
Petition for Review

Business Name if Applicable

Firebrand Ministries, Inc

Petitioner's First Name

Joshua

Petitioner's Last Name

Sanders

Street Address for Service

112 N Main

City

Princeton

State

IN

Zip Code

47,670

Phone Number

Best number to be reached regarding this matter.

8125064074

Email Address for Service

This address will be used for future communications.

jason@spindlerlaw.com

Name of Counsel if Represented

Jason Spindler

Order Number

B734-10A5

Entity Issuing Order

Indiana Department of Homeland Security

Facility | Device | Boiler ID

Date Ordered Received

06 Sep 2023

How was Order received

Email

Was this Order specifically directed to you?

Yes

Have you been aggrieved or adversely affected by the Order?

Yes

If you answered no to the previous two questions, under what law are you entitled to review?

Scope of Review Requested?

Identify the portion of the order you wish to have reviewed.

#1 of inspection number B734-10A5.

I request a Stay of Effectiveness

Yes

What is the basis of your challenge?

There is no change in use. Immediately before I took occupancy, it was used as a single-family residence. It is now being used as a residence for males going through a religious based rehabilitation program.

Firebrand Ministries, Inc. is a religious-based organization and is believed to be exempt from some of the regulations asserted by the Department such as ADA requirements.

What is your desired outcome?

I desire to be able to continue business without the need to install a sprinkler system and fire alarm system. While I can agree to make some affordable changes, anything substantial would be cost prohibitive.

Additional Information

Upload Document

Upload documentation (i.e. Order from IDHS):



BU113499.pdf 

Default

Created by

HighQ Forms on 14 Sep 2023 11:45

Last modified by

Automation Engine on 14 Sep 2023 12:10

Report of Inspection

Indiana Department of Homeland Security
302 W. Washington Street, Room E208 Indianapolis, IN 46204
Phone: 317-232-2222

State Number	Inspection Number
BU113499	B734-10A5

Visit us at: <http://www.in.gov/dhs>

Date	09/06/2023 09:26AM	Type	Initial
Results	Notice of Violations		
Location		Owner	
Name	FIREBRAND MINISTRIES	Name	BENJAMIN MODLIN
Street	208 MAIN STREET	Street	202 W STATE ROUTE 68
City	LYNNVILLE	City	LYNNVILLE
Zip	47619	Zip	47619
		Contact	JOSH SANDERS - (812) 202-8903
Inspector		Item	
Name	Mathew Hulsey	State Number	BU113499
Email	MHulsey@dhs.IN.gov	Type	Business
Phone	(463) 203-3197	CDRs	

Notice Of Violations

#	Code	Description	Order	Correct By	Fee
1	675 IAC 12-4-11(b)	No change in the character or use of any building or structure shall be permitted that shall cause the building or structure to be classified within a different occupancy group or within a different division of the same occupancy group, unless the building or structure complies with, or is made to comply with the: (1) current rules of the commission for new construction for the proposed revised use of the building; or (2) provisions of: (A) Chapter 34 of the Indiana Building Code (675 IAC 13-2.5-32); or (B) 675 IAC 12-13.	This structure has undergone a change of use. Known previous use was an M occupancy, then a Class II structure. It is now being used as a mixed use R-4/A-3 occupancy, and does not comply with the requirements of the new uses. It was observed there was no sprinkler system, lack of a compliant fire alarm system, emergency egress lighting, possible egress and separation concerns, lack of accessibility, and other possible missing requirements depending upon the exact proposed new use. Owner must cease utilization of the structure for these new uses, or fully comply with the requirements of this section.	10/06/2023	n/a

If you are receiving this document, property that you own or have control over, has been, or was attempted to be, inspected by the Indiana Department of Homeland Security (Department). Depending on the outcome of this inspection, one of five different **RESULTS** was notated. See the first page for the **RESULT** of this inspection. The following describes what each **RESULT** means:

1. INSPECTION NOT POSSIBLE

This report is to notify you that the Department attempted to perform an inspection of your property, but was unable to for some reason. If you have not already spoken with your inspector regarding this, please contact him or her immediately.

2. NO VIOLATIONS FOUND

This report is to notify you that the Department performed an inspection of your property, and no violations were found to exist. However, please be aware that obtaining a **RESULT** of "no violations found" does not mean that no violations exist on your property or may be found during a later inspection.

3. EMERGENCY OR TEMPORARY ORDER

This report is to notify you that the Department has determined that conduct or a condition of property:

1. presents a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser;
2. is prohibited without a permit, registration, certification, release, authorization, variance, exemption, or other license and the license has not been issued; or
3. will conceal a violation of law.

This order must immediately be complied with, up to and until such time that: (1) it expires; (2) an order is issued by an administrative law judge voiding, terminating, modifying, or staying its effectiveness; or (3) the Department terminates its effectiveness. If you desire administrative review of this order, you must submit your request by one of the methods provided for in the **administrative review** section mentioned below.

4. NOTICE OF VIOLATIONS

This report is to notify you that violations are believed to exist on your property. However, if you enter into a corrective plan and correct these violations by the correction date provided in this report, no enforcement actions or sanctions will commence. If you fail to enter into a corrective plan, the Department will move forward with enforcement of this order and the imposition of sanctions.

If you would like to enter into a corrective plan, you must notify your inspector, in writing, within five (5) days of receiving this report.

Terms of corrective plan:

1. I agree to correct the violations contained on this report by the date provided.
2. I understand my failure to correct these violations by the correction date will result in the enforcement of this report and sanctions, including, but not limited to, a fine of \$250 per day per violation.
3. I understand no extensions of time are permitted unless they are granted in writing by the Department.
4. I understand that entering into this corrective plan is not an admission that a violation has occurred.
5. I agree to protect the safety and property of other persons as outlined by the Department while corrections are underway.
6. I agree to notify the Department, by the compliance date, that all violations have been corrected, and I am aware that my failure to do so may result in sanctions being ordered.
7. I understand that in order for the Department to determine compliance, an additional inspection may be performed and the Department must notify me of the determination of my compliance within thirty (30) days following the earlier of: (a) the correction date contained in this report; or (b) the date the Department is provided notice that the violations have been corrected.

If you do not enter into a corrective plan or receive a determination modifying or reversing this report, the requirements of this report are effective fifteen (15) days after service and must be complied with until such time that: (1) this order is overturned on review; (2) an administrative law judge issues a stay of enforcement; or (3) the Department consents to the request for a stay in writing. To request an **informal review** or **administrative review** of this report, you must comply with the information provided below.

5. SANCTIONS

This report is to notify you that sanctions are being imposed due to violation(s) of the law. For information on how to request

an **informal review**> or **administrative review**, see below.

INFORMAL REVIEW

To request an informal review of your order by the **Department**, complete the informal review form located at <https://www.in.gov/dhs/4149.htm>. Following receipt of this form, the **Department**> will review your request and may modify or reverse the report, and will attempt to respond to your request within five (5) business days, however, a request for an informal review does not extend the deadline for filing a petition for administrative review which must be filed to initiate formal administrative proceedings under IC 4-21.5.

ADMINISTRATIVE REVIEW

If you desire administrative review of this order by the **Fire Prevention and Building Safety Commission**, you must comply with the requirements of Indiana Code § 4-21.5-3-7 and file a written petition for review within fifteen (15) days after receiving notice of these violations. Your petition for review must state facts demonstrating that you are: (1) a person to whom the order is specifically directed; (2) aggrieved or adversely affected by the order; or (3) entitled to review under any law. You must submit your petition by one of the following methods:

U.S. MAIL OR PERSONAL SERVICE

Indiana Department of Homeland Security
Fire Prevention and Building Safety Commission
302 W. Washington Street, Rm. E208
Indianapolis, IN 46204

ONLINE

By completing the form at
<https://www.in.gov/dhs/4148.htm>

If your petition qualifies for review, it will be assigned to an administrative law judge who will initiate proceedings under IC 4-21.5. For additional information about the administrative review process and other options that may be available to you, visit the following link <https://www.in.gov/dhs/appeals.htm>.

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

TO: Mr. Joshua Sanders - Firebrand Ministries, Inc.
FROM: Commission Staff
DATE: September 15, 2023
RE: Grant of Administrative Review of Order # B734-10A5

Dear Mr. Sanders:

Your attached petition for administrative review has been received by the Indiana Fire Prevention and Building Safety Commission and is hereby granted. This matter will be forwarded to the Office of Administrative Law Proceedings (OALP) to assign an administrative law judge (ALJ) to conduct administrative proceedings.

The OALP will provide notice concerning when this matter will be set for a hearing. Should you have any questions concerning this, you may contact our offices at legal@dhs.in.gov.

Enclosure

cc: Tyler Burgauer, Legal Counsel for Respondent
Dustin Dyer, Director of Boards and Commissions