

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
) DOCKET NO. 0-634-736-640
[REDACTED],)
)
Petitioner.) DECISION
)
_____)

On March 20, 2014, 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 2008, 2009, 2011, and 2012 in the total amount of \$7,550.

On May 20, 2014, the taxpayer filed a timely appeal and petition for redetermination. On October 6, 2015, the taxpayer submitted an Idaho individual income tax return for tax year 2009. The return was accepted by the Commission and that tax year will not be mentioned further in this decision. The tax years remaining on the NODD are 2008, 2011, and 2012. The Commission has made numerous attempts to contact the taxpayer to allow [Redacted] the opportunity to provide the missing tax returns or 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 2008, 2011, and 2012 Idaho individual income tax returns, the taxpayer was sent a letter advising [Redacted] of the missing returns and asking [Redacted] for an explanation. The taxpayer did not respond.

The Bureau requested and received income information from the [Redacted] in accordance with [Redacted] 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 [Redacted] 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 [Redacted] appeal letter that the assessment was missing 1099 income and did not allow dependents and deductions to which [Redacted] was entitled. 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 married filing separate was used to determine the taxpayer's Idaho income tax responsibility. The Bureau determined the amount of Idaho income tax due based on [Redacted] information. Withholding was allowed to offset the amount of Idaho income tax due.

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 [Redacted] 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 [Redacted] burden, the Commission finds the adjusted gross income amount for taxable years 2008, 2011, and 2012, 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 2008, 2011,

and 2012. 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 March 20, 2014, and directed to [Redacted], is hereby MODIFIED and MADE FINAL.

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2008	\$745	\$186	\$215	\$1,146
2011	2,366	592	359	3,317
2012	1,787	447	205	<u>2,439</u>
			TOTAL DUE	<u>6,902</u>

Interest is calculated through May 1, 2016.

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 _____ 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. _____

