

**STATE OF INDIANA  
BEFORE THE FIRE PREVENTION AND BUILDING  
SAFETY COMMISSION**

<b>IN RE:</b>	)	<b>CAUSE NO.</b>
	)	
<b>TULIP TREE</b>	)	<b>DHS-1718-FPBSC-011</b>
<b>CREAMERY</b>	)	
	)	

**NON-FINAL ORDER OF DISMISSAL**

On May 9, 2017, Fons Smits, on behalf of the Petitioner, Tulip Tree Creamery, submitted the attached request for dismissal of the above-captioned administrative appeal. The Petitioner's request states that Mr. Smits and Mr. Stephen Jones on behalf of Respondent, the Pike Township Fire Department, have reached an informal resolution to 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 June 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: May 10, 2017

  
HON. CHELSEA E. SMITH  
Administrative Law Judge  
Indiana Department of Homeland Security  
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A copy of the foregoing was served by U.S. Postal Service upon the following parties and attorneys of record:

Fons Smits  
Tulip Tree Creamery LLC  
6330 Corporate Drive, Suite D  
Indianapolis, IN 46278

Stephen Jones  
Pike Township Fire Department  
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Indianapolis, IN 46268

and personally served on the following attorney of record:

Justin Guedel  
Staff Attorney  
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