

'Getting Screwed By The IRS' Isn't Just An Expression

By Robert W. Wood

When people grumble that they are “getting screwed by the IRS,” they usually mean an audit has gone badly, their tax refund was applied to another tax due, or some other unpleasant mishap. Dealing with the Internal Revenue Service can mean inconvenience, worry and ultimately paying some money. It isn't likely to be pleasurable.

To most of us, “getting screwed by the IRS” certainly does not mean having sex with an IRS auditor. It also does not mean getting sex advice from the IRS, even though one notable sexologist came from the IRS. Indeed, it turns out that there may be racier people at the IRS than you might think.

Maybe it's all that pent up frustration. Just imagine how frustrated you get with your taxes, and imagine if you were working for the IRS. For 23 years, Dr. Marylou Naccarato was a career IRS agent.

Then, according to her own account, she saw a cable TV show on sexual health. She gave up her long career at the IRS and became a clinical sexologist. It was not a big leap, she says.

“Well if you think about it,” Naccarato notes, “I haven't really changed professions. It's all about whether or not you're gonna get screwed.” Now, you could call her a sex education mogul.

She is a board certified clinical sexologist, has a doctorate from the Institute for Advanced Study of Human Sexuality, and is certified as a sexuality educator from the American Association of Sexuality Educators, Counselors and Therapists. She is on the board of the American College of Sexologists. In her spare time, she blogs on sex pioneer Betty Dodson's website.

Sure, she could be an aberration coming from the IRS. However, sex and the IRS may go together more often than you might think. I expect Mr. Vincent Burroughs would agree. It started with a routine tax audit. But Burroughs claims that his IRS auditor, Ms. Dora Abrahamson, flirted with him by phone and by text message.

Eventually, she was emboldened to send him a selfie in her underwear. Thereafter, she came to his home “provocatively attired,” he contends. Hoping to make his audit go more smoothly, Burroughs gave in to the IRS agent's amorous demands.

What choice did he have? After all, he alleges that the IRS agent threatened to slap him with a 40 percent penalty if he stayed virtuous. It was put up or shut up, Burroughs claims. Given her position of power, dollars were at stake, and stiff penalties too (sorry).

In *Burroughs v. Abrahamson*, 13-cv-141-TC (D. Ore. July 31, 2013), he sued the IRS and the femme fatale IRS agent claiming that she threatened penalties if he didn't capitulate. The IRS agent's conduct caused him distress and violated his constitutional right to privacy, the suit claims. Abrahamson denied the allegations, and the IRS says it is immune from suit.

The claimed damages include ruining Burroughs' longtime relationship with his girlfriend. Oh, and by the way, he had to pay taxes and penalties even though he gave into the agent's demands. After he had sex with Abrahamson, she withdrew from handling his case due to the perceived conflict of interest.

That meant another IRS agent was assigned to the audit, and that made things worse for Burroughs. In fact, he ended up owing the IRS \$69,000. Although the suit was originally against Abrahamson and the IRS, he dropped Abrahamson from the suit. After all, she has virtually no assets to pursue.

But the IRS sure does. The suit alleged that the government is liable for damages because IRS officials provided inadequate supervision. The government claims immunity, noting that the IRS never waived its immunity for intentional acts of its employees that were committed outside the scope of their employment.

The trial court threw out the tit-for-tat lawsuit. Whatever happened between the taxpayer and the IRS agent, it occurred after hours at Burroughs' home. That meant the IRS had no liability. The IRS agent was not performing any official duties, said the court.

Burroughs has appealed, and there may eventually be a learned opinion to put this matter to rest. By comparison, the vast majority of tax audits are mundane. Audit advice generally is too.

And fortunately, getting out of penalties is rarely so involved. Sure, it's hard to offer an excuse the IRS has never heard. They hear some doozies.

Sometimes, getting out of penalties may be as simple as saying that you didn't know, your accountant told you it was legit, it got lost in the mail, you transposed your Social Security number, you were ill, your accountant died, your employee stole the money, or even that your dog ate it. Other times, nothing seems to work.

In *Oppliger v. United States*, 10-2011 (8th Cir. March 29, 2011), the 8th U.S. Circuit Court of Appeals ruled for the IRS, upholding a \$2 million penalty despite the fact that the taxpayer had two pretty convincing excuses. First, his accountant embezzled the money. Then, the embezzling accountant died. Sometimes, you just can't catch a break.



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