

SEE

Special Enrollment Exam

Part 2 - Businesses

2018 Study Questions



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Introduction

The Phoenix Tax Group Guarantee

We have been successfully preparing tax practitioners to pass the Special Enrollment Exam for over 20 years. Practitioners who have used our study materials, study strategies and have put in the time and effort have had over a 90% passing rate.

30 Day Money-Back Guarantee

If you are not satisfied with any of our products, you can return them for a full refund, excluding shipping and handling charges. A refund must be requested within 30 days of purchase, and all hardcopy materials must be returned in the original box. No credit will be given for any materials marked on, missing or damaged in any way. To request a refund, fill out the Refund Request form below.

Pass Guarantee

1. The Pass Guarantee applies only to products designated as "Packages."
2. To receive a refund, you must have taken and failed a test/exam twice.
3. You must provide your failed scores for both failed exams by filling out the Refund Request form below. This must be done within 30 days of the second failed exam.
4. Hard copy materials must be returned within 30 days of the second failed exam.
5. If you purchased Enrolled Agent study materials together in a three part package, refunds will be pro-rated for the part being returned.
6. The refund will only apply to the person who purchased the study materials from The Phoenix Tax Group. The refund policy does not apply to companies purchasing study materials for employees.

Instructions

To ensure proper credit, please fill out our online refund request form.

<http://www.phoenixtax.com/about/refunds>

Course Objectives

These study materials are designed to prepare students to pass the IRS Special Enrollment Examination the first time they take the exam. After completing your study, you should have the tax knowledge needed to pass the exam.

The material is covered at an intermediate level. It is helpful if the student has had some beginning level courses relating to tax law and at least a year of income tax preparation experience.

You will be learning tax law from the study cards, and exercising your understanding with test questions from previous years' exams, in addition to our own questions that are similar to questions on the exam. The questions are all multiple choice (no true/false). All of the questions and study material have been updated to 2017 tax law. The 2018 exam (May 1, 2018 - February 28, 2019) will cover the federal tax law as of December 31, 2017.

Note: All references on the examination are to the Internal Revenue Code, forms and publications, as amended through December 31, 2017. Also, unless otherwise stated, all questions relate to the calendar year 2017. Questions that contain the term 'current tax year' refer to the calendar year 2017. In answering questions, candidates should **NOT** take into account any changes as a result of the Tax Cuts and Jobs Act of 2017 or any legislation or court decisions after December 31, 2017.

The material is broken down into three parts similar to the parts on the exam. Part 1 discusses individual income tax law, Part 2 discusses sole proprietorship and partnership, corporation (including S corporation), fiduciary, estate, and trust tax law and tax-exempt organizations, and Part 3 discusses practitioner ethics, recordkeeping, IRS tax examination, appeals, and collection procedures, practitioner rules and penalties, and research materials. Because we categorize the questions and study cards, all questions and content pertaining to a specific tax law are grouped together, even though they might be asked in more than one part of the exam.

We feel we have the best and most comprehensive enrolled agent exam preparatory materials available. However, we are always looking for ways to improve. We would appreciate it if you would take a moment to complete our online evaluation at [http:// www.phoenixtax.com/ea_survey](http://www.phoenixtax.com/ea_survey).

If you have any questions regarding any of the questions in this book, please email us at **support@phoenixtax.com**. Do not call our 800 number.

Good luck on the exam.

How to Prepare for the Exam

The following is a set of guidelines for preparing for the exam:

1. We recommend that you study a minimum of 100 to 120 hours total for all three parts of the exam. For Part 1, we recommend 35-45 hours of study. For Part 2, we recommend 45-60 hours of study. For Part 3, we recommend 20-25 hours of study. Break up your study time. Do not try to study 3 or 4 hours at a time. Most people's comprehension level starts to fade after an hour. Unlike other exam prep courses, we have designed our materials to take with you wherever you go. Use your spare time during the day to study the cards. You will be surprised how much you can absorb by studying in intervals of 15 to 30 minutes. Read the study cards before proceeding to the questions in the book.
2. DO NOT rely on your tax experience to pass this exam. It has been our experience that people with limited tax experience (one year or less) have a far better success rate on this exam than people with many years of tax experience. The reason is that preparers with years of experience tend to rely on their practical knowledge of taxes. This exam tests on theory, not practical experience. The IRS is primarily interested in your ability to understand the tax law and to properly and accurately determine taxable income (i.e., figuring basis in an asset to determine gain, what income is taxable, what deductions are allowed, etc.).
3. You can now use a calculator to do the computational questions. Prometric will provide you with a hand-held calculator. You cannot bring your own calculator.
4. Be familiar with the tax forms and the filing dates for those forms. There are quick reference cards for tax forms at the bottom of each card deck. Also, be familiar with the different penalties that can be assessed against a taxpayer and a tax preparer.
5. The exam will test on a specific tax law in more than one part. For example, questions pertaining to property basis or retirement plans will be tested in both Part 1 and Part 2; questions pertaining to recordkeeping in Part 1 and Part 2 could be tested in Part 3; taxpayer penalties could be tested in all three parts. Therefore, we strongly recommend you to take the exam in the following order. Take Part 1 first, Part 2 second and Part 3 last. You should also take all three parts of the exam as close together as possible.
6. You must have a positive attitude toward this exam. If you do not think you can pass this exam, you won't. Fifty percent of preparing for this exam is being mentally prepared.

About the Computer Based SEE Exam

The Internal Revenue Service has contracted with Prometric to conduct its examination program. Prometric provides computerized testing at test centers throughout the world. The IRS and Prometric are working together closely to ensure that examinations meet federal requirements as well as professional examination development standards.

Testing Dates

The 2018 SEE examination begins May 1, 2018 and examinations will be offered continuously through February 28, 2019. The exam is in three parts. The three parts **DO NOT** have to be taken at once. You can take one part at a time. Once you have taken and passed one part, you have two years from the date of passing that part to take and pass the other two parts.

Testing Fees

The exam costs \$181.94 per part.

Exam Questions

Each part of the exam has 100 questions. All questions are weighted equally.

Time Limited for the Exam

You are given 3.5 hours to complete each part of the exam. The actual seat time is 4 hours to allow for a tutorial at the beginning and a survey at the end.

Examination Results

The exam is graded on a scale of 40 - 130 with 40 being the lowest score and 130 being the highest score possible. You must have a score of 105 or better for each part of the exam to pass. You will receive your scores immediately after taking the exam.

Passing Score

If you pass, the score will only show a passing designation. It will not show a score.

Failing Score

If you fail, your score report will show a scaled score between 40 and 104. You will also receive diagnostic information to assist you with future examination preparation. Diagnostic information will show an indicator of 1, 2, or 3 meaning:

1. Considerably below the minimally acceptable score. It is important for you to approach how you study this topic as you prepare to take the test again. You may want to consider taking a course or participating actively in a study group on this topic.
2. Marginally below the minimally acceptable score. You should study this topic in detail as you prepare to take the test again.
3. At or above the minimally acceptable score. Be sure to review this topic as you prepare to take the test again.

Experimental Questions

The examination may include some experimental questions that will not be scored. If present, they are distributed throughout the exam and will not be identified as such. These are used to gather statistical information on the questions before they are added to the exam as scored items. These experimental questions will not be counted for or against your final score.

Obtain a PTIN

You must have a PTIN to sign up for the Enrolled Agent Exam. Chances are you already have your PTIN, but if you do not, you will have to get one. The IRS Tax Professional PTIN Sign-up System is available at www.irs.gov/ptin. Once online, you will need to:

Create Your Account. Provide your name, email address, and security question information. The system will then email your temporary password, which you will change when you go back to enter your information in the PTIN application.

Apply for Your PTIN. Complete the online application by providing personal information, information about your previous year's tax return, professional credentials, and more.

Get Your PTIN. Your PTIN will be provided online.

It takes about 15 minutes to sign up online and receive your PTIN. If you opt to use the paper application, Form W-12 IRS Paid Preparer Tax Identification Number (PTIN) Application, it will take 4-6 weeks to process.

PTIN renewal. PTINs must be renewed annually by December 31 for the following year. Renewal Open Season usually begins each year in mid-October.

Registering and Scheduling an Examination Appointment

Registration Process

You can register and schedule the exam using one of the three following options:

A. Online—a one-step process

The quickest way to register and schedule an examination is online. This is the only way to register and schedule an exam in the same day.

To register and schedule an examination online, follow these steps:

1. Access **www.prometric.com/irs** using Internet Explorer. Other web browsers will not work.
2. Click the **Obtain a PTIN/Register for My Test** button.
3. If it's your first time, click **Create Account** button to set up your user ID and password.
4. **Register and pay for the test.** You will be asked to provide your PTIN number. Prometric will assign you a candidate number. It will be the same as your PTIN
5. **Schedule your test.** Again, go to **www.prometric.com/irs**. Click on the **Schedule My Test** button. You will be asked to provide the candidate number that Prometric assigned to you when you registered for your test in step 4. Schedule your test at your closest testing center at a convenient date and time.

B. By phone

1. Call Prometric at 800.306.3926

C. By mail

1. Mail your completed Form 2587 to:
Prometric
Attn: IRS Special Enrollment Examination
7941 Corporate Drive
Nottingham, MD 21236
2. Wait six to 10 calendar days for delivery and processing before scheduling an examination appointment.

Scheduling an Examination

Candidates can take each part of the examination at their convenience. Consequently, parts do not have to be taken on the same day, or on consecutive days. All parts do not have to be taken or scheduled during an examination window.

Candidates can take examination parts up to four times each during the testing period (May 1, 2018 to February 28, 2019). Once your registration has been processed, you can schedule an examination appointment at any time online at www.prometric.com/irs or by calling 800-306-3926 between 8 a.m. and 9 p.m. (Eastern Time), Monday through Friday. You will be provided a number confirming your appointment. Record and keep this confirmation number for your records—you will need it to reschedule, cancel or change your appointment in any way.

Examination Locations

Examinations are administered by computer at a Prometric Testing Center. Currently, the Special Enrollment Examination is given at nearly 300 Prometric testing centers located across the United States and internationally. Test centers are located in most major metropolitan areas. A complete list of these testing centers, addresses and driving directions is located at www.prometric.com/irs. In the box titled Do More, click on "Continue" and select your preferred test location. Most locations are open on Saturdays and some locations are open on Sundays and evenings.

Testing Fees

The testing fee is \$181.94 for each part of the examination. This fee is paid at the time you schedule your examination. Accepted forms of payment include: MasterCard, Visa, American Express, Discover, Diner's Club cards bearing the MasterCard symbol and JCB. Electronic checks are also accepted when scheduling by phone. Money orders, paper checks and cash are not accepted. Examination testing fees are not refundable or transferable.

Rescheduling Your Appointment

If you need to reschedule an examination for another date, time or location, you must contact Prometric. Rescheduling fees will apply as follows:

- No fee if you reschedule at least 30 calendar days prior to your appointment.
- \$35 fee if you reschedule five to 29 calendar days before your appointment.
- Another \$181.94 full examination fee if you reschedule less than five calendar days before your appointment date.

Chapter 1. Business Entities

Employer Identification Number

1. An employer Identification Number (EIN) is required for the following entities EXCEPT:

- A. A sole proprietorship with no employees.
- B. A partnership.
- C. A trust or an estate.
- D. An employee plan.

2. A sole proprietor will need a new employer identification number (EIN) for which of the following?

- A. Changing the name of the business
- B. Incorporating
- C. Operating multiple businesses
- D. Changing business locations

ANSWER: A

An employer Identification Number (EIN) is required for the following:

- 1. Reporting employment taxes and excise taxes.
- 2. A partnership.
- 3. A corporation.
- 4. Limited Liability Company (LLC)
- 5. A trust or an estate.
- 6. An employee plan.
- 7. An exempt organization.

ANSWER: B

A sole proprietor will need a new EIN if any of the following are true:

- Filing for bankruptcy under Chapter 7 (liquidation) or Chapter 11 (reorganization).
- Incorporating.
- A sole proprietor that takes in partners and operate as a partnership.
- Establishing a pension, profit sharing, or retirement plan.

A sole proprietor will not need a new EIN if any of the following are true:

- Change the name of your business.
- Change location or add locations.
- Operating multiple businesses.

3. Under which of the following situations would a business need a new employer identification number?

- A. A partnership that declares bankruptcy.
- B. A C corporation that elects S corporation status.
- C. A partnership is terminated and a new partnership begins.
- D. A corporation changes its name.

ANSWER: C

A partnership will need a new EIN if any of the following are true:

- Incorporating.
- One partner takes over and operates as a sole proprietorship.
- The partnership is terminated and a new partnership is begun.

A partnership will not need a new EIN if any of the following are true:

- The partnership declares bankruptcy. However, if a liquidating trust is established for a partnership that is in bankruptcy, an EIN for that trust is required.
- The partnership name changes.
- Change location or add locations.
- The partnership terminates under IRC Section 708 (b)(1)(B). A partnership shall be considered terminated if within a 12-month period there is a sale or exchange of at least 50% of the total interest in partnership capital and profits to another partner. If the purchaser and remaining partners immediately contribute the properties to a new partnership, they can retain the old partnership EIN.

A corporation will need a new EIN if any of the following are true:

- The corporation is a subsidiary of a corporation and currently uses the parent's corporate EIN.
- The corporation becomes a subsidiary of a corporation.
- The corporation becomes a partnership or a sole proprietorship.
- The corporation creates a new corporation after a statutory merger.
- The corporation receives a new corporate charter.

A corporation will not need a new EIN if any of the following are true:

- The corporation is a division of a corporation.
- After a corporate merger, the surviving corporation uses its existing EIN.
- A corporation declares bankruptcy. However, if a liquidating trust is established for a corporation that is in bankruptcy, an EIN for that trust is required.
- Corporate name change or change in location or add locations.
- The corporation elects to be taxed as an S Corporation by filing Form 2553.
- The corporation is sold and the assets, liabilities and charters are obtained by the buyer.
- After a corporate reorganization, the corporation only changes identity, form, or place of organization.

Accounting Periods

4. Which of the following must adopt the calendar year as their tax year?

- A. A taxpayer who keeps no books or records.
- B. An S corporation.
- C. A tax shelter.
- D. A partnership.

5. Which of the following would be considered a fiscal tax year?

- A. 02/15/2016 - 03/15/2017
- B. 08/01/2016 - 07/31/2017
- C. 04/01/2016 - 04/30/2017
- D. 01/01/2017 - 12/31/2017

6. Which of the following dates would NOT be considered the end of a tax year?

- A. The last Friday in June.
- B. September 30.
- C. April 15.
- D. December 31.

7. In order to adopt a fiscal tax year on its first federal income tax return, the taxpayer must

- A. Maintain books and records and report income and expenses using that tax year.
- B. Attach a completed Form 1128 to its fiscal year basis income tax return.
- C. File a short period return.
- D. Get IRS approval.

ANSWER: A

A taxpayer must adopt the calendar year if:

- The taxpayer keeps no books or records;
- The taxpayer has no annual accounting period;
- The taxpayer's present tax year does not qualify as a fiscal year; or
- The taxpayer is required to use a calendar year by a provision in the Internal Revenue Code or the Income Tax Regulations.

ANSWER: B

A fiscal year is 12 consecutive months ending on the last day of any month except December.

ANSWER: C

A tax year that ends on the same day of the week (e.g., the last Friday in June) is a 52-53-week tax year. A tax year ending on the last day of the month except December (e.g., September 30) is a fiscal year. A tax year ending on December 31 is a calendar year.

ANSWER: A

To adopt a fiscal year, a taxpayer must maintain books and records and report income and expenses using the same tax year.

8. A partnership, S corporation or personal service corporation can elect to use a tax year other than its required tax year, if it

- A. Elects a year that meets the deferral period requirement.
- B. Is not a member of a tiered structure as defined by the regulations.
- C. Has not previously had an election in effect to use a tax year other than its required tax year.
- D. All of the above.

9. A taxpayer must file which form to request the IRS approval to change the taxpayer's tax year?

- A. Form 1128
- B. Form 2553
- C. Form 3115
- D. Form 8716

ANSWER: D

A partnership, S corporation, or personal service corporation (PSC) can elect under section 444 to use a tax year other than its required tax year. Certain restrictions apply to the election. A partnership or an S corporation that makes a section 444 election must make certain required payments and a PSC must make certain distributions. A partnership, S corporation, or PSC can make a section 444 election if it meets all the following requirements:

1. It is not a member of a tiered structure (defined in section 1.444-2T of the regulations).
2. It has not previously had a section 444 election in effect.
3. It elects a year that meets the deferral period requirement.

ANSWER: A

A taxpayer must file Form 1128, Application To Adopt, Change, or Retain a Tax Year, to request IRS approval to change his or her tax year.

Accounting Methods

Cash Basis

10. Which of the following entities can use the cash method of accounting?

- A. A qualified personal service corporation.
- B. A corporation (other than an S corporation or a qualified personal service corporation) with average annual gross receipts of \$6 million.
- C. A partnership with a corporation (other than an S corporation and a qualified personal service corporation) as a partner and with the partnership having average annual gross receipts of under \$10 million.
- D. A tax shelter.

ANSWER: A

The cash method of accounting is used by most individuals and many small businesses with no inventories. The following entities cannot use the cash method:

- A corporation (other than an S corporation or a qualified personal service corporation) with average annual gross receipts exceeding \$5 million.
- A partnership with a corporation (other than an S corporation and a qualified personal service corporation) as a partner and with the partnership having average annual gross receipts exceeding \$5 million.
- A tax shelter.

A personal service corporation that meets the following function and ownership tests can use the cash method.

1. **Function test.** A corporation meets the function test if at least 95% of its activities are in the performance of services in the fields of health, veterinary services, law, engineering (including surveying and mapping), architecture, accounting, actuarial science, performing arts, or consulting.
2. **Ownership test.** A corporation meets the ownership test if at least 95% of its stock is owned, directly or indirectly, at all times during the year by one or more of the following:
 - a. Employees performing services for the corporation in a field qualifying under the function test.
 - b. Retired employees who had performed services in those fields.
 - c. The estate of an employee described in (1) or (2).
 - d. Any other person who acquired the stock by reason of the death of an employee referred to in (1) or (2), but only for the 2-year period beginning on the date of death.