

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

IN RE:) **ADMINISTRATIVE CAUSE NO.**
) **DHS-1808-FPBSC-007**
ICFR RESIDENCE LLC)

NON-FINAL ORDER OF DISMISSAL

On June 6, 2018, Petitioner, ICFR Residence LLC, filed a Petition for Review of the May 24, 2018, inspection report of the facility at 909 West First Street, Bloomington, IN 47403, issued by Respondent, the Indiana Department of Homeland Security. The Fire Prevention and Building Safety Commission granted the Petition for Review as timely. During the pendency of this proceeding, Petitioner agreed to come into compliance with the inspection report, which renders this review moot. The parties filed a joint motion to dismiss this appeal on April 13, 2020 (*see attached*).

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 Tuesday, May 6, 2020, at 9:00 (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: April 13, 2020

/s/ Jodi Kathryn Stein
HON. JODI KATHRYN STEIN
Administrative Law Judge
Office of the Attorney General
302 W. Washington Street
Indiana Government Center South, 5th Floor
Indianapolis, IN 46204
Telephone: (317) 232-6249
E-mail: Jodi.Stein@atg.in.gov

Distribution by email:

James F. Bohrer
Cheyenne Riker
Clendening Johnson & Bohrer, P.C.
409 W. Patterson Drive, Suite 205
Bloomington, IN 47493
Criker@lawcjb.com
riker@rxunited.com

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

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

IN THE MATTER OF:	)	ADMINISTRATIVE CAUSE NO.
	)	DHS-18068-FPBSC-007
ICFR RESIDENCE LLC	)	

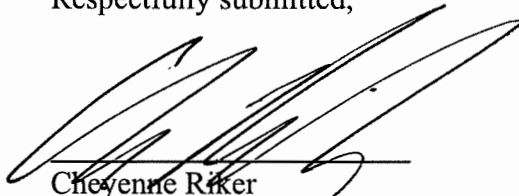
JOINT MOTION TO DISMISS

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

1. On or about May 24, 2018, Respondent performed an inspection of a facility located at 909 West First St. Bloomington, IN 47403 (the "Facility") and issued an inspection report citing violation of 675 IAC 12-4-11(b).
2. On or about June 6, 2018, Petitioner filed their petition for review of this violation.
3. During the pendency of these proceedings, Petitioner agreed to come into compliance with the May 24, 2018 inspection report and withdraw their request for review rendering this review moot.

WHEREFORE, the parties respectfully request this matter be dismissed.

Respectfully submitted,



Cheyenne Riker
Attorney for Petitioner

/s/ *Justin Guedel*

Justin Guedel
Attorney for Respondent

Date: 4/10/20