

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

IN RE:) CAUSE NO.
) DHS-1915-FPBSC-015
THE BROWN BOWL) Inspection Report
) Identification No. AE3813555

NON-FINAL ORDER OF DISMISSAL

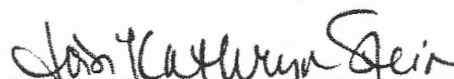
This matter is pending on The Brown Bowl's request for hearing (petition for review) of the IDHS Inspection Report Order Identification Number AE3813555. The parties have informally resolved this appeal and have submitted the attached "Agreed Order Joint Motion to Dismiss" (Exhibit A).

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 Indiana Code § 4-21.5-3-29(c). This order will be considered by the Commission on Thursday, November 7, 2019, at 9:00 (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.

Date: October 9, 2019



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**STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION**

IN RE:)	CAUSE NO.
)	
THE BROWN BOWL)	Inspection Report
)	Identification No. AE3813555
)	

**AGREED ORDER
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 August 20, 2019, Respondent performed an inspection of Petitioner's facility and issued an inspection report order citing 5 code violations that were required to be corrected by Petitioner.

2. On August 30, 2019, Petitioner filed their petition for review of violations 2 and 4 of the August 20, 2019 inspection report order.

3. During the pendency of these proceedings, the parties were able to informally resolve this dispute and came to the following agreements and understandings:

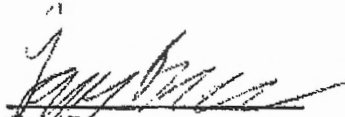
- a. Violation number 2 of the August 20, 2019 inspection report order will be complied on the following conditions:
 - i. The "Fry Daddy" appliance is removed; and
 - ii. No raw fatty proteins of any type are cooked on the conveyor type pizza oven.
- b. Violation number 4 of the August 20, 2019 inspection report will be complied on the following condition:
 - i. The platform is not used for any live entertainment or performances.
- c. Any finding of noncompliance with the above conditions may result in immediate sanctions.
- d. In addition to the conditions mentioned above, Petitioner must comply with all applicable building and fire safety laws. This agreement is not intended to waive any applicable code requirements, but is merely intended to address the facts and circumstances that led to the issuance of the violations under review. Any change

Exhibit A

in circumstance, that occurs following the issuance of the inspection report order, may result in the continued enforcement of the violations under review.

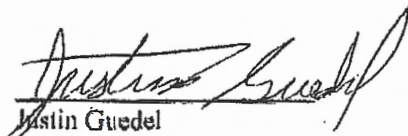
WHEREFORE, the parties respectfully request this matter be dismissed with prejudice.

Respectfully submitted,



Gary Brown
Petitioner

Date: 10/7/2019



Justin Guedel
Attorney for Respondent

Date: 10/8/2019