



Eve Borenstein's 2021* Form 990 Webinars

*Available May 2021-April 2022 via CPA Crossings

14 Sessions (each broadcast monthly):

- Ten in the *Form 990 Foundational Series*
- Four *Master Classes*

Course Descriptions follow (one per page), followed by a note reflecting changes from 2020 version

For further information on the webinars' availability (as well as information on other offerings), please see the "Training/Events" tab at www.taxexemptlaw.org or contact Eve at: eve@taxexemptlaw.org

Understanding the Form 990 and its Preparation Prerequisites

Course Code: EB9FD020 (INTRO to the Form 990 Foundational Series)
CPE Credits: 2.0
Program Level: Overview

Description: This "initiation and introduction to" the Form 990's mechanics and importance will help you NOT drown in the Form 990's force-field! More than 80% of the Form's inputs and definitions are outside of the statutes and Regulations that apply to the exempt sector, and their breadth can be overwhelming for novices and even advanced preparers. This session provides an easy-to-digest synopsis of the entirety of the Form's key definitions and surveys and explains the mechanics that preparers must embrace from the moment they first approach preparation of a 990.

Packed with practical tips and perspectives on data gathering, this class is a "must" gateway for beginning and even more experienced preparers who need "befriend Form 990 preparation" if they are going to get it right! This webinar vaults preparers past all the initially confounding problems of the Form 990 via baseline info on the critical nuances in use for the form.

Program Content: The major topics that will be covered in this class include...

- Overview of both the Form 990's design and the goals in play upon the Core Form and its tack-on Schedules
- Address of the definition's key factors that make a third-party organization a "related organization"
- Exploration of the key definitions of the parties who comprise managers disclosed upon Part VII-A (i.e., as a TDOKE – a Trustee/Director (TD)/Officer (O)/Key Employee (KE); or if not a TDOKE, as a High 5) as well as the definition and measure of "reportable compensation"
- Assistance in understanding the definitions of "family member" and "independence" (as applied in Parts VI and Schedule L)
- Introduction to the definition of "business relationship" as same is used in Part VI
- Covering the necessary sequencing of the form's preparation tasks including who likely will be the providers of necessary data
- Need for 990-filers to engage their Board of Directors to have them understand what the completed Form 990 conveys to the public/regulators

Learning Objectives:

- Appreciate the public relations and regulatory impact of the 12-page Core Form and the most-common substantive-topic Schedules
- Identify the circumstances "triggering" each of the 15 substantive-topic Schedules
- Identify and master the six key Glossary Terms which all 990 preparers must be able to apply
- Distinguish the impact on Board members' "independence" resulting from Schedule L reporting
- Discern the various parties who will need provide the data necessary to complete the 990's widely disparate arenas of inquiry
- Recognize the value of, and discern approaches appropriate to, public relation sensitive disclosures and presenting the completed form to a filer's Board

Who should attend: Public accounting tax and audit staff, and nonprofit organization's Treasurers, CFOs and other finance/compliance advisors

Developed and Instructed By: Eve Rose Borenstein, J.D., under auspices of Eve Rose Borenstein, LLC

Prerequisites: Some familiarity with the nonprofit sector helpful, but not necessary.

Finding & Reporting 990 Filers' Related Organizations

Course Code: EB9FD120 (Session 1* of the Form 990 Foundational Series)
CPE Credits: 2.0
Program Level: Basic (to Intermediate)

Description: Mastery of the Form 990 not only requires ability to identify the filer's "related organizations" but doing so is THE FIRST preparation step called for in the 990 instructions! This "990-term-of-art" employs four commonly-found categories: the first three utilize a 990-specific definition of "control" as the basis for determining related organizations due to "parent," "subsidiary," or "sibling" status; and a fourth applies when a supporting organization is in the mix (VEBA's face a unique rule which is easy to master and also noted). This session fully illuminates, with real-world explanations, the full panoply of nuances that preparers confront in working with those four categories. Participants will find multiple take-away tools and tips to master the underlying definitional precepts of direct and indirect "control" the 990 imposes. Thereafter, the materials and author/instructor turn to an overview of the preparation points for Parts II-V of the Schedule R.

Program Content: The major topics that will be covered in this class include...

- The reach of "parent-subsidiary" and "sibling" status when the party who is the subject of "control" is a nonprofit/nonstock entity [note this applies both to ascertaining whether the filer is "controlled by" a related organization OR itself "controls" another nonstock entity]
- Understanding what is considered "control" when a potential related organization is: a stock corporation; a partnership or an LLC taxed as a partnership; or a trust
- The challenges of both finding "directly-controlled" related organizations versus imputing related organization status through "indirect control"
- The two automatic status categories of related organizations: supporting organization connections (one entity being a 501(c)(3) with 509(a)(3) sub-classification from connection to another entity) and VEBA-unique categories
- Overview information sought on Schedule R's Parts II-IV once the presence of one or more related organizations is ascertained
- Schedule R Part V disclosure demands when a related organization is a "controlled entity" under, and thus subject to, Code section 512(b)(13)'s UBIT-reach
- Overview of the Schedule R Part V disclosure requirements for 501(c)(3) filers who have a related organization itself recognized as tax-exempt under 501(c)(x) other than 501(c)(3)

Learning Objectives:

- Identify the principles by which control vests in determining parent (of subsidiary), subsidiary (of parent), or sibling status between the filer and another not-for-profit
- Identify how control vests over an entity that is a stock corporation
- Appreciate the principles that yield "commonly controlled" related organizations (i.e., sibling organizations)
- Understand what baseline information is required when reporting existence of related organizations in Schedule R's Parts: II (tax-exempt entities); Part IV (corporations or trusts); and Part III (partnerships)
- Recognize the info disclosure sought in Schedule R's Part V with respect to TYPES of transactions with related organizations and when specific dollar disclosure is required

Who should attend: Public accounting tax and audit staff, and nonprofit organization's Treasurers, CFOs and other finance/compliance advisors

Developed and Instructed By: Eve Rose Borenstein, J.D., under auspices of Eve Rose Borenstein, LLC

Prerequisites: None.

*** NOTE:** This session meets the prerequisite for the *Master Class, "Handling Complex Related Org Issues: Schedule R's Parts II-V"* (course code EB9SCR25)

Reporting Managers & Their Compensation: Form 990

Part VII-A

Course Code: EB9FD225 (Session 2* of the Form 990 Foundational Series)

CPE Credits: 2.5

Program Level: Basic (to Intermediate)

Description:

Identifying the "right" people who are to be disclosed as holding status as a Trustee/Director, Officer, or Key Employee (these comprising the key pool of "managers" requiring 990 disclosure), a/k/a "TDOKEs," is essential to appropriate Form 990 reporting. Part VII-A is the very first leg of the 990's three-legged stool of primary non-financial statement disclosures. This webinar's materials and the author/instructor's practical perspective will readily guide preparers through the minefield of understanding who qualifies as a "current" TDOKE (or, alternatively, as a "High 5") as well as when "former" status applies.

Clear examples illustrate compensation testing for KEs, High 5s, and formers, with emphasis on the challenges fiscal year organizations face in vetting these individuals given the required "dial back to the calendar year" required in applying KE and High 5 status and compensation thresholds.

Program Content:

- Definitions behind the three classes of legally or quasi-legally in-charge managers who are required to be disclosed as current managers relative to each Form 990's tax year
- Identifying what makes someone a "High 5"
- Drilling into the *reportable compensation* thresholds by which employees fall into consideration as either "current" Key Employees or High 5s, as well as the relevant compensation thresholds for status as a "former" TDOKE
- Explanation of the two "buckets" of disclosable compensation – *reportable* and *other* – that are required to be reported as having been provided to all current and former managers (and High 5s) disclosed on Part VII-A
- The two "\$10,000" exceptions on Part VII-A that void the need to disclose a related organizations' reporting (based on amounts) of "reportable compensation"; and excepting certain types of "other compensation"

Learning Objectives:

- Readily identify the three classes of legally or quasi-legally in-charge managers who are required to be disclosed on the filing for the tax year being reported upon
- Recognize the "reportable compensation" thresholds by which employees fall into consideration as either Key Employees or High 5s (as well as "former" TDOKEs)
- Distinguish the mandatory three versus all the other nontaxable remunerative benefits that are reported as "other compensation" paid or incurred to current and former TDOKEs and High 5s
- Apply the \$10,000 'per type' reporting exception for certain items of "other compensation" and understand that this exception does not apply when reporting on Schedule J

Who should attend: Public accounting tax and audit staff, nonprofit organization's Treasurers, CFOs, and other finance/compliance advisors

Developed and Instructed By: Eve Rose Borenstein, J.D., under auspices of Eve Rose Borenstein, LLC

Prerequisites: None, although helpful to have some familiarity with the circumstances that make another entity a "related organization" of the filer.

*** NOTE:** This session meets the prerequisite for the *Master Class*, "Complex Manager Comp Scenarios: Core Form VII-A & Schedule J (course code EB9MGR25) and meets one of two prerequisites for the *Master Class*, "Handling Complex Related Org Issues: Schedule R's Parts II-V" (course code EB9SCR25)

Transactions with Interested Persons: Form 990 Schedule L

Course Code: EB9FD325 (Session 3* of the Form 990 Foundational Series)
CPE Credits: 2.5
Program Level: Basic (to Intermediate)

Description: Schedule L reports in two different directions – it typically reaches three categories of transactions with a filer's "Interested Persons": loans outstanding with them, grants or assistance being provided to them, and business transacted with them. The L also serves as a "turn them in" reporting obligation when an impermissible transaction (one thus subject to excise tax) has occurred: a "disqualified person" has been provided "excess benefit". This session's address of what the Schedule L requires in each direction is designed to help preparers not "lose their minds" over the schedule's inherent complexity. The materials and the author/instructor detail in Plain English *who* are the parties the 990 considers "Interested Persons" as well as when (and why) their intersections with the filer are the subject of this schedule's "sunlight". The two-fold goal is to not only further an understanding of what each of Schedule L's parts is looking for, but to also foster an appreciation of how to access data necessary to these parts' completion. NOTE: This session is a prerequisite for the author/instructor's Master Class, "Insider' Dealings and Sunshine: Schedule L's Parts II-IV."

Program Content: The major topics that will be covered in this class include...

- Reviewing both: (a) the methodology that Schedule L employs in Parts II - IV to cast sunlight on the fact that an **"Interested Person" (IP)** engaged with the filer in either: loan arrangements; as the beneficiary of the filer's grants or assistance; or via business transactions that exceeded *de minimis* thresholds; and (b) the five categories by which IP status vests for purposes of these three parts
- Explanation of the dollar-amount thresholds applicable in Schedule L's Part IV when disclosing "business transactions", and preparation tips for applying these thresholds
- Summary of Schedule L's Part III instructions as to what constitutes the provision of grants or assistance to an IP, and overview of the special rule educational institutions have that allows them to withhold the names of scholarship or fellowship recipients
- Schedule L's Part II reporting on loans outstanding with IPs, along with preparation tips
- Quick intro to the Code section 4958 excise tax scheme that 501(c)(3) and (c)(4) filers are subject to should they have conveyed "excess benefit" in any transaction with a disqualified person; and timing and disclosure considerations in play with Schedule L's Part I reporting

Learning Objectives:

- Recognize hierarchy of Schedule L's Parts II, III and IV intersections with IPs
- Appreciate the far reach of the five uniform categories that are used to define baseline IPs for Parts II-IV reporting
- Distinguish when Part IV requires multiple business transactions with a particular IP to be reported either because of the amount of each individual transaction or based upon all transactions' aggregated amounts
- Identify the separate Part IV threshold that applies for reporting the fact of compensation being provided to a family member of an IP
- Familiarity with identifying what constitutes a disclosable loan in Part II and the fact of a reportable grant or assistance in Part III

Who should attend: Public accounting tax and audit staff, and nonprofit organization's Treasurers, CFOs and other finance/compliance advisors

Developed and Instructed By: Eve Rose Borenstein, J.D., under auspices of Eve Rose Borenstein, LLC

Prerequisites: None

*** NOTE: This session is the sole prerequisite for the Master Class, "Insider' Dealings and Sunshine: Schedule L's Parts II-V" (course code EB9SCL25)**

Reporting Fundraising Results: Form 990 Part VIII (& Sch. M)

Course Code: EB9FD425 (Session 4 of the Form 990 Foundational Series)
CPE Credits: 2.5
Program Level: Basic (to Intermediate)

Description: Most exempt organizations undertake fundraising sales and events, but GAAP reporting of the underlying transactions and results is at odds with the Form 990's demands! Preparers need know both how these activities are defined for Form 990 purposes, and the extent to which their underlying components need be isolated and disclosed to meet the form's financial reporting parts (including inputting results on both Schedules G and A). It is not uncommon for preparers to incorrectly report these revenue items, failing to detail their distinct revenue streams, direct expenses, and associated solicitation expenses. The practical experience of the author/instructor and her examples create a framework for preparers to see how the 990 requires appropriate disclosures in the context of silent auctions, annual dinner/dances, and sales campaigns.

Program Content: The major topics that will be covered in this class include...

- Definition of "*fundraising events and sales*" and distinguishing operations not within that characterization
- Address of what constitutes a true gift or contribution when same is paid on top of a purchase of services or goods
- Specifics of Form 990 inputs to be made on Part VIII Lines 1c and 8a (and noting companion Schedule G reporting) and comparison to contradictory GAAP reporting
- Handling PPP loan forgiveness as a revenue stream
- Inputting data in order to bifurcate an event's participant or purchaser's payment between "gift/contribution" and fundraising event/sale revenue
- What constitutes a "solicitation" expense that need be reported on Part IX, and thus cannot be characterized as a direct expense of a fundraising event or sale
- Practical tips for handling revenues from silent auctions and handling auctions of "rights to use" another's properties or services
- Communicating with filers' managers as to the advance work they can perform to shortcut 990 documentation needs in this arena
- Ramifications and results of 990 Part VIII reporting on each of the two "public support tests"

Learning Objectives:

- Recognize the correct tax reporting of fundraising revenue related to sales or special events by both their separate character and timeframe
- Distinguish between donations for fundraising events or sales (for example, silent auction items, prizes to be awarded at the event, or goods that will be sold) and donations from event participants
- Apply the unyielding 990 definition of "*noncash contribution*" and associated data capture needs for Part VIII reporting as well as amplification on Schedules G and M
- Identify when disbursement of pre-fundraising event or pre-sales goods (or other-acquired noncash contributions) constitute a direct expense of fundraising events or sales
- Determine what qualifies as fundraising events/sales direct expenses for Form 990 Part VIII Line 8 disclosure versus a solicitation expense that is to be reported upon Part IX

Who should attend: Public accounting tax and audit staff, and nonprofit organization's Treasurers, CFOs and other finance/compliance advisors

Developed and Instructed By: Eve Rose Borenstein, J.D., under auspices of Eve Rose Borenstein, LLC

Prerequisites: None, although helpful to have some knowledge of how the Form 990 is structured.

Financial Statements Display: Form 990 Parts VIII, IX, X & XI

Course Code: EB9FD525 (Session 5 of the Form 990 Foundational Series)
CPE Credits: 2.5
Program Level: Basic (to Intermediate)

Description: The Form 990's approach to reporting financial statements initially seems easy as it follows the filer's books with only a modest amount of "990 instructions"-required changes. Unfortunately, the instructions include multiple conventions the IRS impose that replace GAAP treatment that many filers would otherwise follow!

Preparers need be able to recognize and apply the 990's non-recognition of both the donation of services or discounts on accessing others' properties and mark-to-market valuation of invested assets. Furthermore, many of the 990's revenue categories are unique to sector-practices and/or have 990-specific reporting needs. The materials and the author/instructor readily inform preparers as to how the maze of 990 reporting pieces that must be mastered prior to working on the form's three financial statement parts.

Program Content: The major topics that will be covered in this class include...

- Statement of Revenue (Part VIII) key definitions: the six rules behind Line 1 (gifts, grants, contribution) and the definitions that drive Line 2 (program service revenue), including characterization of passive investment-type revenues as "program-related investments"
- Unique status issues that require inputting of revenues upon Part VIII's Lines 8-10 (the fundraising events or sales, gaming, and sales of inventory lines)
- Understanding the unrelated business income tax (UBIT) "self-audit" reporting applied via Part VIII's columns including the baseline definitions that are used to identify revenue streams as either exempt function income, sourced-to-UBI, or UBIT-excepted
- Statement of Functional Expenses (Part IX): understanding the natural classifications of costs employed upon the form, and exploration of the relevant definitions as well as common mistakes that result from ignorance of this part's instructions
- Balance sheet (Part X) issues overall including handling the reconciliation of P&L yearend assets in Part IX and noting form deficiencies in flagging the possible application of Schedule L

Learning Objectives:

- Command the common "book versus 990" differences that are key to reporting revenues, expenses, and changes in net assets on Parts VIII-X
- Distinguish the variety of inputs from a filer's book financial statements that require adjustment to 990 conventions
- Appreciate the hierarchy of revenue reporting Part VIII applies
- Identify where additional information may be necessary in order to meet disclosure mandates for certain reconciling items enumerated on Part XI
- Recognize the 990's separate Schedules that may be required as a result of entries or conditions reported on Parts VIII - X

Who should attend: Public accounting tax and audit staff, and nonprofit organization's Treasurers, CFOs and other finance/compliance advisors

Developed and Instructed By: Eve Rose Borenstein, J.D., under auspices of Eve Rose Borenstein, LLC

Prerequisites: None, although helpful to have some knowledge of how the Form 990 is structured.

Program Services & Governance: Form 990 Parts III & VI

Course Code: EB9FD625 (Session 6 of the Form 990 Foundational Series)
CPE Credits: 2.5
Program Level: Basic (to Intermediate)

Description: The Form 990 Parts addressed in this session are two 'legs' of the 990's non-financial disclosure-driven 'three-legged stool'. Stakeholders, donors, competitors, and naysayers use both the Program Service Accomplishments Part's disclosures and the filer's responses to Part VI's "Governance" inquiries to assess the organization's credibility and have a sense of management's capacity. Part III not only details Program Services' output with great specificity, but also updates the Form's readers both as to the filer's largest arenas of activities and how conducted activities have changed. And Part VI, the infamous "Governance Part," provides information as to the composition of those "legally in charge," as well as how the Board of Directors/Trustees and its delegated officials employ policies in favor of maintaining internal controls. Preparers need to appreciate the importance of these two key parts and ensure that filers put their "best foot forward" properly here.

Program Content: The major topics that will be covered in this course include...

- Part III's mandated disclosures with respect to the "largest three" programs conducted in the filing period
- Handling public relations needs when the size measures for "largest three" result in omission of a 'top 3' program
- Function of Part III as an ongoing updating of the filer's listing of all activities being performed as of the tax year being reported upon
- Properly reporting upon new or changed programmatic efforts and appropriate reporting on program cessation
- Function (and methodology) of Part VI, with emphasis on its six most important inquiries
- Role of Schedule O in providing mandated narration of governance practices inquired of in Part VI
- Common 'foot-faults' in answering Part VI's key questions

Learning Objectives:

- Recognize the quantitative detail required in reporting on each of the organization's largest three program arenas' "accomplishments," including the expenditures detail required to be entered by 501(c)(3) and 501(c)(4) filers in the headers to Part III's Lines 4a-4d
- Identify required Part III reporting when there has been any of the following: significant changes to programs, the addition of new programs, or cessation of prior-conducted programs
- Embrace and appreciate: (a) the key six governance inquiries in Part VI of the Core Form that have the most important ramifications from a public relations perspective; and (b) the narrative disclosures required on Schedule O for all key Part VI disclosures (and understand where the face of the Form cannot be relied upon!)
- Understand which Part VI lines are "most reviewed" by State regulators
- Learn the objective criteria by which a board of directors has sufficiently been provided Form 990 pre-filing in manner sufficient to garner a "Yes" answer to the inquiry at Part VI's Line 11a
- Identify the multiple disclosures required when a management company is employed at any time in the tax year being reported upon, and contrast these with Part VII-A

Who should attend: Public accounting tax and audit staff, and nonprofit organization's Treasurers, CFOs and finance/compliance advisors

Developed and Instructed By: Eve Rose Borenstein, J.D., under auspices of Eve Rose Borenstein, LLC.

Prerequisites: Some familiarity with the nonprofit sector helpful, but not necessary.

Understanding the “Most Common” Form 990 Schedules: A, B & C

Course Code: EB9FD725 (Session 7 of the Form 990 Foundational Series)
CPE Credits: 2.5
Program Level: Basic (to Intermediate)

Description: 'C the BAD DoG' is a handy phrase used to remind preparers of the Form 990's five most frequently applied substantive Schedules (A, B, C, D, G) and the ALWAYS-required Schedule O. This webinar addresses the first three of these substantive Schedules – A (required of all 501(c)(3) organizations); B (required for many (c)(3)s AND some non-(c)(3)s); and C (reporting on spheres of public policy intersection). The author/instructor's approach to all three is designed to: (1) demystify the Schedule A overall (and explain the nature of the two public support tests); (2) address common misconceptions concerning the Schedule B's reporting of donors; and (3) highlight the reach and underlying preparer needs behind Schedule C's three parts, including commonly missed Sch. C reporting obligations.

Program Content: The major topics that will be covered in this class include...

- What 990 preparers need to know about the benefits of a 501(c)(3) organization being a public charity rather than a private foundation (and how Schedule A, Part I "claims" such status)
- The public policy precepts and resulting emphasis preparers must apply in approaching the predominant "*public support test*" in favor of completion of Schedule A's Part II
- The overarching needs behind preparing Schedule B for filing and, as necessary, its related worksheet: which donors are to be listed and with what identifying information required to be provided to the IRS, depending on 501(c) status of the filer; and what information 501(c)(3) filers will omit from the public inspection copy of the 990
- Introduction to the baselines driving each of the Schedule C's three Parts: undertaking electioneering in favor of, or opposition to, candidates or the political parties supporting them (Part I); lobbying reporting when same is undertaken either in the tax year (for non-electors) or regardless of activities, when a 501(h) election is in place (Part II); and the existence of the so-called "proxy tax" and its demands when 501(c)(4), (5) or (6) organizations with dues-paying members incur electioneering or lobbying expenses as determined by a Code section that tracks non-exempt organization definitions

Learning Objectives:

- Recognize Schedule A's function of having filers report the primary basis of their non-private foundation classification in the tax period regardless of prior years' qualification
- Identify the revenue input difference that distinguishes the two *public support tests'* bottom-line "public support" percentage achieved over rolling five tax year periods
- Appreciate the notion of "public support" as coming in whole or part from "diverse donors," and the how in the case of the first public support test this means that most large donors may have a set limit imposed by which only a portion of their donation(s) count as public support
- Identify the pertinent reporting conventions applicable in Schedule B for disclosing donors' contributions (including when donors' identity may not need be disclosed to either the IRS or via public inspection conventions when donors' identity is shared with the IRS)
- Distinguish the conditions by which 501(c)(3) filers who employ the "no substantial part test" versus the 501(h)-elected-test are to complete Schedule C's Part II
- Identify the conditions by which a 501(c)(4), (5) or (6) filer will be required to report on receipts from dues-paying members to calculate impact of the "proxy tax"

Who should attend: Public accounting tax and audit staff, and nonprofit organization's Treasurers, CFOs and other finance/compliance advisors

Developed and Instructed By: Eve Rose Borenstein, J.D., under auspices of Eve Rose Borenstein, LLC

Prerequisites: None, although helpful to have some familiarity with the nonprofit sector.

Intro to Remaining “Most Common” Form 990 Schedules: D & G

Course Code: EB9FD825 (Session 8 of the Form 990 Foundational Series)
CPE Credits: 2.5
Program Level: Basic (to Intermediate)

Description: Schedule G is a top five 'most common substantive' Schedule as it details with more specificity than the Core Form a filer's revenue capture and the direct expenses from a filer's galas (i.e., fundraising events) and non-event fundraising sales, as well as reports on the conduct of gaming activities. Schedule G also applies if the filer has used a professional fundraiser. Schedule D's parts are there to denote financial information as well as compliance points and/or data-capture the IRS seeks when a filer has certain assets on its balance sheet. Schedule D also requires input of audited financial statements' footnote specifying whether or not an uncertain tax position has been taken.

This session highlights not only what informs the IRS' inquiries in these two “most-common” Schedules but also how these disclosures are used by other regulators and other readers.

Program Content: The major topics that will be covered in this class include...

- Overview of what comprises a “fundraising event or sale”
- Explanation of the low receipt thresholds by which Schedule G's Parts II (*fundraising events and sales*) and III (*gaming*) are invoked
- How Schedule G's Part II amplifies summary data inputted on Part VIII, Lines 1c, 8a and 8b
- Review of what constitutes gaming activity
- Noting the underlying three tax issues that gaming activities implicate: potential unrelated business income tax, unmet payroll tax if volunteer worker/contractor status is improperly claimed, and wagering excise taxes
- Discussion of what makes a provider a “professional fundraiser” and what information filers are responsible to report in Schedule G's Part I related to their use
- Explanation of the Schedule D “triggers” employed upon the 990's Core Form Part IV
- Highlighting the common potholes Schedule D preparers face

Learning Objectives:

- Appreciate the need to work with gross fundraising events or sales revenues both on Core Form Part VIII and on Schedule G's Part II in order to not hide incorporated transactions
- Identify the various regulatory interests that filers conducting gaming are required to speak to on Schedule G's Part III
- Understand not only which types of assets generate application of Schedule D's multiple parts but also why those types have been singled out for additional disclosures
- Apply the 990's definition of “noncash contributions” and need to keep data available from each tax year to support the disclosures required on both Core Form Part VIII and Schedule M when items comprising such contributions are donated to the organization

Who should attend: Public accounting tax and audit staff, and nonprofit organization's Treasurers, CFOs and other finance/compliance advisors

Developed and Instructed By: Eve Rose Borenstein, J.D., under auspices of Eve Rose Borenstein, LLC

Prerequisites: None, although helpful to have some knowledge of the nonprofit sector.

Form 990 Parts V (Other Tax Issues) & I (Financial Summary)

Course Code: EB9FD915 (Session 9 [final] of the Form 990 Foundational Series)
CPE Credits: 1.5
Program Level: Basic (to Intermediate)

Description: This session focuses first (and primarily) on Part V, providing explanation of each inquiry from two perspectives – the line's underlying compliance requirement, and the business need ramifications the generate. Part V invokes multiple compliance points set out in federal tax (including payroll tax obligations and donors' ability to access charitable contributions deductibility) that are not elsewhere addressed in the 990. The author/instructor addresses issues and nuances not covered in the instructions and provides preparation tips.

Part I's preparation needs start with avoiding calculation confusion when completing the Summary Financials totals at lines 8-22. These lines' abbreviated categories and oddball capture of "fundraising expenses" from competing Core Form parts are covered, along with tips on addressing questions readers may have in exploring this part.

Program Content: The major topics that will be covered in this class include...

- Addressing Part V's additional tax compliance points for 990 filers (i.e., statutory requirements outside of those that relate to maintaining tax-exemption-qualification)
- Substantive background on the underlying line-specific tax needs covered in four key lines:
 1. Use of a common paymaster (and its impact on) "number of employees" [and ramifications on mandated e-filing applicable to larger organizations] (Line 2)
 2. When a Form 990-T filing is (and is not) required (Line 3a)
 3. The *quid pro quo* solicitation disclosure mandates (Line 7a/7b)
 4. Need to communicate when soliciting donors if the organization is not eligible to receive tax-deductible contributions (Line 6a/6b)
- Existence of other, and often overlapping, disclosures and/or filings required when a filer captures specific amounts of tax-deductible charitable contributions, including, in certain circumstances, donations of property
- Explanation of the basics behind the excise tax schemes applied to filers who either:
 - hold "donor-advised funds" (Lines 8 and 9); or
 - are potentially reached by IRC section 4960's executive compensation tax (Line 15)
- Potholes in culling the current and prior year's tax return information necessary to complete Part I's Lines 8-22

Learning Objectives:

Identify the "gotcha" questions in Part V: (1) regarding payroll tax reporting (including back-up withholding), (2) need to file unrelated business income tax returns, and (3) disclosures related when soliciting and/or receiving certain contributions

Apply overview background information to be able to inform filers of their basic business needs that arise outside of IRS enforcement of Form 990 filing obligation

Assist filers in appreciating both e-filing mandates and common misunderstandings of what conditions yield a true "common paymaster"

Identify where filers should be apprised of need for additional tax advice

Who should attend: Public accounting tax and audit staff, and nonprofit organization's Treasurers, CFOs and other finance/compliance advisors

Developed and Instructed By: Eve Rose Borenstein, J.D., under auspices of Eve Rose Borenstein, LLC

Prerequisites: None

Public Charity Qualification Under the “Public Support Tests”

Course Code: EB9PST25 (one of four **Master Classes**)

CPE Credits: 2.5

Program Level: Intermediate (to Advanced)

Description: The two public support tests have been utilized since the finalization of Regulations to the 1969 statutory changes that subdivided the 501(c)(3) world into “*private foundations*” and “*public charities*.” The tests’ application remains murky to most preparers (even though they have been in existence, virtually unchanged, for decades). This session has two key goals: first, ensuring that participants understand both the design, reach, and purpose of each test; and second, making practitioners conversant (with the materials as back-up) of each test’s line-by-line inputs.

While it is impossible “to have fun” with these tests, participants will walk away knowing where pressure points exist and how those vary depending on an organization’s specific successes or gaps in achieving diversity of so-called “public support.” What is *possible and achievable from this session* is that these tests can be mastered!

Program Content: The major topics that will be covered in this course include...

- Intro to the two *public support tests (PSTs)*, including the various common misconceptions about each test’s application
- Review of each test, focusing first on the relative ease of PST #1 (that calculated on Schedule A, Part II) which employs a bifurcated test (i.e., an automatic “in” versus a ‘facts and circumstance’ “in”); thereafter, emphasizing the demands and challenges of PST #2 (calculated on Schedule A, Part III) with its restrictive parameters and dual tests each of which must be passed to be “in”
- Practical tips (and materials on same) translating revenue presentation from the Core Form 990 at Part VIII to the line inputs for both PSTs via Schedule A’s Parts II and III
- Discussion of how to assist organizations who are in danger of flunking one or both PSTs
- Analyzing anomalies: explanation of both what comprises an unusual grant and when a filer’s PST 1 “facts and circumstances test” argument ages out

Learning Objectives:

- Identify the specific revenue streams that inform the first public support test’s numerator and denominator as well as the limit on certain “non-public” donors’ dollars applicable to this test
- Appreciate the relative ease of PST #1’s percentage calculation, and the flexibility by which qualification applies either automatically or alternatively via facts and circumstances
- Identify the additional revenue stream factored into the second public support test’s numerator and denominator; as well as the complex limitations that apply when calculating the PST #2 numerator
- Recognize that the second public support test should only be used for filers who cannot pass via the first test (for this purpose only, the objective is to understand how the second public support test’s limitations and disparate donor categories, as well as its added percentage test, effectively limit this test’s utility as well as add to its complexity)

Who should attend: Public accounting tax and audit staff, and nonprofit organization’s Treasurers, CFOs and finance/compliance advisors

Developed and Instructed By: Eve Rose Borenstein, J.D., under auspices of Eve Rose Borenstein, LLC

Prerequisites: Prior preparation experience or CPE training relating to the demands of either public support test

Complex Manager Comp Scenarios: Core Form VII-A & Schedule J

Course Code: EB9MGR25 (one of four **Master Classes**)
CPE Credits: 2.5
Program Level: Intermediate (to Advanced)

Description: In reporting the filer's "Managers" by name and providing their compensation, identification of only some of those "Managers" – those with "current" status as Trustees-Directors and/or Officers – is likely to be relatively easy. Way more complexity comes to bear when ascertaining potential Key Employees and qualifying them for such status, and also in finding and proving a filer's "formers." Such tasks are typically formidable in the presence of RELATED ORGANIZATIONS and/or when THIRD PARTY PAYORS for such individuals' services are or have been involved. In those scenarios, accessing a managers' "reportable compensation" and "other compensation" may be difficult to obtain; and applying the three relevant exceptions to compensation disclosure can be torture.

If all of that seems exhausting, take heart! The author/presenter here shares her experience and practical tips via extensive materials and comprehensive explanation of ALL relevant definitions, exceptions, and reporting demands made via Part VII-A and Schedule J's Part II.

Program Content:

- Exploration of the challenges in determining a filer's: current Key Employees and Officers; and those who need be disclosed as "formers" – individuals with "current" status in prior years but NOT in the current year, who then are to be tested for either "former" Officer/Key Employee/High 5 status or "former" Trustee/Director status
- Why and how all of this matters (including the additional compensation detailing that is required on Schedule J's Part II when a manager's circumstances "trigger" that schedule's application)
- Handling the recalcitrant Trustee-Director who claims limited involvement with the filer's governance as well as any manager who refuses to return related organization questionnaires
- Further exploration of key compensation reporting challenges: (1) required "dial back" to the calendar year for organizations with a ye other than 12/31; (2) 990-instructions-defined "deferred comp" overall and via examples; (3) compensation disclosures (and reporting exceptions) in BOTH cases of related organization's pay and when compensation is paid by an UNrelated organization to an individual who is serving the filer; and (4) comparison of 990 reporting of compensation with IRC section 4960's "remuneration"- based excise tax
- Complex third-party payor reporting situations: procuring services of an individual from a management company or employee-leasing organization; common paymaster reporting scenarios; and when an individual's services to the filer are paid by an UNrelated organization

Learning Objectives: After attending this presentation you will be able to...

- Understand the inquiries and reasonable efforts necessary to fully report compensation provided by the filer and all other relevant parties to current and former Trustees/Directors, Officer, Key Employees, and High 5's and note how same diverges from IRC section 4960
- Know the basics of Part VII-A (and companion Sch J-II) compensation reporting when the filer is a common paymaster, or if its employees are paid by one
- Be able to discern what compensation is required to reported as paid by the filer when an unrelated organization is paying some or all of the remuneration received by an individual for their service as the filer's Trustee-Director, Officer or employee

Who should attend: Public accounting tax and audit staff, and nonprofit organization's Treasurers, CFOs and finance/compliance advisors

Developed and Instructed By: Eve Rose Borenstein, J.D., under auspices of Eve Rose Borenstein, LLC.

Prerequisites: Foundational Series' **EB9FD225** (Reporting Managers & Their Compensation: 990 Form Part VII-A) & **EB9FD120** (Finding & Reporting Filers' Related Orgs), or similar CPE background

“Insider” Dealings and Sunshine: Schedule L’s Parts II-IV

Course Code: EB9SCL25 (one of four **Master Classes**)
CPE Credits: 2.5
Program Level: Intermediate (to Advanced)

Description: Schedule L’s Parts II-IV require transparency of, and thus promote accountability with respect to, “insider transactions” conducted by exempt organization. Disclosure here is necessary regardless of whether the transaction or event reported is routine (and reasonable) or one necessary to the organization’s business needs. Reporting conveys no value judgment, but omitting the fact of Parts II-IV events – loans with, grants or assistance provided to, or undertaking business transactions with – parties who are “Interested Persons” per 990 definitions is dangerous (especially if the omission signals that management may have failed to protect the organization’s interests or is intentionally hiding information). This session goes past the basics of “who” falls within Interested Person status via the five harmonized categories applying across these three parts to address: the additional IP categories employed in Parts II and IV; when a Part’s transaction fits a disclosure exception; and handling what is absolutely required to be disclosed in each part, as well as the additional considerations that filers face relating to public relations issues.

Program Content: The major topics that will be covered in this class include...

- Review of the “harmonized” five categories by which “Interested Person” (IP) status vests and explanation of the additional categories in play for Parts II and IV
- Tips for accessing appropriate documentation from Trustees-Directors, Officers and Key Employees as to presence of reportable events with them or with those who have IP status because of family member connection to them OR by due to status as a “35% controlled entity” of one or more IPs
- Handling Part IV’s “business transactions” reportable thresholds and working with the possible exceptions from “business transaction” characterization
- “Yes, this Ips will be named!” – addressing IP’s privacy concerns and/or requests to omit individuals or company names when reporting business transactions on Part IV
- Reporting demands of Part II, including aspects of managing loans with IPs in favor of public relations needs raised by this part
- Reporting demands of Part III, including: drill-down into the two key exceptions to Part III’s reporting of grants or assistance to an IP and address of educational institutions’ exception from requirement to disclose names of scholarship or fellowship recipients and how same connects to governance reporting in Core Form 990’s Part VI

Learning Objectives: After attending this presentation you will be able to...

- Recall the five categories of IPs applying uniformly across Parts II–IV of the Schedule, as well as the joint venture category that also applies to Part IV
- Retain the disparate Part IV business transaction dollar thresholds – both those that apply to disclosing compensation paid to an IP whose status exists as a “family member” of a first tier IP, as well as those applicable to all other types of business transactions
- Identify the chief exception to reporting of grants and assistance provided to interested persons in Part III
- Address how to make “best foot forward” narratives in Schedule L’s blank lines (Part V), including how to override public relations concerns stemming from reporting insider transactions in Parts II-IV

Who should attend: Public accounting tax and audit staff, and nonprofit organization’s Treasurers, CFOs and finance/compliance advisors

Developed and Instructed By: Eve Rose Borenstein, J.D., under auspices of Eve Rose Borenstein, LLC

Prerequisites: Foundational Series’ EB9FD325 (Transactions with Interested Persons: Form 990 Schedule L), or similar CPE training and/or experience with the Schedule L Parts II-IV instructions

Handling Complex Related Org Issues: Schedule R's Parts II-V (NEW course as of June 2021!)

Course Code: EB9SCR25 (one of four **Master Classes**)

CPE Credits: 2.5

Program Level: Intermediate (to Advanced)

Description: Once an initial identification scan of a filer's related organizations has been undertaken, two directions of FUN result! FIRST, three key inquiries need be made of managers who are likely to be disclosed on Core Form Part VII-A: (1) amounts of compensation provided to them by such entities in the calendar year that ends within the filer's tax year; (2) whether they served in the tax year as Board members of any tax-exempt related organization; and (3) for filer's "current" Trustees/Directors, whether any "Schedule L-type transactions" existed in the tax year with them and any related organization (or via their family members or "35% controlled entities"). SECOND, the filer must determine if a related organization is a "512(b)(13) controlled entity" (also, 501(c)(3) filers need note if any related organizations are tax-exempt entities under a non-501(c)(3) subsection) and report certain transactions undertaken with such entities. There is much complexity here, and it is not atypical at this point to have other related organizations identified (with the same inquiries required again!) This session addresses these data discovery needs and speaks to the resulting Schedule R reporting from a 360-degree perspective.

Program Content: The major topics that will be covered in this class include...

- Quick refresher of what conditions yield "parent," "subsidiary" or "sibling" status in the case of a party who is a nonprofit/nonstock entity
- Review of the definition of "control" applied to: stock corporations, entities taxed as a partnership, and trusts
- Deep dive into the nuances of "indirect control" under IRC section 318's constructive ownership rules
- Finding "sibling" organizations due to "joint control" in place under multiple parties
- Handling bifurcated "questionnaire needs" with a filer's Trustees/Directors and employees regarding Board service on other nonprofits versus those necessary with current and former Part VII-A managers (including High 5s) regarding compensation
- Addressing related organization impacts on the count of independent Directors (query made on Core Form Part VI, Line 1) and with respect to potential excise tax exposure under IRC section 4960
- Disclosure specifics for the R's Parts II-IV, and those relating to "transactions" general address on Part V's Line 1 and via dollar amount when Line 2's relevant triggers apply

Learning Objectives:

- Identifying baseline scans necessary to root out when one or more related organizations may be present
- Appreciating the sensitive data-mining to be undertaken with the filer's managers and how to address concerns (and disclosures) that result from same
- Recognizing the multiple Form 990 preparation arenas that are impacted by the presence of one or more related organizations

Who should attend: Public accounting tax and audit staff, and nonprofit organization's Treasurers, CFOs and other finance/compliance advisors

Developed and Instructed By: Eve Rose Borenstein, J.D., under auspices of Eve Rose Borenstein, LLC

Prerequisites: Foundational Series' **EB9FD120** ("Finding & Reporting Filers' Related Organizations"), similar CPE training, or experience with the Schedule R instructions and their application

FOR THOSE WHO TOOK A SESSION IN THE 2020 'DEBUT YEAR' OF THE FOUNDATIONAL SERIES OR A MASTER CLASS, CHANGES BETWEEN THE TWO YEARS' OFFERINGS ARE DETAILED BELOW

| Borenstein's Form 990 Webinars for 2021 CPE Year https://www.cpacrossings.com/ ** | CPACrossing Course Code | Sequencing | Credits | Level | 2021 changes from 2020's CPE version (also, see note†) | CF. Code in 2020 Series: | 2020 order |
|---|----------------------------|---|----------------|--------------|---|-----------------------------|---------------|
| Ten session† "990 Foundational Series (including Intro)" follows... | | | | | | | |
| Understanding the Form 990 and Its Preparation Prerequisites | EB9FD0 02 | 990INTRO | 2.0 | Overview | These sessions have been updated & a mid-session break has been added | EB1UFPP2 | 1 |
| Finding & Reporting Filers' Related Organizations | EB9FD1 02 | 990FDN_1 | 2.0 | Basic→Inter. | | EBMKFRF2 | 2b |
| Reporting Managers & Their Compensation: Form 990 Part VII-A | EB9FD2 25 | 990FDN_2 | 2.5 | Basic→Inter. | All of these eight 990 Foundational Series sessions have been: (a) expanded by 26 more presentation minutes to afford a more relaxed pace (thus an add'l .5 CPE credits); (b) been updated and had overall content improved; and (c) a mid-session break added. | EB2RMTC2 | 2a |
| Transactions with Interested Persons: Form 990 Schedule L | EB9FD3 25 | 990FDN_3 | 2.5 | Basic→Inter. | | EB8SLTI2 | 8 |
| Reporting Fundraising Results: Form 990 Part VIII (& Sch. M) | EB9FD4 25 | 990FDN_4 | 2.5 | Basic→Inter. | | EB4RFA92 | 4 |
| Financial Statements Display: Form 990 Parts VIII, IX, X & XI | EB9FD5 25 | 990FDN_5 | 2.5 | Basic→Inter. | | EB5FSD92 | 5 |
| Program Services & Governance: Form 990 Parts III & VI | EB9FD6 25 | 990FDN_6 | 2.5 | Basic→Inter. | | EB3RPSG2 | 3 |
| Understanding the "Most Common" Form 990 Schedules: A, B & C | EB9FD7 25 | 990FDN_7 | 2.5 | Basic→Inter. | | EB6ISMC2 | 6 |
| Intro to Remaining "Most Common" Form 990 Schedules: D & G | EB9FD8 25 | 990FDN_8 | 2.5 | Basic→Inter. | | EB6ISMC2 | 7 |
| Form 990 Parts V (Other Tax Issues) & I (Summary Financials) | EB9FD9 15 | 990FDN_9 | 1.5 | Basic→Inter. | | EB9TISF1 | 9 |
| † NOTE: the "order" of the Foundational Series' 2021 Sessions has been synchronized with the preparation sequencing called for in the Form 990 instructions | | | | | | | |
| Four "Master Classes" follow.... | | | | | | | |
| Public Charity Qualification Under the Public Support Tests | EB9PST 25 | ORDER HERE DOESN'T MATTER BUT ALL ARE SCHEDULED EACH MONTH AFTER FDN'L SERIES. | 2.5 | Inter.→Adv. | These sessions have been expanded as described in preceding note | EBMKUMP2 | |
| Complex Manager Comp Scenarios: Core Form VII-A & Schedule J | EB9MGR 25 | | 2.5 | Inter.→Adv. | | EBMKDMC2 | |
| "Insider" Dealings and Sunshine: Schedule L's Parts II-IV | EB9SCL 25 | | 2.5 | Inter.→Adv. | | EBMKIPS2 | |
| Handling Complex Related Org Issues: Schedule R's Parts II-V | EB9SCR 25 | | 2.5 | Inter.→Adv. | NEW COURSE! | n/a | |
| ** Discounts apply with Partner Code [mine is "erb"; also many CPA Societies partner] | | | Total CPE Cr = | | 33 | | |