

OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Administrative Cause No.: DHS-0321-000771
Underlying/State Agency Action No.: 467-664

Shipley’s Tavern,
Petitioner,

v.

Indiana Department of Homeland Security,
Respondent.

FINAL ORDER OF DISMISSAL

On March 25, 2021, the parties filed an Agreed Order and Stipulated Dismissal based on informal resolution of the issues on appeal.

The ultimate authority in this matter is the Fire Prevention and Building Safety Commission (Commission). The Commission has authorized the ALJ assigned by the Office of Administrative Law Proceedings to serve as the ultimate authority and thereby issue final orders of dismissal where the Petitioner withdraws the appeal or the parties file a joint or agreed request to dismiss the appeal. The undersigned ALJ therefore issues this final order dismissing the above captioned matter with prejudice and vacates the initial prehearing conference scheduled for April 5, 2021.

A person who wishes to seek judicial review of this final determination must file a petition for review in an appropriate court within thirty (30) days of this Order and must otherwise comply with the provisions of Ind. Code § 4-21.5-5.

So Ordered: March 26, 2021



Hon. Chelsea E. Smith, Administrative Law Judge
Indiana Office of Administrative Law Proceedings

Distributed to the Parties:

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AGREED ORDER AND STIPULATION OF DISMISSAL

The parties respectfully request this action be dismissed. In support of this request, the parties state the following:

1. On February 02, 2021, Respondent performed an inspection of Shipley's Tavern located at 322 West St. Madison, IN and issued a report of inspection detailing eight (8) violations required to be corrected by March 01, 2021.

2. On March 03, 2021, Respondent performed a reinspection of Shipley's Tavern and found that two previously cited violations had not been corrected by the correct by date and issued Petitioner a \$500 sanction.

3. On March 16, 2021, Petitioner filed their petition for review of this sanction.

4. Following the initiation of this proceeding, the parties were able to informally resolve this matter and Respondent agreed to rescind the sanction on the grounds that there was a misunderstanding regarding the purpose of the reinspection and which violations the compliance date had been extended for.

WHEREFORE, the parties respectfully request this matter be dismissed with prejudice.

Respectfully submitted,

Devon M. Sharpe

Devon Sharpe
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Justin Guedel

Justin Guedel
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Date: 3/25/21