

## **BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO**

In the Matter of the Protest of ) DOCKET NO. 0-489-395-200  
[REDACTED] )  
Petitioners. ) DECISION  
[REDACTED] )

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[REDACTED] (Petitioners) protested the Notice of Deficiency Determination (Notice) dated February 5, 2025. Petitioners disagreed with the Tax Discovery Bureau's (Bureau) determination that they were Idaho residents for tax years 2017, 2018, 2019, 2020 and 2021. The Idaho State Tax Commission (Tax Commission) reviewed the matter and upholds the Notice as modified by the Bureau.

### **BACKGROUND**

During a review of Petitioners' filing history with the Tax Commission, the Bureau found Petitioners did not file an Idaho income tax return for tax years 2017 through 2021. The Bureau sent Petitioners a letter asking about their filing requirements to file Idaho income tax returns for these years. Petitioners did not respond. The Bureau determined that Petitioners were required to file Idaho income tax returns, so it prepared the returns for them using W2 and third-party information and sent the Notice.

Petitioners protested the Notice, stating they lived in Georgia from December 2017 till September 2019 and then moved to Florida where they resided from October 2019 till March 2021. Petitioners provided a 2018 Georgia resident return and federal returns for 2019, 2020 and 2021 with a Florida address. The Bureau acknowledged Petitioners' protest and based on the additional information provided, cancelled the Notice for 2018 through 2021.

As for tax year 2017, Petitioners stated they were confused as to why that year was outstanding as they believed they had filed. Petitioners stated they had a copy of their 2017 return and would send it in. The Bureau allowed Petitioners more time to provide the 2017 return, but they did not do so. Therefore, the Bureau referred the matter to the Tax Commission's Appeals Unit (Appeals) for administrative review.

Appeals reviewed the matter and sent a letter that discussed the methods available for redetermining a Notice. Petitioners did not respond. Seeing that Petitioners had more than adequate time to file their 2017 return, the Tax Commission decides the matter based on the information available.

### **LAW AND ANALYSIS**

Idaho Code section 63-3030 provides the income thresholds for filing Idaho income tax returns. The information the Bureau gathered clearly shows Petitioners' income exceeded the threshold for 2017. Petitioners were required to file an Idaho income tax return.

Petitioners did not dispute their requirement to file a 2017 return, stating in their correspondence with the Bureau that a 2017 had been prepared and a copy would be provided. To date, Petitioners have not submitted a 2017 return or provided any documentation to establish that the amounts asserted in the Notice are incorrect. The Tax Commission reviewed the return the Bureau prepared and found it to be a reasonable representation of Petitioners' Idaho taxable income. Therefore, the Tax Commission upholds the Bureau's determination of Petitioners' taxable income for 2017.

A deficiency determination of the Tax Commission is presumed to be correct. *Albertson's, Inc. v. State, Dept. of Revenue*, 106 Idaho 810, 814, 683 P.2d 846, 850 (1984). 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 (Ct. App. 1986)

## CONCLUSION

Petitioners received income in 2017 which was over the threshold for filing an Idaho individual income tax return. Petitioners were required to file an Idaho income tax return. Petitioners did not provide an income tax return for tax year 2017. Furthermore, Petitioners have not shown the return the Bureau prepared is incorrect. Therefore, the Tax Commission upholds the Notice of Deficiency Determination for 2017.

The Bureau added interest and penalty to Petitioners' Idaho tax. The Tax Commission reviewed those additions and found them appropriate and in accordance with Idaho Code sections 63-3045 and 63-3046, respectively.

THEREFORE, the Notice of Deficiency Determination dated February 5, 2025 , as modified by the Bureau, is hereby APPROVED and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that Petitioners pay the following tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2017	\$841	\$210	\$282	\$1,333

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

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

IDAHO STATE TAX COMMISSION

## **CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2025,  
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.

[REDACTED]

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