

STATE OF INDIANA

DEPARTMENT OF HOMELAND SECURITY

IN THE MATTER OF:)

JOURNEY SENIOR LIVING)
OF VALPARAISO)

Cause No. DHS-1907-FPBSC-007

NON-FINAL ORDER OF DISMISSAL

On June 28, 2019, the Indiana Department of Homeland Security (“IDHS”), by counsel, notified the Administrative Law Judge (“ALJ”) that the parties have agreed to dismiss this matter, as the violation that was the subject of the appeal has been designated “complied” by the IDHS.

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 (“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 at the IDHS 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).

So hereby ORDERED this 23rd day of July, 2019.

/s/ Donna Sembroski
Donna Sembroski
Administrative Law Judge



Certificate of Service

I certify that on July 23, 2019, I have served the foregoing Non-Final Order of Dismissal on the following persons in the methods noted below:

/s/ Donna Sembroski
Donna Sembroski

Service by email:

Justin Guedel, Staff Attorney
Indiana Department of Homeland Security
302 W. Washington St., Room E208
Indianapolis, IN 46204
jguedel@dhs.in.gov

Melissa Green
Journey Senior Living of Valparaiso
74 E. Journey Way
Valparaiso, IN 46383
melissa@jsl-v.com

Edwin A. Gausselin, Esq.
Executive Vice President & General Counsel
Argent Group, Inc.
730 W. Randolph Street, Suite 500
Chicago, IL 60661
egausselin@argentgrp.com

From: [Guedel, Justin K](#)
To: [Boyle, Douglas J \(DHS\)](#); [Ash, Kathleen](#)
Subject: FW: Journey Senior Living of Valparaiso - Indiana DHS petition for review
Date: Tuesday, July 23, 2019 3:41:15 PM
Attachments: [image002.png](#)
[image003.png](#)
[Journey Senior Living of Valparaiso Dismissal.pdf](#)

From: Sembroski, Donna [mailto:Donna.Sembroski@atg.in.gov]
Sent: Tuesday, July 23, 2019 3:17 PM
To: Ed Gausselein <Egausselin@argentgrp.com>; Guedel, Justin K <JGuedel@dhs.IN.gov>; melissa@jsl-v.com
Cc: Skarbeck, Molly <Molly.Skarbeck@atg.in.gov>
Subject: RE: Journey Senior Living of Valparaiso - Indiana DHS petition for review

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

All,

The recommended dismissal order is attached.

Donna Stolz Sembroski
Deputy Attorney General
Office of Attorney General Curtis Hill
302 West Washington Street
IGCS-5th Floor
Indianapolis, IN 46204
p: 317.234.3794 | f: 317.232.7979
donna.sembroski@atg.in.gov



From: Ed Gausselein [mailto:Egausselin@argentgrp.com]
Sent: Friday, June 28, 2019 1:37 PM
To: Sembroski, Donna <Donna.Sembroski@atg.in.gov>; Guedel, Justin K <JGuedel@dhs.IN.gov>; melissa@jsl-v.com
Cc: Skarbeck, Molly <Molly.Skarbeck@atg.in.gov>
Subject: Re: Journey Senior Living of Valparaiso - Indiana DHS petition for review

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Thank you everyone. Have a nice weekend!

Ed

Edwin A. Gaussein
General Counsel
The Argent Group, Inc.
730 W. Randolph St., Suite 500
Chicago, IL 60661
egausselin@argentgrp.com
708-774-7149

From: "Sembroski, Donna" <donna.sembroski@atg.in.gov>
Date: Friday, June 28, 2019 at 11:51 AM
To: "Guedel, Justin K" <JGuedel@dhs.IN.gov>, "melissa@jvl-v.com" <melissa@jvl-v.com>, Ed Gaussein <Egausselin@argentgrp.com>
Cc: "Skarbeck, Molly" <Molly.Skarbeck@atg.in.gov>
Subject: RE: Journey Senior Living of Valparaiso - Indiana DHS petition for review

Thank you for the information. I will issue a recommended dismissal order.

Donna Stolz Sembroski
Deputy Attorney General
Office of Attorney General Curtis Hill
302 West Washington Street
IGCS-5th Floor
Indianapolis, IN 46204
p: 317.234.3794 | f: 317.232.7979
donna.sembroski@atg.in.gov



From: Guedel, Justin K [<mailto:JGuedel@dhs.IN.gov>]
Sent: Friday, June 28, 2019 11:35 AM
To: Sembroski, Donna <Donna.Sembroski@atg.in.gov>; melissa@jvl-v.com;

egausselin@argentgrp.com

Cc: Skarbeck, Molly <Molly.Skarbeck@atg.in.gov>

Subject: RE: Journey Senior Living of Valparaiso - Indiana DHS petition for review

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ALJ Sembroski:

The parties would ask that this case be dismissed. The violation that was the subject of this review has been "complied" by the Department. See the attached Compliance Order.

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: Sembroski, Donna [<mailto:Donna.Sembroski@atg.in.gov>]

Sent: Wednesday, June 12, 2019 11:27 AM

To: Guedel, Justin K <JGuedel@dhs.IN.gov>; melissa@jvl-v.com; egausselin@argentgrp.com

Cc: Skarbeck, Molly <Molly.Skarbeck@atg.in.gov>

Subject: Journey Senior Living of Valparaiso - Indiana DHS petition for review

****** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ******

Mr. Guedel, Ms. Green, and Mr. Gaussein,

I have been appointed the administrative law judge in this matter. The Notice of Appointment is attached, and hard copies are being mailed.

Donna Stolz Sembroski
Deputy Attorney General
Office of Attorney General Curtis Hill
302 West Washington Street
IGCS-5th Floor
Indianapolis, IN 46204
p: 317.234.3794 |f: 317.232.7979
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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 LT14043	Name of the facility JOURNEY SENIOR LIVING OF VALPO	County PORTER
Address of Property 74 E JOURNEY WAY VALPARAISO 46383	Name of the Contact MELISSA GREEN	Telephone Number (219) 707-8474
Email melissa@jsl-v.com		Inspection Date 06/28/2019
Inspection Category HEALTHCARE FACILITY	Inspection Type REINSPECTION	Inspection Status: COMPLIED
Name of the inspector Email: rlute@dhs.in.gov	RICHARD (ZACH) LUTE	Phone: 3174179715

Inspection Notes:

Complied due to appeal and ruling via Staff Attorney Justin Gudel.

Facility Id LT14043	Received By Name	Signature and Date
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If you are receiving this notice, property that you own or have control over has been inspected by the Indiana Department of Homeland Security (Department). Depending on the outcome of this inspection, alleged violations may have been found. If violations were found, the below information describes what this notice means and how to request review of the violations contained in this report.

NOTICE OF VIOLATIONS

This report is to notify you that violations are believed to exist on your property. However, if you enter into a corrective plan and correct these violations by the correction date provided in this report, no enforcement actions or sanctions will commence. If you fail to enter into a corrective plan, the Department will move forward with enforcement of this order and the imposition of sanctions.

If you would like to enter into a corrective plan, sign and return this notice to your inspector within five (5) days of receiving this report.

Terms of corrective plan:

1. I agree to correct the violations contained on this report by the date provided.
2. I understand my failure to correct these violations by the correction date will result in the enforcement of this report and sanctions, including but not limited to, a fine of up to \$250 per day per violation.
3. I understand no extensions of time are permitted unless they are granted in writing by Department.
4. I understand that entering into this corrective plan is not an admission that a violation has occurred.
5. I agree to protect the safety and property of other persons as outlined by the Department while corrections are underway.
6. I agree to notify the Department, by the compliance date, that all violations have been corrected, and I am aware that my failure to do so may result in sanctions being ordered.
7. I understand that in order for the Department to determine compliance, an additional inspection may be performed and the Department must notify me of the determination of my compliance within thirty (30) days following the earlier of: (a) the correction date contained in this report; or (b) the date the Department is provided notice that the violations have been corrected.

Printed Name: _____ Signature: _____

If you choose not to enter into a corrective plan and would like to request **informal review** of this report, please complete the informal review form located at <https://www.in.gov/dhs/appeals.htm>. Following the receipt of this form, the Department may modify or reverse the report, and will attempt to respond to your request within five (5) business days, however, a request for an informal review does not extend the deadline for filing a petition for review. Additionally, if you have any questions regarding this report, you may contact that Department at (317)

232-2222.

If you do not enter into a corrective plan or receive a determination modifying or reversing this report, the requirements of this report are effective fifteen (15) days after service and must be complied with until such time that: (1) this order is overturned on review; (2) an administrative law judge issues a stay of enforcement; or (3) the Department consents to the request for stay in writing.

If you desire a formal administrative review of these violations, you must comply with the requirement of Indiana Code IC 4-21.5-3-7 and file a written petition for review within fifteen (15) days after receiving notice of these violations. Your petition for review must state facts demonstrating that you are: (1) a person to whom the order is specifically directed; (2) aggrieved or adversely affected by the order; or (3) entitled to review under any law. You may submit your petition by the following methods:

U.S. MAIL OR PERSONAL SERVICE

Indiana Department of Homeland Security
Fire Prevention and Building Safety Commission
c/o Legal Counsel
302 W. Washington Street, Rm. E208
Indianapolis, IN 46204

ONLINE

By completing the form at
<https://www.in.gov/dhs/appeals.htm>

For additional information about the administrative review process and applicable templates that may be used for filings, visit the following link <https://www.in.gov/dhs/appeals.htm>.