

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 22594
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On February 13, 2009, the staff of the Tax Discovery Bureau of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayer) proposing additional income tax, penalty, and interest for taxable year 2005 in the total amount of \$1,347.

On April 14, 2009, the taxpayer filed a timely appeal and petition for redetermination. The taxpayer did not request a hearing. The Tax Commission, having reviewed the file, hereby issues its decision.

[Redacted]. The Bureau reviewed the taxpayer's Idaho return and determined the income was also omitted. The Bureau corrected the taxpayer's 2005 Idaho return and sent the taxpayer a Notice of Deficiency Determination.

[Redacted].

[Redacted].

The Tax Commission sent the taxpayer a letter setting forth two alternative methods for redetermining the Bureau's determination. The taxpayer's representative responded by phone to the letter then called the taxpayer and the taxpayer's son and included them in the call to try and explain the additional income. A formal hearing was not requested. Subsequent to the phone conversation, a follow-up letter was sent by email giving the representative an opportunity to provide additional information for the Tax Commission to consider. No response has been

received. Therefore, the Tax Commission decides the matter based upon the information currently available.

Idaho Code § 63-3002 states in part:

It is the intent of the legislature by the adoption of this act, insofar as possible to make the provisions of the Idaho act identical to the provisions of the Federal Internal Revenue Code relating to the measurement of taxable income, to the end that taxable income reported each taxable year by a taxpayer to the internal revenue service shall be the identical sum reported to this state, subject only to modifications contained in the Idaho law; . . .

Therefore, [Redacted].

As previously stated, [Redacted]. In Idaho, it is well established that a Tax Commission Notice of Deficiency Determination is presumed to be correct, and the taxpayer bears the burden of showing the deficiency is erroneous. Parsons v. Idaho State Tax Commission, 110 Idaho 572, 574-575 n.2, 716 P.2d 1344, 1346-1347 n.2 (Ct. App. 1986); Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810, 814, 683 P.2d 846, 850 (1984). Therefore, the Tax Commission must uphold the Bureau's adjustment to the taxpayer's 2005 Idaho income tax return.

The Bureau added interest and penalty to the taxpayer's tax deficiency. The Tax Commission reviewed those additions and found them appropriate and in accordance with Idaho Code sections 63-3045 and 63-3046, respectively.

WHEREFORE, the Notice of Deficiency Determination dated February 13, 2009, 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>
2005	\$1,079	\$54	\$284	\$1,417

Interest is calculated through August 9, 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.