



Introduction of CACPAA and Its Mission

he Chinese- American CPA Association (CACPAA) was founded in 2011 as a non-profit organization in the United States. It was established by CPAs of Chinese descent in the United States who originally came from China, Taiwan, Hong Kong, Macao, and other Asian countries or regions. In addition to accounting, CACPAA has attracted members from many fields, including finance, insurance, law, real estate, and academia. In 2015, the Chinese American CPA Society of Southern California, founded in 1982, joined forces with the CACPAA, bringing approximately two hundred members. The resulting entity continues to operate under the name of CACPAA and has become one of the largest and most influential professional organizations in the ethnic Chinese community. CACPAA members are typically bilingual in English and Chinese and possess strong technical expertise in their professions. The Directors of the CACPAA Board are leaders and elite members of their own communities: many of them are successful professionals and entrepreneurs highly respected in their fields. By enthusiastically giving back and providing free professional services to the ethnic Chinese community, CACPAA helps to connect mainstream America and ethnic Chinese community members for professional and business development.

CACPAA is a non-profit, non-political and nonreligious organization dedicated to promoting professional and business collaboration among members, associates, businesses and other professional organizations. The mission of CACPAA includes:

- Providing quality continuing professional education (CPE) to members;
- Empowering members to acquire and sharpen the professional skill sets required by the globalized business world;
- Supplying pro bono education, consulting and referral services to the local community in the areas of taxation, accounting, law, investment, wealth management, insurance, etc.;
- Promoting business interactions and professional relationships among members and affiliates;
- Encouraging younger generations to pursue careers in accounting by providing necessary counseling and career training opportunities;
- Serving as a platform to connect members to CPA organizations and chambers of commerce located across the United States, as well as China and other Asian countries or regions.

Driven by its mission, CACPAA holds periodic member meetings to facilitate networking, presents keynote speakers and informative seminars to members and to the local community, provides free tax preparation and consulting services to low-income families, and performs outreach to neighboring municipalities, chambers of commerce, and professional organizations to help members gain exposure to new business opportunities. With the collaboration and efforts of all its members, CACPAA is playing an increasingly important role in bringing together local professionals and international businesspeople in the ever-growing global market.



中美會計師協會簡介和宗旨

美會計師協會是由來自於美 國,中國,台灣,香港,澳 門及亞州等地區的華裔會計師 於 2011 年在美國成立的非營利機構。協 會更吸引了許多金融理財界,保險界,法 律界, 地產界, 教育界以及其他各界的精 英人士加盟。 中美會計師協會和歷史悠 久,成立於 1982 年擁有兩百會員的南加 州華人會計師協會在2015年成功合併。 合併後的協會繼續沿用中美會計師協會的 會名,並已成為美國華裔社區中最大和最 具有影響力的專業人士協會之一。協會會 員專業知識強並且中英文流利。協會董事 會成員多是活躍在美國多元社區中的精英 分子,成功的專業人士或企業家。協會抱 著回饋社區和為華裔民眾服務的熱忱,成 為了美國華裔社區和美國主流社會之間的 專業和商業交流平台。

中美會計師協會是一個非營利,非政治和 非宗教性的專業人士協會,致力於鞏固和 提升協會成員和各企業及其他專業協會組 織之間的交流研討和商業往來。協會的宗 旨包括:

- 提供專業人士高質量的進修課程;
- 努力提高專業人士業務水平從而增強 他們處理商業全球化的能力;
- 為社區義務提供稅法,會計,法律, 投資理財,保險以及相關領域的知識 普及,諮詢和介紹服務;
- 努力為協會成員提供和其他商業領域 人士互相交流合作的平台;
- 為新生代的財務會計人員提供實習或 就業的機會;
- 積極增進美中和亞州等地區會計師協 會和商會之間的交流與互動。

在此宗旨的指引下,中美會計師協會定期 召開會員會議,加強會員間的溝通合作, 並且籌劃專業演講會及研討會,為社區提 供免費的稅務服務。協會還積極地和周邊 各市政府,商會以及會計師協會建立友好 互動的關係,讓外界更多地瞭解美國的華 裔專業人才,也幫助會員們更加有機會接 觸到更多的國際化項目。在協會不同專業 領域人才的同心協力下,中美會計師協會 在日益頻繁的國際商貿往來中扮演著更加 積極的角色,尤其在美國已成為國際各界 專業和商業人士交流的重要橋樑。



感謝中美會計師協會歷屆的會長

中美會計師協會全體會員在此感謝每一屆會長為協會付出的心血和努力!有了你們的付出,協會才會茁壯成長!你們的領導才能,你們的 膽識,你們的耕耘,你們出色的工作,讓中美會計師協會美好的傳統得以傳承下去,使得協會成為眞正的國際化,專業化的交流平台!成為眞正為會員服務的家!!



李豪會計師 2011 ~ 2013 年會長



童志敏會計師 / 律師2013 ~ 2014 年會長



林冠甫會計師 2015 ~ 2017 年會長



丘靜會計師

2017 ~ 2019 年會長



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JOHN CHIANG **TREASURER**

STATE OF CALIFORNIA

July 8, 2018



Ms. Jing Qiu, CPA, CGMA President Chinese American CPA Association 608 East Valley Boulevard, #D-311 San Gabriel, CA 91776

Dear Friends:

It is my pleasure to congratulate the Chinese American CPA Association (CACPAA) on the occasion of its 8th Anniversary and 2018 Professional Expo and Annual Installation Gala. I applaud CACPAA for its tremendous vision as it continues to promote opportunities for accounting professionals and businesses in the Chinese and Chinese American community and in the domestic and international marketplace.

For many years, CACPAA has contributed greatly to the economic viability of Southern California. CACPAA has successfully helped its members to compete and expand their businesses, and through its leadership, fosters progress and growth in not only the accounting profession, but in the areas of financial services and real estate as well.

I wish to extend my appreciation for the dedicated leadership of the officers, board of directors, members and friends of CACPAA. Best wishes for a productive event and many years of future success.

Very truly yours,

JOHN CHIANG California State Treasurer JUDY CHU, Ph.D. COMMITTEE ON SMALL BUSINESS



PASADENA DISTRICT OFFICE

July 8, 2018

Chinese American CPA Association Hilton San Gabriel Hotel San Gabriel, California

Dear Friends,

It is with great pleasure that I congratulate the Chinese American CPA Association (CACPAA) for its annual Expo and Gala and the induction of their new Board of Directors.



The CACPAA is a professional non-profit organization that was established in 2011. It has over 400 members across the spectrum of the financial, real estate, education, and legal sectors. The Board of Directors are leaders in their communities and highly respected entrepreneurs in their own right. The CACPAA is dedicated to supporting its members in personal and professional success through technical and educational workshops, networking opportunities, social events, and community service.

I commend the CACPAA for creating an organization that actively helps its members achieve high standards of excellence and creates a community for all to learn and grow. The CACPAA's efforts have ensured that members have the resources to provide the best service to their clients, creating an environment where professionals and the communities that they serve can improve together.

On behalf of the United States House of Representatives and the people of the 27th Congressional District, I offer my congratulations and best wishes for the continued success of the Chinese American CPA Association.

Sincerely,

Member of Congress, 27th District



HOUSE OF REPRESENTATIVES

EDWARD R . ROYCE THIRTY-NINTH DISTRICT CALIFORNIA

July 8, 2018

Dear Friends,

It a great pleasure to offer my warmest greetings to all those participating in the 2018 Chinese American CPA Association

Professional Expo and Annual Installation Gala. This is a wonderful opportunity to celebrate the many accomplishments of CACPAA.

Since 2011, the Chinese American CPA Association has served hundreds of members by providing professional development training and networking opportunities. Your efforts to promote business, economic, and technological cooperation in the community is commendable, and I applaud the diverse professional expertise of your members.

Thank you to all those involved in making this event possible. I look forward to CACPAA's continued success under the incoming Board of Directors.

Congratulations on your eight years & cheers to many more!

Sincerely,

EDWARD R. RÓYCE Member of Congress

Chairman, House of Foreign Affairs Committee

STATE CAPITOL SACRAMENTO, CA 95814 (916) 651-4029

California State Senate

SENATOR LING LING CHANG

TWENTY-NINTH SENATE DISTRICT



July 8, 2018

Dear friends and members of the Chinese American CPA Association:

I would like to offer my congratulations on the occasion of your 2018 Professional Expo and Annual Installation Gala.

I commend the CACPAA for continually providing services to Chinese American professionals to ensure that your members succeed and advance in their careers and businesses. Thank you for your commitment and dedication to serving the local and neighboring communities.

On behalf of the 29th Senate District, I commend CACPAA for their hard work and dedication to our community. Congratulations and best wishes on a successful expo and gala!

Sincerely,

Ling Ling Chang

California State Senator, 29th District



Bob HuffSENATE REPUBLICAN LEADER EMERITUS

STATE ASSEMBLY 2004 – 2008

STATE SENATE 2008 – 2016

SENATE REPUBLICAN LEADER 2012 - 2015



July 8, 2018

Jing Qiu, CPA, CGMA President Chinese American CPA Association

Congratulations on the 8th anniversary of your organization and the kick off of your first Expo!

CPA's form a necessary, integral part of helping businesses run more efficiently, and of course, render an accurate accounting of earnings to pay the appropriate amount of taxes owed to the government.

With your organization's 400 plus members comprised of many ethnic Chinese CPAs and elite financial, legal, real estate and educational professionals, you have become the premier association to help said professionals advance in their professions though your educational workshops, networking opportunities, and community service.

Congratulations to you, the members of your board, and your association members for a job well done.

Sincerely,

Bob Huff

Former Senator, 29th District

Senate Republican Leader Emeritus

Phone - 909.907.4833

Email - bob@huffstrategies.com

STATE CAPITOL P.O. BOX 942849 SACRAMENTO, CA 94249-0055 (916) 319-2055 FAX (916) 319-2155

DISTRICT OFFICE 3 POINTE DRIVE, SUITE 313 BREA, CA 92821 (714) 529-5502 FAX (714) 529-5548



COMMITTEES
VICE CHAIR: BANKING AND FINANCE
BUSINESS AND PROFESSIONS
INSURANCE
LITE THES AND ENERGY

July 8, 2018

Dear President Jing Qiu and Honored Guests,

I want to extend my warmest congratulations to you, your distinguished Board of Directors, and the membership of the Chinese American CPA Association (CACPAA) on your 2018 Professional Expo and Annual Installation Gala.

For the past 8 years, CACPAA and its over 400 members have helped deliver vital services to all sectors of our private and public industries. Your efforts have helped grow our local and state economy.

If my office can ever be of assistance to your membership, please give me a call at 714-529-5502 or send an email to <u>Assemblymember.Chen@assembly.ca.gov</u>.

It is an honor to be your representative.

Sincerely,

PHILLIP CHEN

California State Assemblyman





BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

869 KENNETH HAHN HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012 Tel: 213-974-5555 Fax: 213-974-1010

KATHRYN BARGER

SUPERVISOR, FIFTH DISTRICT

July 8, 2018

Chinese American CPA Association 608 East Valley Boulevard San Gabriel, CA 91776

Dear Friends.

Greetings to you, your guests, and your supporters gathered for the Chinese American CPA Association's (CACPAA) 2018 Professional Expo and Annual Installation Gala.

Los Angeles County appreciates your work to unite professionals from financial, legal, real estate and education sectors to provide opportunities for your members to advance and network across a multitude of professions. The county further commends CACPAA for hosting technical and educational activities for professionals and entrepreneurs to succeed and advance in their professions.

Thank you for all of your contributions to the County of Los Angeles.

Best wishes,

KATHRYN BARGER Supervisor, Fifth District



City of La Habra

ADMINISTRATIVE BUILDING

"A Caring Community"

110 E. La Habra Boulevard Post Office Box 337 La Habra, CA 90633-0785 Office: (562) 383-4000 Fax: (562) 383-4479



July 8, 2018

Re: Chinese-American CPA Association (CACPAA) Annual Installation and Gala

It is my pleasure to congratulate the Chinese-American CPA Association on the 8th anniversary of your founding. Professional accounting services are an integral part of any successful business or government agency, and you are to be commended for upholding the highest standards of your profession.

The City of La Habra is pleased to support the mission of CACPAA, which includes community services and educational activities. With over 400 members, CACPAA is making a positive difference in the accounting industry. My best wishes on another successful gala!

Sincerely.

Tim Shaw

Mayor, City of La Habra



PHONE: (626) 307-1465 • FAX: (626) 280-4537 SLAM@MONTEREYPARK.CA.GOV



June 26, 2018

To: Chinese American CPA Association

Congratulations to the Chinese American CPA Association (CACPAA) on your 2018 Professional Expo and Annual Installation Gala in celebration of your 8th Anniversary.

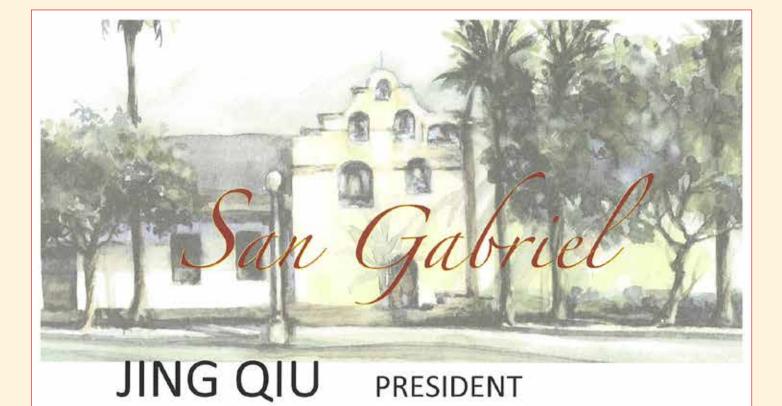
The Chinese American CPA Association (CACPAA) consists of many highly professional certified public accountants with extensive experience and knowledge in the areas of finance, real estate, education, tax laws and related consulting services.

I am confident your association will continue to contribute to your members the networking through technical and educational activities, social events and community services that will benefit and enhance the knowledge for your members and the community.

My best wishes to you for continued success in all your future endeavors.

Sincerely,

Stephen Lan Mayor



CHINESE AMERICAN CPA **ASSOCIATION HOSTS 2018**

PROFESSIONAL EXPO & ANNUAL INSTALLATION GALA

YOUR DEDICATION TO SERVE OUR COMMUNITY IS TRULY COMMENDABLE

CHIN HO LIAO SAN GABRIEL CITY COUNCILMEMBER

ach2 = 7/8/18



Greater Monterey Park Chamber of Commerce & Visitor Center

Located at the Historic El Encanto, 700 El Mercado Ave, Monterey Park

Congratulations

Dear President of Chinese American CPA Association:

On behalf of the Greater Monterey Park Chamber of Commerce, we would like to congratulate you in your efforts for the 6th Chinese American CPA Association Gala and Installation Dinner.

Congratulations to President Lin and 2017-2018 Board Members on a prosperous and meaningful year.

Thank you for your continual efforts and services provided to local communities and business professionals as well as the international community. We look forward to working with you in your efforts.

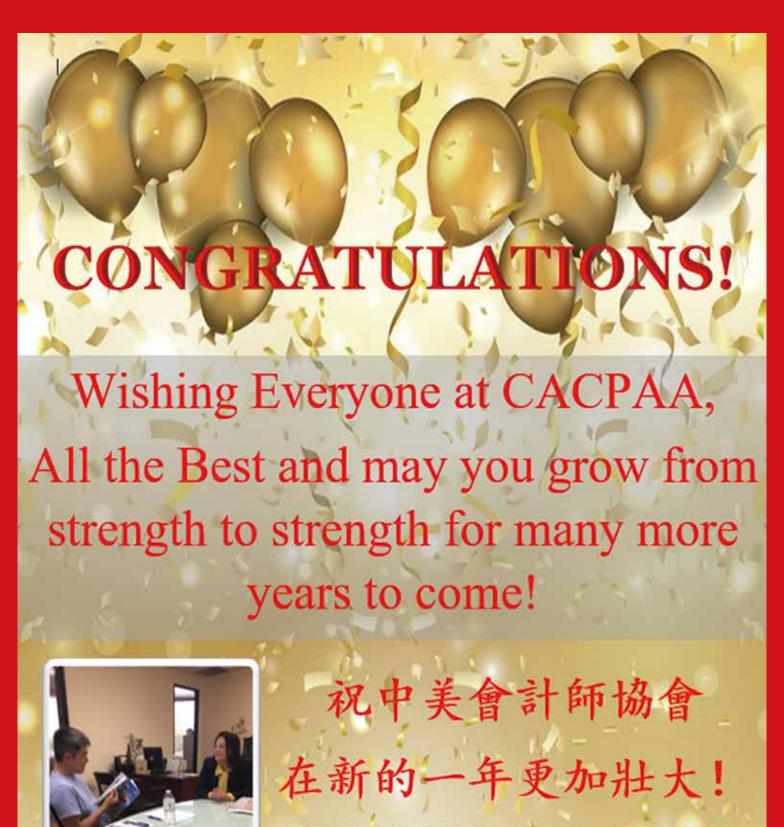
Sincerely yours,

Dora Leung President

Greater Monterey Park Chamber of Commerce



Mailing Address: P. O. Box 387, Monterey Park, CA 91754 Tel: (626)570-9429 Email: Info@GMPKchamber.org





SEAN YU, CFP, CPWA

The President's Message 會長的話

United To Innovate, Succeed and **Empower Others**

攜手共贏 回饋眾心

It is a great honor and privilege to serve as the President of the Chinese American CPA Association for a second term. I am humbled and deeply grateful to the Board of Directors for electing me and providing me with this amazing opportunity.

The Chinese American CPA Association (CACPAA) was established in 2011 by our Founding President, Howard Li, CPA, who inspires all with his leadership and vision. And of course, our two past presidents, Derek Tung, CPA, JD, and Jonathan Lin, CPA, who have set the bar for me to do better every day.

CACPAA continues to positively impact the lives of our community members by connecting mainstream America and ethnic Chinese communities through quality Continuing Professional Education (CPE) classes, productive meetings, and networking with professionals and officials. We have delivered free public seminars, organized Roundtable get togethers to share best practices and experiences, and raised funds to help groups and individuals most in need. We stand united in our mission to innovate, to empower each other to succeed, and to serve as a platform to connect members, from younger generations pursuing careers in finance and accounting to leading professionals.

Our first Professional Expo, our big accomplishment, has gathered the best in the business and the first professional expo in the San Gabriel Valley area. I am extremely grateful to our Expo and Gala Committee Members, Sponsors, and Volunteers! CACPAA has demonstrated a real spirit of innovation and dedication! Congratulations to our brilliant and committed team: Chief Directors, Vivien Wang and Cynthia Lau, CPA, Jeff Huang, CPA, David Lin, Diane Chen, Paul Niu, CPA, Peter Chow, Richard Kung, CPA, Emily Sang, CPA, Angela Chen, CPA, Mei Mei Huff, CPA, Chan Fong, CPA, Charles Kiu, CPA, Jennie Li, CPA, Howard Li, CPA, Joshua Wang, Victor Wong, Danny Chen, Esq., Asher Yeh, Robert Yang, CPA, and many others for making The Professional Expo and Gala a success! Thank you all for coming together to surmount any challenge we encounter.

With the collaboration and efforts of all its valued members and volunteers, CACPAA is playing an increasingly important role in bringing together local professionals and international business people in the ever-growing global market. My warmest and sincerest gratitude go to all of you who continue to be a part of our efforts, our achievements, and our successes.

Thank you once again for this tremendous opportunity to serve you as President and I look forward to working with all of you in accomplishing our important mission.

我們的家人和朋友們:

經過很多人的努力耕耘,中美會計師協會成為了南加州一個具代表性和有良好口碑的專業人士團體!中美會計師 協會這個平台放大我們的優點,包容我們的不足。它讓我們互相交流、優化創新,成為更好的自己!在這裡,我們與 一眾志同道合的朋友們一起成長,一起實現理想,一起回饋社會,一起造福世界,一起創造歷史!攜手共贏,回饋眾 心!我們能無後顧之憂地為協會付出全因有你們的幫助和包容。感謝一路有你們陪伴和支持!

Wishing you all the best,

Ing Ouk

Jing Qiu, CPA, CGMA

BOARD of DIRECTORS



Jing Qiu, CPA 2017 - 2019 President



Cynthia Lau, CPA VP of Event Coordination and Membership



Jeff Huang, CPA VP of Finance and Community Services



Chan Fong, CPA VP of CPE and Seminars



Paul Niu, CPA Treasurer



Iennie Li. CPA **Treasurer**



David Lin **Director of Marketing**



Mei Mei Huff, CPA Director of Public Relations



Richard Kung, CPA Director of Social Media Management



Angela Chen, CPA **Executive Secretary and** Director of Meetings and Fund Raising



Emily Sang, CPA, MBA **Executive Secretary** and Director of General Affairs



Charles Kiu, CPA **Chief Editor**



Anita Huang



Danny Chen, Esq



Howard Li. CPA 2011~2013 President



Peter Chow



Joshua Wang



Victor Wong



Jing Qiu, CPA President



Chan Fong, CPA VP of CPE and Seminars



David Lin **Director of Marketing**



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Joshua Wang



Jeff Huang, CPA VP of Finance and Community Services



Paul Niu, CPA

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Mei Mei Ho, CPA Director of Public Relations



Emily Sang, CPA, MBA Executive Secretary and Director of General Affairs



Danny Chen, Esq



Victor Wong

TransGlobal

劉於 會計師/教務領土

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E-mail:jl@jennielicpa.com

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SERVING

Cynthia Lau, CPA

VP of Event Coordination and Membership

北京大學經濟學學士 美國加州註册會計師 夏威夷大學工商管理碩士 美國及加州會計師協會會員 Jennie C. Li, CPA, MBA A Professional Corporation 陳 峥 會計師 780 Roosevelt, Suite 225 Tel: (949) 413-7810 Irvine, CA 92620 Fax: (866) 519-2193

Jennie Li, CPA

Treasurer



Richard Kung, CPA



Charles Kiu, CPA Chief Editor



Howard Li, CPA Founding President

Board Member List for 2018 -2019

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Vice President of Event Coordination and Membership Cynthia Lau, CPA

 Chan Fong, CPA Vice President of CPE and Seminars

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 David Lin **Director of Marketing**

 Mei Mei Huff, CPA **Director of Public Relations**

Director of Social Media Marketing Richard Kung, CPA

 Angela Chen, CPA Executive Secretary and Director of Meetings and Fund Raising

Executive Secretary and Director of General Affairs Emily Sang, CPA

Chief Editor Charles Kiu, CPA

Anita Huang

Danny Chen

 Howard Li 2011~2013 President

Joshua Wang

Peter Chow

Victor Wong

Officer List for 2018-2019

•	Jing	Qiu,	CPA	President

 Jeff Huang, CPA Vice President of Finance and

Vice President of Event Coordination and Membership Cynthia Lau, CPA

 Chan Fong, CPA Vice President of CPE and Seminars

 Paul Niu, CPA Treasurer Jennie Li, CPA Treasurer

 David Lin Director of Marketing

 Mei Mei Huff, CPA **Director of Public Relations**

 Richard Kung Director of Social Media Management Executive Secretary and Director of Meetings and Fund Raising Angela Chen, CPA

Executive Secretary and Director of General Affairs Emily Sang, CPA

 Charles Kiu, CPA Chief Editor **Chief Editor** Vivien Wang

Expo & Gala Committee

Cynthia Lau, CPA Chief Directors: Vivien Wang

Jeff Huang, CPA

David Lin

Diane Chen

Paul Niu, CPA

Peter Chow

Richard Kung, CPA

Emily Sang, CPA

Angela Chen, CPA

Mei Mei Huff, CPA

 Chan Fong, CPA Charles Kiu, CPA

Jennie Li, CPA

Howard Li, CPA

Joshua Wang

Victor Wong

Danny Chen, Esq.

Asher Yeh

Robert Yang, CPA

Jing Qiu, CPA

Professional Education















Community Service







Free Seminar 2018 New Tax Law Update

Hon. Mayor Stephen Lam of Monterey Park & Chinese American CPA Association













Sunday 1:00pm-4:00pm, February 18, 2018 Monterey Park City Hall 320 W Newmark Ave, Monterey Park, CA 91754

蒙市市長林達堅 & 中美CPA註冊會計師協會 2月18日 週日下午一點至四點 蒙特利公園市政廳





Jing Qiu CPA, CGMA

Blockchain Impact: An **Accounting Evolution**

區塊鏈帶給會計革命性的深遠影響

Jing Qiu, CPA, CGMA 丘靜會計師, 全球特許管理會計師

What is Blockchain?

Blockchain is a distributed digital ledger that can record transactions between parties efficiently in a verifiable and permanent way allowing participants to verify and audit transactions instantly and inexpensively. Blockchain technology is gaining momentum as the next step for accounting; companies can keep separate records based on transaction received-directly into a joint register (Blockchain), creating an interlocking system of enduring accounting records.

Blockchain, a Triple Entry Accounting System

Triple entry accounting (Double-entry + Cryptography) is an enhancement to the traditional double-entry system in which all accounting entries involving outside parties are cryptographically sealed by a third entity (the blockchain). Triple entry accounting, as shown in the diagram, consists of three parties. Company A, Company B and Blockchain ("Public Book") has a copy of the same receipt, hence the label "triple entry".

Can a User Manipulate Historical Transactions in Triple-entry accounting?

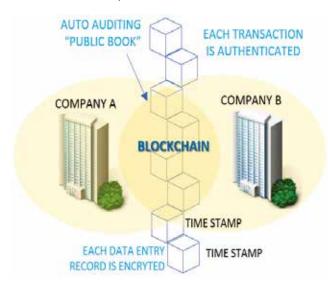
Fraudulent activities would be impossible under a blockchain regime because of the characteristics of a blockchain: the hash value, blocks of chain and the distributed network. The Blockchain, the underlying record keeping system, is immutable to any data amendment once it has been written and the data is updated in real time. The hash value of the blockchain is secured identity in a series of codes that is unique on that document. Given just the hash value, you cannot recreate the block data contained within it which is encrypted; all blocks of data which are formed after the first block are securely chained to the previous one. This hashing and linking of blocks makes them inherently resistant to the modification of their data.

As shown in the diagram, the Blockchain is a digital database that is publicly distributed and decentralized ledger which company A & B participates in the confirmation of transaction. All computers have a copy of the database and distributed consensus. As all the

systems hold a copy of these ledgers, the system becomes extremely difficult for tempering.

Blockchain is Redefining Trust

As shown in the diagram, one of the great benefits of Blockchain is allowing companies A & B to have real time access to their trusted Public book, enhancing their business relationship and bottom line.



Triple Entry System's Advantages and Development

Triple-entry accounting allows us to reconcile the balance, the transaction, and the reporting process so that organizations can trust their own books. The cost and time necessary to conduct an audit would decline considerably. Deloitte is already developing PermaRec capable to record transactions between their clients and quickly audit them.

The Blockchain as a source of trust can be extremely helpful in today's accounting structures. It can be gradually integrated with typical accounting procedures: starting from securing the integrity of records to completely traceable audit trails. At the end of the road, fully automated audits may be reality.

Blockchain technology creates many opportunities for a spectrum of professional range from technical, legal, financial institutions to manufacturer etc. Early adaption to the features and function of blockchain can strengthen our professional presence and business opportunities.

慈善捐贈的簡介與未來

By 美國泛宇集團創辦人 - Philip Hu 胡正國

美國是一個以基督教立國的國家, 基督徒對金錢價值觀抱持的態度,是做個忠心良善的管家,來管 理神所賜的財產, 所以慈善捐贈的概念, 對大多數的美國人來說是件自然形成的事。從國家的角度來看, 在美國很多公眾事務的推動,除了政府的資源外,民間的慈善機構也扮演著非常重要的角色。為了鼓勵慈 善捐贈,美國政府對於任何合法合理的慈善捐贈,給予很大税務上的好處,以鼓勵人們更加樂意參與行善。 "慈善捐贈"在美國主流社會裡固然已是行之普遍的舉動,可惜在華人的圈子裹談的還不夠多,筆者認為在 未來的三、四十年裡,美籍華人將要經歷一個史上活的最長、財富累積最多,而且宗教信仰比例最大的時 代。

愈來愈多的人將不會認為把所有資産留給自已的子孫是唯一的選擇。將神所祝福所賺得的財富回饋 社會,去幫助更多有需要的人;此更具有意義的人生價值觀,將會讓Leave a legacy 的觀念成為更可能的 選項。對於一個有意願做慈善捐贈的人,在面對多種捐贈的方式、捐贈的內容,和配合個人心意可選用的 工具,以及有那些不同稅上的好處,可能仍有霧裡看花,摸不著頭緒的困擾。坊間也很少中文的資料可以 閱讀,筆者想在此就選擇捐贈的內容和捐贈的途徑,做一些簡單的介紹。

如果要捐,捐什麼樣的資產最好?

我常在遺產規劃的演講中問大家: 什麼樣的錢是留給子孫最不好的資產?我的回答通常是: 我們退休 帳戶像401K或是IRA裡的錢,因為有很多的情形是在退休後,因節儉的習慣或仍有些從其它資産的收入, 常常會捨不得用,讓退休帳户裡的錢繼續累積,直到夫婦都過世後剩下很多未繳稅錢,豈不知他們那時將 面對更不利的稅務窘境! 舉例來説: 張先生張太太過世後退休帳戶還剩兩佰萬。這兩百萬過世後還是要先交 所得稅,可能一半先沒有了,剩下的再列入遺產。若遺產夠多,超過部分再付最多40%的遺產稅,兒女也 只能拿六七十萬。如果兒女已經很富裕或自已更疼愛孫子孫女想要留給他們的話,還有可能要打Generation Skipping Tax (今年最高也是40%)。 這樣一路打下來,孫子孫女只拿到三、四十萬,夠慘了吧!但如 果走時是把錢直接捐給教會或是其他慈善機構,則完全不用付所得稅及遺產稅,兩百萬還是兩百萬,這樣 豈不更好?

很多人以為我目前資産還沒到遺產減免額的程度,不需要考慮做遺產規劃;這樣的想法是忽略了資 產會逐年增值的事實,如果以每年4% 複利增長,資產每18年會翻倍;同理,若是按 6% 的複利增長,你的 資産將會以每12年翻倍的速度增長。以一位55歳目前擁有資產一千萬為例,若按4%增長,他在73歲時資產 會變成二千萬,91歲時達到四千萬;若以6% 的複利計算,他67歲時資產就增長到二千萬,79歳時可以達 到四千萬,91歲時達到八千萬,所以就算他目前資產未達遺產減免額的上限,並不代表就沒有遺產稅的問 題,因為遺產的傳承都是以未來的時間做為考量規劃的。

哪些資產可以捐增,除了現金外?

還有股票、房地產、公司股份、汽車、人壽保險等,各種資產都可以拿來做捐贈。

慈善捐贈的簡介與未來

By 美國泛宇集團創辦人 - Philip Hu 胡正國

除了直接贈與給慈善機構外,還有那些慈善捐贈方式?

(1) 慈善剩餘信託 Charitable Remainder Trust (CRT)

通常這是針對高增值的資產,像股票、房產、公司股份等等... 如果賣出要繳增值稅,不賣收入嫌 不夠,或是房產不想管理也不想1031 交換,又擔心在人走時要付遺產稅。此時就可以考慮設立慈善剩餘信 託,將高增值的資產轉移進去後再賣出,如此在賣出時就不用付當年的增值稅。自已與配偶可以每年從信 託基金裡領 "至少"信託5%的終身收入(根據年齡, 年齡愈大, 拿的越高)。到人不在的時候剩餘的信託資 產再捐给指定的慈善機構,而子女可以從當初省下來的稅金,所購買的壽險保單信託中拿到免稅的死亡理 賠,所以這是一個三贏的局面。其中的限制是捐贈的資產必須沒有貸款,通常股票是較常被使用捐贈的資 產項目,因為房產仍可以用1031交換來保持延稅。在稅務優惠上,因為他捐贈的是過世後剩餘的資產,所 以在所得稅的減免金額會遠小於直接贈與。此外,CRT 的受益人必須是Public Charity。

(2) 個人慈善基金會 (Private Foundation)

就是按個人的情況,量身打造未來的錢將如何捐贈投資。此一信託基金只要每年捐出至少5%的基 金會資產,給合格的慈善機構,在實務上若是信託基金每年回報超過5%,資產會繼續成長而且世世代代 不付遺產稅,而且子孫也可以在基金會裡任職領錢。就像洛克裴勒第四代子孫四百多人每人每年從基金會 領三十多萬。它的限制是: 只有現金或是公開交易的股票捐贈才能完全享受所得稅最大減免的好處。如果 捐贈其它資産,所得稅減免只能按成本而不能用市價抵扣,同時每年可抵的AGI 上限較低。另外,較高的 維持費用也是一個考量,此種方式較適用於"對的資產"及"較大的金額"。一般只接受,指定個人捐款,不 能接受大眾捐款。

(3) DAF/ Donor Advised Fund (Poor Man's Foundation)

此一方式受到愈來愈多人的關注,因為他不但可以享受Public Foundation 用市場價抵所得稅減免 的好處,又可以享受 Private Foundation 間接管理的好處,也不用擔心失去控制;僅要一萬元就可以開戶, 還沒有高額的管理費用,並且可以有像水庫調節水量的好處,如果在某年需要較多Income Tax Deduction時,所有的Contribution 可以在當年抵掉; 或者也可以選擇讓資金在Fund 裏繼續投資成長、獲利及免 稅,等到將來再捐。相較於直接贈與,碰到收入起伏較大的情況時,如果都照比例捐給機構,有可能形成 某幾年捐的過肥或某幾年捐的太瘦,造成接受捐贈的機構預算編列的不方便。不如在收入多的時候,把一 部份的錢放進Donor Advised Fund 裡,將來哪一年收入少的時候,再從Donor Advised Fund 裡拿出來捐 贈。

這對於有些尚未決定捐贈對象的捐贈人,也可以先存入抵稅,之後再來選擇捐贈時機。此 方法絕對是值得考慮方式之一,很多有名的基金如 Charles Schwab、Fidelity 等都有此類Funds, 不過他們大都只能接受現金及股票的捐贈。但也有其它的Funds 彈性更大,不僅可以接受房產、 公司股份及各種不同的資產,還可以用市價抵扣所得稅。人走時仍然可以讓子孫繼續間接管理, 就更顯出它在稅務上的靈活性,同時,他也沒有每年必須5%捐贈的規定,所以可以累積到比較大 的金額後,再一起贈與。這個工具絕對值得研究。Donor Advised Funds 也可成為Charitable Remainder Trust (CRT)的受益人,尤其是在開始設立CRT 之初,尚未確定想要捐贈的慈善機構時, 可以先用Donor Advised Funds 做受益人而以後再決定捐贈的對象。如此設計更可增加設立CRT 的靈活性。

(4) 人壽保險也是很好用的工具

活著的時候捐贈保險Ownership,除了解約現金價值可以作為當年所得稅減免外,基金會或Donor Advised Fund 也可做受益人,甚至可以用基金會或是Donor Advised Fund 的錢來買,更能享受所得稅的好 處,做到更大的槓桿。

利用不可變更人壽保險信託來做替代捐贈資產,也是在慈善捐贈裡非常重要的工具,常常很多人會 問:「我資產捐出去了?小孩怎麼辦?」如果用少部份資產,或者是捐贈後所省下的所得稅來槓桿購買一 個比捐贈資產同樣或更大金額的人壽保險信託;當父母過世時,小孩可以領取免稅的保險理賠,常常會拿 得更多!這樣變成大家都是贏家的局面。

利用不可變更的保險信託,不但可以高槓桿的創造高倍數的理賠現金外,如果設立得對的話,所有 保險理賠,更可以免所得稅及遺產稅;這是任何其他投資很難做到的,譬如說,本來一百萬保費可以買八 百萬的保險理賠,但因為完全免稅,就相當於一千四百萬到一千五百萬需要打稅的遺產;因為完全省稅的 好處,子女實際拿得更多。

比如張先生張太太有五千萬的遺產,扣掉遺產稅減免額二千二百三十六萬,剩下的二千七百六十四 萬打40%稅,子女也只能拿到少於三千九百萬。不如從需要打稅的二千七百六十四萬部分拿四百五十萬出 來作個四千萬免稅理賠的保險信託(根據年齡不同, 保費也不同 越早做槓桿比例越高!) ,再把剩下的二千三 百一十四萬成立基金會或是放 在Donor Advised Funds 裡,等人走後再捐出,這樣子女還可以足拿五千 萬,比不捐還多! Charity 也可多拿錢。真是利人又利己!

(5) 退休帳戶裏70 歲半後每年的必須提領 Required Minimum Distribution (RMD)

對於已經70歲半而又不需要用到退休帳戶裡的錢的人而言,也可以考慮領出RMD後捐贈給Charity,這樣RMD 的錢就可能不算收入 (可以每年抵到高達50%of AGI)。還有很多慈善捐贈的方式, 限於篇 幅無法——介紹,重要的是我們了解若有慈善捐贈的心願,是可以有各種不同的方法及合適的工 具來達成的。無論是出於善心或是感恩回饋, 這樣一個帶有正能量的行動除了直接捐助了慈善機 構,也間接對社會做出了貢獻,不僅自己能享受到省稅的好處,更盡到了好管家在恩典中管理財 務的責任,真是一舉數得及值得推廣的善事。



李豪會計師 Howard Li CPA, CAA 中美會計師協會 創會會長

申請美國稅號(ITIN)的重要性

李豪會計師的建議:

親自申請通常需要把納稅人的護照寄給國稅 局, 會需要差不多7周到10周的時間, 這對我們 的客戶非常不方便, 因為這段時間客戶沒有護照可 以使用。若是護照寄丟, 更是麻煩。李豪會計師事 務所是國稅局授權的 CAA - Certified Acceptance Agent (國稅局授權的認證受理經紀),不但可以為 客戶申請稅號, 也可以帮客户认证护照。這樣客戶 不需要把護照原件寄給國稅局。為新移民在美國安 家以及設立公司打好專業的第一步。

現在我們有越來越多的非美國稅務居民來找我 們辦理申請稅號事宜。所以今天我們就來探討一下 申請美國稅號的重要性以及如何申請。

通常外國人來美國會有兩個選擇:

- 一. 打算移民成為美國稅務居民
- 二. 不打算移民, 希望資產或生意國際化

這兩種選擇在還沒有成為美國稅務居民之前。 通常都會需要申請稅號。這樣才可以獲得優惠預扣 税率福利,也可以把多繳的預扣稅退回來。在成為 美國稅務居民之前, 很多人會在美國買房子或做其 他的金融投資。若是在加州賣房子會先預扣 18.3% 的稅,這個稅包括:聯邦的 15% 還有加州的 3.3%。 換句話說,若是賣了一棟 100 萬美元的房子,非稅 務居民需要預繳 18.3 萬美元的稅。若是非稅務居民, 沒有申請稅號,可能這筆稅就退不回來了。

投資移民的客人每年會從項目方收到一個 K-1 表格。若是項目有收益,項目方很可能先預扣非稅 務居民 39.6% 的稅。通常非稅務居民並不需要繳這 麼高的稅, 這也可以通過申請稅號來享受優惠的稅

有些中國來的客戶不打算移民美國, 不過希望 在美國開公司當股東分紅。分紅部分的預繳稅,也 可以通過申請稅號的方式把大部分退回來。

接下來我們具體瞭解美國納稅識別號碼的規定:

納稅識別號碼必須在所有的稅表、報表以及其 他稅務相關文件中提供,並且經要求後提供給必須 將此號碼包括在稅表或報表中的任何其他人。對大 多數人來說,這個號碼就是他們的社會安全號碼, 簡稱 SSN。如果您是外國人,沒有 SSN 也不符合 取得 SSN 的資格, 您必須用個人納稅識別號碼, 簡 稱ITIN。

需要 ITIN 者包括下列人士:

- 依照所得稅條約有資格獲得優惠預扣稅率福 利的非居民外籍人士
- 不符合取得 SSN 資格但需要申報美國稅表或 因為要申請退稅而申報美國稅表的非居民外 籍人士
- 不符合取得 SSN 資格但選擇與美國公民配偶

或居民外籍人士配偶聯合報稅的非居民外籍

- 不符合取得 SSN 資格但申報稅表的美國居 民外籍人士(根據居住測試符合美國居住狀
- 不符合取得 SSN 資格的外籍配偶在美國稅表 上被申報免稅額
- 不符合取得 SSN 資格的外籍人士,有資格在 別人的稅表上被申報為被撫養人,以及
- 不符合取得 SSN 資格的非居民外籍學生、教 授或研究人員,他們需要申報美國稅表或免
- 持有美國簽證的非居民外籍人士的被撫養人/ 配偶,不符合取得 SSN 資格

核發 ITIN 僅作為聯邦稅用途,它不會讓您享有 社會安全福利, 也不會使您有資格獲得低收入家庭 福利優惠。 ITIN 不代表您的移民身份或是您在美國 合法工作的權利。

要申請 ITIN, 您必須提交 W-7 表【國稅局個 人納稅識別號碼申請書】(Form W-7, Application for Individual Taxpayer Identification Number), 並證明 您因為聯邦稅而要取得 ITIN。連同填妥的 W-7 表附 上身份證明文件以及一份聯邦報稅表或其他可證明 您因為聯邦稅而需要 ITIN 的文件。

身份證明文件是用來確認您的身份和外籍身 份,這個文件必須含有一張近照。國稅局最近對 ITIN 的申請程序作出更動。大部分的申請書現在都 必須附上原始護照文件。

通過郵寄方式或親自申請 - 您可以通過郵寄方 式申請您的 ITIN。申請人還可以使用認證受理經紀 (CAA)的服務來提交申請書。CAA 是國稅局授權 的個人、企業或組織,協助納稅人進行 ITIN 的申請 如果您通過郵件申請, 請使用 W7 表格說 明和 1915 號刊物【瞭解您的國稅局個人納稅識別 號碼】(Publication 1915 (PDF), Understanding Your IRS Individual Taxpayer Identification Number) 中列 出的地址。文件將在審核您的申請書後交還給您。 如果您的原始文件沒有在60內歸還,您可以打電話 800-829-1040 (美國國内)或 267-941-1000 (美 國境外)查詢您的文件情況。國稅局約需7週的時 間(1月15日到4月30日高峰納稅時間,8-10週) 以書面方式通知您有關您的 ITIN。

從 2016 年起,如果過去 5 年內沒有提交聯邦 所得稅納稅申報,國稅局將會使 ITIN 失效。納稅人 若需要申報聯邦稅,可以用 W-7 表格重新申請更新 這 ITIN。

專精 ▶ 國稅局, 州稅局查賬與交涉業務 ┃ 投資移民前後中美稅務規劃

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陳精民國(AILA)全師民移人律馬格美法移民國(AILA)全的法訟法,協律簽師律的球移院時「也協師證,師講五民判請專是會是與是公師百法決用業台的專移美會,強律移的證美會專

中美移民現況 移民律師對中美移民的趨勢觀察

近十年來,中美間的移民有著不同的趨勢。除了一直以來都存在的子女赴美就學家庭移民需求之外,目前中國還有兩個族群對於美國移民相當有興趣。其一,是因著全球 CRS (Common Reporting Standard) 而產生金融規劃需求的族群;其二,則是各個產業的中國母公司,在亞洲經營到一定規模後,預備進軍美國市場。就這三個不同的族群,容我以移民律師的觀點淺述其中辦理美國移民的關鍵:

一、年輕家庭:

有許多父母希望給子女一個不同於中國的教育體系、未來有多一種選擇。天下父母心,這是一直都存在的移民動機。但是目前直接辦理綠卡的時程仍然非常長。以 EB-5 投資移民為例,取得臨時綠卡的平均時程至少是 5 年,並且等待期中沒有合法居留美國的權利。對於無法等待這麼久才入境的家庭來說,就需要考慮以其他方案同時進行,例如:經由 L-1 外派經理的管道,讓眷屬及早進入美國、子女開始在美國的公立學校就學。

但是這兩種管道各有其困難與考量。以EB-5 來說,「投資」就存在著風險,因此在選擇專案時,就需要專業的分析來篩選。而L-1 管道雖然提供快速三年永久綠卡,但是投資更高且需要聘用的高品質美國員工更多。針對這個族群,我們可以採用雙重方案,同時進行 EB-5 與L-1 + EB-1C,幫助協助審核 EB-5 的投資移民專案是否合宜、對於取得臨時綠卡,以及最重要的永久綠卡是否有實質的幫助。同時可以協助設立/尋找好的 L-1 可能拿到 EB-1C 永久綠卡的項目,使家庭眷屬取得合法身分進入美國等待臨時綠卡的核發。

二、中國各產業公司:

目前最活躍的是各個產業的公司。這些公司通常在亞洲各國已經擁有相當規模與跨國經營經驗,並且計畫進軍美國市場。這些中國公司進軍美國的主要原因是:

1. 美國市場規模龐大;

- 2. 就製造業而言,與早期相比,在美設廠的製造成本已經和中國相去不遠;
- 3. 提供美國客戶同時區的即時服務;
- 4. 美國許多州政府提供優惠稅率, 使得赴美 設廠/拓展的門檻降低。

因為上述的原因,目前有許多中國公司非常積極赴美考察、並外派員工到美開始營運。就實務操作上,這些外派員工的背景、學歷、擔當職位、以及工作經驗都影響著申請簽證的種類,而這些分析與規劃,都需要移民律師的專業及經驗來判斷。值得一提的是,雖然 L-1 是外派員工時的最佳管道之一,但是能夠爭取到的名額偏少,並且每位外派人員都必須具備特殊技術或高端管理經驗。

綠楓法律集團陪伴多數亞洲成功企業進軍美國。有興趣者可到此觀賞視頻: https://tinyurl.com/y7cdhla3

移民之路說短不短,動輒牽涉到相當程度 的資金與財務規劃,不可不慎。而其中許多關 竅都是相互影響的因素。每個案件的個別條 件、狀態,以及公司的需求、現況、遠景,都 需要全盤瞭解後,就移民律師的專業及經驗來 判斷,才能協助規劃出一條量身訂做合適的移 民路線。無論您的移民動機是什麼,相關領域 的專業人士都是您不可或缺的同行者。

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陳律師任職:美國移民律師公會(AILA) 講師、美國法院移民[專家證人]、與 臺美律師協會會長。

嚴選代表性客戶:













陳啟耕 移民律師

Danny Chen, Esq.

感謝客戶們的提拔與關照,讓 我有機會服務更多您們的朋友! 請各位繼續指導,我們一起在美國為華人爭光!







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Social Events















2018年僱主須知

因加州多元化的商業潛力,加上運輸便利的優勢,很多國內外的商人,都願意來此發展事業或購買商業 房產。多數的業主都知道,一旦僱傭員工就得購買法律所規定的勞工保險,但對較為繁雜的商業保險卻 不知購買要領。因此有些業主索性就買了房東所要求的基本建築物責任險(Premises Liability),卻不 知日後遇上事故或災難,不但得不到分文賠償,在遭到控訴後,保險公司還無法提供律師辯護費用。

一般商業保險分為兩大類:

(A) Commercial Package

此類保險需要為業主量身定做,由受保者提出保險需要的項目,再由保險公司計算並提供保費,換句話 說,受保者未提出的項目,保險公司則不必要承保。這種保險因保障有限制,建議受保者務必與經紀溝 通保險細節,並了解保障的內容,以確保將來賠償無糾紛。

(B) Business Owner Policy (BOP)

此類保險始於1970年代,發展至今非常普遍並且價廉物美。一份BOP保單可以包括以下五項保障:

1.財務險:包括建築物,公司存貨及設備。

2.生意中斷險: 因災難, 公司停業造成收入損失。保險公司賠償通常以一年為限。

3.責任險:無論是他人因跌倒訴訟,或員工疏忽,或僱主疏忽造成他人財物損失,或因仿冒,誹謗,侵 犯他人隱私而被告, 保險公司賠償一切律節辯護費用。

4.特別汽車責任險:員工用自己私人汽車為公司做事時碰撞他人,或公司租用車及僱傭車造成車禍。

犯罪損失險:自己員工監守自盜或因外國人偷盜造成公司財務損失。

BOP雖然是商業保險最佳選擇,但建議業主務必要求經紀輸入正確資料,譬如公司年收入額,在申請時 如虚報降低,雖可降低部分保費,一旦出事,保險公司的理賠也大打折扣。另外商業建築物保險方面如 HOA, Shopping Center保險等,如降低建築物重建費用,也可節省少許保費,但是一旦有了災難,保 險公司也不肯全額理賠,甚至還追加罰款,得不償失。

另外需要注意的是,在加州做生意,僱主必須在公司張貼勞工海報。為此,每一年林大衛保險團隊都會 印刷最新版的勞工海報, 歡迎各位僱主來電索取, 800-778-8588

法律所規定, 僱主必須向新員工提供的五種員工手冊也有更新

- Disability Insurance Provision
- Paid Family Leave
- Sexual Harassment
- Unemployment Insurance
- · Time of Hire

人事資訊範本

- Employee handbook Template
- Employment Reference Check
- Termination Letter
- Discrimination and Harassment Prevention Policy



如需以上資訊,可撥打電話800-778-8588,或發送Email到news@topcoinsurance.com 林大衛保險的工作人員會將您需要的資訊發送給您! 林大衛保險

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黃傑峰 註冊會計師 工商管理碩士 2018 川普新稅改解讀 - 房地產篇

機會和挑戰

合理規劃稅務 - 盡享房地產帶來的稅務優惠

隨著《減稅與工作法案》(The Tax Cuts and Jobs Act)的稅制改革議案在2017年底通過,毋庸置疑,這次的大刀闊斧成為了美國近三十年來涉及範圍最大的壹次稅改。當然,新稅改會給很多家庭帶來不同程度的稅務優惠,但同時也有壹些不利的影響。2018,註定不平靜;2018的稅務也牽動每位納稅居民的心。

新稅法對我們切身到底有哪些影響? 首先我們每天住的房地產物業探討:

針對自住房

- 會將貸款利息扣稅的限額從 100 萬美元降至 75 萬美元; ** 2017 年 12 月 14 日之前的贷款 利息扣稅的限額還是保留在 100 萬美元
- 地方房地產稅和州稅的抵稅額,上限設為1萬美元;
- 遺產稅豁免額將近 1 倍, 達到 \$11,200,000;
- 自住房子每人 \$25 萬的免稅額 IRC Section 121 exclusion 還壹直延用;
- 房子凈值貸款 (HELOC) 利息還是可以用於抵稅,但有新的限制,例:借貸部分挪作他用,如用來償還學生貸款利息,旅遊度假,買車等個人用圖,是不能抵扣的。

現在我們看壹看在我們身邊的一些例子。

例一: 李先生在 Arcadia 擁有壹套市值 \$2.5M 的自住房子。每年要交 \$27,000 的房地稅。他年收入在 \$150,000,州稅要交 \$10,000,稅改前李先生可抵扣 \$37,000 (\$27,000+\$10,000); 而 2018 新稅法後,他今年只能最多抵扣至 \$10,000。李先生少了 \$27,000 的抵稅額。雖然李先生 2018 年的稅率從原來的 28% 降至 24%,但還要多交 \$3,200 的稅

例二: 在2018年1月6日,李太太在Temple City購買了市值90萬美元的自住房。她的貸款額度是50萬美元。2018年2月15日,她向申請了20萬美元的房屋凈值貸款。這筆錢是用來加建自住房子。這兩筆貸款都由自住房子擔保,總額不超過房屋的成本。由於兩筆貸款總額不超過750,000美元,所有貸款利息都可以扣除。但是,如果李太太將房屋凈值貸款收入挪用作個人支出,例如償還個人學生貸款和信用卡,那麽房屋凈值貸款的利息將不予扣除。

從以上的例子可以看出,雖然新稅法對房子凈值貸款(HELOC)利息的扣稅有限制。在買房子投資之前,只要規劃好,也會享受到相應的稅務優惠。我們再看看下面的例子:

例: 當李太太買了她的自住房子以後, 她準備要用 25 萬美元在 Florida 購買壹套度

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假屋。 她可以從自住房子的凈值貸款拿出 25 萬美元貸款購買度假屋。貸款由度假屋 來做保證。由於兩筆貸款總額不超過750,000美元,所有貸款利息都可以扣除。但是, 如果李太太在 Florida 度假屋的 25 萬美元貸款是用她自住房子來擔保,那麽房屋凈值 貸款的利息是不可抵扣的。

針對出和和投資物業

新稅法是主要針對自住房。 對於擁有出租和投資物業的朋友, 我們應該註意哪些 方面?

- •由於稅改針對自住用房,投資物業和出租物業依然享受全部之前的抵扣額度;
- 投資物業 1031 對等交換稅例 IRC Section 1031 還可以延用:
- 遺產稅豁免額將近 1 倍, 達到 \$1,120 萬; 因為遺產稅減免的增倍還會讓 IRC Section 1031 對等交換成為延稅和省稅的非常有效的工具。

現在我們來分析我們身邊的壹些例子。

例: 張先生在 35 年前以 \$8 萬購買了賣個四單位的房子作為出租物業。在十年前, 他把這個單位出售。他用出售的錢又購買了市值 \$450 萬的四十個單位的公寓。當三 個月前張先生百年歸老時,這個公寓當時市值 \$860 萬。他的孩子在他過身後的 2 個 月把這個公寓出售。張先生和他的孩子在把他的投資從 \$8 萬增值到 \$860 萬和出售這 過程中,他們合法地不用交任何的增值稅。張先生善用了 1031 對等交換。 同時,因 為新稅法提高了遺產稅的免稅額到 \$1,120 萬, 張先生的遺產總值是 \$860 萬。張先 生可省下了\$120萬的遺產稅。

機會和挑戰

新稅法出臺後,各機構甚至連國稅局都忙於分析和解讀。總體來說,新稅法給我 們帶來的利益大於弊。由於我們所在的加州的地稅和房貸抵扣受到限制,或許高價房 子的市場暫時受到影響。已擁有房子的朋友為了保留原來的 100 萬美元房貸利息的抵 扣而不想輕易換房子。賣房子的庫存會相對減小。新稅法增加了個人標準扣稅額, 壹 部分的現有租房的朋友可能看到買房子的稅務優惠相對減小:從而使得出租房子市場 更加活躍。對於很多的投資房地產的朋友,這是壹個很好的機會。

川普新稅改成為美國近30年來最大的改革。稅法每天都在變化。同時每壹項稅法 有它的局限性,不是每壹個人都這用。在您做重大抉定的時候,最好諮詢您們身邊的 專業人士。

懂得美國的稅法,把握遊戲規則,做好稅務規劃,才能合法合理地避稅和省稅。



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Estate Planning for U.S. Transnational Residents

The world in which we live is becoming increasingly more global. Many families now have members residing in multiple countries around the world. Individuals are choosing to work outside of their home country due to increased work opportunities and higher compensation. Investors are also diversifying their holdings around the globe. Over time, these changes have given rise to a new category of planning; planning for the transnational resident.

Who is a "Transnational Resident?"

The general term "transnational resident" refers to individuals with ties to two or more nations. A transnational resident is a person who may reside in the U.S. and own assets in the U.S. as well as in other countries. This "transnational resident" may be classified as a U.S. citizen, resident alien or non-resident alien under U.S. Federal law.

Many transnational residents believe that assets owned outside of the United States will not be subject to U.S. Federal estate tax at their death; but, U.S. estate tax laws are uniformly and strictly enforced and are likely to apply. This makes it important for transnational residents to review their situation with competent tax and legal advisors and determine the applicability of U.S. Federal estate tax to their foreign assets.

Who is Subject to the U.S. Federal Estate Tax System?

The U.S. Federal estate tax system recognizes three taxpayer classifications: citizens, resident aliens and nonresident aliens.

Citizens

A citizen is a person born or naturalized in the U.S. and is subject to its jurisdiction. The Federal estate tax is imposed on a citizen's taxable estate, which includes all assets *wherever the property is situated in the world.* I.R.C. section 2001; Treas. Reg. §20.2031-1

Non-Citizens/Resident Aliens

A "resident alien" is a person <u>not</u> a citizen of the United States who is a lawful permanent resident² of the United States. The Federal estate tax is imposed on a resident alien's taxable estate, which like a U.S. citizen includes all assets wherever the property is situated in the world. Treas. Reg. §20.2031-1

² This includes green card holders and individuals who satisfy the substantial presence test.



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¹ Treas. Reg. § 20.2031-1 Definition of gross estate; valuation of property.

⁽a) Definition of gross estate. Except as otherwise provided in this paragraph the value of gross estate of a decedent who was a citizen or resident of the United States at the time of his death is the total value of the interests described in sections 2033 through 2044.

Nonresident Aliens

A person <u>not</u> a citizen of the United States whose domicile was outside the United States at the time of death is referred to as a "nonresident alien." The Federal estate tax is imposed on a nonresident alien's taxable estate, which includes only assets situated in the United States. I.R.C. Sec. 2103. ³

What Special Estate Planning Strategies Apply to Transnational Residents?

Annual Exclusion Gifts

United States citizens, resident aliens and nonresident aliens may gift up to \$15,000 in 2018 to a donee without imposition of a gift tax. (See below for gifts to spouses.) No limit is imposed on the number of donees. If the gift is not made to the donee outright (as for example, when made in trust), the gift might not qualify for the annual exclusion without proper planning.

Gift Splitting

A married couple may split gifts up to \$30,000 in 2018 annually to a donee gift tax free using their gift tax annual exclusions. Gift splitting is available only to spouses who are citizens or resident aliens. Nonresident aliens do not qualify. In community property states gift splitting may not be necessary because a gift of community property is treated as though each spouse had made a gift of his or her one-half interest in the property. Each eligible spouse would independently qualify for the annual gift tax exclusion on the gift of community property without the need to split the gift.

Unlimited Gift Tax Marital Deduction

The unlimited gift tax marital deduction is available only on inter-spousal gifts to a U.S. citizen spouse, and not to a non-citizen spouse. Gifts by a resident alien or nonresident alien spouse to a U.S. citizen spouse would qualify for the gift tax marital deduction. If the gift is not made to the donee spouse outright (as for example, when made in trust), the gift might not qualify for the unlimited gift tax marital deduction without proper planning. Property passing to a noncitizen surviving spouse must be held in a Qualified Domestic Trust (QDOT) in order to qualify for the marital deduction.

Inter-Spousal Annual Gift Tax Exclusion

Inter-spousal gifts to a non-citizen spouse will qualify for a special gift tax annual exclusion amount of \$152,000 in 2018, rather than the \$15,000 annual exclusion. Gifts by a nonresident alien spouse to a non-citizen spouse also qualifies for the \$152,000 exclusion.

Gift Tax Applicable Exemption Amount

U.S. citizens and resident aliens may claim a gift tax applicable exemption amount. The 2018 applicable exemption amount is \$11,180,000. By contrast, nonresident aliens do not qualify for this gift tax applicable exemption amount, but rather a lower estate tax applicable exemption amount of \$60,000.

³ For the purpose of the tax imposed by section 2101, the value of the gross estate of every decedent nonresident not a citizen of the United States shall be that part of his gross estate (determined as provided in section 2103) which at the time of his death is situated in the United States.

This tax-related discussion reflects an understanding of generally applicable rules and was prepared to assist in the promotion or marketing of the transactions or matters addressed. It is not intended (and cannot be used by any taxpayer) for the purpose of avoiding any IRS penalties that may be imposed upon the taxpayer. New York Life Insurance Company, its agents and employees may not provide legal, tax or accounting advice. Individuals should consult their own professional advisors before implementing any planning strategies.

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未來房地產市場的投資機會

作者:Amy Ji

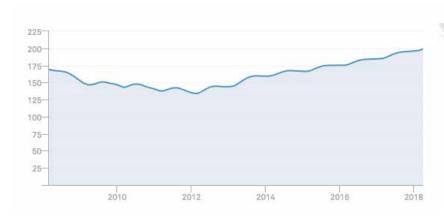
回顧美國的房地產市場上一輪的峰穀是在 2006 年上半年, 隨後走平, 接著下跌。 2008 年的金融危機 爆發,出現房價暴跌,2009年跌到穀底,此後兩年出現兩次探底後又再度上升,隨後便進入較為持續的上 升週期。

加州目前有3900萬人, 住在1300萬個家庭中, 分散在加州58個縣和482個城市。



加州住屋社區發展局(Department of Housing and Community Development) 2017年1月4日公佈 最新報告,開發商每年平均建造8萬棟新屋,遠遠低於需求量。至2025年,加州將需180多萬棟新屋, 才能跟上持續不斷成長的人口。

這個月的全美標普/凱斯·席勒房價指數(S&P/Case-Shiller House Price Index)新鮮出爐,見下圖。 全美各大城市的房價普遍上漲,平均較去年同期增長 6.53%。







房屋短缺造成房價飆升,各類房產增速平穩,洛杉磯整體房產市場較去年同期相比增長8.14%。2015 年以來的增長水準一直穩步上升,其中小於 56 萬美元的房產增速最快,達到了 11.35%,而 83 萬美元以 上的高端房產增速也有所提升,達到了7.95%。待售屋庫存量則在不斷減少,若一棟房屋被列在中間或低 於中間價格,便會出現四至五組競價,而這些便宜房屋,往往距離較遠,每天開車通勤 30 分鐘至一個半小 時。另一個因素是土地供應量不足,開發商和建商們建造新房的速度放緩,但與此同時,薪資的提高和最 近通過的減稅方案,促使千禧世代從租房改為買房,其他人也願意買高價住宅,使得住房需求強勁。使得 住房需求強勁。工資和房價雙雙上漲的情況或將成為未來一定時期內的常態。

買房好還是租房好?在這房市起伏跌宕的年代是個永遠的話題。房市雖然還動盪,但對於大多數華人來 說,購置不動產仍然是第一選擇。該出手時就出手,決不手軟。買房永遠都是覺得貴,現在回頭看 10 年或 者 20 多年前房價好便宜, 但那時的貸款利息是現在的兩倍或更高, 可如果您是生活在那個年代的人, 一樣 都覺得房子好貴。或許 10 年後的我們也會頓足扼腕大罵自己怎麼 10 年前就沒敢買房並應該多買幾棟,不 然早就可以退休,含飴弄孫了。

結論是: 買房越早越好!尤其是第一棟自住。租房子就像為別人打工,而貸款買房則是為自己打工,根 據我多年從事房地產的經驗建議購買好學區和熱絡地區的房屋自住。對於已經擁有自住屋的朋友來說大多 會投資幾棟甚至十幾棟收租金,建議您購買在一線好學區或二線離華人社區大概在30分鐘路程的房屋, 2010 年以後建的房屋更佳,購買價格在65 萬以內。儘管房價在上漲,但目前的全美房價仍比2006 年最高 點時低了 28% 左右,未來中間價位的房屋價格還會繼續上漲,高價位的房屋價格會調整,但距離歷史的高 點尚有較大的空間,美國房屋買賣的法律法規健全,投資風險較小,這些都推動了購房的投資回報率,未 來自然吸引了不少包括華裔在內的投資者,希望您也是其中一位!







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陳哲揚律師 美國聯邦註冊 專利律師

智慧財產權簡介及其策略運用

隨著國際化自由競爭的加速及知識經濟時代的來臨,知識,智慧及創新能力已成為企業獲利及競爭力的指標,而智慧財產權(尤其指專利,

商標,著作權)的保護,規劃及佈局,更是目前各個企業經營的重要課題.在智慧財產權中,"專利"與發明及創新息息相關,所以對產業及企業競爭力有著重大的影響.

專利權為政府有關部門授與發明人(或申請人)的一項特殊的排他權 (Exclusive Right). 有了這項權利,專利權人可以"禁止"他人對其專利說明書裡的產品或方法技術進行製造,使用,銷售或進口.換句話說,如果他人未經專利權人許可就對專利保護的產品或方法技術進行製造,使用,銷售或進口,即是對專利權人的一種侵權行為.

有很多人問我 "我明明申請了專利,怎麼還是被告專利侵權?" 這個問題的答案還是要回到上面所說的專利排他權.專利授與專利權人權利去"禁止"或是 "排除"他人使用自己的專利,但並未授與專利權人權利去該製造該專利產品.所以專利權人依照自己專利所製造出來的產品,也有可能侵犯到其他專利權人的排他權.因此,在製造一項產品或使用一項方法技術時,除了對此項產品或技術申請專利之外,也要對其他人(尤其是競爭手)的相關專利做研究,才不會對其他人的專利造成侵權.

近年來,專利訴訟案件與時具增.除了大家耳 熟能詳的幾家大公司(例如蘋果,三星,宏達電 Google) 的專利戰之外,專利蟑螂 (Patent Troll) 也 在專利訴訟中扮演了一個不可或缺的角色. 專利蟑 螂又稱做 Non-Practicing Entities (中文翻譯為非 執業個體), 顧名思義, 專利蟑螂作為專利的擁有 者,本身並不生產製造與該專利相關的產品.相反 的,專利蟑螂對製造該專利相關產品的公司積極的 進行專利訴訟.一般專利訴訟的兩方大多為競爭對 手(例如蘋果與三星)而且雙方的產品相似度高, 所以當一方發動專利戰的時候,被告的一方也會研 究對方產品是否對自身的專利侵權,而提出反訴 所以競爭對手的專利戰有很多時候都是以交叉授權 (Cross Licensing) 的方式和解. 專利蟑螂之所以令 許多公司頭痛的原因在於它並不生產任何產品,所 以被告的一方無法以自身擁有的專利來反擊專利蟑 螂而在專利戰中居於下風.被告的一方通常會用專 利複審 (Patent Reexamination) 方式來使專利蟑螂 的專利失效 (Invalidation). 但是與專利 要花費一筆不小的律師費,所以有些公司會在律師 費與專利蟑螂和解的權利金中間做一個取捨 (Trade off), 如果繼續纏鬥需要花的律師費多過於權利金

選擇和解看上去是失了一點面子,但是贏了的卻是 裡子.

其次,專利有其地域性.也就是說,在A國家獲得的專利權,僅在該國法律管轄範圍內有效.如果有人在B國家進行製造,使用,銷售或進口該專利產品或技術,則不對A國家獲得的專利造成侵權.所以在申請專利時,應該考慮整個佈局.除了要在本國提出專利申請,也應考慮適時的在其他有商機的國家或地區提出專利申請,以獲得全盤的以及策略性的專利保護

再者,專利有其時間性.也就是說專利權人對其發明所擁有的專利排他權只在法律規定的時間內有效.超過法定時間後,此項專利即進入公共領域 (Public Domain).自此,任何單位或個人都可以自由的使用此項專利.在美國,目前法定專利權的期限為 Utility Patent: 20 年(自申請日起,申請日需在一九九五年六月八日之後), Design Patent: 14年(自專利核發日起).

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YEARBOOK 2018



Paul 牛會計師 Treasurer of CACPAA

淺談美國全球徵稅

新移民來美國對美國的課稅制度存在一些困惑,下面簡單介紹一下新移民最關心的 美國全球徵稅。

- 一. 什麼是全球徵稅: 美國的全球徵稅是指美國居民的全球收入都要向美國稅局申 報。收入包括勞動所得、投資所得、固定及個人資產買賣所得、房屋出租所得等等。
- 二. 收入和資產的區別: 收入是指當年的各項所得,美國的納稅居民有義務向稅局 彙報你的全球所得。資產是指你到某個時間點你擁有的流動資產及固定資產的總和。 比如說 2018 年你的資產增加了 1 千萬,並不是說你 2018 年有 1 千萬的所得需要繳稅, 因為你可能向銀行或者其他人借了9百萬來購買你的資產。你的海外金融資產需要向 美國稅局彙報,其它資產臨時沒有義務彙報。
- 三. 夫婦一方保留海外工作: 一些新移民由於各種原因需要一方居住在美國, 另一 方居住在海外工作。如果海外勞動所得少於 10 萬美元,當年沒有美國勞動所得,國稅 局允許用快速排除法報稅,亦即不問你在海外有沒有繳納勞動所得稅,你都不需要向 美國稅局繳納勞動所得稅。如果你的海外勞動勞動所得高於 10 萬美元,高於的部分你 有義務向美國政府納稅。但是,美國的所謂全球徵稅並不是重複徵稅。高出 10 萬美元 的部分如果你在海外有繳納所得稅,全部或者部分可以用來抵充美國的所得稅。
- 四. 美國居民的海外公司股份: 如果美國的稅務居民擁有某一海外公司的 10% 以 上的股份,在申報個人稅時,必須連同海外公司的財務報表一同報給美國國稅局。申 報海外公司的報表並不一定要納稅。原則上如果你有收到海外公司的利潤分紅時, 你 需要繳納美國的利得稅,如果公司當年沒有分紅,基本上不需要繳納美國稅。
- 五. 海外金融資產: 海外金融資產申報只是一個資訊彙報表, 其本身並不會產生稅 務。如果你的海外金融資產的銀行帳戶有利息、你的基金投資有分紅,利息及分紅等 需要納稅。但資產本身不會產生稅務。有些客戶有幾個海外帳戶,有的峰值高些,但 年底的餘額很少,常常會以為不需要申報。原則上,所有海外金融帳戶的最高峰值的 總和高於 1 萬美元的話,你就有義務向美國財政部彙報你當年所有的海外金融帳戶資 訊。























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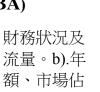
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創業投資及企業擴張:如何做好融資理財全方位稅務規劃 (Robert Yang, 楊光明會計師 CPA/EA/MBA)

許多人都有個創業夢,希望有朝一日能夠自行創業當老闆。然而,如果創業時不諳資金募集或沒有抵押品,想由金融機構或者其他創投集資的機會很是渺茫。因此,當老闆的第一步便是要有資金讓公司能夠順利營運,而未來擴張經營也同樣需要資金做為後盾。以下將會介紹幾項獲得創業資金的途徑、貸款所需的籌碼和貸款種類。

獲得創業資金的途徑: 1).最常見為以股東個人資產做抵押的貸款。2). SBA (Small Business Administration program)貸款,此為聯邦政府為扶持中小企業和銀行的合作貸款。3).天使投資者(Angel Investor)及風險性投資(Venture Capital)也是提供資金換取所有權權益的方式;風險性投資適合高成長及高風險性的公司,因為要求的投資報酬率可能比較高;此兩種方式皆屬於資本性投資(Capital)而非貸款(Debt)。4). 眾籌(Crowdfunding)即是向公眾募集資金。5). 銀行商業貸款,此類型貸款成本低廉,銀行會對企業經營狀況和財報做分析評估,審核通過後方能獲得貸款。

想要提高銀行貸款的通過率,應注意並提前 準備好的:1).銀行非常注重的部分是充分的現金 流 (Cash Flow) 和 EBITA (Earnings Before Interest, Amortization & Tax) 當中的折舊 (Depreciation) 攤銷(Amortization) 在稅務皆為 抵稅項目,但是當銀行在審核稅表時,此抵稅項 目會被加回淨收入中,增加淨現金流量,不但能 節稅又能提高獲得貸款的通過率。2).營運資金 充足也是銀行貸款的重點之一,營運資金 (Working Capital)是流動資產和流動負債之間的 差額,較高的營運資本更易獲得企業貸款。3). 股本/債務比率越高,代表償還能力越強;加上 有抵押品也是更容易借到款的關鍵之一。4).良 好的信用、有效率的管理團隊,都是獲得貸款成 敗的關鍵。5).合理的商業計劃書(Business Plan),計畫書應能夠反映:a).未來的經營成果、





現金 銷售 有率

以及現在跟未來的競爭狀態、企業的行業類型; c).公司型態的屬性,例如:INC或LLC可達到 省稅,增加貸款額度、減少查帳風險並增加法律 保護效果等;都應包含在商業計劃書中。

此外,貸款的種類如下:

一、信用額度貸款(Line of Credit):若用於營運資金(Working Capital),銀行會根據公司及個人的信用狀況銷售額做為放款標準。此外銀行會要求企業提供過去 2~3 年的財務報表做財務分析。若貸款者屬於商品買賣業,銀行會比較重視應收帳款(A/R)和存貨(Inventory),分析品質較差的庫存(Slow Moving Inventory & Defective)及不良應收帳款。銀行會對於貸款者做財務比率分析,例如:Current Ratio,

二、<u>商用地產投資貸款(Real Estate Loan)</u>:包含住家出租屋、商業性出租屋,如購物中心、倉庫、酒店等。但銀行審核商業性房地產的標準會比自住屋貸款更加嚴格。銀行會參考貸款者的收入對負債比率 or 收入對 CAP 決定放款金額。

Inventory 和 AR Turnover, Debt to Equity 等。

三、定期貸款(Term Loan): 具有固定償還期限的貸款,這種貸款通常是對公司的長期投資或者固定資產進行融資。根據目前 2018 新稅法規定,機器設備貸款能利用 SEC 179 和紅利折舊(Ronus Depreciation) 從淨收入中港免招過 100

(Bonus Depreciation)從淨收入中減免超過 100 萬。但銀行會視其為現金流量加回盈利。因而增 加貸款能力並減少稅負。根據還款期限能分為短 期貸款(1年以內的貸款)、中期貸款(1年~5 年的貸款)及長期貸款(5年以上的貸款)。

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YEARBOOK 2018



CPA and MBA

Top 5 Smart Ways to Reduce Taxes Legally In 2018

By Emily Sang, CPA and MBA

After 4th of July celebration, it is a great time to start planning to reduce your tax bill for the current year. The sooner you get started, the greater the range of options you could have. Here are the top 5 smart ways to reduce taxes legally in 2018.

1.Start a Business

Most people don't realize that being an employee is one of the worst ways to save on taxes because a huge chunk are taken out of your paycheck before you pay for anything. In the meanwhile, if you own a business with the purpose of making money, you can effectively pay for everything business related using pre-tax dollars which can save you up to 37% tax rate.

2.Buy a Home (or Two)

Uncle Sam rewards home ownership. Besides the great benefits of ownership and appreciation in value, you can deduct property tax (up to \$10,000) and mortgage interest for loan balance up to \$750,000. Better yet, if you can afford buying a second home, do it right away. Renting out the second home, you could enjoy an additional source of income and great tax benefits of running a rental property. After having lived in Property #1 for two years, you can sell it and get \$250,000 to \$500,000 capital gain exclusion. Then you can turn the Property #2 into your principal residence and buy Property #3 at the same time. You then rent out Property #3 for two years and sell property #2, and buy Property #4··· Do this over and over, you would not only avoid paying hundreds of thousands of dollars in taxes, but build

yourself a fortune!

3. Hire Your Kids and Help Them Save

Are you stocking away big money for your children's college education? How about going one step further - hiring your kids first (provided you have a legitimate business). Thanks to the Tax Cuts and Jobs Act (TCJA), your employee-child can use his or her standard deduction to avoid paying taxes on \$12,000 of 2018 wages paid by your business. Your kids can then save some or all of the wages and contribute money to a tax free account and continue earning tax free money. As for you, you get a business tax deduction for money you might have just poured on the kids anyway. The deduction reduces your federal, state income tax, as well as your self-employment tax bill (if applicable).

4.Getting Paid with Stock Options

If you are an executive or key employee of your corporation, you may be able to choose to receive your compensation in stock options. Stock options are generally only taxed when you exercise them. This allows you to control when you pay taxes.

5. Hiring a tax professional

Would you file your own law suit or fly your own airplane when traveling? Of course not. The same goes to file your taxes. A good CPA can save you time and money. He (she) understands the complex tax code way better and lays out great tax strategies as well. In terms of missed deductions or triggering an IRS letter or audit, a tax pro can help eliminate mistakes and ensure your returns are prepared properly.



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在美國如何追討商業債務

作者:李斌律師

隨著中美貿易的日益活絡,越來越多的中國公司和個人來美國開發市場,中國已成為美國的第二大貿易夥伴,由於對美國市場機制,商業法律和生意規則不熟悉,中國公司常常被美國公司倒帳欺詐,血本無歸。為此,中國公司吃透了虧,繳夠了學費。如何追討商業債務,減少損失是當務之急,本律師事務所根據所處理過的案例,將我們的經驗與各公司分享,望有則改之,無則嘉勉,少走彎路,廣開財路。

美國欠債公司倒帳的慣用欺詐手法

1. 建立好信用再倒帳

欠債公司常常小批量定貨,按時付款,並積極拉近與中國公司的關係,等受害公司的警惕性開始鬆懈,突然有一天該公司會給你一通電話,告訴貴公司他們公司的客戶最近下了個大訂單,急需一批貨,等他們把貨拿走,就再也沒消息了。要不,他們就開始賴帳。

2. 先發貨,後付錢

有嫌疑的公司只用一種交易模式,那就是先發貨,後付錢(sell in terms)。他們從不用信證(LC)形式或見款放單(DP)形式。因為只有這種形式才會讓不法分子有機可乘。

3. 用公司支票延後兌現

欠債公司往往在取貨付款的時候開其公司支票, 並要求延後兌現。等你到了支票上寫的日期 去銀行存款, 對方的帳戶上已經沒錢了, 如果你 存了該支票, 你還會被銀行罰款, 繳納手續費。

4. 以欠款來逼新貨

當欠債公司累積了受害公司一定數量的欠款, 他們就會以欠款來逼受害公司繼續供貨。受害公司怕欺詐公司倒閉,破產,或者受害公司存僥倖 心理,也許欺詐公司一時有困難,就繼續供貨, 結果像滾雪球,欠債越來越多,不可自拔。

5. 設立多家公司

老道的欠債公司常常在同一個地點以不同的 擁有人設立幾家公司。他們用一家公司來專門與 受害公司聯繫做帳,一家公司來售貨。一旦欠足 了受害公司的錢,便讓那家做帳公司倒閉,讓受 害公司無處追帳。

6. 只收現金的公司

在美國,有些公司只做現金生意,這種公司 往往沒有自己的倉庫或商店,更沒有多少錢在銀 行帳號上,這種公司一定不能放太多的貨,否則 他們一關門就無處追債了。

7. 以破產相威脅

欠債公司常常以破產相威脅,美國法庭規定 一旦公司進入破產程序,任何與該公司相關的民 事訴訟都必須停止,這樣,受害公司就無處追債 了。

如何追討商業債務

1. 防患於未然

在美國要追討債務,其實首先必須預防債務 的產生,而預防債務的產生,最重要的是做到以 下幾點:

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- i. 在與一家公司做生意以前, 先查它的信用記錄, 你可通過律師查,也可以自己查,常用的有 Dun & Bradstreet, 你也可以詢問與該公司做生 意的公司以往的紀錄如何。
- ii. 要請專業律師起草合同, 小錢要捨得花, 否則要 賠大錢,在加州,貿易合同最重要的就是律師 費條款和欠款利息條款,也就是說,合同一定 要規定受害公司在欠債公司違約並追債時的所 花的律師費和欠款利息必須要欠債公司付,如 果合同裡沒有律師費條款和欠款利息條款,受 害公司則必須自己付律師費來追債, 欠款利息 也拿不回來,標準的條款如下:

Seller's liability is limited to replacing the defective merchandize if Seller is notified of such defects within 15 days after receipt. A service charge of 1.5% per month (18% annual percentage rate) will be added to all past due accounts. A service charge of \$20 per returned check will be applied. Buyer shall reimburse seller for any collection costs or related expenses. including attorney fees for any actions arising out of this contract. Buyer agrees that the laws of the State of California shall apply and that jurisdiction and venue shall be in the Superior Court of the State of California, County of Los Angeles.

- iii. 如有可能,在訂貨量大的情況下,賣貨方盡可 能讓買方提供個人擔保,最好是財產抵押. 而 擔保人必須有足夠的資產作為抵押。
- iv. 注意買家的狀況,將客戶的購貨量,還款的及 時程度都記錄在案,一旦發現可疑狀況,馬上 開始增加催款力度,減少出貨量。
- v. 最好是通过信用担保公司例如中国的中国出口 信用保险公司来做美国的生意, 花一点费用, 保护大资金的安全。

2. 盡可能用信用證來做買賣,不要用先放貨後收 款的方式:

眼下中國公司自己相互競爭激烈, 很多美國

公司被寵壞了,都不願意做信用證(LC)方式, 退而求其次,中國公司可向美國公司要求見款放 單 (DP), 有誠意的美國公司一般都會接受此種方 式,如果實在競爭激烈,對方要求非先放貨後收款 (Terms) 的形式不可,中國公司一定不能放太多的 貨,比如在合同中限定對方的存貨量,貸款不到, 不出新貨。

3. 追債公司還是請專業律師追債?

一旦欠債公司債務形成, 千萬不要被對方迷惑 或嚇住,要馬上採取行動,長期不追債,一旦過了 追訴期,則無法採取法律行動了,即使沒過追訴 期, 法院在審理案件時, 也不會同情受害公司, 公 司在考慮是用追債公司還是專業律師事務所時往往 不知所措,追債公司對個人欠債有一定的威懾作 用,而在對付公司時就未必有效,追債公司有效的 方法是電話接線生不斷打電話給欠款人, 但對公司 則還是要請律師來追,與其這樣,還不如直接找律 師,商業債務追討,律師往往都是以不打贏官司不 收費的形式 (Contingency) 來進行, 而不是按小時 收費 (Hourly)。以本事務所的經驗,只要欠債公司 有資產,例如商店,工廠,倉庫,往往很快可將欠 款追回,本事務所所辦的追債案,一般在半個月 到兩個月內就將案子辦妥,欠債公司開始還錢。本 事務所根據多年來經辦商業債務追討的經驗, 摸索 出一套秘密武器,利用法庭,警察局等一系列法律 手段讓欠債公司在最短時間內就範。

4. 商業債務追討成功的條件:

- i. 雙方簽定有書面合約
- ii. 完整的訂貨單, 裝貨單, 水單和發票
- iii. 欠債公司有足夠的資產例如房產, 土地, 倉庫, 商店或銀行存款
- iv. 合約有個人擔保, 而個人有房產或其它財產



會計師/稅務碩士 中美會計師協會 副會長

川普稅改背景

川普政府強調美國優先,並且在政治, 經濟, 國際事務上多重收縮,是對 日益下降的美國絕對影響力和競爭力做出的回應。所謂收縮政策分為兩面:一面 是在降低在國際政治等事務上的干預程度,降低國際公共服務的提高;比如美國 宣佈退出"巴黎協定",就是明確表示不願意在全球環保事業上再做承諾和貢獻。 另一面是加大美國國內經濟,擴大貿易保護力度,增加貿易關稅。目的就是不讓 自己的"肥水"流出去,不讓別國對美國佔便宜。在國內透過減稅來減少政府對 企業的干涉,加強對企業的吸引力,增加國民的消費能力。於是30年以來最大 規模的川普稅改應運而生。

川普稅改下如何做好退休規劃?

川普稅改把個人最高所得稅降低到了37%,但是川普稅改只有8年生效,8 年以後稅率回升。另外,8年後可能是民主黨執政,稅率更可能上升。一般人都 認為應該充分利用 401K 和 IRA 延稅,以後退休了收入少,到時再繳稅比較划 算。其實未必如此。第一:退休後的扣項減少了:房子欠款已經付清,不能再利 用 401K 或 IRA 延稅等。第二:退休後的收入部分來自 401K,Pension, 這些收入 100% 要打稅, 甚至連 50% 或 85% 的 social security 的收入也有可能打稅。如 果我們預期將來美國個人所得稅會比現在高,那麼為什麼不享受現在的稅務折扣 先繳稅, 然後把錢放在安全回報好的投資, 以後所有的增長都可以合法免所得稅

退休的規劃包括股票投資、共同基金、人壽保險,年金,房地產等。其中以 房地產投資和人壽保險具有較多的稅務優勢。現今的人壽保險產品已經顛覆了舊 有的觀念,不再只是留給後人用而自己享受不了。當前的人壽保險設計具有靈活 性和多面性, 既可以作為免稅的退休收入, 也可以在生前萬一遇到重大疾病和需 要護理時候提早領取,大大減輕家人的負擔。尤其指數性壽險投資策略安全、回 報好,周全的設計可以令所有的收益和理賠免所得稅、免遺產稅。

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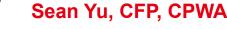


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