



## 2008 Meeting Minutes Area 5

- December 2, 2008
  - November 4, 2008
  - October 7, 2008
  - September 2, 2008
  - August 5, 2008
  - July 1, 2008
  - June 10, 2008
  - May 1-3, 2008
  - April 1, 2008
  - March 4, 2008
  - February 5, 2008
- 

### **Area 6 Face-to-Face Committee Meeting Arlington, VA December 2 - 3, 2008**

- Wednesday, December 2, 2008
- Thursday, December 3, 2008

#### **Designated Federal Official**

Teresa Thompson

#### **Members Present**

Kirsten Ball  
Harlan Barnett  
Milissa Bensen, Vice Chair  
Eileen Birge  
Herb Bohrer  
Dean Conder  
Laura Criel  
Nancy Eik  
Joan Gustafson  
Chris Paustian  
Joe Shields, Chair  
Karla Toomer  
Harris Widmer

#### **Staff**

Judi Nicholas, TAP Program Manager  
Dave Coffman, TAP Program Analyst  
Nina Pang, TAP Program Analyst  
Marla Ofilas, TAP Secretary

### **Wednesday - December 2, 2008**

#### **Welcome/Opening**

Teresa opened the meeting and Joe welcomed the returning members and new members. Attendance was taken and a quorum was met. The members reviewed the agenda and no changes were made.



## **Introductions**

The participants introduced themselves.

## **Area 6 Ground Rules and Meeting Guidelines**

Judi asked the participants to establish some ground rules and meeting guidelines for the coming year.

### **DECISION: The committee agreed to use the following ground rules and guidelines:**

- Participate fully
- Listen and respect each other
- Be specific
- Share and don't dominate
- Respect people and attack problems
- OK with disagreement
- Solid team
- No sidebar conversations while someone is talking
- Speak one at a time
- Stay with time schedule
- Keep phone on mute when not talking
- Agreement with no regurgitation
- Have fun

## **October Meeting Minutes**

The full committee reviewed October meeting minutes.

**DECISION: The full committee approved October meeting minutes with no changes or additions.**

## **Establish Meeting Quorum**

Judi explained that the Federal Advisory Committee Act (FACA) requires a quorum at meetings where any non-administrative decisions are made. A committee meeting may be held without a quorum, but decisions on issues cannot be made.

**DECISION: A quorum will consist of 50% of the Area 6 membership, plus one member.**

## **Taxpayer Burden Subcommittee Report**

Eileen introduced the members of the subcommittee and provided some history on recent issues that had been brought before the IRS or dropped because they were either outside the authority of TAP or there wasn't enough information available to understand or work the issue.

Eileen concluded that the subcommittee will review and decide on their next active issue during the subcommittee meeting.

## **Miscellaneous Subcommittee Report**

Dean introduced the members of the subcommittee and informed the committee of issue #4358 (Form 3949-A, Information Referral – Tax Return Preparers Reporting Fraud) which was elevated to the Joint Committee. It was rejected for various reasons but the subcommittee agreed to rework the recommendation and draft a new referral.

Dean concluded that the subcommittee will review and decide on issue #4395 (Form 2848 – Interpretation) and issue #4356 (Power of Attorney – Ignored by IRS) during the subcommittee meeting.

## **IRS Services Subcommittee Report**

Milissa introduced the members of the subcommittee and commented on the subcommittee's current issue. The subcommittee also received a response from the IRS on an issue that was recently elevated. The recommendation asked the IRS for consistent policy for employees that receive a taxpayer's request to speak to the employee's supervisor. The IRS responded that clear procedures would be put in place by October 2008.



Milissa concluded that the subcommittee has selected three issues to review during their subcommittee meeting.

### **Subcommittee Instructions**

Dave asked the subcommittees to decide on the following items when they meet with later in the day:

- Subcommittee lead
- Subcommittee back-up lead
- Monthly meeting dates & times
- Issue priorities

The new members asked how subcommittees receive and process issues. Judi explained that the committee receives issues from outreach, the TAP toll-free line, the TAP web site, etc. Once the issue is received, Dave assigns the issue to a subcommittee. The subcommittee members prioritize the assigned issues and determine if a particular issue is able to be worked or if it should be dropped. Issues are usually dropped because they fall beyond the scope of TAP's charter or they're simply unworkable. When the subcommittee decides to work an issue, preliminary research is completed to provide background information on the issue.

### **Subcommittee Meetings**

The members separated into their subcommittees and worked their assigned issues for the remainder of the day.

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## **Thursday - December 3, 2008**

### **Opening**

Joe welcomed the members.

### **Miscellaneous Subcommittee Report**

Dean provided the report. The subcommittee has selected Dean as the subcommittee lead and Laura as the back-up lead. The subcommittee has also agreed to meet the third Wednesday of each month at 11:00 a.m. (Pacific). Their next meeting is scheduled for January 21.

Dean continued by reporting on issues discussed within the subcommittee.

- ***#4692 IRA Contributions – Contribution for Deceased Spouse***

The subcommittee has decided to make this their next active issue.

**ACTION: The analysts will complete additional research requested by the subcommittee.**

- ***#4327 Penalties – Timely Sent Forms 1099 & W-2***

The subcommittee decided to put this issue in the parking lot for now. A recommendation to drop the issue may be made later.

- ***#4995 Qualified Relative Definition is Misleading on Form 1040***

The subcommittee decided to put this issue in the parking lot. Laura has agreed to do research to ensure the problem does not stem from current legislation. The subcommittee may recommend the issue be forwarded to the Forms and Publications Issue Committee.

### **IRS Services Subcommittee Report**

Harlan provided the report. The subcommittee has selected Harlan as subcommittee lead and Milissa as the back-up lead. The subcommittee will meet the second Tuesday of each month at 1:30 p.m. (Pacific). Their first meeting will be on January 13.

Harlan continued by reporting on issues discussed within the subcommittee.



- **#4178 Identity Theft – IRS Filing Returns for Victims**

The subcommittee has agreed that this will be their next active issue. Since a unit within the IRS has been formed to look at identity theft, the subcommittee felt that they could collaborate with the IRS.

**ACTION: Dave will contact the Identity Theft Unit for more information on their program.**

- **#4513 Correspondence - POA**

The subcommittee recommends that Area 6 close the issue. The IRS already has a system in place for ensuring correspondence is sent on a properly-filed power of attorney.

**DECISION: The full committee agreed to drop the issue.**

- **#4384 TAS Referral – Contacting an IRS Employee**

The subcommittee recommended dropping this issue. There is not enough information to determine the problem and contact information for the initiator is not available.

**DECISION: The full committee agreed to drop the issue.**

- **#4390 Communication – Contacting IRS Agents**

The subcommittee determined that the issue appears to be an isolated problem which would normally be addressed by local management. The subcommittee recommends dropping this issue.

**DECISION: The full committee agreed to drop the issue.**

#### **Taxpayer Burden Subcommittee Report**

Eileen provided the subcommittee report. The subcommittee selected Kirsten as lead. The subcommittee has agreed to meet the third Tuesday of each month at 1:00 p.m. (Pacific). The first meeting will be held on January 20.

Eileen continued by reporting on issues that were discussed within the subcommittee.

- **#4355 Injured Spouse Claims – Reasonable Processing Timeframe**

The subcommittee decided to pursue this as their active issue. The subcommittee requests research on the injured spouse claim process and the timeframe needed to process the claim.

**ACTION: The analysts will work on the research request.**

- **#4671 IRA – No Recourse if Roll-Over Deadline is Missed**

The subcommittee recommended dropping this issue. They did not see this as a systemic problem.

**DECISION: The full committee agreed to drop the issue.**

- **#4281 Estimated Tax Payments – LLC's**

The subcommittee decided to place this issue in their parking lot. A publication is expected soon on limited liability corporations (LLC). The subcommittee will review this issue after the publication has been distributed.

- **#4394 Form 1099-C – Erroneously Being Issued**

The subcommittee recommends dropping this issue. There is insufficient information to address the issue and contact information for the initiator is not available.

**DECISION: The full committee agreed to drop the issue.**

- **#4101 Qualified Plans – Determination Letter**



The subcommittee recommends dropping this issue. The issue relates to the Tax Exempt/Government Entities operating division of IRS. TAP is only chartered to address issues related to the Wage and Investment and Small Business/Self Employed operating divisions.

**DECISION: The full committee agreed to drop the issue.**

- ***#5095 IRA Withdrawal Without Being Taxed***

The subcommittee recommends dropping this issue since it is grounded in legislation.

**DECISION: The full committee agreed to drop the issue as “legislative”.**

- ***#4354 State Sales Tax Deduction – Making State Refund Taxable***

The subcommittee recommends dropping this issue since the taxpayer has recourse to resolve the disagreement by replying to the correspondence.

**DECISION: The full committee agreed to drop the issue.**

- ***#4998 Letter 525 – Disallowing Deductions in Correspondence Audits***

The subcommittee recommends dropping this issue since the taxpayer always has the opportunity to present the proof of deduction to the IRS.

**DECISION: The full committee agreed to drop the issue.**

- ***#3971 Fraud Program – Inadequate Exposure***

The subcommittee recommends dropping this issue because it’s simply too broad in scope for TAP to handle.

**DECISION: The full committee agreed to drop the issue.**

- ***#4222 GAP Years – Requiring Taxpayers to File***

The subcommittee recommends dropping this issue since this is an internal IRS process issue.

**DECISION: The full committee agreed to drop the issue.**

### **Chair and Vice Chair Election**

Both Dean and Milissa were nominated for the position of Area 6 Chair.

Milissa provided a short speech and Dean followed. Elections were held and staff counted the ballots.

Teresa announced the new Area 6 chair.

**DECISION: Area 6 elected Dean Conder as the new Area 6 chair.**

Milissa declined the vice-chair position. Milissa felt that a new member should be given the opportunity to serve as vice-chair.

**DECISION: The full committee selected Herb Bohrer as Vice-Chair. Herb agreed.**

### **Miscellaneous**

Judi informed the committee that TAP regularly uses TAPSpace to communicate information. Judi asked the new members to register and log on to TAPSpace when they get home. Most documents used for committee meetings are posted on TAPSpace. Instructions for registering and navigating through TAPSpace are found in the TAP member handbook.

Judi also said that she would like to set up a call between the Local Taxpayer Advocates (LTA) and each TAP member. Judi will ask the LTAs to include the TAP members on outreach events.

There are standard press releases that Dave will e-mail to each member. The press releases are used to inform the media of newly-appointed TAP members. Each member will be asked to provide some



basic information for their individual press releases. The IRS media specialists will push the releases out to their media contacts. It's up to each local news organization whether or not they want to run the story in their community.

**Face-to-Face Meeting Details**

Judi announced that the committee agreed to meet April 23 – 25, 2009. Marla will complete a cost comparison on Seattle, Boise, and Portland.

**Closing**

Joe thanked everyone for participating and stated that he will truly miss TAP. Teresa also thanked everyone for their dedication. Teresa then closed the meeting.



**Taxpayer Advocacy Panel  
Area 6 Teleconference  
Meeting Minutes  
November 4, 2008**

**Designated Federal Official**

Teresa Thompson

**Members Present**

George Bates  
Milissa Bensen, Vice-Chair  
Eileen Birge  
Marilynn Clapp  
Dean Conder  
Laura Criel  
Steve Maisch  
Neil Mitchell  
Joe Shields, Chair  
Ed Uhrig  
Harris Widmer

**Staff**

Louis Morizio, Acting TAP Director  
Judi Nicholas, TAP Program Manager  
Dave Coffman, TAP Analyst  
Nina Pang, TAP Analyst  
Marla Ofilas, TAP Secretary

**New Members**

Kirsten Ball  
Harlan Barnett  
Herb Bohrer  
Nancy Eik  
Joan Gustafson  
Chris Paustian  
Karla Toomer

**Opening/Welcome**

Teresa opened the meeting and Joe welcomed the participants. Marla took roll call and a quorum was met.

**Announcements**

Joe announced that today was the last day for 2008 panel members, including retiring panel members, to vote for the 2009 TAP chair and vice-chair. New panel members are not eligible to vote. Eligible members that did not vote were urged to e-mail their ballots to Steve Berkey by the end of the day.

**TAP Director Comments**

Louis Morizio, the acting TAP director, spoke on behalf of the TAP director, the entire TAP staff and the National Taxpayer Advocate. He thanked the 2008 panel members for a job well done, for making a difference in how the IRS does its business and how it can improve customer service. He thanked everyone for their enthusiasm and participation.

**Outreach Review**

Milissa is working with Nina on compiling an outreach report for the entire year. Judi reported on the



September outreach. Ed had an amazing number of outreaches events as did Harris. Area 6 did an excellent job of reaching out to their local communities during September.

### **Miscellaneous Subcommittee Report**

- #4395 (Form 2848 – Interpretation)
- #4356 (Powers of Attorney – Ignored by IRS)

Dean reported that issues #4395 and #4356 are similar. The subcommittee has worked through #4356 and has drafted a referral to the Joint Committee, recommending a caution statement to the Form 56 (Notice Concerning Fiduciary Relationship) instructions.

**DECISION: Area 6 members approved the recommendation for issue #4356, absent any substantive changes by the Area 6 Quality Review team.**

Dean also reported that issue #4395 (Form 2848 – Interpretation) is still being researched. #4395 will become the subcommittee’s active issue.

Laura asked for a status update on issue #4358 (Form 3949-A, Information Referral - Tax Return Preparers Reporting Fraud). Dave replied that this issue is still in the quality review process. The subcommittee will review the recommended edits at the Miscellaneous Subcommittee meeting on November 19th.

### **Taxpayer Burden Subcommittee Report**

- #4993 (Documentation – Record Retention Methods)

Eileen reported that the subcommittee will meet tomorrow to discuss #4993. She believes they will have their issue ready to elevate after the meeting. This issue has to do with the definition of an electronic copy and an acceptable method of retaining electronic records.

### **IRS Services Subcommittee Report**

- #4280 (EFTPS – PINs and Passwords)

Milissa reported on some recent research which reveals a solution to the problem of needing multiple PINs and passwords. EFTPS user support can change a user’s PIN/password over the phone. The subcommittee recommends that this issue be dropped.

**DECISION: The Area 6 Committee agreed to drop issue #4280.**

Milissa also reported that the IRS has issued a formal response to recommendation #608-4202 (EFTPS Time Zone Problems). The IRS states that they are unable to make any changes to the existing procedure as the problem is out of their hands. The timeframes are set by the banking industry. The subcommittee recommended that Area 6 close this issue #608-4202 as Closed – Proposal Rejected.

**DECISION: The Area 6 Committee agreed to close recommendation #608-4202 as Closed – Proposal Rejected.**

### **Joint Committee Business**

Joe did not have any Joint Committee business to discuss.

### **Annual Meeting**

Joe is planning the new members’ dinner. This will take place on Monday, December 1st. The evening will start with a social from 5:30 – 6:30 p.m. The chairs are making the dinner arrangements and Joe is taking suggestions.

Judi briefly reviewed the evening activities during the annual meeting. The area committee dinners will take place on Tuesday night and the issue committee dinners will take place on Wednesday night. The new members will have an orientation call within the next few weeks. Judi has already started working on scheduling the call.

Joe asked the 2008 panel members to briefly explain the projects each issue committee has been working.





**Recap Action Items and Timeframes**

Dave recapped the action items.

Joe thanked the TAP staff. Judi and Dave extended a personal thank-you to the panel members.

**Closing**

Teresa closed the meeting.



**Area 6 Committee  
October 7, 2008  
Teleconference Minutes**

**Designated Federal Official**

Teresa Thompson

**Members Present**

George Bates  
Milissa Bensen, Vice-Chair  
Dean Conder  
Laura Criel  
Neil Mitchell  
Joe Shields, Chair  
Harris Widmer

**Members Absent**

Eileen Birge  
Marilynn Clapp  
Steve Maisch  
Ed Uhrig

**Guests**

Nancy Eik  
Kirsten Ball  
Karla Toomer  
Chris Paustian

**Staff**

Mary Ann Delzer, Acting TAP Program Manager  
Dave Coffman, TAP Analyst  
Nina Pang, TAP Analyst

**Opening**

Teresa opened the meeting. Roll call was taken and a quorum was met. Joe welcomed the members and guests to the call.

**Outreach Review**

Milissa provided a brief overview of recent Area 6 outreach efforts. She also noted that there was an increase in outreach efforts for the month of August.

**Meeting Minutes Approval**

The committee reviewed the minutes from September 2008.

**DECISION: The committee approved the September 2, 2008 meeting minutes.**

**IRS Services Subcommittee Report**

- **#4178 (Identity Theft – IRS Returns for Victims)**

The subcommittee found that Area 1 is working issues related to identity theft and felt that this issue should be transferred. However, after conversations with the Area 1 analyst, the subcommittee learned that identity theft issues should be handled by the area committees which receive the issues. The subcommittee has also learned that TAP might include a new issue committee in 2009 to work on identity theft issues. The subcommittee feels that it would be in the best interests of everyone if this new issue committee handled the issue. For now, the subcommittee agreed to return #4178 to the parking lot.



### **Taxpayer Burden Subcommittee Report**

- **#4232 (IRS Notices – Clarity of Penalties & Interest)**

The subcommittee recommends that this issue be dropped. The CP 14 notice lists penalty and interest. It also clearly states, "If you've already paid the tax in full...please disregard this notice."

**DECISION: The committee agreed to drop the issue.**

- **#4530 (Form 1099-DIV True Dividend Amount)**

The subcommittee reviewed the issue and decided that any recommendations would require change in legislation. The subcommittee recommends that this issue be dropped.

**DECISION: The committee agreed to drop this issue as "legislative".**

- **#4993 (Documentation – Record Retention Methods)**

The subcommittee met and discussed the issue. The subcommittee agreed to move toward a recommendation, asking the IRS to provide a simplified explanation of electronic data retention requirements near Table 3 (Period of Limitations) of Publication 583. The subcommittee also will explore the ease of finding information about electronic data retention requirements on the IRS web site. Eileen will start drafting a Joint Committee referral, reflecting these recommendations.

### **Miscellaneous Subcommittee Report**

- **#4358 (Form 3949-A, Information Referral - Tax Return Preparers Reporting Fraud)**

This issue was elevated to the Joint Committee; however, it was rejected for various reasons. The subcommittee agreed to rework the recommendation and drafted a new referral to the Joint Committee.

**DECISION: The committee approved the recommendation, pending Area 6 quality review.**

- **#4395 (Form 2848 – Interpretation)**
- **#4356 (Power of Attorney – Ignored by IRS)**

The subcommittee has combined issues #4395 and #4356. The subcommittee members met and discussed the problems associated with the issues. Overall confusion on fiduciary responsibilities and representative responsibilities were also discussed. The subcommittee determined that the Form 56 instructions should caution the reader not to use Form 56 to designate a power of attorney. Instead, Form 2848 should be used to designate a power of attorney. Laura agreed to draft a "caution" statement that could be included in the Form 56 instructions, informing the reader that Form 56 should not be used to grant a power of attorney. The subcommittee also asked the analyst to find out why Part II of Form 2848 only lists eight different relationships to the taxpayer.

The subcommittee will provide an update during the next teleconference.

### **Area 6 Annual Meeting Agenda**

Dave presented the draft agenda for the Area 6 meeting in December. This meeting will take place during the TAP annual business meeting near Washington, DC. The Area 6 agenda is similar to last year's agenda. Members will make administrative decisions and work in subcommittees on assigned issues.

Dave asked the members to provide comments on the draft agenda, if any, via e-mail.

### **Joint Committee Business**

Milissa provided a report on the recent Joint Committee face-to-face meeting, which was held in Atlanta, GA. The Joint Committee reviewed seven issues and discussed the annual meeting agenda.



Hank Mosler, Joint Committee chair, felt that all committees should have the same breakout agenda. Joe provided all committee chairs a draft copy of Area 6 agenda to use as a starting point. Milissa felt it was a good working meeting.

Mary Ann reminded the members that the self-assessments, which will be sent out by Mark Paris, are due by November 26.

**Closing**

Joe thanked everyone for participating. Teresa closed the meeting.



**Taxpayer Advocacy Panel  
Area 6 Teleconference  
Meeting Minutes  
September 2, 2008**

**Designated Federal Official**

Judi Nicholas, Acting

**Members Present**

George Bates  
Milissa Bensen, Vice-Chair  
Eileen Birge  
Dean Conder  
Laura Criel  
Joe Shields, Chair  
Ed Uhrig  
Harris Widmer

**Members Absent**

Marilynn Clapp  
Steve Maisch  
Neil Mitchell

**Staff**

Dave Coffman, TAP Analyst  
Nina Pang, TAP Analyst

**Opening/Welcome**

Judi opened the meeting and announced that she is serving as the DFO in Teresa Thompson's absence. Roll call was taken and a quorum was not met. However, as other members joined the call, a quorum was later established (prior to any decisions being made). There was no public input for this teleconference.

**Outreach Review**

Milissa reported on Area 6 outreach efforts for July. The number of events listed in the report is much less than usual. This is most likely due to some reports that were submitted much later than usual or e-mailed to Dave instead of Nina.

**ACTION: Nina will e-mail a message to the members so they have her e-mail address.**

**Meeting Minutes Approval**

The committee reviewed the minutes from the August 5, 2008 meeting.

**DECISION: The committee approved the meeting minutes for August 5, 2008.**

**IRS Services Subcommittee Report**

- **#4202 (EFTPS Time Zone Problems)**

Milissa didn't have any new information to report. The Joint Committee has the referral, which will be discussed tomorrow on the Joint Committee call. Milissa plans to be present for that call.

- **TAP Recommendation #608-4227 (Request to Speak to a Supervisor)**

IRS replied to TAP, agreeing with the recommendation. The IRS said that the recommendation will be in place by the end of October.

**DECISION: The committee agreed to close this issue as "Closed, proposal accepted."**



**ACTION: Dave will contact the Joint Committee analyst to inform her that the committee has decided to close this issue as "Closed, proposal accepted".**

- **Issue #4178 (Identity Theft – IRS Filing Returns for Victims)**

The subcommittee will explore this issue at their next meeting.

### **Miscellaneous Subcommittee Report**

- **#4358 (Form 3949-A, Information Referral – Tax Return Preparers Reporting Fraud)**

Laura reminded the members that this issue was submitted to the Joint Committee and was returned to Area 6 to reconsider the recommendation. The members continued with a lengthy discussion on this issue.

The members asked the subcommittee to review the comments made by the Joint Committee and work on either revising the recommendation or ask the Area 6 committee to drop the issue.

**ACTION: Dave will obtain the notes from the Joint Committee meeting and e-mail them to the subcommittee members.**

- **#4395 (Form 2848 – Interpretation)**
- **#4356 (Powers of Attorney – Ignored by IRS)**

It appears that both taxpayers and fiduciaries are confusing Form 56 and Form 2848, Power of Attorney and Declaration of Representative. They are using the Form 56 instead of Form 2848 to name the representative.

Laura noted that the subcommittee is considering an alert in the Form 56 instructions to help eliminate some of the confusion between the two forms.

### **Taxpayer Burden Subcommittee Report**

- **#4388 (Audits – Submitting Documentation)**

This issue stems from the following problem: On occasion, the IRS asks for documentation, the taxpayer sends it to the IRS and, for reasons unknown, the IRS doesn't recognize that it was sent. The subcommittee has learned that this problem has also been recognized by the National Taxpayer Advocate. The subcommittee also discovered that Area 5 is actively working a similar issue. Eileen reported that #4388 has been transferred to Area 5.

- **#4232 (IRS Notices – Clarity of Penalties & Interest)**

Eileen reported that #4232 is related to taxpayers who file early with a balance due, but pay the balance before April 15th. These taxpayers are receiving notices from IRS asking for payment. There is a note on the letter that says if payment has been submitted, the taxpayer should disregard the notice. The subcommittee will explore this at their next meeting but will probably decide to drop the issue.

- **#4530 (Form 1099-DIV – True Dividend Amount)**

Issue #4530 refers to earnings from mutual funds being improperly reported as dividends without considering any short term capital gains. After researching this issue, it appears that a legislative change would be required to clarify the process. Changes to legislation are outside of TAP's charter. Eileen noted that the subcommittee will most likely will recommend dropping the issue.



Eileen will recommend the subcommittee consider a new issue, #4993 (Documentation - Record Retention Methods). This issue addresses the lack of proper guidance for retaining supporting tax documents. This issue arose at an outreach event. The taxpayer sought legal advice and received ambiguous answers. Information on this topic does not seem to be available from IRS sources.

### **Joint Committee Business**

Joe reported that the next face-to-face Joint Committee meeting will take place in Atlanta in October. Milissa will be representing Area 6.

Joe also mentioned that the Treasury Inspector General for Tax Administration (TIGTA) will be auditing TAP. TIGTA has never audited an internal committee like TAP.

An update was provided for the TAP chair election process for 2009. Joe said that any TAP member in his/her first or second year is eligible to apply for TAP chair or vice-chair. Returning members will receive more information about the election process.

### **Recap Action Items and Timeframes**

Dave recapped the action items.

### **Closing**

Judi closed the meeting.



**Taxpayer Advocacy Panel  
Area 6 Teleconference  
Meeting Minutes  
August 5, 2008**

**Designated Federal Official**

Judi Nicholas, acting DFO

**Members Present**

George Bates  
Milissa Bensen, Vice-Chair  
Eileen Birge  
Dean Conder  
Laura Criel  
Steve Maisch  
Neil Mitchell  
Joe Shields, Chair  
Ed Uhrig  
Harris Widmer

**Members Absent**

Marilynn Clapp

**Staff**

Nina Pang, TAP Analyst

**Opening/Welcome**

Judi opened the meeting. She will serve as the acting DFO while Teresa is at the TAS Symposium. Joe welcomed the members and staff. Roll was taken by Judi and quorum was met.

**Meeting Minutes Approval**

The committee reviewed the minutes from the June 10, 2008 meeting and the July 1, 2008 meeting. **DECISION: The committee approved both of the meeting minutes from June 10, 2008 and July 1, 2008.**

**Outreach Review**

Milissa reported that outreach efforts have dropped from last year. The committee discussed the decrease in outreach and offered explanations. Some three-year members stated that they have already exhausted the contacts in their communities. Judi asked every member to complete at least one additional outreach per month through November 30th. Next year, Nina will assist members in identifying outreach opportunities.

**Miscellaneous Subcommittee Report**

- **#608-4277 (Form 3949-A, Information Referral -- Tax Return Preparers Reporting Fraud)**

Neil reported that the subcommittee's elevated issue was returned by the Joint Committee. The subcommittee was debating on whether to re-write it and send it back to the Joint Committee or drop it. The committee members discussed the ability for the tax preparer to have the form auto-populate with the information and electronically submit it. The subcommittee wanted some input from the Area Committee regarding this issue. The Area Committee members were inclined to drop the issue. Members of the subcommittee will make a decision on this issue at their next subcommittee meeting.

- **#4395 (Form 2848 – Interpretation)**





- **#4356 (Powers of Attorney – Ignored by the IRS)**

Neil reported that the subcommittee would like to combine them, if possible, due to similarities appearing in the issues. The subcommittee will continue to explore issues #4395 and #4356.

### **Taxpayer Burden Subcommittee Report**

- **#4307 (Installment Agreements – Appeal Rights)**

Eileen reported for Marilyn who was absent. Upon receipt of a CP523 letter, sent by the IRS to inform the taxpayer of intent to levy, the complainant tried to execute his right to appeal. He was surprised to find out IRS employees did not understand that taxpayers could appeal the intent to levy. Dave provided extensive research on this problem. The panel members tested the telephone numbers provided and did not find the claim to be true. The subcommittee recommended that the issue be dropped.

**DECISION: The Area Committee agreed to drop issue #4307.**

- **#4373 (Excess Collections – Applied to a Subsequent Assessment)**

Eileen reported there was no contact information for the caller so the panel members could not obtain more information. The situation was highly unusual and possibly misstated. The complainant thought he/she had a \$500 refund, but the return was filed beyond the three-year refund statute which the complainant believes triggered an audit. Instead of a refund, the examiner determined that there were mistakes made by the taxpayer and they should have paid \$1000 in tax and not due a refund. The subcommittee could not find any systemic issue with #4373 and recommended it be dropped.

**DECISION: The Area Committee agreed to drop issue #4373**

- **#4388 (Audits – Submitting Documentation)**

Eileen reported that audit documentation was received but not recorded in a timely fashion. This appears to be a systemic problem. It was discovered on July 23rd that Area 5 may be working on this same issue. Dave will contact the Area 5 analyst to determine if the issues are the same. If this issue is the same as the one being worked by Area 5, the subcommittee will pursue a different issue.

### **IRS Services Subcommittee Report**

- **#4202 (EFTPS Time Zone Problems)**

Millissa reported that the subcommittee has completed a Joint Committee referral for issue #4202. This has been through Area 6 quality review and is now ready to go to the Joint Committee.

**DECISION: The committee approved the elevation of issue #4202 to the Joint Committee.**

- **#4708 (Free File – Fees for Service)**

Millissa reported that since Area 3 is working an issue similar to #4708, Area 6 will leave the issue in the parking lot for future follow up. During the next subcommittee meeting, they will select another issue to work.

### **Joint Committee Report**

Joe reported the Joint Committee will have a meeting Wednesday, August 6th. Bernie Coston will be detailed for four months as the Executive Director for Case Advocacy. Shawn Collins will be detailed to Bernie's position during that time. Shawn is the grants administration manager for the Low Income Taxpayer Clinics in the IRS.



Judi reported that all of the names for the prospective TAP members were approved by Nina Olson last week. The list of names will be forwarded for the commissioner's review and approval.

#### **Recap Action Items and Timeframes**

Joe recapped the items and timeframes

#### **Member Comments**

Eileen looked over the 2007 TAP annual report and made a comment that TAP can't start on the report too early. She recommended Area 6 devote some time at their next meeting to talk about the report content and solicit volunteers to work on the report.

Judi added that Wayne Whitehead will chair the 2008 TAP annual report process and he has a lot of activities underway with the Joint Committee. Judi anticipates next year's report will be out months earlier than this year's report. This topic will be added as an agenda item at the next meeting.

**ACTION: Anyone who would like to work on the report, please contact Joe or Judi before the next meeting.**

#### **Closing**

Judi closed the meeting.



**Taxpayer Advocacy Panel  
Area 6 Teleconference  
Meeting Minutes  
July 1, 2008**

**Designated Federal Official**

Teresa Thompson

**Members Present**

Milissa Bensen, Vice-Chair  
Eileen Birge  
Marilynn Clapp  
Dean Conder  
Laura Criel  
Steve Maisch  
Joe Shields, Chair  
Ed Uhrig  
Harris Widmer

**Members Absent**

George Bates  
Neil Mitchell

**Staff**

Dave Coffman, TAP Analyst  
Marla Ofilas, TAP Secretary

**Opening**

Teresa opened the meeting and Joe welcomed the members and staff. Roll call was taken and a quorum was met.

**Meeting Minutes Approval**

The committee reviewed the minutes from the May 1-3, 2008 meeting.

**DECISION: The committee approved the meeting minutes from May 1-3, 2008.**

**Outreach Review**

Milissa reported that there was an increase in outreach during June. Joe congratulated the committee on their outreach efforts and remarked that Area 6 is doing an outstanding job.

Dave asked the members to start sending their monthly outreach reports to Nina. Nina will start inputting the information into the database.

**ACTION: All members will send their monthly outreach reports to Nina.**

**Taxpayer Burden Subcommittee Report**

- **#4406 (Audits – Scheduling the Appointment)**

Eileen reported that the Joint Committee approved and will elevate issue #4406. The recommendation ensures that the taxpayer have an appropriate amount of time to prepare for a Schedule C audit.

- **#4307 (Installment Agreements – Appeal Rights)**

Eileen stated that the subcommittee is in the process of researching the issue. A practitioner has been having a tremendous amount of trouble appealing defaulted installment agreements. A defaulted installment agreement may be appealed within 30 days of the default letter. The letter instructs the taxpayer to call a particular IRS toll-free number. When the practitioner calls the number, the IRS



representative does not know how to initiate an appeal. Most of the time, the practitioner has to explain the appeal process to the representative.

The subcommittee will continue to work this issue. They hope to share additional information at the next teleconference.

### **IRS Services Subcommittee Report**

- **#4202 (EFTPS Time Zone Problems)**

Steve reported that the subcommittee is working on finalizing their draft recommendation, which will be ready for the full committee to review at the August Area 6 meeting.

### **Miscellaneous Subcommittee Report**

- **#4358 (Form 3949-A, Information Referral – Tax Return Preparers Reporting Fraud)**

Laura explained that the subcommittee's elevated issue was declined by the Joint Committee. The objection was due to the burdens that would be placed on the practitioners and the software developers. The subcommittee will discuss the disposition of the referral in their upcoming meeting.

Members voiced their frustrations and disappointment with the Joint Committee's decision.

- **#4395 (Form 2848 – Interpretation) and #4356 (Powers of Attorney – Ignored by IRS)**

The subcommittee stated what appears to be the main part of the problem, designating a power of attorney on Part II (a-h) of Form 2848. Dean noted that a social worker, acting as the guardian for a taxpayer, does not have a spot of Form 2848 to show a fiduciary relationship. Another question that was raised during the subcommittee meeting involves Form 56 being carried over to the Centralized Authorization File (CAF).

The subcommittee will continue to explore these issues.

### **Joint Committee Business**

Joe reported that the Joint Committee had a recent face-to-face meeting in St. Louis. During the meeting the Joint Committee members reviewed all the elevated issues, of which nearly half were from Area 6. Laura and Eileen were able to join part of the meeting (via conference call) and answer questions on issues elevated by Area 6.

Joe also reported on the Joint Committee's recommendation to treat each committee breakout session, at the annual face-to-face meeting, as a regular face-to-face meeting.

### **Member Comments**

Joe asked each member to provide a brief summary of their issue committee's recent activities. Members provided a brief overview of their issue committee's recent activities and accomplishments.

### **Closing**

Joe thanked the participants for their input and Teresa closed the meeting.



**Taxpayer Advocacy Panel  
Area 6 Teleconference  
Meeting Minutes  
June 10, 2008**

**Designated Federal Official**

Teresa Thompson

**Members in Attendance**

Eileen Birge  
Marilynn Clapp  
Laura Criel  
Neil Mitchell  
Joe Shields, Chair  
Ed Uhrig  
Harris Widmer

**Members Absent**

George Bates  
Milissa Bensen, Vice-Chair  
Dean Conder  
Steve Maisch

**Staff**

Judi Nicholas, TAP Program Manager  
Dave Coffman, TAP Analyst  
Nina Pang, TAP Analyst

**Opening/Welcome**

Teresa opened the meeting and Joe welcomed the participants. Dave took roll call and a quorum was met.

**Taxpayer Burden Subcommittee Report**

- **TAP Recommendation #607-3233**

Marilynn reported on the recent activity of TAP recommendation #607-3233. The subcommittee made a recommendation to improve the process of filing and paying estimated taxes of self employed individuals. IRS responded to the recommendation stating they will review the legality of the proposal. During the face-to-face meeting in May, the subcommittee worked on a reply to the IRS's most recent response.

Dave reported that TAP Director Bernie Coston recently met with a senior tax analyst who is working as a liaison between TAP and IRS. The analyst is helping TAP work through a few concerns on recent IRS responses. The purpose of Bernie's meeting was to address this subcommittee's concerns with the IRS's recent response on #607-3233. Dave explained that the recommendation was most likely forwarded to the incorrect IRS operating division. The senior tax analyst assured Bernie that she will review the recommendation again. Bernie will contact Judi when he receives a response.

- **#4406 (Audits -- Scheduling the Appointment)**

Marilynn gave a brief summary of #4406, the subcommittee's active issue. The subcommittee reviewed a section of the Internal Revenue Manual which provides guidance on scheduling audit appointments. They found that the manual does not provide adequate guidance on the timeframe an auditor or revenue agent should consider when scheduling the initial audit appointment.



The full committee reviewed the subcommittee's recommendation.

**DECISION: The full committee agreed to elevate issue #4406.**

**ACTION: Issue #4406 will be elevated to the Area 6 Quality Review Team. If there are no significant changes, the issue will be elevated to the Joint Committee.**

### **Miscellaneous Subcommittee Report**

- **#4358 (Fraud -- Preparers Reporting Other Preparers or Taxpayers)**

Neil reported that the subcommittee worked on this issue at the recent face-to-face meeting. At that meeting, the subcommittee drafted a referral and shared the results with the full committee. The committee recommended a few minor changes. Neil stated that the changes have been made and the referral is ready for review by the full committee.

**DECISION: The full committee agreed to elevate the referral for issue #4358 to the Area 6 Quality Review Team. If there are no significant changes, the issue will then be elevated to the Joint Committee.**

### **IRS Services Subcommittee Report**

- **#4202 (EFTPS -- Time Zone Problems)**

Dave reported that the subcommittee agreed to make this an active issue during the face-to-face meeting. At that meeting, the subcommittee drafted a Joint Committee referral and presented it to the full committee. The committee agreed with the recommendation but asked the subcommittee to consider adding a grace period, possibly in the form of a regulation, to the recommendation.

The subcommittee is still working on formulating a recommendation and hopes to have a draft completed by the next full committee meeting.

### **Joint Committee Business**

Joe reported that the Joint Committee will hold a face-to-face meeting in St Louis, Missouri on June 19. Joe also indicated that he believes the issue elevation process should move a lot faster since the Joint Committee Quality Review Team is only charged with reviewing recommendations for grammar and not content.

Judi briefly reviewed the Joint Committee agenda. The Joint Committee will be discussing the TAP annual meeting and the process of electing the TAP chair. The Joint Committee will also explore some methods to accelerate the completion of the TAP annual report.

### **Closing**

Joe thanked everyone and Teresa closed the meeting.



**Taxpayer Advocacy Panel  
Area 6 Face-to-Face Meeting  
Salt Lake City, UT  
May 1, 2, and 3, 2008**

- Thursday, May 1, 2008
- Friday, May 2, 2008
- Saturday, May 3, 2008

**Thursday, May 1, 2008**

**Designated Federal Official**

Teresa Thompson

**Attendance**

George Bates  
Milissa Bensen, Vice Chair  
Eileen Birge  
Marilynn Clapp  
Dean Conder  
Laura Criel  
Steven Maisch  
Neil Mitchell  
Joe Shields, Chair  
Ed Uhrig  
Harris Widmer

**Staff**

Judi L. Nicholas, TAP Program Manager  
Dave Coffman, TAP Program Analyst  
Marla Ofilas, TAP Secretary

**Opening/Welcome**

Judi opened the meeting. Joe welcomed the members to Salt Lake City, UT and thanked everyone for attending. The agenda was reviewed followed by member introductions. A quorum was met.

**Approval of Minutes**

The full committee reviewed the completed minutes from April 2008.

**DECISION: The full committee approved the minutes from April 2008.**

**Outreach Reviewed**

Milissa provided a review of the outreach efforts from March. She noted that the March results reflect an improvement over outreach efforts from prior months.

Milissa informed the committee that her recent outreach efforts included a Latino business expo. She partnered with the Seattle Taxpayer Advocate Service for the event. While the expo had many local business owners in attendance, no recommendations for improving IRS services were received.

Harris shared his recent experience with a television interview he had. The interview reached 65,000 to 75,000 households.

Judi took a moment to explain the challenges TAP faces when recruiting in less populated states. A small amount of media attention really helps to get the word out that TAP is recruiting new members. Judi informed the committee that one of the duties of the new analyst will be to assist in coordinating



outreach events. The new analyst will work with the Local Taxpayer Advocate (LTA) to find outreach activities in each state.

Harris asked if panel members could to receive a list of the outlets that media specialists use to distribute TAP press releases. Judi replied, while the specialist releases the story, the media determines if the story should go to print.

### **Recruitment & Interview Process**

Judi informed the committee that 618 applications were received nationwide for TAP positions. Hawaii and Utah had an increase in applications because of the recent media attention TAP received in those states. The TAP staff will rank applications the week of May 12 and interviews will be scheduled for the last three weeks in June. The interview panel will include an LTA, TAP Manager, and a panel member. Judi will send out an email soliciting interested panel members to assist with the interviews. Members suggested items that applicants should know, either prior to or during the interview. Steve suggested that applicants be informed that outreach is encouraged for all TAP members. Potential members should know what outreach is and why it's important. Examples of outreach should be provided.

Eileen would like to see a mentor program for new members. Judi stated that TAP had a mentor program in the past, but the responsibility of the program rested on the shoulders of the experienced panel members. Due to a lack of follow-through, the program slowly faded away. Judi feels that the TAP staff should take the initial responsibility of facilitating the mentoring program. Dean suggested the mentoring process begin prior to the interview. An applicant would definitely benefit by speaking to an experienced panel member prior to his/her interview. This will help the applicant know what to expect from the position. Judi felt that was a great idea and agreed to pass the recommendation on to the staff.

**ACTION: Judi will consult the TAP staff for their input on Dean and Eileen's recommendations.**

### **Joint Committee Report**

Milissa reported that Area 6 elevated one issue the Joint Committee.

Area 4 is working on an issue where taxpayers are signing Form 4089, Notice of Deficiency-Waiver, without fully understanding that they are agreeing to the assessment as presented. The waiver also signifies the taxpayer's agreement not to pursue Appeals or petition the Tax Court. Area 4 does not know the number of people who were impacted by this issue but TAP Analyst, Mary Ann Delzer, is working on getting the numbers.

A town hall meeting was held in Durham, NC. There were approximately ten members of the public in attendance. Most attendees were practitioners or representatives of a Low Income Tax Clinic (LITC) or a volunteer organization who had a lot to say about refund anticipation loans. The next town hall meeting is scheduled for Tuesday, May 6, at the Trotter Center in Springfield, IL.

Joe volunteered to be the lead of a new subcommittee which will develop the new election process for the TAP chair. The subcommittee will also review the process of electing the chairs for area and issue committees. Judi added that a recommendation was made to hold the chair training directly after the conclusion of the annual business meeting.

### **Issue Committee Report**

In addition to area committees, TAP is also comprised of issue committees which receive direction from IRS program owners. Panel members participate on both an issue committee as well as an area committee. Each panel member provided a brief update on the activities of his/her issue committee.

### **Subcommittee Update**

The Taxpayer Burden Subcommittee reviewed issue #4495 (Penalty & Interest -- Accruing While IRS Delays a Decision). After initial research, the subcommittee found that the establishment of penalty





and interest, along with any stop in accruals, is based on legislation. Any exceptions to the normal accrual process of penalty and interest would probably require a legislative change. It was recommended to the full committee that the issue be dropped.

**DECISION: The full committee agreed to drop issue #4495 because it would require a legislative change.**

The full committee reviewed the draft recommendation for issue #4227 (Requests to Speak with a Supervisor). This recommendation was created by the IRS Services Subcommittee. By consensus, the full committee agreed to elevate the referral to the Joint Committee.

**DECISION: The full committee agreed to elevate issue #4227 to the Joint Committee.**

The Miscellaneous Subcommittee continues to work on their active issue, #4358 (Fraud – Preparers Reporting Other Preparers or Taxpayers).

**Closing**

Joe thanked everyone for their hard work. Teresa closed the meeting.

**Friday, May 2, 2008**

**Designated Federal Official**

Teresa Thompson

**Attendance**

George Bates  
Milissa Bensen, Vice Chair  
Eileen Birge  
Marilynn Clapp  
Dean Conder  
Laura Criel  
Steven Maisch  
Neil Mitchell  
Joe Shields, Chair  
Ed Uhrig  
Harris Widmer

**Staff**

Judi Nicholas, TAP Program Manager  
Dave Coffman, TAP Program Analyst  
Marla Ofilas, TAP Secretary

**Subcommittee Break Out**

During day two, the members separated into their subcommittees and worked their assigned issues.

**Saturday, May 3, 2008**

**Designated Federal Official**

Teresa Thompson

**Attendance**

George Bates  
Milissa Bensen, Vice Chair  
Eileen Birge  
Marilynn Clapp  
Dean Conder  
Laura Criel  
Steven Maisch



Neil Mitchell  
Joe Shields, Chair  
Ed Uhrig  
Harris Widmer

### **Staff**

Judi Nicholas, TAP Program Manager  
Dave Coffman, TAP Program Analyst  
Marla Ofilas, TAP Secretary

### **Opening**

Teresa opened the meeting.

### **Subcommittee Reports**

#### **IRS Services Subcommittee**

The subcommittee requested to transfer issue #4157 (Return Processing -- IRS Losing Vital Tax Documents) to the Taxpayer Burden Subcommittee.

- Issue #4202 (EFTPS -- Time Zone Problems)

The subcommittee drafted a recommendation and shared it with the full committee. The subcommittee feels there should be fairness across the board regarding payments made through the Electronic Federal Tax Payment System (EFTPS). Marilyn suggested a change in policy would be easier to implement rather than elevating a proposal that would require computer reprogramming.

**DECISION: The subcommittee agreed to make the recommended changes. When the changes are completed, the subcommittee will forward the draft to the Area 6 quality review team.**

The subcommittee has agreed to place the following issues in "Parking Lot" status:

#4197 (Notices -- Erroneous Balance Due Notices), #4385 (Practitioner Hotline -- Services Offered), #4389 (CP 2000 -- Unable to Reach an Employee), #4513 (Correspondence -- POA), #4538 (Exam/Audits -- Not Forwarding Documents for Processing), and #4708 (Free File -- Fees for Service).

The subcommittee recommended that Area 6 drop the following similar issues: Issue #3695 (Telephones--Unable to Reach Actual Person), #3912 (IRS Menu Options -- Speaking to an Actual Person), #3968 (Toll-Free Number -- Option to be Connected to an Employee), #3966 (Toll-Free Number -- Accuracy/Timeliness of Advice), and #3989 (IRS Toll-Free Numbers -- Menu Options). Area 2 received a response from IRS on similar issues that Area 2 closed as "Partially Accepted". IRS already measures call accuracy, which has improved over the last few years. Contact with an actual IRS employee has previously been addressed by TAP. Test calls have been completed with positive results.

**DECISION: The full committee agreed with the subcommittee to drop said issues.**

- Issue #4361 (Return Processing - IRS Doesn't Recognize Unclaimed Expenses):

The subcommittee recommends that this issue be dropped. The problem associated with this issue is beyond the knowledge of the IRS. The taxpayer has the opportunity to file a Form 1040X to identify any additional expenses.

**DECISION: The full committee agreed to drop issue #4361 (Return Processing - IRS Doesn't Recognize Unclaimed Expenses).**

- Issue #4362 (Correspondence - Overused for Audits/Collection Interviews):

The subcommittee recommends this issue be dropped. The current process of correspondence audits, which saves time and cost for both the taxpayer and IRS, seems to be working.



**DECISION: The full committee agreed to drop issue #4362 (Correspondence - Overused for Audits/Collection Interviews).**

- Issue #4392 (Communication -- Face-to-Face Communication with IRS):

The subcommittee recommended dropping this issue because no specific problem is mentioned. The taxpayer still has options to speak to an IRS employee.

**DECISION: The full committee agreed to drop issue #4392 (Communication -- Face-to-Face Communication with IRS).**

- Issue #4532 (Audits -- Timeliness to Complete):

The subcommittee recommended dropping this issue because the problem stems from an isolated incident. It really should be referred to the Taxpayer Advocate Service.

**DECISION: The full committee agreed to drop issue #4532 (Audits -- Timeliness to Complete)**

- Issue #4548 (EITC -- Paying Evenly Throughout the Year):

The subcommittee recommended dropping this issue because advanced earned income credit is already an option for taxpayers.

**DECISION: The full committee agreed to drop issue #4548 (EITC -- Paying Evenly Throughout the Year)**

- Issue #4600 (Duplicate SSN):

The subcommittee recommended dropping this issue because the duplicate Social Security Number check is a safeguard to prevent fraud and input errors. The taxpayer may be slightly inconvenienced, but the taxpayer is not being penalized.

**DECISION: The full committee agreed to drop issue #4600 (Duplicate SSN).**

- Issue #4648 (Communication -- Transmitting Data and IRS Phone Contacts):

The subcommittee saw this problem as an isolated incident and recommended dropping this issue. A phone transmission problem is not an IRS problem.

**DECISION: The full committee agreed to drop issue #4648 (Communication -- Transmitting Data and IRS Phone Contacts).**

**Taxpayer Burden Subcommittee**

The subcommittee reviewed IRS's response to recommendation #607-3233 (Rules for Self-Employed Taxpayers). The subcommittee drafted a rebuttal and hopes to discuss their position via teleconference with the person that provided the response.

- Issue #4406 (Audits – Scheduling the Appointment):

Marilynn reported that there is no minimum amount of time for the preparer/representative to prepare for an audit. The subcommittee feels there should be something in the manual stating, "Do not schedule an appointment within 14 days." The subcommittee agreed to make this their next active issue.

- Issue #4102 (FICA Taxes -- IRS Treatment of Board Members), #4198 (FUTA Taxes -- Fund Distributions), #4283 (Estimated Tax Payments -- Additional Burden for Partnerships), #4285 (Payments -- Credit Card Payment Fees), #4445 (401(k) -- Debt Cancellation), #4514 (Penalties -- Imposed on Practitioners), #4529 (Reporting Format for Brokerage Houses), #4637 (Payroll Penalties, Too High), #3873 (Stock Transactions -- Reporting to IRS), #3976 (Itemizing Mutual Funds/Stock Gains -- Using the Summary), and #3977 (Brokerage Statements – Standardization):



The subcommittee recommended dropping these issues because they require a change in legislation.  
**DECISION: The full committee agreed to drop said issues.**

- Issue #4101 (Qualified Plans -- Determination Letter), #4222 (Gap Years -- Requiring Taxpayers to File), #4281 (Estimated Tax Payments -- Limited Liability Corporations), #4307 (Installment Agreements -- Appeal Rights), #4354 (State Sales Tax Deduction -- Making State Refund Taxable), #4355 (Injured Spouse Claims -- Reasonable Processing Timeframe), #4373 (Excess Collections -- Applied to a Subsequent Assessment), #4388 (Audits -- Submitting Documentation), #4397 (ITIN Applications -- Reasonable Timeframe to Respond), #4530 (Form 1099-DIV -- True Dividend Amount), #3971 (Fraud Program -- Inadequate Exposure), #4125 (IRS Notices -- Regular Notification of Balance(s) Due), and #4232 (IRS Notices -- Clarity of Penalties & Interest):

The subcommittee will place or keep these issues in the parking lot.

### Miscellaneous Subcommittee

- #4358 (Fraud – Preparers Reporting Other Preparers or Taxpayers):

Neil stated that the subcommittee developed recommendations to add an electronic Form 3949-A, Information Referral, to tax return preparation software and expand VITA training to include the circumstances under which the form would be used. Two recommendations were developed. One recommendation includes a proposed solution for the Wage & Investment operating division and the other is for the Criminal Investigation operating division.

**ACTION: The full committee will review the final recommendation during their June teleconference.**

- Issue #4169 (Return Processing – Transferring for Adjustments):

The subcommittee recommended dropping this issue. The problem appears to be isolated.

**DECISION: The full committee agreed to drop issue #4169 (Return Processing – Transferring for Adjustments).**

- Issue #4269 (Perception of Newly Graduated Tax Accountants)

The subcommittee felt that this is not a workable TAP issue.

**DECISION: The full committee agreed to drop issue #4269 (Perception of Newly Graduated Tax Accountants).**

- Issue #4177 (Interest – IRS Employees Abating Interest):

The subcommittee recommended dropping this issue because the problem appears to be an isolated incident.

**DECISION: The full committee agreed to drop issue #4177 (Interest – IRS Employees Abating Interest).**

- Issue# 4282 (Deductions for Coursebooks), #4360 (Withholdings -- IRS Paying Interest on Withholdings), #4528 (Tax Credit -- Energy Conversion from Fossil Fuels), #4659 (Capital Gains), and #4716 (Base Amount of Benefits -- Not Indexed for Inflation):

The subcommittee recommended dropping these issues since it would require a change in legislation.

**DECISION: The full committee agreed to drop said issues.**

Neil concluded that issue #4383 (TAS -- Losing Taxpayer Correspondence) has been transferred to the Taxpayer Burden Subcommittee. In addition, the subcommittee will combine issue #4395 (Form 2848 – Interpretation) with issue #4356 (Powers of Attorney -- Ignored by IRS) and #4413 (IRS Systems) with #4396 (ITIN Notices – Timing).



### **Public Input**

Members of the public were not present at this meeting.

### **TAP Quality Review Process**

Judi provided an overview of the Joint Committee quality review process. The quality review team was formed to ensure all recommendations include proper grammar, technical clarity and accuracy, and general readability. Judi emphasized the importance of elevating well-researched recommendations to the IRS.

### **Open Topic**

Eileen expressed her disappointment with the lack of communication in her involvement with the EITC Awareness Day.

**ACTION: Judi agreed to have a conversation with Bernie regarding the uneven coordination of TAP members participating in EITC Awareness Day.**

Joe suggested that Area 6 members hold their face-to-face meeting earlier in the year to get a jump on working issues. Joe also suggested that the committee chair should be selected prior to the annual meeting.

Eileen would like to see that issues are worked during the annual meeting. Eileen also volunteered to be a mentor to a new member and to applicants that have scheduled interviews.

The full committee discussed possible cities for Area 6 face-to-face meeting in 2009.

**ACTION: The staff will complete a cost estimate for Seattle, Boise, and Portland**

### **Recap Action Items**

Dave reviewed all action items. Judi noted that the staff will be unavailable for the June 3 teleconference. Judi asked that the teleconference be rescheduled.

**ACTION: Dave will email the members some potential dates for the next Area 6 teleconference.**

### **Closing**

Joe thanked everyone for their participation. Judi closed the meeting.



**Area 6 Committee Meeting  
Teleconference Minutes  
April 1, 2008**

**Designated Federal Official**

Teresa Thompson

**Members Present**

Milissa Bensen, Vice-Chair  
Marilynn Clapp  
Dean Conder  
Laura Criel  
Steve Maisch  
Neil Mitchell  
Joe Shields, Chair  
Ed Uhrig

**Members Absent**

George Bates  
Eileen Birge  
Harris Widmer

**Staff**

Judi Nicholas, Program Manager  
Dave Coffman, Program Analyst  
Marla Ofilas, Secretary

**Opening**

Teresa opened the meeting and Joe welcomed the participants. Marla conducted roll call and a quorum was met. There was no citizen input.

**Meeting Minutes Approval**

Minutes for both February and March 2008 were reviewed.

**DECISION: The full committee approved the minutes for both February and March 2008.**

**Outreach Review**

Milissa informed the committee that recent outreach numbers are lower than those from this time last year. In February 2008, 205 contacts were made. Of the 205, 130 were from an outreach presentation by Marilynn.

**2008 TAP Recruitment**

Judi reported that letters were sent to various large employers and labor unions to spread the word on recruitment. At this time there are no applicants for South Dakota, Wyoming, or Idaho. Judi asked the members to assist in getting the word out. Ed asked for another copy of the recruitment press release.

**ACTION: Judi will send Ed the TAP recruitment press release.**

**Taxpayer Burden Subcommittee Report**

- **Issue #4376 (Check Box –No Expiration Date)**

The subcommittee discussed the issue during their last teleconference. Based on the progress made by Area 3, and the fact that IRS Chief Counsel will not allow IRS to extend the authorization past one year, the subcommittee recommends the issue be placed in a "dropped" status.

**DECISION: The full committee agreed to "drop" issue # 4376.**



The subcommittee will review the basic research on issues #4406 and #4495. One of these issues will be chosen as the subcommittee's active issue.

### **IRS Services Subcommittee Report**

- **Issue #4227 (Toll-Free Service – Request to Speak with a Supervisor)**

The subcommittee drafted a Joint Committee referral for issue #4227. The issue is now ready for proofreading by the Area 6 quality review team.

In the past, one member from each Area 6 subcommittee served on the Area 6 quality review team. This team was formed to review Joint Committee referrals before they're submitted to the full Area 6 membership for approval.

The full committee decided that Judi and Laura will review the draft referral and submit their recommended edits to the subcommittee. The subcommittee will discuss the results at their April meeting and have the final draft ready for approval at the face-to-face meeting in Salt Lake City.

**ACTION: Judi will review the draft and submit her edits to Laura.**

### **Miscellaneous Subcommittee Report**

- **Issue #4358 (Fraud – Preparers Reporting Other Preparers or Taxpayers)**

Issue # 4358 focuses on the following question: If a taxpayer is "shopping around" for a larger (although not necessarily correct) refund, how can the ethical preparer get the return flagged by IRS without cancelling return preparation appointments to fill out a paper form 3949-A (Informant Referral) and mail it in?

The subcommittee understands how busy preparers are during the filing season, often taking back-to-back appointments. They questioned if Form 3949-A could be submitted online. The preparer, already sitting at a computer, would most likely have the taxpayer's name and tax identification number. An online Form 3949-A would make it easier for a busy preparer to report possible fraudulent activity. Dave is researching the possibility of submitting Form 3949-A electronically.

### **Joint Committee Business**

Milissa attended the Joint Committee meeting in Joe's place. She noted that there were no issues for the Joint Committee to review. Instead, the Joint Committee discussed the details of their upcoming face-to-face meeting.

### **Face-to-Face Meeting Agenda**

The members reviewed and discussed the Area 6 face-to-face meeting agenda for May 1-3, 2008. Judi explained that there is time set aside on Saturday's agenda to have an open discussion. If there are no topics raised during the open discussion, the meeting may end earlier than expected.

### **Closing**

Teresa closed the meeting.



**Area 6 Committee Meeting  
Teleconference Minutes  
March 4, 2008**

**Designated Federal Official**

Judi Nicholas

**Members Present**

George Bates  
Milissa Bensen, Vice-Chair  
Eileen Birge  
Marilynn Clapp  
Dean Conder  
Laura Criel  
Steve Maisch  
Joe Shields, Chair  
Harris Widmer

**Members Absent**

Neil Mitchell  
Ed Uhrig

**Staff**

Dave Coffman, Program Analyst  
Marla Ofilas, TAP Secretary

**Opening/Roll Call**

Judi opened the meeting and Joe welcomed the members. Marla did roll call and a quorum was met. There was no citizen input.

**Outreach Review**

Milissa explained that outreach efforts from January reached 418 people, 300 of which were from an outreach event that Milissa attended.

The group observed that outreach numbers are lower compared to a year ago. Joe reminded the members to report all one-on-one outreach efforts.

Laura asked for clarification on addressing the stimulus payments during outreach events. Judi reminded the members it's not their role to represent the IRS, but they can provide the toll-free number which has the latest information on the payments.

**Taxpayer Burden Subcommittee Report**

- **Issue #4446 (Collection – Financial Standards)**

Marilynn reported that the subcommittee met and compared the process of applying financial standards before the recent change and after the recent change. The subcommittee believes the newer method of calculating allowable expenses is more equitable than the previous method. Most importantly, the subcommittee recognized that the taxpayer can be allowed an amount greater than the standard expense if it is necessary for either the health and/or welfare of the taxpayer's family or for the production of income. Allowing the greater expense requires proof of payment, but the subcommittee felt that the request is reasonable. The subcommittee recommends this issue be dropped.

**DECISION: Issue #4446 will be placed in a "dropped" status.**

- **Issue #4376 (Check Box – No Expiration Date)**





The subcommittee has decided to pursue this as their next active issue. The third party designation “check box” currently expires one year after the due date of the tax return. Due to the amount of time it takes for the IRS to process, review and, if need be, audit a return, the timeframe is insufficient. The subcommittee will continue to explore this issue during their next teleconference.

### **Miscellaneous Subcommittee Report**

- **Issue #4504 (E-mail Scams – Posing as IRS)**

Laura reported that the subcommittee researched the issue and found that the IRS has issued several press releases on phishing and e-mail scams. The Public Affairs office has been quite successful in getting the releases picked up by both local and national media. Unfortunately, there is no way to measure how successful the press releases are because not all phishing scams are identified by IRS. Also, IRS used to be able to communicate newsworthy information to the public via direct mailers included with the tax forms and instructions. Since the IRS no longer sends each taxpayer a tax form and instructions, there is no method to directly inform each and every taxpayer about such scams. The subcommittee felt that IRS is doing what they can to inform the public and recommended that the issue be dropped.

**DECISION: Issue #4504 will be placed in a “dropped” status.**

### **IRS Services Subcommittee Report**

- **Issue #4227 (Toll-Free Service – Request to Speak with a Supervisor)**

Milissa reported that the subcommittee met and discussed several options for identifying, referring and initiating supervisor call-backs. Dave is summarizing input from the subcommittee’s last brainstorming session, which will be discussed at the next subcommittee meeting.

### **Joint Committee Meeting**

Joe reported that recruitment for TAP will occur from March 17 through April 30. TAP Director Bernie Coston has indicated that he would like to see more diversity in the panel.

The Communication Committee will be sending out the returning member survey. Joe asked that the members take time to fill it out and return it to Janice Spinks.

Area 3 members participated in the Birmingham, Alabama town hall with Nina Olson. The next town hall is scheduled for March 13 in North Carolina and May 1 in Springfield, IL.

### **Face-to-Face Meeting**

Marla is working on securing meeting space and lodging for the Area 6 face-to-face meeting. Once a location has been secured, Marla will notify the members and begin travel arrangements.

### **Closing**

Joe thanked the members and Judi closed the meeting.



**Area 6 Committee Meeting  
Teleconference Minutes  
February 5, 2008**

**Designated Federal Official**

Teresa Thompson

**Members Present**

George Bates  
Milissa Bensen, Vice-Chair  
Marilynn Clapp  
Dean Conder  
Laura Criel  
Joe Shields, Chair  
Ed Uhrig  
Harris Widmer

**Members Absent**

Eileen Birge  
Steve Maisch  
Neil Mitchell

**Staff**

Judi Nicholas, Program Manager  
Dave Coffman, Program Analyst

**Opening / Roll Call**

Teresa opened the meeting. Dave did roll call and a quorum was met. There was no citizen input.

**Outreach Review**

Milissa provided the outreach review. Area 6 outreach efforts reached 93 people in December, 45 of which were from Joe who attended a tax preparer's training class. Harris did quite a bit of one-on-one outreach to 16 people. Joe mentioned an especially effective outreach he had when he sat next to a congressman on a flight from Chicago. That congressman is now well aware of TAP.

**Taxpayer Burden Subcommittee Report**

- **Issue #4201 (E-File – Businesses Changing Names)**

Marilynn reported on the subcommittee's active issue, #4201. The issue involves a suggestion allowing business taxpayers to electronically change the name of their business with the IRS. Currently, businesses must complete a form and submit supporting documentation to the IRS. After the subcommittee reviewed the current procedure, they determined that the chance of fraudulent activity would probably be greater if business taxpayers were allowed to submit changes online. The subcommittee agreed that the existing procedure is much safer for changing business names. The subcommittee asked Area 6 to drop the issue.

**DECISION: Issue #4201 will be placed in a "dropped" status.**

- **Issue #4446 (Collection – Financial Standards)**

Marilynn said that issue #4446 will be placed in an active status and the committee will begin examining the issue.

- **Issue #4316 (Offer in Compromise – Considering Offer Based on Home Value)**



The subcommittee did not get the full scope of the problem when they started looking at this issue. After initial research, they became acquainted with the method IRS uses to calculate an acceptable offer, based on the value of a home. The value is based on a net amount (market value minus the remaining mortgage). Dave contacted the person who submitted the recommendation and discovered that the actual issue involves a resident alien who owns property in another country. The resident alien was told that he needs to sell the property in the other country as part of the offer. This issue will remain in the parking lot.

- **Issue #4400 (Penalty Abatements – Based on Preparer’s Advice)**

Marilynn asked the committee to consider dropping this issue. It originally called for abatement of penalties based on erroneous advice from a tax preparer. After researching the issue, the subcommittee found that the IRS already has a provision for abatement of penalties based on erroneous advice from a preparer.

**DECISION: Issue #4400 will be place in a “dropped” status.**

### **Miscellaneous Subcommittee Report**

- **Issue #4504 (E-mail Scams – Posing as IRS)**

In Neil’s absence, Laura reported on the subcommittee’s recent activity with issue #4504. She provided examples of warnings issued by IRS, raising awareness among taxpayers on bogus e-mails known as phishing attempts. These phishing attempts are disguised as IRS correspondence, asking the recipient to provide financial information to sender. On the surface, it appears the IRS is doing a fairly good job at informing the public of these scams, but the subcommittee wants to delve into this a little deeper. Dave shared some recent information he received from IRS Media Relations. This information will be analyzed by the subcommittee at their next meeting.

### **IRS Services Subcommittee Report**

- **Response #607-3455 (Social Security Benefits – IRS Assumptions of Base Amount)**

Milissa informed the committee of the issue and the IRS’s response. While the IRS didn’t accept the committee’s recommendation to clarify the tax instructions, they did agree to revise IRS notice 703. The revision will clarify the reporting instructions for taxpayers who lived apart from their spouse the entire year and file as married filing separately.

**DECISION: Close response #607-3455 as “Closed – Proposal Partially Accepted”.**

- **Issue #4227 (Toll-Free Service – Request to Speak with a Supervisor)**

Milissa explained how each subcommittee member is going to work on formulating a portion of what will most likely be this issue’s proposal. Milissa noted there is no consistent guidance to assist employees when they receive a request to speak to a supervisor. The subcommittee is attempting to determine the appropriate steps employees should follow as well as the documents and/or Internal Revenue Manual (IRM) references which should be written.

### **EITC Day**

Judi asked the Area 6 members who attended the recent EITC Day to share their experiences with the committee.

Dean was able to participate in the EITC kick-off with some of the Taxpayer Advocate Service employees. He found the experience very rewarding.

If TAP participates in EITC Day next year, TAP will continue to try and pair up members with their local EITC Day activities.



### **IRS Oversight Board Participation**

Judi informed the members that the TAP Chair has received eight or nine discussion items on TAPSpace for his upcoming meeting with the IRS Oversight Board. TAP's contributions to the Board will be shared after the TAP Chair meets with the board.

Joe asked about the status on this year's problems related to the alternative minimum tax (AMT).

Judi understands the problem to be basically resolved, except for a small number of returns that are require schedules which are not yet available. More information about the AMT impact can be found on the IRS web site ([www.irs.gov](http://www.irs.gov)).

### **Joint Committee Business**

Joe provided an overview of the chair training which took place January 10 – 12. One item of interest was the recruitment of new members. TAP will attempt to increase the diversity of its membership during this coming recruiting season.

There are also some town hall meetings that will be held in the near future – none of which will involve Area 6.

Joe said the committee can expect a much faster response time from IRS on recommendations submitted by TAP. Most recommendations will receive a response within 30 to 45 days.

Judi added a few other topics that were raised at the recent training. One of which is the formation of a small group of TAP members and staff to work on recruiting a more diverse pool of potential TAP members. Also, a small team will be formed to explore the format and content of this year's annual meeting.

### **Outreach Commitments**

Judi asked the members to review the sample outreach commitments included in their reading materials. Outreach commitments were made last year and, if the committee wishes to, they may formulate commitments for this year.

The committee decided not to write outreach commitments this year. The outreach commitments made last year did not have any influence on their outreach efforts.

**DECISION: Area 6 will not formulate outreach commitments for 2008.**

### **Meeting Assessment**

Instead of taking time during the meeting to address what went well and what didn't go so well, Joe asked the committee to send Judi or him an e-mail on any recommendations or concerns they have with the meeting.

### **Recap Action Items**

Dave recapped the action items and commitments made during the meeting.

### **Issue Committee Activity**

Joe asked each member to comment on the recent activities of their issue committees. Harris commented on the recent activities of the EITC committee, Ed commented on Notices, Laura provided info on VITA, Dean explained the task given to the TAC committee, George noted that his issue committee is now the Forms, Publications/Language Services committee, and Milissa and Joe commented on some projects being worked by the Communication committee.

### **Closing**

Teresa closed the meeting.