

STATE OF NEW YORK

STATE TAX COMMISSION

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In the Matter of the Applications

of

Percy and David Hall

Individually and as co-partners d/b/u  
the firm name and style of Hall Company  
for Revision or Refund of Unincorporated  
Business Taxes under Article 16-A of  
the Tax Law for the Years 1958 and 1959  
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The petitioners having filed an application for revision or refund of taxes assessed under Article 16-A of the Tax Law for the calendar years 1958 and 1959, and a hearing having been scheduled for February 15, 1965 and notice thereof having been mailed to the petitioners and their representative, and no appearance having been made on behalf of the petitioners, and the file having been duly examined and considered,

The State Tax Commission finds:

(1) That Percy and David Hall individually and as co-partners d/b/u the firm name and style of Hall Company, and both of the above named being residents of the State of New York, filed partnership returns under Article 16-A of the Tax Law for the calendar years 1958 and 1959 showing income for the years 1958 in the amount of \$210,821.21 of which it was claimed that \$207,525.88 was income from sources outside of the State of New York, and for the year 1959 in the amount of \$22,679.44 of which 53% was apportioned to the State of New York.

(2) That the place of business of the petitioners for all of the years 1958 and 1959 was at 41 East 42nd Street, New York, New York.

(3) That it was claimed that the partnership maintained a sales office at Dodge Yarn Mills, Inc. at the plant at Webster, Massachusetts.

(4) That the partnership consisting of father and son were sales agents for Dodge Yarn Mills, Inc., Webster, Massachusetts. They worked on a commission basis and also purchased merchandise from Dodge Yarn Mills, Inc. which they sold to their own customers. That the partnership factored their own accounts and maintained their only office at 41 East 42nd Street, New York, New York. That the office of Dodge Yarn Mills, Inc. was not the office of the partnership. No Massachusetts tax returns were filed, and the petitioners offered no proof that the partners worked out of a Webster, Massachusetts office.

(5) That the allocation of income was properly disallowed. Upon the foregoing, the State Tax Commission hereby DETERMINES:

(A) The taxes and statutory charges assessed under Article 16-A of the Tax Law for the years 1958 and 1959 are correct and legally due and owing, and the denial of the application for revision or refund is affirmed

AND IT IS SO ORDERED.

DATED: Albany, New York on this 27th day of April, 1965.

STATE TAX COMMISSION

/s/

JOSEPH H. MURPHY  
President

/s/

IRA J. PALESTIN  
Commissioner

/s/

JAMES R. MACDUFF  
Commissioner

BUREAU OF LAW

MEMORANDUM

TO: Commissioners Murphy, Palestin and Macduff

FROM: Vincent P. Molineaux, Hearing Officer

SUBJECT: Percy and David Hall, d/b/u Hall Company,  
application for revision or refund of an  
assessment of unincorporated business  
taxes for the years 1958 and 1959

A hearing on the above matter was scheduled before me at 80 Centre Street, New York, N. Y. on February 15, 1965. The taxpayer defaulted at such hearing.

Petitioners' unincorporated business tax returns for the years 1958 and 1959 claimed an allocation for income outside of the State. They were unable to show that they maintained any place of business other than that in New York City where all of their affairs were conducted even though many of their customers were outside of the State.

For the reasons stated above, I recommend that the determination of the Tax Commission in this matter be substantially in the form submitted herewith.

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Hearing Officer

Approved

Approved

VPM:ea  
Enc.

March 19, 1965