

RECEIVED
IDHS

NOV 27 2018

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

LEGAL AND CODE
SERVICES

IN RE:) CAUSE NO.
)
CULVER COVE) DHS-1816-FPBSC-015
CONDOMINIUMS)
)

NON-FINAL ORDER OF DISMISSAL

On November 26, 2018, 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 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 27, 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

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

RECEIVED
NOV 26 2018

BY: *CJ*

IN RE:) CAUSE NO.
)
CULVER COVE LAKESIDE) DHS-1816-FPBSC-015
CONDOMINIUMS)

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 October 2, 2018, Respondent performed an inspection of Petitioner's facility and issued an inspection report order citing three code violations.
2. On October 03, 2018, Petitioner filed their petition for review of violation number 1 of the October 2, 2018 Inspection Report Order, for violating section 907.8.5 of the 2014 Indiana Fire Code.
3. Upon further review, this violation was complied, rendering this review moot.

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

Respectfully submitted,

Kathy Kucera
Kathy Kucera
Petitioner

Justin Guedel
Justin Guedel
Attorney for Respondent

Date: 11/26/18

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

Kathy Kucera
Culver Cove Condominiums
319 E. Jefferson Street
Culver, IN 46511
kkucera@culvercove.com

and personally served on the following attorney of record:

Justin K. Guedel
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