

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 21292
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

[Redacted] (petitioner) protests the Notice of Deficiency Determination issued by the auditor for the Idaho State Tax Commission (Commission) dated May 2, 2008, asserting additional liability for Idaho income tax, penalty, and interest in the total amount of \$4,164, \$18,305, and \$19,997 for 2004, 2005, and 2006, respectively.

The petitioner was a nonresident of Idaho during the periods in question. She had Idaho source income from a number of different sources, including several pass-through entities operating exclusively in Idaho and income from an Idaho resident trust. The petitioner did not file Idaho income tax returns for the years in question.

The auditor collected information from the various sources to determine the amount of income that was attributable to Idaho. The auditor computed the liability and issued the Notice of Deficiency Determination referred to above.

During the pendency of this administrative appeal, Idaho Code § 63-3026A which sets forth the definition of Idaho source income for nonresidents was changed by House Bill 471 so as not to include (under the facts present in this case) the income from the Idaho resident trust. This reduced the petitioner's Idaho source income for 2004 and 2005. Therefore, the Notice of Deficiency Determination must be modified to reflect this change.

WHEREFORE, the Notice of Deficiency Determination dated May 2, 2008, is hereby MODIFIED, and as so modified, is APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the petitioner pay the following tax, penalty, and interest (computed to November 30, 2010):

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2004	\$ 2,366	\$ 592	\$ 801	\$ 3,759
2005	12,491	3,123	3,480	19,094
2006	14,975	3,744	3,232	<u>21,951</u>
			TOTAL DUE	<u>\$44,804</u>

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.

DATED this _____ day of _____ 2010.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2010, 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.
