



BEFORE THE STATE BOARD OF EQUALIZATION
OF THE STATE OF CALIFORNIA

In the Matter of the Appeal of)
MRS. W. W. TOUCHSTONE) .

Appearances:

For Appellant: Paul E. Iverson, Attorney at Law.

For Respondent: W. M. Walsh, Assistant Franchise Tax Commissioner; Harrison Harkins, Associate Tax Counsel.

O P I N I O N

This appeal is made pursuant to Section 19 of the Personal Income Tax Act of 1935 (Chapter 329, Statutes of 1935, as amended) from the action of the Franchise Tax Commissioner in overruling the protest of Mrs. W. W. Touchstone to a proposed assessment of additional tax for the taxable year ended December 31, 1935, in the amount of \$131.37.

The issue involved in this appeal is identical with the issue involved in the Appeal this day decided by us of W. W. Touchstone. Upon the basis of our decision in that Appeal, we must hold that the Commissioner acted improperly in proposing the additional assessment in question.

O R D E R

Pursuant to the views expressed in the opinion of the Board on file in this proceeding, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the action of Charles J. McColgan, Franchise Tax Commissioner in overruling the protest of Mrs. W. W. Touchstone to her proposed assessment of additional tax in the amount of \$131.37 for the taxable year ended December 31, 1935, be and the same is hereby reversed. Said ruling is hereby set aside and the Commissioner is hereby directed to proceed in conformity with this order.

Done at Sacramento, California, this 2nd day of December, 1942, by the State Board of Equalization.

R. E. Collins, Chairman
George R. Reilly, Member
Wm. G. Bonelli, Member

ATTEST: Dixwell L. Pierce, Secretary