Chair Nathanson, Vice Chair Reschke, Representatives Walters, Hudson, Levy, Marsh and Smith:

My name is Catriona McCracken. I appear before you as a concerned citizen who was the former General Counsel Sr. AAG for OBTP from 2015-2025; I retired from the practice of law in September 2025. I appear **in opposition** to SB 1510A. Please consider the following as to the exemptions from regulation being requested by the mostly out-of-state Enrolled Agent witnesses known as EAs:

- The Board was created to provide consumer protection and industry regulation. The EA exemptions requested commence the gutting of both consumer protection and industry regulation.
- Last year many tax associations, whose members are regulated by the Board, asked the Legislature to create a new level of regulation crafted to bring in new beginner level licensees to the profession, provide the necessary training for them and set them on the path to becoming Tax Preparers and later Tax Consultants, if they could pass the necessary examinations. The 2025 Legislature listened to the anti-new-program-EA-testimony in detail, and then created the new Registered Tax Aide (RTA) program.
- Also last year, the Board was subjected to three separate law suits filed by an out-of-state EA who disagreed with the request for creation of the RTA program, disagreed with changes to other rule updates and disagreed that out-of-state EAs like himself should be subject to Board licensure if they wanted to prepare Oregon Personal Income Tax Returns, for others, for valuable consideration. That EA brought many of the same witnesses before the Board and the legislature in 2025 and even testified himself. This same EA also sued the Governor's Office and the Oregon Ethics Commission, and for full disclosure, filed a bar complaint against me. To my knowledge the courts ruled in the Board's favor on all three of the OBTP lawsuits. The OSB dismissed the complaint filed against me.

- This year, in carefully orchestrated testimony, again by mostly **<u>out of state EAs</u>**, the Legislature is being advised that the very same new RTA program will cause a shortage of staff for EAs and a shortage of preparers for the general public – the very things the new RTA program was designed to protect against – and it should be noted that the RTA program law only came into effect January 1, 2026 so there are no results of any kind upon which the EAs can rely for their claims. The legislature might consider waiting, at least until the next long legislative session, to review the RTA program to see if it is working as intended before commencing to adopt the requested EA amendments that would commence to gut it without ever giving it a chance to operate.
- The Legislature is also being advised that the IRS regulates EAs – it does but for federal tax law only. The IRS does not require knowledge of state tax law and does not regulate state tax return preparers. There is, therefore, next to no overlapping jurisdiction.
- The Legislature is further being advised that EAs should be exempt from regulation like CPAs and Attorneys. CPAs and attorneys are not exempt from all state regulation they are simply regulated by other state Boards like BOA and OSB – if EAs are exempted from OBTP regulation under SB1510A they will not be subject to regulation by any state board.
- The Legislature is being advised that EAs cannot train their own staff – EAs can train their own staff but they need to follow the existing training statutes and rules that every other tax preparer must follow if choosing to train their own staff.
- The exemption requested by EAs is unique, cut from whole cloth, and nothing like the regulation of other professionals in Oregon. What these EAs are asking for is akin to doctor specialists claiming they should not be regulated by OMB but other doctors should be. I for one would not allow any specialist to operate on me who is not regulated by OMB under Oregon laws and codes of professionalism.
- Worse yet EAs would, while no longer subject to investigation and discipline by the Board, be permitted to carry an OBTP license – the

Oregon imprimatur of professionalism. Such a law would certainly be misleading to the public.

What the anti-OBTP- EAs are requesting would result in increased danger to Oregon taxpayers through a decrease in OBTP jurisdiction to investigate and administratively prosecute cases of negligence, incompetence, breach of confidentiality, and basic error. The exemptions being sought would result in the creation of a class of paid tax preparers not, if these exemptions are adopted, subject to disciplinary regulation in Oregon. Adopting the requested exemptions will hurt many taxpayers, Oregon Registered Tax Aides, Oregon licensed tax preparers, and non-EA Oregon licensed tax consultants. It will benefit only some EAs and most of those EAs will be out-of-state EAs.

I further refer the Committee to my previously submitted Senate testimony – I tried not to be duplicative.

Respectfully submitted,

Catriona McCracken

3-1-26