



FILED: Aug 24, 2021

**STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS**

Wayne County, Indiana Building Commission, Petitioner, V. Indiana Department of Homeland Security, Respondent.	Administrative Cause No.: DHS-0821-001639 Underlying Agency Action No.: CEB-2021-28-2020 IRC TR404.1.1(1)a
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FINAL ORDER OF DISMISSAL

On August 24, 2021, Respondent filed a Joint Motion to Dismiss in the above-captioned matter based on the Parties' informal resolution of the issues on appeal and on Petitioner's request that this matter be dismissed.

The ultimate authority in this matter is the Fire Prevention and Building Safety Commission ("Commission"). The Commission has authorized the ALJ assigned by the Office of Administrative Law Proceedings to serve as the ultimate authority and to issue final orders of dismissal when the Petitioner withdraws the appeal or the parties file a joint or agreed request to dismiss the appeal. The undersigned ALJ therefore issues this final order dismissing the above captioned matter with prejudice and vacating the initial pre-hearing conference scheduled for 8/26/2021.

A person who wishes to seek judicial review of this final determination must file a petition for review in an appropriate court within thirty (30) days of this Order and must otherwise comply with the provisions of Ind. Code § 4-21.5-5.

So Ordered: 08/24/2021

Hon. Ann Pagonis, Administrative Law Judge
Indiana Office of Administrative Law Proceedings

Distributed to the Parties:

Steve Sorah

Representative for Petitioner

ssorah@co.wayne.in.us

Via E-Mail

Justin Guedel

Counsel for Respondent

Indiana Department of Homeland Security

302 W. Washington Street, Room E-208

Indianapolis, IN 46204

jguedel@dhs.in.gov

Via Email

Courtesy copy sent to the Fire Prevention and Building Safety Commission via email to buildingcommission@dhs.in.gov.

From: [Pagonis, Ann](#)
To: [Steve Sorah](#); [Guedel, Justin K](#); [OALP](#)
Cc: permits@co.wayne.in.us
Subject: RE: Stipulation of Dismissal - DHS-0821-001639
Date: Tuesday, August 24, 2021 12:53:30 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)

Received, thank you, Mr. Sorah. I will draft an Order.

Annie Pagonis
Administrative Law Judge
Office of Administrative Law Proceedings
e: APagonis@oalp.in.gov
w: in.gov/oalp

From: Steve Sorah <ssorah@co.wayne.in.us>
Sent: Tuesday, August 24, 2021 12:52 PM
To: Pagonis, Ann <APagonis@oalp.IN.gov>; Guedel, Justin K <JGuedel@dhs.IN.gov>; OALP <OALP@oalp.IN.gov>
Cc: permits@co.wayne.in.us
Subject: RE: Stipulation of Dismissal - DHS-0821-001639

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Dear Honorable Annie Pagonis,

I confirm that I am requesting that case DHS-0821-001639 be dismissed.

Thank you,

Steven Sorah
Wayne County Building Commissioner

From: Pagonis, Ann <APagonis@oalp.IN.gov>
Sent: Tuesday, August 24, 2021 12:02 PM
To: Guedel, Justin K <JGuedel@dhs.IN.gov>; OALP <OALP@oalp.IN.gov>
Cc: ssorah@co.wayne.in.us; permits@co.wayne.in.us
Subject: RE: Stipulation of Dismissal - DHS-0821-001639

Good Afternoon Mr. Guedel and Mr. Sorah,

I would like to confirm that both parties are requesting that this case, DHS-0821-001639, be dismissed.

Mr. Sorah, please reply all with your answer.

Thank you,

Annie Pagonis
Administrative Law Judge
Office of Administrative Law Proceedings
e: APagonis@oalp.in.gov
w: in.gov/oalp

From: Guedel, Justin K <JGuedel@dhs.IN.gov>
Sent: Tuesday, August 24, 2021 10:32 AM
To: OALP <OALP@oalp.IN.gov>; Pagonis, Ann <APagonis@oalp.IN.gov>
Cc: ssorah@co.wayne.in.us; permits@co.wayne.in.us
Subject: Stipulation of Dismissal - DHS-0821-001639

Judge Pagonis:

In accordance with the attached communications stipulating to dismissal of this action, the parties request that this matter be dismissed and all scheduled hearings be vacated. Please let us know if you need any additional information prior to dismissal of this matter.

Justin K. Guedel | Deputy General Counsel
Indiana Department of Homeland Security
302 W. Washington Street, Rm. E208
Indianapolis, IN 46204
(317) 234-9515
JGuedel@dhs.IN.gov



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To: ssorah@co.wayne.in.us

From: apagonis@oalp.in.gov

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From: [Wayne County Permits](#)
To: [Guedel, Justin K](#)
Subject: FW: Petition for Administrative Review - Written Interpretation of the Indiana State Building Commissioner - Interpretation No. CEB-2021-28-2020 IRC TR404.1.1(1)a
Date: Monday, August 23, 2021 4:21:59 PM

Filed August 24, 2021

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From: Steve Sorah <ssorah@co.wayne.in.us>
Sent: Tuesday, August 17, 2021 8:54 AM
To: 'Wayne County Permits' <permits@co.wayne.in.us>
Subject: RE: Petition for Administrative Review - Written Interpretation of the Indiana State Building Commissioner - Interpretation No. CEB-2021-28-2020 IRC TR404.1.1(1)a

Mr. Guedel,

You have addressed my concern regarding the misunderstanding as to which code section that was used to fail Mr. Harvey's foundation.

At this time, I am requesting this matter to be dismissed.

Steven Sorah
Building Commissioner
Wayne County, Indiana

From: Wayne County Permits <permits@co.wayne.in.us>
Sent: Monday, August 16, 2021 8:52 AM
To: Steve Sorah <ssorah@co.wayne.in.us>
Subject: FW: Petition for Administrative Review - Written Interpretation of the Indiana State Building Commissioner - Interpretation No. CEB-2021-28-2020 IRC TR404.1.1(1)a

From: Guedel, Justin K <JGuedel@dhs.IN.gov>
Sent: Thursday, August 12, 2021 5:53 PM
To: hbcllc07@gmail.com
Cc: Burgess, Craig <CBurgess@dhs.IN.gov>; Boyle, Douglas J (DHS) <DoBoyle@dhs.IN.gov>; permits@co.wayne.in.us; OALP <OALP@oalp.IN.gov>
Subject: RE: Petition for Administrative Review - Written Interpretation of the Indiana State Building Commissioner - Interpretation No. CEB-2021-28-2020 IRC TR404.1.1(1)a

Mr. Harvey:

Our office received the attached petition for administrative review concerning the State Building Commissioner's written interpretation CEB-2021-28 . . . that you had requested on July 12th. You are not currently a party to this matter, however, Mr. Sorah of Wayne County has informed us that the actual violation, and dispute in question concerning this written interpretation, was not to Table R404.1.1(1) footnote a, but was actually concerning Section R404.1.1 footnote 1. I wanted to notify you of this development to make sure that this interpretation is not misused in any way or understood to state that Section R404.1.1 footnote 1 can not be applied in this current matter that led to this dispute or in any matter that may later arise and to be clear that this interpretation solely applies to the language of Table R404.1.1(1) footnote a.

I have also copied Mr. Boyle and the Office of Administrative Law Proceedings on this matter to notify them that the parties to this matter have discussed the request for review and have agreed that administrative review of this matter is unnecessary. In hopes of resolving this matter before an administrative law judge is assigned, the Department would request that this matter be dismissed by joint agreement of the parties and upon Mr. Sorah's confirmation that he indeed desires to dismiss this action.

If there are any questions or concerns about this, please let me know.

Justin K. Guedel | Deputy General Counsel
Indiana Department of Homeland Security
302 W. Washington Street, Rm. E208
Indianapolis, IN 46204
(317) 234-9515
JGuedel@dhs.IN.gov



From: Fire Prevention and Building and Safety Commission <buildingcommission@dhs.in.gov>
Sent: Tuesday, August 10, 2021 3:16 PM
To: permits@co.wayne.in.us
Cc: Burgess, Craig <CBurgess@dhs.IN.gov>; Guedel, Justin K <JGuedel@dhs.IN.gov>; Boyle, Douglas J (DHS) <DoBoyle@dhs.IN.gov>; Sprecher, Bryston <BSprecher@dhs.IN.gov>
Subject: Petition for Administrative Review - Written Interpretation of the Indiana State Building Commissioner - Interpretation No. CEB-2021-28-2020 IRC TR404.1.1(1)a

Dear Mr. Sorah,

The Indiana Fire Prevention and Building Safety Commission (Commission), acting as the Ultimate Authority in this matter, is in receipt of your petition for administrative review of the **Written Interpretation of the Indiana State Building Commissioner – Interpretation No. CEB-2021-28-2020 IRC TR404.1.1(1)a**, submitted today, Tuesday, August 10, 2021. As provided in the attached letter, your petition for administrative review meets the requirements of Indiana Code § 4-21.5-3-7 and is hereby granted by the Commission. Your petition will now be forwarded to the Indiana Office of

Administrative Law Proceedings (OALP) for assignment to the Commission's administrative law judge (ALJ), to administer the review. The judge will contact you to make initial hearing arrangements. If you have any additional questions, you may contact the Indiana Department of Homeland Security's deputy general counsel assigned to this matter (representing the Indiana State Building Commissioner as the Respondent), Justin Guedel.

Sincerely,

Indiana Fire Prevention and Building Safety Commission

c/o Commission Staff

Indiana Department of Homeland Security

Indiana Government Center South, Room E208

302 W. Washington Street, Indianapolis, IN 46204

Email: buildingcommission@dhs.in.gov

Web: <https://www.in.gov/dhs/boards-and-commissions/fire-prevention-and-building-safety-commission/>

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To: permits@co.wayne.in.us

From: jguedel@dhs.in.gov

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