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LEGAL AND CODE
SERVICES

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

IN RE:) CAUSE NO.
)
LARK RANCH) DHS-1732-FPBSC-021
)
)
)

NON-FINAL ORDER OF DISMISSAL

Respondent, the Indiana Department of Homeland Security, performed an inspection of Petitioner, Lark Ranch, and issued an inspection report citing Petitioner for numerous building and fire code violations. Petitioner filed a petition for review of violation numbers one (1) and two (2) of that inspection report. After the initiation of the appeal, Petitioner hired an engineer to assist with applying for necessary construction design releases and variances so that Petitioner's facility will become code compliant. Petitioner no longer challenges the violations provided for in the inspection report. Petitioner's facility is only operated seasonally, and the parties further agreed that Petitioner's facility will not be open to the public until all violations have been remedied and Petitioner has obtained all necessary design releases and variances. As a result, the parties have decided jointly that this proceeding should be dismissed. See Exhibit A, the Parties' "Joint Motion to Dismiss."

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 Tuesday, June 5, 2018, at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: May 23, 2018


HON. STEPHANIE J. MULLANEY
Administrative Law Judge
Indiana Department of Homeland Security
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STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

IN RE:) CAUSE NO.
)
LARK RANCH) DHS-1732-FPASC-021
)

JOINT MOTION TO DISMISS

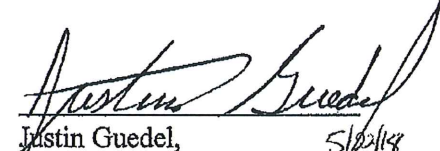
The parties respectfully request the above captioned matter be dismissed. In support of this request, the parties state the following:

- 1. On September 15, 2017, Respondent performed an inspection of Petitioner's facility and issued an inspection report order citing numerous building and fire code violations.
- 2. On September 27, 2017, Petitioner filed his petition for review of violations one (1) and two (2).
- 3. Following the initiation of this proceeding, Petitioner hired Schroeder & Associates P.C., to apply for all necessary construction design releases and variances, to bring Petitioner's facilities into code compliance.
- 4. As Petitioner's facilities are only operated seasonally and Petitioner no longer challenges the violations provided for in the inspection report delivered on September 15, 2017, the parties agree that Petitioner's facilities will not be open to the public until all violations have been remedied and the necessary design releases and variances have been issued.

WHEREFORE, the parties respectfully request this matter be dismissed.

Respectfully submitted,

Matt Lark
Matt Lark
Petitioner


Justin Guedel,
Attorney for Respondent

Date: 5/21/2018