

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
)
[Redacted],) DOCKET NO. 1-192-218-624
)
)
Petitioner.) DECISION
)
_____)

On June 19, 2014, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to [Redacted] (petitioner) proposing tax, penalty, and interest for taxable years 2009 through 2012 in the total amount of \$69,076.

The petitioner filed a timely protest. He did not request an informal conference and has not provided any additional information for consideration. Therefore, the Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

The petitioner and his wife failed to file their 2009 through 2012 Idaho individual income tax returns. Because Commission records show the petitioners met the state income tax filing requirements and had not filed their Idaho income tax returns for the aforementioned years, the Bureau attempted to contact them for clarification. The petitioners did not respond. The Bureau requested, and received, a transcript of petitioner's [Redacted] income tax records from the [Redacted]. The information was provided in accordance with Internal Revenue Code § 63-6103(d) and Idaho Code § 63-3077.

Because the petitioner did not file state income tax returns, the Bureau prepared provisional returns and issued an NODD. On August 22, 2014, the Bureau received a letter of protest from petitioner. Petitioner stated the tax due shown on the NODD is not accurate and does not contain factual information regarding his income and expenses. The petitioner further

stated that he would be filing returns for the years shown in the NODD and that his completed returns would considerably reduce the amount of tax due. The Bureau acknowledged petitioner's protest and allowed him an extension of time to prepare and submit the returns. When the returns did not arrive after the extension of time expired, the Bureau forwarded the file to the Legal/Tax Policy Division for continuation of the appeals process.

The Tax Policy Specialist sent petitioner a letter that explained his right to appeal. Petitioner did not respond. Therefore, the Commission, believing petitioner has been given an adequate amount of time to file his missing Idaho individual income tax returns, decides this matter based upon the information presently contained in the file.[Redacted]

The [Redacted]and his wife had[Redacted]. The Commission issued an NODD to the petitioner and his wife, based[Redacted] and that found in Commission records.

According to the [Redacted], neither the petitioner, nor his spouse, filed [Redacted] income tax returns for taxable years 2009 through 2012. If a husband and wife elect to file a joint return for [Redacted] purposes, they are required to file a joint return for state purposes. When the election to file a joint return wasn't made on the [Redacted] return, the Commission must issue assessments using the filing status of Married, Filing Separate, with income and deductions equally divided between spouses according to Idaho's community property laws.

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 petitioner has provided nothing that would dissuade the Commission from accepting the Bureau's determination of Idaho income and Idaho income tax for taxable years 2009 through 2012.

THEREFORE, the Notice of Deficiency Determination dated June 19, 2014, and directed to [Redacted], is hereby APPROVED and MADE FINAL.

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

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2009	\$ 1,730	\$ 433	\$ 392	\$ 2,555
2010	1,069	267	196	1,532
2011	21,735	5,434	3,010	30,179
2012	27,860	6,965	2,825	<u>37,650</u>
			TOTAL DUE	<u>\$71,916</u>

Interest is calculated through January 1, 2016.

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

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

DATED this _____ day of _____ 2015.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2015, 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.
