

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 25533
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On July 6, 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 2007 through 2010 in the total amount of \$8,081.

The taxpayer protested the determination. The Commission, having reviewed the file, hereby issues its decision based on information contained in the file.

The taxpayer failed to file his 2007 through 2010 Idaho individual income tax returns. Because Commission records showed the taxpayer met the state income tax filing requirements, and had not filed his Idaho returns for the previously mentioned years, 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:

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 first class 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 stating it was incorrect because for taxable years 2007 through 2009, he was not allowed dependent exemptions for his children, and for taxable year 2010, the filing status, and total amount of exemptions were incorrect. Additional time to complete the returns was granted by the Bureau, but when returns were not received, the file was transferred to the Legal/Tax Policy Division for administrative review.

To date, the taxpayer has not submitted returns for the taxable years shown on the NODD and has failed to maintain communications with the Commission. The Commission, believing the taxpayer has had more than adequate time in which to prepare and submit his returns, hereby issues its decision based upon the information available.

The Idaho individual income tax returns the Bureau prepared on behalf of the taxpayer were based on income information gleaned from the taxpayer's federal income records and the records retained by the Commission. Without information to indicate otherwise, a filing status of single, with one personal exemption, was used to calculate the amount of Idaho income tax due. The taxpayer's withholding of \$709, \$712, \$498 and \$457 respectively for taxable years 2007, 2008, 2009 and 2010, was identified and allowed to offset a portion of the Idaho income tax due for each year. 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 2007 through 2010.

THEREFORE, the Notice of Deficiency Determination dated July 6, 2012, is hereby APPROVED and MADE FINAL.

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

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2007	\$1,244	\$306	\$303	\$1,853
2008	1,688	422	309	2,419
2009	1,572	393	209	2,174
2010	1,366	342	118	<u>1,826</u>
			TOTAL DUE	<u>\$8,272</u>

Interest is computed through August 1, 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.
