

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

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|--------------------|---|--------------------|
| IN RE: |) | CAUSE NO. |
| |) | |
| BARTON'S DISCOUNTS |) | DHS-1721-FPBSC-014 |
| |) | |
| |) | |
| |) | |

NON-FINAL ORDER OF DISMISSAL

An initial prehearing conference was scheduled in this matter for July 26, 2017 at 2:00 p.m. (EDT). Prior to the initial prehearing conference, the Petitioner submitted the attached request to dismiss this matter, stating that the Petitioner is vacating the building that is at issue, rendering this appeal moot.

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 August 1, 2017 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: July 26, 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

A copy of the foregoing was served by U.S. Postal Service and email upon the following parties and attorneys of record:

Carrie Ballinger
RTM Consultants, Inc.
6640 Parkdale Place, Suite J
Indianapolis, IN 46254

and personally served on the following attorney of record:

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

Smith, Chelsea

From: Carrie Ballinger <ballinger@rtmconsultants.com>
Sent: Tuesday, July 25, 2017 4:21 PM
To: Smith, Chelsea
Cc: Guedel, Justin K; Sutor, Beth
Subject: RE: In re Barton's Discounts (DHS-1721-FPBSC-014)

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BY: *CS*

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Judge Smith,

We have a prehearing conference scheduled for tomorrow at 2pm. We would like to request a dismissal of this appeal. Barton's Discounts will be vacating the building in question and moving to a new location.

Please let me know if you need anything else from me in order to have this added to the agenda for dismissal.

Thank you,

Carrie Ballinger
RTM Consultants, Inc.
6640 Parkdale Place, Suite J
Indianapolis, IN 46254

Tel. (317) 329-7700 x110
Fax. (317) 329-8411

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From: Smith, Chelsea [mailto:CheSmith2@dhs.IN.gov]
Sent: Wednesday, July 05, 2017 2:11 PM
To: Carrie Ballinger <ballinger@rtmconsultants.com>
Cc: Guedel, Justin K <JGuedel@dhs.IN.gov>
Subject: In re Barton's Discounts (DHS-1721-FPBSC-014)

Ms. Ballinger,

Attached please find the Stay Order for In re Barton's Discounts (DHS-1721-FPBSC-014).

Regards,

Chelsea E. Smith | Administrative Law Judge
Indiana Department of Homeland Security
302 West Washington Street, Room E-208
Indianapolis, IN 46204
Tel: (317) 234-8917
Email: Chesmith2@dhs.in.gov
Web: www.in.gov/dhs

