

What Is a Certified Business Valuation?

Related Goal(s):

- [Evaluate What My Business Is Worth](#)

As a business owner, you know the importance of regularly reviewing and understanding the value of your business. It's a smart move to check whether your company's worth has risen or declined every three to five years and to take the necessary steps to increase its value, if needed.

Of course, a lot can happen in that five-year window, not to mention throughout the lifespan of your business. There are several key times when you need to know the value of your business, from funding a buy-sell agreement to selling your company at the right price. Business valuations are the cornerstone of your succession plans, retirement plans and estate plans. But, when is the right time to get a *certified* business valuation, and what does that really mean for your organization?

Know the Reasons

One motivation for obtaining a certified business valuation is understanding the value of your business so you're prepared to stand up to financial challenges. Of course if your company is looking to make an acquisition — or is getting acquired — this is another time you'll need to determine the value of individual assets and any patents. If you are engaged in a marital or stockholder dispute, it's critical to be able to prove your business value. The value of your business is also important when making a tax assessment for gifting purposes.

Another common reason is if you're looking to sell a business located in a market without many comparable sales. These valuations are often used by privately held companies, like law or architectural firms, where the value is not as easily determined as public or stock companies.

Provided by: **Foxboro Consulting Group, Inc. – Business Valuation & Financial Advisory Services**

Post Office Box 141

Foxboro, MA 02035

Office Phone: (774) 719-2236 or Mobile Phone: (508) 878-8390

E-mail: adams.r@foxboro-consulting.com

On the web at <http://www.foxboro-consulting.com>

Know Whom to Call

A certified valuation should be performed by a firm or appraiser credentialed by a nationally recognized association, such as the American Institute of Certified Public Accountants (AICPA), the National Association of Certified Valuation Analysts (NACVA) or the American Society of Appraisers (ASA).

A credentialed business valuation professional will have received extensive training, is in good standing, and follows specific standards and practices to determine the value of a business. These professionals are able to provide a fixed value (based on a specific date) that could be recognized legally.

Before choosing a credentialed business valuation professional, do your research. Talk to other business owners you know to see if they have recommendations. After all, you're going to be working closely with the appraiser for the next few months.

Know the Process

Your valuation professional will review your company's financial documents in detail, so make sure your records are in order. He or she will also take a look at the experience of your management team, market trends, competitive activity, comparable companies and recent sales of similar businesses.

Upon completion of the analysis, your appraiser will provide a written report that includes:

- All data considered and evaluated
- Procedures followed
- Methodologies considered (should ideally use multiple valuation methods for substantiation)
- Assumptions and limiting conditions
- Opinion of value

A comprehensive, certified business valuation can take six to eight weeks to complete, depending on the complexity of your organization. So consider the timing of your needs before making a decision.

Provided by: **Foxboro Consulting Group, Inc. – Business Valuation & Financial Advisory Services**

Post Office Box 141

Foxboro, MA 02035

Office Phone: (774) 719-2236 or Mobile Phone: (508) 878-8390

E-mail: adams.r@foxboro-consulting.com

On the web at <http://www.foxboro-consulting.com>

Know the Costs

Certified business valuations not only take some time to complete, but also can be quite costly, ranging from \$5,000 to \$50,000 for an especially complex process. That's why many business owners work with their CPA or another Financial Professional to develop their own business valuation. These simpler valuations may be appropriate for setting up buy-sell agreements, retirement plans, life insurance purchases, estate tax planning needs and succession plans. Speak with your legal, accounting and tax advisors for additional guidance.

Know What to Do Next

Whether you need a certified valuation or not, it's important to bring in a qualified, knowledgeable professional early in the planning to guide you through the process and help set expectations so you can make the right decisions for your business.

For additional information click on the following link:

<http://www.foxboro-consulting.com/business-enterprise-valuation-bev-services/>

or call: Ronald J. Adams, CPA, CVA, ABV, CBA, BCA, CFF, CGMA, FVS at -
(508) 878-8390

Provided by: **Foxboro Consulting Group, Inc. – Business Valuation & Financial Advisory Services**

Post Office Box 141

Foxboro, MA 02035

Office Phone: (774) 719-2236 o Mobile Phone: (508) 878-8390

E-mail: **adams.r@foxboro-consulting.com**

On the web at **<http://www.foxboro-consulting.com>**

Internal Revenue Bulletin: 2006-46

November 13, 2006

Notice 2006-96

Guidance Regarding Appraisal Requirements for Noncash Charitable Contributions

Table of Contents

- [SECTION 1. PURPOSE](#)
- [SECTION 2. BACKGROUND](#)
- [SECTION 3. TRANSITIONAL GUIDANCE](#)
- [SECTION 4. REQUEST FOR COMMENTS](#)
- [SECTION 5. PAPERWORK REDUCTION ACT](#)
- [SECTION 6. DRAFTING INFORMATION](#)

SECTION 1. PURPOSE

This notice provides transitional guidance relating to the new definitions of “qualified appraisal” and “qualified appraiser” in § 170(f)(11) of the Internal Revenue Code, and new § 6695A of the Code regarding substantial or gross valuation misstatements, as added by § 1219 of the Pension Protection Act of 2006, Pub. L. No. 109-280, 120 Stat. 780 (2006) (the “PPA”).

The Service and the Treasury Department expect to issue regulations under § 170(f)(11). Until those regulations are effective, taxpayers may rely on this notice to comply with the new provisions added by § 1219 of the PPA.

SECTION 2. BACKGROUND

A deduction for charitable contributions is generally permitted under § 170(a), subject to certain limitations depending on the type of taxpayer, the nature of the

Provided by: **Foxboro Consulting Group, Inc. – Business Valuation & Financial Advisory Services**

Post Office Box 141

Foxboro, MA 02035

Office Phone: (774) 719-2236 o Mobile Phone: (508) 878-8390

E-mail: adams.r@foxboro-consulting.com

On the web at <http://www.foxboro-consulting.com>

property contributed, and the type of donee organization. Section 170(f)(11), as added by § 883 of the American Jobs Creation Act of 2004, Pub. L. No. 108-357, 118 Stat. 1418 (2004), contains reporting and substantiation requirements relating to the allowance of deductions for noncash charitable contributions. In particular, under § 170(f)(11)(C), taxpayers are required to obtain a qualified appraisal for donated property for which a deduction of more than \$5,000 is claimed. Under § 170(f)(11)(D), in certain cases the qualified appraisal must be attached to the tax return. For appraisals prepared with respect to returns filed on or before August 17, 2006, existing Treasury Regulations provide a definition of the terms “qualified appraisal” and “qualified appraiser” for purposes of § 170(f)(11).

Section 1219 of the PPA amends § 170(f)(11)(E) and provides statutory definitions of a qualified appraisal and qualified appraiser for appraisals prepared with respect to returns filed after August 17, 2006.

Section 170(f)(11)(E)(i) provides that the term “qualified appraisal” means an appraisal that is (1) treated as a qualified appraisal under regulations or other guidance prescribed by the Secretary, and (2) conducted by a qualified appraiser in accordance with generally accepted appraisal standards and any regulations or other guidance prescribed by the Secretary.

Section 170(f)(11)(E)(ii) provides that the term “qualified appraiser” means an individual who (1) has earned an appraisal designation from a recognized professional appraiser organization [National Association of Certified Valuers & Analysts (NACVA), the Institute of Business Appraisers (IBA), the American Society of Appraisers (ASA), and the American Institute of Certified Public Accountants (AICPA)], or has otherwise met minimum education and experience requirements set forth in regulations prescribed by the Secretary, (2) regularly performs appraisals for which the individual receives compensation, and (3) meets such other requirements as may be prescribed by the Secretary in regulations or other guidance. Section 170(f)(11)(E)(iii) further provides that an individual will not be treated as a qualified appraiser unless that individual (1) demonstrates verifiable education and experience in valuing the type of property subject to the appraisal, and (2) has not been prohibited from practicing before the Internal Revenue Service by the Secretary under § 330(c) of Title 31 of the United States Code at any time during the 3-year period ending on the date of the appraisal.

Provided by: **Foxboro Consulting Group, Inc. – Business Valuation & Financial Advisory Services**

Post Office Box 141

Foxboro, MA 02035

Office Phone: (774) 719-2236 o Mobile Phone: (508) 878-8390

E-mail: adams.r@foxboro-consulting.com

On the web at <http://www.foxboro-consulting.com>

Section 1219 of the PPA also adds a new penalty provision. If the claimed value of property based on an appraisal results in a substantial or gross valuation misstatement under § 6662, a penalty is imposed by new § 6695A on any person who prepared the appraisal and who knew, or reasonably should have known, the appraisal would be used in connection with a return or claim for refund.

SECTION 3. TRANSITIONAL GUIDANCE

.01 In general

The Service and the Treasury Department expect to issue regulations under § 170(f)(11), as amended by the PPA. The terms in section 3 of this notice apply to contributions of property (other than readily valued property within the meaning of § 170(f)(11)(A)(ii)(I)) by individuals, partnerships, or corporations for which a deduction of more than \$5,000 is claimed on returns filed after August 17, 2006, and before the effective date of the regulations that the Service and the Treasury Department expect to issue. Until regulations are effective under § 170(f)(11), as amended by the PPA, an appraisal that meets the requirements of this notice shall be treated as a qualified appraisal for purposes of § 170(f)(11). The determination of whether an appraiser is qualified under section 3.03 of this notice must be based on the appraiser's qualifications as of the date the appraisal is made.

.02 Transitional terms-qualified appraisal

(1) *Qualified appraisal.* An appraisal will be treated as a qualified appraisal within the meaning of § 170(f)(11)(E) if the appraisal complies with all of the requirements of § 1.170A-13(c) of the existing regulations (except to the extent the regulations are inconsistent with § 170(f)(11)), and is conducted by a qualified appraiser in accordance with generally accepted appraisal standards. See sections 3.02(2) and 3.03 of this notice.

(2) *Generally accepted appraisal standards.* An appraisal will be treated as having been conducted in accordance with generally accepted appraisal standards within the meaning of § 170(f)(11)(E)(i)(II) if, for example, the appraisal is consistent with the substance and principles of the Uniform Standards of Professional Appraisal Practice ("USPAP"), as developed by the Appraisal Standards Board of the

Provided by: **Foxboro Consulting Group, Inc. – Business Valuation & Financial Advisory Services**

Post Office Box 141

Foxboro, MA 02035

Office Phone: (774) 719-2236 o Mobile Phone: (508) 878-8390

E-mail: adams.r@foxboro-consulting.com

On the web at <http://www.foxboro-consulting.com>

Appraisal Foundation. Additional information is available at <http://www.appraisalfoundation.org>.

.03 Transitional terms-qualified appraiser

(1) *Appraisal designation.* An appraiser will be treated as having earned an appraisal designation from a recognized professional appraiser organization within the meaning of § 170(f)(11)(E)(ii)(I) if the appraisal designation is awarded on the basis of demonstrated competency in valuing the type of property for which the appraisal is performed.

(2) *Education and experience in valuing the type of property.* An appraiser will be treated as having demonstrated verifiable education and experience in valuing the type of property subject to the appraisal within the meaning of § 170(f)(11)(E)(iii)(I) if the appraiser makes a declaration in the appraisal that, because of the appraiser's background, experience, education, and membership in professional associations, the appraiser is qualified to make appraisals of the type of property being valued. *See also* § 1.170A-13(c)(5).

(3) *Minimum education and experience.* An appraiser will be treated as having met minimum education and experience requirements within the meaning of § 170(f)(11)(E)(ii)(I) if —

(a) *For real property*

(i) For returns filed on or before October 19, 2006, the appraiser is qualified as a “qualified appraiser” within the meaning of § 1.170A-13(c)(5) to make appraisals of the type of property being valued.

(ii) For returns filed after October 19, 2006, the appraiser is licensed or certified for the type of property being appraised in the state in which the appraised real property is located.

(b) *For property other than real property —*

Provided by: **Foxboro Consulting Group, Inc. – Business Valuation & Financial Advisory Services**

Post Office Box 141

Foxboro, MA 02035

Office Phone: (774) 719-2236 or Mobile Phone: (508) 878-8390

E-mail: adams.r@foxboro-consulting.com

On the web at <http://www.foxboro-consulting.com>

(i) For returns filed on or before February 16, 2007, the appraiser is qualified as a “qualified appraiser” within the meaning of § 1.170A-13(c)(5) to make appraisals of the type of property being valued.

(ii) For returns filed after February 16, 2007, the appraiser has (A) successfully completed college or professional-level coursework that is relevant to the property being valued, (B) obtained at least two years of experience in the trade or business of buying, selling, or valuing the type of property being valued, and (C) fully described in the appraisal the appraiser’s education and experience that qualify the appraiser to value the type of property being valued.

.04 Applicability of reporting and substantiation regulations

(1) In general

The requirements of § 1.170A-13(c) of the existing regulations concerning qualified appraisals and qualified appraisers continue to apply to all taxpayers, including those to whom the transitional guidance in this section may apply, except to the extent the regulations are inconsistent with the provisions of § 170(f)(11). In particular, all taxpayers are required to comply with §§ 1.170A-13(c)(3), (c)(5), (c)(6) and (c)(7).

(2) Revision to appraiser declaration

For returns filed after February 16, 2007, the declaration required under § 1.170A-13(c)(5)(i) must include an additional statement that the appraiser understands that a substantial or gross valuation misstatement resulting from an appraisal of the value of property that the appraiser knows, or reasonably should have known, would be used in connection with a return or claim for refund, may subject the appraiser to a civil penalty under § 6695A. *See also* § 1.170A-13(c)(3)(iii).

Provided by: **Foxboro Consulting Group, Inc. – Business Valuation & Financial Advisory Services**

Post Office Box 141

Foxboro, MA 02035

Office Phone: (774) 719-2236 o Mobile Phone: (508) 878-8390

E-mail: adams.r@foxboro-consulting.com

On the web at <http://www.foxboro-consulting.com>

SECTION 4. REQUEST FOR COMMENTS

The Service and the Treasury Department invite comments containing suggestions for future guidance under § 170(f)(11), including regulations. In particular, comments are requested concerning the definition of the following terms: (1) “generally accepted appraisal standards” in § 170(f)(11)(E)(i)(II); (2) “appraisal designation from a recognized professional appraisal organization” in § 170(f)(11)(E)(ii)(I); (3) “minimum education and experience requirements” in § 170(f)(11)(E)(ii)(I); and (4) “verifiable education and experience in valuing the type of property subject to the appraisal” in § 170(f)(11)(E)(iii)(I). Comments also are requested on the potential impact any guidance under § 170(f)(11) may have on small businesses.

Comments should refer to Notice 2006-96 and be submitted by January 17, 2007, to:

Internal Revenue Service
P.O. Box 7604
Ben Franklin Station
Washington, D.C. 20044

Attn: CC: PA: LPD:PR
Room 5203

Alternatively, comments may be submitted electronically via e-mail to the following address: *Notice.Comments@irscounsel.treas.gov*. All comments will be available for public inspection and copying.

Provided by: **Foxboro Consulting Group, Inc. – Business Valuation & Financial Advisory Services**

Post Office Box 141

Foxboro, MA 02035

Office Phone: (774) 719-2236 or Mobile Phone: (508) 878-8390

E-mail: adams.r@foxboro-consulting.com

On the web at <http://www.foxboro-consulting.com>

SECTION 5. PAPERWORK REDUCTION ACT

The collections of information in this notice have been reviewed and approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1545-1953.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

The collections of information in this notice are in section 3 of this notice. The collections of information are required from donors to satisfy the substantiation requirements of § 170(f)(11). The collections of information are required from donors to obtain a benefit. The likely respondents are individuals, partnerships, and corporations.

The estimated total annual reporting burden is 161,571 hours.

The estimated annual burden per respondent varies from 5 minutes to 5 hours, with an estimated average of approximately 3.5 hours. The estimated number of respondents is 46,285.

The estimated annual frequency of responses (used for reporting requirements only) is once per year.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and return information are confidential, as required by § 6103.

SECTION 6. DRAFTING INFORMATION

The principal author of this notice is Susan J. Kassell of the Office of Associate Chief Counsel (Income Tax & Accounting). For further information regarding this notice, contact Susan J. Kassell at (202) 622-5020 (not a toll-free call).

Provided by: **Foxboro Consulting Group, Inc. – Business Valuation & Financial Advisory Services**

Post Office Box 141

Foxboro, MA 02035

Office Phone: (774) 719-2236 or Mobile Phone: (508) 878-8390

E-mail: adams.r@foxboro-consulting.com

On the web at <http://www.foxboro-consulting.com>