

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

IN RE:) CAUSE NO.
)
ESCAPE MUNCIE) DHS-1615-FPASC-010
)

NON-FINAL ORDER OF DISMISSAL


On September 30, 2016, Petitioner, Bruce Everetts, and Respondent, by counsel, filed the attached Joint Motion to Dismiss, thereby jointly requesting that the above-captioned administrative appeal be dismissed.

The Administrative Law Judge therefore 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 1, 2016, at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: Sept 30, 2016


HON. DAVID L. CARTER
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: dacarter2@dhs.in.gov

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

Bruce Everetts
111 E. Washington
Muncie, IN 47305

and personally served on the following attorney of record:

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

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JOINT MOTION TO DISMISS

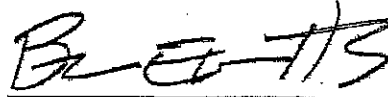
Petitioner, Bruce Everetts, and Respondent, through counsel, respectfully request the above captioned matter be dismissed. In support of this request, the parties state the following:

1. On July 11, 2016, Respondent issued an Inspection Report Order classifying Petitioner's facility, Escape Muncie, as a Special Amusement Building.
2. On August 8, 2016, Petitioner appealed the Inspection Report Order.
3. Upon obtaining additional information from Petitioner, Respondent has determined that Escape Muncie is not a Special Amusement Building, therefore, this appeal is moot.

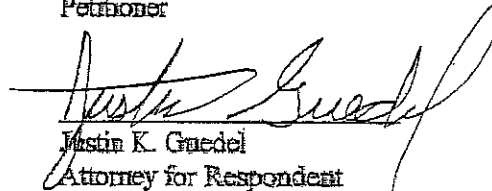
WHEREFORE, the parties respectfully requests this matter be dismissed.

Date: 9.30.16

Respectfully submitted,



Bruce Everetts
Petitioner



Justin K. Guedel
Attorney for Respondent

