

STATE OF NEW YORK  
STATE TAX COMMISSION

In the Matter of the Petition

of

BRUCE HAUSMAN

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) or Period(s)~~ 1972:

State of New York  
County of Albany

Bruce Batchelor, 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 12th day of May, 1977, she served the within  
Notice of Decision by (certified) mail upon Bruce Hausman  
(~~representative of~~) the petitioner in the within proceeding,  
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed  
as follows: Mr. Bruce Hausman  
860 United Nations Plaza, Apt. 9A  
New York, New York 10017  
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~~) 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

12th day of May, 1977.

Bruce Batchelor

Janet Back

STATE OF NEW YORK  
STATE TAX COMMISSION

In the Matter of the Petition

of  
BRUCE HAUSMAN

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 (~~sixty~~ ~~seventies~~) 1972 :

State of New York  
County of Albany

Bruce Batchelor, being duly sworn, deposes and says that  
he is an employee of the Department of Taxation and Finance, over 18 years of  
age, and that on the 12th day of May, 1977, he served the within  
Notice of Decision by (certified) mail upon Nathaniel Miller

(representative of) the petitioner in the within proceeding,

by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed

as follows: Nathaniel Miller  
19 West 44th Street  
New York, NY 10036

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) 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

12th day of May, 1977.

Bruce Batchelor

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

May 12, 1977

TELEPHONE: (518) 457-1723

Mr. Bruce Hausman  
860 United Nations Plaza, Apt. 9A  
New York, NY 10017

Dear Mr. Hausman:

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

Please take further notice that pursuant to  
Section( ~~2~~ ) **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: Petitioner's Representative:

Taxing Bureau's Representative:

STATE OF NEW YORK

STATE TAX COMMISSION

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In the Matter of the Petition  
of  
BRUCE HAUSMAN  
for Redetermination of a Deficiency or for  
Refund of Personal Income Taxes under  
Article 22 of the Tax Law for the Year 1972.

DECISION

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Petitioner, Bruce Hausman, residing at 860 United Nations Plaza, New York, New York 10017, has 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. 12640).

A small claims hearing was held before William Valcarcel, Small Claims Hearing Officer, on August 23, 1976 at 9:15 A.M. at the offices of the State Tax Commission, Two World Trade Center, New York, New York. The petitioner appeared by Nathaniel Miller. The Income Tax Bureau appeared by Peter Crotty, Esq., (William Fox, Esq., of counsel).

ISSUE

Whether the items of tax preference should be reduced by a loss deducted under section 1244 of the Internal Revenue Code.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. During 1972, petitioner, Bruce Hausman, had items of tax preference of \$19,680.00. In addition, the petitioner, Bruce Hausman, and his wife, Jeanne Hausman, elected to deduct a \$50,000.00 loss under section 1244 of the Internal Revenue Code on their income tax return. Petitioner and his representative, Nathaniel Miller, asserted that the \$50,000.00 loss should be deducted from the New York State items of tax preference.

2. That sections 56, 57 and 58 of the Internal Revenue Code and section 601-A of the Tax Law do not provide for a deduction from items of tax preference of losses deducted under section 1244 of the Internal Revenue Code.

3. That the petition of Bruce Hausman is denied and the Notice of Deficiency issued September 30, 1974 in the amount of \$2,375.48 is sustained.

DATED: Albany, New York  
May 12, 1977

STATE TAX COMMISSION

  
PRESIDENT

  
COMMISSIONER

  
COMMISSIONER