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By Douglas J. Boyle at 1:35 pm, Jan 30, 2019

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

IN RE:

LARK RANCH

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CAUSE NO.

DHS-1815-FPASC-014

**NON-FINAL ORDER OF DISMISSAL**

On January 29, 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 29, 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  
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STATE OF INDIANA  
BEFORE THE FIRE PREVENTION AND BUILDING  
SAFETY COMMISSION

RECEIVED  
JAN 29 2019  
BY: *[Signature]*

IN RE: ) CAUSE NO.  
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LARK RANCH ) DHS-1815-FPBSC-014  
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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 September 05, 2018, Respondent performed an inspection of Petitioner's facility and issued an inspection report order requiring Petitioner to obtain a design release for all structures not exempted from the design release requirement.

2. On September 19, 2018, Petitioner filed their petition for review of this order claiming the structures in question had all solely been used as farm buildings and where therefore exempt from the design release requirements.

3. In support of Petitioner's claim, Petitioner hereby states and affirms, upon personal knowledge and belief:

- a. All structures, which are the subject of this review, were originally constructed with the intent to be used **solely** for agricultural purposes.
- b. Any use or intended use of these structures for nonagricultural purposes occurred after construction of these structures.
- c. All new construction of additional structures at this property will comply with the design release requirement of 675 IAC 12-6-3(a).

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

Respectfully submitted,

*[Signature]*  
\_\_\_\_\_  
Matt Lark  
Petitioner

*[Signature]*  
\_\_\_\_\_  
Justin Guedel,  
Attorney for Respondent

Date Jan 15, 2019

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

Matt Lark  
Lark Ranch  
3145 Killion Mill Road  
Loogootee, IN 47553

and personally served on the following attorney of record:

Justin K. Guedel  
Indiana Department of Homeland Security  
302 W. Washington Street  
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