

## Denver Tax Attorneys

Greenspoon Marder's Denver tax attorneys have years of IRS and private client experience that enable them to achieve successful results before the IRS, and state and local tax agencies. Our team represents taxpayers involved in tax audits, trials and collections in Colorado, Florida, New York, California and throughout the U.S.

### Audits

If you received an IRS or State audit letter you need to talk to an experienced tax professional before you talk to the revenue agent. We pride ourselves on helping clients survive tax audits through our experience and expertise in all phases of tax controversy – audit, trial and collections. We work with the revenue agent for your benefit, and we strive to achieve the best result possible while insulating you from the process. In most cases our clients do not have to talk to the IRS and, when they do, we are there with them to advocate on their behalf and make sure their rights are protected. We understand that audits can be stressful, and we are proud that our clients sleep better once we are involved. Learn more about our tax audit and appeals experience.

### Trials

If you have received a Notice of Deficiency, denial of a claim for refund, or Trust Fund Recovery Penalty the next step is to challenge the determination by initiating a protest or trial in the U.S. Tax Court. The good news is that tax litigation is generally far less intrusive and demanding than other types of litigation and most cases are resolved without the need for an actual trial. –But, upon receipt of the Notice of Deficiency, you must file a petition in the U.S. Tax Court, or the IRS will assess the tax against you and start collections. For state and local taxes, protest rights are provided if requested within 30 days from receipt of the Notice. Our experienced Denver tax lawyers, including a former IRS trial attorney, have helped countless taxpayers succeed in Tax Court and before various state tax authorities. We also represent taxpayer claims for refund in U.S. District Court and protest state tax determinations in many states, including Colorado, Florida, California, and throughout the U.S. Learn more about our tax litigation experience.

### Tax Debt

The IRS and State Tax Collectors are powerful officials with the ability to levy (take money from) your accounts and file Notices of Federal Tax Lien that will affect your credit. With the experienced approach of Greenspoon Marder, you will see an end to uncontrolled collections, and tax levies, and you will understand the plan to resolve your tax liability. The resolution could be “pennies on the dollar,” Offers in Compromise, installment agreement, or a combination of methods. Whatever the resolution, Greenspoon Marder Denver tax lawyers will advise you on the best approach to resolve your tax debt. If you qualify for a payment plan or an offer in compromise, we will prepare the Forms, file them with the IRS, and represent you when the IRS has questions. If you don't immediately qualify for a resolution, we will represent you and protect you from the tax authority to provide the time necessary to qualify. [Click here to learn more.](#)

### Employment Taxes

Delinquent employment taxes are a significant problem for business owners and a trap for the inexperienced. The Trust Fund Recovery Penalty “TFRP” imposes personal liability on certain individuals for “trust funds” (amounts withheld from employee wages) that are not paid to the IRS.

If you have an employment tax liability, we can help you. We will deal with the IRS on your behalf, you will understand the law, and together we will decide the best approach to resolve the problem.

### Foreign Entity and Account Reporting

Interests in foreign accounts and ownership in foreign entities must be disclosed to the IRS and FinCEN every year. Taxpayers who have not complied are required to file past due returns – the IRS offers several programs including the Streamline and Offshore Voluntary Disclosure Programs to reduce applicable penalties and protect from criminal prosecution.

Bitcoin and other virtual currency holders have complicated tax obligations and are a current target for IRS audits. Greenspoon Marder handles virtual currency audits and protects owners from the draconian penalties, including criminal exposure, that may apply to non-compliance.

## **Cannabis Tax**

Cannabis businesses face tax challenges that no other businesses operating in the United States face, which is why it is imperative that companies seek legal counsel with an experienced marijuana business attorney. IRC §280E prevents businesses that are engaged in “trafficking,” including marijuana, from taking regular business deductions. §280E forces cannabis businesses to use specific accounting methods, makes them more likely to be audited and significantly raises the potential tax liability for cannabis operators. The experienced lawyers in the Greenspoon Marder Cannabis Law practice group can help you navigate through the tax issues your cannabis-related business will most certainly face.

## **The Payroll Protection Program (PPP) and Employment Retention Credit (ERC)**

The IRS has initiated a new targeted audit program to examine PPP and ERC recipients and determine whether they qualified for the aid or whether they were negligent or fraudulent in applying for and receiving the funds. The IRS also advises that any taxpayer who received forgiveness for a PPP loan due to misrepresentations or omissions is not eligible to exclude the forgiveness from income and should report the loans as income on their tax returns. There are generally three requirements for forgiveness:

1. Eligible Small Businesses operational before 2/15/20 with employees/independent contractors, etc.
2. Loan proceeds were used to pay eligible expenses (business payroll, rent, utilities, etc.)
3. Loan recipients applied for forgiveness and attested to eligibility.

Companies subject to standard audits during years when they received a PPP loan will likely have to show that they qualify for forgiveness in addition to the other issue that comes up in the audit. Meanwhile, there will also be targeted audits of PPP and ERC recipients that the IRS believes were not entitled to relief. The experienced Denver tax attorneys at Greenspoon Marder represent taxpayers in all types of tax matters and we strive to achieve the best possible results for our clients.

## **Lead Attorney**

- Nick Richards

## **Related Areas**

- Tax Litigation
- IRS Offers and Payment Plans
- Tax Audits and Appeals
- White Collar and Criminal Tax

## **Publications**

- Tax Avoidance v. Tax Evasion – One of These is Not Like the Other
- Crypto Audits
- High Net Worth Audits
- Surviving an ERC Audit

