

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of
MICHAEL TURBACK
d/b/a TURBACK'S OLD GABLE INN
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)~~ or Period(s)
9/1/74 - 8/31/77.

AFFIDAVIT OF MAILING

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 29th day of September, 1978, she served the within
Notice of Default Order by ~~(certified)~~ mail upon Michael Turback d/b/a
Turback's Old Gable Inn, ~~(representative of)~~ the petitioner in the within proceeding,
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed
as follows:
Michael Turback
d/b/a Turback's Old Gable Inn
919 Elmira Road
Ithaca, New York 14850
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

29th day of September, 1978.

M. Walker

John Huhn



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

September 29, 1978

TELEPHONE: (518) 457-1723

**Michael Turback
d/b/a Turback's Old Gable Inn
919 Elmira Road
Ithaca, New York 14850**

Dear Mr. Turback:

Please take notice of the Default Order
of the State Tax Commission enclosed herewith.

Please take further notice that pursuant to
Section(s) **1138 and 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. Keagel

Supervisor of Tax Conferences

Enc.

cc: ~~XXXXXXXXXXXXXXXXXXXX~~

Taxing Bureau's Representative:

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition
of
MICHAEL TURBACK
d/b/a TURBACK'S OLD GABLE INN
for Revision or for Refund of Sales & Use Taxes
under Article(s) 28 & 29 of the Tax Law for the
~~years~~(s) Period 9/1/74 - 8/31/77

DEFAULT ORDER

Petitioner(s) Michael Turback, d/b/a Turback's Old Gable Inn,
919 Elmira Rd., Ithaca, NY 14850
filed a petition for revision or for refund of
sales & use taxes under Article(s) 28 & 29 of the Tax Law for the
~~years~~(s) period 9/1/74 - 3/31/77 . File No.(s) 21438

A pre-hearing conference on the petition was scheduled before
Frank Fleury, Conferee , at the offices of the State
Tax Commission, Dept. of Taxation & Finance, Binghamton Branch Office,
200 William Street, Elmira, NY 14901
on May 16, 1978 at 2:45 P.M. . Notice of said pre-hearing
conference was given to petitioner(s) ~~and petitioner(s) representative,~~

. Petitioner(s) ~~and 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
be and the same is hereby denied.

Michael Turback
d/b/a Turback's Old Gable Inn

STATE TAX COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER

DATED: Albany, New York
September 29, 1978