

OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Administrative Cause No.: DHS-1220-001588
Underlying/State Agency Action No.: 4EE3-F8C8

Goshen Brewing Company,
Petitioner,

v.

Indiana Department of Homeland Security,
Respondent.

FINAL ORDER OF DISMISSAL

On December 31, 2020, the parties filed a Stipulated Dismissal and Agreed Order for the above-captioned matter. The ultimate authority in this matter is the Fire Prevention and Building Safety Commission (Commission).

The Commission has authorized the Administrative Law Judge (ALJ) assigned by the Office of Administrative Law Proceedings to serve as the ultimate authority and thereby issue final orders of dismissal where the parties file a joint or agreed request to dismiss the appeal. The undersigned ALJ therefore issues this final order dismissing the above captioned matter with prejudice. Accordingly, the initial prehearing conference set for January 13, 2021 is hereby vacated.

A person who wishes to seek judicial review of this final determination must file a petition for review in an appropriate court within thirty (30) days of this Order and must otherwise comply with the provisions of Ind. Code § 4-21.5-5.

So Ordered: January 4, 2021



Hon. Chelsea E. Smith, Administrative Law Judge
Indiana Office of Administrative Law Proceedings

Distributed to Parties:

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AGREED ORDER AND STIPULATION OF DISMISSAL

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

1. On December 09, 2020, Respondent issued a notice of violations to Petitioner, citing, in relevant part, Section 605.10.2 of the 2014 Indiana Fire Code for plugging a portable, electrical space heater into an extension cord instead of an approved receptacle.

2. On December 23, 2020, Petitioner filed their petition for review of this violation.

3. Following the initiation of this proceeding, the parties were able to informally resolve this matter and agreed to the following:

Petitioner agrees to:

(1) Come into compliance with Section 605.10.2 of the 2014 Indiana Fire Code by February 2, 2021; or

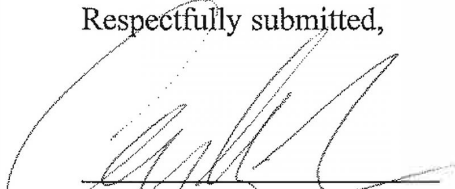
(2) Obtain a variance to this code section by February 2, 2021.

If a completed variance application is filed by January 25, 2021, but has not been acted upon by February 2, 2021, Petitioner will be deemed to remain in compliance with this agreement so long as the variance is continued to be pursued in good faith and the variance has not been denied.


Respondent agrees to refrain from the issuance of any civil penalties so long as these conditions are complied with.

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

Respectfully submitted,



Andrew M. Hicks
Attorney for Petitioner



Justin Guedel
Attorney for Respondent

Date: 12/31/2020