

STATE OF NEW YORK

*Dolphin Motors, Inc.*

DEPARTMENT OF TAXATION AND FINANCE

BOARD OF CONFERES - CORPORATION TAX BUREAU

In the Matter of the Applications of :  
DOLPHIN MOTORS, INC. :  
for revision or refund of franchise : Hearing Case No. 3712  
taxes under Article 9A of the Tax Law :  
for the calendar years 1961 and 1962. :

The taxpayer computed and paid the following taxes:

	<u>1961</u>	<u>1962</u>
Net Income	\$360,833.00	\$78,923.00
Tax at 5½%	19,845.82	4,341.00

Timely applications were filed on December 28, 1964.

The taxpayer is a distributor of foreign cars. During 1961 and 1962 the taxpayer rented lease space in New Jersey and maintained inventories of cars there until shipped to customers.

Such lease space constitutes a regular place of business and, therefore, the taxpayer is entitled to a business allocation, which it failed to claim on the returns as filed.

This Board recommends that the taxes be corrected, based on forms CT-3 attached to the applications.

	<u>1961</u>	<u>1962</u>
Net Income	\$360,833.00	\$78,923.00
Business allocation	69.33%	71.3%
New York Base	250,166.00	56,272.00
Tax at 5½%	13,759.13	3,095.00
Previous Tax	19,845.82	4,341.00
Credit	\$ 6,086.69	\$ 1,246.00

/s/

WILLIAM F. SULLIVAN

Chairman

APPROVED  
IRA J. PALESTIN  
3/24/65

/s/

DONALD H. GILHOOLY

(CT-122's signed by Commissioner Murphy)

WFS:MB  
March 12, 1965