

**STATE OF INDIANA
INDIANA DEPARTMENT OF HOMELAND SECURITY**

FINAL AGENCY AUTHORITY:
Indiana Fire Prevention and Building Safety Commission

Harold Ruth Farms LLC

Administrative Cause No. DHS-2210-002077

Petitioner,

Underlying Agency Action No. 22-06-37

v.

Columbia City/Whitley County Joint
Planning and Building Department,

Whitley County Unsafe Building Authority

Respondents.

PETITIONER'S OBJECTIONS TO NONFINAL ORDER TO DISMISS

Responding Party: Harold Ruth Farms, LLC.

COMES NOW the petitioning party, Harold Ruth Farms LLC, on its behalf by representative, Karen Hanlen, to file its Petitioner's Objections To Nonfinal Order To Dismiss For Lack of Jurisdiction and to request that the that the Indiana Fire Prevention and Building Safety Commission issue an order to deny Respondent's Motion to Dismiss for Lack of Jurisdiction, and remand this matter back to the Office of Administrative Law Proceedings to proceed with proper judicial review conforming to the statutory standards of review as required by law. In support of this request, the objecting party states as follows:

1. On September 30, 2022, Harold Ruth Farms LLC (“HRF”), filed a timely Petition for Administrative Review with the Indiana Department of Homeland Security (“DHS”), the final Agency Authority in this matter.

2. The petition went through proper channels to the Indiana Fire Prevention and Building Safety Commission (“FPBSC”) whereby on October 5, 2022, the FPBSC granted HRF’s petition for administrative review determining the petition met all requirements pursuant I.C. Section 4-21.5-3-7, then properly forwarded the petition to the Indiana Office of Administrative Law Proceedings (“OALP”) for assignment to the Commission’s administrative law judge. See Order, Exhibit A

3. October 12, 2022 OALP issued their Order for Assignment to the Honorable Judge Brian D. Hahn, Administrative Law Judge (“ALJ”) for Administrative Cause No.: DHS-2210-002077; Underlying Agency Action No. 22-06-37 for administrative review of Order to Repair Unsafe Building, 4350 North State Road 9, Columbia City, IN executed upon Petitioner September 19, 2022. See Notice, Exhibit B.

4. The Petitioner is clearly the aggrieved party in this administrative procedure seeking judicial review believing the law was improperly applied when the Whitley County Unsafe Building Authority (“WCUBA”) refused to consider the actual facts of this specific circumstance and acted in excess of their authority to force the Petitioner to repair a storm damaged roof on a building that was scheduled for demolition by prospective purchasers. Ind. Code Ann. Sec. 4-21.5-5-1 through 4-21.5-5-16 (West 1991)

5. The Order as affirmed by the WCUBA is inappropriate for this circumstance and contrary to the legislative intent of Indiana Code 36-7-9-1 (t)through I.C. 36-7-9-

28 thereby, judicial review of this unlawful order is mandatory to protect the citizen petitioner from the tyranny of a government not subject to administrative oversight.

6. Petitioner is not requesting an unlimited review, simply a review of the statutory authority intended by the legislature providing that the court shall grant relief under section 15 of this chapter when it determines that a person seeking judicial relief has been prejudiced by an agency action that is:

- (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
 - (2) contrary to constitutional right, power, privilege, or immunity;
 - (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;
 - (4) without observance of procedure required by law; or
 - (5) unsupported by substantial evidence.
- Ind. Code § 4-21.5-5-14(d).

7. The OAL proceeding is not intended to be a trial de novo, but rather the ALJ simply analyzes the record as a whole to determine whether the administrative findings are supported by substantial evidence and here ALJ Carrie Ingram was to review for the proper application of the law pursuant the enabling statutes and review the facts supporting Petitioner's contentions that the WCUBA's Order was in excess of their statutory jurisdiction, authority, or limitations, or short of statutory right and unsupported by substantial evidence without observance of procedure required by law. Ind. Code 4-21.5-5-11; Board of Trustees of the Pub. Employees' Retirement Fund of Ind. v. Miller (1988), Ind., 519 N.E.2d 732, 733.

8. Consequently, a trial court acts as an appellate court when it reviews an administrative order, however, in this instance the Petitioner was denied review requested without hearing or pleadings by the Whitley County Superior Court of their timely filed Notice of Appeal for "lack of jurisdiction." Order Exhibit C.

9. Although the trial court acts as an appellate court, this does not mean that a party's rights are not adjudicated, rather than the trial court acting as fact finder, the role of fact finder rests with ALJ Carrie Ingram. Ind. Code § 4-21.5-3-27(b).

10. In some agencies, as here, ALJ Carrie Ingram may not be the ultimate authority but instead makes proposed findings and a recommended order to the agency's ultimate authority. This, however, does not relieve the ALJ from the obligation to serve as trier of fact in an administrative hearing. Ind. Code § 4-21.5-3-27(a).

11. The ALJ Carrie Ingram in reviewing the Commission's Order, is limited to determining "whether the agency possessed jurisdiction over the subject matter, and whether the agency's decision was made pursuant to proper procedures, was based upon substantial evidence, was not arbitrary or capricious, and was not in violation of any constitutional, statutory or legal principle." Board of Tax Comm'rs v. Jewell Grain Co. (1990), Ind., 556 N.E.2d 920, 921.

12. Petitioner has an appreciation for the eloquent presentation of the findings with conclusions while admiring ALJ Carrie Ingram's dedication to research in her preparation of the Non-Final Order, however, the address of the actual issues is grossly overlooked having concentrated her entire review solely on a single unsupported Respondent motion to dismiss for lack of jurisdiction.

13. In this instance ALJ Carrie Ingram made no finding or conclusions as to whether the Commission's decision was made pursuant to proper procedures, whether the Commission's decision was based upon substantial evidence, whether the Commission's decision was not arbitrary or capricious, and whether the

Commission's decision was not in violation of any constitutional, statutory or legal principle.

14. Prior to the assignment of ALJ Carrie Ingram, (1) Petitioner submitted substantial evidence in support of the scheduled judicial review for excess of statutory jurisdiction and excess authority, (2) Petitioner testified under oath before ALJ Brian Hahn in two preconference hearings acknowledging the review process, including the statutory limits imposed, (3) Petitioner answered Respondent's only pleading with case supported statutory argument and exhibits to which Respondent did not make a Reply, and (4) Petitioner testified under oath before ALJ Brian Hahn as to the judicial journey exhausting all remedies available at law to deliver them before his bench with their timely appeals of the Whitley County Unsafe Building Authority Order with Whitley County Superior Court ("WCSC") and their Petition for Review timely filed with DHS and granted by Indiana Fire Prevention and Building Safety Commission ("FPBSC") to conduct a pure judicial review of the evidence submitted with their petition. See Order (WCSC denied for lack of jurisdiction), also See Order (FPBSC Petition for Review Granted)

15. Further Petitioner remained in patience silence for seven months knowing that the duties of ALJ Brian Hahn were guided in his role by Ind. Code 4-21.5-3-1 (t)hrough 4-21.5-3-37 which establish the procedure the ALJ is to follow and confident in the belief that ALJ Brian Hahn would not have permitted these many months to pass for the Respondent's convenience and to the detriment of Petitioner's property rights if the Court had no jurisdiction in the case before his bench.

16. More particularly, Ind. Code 4-21.5-3-27 requires ALJ Carrie Ingram to make findings of fact based on the evidence to determine the existence of the requisite jurisdictional facts requiring the ALJ to independently weigh the evidence presented at the much anticipated Review Hearing and to base recommendations exclusively on that record.

17. In this instance, ALJ Carrie Ingram waited three weeks after assignment to the Friday (May 19, 2023) before the Monday (May 22, 2023) scheduled Final Prehearing Conference to recommend dismissal for lack of jurisdiction and vacated the Prehearing Conference on the Court schedule for 137 (One hundred and Thirty-Seven Days) despite the fact that the Respondent did not submit a Reply to the Petitioner's Response to Respondent's Motion to Dismiss pursuant to Indiana Rule of Trial Procedure 12(B)(1) for lack of jurisdiction.

18. The Respondent did not submit a single brief, exhibit, or affidavit, nor even one minute of supporting testimony to support their theory of lack of jurisdiction and to dismiss judicial review without a hearing after nine months denies the Petitioner their constitutionally provided right to due process.

19. In short, the ALJ Carrie Ingram performs a duty similar to that of a trial judge sitting without a jury and ALJ Carrie Ingram is guided in her role by Ind. Code §§ 4-21.5-3-1 through 4-21.5-3-37 which establishes the procedure ALJ Carrie Ingram was to follow.

20. More particularly, Ind. Code § 4-21.5-3-27 requires the ALJ Carrie Ingram to make findings of fact based on the evidence presented at the various hearings which require her consideration of the Petitioner's Memorandum in Opposition, Petitioner's

Response to Respondent's Motion to Dismiss, and all Petitioner's submissions, exhibits, and testimony to base her recommendations exclusively on that record.

21. An example of evidence presented September 19, 2023 that required consideration for ALJ Carrie Ingram's findings and conclusions that was completely ignored is quoted from Petitioner's Memorandum in Opposition as follows:

Paragraph No. 13 For purposes of affirming the ongoing order the USBA; (Commission) must find by law, facts based on a preponderance of the evidence presented prior, but also at hearing that the subject dwelling or any part of the subject dwelling in accord IC36-7-9-4(1)to(6) is:"(1) in an impaired structural condition that makes it unsafe to a person or property; (2) a fire hazard; (3) a hazard to the public health; (4) a public nuisance; (5) dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or (6) vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance; is considered an unsafe building."

Paragraph No. 14 Clearly the limited evidence allowed to the Respondent does not come close to the bar set by the legislative intent of this Unsafe Building Ordinance as none of these alleged conditions required specifically by law at I.C. 36-7-9-4 (1) to (6) are proven to exist at the subject dwelling by a review under the standard of a "preponderance of the evidence."

Paragraph No. 15 In fact, a complete review of the total documentation filed herein provides no evidence, whatsoever, to confirm these statutory requirements have been shown by the "Complainant" or the "WCPZ" to this "Authoritative Body" sic.USBA;(Commission) to prove that even one unsafe circumstance exists at the SD due to storm roof damage.

Paragraph No. 16 IC 36-7-9-6 permits the USBA;(Commission) to rescind or issue an order that modifies the order previously issued by the WCPZ after they find these preliminary questions of fact:

Do any of the conditions of IC 36-7-9-4, Section 4, (1) through (6) actually exist and if the USBA;(Commission) finds the weatherproof tarping deem the premises "unsafe," does the qualifying documentation carry the full weight of burden of proof when compared to scientific, technical, or other specialized knowledge that would normally help this authoritative body, as the trier of fact, to understand the evidence in order to determine all facts in issue?

Is the ordered action reasonably related to the condition (specifically the weatherproof tarping) of the deemed "unsafe premises" and the nature and

use of nearby properties as required by IC 36-7-9-4 and IC 36-7-9-5 and what evidence submitted to the USBA;(Commission) proves this theory?

What exactly is the "immediate danger" the SD is posing to the life or safety of persons occupying the SD or using nearby property and what evidence submitted to the USBA;(Commission) proves this theory?

How exactly is the "immediate danger" defined as it specifically relates to the specific conditions present at the SD and what evidence submitted to the USBA;(Commission) proves this theory?

Who exactly are the persons who could or would experience "immediate danger" to their lives or safety if the Respondent did not get a new roof by October 22, 2022 and what evidence submitted to the commission proves this theory?

Where exactly are the persons located who could or would experience "immediate danger" to their lives or safety if the Respondent did not get a new roof by October 22, 2022 and what evidence submitted to the USBA;(Commission) proves this theory?

Do these persons who could or would experience "immediate danger" to their lives or safety have "clean hands" in this matter or is there a climate of unjust enrichment through retaliatory actions at play?

Has the trauma of the storm damage combined with the dwelling owner's limited success with scheduling restoration contractors created a "Then-Existing Mental, Emotional, or Physical Condition" with the tenants?

If these "then existing conditions" are found to be so, do many of the tenant's statements made with or to prospective contractors or specifically affiliates of the CCWCJPBD involve the tenant's existing state of mind (such as motive, design, intent, or plan) or emotional, sensory, or physical conditions (such as mental feeling, pain, or bodily health) need to be set aside in accord the I.C. Rules of Evidence to prove facts remembered, alleged, or believed?

Can the Commission consider the vague, generalized statements by the CCWCJPBD employees to carry the full weight of burden of proof when compared to scientific, technical, or other specialized knowledge that would normally help them, as the trier of fact, to understand the evidence or to determine a fact in issue?

Does the USBA(Commission) actually intend to allow the enforcement authority of the CCWCJPBD to exercise an extreme jurisdiction that clearly violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution, which prohibits any state from depriving any person

(including a corporation) from any property (including money) “without due process of law” to force the Respondent to restore a building that may be under consideration by the Respondent for demolition?

Has the Complainant and the CCWCJPBD presented substantial evidence to prove facts by a preponderance of the evidence to questions in paragraphs through (a) to (k) to justify an Order by this USBA(Commission) that literally abolishes the Respondent’s right to conduct the lawful business of their own property within a timetable of their own choosing without unfair or unjust governmental interference?

Paragraph No. 17 IC 36-7-9-6 permits the USBA;(Commission) to issue an order that modifies the order previously issued by the WCPZ after they find the basis of the action unfounded due to failure to answer the preliminary questions of fact as the interests of justice may require.

22. But here, ALJ Carrie Ingram appears confused regarding her function in the administrative proceeding as an examination of the ALJ Carrie Ingram’s findings reveals that ALJ Carrie Ingram may have deferred to the Commission’s initial determination by applying a reasonableness standard instead of hearing the evidence as if for the first time.

23. Several important propositions are inextricably bound to this instance which deserve special mention and the circular nature of ALJ Carrie Ingram’s findings with conclusions confuse her recommendation for dismissal for lack of jurisdiction as in the end she concludes as a matter of law that none of the four government bodies have jurisdiction.

24. First, special findings by administrative tribunals serve important and salutary goals, including: (1) restraining agency discretion to lawful channels; (2) advising the person dealing with the agency of the grounds for denying governmental license or benefit; and (3) facilitating court review, avoiding encroachment by the

courts upon legitimate agency action. See *Carlton v. Board of Zoning Appeals* (1969), 252 Ind. 56, 245 N.E.2d 337.

25. Second, ALJ Carrie Ingram, in this instance, is not the ultimate authority, therefore, her findings and nonfinal order issued pursuant to Ind. Code § 4-21.5-3-27 are tentative and not final or binding upon the FPBSC, the ultimate authority.

26. Third, Pursuant to I.C. § 4-21.5-3-28(g)(2), the FPBSC can be authorized in a second administrative proceeding to reject or modify the findings of ALJ Carrie Ingram, and make its own findings meeting the standards of section 27.

27. The statute provides the standard to be applied by the administrative law judge and the FPBSC in an administrative review proceedings as follows:

(b) The order must include, separately stated, findings of fact for all aspects of the order and Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings.

(c) Findings must be based exclusively upon the evidence of record in the proceeding and on matters officially noticed in that proceeding. Findings must be based upon the kind of evidence that is substantial and reliable. The administrative law judge's experience, technical competence, and specialized knowledge may be used in evaluating evidence. I.C. Sec. 4-21.5-3-27(b) and (c).

28. This standard makes the distinction between "ultimate facts" and "basic facts of record." and consideration of the differences between such facts to be that the one is general and more abstract, and the other is more specific and particular and the standard also calls for deference to be granted the findings.

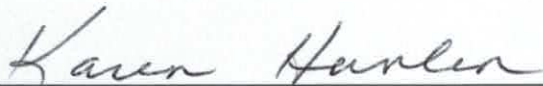
29. Because of the appearance that LJ Carrie Ingram did not perform a de novo hearing, the administrative proceeding was not in accord with the procedure required by law. As a result, pursuant to Ind. Code § 4-21.5-5-14 and § 4-21.5-5-15, would hold that where an ALJ does not conduct a de novo hearing of the evidence

presented at an administrative hearing, the aggrieved party is entitled to a new hearing before another ALJ.

30. Petitioner does hereby raise objections to the Nonfinal Order to Dismiss identifying said objections with the aforementioned statements of particularity.

WHEREAS, Petitioner prays that the Indiana Fire Prevention and Building Safety Commission issue an order to deny Respondent's Motion to Dismiss for Lack of Jurisdiction, and remand this matter back to the Office of Administrative Law Proceedings to proceed with proper judicial review conforming to the statutory standards of review as required by law.

Respectfully submitted,



Karen Hanlen
Harold Ruth Farms LLC
1120 Bonita Drive
Bosque Farms, NM 87068
Email: hancobiz@gmail.com
Fax: 877-820-8967
Cell: 505-228-6464
Land: 505-900-3873

CERTIFICATION OF SERVICE

I AFFIRM UNDER MY OATH AND THE PENALTIES OF PERJURY that the foregoing representations are true to the extent of my personal knowledge, that I have served the foregoing by email: buildingcommission@dhs.in.gov and the other parties of interest listed below on this 3rd day of June 2023.



Karen Hanlen
Harold Ruth Farms LLC
1120 Bonita Drive
Bosque Farms, NM 87068
Email: hancobiz@gmail.com

PARTIES ENTITLED TO SERVICE BY EMAIL SEPTEMBER 18, 2022:

Teresa Green
Whitley County Board of Commissioners
Unsafe Building Hearing Authority
Whitley County Government Center
220 West Van Buren Street
Columbia City, IN 87068
Email: tgreen@whitleygov.com
Phone: 260-244-2377

George A. Schrumpf
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Email: gschrumpf@whitleygov.com
Phone: 260-609-3668

Chad Banks
Whitley County Board of Commissioners
Unsafe Building Hearing Authority
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Phone: 260-244-4791

Craig W Wagner
Chief Building Inspector/Field Inspector for the Inspection Authority
Columbia City Whitley County Joint Planning and Building Department
Ph: 260-248-3111, Fx: 248-3158 (Auditor's Office)
Email: wcbuilding@whitleygov.com

Nathan Bilger
Executive Director/Enforcement Authority
Columbia City Whitley County Joint Planning and Building Department
Ph: 260-248-3112, Fx: 248-3158 (Auditor's Office)
Email: wcpplanning@whitleygov.com

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Wednesday, October 5, 2022
By Electronic Mail



Filed October 5, 2022

Karen Hanlen
Petitioner
Harold Ruth Farms
1120 Bonita Drive
Bosque Farms, NM 87068
hancobiz@gmail.com

Re: Petition for Administrative Review – Order to Repair Unsafe Building, 4350 North State Road 9, Columbia City, IN – Harold Ruth Farms

Dear Ms. Hanlen:

The Indiana Fire Prevention and Building Safety Commission (Commission) is in receipt of your electronically-filed petition for administrative review of the Order to Repair Unsafe Building, 4350 North State Road 9, Columbia City, IN, submitted on Friday, September 30, 2022. Pursuant to the requirements of Indiana Code § 4-21.5-3-7, your petition for administrative review is hereby granted by the Commission.

Your petition will now be forwarded to the Indiana Office on Administrative Law Proceedings (OALP) to be assigned to the Commission's administrative law judge. OALP or the judge will contact you directly to make arrangements for further proceedings.

Neither the Commission, its staff, any employee of the Indiana Department of Homeland Security, or the State Building Commissioner can provide legal advice, legal research, or advisory opinions on legal questions. If you are in need of such information, it is recommended that you retain the services of an attorney.

Sincerely,

A handwritten signature in black ink, appearing to read "Dustin L. Dyer".

Dustin L. Dyer, Director
Indiana Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
Indiana Government Center South, Room E-208
302 W. Washington Street
Indianapolis, IN 46204
dudyer@dhs.in.gov

EXHIBIT A



FILED: Oct 12, 2022

STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

FINAL AGENCY AUTHORITY: Fire Prevention and Building Safety
Commission

Harold Ruth Farms,

Petitioner,

v.

Department of Homeland Security,

Respondent.

Administrative Cause No.: DHS-2210-002077

**NOTICE OF APPOINTMENT OF ADMINISTRATIVE LAW JUDGE
AND ORDER SETTING INITIAL PREHEARING CONFERENCE**

On October 6, 2021, Petitioner, Harold Ruth Farms, filed a Petition for Review of an order issued by the Indiana Department of Homeland Security. The Fire Prevention and Building Safety Commission, the Ultimate Authority in this matter, granted the Petition for Review on October 6, 2021. **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 Administrative Law Judge ("ALJ"), Hon. Brian D. Hahn, has been appointed by the Office of Administrative Law Proceedings to preside over this matter.

PLEASE TAKE NOTICE the Initial Prehearing Conference will be held before ALJ Brian D. Hahn on October 27, 2021 at 10:00 am EST by conference telephone call. Please use the following information to participate in the telephonic conference: **call (877) 621-0220 and dial the access code 335342 (your passcode) to reach ALJ Hahn.** If you have any trouble dialing in or need to request an in-person format, please contact the Office of Administrative Law Proceedings at (317) 234-6689.

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.

Any Party may participate in the conference in person, by or with an attorney, or, if the Party is not an individual or is incompetent to participate, by a duly authorized representative.

Ind. Code § 4-21.5-3-15. **Attorneys representing a Party must file an appearance.** 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 parties should confer with one another prior to requesting a continuance 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 to OALP@oalp.in.gov and copy all parties involved, whenever practicable.

Default

A 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 a proceeding dismissed. Ind. Code § 4-21.5-3-18(d)(8).

Resolution of the Matter

If the Parties have reached a settlement, then the Parties may file a motion requesting that the ALJ adjust the case management schedule or dismiss the matter.

Filing

The assigned Administrative Law Judge's service information is below. The filing of a document in proceedings before the assigned Administrative Law Judge can be completed by mail, personal service, or electronic mail to:

Office of Administrative Law Proceedings
Attn: [DHS-2210-002077]
100 North Senate Ave., Room N802
Indianapolis, IN 46204
Email: OALP@Oalp.in.gov

A party shall serve copies of any filed item on all appearing attorneys and Parties. Ind. Code § 4-21.5-3-17(c). Template motions may be found at <https://www.in.gov/oalp/oalp-resources/>. Questions concerning scheduling or other procedures can be directed to (317) 234-6689 or ooplp@ooplp.in.gov.

So Ordered: October 12, 2022



Hon. Brian D. Hahn, Administrative Law Judge
Indiana Office of Administrative Law Proceedings

Distributed to the Parties:

Karen Henlon

Representative of Petitioner
Harold Ruth Farms, LLC
1120 Bonita Drive
Bosque Farms, NM 87068
Via E-Mail: hancobiz@gmail.com

Dustin Dyer

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Indiana Department of Homeland Security
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Via Email: DuDyer@dhs.in.gov

Nathan Bilger

Executive Director, Columbia City/Whitley County Joint Planning and Building Department
220 W. Van Buren St., Suite 204
Columbia City, IN 46725
Via Email: wcplanning2@whitleygov.com

STATE OF INDIANA

IN THE WHITLEY SUPERIOR COURT

COUNTY OF WHITLEY, SS:

CAUSE NO. 92D01-2209-SC-461

HAROLD RUTH FARMS, LLC
Plaintiff

v.

COLUMBIA CITY WHITLEY COUNTY
JOINT PLANNING & BUILDING DEPARTMENT.
WHITLEY COUNTY BOARD OF COMMISIONERS,
WHITLEY COUNTY UNSAFE BUILDING HEARING
AUTHORITY,
Defendant

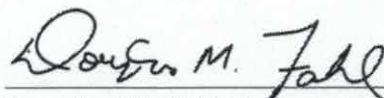
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ORDER

Plaintiff, Harold Ruth Farms LLC, files Plaintiff/Appellant/Petitioner’s Notice to Appeal Columbia City/Whitley County Joint Planning & Building Department’s Order of August 23, 2022, to Repair Unsafe Building Affirmed by the Whitley County Unsafe Building Hearing Authority by the Actions of the Whitley County Board of Commissioners, During September 19, 2022, Meeting Published on Youtube.com September 19, 2022.

The Court now dismisses Plaintiff’s claim. The basis for the dismissal is that the Whitley County Superior Court Small Claims Court does not have jurisdiction of this matter.

SO ORDERED this **October 3, 2022**



Douglas M. Fahl, Judge RH
Whitley Superior Court

Exhibit C