

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 23476
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On August 12, 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 2002 through 2005 in the total amount of \$4,638.

The taxpayer protested the determination. She did not request a hearing or submit additional information. The Commission, having reviewed the file, hereby issues its decision based on information contained in the file.

Information available to the Commission indicated the taxpayer was an Idaho resident who met the individual income tax filing requirements. The Bureau attempted to contact the taxpayer for an explanation of why her 2002 through 2005 Idaho individual income tax returns had not been filed, but she did not respond to the inquiries.

The Bureau requested and received a transcript of the taxpayer's [Redacted] income records from [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:

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 her an NODD. The taxpayer appealed the NODD. The taxpayer requested additional time, which was granted by the Bureau, to complete returns. A subsequent extension of time was also granted, but when returns were not received, the file was transferred to the Legal/Tax Policy Division for administrative review.

The taxpayer did not respond to a letter from the tax policy specialist wherein she was advised of her rights regarding her appeal, nor have returns been submitted. Therefore, the Commission decided the matter based upon the information available.

The information obtained from [Redacted] along with Commission records, showed the taxpayer had income in excess of the filing requirement. The Commission issued an NODD to the taxpayer on August 12, 2010, based on the income information obtained from [Redacted] and that found in Commission records. The taxpayer's withholding of \$1,440, \$1,645, \$1,720, and \$1,069 for taxable years 2002 through 2005, respectively, was allowed to offset a portion of the Idaho income tax due. 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 2002 through 2005.

THEREFORE, the Notice of Deficiency Determination dated August 12, 2010, and directed to [Redacted], is hereby, AFFIRMED.

IT IS ORDERED 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>
2002	\$ 493	\$123	\$244	\$ 860
2003	513	128	227	868
2004	626	157	239	1,022
2005	1,288	322	414	<u>2,024</u>
			TOTAL DUE	<u>\$4,774</u>

Interest is computed through December 23, 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.
