

**JOURNEY SENIOR LIVING OF VALPARAISO**  
**74 JOURNEY WAY**  
**VALPARAISO, IN 46383**

May 8, 2019

Ms. Kristin Settle, Section Chief-Code Enforcement  
Division of Fire & Building Safety  
Indiana Department of Homeland Security  
302 W. Washington Street, Room E241  
Indianapolis, IN 46204

Re: Journey Senior Living of Valparaiso//Facility Id: L T14043

Dear Ms. Settle:

I am writing this letter to Petition the Division of Fire & Building Safety, of the Indiana Department of Homeland Security (the "Department") for an administrative review of the Order dated April 23, 2019 (the "Order"). In support of our response to the Order is as follows:

1. Section 517.49, IEC 675 IAC 17-1.8: The subject property was designed, reviewed, permitted, constructed and licensed as a newly constructed residential care assisted living facility. Although the facility is not a Health Care Facility as defined by the NEC 208 code, the first floor memory care portion of the facility does contain an I-2 use with some of our residents not being capable of self-preservation, resulting in a classification as a "nursing Home" under the code. The subject property was cited as being in violation of the National Electrical Code Section 517.41, however, Section 517.40 (see attached) of the National Electrical Code provides exceptions to the applicability of Section 517.41, specifically stating:

517.40 Essential Electrical Systems for Nursing Homes and Limited Care Facilities.

(A) Applicability. The requirements of Part III, 517.40(C) through 517.44, shall apply to nursing homes and limited care facilities. Exception: The requirements of Part III, 517.40(C) through 517.44, shall not apply to freestanding buildings used as nursing homes and limited care facilities, provided that the following apply:

- (a) Admitting and discharge policies are maintained that preclude the provision of care for any patient or resident who may need to be sustained by electrical life support equipment.
- (b) No surgical treatment requiring general anesthesia is offered.
- (c) An automatic battery-operated system(s) or equipment is provided that shall be effective for at least 1 1/2 hours and is otherwise in accordance with 700.12 and that shall be capable of supplying lighting for exit lights, exit corridors, stairways, nursing stations, medical preparation areas, boiler rooms, and communications areas. This system shall also supply power to operate all alarm systems.

Journey Senior Living of Valparaiso meets each one of the requirements of section 517.40, thus exempting the property from the requirements of Section 517.41. Specifically, 1) Journey Senior Living is not licensed nor accept any residents in need of sustained life support equipment; 2) no surgical or other medical procedures are performed requiring anesthesia; and,

3) the facility has an automatic backup battery power system that provides at least 1.5 hours of power in compliance with Section 700.12 and capable of supplying lighting for exit lights, exit corridors, stairways, nursing stations, medical preparation areas, boiler rooms, and communications areas to the extent they exist. This system shall also supply power to operate all alarm systems. Please see attached letter from the architect of record (Perimeter Architects) for the that designed the project and secured all of the building permits, pre-license design approvals and oversaw the construction of the project, together with all supporting materials. This response is in regard to subsections A of the Order.

2. Violation (B) cites a violation of Section 517.41, which like Violation (A), falls under the exemption provisions of Section 517.40 referenced above.

3. Violation (C) cites a violation based on the failure of the electrical system to have adequate capacity to meet the demand for the operation of functions to be served by the system. The automatic battery backup system reference above resolves this current condition and is compliant by virtue of the exemption provisions of Section 517.40.

4. Violation (D) cites a violation of Section 517.41, which like Violation (A-C), falls under the exemption provisions of Section 517.40 referenced above.

Finally, I would like to point out that the subject property has been the subject of other inspections by the Department, as well as numerous reviews and inspections during the design, construction and licensing process and this issue was never raised at any other point in time. (Please see the attached Construction Design Release issued by the Department on June 28, 2017 and the Department inspection report prepared on March 8, 2018, that lists numerous violations, and which fails to make mention of the Code sections cited in the most recent report). While we understand that the failure to cite certain violations does not excuse conditions that put residents at risk, we designed and constructed this facility with the care and safety of our residents as a paramount concern. We have provisions for battery backups to provide the required back-up power and have an existing contract with a generator company to provide back-up power to the property for an indefinite amount of time should a power interruption last longer than the duration of our back up battery system. Based on the current layout and design of the property, we are comfortable that the care and well-being of our residents is being met and that we are in compliance with the relevant sections of all applicable codes. It is important to note that this is not a skilled nursing facility or a nursing home wherein virtually every resident is in need of life supporting care.

I thank you for your consideration of this matter. Please do not hesitate to contact me with any questions.

Yours truly,



Edwin A. Gausselein

- c. Ms. Melissa Green  
Mr. Mark Matthews



# 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 LT14043	Name of the facility JOURNEY SENIOR LIVING OF VALPO	County PORTER
Address of Property 74 E JOURNEY WAY VALPARAISO 46383	Name of the Contact MELISSA GREEN	Telephone Number (219) 707-8474
Email melissa@jsl-v.com	Inspection Date 04/23/2019	
Inspection Category HEALTHCARE FACILITY	Inspection Type PARTIAL	Inspection Status: VIOLATION
Name of the inspector Email: rlute@dhs.in.gov	RICHARD (ZACH) LUTE	Phone: 3174179715

## Violations

VIO-LATION NUMBER	RULE OR INDIANA CODE SECTION VIOLATED	DESCRIPTION OF VIOLATION	DATE BY WHICH VIOLATION MUST BE CORRECTED
1	Sec. 517.41 2009 Edition IEC 675 IAC 17-1.8	<p>(A) General. Essential electrical systems for nursing homes and limited care facilities shall be comprised of two separate branches capable of supplying a limited amount of lighting and power service, which is considered essential for the protection of life safety and effective operation of the institution during the time normal electrical service is interrupted for any reason. These two separate branches shall be the life safety branch and the critical branch. [99: A.4.5.2.2.1]</p> <p>(B) Transfer Switches. The number of transfer switches to be used shall be based on reliability, design, and load considerations. Each branch of the essential electrical system shall be served by one or more transfer switches. One transfer switch shall be permitted to serve one or more branches or systems in a facility with a maximum demand on the essential electrical system of 150 kVA. [99:4.5.2.2.1] FPN No. 1: See NFPA 99-2005, Standard for Health Care Facilities, 4.5.3.2, Transfer Switch Operation Type II;</p> <p>(C) Capacity of System. The essential electrical system shall have adequate capacity to meet the demand for the operation of all functions and equipment to be served by each branch at one time.</p> <p>(D) Separation from Other Circuits. The life safety branch shall be kept entirely independent of all other wiring and equipment and shall not enter the same raceways, boxes, or cabinets with other wiring except as follows:</p> <p>(1) In transfer switches (2) In exit or emergency luminaires supplied from two sources (3) In a common junction box attached to exit or emergency luminaires supplied from two sources</p> <p>The wiring of the critical branch shall be permitted to occupy the same raceways, boxes, or cabinets of other circuits that are not part of the life safety branch.</p>	05/24/2019

		<p><b>(E) Receptacle Identification.</b>  <b>The cover plates for the electrical receptacles or the electrical receptacles themselves supplied from the emergency system shall have a distinctive color or marking so as to be readily identifiable. [99:4.5.2.2.4.2]</b></p> <p><b><u>Facility is missing the required separate branches of power capable of supplying a limited amount of lighting and power service, which is considered essential for the protection of life safety and effective operation of the institution during the time normal electrical service is interrupted for any reason.</u></b></p>	
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<b>Facility Id</b>  LT14043	<b>Received By Name</b>	<b>Signature and Date</b>
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If you are receiving this notice, property that you own or have control over has been inspected by the Indiana Department of Homeland Security (Department). Depending on the outcome of this inspection, alleged violations may have been found. If violations were found, the below information describes what this notice means and how to request review of the violations contained in this report.

### 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, sign and return this notice to your inspector 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 up to \$250 per day per violation.
3. I understand no extensions of time are permitted unless they are granted in writing by 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.

Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_

If you choose not to enter into a corrective plan and would like to request **informal review** of this report, please complete the informal review form located at <https://www.in.gov/dhs/appeals.htm>. Following the receipt of this form, the Department 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 review. Additionally, if you have any questions regarding this report, you may contact that Department at (317)

232-2222.

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 stay in writing.

If you desire a formal administrative review of these violations, you must comply with the requirement of Indiana Code IC 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 may submit your petition by the following methods:

**U.S. MAIL OR PERSONAL SERVICE**

Indiana Department of Homeland Security  
Fire Prevention and Building Safety Commission  
c/o Legal Counsel  
302 W. Washington Street, Rm. E208  
Indianapolis, IN 46204

**ONLINE**

By completing the form at  
<https://www.in.gov/dhs/appeals.htm>

For additional information about the administrative review process and applicable templates that may be used for filings, visit the following link <https://www.in.gov/dhs/appeals.htm>.

	<p><b>(E) Receptacle Identification.</b>          The cover plates for the electrical receptacles or the electrical receptacles themselves supplied from the emergency system shall have a distinctive color or marking so as to be readily identifiable. [99:4.5.2.2.4.2]</p> <p><u>Facility is missing the required separate branches of power capable of supplying a limited amount of lighting and power service, which is considered essential for the protection of life safety and effective operation of the institution during the time normal electrical service is interrupted for any reason.</u></p>	
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Facility Id LT14043	Received By Name <i>Teddy Belcotti</i>	Signature and Date <i>TAB</i> 4/29/17
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**From:** [Lute, Richard \(DHS\)](#)  
**To:** [Boyle, Douglas J \(DHS\)](#)  
**Cc:** [Settle, Kristin](#); [Clouse, Chris](#); [Adkinson, Stan](#)  
**Subject:** Re: Petition for Review - State Inspection Report Order State Number LT14043 - Journey Senior Living of Valparaiso  
**Date:** Thursday, May 30, 2019 10:15:29 AM  
**Attachments:** [image001.png](#)

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Ladies and Gentlemen,

I did indeed serve the order on the day of receipt, 04/23/2019 (printed from my vehicle and received by the Facilities Director whilst onsite).

Please let me know if you need any further information. Thank you very much and have a great day.

Respectfully,

**R. Zach Lute CFI-I, CBI**  
Senior Fire & Building Code Official  
Division of Fire & Building Safety  
Office of the State Fire Marshal  
Indiana Department of Homeland Security  
302 W. Washington St., Rm E-241  
Indianapolis, IN 46204  
Cell: 317-417-9715  
Office: 317-232-1440  
[rlute@dhs.in.gov](mailto:rlute@dhs.in.gov)  
[in.gov/dhs](http://in.gov/dhs)

On May 29, 2019, at 16:26, Boyle, Douglas J (DHS) <[DoBoyle@dhs.in.gov](mailto:DoBoyle@dhs.in.gov)> wrote:

Zach, the first piece of information that I need to know is if you hand-served the inspection report order on the owner on the date of the inspection (4/23/19), or if you mailed the order the owner after the date of the inspection. Based on the date of the inspection (4/23/19), the petition would have needed to be hand-delivered or postmarked by 5/8/19 (if the order was hand-served on the owner on the date of the inspection), or by 5/13/19 (if the order was mailed to owner).



**517.40 Essential Electrical Systems for Nursing Homes and Limited Care Facilities.**

**(A) Applicability.** The requirements of Part III, 517.40(C) through 517.44, shall apply to nursing homes and limited care facilities.

*Exception: The requirements of Part III, 517.40(C) through 517.44, shall not apply to freestanding buildings used as nursing homes and limited care facilities, provided that the following apply:*

(a) Admitting and discharge policies are maintained that preclude the provision of care for any patient or resident who may need to be sustained by electrical life-support equipment.

(b) No surgical treatment requiring general anesthesia is offered.

(c) An automatic battery-operated system(s) or equipment is provided that shall be effective for at least 1½ hours and is otherwise in accordance with 700.12 and that shall be capable of supplying lighting for exit lights, exit corridors, stairways, nursing stations, medical preparation areas, boiler rooms, and communications areas. This system shall also supply power to operate all alarm systems. [99:17.3.4.2.2(3), 18.3.4.2.2(3)]

FPN: See NFPA 101-2006, *Life Safety Code*.

**(B) Inpatient Hospital Care Facilities.** For those nursing homes and limited care facilities that admit patients who need to be sustained by electrical life support equipment, the essential electrical system from the source to the portion of the facility where such patients are treated shall comply with the requirements of Part III, 517.30 through 517.35.

**(C) Facilities Contiguous or Located on the Same Site with Hospitals.** Nursing homes and limited care facilities that are contiguous or located on the same site with a hospital shall be permitted to have their essential electrical systems supplied by that of the hospital.

FPN: For performance, maintenance, and testing requirements of essential electrical systems in nursing homes and limited care facilities, see NFPA 99-2005, *Standard for Health Care Facilities*.

**517.41 Essential Electrical Systems.**

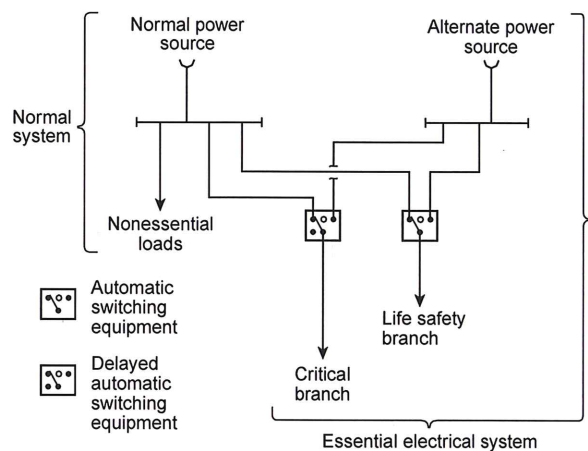
**(A) General.** Essential electrical systems for nursing homes and limited care facilities shall be comprised of two separate branches capable of supplying a limited amount of lighting and power service, which is considered essential for the protection of life safety and effective operation of the institution during the time normal electrical service is interrupted for any reason. These two separate branches shall be the life safety branch and the critical branch. [99: A.4.5.2.2.1]

**(B) Transfer Switches.** The number of transfer switches to be used shall be based on reliability, design, and load considerations. Each branch of the essential electrical system shall be served by one or more transfer switches. One transfer switch shall be permitted to serve one or more branches or systems in a facility with a maximum demand on the essential electrical system of 150 kVA. [99:4.5.2.2.1]

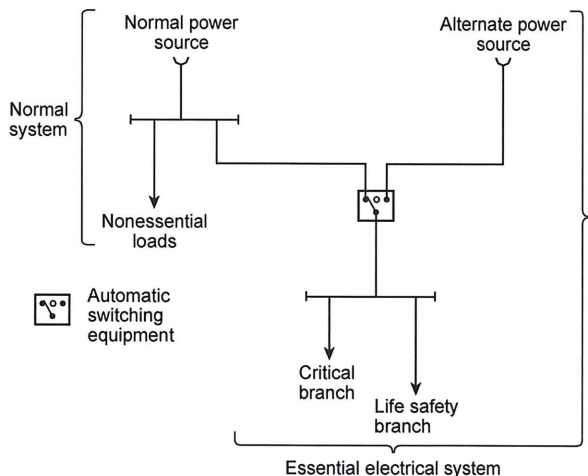
FPN No. 1: See NFPA 99-2005, *Standard for Health Care Facilities*, 4.5.3.2, Transfer Switch Operation Type II; 4.4.2.1.4, Automatic Transfer Switch Features; and 4.4.2.1.6, Nonautomatic Transfer Device Features.

FPN No. 2: See FPN Figure 517.41, No. 1.

FPN No. 3: See FPN Figure 517.41, No. 2.



**FPN Figure 517.41, No. 1 Nursing Home and Limited Health Care Facilities — Minimum Requirement for Transfer Switch Arrangement.**



**FPN Figure 517.41, No. 2 Nursing Home and Limited Health Care Facilities — Minimum Requirement (150 kVA or less) for Transfer Switch Arrangement.**



**(C) Capacity of System.** The essential electrical system shall have adequate capacity to meet the demand for the operation of all functions and equipment to be served by each branch at one time.

**(D) Separation from Other Circuits.** The life safety branch shall be kept entirely independent of all other wiring and equipment and shall not enter the same raceways, boxes, or cabinets with other wiring except as follows:

- (1) In transfer switches
- (2) In exit or emergency luminaires supplied from two sources
- (3) In a common junction box attached to exit or emergency luminaires supplied from two sources

The wiring of the critical branch shall be permitted to occupy the same raceways, boxes, or cabinets of other circuits that are not part of the life safety branch.

**(E) Receptacle Identification.** The cover plates for the electrical receptacles or the electrical receptacles themselves supplied from the emergency system shall have a distinctive color or marking so as to be readily identifiable. [99:4.5.2.2.4.2]

**517.42 Automatic Connection to Life Safety Branch.** The life safety branch shall be installed and connected to the alternate source of power so that all functions specified herein shall be automatically restored to operation within 10 seconds after the interruption of the normal source. No functions other than those listed in 517.42(A) through (G) shall be connected to the life safety branch. The life safety branch shall supply power for the following lighting, receptacles, and equipment.

FPN: The life safety branch is called the emergency system in NFPA 99-2005, *Standard for Health Care Facilities*.

**(A) Illumination of Means of Egress.** Illumination of means of egress as is necessary for corridors, passageways, stairways, landings, and exit doors and all ways of approach to exits. Switching arrangement to transfer patient corridor lighting from general illumination circuits shall be permitted, providing only one of two circuits can be selected and both circuits cannot be extinguished at the same time.

FPN: See NFPA 101-2006, *Life Safety Code*, Sections 7.8 and 7.9.

**(B) Exit Signs.** Exit signs and exit directional signs.

FPN: See NFPA 101-2006, *Life Safety Code*, Section 7.10.

**(C) Alarm and Alerting Systems.** Alarm and alerting systems, including the following:

- (1) Fire alarms

FPN: See NFPA 101-2006, *Life Safety Code*, Sections 9.6 and 18.3.4.

- (2) Alarms required for systems used for the piping of nonflammable medical gases

FPN: See NFPA 99-2005, *Standard for Health Care Facilities*, 4.4.2.2.2.2(3).

**(D) Communications Systems.** Communications systems, where used for issuing instructions during emergency conditions.

**(E) Dining and Recreation Areas.** Sufficient lighting in dining and recreation areas to provide illumination to exit ways.

**(F) Generator Set Location.** Task illumination and selected receptacles in the generator set location.

**(G) Elevators.** Elevator cab lighting, control, communications, and signal systems. [99:4.4.2.2.2.2(6), 4.5.2.2.2(7)]

**517.43 Connection to Critical Branch.** The critical branch shall be installed and connected to the alternate power source so that the equipment listed in 517.43(A) shall be automatically restored to operation at appropriate time-lag intervals following the restoration of the life safety branch to operation. Its arrangement shall also provide for the additional connection of equipment listed in 517.43(B) by either delayed automatic or manual operation. [99:4.5.2.2.3.1]

*Exception: For essential electrical systems under 150 kVA, deletion of the time-lag intervals feature for delayed automatic connection to the equipment system shall be permitted.*

**(A) Delayed Automatic Connection.** The following equipment shall be permitted to be connected to the critical branch and shall be arranged for delayed automatic connection to the alternate power source:

- (1) Patient care areas — task illumination and selected receptacles in the following:
  - a. Medication preparation areas
  - b. Pharmacy dispensing areas
  - c. Nurses' stations (unless adequately lighted by corridor luminaires)
- (2) Sump pumps and other equipment required to operate for the safety of major apparatus and associated control systems and alarms
- (3) Smoke control and stair pressurization systems
- (4) Kitchen hood supply and/or exhaust systems, if required to operate during a fire in or under the hood
- (5) Supply, return, and exhaust ventilating systems for airborne infectious isolation rooms [99:4.5.2.2.3.3(1) through (5)]



May 2, 2019

To: Ed Gaussein  
General Counsel-The Argent Group, Inc.  
Journey Senior Living of Valparaiso

Re: Fire and Building Code Enforcement Inspection Report Order dated 4/23/2019

Ed,

We are in receipt of the above inspection report. Our response to the various items is as follows.

- (A) The facility has been designed, reviewed, permitted and licensed as a new residential care assisted living facility. It is not a Health Care Facility per the NEC 2008 code. It is correct, that the memory portion of the building (1<sup>st</sup> floor) is an I-2 use (with some tenants that are not capable of self-preservation) thus by definition classified as a Nursing home (see attached). Description of Violation refers to the National Electrical Code Sec. 517.41 2008. According to the exceptions listed in the National Electrical Code Sec. 517.40 2008, the specific code violation(s) noted does not apply as we satisfy all three requirements (a thru c) of the exceptions (see attached).
- (B) Refer to item A above for response to the general requirement of separate branches of emergency power.
- (C) All emergency battery lights and exit signs have 1-1/2 automatic battery back-up, including the fire alarm system which has a 5-hour automatic battery back-up.
- (D) Refer to item A above for life safety requirements and C above for installed battery back-up systems.
- (E) Refer to item A above regarding life safety branch applicability.

Feel free to contact our office with any questions.

Regards,



Branyo Dvorak AIA  
Principal  
branyo@perimeterarchitects.com



## CONSTRUCTION DESIGN RELEASE

State Form 41191 (R9/5-98)

Report Printed on: June 29, 2017

Indiana Department of Homeland Security  
DIVISION OF FIRE & BUILDING SAFETY  
PLAN REVIEW DIVISION  
402 W. Washington St., Room E245  
Indianapolis, IN 46204



Available At Your Local Licence Branch  
**SUPPORT HOOSIER SAFETY**

To: Owner / Architect / Engineer  
Valley Fire Protection  
Patrick Horan 109629  
8635 Louisiana PL  
Merrillville IN 46410

Fax & e-mail: 2197509428, phoran68@yahoo.com

<b>Project number</b> 388610		<b>Release date</b> 06/28/17
<b>Construction type</b> V-B, SPK	<b>Occupancy classification</b> I-1, I-2, REM	
<b>Scope of release</b> SPK		
<b>Type of release</b> Partial		
<b>Project name</b> Journey Senior Living of Valparaiso		
<b>Street address</b> Eden Way		
<b>City</b> VALPARAISO	<b>County</b> PORTER	

The plans, specifications and application submitted for the above referenced project have been reviewed for compliance with the applicable rules of the Fire Prevention and Building Safety Commission. The project is released for construction subject to, but not necessarily limited to, the conditions listed below. THIS IS NOT A BUILDING PERMIT. All required local permits and licenses must be obtained prior to beginning construction work. All construction work must be in full compliance with all applicable State rules. Any changes in the released plans and/or specifications must be filed with and released by this Office before any work is altered. This release may be suspended or revoked if it is determined to be issued in error, in violation of any rules of the Commission or if it is based on incorrect or insufficient information. This release shall expire by limitation, and become null and void, if the work authorized is not commenced within one (1) year from the above date.

**CONDITIONS:**

Note :(A1A & A1B): In accordance with the affidavit sworn under penalties of perjury in the application for construction design release the plans and specifications filed in conjunction with this project shall comply with all of the applicable rules and laws of Fire Prevention and Building Safety Commission. Providing false information constitutes an act of perjury, which is a Class D felony punishable by a prison term and a fine up to \$10,000.

In accordance with Section 19 of the General Administrative Rules (675 IAC 12-6-19) a complete set of plans and specifications that conform exactly to the design that was released by the office of the state building commissioner shall be maintained on the construction jobsite as well as a copy of the design release.


- 10F13 The applicable standard in use by the Indiana Fire Prevention and Building Safety Commission for sprinkler design is NFPA 13, 2010 edition (675 IAC 28-1-5).
- 10F0855 Sprinkler locations shall comply with the design parameters for obstructions to discharge in accordance with Section 8.5.5, NFPA 13 (675 IAC 28-1-5).
- 10F081518A Return bends shall be provided for dry pipe systems in accordance with Section 8.15.18, NFPA 13 (675 IAC 28-1-5).
- 10F252 Water-based fire-protection systems shall be inspected, tested, and maintained per NFPA 25, 2011 edition (675 IAC 28-1-12).
- 10F0629 A supply of spare sprinkler heads shall be maintained on the premises in accordance with Section 6.2.9, NFPA 13 (675 IAC 28-1-5).
- 14B09051 Standpipes shall be provided in accordance with Section 905.1 IBC (675 IAC 13-2.6) and NFPA 14 (675 IAC 13-1-9).

Please be advised that if an administrative review of this action is desired, a written petition for review must be filed at the above address with the Fire Prevention and Building Safety Commission identifying the matter for which a review is sought no later than eighteen (18) days from the above - stated date, unless the eighteenth day falls on a Saturday, a Sunday, a legal holiday under State statute, or a day in which the Department of Fire and Building Services is closed during normal business hours. In the latter case, the filing deadline will be the first working day thereafter. If you choose to petition, and the before-mentioned procedures are followed, your petition for review will be granted, and an administrative proceeding will be conducted by an administrative law judge of the Fire Prevention and Building Safety Commission. If a petition for review is not filed, this Order will be final, and you must comply with its requirements.

**ELECTRONICALLY FILE YOUR PROJECT WITH STATE OF INDIANA at <http://www.in.gov/dhs/2650.htm>.**

**This on-line filing is through a secure site, you can use it to submit your project information, pay the fees and upload your project plans.**

***Use Internet Browser to View this report, other browsers are not compatible to view this report***

Code review official GERALD KELLEY gkelley@dhs.in.gov	Director, Division of Fire and Building Safety
Address (name, title of local official, street, city, state and ZIP code) BUILDING COMMISSIONER VICKI L THRASHER 166 LINCOLNWAY VALPARAISO, IN 46383 Fax & e-mail: 2194644273, vthrasher@valpo.us	

INDIANA 02



# 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 LT14043	Name of the facility JOURNEY SENIOR LIVING OF VALPA	County PORTER
Address of Property 74 E JOURNEY WAY VALPARAISO IN 46383	Name of the Contact MELISSA COX	Telephone Number (219) 707-8474
Email melissa@jsl-v.com	Inspection Date 03/08/2018	
Inspection Category HEALTHCARE FACILITY	Inspection Type INITIAL	Inspection Status: VIOLATION
Name of the inspector RICHARD (ZACH) LUTE	Phone: 3174179715	
Email: rlute@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. 901.4.1 2014 Edition IFC 675 IAC 22-2.5	Fire protection systems required by this code or the International Building Code shall be installed, repaired, operated, tested and maintained in accordance with this code.  <u>Horn strobe in Room 124.</u>	04/09/2018
2	Sec. 5.4.1.6 2011 Edition NFPA 25 675 IAC 28-1-12	A special sprinkler wrench shall be provided and kept in the cabinet to be used in the removal and installation of sprinklers.  <u>Missing in riser room.</u>	04/09/2018
3	Sec. 703.1 2014 Edition IFC 675 IAC 22-2.5	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.  <u>1. All doors leading to resident rooms need to be addressed.</u> <u>2. Spray foam used opposed to fire stop.</u>	04/09/2018
4	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.	04/09/2018

		<u>Found on risers in stairways.</u>	
5	465 IAC 2-12-85(q)	The gas and electric shutoffs shall be labeled and easily accessed in case of emergency. <u>In mechanical rooms.</u>	04/09/2018
6	465 IAC 2-9-86(c)	All gas equipment and appliances in the buildings shall comply with 675 IAC. <u>Smell of mercaptomethyl throughout multiple floors, resident rooms and mechanical rooms.</u>	04/09/2018
7	465 IAC 2-9-87(d)	If a gas water heater is used, it shall be vented as required under 675 IAC 18. <u>Smell of mercaptomethyl throughout multiple floors, resident rooms and mechanical rooms.</u>	04/09/2018
8	465 IAC 2-9-86(d)	The institution shall fully comply with 675 IAC regarding the use of liquified petroleum gas, natural gas, fuel oil, and other heating methods. <u>Smell of mercaptomethyl throughout multiple floors, resident rooms and mechanical rooms.</u>	04/09/2018
9	Sec. 703.2 2014 Edition IFC 675 IAC 22-2.5	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. <u>Doors cannot operate due to floor/door dimensions. Jacob stated he could "shave door," this is not allowed.</u>	04/09/2018
10	Sec. 703.1.3 2014 Edition IFC 675 IAC 22-2.5	Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. All openings protected with approved doors or fire dampers shall be maintained in accordance with NFPA 80. <u>Ensure proper seals are installed on all doors.</u>	04/09/2018
11	Sec. 315.3 2014 Edition IFC 675 IAC 22-2.5	Storage of materials in buildings shall be orderly and stacks shall be stable. Storage of combustible materials shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur. <u>Remove materials from touching the fuel-fired devices.</u>	04/09/2018
12	Sec. 315.3.3 2014 Edition IFC 675 IAC 22-2.5	Combustible material shall not be stored in boiler rooms, mechanical rooms or electrical equipment rooms. <u>Remove materials from touching the fuel-fired devices.</u>	04/09/2018
13	Sec. 901.5 2008 Edition IBC 675 IAC 13-2.5	Fire protection systems shall be tested in accordance with the rules of the commission at the expense of the owner or owner's representative. When requested by the building official, such tests shall be conducted in their presence. Prior to conducting such tests, the local building official shall be given at least 48-hours notice. It shall be unlawful to	04/09/2018

		<p>occupy portions of a structure until the required fire protection systems within that portion of the structure have been completed, successfully tested, and fully operational with appropriate contractor's material and test certificates filled out in full and provided to the building official.</p> <p><u>Unavailable for review, missing paperwork.</u></p>	
14	<p>Sec. 901.6.2 2014 Edition IFC 675 IAC 22-2.5</p>	<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>Unavailable for review, missing paperwork.</u></p>	04/09/2018
15	<p>Sec. 907.8.5 2014 Edition IFC 675 IAC 22-2.5</p>	<p>The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record shall be maintained and shall be made available to the fire code official.</p> <p><u>Unavailable for review, missing paperwork.</u></p>	04/09/2018
16	<p>Sec. 604.3.2 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Written records of the inspection, testing and maintenance of emergency and standby power systems shall include the date of service, name of the servicing technician, a summary of conditions noted and a detailed description of any conditions requiring correction and what corrective action was taken. Such records shall be kept on the premises served by the emergency or standby power system and be available for inspection by the fire code official.</p> <p><u>Unavailable for review, missing paperwork.</u></p>	04/09/2018
17	<p>Sec. 404.5 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Fire safety and evacuation plans shall be available in the workplace for reference and review by employees, and copies shall be furnished to the fire code official for review upon request.</p> <p><u>Unavailable for review, missing paperwork.</u></p>	04/09/2018
18	<p>Sec. 404.3.1 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Fire evacuation plans shall include the following:</p> <ol style="list-style-type: none"> <li>1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only.</li> <li>2. Procedures for employees who must remain to operate critical equipment before evacuating.</li> <li>3. Procedures for assisted rescue for persons unable to use the general means of egress unassisted.</li> <li>4. Procedures for accounting for employees and occupants after evacuation has been completed.</li> <li>5. Identification and assignment of personnel responsible for rescue or emergency medical aid.</li> <li>6. The preferred and any alternative means of notifying occupants of a fire or emergency.</li> <li>7. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.</li> <li>8. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.</li> <li>9. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.</li> </ol>	04/09/2018



		<u>Unavailable for review, missing paperwork.</u>	
19	Sec. 404.3.2 2014 Edition IFC 675 IAC 22-2.5	<p>Fire safety plans shall include the following:</p> <ol style="list-style-type: none"> <li>1. The procedure for reporting a fire or other emergency.</li> <li>2. The life safety strategy and procedures for notifying, relocating or evacuating occupants, including occupants who need assistance.</li> <li>3. Site plans indicating the following: <ol style="list-style-type: none"> <li>3.1. The occupancy assembly point.</li> <li>3.2. The locations of fire hydrants.</li> <li>3.3. The normal routes of fire department vehicle access.</li> </ol> </li> <li>4. Floor plans identifying the locations of the following: <ol style="list-style-type: none"> <li>4.1. Exits.</li> <li>4.2. Primary evacuation routes.</li> <li>4.3. Secondary evacuation routes.</li> <li>4.4. Accessible egress routes.</li> <li>4.5. Areas of refuge.</li> <li>4.6. Exterior areas for assisted rescue.</li> <li>4.7. Manual fire alarm boxes.</li> <li>4.8. Portable fire extinguishers.</li> <li>4.9. Occupant-use hose stations.</li> <li>4.10. Fire alarm annunciators and controls.</li> </ol> </li> <li>5. A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures.</li> <li>6. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.</li> <li>7. Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.</li> </ol> <p><u>Unavailable for review, missing paperwork.</u></p>	04/09/2018
20	Sec. 5.2.1.1.1 2011 Edition NFPA 25 675 IAC 28-1-12	<p>Sprinklers shall not show signs of leakage; shall be free of corrosion, foreign materials, paint, and physical damage; and shall be installed in the correct orientation (e.g., upright, pendent, or sidewall).</p> <p><u>Sprinkler missing required parts in theater.</u></p>	04/09/2018

Facility Id	Received By Name	Signature and Date
LT14043		

### 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.

Edwin Gausselin  
Argent Group, Inc.  
730 W. Randolph St, Suite 500  
Chicago, IL 60661

Kristin Settle  
hand-delivered to  
DJB / Commission  
Staff on  
5/14/19.

Ms. Kristin Settle  
Division of Fire & Building Safety  
Indiana Dept. of Homeland Security  
302 W. Washington St, Room E241  
Indianapolis, IN 46204

