

Petitioner stated he was currently working with a CPA to get caught up on his income tax filings. Petitioner stated the Tax Commission does not have all the information on his income and deductions regarding his self-employment income. Petitioner stated his belief was that after all the pertinent information is included, his tax liability would be much less than what the Bureau determined. Petitioner asked for additional time to get his returns prepared.

The Bureau acknowledged Petitioner's protest and allowed Petitioner another thirty (30) days to submit his returns. When Petitioner did not provide his returns within the 30 days, the Bureau referred the matter to the Tax Commission's Appeals Unit (Appeals).

Appeals reviewed the matter and sent Petitioner a letter stating the methods available for redetermining the Notice of Deficiency Determination. Petitioner contacted Appeals stating he had most of his information to the CPA for his 2014 through 2018 returns. Petitioner stated he sent his 2019 return to the Bureau, and they removed it from the Notice of Deficiency Determination. (Appeals reviewed the Tax Commission's records and found Petitioner's 2019 return was filed and accepted.) Petitioner stated he would be meeting with the CPA that day or next. Petitioner thought his returns would be completed by the end of the following week.

A couple of weeks later, Petitioner contacted Appeals. Petitioner stated his 2014 return was completed and in the mail, and that the Tax Commission should have it in a couple of days. Petitioner stated his 2015 return should be completed that week and the remaining returns done in three to four weeks. Petitioner stated his 2014 return was prepared jointly with his ex-wife, because it was more beneficial, so it took longer to get information from his ex-wife. Petitioner anticipated the remaining returns would be quicker. The next day, the Tax Commission received Petitioner's 2014 return. Three weeks later, the Tax Commission received Petitioner's 2015 return. About 30

days after receiving the 2015 return, the Tax Commission received Petitioner's 2016, 2017, and 2018 income tax returns.

LAW AND ANALYSIS

Seeing that Petitioner prepared and submitted his income tax returns for the tax years in question, the Tax Commission finds that Petitioner fulfilled the requirement of Idaho Code section 63-3030. The Tax Commission reviewed Petitioner's returns and found them to be a better representation of Petitioner's Idaho taxable income than the returns prepared by the Bureau. Therefore, the Tax Commission accepts Petitioner's returns, subject to the Tax Commission's normal review, and subject to the statute of limitations beginning on the date the return was received by the Tax Commission. The Tax Commission also acknowledges receipt of Petitioner's 2019 income tax return and agrees with the Bureau's acceptance of the return.

For all Petitioner's returns except his 2019 return he ended up owing tax to the state of Idaho. Since Petitioner's returns were filed late, interest and penalty are added to his Idaho tax liability in accordance with Idaho Code sections 63-3045 and 63-3046. Petitioner calculated the interest and penalty for tax years 2016, 2017, and 2018. Petitioner did not make the calculations for tax years 2014 and 2015. Therefore, the Tax Commission adds interest and penalty to Petitioner's 2014 and 2015 tax liabilities.

CONCLUSION

Petitioner did not file income tax returns for tax years 2014 through 2019. Petitioner was contacted about the missing returns and given time he provided the needed returns. The Tax Commission reviewed Petitioner's returns and found them to be a better representation of Petitioner's Idaho tax liability than the returns the Bureau prepared. Petitioner's returns are

accepted in lieu of the Bureau's returns and subject to the normal review process of the Tax Commission.

THEREFORE, the Tax Commission AFFIRMS as MODIFIED by this decision the Notice of Deficiency Determination dated June 1, 2021, directed to

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>
2014	\$722	\$181	\$179	\$1,082
2015	594	149	125	868
2016	799	200	141	1,140
2017	90	273	146	509
2018	(200)	200	66	66
2019	(861)	35	4	(822)
			TOTAL DUE	\$ 2,843
			LESS PAYMENTS	3,143
			REFUND DUE	\$ (300)

Interest is computed to March 5, 2022.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of Petitioner's right to appeal this decision is enclosed.

DATED this _____ day of _____ 2022.

IDAHO STATE TAX COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2022,
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:

Receipt No.
