

U.S. Investors
Foreign Bank Account Reporting

VC-Private Equity Roundtable
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TD F 90-22.1(Rev. October 2008)
Department of the TreasuryDo not use previous editions of
this form after
December 31, 2008**REPORT OF FOREIGN BANK
AND FINANCIAL ACCOUNTS**

Do NOT file with your Federal Tax Return

OMB No. 1545-2038

1 This Report is for Calendar
Year Ended 12/31Amended **Part I Filer Information**

2 Type of Filer			
a <input type="checkbox"/> Individual b <input type="checkbox"/> Partnership c <input type="checkbox"/> Corporation d <input type="checkbox"/> Consolidated e <input type="checkbox"/> Fiduciary or Other—Enter type _____			
3 U.S. Taxpayer Identification Number		4 Foreign identification (Complete only if item 3 is not applicable.)	
If filer has no U.S. Identification Number complete Item 4.		a Type: <input type="checkbox"/> Passport <input type="checkbox"/> Other _____	
b Number _____		c Country of Issue _____	
5 Individual's Date of Birth MM/DD/YYYY			
6 Last Name or Organization Name		7 First Name	8 Middle Initial
9 Address (Number, Street, and Apt. or Suite No.)			
10 City	11 State	12 Zip/Postal Code	13 Country
14 Does the filer have a financial interest in 25 or more financial accounts?			
<input type="checkbox"/> Yes If "Yes" enter total number of accounts _____			
(If "Yes" is checked, do not complete Part II or Part III, but retain records of this information)			
<input type="checkbox"/> No			

Part II Information on Financial Account(s) Owned Separately

15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
Signature			
44 Filer Signature		45 Filer Title, if not reporting a personal account	46 Date (MM/DD/YYYY)

File this form with: U.S. Department of the Treasury, P.O. Box 32621, Detroit, MI 48232-0621

This form should be used to report a financial interest in, signature authority, or other authority over one or more financial accounts in foreign countries, as required by the Department of the Treasury Regulations (31 CFR 103). No report is required if the aggregate value of the accounts did not exceed \$10,000. See Instructions For Definitions.

PRIVACY ACT AND PAPERWORK REDUCTION ACT NOTICE

Pursuant to the requirements of Public Law 93-579 (Privacy Act of 1974), notice is hereby given that the authority to collect information on TD F 90-22.1 in accordance with 5 USC 552a (e) is Public Law 91-508; 31 USC 5314; 5 USC 301; 31 CFR 103.

The principal purpose for collecting the information is to assure maintenance of reports where such reports or records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings. The information collected may be provided to those officers and employees of any constituent unit of the Department of the Treasury who have a need for the records in the performance of their duties. The records may be referred to any other department or agency of the United States upon the request of the head of such department or agency for use in a criminal, tax, or regulatory investigation or proceeding. The information collected may also be provided to appropriate state, local, and foreign law enforcement and regulatory personnel in the performance of their official duties. Disclosure of this information is mandatory. Civil and criminal penalties, including in certain circumstances a fine of not more than \$500,000 and imprisonment of not more than five years, are provided for failure to file a report, supply information, and for filing a false or fraudulent report. Disclosure of the Social Security number is mandatory. The authority to collect is 31 CFR 103. The Social Security number will be used as a means to identify the individual who files the report.

The estimated average burden associated with this collection of information is 20 minutes per respondent or record keeper, depending on individual circumstances. Comments regarding the accuracy of this burden estimate, and suggestions for reducing the burden should be directed to the Internal Revenue Service, Bank Secrecy Act Policy, 5000 Ellin Road C-3-242, Lanham MD 20706.

Who Must File

Each United States person who has a financial interest in or signature or other authority over any foreign financial accounts, including banks, securities, or other types of financial accounts, in a foreign country, if the aggregate value of these financial accounts exceeds \$10,000 at any time during the calendar year, must report that relationship each calendar year by filing this report with the Department of the Treasury on or before June 30 of the succeeding year.

Definition and Scope of filing

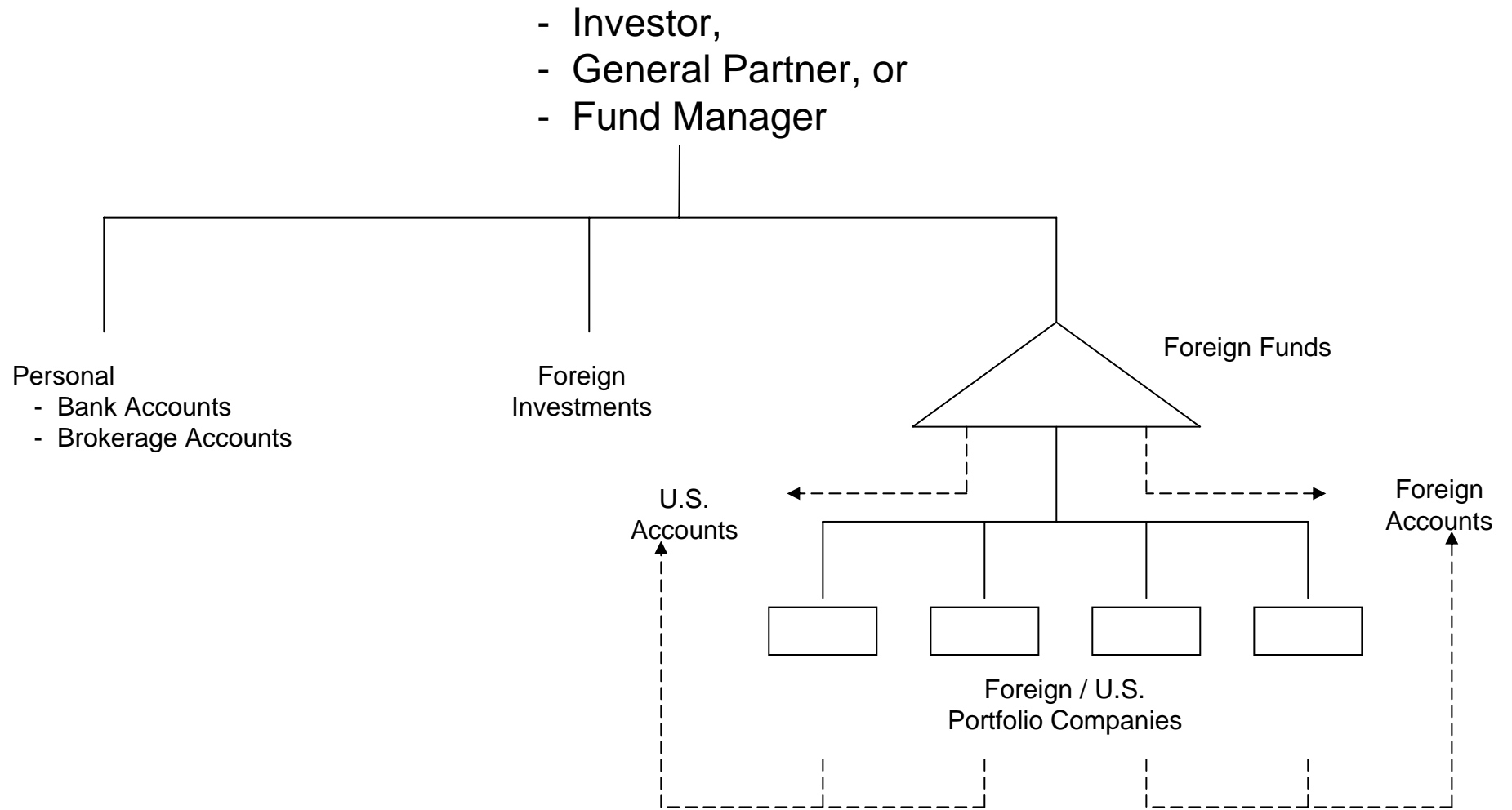
Who must file: Each U.S. person

- citizen,
- resident (tax resident), or
- person in and doing business in the U.S.

Financial Account:

- any bank account
- securities account
- commingled account
- an equity interest in a fund
- nominee or agency account

Foreign Accounts Disclosures



Nonfiling Penalties

Prior rule: \$1,000

Current: Up to 50% of maximum amount in account

March 2009 IRS Notice: 20% penalty under voluntarily disclosure

Criminal penalties

Will delinquent filing help?

Voluntary Disclosure

- Get people “back into the system”
- Reduce civil and criminal penalties
- Procedures
 - Option 1: Anonymous discussion, followed by:
 - Letter with facts to Criminal Investigation (“CI”);
 - CI review;
 - Transfer to civil exam – review returns, access penalties
 - Negotiation
 - Option 2: Informal “quiet” disclosure
 - File returns
 - Either no action or possible IRS audit
 - Audit & negotiation

Voluntary Disclosure

- Formal Voluntary Disclosure [Option 1]
 - Prepare delinquent/amended returns
 - Pay taxes & interest, negotiate penalties and additional 20% penalty
- Informal “Quiet Disclosure” [Option 2]
 - File delinquent/amended returns
 - Pay taxes, interest, penalties [maybe]
 - 20% penalty avoided [maybe]
- Methods Compared
 - Option 1 beneficial if criminal issue exists since avoids penalties in excess of 20%, and obtains closure
 - Option 2 beneficial if no criminal issue since might avoid 20% additional penalty

Q & A

Services

- Corporate & individual tax planning and compliance.
- International tax planning and compliance.
- Representation for complex federal and state tax related audits.
- SEC audit practice including accounting for consolidations and reorganizations, post IPO services and Sarbanes-Oxley (“SOX”) compliance.
- Merger and acquisition (“M&A”) services, including due diligence services and preparation of pro-forma financial statements, for domestic and foreign controlled companies.
- Litigation support.