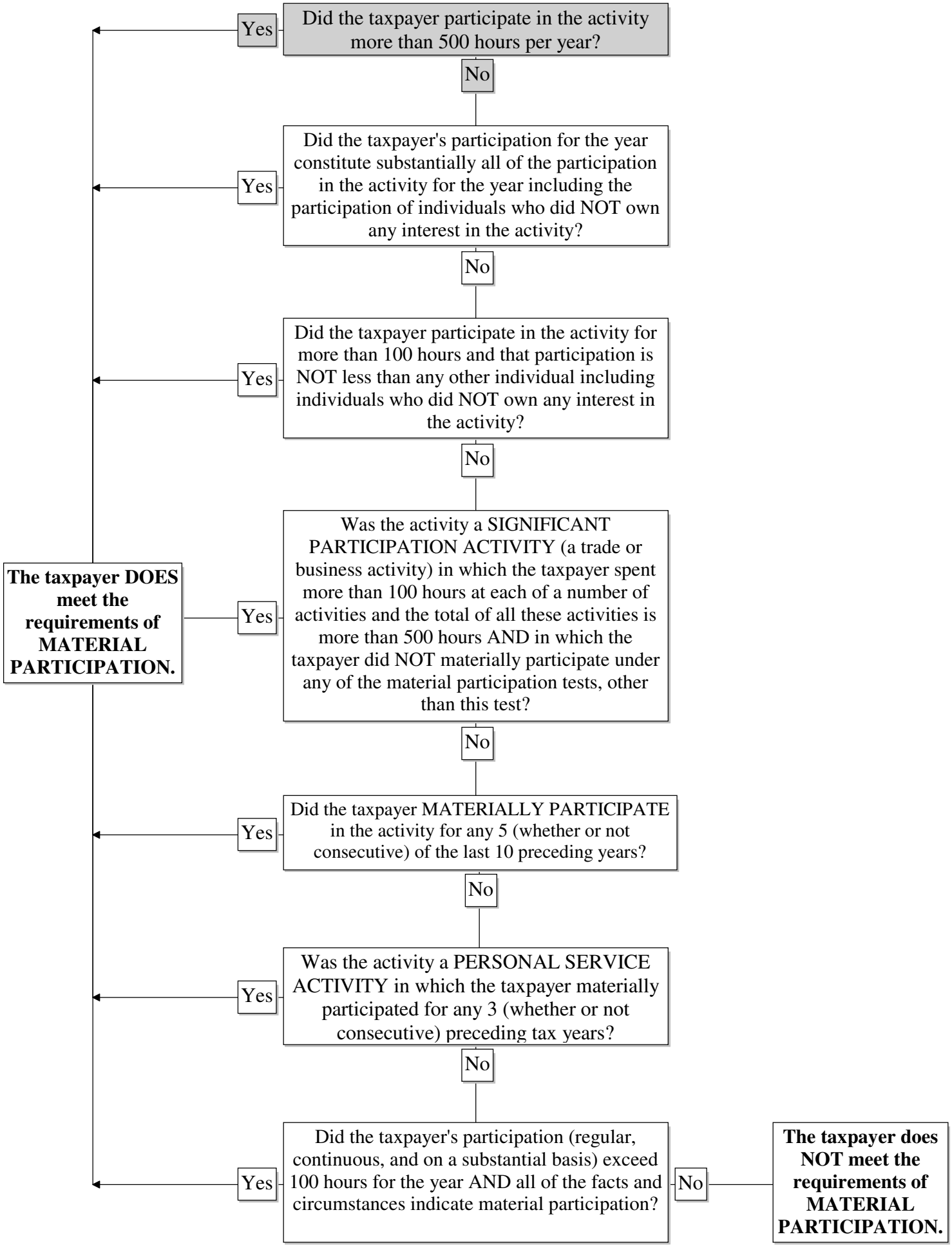Material Participation Rules: does the taxpayer qualify?