

STATE OF NEW YORK
STATE TAX COMMISSION

*Iwai New York, Inc.
miscellaneous
Stock Transfer
Article 12
1971*

In the Matter of the Petition

of

Iwai New York, Inc.

For a Redetermination of a Deficiency or
a Refund of Stock Transfer
Taxes under Article(s) 12 of the
Tax Law for the (Year(s) Effective Oct. 23, 1963

AFFIDAVIT OF MAILING
OF NOTICE OF DECISION
BY (CERTIFIED) MAIL

State of New York
County of Albany

Martha Funaro , being duly sworn, deposes and says that
she is an employee of the Department of Taxation and Finance, over 18 years of
age, and that on the 14th day of January , 1971, she served the within
Notice of Decision (or Determination) by (certified) mail upon Iwai New
York, Inc. (representative of) the petitioner in the within
proceeding, by enclosing a true copy thereof in a securely sealed postpaid
wrapper addressed as follows:

Iwai New York, Inc.
350 Fifth Avenue
New York, New York 10001

and by depositing same enclosed in a postpaid properly addressed wrapper in a
(post office or official depository) under the exclusive care and custody of
the United States Post Office Department within the State of New York.

That deponent further says that the said addressee is the (representative
of) petitioner herein and that the address set forth on said wrapper is the last
known address of the (representative of the) petitioner.

Sworn to before me this

14th day of January , 1971.

Joyce S. Van Datten

Martha Funaro

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

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Iwai New York, Inc.

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Notice of Decision (or Determination) by (certified) mail upon Iwai New
York, Inc. (representative of) the petitioner in the within

proceeding, by enclosing a true copy thereof in a securely sealed postpaid
wrapper addressed as follows: Gunnigle, Killian & Johnson, Esqs.
Main Street
Port Jefferson, New York 11777

and by depositing same enclosed in a postpaid properly addressed wrapper in a
(post office or official depository) under the exclusive care and custody of
the United States Post Office Department within the State of New York.

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Sworn to before me this

14th day of January , 1971

Joyce S. Van Patten

Martha Funaro

STATE OF NEW YORK

STATE TAX COMMISSION

In the Matter of the Application
of

IWAI NEW YORK, INC.

with respect to Stock Transfer Taxes
assessed pursuant to Article 12 of
the Tax Law on November 17, 1967,
relating to a transaction effected
on October 23, 1963.

DECISION

Iwai New York, Inc. applied for a hearing with respect to Stock Transfer taxes assessed pursuant to Article 12 of the Tax Law on November 17, 1967, relating to a transaction effected on October 23, 1963. A formal hearing was held before Alfred Rubinstein, Hearing Officer, in the offices of the State Tax Commission in the City of New York on February 14, 1968, continued on June 27, 1968. Applicant was represented by Messrs. Gunnigle, Killian & Johnson, (William Johnson, Esq. and Miss Ellen Toal, of counsel).

FINDINGS OF FACT

1. The issue in this case is whether the transfer of stock certificates from the name of one individual as president-director of a company to the name of another individual as president-director of that same company is subject to New York Stock Transfer tax.

2. On June 6, 1955, July 10, 1959 and June 28, 1960, an aggregate of 399,000 shares of stock were issued by Iwai New York, Inc., to Iwai Company, Ltd. However, the shares were issued in the name of "Yujiro Iwai as President of Iwai & Company, Inc."

3. On October 23, 1963, a transfer of the above stock was made from the name of Yujiro Iwai to "Hideo Iwai as President of Iwai & Company, Ltd." upon his succeeding Yujiro Iwai as president of that company. The requisite stock transfer tax was not paid.

4. Prior to the above transaction no request was made to the Department of Taxation and Finance to have either individual register-

ed as a nominee. At the time of transfer, the shares were not accompanied by the necessary exemption certificates as required by Section 270(5) of the Tax Law.

5. Based upon the above facts, the Miscellaneous Tax Bureau issued a notice of determination of tax due number 210, dated November 17, 1967, in the amount of \$7,980.00 for stock transfer tax due.

DECISION

A. The applicant, at the time of the transaction, failed to comply with Section 270(5) of the Tax Law.

B. The transfer of the share's of stock is a taxable transaction within the meaning and intent of Article 12 of the Tax Law.

C. The notice of decision of tax due is therefore sustained.

DATED: Albany, New York
January 13, 1970

STATE TAX COMMISSION



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