

From: [Boyle, Douglas J \(DHS\)](#)
To: ["Brian Roberts"](#); [Garry Harling](#)
Cc: [Guedel, Justin K](#); [Smith, Chelsea](#)
Subject: RE: Petition for Administrative Review - Barth Electric Appeal of Westfield Fire Department's 11/13/18 Code Violation Notice
Date: Wednesday, November 28, 2018 10:40:00 AM
Attachments: [image001.png](#)

Thank you very much for confirming your withdrawal of your petition for administrative review. I will provide this information to the Fire Prevention and Building Safety Commission at its next meeting on Monday, December 3, 2018.

Douglas J. Boyle | Director – Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
302 W. Washington Street, Room E-208
Indianapolis, IN 46204
Tel: (317) 650-7720
Email: DoBoyle@dhs.in.gov
Web: www.in.gov/dhs



From: Brian Roberts [mailto:BRoberts@barthelectric.com]
Sent: Wednesday, November 28, 2018 10:15 AM
To: Boyle, Douglas J (DHS) <DoBoyle@dhs.IN.gov>; Garry Harling <gharling@westfield.in.gov>
Cc: Guedel, Justin K <JGuedel@dhs.IN.gov>; Smith, Chelsea <CheSmith2@dhs.IN.gov>
Subject: RE: Petition for Administrative Review - Barth Electric Appeal of Westfield Fire Department's 11/13/18 Code Violation Notice

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Sir

Thank you for your time and consideration – we hereby withdraw our petition for administrative review.

Brian D. Roberts || Vice President || LEED AP BD+C
Direct || 317.921.5143 || Mobile || 317.714.0099
Email || broberts@barthelectric.com
Barth Electric Co., Inc. || 1934 N. Illinois St. Indianapolis, Indiana 46202

From: Boyle, Douglas J (DHS) [<mailto:DoBoyle@dhs.IN.gov>]
Sent: Wednesday, November 28, 2018 10:10 AM
To: Garry Harling <gharling@westfield.in.gov>; Brian Roberts <BRoberts@barthelectric.com>
Cc: Guedel, Justin K <JGuedel@dhs.IN.gov>; Smith, Chelsea <CheSmith2@dhs.IN.gov>
Subject: RE: Petition for Administrative Review - Barth Electric Appeal of Westfield Fire Department's 11/13/18 Code Violation Notice

Thank you for this update, Fire Marshal Harling. Seeing as I just processed the petition for administrative review and the administrative law judge has not yet made any formal hearing arrangements, there is no need for formal dismissal at this time.

Mr. Roberts: please confirm that you mutually agree that administrative review of the violation of Section 907.2.4 of the 2014 Indiana Building Code/Indiana Fire Code is no longer needed, since it appears that there is no longer any dispute, and that you agree to withdraw your petition. Thank you.

Sincerely,

Douglas J. Boyle | Director – Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
302 W. Washington Street, Room E-208
Indianapolis, IN 46204
Tel: (317) 650-7720
Email: DoBoyle@dhs.in.gov
Web: www.in.gov/dhs



From: Garry Harling [<mailto:gharling@westfield.in.gov>]
Sent: Wednesday, November 28, 2018 9:42 AM
To: Boyle, Douglas J (DHS) <DoBoyle@dhs.IN.gov>; broberts@barthelectric.com
Cc: Guedel, Justin K <JGuedel@dhs.IN.gov>; Smith, Chelsea <CheSmith2@dhs.IN.gov>
Subject: RE: Petition for Administrative Review - Barth Electric Appeal of Westfield Fire Department's 11/13/18 Code Violation Notice

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Mr. Boyle,

After considerable time researching this issue again, I have found where this written code violation

by me is incorrect. I have withdrawn my written violation and the concern property does meet code. At this time, we do not need to proceed with this hearing and the Westfield Fire Department would request a dismissal of this hearing.

Thank you for your assistance.

Respectfully,

Garry Harling, Fire Marshal / Division Chief
Westfield Fire Department

Garry Harling | Division Chief - Fire Marshal

City of Westfield | 17535 Dartown Road | Westfield, IN 46074
gharling@westfield.in.gov | 317-804-3307

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From: Boyle, Douglas J (DHS) <DoBoyle@dhs.IN.gov>

Sent: Tuesday, November 27, 2018 4:43 PM

To: broberts@barthelectric.com

Cc: Garry Harling <gharling@westfield.in.gov>; Guedel, Justin K <JGuedel@dhs.IN.gov>; Smith, Chelsea <CheSmith2@dhs.IN.gov>

Subject: Petition for Administrative Review - Barth Electric Appeal of Westfield Fire Department's 11/13/18 Code Violation Notice

Good Afternoon Mr. Roberts,

I apologize for the delay in providing you this response, but please be advised that the Fire Prevention and Building Safety Commission (c/o IDHS commission staff) has received your electronically-filed petition for administrative review of Westfield Fire Department's 11/13/2018 code violation notice. The petition for review is timely, and has been granted. Copies of the attached document are also being sent to you and Fire Marshal Harling via U.S. postal mail. The petition for review has been assigned to the Fire Prevention and Building Safety Commission's administrative law judge. The administrative law judge's office will contact you and all other parties to make arrangements for further proceedings.

Sincerely,

Douglas J. Boyle | Director – Fire Prevention and Building Safety Commission

Indiana Department of Homeland Security
302 W. Washington Street, Room E-208
Indianapolis, IN 46204
Tel: (317) 650-7720
Email: DoBoyle@dhs.in.gov
Web: www.in.gov/dhs





November 27, 2018
By Electronic Mail and U.S. Postal Mail

Brian Roberts
Barth Electric Co., Inc.
1934 N. Illinois Street
Indianapolis, IN 46202

**Re: Petition for Administrative Review – Barth Electric Appeal of Westfield Fire Department’s
11/13/2018 Code Violation Notice**

Dear Mr. Roberts:

The Commission is in receipt of your petition for administrative review of Westfield Fire Department’s code violation notice, dated 11/13/2018, regarding a violation of Section 907.2.4 of the 2014 Indiana Building Code/Indiana Fire Code. The petition for review is timely and has been granted by the Commission. The petition has been assigned to the Commission’s administrative law judge. The judge’s office will contact you to make arrangements for further proceedings.

Sincerely,

Douglas J. Boyle, Director
Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
302 W. Washington Street, Room E-208
Indianapolis, IN 46204
doboyle@dhs.in.gov
(317) 650-7720

Enclosure

cc: The Honorable Chelsea E. Smith, Administrative Law Judge (via personal service)
Justin Guedel, IDHS Staff Attorney (via personal service)
Garry Harling, Fire Marshal, Westfield Fire Department (via electronic mail and U.S. postal mail)
File

From: [DHS Legal Mailbox](#)
To: [Boyle, Douglas J \(DHS\)](#)
Subject: FW: Petition for Review
Date: Tuesday, November 13, 2018 4:42:24 PM
Attachments: [68379161_SWFDST81Cop18111310490.pdf](#)
[68380022_Bastian_Zipline_Code_Sheet.pdf](#)
[68380035_Bastian_Solutions_Electrical-E101.pdf](#)

From: noreply@formstack.com [mailto:noreply@formstack.com]
Sent: Tuesday, November 13, 2018 3:33 PM
To: DHS Legal Mailbox <Legal@dhs.IN.gov>
Subject: Petition for Review

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Formstack Submission For: [petition for review](#)
Submitted at 11/13/18 3:32 PM

Individual Name: Brian Roberts

Business Name : Barth Electric Co., Inc.

Phone Number: (317) 924-6226

Email Address: broberts@barthelectric.com

Mailing Address: Barth Electric Co., Inc.
1934 N. Illinois St.
Indianapolis, IN 46202

Are you represented by an attorney?: No

Attorney Name:	
Firm:	
Phone Number:	
Email Address:	
Mailing Address:	
Order Number:	
Facility Device Boiler ID:	Facility
Date Order Received:	Nov 13, 2018
How did you receive the Order? :	Hand Delivery
Entity Issuing Order:	Local Fire Department
Entity Name:	
Upload Order:	View File
Was this order specifically directed to you?:	No
Explain:	The order was issued to the general contractor since they hold the unified permit for the project

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

Yes

Explain:

We are the design/build contractor and electrical engineers of record for the project. The cost impact of this order will be adverse to our company and unrecoverable from the owner.

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? :

675 IAC 13-2.6 section 907.2.4 stipulates the requirement for fire alarm in an "F" occupancy. The order from Westfield Fire Department indicates that an occupant notification system must be supplied for this facility even though this section of the code is clear that one is not required. Please reference the attached PDF of the architectural drawings that indicates the occupancies and square footages. Our interpretation of this section is that if a fire alarm system is not required, then an occupant notification system is not required - there would be nothing to activate an occupant notification system without a fire alarm. This facility consists of a 77,480 sf single story manufacturing/assembly occupancy (F) as well as an adjoining 2 story 11,025 SF office occupancy (B).

What is your desired outcome? :

This order be rescinded.

Additional information in support of my request:

We have attached partial state submittal drawings as well as the architectural code/life safety plan.

Additional Attachments:

[View File](#)

Additional Attachments:

[View File](#)

Additional Attachments:

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Formstack, 8604 Allisonville Road, Suite 300, Indianapolis, IN 46250



WESTFIELD FIRE DEPARTMENT

"Weaving the Traditions of our Past into the Realities of our Future."

November 13, 2018

Mr. Brent Stallcop
The Peterson Company LLC
7132 Zionsville Road
Indianapolis, IN 46268

RE: Bastian – Code Violation

Mr. Stallcop,

Indiana Fire and Building Code requires F Occupancies to have a fire alarm installed per section 907.2.4 of the Indiana Building code. (See code below)

907.2.4 Group F. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group F occupancies where both of the following conditions exist:

1. The Group F occupancy is two or more *stories* in height; and
2. The Group F occupancy has a combined *occupant load* of 500 or more above or below the lowest *level of exit discharge*.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler waterflow.

This building does meet **Section 1** as it is two stories in height. Additionally, this code is referring to manual pull stations, not horn strobes. In fact, it does state occupant notification system in this code which would include horn/ strobes.

Therefore, under this code, Bastian will need to install horn strobes throughout the building to include the office and manufacture spaces.

You do have the right under Indiana Law to appeal this notice. See attached letter.

Sincerely,

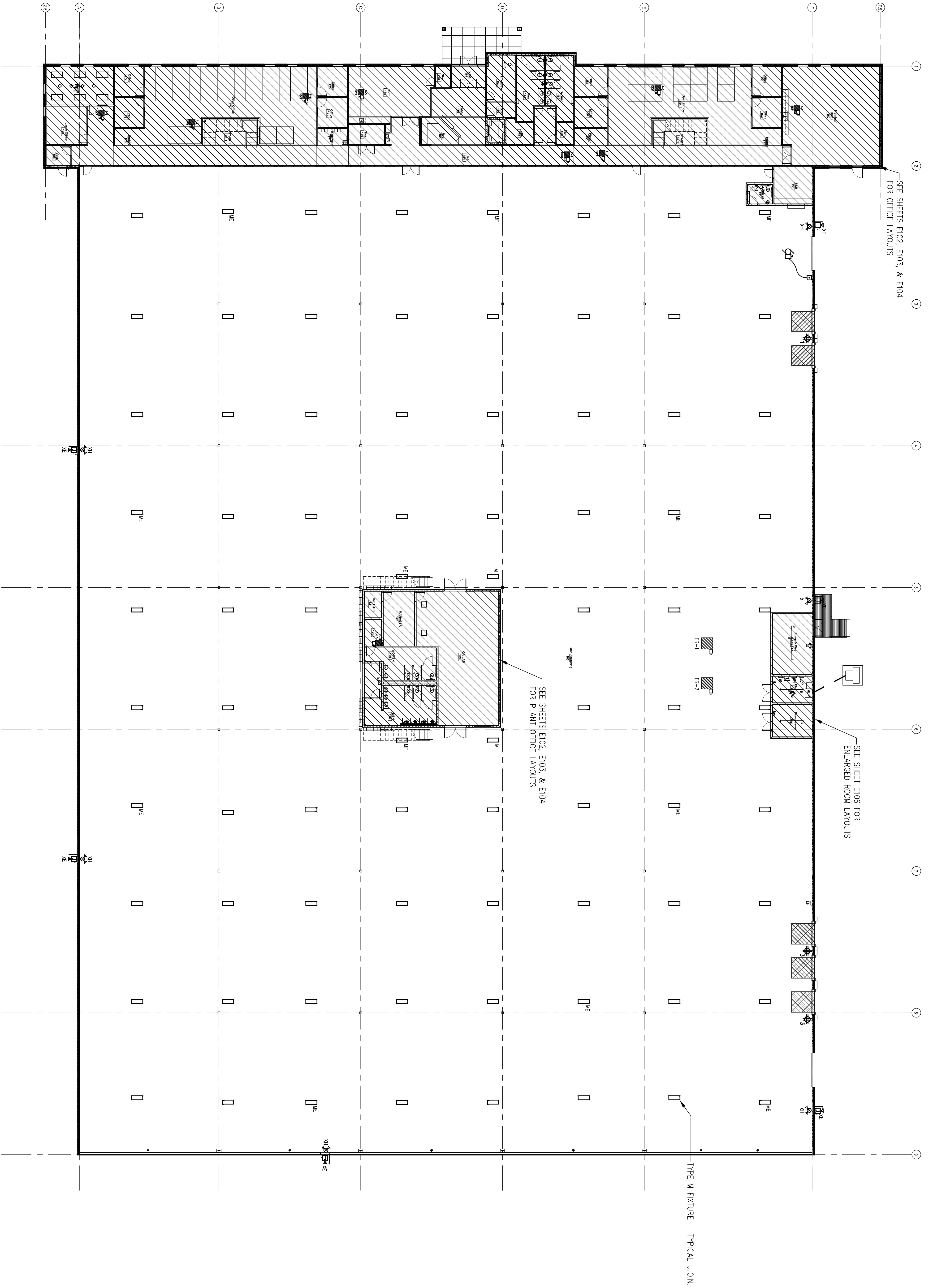
Garry Harling, Fire Marshal / Division Chief
Westfield Fire Department

Indiana Department of Fire and Building Services
Office of the State Fire Marshal
402 W. Washington Street, Room E241
Indianapolis, Indiana 46204-2739
(317) 232-2222

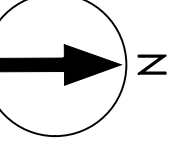
Appeal Process:

Please be advised that if you desire administrative review of this order, you must file a written petition for review at the above address with the State Fire Marshal identifying the reason for your request for such a review no later than 18 days from the date of this order unless such date is a Saturday, Sunday, Legal Holiday under State Statute, or day that the Fire and Building Services Department's offices are closed during regular business hours in which case the deadline would be the first day thereafter that it is not a Saturday, Sunday, Legal Holiday under State Statute, or the day that the Fire and Building Services Department's offices are closed during regular business hours. If you do so, your petition for review will be conducted by an 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.

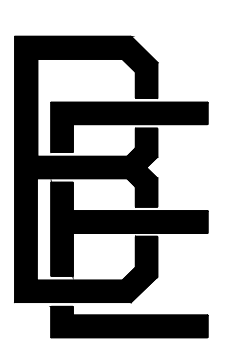
Please be further advised that you may request an opportunity to informally discuss this order prior to filing a petition for review. Such informal discussion, or request thereof, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone, upon receipt of this order.



PLANT ELECTRICAL PLAN
SCALE: 3/8" = 1'-0"



Barth Electric Co., Inc.
CONTRACTORS -- ENGINEERS
1934 N. ILLINOIS ST.
INDIANAPOLIS, INDIANA
(317) 924-6226
46202



Bastian Toyota
Office and Manufacturing Facility
202nd Street & U.S. 31
Westfield Indiana

Barth Electric Co., Inc.
CONTRACTORS -- ENGINEERS
1934 N. ILLINOIS ST.
INDIANAPOLIS, INDIANA
(317) 924-6226
46202

Barth Electric Co., Inc.
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46202

Barth Electric Co., Inc.
CONTRACTORS -- ENGINEERS
1934 N. ILLINOIS ST.
INDIANAPOLIS, INDIANA
(317) 924-6226
46202

SCALE: AS NOTED
DESIGN: BDR
DRAWN: BDR
CHECKED: DRB
DATE: 11-15-17
STATE SUBMITTAL: 11-22-17