

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

IN RE:)	CAUSE NO.
)	
BAKERSFIELD INDY)	DHS-1720-FPBSC-013
)	
)	

NON-FINAL ORDER OF DISMISSAL

On September 18, 2017, the Respondent submitted the attached request for dismissal of the above captioned matter. The request included a "complied order" which shows that Petitioner is now in compliance with the provisions of the code that were at issue in 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 Ind. Code § 4-21.5-3-29(c). **This order will be considered by the Commission on October 3, 2017 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: September 18, 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
Telephone: (317) 234-8917
E-mail: chesmith2@dhs.in.gov

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

Alex Bluft
Bakersfield Indy
334 Massachusetts Avenue
Indianapolis, IN 46204

and personally served on the following attorney of record:

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

Smith, Chelsea

From: Guedel, Justin K
Sent: Monday, September 18, 2017 2:41 PM
To: Smith, Chelsea; Alex Blust
Cc: aaronrfloyd@gmail.com
Subject: Bakersfield Appeal
Attachments: Bakersfield Complied Order.pdf

Judge Smith:

Attached is a copy of the complied order served on the Petitioner in this case. As this appeal is now moot, the Department would request that this case be dismissed. Let me know if you need any additional information.

Respectfully,

Justin K. Guedel

Staff Attorney

Indiana Department of Homeland Security

302 W. Washington Street, Rm. E208

Indianapolis, IN 46204

(317) 234-9515

JGuedel@dhs.IN.gov



**FIRE AND BUILDING
CODE ENFORCEMENT
INSPECTION REPORT
ORDER**

DIVISION OF FIRE AND BUILDING SAFETY
INDIANA DEPARTMENT OF HOMELAND SECURITY
302 WEST WASHINGTON STREET, RM E241
INDIANAPOLIS, IN 46204
TELEPHONE: 317-232-2222
WEB ADDRESS: WWW.IN.GOV/DHS

Identification Number BU27714	Name of the facility BAKERSFIELD INDY	County MARION
Address of Property 334 MASSACHUSETTS AVE INDIANAPOLIS 46204	Name of the Contact AARON FLOYD	Telephone Number (317) 635-6962
Email AARONRFLOYD@GMAIL.COM		Inspection Date 07/20/2017
Inspection Category BUSINESS/MANUFACTURING	Inspection Type REINSPECTION	Inspection Status: COMPLIED
Name of the inspector JOSEPH TANASOVICH		Phone: 3174473936
Email: jtanasovich@dhs.in.gov		

Facility Id BU27714	Received By Name	Signature and Date
-------------------------------	-------------------------	---------------------------

APPEAL RIGHTS

Please be advised that if you desire administrative review of this Order and **this Order was delivered by hand**, you must file a written petition for review with the Fire Prevention and Building Safety Commission at 302 West Washington Street, Rm. W246, Indianapolis, IN 46204, identifying the violations for which you seek review no later than 15 calendar days from the hand delivery date of this Order unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the first calendar day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this Order will be **FINAL** and you **MUST** comply with its requirements.

Please be advised that if you desire administrative review of **this Order and this Order was delivered by first class U.S. mail**, you must file a written petition for review with the Fire Prevention and Building Safety Commission at 302 West Washington Street, Rm. W246, Indianapolis, IN 46204, identifying the violations for which you seek review no later than 18 calendar days from the mailing date of this Order unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the first calendar day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this Order will be **FINAL** and you **MUST** comply with its requirements.

Please be further advised that you may request an opportunity to informally discuss this Order prior to filing a petition for review. Such informal discussion, or a request therefor, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone, upon receipt of this Order.

