

HENRY PATRICK “PAT” OGLESBY

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PROFESSIONAL EXPERIENCE

Attorney at Law and Policy Consultant, Chapel Hill, North Carolina, 1992-present.

CEO and Founder, The Center for New Revenue, nonprofit tax policy organization, 2011-present, <http://newrevenue.org/the-center-for-new-revenue/>.

Adjunct Professor, University of Virginia Law School, co-teaching Cannabis Legalization with Professor Kim Krawiec, fall 2023.

Team Member, UCLA-RAND study on cannabis potency tax in California, Spring 2022-present.

Co-author, BOTEC Analysis Corporation, Washington State potency tax study, 2019.

Co-Chair, Regulatory and Tax Structure Working Group, Lieutenant Governor Gavin Newsom-ACLU Blue Ribbon Commission on Marijuana Legalization of California, early 2015-2016; Commission Member, 2014-2016.

Consultant, Drug Policy Alliance, 2015.

Co-author, RAND Corporation, summer 2014-early 2015, Vermont marijuana project.

Advisor, BOTEC Analysis Corporation, mid-2013.

Adjunct Professor, UNC Law School, Spring 2006, Spring 2007, and Fall 2007, teaching third year tax seminar, Family Wealth Management.

Officer and Executive Committee Member, Tri-State Angel Venture Investment Groups III and IV, and WBP Real Estate Investment Group, Research Triangle, N.C., intermittently 1999-2011.

Adjunct Lecturer, MBA program, Kenan-Flagler Business School, the University of North Carolina at Chapel Hill, 1993-2006; teaching America 101 for foreign students.

Chief Tax Counsel, U.S. Senate Finance Committee (Lloyd Bentsen, Chair), Washington, D.C., 1988-90.

International Tax Counsel, Joint Committee on Taxation, U.S. Congress, Washington, D.C., 1985-88.

Legislation Attorney, Joint Committee on Taxation, U.S. Congress, Washington, D.C., 1982-85.

Attorney, Covington & Burling, Washington, D.C., 1979-82.

Instructor in Law, East Carolina University, Greenville, N.C., 1978-79.

Law Clerk, The Honorable John Minor Wisdom, U.S. Court of Appeals for the Fifth Circuit, New Orleans, La., 1977-78.

Teacher, English and Social Studies, Whitted Junior High School, Durham, N.C., City Schools, spring semester 1973.

Teacher, French, Myers Park High School, Charlotte-Mecklenburg, N.C., Schools, 1969-72.

BACKGROUND

Juris Doctor with High Honors, the University of North Carolina at Chapel Hill, 1977.

Editor in Chief, *The North Carolina Law Review*, volume 55 (1976-77).

Master of Business Administration, the University of North Carolina at Chapel Hill, 1977. B.A. in French, Davidson College, 1969; North Carolina Class A Teacher's Certificate.

Junior Year Abroad at the University of Montpellier, France, 1967-68.

Fluent in French; some knowledge of Spanish.

Born in Kinston, NC, USA, 1947.

Bar Memberships:

Active: North Carolina (#7944) and U.S. Tax Court (#OH0015).

Inactive: District of Columbia.

SELECTED WRITING

Ongoing writing on revenue and cannabis policy, www.newrevenue.org.

Op-ed, Medical marijuana: Don't let out-of-state corporations grab North Carolina's profits, https://www.newsobserver.com/opinion/article272626684.html#storylink=hpdigest_opinion.

The Federal Shake-up of America's Marijuana Taxes, 175 Tax Notes Federal 51 and 104 Tax Notes State, April 4, 2022, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4098600.

Cannabis Potency Tax Feasibility Study: A Report for the Washington State Liquor & Cannabis Board (co-author), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3481584 (2019).

Opinion: There's a Better Way to Tax Legal Cannabis, <https://www.leafly.com/news/industry/opinion-theres-a-better-way-to-tax-legal-cannabis> (April 12, 2019).

Marijuana Revenue Competition — Look Out Below, (State Tax Notes, Vol. 88, No. 6, 2018).

Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3190279 (May 7, 2018).

Designing a Federal Tax on Cannabis, Journal of Drug Policy Analysis, <https://www.degruyter.com/view/j/jdpa.2018.11.issue-1/issue-files/jdpa.2018.11.issue-1.xml> (March 27, 2018)

How tax competition can threaten marijuana revenue, <http://thehill.com/opinion/finance/372396how-tax-competition-can-threaten-marijuana-revenue> (February 6, 2018).

Oglesby, Pat, State-of-the-Art Federal Marijuana Tax Bills (December 7, 2017). Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3084105.

Marijuana legalization grows closer with Senate tax proposal, <http://thehill.com/blogs/punditsblog/economy-budget/327694-marijuana-legalization-grows-closer-with-senate-tax> (April 9, 2017).

Big business is holding US jobs hostage — Trump should not pay the ransom, <http://thehill.com/blogs/pundits-blog/economy-budget/317227-big-business-is-holdingus-jobs-hostage-trump-should-not> (February 1, 2017).

Marijuana Taxes — Present and Future Traps, State Tax Notes Volume 83, Number 4, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2920432 (January 23, 2017).

How Bob Dole Got America Addicted to Marijuana Taxes,
<http://www.brookings.edu/blogs/fixgov/posts/2015/12/18-marijuana-advertisement-tax280e-oglesby> (December 18, 2015).

With Jonathan P. Caulkins, Beau Kilmer, Mark A. R. Kleiman, Robert J. MacCoun, Gregory Midgette, Rosalie Liccardo Pacula, and Peter H. Reuter, for the RAND Corporation: “Considering Marijuana Legalization: Insights for Vermont and Other Jurisdictions” available at http://www.rand.org/pubs/research_reports/RR864.html (January 16, 2015).

Several Huffington Post articles not listed below: <http://www.huffingtonpost.com/pat-oglesby/states-may-be-stuck-with-second-best-marijuana-taxes> (June 2, 2014), *State Tax Notes*, Vol. 72, No. 9, 2014, available at <http://ssrn.com/abstract=2455961>.

The Ace in the Game: Revenue from Legalized Marijuana (April 26, 2014), Proceedings of the Eighth Annual Conference of the International Society for the Study of Drug Policy, pages 97-115, available at <http://ssrn.com/abstract=2424508>.

Marijuana Tax Measurement: Dollars, Grams, THC, https://www.huffpost.com/entry/marijuana-tax-measurement_b_5324705 (May 15, 2014).

Marijuana Revenue: Oregon 2014, https://www.huffpost.com/entry/marijuana-revenue-oregon_b_4995427 March 20, 2014).

Marijuana Taxes in Colorado -- An Early Clue, http://www.huffingtonpost.com/patoglesby/marijuana-taxes_b_4914763.html (March 6, 2014).

Marijuana Taxes: Time Will Tell, http://www.huffingtonpost.com/pat-oglesby/marijuana-taxestime-will_b_4858405.html (February 26, 2014).

How Not to Tax Marijuana, http://www.huffingtonpost.com/pat-oglesby/how-not-to-taxmarijuana_b_4739009.html (February 7, 2014).

Rocky Reefer Roll-out: The Right Tax Lesson, https://www.huffpost.com/entry/marijuana-tax-colorado_b_4525238 (January 2, 2014).

Colorado's Crazy Marijuana [Wholesale] Tax Base, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2351399 (November 7, 2013).

Taxing Marijuana: Four Questions, https://www.huffpost.com/entry/marijuana-tax_b_4128102 (October 20, 2013).

Marijuana Advertising: The Federal Tax Stalemate, https://www.huffpost.com/entry/marijuana-advertising-the_b_3810341 (August 25, 2013).

A Way Past the Marijuana Dilemma, https://www.huffpost.com/entry/a-way-marijuana-dilemma_b_2490720 (January 16, 2013).

Gangs, Ganjapreneurs, or Government: Marijuana Revenue up for Grabs,” *State Tax Notes*, Volume 66, Number 4, pages 255-269 (October 22, 2012), online at <http://ssrn.com/abstract=2165864>.

Repatriation to the Tune of “Revolution,” 136 *Tax Notes* 123-24 (Humor section) (July 2, 2012), downloadable at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2103269.

Tax Repatriation Holiday: Choosing Words Strategically, downloadable at <http://ssrn.com/abstract=1963951> (November 23, 2011).

Laws To Tax Marijuana, 59 *State Tax Notes* 251-280 (January 24, 2011), online at <http://ssrn.com/abstract=1741735> (with Table of Contents); http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2214910 (magazine original without Table of Contents).

- Corporate America Has No Clothes, 93 *Tax Notes* 1773 (December 24, 2001), reprinted in 25 *Tax Notes International* 52 (January 7, 2002).
- Wide Open for Toddling, *The Washington Post*, February 28, 1992, Weekend Section, page 49, <https://www.washingtonpost.com/archive/lifestyle/1992/02/28/wide-open-for-toddling/54337f83-a43e-417f-a935-b0f6908b3d64/>.
- Statement of H. Patrick Oglesby, International Tax Counsel, Alan L. Fischl, Legislation Attorney, and Stephen M. Parks, Accountant, Joint Committee on Taxation, on the Proposed Income Tax Treaty with Bermuda before the Senate Committee on Foreign Relations, September 25, 1986, Joint Committee on Taxation document JCX-26-86, <http://www.jct.gov/publications.html?func=startdown&id=3516>.
- Statement of H. Patrick Oglesby, International Tax Counsel, Alan L. Fischl, and Robert E. Culbertson, Jr., Legislation Attorneys, Joint Committee on Taxation, on the Proposed Income Tax Treaties with Barbados, Cyprus, Denmark, Italy, and the People's Republic of China before the Senate Committee on Foreign Relations, July 30, 1985, Joint Committee on Taxation document JCX-11-85, <http://www.jct.gov/publications.html?func=startdown&id=3444>.
- Prepared Statement of Richard A. Gordon, Deputy Chief Of Staff, And H. Patrick Oglesby And Alan L. Fischl, Legislation Attorneys, Staff Of The Joint Committee On Taxation, Hearing Before The Senate Committee On Foreign Relations, April 26, 1984, JCX-8-84, <http://www.jct.gov/publications.html?func=startdown&id=3353>.
- Prepared Statement Of Richard A. Gordon, Deputy Chief Of Staff, Joint Committee On Taxation, and Patrick Oglesby, Legislation Attorney, Joint Committee On Taxation, Before The Committee On Foreign Relations, United States Senate, On The Proposed Tax Treaties With Australia, The People's Republic Of China, And New Zealand, Scheduled For A Hearing May 24, 1983, JCX-13-83, <http://www.jct.gov/publications.html?func=startdown&id=3120>.
- Criminal Procedure -- North Carolina Rejects a Retroactive Application of *Mullaney*, 54 *North Carolina Law Review* 1020-33 (1976), <https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=6574&context=nclr>.
- Securities Regulation -- Supreme Court Acceptance of the *Birnbaum* Rule, 54 *North Carolina Law Review* 255-65 (1976), <https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=6548&context=nclr>, reprinted in 18 *Corporate Practice Commentator* 251-64 (1976).

SELECTED APPEARANCES

- Regulatory, Sales, and Taxation Issues, Panel, North Carolina Department of Justice Cannabis Policy Webinar Series, <https://www.youtube.com/watch?v=N8yisL9cQto>, March 25, 2022.
- Solving the Cannabis Tax Puzzle: Approaches for an Emergent Industry; Panel, January 26, 2022, The Ohio State University, transcript at https://moritzlaw.osu.edu/sites/default/files/2022-01/Solving%20the%20Cannabis%20Tax%20Puzzle_transcript.pdf; video at <https://www.youtube.com/watch?v=jusFRqdillU&list=PLX8R4mQL1CzjFKIgc3PjBdpL09BanK11P&index=2>.

Podcast, Marijuana Legalization, with Kathrine Robinson Everett Professor of Law Kim Krawiec of Duke University, <https://www.thefacultylounge.org/2020/11/marijuana-legalization-with-pat-oglesby-on-the-taboo-trades-podcast.html> (fall 2020, 62 minutes).

México Unido Contra la Delincuencia, Foro virtual México: Cannabis legal con justicia social, Sala virtual 3: Captura del mercado y regulación de oligopolios, <https://www.mucd.org.mx/foro-virtual-mexico-cannabis-legal-con-justicia-social/> (lower right video, 46' mark) (September 2020).

National Tax Association Annual Conference, Tax Emerging Issues in Marijuana Taxation Panel, Tampa, November 22, 2019, <https://nta.confex.com/nta/2019/meetingapp.cgi/Session/1460>.

Marijuana Panel, International Society for the Study of Drug Policy, Paris School of Economics, Paris, France, June 24, 2019.

Licensing Mechanics - Weighing Divergent Approaches to Create a Fair and Robust State [Cannabis] Market (Canna East 2019, New York City) (panel), March 13, 2019.

How Cannabis Taxation Is Likely to Evolve, 2019 North American Cannabis Summit, Los Angeles, January 29, 2019.

National Tax Association Annual Conference, Panel on New Frontiers in State and Local Taxation, <https://nta.confex.com/nta/2018/meetingapp.cgi/Session/1156>.

National Organization for the Reform of Marijuana Laws, Washington, D.C., Conference Panel, Legalization as an Economic Stimulus, September 11, 2017.

Southeastern Association of Law Schools, Panel, Growing Cannabis Law: When Grass Becomes Cash, Boca Raton, Florida, August 6, 2017.

Federation of Tax Administrators Annual Meeting, Marijuana Implementation Panel, Seattle, June 12, 2017.

Washington Cannabis Alliance Summit, Panelist: Economic Impacts of the Cannabis Industry, Seattle, January 6, 2017.

California Cannabis Industry Association, Educational Seminar, Panelist, Riverside, April 22; Irvine April 23, 2017.

Marron Institute, New York University, Cannabis Summit, Panelist: Tax and pricing, <https://www.youtube.com/watch?v=o5Ob81JIRVg>, April 18, 2016.

Los Angeles County Democratic Party, Cannabis Panel, January 22, 2016.

ACLU of Washington and WOLA, Cannabis Policy Evaluation Workshop, Chair, Markets in the Public Interest Panel, Seattle, Washington, June 10, 2015.

Lieutenant Governor Newsom's Blue Ribbon Commission on Marijuana Legalization, Fresno, California, June 3, 2015.

Cannabis Conundrum, National Conference of State Legislatures, Washington, D.C., December 12, 2015.

Marijuana Legalization, Regulate Rhode Island, Brown University, Providence, November 18, 2014.

Marijuana Taxes, Federation of Tax Administrators, Tobacco Section, Knoxville, Tennessee, August 18, 2014.

The Ace in the Game: Revenue from Legalized Marijuana, International Society for the Study of Drug Policy, Rome, Italy, May 22, 2014.

Marijuana Legalization Panel, Students for Sensible Drug Policy and Black Law Student Association, Duke University Law School, November 20, 2013.

Models of Marijuana Regulation Around the World (Panel), Drug Policy Alliance, Biennial Conference, Denver, October 24, 2013.

Marijuana Revenue, North Carolina Bar Association Continuing Legal Education Program, Cary, N.C., May 9, 2013.

History of Alcohol Taxation in America, UNC-Chapel Hill Law School, Friday Center, Festival of Legal Learning Continuing Legal Education Program, February 9, 2013.

Regulation and Taxation of Cannabis (Panel), National Organization for the Reform of Marijuana Laws, Annual Conference, Los Angeles, November 4, 2012, video at <https://www.youtube.com/watch?v=If81SYmhNGo> (after 10 minute mark).

Federal Bar Association, 14th Annual Tax Law Conference, Washington, March 1-2, 1990.

Financial Executives Institute, Committee on Taxation meeting, Washington, April 27, 1989.

American Council of Life Insurance, Legal Division, Annual Meeting, New York, November 1988.

New York State Bar, Annual Meeting, January 1988.

District of Columbia Bar, Section of Taxation, May 1987.

Tax Executives Institute, International Aspects of Tax Reform, Chicago, January 20, 1987.

World Trade Institute of the World Trade Center, Conference on the Tax Reform Act of 1986, New York, October 10, 1986.

International Fiscal Association, Mid-Atlantic meeting, May 7, 1986.

National Foreign Trade Council, Tax Treaty Task Force, April 1986.

Federal Bar Association, 10th Annual Tax Law Conference, Washington, March 19, 1986.

World Trade Institute of the World Trade Center, Washington Update on International Taxation, May 30-31, 1985.

Bank Administration Institute seminar, Practical Aspects of the Taxation of Foreign Banks in the U.S., New York, March 1985.

International Management and Development Institute, Washington, January 1985.

American Taxation Association, Annual Meeting, Toronto, August 1984.

Foreign Trade Association of Southern California, Foreign Sales Corporations, Los Angeles, August 23, 1984.

Practicing Law Institute, 14th Annual Institute on International Taxation, 1984.

International Fiscal Association, Mid-Atlantic meeting, December 7, 1983.

University of Pennsylvania Tax Conference, October 11, 1983.

LEGISLATIVE TESTIMONY

Connecticut Legislative Commission on Women, Children and Seniors Cannabis Forum, Legislative Office Building, Hartford, Cannabis Revenue Panel, April 30, 2018.

Special Meeting of the Spokane City Council Marijuana Policy Subcommittee of the Public Safety Committee, Panelist, Spokane, Washington, Council Chamber, June 11, 2015, <https://vimeo.com/130489985> (25'35" mark).

Oregon Joint Committee on Measure 91, February 16, 2015. Written submission: <https://newtax.files.wordpress.com/2015/02/oglesby-testimony-oregon-16-feb-2015.pdf>;
Audio recording: http://oregon.granicus.com/MediaPlayer.php?clip_id=8165;
testimony begins at 1'20"12.

Joint Judiciary Committee of the Commonwealth of Massachusetts, S.1801, Testimony on An Act to Tax and Regulate the Cannabis Industry, March 2, 2010.

Senate Committee on Foreign Relations, Tax Treaty with Bermuda, September 25, 1986, <https://www.jct.gov/publications.html?func=fileinfo&id=3516> (with Alan Fischl and Steve Parks).

Senate Committee on Foreign Relations, Tax Treaties with Barbados, Cyprus, Denmark, Italy, and the People's Republic of China, July 30, 1985, <https://www.jct.gov/publications.html?func=startdown&id=344> (with Alan Fischl and Rob Culbertson).