

**BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO**

In the Matter of the Protest of	)	
	)	DOCKET NO. 39135
[Redacted],	)	
	)	
Petitioner.	)	DECISION
_____	)	

On April 10, 2013, the staff of the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to [Redacted] (taxpayer) proposing income taxes, penalties, and interest for taxable years 2005 through 2011 in the total amount of \$15,724.

On June 11, 2013, the taxpayer filed a timely appeal and petition for redetermination. The Commission has made numerous attempts to contact the taxpayer to allow him the opportunity to provide the missing tax returns or any additional information. To date, no returns have been received. The Commission, having reviewed the file, hereby issues its decision.

When the Bureau could not find any record of the taxpayer's 2005 through 2011 Idaho individual income tax returns, a letter was sent to the taxpayer advising him of the missing returns and asking him for an explanation. The taxpayer did not respond.

The Bureau requested, and received, income information from the [Redacted] in accordance with Internal Revenue Code § 6103(d) and Idaho Code § 63-3077. Those records indicated that the taxpayer's income for the years in question exceeded the filing requirements of Idaho Code § 63-3030. Because the taxpayer did not file his state income tax returns, the Bureau prepared provisional returns and issued an NODD. The NODD was based on information obtained from the [Redacted] and records retained by the Commission. The taxpayer protested the Bureau's determination. The taxpayer stated in his appeal letter that he didn't claim his two

dependents for those tax years and that he was in the process of filing his returns through a paid preparer. To date, no returns have been received for the aforementioned years.

The Idaho resident individual income tax returns the Bureau prepared on behalf of the taxpayer were based on income information obtained from the taxpayer's [Redacted] income records and the records retained by the Commission. The filing status of single was used to determine the taxpayer's Idaho income tax responsibility. The Bureau determined the amount of Idaho income tax due based on the 2005 through 2011 [Redacted] information. Withholding was allowed to offset the amount of Idaho income tax due for tax years 2005 and 2007 through 2011.

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). The taxpayer did not meet his burden. It is the taxpayer's responsibility to provide any deductions to offset the Bureau's income figures. United States v. Ballard, 535 F.2d 400 (1976). Since the taxpayer failed to meet his burden, the Commission finds the adjusted gross income amount for taxable years 2005 through 2011, prepared by the Bureau, is a reasonable representation of the taxpayer's Idaho adjusted gross income based upon the information available.

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 2005 through 2011. Therefore, the Commission upholds the Bureau's determination of the taxpayer's Idaho taxable income.

The Bureau added interest and penalty to the taxpayer's Idaho tax. The Commission reviewed those additions and found them appropriate and in accordance with Idaho Code §§ 63-3045 and 63-3046, respectively.

THEREFORE, the Notice of Deficiency Determination dated April 10, 2013, and directed to [Redacted], is hereby APPROVED and MADE FINAL.

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2005	\$ 330	\$ 83	\$ 155	\$ 568
2006	2,215	554	855	3,624
2007	1,660	415	533	2,608
2008	1,886	472	490	2,848
2009	1,317	329	266	1,912
2010	1,833	458	290	2,581
2011	1,766	442	208	<u>2,416</u>
			TOTAL DUE	<u>\$16,557</u>

Interest is calculated through July 1, 2015.

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 \_\_\_\_\_ 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.  
  
\_\_\_\_\_