

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

JAMES DEGAETANO

AFFIDAVIT OF MAILING

For a ~~Return and Motion of a Deficiency or~~
~~xx Revocation of a Deficiency or~~
~~xx Hearing to Review a Determination~~
~~xxxx~~ under Article (x) 20 of the
Tax Law for the Year (x) 1977.:

State of New York
County of Albany

John Huhn, being duly sworn, deposes and says that
he is an employee of the Department of Taxation and Finance, over 18 years of
age, and that on the 27th day of July, 1978, he served the within
Notice of Default Order by (certified) mail upon James Degaetano


(representative of) the petitioner in the within proceeding,
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed
as follows: Mr. James Degaetano
7009 Ft. Hamilton Parkway
Brooklyn, New York

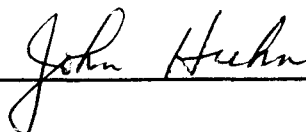
and by depositing same enclosed in a postpaid properly addressed wrapper in a
(post office or official depository) under the exclusive care and custody of
the United States Postal Service within the State of New York.

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

27th day of July, 1978.







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

ADDRESS YOUR REPLY TO

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

July 27, 1978

TELEPHONE: (518) 457-1723

Mr. James Degaetano
7009 Ft. Hamilton Parkway
Brooklyn, New York

Dear Mr. Degaetano:

Please take notice of the Default Order
of the State Tax Commission enclosed herewith.

Please take further notice that pursuant to
Section(x) **478** of the Tax Law, any
proceeding in court to review an adverse deci-
sion must be commenced within **4 months**
from the date of this notice.

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. They
will be referred to the proper party for reply.

Very truly yours,


Aloysius J. Nendza

Assistant Director

Enc.

cc: ~~Taxing Bureau's Representative~~

Taxing Bureau's Representative:

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

JAMES DEGAETANO

DEFAULT ORDER

for ~~Redetermination of Deficiency or for Refund of~~
a Hearing to Review a Determination
~~Taxes~~ under Article(~~s~~) 20 of the Tax Law for the
Year(~~s~~) 1977.

Petitioner(~~s~~), James Degaetano, 7009 Ft. Hamilton Parkway, Brooklyn,
New York, filed a petition for redetermination of deficiency
or for refund of cigarette taxes under Article(~~s~~)
20 of the Tax Law for the year(~~s~~) 1977 . File No. (~~s~~) 19388

A formal hearing on the petition was scheduled before
Michael Alexander, Hearing Officer , at the offices of the State
Tax Commission, Two World Trade Center, New York, New York,
on February 16, 1978 at 2:45 P.M. . Notice of said formal
hearing was given to petitioner(~~s~~) and petitioner(~~s~~) representative(~~s~~).

. Petitioner(~~s~~) and petitioner(~~s~~) representative(~~s~~) did
not appear at the formal hearing . A default has been duly noted.

Now on motion of the attorney for the Department of Taxation and Finance,
it is

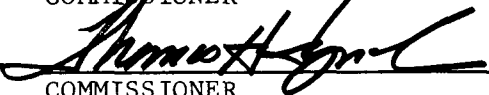
ORDERED that the petition of JAMES DEGAETANO
be and the same is hereby denied.

DATED: Albany, New York
July 27, 1978

STATE TAX COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER