The Scoop

Kristy Maitre - Tax Specialist Center for Agricultural Law and Taxation October 19, 2016





Agenda

- Appeals Restructure
- Offer in Compromise proposed user fee increase
- **EITC Compliance Letters**
- Special Per diem rates announced
- Long Range IRS Plans
- Final Basis Consistency Regulations
- Digital Authentication Tool to Expand to Landlines (Tax Notes)
- E-Services
- New Data Elements Tested for Identity Theft
- Do They Ever Catch the Scammers?
- H. R. 5946 United States Appreciation for Olympians and Paralympians Act
- New Challenge to IRS AFSP
- Demutualization Letters
- Proposed Legislation

Appeals Restructure

- Appeals Organizational Structure Effective October 2, 2016
- Appeals recently realigned to balance spans of control, which had become out of balance from years of attrition without backfills
- The realignment does not change Appeals' mission or Appeals' service to taxpayers.

	5	Structure	9	
		Office of Appeals Chief, Appeals Deputy Chief, Appeals		10/2/2016
Collection Appeals	Examination Appeals	Specialized Exam Programs and Referrals	Carl	e and es Support
Area 1	Area 5	Area 10 (ESG, TEGE, TEFRA, Innocent Spouse, PENAP)	Policy Blushess Systems	Finance Flanning, Quality & Analysis
Area 2	Area 5	Area 11 (International) Technical Guidance	Planning Human Capital	Account & Processing Support
Area 4	Area 8	Technical Support	Education & Knowledge Management	

Collection Appeals Function

 The Collection Appeals function resolves cases involving Collection Due Process, Offer in Compromise, Trust Fund Recovery Penalties, Jeopardy Levies and Collection Appeals Program (CAP) cases

Examination Appeals Function

• The Examination Appeals function resolves general docketed and non-docketed case generated from the IRS examination functions

	Specialized Examination Programs & Referrals Function
,	The Specialized Examination Programs & Referrals function resolves a variety of
	specialized programs such as international
	issues, tax computations, innocent spouse,
	TEFRA, and penalty appeals

Case and Operations Support Function

• This executive area includes all support functions including policy and processing

Appeals Changes

- Effective October 3, 2016, Appeals implemented changes to its case transfer and conference procedures
- These changes are driven by a desire to clarify procedures for taxpayers, to better allocate IRS resources, and to get the right work to the right Appeals employee

Appeals Changes

- Because the centralized Campus locations cannot accommodate in-person conferences, prior policy required Appeals to automatically transfer cases from the Campus to the Field whenever taxpayers requested to meet face to face
- This generally resulted in a mismatch between the skill level of the employee and the complexity of the case

Appeals Changes

- Automatic transfers also delayed case resolution and caused IRS to incur additional shipping costs, while data showed that the majority of these cases were ultimately resolved by telephone with no in-person conference
- These changes will allow Appeals to more efficiently use taxpayer dollars

Key Provisions

- Appeals will continue to offer personal contact for all cases
- Appeals is not eliminating in-person conferences, but is clarifying policy so as not to express or imply a preference for in-person conferences for dispute resolution
- Under the revised procedures, taxpayers continue to have the existing range of conference options -telephone, correspondence, virtual service delivery, and in-person, which includes circuit-riding; however, Appeals will not transfer cases solely upon taxpayer request

Key Provisions

- The decision to hold an in-person conference can be made upon the request of the taxpayer or at the suggestion of the hearing officer with the final decision resting with the Appeals Team Manager
- The revised policy recognizes that, in some instances, an in-person conference continues to be valuable in reaching are solution

When Granting an In-person Conference, Appeals will Consider Whether:

- There are substantial books and records to review that cannot be easily referenced with page numbers or indices;
- The employee is unable to judge the credibility of the taxpayer's oral testimony without an inperson conference;
- The taxpayer has special needs (e.g., disability, hearing impairment) that can only be accommodated with an in-person conference;

When Granting an In-person Conference, Appeals will Consider Whether:

- There are numerous conference participants (e.g., witnesses) that create an unacceptable risk of either unauthorized disclosure or breach of confidentiality;
- An alternative conference procedure (e.g., Post-Appeals Mediation or the Rapid Appeals Process) involving separate caucuses will be used; or
- Another Internal Revenue Manual section specific to the work-stream calls for an in-person conference

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When Granting an In-person Conference, Appeals will Consider Whether:

- Appeals will use case assistance procedures to facilitate in-person conferences in some cases
- Case assistance means the Appeals Officer assigned to the case participates via telephone while an assisting Appeals Officer meets in person with the taxpayer or representative
- Case assistance will be provided if the assigned Appeals Officer's post of duty (POD) cannot accommodate an in-person conference, the POD is not reasonably convenient for the taxpayer, or the Appeals Officer does not circuit ride

Offer of Compromise

- IRS has propose regulations to increase the OIC User Fee to \$300
- It currently sets at \$186

. EITC Educational Compliance Letters 5025, 5025C, 5025Q, 5138

- IRS is sending due diligence letters to paid tax preparers who may be noncompliant in meeting their EITC due diligence requirements
- These letters are sent to raise awareness of questionable returns and assist paid preparers in meeting their due diligence requirements
- However, IRS will continue to monitor the EITC returns prepared in the upcoming filing season to see if the quality of the preparers' returns improves

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Letter 5025 (Rev. 9-2016) Cour review of the tax year 2018 returns you prepared claiming the carned income tax credit (ETTC) indicates you many not have need you ETTC due diffiguence requirements. Disregarding ETTC tax have could result in panalities and other coursequences for you, as the paid preparer, and your clients. The primary issues we describe the property of the p

Letter 5025 (Rev. 9-2016)

EITC due diligence requirements for paid preparers: • Know the tax laws.

- \bullet Inform clients of EITC eligibility requirements to determine if each qualifies for the EITC.
- Interview clients every year, as their circumstances may change. You must use current information when determining eligibility for, and the amount of, the EITC..
- Not rely solely on tax return preparation software. It is only a guidance tool, not a substitute for knowledge of the tax laws.
- Meet all four due diligence requirements when preparing an EITC claim:

 Complete Form 8867, Paid Preparer's Earned Income Credit Checklist, and submit it with every return

 The complete Form 8867, Paid Preparer's Earned Income Credit Checklist, and submit it with every return. you prepare.

 2. Complete an EITC worksheet, or its equivalent, showing how you computed the EITC.

Letter 5025 (Rev. 9-2016)

- or the amount of, the EITC.

 Paid preparer who prepare inaccurant LITC returns:

 May receive a due diligence requirements.

 May receive a due diligence audit, have the e-fining privileges for you and your firm suspended or the Department of Pastice for possible prosecution.

español.)
We'll continue to monitor future returns you prepare claiming the EITC to ensure you're meeting your EITC due diligence requirements. This letter is for your information only. You don't need to respond.
If you have questions, you can contact us at the ensural address on the first page of this letter. For security purposes, If you send an e-mail, don't include any personalty identifying information (PII) for you or your cleans. PII includes any information that could be used to distinguish of trace the identity of either you or your



Letter 5025 C (Rev. 9-2016) Verification of the tax year 2015 returns you proposed claiming the carried income not verific IEITCy indicates you may use have not your EITC does diligness requirements. Discagniding ITTC cast we could revoid in penalties and other consequences for you, as the paid preparer, and your ellents. The primary issues we identified on the 2015 tax returns you prepared are questionable income and expenses on Schedule C. Profit or Loss from Business, which may affect the amount of earned income. As a paid preparer, you must take extra stept to ensure your IEITC esturns are complete and correct. As a past preparer, you must take extra steps to ensure your EITC eterms are complete and correct. EITC due diligence requirements for paid preparers: Know the tax laws. Inform clients of EITC requirements to determine if each qualifies for the EITC. Interview clients every year, as their circumstances may change. You must use current information when determining eligibility for, and the amount of, the ITC. Not rely solely on tax return preparation software. It is only a guidance tool, not a substitute for knowledge of the tax law.

Letter 5025 C (Rev. 9-2016)

- Meet your four due diligence requirements when preparing an EITC claim:
 1. Complete Form \$867, Paid Preparer's Due Diligence Checklut, and submit it with every EITC return you prepare.
 2. Complete an EITC worksheet, or its equivalent, showing how you computed the EITC.
- 3. Question the client if any information appears to be incorrect, inconsistent, or incomplete. Document your questions and the client's responses. Failure to adequately question the client and document the responses is the most common reason we assess penalties.
- Keep all required records, including copies of any documents you relied upon to determine eligibility for, or the amount of, the EITC.

Letter 5025 C (Rev. 9-2016)

- Paid preparers who prepare inaccurate ETC returns:

 * May face \$510 penalty per return if they can't prove they met their ETC due diligence requirements.

 * May receive a due diligence and in have the e-filling privileges for you and your firm suspended or terminated; or may be referred to the ITS* Criminal Investigation Division for further investigation or to the Department of Justice for possible prosecution.

- Department of Justice for possible prosecution.

 Your ellents:

 * May be andited after we issue their refunds. If we determine your clients don't qualify for the EITC, they

 * May be made to claim the EITC for 2 years if the claim was due to reckless or intentional divergard of the

 EITC rules, or 10 years if the claim was due to fraud.

 * Review Publication 4687, Refundable Credits Due Difference Brochure, at www.is. gov/formspubs.

 * Visit our events at www.eite.is.gov and click on "Tax Preparer Toolkis."

 * Spanish. (Visit www.eite.is.gov e ingresse las palabras claves "Letter 5025-C(SP)" to read this letter in

 * Spanish. (Visit www.eite.is.gov e ingresse las palabras claves "Letter 5025-C(SP)" para leer esta carta en

 * espands).
- we'll continue to monitor future EITC returns you prepare to ensure you are meeting your EITC due diligence requirements. This letter is for your information only. You don't need to respond.

About Steven C. Klingel
Steven C. Klingel
Director, Refundable Credits
Policy & Program Management

Letter 5025 Q	(Rev.	9-2016



Letter 5025 Q (Rev. 9-2016)

- Know the tax laws.

 Inform clients of EITC requirements to determine if each qualifies for the EITC.

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Letter 5025-Q (Rev. 9-2016) Catalog Number 59928D

Letter 5025 Q (Rev. 9-2016)

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- Keep all required records including copies of any documents you relied upon to determine eligibility for, or the amount of, EITC.

Letter 5025 Q (Rev. 9-2016)

Paid grapheres who pergue transcense ETC crisions:

The grapheres who pergue transcense ETC crisions:

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Letter 5138 Return preparer EITC Audit notification



We 'e auditing some of your clients' tax year 2015 returns that claimed the Earned Income Tax Credit (EITC).
We want to remind you that failure to comply with the due diligence requirements when preparing clients' returns with EITC claims can advertely affect you and your clients.

- For additional information

 Review Publication 4687, Refundable Credits Due Diligence Brochure, at www.irs.gov/formspubs.

 Visit our webies at www.eitc.irs.gov and click on "Tax Preparer Toolkit."

 Visit ETIC Central at www.eitc.irs.gov and enter the keywords 5138SP to read this letter in Spanish.

Letter 5138 Return preparer EITC Audit notification

We'll continue to monitor future EITC returns you prepare to make sure you're meeting your EITC due diligence requirements. This letter is for your information only. You don't need to respond.

Hyou have questions, you can contact us at the e-mail address above. For security purposes, if you send an e-mail, don't include any personally identifying information (PII) for you or your clients. PII includes any information that could be used to distinguish or trace the identity of either you or your clients.

Please note that we can't provide you with the specific returns that we are auditing.

Sincerely, Alun Kingil

Steven C. Klingel Director, Refundable Credits Policy & Program Management

Notice 2016-58

- Special Per diem rates announced High-Low Substantiation Method – Transportation Industry
 - \$68 for any high locality of travel and \$57 for to any other locality within CONUS
 - High localities are defined in the Notice
 - Incidental expenses remain at \$5.00 per day and not subject to either the 50% of 80% rulesar

Long Range IRS Plans Individual E-Filed Returns in 2015 – 86%

- The Internal Revenue Service stated it will eliminate more than 7,000 jobs connected to the processing of paper return by 2024
- The Campuses targeted include:
 - Covington, Ky
 - Fresno, CA
 - Austin, Tx
 - That leave Kansas City as the only paper processing unit for Individual Returns and
 - Odgen, UT for Business Returns

Final Basis Consistency Regulations

- Temporary Regulation TD 9757 is currently providing guidance
- Final regulations targeted for end of January 2017

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Notice 2016-43

- Monthly National Average Premium for Qualified Health Plans - Bronze Level for 2016
- \$223 per individual
- \$1,115 for family of five or more members

Digital Authentication Tool to Expand to Landlines (Tax Notes)

- Voice Text verification codes
- The landline number users wish to register must be
- based and associated with their name, and the IRS will have to independently verify the
- numbers, the agency said. The landlines will then receive activation and security codes via
- voice text. Also, if users wish to register a phone not associated with their name, such as a
- business landline, they will have to request a mailed activation code, the IRS said.

E-Services

- Proposal to recertify every two years
- Proposed shutdown delayed
 - To ensure a smooth transition, the IRS has decided to delay the October 24 date for requiring eservices users to re-register and validate their identities through Secure Access authentication
 - A new implementation date has not been set

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New Data Elements Tested for Identity Theft

- The IRS tested 23 new Federal tax return-related data elements in accordance with the Internal Revenue Manual procedures
- All 23 data elements were implemented into the IRS's Return Review Program system
- Only three were used systemically to filter returns and help identify potential identity theft tax refund fraud during the 2016 Filing Season
- As of March 25, 2016, the IRS identified approximately \$4.1 billion in suspected identity theft tax refund fraud, of which \$72 million (21,000 tax returns) is attributable to the three new data elements
- Additionally, the IRS attributed the prevention of 24,000 taxpayer returns from being incorrectly selected as potential identity theft tax refund fraud returns to one of the three data elements

New Data Elements Tested for Identity Theft

- For the remaining 20 new data elements
 Applications Development division intends to
 determine their potential use in future filing
 seasons
- The IRS indicated that the data elements should remain confidential and be kept a secret from the public

Do They Ever Catch the Scammers?

- IRS Scam call center located in Mumbai, India was raided October 6
- 70 people were arrested and 600 others are under investigation
- The center generated more than \$90,000 to \$150,000 per day for more than one year = \$33-55 million for a year

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H. R. 5946 United States Appreciation for Olympians and Paralympians Act

- Signed in to law on October 7, 2016
- Gross income "exclusion" for medals and prizes awarded to Olympians and Paralympians
- Conditions for the non taxable income
- Appies to those who do not sign endorsement deals or professional contracts

New Challenge to IRS AFSP

- Unenrolled preparer in Texas and some clients filed a lawsuit claiming IRS lacks the authority to implement the AFSP
- The suit alleges that the Services improperly audits and harasses taxpayers whose returns are prepared by unenrolled preparers
- Kiplinger Letter September 9, 2016

"Consumer Rebate Program"

- At most misleading
- Connected to the deduction for state sales tax

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Demutuai	ization Letters	
Internal Revenue Service	Department of the Treasury	
Small Business and Sclf-Employed 230 South Dearborn Street	Date: AUG 1 1 2016	
Mail Stop 4031 CHI Chicago, IL 60604	Taxpayer Identification Number:	
	Kind of Tax: Income Tax Period(s) Ended: Amount of Claim:	
	Tax Period(s) Ended: Amount of Claim: \$1 or more	
		-
h. 1640	Date Claim Received: 12/26/2010 Person to Contact:	
Aportonia.	Stacle Chester Contact Telephone Number: 312-292-2450 Employee Identification Number: 100243500	
	Employee Identification Number: 1000243600	
Dear		
We are sorry, but we cannot allow your claim for a letter is your legal notice that we have fully disalled	an adjustment to your tax, for the reasons stated below. This swed your claim.	
		7
Demutual	ization Letters	
Dear		
letter is your legal notice that we have fully disa		
disallowance notice is issued, you may do so by	ecovery of any tax, penalties, or other moneys for which this filing suit with the United States District Court having	
jurisdiction, or the United States Claims Court. date of this letter. However, if you signed a Wai	The law permits you to do this within 2 years from the mailing liver of Statutory Notification of Claim Disallowance, Form	
2297, the period for bringing suit began to run o We have enclosed Publication 5, Your Appeal Rights	and How to Prepare a Protest If You Don't Agree, and Publication	
594, The IRS Collection Process, if additional tax is	due.	-
		-
	(over) Lettor 906 (Rev. 6-2000) Catalog Number 149788	
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Demutual	ization Letters	
If you have any questions, please contact the per-	son whose name and telephone number are shown in the	
heading of this letter. Thank you for your cooper		
Sincerely y	ours, Chester	
For Brian J. At		
	Services Territory Manager Midwest Area	
Perlamon		
Enclosures: Publication 5		
□Publication 594		

Demutualization Letters

Reasons for disallowance:

This letter concerns your amended tax return requesting a refund for the tax year(s) ended December 31, 2007, that you filed as a protective claim citing the case <u>Eugene A. Fisher, Trustee, Seymour P. Nagan Inverveable Trust y. United States</u>, 82 Fed. Cl. 780 (2008), aff d in unpub. opinion, 333 Fed. Appx. 572 (Fed. Cir. 2009).

The IRS disagreed with the Fisher opinion and continued to hold your protective claim(s) in suspense pending the outcome of two cases in the Ninth Circuit Court of Appeals, which involved the same issues tried in the Fisher case. The Appellate Court recently issued opinions in the government's favor in Internace v. United States, 309 F.3.4 79 0° Cir. 2015, and in agenche. V. United States, V. United State

If you wish to file an Appeal, please refer to Publication 5 and submit your written protest within 60 days from the date of this Letter.

Proposed Legislation





H.R. 6146

- Middleclass Dependent Care Fairness Act of 2016
- Credit of 35% of expenses
- Removes percentage phase-down

HR 954

- Co-Op Consumer Protection Act (HR 954)
 - Exempts Americans from the ACA individual mandate penalty if health insurance is terminated in certain circumstances
 - This bill has passed the House and we will monitor its progress in the Senate

H.R. 6032

- Data Breach Insurance Act
 - Tax credits for the purchase of data breach insurance

Small Business Employee Retirement Savings Act (Senate)

- Increase the size of the start-up credit from \$500 to \$5,000
- Create a credit for new plans that offer auto enrollment
- Eliminate the 10% auto enrollment limit

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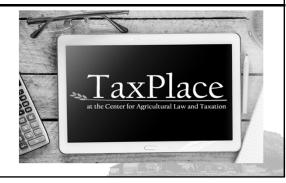
S. 3440
Electronic Signature's Standard Act of 2016
Electronic Signature's Standard Act of 2016
C 2454
S. 3451
Young Child Tax Credit ActProvides a refundable and advanceable tax
credit for individuals with young children
H.R. 6215
The Medicaid Gap Relief Act of 2016Exempts certain individuals from the health
insurance mandate for certain low-income individuals residing in states that have not
elected to expand Medicaidis

CALT Website

http://www.calt.iastate.edu/



Tour of the CALT Website



Fall Tax Schools

- Though they are named the Farm and Urban Tax Schools the schools cover more than farm issues
- Common return issues for all kinds of returns are covered
- All kinds of business entities
- Problematic issues
- Sometimes we even get into to issues that you many encounter only once or twice a year or tax season
- The Tax Schools are a blend of diverse topics of interest to all tax professionals
- This year: New instructors with diverse backgrounds
- Your adventure awaits at lowa State's Center for Agricultural Law and Taxation

Farm and Urban Tax Schools 2016

- November 2, 2016 to December 13, 2016
- 8 Locations in Iowa and Online Webinar
- Save the Date for the 2016 Annual Farm and Urban Income Tax Schools
- The program is intended for tax professionals and is designed to provide up-to-date training on current tax law and regulations
 - November 2-3: Maquoketa
 - November 7-8: Red Oak
 - November 9-10: Sheldon
 - November 14-15: Mason City
 - November 17-18: Ottumwa
 - November 21-22: Waterloo
 - December 5-6: Denison
 - December 12-13: Ames and Live Webinar

Winter Webinars

- Tax law Update: New Developments
- Monthly Ethics Classes

The Scoop

- Throughout the filing season two Scoops will be held on Scoop Dates
 - 8:00 8:30 am Central time
 - 12:00 12:30 Central time
- This assists with accommodating our west coast practitioners
- The same information will be shared at both sessions
- You have the option of registering for whatever session suits your schedule
- https://www.calt.iastate.edu/calendar-node-field-seminar-date/month

Future Scoop Dates

- November 16, 2016
- December 14, 2016
- http://www.calt.iastate.edu/calendar-nodefield-seminar-date/month

The CALT Staff

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