

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
)
[Redacted],) DOCKET NO. 25024
)
)
Petitioners.) DECISION
)
_____)

BACKGROUND

On November 4, 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 2005 through 2009 in the total amount of \$35,435. On January 12, 2012, the taxpayer filed a timely protest.

DISCUSSION

This is a non-filer case. The Petitioners did not submit Idaho individual income tax returns for taxable years 2005 through 2009. The Bureau sent the Petitioners each a letter, dated May 14, 2010, 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 from [Redacted]. [Redacted]. The Petitioners were each sent a letter with a preliminary deficiency assessment on April 18, 2011.

On May 31, 2011, the Bureau issued an NODD based on information obtained [Redacted]. The Bureau later discovered a previously unreported Schedule C business, cancelled the original NODD, and issued a revised NODD on November 4, 2011.

The Petitioners filed a protest on January 12, 2012, requesting more time to file corrected returns. The Bureau contacted the Petitioners in March 2012, and the Petitioners requested more time. The file was sent to the Tax Policy Division on June 13, 2012, for resolution.

On June 25, 2012, the Commission sent the taxpayer a letter that explained the methods available for redetermining an NODD. The Petitioners did not respond. A second letter was sent on July 25, 2012, instructing the Petitioners to respond no later than August 15, 2012. No response was made by the Petitioners. No Idaho income tax returns have been filed for years 2005 through 2009.

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 2005 through 2009 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.

CONCLUSION

THEREFORE, the NODD dated November 4, 2011, and directed to [Redacted] is hereby AFFIRMED.

IT IS ORDERED and THIS DOES ORDER 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>
2005	\$2,125	\$531	\$762	\$ 3,418
2006	4,173	1,043	1,238	6,454
2007	5,828	1,457	1,319	8,604
2008	5,424	1,356	880	7,660
2009	7,479	1,870	839	<u>10,188</u>
			TOTAL DUE	<u>\$36,324</u>

Interest is calculated through November 30, 2012.

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

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.
