

**BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO**

In the Matter of the Protest of	)	
	)	DOCKET NO. 23896
[Redacted],	)	
	)	
Petitioner.	)	DECISION
_____	)	

On November 28, 2008, the Sales and Use 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 tax, use tax, penalty, and interest in the total amount of \$16,170 for taxable periods March 2005 through October 2007.

The taxpayer filed a timely appeal and petition for redetermination on January 27, 2009. The petition asserted that the taxpayer had additional documentation to submit to the Commission that would result in a reduction in the liability.

In working with the taxpayer, the Bureau agreed to adjust the Notice based on additional documentation and information provided by the taxpayer. The adjustment reduced the Notice to additional sales tax, use tax, penalty, and interest in the total amount of \$14,160 for taxable periods March 2005 through October 2007. The Commission accepts this adjustment as determined by the Bureau.

On March 29, 2011, the case was transferred to the Legal/Tax Policy Division for administrative review of the remaining protest issues.

On August 31, 2011, the Commission held an informal hearing with the taxpayer. At the hearing, the taxpayer's owner confirmed that he did not have any further legal or factual argument against the adjusted deficiency. He did express a desire to make a settlement offer on the basis of economic hardship.

In the months following the informal hearing, the taxpayer made two settlement offers, both of which were rejected by the Commission.

Since the Bureau adjusted the Notice, the taxpayer has not provided the Commission with further legal or factual information to establish that the amount asserted in the Notice is incorrect. 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.) Absent information to the contrary, the Commission finds the Notice prepared by the Bureau to be a reasonably accurate representation of the taxpayer's sales and use tax liability for the period in question.

THEREFORE, the Notice dated November 28, 2008, and directed to [Redacted], is AFFIRMED as MODIFIED by this decision.

IT IS ORDERED that the taxpayers pay the following amount of tax, penalty, and interest:

	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
SALES TAX	\$7,653	\$0	\$2,408	\$10,061
USE TAX	4,393	0	1,543	<u>5,936</u>
			TOTAL DUE	<u>\$15,997</u>

Interest is calculated through May 31, 2012, and will continue to accrue until the entire 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 \_\_\_\_\_ 2012.

IDAHO STATE TAX COMMISSION

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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.