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Please visit the
Department's website at
www.wrtfd.org

05/07/2024

Kim Chudzinski
Grateful Care ABA
1644 Fry Road Suite A
Greenwood, IN 46142

Mike Hollcraft
NPH Properties
4181 Waterbrook Way
Greenwood, IN. 46142

Ms. Chudzinski & Mr. Hollcraft,

I am writing today to address Fire Safety Violations at the Grateful Care ABA at 1644 Fry Road, Suite A. The occupancy provides therapy, instruction, and custodial care to a client population diagnosed with Autism Spectrum Disorder (ASD). I conducted inspections of the site on September 22nd and October 2nd. I was informed that up to 10 children between the ages of 2 years old to 16 years old were currently registered with the possibility of adding more. When fully occupied, the staff estimates between 20-25 children being there at a time, plus staff members. I was told the length of time that the clients are in the occupancy can last up to a full 8-hour day. On October 18th, a joint meeting with myself, the City of Greenwood Building Commissioner, yourself, and a consultant from RTM was held to discuss the safety concerns at the site and their needed remedies. Based on the information collected, the White River Township Fire Prevention Division has determined the following; the occupancy constitutes an I-4: Institutional Group Day Care facility, the use has been changed from its previously recorded use of "B" business, the structure in its current state does not meet the code requirements for an I-4 use, and, as a result, the occupants are inherently less safe than they should be. I'd like to explain in more detail why I believe this to be the case.

My reasoning for classifying the Grateful Care ABA as an I-4 is based on two sections of the 2014 Indiana Building Code (IBC) 675 IAC 13-2.6.

My classification of I-4 first comes from the description found in IBC Section 308.6:

"Institutional Group I-4, day care facilities. This group shall include buildings and structures occupied by more than five persons of any age who receive *custodial care* for fewer than 24 hours per day by persons other than parents or guardians, relatives by

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blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

- Adult day care
- Child day care"

At Grateful Care ABA, there are 10 children registered for services, and the *custodial care* is provided by persons other than those described above.

I then look to the definition of *custodial care* found in Chapter 2 of the IBC:

"**CUSTODIAL CARE.** Assistance with day-to-day living tasks; such as assistance with cooking, taking medication, bathing, using toilet facilities and other tasks of daily living. Custodial care includes occupants who evacuate at a slower rate and/or who have mental and psychiatric complications."

I believe it can be reasonably concluded that the above definition accurately describes the situation at Grateful Care ABA.

The safety measures required by the 2014 Indiana Fire Code (675 IAC 22-2.5) and the 2014 Indiana Building Code (675 IAC 13-2.6) include the following; installation of an automatic sprinkler system throughout the entire building, the installation of a manual fire alarm system in the space that you occupy (providing the exceptions listed are not met), the installation of a 1-hour fire rated assembly between your occupancy and the ones below yours, and various adjustments to your exiting from the building. I have included a separate document outlining the applicable codes for these violations.

This report is to notify you of the violations that exist on your property. These violations must be addressed immediately for the building to accommodate and facilitate the safe use of an I-4 occupancy. You may evacuate the building and/or discontinue this use, or commit to addressing each violation by way of a corrective plan. Should you choose to enter into a corrective plan and correct these violations by the correction date provided in this report, no enforcement actions will be taken. If you fail to enter into a corrective plan, the White River Township Fire Department will move forward with enforcement of this order.

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.

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2. I understand my failure to correct these violations by the correction date provided may be considered a Class C infraction under IC 22-12-8-2 and will result in additional enforcement actions.
3. I understand no extensions of time are permitted unless they are granted in writing by the White River Township Fire 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 White River Township Fire Department while corrections are underway.
6. I agree to notify the White River Township Fire Department, by the compliance date, that all violations have been corrected, and I am aware that my failure to do so may result in additional enforcement actions.
7. I understand that in order for the White River Township Fire Department to determine compliance, an additional inspection may be performed and the White River Township Fire 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 White River Township Fire 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 hereby ordered under IC 4-21.5-3-6 and IC 36-8-17-9(d), and 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; (3) the White River Township Fire Department consents to the request for a stay in writing; or (4) the IDHS issues an order modifying or overturning this order.

INFORMAL REVIEW

To request an informal review of your order by the IDHS, complete the informal review form located at <https://www.in.gov/dhs/4149.htm>. Following receipt of this form, the IDHS 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

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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. However, if the order concerns a Class 2 structure, the deadline to file is extended to thirty (30) days. 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: <https://www.in.gov/dhs/administrative-review/order-review/>.

If you have any questions, please contact me at White River Township Fire Department headquarters during the hours of 8 A.M. to 4 P.M. Monday through Friday. Again, I would be glad to help you in any way possible.

Braden Prochnow
Fire Marshal CFEI CVFI
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