

OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Administrative Cause No.: DHS-1020-001000
Underlying/State Agency Action No.: 205-286

AMC Elkhart 14,
Petitioner,

v.

Indiana Department of Homeland Security,
Respondent.

NON-FINAL ORDER OF DISMISSAL

On December 11, 2020, the parties submitted an Agreed Order and Stipulated Dismissal. **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 Commission 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 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 5, 2020 at 9:00 a.m. (EDT) in Room 211 of the Indiana State Library, 315 W. Ohio Street, Indianapolis, IN 46202.** If the Commission's meeting must be conducted electronically/remotely due to the ongoing COVID-19 public health emergency, details will be provided on the [Commission's main web page](#) in advance of the meeting date.

So Ordered: December 11, 2020



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

Distributed to Parties:

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AGREED ORDER AND STIPULATION OF DISMISSAL

The parties respectfully request this action be dismissed. In support of this request, the parties state the following:

1. On September 29, 2020, Respondent sanctioned Petitioner for failure to correct two violations of the 2014 Indiana Fire Code by the date ordered in a previously issued Notice of Violations.

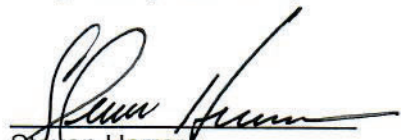
2. On October 05, 2020, Petitioner filed their petition for review of the sanction order.

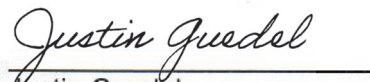
3. Following the initiation of this proceeding, the parties were able to informally resolve this case and agreed to the following:

Respondent agrees to reduce the fine amount from \$500 to \$250, as the two sanctions were the result of violations of the same code section. Petitioner agrees to pay this reduced fine amount of \$250.

WHEREFORE, the parties respectfully request this matter be dismissed with prejudice.

Respectfully submitted,


Steven Herrera
Representative of Petitioner


Justin Guedel
Attorney for Respondent

Date: 12/11/2020