

STATE OF NEW YORK  
STATE TAX COMMISSION

In the Matter of the Petition

of

MARVIN BIRNBAUM

AFFIDAVIT OF MAILING

For a Redetermination of a Deficiency or :  
a Revision of a Determination or a Refund :  
of Sales :  
Taxes under Article ~~(8)~~ 28 of the :  
Tax Law for the ~~Year(s)~~ ~~Period(s)~~ :  
12/1/68 - 9/30/70.

State of New York  
County of Albany

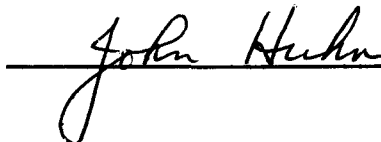
John Huhn , being duly sworn, deposes and says that  
he is an employee of the Department of Taxation and Finance, over 18 years of  
age, and that on the 27th day of July , 1978 , he served the within  
Notice of Default Order by ~~(certified)~~ mail upon Marvin Birnbaum  
~~(representative of)~~ the petitioner in the within proceeding,  
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed  
as follows: Marvin Birnbaum  
226-05 Union Turnpike  
Bayside, 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~~  
~~XXXXXX~~ petitioner herein and that the address set forth on said wrapper is the  
~~XXXXXX~~ last known address of the ~~representative~~ petitioner.

Sworn to before me this

27th day of July , 19 78







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

ADDRESS YOUR REPLY TO  
**Conference Unit**

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

**July 27, 1978**

TELEPHONE: (518) 457-1723

**Marvin Birnbaum  
226-05 Union Turnpike  
Bayside, New York**

**Dear Mr. Birnbaum:**

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,  
*John F. Koegel*  
**JOHN F. KOAGEL**  
**SUPERVISOR OF TAX CONFERENCES**

Enc.

~~XX~~  
cc: Petitioner's Representative:

Taxing Bureau's Representative:

STATE OF NEW YORK  
STATE TAX COMMISSION

In the Matter of the Petition

of

MARVIN BIRNBAUM

DEFAULT ORDER

for Revision or for Refund of Sales Taxes

under Article ~~(s)~~ 28 of the Tax Law for the  
Year(s) 12/1/68 - 9/30/70.

Petitioner(~~s~~) Marvin Birnbaum, 226-05 Union Turnpike, Bayside,  
New York filed a petition for revision or for refund of  
Sales taxes under Article(~~s~~) 28 of the Tax Law for the  
year(s) 12/1/68 - 9/30/70 . File No. ~~(s)~~ 20654

A pre-hearing conference on the petition was scheduled before

Eugene C. Welch, Conferee , at the offices of the State  
Tax Commission, New York State Dept. of Taxation and Finance, Queens District  
Office, 97-77 Queens Boulevard, Rego Park, New York  
on November 22, 1977 at 11:00 A.M. . Notice of said pre-hearing

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

. 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 Marvin Birnbaum  
be and the same is hereby denied.

DATED: Albany, New York

July 27, 1978

STATE TAX COMMISSION

  
PRESIDENT

  
COMMISSIONER

  
COMMISSIONER

CONFIDENTIAL

STATE OF NEW YORK  
Department of Taxation and Finance  
TAX APPEALS BUREAU

STATE CAMPUS

ALBANY, N. Y. 12227

Marvin Birnbaum  
226-05 Union Turnpike  
Bayside, New York



REASON FOR RETURN  
Unclaimed \_\_\_\_\_  
Addressee unknown \_\_\_\_\_  
Insufficient Address \_\_\_\_\_  
No such street \_\_\_\_\_  
No such office in state \_\_\_\_\_  
Do not remail in this envelope \_\_\_\_\_





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

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

July 27, 1978

ADDRESS YOUR REPLY TO  
Conference Unit

TELEPHONE: (518) 457-1723

Marvin Birnbaum  
226-05 Union Turnpike  
Bayside, New York

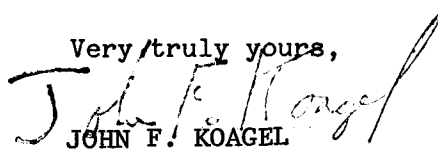
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of the State Tax Commission enclosed herewith.

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,

  
JOHN F. KOAGEL

SUPERVISOR OF TAX CONFERENCES

Enc.

~~XX~~

Taxing Bureau's Representative:

TA-19 (7/77)

STATE OF NEW YORK  
STATE TAX COMMISSION

In the Matter of the Petition

of

**MARVIN BIRNBAUM**

DEFAULT ORDER

for Revision or for Refund of **Sales** Taxes  
under Article ~~(e)~~ **28** of the Tax Law for the  
Year(s) **12/1/68 - 9/30/70.**

Petitioner ~~(x)~~ **Marvin Birnbaum, 226-05 Union Turnpike, Bayside,**

**New York**

filed a petition for revision or for refund of

**Sales**

taxes under Article ~~(x)~~ **28**

of the Tax Law for the

year(s) **12/1/68 - 9/30/70**

. File No. ~~(x)~~ **20654**

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, at the offices of the State

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on **November 22, 1977** at **11:00 A.M.** . Notice of said **pre-hearing**

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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 **Marvin Birnbaum**  
be and the same is hereby denied.

DATED: Albany, New York  
July 27, 1978

STATE TAX COMMISSION

*James G. Sullivan*  
PRESIDENT

*Matthew K. Garry*  
COMMISSIONER

*Thomas J. Lyons*  
COMMISSIONER