

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

IN THE MATTER OF THE TAX )  
LIABILITIES OF: )  
 )  
JOHN DOES, Norwegian taxpayers holding )  
BOKF, N.A., payment card )  
XXXXXXXXXXXX5598 and )  
66 Federal Credit Union payment card )  
XXXXXXXXXXXX8138. )

**DECLARATION OF CHERYL KIGER**

I, Cheryl Kiger, pursuant to 28 U.S.C. section 1746, declare and state:

1. I am a duly commissioned Internal Revenue Agent assigned as Technical Specialist in the Internal Revenue Service’s Offshore Compliance Initiatives Program. The Offshore Compliance Initiatives Program develops projects, methodologies, and techniques for identifying United States taxpayers who are involved in abusive offshore transactions and financial arrangements for tax-avoidance purposes. I have been an Internal Revenue Agent since 1991, and I have specialized in offshore investigations since 2010. As a Revenue Agent, I have received training in abusive offshore tax issues. I also have experience in investigating offshore tax matters.

2. Since February 2011, I have been assigned to work on the IRS Offshore Private Banking Initiative. Prior to that, for approximately one year, I was assigned as a Technical Advisor to agents reviewing Offshore Voluntary Disclosure submissions. Prior to that, and from approximately 2003, I worked on the IRS efforts to address various other abusive tax arrangements.

3. As stated in the Declaration of Michael Danilack (“U.S. Competent Authority”) filed concurrently with this Declaration, the Norwegian Competent Authority has properly requested

assistance from the IRS to obtain information pursuant to Article 28 of the Convention Between the Government of the United States of America and the Kingdom of Norway for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income and Property (“Convention”).

4. The U.S. Competent Authority’s office has requested my assistance in the capacity as an IRS revenue agent to obtain the information requested by the Norwegian Competent Authority. The U.S. Competent Authority has provided me with a list of payment cards issued by U.S. financial institutions that the Norwegian Directorate of Taxes (“NDT”) has identified and is to be used to determine the correct income tax liability of certain as-yet-unidentified taxpayers (hereinafter “John Does”) under the laws of Norway.

5. Payment card 5598<sup>1</sup> issued by BOKF, N.A., and payment card 8138 issued by 66 Federal Credit Union are two of the cards identified by Norway and given to me by the U.S. Competent Authority. Payment cards 5598 and 8138 are part of the NDT’s Payment Card Project whose volume and history of use in Norway suggest that their holders are Norwegian taxpayers who may have failed to report foreign financial accounts or income on the tax returns that he or she was required to file under the revenue laws of Norway.

6. In furtherance of Norway’s request for information, the IRS proposes to issue administrative “John Doe” summonses to BOKF, N.A., and to 66 Federal Credit Union. A copy of the proposed summons to be issued to BOKF, N.A., is attached to this Declaration as Exhibit A and a copy of the proposed summons to be issued to 66 Federal Credit Union is

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<sup>1</sup> The account numbers of the payment cards at issue contain sixteen digits. For privacy considerations, all but the last four digits have been redacted.

attached as Exhibit B. As described in greater detail below: (1) the proposed “John Doe” summonses to BOKF, N.A., and 66 Federal Credit Union relate to the investigation of a particular person or ascertainable group or class of persons; (2) there is reasonable basis for believing that this person or group or class of persons has failed or may have failed to comply with provisions of the internal revenue laws of Norway; and (3) the information and documents sought to be obtained from the examination of the records or testimony (and the identity of the person with respect to whose tax liability the summons has been issued) are not readily available from sources other than BOKF, N.A., and 66 Federal Credit Union.

I. The summons describes a particular person or ascertainable class of persons.

7. The proposed “John Doe” summonses to BOKF, N.A., and 66 Federal Credit Union seek information regarding the holder or holders of a specific payment card, identified by account number, that was issued by the financial institution. This investigation relates to a particular person (or group of persons if the account is jointly held) that is easily ascertainable by account number.

II. There is reasonable basis to believe that this person has failed to comply with the internal revenue laws of Norway.

8. Norway has provided information to the IRS, through the U.S. Competent Authority, that shows that payment card 5598 issued by BOKF, N.A., was used in approximately 276 transactions in Norway in 2004.

9. Norway has provided information to the IRS, through the U.S. Competent Authority, that shows that payment card 8138 issued by 66 Federal Credit Union, was used in approximately 320 transactions in Norway from 2005 through 2012.

10. According to the information provided to the U.S. Competent Authority from Norway, the BOKF, N.A., transactions combined for a total volume of approximately 880,676 NOK, and the 66 Federal Credit Union transactions combined for a total volume of approximately 714,302 NOK. From 2004 through 2012, the U.S.-dollar equivalent of one Norwegian Krone ranged from a low of approximately 14 cents to a high of approximately 20 cents. See <http://www.oanda.com/currency/historical-rates/>. Using 17 cents as the average U.S.-dollar equivalent of one Norwegian Krone during that period, payment card 5598 was used in Norway during that period for a combined volume of approximately \$149,715, and payment card 8138 was used in Norway during that period for a combined volume of approximately \$121,431.

11. Based on the information provided to the U.S. Competent Authority by Norway, including the use of a payment cards to withdraw currency and/or to purchase goods and services without leaving an identifiable record of such transactions and the level of activity and large dollar volume of transactions on the cards, and based on my general knowledge and experience concerning taxpayers who use banking and other services in foreign jurisdictions, it is reasonable to believe that the unidentified holders of payment cards 5598 and 8138 issued by BOKF, N.A., and 66 Federal Credit Union, respectively, may have failed to report income to Norway.

III. The requested materials are not readily available from other sources.

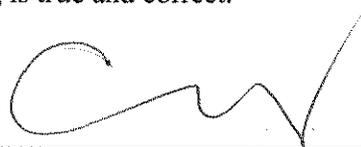
12. Information provided to the U.S. Competent Authority from Norway indicates that for payment cards that are used only at automated-teller machines or in transactions where authorization is by PIN code and the cardholder need not identify himself or herself, the cardholders cannot be identified from information sources in Norway. Payment cards 5598 and

8138 issued by BOKF, N.A., and 66 Federal Credit Union, respectively, are two of the cards whose holders cannot be identified from information sources in Norway.

13. The only repositories of the information sought by the proposed summonses that is available to the IRS are BOKF, N.A., and 66 Federal Credit Union, which hold the payment card relationship with the John Does in question and maintain records of those payment card accounts and related financial accounts.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11<sup>th</sup> day of July 2013.



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CHERYL KIGER  
Internal Revenue Agent  
Internal Revenue Service