

STATE OF NEW YORK

DIVISION OF TAX APPEALS

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In the Matter of the Petition	:	
of	:	
<b>DAVID HURLBURT VITALLI</b>	:	DETERMINATION DISMISSING PETITION
for Revision of a Determination or for Refund of Sales and Use Taxes under Articles 28 and 29 of the Tax Law for the Period March 1, 2021 through May 31, 2023.	:	DTA NO. 851307

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Pursuant to 20 NYCRR 3000.3 (a), all proceedings in the Division of Tax Appeals must be commenced by the filing of a petition. Pursuant to 20 NYCRR 3000.3 (b), the form of the petition sets forth the required information that must be included in the petition. Petitioner is required to provide a copy of the statutory notice being protested (*see* 20 NYCRR 3000.3 [b] [8]) and a taxpayer identification number (*see* 20 NYCRR 3000.3 [b] [10]).

On January 3, 2025, the Division of Tax Appeals made a written request to petitioner for a copy of the statutory notice and for his taxpayer identification number. To date, petitioner has not provided the requested information.

Therefore, with no response received from petitioner, pursuant to 20 NYCRR 3000.3 (d) (2),

It is ORDERED, on the motion of the supervising administrative law judge, that the petition be, and is hereby, dismissed with prejudice as of this date.

DATED: Albany, New York  
March 19, 2026

/s/ Donna M. Gardiner  
Donna M. Gardiner  
Supervising Administrative Law Judge