

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

BOULEY CO., 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 & 29 of the :
Tax Law for the ~~XXXXXX~~ Period(s) :
3/31/72 - 11/30/74

State of New York
County of Albany

Jay Vredenburg, 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 22nd day of June, 1979, ~~he~~ served the within
Notice of Short Form Order by ~~XXXXXX~~ mail upon DiFabio and Couch

(representative of) the petitioner in the within proceeding,
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed
as follows:

DiFabio and Couch, PC
4 Automation Lane - Computer Park
Albany, New York 12205

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

22nd day of June, 1979

Marilyn J. Papineau

Jay Vredenburg

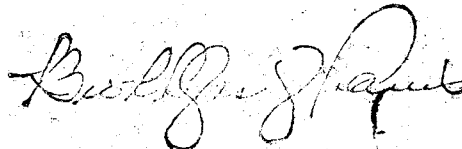
June 22, 1979

DiFabio and Couch, PC
4 Automation Lane - Computer Park
Albany, New York 12205

Gentlemen:

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Berthlynn J. Davis".

Berthlynn J. Davis
Secretary to the
State Tax Commission

Enclosure

cc: Taxing Bureau's Representative

June 1, 1967

Atlantic and Pacific
Automation Corp. Corporation
New York, New York 10021

Dear Sirs:

Please find enclosed for the attention of the
Management Committee of the Board of Directors

Very truly yours,

William J. Davis
President
Atlantic and Pacific
Automation Corp.

Enclosure

cc: Mr. J. Edgar Hoover, Federal Bureau of Investigation

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

BOULEY CO., INC.

For application for refund under Articles 28 and
29 of the Tax Law for the taxable periods 3/31/72-
11/30/74

SHORT FORM ORDER

Petitioner's Motion for summary judgment upon the grounds that the Law Bureau failed to file an answer within 60 days pursuant to Section 601.6(a) of the Rules of Practice is denied since petitioner has not sufficiently established that there is no material and triable issue of fact, to warrant the Commission, as a matter of law, in directing a decision in favor of the petitioner. Further, no substantial prejudice, if any, has resulted by reason of the delay in the Law Bureau's service of an answer.

DATED: Albany, New York

June 22, 1979

STATE TAX COMMISSION


PRESIDENT


COMMISSIONER

COMMISSIONER