

OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Administrative Cause Nos.: DHS-0321-000773; DHS-0321-000774; DHS-0321-000800

**Madison Consolidated High School,
Lydia Middleton Elementary School, and
Anderson Elementary School,**
Petitioners,

v.

Indiana Department of Homeland Security,
Respondent.



File Dated: **April 22, 2021**

FINAL ORDER OF DISMISSAL

On April 22, 2021, the parties filed a Stipulated Dismissal and Agreed Order for the above-captioned matters. The ultimate authority in this matter is the Fire Prevention and Building Safety Commission (Commission).

The Commission has authorized the ALJ assigned by the Office of Administrative Law Proceedings to serve as the ultimate authority and thereby issue final orders of dismissal where the Petitioner withdraws the appeal or the parties file a joint or agreed request to dismiss the appeal. The undersigned ALJ therefore issues this final order dismissing the above captioned matters with prejudice and vacating the status conference scheduled for April 26, 2021.

A person who wishes to seek judicial review of this final determination must file a petition for review in an appropriate court within thirty (30) days of this Order and must otherwise comply with the provisions of Ind. Code § 4-21.5-5.

So Ordered: April 22, 2021

A handwritten signature in cursive script, reading "Chelsea E. Smith".

Hon. Chelsea E. Smith, Administrative Law Judge
Indiana Office of Administrative Law Proceedings

Distributed to the Parties:

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Courtesy copy sent to the Fire Prevention and Building Safety Commission via email to buildingcommission@dhs.in.gov.

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AGREED ORDER AND STIPULATION OF DISMISSAL

The parties respectfully request these above captioned cases be dismissed. In support of this request, the parties state the following:

1. In February 2021, Respondent performed inspections of the three facilities mentioned above and issued reports of inspections detailing violations required to be corrected by specified dates in March.

2. After the correct by date for each facility passed, Respondent performed reinspections finding previously cited violations for each facility had not been corrected by the correct by date and issued Petitioner sanctions for each facility amounting to \$1,250.

3. Petitioner filed their petitions for review of these sanctions.

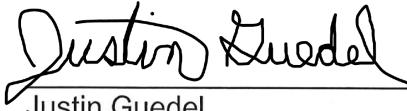
4. Following the initiation of these proceeding, the parties were able to informally resolve these matters and Respondent agreed to reduce the sanction amount to \$250 total. Petitioner agrees to pay this fine and until this sanction has been satisfied, all sanctions for each facility will remain open.

WHEREFORE, the parties respectfully request these matters be dismissed with prejudice.

Respectfully submitted,



Kevin Yancey
Representative for Petitioners
Madison Consolidated Schools



Justin Guedel
Attorney for Respondent

4/22/2021

Date: 4/21/2021