

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

IN RE:) CAUSE NO.
)
HENDRICKS POWER) DHS-1703-FPBSC-001
COOPERATIVE)
)
)
)

AMENDED NON-FINAL ORDER OF DISMISSAL

On May 17, 2017, 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, on May 3, 2017, the Petitioner informed Respondent that the Petitioner wished to withdraw its appeal.

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 8, 2017


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

Timothy T. Callas
J & T Consulting
8220 Rob Lane
Indianapolis, IN 46237

and personally served on the following attorney of record:

Justin Guedel
Staff Attorney
Indiana Department of Homeland Security
302 W. Washington Street
Indiana Government Center South, Room E208
Indianapolis, IN 46204

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BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

RECEIVED
MAY 17 2017
BY: *CS*

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COOPERATIVE)
)

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 6, 2016, Petitioner's request for a variance (variance number 16-12-76) from the 2014 Indiana Building Code was denied by the Fire Prevention and Building Safety Commission.
2. On December 21, 2016, Petitioner filed their Petition for Review of this Order.
3. On May 3, 2017, Petitioner contacted Respondent and requested that this appeal be withdrawn.

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

Date:

May 17, 2017

Respectfully submitted,

Timothy Callas

Timothy Callas
Agent for Petitioner

Justin K. Guedel

Justin K. Guedel
Attorney for Respondent

