

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

In the Matter of the Protest of	)	
	)	DOCKET NO. 20290
[REDACTED],	)	
	)	DECISION
Petitioner.	)	
_____	)	

On April 10, 2007, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination (NODD) to [Redacted] proposing income tax, penalty, and interest for taxable years 2003 through 2005 in the total amount of \$2,998.

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

Tax Commission records showed the petitioner (who appeared to have received Idaho sourced income) had not filed Idaho individual income tax returns for the years 2003 through 2005. The bureau sent the petitioner correspondence asking him to complete a questionnaire regarding his residency. The petitioner 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.

When the Bureau did not receive a response from the petitioner, it prepared Idaho returns on behalf of the petitioner for the years in question. The NODD amounts were based on Tax Commission records [Redacted].

The Bureau received a letter of protest from the petitioner stating that they had received their federal and state refunds this year so he thought their tax problems were cleared up. He questioned why his refund was not held to make sure they didn't owe any additional taxes. He said he did not have the money to copy and send the returns until after the fourth of the following month (July).

The Bureau sent the petitioner a letter acknowledging his timely protest and allowing him additional time to have his returns prepared and submitted. When the Bureau did not receive the promised returns, his file was transferred to the Legal/Tax Policy Division of the Tax Commission for administrative review. The petitioner did not answer a letter from the Tax Policy Specialist offering him the opportunity to appear for an informal conference or to submit additional information.

The Tax Commission has received nothing that would suggest the NODD prepared by the Bureau is in error. The penalty and interest additions were calculated in conformity with Idaho Code §§ 63-3045 and 63-3046.

A NODD 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). The petitioner 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 April 10, 2007, 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>
2003	\$649	\$162	\$141	\$ 952
2004	692	173	109	974
2005	832	208	82	<u>1,122</u>
			TOTAL DUE	<u>\$3,048</u>

Interest is computed through October 15, 2007.

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

An explanation of petitioner's right to appeal this decision is enclosed with this decision.

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

IDAHO STATE TAX COMMISSION

\_\_\_\_\_  
COMMISSIONER

#### CERTIFICATE OF SERVICE BY MAIL

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