

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

IN RE:)	CAUSE NO.
)	
TABERNACLE PRESBYTERIAN)	DHS-1802-FPBSC-002
CHURCH)	
)	

NON-FINAL ORDER OF DISMISSAL

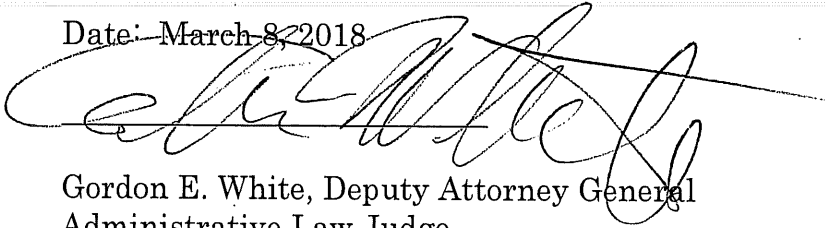
On March 1, 2018, the Petitioner, Tabernacle Presbyterian Church, filed a Petition for Review of an order issued by the Fire Prevention and Building Safety Commission. The Petition for Review was granted as timely on March 2, 2018. The Administrative Law Judge set the matter for a pre-hearing conference but in an e-mail sent on March 7, 2018, the Petitioner represented that it “would like to withdraw this appeal.” See Exhibit A, e-mail from Ms. Carrie Ballinger.

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 3, 2018 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: March 8, 2018

A handwritten signature in black ink, appearing to read "Gordon E. White", is written over a horizontal line. The signature is fluid and cursive.

Gordon E. White, Deputy Attorney General
Administrative Law Judge
Indiana Department of Homeland Security
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Copies distributed on March 8, 2018, to:

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Service by U.S. Mail and Electronic Mail

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Service by Interdepartmental Mail and Electronic Mail

859436

White, Gordon E.

From: Carrie Ballinger <ballinger@rtmconsultants.com>
Sent: Wednesday, March 7, 2018 12:51 PM
To: White, Gordon E.
Cc: Skarbeck, Molly; jguedel@dhs.in.gov
Subject: RE: DHS v. Tabernacle Presbyterian Church
Attachments: Order Setting Prehearing Conf_.pdf; ALJ apt. letter.pdf

Judge White:

The petitioner would like to withdraw this appeal. New variances for the same issues were approved at the Commission Meeting yesterday, rendering discussions of the previously denied variance to be moot.

Thank you,

Carrie Ballinger
RTM Consultants, Inc.
6640 Parkdale Place, Suite J
Indianapolis, IN 46254

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Fax. (317) 329-8411

From: Skarbeck, Molly [mailto:Molly.Skarbeck@atg.in.gov]
Sent: Wednesday, March 07, 2018 11:50 AM
To: Carrie Ballinger <ballinger@rtmconsultants.com>
Subject: DHS v. Tabernacle Presbyterian Church

Ms. Ballinger,

Attached are two documents from the Administrative Law Judge appointed to hear the case of DHS v. Tabernacle Presbyterian Church. A hard copy of these will be sent to you as well.

Please let me know if you have any questions.

Thanks,

Molly Skarbeck
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