

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
[Redacted],) DOCKET NO. 2-076-299-264
Petitioner.)
DECISION
_____)

On January 14, 2015, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a pair of Notice of Deficiency Determinations to [Redacted] (Petitioner) asserting income tax, penalty, and interest in the amount of \$6,763 for the 2010, 2011, and 2012 taxable years. The notices advised Petitioner that, if he disagreed with the deficiency determined by the Bureau, he could petition the Tax Commission for a redetermination.

On January 30, 2015, Petitioner filed an amended 2011 Idaho individual income tax return and a 2012 Idaho individual income tax return. The Commission treated these filings as a petition for redetermination because the information on the returns was significantly different from that on the Notice of Deficiency Determination. Based on the information received, the Bureau accepted the 2012 and amended 2011 returns and cancelled the Notice of Deficiency Determination for those years. The Bureau has not received a 2010 Idaho individual income tax return, bearing a total deficiency of \$839. Petitioner did not submit any additional information for the Tax Commission to consider.

This decision is based on the information contained in the Commission’s files. The Commission has reviewed the files, is advised of their contents, and now issues this decision. For the reasons set forth below, the Commission affirms the deficiency for the 2010 taxable year determined by the Bureau with interest updated through June 24, 2016.

This is a non-filer case. Petitioner lives in Idaho and did not file Idaho individual income tax returns for the 2010 taxable year. Based on information obtained by the Tax Commission's tax enforcement specialist, Petitioner had an Idaho income tax filing requirement. Information received from W-2s and 1099's show Petitioner received income of approximately \$14,122 during taxable year 2010.

Based on this income information, the Bureau prepared provisional returns for Petitioner. The Bureau provided Petitioner with personal deductions and exemptions, and allowed identified Idaho withholding for taxable year 2010. Once completed, the provisional returns showed a tax deficiency existed for each of the years at issue. The Bureau then issued a Notice of Deficiency Determination which included a description of the information relied upon, a copy of the provisional returns, a document showing the calculation of interest, and an explanation of Petitioner's right to request a redetermination of the deficiency.

Petitioner responded to the Notice of Deficiency Determination by filing an amended 2011 Idaho individual income tax return, and a 2012 Idaho individual income tax return. Petitioner provided no documentation related to his 2010 Idaho individual income tax deficiency.

Persons who are required to file an Idaho individual income tax return must pay Idaho income tax on their taxable income at the rate set forth in Idaho Code § 63-3024. In the event a person fails to file a tax return or to pay the proper amount of individual income tax, Idaho law specifically provides the Commission with the authority to issue a Notice of Deficiency Determination.

63-3045. Notice of redetermination or deficiency – Interest. –

(1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer

It is well settled in Idaho that provisional returns determined by the Idaho State Tax Commission are presumed to be correct. Albertson's Inc. v. State, Dept. of Revenue, 106 Idaho 810, 814 (1984); Parsons v. Idaho State Tax Commission, 110 Idaho 572, 574-575 n. 2 (Ct. App. 1986). The burden is on the Petitioner to show that the tax deficiency is erroneous. *Id.* The Petitioner has failed to show that the provisional returns prepared by the Tax Commission are incorrect. Therefore, based on the information available, the Tax Commission finds the provisional returns to be a fair representation of the Petitioner's taxable income for the taxable year in question and that the amount shown due on the Notice of Deficiency Determination is true and correct.

THEREFORE, the Notice of Deficiency Determination dated January 14, 2015, and directed to [Redacted], is hereby APPROVED and MADE FINAL.

IT IS ORDERED that the Petitioner pay the following tax, penalty, and interest.

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2010	\$601	\$150	\$88	\$839

Interest is calculated through June 24, 2016 and will continue to accrue until paid.

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][Redacted]

Receipt No.
