

## IRM PROCEDURAL UPDATE

**DATE: 10/09/2012**

**NUMBER: WI-21-1012-1703**

**SUBJECT: Clarify Procedures**

**AFFECTED IRM(s)/SUBSECTION(s): 21.3.7**

**CHANGE(s):**

**IRM 21.3.7.5.1(4)a)7) Added Command Code INOLE as research.**

4. Essential elements are:

- a. **Essential element 1** The taxpayer's dated signature is required. An electronically signed, printed or stamped signature is **not** acceptable.
  1. For IMF joint accounts, each spouse must execute his or her own power of attorney or tax information authorization on a separate Form 2848 or Form 8821, to designate a representative/appointee even if the same representative/appointee is being named on the authorization.
  2. For BMF accounts, a signature, date and title is required. ##
  3. A thumbprint or **X** with a witness signature is acceptable.
  4. A hand printed (not typed) signature is acceptable.
  5. When the taxpayer signs and dates the **Form 2848** before the representative, the signature dates of the taxpayer(s) and representative(s) **must be** within 45 days for domestic authorizations and **within 60** days for authorizations of taxpayers/representatives residing abroad. If the taxpayer's dated signature is more current than the representative's signature, the 45 and 60 day rule does not apply. As long as the signature dates meet this requirement, the Form 2848 may be submitted and processed at any time.
  6. Form 8821 must be received by the IRS within 120 days of the date it was signed and dated by the taxpayer when the Form 8821 does not address tax matters.

**NOTE:** The only time a taxpayer signature is not required is when a faxed Form 8821 Oral Tax Information Authorization (OTIA) is received from an internal source in the CAF function and line 7 is notated that this is an "Oral Tax Information Authorization", "Oral TIA", or "OTIA". For BMF accounts, the name and title must be notated on the OTIA of the individual granting this authority.

7. If the Form 2848 is signed by a fiduciary, (e.g., executor/administrator/trustee of a bankruptcy, trustee of a trust/conservator/designee/guardian/receiver/personal representative/person in possession of property of a decedents estate, debtor in possession of assets in any bankruptcy proceeding by order of the court) research **CC ENMOD** or **CC INOLE** to verify that the person signing the form matches the second name line.

**NOTE:** The document with most recent taxpayer signature date, whether already processed to the CAF database or just received by fax or mail, is the document that has representational authority for the taxpayer.

b. **Essential element 2** - Only applies to Form 2848. The representative's designation under which he or she is authorized to practice before the IRS must be present. Designation types (A - R) are listed below. In addition, the representative must list the Licensing jurisdiction (state) or other licensing authority and Bar, license, certification, registration, or enrollment number, if applicable. The representative's signature and date are also required. For multiple representatives listed on the same form, only one signature date is required; however, all representatives must sign the Form 2848. **##**

- **A** - Attorney - enter two-letter state abbreviation, i.e., "NY" for New York, for which they are admitted to practice and associated bar or license number, if any.
- **B** - Certified Public Accountant (CPA or LPA) - enter two-letter state abbreviation, i.e., "NY" for New York, in which they are licensed to practice and associated certification or license number, if any.
- **C** - Enrolled Agent - enter enrollment card number issued by Office of Professional Responsibility (OPR).
- **D** - Officer - enter title of the officer, i.e., President, Vice-President, Secretary, Treasurer, etc.
- **E** - Full-time Employee - enter title or position, i.e., Comptroller, Accountant, Bookkeeper, etc.
- **F** - Family member - enter relationship to taxpayer, i.e., spouse (husband or wife), parent (mother or father), child (son or daughter), sibling, (brother or sister).
- **G** - Enrolled Actuary - enter the enrollment card number issued by the Joint Board for the Enrollment of Actuaries.
- **H** - Unenrolled Return Preparer - Enter your PTIN.
- **I** - Registered Tax Return Preparer - Enter your PTIN

- **K** - Student - Enter **LITC** or **STCP** and attach copy of Special Appearance Authorization letter from OPR.
- **R** - Enrolled Retirement Plan Agent - enter the enrollment card number issued by OPR.

**NOTE:** The Office of Professional Responsibility (OPR) may request designation level changes specific to a recorded authorization. Do not accept any CAF designation changes from any other functional areas, including Return Preparer Coordinator (RPC), Criminal Investigation (CI), and Treasury Inspector General for Tax Administration (TIGTA). Refer the requestor to OPR

- c. **Essential element 3** - Specific tax matter(s), i.e., type of tax or tax form number, is required. Specific (or inclusive) Period(s) is/are required. Refer to IRM 11.3.3.1.1 (3) (d), Disclosure to Designees and Practitioners. All tax periods listed on an authorization are input whether displayed on CC **IMFOL/BMFOL** or not.

**NOTE:** Use of the four digit year (i.e., 2008) generally is acceptable for both calendar year and fiscal year taxpayers. If the authorization does not provide a calendar year or fiscal year ending month use the fiscal year month as established for the entity.

- d. **Essential element 4** - Clear identification of the taxpayer, i.e., name, address, taxpayer identification number is required. The presence of two of the three identifiers is sufficient. Research can be done to locate the third identifier.
- e. **Essential element 5** - Clear identification of the third party, i.e., name and address is required. A CAF number is not required.

**NOTE:** If a business entity is named as an appointee authorized to receive tax information, this will include all employees of the named business entity and a list is not required.

**IRM 21.3.7.10(2) & (4)** Updated procedures to clarify acceptable Revoke/Withdraw requests.

- 2. The taxpayer revokes an authorization. "**Revoke**" should be annotated in the top margin of a copy of the original authorization document. Unless otherwise specified, revoke authority from all third parties listed on the Form. Correspondence from the taxpayer that includes all essential elements with a current dated signature is acceptable.
- 3. A third party withdraws from the authorization. "**Withdraw**" should be annotated in the top margin of a copy of the authorization document. The third party must

- affix a current dated signature. Terminate the authorization only for those third parties who signed and dated the withdrawal request. Correspondence from the third party that includes all essential elements with a current dated signature is acceptable.
4. A third party or taxpayer may state **withdraw** or **revoke** and it will be honored.

**IRM 21.3.7.10.1(2) & (3) & (4)** removed old (2) and renumbered the rest. Edited to include revocation/withdrawal information that applies to both the taxpayer and the representative. Removed an arbitrary range of tax periods, all years or all tax periods is not acceptable from the representative.

1. All Revocations and Withdrawals, must be in written format. A verbal revocation/withdrawal cannot be accepted.
2. The statement of revocation or withdrawal must indicate that the authority of the POA or TIA is revoked or withdrawn, list the matters and periods, and must be signed and dated by the taxpayer or representative as acceptable.

**NOTE:** For a complete revocation/withdrawal, the taxpayer's revocation or the representative's withdrawal request may state remove all years/tax periods instead of listing the specific tax matters, years or periods.

3. A listing of clients and respective TINs with a cover sheet requesting withdrawal by a third party is acceptable only if the third party provides a signed and dated written statement requesting withdrawal from representation on the noted clients and the third party clearly identifies the clients requiring withdrawal.
4. If a revocation or withdrawal is received for an authorization not recorded on the CAF database, treat as classified waste.