

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

In the Matter of the Protest of	)	
	)	DOCKET NO. 15007
[REDACTED],	)	
	)	DECISION
Petitioner.	)	
_____	)	

On July 13, 2000, the Tax Discovery Bureau of the Idaho State Tax Commission (Bureau) issued a Notice of Deficiency Determination to [Redacted] (taxpayer), proposing income tax, penalty, and interest for tax years 1995 through 1998 in the total amount of \$31,540.

The taxpayer filed a timely protest. He did not request a hearing. The Tax Commission, having reviewed the file, hereby issues its decision based thereon.

The Bureau obtained information showing the taxpayer, an Idaho resident during the years 1995 through 1998, did not file Idaho income tax returns even though the records showed he received income in excess of the filing requirement during all four years. The Bureau prepared provisional income tax returns on the taxpayer's behalf and sent the taxpayer a Notice of Deficiency Determination that he appealed.

On August 30, 2000, the taxpayer provided his 1995 and 1996 Idaho returns. The Bureau reviewed the returns and compared them with [Redacted] Idaho Department of Employment records. Because both returns appeared to be in order, they were accepted as filed subject to examination during the period allowable under Idaho Code § 63-3068(a). The Bureau sent the taxpayer a letter withdrawing the portion of the deficiency determination addressing 1995 and 1996. Only the taxpayer's 1997 and 1998 Idaho income tax returns remain at issue and will be addressed in this decision.

Over the course of several months following the taxpayer's appeal, the Bureau spoke to the

taxpayer by telephone numerous times and sent him at least three additional letters. Yet, in spite of many promises, the taxpayer's missing Idaho income tax returns were not submitted to the Tax Commission. Time passed and the taxpayer's file was transferred to the Legal/Tax Policy Division for administrative review. The taxpayer did not respond to a letter from the Tax Appeals Specialist advising him of his rights regarding his protest to the deficiency determination.

Information available to the Tax Commission [Redacted] and the Tax Commission's own records show the taxpayer received wages as well as proceeds from the sale of stocks and/or bonds during both of the years at issue. The Bureau computed the Idaho individual income tax due on that income and notified the taxpayer. The withholding that could be identified was allowed as a credit against each year's tax responsibility. The taxpayer has provided nothing to dispute the findings.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Com'n, 110 Idaho 572 (Ct. App. 1986). The burden is on the taxpayer to show that the tax deficiency is erroneous. Albertsons, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

Absent information to the contrary, the Tax Commission finds the provisional returns prepared by the Bureau are accurate reflections of the taxpayer's income and resulting Idaho income tax due for 1997 and 1998.

WHEREFORE, the Notice of Deficiency Determination dated July 13, 2000, is hereby MODIFIED and, as so modified, is APPROVED, AFFIRMED, AND MADE FINAL.

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

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1997	\$ 6,672	\$1,668	\$1,536	\$ 9,876
1998	10,019	2,505	1,534	<u>14,058</u>
			TOTAL	<u>\$23,934</u>

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

An explanation of taxpayer's right to appeal this decision is enclosed with this decision.

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

IDAHO STATE TAX COMMISSION

\_\_\_\_\_  
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]

\_\_\_\_\_  
ADMINISTRATIVE ASSISTANT 1