

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Thursday, December 10, 2020
By Electronic Mail

Edward Ryan
Petitioner and Owner of Big Woods Bloomington
BWQOHT, Inc.
418 Old State Road 46
PO Box 100
Nashville, IN 47448
ed@bwqoht.com

Re: Petition for Administrative Review – City of Bloomington Fire Prevention Bureau’s November 20, 2020 Violations Order – Quaff On Bloomington a.k.a. Big Woods Bloomington, 116 N Grant, Bloomington, IN 47402

Dear Mr. Ryan:

The Indiana Fire Prevention and Building Safety Commission (Commission) is in receipt of your petition for administrative review of City of Bloomington Fire Prevention Bureau’s November 20, 2020 Violations Order – Quaff On Bloomington a.k.a. Big Woods Bloomington, dated 12/04/2020. The petition for administrative review will be discussed at the next tentatively scheduled meeting of the Commission – currently scheduled to begin at 9:00 a.m. EST on Tuesday, January 5, 2021. Notice and details regarding this meeting will be posted to the Commission’s web page (<http://www.in.gov/dhs/2375.htm>) in advance of the meeting. The Commission will determine if you qualify for administrative review of this order in accordance with the requirements of Indiana Code § 4-21.5-3-7.

Sincerely,



Douglas J. Boyle, Director
Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
Indiana Government Center South, Room E-208
302 W. Washington Street
Indianapolis, IN 46204
dboyle@dhs.in.gov

Enclosure

cc: Clint Hammes, Facilities and Equipment Engineer, BWQOHT, Inc. – Interested Party of Petitioner (by electronic mail)

Amanda Johnson, Administrative Secretary, BWQOHT, Inc. – Interested Party of
Petitioner (by electronic mail)

Tim Clapp, Fire Inspection Officer, City of Bloomington Fire Prevention Bureau –
Respondent (by electronic mail)

Philip A. Gordon, Deputy Attorney General and Legal Counsel to the Indiana Fire
Prevention and Building Safety Commission (by electronic mail)

Justin K. Guedel, IDHS Deputy General Counsel (by electronic mail)

Bryston Sprecher, Administrative Assistant to the Indiana Fire Prevention and
Building Safety Commission (by electronic mail)

From: [Amanda Johnson](#)
To: [Boyle, Douglas J \(DHS\)](#)
Cc: [Eds gmail](#); [Clint Hammes](#)
Subject: Quaff On Bloomington Tap Petition for Review
Date: Thursday, December 10, 2020 9:41:39 AM
Attachments: [Quaff ON.pdf](#)

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Good morning Mr. Boyle,

I am writing to you to make the necessary revisions to the petition for review that was submitted on December 4, 2020. I have attached the inspection from the City of Bloomington Fire that is dated November 20, 2020 and would like the following remarks to be added to our submission.

Entity Issuing Order: City of Bloomington Fire Prevention Bureau

Explanation of being aggrieved or adversely affected by the order: Under the current circumstances of the COVID 19 pandemic, we feel that there should be an exception to CODE 3103.5 Use Period. As stated previously, the Monroe County Health Department has encouraged restaurants to use outdoor seating whenever possible to ensure that we are following theirs' and the Governors' social distancing guidelines.

What is your desired outcome?: Our desired outcome is that we would be able to keep the membrane structure erected so that we can continue business as a restaurant and be able to provide a great place for the residents of Bloomington and surrounding counties to eat. Also, that we would be able to give our employees a place to work. The membrane meets the inflammability guidelines of the state of California, it is wind rated up to 120mph gusts and is made of aluminum. We have already made the necessary changes by converting the heating system from the gas towers inside the tent to an exterior UL system designed for the safety of the tent. We have placed fire extinguishers and illuminated exit signs in the appropriate places. The capacity of the tent is limited to a maximum of 49 and is currently reduced to a seating capacity of 44 to meet the requirements of social distancing.

Please let us know if you need any additional information concerning this matter.

Sincerely,

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Amanda Johnson
Administrative Secretary
BWQOHT, Inc.
Big Woods Restaurant Group
Quaff On Brewing Company
Hard Truth Distilling Company
418 Old State Road 46, PO Box 100
Nashville, IN 47448
Office: 812-720-4840
ajohnson@bwqoht.com

From: [Boyle, Douglas J \(DHS\)](#)
To: ed@bwqoht.com
Cc: [Justin K Guedel \(JGuedel@dhs.IN.gov\)](mailto:JGuedel@dhs.IN.gov); [Sprecher, Bryston](#)
Subject: FW: Petition for Review
Date: Tuesday, December 8, 2020 4:39:00 PM
Attachments: [68379161_BU103613 Sanction Fines 12-01-2020.pdf](#)

Dear Mr. Ryan,

On behalf of the Indiana Fire Prevention and Building Safety Commission, I am in receipt of your electronically-filed petition for administrative review, attached for reference to this message below. Unfortunately, there appears to be a discrepancy between the date on the order that you attached with your submission (December 1, 2020) and the date that you provided as the date that you received the order (November 20, 2020). At your earliest convenience, please advise/confirm if you are seeking administrative review of the attached order that appears to have been served on December 1, 2020, or if you are seeking administrative review of a separate order that was served on November 20, 2020 (please attach that specific order to your reply if applicable). Depending on when and how the actual order in question was explicitly served, it may affect if you qualify for administrative review of the order under the requirements of IC 4-21.5-3-7.

Sincerely,

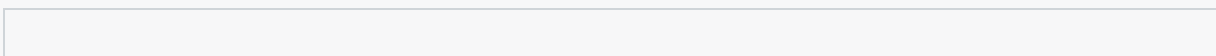
Douglas J. Boyle

Director of the Indiana Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
Indiana Government Center South, Room E208
302 W. Washington Street, Indianapolis, IN 46204
Cell: (317) 650-7720
Email: doboyle@dhs.in.gov
Web | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: noreply@formstack.com <noreply@formstack.com>
Sent: Friday, December 4, 2020 4:50 PM
To: DHS Legal Mailbox <Legal@dhs.IN.gov>
Subject: Petition for Review

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****



Formstack Submission For: [petition for review](#)

Submitted at 12/04/20 4:50 PM

Individual Name: Edward Ryan**Business Name: :** Quaff On Bloomington aka Big Woods Bloomington**Phone Number:** (812) 720-0088**Email Address:** ed@bwqoht.com**Mailing Address:**
PO Box 100 Nashville, IN 47448
116 N Grant
Bloomington, IN 47402**Are you represented
by an attorney?:** No**Attorney Name:****Firm:****Phone Number:****Email Address:****Mailing Address:****Order Number:** 0**Facility | Device |
Boiler ID:****Date Order Received:** Nov 20, 2020**How did you receive
the Order? :** Email**Entity Issuing Order:** Indiana Department of Homeland Security

Entity Name:

Upload Order: [View File](#)

Was this order specifically directed to you?: No

Explain:

Explain: This violation was assessed to the restaruant that I own, Big Woods Bloomington.

Have you been aggrieved or adversely affected by the order?: Yes

Explain: Under the current circumstances of the COVID 19 pandemic, we feel that there should be an exception to this code so that restaurants can still

Explain:

If the order was not specifically directed to you and you have not been aggrieved or adversely affected by the order, are you entitled to review under some other law? :

What law?:

I request review of the entire order described above: Yes

If you are not requesting review of the entire order, what is the scope of your request?:

I request a stay of effectiveness:

Yes

What is the basis of your challenge? :

Monroe County Health Department has encouraged restaurants to use outdoor seating therefore we are using the tent to be able to make sure that we are following their guidelines to the best of our ability. Many businesses like ours in the downtown Bloomington area have resorted to using tents outside to be able to serve patrons safely and still keep our businesses afloat during these strange times.

What is your desired outcome? :

Our desired outcome is that we would be able to keep the membrane structure erected so that we can continue business as a restaurant and be able to provide a great place for the residents of Bloomington and surrounding counties to eat. Also, that we would be able to give our employees a place to work.

Additional information in support of my request:

The restaurant owners and management of Big Woods Bloomington have been, and still are in the process of correcting this violation. The safety of our patrons and employees are our top priority and correcting something of this nature has taken more time than expected under the current circumstances.

Additional Attachments:

Additional Attachments:

Additional Attachments:

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Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038

**City of Bloomington Fire
Fire Prevention Bureau
300 E 4TH ST
Bloomington, IN 47408**

Date of Notice: November 20, 2020

Inspection Date: November 20,

**Inspection Type:
215 INSPECTION - Complaint**

**Quaff on Bloomington Tap
116 N GRANT
Bloomington, IN 47402**

Inspector: Clapp, Tim

NOTICE OF FIRE & SAFETY VIOLATIONS: You are hereby notified that a Fire Inspection of your premises has been made. The following Fire Prevention Code Violation(s) are listed on the attached page.

ORDER TO COMPLY: The violation(s) could be a peril to the life and safety of the occupants and/or property. You are hereby notified to have the violation(s) eliminated within (30) days receipt of this notice.

COMPLIANCE: Notify this office when violation(s) have been compiled so a final inspection can be made.

Right of Appeal:

- (1) The right to request an informal discussion of the orders or violations prior to filing a petition for review.
- (2) Please be advised that if you desire administrative review of this order in this order was delivered by hand, you must file a written petition for the review with the Fire Building Safety Commission at 302 West Washington St. Rm W246, Indianapolis, IN 46204, identifying the violations for which you seek review no later than 15 days from the hand delivery date of this order unless such date is a Saturday or a Sunday, legal holiday under the state statute or a day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the 1st calendar day thereafter which is not a Saturday Sunday legal holiday under state statute or a day that the Department of Homeland Security's offices are closed during regular business hours.

Please be advised that if you desire administrative review of this order and this order was delivered by 1st class US mail, you must file a written petition for review with a fire prevention and building safety commission at 302 West Washington St. Indianapolis, In 46204 identifying the violations for which you seek review no later than 18 calendar days from the mailing date of this order.

If you do so, your petition for review will be granted and administrative proceeding will be conducted by the administrative law judge appointed by the Fire Prevention and Building Safety Commission.

If you do not file a petition for review, this order will be final and you must comply with its requirements.

FAILURE TO COMPLY WITH ORDER: Failure to comply with this order by the times set may result in the following court action:

- (1) Institution of suit for mandatory and injunctive relief in the enforcement of Indiana Code Chapter 22-14.

City of Bloomington Fire
Fire Prevention Bureau
300 E 4TH ST
Bloomington, IN 47408

Date of Notice: November 20, 2020

Inspection Date: November 20,

Inspection Type:
215 INSPECTION - Complaint

Quaff on Bloomington Tap
116 N GRANT
Bloomington, IN 47402

Inspector: Clapp, Tim

VIOLATION CODE and Description

3103.5 Use period.

"Temporary tents, air-supported, air- inflated or tensioned membrane structures shall not be erected for a period of more than thirty (30) days within a 12-month period on a single premises."

Next Recheck 12/21/2020

VIOLATION CODE and Description

3103.3 Place of assembly.

"For the purposes of this chapter, a place of assembly shall include a circus, carnival, tent show, theater, skating rink, dance hall or other place of assembly in or under which persons gather for any purpose. A tent, temporary membrane structure, air-supported or air-inflated structure with an occupant load of 50 or more shall be considered a place of assembly. Open or exposed flame equipment shall not be permitted in a place of assembly."

Next Recheck 12/21/2020

Jim Dunbar

Notes:

Fire Inspector

Tim Clapp

Owner
Representative