



STATE OF INDIANA  
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

FILED: Aug 30, 2023

**Southlake/Tri-City RBA Corporation,**  
**Petitioner,**  
**v.**  
**Department of Homeland Security,**  
**Respondent.**

**Administrative Cause No.: DHS-2307-001965**

ULTIMATE AUTHORITY: Fire Prevention and Building Safety Commission

**NONFINAL ORDER OF DISMISSAL**

A Notice of Proposed Dismissal was entered in this matter on August 21, 2023, which proposed the dismissal of this case due to Petitioner's failure to appear at a scheduled pre-hearing conference.<sup>1</sup> The Notice was served on Petitioner on August 21, 2023 by email and gave Petitioner seven (7) days from the date of the Notice of Proposed Dismissal to file a motion requesting a final order of dismissal not be imposed and stating the ground relied upon for the request. More than seven days have passed since the Notice of Proposed Dismissal was entered and no such motion has been filed with the Office of Administrative Law Proceedings. Pursuant to Ind. Code 4-21.5-3-24(c), the ALJ issues this nonfinal order dismissing this case with prejudice.

The ultimate authority in this matter is the Fire Prevention and Building Safety Commission ("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 with the Commission within fifteen (15) days after the service of this order. The objection must be in writing, identify the basis of the objection with reasonable particularity, be served on all parties, and filed with the ultimate authority at: [buildingcommission@dhs.in.gov](mailto:buildingcommission@dhs.in.gov).

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). **The Commission will consider this Nonfinal Order of Dismissal on October 3, 2023, at 9:00 a.m.** The location of the meeting is a hybrid meeting, to be held virtually via Microsoft Teams an in-person at: Indiana Government Center South, Conference Rooms 1 and 2, 302 West Washington Street, Indianapolis, Indiana 46204. Additional information

<sup>1</sup> The ALJ incorporates by reference the findings and conclusions in the Notice of Proposed Dismissal in this Order.

can be found at the Commission's web page (<https://www.in.gov/dhs/boards-and-commissions/>) in advance of the meeting date.

So Ordered: August 30, 2023



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Hon. Carrie Ingram  
Administrative Law Judge

Distribution:

Petitioner: Southlake/Tri-City RBA Corporation served by email at  
[kevin.chambers@regionalgroup.care](mailto:kevin.chambers@regionalgroup.care)

Respondent: DOH served by email to Attorney Tyler Burgauer at [tyburgauer@dhs.in.gov](mailto:tyburgauer@dhs.in.gov)