

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 18579
[REDACTED],)	
)	DECISION
Petitioner.)	
_____)	

On December 6, 2004, the Tax Discovery Bureau (TDB) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NOD) to [Redacted] (petitioner), proposing income tax, penalty, and interest for the years 1997, 1998, 2000, 2001, and 2002 in the total amount of \$17,121.

On February 7, 2005, a timely protest and petition for redetermination was filed by the petitioner. An informal hearing has not been requested by the petitioner. The Commission has reviewed the file, is advised of its contents, and hereby issues its decision affirming the NOD.

The petitioner has failed to file his 1997, 1998, 2000, 2001, and 2002 individual income tax returns. On June 30, 2003, and July 2, 2004, the Tax Discovery Bureau sent a letter with a questionnaire to the petitioner to help the Commission properly determine the petitioner's filing requirement. The petitioner did not respond to these letters, so i[Redacted]. The Commission issued a NOD on December 6, 2004, to the petitioner [Redacted] along with additional information from the petitioners' sales tax returns.

The petitioner's protest letter received via fax on February 7, 2005, stated that he was self-employed with a partnership that would be dissolved March 1, 2005. He stated that he would at that time be able to file accurate tax forms for past years. He said he has an accountant working on it who estimates it will be done April 1, 2005.

On July 5, 2005, the Tax Policy Specialist (policy specialist) sent the petitioner a letter to

inform him of his alternatives for redetermining a protested NOD. A follow-up letter was sent to the petitioner on August 18, 2005. The policy specialist spoke with the petitioner by phone on September 7, 2005, and the petitioner said he would send returns next week. No returns were received.

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 petitioner to show that the tax deficiency is erroneous. Id. Since the petitioner has failed to meet the burden in this case, the Tax Commission finds that the amount shown due on the Notice of Deficiency Determination is correct.

[Redacted] The petitioner has not provided the Commission with a contrary result to the determination of his income [Redacted] Therefore, the Commission must uphold the deficiency.

WHEREFORE, the Notice of Deficiency Determination dated December 6, 2004, is hereby APPROVED, AFFIRMED, and MADE FINAL.

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

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1997	\$ 212	\$ 53	\$ 120	\$ 385
1998	1,501	375	728	2,604
2000	2,027	507	672	3,206
2001	2,593	648	661	3,902
2002	5,608	1,402	1,070	<u>8,080</u>
			TOTAL DUE	<u>\$18,177</u>

Interest is computed through August 1, 2006.

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 enclosed.

DATED this ____ day of _____, 2006.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 2006, 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]

Receipt No.
