

# INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Tuesday, September 29, 2020  
By Electronic Mail

Jamie Visker  
Petitioner  
Winona Building Products, LLC  
506 North Street  
Plymouth, IN 46563  
[jvisker@winonabp.com](mailto:jvisker@winonabp.com)

**Re: Petition for Administrative Review – IDHS Boiler and Pressure Vessel Safety  
Division's Order Withholding Certificate of Inspection of Boiler/Pressure  
Vessel Device Identification Number 355035 – Winona Building Products, LLC**

Dear Mr. Visker:

The Indiana Fire Prevention and Building Safety Commission (Commission) is in receipt of your electronically-filed petition for administrative review of the Indiana Department of Homeland Security (IDHS) Boiler and Pressure Vessel Safety Division's Order Withholding Certificate of Inspection of Boiler/Pressure Vessel Device Identification Number 355035 – Winona Building Products, LLC, submitted on Tuesday, September 29, 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 will now be forwarded to the Indiana Office on Administrative Law Proceedings (OALP) to be assigned to the Commission's administrative law judge. OALP or the judge will contact you directly to make arrangements for further proceedings. Should you have any questions, you may contact the Indiana Department of Homeland Security's deputy general counsel assigned to this matter, Justin Guedel, at [jguedel@dhs.in.gov](mailto:jguedel@dhs.in.gov) or (317) 234-9515.

Sincerely,



Douglas J. Boyle, Director  
Fire Prevention and Building Safety Commission  
Indiana Department of Homeland Security  
Indiana Government Center South, Room E-208  
302 W. Washington Street  
Indianapolis, IN 46204  
[doboyle@dhs.in.gov](mailto:doboyle@dhs.in.gov)

Enclosure

cc: Justin K. Guedel, IDHS Deputy General Counsel – representing the Respondent  
(by electronic mail)

**From:** [noreply@formstack.com](mailto:noreply@formstack.com)  
**To:** [DHS Legal Mailbox](#)  
**Subject:** Petition for Review  
**Date:** Tuesday, September 29, 2020 10:17:22 AM

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## Formstack Submission For: **petition for review**

Submitted at 09/29/20 10:15 AM

**Individual  
Name:**

Jamie Visker

**Business Name:  
:**

Winona Building Products, LLC

**Phone Number:**

(317) 409-3424

**Email Address:**

jvisker@winonabp.com

**Mailing  
Address:**

506 North Street  
Plymouth, IN 46563

**Are you  
represented by  
an attorney?:**

No

**Attorney Name:**

**Firm:**

**Phone Number:**

**Email Address:**

**Mailing**

<b>Address:</b>	
<b>Order Number:</b>	
<b>Facility   Device   Boiler ID:</b>	355035
<b>Date Order Received:</b>	Sep 16, 2020
<b>How did you receive the Order? :</b>	Mail
<b>Entity Issuing Order:</b>	Boiler and Pressure Vessel Rules Board
<b>Entity Name:</b>	
<b>Upload Order:</b>	<a href="#">View File</a>
<b>Was this order specifically directed to you?:</b>	No
<b>Explain:</b>	It was sent to our Operations Manager. I am the CEO
<b>Have you been aggrieved or adversely affected by the order?:</b>	Yes
<b>Explain:</b>	We need this water heater to clean our production equipment.
<b>If the order was not specifically directed to you and you have not been aggrieved or adversely affected by the</b>	

**order, are you  
entitled to  
review under  
some other law?  
:**

**What law?:**

**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?:**

That this unit is allowed to remain in place as is.

**I request a stay  
of effectiveness:**

Yes

**What is the  
basis of your  
challenge? :**

We are asking for an administrative review of this ruling for the following reason per the Indiana Code. This is a tankless water heater and the vessel in question is exempted from regulation for 2 specific reasons. Under Sec. 2 (f) (8) (B) the vessel in question is under 5 cubic feet with a pressure relieving device set at 150 PSI and secondly (C) the vessel in question is under 1.5 cubic feet. The vessel is approximately 0.8 cubic feet.

**What is your  
desired  
outcome? :**

That this unit remain in place as we believe it meets the code due to its size.

**Additional  
information in  
support of my  
request:**

I have attached the response letter that has pictures showing the actual size of the unit in question.

**Additional  
Attachments:**

[View File](#)

**Additional**

**Attachments:**

**Additional  
Attachments:**

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





ERIC J. HOLCOMB, Governor  
**STATE OF INDIANA**

DEPARTMENT OF HOMELAND SECURITY

**BRYAN J. LANGLEY, EXECUTIVE DIRECTOR**

Indiana Department of Homeland Security  
Indiana Government Center South  
302 West Washington Street  
Indianapolis, IN 46204  
317-232-3980

**BOILER & PRESSURE VESSEL SAFETY DIVISION (317) 232-1921**

September 14, 2020

WINONA BUILDING PRODUCTS  
LARRY CASE

506 NORTH STREET  
ATTN LARRY CASE  
PLYMOUTH, IN 46563

Reference: Vessel(s) IN# 355035

N END PRODUCT AREA  
506 NORTH ST  
PLYMOUTH, IN 46563



**ORDER**

An inspection was conducted on July 28, 2020, by an authorized inspector, and reported to this office. That inspection revealed that the above identified object(s) were in unsatisfactory condition. You must comply with the Authorized Inspector's recommendations in order to meet the requirements of Indiana law. The requisite "Certificate of Inspection" will not be issued until such time as the Inspector's recommendation(s) have been complied with. In order to verify compliance a re-inspection must be performed. It is your responsibility:

1. To comply with the inspector's recommendation.
2. To arrange for re-inspection to be made by the inspector to verify compliance.
3. To contact the Indiana Boiler and Pressure Vessel Safety Division to apprise the status of the recommendation, prior to the date of compliance.

In any case, no violation may be cleared until such time as the Indiana Boiler and Pressure Vessel Safety Division receives verification that compliance with the requirements of the inspector has been achieved.

This verification shall be in the form of a new "Report of Inspection", completed by the originating inspector, or one designated to do so by the Chief Inspector of the state of Indiana. The inspector's report verifying compliance must be received by the Indiana Boiler and Pressure Vessel Safety Division no later than **September 28, 2020.**

Please be advised that if you desire administrative review of this action, you must file a written petition for review at the above address with the Fire Prevention and Building Safety Commission identifying the matter for which you seek review no later than eighteen days from the date of this letter, unless such date is a Saturday, Sunday, legal holiday under State statute, or a day that this office is closed during regular business hours. If you do so, your petition for review will be granted and an administrative law judge of the Fire Prevention and Building Safety Commission will conduct an administrative proceeding. If you do not file a petition for review, this action will be final.

Be further advised that you may request an opportunity to informally discuss this matter prior to filing a petition for review. Such an informal discussion, or a request therefore, does not extend the deadline for filing a petition for review; and therefore, any request should be made promptly, preferably by telephone, upon receipt of this notice.

Very truly yours,

Roger Boillard  
Boiler & Pressure Vessel Section Chief

Cc:Inspector of Record: GONGWER DAVID W ,STATE OF INDIANA





# REPORT OF INSPECTION

State Form 34427 (R3/9-93)

Office of the State Building Commissioner  
Division of Boiler & Pressure Safety  
302 W Washington St. Rm. E243/Fiscal Dept.  
Indianapolis IN 46204  
Telephone: (317) 232-1921  
Fax: (317) 234-8436

Vessel Status		Pending				Record created / Update date  08/26/2020 14:21:06	
Inspection Type		PENDING					
Insurance Code	District		Date of New Expiration				
07			07/28/2020				
Inspection Fee	Invoice Number		Invoice Date				
Date inspected	Cert.exp.Date	Is Cert.Posted	Owner Number	State Number	NB #/other #		
07/28/2020		N		355035	/16585		
Name of owner			Nature of business		Kind of inspection		
WINONA BUILDING PRODUCTS			MFG		External		
Mailing address of owner			City		State	ZIP code	
506 NORTH STREET ATTN LARRY CASE			PLYMOUTH		IN	46563	
Contact Name			Specific location			County	
LARRY CASE			N END PRODUCT AREA			50	
User & address			City		State	ZIP code	
WINONA BUILDING PRODUCTS 506 NORTH ST			PLYMOUTH		IN	46563	
Type of object		Name of manufacturer		Year built	Size		
ELECTRIC BOILER		TANKLESS INC		2019	108 KW		
Use		Fuel	Method of Firing		Pressure Gauge Tested		
PROCESS		ELECTRIC	AUTO		N		
Pressure allowed this ?	Previous inspection	Safety relief valves set at:	Inspection certificate frequency		Hydrostatic test this certificate?		
	1ST	150	3		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

PEB:2. a. NON CODE DESIGN VESSEL (MODEL CE 108 KW). INDIANA ARTICLE 30, 675 RULES REQUIRES VESSELS OVER 200K BTU TO BE ASME DESIGN & STAMPED.  
Email dgongwer@dhs.in.gov 317-954-8784

REPLACE VESSEL OR SEEK VARIANCE FROM STATE RULES BOARD.  
CONTACT CHIEF ROGER BOILLARD @  
Email rboillard@dhs.in.gov or 317-232-1921

Name of the Peron Requirements explained to		Title	
LARRY CASE			
Authorized Inspector	Identification Number	Name of Company	
DAVID GONGWER	2028	STATE OF INDIANA	





## OWNER/USER NOTICE

If you are found in violation of Indiana Boiler and Pressure Vessel Safety Rules:

1. You may NOT operate your equipment until the violation is corrected.  
(IC 22-12-7-7)
2. If you operate the equipment, you commit a Class C infraction. Each day of operation is considered a separate offense.  
(IC 22-12-8-2 and IC 22-12-8-3)
3. You must have the Inspector who wrote the violation reinspect the object for compliance.  
(IC 22-12-7-9)
4. You have the right to appeal this violation if you think it is in error.  
(IC 22-12-7-11)
5. You have the right to informally discuss the order with the State Boiler and Pressure Vessel Safety Division.  
(IC 22-12-7-12)





September 28, 2020

Indiana Department of Homeland Security  
Boiler and Pressure Vessel Safety Division  
Mr. Roger Boillard  
Indiana Government Center South  
302 West Washington Street  
Indianapolis, IN 46204

RE: Winona Building Products, LLC. Reference Vessel 355035

Please accept this response to your letter dated September 14, 2020 regarding a vessel not in compliance. We are asking for an administrative review of this ruling for the following reason per the Indiana Code. This is a tankless water heater and the vessel in question is exempted from regulation for 2 specific reasons. Under Sec. 2 (f) (8) (B) the vessel in question is under 5 cubic feet with a pressure relieving device set at 150 PSI and secondly (C) the vessel in question is under 1.5 cubic feet. The vessel is approximately 0.8 cubic feet.

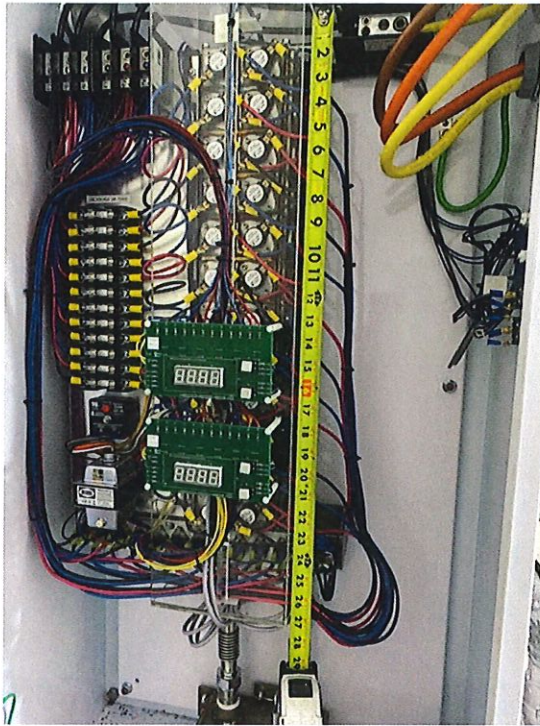
Please see the pictures below for the vessel in question. We look forward to resolving this issue so please do not hesitate to contact me via cell 317-409-3424 or email at [jvisker@winonabp.com](mailto:jvisker@winonabp.com)  
Attached please find the original correspondence from your office.

Best Regards,

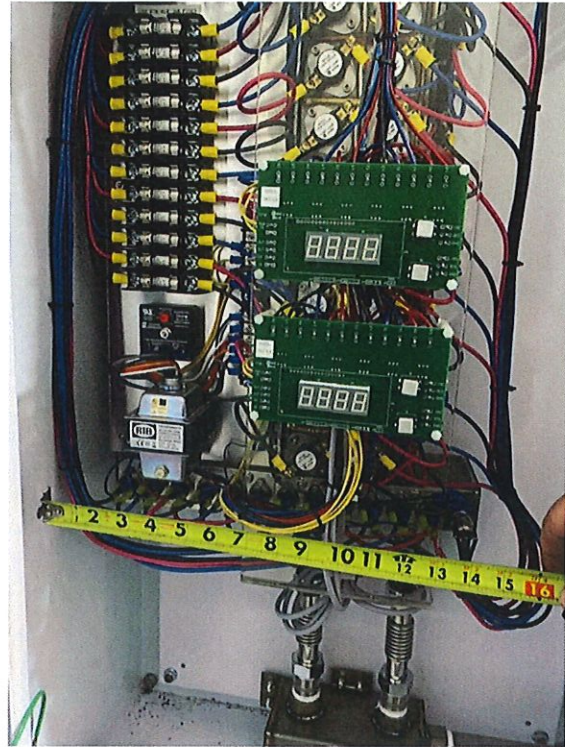


Jamie T. Visker  
CEO

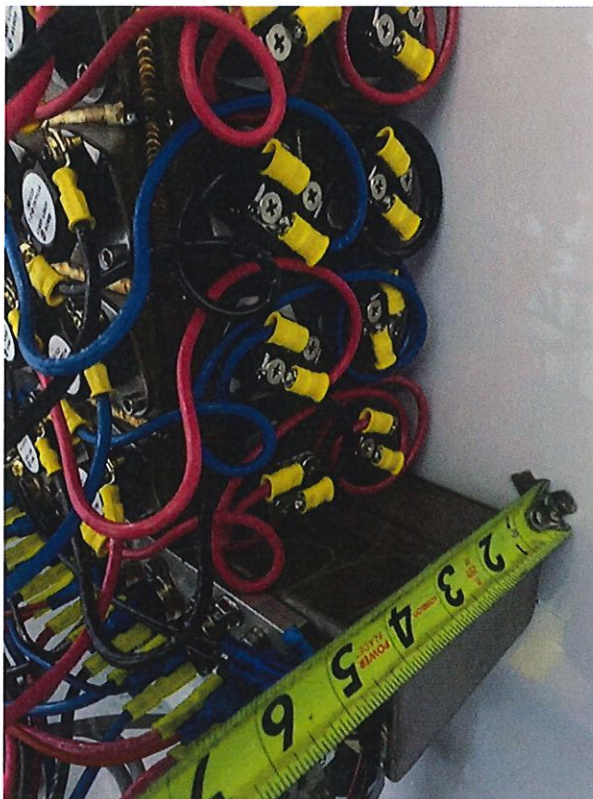




Height 24"



Width 12"



Depth 4.5"





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**STATE OF INDIANA**

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**BRYAN J. LANGLEY, EXECUTIVE DIRECTOR**

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Indiana Government Center South  
302 West Washington Street  
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**BOILER & PRESSURE VESSEL SAFETY DIVISION (317) 232-1921**

September 14, 2020

WINONA BUILDING PRODUCTS  
LARRY CASE

506 NORTH STREET  
ATTN LARRY CASE  
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Reference: Vessel(s) IN# 355035

N END PRODUCT AREA  
506 NORTH ST  
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Very truly yours,

Roger Boillard  
Boiler & Pressure Vessel Section Chief

Cc:Inspector of Record: GONGWER DAVID W ,STATE OF INDIANA





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Telephone: (317)232-1921  
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Vessel Status		Pending				Record created / Update date  08/26/2020 14:21:06	
Inspection Type		PENDING					
Insurance Code	District		Date of New Expiration				
07			07/28/2020				
Inspection Fee	Invoice Number		Invoice Date				
Date inspected	Cert.exp.Date	Is Cert.Posted	Owner Number	State Number	NB #/other #		
07/28/2020		N		355035	/16585		
Name of owner			Nature of business		Kind of inspection		
WINONA BUILDING PRODUCTS			MFG		External		
Mailing address of owner			City		State	ZIP code	
506 NORTH STREET ATTN LARRY CASE			PLYMOUTH		IN	46563	
Contact Name			Specific location			County	
LARRY CASE			N END PRODUCT AREA			50	
User & address			City		State	ZIP code	
WINONA BUILDING PRODUCTS 506 NORTH ST			PLYMOUTH		IN	46563	
Type of object		Name of manufacturer		Year built	Size		
ELECTRIC BOILER		TANKLESS INC		2019	108 KW		
Use		Fuel	Method of Firing		Pressure Gauge Tested		
PROCESS		ELECTRIC	AUTO		N		
Pressure allowed this ?	Previous inspection	Safety relief valves set at:	Inspection certificate frequency		Hydrostatic test this certificate?		
	1ST	150	3		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

PEB:2. a. NON CODE DESIGN VESSEL(MODEL CE 108 KW). INDIANA ARTICLE 30, 675 RULES REQUIRES VESSELS OVER 200K BTU TO BE ASME DESIGN & STAMPED.  
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Email rboillard@dhs.in.gov or 317-232-1921

Name of the Peron Requirements explained to		Title	
LARRY CASE			
Authorized Inspector	Identification Number	Name of Company	
DAVID GONGWER	2028	STATE OF INDIANA	