

Cause #: 00-14B
Name: Boram's Lawn Service
Administrative Law Judge: William K. Teegarden
Date: July 9, 2001
Commission Action: Affirmed

FINDINGS OF FACT

1. The SBC is an agency within the meaning of IC 4-21.5.
2. IC 4-21.5, IC 22-15, and 675 IAC 15 apply to this proceeding.
3. The Fire Prevention and Building Safety Commission is the ultimate authority within the meaning of IC 4-21.5 with respect to orders issued by the SBC.
4. At all times relevant to this proceeding, Boram's Lawn Service ("Boram") operated a lawn service business in Noblesville, Indiana.
5. On December 7, 1999, a duly authorized representative of the SBC conducted an inspection of a building used by Boram.
6. As a result of this inspection, the SBC issued the Order on January 4, 2000, citing a violation of 675 IAC 15-1-10(a) on Industrialized Building Structures.
7. The violation in question involved the failure to have an Indiana Seal attached to the structure.
8. The State inspector became involved in this matter when the local inspector ("LBO") requested assistance.
9. The LBO, in his normal course of business, conducted an inspection of an industrialized building which was going to be used as an office building by Boram.
10. The LBO was unclear about the law regarding industrialized buildings but realized that there was something wrong with this Building.
11. The state inspector could find no seal on the Building which was a double wide unit.
12. 675 IAC 15-1-10 states "No industrialized building system . . . may be offered for sale or used within the State of Indiana without an Indiana Seal of Acceptance affixed to it.
13. This same rule authorizes the SBC to enforce the code.

14. The purpose of the Seal is to show the unit was constructed to comply with the Indiana Building Code.
15. The only way for an industrialized building to not comply with this section and comply with the code is to obtain a plan release from the SBC pursuant to IC 22-15.3.
16. The testimony at the hearing established that as of the date of the hearing, no plan release had been applied for and no application fee paid to the SBC.
17. The Building cannot be used in Indiana until it has an Indiana Seal or a plan release.
18. The Order of the SBC should be affirmed.

NONFINAL ORDER

The Order of the State Building Commissioner dated January 4, 2000, issued to Boram's Lawn Service is hereby affirmed.