

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 25877
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On April 24, 2013, 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 2011 in the total amount of \$15,302.

The taxpayer protested the determination, but did not request a hearing, and has not provided any additional information for the Commission’s consideration. The Commission, having reviewed the file, hereby issues its decision.

The taxpayer failed to file his 2007 through 2011 Idaho individual income tax returns. Because Commission records show the taxpayer met the state income tax filing requirements and he 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] ([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 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 in his protest letter, that the NODD was incorrect because it showed a filing status of single with one exemption. The taxpayer stated he had been married for many years and has two children that he is entitled to claim as dependent exemptions. The taxpayer acknowledged that he had not filed Idaho income tax returns for the years shown on the NODD and stated that he would remedy that problem promptly. The taxpayer requested additional time in which to submit returns, which was granted by the Bureau. When returns were not received as promised, 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. A follow-up letter was sent, but also went unanswered. To date, the taxpayer has not submitted Idaho individual income tax returns for taxable years 2007 through 2011. The time has come for the Commission to decide this matter.

The information obtained from the [Redacted] along with Commission records, shows the taxpayer had income in excess of the filing requirement. The Commission issued an NODD to the taxpayer on April 24 2013, based on the income information obtained from the [Redacted] and that found in Commission records. The taxpayer's withholding of \$18, \$98, \$76, \$1 and \$107 for taxable years 2007 through 2011, respectively, 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 2007 through 2011.

THEREFORE, the Notice of Deficiency Determination dated April 24, 2013, and directed to [Redacted], is hereby, APPROVED and MADE FINAL.

IT IS ORDERED 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>
2007	\$ 638	\$160	\$168	\$ 966
2008	2,671	668	533	3,872
2009	2,629	657	393	3,679
2010	2,465	616	252	3,333
2011	2,790	698	173	<u>3,661</u>
			TOTAL DUE	<u>\$15,511</u>

Interest is computed through February 14, 2014.

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.
