

STATE OF INDIANA  
BEFORE THE FIRE PREVENTION AND BUILDING  
SAFETY COMMISSION

IN RE:	)	CAUSE NO.
	)	
TIPPECANOE LAKE	)	DHS-1611-FPASC-007
COUNTRY CLUB	)	
	)	

NON-FINAL ORDER OF DISMISSAL

On April 5, 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 a request for a variance from the rule Petitioner was cited for and for which Petitioner requested administrative review. The Joint Motion to Dismiss further states that the Fire Prevention and Building Safety Commission granted Petitioner's request for a variance at its April 4, 2017 meeting and this matter is, therefore, resolved.

**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 May 2, 2017 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: April 10, 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  
Telephone: (317) 234-8917  
Fax: (317) 232-0146  
E-mail: [chesmith2@dhs.in.gov](mailto:chesmith2@dhs.in.gov)

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

Matt Funkhouser  
Tippecanoe Lake Country Club  
7245 N. Kalorama Rd.  
Leesburg, IN 46538

and personally served on the following attorney of record:

Justin Guedel  
Staff Attorney  
Indiana Department of Homeland Security  
302 W. Washington Street  
Indiana Government Center South, Room E208  
Indianapolis, IN 46204

RECEIVED  
APR 10 2017  
BY: *[Signature]*

STATE OF INDIANA  
BEFORE THE FIRE PREVENTION AND BUILDING  
SAFETY COMMISSION

IN RE: ) CAUSE NO.  
)  
TIPPECANOE LAKE ) DHS-1611-FPBSC-007  
COUNTRY CLUB )  
)

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 May 19, 2016, Respondent served Petitioner with an Inspection Report Order citing a violation of the Indiana Fire Code.
2. On May 27, 2016, Petitioner filed their Petitioner for Review initiating this proceeding.
3. On April 4, 2017, the Fire Prevention and Building Safety Commission issued Petitioner a variance from the rule Petitioner was cited for, rendering this appeal moot.

WHEREFORE, the parties respectfully request this matter be dismissed.

Date: 4/5/2017

Respectfully submitted,

*Matthew W. Funkhouser*

Matthew W. Funkhouser  
Representative for Petitioner

*Justin K. Guedel*  
Justin K. Guedel  
Attorney for Respondent