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STATE OF WISCONSIN
TAX APPEALS COMMISSION

 JORDAN A. MILLER *
 1430 East Bay Point Road *
 Bayside, WI 53217 * DOCKET NO. 92-I-55

 Petitioner, * RULING AND ORDER

 vs. * DISMISSING PETITION FOR

 WISCONSIN DEPARTMENT OF REVENUE * REVIEW AND GRANTING
 P.O. Box 8933 *
 Madison, WI 53708 * RESPONDENT COSTS

 Respondent. *

Pursuant to a hearing on respondent's motion, this Commission issued an order granting respondent's motion to compel discovery on October 21, 1992. The Commission ordered the petitioner to answer all outstanding discovery no later than October 28, 1992. The Commission further ordered that the petition for review herein would be automatically dismissed upon certification by respondent that petitioner had given no response to the Department's discovery requests. The Commission further granted the Department 10 days to submit its bill of fees and costs related to its motion to compel.

Having considered the affidavit of respondent's attorney on file and the entire record herein, this Commission finds as

FINDINGS OF FACT

- At the October 21, 1992 hearing on the motion, the respondent was directed to file a certification with the Commission if the petitioner failed to comply with the Commission's order compelling discovery.

2. On October 29, 1992, respondent's attorney, Linda M. Mintener, filed with this Commission an affidavit of noncompliance relating to the October 21, 1992 order compelling discovery.

3. The petitioner has failed to comply with the October 21, 1992 order of the Commission requiring compliance with the discovery request of respondent.

Therefore,

IT IS HEREBY ORDERED

That pursuant to the authority contained in §804.12(2), Stats., the respondent's motion to dismiss the petitioner's petition for review for failure to comply with this Commission's discovery order is hereby granted.

IT IS FURTHER ORDERED

That pursuant to §804.12(1)(c), Stats., the petitioner is ordered to pay the respondent the costs of bringing this motion in the total amount of \$478.09.

Dated at Madison, Wisconsin, this 2nd day of November, 1992.

WISCONSIN TAX APPEALS COMMISSION


Mark E. Musolf, Chairperson


Thomas R. Timken, Commissioner


Douglass H. Bartley, Commissioner

ATTACHMENT: "Notice of Appeal Information"