

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

IN RE:)	CAUSE NOS.
)	
LEO TIRE & WHEEL,)	
INC. I & II)	14-21-FPBSC
)	14-22-FPBSC
)	

NON-FINAL ORDER OF DISMISSAL

On August 8, 2017, Justin Guedel, on behalf of the Respondent, the Indiana Department of Homeland Security, submitted the attached request for dismissal of the above-captioned administrative appeal. The request states that the Respondent has issued an order of compliance for both Leo Tire locations (Saint Joseph, IN and Leo, IN), fully resolving 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 September 7, 2017 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: August 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
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:

Katherine Shelby
CANTRELL STRENSKI & MEHRINGER, LLP
150 West Market Street, Suite 800
Indianapolis, IN 46204

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 E208
Indianapolis, IN 46204

Smith, Chelsea

From: Guedel, Justin K
Sent: Tuesday, August 08, 2017 12:33 PM
To: Smith, Chelsea
Cc: Katherine Shelby
Subject: RE: Status Update - Leo Tire & Wheel, Inc. I & II
Attachments: BU1027 LEO TIRE AND WHEEL 2017.pdf; BU23519 LEO TIRE ST JOE.PDF

Judge Smith:

On July 31st, 2017, a complied order was served upon Petitioner for the Leo location. See attached. A copy of the complied order issued on July 10, 2017, for the St. Joe location, has been attached as well. As no violations remain, this appeal is now moot and the Department would request that a non-final order of dismissal be entered to close this case.

Respectfully,
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: Smith, Chelsea
Sent: Tuesday, July 11, 2017 1:52 PM
To: Guedel, Justin K <JGuedel@dhs.IN.gov>
Cc: Katherine Shelby <KShelby@csmlawfirm.com>
Subject: RE: Status Update - Leo Tire & Wheel, Inc. I & II

Mr. Guedel,

Thank you very much for the update.

Best regards,

Chelsea E. Smith
Indiana Department of Homeland Security

From: Guedel, Justin K
Sent: Tuesday, July 11, 2017 11:34 AM
To: Smith, Chelsea <CheSmith2@dhs.IN.gov>
Cc: Katherine Shelby <KShelby@csmlawfirm.com>
Subject: Status Update - Leo Tire & Wheel, inc. I & II

Judge Smith:

Per the Report on Status Conference issued on June 14, 2017, I wanted to provide an update regarding the status of this case. On July 10th, 2017, one of the Department's inspectors returned to Petitioner's facilities and found that all remaining violations at the St. Joe location had been resolved, and the Department will be issuing a complied order to Petitioner, today, regarding this facility. However, the one remaining violation at the Leo location has not been resolved, yet, but should be in the near future. At this time the Department, desires to continue to move toward informal resolution of this matter and will update the court of all progress.

Respectfully,

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



**FIRE AND BUILDING
CODE ENFORCEMENT
INSPECTION REPORT
ORDER**

DIVISION OF FIRE AND BUILDING SAFETY
INDIANA DEPARTMENT OF HOMELAND SECURITY
302 WEST WASHINGTON STREET, RM E241
INDIANAPOLIS, IN 46204
TELEPHONE: 317-232-2222
WEB ADDRESS: WWW.IN.GOV/DHS

Identification Number BU23519	Name of the facility LEO TIRE & WHEEL INC	County DEKALB
Address of Property 100 W WASHINGTON ST SAINT JOE 46785	Name of the Contact TIMOTHY MEYERS	Telephone Number
Email sherrymyersfw@gmail.com		Inspection Date 07/10/2017
Inspection Category BUSINESS/MANUFACTURING	Inspection Type REINSPECTION	Inspection Status: COMPLIED
Name of the inspector KEVIN WHITESEL		Phone: 3174173718
Email: kwhitesel@dhs.in.gov		

Facility Id BU23519	Received By Name	Signature and Date
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APPEAL RIGHTS

Please be advised that if you desire administrative review of this Order and **this Order was delivered by hand**, you must file a written petition for review with the Fire Prevention and Building Safety Commission at 302 West Washington Street, Rm. W246, Indianapolis, IN 46204, identifying the violations for which you seek review no later than 15 calendar days from the hand delivery date of this Order unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the first calendar day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this Order will be **FINAL** and you **MUST** comply with its requirements.

Please be advised that if you desire administrative review of **this Order and this Order was delivered by first class U.S. mail**, you must file a written petition for review with the Fire Prevention and Building Safety Commission at 302 West Washington Street, Rm. W246, Indianapolis, IN 46204, identifying the violations for which you seek review no later than 18 calendar days from the mailing date of this Order unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the first calendar day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this Order will be **FINAL** and you **MUST** comply with its requirements.

Please be further advised that you may request an opportunity to informally discuss this Order prior to filing a petition for review. Such informal discussion, or a request therefor, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone, upon receipt of this Order.



**FIRE AND BUILDING
CODE ENFORCEMENT
INSPECTION REPORT
ORDER**

DIVISION OF FIRE AND BUILDING SAFETY
INDIANA DEPARTMENT OF HOMELAND SECURITY
302 WEST WASHINGTON STREET, RM E241
INDIANAPOLIS, IN 46204
TELEPHONE: 317-232-2222
WEB ADDRESS: WWW.IN.GOV/DHS

Identification Number BU1027	Name of the facility LEO TIRE & WHEEL INC	County ALLEN
Address of Property 14518 LEO RD LEO 46765	Name of the Contact TIMOTHY MEYERS	Telephone Number
Email		Inspection Date 07/31/2017
Inspection Category BUSINESS/MANUFACTURING	Inspection Type REINSPECTION	Inspection Status: COMPLIED
Name of the inspector KEVIN WHITESEL		Phone: 3174173718
Email: kwhitesel@dhs.in.gov		

Facility Id BU1027	Received By Name	Signature and Date
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