

**STATE OF INDIANA  
BEFORE THE FIRE PREVENTION AND  
BUILDING SAFETY COMMISSION**

<b>IN RE:</b>	)	<b>CAUSE NO.</b>
	)	
<b>TOWN OF CHESTERTON</b>	)	<b>DHS-1743-FPBSC-026</b>
	)	
	)	


**NON-FINAL ORDER OF DISMISSAL**

On January 4, 2018, the parties submitted the attached requests for 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 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 February 8, 2018 at 9:00 a.m. (EST), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: January 4, 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  
Telephone: (317) 234-8917  
E-mail: [chesmith2@dhs.in.gov](mailto:chesmith2@dhs.in.gov)

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

L. Charles Lukmann, III  
Connor H. Nolan  
Harris, Welsh & Lukmann, Attorneys at Law  
Attorneys for the Petitioner  
107 Broadway  
Chesterton, IN 46304  
[cnolan@hwllaw.com](mailto:cnolan@hwllaw.com)

and personally served on the following attorney of record:

Justin K. Guedel  
Attorney for the Respondent  
Indiana Department of Homeland Security  
302 W. Washington Street  
Indiana Government Center South, Room E208  
Indianapolis, IN 46204  
(317) 234-9515  
[jguedel@dhs.in.gov](mailto:jguedel@dhs.in.gov)

## Smith, Chelsea

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**From:** Connor Nolan <cnolan@hwllaw.com>  
**Sent:** Thursday, January 04, 2018 4:48 PM  
**To:** Smith, Chelsea; Guedel, Justin K  
**Subject:** Re: In Re: Town of Chesterton - Cause No: DHS-1743-FPBSC-026

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Judge Smith,  
The Petitioner, Town of Chesterton, would agree with a dismissal based on the Commission's vote to approve Chesterton Ordinance 2017-12.

Very truly yours,

Connor H. Nolan  
Associate Attorney  
HARRIS WELSH & LUKMANN  
cnolan@hwllaw.com

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** "Smith, Chelsea" <CheSmith2@dhs.IN.gov>  
**Date:** 1/4/18 3:22 PM (GMT-06:00)  
**To:** "Guedel, Justin K" <JGuedel@dhs.IN.gov>, Connor Nolan <cnolan@hwllaw.com>  
**Subject:** RE: In Re: Town of Chesterton - Cause No: DHS-1743-FPBSC-026

Thank you, Mr. Guedel.

Will the parties be filing a Joint Motion to Dismiss this appeal? (An email from Mr. Nolan confirming that Petitioner agrees to dismissal would suffice.)

Best regards,

**Chelsea E. Smith**  
Indiana Department of Homeland Security

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**From:** Guedel, Justin K  
**Sent:** Thursday, January 04, 2018 9:16 AM  
**To:** Smith, Chelsea <CheSmith2@dhs.IN.gov>; Connor Nolan <cnolan@hwllaw.com>  
**Subject:** In Re: Town of Chesterton - Cause No: DHS-1743-FPBSC-026

Judge Smith:

The Department would like to notify this court that the Fire Prevention and Building Safety Commission approved the Town of Chesterton's ordinance at yesterday's meeting rendering this appeal moot.

**Justin K. Guedel**

Staff Attorney

Indiana Department of Homeland Security

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Indianapolis, IN 46204

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