

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 23689
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On November 4, 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 \$9,428.

The taxpayer filed a timely appeal. 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 was 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 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 individual income tax returns on behalf of the taxpayer and sent her an NODD. The NODD was based on information obtained from [Redacted] and records retained by the Commission.

On January 4, 2011, the taxpayer filed a timely protest to the Bureau's determination. The taxpayer did not give a specific reason why she thought the NODD was in error but simply stated she would be hiring an attorney to assist her in this matter.

The Bureau acknowledged the protest on January 6, 2011, and gave the taxpayer an extension of time, until February 3, 2011, in which to have the returns completed. A second extension of time was granted, until April 15, 2011, and a follow-up phone message was left on September 6, 2011, but to date, the returns have not been submitted. The taxpayer's file was transferred to the Legal/Tax Policy Division for administrative review.

The taxpayer did not respond to a letter sent by the tax policy specialist advising the taxpayer of her appeal rights. To date, the Commission has not received the taxpayer's 2004 through 2008 Idaho individual income tax returns or any additional information. The Commission, believing the taxpayer has had more than an adequate amount of time to prepare and submit her income tax returns, decided this matter based on the information available.

The NODD prepared by the Bureau was based on records available to the Commission and information received from [Redacted]. 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. The taxpayer has failed to meet her burden of proving error on the part of the deficiency determination 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 2004 through 2008.

THEREFORE, the NODD dated November 4, 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>
2004	\$1,674	\$419	\$663	\$2,756
2005	1,305	326	439	2,070
2006	1,054	264	288	1,606
2007	778	195	158	1,131
2008	1,585	396	221	<u>2,202</u>
			TOTAL DUE	<u>\$9,765</u>

Interest is calculated through May 2, 2012.

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 _____ 2012.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2012, 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.
