

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

IN RE:) CAUSE NO.
)
MAJOR HOSPITAL) DHS-1613-FPBSC-009
)
)

NON-FINAL ORDER OF DISMISSAL

On March 7, 2017, the parties filed the attached Joint Motion to Dismiss requesting that the above-captioned administrative appeal be dismissed. The Joint Motion to Dismiss states that Petitioner filed plans on September 19, 2016 and the plans were released on September 29, 2016, rendering the issues raised in Petitioner's appeal moot. The status conference set for March 8, 2017 is, therefore, cancelled.

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 April 4, 2017 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: March 7, 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
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A copy of the foregoing was served by U.S. Postal Service upon the following parties and attorneys of record:

Christina M. Collester, P.E.
RTM Consultants, Inc.
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and personally served on the following attorney of record:

Justin Guedel, Staff Attorney
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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 June 13, 2016, Respondent issued two Inspection Report Orders to Petitioner.
2. On June 20, 2016, Petitioner filed their Petition for Review of these orders.
3. On September 19, 2016, Petitioner filed plans, which were released on September 29, 2016, rendering this appeal moot.

WHEREFORE, the parties respectfully request this matter be dismissed.

Date: 3-7-2017

Respectfully submitted,

Christina Colleston

Christina Colleston
Representative for Petitioner

Justin K. Guedel

Justin K. Guedel
Attorney for Respondent

