

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 0-217-075-712
[Redacted])	
)	
Petitioner.)	DECISION
<hr style="width: 40%; margin-left: 0;"/>)	

On May 15, 2015, the Income Tax Audit Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to **[Redacted]** (petitioner) proposing additional individual income tax, penalty, and interest in the amount of \$5,217 for the taxable year 2010.

The petitioner filed a timely appeal and petition for redetermination. She did not request a conference. The Commission has reviewed the file, is advised of its contents, and hereby issues its decision based thereon.

Idaho Code § 63-3002 provides:

Declaration of intent. It is the intent of the legislature by the adoption of this act, insofar as possible to make the provisions of the Idaho act identical to the provisions of the Federal Internal Revenue Code relating to the measurement of taxable income, to the end that the taxable income reported each taxable year by a taxpayer to the internal revenue service shall be the identical sum reported to this state, subject only to modifications contained in the Idaho law; . . .

The intent of the Idaho Legislature is to follow the federal determination of income subject only to modifications contained in Idaho law. Pursuant to the authority of Internal Revenue Code § 6103(d), the Commission obtained the results of an Internal Revenue Service (IRS) audit of the petitioner's 2010 federal income tax return.

The federal audit made adjustments to the petitioner's wages, long term capital gains, schedules A, C, D and E. The changes resulted in an increase to the amount of taxable income reported to Idaho. The petitioner failed to notify the Commission of the federal determination

within the 60-day period required by Idaho Code § 63-3069. The Bureau issued an NODD to the petitioner advising her of additional Idaho income tax, penalty, and interest due as a result of the increase to her taxable income.

In response to the deficiency notice, the petitioner wrote a letter stating that the IRS had adjusted the original audit and therefore the Commission's deficiency determination is in error.

The Bureau sent the petitioner a letter acknowledging her protest and allowing her time to provide documentation showing the modifications made by the IRS. The petitioner was asked to provide a copy of the IRS Final Federal Determination that reflected the adjustments made to the original audit, which she did not do.

The Bureau continued to request information from the petitioner but when it became apparent the matter would not be resolved timely, the Bureau transferred the petitioner's file to the Legal/Tax Policy Division for administrative review. A letter was sent to advise the petitioner of her right to request a hearing or send additional information. The petitioner did not request an informal hearing and has not provided any documentation from the IRS that shows they made adjustments to their original audit. Additionally, a recent review of the petitioner's federal records does not show any changes to the original audit and appears to indicate the examination is closed. The petitioner was contacted and given the opportunity to provide information to the contrary, but she did not respond.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Commission, 110 Idaho 572 (Ct. App. 1986). Having presented no further information in support of her argument, the petitioner has failed to meet her burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

The petitioner has provided no evidence that the IRS changed the audit results which increased the petitioner's taxable income.

THEREFORE, the Notice of Deficiency Determination dated May 15, 2015, and directed to **[Redacted]**, is APPROVED and MADE FINAL.

IT IS ORDERED that the petitioner pay the following additional tax, penalty, and interest for 2010:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2010	\$4,307	\$215	\$891	\$5,413
			PAYMENTS	(4,400)
			TOTAL DUE	<u>\$1,013</u>

Interest has been calculated through September 15, 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 _____ 2016.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2016, 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.
