



Bryan C. Skarlatos

Partner

New York City

T: 212.808.8100 F: 212.808.8108

 bskarlatos@kostelanetz.com



Biography

For more than thirty-five years, Bryan C. Skarlatos has represented corporations and individuals in sensitive matters, many of which involve negotiation or litigation with government agencies. He is internationally recognized for his work on tax controversies, audits, appeals and litigation, criminal tax investigations, and white-collar criminal prosecutions. Bryan also has an active practice providing tax and estate planning advice.

Bryan is often retained to evaluate the strength of tax positions for tax and financial reporting purposes and to advise on potential remedial actions. He counsels corporations and individuals from around the world on how to come into compliance with U.S. tax law, and he has handled hundreds of voluntary disclosures involving both domestic income and foreign assets.

Bryan is an adjunct professor at New York University School of Law where he teaches a course on tax penalties, and he created and co-chairs the annual New York University Tax Controversy Forum, which brings together representatives from the government and expert private practitioners to discuss issues related to tax compliance and enforcement.

Bryan has been hired by foreign and state governments, and several other clients, to provide expert testimony on tax penalties. He has testified before the U.S. House of Representatives Ways and Means Committee as an authority on tax penalties, and he has testified before the Internal Revenue Service regarding the IRS whistleblower law. Bryan was retained by Senator Charles Grassley, the drafter of the IRS whistleblower law, to write an amicus brief on behalf of the Senator in the D.C. Circuit Court of Appeals.

Chambers and Partners has ranked Bryan in its top tier of lawyers in the U.S. for Tax Fraud in its USA Guide and for Tax: Private Client in the agency's High Net Worth Guide. Chambers USA Guide has described Bryan as having a "smart reassuring presence with insight into the government....[He is] extremely knowledgeable and very well connected to the various tax authorities." The High Net Worth Guide notes that Bryan "is a brilliant lawyer," "has a ton of experience," "has excellent judgment," and "is very pragmatic and very dedicated to his clients."

He also has been recognized by Super Lawyers as one of the Top 100 Lawyers in New York, and Best Lawyers in America has twice named Bryan "Lawyer of the Year" for Tax Litigation in New York.

Education

- Dickinson School of Law of the Pennsylvania State University, J.D. (1985); cum laude; Dickinson Law Review; Managing Editor, Dickinson Journal of International Law, Woolsack Honor Society;
- New York University School of Law, LL.M (1991) (Taxation)

Bar Admissions

- S.D.N.Y., 1987
- E.D.N.Y., 1987
- N.D.N.Y., 1987
- U.S. Tax Court, 1987
- Third Cir. Court of Appeals, 1987
- Court of Federal Claims, 1996
- Second Cir. Court of Appeals, 1998
- N.D. Texas, 2006

Awards and Recognition

- Super Lawyers (2006-2022)
- Top Ranked Chambers (2016-2023)
- Best Lawyers "Lawyer of the Year," 2014 and 2017
- Super Lawyers Top 100 New York

Representative Matters

- Mr. Skarlatos has represented hundreds of taxpayers in civil tax audits and in Tax Court. Many of his cases have involved potential tax liabilities of more than \$100 million.
- Mr. Skarlatos has helped well over a hundred taxpayers avoid prosecution after being investigated by the IRS Criminal Investigation and Department of Justice for tax-related issues, including alleged failures to report domestic and foreign income and off-shore assets.
- Mr. Skarlatos has successfully negotiated voluntary disclosures and avoided prosecution for hundreds of taxpayers who failed to report billions of dollars in off-shore bank accounts and related income tax liabilities.
- Mr. Skarlatos represents several taxpayers who are being civilly audited or criminally investigated by the IRS Criminal Investigation and the Department of Justice in connection with crypto-currency investments and transactions.
- Mr. Skarlatos won a sentence of less than ninety days of time served for a client accused of one of the largest art fraud cases in history. The case is now the subject of the Netflix documentary *Made You Look: A True Story About Fake Art*.
- Mr. Skarlatos successfully negotiated Deferred Prosecution Agreements from the Department of Justice for three Swiss financial institutions as part of the Swiss Bank Voluntary Disclosure Program.
- Mr. Skarlatos successfully avoided indictment for several witnesses in regulatory investigations into trading practices at large financial institutions.
- Mr. Skarlatos represents several professional firms in connection with material advisor and promoter penalty audits and has successfully settled some of those matters for little or no penalties.
- Mr. Skarlatos has represented many individuals accused of money laundering and Bank Secrecy Act violations.
- Mr. Skarlatos represents several whistleblowers who have reported to the IRS Whistleblower Office many billions of dollars in unpaid income taxes.
- Mr. Skarlatos has helped clients structure their affairs to avoid violating restrictions imposed by the Office of Foreign Assets Control.
- Mr. Skarlatos represents a large partnership in a withholding tax audit involving more than \$50 million paid to foreign payees.
- Mr. Skarlatos negotiated a settlement of pennies on the dollar for a well-known businessman in a Tax Court case in which the IRS claimed more than \$130 million in taxes and penalties relating to alleged personal benefits from related-party transactions.
- Mr. Skarlatos represented a famous politician from a foreign country who was indicted in the United States for allegedly depositing stolen money in a bank account in New York.
- Mr. Skarlatos convinced the IRS not to impose a multi-million dollar tax-fraud penalty against a hedge fund manager.
- Mr. Skarlatos obtained a sentence of probation for the owner of a construction company who was investigated by the United States Attorney's Office for the Eastern District of New York for criminal tax evasion.

- Mr. Skarlatos helped an investment fund avoid tens of millions of dollars of penalties relating to its failure to withhold taxes on payments to U.S. taxpayers.
- Mr. Skarlatos convinced the United States Attorney's Office to withdraw a filed indictment against a real estate developer who had not filed income tax returns for many years.
- Mr. Skarlatos successfully resolved the audit of a wealthy investor who donated a conservation easement on undeveloped land in upstate New York.
- Mr. Skarlatos convinced the IRS not to bring criminal or civil fraud charges against the owner of a large construction company relating to personal expenses charged to his business.
- Mr. Skarlatos negotiated a favorable resolution of civil forfeiture charges arising from a client's alleged money laundering activity.

Professional Activities

Mr. Skarlatos created and co-chairs the annual New York University Tax Controversy Forum. He also is co-chair of the Compliance Practice and Procedure Committee of the New York State Bar Association Tax Section and he is a former chair of the Civil and Criminal Tax Penalties Committee of the American Bar Association, the Personal Income Tax Committee of the New York City Bar Association and the Tax Committee of the New York County Lawyer's Association. Mr. Skarlatos is on the board of directors of the annual New York University Graduate Tax Institute, where he chairs a program on Ethics in Tax Practice, and he has been nominated to serve on several bar association task forces, including the New York State Bar Association task force on Attorney Client Privilege and the American Bar Association task forces on Tax Shelters, Circular 230, and Ethics 2000.

Mr. Skarlatos is on the Advisory Board of the *Journal of Tax Practice and Procedure* for which he writes a regular column on Tax Penalties and he is on the board of editors of the *Practical Tax Lawyer*. He frequently speaks on topics related to civil and criminal tax controversies, including lectures for the IRS, New York University Institute on Federal Taxation, the American Bar Association, the New York State Bar Association, the New York County Lawyer's Association, the Connecticut State Bar Association, the Tax Executives Institute, the Practising Law Institute, the Bureau of National Affairs, the American Institute of Certified Public Accountants, and the New York State Society of Certified Public Accountants. Mr. Skarlatos has written several articles for various law reviews and journals and he was co-author of a regular column in the *New York Law Journal* entitled, "Tax Litigation Issues."