

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Monday, April 12, 2021
By Electronic Mail

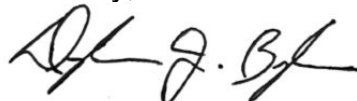
Barb Tinsley
Petitioner
North Lawrence Community Schools
460 W Street
Bedford, IN 47421
tinsleyb@nlcs.k12.in.us

Re: Petition for Administrative Review – IDHS Notice of Violations Order No. 1A9E-5B9F, Violation No. 4 – Bedford Middle School

Dear Ms. Tinsley:

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 Notice of Violations Order No. 1A9E-5B9F, Violation No. 4 – Bedford Junior High School, dated 4/9/2021). 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, May 4, 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

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: noreply@formstack.com
To: [DHS Legal Mailbox](#)
Subject: Petition for Review
Date: Friday, April 9, 2021 10:08:21 AM
Attachments: [68379161_BMS Elevator.pdf](#)

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

Submitted at 04/09/21 10:06 AM

Individual Name:	Barb Tinsley
Business Name :	North Lawrence Community Schools
Phone Number:	(812) 279-3976
Email Address:	tinsleyb@nlcs.k12.in.us
Mailing Address:	460 "W" Street Bedford, IN 47421
Are you represented by an attorney?:	No
Attorney Name:	
Firm:	
Phone	

Number:	
Email Address:	
Mailing Address:	
Order Number:	4
Facility Device Boiler ID:	LD42974C
Date Order Received:	Apr 01, 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?:	No
Explain:	
Explain:	
Have you been aggrieved or adversely affected by	No

the order?:

Explain:

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? :

No

What law?:

I request review of the entire order described above:

No

If you are not requesting review of the entire order, what is the scope of your request?:

Order #4 A written monthly record of fire service testing shall be maintained and kept on site.

I request a stay of effectiveness:

Yes

What is the basis of your challenge? :

Per our representative at Thyssenkrupp Elevator: the elevator at Bedford MS (State # 42974) does NOT require monthly fire service testing. First, the elevator does not have fire service equipment. Second, this elevator controller was installed in July of 2000. The code at that time was from 1987, which only required fire service equipment if the car traveled more than 25

feet. This elevator only has 2 stops which is roughly 12 feet. Under this code, the elevator did not require fire service equipment let alone fire service testing.

What is your desired outcome? :

Removal of this violation.

Additional information in support of my request:

Additional Attachments:

Additional Attachments:

Additional Attachments:

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

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
LD42974C	1A9E-5B9F

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

Date	04/01/2021 02:18PM	Type	Periodic
Results	Notice of Violations		
Location		Owner	
Name	BEDFORD JR HIGH SCHOOL	Name	BEDFORD NORTH LAWRENCE COMMUNITY SCHOOLS
Street	1501 N St	Street	PO BOX 729
City	Bedford	City	BEDFORD
Zip	47421-3757	Zip	47421
		Contact	DONNIE ZOLLMAN - (812) 279-3976
Inspector		Item	
Name	Terry Fordice	State Number	LD42974C
Email	TFordice1@dhs.IN.gov	Type	Lift/Elevator Operating
Phone	(317) 232-2670		

Notice Of Violations

#	Code	Description	Order	Correct By	Fee
1	8.11.2.1.2	Articles or materials not necessary for the maintenance or operation of the elevator shall not be stored in machinery spaces, machine rooms, control spaces, and control rooms.	No items shall be stored in the machine room except for what is directly related to the lifting device	05/01/2021	n/a
2	675 IAC 21-1-3.1 (a) Operating Certificate;	Operating certificate (a) A regulated lifting device may not be operated without an operating certificate that covers the operation of the regulated lifting device.	Permit expired	05/01/2021	n/a
3	8.6.1.6.5 (General Requirements) Fire Extinguishers	Class "ABC" 10 lbs fire extinguishers shall be provided in elevator electrical machine rooms, control rooms, and control spaces outside the hoistway intended for full bodily entry, and walk-in machinery and control rooms for escalators and moving walks; and they shall be located convenient to the access door.	Extinguisher too small	05/01/2021	n/a
4	8.6.11.1 (Special Provisions) Firefighters Emergency Operation	Fire service test and records, All elevators provided with firefighters emergency operation shall be subjected monthly to Phase I recall by use of the key switch and a minimum of one-floor operation on Phase II. A record of findings shall be available to elevator personnel and the authority having jurisdiction.	A written monthly record of fire service testing shall be maintained and kept on site	05/01/2021	n/a

5	8.11.3.1.1 (a-u), 8.6.4.15	Emergency light and alarm	Emergency alarm shall perform as intended. Will not sound with power off	05/01/2021	n/a
6	8.11.3.1.1 (a-u), 8.6.4.15	Two-way communication	Two communication location message continues to play interrupting communication	05/01/2021	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>.