

**From:** [Boyle, Douglas J \(DHS\)](#)  
**To:** [Guedel, Justin K](#)  
**Cc:** [Eddingfield Law Office](#)  
**Subject:** RE: 21 W. Canal St. Condo - Variance # 19-08-21  
**Date:** Friday, November 1, 2019 8:36:00 PM  
**Attachments:** [image001.png](#)

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Mr. Guedel and Mr. Eddingfield,

I sincerely apologize for not responding to this message in a timely manner. I have reviewed the administrative law judge's prehearing conference order and notice of status hearing, and this matter will be placed on the Fire Prevention and Building Safety Commission's (the Commission) **Thursday, November 7, 2019**, so that the Commission may provide clarity in regards to disputed condition #2, and potentially informally resolve this dispute.

I **strongly** advise that both of you attend this meeting to address the Commission on this matter. The meeting will start at **9:00 a.m. in Conference Room B of Indiana Government South, 302 W. Washington Street, Indianapolis, IN 46204**. Mr. Eddingfield, I encourage you to invite your client Mr. Vandermark to this meeting, since he is the applicant of the variance application. You do not necessarily need to arrive at directly at 9:00 a.m., as the Commission will have some other business to complete before it addresses this matter. However, I'd advise that you arrive no later than 9:45/10:00 a.m. to be safe.

If the Commission concludes that condition #2 is incorrect on the current order, the Commission's order will be revised and reissued after the Commission clarifies the condition. Please let me know if you have any questions.

Sincerely,

**Douglas J. Boyle** | Director – Fire Prevention and Building Safety Commission  
Indiana Department of Homeland Security  
302 W. Washington Street, Room E-208  
Indianapolis, IN 46204  
Tel: (317) 650-7720  
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**From:** Guedel, Justin K  
**Sent:** Thursday, October 10, 2019 2:20 PM  
**To:** Boyle, Douglas J (DHS) <[DoBoyle@dhs.IN.gov](mailto:DoBoyle@dhs.IN.gov)>  
**Cc:** Eddingfield Law Office <[joe@eddingfieldlaw.com](mailto:joe@eddingfieldlaw.com)>

**Subject:** 21 W. Canal St. Condo - Variance # 19-08-21

Mr. Boyle:

In accordance with the Prehearing Conference Order and Notice of Status Hearing attached to this email, please place Variance # 19-08-18 on the Fire Prevention and Building Safety Commission's November 7<sup>th</sup>, 2019 meeting agenda. The purpose for this being placed on the Commission's agenda is to obtain clarity on the requirements of condition number 2. The parties believe some degree of ambiguity exists in how this condition was articulated at the August Commission meeting and that the Commission should weigh in on this to clarify their action.

Respectfully,

**Justin K. Guedel** | Deputy General Counsel

Indiana Department of Homeland Security

302 W. Washington Street, Rm. E208

Indianapolis, IN 46204

(317) 234-9515

[JGuedel@dhs.IN.gov](mailto:JGuedel@dhs.IN.gov)

STATE OF INDIANA

DEPARTMENT OF HOMELAND SECURITY

IN THE MATTER OF: )  
 )  
21 W. CANAL STREET CONDO ) Cause No. DHS-1912-FPBSC-012  
 )  
 )

**PREHEARING CONFERENCE ORDER AND  
NOTICE OF STATUS HEARING**

On October 10, 2019, at 10:00 a.m., the Administrative Law Judge (ALJ) Zanna Claire Dyer conducted a telephonic prehearing conference in this matter. The Indiana Department of Homeland Security (IDHS) appeared by counsel Justin Guedel. Joseph Eddingfield, Counsel for Petitioner, was also present at the prehearing conference.

Pursuant to Ind. Code § 4-21.5-3-19, the following constitutes the prehearing order.

1. This matter involves Petitioner’s petition for administrative review of Variance No. 19-08-18- 21 W. Canal Street Condo, dated August 22, 2019.
2. The ALJ and the parties discussed method of service and confirmed that they both consent to service by email only.
3. The ALJ acknowledged that she had received a packet of information from IDHS that contained the documents listed and below, and the ALJ took official notice of these documents.
  - a. Letter dated August 8, 2019, from DHS to Petitioner approving Petitioner’s variance with additional conditions
  - b. Petitioner’s Petition to Review
  - c. Letter dated August 30, 2019 regarding Petition for Review of Variance No. 19-08-18
4. The parties indicated that they would further discuss this matter amongst themselves and attend the Fire Prevention and Building Safety Commission scheduled on November 7, 2019 for additional guidance.
5. The parties decided that a status hearing would be set for November 13, 2019, at 10:00 a.m. for an update on this matter.

**The dial-in telephone number: (605) 313-5111**

**Access Code: 737477**

6. If either party files a motion to dismiss, the status hearing will be vacated.
7. Neither party is forgoing the opportunity to engage in discovery after these preliminary discussions. Additional prehearing conferences may be held at a later date to discuss additional issues to advance towards resolution of these proceedings.

/s/ Zanna Claire Dyer  
Zanna Claire Dyer  
Administrative Law Judge

**Certificate of Service**

I certify that on October 10, 2019, I have served the foregoing Prehearing Conference Order and Notice of Status Hearing on the following persons via electronic mail:

/s/ Zanna Claire Dyer  
Zanna Claire Dyer

**Service by email:**

**For IDHS:**

Justin Guedel  
Deputy General Counsel  
Indiana Department of Homeland Security  
302 W. Washington St., Room E208  
Indianapolis, IN 46204  
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**For David Vandermark:**

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