

STATE OF INDIANA

DEPARTMENT OF HOMELAND SECURITY

IN THE MATTER OF:

SPORTS LAKE CAMPGROUND

Cause No. DHS-1913-FPBSC-013

NON-FINAL ORDER OF DISMISSAL

Respondent, the Indiana Department of Homeland Security, issued IDHS Inspection Report Order Identification Number BU30410 on or around August 26, 2019. Petitioner filed a Petition for Administrative Review of the Inspection Report Order on August 30, 2019. After the initiation of the appeal, Respondent contacted the Administrative Law Judge and indicated that the parties had intended to agree to a Joint Motion of Dismissal, which rendered the Petition for Administrative Review no longer necessary. Due to technical difficulties, the Joint Motion for Dismiss was abandoned and Respondent filed a Motion to Dismiss in order to expedite this matter. Petitioner had no objection to dismissing the appeal. See Exhibit A, which is Respondent's Motion to Dismiss Petition for Administrative Review under cause no. DHS-1913-FPBSC-013.

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 (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 Tuesday, April 7, 2020, at 9:00 a.m. (EDT), in the History Reference Room 211 at the Indiana State Library, located at 315 W. Ohio Street, Indianapolis, Indiana 46202.**

Dated: February 26, 2020

/s/ Zanna Claire Dyer
Zanna Claire Dyer
Administrative Law Judge



Certificate of Service

I certify that on February 26, 2020, I have served the foregoing Non-Final Order of Dismissal on the following persons in the methods noted below:

/s/ Zanna Claire Dyer
Zanna Claire Dyer

Service by email:

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

IN THE MATTER OF:

SPORTS LAKE CAMPGROUND

CAUSE NO: DHS-1913-FPBSC-013

MOTION TO DISMISS

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

1. On or about August 26, 2019, Respondent issued a report of inspection to Petitioner, citing three violations.
2. On or about August 30, 2019, Petitioner filed their petition for review of this order.
3. Upon further consideration, Respondent agrees to rescind this inspection report order, as the Indiana State Department of Health (ISDH) has an established program to enforce the requirements of 675 IAC 17 for campsites and Respondent defers all inspections of these locations, unrelated to Class 1 Structures, to ISDH.

WHEREFORE, Respondent respectfully request this matter be dismissed as moot.

Respectfully submitted,



Justin Guedel
Attorney for Respondent

Date: 2/26/2020