

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 16616
[REDACTED],)	
)	DECISION
Petitioner.)	
_____)	

On April 12, 2002, the Field Services 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 1996 through 2000 in the total amount of \$10,496.

The taxpayer filed a timely protest. He did not submit additional information or request an informal conference. 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 his Idaho individual income tax returns even though Tax Commission records show he satisfied the filing requirements stated in Idaho Code § 63-3030. [Redacted]. The information was provided in accordance with Internal Revenue Code § 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 state income tax returns, the Bureau prepared provisional returns and issued a deficiency notice. The taxpayer is self-employed in the construction trade, so, the [REDACTED] audit report was heavily relied upon. In response to the deficiency notice, the taxpayer telephoned the Bureau and, then, followed up the telephone call by sending a copy of a letter addressed to the [REDACTED], an executed Power of Attorney, and completed Idaho returns for the years 1999 through 2001. In subsequent telephone conversations with the Bureau, both the taxpayer and his representative indicated the missing returns were in the process of being prepared and would be filed upon completion. The representative asked for and was granted an additional 30 days.

When the 30-day delay passed without receiving the promised returns, the Bureau sent additional correspondence - to no avail. The taxpayer's file was transferred to the Legal/Tax Policy Division of the Tax Commission for administrative review.

The Tax Appeals Specialist sent the taxpayer a letter advising him of his appeal rights and responsibilities. The taxpayer did not respond in any way. In a telephone conversation with the Specialist, the taxpayer's representative said the taxpayer told him the returns were ready to submit but the taxpayer has not returned his representative's recent calls. The taxpayer's representative did not ask for a further delay.

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. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

The 1999 and 2000 Idaho returns submitted by the taxpayer are accepted as filed subject to review as provide by Idaho Code. The 1999, 2000, and 2001 Idaho returns will be forwarded to the Revenue Operations Division of the Tax Commission for processing.

The taxpayer has provided nothing that would dissuade the Tax Commission from accepting the Bureau's determination of Idaho income and Idaho income tax for the other three years. The penalty and interest additions were calculated in conformity with Idaho Code §§ 63-3045 and 63-3046.

WHEREFORE, the Notice of Deficiency Determination dated April 12, 2002, 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>
1996	\$1,872	\$468	\$1,546	\$3,886
1997	1,040	260	368	1,668
1998	1,968	492	545	3,005
1999	0	0	0	0
2000	<5>			<5>
			TOTAL	<u>\$8,554</u>

Interest is computed through December 15, 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]
