

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of
WILLIAM I. SOHL

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) ~~XXXXXX~~ **1972.** :
~~XXXXXX~~

State of New York
County of Albany

John Huhn, being duly sworn, deposes and says that
Xshe is an employee of the Department of Taxation and Finance, over 18 years of
age, and that on the 23rd day of February, 1979, Xshe served the within
Notice of Decision by (certified) mail upon William I.

Sohl ~~(representative of)~~ the petitioner in the within proceeding,
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed
as follows:

William I. Sohl
55-C Heritage Hills
Somers, New York 10589

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.

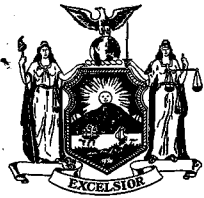
That deponent further says that the said addressee is the ~~representative~~
~~of the~~ petitioner herein and that the address set forth on said wrapper is the
last known address of the ~~representative of the~~ petitioner.

Sworn to before me this

23rd day of February, 1979.

Marilyn J. Papineau

John Huhn



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

February 23, 1979

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


**William I. Sohl
55-C Heritage Hills
Somers, New York 10589**

Dear Mr. Sohl:

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) **722** 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 Chyrywat
Supervisor of Small Claims

cc: ~~XXXXXXXXXXXXXXXXXXXX~~

Taxing Bureau's Representative

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition
of
WILLIAM I. SOHL
for Redetermination of a Deficiency or
for Refund of Unincorporated Business
Tax under Article 23 of the Tax Law for
the Year 1972.

DECISION

Petitioner, William I. Sohl, 55-C Heritage Hills, Somers, New York 10589, filed a petition for redetermination of a deficiency or for refund of unincorporated business tax under Article 23 of the Tax Law for the year 1972 (File No. 17974).

A small claims hearing was held before William Valcarcel, Hearing Officer, at the offices of the State Tax Commission, Two World Trade Center, New York, New York, on March 3, 1978 at 9:00 A.M. Petitioner appeared pro se. The Income Tax Bureau appeared by Peter Crotty, Esq. (Irwin Levy, Esq., of counsel).

ISSUE

Whether petitioner's activities during 1972 constituted the practice of a profession, within the meaning and intent of section 703(c) of the Tax Law.

FINDINGS OF FACT

1. Petitioner, William I. Sohl, and Jane C. Sohl, his wife, timely filed a New York State combined income tax return for 1972.

Net business income of \$26,025.00 was reported from petitioner's stated activities as a "consultant". Petitioner did not file an unincorporated business tax return for said year.

2. On January 24, 1977, the Income Tax Bureau issued a Notice of Deficiency against petitioner, asserting unincorporated business tax of \$881.38, plus interest of \$249.74 and penalties (pursuant to sections 685(a)(1) and 685(a)(2) of the Tax Law) of \$401.03 for a total of \$1,532.15.

3. Petitioner has a Bachelor's degree in business management from Indiana University and a Master's degree in business administration and industrial management from Northwestern University.

4. Petitioner was the director of industrial engineering for the Columbia Broadcasting System from February of 1962 through April of 1965. As such, he directed the corporate industrial engineering department during the planning and construction of the CBS headquarters building in New York City.

5. Petitioner was an assistant to the president of Art Metal-Knoll Corporation from May of 1965 through January of 1969 and was primarily involved in corporate and product planning. He also assisted in the marketing of new lines of furniture.

6. From February of 1969 through June of 1972, petitioner organized and directed Concept Products, Inc. (an environmental design firm) for the purpose of designing, developing, and marketing innovative products primarily for the residential, commercial and contract markets. However, Concept Products, Inc. never realized any income and subsequently became inactive. Petitioner also

rendered consulting services in industrial engineering during the period from January of 1972 to June of 1972. The services rendered included the development of plans for new products.

7. After June of 1972, petitioner rendered services as a management consultant in industrial engineering, specializing in building planning and interior design for the firm of Nicholson, Wilson, Wilhelm and Associates, Incorporated. He developed an architectural program and assisted in the building design of the American Express Operations Center in Florida. He also participated in functional data gathering and in the development of space requirements for the First Pennsylvania Bank buildings in Pennsylvania.

8. Petitioner is a member of the American Management Association, Administrative Management Society, Office Executive Association of New York City and the Society for the Advancement of Management.

9. Petitioner has instructed and lectured before business and university organizations.

CONCLUSIONS OF LAW

A. That although petitioner's activities involve the application of a specialized knowledge, the performance of services dealing with the conduct of business itself, including the promotion of sales or services of such business, and of consulting services, does not constitute the practice of a profession, in accordance with the meaning and intent of section 703(c) of the Tax Law.

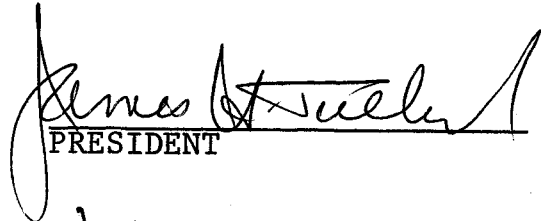
B. That the aforesaid activities of petitioner, William I. Sohl, during 1972 constituted the carrying on of an unincorporated business, in accordance with the meaning and intent of section 703 of the Tax Law; thus the income derived therefrom is subject to the imposition of unincorporated business tax, in accordance with the meaning and intent of section 701(a) of the Tax Law.

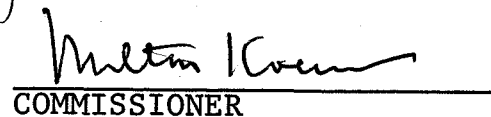
C. That the petition of William I. Sohl is denied and the Notice of Deficiency issued January 24, 1977 is sustained, together with such additional interest as may be lawfully owing.

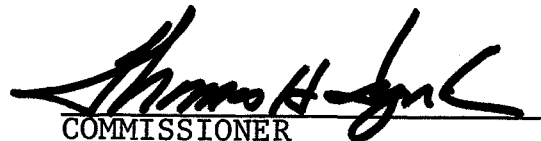
DATED: Albany, New York

February 23, 1979

STATE TAX COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER