

OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Administrative Cause No.: DHS-0820-000383

Underlying/State Agency Action No.: 474372

The Crystal Coop,
Petitioner,

v.

Indiana Department of Homeland Security,
Respondent.

NON-FINAL ORDER OF DISMISSAL

On January 19, 2021, the parties filed a Stipulated Dismissal and Agreed Order in the above-captioned matter. Based on the agreement and request of the parties, the undersigned Administrative Law Judge issues 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 the objection with the Commission within fifteen (15) days after the service of this order. The objection must be in writing and must identify the basis for the objection with reasonable particularity.

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). **The Commission will consider this Non-Final Order of Dismissal on February 2, 2021 at 9:00 a.m.** at the Indiana State Library, Room 211, 315 W. Ohio Street, Indianapolis, IN 46202. If the Commission’s meeting must be conducted electronically/remotely due to the ongoing COVID-19 public health emergency, details will be provided on the Commission’s main web page (<http://www.in.gov/dhs/2375.htm>) in advance of the meeting date.

So Ordered: January 20, 2021



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

Distributed to 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 July 27, 2020, Respondent issued a notice of violations to Petitioner for performing construction without a construction design release.
2. On August 06, 2020, Petitioner filed their petition for review of this violation.
3. Following the initiation of this proceeding, the parties were able to informally resolve this matter and agreed to the following:

Petitioner agrees to:

- (1) file their application for a construction design release by December 31, 2020;
- (2) obtain their construction design release by January 31, 2021;
- (3) complete any required construction and make any necessary improvements to the property to come into conformance with the building and fire safety rules for the appropriate occupancy classification of this assembly space by March 2, 2021 or obtain a variance for such by this date; and
- (4) implement an approved fire watch at any time the structure is used for assembly purposes until items (1) through (3) have all been accomplished.

Respondent agrees to refrain from the issuance of any civil penalties so long as these conditions are complied with.

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

Respectfully submitted,

Cheree Cooper-Fillmore

Cheree Cooper-Fillmore
Petitioner

Justin Guedel

Justin Guedel
Attorney for Respondent

Date: 1/6/21

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