

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

| | | |
|--------------------|---|--------------------|
| IN RE: |) | CAUSE NO. |
| |) | |
| CUMMINS CHILD |) | DHS-1711-FPBSC-006 |
| DEVELOPMENT CENTER |) | |
| |) | |
| |) | |

NON-FINAL ORDER OF DISMISSAL

On June 20, 2017, the parties in this matter filed the attached Joint Motion to Dismiss, which states that Respondent issued a new inspection report pertaining to the violations that were at issue in this case. The new inspection report, also issued on June 20, 2017, states that Petitioner has come into compliance and the issues in this appeal are, therefore, resolved.

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 W. Washington Street, Indianapolis, IN 46204.**

Date: June 21, 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:

Victoria Baker
Cummins Child Development Center
650 Pleasant Grove
Columbus, IN 47201

and personally served on the following attorney of record:

Justin K. Guedel, Esq.; Staff Attorney
Indiana Department of Homeland Security
302 W. Washington Street
Indiana Government Center South, Room E208
Indianapolis, IN 46204
jguedel@dhs.in.gov

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

RECEIVED
JUN 20 2017
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IN RE:) CAUSE NO.
)
CUMMINS CHILD) DHS-1711-FPBSC-006
DEVELOPMENT)
CENTER)
)

JOINT MOTION TO DISMISS

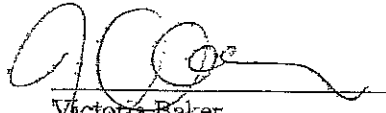
The parties respectfully request the above captioned matter be dismissed. In support of this request, the parties state the following:


1. On March 9, 2017, Respondent issued an inspection report order citing Petitioner for being in violation of § 1030.2 of the 2014 Indiana Fire Code.
2. On March 10, 2017, Petitioner filed their Petition for Review of this Order.
3. On June 20, 2017, Respondent issued an inspection report order to Petitioner finding Petitioner in compliance, rendering this matter moot.

WHEREFORE, the parties respectfully request this matter be dismissed.

Date: 6/20/2017

Respectfully submitted,


Victoria Baker
Agent for Petitioner


Justin K. Guedel
Attorney for Respondent

