

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 23463
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On August 6, 2010, the Sales Tax Audit Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (Notice) to [Redacted] (taxpayer). The Notice proposed additional sales and use tax, penalty, and interest in the total amount of \$145,181 for the taxable period January 1, 2007, through February 28, 2010. The taxpayer filed a timely appeal and petition for redetermination on October 8, 2010, and requested an informal conference, which was held on January 13, 2011.

The Commission, having reviewed the audit file and considered the information obtained at the informal conference, hereby issues its decision.

The protest was limited to a request for settlement based on financial hardship. The taxpayer did not argue any legal or factual issues in the appeal or informal hearing. The taxpayer made a settlement offer at the informal hearing. After reviewing the taxpayer's financial information, the Commission rejected the offer.

The Commission finds the deficiency asserted by the Bureau to be a reasonably accurate representation of the taxpayer's sales and use tax liability for the period in question. A determination of the State Tax Commission is presumed to be correct (Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810, 814, 683 P.2d 846, 850 1984), and the burden is on the taxpayer to show that the deficiency is erroneous (Parsons v. Idaho State Tax Commission, 110 Idaho 572, 574-575 n.2 Ct. App. 1986).

The Commission found that the Bureau appropriately imposed penalty and interest in accordance with Idaho Code §§ 63-3045 and 63-3046.

THEREFORE, the Notice of Deficiency Determination dated August 6, 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>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
\$115,735	\$16,507	\$10,454	\$142,696

A prepayment of \$5,697 was made during the audit process and has been applied to interest first per IDAPA 35.02.01.140.01. Interest is calculated through May 27, 2011, and will continue to accrue until the tax liability has been paid.

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.
