In the Matter of the Petition

of

JOHN DE CICCO, D/B/A

SUNNYSIDE LUNCHEON
For a Redetermination of a Deficiency or

a Revision of a Determination or a Refund of Sales & Use

June 1, 1972 - May 31, 1975

State of New York County of Albany

John Huhn , being duly sworn, deposes and says that

Whe is an employee of the Department of Taxation and Finance, over 18 years of

age, and that on the 1st day of September , 1977, she served the within

Notice of Default Order by Koentykkedk mail upon Su

by Koennik mail upon John De Cicco, D/B/A Sunnyside Luncheon

AFFIDAVIT OF MAILING

(we proceeding,

by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed John De Cicco, D/B/A

as follows: Sunnyside Luncheon

2959 Atlantic Avenue 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.

Sworn to before me this

1st day of September

and mark

19 77.

TA-3 (2/76)



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

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

September 1, 1977

ADDRESS YOUR REPLY TO

TELEPHONE: (518) 457-1723

John De Cicco, D/B/A Sunnyside Luncheon 2959 Atlantic Avenue Brooklyn, New York

Dear Sir:

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 decision must be commenced within 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,

JOSEPH CHYRYWATY Hearing Examiner

Enc.

Taxing Bureau's Representative:

STATE OF NEW YORK STATE TAX COMMISSION

In the Matter of the Petition

of

JOHN DE CICCO, D/B/A SUNNYSIDE LUNCHEON

DEFAULT ORDER

for Revision or for Refund of Sales & Use Taxes

under Article(s) 28 & 29 of the Tax Law for the XEXXXX Period 6/1/72 - 5/31/75

Petitioner(%) John DeCicco, D/B/A Sunnyside Luncheon, 2959 Atlantic Avenue, Brooklyn, New York filed a petition for revision or for refund of sales & use taxes under Article(s) 28 & 29 of the Tax Law for the

XXXXXX Period 6/1/72 - 5/31/75

• File No.(X) 14161

A small claims hearing on the petition was scheduled before

Joseph A. Milack, Hearing Officer , at the offices of the State Tax Commission, Two World Trade Center, New York

on Friday, July 8, 1977

at 9:15 A.M. . Notice of said small claims

hearing

not appear at the small claims 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 John DeCicco, D/B/A Sunnyside Luncheon be and the same is hereby denied.

DATED: Albany, New York

September 1, 1977

STATE TAX COMMISSION