

# INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Wednesday, October 13, 2021  
By Electronic Mail

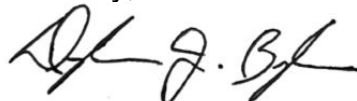
Todd Latta  
Petitioner  
Parkview Huntington Family YMCA  
1160 W 500 N  
Huntington, IN 46750  
[todd.latta@huntingtony.org](mailto:todd.latta@huntingtony.org)

**Re: Petition for Administrative Review – IDHS Sanctions Order No. 2100-2342 –  
Parkview Huntington Family YMCA**

Dear Mr. Latta:

The Indiana Fire Prevention and Building Safety Commission (Commission) is in receipt of your petition for administrative review of Indiana Department of Homeland Security (IDHS) Sanctions Order No. 2100-2342 – Parkview Huntington Family YMCA, submitted 10/13/2021. The petition for administrative review will be discussed at the next tentatively scheduled meeting of the Commission – currently scheduled to begin at 9:00 a.m. EDT on Tuesday, November 2, 2021. Notice and details regarding this meeting will be posted to the Commission's web page (<http://www.in.gov/dhs/2375.htm>) in advance of the meeting. The Commission will determine if you qualify for administrative review of this order in accordance with the requirements of Indiana Code § 4-21.5-3-7.

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](mailto:dboyle@dhs.in.gov)

Enclosure

cc: Philip A. Gordon, Deputy Attorney General and Legal Counsel to the Indiana Fire Prevention and Building Safety Commission (by electronic mail)  
Justin K. Guedel, IDHS Deputy General Counsel – Attorney for the Respondent (by electronic mail)

Bryston Sprecher, Administrative Assistant to 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:** Wednesday, October 13, 2021 10:54:02 AM  
**Attachments:** [68379161\\_LD112712C Sanction Fines 09-17-2021 \(002\).pdf](#)

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**From:** noreply@formstack.com <noreply@formstack.com>  
**Sent:** Wednesday, October 13, 2021 2:53:42 PM (UTC+00:00) Monrovia, Reykjavik  
**To:** DHS Legal Mailbox <Legal@dhs.IN.gov>  
**Subject:** Petition for Review

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## Formstack Submission For: **petition for review**

Submitted at 10/13/21 10:53 AM

<b>Individual Name:</b>	Todd Latta
<b>Business Name: :</b>	Parkview Huntington Family YMCA
<b>Phone Number:</b>	(260) 359-9622
<b>Email Address:</b>	todd.latta@huntingtony.org
<b>Mailing Address:</b>	1160 W 500 N Huntington, IN 46750
<b>Are you represented by an attorney?:</b>	No
<b>Attorney Name:</b>	
<b>Firm:</b>	
<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>	Sep 17, 2021
<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>	No
<b>Explain:</b>	
<b>Explain:</b>	It was addressed to our Property Director, Dave Pearson
<b>Have you been aggrieved or adversely affected by the order?:</b>	Yes
<b>Explain:</b>	Fine of \$100
<b>Explain:</b>	
<b>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? :</b>	

<b>What law?:</b>	
<b>I request review of the entire order described above:</b>	Yes
<b>If you are not requesting review of the entire order, what is the scope of your request?:</b>	
<b>I request a stay of effectiveness:</b>	Yes
<b>What is the basis of your challenge? :</b>	We were unable to complete the project at the required time due to unavailability of parts. Our contractor let us know that the parts were on backorder and would complete the project until parts arrived. Parts have recently arrived and have been installed, thus completing the project.
<b>What is your desired outcome? :</b>	I request that the fine be removed, as it was through no fault of ours that the project was not completed in time.
<b>Additional information in support of my request:</b>	
<b>Additional Attachments:</b>	
<b>Additional Attachments:</b>	
<b>Additional Attachments:</b>	



**Report of inspection**

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

Permit Number	Sanction Number
LD112712C	2100-2342

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

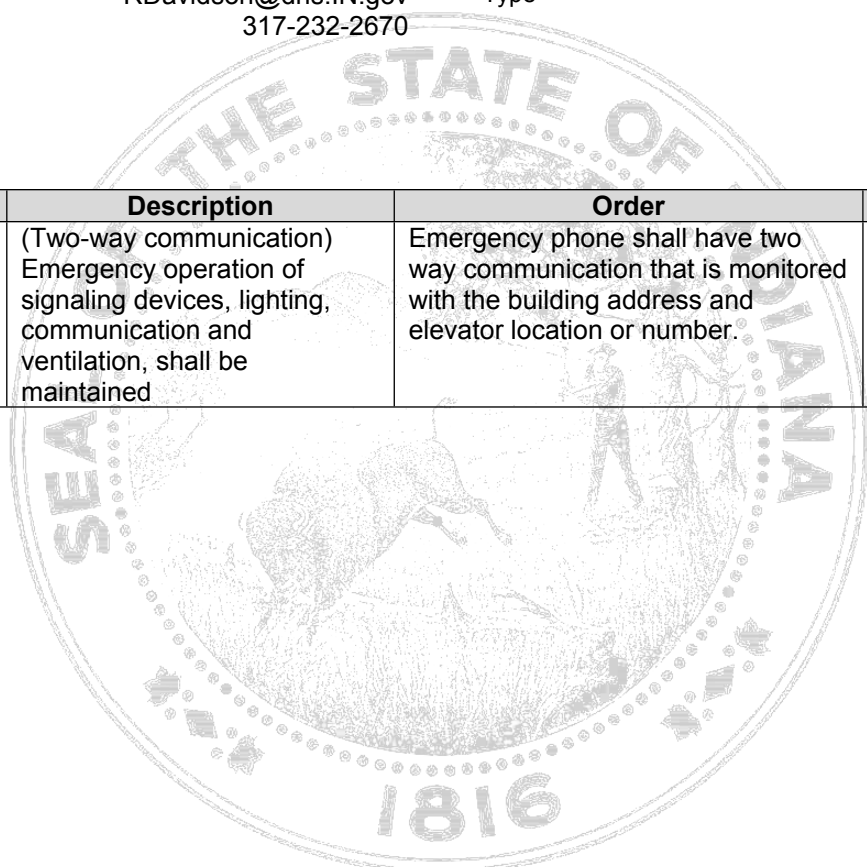
**Date** 09/17/2021 **Type** Sanctions  
**Results** Sanctions

**Location** **Owner**  
 Name HUNTINGTON COUNTY YMCA Name HUNTINGTON COUNTY YMCA  
 Street 1160 West 500 North Street 1160 WEST 500 NORTH  
 City Huntington City HUNTINGTON  
 Zip 46750 Zip 46750

**Inspector** **Permit**  
 Name Ryan Davidson State Number LD112712C  
 Email RDavidson@dhs.IN.gov Type Lift/Elevator  
 Phone 317-232-2670

**Notice of Violations**

#	Code	Description	Order	Correct By	Fee
	8.6.4.15 (Maintenance of Electric Elevators) Car Emergency System	(Two-way communication) Emergency operation of signaling devices, lighting, communication and ventilation, shall be maintained	Emergency phone shall have two way communication that is monitored with the building address and elevator location or number.	03/25/2021	\$100.00





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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.





## Report of inspection

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

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

### 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.

#### 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>.

