



ISSUED:
December
23, 2024

**STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS**

**Somnath Hospitality dba Knights Inn,
Petitioner,**

v.

**City of Seymour and
Seymour Fire Department,
Respondents.**

**Administrative Case Number:
DHS-2402-000396
DHS-2404-000891**

NON-FINAL ADMINISTRATIVE DECISION

The Administrative Law Judge (ALJ) Carrie Ingram, having reviewed the evidence and arguments presented in this matter, now issues this Non-Final Order addressing the decision by the City of Seymour and Seymour Fire Department to close the Knights Inn located in Seymour, Indiana. This decision is favorable to Respondents. Any party dissatisfied with this decision may appeal. Appeal instructions are at the end of this document.

Jurisdiction

The ALJ assigned to this matter by the Director of the Office of Administrative Law Proceedings (OALP), *see* Ind. Code § 4-15-10.5-13, has jurisdiction over this case pursuant to a Memorandum of Understanding (MOU) between OALP and the Indiana Fire Prevention and Building Safety Commission (hereinafter “Commission”) that designates OALP to conduct administrative proceedings of orders issued by a fire department under Ind. Code § 36-8-17-9. *See* Ind. Code § 36-8-17-10.

Issue

The issues in this case are:

1. Whether Petitioner violated the 2014 Indiana Fire Code Sections 901.6, 901.6.1, 903.2.8, 903.5, and 907.2.10.3, and if so, are those violations sufficient to issue an Emergency Building Closure Order.
2. Whether Petitioner violated the 2014 Indiana Fire Code Sections 304.1, 313.1, 315.3.1, 315.3.3, 505.1, 507.5.3, 509.1, 604.5, 605.1, 605.3, 605.3.1, 605.4, 605.5, 605.6, 703.1.2,

901.6, 901.6.1, 901.6.2, 901.6.2.1, 903.2.8, 903.5, 904.4.2, 906.7, 907.2.10.3, 907.5.2.3.1, 1003.6, 1008.1.8, and 1011.4, and if so, were those violations sufficient to issue a Building Closure Order.

Procedural History

I. DHS-2402-000396

1. On February 1, 2024, Somnath Hospitality, doing business as Knight's Inn (hereinafter "Petitioner") file a Petition for Review with the Indiana Fire Prevention and Building Safety Commission (hereinafter "Commission"). The Petition sought review of an Emergency Building Closure Order issued on January 30, 2024, that identified four violations.
2. On February 8, 2024, the Petition for Review was granted by the Commission and forwarded to OALP for assignment of an ALJ. OALP assigned ALJ Sinn to this matter under case number DHS-2402-000396.
3. On February 14, 2024, Petitioner amended its Petition for Administrative Review to include the Amended Emergency Building Closure order issued by the City of Seymour on February 1, 2024, that contained a fifth violation.
4. On February 29, 2024, a prehearing conference and stay hearing was held. ALJ Sinn ruled that a stay of the emergency orders was waived as the issue was moot because of a separate non-emergency building closure order that had been issued and was not subject to this proceeding. An Evidentiary Hearing was scheduled for April 18, 2024.

II. DHS-2404-000891

5. On March 29, 2024, Petitioner filed a Petition for Review with the Commission. The Petition sought review of an action of the February 1, 2024, Building Closure Order issued by the Respondents to Petitioner.
6. On April 9, 2024, the Petition for Review was granted by the Commission and forwarded to OALP for assignment of an ALJ. OALP assigned ALJ Sinn to the matter under case number DHS-2404-000891.

III. EVIDENTIARY HEARING

7. On April 18, 2024, an Evidentiary Hearing was held telephonically by ALJ Sinn. Petitioner appeared by Attorney Jeffrey McQuary. Respondents appeared by Attorney J. Todd Spurgeon and Attorney Christina Engleking.
8. The parties agreed that the Evidentiary Hearing should be held in both DHS-2402-000396 and DHS-2404-000891, and the Evidentiary Hearing was consolidated for the purposes of the hearing.
9. The following witnesses were sworn and testified at the Evidentiary Hearing:
 - a. Ashok Patel, Owner of the Knights Inn of Seymour, Indiana.
 - b. Jigar Patel, Son of Ashok Patel who assists in managing the Knights Inn of Seymour, Indiana.
 - c. Harlan Watkins, General Manager of the Knights Inn of Seymour, Indiana.
 - d. Mark Gillaspy, Seymour Fire Department.
 - e. Michele Knoy, Indiana Department of Homeland Security, Code Enforcement Division under the State Fire Marshall.
10. The following Exhibits were offered by the Parties and admitted at the Evidentiary Hearing:
 - a. Petitioner's Exhibit A, Amended Building Closure Order dated February 1, 2024 (2 pages), admitted by stipulation of the parties.
 - b. Petitioner's Exhibit B, Seymour Fire Department Inspection Report dated January 28, 2028 (15 pages), admitted by stipulation of the parties.
 - c. Petitioner's Exhibit C, Letter from Melissa M. Tupper, P.E., of RTM Consultants (2 pages), admitted over hearsay objection.
 - d. Petitioner's Exhibit D, E-mail from Luke Hanley of Korsen Fire & Security (1 page), admitted by stipulation of the parties.
 - e. Petitioner's Exhibit E, Receipts for Repair Work (20 pages), admitted by stipulation of the parties.
 - f. Respondent's Exhibit 1, Seymour Fire Department Inspection Report dated January 28, 2024 (21 pages), admitted by stipulation of the parties.
 - g. Respondent's Exhibit 2, Building Closure Order dated February 1, 2024 (11 pages), admitted by stipulation of the parties.
 - h. Respondent's Exhibit 3, Emergency Building Closure Order dated February 1, 2024 (11 pages), admitted by stipulation of the parties.

IV. POST HEARING

11. On June 28, 2024, Petitioner filed a Request for Findings.
12. On November 7, 2024, Petitioner filed a Notice of Additional Evidence.
13. On November 8, 2024, this matter was reassigned from ALJ Sinn to ALJ Carrie Ingram. A Status Conference was scheduled for November 25, 2024, to address the additional evidence filed.
14. At the November 25, 2024, Status Conference, the parties addressed whether the record should be reopened to admit Petitioner's additional evidence. Respondents were given until December 6, 2024, to file a written response.
15. Respondent timely filed a response on December 6, 2024.
16. On December 13, 2024, an Order was issued that denied the admission of Petitioner's exhibits.

Findings of Fact

1. The Knights Inn is a hotel located in Seymour, Indiana. (Ex. 2 and 3)
2. The Knights Inn was built in 1988 as a hotel. It has three one story buildings with hotel rooms that have doors that lead outside. There are no corridors connecting the rooms to each other or to the common areas of the Knights Inn. (J. Patel Test. and Ex. C)
3. The Knights Inn has been operated by different owners throughout the years. Ashok Patel bought the Knights Inn in May 2018. (Ex. C and J. Patel and A. Patel Test.)
4. Harlan Watkins has been employed as a manager at the Knights Inn since 2013. Therefore, Watkins has worked for Patel and the previous owner. (Watkins Test.)
5. Jigar Patel is Ashok Patel's son, and he assists his father and Watkins in managing the Knights Inn. (J. Patel Test.)
6. The Knights Inn has some residents who stay long term, but approximately seventy to eighty percent of the guests are short term stays. (J. Patel and Watkins Test.)

I. OCTOBER 2023 EMERGENCY BUILDING CLOSURE

7. On September 27, 2023, the Petitioner received a Notice of Violation from Respondent that gave Respondent thirty days to correct the violations. (J. Patel Test.)
8. Fourteen days later, on October 11, 2023, an Emergency Building Closure Order was issued by Respondent to Petitioner (hereinafter "October Emergency Order"). (J. Patel Test.)
9. Approximately forty guests were displaced from the Knights Inn and some of them were long term residents (J. Patel and Gilaspy Test.)
10. The October Emergency Building Closure Order expired 90 days after it was issued, and the Knights Inn reopened. (J. Patel Test.)

II. JANUARY 2024 INSPECTION

11. On January 28, 2024, Mark Gillaspy of the Seymour Fire Department conducted an inspection of the Knights Inn.
12. Although Petitioner told Gillaspy that many of items from the October Emergency Order had been corrected, Gillaspy identified multiple violations of the fire code that had not been corrected. (Gillaspy Test.)
13. The Knights Inn has a private fire hydrant that is not maintained by the City of Seymour but is instead supposed to be maintained by the property owner. The fire hydrant was not in working order and did not expel water. There were no records at the Knights Inn that demonstrated that the fire hydrant had been inspected, tested, or properly maintained. (Gillaspy Test. and Ex. 1)
14. Fire Fighters count on private hydrants to properly work if they are called to the scene of a fire. If a fire hydrant is not working, there may not be sufficient water to put out a fire. (Gillaspy Test.)
15. The Knights Inn had multiple multiplug adapters throughout the property, including in the mechanical room. There were multiple extension cords used as permanent wiring. (Gillaspy Test.)
16. The Knights Inn had multiple outlets and switches that did not have receptacles, plugs, or covers. Some of the outlets had hot wires sticking out of them or easily accessible. Some of

the wires had open-wiring splices. (Gillaspy Test. and Ex. 1)

17. Several rooms throughout the hotel had light fixtures with wires hanging out of the wall. Much of the exposed wiring did not have properly functioning ground faults. (Gillaspy Test. and Ex. 1)
18. The junction boxes in the attic did not have covers. (Gillaspy Test. and Ex. 1)
19. The lack of covers, exposed wiring, and open-wiring splices are dangerous hazards that could result in electrocution or fires. (Gillaspy Test. and Ex. 1)
20. The Knights Inn did not have its address on the building so that it was visible from the street. This could prevent emergency vehicles from properly accessing the building in case of a fire or emergency. (Gillaspy Test.)
21. There were no signs identifying the electrical rooms or maintenance rooms at the Knights Inn. These are common areas where fires start, and it is necessary for fire fighters to be able to access those rooms quickly in the event that there is a fire. (Gillaspy Test.)
22. There were no signs that identified the location of exit doors in the building. (Gillaspy Test. and Ex. 1)
23. The Knights Inn used multiple areas on the property for storage. (Gillaspy Test. and Ex. 1)
24. One of the sleeping rooms was packed with items. The room contained buckets of paint and other substances, cardboard boxes, a bottle of raid, a sink faucet, a light fixture, plastic bags, and paper waste. The items were in a state of disarray and were stacked on top of each other with no order or organization. The contents of the room made it challenging, if not impossible to move through the room. All of these items are combustible and are a dangerous fire hazard. (Gillaspy Test. and Ex. 1)
25. Another sleeping room was so packed with items that the door could not open fully. The room contained boxes, light fixtures, and other items used for maintenance. (Gillaspy Test. and Ex. 1)
26. A maintenance/mechanical room contained multiple items in disrepair. All of the items were stacked on each other with no level of organization. The room included broken dresser components, broken light fixtures, electrical components, and plastic buckets. All of these items are combustible and are a dangerous fire hazard. (Gillaspy Test. and Ex. 1)
27. Another room contained a variety of items packed to approximately one foot from the

ceiling. The items included mattresses, cardboard boxes, lumber, a bathroom sink or tub, a ladder, and a light fixture dangling from the ceiling by two wires. The room was impassable from the numerous amounts of items in the room. (Gillaspy Test. and Ex. 1)

28. The electrical/mechanical room contained electrical panels. In order to get to two of the electrical panels, multiple items would have had to be moved. Specifically, there were two tires, a wired box surrounding a plastic container, and a solid box that appeared to be a battery in front of the electrical panels. In an emergency, those two panels would not have been easily accessible. (Gillaspy Test. and Ex. 1)
29. A gas powered lawn mower is located in a room used for storage. (Gillaspy Test. and Ex. 1)
30. A container for gasoline and a chain saw were located in another room used for storage. (Gillaspy Test. and Ex. 1)
31. A gas powered generator was located in a different room used for storage. The generator was surrounded by a half filled plastic trash can, lumber, electrical components that had been removed from an item, plastic bags, a cardboard box, and two plastic buckets that contained an unknown material. (Gillaspy Test. and Ex. 1)
32. The Knights Inn does not have a centralized fire alarm system. Gillaspys suspected that a fire alarm system did exist at one point in time at the Knights Inn. The Knights Inn has a panel with a box on the wall that was empty except for wires and nuts. Gillaspys suspects that this box was the electronic components for a fire alarm system that was removed. (Gillaspy Test. and Ex. 1)
33. In the ten years that Watkins worked at the Knights Inn, no fire alarm system existed. The box on the wall remained empty except for wires and number for at least ten years. (Watkins Test.)
34. The Knights Inn has fire extinguishers on the exterior of the buildings. There was no signage on the property that indicated the location of the fire extinguishers throughout the buildings. (Gillaspy Test. and Ex. 1)
35. Many of the fire extinguishers were expired, and others did not have the appropriate protective covering. The fire extinguishers had a tag on them that note the year 2023. There are no tags that note the date of inspections. Petitioner did not have records regarding inspections of the fire extinguishers. (Gillaspy Test. and Ex. 1)
36. Approximately ninety percent of the sleeping rooms at the Knights Inn did not have properly functioning smoke detectors. Some rooms had smoke detectors without batteries or that

had expired. Other rooms did not have smoke detectors at all, but instead just had wires hanging out of the wall in the place where the smoke detector should be located. It is life threatening if a smoke detector is not functioning in even one room, particularly if that is the room where the fire originated. Failure to quickly stop a fire could lead to the fire spreading to numerous rooms. (Gillaspy Test.)

37. The Knights Inn had an emergency light alarm in the front lobby that was not functioning and there was no evidence of any testing or inspection of the emergency light alarm. (Gillaspy Test. and Ex. 1)
38. The Knights Inn did not have a sprinkler system and Petitioner has no records of one existing. (Gillaspy Test. and Ex. 1)
39. The Knights Inn has a fire pit in the front of the building. The pit does not have a submersible pump, which has caused the pit to be full of water. (Gillaspy Test. and Ex. 1)
40. The fire pit has a gap where a pipe is missing. Gillaspys suspects that the missing pipe connected water to a sprinkler system for the buildings. The Knights Inn did not have a sprinkler system in the ten years that Watkins worked at the Knights Inn. (Gillaspy and Watkins Test. and Ex. 1)
41. After the October Emergency Order, Petitioner sought quotes on correcting the identified issues, including the sprinkler system. Petitioner consulted with Koorsen Fire and Security, who advised Petitioner that there was no evidence of a sprinkler system and the pit in the front of the building contained pipes to feed the private fire hydrant. (J. Patel Test. and Ex. D)
42. Because of the conflicting evidence, Respondent has not established that Petitioner ever had a sprinkler system that was subsequently removed.
43. The main egress doors on the south side of the lobby were locked when tenants were on the premises. (Gillaspy Test. and Ex. 1)
44. There was a severe mold problem throughout the property, including in the attic, crawlspace and sleeping rooms for guests. This mold resulted in sagging floors and floors that had holes in them. In addition, there was rotting in the subfloor and floor joists throughout the building. These conditions made it challenging to walk throughout the buildings. (Gillaspy Test. and Ex. 1)
45. While Gillaspys was doing his inspection, he fell through the floor. An employee of the Health Department who was also doing an inspection also fell through a floor. The Seymour Fire Department has responded to a guest at the Knights Inn who had fallen through the floor

and was trapped. (Gillaspy Test. and Ex. 1)

46. In addition to the holes in the floors, there were also holes in the walls between rooms and there were no coverings to prevent smoke or fire from going from one room to another in case of a fire. (Gillaspy Test. and Ex. 1)

III. FEBRUARY 2024 ORDERS

47. After the January inspection, Respondent sought guidance from the State Fire Marshall on how to issue an Emergency Building Closure Order and a Building Closure Order. The State Fire Marshall gave Respondents permission to issue an Emergency Building Closure Order. (Knoy Test.)
48. On February 1, 2024, Respondents issued a second Emergency Building Closure Order (hereinafter February Emergency Order) that contained five violations of the 2014 Indiana Fire Code (hereinafter “2014 IFC”). On the same day Respondents also issued a Building Closure Order to Petitioners that contained twenty-eight violations of the 2014 IFC. (Ex. 2)
49. The February Emergency Order identified five violations of the 2014 IFC, including sections 901.6, 901.6.1, 903.2.8, 903.5, and 907.2.10.3. The February Emergency Order closed the Knights Inn immediately. (Ex. 3)
50. The February Building Closure Order identified twenty-eight violations of the 2014 IFC, including sections 304.1, 313.1, 315.3.1, 315.3.3, 505.1, 507.5.3, 509.1, 604.5, 605.1, 605.3, 605.3.1, 605.4, 605.5, 605.6, 703.1.2, 901.6, 901.6.1, 901.6.2, 901.6.2.1, 903.2.8, 903.5, 904.4.2, 906.7, 907.2.10.3, 907.5.2.3.1, 1003.6, 1008.1.8, and 1011.4. The Building Closure Order closed the Knights Inn fifteen days after service. (Ex. 2)
51. After the orders were issued, some of the tenants were displaced. Many of the displaced tenants were ones that stayed long term. (Gillaspy and J.Patel Test.)

IV. EFFORTS TO CORRECT VIOLATIONS

52. After the October 2023 Emergency Order, Petitioner reached out to consultants and contractors to attempt to correct the issues identified in the order. Petitioner worked with RTM Consultants who advised them that no fire alarm system was needed because the Knights Inn is a one story hotel where individual sleeping rooms exit directly to a public way,

egress court, or yard. (J. Patel Test. and Ex. C)

53. Since the February Emergency Order and Building Closure Order, Petitioner provided some evidence in the way of testimony and receipts to demonstrate some of the violations have been corrected. The receipts, however, do not sufficiently explain what exact items had been corrected. (Ex. E)
54. Jigar Patel testified that the violations identified in the October Emergency Order had been corrected. Gillaspys testimony, however, contradicted Jigar Patels, and the photographs in Gillaspys investigation report support Gillaspys testimony. Likewise, Jigar Patel also testified that many of the violations identified in the February orders had been corrected. This testimony is not credible and more weight is given to Gillaspys testimony that is supplemented with his investigation report. The Petitioners have provided insufficient evidence to show that the violations identified in both February orders had been corrected. (J. Patel and Gillaspys Test. and Ex. 1)

Conclusions of Law

1. Local fire departments such as the Seymour Fire Department have the authority to enforce any fire safety law applicable to its jurisdiction. Ind. Code § 36-8-17-6.
2. The Seymour Fire Department has authority to issue an order that requires a person to cease and correct a violation of a fire safety law so long as the order gives the person a reasonable time to correct the violation. Ind. Code § 36-8-17-9(a).
3. After having received approval from the State Fire Marshall, the Seymour Fire Department may also issue an emergency order if the condition of the property:
 - a. presents a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser;
 - b. is prohibited without a permit, registration, certification, release, authorization, variance, exemption, or other license required under IC 22-14 or another statute administered by the department and the license has not been issued; or
 - c. will conceal a violation of law.Ind. Code § 36-8-17-9(b)
4. After the Seymour Fire Department issues an order, including an emergency order, the person to whom the order is directed has the right to an informal review with the Department of Homeland Security (DHS) and an appeal to the Commission. Ind. Code §§

22-13-2-7, 36-8-17-10 and 11. If an order is appealed, the Commission or its designee shall conduct an administrative proceeding in compliance with AOPA. Ind. Code § 36-8-17-10. The Commission has designated OALP to conduct the administrative proceedings in these matters.

5. The ALJ who conducts administrative proceedings governed by AOPA must apply a de novo standard of review. *Indiana Dept. of Natural Resources v. United Refuse Co., Inc.*, 615 N.E. 2d. 100 (Ind. 1993); see also Ind. Code § 4-21.5-3-14. Findings of fact made by the ALJ “must be based exclusively upon the evidence of record in the proceeding and on matters officially noticed in the proceeding” and be “based upon the kind of evidence that is substantial and reliable.” Ind. Code § 4-21.5-3-27; see also *Huffman v. Office of Env'tl. Adjud.*, 811 N.E. 2d. 806, 809 (Ind. 2004)
6. The Seymour Fire Department and the City of Seymour issued two Emergency Orders and a Building Closure Order. The February Emergency Order and the Building Closure Order are the two orders subject to appeal. The February Emergency Order contains five violations of the 2014 Indiana Fire Code, all of which are included in the twenty-eight violations in the Building Closure Order.
7. The International Fire Code, 2012 Edition, published by the International Code Counsel, is adopted by reference as the 2014 Indiana Fire Code, except for amendments outlined in 675 IAC 22-2.5-2, et. seq. See 675 IAC 675 IAC 22-2.5-2.

I. COMBUSTIBLE WASTE: PETITIONER VIOLATED 2014 IFC § 304.1

8. Respondent identified a violation of 2014 IFC § 304.1 in its Building Closure Order (Violation 24).
9. 2014 IFC § 304.1 prohibits combustible waste material creating a fire hazard from being allowed to accumulate in buildings or structures or upon premises. 675 IAC 22-2.5-4.
10. Many of the rooms had combustible waste, including lumber, cardboard, tires, dresser components, and mattresses that were stacked together in rooms. The substantial amount of combustible items, level of disarray, and impassability created fire hazard accumulation in the buildings. Therefore, Petitioner violated 2014 IFC § 304.1.

II. STORAGE OF FUELED EQUIPMENT: PETITIONER VIOLATED 2014 IFC § 313.1

11. Respondent identified a violation of 2014 IFC § 313.1 in its Building Closure Order (Violation 23).
12. 2014 IFC § 313.1 prohibits the storage of fueled equipment including motorcycles, lawn-care equipment, portable generators, and portable cooking equipment from being stored, operated, or repaired within a building, unless the building is constructed for such purposes. 675 IAC 22-2.5-4.
13. A gas powered lawn mower, chain saw, and generator were located in the building locations that were used for storage. Therefore, Petitioner violated 2014 IFC § 313.1.

III. CEILING CLEARANCE: PETITIONER VIOLATED 2014 IFC § 315.3.1

14. Respondent identified a violation of 2014 IFC § 315.3.1 in its Building Closure Order (Violation 26).
15. 2014 IFC § 315.3.1 requires storage to “be maintained 2 feet (610 mm) or more below the ceiling in nonsprinklered areas of buildings or a minimum of 18 inches (457 mm) below sprinkler head detectors in sprinklered areas of buildings.” 675 IAC 22-2.5-4.
16. One of the rooms contained items, including mattresses, that were stacked to approximately one foot from the ceiling. The building did not have a sprinkler system, therefore, the items must be two feet or more below the ceiling. Therefore, Petitioner violated 2014 IFC § 315.3.1.

IV. COMBUSTIBLE MATERIAL: PETITIONER VIOLATED 2014 IFC § 315.3.3

17. Respondent identified a violation 2014 IFC 315.3.1 in its Building Closure Order (Violation 13)
18. The 2014 IFC § 315.3.1 prohibits combustible material from being stored in boiler rooms, mechanical rooms, or electrical equipment rooms. 675 IAC 22-2.5-4.
19. A maintenance/mechanical room contained multiple combustible items, including broken dresser components, broken light fixtures, electrical components, and plastic buckets. An electrical/mechanical room contained two tires, a wired box surrounding a plastic container,

and a solid box that appeared to be a battery in front of the electrical panels. All of these items are combustible. Therefore, Petitioner violated 2014 IFC § 315.3.3.

V. VISIBLE ADDRESS: PETITIONER VIOLATED 2014 IFC § 505.1

20. Respondent identified a violation of 2014 IFC § 505.1 in its Building Closure Order (Violation 27).
21. The 2014 IFC § 505.1 requires buildings to have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
22. Petitioner violated 2014 IFC § 505.1 because it did not have its address on its building on a location that was plainly legible and visible in the road fronting the property.

VI. PRIVATE FIRE HYDRANTS: PETITIONER VIOLATED 2014 IFC § 507.5.3

23. Respondent identified a violation of 2014 IFC § 507.5.3 in its Building Closure Order (Violation 16).
24. The 2014 IFC § 507.5.3 requires that private fire service mains and water tanks be periodically inspected, tested, and maintained. Private fire hydrants must be inspected annually and after each operation. Fire service main piping must be inspected annually and have a flow test every five years. Fire service main piping strainers must have an inspection and maintenance after each use. 675 IAC 22-2.5-6
25. Petitioner violated 2014 IFC § 507.5.3 because its private fire hydrant was not properly maintained and in working order. Furthermore, Petitioner did not have any records that demonstrated that Petitioner had done any inspections of the hydrant, fire service main piping, or the fire service main piping strainer.

VII. FIRE PROTECTION EQUIPMENT SIGNAGE: PETITIONER VIOLATED 2014 IFC § 509.1

26. Respondent identified a violation of 2014 IFC § 509.1 in its Building Closure Order (Violation 25).

27. The 2014 IFC § 509.1 requires signs in the building that identifies all the fire protection equipment locations. 675 IAC 22-2.5-6.
28. Petitioner did not have a fire alarm system or a sprinkler system but did have fire extinguishers. The property did not have any signs identifying the location of the fire extinguishers. Furthermore, if there were other fire protection equipment on the property, there were no signs to indicate their location. Therefore, Petitioner violated 2014 IFC § 509.1

VIII. EMERGENCY LIGHTING: PETITIONER VIOLATED 2014 IFC § 604.5

29. Respondent identified a violation of 2014 IFC § 604.5 in its Building Closure Order (Violation 5).
30. 2014 IFC § 604.5 requires emergency lighting to be inspected and tested on a monthly basis. 675 IAC 22-2.5-7
31. The Knights Inn had emergency lighting in the main lobby that was not properly functioning and there was no evidence that it had been inspected and tested on a monthly basis. Therefore Petitioner violated 2014 IFC § 605.4.

IX. ELECTRICAL HAZARDS: PETITIONER VIOLATED 2014 IFC § 605.1

32. Respondent identified a violation of 2014 IFC § 605.1 in its Building Closure Order (Violation 10).
33. 2014 IFC § 604.5 requires that any identified electrical hazards be abated and specifically provides that “[e]lectrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.” 675 IAC 22-2.5-7
34. The Knights Inn had exposed wiring throughout the property that could cause an electrical shock or become a fire hazard. Some of the wires were hot wires and others did not have ground faults. Furthermore the junction boxes did not have covers. Therefore, Petitioner violated 2014 IFC § 605.1.

X. ELECTRICAL SERVICE EQUIPMENT WORKSPACE: PETITIONER VIOLATED 2014 IFC § 605.3

35. Respondent identified a violation of 2014 IFC § 605.3 in its Building Closure Order (Violation 21).
36. 2014 IFC § 605.3 requires that there be sufficient working space in front of electrical service equipment. Specifically, no storage should be located within that designated working space which must have a minimum of 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1,981 mm) in height in front of electrical service equipment. 675 IAC 22-2.5-7.
37. Two of the electrical panels had two tires, a wired box surrounding a plastic container, and a solid box that appeared to be a battery immediately in front of the electrical panels. This did not provide sufficient workspace in front of the electrical service equipment. Therefore, Petitioner violated 2014 IFC § 605.3.

XI. ELECTRICAL ROOM SIGNAGE: PETITIONER VIOLATED 2014 IFC § 605.3.1

38. Respondent identified a violation of 2014 IFC § 605.3.1 in its Building Closure Order (Violation 17).
39. 2014 IFC § 605.3.1 requires doors to electrical control panels be marked and visible with a legible sign that states ELECTRICAL ROOM or similar approved wording. 675 IAC 22-2.5-7.
40. There were no signs that marked the doors for the rooms that contained the electrical control panels. Therefore, Petitioner violated 2014 IFC § 605.3.1.

XII. MULTIPLUG ADAPTERS: PETITIONER VIOLATED 2014 IFC § 605.4

41. Respondent identified a violation of 2014 IFC § 605.4 in its Building Closure Order (Violation 1).
42. 2014 IFC § 605.4 prohibits the use of multiplug adapters, such as cube adapters, unfused plug strips, and other devices that do not comply with the National Fire Protection Association (NFPA) 70¹. 675 IAC 22-2.5-7

¹ The NFPA 70 is the 2008 Edition of the National Electrical Code.

43. The Knights Inn had multiple multiplug adapters throughout the property. These are prohibited by 2014 IFC § 605.4, and therefore Petitioner violated that section.

XIII. EXTENSION CORDS: PETITIONER VIOLATED 2014 IFC § 605.5

44. Respondent identified a violation of 2014 IFC § 605.5 in its Building Closure Order (Violation 6).

45. 2014 IFC § 605.5, prohibits the use of extension cords and flexible cords as a substitute for permanent wiring. 675 IAC 22-2.5-7

46. Petitioners used extension cords as permanent wiring which is a direct violation of 2014 IFC § 605.5.

XIV. OPEN JUNCTION BOXES, WIRE SPLICING, AND COVERS ON SWITCHES AND OUTLETS:
PETITIONER VIOLATED 2014 IFC § 605.6

47. Respondent identified a violation of 2014 IFC § 605.6 in its Building Closure Order (Violation 22).

48. 2014 IFC § 605.6 prohibits open junction boxes and open-wiring splices and requires that approved covers be used to cover all switch and electrical outlet boxes. 675 IAC 22-2.5-7.

49. Many electrical outlets and switches did not have covers, there were exposed wires that had open-wiring splices, and the junction box did not have a cover. Therefore, Petitioner violated 2014 IFC § 605.6.

XV. SMOKE BARRIERS AND PARTITIONS: PETITIONER VIOLATED 2014 IFC § 703.1.2

50. Respondent identified a violation of 2014 IFC § 703.1.2 in its Building Closure Order (Violation 8).

51. 2014 IFC § 703.1.2 requires smoke barriers and smoke partitions be maintained to prevent the passage of smoke. 675 IAC 22-2.5-8. All openings must be protected with approved

smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105².
675 IAC 22-2.5-8

52. The Knights Inn had holes in the walls between rooms and there were no smoke partitions or barriers covering those holes to prevent the passage of smoke. Therefore, Petitioner violated 2014 IFC § 703.1.2.

XVI. FIRE SYSTEMS: PETITIONER VIOLATED 2014 IFC § 901.6

53. Respondent identified a violation of 2014 IFC § 901.6 in its Building Closure Order (Violation 11) and February Emergency Order (Violation 3).

54. 2014 IFC § 901.6 provides the following:

Fire detection, alarm, and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Nonrequired fire protection systems and equipment shall be inspected, tested and maintained or removed.

675 IAC 22-2.5-10

55. Respondent contends that Petitioner violated this section for two reasons.

56. The first reason is because the laundry room sprinkler was removed without permission or variance. The evidence was insufficient to determine that there was a sprinkler system in the Knights Inn that had been removed, and therefore, Petitioner did not violate 2014 IFC § 901.6 on this basis.

57. The second reason is because the fire alarms and fire extinguishers were not properly maintained. The fire alarms in 90% of the rooms were not maintained or in operable condition. Many of the fire extinguishers were expired and therefore not properly maintained. Therefore, Petitioner violated 2014 IFC § 901.6, for not maintaining the fire alarms and fire extinguishers.

² The NFPA 105 is the Standard for the Installation of Smoke Door Assemblies and Other Opening Protectives

XVII. FIRE PROTECTION SYSTEMS INSPECTIONS AND TESTING: PETITIONER VIOLATED 2014 IFC § 901.6.1

58. Respondent identified a violation of 2014 IFC § 901.6.1 in its Building Closure Order (Violation 12) and February Emergency Order (Violation 4).
59. 2014 IFC § 901.6.1 requires that certain fire protection systems be inspected, tested and maintained in prescribed intervals and using appropriate standards. 675 IAC 22-2.5-10. The specific fire protection systems identified are include: Portable fire extinguishes, Carbon dioxide fire-extinguishing system, Halon 1301 fire-extinguishing systems, Dry-chemical extinguishing systems, Wet-chemical extinguishing systems, water-based fire protection systems, Fire alarm systems, Mechanical smoke exhaust systems, Smoke and heat vents, Water-mist systems, Clean-agent extinguishing systems. 675 IAC 22-2.5-10.
60. The Knights Inn has portable fire extinguishers. Portable fire extinguishers must be inspected annually and must contain tags or labels that document those inspections. 675 IAC 22-2.5-10 and NFPA 10. The fire extinguishers at the Knights Inn have tags that show the year 2023, and do not have any other tags that show dates of inspection. Because the fire extinguishers are not inspected, tested, and maintained within the appropriate standards, Petitioner has violated 2014 IFC § 901.6.1.
61. Respondent contends that Petitioner violated this section because the laundry room sprinkler was removed without permission or variance. The evidence was insufficient to determine that there was a sprinkler system in the Knights Inn that had been removed, and therefore, Petitioner did not violate 2014 IFC § 901.6.1 on this basis.

XVIII. SYSTEM INSPECTIONS, TESTS, AND MAINTENANCE: PETITIONER VIOLATED 2014 IFC § 901.6.2

62. Respondent identified a violation of 2014 IFC § 901.6.2 in its Building Closure Order (Violation 14).
63. 2014 IFC § 901.6.2 requires,

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.

675 IAC 22-2.5-10

64. Petitioner did not have any records on its premises of inspections, tests, and maintenance of its fire extinguishers or fire alarms. Therefore, Petitioner violated 2014 IFC § 901.6.2.

XIX. INITIAL RECORDS OF INSTALLATIONS: PETITIONER VIOLATED 2014 IFC § 901.6.2.1

65. Respondent identified a violation of 2014 IFC § 901.6.2.1 in its Building Closure Order (Violation 15).

66. 2014 IFC § 901.6.2.1 requires that initial records of installations be maintained on the premises. 675 IAC 22-2.5-10.

67. Petitioner did not have any records on its premises of installations and therefore, Petitioner violated 2014 IFC § 901.6.2.1.

XX. SPRINKLER SYSTEM: PETITIONER VIOLATED 2014 IFC § 903.2.8

68. Respondent identified a violation of 2014 IFC § 903.2.8 in its Building Closure Order (Violation 28) and February Emergency Order (Violation 5).

69. 2014 IFC § 903.2.8 requires that an automatic sprinkler system be installed and provided throughout all buildings with a Group R fire area. 675 IAC 22-2.5-10.

70. Group R fire areas are not defined in the 2014 IFC. When terms are not defined in the 2014 IFC and are defined in the Indiana Build Code, those definitions are applicable to the 2014 IFC. Similar to the 2014 IFC, the Indiana Building Code is established by adopting by reference the International Building Code, with specific amendments outlined in 675 IAC 13-2.6-1 *et. seq.* The current code is the 2014 Indiana Building Code (hereinafter 2014 IBC) which has adopted and amended the International Building Code 2012. 675 IAC 13-2.6-1.

71. 2014 IBC § 310.1 identifies Group R buildings or structures that are residential in nature by having a portion used for sleeping. 675 IAC 13-2.6-4. The Knights Inn is a hotel used for sleeping and is a Group R fire area.

72. Petitioner, however, contends that 2014 IFC § 903.2.8 does not apply to the Knights Inn because it is subject to the rules that were applicable at the time it was built in 1988.

73. The 2014 IFC is applicable to existing conditions and conditions arising after its adoption. 675 IAC 22-2.5-10 (2014 IFC § 101.2). Furthermore, “[b]uildings, systems, and uses legally in existence at the adoption of [the 2014 IFC] shall be permitted to continue so long as they are maintained in a condition that is equivalent to the quality and fire resistive characteristics that existed when the building was constructed, altered, added to, or repaired.” *Id.*
74. Respondents claim that the Knights Inn has changed from a R-1 classification to a R-2 classification because there are tenants who stay long term and are not transient in nature. This change, according to Respondent, means that Petitioner is no longer grandfathered into the fire codes that were in place in 1988.
75. A R-1 classification is designated for occupancies that are primarily transient in nature and R-2 classifications are designated for occupancies that are primarily permanent in nature. 675 IAC 13-2.6-4 (2014 IBC § 310.1). Although the Knights Inn does have some tenants who are permanent in nature, most of the tenants are not long term tenants and are therefore primarily transient in nature. Therefore, the Knights Inn remains a R-1 classification.
76. Although the classification hasn’t changed, the Knights Inn has not been maintained in a condition equivalent to the quality and fire resistive characteristics that existed when the building was constructed. The Knights Inn has holes in the walls, sagging floors, and structural damage. These conditions have diminished the quality of the fire resistive characteristics. In addition to the building condition, the fire resistive characteristics are not maintained. The Knights Inn does not have properly working fire alarms in the sleeping rooms and the fire extinguishers are expired. These fire resistive characteristics are not being properly maintained. Therefore, the Knights Inn is no longer grandfathered into the fire codes that existed at the time the building was built in 1988 and must bring the building up to the standards in the 2014 IFC.
77. Consequently, the Knights Inn must have an automatic sprinkler system installed and provided throughout all buildings. Because no automatic sprinkler system exists, Petitioner is in violation of 2014 IFC § 903.2.8.

XXI. SPRINKLER SYSTEM TESTING: PETITIONER DID NOT VIOLATE 2014 § IFC 903.5

78. Respondent identified a violation of 2014 IFC § 903.5 in its Building Closure Order (Violation 2) and February Emergency Order (Violation 1).

79. 2014 IFC § 903.5 requires that sprinkler systems be properly tested and maintained. 675 IAC 22-2.5-10.

80. Respondent asserts that Petitioner violated this section because the laundry room sprinkler was removed without permission or variance. The evidence was insufficient to determine that there was a sprinkler system in the Knights Inn that had been removed, and therefore, Petitioner did not violate 2014 IFC § 903.5 on this basis.

XXII. TESTING OF FIRE SYSTEMS: PETITIONER DID NOT VIOLATE 2014 IFC § 904.4.2

81. Respondent identified a violation of 2014 IFC § 904.4.2 in its Building Closure Order (Violation 19).

82. 2014 IFC § 904.4.2 requires that notification appliances, connections to fire alarm systems, and connections to approved supervising stations be tested at appropriate intervals to verify proper operation. 675 IAC 22-2.5-10.

83. Respondent contends that Petitioner violated this section because it did not have a functioning fire panel. 2014 IFC § 904.4.2 does not require that Petitioner have a functioning fire panel, it just requires testing of notification appliances, connections to fire alarm systems, and connections to approved supervising stations. The Knights Inn does not have a fire panel to test and therefore is not in violation of 2014 IFC 904.4.2.

XXIII. FIRE EXTINGUISHER HANGERS AND BRACKETS: PETITIONER DID NOT VIOLATE 2014 IFC § 906.7

84. Respondent identified a violation of 2014 IFC § 906.7 in its Building Closure Order (Violation 18).

85. 2014 IFC § 906.7 requires that hand-held portable fire extinguishers that are not housed in cabinets be installed on the hangers or brackets supplied. Additionally, the hangers or brackets must be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions. 675 IAC 22-2.5-10.

86. Although the portable fire extinguishers were not properly functioning and did not have the appropriate fire covering, the evidence did not sufficiently establish that the fire extinguishers were not on the hangers or brackets supplied nor did the evidence establish

that the hangers or brackets were not securely anchored to the mounting surface.

87. Therefore, Respondent did not establish that Petitioner violated 2014 IFC § 906.7.

XXIV. SMOKE ALARMS: PETITIONER VIOLATED 2014 IFC § 907.2.10.3

88. Respondent identified a violation of 2014 IFC § 907.2.10.3 in its Building Closure Order (Violation 7) and February Emergency Order (Violation 2).

89. 2014 IFC § 907.2.10.3 requires that single or multiple station smoke alarm be installed in all sleeping areas.

90. Multiple sleeping rooms in the Knights Inn did not have smoke alarms installed. Therefore, Petitioner violated 2014 IFC § 907.2.10.3.

XXV. VISIBLE ALARM NOTIFICATIONS: PETITIONER VIOLATED 2014 IFC § 907.5.2.3.1

91. Respondent identified a violation of 2014 IFC § 907.5.2.3.1 in its Building Closure Order (Violation 20).

92. 2014 IFC § 907.5.2.3.1 requires visible alarm notification appliances in public areas and common areas.

93. The emergency light alarm in the lobby was not working. As a result, the Knights Inn did not have a visible alarm notification in the common area in direct violation of 2014 IFC § 907.5.2.3.1.

XXVI. OBSTRUCTIONS IN PATHS OF EGRESS: PETITIONER VIOLATED 2014 IFC § 1003.6

94. Respondent identified a violation of 2014 IFC § 1003.6 in its Building Closure Order (Violation 9).

95. 2014 IFC § 1003.6 requires that travel along a means of egress not be interrupted by a building element and obstructions are not permitted to be placed in paths of egress. 675 IAC 22-2.5-11.

96. The Knights Inn had holes in the floors throughout the building that interrupted paths of egress. These holes created issues for inspectors and at least one guest who fell through the holes. Therefore, Petitioner violated 2014 IFC § 1003.6.

XXVII. WIDTH BETWEEN DOORS: PETITIONER DID NOT VIOLATE 2014 IFC § 1008.1.8

97. Respondent identified a violation of 2014 IFC § 1008.1.8 in its Building Closure Order (Violation 4).

98. 2014 IFC § 1008.1.8 requires that there be forty eight inches (1219 mm) space plus the width of a door swinging space between two doors in a series. The doors in a series are required to swing either in the same direction or away from the space between the doors. 675 IAC 22-2.5-11.

99. Respondents argue that Petitioner violated this section because a door in the lobby was locked. Respondent's interpretation of 2014 IFC 1008.1.8 is inaccurate. This section merely sets the required width between the doors and the direction in which the doors should swing. A locked door is not a violation of 2014 IFC 1008.1.8. Therefore, Petitioner did not violate 2018 IFC 1008.1.8.

XXVIII. EXIT SIGNS: PETITIONER VIOLATED 2014 IFC § 1011.4

100. Respondent identified a violation of 2014 IFC § 1011.4 in its Building Closure Order (Violation 3).

101. 2014 IFC § 1011.4 requires that there be a sign stating EXIT in raised letters and characters in Braille in each of the following locations: "adjacent to each door to an area of refuge, an exterior area for assisted rescue, an exit stairway, an exit ramp, an exit passageway and the exit discharge." 675 IAC 22-2.5-11.

102. The Knights Inn did not have Exit signs in the buildings. Therefore, Petitioner violated 2014 IFC § 1011.4.

XXIX. EMERGENCY CLOSURE ORDER

103. After having received approval from the State Fire Marshall, the Respondents are

permitted to issue an emergency order³ if the “condition of the property presents a clear and immediate hazard to death or serious bodily injury to any person other than a trespasser.” Ind. Code § 36-8-17-9.

104. Respondent violated 2014 IFC §§ 901.6, 901.6.1, 903.2.8, and 907.2.10.3. These violations are related to the Knights Inn not having working smoke alarms, fire extinguishers, and sprinkler system. The Knights Inn’s failure to maintain basic items of fire detection and suppression are sufficient to issue an emergency building closure. This is particularly true because Respondent issued an emergency building closure order in October 2023, and Respondent should have been able to easily fix the smoke alarms and fire extinguishers before the inspection in January 2024. Respondent’s failure to act constitutes an emergency that presents a clear and immediate hazard to death or serious bodily injury to a tenant should a fire break out in the building.
105. An emergency order can “[r]equire persons to leave an area that is affected by a violation and prohibit persons from entering the area until the violation is corrected.” Ind. Code § 36-8-17-9.
106. Respondent was well within its authority to close the Knights Inn and prohibiting tenants from returning until the violations are corrected.
107. Respondents February 2024 Emergency Building Closure Order is affirmed.

XXX. BUILDING CLOSURE ORDER

108. The Respondents can issue an order “to require a person to cease and correct a violation of the fire safety laws” after it has given that person a reasonable time to correct the violation. Ind. Code § 36-8-17-9.
109. Respondent proved that twenty-four of the twenty-eight violations in the Building Closure Order were valid violations of the 2014 IFC. The order gave Petitioner fifteen days to correct the violations, however, in reality Petitioner had approximately three months to correct the violations because violations were identified by Respondent in October 2023. The number of violations that remained during the January 2024 inspection were extreme. Even the most basic items, such as fire alarms in all sleeping rooms and working fire extinguishers, had not been corrected. These items, combined with the multiple other

³ Emergency Orders expire after ninety days. Ind. Code § 4-21.5-4-5. The emergency order subject to this appeal is expired, however, this ALJ analyzes the validity of the order.

violations, are sufficient to close the building until all of the violations are corrected.

110. The Petitioner has not corrected all of the violations, and therefore Respondent's Building Closure Order is affirmed.

111. Petitioner may not reopen until the violations identified in 2014 IFC §§ 304.1, 313.1, 315.3.1, 315.3.3, 505.1, 507.5.3, 509.1, 604.5, 605.1, 605.3, 605.3.1, 605.4, 605.5, 605.6, 703.1.2, 901.6, 901.6.1, 901.6.2, 901.6.2.1, 903.2.8, 907.2.10.3, 907.5.2.3.1, 1003.6, and 1011.4, are corrected.

Decision and Order

Respondents' February 1, 2024, Emergency Building Closure Order and Building Closure Order are AFFIRMED.

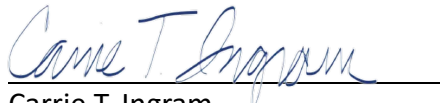
Petitioner is not required to install a centralized fire alarm system but is required to correct the violations of the 2014 IFC, as follows:

1. Remove all combustible waste as required by 2014 IFC § 304.1.
2. Remove all fueled equipment from the building as required by 2014 IFC § 313.1.
3. Remove all items that are not two feet below the ceiling as required by 2014 IFC § 315.3.1.
4. Remove all combustible material from the boiler rooms, mechanical rooms, and electrical equipment rooms as required by 2014 IFC § 315.3.3.
5. Place approved address numbers in a position that is plainly legible and visible from the road fronting the property as required by 2014 IFC § 505.1.
6. Fix the private fire hydrant on the property and regularly inspect, test, and maintain it as required by 2014 IFC § 507.5.3.
7. Place a sign in the building that identifies the location of all fire protection equipment locations as required by 2014 IFC § 509.1.
8. Fix the emergency lighting in the main lobby and properly test and inspect it as required by 2014 IFC §§ 604.5 and 907.5.2.3.1.
9. Remove or cover all exposed wiring throughout the property, properly install ground fault interrupters (GFI) in accordance with electrical code, and place approved covers on all junction boxes as required by 2014 IFC § 605.1.
10. Remove all items that interfere with the required workspace (30 inches or 762 mm in width, 36 inches or 914 mm in depth, and 78 inches or 1,981 mm in height) in front of all electrical service equipment as required by 2014 IFC § 605.3.

11. Place a sign that states ELECTRICAL ROOM on the doors to all rooms that contain electrical control panels as required by 2014 IFC § 605.3.1.
12. Remove all multiplug adapters, such as cube adapters, unfused plug strips, and all other devices that do not comply with NFPA 70 as required by 2014 IFC § 605.4.
13. Remove all extension cords on the property that are a substitute for permanent wiring as required by 2014 IFC § 605.5,
14. Place approved covers on junction boxes, switches, and electrical outlets, and correct all open wire splices as required by 2014 IFC § 605.6.
15. Patch up and fix all holes in the walls between rooms to ensure there are appropriate smoke barriers or partitions to prevent the passage of smoke as required by 2014 IFC § 703.1.2.
16. Replace or repair all fire alarms and fire extinguishers that are not in operable condition as required by 2014 IFC § 901.6.
17. Inspect all fire extinguishers and ensure that they are in working order and maintain proper documentation of the inspections as required by 2014 IFC § 901.6.1.
18. Create and maintain a record of all inspections, tests, and maintenance as required by 2014 IFC § 901.6.2.
19. Keep and maintain all initial records of installations on the property in a location on the premises for future inspections as required by 2014 IFC § 901.6.2.1.
20. Install an automatic sprinkler system as required by 2014 IFC § 903.2.8.
21. Install fire alarms in all sleeping areas as required by 2014 IFC § 907.2.10.3.
22. Fix all holes in the floors and structural issues that create obstructions in paths of egress as required by 2014 IFC § 1003.6.
23. Place Exit signs in raised letters and characters in Braille adjacent to each door to an area of refuge, an exterior area for assisted rescue, an exit stairway, an exit ramp, an exit passageway and the exit discharge as required by 2014 IFC § 1011.4.

Petitioner may not reopen the Knights Inn until the violations are corrected.

So ordered on: December 23, 2024.


Carrie T. Ingram
Administrative Law Judge

Appeal Rights

In accordance with Ind. Code § 4-15-10.5-12(b), the OALP's order disposing of this matter is not final. If you wish to raise and preserve an objection to this order, you must file an

objection, in writing, within fifteen (15) days after service of this order. If served only by mail, however, three (3) days will be added to this period to object. See Ind. Code § 4-21.5-3-2 for how to compute the period to object.

Your objection must identify the basis of the objection with reasonable particularity and be served on all parties and filed with the ultimate authority

1. By email at buildingcommission@dhs.in.gov; or
2. By mail or personal service to:

Fire Prevention and Building Safety Commission
302 West Washington Street, Room E-208
Indianapolis, IN 46204

If a timely objection is filed or a notice of intent to review the order is served by the ultimate authority in accordance with Ind. Code § 4-21.5-3-29, the ultimate authority will review the matter and either (1) issue a final order or (2) remand this matter back to the Office of Administrative Law Proceedings for additional proceedings. In the absence of an objection or notice of intent to review, the ultimate authority shall affirm the order in accordance with Ind. Code § 4-21.5-3-29(c).

Distribution:

Petitioner, Somnath Hospitality dba Knights Inn, sent via e-service to Attorney Jeffrey McQuary at jmcquary@tlawindy.com

Respondents, City of Seymour and Seymour Fire Department, sent via e-service to Attorney J. Todd Spurgeon at tspurgeon@k-glaw.com and Attorney Christina Engleking at chris@englekinglaw.com

DHS, sent via e-service to Attorney Tyler Burgauer at TyBurgauer@dhs.in.gov

Ultimate Authority, Indiana Fire Prevention and Building Safety Commission, sent via e-service at buildingcommission@dhs.in.gov