



FILED: Jan 9, 2023

STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS
SUBJECT TO THE ULTIMATE AUTHORITY: Fire Prevention and Building
Safety Commission

The Depot, Petitioner, V. Department of Homeland Security, Respondent.	Administrative Cause No.: DHS-2207-001411 Variance Request No.: 22-06-37
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NON-FINAL ORDER OF DISMISSAL

A Notice of Proposed Dismissal was entered in this matter on November 21, 2022, 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 21, 2022 by email giving 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.

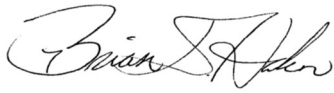
Accordingly, the Administrative Law Judge now enters this Non-Final Order of Dismissal. The ultimate authority in this matter is the Fire Prevention and Building Safety Commission.

Indiana Code § 4-21.5-3-29(d) requires any party seeking to preserve an objection to this order for judicial review to file the objection with the ultimate authority within fifteen (15) days after the service of this order. The objection must be in writing and must identify the basis for the objection with reasonable particularity.

In the absence of an objection from a party or notice from the ultimate authority of its intent to review any issue related to this order, the ultimate authority shall affirm this order in accordance with Ind. Code § 4-21.5-3-29(c). **The Fire Prevention and Building Safety Commission will consider this Non-Final Order of Dismissal on 2/7/2023 at 9:00 a.m. to 4:30 p.m. at 1610 Reeves Road Plainfield IN 46168.**

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

So Ordered: January 9, 2023



Brian D. Hahn, Administrative Law Judge
Indiana Office of Administrative Law Proceedings

Distributed to the Parties:

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