

FBAR Penalty Case Checklist

The FBAR file should be forwarded to the FBAR coordinator for consideration of approval of the FBAR penalty. Included should be the following:

Document	Included (If not provide an explanation)
Letter 3709 (FBAR 30 Day Letter)	
Form 13449 (Agreement to Assessment and Collection)	
Form 906 Closing Agreement (if you are planning to use this)	
Brief summary memo explaining FBAR violations—This should be a narrative explaining the history and fact pattern of the case, specifying what was stated during interviews by the taxpayer and/or the representative, what facts are being relied upon to support a willfulness penalty, what the reason was for the taxpayer’s failure to file the FBAR forms (this should be asked of the taxpayer/representative), whether or not there was reasonable cause for the failure to file the FBAR	
Agent Activity Record	
Related Statute Memorandum (if applicable) for each year	
FBAR Lead Sheet and work papers	
Copy of any delinquent FBAR(s) – annotated in red on the top “Secured by Examination”	
All other documents relied upon in making the FBAR penalty determination	
Documents showing that the taxpayer is a US person- if no documents, explain how you made this determination	
Bank statements showing the monthly balances for the periods at issue (should be converted if in foreign currency)	
Documents reflecting the taxpayer’s interest in the account (bank form showing signatory authority, ownership, etc.)	
Tax returns for the years at issue	
Examination adjustments to tax for the years at issue and tax deficiencies related to the unreported foreign account for earlier years, if known. Identify the amount of the tax adjustment that is related to the foreign account (such as the amount of the tax adjustment resulting from unreported income generated by the account).	