

STATE OF INDIANA
DEPARTMENT OF HOMELAND SECURITY

FILED
JUL 31 2019
SPECIAL SERVICES
ALJ

IN THE MATTER OF:)
)
WAUPACA FOUNDRY, INC.) CAUSE NO.: DHS-1906-FPBSC-006
)
)

ORDER OF DISMISSAL

This matter came before the Administrative Law Judge (“ALJ”) on Waupaca Foundry, Inc.’s (“Petitioner’s”) and the Indiana Department of Homeland Security’s (“Respondent’s”) Joint Motion to Dismiss (“Motion”).

The ALJ, having read the Motion and being duly advised in the premises, now finds the Motion should be granted.

IT IS ORDERED, ADJUDGED, AND DECREED that the Motion is granted and this cause is dismissed with prejudice.

DATE: July 31, 2019

Donald L. Hannah
DONALD L. HANNAH
Administrative Law Judge
Office of the Indiana Attorney General
302 West Washington Street
IGCS 5th Floor
Indianapolis, Indiana 46204
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Email: Donald.Hannah@atg.in.gov



CERTIFICATE OF SERVICE

I certify that on July 31, 2019, I served the foregoing Order of Dismissal on the following persons at the addresses shown below by Email.

Justin Guedel, Staff Attorney
Indiana Department of Homeland Security
302 West Washington Street, Room E208
Indianapolis, Indiana 46204
(317) 234-9515
jguedel@dhs.in.gov

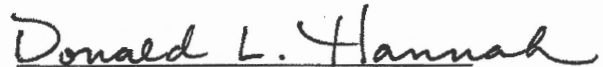
Service by Email

Andy Kress, Sales Manager
Waupaca Foundry, Inc. Plant 5
9856 State Road 66
Tell City, Indiana 47586
(812) 547-0751
Andrew.Kress@waupacafoundry.com

Service by Email

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Service by Email


DONALD L. HANNAH

FILED
JUL 26 2019
SPECIAL SERVICES
ALJ

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

IN THE MATTER OF:)
)
WAUPACA FOUNDRY, INC.) CAUSE NO: DHS-1906-FPASC-006
)
)

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 or about February 06, 2019, Respondent performed an inspection of a facility located at 9856 State Highway 66 Tell City, IN and issued an inspection report.

2. On May 9, 2019, the Fire Prevention and Building Safety Commission granted Petitioner's petition for review of violation number 6 of the February 06, 2019 inspection report which cited petitioner for violation of section 1008.2 of the 2014 Indiana Building Code.

3. During the pendency of these proceedings, the parties were able to resolve this dispute and agreed to the following:

a. The fenced in mixer area in question may only be occupied by maintenance or service personnel for the purposes of maintenance, service, or cleaning of the equipment.

b. Violation number 6 of the February 06, 2019 inspection report is deemed moot as the area in question has been found to not be an occupiable space as defined in the 2014 Indiana Building Code.

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

Andy Kress
Andy Kress
Petitioner

Justin Guedel
Justin Guedel
Attorney for Respondent

Date: 7-26-19