



STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

IN RE:) CAUSE NO.
)
ALVA ELECTRIC, INC.) DHS-1814-FPBSC-013
)
)

NON-FINAL ORDER OF DISMISSAL

On February 14, 2019, the parties submitted the attached Joint Motion to Dismiss. **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 Ind. Code § 4-21.5-3-29(c). **This order will be considered by the Commission on March 5, 2019 at 9:00 a.m. (EST), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: February 18, 2019


HON. CHELSEA E. SMITH
Administrative Law Judge
Indiana Department of Homeland Security
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Indiana Government Center South, Rm E208
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STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

30 FEB 14 2019
BY: *CS*

IN RE:) CAUSE NO.
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ALVA ELECTRIC, INC.) DHS-1814-FPBSC-013
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JOINT MOTION TO DISMISS

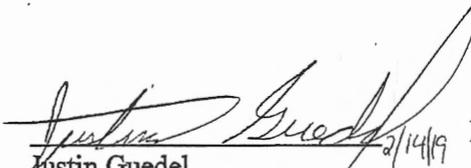
The parties respectfully request the above captioned matter be dismissed. In support of this request, the parties state the following:

1. On July 30th, 2018, Respondent performed an inspection of a facility located at 10701 Petersburg Road, Evansville, IN (the "Facility") and issued an inspection report citing 13 violations.
2. On August 30th, 2018, Respondent performed a re-inspection of the Facility and issued a re-inspection report notating that 4 of the original 13 violations still remained.
3. On September 14, 2018, Petitioner filed their petition for review of section 300.10 of the 2009 Indiana Electrical Code.
4. In an attempt to informally resolve this matter, Petitioner filed an application for a variance from section 300.10 of the 2009 Indiana Electrical Code.
5. On February 5th, 2019, the Fire Prevention and Building Safety Commission granted Petitioner's variance request, rendering this review moot.

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

Respectfully submitted,

/s/Mark Smith
Mark Smith
Petitioner


Justin Guedel
Justin Guedel
Attorney for Respondent

Date: 02-13-2019

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

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and personally served on the following attorney of record:

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