

Pt. 10

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PART 10—PRACTICE BEFORE THE INTERNAL REVENUE SERVICE

Sec.

10.0 Scope of part.

Subpart A—Rules Governing Authority to Practice

- 10.1 Director of Practice.
- 10.2 Definitions.
- 10.3 Who may practice.
- 10.4 Eligibility for enrollment.
- 10.5 Application for enrollment.
- 10.6 Enrollment.
- 10.7 Representing oneself; participating in rulemaking; limited practice; special appearances; and return preparation.
- 10.8 Customhouse brokers.

Subpart B—Duties and Restrictions Relating to Practice Before the Internal Revenue Service

- 10.20 Information to be furnished.
- 10.21 Knowledge of client's omission.
- 10.22 Diligence as to accuracy.
- 10.23 Prompt disposition of pending matters.
- 10.24 Assistance from or to disbarred or suspended persons and former Internal Revenue Service employees.
- 10.25 Practice by former Government employees, their partners and their associates.
- 10.26 Notaries.
- 10.27 Fees.
- 10.28 Return of client's records.
- 10.29 Conflicting interests.
- 10.30 Solicitation.
- 10.31 Negotiation of taxpayer checks.
- 10.32 Practice of law.
- 10.33 Best practices for tax advisors.
- 10.34 Standards for advising with respect to tax return positions and for preparing or signing returns.
- 10.35 Requirements for covered opinions.
- 10.36 Procedures to ensure compliance.
- 10.37 Requirements for other written advice.
- 10.38 Establishment of advisory committees.

Subpart C—Sanctions for Violation of the Regulations

- 10.50 Sanctions.
- 10.51 Incompetence and disreputable conduct.
- 10.52 Violation of regulations.

31 CFR Subtitle A (7-1-05 Edition)

10.53 Receipt of information concerning practitioner.

Subpart D—Rules Applicable to Disciplinary Proceedings

- 10.60 Institution of proceeding.
- 10.61 Conferences.
- 10.62 Contents of complaint.
- 10.63 Service of complaint; service and filing of other papers.
- 10.64 Answer; default.
- 10.65 Supplemental charges.
- 10.66 Reply to answer.
- 10.67 Proof; variance; amendment of pleadings.
- 10.68 Motions and requests.
- 10.69 Representation; ex parte communication.
- 10.70 Administrative Law Judge.
- 10.71 Hearings.
- 10.72 Evidence.
- 10.73 Depositions.
- 10.74 Transcript.
- 10.75 Proposed findings and conclusions.
- 10.76 Decision of Administrative Law Judge.
- 10.77 Appeal of decision of Administrative Law Judge.
- 10.78 Decision on appeal.
- 10.79 Effect of disbarment, suspension, or censure.
- 10.80 Notice of disbarment, suspension, censure, or disqualification.
- 10.81 Petition for reinstatement.
- 10.82 Expedited suspension upon criminal conviction or loss of license for cause.

Subpart E—General Provisions

- 10.90 Records.
- 10.91 Saving clause.
- 10.92 Special orders.
- 10.93 Effective date.

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SOURCE: Department Circular 230, Revised, 31 FR 10773, Aug. 13, 1966, unless otherwise noted.

§ 10.0 Scope of part.

This part contains rules governing the recognition of attorneys, certified public accountants, enrolled agents, and other persons representing clients before the Internal Revenue Service. Subpart A of this part sets forth rules relating to authority to practice before the Internal Revenue Service; subpart B of this part prescribes the duties and restrictions relating to such practice;

subpart C of this part contains rules relating to disciplinary proceedings; subpart D of this part contains rules applicable to disqualification of appraisers; and Subpart E of this part contains general provisions, including provisions relating to the availability of official records.

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Subpart A—Rules Governing Authority to Practice

SOURCE: 67 FR 48765, July 26, 2002, unless otherwise noted.

§ 10.1 Director of Practice.

(a) *Establishment of office.* The Office of Director of Practice is established in the Office of the Secretary of the Treasury. The Director of Practice is appointed by the Secretary of the Treasury, or his or her designate.

(b) *Duties.* The Director of Practice acts on applications for enrollment to practice before the Internal Revenue Service; makes inquiries with respect to matters under his or her jurisdiction; institutes and provides for the conduct of disciplinary proceedings relating to attorneys, certified public accountants, enrolled agents, enrolled actuaries and appraisers; and performs other duties as are necessary or appropriate to carry out his or her functions under this part or as are prescribed by the Secretary of the Treasury, or his or her delegate.

(c) *Acting Director of Practice.* The Secretary of the Treasury, or his or her delegate, will designate an officer or employee of the Treasury Department to act as Director of Practice in the absence of the Director or a vacancy in that office.

§ 10.2 Definitions.

As used in this part, except where the text clearly provides otherwise:

(a) *Attorney* means any person who is a member in good standing of the bar of the highest court of any State, territory, or possession of the United States, including a Commonwealth, or the District of Columbia.

(b) *Certified public accountant* means any person who is duly qualified to practice as a certified public account-

ant in any State, territory, or possession of the United States, including a Commonwealth, or the District of Columbia.

(c) *Commissioner* refers to the Commissioner of Internal Revenue.

(d) *Practice before the Internal Revenue Service* comprehends all matters connected with a presentation to the Internal Revenue Service or any of its officers or employees relating to a taxpayer's rights, privileges, or liabilities under laws or regulations administered by the Internal Revenue Service. Such presentations include, but are not limited to, preparing and filing documents, corresponding and communicating with the Internal Revenue Service, and representing a client at conferences, hearings, and meetings.

(e) *Practitioner* means any individual described in paragraphs (a), (b), (c), or (d) of § 10.3.

(f) A *tax return* includes an amended tax return and a claim for refund.

(g) *Service* means the Internal Revenue Service.

§ 10.3 Who may practice.

(a) *Attorneys.* Any attorney who is not currently under suspension or disbarment from practice before the Internal Revenue Service may practice before the Internal Revenue Service by filing with the Internal Revenue Service a written declaration that he or she is currently qualified as an attorney and is authorized to represent the party or parties on whose behalf he or she acts.

(b) *Certified public accountants.* Any certified public accountant who is not currently under suspension or disbarment from practice before the Internal Revenue Service may practice before the Internal Revenue Service by filing with the Internal Revenue Service a written declaration that he or she is currently qualified as a certified public accountant and is authorized to represent the party or parties on whose behalf he or she acts.

(c) *Enrolled agents.* Any individual enrolled as an agent pursuant to this part who is not currently under suspension or disbarment from practice before the Internal Revenue Service may practice before the Internal Revenue Service.