

READY MIX&SUPPLY CORP.

SALES AND USE TAX

1973

DEFAULT VACATED---11/20/73

See Mr. Leisner's Letter attached.

STEINER AND STEINER
ATTORNEYS AND COUNSELORS AT LAW

20

EUGENE J. STEINER
ALAN E. STEINER
PHILIP S. CAPONERA
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90 STATE STREET
ALBANY, N. Y. 12207

TELEPHONE
518-434-1221

November 19, 1973

L. Robert Leisner, Esq.
Hearing Officer
State of New York
Department of Taxation and Finance
Bldg. 9 - Room 214A
State Campus
Albany, New York 12226

In re: Ready Mix & Supply Corp.
Sales & Use Taxes
Periods 9/1/68 - 5/31/71

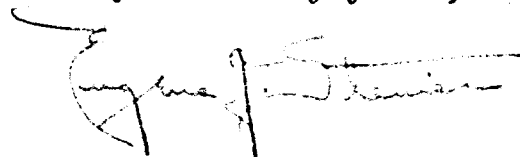
Dear Mr. Leisner:

We are confirming our telephone conversation of this morning with reference to the Default Order dated November 8, 1973 against Ready Mix & Supply Corp. covering Sales Taxes for the Periods 9/1/68 - 5/31/71. This Order appears to have been entered as a result of a misunderstanding.

At the last conference held on June 18, the Conferee advised us to request a Ruling from Francis Person, Esq. of the Instruction and Interpretation Unit which we did on June 28, 1973. The purpose of this recitation of facts is to point out that the taxpayer was not in default.

It is hereby requested that the default be reopened and the matter scheduled for a hearing.

Very cordially yours,



EJS/tvd

CC: Mr. E. Wayne Maxwell

11/20/73
Default reopened and case to be rescheduled
for hearing.
L.R.L.

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

READY MIX & SUPPLY CORP.

For a Redetermination of a Deficiency or
a Refund of Sales & Use
Taxes under Article(s) 28 & 29 of the
Tax Law for the ~~(Year(s))~~ period 9/1/68-
5/31/71

AFFIDAVIT OF MAILING
OF NOTICE OF DECISION
BY ~~XXXXXXX~~ MAIL

State of New York
County of Albany

JOYCE S. VAN PATTEN, 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 8th day of November, 19⁷³, she served the within Notice of Decision (or Determination) by ~~(certified)~~ mail upon Steiner & Steiner, Esq. (representative of) the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows:

Steiner & Steiner, Esqs.

90 State Street

Albany, New York 12207

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

8th day of November, 1973.

Frank A. Spina

Joyce S. Van Patten

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

READY MIX & SUPPLY CORP.

For a Redetermination of a Deficiency or
a Refund of Sales & Use
Taxes under Article(s) 28 & 29 of the
Tax Law for the ~~(Year(s))~~ period 9/1/68-:
5/31/71

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

State of New York
County of Albany

JOYCE S. VAN PATTEN , 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 8th day of November , 1973 , she served the within
Notice of Decision (or Determination) by ~~(certified)~~ mail upon Ready Mix &
Supply Corp. ~~(representative of)~~ the petitioner in the within
proceeding, by enclosing a true copy thereof in a securely sealed postpaid
wrapper addressed as follows:

Ready Mix & Supply Corp.
Tivoli Street
Albany, 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)~~
~~xxf)~~ 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

8th day of November , 1973

Maitha Dumar

Joyce S. Van Patten



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. Provenzano

~~XXXXXXXXXXXX~~
NORMAN F. GALLMAN, ~~XXXX~~ PRESIDENT

A. BRUCE MANLEY

MILTON KOERNER

ADDRESS YOUR REPLY TO

DATED: Albany, New York
November 8, 1973

Ready Mix & Supply Corp.
Tivoli Street
Albany, New York

Gentlemen:

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

Please take further notice that pursuant to
Section(s) **1138 & 1243** of the Tax Law, any
proceeding in court to review an adverse deci-
sion must be commenced within **four 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

L. Robert Leisner
L. ROBERT LEISNER

HEARING OFFICER

Enc.

cc: Petitioner's Representative
Law Bureau

STATE OF NEW YORK

STATE TAX COMMISSION

In the Matter of the Application :
of :
READY MIX & SUPPLY CORP. : DEFAULT ORDER
for a Redetermination of a Deficiency :
or for Refund of Sales and Use Taxes :
under Articles 28 and 29 of the Tax :
Law for the Periods September 1, 1968 :
through May 31, 1971. :

Taxpayer, Ready Mix & Supply Corp., filed a petition for redetermination of deficiency or for refund of sales and use taxes under Articles 28 and 29 of the Tax Law for the periods September 1, 1968 through May 31, 1971. (Notice No. 90,747,406). A formal hearing was scheduled before Honorable A. Bruce Manley, at the offices of the State Tax Commission, Albany, New York, on June 4, 1973, at 10:30 A.M.

Notice of said hearing was given to taxpayer and taxpayer's representative. No one appeared for the taxpayer. A default was duly recorded.

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

ORDERED that the application is denied and the deficiency is sustained.

DATED: Albany, New York
November 8, 1973

STATE TAX COMMISSION


COMMISSIONER


COMMISSIONER


COMMISSIONER