

STATE OF NEW YORK  
STATE TAX COMMISSION

In the Matter of the Petition

of

MONROE SEIFER

AFFIDAVIT OF MAILING  
OF NOTICE OF DECISION  
BY (CERTIFIED) MAIL

For a Redetermination of a Deficiency or  
a Refund of Unincorporated Business :  
Taxes under Article ~~(x)~~ 23 of the  
Tax Law for the Year ~~(x)~~ 1970. :

State of New York  
County of Albany

Margaret A. Groelz , 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 30th day of April , 1976, she served the within  
Notice of Decision (~~on Determination~~) by (certified) mail upon Monroe

Seifer (~~representative of~~) the petitioner in the within  
proceeding, by enclosing a true copy thereof in a securely sealed postpaid  
wrapper addressed as follows: Mr. Monroe Seifer  
80-81st Street,  
Brooklyn, New York

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 Post Office Department within the State of New York.

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

30th day of April , 1976.

Margaret A. Groelz

Janet Mach

STATE OF NEW YORK  
STATE TAX COMMISSION

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In the Matter of the Petition

of

MONROE SEIFER

For a Redetermination of a Deficiency or  
a Refund of Unincorporated Business:  
Taxes under Article (a) 23 of the  
Tax Law for the Year (s) 1970.

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AFFIDAVIT OF MAILING  
OF NOTICE OF DECISION  
BY (CERTIFIED) MAIL

State of New York  
County of Albany

Margaret A. Groelz, 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 30th day of April, 1976, she served the within  
Notice of Decision (or Determination) by (certified) mail upon Arthur  
Hauer, CPA (representative of) the petitioner in the within  
proceeding, by enclosing a true copy thereof in a securely sealed postpaid  
wrapper addressed as follows: Arthur Hauer, CPA  
29 Milford Lane  
Suffern, New York 10901  
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 Post Office Department within the State of New York.

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

30th day of April, 1976.

Janet Mack

Margaret A Groelz



STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE

STATE TAX COMMISSION

BUILDING 9, ROOM 107  
STATE CAMPUS  
ALBANY, N.Y. 12227

AREA CODE 518

STATE TAX COMMISSION  
HEARING UNIT

PAUL GREENBERG  
SECRETARY TO  
COMMISSION

ADDRESS YOUR REPLY TO

MR. WRIGHT  
MR. COBURN  
MR. LEISNER

(518) 457-3850

DATED: Albany, New York  
April 30, 1976

Mr. Monroe Seifer  
80-81st Street  
Brooklyn, New York

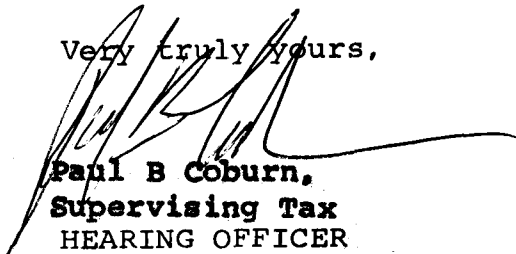
Dear Mr. Seifer:

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

Please take further notice that pursuant to  
Section(s) **722** 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.

Any 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.  
These will be referred to the proper party for  
reply.

Very truly yours,

  
Paul B Coburn,  
Supervising Tax  
HEARING OFFICER

Enc.

cc: Petitioner's Representative  
Law Bureau

TA-1.12 (12/75)

STATE OF NEW YORK

STATE TAX COMMISSION

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In the Matter of the Petition	:	
of	:	
MONROE SEIFER	:	DECISION
For Redetermination of a Deficiency or	:	
for Refund of Unincorporated Business	:	
Tax under Article 23 of the Tax Law for	:	
the Year 1970.	:	

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Petitioner, Monroe Seifer, residing at 80-81st Street, Brooklyn, New York, has filed a petition for redetermination of deficiency or for refund of unincorporated business tax under Article 23 of the Tax Law for the year 1970. (File No. 0-69030952).

A formal hearing was held before Nigel G. Wright, Hearing Officer, at the offices of the State Tax Commission, Two World Trade Center, New York, New York, on Thursday, December 11, 1975, at 2:20 p.m. Petitioner appeared by Arthur Hauer C.P.A. The Income Tax Bureau appeared by Peter Crotty, Jr., Esq. (Michael Alexander, Esq., of counsel).

ISSUE

I. Did petitioner, Monroe Seifer's activities in managing real estate during the year 1970 constitute the carrying on of an unincorporated business?

II. Did petitioner, Monroe Seifer, have reasonable cause for failing to file an unincorporated business tax return for the year 1970?

FINDINGS OF FACT

1. Petitioner, Monroe Seifer, did not file a New York State unincorporated business tax return for the year 1970.

2. On December 28, 1973, the Income Tax Bureau issued a Statement of Audit Changes against petitioner, Monroe Seifer, imposing unincorporated business tax upon the income received by the petitioner from his activities in managing real estate during the year 1970. It also imposed a penalty in the sum of \$1,449.39 for failure to file an unincorporated business tax return for the year 1970. In accordance with the aforesaid Statement of Audit Changes, it issued a Notice of Deficiency in the sum of \$3,716.38, to which penalty and interest were added, making a total sum due of \$5,768.31.

3. Petitioner, Monroe Seifer's business constituted managing several commercial real property buildings, hotels and motels, located in different states, in and out of the State of New York. During the year in issue, he managed properties of six real estate corporations, located in different states. Neither Federal or New York State income taxes, nor FICA, nor pension contributions were deducted from the manager's fees paid to him in 1970. He was an officer and stockholder of these corporations.

CONCLUSIONS OF LAW

A. That the income received during 1970 by petitioner, Monroe Seifer, consisting of fees for the management of properties of real estate corporations, in which he was officer and stockholder constituted receipts from his regular business of real estate management, and not income received as an owner, lessee or fiduciary of the corporate properties in accordance with the meaning or intent of section 703(e) of the Tax Law or as an employee in accordance with the meaning and intent of section 703(b) of the Tax Law.

B. That petitioner, Monroe Seifer, did not have reasonable cause for failing to file an unincorporated business tax return for the year 1970, since ignorance of the law is not considered reasonable cause, and therefore a penalty pursuant to section 685(a) of the Tax Law was properly assessed.

C. That the petition of Monroe Seifer, is denied and the Notice of Deficiency, issued on December 28, 1973, is sustained.

DATED: Albany, New York  
April 30, 1976

STATE TAX COMMISSION

  
PRESIDENT

  
COMMISSIONER

  
COMMISSIONER