

RECEIVED
JAN 10 2017

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

BY: CS

IN RE:) CAUSE NO.
))
MSD OF PIKE TWP.) DHS-1606-FPBSC-004
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))

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 January 29, 2016, Respondent served an Inspection Report Order on Petitioner.
2. On February 1, 2016, Petitioner filed a Petition for Review regarding certain violations contained in the Inspection Report Order.
3. At the January 4, 2017 Fire Prevention and Building Safety Commission meeting, Petitioner obtained a variance, remedying the challenged violation and rendering this appeal moot. A copy of the variance approval is attached as Exhibit A.

WHEREFORE, the parties respectfully request this matter be dismissed.

Date: 1/9/17

Respectfully submitted,

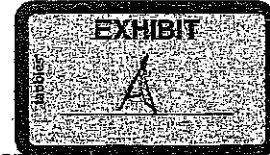
Allen Kasper
Allen Kasper
Petitioner

Justin K. Guedel 1/10/17
Justin K. Guedel
Attorney for Respondent



MICHAEL R. PENCE, Governor
 STATE OF INDIANA
 DEPARTMENT OF HOMELAND SECURITY

DAVID W. KANE, EXECUTIVE DIRECTOR
 Indiana Department of Homeland Security
 Indiana Government Center South
 302 West Washington Street
 Indianapolis, IN 46204
 317-232-3980



Allen Kasper
 MSD Pike Township
 5401 W 71ST ST

January 5, 2017

INDIANAPOLIS, IN 46268

Dear Allen Kasper,

This letter provides notice below of the action taken by the Fire Prevention and Building Safety Commission on your application(s) for a variance(s) from the Commission's rules under IC 22-13-2-11 and 675 IAC 12-5. The Commission considered the application with all alternatives offered, as a part of its published agenda, at its regular meeting on January 4, 2017.

Project Number	Project Name	Variance Number
0	Pike High School	16-11-43

Commission Conditions

Edition	Code	Code Section	Commission Action & Date
12-4-9	Maintenance of Existing Buildings and Structures	12-4-9(a)	Approved as submitted 01/04/2017

You are advised that if you desire an administrative review of this action, you must file a written petition for review at the above address with the Fire Prevention and Building Safety Commission. Your petition must fully identify the matter for which you seek review no later than eighteen (18) calendar days from the above stated date of this letter, unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours; in which case the deadline would be the first day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this action will be final.

Please be further advised that you may request an opportunity to informally discuss this matter prior to filing a petition for review. Such informal discussion, or request therefore, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone or e-mail, upon receipt of this letter.

Sincerely,



Dean Illingsworth
State Building Law Compliance Officer,
Department of Homeland Security