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December 21, 2015

Mr. John Hawkins
Chairman
Indiana Fire Prevention and Building Safety Commission
302 W Washington St., Room E246
Indianapolis, IN 46204

Re: 360 Services/City of Greenwood, Indiana

Chairman Hawkins:

We are the legal representatives of 360 Services, an innovative fire protection service company that has been named a Star-Media Top Place to Work in Indiana for 2014 and 2015. All 360 Services technicians have completed various levels of inspection, repair, and installation training from a variety of different manufacturers.

Earlier this year, 360 Services was notified by Greenwood Fire Department Division Chief Rodney C. Johnson and Lieutenant Tracy Rumble that 360 Services technicians were prohibited from *inspecting* fire suppression systems located in the City of Greenwood ("City") unless the technician has been certified by the fire suppression device manufacturer.

The aforementioned position set forth by Chief Johnson and Lt. Rumble appears to be based upon an interpretation of Greenwood City Ordinance Sec. 6-105 Installation of Kitchen Ventilation and Extinguishment Equipment:

Sec. 6-105 Installation of Kitchen Ventilation and Extinguishment Equipment.

- (a) The installation of kitchen ventilation and extinguishment equipment shall be in accord with the provisions of the Indiana Mechanical Code, 675 IAC 18, which is incorporated by reference.

- (b) Any company installing kitchen ventilation and extinguishment equipment shall provide a certification that their installation meets the requirements of the Indiana Mechanical Code, to be filed with the inspection report of that occupancy at the Division office. (Ord. 92-25, § 5-64 (a)-(b), 6-1-92)

(c) The installer shall be certified by the manufacturer before installing or servicing any ventilation or extinguishment system. The installer shall provide a copy of such certification, which shall be kept on file at the Division office.

(d) The installer shall notify the Fire Prevention Division at least twenty-four (24) hours in advance to witness the required test. (Ord. 91-50, § 5-64 (c)-(d), 2-3-92)

Specifically, these gentlemen rely on 6-105(c) in support of their interpretation. For your ease, I have enclosed herewith a hard copy of the subject Greenwood ordinance.

Due to industry competitiveness, however, certain fire suppression system manufactures, namely Ansul, will only certify technicians who are employed by retailers of those systems. As an example, a 360 Services Fire Protection VP worked with Ansul for 27 years and is often called in as a consultant for Ansul questions, but under the City's interpretation of the Greenwood ordinance, since he is no longer employed by an Ansul distributor, he is not permitted to inspect Ansul systems in the City. In contrast, there are technicians who work for an Ansul certified distributor, but have never received any Ansul training. Because the employer is certified, however, under the current interpretation of the Greenwood ordinances these untrained technicians could inspect a system. This result is a threat to public safety that I strongly suspect is not intended, or desired, by the City.

The practical problem for 360 Services is that it is not a distributor of Ansul branch fire protection equipment, and therefore its technicians are not "certified" by Ansul. Therefore, despite the fact that each 360 Services technician has been trained by Ansul at a certified Ansul class, and all 360 Services technicians must pass written and verbal internal tests before being allowed to service any particular brand, by the letter of the prohibition relayed by Chief Johnson and Lt. Rumble 360 Services Technicians are forbidden to inspect Ansul fire suppression systems within the City.

360 Services does not object to or question at this point in time that only manufacturer-certified technicians may install systems, but the state fire code does not require technicians who are performing system inspections to be manufacturer certified. Similarly, we do not believe the Greenwood ordinances require manufacturer certifications for inspections because, both code sections clearly apply only to an "installer" of fire suppression systems and do not make any reference to inspections.

In October of 2015, we contacted legal counsel for the City of Greenwood on behalf of 360 Services to respectfully assert our disagreement with the aforescribed interpretation of Greenwood ordinance (Sec. 6-105 Installation of Kitchen Ventilation and Extinguishment Equipment). We were informed by legal counsel that the Greenwood Fire Chief agreed with the interpretation of Chief Johnson and Lt. Rumble, and in support thereof it was the City's belief that the Indianapolis Fire Department ("IFD") has a similar regulation and interruption with respect to manufacturer certifications for inspections of fire suppression systems. We since learned, however, that IFD determined manufacturer certifications are required only for system installation and not for inspections. Attached is a copy of a letter from the City of Indianapolis,

Chairman Hawkins

-3-

December 21, 2015

Office of Corporation Counsel confirming this IFD interpretation. 360 Services operates in every corner of the State of Indiana and the City of Greenwood is the only jurisdiction that has policies and practices preventing 360 Services from *inspecting* fire suppression systems.

Although we respect the City's interpretation of the ordinances, the City's position risks great and undue harm to 360 Services and its customers. For example, 360 Services is employed by many large commercial customers who have multiple locations statewide. As a result of Greenwood's interpretation, these customers are left without anyone to service their sites in Greenwood, despite 360 Services being able to service every other Indiana location.

It is for these reasons that we respectfully request pursuant to IC 22-13-5-2 from the Fire Prevention and Building Safety Commission a written interpretation of the subject Greenwood ordinances and the differences in interpretation thereof as described herein.

We are appreciative of your professional attention to this issue. Please advise as to what next steps in this matter are. Additionally, we remain prepared to assist this state analysis and interpretation in any way possible including, but not necessarily limited to, attendance at a Commission meeting.

Very Truly Yours,



J. Murray Clark

cc: Fire Marshal James Greeson
Jonathan Whitham
Krista Taggart
Scott Chinn
Tenley Drescher-Rhoades

