

STATE OF NEW YORK  
STATE TAX COMMISSION

Applications

In the Matter of the ~~Petition~~

SELECTIVISION, INC., BERNARD L.  
GOLDENBERG, J. T. HAMILTON &  
P. J. GRUBER & COMPANY, INC.

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

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))~~

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 February, 1973, she served the within Notice of Decision (or Determination) by (certified) mail upon Selectivision, Inc.

(representative of) the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows: Selectivision, Inc.  
5 Tudor City Place  
New York, New York

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 February, 1973.

Lynn Wilson

Martha Funaro

In the Matter of the Petition

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)) :

Lynn Wilson

Martha Furaro

STATE OF NEW YORK  
STATE TAX COMMISSION

Applications

In the Matter of the ~~DETERMINATION~~

:

of  
SELECTIVISION, INC., BERNARD L. GOLDENBERG  
J. T. HAMILTON, AND P.J. GRUBER & COMPANY,  
INC. :

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

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))~~ :

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 February , 1973 , she served the within  
Notice of Decision (or Determination) by (certified) mail upon J. T. Hamilton

(representative of) the petitioner in the within  
proceeding, by enclosing a true copy thereof in a securely sealed postpaid

wrapper addressed as follows: J. T. Hamilton  
910 Stuart Avenue  
Mamaroneck, New York

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 February , 1973.

Lynn Wilson

Martha Funaro

STATE OF NEW YORK  
STATE TAX COMMISSION

Applications

In the Matter of the ~~Petition~~

of  
SELECTIVISION, INC., BERNARD L. GOLDENBERG, AFFIDAVIT OF MAILING  
J. T. HAMILTON, AND P. J. GRUBER & COMPANY, OF NOTICE OF DECISION  
: INC. BY (CERTIFIED) MAIL  
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)~~ :

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 February , 19 73, she served the within  
Notice of Decision (or Determination) by (certified) mail upon P. J. Gruber &  
Company, Inc. (representative of) the petitioner in the within  
proceeding, by enclosing a true copy thereof in a securely sealed postpaid  
wrapper addressed as follows: P. J. Gruber & Company, Inc.  
1 Broadway  
New York, New York

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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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 February , 1973.

Lynn Wilson

Martha Funaro



STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE

BUILDING 9, ROOM 214A  
STATE CAMPUS

ALBANY, N. Y. 12227

AREA CODE 518

457-2655, 6, 7

STATE TAX COMMISSION

NORMAN F. GALLMAN, PRESIDENT

A. BRUCE MANLEY

MILTON KOERNER

STATE TAX COMMISSION  
HEARING UNIT

EDWARD ROOK

SECRETARY TO  
COMMISSION

ADDRESS YOUR REPLY TO

**Dated:** Albany, New York

**February 14, 1973**

**Selectivision, Inc.**  
**5 Tudor City Place**  
**New York, New York**

**Gentlemen:**

Please take notice of the **JOINT DECISION** of  
the State Tax Commission enclosed herewith.

Please take further notice that pursuant to **section 279-a** of  
the Tax Law any proceeding in court to review an adverse decision  
must be commenced within **90 Days** after  
the date of this notice.

Any inquiries concerning the computation of tax due or refund allowed  
in accordance with this decision or concerning any other matter relat-  
ing hereto may be addressed to the undersigned. These will be referred  
to the proper party for reply.

Very truly yours,

**Nigel G. Wright**  
HEARING OFFICER

cc Petitioner's Representative  
Law Bureau



STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE

STATE TAX COMMISSION

NORMAN F. GALLMAN, PRESIDENT  
A. BRUCE MANLEY  
MILTON KOERNER

BUILDING 9, ROOM 214A  
STATE CAMPUS  
ALBANY, N. Y. 12227

AREA CODE 518  
457-2655, 6, 7

STATE TAX COMMISSION  
HEARING UNIT

EDWARD ROOK  
SECRETARY TO  
COMMISSION

ADDRESS YOUR REPLY TO

Dated: Albany, New York

February 14, 1973

Bernard L. Goldenberg  
85 Tennis Place  
Forest Hills, L.I., New York

Dear Mr. Goldenberg:

Please take notice of the **JOINT VENTURE** of  
the State Tax Commission enclosed herewith.

Please take further notice that pursuant to **section 279-a** of  
the Tax Law any proceeding in court to review an adverse decision  
must be commenced within **90 Days** after  
the date of this notice.

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in accordance with this decision or concerning any other matter relat-  
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to the proper party for reply.

Very truly yours,

**Nigel G. Wright**  
HEARING OFFICER

cc Petitioner's Representative  
Law Bureau



STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE

BUILDING 9, ROOM 214A  
STATE CAMPUS  
ALBANY, N. Y. 12227

AREA CODE 518  
457-2655, 6, 7

STATE TAX COMMISSION

NORMAN F. GALLMAN, PRESIDENT  
A. BRUCE MANLEY  
MILTON KOERNER

STATE TAX COMMISSION  
HEARING UNIT

EDWARD ROOK  
SECRETARY TO  
COMMISSION

ADDRESS YOUR REPLY TO

Dated: Albany, New York

February 14, 1973

J. T. Hamilton  
910 Stuart Avenue  
Mamaroneck, New York

Dear Mr. Hamilton:

Please take notice of the **JOINT DECISION** of  
the State Tax Commission enclosed herewith.

Please take further notice that pursuant to **section 279-a** of  
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to the proper party for reply.

Very truly yours,

**Nigel G. Wright**  
HEARING OFFICER

cc Petitioner's Representative  
Law Bureau



STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE

BUILDING 9, ROOM 214A  
STATE CAMPUS

ALBANY, N. Y. 12227

AREA CODE 518

457-2655, 6, 7

STATE TAX COMMISSION

NORMAN F. GALLMAN, PRESIDENT

A. BRUCE MANLEY

MILTON KOERNER

STATE TAX COMMISSION  
HEARING UNIT

EDWARD ROOK

SECRETARY TO  
COMMISSION

ADDRESS YOUR REPLY TO

Dated: Albany, New York

February 14, 1973

P. J. Gruber & Company, Inc.  
1 Broadway  
New York, New York

Gentlemen:

Please take notice of the **JOINT DECISION** of  
the State Tax Commission enclosed herewith.

Please take further notice that pursuant to **section 279-a** of  
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must be commenced within **90 Days** after  
the date of this notice.

Any inquiries concerning the computation of tax due or refund allowed  
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Very truly yours,

**Nigel G. Wright**

HEARING OFFICER

cc Petitioner's Representative  
Law Bureau

STATE OF NEW YORK

STATE TAX COMMISSION

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In the Matter of the Applications	:	
of	:	
SELECTIVISION, INC.	:	
BERNARD L. GOLDENBERG	:	JOINT DECISION
J. T. HAMILTON, and	:	
P. J. GRUBER & COMPANY, INC.	:	
for a Hearing to review a Determination of	:	
Stock Transfer Taxes due pursuant to	:	
Article 12 of the Tax Law.	:	

---

Selectivision, Inc., Bernard L. Goldenberg, J. T. Hamilton and P. J. Gruber & Company, Inc., each filed an application pursuant to section 279(a) of the Tax Law for a hearing to review separate determinations each dated December 3, 1959 of stock transfer taxes due in the amounts of \$3,748.00 from Selectivision, Inc. and of \$3,000.00, \$248.00 and \$500.00 from each of the other applicants respectively.

A hearing was held at the offices of the State Tax Commission, 80 Centre Street, New York City, before Paul Newman, Hearing Officer, on December 16, 1960. Thomas McGrath, Esq., represented the Miscellaneous Tax Bureau. The record of said hearing has been duly examined and considered.

#### ISSUE

The issue in this case concerns whether a taxable transfer occurred upon the reacquisition of its shares by Selectivision, Inc. from each of the other three applicants herein under the circumstances indicated.

#### FINDINGS OF FACTS

1. Selectivision, Inc. was organized under the laws of New York

on July 7, 1957. It maintained offices at 5 Tudor Place, New York, New York, and was engaged in the business of promoting "pay television". It had a stock transfer agent; the New York Stock Transfer Company, located at 200 West 57th Street, New York City. Its authorized capital stock, after amendment of its certificate of organization on October 3, 1957, was 1,000,000 shares at ten cents par value. On or about October 23, 1957 the corporation issued 200,000 shares to Bernard L. Goldenberg, 12,500 shares to J. T. Hamilton and 25,000 shares to P. J. Gruber & Company, Inc.

2(a) On or about June 9, 1958, Bernard L. Goldenberg resigned as a director and corporate agent of Selectivision, Inc. and certified that he had returned to the treasury of Selectivision, Inc. 150,000 shares of Selectivision, Inc. On or about June 11, 1958, Mr. Goldenberg wrote to the transfer agent referring to his 200,000 shares and stating that he had "contributed 150,000 of said shares to the treasury of Selectivision, Inc.", and directed the transfer agent to return his certificate "to the treasury of Selectivision, Inc."

2(b) On or about June 9, 1958, J. T. Hamilton resigned as President and Director of Selectivision, Inc. and certified that he had "returned to the treasury of Selectivision, Inc. 12,400 shares of Selectivision, Inc. being all of the shares owned by me ..." On June 11, 1958, Mr. Hamilton wrote to the transfer agent and advised them that he had "contributed said 12,400 shares to the treasury of Selectivision, Inc." and directed the transfer agent to return them to the treasury of Selectivision, Inc."

2(c) These transactions were entered into as a result of and to terminate certain litigation pending against the company, Mr. Goldenberg and J. T. Hamilton.

3. On or about August 12, 1958, P. J. Gruber & Company, Inc. agreed to "the return of twenty-five thousand (25,000) shares of the common stock of Selectivision, Inc., ... to be retained by Selectivision, Inc. as and for treasury stock ..." This was part of a stipulation of settlement of certain litigation against P. J. Gruber & Company, Inc. involving the officers of Selectivision, Inc. On the same date it returned the certificate representing 25,000 shares to Selectivision endorsed for transfer to Selectivision.

4. As a result of an action by the People of the State of New York against Selectivision, Inc., James T. Hamilton and Bernard L. Goldenberg, under Article 23-A of the General Business Law, an order was entered on June 6, 1958 in Supreme Court, New York County, enjoining Selectivision, Inc. "from the issuance or offering for sale, or sale ... to or from the public within or from the State of New York, of any ... stocks ... and other securities ..."


DECISION

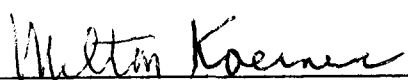
The determinations under review herein are correct. The shares required were held as treasury shares and were not cancelled. There was therefore a taxable transfer of the shares.

DATED: Albany, New York  
February 14, 1973

STATE TAX COMMISSION

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER



STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE

STATE TAX COMMISSION

NORMAN F. GALLMAN, PRESIDENT

A. BRUCE MANLEY

MILTON KOERNER

BUILDING 9, ROOM 214A

STATE CAMPUS

ALBANY, N. Y. 12227

AREA CODE 518

457-2655, 6, 7

STATE TAX COMMISSION

HEARING UNIT

EDWARD ROOK

SECRETARY TO

COMMISSION

ADDRESS YOUR REPLY TO

Dated: Albany, New York

February 14, 1973

P. J. Gruber & Company, Inc.  
1 Broadway  
New York, New York

Gentlemen:

Please take notice of the **JOINT DECISION** of  
the State Tax Commission enclosed herewith.

Please take further notice that pursuant to section 279-a of  
the Tax Law any proceeding in court to review an adverse decision  
must be commenced within **90 Days** after  
the date of this notice.

Any inquiries concerning the computation of tax due or refund allowed  
in accordance with this decision or concerning any other matter relat-  
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to the proper party for reply.

Very truly yours,

Nigel G. Wright

HEARING OFFICER

cc Petitioner's Representative  
Law Bureau

STATE OF NEW YORK  
STATE TAX COMMISSION

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In the Matter of the Applications	:	
of	:	
SELECTIVISION, INC.	:	
BERNARD L. GOLDENBERG	:	JOINT DECISION
J. T. HAMILTON, and	:	
P. J. GRUBER & COMPANY, INC.	:	
for a Hearing to review a Determination of	:	
Stock Transfer Taxes due pursuant to	:	
Article 12 of the Tax Law.	:	

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A hearing was held at the offices of the State Tax Commission, 80 Centre Street, New York City, before Paul Newman, Hearing Officer, on December 16, 1960. Thomas McGrath, Esq., represented the Miscellaneous Tax Bureau. The record of said hearing has been duly examined and considered.

ISSUE

The issue in this case concerns whether a taxable transfer occurred upon the reacquisition of its shares by Selectivision, Inc. from each of the other three applicants herein under the circumstances indicated.

FINDINGS OF FACTS

1. Selectivision, Inc. was organized under the laws of New York

on July 7, 1957. It maintained offices at 5 Tudor Place, New York, New York, and was engaged in the business of promoting "pay television". It had a stock transfer agent; the New York Stock Transfer Company, located at 200 West 57th Street, New York City. Its authorized capital stock, after amendment of its certificate of organization on October 3, 1957, was 1,000,000 shares at ten cents par value. On or about October 23, 1957 the corporation issued 200,000 shares to Bernard L. Goldenberg, 12,500 shares to J. T. Hamilton and 25,000 shares to P. J. Gruber & Company, Inc.

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2(b) On or about June 9, 1958, J. T. Hamilton resigned as President and Director of Selectivision, Inc. and certified that he had "returned to the treasury of Selectivision, Inc. 12,400 shares of Selectivision, Inc. being all of the shares owned by me ..." On June 11, 1958, Mr. Hamilton wrote to the transfer agent and advised them that he had "contributed said 12,400 shares to the treasury of Selectivision, Inc." and directed the transfer agent to return them to the treasury of Selectivision, Inc."

2(c) These transactions were entered into as a result of and to terminate certain litigation pending against the company, Mr. Goldenberg and J. T. Hamilton.

3. On or about August 12, 1958, P. J. Gruber & Company, Inc. agreed to "the return of twenty-five thousand (25,000) shares of the common stock of Selectivision, Inc., ... to be retained by Selectivision, Inc. as and for treasury stock ..." This was part of a stipulation of settlement of certain litigation against P. J. Gruber & Company, Inc. involving the officers of Selectivision, Inc. On the same date it returned the certificate representing 25,000 shares to Selectivision endorsed for transfer to Selectivision.

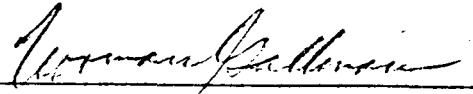
4. As a result of an action by the People of the State of New York against Selectivision, Inc., James T. Hamilton and Bernard L. Goldenberg, under Article 23-A of the General Business Law, an order was entered on June 6, 1958 in Supreme Court, New York County, enjoining Selectivision, Inc. "from the issuance or offering for sale, or sale ... to or from the public within or from the State of New York, of any ... stocks ... and other securities ..."


DECISION

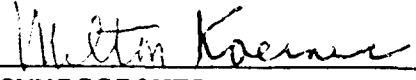
The determinations under review herein are correct. The shares required were held as treasury shares and were not cancelled. There was therefore a taxable transfer of the shares.

DATED: Albany, New York  
February 14, 1973

STATE TAX COMMISSION

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

STATE OF NEW YORK  
Department of Taxation and Finance

STATE CAMPUS  
ALBANY, N. Y. 12227



- ☐ Addressee has no address  
☐ No such number  
☐ Moved, not forwardable  
☒ Addressee unknown  
NEW YORK, N.Y. 10004

*W*

P. J. Gruber & Company, Inc.  
1 Broadway  
New York, New York



STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE  
BUILDING 9, ROOM 214A  
STATE CAMPUS  
ALBANY, N. Y. 12227

STATE TAX COMMISSION

NORMAN F. GALLMAN, PRESIDENT

A. BRUCE MANLEY

MILTON KOERNER

AREA CODE 518

457-2655, 6, 7

STATE TAX COMMISSION  
HEARING UNIT

EDWARD ROOK  
SECRETARY TO  
COMMISSION

ADDRESS YOUR REPLY TO

Dated: Albany, New York

February 14, 1973

J. T. Hamilton  
910 Stuart Avenue  
Mamaroneck, New York

Dear Mr. Hamilton:

Please take notice of the JOINT DECISION of  
the State Tax Commission enclosed herewith.

Please take further notice that pursuant to section 279-a of  
the Tax Law any proceeding in court to review an adverse decision  
must be commenced within 90 Days after  
the date of this notice.

Any inquiries concerning the computation of tax due or refund allowed  
in accordance with this decision or concerning any other matter relat-  
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to the proper party for reply.

Very truly yours,

Nigel G. Wright  
HEARING OFFICER

cc Petitioner's Representative  
Law Bureau

STATE OF NEW YORK

STATE TAX COMMISSION

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In the Matter of the Applications :

of :

SELECTIVISION, INC. :

BERNARD L. GOLDENBERG :

J. T. HAMILTON, and :

P. J. GRUBER & COMPANY, INC. :

JOINT DECISION

for a Hearing to review a Determination of  
Stock Transfer Taxes due pursuant to  
Article 12 of the Tax Law.

---

Selectivision, Inc., Bernard L. Goldenberg, J. T. Hamilton and P. J. Gruber & Company, Inc., each filed an application pursuant to section 279(a) of the Tax Law for a hearing to review separate determinations each dated December 3, 1959 of stock transfer taxes due in the amounts of \$3,748.00 from Selectivision, Inc. and of \$3,000.00, \$248.00 and \$500.00 from each of the other applicants respectively.

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DECISION

The determinations under review herein are correct. The shares required were held as treasury shares and were not cancelled. There was therefore a taxable transfer of the shares.

DATED: Albany, New York  
February 14, 1973

STATE TAX COMMISSION

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

STATE OF NEW YORK  
Department of Taxation and Finance

STATE CAMPUS  
ALBANY, N. Y. 12227

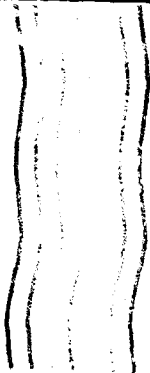
J. T. Hamilton

910 Stuart Avenue

Mamaroneck, New York

Mark 19

10/10/19





STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE

BUILDING 9, ROOM 214A  
STATE CAMPUS

ALBANY, N. Y. 12227

AREA CODE 518

457-2655, 6, 7

STATE TAX COMMISSION

NORMAN F. GALLMAN, PRESIDENT

A. BRUCE MANLEY

MILTON KOERNER

STATE TAX COMMISSION  
HEARING UNIT

EDWARD ROOK  
SECRETARY TO  
COMMISSION

ADDRESS YOUR REPLY TO

Dated: Albany, New York

February 14, 1973

Bernard L. Goldenberg  
85 Tennis Place  
Forest Hills, L.I., New York

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Nigel G. Wright  
HEARING OFFICER

cc Petitioner's Representative  
Law Bureau

STATE OF NEW YORK

STATE TAX COMMISSION

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In the Matter of the Applications :

of :

SELECTIVISION, INC.  
BERNARD L. GOLDENBERG

J. T. HAMILTON, and  
P. J. GRUBER & COMPANY, INC.

:  
: JOINT DECISION  
:

for a Hearing to review a Determination of  
Stock Transfer Taxes due pursuant to  
Article 12 of the Tax Law.  
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and considered.

ISSUE

The issue in this case concerns whether a taxable transfer occurred  
upon the reacquisition of its shares by Selectivision, Inc. from  
each of the other three applicants herein under the circumstances  
indicated.

FINDINGS OF FACTS

1. Selectivision, Inc. was organized under the laws of New York

on July 7, 1957. It maintained offices at 5 Tudor Place, New York, New York, and was engaged in the business of promoting "pay television". It had a stock transfer agent; the New York Stock Transfer Company, located at 200 West 57th Street, New York City. Its authorized capital stock, after amendment of its certificate of organization on October 3, 1957, was 1,000,000 shares at ten cents par value. On or about October 23, 1957 the corporation issued 200,000 shares to Bernard L. Goldenberg, 12,500 shares to J. T. Hamilton and 25,000 shares to P. J. Gruber & Company, Inc.

2(a) On or about June 9, 1958, Bernard L. Goldenberg resigned as a director and corporate agent of Selectivision, Inc. and certified that he had returned to the treasury of Selectivision, Inc. 150,000 shares of Selectivision, Inc. On or about June 11, 1958, Mr. Goldenberg wrote to the transfer agent referring to his 200,000 shares and stating that he had "contributed 150,000 of said shares to the treasury of Selectivision, Inc.", and directed the transfer agent to return his certificate "to the treasury of Selectivision, Inc."

2(b) On or about June 9, 1958, J. T. Hamilton resigned as President and Director of Selectivision, Inc. and certified that he had "returned to the treasury of Selectivision, Inc. 12,400 shares of Selectivision, Inc. being all of the shares owned by me ..." On June 11, 1958, Mr. Hamilton wrote to the transfer agent and advised them that he had "contributed said 12,400 shares to the treasury of Selectivision, Inc." and directed the transfer agent to return them to the treasury of Selectivision, Inc."

2(c) These transactions were entered into as a result of and to terminate certain litigation pending against the company, Mr. Goldenberg and J. T. Hamilton.

3. On or about August 12, 1958, P. J. Gruber & Company, Inc. agreed to "the return of twenty-five thousand (25,000) shares of the common stock of Selectivision, Inc., ... to be retained by Selectivision, Inc. as and for treasury stock ..." This was part of a stipulation of settlement of certain litigation against P. J. Gruber & Company, Inc. involving the officers of Selectivision, Inc. On the same date it returned the certificate representing 25,000 shares to Selectivision endorsed for transfer to Selectivision.


4. As a result of an action by the People of the State of New York against Selectivision, Inc., James T. Hamilton and Bernard L. Goldenberg, under Article 23-A of the General Business Law, an order was entered on June 6, 1958 in Supreme Court, New York County, enjoining Selectivision, Inc. "from the issuance or offering for sale, or sale ... to or from the public within or from the State of New York, of any ... stocks ... and other securities ..."

DECISION

The determinations under review herein are correct. The shares required were held as treasury shares and were not cancelled. There was therefore a taxable transfer of the shares.

DATED: Albany, New York  
February 14, 1973

STATE TAX COMMISSION

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

ROBINSON, SILVERMAN, PEARCE, ARONSOHN, SAND & BERMAN

230 PARK AVENUE

NEW YORK, N. Y. 10017

BENJAMIN M. ROBINSON  
MATTHEW SILVERMAN  
SAUL PEARCE  
ALAN J. B. ARONSOHN  
LEONARD B. SAND  
LAURENCE A. SPELMAN  
STANLEY BERMAN  
EDWIN G. CALLAHAN  
LEWIS R. KASTER  
EDWARD B. SCHOEN  
JAMES F. GILL  
JORDON J. FINGAR  
MICHAEL N. ROSEN  
CHARLES M. KOTICK  
ARTHUR W. BRILL  
ALAN S. PEARCE  
MICHAEL P. OSHATZ  
RAYMOND S. HACK  
DAVID A. WALLACE  
EDWARD SUSSMAN  
STEVEN M. GOLDMAN  
ANDREW S. BERKMAN  
ZVI WILAMOWSKY  
PHILIP J. HEYMAN  
FREDERIC H. MAYERSON  
STEPHEN C. WEINGARTEN

(212) MU 9-7766

CABLE: "ROSILPE"

WASHINGTON OFFICE

888 16TH STREET, N.W.

WASHINGTON, D.C. 20006

(202) 296-7272

MEMBER WASHINGTON, D.C.

BAR ONLY

February 21, 1973

Mr. Nigel G. Wright  
New York State Tax Commission  
Building 9, Room 214A  
State Campus  
Albany, New York 12227

Dear Mr. Wright:

The enclosed notice addressed to Mr. Bernard L. Goldenberg was delivered to my home at 85 Tennis Place and was inadvertently opened by me. I have been the owner of this property for approximately two years and the prior owner, a Mr. Hastings, lived there for about eight years. No one seems to have knowledge of Mr. Goldenberg to whom your letter is addressed.

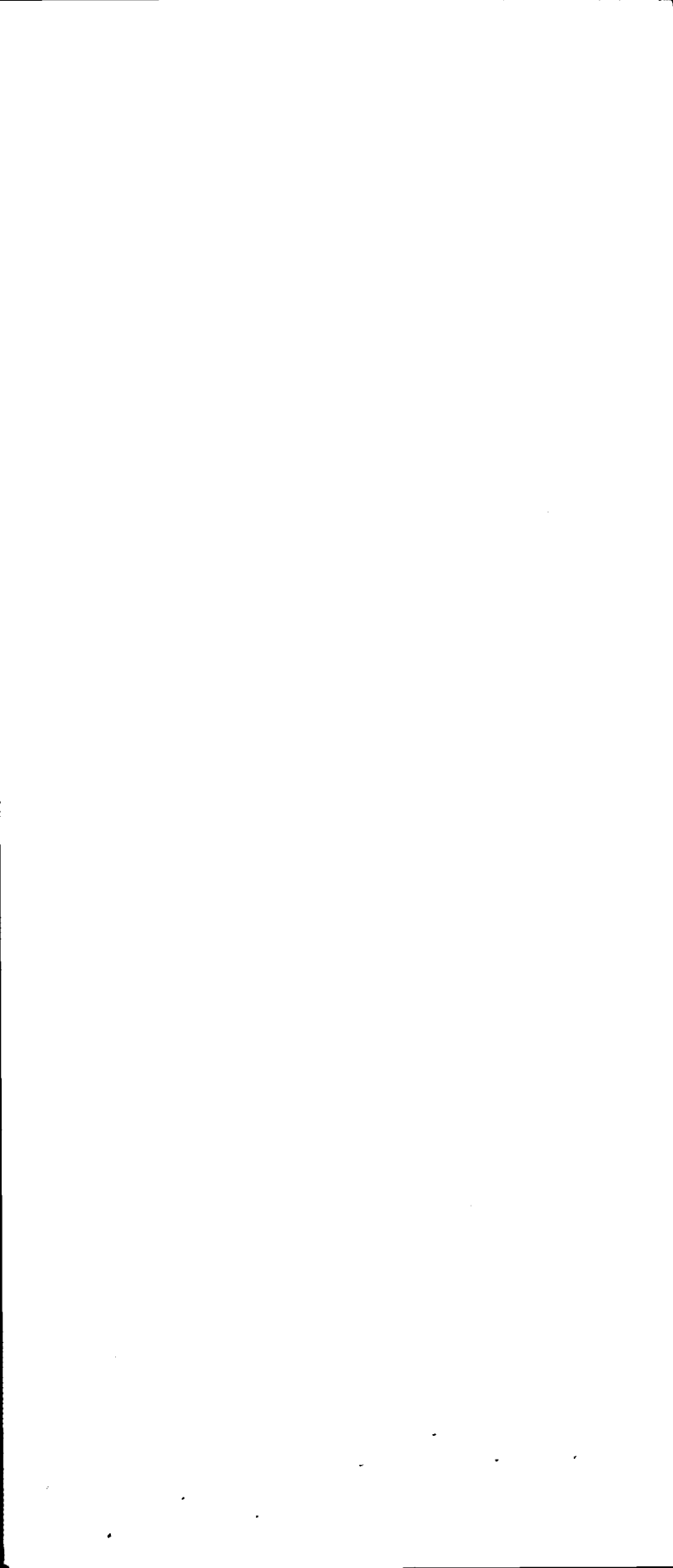
Very truly yours,

  
Lewis R. Kaster

LRK:mth  
encl.

STATE OF NEW YORK  
Department of Taxation and Finance  
STATE CAMPUS  
ALBANY, N. Y. 12227

Bernard L. Goldenberg  
85 Tennis Place  
Forest Hills, L.I., New York



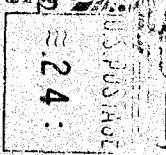
ROBINSON, SILVERMAN, PEARCE, ARONSOHN, SAND & BERMAN

230 PARK AVENUE  
NEW YORK, N. Y. 10017

Mr. Nigel G. Wright  
New York State Tax Commission  
Building 9, Room 214A  
State Campus  
Albany, New York 12227



POSTER  
PB 554449





STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE

BUILDING 9, ROOM 214A  
STATE CAMPUS  
ALBANY, N. Y. 12227

AREA CODE 518  
457-2655, 6, 7

STATE TAX COMMISSION

NORMAN F. GALLMAN, PRESIDENT  
A. BRUCE MANLEY  
MILTON KOERNER

STATE TAX COMMISSION  
HEARING UNIT

EDWARD ROOK  
SECRETARY TO  
COMMISSION

ADDRESS YOUR REPLY TO

Dated: Albany, New York

February 14, 1973

Selectivision, Inc.  
5 Tudor City Place  
New York, New York

Gentlemen:

Please take notice of the JOINT DECISION of  
the State Tax Commission enclosed herewith.

Please take further notice that pursuant to section 279-a of  
the Tax Law any proceeding in court to review an adverse decision  
must be commenced within 90 Days after  
the date of this notice.

Any inquiries concerning the computation of tax due or refund allowed  
in accordance with this decision or concerning any other matter relat-  
ing hereto may be addressed to the undersigned. These will be referred  
to the proper party for reply.

Very truly yours,

Nigel G. Wright  
HEARING OFFICER

cc Petitioner's Representative  
Law Bureau

STATE OF NEW YORK

STATE TAX COMMISSION

---

In the Matter of the Applications :

of :

SELECTIVISION, INC. :  
BERNARD L. GOLDENBERG :

J. T. HAMILTON, and :

P. J. GRUBER & COMPANY, INC. :

JOINT DECISION

for a Hearing to review a Determination of  
Stock Transfer Taxes due pursuant to :  
Article 12 of the Tax Law. :

---

Selectivision, Inc., Bernard L. Goldenberg, J. T. Hamilton and  
P. J. Gruber & Company, Inc., each filed an application pursuant to  
section 279(a) of the Tax Law for a hearing to review separate determi-  
nations each dated December 3, 1959 of stock transfer taxes due in  
the amounts of \$3,748.00 from Selectivision, Inc. and of \$3,000.00,  
\$248.00 and \$500.00 from each of the other applicants respectively.

A hearing was held at the offices of the State Tax Commission,  
80 Centre Street, New York City, before Paul Newman, Hearing Officer,  
on December 16, 1960. Thomas McGrath, Esq., represented the Miscel-  
laneous Tax Bureau. The record of said hearing has been duly examined  
and considered.

ISSUE

The issue in this case concerns whether a taxable transfer occurred  
upon the reacquisition of its shares by Selectivision, Inc. from  
each of the other three applicants herein under the circumstances  
indicated.

FINDINGS OF FACTS

1. Selectivision, Inc. was organized under the laws of New York

IN SENATE

JOINT DECISION

SELECTIVE, INC.

AND

U. S. GUNTER & COMPANY, INC.

AND

U. S. GUNTER & COMPANY, INC.

FOR A HEARING TO REVIEW A DETERMINATION OF

STOCK TRANSFER TAXES AND PAYMENTS TO

ARTICLE 13 OF THE TAX LAW

SELECTIVE, INC., Bernard H. Goldberger, U. S. Gunter and

U. S. Gunter & Company, Inc., each filed an application pursuant to

section 13(a) of the Tax Law for a hearing to review expenses incurred

in connection with the filing of such applications and the

amounts of \$1,748.00 from Selective, Inc. and of \$2,000.00

from U. S. Gunter & Company, Inc. respectively.

A hearing was held at the office of the State Tax Commission

60 Centre Street, New York City, before Paul Newman, Hearing Officer

on December 12, 1960. Thomas McGeehan, Esq., represented the

State Tax Commission. The record of said hearing has been duly examined

and considered.

1960

The issue in this case concerns whether a taxable transfer occurred

upon the redemption of the shares of Selective, Inc. from

each of the other three applicants herein under the circumstances

WITNESSED BY ME

U. S. Gunter & Company, Inc. was organized under the laws of New York

on July 7, 1957. It maintained offices at 5 Tudor Place, New York, New York, and was engaged in the business of promoting "pay television". It had a stock transfer agent; the New York Stock Transfer Company, located at 200 West 57th Street, New York City. Its authorized capital stock, after amendment of its certificate of organization on October 3, 1957, was 1,000,000 shares at ten cents par value. On or about October 23, 1957 the corporation issued 200,000 shares to Bernard L. Goldenberg, 12,500 shares to J. T. Hamilton and 25,000 shares to P. J. Gruber & Company, Inc.

2(a) On or about June 9, 1958, Bernard L. Goldenberg resigned as a director and corporate agent of Selectivision, Inc. and certified that he had returned to the treasury of Selectivision, Inc. 150,000 shares of Selectivision, Inc. On or about June 11, 1958, Mr. Goldenberg wrote to the transfer agent referring to his 200,000 shares and stating that he had "contributed 150,000 of said shares to the treasury of Selectivision, Inc.", and directed the transfer agent to return his certificate "to the treasury of Selectivision, Inc."

2(b) On or about June 9, 1958, J. T. Hamilton resigned as President and Director of Selectivision, Inc. and certified that he had "returned to the treasury of Selectivision, Inc. 12,400 shares of Selectivision, Inc. being all of the shares owned by me ..." On June 11, 1958, Mr. Hamilton wrote to the transfer agent and advised them that he had "contributed said 12,400 shares to the treasury of Selectivision, Inc." and directed the transfer agent to return them to the treasury of Selectivision, Inc."

2(c) These transactions were entered into as a result of and to terminate certain litigation pending against the company, Mr. Goldenberg and J. T. Hamilton.

on July 1, 1957, in connection with the New York

the same, and was engaged in the business of collecting fees for

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located at 200 West 11th Street, New York City. The activities

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3. On or about August 12, 1958, P. J. Gruber & Company, Inc. agreed to "the return of twenty-five thousand (25,000) shares of the common stock of Selectivision, Inc., ... to be retained by Selectivision, Inc. as and for treasury stock ..." This was part of a stipulation of settlement of certain litigation against P. J. Gruber & Company, Inc. involving the officers of Selectivision, Inc. On the same date it returned the certificate representing 25,000 shares to Selectivision endorsed for transfer to Selectivision.

4. As a result of an action by the People of the State of New York against Selectivision, Inc., James P. Hamilton and Bernard L. Goldenberg, under Article 23-A of the General Business Law, an order was entered on June 6, 1958 in Supreme Court, New York County, enjoining Selectivision, Inc. "from the issuance or offering for sale, or sale ... to or from the public within or from the State of New York, of any ... stocks ... and other securities ..."

DECISION

The determinations under review herein are correct. The shares required were held as treasury shares and were not cancelled. There was therefore a taxable transfer of the shares.

DATED: Albany, New York  
February 14, 1973

STATE TAX COMMISSION

Norman Gallman  
COMMISSIONER

George Massey  
COMMISSIONER

Milton Koerner  
COMMISSIONER

THE UNIVERSITY OF CHICAGO PRESS, 5 EAST COLUMBIA STREET, CHICAGO, ILL. 60607

amounted to the sum of twenty-five thousand (\$25,000) shares of the

Copyright of Government Documents, Inc. to be retained by relative

... from present not be as good

Programs of reduced, or no damage liability, known as "insurables to

not involving the officers or investigation, and on the same date

if returned for getting a replacement 25,000 shares to the division

[illegible]

4. The receipt of an action by the local of the State of New

York and New Division, Mr. James S. Harrison and Bernard J.

6076999, under Article 13-4 of the General Business Law, an order

was arrested on June 1, 1978 in District Court, New York County, New York.

... and the evidence of offering for sale, or sale ...

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... 20-1130748-44 to 504 ... 23000

NO 12150

The following information was obtained from the review of the records of the FBI, Bureau of Prisons, and the Department of Justice, and is being furnished to you for your information.

reputed to be a very good man and was not cancelled.

was therefore a fairly typical case.

NOI 21111000 NAM 21 AUG

1957-58 VERBIA : DETAG

07-01-1968

CO-THRESE FORTS

# HEMOI SPINOC

REF ID: A62000

STATE OF NEW YORK  
Department of Taxation and Finance

STATE CAMPUS  
ALBANY, N. Y. 12227

*16*  
**RECEIVED**  
DEPARTMENT OF  
TAXATION AND FINANCE  
JUL 24 1973

DIVISION OF  
THE LOTTERY

*W. J. ...*  
~~Selectivision, Inc.  
5 Tudor City Place  
New York, New York~~

*Richard D. Wright*

GRAND CERN



STATE OF NEW YORK  
STATE TAX COMMISSION

In the Matter of the Petition

of  
SESKIS & WOHLSTETTER, FAGENSON & FRANKEL,  
J. STREICHER & CO. - INC.  
A Joint Venture  
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)

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 February, 19 73, she served the within Notice of Decision (or Determination) by (certified) mail upon Seskis & Wohlstetter, Inc.-J. Streicher & Co. (representative of) the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows: Seskis & Wohlstetter, Fagenson & Frankel, Inc., J. Streicher & Co. 55 Broad Street New York, New York 10004 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 February , 1973.

Lynn Wilson

Martha Funaro

STATE OF NEW YORK  
STATE TAX COMMISSION

In the Matter of the Petition

of  
SESKIS & WOHLSTETTER, FAGENSON & FRANKEL,  
J. STREICHER & CO. = INC.  
A Joint Venture  
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)~~

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 February, 1973, she served the within Notice of Decision (or Determination) by (certified) mail upon Louis Sternbach & Company (representative of) the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows: Louis Sternbach & Company  
Att: Howard Greenberger, C.P.A.  
10 East 40th Street  
New York, New York  
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 February, 1973.

Lynn Wilson

Martha Funaro



STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE

BUILDING 9, ROOM 214A  
STATE CAMPUS

ALBANY, N. Y. 12227

AREA CODE 518

457-2655, 6, 7

STATE TAX COMMISSION  
HEARING UNIT

EDWARD ROOK  
SECRETARY TO  
COMMISSION

STATE TAX COMMISSION

NORMAN F. GALLMAN, PRESIDENT

A. BRUCE MANLEY

MILTON KOERNER

ADDRESS YOUR REPLY TO

**Dated:** Albany, New York

**February 14, 1973**

**Seskis & Wohlstetter  
Fagenson & Frankel, Inc.,  
J. Streicher & Co.  
55 Broad Street  
New York, New York 10004**

**Gentlemen:**

Please take notice of the **DECISION** of  
the State Tax Commission enclosed herewith.

Please take further notice that pursuant to **section 279-a** of  
the Tax Law any proceeding in court to review an adverse decision  
must be commenced within **90 Days** after  
the date of this notice.

Any inquiries concerning the computation of tax due or refund allowed  
in accordance with this decision or concerning any other matter relat-  
ing hereto may be addressed to the undersigned. These will be referred  
to the proper party for reply.

Very truly yours,

**Nigel G. Wright**  
HEARING OFFICER

cc Petitioner's Representative  
Law Bureau

STATE OF NEW YORK  
STATE TAX COMMISSION

---

In the Matter of the Application	:	
of	:	
SESKIS & WOHLSTETTER, FAGENSON &	:	
FRANKEL CO., INC. and J. STREICKER	:	
& CO.	:	DECISION
A Joint Venture	:	
for A Hearing to Review a Determination	:	
of Stock Transfer Taxes due pursuant to	:	
Article 12 of the Tax Law.	:	

---

Seskis & Wohlstetter filed an application under section 279-a of the Tax Law for a hearing to review a determination dated October 22, 1971 of stock transfer taxes due under Article 12 of the Tax Law.

A hearing was duly held at the offices of the State Tax Commission, 80 Centre Street, New York City on March 8, 1972, before Nigel G. Wright, Hearing Officer. The applicants were represented by Howard Greenberger, C.P.A. of Louis Sternbach & Company.

The Miscellaneous Tax Bureau was represented by Saul Heckelman, Esq., appearing by Francis X. Boylan, Esq. The record of said hearing has been duly examined and considered.

ISSUE

The issue in this case is the validity of a tax assessed upon the theory that a transfer of ownership of stock took place from a joint venture of two participants to a joint venture of three participants where the applicant asserts that there could be no transfer because the "two" joint ventures at all times constituted a single continuing legal entity, which, while it had admitted a new participant, had also at all times and continuously owned the stock in question.

FINDINGS OF FACT

1. On June 24, 1954, B.F. Fagenson & Co., which has since become Fagenson & Frankel, Inc., formed a joint venture with J. Streicher & Co. for the purpose of acting as specialists on the New York Stock Exchange. Each participant was a member firm of the Exchange and each had a 50% interest in the joint account. Seskis & Wohlstetter, another member firm of the Exchange, had also acted as a specialist on the Exchange.

2. The determination under review finds a tax due of \$6,098.13. This is calculated at a 2 1/2 cent rate on 122,425 shares of stock transferred from Fagenson & Frankel Co., Inc. - J. Streicher & Co. to a new joint venture on December 15, 1969, thereby incurring a tax of \$3,060.63 and on 121,500 shares transferred from Seskis & Wohlstetter to the same joint venture on the same date and incurring a tax of \$3,037.50. The applicant concedes a tax is due on the shares transferred from Seskis & Wohlstetter.

3. There is in evidence a letter which was sent to the New York Stock Exchange advising them that "the following member firms are forming a joint account for the purpose of acting as specialists..." and listing the member firms as Seskis & Wohlstetter having a 50% interest and making a capital contribution of \$750,000.00; Fagenson & Frankel Co., Inc. having a 30% interest and making a capital contribution of \$400,000.00 and J. Streicher & Co. having a 20% interest and making a capital contribution of \$400,000.00. The letter was signed by three individuals each for one of the three member firms.

4. An alleged draft of a written agreement of joint venture which has been offered in evidence by the applicant must be rejected. The draft is, of course, not a final agreement. In addition, the testimony of the State's tax examiner is that at an earlier date, the employees of the applicant member firms had made contradicting representations to him concerning the existing of a written agreement.

Furthermore, this draft agreement is submitted without any representation from the Stock Exchange itself as to any final agreement on file with it.

DECISION

A new partnership was formed on December 15, 1969. Therefore, there was a transfer subject to tax on that date. The determination under review is correct in its entirety.

DATED: Albany, New York  
February 14, 1973

STATE TAX COMMISSION

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER