

**STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION**

IN RE:)	CAUSE NO.
)	
RYAN FIRE PROTECTION, INC.)	DHS-1811-FPBSC-011
)	
)	

NOTICE OF APPOINTMENT OF ADMINISTRATIVE LAW JUDGE

On July 17, 2018, Mark Riffey, on behalf of the Petitioner, Ryan Fire Protection, Inc., filed a Petition for Review of an order issued by the Noblesville Fire Department. The Petition for Review was granted as timely on July 20, 2018. The filing of this Petition begins a proceeding controlled by the Indiana Administrative Orders and Procedures Act, codified at Ind. Code § 4-21.5. The undersigned has been appointed as the Administrative Law Judge (ALJ) in this matter.

The name, official title, and contact information for the ALJ are as follows:

Hon. Chelsea E. Smith
Administrative Law Judge
Indiana Department of Homeland Security
302 W. Washington Street,
Indiana Government Center South, E208
Indianapolis, IN 46204
Telephone: (317) 234-8917
Email: chesmith2@dhs.in.gov

Motions and pleadings should be filed with the ALJ at the address shown above. As an alternative to U.S. Mail, service may also be made to the ALJ via electronic mail. The parties are cautioned, however, that while service via U.S. Mail may be perfected upon mailing, service by electronic mail is perfected only upon receipt.

A copy of each motion or pleading, and any other communications sent to the ALJ, must be served upon all parties of record or their attorneys. The parties to this action are the Petitioner, Ryan Fire Protection, Inc., and the Respondent, the Noblesville Fire Department.

Any party who fails to attend or participate in a prehearing conference, hearing, or other later stage of the proceeding may be held in default or have the proceeding dismissed pursuant to Indiana Code § 4-21.5-3-24.

Date: August 1, 2018



HON. CHELSEA E. SMITH
Administrative Law Judge
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INC.)	
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ORDER SETTING INITIAL PREHEARING CONFERENCE

Pursuant to Ind. Code §§ 4-21.5-3-18 and 19, the Administrative Law Judge (ALJ) sets an Initial Prehearing Conference in the above-captioned matter for **Wednesday, August 22, 2018 at 10:00 a.m. (EDT)**. This is **not** a hearing on the merits of the appeal. The parties are encouraged to engage in discussions aimed at informally resolving this matter prior to the Initial Prehearing Conference, but this is **not** a settlement conference.

The purpose of the Initial Prehearing Conference is to resolve or clarify issues and preliminary matters related to the appeal, discuss the outcome of any informal discussions aimed at settlement if any have already taken place, determine whether the issues on appeal may potentially be resolved informally, and prepare for a hearing if settlement is not possible. In addition, any of the matters listed in Ind. Code § 4-21.5-3-19(c) may also be discussed. The ALJ will issue an Order incorporating the matters discussed following the Initial Prehearing Conference.

The Initial Prehearing Conference will be conducted by telephone and, unless the parties advise otherwise, is not expected to last longer than an hour. The ALJ will initiate the call using the following telephone numbers:

Mark Riffey: (317) 770-7100
Darrell Cross: (317) 776-6376

If a telephone number is incorrect or a different number is preferred, please advise the ALJ at the earliest opportunity. **If a party is unavailable to participate at the set date and/or time, the party must request a continuance and suggest an alternative date and/or time.** The ALJ's preference is to hold hearings on Wednesdays and would ask that the parties confer with one another prior to requesting a continuance in order to suggest a date and time that is amenable to both sides.

Per Ind. Code § 4-21.5-3-11, the ALJ may not communicate, directly or indirectly, regarding any issue in the proceeding while the proceeding is pending with either party to this matter without notice and opportunity for all parties to participate in the communication. **Therefore, if any party wishes to contact the ALJ regarding any matter related to this appeal, please do so by email (chesmith2@dhs.in.gov) and copy all parties involved, whenever practicable.**

Any party who fails to attend or participate in a prehearing conference, hearing, or other later stage of the proceeding may be held in default or have the proceeding dismissed pursuant to Ind. Code § 4-21.5-3-24.

Date: August 1, 2018


HON. CHELSEA E. SMITH
Administrative Law Judge
Indiana Department of Homeland Security
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Indiana Government Center South, Rm E208
Indianapolis, IN 46204
Telephone: (317) 234-8917
E-mail: chesmith2@dhs.in.gov

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

Mark Riffey
Ryan Fire Protection, Inc.
9740 E 148th Street
Noblesville, IN 46060

Darrell Cross
Noblesville Fire Department
Code Enforcement
135 S. 9th Street
Noblesville, IN 46060

and personally served on the following attorney of record:

Justin K. Guedel
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