

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
[Redacted],) DOCKET NO. 25944
)
)
Petitioners.) DECISION
)
_____)

BACKGROUND

On March 18, 2013, the Tax Discovery Bureau (TDB) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to [Redacted](Petitioners) proposing income tax, penalty, and interest for taxable years 2006 through 2010, in the total amount of \$14,687. On May 16, 2013, the Petitioners filed a timely protest. On September 13, 2013, the file was transferred to the Legal/Tax Policy Division for resolution. On October 15, 2013, the Commission sent the Petitioners a letter explaining their rights and the protest process. On March 13, 2014, a second letter was sent reminding the Petitioners of the need to respond.

ISSUES

1. Whether the tax liability was calculated correctly by the TDB for taxable years 2006 through 2010.

DISCUSSION

The Petitioners did not submit Idaho individual income tax returns for taxable years 2006 through 2010. The Bureau sent the Petitioners a letter, dated July 6, 2012, notifying them of the missing returns. The Petitioners responded, confirming that they did have a filing requirement, but did not file the missing returns. The Bureau obtained information from the [Redacted]. The Bureau requested, and received, a transcript of the taxpayer's [Redacted] income records from

[Redacted]. [Redacted]. The Petitioners were sent a letter on November 2, 2012, warning of a deficiency assessment.

On March 18, 2013, the Bureau issued an NODD based on information obtained from [Redacted].

On October 15, 2013, the Commission sent the Petitioner a letter that explained the methods available for redetermining an NODD. The Petitioners did not respond. A second letter was sent on March 13, 2014. The Petitioners called and asked for another month to file. Recent attempts at contacting the Petitioners were unsuccessful.

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

The Petitioners did not file their 2006 through 2010 Idaho individual income tax returns. Having presented no information in support of their position, the Petitioners did not meet their burden of proving error on the part of the deficiency determination. Absent information to the contrary, the Commission accepts Audit's calculation of Idaho income tax, penalty, and interest for those years.

THEREFORE, the NODD dated March 18, 2013, and directed to [Redacted] & [Redacted] is hereby AFFIRMED.

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
12/31/06	\$2,146	\$537	\$782	\$ 3,465
12/31/07	1,750	438	512	2,700
12/31/08	2,322	581	532	3,435
12/31/09	2,293	573	413	3,279
12/31/10	1,690	423	227	<u>2,340</u>
			TOTAL	<u>\$15,219</u>

Interest is calculated through November 14, 2014, and will continue to accrue at the rate set forth in Idaho Code section 63-3045.

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

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

DATED this _____ day of _____ 2014.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2014, 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.
