

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

CARL A. MORSE, INC.

AFFIDAVIT OF MAILING

For a Redetermination of a Deficiency or :
a Revision of a Determination or a Refund :
of Sales and Use :
Taxes under Article(s) 28 and 29 of the :
Tax Law for the ~~Year(s)~~ Period (x) :
9/1/72 through 5/31/76.

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 4th day of October, 1978, she served the within
Notice of Short Form Order by ~~(certified)~~ mail upon Carl A. Morse, Inc.

~~(representative of)~~ the petitioner in the within proceeding,
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed
as follows: Carl A. Morse, Inc.
1133 Avenue of the Americas
New York, New York 10036

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

4th day of October, 1978.

[Signature]

John Huhn

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

CARL A. MORSE, INC.

AFFIDAVIT OF MAILING

For a Redetermination of a Deficiency or :
a Revision of a Determination or a Refund :
of Sales and Use :
Taxes under Article(s) 28 and 29 of the :
Tax Law for the ~~XXXXXX~~ Period (X) :
9/1/72 through 5/31/76.

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 4th day of October, 1978, he served the within
Notice of Short Form Order by ~~(certified)~~ mail upon Savrin & Berson

(representative of) the petitioner in the within proceeding,
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed
as follows: Savrin & Berson, Esqs.
60 East 42nd Street
New York, New York 10017

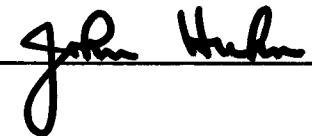
and by depositing same enclosed in a postpaid properly addressed wrapper in a
(post office or official depository) under the exclusive care and custody of
the United States Postal Service within the State of New York.

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

4th day of October, 1978.







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

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

October 4, 1978

TELEPHONE: (518) 457-1723

**Carl A. Morse, Inc.
1133 Avenue of the Americas
New York, New York 10036**

Gentlemen:

**Please take notice of the SHORT FORM ORDER of the
State Tax Commission enclosed herewith.**

Very truly yours,

**Aloysius J. Mendza
Assistant Director**

Enclosure

cc: Petitioner's Representative

Taxing Bureau's Representative

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition :

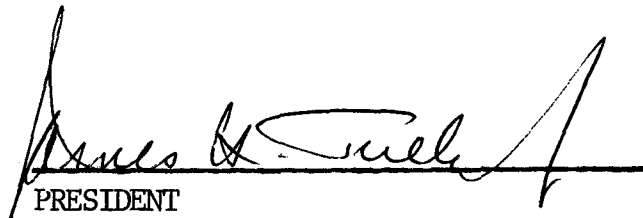
of :

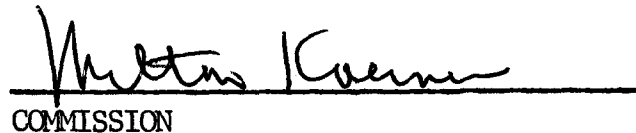
CARL A. MORSE, INC. :

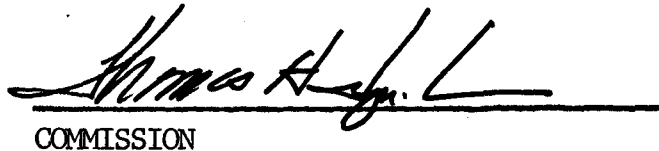
SHORT FORM ORDER

For Refund of Sales and Use Tax imposed under :
Article 28 and 29 of the Tax Law for the period:
9/1/72 through 5/31/76. :

A motion for summary decision having been made by petitioner pursuant to Section 601.10(b) of the Rules of Practice upon the grounds that no material and triable issue of fact is presented by the answer is denied since petitioner admits in his moving papers that this controversy involves an assessment of Sales and/or Use Tax by the Sales Tax Bureau on the cost of construction work commonly referred to as temporary electric, temporary plumbing, temporary heat and winter protection.


PRESIDENT


COMMISSION


COMMISSION

Dated: Albany, New York
October 4, 1978