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JAN 16 2019  
COMMISSION  
STAFF

STATE OF INDIANA  
BEFORE THE FIRE PREVENTION AND  
BUILDING SAFETY COMMISSION

IN RE: ) CAUSE NO.  
 )  
STACY'S RESTAURANT ) DHS-1821-FPBSC-020  
 )  
 )  
 )

**NON-FINAL ORDER OF DISMISSAL**


On January 16, 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 16, 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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Rec. 1/16/19 CG

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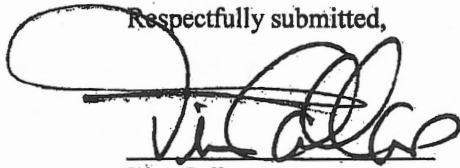
JOINT MOTION TO DISMISS

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

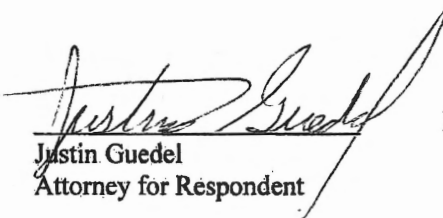
1. On November 28, 2018, Respondent issued a construction design release for project number 404400 with a number of conditions.
2. On December 18, 2018, Petitioner filed their petition for review of condition 14B0903212 of the construction design release.
3. Upon further review, Respondent removed condition 14B0903212, rendering this review moot.

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

Respectfully submitted,



Tim Callas  
Petitioner



Justin Guedel  
Attorney for Respondent

Date: 1/16/19

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

Timothy Callas  
J & T Consulting, LLC  
8220 Rob Lane  
Indianapolis, IN 46237  
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and personally served on the following attorney of record:

Justin K. Guedel  
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Indiana Government Center South, Room E208  
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