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LEGAL AND CODE
SERVICES

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

IN RE:) CAUSE NO.
)
BONA VISTA PROGRAMS, INC.) DHS-1810-FPBSC-009
)
)

NON-FINAL ORDER OF DISMISSAL

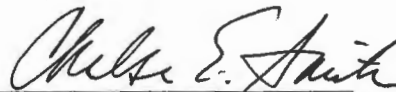
On November 16, 2018, the parties submitted the attached Agreed Order and Joint Motion to Dismiss. Accordingly, the Administrative Law Judge now enters this Non-Final Order of Dismissal.

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 a written objection that:

1. identifies the basis of the objection with reasonable particularity; and
2. is filed with the Commission within fifteen days (or any longer period set by statute) after this order is served.

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). This order will be considered by the Commission on December 3, 2018 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.

Date: November 20, 2018



HON. CHELSEA E. SMITH
Administrative Law Judge
Indiana Department of Homeland Security
302 W. Washington Street
Indiana Government Center South, Rm E208
Indianapolis, IN 46204
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E-mail: chesmith2@dhs.in.gov

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

RECEIVED
JUL 13 2018
BY: *CS*

IN RE:) CAUSE NO.
)
BONA VISTA PROGRAMS, INC.) DHS-1810-FPASC-009
)


**AGREED ORDER AND
JOINT MOTION TO DISMISS**

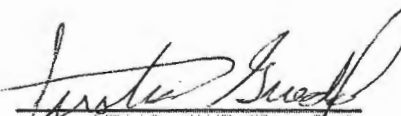
The parties respectfully request the above captioned matter be dismissed. In support of this request, the parties state the following:

1. On June 22, 2018, Respondent performed an inspection of Petitioner's facility and issued an inspection report order citing numerous code violations.
2. On July 05, 2018, Petitioner filed their petition for review of violation number 6, a citation for using foot stops to hold open a fire door.
3. Following the initiation of this proceeding, the parties were able to informally resolve this case and agreed to the following:
 - a. Petitioner shall not block, obstruct, or render inoperable the fire rated doors, which are the subject of this petition for review, outside of the hours of normal operation.
 - b. Petitioner may hold open the fire rated doors, which are the subject of this petition for review, during the hours of normal operation.
 - c. Violation #6 of the June 22, 2018 inspection report is hereby complied.

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

Respectfully submitted,


Grace Miller
Petitioner


Justin Guedel,
Attorney for Respondent

Date: 11/16/18

A copy of the foregoing was served by U.S. Postal Service upon the following parties and attorneys of record:

Tammy Price and Grace Miller
Bona Vista Programs, Inc.
1220 E. Laguna Street
P.O. Box 2496
Kokomo, IN 46904

and personally served on the following attorney of record:

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Attorney for the Respondent
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