

NEWS BULLETIN

Maine Automobile Dealers Association

180 Civic Center Drive P. O. Box 2667 Augusta, Maine 04338-2667 DIAL 623-3882
e-mail:info@maineautodealers.com FAX 623-2318

DISTRIBUTION

General Manager
Office Manager
Parts Manager
Sales Manager
Service Manager

2012-1

HAPPY NEW YEAR

Calendar Year 2012 has begun. A new year brings a new beginning, presents new challenges, and offers fresh opportunities in all aspects of one's life. Your Association thanks you for your cooperation and participation in past MADA activities. It has been our privilege and our pleasure to address your questions, concerns and needs over the past year. We look forward to working with you into the future as we, together, meet the challenges and opportunities of 2012. Good luck and best wishes for a happy, healthy and prosperous New Year.

MAINE LAW RE: SEXUAL HARASSMENT IN THE WORKPLACE

In 1991, the Maine Legislature enacted a law requiring Sexual Harassment Education and Training in the Workplace. All employers, and thus all MADA members, must do two things at their business. First, they must "post in a prominent and accessible location in the workplace" a notice about the law. Second, they "shall provide annually all employees with individual written notice" concerning the provisions of the law as well as where to obtain assistance.

The poster required by the law is included in the laminated poster containing required employee notices, which poster MADA makes available to its members. **An annual notice to all employees is included with this bulletin.** Your obligation is to provide a copy to all employees, whether full or part-time. To ensure that all employees receive such notice, it is suggested that distribution be included with payroll. If you employ 15 or more, your business is also required to "conduct an education and training program" for all employees, as well as additional training for supervisory and managerial employees. Should you have questions about your obligations under this Maine law, please feel free to contact your Association office.

MAINE DEALER EVENTS AT NADA CONVENTION

For the 48 Maine dealers and guests who will attend the NADA Convention in Las Vegas from February 3 to February 6, there are two special events on Saturday, February 4.

A breakfast buffet will be hosted by MADA from 8:00 to 9:00 a.m. at the Las Vegas Hotel and Casino (formerly the Las Vegas Hilton). This function is very generously sponsored by Key Auto Finance, which is generally represented by President Greg Strong, Regional Manager Vince Gaglia, and sometimes Maine representatives Leo Amato or Mike Gilbert.

MADA and our sister New England state dealer associations will host an evening reception from 5:00 to 8:00 p.m. at the Wynn's Encore Hotel. This function will be sponsored by a number of organizations providing services to New England dealerships including the following with Maine ties: Northeast Dealer Services (Jim Schaffer); F & I Resources (Bob Hunter); Albin Randall & Bennett (Bart Haag); DealerTrack (Ernest Lattimer); Jewett Automotive Design (Craig Jewett).

Invitations to these events were sent last week to those dealers whom NADA listed as attendees as of January 12. If you are going to the NADA Convention, and did not receive an invitation, please call your Association office.

CASH REPORTING RULE

Any business that received more than \$10,000 as a payment for goods is required to report that payment to the IRS by filing Form 8300. You are not required to tell the buyer at the time of purchase that the form will be filed. However, you are required to obtain the information necessary to complete the form including the buyer's birth date and social security number.

IMPORTANT: If you filed any Form 8300s during calendar year 2011, YOU ARE REQUIRED BY FEDERAL LAW to advise your customers in writing by January 31, 2012 that the form was filed. The instructions to the form say that a written statement must be provided to each person named in Form 8300 on or before January 31 of the year following the calendar year in which the cash is received. The statement must show the name and address of the business, the total amount of reportable cash received, and that the information was furnished to the IRS. Keep a copy for your records. Remember, the law requires written notification. Merely informing the customer at the time of sale that you will be filing a Form 8300 is not sufficient.

This written notification requirement could be fulfilled by sending your customer a letter on your dealership letterhead. As stated above, this notification can be provided at any time following the transaction, or as late as January 31 of the next calendar year. The following represents sample wording for the statement:

Dear (customer):

We are required by the Internal Revenue Service to report all transactions involving more than \$10,000 in cash or monetary instrument (cashier's check, bank draft, travelers check, or money order) as defined in 26 U.S.C. 60501.

(name and address of dealership) filed Form 8300 with the IRS on (date) indicating you gave us (amount) in connection with your purchase of _____.

Sincerely,

(your name)

MADA suggests you check your files, and if you haven't already given a "written notice" to any customer who has paid you more than \$10,000 cash in 2011, you should do so immediately. If you are audited by the IRS, there are penalties for failure to file the Form 8300 and for failure to provide written notification.

Based on audits conducted by IRS at Maine dealerships as well as those in other states, the following are a few tips to help your audit experience:

- 1) Keep a separate file for 8300s, in chronological order by date of sale;
- 2) Keep a copy of 8300, and a copy of the notification letter, in each customer's deal jacket;
- 3) File 8300 on transactions with an even \$10,000 cash even though the law says "more than \$10,000".

NLRB DELAYS POSTING REQUIREMENT DEADLINE

The National Labor Relations Board is postponing until April 30, 2012 the effective date of its rule that requires dealerships to display a poster explaining worker rights under the National Labor Relations Act. Claiming there is confusion about which businesses are covered by the rule, the NLRB will use the extra time to conduct outreach to small-and medium-sized companies. The rule initially was to take effect on Nov. 14, and has been postponed twice. NADA and other national employer groups have filed federal lawsuits claiming that the NLRB exceeded its statutory authority. MADA will keep you informed of developments.

SEXUAL HARASSMENT IS ILLEGAL

SEXUAL HARASSMENT IS A FORM OF EMPLOYMENT DISCRIMINATION AND IS ILLEGAL UNDER MAINE LAW.

Sexual Harassment is defined as: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Section 3.061 1, Maine Human Rights Regulations.

Examples of sexual harassment include, but are not limited to:

- * Display of sexually suggestive objects or pictures.
- * Flirtations, propositions and comments which are unwelcome and unsolicited.
- * Comments about appearance, clothing, anatomy which are graphic or degrading.
- * Sexual jokes and gestures.
- * Physical contact which is unwanted and inappropriate such as touching, hugging, kissing or fondling.
- * Retaliation for complaining about sexual harassment.

If you believe you are being sexually harassed you should notify your immediate supervisor, or if you cannot notify your immediate supervisor notify the person in your company designated to handle personnel or human resources problems.

If you believe you are being sexually harassed, Maine law allows you to file a complaint with the Human Rights Commission, within 6 months of the unlawful act or unlawful discrimination. The Human Rights Commission shall provide an opportunity to resolve the matter. If the matter cannot be resolved, the Human Rights Commission will investigate to determine whether there are reasonable grounds to believe that unlawful discrimination has occurred. If the Commission finds reasonable grounds to believe that unlawful discrimination has occurred it will try to eliminate the discrimination by informal means. If informal means of resolving the matter have not succeeded the Human Rights Commission will file a complaint with the Superior Court.

You may contact the Commission at its office in Hallowell or by telephone at 624-6050.

Your employer cannot discharge or otherwise punish or penalize you because of any action you have taken to assert your rights under the Maine Human Rights Act or because you assisted in the enforcement of the Act.

This notice is provided to you pursuant to P. L. 1991 CH.474. January 1, 1992

Report of Cash Payments Over \$10,000 Received in a Trade or Business

▶ See instructions for definition of cash.
▶ Use this form for transactions occurring after June 30, 2011. Do not use prior versions after this date.
For Privacy Act and Paperwork Reduction Act Notice, see the last page.

1 Check appropriate box(es) if: a Amends prior report; b Suspicious transaction.

Part I Identity of Individual From Whom the Cash Was Received

2 If more than one individual is involved, check here and see instructions

3 Last name	4 First name	5 M.I.	6 Taxpayer identification number
7 Address (number, street, and apt. or suite no.)			8 Date of birth (see instructions)
9 City	10 State	11 ZIP code	12 Country (if not U.S.)
14 Identifying document (ID)	a Describe ID c Number		b Issued by

Part II Person on Whose Behalf This Transaction Was Conducted

15 If this transaction was conducted on behalf of more than one person, check here and see instructions

16 Individual's last name or organization's name	17 First name	18 M.I.	19 Taxpayer identification number
20 Doing business as (DBA) name (see instructions)			Employer identification number
21 Address (number, street, and apt. or suite no.)			22 Occupation, profession, or business
23 City	24 State	25 ZIP code	26 Country (if not U.S.)
27 Alien identification (ID)	a Describe ID c Number		b Issued by

Part III Description of Transaction and Method of Payment

28 Date cash received	29 Total cash received	30 If cash was received in more than one payment, check here <input type="checkbox"/>	31 Total price if different from item 29
M M D D Y Y Y Y	\$.00		\$.00
32 Amount of cash received (in U.S. dollar equivalent) (must equal item 29) (see instructions):			
a U.S. currency	\$.00	(Amount in \$100 bills or higher \$.00)	
b Foreign currency	\$.00	(Country ▶)	
c Cashier's check(s)	\$.00	} Issuer's name(s) and serial number(s) of the monetary instrument(s) ▶	
d Money order(s)	\$.00		
e Bank draft(s)	\$.00		
f Traveler's check(s)	\$.00		
33 Type of transaction		34 Specific description of property or service shown in 33. Give serial or registration number, address, docket number, etc. ▶	
a <input type="checkbox"/> Personal property purchased	f <input type="checkbox"/> Debt obligations paid		
b <input type="checkbox"/> Real property purchased	g <input type="checkbox"/> Exchange of cash		
c <input type="checkbox"/> Personal services provided	h <input type="checkbox"/> Escrow or trust funds		
d <input type="checkbox"/> Business services provided	i <input type="checkbox"/> Bail received by court clerks		
e <input type="checkbox"/> Intangible property purchased	j <input type="checkbox"/> Other (specify in item 34) ▶		

Part IV Business That Received Cash

35 Name of business that received cash	36 Employer identification number		
37 Address (number, street, and apt. or suite no.)	Social security number		
38 City	39 State	40 ZIP code	41 Nature of your business

42 Under penalties of perjury, I declare that to the best of my knowledge the information I have furnished above is true, correct, and complete.

Signature	Authorized official	Title
43 Date of signature	44 Type or print name of contact person	45 Contact telephone number
M M D D Y Y Y Y		

Multiple Parties

(Complete applicable parts below if box 2 or 15 on page 1 is checked)

Part I Continued—Complete if box 2 on page 1 is checked

Form section for Part I, first entry. Includes fields for Last name, First name, M.I., Taxpayer identification number, Address, Date of birth, City, State, ZIP code, Country, Occupation, and Identifying document details.

Form section for Part I, second entry. Includes fields for Last name, First name, M.I., Taxpayer identification number, Address, Date of birth, City, State, ZIP code, Country, Occupation, and Identifying document details.

Part II Continued—Complete if box 15 on page 1 is checked

Form section for Part II, first entry. Includes fields for Individual's last name or organization's name, First name, M.I., Taxpayer identification number, Doing business as (DBA) name, Employer identification number, Address, Occupation, City, State, ZIP code, Country, and Alien identification details.

Form section for Part II, second entry. Includes fields for Individual's last name or organization's name, First name, M.I., Taxpayer identification number, Doing business as (DBA) name, Employer identification number, Address, Occupation, City, State, ZIP code, Country, and Alien identification details.

Comments - Please use the lines provided below to comment on or clarify any information you entered on any line in Parts I, II, III, and IV

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

Future Developments. The IRS has created a page on IRS.gov for information about Form 8300, at www.irs.gov/form8300. Information about any future developments affecting Form 8300 such as legislation enacted after we release it will be posted on that page.

Important Reminders

- Section 6050I (26 United States Code (U.S.C.) 6050I) and 31 U.S.C. 5331 require that certain information be reported to the IRS and the Financial Crimes Enforcement Network (FinCEN). This information must be reported on IRS/FinCEN Form 8300.
- Item 33, box i, is to be checked only by clerks of the court; box d is to be checked by bail bondsmen. See *Item 33* under *Part III*, later.
- The meaning of the word “currency” for purposes of 31 U.S.C. 5331 is the same as for the word “cash” (See *Cash* under *Definitions*, later).

General Instructions

Who must file. Each person engaged in a trade or business who, in the course of that trade or business, receives more than \$10,000 in cash in one transaction or in two or more related transactions, must file Form 8300. Any transactions conducted between a payer (or its agent) and the recipient in a 24-hour period are related transactions. Transactions are considered related even if they occur over a period of more than 24 hours if the recipient knows, or has reason to know, that each transaction is one of a series of connected transactions.

Keep a copy of each Form 8300 for 5 years from the date you file it.

Clerks of federal or state courts must file Form 8300 if more than \$10,000 in cash is received as bail for an individual(s) charged with certain criminal offenses. For these purposes, a clerk includes the clerk's office or any other office, department, division, branch, or unit of the court that is authorized to receive bail. If a person receives bail on behalf of a clerk, the clerk is treated as receiving the bail. See *Item 33* under *Part III*, later.

If multiple payments are made in cash to satisfy bail and the initial payment does not exceed \$10,000, the initial payment and subsequent payments must be aggregated and the information return must be filed by the 15th day after receipt of the payment that causes the aggregate amount to exceed \$10,000 in cash. In such cases, the reporting

requirement can be satisfied either by sending a single written statement with an aggregate amount listed or by furnishing a copy of each Form 8300 relating to that payer. Payments made to satisfy separate bail requirements are not required to be aggregated. See Treasury Regulations section 1.6050I-2.

Casinos must file Form 8300 for nongaming activities (restaurants, shops, etc.).

Voluntary use of Form 8300. Form 8300 may be filed voluntarily for any suspicious transaction (see *Definitions*, later) for use by FinCEN and the IRS, even if the total amount does not exceed \$10,000.

Exceptions. Cash is not required to be reported if it is received:

- By a financial institution required to file Form 104, Currency Transaction Report;
- By a casino required to file (or exempt from filing) Form 103, Currency Transaction Report by Casinos, if the cash is received as part of its gaming business;
- By an agent who receives the cash from a principal, if the agent uses all of the cash within 15 days in a second transaction that is reportable on Form 8300 or on Form 104, and discloses all the information necessary to complete Part II of Form 8300 or Form 104 to the recipient of the cash in the second transaction;
- In a transaction occurring entirely outside the United States. See Publication 1544, Reporting Cash Payments of Over \$10,000 (Received in a Trade or Business), regarding transactions occurring in Puerto Rico and territories and possessions of the United States; or
- In a transaction that is not in the course of a person's trade or business.

When to file. File Form 8300 by the 15th day after the date the cash was received. If that date falls on a Saturday, Sunday, or legal holiday, file the form on the next business day.

Where to file. File the form with the Internal Revenue Service, Detroit Computing Center, P.O. Box 32621, Detroit, MI 48232.

Statement to be provided. You must give a written or electronic statement to each person named on a required Form 8300 on or before January 31 of the year following the calendar year in which the cash is received. The statement must show the name, telephone number, and address of the information contact for the business, the aggregate amount of reportable cash received, and that the information was furnished to the IRS. Keep a copy of the statement for your records.

Multiple payments. If you receive more than one cash payment for a single transaction or for related transactions, you must report the multiple payments any time you receive a total amount that exceeds \$10,000 within any 12-month period. Submit the report within 15 days of the date you receive the payment that causes the total amount to exceed \$10,000. If more than one report is required within 15 days, you may file a combined report. File the combined report no later than the date the earliest report, if filed separately, would have to be filed.

Taxpayer identification number (TIN). You must furnish the correct TIN of the person or persons from whom you receive the cash and, if applicable, the person or persons on whose behalf the transaction is being conducted. You may be subject to penalties for an incorrect or missing TIN.

The TIN for an individual (including a sole proprietorship) is the individual's social security number (SSN). For certain resident aliens who are not eligible to get an SSN and nonresident aliens who are required to file tax returns, it is an IRS Individual Taxpayer Identification Number (ITIN). For other persons, including corporations, partnerships, and estates, it is the employer identification number (EIN).

If you have requested but are not able to get a TIN for one or more of the parties to a transaction within 15 days following the transaction, file the report and attach a statement explaining why the TIN is not included.

Exception: *You are not required to provide the TIN of a person who is a nonresident alien individual or a foreign organization if that person or foreign organization:*

- Does not have income effectively connected with the conduct of a U.S. trade or business;
- Does not have an office or place of business, or a fiscal or paying agent in the United States;
- Does not furnish a withholding certificate described in §1.1441-1(e)(2) or (3) or §1.1441-5(c)(2)(iv) or (3)(iii) to the extent required under §1.1441-1(e)(4)(vii); or
- Does not have to furnish a TIN on any return, statement, or other document as required by the income tax regulations under section 897 or 1445.

Penalties. You may be subject to penalties if you fail to file a correct and complete Form 8300 on time and you cannot show that the failure was due to reasonable cause. You may also be subject to penalties if you fail to furnish timely a correct and complete statement to each person named in a required

report. A minimum penalty of \$25,000 may be imposed if the failure is due to an intentional or willful disregard of the cash reporting requirements.

Penalties may also be imposed for causing, or attempting to cause, a trade or business to fail to file a required report; for causing, or attempting to cause, a trade or business to file a required report containing a material omission or misstatement of fact; or for structuring, or attempting to structure, transactions to avoid the reporting requirements. These violations may also be subject to criminal prosecution which, upon conviction, may result in imprisonment of up to 5 years or fines of up to \$250,000 for individuals and \$500,000 for corporations or both.

Definitions

Cash. The term “cash” means the following.

- U.S. and foreign coin and currency received in any transaction; or
- A cashier’s check, money order, bank draft, or traveler’s check having a face amount of \$10,000 or less that is received in a designated reporting transaction (defined below), or that is received in any transaction in which the recipient knows that the instrument is being used in an attempt to avoid the reporting of the transaction under either section 6050I or 31 U.S.C. 5331.

Note. Cash does not include a check drawn on the payer’s own account, such as a personal check, regardless of the amount.

Designated reporting transaction. A retail sale (or the receipt of funds by a broker or other intermediary in connection with a retail sale) of a consumer durable, a collectible, or a travel or entertainment activity.

Retail sale. Any sale (whether or not the sale is for resale or for any other purpose) made in the course of a trade or business if that trade or business principally consists of making sales to ultimate consumers.

Consumer durable. An item of tangible personal property of a type that, under ordinary usage, can reasonably be expected to remain useful for at least 1 year, and that has a sales price of more than \$10,000.

Collectible. Any work of art, rug, antique, metal, gem, stamp, coin, etc.

Travel or entertainment activity. An item of travel or entertainment that pertains to a single trip or event if the combined sales price of the item and all other items relating to the same trip or event that are sold in the same transaction (or related transactions) exceeds \$10,000.

Exceptions. A cashier’s check, money order, bank draft, or traveler’s check is not considered received in a designated reporting transaction if it constitutes the proceeds of a bank loan or if it is received as a payment on certain promissory notes, installment sales contracts, or down payment plans. See Publication 1544 for more information.

Person. An individual, corporation, partnership, trust, estate, association, or company.

Recipient. The person receiving the cash. Each branch or other unit of a person’s trade or business is considered a separate recipient unless the branch receiving the cash (or a central office linking the branches), knows or has reason to know the identity of payers making cash payments to other branches.

Transaction. Includes the purchase of property or services, the payment of debt, the exchange of cash for a negotiable instrument, and the receipt of cash to be held in escrow or trust. A single transaction may not be broken into multiple transactions to avoid reporting.

Suspicious transaction. A suspicious transaction is a transaction in which it appears that a person is attempting to cause Form 8300 not to be filed, or to file a false or incomplete form.

Specific Instructions

You must complete all parts. However, you may skip Part II if the individual named in Part I is conducting the transaction on his or her behalf only. For voluntary reporting of suspicious transactions, see *Item 1* next.

Item 1. If you are amending a report, check box 1a. Complete the form in its entirety (Parts I-IV) and include the amended information. Do not attach a copy of the original report.

To voluntarily report a suspicious transaction (see *Suspicious transaction* above), check box 1b. You may also telephone your local IRS Criminal Investigation Division or call the FinCEN Financial Institution Hotline at 1-866-556-3974.

Part I

Item 2. If two or more individuals conducted the transaction you are reporting, check the box and complete Part I for any one of the individuals. Provide the same information for the other individual(s) on the back of the form. If more than three individuals are involved, provide the same information on additional sheets of paper and attach them to this form.

Item 6. Enter the taxpayer identification number (TIN) of the individual named. See *Taxpayer identification number (TIN)*, earlier, for more information.

Item 8. Enter eight numerals for the date of birth of the individual named. For example, if the individual’s birth date is July 6, 1960, enter 07 06 1960.

Item 13. Fully describe the nature of the occupation, profession, or business (for example, “plumber,” “attorney,” or “automobile dealer”). Do not use general or nondescriptive terms such as “businessman” or “self-employed.”

Item 14. You must verify the name and address of the named individual(s). Verification must be made by examination of a document normally accepted as a means of identification when cashing checks (for example, a driver’s license, passport, alien registration card, or other official document). In item 14a, enter the type of document examined. In item 14b, identify the issuer of the document. In item 14c, enter the document’s number. For example, if the individual has a Utah driver’s license, enter “driver’s license” in item 14a, “Utah” in item 14b, and the number appearing on the license in item 14c.

Note. You must complete all three items (a, b, and c) in this line to make sure that Form 8300 will be processed correctly.

Part II

Item 15. If the transaction is being conducted on behalf of more than one person (including husband and wife or parent and child), check the box and complete Part II for any one of the persons. Provide the same information for the other person(s) on the back of the form. If more than three persons are involved, provide the same information on additional sheets of paper and attach them to this form.

Items 16 through 19. If the person on whose behalf the transaction is being conducted is an individual, complete items 16, 17, and 18. Enter his or her TIN in item 19. If the individual is a sole proprietor and has an employer identification number (EIN), you must enter both the SSN and EIN in item 19. If the person is an organization, put its name as shown on required tax filings in item 16 and its EIN in item 19.

Item 20. If a sole proprietor or organization named in items 16 through 18 is doing business under a name other than that entered in item 16 (for example, a “trade” or “doing business as (DBA)” name), enter it here.

Item 27. If the person is not required to furnish a TIN, complete this item. See *Taxpayer identification number (TIN)*, earlier. Enter a description of the type of official document issued to that person in item 27a (for example, a “passport”), the country that issued the document in item 27b, and the document’s number in item 27c.

Note. You must complete all three items (a, b, and c) in this line to make sure that Form 8300 will be processed correctly.

Part III

Item 28. Enter the date you received the cash. If you received the cash in more than one payment, enter the date you received the payment that caused the combined amount to exceed \$10,000. See *Multiple payments*, earlier, for more information.

Item 30. Check this box if the amount shown in item 29 was received in more than one payment (for example, as installment payments or payments on related transactions).

Item 31. Enter the total price of the property, services, amount of cash exchanged, etc. (for example, the total cost of a vehicle purchased, cost of catering service, exchange of currency) if different from the amount shown in item 29.

Item 32. Enter the dollar amount of each form of cash received. Show foreign currency amounts in U.S. dollar equivalent at a fair market rate of exchange available to the public. The sum of the amounts must equal item 29. For cashier's check, money order, bank draft, or traveler's check, provide the name of the issuer and the serial number of each instrument. Names of all issuers and all serial numbers involved must be provided. If necessary, provide this information on additional sheets of paper and attach them to this form.

Item 33. Check the appropriate box(es) that describe the transaction. If the transaction is not specified in boxes a–i, check box j and briefly describe the transaction (for example, "car lease," "boat lease," "house lease," or "aircraft rental"). If the transaction relates to the receipt of bail by a court clerk, check box i, "Bail received by court clerks." This box is only for use by court clerks. If the transaction relates to cash received by a bail bondsman, check box d, "Business services provided."

Part IV

Item 36. If you are a sole proprietorship, you must enter your SSN. If your business also has an EIN, you must provide the EIN as well. All other business entities must enter an EIN.

Item 41. Fully describe the nature of your business, for example, "attorney" or "jewelry dealer." Do not use general or nondescriptive terms such as "business" or "store."

Item 42. This form must be signed by an individual who has been authorized to do so for the business that received the cash.

Comments

Use this section to comment on or clarify anything you may have entered on any line in Parts I, II, III, and IV. For example, if you checked box b (Suspicious transaction) in line 1 above Part I, you may want to explain why you think that the cash transaction you are reporting on Form 8300 may be suspicious.

Privacy Act and Paperwork Reduction Act Notice.

Except as otherwise noted, the information solicited on this form is required by the IRS and FinCEN in order to carry out the laws and regulations of the United States Department of the Treasury. Trades or businesses, except for clerks of criminal courts, are required to provide the information to the IRS and FinCEN under both section 6050I and 31 U.S.C. 5331. Clerks of criminal courts are required to provide the information to the IRS under section 6050I. Section 6109 and 31 U.S.C. 5331 require that you provide your social security number in order to adequately identify you and process your return and other papers. The principal purpose for collecting the information on this form is to maintain reports or records which have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, or in the conduct of intelligence or counterintelligence activities, by directing the federal government's attention to unusual or questionable transactions.

You are not required to provide information as to whether the reported transaction is deemed suspicious. Failure to provide all other requested information, or providing fraudulent information, may result in criminal prosecution and other penalties under 26 U.S.C. and 31 U.S.C.

Generally, tax returns and return information are confidential, as stated in section 6103. However, section 6103 allows or requires the IRS to disclose or give the information requested on this form to others as described in the Internal Revenue Code. For example, we may disclose your tax information to the Department of Justice, to enforce the tax laws, both civil and criminal, and to cities, states, the District of Columbia, and U.S. commonwealths and possessions, to carry out their tax laws. We may disclose this information to other persons as necessary to obtain information which we cannot get in any other way. We may disclose this information to federal, state, and local child support agencies; and to other federal agencies for the purposes of determining entitlement for benefits or the eligibility for and the repayment of loans. We may also provide the records to appropriate state, local, and foreign criminal law enforcement and regulatory personnel in the performance of their official duties. We may also disclose this information to other countries under a tax treaty, or to federal and state agencies to enforce federal nontax criminal laws and to combat terrorism. In addition, FinCEN may provide the information to those officials if they are conducting intelligence or counter-intelligence activities to protect against international terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any law under 26 U.S.C. or 31 U.S.C.

The time needed to complete this form will vary depending on individual circumstances. The estimated average time is 21 minutes. If you have comments concerning the accuracy of this time estimate or suggestions for making this form simpler, you can write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:M:S, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Do not send Form 8300 to this address. Instead, see *Where to file*, earlier.