



ITG News



Keeping First Nations Informed

January 2008

Publication 4267D

Catalog Number 37831N

Great Plains Edition

Message from the Director

We recently published the results from our fifth annual Customer Satisfaction Survey, and a summary is included in an article in this issue of ITG News. One of the questions posed in the survey seeks tribal input on our role in helping address the individual tax issues faced by tribal members. It has always been cited as an area where we need to improve.

One of the difficulties we face in helping address member issues is that we have no authority over individual federal tax issues. Individual tax matters are assigned to our Wage and Investment, and our Small Business/Self-Employed Divisions. Thus, our role is somewhat limited, but we continue to make efforts to raise issues within the Service, and to assist tribal members with information they need to be fully compliant with federal tax requirements. We have also forged a relationship with the Taxpayer Advocate Service that is designed to elevate systemic problems that are adversely impacting tribal members.

One current example of both the problems we all face, and the steps we are taking to assist on tribal member issues, involves notices that were being issued to tribal members proposing to assert self employment tax on per capita distributions of net gaming revenues. Although we had developed specific language to describe these distributions on Forms 1040, our campuses were issuing notices that proposed to subject these reported payments to social security through the imposition of self employment tax. This is clearly erroneous, and when it was raised to our attention, we took the following steps:

- We contacted the Taxpayer Advocate Service who immediately intervened to correct the computer programming error that was causing the notices to be issued.
- We posted information as the headline on our web site instructing tribes what action to take if tribal members received the erroneous notices.
- We set up internal procedures to collect information from the tribes in regard to the notices, and ensure the notices were promptly reversed.

If you have experienced this issue, I apologize on behalf of the Service, and I urge you to contact your assigned ITG Specialist so that we can resolve the matter. Although ITG cannot control every contact that originates from the Internal Revenue Service, we are committed to resolving unique problems that affect tribes and tribal members.

Christie Jacobs



....ITG is committed to resolving unique issues affecting tribes and tribal members....

IN THIS ISSUE	
Message from the Director	1
Customer Satisfaction Survey Results Published	2/3
Four Convicted for Conspiracy, Tax Evasion, and Theft from a Tribe	4
2008 Standard Mileage Rates	5
Social Security 2008 Wage Base Increase	5
Tax Return Preparer Fraud	6
W-2 Replacements and Corrections	7
Electronic IRS for Your Employees	8
Tax Calendar for the 1st Quarter 2008	9/10



Customer Satisfaction Survey Results Published

The Office of Indian Tribal Governments recently completed its fifth annual customer survey. The survey gave us feedback from our customers that allows us to measure customer satisfaction with our products and services and determine areas where we need to effect operational changes.

We want to thank everyone who participated. We received 175 responses, which was slightly less than the prior year survey response rate. We are pleased that the overall level of satisfaction rose from 76% to 77%, but there were a number of issues surfaced where we are undertaking actions to address concerns raised in the survey. This includes, but is not limited to:

- Continuing to develop specific materials for tribal members and tribal employees which explain tax issues that affect them
- Further studying the causes of dissatisfaction in the Southwest and Pacific Northwest
- Increasing education and outreach efforts with the Navajo Chapters
- Monitoring work processes to improve responsiveness to tribal inquiries by ITG staff
- Improving the clarity of examination letters, communicating future actions that might mitigate problems found during examinations, and improving the timeliness of actions taken by ITG during examinations

This is the first survey where we have asked specific questions in regard to Compliance Checks and Examination interactions with ITG. Since examinations represent a significant percentage of the work done by ITG, we will focus extra efforts in regard to that specific feedback.

Past analysis of the ITG customer base revealed similarities between the Alaska Native Villages and the Navajo Chapters. Both segments tend to be remotely located, have smaller government structures, few large business or gaming operations, and meager staff resources. It has been difficult to determine the needs and/or effect lasting solutions for these particular customers. In the past year, ITG implemented several initiatives in Alaska to increase our visibility and impact among the tribal villages. These improvements included purchasing copies of the tax/accounting software used by the villages to increase ITG understanding of reporting issues/problems arising from this software, adding a regional location code to the database so that work can be assigned geographically to minimize repeated travel to remote locations, and attending large state-run events for the Native Villages to distribute job-aids and information. In addition, ITG organized and conducted major payroll and information reporting educational seminars for tribal employees. The survey shows the positive results of these efforts. The customers in Alaska are now showing satisfaction rates comparable to the rest of the United States, while the Navajo Chapters are still reflecting much lower satisfaction. ITG will seek to apply best practices used in Alaska in a focused effort to better assist the Navajo Chapters.

In addition to the overall measures, we also looked at satisfaction by geographic area and by common themes within the survey. The table on the following page shows that analysis, and compares the responses this year with the survey responses from the prior year.

A more complete report on the survey is posted to our web site at www.irs.gov/tribes. We look forward to input at the ongoing Consultation Listening meetings to further assist in determining improvement opportunities. Future issues of ITG News will detail operational changes that we effect in response to the survey feedback.

To add your name or e-mail address to our mailing list, please contact us via e-mail at Carole.M.Oller@irs.gov or call Carole Oller at (605) 787-5650



Customer Satisfaction Survey Scores- by ITG Area

	Eastern		North Central		Southwest		Western		Pacific Northwest		Alaska	
	FY 2006	FY 2007	FY 2006	FY 2007	FY 2006	FY 2007	FY 2006	FY 2007	FY 2006	FY 2007	FY 2006	FY 2007
Burden/ Delivery of Information												
Satisfied	83%	85%	72%	71%	56%	58%	76%	83%	82%	55%	57%	71%
Neutral	9%	11%	21%	16%	26%	18%	16%	10%	15%	40%	29%	19%
Dissatisfied	8%	4%	7%	13%	18%	23%	8%	7%	3%	5%	14%	10%
Collaborate												
Satisfied	72%	72%	58%	65%	60%	57%	71%	68%	48%	39%	42%	62%
Neutral	20%	24%	36%	24%	25%	24%	20%	18%	40%	48%	43%	29%
Dissatisfied	8%	4%	6%	11%	15%	19%	8%	14%	12%	12%	15%	8%
Recognition												
Satisfied	82%	84%	72%	70%	69%	59%	84%	77%	73%	50%	52%	69%
Neutral	11%	14%	22%	23%	20%	34%	10%	13%	23%	36%	38%	24%
Dissatisfied	8%	2%	5%	7%	11%	6%	5%	9%	4%	14%	10%	7%
Protocol/ Horizontal Equity												
Satisfied	88%	82%	71%	90%	69%	66%	79%	83%	66%	57%	57%	72%
Neutral	6%	14%	25%	9%	25%	27%	17%	12%	26%	31%	36%	23%
Dissatisfied	5%	5%	4%	1%	6%	7%	3%	5%	8%	12%	8%	5%
Accuracy/ Timeliness/ Honesty												
Satisfied	73%	69%	49%	65%	55%	51%	72%	74%	63%	47%	48%	61%
Neutral	21%	25%	40%	27%	28%	33%	24%	10%	31%	41%	40%	32%
Dissatisfied	6%	6%	11%	8%	18%	16%	4%	16%	6%	13%	12%	8%
Overall Satisfaction												
Satisfied	88%	90%	78%	76%	73%	59%	86%	86%	85%	56%	59%	75%
Neutral	4%	10%	22%	12%	15%	32%	8%	5%	8%	33%	33%	23%
Dissatisfied	8%	0%	0%	12%	12%	9%	5%	8%	8%	11%	8%	2%
Compliance Action - Overall Satisfaction												
Satisfied		67%		80%		86%		78%		43%		70%
Neutral		17%		7%		0%		9%		33%		22%
Dissatisfied		17%		13%		14%		13%		24%		7%
Compliance Action - Initial Meeting												
Satisfied		78%		95%		92%		90%		71%		87%
Neutral		10%		3%		8%		1%		25%		12%
Dissatisfied		13%		3%		0%		8%		4%		0%
Compliance Action - Subsequent Interactions												
Satisfied		74%		70%		80%		84%		56%		89%
Neutral		17%		13%		0%		4%		36%		11%
Dissatisfied		9%		17%		20%		13%		8%		0%
Compliance Action - Final Resolution												
Satisfied		68%		67%		67%		92%		43%		71%
Neutral		12%		25%		7%		8%		43%		19%
Dissatisfied		20%		8%		27%		0%		14%		10%



Four Convicted for Conspiracy, Tax Evasion, and Theft from the Kickapoo Traditional Tribe of Texas

In mid-October, a federal jury convicted Kickapoo Traditional Tribe of Texas gaming representative Isidro Garza, Jr., his son, former State Representative Timeteo Garza and Kickapoo Lucky Eagle Casino manager Arthur Lee Martin for scheming to steal over \$2 million from the casino as well as the tribe itself. Isidro's wife, Martha Garza, was convicted along with her husband and son of tax evasion and a related conspiracy charge.

In all, the jury convicted:

- Isidro Garza, Jr., of one count of conspiracy to commit theft from an Indian tribal organization and by officers and employees of Gaming Establishments on Indian lands, two substantive counts of theft from an Indian tribal organization, five substantive counts of theft by officers and employees of Gaming Establishments on Indian lands, one count of conspiracy to defraud the Internal Revenue Service and four counts of tax evasion. As a result, Isidro Garza faces up to 55 years in federal prison.
- Martha Garza of one count of conspiracy to defraud the Internal Revenue Service plus four counts of tax evasion. As a result, Martha Garza faces up to 25 years in federal prison.
- Timeteo Garza of one count of conspiracy to commit theft from an Indian tribal organization and by officers and employees of Gaming Establishments on Indian lands, two counts of theft by officers and employees of Gaming Establishments on Indian lands and one count of conspiracy to defraud the Internal Revenue Service. As a result, Timeteo Garza faces up to 20 years in federal prison.
- Arthur Lee Martin of one count of conspiracy to commit theft from an Indian tribal organization and by officers and employees of Gaming Establishments on Indian lands and two counts of theft by officers and employees of Gaming Establishments on Indian lands. As a result, Martin faces up to 15 years in federal prison.

The jury found that between February 13, 1998, and October 28, 2002, the defendants misused tribal credit cards, took cash directly from the casino cash cage and had checks from tribal and casino accounts written to pay for personal expenses.

On May 17, 2007, Raul Garza, Sr., former chairman of the Kickapoo Traditional Tribe of Texas, was sentenced to three years in federal prison and ordered to pay more than \$2 million restitution for his role in the scheme.

ITG was instrumental in bringing this case forward for prosecution, and we remain committed to helping protect tribal assets for the benefit of tribal members by identifying financial abuses. We are pleased to partner with tribes in this regard, and although the outcomes can have short-term pain, the long term effect should make a clear statement that neither tribes nor the federal government will knowingly permit individuals to use tribal assets for their personal gain.

Reporting Abuses/Schemes

We continue to work with tribes and tribal officials to address financial abuses and schemes being promoted in Indian country. Working together can help ensure the integrity of tribal finances, and eliminate the threats posed by individuals with schemes that appear "too good to be true" and often are. If you are aware of financial impropriety, or of a promoter advocating a scheme that appears highly suspect, you can contact the ITG Abuse Detection and Prevention Team at (716) 686-4860, or via e-mail at tege.itg.schemes@irs.gov



2008 Standard Mileage Rate

Beginning January 1, 2008, the standard mileage rates for the use of a car (including vans, pickups or panel trucks) will be:

- 50.5 cents per mile for business miles driven;
- 19 cents per mile driven for medical or moving purposes; and
- 14 cents per mile driven in service of charitable organizations.

These mileage rates are important to employers, such as Tribes, since the rates can be used to calculate reimbursements to employees who incur mileage on behalf of their employer under an Accountable Plan.

The new rate for business miles compares to a rate of 48.5 cents per mile for 2007. The new rate for medical and moving purposes compares to 20 cents in 2007. The rate for miles driven in service of charitable organizations has remained the same. The standard mileage rate for business is based on an annual study of the fixed and variable costs of operating an automobile.

Employee Tip Income Program Questions

ITG has a full-time Tip Coordinator to assist you with any questions about tip reporting agreements. If you are interested in securing a Tip Agreement, have questions concerning your existing agreement, or have received a notice about tip reporting responsibilities that is unclear, please contact Suzanne Perry at (602) 207-8254.

Social Security Announces 2008 Wages Base Increase

Social Security has announced the increase in 2008 for the maximum amount of earnings subject to the Social Security tax. The Social Security wage base will be \$102,000, up from \$97,500 in 2007. Beginning January 1, 2008, employers should withhold Social Security taxes (6.2 percent) from employees' wages up to \$102,000 and withhold the Medicare tax (1.45 percent) on all wages. Employers must match the Medicare tax payments withheld from employees' wages.

Self-Assess Your Federal Tax Compliance Risks

Tribal entities can now self-assess their federal tax compliance and work with ITG to address any problems they uncover. Entities electing to participate receive a fillable template from ITG, and are provided with the name of a local ITG Specialist who will serve as their resource during the process.

Information on the program, as well as an on-line request form, is available through the "Enhancing Federal Tax Compliance" link on the right-hand of the ITG web site landing page at www.irs.gov/tribes, or you can make an inquiry about the program via e-mail to tege.itg.tefac@irs.gov



Tax Return Preparer Fraud

Return preparer fraud generally involves the preparation and filing of false income tax returns by preparers who claim inflated personal or business expenses, false deductions, unallowable credits or excessive exemptions on returns prepared for their clients. This includes inflated requests for the special one-time refund of the long-distance telephone tax. Preparers may also manipulate income figures to obtain tax credits, such as the Earned Income Tax Credit, fraudulently.

In some situations, the client (taxpayer) may not have knowledge of the false expenses, deductions, exemptions and/or credits shown on their tax returns. However, when the IRS detects the false return, the taxpayer—not the return preparer—must pay the additional taxes and interest and may be subject to penalties.

The IRS Return Preparer Program focuses on enhancing compliance in the return-preparer community by investigating and referring criminal activity by return preparers to the Department of Justice for prosecution and/or asserting appropriate civil penalties against unscrupulous return preparers.

While most preparers provide excellent service to their clients, the IRS urges taxpayers to be very careful when choosing a tax preparer. Taxpayers should be as careful as they would be in choosing a doctor or lawyer. It is important to know that even if someone else prepares a tax return, the taxpayer is ultimately responsible for all the information on the tax return.

Helpful Hints When Choosing a Return Preparer

- Be careful with tax preparers who claim they can obtain larger refunds than other preparers.
- Avoid preparers who base their fee on a percentage of the amount of the refund.
- Use a reputable tax professional who signs your tax return and provides you with a copy for your records.
- Consider whether the individual or firm will be around to answer questions about the preparation of your tax return months, or even years, after the return has been filed.
- Review your return before you sign it and ask questions on entries you don't understand.
- No matter who prepares your tax return, you (the taxpayer) are ultimately responsible for all of the information on your tax return. Therefore, never sign a blank tax form.
- Find out the person's credentials. Only attorneys, CPAs and enrolled agents can represent taxpayers before the IRS in all matters including audits, collection and appeals. Other return preparers may only represent taxpayers for audits of return they actually prepared.
- Find out if the preparer is affiliated with a professional organization that provides its members with continuing education and resources and holds them to a code of ethics.
- Ask questions. Do you ever know anyone who has used the tax professional? Were they satisfied with the service they received?



W-2 Replacements and Corrections: Best Practices

Even though you probably have not even given your employees their Form W-2, *Wage and Tax Statement*, it's not too early to strategize how you'll handle requests for replacements or corrections. Make it easy on yourself. Devise a form for employees to complete to request a replacement or correction. This will decrease your time on the phone, taking details, such as an employee's new mailing address. In such a case, you may send a copy of the original W-2; you don't need to correct the address on the W-2.

Corrections

If something was reported incorrectly on a W-2, you'll need to prepare a W-2c, *Corrected Wage and Tax Statement*, and give copies to the employee and the Social Security Administration (SSA). You must complete Boxes a-b and d-g (tax year and basic employer/employee information). The numbered boxes (1-20) correspond to the box numbers on the W-2. For example, "Wages, tips, other compensation" goes in Box 1 on the W-2, and any corrections go in the tow boxes for Box 1 on the W-2c, indicating the "Previously reported" amount and the "Corrected information." Any boxes for which no correction is necessary should be left blank.

Can You Correct Tax Amounts?

If you have over-withheld Social Security or Medicare tax from an employee, you must refund the excess to the employee and correct the wages and tax amounts on Form W-2c. (You'll also make an adjustment to your next Form 941, *Employer's Quarterly Federal Tax Return*, to get that money back, along with the employer-matching taxes, form IRS).

However once federal and state income taxes have been deposited, you generally cannot correct those amounts via a W-2c. If an employee was over-withheld, he or she will get those taxes back after filing a personal income tax return.

Submitting Your Forms W-2c

Send your Forms W-2c to the SSA along with a Form W-3c, *Transmittal of Wage and Tax Statements*. Boxes a-e (basic employer information) are mandatory. The numbered boxes correspond to the numbered boxes on the Forms W-2c. Insert totals of any amounts reported on Forms W-2c. However, for Box 12, "Coded items," you'll enter a total of only the amount for codes D through H, S, AA, and BB.

Follow-up Steps

For each W-2c, you need to consider whether you need to:

- Make an adjustment on your next Form 941, and whether that adjustment needs to be supported by a Form 941c, *Supporting Statement to correct Information*;
- Send copies to the state revenue agency, along with a corrected annual reconciliation (if only state and local data is corrected, the W-2c does not go to SSA); and
- Amend your state unemployment insurance return.

Prepare W-2c Online!

You can prepare and file Forms W-2c (as well as Forms W-2) on the SSA's Business Services Online (BSO) website <http://www.ssa.gov/employer/how.htm>. It also allows you to print copies for your employees and any state agencies.



Recommend Electronic IRS for Your Employees' Tax Needs

With the official start of the 2007 tax filing season just around the corner, it's not too early to share with your employees all the resources Electronic IRS has to offer that can assist them with their tax filing needs. Created as part of the overall goal to make the Internal Revenue Service more assessable to taxpayers, Electronic IRS is where employees can find information on filing their tax returns electronically and some may be able to file free through Free File.



IRS *e-file* is an easy and accurate way to submit tax returns to the IRS, without the hassles of filling out forms. With *e-file*, taxpayers are given the flexibility to electronically file their returns through either a tax professional or on their own, using tax preparation software and an Internet connection on their personal computer, *e-file* comes with many benefits, including:

- **A faster refund:** Taxpayers who file electronically receive refunds in half the time than when filing by paper. Taxpayers can expect to receive refunds in as little as 10 days with Direct Deposit.
- **Convenience:** Taxpayers can e-file at their convenience. *e-file* is available 24 hours a day, 7 days a week.
- **E-file now/Pay later!:** Taxpayers who file electronically can simultaneously e-file and e-pay for a future date in a single step by authorizing an electronic funds withdrawal or paying by credit card. To avoid penalties, be sure to pay on or before April 15, 2008.
- **One-stop filing:** Most taxpayers can e-file both their federal and state tax returns at the same time.

Most importantly, *e-file* is safe. In its 20 year existence, more than half a billion individual tax returns have been received by the IRS.

Free File



As an added bonus, employees may qualify to e-file their federal tax returns for FREE. If they make \$54,000 or less in 2007, they can electronically file their federal tax return using Free File (<http://www.irs.gov/efile/article/0,,id=118986,00.html?portlet=2>), an online tax preparation program offered by the IRS and 20 industry-leading tax preparation companies.

Free File offers the same benefits as *e-file*, and 70% of taxpayers qualify to use it. Like e-file, Free File is available 24 hours a day, 7 days a week, but, can only be accessed by going to <http://www.IRS.gov> and clicking on Free File.

The IRS has set its priorities to make itself more accessible by increasing the number of electronic options available to its customer. Electronic IRS offers a host of different options, making it an incredibly valuable resource for tax information.



Federal Tax Calendar for First Quarter 2008

January 2008

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 	2	3 * Make a deposit for 12/26-12/28	4 * Make a deposit for 12/29-1/1	5
6	7 	8	9 Make a deposit for 1/2-1/4	10 Employees report December tip income to employers if \$20 or more	11 * Make a deposit for 1/5-1/8	12
13	14	15 ** Make a deposit for December if under the monthly deposit rule	16 * Make a deposit for 1/9-1/11	17	18 * Make a deposit for 1/12-1/15	19
20	21	22	23	24 * Make a deposit for 1/16-1/18	25 * Make a deposit for 1/19-1/22	26
27	28	29	30 * Make a deposit for 1/23-1/25	31 		

February 2008

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 * Make a deposit for 1/26-1/29	2
3	4	5	6 * Make a deposit for 1/30-2/1	7	8 * Make a deposit for 2/2-2/5	9
10	11 Employees report January tip income to employers if \$20 or more	12 	13 * Make a deposit for 2/6-2/8	14 	15 * Make a deposit for 2/9-2/12 ** Make a deposit for January if under the monthly deposit rule	16
17		19	20	21 * Make a deposit for 2/13-2/15	22 * Make a deposit for 2/16-2/19	23
24 	25	26	27 * Make a deposit for 2/20-2/22	28	29 * Make a deposit for 2/23-2/26	

* = Make a Payroll Deposit if you are under the semi-weekly deposit rule.

**= Make a Monthly Deposit if you qualify under that rule.

9 NOTE: Deposits made through EFTPS must be initiated at least one day prior to the due dates listed above in order to be timely.



March 2008

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5 * Make a deposit for 2/27-2/29	6	7 * Make a deposit for 3/1-3/4	8
9 	10 Employees report February tip income to employers if \$20	11	12 * Make a deposit for 3/5-3/7	13	14 * Make a deposit for 3/8-3/11	15
16	17 ** Make a deposit for February if under the monthly deposit rule	18	19 * Make a deposit for 3/12-3/14	20 	21 * Make a deposit for 3/15-3/18	22
23 	24	25	26 * Make a deposit for 3/19-3/21	27	28 * Make a deposit for 3/22-3/25	29
30	31					

* = Make a Payroll Deposit if you are under the semi-weekly deposit rule. NOTE: Deposits made through EFTPS must be initiated at least one day prior to the due dates listed above in order to be timely.
 **= Make a Monthly Deposit if you qualify under that rule.

Return Filing Dates

January 2nd

- > File Form 730 and pay the tax on applicable wagers accepted during November 2007.

January 31st

- > File Form 941 for the 4th quarter of 2007. If all deposits are paid on time and in full, file by February 11th.
- > If pre-qualified for simplified payroll filing, file Form 944. If all deposits are fully paid on time, file by February 11th.
- > File Form 940 for 2007 if liable for Federal Unemployment Tax (not participating or current with state unemployment tax). If all deposits are paid on time and in full, file by February 11th.
- > File Form 730 and pay the tax on applicable wagers accepted during December.
- > File Form 945 for 2007. If all deposits are paid on time and in full, file by February 11th.
- > File Form 943 for 2007 (agricultural entities). If all deposits are paid on time and in full, file by February 11th.

February 28th

- > File information returns for all payments reported to recipients on Forms 1099, 1098, 5498, and W-2G, using Form 1096 as a transmittal. If filing these forms electronically, file by March 31st.

February 29th

- > File Form W-3, along with copy A of Forms W-2 you issued for 2007. File by March 31st if filing electronically.
- > File Form 730 and pay the tax on applicable wagers accepted during January.
- > File Form 8027 if you are a large food and beverage establishment. File by March 31st if filing electronically.

March 31st

- > File Form 730 and pay the tax on applicable wagers accepted during February.