

BENJAMIN A. DAVIDSON

Director of Tax Policy & Analysis and Associate University Counsel
Adjunct Professor of Law
The University of North Carolina at Chapel Hill
bdavidson@unc.edu

EDUCATION

STANFORD UNIVERSITY

J.D., Stanford Law School, April 2010

*John Hart Ely Prize for Outstanding Performance in Professional Responsibility
Pro Bono Distinction*

B.S., Symbolic Systems. Secondary Major: Philosophy, April 2004

Phi Beta Kappa

PROFESSIONAL AND SCHOLARLY INTERESTS

Higher Education Tax Law, Tax Policy, Nonprofit Organizations

PUBLICATIONS

THE TAX LAW OF COLLEGES AND UNIVERSITIES (with Bertrand M. Harding, Jr.) (5th ed. 2024) (<https://collegeuniversitytaxlaw.com/>)

COLLEGE & UNIVERSITY TAX REPORT (2023-Present)
(<https://collegeuniversitytaxlaw.com/>)

Instrumentalities May Miss Out on New Energy Tax Credits (Letter to the Editor), 176 TAX NOTES FEDERAL 1276 (2022) (reprinted in 90 EXEMPT ORG. TAX REV. 165 (2022))

Sales Taxation of Online Education, 101 TAX NOTES STATE 373 (2021) (reprinted in 88 EXEMPT ORG. TAX REV. 77 (2021))

Congress Addresses Taxation of Emergency Financial Aid Grants, 170 TAX NOTES FEDERAL 289 (2021) (reprinted in 87 EXEMPT ORG. TAX REV. 89 (2021))

Parking Tax Purgatory, 166 TAX NOTES FEDERAL 405 (2020), (cross-published as 95 TAX NOTES STATE 241 (2020), and reprinted in 85 EXEMPT ORG. TAX REV. 117 (2020))

A Closer Look at the Bluebook's Position on Parking Depreciation (Letter to the Editor, with Bertrand M. Harding, Jr.), 162 TAX NOTES 793 (2019) (reprinted in EXEMPT ORG. TAX J. 2019-38)

IRS Proposes Requiring 'Parking Tax Only' Organizations to File Form 990-T (Letter to the Editor, with Bertrand M. Harding, Jr.), 161 TAX NOTES 733 (2018) (reprinted in 82 EXEMPT ORG. TAX REV. 537 (2018) and in EXEMPT ORG. TAX J. 2018-217)

Decoupling the Parking Tax, 90 STATE TAX NOTES 237 (2018) (reprinted in 82 EXEMPT ORG. TAX REV. 411 (2018) and in EXEMPT ORG. TAX J. 2018-225)

A Proposed Guide to the New UBTI Increase for Qualified Parking (with Bertrand M. Harding, Jr.), 159 TAX NOTES 817 (2018) (reprinted in 81 EXEMPT ORG. TAX REV. 411 (2018))

Qualified Parking: A New UBIT Risk for all 501(c) Organizations (with Bertrand M. Harding, Jr.), 159 TAX NOTES 483 (2018) (reprinted in 81 EXEMPT ORG. TAX REV. 345 (2018))

'Just Put It in My Research Account': Transfers of RSA Rights (with Brittany G. Cvetanovich and A.L. "Lorry" Spitzer), 157 TAX NOTES 1791 (2017)

Taxation of University Royalty Sharing Agreements (with Brittany G. Cvetanovich and A.L. "Lorry" Spitzer), 155 TAX NOTES 1291 (2017)

SELECTED PRESENTATIONS

Moderator, *Hot Topics in Tax: NIL, DAFs, Election Activities, and More!* (with Brittany G. Cvetanovich, Franziska Hertel, and Diara Holmes), 2024 Annual Conference, NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY ATTORNEYS, Columbus, OH, June 26, 2024

Presenter, *Privileged Communications: Ethical Challenges and Best Practices for Tax Practitioners with Organizational Clients* (with Brittany G. Cvetanovich), 12th Annual Higher Education Taxation Institute, UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Austin, TX, June 14, 2024

Presenter, *Recent Developments in College and University Tax Law* (with Edward J. Jennings), 12th Annual Higher Education Taxation Institute, UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Austin, TX, June 13, 2024

Moderator, *Privileged Communications: Ethical Challenges and Best Practices for Tax Counsel with Organizational Clients* (with Kevin Otero and Christopher S. Rizek), 2024 May Tax Meeting, AMERICAN BAR ASSOCIATION SECTION OF TAXATION, Washington, DC, May 3, 2024

Presenter, *Recent Developments in College and University Tax Law* (with Edward J. Jennings), 11th Annual Higher Education Taxation Institute, UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Austin, TX, June 5, 2023

Presenter, *Sales Tax and Online Education* (with Kyle R. ZumBerge), Tax Forum, NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY BUSINESS OFFICERS, Webcast, Oct. 19, 2022

Panelist, *Crypto Donations, Tech Incubators, Talent Retention, and Online Ed: Tax Issues You Need to Know* (with Brittany G. Cvetanovich, J. Barclay Collins, and Cynthia Okechukwu), 2022 Annual Conference, NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY ATTORNEYS, Pittsburgh, PA, June 29, 2022

Presenter, *Sales Taxation of Online Education*, 9th Annual Higher Education Taxation Institute, UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Webcast, June 17, 2021

Moderator, *Let's Compare Notes: Tax Challenges under the New Normal* (with Joel Levenson, Kyle N. Richard, and Julia Shanahan), 8th Annual Higher Education Taxation Institute (Summer Series), UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Webcast, June 8, 2020

Panelist, *New UBIT Rules: "Siloing" of Unrelated Activities and Provision of Qualified Transportation Fringe Benefits* (with A.L. "Lorry" Spitzer and Brittany G. Cvetanovich), 2019 Annual Conference, NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY ATTORNEYS, Denver, CO, June 25, 2019

Panelist, *Federal Tax Update, Including a Focus on the Tax Cuts and Jobs Act* (with Sean P. Scally, Bertrand M. Harding, Jr., Edward J. Jennings, and Tara Schulstad Sciscoe), 2019 Annual Conference, NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY ATTORNEYS, Denver, CO, June 25, 2019

Moderator, *Parking and Transportation Tax: Practical Implications* (with Kelly Farmer, Kyle N. Richard, and Kyle R. ZumBerge), 7th Annual Higher Education Taxation Institute, UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Austin, TX, June 4, 2019

Presenter, *Parking and Transportation Tax: Legal Update* (with Bertrand M. Harding, Jr.), 7th Annual Higher Education Taxation Institute, UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Austin, TX, June 4, 2019

Panelist, *Tax Issues for Colleges and Universities* (with Alexander L. Reid and Katherine C. Murphy), 36th Annual Representing and Managing Tax-Exempt Organizations, GEORGETOWN UNIVERSITY LAW CENTER, Washington, DC, April 26, 2019

Presenter, *Understanding the New UBTI Increase for Qualified Transportation Expenses* (with Bertrand M. Harding, Jr.), Tax Forum, NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY BUSINESS OFFICERS, Denver, CO, Oct. 15, 2018

Presenter, *Settlement Taxation* (with Bertrand M. Harding, Jr.), 6th Annual Higher Education Taxation Institute, UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Austin, TX, June 4, 2018

Presenter, *Key Tax Differences Between Private and Public Universities* (with Amy Goodreau Williams and Kyle R. ZumBerge), Tax Forum, NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY BUSINESS OFFICERS, Portland, OR, Oct. 23, 2017

Moderator, *Directing a University Tax Department* (with Julia J. Buick, Bob Lammey, and Joel Levenson), 5th Annual Higher Education Taxation Institute, UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Austin, TX, June 6, 2017

Presenter, *Taxation of Faculty Inventor Payments* (with Brittany G. Cvetanovich), 5th Annual Higher Education Taxation Institute, UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Austin, TX, June 5, 2017

Presenter, *Unrelated Debt Financed Income and Imputed UBIT from Controlled Entities* (with Edward J. Jennings), 2017 Unrelated Business Income Tax Forum, NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY BUSINESS OFFICERS, Seattle, WA, Feb. 23, 2017

Presenter, *Unintended Compensation in Colleges and Universities* (with Donald E. Rich, Jr.), Tax Forum, NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY BUSINESS OFFICERS, Baltimore, MD, Sep. 26, 2016

Presenter, *Tax Issues That Impact University Incubators and Venture Capital Funds* (with Robert W. Friz), 4th Annual Higher Education Taxation Institute, UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Austin, TX, June 7, 2016

Presenter, *Privileged Communications for Attorneys and CPAs*, 4th Annual Higher Education Taxation Institute, UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Austin, TX, June 5, 2016

Presenter, *Venturing into Start Ups – Tax Issues Associated with University Venture Capital Funds* (with MaryAnn Piccolo and Robert W. Friz), Tax Forum, NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY BUSINESS OFFICERS, Chicago, IL, Oct. 26, 2015

Presenter, *Athletics and Tax* (with Rick Klee and Joel Levenson), 3rd Annual Higher Education Taxation Institute, UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Austin, TX, June 9, 2015

Presenter, *Beyond the University: Structuring, Creating, and Maintaining Related Entities* (with Erin Couture), 3rd Annual Higher Education Taxation Institute, UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Austin, TX, June 8, 2015

SERVICE

AMERICAN BAR ASSOCIATION, TAX SECTION, Chicago, IL

- Vice Chair, Corporate Counsel Committee (2024-2025)
- Continuing Legal Education Liaison, Corporate Counsel Committee (2023-2024)

UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Austin, TX

- Planning Committee, 12th Annual Higher Education Taxation Institute (2024)
- Planning Committee, 11th Annual Higher Education Taxation Institute (2023)
- Planning Committee, 10th Annual Higher Education Taxation Institute (2022)
- Planning Committee, 9th Annual Higher Education Taxation Institute (2021)
- Co-Chair of the Planning Committee, 8th Annual Higher Education Taxation Institute (2020) (Summer Series)
- Planning Committee, 7th Annual Higher Education Taxation Institute (2019)
- Planning Committee, 6th Annual Higher Education Taxation Institute (2018)
- Co-Chair of the Planning Committee, 5th Annual Higher Education Taxation Institute (2017)
- Planning Committee, 4th Annual Higher Education Taxation Institute (2016)

NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY ATTORNEYS, Washington, DC

- Committee on Program for Annual Conference (2024-2025)
- Committee on Program for Annual Conference (2023-2024)
- Committee on Program for Annual Conference (2022-2023)
- Committee on Program for Annual Conference (2021-2022)
- Committee on Program for Annual Conference (2020-2021)
- Committee on Program for Annual Conference (2019-2020)
- Committee on Web Page Legal Resources (2018-2019)

STANFORD UNIVERSITY, Stanford, CA

- Co-Chair, Board on Judicial Affairs (2009-2010)
- Board on Judicial Affairs (2008-2009)

PROFESSIONAL EXPERIENCE

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, Chapel Hill, NC

Director of Tax Policy & Analysis and Associate University Counsel (2019-Present)

Director of Tax Policy & Analysis and Assistant University Counsel (2016-2019)

Director of Tax Policy & Analysis (2016)

Counsel UNC Chapel Hill board and leadership on tax, executive compensation, employee benefits, and governance, with an emphasis on tax planning. Develop tax policy and strategy for UNC Chapel Hill.

STANFORD UNIVERSITY, Stanford, CA
Deputy Tax Director (2014-2016)
Senior Associate Tax Director (2013-2014)

Advised Stanford University on the full range of university tax matters. Provided tax planning for a \$24.8 billion merged investment pool. Directed the preparation of Stanford University's tax returns, including Forms 990 and 990-T.

ADLER & COLVIN, San Francisco, CA
Associate (2013)

Provided tax-exempt and nonprofit corporate counsel for donor advised funds, foundations, joint ventures, strategic restructurings, and excise taxes. Counseled nonprofit boards on corporate governance.

FENWICK & WEST LLP, Mountain View, CA
Tax Associate (2010-2012)

Represented Fortune 100 multinational corporations in tax planning and tax controversy. Provided tax counsel for over 25 strategic mergers and acquisitions.

ACCOMPLISHMENTS

Developed and published the first comprehensive analysis of the 2017 Tax Cuts and Jobs Act's UBTI increase for fringe benefit expenses (the "parking tax"), providing the analytic foundation for positions adopted by the IRS under prior section 512(a)(7) and incorporated into final section 274(a)(4) regulations.

Identified and led a tax credit strategy that produced up to \$70.8M in tax credits for a university client.

Initiated and drafted a successful legislative amendment that saved a nonprofit client over \$50M in taxes, in present value.

Developed a tax position that eliminated \$37.9M of UBTI for a university client.

TEACHING

THE UNIVERSITY OF NORTH CAROLINA SCHOOL OF LAW, Chapel Hill, NC
Adjunct Professor of Law (2022-Present)
Adjunct Associate Professor of Law (2019-2022)

Law of Nonprofit Organizations

STANFORD LAW SCHOOL, Stanford, CA
Teaching Assistant (2009)

Contracts