

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

**IN RE:** ) **CAUSE NO.**  
 )  
**WHITE COUNTY** ) **DHS-1601-FPASC-001**  
**ORDINANCE** )  
 )

**NON-FINAL ORDER OF DISMISSAL**

On March 8, 2017, the parties filed the attached Joint Motion to Dismiss requesting that the above-captioned administrative appeal be dismissed. The Joint Motion to Dismiss states that, on March 7, 2017, Petitioner notified Respondent of its intent to withdraw this appeal. The status conference set for March 8, 2017 is, therefore, cancelled.

**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 April 4, 2017 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: March 8, 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  
Fax: (317) 232-0146  
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:

Abigail A. Diener  
OBEAR OVERHOLSER HUFFER & RIDER, LLC  
102 S. Union Street  
P.O. Box 257  
Delphi, IN 46923

and personally served on the following attorney of record:

Justin Guedel, Staff Attorney  
Indiana Department of Homeland Security  
302 W. Washington Street  
Indiana Government Center South, Room W246  
Indianapolis, IN 46204

RECEIVED  
MAR 08 2017  
BY: *CS*

STATE OF INDIANA  
BEFORE THE FIRE PREVENTION AND BUILDING  
SAFETY COMMISSION

IN RE: ) CAUSE NO.  
 )  
WHITE COUNTY ) DHS-1601-FPBSC-001  
ORDINANCE )  
 )

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. At the December 1, 2015 Fire Prevention and Building Safety Commission meeting, Petitioner's Ordinance was denied.
2. On December 18, 2015, Petitioner filed their Petition for Review of this denial.
3. On March 7, 2017, Petitioner notified Respondent of their intent to withdraw this appeal.

WHEREFORE, the parties respectfully request this matter be dismissed.

Date: 3-7-17

Respectfully submitted,

*Abigail A. Diener*  
Abigail A. Diener  
Attorney for Petitioner

*Justin K. Guedel*  
Justin K. Guedel  
Attorney for Respondent

