

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

<b>IN RE:</b>	)	<b>CAUSE NO.</b>
	)	
<b>CITY OF INDIANAPOLIS</b>	)	<b>DHS-1820-FPASC-019</b>
	)	
	)	

**NON-FINAL ORDER OF DISMISSAL**

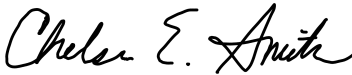
On January 30, 2019, the parties submitted the attached Joint Motion to Dismiss. **Accordingly, the Administrative Law Judge now enters this Non-Final Order of Dismissal.**

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 February 5, 2019 at 9:00 a.m. (EST), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: January 30, 2019

  
 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  
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STATE OF INDIANA  
BEFORE THE FIRE PREVENTION AND BUILDING  
SAFETY COMMISSION

IN RE:	)	CAUSE NO.
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CITY OF INDIANAPOLIS	)	DHS-1820-FPASC-019
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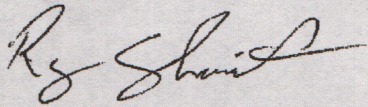
JOINT MOTION TO DISMISS

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

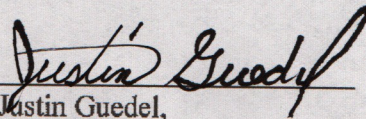
1. On November 26, 2018, Respondent issued a written interpretation of Section 1003.3.3 of the 2014 Indiana Building Code.
2. On December 10, 2018, Petitioner filed their petition for review of this interpretation.
3. Following the initiation of this proceeding, the parties were able to informally resolve this case by agreeing to the language in the amended written interpretation attached to this motion.

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

Respectfully submitted,



\_\_\_\_\_  
Ryan Schmidt  
Petitioner



\_\_\_\_\_  
Justin Guedel,  
Attorney for Respondent

Date: 1/30/19

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

Ryan Schmidt  
City of Indianapolis  
Department of Business and Neighborhood Services  
1200 Madison Avenue, Ste 100  
Indianapolis, IN 46225  
[ryan.schmidt@indy.gov](mailto:ryan.schmidt@indy.gov)

and personally served on the following attorney of record:

Justin K. Guedel  
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