

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of
WRAGE AND COMPANY

AFFIDAVIT OF MAILING

For a Redetermination of a Deficiency or :
a Revision of a Determination or a Refund :
of Unincorporated Business :
Taxes under Article ~~(ss)~~ 23 of the :
Tax Law for the Year(s) ~~or Period(s)~~ :
1971 and 1972

State of New York
County of Albany

Marsina Donnini, 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 29 day of July, 1977, she served the within
Notice of Decision by (certified) mail upon Wrage and Company

~~(representative of)~~ the petitioner in the within proceeding,
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed
as follows: Wrage and Company
c/o George Wrage
177-18 Croydon Road
Jamaica, 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 Postal Service within the State of New York.

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

29 day of July, 1977.

Marsina Donnini

Janet M. Meeh

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

WRAGE AND COMPANY

AFFIDAVIT OF MAILING

For a Redetermination of a Deficiency or :
a Revision of a Determination or a Refund :
of Unincorporated Business :
Taxes under Article ~~(xx)~~ 23 of the :
Tax Law for the Year(s) ~~xxx~~ ~~Period(s)~~ :
1971 and 1972

State of New York
County of Albany

Marsina Donnini, 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 29 day of July, 1977, she served the within Notice of Decision by (certified) mail upon Kenneth Sirlin (representative of) the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows: Mr. Kenneth Sirlin
6 East 43rd Street
New York, New York 10016
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

29 day of July, 1977.

Marsina Donnini

Janet Mack



STATE OF NEW YORK
STATE TAX COMMISSION
TAX APPEALS BUREAU
ALBANY, NEW YORK 12227

JAMES H. TULLY JR., PRESIDENT
MILTON KOERNER
THOMAS H. LYNCH

July 29, 1977

**Wrage and Company
c/o George Wrage
177-18 Croydon Road
Jamaica, New York**

Gentlemen:

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

You have now exhausted your right of review at the administrative level. Pursuant to section(s) ~~822~~ of the Tax Law, any proceeding in court to review an adverse decision by the State Tax Commission can only be instituted under Article 78 of the Civil Practice Laws and Rules, and must be commenced in the Supreme Court of the State of New York, Albany County, within **4 months** from the date of this notice.

Inquiries concerning the computation of tax due or refund allowed in accordance with this decision may be addressed to the Deputy Commissioner and Counsel to the New York State Department of Taxation and Finance, Albany, New York 12227. Said inquiries will be referred to the proper authority for reply.

Sincerely,

**Joseph Chyrywaty
Hearing Examiner**

cc: Petitioner's Representative

Taxing Bureau's Representative

STATE OF NEW YORK

STATE TAX COMMISSION

In the Matter of the Petition	:	
of	:	
WRAGE AND COMPANY	:	DECISION
for Redetermination of a Deficiency or for	:	
Refund of Unincorporated Business Taxes	:	
under Article 23 of the Tax Law for the	:	
Years 1971 and 1972.	:	

Petitioner, Wrage and Company, c/o George Wrage, residing at 177-18 Croydon Road, Jamaica, New York, has filed a petition for redetermination of a deficiency or for refund of unincorporated business taxes under Article 23 of the Tax Law for the years 1971 and 1972 (File No. P/S 4952).

A small claims hearing was held before William Valcarcel, Small Claims Hearing Officer, on July 16, 1976 at 10:45 A.M. at the offices of the State Tax Commission, Two World Trade Center, New York, New York. The petitioner appeared by Kenneth Sirlin. The Income Tax Bureau appeared by Peter Crotty, Esq., (William Fox, Esq. of counsel).

ISSUE

Whether interest income realized from the sale of a stock exchange seat is subject to the unincorporated business tax.

FINDINGS OF FACT

1. The Income Tax Bureau issued a deficiency against the partnership of Wrage and Company holding interest income from the sale of a stock exchange seat subject to the unincorporated business tax.

2. The partnership of Wrage and Company was formed on December 21, 1962 with George Wrage as a general partner and Mildred Wrage, his wife, as a limited partner. It was agreed at that time that the stock exchange seat owned by George Wrage would be used by the partnership.

3. On November 5, 1970, the partnership of Wrage and Company was formally dissolved. On that same date, the stock exchange seat was sold by George Wrage to his son, George J. Wrage, who agreed to pay interest on the balance due until the entire amount of the principal was paid.

4. The petitioner contended that the stock exchange seat was not an asset of the partnership at the time it was sold and therefore, was not subject to the unincorporated business tax.

CONCLUSIONS OF LAW

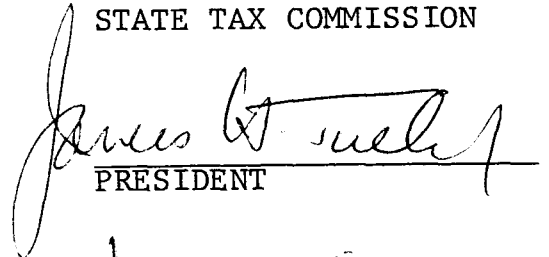
A. That the interest income received by George Wrage in 1971 and 1972 in connection with the sale of a seat on the New York Stock Exchange employed in the unincorporated business

of Wrage and Company constituted unincorporated business gross income to the partnership of Wrage and Company in accordance with the meaning and intent of section 705(a) and thereby taxable to the partnership for 1971 and 1972 New York State unincorporated business tax purposes.

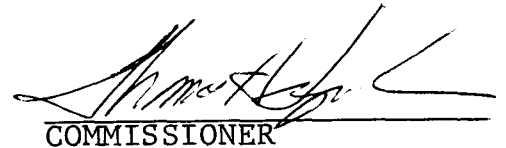
B. That the petition of Wrage and Company is denied and the Notice of Deficiency issued June 24, 1974 is sustained.

DATED: Albany, New York
July 29, 1977

STATE TAX COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER

STATE OF NEW YORK

Department of Taxation and Finance

TAX APPEALS BUREAU

STATE CAMPUS

ALBANY, N. Y. 12227

12-1-77

Wrage and Company
c/o George Wrage
177-18 Croydon Road
Jamaica, New York

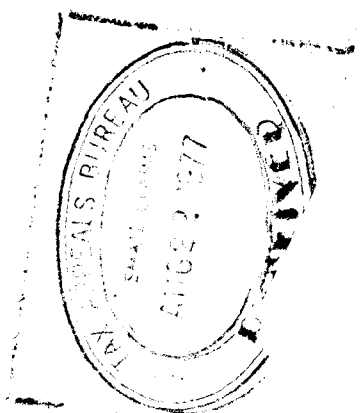
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FINAL NOTICE

AUG 13 1977

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8/22/77



REQUEST FOR BETTER ADDRESS

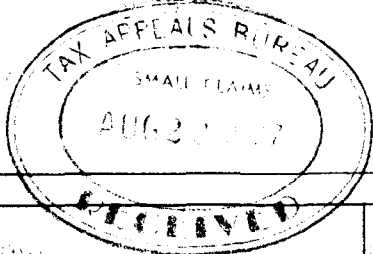
UBT

Requested by <i>May Gray</i>	Unit <i>Tax Appeals Bureau Room 107</i>	Date of Request <i>8/22/77</i>
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Please find most recent address of taxpayer described below; return to person named above.

Social Security Number <i>13-1975578</i>	Date of Petition <i>7/8/77</i>
Name <i>Wrage & Company</i>	
Address <i>c/o George Wrage 177-18 Croydon Road Jamaica, New York</i>	

Results of search by Files

<input type="checkbox"/> New address:		
<input checked="" type="checkbox"/> Same as above, no better address		
<input type="checkbox"/> Other:		
		
Searched by <i>Rosemary Morgan</i>	Section <i>Partnership files</i>	Date of Search <i>8/26/77</i>

PERMANENT RECORDFOR INSERTION IN TAXPAYER'S FOLDER



STATE OF NEW YORK
STATE TAX COMMISSION
TAX APPEALS BUREAU
ALBANY, NEW YORK 12227

JAMES H. TULLY JR., PRESIDENT
MILTON KOERNER
THOMAS H. LYNCH

July 29, 1977

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177-18 Croydon Road
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Inquiries concerning the computation of tax due or refund allowed in accordance with this decision may be addressed to the Deputy Commissioner and Counsel to the New York State Department of Taxation and Finance, Albany, New York 12227. Said inquiries will be referred to the proper authority for reply.

Sincerely,

Joseph Chyrywaty
Hearing Examiner

cc: Petitioner's Representative
Taxing Bureau's Representative

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A. That the interest income received by George Wrage in 1971 and 1972 in connection with the sale of a seat on the New York Stock Exchange employed in the unincorporated business

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