

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Thursday, November 12, 2020
By Electronic Mail

Sarah Mann
Petitioner
Historic Madison Inn on Broadway, Inc. DBA Historic Broadway Hotel & Tavern
409 W. 1st Street
Madison, IN 47250
lmann@historicbroadwayhotel.com

Re: Petition for Administrative Review – IDHS Notice of Violations Order No. 475628 – Historic Broadway Hotel & Tavern

Dear Ms. Mann:

The Indiana Fire Prevention and Building Safety Commission (Commission) is in receipt of your petition for administrative review of IDHS Notice of Violations Order No. 475628 – Historic Broadway Hotel & Tavern, dated 11/10/2020. 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. on Tuesday, December 1, 2020. 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 your petition was timely filed 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: Justin K. Guedel, IDHS Deputy General Counsel – representing the Respondent (by electronic mail)
Bryston Sprecher, Administrative Assistant to the Indiana Fire Prevention and Building Safety Commission (by electronic mail)

From: noreply@formstack.com
To: [DHS Legal Mailbox](#)
Subject: Petition for Review
Date: Tuesday, November 10, 2020 11:10:31 AM
Attachments: [68379161_AE103804.pdf](#)
[68380022_Bw \(4\).png](#)
[68380035_Bw \(3\) \(1\).png](#)

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

Submitted at 11/10/20 11:09 AM

Individual Name:	Sarah Mann
Business Name :	Historic Madison Inn on Broadway, Inc., DBA: Historic Broadway Hotel & Tavern
Phone Number:	(812) 599-0241
Email Address:	lmann@historicbroadwayhotel.com
Mailing Address:	409 West 1St. Madison, IN 47250
Are you represented by an attorney?:	No
Attorney Name:	
Firm:	

Phone Number:	
Email Address:	
Mailing Address:	
Order Number:	475628
Facility Device Boiler ID:	Historic Madison Inn on Broadway, Inc. DBA Broadway Hotel & Tavern
Date Order Received:	Aug 20, 2020
How did you receive the Order? :	Hand Delivery
Entity Issuing Order:	Indiana Department of Homeland Security
Entity Name:	
Upload Order:	View File
Was this order specifically directed to you?:	Yes
Explain:	I am the owner of The Historic Madison Inn, Inc., DBA The historic Broadway Hotel & Tavern, 313 Broadway St., Madison, In. 47250; so therefore I am ultimately responsible for this infraction. But my manager was given this report and failed to inform me of the notice. I subsequently found out about the infractions after my manager was on medical leave one month after the original notice. I was at the Restaurant when the inspector came to follow up about

the notice and was made aware of the needed repairs at that time. I completed all specified repairs by 9/27/2020.

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

Yes

Explain:

The manager of my restaurant had been aware of these infractions, but did not notify me when she was made aware of the situation. Part of the issue stemmed from the fact that she had fallen and broken her leg and subsequently had surgery to repair it, and had been unable to report back to work at that time. She is still on medical leave. I was at the business the day the inspector reviewed the building and issued the report of the infractions to me. After that day, I immediately had all the infractions corrected within 7 days. I have photos of all repairs, and can forward them to you if necessary. In view of the fact that, because of the Covid-19 restrictions and shutdown for the past 8 months, my business would be extremely negatively impacted by this fine. We have been barely able to pay the normal recurring bills to operate this business as it is. That is why I am asking you to review this matter.

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? :

Yes

I repaired all of the infractions within 7 days of being PERSONALLY notified by the inspector who submitted the report to me. I do not know what

What law?:

specific law can be used to negate this fine, but I would hope that this fine will be reviewed, and dismissed.

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? :

I made all of the required repairs within 7 days after I personally was made aware of these infractions. All repairs were completed within 7 days of the statement that I received from the inspector. Soon after my manager received this notice on 8/20/2020, she broke her leg and had to have surgery to repair the break. She was subsequently on medication for weeks for the pain, and did not even remember that she was given this notice. I was stepping in to run the day-to-day operations of the business and on, or about, 9/20/2020; the inspector made his follow-up inspection and cited me with not completing the repairs in a timely manner. I would appreciate your review of this matter, as it will pose an extreme financial hardship to my business. I am sure that you are aware of the restrictions that business have been working under during the past 8 months because of the COVID-19 pandemic; and a fine of this magnitude would certainly be difficult to overcome. I thank you for your consideration. I have also sent copies/pictures of the repairs to the inspector, Kenneth Cole; as I had difficulty adding the photos to this website.

What is your desired outcome? :

I would ask that the fines for these infractions be released/terminated/withdrawn. Thank you for your consideration in this matter.

Additional information in support of my request:

Additional Attachments:



[Direct Link to Image](#)

Additional Attachments:



[Direct Link to Image](#)

Additional Attachments:



[Direct Link to Image](#)

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

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
AE103804	475628

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

Date	08/20/2020 11:19AM	Type	Annual
Results	Notice of Violations		
Location		Owner	
Name	Historic Broadway Hotel & Tavern	Name	Historic Broadway
Street	313 Broadway Street	Street	313 Broadway street
City	Madison	City	madison
Zip	47250	Zip	47250
		Contact	GAIL FREEMAN -
Inspector		Item	
Name	Kenneth Cole	State Number	AE103804
Email	KeCole@dhs.IN.gov	Type	n/a
Phone	(317) 417-3720	CDRs	

Notice Of Violations

#	Code	Description	Order	Correct By	Fee
1	Sec. 405.5 2014 Edition IFC 675 IAC 22-2.5	Records shall be maintained of required emergency evacuation drills and include the following information: 1. Identity of the person conducting the drill. 2. Date and time of the drill. 3. Notification method used. 4. Staff members on duty and participating. 5. Number of occupants evacuated. 6. Special conditions simulated. 7. Problems encountered. 8. Weather conditions when occupants were evacuated. 9. Time required to accomplish complete evacuation.	Current quarterly, employee only, evacuation drill documentation was not available for review at time of inspection.	09/19/2020	n/a
2	Sec. 406.2 2014 Edition IFC 675 IAC 22-2.5	Employees shall receive training in the contents of fire safety and evacuation plans and their duties as part of new employee orientation and at least annually thereafter. Records shall be kept and made available to the fire code official upon request.	Current employee fire/safety training documentation was not available for review at time of inspection.	09/19/2020	n/a
3	Sec. 604.5.2 2014 Edition IFC 675 IAC 22-2.5	For battery-powered emergency lighting, a power test of the emergency lighting equipment shall be completed annually. The power test shall operate the emergency lighting for a minimum of 90 minutes and shall remain sufficiently illuminated for the duration of the test.	The emergency egress light inspection tag by the entry door to the restaurant is dated 8/19/2018 and current documentation was not available for review.	09/19/2020	n/a

4	Sec. 906.7 2014 Edition IFC 675 IAC 22-2.5	Hand-held portable fire extinguishers, not housed in cabinets, shall be installed on the hangers or brackets supplied. Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions.	K class fire extinguisher in the kitchen is sitting on the floor.	09/19/2020	n/a
5	Sec. 609.3.3 2014 Edition IFC 675 IAC 22-2.5	Hoods, grease-removal devices, fans, ducts and other appurtenances shall be cleaned at intervals as required by Sections 609.3.3.1 through 609.3.3.3.	Current kitchen hood cleaning documentation was not available for review at time of inspection.	09/19/2020	n/a
6	Sec. 906.2 2014 Edition IFC 675 IAC 22-2.5	Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10. Exceptions: 1. The travel distance to reach an extinguisher shall not apply to the spectator seating portions of Group A-5 occupancies. 2. Thirty-day inspections shall not be required and maintenance shall be allowed to be once every three years for dry-chemical or halogenated agent portable fire extinguishers that are supervised by a listed and approved electronic monitoring device, provided that all of the following conditions are met: 2.1. Electronic monitoring shall confirm that extinguishers are properly positioned, properly charged and unobstructed. 2.2. Loss of power or circuit continuity to the electronic monitoring device shall initiate a trouble signal. 2.3. The extinguishers shall be installed inside of a building or cabinet in a noncorrosive environment. 2.4. Electronic monitoring devices and supervisory circuits shall be tested every three years when extinguisher maintenance is performed. 2.5. A written log of required hydrostatic test dates for extinguishers shall be maintained by the owner to verify that hydrostatic tests are conducted at the frequency required by NFPA 10. 3. In Group I-3, portable fire extinguishers shall be permitted to be located at staff locations.	Current 30 day fire extinguisher inspection documentation was not available for review at time of inspection.	09/19/2020	n/a
7	Sec. 605.5.3 2014 Edition IFC 675 IAC 22-2.5	Extension cords shall be maintained in good condition without splices, deterioration or damage.	The extension cord on the right side of the Bevador cooler in the bar is taped with black tape and condition is unknown.	09/19/2020	n/a

8	Sec. 605.9 2014 Edition IFC 675 IAC 22-2.5	Temporary wiring for electrical power and lighting installations is allowed for a period not to exceed 90 days. Temporary wiring methods shall meet the applicable provisions of NFPA 70. Exception: Temporary wiring for electrical power and lighting installations is allowed during periods of construction, remodeling, repair or demolition of buildings, structures, equipment or similar activities.	Unknown if Christmas style lights in the bar seating area above door to kitchen area are rated for permanent use and documentation could not be provided.	09/19/2020	n/a
9	Sec. 1030.2 2014 Edition IFC 675 IAC 22-2.5	Required exit accesses, exits and exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency when the building area served by the means of egress is occupied. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.	The interior path of egress is obstructed by chairs in front of exit door located near restaurant restrooms.	09/19/2020	n/a
10	Sec. 1030.2 2014 Edition IFC 675 IAC 22-2.5	Required exit accesses, exits and exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency when the building area served by the means of egress is occupied. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.	The exterior path of egress is obstructed outside of restaurant restroom exit.	09/19/2020	n/a
11	Sec. 605.6 2014 Edition IFC 675 IAC 22-2.5	Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.	Open ceiling junction box exposing electrical wiring in basement, west side of water heater.	09/19/2020	n/a
12	Sec. 605.1 2014 Edition IFC 675 IAC 22-2.5	Identified electrical hazards shall be abated. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.	Exposed electrical wire in liquor closet in basement.	09/19/2020	n/a
13	Sec. 605.1 2014 Edition IFC 675 IAC 22-2.5	Identified electrical hazards shall be abated. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.	Open ceiling light socket in basement liquor room.	09/19/2020	n/a

14	Sec. 605.1 2014 Edition IFC 675 IAC 22-2.5	Identified electrical hazards shall be abated. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.	Broken electrical conduit on ceiling by Broadway side basement door to exterior.	09/19/2020	n/a
15	Sec. 605.1 2014 Edition IFC 675 IAC 22-2.5	Identified electrical hazards shall be abated. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.	Open light fixture sockets through out basement.	09/19/2020	n/a
16	Sec. 605.1 2014 Edition IFC 675 IAC 22-2.5	Identified electrical hazards shall be abated. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.	Broken conduit exposing electrical wiring on two HVAC units outside the back kitchen door. Conduit is taped with electrical tape and condition is unknown.	09/19/2020	n/a
17	Sec. 605.1 2014 Edition IFC 675 IAC 22-2.5	Identified electrical hazards shall be abated. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.	Exposed electrical wiring, on wall, above exterior side door from restaurant restroom area, south side.	09/19/2020	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>.



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10/1/20 3:50 PM





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