

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

In the Matter of the Protest of	)	
	)	DOCKET NO. 24992
[Redacted],	)	
	)	
Petitioners.	)	DECISION
_____	)	

BACKGROUND

On October 7, 2011, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to [Redacted] (Petitioners) proposing income tax, penalty, and interest for taxable years 2003 through 2005 in the total amount of \$3,170. On October 31, 2011, the Petitioners filed a timely protest and pointed out the fact that they were not married until 2004. Both spouses agreed to file 2003 separately and subsequently did so. On January 25, 2012, a letter was sent to the Petitioners modifying the NODD by removing the 2003 year. The balance due remaining for income tax, penalty, and interest for taxable years 2004 and 2005 was \$2,760. The Petitioners requested an extension of time through February 19, 2012. No returns were received by that date. The file was transferred to the Tax Policy Division on June 1, 2012, for resolution.

DISCUSSION

This is a non-filer case. The Petitioners did not submit Idaho individual income tax returns for taxable years 2003 through 2009. The Bureau sent the Petitioners each a letter dated February 28, 2011, notifying them of the missing returns. When no response was received to the initial letter, the Bureau obtained a transcript of the taxpayer's [Redacted] income records [Redacted]. [Redacted]. The Petitioners were each sent a letter, on May 4, 2011, warning them of a deficiency assessment.

On October 7, 2011, the Bureau issued an NODD based on information obtained [Redacted]. There was no evidence discovered of tax liability for the other years.

On June 5, 2012, the Commission sent the Petitioners a letter that explained the methods available for redetermining an NODD. The Petitioners did not respond. A second letter was sent on July 16, 2012, instructing the Petitioners to respond no later than August 15, 2012. No response was made by the Petitioners, and no Idaho income tax returns have been filed for years 2005 through 2009.

### CONCLUSION

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. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

The Petitioners failed to file their 2004 and 2005 Idaho individual income tax returns. Having presented no information in support of their position, the Petitioners have failed to meet their burden of proving error on the part of the deficiency determination. Absent information to the contrary, the Commission accepts the Bureau's calculation of Idaho income tax, penalty, and interest for those years.

THEREFORE, the NODD dated October 7, 2011, corrected on January 25, 2012, and directed to [Redacted] is hereby AFFIRMED.

IT IS ORDERED and THIS DOES ORDER that the Petitioners pay the following tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2004	\$380	\$ 95	\$160	\$635
2005	1,354	339	485	<u>2,178</u>
			TOTAL DUE	<u>\$2,813</u>

Interest is calculated through November 30, 2012.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of the Petitioners' right to appeal this decision is enclosed. As set forth in the enclosed explanation, the Petitioners must deposit with the Commission 20 percent of the total amount due in order to appeal this decision.

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.  
  
\_\_\_\_\_