

2011

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IRS Nationwide



Research and Rescue: online aid for tax practitioners

Presented on behalf of NAEA by
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Circular 230 § 10.22

Diligence as to accuracy

(a) In general. A practitioner must exercise due diligence —

(1) In preparing or assisting in the preparation of, approving, and filing tax returns, documents, affidavits, and other papers relating to Internal Revenue Service matters;

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Circular 230 § 10.22

Diligence as to accuracy

- (2) In determining the correctness of oral or written representations made by the practitioner to the Department of the Treasury; and
- (3) In determining the correctness of oral or written representations made by the practitioner to clients with reference to any matter administered by the Internal Revenue Service.



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IRS expects you to follow “best practice”

Establish the facts, determine which facts are relevant, evaluate reasonableness of any assumptions or representations,

Relate the applicable law (including potentially applicable judicial doctrines) to the relevant facts, and

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IRS expects you to follow “best practice”

Once you establish the facts and relate the applicable law:

- Arrive at a conclusion supported by the law and the facts.
- Advise the client regarding the importance of the conclusions reached.



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That's all well & good but...

Where do you find “applicable law?”

Where do you find “authority?”

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What are Authorities?

While the code is the law, it is rare that a question is straightforward enough to be answered directly from it. That's why regulatory and administrative resources are essential.

The key to drawing conclusions.....is understanding the significance of the documents you evaluate.

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Authorities

The primary authority for any tax position is the Internal Revenue Code.

- Various judicial and administrative resources interpret the IRC, but each carries a different degree of authority.

“Commentary and Analysis” are not authority. IRS publications and forms are not authority.

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Authority for Purposes of Penalty Avoidance Reg. Sec. 1.6662-4(d)(iii)

the IRC and other statutory provisions;
temporary, proposed & final regulations;
revenue rulings and revenue procedures;
tax treaties and regulations and other
official explanations of the treaties;

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Authority for Purposes of Penalty Avoidance Reg. Sec. 1.6662-4(d)(iii)

Congressional intent per committee reports;
letter rulings and technical advice
memoranda;
actions on decisions and general counsel
memoranda;

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Authority for Purposes of Penalty Avoidance Reg. Sec. 1.6662-4(d)(iii)

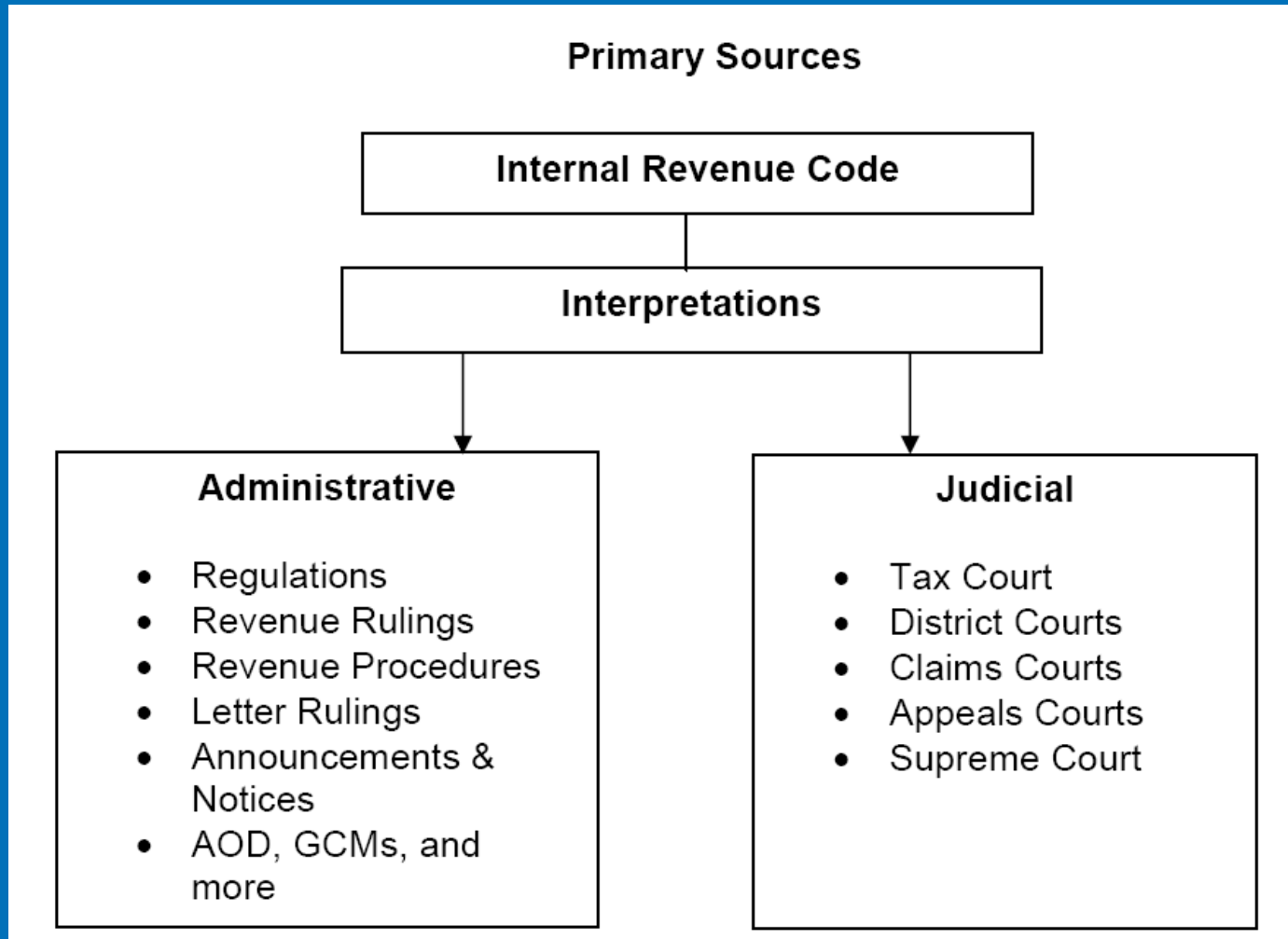
information or press releases, notices, announcements and any other similar docs published in the Internal Revenue Bulletin (when indicated as such); and general explanations of tax legislation prepared by the Joint Committee on Taxation (the Blue Book).

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More on Authority



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Links to Authority

Find Tax Code, Regulations and Official Guidance:

- on IRS website at Tax Professional tab

Find Tax Court cases:

- <http://www.ustaxcourt.gov>

Find other court cases:

- <http://www.findlaw.com/casecode>

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The IRS Website

The vast majority of documents you find on the IRS website do not constitute “authority.”

They do help you get pointed in the direction of finding a path toward “a reasonable basis” or “substantial authority” for positions you take on tax returns or advice for clients.

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Searching for Answers

Change Text Size | Contact IRS | About IRS | Site Map | Español | Other Languages | Help

IRS.gov

Advanced Search Search Tips

Individuals | Businesses | Charities & Non-Profits | Government Entities | Tax Professionals | Retirement Plans Community | Tax Exempt Bond Community

Forms and Publications >>

Top Forms and Publications:

1. [Form 4868](#)
2. [Form 1040](#)
3. [Form 1040EZ](#)
4. [Schedule M \(Form 1040 or 1040A\)](#)
5. [2011 Form W-4](#)

Online Services >>

- Find a Free File Provider
- Find an e-file Provider
- Request an Electronic Filing PIN
- Check on Your Refund
- Apply for an Online Payment Agreement (OPA)
- Apply for an Employer Identification Number (EIN) Online
- Estimate Your Withholding
- Order a Tax Return or Account Transcript

Offshore Assets

New Initiative Announced
Those hiding assets offshore have through Aug. 31, 2011 to come forth.

[2011 Voluntary Disclosure Initiative](#)
Information on voluntary disclosure for taxpayers and preparers.

[Frequently Asked Questions](#)
Answers to issues related to offshore voluntary disclosure.

5 of 5

I Need To >>

- e-file My Return for Free
- Sign up for a PTIN
- Get a Copy of My Return
- Understand My Notice or Letter
- Report Phishing

Filing and Payments >>

- where's my refund?
- freefile
- e-file
- EFTPS

More Information

- Newsroom
- IRS New Media
- Frequently Asked Questions
- Taxpayer Advocate Service
- Tax Stats

Got an Extension? Use Free File to Do Your Tax Return Before Oct. 17
Let Free File do the hard work for you with brand-name software or online fillable forms.

Don't Fall Prey to the 2011 Dirty Dozen Tax Scams
IRS has compiled a list of the worst tax-related scams for this year.

Affordable Care Act Tax Provisions
Law expands health coverage for children under 27, encourages small businesses to cover employees.

Special Interest

- Military Homebuyers' Apr 30 Deadline**
Military and certain vets who were overseas may get homebuyer credit.
- Get Ready for the Tax Forums**
Six cities nationwide. 18 CPE credits. Register early and save.

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Site Map vs. Search Box

The screenshot shows the IRS.gov website interface. At the top, there is a navigation bar with links for Home, Change Text Size, Contact IRS, About IRS, Site Map, Español, and Help. Below this is a search box with a magnifying glass icon and a 'SEARCH' button. To the right of the search box are links for 'Advanced Search' and 'Search Tips'. Below the search bar is a horizontal menu with categories: Individuals, Businesses, Charities & Non-Profits, Government Entities, Tax Professionals, Retirement Plans Community, and Tax Exempt Bond Community.

The main content area is titled 'Site Map' and is organized into four columns:

- IRS Resources:**
 - Compliance & Enforcement
 - Contact My Local Office
 - e-file
 - Forms and Publications
 - Newsroom
 - Frequently Asked Questions
 - Taxpayer Advocate Service
 - Where To File
- Individuals:**
 - 1040 Central
 - Abusive Tax Shelters
 - Earned Income Tax Credit
 - Farmers
 - Frequently Asked Questions (FAQ)
 - Health Coverage Tax Credit
 - Seniors & Retirees
 - Students
 - Self-Employed
 - Tax Exempt Bonds
 - Tax Topics
 - Tax Trails
 - Trusts & Estates
 - Volunteer Tax Preparers
- Businesses:**
 - Charities & Non-Profits
 - Closing a Business
 - Corporations
 - Employer ID Numbers
 - Employment Tax
 - Industries/Professionals
 - International Businesses
 - Operating a Business
 - Partnerships
 - Small Business/Self-Employed
 - Starting a Business
- Charities & Non-Profits:**
 - Abusive Transactions
 - Application Process
- Tax Professionals:**
 - Advance Notice for Tax Professionals
 - e-file Providers
 - Enrolled Actuaries
 - Enrolled Agents
 - Internal Revenue Bulletins (PDF)
 - IRB 2003-27 to Present (HTML)
 - Internal Revenue Manual
 - Resources for Tax Professionals
 - SSA/IRS Reporter
 - Subscription Services
 - Tax Law Issues, Nibbles, & Bytes
 - Tax Pro News and Events
- The Newsroom:**
 - Armed Forces
 - Around The Nation
 - Current Filing Season Tips
 - Disaster Relief
 - e-News Subscriptions
 - Fact Sheets
 - Facts & Figures
 - Freedom of Information
 - IRS - The Basics
 - IRS Guidance
 - IRS Modernization
 - Media Contacts
 - News Releases
 - Offshore Compliance
 - Problem Alerts
 - Scams / Consumer Alerts
 - Tax Shelters
 - What's Hot

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Basic Tools for Tax Professionals

Information You Need to File Returns for Your Clients

Your Responsibilities As A Tax Professional

Campus Responsibilities and Operations



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Basic Tools for Tax Professionals

Representing Your Client Before the IRS
After Returns Have Been Filed

IRS Collection Tools and Your Clients'
Rights

Frequently Used Telephone Numbers for
Practitioners



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FOIA and the IRS Electronic Reading Room

IRS Resources

- [Compliance & Enforcement](#)
- [Contact My Local Office](#)
- [e-file](#)
- [Forms and Publications](#)
- [Newsroom](#)
- [Frequently Asked Questions](#)
- [Taxpayer Advocate Service](#)
- [Where To File](#)

Electronic Reading Room

Those records currently available electronically from the IRS are listed by subject category below:

[About the Electronic Reading Room](#)

Published Tax Guidance

- [Advance Releases](#)
Early distribution of some IRB materials before they are published in the IRB.
- [Applicable Federal Rate \(AFR\) revenue rulings](#)
- [Final or Temporary Regulations \(Treasury Decisions\) and Proposed Regulations](#)
- [IRS Publications & Notices](#)
- [Internal Revenue Bulletins \(IRB\)](#)
Weekly compilations of Revenue Rulings, Revenue Procedures, Announcements, and Notices.
... [PDF format](#) (1990 to present)
... [HTML format](#) (July 7, 2003 to present)

Admin Manuals & Instructions

- [Appeals Coordinated Issues \(ACI\)](#)
- [Chief Counsel \(CC\) Notices](#)
- [Internal Revenue Manual \(IRM\)](#)
- [LB&I Coordinated Issues](#)
- [LB&I Industry Director Guidance](#)
- [Recent Delegation Orders and Policy Statements](#)
- [Recent Interim Guidance to Staff](#)
- [Taxpayer Advocate Service Level Agreements](#)

Program Plans & Reports

- [Annual Performance Plan](#)
- [Art Appraisal Services Annual Summary Reports](#)
- [Emailed CCA Reports](#)
- [FOIA Annual Reports](#)
- [IRS Strategic Plan](#)
- [Priority Guidance Plan](#)
- [Private Impact Assessments](#)
- [Treasury Inspector General for Tax Admin. \(TIGTA\) Annual Audit Plans](#)

Non-precedential Rulings & Advice

- [Actions on Decisions \(AOD\)](#)
- [Appeals Settlement Guidelines](#)
- [Chief Counsel Bulletins](#)
- [Exempt Org. Field Memorandums](#)
- [General Counsel Memoranda](#)
- [Information Letters](#)
- [IRS Written Determinations](#)
Private Letter Rulings (PLR), Technical Advice Memorandum (TAM), & Chief Counsel Advice (CCA)
- [Legal Advice Issued by Associate Chief Counsel](#)
- [Legal Advice Issued by Field Attorneys](#)
- [Legal Advice Issued to Program Managers](#)

Training & Reference Materials

- [Advance Pricing Agreement \(APA\) Training Materials](#)
- [CCA Check Training Material](#)
- [Chief Counsel Advice \(CCA\) Training Materials](#)
- [Disclosure & Privacy Law Reference Guide](#)
- [EO Tax Law Training Articles](#)
- [Market Segment Specialization Program \(Audit Techniques Guides\)](#)
- [Tax Crimes Handbook](#)

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