

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

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MAY 30 2018
LEGAL AND CODE
SERVICES

IN RE:) CAUSE NO.
)
BEACH TIKI BAR &) DHS-1725-FPBSC-018
& GRILL, INC.)
)
)

NON-FINAL ORDER OF DISMISSAL

Respondent, the Indiana Department of Homeland Security, performed an inspection of Petitioner, Beach Tiki Bar & Grill, Inc., on July 25, 2017, and issued an inspection report citing Petitioner for building and fire code violations. On August 2, 2017, Petitioner filed a petition for review of the violations in that inspection report. Following initiation of this appeal, Petitioner obtained a variance from the Fire Prevention and Building Safety Commission at the May 1, 2018, meeting, which rendered this petition for review moot. As a result, the parties have decided jointly that this proceeding should be dismissed. See Exhibit A, the Parties' "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 Indiana Code § 4-21.5-3-29(c). **This order will be considered by the Commission on Tuesday, July 3, 2018, at 9:00 (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: May 29, 2018


HON. JODI KATHRYN STEIN
Administrative Law Judge
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STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

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BEACH TIKI BAR &)	DHS-1725-FPBSC-018
GRILL, INC.)	
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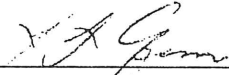
JOINT MOTION TO DISMISS

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

1. On July 25, 2017, Respondent performed an inspection of Petitioner's facility and issued an inspection report order citing numerous building and fire code violations.
2. On August 2, 2017, Petitioner filed his petition for review of the requirement to install a sprinkler system on the second floor.
3. Following the initiation of this proceeding, Petitioner obtained a variance from the Fire Prevention and Building Safety Commission at the May 1, 2018 meeting rendering this petition for review moot.

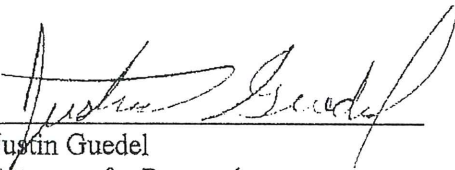
WHEREFORE, the parties respectfully request this matter be dismissed.

Respectfully submitted,



Louis Caperton
Petitioner

Date: 5-21-18



Justin Guedel
Attorney for Respondent

Date: 5/24/2018

