

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition :
of
Fred Habenicht :

AFFIDAVIT OF MAILING

for Redetermination of a Deficiency or a Revision :
of a Determination or a Refund of
Sales & Use Tax :
under Article 28 & 29 of the Tax Law
for the Period 3/1/74 - 2/28/77. :

State of New York
County of Albany

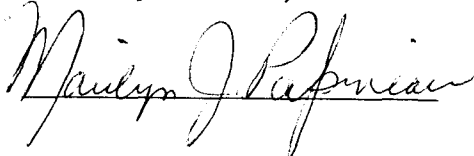
Jay Vredenburg, being duly sworn, deposes and says that he is an employee of the Department of Taxation and Finance, over 18 years of age, and that on the 22nd day of June, 1979, he served the within Notice of Default Order by mail upon Fred Habenicht, the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows:

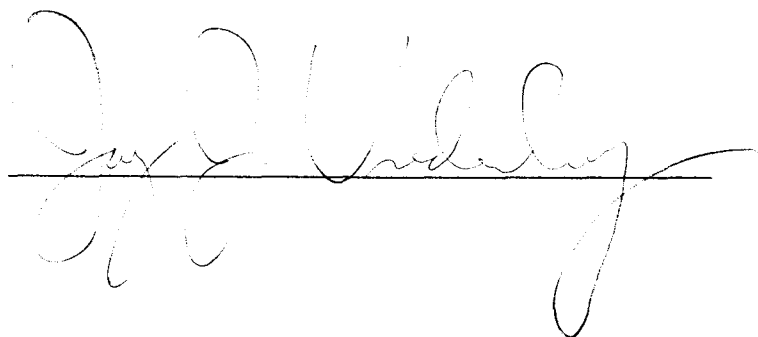
Fred Habenicht
2042 Bergen St.
Bellmore, NY 11710

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 petitioner herein and that the address set forth on said wrapper is the last known address of the petitioner.

Sworn to before me this
22nd day of June, 1979.


Marilyn J. Rapin


Jay Vredenburg



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

STATE TAX COMMISSION

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

JOHN J. SOLLECITO
DIRECTOR

Telephone: (518) 457-1723

June 22, 1979

Fred Habenicht
2042 Bergen St.
Bellmore, NY 11710

Dear Mr. Habenicht:

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

Please take further notice that pursuant to Section(s) 1138 & 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,

A handwritten signature in dark ink, appearing to read "John J. Sollecito", written over the typed name.

cc: Petitioner's Representative

Taxing Bureau's Representative

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

FRED HABENICHT

DEFAULT ORDER

for Revision or for Refund of Sales & Use Taxes

under Article(s) 28 & 29 of the Tax Law for the

~~XXXXXX~~ Period 3/1/74 - 2/28/77

Petitioner(s) Fred Habenicht, 2042 Bergen Street, Bellmore,

New York 11710

filed a petition for revision or for refund of

Sales & Use

taxes under Article(s) 28 & 29 of the Tax Law for the

~~XXXXXX~~ Period 3/1/74 - 2/28/77

. File No.(s) 22223

A pre-hearing conference on the petition was scheduled before

Eugene C. Welch, Conferee

, at the offices of the State

Tax Commission, Mineola District Office, 114 Old Country Road, Mineola, NY

on January 3, 1979

at 2:45 P.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

FRED HABENICHT

be and the same is hereby denied.

DATED: Albany, New York

June 22, 1979

STATE TAX COMMISSION


PRESIDENT

COMMISSIONER

COMMISSIONER