

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 17309
[REDACTED],)	
)	DECISION
Petitioner.)	
_____)	

On March 3, 2003, 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 through 2000 in the total amount of \$121,189.

The taxpayer filed a timely appeal. 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.

Because Tax Commission records showed the taxpayer met the state income tax filing requirements and had not filed Idaho returns for the years in question, the Bureau attempted to contact the taxpayer for an explanation of why no Idaho returns had been filed. The taxpayer did not respond to the inquiry.

[Redacted] 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 had not filed Idaho income tax returns for the years 1998 through 2000, the Bureau prepared returns on his behalf and sent him a Notice of Deficiency Determination. In response, the taxpayer sent a letter protesting the determination. In that letter, the taxpayer said there was a lapse in reporting and documentation and that withheld taxes had not been credited.

The Bureau responded with a letter wherein the taxpayer's protest was acknowledged and the taxpayer was asked to provide the missing returns. When the taxpayer did not submit any information, the Bureau sent him an additional letter. Again, the taxpayer did not respond.

The taxpayer's file was transferred to the Legal/Tax Policy Division for administrative review. He did not respond to a letter from the Tax Appeals Specialist that advised him of his appeal rights.

Tax Commission records show that during 1998 through 2000 the taxpayer was an Idaho resident with Idaho sourced income in excess of Idaho's filing requirements. However, he did not file Idaho individual income tax returns for any of the years at issue.

The taxpayer's income amounts were obtained from the records retained by Idaho Department of Labor [Redacted]. The income included wages, certain gambling winnings and several stock and bond transactions. No withholding could be identified in the records retained by the Tax Commission.

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

_____, 106 Idaho 810 (1984).

WHEREFORE, the Notice of Deficiency Determination dated March 3, 2003, 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>
1998	\$ 1,313	\$ 328	\$ 414	\$ 2,055
1999	14,894	3,724	3,612	22,230
2000	69,641	17,410	11,317	<u>98,368</u>
			TOTAL	\$122,653

Interest is computed through September 15, 2003.

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 _____, 2003.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I have on this _____ day of _____, 2003, 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] _____