

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Thursday, January 28, 2021
By Electronic Mail

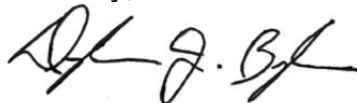
David Williamson
Petitioner
Michigan City Area Schools
2601 Franklin Street
Michigan City, IN 46360
david.williamson@mcas.k12.in.us

Re: Petition for Administrative Review – IDHS Notice of Violations Order No. 34E0-B54D, Violation No. 9 – Coolspring Elementary School

Dear Mr. Williamson:

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. 34E0-B54D, Violation No. 9 – Coolspring Elementary School, dated 1/28/2021. 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. EST on Tuesday, February 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
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: Thursday, January 28, 2021 11:15:59 AM
Attachments: [68379161_SC4373C \(1\).pdf](#)

**** 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 01/28/21 11:14 AM

Individual Name:	David Williamson
Business Name: :	Michigan City Area Schools
Phone Number:	(219) 873-2124 ext. 8505
Email Address:	Dave.Williamson@mcas.k12.in.us
Mailing Address:	2601 Franklin Street Michigan City, IN 46360 2601 Franklin Street Michigan City, IN 46360 2601 Franklin Street Michigan City, IN 46360, IN 46360
Are you represented by an attorney?:	
Attorney Name:	
Firm:	
Phone Number:	
Email Address:	

Mailing Address:	
Order Number:	9
Facility Device Boiler ID:	Coolspring Elementary School 9121 W. 300 norht Michigan City, IN 46360
Date Order Received:	Jan 06, 2021
How did you receive the Order? :	Email
Entity Issuing Order:	Fire Prevention and Building Safety Commission
Entity Name:	
Upload Order:	View File
Was this order specifically directed to you?:	Yes
Explain:	Violation 9 is for water leaking through the walls in the basement boiler room, this repair will take some time because the area that the facility resides has under ground artisan springs so it will be difficult to find a way to correct this issue
Explain:	
Have you been aggrieved or adversely affected by the order?:	Yes
Explain:	Not much funding available to correct issue
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 effectiveness: Yes

What is the basis of your challenge? : Funding and the given time for correction because of the it will take sometime to get a correction plan put together and also funding a project like this.

What is your desired outcome? : I would assume that the root cause for the violation is for a slip hazard, would an acceptable solution be to put grating over the entire floor

Additional information in support of my request:

Additional Attachments:

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
SC4373C	34E0-B54D

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

Date	01/06/2021 08:58AM	Type	Initial
Results	Notice of Violations		
Location		Owner	
Name	COOLSPRING ELEMENTARY SCHOOL	Name	MICHIGAN CITY AREA SCHOOLS
Street	9121 WEST 300 NORTH	Street	408 S CARROLL AVE
City	MICHIGAN CITY	City	MICHIGAN CITY
Zip	46360	Zip	46360
		Contact	DAVE HOLOK - (219) 814-7605
Inspector		Item	
Name	Alvin Fry IV	State Number	SC4373C
Email	AlFry@dhs.IN.gov	Type	School
Phone	(317) 503-7607	CDRs	

Notice Of Violations

#	Code	Description	Order	Correct By	Fee
1	Sec. 703.2.2 2014 Edition IFC 675 IAC 22-2.5	Hold-open devices and automatic door closers, where provided, shall be maintained. During the period that such device is out of service for repairs, the door it operates shall remain in the closed position.	The office door, work room, and room 101 the doors shall remain in the closed position unless being used and no hold open devices unless hooked to the fire alarm system shall be used.	02/06/2021	n/a
2	Sec. 605.6 2014 Edition IFC 675 IAC 22-2.5	Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.	In the work room of room 101, room 108, and room 121 the open electrical boxes where the clocks used to be needs a cover or a clock to cover them.	02/06/2021	n/a

3	<p>Sec. 605.3 2014 Edition IFC 675 IAC 22-2.5</p>	<p>A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1,981 mm) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 mm), the working space shall be not less than the width of the equipment. No storage of any materials shall be located within the designated working space. Exceptions: 1. Where other dimensions are required or allowed by NFPA 70. 2. Access openings into attic or underfloor areas, which provide a minimum clear opening of 20 inches (509 mm) by 40 inches (1,016 mm).</p>	<p>In the teachers workroom, room 104, and in the electrical room in the gym as well as in the kitchen and in Room 120 the storage needs to be removed to meet the dimensions of this code in front of the electrical panels.</p>	02/06/2021	n/a
4	<p>Sec. 605.4.2 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Relocatable power taps shall be directly connected to a permanently installed receptacle.</p>	<p>In room 103, room 122, and in room 126 the multi plugs must be plugged directly into the wall.</p>	02/06/2021	n/a
5	<p>Sec. 807.2 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Where required to be flame resistant, decorative materials shall be tested by an approved agency and meet the flame propagation performance criteria of NFPA 701, or such materials shall be noncombustible. Reports of test results shall be prepared in accordance with NFPA 701 and furnished to the fire code official upon request.</p>	<p>In room 111 the curtain must meet the requirements of the code.</p>	02/06/2021	n/a
6	<p>Sec. 1011.6.3 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Exit signs shall be illuminated at all times. To ensure continued illumination for a duration of not less than 90 minutes in case of primary power loss, the sign illumination means shall be connected to an emergency power system provided from storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with Section 604. Exception: Approved exit sign illumination means that provide continuous illumination independent of external power sources for a duration of not less than 90 minutes, in case of primary power loss, are not required to be connected to an emergency electrical system.</p>	<p>The emergency exit light above door c needs to operate for at least 90 minutes in the case of power loss.</p>	02/06/2021	n/a

7	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.	The breakers in the electrical panel in the electrical room in the gym need to be labeled to indicate they operate.	02/06/2021	n/a
8	Sec. 906.6 2014 Edition IFC 675 IAC 22-2.5	Portable fire extinguishers shall not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers.	The storage in front of the fire extinguisher in the art room needs to be moved to allow access to the fire extinguisher.	02/06/2021	n/a
9	675 IAC 12-4-9(a)	All buildings and structures, and any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion systems, and all parts thereof, shall be maintained in conformance with the applicable rules of the commission, or applicable rules of its predecessor agencies, in effect when constructed, installed, or altered.	The walls in the basement where the boiler room is leaking and leaving standing water needs to be corrected.	02/06/2021	n/a
10	Sec. 605.4.1 2014 Edition IFC 675 IAC 22-2.5	Relocatable power taps shall be of the polarized or grounded type, equipped with overcurrent protection, and shall be listed.	The multi plugs in room 124 and room 129 must be equipped with over current protection and plugged directly into the wall.	02/06/2021	n/a
11	Sec. 807.4.3.2 2014 Edition IFC 675 IAC 22-2.5	Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area.	The art work on the wall of the art room must be reduced to 20% of the wall.	02/06/2021	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>.