



TRI Tax Resolution Institute

where your client's tax debt is your power!

Busy Season
...all year long

(800) 658-7590

www.taxresolutioninstitute.org

Tax and Tax Resolution Forum

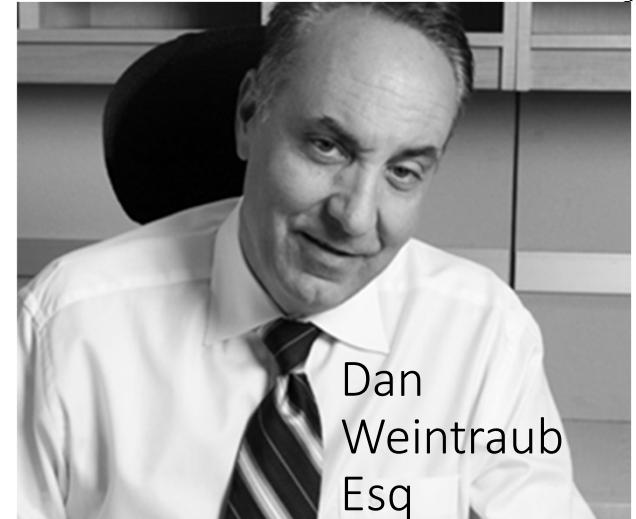




Jeffrey
Rollert
CEO



Bruce
Givner
Esq



Dan
Weintraub
Esq



Peter
Stephan
CPA

Today's Speakers

3

Peter Stephan,
CPA





Tax & Tax Resolution Forum

Why are we here today?

TRI prides itself in assisting accounting, legal and other professionals resolve their client's tax problems and grow their businesses

- We help you make more money
- We teach you how to become a tax resolution specialist
- We become your partner working side-by-side to fix your client's tax issues
- Or...we become your trusted referral source

Sales
Guide



Professional's
System



VIP Program

We have the tools
you need...



Textbook



Certification
Program

(800) 658-759

www.taxresolutioninstitute.org

What will be covered today

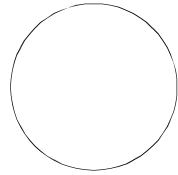
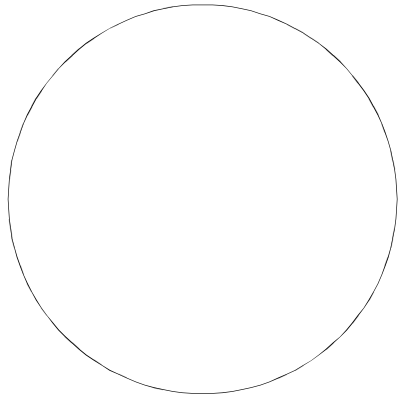
- Tax resolution case management
- Installment agreements
- Offers in compromise
- Discharging taxes in bankruptcy
- Tax court
- **DRAWING – Professional’s System**
- IRS criminal investigation
- Eliminating capital gains tax
- **DRAWING – Professional’s System**
- Market and grow your practice
- Innocent spouse relief
- Audits and appeals
- Low hanging fruit
(make \$\$\$ with tax resolution)

Have you
downloaded your
materials?

The following materials and more will be available to seminar/webcast attendees for 10 days without being a member:

- A copy of today's presentation
- Tax resolution flow chart ("cheat sheet")
- Tips and traps pertaining to Installment Agreements
- Tips and Traps pertaining to Offers in Compromise
- First time penalty abatement instructions (FTPA)
- IRS contact numbers
- IRS 4180 Interview form
- ...and more

access your free content at www.taxresolutioninstitute.org/Seminar



Tax
Resolution

Want to grow your
practice? |

Finding Tax
Resolution
Clients

26 Million of 153 Million U.S.
taxpayers can't afford to pay
or disagree with the amount
they owe the IRS...

Three Professions Facing Tax Problems

- Real estate brokers
- Attorneys
- Self employed taxpayers
(both income & payroll tax issues)

What other categories of taxpayers are prone to collection activity?

Number of Accounts in IRS Collection

Year	Accounts in Collection	Increase (%)
2018	13,186,000	(6.34)%
2017	14,080,000	0.53%
2016	14,005,000	4.53%
2015	13,371,000	7.26%
2014	12,400,000	5.48%
2013	11,721,000	2.19%
2012	11,464,000	5.71%
2011	10,809,000	3.87%
2010	10,391,000	6.97%
2009	9,667,000	-

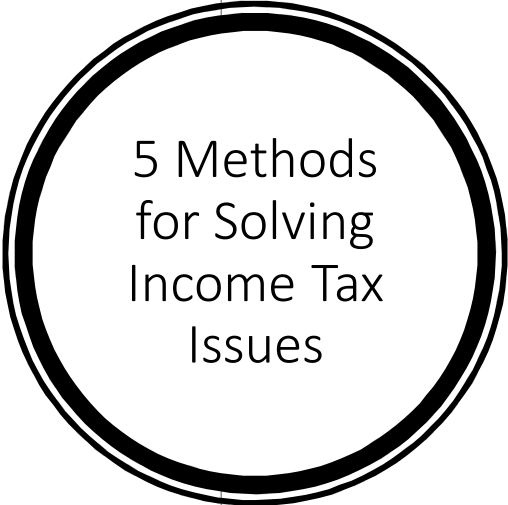
What is tax resolution?

Tax Resolution

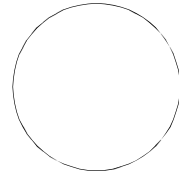
(800) 658-7590

- The practice of resolving a person's or business's Federal or State tax issues using one or more of the various methods available.
- The two main areas of tax liability that will be covered in this course are income taxes and payroll taxes.

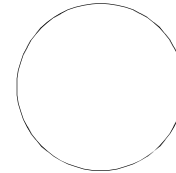
www.taxresolutioninstitute.org



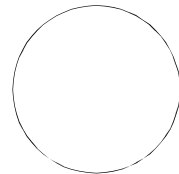
5 Methods
for Solving
Income Tax
Issues



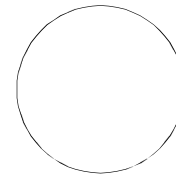
**Installment
Agreements**



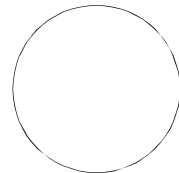
**Currently Not
Collectable (CNC)
Status**



**Partial-Pay
Installment
Agreement (PPIA)**



**Offer in Compromise
(OIC)**



**Discharging Taxes in
Bankruptcy**

IRS Offer in
Compromise
(High-End
Restauranteur)

IRS Amount Owed: \$2,845,239

Department of the Treasury

INTERNAL REVENUE SERVICE
AMC-Stop 880
PO Box 30834
Memphis, TN 38130-0834

Date of this Letter: NOV 21 2017

Person to Contact:

Employee #: [REDACTED]
Phone#: [REDACTED] EXT.
8:00AM-8:00PM Mon-Fri

Taxpayer ID#: ***-**-****
Offer Number: [REDACTED]

[REDACTED]

Dear [REDACTED],

We have accepted the offer in compromise you signed and dated on 05/16/2017, as modified by an addendum dated 10/26/2017. The acceptance date is the date of this letter and our acceptance is subject to the terms and conditions on the enclosed Form 656, Offer in Compromise.

The conditions of the offer require you to timely file and pay all required taxes for five tax years (including any extensions). This requirement begins on the date of this letter.

Under the conditions of the offer, we will keep any refunds or credits you may be entitled to for 2017 or for earlier tax years, including refunds you may be entitled to receive in 2018 for any overpayments you made toward any year 2017 or earlier tax years. We will apply any refunds or credits to your liability, not to your accepted offer. If we filed a Notice of Federal Tax Lien against you, we will release it when you pay the offer in full. If you make the final payment by credit or debit card, we won't be able to release the Notice of Federal Tax Lien for up to 120 days from the date of the credit or debit payment.

If you are required to make any payments under this agreement, make your check or money order payable to the United States Treasury

IRS Offer in Compromise

Owed \$177,942

Department of the Treasury
Internal Revenue Service
Brookhaven Service Center
P.O. Box 9011 Stop 681
Holtsville, NY 11742

Date of this Letter: **DEC 21 2015**
Person to Contact: [REDACTED]
Employee #: [REDACTED]
Phone#: [REDACTED]
08:00am-08:00pm Mon-Fri
Taxpayer ID#: [REDACTED]-6442
Offer Number: 1001275119



Dear [REDACTED]

We have accepted the offer in compromise you signed and dated on 09/28/2015. The acceptance date is the date of this letter and acceptance is subject to the terms and conditions on the enclosed Form 656, Offer in Compromise.

We applied \$1,300.80 as payment toward your accepted offer. The last payment we received was for \$1,102.40 on 12/01/2015.

The conditions of the offer require you to timely file and pay all required taxes for five tax years (including any extensions). This requirement begins on the date of this letter.

Under the conditions of the offer, we will keep any refunds or credits you may be entitled to for 2015 or for earlier tax years, including refunds you may be entitled to receive in 2016 for any overpayments you made toward tax year 2015 or earlier tax years. We will apply any refunds or credits to your liability, not to your accepted offer. If we filed a Notice of Federal Tax Lien against you, we will release it when you pay the offer in full. If you make the final payment by credit or debit card, we won't be able to release the Notice of Federal Tax Lien for up to 120 days from the date of the credit or debit payment.

If you are required to make any payments under this agreement, make your check or money order payable to the United States Treasury and send it to:

Internal Revenue Service
P.O. Box 24015
Fresno, CA 93779

Please send all other correspondence to:

Internal Revenue Service
PO Box 9006
Holtsville, NY 11742-9006

Compromised for \$6,504

Owed: \$66,362

Department of the Treasury

Date of this Letter: APR 19 2011

INTERNAL REVENUE SERVICE
PO BOX 77
MEMPHIS, TN 38101Person to Contact:
Rhonda Paige
Employee #:49-13106
Phone#: (901) 546-4157 EXTTaxpayer ID#: [REDACTED]
Offer Number:1000846498

IRS Offer in Compromise

Dear Ms. [REDACTED],

Thank you for your payment. You have met the payment provisions for your Offer in Compromise contract. Please remember that we will apply any overpayments from the year we accepted your Offer in Compromise to the tax periods specified in your offer contract.

REMINDER: Compliance is an important part of your Offer in Compromise contract. You must file and pay your taxes timely for five years following the date we accepted the offer or during an extended installment offer payment period, whichever is later. If you don't comply, we will terminate your offer and reinstate the original amount of your liability, less payments made.

If you write, please include your telephone number, the hours we can reach you, and a copy of this letter. Keep a copy of this letter for your records. We have enclosed an envelope for your convenience.

If you have any questions, please contact the person whose name and telephone number are shown in the upper right hand corner of this letter.

Sincerely,

Compromised for \$3,464

IRS Offer in Compromise

(met in elevator)

IRS Amount Owed: \$24,281

Department of the Treasury

Internal Revenue Service
Brookhaven Service Center
P.O. Box 9011 Stop 681
Holtsville, NY 11742

Date of this Letter: JAN 18 2018

Person to Contact:
Employee #:
Phone#: EXT.
08:00am-08:00pm Mon-Fri

Taxpayer ID#:***-**-
Offer Number:

Dear [REDACTED]

We have accepted the offer in compromise you signed and dated on 05/24/2017. The acceptance date is the date of this letter and acceptance is subject to the terms and conditions on the enclosed Form 656, Offer in Compromise.

We applied \$285.00 as payment toward your accepted offer. The last payment we received was for \$285.00 on 07/26/2017.

The conditions of the offer require you to timely file and pay all required taxes for five tax years (including any extensions). This requirement begins on the date of this letter.

Under the conditions of the offer, we will keep any refunds or credits you may be entitled to for 2018 or for earlier tax years, including refunds you may be entitled to receive in 2019 for any overpayment you made toward tax year 2018 or earlier tax years. We will apply any refunds or credits to your liability, not to your accepted offer. If we filed a Notice of Federal Tax Lien against you, we will release it when you pay the offer in full. If you make the final payment by credit or debit card, we won't be able to release the Notice of Federal Tax Lien for up to 120 days from the date of the credit or debit payment.

If you are required to make any payments under this agreement

Compromised for \$1,124

IRS Partial Pay Installment Agreement

\$282,142 Liability

FOA Copy



Department of the Treasury
Internal Revenue Service
Small Business / Self-Employed Division
225 W BROADWAY
GLENDALE, CA 91204-1331

Date:

01/07/2015

Taxpayer ID number:

Person to contact:

Employee ID number:

Contact telephone number:



We have approved your request to pay your taxes in installments. Your first payment of \$100.00 is due on 01/28/2015. You agreed to make future payments of \$100.00 on the 28th of each following month until you have paid the full amount you owe.

The amount you owe as of 01/05/2015 is \$282,142.05. This amount does not include all applicable penalties and interest. We will charge penalties and interest until you pay the full amount you owe because you didn't pay your total tax when it was due.

Please send your monthly payments to reach us by the due date. Put your social security number or employer identification number clearly on your check or money order. If you change your address, please send your new address with your next payment.

Note: If the IRS is charging backup withholding on any of your accounts, it will continue. Having an installment agreement doesn't interrupt backup withholding.

Although we have established an installment plan for you, we will protect the government's interest. Therefore, a Notice of Federal Tax Lien

HAS ALREADY BEEN FILED

A Notice of Federal Tax Lien is a public notice that the government has a claim against your property to satisfy a debt. We will release the lien when you finish paying what you owe. We have the legal right to collect this money for up to 10 years.

CONDITIONS OF THIS AGREEMENT:

- We must receive each payment by the date shown above. If you have a problem, contact us immediately.
- This agreement is based on your current financial condition. We may change or cancel it if our information shows that your ability to pay has changed significantly.
- We may cancel this agreement if you don't give us updated financial information when we ask for it.
- While this agreement is in effect, you must pay any federal taxes you owe on time.

**\$100 per month
payment!!!**

Internal Revenue Service
751 DAILY DRIVE SUITE 100
CAMARILLO, CA 93010

Department of the Treasury

AMOUNT OWED: \$117,678

Date: 09/23/2014
Taxpayer Identification Number:
Person to Contact:
Telephone Number:



Currently
Not
Collectible

Case Closed - Currently Not Collectible

We have temporarily closed your collection case for the tax types and periods listed below. We have determined that you do not have the ability to pay the money you owe at this time.

Although we have temporarily closed your case, you still owe the money to the IRS. We may re-open your case in the future if your financial situation improves. Also, since you still owe money, we will continue to add penalties and interest to your account and it will be subject to other adjustments and offsets such as applying future tax refunds to the amount you owe.

You don't need to take any action at this time. However, it is very important that you file all future tax returns and pay any amounts you owe on time. Also, it is in your advantage to make voluntary payments towards the amount you owe, if possible, to minimize additional penalties and interest.

If you have any questions, please call us at 1-800-829-1040 (individuals) or 1-800-829-4933 (businesses).

<u>Tax Type</u>	<u>Tax Period</u> <u>Ending</u>	<u>Tax Type</u>	<u>Tax Period</u> <u>Ending</u>	<u>Tax Type</u>	<u>Tax Period</u> <u>Ending</u>
1040	12/31/2006	1040	12/31/2007	1040	12/31/2008
1040	12/31/2009	1040	12/31/2010	1040	12/31/2011
1040	12/31/2012				

CURRENTLY NOT COLLECTIBLE

CDTFA (sales tax) Offer in Compromise

Owed \$118,379



STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION

460 N STREET, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0622
916-322-7931 • FAX 916-322-7940
www.boe.ca.gov

BETTY T. LEE
First District San Francisco
BEN. GEORGE RUNNER (Ret.)
Second District, Lancaster
MICHELLE STEEL
Third District, Rolling Hills Estates
JEROME E. HORTON
Fourth District, Los Angeles
JOHN CHIANG
State Controller
CYNTHIA BRIDGES
Executive Director

September 13, 2013

[REDACTED]

The Offer in Compromise Section (OIC) of the Board of Equalization (BOE) has reviewed your request for an offer in compromise on your current sales tax liability of \$118,379.57.

We will forward our recommendation for approval of your offer once we receive a cashier's check or money order for the offered amount of \$117,227.00. The funds should be mailed to the address listed below with a copy of this letter by Friday, September 27, 2013. The BOE will place the funds in a non-interest bearing account pending approval of the offer.

MAILING ADDRESS
State Board of Equalization
Offer in Compromise Section
460 N Street, MIC: 52
Sacramento, CA 95814

If for some reason the offer is denied, you have the option of having the funds refunded or applied to the liability. Please select an option below:

- Retain any amount deposited and credit it to the current tax liability,
- Return the amount deposited.

If you have any additional questions or concerns, please contact me at (916) 322-1984.

Sincerely,

Arlene Di Sessa
Business Taxes Specialist

Compromised for \$1,727

Taxes Discharged In Bankruptcy

IRS Amount Owed: \$612,201



This Product Contains Sensitive Taxpayer Data

Account Transcript

Request Date: 11-30-2017
Response Date: 11-30-2017
Tracking Number: [REDACTED]

FORM NUMBER: 1040
TAX PERIOD: Dec. 31, 2012

TAXPAYER IDENTIFICATION NUMBER: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

<<<<POWER OF ATTORNEY/TAX INFORMATION AUTHORIZATION (POA/TIA) ON FILE>>>>

--- ANY MINUS SIGN SHOWN BELOW SIGNIFIES A CREDIT AMOUNT ---

ACCOUNT BALANCE: 0.00
ACCRUED INTEREST: 0.00 AS OF: Dec. 11, 2017
ACCRUED PENALTY: 0.00 AS OF: Dec. 11, 2017

ACCOUNT BALANCE PLUS ACCRUALS
(this is not a payoff amount) 0.00

INFORMATION FROM THE RETURN OR AS ADJUSTED **


FILED: 03
FILING STATUS: Head of Household
ADJUSTED GROSS INCOME: 1,915,048.00
TAXABLE INCOME: 1,679,448.00
TAX PER RETURN: 459,326.00
SE TAXABLE INCOME TAXPAYER: 21,320.00
SE TAXABLE INCOME SPOUSE: 0.00
TOTAL SELF EMPLOYMENT TAX: 2,836.00

RETURN DUE DATE OR RETURN RECEIVED DATE (WHICHEVER IS LATER): Oct. 14, 2013
PROCESSING DATE: Nov. 18, 2013

TRANSACTIONS

CODE	EXPLANATION OF TRANSACTION	CYCLE DATE	AMOUNT
150	Tax return filed	20134405 11-18-2013	\$459,326.00
n/a	80211-687-39258-3		
430	Estimated tax payment	09-17-2012	-8500.00
716	Credit you chose to apply from prior tax period	04-15-2012	-8751.00

\$612,201 Discharged in Bankruptcy



4 Methods for Solving Payroll Tax Issues

Installment Agreement

Partial-Pay Installment Agreement

In-Business Offer in Compromise

Hybrid

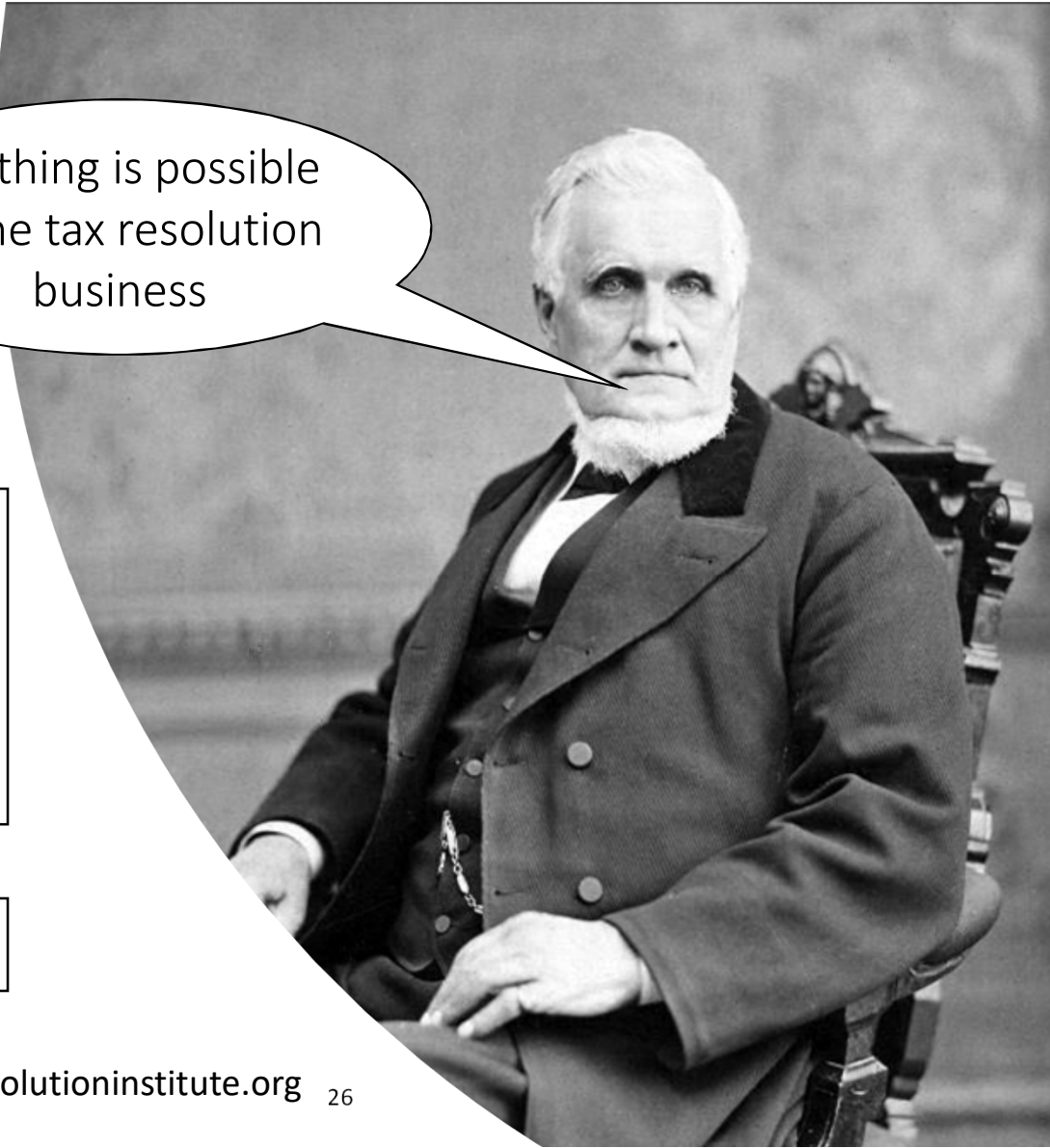
Bulk Sale & Offer in Compromise

Story Time

Story

- “Al”
- Owes \$4,000,000 to the IRS
- Owes \$400,000 to the State
- 70 years old

So what happened...



Anything is possible
in the tax resolution
business

Story Time

Settled for...

- \$5,000 to the IRS
- \$13,000 to the State
- \$15,000 in fees

Moral

- A good result but should have filed for bankruptcy (more on BK later)

Tax Resolution Case Management from Start to Finish

Step 1

Meet with the client
(by telephone or in person)

- Identify and define issues
- Discuss the process and expectations from the client
- Estimate fees (lots more on this later today)

(800) 658-759

www.taxresolutioninstitute.org
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Step 2

Prepare Documents

- Letter of Engagement (work agreement)
- Power of Attorney Form/s
- Payment Forms – ACH, credit card, PayPal

(800) 658-759

www.taxresolutioninstitute.org
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Step 3

Contact Government

- Fax power of attorney (east or west coast CAF unit)
- Call government representative (ACS or R/O)
- Assess client's (actual) situation
- Request hold on collection (if applicable)

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Step 4

Obtain or Prepare Tax Returns

- Collect information
- Prepare delinquent tax returns
- Obtain duplicate original copies of all prepared tax returns
- Calculate total estimated tax liability including penalties and interest

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Step 5

Prepare Collection Information Statement

- Obtain draft copy from client
- Prepare 433A, 433F, 433B, etc.
- If applicable contact the client to discuss options to lower Monthly Disposable Income (“MDI”)

(800) 658-759

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Step 6

Negotiate with the Government

- Have all paperwork (including IRS auto debit form i.e. 433D) prepared prior to call
- Be ready to submit documents via fax if requested
- If you are on the phone with Automated Collections (“ACS”), and it is not going well, **end the call and try again**

(800) 658-759

www.taxresolutioninstitute.org
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Step 7

Provide the client a comprehensive summary

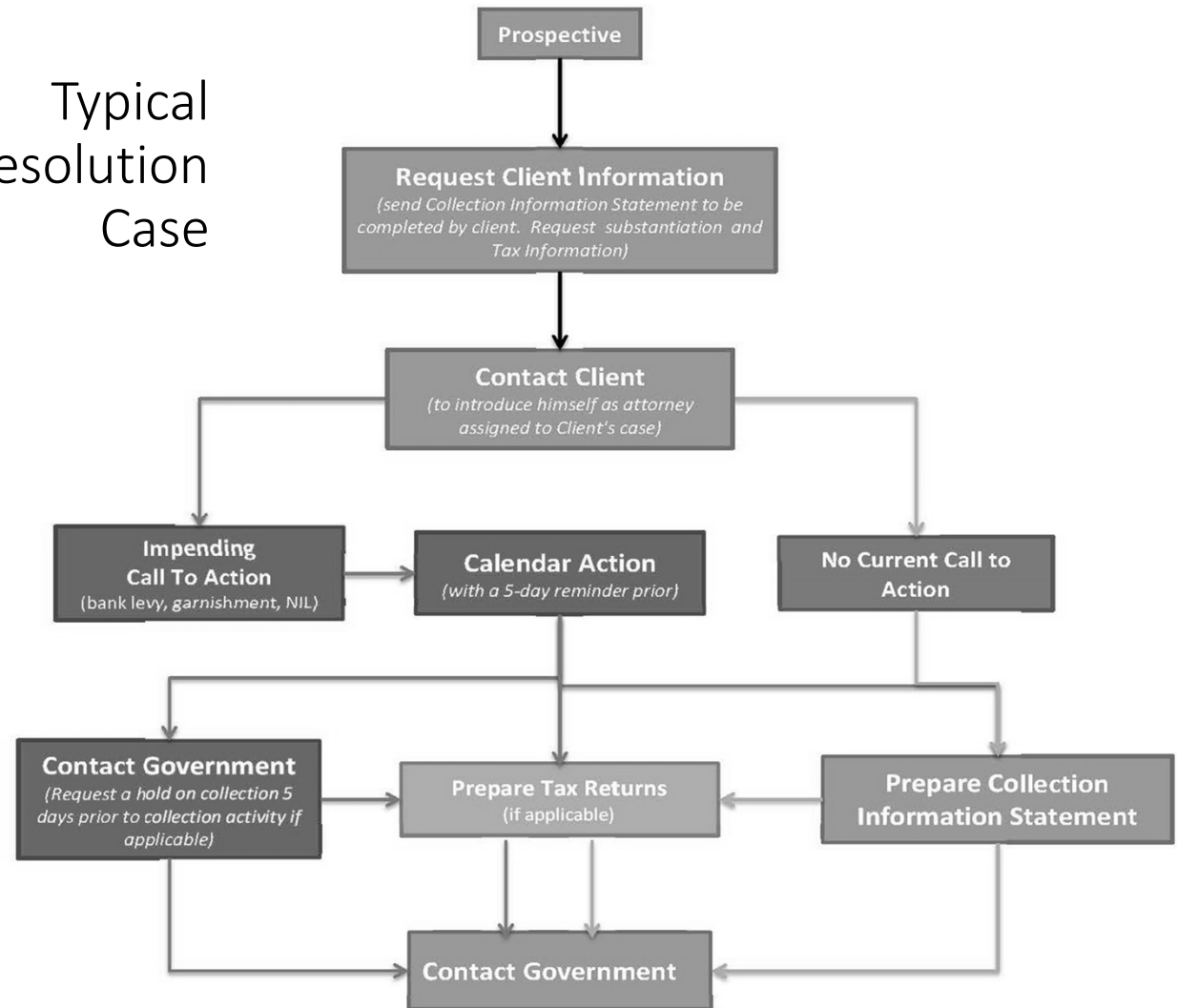
- Let the client know the agreed upon terms
- Provide specific instructions relating to payment dates and amounts
- Let the client know that if automated payments do not start when expected, they should make interim payments until the auto-pay kicks in

(800) 658-759

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Typical Resolution Case

Sequence of events flow chart



IRS Power of Attorney

IRS Power of Attorney

Form **2848**
 (Rev. January 2018)
 Department of the Treasury
 Internal Revenue Service

Power of Attorney and Declaration of Representative

OMB No. 1545-0150

For IRS Use Only

Received by:

Name _____

Telephone _____

Function _____

Date / /

► Go to www.irs.gov/Form2848 for instructions and the latest information.

Part I Power of Attorney

Caution: A separate Form 2848 must be completed for each taxpayer. Form 2848 will not be honored for any purpose other than representation before the IRS.

1 Taxpayer information. Taxpayer must sign and date this form on page 2, line 7.

Taxpayer name and address		Taxpayer identification number(s)	
John Doe 1234 Memory Lane Anytown, US 12345		123-45-6789	
		Daytime telephone number	Plan number (if applicable)
		(213) 555-1212	

hereby appoints the following representative(s) as attorney(s)-in-fact:

2 Representative(s) must sign and date this form on page 2, Part II.

Name and address	CAF No. _____ PTIN P00000000 Telephone No. (800) 555-5555 Fax No. (800) 555-6666
MY CPA 4321 Business Court Anytown, USA 12345 Check if to be sent copies of notices and communications <input type="checkbox"/>	Check if new: Address <input type="checkbox"/> Telephone No. <input type="checkbox"/> Fax No. <input type="checkbox"/>
Name and address	CAF No. _____ PTIN _____ Telephone No. _____ Fax No. _____
Check if to be sent copies of notices and communications <input type="checkbox"/>	Check if new: Address <input type="checkbox"/> Telephone No. <input type="checkbox"/> Fax No. <input type="checkbox"/>
Name and address	CAF No. _____ PTIN _____ Telephone No. _____ Fax No. _____
(Note: IRS sends notices and communications to only two representatives.)	Check if new: Address <input type="checkbox"/> Telephone No. <input type="checkbox"/> Fax No. <input type="checkbox"/>
Name and address	CAF No. _____ PTIN _____ Telephone No. _____ Fax No. _____
(Note: IRS sends notices and communications to only two representatives.)	Check if new: Address <input type="checkbox"/> Telephone No. <input type="checkbox"/> Fax No. <input type="checkbox"/>

to represent the taxpayer before the Internal Revenue Service and perform the following acts:

3 Acts authorized (you are required to complete this line 3). With the exception of the acts described in line 5b, I authorize my representative(s) to receive and inspect my confidential tax information and to perform acts that I can perform with respect to the tax matters described below. For example, my representative(s) shall have the authority to sign any agreements, consents, or similar documents (see instructions for line 5a for authorizing a representative to sign a return).

Description of Matter (Income, Employment, Payroll, Excise, Estate, Gift, Whistleblower, Practitioner Discipline, PLR, FOIA, Civil Penalty, Sec. 5000A Shared Responsibility Payment, Sec. 4980H Shared Responsibility Payment, etc.) (see instructions)	Tax Form Number (1040, 941, 720, etc.) (if applicable)	Year(s) or Period(s) (if applicable) (see instructions)
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IRS Transcript

IRS Account Transcript (page 1)



This Product Contains Sensitive Taxpayer Data

Account Transcript

Request Date: 06-11-2018
Response Date: 06-11-2018
Tracking Number: 100353160824

FORM NUMBER: 1040
TAX PERIOD: Dec. 31, 2016

TAXPAYER IDENTIFICATION NUMBER: xxx-xx-xxxx

XXXXX XXXXXX
XXXXXXXXXXXXXX
XXXXX, XX XXXXX

<<<<POWER OF ATTORNEY/TAX INFORMATION AUTHORIZATION (POA/TIA) ON FILE>>>>

--- ANY MINUS SIGN SHOWN BELOW SIGNIFIES A CREDIT AMOUNT ---

ACCOUNT BALANCE:	324,723.28	
ACCRUED INTEREST:	46,084.71	AS OF: Oct. 16, 2017
ACCRUED PENALTY:	59,498.00	AS OF: Oct. 16, 2017

ACCOUNT BALANCE PLUS ACCRUALS
(this is not a payoff amount): 430,305.99

** INFORMATION FROM THE RETURN OR AS ADJUSTED **

EXEMPTIONS:	01
FILING STATUS:	Single
ADJUSTED GROSS INCOME:	969,404.00
TAXABLE INCOME:	938,758.00
TAXES REFUND:	225,110.00

IRS Account Transcript (page 2)

150	Tax return filed	20134405	11-18-2017	\$305,118.00
n/a	80221-684-48620-3			
460	Extension of time to file tax return ext. Date 10-15-2013		04-04-2017	\$0.00
170	Penalty for not pre-paying tax 00-00-0000	20134405	11-18-2017	\$1,874.00
276	Penalty for late payment of tax	20134405	11-18-2017	\$12,204.72
196	Interest charged for late payment	20134405	11-18-2017	\$5,490.56
971	Notice issued CP 0014		11-18-2017	\$0.00
971	Installment agreement established		11-16-2016	\$0.00
971	Tax period blocked from automated levv program		12-23-2016	\$0.00
971	Pending instal			\$0.00
971	No longer in in			\$0.00
582	Lien placed on			\$0.00
360	Fees and othe			\$36.00
971	Issued notice c			\$0.00
971	Pending instal			\$0.00
960	Appointed rep			\$0.00
971	Installment ag			\$0.00
972	Removed Inst			\$0.00
480	Received offer			\$0.00
971	No longer in in			\$0.00

Understanding the Codes

150 Tax return filed/liability assessed

170 Estimated tax penalty

276 Failure to file penalty

460 Extension of time to file

971 Misc. transaction

Tax & Tax Resolution Forum

Why are we here today?

TRI prides itself in assisting accounting, legal and other professionals resolve their client's tax problems and grow their businesses

- We help you make more money
- We teach you how to become a tax resolution specialist
- We become your partner working side-by-side to fix your client's tax issues
- Or...we become your trusted referral source



Installment Agreements

Installment Agreement

(800) 658-7590

- A payment plan between taxpayer and the Government
- Some agreements require the full payment of the tax liability
- Other agreements allow the taxpayer to partially pay their liability in monthly installments based upon their ability (or inability) to pay over time
- Taxpayer must be in and remain in compliance
- IRS has ten-year statute of limitations on “active” collection

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Streamlined Installment Agreement

(800) 658-7590

- Taxpayer is in compliance and able to full-pay their liability over time (up to 72 months)
- Taxpayer owes less than \$25,000
- Taxpayer owes less than \$50,000
- Representation fees are lower but installment payments are typically higher
- If client is “uncollectable” this type of agreement will not work

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Streamlined Installment Agreements

- Maximum amount increased from \$50,000 to \$100,000
- Payment term increased from 72 months to 84 months
- Must be paid within remaining life of the collection statute
- No substantiation required
- Must be paid by direct debit or deducted from paycheck
- A lien may or may not be filed

(800) 658-7590

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Installment Agreement Forms

433A - Collection information statement for individuals (Revenue Officer)


433F - Abridged collection information statement for individuals (automated collections)

433B - Collection information statement for businesses

9465/FS - Installment agreement request form

Tips & Traps

Installment Agreements

1. Be sure to complete Form 433-F or 433-A before you contact the IRS.
 2. The information in Form 433-F is often supplied to the IRS over the phone. Be sure to fill on all boxes in sections that apply to you. The IRS does not like blanks.
 3. Create a separate sheet showing your income and expenses. Calculate your take-home income minus your living expenses prior to contacting the IRS. This will be the amount the IRS will expect you to pay on a monthly basis.
- 

Helpful
Tips
4. The installment agreement calculation may be negative. If the amount is less than zero, request to be placed into Currently Non Collectable status.
 5. If your calculation is too low (i.e. substantially below zero) then the IRS may not consider your expenses to be real.
 6. The IRS will compare your bank account deposits with the amount you claim as take-home income. Be sure that either these amounts match or that you can trace excess deposits as non-income (i.e. loans, transfers from savings, transfers from other accounts listed on the 433).
7. Provide three months billing statements, invoices, etc. to substantiate living expenses. Also include proof of payment either as copies of checks or bank statements showing the paid expenses. Simply owing the money is not enough to make an expense allowable.
 8. If you have more Monthly Disposable Income ("MDI") than you are able to pay to the IRS as an ongoing installment payment, you can increase your expenses to lower your MDI. For example you could:
 - a. Trade in a car you own outright and lease or purchase another car. Note that leasing a car will add a new allowable expense without adding an additional asset.
 - b. If you are self-employed you can make or increase estimated tax payments for the current tax year. This will lower your disposable income and increase the chance of staying in compliance moving forward.
 - c. If you are an employee you can increase your withholding tax if you typically owe taxes at the end of the year. Be careful not to over withhold as refunds will be kept by the IRS and applied to the back taxes owed.
 - d. Buy term life insurance. This is an allowable expense that carries no cash value.
 9. Ask for 72 months to pay. If your MDI is too high, try taking your total liability and dividing it by 72. If the amount is less than your MDI, you may request that your full liability be paid over the 6-year period. This does not always work but it is worth a try.

Find these tips and other valuable
materials on the web at
www.taxresolutioninstitute.org/seminar

Case Study

Installment Agreement

Case Study


- Installment Agreement
- Family of 4
- Living in Los Angeles
- Husband is a self-employed salesperson (expects to earn substantially more income in the near future)
- Wife works and is a W-2 wage earner
- Taxes are withheld from Wife's paycheck and Husband is making estimated tax payments.
- Wife owns a vehicle with a small amount of equity
- Husband leases another vehicle
- They own a single-family home with some equity
- Wife has an IRA with a relatively low value (\$12,858)
- They owe approximately \$487,000 in unpaid taxes

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Installment Agreement Analysis

Income		
<i>Gross Wages</i>		
Taxpayer (Net Business Income)	8,662	Actual
Spouse (Wages)	<u>4,768</u>	Actual
Total gross earnings:	13,430	
<i>Taxes</i>		
Taxpayer	(3,586)	Actual
Spouse	<u>(2,018)</u>	Actual
Total taxes withheld:	(5,604)	
Total net income:	<u>7,826</u>	
Personal Living Expenses		
<i>Housing and Utilities</i>		
Mortgage	3,150	Actual for IA
Utilities	<u>233</u>	Actual for IA
	3,383	
<i>Food/Clothing/Etc.</i>	<u>1,786</u>	IRS national standard
	1,786	
<i>Transportation</i>		
Car payments	1,030	Actual
Maint./gas/insurance	<u>546</u>	IRS local standard
	1,576	
<i>Medical</i>		
Health insurance	495	Actual
Out-of-pocket health	<u>220</u>	IRS national standard
	715	
<i>Other</i>		
Childcare	119	
Life insurance	<u>135</u>	
	254	
Total living expenses:	<u>7,714</u>	
Monthly Disposable Income:	112	

IRS
Installment
Agreement

 **IRS** Department of the Treasury
Internal Revenue Service
PO Box 9941 Stop 5500
Ogden UT 84409

In reply refer to: 0474011040
May 27, 2016 LTR 2273C 3
[REDACTED] 201412 30 1
00019200
BODC: SB

OWED \$151,771

[REDACTED]
% PETER Y STEPHAN
21700 OXNARD ST STE 1160
WOODLAND HILLS CA 91367-7576



53923

Social security number: [REDACTED]
Forms: 1040
Tax periods: Dec. 31, 2014

Dear Taxpayer:

This letter responds to our conversation on May 18, 2016, when you asked about ways to resolve your account balance.

Based on your proposal, we established your installment agreement for \$360.00. Your payment is due on the 28th of each month, beginning on June 28, 2016.

WHAT YOU NEED TO KNOW ABOUT YOUR INSTALLMENT AGREEMENT

We charge a \$120.00 user fee to cover the cost of providing installment agreements. We'll deduct this fee from your first payment.

\$360/mo PAYMENT

Even though your approved installment agreement payment may be less, your first payment must be at least \$120.00 to cover the fee.

We can reduce the installment agreement user fee for individuals whose

IRS Partial Pay Installment Agreement

\$282,142 Liability

POA Copy



Department of the Treasury
Internal Revenue Service
Small Business / Self-Employed Division
225 W BROADWAY
GLENDALE, CA 91204-1331

Date: 01/07/2015
Taxpayer ID number: [REDACTED]
Person to contact: [REDACTED]
Employee ID number: [REDACTED]
Contact telephone number: [REDACTED]



We have approved your request to pay your taxes in installments. Your first payment of \$100.00 is due on 01/28/2015. You agreed to make future payments of \$100.00 on the 28th of each following month until you have paid the full amount you owe.

The amount you owe as of 01/05/2015 is \$282,142.05. This amount does not include all penalties and interest. We will charge penalties and interest until you pay the full amount you owe because you didn't pay your total tax when it was due.

Please send your monthly payments to reach us by the due date. Put your social security number or employer identification number clearly on your check or money order. If you change your address, please send your new address with your next payment.

Note: If the IRS is charging backup withholding on any of your accounts, it will continue. Having an installment agreement doesn't interrupt backup withholding.

Although we have established an installment plan for you, we must protect the government's interest. Therefore, a Notice of Federal Tax Lien

HAS ALREADY BEEN FILED

A Notice of Federal Tax Lien is a public notice that the government has a claim against your property to satisfy a debt. We will release the lien when you finish paying what you owe. We have the legal right to collect this money for up to 10 years.

CONDITIONS OF THIS AGREEMENT:

- We must receive each payment by the date shown above. If you have a problem, contact us immediately.
- This agreement is based on your current financial condition. We may change or cancel it if our information shows that your ability to pay has changed significantly.

\$100 per month payment!!!

California FTB Installment Agreement



STATE OF CALIFORNIA
FRANCHISE TAX BOARD
PO BOX 2952
SACRAMENTO CA 95812-2952
Telephone: (800) 689-4776

Notice Date: [REDACTED]

OWED \$63,064

INSTALLMENT AGREEMENT AND ELECTRONIC FUNDS
TRANSFER (EFT) AUTHORIZATION

Account Number [REDACTED]



We approved your installment agreement for a monthly payment of **\$650.00**. The next step is for you to complete the information below and return it to us in the enclosed envelope within 15 days of the date of this notice. If you do not, we can proceed with collection action. Interest and penalties will continue to accrue until your account is paid in full. Failure to provide complete information will delay the process of your EFT request.

After we process your EFT, we will send you an FTB 4024, *Installment Agreement EFT - Approval* notice. In addition, a \$20.00 fee will be charged for establishing the installment agreement.

EFT Authorization

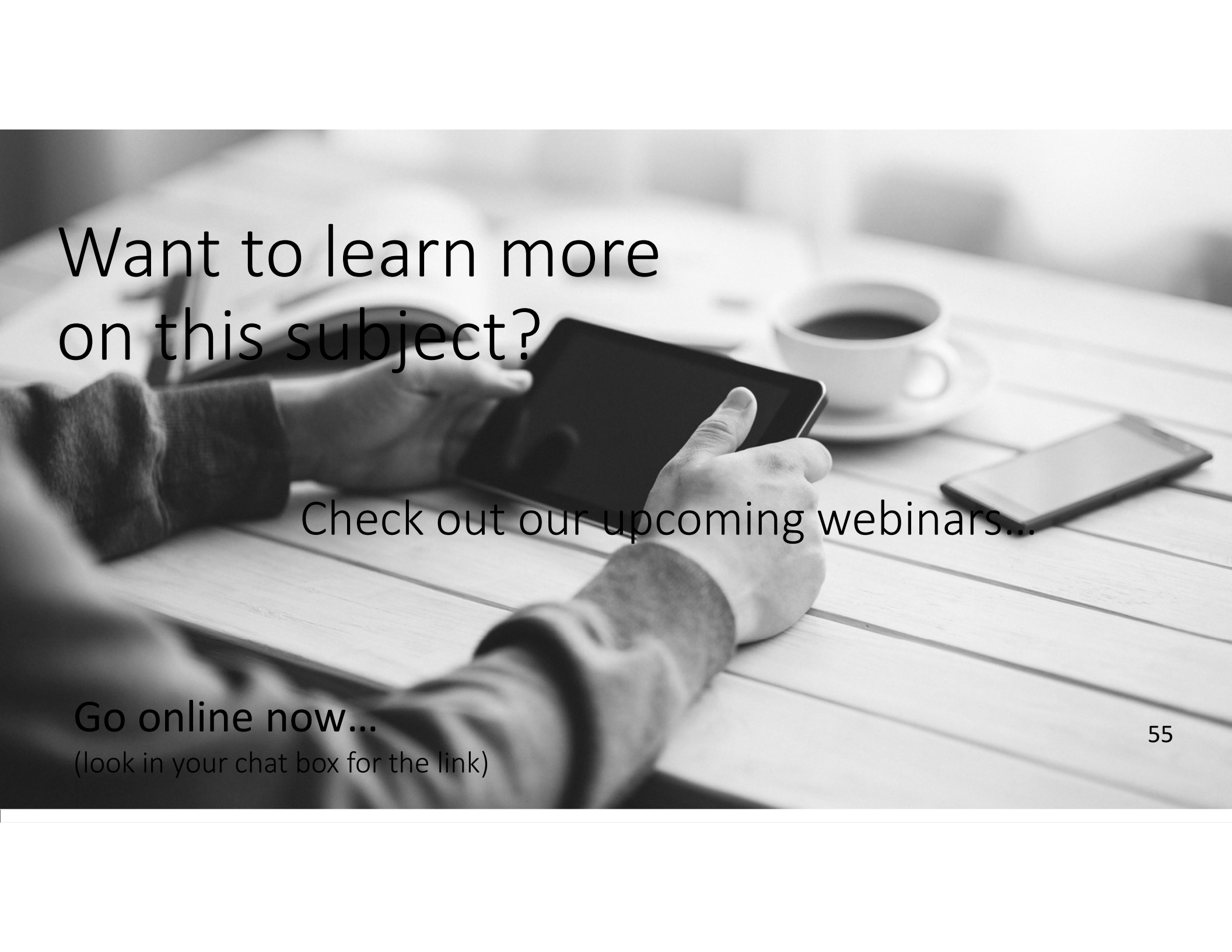
I authorize an electronic funds withdrawal for the above amount, from the bank account identified below, on the _____ (please specify) day of the month. The day must be the **1st through the 28th**. If this day falls on a Saturday, Sunday, or state holiday, the transfer is authorized for the next business day.

1. Payment Amount	2. Day for Monthly EFT Withdrawal <small>(Enter the date from above.)</small>	3. Bank Routing Number <small>(This is the first nine-digit number at the bottom left of your check.)</small>	4. Bank Account Number <small>(This is the number after the bank routing number.)</small>
5. Bank Name and Address		Check One: <input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> <small>(This must be a regular checking or savings account.)</small>	

\$650/mo PAYMENT

I certify that I have the authority to request an electronic funds withdrawal from the bank account identified above and I authorize the Franchise Tax Board (FTB) to initiate and process electronic funds withdrawal entries to the above bank account. This authorization remains in effect until: 1) all unpaid tax liabilities due or becoming due during the course of this agreement are paid, 2) FTB cancels the installment agreement, or 3) FTB receives written notice of cancellation of this EFT authorization within five business days prior to the payment due date.

I request that the payment amount in box 1 be debited from my bank account each month on the date specified in box 2. If this day falls on a Saturday, Sunday, or state holiday, I authorize the transfer for the next business day.



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on this subject?

Check out our upcoming webinars...

Go online now...

(look in your chat box for the link)

Offers in Compromise



3 Types of Offers

3 Types of Offers

Doubt as to Liability

The taxpayer is not responsible for paying the tax liability in question and should not have been assessed in the first place

Doubt as to Collectability

Taxpayer is unable to pay their tax liability within the remaining collection statute

Effective Tax Administration

The taxpayer owes the tax, has the ability to pay (i.e. equity in their home) but collecting from the taxpayer would be unjust

Doubt as to Collectability

When and how should you submit an offer?

Things to consider

- How much does the taxpayer owe (cost vs benefit)?
- How much time is left on the collection statute?
- What events toll the collection statute?
- What is the value of the taxpayer's assets?
- Did the taxpayer dissipate assets when taxes were owed?

Doubt as to Collectability

When and how should you submit an offer?

***More
Things to
consider***

- Compare what a taxpayer would pay in monthly installment payments vs a lump sum offer
- Will the taxpayer be able to remain in compliance for 5 years following acceptance of the offer
- Is the taxpayer's income expected to change significantly during the collection statute?
- Are the taxes more than 3 years old?

Doubt as to Collectability

How much does the taxpayer owe?

Does the work warrant your fees?	A properly prepared offer should take no more than 15 hours to complete assuming client is cooperative and offer gets accepted in 1 st round	An offer can exceed \$20,000 in fees if in addition there is a State offer, the client is uncooperative or the offer must be appealed
----------------------------------	---	---

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Doubt as to Collectability

How much time is left on the collection statute?

The IRS has 10 years from the date of assessment to actively collect against a taxpayer

The following events toll (freeze) the statute for collection:

- Prior submission of an offer in compromise
- Prior bankruptcy filing
- CAP/CDP request
- Living outside the US for an extended period of time

Doubt as to Collectability

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How much time is left on the collection statute?

- If a taxpayer does not have substantial equity in real property for which a Federal tax lien can attach, it may make sense to submit a partial-pay installment agreement in lieu of an offer if the remaining life in the statute is short enough
- The collection statute should be considered for other alternatives including filing bankruptcy



Doubt as to Collectability

- What is the value of the taxpayer's assets?
- It is imperative to weigh the value of assets as well as to consider the amount the taxpayer will pay in monthly disposable income when considering whether to submit an offer rather than an installment agreement
- If the taxpayer has assets with substantial value, they may be forced to liquidate at least some of their assets to pay for the offer
- The IRS may ignore the value of some assets when negotiating an installment agreement. This is not the case with an offer.

Doubt as to Collectability

- ▶ Did the taxpayer dissipate assets when taxes were owed?
- ▶ It is important to ask this question to your client.
- ▶ In many instances the IRS asserts that the taxpayer dissipated assets
- ▶ Some examples of the dissipation of assets include:
 - ▶ Taking money from a refinance of real estate
 - ▶ Cashing out an investment or retirement account
 - ▶ Gifting proceeds when taxes are due
 - ▶ Selling assets such as a boat or motorhome and spending the proceed

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Doubt as to Collectability

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Compare what a taxpayer would pay in monthly installment payments vs a lump sum offer

- As part of considering the remaining life of the collection statute, compare how much a taxpayer will pay in aggregate installment payments compared to a lump sum offer.
- The IRS will remove any liens when an accepted Offer is paid in full or when the taxpayer's remaining liability is less than \$25,000 and they are on a direct debit IA.
- Be careful when recommending an installment agreement as a lien may remain in effect after the installment agreement is accepted.



Will the taxpayer be able to remain in compliance for 5 years following acceptance of the offer?

- Can the taxpayer afford your fees?
- Can the taxpayer afford the cost of the offer?
- Will the taxpayer be diligent in the preparation of his or her tax returns for 5 years from the date of acceptance?
- Will the taxpayer be diligent in paying his or her liability including making estimated tax payments for 5 years from the date of acceptance?
- If client cannot remain in compliance the offer will be cancelled and all compromised liability will be reassessed including all interest and penalties

Doubt as to Collectability

Is the taxpayer's income expected to change significantly during the collection statute?

Doubt as to Collectability

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- If the taxpayer expects their income to go down significantly, it may be worth planning and postponing submission of an offer or doing a PPIA
- If the taxpayer expects their income to go up significantly in the 12 months subsequent to submission of an offer, as the IRS may ask for updated financials that may negatively affect acceptance of the offer
- An increase in income may be overcome by negotiating a collateral agreement in conjunction with the offer

Doubt as to Collectability

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Are the taxes more than 3 years old?

- Prior to deciding whether an offer should be prepared, consider and discuss with your client discharging the taxes in bankruptcy
- If you expect that the taxes are dischargeable, have a qualified person prepare a tax dischargeability analysis (“TDA”). The 3-year rule, the 2-year rule and the 240-day rule. This is covered in the 200A course.
- One size does not fit all. Know all your options so you can best serve your client.

Doubt as to Liability

When and how should you submit an offer?

► *Things to consider*

- Taxpayer assessed for liability they do not owe?
- Does the taxpayer have substantiation to support their claim?
- Can you reduce the liability enough to spend the time and money necessary to complete the offer?
- Did the assessment in question arise from a tax audit?
- Was a tax court petition filed?



Doubt as to Liability

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Taxpayer assessed for liability they do not owe?

- This may seem like a simple question but keep in mind it needs to be answered by a tax professional, not the taxpayer (they never think they owe it).
- Do some due diligence to determine (1) why the tax was assessed and (2) what has been done to contest the assessment
- Make sure the client has reasonable expectations (ha ha...)

Doubt as to Liability

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Does the taxpayer have substantiation to support their claim?

- Assuming your client has a case...now comes the real work
- Was the client assessed because the IRS was being unreasonable or because their representative “didn’t show up” for the audit?
- Does your client have adequate documentation to substantiate their claim?
- Essentially this is an audit reconsideration
- Do not do this work on a fixed fee basis

Doubt as to Liability

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Can you reduce the liability enough to spend the time and money necessary to complete the offer in compromise?

- If your client has a case and they have the substantiation to support it, will the cost to defend them outweigh the benefits?
- This should be considered relative to the overall cost of your time (prize vs price)
- This should also be considered if a substantially high liability will remain even if an offer is accepted

Doubt as to Liability

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Did the assessment in question arise from a tax audit?

- This type of offer (doubt as to liability) gives the taxpayer a 2nd bite at the apple.
- We have been successful in converting audits in which all deductions were disallowed to assessments producing little to no tax
- The IRS seems to be more reasonable in considering taxpayer substantiation at this level

Doubt as to Liability

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Was the assessment appealed and at what level?

- Was a tax court petition filed?
- You cannot submit an offer in compromise doubt as to liability if a tax court petition has been filed

Effective Tax Administration

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The taxpayer owes the tax, has the ability to pay (i.e. equity in their home) but collecting from the taxpayer would be unjust

IRS National and Local Standards

Food, Clothing and Other Items

Expense	1 Person	2 Persons	3 Persons	4 Persons
Food	\$386	\$685	\$786	\$958
Housekeeping supplies	\$40	\$72	\$76	\$76
Apparel & services	\$88	\$159	\$169	\$243
Personal care products & services	\$43	\$70	\$76	\$91
Miscellaneous	\$170	\$302	\$339	\$418
Total	\$727	\$1,288	\$1,446	\$1,786

More than 4 persons	Additional Persons Amount
For each additional person, add to four-person total allowance:	\$420

Housing and Utilities

	Housing and Utilities for a Family of 1	Housing and Utilities for a Family of 2	Housing and Utilities for a Family of 3	Housing and Utilities for a Family of 4	Housing and Utilities for a Family of 5 or more
Kings County	1,439	1,690	1,781	1,986	2,018
Lake County	1,551	1,821	1,919	2,140	2,174
Lassen County	1,468	1,724	1,817	2,026	2,059
Los Angeles County	2,258	2,652	2,795	3,116	3,167
Madera County	1,492	1,752	1,846	2,058	2,092
Marin County	3,139	3,687	3,885	4,332	4,402

Out-of-Pocket Health Care

Ownership Costs	Out of Pocket costs
Under 65	\$55
65 and Older	\$114

Transportation

Public Transportation		
National		\$217
Ownership Costs		
	1 Car	2 Cars
National	\$508	\$1,016
Operating Costs		
	1 Car	2 Cars
West Region		
Los Angeles	\$273	\$546
Phoenix	\$233	\$466
San Diego	\$261	\$522
San Francisco	\$235	\$470
Seattle	\$216	\$432

Installment Agreement vs Offer in Compromise Analysis



Installment Agreement

- ▶ Family of 4
- ▶ Living in Los Angeles
- ▶ Husband is a self-employed salesperson (expects to earn substantially more income in the near future)
- ▶ Wife works and is a W-2 wage earner
- ▶ Taxes are withheld from Wife's paycheck and Husband is making estimated tax payments.
- ▶ Wife owns a vehicle with a small amount of equity
- ▶ Husband leases another vehicle
- ▶ They own a single family home with some equity
- ▶ Wife has an IRA with a relatively low value (\$9,779)
- ▶ They owe approximately \$487,000 in unpaid taxes.

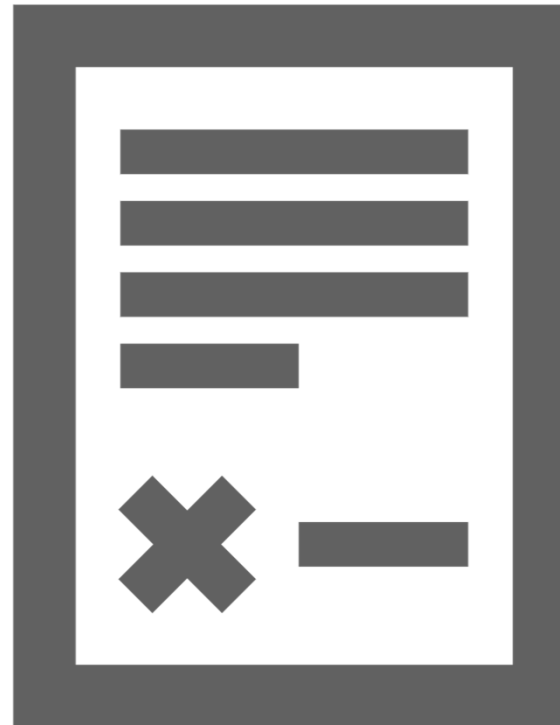
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Installment Agreement Analysis

<u>Item</u>	<u>Amount Allowed for IA</u>	<u>Notes</u>
Income		
<i>Gross Wages</i>		
Taxpayer (Net Business Income)	8,662	Actual
Spouse (Wages)	<u>4,768</u>	Actual
Total gross earnings:	13,430	
<i>Taxes</i>		
Taxpayer	(3,586)	Actual
Spouse	<u>(2,018)</u>	Actual
Total taxes withheld:	(5,604)	
Total net income:	<u>7,826</u>	
Personal Living Expenses		
<i>Housing and Utilities</i>		
Mortgage	3,150	Actual for IA
Utilities	<u>233</u>	Actual for IA
	3,383	
<i>Food/Clothing/Etc.</i>	<u>1,786</u>	IRS national standard
	1,786	
<i>Transportation</i>		
Car payments	1,030	Actual
Maint./gas/insurance	<u>546</u>	IRS local standard
	1,576	
<i>Medical</i>		
Health insurance	495	Actual
Out-of-pocket health	<u>220</u>	IRS national standard
	715	
<i>Other</i>		
Childcare	119	
Life insurance	<u>135</u>	
	254	
Total living expenses:	<u>7,714</u>	
Monthly Disposable Income:	112	

Offer in Compromise vs Installment Agreement Comparison

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Offer vs Installment Agreement Analysis

Installment Agreement/Offer in Compromise Comparison - Family of Four (CS-2)

Item	Amount Allowed for IA	Amount Allowed for OIC	Notes
Income			
<i>Gross Wages</i>			
Taxpayer (Net Business Income)	8,662	8,662	Actual
Spouse (Wages)	<u>4,768</u>	<u>4,768</u>	Actual
Total gross earnings:	13,430	13,430	
<i>Taxes</i>			
Taxpayer	(3,586)	(3,586)	Actual
Spouse	<u>(2,018)</u>	<u>(2,018)</u>	Actual
Total taxes withheld:	<u>(5,604)</u>	<u>(5,604)</u>	
Total net income:	<u>7,826</u>	<u>7,826</u>	
Personal Living Expenses			
<i>Housing and Utilities</i>			
Mortgage	3,150		Actual for IA
Utilities	<u>233</u>		Actual for IA
	3,383	3,116	OIC amount is based upon IRS local std.
<i>Food/Clothing/Etc.</i>	<u>1,786</u>	<u>1,786</u>	IRS national standard
	1,786	1,786	
<i>Transportation</i>			
Car payments	1,030	1,016	OIC amount is based upon IRS national std.
Maint./gas/insurance	<u>546</u>	<u>546</u>	IRS local standard
	1,576	1,562	
<i>Medical</i>			
Health insurance	495	495	Actual
Out-of-pocket health	<u>220</u>	<u>220</u>	IRS national standard
	715	715	
<i>Other</i>			
Childcare	119	119	Actual
Life insurance	<u>135</u>	<u>135</u>	Actual
	254	254	
Total living expenses:	<u>7,714</u>	<u>7,433</u>	
Monthly Disposable Income:	112	393	



**Should they do an offer or
installment agreement?**

...let's see

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OIC vs Installment Agreement

Installment Agreement

Monthly payment amount - \$112

Maximum Number of months to pay - 120 (10 years)

\$112 x 120 months = \$13,440

Offer in Compromise

\$393 x 12 months = \$4,716

\$4,716 + \$7,823 of equity = \$12,539

Offer amount - \$12,539*

**Paid as follows - 20% down and the balance paid within 5 months after offer is accepted (typically 18 to 24 months after offer is submitted).*

Because Taxpayer John Doe assumes he'll earn substantially more money in the near future, an Offer in Compromise would far outweigh an Installment Agreement.

Amount Owed: \$4,240,000

Department of the Treasury

Date of this Letter: 6/24/2007

INTERNAL REVENUE SERVICE
 AMC-Stop 880
 PO Box 3 083 4
 Memphis, TN 38130-0834

Person to Contact: Beverly
 Robinson Employee #: 49-02054
 Phone#: (901)546-4803

Taxpayer ID#: [REDACTED]
 Offer Number: 1000608959

IRS Offer in Compromise

Dear Mr. & Mrs. [REDACTED]

We have accepted your offer in compromise signed and dated by you on 04/19/2007. The date of acceptance is the date of this letter and our acceptance is subject to the terms and conditions on the enclosed Form 656, Offer in Compromise.

Please note that the conditions of the offer require you to file and pay all required taxes for five tax years or the period of time payments are being made on the offer, whichever is longer. This will begin on the date shown in the upper right hand corner of this letter.

Additionally, please be aware that the conditions of the offer include the provision that as additional consideration for the offer, we will retain any refundable credits that you may be entitled to receive for 2007 or for earlier tax years. This includes refunds you receive in 2008 for any payments you made toward tax year 2007 or toward earlier tax years. The Notice of Federal Tax Lien will be released when the offer amount is paid in full.

If you are required to make any payments under this agreement, make your check or money order payable to the United States Treasury and send it to:

Internal Revenue Service
 P.O. Box 24015
 Fresno, CA 93 779

Please send all other correspondence to:

Internal Revenue Service PO
 Box 77 Memphis, TN 38101-0077

Compromised for \$5,000

California FTB Offer in Compromise



Chair John Chiang
Member Judy Chu, Ph.D.
Member Michael C. Genest

State of California
Franchise Tax Board

Owed \$462,011

12.19.2008

Stephan & Stein, Inc., CPAs
Peter Stephan
21700 Oxnard Street, Suite 1160
Woodland Hills CA 91367

In Reply Refer To:
622:081:726

Subject:	Offer in Compromise
Taxpayers:	[REDACTED]
Account Number:	110 94283 02
Tax Years:	1994-1997,2000,2004
Liability:	\$462,011.82
Offer:	\$13,000.00

Dear Mr. Stephan,

The Franchise Tax Board has accepted your Offer in Compromise for the liability owed for the 1994-1997,2000, and 2004 tax years. This letter shall serve as their confirmation of acceptance and should be retained in their records.

We have made the necessary adjustments to their account and have released all liens. Copies of the lien release documents are enclosed.

Please note that pursuant to Revenue and Taxation Code Section 19443, the terms and conditions for acceptance of an offer include, but are not limited to, requirements that he:

- A. File required returns and pay all tax liabilities in a timely manner in the future.
- B. Comply with all terms and conditions relative to the offer, including the requirements of any collateral agreement signed as consideration of acceptance of this offer. If they are required to make any payments pursuant to a collateral agreement, please make the check or money order payable to the Franchise Tax Board and send it to:

Compromised for \$13,000



**Offer in
Compromise
Appeals**

Offer in Compromise Appeals

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- To determine if an offer is accepted IRS determines taxpayer's Reasonable Collection Potential (RCP)
- If an offer is rejected the IRS will likely claim the taxpayer has the ability to full-pay the tax liability
- To appeal use

**Request for Appeal of Offer in Compromise
IRS Form 13711**

Offer in Compromise Rejection

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Items to review when appealing
an offer in compromise rejection

- IRS 30-day Reconsideration
(Rejection Letter)
- IRS calculation worksheets
 - IET – Income/Expense Table
 - AET – Asset/Equity Table
- Form 656 (as submitted)
- Form 433A-OIC (as submitted)

IRS Offer 30-day rejection letter

Department of the Treasury

Date of this Letter: JUL 21 2015

Internal Revenue Service
Centralized OIC
PO Box 9011
Holtsville, NY 11742

Person to Contact:
Ms. D. Gainsford
Employee #:1000193021
Phone#:(866)611-6191 EXT.3168
08:00am-03:00pm Mon-Fri
Taxpayer ID# [REDACTED]
Offer Number:1001259613

[REDACTED]

[REDACTED]

We have closed our file on your offer and are returning your Form 656, Offer in Compromise for the following reason(s):

Our records indicate that you are not current with estimated tax payments. You have not made the estimated tax payment we requested or provided verification that your estimated tax payments or withheld income tax are sufficient for tax year(s) 2015. We will only consider an offer when you are in full compliance, including estimated tax payments.

If you wish to present a new offer, you must submit a new Form 656, current financial information using Form 433-A(OIC) and/or Form 433-B(OIC), all required supporting financial documentation, a check for the \$186 application fee, and a separate check for the 20 percent of the lump sum amount offered or your first proposed installment payment. Mail your completed forms and your checks to the address listed in the instructions for Form 656.

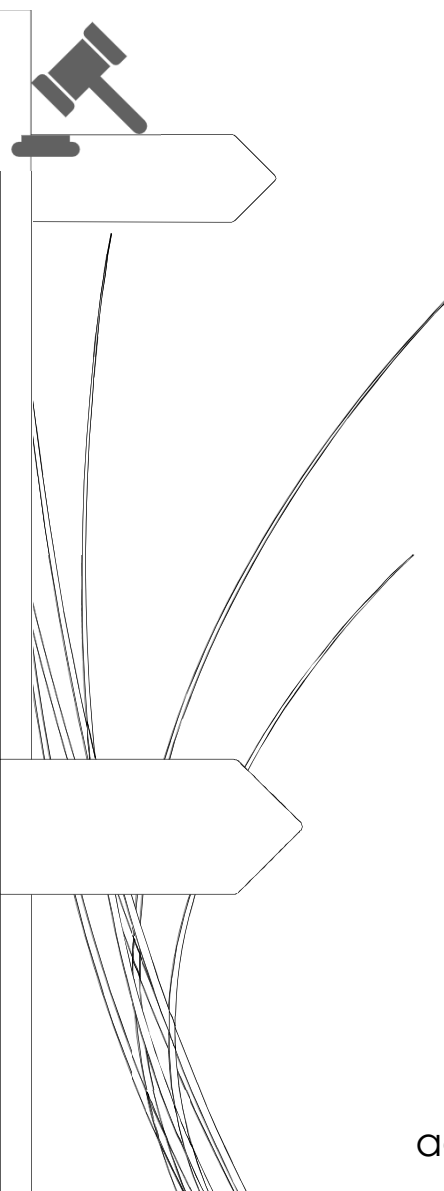
If you believe the return of your offer was made in error, or your failure to provide the information/substantiation we requested was due to circumstances beyond your control (your serious illness, death or serious illness of your immediate family member, or disaster) within 30 days from the date of this letter you may contact the person whose name and telephone number are shown in the upper right hand corner of this letter to request reconsideration of our decision to close your offer. You should be prepared to discuss specifics, provide verification of the circumstances beyond your control and, if applicable, provide the information previously requested.

Request for
Appeal of offer
in compromise
IRS Form 13711

Offer in
Compromise
Appeals

Service employee - Staple the taxpayer's envelope here

Form 13711 (October 2017)	Department of the Treasury - Internal Revenue Service		
Request for Appeal of Offer in Compromise			
Provide the information required in the spaces below. You must sign and date this form.			
Taxpayer name		Taxpayer Identification Number	
Taxpayer name		Taxpayer Identification Number	
Mailing address		Tax form number	
City	State	ZIP Code	Tax period(s) ended
Taxpayer's current daytime telephone number			
Name of authorized representative			
Mailing address		City	State
Telephone number of authorized representative		Best time to call (<i>during normal business hours</i>)	
<p>If you disagree with a specific item shown on the Income and Expense Table and Assets and Equity table you received with your rejection letter, identify the specific item(s). In the space next to the disagreed item, provide a brief statement indicating why you don't agree with our determination (if the disagreed item is the value of future income, indicate that under "Disagreed Item," and provide an explanation under "Reason for Disagreement"). There is room for more entries on the back of this form, and you may use additional pages, if necessary. Attach supporting documents for each disagreed item you identify and indicate on them which issue they apply to. If you disagree with a reason for the rejection stated in our letter but not discussed on the Table, identify what statement you disagree with, the reason you disagree and attach any supporting documentation. Additional pages may be attached. If you do not agree with the Service's analysis of economic hardship or Effective Tax Administration, please provide an explanation with documentation. If possible, attach a copy of the rejection letter to this form.</p>			
Disagreed item	Reason for disagreement (<i>attach supporting documentation</i>)		
_____	_____		
_____	_____		
_____	_____		
_____	_____		
_____	_____		
<p>Certification of Taxpayer: Under penalties of perjury, I declare that to the best of my knowledge, the information contained herein is true, correct, and complete.</p>			
Signature of Taxpayer	Date signed	Signature of Taxpayer	Date signed

- 
- Did IRS make an incorrect decision based on a misinterpretation of the law?
 - Did IRS not properly apply the law due to a misunderstanding of the facts?
 - Do you have additional records or new evidence to support your position?

Offer Appeal Considerations

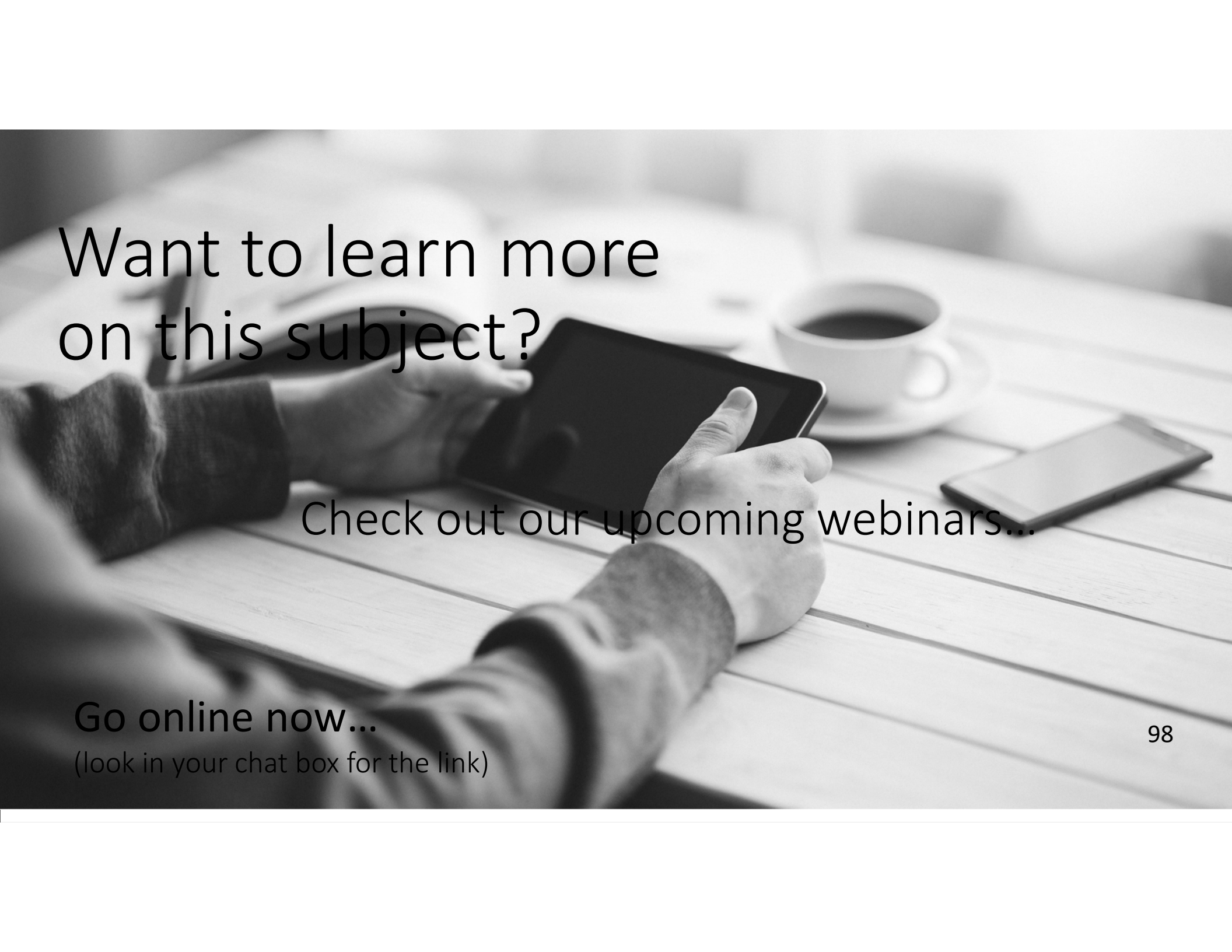
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What we covered this morning

- Introduction to Tax Resolution
- Offers in Compromise
- Installment Agreements
- Resolution Case Management

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on this subject?

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COMPLETELY UPDATED

The Ultimate Professional's System

Drawing for FREE Kit coming up



\$3,000

Morning Break

The Ultimate Guide to Tax Resolution

Available in both hard
cover and pdf versions

The Ultimate Guide to

Tax Resolution



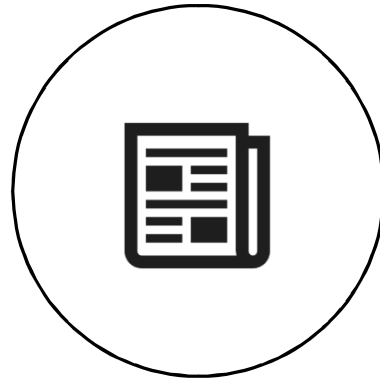
Seventh Edition

A Tax Resolution Institute Publication

Peter Y Stephan

Matthew Cohen

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your materials?



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If at anytime you have a client with tax resolution issues and need our
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(800) 658-7590

www.taxresolutioninstitute.org

Taxes and Bankruptcy

Dan
Weintraub, Esq



Weintraub & Selth, APC
and

AGENT 11

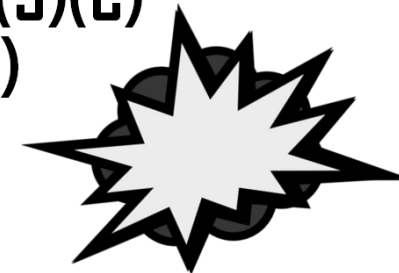
Saving the Businesses of America





AGENT 11's Superpowers

- **The Automatic Stay – 11 U.S.C. Section 362**
- **The Lien Strip – 11 U.S.C. Section 506(a)**
- **The Tax Stretch – 11 U.S.C. Section 1129(a)(9)(C)**
- **The Discharge – 11 U.S.C. Section 1141(d)(1)**



The Automatic Stay 11 U.S.C. Section 362

What is it?

Like "Iceman", it Freezes Creditors Dead in Their Tracks

The Automatic Stay is an injunction or order of the Court which, with some few exceptions, prohibits creditors from taking any action against the Company.

- No Lawsuits Can Be Filed or Continued
- No Levies by Taxing Agencies
- No Demand Letters
- No Threatening Phone Calls

Penalties for violation include damages and a finding of contempt, including an award of attorneys' fees for the Debtor.

Last year, we went after two creditors who violated the automatic stay, in one case receiving an award of \$23,072.09 and in another \$38,939.05, plus \$1,000.00 per day if non compliant.



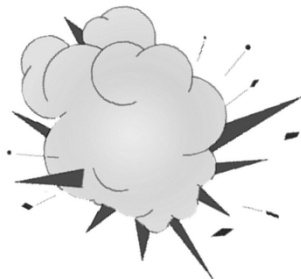
The Lien Strip

What is it?



Splitting Atoms

- Like a nuclear explosion which splits atoms, this superpower divides the secured creditor's claim into a secured portion which has to be paid in full and an unsecured portion which usually receives pennies on the dollar.
- EXAMPLE: The creditor is owed \$100,000 and has a lien on all assets, but the assets of the company are only worth \$25,000. What happens? How does the bankruptcy plan treat this creditor?



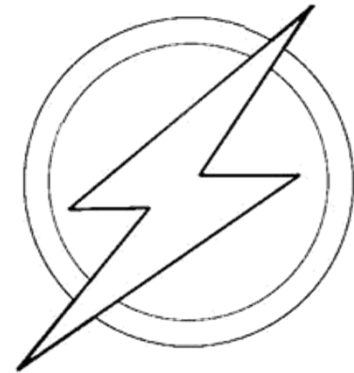


The Tax Stretch

What is it?

Kryptonite for Tax Authorities

- The Bankruptcy Code gives Debtors an automatic 5 years to repay past due taxes.
- The IRS really has no say-so and is effectively neutralized by this super power.



The Discharge

What it is?

The Ultimate Superpower



The discharge is the ultimate superpower of Agent 11. Like the Invisible Woman from the Fantastic Four, this superpower makes debt simply disappear.



The discharge is the order of the Bankruptcy Court which wipes away debts which are not required to be paid.

The Client



- The Client is in the business of cable TV home installation and cable construction.
- The company started off as a mom and pop operation working out of the CEO's garage. It has grown to 400 employees operating out of 4 locations.
- It has 100 vans used for home installation jobs worth \$700,000 financed by Magneto Finance. Magneto is owed \$1.6 Million.
- It has construction equipment worth \$200,000, financed by Lex Luthor Lending who is owed \$500,000.
- It has accounts receivable of \$1.5 Million.
- It generates \$25 Million per year in annual sales.
- It is in default with both secured creditors, one of whom has filed for a receiver and the other has sent notice of foreclosure.
- It is behind to two of its landlords; the landlords have commenced eviction.
- It owes \$3.0 Million to vendors and other unsecured creditors; Several lawsuits have been filed.
- It owes \$2.2 Million in unpaid payroll tax; The IRS has levied the company bank accounts.

What Can Agent 11 Do to Save the Company?



Superpower No. 1 – The Automatic Stay

- Evictions—Stopped
- Lawsuit for Receiver—Stopped
- Foreclosure on Equipment—Stopped
- Collection Lawsuits—Stopped
- Levied Bank Accounts—Money freed up and any assets levied by the IRS must be returned



Superpower No. 2 – Lien Strip

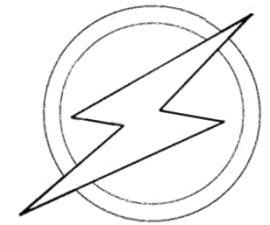


Magneto -- Owed \$1,600,000 but vans only worth \$700,000
-- Secured claim of \$700,000
-- Unsecured claim of \$900,000

Lex Luthor -- Owed \$500,000 but equipment only worth \$200,000
-- Secured claim of \$200,000
-- Unsecured claim of \$300,000



Superpower No. 3 – Tax Stretch



- Agent 11 advised the IRS that if the Service did not work with Agent 11, the company would liquidate and the IRS would be lucky to get \$1,000,000.
- IRS waived \$650,000 in penalties and interest reducing claim to \$1,550,000 and agreed to 7-year payout without interest.
- During the time that company is making payments, IRS will leave CEO alone.
- All payments credited to trust portion first—upshot, once paid, nothing will be owed to the IRS by anyone.



Superpower No. 4 - The Discharge



The unsecured creditors receive
5% of their claims over 7 years-
\$3 Million in trade debt reduced to
\$150,000.



Superpower No. 4 Continued - The Discharge

Magneto -- Owed \$1,600,000, collateral worth \$700,000

- Secured claim of \$700,000 (payable with 5% interest over 7 years)
- Unsecured claim of \$900,000 (reduced to 5% of the claim or \$45,000, payable over three years in annual installments of \$15,000)

Lex Luthor --Owed \$500,000, collateral worth \$200,000

- Secured claim of \$200,000 (payable with 5% interest over 7 years)
- Unsecured claim of \$300,000(reduced to 5% of the claim or \$15,000, payable over three years in annual installments of \$5,000)

So the \$1.2 Million of unsecured (deficiency) claims got reduced to \$60,000

THE BALANCE SHEET

Pre Plan Confirmation

Vans (encumbered by Magneto)	\$ 1,000,000.00
Equipment (encumbered by Lex Luthor)	\$ 200,000.00
Accounts Receivable	\$ 1,500,000.00
Leases	\$ 0.00
TOTAL ASSETS	\$ 2,700,000.00

Magneto (Secured)*	\$ 1,600,000.00
Lex Luthor (Secured) *	\$ 500,000.00
IRS	\$ 2,200,000.00
Trade Debt	\$ 3,000,000.00
TOTAL LIABILITIES	\$ 7,300,000.00

Post Plan Confirmation

Vans	\$ 1,000,000.00
Equipment	\$ 200,000.00
Accounts Receivable	\$ 1,500,000.00
Leases	\$ 0.00
TOTAL ASSETS	\$ 2,700,000.00

Magneto (Secured)*	\$ 700,000.00
Lex Luthor (Secured)*	\$ 200,000.00
Magneto & Lex (Unsecured)**	\$ 60,000.00
IRS	\$ 1,550,000.00
Trade Debt	\$ 150,000.00
TOTAL LIABILITIES	\$ 2,660,000.00

*\$2.1 Million turned into \$900,000.00



**\$900,000 + \$300,000 = \$1.2 Million x 5% = \$60,000

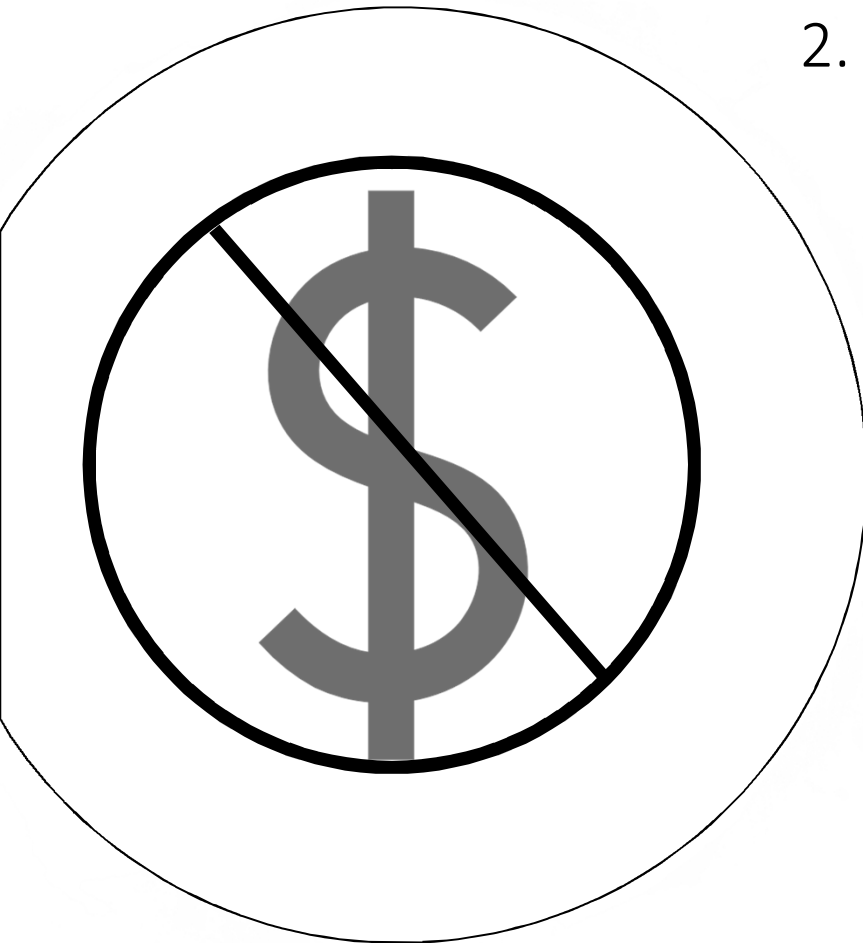


TAXES AND BANKRUPTCY
WHAT TAX PROFESSIONALS NEED TO KNOW



1. Historic Misconception

Taxes are not dischargeable in bankruptcy – CPAs and attorneys.



2. Generally Speaking Which Taxes Are Dischargeable?

- a. **Income Tax:** only income; payroll is NOT dischargeable.
- b. **Unsecured:** If taxing agency has recorded a tax lien and the lien is not avoidable, the tax lien will remain on the assets.
 - i. **Caveat:** Value of collateral securing lien may allow you to strip down the tax debt.
- c. **Non-priority:** Section 507 of the Bankruptcy Code gives certain claims, and more importantly, certain taxes “priority” status. If the tax is a priority claim, it will be non-dischargeable. See discussion below.

2. Generally Speaking Which Taxes Are Dischargeable (continued)?

- d. **Non-fraudulent:** Non-dischargeable if the debtor filed a fraudulent return or willfully attempted in any manner to evade or defeat such tax.



3. Understanding Non-Dischargeable Tax Claims

- a. Bankruptcy Code Section 523 governs exceptions to the bankruptcy discharge of **individuals** in Chapters 7 and 11 of the Bankruptcy Code and is partially applicable in Chapter 13 (The discharge of individuals in Chapter 13 is governed by Section 1328 which incorporates portions of Section 523). Section 523 does not apply to partnerships or corporations.

3. Understanding Non-Dischargeable Tax Claims (continued)

- b. Section 523(a)(1)(A) provides a tax of a customs duty is not dischargeable if:
 - i. Is of the kind and for the periods set forth in Bankruptcy Code Section 507(a)(3) or (a)(8) (the priority claims);
 - ii. If a return was required, the return was filed after the due date and less than two (2) years before the bankruptcy petition was filed. (Note: Taxes relating to late filed returns may be discharged (*In re Hatton*, 22D F. 3d. 1057 (9th Cir. 2000)) but not if an SFR has been filed by the IRS, as SFR is not a “return”); and
 - iii. Return was fraudulent or debtor willfully attempted to evade or defeat the tax.

4. Priority Tax Claims

a. Bankruptcy Code 507(a)(3): Gap claim taxes; only arise in involuntary cases which are very rare.

b. Bankruptcy Code 507(a)(8): a section (a)(8) priority claim is one which is:

- i. A tax measured by income or gross receipts for a taxable year ending before the petition;
- 1. For which a return if required, is last due, including extensions, after three (3) years before the date of the filing of the petition;

4. Priority Tax Claims (continued)

2. Assessed within 240 days of the filing of the petition (Exclusive of any time which an offer in compromise with respect to such tax was pending or in effect during that 240-day period, plus 30 days; and any time during which a stay of proceedings during collection was in effect during such 240-day period plus 90 days)

4. Priority Tax Claims (continued)

- ii. A property tax incurred before the bankruptcy and last payable without penalty after 1 year before the case
- iii. A withholding tax;
- iv. An employment tax on a wage, salary or commission;
- v. An excise tax (sales tax in CA is an excise tax);
- vi. A customs duty arising out of the importation of merchandise; and
- vii. A penalty related to a claim above and is in compensation for pecuniary loss.

5. So, The Test for Discharge

a. Income tax (not payroll but consider stretch out);

b. Unsecured (but consider strip down);

c. Tax year involved is more than three (3) years prior to the filing, including extensions;

d. Return filed at least two (2) years prior to bankruptcy; and

e. Assessed more than 240 days prior to filing.

6. How Else Can Bankruptcy Affect Tax?

a. **Chapter 11 Stretch Out:** Bankruptcy Code Section 1129(a)(9)(C) requires that all priority tax claims be paid in full within five (5) years from the date of the petition. Put differently, this means that the debtor will get 5 years from the filing to pay such taxes; and

b. **The Strip Down:** Bankruptcy Code Section 506(a) provides that an allowed claim of a creditor in bankruptcy that is secured by a lien on property in which the bankruptcy estate has an interest, is a secured claim to the extent of the value of such creditor's interest in such property and is an unsecured claim for any excess. What this means is that the claim is secured only to the extent there is value to secure the claim.

6. How Else Can Bankruptcy Affect Tax (continued)?

i. Example:

1. Debtor owns a car worth \$20,000;
2. Debtor owes finance company \$15,000 in connection with the purchase;
3. Debtor owes tax (of any kind) of \$30,000 to IRS; and
4. IRS has recorded and served a notice of Federal Tax lien over 90 days before the bankruptcy filing.

6. How Else Can Bankruptcy Affect Tax (continued)?

1. Does the IRS have a secured claim in the bankruptcy case?
2. If so, in what amount?
3. What if the car is worth less than \$15,000?
4. What can the Debtor do here?



THE END



**Weintraub &
Selth, APC**

11766 Wilshire Blvd., Ste. 1170
Los Angeles, CA 90025

Tel: (310) 207-1494

www.wsbankruptcylaw.com

Bankruptcy Tax Dischargeability Rules:

- ▶ **Three-Year Rule**

At least Three years from the due date of the tax return including extensions; or

- ▶ **Two-Year Rule**

At least Two years from the date the tax return was filed (we say assessed) for delinquent returns; and

- ▶ **240-Day Rule**

At least 240 days from the date of assessment of an audited or amended tax return

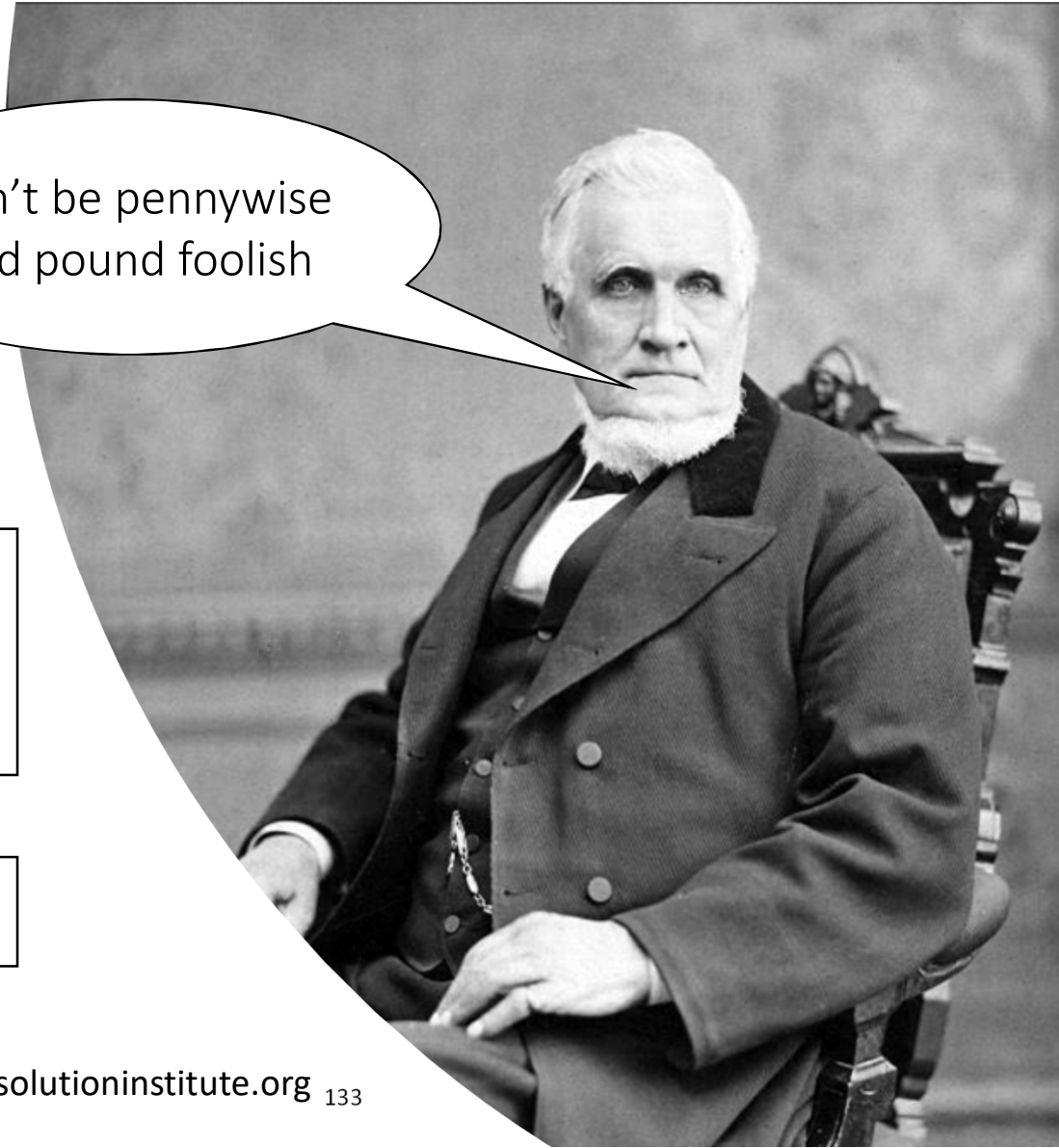


Story Time

Story

- Mortgage warehouse broker making over \$1,000,000 per year

So what happened...



Don't be pennywise
and pound foolish

Story Time

Outcome...

- Filed Bankruptcy
- \$5,000 in fees

Moral

- Could have filed OIC but BK was better option

Tax Court

Tax Court

Advantages

- **Change of a favorable result to taxpayer has a high probability**
- **Over 90% of tax court cases reach settlement prior to trial**



Tax Court

Disadvantages

- ▶ You cannot go to tax court if you have already paid the tax in question
- ▶ Tax court meets infrequently and a decision may take a long time
- ▶ Trial is typically calendared more than 6 months from the time a petition is filed
- ▶ Small cases often take a year to decide

Tax Court

Types of Tax Court



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Tax Court

Small Tax Court (S Case) Proceedings

- ▶ **Cases sent to Office of Appeals**
- ▶ **Cases can not exceed liability of \$50,000 per year**
- ▶ **Nominal filing fee**
- ▶ **Taxpayer will receive notice of trial, standing pre-trial order and trial memorandum**
- ▶ **IRS counsel may request meeting to discuss the case**



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Tax Court

Small Tax Court (S Case) Proceedings

- ▶ **Burden of proof is on the taxpayer**
- ▶ **Judge may render decision at trial or by mail**
- ▶ **Court will send bill for remaining taxes**
- ▶ **Legal briefs typically not necessary**
- ▶ **Findings can not be appealed to Court of Appeals**

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Tax Court

Regular Tax Court Proceedings

- ▶ **Most cases settle before trial**
- ▶ **Nominal filing fee**
- ▶ **Requires submission of legal briefs by IRS and taxpayer**
- ▶ **May request reclassification as an S Case if taxpayer is willing to waive right to contest tax assessed above \$50,000**



Tax Court Petition

UNITED STATES TAX COURT

www.ustaxcourt.gov

These forms can be filled-in and printed directly from Adobe Reader. However, please be aware that the information you enter on a form cannot be saved to disk unless you are using the full Adobe Acrobat software suite.

To begin, move your mouse pointer over the Petitioner(s) name field. Your pointer will turn into a vertical beam, indicating that you are over an editable field. Simply click once and begin typing. Use the Tab key to move forward through the form fields (Shift+Tab to move backwards).

IRST) (MIDDLE) (LAST)

LEASE TYPE OR PRINT) _____ Petitioner(s)

v.

OMMISSIONER OF INTERNAL REVENUE,

Respondent



Docket No.

PETITION

lease check the appropriate box(es) to show which IRS ACTION(S) you dispute:

otice of Deficiency

otice of Determination Concerning Collection Action

otice of Final Determination for [Full/Partial] isallowance of Interest Abatement Claim (or Failure f IRS to Make Final Determination Within 180 Days fter Claim for Abatement)*

otice of Determination of Worker Classification*

Notice of Determination Concerning Relief From Joint and Several Liability Under Section 6015 (or Failure of IRS to Make Determination Within 6 Months After Election or Request for Relief)*

Notice of Certification of Your Seriously Delinquent Federal Tax Debt to the Department of State

Notice of Determination Under Section 7623 Concerning Whistleblower Action*

*For additional information, please see "Taxpayer Information: Starting a Case" at www.ustaxcourt.gov (accessible by hyperlink from asterisks above, or in the Court's information booklet).

applicable, provide the date(s) the IRS issued the NOTICE(S) checked above and the city and State of the IRS office(s)

Tax Court

Who can file a petition?

Any person who has received a notice of deficiency

Any person who has received a notice of determination

In some instances a petition may be filed for relief from joint and several liability (innocent spouse relief)

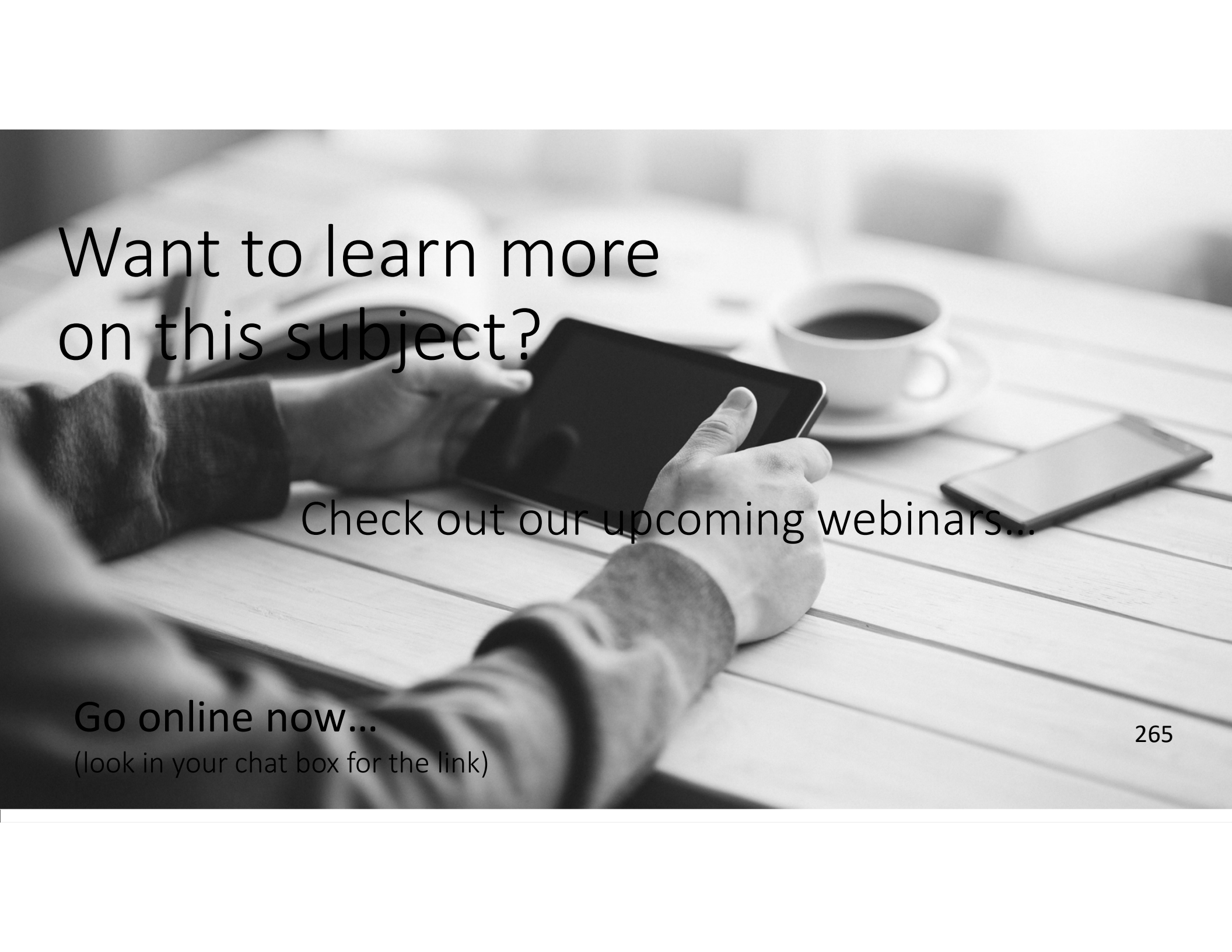
Tax Court

Who can appear in tax court?

- ▶ **A private attorney**
- ▶ **A non-attorney admitted to practice in tax court**
- ▶ **A taxpayer without representation**



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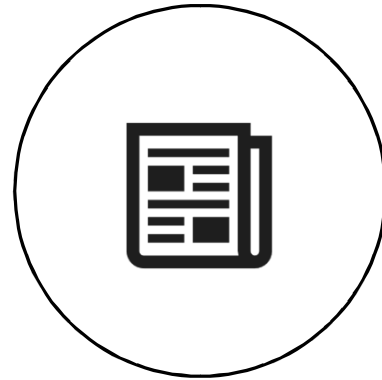
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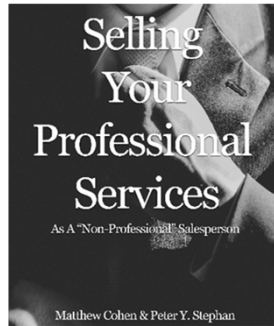
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assistance, just pick up the phone and call or email us anytime.

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Sales
Guide



Professional's
System



We have the tools
you need...



Textbook



(800) 658-759

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IRS Criminal Investigation (CI)

You don't want to run
into these two...



Overview

- Headquartered in Washington DC
- Approximately 2,600 special agents
- When individuals and corporations make deliberate decisions to not comply with the law, they face the possibility of a civil audit or criminal investigation
- Agents use specialized forensic technology to recover financial data
- Conviction rate is one of the highest in federal law enforcement

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155

History

- Created July 1, 1919
- Called to probe in assertions of tax fraud
- Was originally composed of a small group of postal inspectors
- Became known nationwide when they assisted in the conviction of Al Capone for income tax evasion
- Changed its name to Criminal Investigation (“CI”) in 1978
- Primary objective is to ensure the integrity and fairness of the United States tax system

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CI's Main
Concerns

Tax evasion

Filing a false return

Failure to file a tax return

IRS CI Statistics

Year-over-Year Comparison (2016 – 2018)

	<u>FY 2018</u>	<u>FY 2017</u>	<u>FY 2016</u>
Investigations Initiated	2,886	3,019	3,395
Prosecution Recommendations	2,130	3,089	2,744
Indictments/Information's	2,011	2,294	2,761
Convictions	1,879	2,300	2,672
Sentenced*	2,111	2,549	2,699
Percent to Prison	82.0%	80.1%	79.9%
* Incarceration includes confinement to federal prison, halfway house, home detention, or some combination thereof.			
Data Source: Criminal Investigation Management Information System			

IRS Summons



Summons

In the matter of _____
Internal Revenue Service (Division): Criminal Investigation
Industry/Area (name or number): Houston Field Office
Periods: 2007-2012

The Commissioner of Internal Revenue

To: _____
At: _____

You are _____
an officer of the Internal Revenue Service, to give testimony and to bring with you and to produce for examination the following books, records, papers, and other data relating to the tax liability or the collection of the tax liability or for the purpose of inquiring into any offense connected with the administration or enforcement of the internal revenue laws concerning the person identified above for the periods shown.

See Attachment:

If the production of the requested records is anticipated to cost more than \$500 please contact Jason Webb at (281) 721 - 8382 prior to production.

Sample

Attestation

I hereby certify that I have examined and compared this copy of the summons with the original and that it is a true and correct copy of the original.

Jason Webb _____ Special Agent
Signature of IRS officer serving the summons Title

Business address and telephone number of IRS officer before whom you are to appear:

8701 S GESSNER #1010, HOUSTON, TX 77074 (281) 721-8382, (281) 635-5666

Place and time for appearance at 8701 S GESSNER #1010, HOUSTON, TX 77074



on the 29 day of April, 2013 at 10 o'clock a m.
Issued under authority of the Internal Revenue Code this 17 day of April, 2013

Interesting CI Fact

...they say the CI threshold
for understatement of tax
is \$30,000

(800) 658-7590

www.taxresolutioninstitute.org

Eliminating Capital Gains Tax



Bruce Givner, Esq

LAW OFFICES
GIVNER & KAYE
A PROFESSIONAL
CORPORATION

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November 14, 2019
Tax Resolution Institute



BRUCE GIVNER
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Ordinary Income Tax; Capital Gains Tax; Asset Protection Planning

Introduction

Importance Of Maintaining Dictatorial Control. (See first page of handout below.) Easiest To Eliminate Tax In This Order:

1. Estate – strictly voluntary – only fools pay;
2. Capital Gains – basically voluntary if you plan in advance; and
3. Ordinary Income – can reduce, but not eliminate, earned income; can significantly reduce and, virtually eliminate, passive income.

1. Ordinary Income Tax Planning

1. Multiple Defined Benefit Pension Plans

- a) Mastering The Controlled And Affiliated Service Group Rules
- b) If You Don't Like The Law, Change The Facts
- c) Find (And Hide) The Nobel Prize Winning Actuary

Actuary 1: \$291,800	\$4,600 annual fees	\$0.0 death benefit
Actuary 2: \$446,873	\$10,000 annual fees	\$4.8 death benefit
Actuary 3: \$566,766	\$9,500 annual fees	\$1.9 death benefit

All 3 for a 61-year-old making \$285,000 per year (sole owner/employee)

1. Ordinary Income Tax Planning

2. Charitable Lead Annuity Trusts.

- a) Using Real Estate To Beat The Tax Burn. (See diagram on page 4)
- b) Using A PPLI Policy To Beat The Tax Burn. (See diagram on page 7)

3. Diverting A Portion Of The Ongoing Income.

- a) Professional Corporation
- b) "S" Corporation
- c) Passive Real Estate
- a) Discounting Retirement Assets
- b) Run From Captives

2. Capital Gains Tax Planning

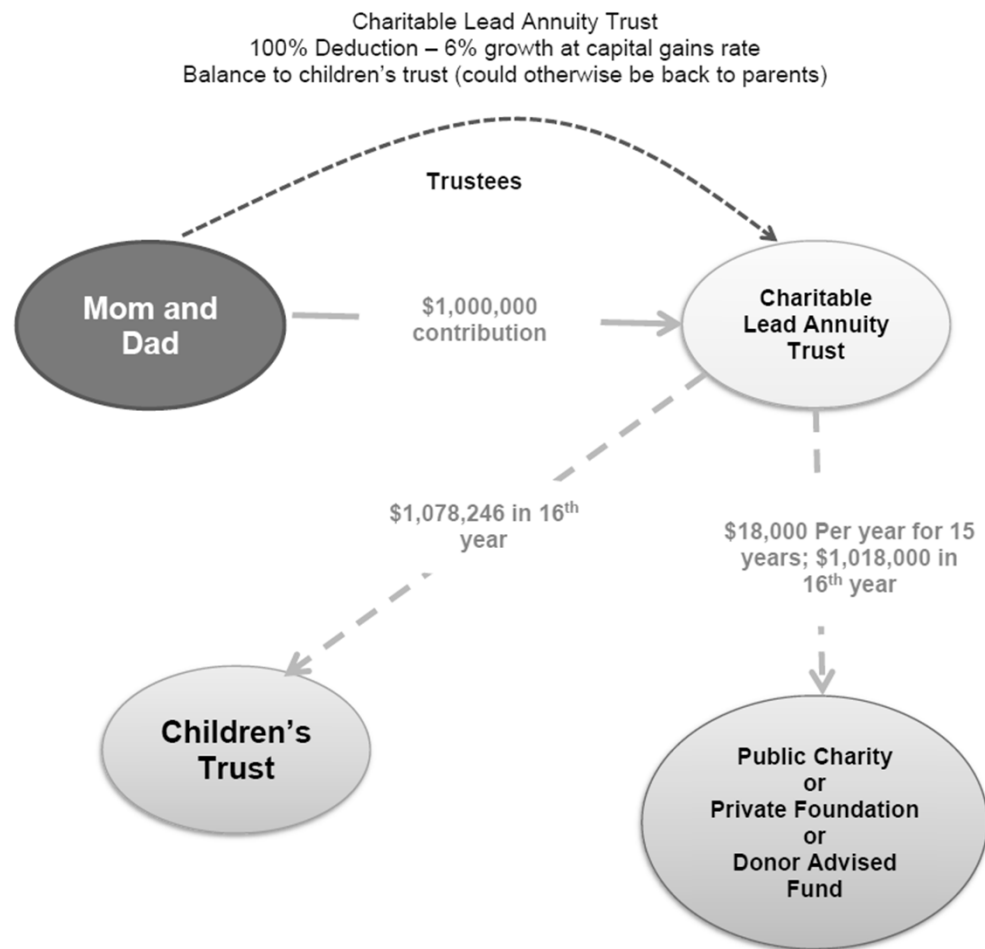
1. At Least A Dozen Different Techniques To Reduce, Defer Or Eliminate
2. Timing Is Critical In Selecting A Technique.
3. §453A: \$5,000,000 Per Person Per Year Limit On Installment Sales
4. §453(e): Restriction On Related Party Installment Sales. (Diagram page 10)
5. Family Limited Partnerships
6. Basis Swaps
7. Technically Unrelated, But Friendly, Third Parties
8. Professional Third Parties
9. QOZs
10. NNGs (Move The Asset, Not Yourself)
11. U.S.V.I. or Puerto Rico
12. Malta Pension Plans: Too Good To Be True But Still True
13. PPLI

3. Asset Protection Planning

1. Three Different Issues. (Diagram page 11.)
2. Timing Is Critical.
 - a) Clients Won't Spend \$25,000 Today But Will Spend Twice That After They Have Been Sued. (Articles pages 12 – 15.)
 - b) Seven Years In California.
3. Rests On Three Legs:
 - a) Estate Tax Planning.
 - b) Retirement Plans.
 - c) Non-tax Motivated Irrevocable Trusts.
4. Protecting The Home.
 - a) Give to children or a trust for their benefit.
 - b) Sell to a children's trust.
 - c) Spousal lifetime access trusts.
 - d) Contribute to a family limited partnership and pay rent.
 - e) Qualified personal residence trust.
 - f) Grantor retained annuity trust.
 - g) Private retirement plan under California law.
 - h) Beneficiary defective inter vivos trust (Nevada law).
 - i) Equity stripping.

Maintaining
Dictatorial
Control Using
A Children's
Trust

Charitable Lead Annuity Trust

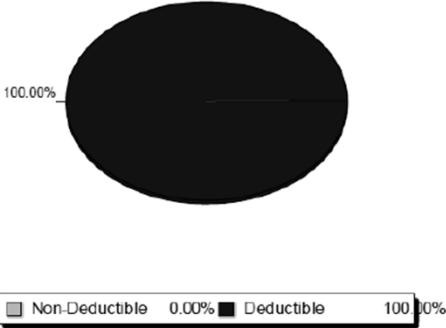


In practice, Mom and Dad form a limited partnership through which to make the contribution. That is to limit the "recapture" in case they die before the end of the term.

Charitable Lead Annuity Trust

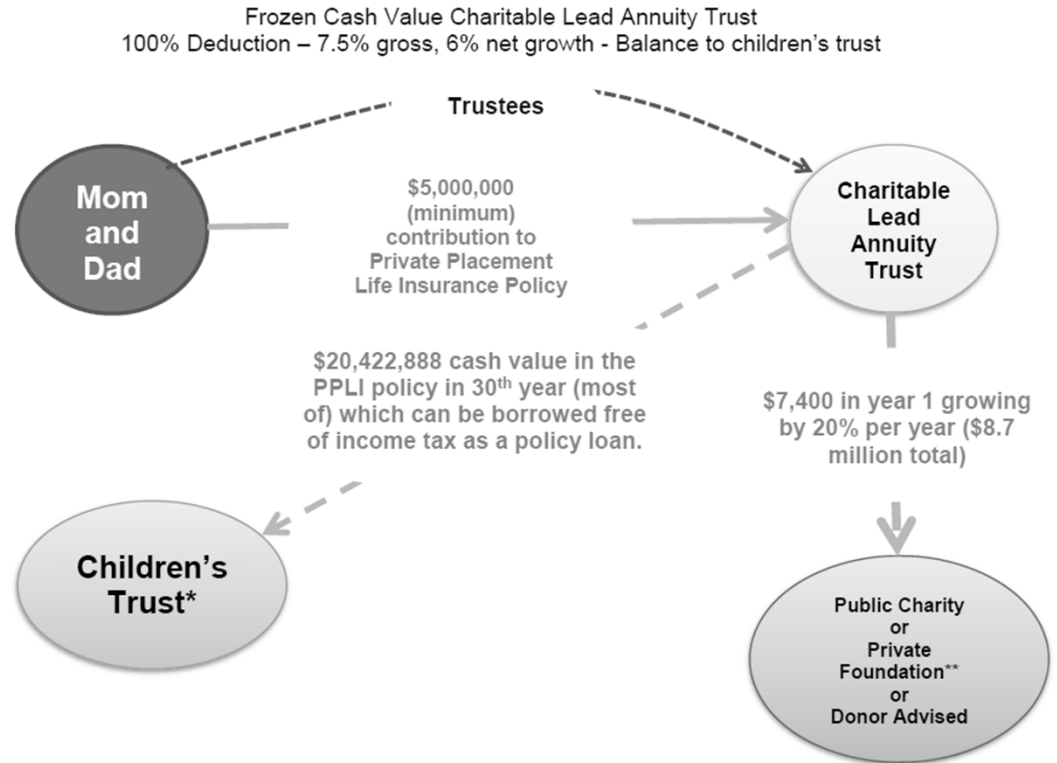
Trust Type:	Term
Transfer Date:	10/2019
§7520 Rate:	1.80%
FMV of Trust:	\$1,000,000
Growth of Trust:	6.00%
Percentage Payout:	1.800%
Payment Period:	Annual
Payment Timing:	End
Term:	16
Total Number of Payments:	16
Exhaustion Method:	IRS
Vary Annuity Payments?	Yes
Annual Annuity Payment Growth:	Varies
Annual Payout:	\$18,000.00
Annual Payment:	\$18,000.00
Term Certain Annuity Factor:	55.5556
Payout Frequency Factor:	1.0000
Present Value of Annuity:	\$1,000,000.00
Remainder Interest = FMV of Trust less PV of Annuity:	\$0.00
Charitable Deduction for Income Interest:	\$1,000,000.00
Donor's Deduction as Percentage of Amount Transferred:	100.000%

Deduction as Percentage of Amount Transferred



<u>Year</u>	<u>Beginning Principal</u>	<u>6.00% Growth</u>	<u>Payment</u>	<u>Remainder</u>
1	\$1,000,000.00	\$60,000.00	\$18,000.00	\$1,042,000.00
2	\$1,042,000.00	\$62,520.00	\$18,000.00	\$1,086,520.00
3	\$1,086,520.00	\$65,191.20	\$18,000.00	\$1,133,711.20
4	\$1,133,711.20	\$68,022.67	\$18,000.00	\$1,183,733.87
5	\$1,183,733.87	\$71,024.03	\$18,000.00	\$1,236,757.90
6	\$1,236,757.90	\$74,205.47	\$18,000.00	\$1,292,963.37
7	\$1,292,963.37	\$77,577.80	\$18,000.00	\$1,352,541.17
8	\$1,352,541.17	\$81,152.47	\$18,000.00	\$1,415,693.64
9	\$1,415,693.64	\$84,941.62	\$18,000.00	\$1,482,635.26
10	\$1,482,635.26	\$88,958.12	\$18,000.00	\$1,553,593.38
11	\$1,553,593.38	\$93,215.60	\$18,000.00	\$1,628,808.98
12	\$1,628,808.98	\$97,728.54	\$18,000.00	\$1,708,537.52
13	\$1,708,537.52	\$102,512.25	\$18,000.00	\$1,793,049.77
14	\$1,793,049.77	\$107,582.99	\$18,000.00	\$1,882,632.76
15	\$1,882,632.76	\$112,957.97	\$18,000.00	\$1,977,590.73
16	\$1,977,590.73	\$118,655.44	\$1,018,000.00	\$1,078,246.17
Summary:	\$1,000,000.00	\$1,366,246.17	\$1,288,000.00	\$1,078,246.17

Charitable Lead Annuity Trust



In practice, Mom and Dad form a limited partnership through which to make the contribution. That is to limit the "recapture" in case they die before the end of the term.

* Grandchildren cannot benefit from the remainder of the CLAT or there will be a taxable termination for generation skipping transfer tax purposes. So if a child dies, that child's share goes to the other children. A child can have a power of appointment. The deceased child's children can receive a "make-up" in the parent's living trust.

** If Mom and Dad use a private foundation they can't (i) be trustees of the CLAT and (ii) make distribution decisions for the private foundation. So their children can make the private foundation distribution decisions.

Charitable Lead Annuity Trust

Charitable Lead Annuity Trust

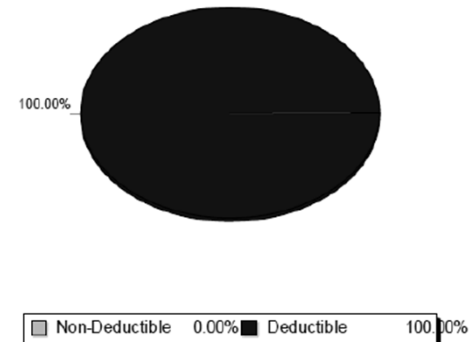
10/9/2019 (5:26 pm)

Trust Type:	Term
Transfer Date:	10/2019
\$7520 Rate:	1.80%
FMV of Trust:	\$5,000,000
Growth of Trust:	6.00%
Percentage Payout:	0.132%
Payment Period:	Annual
Payment Timing:	End
Term:	30
Total Number of Payments:	30
Exhaustion Method:	IRS
Vary Annuity Payments?	Yes
Annual Annuity Payment Growth:	20.00%

Annual Payout:	\$6,600.00
Annual Payment:	\$6,600.00
Term Certain Annuity Factor:	758.2341
Payout Frequency Factor:	1.0000
Present Value of Annuity:	\$5,000,000.00
Remainder Interest = FMV of Trust less PV of Annuity:	\$0.00

Charitable Deduction for Income Interest:	\$5,000,000.00
Donor's Deduction as Percentage of Amount Transferred:	100.000%

Deduction as Percentage of Amount Transferred



Charitable Lead Annuity Trust

Charitable Lead Annuity Trust

10/9/2019 (5:26 pm)

Year	Beginning Principal	6.00% Growth	Payment	Remainder
1	\$5,000,000.00	\$300,000.00	\$6,600.00	\$5,293,400.00
2	\$5,293,400.00	\$317,604.00	\$7,920.00	\$5,603,084.00
3	\$5,603,084.00	\$336,185.04	\$9,504.00	\$5,929,765.04
4	\$5,929,765.04	\$355,785.90	\$11,405.00	\$6,274,145.94
5	\$6,274,145.94	\$376,448.76	\$13,686.00	\$6,636,908.70
6	\$6,636,908.70	\$398,214.52	\$16,423.00	\$7,018,700.22
7	\$7,018,700.22	\$421,122.01	\$19,707.50	\$7,420,114.73
8	\$7,420,114.73	\$445,206.88	\$23,649.00	\$7,841,672.61
9	\$7,841,672.61	\$470,500.36	\$28,379.00	\$8,283,793.97
10	\$8,283,793.97	\$497,027.64	\$34,055.00	\$8,746,766.61
11	\$8,746,766.61	\$524,806.00	\$40,866.00	\$9,230,706.61
12	\$9,230,706.61	\$553,842.40	\$49,039.00	\$9,735,510.01
13	\$9,735,510.01	\$584,130.60	\$58,847.00	\$10,260,793.61
14	\$10,260,793.61	\$615,647.62	\$70,616.50	\$10,805,824.73
15	\$10,805,824.73	\$648,349.48	\$84,740.00	\$11,369,434.21
16	\$11,369,434.21	\$682,166.05	\$101,688.00	\$11,949,912.26
17	\$11,949,912.26	\$716,994.74	\$122,025.50	\$12,544,881.50
18	\$12,544,881.50	\$752,692.89	\$146,430.50	\$13,151,143.89
19	\$13,151,143.89	\$789,068.63	\$175,716.50	\$13,764,496.02
20	\$13,764,496.02	\$825,869.76	\$210,860.00	\$14,379,505.78
21	\$14,379,505.78	\$862,770.35	\$253,032.00	\$14,989,244.13
22	\$14,989,244.13	\$899,354.65	\$303,638.50	\$15,584,960.28
23	\$15,584,960.28	\$935,097.62	\$364,366.00	\$16,155,691.90
24	\$16,155,691.90	\$969,341.51	\$437,239.00	\$16,687,794.41
25	\$16,687,794.41	\$1,001,267.66	\$524,687.00	\$17,164,375.07
26	\$17,164,375.07	\$1,029,862.50	\$629,624.50	\$17,564,613.07
27	\$17,564,613.07	\$1,053,876.78	\$755,549.50	\$17,862,940.35
28	\$17,862,940.35	\$1,071,776.42	\$906,059.50	\$18,028,057.27
29	\$18,028,057.27	\$1,081,683.44	\$1,087,991.50	\$18,021,749.21
30	\$18,021,749.21	\$1,081,304.95	\$1,305,590.00	\$17,797,464.16
Summary:	\$5,000,000.00	\$20,597,999.16	\$7,800,535.00	\$17,797,464.16

Red arrow indicates the amount going to the children in cash value in the policy in year 30.

Green line indicates the amount going to the charity over the 30 years.

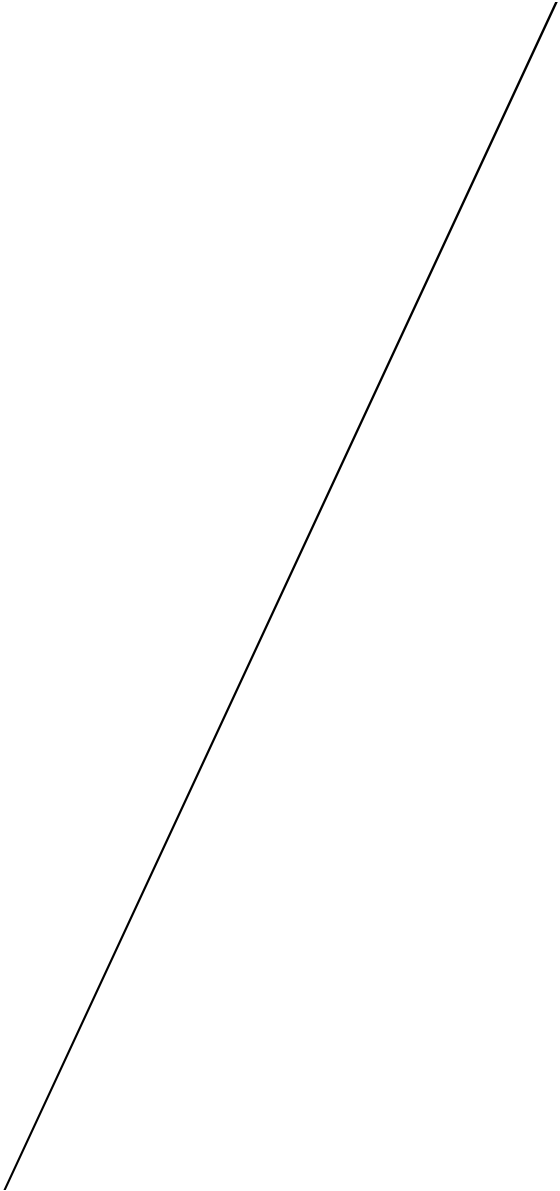
Year 1 placement fee of 3.0%. Ongoing fee is 1.5%.

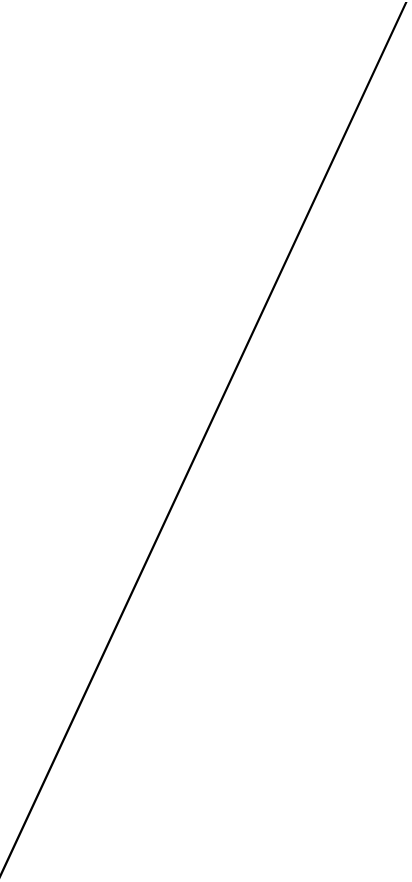
If net growth is only 5.5% the cash value for the children's trust is \$14,341,743.

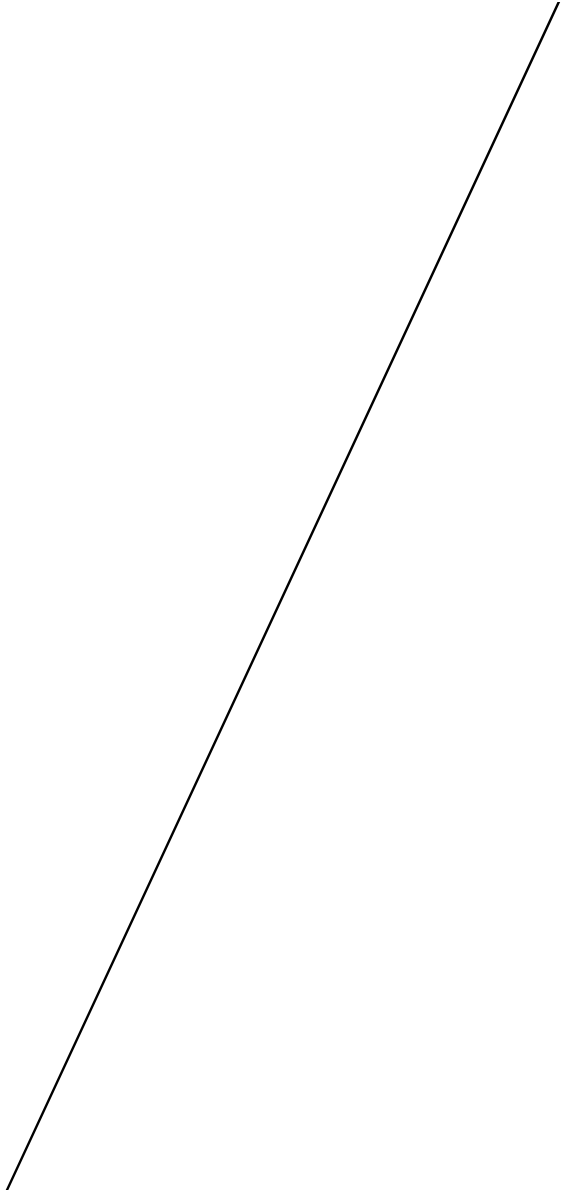
If net growth is only 5% the cash value for the children's trust is \$11,355,169.

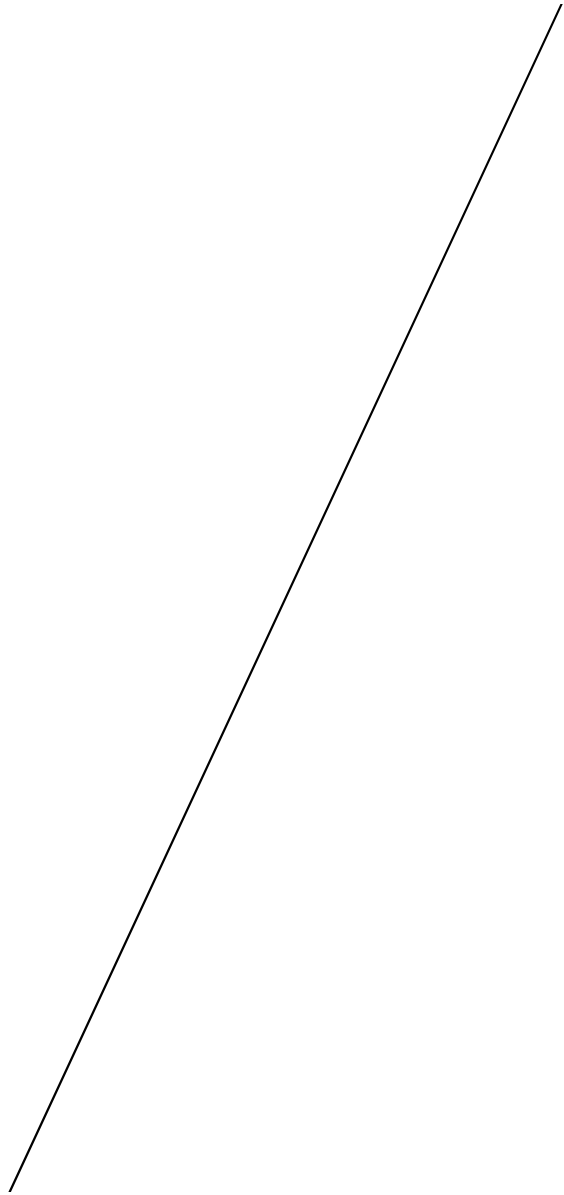
Installment
Sale

Creditor Problems









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November 14, 2019
Tax Resolution Institute

Questions?

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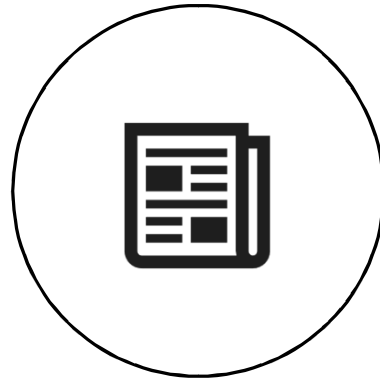


VIP Program



Afternoon Break

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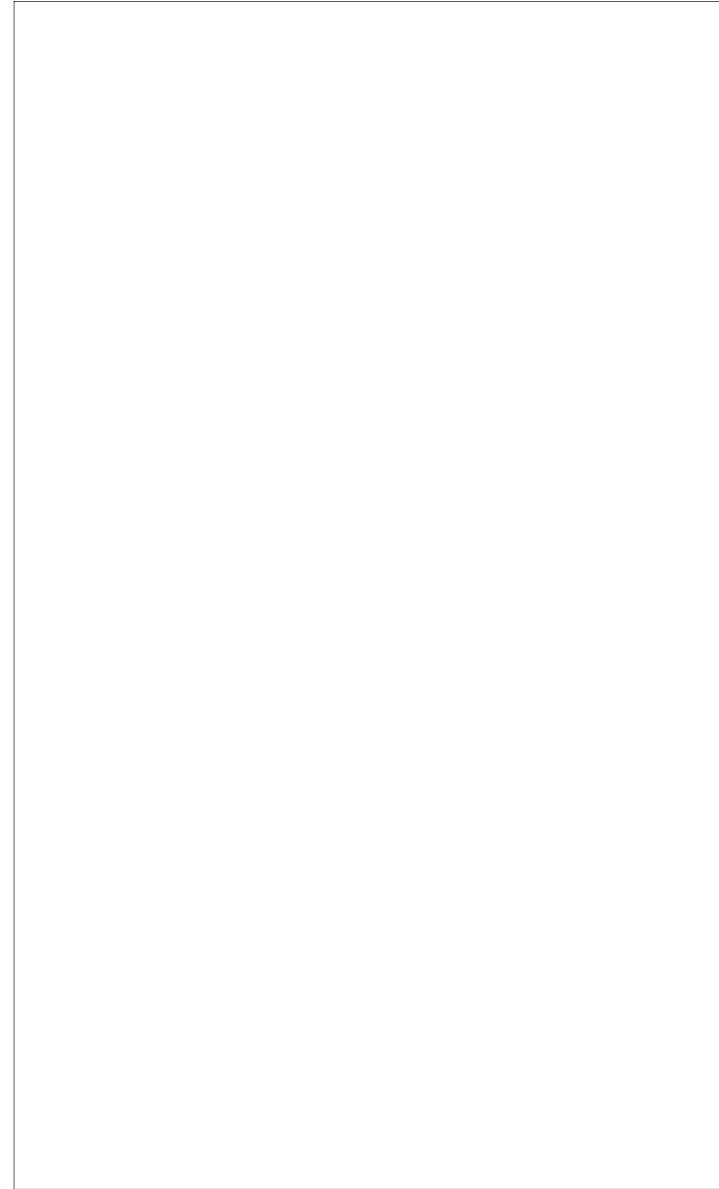
Jeffrey
Rollert
CIO

Grow
Your
Practice
This Year



Version 2020

My Background



My Background



In Finance since 1983



Second generation advisor



Background in Behavioral Economics



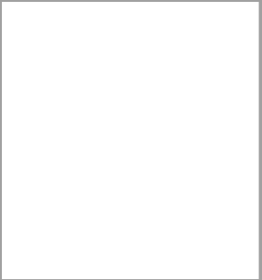
Supported data scientist, in one of the largest cases against a company



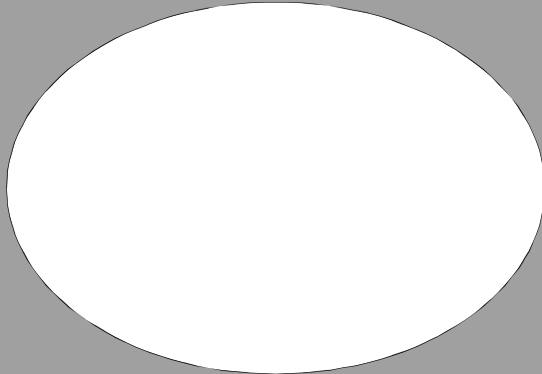
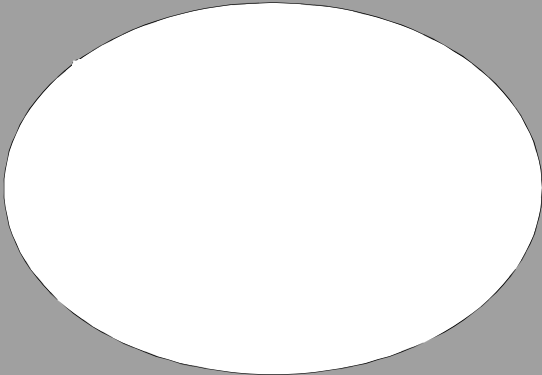
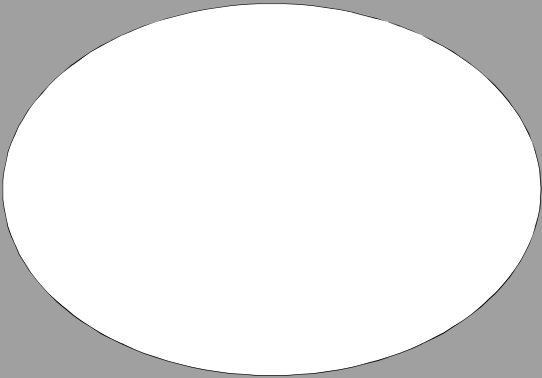
Been credited in multiple academic papers



Founded and Manages three organizations



The
Organizations





Question #1

**WHY ARE
YOU HERE?**

Question #2

**WHO DOES
YOUR TAXES?**

Marketing



Sales

Example

Marketing

Example

Marketing

Sales

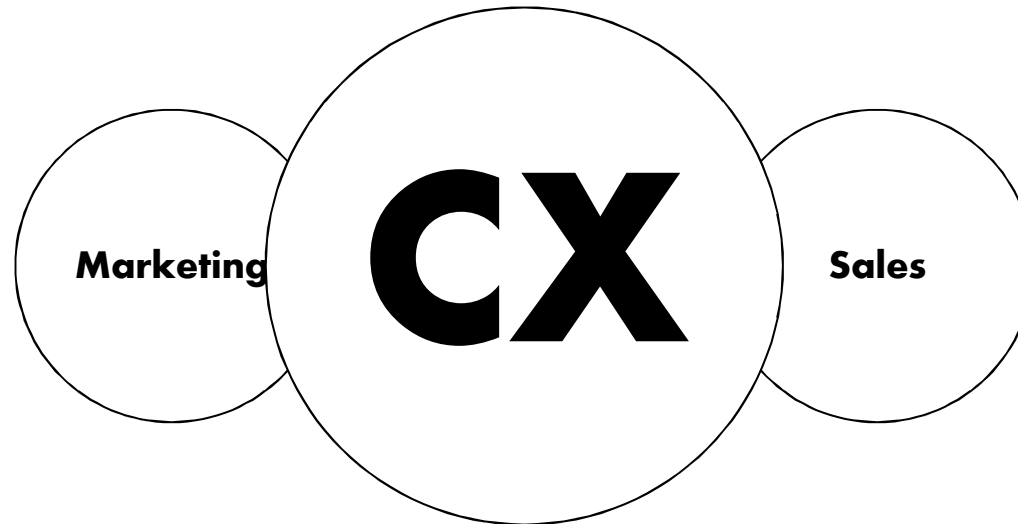
Example



Marketing CX Sales

A Venn diagram consisting of two overlapping circles. The left circle is labeled 'Marketing' and the right circle is labeled 'Sales'. The overlapping area in the center is labeled 'CX'. The entire diagram is enclosed within a large rounded rectangular frame.

The Way You Should Be Focused





Customer
Experience

Also known as CX



Customer
Experience

Commonalities

and
the
bar

Play the
Customer

not
the
musicians

Play the
Customer

CX is where the money is...

It is your
currency

It is what gets
you referrals

CX is your door handle
into the office...

It is what your
receptionist says
every time

It is the clothes
everyone wears

CX is your door handle
into the office...

It is what your
receptionist says
every time

It is the clothes
everyone wears

IT IS A PLAY DIRECTED
BY DATA

--	--	--

EXAMPLES OF A PLAY DIRECTED BY...DATA

WHY PEOPLE HIRE US

- BEHAVIORAL BIASES
- WE OUTSOURCE OUR OWN CX
- IT IS ALMOST IMPOSSIBLE TO DO IT ON YOUR OWN
- THE TENDENCY TO DO WHAT YOU LIKE...NOT WHAT THEY WANT



QUESTIONS

Thank You

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M-F (pst)

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Again..

Why you need to market, sell and practice tax resolution

- Regular tax returns are a commodity. You make between \$400 and \$1,000 for normal return
- *Each resolution case runs from \$4000 – \$10,000 (ten times the amount for tax returns)*
- *Using a system, this work is easy and manageable*
- *Setting up shop yields immediate results*

Innocent Spouse

New rules created in September of 2013 under Rev. Proc. 2013-34 relax rules that are deemed necessary to qualify for relief

(800) 658-7590

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Three Types of Innocent Spouse Relief

The “Old” Way..

- Traditional Relief – IRC Section 6015(b)
- Spousal Allocation – IRC Section 6015(c)
- Equitable Relief – IRC Section 6015(f)

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Type 1
Traditional
Spouse Relief
6015(b)

- The standards set to receive relief under this method are difficult to meet
- Spouse seeking relief must show he or she was unaware (and had no way of knowing) that income was under-reported
- This type of relief is not available if original liability assessed was not paid (allowed in deficiency cases, not allowed if payment was never made)

Important to remember!

Type 2
Spousal
Allocation
6015(c)

- Spouse seeking relief allocates additional tax assessed proportionate to involvement in the income being under-reported
- Community property laws are disregarded in this case
- Person seeking this relief must be legally separated or no longer married

Type 2
Spousal
Allocation
6015(c)
(continued)

- The burden of proof is on the IRS to show that the person seeking relief had actual knowledge (not reason to know) that income was under-reported at the time the tax return was signed
- No refunds are permitted under this election

No refunds!

Type 3
Equitable
Relief
6015(f)

- Only used if relief is not allowed under Traditional Spouse Relief [6015(b)] and Spousal Allocation [6015(c)]
- Amount of relief is subject to unpaid balance shown on tax return
- Refunds are permitted under this election

Refunds allowed!

What these have in common...

- A joint tax return exists
- Relief applies only to tax on income (excludes FBAR, Civil Penalty, etc.)
- Spouse seeking relief filed IRS Form 8857 timely
 - Within 2 years of collection activity for 6015 (b) & 6015 (c)
 - Within collection statute for 6015(f) (typically 10 years)

Rev Proc 2013-34

Requesting spouse must satisfy all of the following conditions to qualify for equitable relief:

- A joint tax return was filed
- Requestor cannot obtain relief under Traditional Spouse Relief [6015(b)] and Spousal Allocation [6015(c)]
- Request must be made timely
- No fraudulent transfer of assets occurred between spouses

Rev Proc 2013-34

Conditions (continued)

- Non-requesting spouse did not transfer disqualified assets to requesting spouse
(this not an issue if requesting spouse was subject to abuse, the non-requesting spouse had restricted access to financial information or was unaware of the transfer in question)
- Requesting spouse did not knowingly participate in the filing of a fraudulent return
- Income tax liability for which the requesting spouse is seeking relief can be attributed (in part or full) to an event directly tied to the non-requesting spouse or an underpayment attributable to the non-requesting spouse's income

Innocent Spouse Streamlined Determinations

If the aforementioned conditions are met, the IRS may grant equitable relief if the requestor:

- Is no longer married to the non-requesting spouse
- Would suffer financial hardship if relief is not granted
- Did not have knowledge or reason to have knowledge of any understatement or deficiency on the return in question
- Did not know that the non-requesting spouse could not or would not pay the full liability reflected on the return

**Does not need to be met in cases of
abuse or lack of financial control**

Innocent Spouse Non-Streamlined Determinations

- Marital Status
- Economic Hardship
- Knowledge
- Abuse
- Legal Obligation
- Significant benefit
- Compliance with income tax laws
- Mental health
- Physical health

Innocent Spouse Non-Streamlined Determination Factors

Factors

No factor is controlling

Factors are classified as “favorable”, “unfavorable” or neutral

-
- Marital Status – spouses are legally separated, divorced, widowed or in separate households for a 12-month period ending on the date of determination (favorable/neutral)
 - Economic Hardship – lack of hardship (neutral...this is a recent change). Hardship is determined by IRS regulations but typically more relaxed than used when considering an offer in compromise (favorable/neutral)

- Requesting spouse's level of education completed.
- Did the non-requesting spouse practice deceit or was evasive
- The level of involvement by the requesting spouse in the activity/s that generated the tax liability



Knowledge Criteria

Knowledge Criteria (continued)

- The level of involvement by the requesting spouse in managing business and household finances
- The requesting spouse's level of business and financial savvy
- The spending level in the purchase of lavish items compared to prior history of the same.

Non-Streamlined Determination Factors

This factor alone can swing view from unfavorable to favorable

- Spousal Abuse – abuse can be psychological, emotional and/or physical. Drug and alcohol abuse are considered. IRS compares abuse to duress. (favorable/neutral)
- Legal Obligation – may be favorable if non-requesting spouse has the sole legal obligation to pay outstanding tax liability stemming from a divorce decree or agreement. Changes from favorable to neutral if requesting spouse had knowledge that other spouse would not pay the tax. Unfavorable if requesting spouse has the sole legal obligation. Neutral if both spouses share the legal obligation

Non-Streamlined Determination Factors (continued)

Beyond 'normal' support

- Significant benefit – did requesting spouse receive significant benefit from funds that would otherwise be used to satisfy unpaid tax liability or deficiency (favorable/neutral)
- Compliance with income tax laws – did requesting spouse make a good faith effort to comply with tax laws in the year in questions as well as subsequent years (favorable/neutral)
- Mental Health – is requesting spouse in poor mental health (favorable/neutral)

- File IRS Form 8857 and enter information to determine which type of relief requesting spouse is seeking
- The IRS will review the form and let applicant know if they qualify
- Form should be filed when requesting spouse becomes aware of unpaid liability or deficiency for which they believe they are responsible
- Typically applicant has 2 years from the time the IRS starts collecting the tax to file a request



There are exceptions

How to Request Relief

IRS Form 8857 Request for Innocent Spouse Relief

Form **8857**
(Rev. January 2014)
Department of the Treasury
Internal Revenue Service (99)

Request for Innocent Spouse Relief

OMB No. 1545-1596

► Information about Form 8857 and its separate instructions is at www.irs.gov/form8857.

Important things you should know

- **Do not file this form with your tax return.** See *Where To File* in the instructions.
- Review and follow the instructions to complete this form. Instructions can be obtained at www.irs.gov/form8857 or by calling 1-800-TAX-FORM (1-800-829-3676).
- While your request is being considered, the IRS generally cannot collect any tax from you for the year(s) you request relief. However, filing this form extends the amount of time the IRS has to collect the tax you owe, if any, for those years.
- The IRS is required by law to notify the person on line 5 that you requested this relief. That person will have the opportunity to participate in the process by completing a questionnaire about the tax years you enter on line 3. This will be done before the IRS issues preliminary and final determination letters.
- The IRS will not disclose the following information: your current name, address, phone numbers, or employer.

Part I Should you file this form?

Generally, both you and your spouse are responsible, jointly and individually, for paying any tax, interest, or penalties from your joint return. If you believe your current or former spouse should be solely responsible for an erroneous item or an underpayment of tax from your joint tax return, you may be eligible for innocent spouse relief.

Innocent spouse relief may also be available if you were a resident of a community property state (see list of community property states in the instructions) and did not file a joint federal income tax return and you believe you should not be held responsible for the tax attributable to an item of community income.

- 1 Do either of the paragraphs above describe your situation?**
 Yes. You should file this Form 8857. Go to question 2.
 No. Do not file this Form 8857, but go to question 2 to see if you need to file a different form.
- 2 Did the IRS take your share of a joint refund from any tax year to pay any of the following past-due debt(s) owed ONLY by your spouse?** • Child support • Spousal support • Student loan (or other federal nontax debt) • Federal or state taxes
 Yes. You may be able to get back your share of the refund. See Form 8379, Injured Spouse Allocation, and the instructions to that form. Go to question 3 if you answered "Yes" to question 1.
 No. Go to question 3 if you answered "Yes" to question 1. If you answered "No" to question 1, do not file this form.
- 3 If you determine you should file this form, enter each tax year you want innocent spouse relief.** It is important to enter the correct year. For example, if the IRS used your 2011 income tax refund to pay a 2009 joint tax liability, enter tax year 2009, not tax year 2011.
 Tax Year _____ Tax Year _____ Tax Year _____
 Tax Year _____ Tax Year _____ Tax Year _____

Part II Tell us about yourself and your spouse for the tax years you want relief

4 Your current name (see instructions)		Your social security number	
Address where you wish to be contacted. If this is a change of address, see instructions.			
Number and street or P.O. box		Apt. no.	County

Appealing Adverse Decision

- Use form 12509
- IRS issues Notice of Preliminary Determination
- Requesting spouse may file a protest with the Appeals Division

30-day limit

IRS Form 8379 Injured Spouse Allocation

Form **8379**
(Rev. February 2015)
Department of the Treasury
Internal Revenue Service

Injured Spouse Allocation

OMB No. 1545-0074

► Information about Form 8379 and its separate instructions is at www.irs.gov/form8379.

Attachment
Sequence No. **104**

Part I Should You File This Form? You must complete this part.

- 1 Enter the tax year for which you are filing this form. ► _____ Answer the following questions for that year.
- 2 Did you (or will you) file a joint return?
 - Yes.** Go to line 3.
 - No. Stop here.** Do not file this form. You are not an injured spouse.
- 3 Did (or will) the IRS use the joint overpayment to pay any of the following legally enforceable past-due debt(s) owed only by your spouse? (see instructions)
 - Federal tax • State income tax • State unemployment compensation • Child support • Spousal support
 - Federal nontax debt (such as a student loan)
 - Yes.** Go to line 4.
 - No. Stop here.** Do not file this form. You are not an injured spouse.

Note. If the past-due amount is for a joint federal tax, you may qualify for innocent spouse relief for the year to which the overpayment was (or will be) applied. See *Innocent Spouse Relief*, in the instructions for more information.
- 4 Are you legally obligated to pay this past-due amount?
 - Yes. Stop here.** Do not file this form. You are not an injured spouse.
 - No.** Go to line 5a.

Note. If the past-due amount is for a joint federal tax, you may qualify for innocent spouse relief for the year to which the overpayment was (or will be) applied. See *Innocent Spouse Relief*, in the instructions for more information.
- 5a Were you a resident of a community property state at any time during the tax year entered on line 1? (see instructions)
 - Yes.** Enter the name(s) of the community property state(s) _____
Go to line 5b.
 - No.** Skip line 5b and go to line 6.
- b If you answered "Yes" on line 5a, was your marriage recognized under the laws of the community property state(s)? (see instructions)
 - Yes.** Skip lines 6 through 9. **Go to Part II** and complete the rest of this form.
 - No.** Go to line 6.
- 6 Did you make and report payments, such as federal income tax withholding or estimated tax payments?
 - Yes.** Skip lines 7 through 9 and **go to Part II** and complete the rest of this form.
 - No.** Go to line 7.
- 7 Did you have earned income, such as wages, salaries, or self-employment income?
 - Yes.** Go to line 8.
 - No.** Skip line 8 and go to line 9.

Tax Court Innocent Spouse Relief

Requesting spouse may file a tax court petition after Final Notice of Determination has been issued by the Appeals Division

Requesting spouse may also file a tax court petition if 6 months have passed since filing of initial request

Requesting spouse may also file a tax court petition in conjunction with a substantive deficiency determination (if requesting spouse “meaningfully participated” in the tax court case, using the innocent spouse defense may be prevented

You are an injured spouse if:

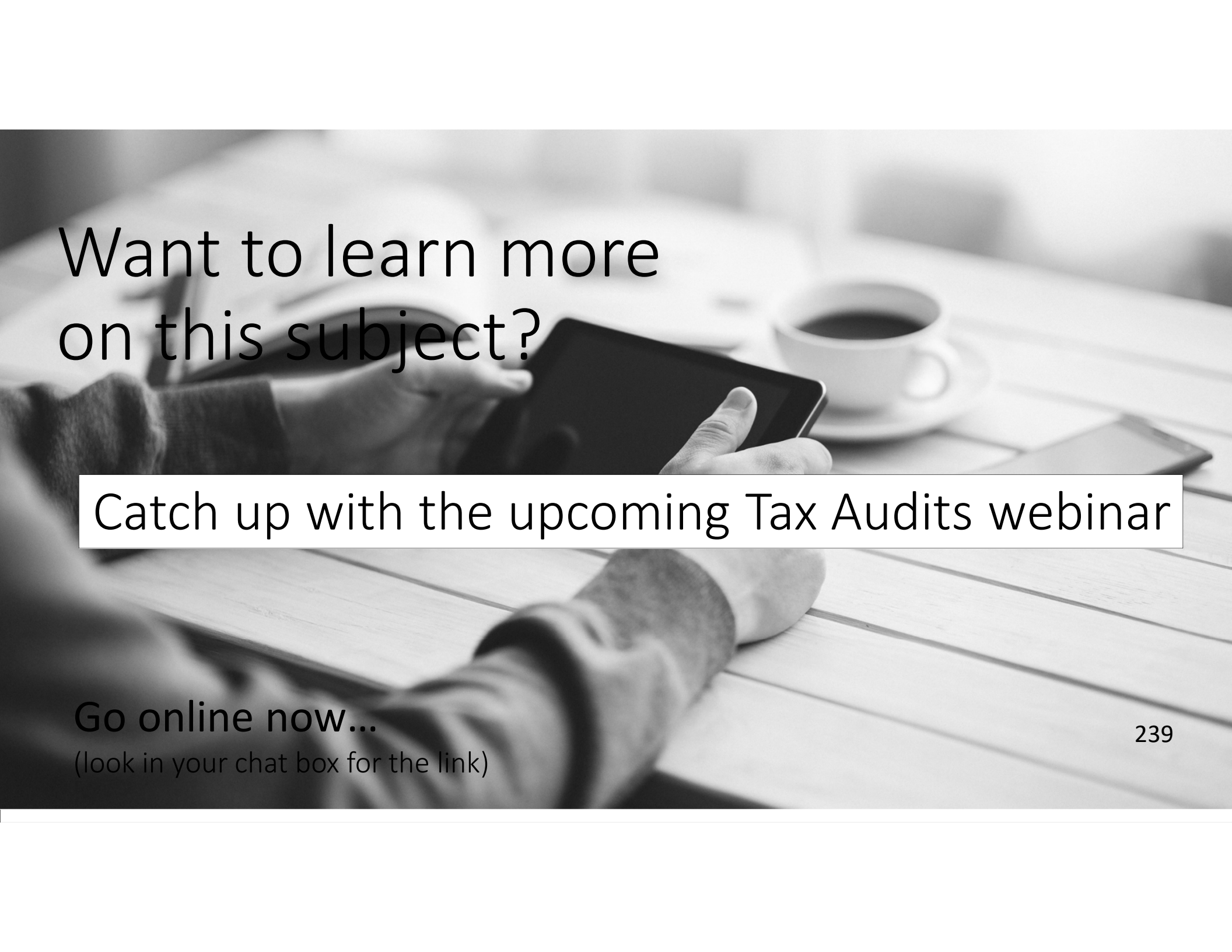
- You file a joint return, and;
- All or part of your share of the refund was or will be applied against the separate past-due federal tax, state tax, child support or federal non-tax debt (such as a student loan) of your spouse with whom you filed the joint return

If you are an injured spouse, you may be entitled to recoup your share of the refund



Injured
Spouse

IRS Tax Audits

A black and white photograph of a person sitting at a wooden table, using a tablet. A cup of coffee is on the table. The background is blurred.

Want to learn more
on this subject?

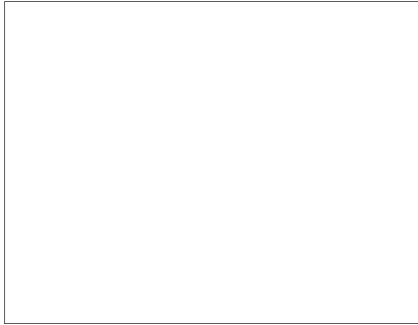
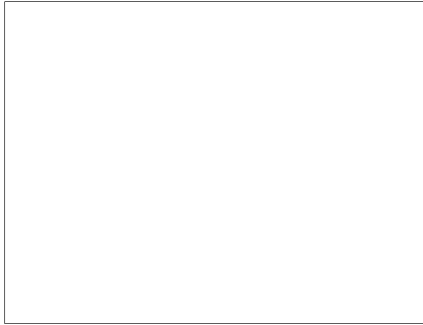
Catch up with the upcoming Tax Audits webinar


Go online now...


(look in your chat box for the link)


- How many IDR's are too many?
- What is a 30-day letter?
- What is a 90-day letter?
- If 90 days has passed how to get another "bite at the apple"
- Fast-Track Settlement (FTS)
- Fast-Track Mediation (FTM)

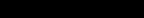
Audit Topics



 **Department of the Treasury**
Internal Revenue Service
Small Business and Self-Employed
 12309 N MoPac Expressway
 Austin TX 78758-2594



Date: September 2, 2015
Taxpayer Identification Number: 
Form: 1120S
Tax period(s): December 31, 2013
Response date: September 10, 2015
Person to contact: Lorin Hamm
Contact hours: 7:00 AM - 3:15 PM
Contact telephone number: 512-339-5350
Contact fax number: 855-801-8381
Employee identification number: 07-90210

Dear :

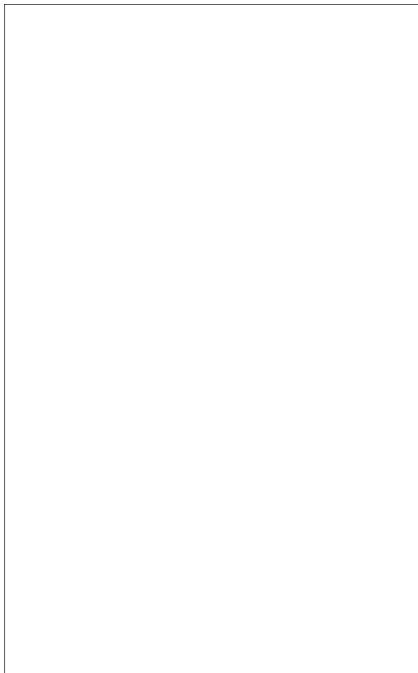
Your federal return for the period(s) shown above was selected for examination.

What you need to do
 Please call me on or before the response date listed at the top of this letter. You may contact me at the telephone number and times provided above.

What we will discuss
 During our telephone conversation, we will discuss:

- Items on your return that I will be examining.
- Types of documents I will ask you to provide.
- The examination process.
- Any concerns or questions you may have.
- The date, time and agenda for our first meeting.

The issues listed below are the preliminary items identified for examination. During the course of the examination, it may be necessary to add or reduce the list of items. If this should occur, I will advise you of the change.

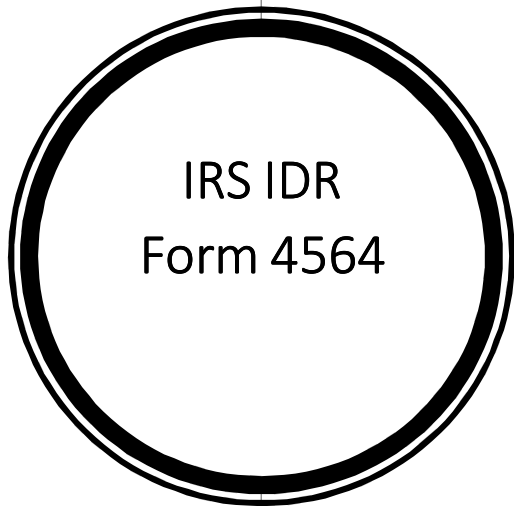


EXAMINATION LETTER

IRS Form 2205-A

Information Document Requests

- IRS Form 4564
- Known as IDR's
- May be accompanied by one or more Summons
- How many IDR's are too many?



Form 4564 (Rev. September 2006)	Department of the Treasury – Internal Revenue Service Information Document Request	Request Number 0002
To: (Name of Taxpayer and Company Division or Branch) [REDACTED]		Subject Casualty, Real Estate Tax, Travel & Enrtmmt, Sale of Prpty.
Please return Part 2 with listed documents to requester identified below		SAIN number Submitted to: [REDACTED]
Description of documents requested Tax Period(s): 201112; 201212		Dates of Previous Requests (mmddyyyy)

Schedule A – 2011 Real Estate Taxes:

1. Proof of payment.

Schedule A – 2011 Casualty or Theft Losses:

1. Escrow closing purchase statement - residence,
2. Insurance estimates of the loss,
3. Insurance policy during the escrow and after the escrow,
4. Insurance claim for the loss,
5. Any court filings on the loss for the insurance reimbursements, and
6. Proof showing any monies spent on slope repair and/or construction improvements.

Audit Time

so the appointment is set...

(800) 658-7590

244

Practical steps...

- Request (or review received) IDR
- Obtain documents, ledgers and other related substantiation from the client
- Do a “mini” audit – remember you want to know the results of the audit before the Revenue Agent walks in the door

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Practical Steps *(continued)*

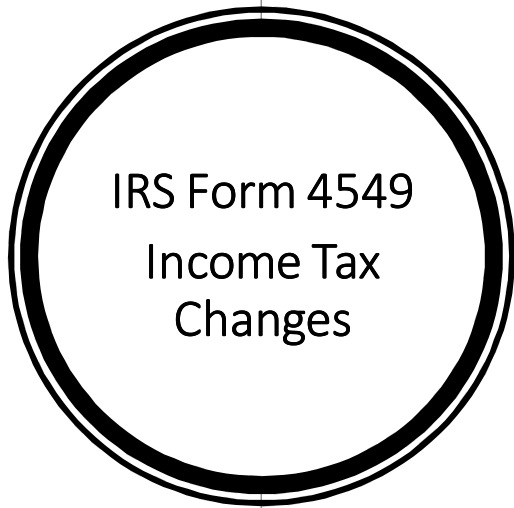
(800) 658-7590

- Have a staff person (preferably on the POA) meet and greet the auditor first
- Do not be available for the first 30 minutes (or more if necessary)
- Guide the auditor to examine best documented items first regardless of the order of his requests
- Meet & greet the auditor, apologize for being late and ask if your staff person got him or her started okay
- Ask if he or she requires additional documents, leave the room to obtain them

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Audit Findings

- Provided in IRS Form 4549
- Taxpayer may accept changes as proposed
- Taxpayer may appeal assessment at the audit level
- Taxpayer may appeal assessment at the court level
- Taxpayer may get a 2nd “bite at the apple” via an offer in compromise



Form 4549 (Rev. May 2008)	Department of the Treasury-Internal Revenue Service Income Tax Examination Changes		Page _____ of _____
Name and Address of Taxpayer Jack and _____	Taxpayer Identification Number XXX-XX-XXXX	Return Form No.: 1040	
	Person with whom examination changes were discussed.	Name and Title: Jack and Susan Anson	
1. Adjustments to Income	Period End 12-31-XX	Period End 12-31-XX	Period End 12-31-XX
a. Itemized Deductions	XXXXXX	XXXXXX	XXXXXX
b. Standard Deduction			(XXXXXX)
c.			
d.			
e.			
f.			
g.			
h.			
i.			
j.			
k.			
l.			
m.			
n.			
o.			
p.			
2. Total Adjustments	XXXXXX	XXXXXX	XXXX
3. Taxable Income Per Return or as Previously Adjusted			
4. Corrected Taxable Income			
Tax Method	Tax Table	Tax Table	Tax Table
Filing Status	Joint	Joint	Joint
5. Tax			
6. Additional Taxes / Alternative Minimum Tax			
7. Corrected Tax Liability			

- IRS Letter 950
- Federal income tax audit concluded
- Revenue Agent's Report (RAR) has been issued outlining proposed changes
- May be bypassed if time remaining on the statute of limitations is insufficient

(800) 658-7590

30-Day Letter

Options

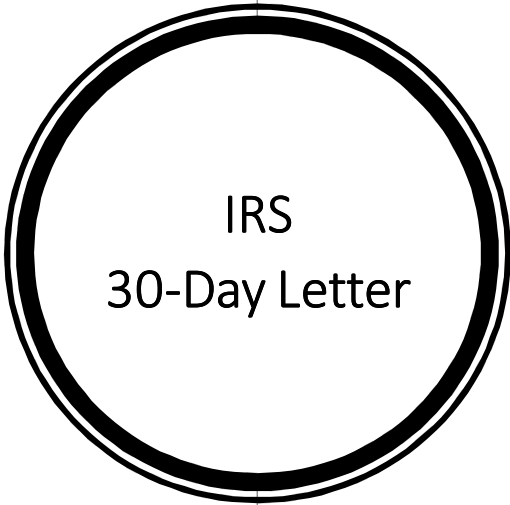
- Accept and pay proposed liability
- Appeal findings
- Do nothing in anticipation of receiving Notice of Deficiency (90-day letter)

(800) 658-7590

30-Day Letter

(continued)

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Department of the Treasury
Internal Revenue Service
Large Business and International
5218 Atlantic Avenue, 1st Floor
Mays Landing NJ 08330

[Redacted]
UNITED STATES

Date:
March 19, 2015
Taxpayer ID number:
[Redacted]
Form:
1040
Tax periods ended:
December 31, 2008
December 31, 2009

Person to contact:
D. Christy Hartnett
Contact telephone number:
609-625-7833
Contact fax number:

Employee ID number:
1001716008
Response due date:
April 18, 2015

Dear [Redacted]

I am enclosing two copies of an examination report showing proposed changes to your tax for the periods above. Review the report, and tell us whether you agree or disagree with the changes **by the response due listed above**. If you have an interest in any partnerships, S corporations, trusts, etc., this report may not re

Things to Note

(800) 658-7590

- Revenue agents have very limited authority
- Appeals officers consider the government's perceived hazards of litigation stemming from an appeal or tax court petition filing increases chances of settlement

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90-Day Letter

(800) 658-7590

IRS Letter 937

- Also referred to as a Notice of Deficiency
- Must respond within 90 days in order to take appeal to tax court

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Internal Revenue Service
1973 North Rulon White Blvd. MS 6663
Ogden, UT 84404-0021

Department of the Treasury

Taxpayer Name:

[REDACTED]

Taxpayer Identification Number:

[REDACTED]

Form Number:

1120

Year(s):

2012

Date: May 19, 2014

NORMAN J KREISMAN
21700 OXNARD ST STE 1160
WOODLAND HILLS CA 913677576

Contact Telephone Number:

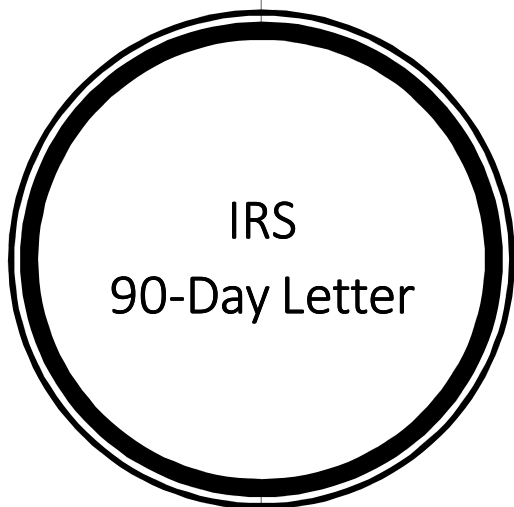
877-571-4712

Contact Fax Number:

855-235-8847

Contact Hours:

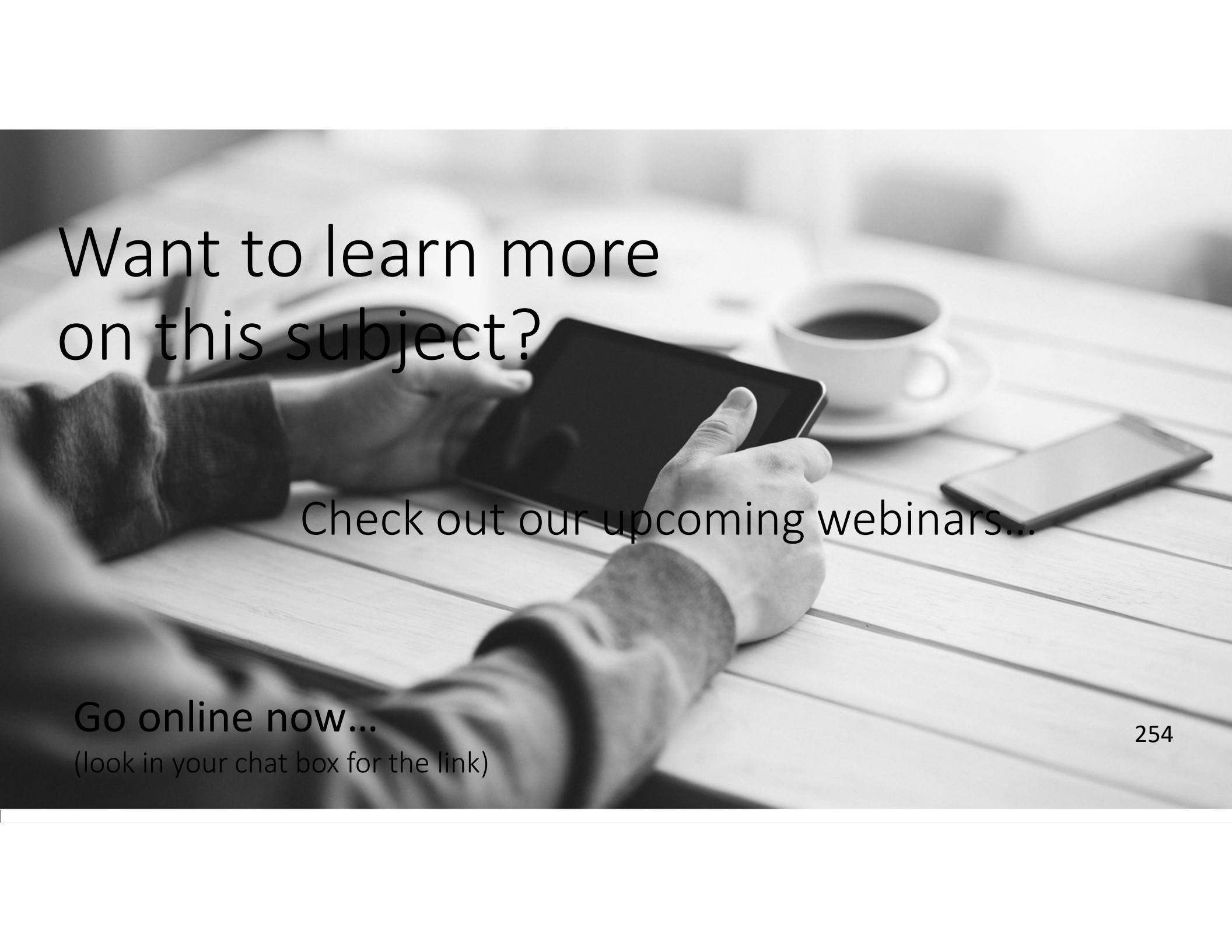
9:00 am – 5:00 pm



Dear Representative:

We are sending you the enclosed material under the provision of your power of attorney or other authorization we have on file. For your convenience, we have listed the name of the taxpayer to whom this material relates in the heading above.

If you have any questions, please call the telephone number shown in the heading of this letter.



Want to learn more
on this subject?

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(look in your chat box for the link)

Appeals (General)

Appeal Topics Overview

- ▶ Collection Appeal Rights
 - Collection Due Process (“CDP”) Form 12153
 - Collection Appeals Process (“CAP”) Form 9423
- ▶ Offer in Compromise Appeal
- ▶ Request for Mediation
- ▶ Fast Track Settlement
- ▶ Taxpayer Advocate

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Two
options...

Collection Due
Process (“CDP”)
Form 12153

Collection Appeal Rights



Collection
Appeals Process
 (“CAP”)
Form 9423

CAP
VS
CDP

<u>CAP (Form 9423)</u>		<u>CDP (Form 12153)</u>
Levy or seizure action that has been or will be taken		Notice of Intent to Levy and Notice of Your Right to Hearing
A Notice of Federal Tax Lien (NFTL) that has been or will be filed		Notice of Federal Tax Lien Filing and Your Right to Hearing under IRC 6320
The filing of a notice of lien against an alter-ego or nominee's property		Notice of Jeopardy Levy and Right to Appeal
Denials of requests to issue lien certificates, such as subordination, withdrawal, discharge or non-attachment		Notice of Levy on Your State Tax Refund
Rejected, proposed for modification or modified, or proposed for termination or terminated installment agreements		Notice of Levy and Notice of Your Right to a Hearing
Disallowance of taxpayer's request to return levied property under IRC 6343(d)		You may petition the Tax Court post findings
Disallowance of property owner's claim for return of property under IRC 6343(b)		Process takes significantly more time to reach a result than filing a CAP

Similarities

- ▶ You may represent yourself
- ▶ You may be represented by an attorney
- ▶ You may be represented by a CPA
- ▶ You may be represented by any other person enrolled to practice before the IRS
- ▶ You may be represented by immediate family
- ▶ For businesses you may be represented by employees, partners or officers

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Differences

- ▶ You may go to court if you disagree with results of CDP hearing
- ▶ You may not go to court following a CAP hearing
- ▶ CAP results come in a relatively short period of time

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IRS Form 12153 Request for a Collection Due Process or Equivalent Hearing

Collection Due Process

Form **12153**
(Rev. 12-2013)

Request for a Collection Due Process or Equivalent Hearing

Use this form to request a Collection Due Process (CDP) or equivalent hearing with the IRS Office of Appeals if you have been issued one of the following lien or levy notices:

- Notice of Federal Tax Lien Filing and Your Right to a Hearing under IRC 6320,
- Notice of Intent to Levy and Notice of Your Right to a Hearing,
- Notice of Jeopardy Levy and Right of Appeal,
- Notice of Levy on Your State Tax Refund,
- Notice of Levy and Notice of Your Right to a Hearing.

Complete this form and send it to the address shown on your lien or levy notice. Include a copy of your lien or levy notice to ensure proper handling of your request.

Call the phone number on the notice or 1-800-829-1040 if you are not sure about the correct address or if you want to fax your request.

You can find a section explaining the deadline for requesting a Collection Due Process hearing in this form's instructions. If you've missed the deadline for requesting a CDP hearing, you must check line 7 (Equivalent Hearing) to request an equivalent hearing.

1. Taxpayer Name: (Taxpayer 1) _____
 Taxpayer Identification Number _____
 Current Address _____
 City _____ State _____ Zip Code _____
- | | | | |
|--|---------------------------|------------------------------|------------------------------|
| 2. Telephone Number and Best Time to Call During Normal Business Hours | Home (____) _____ - _____ | <input type="checkbox"/> am. | <input type="checkbox"/> pm. |
| | Work (____) _____ - _____ | <input type="checkbox"/> am. | <input type="checkbox"/> pm. |
| | Cell (____) _____ - _____ | <input type="checkbox"/> am. | <input type="checkbox"/> pm. |
3. Taxpayer Name: (Taxpayer 2) _____
 Taxpayer Identification Number _____
 Current Address _____
(If Different from Address Above) City _____ State _____ Zip Code _____
- | | | | |
|--|---------------------------|------------------------------|------------------------------|
| 4. Telephone Number and Best Time to Call During Normal Business Hours | Home (____) _____ - _____ | <input type="checkbox"/> am. | <input type="checkbox"/> pm. |
| | Work (____) _____ - _____ | <input type="checkbox"/> am. | <input type="checkbox"/> pm. |
| | Cell (____) _____ - _____ | <input type="checkbox"/> am. | <input type="checkbox"/> pm. |
5. Tax Information as Shown on the Lien or Levy Notice *(If possible, attach a copy of the notice)*

IRS Form 9423 Collection Appeal Request

Collection Appeal Rights (CAP)

Form 9423 (August 2014)		Department of the Treasury - Internal Revenue Service Collection Appeal Request (Instructions are on the reverse side of this form)			
1. Taxpayer's name			2. Representative (<i>Attach a copy of Form 2848, Power of A</i>)		
3. SSN/EIN	4. Taxpayer's business phone	5. Taxpayer's home phone	6. Representative's phone		
7. Taxpayer's street address					
8. City		9. State		10. ZIP code	
11. Type of tax (<i>Tax form</i>)		12. Tax periods being appealed		13. Tax due	
Collection Action(s) Appealed					
14. Check the Collection action(s) you are appealing					
<input type="checkbox"/> Federal Tax Lien		<input type="checkbox"/> Levy or Proposed Levy		<input type="checkbox"/> Seizure	
<input type="checkbox"/> Rejection of Installment Agreement		<input type="checkbox"/> Termination of Installment Agreement		<input type="checkbox"/> Modification of Installment Agree	
Explanation					
15. Explain why you disagree with the collection action(s) you checked above and explain how you would resolve your tax problem. Attach additional pages if needed. Attach copies of any documents that you think will support your position. Generally, the OIA Appeals will ask the Collection Function to review, verify and provide their opinion on any new information you submit. We will share their comments with you and give you the opportunity to respond.					

Taxpayer Advocate – Form

- ▶ Use form to request Taxpayer Advocate Service (TAS) assistance when:
- ▶ Taxpayer's problem with IRS is causing financial difficulties to taxpayer, taxpayer's family or taxpayer's business
- ▶ Taxpayer or taxpayer's business is facing an immediate threat or adverse action
- ▶ Taxpayer has tried repeatedly to contact the IRS, but no one has responded, or the IRS has not responded by the date promised
- ▶ If TAS does not respond within 1 week, contact TAS office via telephone

**Use IRS
Form 911**
Request for
Taxpayer
Advocate

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Other Appeal Options

Fast Track
Mediation

Fast Track
Appeals



To provide a quicker result for tax examinations



Involves Appeals Officer sooner than otherwise may happen

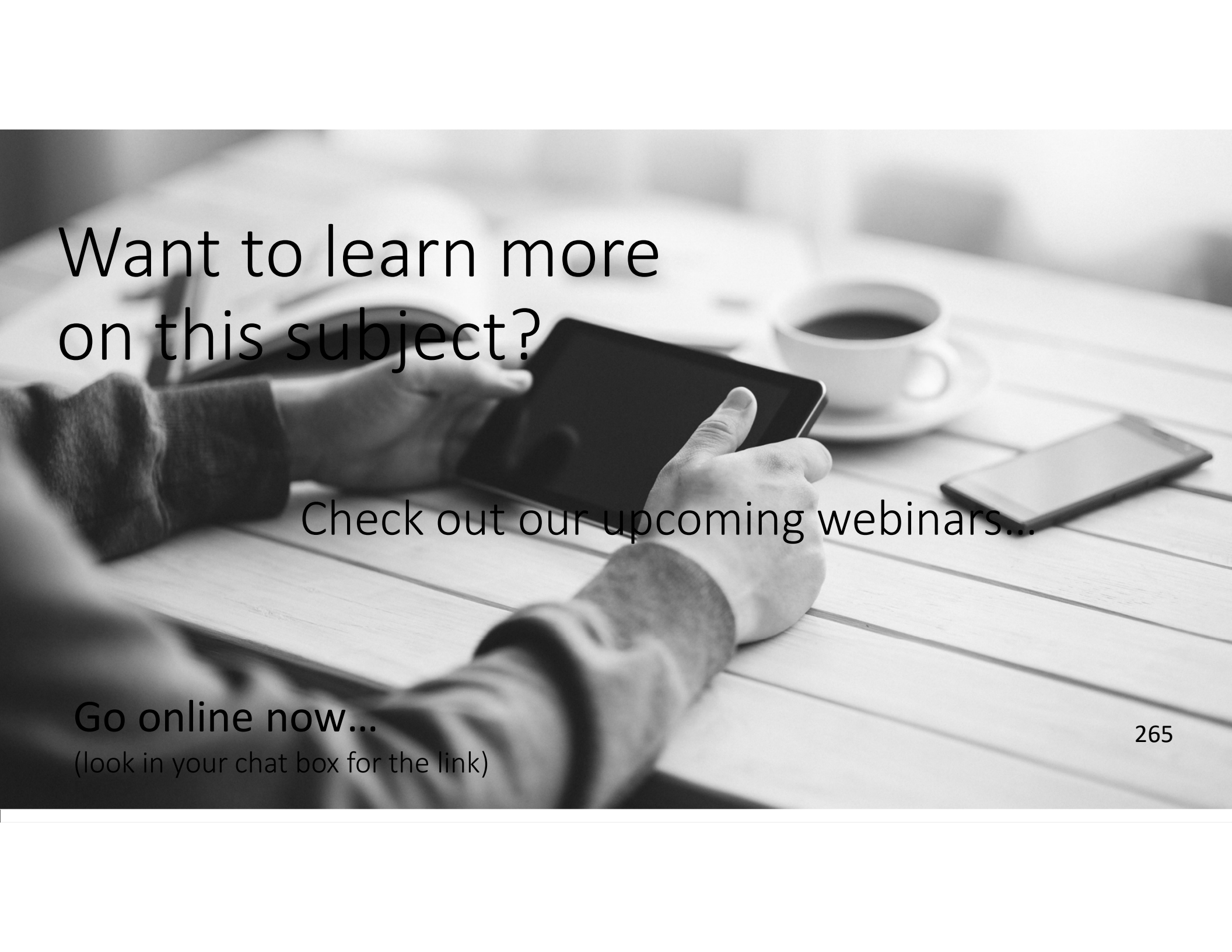


Either IRS or taxpayer may request either process



Both parties must agree in order to begin either process

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on this subject?

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LOW HANGING FRUIT

How to make money in the tax resolution business tomorrow

Tax & Tax Resolution Forum

Why are we here today?

TRI prides itself in assisting accounting, legal and other professionals resolve their client's tax problems and grow their businesses

- We help you make more money
- We teach you how to become a tax resolution specialist
- We become your partner working side-by-side to fix your client's tax issues
- Or...we become your trusted referral source

Low Hanging
Fruit #1

Represent your client in a Trust
Fund Recovery Penalty 4180
interview

Earn \$4,000 - \$6,000 each

4180 Interview

What is a 4180 Interview?

This is the process the IRS uses to determine who is personally responsible for not making Federal payroll tax deposits.

4180 Interview

Acting timely with respect to assessing your client as the “Responsible Person” for the trust fund recovery penalty is of utmost importance.

4180 Interview

things to consider...

Is your client an “owner” of the company?

Is your client a signer on the bank account?

Did your client sign paychecks?

Was your client the decision-maker with respect to non-payment of payroll taxes?

4180 Interview

Preparation... Obtain a copy of form 4180

Perform a mock interview – prepare your client

Prepare a collection information statement (433B if a business entity) to create an installment agreement at the interview?

Try and limit the number of responsible persons if you are representing more than one person?

Keep your client off the hook personally (at least for the short term...)

4180 Interview

Desired
outcome...

Limit the number of responsible persons

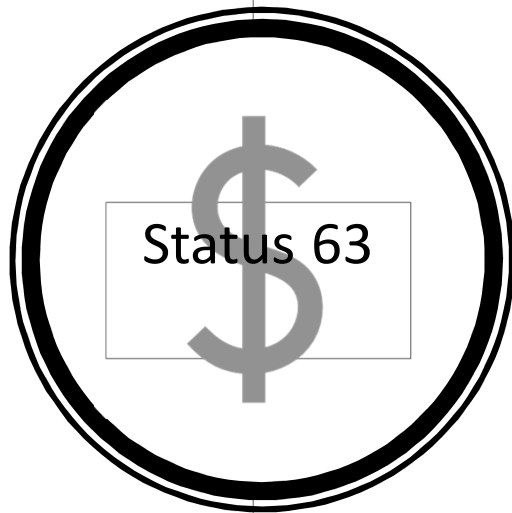
Enter into an installment agreement for the company

Keep the responsible persons “off the hook” personally,
at least for the time being

Low Hanging
Fruit #1

Status 63...keep your client off
the hook personally

Earn \$1,000 per hour



We can't stress this enough...your expertise should dictate the fees you charge, not the time you spend...

Entering your client into Status 63 will save them in ways you cannot imagine



Status 63

What is Status 63?

If a business remains in good standing subsequent to entering into an installment agreement, the IRS may delay/forego assessing and collecting from responsible person/s.



Status 63

Things to consider...

- Is the business able to maintain installment agreement payments?
- Will the business stay current on tax filings?
- Can the business make estimated payments going forward?
- Are the responsible persons in compliance on a personal level?



Status 63

Benefits

- The entity/owners only need to make a single monthly payment
- The responsible person/s need not pay personally
- The responsible person/s credit is not affected

Low Hanging
Fruit #3

Streamlined Installment
Agreements

Earn \$1,000 to \$2,500 each

IRS Streamlined Installment Agreements

Your expertise should dictate the fees you charge, not the time you spend...

A streamlined installment agreement requires more than just making a call...

IRS Streamlined Installment Agreements

Things to consider...

- Does the client owe \$25,000 or less?
- Does the client owe \$50,000 or less?
- Does the client owe \$100,000 or less?
- Did you advise the client to pay down their liability if they owe more?
- Is the client in current compliance?
- Have recent tax filings posted?

IRS Streamlined Installment Agreements

Preparation...

- Do you have your client's bank information (account and routing number)?
- Did you predetermine a day of the month to debit your client's account?
- Have you completed IRS form 9465?
- Have you completed form 433D?

IRS Streamlined Installment Agreements

Complete the task in one call...

- Do your homework before you make the call...pull transcripts to verify information
- Make sure you have time to wait on hold
- Have all forms completed prior to the call
- Get client signatures as necessary

IRS Streamlined Installment Agreements

Summary

- Streamlined installment agreements seem simple but if you are not prepared, you can easily spend extra time completing the task
- If you are prepared and get things done efficiently, you should be compensated for your knowledge

Low Hanging
Fruit #4

Prepare a Tax
Dischargeability Analysis

Earn \$1,500 to \$4,000 each

Tax Dischargeability Analysis

What is a Tax Dischargeability Analysis (TDA)?

A TDA is an analysis used to determine if-and-when income taxes may be dischargeable in bankruptcy based upon conditions including the 3-year rule, the 2-rule, the 240-day rule and tolling events.

Tax Dischargeability Analysis

Things to Consider

- Were the tax returns filed timely?
- Did the IRS prepare substitutes for returns (SFR's)?
- How much time has passed since the return/s were filed?
- Were the tax return/s amended?
- Was there a previous installment agreement?
- Was a CAP, CDP or other type of appeal filed?

Tax Dischargeability Analysis

More Things to Consider

- Was an offer in compromise submitted?
- Was the taxpayer out of the country for an extended period of time?
- Did the taxpayer file a previous bankruptcy?
- Were the tax return/s amended?

FAQ's

- **Installment Agreements** – what should I do if my client qualifies for a streamlined installment agreement but is unable to afford the monthly payment amount?
- **Offer in Compromise** – can my client who has been assessed a Civil Penalty stemming from the Trust Fund portion of payroll tax liability submit an offer?
- **Bankruptcy** – if my client filed their 2009 tax return on June 15, 2010 which was on extension, can they file for bankruptcy on June 16, 2013 and discharge their 2009 tax liability under the 3-year rule?
- **Appeals** – which type of appeal, CAP or CDP allows you to make an argument in tax court? (Stay tuned for the next webinar...)



Dan Weintraub, Esq

For Guest Speakers

Visit our Partners page at
www.taxresolutioninstitute.org/preferred-partners



Peter Stephan, CPA

For Peter

Email Sam
Silberstein at
sam@ssttaxcom



Bruce Givner, Esq



Jeffrey Rollert, CIO

More Questions?

What we covered today

- Tax resolution case management
- Installment agreements
- Offers in compromise
- Discharging taxes in bankruptcy
- Tax court
- IRS criminal investigation
- Eliminating capital gains tax
- Market and grow your practice
- Innocent spouse relief
- Audits and appeals
- Low hanging fruit
(make \$\$\$ with tax resolution)

Today's Mission

Tax & Tax Resolution Forum

To give participants
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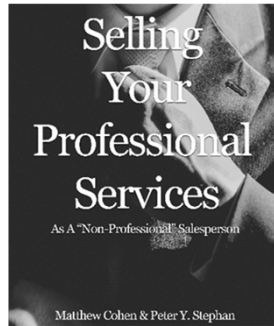
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