

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 16614
[Redacted],)	
)	DECISION
Petitioner.)	
_____)	

On March 14, 2002, 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 1998 and 1999 in the total amount of \$8,039.

The taxpayer filed a timely appeal. She 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 Idaho individual income tax returns even though Tax Commission records show she satisfied the filing requirements stated in Idaho Code § 63-3030 for both years.

[Redacted] The transcript did not include information shown in the taxpayer's federal returns because she had not filed with the IRS for either year at issue.

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 state tax returns and did not answer correspondence from the Bureau, the Bureau prepared provisional returns and issued a deficiency notice based upon information gleaned from Tax Commission records. In response to the deficiency notice, the taxpayer wrote a letter stating that she was, “[u]nable to locate the taxes and also there was withholdings taken out of my checks. I am in the process of getting my W-2’s.”

When the Bureau did not receive a response to additional letters to the taxpayer, her file was transferred to the Legal/Tax Policy Division for administrative review. On July 11, 2002, the taxpayer sent an e-mail that stated she was trying to get documents from her ex-husband and hoped to have them by “next week.” She said she would notify the Tax Commission when she received the documents. Nothing further has been received from the taxpayer.

Idaho Code § 63-3030 explains the income tax act:

63-3030. Persons required to make returns of income.
[EFFECTIVE AFTER JANUARY 1, 1996](a) Returns with respect to taxes measured by income in this chapter shall be made by the following:
(1) Every resident individual required to file a federal return under section 6012(a)(1) of the Internal Revenue Code.

...

The taxpayer met the requirements for filing federal and state income tax returns for 1998 and 1999. Yet, she has not filed Idaho returns for either year. Nothing has been submitted that would cast doubt on the Bureau’s determination, which was calculated after considering the taxpayer’s income information that was reported to the IRS and the records retained by the Tax Commission. A copy of a 1099 issued to the taxpayer for tax year 1999 shows the taxpayer received

a large amount of money from the sale of real estate in addition to her wages that year. No withholding was identified for either year.

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 her argument, the taxpayer has failed to meet her burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

WHEREFORE, the Notice of Deficiency Determination dated March 14, 2002, is hereby 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>
1998	\$1,266	\$ 317	\$325	\$1,908
1999	4,348	1,087	799	<u>6,234</u>
			TOTAL DUE	<u>\$8,142</u>

Interest is computed through September 1, 2002.

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 _____, 2002.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that I have on this ____ day of _____, 2002, 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]

[Redacted]

[Redacted]

ADMINISTRATIVE ASSISTANT 1