

Riches in Niches: A Three-Step Plan to Build a Specialty Focus



Top 5 Myths of Third-Party
Designations on Tax Returns

Main Street Tax News

Positive vs. Negative
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NSA Tax Practitioner
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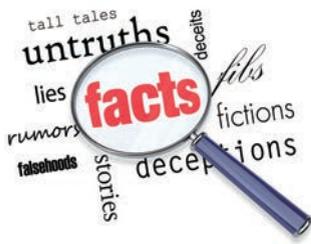
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TOP 5 MYTHS OF THIRD-PARTY DESIGNATIONS ON TAX RETURNS



RICHES IN NICHES: A THREE-STEP PLAN TO BUILD A SPECIALTY FOCUS



POSITIVE VS. NEGATIVE GEARING: THE TAX IMPLICATIONS



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By Marilyn Niwao, J.D., CPA, ATA, CGMA

July 2015

Big Plans, Big Savings, Big Fun at the NSA 70th Annual Convention & Expo in Vancouver, B.C.!

The 70th NSA Annual Convention & Expo is right around the corner! NSA's Annual Convention will be held from August 19 to 22, 2015 at the Hyatt Regency Vancouver.

The Convention committee and NSA staff are busy planning for a FUN event, and invite you to register soon, as hotel rooms are limited. Demand will be high since the strong U.S. dollar will result in approximately a 20% savings against the Canadian dollar. Lots of discounts on convention hotel room rates, airfares, and tours have also been secured for attendees. Register now at <http://www.nsaannualmeeting.org/home>.

The Wednesday opening social event at the Convention will be a Vancouver Harbor Dinner Cruise on the Magic Spirit. In addition to meetings, leadership training, business sessions, cocktail and dessert receptions and the grand installation banquet, there will be continuing education offerings (Estate and Financial Planning using Trusts, The Continuing Evolution of Circular 230, SSARs 21 is Coming!, U.S. Tax Filing Requirements for International Activities, U.S. – Canada Cross-Border Tax Considerations, Business Financial Health Check-up, Tax and Accounting Risk Management: Enduring Concerns and Modern Challenges). An Expo with vendors will offer products pertinent to your practice. Come join your fellow NSA members at this event!

NSA is moving its office.

NSA has sold its old office building and will be moving into a new office space in August 2015. The new address will be 1330 Braddock Place, Suite 540, Alexandria, VA 22314. NSA telephone numbers will remain the same.

NSA has launched its Tax Practitioners' Bill of Rights.

Retroactive tax laws, deteriorating IRS service, and undue IRS demands during tax filing seasons now increasingly define the world where tax practitioners work. NSA has taken the initiative to develop a Tax Practitioners' Bill of Rights as a first step towards reversing this trend. (See <http://www.nsaacct.org/tax/bill-of-rights>.) Furthermore, to give Congress and the IRS a sense of how serious the current situation is and to express support for the Tax Practitioners' Bill of Rights, NSA has launched an electronic petition available online where tax



practitioners and taxpayers can add their names

in support as well as offer additional comments. The more people who sign the petition, the more weight it will carry when NSA presses for changes with Congress and the IRS. Please join me in spreading the word and signing the petition. The petition is available at <http://www.ipetitions.com/petition/nsa-bill>.

NSA offers Live Seminars and Webinars.

The Education committee has been working to offer more webinars and live seminars. NSA is again offering its 3-day EA review course, this time in Minneapolis, Minnesota from August 7 to 9, 2015. This course is useful to prepare anyone interested in taking and passing the EA exam.

NSA is also offering a 2-day 1040 Gear-up Individual Income tax course at the Mohegan Sun Resort in Connecticut from November 5 to 6, 2015. Back by popular demand, this is the second year that NSA is holding this course at the beautiful casino-hotel in Uncasville, CT.

Membership Committee focuses on the Young Professionals Division

The Membership Committee has been working on adding member benefits, including a separate webpage of offerings for the younger generation of tax and accounting professionals. A Young Professionals Division of NSA was established, and the Young Professionals Committee has been communicating concerning NSA offerings that would be helpful to those younger members who are at the start of their careers and/or earning credentials.

In addition, a special \$149 annual rate for the first three years of membership for new Young Professionals under the age of 39 or those new to the profession with 1 to 3 years of experience will be offered. NSA is looking to balance out the demographic mix of its members so NSA can grow and continue to serve those Main Street Practitioners who choose careers in tax practice and/or accounting.

NSA Offers Leadership Training for NSA and ASO Members

NSA is again opening up its two-year Leadership Development Program to those NSA members interested in serving in leadership roles at state and national levels. Please see your NSA Governor or State Director for the application form and for more information. The deadline to apply is August 2015, and class size is limited.

NSA will also have a Legislative Strategy & Leadership Networking & Training Conference to be held in Minneapolis from October 22 to 23, 2015. This is a great leadership learning tool for all of our members, but especially for our Affiliated State Organization's leadership

NSA Membership Recruitment Incentives—Help NSA grow!

NSA's new Go-Getter Program offers current NSA members generous financial incentives to sign up new members and help expand NSA's extended family so that we can offer all members more and better benefits. Between October 1, 2014 and September 30, 2015, NSA members can receive their own future yearly membership dues free when they sign up 3 new members. For those members who recruit 10 new NSA members, NSA members will also get \$300 credit for NSA live or self-study education, which can also be used toward the NSA annual convention registration fees. (For this new promotion, the new member recruited must pay at least \$179 in NSA membership dues, must not have been a member of NSA for at least one year, and must not have been recruited at the IRS forums.)

A Great Big Mahalo (thank you) to all of you!

At the end of August, my term as NSA President comes to an end. This past year was filled with so much to do! Despite the fact that selling NSA's old building and finding a new office lease took so much time for both the NSA staff and the Board, a lot of new initiatives were undertaken to increase member benefits and to help practitioners in their practices. I thank not only NSA staff, committee members, and the Board—but all NSA members who helped participate to make this year a very successful year! Together, we did great things for our member-

ship, our organization, and our profession.

Thank you for allowing me to be of service to you.

With warmest aloha,



Marilyn M. Niwao, J.D., CPA, ATA, CGMA
President
National Society of Accountants



NSA Proposes Tax Practitioners Bill of Rights

Proposed \$838 million cut in IRS funding drives new initiative

In the wake of a proposed \$838 million cut in funding for the Internal Revenue Service (IRS), the National Society of Accountants (NSA) has issued a “Tax Practitioners Bill of Rights.”

NSA hopes this Bill of Rights, developed during the past few months, will establish timely enactment of tax laws and regulations and reasonable levels of IRS service for tax practitioners, who file 60 percent of the tax returns received by the IRS each year.

The U.S. House of Representatives Appropriations Committee Financial Services and General Government Subcommittee voted June 11 to cut the IRS budget by \$838 million (7.7 percent), continuing a multi-year decline in IRS funding.

“The tax system is breaking down, and these funding cuts mandated by Congress are a big part of the problem,” said NSA President Marilyn Niwao, a CPA and attorney. “IRS customer service is at an all-time low, and tax practitioners cannot get timely responses from the IRS for questions we pose on behalf of our clients because the IRS cannot afford the staff it needs to answer the phones.”

NSA Executive Vice President John Ams added, “The IRS also needs to change its procedures and respect the needs of taxpayers and tax practitioners. For example, the IRS has scheduled computer maintenance and downtime in the few days before returns are due. This has nothing to do with funding—it has to do with common sense.”

NSA tax practitioners have also complained that IRS agents want to meet with them during March and April. Ams said, “Everyone, including IRS agents, knows that returns are due on April 15, so why not schedule something in May or June instead? Again, a lack of common sense.”

“Congress has to enact tax legislation in a more timely manner,” Niwao said. “Last year, a tax bill was enacted on December 19, giving no one—not taxpayers, tax return preparers or the IRS—sufficient time to learn about the changes in the tax law, or even get tax forms out in time for the beginning of the tax filing season” Niwao added.

“The entire tax system is built on Congress passing tax law and appropriating funding, the IRS implementing the law, and tax practitioners and taxpayers complying with the law,” Ams added. “But two-thirds of this system is broken—Congress is not appropriating enough money for the IRS to function properly and so the IRS is not able to do its job.” Niwao declared, “That’s why we need this Tax Practitioners Bill of Rights.”

The IRS already has a Taxpayer Bill of Rights, but NSA officials note that this does not address the many challenges that tax practitioners face when preparing returns for the 60 percent of U.S. taxpayers who hire them to prepare their tax returns. Niwao stated that among the provisions in the IRS Taxpayer Bill of Rights are the right to be informed, the right to quality IRS service, and the right to not pay more than the correct amount of tax.

“These so-called ‘rights’ are meaningless if a taxpayer’s representative cannot get the information needed from the IRS because Congress has not appropriated sufficient funds to allow the agency to function properly,” Niwao said.

The NSA Tax Practitioners Bill of Rights includes the following:

1. **THE RIGHT TO HAVE TAX LAWS AND RULES PASSED IN A TIMELY MANNER , INCLUDING:**
 - a. The right to have tax laws affecting the current tax year enacted no later than September 1 of that year.
 - b. The right to have IRS forms reflecting any new tax laws for the current year available no later than October 1 of that year.
2. **THE RIGHT TO QUALITY SERVICE FROM THE IRS, INCLUDING:**
 - a. The right to have telephone calls answered within 15 minutes, on a practitioner-only hotline, staffed by competent/knowledgeable employees.
 - b. The right to have taxpayer correspondence answered within 20 days.
 - c. The right to have any collection action on the taxpayer’s account frozen while the IRS is considering a taxpayer’s timely filed response to IRS collection activity.
 - d. The right to have one IRS representative deal with a tax issue from start to finish until the issue is resolved.
 - e. The right to request a supervisor be involved in resolving a matter if the initiating IRS representative is unwilling or unable to resolve an issue.
 - f. The right for practitioners with Practitioner Tax Identification Numbers (PTINs) to communicate electronically with the IRS on taxpayer matters in a secure manner.
3. **THE RIGHT TO PRACTICE WITHOUT UNDUE IRS DEMANDS DURING TAX FILING SEASON, INCLUDING:**
 - a. The right to have an IRS audit moratorium during the three weeks immediately before major tax deadlines such as March 15, April 15, September 15, October 15 of each year.
 - b. The right to have an IRS moratorium on collection actions or collection information requests during the three weeks immediately before major tax deadlines such as March 15, April 15, September 15, October 15 of each year.
 - c. The right to have an IRS moratorium on planned software maintenance and computer downtime periods during the three weeks immediately before major tax deadlines such as March 15, April 15, September 15, October 15 of each year.

“The continuing slowdown in IRS customer service due to ongoing budget cuts affects hundreds of millions of taxpayers who are voters and constituents in every state and Congressional district in the nation,” Ams explained. “What’s even worse is that the budget cuts actually cost the nation billions of dollars in lost tax revenue because the IRS doesn’t have the resources to enforce the tax law. This is the epitome of being penny-wise and pound-foolish.”

Make a difference! [Sign the Petition](#) for NSA Tax Practitioner Bill of Rights

Top 5 Myths of Third-Party Designations on Tax Returns

By Mark Bowles and Jim Buttonow, CPA, CITP

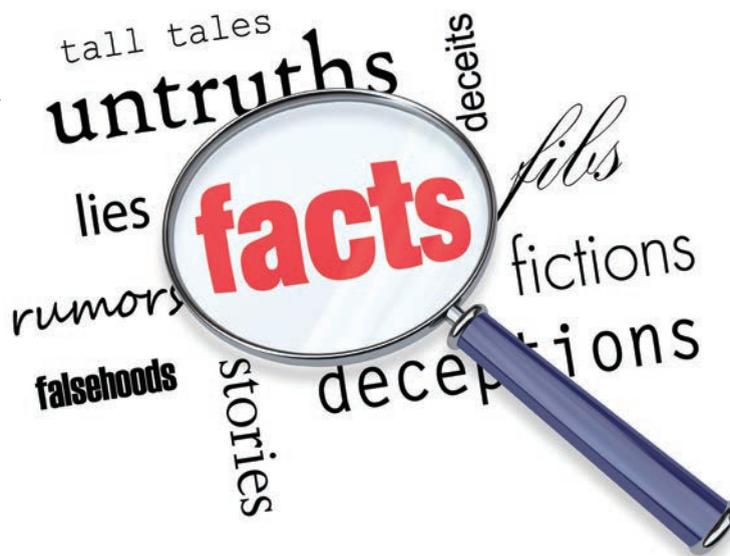
Many practitioners are familiar with the third-party designation, or “checkbox” authorization, available on individual tax returns and most business tax returns. This designation allows taxpayers to authorize another party to discuss their tax return with the IRS.

The purpose of the checkbox authorization is to assist the IRS in the processing of a tax return. To achieve this purpose, the IRS grants specific privileges to third-party designees. Privileges vary slightly by return, but generally, third-party designees can:

- Provide the IRS with information missing from the return.
- Call the IRS for information about return processing or the status of refunds and payments.
- Request transcripts or copies of notices related to the return.
- Respond to some notices related to matters such as math errors and return-processing delays.

In 2010, 58 million individual tax returns selected a third-party designee. Even though this designation is widely used, its scope is often misunderstood. Myths persist, and not all taxpayers or tax professionals understand its specific limitations. As you file your clients’ returns this tax season, know the truth behind these five myths about the third-party designation:

Myth 1: “The IRS will contact me about any issues on my client’s return.”



The original intent of the third-party designation (introduced in 2001) was to allow the IRS and tax professionals to share information to expedite return processing, and reduce the amount of notices related to return processing. Tax professionals and taxpayers sometimes confuse the third-party designation with other tax authorizations that grant more authority, such as Form 2848, Power of Attorney and Declaration of Representative, and Form 8821, Tax Information Authorization.

However, as a third-party designee, you shouldn’t expect to be automatically and completely kept in the loop on your client’s tax situation.

In practice, the IRS rarely contacts tax preparers when there is an issue with processing the tax return. Most of the errors in return processing are handled by the e-file acceptance process. With more than 80% of tax returns e-filed every year, the filing landscape has changed, but the continued presence of the third-party designation on tax returns often leads tax preparers and taxpayers to believe the myth that the IRS will contact the tax preparer if any issues arise.

Myth 2: “I’ll automatically receive copies of my client’s notices.”

Many taxpayers believe this myth, but the checkbox designation does not allow designees to automatically receive copies of clients’ notices.

The third-party designation allows you to call the IRS to request copies of your client’s notices related only to the processing of the specific tax return and tax year. For instance,

you can request return-processing notices related to math errors and offsets on the return, but you cannot request copies of notices related to compliance issues, such as audits, appeals and collection.

Even though the third-party designation allows you to request notices after the fact for a limited period of time, this is often unnecessary because your client receives the notice and will likely bring it to your attention. To get copied on your client's notices, you'll need to obtain a higher level of authorization.

Myth 3: "I can talk to the IRS about anything concerning my client's return."

With the checkbox designation, you can discuss only the processing of your client's tax return with the IRS. This designation is very limited. The IRS will not discuss or provide any information about compliance-related issues, such as underreporter notices, penalty assessments, and audit or collection issues on your client's account. In practice, when you call the IRS as a third-party designee, don't be surprised if the IRS representative asks you to obtain a higher level of authorization, such as Form 2848, if you want to discuss more in-depth issues.

Myth 4: "Only the paid preparer can act as the designee."

This myth is only true for certain business returns (Forms 709, 990, 1041, 1065, and 1120), which explicitly restrict the third-party designation to paid preparers. This limitation is reflected on the form where the third-party designation option appears in conjunction with the paid preparer signature line.

For Form 1040 series individual returns and 94X series business returns, anyone—even a firm—can act as a third-party designee. However, the form instructions have caused confusion about firm designees. According to Form 1040 instructions, "your preparer, a friend, a family member, or any other person you choose" can serve as a third-party designee for the tax year and tax return. While these instructions are clear about the types of individuals who can be designated, they don't imply that firms can be authorized.

In July 2013, the IRS updated its Internal Revenue Manual to clarify that a "person" can include a company or business for the purposes of the third-party designation. The IRS has not yet updated most form instructions to make this definition clear, but your clients can add your firm as designee on tax returns that do not explicitly restrict the designation to paid preparers.

Myth 5: "This designation lasts forever."

The third-party designation always expires on the one-year anniversary of the tax return's original due date. The expira-

tion is automatic, and you cannot extend it, even if you obtain an extended due date for the tax return. This is typically not an issue because most processing problems occur within one year of the return being filed. From the IRS' perspective, the third-party designation is serving its original purpose.

A better way: Use Form 8821

Although the checkbox designation is serving its purpose for the IRS, your clients may be expecting more, including:

- Confidence that you are kept in the loop on their post-filing issues
- Assurance that you'll automatically receive copies of their IRS notices and can proactively start addressing any issues that arise
- Authorization coverage that extends for more than one year and covers more than return-processing issues

Form 8821, Tax Information Authorization, extends your authority to receive copies of your client's IRS correspondence and discuss your client's account with the IRS. With Form 8821, you or your firm can serve as the appointee, and you can obtain authorization for any tax return across multiple tax years, including three tax years in the future. Also, unlike the third-party designation, Form 8821 authorization is good for seven years unless it's withdrawn earlier.

If your client faces more complex post-filing issues, you can use Form 2848, Power of Attorney and Declaration of Representative, to represent your client before the IRS.

This tax season, understand the most common myths behind the third-party designation, and consider a better alternative with Form 8821. You'll be able to tailor the right authorization for each of your clients and provide superior service all year long.



[Mark Bowles](#) is tax procedures editor at Beyond415 and specializes in tax authorizations and IRS account research.



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Focus on **Networking** During the **Slow Season**

By Larry Alton

For many accountant practitioners and firms, the summer is extremely slow. Tax season has come and gone, clients are taking family vacations, and the heat seems to zap the energy right out of everyone. While the temptation to sit back and relax is there, this is a great time of year to remain productive. In particular, summer is the perfect time to focus on professional networking.

Use Your Time Wisely

During the slower tax season, the key is to make the best possible use of your time. It takes a conscious effort to get things done that you pushed off or prolonged during the busy season. While you should use some of this time to organize your office, clean up loose ends, and relax a bit, you also need to think about professional networking. It's during times like these that it also makes sense to commit to the future of your business by meeting and attracting new clients.

Networking Tips for the Slow Season

There are hundreds of different networking strategies and techniques, but you only need to focus on a few that yield high returns. Let's take a look at a handful of those and how you can maximize their potential.

- **Understand the term.** The problem with networking is that most people don't understand the true definition. Networking is not schmoozing or lying. You're not trying to dupe anyone into thinking you're someone you're not. Networking is about building genuine relationships that grow and flourish into profitable business relationships that benefit both parties. Understanding this will allow you to make the most of the following advice.
- **Remember that it's a two-way street.** Rather than approaching networking with a "me-first" attitude, look at it through a lens of mutual benefits. Try to do something

for someone else before asking for a favor. As accountant Adrienne Gonzalez writes, "By helping someone else in your network, you'll make a positive impact and create a reputation for yourself as a networker who can help drive results." This may look like giving free advice to one individual in order to gain another client in the future.

- **Use social media.** When it comes to networking, LinkedIn will be your best friend. Work on completing your profile and reaching out to people. The great thing about LinkedIn is that you know everyone on the site is already interested in networking. You just have to find the right people and develop a pitch for why they should speak with you. Start by finding people within your geographical area and try to set up a few lunch meetings. The more you do it, the more natural it will feel. If you're looking for tips on how to best use social media, [check out this handy guide](#) from Social Media Examiner.
- **Learn to drip.** The mistake many accountants make when networking is taking a one-and-done approach. You very rarely see results from a single meeting or interaction. Networking is all about slow, steady interactions. Think of it like a dripping faucet. Over time, all the drips add up to create something much bigger. If you only release one drop, you're not going to get many results.
- **Make personal connections.** The best networkers are the ones who look beyond work and develop personal connections with their peers. If you're meeting someone for lunch, don't start talking business until the food arrives. Up until that moment, spend time getting to know the other person. Ask about family, talk sports, or bring up a recent event. These seemingly meaningless conversations will give you something to discuss in the future.

Larry Alton
Freelance Writer

IRS Revamps Identity Theft Policy



In the past, when identity thieves stole your identity by submitting a false tax return, you would not be notified by the IRS. That is about to change, thanks to Senator Kelly Ayotte, R-N.H.

Senator Ayotte wrote to IRS Commissioner John Koskinen last month urging the IRS to provide tax-related identity theft victims with copies of fraudulent returns, which the agency had previously refused to do. One reason cited for not releasing copies to victims was that often additional social security numbers are on a return, which would compromise those identities as well. On the other hand, by not providing copies of the fraudulent returns, victims did not know exactly what details of their personal information had been stolen.

In response to Senator Ayotte's request, Commissioner Koskinen wrote, "As a result of your letter, we have decided to change our policy regarding disclosure of fraudulent identity theft returns to victims whose

name and SSN the fraudulent return was filed under... We will put together a procedure that will enable victims to receive, upon request, redacted copies of fraudulent returns filed in their name and SSN."

This update is on the heels of the IRS revealing a massive data breach last week in which criminals accessed approximately 104,000 tax returns through the IRS's online Get Transcript application.

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RICHES IN NICHEs



A THREE-STEP PLAN TO BUILD A SPECIALTY FOCUS

By Tom Hood and Pascal Van Dooren

Accounting firms of all sizes continue to see increased, long-term success in recruitment and retention of clients because they are providing specialized services and focusing on niche industries. A niche focus enables practitioners to work with their clients to provide much more than basic accounting and tax services. Clients love the fact that their accountants are more than service providers; they are partners and trusted advisors to their businesses.

Establishing a niche focus isn't easy. Let's face it—it takes a lot less energy to say you're a tax practitioner serving any industry, instead of only serving a certain industry, such as health care or manufacturing. While it logically seems you might find more prospects with the jack-of-all-trades approach, CPAs and accountants actually say it's easier to focus on what they know really well, rather than always trying to learn a new industry or spread themselves too thin across too many different industries.

In the "CPA of the Future study" conducted by CPA.com, more than 400 CPA member firms of the American Institute of CPAs were asked what their firm might be like in the year 2025. An overwhelming 80 percent thought that their role will change significantly in the future and that they will offer more consultative business development, risk management, and

advisory services.

Among other trends, these results point to a real need in firms to establish a niche focus, yet so many practitioners don't know how to get started. Here's a three-step plan.

STEP 1: DETERMINE YOUR INTERESTS

What do you enjoy doing? Many firms built their practices based on specialty areas of interest. Perhaps you've been around medicine your entire life because your father or mother is a doctor, so you gravitate toward health care because you understand the industry and have more specialized knowledge in this area. On the service side, maybe you enjoy the analytical aspects of financial statements, which translates into a forensic accounting focus.

There's a niche focus in every industry and every service. For example, this year's chair of the Maryland Association of CPAs, Marianela Del Pino-Rivera, a CPA in Bowie, Md., has a niche focus in international tax. Among other services, she works with clients referred by immigration attorneys to explain and comply with complex tax rules for visa holders and foreign investors. Or take Mark Feinsot, a CPA in New York City who offers tax planning, accounting and bookkeeping to the aviation industry, and specializes in tax prep for

crew members, or Peter Freuler, a CPA in Orlando, Fla., who focuses on real estate clients.

While it's obvious that there are unlimited possibilities when finding a niche, the key is to not only focus on what you like to do, but also on what is going to bring in the most clients who can help you meet your financial goals. Most CPAs and accountants are philanthropic, but maintaining a practice devoted to nonprofit accounting may not lead to as many high-dollar engagements as something in the for-profit sector. Look at your existing client base to determine clusters of industry clients that might give you insight into natural specialties you have built over time.

There's also the matter of value pricing to consider. By now, you and your firm should have examined whether you want to offer value pricing, instead of billing by the hour. Ron Baker, a frequent speaker at accounting conferences and a true advocate of value pricing, said, "A business is defined by the value it creates for its customers. Your price speaks volumes about your value proposition, more so than any other component of your firm's marketing."

STEP 2: CLEAN HOUSE!

In order to maintain your niche focus, the second step is to refer your clients to a service provider that is better aligned to help them. Step 1 and Step 2 are probably interchangeable—you may not be able to do one before the other. And, of course, don't give up every non-niche client. Carefully examine the ones you have and think about the following:

- Can you outsource all or part of the engagement and still retain the client?

WHILE IT'S OBVIOUS THAT THERE ARE UNLIMITED POSSIBILITIES WHEN FINDING A NICHE, THE KEY IS TO NOT ONLY FOCUS ON WHAT YOU LIKE TO DO, BUT ALSO ON WHAT IS GOING TO BRING IN THE MOST CLIENTS WHO CAN HELP YOU MEET YOUR FINANCIAL GOALS.

- Is the client a good referral source for your firm? Better yet, have you attempted to reach out to the client to discuss referrals? Remember, referrals are a two-way street. Your client wants to build their business, too.
- Would the loss of a client have any repercussions with the clients you want to keep? How likely are they to use Yelp or social media, for example, to talk about your firm?
- Can you easily make a referral to another practitioner, either in your firm or in another firm, to take on the business in order to provide the client a safety net, while at the same time focusing on what you really like?
- Do it in a tasteful manner without being too promotional or obtrusive. Chances are, once they discover your background, you'll get some tax and accounting questions, so within the group, you can position yourself as that subject matter expert.
- Market yourself to other CPAs and accountants. You may become a very valuable outsourced provider to a firm that has a tax client who is in your specialty niche. The originator firm gets to keep the client for other accounting services, while you provide the kinds of services the firm either can't, or doesn't want to, offer. One of these could be expat services, for example.

Coming to terms with cleaning house is difficult, especially with the clients you like.

STEP 3: MARKET YOUR SKILLS

Now that you have a niche focus and you've made room in your practice for your future clients, it's time to market yourself. This is the step where most practitioners fall short; just because you hang out a shingle or specialize does not mean your phone is automatically going to ring. While Web sites and search engine optimization/marketing help prospects find you, you're more likely to build your business through word of mouth and referrals than any other endeavor.

To get those referrals, here are some tips to consider:

- Believe it or not, the lowest-hanging fruit may be the clients you just referred to another provider. You didn't let them go because of the relationship or your accounting acumen. If you were honest with them about concentrating on niche services, then they are still very much in your camp.
- People don't know what they don't know, so reach out to everyone you know to tell them about your service or industry niche. This includes your current clients—the ones you want to keep—as well as any associates, friends and even family.
- Seek out networking groups in your niche. You can do this in person through local meet-ups or even online. LinkedIn is a perfect way of finding groups that fit your niche. If you enjoy working with musicians, find a music-oriented group and participate in their conversations.

- Attend local, regional and national professional events and trade shows around your chosen niche. There are plenty to choose from, so use your discretion to go where you think you'll do the most good in terms of prospecting for business.
- Don't forget social media! Use LinkedIn, Facebook, and Twitter to connect to industry groups, reporters and even prospects. Use SlideShare to capture your presentation and get your messaging out in social media to amplify your networking activities.

We all have to go to work every day, so why would you want to work with a client who is a chore, rather than a joy? Not only will you experience burnout, but your client will also understand very quickly that you would rather be anywhere else—and that's not good for your business.

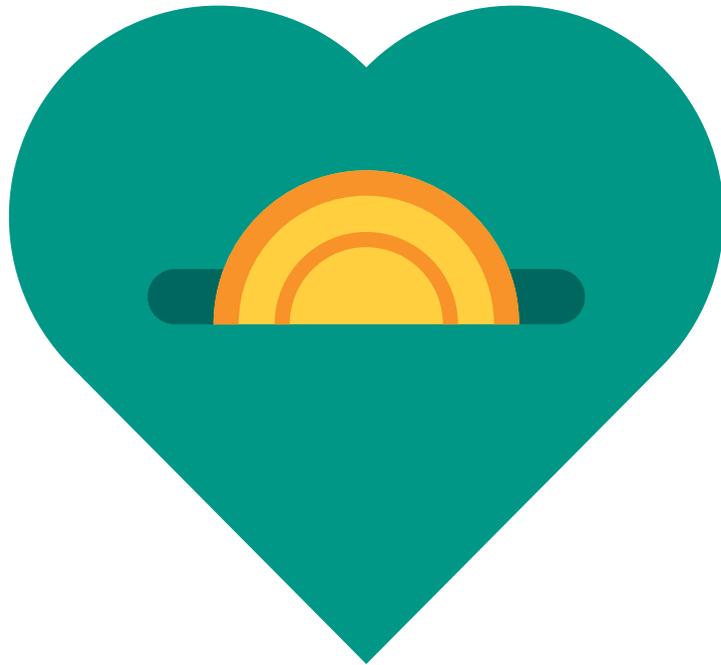
It's still early enough in 2015 to take the time you need to assess where you are and where you want to be. Don't do anything rash and think through your options. It's never too late.



Tom Hood, CPA, CITP, CGMA, is executive director and CEO of the Maryland Association of CPAs. Reach him at tom@macpa.org



Pascal Van Dooren is chief revenue officer at Avalara; reach him at pascal.vandooren@avalara.com.



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ALL AROUND NSA

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- New Medicare taxes effective in 2015
- Health care insurance penalties effective in 2015
- Permanent and temporary extensions
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- Changes to the IRS Voluntary Classification Settlement Program
- Due diligence requirements for claiming the EIC
- Changes to Circular 230 and other IRS preparer requirements
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- Reporting foreign financial assets on Form 8938
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- FAX** form with credit card payment to: 703-549-2984
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Gearing Up for The Great American Accounting Opportunity

By Darren Root, CPA, CITP, CGMA

Uncovering major opportunities on the horizon for the profession—and why all stakeholders should care



Those seeking new, advancement-promising career opportunities within the accounting profession have long overlooked small firms. Core to this trend is a profoundly misunderstood small-firm market and the universally accepted premise that the “Big 4” and other large firms represent the only options for premium career tracks.

The truth is that small firms aren’t what they used to be. With the advent of advanced technologies and education around branding, small firms are operating on par with their larger counterparts—supporting highly advanced, cloud-driven, and brand-powerful work environments. The evolution of small firms, combined with the coming mass exodus of retiring baby-boomer partners and owners, has positioned the industry for a career explosion. This is The Great American Accounting Opportunity, and up-and-coming professionals would be wise to tune in and recognize the entrepreneurial opportunities that await.

THERE’S SO MUCH MORE THAN THE BIG 4...

The career path of the newly minted CPA hasn’t changed much over the years—graduate with an accounting degree and then go to work for a large firm...typically a Big 4. The secondary path hasn’t changed much either—work long hours, travel extensively, realize you are a small cog in a very large machine, and finally, experience burnout. Within the first few years of employment, this path often forces a jump to corporate accounting or an exodus from the profession altogether. It’s a trend that dates back decades, and despite empirical evidence of high turnover rates in large firms, like a bad, broken record,

it’s a pattern that continues to play out.

Perpetuation of the grad-to-large-firm career path is primarily due to the lack of awareness among the profession’s key stakeholders. There has long been a disconnect between these stakeholders, which include universities/colleges, new grads and the experienced (2-3 years) talent pool, and small firms. Universities continue to exclusively promote the Big 4 as the first step on the career track, leaving students with no other viable sources to explore. This is largely due to the major presence of large firms on campuses and a universal lack of awareness among faculty regarding opportunities within the small firm market. This has left small firms in the dust, cutting them off from a large pool of fresh new talent while insulating students from alternative career choices.

The question then is: Why should key stakeholders care about the small accounting firm market? The simple answer: Because it’s a market ripe with career and entrepreneurial opportunities.

WHAT IS THE GREAT AMERICAN ACCOUNTING OPPORTUNITY, AND WHY SHOULD EVERYONE CARE?

The American Institute of Certified Public Accountants (AICPA) predicts that as much as 75 percent of the profession’s leadership is set to retire in the next 10 years. This opens the door to vast management and partner-track opportunities. And with small firms making up nearly 99 percent of the industry, this is where the majority of opportunities lie—This is The Great American Accounting Opportunity.

Progressive, brand-powerful small firms represent a new source for:

- Accelerated partner-track positions with six-figure salaries.
- Entrepreneurial expansion—offering a work environment where professionals can be active participants in building a cool, progressive, and technologically savvy brand.
- An advanced virtual working culture.
- The opportunity to truly make a difference by leading the profession, not merely working as a small cog in a large machine.

There truly has never been a better time to be part of a small firm. The days of “Your Grandfather’s Firm” are over. No more volumes of paper, long hours, docile brands, and tedious manual-driven work. Today’s small firms are all about creating a powerful brand, a compelling web and mobile strategy, and adopting technology that supports working from anywhere, anytime, and on any device. From a client service perspective,

these firms are focused on higher-value advisory services—not merely serving as technicians, pumping out tax returns. They are educating small business clients on using advanced technologies, implementing highly efficient processes, and long-term strategic planning. This is the environment of today’s small firms, a place where future-thinking professionals can embark on a career that is highly satisfying, promises growth, and where they have a voice in building a strong brand.

The Great American Accounting Opportunity will prove to be a catalyst for positive change across key stakeholders. The progressive small firm market will receive the professional recognition it deserves and exposure to a deeper, qualified talent pool. Young professionals will be exposed to a whole new world of career opportunities, including the potential for firm ownership, while institutions of higher education will be poised to open the minds of students to an entrepreneurial way of thinking and provide a complete picture of career opportunities. Overall, the accounting industry as a whole is set to experience a major surge in opportunities and a rebirth of passion and interest in this very respected and trusted profession.



*Darren Root, CPA, CITP, CGMA,
RootWorks LLC*

★ 2015 IRS TAX FORUM * NSA SPEAKERS ★

The highly-rated speaker team of Kathy Hettick, EA, ABA, ATP and Gene Bell, EA, ATP, CFP returns to the IRS Tax Forums this year to share their expertise on two brand new topics. The two sessions detailed below will be presented at each of the Forums this summer.



Kathy Hettick, EA, ABA, ATP



Gene Bell, EA, ATP, CFP

Advantages and Disadvantages of Electing to be Taxed as an S-Corporation

Corporations continue to be the most popular entity for a small business, but is it the best choice for your client? This session covers the tax advantages and disadvantages of electing to be taxed as an S-Corporation. It will focus on the following issues: built in gains; last in, first out (LIFO) to first in, first out (FIFO); hot assets; net investment income tax (NIIT), double taxation; flow through; insufficient basis and at-risk rules. The presentation also discusses passive activity; debt basis; fringe benefits; distributions vs. payroll; dividends; small business stock sale; one class of stock; inability to make special allocations; limited shareholders; limited liability; perpetual life; strict administration; and avoiding accumulated earnings tax.

Client Consents and Disclosures - “How To” for the Tax Professional

More changes to Code Section 7216 became effective January 1, 2014. Tax professionals need to know the rules of Section 7216 and Section 6713, including how and when you are allowed to disclose or use taxpayer information and how the Affordable Care Act (ACA) impacts disclosure. This session provides an overview of the rules and related compliance penalties, along with suggested “how-tos” for implementation, while still managing a trusted relationship with your client. With a proper process in place, these regulations can improve both your tax practice and your relationships with your clients.

Register at www.irstaxforum.com

★ 2015 IRS TAX FORUM SCHEDULE ★

NSA members can use the code 2015=NSA-\$\$\$10 during registration for a \$10 discount off the regular registration price. Click on the links below for more information on locations for each of the 2015 Forums. To stay informed, follow us on Twitter (@NSATax), or click on this link to visit the [IRS Tax Forum webpage](#).

Three remaining locations to choose from



San Diego
Town and Country Resort

August 11 - 13

[See Hotel Details](#)

Pre-registration deadline July 28



Atlanta
Atlanta Marriott Marquis

August 25 - 27

[See Hotel Details](#)

Pre-registration deadline August 11



Orlando
Hyatt Regency Orlando

September 1 - 3

[See Hotel Details](#)

Pre-registration deadline August 18

For more information and to register, visit www.irstaxforum.com

See you at the Forums!

Top 5 Tax Tips

Q-1: My father transferred a piece of property—raw land—over to me a few months ago. I would now like to sell the property. He supposedly used a “quit claim deed” to transfer the property to me and the title is currently in my name. What is my cost basis for purposes of the sale and do I get the benefit of capital gain rates?

Tax Desk: The quit claim deed is a form of legal title transfer that typically allows for joint owners to transfer property to one or the other as outright owner. For tax purposes, the quit claim deed would be governed under the gift rules. The grantor would possibly have to file a Form 709 and the grantee would acquire the full rights to the property.

As for the basis, to the child in this example, the gift rules convey a carryover basis rule. The original owner, the grantor’s, cost basis will become the basis to the grantee for a subsequent sale. IRC Sec 1015(a) is the underlying rule here. However, also keep in mind that if the FMV of the property is lower than the cost basis at the time of the transfer or gift, then this lower value is used by the child in this example if the property is later sold at a loss. The “lower of cost or FMV” rule applies.

As for the holding period, with a gift there is also a carryover rule. Under the regulation 1.1223-1(b), the grantee benefits from the holding period of the grantor, so if the grantor has held this raw land for more than a year, then the child selling the property just a few months after receiving title would still benefit from the long-term capital gain rates.

Q-2: Your taxpayer has a piece of appreciated real estate, a rental, or some land, and they want to trade it or exchange it for some new property. They have been told it can be done tax-free kind of like trading in an old car for a new one. What basic advice do we offer our client in response to this question?

Tax Desk: The IRS offers us a code section under IRC Sec 1031 that allows this very transaction to be, in fact, tax free—that is, if we follow all of the rules, and there are several. First, the properties must be of a “like kind.” The IRS talks of like kind in somewhat general terms when it comes to real estate. In other words, one can exchange raw land for a rental or commercial property, or one can exchange a commercial building for some acreage and farmland. However, personal property must be more specific. So, one would be exchanging equipment for equipment but not a vehicle for some furniture and fixtures. Next, the property has to be held for use in a trade or business or for the production of income. In other words, this provision does not work for property held for personal use, like our residence.

This IRS code section also contains rules dealing with liabilities, such as mortgages or loans, as well as the exposure to gain if cash or “unlike” property is received. This is known as “boot” in a Sec 1031 exchange and will expose the recipient to gain to the extent of the cash or unlike property received. It will not necessarily negate the exchange in its entirety though—just tax the boot received.

There are also rules dealing with “related party” exchanges and a lot of rules dealing with “deferred exchanges.” The deferred exchange rules allow one to give up or relinquish their property first. An escrow or an intermediary to hold the property or its proceeds is required. This then allows the taxpayer to shop for replacement property, although time is limited to a 45-day identification period and an overall 180-day replacement period.

Again, the rules can be a bit involved but do offer your taxpayer a great opportunity to defer the appreciation on a piece of business or investment property that they no longer want, as long as they are willing to replace it with another like-kind property.

Q-3: Your taxpayer walks into your office and says that they just bought an old home and during the move-in discovered a large sum of cash in the basement. They want to know if it is taxable.

Tax Desk: Unfortunately, the answer to that question is yes. The broad scope of IRS Sec 61 gives the IRS the authority to tax literally all sources of income, and “found money” or “treasure trove” is covered under that taxable umbrella. The specific cite regulation 1.61-14(a) refers to this rule, as does a Revenue Ruling (Rev Rul. 61) from way back in 1953; this rule has been around for a while.

There are some exceptions to this taxable rule for an unexpected windfall, such as life insurance proceeds or an inheritance. But remember, an inherited IRA is going to be taxable to you, so there are even exceptions to the exceptions. The gift rules would also be an exception, as would a transfer from a trust or jointly held account. So, that gift from a grandparent is not taxable, but if you find a \$100 on the street or behind the picture in that old house you just bought, it is taxable income.

Q-4: For years, you have been representing a corporate client—two shareholders in two different locations who just do not get along any more. They disagree on many things. They fight over taking money out versus leaving it in the company. One wants to sell the business and the other wants to grow the business. They just cannot agree. What do you do?

Tax Desk: As their tax practitioner, their advisor, and more than likely a friend to both, you do not want to take sides and potentially lose both of them as clients. The IRS, within their rules under reorganization, offers you a perfect solution—and you’ll end up with two clients instead of just one.

IRC Sec 368(a)(1)(D) and IRC Sec 355 contain the rules of what is referred to as a “divisive” reorganization; if the rules are all followed, it can be tax free and both of the shareholders will end up with their very own corporation. They will be free of the other in deciding what to do with their corporation, which has now become two completely separate companies.

There are three methods within IRC Sec 355 the “split-up,” the “spin-off,” and the “split-off.” There is also a rule dealing with the continuity of the business entities being divided. In other words, the shareholders do have to maintain the separate entities for a period of time after reorganization. There are some disclosure rules, too.

This is not a simple tactic, but it can be a very effective one, and if handled correctly may allow a failing or struggling entity to survive and thrive as two new ones.

Q-5: A client calls and says, “Guess what I just did?” This comment makes us cringe as tax preparers, because it means that the taxpayer did something big without asking us first. In this situation, the taxpayer borrowed money, at what they claimed was a much lower rate, securing the brokerage account to buy their new principal residence, which they just moved into. What do we say?

Tax Desk: Nice house! But you just lost the mortgage interest deduction on your new home, which, tax-wise, may make that nice new interest rate much higher than it appears to be. The loss of the tax write-off on the mortgage interest will certainly make that deal not as sweet as the taxpayer thought. Our taxpayers ask, “Why?” They spent all of the borrowed money on the new house, right?

Wrong. Even though the interest tracing rules under IRC Sec 163 and Regulation 1.163-8T state that interest is deductible based on what you spent the borrowed money on, there is an exception for the acquisition of a principal residence. In order to deduct the mortgage interest on our principal residence, the loan or mortgage used to acquire that property needs to be secured by the underlying residence. The brokerage account used to secure that sweet new interest rate does not qualify the interest to be deductible as qualified principal residence interest. The underlying IRC Section 163(h)(3) and Temp reg. 1.163-10T(o)(1) require that the loan used to acquire the principal residence be secured by the residence.

So, unless our taxpayers can add this “secured by” factor to their financing, they have lost a significant tax deduction and that interest rate took a bit of a hit in its overall value.

Main Street Tax News

IRS SEEKS COMMENTS ABOUT IMPACT OF FASB-IASB STANDARDS ON TAX ACCOUNTING

The IRS is asking for comments on how new financial accounting revenue recognition standards will impact taxpayers' methods of accounting, with the hope that comments will help it decide whether it should consider issuing guidance about how to address book-tax differences when the new rules take effect.

The new standard, Revenue from Contracts with Customers, has been issued by the Financial Accounting Standards Board and the International Accounting Standards Board in an attempt to provide a globally converged path to recognizing revenue.

IRS Notice 2015-40, released May 29, said the standards raise several "substantive and procedural" issues such as whether they can be used for federal income tax purposes, the types of accounting methods changes that will stem from them, and whether the current procedures to gain consent to change method of accounting are adequate.

The Treasury Department and the IRS also asking for comments about what kind of tax accounting method changes taxpayers expect to request of the IRS and how the new standards may affect deferral of income.

The new revenue recognition standards are scheduled to go into effect for public companies in 2017 and the following year for private companies. In April, however, the FASB proposed to delay the implementation by at least one year. The Board is expected to vote on a new effective date this summer.

Comments are due by Sept. 16. A copy of Notice 2015-40 is available [here](#).

IRS INTERIM GUIDANCE CLARIFIES PENALTIES, ADMINISTRATION FBAR CASES

In an effort to improve consistency in procedure and penalties for the reporting of foreign bank and financial accounts (FBAR) compliance cases, the IRS released interim guidance in the form of a memorandum to IRS employees. The memo was directed to the Large Businesses & International, Small Business/Self-Employed and Tax Exempt/Government Entities divisions.

"When asserting an FBAR penalty, the burden is on the IRS to show that an FBAR violation occurred and, for willful violations, that the violation was in fact willful," the agency said in a memorandum (SBSE-04-0515-0025) released May 27.

Current law establishes only a maximum penalty amount, leaving latitude for the IRS to determine the appropriate penalty in each case. Accordingly, the memo advises that, when determining the penalty amount for willful violations, examiners must "fully develop and adequately document" examination work papers and recommend a penalty for each year in which the FBAR violation was willful.

"In most cases, the total penalty amount for all years under examination will be limited to 50 percent of the highest aggregate balance of all unreported foreign financial accounts during the years under examination," the memo said.

Also included in the memo was a checklist for use in civil FBAR penalty cases. The checklist includes the proper forms, research and record keeping necessary for an FBAR examination case file.



National Taxpayer Advocate Nina Olson's 2014 report to Congress proposed improving the proportionality of civil FBAR penalties and called for the government to prove actual willfulness before imposing the stricter penalty for willful FBAR violations. The IRS has been criticized in the past for being overly aggressive in seizing funds in asset reporting-related cases, particularly in cases involving small businesses accused of structuring, or making multiple deposits of less than \$10,000 in hopes of avoiding reporting requirements.

AICPA APPEALS DISTRICT COURT'S RULING ON IRS VOLUNTARY TAX PREPARER PROGRAM

The American Institute of CPAs is appealing a district court that it lacked standing to sue the IRS about the IRS tax preparer program. Of course, the underlying reason the suit was originally filed is the AICPA claim that the tax preparer program is hurting the accounting group's business by giving the impression that all tax preparers are equal.

The district court in October 2014 held that the AICPA lacked standing to bring the case and dismissed it under Federal Rule of Civil Procedure 12(b)(1).

In its brief filed this week in the U.S. Court of Appeals for the District of Columbia Circuit, the accounting group said the IRS's annual filing season program "harms its members by distorting the competitive marketplace," in addition to saddling them with new administrative tasks.

In its lawsuit, the accounting group focused on the fact that the IRS has said preparers who obtain a record of completion and are listed in an IRS directory "stand out from the competition because they will have a recognizable record of completion that they can show their clients," and that IRS Commissioner John Koskinen has said these preparers "will stand out from the competition."

The AICPA alleged that the program is invalid because the IRS lacks statutory authority to adopt it; because the IRS denied the public its notice and comment rights under the Administrative Procedures Act; and because the guidance related to it is arbitrary and capricious, including the fact that the IRS failed to consider "the important fact that the program will confuse consumers."

Although the program is presented as if it were voluntary,

the AICPA said it is de facto mandatory in part because "preparers face overwhelming competitive incentives to comply with it to avoid losing business."

However, the court said the agency's competitive harm argument was without foundation and speculative, and that there is nothing inherently confusing about a new, voluntary designation that allows so-called unenrolled tax preparers—those without CPA, attorney or enrolled agent credentials—to distinguish themselves in relation to other unenrolled preparers.

IRS TO MAKE CHANGES IN CORRESPONDENCE EXAM PROCESS

The IRS has conducted a comprehensive review of the correspondence exam process and is planning to make several changes, all of which are designed to make it easier for taxpayers and tax practitioners to communicate with the IRS.

In a meeting at IRS headquarters with NSA representatives and others, IRS officials revealed that pilot programs will be conducted to allow:

Virtual meetings between IRS examiners, taxpayers, and practitioners. Think Skype and similar video services. The IRS believes better use of video technology in this difficult budget environment will allow it to have better communication with the public and that the video interaction would also lead to a better understanding of the issues and more case closures.

Secure email communication with the IRS. The procedure would require users to login to a secure web portal. Once logged in, practitioners could send emails and documents to IRS correspondence audit examiners.

In addition, we also learned that responders assigned to the practitioner priority service line in the correspondence exam area are now required to have at least three years of experience with the IRS.

In all, these are positive developments and we look forward to working with the IRS on the implementation of these and other enhancements that will make IRS communications a bit easier for tax practitioners.

Positive vs. Negative Gearing: The Tax Implications

By Larry Alton



In property owner and real estate investment circles, the terms positive and negative gearing have been frequently tossed around. Some investors are firm believers in pursuing positively geared properties only; others argue that it's more financially savvy to diversify your portfolio and incorporate a couple of negatively geared properties into the mix.

Despite what people may tell you, there isn't one right answer here. So much depends on the individual property, as well as the particular investor's financial status.

You'll have to sort through a number of independent variables with your clients, but this article offers a basic overview of the advantages and disadvantages of positive- and negative-gearing properties.

POSITIVELY GEARED PROPERTIES

By definition, a property is positively geared when the owner receives more for rent than what it costs to satisfy all other expenses, including mortgage payments, interest, property maintenance, taxes, and other overhead costs.

When purchasing a rental property, the majority of investors are only interested in positively geared properties. However, it's not uncommon for market fluctuations to turn a promising investment into a negatively geared property.

Also referred to as cash-flow properties, positively geared properties are advantageous for a number of reasons, including:

- **Income.** The greatest benefit of a cash-flow property is the monthly income. A positively geared property provides another stream of income that can be used to offset expenses, build a retirement account, or almost anything.
- **Easier loan process.** Lenders tend to be much more attracted to a property if the investor can prove that it will be positively geared. This accelerates the purchasing process and eliminates unnecessary delays.

However, positively geared properties can have disadvantages, as well.

- **Taxable income.** Money earned on a cash-flow property is taxed like any other income. This could push the investor into a higher tax bracket.
- **Slow growth.** Investors have to look beyond the numbers and determine why the property is positively geared. Often, such properties are located in a volatile neighborhood and may be prey to an uncertain future.

NEGATIVELY GEARED PROPERTIES

What about properties whose operating expenses and payments are higher than the rental income they can generate? Any number of factors can create a negative cash-flow property, so it's worth understanding the financial implications for the investor.

Contrary to what many believe, there are advantages as well as the negatives. Take a look at the potential positive aspects:

- **Tax deductions.** The biggest benefit of owning a negatively geared property is that an investor is able to claim extra tax deductions. Ultimately, this could lower the total taxable income.

THE BIGGEST BENEFIT OF OWNING A NEGATIVELY GEARED PROPERTY IS THAT AN INVESTOR IS ABLE TO CLAIM EXTRA TAX DEDUCTIONS. ULTIMATELY, THIS COULD LOWER THE TOTAL TAXABLE INCOME.

- **Capital gains.** Negatively geared properties can typically be purchased at below-market values. This gives the buyer a better chance of receiving a healthy return when he or she decides to sell.

But of course, there are also a few negatives:

- **Negative cash flow.** The monthly losses are the most obvious disadvantage. Not every investor can afford to give up hundreds or thousands of dollars per month.
- **Slow development.** All too often, it can take years or even decades for a negatively geared property to achieve its potential. Many investors can't wait that long.

PROCEED WITH CAUTION

In most cases, it's going to make sense for you to target positively geared properties. But there are situations in which it might make financial sense to pursue a negatively geared

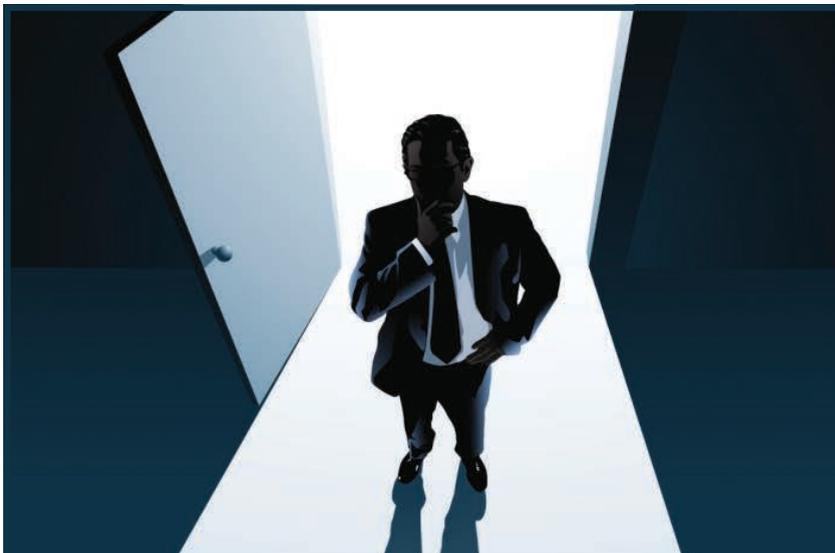
property to offset tax liabilities and other expenses.

This [handy negative gearing calculator tool](#) is a great way to see fairly quickly what the net income effect of taking on a new property would be. As an accountant, your best piece of advice is going to be to proceed with caution.

There are instances in which either positively and negatively geared properties will offer advantages and disadvantages. All you can do is state your considered opinion and leave the rest to your client.



Larry Alton
Freelance Writer



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Missouri State University
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Sherman L. Standberry of Georgia State University and Jessie Levno of Eastern Washington University also received renewals of the \$2,000 NSA Stanley H. Stearman Award.

Briana Moore
Louisiana Technical College-Ruston Campus
Louisiana Society of Independent Accountants: \$500

To learn more about the NSA Scholarship Foundation program or to make contributions, visit www.nsacct.org/scholarships. The next window to apply for scholarships is January-March 2016.

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