

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

In the Matter of the Protest of	)	
	)	DOCKET NO. 18229
[Redacted],	)	
	)	DECISION
Petitioner.	)	
_____	)	

On July 23, 2004, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayer), proposing income tax, penalty, and interest for taxable years 1997 through 2002 in the total amount of \$20,131.

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.

Because Tax Commission records showed the taxpayer met the state income tax filing requirements and had not filed an Idaho return for any of the years in question, the Bureau attempted to contact the taxpayer for clarification. The taxpayer did not respond.

[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.

Determining the taxpayer had a requirement to file resident individual income tax returns, the

Bureau prepared returns on his behalf and sent him a Notice of Deficiency Determination. In response to the notice, the taxpayer sent a letter of protest stating: "I would like to protest the determination of the State Tax Commission. On the bases [sic] of I did not include all of my deduction for the years 1997-2002. Thank You"

The Bureau acknowledged the taxpayer's protest and transferred his file to the Legal/Tax Policy Division for administrative review. The Tax Appeals Specialist sent the taxpayer a letter advising him of his appeal rights that was returned as undeliverable by the post office.

Efforts to identify the taxpayer's new address were unsuccessful until the taxpayer's 2004 federal records became available to the Tax Commission. Using the address shown in the taxpayer's 2004 income information [Redacted], the Specialist re-sent the taxpayer's letter advising him of his appeal rights. That letter was not returned by the post office. However, no response was received.

The taxpayer did not deny he had a requirement to file Idaho individual income tax returns for the years 1997 through 2002. He has not filed the returns and has submitted nothing that would cast doubt on the Bureau's determination of Idaho tax that was calculated using the records retained by the [Redacted]and Tax Commission.

The Bureau added interest and penalty pursuant to Idaho Code §§ 63-3045 and 63-3046. The Tax Commission reviewed those additions and found them proper and in accordance with Idaho Code.

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 July 23, 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:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1997	\$1,627	\$407	\$829	\$ 2,863
1998	1,292	323	559	2,174
1999	1,934	484	695	3,113
2000	2,935	734	821	4,490
2001	3,086	772	625	4,483
2002	2,725	681	377	<u>3,783</u>
			TOTAL	<u>\$20,906</u>

Interest is computed through September 30, 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

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] Receipt No.  
[Redacted]\_\_\_\_\_