



GEMINI

How to Open a Gemini Account for your Self-directed IRA LLC

<https://www.mysolo401k.net/>

1-800-489-7571



MySolo401kFinancial

Grow. Control. Direct.

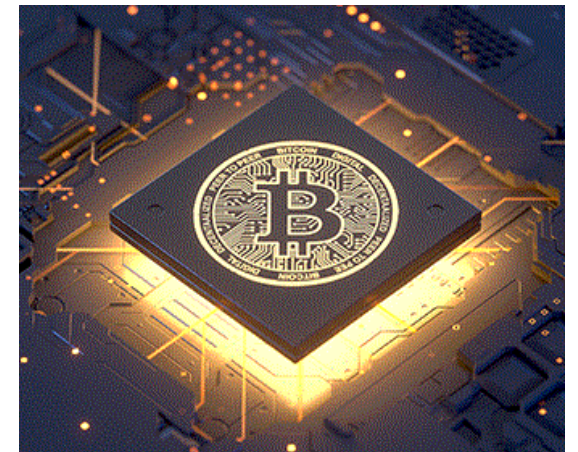
“A to Z” Guide – Open Self-directed IRA LLC account at Gemini

- ❖ What is Cryptocurrency
- ❖ Taxation Considerations
- ❖ How to Invest/Buy with Funds in an IRA LLC
 - Establishing & Funding IRA LLC
 - How to Open IRA LLC Account at Gemini
 - Purchase
 - Storage
- ❖ Practical Tips
- ❖ ***Get more info***



What is Cryptocurrency?

- Per IRS Revenue Ruling 2019-24:
 - Virtual currency is a digital representation of value that functions as a medium of exchange, a unit of account, and/or a store of value.
 - Cryptocurrency is a type of virtual currency that uses cryptography to secure transactions that are digitally recorded on a distributed ledger, such as a blockchain.
- Popular cryptocurrencies:
 - ❖ Bitcoin
 - ❖ Ethereum
 - ❖ Litecoin



IRS View on Taxation of Cryptocurrency

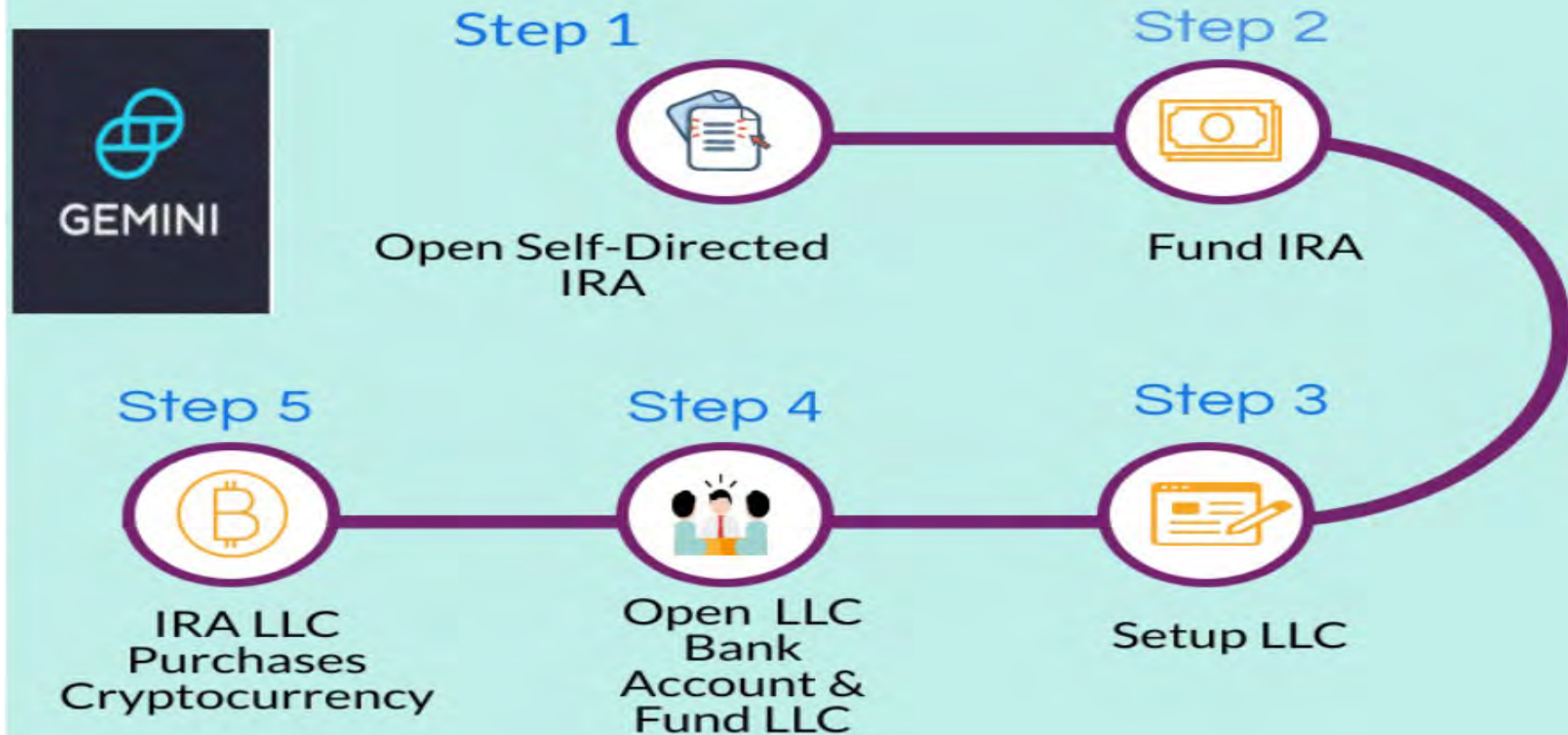
- The IRS has issued guidance that cryptocurrency will be treated as property for federal tax purposes (see e.g. IRS Notice 2014-21).
- ***Outside of a retirement account:*** the income or gains from the sale of cryptocurrency will be subject to capital gains tax rates (short-term or long-term as applicable).
- ***Inside a retirement account:*** the gains/income derived from a cryptocurrency investment are tax-deferred (or potentially tax-free in the case of a Roth Solo 401k account).
 - ❖ **Possible exception:** If you invest your IRA LLC funds in mining cryptocurrency, the income generated may be subject to unrelated business income tax (UBIT) if the mining is considered an active trade or business.

Steps to Invest Self-directed IRA LLC in Cryptocurrency

Investing a Self-Directed IRA LLC in Cryptocurrency

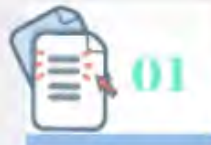
The cryptocurrency account is opened in the name of IRA owned LLC, NOT the self-directed IRA.

5 Steps



The Steps Broken Down

The Steps Broken Down



01

Open Self-Directed IRA

A Self-Directed IRA custodian such as Forge Trust offers a self-directed IRA that may be invested in an LLC.



02

Fund Self-Directed IRA

A common method of funding the self-directed IRA is by transferring IRAs or former employer plans.



03

Setup LLC

A company such as My Solo 401k Financial specializes in setting up LLCs for investing in alternative investments such

The Steps Continued



Open LLC Bank Account & Fund LLC

Open LLC Bank Account & Fund LLC
Once the LLC bank account has been opened at your local bank, the self-directed IRA funds the LLC.



Invest IRA LLC in Cryptocurrency

Invest IRA LLC in Cryptocurrency
The cryptocurrency account is opened and funded via the LLC NOT the self-directed IRA and use the EIN For the LLC.

Tidbits

IRA LLC Cryptocurrency Investment Tidbits



Use the EIN
for LLC



Open in the
name of the
IRA LLC



Store separate
physical wallet



Do not combine
with personal
funds

The IRA LLC Explained & Setup Process

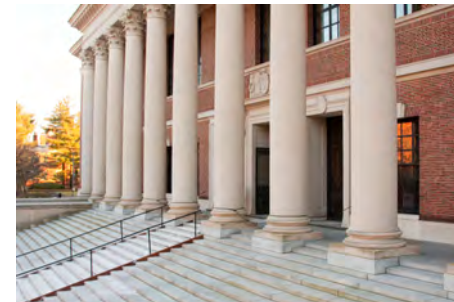
What is it?

- ▶ When an LLC is 100% owned by an IRA or combination of IRAs, it is commonly referred to as a Self-Directed IRA LLC.



Stems from Famous Court Case

- ▶ The tax court ruled in favor of a taxpayer in Swanson versus the Commissioner, 106 Tax Court 76, 1996, essentially ruling that the initial full investment in an entity by an IRA was not prohibited



Why an IRA LLC?

Alternative Investments



Once funded, investments are made through IRA LLC. Alternative investments include real estate, tax liens, precious metals, trust deeds, private company shares and Cryptocurrency, to name a few.

Checkbook Control



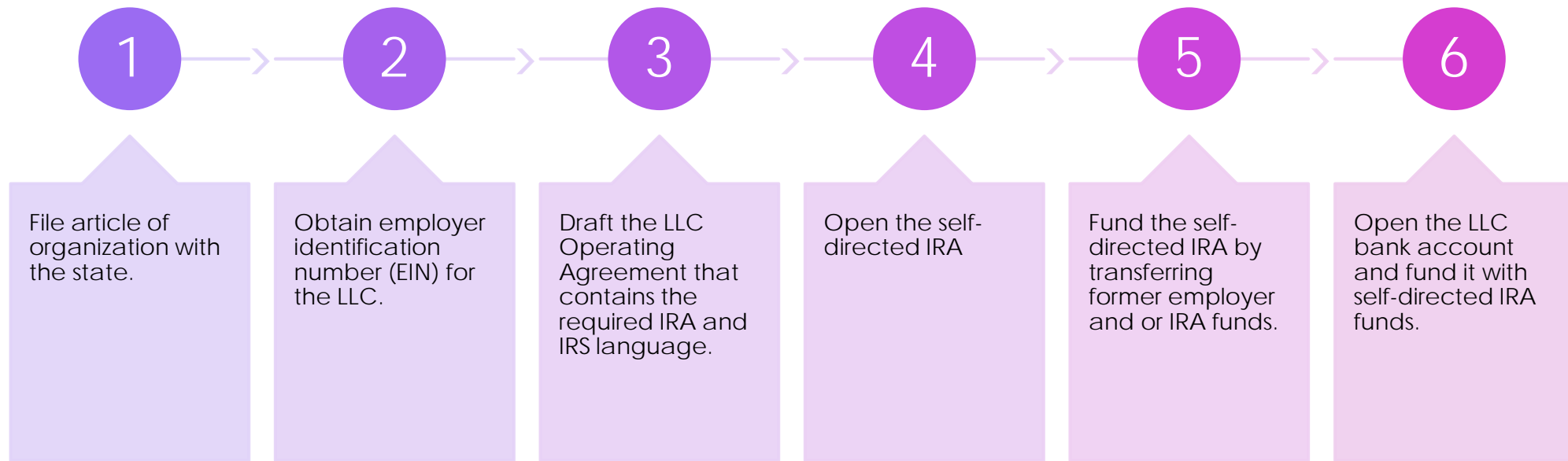
IRA LLC investments are made by wire or by writing a check from the LLC bank account. As the named LLC manager, you are in full control over placing the IRA LLC investments

Fees & Timely Investments



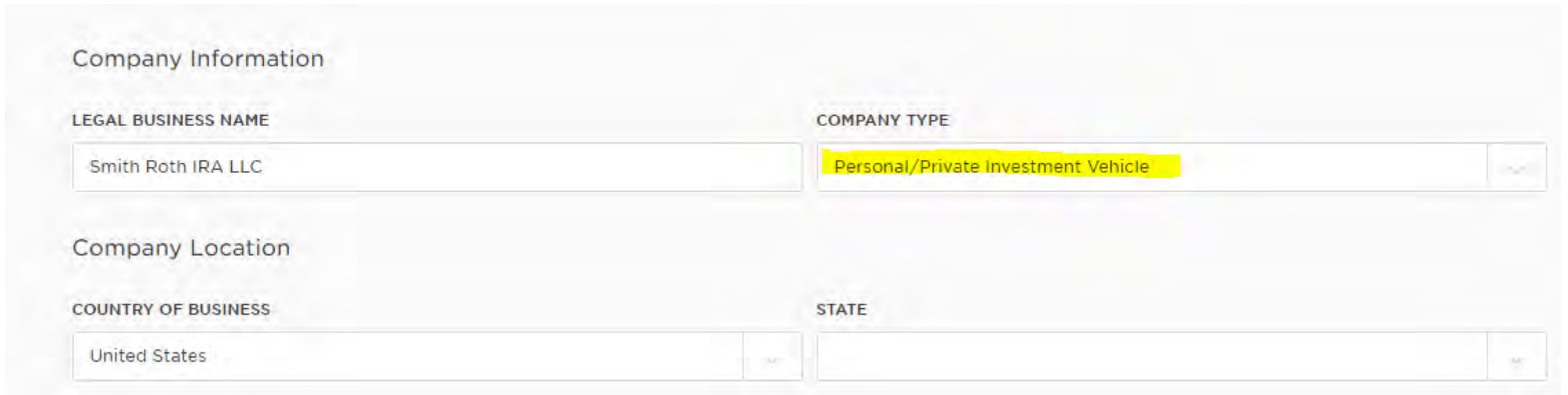
More IRA investors are opting for the Self-Directed IRA owned LLC to greatly reduce processing fees, holding fees and to process time-sensitive investment such as real estate and tax liens.

The IRA LLC Setup Process



Sample Cryptocurrency Account Setup – Gemini

- ❖ **Getting Started:** Submit onboarding questionnaire & then Gemini will contact you with an onboarding package
 - <https://exchange.gemini.com/register/institution>




The screenshot shows a web form for Gemini's institutional registration. It is divided into two main sections: 'Company Information' and 'Company Location'. The 'Company Information' section contains two fields: 'LEGAL BUSINESS NAME' with the value 'Smith Roth IRA LLC' and 'COMPANY TYPE' with a dropdown menu showing 'Personal/Private Investment Vehicle'. The 'Company Location' section contains two fields: 'COUNTRY OF BUSINESS' with the value 'United States' and 'STATE' which is currently empty. Each field has a small 'X' icon in the bottom right corner for clearing the input.

Company Information	
LEGAL BUSINESS NAME	COMPANY TYPE
Smith Roth IRA LLC	Personal/Private Investment Vehicle

Company Location	
COUNTRY OF BUSINESS	STATE
United States	

Gemini - Institutional Client Reg x +

https://exchange.gemini.com/register/institution



Institutional Client Registration

Welcome to Gemini! We are working hard to make Gemini the best destination for institutions to buy, sell, and store digital assets. Please fill out the form below to begin the registration process.

Multiple people within an organization can register for Gemini and share access to the same trading account.

Upon completion, your information will be reviewed and a member of our client relations staff will contact you directly.

[Join an existing institutional account?](#)

Company Information

Legal Business Name

Company type

Company Location

Country of Business

State

Personal Information [Why am I providing personal information?](#)

Legal First Name

Middle (Optional)

Legal Last Name

Your Email Address

Once submitted, a dedicated account representative will be in touch shortly regarding this application.

Continue

Privacy - Terms

- Enter name of LLC

- Choose "Personal/Private Investment Vehicle"

- Enter your Name, email address and location

- Download the Institutional Account Application



Thanks for Registering!

Thank you for kicking off the account creation process. One of our client relations staff will be in contact shortly.

In the meantime, please download and complete our on-boarding documentation and application form.

Institutional Account Application

Non-Profit Account Application

"Trust is Our Product"

For trademarks and patents, please see our [Legal Notice](#).

NHLS #1518128

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Company Information

Full legal company name including any DBA names:

Registered company address:

City:

State:

Zip code:

Jurisdiction(s) of incorporation:

Federal Tax ID (i.e. EIN, VAT, etc.):

Date of Incorp.:

Phone:

Please provide the following information if applicable:

CRD:

MPID:

NFA ID:

LEI:

Contact Person Information (If applicable)

Principal contact name:

Phone:

Email:

IT/Security contact name:

Phone:

Email:

Fraud contact name:

Phone:

Email:

Chief Compliance Officer:

Phone:

Email:

Physical address (if different from registered):

City:

State:

Zip code:

Enter Address of the
LLC (typically your
address)

Enter Date that the
LLC was formed

SKIP - CRD, MPID,
NFA ID and LEI are
"N/A"

Enter your Name,
Phone & Email as the
Principal Contact
Person

Enter Name of LLC

Enter State where
the LLC was formed

Enter EIN of the LLC

Enter your phone
number

Complete as applicable (e.g. if you have a non-retirement account at Gemini)

Enter "No" if the LLC bank account is in the same state that the LLC was formed (otherwise enter applicable state).

Business Activity Information

Nature of the business of the company:

Company website URL:

Please list any associations the company (or any of its beneficial owners or signers) have with previous or current accounts with Gemini:

Will the company be linking a bank account from any jurisdiction other than the jurisdiction of incorporation? If yes, please list the jurisdiction(s).

Has the company raised funds through an ICO, or planning to raise funds through an ICO?

☐ Yes ☐ No

Is the company listed on a US Securities Exchange (e.g., NASDAQ, NYSE, etc.)?

☐ Yes ☐ No

Is the company regulated by a regulatory body (e.g., FinCEN, FCA, MAS, etc.)?

☐ Yes ☐ No

If yes, please provide regulator name & registration number:

Is the company an administrator or exchanger of virtual currency, required to register as a Money Services Business (MSB) and subjected to MSB registration, reporting, and recordkeeping regulations? ³

☐ Yes ☐ No

Enter "IRA LLC investment account"

SKIP – No website

Select "No" for All

Enter the state where the LLC is registered unless you live in a different state and in that case enter the state where you live.

Answer the questions to the best of your ability

Is the company required to register as a Money Transmitter (MT) or Money Services Business (MSB) with the state the company is incorporated in and/or with each state in which the company is operational?

☐ Yes ☒ No

If no, please explain how this determination was made.

Is the company required to establish and maintain a BSA/AML program?

☐ Yes ☒ No

If yes, please provide a copy of the full BSA/AML program. ⁴

Please list jurisdiction(s) of business activity: ⁵

Anticipated trading volume (in USD): ☐ Monthly ☐ Quarterly ☐ Yearly

Anticipated funding activity (in USD): ☐ Monthly ☐ Quarterly ☐ Yearly

Anticipated funding patterns (e.g., deposit bitcoin, withdraw USD):

Select "No"

Enter "The sole purpose of the LLC is to invest my own IRA funds."

Select "No"

Enter your personal
information

Authorized User

Full name:

Role and description:

Length of employment:

SSN/ID#: ⁶

DOB:

Email:

Phone (office):

Phone (mobile):

Address:

City:

State:

Zip code:

Enter “LLC
Manager”

Note: If more than one authorized
user (e.g. multiple LLC Managers),
complete for each person

Enter your personal
information

Beneficial Owners (Individual)

Full name: [redacted] Nationality: [redacted]
DOB: [redacted] SSN/ID#: [redacted] Phone: [redacted]
Address: [redacted]
City: [redacted] State: [redacted] Zip code: [redacted]
% Direct Beneficial Ownership [redacted] % Indirect Beneficial Ownership [redacted]

- If LLC owned by one person's IRA account(s), enter 100% as "Indirect Beneficial Ownership"
- If LLC owned by IRA accounts of two or more persons, enter each person's applicable indirect beneficial ownership percentage.

Note: SKIP "Beneficial Owners (Entity)" section because the LLC is not owned by another entity.

Enter your name

Sanctions Representation

Neither I, nor any person or entity who controls the applicant, nor any person or entity for whom the applicant acts as an agent or nominee: (i) bears a name that appears on the List of Specially Designated Nationals and Blocked Persons maintained by the U.S. Department of the Treasury's Office of Foreign Assets Control ("OFAC") from time to time; or (ii) conducts or will conduct any business with any individual, entity or country sanctioned by OFAC or any other legal or regulatory authority in any applicable jurisdiction. Please contact the Gemini Support team with any questions.

Name (print):

Title:

Signature:

Date:

Enter "Manager"

Sign and Date (wet
or electronic)

Enter your name

Enter "Manager"

Sign and Date (wet
or electronic)

Agreement

1. I hereby certify to Gemini Trust Company, LLC ("Gemini") that the above natural persons are legally authorized to represent, execute trades, and transact on behalf of the above registered company.
2. I understand that Gemini will be relying on the accuracy of the above certification and I represent, warrant and covenant to Gemini that the above statements are complete and accurate.
3. By submitting this application, I hereby authorize Gemini to make inquiries into the company and business activity references that I have supplied.

Name (print):

Title:

Signature:

Date:

How to Open IRA LLC Account at Gemini

❖ **Additional Documentation Needed:**

- ✓ ID (e.g. passport or state-issued ID card) for all beneficial owners and authorized signers on the account including DOB & SSN
- ✓ Copy of Articles of Organization & Operating Agreement
 - Included in the IRA LLC Documents
- ✓ Signed w9 form
- ✓ Proof of source of wealth
 - Provide IRA LLC bank account statement
 - If applicable, statement that saved funds as employee (or self-employed person as applicable) and related documents (e.g recent paystub, screenshot of LinkedIn profile, membership in professional association(s), etc.)

How to Open IRA LLC Account at Gemini

Additional Documentation Needed:

✓ Signed W-9 Form

Form W-9 (Rev. October 2018) Department of the Treasury Internal Revenue Service		Request for Taxpayer Identification Number and Certification ▶ Go to www.irs.gov/FormW9 for instructions and the latest information.		Give Form to requester to send to the IRS.
1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. List Name of IRA LLC Here				
2 Business name/disregarded entity name, if different from above N/A				
Print or type. See Specific Instructions on page 3.	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input checked="" type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ▶ _____			4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>
	5 Address (number, street, and apt. or suite no.) See instructions. List address of IRA LLC Here			Requester's name and address (optional)
	6 City, state, and ZIP code			
	7 List account number(s) here (optional)			
Part I Taxpayer Identification Number (TIN) Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> , later. Note: If the account is in more than one name, see the instructions for line 1. Also see <i>What Name and Number To Give the Requester</i> for guidelines on whose number to enter. LIST IRA LLC EIN----->				
Part II Certification Under penalties of perjury, I certify that: 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and 3. I am a U.S. citizen or other U.S. person (defined below); and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct. Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.				
Sign Here	Signature of U.S. person ▶	LLC MANAGER SIGN'S ENTER TODAY'S DATE		

Sample Cryptocurrency Account Setup – Gemini (continued)

- **Funding the account with Fiat Dollar?**
 - Yes – the account can be funded with US dollars
 - The name on the funding account must match the name of the LLC
 - **Tip:** While Gemini allows the account to be funded from an account in the name of the beneficial owner of the LLC, under the IRA LLC rules the LLC must only be funded from the IRA account
- **Processing Time?** Approximately 2 weeks

Practical Tips: Investing IRA LLC funds in cryptocurrency

➤ Opening an Account at a Cryptocurrency Exchange

- Name and EIN of the LLC owned by your IRA (consider tax reporting by the exchange)

➤ Funding an Account at Cryptocurrency Exchange

- Confirm that the account can be funded with Fiat money
- Wire/ACH funds from a bank account in the name of the LLC owned by your IRA
- ***Do not fund from personal account per IRA LLC funding rules***

➤ Store Separate Physical Wallet in Safety Box associated with LLC Bank Account

➤ Private Transactions

- Confirm that the seller or buyer is not a disqualified person to ensure that you don't commit a prohibited transaction
- Do not combine or "tie" the transaction with non-retirement transactions

Solo 401K: Learn More!

- business@mysolo401k.net
- (800) 489-7571



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