

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 17501
[Redacted],)	
)	DECISION
Petitioner.)	
_____)	

On May 19, 2003, the Tax Discovery Bureau (TDB) 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 2001 in the total amount of \$19,833.

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.

The Tax Commission records indicated the taxpayer was required to file income tax returns with Idaho during the year at issue. However, the taxpayer had not filed an Idaho return for any of the years. [Redacted] The information was provided in accordance with [Redacted]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.

TDB issued a Notice of Deficiency Determination, the taxpayer filed a protest, and the taxpayer's file was transferred to the Legal/Tax Policy Division for administrative review. The taxpayer did not respond to correspondence from the Tax Appeals Specialist. In fact, the only communication the Tax Commission has had with the taxpayer was his letter protesting the determination. In that letter, faxed on July 22, 2003, the taxpayer wrote:

I wish to appeal the determination of the taxes due. I have only worked in the state for 2 years of the last 7 years and resided in the state 3 of those years the other 5 I worked and lived in the state of [Redacted]. I am now in the process of getting all my back returns done and paid w/help from my accountant. Thank you. [Redacted]

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

63-3030. Persons required to make returns of income. (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.

(2) Any nonresident individual having for the current taxable year a gross income from Idaho sources in excess of two thousand five hundred dollars (\$2,500), or any part-year resident individual having for the current taxable year a gross income from all sources while domiciled in or residing in Idaho, and from Idaho sources while not domiciled in and not residing in Idaho, which in total are in excess of two thousand five hundred dollars (\$2,500);

Records available to the Tax Commission show the taxpayer received unemployment benefits at an Idaho address for the years 1996 through 2001 from the state of [Redacted]. In addition, Idaho Department of Labor records show the taxpayer was paid wages from Idaho sources during the years 1998, 1999, and 2000. In 1998 and 2000, the taxpayer registered motor vehicles in Idaho as a resident, and obtained an Idaho resident driver's license in 2000.

The taxpayer has submitted nothing that would cast doubt on the TDB's determination, which was calculated after considering the taxpayer's income information [Redacted] and records

retained by the Tax Commission and the Department of Labor. The penalty and interest additions were calculated in conformity with Idaho Code §§ 63-3045 and 63-3046.

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).

WHEREFORE, the Notice of Deficiency Determination dated May 19, 2003, 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>
1996	\$1,798	\$ 450	\$ 885	\$ 3,133
1997	2,691	673	1,090	4,454
1998	1,487	372	487	2,346
1999	3,010	753	767	4,530
2000	1,843	461	322	2,626
2001	2,226	557	218	<u>3,001</u>
			TOTAL DUE	<u>\$20,090</u>

Interest is computed through December 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]

[Redacted]

[Redacted]