

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Friday, August 14, 2020
By Electronic Mail

Cleta Platt-Gibson
Petitioner
Shoe Sensation
253 America Place
Jeffersonville, IN 47130
cgibson@shoesensation.com

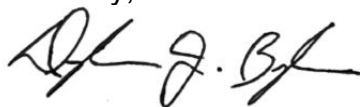
Re: Petition for Administrative Review – IDHS Sanctions Order No. 26-70 – Shoe Sensation

Dear Ms. Platt-Gibson:

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. 26-70 – Shoe Sensation, submitted on Tuesday, August 4, 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
302 W. Washington Street, Room E-208
Indianapolis, IN 46204
dboyle@dhs.in.gov
(317) 650-7720

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: Tuesday, August 4, 2020 1:42:55 PM
Attachments: [68379161_BU102006 Sanction Fines 07-24-2020.pdf](#)
[68380022_2020-fire sprinkler inspection-koorsen.pdf](#)

From: noreply@formstack.com
Sent: Tuesday, August 4, 2020 5:41:38 PM (UTC+00:00) Monrovia, Reykjavik
To: DHS Legal Mailbox
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 08/04/20 1:41 PM

Individual Name:	Cleta Platt-Gibson
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Business Name: :	Shoe Sensation
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Phone Number:	(812) 920-1111
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Email Address:	cgibson@shoesensation.com
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Mailing Address:	253 America Place Jeffersonville, IN 47130
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Are you represented by an attorney?:	No
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Attorney Name:	
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Firm:	
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Phone Number:	
Email Address:	
Mailing Address:	
Order Number:	
Facility Device Boiler ID:	
Date Order Received:	Aug 04, 2020
How did you receive the Order? :	Mail
Entity Issuing Order:	Indiana Department of Homeland Security
Entity Name:	
Upload Order:	View File
Was this order specifically directed to you?:	No
Explain:	It was directed to my employer
Have you been aggrieved or adversely affected by the order?:	Yes
Explain:	As Store Services Director I am responsible for all Maintenance and Repairs in our stores
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?:

Shoe Sensation is a tenant of the building and as such is not responsible for the testing of the Fire System nor are we copied on any testing results. The results are posted on the riser of the system and available from our Landlord / Property Owner. The Inspector spoke to the landlord's Property Manager Scott McFall who advised them of where to located the inspection and states he provided a copy of the final inspection.

The main doors and emergency doors were installed prior to us leasing the space and are used to secure the building after the store is closed. We will have the flush bolt removed so that we are not hindering egress in an emergency situation when the store is empty.

I request a stay of effectiveness:

Yes

What is the basis of your challenge? :

I ask for time to remedy the violations that were not properly reported by our team. I have coached them on the proper method of reporting inspection reports and hope that we will not have this issue going forward.

What is your desired outcome? :

Waiver of fines.

Additional information in

**support of my
request:**

Copy of the Fire Suppression Report is attached

**Additional
Attachments:**

[View File](#)

**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
BU102006	26-70

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

Date 07/24/2020 **Type** Sanctions
Results Sanctions

Location **Owner**
Name Shoe Sensation Name Shoe Sensation
Street 1333 Indianapolis Rd Street 1333 Indianapolis
City Greencastle City Greencastle
Zip 46135 Zip 46135

Sanctioned By **Permit**
Name Austin Kohler State Number BU102006
Email AKohler@dhs.IN.gov Type Business
Phone 317-232-4337

Sanctions					
Notice of Violations					
#	Code	Description	Order	Correct By	Fee
	Sec. 1008.1.8.4 2008 Edition IBC 675 IAC 13-2.5	Manually operated flush bolts or surface bolts are not permitted. Exceptions: 1. On doors not required for egress in individual dwelling units or sleeping units. 2. Where a pair of doors serves a storage or equipment room, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf.	Both exit doors at the entry had flush bolts that must be removed.	04/23/2020	\$250.00
	Sec. 901.4.1 2014 Edition IFC 675 IAC 22-2.5	Fire protection systems required by this code or the International Building Code shall be installed, repaired, operated, tested and maintained in accordance with this code.	Inspection reports for the fire alarm and the fire suppression system were not available for review.	04/23/2020	\$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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Permit Number	Sanction Number
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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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Permit Number	Sanction Number
BU102006	26-70

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:

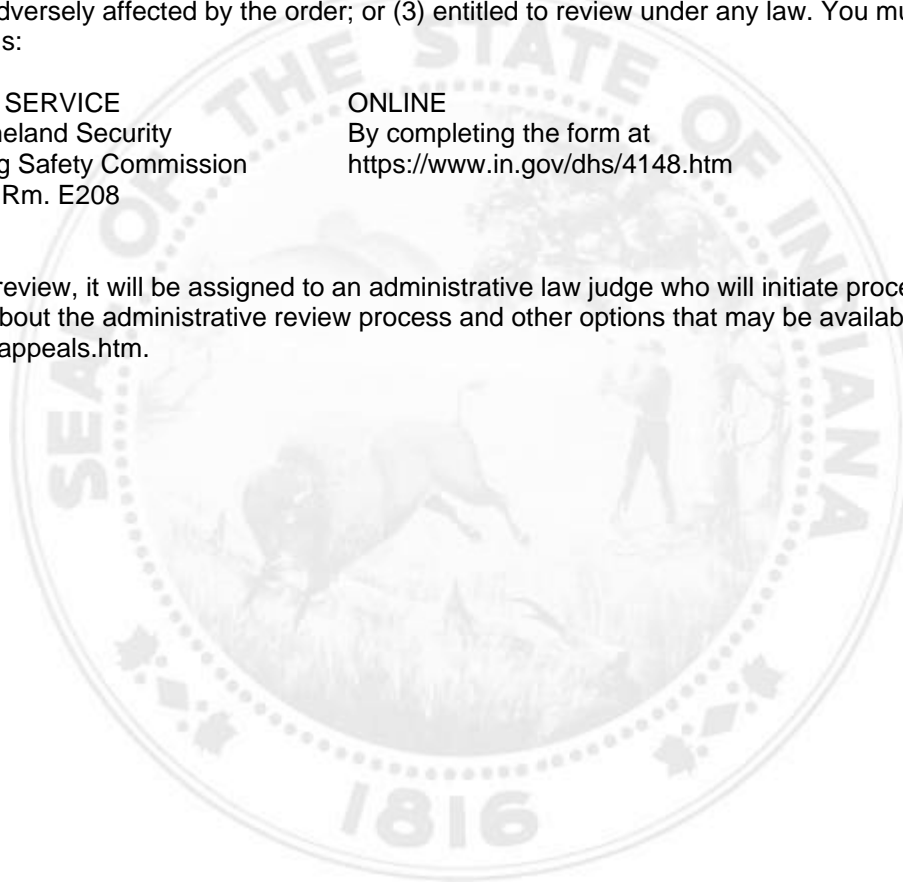
U.S. MAIL OR PERSONAL SERVICE

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>.



Date: May 20, 2020 Phone #: 812-478-3757
 Time In: 9:00am Time Out: 2:00 PM
 Inspector: Cole Robertson
 Inspector: Brendon Lucas

Inspection & Test Report

Inspection Type: Wet/Dry Sprinkler
 Frequency: Annual

Putnam Plaza Shopping Center Building A
 1333 Indianapolis Rd.
 Greencastle, IN. 46135
 SO# SO3675637

System on Test

Time:
 Operator: Amanda

Monitoring Company: BR Alarms
 Panel Code: Unknown

Owner / Occupant

- A. Has there been any modifications to the system since last inspection? ☒ N/A ☐ Yes ☐ No
- B. Have there been any occupant/hazard changes since last inspection? ☒ N/A ☐ Yes ☐ No
- C. Was there an actuation of a device or alarm since last inspection? ☒ N/A ☐ Yes ☐ No
- D. Is building completely sprinkled? ☐ N/A ☒ Yes ☐ No
☒ Some areas were unable to be inspected at this time.
- E. Are all systems in service? ☐ N/A ☒ Yes ☐ No
- F. Has piping been checked for stoppage? ☐ N/A ☐ Yes ☒ No
- G. Do low points exist? ☐ Yes ☒ No

**All answers in this section are based on the customer's knowledge of the system*

Comments for A-G: _____

Inspector's Section (All responses reference current inspections)

1) General

- A. Is there proper clearance between sprinklers and storage -- 18in? ☐ N/A ☒ Yes ☐ No
- B. In area protected by wet system does building appear to be properly heated? ☐ N/A ☒ Yes ☐ No
- C. If required, is hydraulic nameplate in place? ☐ N/A ☐ Yes ☒ No
- D. Is building occupied? ☐ N/A ☒ Yes ☐ No
- E. Are there proper signs on all valves and switches? ☐ N/A ☒ Yes ☐ No

2) Control Valves

- A. Are all control valves and other valves in the open position and in good condition? ☐ N/A ☒ Yes ☐ No
- B. Are all control valves ☒ locked ☒ sealed ☐ or supervised? ☐ N/A ☒ Yes ☐ No
- C. Were all OS&Y valves lubricated? ☐ N/A ☒ Yes ☐ No

3) Tanks, Pumps, Fire Department Connections

- A. Are fire pumps, gravity tanks, reservoirs and pressure tanks in good condition and required test performed if needed? ☒ N/A ☐ Yes ☐ No
- B. Are fire department connections in good condition, couplings free and caps in place? ☐ N/A ☒ Yes ☐ No
- C. Are fire department connections accessible and visible? ☐ N/A ☒ Yes ☐ No

4) Antifreeze Systems

☒ N/A

Does Not Apply

- A. Are cold weather valves in proper position? ☒ N/A ☐ Yes ☐ No
- B. This system does not have an antifreeze loop. _____ °F ☐ Pass ☐ Fail

Putnam Plaza Shopping Center Building

5) Dry Systems

☒ N/A

Does Not Apply

- A. Are the air pressure and priming water levels normal? ☒ N/A ☐ Yes ☐ No
- B. Has the air or nitrogen supply system been checked for proper operation? ☒ N/A ☐ Yes ☐ No
- C. Were the low points drained? ☒ N/A ☐ Yes ☐ No
- D. Did quick-opening devices operate satisfactory? ☒ N/A ☐ Yes ☐ No
- E. Is dry valve in a properly heated area? ☒ N/A ☐ Yes ☐ No

6) Alarms

- A. Did water ☒ motor gong and/or ☐ electric bell test satisfactorily? ☐ N/A ☒ Yes ☐ No
- B. Did electric alarm send signals to the fire alarm panel? ☐ N/A ☒ Yes ☐ No
- C. Did supervisory devices work? ☐ N/A ☐ Yes ☒ No
- D. Were alarm, trouble, and supervisory signals verified with central station? ☐ N/A ☐ Yes ☒ No

7) Sprinklers/Piping/Gauges

- A. Do sprinklers appear to be free from corrosion, loading, or obstruction? ☐ N/A ☐ Yes ☒ No
☐ Some sprinklers are unable to be visually inspected at this time.
- B. If standard sprinklers are over 50 years are they being tested? ☒ N/A ☐ Yes ☐ No
- C. If quick response sprinkler are over 20 years are they being tested? ☒ N/A ☐ Yes ☐ No
- D. Is stock of spare sprinklers and wrench available? ☐ N/A ☒ Yes ☐ No
- E. Does the exterior condition of the sprinkler system appear to be in good condition? ☐ N/A ☒ Yes ☐ No
- F. Are gauges in good condition and reading proper pressure? ☐ N/A ☒ Yes ☐ No
Manufacturers date or date last tested 2014

8) Stand Pipe / Hose Systems

☒ N/A

Does Not Apply

- A. Type: Wet No. _____ Combined No. _____ Dry No. _____
Water Supply: _____
- B. Are stand pipe and hose systems in good condition? ☒ N/A ☐ Yes ☐ No

9) Special Systems / Test

☒ N/A

Does Not Apply

Type: _____

- A. If occupancy has special systems, have they been tested as required? ☒ N/A ☐ Yes ☐ No
- B. Are they in good condition and were tests satisfactory? ☒ N/A ☐ Yes ☐ No
- C. If testing was required, see attached form or system tags? ☒ N/A ☐ Yes ☐ No

Inspector's test

☒ Multiple Inspector's Test

Smooth Bore

Location	Alarm Report	Time to Alarm	Orifice	Signs	Results Comparable
			Yes	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Main Drain

☒ Multiple Risers

Location	Drain Size	Static PSI	Residual PSI	Static PSI	Result Comparable	Signs
					Yes	Yes

See Multi Riser Report

Explain any "No" answers:

17 sprinklers loaded.

4 out of date are water gauges.

Adjustments or corrections made during this inspections:

Replaced 2 air water gauges.

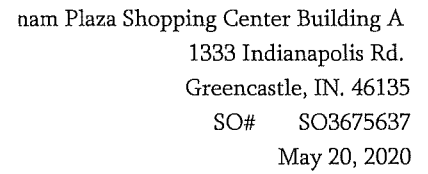
Although these comments are not the result of an engineering review, the following improvements are recommended: No recommendations at this time.

System Back In Service

Time:
Operator: Amanda

Monitoring Company: BR Alarms
Panel Code: Unknown

nam Plaza Shopping Center Building



MULTI RISER REPORT

Inspected by:	<u>Cole Robertson</u>	Total Qty of Risers Inspected:	<u>4</u>
Inspected by:	Brendon Lucas		