

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 21582
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On October 3, 2008, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to [Redacted] (taxpayer) proposing income tax, penalty, and interest for taxable years 2000 through 2006 in the total amount of \$16,910.

A timely protest and petition for redetermination was filed by the taxpayer. An informal hearing has not been requested by the taxpayer. The Commission has reviewed the file, is advised of its contents, and hereby issues its decision.

The taxpayer and his wife failed to file their 2000 through 2006 individual income tax returns. Because Commission records showed the taxpayers met the state income tax filing requirements and had not filed their Idaho income tax returns for 2000 through 2006, the Bureau attempted to contact them for clarification. The taxpayer nor his wife responded.

[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.

The Bureau prepared the missing Idaho returns on behalf of the taxpayer and sent him an NODD. The taxpayer appealed the NODD. In his protest letter, the taxpayer did not dispute the fact that he had a filing requirement but instead requested additional time in which to complete the returns.

The taxpayer was allowed additional time. When the taxpayer did not deliver the returns to the Commission after the allowed time, his file was transferred to the Legal/Tax Policy Division for administrative review. On November 20, 2009, the taxpayer responded to a letter advising him of his appeal rights stating that all returns would be filed by January 4, 2010. A follow-up email was sent by the policy specialist acknowledging the taxpayer's self-imposed completion date. A second extension of time was allowed by the policy specialist, however, to date, no returns have been received. The time has come for the Commission to decide this matter.

[Redacted].

According to [Redacted], neither the taxpayer, nor his wife, filed [Redacted] income tax returns for 2000 through 2006. If a husband and wife elect to file a joint return [Redacted] they are required to file a joint return for state purposes. When the election to file a joint return isn't made [Redacted], the Commission must issue assessments using the filing status of Married, Filing Separate with income and deductions equally divided between spouses according to Idaho's community property laws.

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 Commission from accepting the Bureau's determination of Idaho income and Idaho income tax for taxable years 2000 through 2006.

WHEREFORE, the Notice of Deficiency Determination dated October 3, 2008, 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>
2000	\$2,348	\$587	\$1,368	\$ 4,303
2001	1,387	347	701	2,435
2002	218	55	96	369
2003	870	218	338	1,426
2004	1,054	264	346	1,664
2005	3,400	850	912	5,162
2006	1,748	437	359	<u>2,544</u>
			TOTAL DUE	<u>\$17,903</u>

Interest is calculated through September 17, 2010.

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 _____ 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.
