

**BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO**

In the Matter of the Protest of	)	
	)	DOCKET NO. 14960
[Redacted],	)	
	)	DECISION
Petitioners.	)	
_____	)	

On June 12, 2000, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayers), proposing income tax, penalty, and interest for taxable years 1994, 1995, and 1997 in the total amount of \$18,077.

[Redacted] ([Redacted]) filed a timely appeal. An informal conference was held with [Redacted] on January 26, 2001. On May 8, 2001, the Tax Commission received state and federal income tax returns for all three years from [Redacted]. The Tax Commission, having reviewed the file, hereby issues its decision based thereon.

The Bureau identified the taxpayers as Idaho residents during the years at issue who had not filed Idaho income tax returns even though the records showed they received income in excess of the filing requirement. The Bureau prepared provisional income tax returns on the taxpayers' behalf and sent the taxpayers a Notice of Deficiency Determination.

[Redacted] objected to the determination by telephone and a letter of protest. She said she was sure she and her former husband had filed Idaho income tax returns for every one of the years. When the Bureau informed [Redacted] that the Tax Commission had not received the returns even though extensions were filed for 1995 and 1997 [Redacted], she said she would be in contact with Mr. [Redacted] and sort out what had happened to the returns.

When none of the missing returns arrived at the Tax Commission, an additional letter was sent to [Redacted], which she did not answer. The taxpayers' file was transferred to the Legal/Tax Policy Division for administrative review. When the informal conference was held, [Redacted] said

she was not sure how to contact Mr. [Redacted]; however, she would prepare and file all of the absent Idaho returns, which she did.

Although Mr. [Redacted] did not sign the returns [Redacted] submitted, they appear to be in order and appear to be a more accurate reflection of the taxpayers' Idaho income tax responsibility for the years at issue. After full review of both the federal and state returns, the Tax Commission accepts the Idaho returns as filed subject to review at a later date as provided in Idaho Code.

WHEREFORE, the Notice of Deficiency Determination dated June 12, 2000, is hereby MODIFIED and, as so modified, is APPROVED, AFFIRMED, AND MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayers pay the following tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1994	\$1,221	\$305	\$ 571	\$2,097
1995	3,064	766	1,267	5,097
1997	1,731	433	422	<u>2,586</u>
			TOTAL	<u>\$9,780</u>

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of the taxpayers' right to appeal this decision is enclosed with this decision.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2001.

IDAHO STATE TAX COMMISSION

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COMMISSIONER

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this \_\_\_\_\_ day of \_\_\_\_\_, 2001, served a copy of the within and foregoing DECISION by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[Redacted]

Receipt No. [Redacted]

[Redacted]

[Redacted]

Receipt No. [Redacted]

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ADMINISTRATIVE ASSISTANT 1