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By Douglas J. Boyle at 4:31 pm, Dec 17, 2018

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

IN RE:) CAUSE NO.
)
PORTER-STARKE SERVICES) DHS-1817-FPBSC-016
)
)

NON-FINAL ORDER OF DISMISSAL

On December 14, 2018, 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 January 3, 2019 at 9:00 a.m. (EST), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: December 17, 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

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STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

IN RE:) CAUSE NO.
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PORTER-STARKE SERVICES) DHS-1817-FPBSC-016
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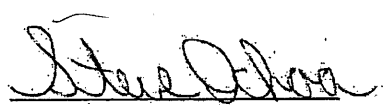
JOINT MOTION TO DISMISS

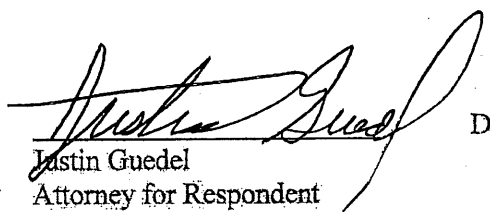
The parties respectfully request the above captioned matter be dismissed. In support of this request, the parties state the following:

1. On October 11, 2018, Respondent performed an inspection of elevator number 38707 and issued a report of inspection citing four code violations.
2. On October 25, 2018, Petitioner filed their petition for review of violation number 2 of the October 11, 2018 report of inspection.
3. Upon further review, Respondent complied violation number 2, rendering this review moot.

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

Respectfully submitted,


Steve Ochoa
Petitioner


Justin Guedel
Attorney for Respondent

Date: 12/14/18

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

Steve Ochoa
Porter-Starke Services
701 Wall Street
Valparaiso, IN 46383

and personally served on the following attorney of record:

Justin K. Guedel
Indiana Department of Homeland Security
302 W. Washington Street
Indiana Government Center South, Room E208
Indianapolis, IN 46204
(317) 234-9515
jguedel@dhs.in.gov