

ERIC J. HOLCOMB, Governor
STATE OF INDIANA

INDIANA DEPARTMENT OF HOMELAND SECURITY
302 West Washington Street
Indianapolis, IN 46204



April 11, 2018
By U.S. Mail

Richard Robbins
Jessjenn Realty LLC
125 East 26th Street
New York, NY 10010

**Re: Petition for Review – Jessjenn Realty LLC Appeal of Muncie Fire Department’s 3/5/18
Inspection Report**

Dear Mr. Robbins:

The Commission is in receipt of your petition for review of the Muncie Fire Department’s 3/5/18 inspection report, dated 3/12/2018. 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 arrange 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

cc: Justin Guedel
Muncie Fire Department (by U.S. Mail)
ALJ
File

Jessjenn Realty LLC
125 East 26 Street
New York, NY 10010
917 545-5193

March 12, 2018

Fire Prevention and Building Safety
302 West Washington Street
Room W246
Indianapolis, IN 46204

Order of Appeal

To whom it may concern:

In regard to a violation notice at 1800 S Burlington Drive, Muncie, we are appealing the ruling. This building was originally managed by Marsh Supermarkets and they filed bankruptcy last year. They took care of the facility without our involvement. Since they vacated, we were told that the sprinkler system had to be maintained because it was controlling the neighboring Family Dollar system. After consulting with our attorney, we find that no such an agreement exists. We spoke to the landlord and Family Dollar in regard to picking up the expenses in keeping the system active last week and have not been able to come to an agreement that is satisfactory. I am waiting for their timing on installing their own manifold before draining the system and building. Since we have not had a tenant, we are not able to afford to heat a 30,000 sq. ft. building to keep the pipes warm. I have given Family Dollar until Friday to give me an appropriate response, as I do not want to leave them high and dry, but, after that date I will have the system drained

I respectfully request that the violation be vacated due to the circumstances.

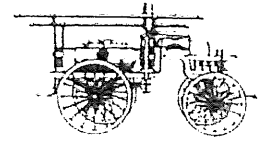
Very truly yours,


Richard Robbins
Manager



Muncie Fire Department

FIRE PREVENTION BUREAU



300 N High Street, Muncie, Indiana 47305 Telephone (765) 747-4876

Jessgenn Reality LLC
1800 S Burlington
Muncie, IN 47302

An inspection of your facility on Monday March 5, 2018 revealed the violation(s) listed below.

ORDER TO COMPLY: Since these conditions are contrary to law, you must correct them upon receipt of this notice. An inspection to determine compliance with this Notice will be conducted on or after: **Thursday April 5, 2018**

Failure to remedy the violation(s) within the time period set forth above will result in the initiation of legal proceedings to restrain, correct or abate the violation(s). Such proceedings will require your appearance in court for a hearing on the matter. If a violation is found at that time, a fine of up to \$1000 will be imposed. The imposition of a penalty for a violation shall not excuse the violation nor permit it to continue. Each day a violation exists is considered a separate violation.

Violation Code	Article	Division	Page	Count
901.6 Inspection, testing and maintenance. Fire detection, alarm, and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective.	675 IAC 22-2.5	IFC 2014	0	1

NOTES COMMENTS

0 0

01/31/2018 Spoke with Richard Robbins on the phone and emailed rlrny@msn.com and requested an annual inspection report for building.

03/05/2018 Sent letter to: Jessgenn Reality LLC / 125 E 26th Street / New York, New York 10010

The letter included code violations with appeal rights.

901.6.1 Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 901.6.1. TABLE 901.6.1 FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS	675 IAC 22-2.5	IFC 2014	0	1
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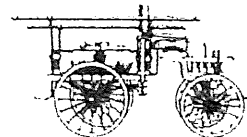
Water-based fire protection systems
NFPA 25

NOTE: The sprinkler system is to be inspected annually with any deficiencies repaired.



Muncie Fire Department

FIRE PREVENTION BUREAU



300 N High Street, Muncie, Indiana 47305 Telephone (765) 747-4876

Jessgenn Reality LLC
1800 S Burlington
Muncie, IN 47302

903.4.1 Monitoring. 675 IAC 22-2.5 IFC 2014 0 1

Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved supervising station or, when approved by the fire code official, shall sound an audible signal at a constantly attended location.

901.6.2 Records. 675IAC22-2.5-10 IFC 2014 0 1

Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises or made readily available for a minimum of two (2) years from the date of the last inspection, except that original acceptance test reports shall be maintained for the life of the system.

NOTE: Send a copy of the annual inspection to awood@cityofmuncie.com

A Wood

WOOD, AARON
Inspector

X

Occupant/Owner

Richard Robbins
125 East 26th Street
New York, NY
10010

POST OFFICE
NEW YORK
NY 10010-33
FEB 24

FOREVER
F 16880227 175308



Code Enforcement
~~Wendy Robbins~~
302 W Washington St
Room W246
Indianapolis, IN 46204