

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of
WILLIAM B. WILSON

AFFIDAVIT OF MAILING

For a Redetermination of a Deficiency or :
a Revision of a Determination or a Refund :
of Unincorporated Business :
Taxes under Article(s) 23 of the :
Tax Law for the Year(s) or Period(s) :
1969 and 1970

State of New York
County of Albany

John Huhn, 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 14th day of February, 1978, she served the within
Notice of Decision by (certified) mail upon William B. Wilson

~~representative of~~ the petitioner in the within proceeding,
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed
as follows: William B. Wilson
10 Stonehouse Road
Scarsdale, NY 10583

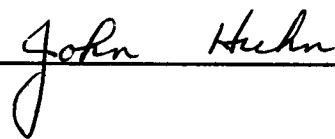
and by depositing same enclosed in a postpaid properly addressed wrapper in a
(post office or official depository) under the exclusive care and custody of
the United States Postal Service within the State of New York.

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

14th day of February, 1978.







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

February 14, 1978

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

William B. Wilson
10 Stonehouse Road
Scarsdale, NY 10583

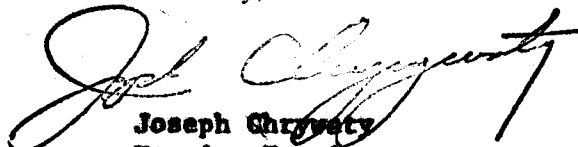
Dear Mr. Wilson:

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) **782** 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 Chrysoty
Hearing Examiner

~~Not a Petitioner's Representative~~

Taxing Bureau's Representative

STATE OF NEW YORK

STATE TAX COMMISSION

In the Matter of the Petition	:	
	:	
of	:	
	:	
WILLIAM B. WILSON	:	DECISION
	:	
for Redetermination of a Deficiency or	:	
for Refund of Unincorporated Business	:	
Tax under Article 23 of the Tax Law for	:	
the Years 1969 and 1970.	:	

Petitioner, William B. Wilson, residing at 10 Stonehouse Road, Scarsdale, New York 10583, filed a petition for redetermination of a deficiency or for refund of unincorporated business tax under Article 23 of the Tax Law for the years 1969 and 1970 (File No. 14673).

A small claims hearing was held before Harry Huebsch, Hearing Officer, at the offices of the State Tax Commission, Two World Trade Center, New York, New York, on May 26, 1977 at 9:15 A.M. Petitioner appeared pro se. The Income Tax Bureau appeared by Peter Crotty, Esq. (Frank Levitt, Esq., of counsel).

ISSUE

Whether the activities of petitioner as an industrial designer during the years 1969 and 1970 constituted the practice of a profession.

FINDINGS OF FACT

1. Petitioner, William B. Wilson, timely filed New York State personal income tax returns for the years 1969 and 1970, on which he listed his occupation as that of industrial designer. The Income Tax Bureau contended that petitioner was engaged in the carrying on of an unincorporated business and that the income derived therefrom was subject to unincorporated business tax. A Notice of Deficiency was issued against petitioner on May 20, 1974, amounting to \$1,023.02 in unincorporated business tax, plus \$223.91 in interest, for a total due of \$1,246.93.

2. During the years 1969 and 1970, petitioner designed cartons, gift boxes, decanters, bottles, bowls, dishes and goblets. He specified shapes, sizes, colors, volume and the kinds of materials to be used. He rendered such services on behalf of Design House, Inc. Its clients included Pfizer, Inc., Shenley Industries, Avon Products, Inc., Joseph E. Seagram and Sons, Inc., International Telephone & Telegraph, National Distillers and Coty. Petitioner has been engaged as an industrial designer with Design House, Inc. since 1960.

3. Petitioner attended daytime sessions at Phoenix Art Institute in New York City from 1933 to 1937. In 1937 he attended evening sessions at Grand Central Art School. After World War II,

petitioner studied design at the Art Students League. He later attended a private, professional designer's class under an eminent professional designer, four nights a week for three years. Petitioner subsequently studied under another eminent designer for one additional year. He never received an academic degree. He has not taught in any schools, nor has he published any books or articles. He does not belong to any professional societies.

4. Petitioner's income as an industrial designer during the years 1969 and 1970 was derived solely from personal services rendered by him. Capital was not a material income-producing factor.

CONCLUSIONS OF LAW

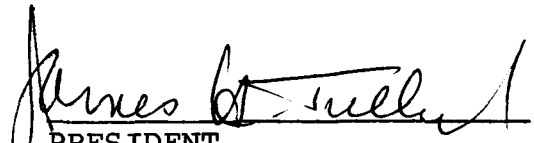
A. That the activities of petitioner, William B. Wilson, as an industrial designer during the years 1969 and 1970 constituted the practice of a profession in accordance with the meaning and intent of section 703(c) of the Tax Law. Matter of Clifford Heinzerling, State Tax Commission Decision dated December 29, 1975.

B. That the petition of William B. Wilson is granted and the Notice of Deficiency issued on May 20, 1974 in the amount of \$1,246.93 is cancelled.

DATED: Albany, New York

February 14, 1978

STATE TAX COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER