

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

BALLARD CONSTRUCTION, INC.

AFFIDAVIT OF MAILING

For a Redetermination of a Deficiency or :
a Revision of a Determination or a Refund :
of Sales & Use :
Taxes under Article(s) 28 and 29 of the :
Tax Law for the ~~Year(s) or~~ Period(s) :
September 1, 1974 - May 31, 1977.

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 6th day of April , 1979 , ~~she~~ served the within
Notice of Default by ~~(certified)~~ mail upon Ballard Construction, Inc.

~~(representative of)~~ the petitioner in the within proceeding,
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed
as follows: Ballard Construction, Inc.
320 Bridge Street
Solvay, NY 13209

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

6th day of April , 1979.

Marilyn J. Papineau

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

Ballard Construction, Inc.
320 Bridge Street
Solvay, NY 13209

Dear Sirs:

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 1250** of the Tax Law, any proceeding in court to review an adverse decision 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. Koegel
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

BALLARD CONSTRUCTION, INC.

DEFAULT ORDER

for Revision or for Refund of Sales & Use Taxes

under Article(s) 28 & 29 of the Tax Law for the
Year(s) 9/1/74 to 5/31/77

Petitioner(s) Ballard Construction, Inc., 320 Bridge Street,
Solvay, NY 13209

filed a petition for revision or for refund of
Sales and Use taxes under Article(s) 28 & 29 of the Tax Law for the
year(s) 9/1/74 to 5/31/77 . File No.(s) 21420

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, Room 501, 333 E. Washington
Street, Syracuse, NY 13202
on November 22, 1978 at 10:00 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 BALLARD CONSTRUCTION, INC.
be and the same is hereby denied.

DATED: Albany, New York
April 6, 1979

STATE TAX COMMISSION

James W. Tuel
PRESIDENT

Milton Korman
COMMISSIONER

Thomas H. Lynn
COMMISSIONER