

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 25332
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On May 25, 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 2006, 2007, and 2009 in the total amount of \$2,321.

The taxpayer protested the determination. He did not request a hearing or submit additional information. The Commission, having reviewed the file, hereby issues its decision based on information contained in the file.

Information available to the Commission indicated the taxpayer was not a resident of Idaho, but did meet the individual income tax filing requirements for a non-resident. The Bureau attempted to contact the taxpayer for an explanation of why his 2006, 2007, and 2009 non-resident Idaho individual income tax returns had not been filed, but he did not respond to the inquiries.

The taxpayer's [Redacted] income records were made available to the Commission pursuant to Internal Revenue Code § 6103(d) and Idaho Code § 63-3077. The Bureau determined the taxpayer's income required him to file Idaho non-resident individual income tax returns for all of the years at issue.

Idaho Code § 63-3045 (1)(a) states:

Notice of redetermination or deficiency -- Interest. (1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the

taxpayer by registered or certified mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

Because the Commission's files did not include the taxpayer's Idaho non-resident individual income tax returns for the aforementioned years, the Bureau prepared the returns on the taxpayer's behalf and issued an NODD. The NODD was based on the information received from [Redacted] and those records retained by the Commission.

The taxpayer appealed the determination and his file was transferred to the Legal/Tax Policy Division for administrative review. The taxpayer did not respond to a letter from the tax policy specialist that outlined his appeal rights.

In the protest letter sent by the taxpayer, he simply stated he was currently working on federal returns for the aforementioned years and upon completion, would then submit Idaho returns. To date, no returns have been received and there has been no further response from the taxpayer other than his appeal letter.

Withholding in the amount of \$1,925 for taxable year 2006; \$1,986 for taxable year 2007; and \$403 for taxable year 2009 was identified and reduced each year's tax due amount. Interest and penalty were added pursuant to Idaho Code §§ 63-3045 and 63-3046. The Commission reviewed those additions and found them proper and in accordance with Idaho Code.

An NODD issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Comm'n, 110 Idaho 572 (Ct. App. 1986). The burden is on the taxpayer to show that the tax deficiency is erroneous. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

The taxpayer has failed to file Idaho non-resident individual income tax returns for the years in question. Absent information to the contrary, the Commission accepts the Bureau's calculation of Idaho income tax, penalty, and interest for taxable years 2006, 2007, and 2009.

THEREFORE, the Notice of Deficiency Determination dated May 25, 2012, and directed to [Redacted], is hereby APPROVED and MADE FINAL.

IT IS ORDERED that the taxpayer pays the following tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2006	\$ 473	\$ 118	\$147	\$738
2007	682	171	165	1,018
2009	441	110	56	607
			TOTAL DUE	<u>\$2,363</u>

Interest is calculated through May 22, 2013.

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 _____ 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.
