

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 18183
[Redacted],)	
)	DECISION
Petitioner.)	
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)	

On May 25, 2004, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination (NODD) to [Redacted] (taxpayer), proposing income tax, penalty, and interest for taxable year 1999 in the amount of \$8,720.

The taxpayer filed a timely protest. He did not request a hearing and did not submit additional information. The Tax Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

[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.

The Bureau prepared a return on behalf of the taxpayer and sent him a NODD based on the figures shown in the records of the Tax Commission and W-2 and 1099 information [Redacted]. Because the taxpayer and his wife did not make the election to file as married filing joint by filing a return, the status of married filing separate was used and the income was split equally pursuant to

Idaho Code.

During a telephone conversation on or about June 17, 2004, the taxpayer said he would file his return. He said he sold his house during 1999 and lived in Idaho for less than half of the year. He said he and his former wife would be filing a return as married filing joint instead of married filing separate. He said he would be contacting an accountant to prepare the missing Idaho return for filing.

The taxpayer sent a written protest, which the Bureau acknowledged by letter wherein the taxpayer was again asked to file the missing return. When the Tax Commission did not receive the missing return, the taxpayer's file was transferred to the Legal/Tax Policy Division of the Tax Commission for administrative review. The taxpayer did not respond to a letter advising him of his appeal rights. The taxpayer met the requirements for filing an Idaho income tax return for 1999. Yet, Tax Commission records show no return has been filed. The Bureau computed the taxpayer's Idaho income tax responsibility using federal income information. He was allowed the standard deduction and one personal exemption. His income was split with his wife according to Idaho Code. Withholding that could be identified in Tax Commission records and a grocery credit reduced the tax amount.

The taxpayer states that he was not a full-year Idaho resident but provided no substantiation. The Tax Commission contacted [Redacted], where the taxpayer presently lives, for the taxpayer's 1999 income tax information. [Redacted] replied that it has no record of a 1999 [Redacted] tax return for the taxpayer. The Tax Commission is left with little choice but to determine the tax based on the [Redacted] records of the Tax Commission. 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 25, 2004, is hereby APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pay the following tax, penalty, and interest for 1999:

<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
\$5,660	\$1,415	\$1,880	\$8,955

Interest is computed through April 2, 2005.

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 _____, 2005.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE BY MAIL

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

Receipt No.
