



JEFFREY R. PITTARD

COUNSEL

TAX TRUST & ESTATES | CORPORATE TAX PLANNING |
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BIOGRAPHY

Jeffrey R. "Jeff" Pittard devotes his practice to all areas of estate and wealth preservation and tax planning for high net worth individuals. He is adept at composing estate planning documents, including wills and trusts. In addition, he has handled all aspects of estate tax administration in both New Jersey and New York, and has assisted clients with changing domicile to Florida, and has represented clients in tax disputes with federal and state taxing authorities. He also has extensive experience handling federal and state civil tax controversy matters.

REPRESENTATIVE MATTERS

- **Federal Tax Liability of \$66,000 settled for \$2,500** The Taxpayers took early withdrawals from a retirement account due to some tough luck. This early withdrawals resulted in additional tax liabilities that could not be paid because one spouse was unemployed. The IRS settled the approximately \$66,000 liability for \$2,500 and the Taxpayers were not forced to liquidate their retirement account.
- **Federal Tax Liability of \$50,000 Settled for \$1,500** The Taxpayer had been unemployed for many years and had been taking early withdrawals from an IRA account to make ends meet, which resulted in additional tax and penalties that the Taxpayer could not pay. An Offer in Compromise was reached in which the Taxpayer would pay only \$1,500 to settle her approximately \$50,000 tax liability.
- **\$142,000 federal income tax liability settled for \$12,130** during Appeals Hearing A self-employed insurance broker had failed to pay his income taxes for years 2004 through 2011. Due the economic downturn and his failing health, he was unable to continue paying an installment agreement that had been previously arranged with the Internal Revenue Service. Jeffrey R. Pittard, Esq., was able to successfully obtain an Offer in Compromise whereby the Taxpayer settled his \$142,000 tax liability to the Internal Revenue Service in full by paying only \$12,130.
- **Taxpayer owing \$3,200,000+ to IRS placed in Currently Non-Collectible Status An entrepreneur owed \$3,200,000** as a result of transactions undertaken by a partnership in which he was a member and for the failure of one of his corporations to pay certain withholding taxes to the federal government. Due to the economic downturn, our client's living expenses exceeded his gross income. Jeffrey R. Pittard, Esq., reached an agreement during a Collection Due Process Hearing in which the Internal Revenue Service agreed to cease all collection actions against our client.
- **Settled US Tax Court case in which IRS seeks to assess \$35,600,000 for less than \$100,000** A multi-state electronics manufacturer received a notice of deficiency from the Internal Revenue Service seeking to assess \$35,600,000 in income tax and penalties. The Internal Revenue Service's auditor sought to disallow amounts the taxpayer deducted for wages and salaries paid, cost of goods sold, outside services and promotional expenses. After filing a petition in the United States Tax Court, Jeffrey R. Pittard, Esq., reached a settlement agreement with the Internal Revenue Service whereby the Service dropped its claim for deficiencies for some years based on the auditor's failure to follow the Internal Revenue Service guidelines, allowed the entire amount of deductions claimed for wages and salaries paid and costs of goods sold, and allowed 90% of the other deductions claimed by the Taxpayer. After factoring in the amount of interest that would have been due had the IRS been successful, the Taxpayer saved over \$60,000,000 in taxes, penalties and interest.
- **Corporations allowed to continue to operate as S Corporations despite the Termination of S Corp Status** A group of eleven businesses had previously filed valid S Corporation elections. However, when a shareholder of the businesses passed away, the shares of stock in the businesses were left in trust. The beneficiary of the trust receiving the decedent's shares of stock in the businesses failed to timely elect to treat the trust as a Qualified Subchapter

S Trust (QSST), which caused the businesses' S Corporation elections to terminate. Many years later, when the businesses' accountant learned of this oversight, Jeffrey R. Pittard, Esq., submitted eleven Private Letter Ruling Requests to the Internal Revenue Service seeking a determination that the terminations were inadvertent, that additional time to file the QSST election be granted, and that the QSST elections be effective retroactively to the date of the inadvertent terminations. The Internal Revenue Service agreed to do so and the businesses were all able to continue operating as S corporations without interruption.

- **Private Letter Ruling Allows Retroactive S Corporation Election** A corporation had elected to be treated as an S corporation. One of the shareholders that made the election was a trust. Years after the election, the taxpayer's accountant realized that the beneficiaries of the trust had failed to elect to be a Qualified Subchapter S Trust (QSST), which rendered the initial S Corporation election invalid. Jeffrey R. Pittard, Esq., submitted a Private Letter Ruling Request to the Internal Revenue Service seeking a determination that the trust be allowed to make a QSST election effective to the date of the invalid S Corporation election and that the business be treated as if the invalid S corporation election was valid from the date of the invalid election. The Internal Revenue Service agreed to do so and the business was able to operate as if it were S corporation who made a valid election from the beginning.
- **IRS Relieves Wife of Liability for Husband's \$3,100,000 Tax Debt; Innocent Spouse Relief Granted on Appeal** A Taxpayer's husband was assessed over \$3,100,000 in taxes, penalties and interest as a result of failing to include gain from a business transaction. Because the Taxpayer filed her income tax returns jointly with her husband, she was liable for the amount due to the IRS. Jeffrey R. Pittard, Esq., filed an innocent spouse relief request with the Internal Revenue Service claiming that the Taxpayer should not be held responsible for a business decision made by the Taxpayer's husband. Despite the IRS initially ruling against our client, Mr. Pittard, during an appeals hearing, was able to convince the IRS to overturn its initial decision and to relieve the Taxpayer of the entire liability.
- **NJ Division of Taxation Relieves Client of Sales & Use Tax Sought to be assessed for Sale of Combo Meals** The Taxpayer operates multiple locations of a major fast food restaurant chain. The New Jersey Division of

Taxation (the "Division") determined that the Taxpayer's businesses were responsible for collecting sales tax on numerous food items, including combo meals, on which the business had not previously been collecting sales tax. Tax Associate Jeffrey R. Pittard, Esq., basing his argument on written guidance issued by the Division that had not previously been discussed in any case law, convinced the Division that most of the sales of the combo meals were not subject to sales tax. With respect to the amount of sales tax due from items that were subject to sales tax, the Division agreed to waive all late payment penalties and one-half of the interest that accrued thereon.

BAR ADMISSIONS

- New Jersey
- New York
- Connecticut
- Florida
- United States Tax Court
- Southern District Court of New York
- Middle District of Florida
- Southern District of Florida
- Third Circuit Court of Appeals

EDUCATION

- New York Law School, L.L.M.
- Seton Hall University School of Law, J.D.
- BOSTON UNIVERSITY COLLEGE OF COMMUNICATION, B.A.

DISTINCTIONS

- Best Brief Author in Appellate Advocacy (Seton Hall Law School)
- Center for Student Justice – Pro Bono Distinction (Seton Hall Law School)
- Seton Hall Law School – Journal of Sports and Entertainment Law