

A tax practitioner who has failed to report off shore income or bank accounts may apply to the Internal Revenue Service to be included in the Voluntary Disclosure Program. If the practitioner is otherwise qualified, and the application is received before the deadline of September 23rd, the policy of the IRS is to not recommend criminal prosecution. In addition, the practitioner can expect that the civil tax resolution relating to the unreported income will conform to the guidelines issued by the IRS when the Offshore Voluntary Disclosure Program (“OVDP”) was announced last spring.

Nothing in the OVDP guidelines addresses possible sanctions under the provisions of Circular 230 governing practice before the IRS. In examining returns submitted in conjunction with the OVDP, IRS Revenue Agents will follow established procedures. That is, they will review and refer appropriate cases to the Office of Professional Responsibility. At that time, the Office of Professional Responsibility will conduct its own investigation and determine the appropriate sanction based on all the facts and circumstances of a particular case.