

**NOTICE: Private Certification of § 3401(d) Employer Status.
Private Certification of § 3401(c) Employee Status.
Before completing this form, please review the information below carefully.**

Section 1 • Instructions to Man, Company, or Organization

Notice: see the Code of Federal Regulations [28 C.F.R. 16]

- I. Under the provisions of the **Paperwork Reduction Act (44 U.S.C. 3501 et seq.)** and **DOJ FOIA and Privacy Act Regulations (28 C.F.R. Part 16 (2006))** Production or Disclosure of Material or Information, and pursuant to United States Code (U.S.C.) Title 26: certain “employers” who are required under Chapter 24 of Subtitle C to withhold taxes on “employees” treated as “taxpayers”, and all “employers” doing business in the private sector are requested to certify their proper legal determination of their enumerated American Employer status (STATE of the UNITED STATES CORP) and/or 26 U.S.C. § 3401(d) employer status at [20CFR202.11] for certain ordinary American workers. [See: Title 26 U.S.C. "Subtitle C – Employment Taxes; Chapter 24 – Collection of Income Tax at Source on Wages" –26 U.S.C. § 3102(b) specifically states who is liable for the FICA tax].
- II. If Section 2 below has been completed, the **Undersigned private worker** shown on line 1a has requested that you provide the information required by this form **to certify your Federal / State Employer section 3401(d) “employer” status and holding the characteristics essential to such status**. Full disclosure is required by 5 U.S.C. § 552. The public record can be used as evidence in any court under the rules of federal evidence under Rule 803 (8). (The company or organization on the worker’s behalf may also proactively initiate this determination.)
- III. **Please complete and sign Section 3 below** thereby certifying the correct determination, positive or negative, of Federal / State section 3401(d) employer status. Provide one signed copy of this form to the worker and retain one signed copy for the worker’s permanent file.
- IV. This **Notice** is a **Presentment** for full disclosure in **Good faith** in harmony with the Fair Use of the **Uniform Commercial Code [UCC]:** at [UCC §1-202. Notice; Knowledge]. **All rights are claimed and reserved at [UCC §1-308(a)] – Without Prejudice.**
- V. **IMPLIED LEGAL AND CONSTRUCTIVE NOTICE:** Respondent is hereby requested to provide - **in written and/or electronic form - the completed information (questions 2a through 4b) and the certified answers to the three (3) interrogatory questions #6, #7, and #8 contained herein within ten (10) business days from the verifiable date of service of this NOTICE: else, the default answers clearly and precisely expressed therein shall be deemed as agreed upon and admitted to as the truth, and are final without objection, and are deemed admissible in any court of competent jurisdiction pursuant to the Utah state (U.R.C.P.) and Federal Rules of Civil Procedure (F.R.C.P.), Rule 26: General Provisions Governing Discovery, etc., and Rule 33: Interrogatories to Parties, and Rule 36: (b) Effect of Admission, etc., and other applicable U.R.C.P and F.R.C.P. rules of evidence.**
- VI. **Definitions used herein are pursuant to Title 26 U.S.C. and corresponding STATE revenue codes, and the Social Security Administration (SSA) Handbook § 962: American employer.**
- 1. DEFINITION OF “Title 26 U.S.C. (IRC) § 3401(c) employee” status:** The *term* IRC § 3401(c) “employee” specifically includes officers and employees whether elected or appointed, of the United States, a State, Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term “employee” also includes an officer of a corporation. (The terms “includes” and “including” when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.).

2. DEFINITION OF “FEDERAL TRADE OR BUSINESS” (activity): The *term* “federal trade or business” includes the performance of the functions of a public office and/or means any service (activity), of whatever nature, performed (1) within the federal territory, or under a contract which is entered into within the federal territory, or if the employee is employed on an American vessel or American aircraft; or (2) if it is service which is designated or recognized under an agreement entered into under section 233 (“International Agreements”) of the Social Security Act; or (3) as a § 3401(c) employee of a person who is, or for an § 3401(d) employer which is, (a) the United States or any instrumentality thereof, (b) an individual who is a resident of the federal territory, (c) a partnership or a trust, if two-thirds or more of the partners or trustees are residents of the federal territory, or (d) a corporation organized under the laws of the federal territory or any federal territory. The term § 3401(d) “employer” means the person for whom an individual performs or performed any service, of whatever nature, as the § 3401(c) employee of such person,

3. DEFINITION OF “FEDERAL TERRITORY”: The *term* “federal territory” includes and shall be construed to include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa. (The term “includes” shall not be deemed to exclude other things, districts, possessions, territories, etc., otherwise within the meaning of the term defined.).

Section 2 • Determination Request Completed and signed by a duly authorized agent for the company or organization.

1a. Worker.	1b. Calendar Year(s). (<i>Must be after 1954.</i>)
1c. Social Security Number (<i>Either Social Security number or date of birth must be provided.</i>)	1d. Date of Birth.
2a. Company or Organization’s Name.	2b. “Employer” Identification Number, if known.
3a. Company or Organization’s Address.	3b. State Where Incorporated, if a corporation.
4. Company or Organization’s City, State, Zip Code.	4b. Company or Organization’s Country of Origin.

I hereby request that the man, company or organization named on line 2a determine whether my job at the Company constitutes Title 26 U.S.C. (IRC) § 3401(c) employee status, and whether my position constitutes or will constitute a federal privilege activity for the period specified on line 1b.

5a. Worker’s Signature (<i>Not required if Section 2 is completed by company or organization.</i>) All Rights Claimed and Reserved without Prejudice.	5b. Date.
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Section 3 • NOTICE: Verification must be completed and signed by an authorized agent for the company or organization. (Full explanation and the documentary evidence listed in Section 4 must accompany any positive certification of § 3401(d) employer status.)

6. For the period specified on line 1b, is (was) the worker named on line (1a) an IRC § 3401(c) employee?

Yes. Explain: _____

No, worker is not an IRC § 3401(c) employee. (Notice: Default.)

7. For the period specified on line 1b, as of today's date, is (was) the service performed for this company or organization by the worker named on line (1a) - partially or completely for an American Employer pursuant to IRC § 3401(d), engaged in a federal government privileged activity, "trade or business"?

Yes. Explain: _____
_____ .

No, the Company is not an IRC § 3401(d) employer engaged in a federal privileged activity. (Notice: Default.)

8. For the remainder of the current calendar year, is the service anticipated to be performed for this company or organization by the worker named on line (1a) - partially or completely an American Employer, section 3401(d) employer engaged in a federal privileged activity, "trade or business"?

Yes. Explain: _____ .

No, the Company is not an IRC § 3401(d) employer engaged in a federal privilege activity. (Notice: Default.) Important: Do not complete line 8 if the current calendar year is not within the period specified on line 1b.

Certification: I attest, under penalties of perjury that to the best of my knowledge and belief, the answers provided in this document are true, correct, and complete.

9a. Signature of Authorized Representative for the Company or Organization, or for man, male and female, in private capacity.

9b. Date.

10a. Print Name.

10b. Title.

Section 4 • Documentary Evidence that must accompany any positive certification of federal United States section 3401(d) employer status or any State employer status.

A) A verified copy of the Treasury's delegation of authority to the Entity pursuant to IRC §7701(a)(16) and 26 CFR §§310.7701-16, identifying the Entity as a duly authorized withholding agent specific to me. (When no copies are provided, no documents exist.)

B) A verified copy of the Treasury's delegation of authority to the Entity pursuant to IRC §6301 identifying the Entity as a duly authorized tax collector specific to me. (When no copies are provided, no documents exist.)

C) A verified copy of the Treasury's delegation of authority to the Entity pursuant to IRC §6201 identifying the Entity as duly authorized to make inquiries, determinations and assessments specific to me. (When no copies are provided, no documents exist.)

D) A verified copy of Section 218 Voluntary Agreement which the Entity entered into with the federal government for coverage of social security specific to me, pursuant to 42 USC §418. (When no copies are provided, no documents exist.)

E) A verified copy of the agreement signed by me consenting to participate in any federal and/or state social insurance (trust) or social welfare program, in which I explicitly consented to have amounts taken from my pay for such participation. (When no copies are provided, no documents exist.)

F) A verified copy of the agreement signed by me consenting to participate in any federal and/or state offset program, in which I explicitly consented to have amounts taken from my pay for government debts, liabilities or obligations through non-judicial wage garnishment, earnings withholding order and/or levy. (When no copies are provided, no documents exist.)

G) A verified copy of my voluntary, written consent authorizing the Entity to take amounts from my pay for F.I.C.A., taxes, fees or other charges. (When no copies are provided, no documents exist.)

H) A verified copy of the documents upon which the Entity is relying for its authority which evidences my voluntary election consenting to have amounts taken from my pay. (When no copies are provided, no documents exist.)

I) A verified copy of the entity's IRS Form 2678/8678, Employer Appointment of Agent on file with the IRS legally authorizing the entity to withhold amounts from pay, specific to me. (When no copies are provided, no documents exist.)

J) A verified copy of all documents and other items, including letters, instructions, etc., that support the IRS Form 2678/8678 sent to and filed by the Entity, specific to me. (When no copies are provided, no documents exist.)

K) A verified copy of the entity's Treasury Financial Management Service (FMS) Form 8655 Reporting Agent Authorization certificate that the entity received from FMS then subsequently filed with the IRS Andover Service Center, specific to me. (When no copies are provided, no documents exist.)

L) A verified copy of all documents and other items, including letters, instructions, etc., that support the FMS Form 8655 sent to and filed by the Entity, specific to me. (When no are provided, no documents exist.)

M) A verified copy of the Entity's Standard Agreement on file with the Secretary of the Treasury and Fiscal Assistant Secretary pursuant to 31 CFR §215.6, authorizing the Entity to withhold federal and state income taxes from pay, specific to me. (When no copies are provided, no documents exist.)

N) A verified copy of the State's Standard Agreement on file with the Secretary of the Treasury and Fiscal Assistant Secretary pursuant to 31 CFR §215.6, authorizing the state to withhold state income taxes from pay, specific to me. (When no copies are provided, no documents exist.)

O) Proof of claim that by working for and with the Entity, I have waived or assigned the right, title or interest in my labor and the fruits of my labor to the Internal Revenue Service and/or any other tax agency. (When no copies are provided, no documents exist.)

P) Proof of claim that a municipal corporation or subdivision thereof, can lawfully levy or collect or cause to be levied or collected any tax upon the pay, or any part thereof, on any man, resident or non-resident. (When no copies are provided, no documents exist.)

Q) Proof of claim that a municipal corporation or subdivision thereof, has jurisdiction over the Entity to lawfully instruct the Entity to convert my private property to the State's use without my consent, without just compensation and without a court order. (When no copies are provided, no documents exist.)

R) Proof of claim that a specific municipal corporation or subdivision thereof, has lawful jurisdiction over the Entity to instruct the Entity to deprive me of my property or possessions without my voluntary, written consent and without due process of law. (When no copies are provided, no documents exist.)

S) Proof of claim that any government employee or agent upon whom the Entity relied has the duly delegated authority and proper pocket commission status giving him or her lawful authority to instruct the Entity to make changes to my filing status without my consent or to instruct the Entity to take amounts from my pay without my consent. (When no copies are provided, no documents exist.)

T) Verified proof of claim, that the Internal Revenue Service and/or other tax agency has followed all procedural requirements, including administrative adjudication, to substantiate its claim of interest in my earnings. (When no copies are provided, no documents exist.)

NOTICE: This answers to the questions contained in this form are demanded with authority of the following Supreme Court ruling:

Economy Plumbing and Heating Co. v. United States, 470 F. 2d 585 (1972)

“The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them [nontaxpayers] Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws.”

NOTICE:

In the interest of Justice, at the Federal Rules of Civil Procedure (F.R.C.P.) Rule 33(b)(1):

“Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the objecting party shall state the reasons for objection and shall answer to the extent the interrogatory is not objectionable.”

If you (Respondent) object to any part of this form, please state your reason for objection below and answer to the extent that the interrogatory is not objectionable.

OBJECTION(s):