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By Douglas J. Boyle at 1:26 pm, Jan 30, 2019

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

IN RE:) CAUSE NO.
)
HIGHPOINT ORCHARD) DHS-1812-FPBSC-011
)
)

NON-FINAL ORDER OF DISMISSAL


On January 29, 2019, the Petitioner submitted the attached request for dismissal. **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 February 5, 2019 at 9:00 a.m. (EST), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: January 29, 2019


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

Smith, Chelsea

From: Guedel, Justin K
Sent: Tuesday, January 29, 2019 2:45 PM
To: Smith, Chelsea; Karen Cyman; Knaepple, Walter
Subject: RE: HighPoint Orchard; Cause No. DHS-1812-FPBSC-011

Follow Up Flag: Follow up
Flag Status: Flagged

Judge Smith:

The Department does not object to dismissal.

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

From: Smith, Chelsea
Sent: Tuesday, January 29, 2019 2:41 PM
To: Karen Cyman <karencyman@hotmail.com>; Guedel, Justin K <JGuedel@dhs.IN.gov>; Knaepple, Walter <WKnaepple@dhs.IN.gov>
Subject: RE: HighPoint Orchard; Cause No. DHS-1812-FPBSC-011

Karen,

Thank you for letting me know about the sale of Highpoint Orchard. Mr. Guedel, do you have any objection to dismissal of this appeal?

Best regards,

Chelsea E. Smith | Administrative Law Judge
Indiana Department of Homeland Security
302 West Washington Street, Room E-208
Indianapolis, IN 46204
Tel: (317) 234-8917
Email: Chesmith2@dhs.in.gov
Web: www.in.gov/dhs

From: Karen Cyman [<mailto:karencyman@hotmail.com>]
Sent: Tuesday, January 29, 2019 1:47 PM
To: Smith, Chelsea <CheSmith2@dhs.IN.gov>; Guedel, Justin K <JGuedel@dhs.IN.gov>; Knaepple, Walter <WKnaepple@dhs.IN.gov>
Subject: HighPoint Orchard; Cause No. DHS-1812-FPBSC-011

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

This email is to let each of you know that HighPoint Orchard; 3321 N. Old Hwy. 421; Greensburg, IN 47240 has been sold. The sale is scheduled to close on February 21, 2019.

In follow-up to the last phone meeting, Jeff Marshall was in the process of filing paperwork to the state. I had installed lighted exit signs and changed out door to swing out and installed appropriate locks.

The new owners will be Kuyhlia and Vital Hulsbasch. Kuyhlia's number is 812-212-5899. I have shared Jeff Marshall's contact information, in an effort to guide them as they go forward with their plans for the property. As I understand a bit of their vision, they plan to expand the orchard shop, which will entail a different set of code requirements. The Mill Barn will remain as is and I plan to have Jeff finish what he was working on or check to see if he has already done so.

With this information shared, I have stopped efforts to complete the appeal and would like to close the matter.

Thank you all for being good to work with and your communication.

Respectfully,

Karen Cyman
812-560-8208

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

Karen Cyman
Highpoint Orchard
3321 N. Old Highway 421
Greensburg, IN 47240

and personally served on the following attorney of record:

Justin K. Guedel
Indiana Department of Homeland Security
302 W. Washington Street
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