

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 24623
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

[Redacted] (petitioner) protests the Notice of Deficiency Determination (NODD) issued by the auditor for the Idaho State Tax Commission (Commission) dated October 5, 2011. The NODD asserted additional liability for Idaho income tax, penalty, and interest in the total amount of \$30,678 for 2006.

From the record before the Commission, it appears that the petitioner was domiciled in the state of [Redacted] during 2006. The petitioner sold Idaho real property during 2006 for \$273,000. The Tax Commission staff wrote to the petitioner requesting additional information, but received no response. Accordingly, the staff issued the Notice of Deficiency Determination referred to above deeming the entire sales price to be gain from the sale of the property. The petitioner filed a protest to the NODD and submitted the additional information to allow the gain to be properly calculated. After reflecting the additional information furnished by the petitioner, the liability was reduced to \$6,115 including interest calculated to February 29, 2012.

Another part of the petitioner's protest is that the gain is not taxable due to a large capital loss that the petitioner carried forward from 2005. For [Redacted] purposes, this loss offset the entire capital gain from the sale of the Idaho property. However, there is no showing that any part of this capital loss was from losses from the disposition of assets located in Idaho. Accordingly, the loss is not available to offset any portion of the Idaho source gain in question.

During this administrative appeal, the petitioner has not provided additional information indicating that the reduced amount is incorrect. Accordingly, the Commission finds that this modified determination should be affirmed.

THEREFORE, the NODD dated October 5, 2011, is hereby MODIFIED, and as so MODIFIED, is APPROVED, AFFIRMED, AND MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the petitioner pay the following tax, penalty, and interest (computed to February 28, 2013):

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2006	\$4,032	\$1,008	\$1,229	\$6,269

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.
