

PATRICIA BRANDSTETTER: "TAXES COVERED"

You're from Austria originally, but now live in New York. What brought you to New York?

I came to New York for a Masters Program in International Taxation at New York University School of Law in August 2007, as a "Hauser Global Law Scholar". One day at NYU campus, a young boy asked me for directions to the visitors' centre, where he was going to meet with his parents, so I helped him locate it. When the boy's father, Randy A. Schwartzman, mentioned to me that he was a Tax Partner with BDO USA, LLP, I was quite taken aback as I was familiar with BDO in Austria: my thesis adviser at the Vienna University, Prof. Michael Lang, used to work for BDO, and Prof. Wolfgang Gassner, another great mentor in Vienna, was actually the founding Partner of BDO in Austria. Randy Schwartzman asked if I was interested in working at BDO's Melville, Long Island office after graduation; I knew I had to try and take this path. After graduation from NYU's International Tax program, I moved to Long Island and have been with BDO USA, LLP since August 2008.

What do you miss about the European lifestyle?

To be honest, I probably don't know much about either the European or the American "lifestyle". I miss my family of course, but my basic "lifestyle" has not changed: I have a chance to interact with amazing people, I work hard and try to give my best each day, and I stay in touch with old friends and the friends in Europe, Asia, and Africa that I was fortunate to meet during my time at New York University. I did find there is a vast difference in legal culture when I took the New York Bar exam. Coming from a "civil law" country, where I was used to applying black letter law, it was fascinating to see how argumentative and case law-driven US law is in most areas. I was sworn in to the NY Bar in May 2010, but am not a practising attorney as my current position gives me the opportunity to keep very versatile in the area of Tax.

What do you like most about the American way of life?

One thing that stands out for me is that people are proud to be American, but at the same time very proud of their heritage. I cannot tell you how often people approach me, after they learn that German is my native language, and say, "I'm German too – on my grandmother's/ grandfather's side." America is truly a nation of immigrants, and especially New York has a very diverse and inclusive culture. Another thing that is striking is the general "can do – mentality" most Americans display. When I mentioned to Randy Schwartzman that I had no prior hands-on experience in the accounting and compliance areas, he

said, "What do you mean? Just look at pilots in the Air Force, for example – they join the Forces knowing nothing and end up flying sophisticated planes. If you put your mind to it, nothing can stop you."

Your thesis, "Taxes Covered": A Study of Article 2 of the OECD Model Tax Conventions (with link to book's page), will shortly be published. Congratulations! What made you choose the topic for your thesis?

I knew from the beginning that I wanted the topic to be international and that I was going to write the thesis in

English rather than German. Prof. Michael Lang suggested the topic as one that had found surprisingly little recognition in academic literature. The question of what exactly the "taxes covered" under a given tax treaty are is really the core question in treaty application, but tends to be neglected as most treaties contain a list of taxes covered in each contracting state.

However, the list usually refers very broadly to "the income tax", for example, which can lead to uncertainties as to whether a certain levy is a "tax on income", or even a "tax". This potential for uncertainty in practical application of a treaty provision that is basically taken for granted attracted me to the topic.

Obviously writing a thesis takes up a considerable amount of time. Now that it's finished, what do you do with all your spare time?

Spare time is still rare; "Tax Season" at BDO tends to be very busy, and from February through April we work full-time on the weekends as well. However, I could not be happier to get to be a part of an exceptional team and learn from such hard-working and dedicated professionals. I participate in various charity activities as often as I can, keeping Long Island's beaches clean and working with children and senior citizens. The Boy Scouts of America – to be exact: Pack 327, Den 3 of the Cub Scouts – recently invited me to the local elementary school to talk to the boys about Austria. We had a great time playing games, and I'm proud to say I taught them quite a few German phrases.

What's your favourite holiday destination?

Traveling outside the US was not possible until I received my US employment visa in October 2009. Other than a trip to Austria last year for the "defensio" of my thesis, I have not found the time or opportunity to travel – so my friends and family have visited me here in New York. However, I am determined to change that. One of my friends has been persistent about a trip to Thailand, and I'm about to give in.



"I also found a more recent picture of a recent "Austrian Evening" I was fortunate to spend with the local Boy Scouts, talking about Austrian culture and teaching them a few German phrases:)"