

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

GRAZIO FUSCHETTO, OFFICER OF
MAGICA PIZZA CORP.

AFFIDAVIT OF MAILING

For a Redetermination of a Deficiency or :
a Revision of a Determination or a Refund :
of Sales & Use :
Taxes under Article ~~(1)~~ 28 of the :
Tax Law for the ~~Year(s)~~ Period ~~(s)~~ :
12/1/72 - 5/28/74

State of New York
County of Albany

John Huhn

, being duly sworn, deposes and says that

~~He~~ she is an employee of the Department of Taxation and Finance, over 18 years of

age, and that on the 16th day of January , 1978 , ~~she~~ she served the within
Notice of

Default Order by ~~registered~~ mail upon Grazio Fuschetto, Officer of

Magica Pizza Corp. ~~(representative of)~~ the petitioner in the within proceeding,

by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed

as follows: Grazio Fuschetto

Officer of Magica Pizza Corp.

94-14 108th Street

Ozone Park, 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)~~
~~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

16th day of January , 1978

Janet Mach

John Huhn

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

GRAZIO FUSCHETTO, OFFICER OF
MAGICA PIZZA CORP.

AFFIDAVIT OF MAILING

For a Redetermination of a Deficiency or :
a Revision of a Determination or a Refund :
of Sales & Use :
Taxes under Article ~~(65)~~ 28 of the :
Tax Law for the ~~Year(s) XXXX~~ Period ~~(X)~~ :
12/1/72 - 5/28/74

State of New York
County of Albany

John Huhn, 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 16th day of January, 1978, she served the within
Notice of Default Order by ~~(certified)~~ mail upon Sherman Lillianthal
(representative of) the petitioner in the within proceeding,
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed
as follows: Sherman Lillianthal
158-15 82nd St.
Howard Beach, New York 11414
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

16th day of January, 1978

Janet Mack

John Huhn



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

January 16, 1978

ADDRESS YOUR REPLY TO

JAMES H. TULLY JR., PRESIDENT

MILTON KOERNER

THOMAS H. LYNCH

TELEPHONE: (518) 457-1723

Grasie Fuschetto
Officer of Magica Pizza Grop.
94-14 108th Street
Ozone Park, 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 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.

cc: Petitioner's Representative:

Taxing Bureau's Representative:

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition
of
GRAZIO FUSCHETTO, OFFICER OF
MAGICA PIZZA CORP.
for Revision or for Refund of Sales and Use Taxes
under Article(x) 28 of the Tax Law for the
~~XXXX(s)~~ Period 12/1/72 - 5/28/74

DEFAULT ORDER

Petitioner(s) Grazio Fuschetto, Officer of Magica Pizza Corp.,
94-14 108th Street, Ozone Park, New York
filed a petition for revision or for refund of
sales and use taxes under Article(s) 28 of the Tax Law for the
~~XXXX(s)~~ Period 12/1/72 - 5/28/74 . File No.(x) 16570

A Pre-Hearing Conference on the petition was scheduled before
Eugene C. Welch, Conferee , at the offices of the State
Tax Commission, 114 Old Country Rd., Mineola, New York 11501
on August 16, 1977 at 9:00 A.M. . Notice of said Pre-Hearing
Conference was given to petitioner(x) and petitioner(s) representative,
Sherman Lillianthal . 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 Grazio Fuschetto, Officer of Magica Pizza Corp.
be and the same is hereby denied.

DATED: Albany, New York
January 16, 1978

STATE TAX COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER