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Kennedy, John and Virginia

STATE OF NEW YORK

STATE TAX COMMISSION

.....

IN THE MATTER OF THE APPLICATION

OF

JOHN AND VIRGINIA KENNEDY

FOR REVISION OR REFUND OF PERSONAL

INCOME TAXES UNDER ARTICLE 16 OF

THE TAX LAW FOR THE YEAR 1957

.....

see also

Income Tax Determination, A-2

Goldson, Milton H. and Muriel

(9/15-27/67)

The taxpayers having filed an application for revision or refund of personal income tax under Article 16 of the Tax Law for the year 1957 and a hearing having been held in connection therewith at the office of the State Tax Commission, 83 Centre Street, New York, New York on June 21, 1957 before Francis V. Dow, Hearing Officer of the Department of Taxation and Finance, at which hearing the taxpayers were represented and the record having been duly examined and considered,

The State Tax Commission hereby finds:

(1) That a Federal audit was made of the taxpayers' 1957 Federal income tax return; that as a result of the Federal audit the taxpayers' reported taxable income as adjusted resulted in an increase in the taxpayers' income and capital gains for the year 1957; that the taxpayers' annual income was increased by the amount of \$2,813.77 and that their capital gains were increased by the amount of \$17,303.08.

(2) That on May 6, 1958, the taxpayers filed a copy of changes in Federal income with the Department of Taxation and Finance as a result of the Federal audit of their 1957 income tax return.

(3) That an assessment was issued for 1957 under date of August 17, 1958 (Assessment No. AB 036102) assessing annual

tax and capital gains tax due in the amount of \$776.01 in conformity with changes made in their taxable income on the audit of the taxpayers' Federal income tax return within one year of the receipt of notification by the taxpayer of the Federal change.

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

DETERMINE:

That the assessment issued for the year 1957 (Assessment No. AB 076102) was timely issued in accordance with Section 373, subdivision (4) of the Tax Law and SO ORDER \$70.21, since it was issued within one year of the notification by the taxpayer of the Federal change; that, accordingly, the assessment is correct and does not include any tax or other charges which could not have been lawfully demanded and that the taxpayers' application for revision or refund in respect thereto be and the same is hereby denied.

DATED: Albany, New York on this 27th day of September , 1957.

STATE TAX COMMISSION

/s/

JOSEPH H. MURPHY

~~COMMISSIONER~~

/s/

JAMES R. MACDUFF

~~COMMISSIONER~~

/s/

WALTER MACLYN CONLON

~~COMMISSIONER~~