

ERIC J. HOLCOMB, Governor  
STATE OF INDIANA

INDIANA DEPARTMENT OF HOMELAND SECURITY  
302 West Washington Street  
Indianapolis, IN 46204



November 9, 2017  
By U.S. Mail

Joshua A. Stigdon, Esq.  
Houston, Thompson and Lewis, PC  
49 E Wardell Street  
Scottsburg, IN 47170

**Re: Petition for Review --- Vienna-Finley Elementary School (ID # SC7653)**

Dear Mr. Stigdon:

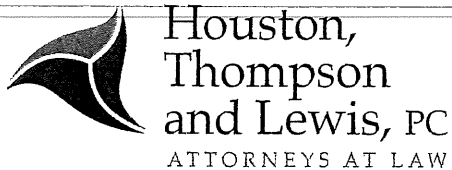
The Fire Prevention and Building Safety Commission is in receipt of your Petition for Review of the recent Inspection Report Order dated 10/03/2017. The Petition for Review will be discussed at the next regularly scheduled meeting of the Fire Prevention and Building Safety Commission – currently scheduled to begin at 9:00AM on Tuesday, December 5, 2017. The Commission will make a determination as to whether the petition was timely filed.

Sincerely,

A handwritten signature in black ink, appearing to read "D. J. Boyle". The signature is stylized and cursive.

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  
[doboyle@dhs.in.gov](mailto:doboyle@dhs.in.gov)  
(317) 650-7720

cc: Justin Guedel



Robert L. Houston, III  
rhouston@htllawyers.com

Kerry L. Thompson  
kthompson@htllawyers.com

Jennifer D. Lewis  
jlewis@htllawyers.com

Joshua A. Stigdon  
jstigdon@htllawyers.com

October 20, 2017

Fire Prevention and Building Safety Commission  
302 W. Washington St., Rm. W246  
Indianapolis, Indiana 46204

**RE: Petition for Review of Certain Inspection Report Orders – Scott County  
School District 2**

To Whom It May Concern:

I am the attorney for the Scott County School District 2 and I am writing to request an administrative review of the recent Inspection Report Orders received by the School. I am enclosing a copy of said Orders that we are seeking a review of. Specifically, we are only requesting review of the alleged violation of Sec. 703.2 of 675 IAC 22-2.5 and the School's use of pull guards to protect our students and faculty. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua A. Stigdon", written over a horizontal line.

Joshua A. Stigdon



# FIRE AND BUILDING CODE ENFORCEMENT INSPECTION REPORT ORDER

DIVISION OF FIRE AND BUILDING SAFETY  
INDIANA DEPARTMENT OF HOMELAND SECURITY  
302 WEST WASHINGTON STREET, RM E241  
INDIANAPOLIS, IN 46204  
TELEPHONE: 317-232-2222  
WEB ADDRESS: WWW.IN.GOV/DHS

Identification Number <b>SC7653</b>	Name of the facility <b>VIENNA-FINLEY ELEM SCHOOL</b>	County <b>SCOTT</b>
Address of Property <b>445 IVAN ROGERS SCOTTSBURG IN 47170</b>	Name of the Contact <b>TIFFANY BARRETT</b>	Telephone Number <b>(812) 752-8925</b>
Email <b>tbarrett@scsd2.k12.in.us</b>	Inspection Date <b>10/03/2017</b>	
Inspection Category <b>SCHOOL</b>	Inspection Type <b>ANNUAL</b>	Inspection Status: <b>VIOLATION</b>
Name of the Inspector <b>GARY HOUSE</b>	Phone: <b>3174397242</b>	
Email: <b>ghouse@dhs.in.gov</b>		

## Violations

VIO-LATION NUMBER	RULE OR INDIANA CODE SECTION VIOLATED	DESCRIPTION OF VIOLATION	DATE BY WHICH VIOLATION MUST BE CORRECTED
1	Sec. 406.2 2014 Edition IFC 675 IAC 22-2.5	<p>Employees shall receive training in the contents of fire safety and evacuation plans and their duties as part of new employee orientation and at least annually thereafter. Records shall be kept and made available to the fire code official upon request.</p> <p><u>Provide documentation that employees have received training in the contents of the fire safety and fire evacuation plans.</u></p>	11/03/2017
2	Sec. 901.6.2 2014 Edition IFC 675 IAC 22-2.5	<p>Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises or made readily available for a minimum of two (2) years from the date of the last inspection, except that original acceptance test reports shall be maintained for the life of the system.</p> <p><u>Provide documentation that the fire alarm system and the sprinkler system have passed the required annual tests.</u></p>	11/03/2017
3	Sec. 604.5.2 2014 Edition IFC 675 IAC 22-2.5	<p>For battery-powered emergency lighting, a power test of the emergency lighting equipment shall be completed annually. The power test shall operate the emergency lighting for a minimum of 90 minutes and shall remain sufficiently illuminated for the duration of the test.</p> <p><u>Provide documentation that the emergency egress lighting and exit signs have passed the required annual 90 minute battery load test.</u></p>	11/03/2017
4	Sec. 703.2 2014 Edition IFC 675 IAC 22-2.5	<p>Opening protectives shall be maintained in accordance with the rules of the commission. Where allowed by the fire code official, the application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced promptly whenever fused or damaged. Fire door assemblies shall not be modified.</p> <p><u>THROUGHOUT BUILDING - Fire rated doors have plastic clips ("pull guards") placed on them and wooden wedges are placed under them</u></p>	11/03/2017

		<u>to prevent the doors from being latched as required.</u>	
5	Sec. 315.3.2 2014 Edition IFC 675 IAC 22-2.5	Combustible materials shall not be stored in exits or enclosures for stairways and ramps. <b><u>FRONT AND REAR HALLWAY - Combustible materials are being stored in building exit components.</u></b>	11/03/2017
6	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. <b><u>FIRST GRADE HALLWAY - The Artwork and teaching materials exceed 20 percent of the wall area.</u></b>	11/03/2017
7	Sec. 1003.6 2014 Edition IFC 675 IAC 22-2.5	The path of egress travel along a means of egress shall not be interrupted by any building element other than a means of egress component as specified in this chapter. Obstructions shall not be placed in the required width of a means of egress except projections permitted by this chapter. The required capacity of a means of egress system shall not be diminished along the path of egress travel. <b><u>SPECIAL ED ROOM - One exit from this area has a cabinet obstructing the path of egress travel.</u></b>	11/03/2017

Facility Id	Received By Name	Signature and Date
SC7653		

## APPEAL RIGHTS

Please be advised that if you desire administrative review of this Order and **this Order was delivered by hand**, you must file a written petition for review with the Fire Prevention and Building Safety Commission at 302 West Washington Street, Rm. W246, Indianapolis, IN 46204, identifying the violations for which you seek review no later than 15 calendar days from the hand delivery date of this Order unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the first calendar day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this Order will be **FINAL** and you **MUST** comply with its requirements.

Please be advised that if you desire administrative review of **this Order and this Order was delivered by first class U.S. mail**, you must file a written petition for review with the Fire Prevention and Building Safety Commission at 302 West Washington Street, Rm. W246, Indianapolis, IN 46204, identifying the violations for which you seek review no later than 18 calendar days from the mailing date of this Order unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the first calendar day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this Order will be **FINAL** and you **MUST** comply with its requirements.

Please be further advised that you may request an opportunity to informally discuss this Order prior to filing a petition for review. Such informal discussion, or a request therefor, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone, upon receipt of this Order.



7016 3560 0001 1484 8886



46204



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U.S. POSTAGE  
SCOTTSBURG, IN  
7/70  
OCT 20 17  
AMOUNT  
**\$7.71**  
R2305K142186-11

*Return Receipt  
Requested*

**HOUSTON, THOMPSON and LEWIS, PC**

A T T O R N E Y S A T L A W

49 East Wardell Street • Scottsburg, Indiana 47170

Fire Prevention & Building Safety Comm.  
302 West Washington Street, Room W246  
Indianapolis, IN 46204

*Return Receipt  
Requested*

## Boyle, Douglas J (DHS)

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**From:** House, Gary  
**Sent:** Thursday, November 09, 2017 11:32 AM  
**To:** Boyle, Douglas J (DHS)  
**Subject:** Re: Appeals to Scott County School District 2 Inspection Report Orders

Hi Doug,

Yes they were all hand delivered.

**Gary House** CFI CBI CEI CPE | Senior Code Official-Code Enforcement

Fire & Building Safety Division

Indiana Department of Homeland Security

302 W. Washington St.

Indianapolis, IN 46204

Cell: 317-439-7242

Email: [ghouse@dhs.in.gov](mailto:ghouse@dhs.in.gov)

Web: [www.in.gov/dhs](http://www.in.gov/dhs)

from my iPhone

On Nov 9, 2017, at 11:13 AM, Boyle, Douglas J (DHS) <[DoBoyle@dhs.IN.gov](mailto:DoBoyle@dhs.IN.gov)> wrote:

Good Morning Gary,

We have received a few petitions for review for Inspection Report Orders that you issued in Scott County School District 2 last month. We received them certified mail on 10/20/17. Their attorney is appealing the Section 703.2, 675 IAC 22-2.5 violation regarding pull guards. Some of these appeals are close to the filing deadline, so I just wanted to verify that you hand delivered all of these orders. The appealed inspection report orders are as follows:

1. Scottsburg Senior High School – ID # SC7641 (10/18/17 Inspection Date) (No Section 703.2 violation)
2. Johnson Elementary School – ID # SC7633 (10/18/17 Inspection Date)
3. Scottsburg Elementary School – ID # SC7649 (10/4/17 Inspection Date)
4. Vienna Finley Elementary School – ID # SC7653 (10/3/17 Inspection Date)

Thanks for your assistance with this.

Sincerely,

Doug Boyle

**Douglas J. Boyle**

Director – Fire Prevention and Building Safety Commission

Indiana Department of Homeland Security

302 W. Washington Street, Room E-208