

WHEN THE (FAKE) I.R.S. CALLS – MEMOIRS OF THE TAX PHISHING WORLD

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You may have heard the warnings before: Each tax season, the I.R.S. issues guidance urging taxpayers to watch out for new and evolving phishing schemes intended, in one way or another, to relieve taxpayers of their finances or sensitive personal information. However, this year it seems that scammers are not taking the summer off. According to an announcement made by I.R.S. Commissioner John Koskinen in late June, many new iterations of these scams involve fictitious tax bills and demands for taxpayers to transfer sensitive information or make payments with a gift card or iTunes card.¹ While I, like many others, have read of these scams before, I was surprised to become the target of one myself.

Around the time of the I.R.S. warning, I received a suspicious call that purported to be from the I.R.S. The caller left a voicemail (a threatening “robocall”) on my phone informing me about criminal charges resulting from an underpayment of tax going back five years. The prerecorded message used language intended to intimidate, “. . . executed by the United States Treasury intending a serious attention . . . ignoring this intentional second attempt to avoid issue appearing before magistrate judge or grand jury for a Federal criminal offence . . . I advise you to cooperate and to help us to help you,” and then provided a number for me to call. I frequently represent clients before the I.R.S. and immediately knew the message could not be legitimate, but I was intrigued.

When I called back, my call was picked up right way (unlike a typical call to the I.R.S. general number). The so-called I.R.S. agent informed me of the criminal charges I was supposedly facing and warned that this was a last attempt; if I disregarded the call, the judgment would be transferred to the police, which would result in my arrest. Fortunately, I was well-versed in I.R.S. warnings and therefore able to see through the ruse.

I am sharing this experience with the so-called I.R.S. agent in the hope that it will prevent others from falling into one of these traps. If you receive a similar call, please note that the I.R.S. does not just call. If there is any change or question regarding your tax return, the I.R.S. will mail you a letter first. And, importantly, before the I.R.S. issues a final judgment (as the impostor claimed) there are procedures in place that ensure every taxpayer gets due process in determining the correct tax liability.

To avoid falling victim to one of these traps, remember these five tell-tale signs of a scam, five things the I.R.S. will never do:

- Call to demand immediate payment, or call about taxes owed without first having mailed a letter

¹ I.R.S., “[IRS Cautions Taxpayers to Watch for Summertime Scams](#),” news release, June 26, 2017.

- Demand that a taxpayer pays taxes without giving him or her the opportunity to question or appeal the amount owed
- Require that a specific payment method be used (such as a prepaid debit card)
- Ask for credit or debit card numbers over the phone
- Threaten to bring in local police or other law enforcement to arrest a taxpayer for not paying²

Taxpayers should be careful not to share any personal information over the phone with a so-called I.R.S. agent. If you receive any such calls and believe that you may owe taxes, call the I.R.S. directly at 800.829.1040 to confirm the information. Do not call any other number provided by the so-called I.R.S. agent.

“The I.R.S. does not just call. If there is any change or question regarding your tax return, the I.R.S. will mail you a letter first.”

² *Id.*

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