

SNYDER
MORGAN_{LLP}

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March 31, 2016

Fire Prevention and Building Safety Commission
302 W. Washington Street, Rm. W246
Indianapolis, IN 46204

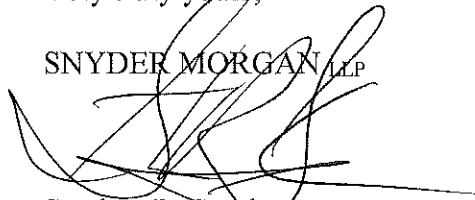
Re: Stump Appeal

Gentlemen:

Enclosed are an original and two copies of a petition for administrative review. I would appreciate it if you would docket the petition, appoint an administrative law judge and notify me of the initiate hearing.

Very truly yours,

SNYDER MORGAN_{LLP}



Stephen R. Snyder
srs@snydermorgan.com

SRS/kke
Enclosures
cc: Mr. Doug Stump (w/Encl.)

**BEFORE THE
FIRE PREVENTION AND BUILDING SAFETY COMMISSION
OF THE STATE OF INDIANA**

IN THE MATTER OF:

DOUG STUMP

Petitioner,

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)
)
)
)

**ADMINISTRATIVE CAUSE
NUMBER: _____
ID# BU 24753**

PETITION FOR ADMINISTRATIVE REVIEW

Doug Stump ("Claimant"), by counsel, respectfully requests administrative review of a Notice of Violation issued March 28, 2016. In support thereof, Petitioner states as follows:

1. Petitioner is the owner of real estate located in Kosciusko County, Indiana, commonly known as 118 South Main Street, Milford, IN 46542 ("Real Estate"), which Real Estate contains a retail establishment (restaurant).

2. In 2015, a fire occurred at the Real Estate, damaging the improvements.

3. Petitioner has undertaken restoration of the property to a condition existing prior to the fire.

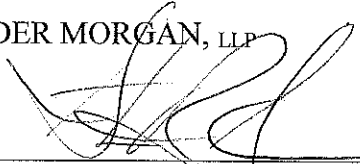
4. On March 28, 2016, Ed Sorensen, on behalf of the Division of Fire Prevention and Building Safety appeared at the Real Estate and advised Petitioner that he was in violation of regulations pertaining to:

4.1 Plumbing;

4.2 Wall construction;

- 4.3 Ventilating hood installation;
- 4.4 Wiring.
- 5. The Notice of Violation issued by Sorensen contains no specifications in regard to violations. A copy of the Notice of Violation is attached as Exhibit A.
- 6. Counsel for Petitioner contacted Sorensen on March 31, 2016 and requested details of the alleged violations, but was provided with none and told to appeal.
- 7. The work being performed by Petitioner is exempt from the requirement of obtaining a Plan Release pursuant to the following regulations:
 - 7.1 Plumbing: 675 IAC 12-6-4 (b)(2);
 - 7.2 Wall Construction: 675 IAC 12-6-4(b)(5)(D);
 - 7.3 Ventilating Hood installation: 675 IAC 12-6-4(b)(4)(B);
 - 7.4 Wiring: 675 IAC 12-6-4(b)(3)(A).

Wherefore, Petitioner requests a review of the Notice of Violation and for a finding that the restoration of the Real Estate improvements is not in violation of 675 IAC 12-6-3 and for all other proper relief.

SNYDER MORGAN, LLP

By: _____
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ATTORNEYS FOR PETITIONER



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 BU24753	Name of the facility TURF BAR	County KOSCIUSKO
Address of Property 118 S MAIN ST MILFORD 46542		Telephone Number (574) 658-4387
Name of the Contact SHEPHAN HURST		Inspection Date 03/28/2016
Email		
Inspection Category UNFILED CONSTRUCTION DESIGN RELE	Inspection Type SITE VISIT	Inspection Status: VIOLATION
Name of the inspector ED SORENSEN	Phone: 3175174524	
Email: esorensen@dhs.in.gov		

Violations

VIO-LATION NUMBER	RULE OR INDIANA CODE SECTION VIOLATED	DESCRIPTION OF VIOLATION	DATE BY WHICH VIOLATION MUST BE CORRECTED
1	675 IAC 12-6-3	<p>675 IAC 12-6-3 Design release; requirement Authority: IC 22-13-2-13 Affected: IC 22-15-3 Sec. 3. (a) No construction shall be done on a Class 1 structure until a design release has been issued by the division unless the construction is of a type specifically exempted from the design release requirements by section 4 of this rule. Design releases may be issued by the division. (b) If a foundation release is obtained under section 14 of this rule, construction may: (1) be done to the grade level only as provided for by section 14(c) of this rule; and (2) not go beyond that point without the issuance of a design release or a partial design release authorizing the further construction. (c) If a partial design release is obtained under section 15 of this rule, construction may be done to the extent of the partial design release but it may not exceed that scope without the issuance of a design release or another partial design release authorizing the further construction. (Fire Prevention and Building Safety Commission; 675 IAC 12-6-3; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2689, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA)</p> <p><u>Building plans need to be filed with the state for the proposed construction.</u></p>	04/28/2016

Facility Id BU24753	Received By Name	Signature and Date
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