

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
) DOCKET NO. 17733
[REDACTED])
) DECISION
)
Petitioners.)
_____)

On September 3, 2003, the Tax Discovery Bureau (TDB) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NOD) to [Redacted](petitioners), proposing income tax, penalty and interest for the years 1999, 2000, and 2001 in the total amount of \$11,145.

On November 5, 2003, a timely protest and petition for redetermination was filed by the petitioners. An informal hearing has not been requested. The Commission has reviewed the file, is advised of its contents, and hereby issues its decision affirming the NOD.

The petitioners have not filed Idaho income tax returns for the years 1999, 2000, and 2001. On June 10, 2003, the Tax Discovery Bureau sent a letter with a questionnaire to the petitioners to help the Commission properly determine the petitioners' filing requirement. The petitioners did not respond to this letter, so[Redacted]. The Commission then issued a NOD to the petitioners [Redacted].

On November 4, 2003, [Redacted] (petitioner) sent a letter of protest in which she stated in pertinent part:

Enclosed is our 1999 tax return and we are in the process of having our returns for the following years compiled. Finances make it impossible to pay the accountant until the 20th of this month when our rental fee from our farm come in.

We do not dispute that we are delinquent, only in the amounts. Once all returns are filed and the amounts and interest totaled, it is our wish to make payment arrangements. . . .

We wish to get this situation under control and would appreciate any help possible in completing this task.

As we know the extent of the tax due for 1999, we have enclosed an initial payment of \$100.00 towards this portion of our debt.

On November 13, 2003, TDB sent the petitioners a letter notifying them that their protest was timely filed. TDB informed the petitioners that they did not receive their 1999 return and requested that they provide copies of their 1999, 2000, and 2001 Idaho individual income tax returns by November 26, 2003, or their file would be transferred to the Commission's Legal/Tax Policy Division for further review.

On March 17, 2004, the Tax Policy Specialist (policy specialist) sent the petitioners a letter to inform them of their alternatives for redetermining a protested NOD. The petitioners did not respond to this letter.

It is well settled in Idaho that a NOD issued by the Idaho State Tax Commission is presumed to be correct. Albertson's Inc. v. State, Dept. of Revenue, 106 Idaho 810, 814 (1984); Parsons v. Idaho State Tax Commission, 110 Idaho 572, 574-575 n.2 (Ct. App. 1986). The burden is on the petitioners to show that the tax deficiency is erroneous. Id. Since the petitioners have failed to meet the burden in this case, the Tax Commission finds that the amount shown due on the Notice of Deficiency Determination is true and correct.

[Redacted] The petitioners have not provided the Commission with a contrary result to the determination of their income [Redacted] Therefore, the Commission must uphold the deficiency.

WHEREFORE, the Notice of Deficiency Determination dated September 3, 2003, is hereby

APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the petitioners pay the following tax, penalty and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1999	\$2,186	\$547	\$648	\$3,381
2000	2,995	749	649	4,393
2001	2,686	672	374	3,732
			PAYMENT	(\$100)
			TOTAL DUE	<u>\$11,406</u>

Interest is computed through August 19, 2004.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of the petitioners' right to appeal this decision is enclosed with this decision.

DATED this ___ day of _____, 2004.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 2004, a copy of the within and foregoing DECISION was served by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[REDACTED]

[Redacted]
