BEFORE THE INDIANA DEPT. OF HOMELAND SECURITY FIRE PREVENTION AND BUILDING SAFETY COMMISSION

IN RE: SOMNATH HOSPITALITY,)	
)	
d/b/a Knight's Inn,)	Cause No. DHS-2402-396
)	Cause No. DHS-2404-891
Petitioner,)	

OBJECTION TO NON-FINAL ADMINISTRATIVE DECISION

Petitioner Somnath Hospitality, by counsel respectfully objects to the Non-Final Administrative Decision (the "Decision") on the following grounds:

- 1. Findings of Fact Nos. 11 through 45 are based on an inspection conducted by the Seymour Fire Department in January 28, 2024. The Decision was issued on December 23, 2024. The premises in question have undergone extensive repair and renovation since the January inspection. These repairs occurred both before and after the April 18, 2024 administrative hearing. The findings in the Decision are based on testimony about the condition of the Knight's Inn in January are based on a stale record.
- 2. The finding in Section XX of the Decision that Petitioner has not maintained the Knight's Inn in conditions sufficient to retain the quality and fire resistive characteristics such that it is no longer grandfathered into the 2014 Indiana Fire Code—and must therefore install a standpipe sprinkler system in all buildings—is without basis in law or fact.

- 3. The present owners of the Knight's Inn have not made any major alterations to passed inspections from the Seymour Fire, Health, and Building departments consistently with only minor violations since they purchased it in 2019. This remained true until the Fire Department ordered the building closed in November 2023 without warning or opportunity to correct.
- 4. Most of the violations identified in the inspections were superficial and rapidly remedied, *e.g.*, smoke alarms with expired batteries or fire extinguishers that were improperly mounted.
- 5. The two major violations, the ones requiring considerable financial investment to rectify, are the alleged failure to install a centralized smoke alarm system and standpipe sprinkler system.
- 6. The Decision correctly concluded that the Knight's Inn is not required to install a centralized smoke alarm.
- 7. The Decision's finding that Petitioner has not maintained the Knight's Inn in a condition of equivalent quality to when the building was constructed ignores the many years in which the premises passed inspections and that the identified problems were promptly rectified.

WHEREFORE, Petitioner prays that the Decision will be amended to reflect that the Knight's Inn is grandfathered into the requirements of the 1985 Indiana Fire Code and is not required to install a standpipe sprinkler system throughout its entire premises.

Respectfully submitted,

/s/ Jeffrey S. McQuary, 16791-49 TOMPKINS LAW 608 E. Market Street Indianapolis, IN 46202 317/631-6866 jmcquary@tlawindy.com

CERTIFICATE OF SERVICE

I certify that the foregoing was filed via U.S. Mail on the 7th day of January, 2025

A.D. and addressed as follows:

Ind. Dept. of Homeland Security
Tyler Burgauer
Fire Prevention and Building Safety Commission
302 W. Washington Street, Room E-208
Indianapolis, IN 46204
tyburgauer@dhs.in.gov

Todd Spurgeon Kightlinger & Gray 3620 Jackson Boulevvard New Albany, IN 47150 tspurgeon@k-glaw.com

Christina Engleking Seymour City Attorney chris@engelkinglaw.com

> /s/ Jeffrey S. McQuary Jeffrey S. McQuary, 16791-49 608 East Market Street Indianapolis, IN 46202 Telephone: (317) 631-6866 Facsimile: (317) 685-2329

jmcquary@tlawindy.com