

Delegation Order 25-19 (New)

Effective Date: April 27, 2017

1. **Professional Employer Organization (PEO) Certification**
2. **Authority:** To approve applications for certification as a Certified Professional Employer Organization (CPEO).
3. **Delegated to:** Small Business/Self-Employed (SB/SE) Director, Examination Legislative Program Coordination
4. **Redelegation:** This authority may not be redelegated.
5. **Authority:** To deny applications for certification as a CPEO and issue notices of final denial of certification.

This authority involves situations in which:

- a. A CPEO applicant has not responded within 30 days to a request for additional information relating to its application for certification,
 - b. A CPEO applicant does not request review of the notice of proposed denial,
 - c. Review of the IRS's proposed denial of certification is not available, as described in Rev. Proc. 2016-33, section 8.02 (or its successor), because, for example, the application is incomplete or the CPEO applicant fails to provide proof of bond; and
 - d. The Director, Office of Professional Responsibility directs such actions, as set forth in paragraph 23.
6. **Delegated to:** SB/SE Director, Examination Legislative Program Coordination
 7. **Redelegation:** This authority may not be redelegated.
 8. **Authority:** To propose denial of certification and issue notices of proposed denial of certification.
 9. **Delegated to:** SB/SE Director, Examination Legislative Program Coordination
 10. **Redelegation:** This authority may not be redelegated.
 11. **Authority:** To suspend CPEOs, propose revocation of certification, and issue notices of suspension and proposed revocation of certification.
 12. **Delegated to:** SB/SE Director, Examination Legislative Program Coordination
 13. **Redelegation:** This authority may not be redelegated.

14. **Authority:** To lift suspension and withdraw proposed revocation of an existing CPEO's certification in situations in which the CPEO has submitted a request for review of the proposed revocation and the request for review has demonstrated that the CPEO's actions have cured or will cure the failure(s) that led to the suspension and proposed revocation and will prevent the failure(s) from reoccurring.
15. **Delegated to:** SB/SE Director, Examination Legislative Program Coordination
16. **Redelegation:** This authority may not be redelegated.
17. **Authority:** To approve Form 14751, *Certified Professional Employer Organization Surety Bond*. The Form 14751 must identify the penal sum and be signed by the principal(s) and surety, among other requirements.
18. **Delegated to:** SB/SE Director, Examination Legislative Program Coordination
19. **Redelegation:** This authority may not be redelegated.
20. **Authority:** To revoke existing CPEO certifications and issue notices of final revocation of certification.

This authority involves the following situations:

- a. A CPEO has not responded within 30 days to a request for additional information relating to existing certification,
 - b. A CPEO does not request review of the notice proposed revocation of certification, and
 - c. The Director, Office of Professional Responsibility has directed such actions, as set forth in paragraph 23.
21. **Delegated to:** SB/SE Director, Examination Legislative Program Coordination
 22. **Redelegation:** This authority may not be redelegated.
 23. **Authority:** To consider requests for review of the IRS's proposed denials of certification and the IRS's proposed revocations of certification in situations in which the CPEO applicant or CPEO has requested review of the IRS's proposal.

This authority includes, but is not limited to:

- a. Directing the issuance of a notice of certification if the IRS's proposed denial of certification is not sustained.
- b. Directing the issuance of or issuing a notice of final denial if the IRS's proposed denial of certification is sustained.
- c. Directing that a suspension be lifted and a proposed revocation be withdrawn if the IRS's proposed revocation is not sustained.

- d. Directing the issuance of or issuing a notice of final revocation if the IRS's proposed revocation is sustained, or is only sustained in part.
24. **Delegated to:** Director, Office of Professional Responsibility (OPR)
25. **Redelegation:** This authority may be redelegated to IRS OPR Supervisory Attorney-Advisors (IR-0905-1 or IR-0905-4), or equivalent position. The authority may not be further redelegated.
26. **Authority:** To waive the electronic filing requirements contained in 26 CFR 31.3511-1(g)(2)(i) (Proposed) and Revenue Procedure 2017-14, Section 2.06(2) (or its successor), upon a request submitted by a CPEO, or to deny such request.
27. **Delegated to:** SB/SE Director, Examination Legislative Program Coordination
28. **Redelegation:** This authority may not be redelegated.
29. **Source of Authority:** IRC 3511, IRC 7705, 26 CFR 31.3511-1 (Proposed), 26 CFR 301.7705-1T, 26 CFR 301.7705-2T, Revenue Procedure 2016-33, Revenue Procedure 2017-14, and Treasury Order 150-10.
30. To the extent that the authority previously exercised consistent with this order may require ratification, it is hereby approved and ratified.
31. **Signed:** Kirsten B. Wielobob, Deputy Commissioner for Services and Enforcement