

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

In the Matter of the Protest of	)	
	)	DOCKET NO. 15570
[REDACTED],	)	
	)	DECISION
Petitioner.	)	
_____	)	

On March 16, 2000, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayer), proposing income tax, penalty, and interest for taxable years 1993, 1996, and 1997, in the total amount of \$26,576.

The taxpayer filed a timely protest. He did not request a hearing and did not submit additional information. Therefore, the Tax Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

During the years in question, the taxpayer failed to file state or federal individual income tax returns even though Tax Commission records show he satisfied the requirements stated in Idaho Code § 63-3030 for filing as an Idaho resident. [Redacted]. The information was provided in accordance with Internal Revenue Code § 63- 6103(d) and Idaho Code § 63-3077.

Idaho Code § 63-3045 (1)(a) states:

**63-3045. Notice of redetermination or deficiency -- Interest.** (1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

Because the taxpayer did not file Idaho income tax returns and did not answer correspondence from the Bureau, the Bureau prepared provisional returns and issued a deficiency notice. The income figures were pulled from Idaho Department of Labor wage records, information contained in Tax Commission records, [Redacted].

In response to the deficiency notice, the taxpayer wrote that he had no doubt, “I do owe you money, but not that much (\$26,576).” He asked the Bureau to send him information regarding the source of income and information to explain how the tax amounts were determined.

In a letter dated May 18, 2000, the Bureau detailed the amount and source of each year’s reported income. [Redacted]. When the taxpayer did not answer that letter, his 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 that advised him of his appeal rights.

Idaho Code § 63-3002 explains the income tax act:

**63-3002. Declaration of intent.** It is the intent of the legislature by the adoption of this act, insofar as possible to make the provisions of the Idaho act identical to the provisions of the Federal Internal Revenue Code relating to the measurement of taxable income, to the end that the taxable income reported each taxable year by a taxpayer to the internal revenue service shall be the identical sum reported to this state, subject only to modifications contained in the Idaho law; . . .

The taxpayer has not denied he met the filing requirements. Yet, he has not filed Idaho income tax returns for any of the years at issue. [Redacted] claims the “amount due” figure is incorrect. However, he has submitted nothing to validate his claim. According to the information in the taxpayer’s file, he worked for at least one construction company during each of the years, 1993, 1996, and 1997. No withholding could be identified in the available records.

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). Having presented no information in support of his argument, the taxpayer has failed to meet his burden of proving error on the part of the deficiency determination. Albertsons, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

WHEREFORE, the Notice of Deficiency Determination dated March 16, 2000, is hereby APPROVED, AFFIRMED, AND MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pays the following tax, penalty, and interest.

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1993	\$5,710	\$1,428	\$3,425	\$10,563
1996	2,672	668	946	4,286
1997	8,949	2,237	2,389	<u>13,575</u>
			TOTAL	<u>\$28,424</u>

Interest shown is through October 1, 2001. Interest will continue to accrue at a rate of \$3.79 per day until paid.

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