

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of
TSM PHARMACY CORP. and
MICHAEL BARRERA, INDIVIDUALLY AND AS AN OFFICER
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) ~~XXXXXX~~ Period(s)
June 1, 1971 through May 31, 1975.

AFFIDAVIT OF MAILING

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 6th day of April, 1979, he served the within
Notice of Default Order by ~~(certified)~~ mail upon TSM Pharmacy Corp. and
Michael Barrera ~~(representative of)~~ the petitioner in the within proceeding,
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed
as follows:
TSM Pharmacy Corp.
257 Columbia Avenue
New York, NY 10023
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)~~
~~XXXXXX~~ petitioner herein and that the address set forth on said wrapper is the
last known address of the ~~(XXXXXXXXXXXXXXXXXXXX)~~ petitioner.

Sworn to before me this

6th day of April, 1979.

Marilyn J. Papineau

John Huhn

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of
TSM PHARMACY CORP. and
MICHAEL BARRERA, INDIVIDUALLY AND AS AN OFFICER
For a Redetermination of a Deficiency or
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Taxes under Article(s) 28 & 29 of the
Tax Law for the ~~XXXXXX~~ or Period(s)
June 1, 1971 through May 31, 1975.

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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 6th day of April, 1979, he served the within
Notice of Default Order by ~~XXXXXXXXXX~~ mail upon TSM Pharmacy Corp. and
Michael Barrera ~~(representative of)~~ the petitioner in the within proceeding,
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed
as follows: Michael Barrera
30 West 60th Street
New York, NY

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 ~~XXXXXXXXXXXX~~
~~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

6th day of April, 1979.

Marilyn J. Lapineau

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

April 6, 1979

TELEPHONE: (518) 457-1723

TSM Pharmacy Corp.
257 Columbia Avenue
New York, NY 10023

Gentlemen:

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
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

Joseph Chyrywat
Joseph Chyrywat
Hearing Examiner

Enc.

cc: ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

Taxing Bureau's Representative:

TA-19 (7/77)



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

April 6, 1979

TELEPHONE: (518) 457-1723

Mr. Michael Barrera
30 West 60th Street
New York, NY

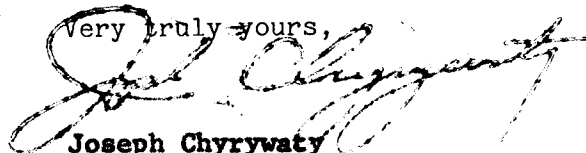
Dear Mr. Barrera:

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,


Joseph Chyrywat
Hearing Examiner

Enc.

cc: ~~Petitioner's Representative:~~

Taxing Bureau's Representative:

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition
of
TSM PHARMACY CORP. and
MICHAEL BARRERA, Individually and as an Officer
for Revision or for Refund of Sales and Use Taxes
under Article(s) 28 and 29 of the Tax Law for the
~~Year(s)~~ Period June 1, 1971 through May 31,
1975.

DEFAULT ORDER

Petitioner(s) TSM Pharmacy Corp., 257 Columbus Avenue, New York, New York 10023 and Michael Barrera, 30 West 60th Street, New York, New York,
filed a petition for revision or for refund of
sales and use taxes under Article(s) 28 and 29 of the Tax Law for the
~~Year(s)~~ period June 1, 1971 through May 31, 1975. . File No. (s) 11554.

A small claims hearing on the petition was scheduled before Raymond Siegel, Hearing Officer, at the offices of the State Tax Commission, Two World Trade Center, 65th Floor, Room 65-51, New York, New York, on Friday, August 25, 1978, at 9:15 A.M. . Notice of said small claims hearing was given to petitioner(s) ~~and petitioner(s) representative,~~

. Petitioner(s) ~~or petitioner(s) representative~~ did 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 TSM Pharmacy Corp. and Michael Barrera, Individually and as an Officer,
be and the same is hereby denied.

DATED: Albany, New York
April 6, 1979

STATE TAX COMMISSION

James G. Tully, Jr.
PRESIDENT

Myrtle Koenig
COMMISSIONER

Thomas H. G. L.
COMMISSIONER