

HEARING UNIT - File Copy
TAX UNINCORPORATED Business
23 74
EMPLOYEE;
ENGINEERING Services

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition of
BENGT G. and INGER MAARIT OLSSON
For a Redetermination of a
deficiency or for refund of
unincorporated business taxes
under Article 23 of the tax
law for the year 1962.

DECISION

The petitioners, Bengt G. and Inger Maarit Olsson, now reside in Sweden, and in order to avoid the expense and inconvenience of a personal appearance with New York State have requested that the State Tax Commission independently review the tax materials and correspondence in lieu of a formal hearing.

FINDINGS OF FACT

1. The petitioners timely filed a New York State Income Tax resident return for the year 1962, but did not file an unincorporated business tax return.

2. On June 7, 1965, under file number 2-6149537, the Income Tax Bureau issued a notice of deficiency in the amount of \$105.86 plus statutory interest based upon a determination that Mr. Olsson's business activities were subject to the unincorporated business tax for the year 1962.

3. A petition for redetermination of the deficiency was timely filed.

4. The petitioners received their income only from a related New York corporation in return for the engineering services rendered by Mr. Olsson.

5. There is no evidence to support a conclusion that Mr. Olsson used the corporation which he served as a mere conduit for his personal business.

6. Mr. Olsson was not engaged in an unincorporated business for the year 1962.

DECISION

A. The business income of the petitioners is not subject to the unincorporated business tax for the year 1962.

B. Notice of deficiency, issued on June 7, 1965 under file number 2-6149537 is incorrect and is cancelled.

Dated; January 21, 1970

STATE TAX COMMISSION

Norman Gallman
PRESIDENT

Robert M. M. M. M.
COMMISSIONER

Matthias Koerner
COMMISSIONER