

**BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO**

In the Matter of the Protest of )  
 ) DOCKET NO. 17891  
[REDACTED], )  
 )  
 ) DECISION  
Petitioners. )  
\_\_\_\_\_ )

[Redacted](petitioners) protest the Notice of Deficiency Determination issued by the auditor for the Idaho State Tax Commission (Commission) dated November 10, 2003, asserting additional liability for Idaho income tax, penalty, and interest in the total amount of \$160,872 for 1996, and allowing refunds of tax and interest in the total amounts of \$12,363, \$14,674, and \$1,685 for 1997, 1999, and 2000, respectively.

The Petitioners were issued a notice of deficiency determination by the Idaho State Tax Commission [Redacted] The sole issue in this appeal is the extent, if any, to which the petitioners should be entitled to credits for taxes paid to other states. The petitioners have provided copies of amended returns for other states showing that they owe additional taxes to those states. However, the petitioners have not shown that any of the taxes in question have actually been paid to those states.

The petitioners contend that the auditor improperly computed their liability. However, they have failed to provide any factual or statutory basis for this contention.

Idaho Code § 63-3029 provides that the credit shall not exceed the tax paid to the other state. It also provides that, "[t]o substantiate the credit allowed under this section, the state tax commission may require a copy of any receipt showing payment of the income taxes to the other state or a copy of any return or returns filed with such other state, or both." The petitioners have

been asked to provide evidence to show that they have paid the amounts to the other states but have failed to do so.

WHEREFORE, the Notice of Deficiency Determination dated November 10, 2003, is hereby APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER the petitioners to pay the following tax, penalty, and interest (calculated to February 28, 2005):

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1996	\$99,839	\$9,984	\$ 56,290	\$166,113
1997	(8,681)		(4,138)	(12,819)
1999	(16,025)		(5,226)	(21,251)
2000	(1,411)		(349)	<u>(1,760)</u>
				<u>\$130,283</u>

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

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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]  
[REDACTED]

Receipt

[REDACTED]  
[Redacted]  
[REDACTED]

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