

OPR DIRECTOR NOTES RISE IN DISBARMENTS IN 2013.

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The IRS Office of Professional Responsibility has disbarred eight practitioners to date in 2013, office Director Karen Hawkins said October 22. While not a large number in absolute terms, it represents an exponential increase when compared with the two who were disbarred in all of 2012, she said.

Hawkins told attendees at the annual UCLA Tax Controversy Institute in Beverly Hills, Calif., that OPR's case type is changing for the better. In 2009, so-called roadkill cases -- those involving practitioners' own noncompliance with tax return filing or payment -- made up 85 percent of OPR's inventory, she said. For 2013, 75 percent of cases before OPR are based on pure conduct, having nothing to do with tax compliance, Hawkins said.

As those more complex cases move through the system, practitioners seem more apt to challenge them, Hawkins said. She said that OPR has had three hearings to date in 2013, whereas there were none in 2011 and 2012. Also, OPR has more hearings set for 2014, she said. "I think we will see more challenges and hearings," Hawkins said, adding, "I don't have any problem with that."

Hawkins said that as her staff considers referrals that come into the office, she encourages them to focus on the practitioner's fitness for practice, which includes the individual's character, reputation, qualifications, and competence. "OPR is not there to make a determination about whether you should get a [section] 6694 penalty for a position you took on the tax return," Hawkins said, adding that it's there to decide whether someone is such a threat to the tax system that he cannot be left in the system.