

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

In the Matter of the Protest of )  
[Redacted], ) DOCKET NO. 25023  
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 )  
Petitioner. ) DECISION  
 )  
\_\_\_\_\_ )

On March 12, 2012, the Tax Discovery Bureau issued a Notice of Deficiency Determination (NODD) to [Redacted] (taxpayer) proposing additional income tax, penalty, and interest for taxable year 2008 in the total amount of \$266,698.

On March 22, 2012, the Bureau received additional information from the taxpayer and the NODD was modified. The additional information was [Redacted] income tax return information which the Bureau treated as an appeal of the NODD. The Bureau acknowledged the taxpayer’s protest, and in the same correspondence, informed the taxpayer of the modifications to the NODD and informed him of income that remained unaccounted for on the returns submitted. The taxpayer contacted the Bureau and stated he was meeting with an accountant and would be submitting a revised 2008 income tax return. When the revised return was not submitted as promised, the taxpayer’s file was transferred to the Legal/Tax Policy Division for continuation of the appeals process.

The Commission sent the taxpayer a letter giving him two alternative methods for having the NODD redetermined. The taxpayer did not request a hearing but did provide additional information for the Commission’s consideration. The Commission, having reviewed the file and all corresponding information, hereby issues its decision modifying the NODD.

Idaho Code § 63-3002 states the intent of the Idaho Legislature regarding the Idaho Income Tax Act. It states that the Idaho Income Tax Act is to be identical to the Internal

Revenue Code as it relates to the measurement of taxable income, in so much as the taxable income reported to Idaho is the same as that reported to the IRS, subject to the modifications contained in the Idaho law. Following the cited code section, the Commission compared the information provided by the taxpayer to the latest [Redacted] transcript and hereby modifies the NODD prepared by the Bureau to match the filing status, exemption amount, and adjusted gross income as shown in [Redacted] records. W-2s issued to the taxpayer were researched, but no withholding could be identified.

The Bureau added interest and penalty to the NODD per Idaho Code §§ 63-3045 and 63-3046. The Commission reviewed those additions and found them proper and in accordance with the Idaho Code.

THEREFORE, the NODD dated March 12, 2012, is hereby MODIFIED, in accordance with the provisions of this decision and, as so MODIFIED, is APPROVED 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>
2008	\$ 5,869	\$ 1,467	\$965	\$8,301

Interest is computed to December 20, 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

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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.

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