willmott, The Susan G. Komen Breast Cancer Foundation, Inc., Dallas, TX

2:35 p.m. Break

CONCURRENT TRACKS

2A: PEOPLE

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

2:55 p.m. .75 hr

Deconstructing the Employee Handbook

An organization's employee handbook supports its good faith compliance efforts and helps reduce potential liability in audits and litigation. Understand key components, current trends, as well as common mistakes in drafting employee handbooks, and how provisions and policies translate into the workplace environment.

Katrina Grider, Attorney at Law, Cypress, TX

3:40 p.m. .75 hr

Advanced Issues with Retirement Benefits

Nonprofit organizations are subject to special rules regarding retirement and deferred compensation plans. Explore the complex issues related to these benefits, and hear an update on the new regulatory guidance.

William M. Fisher, Wilkins Finston Friedman Law Group LLP, San Antonio, TX
Valorie Foster, Southwest Research Institute, San Antonio, TX

4:25 p.m. **Break**

2B: PLACES AND THINGS

Presiding Officer:
Norman E. Nabhan, Graystone Consulting, Houston, TX

2:55 p.m. .75 hr

Operating Abroad: Tax Implications and Other Considerations when U.S. Nonprofit Organizations Work Outside the U.S.

Discuss the growing range of information reporting and tax requirements (Foreign Bank Account Reporting, FATCA/CRS compliance, qualified distribution requirements, and more) associated with U.S. nonprofits operating around the world. Explore other challenges and best practices related to foreign activities of a U.S.-based organization.

Misty Petry Burns, Michael & Susan Dell Foundation, Austin, TX
Nick W. Quigley, Ernst & Young, LLP, Detroit, MI

3:40 p.m. .75 hr

Intellectual Property 2.0: Top 10 IP Risks for Nonprofits

Nonprofits often fail to recognize IP related risks as they grow, or recognize them too late. Beyond a basic understanding of IP, a realistic assessment of IP risks will help your non profit avoid costly mistakes. Learn how to spot IP risk areas, identify and protect your IP, and use IP to advance your nonprofit's mission.

Derrick A. Pizarro, The Pizarro Firm, San Antonio, TX

4:25 p.m. **Break**

CONCURRE

3A: DON'T LET IT HAPPEN TO YOU

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

4:35 p.m. .75 hr

Privacy and Cybersecurity Issues for Nonprofits

Learn about the responsibilities and risks for nonprofits concerning privacy issues and data security threats, including an overview of privacy regimes, both in the U.S. and internationally, and gain practical tips to help your organization manage the personal information of donors, clients, employees, grantees and volunteers; and anticipate threats.

Laura E. Butzel, Patterson Belknap Webb & Tyler LLP, New York, NY

5:20 p.m. .75 hr

Legal Counsel and Communications in a Crisis: What to Do When Bad Things Happen to Good Institutions

When an organization's wheels appear to be dislodging, the roles of the crisis team, the attorney, and the crisis communications manager are critical. These difficult and public moments of a nonprofit's life require effective tactics, strategies, and management that protect the institution's legal position and its public perception.

Michael V. Bourland, Bourland, Wall & Wenzel, P.C., Fort Worth, TX
Lisa LeMaster, The LeMaster Group, Inc,, Addison, TX

6:05 p.m. **Adjourn to Reception**

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Advance Preparation: None

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Delivery Method: Group-Live
Program Level: Overview
Advance Preparation: None

NT TRACKS

3B: HOW TO MAKE IT HAPPEN FOR YOU

Presiding Officer:
Norman E. Nabhan, Graystone Consulting, Houston, TX

4:35 p.m. .75 hr

Selling for Good: Merchandising and Corporate Sponsorship Ideas that Don't Create UBIT

Examine how a nonprofit can effectively merchandise goods to support its mission while minimizing UBIT. Hear about techniques developed to avoid the UBIT problems identified in the IRS College and University Compliance Project, discuss internet sales, and reveal creative corporate sponsorship ideas that balance donor benefits with the nonprofit's tax exposure.

Nicola Fuentes Toubia, Fuentes Toubia, PLLC, Houston, TX
Kyle R. ZumBerge, The University of Texas System Office of General Counsel, Austin, TX

5:20 p.m. .75 hr

Cause-Related Marketing and Commercial Co-Venture Arrangements

Marketing trends demonstrate that aligning a charitable cause with the sale of goods and services will continue to increase. Consider the structural, legal and tax considerations of various forms of cause-related marketing, as well as related state regulations.

Jonathan S. Blum, Polsinelli PC, Dallas, TX

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- 7:00 p.m.

nity with faculty and colleagues.

FRIDAY MORNING, JAN. 13, 2017

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

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:00 a.m. .75 hr | .25 hr ethics

Texas Nonprofit Law 101

Hear an overview of the essential characteristics of Texas nonprofit organizations, legal requirements, benefits and restrictions of tax exemption, guiding governance principles and state regulation.

Danika Hudik Mendrygal, Mendrygal Law, PLLC, Dallas, TX
Susan K. Staricka, Office of the Attorney General, Austin, TX

8:45 a.m. 1.00 hr

Year in Review

Review current developments in the federal tax law, including recently passed and pending legislation, regulations, IRS rulings, and court opinions. Focus on the TE/GE fiscal year 2017 work plan, qualification for tax exemption, application for recognition processes and recent litigation, public charity status in general, supporting organizations, donor-advised funds, endowments, the commerciality doctrine, private foundation rules, governance, private inurement and private benefit, legislative and political campaign activity, unrelated business, joint ventures, charitable giving, and recent audits of the IRS by the General Accountability Office.

Bruce R. Hopkins, Bruce R. Hopkins Law Firm, Kansas City, MO

9:45 a.m. Break

CONCURRENT TRACKS

4A: STRUCTURING

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

10:05 a.m. 1.00 hr

Mergers, Joint Ventures, and For-Profit Subsidiaries

Explore the corporate and tax issues involved when a nonprofit tax-exempt organization decides to work with one or more for-profit investors or "partners" via a merger, a joint venture, or a taxable subsidiary. Discover the corporate law issues with primary focus on the tax issues involved in collaborating with a for-profit, including how to avoid jeopardizing tax-exempt status, and how to avoid or properly handle unrelated business taxable income. Review how the new IRS partnership audit procedures might affect tax-exempt partners.

Justin J. Lowe, Ernst & Young, LLP, Washington, DC
Robert A. Wexler, Adler & Colvin, San Francisco, CA

11:05 a.m. 1.00 hr

Commerciality, Charitability, and Confusion in the Charitable Sector: Exploring What's Charitable, What's Not and Why There is a Difference

Uncover the new ways that philanthropists and social entrepreneurs are seeking to achieve beneficial social change and impact. Hear about the challenges posed by the existing legal framework that distinguishes between charitable purposes and commercial purposes in ways that are becoming increasingly strained. Explore the pitfalls and benefits to many of the new approaches, and suggest analytical frameworks to guide participants.

Joshua J. Mintz, MacArthur Foundation, Chicago, IL
John Tyler, Ewing Marion Kauffman Foundation, Kansas City, MO

12:05 p.m. Pick Up Lunch

Included in registration.

4B: GRANTMAKING

Presiding Officer:
Coleith Molstad, The Roy F. & Joann Cole Mitte Foundation, Austin, TX

10:05 a.m. 1.00 hr

Beyond Scholarships: High-Impact Grantmaking to Individuals

Discover some of the strategic ways that funders can employ individual grantmaking to achieve their programmatic goals. Discuss the U.S. federal tax law provisions governing prizes and awards, disaster relief grants, scholarship and fellowship awards, and grants through intermediary entities primarily from the perspective of the private grantmaking foundation. And hear about the key compliance and reporting obligations for both funders and beneficiaries.

Jillian Diamant, Open Society Foundation, New York, NY
Diara M. Holmes, Loeb & Loeb, Washington, DC

11:05 a.m. 1.00 hr

Beyond Grantmaking: Additional Mechanisms for Mission

Explore options for foundations to pursue and maximize their missions in ways other than, or in supplement, to their grant making initiatives while maintaining compliance with the private foundation prohibited transaction rules. Topics include leveraging expertise through direct charitable activities, participating in public/private partnerships, engaging in medical venture philanthropy initiatives, strategic investing through program-related or mission-related investments, and more.

James P. Joseph, Arnold & Porter LLP, Washington, DC
Darren B. Moore, Bourland, Wall & Wenzel, P.C., Fort Worth, TX

12:05 p.m. Pick Up Lunch

Included in registration.

Presiding Officer:
Karey Dubiel Dye, Goldman, Sachs & Co., Houston, TX

LUNCHEON PRESENTATION

12:35 p.m. .75 hr

Successful Succession: How to Prepare for a Leadership Transition in Your Organization

Identifying and developing the next generation of leaders is both challenging and vital to the health of your organization. Hear about common succession issues and how to plan for a leadership change.

Moderator:
Josh Baron, Banyan Global, Boston, MA

Panelist
Ryan Dolibois, Yellowstone Academy, Houston, TX
Panelist TBD

1:20 p.m. Break

1:35 p.m. 1.00 hr ethics

Anatomy of a Whistleblower Complaint

Dealing with a whistleblower complaint can present several challenges and ethical issues for an organization and its counsel. Examine mandatory whistleblower regulations and policies, and walk through best practices from initiation of the complaints, to conducting internal investigations, engaging outside counsel and forensic experts, and compliance with different agencies and requests for information should this information become public. Plus, hear discussion on protection of and retaliation against the whistleblower.

Neely D. Duncan, Lane Gorman Trubitt, LLC, Dallas, TX
Frank Sommerville, Weycer Kaplan Pulaski & Zuber, P.C., Arlington, TX

2:35 p.m. Break

CONCURRENT TRACKS

5A: PUBLIC CHARITIES: TYING IT ALL TOGETHER

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

2:55 p.m. .75 hr

The Broad-Based Nonprofit: Managing Tension between Headquarters and its Local Affiliates

Wrestling with the challenges and opportunities of a complex governance structure? How well a nonprofit balances strategy, governance, and impact determines whether it fulfills its mission and reaches its highest potential. Learn about strategy screens for optimizing the give-and-take between the national office and its local affiliates.

Tracy-Elizabeth Clay, Teach For America, Inc., Chicago, IL
Angela F. Williams, YMCA of the USA, Chicago, IL

3:40 p.m. .75 hr

Effective Compliance and Reporting for Public Charities: Form 990 and Beyond

Explore common compliance and federal reporting challenges for public charities, and strategies for addressing those challenges organizationally, operationally, and through Form 990 and other IRS reporting.

Stephen M. Clarke, Ernst & Young, LLP, Washington, DC

4:25 p.m. Adjourn

5B: PRIVATE FOUNDATIONS: TYING IT ALL TOGETHER

Presiding Officer:
Coleith Molstad, The Roy F. & Joann Cole Mitte Foundation, Austin, TX

2:55 p.m. .75 hr

Working Through Intermediaries

Increasingly, private foundations are working through fiscal sponsors and other intermediaries to increase efficiency, enhance effectiveness, and reduce risk. Hear an overview of the various options, how to properly structure them, the compliance advantages of doing so, and common situations where working through intermediaries is common, including international grantmaking, grants to individuals, funder collaboratives, and PRI's.

Andrew Schulz, Arabella Advisors, Washington, DC

3:40 p.m. .75 hr

Effective Compliance and Reporting for Private Foundations: Tying it All Together

Informed by 40+ years of study, explore how transactions can be structured differently to prevent self-dealing and/or taxable expenditures. Think of private foundations as taxpayers that, with planning, can reduce their tax burden. Strategize ways to design policies and procedures to help avoid sanctions and improve reporting capability for the private foundation, public charities it supports, and its disqualified persons. And understand how rules that sound absolute may also be flexible.

Amanda Adams, Blazek & Vetterling, Houston, TX
Jody Blazek, Blazek & Vetterling, Houston, TX

4:25 p.m. Adjourn

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❑ Printed Course Binder for tax exempt registrants $25
(e.g., government employees and nonprofits)

Select Workshop Concurrent Tracks, Wednesday at 4:00 p.m.

❑ 1A: Public Charities: Compliance Overview
❑ 1B: Private Foundations: Compliance Overview
❑ 1C: Form 1023 Workshop (limited capacity)
❑ 1D: Form 990 Workshop (limited capacity)

Select Workshop Concurrent Tracks, Wednesday at 5:10 p.m.

❑ 2A: Public Charities: IRS Audit
❑ 2B: Private Foundations: IRS Audit
❑ 2C: Form 1023 Workshop (limited capacity)
❑ 2D: Form 990 Workshop (limited capacity)

Workshop Registration Total . . . . $________

INSTITUTE—NO17 – JANUARY 12–13, 2017

Includes electronic course materials, Thursday and Friday luncheon presentations and Thursday evening reception

Select Registration Type

❑ Individual registration by January 4 . . . . $575
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Conference registration includes Electronic Course Binder Download (PDF) in "Your Briefcase" at utcle.org

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❑ Printed Course Binder for tax exempt registrants $25
(e.g., government employees and nonprofits)

Select Institute Concurrent Tracks, Thursday at 10:35 a.m.

❑ 1A: Advocacy
❑ 1B: Charitable Giving

Select Institute Concurrent Tracks, Thursday at 2:55 p.m.

❑ 2A: People
❑ 2B: Places and Things

Select Institute Concurrent Tracks, Thursday at 4:35 p.m.

❑ 3A: Don't Let It Happen to You
❑ 3B: How to Make It Happen for You

Select Institute Concurrent Tracks, Friday at 10:05 a.m.

❑ 4A: Structuring
❑ 4B: Grantmaking

Select Institute Concurrent Tracks, Friday at 2:55 p.m.

❑ 5A: Public Charities: Tying it All Together
❑ 5B: Private Foundations: Tying it All Together

Institute Registration Total . . . . $________

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❑ Audio Download (MP3) $175

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January 11, 12–13, 2017

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Special Room Rate: $279
good through December 12, 2016
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(subject to availability)

Parking:
$12 daily self-parking; $16 valet
$36 overnight self or valet
(subject to change)

KEY DATES

January 4, 2017
last day for early registration
add $50 for registrations
received after this time

January 6, 2017
last day for cancellation (full refund)

January 9, 2017
last day for cancellation (partial refund)
$50 processing fee applied

January 11, 2017, 3:55 p.m.
Workshop begins

January 12, 2017, 8:20 a.m.
Institute begins

WORKSHOP AND INSTITUTE FACULTY

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