

STATE OF INDIANA  
BEFORE THE FIRE PREVENTION AND  
BUILDING SAFETY COMMISSION

|                                |   |                    |
|--------------------------------|---|--------------------|
| IN RE:                         | ) | CAUSE NO.          |
|                                | ) |                    |
| COMMUNITY NORTH MEDICAL OFFICE | ) |                    |
| BUILDING/MID-AMERICA           | ) |                    |
| ELEVATOR CO., INC.             | ) | DHS-1803-FPBSC-003 |

NON-FINAL ORDER OF DISMISSAL

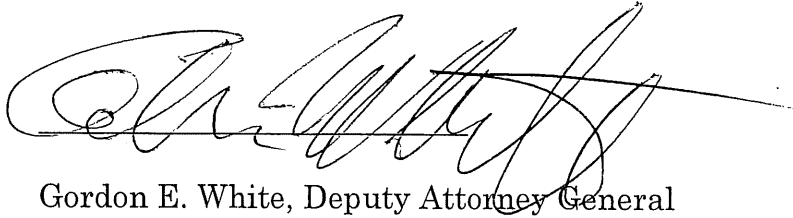
The Petitioner in this matter was requesting a review of a decision by the Division of Elevators to impose a subsequent inspection fee for an additional inspection which was allegedly necessitated by the Petitioner providing the Division with "erroneous information". After initiation of the appeal and further investigation by the parties, Respondent agreed to refund the subsequent fee thus rendering the case moot. As a result, the parties decided jointly that this proceeding should be dismissed. See Exhibit A, "Joint Motion to Dismiss".

**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 June 5, 2018 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: May 1, 2018

A handwritten signature in black ink, appearing to read 'Gordon E. White', written over a horizontal line.

Gordon E. White, Deputy Attorney General  
Administrative Law Judge  
Indiana Department of Homeland Security  
402 West Washington Street  
Indiana Government Center South, 5<sup>th</sup> Floor  
Indianapolis, Indiana 46204  
(317) 232-6307  
E-mail: [Gordon.white@atg.in.gov](mailto:Gordon.white@atg.in.gov)

Copies distributed on May 1, 2018, to:

Rod Stevens  
Repair / Construction / Modernization Manager  
Mid-America Elevator Company  
1116 East Market Street  
Indianapolis, Indiana 46202-3829  
Representative for the Petitioner  
[rstevens@midamericalelevator.com](mailto:rstevens@midamericalelevator.com)

Service by U.S. Mail and Electronic Mail

Justin Guedel  
Attorney for the Respondent  
Indiana Department of Homeland Security  
302 west Washington Street  
Indiana Government Center South, Room E208  
Indianapolis, Indiana 46204  
(317) 234-9515  
[jguedel@dhs.in.gov](mailto:jguedel@dhs.in.gov)

Service by Interdepartmental Mail and Electronic Mail

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STATE OF INDIANA  
BEFORE THE FIRE PREVENTION AND BUILDING  
SAFETY COMMISSION

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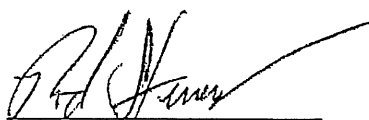
JOINT MOTION TO DISMISS

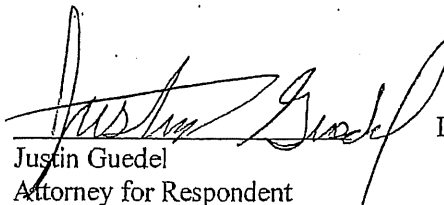
The parties respectfully request the above captioned matter be dismissed. In support of this request, the parties state the following:

1. On March 7, 2018, Respondent performed an operating permit inspection on an altered regulated lifting device and cited Petitioner for violation of 675 IAC 21-1-5.
2. In addition to being cited for the violation, Petitioner was charged a *subsequent inspection fee* of one thousand dollars (\$1,000).
3. On March 16, 2018, Petitioner filed their petition for review challenging these actions.
4. At the April 23, 2018 initial prehearing conference, Petitioner provided that this challenge was limited solely to the applicability of the *subsequent inspection fee*.
5. On April 24, 2018, Respondent agreed to refund the *subsequent inspection fee* rendering this petition for review moot.

WHEREFORE, the parties respectfully request this matter be dismissed.

Respectfully submitted,

  
\_\_\_\_\_  
Rod Stevens  
Petitioner

  
\_\_\_\_\_  
Justin Guedel  
Attorney for Respondent

Date: 4/30/18

Exhibit A