



February 19, 2020
By Electronic Mail and U.S. Postal Mail

Luann Koons
Masiongale Electrical Mechanical, Inc.
1210 S. Walnut Street
Muncie, IN 47302
luannkoons@gmail.com

**Re: Petition for Administrative Review – Written Interpretation of the State Building
Commissioner No. CEB-2020-06-2020 IRC-E3401.2**

Dear Ms. Koons:

The Fire Prevention and Building Safety Commission (Commission) is in receipt of your electronically-filed petition for administrative review of the Written Interpretation of the State Building Commissioner No. CEB-2020-06-2020 IRC-E3401.2, dated Monday, February 17, 2020. Pursuant to the requirements of Indiana Code § 4-21.5-3-7, your petition for administrative review is hereby granted by the Commission.

Your petition has been assigned to the Commission's administrative law judge. The judge's office will contact you to make arrangements for further proceedings. Should you have any questions, you may contact our deputy general counsel assigned to this matter, Justin Guedel, at JGuedel@dhs.in.gov or (317) 234-9515.

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

Enclosure

cc: Justin K. Guedel, IDHS Deputy General Counsel – representing the Respondent (by personal service and electronic mail)
Office of Attorney General Curtis Hill – Administrative Law Judge (by electronic mail)

From: [Boyle, Douglas J \(DHS\)](#)
To: [Luann Koons](#)
Subject: RE: FW: Petition for Review
Date: Wednesday, February 19, 2020 11:36:00 AM
Attachments: [image001.png](#)

Thank you. I will now process your petition accordingly.

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
Tel: (317) 650-7720
Email: DoBoyle@dhs.in.gov
Web: www.in.gov/dhs



From: Luann Koons <luannkoons@gmail.com>
Sent: Wednesday, February 19, 2020 11:24 AM
To: Boyle, Douglas J (DHS) <DoBoyle@dhs.IN.gov>
Subject: Re: FW: Petition for Review

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

I'm not sure what happened but here it is. Please let me know if I can be of further assistance.

On Wed, Feb 19, 2020 at 11:13 AM Boyle, Douglas J (DHS) <DoBoyle@dhs.in.gov> wrote:

Dear Ms. Koons,

Your petition for administrative review, provided below, was forwarded to me as the Indiana Department of Homeland Security's representative and liaison for the Fire Prevention and Building Safety Commission (the Commission), the ultimate authority of the State of Indiana's building and fire safety laws and all orders issued by the Indiana Department of Homeland Security's Division of Fire and Building Safety. If your petition fulfills all of the statutory requirements provided under I.C. 4-21.5-3-7 (Indiana Administrative Orders and Procedures Act) and is subsequently granted, the Commission will serve as the ultimate authority in this review, and the Commission's administrative law judge will administer the review.

Based on the context of your submission, it appears that you are requesting administrative review of an order that was served to you via email by the Indiana Department of Homeland Security on

February 3, 2020. However, a copy of the order in question was not provided/attached to your online submission. Unfortunately, I cannot process your petition without receiving a copy of the order that is in question. At your earliest convenience, please provide me a copy of your order, as well as any other documentation you wish to be considered in this review.

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

Tel: (317) 650-7720

Email: DoBoyle@dhs.in.gov

Web: www.in.gov/dhs



From: noreply@formstack.com <noreply@formstack.com>

Sent: Monday, February 17, 2020 4:26 PM

To: DHS Legal Mailbox <Legal@dhs.IN.gov>

Subject: Petition for Review

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



Formstack Submission For: [petition for review](#)

Submitted at 02/17/20 4:26 PM

Individual Name:

Luann Koon

Business Name: :

Masiongale Electrical Mec

Phone Number:

(765) 284-7151

Email Address:	luannkoons@gmail.com
Mailing Address:	masiongale Electrical Mechanical Inc, 1210 S. walnut Street Muncie, IN 47302
Are you represented by an attorney?:	No
Attorney Name:	
Firm:	
Phone Number:	
Email Address:	
Mailing Address:	
Order Number:	
Facility Device Boiler ID:	
Date Order Received:	Feb 03, 2020
How did you receive the Order? :	Email
Entity Issuing Order:	Indiana Department of Homeland Security
Entity Name:	
Upload Order:	
Was this order specifically directed to you?:	Yes
Explain:	I ask for interpretation of the electrical code
Have you been aggrieved or	

adversely affected by the order?:	No
Explain:	
If the order was not specifically directed to you and you have not been aggrieved or adversely affected by the order, are you entitled to review under some other law? :	No
What law?:	Indiana residential code 67IAC14-4-4 and indiana electrical code 675IAC17
I request review of the entire order described above:	Yes
If you are not requesting review of the entire order, what is the scope of your request?:	The building owner does not always have require the knowledge to make the decision of which code is to be used. It would also allow for installations not to be uniform. The electrical code should take president for this reason.
I request a stay of effectiveness:	Yes
What is the basis of your challenge? :	Electrical code has taken into fact that the arc fault breakers are a nuisance. class 2 building owners do not posses the knowledge to make these decisions.
What is your desired outcome? :	Electrical code IEC675IAC17 should take president
Additional information in support of my request:	
Additional Attachments:	

Additional Attachments:

Additional Attachments:

Copyright © 2020 Formstack, LLC. All rights reserved. This is a customer service email.

Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038

--

luann koons
1210 s walnut
765-284-7151



WRITTEN INTERPRETATION
OF THE
STATE BUILDING COMMISSIONER

Interpretation #: CEB-2020-06-2020 IRC-E3401.2

Building or Fire Safety Law Interpreted

675 IAC 14-4.4 Indiana Residential Code, 2020 Edition, Section E3401.2 Scope

Issue

What is the intent of the statement, “Compliance with the Indiana Electrical Code (675 IAC 17) is allowed instead of compliance with this code” and how does it affect the requirement for arc fault circuit interrupter devices in Class 2 structures?

Interpretation of the State Building Commissioner

“Compliance with the Indiana Electrical Code (675 IAC 17) is allowed instead of compliance with this code” means that, for electrical regulations, the owner of a Class 2 building has the choice of complying with the electrical portions of the 2020 Indiana Residential Code (675 IAC 14-4.4) or the Indiana Electrical Code (675 IAC 17), edition current at the time of the project’s permitting. The project must comply with all applicable requirements of the selected code – the owner may *not* choose individual sections or requirements from each as they wish.

If a Class 2 building owner chooses to comply with the electrical provisions of the 2020 Indiana Residential Code, then arc fault circuit interrupters are required in the locations stated in Section E3902 of that code. If a Class 2 building owner chooses to comply with the applicable provisions of the 2009 Indiana Electrical Code, then arc fault circuit interrupters are not required in dwelling units (except for mobile or manufactured homes).

Rationale

The electrical provisions of the 2020 Indiana Residential Code require the installation of arc fault circuit interrupters in Class 2 structures (Section E3902). The 2009 Indiana Electrical Code, in effect at the time of this writing (February 3, 2020), was modified by amendment to delete the Article 201.12(B) requirements for arc fault circuit interrupters in dwelling units (except, as noted above, for mobile or manufactured homes). When the building owner chooses which electrical provisions they will follow, that choice will determine the presence or absence of a requirement for these devices.

Please note that future editions of the two codes, or their amendments, may or may not alter this. Therefore, when the IRC/IEC choice is exercised, the owner must be careful to fully understand the requirements of both codes as they stand adopted on that date, in order to determine what rules apply to the project.



WRITTEN INTERPRETATION
OF THE
STATE BUILDING COMMISSIONER

Interpretation #: CEB-2020-06-2020 IRC-E3401.2

Pursuant to Indiana Code § 22-13-5-2, the attached written interpretation is issued. This interpretation is binding upon Luann Koons, the *interested person* as defined in Indiana Code § 22-13-5-1, and Randolph County.

Effective Date

Pursuant to Indiana Code § 4-21.5-3-4, this interpretation is effective when served.

Review Rights

If you desire administrative review of this order, you must comply with the requirements of Indiana Code § 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 must submit your petition by one of the following methods:

U.S. MAIL OR PERSONAL SERVICE

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

ONLINE

By completing the form at
<https://www.in.gov/dhs/4148.htm>

If you comply with the above requirements, your Petition for Review will be granted and will be assigned to an administrative law judge for review. If a qualifying Petition for Review is not timely filed, then this order will become final.

For additional information about the administrative review process and other options that may be available to you, visit the following link <https://www.in.gov/dhs/appeals.htm>.

Craig E. Burgess
State Building Commissioner

Feb. 3, 2020

Date