

These are Determinations
Cigarette Tax *A-2*
DEPARTMENT OF TAXATION AND FINANCE *Bolstein,*
Harold

MEMORANDUM**TO:** Commissioner Murphy**OFFICE** Miscellaneous Tax**FROM:** Mr. Purcell**DATE** April 11, 1968**SUBJECT:** Harold Bolstein
60 DeGroot Place
Staten Island, N.Y.- Re: Cigarette Assessment No-25-8
\$16,500 dated 3/16/67Seizure of 685 cartons of
unstamped cigarettes on 2/8/67

Reference is made to the resolution dated January 17, 1967 approved by the Tax Commission which authorizes the director and assistant director of our bureau, the regional tax supervisor, the director of special investigations bureau and the New York district tax supervisor to remit or abate penalties in the amount of \$5,000 or less imposed pursuant to paragraph b, subdivision 1, of section 431 of the Tax Law.

Attached please find the April 4 memorandum from the Special Investigations Bureau in which they recommend that the above cigarette assessment in the amount of \$16,500 be reduced to \$300 for the following reasons:

1. The taxpayer has a heart condition.
2. His wife has been confined to a mental hospital on twelve occasions, for varying periods during the past twelve years.
3. Because he only nets \$80 to \$100 per week from his retail auto supply store on Staten Island.
4. Because this is the first offense according to our records in handling unstamped cigarettes.

It is recommended that the Tax Commission approve reducing this assessment to \$300. We are holding in our file the check for \$300 received with the enclosed memo from the Special Investigations Bureau.

cc: Commissioner Mitchell
Mr. Ryan
Mr. Berke
Miss Kirsch

approved
Samuel S. Kefler 4/23/68
approved
Patricia Manley 4/29/68
OK John 4/30/68

DEPARTMENT OF TAXATION AND FINANCE

MEMORANDUM

TO: Mr. John J. Purcell, Director
Attention: Mr. John W. Ryan

OFFICE Special Inv. Bureau

FROM: Joseph H. Carter

DATE April 4, 1968

SUBJECT: Harold Bolstein
60 DeGroot Place
Staten Island, N. Y.
(formerly at 1190 Castleton Ave.)

Re: *Cop* Assess. No. 25-8 for \$16,500,
dated 3/16/67

Seizure of 685 cartons of
unstamped cigarettes on
2/8/67

Collection Case # M-603393

The above assessment is based on a penalty charge of \$25.00 per carton on 660 cartons. On June 28, 1967 the taxpayer pleaded guilty in court to the charge of possession of unstamped cigarettes and was fined \$25.00 by Judge Cannudo.

The taxpayer appeared with his attorney, Joseph Crecca, on 4/3/68 for an informal hearing before Joseph H. Carter and S. Friedman.

Mr. Bolstein stated he was 50 years of age, suffers from a heart condition, and that his wife has been in the mental hospital at Wards Island on 12 occasions for varying periods during the past 12 years. He further stated that he operates a retail auto supply store at 1196 Castleton Ave., Staten Island which he started 3½ years ago. He claimed he nets \$80 to \$100 per week.

Mr. Bolstein explained that a white male came into his store on or about 2/6/67 to purchase auto supplies. This individual then offered to sell the taxpayer cigarettes at \$2.35 per carton, and the taxpayer purchased 685 cartons. Mr. Bolstein stated business was poor at the time and thought he could earn some "extra money" fast. He claimed he did not realize it was a criminal violation to purchase unstamped cigarettes. He noted that the seller had Virginia license plates on his auto. He stated that this was his first and only purchase, and that he has no prior arrests or record of any kind. He also furnished us with the name of a cigarette seller currently in the area of his business address.

In view of his cooperation and the fact that this is his first offense, we decided to reduce the assessment to \$300. He was warned that full statutory penalties would be imposed on a 2nd violation. We are enclosing his check for \$300, drawn on The Chase Manhattan Bank, 666 Forest Ave., West New Brighton, S.I., in payment of the reduced assessment.

RECEIVED
DEPARTMENT OF
TAXATION & FINANCE
APR 5 1968

Joseph H. Carter
Joseph H. Carter
Special Agent in Charge

SF:s

MISCELLANEOUS INV. BUREAU
ALBANY, NEW YORK

P.S. We are notifying the Collection Bureau of the collection of the reduced assessment.