

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Monday, September 28, 2020
By Electronic Mail

Ezekiel Vasquez
Petitioner
Sublime
509 N Hathaway
Winamac, IN 46996
zekeisthename@gmail.com

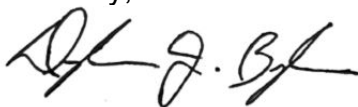
Re: Petition for Administrative Review – IDHS Sanctions Order No. 187-258 – Sublime

Dear Mr. Vasquez:

The Indiana Fire Prevention and Building Safety Commission (Commission) is in receipt of your electronically-filed petition for administrative review of Indiana Department of Homeland Security (IDHS) Sanctions Order No. 187-258 – Sublime, submitted on Saturday, September 26, 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 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
dboyle@dhs.in.gov

Enclosure

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

From: noreply@formstack.com
To: [DHS Legal Mailbox](#)
Subject: Petition for Review
Date: Saturday, September 26, 2020 9:26:54 AM

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Formstack Submission For: **petition for review**

Submitted at 09/26/20 9:26 AM

Individual Name:	Ezekiel Vasquez
Business Name: :	Sublime
Phone Number:	(574) 242-9462
Email Address:	zekeisthename@gmail.com
Mailing Address:	509 N Hathaway Winamac, IN 46996
Are you represented by an attorney?:	
Attorney Name:	
Firm:	
Phone Number:	
Email Address:	
Mailing Address:	
Order Number:	

Facility Device Boiler ID:	BU30200C
Date Order Received:	Sep 17, 2020
How did you receive the Order? :	Mail
Entity Issuing Order:	Other
Entity Name:	Homeland Security
Upload Order:	
Was this order specifically directed to you?:	Yes
Explain:	I received certified mail with fines and never talked with or met in person with the fire marshall
Have you been aggrieved or adversely affected by the order?:	Yes
Explain:	was fined and would like to reschedule a visit to clear things up
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? :	
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?:	
I request a stay of effectiveness:	
What is the basis of your challenge? :	

What is your desired outcome? :

to waive the fines and
reschedule an appointment
where i can meet with fire
marshal in person

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

Additional Attachments:

Additional Attachments:

Additional Attachments:

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



Indiana Department of Homeland Security
302 W. Washington Street, Room E208
Indianapolis, IN 46204
Phone: 317-232-2222

Permit Number	Sanction Number
BU30200C	187-258

Visit us at: <http://www.in.gov/dhs>

Date 09/17/2020 **Type** Sanctions
Results Sanctions

Location **Owner**
Name SUB LIME Name EZEKIEL VASQUEZ
Street E 123 PEARL ST Street 123 E PEARL ST.
City WINAMAC City WINAMAC
Zip 46996 Zip 46996

Sanctioned By **Permit**
Name Alvin Fry IV State Number BU30200C
Email Alfry@dhs.IN.gov Type Business
Phone 317-503-7607

Sanctions
Notice of Violations

#	Code	Description	Order	Correct By	Fee
	Sec. 5303.5.3 2014 Edition IFC 675 IAC 22-2.5	<p>Compressed gas containers, cylinders and tanks shall be secured to prevent falling caused by contact, vibration or seismic activity. Securing of compressed gas containers, cylinders and tanks shall be by one of the following methods:</p> <ol style="list-style-type: none">1. Securing containers, cylinders and tanks to a fixed object with one or more restraints.2. Securing containers, cylinders and tanks on a cart or other mobile device designed for the movement of compressed gas containers, cylinders or tanks.3. Nesting of compressed gas containers, cylinders and tanks at container filling or servicing facilities or in seller's warehouses not accessible to the public. Nesting shall be allowed provided the nested containers, cylinders or tanks, if dislodged, do not obstruct the required means of egress.4. Securing of compressed gas containers, cylinders and tanks to or within a rack, framework, cabinet or similar assembly designed for such use. <p>Exception: Compressed gas containers, cylinders and tanks in the process of examination, filling, transport or servicing.</p>	Located in the back room.	09/05/2020	\$250.00



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	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.	Located throughout the facility loose wire above stairs, and missing outlet covers throughout.	09/05/2020	\$250.00
	Sec. 605.1 2014 Edition IFC 675 IAC 22-2.5	Identified electrical hazards shall be abated. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.	Missing breakers in box, and missing light bulbs throughout the facility.	09/05/2020	\$250.00
	Sec. 605.3 2014 Edition IFC 675 IAC 22-2.5	A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1,981 mm) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 mm), the working space shall be not less than the width of the equipment. No storage of any materials shall be located within the designated working space. Exceptions: 1. Where other dimensions are required or allowed by NFPA 70. 2. Access openings into attic or underfloor areas, which provide a minimum clear opening of 20 inches (509 mm) by 40 inches (1,016 mm).	Located in front of electrical panel above stairs.	09/05/2020	\$250.00
	Sec. 507.2.1 2014 Edition IMC 675 IAC 18-1.6	Type I hoods shall be installed where cooking appliances produce grease or smoke as a result of the cooking process. Type I hoods shall be installed over medium-duty, heavy-duty and extra-heavy-duty cooking appliances. Type I hoods shall be installed over light-duty cooking appliances that produce grease or smoke. Exceptions: 1. A Type I hood shall not be required for an cooking appliance where an testing agency provides documentation that the appliance effluent contains 5 mg/m ³ or less of grease when tested at an exhaust flow rate of 500 cfm (0.236 m ³ /s in accordance with Section 17 of UL 710B. 2. Conveyor type pizza ovens not used to cook "raw fatty proteins" such as bone-in, skin-on chicken,	Located over stove.	09/05/2020	\$250.00



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		raw hamburger, raw bacon, raw sausage, raw steaks, and similar items.			
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ASSOCIATED VIOLATIONS FOUND

#	Code	Description	Order	Correct By	Fee
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COMPLIED VIOLATIONS

#	Code	Description	Order	Corrected	Fee
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If you are receiving this document, property that you own or have control over, has been, or was attempted to be, inspected by the Indiana Department of Homeland Security (Department). Depending on the outcome of this inspection, one of five different RESULTS was notated. See the first page for the RESULT of this inspection. The following describes what each RESULT means:

1. INSPECTION NOT POSSIBLE

This report is to notify you that the Department attempted to perform an inspection of your property, but was unable to for some reason. If you have not already spoken with your inspector regarding this, please contact him or her immediately.

2. NO VIOLATIONS FOUND

This report is to notify you that the Department performed an inspection of your property, and no violations were found to exist. However, please be aware that obtaining a RESULT of "no violations found" does not mean that no violations exist on your property or may be found during a later inspection.

3. EMERGENCY OR TEMPORARY ORDER

This report is to notify you that the Department has determined that conduct or a condition of property:

- (1) presents a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser;
- (2) is prohibited without a permit, registration, certification, release, authorization, variance, exemption, or other license and the license has not been issued; or
- (3) will conceal a violation of law.

This order must immediately be complied with, up to and until such time that: (1) it expires; (2) an order is issued by an administrative law judge voiding, terminating, modifying, or staying its effectiveness; or (3) the Department terminates its effectiveness. If you desire administrative review of this order, you must submit your request by one of the methods provided for in the administrative review section mentioned below.

4. 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, you must notify your inspector, in writing, 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 \$250 per day per violation.
3. I understand no extensions of time are permitted unless they are granted in writing by the 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.

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 a stay in writing. To request an informal review or administrative review of this report, you must comply with the information provided below.

5. SANCTIONS

This report is to notify you that sanctions are being imposed due to violation(s) of the law. If a civil penalty is imposed, you will be prohibited from renewing any permit, license, registration, certification, or other similar authorization related to the device, equipment, or structure, which is the subject of the civil penalty, until the debt has been satisfied. For information on how to request an informal review or administrative review, see below.



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INFORMAL REVIEW

To request an informal review of your order by the Department, complete the informal review form located at <https://www.in.gov/dhs/4149.htm>. Following receipt of this form, the Department will review your request and 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 administrative review which must be filed to initiate formal administrative proceedings under IC 4-21.5.

ADMINISTRATIVE REVIEW

If you desire administrative review of this order by the Fire Prevention and Building Safety Commission, 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 your petition qualifies for review, it will be assigned to an administrative law judge who will initiate proceedings under IC 4-21.5. 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>.

