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STATE OF NEW YORK  
STATE TAX COMMISSION

In the Matter of the Petition

of  
ALEXANDER & BELLA SCHLESINGER :

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

For a Redetermination of a Deficiency or  
a Refund of Personal Income & Unincorporated  
Taxes under Article(s) 22 & 23 of the Business  
Tax Law for the (Year(s) 1961, 1962 & 1963

State of New York  
County of Albany

Martha Funaro , 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 19th day of January , 1972 , she served the within  
Notice of Decision (or Determination) by (certified) mail upon Alexander & Bella  
Schlesinger (representative of) the petitioner in the within  
proceeding, by enclosing a true copy thereof in a securely sealed postpaid  
wrapper addressed as follows: Alexander & Bella Schlesinger  
2054 East 63rd 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

19th day of January , 1972

Rae Zimmerman

Martha Funaro

STATE OF NEW YORK  
STATE TAX COMMISSION

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In the Matter of the Petition

of

ALEXANDER & BELLA SCHLESINGER

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

For a Redetermination of a Deficiency or  
a Refund of Personal Income & Unincorporated  
Taxes under Article(s) 22 & 23 of the Business  
Tax Law for the (Year(s)) 1961, 1962 & 1963

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State of New York  
County of Albany

Martha Funaro , 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 19th day of January , 1972 , she served the within  
Notice of Decision (or Determination) by (certified) mail upon Martin Rodell, Esq.

(representative of) the petitioner in the within  
proceeding, by enclosing a true copy thereof in a securely sealed postpaid  
wrapper addressed as follows: Martin Rodell, Esq.  
88-18 Sutphin Blvd.  
Jamaica, L.I., 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

19th day of January , 1972

Rae Zimmerman

Martha Funaro



STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE

STATE TAX COMMISSION

NORMAN F. GALLMAN, PRESIDENT

A. BRUCE MANLEY

MILTON KOERNER

BUILDING 9, ROOM 214A

STATE CAMPUS  
ALBANY, N. Y. 12227

AREA CODE 518

457-2655, 6, 7

STATE TAX COMMISSION  
HEARING UNIT

EDWARD ROOK  
SECRETARY TO  
COMMISSION

ADDRESS YOUR REPLY TO

**Dated:** Albany, New York

**January 19, 1972**

**Alexander & Bella Schlesinger**  
**2054 East 63rd Street**  
**Brooklyn, New York**

**Dear Sir and Madam:**

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

Please take further notice that pursuant to section(s)  
**690 & 722** of the Tax Law any proceeding  
in court to review an adverse decision must be commenced  
within **4 Months** after 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 relating hereto may be  
addressed to the undersigned. These will be referred  
to the proper party for reply.

Very truly yours,

**Nigel G. Wright**  
Hearing Officer

cc Petitioner's Representative  
Law Bureau

STATE OF NEW YORK

STATE TAX COMMISSION

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In the Matter of the Petition, :

of :

ALEXANDER AND BELLA SCHLESINGER :

DECISION

for a Redetermination of a Deficiency :  
or for Refund of Personal Income Taxes :  
under Article 22 of the Tax Law and :  
Unincorporated Business Taxes under :  
Article 23 of the Tax Law for the :  
Years 1961, 1962 and 1963 :

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The above-named taxpayers having filed a petition for redetermination of a deficiency or for refund of personal income taxes under Article 22 of the Tax Law and unincorporated business taxes under Article 23 of the Tax Law for the years 1961, 1962 and 1963 and hearings having been held in connection therewith at the office of the State Tax Commission at 80 Centre Street, New York, New York on the 16th day of February, 1968, at 11:45 A.M. and November 6, 1969 at 10:00 A.M. before Solomon Sies, Hearing Officer, of the Department of Taxation and Finance, at which hearing the taxpayer, Alexander Schlesinger, appeared personally and was represented by Martin Rodell, Esq., and the matter having been examined and considered,

The State Tax Commission hereby

FINDS:

(1) That the taxpayers filed personal income tax resident returns for the years 1961, 1962 and 1963 in which they reported New York taxable income in the amounts of \$15,020.36, \$12,593.49 and \$32,368.41, respectively, for said years; that on June 26, 1967, the Department of Taxation and Finance issued a statement of audit changes against the taxpayers for the years 1961, 1962 and 1963 adjusting their income tax returns for said years so as to increase the income in the amounts of \$4,339.73, \$15,869.01 and \$11,023.12 for the years 1961, 1962 and 1963, respectively, as the result of a field audit which disclosed unexplained deposits and additional funds needed for cash living deemed to be additional income;

that, accordingly, additional personal income tax was recomputed to be due from the taxpayers in the amounts of \$443.97, \$1,558.77 and \$1,102.31, for the years 1961, 1962 and 1963, respectively, or a total of \$3,095.05, together with interest in the amount of \$739.23, or a total of tax and interest in the amount of \$3,834.28, for which a notice of deficiency was issued against said taxpayers.

(2) That during the years in issue, the taxpayer, Alexander Schlesinger, was self-employed as a wholesale meat route salesman and maintained a place of business at 528 Westchester Avenue, Bronx, New York; that the taxpayer's books are maintained on a complete double entry system accrual basis.

(3) That the taxpayer, Alexander Schlesinger, does not dispute the findings upon field audit examination disclosing various cash deposits into savings and checking accounts and brokerage accounts which over a three-year period from 1960 through 1963 accounted for more than \$30,000 of funds above and beyond the income actually reported by the taxpayers on their income tax returns; that the taxpayer claims that the additional funds actually amounted to \$43,000; that in January, 1959, he received the sum of \$23,000 in American currency delivered to him by one, Isaac Gottesman, who had returned from Europe with the aforementioned money ostensibly given by the taxpayer's brother; that in February, 1961, the taxpayer's brother Lazar Schlesinger, came to the United States and delivered to the taxpayer an additional \$20,000 in American currency.

(4) That the taxpayer is a native of Rumania; that he contends that his family was well-to-do before the advent of Hitler; that the taxpayer escaped from the Auschwitz concentration camp; that his brothers escaped capture by the Germans and converted their wealth and possessions into American dollars which were buried until after the defeat of Germany; that the American dollars were later retrieved, and that the taxpayer's share, a portion thereof, amounted to \$43,000 which was delivered to him, as indicated in Finding (3) above; that he was advised by an attorney to deposit this American currency in small amounts in various banks in trust for his wife and children; that the \$43,000 constitutes non-taxable income.

(5) That the taxpayer presented insufficient evidence to support his contention that the \$43,000 was actually a part of the inheritance or a gift; that he was very vague in the description or the account of the amount received; that he had no recollection of the denominations except to state that the money was crumpled; that the taxpayer was very vague about the method in which he deposited or disposed of the \$43,000.

(5a) That Isaac Gottesman testified that in January, 1959, he delivered \$23,000 in American currency to the taxpayer, Alexander Schlesinger, which was given to him by the taxpayer's brother in a restaurant in Paris; that said witness never met the taxpayer's brother before; that the witness was very vague as to the description and condition of the money and the details pertaining to said transaction.

(5b) That in the opinion of the Hearing Officer, the testimony of the taxpayer and his witness with respect to the contention that the additional funds disclosed upon audit represented a portion of the taxpayer's inheritance or legacy from his family or that the said funds were gifts is incredible and unworthy of belief, which opinion is accepted by the State Tax Commission.

(6) That the taxpayer has failed to establish that the unexplained deposits and additional funds represented a portion of the taxpayer's inheritance or legacy from his family or that said funds were gifts; that the additional funds constituted additional income subject to tax.

Based upon the foregoing findings and all of the evidence presented herein,

The State Tax Commission hereby

DECIDES:

A. That the unexplained deposits and additional funds constituted unreported additional income subject to personal income and unincorporated business taxes. That the audit changes based on said additional income and the notice of deficiency are correct; that the same do not

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include any tax or other charge which could not have been lawfully demanded; that the taxpayers' petition filed with respect thereto, be and the same is hereby denied.

DATED: Albany, New York

STATE TAX COMMISSION

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COMMISSIONER

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COMMISSIONER

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COMMISSIONER