



Office of the Taxpayer Rights Advocate

Having difficulty resolving a tax issue through regular channels at the Tax Department?

As an independent office within the department, the Office of the New York State Taxpayer Rights Advocate is committed to helping New York State taxpayers by balancing taxpayer assistance against enforcement efforts. We'll listen to you, learn about your problems or concerns, and work with you in an effort to resolve them.

The worst thing you can do is ignore a tax bill or your tax debt; consider applying to the office for help.

Contact the Taxpayer Rights Advocate:

- Visit our website at www.tax.ny.gov/tra
- Call 518-530-HELP

Know your rights before you hire a tax preparer

Most tax preparers act within the law and treat their clients fairly. But there are some who do not.

This brochure contains important information about how to protect yourself when you hire a tax preparer.

To file a complaint about a tax preparer:

- Visit our website (search: complaint)
- Call 518-530-HELP

If your preparer is located in New York City, contact the New York City Department of Consumer Affairs by calling:

- 311 (from New York City); or
- 212-NEW-YORK (from outside New York City).

You can report tax evasion and fraud online or by calling 518-457-0578. The information is kept confidential. The Tax Department takes this type of illegal activity seriously, promptly reviews each complaint, and takes corrective action when appropriate.



Department of
Taxation and Finance

www.tax.ny.gov

518-457-5181

Pub-135 (12/16)



Department of
Taxation and Finance

Consumer Bill of Rights

Regarding Tax Preparers



Para español: Vea la publicación 135-SPA, *La Declaración de Devrechos del Consumidor con Respecto a los Preparadores de Declaraciones de Impuestos.*

Before you hire a tax preparer:

- ask for a written estimate of all fees;
- ask about qualifications;
- ask if the preparer will e-file your return; and
- ask if the preparer will represent you if you're audited.

A tax preparer should never do any of the following:

A preparer should never prepare your return without reviewing the appropriate records, such as information about your dependents, child care expenses, or tuition expenses.

A preparer should never ask you to sign:

- a blank return;
- an incomplete return;
- a return with false information on it; or
- a return with information that you do not understand.

A preparer should never charge a separate fee to e-file your New York return, and a preparer should never guarantee that:

- you'll receive a tax refund; or
- you won't be audited by the IRS or the New York State Tax Department.



When your return is completed:

- review the entire return before you sign;
- make sure your preparer signs the return;
- get your papers back, including copies of all final returns;
- get a receipt that contains the preparer's address and phone number; and
- make sure that you understand what's on the return.

What is a Refund Anticipation Loan (RAL)?

A RAL is a high-interest loan for which the lender will charge you interest and fees, which will reduce your income tax refund.

Before you enter into a RAL agreement, your preparer must give you a written statement that explains:

- the name of the lending institution;
- that you're not required to take a RAL in order to receive your tax refund;
- the amount of fees and interest you have to pay if you take a RAL; and
- the amount you will receive after the fees and interest are deducted, as well as the amount of the refund if you don't take out a RAL.

You're responsible for the entire amount of the loan, even if it's more than your refund. Your tax preparer must sign the RAL Disclosure Form and include his or her unique identification number.

All discussions concerning the RAL must be in the language you and your preparer primarily use.



What is a Refund Anticipation Check (RAC)?

An RAC is a check or payment allowing you to get your refund money in advance of the refund being paid by the state or IRS. RAC fees are deducted from the refund shown on your return.

The fees include charges for tax preparation and a fee for the RAC.

Before you enter into an RAC agreement with a tax preparer, the preparer must give you a written disclosure statement explaining:

- that you're not required to take an RAC in order to receive your refund; and
- the amount of fees you'll have to pay if you take an RAC.

Your tax preparer must sign the RAC Disclosure Form and include his or her unique identification number.

All discussions concerning the RAC must be in the language you and your preparer primarily use.