

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
)
[REDACTED],) DOCKET NO. 19870
)
) DECISION
Petitioner.)
)
_____)

On September 25, 2006, 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 1998, 1999, 2000, 2001, 2002, 2003, and 2004 in the total amount of \$28,074.

A timely protest was filed by the petitioner and his wife. A hearing was not requested by the petitioner. The Commission has reviewed the file, is advised of its contents, and hereby issues its decision modifying the NOD.

The petitioner and his wife failed to file their 1998, 1999, 2000, 2001, 2002, 2003, and 2004 individual income tax returns. On March 11, 2003, and August 23, 2006, the TDB sent a letter with a questionnaire to the petitioner and his wife to help the Commission properly determine the petitioner's filing requirement. Neither the petitioner nor his wife responded to these letters, so [Redacted]. Since both the petitioner and his wife are self-employed, an estimate of sales was made based on their mortgage interest payments. The Commission issued a NOD to the petitioner on September 25, 2006, [Redacted]. [Redacted]

In the protest letter the petitioner and his wife asked for additional time to file returns.

On November 30, 2006, the TDB sent the petitioner a letter which requested that the first delinquent return be filed by January 5, 2007, and another return every three weeks.

On December 28, 2006, the petitioner's wife sent an e-mail requesting additional time to complete the returns.

The petitioner's 1998 individual income tax return was received on February 13, 2007. The petitioner's NOD dated September 25, 2006, was canceled for tax year 1998 only. The tax year 1998 will not be addressed any further in this decision.

On April 4, 2007, the Tax Policy Specialist (policy specialist) sent the petitioner a letter to inform him of the alternatives for redetermining a protested NOD.

In a letter from the petitioner and his wife dated May 4, 2007, they proposed a schedule for filing the tax returns.

A follow-up letter was sent to the petitioner on October 25, 2007. The petitioner did not respond to this letter.

The petitioner has not provided the Commission with information to establish that the amounts asserted in the NOD, as adjusted, are incorrect. As a result, the Commission will uphold the NOD, as adjusted. 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). The burden is on the petitioner to show that the deficiency is erroneous. *Parsons v. Idaho State Tax Commission*, 110 Idaho 572, 574-575 n.2 (Ct. App. 1986).

[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 September 25, 2006, as

MODIFIED, 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>
1999	\$2,845	\$711	\$1,502	\$ 5,058
2000	2,215	554	992	3,761
2001	2,222	556	825	3,603
2002	2,680	670	822	4,172
2003	1,817	454	461	2,732
2004	1,722	431	334	<u>2,487</u>
			TOTAL DUE	<u>\$21,813</u>

Interest is computed through April 18, 2008.

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

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

DATED this _____ day of _____, 2008.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 2008, 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.
