

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

<b>IN RE:</b>	)	<b>CAUSE NO.</b>
	)	
<b>WILDLIFE IN NEED, INC.</b>	)	<b>DHS-1710-FPBSC-005</b>
	)	
	)	
	)	

**NON-FINAL ORDER OF DISMISSAL**

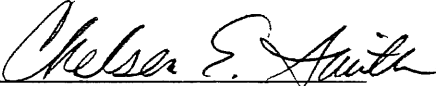
On September 27, 2017, the parties in this matter submitted the attached request for dismissal of the above-captioned administrative appeal. The request for dismissal states that the Petitioner obtained a Construction Design Release, which has resolved the issues in this appeal.

**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 November 8, 2017 at 9:00 a.m. (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: October 2, 2017

  
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](mailto:chesmith2@dhs.in.gov)

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

Melissa Stark  
Wildlife in Need, Inc.  
3320 Jack Teeple Road  
Charlestown, IN 47111

and personally served on the following attorney of record:

Justin Guedel  
Indiana Department of Homeland Security  
302 W. Washington Street  
Indiana Government Center South, Room E208  
Indianapolis, IN 46204

## Smith, Chelsea

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**From:** Guedel, Justin K  
**Sent:** Wednesday, September 27, 2017 12:47 PM  
**To:** Smith, Chelsea  
**Cc:** wildlifeinneed@aol.com  
**Subject:** Wildlife In Need, Inc.  
**Attachments:** CDR.pdf; Joint Motion to Dismiss1.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Judge Smith:

The parties respectfully request that this case be dismissed as the issues are now moot. The attached motion was agreed to by the parties, over the phone, on September 27, 2017. If you need any additional information, please do not hesitate to let me know.

Respectfully

**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](mailto:JGuedel@dhs.IN.gov)

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

<b>IN RE:</b>	)	<b>CAUSE NO.</b>
	)	
<b>WILDLIFE IN NEED, INC.</b>	)	<b>DHS-1710-FPBSC-005</b>
	)	

**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 February 23, 2017, Respondent denied Petitioner's application for a Construction Design Release.
2. On March 10, 2017, Petitioner appealed the denial.
3. On September 05, 2017, Petitioner obtained a Construction Design Release rendering this appeal moot. Attached to this motion is a copy of the Construction Design Release.

WHEREFORE, the parties respectfully request this matter be dismissed.

ELECTRONICALLY FILE YOUR PROJECT WITH STATE OF INDIANA at <http://www.in.gov/dhs/2650.htm>.

This on-line filing is through a secure site, you can use it to submit your project information, pay the fees and upload your project plans.

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## CONSTRUCTION DESIGN RELEASE

State Form 41191 (R9/5-98)

Report Printed on: September 18, 2017

Indiana Department of Homeland Security  
DIVISION OF FIRE & BUILDING SAFETY  
PLAN REVIEW DIVISION  
402 W. Washington St., Room E245  
Indianapolis, IN 46204



Available At Your Local Licence Branch  
SUPPORT HOOSIER SAFETY

To: Owner / Architect / Engineer  
Bob Isgrigg & Associates  
Robert Lee Isgrigg PE60016346  
518 E Court Ave  
Jeffersonville IN 47130

Project number 394086		Release date 09/05/17
Construction type V-B	Occupancy classification A-3, REM	
Scope of release ARCH STR		
Type of release Standard		
Project name Wildlife in Need		
Street address 3320 Jack Teeple Rd.		
City CHARLESTOWN	County CLARK	

Fax & e-mail: 8122851012, [isgrigg@aye.net](mailto:isgrigg@aye.net)

The plans, specifications and application submitted for the above referenced project have been reviewed for compliance with the applicable rules of the Fire Prevention and Building Safety Commission. The project is released for construction subject to, but not necessarily limited to, the conditions listed below. THIS IS NOT A BUILDING PERMIT. All required local permits and licenses must be obtained prior to beginning construction work. All construction work must be in full compliance with all applicable State rules. Any changes in the released plans and/or specifications must be filed with and released by this Office before any work is altered. This release may be suspended or revoked if it is determined to be issued in error, in violation of any rules of the Commission or if it is based on incorrect or insufficient information. This release shall expire by limitation and become null and void, if the work authorized is not commenced within one (1) year from the above date.

**CONDITIONS:**

Note (A1A & A1B): In accordance with the affidavit sworn under penalties of perjury in the application for construction design release the plans and specifications filed in conjunction with this project shall comply with all of the applicable rules and laws of Fire Prevention and Building Safety Commission. Providing false information constitutes an act of perjury, which is a Class D felony punishable by a prison term and a fine up to \$10,000.

In accordance with Section 19 of the General Administrative Rules (675 IAC 12-6-19) a complete set of plans and specifications that conform exactly to the design that was released by the office of the state building commissioner shall be maintained on the construction jobsite as well as a copy of the design release.

- 14B This project has been reviewed under the 2014 Indiana Building Code.
- 4G0412AC No addition or alteration shall cause an existing building, structure, or any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems to become unsafe or overloaded under the provisions of the rules of the Commission for new construction in accordance with 675 IAC 12-4-12(c).
- 14W1104A Required means of egress shall be maintained during construction and demolition, remodeling or alterations and additions to any building, in accordance with Section 1104, IFC (675 IAC 22-2.5).
- 4G0603AR This release does not include all scopes of construction work. Plans and specifications for adding or remodeling other systems shall be filed as a new project or as one or more partials before commencing work in accordance with 675 IAC 12-6-3.  
NOTE: This structure is proposed for periodic (4 to 6 times per year) limited occupancy from May thru October.
- 14B1600 Buildings, or portions thereof, shall be designed and constructed to sustain all dead, live, and environmental loads in accordance with Chapter 16, IBC (675 IAC 13-2.6).
- 14B1008110 Doors serving a Group H occupancy, or an occupant load of 50 or more in a Group A or E occupancy, shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware in accordance with Section 1008.1.10, IBC (675 IAC 13-2.6).
- 14B1100HC The current code for handicapped accessibility in use in the State of Indiana is Chapter 11 of the Indiana Building Code (675 IAC 13-2.6) and ICC standard A117.1, 2009 edition (675 IAC 13-2.6).
- 14B100815 There shall be a floor or landing on each side of a door in accordance with Section 1008.1.5, IBC (675 IAC 13-2.6).

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14B100816 Landings at doors shall be designed and dimensioned in accordance with Section 1008.1.6, IBC (675 IAC 13-2.6).

Please be advised that if an administrative review of this action is desired, a written petition for review must be filed at the above address with the Fire Prevention and Building Safety Commission identifying the matter for which a review is sought no later than eighteen (18) days from the above-stated date, unless the eighteenth day falls on a Saturday, a Sunday, a legal holiday under State statute, or a day in which the Department of Fire and Building Services is closed during normal business hours. In the latter case, the filing deadline will be the first working day thereafter. If you choose to petition, and the before-mentioned procedures are followed, your petition for review will be granted, and an administrative proceeding will be conducted by an administrative law judge of the Fire Prevention and Building Safety Commission. If a petition for review is not filed, this Order will be final, and you must comply with its requirements.

Code review official LARRY DAVIS ldavis2@dhs.in.gov	Director, Division of Fire and Building Safety
Address (name, title of local official, street, city, state and ZIP code) BUILDING COMMISSIONER Iipo Majuri 501 E Court Ave SUITE 416 Jeffersonville, IN 47130 Fax & e-mail: imajuri@co.clark.in.us	