

Ask the Professionals

Business answers to pressing B2B matters

ACCOUNTING

Post-election: What are multinational companies thinking re: tax policy?

Multinational companies are concerned about what the future holds. There are various proposals, discussion documents, and treaty items that affect U.S. international tax. These include "traditional" extenders/individual AMT relief, Chairman Camp's territorial discussion draft, the Administration's tax proposals, the President's blueprint for Tax Reform, and the status of several treaties.

Generally, drivers of federal tax policy include not only the outcomes from the Presidential and Congressional elections, but the U.S. economic and federal budget outlook, 2012 carryover federal tax legislation, expired/ expiring tax provisions, and the President's FY 2012 budget submission. Further, unless the law is changed, the "Fiscal Cliff" automatically kicks in on January 1st, 2013, leading to spending cuts of \$136 billion and tax increases of \$523 billion including the end of the payroll tax holiday, new taxes from the Obama health-care law, income tax rates rising to pre-2001 levels, AMT reaching into the middle class, and numerous other tax provisions.

It is critical that multinationals understand the current landscape and their positions not only for tax returns and related reporting requirements, but also for financial statement purposes. Many multinationals companies are modelling scenarios to better understand potential legislative outcomes and their potential effects. This exercise will help to educate their stakeholders and will provide opportunities to drive value for their business.



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BUSINESS COACHING

How Can I Jump-start Adding More Customers in 2013?

You can double the volume of business clients or customers within a single month by following simple but highly effective steps to generate leads and successfully convert them into paying customers.

The secret to a truly successful business lies within a keen understanding of the needs and desires of the market – and it is ultimately individual people who constitute that market.

By connecting to those who want the products and services offered and communicating consumer benefits to them, businesses gain new customers and clients. But the problem faced by many entrepreneurs is that they either fail to define their potential customers or they lack the skills, resources, and strategies necessary to forge valuable relationships with them. Promotion is essential, and a focused and effective marketing plan to promote one's business can easily double the customer base within four weeks. By following a few tips and engaging in some time-tested initiatives, the process can be both easy and lucrative.

To receive the entire '11 Ways to Double Your Customer Base in Four Weeks' article please email me at michaelfeinner@actioncoach.com



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COMMERCIAL RE

How can workplace design boost productivity and lower occupancy costs?

Over the past decade, the work environment has experienced major changes that often are not reflected in office space layout. It may not be practical to rethink your office design every time the work environment is affected by a new technology, generational work styles or a strategic change. However, if updates are not reconsidered from time to time, out-of-date workplaces can become a competitive disadvantage.

Technology has made work more mobile, teleconferencing and email ameliorate the effects of physical distance, and a host of other innovations increase work productivity. The lease renewal or relocation process represents a golden opportunity for you to update space layout. Comparing layout scenarios between buildings is an important element in determining how effectively different buildings can meet your needs. A lower rent per square foot is no bargain if the space cannot be organized efficiently. And even if you remain in place, knowing the true occupancy costs at competing buildings can enhance your negotiation position.

To achieve an optimal balance of employee comfort, improved productivity and reduced cost, a strong understanding of the complexities of space planning is required. The reward for success is a workspace that aligns with financial and cultural goals and helps position the firm for growth.



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LAW

Under what circumstances are non-compete agreements enforceable in Colorado?

To be enforceable in Colorado, a non-compete agreement must either (i) be made in connection with the sale of a business or its assets; (ii) protect trade secrets; (iii) recover the training costs of an employee who worked for less than two years; or (iv) be for "executive and management personnel" or professional staff of such personnel.

Additionally, the agreement must be narrowly tailored and reasonable as to its duration and geographic scope. The agreement needs to be carefully drafted so that it protects the valid interests of the employer or business purchaser without unduly restricting the other person's ability to make a living. However, there are no hard and fast rules as to what is reasonable. Every situation must be assessed on its own merits.

Finally, a non-compete agreement must be supported by consideration. If the agreement is part of an initial employment contract or purchase and sale agreement, then the employment or purchase price is sufficient consideration. If the agreement is signed by a current at-will employee, then the right to continued employment is generally sufficient consideration (so long as the employer does not terminate the employee shortly thereafter in bad faith).

Before asking for a non-compete agreement to be signed, employers/purchasers should consider how enforceable it would be in each situation.



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WEALTH

Why financial planning?

A traveler would never embark on a trip without having a destination in mind and a map in hand. Similarly, when embarking on life's financial journey one should have a destination - goals; and a map - personal financial plan.

What are the elements of a comprehensive financial plan? Foremost, it's a quantified projection of the remainder of a family's financial life. It includes existing assets/liabilities; future income projections; lifestyle expenses; education funding requirements; estimated income taxes; and debt exhaustion. It includes quantified goals. The plan includes an assumption of both estimated future inflation and estimated returns on invested assets over the lifetime of the plan. The projection includes cash flow models, forecasted balance sheets, and estimated net worth calculations. Plans are flexible; so, as assumptions or circumstances change, they can easily be revised.

With the financial roadmap in place, the data reveals how risks can be mitigated by obtaining specific kinds of insurance. The plan also quantifies shortfalls in education funding. Since a plan includes income tax calculations, it discloses opportunities for tax effective methods of asset accumulation. Likewise, the plan helps identify opportunities for lifetime gifting and net worth at mortality. It reveals appropriate documents and planning needed to minimize death transfer costs. The plan is paramount in determining appropriate asset allocation and whether or not life goals are attainable.

Many people spend more time and energy on their vacation plans than on their financial plans. We argue the latter makes the former more feasible and enjoyable!



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