

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 20003
[REDACTED],)	
)	DECISION
Petitioner.)	
_____)	

On December 12, 2006, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination (NODD) to [Redacted] (taxpayer) proposing income tax, penalty, and interest for taxable years 1998 through 2003 in the total amount of \$28,664.

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

When the Bureau could find no record of the taxpayer's 1998 through 2003 Idaho individual income tax returns, the taxpayer was sent a letter advising him of the missing returns and asking him for an explanation. 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.

Because the taxpayer did not file his state income tax returns, the Bureau prepared provisional returns and issued a NODD. The taxpayer protested stating he has been “working on getting things caught up.” He said he has finished 2004 and 2005 and is getting close to finishing 2003. He said he plans to work backwards a year at a time until all of the missing returns have been filed.

The Bureau sent the taxpayer a letter to acknowledge his protest. The taxpayer was allowed further delay; however, when the returns did not arrive as promised, his file was transferred to the Legal/Tax Policy Division of the Tax Commission for administrative review.

In response to a letter advising the taxpayer of his right to submit additional information or request an informal conference, the taxpayer telephoned to say he was sending 2003 now and would send the returns for the other years as he completes them. To date, the Tax Commission has not received the taxpayer’s 2003 Idaho return or any additional information regarding any of the years in question.

The Idaho resident individual income tax returns the Bureau prepared on behalf of the taxpayer were based on income information gleaned from the taxpayer’s federal income records and the records retained by the Tax Commission. The Tax Commission’s information shows the taxpayer had an active sales/use tax permit during all or a portion of the period in question. A filing status of married filing separate was used to determine the taxpayer’s Idaho income tax responsibility.

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).

The taxpayer has provided nothing that would dissuade the Tax Commission from accepting the Bureau's determination of Idaho income and Idaho income tax for tax years 1998 through 2003. The penalty and interest additions were calculated in conformity with Idaho Code §§ 63-3045 and 63-3046.

WHEREFORE, the Notice of Deficiency Determination dated December 12, 2006, 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>
1998	\$2,202	\$551	\$1,290	\$ 4,043
1999	2,246	562	1,152	3,960
2000	3,967	992	1,718	6,677
2001	2,843	711	1,012	4,566
2002	3,675	919	1,072	5,666
2003	3,330	833	796	<u>4,959</u>
			TOTAL DUE	\$29,871

Interest is computed through January 31, 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.
