

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
[Redacted],) DOCKET NO. 25013
)
)
Petitioner.) DECISION
)
_____)

On January 17, 2012, 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 and 2006 in the total amount of \$18,340.

Commission records indicate the taxpayer appears to be an Idaho resident who meets the Idaho individual income tax filing requirements. The Bureau attempted to contact the taxpayer for an explanation of why his 2004 and 2006 Idaho returns had not been filed, but he did not respond.

The Bureau prepared the missing Idaho returns on behalf of the taxpayer and sent him an NODD. The NODD was based on information obtained from [Redacted] and those records retained by the Commission.

On March 19, 2012, the taxpayer filed a timely protest. His appeal letter states, "I don't believe this is correct. I can't find my records that far back and am still looking. Under freedom of information law I need to see anything you have so I can defend myself. Any attempt to collect anything without a judgment under due process would be a violation of law and constitutional secured rights." Copies of all [Redacted] income information, income information in Commission records, and all documentation contained in the audit file were sent to the taxpayer. Along with this information, the Bureau included a letter acknowledging the taxpayers protest and requesting returns be submitted by April 20, 2012. On April 20, 2012, the Bureau

received correspondence from the taxpayer stating he was unable to provide his tax form, “due to the fact that I am still in litigation with the [Redacted] over their so called claim and jurisdiction to make such a claim.” The Bureau then referred the matter to the Legal/Tax Policy Division for administrative review

The Commission sent the taxpayer a letter that explained the methods available for redetermining a Notice of Deficiency Determination, but no response was received. Therefore, the Commission decides the matter based upon the information available.

[Redacted].

The Idaho resident individual income tax returns the Bureau prepared on behalf of the taxpayer were based on income information gleaned from the taxpayer’s [Redacted] income records and the records retained by the Commission. For taxable year 2004, the taxpayer’s Idaho adjusted gross income consisted entirely of income reported to the taxpayer on forms 1099. For taxable year 2006, the taxpayer’s Idaho adjusted gross income was comprised of 1099 income along with an estimate of gross sales from the taxpayer’s [Redacted] business, [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. Albertson’s, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

The taxpayer failed to file his 2004 and 2006 Idaho individual income tax returns. Having presented no information in support of his argument, the taxpayer has failed to meet his 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 January 17, 2012, and directed to [Redacted] is hereby AFFIRMED and MADE FINAL.

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	\$5,845	\$1,461	\$2,450	\$ 9,756
2006	5,756	1,439	2,066	<u>9,261</u>
			TOTAL DUE	<u>\$19,017</u>

Interest is calculated through November 27, 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.
