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STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

IN RE:) CAUSE NO.
)
BROOKVILLE PARK 52) DHS-1734-FPBSC-023
)
)

NON-FINAL ORDER OF DISMISSAL

On June 13, 2018, the parties submitted the attached request for dismissal. **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 July 3, 2018 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: June 13, 2018



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

Smith, Chelsea

From: Gordon, Courtney <Courtney.Gordon@indy.gov>
Sent: Wednesday, June 13, 2018 9:14 AM
To: Smith, Chelsea; Roger Curry
Subject: Re: In re Brookville Park 52 (Cause No. DHS-1734-FPBSC-023)

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IFD is in agreement. Thanks

Courtney Gordon
Battalion Chief-Fire Marshal
Indianapolis Fire Department
Fire & Life Safety Division
955 Fort Wayne Avenue
Indianapolis, Indiana 46202
Phone: 317-327-6097
Fax: 317-327-6072
Courtney.Gordon@indy.gov

From: Smith, Chelsea <CheSmith2@dhs.IN.gov>
Sent: Wednesday, June 13, 2018 9:13:02 AM
To: Roger Curry; Gordon, Courtney
Subject: RE: In re Brookville Park 52 (Cause No. DHS-1734-FPBSC-023)

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Thank you for your prompt response, Mr. Curry. As the case is resolved, I will go ahead and issue a Non-final Order of Dismissal and the status conference set for today at 10:00 a.m. is hereby **vacated**.

Best regards,

Chelsea E. Smith | Administrative Law Judge
Indiana Department of Homeland Security
302 West Washington Street, Room E-208
Indianapolis, IN 46204
Tel: (317) 234-8917
Email: Chesmith2@dhs.in.gov
Web: www.in.gov/dhs

From: Roger Curry [mailto:rogerscurry@att.net]
Sent: Wednesday, June 13, 2018 9:09 AM
To: Smith, Chelsea <CheSmith2@dhs.IN.gov>; 'Gordon, Courtney' <Courtney.Gordon@indy.gov>
Subject: RE: In re Brookville Park 52 (Cause No. DHS-1734-FPBSC-023)

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Hello Judge,

Yes, the case has been resolved. We completed the work requested and the fire marshall did conduct a recent inspection and passed the facility.

I was going to ask on the call for dismissal on the grounds that we have abated what was a disputed violation and will do so now in this email.

Thanks,

Roger Curry

From: Smith, Chelsea <CheSmith2@dhs.IN.gov>
Sent: Wednesday, June 13, 2018 8:53 AM
To: rogerscurry@att.net; Gordon, Courtney <Courtney.Gordon@indy.gov>
Subject: In re Brookville Park 52 (Cause No. DHS-1734-FPBSC-023)
Importance: High

Good morning,

As you are both aware, I previously scheduled a status conference for this case, which is set for today at 10:00 a.m. In preparation for the status conference, I reviewed the file to catch up on anything I had missed while I was out. It appears that Mr. Curry advised ALJ White on March 22nd that an informal resolution had been reached but did not request dismissal of the case, so ALJ Gordon did not issue a dismissal. **Therefore, before I get everyone on the phone, I'd like to ask if this case has been resolved and, if so, whether the parties wish to request dismissal. If not, we will meet as scheduled.** Please let me know as soon as possible.

Best regards,

Chelsea E. Smith | Administrative Law Judge
Indiana Department of Homeland Security
302 West Washington Street, Room E-208
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Tel: (317) 234-8917
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A copy of the foregoing was served by U.S. Postal Service upon the following parties and attorneys of record:

Roger Curry
Brookville P-52 LLC
4865 Graham Road
Whiteland, IN 46148

Chief Courtney Gordon
Indianapolis Fire Department
955 N. Fort Wayne Avenue
Indianapolis, IN 46202

and personally served on the following attorney of record:

Justin K. Guedel, Staff Attorney
Indiana Department of Homeland Security
302 W. Washington Street
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