



## DEALER TAX WATCH OUT

If you had called me personally to ask, "What's happening lately with IRS audits of dealers and dealerships that I need to know about?" ... Here's what I'd say:

**#1. THE FOCUS OF THIS ISSUE IS ON TWO PRESENTATIONS AT THE AICPA AUTO DEALERSHIP CONFERENCE.** It's been relatively quiet over the last few months ... However, a lot of excellent information was available at the AICPA National Auto Dealership Conference in Phoenix on Oct. 26-27, 2006.

Most of this issue of the *Tax Watch* is devoted to two major Conference update presentations ... one by the IRS Motor Vehicle Technical Advisor, Ms. Terri Harris ... the other, by attorney Rich Sox, who discussed dealer-manufacturer conflicts and issues. More about each of these a bit later... But, first, let's get caught up on some current IRS audit activity in the field.

**#2. IRS AUDIT ACTIVITIES.** Evidence of greater IRS audit activity is everywhere. Discussions with individual practitioners confirm this. Various Fall meetings of dealership CPA groups confirm this. And, Terri Harris, from the IRS, confirmed this in her presentation at the Conference.

It seems unanimous that these audits by the IRS are by no means being conducted by agents with uniformly high levels of experience. Nor are these agents looking into identical target issues on every audit. Some agents are examining selected technical issues relentlessly. Others barely give these issues a cursory glance or a nod. Despite the lack of IRS audit focus uniformity, we're comfortable making the following generalizations.

**IRS target area - S corp. compensation.** Where part of the IRS pre-audit activity involves a pair of human eyes scanning the tax returns, if a dealership is operating under Subchapter S and the tax return shows no deduction for salaries for officers, the absence of a deduction for officer compensation is very likely to trigger an audit. Why? Because the IRS is

### WATCHING OUT FOR

DEALER TAX WATCH OUT .....	1
AICPA CONFERENCE TAX PANEL TOPICS .....	5
"THE FRANCHISE SYSTEM" - AUTO NEWS SUMMARY .....	9
WRITEDOWN DOCUMENTATION WORKSHEET FOR USED VEHICLES ..	11
IRS MVTA UPDATE ON MAJOR TAX ISSUES .....	12
OBSERVATIONS ON SEC. 62(c) PLANS ... GUEST AUTHOR..	22
DEALER - FACTORY CONFLICTS ...	
EMERGING MANUFACTURER INITIATIVES	
IMPACTING AUTOMOBILE DEALERS .....	24
• GUIDE TO FACTORY SALES INCENTIVE & WARRANTY CLAIMS AUDITS	
... A CHECKLIST OF DO'S & DON'TS .....	30
• SELECTED EXAMPLES OF DEALER RIGHTS & FRANCHISE PROTECTION PROVISIONS UNDER FLORIDA & ILLINOIS LAW ..	36
• PRACTICE DEVELOPMENT SUGGESTIONS .....	40

greatly concerned about the possibility of taxpayers playing games with payroll taxes.

One action that might possibly forestall an audit on this is preemptory disclosure. The suggestion is to attach an appropriate explanation or note in the tax return to justify the absence of a deduction for officers' compensation.

Many dealership officers are drawing salaries from other corporations or from management entities. If this is the case, explaining this in an attachment to the return may avoid an audit (at least, that's what one auditor told a CPA). We've also heard that some processing centers have routinely sent out computer-generated letters where the Form 1120-S

### LOOKING FOR ADDITIONAL & "VALUE ADDED" SERVICES FOR DEALER CLIENTS?

Look no further... Just use the *Dealer Tax Watch* for a head start in golden consulting opportunities and activities to help dealer clients—and, in the process, to help yourself.

see DEALER TAX WATCH OUT, page 2

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