

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

IN RE:)	CAUSE NO.
)	
WAWASEE PLAZA, LLC)	DHS-1719-FPBSC-012
)	
)	
)	

NON-FINAL ORDER OF DISMISSAL


On November 2, 2017, the parties in this matter submitted the attached Joint Motion to Dismiss the above-captioned administrative appeal.

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 November 8, 2017 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: November 2, 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
E-mail: chesmith2@dhs.in.gov

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STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

IN RE:) CAUSE NO.
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WAWASEE PLAZA, LLC) DHS-1719-FPBSC-012
)

AGREED ORDER & JOINT MOTION TO DISMISS

The parties, through counsel, respectfully request the above captioned matter be dismissed. In support of this request, the parties state the following:

1. On April 18, 2017, Respondent served Petitioner with an Inspection Report Order, citing violation of 675 IAC 12-4-11.
2. On May 03, 2017, Petitioner filed their Petition for Review concerning this violation.
3. After consideration of additional information provided by Petitioner, the parties agree to the following:

Respondent will not pursue and will rescind the change of use violation cited in the April 18, 2017 Inspection Report Order, rendering this appeal moot; and Petitioner will be required to obtain, and will obtain, a construction design release for the work in question.

WHEREFORE, the parties respectfully request this matter be dismissed.

Date: 11/2/17

Respectfully submitted,

[Signature]

Jack C. Birch

Attorney for Petitioner

[Signature]

Justin K. Guedel

Attorney for Respondent

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

Jack Birch
Birch Law Firm, LLC
101 E. Main Street, Suite A101
Syracuse, IN 46567

and personally served on the following attorney of record:

Justin K. Guedel, Esq.; Staff Attorney
Indiana Department of Homeland Security
302 W. Washington Street
Indiana Government Center South, Room E208
Indianapolis, IN 46204
jguedel@dhs.in.gov