

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Friday, October 15, 2021
By Electronic Mail

Jessica Shannon
Petitioner
Wonderland, Inc.
1630 Southlake Mall
Hobart, IN 46410
jshannon219@yahoo.com

Scott Seville
Attorney representing the Petitioner
Robbins and Seville, LLC
714 N. Main Street
Crown Point, IN 46307
scott.seville@roseattorneys.com

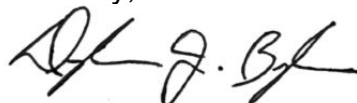
Re: Petition for Administrative Review – IDHS Notice of Violations Order No. 760575 – Wonderland, Inc.

Dear Ms. Shannon and Mr. Seville:

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. 760575 – Wonderland, Inc., submitted on Friday, October 15, 2021. 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
Indiana 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, Indiana Department of Homeland Security Deputy General Counsel – Legal Counsel for the Respondent (by electronic mail)
Bryston Sprecher, Administrative Assistant of the Indiana Fire Prevention and Building Safety Commission (by electronic mail)

From: [DHS Legal Mailbox](#)
To: [Guedel, Justin K](#); [Boyle, Douglas J \(DHS\)](#); [Sprecher, Bryston](#)
Subject: FW: Petition for Review
Date: Friday, October 15, 2021 10:45:18 AM

From: noreply@formstack.com <noreply@formstack.com>
Sent: Friday, October 15, 2021 2:43:11 PM (UTC+00:00) Monrovia, Reykjavik
To: DHS Legal Mailbox <Legal@dhs.IN.gov>
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 10/15/21 10:43 AM

Individual Name:	Jessica Shannon
Business Name: :	Wonderland, Inc
Phone Number:	(219) 448-3850
Email Address:	jshannon219@yahoo.com
Mailing Address:	1630 Southlake Mall Hobart, IN 46410
Are you represented by an attorney?:	Yes
Attorney	Scott Seville

Name:	
Firm:	Robbins and Seville, LLC
Phone Number:	2197799952
Email Address:	scott.seville@roseattorneys.com
Mailing Address:	714 N. Main Street Crown Point, IN 46307
Order Number:	760575
Facility Device Boiler ID:	Wonderland
Date Order Received:	Oct 05, 2021
How did you receive the Order? :	Email
Entity Issuing Order:	Indiana Department of Homeland Security
Entity Name:	
Upload Order:	View File
Was this order specifically directed to you?:	Yes
Explain:	Order alleging violations incorrectly categorizes facility as a "special amusement."
Explain:	

Have you been aggrieved or adversely affected by the order?:

Yes

Explain:

Business is subject to a no occupancy order until the matter is resolved.

Explain:

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

Yes

effectiveness:

According to the Indiana Building Code, a “Special Amusement Building” is defined as:

SPECIAL AMUSEMENT BUILDING. A special amusement building is any temporary or permanent building or portion thereof that is occupied for amusement, entertainment or educational purposes and that contains a device or system that conveys passengers or provides a walkway along, around or over a course in any direction so arranged that the means of egress path is not readily apparent due to visual or audio distractions or is intentionally confounded or is not readily available because of the nature of the attraction or mode of conveyance through the building or structure.

Upon close inspection of the plans for the premises and the execution of those plans, Wonderland is not a “Special Amusement Building” under this definition for the following reasons:

What is the basis of your challenge? :

1. Conveyance: There is no device or system that “conveys passengers.”
2. Course: Nor is there any “course” prepared. This is a largely open structure with a series of exhibits and regular exits.
3. Visual distractions: There is no labyrinth, maze, or other intentionally confounded plan of egress. Further, there are no strobing lights or other visual noise. Lighting is set dim for photographic purposes, but not dark and exits are clearly marked and well-lit.
4. Audio distractions: There are no audio distractions of any kind within the building.
5. Nature of the Attraction: This is a series of exhibits, with no puzzle to solve to enter or leave any of these exhibits. There appears to be nothing intrinsic in the nature of the attraction that would prevent egress.

Therefore, the designation as a “special amusement building” is inapplicable and the corresponding building codes also inapplicable. Under those codes which are applicable based on the current use, all building codes are currently met.

What is your desired outcome? :

Removal of the "no occupancy" order and the designation as a "special amusement." Re-inspection under correct building codes is then requested.

Additional information in support of my request:

Please copy scott.seville@roseattorneys on any question or response to this request.

Additional Attachments:

[View File](#)

Additional Attachments:

Additional Attachments:

Report of Inspection

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

State Number	Inspection Number
BU108087	760576

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

Date	10/05/2021 11:07AM	Type	Complaint
Results	Notice of Violations		
Location		Owner	
Name	Wonderland	Name	Rock The Sky Fireworks & Seasonal Sales
Street	1630 Southlake Mall	Street	1630 Southlake Mall
City	Merrillville	City	Merrillville
Zip	46410	Zip	46410
		Contact	-
Inspector		Item	
Name	Thomas Burkhart	State Number	BU108087
Email	TBurkhardt1@dhs.IN.gov	Type	Business
Phone	(317) 439-3018	CDRs	

Notice Of Violations

#	Code	Description	Order	Correct By	Fee
1	Sec. 605.4 2014 Edition IFC 675 IAC 22-2.5	Multiplug adapters, such as cube adapters, unfused plug strips or any other device not complying with NFPA 70 shall be prohibited.	Multiplug adapters shall not be used. Located throughout the facility.	11/05/2021	n/a
2	Sec. 605.5.1 2014 Edition IFC 675 IAC 22-2.5	Extension cords shall be plugged directly into an approved receptacle, and except for approved multiplug extension cords, shall serve only one portable appliance.	Extension cords shall not be plugged into power strips.	11/05/2021	n/a
3	IC 22-14-3-5	Operation without permit or special event endorsement; infraction Sec. 5. (a) This section applies to the following: (1) Each person who has control over the performance of an amusement or entertainment described in IC 22-12-1-23. (2) Each person who has control over a regulated place of entertainment. (b) A person described in subsection (a) commits a Class C infraction if: (1) a regulated place of amusement or entertainment is used for an amusement or entertainment described in IC 22-12-1-23; and (2) no regulated place of amusement or entertainment permit or special event endorsement issued under this chapter covers the conditions at the regulated place of amusement or entertainment that affect fire and explosion safety.	An AE permit shall be applied for through the State Fire Marshal's office.	11/05/2021	n/a

4	Sec. 320(1) 2014 Edition IFC 675 IAC 22-2.5	In any facility using the maze concept, there shall be no dead-end corridors and there shall be an obvious exit out of the maze for every fifty (50) feet (fifteen and twenty-four hundredths (15.24) meters) of linear travel. All stairways shall be illuminated at a level of a least one (1) foot-candle (eleven (11) lux).	No dead end corridors shall be in maze environments located in murder room and pink maze.	11/05/2021	n/a
5	Sec. 320(7) 2014 Edition IFC 675 IAC 22-2.5	Fire extinguishers shall be distributed throughout the building so that no more than seventy-five (75) feet (twenty-two and eighty-six hundredths (22.86) meters) must be traversed to each fire extinguisher.	The travel distance to any extinguishers shall not exceed 75 ft linear travel.	11/05/2021	n/a
6	Sec. 903.3.3 2014 Edition IBC 675 IAC 13-2.6	Automatic sprinklers shall be installed with due regard to obstructions that will delay activation or obstruct the water distribution pattern. Automatic sprinklers shall be installed in or under covered kiosks, displays, booths, concession stands, or equipment that exceeds 4 feet (1219 mm) in width. Not less than a 3-foot (914 mm) clearance shall be maintained between automatic sprinklers and the top of piles of combustible fibers. Exception: Kitchen equipment under exhaust hoods protected with a fire-extinguishing system in accordance with Section 904.	Plastic sheeting shall be moved as to not impede sprinkler coverage.	11/05/2021	n/a
7	Sec. 605.5 2014 Edition IFC 675 IAC 22-2.5	Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.	Cord shall be protected from environmental damage located by soda coolers. Cord shall be plugged directly into wall receptacle.	11/05/2021	n/a

8	<p>Sec. 906.2 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10. Exceptions: 1. The travel distance to reach an extinguisher shall not apply to the spectator seating portions of Group A-5 occupancies. 2. Thirty-day inspections shall not be required and maintenance shall be allowed to be once every three years for dry-chemical or halogenated agent portable fire extinguishers that are supervised by a listed and approved electronic monitoring device, provided that all of the following conditions are met: 2.1. Electronic monitoring shall confirm that extinguishers are properly positioned, properly charged and unobstructed. 2.2. Loss of power or circuit continuity to the electronic monitoring device shall initiate a trouble signal. 2.3. The extinguishers shall be installed inside of a building or cabinet in a noncorrosive environment. 2.4. Electronic monitoring devices and supervisory circuits shall be tested every three years when extinguisher maintenance is performed. 2.5. A written log of required hydrostatic test dates for extinguishers shall be maintained by the owner to verify that hydrostatic tests are conducted at the frequency required by NFPA 10. 3. In Group I-3, portable fire extinguishers shall be permitted to be located at staff locations.</p>	<p>Extinguishers need inspection by riser room and game room shall have annual inspections completed. Fire extinguishers shall be installed on each end of the stage.</p>	<p>11/05/2021</p>	<p>n/a</p>
9	<p>Sec. 605.6 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.</p>	<p>Receptacle cover in upstairs closet shall be installed.</p>	<p>11/05/2021</p>	<p>n/a</p>
10	<p>Sec. 901.6 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Fire detection, alarm, and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Nonrequired fire protection systems and equipment shall be inspected, tested and maintained or removed.</p>	<p>Fire sprinkler system water flow device is disconnected. Fire sprinkler systems shall be repaired as required.</p>	<p>11/05/2021</p>	<p>n/a</p>
11	<p>Sec. 320(9) 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Automatic smoke detectors shall be installed in accordance with NFPA 72 (675 IAC 22-2.2). All smoke detectors shall be interconnected so that when one is activated, all are activated. When activated, the alarm shall be loud enough to be heard over all other sounds or the activation shall automatically shut down all sound devices within the facility.</p>	<p>No smoke detection devices are visible.</p>	<p>11/05/2021</p>	<p>n/a</p>

12	Sec. 411.6 2014 Edition IBC 675 IAC 13-2.6	An emergency voice/alarm communications system shall be provided in accordance with Sections 907.2.12 and 907.5.2.2, which is also permitted to serve as a public address system and shall be audible throughout the entire special amusement building.	No emergency voice/alarm communication is apparent.	11/05/2021	n/a
13	Sec. 901.6.2 2014 Edition IFC 675 IAC 22-2.5	Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises or made readily available for a minimum of two (2) years from the date of the last inspection, except that original acceptance test reports shall be maintained for the life of the system.	No fire sprinkler inspection reports available when requested.	11/05/2021	n/a
14	Sec. 605.3.1 2014 Edition IFC 675 IAC 22-2.5	Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign stating ELECTRICAL ROOM or similar approved wording. The disconnecting means for each service, feeder or branch circuit originating on a switchboard or panelboard shall be legibly and durably marked to indicate its purpose unless such purpose is clearly evident.	Doors into electrical rooms shall be marked as such.	11/05/2021	n/a
15	Sec. 320(11) 2014 Edition IFC 675 IAC 22-2.5	All material used in all display areas of a haunted house and all material used in the construction of a maze shall be inherently flame-resistant or made so by treatment with a flame retardant. All substances used to make materials flame-resistant shall be applied in accordance with the manufacturer's instructions, and the containers and proof of purchase of the substances shall be retained for inspection by the code official.	No proof of the type of flame retardant materials used has been provided.	11/05/2021	n/a

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. For information on how to request an **informal review** or **administrative review**, see below.

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

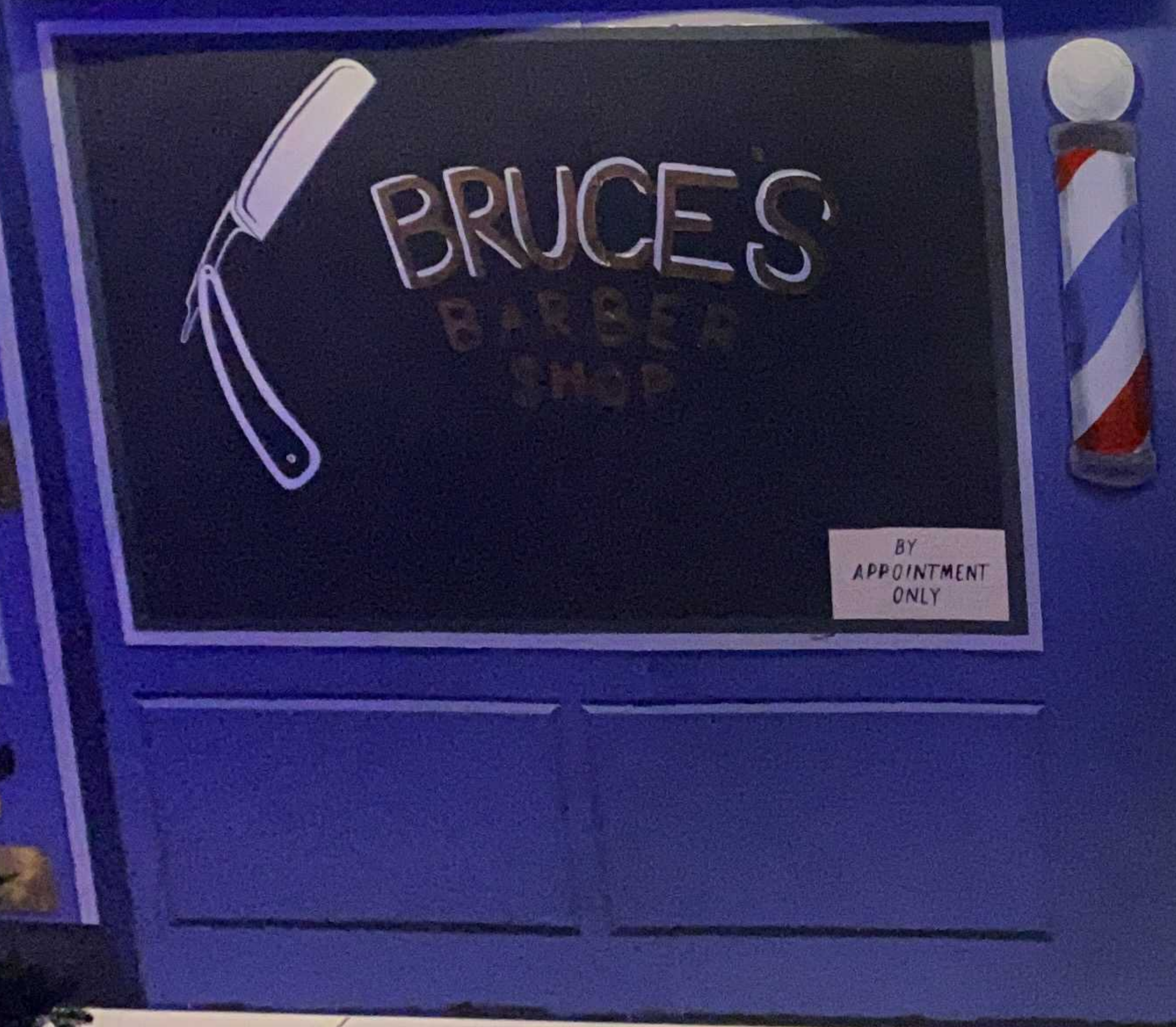
ONLINE

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>.

✂️ BARBER

T A T T O



BRUCES
BARBER
SHOP

BY
APPOINTMENT
ONLY

TATTOO

OPEN

LOVE

13

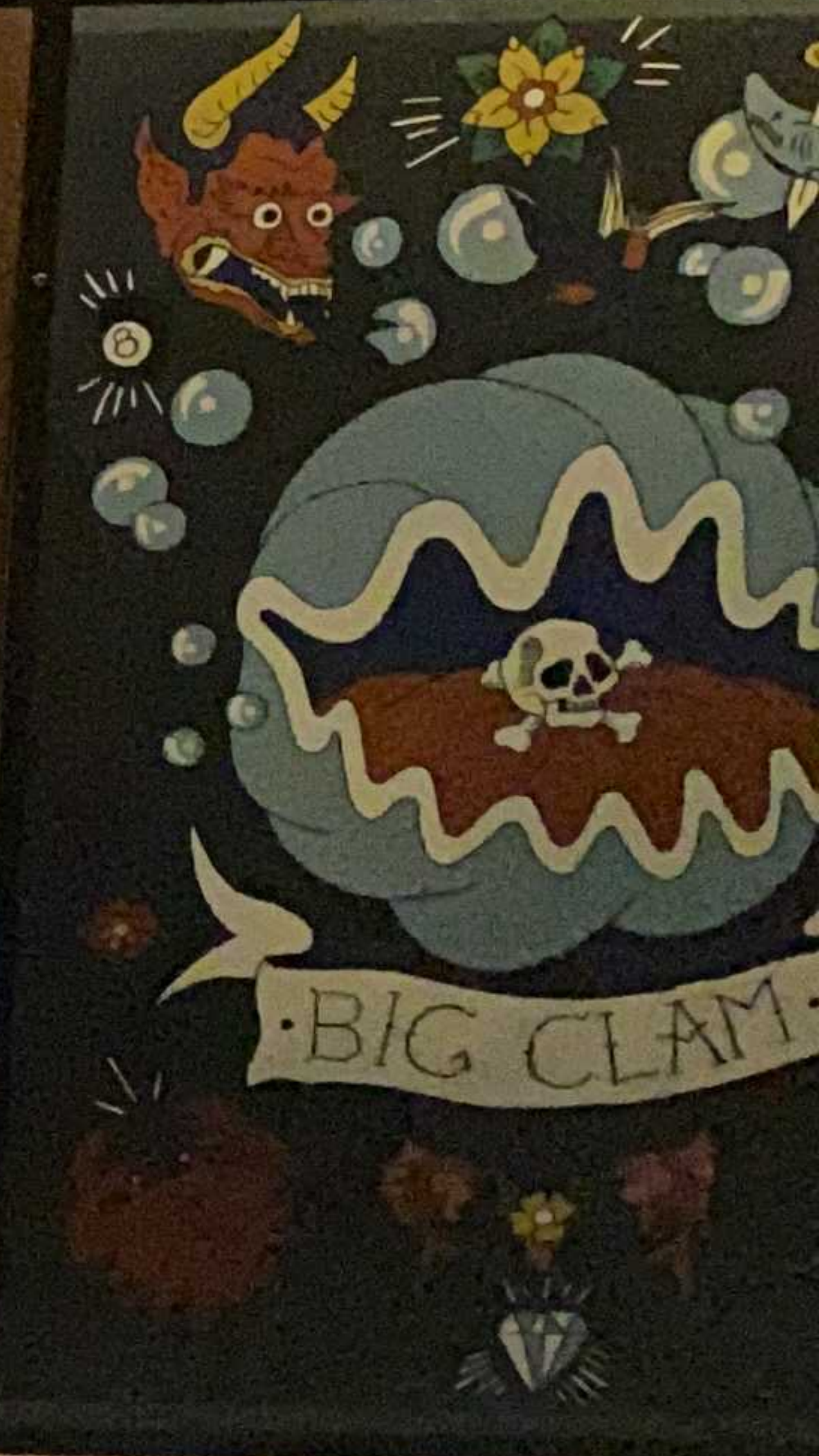
ROUTE 66

NO VACANCY

PHOTOGRAPHY

Opening Hours
MON.-SAT.
11AM-5PM

Phone
(219) 448-3850



BIG CLAM



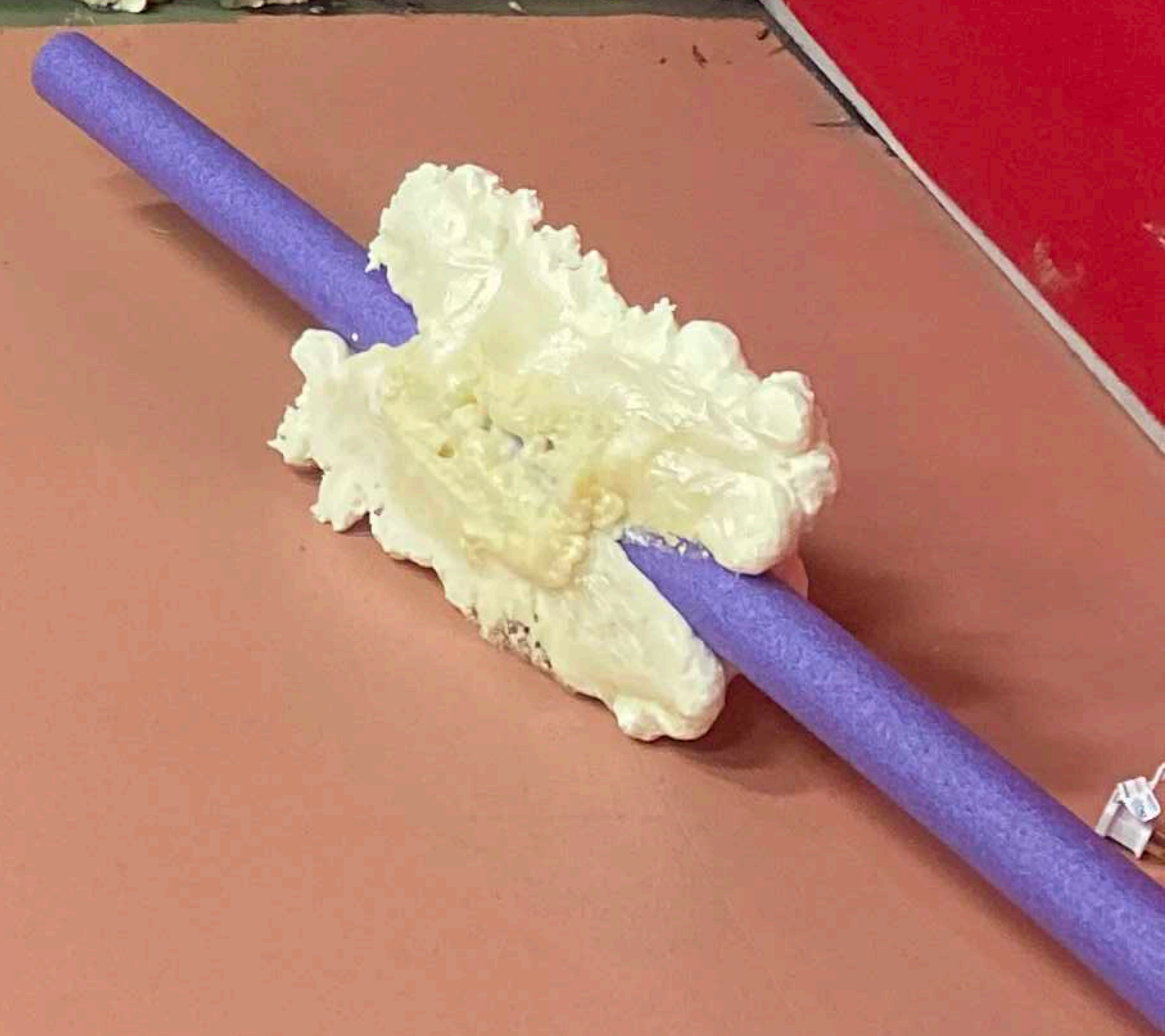


lives at



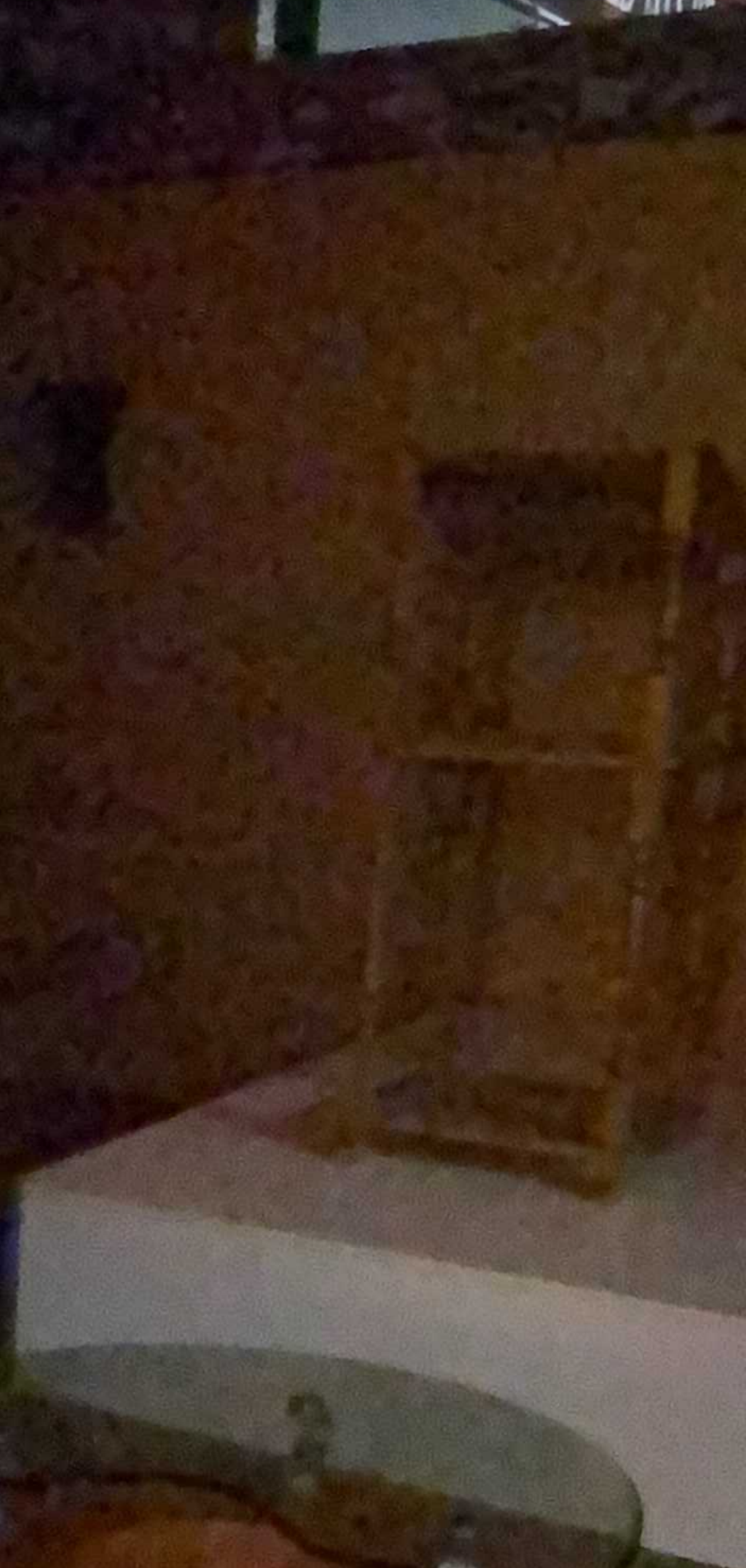
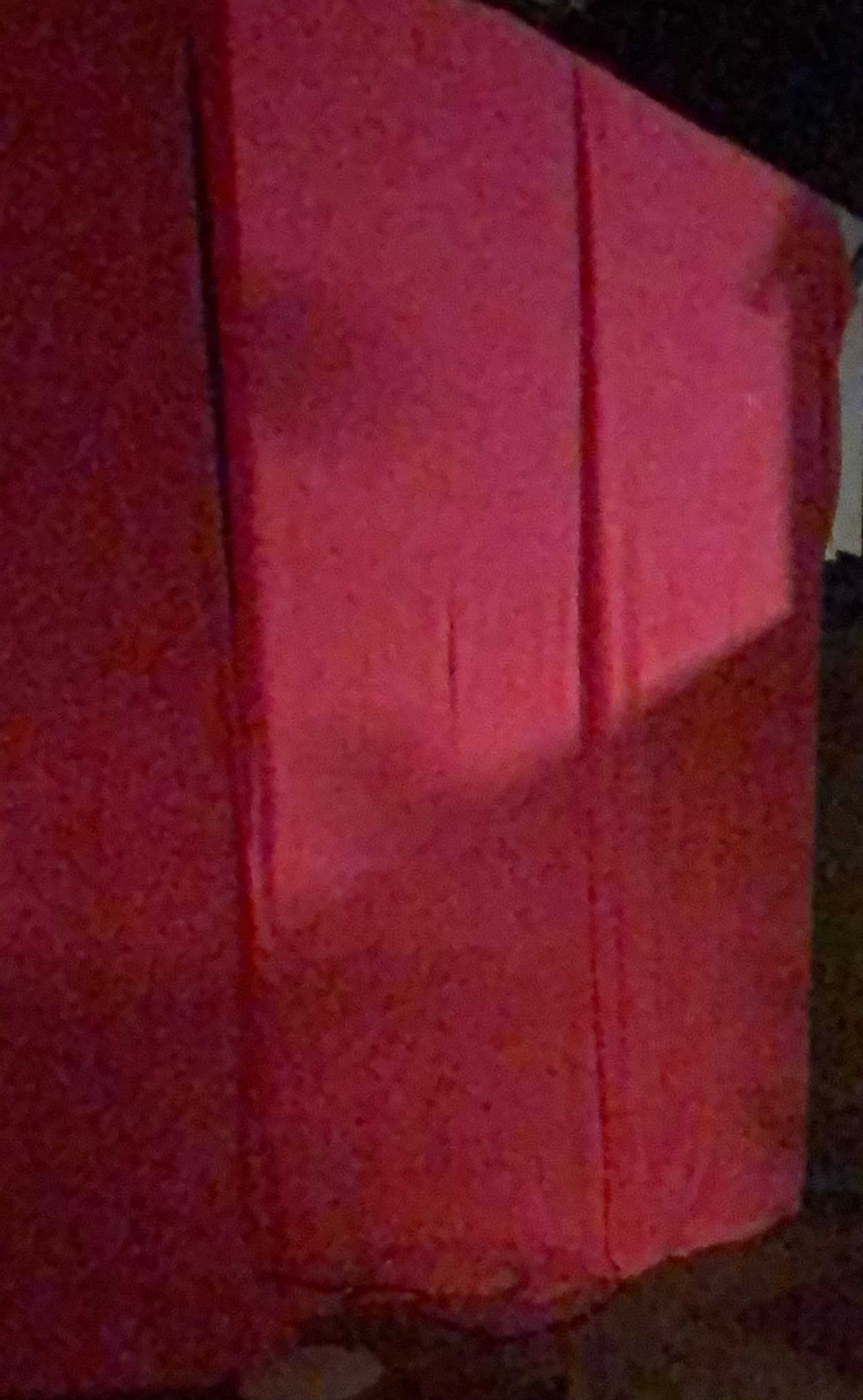


PLATFORM 9³/₄

























Books

ooof
Poof
Gone

Twilight
&
Tattoos



