

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

MARTIN and NAOMI CRAMER

AFFIDAVIT OF MAILING

For a Redetermination of a Deficiency or :
a Revision of a Determination or a Refund :
of Personal Income :
Taxes under Article(x) 22 of the :
Tax Law for the Year(s) ~~xxx~~ Period(s) 1972. :

State of New York
County of Albany

Marsina Donnini, 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 21st day of June, 1977, she served the within
Notice of Decision by (certified) mail upon Martin & Naomi Cramer

~~(representative of)~~ the petitioner in the within proceeding,
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed
as follows:

Mr. & Mrs. Martin Cramer
623 Maitland Avenue
Teaneck, New Jersey 07666

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 Postal Service within the State of New York.

That deponent further says that the said addressee is the ~~(representative of the)~~
~~xxx~~ 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

21st day of June, 1977.

Marsina Donnini

Janet Mack



STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE

STATE TAX COMMISSION

TAX APPEALS BUREAU
STATE CAMPUS
ALBANY, N.Y. 12227

ADDRESS YOUR REPLY TO

June 21, 1977

TELEPHONE: (518) **457-1723**

Mr. & Mrs. Martin Cramer
623 Maitland Avenue
Teaneck, New Jersey 07666

Dear Mr. & Mrs. Cramer:

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

Please take further notice that pursuant to
Section(8) **690** of the Tax Law, any
proceeding in court to review an adverse deci-
sion must be commenced within **4 months**
from the date of this notice.

Inquiries concerning the computation of tax
due or refund allowed in accordance with this
decision or concerning any other matter relative
hereto may be addressed to the undersigned. They
will be referred to the proper party for reply.

Very truly yours,

Frank J. Puccia
Supervisor of
Small Claims Hearings

Enc.

cc: ~~XXXXXXXXXXXXXXXXXXXX~~
petitioner's representative:

Taxing Bureau's Representative:

STATE OF NEW YORK

STATE TAX COMMISSION

In the Matter of the Petition	:	
	:	
of	:	
	:	
MARTIN and NAOMI CRAMER	:	DECISION
	:	
for Redetermination of a Deficiency or	:	
for Refund of Personal Income Taxes	:	
under Article 22 of the Tax Law for the	:	
Year 1972.	:	

Petitioners, Martin and Naomi Cramer, residing at 623 Maitland Avenue, Teaneck, New Jersey 07666, have filed a petition for redetermination of a deficiency or for refund of personal income taxes under Article 22 of the Tax Law for the year 1972 (File No. 12568).

A small claims hearing was held before Joseph A. Milack, Small Claims Hearing Officer, on September 20, 1976 at 10:45 a.m. at the offices of the State Tax Commission, Two World Trade Center, New York, New York. The petitioner, Martin Cramer, appeared pro se and for his wife, petitioner, Naomi Cramer. The Income Tax Bureau appeared by Peter Crotty, Esq. (Louis Senft, Esq. of counsel).

ISSUE

Whether petitioners, Martin and Naomi Cramer, were entitled to deduct on their 1972 New York State nonresident income tax return a capital loss carryover of \$1,000.00 resulting from losses incurred on the sale of securities during the years 1969 and 1970.

FINDINGS OF FACT and CONCLUSIONS OF LAW

1. During the period in 1969 and 1970 while petitioners, Martin and Naomi Cramer, were residents of New York State, they incurred capital losses from the sale of securities. In 1970, petitioners became residents of New Jersey. Petitioners deducted \$1,000.00 as a capital loss carryover on their 1972 New York State nonresident income tax return with respect to the losses incurred on the sale of securities in 1969 and 1970 while petitioners were residents of New York State.

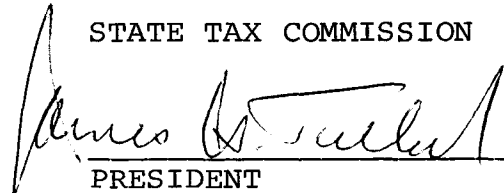
2. That the \$1,000.00 capital loss carryover deducted in 1972 by petitioners, Martin and Naomi Cramer, does not constitute a loss derived from New York sources in accordance with the meaning and intent of section 632(b)(2) of the Tax Law and Regulation 20 NYCRR 131.5. Therefore, said capital loss carryover was improperly deducted by petitioners on their New York

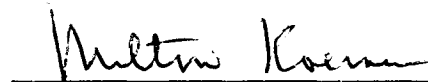
State income tax nonresident return for the year 1972 in accordance with the meaning and intent of section 632(b)(3) of the Tax Law and Regulation 20 NYCRR 131.6(a).

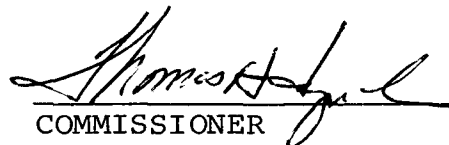
3. That the petition of Martin and Naomi Cramer is granted to the extent that the tax due on the Notice of Deficiency issued March 31, 1975, is reduced from \$364.47 to \$150.80 together with such interest as may be lawfully owing in order to reflect the agreement reached at a conference on September 13, 1974, that the Income Tax Bureau is hereby directed to accordingly modify said Notice of Deficiency and that except as so granted, the petition is in all other respects denied.

DATED: Albany, New York
June 21, 1977

STATE TAX COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER