

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 15130
[REDACTED],)	
)	DECISION
Petitioner.)	
_____)	

On September 12, 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 1996 through 1998 in the total amount of \$17,909.

The taxpayer submitted his completed Idaho income tax returns for 1997 and 1998, which the Bureau allowed as a timely protest to the determination. He did not request a hearing. The Tax Commission, having reviewed the file, hereby issues its decision.

The Bureau obtained information showing the taxpayer, an Idaho resident during the years 1996 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 three years. The Bureau prepared provisional income tax returns on the taxpayer's behalf and sent the taxpayer a Notice of Deficiency Determination.

On October 16, 2000, the Bureau received the taxpayer's 1997 Idaho income tax return and on October 22, 2000, the Bureau received the 1998 Idaho return. The Bureau reviewed the two returns and compared them [Redacted]. 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 1997 and 1998. Only the taxpayer's 1996 Idaho income tax return remains at issue and will be addressed in this decision.

After the Bureau sent the taxpayer the letter advising him of the acceptance of the 1997 and

1998 returns, the taxpayer did not contact the Tax Commission. Time passed, additional letters were sent, 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 summonsed by the Bureau and the Tax Commission's own records show the taxpayer, an attorney at law, conducted business in Idaho during 1996. The Bureau computed the taxpayer's 1996 Idaho individual income tax based on projected income the taxpayer received while practicing law. No employer could be identified. The taxpayer has provided nothing to dispute the findings. [Redacted].

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Comm'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 return prepared by the Bureau is an accurate reflection of the taxpayer's income and resulting Idaho income tax due for 1996.

WHEREFORE, the Notice of Deficiency Determination dated September 12, 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 for 1996:

<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
\$6,672	\$1,668	\$1,536	\$9,876

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

An explanation of the 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