

TAX UNINCORPORATED BUSINESS TAX

23 722

PARTNERSHIP, SELLING,
SUBJECT TO UBT

STATE OF NEW YORK

STATE TAX COMMISSION

CITIZEN CITATIONS

In the Matter of the Petition

HEARINGS

of

ROMM-LONG FOOTWEAR SALES CO.

DECISION

For a Redetermination of a Deficiency
or for Refund of Unincorporated Business
Taxes under Article 23 of the Tax Law
for the Year 1961

Mr. Joseph J. Romm, a partner of Romm-Long Footwear Sales Co.,
has filed a petition for redetermination of a deficiency of
Unincorporated Business Taxes for the Year 1961.

A formal hearing was held in the offices of the State Tax
Commission in the City of New York on June 3, 1969 before Lawrence
A. Newman, Hearing Officer. Irving Frankle, CPA appeared, representing
the petitioner. The Income Tax Bureau was represented by Edward
H. Best, Esq., (Solomon Sies, Esq., of Counsel).

FINDINGS OF FACTS:

1. The partnership known as Romm-Long Footwear Sales Co. has
timely filed a New York State Income Tax partnership return for the
year 1961. However, the partnership did not complete the Unincorporated
Business Tax portion of the tax return and noted its contention on
one of the schedules that the partnership was not subject to the tax.

2. On February 28, 1966 the Income Tax Bureau issued a notice
of deficiency under file numbered 3817 for the year 1961 in the
amount of \$1099.77 plus a penalty of \$274.94 pursuant to Section
685(A) of the Tax Law and statutory interest.

3. On March 23, 1966, a petition for redetermination of the
deficiency was filed on behalf of the partnership.

4. Joseph J. Romm, Milton S. Long, and Harold Stern were co-partners, doing business under the firm name of Romm-Long Footwear Co., whose principal business activity was the sale of rubber goods and sneakers at wholesale as agents for others for which the partnership was paid a commission based upon sales.

DECISION

A. The partnership did not file an unincorporated business tax return for the year 1961.

B. The business activities of the partnership during 1961 constituted the carrying on of an unincorporated business, and the resulting net income is subject to the unincorporated business tax.

C. Pursuant to Section 685(A) of the Tax Law, a penalty equal to 25% of the tax deficiency has been correctly imposed for the non-filing of the tax return.

D. The deficiency issued against the partnership dated February 28, 1966 under file numbered 3817 for the year 1961 is correct and is sustained.

E. Pursuant to Section 684 of the Tax Law, interest shall be added to the total amount due until date of payment.

DATED: January 21, 1970

STATE TAX COMMISSION

Norman Gellman
PRESIDENT

Reece M. Moulton
COMMISSIONER

Milton K. Green
COMMISSIONER