Taxpayer Penalties Strategies in Client Representation

By:
Professor David L. Rice, Esq., California Polytechnic State University
John Colvin, Esq.,
Henry Schneiderman, Special Counsel to IRS Chief Counsels Office
Stuart D. Murray, Special Counsel to the Director, Office of Professional Responsibility, for the IRS
May 2013

Accuracy Related Penalty

- Overview of Penalties, including the various defenses that can be implemented.
- Office of Servicewide Penalties (OSP) and Consolidated Penalty Handbook.
- Administrative Waivers
- Reliance on Tax Practitioners
- Franchise Tax Board – Similarities and Differences with the IRS

Types of Penalties

- General overview of the different types of penalties of which there are over 160.
  - Delinquency Penalties asserted under IRC §§6651, 6653, 6654 and 6658.
  - Accuracy Related Penalties under IRC §§6662 and 6662A; the Fraud Penalty under 6663 and 6676 for erroneous claims for refunds or credits.
  - Return Preparer Penalties under IRC §§6694, 6695, 6713 and 7216.
  - Tax Shelter Penalties under IRC §§6700, 6701, 6702, 6707, 6707A, 6708 and 7408.

Types of Penalties (continued)

- Employment Tax Penalties under IRC §§6672, 6656, 3505 and 7215.
- Information Return Penalties under IRC §§6652, 6721-6724, 6674, 6677-6698 and 6501.
- Miscellaneous Penalties such as the bad check penalty under IRC §6657 or the failure to withhold tax from payments to foreign persons under IRC §1411.
- International penalties such as IRC §§1445 (disposition of real property by foreign persons), 6039C (returns by foreign persons owning U.S. real property, 6048 (creation of a foreign trust by a U.S. person, and 6046A (interest in a foreign corporation owned by a U.S. person).
- Employee Plans and Exempt Organization penalties under IRC §§ 6052(c), 6693 and 6057.

Imposition of Penalties

- Penalties can be asserted:
  - Submission Processing Center when returns are filed (late filing, late payment, estimated tax);
  - During an audit (See IRM 4.10.6)
  - By Revenue Officers
  - During Court Proceedings

- Note that for 2008 for individuals over $4,677,837 in delinquency penalties were abated and $2,091,019 (778,429 cases) in accuracy related penalties were abated.

Accuracy Penalty Provisions

- Section 6662 imposes a 20 percent penalty on underpayments attributable to:
  - Negligence or disregard of rules and regulations,
  - Substantial understatements,
  - Substantial valuation misstatements,
  - Transactions lacking economic substance, and
  - Undisclosed foreign financial asset understatements, among others
  - Penalties jump to 40 percent for gross valuation misstatements, undisclosed economic substance transactions, and undisclosed foreign asset misstatements.
- Section 6662A imposes a 20 percent penalty on reportable transaction understatements, jumping to 30 percent for undisclosed listed transactions
  - Unlike section 6662, this penalty is not based on the amount of additional tax owed, but rather on the "difference in taxable income" between the correct position and the return position
- Section 6676 imposes a 20 percent penalty on "excessive" claims

Penalty Relief

Traditionally, a taxpayer could be wrong on the merits but still avoid an applicable accuracy penalty if the taxpayer showed one or more of the following:

- Reasonable cause and good faith § 6664
- Qualified amended return Treas. Reg. § 1.6664-2(c); § 6662A(e)(3)
- Substantial authority as a defense to a substantial understatement penalty Treas. Reg. § 1.6662-4(d)(1)
- Reasonable basis with adequate disclosure as a defense to a substantial understatement penalty § 6662(d)(2)(B)
- Reasonable basis as a defense to negligence penalty Treas. Reg. § 1.6662-3(b)(1), -(3)
- Realistic possibility of success as a defense to the disregard of rule or regulations penalty, even if position is contrary to a ruling or notice Treas. Reg. § 1.6662-3(b)(2)

Tax Confidence Levels

Standard	Approximate Percentage
Will	Greater than 95%
Should	Greater than 70%
More likely than not	Greater than 50%
Substantial authority	About 40%
Realistic possibility of success	33%
Reasonable Basis	20%
Not Frivolous	Greater than %10%
Frivolous	Less than 10

Considerations for the Practitioner to be Aware of When Setting up a Penalty Defense

- Penalties asserted by the Submission Processing Center
- Penalties Defenses – When to Raise –
  - What defenses are available?
  - When do you raise the penalty defense?
  - If you are brought into the audit, should you contest them with the auditor and/or his manager and/or go to appeals?
  - Should you go to appeals?
  - Should you request a 90 day letter or just wait until the IRS issues a 90 day letter?
  - If you are in tax court – are you better off at appeals or with counsel in resolving penalties?

Relationship of the Imposition of Penalties and the Substantive Issues in the Case

- What are the true substantive issues in the case?
- What types of penalties may be imposed and against whom?
- If the TP concedes the substantive issues, should a penalty automatically be imposed or are there still grounds to contest it?

Relationship of Penalties to Substantive Issues

- Automatic
- Separate
- Functionally Related
- Relationship to Practitioner

Consolidated Penalty Handbook

This IRM section discusses the purpose of penalties and provides the legal authorities, criteria for relief and other general information about penalties. This information is for employees who work with penalties when examining returns, collecting taxes, and other compliance activities. including employees in Small Business Self-Employed (SB/SE) Division, Large Business and International (LB&I) Division, Tax Exempt and Government Entities (TE/GE) Division, Appeals, Criminal Investigation and other IRS offices.

IRM 20.1 is the primary source of authority for the administration of penalties by the IRS. IRS functions may develop additional guidance or reference materials for their specific functional administrative needs. However, such reference material must receive approval from the Office of Servicewide Penalties (OSP) prior to distribution and must remain consistent with the policies and general procedural requirements set forth in IRM 1.2.20.1.1, Policy Statement 20-1 (Formerly P–1–18), at http://irm.web.irs.gov/Part1/Chapter2/Section20/IRM1.2.20.asp, and any other guidance relating to IRS penalties. See also IRM 20.1.1.1.2.

The Office of Servicewide Penalties (OSP) has overall responsibility for coordinating and approving any update to IRM 20.1, Penalty Handbook. OSP's role is to ensure fairness and consistency in penalty administration.

Servicewide Penalty Group

- IRM 20.1.1.1.3:

  All employees should keep the following objectives in mind when handling each penalty case:

  Similar cases and similarly-situated taxpayers should be treated alike.

  Each taxpayer should have the opportunity to have their interests heard and considered.

  Strive to make a good decision in the first instance. A wrong decision, even though eventually corrected, has a negative impact on voluntary compliance.

  Provide adequate opportunity for incorrect decisions to be corrected.

  Treat each case in an impartial and honest way (i.e., approach the job, not from the government's or the taxpayer's perspective, but in the interest of fair and impartial enforcement of the tax laws).

  Use each penalty case as an opportunity to educate the taxpayer, help the taxpayer understand their legal obligations and rights, assist the taxpayer in understanding their appeal rights and, in all cases, observe the taxpayer's procedural rights.

  Endeavor to promptly process and resolve each taxpayer's case.

  Resolve each penalty case in a manner which promotes voluntary compliance.

Abatement of Penalties Under the Consolidated Penalty Handbook

Generally, relief from penalties falls into four separate categories:

- Reasonable cause
- Statutory exceptions
- Administrative waivers
- Correction of Service error

Appeals may recommend the abatement or non-assertion of a penalty based on these four criteria as well as "hazards of litigation."

In the interest of fairness, the IRS will consider requests for penalty relief received from third parties, including requests from representatives without an authorized power of attorney. While information may be accepted, no taxpayer information may be discussed with a third party unless a valid power of attorney or other acceptable authorization is secured in writing from the taxpayer. See IRM 20.1.1.3.

If additional information is needed, contact the taxpayer or the taxpayer's authorized representative.

If the validity of the request is questionable, contact the taxpayer.

In all cases involving third party requests for penalty relief, advise the taxpayer of the request and the action taken.

Accuracy Related Penalty- Reliance on a Professional

- Reliance on a tax advisor is often the basis for reasonable cause, but it is not automatic.
  - Cannot rely where the TP knew or should have known that a conflict existed or the tax advisor lacked expertise in the area.
  - Generally limited to those cases where the law is complex and technical.
  - The agent should consider the following:
    - Did the taxpayer reasonably rely upon the advice?
    - Did the taxpayer provide the tax professional with adequate and accurate information?
    - Was the advice in response to a specific request?
    - Supporting documentation such as written advice from the advisor.
    - On tax shelters cannot rely upon those are are disqualified under IRC §6664(d).
    - If advisor deemed to be a promoter, no court has yet to find reasonable cause.

Avoiding Reasonable Cause and Reliance on a Tax Professional

- The *Boyle* court did endorse a rule that provides:
  - "When an accountant or attorney advises a taxpayer on a matter of tax law, such as whether a liability exists, it is reasonable for the taxpayer to rely on that advice. Most taxpayers are not competent to discern error in the substantive advice of an accountant or attorney. To require the taxpayer to challenge the attorney, to seek as "second opinion," or to try to monitor counsel on the provisions of the Code himself would nullify the very purpose of seeking the advice of a presumed expert in the first place. "Ordinary business care and prudence" do not demand such actions"

Avoiding Reasonable Cause and Reliance on a Tax Professional

- The Tax Court in *Neonatology Associates, P.A.*, 115 T.C. 43 (2000) provided that the taxpayer must meet a 3 part test as follows in order to avoid the 6662(a) penalty:
  - 1. Show that their advisor was a competent professional who had sufficient expertise to justify reliance,
  - 2. Show that the taxpayer provided necessary and accurate information to the adviser, and
  - 3. Show that the taxpayer relied in good faith on the adviser's judgment.

  A number of cases have relied upon the Neonatology factors and appear to be throwing in the "too good to be true argument."

Avoiding Reasonable Cause and Reliance on a Tax Professional

- The Supreme Court case in *Boyle*, 469 U.S. 241 (1985) is the leading decision in this area and has held that reliance upon a tax practitioner's advice may, but will not necessarily, establish reasonable cause.

- In *Boyle* the taxpayer was persistent in contacting his attorney as to ensuring that the estate tax return would be timely filed. The attorney advised the taxpayer there was plenty of time, but finally admitted that the deadline had passes. The IRS assessed the penalty holding that Congress imposed the duty upon the Executor to timely file the return. The Court specifically held that the executor's agent does not relieve the principal of the duty to comply with the statute. The court further held that "Reliance by a lay person on a lawyer is of course common; but that reliance cannot function as a substitute for compliance with an unambiguous statute…It requires no special training or effort to ascertain and make sure that it is met." *Id.* at 251-252

Avoiding Reasonable Cause and Reliance on a Tax Professional

- In Ronald V. Swanson T.C.Memo 2011-156 (July 5, 2011), the taxpayer had invested in one of the tax shelters set up by Grant Thorton where Grant Thorton advised that a regular IRA could be converted into a Roth IRA tax free. Mr. Swanson had learned about the shelter from one of his friends and was referred to Grant Thorton who charged him $120,000 (which was split with another entity) and had agreed to defend him and pay any civil penalties if the transaction was attacked by the IRS.

- The Tax Court found that Mr. Swanson failed to comply with the 3 part test.
  - 1. He failed to rely upon competent professional since the promoter was Grant Thorton and specifically one of its employees, Blair Stover, who were also the promoters. The Tax Court refers to LaVerne v. Commissioner, 94 T.C. 637, 652-653 (1990), aff'd. without published opinion 956 F.2d 274 (9th Cir. 1992), aff'd. without published opinion sub nom., which held that "a taxpayer cannot negate the negligence penalty through reliance on a transaction's promoters or on other advisors who have a conflict of interest."
  - 2. The Court skipped over step 2.
  - 3. The Court resolved this with the "too good to be true" argument and thus the taxpayer lacked good faith and judgment.

Avoiding Reasonable Cause and Reliance on a Tax Professional

- In *Knapp v. U.S,* 10-56904 (April 4, 2013) the Ninth Circuit, refined Boyle a little further defining non-substantive advice. In *Knapp*, the taxpayer was and Executor of an estate and the accountant had advised him that as a result of filing an extension of the estate tax return it was due in 12 months when in reality it was only extended by 6 months. The tax professional did file for an extension to pay which was granted for 12 months. The taxpayer filed the return within the 12 month period, but after the time it was due (only asked for a 6 month extension) and the IRS imposed a penalty with interest in the amount of $196,415.

- Cases involving reasonable cause for failure to file a return on time fall into two areas. The first area deals with those taxpayers who delegate the task of filing the return on to an expert agent, to soon find out that it was filed later, such as in Boyle. In those cases, there is no basis to abate the penalty as there is a clear duty to file a return by a certain date. In these cases there is no issue dealing with substantive tax law.

Avoiding Reasonable Cause and Reliance on a Tax Professional

- In other cases, a return may not be due unless there is a tax liability and a taxpayer not only can, "but must rely on the advice of either an accountant or a lawyer." *Id*. at 13.

- The Court in Knapp concluded that the case at hand didn't fall into either category and also noted that there was a split in the circuits. The court then went on to hold that the Knapp case was more similar to the non-substantive law case as it was clear from reading the extension that was signed that it was good for only 6 months and it was unreasonable for Knapp not to have complied with the 6 month rule. The court stated that "we treat the distinction between substantive and non-substantive matters as coterminous with the distinction between an executor's delegable and nondelegable duties. We have previously held that certain duties of the executor cannot be reasonably delegated to an agent." *Id.* at 21.

Hypothetical 1

- Taxpayer was advised by his accountant to enter into a Roth IRA transaction. The accountant told him that a big accounting firm had come up with the idea and that it was bullet proof. The accountant also advised the client that the taxpayer did not need to pay him as he was being paid by the big firm. The big firm met with the taxpayer, and the taxpayer only paid fees to the big firm for the transaction. The client has now been advised by the IRS that his name was given to them on a list provided by the big firm and they were going to audit him for the last 6 years. Assume this was a listed transaction. The accountant is a major referral source and comes to the first meeting with the client. What steps should you take regarding the basic representation?

What is Reasonable Cause

- Whether a TP has reasonable cause and acted in good faith is determined on a case by case basis.
  - TP must show substantial effort was expended by the TP to determine his or her tax liability.
  - Other factors
    - Taxpayer's experience
    - Taxpayer's mental and physical health
    - Taxpayer's knowledge
    - Taxpayer's sophistication and education; and
    - Taxpayer's reliance on the advice of a tax advisor.

Reasonable Cause (continued)

- Reasonable Cause has been found:
  - If TP was misguided or in unsophisticated but acted in good faith.
  - Single occurrence of computation or transcriptional error.
  - Reliance on erroneous W2 or 1099
  - IRM 20.1.1.3.2.1(5) the agent should consider the following:
    - What happened and when did it happen?
    - During the period of noncompliance what were the facts and circumstances that prevented the TP from complying.
    - How did the facts and circumstances result in non-compliance?

Reasonable Cause (continued)

- How did the taxpayer handle the remainder of his or her affairs during the period in question?
- Once the facts and circumstances changed, what attempts did the TP exert to come within compliance?

- IRM 20.1.1.3.2.2 provides the following reasons as as a basis for reasonable cause:
  - Death, serious illness or unavoidable absence (often what turns out to be important are the non-tax obligations that the taxpayer was meeting or failing to meet at the same time);
  - Fire, casualty, natural disaster or other disturbance;
  - Inability to obtain records;
  - Lack of funds
  - Mistakes or forgetfulness.

When Reasonable Cause is No Excuse

- Failure to pay as a practical matter.
- Penalties imposed under IRC §7701(o) – transactions lacking economic substance.
- Will not apply to substantial overvaluation overstatement with regard to charitable contributions unless the TP has made a good faith investigation by engaging a qualified appraiser.
- Will not apply to gross misstatements with respect to returns filed after 8/17/2006.

Accuracy Related Penalty and Reasonable Cause

- With the exception of the penalty imposed on transactions lacking economic substance, reasonable cause may be asserted as a basis for abatement of the penalty.
  - Aside from the reasons previously given, reasonable cause may be asserted in the following cases:
    - Erroneous advice of IRS Officer or Employer
      - Generally limited to written advice, but can abate even if it was oral advice.
      - Key is whether there is supporting documentation – the TP should keep notes of all communications with IRS employees, including the dates, names and the substance of the information provided.

When Is Reasonable Cause No Excuse (continued)

- Reportable transaction that are required to be disclosed – must be disclosed before you can assert reasonable cause; however §6707A penalty contains no reasonable cause exception. Also, unlike most other penalties, §6707A allows the Commissioner to rescind the imposition of the penalty with respect to reportable non-listed transactions if it would "promote compliance with the tax laws and effective tax administration." The penalty cannot be rescinded with respect to a listed transaction.

Delinquency Penalty and Reasonable Cause

- Delinquency Penalties – Failure to File and Pay
  - Failure to File –
    - Reasonable Cause – Did the taxpayer exercise ordinary business care and prudence. Reliance on a bookkeeper who embezzled funds or a promoter of a transaction is not reasonable cause.
    - Special note with Domestic Partners – See IRM 20.1.2.2.6 if tax paid timely with return or 21 days after notice (10 days if in excess of $100,000) then reasonable cause should be presumed.
  - Failure to Pay
    - Although the IRM does provide for reasonable cause, as a practical matter, there is virtually no basis. If TP had money, should have paid taxes.
  - When is the penalty asserted?
    - After filing the return;
    - During an audit;
    - During a tax court case

Delinquency Penalties
First Time Abatement

- Relief from the delinquency penalties are available if the TP has not previously been required to file a return or if not penalties have been assessed on the same type of federal return in the prior three years.
- FTA relief can only apply to a single tax period. Can still use reasonable cause for other periods.
- FTA does not apply to returns with an event-based filing requirement, such as a Form 706 filing requirement.

Hypothetical 1

- Taxpayer was advised by his accountant to enter into a Roth IRA transaction. The accountant told him that a big accounting firm had come up with the idea and that it was bullet proof. The accountant also advised the client that the taxpayer did not need to pay him as he was being paid by the big firm. The big firm met with the taxpayer, and the taxpayer only paid fees to the big firm for the transaction. The client has now been advised by the IRS that his name was given to them on a list provided by the big firm and they were going to audit him for the last 6 years. Assume this was a listed transaction. The accountant is a major referral source and comes to the first meeting with the client. What steps should you take regarding the basic representation?

Hypothetical 2

- A real estate broker advised you that he had received an audit notice and attempted to handle the audit himself. He was never able to reach an agreement with the IRS as he failed to produce books and records as well as supporting documentation. The IRS issued a Notice of deficiency disallowing all deductions for which there was no supporting documentation. They also treated all deposits as income. The IRS has assessed an accuracy related penalty and a failure to file penalty as his return was filed a year late.
  - What steps should you take?

Hypothetical 3

- Your client, M Corporation, received a 90 day letter with a $200,000 deficiency along with an accuracy related penalty. In examining the notice of deficiency, you noted that $125,000 in entertainment and travel had been reclassified as a nondeductible expense along with a constructive dividend to the shareholder. The tax advisor had told John the shareholder of M not to worry as the liability belonged solely to the corporation and that the IRS could not assert any of the tax liability against him. The client doesn't want to spend any more money fighting it if this is a good way to proceed. What should you do?

Hypothetical 4

- X corporation wanted to purchase all the assets of Y corporation for $10M. X corporation's shareholder was only willing to sell his stock and would agree to sell it for $8M. Y suggested that X's shareholder sell his stock to B corporation for the $8M. X's shareholder accepts a promissory note for 90 days and shortly thereafter, B corporations sells the assets to Y corporation for $8.5M. B corporation pays X corporation's shareholder $8M on the note and a consulting fee to its shareholder in the amount of $500,000, leaving nothing to pay the IRS on the sale of the appreciated assets. The IRS asserts that the transaction was nothing more than a sham and issues an audit notice against Y corporation.

Hypothetical 5

- An installment sale of a business to a long-time friend and business associate who resells the business to a cash buyer, and loans the proceeds of the sale to the original owner in an arrangement solely designed to defer recognition of the gain.

Prepared by:

Professor David L. Rice
California State Polytechnic University, Pomona
David Lee Rice, APLC
2780 Skypark Drive, Suite 475
Torrance, CA 90505
310-517-8600
www.lawrice.com

John Colvin, Esq.
Chicoine & Hallett, P.S.
719 Second Avenue, Suite 425
Seattle, WA
206-467-8170

Professor David Lee Rice

- Mr. Rice has been in private practice since November 1979 as a tax professional. Prior to law school, Mr. Rice worked for the accounting firm of Coopers & Lybrand. Mr. Rice is the sole proprietor of the law firm of David Lee Rice, APLC, rated AV by Martindale & Hubbell, and is one of Los Angeles Magazine's Super Lawyers for 2006-Present. Mr. Rice is a Certified Specialist in Taxation with the State Bar of California and a Certified Elder Law Specialist.

- In addition to private practice, Mr. Rice currently is a Professor of Accounting at the College of Business Administration at California State Polytechnic University, Pomona. Mr. Rice previously has taught at the LL.M. Program for Chapman University Law School, the Masters of Taxation Program at California State University at Northridge, Golden Gate University, and many courses at the University of West Los Angeles School of Law.

- Mr. Rice speaks and writes frequently. His presentations include those before the Internal Revenue Service, USC Tax Institute, Annual UCLA Tax Institute and many other similar organizations, associations and groups.

- Mr. Rice is the Chair to the Individual and Family Income Tax Section of the American Bar Association and former Chair of the Beverly Hills Bar Association Tax Section. He was also former Chair of the Board of Legal Specialization Committee of the State Bar on Taxation and has held other positions with various professional organizations too numerous to list

- 2780 Mr. Rice has been in private practice since November 1979 as a tax professional. Prior to law school, Mr. Rice worked for the accounting firm of Coopers & Lybrand. Mr. Rice is the sole proprietor of the law firm of David Lee Rice, APLC, rated AV by Martindale & Hubbell, and is one of Los Angeles Magazine's Super Lawyers for 2006-Present. Mr. Rice is a Certified Specialist in Taxation with the State Bar of California and a Certified Elder Law Specialist.

- Mr. Rice currently is in charge of the Tax Program in the Accounting Department of the College of Business Administration at Cal Poly Pomona. He also teaches Partnership Taxation at California State University at Northridge. Mr. Rice previously has taught at the LL.M. Program for Chapman University Law School, the Masters of Taxation Program at California State University at Northridge, Golden Gate University, and many courses at the University of West Los Angeles School of Law.

- Mr. Rice is the Chair to the Individual and Family Income Tax Section of the American Bar Association and former Chair of the Beverly Hills Bar Association Tax Section. He was also former Chair of the Board of Legal Specialization Committee of the State Bar on Taxation and has held other positions with various professional organizations too numerous to list

John Colvin, Esq.

- A partner in the firm of ***Chicoine & Hallett, P.S.***, Mr. Colvin concentrates his practice in federal tax controversy matters and federal white-collar criminal defense.

- Reported tax cases for which Mr. Colvin had primary or significant responsibility include *Gitlitz v. Comm'r*, 531 U.S. 206, 121 S. Ct. 701 (2001), *rev'g* 182 F.3d 1143 (10th Cir. 1999); *Linton v. United States*, 630 F.3d 1211 (9th Cir. 2011), *rev'g* 638 F. Supp.2d 1277 (W.D. Wash. 2009); *St. Charles Investment Co. v. Comm'r*, 232 F.3d 773 (10th Cir. 2000), *rev'g* 110 T.C. 46 (1998); and *Oak Harbor Freight Lines, Inc. v. Comm'r,* T.C. Memo. 1999-291.

- Mr. Colvin was primarily responsible for the ABA Tax Section's comments to proposed regulations under Section 6694 of the Internal Revenue Code, and is currently co-chairing the ABA Tax Section Civil and Criminal Penalties Committee's comments regarding tax simplification

Henry Schneiderman, Esq.

- Henry Schneiderman has more than 30 years experience with the Office of Chief Counsel, Internal Revenue Service, spending time in both the National Office and the field. He is currently the Special Counsel to the Associate Chief Counsel (Procedure and Administration). Mr. Schneiderman has been heavily involved in interpreting and implementing various penalty provisions, including the accuracy-related penalties and penalties related to tax shelters. He is one of the principal reviewers of the published guidance that has been issued with respect to these provisions, as well as the guidance that the Office of Chief Counsel continues to develop regarding these matters. Mr. Schneiderman has also been involved in the development of the Office of Chief Counsel's litigating positions regarding the application of these penalties.

- Mr. Schneiderman earned his undergraduate degree (BA) at Washington University in Saint Louis, Missouri. He has a JD from Rutgers School of Law in Camden, New Jersey and an LLM in Taxation from Georgetown University Law Center in Washington, D.C.

Stuart D. Murray, Esq.

- Special Counsel to the Director, Office of Professional Responsibility, for the Internal Revenue
- As such, he acts as the Office of Chief Counsel's principal representative to OPR. In particular, he is the liaison between Chief Counsel and the Director of OPR, coordinating legal services from Counsel to the Director and functioning as the central point of contact for anything relating to Counsel's legal support to OPR. He also provides legal, procedural, and strategic advice and assistance to the Director and identifies for her areas or issues concerning practice before the IRS on which published guidance or legislation are needed or might benefit tax practitioners or federal tax administration.
- Mr. Murray has been with the Office of Chief Counsel since September 1998. Before his current position, he was a Senior Counsel in the Office of the Associate Chief Counsel, Procedure & Administration, with experience interpreting and applying the provisions of subtitle F, including filing and payment requirements, interest and penalties, overpayments and claims for refund, tax return preparation, and assessment and collection of tax.