

did not file a 2007 [Redacted] income tax return. Therefore, the Bureau prepared income tax returns for Petitioners and sent them a Notice of Deficiency Determination.

Petitioners protested the Bureau's determination. Petitioners stated they agreed they did not file state income tax returns. Petitioners stated they did not have the money. Petitioners stated they lived in [Redacted] in 2007 and [Redacted] withholdings were taken from their wages. Petitioners stated [Redacted] had health problems and their financial position was strained. Petitioners stated they would like to get this matter settled, but they have nothing to sell to pay a lump sum. Petitioners stated they were going to seek professional advice.

The Bureau allowed Petitioners additional time and attempted contact over the next several months. Shortly after the Bureau's last mailing to Petitioners, Petitioners' daughter contacted the Bureau and left a message that [Redacted] passed away. She also stated that she would take over to settle the matter. The Bureau attempted to contact Petitioners' daughter, but had little success. Therefore, the Bureau referred the matter for administrative review.

The Tax Commission reviewed the matter and sent Petitioners a letter that discussed the methods available for redetermining a protested Notice of Deficiency Determination. Petitioners did not respond. The Tax Commission sent a follow-up letter to [Redacted], but still received no response. Seeing that Petitioners have had ample opportunity to provide additional information and/or income tax returns, the Tax Commission decided the matter based upon the information available.

LAW AND ANALYSIS

Idaho Code section 63-3030 states the income thresholds for filing Idaho individual income tax returns. The Bureau received information that Petitioners' income exceeded the threshold for resident individuals for taxable years 2004, 2006, 2007, and 2008. Petitioners did

not disagree they were required to file Idaho individual income tax returns and there was no indication Petitioners disagreed with the amounts of taxable income as determined by the Bureau. Petitioners' only argument was that they did not have the money.

The Bureau's determination of Petitioners' Idaho taxable income came from forms 1099 and W-2 Wage and Tax statements for taxable year 2007. Petitioners' Idaho taxable income for 2004, 2006, and 2008 came from Petitioners' [Redacted] income tax returns. The Bureau allowed Petitioners their personal exemption deductions and the standard deduction for married filing joint. The Bureau also credited Petitioners the allowable grocery credit and any payments Petitioners made towards their Idaho tax.

Petitioners failed to provide any information contrary to the Bureau's determination. Petitioners made no further contact with the Tax Commission. In Idaho, a State Tax Commission deficiency determination is presumed to be correct and the burden is on the taxpayer to show that the deficiency is erroneous. Parsons v. Idaho State Tax Commission, 110 Idaho 572, 574-575 n.2, 716 P.2d 1344, 1346-1347 n.2 (Ct. App. 1986). Petitioners did not meet their burden. Since Petitioners' income exceeded Idaho's threshold for filing an individual income tax return, Petitioners were required to file 2004, 2006, 2007, and 2008 Idaho income tax returns.

The Tax Commission reviewed the returns the Bureau prepared for Petitioners and, considering the information available, found them to be an accurate representation of Petitioners' Idaho taxable income for the taxable years in question.

CONCLUSION

Petitioners received income in excess of Idaho's filing requirements in 2004, 2006, 2007, and 2008. Petitioners were required to file Idaho individual income tax returns for those taxable

years. Petitioners did not contest their requirement to file Idaho income tax returns; Petitioners simply did not have the money.

Petitioners failed to present anything to show inaccuracies in the returns prepared by the Bureau. Therefore, the Tax Commission finds Petitioners' 2004, 2006, 2007, and 2008 Idaho income tax returns, as prepared by the Bureau, are an accurate depiction of Petitioners' Idaho taxable income.

The Bureau added interest and penalty to Petitioners' Idaho tax deficiency. The Tax Commission reviewed those additions and found them appropriate and in accordance with Idaho Code sections 63-3045 and 63-3046, respectively.

THEREFORE, the Notice of Deficiency Determination dated June 23, 2011, and directed to [Redacted] and [Redacted] is AFFIRMED.

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

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2004	\$ 457	\$ 114	\$246	\$ 817
2006	1,358	340	556	2,254
2007	907	227	300	1,434
2008	1,715	429	467	<u>2,611</u>
			TOTAL DUE	<u>\$7,116</u>

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 _____ 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.
