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LEGAL AND CODE  
SERVICES

STATE OF INDIANA  
BEFORE THE FIRE PREVENTION AND  
BUILDING SAFETY COMMISSION

IN RE:	)	CAUSE NO.
	)	
DANIEL'S VINEYARD	)	DHS-1809-FPBSC-008
	)	
	)	

NON-FINAL ORDER OF DISMISSAL

On September 18, 2018, the parties submitted the attached 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 Ind. Code § 4-21.5-3-29(c). **This order will be considered by the Commission on October 2, 2018 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: September 19, 2018



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  
Telephone: (317) 234-8917  
E-mail: [chesmith2@dhs.in.gov](mailto:chesmith2@dhs.in.gov)

STATE OF INDIANA  
BEFORE THE FIRE PREVENTION AND BUILDING  
SAFETY COMMISSION

IN RE: ) CAUSE NO.  
          ) )  
DANIEL'S VINEYARD ) DHS-1809-FPBSC-008  
                          ) )

**AGREED ORDER AND  
JOINT MOTION TO DISMISS**

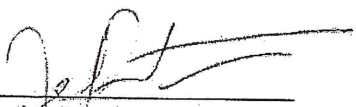
The parties respectfully request the above captioned matter be dismissed. In support of this request, the parties state the following:

1. On June 25, 2018, Respondent performed an inspection of Petitioner's facility and issued an inspection report order citing numerous code violations.
2. On June 30, 2018, Petitioner filed their petition for review of violation number 1, failure to obtain a construction design release prior to construction, cited in the June 25, 2018 order.
3. Following the initiation of this proceeding, the parties were able to informally resolve this case and agreed to the following:

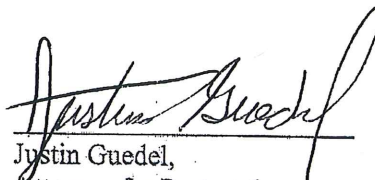
Petitioner will not to use, or allow any other individual to use, the structure which is the subject of this petition for review until such time that a construction design release is obtained for the work that was completed.

WHEREFORE, the parties respectfully request this matter be dismissed with prejudice.

Respectfully submitted,

  
\_\_\_\_\_  
Jessica Pontius  
Petitioner

9/18/18

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

Date: 9/18/18

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

Jessica Pontius  
Daniel's Vineyard  
9061 N. 700 W.  
McCordsville, IN 46055  
[jpontius@danielsvineyard.com](mailto:jpontius@danielsvineyard.com)

and personally served on the following attorney of record:

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