

Request for Administrative Review on Inspection attached:

AE7312138

Studio 10 Cinemas

1624 East State Hwy 44, Shelbyville, IN 46176

State Fire and Building Code Inspections Timeline:

- Studio 10 Cinemas Opens: Original occupancy granted and opened in August 2003. All fire systems and lighting installed and approved for occupancy permit.
- State Fire and Building Code Inspection of 2004 listed required additions and changes: Add two sprinkler heads and relocate three sprinkler heads. Also, required to add partition and door to back exit hall way exiting Auditorium #10 to prevent reentry from back exit hallway. This also required relocation two sprinkler heads and changes to emergency exit light fixture. Work completed in 2004.
- We have had at least two more Fire and Safety Inspections between these that did not find any violations for sprinkler heads and lighting.
- State Fire and Building Code Inspection of 2/15/2011 by Major Jester found no violations of any kind for sprinklers, fire suppression or exit light numbers and or location. We discussed the location of the sprinkler heads (he also did not like exactly where all were located) and orientation on some of the emergency lights. Changes on sprinkler heads would put them almost back in the same place where they were originally installed in 2003. Our discussion settled on having meet occupancy code in 2003 to open and preformed changes in 2004 to meet additional interpretations of the code in force; we should not have to modify or change the installed fire, sprinkler or lighting to meet a reinterpretation of code from new inspectors (inspections).

Mitchell Bryson

From: Mitchell Bryson <mbryson@republictheatres.com>
Sent: Monday, August 17, 2015 11:47 AM
To: 'Knaepple, Walter'
Cc: 'Walters, Pam (DHS)'; 'Smith, David L. (DHS)'; 'Hawkins, James'; 'FD Stonebraker (rstonebraker@cityofshelbyvillein.com)'; Chris C. Anspaugh (chrisa@republictheatres.com)
Subject: RE: Studio 10, Shelbyville, IN - Fire and Code Inspection

Tracking:	Recipient	Read
	'Knaepple, Walter'	Read: 8/17/2015 11:48 AM
	'Walters, Pam (DHS)'	
	'Smith, David L. (DHS)'	
	'Hawkins, James'	
	'FD Stonebraker (rstonebraker@cityofshelbyvillein.com)'	
	Chris C. Anspaugh (chrisa@republictheatres.com)	

Mr. Knaepple,

Thank you for your prompt reply. I will be sending by FedEx copies of the inspections, my comments and my Timeline clarification on my email comments for Administrative Review to the address supplied.

Best Regards,

Mitchell Bryson
COO/Director Of Operations, Republic Theatre Group
5635 Villas Creek Dr. Mason, OH 45040
Phone: 513.236.6937 Fax: 614.416.0823
mbryson@republictheatres.com

From: Knaepple, Walter [mailto:WKnaepple@dhs.IN.gov]
Sent: Monday, August 17, 2015 9:23 AM
To: Mitchell Bryson <mbryson@republictheatres.com>
Cc: Walters, Pam (DHS) <PWalters@dhs.IN.gov>; Smith, David L. (DHS) <dsmith@dhs.IN.gov>; Hawkins, James <jhawkins@dhs.IN.gov>; FD Stonebraker (rstonebraker@cityofshelbyvillein.com) <rstonebraker@cityofshelbyvillein.com>
Subject: RE: Studio 10, Shelbyville, IN - Fire and Code Inspection

Mr. Bryson,
After receiving your response regarding my inspection I forwarded it on to my immediate Supervisor, Mr. Jim Hawkins. We then discussed it in length by phone. In order to answer your questions I must first give you some history.

Mr. Jester retired from the State of Indiana in June (I believe) of 2014 and I inherited Shelby County June 1st of this year. In researching the file for your permit I find it passed inspection in 2011, as you stated, with violations for not having an Amusement and Entertainment Permit each year subsequently thereafter. There is no documentation in the file of any discussion regarding sprinkler violations. Therefore, I can't address how or why Mr. Jester arrived at the conclusion of the system being "grandfathered".

With that being said, after discussion with Mr. Hawkins it is our belief that the situation be reviewed further. On the last page of your inspection report you will find a statement explaining your "Appeal Rights". We feel that this is the appropriate path to follow.

By Appealing the inspection the following will occur; 1) the completion time for repair will be stopped until the decision is rendered; 2) management and legal staff will review the code of record at the time of inception of our Department (which is after the theater was built), the code of record in 2003 when you assumed operation of the theater and our current code. This will be applicable to both the sprinklers and the emergency egress lights (items #1, #3 and #7). The narrative of your e-mail will be sufficient. Please print it and send it by some means of courier that will provide documentation of delivery.

By following this process we will create a positive resolution as to the fire safety of your business and create a paper trail should the need ever arise again.

Should you have any further questions you may direct your e-mail to me, my Supervisor Mr. Jim Hawkins – jhawkins@dhs.in.gov or our staff attorney Ms. Pamela Walters- pwalters@dhs.in.gov. All of my correspondence will be copied to them when it occurs.

I look forward to resolving this situation and will make every attempt to provide prompt, correct, concise information.

Respectfully,
Walt

From: Mitchell Bryson [<mailto:mbryson@republictheatres.com>]
Sent: Friday, August 14, 2015 2:49 PM
To: Knaepple, Walter
Cc: Chris C. Anspaugh
Subject: Studio 10, Shelbyville, IN - Fire and Code Inspection

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Mr. Knaepple,

I received a copy of your inspection report late yesterday and have some questions regarding the numbered items listed below:

- Listed Violation #1: Sprinkler inspection reports listed sprinkler heads that inspector wanted added and or relocated. (In previous inspections by State Fire and Building Code Inspectors it was discussed and agreed that the building and fire sprinkler system and location of sprinkler heads met with current code at the time of occupancy. Subsequent requested changes to move sprinkler heads in 2004 were requested and met. The building should be grandfathered in having met code requirements and passing in subsequent inspections. (Last inspection by Major Jester, State Fire and Building Code Inspector 02/15/2011 found no such violation.)
- Listed Violation #3 & #7: Request for adding additional emergency lighting. As noted in item #1 we should be covered as complying with code requirements as of date of occupancy in August 2003 and grandfathered as to changes for newer codes. We do maintain, repair and or replace emergency lighting as needed. If installed emergency lights was found defective please list which device or devices. (Last inspection by Major Jester, State Fire and Building Code Inspector 02/15/2011 found no such violation.)

You are correct that we did not renew the Amusement and Entertainment permit last year. The last one I find on file was for 2012 and it's been getting renewed as we remember to do it as we have not been getting back a receipt or any

reminder to file. Is there an email reminder or renewal listing you can put us on? We have mostly been renewing the permit in August or September so is it due on the anniversary date or at the beginning of each year? I can't find a date when its suppose to be filled for annual renewal. The new permit application was filling out and mailed in with a check today so that is taking care of.

All items but those listed above as items #1, #3 and #7 are in the process of being inspected or corrected as requested. (Item #11 has been sent in). We are awaiting your comments to see if I need to file petition for review on the items we hold to be excluded from change.

Best Regards,

Mitchell Bryson
COO/Director Of Operations, Republic Theatre Group
5635 Villas Creek Dr. Mason, OH 45040
Phone: 513.236.6937 Fax: 614.416.0823
mbryson@republictheatres.com



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 AE7312138	Name of the facility STUDIO 10 CINEMAS #1	County SHELBY
Address of Property 1624 EAST STATE ST. HWY 44 SHELBYVILLE IN 46176	Name of the Contact CHRIS ANSPAUGH	Telephone Number (317) 421-0170
Email chrisa@republictheatres.com		Inspection Date 08/12/2015
Inspection Category ENTERTAINMENT PERMIT	Inspection Type ANNUAL	Inspection Status: VIOLATION
Name of the inspector WALTER KNAEPPLER		Phone: 3176953665
Email: wknaepple@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. 903.3.1.1 2008 Edition IBC 675 IAC 13-2.5	Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, sprinklers shall be installed throughout in accordance with NFPA 13 (675 IAC 13-1-8) except as provided in Section 903.3.1.1.1. <u>The Most recent test report indicates that additional sprinklers are required to be added to the system and some heads are blocked and will need to be moved in order to be compliant with NFPA 13.</u>	10/13/2015
2	Sec. 5.3.2.1 2011 Edition NFPA 25 675 IAC 28-1-12	Gauges shall be replaced every 5 years or tested every 5 years by comparison with a calibrated gauge. <u>The gauges on system are Koorsen Brand - Koorsen has not serviced the system in over 5 years. Provide proof of age or replace.</u>	10/13/2015
✱ 3	465 IAC 2-9-89(c)	Emergency lighting shall be provided in all interior stairs and corridors. <u>The existing Emergency lighting will not provide the minimum required light for emergency egress. Install additional lighting as required to obtain at least minimal lighting.</u>	09/14/2015
4	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. <u>Provide documentation that all emergency EXIT and egress lights have been tested and meet the 90 minute requirement.</u>	09/14/2015
5	Sec. 5303.5 2014 Edition IFC 675 IAC 22-2.5	Compressed gas containers, cylinders, tanks and systems shall be secured against accidental dislodgement and against access by unauthorized personnel in accordance with Sections 5303.5.1 through 5303.5.3. <u>Compressed CO2 cylinders are free standing in the rear storage room and are improperly "chained" at the beverage connection.</u>	09/14/2015

6	Sec. 304.1 2014 Edition IFC 675 IAC 22-2.5	Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises. <u>The storage room in the rear (NW corner?) has cardboard boxes piled in a hap-hazard manner. if the boxes have required content place them in a neat, orderly fashion with aisles that provide safe access to both employees and firefighters.</u>	09/14/2015	
☆	7	Sec. 1006.1 2008 Edition IBC 675 IAC 13-2.5	The means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied. Exceptions: 1. Occupancies in Group U. 2. Aisle accessways in Group A. 3. Dwelling units and sleeping units in Groups R-1, R-2 and R-3. 4. Sleeping units of Group I occupancies. <u>The existing Emergency lighting will not provide the minimum required light for emergency egress. Install additional lighting as required to obtain at least minimal lighting</u>	09/14/2015
	8	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. <u>repair areas in projection room that have open boxes and wiring cut flush with the electrical box connector.</u>	09/14/2015
	9	Sec. 240.80 2009 Edition IEC 675 IAC 17-1.8	Circuit breakers shall be trip free and capable of being closed and opened by manual operation. Their normal method of operation by other than manual means, such as electrical or pneumatic, shall be permitted if means for manual operation are also provided. <u>circuit breakers are taped in position in several panels in the projection room. Breakers must not be taped in position - EVER!</u>	09/14/2015
	10	Sec. 107.2 2014 Edition IFC 675 IAC 22-2.5	Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code. <u>provide documentation that the sprinkler system has been inspected and maintained in accordance with NFPA 25. Show reports of ALL 5 and 10 year require inspections.</u>	09/14/2015
	11	IC 22-14-3-5	Operation without permit or special event endorsement; infraction Sec. 5. (a) This section applies to the following: (1) Each person who has control over the performance of an amusement or entertainment described in IC 22-12-1-23. (2) Each person who has control over a regulated place of entertainment. (b) A person described in subsection (a) commits a Class C infraction if: (1) a regulated place of amusement or entertainment is used for an amusement or entertainment described in IC 22-12-1-23; and (2) no regulated place of amusement or entertainment permit or special event endorsement issued under this chapter covers the conditions at the regulated place of amusement or entertainment that affect fire and explosion safety. <u>There has not been a valid permit at this location since 2009 please renew at once.</u>	09/03/2015

Facility Id

Received By Name

Signature and Date

AE7312138

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.



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

*use this
number
to renew*

Identification Number AE7312138	Name of the facility STUDIO 10 CINEMAS #1	County SHELBY
Address of Property 1824 EAST STATE ST. HWY 44 SHELBYVILLE IN 46176	Name of the Contact	Telephone Number
Email	Name of the Inspector MAJOR JESTER	Inspection Date 02/15/2011
Inspection Category ENTERTAINMENT PERMIT	Inspection Type INITIAL	Inspection Status VIOLATION

Violations

VIO-LATION NUMBER	RULE OR INDIANA CODE SECTION VIOLATED	DESCRIPTION OF VIOLATION	DATE BY WHICH VIOLATION MUST BE CORRECTED
1	IC 22-14-3-5	<p>Operation without permit or special event endorsement; infraction Sec. 5. (a) This section applies to the following:</p> <p>(1) Each person who has control over the performance of an amusement or entertainment described in IC 22-12-1-23.</p> <p>(2) Each person who has control over a regulated place of entertainment.</p> <p>(b) A person described in subsection (a) commits a Class C infraction if:</p> <p>(1) a regulated place of amusement or entertainment is used for an amusement or entertainment described in IC 22-12-1-23; and</p> <p>(2) no regulated place of amusement or entertainment permit or special event endorsement issued under this chapter covers the conditions at the regulated place of amusement or entertainment that affect fire and explosion safety.</p> <p><u>Facility is required to obtain AE permit</u></p>	<p>03/05/2011</p> <p><i>By this Date!</i></p>

Inspection Notes:



INDIANA DEPARTMENT OF
HOMELAND SECURITY
Department of Fire and Building Safety
Code Enforcement & Plan Review Section



Major T. Jester, CFI, CBI
Fire & Building Code Inspector

INDIANA GOVERNMENT CENTER SOUTH
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