Ethics 2015:
Circular 230, Professionalism and Case Studies

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Circular 230

Section 10.8(c)
Individuals Subject to Circular 230

Any individual who for compensation:

- **Prepares or assists**
- **All or a substantial portion of**
- **A document pertaining to tax liability**
- **Submitted to IRS [Section 10.20(a)(1)].**
- **Is subject to Circular 230:**
  - Duties and restrictions (Subpart B)
  - Violations and sanctions (Subpart C)

Section 10.20
Information to be Furnished to the IRS

A practitioner must promptly submit information to the IRS, unless it is privileged [Section 10.20(a)(1)].

If a third party possesses requested information, the practitioner must provide any "identity" information they have [Section 10.20(a)(2)].

A practitioner cannot interfere with the IRS in obtaining information unless it is privileged [Section 10.20(b)].)].

Section 10.21
Knowledge of Error or Omission

A practitioner must *promptly advise their client* of:

i. an error or omission or non-compliance; and

ii. the consequences of such items [Section 10.21

Section 10.22
Diligence to Determine Accuracy

A practitioner must *exercise due diligence* in

i. *preparing IRS returns and documents,*

ii. *determining the correctness of representations made to the IRS and*

iii. *determining the correctness of representations made to their client* [Section 10.22(a)].

A practitioner may generally *rely upon the work product of others, if reasonable care is used in evaluating the work product* and *the other person* [Section 10.22(b)].

Section 10.23 and 10.27

Section 10.23
Prompt Disposition of Pending Matters

A practitioner may not unreasonably delay the disposition of a matter before the IRS [Section 10.23].

Section 10.27
Fee

A practitioner may not charge an unconscionable fee in connection with a matter before the IRS [Section 10.27].

Section 10.28
Return of a Client's Records

Generally a practitioner must promptly return client records upon request even if there is a fee dispute [Section 10.28(a)].

"Records" include items that:

i. preexisted the practitioner's retention; or

ii. were prepared by the client or a third party [Section 10.28(b)].

Records do not include practitioner-prepared documents, which are withheld pending the payment of fees with respect to that document [Section 10.28(b)].

Poll Question 1

Under Circular 230, section 10.21, the Circular 230 individual is required to advise the client:

A. The cost of submitting a correction under DFVCP
B. The continuing education requirements
C. You know of an error or omission and the consequences of such error or omission
D. Of the chances of being caught
E. The requirements for becoming an enrolled agent

Professionalism

Confidentiality

How do you protect confidential information?

Once “it’s out there.” you can’t just say: “I take it back”

How do you train staff?

Confidentiality

What can you do about cybersecurity?

Files, e-mails and voice mails: can go anywhere!

Staying Current

What can you do?

- Continuing education classes
- Educate your staff
- Carefully read critical material from reliable sources
- Consider designations for yourself and your staff

What Am I Selling?

Poll Question 2

Under Circular 230, which statement below is not true:

A. A practitioner may not unreasonably delay the disposition of a matter before the IRS

B. If a third party possesses IRS requested information, the practitioner must go after that party for the information

C. A client may not change vendors after July 28

D. A practitioner must disassociate himself/herself if there is a conflict of interest

E. A VCP submission is required when there is a document missing restatement

Case Studies

Case Study 1

One of the HCEs of the firm you provide TPA services to is retiring and mentions to you that he is thinking of taking his 401(k) nest egg and investing in something called a Rollover as Business Start-up (ROBS).

His ROBS investment would be in a franchise restaurant. He has never run a restaurant. You know that ROBS have a high failure rate, either due to business failure or IRS finding them to be non-compliant.

What is your ethical responsibility here?

Case Study 2

Client wants to establish brokerage accounts as an investment option for participants.

The broker has a minimum-balance requirement of $100,000 for participants to use the service. The plan sponsor has mentioned this during the course of discussions about preparation for the Form 5500.

Are there discrimination issues?
What is your ethical responsibility here?
Would you see any fiduciary prudence issues? And if so, would you discuss this?

Case Study 3

An employee is terminated after having stolen $10,000 from the employer's business (not from the 401(k)).

The employer is refusing to pay the distribution requested by the former employee.

You are the TPA. The employer calls and lets you know what is going on and that he is not going to approve the distribution request.

What is your responsibility?

What would you say to the employer?

Case Study 4

Loan policy allows refinance and only one loan. Participant want to refinance beyond the original five-year term. How do you explain this? Is this a problem for the one-loan policy?

The plan sponsor calls up and wants to allow his niece who is severing employment to continue to repay her loan by check. The loan policy states that loans not repaid within 60 days of severance must be deemed and it says that the loans must be repaid by payroll withholding. What do you say to the plan sponsor?

What are TPA's ethical responsibilities?

Case Study 5

Participant severs employment and directly rolls his $200,000 balance to a traditional IRA.

The participant was paid $20,000 too much in the bonus and he agrees to return it, less the deferrals that were taken from the bonus and has been rolled into the IRA. Thus, the former employee returns $16,000. The $4,000 that was deferred on the bonus is in the traditional IRA and he refuses to return it.

You inform the IRA institution of this and they require the IRA owner's signature to send the $4,000 back.

Case Study 5

You explain to the former employee that the Form 1099-R representing the direct rollover is being corrected to reflect the amount eligible for rollover, which is the original amount reduced by $4,000. This will make the Form 1099-R accurate with what was eligible to be directly rolled over.

You also let him know that if he does not return the funds, a Form 1099-R will be issued reflecting the distribution of the $4,000 as a Code 1, early distribution, subject to ten percent excise tax as he is under the age of 59½.

Case Study 5

Questions

Is this an overpayment from the plan that he is required to pay back to the plan, and if he does not, must the employer make the plan whole? Or is the $4,000 due back to the employer's corporation?

If the $4,000 is not returned, is the institution correct to report the $4,000 as a Code 1 distribution?

Case Study 6

Responsibility of trustees for the collection of delinquent contributions
DOL FAB 2008-4

Duty must be assigned to a trustee or investment manager

Trustees (or investment manager, if designated) have an obligation to take appropriate steps to remedy situations where the trustee knows that delinquent contributions are going uncollected. For example, if a client does not send deferrals or hard-coded in document NEC or matching contribution.

What are TPA's ethical responsibilities?
What are the Trustee's ethical responsibilities?

Case Study 7

For ADP-testing purposes, for a client whose document does not allow catch-ups, can deferrals be re-characterized as catch-up regardless?

Why would a plan not have catch-up provisions today?

Do you have any plans without catch-up?

Do you feel an ethical responsibility – on behalf of the participants – to discuss with the plan sponsor adding catch-up contributions?

Assuming you convince the plan sponsor to add catch-ups, but they do not want matching? How do you handle such plans?

Case Study 8

Client refuses to pay fee for services performed and wants their records back.

Reasonable opportunity to review and copy records retained by practitioner but client needs them to comply with federal tax obligations. What do you do?

May retain copies of records returned to client.

Service agreement and ethical considerations control.

What does your service agreement state?

What about a premium work charge for last-minute rush jobs?

Case Study 9

Participants severed employment in 2001 and 2003

- Participants left money in the plan.
- Non-vested contributions never forfeited; remained part of the participants' accounts.

Plan terminating in 2015

- Forfeiture ordering rules are 1) pay fees and expenses; 2) restore

How is this to be handled?

- Take non-vested amount as forfeitures to pay expenses, or to use for ER contributions
- 100 percent vest the participants even though they had more than five one-year BIS
- Other??

Advice to client?

Case Study 10

A client had an old former employee calling who left the company's employment back in 1978. She received forms from Social Security saying she is due a distribution from the plan. We have only had the plan for about three years now and are not aware of this person. My thought is that she probably received her distribution 30 some odd years ago and was never removed from the SSA, but without having any proof, who knows.

Case Study 10

So the employer wants to pay her the $900 she thinks she is owed.

She is uncertain if she wants a rollover or cash distribution. Is it okay for the employer to issue a check to her rollover company?

If she elects a cash distribution, do they need to withhold taxes since it is coming from the employer and not the plan?

Case Study 11

Enrolled Retirement Plan Agents (ERPAs) are now “limited edition” ERPAs

If you do not take and pass both ERPA exams by February 12, 2016, you cannot become an ERPA.

If you are an ERPA, you may continue as an ERPA provided you meet Circular 230 requirements including CE. Should you continue being an ERPA?

Should you become an ERPA, or should you consider becoming an enrolled agent instead?

Poll Question 3

Catch-up contributions can be made after breaking all the following limits, except:

A. Failing the ADP test
B. Exceeding the 402(g) limit
C. Breaking a plan limit
D. Failing the cross-test
E. Exceeding Section 415 Annual Additions

Circular 230

Section 10.29
Conflicting Interests

A practitioner may not represent a client if:

i. the representation of one client is adverse to the interest of or responsibility to another client; or

ii. the representation of a client would be limited due to the personal interests of the practitioner [Section 10.29(a)].

Section 10.29
Conflicting Interests

Even if a conflict exists, representation is permitted if:

i. the practitioner reasonably believes that they can provide competent and diligent representation; and

ii. the client waives the conflict and gives informed written consent [Section 10.29(b)].

Section 10.34
Preparation Standards

A *practitioner may not sign a return or advise a client to take a position that*:

i. lacks a reasonable basis;

ii. willfully attempts to understate the tax; or

iii. intentionally disregards the rules and regulations [Section 10.34(a)].

Section 10.34
Preparation Standards

A *practitioner may not advise or allow a client to submit a document or paper to the IRS* that is:

i. *frivolous*; or

ii. *intentionally disregards the rules and regulations* [Section 10.34(b)].

A practitioner may generally rely on information furnished by the client without verification; however, *they cannot ignore what is actually known* [Section 10.34(d)].

Section 10.34
Preparation Standards

A practitioner must make reasonable inquiries if information appears to be:

i. *incorrect;*

ii. *incomplete; or*

iii. *inconsistent with another fact* [Section 10.34(d)].

Section 10.35 Competence

A *practitioner must possess the requisite competence to practice before the IRS* [Section 10.35].

Competence requires knowledge, skill, thoroughness and preparation necessary for the matter [Section 10.35].

Section 10.36
Procedures To Ensure Compliance

A *practitioner with the principal responsibility* for *overseeing* the *firm's practice* of preparing returns or documents for submission to the IRS, *must ensure that Circular 230 compliance procedures are in place* for all members [Section 10.36(b)]

If the practitioner with the principal responsibility knows or should know a firm member has engaged in a pattern of practice that is in violation of Circular 230 and fails to take prompt action to correct the non-compliance, they may be subject to disciplinary action [Section 10.36(b)].

Poll Question Four

Regarding Circular 230, Section 10.34, all the following are true except:

A. You must make reasonable inquiries if the information appears to be incomplete or incorrect
B. You may not sign a return that is a willful attempt to understate tax
C. You may always rely on information provided by the client
D. You may not sign a return that contains a position that lacks a reasonable basis
E. You may not advise a client to take a position that is frivolous

Professionalism

Conflicts of Interest

Employees must act in the best interest of their employer and their client to the exclusion of personal advantage.

Employees must avoid situations where their private interests do, may, or even appear to **conflict or interfere** in any way **with the employer's or their clients'** interests as a whole.

Examples: **Accepting compensation** -- in any form -- **from another entity or person for services performed for the employer**.

- **Accepting entertainment or gifts from clients**, **exception for a deminimis,** e.g., **$250**, unless approved by management.

Conflicts of Interest

For CPAs or TPAs who sell investments as well as provide CPA or TPA services, how does the need to sell investments and the need to ethically do what is best for the client co-exist?

Are there bright-lines to watch out for?

Internet and Other References to the Employer

If in a personal context, employees refer to their employer or their affiliation with it, the reference must be incidental and benign.

The references to which this rule applies include without limitation references on a blog, microblog, wiki, or other user-generated networking forum for sharing, instant messaging, texting, or following or having fans.

All such forums and other similar electronic or Internet tools (**such as Facebook, LinkedIn, Twitter, YouTube,** etc.) are referred to as “Social Media.”

Internet and Other References to the Employer

Any **use of Social Media for a business purpose must be approved in advance** through and **comply** at all times with the **employer's policies and procedures**.

The **employer has legitimate business purposes for:**

- **Monitoring Social Media or other Internet references to the employer**, and
- **References made in a personal context may not be private**.

Internet and Other References to the Employer

In personal references and business uses, the reference or use:

- **Must not jeopardize** trade secrets, trademarks or service marks or other intellectual property;
- **Expose the employer to liability**;
- **Embarrass the employer**, other **employees**, or **entities** with which the **employer does business**; or
- **Damage employer's reputation or relationships**.

E-mail Versus Phone or Meetings

Sensitive subjects: Why not use the phone or a meeting?

E-mail is permanent ➔ should be treated like it is certified mail

- Messages should always be in a professional tone
- Re-read e-mails before you hit send
- Never send an e-mail when angry

Take time to consider who to cc

- *Be considerate of other's time and their need to be on the e-mail*
- *When the e-mail becomes a string, does the entire group need to be on the string*?

Cell Phone Usage

- Is my ringtone appropriate? Does it convey the image of me that I want to project?
- Is there any situation where my ringtone would be embarrassing?
- Is the volume of my ring tone appropriate? Should I turn it down to avoid annoying others?
- Would vibrate be a better option then having a loud or obnoxious ringtone?
- Are my personal cell phone conversations overheard by others? Am I respectful of others and mindful of my private talk when taking personal calls around others?

Cell Phone Usage

- Do I sometimes use foul language or fall into talk about private topics like personal finances and/or objectionable subjects when using a cell phone in front of others?
- Am I respectful of quiet zones in public places such as the theater, church, and the library where others may have an expectation of low noise levels?
- Do I tend to raise my voice when I speak on a cell phone, for example, when cell reception might be poor?
- Do I give priority to live people over the gadget?
- Do I place my phone on the table and hover over it during meetings or conversations?

Cell Phone Usage

- Do I have frequent phone conversations while transacting other business like banking, shopping, and dining, thereby not giving people who are servicing my needs my full attention?
- Do I make calls from inappropriate locations like the restroom?
- Do I use silent mode/vibrate during meetings and in theaters?
- Do I prepare others and apologize in advance when I am expecting an important call that may interrupt a meeting or conversation?
- Do I excuse myself to a private location when I make or receive calls in public situations?

Poll Question Five

Regarding professionalism, which of the following statements is not true:

A. The employer has legitimate business purposes for monitoring Social Media or other Internet references to the employer.

B. E-mail is permanent and should be treated like it is certified mail.

C. Other than a de minimis amount policy, accepting compensation in any form from another entity or person for services performed for the employer is a conflict of interest.

D. My personal cell phone usage is always my business and not the employer's.

E. Always be considerate of other's time and their need to be on an e-mail.

Case Studies

Case Study 1

Your favorite doctor tells you that his CPA is telling him that he has to sign a new document. He says that it is just himself and his nurse who are in the plan and the CPA is charging $4,000 for the restatement.

You ask the doctor what type of plan and he says it was a Keogh. He says he signed new forms a few years ago and thinks it is a 401(k). Knowing the doctor, you expect he wants to be generous to his long-term employee and he confirms that he wants her to get the same proportion that he does but that he heard he could contribute $59,000 and he would like to do that.

Case Study 1

He asks if this is something you can help him with, if you know someone who could help him. You happen to be in that line of business and offer to find out what a good TPA that you know would charge for the service and let him know. You call a very good TPA that you have confidence in and she states that she would charge $1,200. She, the TPA, looks up his Form 5500 and states that it is a 401(k) cross-tested plan, but it doesn't seem to have any deferrals in it.

You inform the doctor of the price and that you recommend this TPA. You let him know that he will have to spend a good deal of time on the phone with the TPA so that she can determine his goals and how to best meet them and his current plan.

Case Study 1

The next time you see the doctor – which is in three weeks, he tells you that he has called the TPA and has never heard back.

What would you do?

Do you feel that ethically, you have gone far enough in your inquiries about the doctor's plan?

What about what the TPA found on his Form 5500 data?

Case Study 2

All sponsors of prototypes and other document types should establish procedures to assure that adopting employers are kept up to date with regard to their plan documents.

We are over halfway through the PPA restatement and all pre-approved defined-contribution plans need to be restated by April 30, 2016. The PPA restatement gives plan document sponsors the opportunity to evaluate their own procedures.

Case Study 2

Do they have a current list of all adopting employers?

Are they able to contact all of those employers and meet or communicate with them about their plan terms and provisions?

Do they have a methodology to assure that all employer-clients responded?

Are procedures in place for employers who did not respond or who do not meet return of document deadlines?

Case Study 2

Are other document amendments necessary, Roth? Or are there interim amendments that had not previously been made, which would require VCP?

Do the sponsor or the client have copies of up-to-date documents?

Do the old documents reflect operation of the plan? Will the new documents?

How is the issue of no longer being able to submit for determination letters handled and going?

If employers fell through “the cracks,” could they determine how and why?

Case Study 3

Client sends in a question:

I am specifically trying to determine if any of the owners of Company A need to be counted as owners of Company B even if they are not a controlled group. The plans of both companies are subject to ADP testing so it is important for me to get this right.

I was provided the following information for determining if a person is an HCE. Do you agree with this excerpt?

Case Study 3

In reading this, please keep in mind that
>> John Doe owns 34 percent of Company A.
>> Company A owns 70 percent of Company B.
>> If this is correct, in determining if John Doe is an HCE of Company B, I would proportionately apply his 34 percent ownership to the 70 percent ownership of Company B, which means he owns 23.8 percent of Company B for HCE determination purposes.
Do you agree?
The math I applied was 70% x 34% = 23.8% since he basically owns 34% of the 70%. I THINK….let me know your thoughts on this.

Case Study 3

414(q) HIGHLY COMPENSATED EMPLOYEE.

414(q)(2) FIVE-PERCENT OWNER. An employee shall be treated as a five-percent owner for any year if at any time during such year such employee was a five-percent owner (as defined in section 416(i)(1)) of the employer.

416(i)(1)(B)(iii) CONSTRUCTIVE OWNERSHIP RULES. For purposes of this subparagraph --

416(i)(1)(B)(iii)(I) subparagraph (C) of section 318(a)(2) shall be applied by substituting “five percent" for "50 percent."

Case Study 3

318(a)(2)(B) FROM TRUSTS

318(a)(2)(B)(i) Stock owned, directly or indirectly, by or for a trust (other than an employees' trust described in section 401(a), which is exempt from tax under section 501(a)) shall be considered as owned by its beneficiaries in proportion to the actuarial interest of such beneficiaries in such trust.

318(a)(2)(B)(ii) Stock owned, directly or indirectly, by or for any portion of a trust of which a person is considered the owner under subpart E of part I of subchapter J (relating to grantors and others treated as substantial owners) shall be considered as owned by such person.

Case Study 3

318(a)(2)(C) FROM CORPORATIONS. **If 50 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such person shall be considered as owning the stock owned, directly or indirectly, by or for such corporation, in that proportion which the value of the stock which such person so owns bears to the value of all the stock in such corporation.**

Case Study 3

Another example

Marie is employed at Bedrock Corporation. She does not own any stock in Bedrock. However, she does own 25 percent of Granite Tops, Inc. and Granite owns 30 percent of Bedrock. For purposes of the ASG rules, Marie is not deemed to own any stock in Bedrock, because Marie does not own at least 50 percent of Granite. However, Marie is treated as owning a pro-rata share of the Bedrock stock held by Granite for purposes of the HCE rules. Thus, she is deemed to own 7.5% (25% X 30%) of Bedrock and is a 5% owner and an HCE.

Case Study 4

Our role is to keep the client compliant with the law and the regulations. Some things can be interpreted.

Some things can be too aggressive.

Client has created a supplemental deferral election form, to be used in addition to the deferral election form the participant has completed to handle other compensation. Key sections are on the next slides.

What do you think?

Case Study 4

☐ I wish to have my 401(k) elective deferral apply ONLY to my bi-weekly base pay (i.e., I will have NO DEFERRAL applied to any bonus, commission, car allowance, etc. type of earnings that I am paid). I understand that any amount not deferred to the Plan under this election will be paid to me in cash, net of applicable taxes required to be withheld by Mighty Moose.

Case Study 4

☐ I wish to have my 401(k) elective deferral apply to the following types of earnings in addition to my bi-weekly base pay (“additional earnings”):

☐ Bonus ☐ Commission ☐ Car Allowance ☐ All Other Taxable Earnings

The amount I wish to defer for these additional earnings is as follows:

☐ Same percentage or dollar amount per payment as noted on my Participant Enrollment Form

☐ _____% or $_____ per payment

I understand that any amount not deferred to the Plan under this election will be paid to me in cash, net of applicable taxes required to be withheld by Mighty Moose.

Case Study 4

I understand and agree that the election I made on the Participant Enrollment Form to have my deferral contributions made on either a pre-tax basis to Mighty Moose's 401(k) Plan OR as an after-tax Roth 401(k) contribution will also apply to the deferral elections made herein.

Please be sure to complete and return this form in the time period requested by the Plan Administrator. If you fail to return the form in a timely basis, your deferral election made on the Participant Enrollment Form will apply to your Base Pay ONLY.

Participant's Signature **Date**

Case Study 5

A non-five percent owner is a working participant in a 401(k) plan who decided to roll his traditional IRA into the 401(k) plan earlier this year.

He is over 70½ and had taken his RMD from his IRA for last year.

Now that he rolled the IRA into the 401(k), must be continue to take RMDs on the IRA money he rolled into the 401(k)?

What would you advise?

Case Study 6

A participant recently passed away. His beneficiary designation indicates that he named his "spouse" as his primary beneficiary and step-children are contingent. In the relationship column he entered the word “spouse.”

He got divorced a couple of years ago and did not inform us and did not change his beneficiary designation form.

Is the beneficiary designation still valid if the form indicates "spouse" in the relationship column in addition to the individual's name, since he is divorced?

What would you advise?

Case Study 7

A loan policy statement reflects the provisions of the plan relating to loans.

It sets forth minimum and maximum loan amounts, permissible purposes (if any), interest rate, payment schedule, security and default rules.

This plan's loan policy allows one loan. Participant wants to get a loan but had defaulted on a loan three years ago and never paid it back. This participant happens to be the wife of owner.

What do you say?

What are TPA's ethical responsibilities?

Case Study 8

You are the TPA for a small law firm run by an 91-year-old matriarch.

As you complete the year-end work for December 31, 2014*, you notice that participant deferrals and participant loan repayments were remitted late and irregularly.*

When you ask about it, she explains that she needed those deferrals and participant loan repayments to keep the practice afloat. “However,” she adds, “we did put them all in the plan by the end of the year.”

Case Study 8

Sure enough, your trust accounting confirms that the deferrals and repayments were all deposited into the plan in one lump sum on December 30, 2014.

In discussing with her the rules requiring timely deposits, she indicates that she would prefer the 2014 Form 5500 be prepared without revealing this “irregularity.”

What are your responsibilities in preparing the Form 5500 and related forms for 2014?

Case Study 8

You discuss that VFCP is available for correction, but she is not sure it should be done

Keep in mind: Form 5500 ➔ Perjury statement

- *"Under penalties of perjury and other penalties set forth in the instructions, I declare that I have examined this return/report, including accompanying schedules, statements and attachments, as well as the electronic version of this return/report, and to the best of my knowledge and belief, it is true, correct, and complete."*
- Employer and plan administrator sign

What are TPA's ethical responsibilities? How would you handle this?

Case Study 9

You are engaged to perform recordkeeping, administration, and compliance work for a new client's cross-tested 401(k) plan. The client is a small chain of Cupcake Bakeries.

You initially meet with Lois and Clark, husband and wife, who introduce themselves as the owners. Your standard engagement letter is addressed to Mr. and Mrs. Clark Kent, with the address being the business address. The letter indicates that it confirms your firm's engagement by Cupcake Bakeries, Inc. ("Cupcake"), the plan sponsor, as the TPA for its 401(k) plan.

Case Study 9

You regularly communicate with Lois on all matters that pertain to the plan.

One day, you receive a telephone call from Clark who informs you that:

1. He has filed for a divorce from Lois
2. He owns all of the stock of Cupcake
3. Lois has been terminated as an employee of Cupcake, and
4. The only information Lois is to be provided is that which any other terminated employee would receive.

Case Study 9

The following week, Lois calls. She confirms that there are divorce proceedings and that she no longer works at Cupcake. But Lois says that her lawyer has told her that she owns half of Cupcake. Lois mentions the engagement letter was signed by both Lois and Clark.

Lois then asks for Clark's account balance; base compensation, his W-2 for last year and whether Clark has taken any distributions this year (he is over 65). She also asks if the plan is being terminated and for the W-2 for the last few years for the administrative assistant.

What is your response to Clark? What is your response to Lois?

Poll Question Six

All the following statements about a conflict of interest are true, except:

A. A practitioner may not represent a client if the representation of one client is adverse to the interest of or responsibility to another client

B. A practitioner may not represent a client if the representation of a client would be limited due to the personal interests of the practitioner

C. A practitioner may not represent a client if the representation will be among two unrelated firms in the same line of business

D. If a conflict exists, a practitioner may represent both clients if the practitioner reasonably belives they can provide competent and diligent representation and each client waives the conflict and gives informed written consent.

E. A practitioner may sign a tax return after advising a client that the position taken on the return lacks a reasonable basis.

Questions?