

From: [Boyle, Douglas J \(DHS\)](#)
To: DUNGETHI@YAHOO.COM
Cc: [Kristin Settle \(KSettle@dhs.IN.gov\)](mailto:KSettle@dhs.IN.gov)
Subject: RE: Petition for Review
Date: Friday, January 3, 2020 1:54:00 PM
Attachments: [image001.png](#)

Dear Mr. Ungethiem,

I am following up on my message below from **December 20, 2019**, which, to my knowledge, I have not received a response.

Please be advised that your petition, in its current form, will be placed on the Fire Prevention and Building Safety Commission's meeting agenda for its next meeting on **Tuesday, January 7, 2020**, for determination by the Commission on if your petition will be granted or denied, pursuant to the requirement of I.C. 4-21.5-3-7.

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
Tel: (317) 650-7720
Email: DoBoyle@dhs.in.gov
Web: www.in.gov/dhs



From: Boyle, Douglas J (DHS)
Sent: Friday, December 20, 2019 1:36 PM
To: DUNGETHI@YAHOO.COM
Cc: [Kristin Settle \(KSettle@dhs.IN.gov\)](mailto:KSettle@dhs.IN.gov) <KSettle@dhs.IN.gov>
Subject: FW: Petition for Review

Mr. Ungethiem,

Your petition for administrative review, provided below, was forwarded to me as the Indiana Department of Homeland Security's representative for the Fire Prevention and Building Safety Commission (the Commission). If your petition fulfills all of the statutory provided under I.C. 4-21.5-3-7 (Indiana Administrative Orders and Procedures Act) and is subsequently granted, the Commission will serve as the ultimate authority in this review, and the Commission's administrative law judge will administer the review.

It appears that the Indiana Department of Homeland Security's order that is the basis for your petition was not provided with your online submission (Order Number AE8225244-11132019). Unfortunately, I cannot process your petition without receiving a copy (ideally signed) of the order that is in question. At your earliest convenience, please provide me a copy of your order, as well as any other documentation you wish to be considered in this review.

It has also been brought to my attention that our department's code enforcement section chief, Kristin Settle, has communicated with you, and advised you that the department may be willing to review this order informally, and may be willing to work with you to establish a mutually-agreed-upon plan to allow you additional time to come into compliance with the code(s). If this indeed the case, please advise if you no longer wish to pursue a formal administrative review of this order, and if you withdraw your petition for administrative review.

Also, just for your knowledge and awareness, requests for informal review may be made by utilizing the web form provided on the following web page: <http://www.in.gov/dhs/4149.htm>.

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
Tel: (317) 650-7720
Email: DoBoyle@dhs.in.gov
Web: www.in.gov/dhs



From: DHS Legal Mailbox <Legal@dhs.IN.gov>
Sent: Monday, December 2, 2019 12:59 PM
To: Boyle, Douglas J (DHS) <DoBoyle@dhs.IN.gov>
Cc: Settle, Kristin <KSettle@dhs.IN.gov>
Subject: FW: Petition for Review

From: noreply@formstack.com [<mailto:noreply@formstack.com>]
Sent: Saturday, November 30, 2019 3:19 PM
To: DHS Legal Mailbox <Legal@dhs.IN.gov>
Subject: Petition for Review

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

Submitted at 11/30/19 3:18 PM

Individual Name:	Derek Ungethiem
Business Name: :	Hornets Nest
Phone Number:	(812) 746-7081
Email Address:	dungethi@yahoo.com
Mailing Address:	13815 castle brook rd EVANSVILLE, IN 47725
Are you represented by an attorney?:	No
Attorney Name:	
Firm:	
Phone Number:	
Email Address:	
Mailing Address:	
Order Number:	
Facility Device Boiler ID:	Hornets Nest Kitchen Hood
Date Order Received:	Nov 13, 2019
How did you receive the Order? :	Hand Delivery
Entity Issuing Order:	Indiana Department of Homeland Security

Entity Name:	
Upload Order:	
Was this order specifically directed to you?:	Yes
Explain:	
Have you been aggrieved or adversely affected by the order?:	Yes
Explain:	COST OF NEW SUPPRESSION SYSTEM AND LENGTHENING OF HOOD OR LOSS OF VITAL EQUIPMENT UNDER HOOD
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 effectiveness:	
What is the basis of your challenge? :	
What is your desired outcome? :	ALLOWANCE OF TIME TO COMPLETE HOOD WORK ON NEW KITCHEN. 4-6MONTHS
Additional information in support of my request:	ORDER NUMBER FIELD WOULD NOT POPULATE ORDER NUMBER IS AE8225244-11132019
Additional Attachments:	

Additional Attachments:

Additional Attachments:

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



CIVIL PENALTY

TO: Derek Ungethiem
11845 Petersburg Road
Evansville, IN 47725
Hornet's Nest Restaurant

DATE: November 13, 2019

ORDER #: AE8225244-11132019

Pursuant to Indiana Code § 4-21.5-3-6 and Indiana Code § 22-12-7-7, the Division of Fire and Building Safety of the Indiana Department of Homeland Security (the "Division") issues this Order imposing \$750 fine for failing to correct all violations of the Indiana building and fire safety laws found during an inspection conducted at your facility. A copy of the inspection report order that was issued following this inspection has been attached to this Order for your reference.

Specifically, the following violations you were required to correct still remain uncorrected:

Sec. 901.6.1 2014 Edition IFC 675 IAC 22-2.5

Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 901.6.1.

-Documentation was not available to show that the kitchen hood suppression system has been tested within the last 6 months.

Sec. 507.12 2014 Edition IMC 675 IAC 18-1.6

The inside lower edge of canopy-type Type I and II commercial hoods shall overhang or extend a horizontal distance of not less than 6 inches (152 mm) beyond the edge of the top horizontal surface of the appliance on all open sides. The vertical distance between the front lower lip of the hood and such surface shall not exceed 4 feet (1219 mm).

Exception: The hood shall be permitted to be flush with the outer edge of the cooking surface where the hood is closed to the appliance side by a noncombustible wall or panel.

-Kitchen hood was found with appliances extending past the outside edge therefore not providing proper coverage.

Sec. 509.1 2014 Edition IMC 675 IAC 18-1.6

Commercial cooking appliances required by Section 507.2.1 to have a Type I hood shall be provided with an approved automatic fire suppression system complying with the International Building Code and the International Fire Code.

-The kitchen hood fire suppression system does not provide adequate coverage for all appliance underneath the hood.

Please notify the Division immediately upon your compliance with the requirements of this Order. Failure to correct the above mentioned violations and remit payment in full for the fine that has been issued will result in additional sanctions and enforcement actions.

Payments may be made by:

1. Certified Check or Money Order; or

Made out to the Indiana Department of Homeland Security and delivered to:

Indiana Department of Homeland Security
Division of Fire and Building Safety, Code Enforcement
302 W. Washington St. Rm. E241
Indianapolis, IN 46204

2. Credit Card

By following the directions at the following link: <https://oas.dhs.in.gov/dfbs/idhsFeesFines/start.do>.



REVIEW RIGHTS



This order is final and effective fifteen (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/appeals>. 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. 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, 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 this order. 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

Indiana Department of Homeland Security
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/appeals.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>.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Findings and Order has been served this 13th day of November, 2019, via hand delivery upon the following:

Derek Ungethiem
11845 Petersburg Road
Evansville, IN 47725

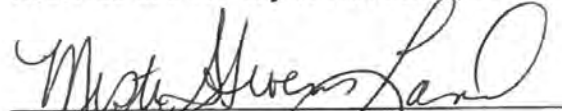


Signature
Indiana State Fire Marshal (or designee)

Received this 13th day of November, 2019

Signature (owner)

Received this 13th day of November, 2019



Signature (occupant/tenant if applicable)