

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 21344
[REDACTED],)	
)	DECISION
Petitioner.)	
_____)	

On June 13, 2008, 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, 2000 through 2002, 2004, and 2005 in the total amount of \$12,009.

The taxpayer protested the determination and subsequently submitted an Idaho Individual income tax return for taxable year 2005. The return was accepted as filed, and the NODD was cancelled for that year. The Bureau, after further review of all information, also cancelled the NODD for taxable years 1998 and 2000. Taxable years 1998, 2000, and 2005 will not be addressed further in this decision. No information was submitted for taxable years 2001, 2002, or 2004. The Tax Commission, having reviewed the file, hereby issues its decision regarding the aforementioned years.

The taxpayer failed to file his 2001, 2002, and 2004 Idaho individual income tax returns. Because Tax Commission records showed the taxpayer met the state income tax filing requirements and had not filed his Idaho returns for the previously mentioned years, the Bureau attempted to contact him for clarification. The taxpayer did not respond.

[Redacted].

Idaho Code § 63-3045 (1)(a) states:

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.

The Bureau prepared the missing Idaho returns on behalf of the taxpayer and sent him an NODD. The taxpayer appealed the NODD and requested additional time in which to complete the returns. Additional time was granted by the Bureau, but when returns were not received, the file was transferred to the Legal/Tax Policy Division for administrative review.

The taxpayer did not respond to a letter from the tax policy specialist wherein he was advised of his rights regarding his appeal. A follow-up letter sent by the tax policy specialist also went unanswered. Therefore, the Tax Commission decided the matter based upon the information available.

[Redacted].

The Idaho individual income tax returns the Bureau prepared on behalf of the taxpayer were based on income information gleaned from the taxpayer's [Redacted] records and the records retained by the Tax Commission. The taxpayer's withholding of \$144 for taxable year 2002 was identified and allowed to offset a portion of the Idaho income tax due for that year. The penalty and interest additions were calculated in conformity with Idaho Code §§ 63-3045 and 63-3046.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Comm'n, 110 Idaho 572 (Ct. App. 1986). The burden is on the taxpayer to show that the tax deficiency is erroneous. 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 taxable years 2001, 2002, and 2004.

WHEREFORE, the Notice of Deficiency Determination dated June 13, 2008, is hereby MODIFIED, APPROVED, 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>
2001	\$2,871	\$718	\$1,283	\$4,872
2002	776	194	297	1,267
2004	280	70	76	<u>426</u>
			TOTAL DUE	<u>\$6,565</u>

Interest is computed through July 15, 2009.

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 _____, 2009.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 2009, 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.
