

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 18131
[Redacted])	
)	DECISION
Taxpayer.)	
_____)	

On April 19, 2004, the staff of the Sales, Use, and Miscellaneous Tax Audit Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination to [Redacted] (taxpayer), proposing sales tax, use tax, penalty, and interest for the period March 1, 2001, through February 29, 2004, in the total amount of \$121,156.

On June 16, 2004, the taxpayer filed a timely appeal and petition for redetermination. The Commission held an informal hearing with the taxpayer by telephone on January 7, 2005. The Commission, having reviewed the file, hereby issues its decision upholding the auditor's findings in part and reducing the remaining liability based on information received following the issuance of the Notice of Deficiency Determination.

The Multistate Tax Commission (MTC), a joint agency of state governments, conducted the audit for the state of Idaho. According to the MTC lead auditor's report, the taxpayer did not respond to information requests in a timely manner. Thus, the auditor issued a report based on some estimates of liability. Following the request for a hearing, the taxpayer brought additional information to the attention of Idaho's audit and policy staff. Based on this information, the Commission reduced the deficiency.

In a telephone conversation with the taxpayer on June 17, 2005, there was a verbal agreement between the Commission and the taxpayer that the latter owed the liability as modified in this decision.

Absent information to the contrary, the Commission finds the deficiency prepared by the Bureau and subsequently modified to be a reasonably accurate representation of the taxpayer's sales and use tax liability for the period March 1, 2001 through February 29, 2004.

The Bureau added interest and penalty to the sales and use tax deficiency. The Commission found both to be appropriate per Idaho Code sections 63-3045 and 63-3046 and has updated interest accordingly through August 31, 2005.

WHEREFORE, the Notice of Deficiency Determination dated April 19, 2004, is hereby MODIFIED, in accordance with the provisions of this decision 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>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
\$6,495	\$326	\$1,453	\$8,274

Interest is calculated through August 31, and will continue to accrue at the rate set forth in Idaho Code § 63-3045(6) until paid.

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

An explanation of the taxpayer's right to appeal this decision is included with this decision.

DATED this ____ day of _____, 2005.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 2005, 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]

Receipt No.
