

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 1-162-244-096
[Redacted])	
)	
Petitioner.)	DECISION
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On December 3, 2013, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to **[Redacted]** (petitioners) proposing income tax, penalty, and interest for taxable year 2007 in the total amount of \$6,444.

Mr. ^[Redacted] filed a timely protest. He did not request an informal conference and has not provided any additional information for consideration. Numerous attempts were made to locate Mrs. ^[Redacted] and to inform her of the options available for redetermining a protested NODD but no response was received. Therefore, the Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

A letter was sent to petitioners advising them of their missing return and asking them for an explanation because the Bureau could not find any record of petitioners' 2007 Idaho individual income tax return. Petitioners did not respond. The Bureau requested, and received, a transcript of petitioners' 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 petitioners did not file a state income tax return, the Bureau prepared a provisional return and issued an NODD. On January 27, 2014, the Bureau received a letter of protest from Mr. ^[Redacted]. Mr. ^[Redacted] did not give a legal and factual reason the NODD was incorrect but simply protested due to the fact that he was having his mail forwarded to him and

had not yet had an opportunity to review the income information shown in the NODD. The Bureau acknowledged the protest and granted petitioners additional time in which to prepare and submit the missing return. When the return did not arrive and the petitioners did not withdraw their protest of the NODD, the Bureau forwarded the file to the Legal/Tax Policy Division for continuation of the appeals process.

The Tax Policy Specialist sent a letter to the petitioners that explained their alternatives for redetermining the NODD. As mentioned previously, neither party responded. Therefore, the Commission, believing petitioners have had an adequate amount of time to file their missing 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 petitioners had income in excess of the filing requirement. Therefore, the Commission issued an NODD to petitioners, as Idaho residents, based upon the information received from the IRS and those records maintained by the Commission. The Commission used the same filing status and dependents as shown on their federal return for taxable years 2007. Idaho withholding in the amount of \$2,966 was identified and allowed to offset the amount of 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 Commission, 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).

Petitioners have provided nothing that would dissuade the Commission from accepting

the Bureau's determination of Idaho income and Idaho income tax for taxable year 2007.

THEREFORE, the Notice of Deficiency Determination dated December 3, 2013, and directed to **[Redacted]**, is hereby, APPROVED and MADE FINAL.

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>
2007	\$4,257	\$1,064	\$1,545	\$6,866

Interest is computed through July 29, 2016.

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 _____ 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.
