

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 0-746-868-736
[Redacted] ,)	
)	
Petitioner.)	DECISION
<hr style="width: 40%; margin-left: 0;"/>)	

On October 16, 2015, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to **[Redacted]** (petitioner) proposing income taxes, penalties, and interest for taxable years 2009 through 2011, in the total amount of \$1,768.

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.

A letter was sent to petitioner advising him of his missing returns and asking him for an explanation because the Bureau could not find any record of petitioner's 2009 through 2011 Idaho individual income tax returns. Petitioner did not respond. The Bureau requested, and received, a transcript of petitioner's federal income tax records from the Internal Revenue Service (IRS). The information was provided in accordance with Internal Revenue Code § 63-6103(d) and Idaho Code § 63-3077.

Because petitioner did not file state income tax returns, the Bureau prepared provisional returns and issued an NODD. On November 27, 2015, the Bureau received a letter of protest from petitioner and subsequent to the protest letter; petitioner provided additional documentation for consideration. The petitioner stated he did not believe he needed to file Idaho State income tax returns because he did not live in Idaho and worked in Washington, Oregon, and Montana. The petitioner also stated in his protest letter that he was married in 2010 and 2011; therefore, the

returns prepared by the Bureau for those years should show a filing status of Married, filing joint. The petitioner provided a copy of a marriage license issued in 2010. The NODD for 2010 and 2011 was therefore modified to reflect a Married, filing joint filing status and to include his spouse's income. These changes resulted in no tax due for those two years, therefore the NODD was cancelled for taxable years 2010 and 2011, and those years will not be mentioned further in this decision. The Bureau sent the petitioner a letter acknowledging his protest and restating their determination that an Idaho income tax return for taxable year 2009 was required.

When the 2009 return did not arrive, 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 alternatives for redetermining the NODD. Petitioner responded, but did not request an informal hearing and did not provide any additional documentation. Therefore, the Commission, believing petitioner has had an adequate amount of time to file his missing 2009 Idaho individual income tax return, decides this matter based upon the information presently contained in the file.

The information obtained by the Bureau from the IRS showed that petitioner had income in excess of the filing requirement. As for whether or not the petitioner was an Idaho resident, the Bureau assessed the petitioner as an Idaho resident based on numerous factors.

The petitioner filed an Idaho Form 43 in taxable year 2008, showing six months in Idaho. The Idaho Department of Labor showed Idaho wages earned by the petitioner in the fourth quarter of 2008. The petitioner's employer withheld Idaho taxes from his wages in 2008. The petitioner registered a vehicle in Idaho in 2008. The petitioner also purchased an Idaho driver's license in 2008. Based on this information, one could easily make the presumption that the petitioner's part year return for taxable year 2008 was a result of the petitioner moving into Idaho

as opposed to moving out of Idaho. The petitioner continued to have Idaho wages reported to the Department of Labor in taxable year 2009, the petitioner's employer continued to withhold Idaho income tax and the petitioner purchased an Idaho resident Fish and Game license indicating that he had been a resident of Idaho since 1983. Therefore, for taxable year 2009, the Commission issued an NODD to petitioner, as an Idaho resident, based upon the information received from the IRS and those records maintained by the Commission. The Commission used a filing status of single, with a personal exemption. Idaho withholding in the amount of \$236 was identified for 2009 and allowed to reduce the amount of Idaho income tax due. 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 Com'n, 110 Idaho 572 (Ct. App. 1986). Petitioners have the burden of proving error on part of the deficiency determination by presenting information to support their argument. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

Petitioner has provided nothing that would dissuade the Commission from accepting the Bureau's determination of Idaho income and Idaho income tax for taxable year 2009.

THEREFORE, the Notice of Deficiency Determination dated October 16, 2015, and directed to **[Redacted]**, is hereby, MODIFIED, and as modified, APPROVED and MADE FINAL.

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

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2009	\$840	\$210	\$209	\$1,259

Interest is computed through August 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 _____ 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.
