

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 22908
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On March 22, 2010, 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 2004 through 2008 in the total amount of \$7,252.

On May 18, 2010, the taxpayer filed a timely protest. She did not request a hearing. The Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

Commission records show the taxpayer is an Idaho resident who appears to meet the Idaho individual income tax filing requirements. The Bureau attempted to contact the taxpayer for an explanation of why her 2004 through 2008 Idaho income tax returns had not been filed, but she did not respond to the inquiry.

The Bureau requested and received a transcript of the taxpayer's federal income records from the [Redacted]. The information was provided in accordance with Internal Revenue Code § 6103(d) and Idaho Code § 63-3077.

Idaho Code § 63-3045(1)(a) states in part:

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 her an NODD. The NODD was based on information obtained from [Redacted] and those records retained by the Commission.

The taxpayer protested the Bureau's determination. In her protest letter, the taxpayer did not give a specific reason for the protest but requested an additional sixty days in which to file the requested returns. She also stated that she was more than willing to pay the amount due but would need to make monthly payments.

The timely protest was acknowledged by the Bureau, and a date of June 24, 2010, was given to the taxpayer for completion of her returns. An additional extension of time, until September 17, 2010, was also granted by the Bureau, but returns were not received.

When the taxpayer did not deliver the returns to the Bureau within the allowed time, her file was transferred to the Legal/Tax Policy Division for administrative review. The taxpayer responded to a letter advising her of her appeal rights. She requested an informal hearing by telephone which was scheduled for February 24, 2011. On February 23, 2011, the taxpayer called to re-schedule the hearing. After a brief phone conversation with the tax policy specialist, it was agreed an informal hearing may not be necessary as the taxpayer stated she intended to submit all returns by April 1, 2011. On March 30, 2011, the taxpayer called and requested yet another extension of time to complete her returns. The taxpayer was allowed additional time, until April 29, 2011, but to date, no returns have been filed. The time has come for the Commission to make a decision in this matter.

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 [Redacted] income records and the records retained by the Commission. Withholding was identified for each taxable year shown on the NODD and was allowed to offset a portion of the Idaho income tax due. The interest and penalty added by the Bureau pursuant to Idaho Code §§ 63-3045 and 63-3046 was reviewed and found to be proper and in accordance with Idaho Code.

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). The burden is on the taxpayer to show the deficiency is erroneous. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

The taxpayer failed to file her 2004 through 2008 Idaho individual income tax returns. Absent information to the contrary, the Commission accepts the Bureau's calculation of Idaho income tax, penalty, and interest for those years.

THEREFORE, the Notice of Deficiency Determination dated March 22, 2010, 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>
2004	\$ 686	\$172	\$254	\$1,112
2005	17	10	5	32
2006	731	183	181	1,095
2007	1,408	352	250	2,010
2008	2,427	607	275	<u>3,309</u>
			TOTAL DUE	<u>\$7,558</u>

Interest is calculated through September 9, 2011.

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 _____ 2011.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2011, 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.