



STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

FILED: Dec 13, 2023

Education Destination/Five House,
Petitioner,

Administrative Case No.: DHS-2311-002795

v.

Department of Homeland Security,
Respondent.

ULTIMATE AUTHORITY: Fire Prevention and Building Safety Commission

NON-FINAL ORDER OF DISMISSAL

A Notice of Proposed Dismissal was entered in this matter on November 27, 2023, which proposed the dismissal of this case due to Petitioner's failure to appear at a scheduled pre-hearing conference.¹ The Notice was served on Petitioner on November 27, 2023 by email and gave Petitioner seven (7) days from the date of the Notice of Proposed Dismissal to file a motion requesting a final order of dismissal not be imposed and stating the ground relied upon for the request. More than seven days have passed since the Notice of Proposed Dismissal was entered and no such motion has been filed with the Office of Administrative Law Proceedings. Pursuant to Ind. Code 4-21.5-3-24(c), the ALJ issues this non-final order dismissing this case with prejudice.

The ultimate authority in this matter is the Fire Prevention and Building Safety Commission (hereinafter "Commission") Indiana Code § 4-21.5-3-29(d) requires any party seeking to preserve an objection to this order for judicial review to file a written objection with the Commission within fifteen (15) days after the service of this order. The objection must be in writing, identify the basis of the objection with reasonable particularity, be served on all parties, and filed with the ultimate authority at buildingcommission@dhs.in.gov.

In the absence of an objection from a party or notice from the Commission of its intent to review any issue related to this order, the Commission shall affirm this order in accordance with Ind. Code § 4-21.5-3-29(c). **The Commission will consider this Non-Final Order of Dismissal on January 3, 2024 at 9:00 AM.** The location of the meeting is a hybrid meeting, to be held virtually via Microsoft Teams an in-person at: Indiana Government Center South, Conference Room C, 302 W Washington St, Indianapolis, IN 46204. Additional information can be found at

¹ The ALJ incorporates by reference the findings and conclusions in the Notice of Proposed Dismissal in this Order.

the Commission's web page (<https://www.in.gov/dhs/boards-and-commissions/>) in advance of the meeting date.

So Ordered: December 13, 2023.



Carrie T. Ingram
Administrative Law Judge

Distributed to Parties:

Petitioner, served via email at kalexander@recycleforce.org

DHS served via email at tyburgauer@dhs.in.gov

Ultimate Authority, served via email at buildingcommission@dhs.in.gov