

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

IN RE:)	CAUSE NO.
)	
DELAWARE CHRISTIAN)	DHS-1526-FPBSC-020
ACADEMY)	
)	
)	

NON-FINAL ORDER OF DISMISSAL

On June 14, 2017, the parties submitted the attached request for dismissal of the above-captioned administrative appeal. The request for dismissal states that the Petitioner obtained a variance, which has resolved 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 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 14, 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
Fax: (317) 232-0146
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:

Dr. Michael N. Baur
Delaware Christian Academy
1901 N. Walnut Street
Muncie, IN 47303

Brad Riddle
Muncie Fire Department
300 North High Street
Muncie, IN 47305

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

RECEIVED
JUN 14 2017
BY: CS

From: Mike Baur <mbaur@dcamuncie.net>
Sent: Wednesday, June 14, 2017 9:48 AM
To: Smith, Chelsea
Cc: Brad Riddle
Subject: Re: FW: In re Delaware Christian Academy (Cause No. DHS-1526-FPASC-020)

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Honorable Judge Smith,

We have received a variance. This case is resolved. We wish to dismiss the case.

Thanks,
Dr. Michael N. Baur

On Mon, Jun 12, 2017 at 12:57 PM, Smith, Chelsea <CheSmith2@dhs.in.gov> wrote:

Dr. Baur,

Per the provisions of IC 4-21.5-3-11, I am forwarding the below response from Mr. Brad Riddle with the Muncie Fire Department. I am still awaiting a request for dismissal of this case and ask that if either yourself or Mr. Riddle need to disclose any additional information aside from advising me that this matter is resolved, then please request to set up a status conference, as all parties are required to participate in such discussions, according to the rules governing administrative proceedings.

Regards,

Chelsea E. Smith

Administrative Law Judge

Indiana Department of Homeland Security

302 W. Washington Street, Rm. E208

Indianapolis, IN 46204

(317) 234-8917

Chesmith2@dhs.in.gov

From: Brad Riddle [mailto:briddle@cityofmuncie.com]
Sent: Monday, June 12, 2017 12:15 PM
To: Smith, Chelsea <CheSmith2@dhs.IN.gov>
Subject: Re: In re Delaware Christian Academy (Cause No. DHS-1526-FPBSC-020)

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Hon. Chelsea Smith,

The matter has been resolved in that a variance (16-07-62) was approved by the commission on 8/2/2016. However the conditions of that variance have not been met until the approved/listed fire panel has been installed before August 31,2018, per same variance.

Thanks,

Brad Riddle / Lt. Inspector
Fire Prevention Bureau
Muncie Fire Department
300 N High St.
Muncie, IN 47305
Cell: (765) 702-0387
Office: (765) 747-4876
Email: briddle@cityofmuncie.com

— Original Message —

From: "Smith, Chelsea" <CheSmith2@dhs.IN.gov>
To: "mbaur@dcamuncie.net" <mbaur@dcamuncie.net>
Cc: "Brad Riddle" <briddle@cityofmuncie.com>
Sent: Fri, 9 Jun 2017 18:19:10 +0000
Subject:

In re Delaware Christian Academy (Cause No. DHS-1526-FPBSC-020)

Dr. Baur,

Attached please find a copy of the Notice of Substitution of Administrative Law Judge and Order Setting Status Conference for In re Delaware Christian Academy (Cause No. DHS-1526-FPBSC-020). I have copied Mr. Brad Riddle with the Muncie Fire Department on this email, as well, so that he is aware of this communication, per IC 4-21.5-3-11.

Per our conversation, I scheduled a status conference in this matter for June 7, 2017 at 1:00 p.m., but was unable to reach you at that time, and followed up with you again by telephone this afternoon. The purpose of the status conference was to determine whether this matter has been resolved informally. It is my understanding from briefly speaking with each of you that this matter has, in fact, been resolved informally. However, as a matter of procedure, I would like documented confirmation of that before I dismiss this case. If you could respond and advise as to the status of this case at your earliest convenience, I would greatly appreciate it.

Best regards,

Chelsea E. Smith

Administrative Law Judge

Indiana Department of Homeland Security

302 W. Washington Street, Rm. E208

Indianapolis, IN 46204

(317) 234-8917

Chesmith2@dhs.in.gov

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