

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition :

of

Benjamin A. Gesualdo :

AFFIDAVIT OF MAILING

for Redetermination of a Deficiency or a Revision :

of a Determination or a Refund of

Personal Income Tax :

under Article 22 of the Tax Law

for the Year 1973. :

State of New York

County of Albany

Jay Vredenburg, 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 22nd day of June, 1979, he served the within Notice of Default Order by certified mail upon Benjamin A. Gesualdo, the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows:

Benjamin A. Gesualdo
1322 Brooklyn Blvd
Bay Shore, NY 11706

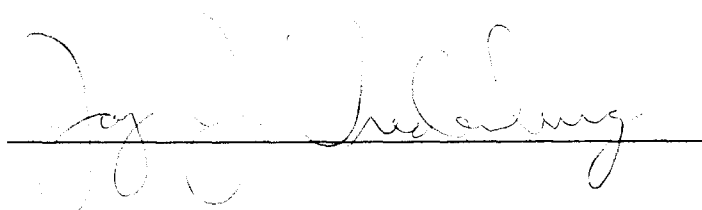
and by depositing same enclosed in a postpaid properly addressed wrapper in a (post office or official depository) under the exclusive care and custody of the United States Postal Service within the State of New York.

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

Sworn to before me this

22nd day of June, 1979.


Marilyn J. Papineau


Jay Vredenburg



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

STATE TAX COMMISSION

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

JOHN J. SOLLECITO
DIRECTOR

Telephone: (518) 457-1723

June 22, 1979

Benjamin A. Gesualdo
1322 Brooklyn Blvd
Bay Shore, NY 11706

Dear Mr. Gesualdo:

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

Please take further notice that pursuant to Section(s) 722 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.

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,

A handwritten signature in dark ink, appearing to read "John J. Sollecito", written over a horizontal line.

cc: Petitioner's Representative

Taxing Bureau's Representative

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

BENJAMIN A. GESUALDO

DEFAULT ORDER

for Redetermination of Deficiency or for Refund of
Personal Income
Taxes under Article(s) 22 of the Tax Law for the
Year(s) 1973.

Petitioner(s) Benjamin A. Gesualdo, 1322 Brooklyn Blvd., Bay
Shore, NY 11706 filed a petition for redetermination of deficiency
or for refund of Personal Income taxes under Article(s)
22 of the Tax Law for the year(s) 1973 . File No.(s) 19104

A pre-hearing conference on the petition was scheduled before

John S. Juva , at the offices of the State
Tax Commission, Mineola D.O., 114 Old Country Rd., Mineola, NY
on November 8, 1978 at 2:45 P.M. . Notice of said pre-hearing
conference was given to petitioner(s) ~~xxx xxx xxx (s) xxx xxx xxx~~

. Petitioner(s) ~~xxx xxx xxx (s) xxx xxx xxx~~ did
not appear at the pre-hearing conference . 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 BENJAMIN A. GESUALDO
be and the same is hereby denied.

DATED: Albany, New York

June 22, 1979

STATE TAX COMMISSION


PRESIDENT


COMMISSIONER

COMMISSIONER