

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of
WILLIAM A. LAWSON and JANE P.
LAWSON

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

For a Redetermination of a Deficiency or
a Refund of Personal Income
Taxes under Article~~(xx)~~ 22 of the
Tax Law for the (Year~~(xx)~~ 1968.

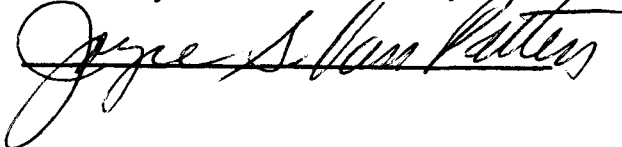
State of New York
County of Albany

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 7th day of November , 19 73, she served the within
Notice of Decision (or Determination) by (certified) mail upon William A. and
Jane P. Lawson (representative of) the petitioner in the within
proceeding, by enclosing a true copy thereof in a securely sealed postpaid
wrapper addressed as follows: Mr. & Mrs. William A. Lawson
Kodak Industrial, S.A. de C.V.
Apartado K3144 Guadalajara
Jalisco, Mexico
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

7th day of November , 1973.





STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE

BUILDING 9, ROOM 214A

STATE CAMPUS

ALBANY, N. Y. 12226

AREA CODE 518

457-2655, 6, 7

STATE TAX COMMISSION
HEARING UNIT

EDWARD ROOK
SECRETARY TO
COMMISSION

STATE TAX COMMISSION

Mario A. Procaccino
PRESIDENT

A. BRUCE MANLEY

MILTON KOERNER

ADDRESS YOUR REPLY TO

DATED: Albany, New York
November 7, 1973

Mr. & Mrs. William A. Lawson
Kodak Industrial, S.A. de C.V.
Apartado K3144 Guadalajara
Jalisco, Mexico

Dear Mr. & Mrs. Lawson:

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

Please take further notice that pursuant to Section ~~xxx~~ **690** of the Tax Law, any proceeding in court to review an adverse decision 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
HEARING OFFICER

Enc.

cc: Petitioner's Representative
Law Bureau

STATE OF NEW YORK

STATE TAX COMMISSION

In the Matter of the Petition	:	
of	:	
WILLIAM A. LAWSON and JANE P.	:	DECISION
LAWSON	:	
for Redetermination of Deficiency or	:	
for Refund of Personal Income Tax	:	
under Article 22 of the Tax Law for	:	
the Year 1968.	:	

Petitioners, William A. Lawson and Jane P. Lawson, have filed a petition for redetermination of deficiency or for refund of personal income tax under Article 22 of the Tax Law for the year 1968. (File No. 9-49851277). A formal hearing was scheduled before Paul B. Coburn, Hearing Officer, at the offices of the State Tax Commission, 80 Centre Street, New York, New York, for August 14, 1973, at 10:45 A.M. On September 12, 1973, petitioners advised the State Tax Commission, in writing, that they waived a formal hearing and submitted the case to the State Tax Commission upon the entire record contained in the file. The State Tax Commission renders the following decision after due consideration of said record.

ISSUE

Were petitioners, William A. Lawson and Jane P. Lawson, resident individuals of New York State during the entire year of 1968?

FINDINGS OF FACT

1. Petitioners, William A. Lawson and Jane P. Lawson, filed a New York State income tax resident return for the period January 1, 1968 to August 23, 1968. Attached to the return was a statement that petitioner, William A. Lawson, left the country on August 23, 1968, and that he had no New York source income since that time except for interest from New York State savings banks which was included in New York income. They claimed a refund of \$132.86 on said return.

2. On April 26, 1971, the Income Tax Bureau issued a Statement of Audit Changes against petitioners, William A. Lawson and Jane P. Lawson, imposing New York State personal income tax upon all of their income for the year 1968, upon the grounds that they were New York State residents during the entire year and accordingly issued a Notice of Deficiency in the sum of \$343.55.

3. Prior to August 23, 1968, petitioner, William A. Lawson, was employed by Eastman Kodak Company in Rochester, New York. He does not dispute that he was a resident and domiciliary of New York State prior to that date.

4. On or about August 19, 1968, petitioner, William A. Lawson, transferred by his employer, Eastman Kodak Company, to its Mexican subsidiary or affiliate, Kodak Industrial, S.A. De C.V., which is located in the City of Guadalajara, State of Jalisco, Mexico. His transfer was to a permanent position for an indefinite period of time. He did not have a written contract.

5. On or about August 23, 1968, petitioners, William A. Lawson and Jane P. Lawson, and their children moved from Rochester, New York to Guadalajara, Mexico. They sold their home in Rochester and rented a residence in Guadalajara, Mexico. They shipped all of their household belongings and furniture to Mexico. They sold their car in the United States. They obtained Mexican drivers licenses. They did not vote in 1968 elections in the United States. They enrolled their children in Mexican schools. They paid income tax to the State of Jalisco on income earned in Mexico during the year 1968.

6. On arriving in Mexico, petitioners, William A. Lawson and Jane P. Lawson, were afforded an immigration status under which at the end of five years, they would have all of the rights of a Mexican citizen except the right to vote. They are at the present time still living in Mexico.

CONCLUSIONS OF LAW

A. That petitioners, William A. Lawson and Jane P. Lawson, changed their domicile from New York State to Mexico on August 23, 1968, and therefore income received by them from sources outside of New York State after that date was not subject to New York State personal income tax in accordance with the meaning and intent of sections 605 and 654 of the Tax Law.

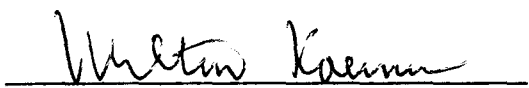
B. That the petition of William A. Lawson and Jane P. Lawson is granted; the Notice of Deficiency issued April 26, 1971, is cancelled; and the Income Tax Bureau is hereby directed to refund to them the sum of \$132.86 together with such interest as may be lawfully due.

DATED: Albany, New York
November 7, 1973

STATE TAX COMMISSION


COMMISSIONER


COMMISSIONER


COMMISSIONER