

Monthly Tax and Accounting Newsletter

Gregg Harvey, CPA

About This Newsletter

This monthly Newsletter is a free service provided by Gregg Harvey, CPA. It is emailed every month to clients and to select members of the Rochester Regional Chamber of Commerce.

This Month's Contents:

I delayed this month's newsletter to include an update on the AMT. Besides that, this month's contents include: Updates on key 2008 tax law changes; Derek Jeter and state income tax rules; S-Corporation pro and cons; discussion about a potential Carbon Tax; and a couple PC technology related notes.

AMT Patch

The Senate late last week passed a one-year fix to the alternative minimum tax (AMT), setting up a potential confrontation with the House, which passed a much different version of the bill earlier.

Democrats want to offset the cost of the patch, which would shield millions of Americans from becoming eligible for the higher tax. However, Republicans are balking at the idea and in the Senate they have enough support to block such a plan.

The White House, which has pushed Congress to act on the issue but opposes offsets, urged the House to pass the Senate version.

The developments will make for a confusing tax return season for millions of taxpayers, since the IRS has already

sent forms to print. It will also delay return processing and refunds since the Service needs several weeks to make software code changes and to test those changes.

2007 Form 1040

Revised 2007 Form 1040 and Instructions have been released by the IRS and are on-line.

<http://www.irs.gov/pub/irs-pdf/f1040.pdf>

2008 Information

For 2008, personal exemptions and standard deductions will rise, tax brackets will widen and workers will be able to save more for retirement, thanks to inflation adjustments announced by the Internal Revenue Service.

By law, the dollar amounts for a variety of tax provisions must be revised each year to keep pace with inflation. As a result, more than three dozen tax benefits, affecting virtually every taxpayer, are being adjusted for 2008.

The value of each personal and dependency exemption, available to most taxpayers, is \$3,500, up \$100 from 2007.

The new standard deduction is \$10,900 for married couples filing a joint return (up \$200), \$5,450 for singles and married individuals filing separately (up \$100) and \$8,000 for heads of household (up \$150). Nearly two out of three taxpayers take the standard deduction, rather than itemizing deductions, such as

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mortgage interest, charitable contributions and state and local taxes.

Tax-bracket thresholds increase for each filing status. For a married couple filing a joint return, for example, the taxable-income threshold separating the 15-percent bracket from the 25-percent bracket is \$65,100, up from \$63,700 in 2007.

The maximum earned income tax credit for low and moderate income workers and working families with two or more children is \$4,824, up from \$4,716. The income limit for the credit for joint return filers with two or more children is \$41,646, up from \$39,783.

The maximum Hope credit, available for the first two years of post-secondary education, is \$1,800, up from \$1,650 in 2007.

The income limit for the savers credit is \$53,000 for joint filers (up \$1,000), \$39,750 for heads of household (up \$750) and \$26,500 for singles and married persons filing separately (up \$500). Low-and moderate income workers who contribute to a retirement plan, such as an IRA or 401(k), may qualify for the credit, which is available in addition to any other tax savings that apply.

The contribution amount allowed for Roth IRAs begins to phase out for joint filers with incomes exceeding \$159,000 (up from \$156,000) and \$101,000 (up from \$99,000) for singles and heads of household.

For contributions to a traditional IRA, the deduction phase-out range for an

individual covered by a retirement plan at work begins at income of \$85,000 for joint filers (up from \$83,000) and \$53,000 for a single person or head of household (up from \$52,000).

Participants in most employer-sponsored 401(k) plans and 403(b) plans for employees of public schools and certain tax-exempt organizations can contribute up to \$15,500, unchanged from 2007. Individuals, age 50 or over, can make an additional contribution of up to \$5,000, also unchanged from 2007.

Individuals participating in SIMPLE retirement plans can contribute \$10,500, unchanged from 2007. Those, age 50 or over, can make an additional contribution of up to \$2,500, also unchanged from 2007.

The annual contribution limit for most defined contribution plans rises to \$46,000, up from \$45,000 in 2007.

Derek Jeter

New York tax officials say Derek Jeter should have been taxed as a state resident from 2001-03, which potentially could cost the Yankees captain millions of dollars.

Jeter says he is a Florida resident, but the State Division of Taxation of Finance argues that he had a New York residence during that period.

Jeter was given notice in February, then filed a petition for redetermination. In a five-page order from Administrative Law Judge Timothy J. Alston that was dated Nov. 7, the division was told to furnish Jeter with a more detailed bill

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specifying his "community involvement in jurisdictions other than Florida" and "public statements regarding his desire to be in New York."

Alston also asked the agency to give specifics of its "vague claim" that Jeter became "immersed in the New York community." He accepted the department's assertion that Jeter had "items near and dear" in his New York apartment. Florida does not have a state income tax, while New York state and city do have income taxes.

"As a Yankee, Derek has great affection for the people of New York and its amazing fans, but since the mid-1990s, he has made his home in Tampa, Florida," Jeter's agent, Casey Close, said in a statement.

Jeter's contract with the Yankees called for him to receive salaries of \$11 million in 2001, \$13 million in 2002 and \$14 million in 2003. In addition, he has a \$16 million signing bonus payable between February 2001 and June 2008.

Jeter purchased an apartment at Trump World Tower in October 2001, according to New York City real estate records.

The case was first reported by FoxNews.com.

This case illustrates the basics of state income taxation. Any time an employee performs services in another state a portion of his salary is sourced to that other state and, absent specific provisions, he owes tax to that state. Some states have established thresholds that eliminate the need to file and pay

that tax if the days and/or amounts are below certain levels. NY is not one of them. In theory at least anyone who works in NY for at least one day in the year should be filing. Most large firms keep track of where its employees are working on any given day and, for the states where they have an office or do business, withhold tax, so that an employee who works at clients in various states will get a W-2 that reflects withholding in many states.

Probably for any of the high-priced talent, be they athletes, actors, musicians, etc. they would exceed any state's de minimus rules no matter how little time they spend in the state. Many states aggressively pursue the entertainers and athletes who perform there. They follow the sports schedules, or the show schedules at their casinos (CT, NJ), etc. in order to be on the lookout for returns from all of these performers

There are really no schemes to "time" the payment of the income would work. The federal government, in a foreign/domestic income NHL case (Stemkowski) determined that athlete salaries are paid only for game day performance and get allocated based on number of games played in a jurisdiction. Most states would probably follow the same allocation scheme, certainly if it increases the allocated income.

IRS Notices

Here is something that's been happening to taxpayers recently. The root cause is an IRS slip-up, but its been alarming

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taxpayers who are not used to receiving IRS notices. Taxpayers who paid their 1040 balance due with a voucher in October, on e-filed returns, have received balance due notices, even though the checks were cashed.

The general recommendation is to ignore the notice and waiting to see if a second one comes before mailing in copies of the canceled checks

From The (E)-Mail Bag

Question –

LLC formed and operated by single member, an individual. Is an EIN other than the member's SSN (i) permitted, or (ii) required? If permitted then is it advisable to have EIN other than the member's SSN?

Also, does SMLLC have a choice when it comes to income tax reporting, e.g. Form 1065, Schedule C, Form 1120S, etc., and, if so, is that choice a function of having earlier elected a particular treatment?

Answer –

SMLLC defaults to Schedule C, unless it elects to be a Sub S or C Corporation. It cannot file a 1065. It does not have to have it's own EIN unless it has employees, but it can have one, and I always you get one, because this gives the owner some protection from giving out his SSN to everyone he does business with. And most banks do want an EIN before they will open a bank account for an LLC, or any other entity.

The Schedule C would have both the SSN at the top, and the LLCs EIN below it. It should have it's own Schedule C, if you have other personal business income outside of the LLC income, just like you would file two Schedule Cs if the same client had a barber shop and ran a flea market on the weekends.

The Carbon Tax

A tax related issue that has been in the news more and more lately is a tax on sources of greenhouse gases.

Background:

Reports made by the United Nations and other groups over the past year have concluded that global warming is a certainty. Greenhouse gases (GHG) trap heat in the atmosphere that slowly warms the earth. The primary greenhouse gas is carbon dioxide (CO₂) generated from the burning of fossil fuels, such as oil, coal and natural gas.

The U.S. is the largest emitter of greenhouse gases. Increased world attention to climate change will likely put pressure on the U.S. to reduce its GHG emissions. In addition, many state and local governments have taken actions to address global warming. They will also push for national remedies.

In January 2007, the Senate Committee on Energy and Natural Resources held a hearing on a proposed cap and trade system. A cap and trade system involves a government set limit on GHG emissions for particular industries. Companies are then issued certificates indicating how much they are allowed to emit, with allowances decreasing each

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year. If a company needs to emit more than allowed, it will need to either find a way to reduce its emissions or purchase certificates from others. This system employs market forces to encourage companies to determine their best reduction strategy.

In addition to discussions at both the federal and state levels on a cap and trade system to reduce GHG emissions, taxes have also been proposed by Congressmen Pete Stark (D-Calif.), John Dingell (D-Mich.) and others.

A \$158 billion budget deficit is projected for 2007. If the 2001 and 2003 tax breaks are not renewed when they expire after 2010, a surplus is projected for future years. However, desire to extend all or most breaks and repeal the individual AMT will require new revenues and/or spending cuts. A possible source of revenue is a carbon tax imposed on certain activities that produce GHG emissions.

In addition, continued discussions on federal tax reform could include replacing a portion of the current income tax or payroll tax with an environmental tax, such as a carbon tax.

The base of a carbon tax would be the carbon content of coal, oil and natural gas.

Benefits of a carbon tax would include:

The increased cost of fossil fuels will lead many taxpayers to reduce usage and consider alternative energy sources.

The tax would cause the price of fossil fuels to include costs to society of pollution, GHG emissions and depletion of a natural resource that is associated with the burning of fossil fuels. If such a tax is designed to be visible to the end user, it would increase awareness of what activities cause global warming.

The rate could be increased regularly to encourage taxpayers to continue to reduce their use of fossil fuels.

Transitional rules could be included to provide time for people to find ways to reduce their use of fossil fuels. For example, utility companies will not be able to alter their energy sources overnight.

The revenue could be used to fund development of renewable energy, environmental clean-up, tax reductions and/or to improve the operation of other taxes.

Disadvantages of a carbon tax include:

For simplicity and effective administration, a carbon tax would likely be imposed on producers or retailers, rather than the final consumer. Thus, the tax may not be visible to the end-user and the intended behavioral change may not occur to the desired extent.

While a carbon tax can help cover costs of burning fossil fuels, it is unlikely to be effective in helping the government reach a specific GHG emission reduction target.

It may be difficult to determine how best to use the funds generated.

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Design Issues and Proposals

Many design questions exist in the creation of a carbon tax. Who should the tax be imposed upon and at what level (extractor, refiner, distributor, retailer and/or consumer)? Should any taxpayers be exempt? What relief can and should be provided to address the regressive nature of the tax? Should the tax be part of a larger federal tax reform effort?

While these questions have not been vetted in tax-writing committees, a few proposals have been introduced in the 110th Congress. In addition carbon tax examples exist because some countries, such as Sweden, have had them for several years and the City of Boulder, Colorado enacted one in 2006.

Congressman Dingell has proposed a \$50 tax per ton of carbon content of coal, petroleum and natural gas to be phased in over five years. He would also increase the tax on gasoline and jet fuel by 50 cents per gallon. Congressman Stark proposes a tax of \$10 per ton of carbon content of fossil fuels, increasing \$10 each year until a specified level of GHG emissions is achieved.

The carbon tax used in Boulder is added to utility bills. Most of the city's electricity is generated from coal. The tax is estimated to be about \$1.33 per household per month and almost four dollars per month for businesses.

Conclusion:

A carbon tax would increase the cost of doing business for everyone given the pervasive use of fossil fuels in the U.S. While taxpayers seem to prefer a tax

shift in order to recoup a portion of their carbon tax through another tax, given revenue needs, a carbon tax is likely to be used to prevent or reduce an income tax increase. A tax or other type of market-based remedy (such as cap and trade) is inevitable given the need to reduce GHG emissions. Businesses should consider working with their respective industry associations to encourage implementation of incentives along with any proposed carbon tax to assist in efforts to reduce reliance on fossil fuels. Such incentives might include rapid depreciation of renewable energy devices and tax credits.

S Corporations – Pro and Con

If the number of shareholders in your corporation is small, you may think that becoming an S-Corporation is the right move, but you should weigh the advantages and disadvantages first.

Advantages of S-Corporation Status:

One of the main advantages of S-Corporation status is that it avoids the double taxation that occurs with a regular C-Corporation. In a C-corporation, the corporation pays income tax on its profits and, if those profits are distributed to shareholders, the shareholders pay income tax on the distribution.

Electing S-Corporation status passes the income or losses of the corporation to the shareholders who recognize the income or loss on their personal tax returns. This is an advantage if the corporation expects to show a loss at first. The loss can be used to offset the

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shareholder's income from other sources, including a spouse's income.

Disadvantages of S-Corporation Status:

Passing income through to shareholders can be a disadvantage in some instances. If the business is profitable, shareholders will be required to pay income tax on their share of the profits, even if that money is not distributed to them. In a C-Corporation, profits can be used to expand the business and shareholders are not required to pay taxes until distributions are made.

Reasonable salaries paid to employees are deductible business expenses for S-Corporations as well as for C-corporations. However, in an S-Corporation, fringe benefits may not be deductible as they would be in a C-Corporation.

Even though losses pass through to shareholders in an S-Corporation, those losses aren't deductible by shareholders who don't materially participate in the business. This could result in higher taxes overall.

S-Corporation Requirements:

Not every corporation qualifies for S-Corporation status. In order to elect S-Corporation status, the corporation can only have one class of stock. The corporation can have no more than 35 shareholders, although a husband and wife who both own shares will only be counted as one shareholder. No shareholder can be a nonresident alien or another corporation. All of the shareholders must consent to elect S-

Corporation status. The corporation also cannot earn too much of income from investments

Google

Your online activities could end up in a database somewhere. Read the privacy policy of your favorite search engine, and you'll see what methods it employs to collect valuable data about its users. Then consider how many times you've read about security breaches that result in data leaks.

There is a way to remain somewhat anonymous on the most popular of all search engines, Google. Remember that if you have a username log-in with any of the Internet search engines -say, a Microsoft Passport or a webmail account -their systems can build a profile of you. If you're truly paranoid you may want to delete or cancel any free e-mail accounts that are associated with Web search engines and scrub their cookies from your hard drive. If you use any of the services from Google, such as Wallet, Groups, Gmail, or AdSense, or even if you get paid by Google AdWords on your own Web site, then you have an account that points back to your identity. This means that everything you do within the search can now point back to you as a unique user

To remove Google's Personalized Search, head on over to www.google.com/psearch and sign in to your account.

Stroll down memory lane. Take a look at the Search History page and pick some days on the calendar to see every

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search made since you created your Google account.

Clean your slate. Select the Clear Search History button, check off items that you wish to remove, and then click the Clear History button. Remember that even after you remove items, logs and backups will exist on Google's servers

Stop the collection. To prevent Google from collecting this data in the future, select items such as Web, Images, and News that you don't want to collect data, then press the Pause button

Simple Steps You Can Take To Fend Off Hackers

Here are 10 tips on how to keep your small business from becoming a victim of hackers and identity theft:

1 - Set up your defenses.

Do you have adequate firewalls and antivirus software to protect you from hackers who could steal your customers and company identity? "If you leave your doors open, eventually you will be robbed," says Martin Rico, chief executive of Inspired eLearning, a San Antonio-based company that develops security awareness training programs for companies. "The same is true for your network. Hackers and identity thieves use automated programs to scan every computer on the Internet looking for easy targets." A good Internet router will have an on-board firewall. But don't forget to turn it on, he says.

Likewise, the best security software goes beyond standard protection to improve

the performance of your computer. Windows OneCare, for example, protects against viruses, spyware, and hackers. It also backs up all your important files and tunes up your PC by routinely defragmenting your hard drive and compressing temporary files. Plus, it automatically downloads security fixes, the importance of which is discussed later.

Microsoft also provides security updates regularly.

2- Stay abreast of the threat.

A recent phishing scam caused Web browsers to land on criminal sites that looked identical to well-known bank sites. The phishers used HTML e-mails encoded with malicious Trojan horse programs. If the security settings on a recipient's computer were too low, just opening the e-mail would make changes to an essential Windows component.

3 - Encrypt everything.

Any sensitive data, or information that might help an ID thief or hacker, should be aggressively encrypted. Encrypt all company laptops and don't allow the transfer of sensitive company data electronically unless it is encrypted.

Also consider upgrading your systems frequently with the latest protective software to make sure your systems are as secure as possible.

4 - Get help from your employees.

Human error, or lack of attention to detail, is one of the biggest risks to a company's security. There are some

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basic techniques that can be embraced by employees, like changing passwords periodically and using general security and software tools to ensure that their home computers are safeguarded against attacks and malicious programs.

5 - Don't store credit card numbers.

If you don't have them stored, a hacker or identity thief can't get to them.

6 - Buy a shredder, and use it.

Documents with confidential information can fall into the wrong hands when they aren't properly disposed of.

7 - Mind your mobile devices.

A laptop computer is stolen approximately every 53 seconds and only three percent are ever recovered, according to Jefferson Wells, a consulting firm.

8 - Run your updates.

Hackers are constantly discovering and exploiting new vulnerabilities in computer operating systems and networks, so keep your systems patched. You should have Automatic Updates enabled on your Windows-based computers. As security fixes are released from Microsoft, your computer systems will be automatically updated.

9 - Carefully choose your Internet service provider.

The company providing you with Internet access can offer easy access to your private information.

10 - Know what to do when it happens.

Have a security compliance plan in place, this is an inexpensive way to make sure you have addressed the areas where you need to make sure to have safeguards in place, as well as have a plan in case a breach does occur.

Time for a PC Tuneup?

These steps can help speed up your PC.

1 - A Cluttered Registry

The longer you use Windows, the more cluttered your registry can grow, especially if you regularly install and uninstall software. Some applications don't remove all traces of themselves when uninstalled, causing problems such as sluggish performance, system lockups, or a bloated registry that takes longer to load.

The easiest way to clean your registry is to use a registry cleaner, such as PC Tune-Up from ZoneAlarm. With the click of a button, PC Tune-Up will scan your registry for these fragmented files, bring them together, and safely remove them.

2 - Full Hard Drive

It's possible that your hard drive could be too full of data to function efficiently. You should have at least 2 - 3MB of free space for programs to run smoothly. If you don't have this much free space, you can delete unused programs on the C: drive. Check your C: drive to see how much space you have on your computer.

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You can do this by going to Start > My Computer > C: drive. Click on the C: drive and it will tell you how much free space you have under 'Details' on the left bar.

3 - Not Enough Memory

It's important to have enough memory on your computer to keep programs running smoothly, especially if you have large programs, or play a lot of PC games. It is recommended that you have at least 512MB on your PC, although at this point, 1GB seems to be the sweet spot. The amount of RAM your PC has can be checked by right-clicking 'My Computer' and choosing 'Properties'. If you need to upgrade your RAM, be sure to check your local retail ads for sales. You can usually get a RAM upgrade at a great price.

4 - Too Many Start-Up Programs

When you boot your computer, there are several programs that automatically start behind the scenes. These programs eat up your computer's available processing capacity and slow it down dramatically. Most likely, you don't need all of these programs to automatically start when you boot your computer. Some programs, such as PC Tune-Up include Start-Up Wizards that scan your computer for all of the start-up programs and allow you to simply select the ones that you don't want to start automatically.

5 - Spyware and Malicious Programs

If you have ever experienced annoyances such as a new toolbar in your Internet browser, or a new startup

page that you did not set, you are likely plagued with spyware. Fortunately, if you are running a product that includes anti-spyware you are protected from this threat.

Chart of Accounts

When you set up a business, or when, for an existing business, you set up a new business accounting software package, one of the set up steps that you must complete is your chart of accounts. This is simply the list of accounts that you need to run the business.

Here are some suggestions for your chart of accounts.

BALANCE SHEET ACCOUNTS

ASSETS

Bank Accounts:

- Business checking*
- Business savings*
- Payroll checking*
- Petty Cash (Out of Pocket expenses)*
- Barter checking*

Accounts receivable

Inventory

Undeposited Funds

Fixed Assets

- Equipment*
- Furniture and Fixtures*
- Vehicles*
- Accumulated Depreciation*

Other Assets

- Start up costs*

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Accumulated Amortization
Notes Receivable 1 (officer, owner, related party)
Notes Receivable 2

LIABILITIES

Accounts Payable
Credit Cards used to purchase
American Express
Visa acct xxxx
Visa acct zzzz

Accrued Expenses
Payroll Tax Payable
Subaccounts if self prepared payroll
941 Tax
940 Tax
Unemployment & state withholding
Sales Tax Payable

Deposits from Customers

Current portion of long term liabilities

Long Term Liabilities

Loans
Bank/Car loan 1
Bank/Car loan 2
Notes payable 1 to Officer, Owner, related party
Notes payable 2 to Officer, Owner, related party

EQUITY – This depends on your form of organization

For an S corporation
Capital Stock
Retained Earnings
Opening Balance Equity
Distributions Shareholder 1
Distributions Shareholder 2

For a partnership
Capital Partner 1
Capital Partner 2
Additional Capital Contributed partner 1
Additional Capital Contributed partner 2
Draw Partner 1
Draw 1- Medical
Draw 1-Personal Taxes
Draw 1- Other
Draw Partner 2
Draw 2- Medical
Draw 2-Personal Taxes
Draw 2- Other

For a Sole Proprietorship
Capital
Additional Capital Contributed
Draw
Draw 1- Medical
Draw 1-Personal Taxes
Draw 1- Other

For a C Corporation
Capital Stock
Retained Earnings
Opening Balance Equity
Dividends
Additional Paid in Capital

INCOME STATEMENT ACCOUNTS

SALES

Services
Parts / products sold
Sales write offs

Cost of Goods Sold

Materials
Labor
Outside services/Subcontractors
Supplies
Small tools

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EXPENSES

Advertising
Marketing costs
Inventory used for promotion
Automobile Expense
Bank Service Charges
Cleaning
Contributions
Depreciation Expense
Discounts Taken
Dues and Subscriptions
Insurance
Auto Insurance
Business Liab & Contents
Disability Insurance
Life
Medical
Interest Expense
Licenses and Permits
Maintenance & repairs
Meals & Entertainment
Merchant credit card fees
Computer expenses
Postage and Delivery
Office Supplies
Other Office Expenses
Payroll Taxes
Professional Fees
Rent
Salaries -Office
Salaries - Officers
Telephone
Travel
Utilities

Other Income

Interest Income

Other Expenses

Here are some additional tips:

1 - Set up an account to hold those transactions that you do not know how to handle. Each month or quarter, call your accountant for help and reclassify to the proper account

2 - Using subaccounts, you can produce reports that provide subtotals for related accounts.

3 - Try to keep your list of income and expense accounts to a single page. Use items to collect further detail.

For More Information

For more information on anything covered in this Newsletter, please contact me. I provide tax, accounting, consulting, and other business services such as payroll and medical billing.

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