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*Income Tax Determinations
A-Z
Fargnoli, Anna & Louis*

STATE OF NEW YORK
STATE TAX COMMISSION
.....
IN THE MATTER OF THE APPLICATION
OF
LOUIS & ANNA FARGNOLI
FOR REVISION OR REFUND OF PERSONAL
INCOME TAX UNDER ARTICLE 16 OF THE
TAX LAW FOR THE YEAR 1959
.....

*See also
Unincorp. Bus Tax
Determinations A-Z
Fargnoli Brothers
(memo 7/21/67)*

The taxpayers having filed an application for revision or refund of personal income tax assessed under Article 16 of the Tax Law for the year 1959 and a hearing having been held at the office of the State Tax Commission at 184 Court Street, Binghamton, New York on October 7, 1964 before Vincent F. Malineaux, Hearing Officer, of the Department of Taxation and Finance, and the record having been duly examined and considered,

The State Tax Commission hereby finds:

- (1) That the taxpayers filed a resident return of personal income tax under Article 16 of the Tax Law for the year 1959 and the amount shown to be due thereon was paid.
- (2) That the Commissioner of Internal Revenue on May 26, 1964 changed the amount of taxable income of the taxpayers for the year 1959 which resulted in an increase of taxable personal income for the said year.
- (3) That the taxpayers on June 24, 1964 filed with the Department of Taxation and Finance form IT-115 (Notice of Change in Net Income by United States Treasury Department pursuant to Section 167 of the Tax Law) showing additional income resulting from Federal audit in the sum of \$23,771.96 for the year 1959; that the taxpayers computed on form IT-115 the amount of additional normal tax due in the sum of \$1,125.74 for the year 1959 and

that the taxpayers failed and refused to pay the additional normal tax due as computed by them on said form, IT-115, on the ground that no assessment could be made more than three years after the return was made (Tax Law Sec. 373(1)).

(4) That on August 31, 1964, the Department of Taxation and Finance made an assessment against the taxpayers for the year 1959 (Assessment No. AB-056208) in the sum of \$2,389.05 based upon Federal audit as reported by taxpayers on form IT-115.

Based upon the foregoing findings and all of the evidence presented herein, the State Tax Commission hereby

DETERMINES:

That the assessment made by the Department of Taxation and Finance (Assessment No. AB-056208) for the year 1959 was timely made in accordance with subdivision 4 of section 373 of the Tax Law and paragraph (d) of Article 571(a) of the Personal Income Tax Regulations; that, accordingly, the assessment is correct; that said assessment does not include any tax or other charge which could not have been lawfully demanded and that the application filed in respect thereto be and the same is hereby denied.

DATED: Albany, New York on this 3rd day of March, 1967.

STATE TAX COMMISSION

/s/

JOSEPH H. MURPHY

PRESIDENT

/s/

JAMES R. MACDUFF

COMMISSIONER

/s/

WALTER MACLYN CONLON

COMMISSIONER