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LEGAL AND CODE
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STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

IN RE:) CAUSE NO.
)
SCOTT COUNTY SCHOOL) DHS-1749-FPBSC-027
DISTRICT 2)
)
)

NON-FINAL ORDER OF DISMISSAL

On October 9, 2018, the parties submitted the attached Joint Motion to Dismiss. **Accordingly, the Administrative Law Judge now enters this Non-Final Order of Dismissal.** Furthermore, all hearings scheduled in this matter are hereby VACATED.

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 November 6, 2018 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: October 12, 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
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E-mail: chesmith2@dhs.in.gov

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

IN RE:)	CAUSE NO.
)	
SCOTT COUNTY SCHOOL)	DHS-1749-FPBSC-027
DISTRICT 2)	
)	

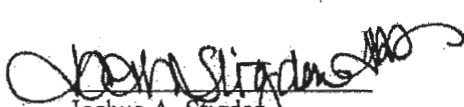
JOINT MOTION TO DISMISS

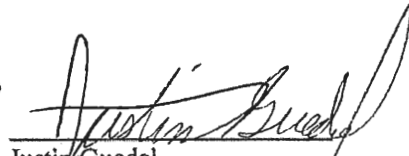
The parties respectfully request the above captioned matter be dismissed. In support of this request, the parties state the following:

1. On December 3, 2017, this Court consolidated cause number DHS-1741-FBSC-024 and DHS-1749-FPBSC-027 into the above captioned matter.
2. This review was limited to review of the inspection report orders citing Petitioner for violation of section 703.2 of the 2014 Indiana Fire Code.
3. During the pendency of this review, Petitioner requested a variance from this code section and on September 4, 2018 and October 2, 2018 the Fire Prevention and Building Safety Commission granted Petitioner a variance from section 703.2 of the 2014 Indiana Fire Code rendering this review moot.

WHEREFORE, the parties respectfully request this matter be dismissed.

Respectfully submitted,


Joshua A. Stigdon
Attorney for Petitioner


Justin Guedel,
Attorney for Respondent

Date: 10/9/18

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

Joshua A. Stigdon, Esq.
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and personally served on the following attorney of record:

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