

Director's Farewell Message to Tax Professionals

After 48 continuous years in various professional capacities, thirty-six in the practice of law, the last six as Director of the Office of Professional Responsibility, I have decided to take a little "holiday". My retirement resignation has been tendered to, and accepted by, Commissioner Koskinen, and we have agreed that my last day as an IRS employee will be July 11, 2015.

When Commissioner Shulman asked me to assume the position of Director, OPR, we shared a vision and multiple goals. The vision was to bring reasonable but firm oversight to the unregulated return preparer industry to ensure tax return preparers were both competent and scrupulous in their dealings with the nation's taxpayers and with the tax administration system. The goals were to enhance the credibility, visibility and stature of the Office of Professional Responsibility and Circular 230 at all levels of professional tax practice.

While the vision has yet to be achieved, I believe the goals have not only been reached, but surpassed. There can be no doubt that recognition of the Office and the Regulations Governing Practice before the IRS has increased exponentially in the past six years. Six years ago when I gave my first speeches (whether to tax professionals or to IRS personnel) few (outside the Enrolled Agent ranks) knew what the OPR was or did. Many tax professionals had no idea what Circular 230 was, or that they were subject to its jurisdiction. Even fewer had any idea how the disciplinary process worked: "black hole", "star chamber", "backwater" were the terms that were routinely floated when OPR/Cir 230 were mentioned.

For the past six years, I, and other members of the OPR staff, have averaged over 100 speeches/presentations a year to audiences ranging from unlicensed/unenrolled return preparers, to tax professionals in the largest law and accounting firms in the country, to IRS field personnel at all levels. These efforts touched about 60,000 people annually and resulted in tax professionals not only knowing about OPR and Circular 230, but actually considering the standards embodied in the regulations BEFORE giving advice, taking a position, preparing a return, engaging a client, making a submission. I am hopeful that the pylons have been sunk sufficiently to ensure a solid foundation for those who come after me.

I have had the pleasure to meet and talk with literally thousands of you at this juncture. I know you are solid ethical and professional people making every effort to serve your clients and tax administration in appropriate ways. It is important as you continue in your profession that you remain mindful of the overriding broad ethical principles contained in Circular 230 and resist the temptations to "get away with" the behavior less scrupulous individuals use to lure and keep clients. The recent litigation setbacks associated with tax return preparer regulation have been discouraging for all of us. Unfortunately, I have no crystal ball on the topic. I do know, however, that it is crucial for those of you who believe an ethical, fair, transparent and credible tax administration system is absolutely essential to this country to continue to practice your trade at the highest level and to press others for the same.

If our paths cross in other contexts, I hope you will stop to say "hello".