

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

IN RE:)	CAUSE NO.
)	
RILEY CHILDREN'S)	DHS-1712-FPBSC-007
HEALTH SPORTS)	
LEGENDS)	
)	

NON-FINAL ORDER OF DISMISSAL

A status conference was held in this matter on June 7, 2017. Present for the status conference were Ms. Christina Colleston on behalf of the Petitioner, and Mr. Justin Guedel for the Respondent. During the status conference, the parties stated that they were able to reach an informal resolution and anticipated filing a Joint Motion to Dismiss in the near future.

Following the status conference, the parties filed the attached Joint Motion to Dismiss requesting that the above-captioned administrative appeal be dismissed. The Joint Motion to Dismiss states that Respondent removed the condition on the Construction Design Release that gave rise to this appeal, fully resolving this matter.

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 Indiana Code § 4-21.5-3-29(c). **This order will be considered by the Commission on July 6, 2017 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: June 7, 2017



HON. CHELSEA E. SMITH
Administrative Law Judge
Indiana Department of Homeland Security
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Indiana Government Center South, Rm E208
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RECEIVED
JUN 07 2017
BY: *CS*

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JOINT MOTION TO DISMISS

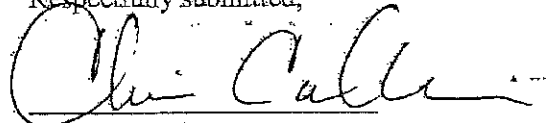
The parties respectfully request the above captioned matter be dismissed. In support of this request, the parties state the following:

1. On March 1, 2017, Respondent issued a design release to Petitioner with the condition that variance 17-02-42 be refiled.
2. On March 17, 2017, Petitioner appealed this condition placed on the design release.
3. On May 11, 2017, upon discovering new information, Respondent removed this condition from the design release, rendering this appeal moot.

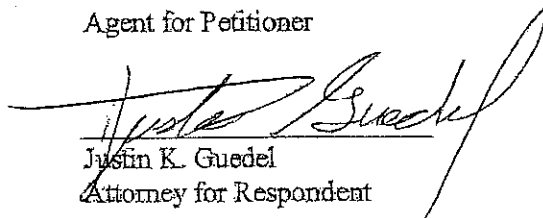
WHEREFORE, the parties respectfully request this matter be dismissed.

Date: 6/7/17

Respectfully submitted,



Christina Collester
Agent for Petitioner



Justin K. Guedel
Attorney for Respondent

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

Christina M. Collester, P.E.
RTM Consultants, Inc.
6640 Parkdale Place, Suite J
Indianapolis, IN 46254

and personally served on the following attorney of record:

Justin Guedel
Staff Attorney
Indiana Department of Homeland Security
302 W. Washington Street
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Indianapolis, IN 46204