

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

In the Matter of the Protest of	)	
	)	DOCKET NO. 19932
[Redacted]	)	
Taxpayer.	)	DECISION
	)	
	)	
	)	

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On November 2, 2006, 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 and use tax and interest for the period May 1, 2002, through April 30, 2005, in the total amount of \$32,922.

In a letter received December 18, 2006, the Taxpayer filed a timely appeal and petition for redetermination. The petition included several disagreements of fact and law that the Taxpayer wished to discuss at a hearing. The Commission held a hearing at the Taxpayer's request on March 7, 2007.

The Commission agreed to make an adjustment to the work papers based on information discussed at the March 7, 2007, hearing. The Taxpayer also made a request that financial hardship be a consideration in compromising this case. Based on its cursory examination of revenue, income, and losses from several past years' income tax returns, the Commission could not form an opinion as to financial hardship *per se* and suggested that the Taxpayer take the matter up with compliance staff employed by the Commission.

The Taxpayer has not provided the Commission with information to establish that the amount asserted is incorrect. As a result, the Commission will uphold the tax deficiency notice, as adjusted, for the period May 1, 2002, through April 30, 2005. A determination of the State Tax Commission is presumed to be correct (*Albertson's, Inc. v. State, Dept. of Revenue*, 106

Idaho 810, 814, 683 P.2d 846, 850 (1984)), and the burden is on the taxpayer to show that the deficiency is erroneous (*Parsons v. Idaho State Tax Commission*, 110 Idaho 572, 574-575 n.2 (Ct. App. 1986)).

Absent information to the contrary, the Commission finds the deficiency prepared and later adjusted to be a reasonably accurate representation of the Taxpayer's sales and use tax liability for the period May 1, 2002, through April 30, 2005.

The Bureau added interest to the sales and use tax deficiency. The Commission reviewed this addition and found it to be appropriate per Idaho Code § 63-3045. Finally, the Commission notes that the Taxpayer has paid the modified amount in full.

WHEREFORE, the Notice of Deficiency Determination dated November 2, 2006, as MODIFIED, is APPROVED, AFFIRMED, and MADE FINAL.

As the Taxpayer has paid in full the amount due on the modified Notice of Deficiency Determination, no further demand for payment is made.

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 2007.

IDAHO STATE TAX COMMISSION

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COMMISSIONER

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, 2007, 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.

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