

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

LUTORIS RESTAURANT, INC., and
ANTONIO TORRES, Officer
For a Redetermination of a Deficiency or
a Revision of a Determination or a Refund
of Sales and Use
Taxes under Article(s) 28 & 29 of the
Tax Law for the ~~Year(s)~~ Period(s)
9/1/72 - 5/31/75

AFFIDAVIT OF MAILING

State of New York
County of Albany

Marsina Donnini, 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 11 day of August, 1977, she served the within Notice of Default Order by ~~(certified)~~ mail upon Lutoris Restaurant, Inc., and Antonio Torres, Officer ~~(representative of)~~ the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows: Lutoris Restaurant Inc. & Antonio Torres, Officer
c/o Greenberg & Tuckman
11 Park Place
New York, 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
11 day of August, 1977.

Marsina Donnini

Just Back

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by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows: Greenberg & Tuckman
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New York, 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
11 day of August, 1977.

Marsina Donnini

Janet Mack



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

August 11, 1977

TELEPHONE: (518) 457-1723

**Lutoris Restaurant Inc.
& Antonio Torres, Officer
c/o Greenberg & Tuckman
11 Park Place
New York, 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 **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. Mendza
Aloysius J. Mendza
Supr. of Tax Conferences

Enc.

cc: Petitioner's Representative:

Taxing Bureau's Representative:

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition
of
LUTORIS RESTAURANT INC., and ANTONIO TORRES, Officer DEFAULT ORDER
for Revision or for Refund of Sales & Use Taxes
under Article(s) 28 & 29 of the Tax Law for the
~~years~~ Periods 9/1/72 - 5/31/75

Petitioner(s) Lutoris Restaurant Inc., and Antonio Torres, Officer
c/o Greenberg & Tuckman, 11 Park Place, New York, NY
filed a petition for revision or for refund of

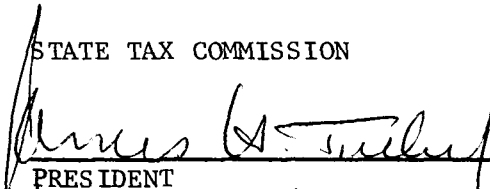

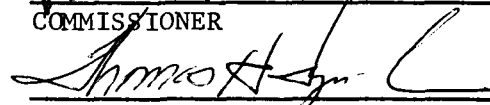
Sales & Use taxes under Article(s) 28 & 29 of the Tax Law for the
~~years~~ Periods 9/1/72 - 5/31/75 . File No.(s) 0012874

A pre-hearing conference on the petition was scheduled before
Thomas J. Heinz, Conferee, at the offices of the State
Tax Commission, Bronx District Office, 1375 Jerome Avenue, Bronx, NY
on November 22, 1976 at 9:30 A.M.. Notice of said pre-hearing
conference was given to petitioner(s) and petitioner(s) representative, Greenberg &
Tuckman. Petitioner(s) or petitioner(s) representative 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 Lutoris Restaurant Inc., and Antonio Torres,
Officer
be and the same is hereby denied.

DATED: Albany, New York
August 11, 1977

STATE TAX COMMISSION

PRESIDENT

COMMISSIONER

COMMISSIONER