

STATE OF INDIANA  
BEFORE THE FIRE PREVENTION AND BUILDING  
SAFETY COMMISSION

IN RE:	)	CAUSE NO.
	)	
McCLURE OIL	)	DHS-1708-FPBSC-004
CORPORATION	)	
	)	
	)	

NON-FINAL ORDER OF DISMISSAL

On September 8, 2017, the Petitioner in this matter submitted the attached request for dismissal of the above-captioned administrative appeal. The request for dismissal states that the Petitioner obtained a variance, which has resolved the issues in this 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 October 3, 2017 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: September 11, 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](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:

Kelly and Rick McClure  
General Offices and Master Distribution Center  
Junction of Highways 35 and 37  
P.O. Box 1750  
Marion, IN 46952-8150

Jonathan Kempler  
Division Chief/Fire Marshal  
Pike Township Fire Department  
5665 Lafayette Rd., Ste. A  
Indianapolis, IN 46254

and personally served on the following attorney of record:

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

**Smith, Chelsea**

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**From:** Rick McClure <rick.mcclure@mcclureoilcorp.com>  
**Sent:** Friday, September 08, 2017 4:17 PM  
**To:** Smith, Chelsea  
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**Subject:** McClure Store #43 - Cause No. DHS-1708-FPBSC-004

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Judge Smith,

We submitted for, and received, approval of the variance requested by Pike Township Fire Department in the cause number stated above. Sam Bruner of the Pike Township Fire Department was in attendance and testified that he approved of this variance. Being that we have satisfied the complaint with a variance and expect no further action or requirements, we respectfully request dismissal of the matter. This should nullify the need for the conference call scheduled for September 20, 2017, at 2:00 PM. Please confirm the dismissal of this matter. Thank you.

*Rick*

**Rick McClure**

Executive Vice President

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