

FILED

MAR 10 2020

SPECIAL SERVICES
ALJ

STATE OF INDIANA
DEPARTMENT OF HOMELAND SECURITY

IN THE MATTER OF:)
PETITION FOR REVIEW OF)
ORDER OF DENIAL OF ORDINANCE)
NO. 2019-12-01, BUILDING CODE)
OF THE TOWN OF ATLANTA)
)
)

Cause No. DHS-2002-FPBSC-002

ALJ'S RECOMMENDED ORDER OF DISMISSAL

This matter was opened on a petition for review of an order denying an ordinance of the Town of Atlanta, Indiana, assigned Ordinance No. 2019-12-01. On March 6, 2020, the Town of Atlanta provided notice that it is withdrawing its petition. It is therefore RECOMMENDED THAT THIS MATTER BE DISMISSED.

The undersigned has not been designated as the ultimate authority of the Commission, and therefore this is a recommended, non-final order issued pursuant to Indiana Code § 4-21.5-3-29.

Date:

3/10/20



Brian L. Park
Administrative Law Judge
Office of the Indiana Attorney General
302 W. Washington St., IGCS 5th Floor
Indianapolis, IN 46204-3795
Phone: (317) 232-6307
Fax: (317) 232-7979
Email: Brian.Park@atg.in.gov



**NOTICE OF RIGHT TO OBJECT TO THE ALJ'S RECOMMENDED,
NON-FINAL ORDER**

The ALJ which issued this recommended order is not the ultimate authority of the Commission, and this is not the final order of the Commission. Pursuant to Indiana Code § 4-21.5-3-29, the Commission or its designee shall issue a final order affirming, modifying, or dissolving the ALJ's recommended order. The Commission or its designee may also remand the matter, with or without instructions, to the ALJ for further proceedings.

To preserve an objection to the ALJ's recommended order for judicial review, you must not be in default under Indiana Code § 4-21.5-3, and must object to the ALJ's recommended order in writing by: (1) identifying the basis of the objection with particularity; and (2) file the objection with the Commission within (18) days after the order is served on you. If the 18th day falls on a Saturday, Sunday, legal holiday, or a day the Commission's officers are closed, then the deadline for your objection would be the first day thereafter that is not a Saturday, Sunday, legal holiday, or day that the Commission's office is closed.

In the absence of an objection, the Commission or its designee will affirm the ALJ's recommended order as its final order, or will serve notice of its intent to review any issue related to the ALJ's recommended order.

CERTIFICATE OF SERVICE

I certify that on the 10th day of ~~February~~ March, 2020, I served the foregoing on the following persons at the addresses shown below: (BLP)

Service by email and interdepartmental mail:

Justin Guedel, Staff Attorney
Indiana Department of Homeland Security
302 W. Washington St., Room E208
Indianapolis, IN 46204
(317) 234-9515
jguedel@dhs.in.gov

Service by email and U.S. mail:

Manny Herceg, Attorney for Petitioner
Taft Stettinius & Hollister LLP
One Indiana Square, Suite 3500
Indianapolis, IN 46204-2023
mherceg@taftlaw.com



Brian L. Park

IN THE MATTER OF:)
 PETITION FOR REVIEW OF) Cause No. DHS-2002-FPBSC-002
 ORDER OF DENIAL OF ORDINANCE)
 NO. 2019-12-01, BUILDING CODE)
 OF THE TOWN OF ATLANTA)

The Department of Homeland Security, having reviewed the Town of Atlanta, Indiana's ("Town") Notice of Withdrawal of Petition for Administrative Review ("Notice"), and being duly advised in the premises, hereby acknowledges the Notice and ORDERS as follows:

DATE: _____

mherceg@taftlaw.com
kvoller@taftlaw.com
iguedel@dhs.in.gov
Brian.park@atg.in.gov

**STATE OF INDIANA
DEPARTMENT OF HOMELAND SECURITY**

IN THE MATTER OF:)	
PETITION FOR REVIEW OF)	Cause No. DHS-2002-FPBSC-002
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NO. 2019-12-01, BUILDING CODE)	
OF THE TOWN OF ATLANTA)	

NOTICE OF WITHDRAWAL OF PETITION FOR ADMINISTRATIVE REVIEW

The Town of Atlanta, Indiana ("Town"), by counsel, provides notice of withdrawal of its petition for administrative review, and in support states:

1. The Town requested that the Fire Prevention and Building Safety Commission ("Commission") approve Ordinance No. 2019-12-01 regarding the Town's Building Code ("Ordinance").
2. On January 7, 2020, the Commission denied approval of the Ordinance and subsequently issued an Order of Denial.
3. The Town timely filed a Petition for Administrative Review ("Petition") of the Commission's Order of Denial.
4. The Indiana Department of Homeland Security received the Town's Petition, an administrative law judge was appointed, and a telephonic prehearing conference was scheduled.
5. The Town no longer wishes to pursue this action, and hereby provides notice of withdrawal of its Petition.

6. Undersigned counsel has conferred with all counsel of record and there is no objection to this withdrawal.

WHEREFORE, the Town provides notice of withdrawal of its Petition, and requests all other relief deemed appropriate in the premises.

TAFT STETTINIUS & HOLLISTER LLP

/s/ Manuel Herceg

Manuel "Manny" Herceg, Atty. No. 29956-06

Kaitlin Voller, Atty. No. 35451-49

TAFT STETTINIUS & HOLLISTER LLP

One Indiana Square, Suite 3500

Indianapolis, Indiana 46204

T: 317-713-3500 / F: 317-713-3699

mherceg@taftlaw.com

kvoller@taftlaw.com

Attorneys for Town of Atlanta, Indiana

CERTIFICATE OF SERVICE

I certify that on the 6th day of March, 2020, I served the foregoing on the following persons via electronic mail and U.S. First Class Mail:

Justin Guedel, Staff Attorney
Indiana Department of Homeland Security
302 West Washington Street, room E208
Indianapolis, IN 46204
jguedel@dhs.in.gov

Brian L. Park
Office of the Indiana Attorney General
302 W. Washington Street, IGCS 5th Floor
Indianapolis, IN 46204
Brian.park@atg.in.gov

/s/ Manuel Herceg
Manuel Herceg