



CENSURE & CIVIL PENALTY

Practitioner Order Directed To: American Elevator, Inc.
License #: CO14691
Order #: 22-02-CO
Date Issued: March 09, 2022
Method of Service: Email to darrin@americanelevatorinc.net
CC: jonathoncook@sdfblaw.com

Pursuant to Indiana Code § 4-21.5-3-6, the Indiana Department of Homeland Security (the "Department") issues this Censure and Civil Penalty to American Elevator for alteration of two regulated lifting devices without an alteration permit.

I. STATEMENT OF FACTS

1. On February 17, 2022, following receipt of a complaint that alteration work was being performed without an alteration permit, the Department performed an inspection at One Allison Way, Indianapolis, IN.
2. During the inspection, it was found that two regulated lifting devices (LD27101 and LD33433) were being altered by Indiana licensed mechanic Danial Spears (license # ME16543) and apprentice Justin Michael Keith, both working under the authority of American Elevator.
3. The work in question included "cosmetic updates" to two elevators. Specifically, the interior cab panels and car operating panels were "changed". These changes included the introduction of a new car stop switch, a new phase two fire service operation, new emergency lighting, a new alarm bell, new emergency two-way communication, new hall fixtures (including phase one fire service key switch), new top and bottom access switches, and new position indicators.
4. The work was found to be performed not for the purpose of maintenance, repair, or replacement as, among other reasons, the work was not "necessary to keep equipment in compliance with the applicable Code requirements" or "for the purpose of ensuring performance in accordance with applicable Code requirements"; it was found to be a "change of equipment" for the purpose of updating equipment and appearances.
5. On February 17, 2022, following completion of the inspection, orders were issued, citing violation of 675 IAC 21-1-1 (the alteration permit requirement), for both elevators. These orders were not challenged.
6. On February 17, 2022, after commencement of the work and inspection by the Department, American Elevator applied for and was issued alteration permits to cover the work in question for both devices.

II. STATEMENT OF LAW

1. Pursuant to Indiana Code § 22-15-5-16(a)(6), "a practitioner is subject to . . . disciplinary sanctions . . . if the department finds that a practitioner has . . . knowingly violated a state statute or rule . . . regulating the profession for which the practitioner is licensed.
2. Disciplinary sanctions include, among other things, censure and assessment of a civil penalty. See Ind. Code § 22-15-5-16(b).
3. 675 Ind. Admin. Code § 21-1-1(a) provides that "[a]n alteration permit is required prior to commencement of work for an alteration to an existing regulated lifting device."
4. The term "alteration" is defined in the 2007 version of ANSI/ASME A17.1, Safety Code for Elevators and Escalators (the 2007 version of A17.1), which is adopted by reference in 675 Ind. Admin. Code 21-3-1, as follows:

alteration: any change to equipment, including its parts, components, and/or subsystems, other than maintenance, repair, or replacement.

alteration, as part of an: a repair or replacement that is included with other work that is classified as an alteration.

5. The term "replacement" is defined in the 2007 version of A17.1 as follows:

replacement: the substitution of a device or component and/or subsystems, in its entirety, with a unit that is basically the same as the original for the purpose of ensuring performance in accordance with applicable Code requirements.

III. ORDER

Based upon the finding American Elevator, Inc. altered two regulated lift devices prior to the issuance of alteration permits covering the work, the Department hereby **censures** American Elevator, Inc. and assess a **civil penalty of \$2,000**. The civil penalty shall be paid within 60 days of the issuance of this order. Failure to pay the penalty within the time specified may result in the summary suspension of your license. Any future violations of the permitting framework by American Elevator, Inc. may result in license suspension or revocation. Please make all payments by check or money order to the Indiana Department of Homeland Security and delivered to the following address:

Indiana Department of Homeland Security
302 West Washington Street
Indianapolis, IN 46204

IV. REVIEW RIGHTS

This order is final and effective 15 days after service. If you would like to request **informal review** of this order, please complete the informal review form located at <https://www.in.gov/dhs/4149.htm>. Following receipt of this form, the Department may modify or reverse the order, however, a request for an informal review does not extend the deadline for filing a petition for review with the Fire Prevention and Building Safety Commission (Commission). Additionally, if you have any questions regarding this order, you may contact that Department at (317) 232-2222.


If you desire a formal **administrative review** of this order by the **Commission**, you must comply with the requirements of Indiana Code § 4-21.5-3-7 and file a written petition for review within 15 days of the date this order was served, however, this period is extended to 18 days if service is made by mail. 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 may submit your petition by the following methods:

U.S. MAIL OR PERSONAL SERVICE
Fire Prevention and Building Safety Commission
c/o Legal Counsel
302 W. Washington Street, Rm. E208
Indianapolis, IN 46204

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

For additional information about the administrative review process and applicable templates that may be used for filings, visit the following link <https://www.in.gov/dhs/appeals.htm>.

So Ordered:



Matthew R. Cronley | Chief Inspector
Indiana Department of Homeland Security