

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 25396
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On October 11, 2011, 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 2002 through 2009 in the total amount of \$16,159.

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.

The taxpayer failed to file his 2002 through 2009 individual income tax returns. Because Commission records show the taxpayer met the state income tax filing requirements, and had not filed his Idaho returns for the years in question, the Bureau attempted to contact him for clarification. The taxpayer did not respond.

The Bureau requested and received a transcript of the taxpayer's [Redacted] income records from the [Redacted]. The information was provided in accordance with Internal Revenue Code § 6103(d) and Idaho Code § 63-3077.

Idaho Code § 63-3045 (1)(a) states:

63-3045. 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.

The Bureau prepared the missing Idaho returns on behalf of the taxpayer and sent him an NODD. The taxpayer appealed the NODD. The taxpayer requested additional time, which was granted by the Bureau, to complete returns. A subsequent extension of time was granted, but when returns were not received, the 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. The taxpayer did not request a hearing and has not provided any additional documentation for the Commission's consideration. To date, the taxpayer's 2002 through 2009 Idaho income tax returns have not been received. The time has come for the Commission to decide this matter.

The information obtained from [Redacted] along with Commission records, shows the taxpayer had income in excess of the filing requirement. The Commission issued an NODD to the taxpayer based on the income information obtained from the IRS and that found in Commission records. Withholding was identified for each of the years contained in the NODD and was allowed to offset a portion of the Idaho income tax due. The penalty and interest additions were calculated in conformity with Idaho Code §§ 63-3045 and 63-3046.

A Notice of Deficiency Determination 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 provided nothing that would dissuade the Commission from accepting the Bureau's determination of Idaho income and Idaho income tax for taxable years 2002 through 2009.

THEREFORE, the Notice of Deficiency Determination dated October 11, 2011, 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>
2002	\$1,234	\$309	\$678	\$2,221
2003	1,253	313	622	2,188
2004	1,277	319	557	2,153
2005	1,289	322	485	2,096
2006	1,363	341	396	2,100
2007	1,300	325	317	1,942
2008	1,386	347	249	1,982
2009	1,473	368	190	<u>2,031</u>
			TOTAL DUE	<u>\$16,713</u>

Interest is computed through June 14, 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.
