

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

IN RE:) ADMINISTRATIVE CAUSE NO.
)
TIPPY CREEK WINERY.) DHS-1818-FPBSC-017
)

ALJ'S RECOMMENDED ORDER OF DISMISSAL

This matter was opened on a petition for review of denied Variance No. 18-10-02, which was denied by the Fire Prevention and Building Safety Commission (Commission) at its regular meeting on November 7, 2018. The petition for review was initially assigned to ALJ Chelsea Smith, and then transferred to the undersigned as substitute ALJ.

On May 14, 2019, the petitioner, by counsel, filed a motion to withdraw its petition for review, stating that the issues forming the basis of the appeal have been resolved. Respondent has no objection to the petition to withdraw. Given that the petitioner has moved to withdraw its petition, it is RECOMMENDED THAT THIS MATTER BE DISMISSED.

The undersigned has not been designated as the ultimate authority of the Commission, and therefore this is a recommended, non-final order issued pursuant to Indiana Code § 4-21.5-3-29.

DATE: May 15, 2019



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**NOTICE OF RIGHT TO OBJECT TO THE ALJ'S RECOMMENDED,
NON-FINAL ORDER**

The ALJ which issued this recommended order is not the ultimate authority of the Commission, and this is not the final order of the Commission. Pursuant to Indiana Code § 4-21.5-3-29, the ultimate authority of the Commission, or its designee, shall issue a final order affirming, modifying, or dissolving the ALJ's recommended order. The Commission ultimate authority or its designee may also remand the matter, with or without instructions, to the ALJ for further proceedings.

To preserve an objection to the ALJ's recommended order for judicial review, you must not be in default under Indiana Code § 4-21.5-3, and must object to the ALJ's recommended order in writing by: (1) identifying the basis of the objection with particularity; and (2) file the objection with the Commission within (18) days after the order is served on you. If the 18th day falls on a Saturday, Sunday, legal holiday, or a day the Commission's officers are closed, then the deadline for your objection would be the first day thereafter that is not a Saturday, Sunday, legal holiday, or day that the Commission's office is closed.

In the absence of an objection, the Commission will affirm the ALJ's recommended order as its final order, or will serve notice of its intent to review any issue related to the ALJ's recommended order.

DISTRIBUTION:

A copy of the foregoing was served to the following persons on the 15th day of May, 2019 via email and USPS:

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