

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Monday, January 25, 2021
By Electronic Mail

Viral Patel
Petitioner
Comfort Inn
1915 Mississippi Street
Hobart, IN 46342
hobartcomfortinn@gmail.com

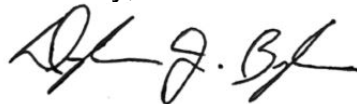
Re: Petition for Administrative Review – IDHS Sanctions Order No. 411-596 – Hobart Comfort Inn

Dear Mr. Patel:

The Indiana Fire Prevention and Building Safety Commission (Commission) is in receipt of your electronically-filed petition for administrative review of Indiana Department of Homeland Security (IDHS) Sanctions Order No. 411-596 – Hobart Comfort Inn, submitted on Monday, January 25, 2021. Pursuant to the requirements of Indiana Code § 4-21.5-3-7, your petition for administrative review is hereby granted by the Commission.

Your petition will now be forwarded to the Indiana Office on Administrative Law Proceedings (OALP) to be assigned to the Commission's administrative law judge. OALP or the judge will contact you directly to make arrangements for further proceedings. Should you have any questions, you may contact the Indiana Department of Homeland Security's deputy general counsel assigned to this matter, Justin Guedel, at jguedel@dhs.in.gov or (317) 234-9515.

Sincerely,



Douglas J. Boyle, Director
Indiana 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 of the Indiana Fire Prevention and Building Safety Commission (by electronic mail)

From: noreply@formstack.com
To: [DHS Legal Mailbox](#)
Subject: Petition for Review
Date: Monday, January 25, 2021 12:41:35 PM
Attachments: [68379161_HM321C_Sanction_Fines_01-11-2021.pdf](#)
[68380034_Correspondance_after_re-opening_from_the_outbreak.PNG](#)

**** 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 01/25/21 12:40 PM

Individual Name:	Viral Patel
Business Name: :	Comfort Inn
Phone Number:	(630) 542-0307
Email Address:	hobartcomfortinn@gmail.com
Mailing Address:	1915 Mississippi Street Hobart, IN 46342
Are you represented by an attorney?:	No
Attorney Name:	
Firm:	
Phone Number:	
Email Address:	

Mailing Address:	
Order Number:	
Facility Device Boiler ID:	
Date Order Received:	Jan 11, 2021
How did you receive the Order? :	Hand Delivery
Entity Issuing Order:	Fire Prevention and Building Safety Commission
Entity Name:	
Upload Order:	View File
Was this order specifically directed to you?:	Yes
Explain:	There was an issue with out vendor being able to complete the replacement of a side exit door due to a covid outbreak
Explain:	
Have you been aggrieved or adversely affected by the order?:	Yes
Explain:	The door was still accessible for exit and entrance. We were sanctioned for not having it replaced but we paid for new doors at the end of September, months ago, but the vendor was shut down due to covid outbreak in their building
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

We were aware that we needed to replace the door and so we took immediate action, 2.5 months prior to even being sanctioned. We did absolutely everything in our power to get this door replaced but first the vendor said there were shipping delays due to coronavirus, then their whole building was shut down due to a covid outbreak, and then when the building opened, the workers did not show up to work due to additional infection symptoms.

What is the basis of your challenge? :

We called the vendor on a daily basis to get an update on when this would get resolved and they said that they would be willing to explain to the Fire Marshall why there were so many delays and to confirm that this was not our fault.

I am attaching the sales order confirmation that was done at the end of September 2020, many months prior to the citation.

Please also note that the day after we were cited, the side entrance door was replaced. They ended up being 1 day too late. However, the delay was out of our hands completely.

What is your desired outcome? :

We want to reverse the \$250 sanction charge.

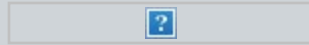
Additional information in support of my request:

Broadway Glass
(219) 884-5277

Ask for Todd or Jeff (manager's of the job) or better yet, ask for the owner of the company. I have been in constant communication with them for months and they all are aware that the Fire Marshall may be reaching out to them to confirm the issues on their end.

Sales order attached shows we placed the order at the end of September to get this taken care of.

Additional Attachments:



[Direct Link to Image](#)

Additional Attachments:



[Direct Link to Image](#)

Additional Attachments:



[Direct Link to Image](#)

**Report of inspection**

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

Permit Number	Sanction Number
HM321C	411-596

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

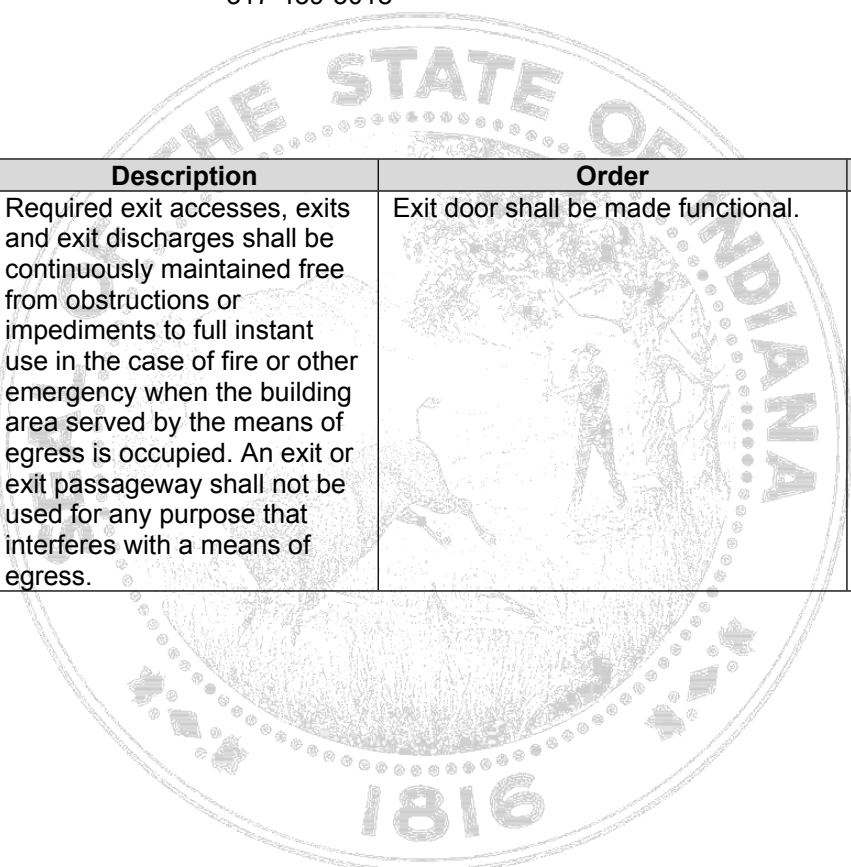
Date 01/11/2021 **Type** Sanctions
Results Sanctions

Location **Owner**
 Name COMFORT INN / HOBART Name NA COMFORT INN
 Street 1915 MISSISSIPPI STREET Street 1915 MISSISSIPPI STREET
 City HOBART City HOBART
 Zip 46342 Zip 46342

Inspector **Permit**
 Name Thomas Burkhart State Number HM321C
 Email TBurkhart1@dhs.IN.gov Type Motel
 Phone 317-439-3018

Notice of Violations

#	Code	Description	Order	Correct By	Fee
	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.	Exit door shall be made functional.	01/05/2020	\$250.00





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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.



Report of inspection

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

Permit Number	Sanction Number
HM321C	411-596

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

5. SANCTIONS

This report is to notify you that sanctions are being imposed due to violation(s) of the law. If a civil penalty is imposed, you will be prohibited from renewing any permit, license, registration, certification, or other similar authorization related to the device, equipment, or structure, which is the subject of the civil penalty, until the debt has been satisfied. 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:

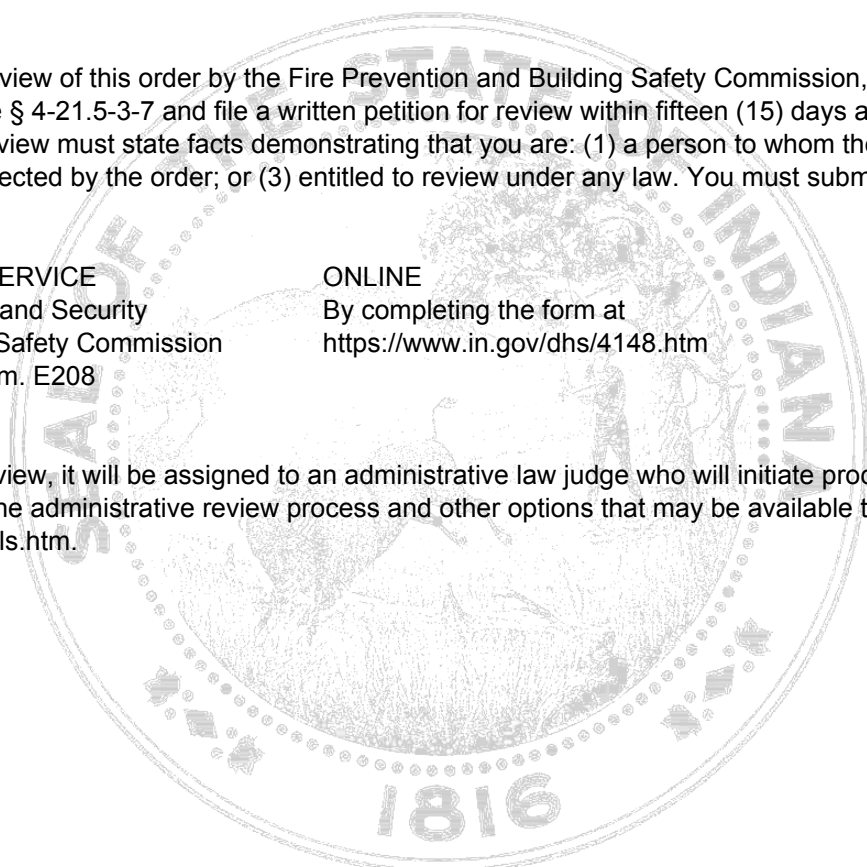
U.S. MAIL OR PERSONAL SERVICE

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>.



Sales Order

Date	S.O. No.
9/30/2020	65414

Broadway Glass & Customs

6491 Broadway
Merrillville In 46410
219-884-5277

Broadwayglass.net

BILL TO

COMFORT INN HOBART
1915 MISSISSIPPI ST
HOBART IN 46342
419-989-1134

P.O. No.	Rep	INSTALLER	VIN #	YR/MAKE/MODEL		
	JZ	AN ESTIMATE		INSULATED UNITS		
Item	Description	Ordered	Rate	Class	Serviced	Amount
CG	Custom Glass 1- 40 X 86 X 1" INSULATED GLAZED EXTERIOR STOREFRONT ENTRY DOOR CLEAR ANODIZED ALUMINUM WITH ELECTRIC LATCH	1	1,700.00	CG		1,700.00T
CG	Custom Glass 3- 40 X 86 X 1/4" GLAZES INTERIOR STOREFRONT ENTRY DOORS ANODIZED ALUMINUM INSTALL CUSTOMER BATTERY DOOR HANDLE LOCKS ONTO STREFRONT DOORS	3	1,100.00	CG		3,300.00T
GL	GLASS LABOR FABRICATED, INSTALLED & SEALED PLUS DEMO FINISH OFF EACH IN BREAKMETAL (ALSO INSTALL 1 DOOR CLOSER ON EXISTING INTERIOR DOOR 9-18-2020)		1,600.00	CG		1,600.00
CC	Customer Credit DEPOSIT REQUIRED TO ORDER APPROX 50%		0.00			0.00
	*** LEAD TIME ON STOREFRONT DOORS.. ELECTRIC LATCH DOOR CAN TAKE 3 TO 4 WEEKS, 3 DOORS 1 TO 2 WEEKS AFTER DEPOSIT RECEIVED BEFORE CAN CALL TO SCHEDULE INSTALLATION					
No refunds on deposits ALL SALES ARE FINAL !!				Subtotal		
				Sales Tax (7.0%)		
				Total		

Scanned with CamScanner

Sales Order

Date	S.O. No.
9/30/2020	65414

Broadway Glass & Customs

6491 Broadway
Merrillville In 46410
219-884-5277

Broadwayglass.net

BILL TO

COMFORT INN HOBART
1915 MISSISSIPPI ST
HOBART IN 46342
419-989-1134

P.O. No.	Rep	INSTALLER	VIN #	YR/MAKE/MODEL		
	JZ	AN ESTIMATE		INSULATED UNITS		
Item	Description	Ordered	Rate	Class	Serviced	Amount
CF	Surcharge For Credit/Debit Card Usage IF PAYING BY DEBIT CARD THERE IS A 3.9% CHARGE ADDED TO					0.00



to C

Jeff,

I need a call back immediately. You said you would give me an update every day and that was over a week ago. I have left messages for you so many times over this past week without any response or call back from you.

I reached out to the owner and left him a voicemail today and yesterday and am waiting for a call back. This is absolutely ridiculous. Our second extension from the fire Marshall has expired and we will likely get fined.

I am very upset at this point not only by the delay of 3 months so far but also the total lack of communication.

We need to get this scheduled and actually stick to the scheduled time. Again, this needs to be scheduled in advance so we can make sure we are on site.

Give me a call back asap at 217-840-5436



C Glass

to me

Fri, Jan 8, 10:03 AM



Hello, I have not been in office lately due to manpower issues of late. I can for certain tell you we can for sure be there Tuesday 1-12 & Wednesday 1-13 if needed to complete installation, the owner does know our situation and is very interested on completing your job as soon as possible, as am I. This is the first guaranteed opportunity in weeks, we will have enough manpower to complete job. If those days are not available please advise if any days after that work better for you.

Apologies,