

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

JOHN J. SOLLECITO  
DIRECTOR

Telephone: (518) 457-1723

March 28, 1980

Theodore Roosevelt High School Cafeteria  
500 E. Fordham Rd.  
Bronx, NY 10458

Gentlemen:

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

Please take further notice that pursuant to Section(s) 1139 & 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,

*Victoria A. Gary*

cc: Petitioner's Representative

Taxing Bureau's Representative

STATE OF NEW YORK  
STATE TAX COMMISSION

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In the Matter of the Petition :  
of :  
Theodore Roosevelt High School Cafeteria : DEFAULT ORDER  
: 80-S-12  
for Revision or for Refund of Sales & Use Tax :  
under Article 28 & 29 of the :  
Tax Law for the Period 6/1/72-8/31/73. :

Petitioner(s) Theodore Roosevelt High School Cafeteria filed a petition for revision or for refund of Sales & Use Tax under Article 28 & 29 of the Tax Law for the Period 6/1/72-8/31/73. File No. 14722.

A Small claims hearing on the petition was scheduled before Arthur Johnson, at the offices of the State Tax Commission, Two World Trade Center, Rm. 65-51, New York, New York 10047 on Wednesday, February 27, 1980 at 10:45 a.m. Notice of said Small claims hearing was given to petitioner(s). Petitioner(s) 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 Theodore Roosevelt High School Cafeteria be and the same is hereby denied.

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

5/14/80

Commissioner Lynch

Please advise whether you wish to vacate  
default order.



LAW DEPARTMENT

100 CHURCH STREET  
NEW YORK, N. Y. 10007

ALLEN G. SCHWARTZ  
Corporation Counsel

(212) 566-3327

May 8, 1980

State Tax Commission of the State of New York  
State Campus  
Albany, New York 12227

Attention: Hon. Paul B. Coburn  
Secy. to the State Tax Commission

RE: Matter of Theodore Roosevelt  
High School Cafeteria  
Your File #14722  
80-S-12

Gentlemen:

I respectfully request that the default order in the above matter (copy annexed) be vacated and that a hearing be rescheduled. The grounds for such request is that no notice was sent to the Corporation Counsel of the City of New York, the attorney for the taxpayer.

On November 19, 1979, Mr. Joseph Chyrywaty, hearing examiner, informed me that a prior default in this matter would be opened and the hearing rescheduled. His letter stated that when a hearing date was determined I would receive notice as to the time and place of such hearing. However, I received no notice. Apparently, the hearing notice was sent only to the high school cafeteria and not to this office as attorney for the taxpayer.

It would be very much appreciated if your Hearings Bureau would send notice of any future hearing to:

Law Department of the City of New York  
100 Church Street  
New York, New York 10007

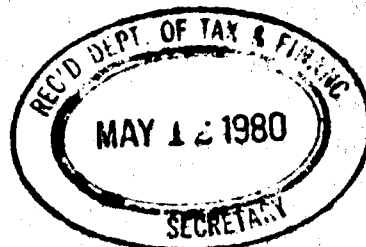
Attention: Gale Zareko, Chief  
Income & Excise Tax Division  
Room 5-H17

Thank you for your help.

Yours truly,

ALLEN G. SCHWARTZ  
Corporation Counsel

By Gale Zareko  
Gale Zareko, Chief  
Income & Excise Tax Division



GZ:aa  
encl.



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

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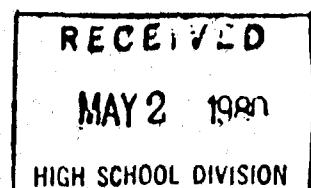
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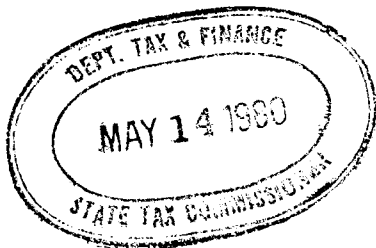


New York State  
Department of  
TAXATION  
and FINANCE

Date 5/14/80

To Commissioner Lynch

Please advise whether you wish to vacate  
default order.



5/20  
LETTER ADVICE  
MS THAT JOLAN  
WILL VACATE

Paul Coburn  
Secretary to the  
State Tax Commission



LAW DEPARTMENT

100 CHURCH STREET  
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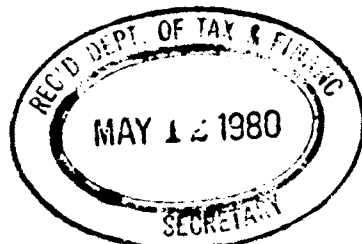
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Room 5-H17

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By Gale Zareko  
Gale Zareko, Chief  
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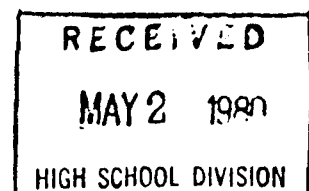
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INCOME & EXCISE TAX DIVISION

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FOR POLICE EMERGENCY ONLY  
DIAL 911

