

# October-December 2022



**Brager  
Tax  
Law  
Group**

Tax Controversy Law

## Fall 2022 E-Newsletter



### Happy Fall BTLG Friends!

It is unfathomable that the holidays are once again just around the corner.

Since it is the season to be **thankful** for so much in our lives, it is the perfect occasion for me to thank **you** our loyal clients, on behalf of all of us at Brager Tax Law Group (**BTLG**) for entrusting us with your tax litigation matters.

It is needless to say that the IRS never takes a holiday and neither do legal tax tribulations. I therefore encourage you to read our articles in our blog and the F.A.Q.'s section of our website, as well as in our newsletters, which provide insight on various tax controversy situations. In this fall-holidays issue, our article on page 2 focuses on *Dual Citizens and their Requirement to File FBARs*.

In light of the season I am also appreciative for our BTLG 'elves' who put in long hours, often forsaking weekends and family events to research solutions to complex tax controversy cases. Our team's experience and dedication all year long is the reason that we have resolved intricate legal tax disputes on behalf of thousands of clients, with the best prudent outcomes, for over 30 years.

After 2 years of dealing with the ripple effects of a global pandemic, navigating soaring inflation, and witnessing devastating wars in the media, let's not forget that we always have something to be grateful for as we feast around the Thanksgiving dinner table, followed by exchanging gifts and holiday cheer a month later. However you celebrate the festive season may you and your loved ones be safe, healthy and forever joyous.

**Dennis N. Brager**

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### IMPORTANT EVENT DATES

**We invite you to join us at our forthcoming events, read more on page 3**

- **November 17th, 2022** - American Bankruptcy Institute Conference, **Webinar on Tax Traps in Using Non-US Structure.**
- **January 17th, 2023** - Strafford Publications Webinar on **Responding to Adverse IRS Audit Assessments**

## Are Dual Citizens Required to File FBARs? By Dennis N. Brager



Dual citizens, along with all other "United States persons", must file a Report of Foreign Bank Accounts, also known as an FBAR, if the aggregate value of their foreign financial accounts exceeds \$10,000 at any time during the year. This requirement applies to U.S. citizens, residents, green card holders, and those who must file taxes because they spend significant time in the United States. It also applies to legal entities, including corporations, partnerships, and trusts.

While other countries only tax their citizens on income earned within the country's borders, the United States taxes its citizens, along with other individuals who have a filing requirement, on all worldwide income from any source. This requirement, along with the FBAR filing requirements, can create problems for expatriates.

Expats who move abroad are still responsible for complying with U.S. tax law as long as they remain United States citizens, or green card holders. Even if you live abroad for the entire year, and none of your income would be taxable, you may still have to file a tax return.

If you open a bank account in a foreign country, and the aggregate value of all of your foreign accounts exceeds \$10,000 during the year, you must file an FBAR.

Those that live outside the United States, and who have unknowingly run into FBAR compliance issues are immigrants to the United States. Even though they may be dual citizens, immigrants who maintain a bank account in their home country and then become United States taxpayers may have to file an FBAR in addition to filing a United States tax return. U.S. citizenship is not a prerequisite to triggering these requirements; individuals with green cards or those who meet the "substantial presence" test will also need to file these returns.

The penalties for FBAR non-compliance are severe; \$12,459 per violation for non-willful violations and the greater of \$124,588 or 50% of the balance in the account at the time of the violation, per willful violation. To avoid these penalties, contact one of our tax attorneys to discuss whether you should pursue one of the voluntary disclosure programs.

If you have been contacted by the IRS regarding delinquent FBARs, talk to a tax attorney immediately who may be able to negotiate reduced penalties.



## American Bankruptcy Institute Is Hosting a Consumer Practice Extravaganza Conference

Spanning two weeks, the virtual Consumer Practice Extravaganza promises to be the premier consumer practice event of the year. Leading practitioners will explore the latest in consumer bankruptcy through more than 30 hours of innovative online programming.

**Tax Law Specialist, Dennis Brager**, will be presenting on **November 17th, 2022** from **11:30am to 12:30pm (SPT)**, in a segment called: ***International Asset Protection Trusts: Fish or Fowl?*** More specifically, Dennis's presentation will be addressing ***Tax Traps in Using Non-US Structure***.

The conference's five broad session tracks will offer something for everyone: *Student Loans, Technology and the Future, Subchapter V of Chapter 11, Well-Being and Nontraditional Practice*. Attendees can select sessions from any track, and all sessions will conveniently remain available to attendees for 30 days after the conclusion of the conference.

The Consumer Practice Extravaganza will also feature a range of special "demo" sessions that will showcase technology and money-saving tools especially designed for consumer practitioners, as well as plenaries focused on issues relevant to the entire consumer bench and bar.

Experience an online conference like none you've ever seen, and take your consumer practice to an entirely new level!

For information on this conference and to **register for the webinars** taking place over a span of eight days from November 10th to November 18th, 2022, visit:

<https://www.abi.org/cpex22>

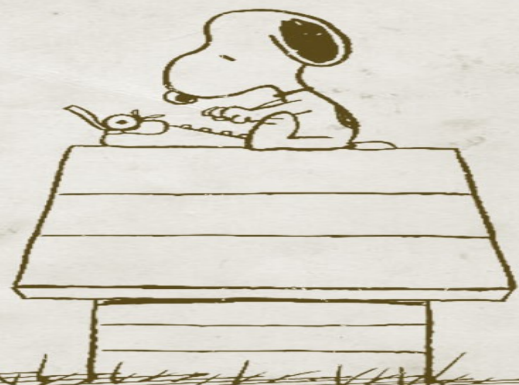
## Strafford Webinar on Responding to Adverse IRS Audit Assessments: Audit Reconsideration Requests, IRS Appeals, and Settlement Strategies

**Dennis Brager will be presenting** at this informative webinar on **Tuesday, January 17th, 2023. at 1pm EST (10am PST)**.

This course will provide tax advisers and professionals with a discussion of IRS exam hotspots. It will outline practical strategies for responding to unfavorable IRS audit results, including requesting audit reconsiderations, navigating the IRS appeals process, and the litigation options available. The participants will learn how to adequately represent and negotiate with the IRS during the audit and through the reconsideration and appeal process.

Registrations are required. We have 10 complimentary lines on a first-come-first-served basis. Please submit your contact information including name, company, email, and phone number to our Director of Communications, Ana-Paula Ferreira at: **[aferreira@bragertaxlaw.com](mailto:aferreira@bragertaxlaw.com)** before January 9th, 2023. For more information on this and other upcoming courses and webinars, visit: **[www.straffordpub.com](http://www.straffordpub.com)**

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## Pumpkin Cheesecake

Courtesy of our editor, Ana-Paula Ferreira's sublime pumpkin cheesecake is a divine alternative to the season's traditional pumpkin pie. Your family and friends will be very grateful that you made this dessert for Thanksgiving dinner!



- 12 ounces gingersnaps
- 3 large eggs
- 1/4 cup sour cream
- 1 1/2 cups granulated sugar
- 6 tablespoons melted salted butter
- 2 tablespoons packed brown sugar
- Pinch of kosher salt
- Three 8-ounce packages cream cheese, softened
- One can pumpkin puree (15 OZ)
- 1/2 cup walnuts, finely chopped (optional)
- 2 tablespoons of brandy (optional)
- 1 teaspoon ground cinnamon
- 2 teaspoon vanilla extract
- 1/2 teaspoon ground nutmeg

1. In a food processor grind the gingersnaps until fine. Pour into a bowl and stir in the walnuts, melted butter, brown sugar and salt, and add the brandy if you want some 'zing'.
2. Press into the bottom and sides of a 10 inch springform pan and refrigerate for 45 minutes.
3. Preheat the oven to 350 degrees F.
4. For filling, beat the cream cheese in a mixer until soft. Mix in the pumpkin, add the eggs 1 at a time, then add the sour cream and mix. With the mixer on low, add the sugar, cinnamon, vanilla and nutmeg. Mix till smooth and blended.
5. Pour the filling into the pan, smoothing the top. Set the pan on a baking sheet and bake until the filling is no longer soupy but still slightly wobbly, about 50 to 55 minutes.
6. Turn off the oven, open the door ever slightly and let the cheesecake sit in the oven for 15 to 20 minutes.
7. Remove from the oven and allow it to cool for 30 minutes, then cover it with cling wrap and refrigerate to chill for at least 6 hours or overnight.

### For the salted caramel sauce:

- 1 cup granulated brown sugar
  - 7 tablespoons salted butter room temperature
  - 1/2 cup heavy cream at room temperature
  - 1 teaspoon salt
1. Mix the sugar, heavy cream, butter, vanilla and salt in a saucepan over medium-low heat.
  2. Cook, while whisking gently, until thick for about 7 minutes.
  3. Let cool, and refrigerate until ready to serve
  4. Serve warm or at room temperature with the cheesecake and indulge in gooey bliss.



## Have You Met Cheryl Frank?

Cheryl joined Brager Tax Law Group as an attorney in 2019. She is a former Senior Tax Attorney in the Tax Litigation Division of the IRS' Office of Chief Counsel in Washington DC.

Her impressive resume includes, among other accolades, having represented the IRS in Court, and advising them on complex issues relating to tax accounting and partnership taxation. Cheryl was also a founding member of the Tax Shelter Injunction Task Force Committee at the Department of Justice.

Our friendly attorney received her undergraduate degree from Georgetown University, cum laude (BSBA in Accounting and Business in 1978) and became a CPA in 1979. She continued with her law degree from University of Miami, (JD with honors 1981) and her LLM in Taxation from Georgetown University, 1984, with honors. Cheryl has been interviewed by CNBC, CNN, and ABC news and was regularly interviewed by Fortune Magazine.

Cheryl has limited her practice to representing clients who have disputes with the IRS as well as other State taxing authorities for over 36 years. Cheryl has also been invited and participated in a mission to China, which was a joint committee from private practice, Department of Justice and Office of Chief Counsel, Treasury Dept. to assist in developing a civil tax court system.

In her spare time, you will find Cheryl enjoying family fun with her four children, her grandchild and 2 dogs. Cheryl is also an avid traveler having visited over 100 countries - so far!



*"A person doesn't know how much to be **thankful** for until you have to **pay taxes** on it"*

**Eppie Lederer**  
**AKA Ann Landers**  
**Celebrity Advice Columnist**  
1918-2002

(America's 'Ask Ann Landers' Agony Aunty for Go-To brutally honest, often comical, advice).