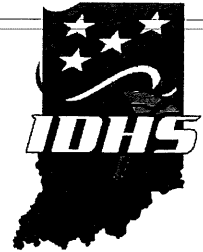


ERIC J. HOLCOMB, Governor
STATE OF INDIANA

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



November 9, 2017
By U.S. Mail

Joshua A. Stigdon, Esq.
Houston, Thompson and Lewis, PC
49 E Wardell Street
Scottsburg, IN 47170

Re: Petition for Review --- Scottsburg Elementary School (ID # SC7649)

Dear Mr. Stigdon:

The Fire Prevention and Building Safety Commission is in receipt of your Petition for Review of the recent Inspection Report Order dated 10/04/2017. The Petition for Review will be discussed at the next regularly scheduled meeting of the Fire Prevention and Building Safety Commission – currently scheduled to begin at 9:00AM on Tuesday, December 5, 2017. The Commission will make a determination as to whether the petition was timely filed.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. J. Boyle', is positioned above the typed name of the Director.

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
dboyle@dhs.in.gov
(317) 650-7720

cc: Justin Guedel



Houston,
Thompson
and Lewis, PC
ATTORNEYS AT LAW

Robert L. Houston, III
rhouston@htllawyers.com

Kerry L. Thompson
kthompson@htllawyers.com

Jennifer D. Lewis
jlewis@htllawyers.com

Joshua A. Stigdon
jstigdon@htllawyers.com

October 20, 2017

Fire Prevention and Building Safety Commission
302 W. Washington St., Rm. W246
Indianapolis, Indiana 46204

**RE: Petition for Review of Certain Inspection Report Orders – Scott County
School District 2**

To Whom It May Concern:

I am the attorney for the Scott County School District 2 and I am writing to request an administrative review of the recent Inspection Report Orders received by the School. I am enclosing a copy of said Orders that we are seeking a review of. Specifically, we are only requesting review of the alleged violation of Sec. 703.2 of 675 IAC 22-2.5 and the School's use of pull guards to protect our students and faculty. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua A. Stigdon".

Joshua A. Stigdon



FIRE AND BUILDING CODE ENFORCEMENT INSPECTION REPORT ORDER

DIVISION OF FIRE AND BUILDING SAFETY
INDIANA DEPARTMENT OF HOMELAND SECURITY
302 WEST WASHINGTON STREET, RM E241
INDIANAPOLIS, IN 46204
TELEPHONE: 317-232-2222
WEB ADDRESS: WWW.IN.GOV/DHS

Identification Number SC7649	Name of the facility SCOTTSBURG ELEMENTARY SCHOOL	County SCOTT
Address of Property 49 N HYLAND ST SCOTTSBURG 47170		Name of the Contact CHRIS MARSHALL
Telephone Number (812) 752-8922		Inspection Date 10/04/2017
Email cmarshall@scsd2.k12.in.us		Inspection Status: VIOLATION
Inspection Category SCHOOL	Inspection Type ANNUAL	Inspection Status: VIOLATION
Name of the inspector GARY HOUSE	Phone: 3174397242	
Email: ghouse@dhs.in.gov		

Violations

VIO- LATION NUMBER	RULE OR INDIANA CODE SECTION VIOLATED	DESCRIPTION OF VIOLATION	DATE BY WHICH VIOLATION MUST BE CORRECTED
1	Sec. 406.2 2014 Edition IFC 675 IAC 22-2.5	<p>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.</p> <p><u>Provide documentation that employees have received training in the contents of the fire safety and fire evacuation plans.</u></p>	11/06/2017
2	Sec. 901.6.2 2014 Edition IFC 675 IAC 22-2.5	<p>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.</p> <p><u>Provide documentation that the fire alarm system and the sprinkler system have passed the required annual tests.</u></p>	11/06/2017
3	Sec. 604.5.2 2014 Edition IFC 675 IAC 22-2.5	<p>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.</p> <p><u>Provide documentation that the emergency egress lighting and exit signs have passed the required annual 90 minute battery load test.</u></p>	11/06/2017
4	Sec. 703.2 2014 Edition IFC 675 IAC 22-2.5	<p>Opening protectives shall be maintained in accordance with the rules of the commission. Where allowed by the fire code official, the application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced promptly whenever fused or damaged. Fire door assemblies shall not be modified.</p> <p><u>THROUGHOUT UNSPRINKLERED AREAS OF BUILDING - Rated doors have plastic clips ("pull guards") placed on them and wooden wedges</u></p>	11/06/2017

		<p><u>are placed under them preventing them from latching.</u></p> <p><u>CAFETERIA DOUBLE DOORS - The rated doors assembly have been modified by installing hold open hardware and the floor latches do not latch.</u></p>	
5	<p>Sec. 1003.6 2014 Edition IFC 675 IAC 22-2.5</p>	<p>The path of egress travel along a means of egress shall not be interrupted by any building element other than a means of egress component as specified in this chapter. Obstructions shall not be placed in the required width of a means of egress except projections permitted by this chapter. The required capacity of a means of egress system shall not be diminished along the path of egress travel.</p> <p><u>THROUGHOUT BUILDING HALLWAYS - Tables and chairs and other objects are located in the width of the means of egress paths.</u></p>	11/06/2017
6	<p>Sec. 315.3.2 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Combustible materials shall not be stored in exits or enclosures for stairways and ramps.</p> <p><u>THROUGHOUT BUILDING - Combustible materials are located in the exit access hallways.</u></p>	11/06/2017
7	<p>Sec. 605.5 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.</p> <p><u>STAGE - Flexible cord wiring that is supplying the florescent lighting fixtures is passing through the dropped ceiling.</u></p>	11/06/2017
8	<p>Sec. 703.1 2014 Edition IFC 675 IAC 22-2.5</p>	<p>The required fire-resistance rating of fire-resistance-rated construction (including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained. Such elements shall be visually inspected by the owner annually and properly repaired, restored or replaced when damaged, altered, breached or penetrated. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or similar movable entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings and holes made for any reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.</p> <p><u>BASEMENT - Ceiling tiles are missing.</u></p>	11/06/2017
9	<p>Sec. 1011.2 2008 Edition IBC 675 IAC 13-2.5</p>	<p>Exit signs shall be internally or externally illuminated. Exception: Tactile signs required by Section 1011.3 need not be provided with illumination.</p> <p><u>FIFTH GRADE HALLWAY - The exit sign is not operable.</u></p>	11/06/2017
10	<p>Sec. 703.4 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm proper operation and full closure. A written record shall be maintained and be available to the fire code official.</p> <p><u>KITCHEN - Provide documentation that the rolling fire doors have passed the required annual tests and inspections.</u></p>	11/06/2017

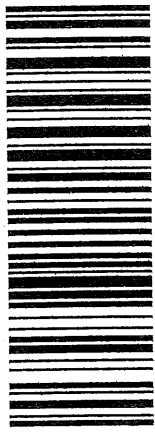
Facility Id	Received By Name	Signature and Date
SC7649		

APPEAL RIGHTS

Please be advised that if you desire administrative review of this Order and **this Order was delivered by hand**, you must file a written petition for review with the Fire Prevention and Building Safety Commission at 302 West Washington Street, Rm. W246, Indianapolis, IN 46204, identifying the violations for which you seek review no later than 15 calendar days from the hand delivery date of this Order unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the first calendar day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding 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** and you **MUST** comply with its requirements.

Please be advised that if you desire administrative review of **this Order and this Order was delivered by first class U.S. mail**, you must file a written petition for review with the Fire Prevention and Building Safety Commission at 302 West Washington Street, Rm. W246, Indianapolis, IN 46204, identifying the violations for which you seek review no later than 18 calendar days from the mailing date of this Order unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the first calendar day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding 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** and you **MUST** comply with its requirements.

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 a request therefor, 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.



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46204



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U.S. POSTAGE
PAID
SCOTTSBURG, IN
\$7.70
OCT 20 17
AMOUNT
\$7.71
R2305K142186-11

*Return Receipt
Requested*

HOUSTON, THOMPSON and LEWIS, PC

A T T O R N E Y S A T L A W

49 East Wardell Street • Scottsburg, Indiana 47170

Fire Prevention & Building Safety Comm.
302 West Washington Street, Room W246
Indianapolis, IN 46204

*Return Receipt
Requested*

Boyle, Douglas J (DHS)

From: House, Gary
Sent: Thursday, November 09, 2017 11:32 AM
To: Boyle, Douglas J (DHS)
Subject: Re: Appeals to Scott County School District 2 Inspection Report Orders

Hi Doug,

Yes they were all hand delivered.

Gary House CFI CBI CEI CPE | Senior Code Official-Code Enforcement
Fire & Building Safety Division
Indiana Department of Homeland Security
302 W. Washington St.
Indianapolis, IN 46204
Cell: 317-439-7242
Email: ghouse@dhs.in.gov
Web: www.in.gov/dhs

from my iPhone

On Nov 9, 2017, at 11:13 AM, Boyle, Douglas J (DHS) <DoBoyle@dhs.IN.gov> wrote:

Good Morning Gary,

We have received a few petitions for review for Inspection Report Orders that you issued in Scott County School District 2 last month. We received them certified mail on 10/20/17. Their attorney is appealing the Section 703.2, 675 IAC 22-2.5 violation regarding pull guards. Some of these appeals are close to the filing deadline, so I just wanted to verify that you hand delivered all of these orders. The appealed inspection report orders are as follows:

1. Scottsburg Senior High School – ID # SC7641 (10/18/17 Inspection Date) (No Section 703.2 violation)
2. Johnson Elementary School – ID # SC7633 (10/18/17 Inspection Date)
3. Scottsburg Elementary School – ID # SC7649 (10/4/17 Inspection Date)
4. Vienna Finley Elementary School – ID # SC7653 (10/3/17 Inspection Date)

Thanks for your assistance with this.

Sincerely,

Doug Boyle

Douglas J. Boyle
Director – Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
302 W. Washington Street, Room E-208