

JAMES H. TULLY JR., PRESIDENT  
THOMAS H. LYNCH  
FRANCIS R. KOENIG

JOHN J. SOLLECITO  
DIRECTOR

Telephone: (518) 457-1723

March 28, 1980

Mohammed Ali Mohamed  
d/b/a Family Grocery  
3300 Tilden Ave.  
Brooklyn, NY 11203

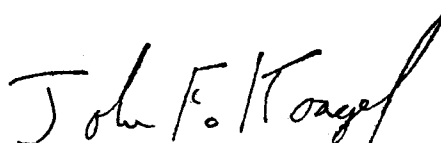
Dear Mr. Mohamed:

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 this 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 may be addressed to the Deputy Commissioner and Counsel to the New York State Department of Taxation and Finance, Albany, New York 12227. Said inquiries will be referred to the proper authority for reply.

Very truly yours,



cc: Petitioner's Representative  
Bertie L. Graham  
908 Linden Blvd.  
Brooklyn, NY 11203  
Taxing Bureau's Representative

STATE OF NEW YORK  
STATE TAX COMMISSION

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In the Matter of the Petition	:	
of	:	
Mohammed Ali Mohamed	:	<u>DEFAULT ORDER</u>
d/b/a Family Grocery	:	80-C-9
for Revision or for Refund of Sales & Use Tax	:	
under Article 28 & 29 of the	:	
<u>Tax Law for the Period 9/1/75-8/31/78.</u>	:	

Petitioner(s) Mohammed Ali Mohamed, d/b/a Family Grocery filed a petition for revision or for refund of Sales & Use Tax under Article 28 & 29 of the Tax Law for the Period 9/1/75-8/31/78. File No. 25651.

A Pre-hearing conference on the petition was scheduled before Eugene Welch, at the offices of the State Tax Commission, 141 Livingston St., 8th Fl., Brooklyn, New York 11201 on Monday, February 4, 1980 at 2:45 p.m. Notice of said Pre-hearing conference was given to petitioner(s) and petitioner's representative. Petitioner(s) 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 Mohammed Ali Mohamed, d/b/a Family Grocery be and the same is hereby denied.

DEFAULT ORDER  
ADOPTED BY THE STATE TAX COMMISSION  
ALBANY, NEW YORK  
MARCH 28, 1980

May 14, 1980

Mohammed Ali Mohamed  
10022 Flatlands Avenue  
Brooklyn, New York 11236

RE: Mohammed Ali Mohamed  
d/b/a Family Grocery

Dear Mr. Mohamed:

This is to acknowledge receipt of your letter of April 11, 1980.

Please be advised that State Tax Commissioner Thomas H. Lynch has vacated the default order issued against you in the above entitled matter by the State Tax Commission on March 28, 1980.

Tax Appeals Bureau has been advised to reschedule this matter for a pre-hearing conference for a day certain.

If you fail to appear on the new date, the default order will be reinstated.

Very truly yours,

PAUL B. COBURN  
Secretary to the State Tax Commission

PBC:mac

cc: John Sollecito, Director  
Tax Appeals Bureau

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cc: John Sollecito, Director  
Tax Appeals Bureau



DEPARTMENT OF TAXATION AND FINANCE  
MEMORANDUM

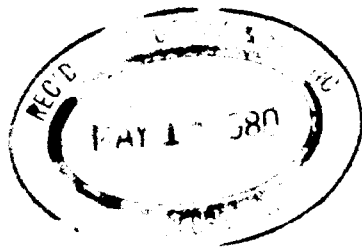
TO: Paul Coburn,

Re: Mohammed Ali Mohamed  
d/b/a Family Grocery

I agree with John Sollecito.  
Please contact.

THL

5/14/80  
Attachment--corresp.



Thomas H. Lynch  
Tax Commissioner

STATE TAX COMMISSION  
TAX APPEALS BUREAU

TO.....Commissioner Lynch..... DATE 5/13/80..

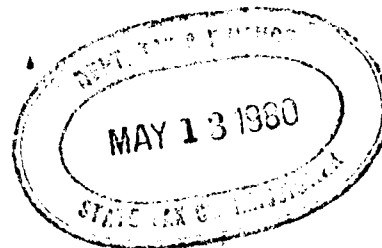
Re: Mohammed Ali Mohamed  
d/b/a Family Grocery

It appears, after reading the attached letter and reviewing the taxpayer's file, that this case was scheduled once and the taxpayer inadvertently did not appear as scheduled.

After the fact, someone called the New York office and stated that Mr. Mohamed was out-of-the-country.

The Default Order is already in process and cannot be rescinded. It is my opinion that the Default should be vacated by the State Tax Commission and a day certain will then be arranged by the Tax Appeals Conference Unit.

It is also advisable that Mr. Coburn respond to the taxpayer and state that Tax Appeals will be contacting him to set up a new day certain.



JOHN J. SOLLECITO



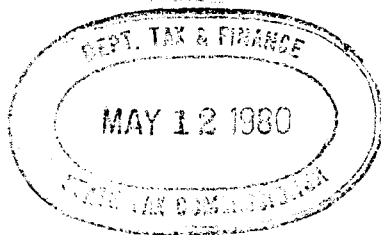
New York State  
Department of  
TAXATION  
and FINANCE




Date 5/12/80

To Commissioner Lynch

Please advise whether you wish to vacate  
default order.



  
Paul Coburn  
Secretary to the  
State Tax Commission

10022 Flatlands Avenue,  
Brooklyn, N.Y. 11236

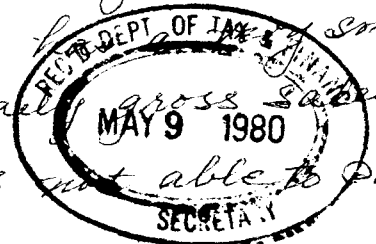
April 11, 1980

New York State Tax Commission  
Albany, New York 12247

Dear Sir or Madam,

On the matter of Mohamed Ali  
Mohamed "Family Grocery of 3000 Elden Ave,  
Brooklyn, New York 11203. I herein disclose  
that upon the receipt of a prior letter from the  
State of New York Tax Appeals Bureau, I promptly  
called Mr. Eugene Welch of the New York  
Office letting him know that the above named  
taxpayer was in Yemen, Arab Republic, and  
could not be reached to be enlightened  
of the date of the preliminary hearing, Feb-  
ruary 4, 1980.

I promised Mr. Welch that as soon  
as Mr. Mohamed returned I would contact  
him, and that I did. Mr. Mohamed has  
returned a month ago and is willing to  
resolve the matter. I beg to say, Sir or  
Madam that, that the subject has a small  
Grocery Store with average daily gross sales  
less than forty dollars. He is not able to pay



the arbitrary amount of State Sales Taxes imposed by your agency. I, as a reasonable man do not believe Mr. Mohamed underpaid Sales Taxes for the periods indicated. And I, without any bias whatsoever, sincerely ask that he be exonerated from such burden.

Mr. Mohamed is a very poor man with a large family of six, and all his assets if disposed of would not be sufficient to satisfy the imposed tax liability. With full compassion and without any compensation accrued to me. As humanity of compassion, Sir or Madam, please relieve him of this arbitrary tax burden. If you fail to give him this consideration and confiscate his little store, certainly, he and his family will become a public charge.

Thanking You

Sir or Madam

Justice Ho. Graham  
Per.

Mohamed. Ali Mohamed,

JAMES H. TULLY JR., PRESIDENT  
THOMAS H. LYNCH  
FRANCIS R. KOENIG

JOHN J. SOLLECITO  
DIRECTOR

Telephone: (518) 457-1723

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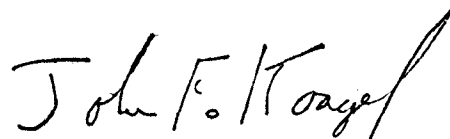
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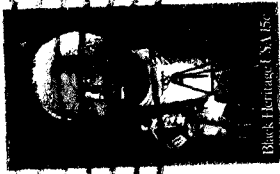
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ALBANY, NEW YORK  
MARCH 28, 1980

FROM: BERNICE R. COLEMAN  
1000 FEATHERS AVE.  
BROOKLYN, N.Y. 11236.

July 1st



DEPARTMENT OF FINANCE  
N.Y. STATE TAX COMMISSION  
"THE STATE CARPUS"  
ALBANY, N.Y. 12247