

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

^{E. of}
MARTA KIEPURA

For a Redetermination of a Deficiency or
a Refund of Personal Income
Taxes under Article(s) 16 of the
Tax Law for the (Year(s) 1959

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 28th day of February , 19 72, she served the within Notice of Decision (or Determination) by (certified) mail upon Marta E. Kiepura

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

wrapper addressed as follows: Marta E. Kiepura
12 Park Drive North
Rye, 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

28th day of February , 19 72

Lynn Wilson

Martha Funaro

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of
E.
MARTA KIEPURA

For a Redetermination of a Deficiency or
a Refund of Personal Income
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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 28th day of February , 19 72, she served the within Notice of Decision (or Determination) by (certified) mail upon Bernard M.

Isaacs, C.P.A. (representative of) the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows: Bernard M. Isaacs, C.P.A.
535-5 Avenue
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

28th day of February , 1972.

Lynne Wilson

Martha Funaro



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 28, 1972

**Marta Kiepora
12 Park Drive North
Rye, New York**

Dear Madam:

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

Please take further notice that pursuant to section(s)
375 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 relating hereto may be
addressed to the undersigned. These will be referred
to the proper party for reply.

Very truly yours,

Lawrence A. Newman
Hearing Officer

cc Petitioner's Representative
Law Bureau

STATE OF NEW YORK
STATE TAX COMMISSION

IN THE MATTER OF THE APPLICATION

OF

MARTA E. KIEPURA

DETERMINATION

FOR REVISION OR REFUND OF PERSONAL
INCOME TAX UNDER ARTICLE 16 OF THE
TAX LAW FOR THE YEAR 1959

The taxpayer, Marta E. Kiepura, having filed an application for revision or refund of personal income tax for the year 1959 and a hearing having been held thereon at the office of the State Tax Commission, 80 Centre Street, New York, N. Y. on the fourth day of November, 1964 before Vincent P. Molineaux, 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 taxpayer filed a resident income tax return for the year 1959 on which the amount shown to be due was paid.

(2) That on November 14, 1961 the State Tax Commission issued Assessment No. B 988731 assessing capital gains tax based upon unreported gain realized as a result of liquidating dividend received by taxpayer as owner of 20% of the outstanding shares of Patria Realty Co., Inc.

(3) That the computation of the capital gain was based, in part, on the assessed value of the apartment building which, together with furnishings and equipment, was the only asset of Patria Realty Co., Inc. and that the said assessed value for the year 1959 has been reduced by litigation from \$575,000 to \$547,000.

(4) That certain payments in the amount of \$52,771 appear to have been made by taxpayer and her husband on behalf of Patria Realty Co., Inc., but no records are available to show that these amounts were part of the cost or were not included in the officer's loan account carried as a liability in the liquidation statement, were not reimbursed, or were shown to be ordinary and necessary for the production of gross income by the taxpayer in accordance with subdivision 1, Section 360 of the Tax Law and Article 118 of the Personal Income Tax Regulations.

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

DETERMINES:

(A) That the capital gains tax and additional depreciation allowed be recomputed using the amount of \$547,000 as the fair market value of the real property.

(B) That the application for refund is granted in the amount of \$260.87 based upon recomputation of the capital gains tax and additional depreciation allowed making use of the corrected assessed valuation of the real property included in the liquidated dividend.

Dated: Albany, New York on this 28th day of February, 1942.

STATE TAX COMMISSION

Norman Gallivan

PRESIDENT

Bruce Manley

COMMISSIONER

Milton Koen

COMMISSIONER

March 13, 1972

Mrs. Jan Kiepura
Park Drive North
Kye, New York 10580

Re: Decision dated February 28, 1972
Article 16 Year 1959

Dear Mrs. Kiepura:

This acknowledges your letter regarding the recent decision of the State Tax Commission.

Your letter has been referred to the Litigation Unit of our Bureau of Law for their attention and response to your inquiry.

Very truly yours,



Lawrence A. Newman
Hearing Officer

cc: Law Bureau

MRS. JAN KIEPURA
PARK DRIVE NORTH
RYE, NEW YORK 10580
—
TEL 914 - 967-6061
TELEGRAM KIEPURA
RYE, NEW YORK

March 6th, 1972

State of New York
Department of Taxation and Finance
Building 9, Room 214A
State Campus
Albany, N.Y. 12227

Att: Mr. Lawrence A. Newman
Hearing Officer

Dear Mr. Newman:

I received your letter of February 28th, 1972 "in the Matter of the Application of Marta E. Kiepura for Revision or Refund of personal income Tax under Article 16 of the Tax Law for the Year 1959".

I accept your decision and would appreciate receiving the refund of \$260.87 to my above address.

Under no circumstances should this refund be mailed to O.L. Walter & Co., 535 Fifth Avenue, New York. I have nothing whatsoever to do with this firm and they do not represented me in any way whatsoever.

Very sincerely yours,

MRS. JAN KIEPURA

MEK:wd

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of
JAN KIEPURA

For a Redetermination of a Deficiency or
a Refund of Personal Income
Taxes under Article(s) 16 of the
Tax Law for the (Year(s) 1959

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 28th day of February , 1972, she served the within Notice of Decision (or Determination) by (certified) mail upon Jan Kiepura (representative of) the petitioner in the within (deceased) proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows: Jan Keipura
c/o Marta E. Kiepura
12 Park Drive North
Rye, 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

28th day of February , 1972

Lynn Wilson

Martha Funaro

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of :

JAN KIEPURA :

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

For a Redetermination of a Deficiency or
a Refund of Personal Income :
Taxes under Article(s) 16 of the
Tax Law for the (Year(s) 1959 :

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 28th day of February , 19 72, she served the within Notice of Decision (or Determination) by (certified) mail upon Bernard M. Isaacs, C.P.A. (representative of) the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid

wrapper addressed as follows: Bernard M. Isaacs, C.P.A.
535-5 Avenue
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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Sworn to before me this

28th day of February , 1972.

Lynn Wilson

Martha Funaro

STATE OF NEW YORK
STATE TAX COMMISSION

IN THE MATTER OF THE APPLICATION :
OF :
JAN KIEPURA : DETERMINATION
FOR REVISION OR REFUND OF PERSONAL :
INCOME TAX UNDER ARTICLE 16 OF THE :
TAX LAW FOR THE YEAR 1959 :

The taxpayer, Jan Kiepura, having filed an application for revision or refund of personal income tax for the year 1959 and a hearing having been held thereon at the office of the State Tax Commission, 80 Centre Street, New York, N. Y. on the fourth day of November, 1964 before Vincent P. Molineaux, 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 taxpayer filed a resident income tax return for the year 1959 on which the amount shown to be due was paid.

(2) That on November 14, 1961 the State Tax Commission issued Assessment No. B 988730 assessing capital gains tax based upon unreported gain realized as a result of liquidating dividend received by the taxpayer as owner of 80% of the outstanding shares of Patria Realty Co., Inc.

(3) That the computation of the capital gain was based, in part, on the assessed value of the apartment building which, together with furnishings and equipment, was the only asset of Patria Realty Co., Inc. and that the said assessed value for the year 1959 has been reduced by litigation from \$575,000 to \$547,000.

(4) That certain payments in the amount of \$52,771 appear to have been made by taxpayer and his wife on behalf of Patria Realty Co., Inc., but no records are available to show that these amounts were part of the cost or were not included in the officer's loan account carried as a liability in the liquidation statement, were not reimbursed, or were shown to be ordinary and necessary for the production of gross income by the taxpayer in accordance with subdivision 1, Section 360 of the Tax Law and Article 118 of the Personal Income Tax Regulations.

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

DETERMINES:

(A) That the capital gains tax and additional depreciation allowed be recomputed using the amount of \$547,000 as the fair market value of the real property.

(B) That the application for refund is granted in the amount of \$1,101.43 based upon recomputation of the capital gains tax and additional depreciation allowed making use of the corrected assessed valuation of the real property included in the liquidated dividend.

Dated: Albany, New York on this 28th day of February, 1972.

STATE TAX COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER