

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

IN RE:)	CAUSE NO.
)	
BRANCHES BAKE HOUSE, LLC))	DHS-1731-FPBSC-020
)	
)	
)	

NON-FINAL ORDER OF DISMISSAL

On October 11, 2017, the parties in this matter submitted the attached request for dismissal of the above-captioned administrative appeal. The request for dismissal states that the Petitioner no longer wishes to pursue administrative review of this matter.

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 November 8, 2017 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: October 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

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

Susan Knapp
Branches Bake House, LLC
6508 E. Museum Blvd.
Gas City, IN 46933

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
jguedel@dhs.in.gov

Smith, Chelsea

From: Guedel, Justin K
Sent: Wednesday, October 11, 2017 9:02 AM
To: Smith, Chelsea
Cc: branchesbakehouse@gmail.com
Subject: FW: Branches Bake House Petition for Review

Judge Smith:

Please see the correspondence below. Branches Bake House is no longer pursuing their petition for review. Therefore, the Department would request that the hearing scheduled for 3:00 p.m., and this case be dismissed. If you need any additional information, please let me know.

Thank you,

Justin K. Guedel

Staff Attorney

Indiana Department of Homeland Security

302 W. Washington Street, Rm. E208

Indianapolis, IN 46204

(317) 234-9515

JGuedel@dhs.IN.gov

From: Debra Cunningham [mailto:branchesbakehouse@gmail.com]
Sent: Tuesday, October 10, 2017 7:52 PM
To: Guedel, Justin K <JGuedel@dhs.IN.gov>
Subject: Re: Branches Bake House Petition for Review

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Hello Justin!

We have met with an architect and a fire/safety company and believe the bake house will be in compliance. We are not pursuing an appeal. Thank you so much for your time!

Susan Knapp

On Tue, Oct 10, 2017 at 11:32 AM, Guedel, Justin K <JGuedel@dhs.in.gov> wrote:

Susan:

My name is Justin Guedel and I am a staff attorney for the Indiana Department of Homeland Security. I represent the Department in the administrative appeals process and I wanted to follow up with you, by email, regarding a voice message I just left you regarding the Branches Bake House petition for review. Initially, I wanted to verify whether you still would like to proceed with the appeals process or if you were attempting to come into compliance with the order that Kevin Whitesel issued. The only reason I ask is because Mr. Whitesel forwarded some emails to me that made me believe your facility was working on coming into

compliance and that the appeal process may be unnecessary. Let me know either way. I look forward to hearing back from you.

Justin K. Guedel

Staff Attorney

Indiana Department of Homeland Security

302 W. Washington Street, Rm. E208

Indianapolis, IN 46204

(317) 234-9515

JGuedel@dhs.IN.gov