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NONPROFIT ORGANIZATIONS INSTITUTE

The Southwest's leading gathering of executives, attorneys, accountants, trustees, CEOs and CFOs of private foundations and nonprofit organizations.

January 13*, 14-15, 2010

*Optional Wednesday Afternoon Sessions

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WEDNESDAY AFTERNOON, JAN. 13, 2010

*Optional Concurrent Sessions

Please select on registration form (additional fee). Each track includes a 15 minute break.

3:00 p.m. Registration Opens

TRACK A

4:00 p.m. 2.25 hrs including .50 hr ethics

Primer on Nonprofit Organizations

This session covers choice of entity and governance issues common among nonprofit organizations, and offers a brief overview of non-501(c)(3) tax-exempt organizations. It offers a crash course to private foundations and public charities with a discussion of obtaining tax-exempt status, and maintaining that status by avoiding transactions prohibited by the Internal Revenue Code such as private benefit, prohibited transactions for private foundations, and excess benefit transactions for public charities. The session also provides an introduction to the unrelated business income tax.

Michael V. Bourland, Bourland, Wall & Wenzel, P.C., Fort Worth, TX
Darren B. Moore, Bourland, Wall & Wenzel, P.C., Fort Worth, TX

TRACK B

4:00 p.m. 2.25 hrs

Effective Financial Management of Nonprofits: Statements, Budgets, Reporting and Oversight

How to review and understand financial statements of nonprofit organizations, and an examination of the value of the information provided through financial reporting as it relates to operations, effectiveness, and sustainability of an organization. This workshop is ideal for nonprofit Board members, executives, development directors, program officers, and others with financial oversight responsibilities.

Coleith Molstad, RGK Foundation, Austin, TX
Carole T. Faig, Ernst & Young LLP, Houston, TX
Joyce Hellums, Ernst & Young LLP, Austin, TX

6:30 p.m. Adjourn

THURSDAY MORNING, JAN. 14, 2010

Presiding Officer:
David M. Rosenberg, Thompson & Knight LLP, Dallas, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

Due Diligence, Trustee and Board Liabilities in the Post-Madoff Era

9:00 a.m. .67 hr including .25 hr ethics

Staying out of Trouble: The Definitive Guide to Avoid Triggering Excise Taxes

A comprehensive list and discussion of excise tax issues and triggers.

Johnny Rex Buckles, University of Houston Law Center, Houston, TX

9:40 a.m. 1.00 hr

A Practical Legal, Financial and Operational Guide to Managing Nonprofit Risks and Liabilities

A discussion of relevant law unique to managing and investing charitable assets in an environment of heightened state and federal scrutiny; how charitable organizations identify attractive alternative investments that are consistent with state and federal law and an organization's investment policy; and a look at the day-to-day management and administration of charitable organization due diligence without an LLM in Tax or a Ph.D. in Homeric Greek.

Moderator:
Michael V. Bourland, Bourland, Wall & Wenzel, P.C., Fort Worth, TX
Panelists:
John Bateman, Foundation Source, Fairfield, CT
David H. Diesslin, Diesslin & Associates, Inc., Fort Worth, TX

10:40 a.m. Break

10:55 a.m. 1.00 hr including .25 hr ethics

Form 990: One Year Later

The first filing season for the new Form 990 will be complete. This session explores this brave new world, including the challenges facing both the information gatherers and the preparers of the Form 990, and considers the implications for the future.

Jody Blazek, Blazek & Vetterling, Houston, TX
David M. Rosenberg, Thompson & Knight LLP, Dallas, TX

11:55 a.m. .75 hr

Building a Fiduciary Process for Your Fund: Understanding Fiduciary Oversight of Your Investment Managers, Investment Returns and the Risk Taken to Get Them

An overview of the relationship of investment returns and risks; including historical returns of different asset classes; the challenges of diversification and asset allocation; basic benchmarking guidelines that should raise red flags when something is too good to be true; and commentary on requisite due diligence in reviewing performance.

Sanford J. Leeds III, The University of Texas at Austin, McCombs School of Business, Austin, TX
Norman E. Nabhan, The Kelsey Group at Graystone Consulting, Houston, TX

THURSDAY AFTERNOON

Presiding Officer:
P. Mike McCullough, Thompson & Knight LLP, Dallas, TX

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12:40 p.m. Pick up Box Lunch

LUNCHEON PRESENTATION

Introduction by Lucille DiDomenico

1:00 p.m. .75 hr

American Wants and Identities: Thoughts for the Corporate and Nonprofit Sectors

This presentation examines what Americans want and the role of small focused groups and societal trends as a basis for organization and identity through the lenses of three renowned pollsters/political advisors/marketers as expressed in their respective books, *Microtrends* by Mark Penn, *What Americans Really Want… Really* by Frank I. Luntz and *Tribes* by Seth Godin.

Randy Mayeux, Independent Consultant, Richardson, TX

1:45 p.m. Break

Concurrent Sessions

CHARITABLE ORGANIZATIONS TRACK

Presiding Officer:
Kenneth L. Gladish, Austin Community Foundation, Austin, TX

2:00 p.m. **.75 hr**

The Legal Issues of Fundraising via Charitable Raffles, Poker Tournaments, Auctions and other Gaming Activity

This session provides an overview of the federal and Texas rules applicable to popular fundraising events held by Texas charities, including raffles, silent and live auctions, poker tournaments, and bingo. Relevant federal income tax issues that are covered include the impact of the unrelated business income tax rules and charitable contribution rules. Relevant Texas laws include the Texas Charitable Raffle Enabling Act as well as Texas laws prohibiting illegal gambling activities.

Tyree Collier, Thompson & Knight LLP, Dallas, TX

2:45 p.m. **.75 hr**

Cause-Related Marketing: Legal Issues and Business Challenges

In hard economic times, charitable organizations may look to nontraditional sources of financing to supplement contributions and fee-based program revenues. Forming cause-related marketing alliances with for-profit companies could help bridge the gap. Despite the widespread success of cause-related marketing, the IRS has issued little guidance on acceptable cause-related marketing practices of charitable organizations. This session examines potential unrelated business income tax (UBIT) and private benefit concerns surrounding cause-related marketing activities and discusses business structures which implicate these concerns.

Terri Lynn Helge, Texas Wesleyan University School of Law, Fort Worth, TX

3:30 p.m. **Break**

3:45 p.m. **.33 hr**

Maximizing Your Successful Charitable Activities: Can You Be Innovative without Paying UBIT?

You know how to build a better mousetrap. Now you want to leverage this knowledge to help other nonprofits while helping your bottom line. The White House and leading foundations are rewarding innovative charities. This presentation covers how you can maximize your successful programs without generating UBIT.

Nicola Fuentes Toubia, Fuentes Toubia, PLLC, Houston, TX

4:05 p.m. **.67 hr**

Volunteers, Compensation and Benefits in Exchange for Work: Rules, Pitfalls and Opportunities

When tax-exempt organizations recognize the contributions of volunteers' time, they may create unintended legal and tax liabilities. This session examines the legal and tax ramifications that arise when volunteers receive anything of value besides the good feeling of helping others. This session also covers gift cards, gala dinners and other "perks" for volunteers that create legal and tax issues for the tax-exempt organization. The issues that arise when employees also volunteer for the same organization are addressed.

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

4:45 p.m. **.75 hr**

Finding New Leaders of the Next Generation

Much has been written about the oncoming generational transition in leadership in the charitable sector. Some studies point to a "leadership crisis" as Baby Boomers move toward retirement and as the number of nonprofits continues to grow. As the identification, recruitment, engagement and retention of organizational leadership is at the core of trustee responsibility, this is an issue which ought to be of concern to both Board leaders and those key advisors who counsel nonprofit Boards of Directors. This session focuses on understanding the facts, discussing the challenges and summarizing reasonable and workable responses to the "leadership crisis."

Moderator:
Kenneth L. Gladish, Austin Community Foundation, Austin, TX
Panelists:
Stephen Bauer, American Humanics, Inc., Kansas City, MO
Kim Caldwell, Young Nonprofit Professionals Network, Little Rock, AR

5:30 p.m **Adjourn to Sponsored Reception**

PRIVATE FOUNDATIONS TRACK

Presiding Officer:
P. Mike McCullough, Thompson & Knight LLP, Dallas, TX

2:00 p.m. **.75 hr**

Competing Views on Issues Facing Private Foundations

During the past year, nonprofit advocacy groups have stepped up efforts to promote their views about foundation grant-making—views that may be at odds with those foundations' donors, Boards and managers. How much should foundations give away? Should some categories of nonprofits be preferred over others? Are some kinds of grant support better than others? Two foundation executives discuss competing views.

Sheryl L. Johns, Houston Endowment Inc., Houston, TX
Michelle D. Monse, Carl B. & Florence E. King Foundation, Dallas, TX

2:45 p.m. **.75 hr**

Thorny Tax Issues Facing Private Foundations

Case studies on common questions, missteps, and solutions to thorny dilemmas faced by private foundations are covered. The session focuses on tax on investment income, payout calculations, qualifying expenses, and self-dealing.

Jeffrey D. Haskell, Foundation Source, Lynbrook, NY

3:30 p.m. **Break**

3:45 p.m. **.50 hr**

The Growth, Future and Role of Low-Profit Limited Liability Companies (L3Cs)

At its most elemental level, the low-profit limited liability company, or L3C, is a cross between a nonprofit and a for-profit. It is a new form of business enterprise that is designed specifically to further a charitable or educational mission, and, in the right circumstances, may qualify as a program-related investment for foundations. This presentation explains the nuts and bolts of this new kind of for-profit structure with a nonprofit soul.

Cassady V. Brewer, Morris, Manning & Martin, LLP, Atlanta, GA

4:15 p.m. **.75 hr**

Private Foundations: The Past, the Present and the Future or "The Good, the Bad and the Ugly"

A look at the evolution of tax issues affecting private foundations today and a discussion of what the future might hold.

Kelli Archibald, Ernst & Young LLP, Phoenix, AZ

5:00 p.m. **.50 hr**

Family Issues in Private Foundations

Most private foundations are controlled by one family. Therefore, family issues can affect the governance of a private foundation. This session explores problems encountered in the context of managing a private foundation.

Ronald S. Webster, Fizer, Beck, Webster, Bentley & Scroggins, P.C., Houston, TX

5:30 p.m **Adjourn to Sponsored Reception**

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FRIDAY MORNING, JANUARY 15, 2010

Presiding Officer:
Susan K. Staricka, Office of the Attorney General, Austin, TX

7:30 a.m. **Conference Room Opens**

Includes continental breakfast.

8:00 a.m. **.75 hr ethics**

The Ethics of Negotiations

The ethical dilemmas lawyers face when advocating positions on behalf of clients, in transactions, arbitrations, or before courts. When does "bluffing" become an act subject to professional censure? Are there ethical differences between telling a lie and withholding the truth? Are misdirected emails to be treated as misdirected facsimiles? New rules on surreptitious recordings by attorneys.

Lawrence L. Foust, Children's Hospital Los Angeles, Los Angeles, CA

8:45 a.m. **Break**

9:00 a.m. **1.00 hr**

IRS Update on Nonprofit Organizations: A View from Washington

A discussion of the key issues facing the IRS, including the colleges and universities questionnaire, governance, employment taxes, foreign activities, and non-compliant nonprofits.

Sunita B. Lough, Director, IRS Exempt Organizations Examinations, Internal Revenue Service, Washington, DC

10:00 a.m. **1.50 hrs**

Current Tax and Legislative Developments for Nonprofit Organizations

A review of current developments, including legislation, regulations, IRS rulings, and court opinions, with emphasis on these aspects of the law: qualification for exemption, new public charity rules, IRS audit and compliance check activity, governance developments, unrelated business, joint ventures, private inurement and benefit, intermediate sanctions, legislative and political activity, supporting organizations, donor-advised funds, endowments, private foundations, and planned and other charitable giving.

Bruce R. Hopkins, Polsinelli Shughart PC, Kansas City, MO

11:30 a.m. **Break**

11:45 a.m. **.50 hr**

The Heart of the Matter: A New Look at Charitable Gift Acceptance Policies

The written gift acceptance policy can be used as an internal management tool, ethical guide, risk management tool, fundraising aid, and guide for tax compliance. The power and flexibility of the well-prepared gift acceptance policy, including special requirements for supporting organizations, donor-advised funds and private foundations are covered.

G. Philip Morehead, Attorney at Law, Abilene, TX

12:15 p.m. **.75 hr ethics**

Ethical Issues and Conflicts Involving Donors, Charitable Organizations, and Grant Recipients

A discussion of ethical issues and conflicts that arise (1) when advising charities with respect to potential contributions where the interests of the donor (who may or may not be a Board member) conflict those of the charity, or (2) the lawyer is advising a grant-making charity on a potential grant with respect to which a Board member has a conflict by virtue of being on the Board of (or having some other close affiliation with) the potential grantee.

Robert Boisture, Boisture Law, Arlington, VA

1:00 p.m. **Adjourn**

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❑ Early Registration Fee due by Wednesday, January 6, 2010 .... $475.00

❑ Registration Fee after Wednesday, January 6, 2010 .... $525.00

Optional Wednesday Afternoon Session – Select One: $75.00

❑ Track A: Primer on Nonprofit Organizations

❑ Track B: Effective Financial Management of Nonprofits

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Allow 3–5 weeks from the conference date for delivery.

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Note: Conference registration includes Course Binder.

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AUSTIN

January 13, 14 - 15, 2010

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512-685-8100

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(subject to availability)

Parking:
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KEY DATES

January 6, 2010, 5 p.m.
last day for early registration
add $50 for registrations received after this time

January 8, 2010, 5 p.m.
last day for full refund

January 11, 2010, 5 p.m.
last day for partial refunds
$50 processing fee applied

January 13, 2010, 4 p.m.
Optional Wednesday afternoon sessions begin

January 14, 2010, 9 a.m.
Institute begins

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