

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
) DOCKET NO. 24875
[Redacted],)
)
)
Petitioner.) DECISION
)
_____)

[Redacted] (Petitioner) protested the Notice of Deficiency Determination dated June 28, 2011, asserting income tax, penalty, and interest for taxable years 2005 through 2009 in the total amount of \$9,612. Petitioner disagreed with the Tax Discovery Bureau’s determination of her Idaho taxable income for each of the years. The Tax Commission, having reviewed the file, hereby issues its decision.

BACKGROUND

As part of the review of the Tax Commission’s records, the Tax Discovery Bureau (Bureau) found that Petitioner stopped filing Idaho individual income tax returns after filing her 2004 income tax return. The Bureau reviewed other information available to the Tax Commission and found Petitioner likely had a requirement to file Idaho income tax returns for taxable years 2005 through 2009. The Bureau sent Petitioner a letter asking about her requirement to file Idaho individual income tax returns. When Petitioner failed to respond, the Bureau obtained additional information from the [Redacted] and determined Petitioner was required to file Idaho income tax returns. The Bureau prepared income tax returns for Petitioner and sent her a Notice of Deficiency Determination.

Petitioner protested the Bureau's determination stating she would file her past due income tax returns. The Bureau allowed Petitioner additional time to submit her returns, but after numerous correspondence and missed deadlines for submitting Petitioner's returns, the Bureau referred the matter for administrative review.

The Tax Commission reviewed the matter and sent Petitioner a letter discussing the methods available for redetermining a protested Notice of Deficiency Determination. Petitioner failed to respond to the Tax Commission initial letter, but she did respond to the follow-up letter. Petitioner stated her returns for the years in question had been filed as well as subsequent years' returns so that now she was current with her income tax filing requirement. Petitioner did not send her returns to either the legal staff or the audit staff, so the Tax Commission reviewed its records and found that the questioned returns were received by a Tax Commission field office, and then sent for processing.

CONCLUSION

The Tax Commission reviewed Petitioner's income tax returns and found the returns represented Petitioner's taxable income better than the returns prepared by the Bureau. Therefore, the Tax Commission accepts Petitioner's income tax returns in lieu of the returns the Bureau prepared.

The Bureau added penalty and interest to Petitioner's Idaho tax liability. The Tax Commission reviewed those additions and found them applicable to the tax due amounts as determined on Petitioner's income tax returns. *See* Idaho Code sections 63-3045 and 63-3046.

THEREFORE, the Notice of Deficiency Determination dated June 28, 2011, and directed to [Redacted] is **AFFIRMED AS MODIFIED** by this decision.

IT IS ORDERED that Petitioner pay the following tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>REFUND</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2005	\$ 154		\$ 39	\$ 58	\$ 251
2006	236		59	74	369
2007	4,405		1,101	1,071	6,577
2008		31	0	0	(31)
2009	611		153	84	<u>848</u>
				TOTAL	\$8,014
				PAYMENT	<u>6,363</u>
				BALANCE DUE	<u>\$1,651</u>

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

An explanation of the Petitioner's right to appeal this decision is enclosed.

DATED this _____ day of _____ 2013.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2013, 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.
