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JUN 25 2018

LEGAL AND CODE
SERVICES

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

IN RE:) CAUSE NO.
)
JESSJENN REALTY, LLC) DHS-1804-FPBSC-004
)
)
)

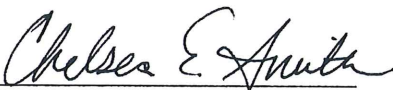
NON-FINAL ORDER OF DISMISSAL

On June 21, 2018, the parties submitted the attached request 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 July 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: June 25, 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

Smith, Chelsea

From: Richard Robbins <RLRNY@msn.com>
Sent: Thursday, June 21, 2018 10:08 AM
To: Smith, Chelsea
Subject: Re: Jessjenn Reality, LLC (DHS-1804-FPBSC-004)

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Yes

Thank you,
Richard
917 545-5193

On Jun 21, 2018, at 10:07 AM, Smith, Chelsea <CheSmith2@dhs.IN.gov> wrote:

Thank you, Mr. Robbins. Would you like to dismiss the case?

From: Richard Robbins <RLRNY@msn.com>
Sent: Thursday, June 21, 2018 9:12:00 AM
To: Smith, Chelsea
Subject: Re: Jessjenn Reality, LLC (DHS-1804-FPBSC-004)

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Dear Ms Smith

I agree that the matter is resolved at this time
I would like to get the city attorney's contact information so that my attorney can discuss it with him. I did ask Mr. Wood to give me the contact but I have not received the info

Thank you,
Richard Robbins
917 545-5193

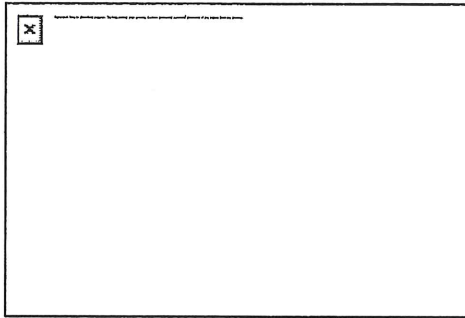
On Jun 21, 2018, at 9:04 AM, Smith, Chelsea <CheSmith2@dhs.IN.gov> wrote:

Mr. Wood,

Thank you for your email regarding this case and the annual sprinkler inspection report for the facility at issue. Your email implies that this matter is currently resolved; however, as Mr. Robbins brought the appeal, he must indicate his desire to dismiss it if he agrees that this matter is resolved. As soon as I receive confirmation from Mr. Robbins that he believes this is resolved and wishes to dismiss the appeal, I will issue a Non-Final Order of Dismissal.

Best regards,

Chelsea E. Smith | Administrative Law Judge
Indiana Department of Homeland Security
302 West Washington Street, Room E-208
Indianapolis, IN 46204
Tel: (317) 234-8917
Email: Chesmith2@dhs.in.gov
Web: www.in.gov/dhs



DHS: IDHS - IN.gov

www.in.gov

June 6 - Thirteen more Indiana counties are eligible for disaster assistance
May 26 - Two New Disaster Recovery Centers Open
May 21 - SBA Opens Disaster Business Recovery Center in Elkhart, Indiana

From: Aaron Wood <awood@cityofmuncie.com>
Sent: Monday, June 18, 2018 10:07 AM
To: Smith, Chelsea; rlrny@msn.com; David Miller
Subject: Jessjenn Reality, LLC (DHS-1804-FPBSC-004)

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Mr. Robbins & Hon. Smith

After speaking with the City Attorney, the Muncie Fire Department is going to accept the annual sprinkler inspection report provided by the Family Dollar Store as documentation for proof the sprinkler system at 1800 S Burlington is in working order.

A request for the annual sprinkler inspection report will again be made at this time next year and the same requirements will be expected next year as was for this year. The system will be required to be functional with any deficiencies repaired.

If there is any information provided to the contrary, a follow-up inspection will be done at that time.

It is recommended that any issues between Jessgenn Reality LLC and Family Dollar be resolved prior to this time. As a footnote, the City Attorney believes the agreement between the two parties prior to Marsh is still valid and binding.

Sincerely,

Aaron Wood/Lieutenant Inspector
Muncie Fire Department
awood@cityofmuncie.com

(765)747-4876

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

Richard Robbins
Manager
Jessjenn Realty, LLC
125 East 26th Street
New York, NY 10010

Aaron Wood
Inspector
Muncie Fire Department
300 North High Street
Muncie, IN 47305

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
jguedel@dhs.in.gov