



**STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS**

ISSUED: Dec 20, 2024

**Grateful Care ABA,
Petitioner,**

v.

**White River Township Fire Department,
Respondent**

Administrative Cause No.: DHS-2405-001267

NON-FINAL ADMINISTRATIVE ORDER

The Administrative Law Judge (“ALJ”) Vanessa Voigt Gould, having considered the arguments and evidence presented in this matter, now issues this Non-Final Administrative Decision addressing the Petition filed with the Office of Administrative Law Proceedings (“OALP”) on May 30, 2024, by Grateful Care ABA (“Grateful Care”) seeking administrative review of a violation order issued by the White River Township Fire Department on May 7, 2024, finding that Grateful Care’s occupancy of 1644 Fry Road, Suite A, Greenwood, Indiana (“Greenwood Clinic”) constitutes an “I-4” occupancy and that the building in its current state does not meet code requirements for said occupancy. This decision is favorable to the Petitioner. Any aggrieved party may appeal this decision. Appeal instructions are at the end of this document.

Jurisdiction

The ALJ assigned to this matter by the Director of the Office of Administrative Law Proceedings (OALP), *see* Ind. Code § 4-15-10.5-13, has jurisdiction over this case pursuant to a Memorandum of Understanding (MOU) between OALP and the Indiana Fire Prevention and Building Safety Commission (hereinafter “Commission”) that designates OALP to conduct administrative proceedings of orders issued by a fire department under Ind. Code § 36-8-17-9. *See* Ind. Code § 36-8-17-10.

Issue

The issues in this case are whether:

1. Grateful Care ABA’s occupancy of the Greenwood Clinic constitutes an “I-4” occupancy; and
2. If Grateful Care ABA’s occupancy of the Greenwood Clinic does in fact constitute an “I-4” occupancy, does the building in its current state comply with the applicable requirements for said occupancy.

Procedural History

1. Petitioner Grateful Care filed a Petition for Administrative Review with the Indiana Fire Prevention and Building Safety Commission on May 23, 2024. The Petitioner sought administrative review of a violation order issued by the Respondent, White River Township Fire Department on May 7, 2024, that made a determination that Grateful Care was to be reclassified as an "I-4" occupancy, would need to comply with building code requirements for said occupancy, and presented a corrective action plan based thereon.

2. On May 30, 2024, the Indiana Fire Prevention and Building Safety Commission granted administrative review and forwarded the matter to OALP for adjudication. The matter was then assigned to ALJ Mary K. Sinn.

3. An Evidentiary Hearing was conducted telephonically using the Zoomgov platform on August 19, 2024, by ALJ Sinn. Petitioner was represented by Attorney Jeffrey Bellamy and the Respondent represented by Brad Prochnow, Fire Marshal White River Township Fire Department.

4. At the Evidentiary Hearing, Derek Holman, Kimberly Chudzinski, Clinical Director, BCBA, Grateful Care ABA, and Martin Myers, Director of Quality Assurance, BCBA, Grateful Care ABA provided sworn testimony on behalf of the Petitioner.

5. White River Township Fire Department Fire Marshall Braden Prochnow and Building Commissioner Kenneth Seal provided sworn testimony on behalf of the Respondent at the Evidentiary Hearing.

6. The Parties stipulated to the admission of the following Exhibits at the Evidentiary Hearing:

- a. Petitioner's Exhibit A, Applied Behavioral Analysis – Summary and Overview (1 page).
- b. Petitioner's Exhibit B, Patient 1 Treatment Plan – June 2024 (35 pages).
- c. Petitioner's Exhibit C, Patient 2 Treatment Plan – February 2024 (38 pages).
- d. Petitioner's Exhibit D, Patient 3 Treatment Plan – June 2023 (34 pages).
- e. Petitioner's Exhibit E, Behavior Support Plan – 1 (3 pages).
- f. Petitioner's Exhibit F, Behavior Support Plan - 2 (3 pages).
- g. Petitioner's Exhibit G, Patient Schedules in Three Parts (3 pages).

- h. Petitioner's Exhibit H, Staff Schedule (1 page).
- i. Petitioner's Exhibit I, Terre Haute Fire Release (5 pages).
- j. Petitioner's Exhibit J, Collected RTM / IDHS Emails (22 pages).
- k. Petitioner's Exhibit K, Required Day Care Staff Ratios (1 page).
- l. Petitioner's Exhibit L, Selected Codes (6 pages).
- m. Respondent's Exhibit 1, Arial Photograph (1 page).
- n. Respondent's Exhibit 2, Demolition Permit Floorplan (1 page).
- o. Respondent's Exhibit 3, Floor Layout Prior to Demolition (1 page).
- p. Respondent's Exhibit 4, Indiana Building Code Definitions (3 pages).
- q. Respondent's Exhibit 5, Email from C. Burges (2 pages).
- r. Respondent's Exhibit 6, Violation Notice – City of Greenwood (3 pages).
- s. Respondent's Exhibit 7, IDHS Denial of Request to Modify Order (1 page).

7. Following the Evidentiary Hearing, ALJ Sinn issued a Post-Hearing Brief Scheduling Order at the request of the Petitioner. The Post-Hearing Brief Scheduling Order set a deadline of September 23, 2024.

8. On September 10, 2024, Attorneys Justin Olson and Brian Bosma entered their appearance on behalf of the Respondent.

9. On September 23, 2024, Respondent filed a Witness and Exhibit List, Proposed Exhibits 1 through 9, and its Post Hearing Brief.

10. Also on September 23, 2024, Petitioner filed its Post Hearing Brief.

11. On September 26, 2024, Petitioner filed an Objection and Response to Respondent's Submittal of Belated Exhibits 8 and 9.

12. On September 27, 2024, Respondents filed a Reply in Support of Submission of Supplemental Exhibits 8 and 9.

13. On November 8, 2024, this matter was reassigned to ALJ Vanessa Voigt Gould.

14. An Order was subsequently issued by ALJ Voigt Gould denying Respondent's request to have Respondent's supplemental exhibits 8 and 9 admitted into evidence. Accordingly, those Exhibits were not incorporated into the record nor were they considered in the Findings of Fact and Conclusions of law below.

Findings of Fact

1. Grateful Care operates a clinic location at 1644 Fry Road, Suite A, Greenwood Indiana 46142 ("Greenwood Clinic"). Respondent's Exhibit 1.

2. Grateful Care currently serves between ten (10) and twenty (20) patients at the Greenwood Clinic. Testimony of Kim Chudzinski and Petitioner's Exhibit A.

3. Grateful Care has the capacity to treat up to thirty (30) patients at the Greenwood Clinic. Testimony of Kim Chudzinski and Petitioner's Exhibit H.

4. Grateful Care provides Applied Behavior Analysis ("ABA") and/or behavioral therapy for its patients. These types of treatment and/or services are often used to help children and adults with Autism Spectrum Disorder ("ASD") learn and develop skills to improve their behavior. Petitioner's Exhibits A and D.

5. Due to the spectrum nature of ASD, each patient is unique with differing strengths, challenges and needs. Petitioner's Exhibit A, Testimony of Kim Chudzinski, and Testimony of Martin Myers.

6. Patients are referred to Grateful Care's Greenwood Clinic after being diagnosed with ASD by medical professionals such as developmental pediatricians, neurologists, psychiatrists, and/or psychologists. Testimony of Kim Chudzinski and Testimony of Martin Myers.

7. Walk-ins or self-referrals are not accepted by Grateful Care at their Greenwood Clinic. Testimony of Martin Myers.

8. Comprehensive assessments are conducted by Grateful Care for each patient in order to develop highly individualized treatment plans to address their individual needs. Petitioner's Exhibits A, B, C, D, Testimony of Kim Chudzinski, and Testimony of Martin Meyers.

9. Each treatment plan contains a patient medical necessity evaluation and medical necessity overview, with citations to medical authorities that "legislative rulings have concluded that Applied Behavior Analysis ("ABA") therapy is a medically necessary treatment for individuals with autism and that it leads to significant improvements in various areas." Petitioner's Exhibits B, C, and D.

10. Treatment plans are used to create individualized daily treatment and schedules for each patient and their RBT that offer hundreds of opportunities for testing and thousands of teaching moments per day. Testimony of Kim Chudzinski, Testimony of Martin Meyers, Petitioner's Exhibits A, B, C, D, G2, G3, and H.

11. Treatment plans are submitted to and approved by the patient's medical insurance provider who then provides prior authorization for treatment and/or services. Petitioner's Exhibits B, C, D, M1, M2, M3, M4 and Testimony of Kim Chudzinski.

12. Each patient at Grateful Care's Greenwood Clinic is assigned a Registered Behavior Technician ("RBT") who always works with the patient on a one-on-one ratio to provide treatment and/or services at an intensive rate. Petitioner's Exhibit A, G2, G3, and H.

13. The one-on-one ratio of staff to patient at Grateful Care's Greenwood Clinic is dictated by board certification and insurance guidelines. Testimony of Kim Chudzinski.

14. However, due to the nature of ABA and how Grateful Care operates, the ratio can oftentimes be two-to-one or two staff members working with one patient at any given time. Testimony of Kim Chudzinski.

15. RBT's are board certified professionals. The certifications are subject to continuing education requirements and are also required to be renewed annually through an examination process. Testimony of Kim Chudzinski.

16. The RBT's also work with Board Certified Behavior Analysts ("BCBA") to provide treatment and/or services to Grateful Care's patients. BCBA certifications require continuing education and recertification every two years. Testimony of Kim Chudzinski.

17. All employees at Grateful Care are certified in ABA therapy. Testimony of Kim Chudzinski.

18. The treatment and/or services provided at the Greenwood Clinic are very different from day care services. Testimony of Kim Chudzinski and Testimony of Mark Meyers.

19. The treatment and/or services provided at the Greenwood Clinic are provided by certified professionals. Testimony of Kim Chudzinski and Testimony of Mark Meyers.

20. The treatment and/or services provided by Grateful Care are medical services that are complex, scientific, highly intensive, highly individualized, and therapeutic in nature. Testimony of Kim Chudzinski and Testimony of Mark Meyers.

21. Depending on the patient's individual needs, the treatment and/or services provided at the Greenwood Clinic can range from a few hours to eight hours per day. Petitioner's Exhibit A and Testimony of Martin Meyers.

22. The treatment and/or services provided at the Greenwood Clinic are reimbursable through the Indiana Medicaid program and/or covered by the patient's medical insurance and/or third-party medical insurers. Testimony of Kim Chudzinski, Testimony of Martin Myers, and Petitioner's Exhibits M1, M2, M3, M4.

23. Data is collected and recorded during the provision of treatment and/or services to the patients which dictates how the treatment and/or services provided will progress. Testimony of Kim Chudzinski and Testimony of Martin Meyers.

24. Following each treatment the provider creates a session note that is then given a medical billing code and submitted to the patient's medical insurance provider and/or Medicaid for payment. Testimony of Kim Chudzinski.

25. The treatment and/or services provided by Grateful care often focus on skill development based on the individual needs of each patient.

26. The goal of the treatment and/or services provided by Grateful Care is to transition the patient out of a clinic-based environment into a traditional school, daycare, or group home environment and to promote successful integration into school and family life. Petitioner's Exhibit A.

27. Patients are reevaluated every six months due to insurance requirements. Testimony of Kim Chudzinski.

28. Grateful Care does not provide day care services at its Greenwood Clinic. Testimony of Kim Chudzinski.

29. Grateful Care does not accept patients at its Greenwood Clinic that are immobile, require medical equipment that renders them bedridden, limited in mobility, or have complicating additional ailments that render them less or beyond reach for treatment and/or services at the clinic location. Testimony of Kim Chudzinski.

30. Grateful Care treats patients at its Greenwood Clinic who range in age from two years old to twenty-two years old. Testimony of Kim Chudzinski.

31. In late September or early October of 2023, Fire Marshall Braden Prochnow was doing an occupancy inspection of a business suite occupied by another business located at 1644 Fry Road when he noticed a sign for a new tenant in the Greenwood Clinic above - Grateful Care ABA. Testimony of Fire Marshall Prochnow.

32. After concluding the inspection, of the lower suite, Fire Marshal Prochnow visited the upper suite occupied by Grateful Care – the Greenwood Clinic. Testimony of Fire Marshall Prochnow.

33. Fire Marshall Prochnow introduced himself, provided contact information, and performed an initial inspection of Grateful Care's Greenwood Clinic. Testimony of Fire Marshall Prochnow.

34. Based upon what Fire Marshall Prochnow observed during his inspection, he believed that the occupancy rating for the Greenwood Clinic should be reclassified from a "B" or business occupancy to an "I-4" or institutional occupancy. Testimony of Fire Marshall Prochnow.

35. Fire Marshall Prochnow later discussed the occupancy rating for Grateful Care's Greenwood Clinic and his observations during his initial inspection with Building Commissioner Seal. Testimony of Fire Marshall Prochnow.

36. Fire Marshall Prochnow and Building Commissioner Seal then did a joint site visit and building inspection of Grateful Care's suite. Testimony of Fire Marshall Prochnow.

37. The building located at 1644 Fry Road is wood construction that consists of an upper or ground floor level and a walkout basement. Testimony of Building Commissioner Seal, Testimony of Derek Pullman, and Respondent's Exhibits 1, 2, and 3.

38. Grateful Care occupies Suite A on the upper level or ground floor of the building. The building has controlled entry and exit points on three sides of the upper level or ground floor. Testimony of Fire Marshall Prochnow, Building Commissioner Seal, and Respondent's Exhibits 1, 2, and 3.

39. Grateful Care's Greenwood Clinic is divided into multiple rooms and/or therapy spaces. Testimony of Building Commissioner Seal.

40. During the joint site visit and inspection, Building Commissioner Seal observed multiple children playing together and/or interacting with employees of Grateful Care. Testimony of Building Commissioner Seal.

41. Building Commissioner Seal did not observe any emergency hardware on locking doors, occupant notification devices, fire alarm system, or sprinklers in the Greenwood Clinic. Testimony of Building Commissioner Seal. Testimony of Building Commissioner Seal.

42. Following the joint site visit and inspection, based on his own observations, Building Commissioner Seal came to agree with Fire Marshall Prochnow's assessment that the occupancy rating for the Greenwood Clinic should be changed from a "B" to an "I-4". Testimony of Fire Marshall Prochnow.

43. Both Fire Marshall Prochnow's office and Building Commissioner Seal's office issued violation orders to Grateful Care related to the proposed occupancy reclassification. Testimony

of Fire Marshall Prochnow, Testimony of Building Commissioner Seal, and Respondent's Exhibit 6.

44. Building Commissioner Seal made several subsequent inspections of Grateful Care's Greenwood Clinic. Testimony of Building Commissioner Seal.

45. A portion of the violation order issued by Building Commissioner Seal has since been resolved. Testimony of Fire Marshall Prochnow and Testimony of Building Commissioner Seal.

46. At no time did Fire Marshall Prochnow or Building Commissioner Seal inquire about the staff patient ratios maintained at Grateful Care. Testimony of Kim Chudzinski

47. At no time did Fire Marshall Prochnow or Building Commissioner Seal inquire about the types of treatment and/or services provided at Grateful Care or what they entail nor did they inquire about patient treatment plans or schedule. Testimony of Kim Chudzinski

48. The building is not currently unsafe for Grateful Care's use. Testimony of Derek Pullman.

49. Grateful Care has an emergency plan in place that is posted throughout the building. Testimony of Kim Chudzinski and Petitioner's Exhibit N.

50. Some of Grateful Care's patients are capable of self-preservation and some are not – due to their age - and would require assistance evacuating in the event of an emergency. Testimony of Kim Chudzinski.

51. Those who would require assistance are not rendered incapable of self-preservation by the treatment and/or services provided by Grateful Care. Testimony of Kim Chudzinski.

52. Grateful Care could evacuate the Greenwood Clinic fully should there be an emergency in less than three minutes because there are three exits that are accessible to even the farther corners of the office within approximately thirty (30) seconds and each patient is always within three feet of their treatment and/or service provider who could assist them in evacuating if needed. Testimony of Kim Chudzinski.

53. There are walkie-talkies in each room of the Greenwood Clinic to provide a means of communication throughout the building in the event of an emergency. Testimony of Kim Chudzinski.

54. There are smoke detectors throughout the Greenwood Clinic location. Testimony of Kim Chudzinski.

55. Grateful Care timely sought administrative review of the violation order issued by Fire Marshall Prochnow. Testimony of Fire Marshall Prochnow.

56. Generally, businesses that provide speech therapy, physical therapy, and other medical services are considered outpatient clinics and are classified as “B” occupancies. Testimony of Derek Pullman.

57. Businesses that offer tutoring, music therapy, educational, or enrichment services outside of a school or academic setting are also typically classified as “B” occupancies. Testimony of Derek Pullman.

58. The child staff ratios for day cares vary from one caregiver per every four children at infant age to one caregiver per every fifteen children aged 5 years. Petitioner’s Exhibit I and Testimony of Derek Pullman.

59. Derek Pullman, a former Indianapolis Building Inspector and consultant, conducted his own evaluation and inspection of Grateful Care’s Greenwood Clinic and based on his own observations believes that Grateful Care is most appropriately classified as a “B” occupancy as therapy and/or medical care and/or treatment is being provided, this treatment is the focus of business, and this treatment is occurring in a clinical environment on a one-on-one basis– not custodial care. Testimony of Derek Pullman.

60. Grateful care also has a clinical location in Terre Haute, where the same types of treatment and/or services are provided. The Terre Haute clinic location is classified as a “B” occupancy. Petitioner’s Exhibit I, Testimony of Derek Pullman, and Testimony of Kim Chudzinski.

Conclusions of Law

1. This matter is properly before the ALJ pursuant to Ind. Code § 4-15-10.5-13, Ind. Code § 36-8-17-9, and Ind. Code § 36-8-17-10.

2. Pursuant to Ind. Code § 22-13-2-1, “state agencies and political subdivisions may exercise their statutory powers to regulate buildings, structures, and other property.” Ind. Code § 22-13-2-1.

3. The Indiana Fire Prevention and Building Safety Commission is responsible for reviewing orders that “are issued by a state agency or political subdivision; and covers a subject governed by this article, IC 22-12, IC 22-14, IC 22-15, a fire safety rule, or a building rule... if a person aggrieved by the order petitions for review under IC 4-21.5-3-7 within thirty (30) days after the political subdivision has issued the order.” Ind. Code § 22-13-2-7

4. Administrative reviews conducted pursuant to Ind. Code § 22-13-2-7 are governed by the Administrative Orders and Procedures Act. See Ind. Code § 4-21.5-3-7.

5. The person requesting an agency act has the burden of persuasion and the burden of proof going forward. Ind. Code § 4-21.5-3-14(c). Because this matter originates from a violation

order issued by the Respondent, the Respondent bears the burden of proof and the burden of persuasion and the burden of proof.

6. Proceedings held before an ALJ are de novo, which means the ALJ does not—and may not—defer to an agency’s initial determination. Ind. Code § 4-21.5-3-14(d); *Ind. Dep’t of Natural Res. v. United Refuse Co., Inc.*, 615 N.E.2d 100, 104 (Ind. 1993). Instead, in its role as factfinder, the ALJ must independently weigh the evidence in the record and may base findings and conclusions only upon that record. Id. At a minimum, the ALJ’s findings “...must be based upon the kind of evidence that is substantial and reliable.” Ind. Code § 4-21.5-3-27(d). “[S]ubstantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support the decision...” *St. Charles Tower, Inc. v. Bd. of Zoning Appeals*, 873 N.E.2d 598, 601 (Ind. 2007).

7. Indiana Code mandates that the Fire Prevention and Building Safety Commission adopt statewide fire safety codes. Ind. Code § 22-13-2-2(a).

8. The 2012 Indiana Fire Code, 2014 Edition (IFC), is adopted by reference under 675 Ind. Admin. Code. § 22-2.5-1(a), and the 2012 Indiana Building Code, 2014 Edition (IBC), is adopted by reference under 675 Ind. Admin. Code § 13-2.6-1(a).

9. The Fire Prevention and Building Safety Commission is required to follow the IFC and IBC. See Ind. Code § 22-12-7, et seq.

10. The IBC defines Institutional Group I-4, Day Care Facilities to include “buildings and structures occupied by more than five persons of any age who receive custodial care for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for.” 2014 IBC § 308.6.

11. The IBC goes on to state that Institutional Group I-4, Day Care Facilities shall include, but not be limited to, adult day care and child day care. 2012 IBC § 308.6.

12. Chapter 2 of the Indiana Building Code, defines “custodial care” as:

[a]ssistance with day-to-day living tasks; such as assistance with cooking, taking medication, bathing, using toilet facilities and other tasks of daily living. Custodial care includes occupants who evacuate at a slower rate and/or who have mental and psychiatric complications.

See 675 IAC 13-2.6-1(a) (adopting by reference the International Building Code (2012 ed.)); see International Building Code, § 202.C (2012 ed).

13. I-4 Occupancies must have the following fire safety measures installed on the premises: an automatic sprinkler system, 2014 IFC § 903.2.6., a manual fire alarm system, 2014 IFC § 907.2.6., installation of a 1-hour fire rated assembly between occupancies, 2014 IBC § 508.4.4

and Table 508.4, and adjustments to exit doors that make them simple to operate and open. 2014 IFC § 1008.1.9.1.

14. Business occupancies or “B” occupancies do not have the same building standards as “I-4” occupancies. See International Building Code, § 304.2 (2012 ed). Specifically, the State of Indiana removed the requirement for these “B” uses to have automatic sprinkler systems or fire alarm systems. See 675 IAC 13-2.6-5(y); see also 2014 IBC, § 422.6.

15. Business occupancies or “B” occupancies include but are not limited to ambulatory care facilities, outpatient clinics, and facilities that provide training and skill development outside of a school or academic program. 2014 IBC, § 304.1.

16. An “outpatient clinic” is defined as “[b]uildings or portions thereof used to provide medical care on less than a 24-hour basis to persons who are not rendered incapable of self-preservation by the services provided” and is classified as a “B” Occupancy. 2014 IBC, § 202, Definitions.

17. “Incapable of Self-Preservation” means “[p]ersons because of age, physical limitations, mental limitations, chemical dependency, or medical treatment who cannot respond as an individual to an emergency situation.” 2014 IBC, § 202, Definitions.

18. Terms not defined in the building IBC are to be given their “ordinarily accepted meanings such as the context implies.” 2014 IBC, § 201.4.

19. The Respondent has failed to meet its burden to demonstrate by reliable and substantial evidence that Grateful Care ABA’s use of the Greenwood Clinic location constitutes an “I-4” occupancy.

20. The evidence does not establish that Grateful Care provides custodial care to more than five persons for less than 24 hours on any given day. Specifically, there was no evidence presented that would establish that Grateful Care provides assistance with cooking, taking medication, bathing, and/or using toilet facilities to more than five persons for less than 24 hours on any given day.

21. Day care services are not provided by Grateful Care at the Greenwood Clinic. Grateful Care’s use of the Greenwood location does not equate to adult or child day care. Rather, the Greenwood Clinic operates as an outpatient clinic and/or a facility that provides training and skill development outside of a school or academic program.

22. Grateful Care provides highly specialized and individualized medical treatment and/or services to its patients, that this medical treatment and/or services are provided by on a one-on-one or two-on-one basis by certified professionals, and that said medical treatment and/or services are subject to the requirements imposed by and paid for by Medicaid and/or the

patients' medical insurance. Grateful Care does not provide treatment and/or services on a 24 hour basis to its patients. The treatment and/or services provided by Grateful Care focus on skill development according to the patient's individual needs outside of traditional school or academic programs.

23. The patients at the Greenwood Clinic are not rendered incapable of self-preservation by the treatment and/or services provided by Grateful Care. Those who are incapable of self-preservation at the Greenwood Clinic are deemed so due to their age. And those patients are always within three feet of a certified staff member who can easily and quickly assist them in an emergency that requires them to be evacuated from the building. All occupants could be safely evacuated in less than three minutes and the building is not currently unsafe for Grateful Care's use.

24. For all of the foregoing reasons, Grateful Care's occupancy at the Greenwood Clinic constitutes a "B" occupancy under Indiana law. As a "B" occupancy, it is not subject to the heightened building requirements and additional safety measures imposed under Indiana law for an "I-4" occupancy.

Decision and Recommended Order

In consideration of the foregoing, Findings of Fact and the Conclusions of Law, the ALJ finds in favor of the Petitioner and recommends that the May 7, 2024 Order issued by the Respondent be reversed and that Grateful Care's use of the Greenwood Clinic be classified as a "B" occupancy.

So Ordered: December 20, 2024



Hon. Vanessa Voigt Gould
Administrative Law Judge
Indiana Office of Administrative Law Proceedings
100 North Senate Ave., Room N802
Indianapolis, IN 46204

APPEAL RIGHTS

This order is not final. This matter is now before the ultimate authority, the Fire Prevention and Building Safety Commission, who has the final authority over this matter and shall review this non-final order then issue a final order to all parties. If you wish to raise an objection to this order, you must file an objection, in writing, within fifteen (15) days after service of this order. If served only by mail, however, three (3) days will be added to this period to object. See Ind. Code § 4-21.5-3-2 for how to compute the period to object. Your objection must identify the basis of the objection with reasonable particularity and be filed with the ultimate authority by one of the following methods:

Email at: buildingcommission@dhs.in.gov

Personal service or mail to:

Fire Prevention and Building Safety Commission

Indiana Department of Homeland Security

302 W. Washington Street, Room E-208

Indianapolis, IN 46204.

This order will become final if you do not file an objection in accordance with these requirements and you waive your right to judicial review. See Ind. Code § 4-21.5-5-4(b). If a timely and appropriate objection is filed, the ultimate authority will review the matter and issue a final order or remand this matter back to the Office of Administrative Law Proceedings for additional proceedings.

Distribution (*Sent via the email address on file with the Indiana Role of Attorneys, unless otherwise noted*):

Petitioner, Grateful Care ABA, served by counsel, Jeffrey Bellamy, Esq., via email.

Respondent, White River Township Fire Department, served by counsel, Brian C. Bosma, Esq. and Justin Olson, Esq., via email.

Ultimate Authority, Indiana Fire Prevention and Building Safety Commission, served by Tyler Burgauer, Department of Homeland Security, via email.