STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

COLUMBIA ASPHALT CORPORATION

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)~~ periods August 1, 1965 through August 31, 1968

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

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 23rd day of December, 1971, she served the within Notice of Decision (or Determination) by (certified) mail upon Columbia Asphalt Corporation (representative of) the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows: Columbia Asphalt Corporation
127-50 Northern Boulevard
Flushing, New York 11368

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
23rd day of December, 1971.

Rae Zimmerman

Martha Funaro

STATE OF NEW YORK

STATE TAX COMMISSION

In the Matter of the Petition :

of :

COLUMBIA ASPHALT CORPORATION : DEFAULT ORDER

for Redetermination of Deficiency or for :
Refund of Sales & Use :
Taxes under :
Article(s) 28 & 29 of the Tax Law :
for the ~~Year(s)~~ periods August 1, 1965 through
August 31, 1968

Petitioner(s) COLUMBIA ASPHALT CORPORATION

filed a petition for redetermination of deficiency or for refund

of Sales & Use taxes under Article(s) 28 & 29

of the Tax Law for the ~~Year(s)~~ periods August 1, 1965 through August 31, 1968

~~File~~ Notice No.(s) 90759473

A calendar call on the petition was scheduled before

Honorable Milton Koerner, State Tax Commission, at the offices

of the State Tax Commission, 80 Centre Street, New York, New York,

on October 7, 1971 at 10:30 a.m. . Notice of said calendar call

was given to petitioner(s) ~~and petitioner(s) representative~~

. Petitioner(s) ~~petitioner(s)~~

~~representative~~ did not appear at the calendar call. 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 COLUMBIA ASPHALT CORPORATION

be and the same is hereby denied.

DATED: Albany, New York
December 23, 1971

STATE TAX COMMISSION

Norman Gallman
COMMISSIONER

Bruce Manley
COMMISSIONER

Milton Koerner
COMMISSIONER

January 3, 1971

Columbia Asphalt Corp.
127-50 Northern Blvd.
Flushing, N.Y. 11368

Attention Harry L. Bickford
Assistant Secretary

Re: Default Order, December 28, 1971
Sales and Use Taxes

Gentlemen:

The State Tax Commission has considered your letter of December 29, 1971, and has vacated the default order issued against you.

The matter has been referred to the hearing unit, and new notices will be mailed to all interested parties when it is again scheduled for a formal hearing.

Very truly yours,

Lawrence A. Newman
Hearing Officer

LAN/s

cc: Law Bureau

ROAD CONSTRUCTION
PARKING FIELDS
ATHLETIC FIELDS

HOT AND COLD PLANT MIX
ASPHALT MATERIALS
PAVING PRODUCTS

COLUMBIA ASPHALT CORP.
127-50 NORTHERN BLVD.
FLUSHING 68, NEW YORK

HICKORY 6-7000

December 29, 1971

State of New York
Department of Taxation & Finance
Building #9 - Suite 214A
State Campus
Albany, New York 12227

ATT: Mr. Lawrence A. Newman

RE: Petition for redetermination
Sales & Use Tax
Default Order

Gentlemen:

Regarding the default order we received for failure to appear at the calendar call on October 7th 1971, we respectfully request this order be vacated, if possible.

Please note that our failure to appear was not deliberate on our part, as we did not have any record of having received the notice.

Thank you for your consideration and attention to this matter.

Very truly yours,

HARRY L. BICKFORD
Assistant Secretary

HLB/jpg