

# INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Friday, August 14, 2020  
By Electronic Mail

Cheree Cooper-Fillmore  
Petitioner  
The Crystal Coop  
3400 West 53<sup>rd</sup> Street  
Anderson, IN 46011  
[office@thecrystalcoop.com](mailto:office@thecrystalcoop.com)

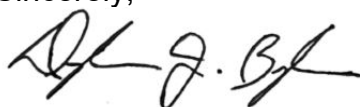
**Re: Petition for Administrative Review – IDHS Notice of Violations Order No. 474372 – The Crystal Coop**

Dear Ms. Cooper-Fillmore:

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) Notice of Violations Order No. 474372 – The Crystal Coop, submitted on Thursday, August 6, 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  
[dboyle@dhs.in.gov](mailto:dboyle@dhs.in.gov)

Enclosure

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

**From:** [DHS Legal Mailbox](#)  
**To:** [Guedel, Justin K](#); [Boyle, Douglas J \(DHS\)](#)  
**Subject:** FW: Petition for Review  
**Date:** Thursday, August 6, 2020 4:26:18 PM  
**Attachments:** [68379161\\_BU103620\\_Complaint\\_07-27-2020.pdf](#)  
[68380022\\_petition\\_letter.pdf](#)  
[68380035\\_certificate\\_occupancy.pdf](#)

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**From:** noreply@formstack.com  
**Sent:** Thursday, August 6, 2020 8:25:23 PM (UTC+00:00) Monrovia, Reykjavik  
**To:** DHS Legal Mailbox  
**Subject:** Petition for Review

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

Submitted at 08/06/20 4:25 PM

Individual Name:	Cheree Cooper-Fillmore
Business Name: :	The Crystal Coop
Phone Number:	(765) 356-4363
Email Address:	office@thecrystalcoop.com
Mailing Address:	3400 West 53rd Street Anderson, IN 46011
Are you represented by an attorney?:	No
Attorney Name:	
Firm:	

<b>Phone Number:</b>	
<b>Email Address:</b>	
<b>Mailing Address:</b>	
<b>Order Number:</b>	
<b>Facility   Device   Boiler ID:</b>	
<b>Date Order Received:</b>	Jul 27, 2020
<b>How did you receive the Order? :</b>	Email
<b>Entity Issuing Order:</b>	Indiana Department of Homeland Security
<b>Entity Name:</b>	
<b>Upload Order:</b>	<a href="#">View File</a>
<b>Was this order specifically directed to you?:</b>	Yes
<b>Explain:</b>	Order given to The Crystal Coop and I am 50% owner in business
<b>Have you been aggrieved or adversely affected by the order?:</b>	Yes
<b>Explain:</b>	Financially could put us out of business if exceptions are not made
<b>If the order was not specifically directed to you and you have not</b>	

**been aggrieved or adversely affected by the order, are you entitled to review under some other law? :**

No

**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:**

Yes

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

We have already done what was required to receive our Certificate of Occupancy and have currently been in business since September 2018.

**What is your desired outcome? :**

Asking for alternative options or exceptions to be made to some of the codes now being required upon us due to a change in our class of business. These were not required of us as a Class-B business.

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

We were given a Class-B Certificate Of Occupancy by the City of Anderson and abided by all codes required at time of construction. Our building was inspected and approved by the local electrical and building inspectors. Additional exits were installed per their requests with lit exit signs. Fire extinguishers were installed and tagged by Elwood Fire annually. We have attached a detailed letter of our concerns.

**Additional Attachments:**

[View File](#)



**Additional  
Attachments:**

[View File](#)

**Additional  
Attachments:**

[View File](#)

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



## Report of Inspection

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

Permit Number

BU103620

Inspection Number

474372

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

**Date** 07/27/2020 **Type** Complaint  
**Results** Notice of Violations

**Location** **Owner**  
**Name** CRYSTAL COOP **Name** CRYSTAL COOP  
**Street** 3400 W 53RD ST **Street** 3400 W 53RD ST  
**City** ANDERSON **City** ANDERSON  
**Zip** 46011 **Zip** 46011

**Inspector** **Permit**  
**Name** Chris Betzner **State Number** BU103620  
**Email** CBetzner@dhs.IN.gov **Type** Business  
**Phone** 317-416-7013

### Notice of Violations

#### Notice of Violations

#	Code	Description	Order	Correct By	Fee
1	675 IAC 12-6-3(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.	Documentation of State approved construction design release needs to be obtained.	08/27/2020	\$250.00



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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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## Report of Inspection

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

Permit Number	Inspection Number
BU103620	474372

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

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.



## Report of Inspection

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

Permit Number	Inspection Number
BU103620	474372

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

### 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.

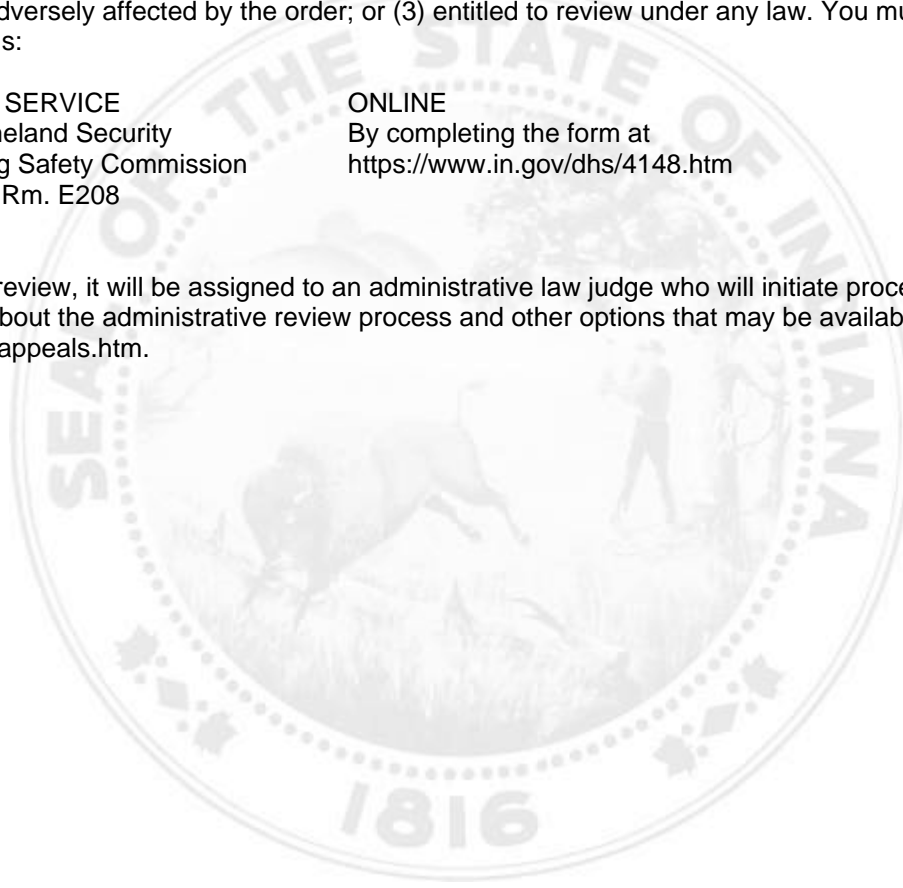
### ADMINISTRATIVE REVIEW

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>.







July 29<sup>th</sup>, 2020

Subject: Certificate of Occupancy  
To whom it may concern,

We are appealing the potential violation and fine given by Chris Betzner, State Fire and Building Code Inspector, on July 27<sup>th</sup>, 2020. We are appealing this for several reasons. To bring this completely remodeled building up to the codes a Class-A business requires would be a tremendous hardship financially on our business. We are a newer business still trying to build revenue and have been dramatically affected by the COVID-19 pandemic. In addition to the financial strain, we believed we have done all that was required of us to open our business. We are a locally owned and operated business in Anderson, Indiana. We are two sisters that invested our savings into an existing barn and turned it into our dream business. This building has been used for two previous businesses including a drive through feed barn and landscaping company. We opened our business in 2018 and are just now being informed we were classified incorrectly by the City of Anderson. We received our Certificate of Occupancy in September 2018 and held a ribbon cutting ceremony with local officials and the Mayor with no mention of violations.

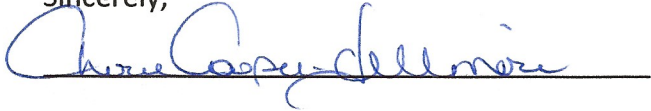
We have always cooperated in what is being required of us to sustain our business, but we are appealing some of the codes that are now being requested due to the business class change. We were told by Chris Betzner to contact a Design Professional and begin getting plans drawn up to submit to the State. This will be another financial burden, but we are taking steps to get this done. We are also prepared to pay the annual fee for an Entertainment Permit that Chris Betzner also informed us will be required. We are asking for your help and cooperation on alternative solutions to the addition of sprinklers, an alarm systems and commercial doors with panic bars. These were not required during our construction phase and at this stage will affect the integrity of the building as well as financially put us out of business.

During our construction phase we spent thousands of dollars to get up to code that the City of Anderson was requiring. This did include adding additional exits with lit EXIT signs. We removed two windows and installed additional doors as well as adding three new doors in our 3,220 foot reception hall. Panic bars were not required at the time since we were abiding by a Class-B which is what we were given by the City. Our current doors will not support panic bars, so the expense to replace them all would be substantial. We added smoke alarms as requested along with fire extinguishers that are tagged and maintained by Elwood Fire. We removed all cooking equipment in the kitchen since we were told during construction the equipment would require sprinklers. Our kitchen does allow cooking and all food is prepared and brought in by outside vendors.

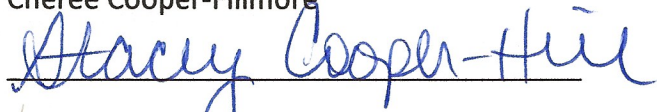
We never questioned the Class of Business that was given to us on our Certificate of Occupancy since the City classified us the same as another recently opened barn venue in Anderson. We had a lot of expense and hurdles we had to incur to receive our Certificate of Occupancy including going in front of the BZA for zoning approval. It was required to hire a surveyor for drainage and parking lot approval. The surveyor and parking lot cost us over \$80,000 to get completed per their requirements. We were required to install a 6 foot fence around the perimeter of our property costing over \$12,000. All the proper permits were filed and paid for before and during construction. To our knowledge we had done everything required and followed the guidelines given to us by our local City Officials, Surveyor and Contractor. We truly believed we had done all that was required of us to open this facility and have had several successful events with no safety concerns. The venues doors are always unlocked during events and a chaperone is always onsite.

We have attached pictures of the facility showing what we believe to be a very safe customer friendly environment. We have also attached our Certificate of Occupancy along with other documents that were required of us during construction. We are asking for you to be lenient and help save our business from financial ruin. Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cheree Cooper-Fillmore", written over a horizontal line.

Cheree Cooper-Fillmore

A handwritten signature in blue ink, appearing to read "Stacey Cooper-Hill", written over a horizontal line.

Stacey Cooper-Hill





Tom Broderick, Mayor

City of Anderson  
Department of Municipal Development

120 East Eighth Street  
P.O. Box 2100  
Anderson, Indiana 46018  
Phone (765) 648-6055  
Fax (765) 648-5914  
www.cityofanderson.com

# *Certificate of Compliance*

## **Anderson Building Commissioner**

This structure has been inspected by staff from Building, Fire, Engineering, Zoning and other departments as necessary and found to be substantially in conformance with the model Building and Fire Codes as adopted by the State of Indiana and the City of Anderson.

Permit: 25823

Construction Type: N/A

NFPA: Anderson

Use Classification: Business

Zoning Classification: R-2

Building Occupancy Groups: B, REM

Owner: Cheree Cooper-Filmore

Address: PO Box 2644, Anderson IN 46018

Business: Crystal Coop

Building Address: 3400 West 53<sup>rd</sup> Street

State Release: N/A

Remodel: Interior/Exterior

Automatic Sprinklers: N/A

Building Commissioner

September 10, 2018

Date

South View of 3,220 square foot Reception Hall. 3 exits visible in picture with fire extinguisher in foyer. Lit exit signs are above each door



Main South Exit with push open door





North exit door with another fire extinguisher.



North view from covered patio



South view from covered patio







Before Remodel in 2017



After





Interior before remodel



After





Ribbon cutting ceremony held with the Mayor and other City Officials  
In September 2018.

<p><b>NOTICE</b> ELECTRICAL PERMIT ISSUED</p> <p>TO: <u>CHERE COOPER-FILLMORE</u> NO. <u>3400 WEST 53RD</u> STREET</p> <p>Approved: <u>6-13-18</u> For: <u>ADD/REPLACE RECEPTACLES</u> Expires: <u>6-13-19</u> No. <u>25595</u> Todd Fisher, Building Commissioner</p> <p>POST IN A CONSPICUOUS PLACE UNDER PENALTY OF ORDINANCE NO. 60-83</p>	<p><b>NOTICE</b> CONSTRUCTION PERMIT ISSUED</p> <p>TO: <u>STACEY COOPER HILL/CHERE COOPER-FILLMORE</u> NO. <u>3400 WEST 53RD</u> STREET</p> <p>EXPIRES: <u>12-15-2017</u> FOR: <u>GROUND SIGN</u> RE: <u>INSTALLATION</u> No. <u>23654</u> Todd Fisher, Building Commissioner</p> <p>POST IN A CONSPICUOUS PLACE UNDER PENALTY OF ORDINANCE NO. 60-83</p>
<p><b>NOTICE</b> CONSTRUCTION PERMIT ISSUED</p> <p>CHERE COOPER-FILLMORE <u>3400 WEST 53RD</u> STREET</p> <p>EXPIRES: <u>10-26-19</u> FOR: <u>INTERIOR - DRYWALL, FLOORING</u> <u>10-26-18</u> NO. <u>33215/33216</u> Todd Fisher, Building Commissioner</p> <p>POST IN A CONSPICUOUS PLACE UNDER PENALTY OF ORDINANCE NO. 60-83</p>	<p><b>IMPROVEMENT LOCATION PERMIT</b> CITY OF ANDERSON ZONING ORDINANCE No. 2440</p> <p>TO: <u>STACEY COOPER HILL/CHERE COOPER-FILLMORE</u> Address: <u>3400 W 53RD ST</u> Re: <u>GROUND SIGN</u> I.L.P. No. <u>170-17</u> MGM Planning Department Officer</p> <p>This Card Must Be Posted In A Conspicuous Place</p>