

# INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Monday, March 29, 2021  
By Electronic Mail

Kevin Yancey  
Petitioner  
Madison Consolidated Schools  
2421 Wilson Ave  
Madison IN, 47250  
[kyancey@madison.k12.in.us](mailto:kyancey@madison.k12.in.us)

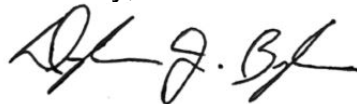
**Re: Petition for Administrative Review – IDHS Sanctions Order No. 1596-1802 –  
Anderson Elementary School**

Dear Mr. Yancey:

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) Sanctions Order No. 1596-1802 – Anderson Elementary School, submitted on Monday, March 29, 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](mailto: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](mailto:dboyle@dhs.in.gov)

Enclosure

cc: Justin K. Guedel, IDHS Deputy General Counsel – representing 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:** Monday, March 29, 2021 8:31:01 AM  
**Attachments:** [68379161\\_fire\\_inspection\\_anderson.pdf](#)

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**From:** noreply@formstack.com <noreply@formstack.com>  
**Sent:** Monday, March 29, 2021 12:30:32 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 03/29/21 8:30 AM

<b>Individual Name:</b>	Kevin Yancey
<b>Business Name: :</b>	Madison Consolidated Schools
<b>Phone Number:</b>	(812) 274-8001
<b>Email Address:</b>	kyancey@madison.k12.in.us
<b>Mailing Address:</b>	2421 Wilson Ave Madison IN, 47250 Madison, IN 47250
<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>	1
<b>Facility   Device   Boiler ID:</b>	Anderson Elementary
<b>Date Order Received:</b>	Mar 15, 2021
<b>How did you receive the Order? :</b>	Email
<b>Entity Issuing Order:</b>	Fire Prevention and Building Safety Commission
<b>Entity Name:</b>	
<b>Upload Order:</b>	<a href="#">View File</a>
<b>Was this order specifically directed to you?:</b>	Yes
<b>Explain:</b>	The order was sent by e-mail regarding Anderson Elementary.

**Explain:**

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

No

**Explain:**

**Explain:**

Mr. Cole has been helping with the issues at MCS.

**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:**

**What is the basis of your challenge? :**

I would encourage the Indiana Department of Homeland Security to drop the fees at Anderson Elementary. Madison Consolidated Schools has worked diligently to fix the items listed by the fire inspector. We need more time to fix the issues related to the sprinkler system inspection report . We had issues with Koorsen Fire & Security with the documentation of our sprinkler inspection report. MCS is working with Koorsen to fix this issue. The covid virus has created issues with receiving materials and time frame for scheduling work to be completed in a timely manner. MCS has scheduled this inspection to be completed by Koorsen. We thank you for looking into this issue.

**What is your desired outcome? :**

MCS would like the fees removed.

**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

<b>Permit Number</b>	<b>Sanction Number</b>
SC3327C	1596-1802

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

<b>Date</b>	03/15/2021	<b>Type</b>	Sanctions
<b>Results</b>	Sanctions		
<b>Location</b>		<b>Owner</b>	
Name	Anderson Elementary School	Name	MADISON SCHOOL SYSTEM
Street	2325 CHERRY DRIVE	Street	701 EIGHTH STREET
City	MADISON	City	MADISON
Zip	47250	Zip	47250
<b>Inspector</b>		<b>Permit</b>	
Name	Kenneth Cole	State Number	SC3327C
Email	KeCole@dhs.IN.gov	Type	School
Phone	317-417-3720		

**Notice of Violations**

#	Code	Description	Order	Correct By	Fee
	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.	* Current sprinkler system inspection report documentation shall be available for review at time of inspection. ** Sprinkler head escutcheon plate is missing on cafeteria dining area ceiling and shall be replaced.	03/10/2021 <i>dowe</i>	\$250.00



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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

<b>Permit Number</b>	<b>Sanction Number</b>
SC3327C	1596-1802

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:

**J.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>.