

RECEIVED  
IDHS  
APR 10 2019  
COMMISSION  
STAFF

STATE OF INDIANA  
BEFORE THE FIRE PREVENTION AND  
BUILDING SAFETY COMMISSION

IN RE: ) CAUSE NO.  
 )  
HARRISON HOUSE ) DHS-1902-FPBSC-002  
APARTMENTS )  
 )

NON-FINAL ORDER OF DISMISSAL

On April 10, 2019, the Petitioner filed the attached 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 May 9, 2019 at 9:00 a.m. (EST), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: April 10, 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  
E-mail: [chesmith2@dhs.in.gov](mailto:chesmith2@dhs.in.gov)

STATE OF INDIANA  
BEFORE THE FIRE PREVENTION AND  
BUILDING SAFETY COMMISSION

RECEIVED  
APR 10 2019  
BY: *CS*

IN RE:  
HARRISON HOUSE APARTMENTS


Cause No. DHS-1902-FPBSC-002

**MOTION TO DISMISS**

Comes now Harrison House Apartments, by its owner Jeff Wiley, by counsel, and requests this matter be voluntarily dismissed, and in support thereof states as follows:

1. On February 25, 2019, the undersigned filed a Petition for Review of an inspection report order issued by the Indiana Department of Homeland Security, being BU29828 regarding the Harrison House Apartments.
2. The order issued related to a purported change of use of a structure located at 219 Oak St. Corydon, IN.
3. Said structure has not changed its use in over 50 years.
4. The violation regarding the change of the use of the structure was deemed complied with on February 25, 2019, after the Department learned that the structure had not undergone a change of use.
5. As such, the Petition for Review is moot.
6. However, by the filing of this dismissal, neither Harrison House Apartments, nor its owner Jeff Wiley, waive any legal rights to pursue any persons or entities, including the local municipality, county or the State of Indiana, for any wrongdoing related to the reporting of the original violation, its investigation or enforcement, or any damages arising therefrom.

WHEREAS, Harrison House Apartments, by its owner Jeff Wiley, by counsel, and requests this matter be voluntarily dismissed

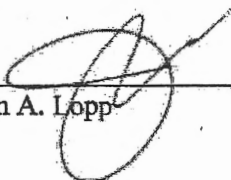
  
\_\_\_\_\_  
Jason A. Lopp  
Attorney I.D. # 21351-29  
MCNEELY STEPHENSON  
318 Pearl Street, Suite 200  
New Albany, IN 47150  
(812) 725-8224  
[Jason.A.Lopp@msth.com](mailto:Jason.A.Lopp@msth.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he has this 10<sup>th</sup> day of April, 2019, served electronically and by first-class mail, postage prepaid, to:

Hon. Chelsea E. Smith  
Administrative Law Judge  
Indiana Department of Homeland Security  
302 W. Washington Street  
Indiana Government Center South, E208  
Indianapolis, IN 46204  
[chesmith2@dhs.in.gov](mailto:chesmith2@dhs.in.gov)

Justin K. Guedel  
Indiana Department of Homeland Security  
302 W. Washington Street  
Indiana Government Center South, E208  
Indianapolis, IN 46204  
[jguedel@dhs.in.gov](mailto:jguedel@dhs.in.gov)

  
\_\_\_\_\_  
Jason A. Lopp

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

Jason A. Lopp  
McNeely Stephenson  
318 Pearl Street, Ste. 220  
New Albany, IN 47150  
[Jason.a.lope@msth.com](mailto:Jason.a.lope@msth.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](mailto:jguedel@dhs.in.gov)