

From: [Skarbeck, Molly](#)
To: [Boyle, Douglas J \(DHS\)](#); [Candace Reim](#)
Cc: [Guedel, Justin K](#); [Ash, Kathleen](#); [Schmidt, James F.](#)
Subject: RE: Petition for Administrative Review - IDHS Inspection Report Order(s) State Number AE3213896 - Monster Mini Golf
Date: Thursday, August 1, 2019 1:14:51 PM
Attachments: [image001.png](#)

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Good Afternoon,

Thank you, our office acknowledges that this petition has been withdrawn and we will not be assigning an ALJ to this matter.

Molly Skarbeck

Administrative Assistant to Advisory
Office of Attorney General Curtis Hill
302 West Washington Street
IGCS-5th Floor
Indianapolis, IN 46204
P: 317-234-6667 |f: 317-232-7979
Molly.Skarbeck@atg.in.gov



From: Boyle, Douglas J (DHS) [mailto:DoBoyle@dhs.IN.gov]
Sent: Wednesday, July 31, 2019 5:41 PM
To: Candace Reim <candace.reim@gmail.com>
Cc: Guedel, Justin K <JGuedel@dhs.IN.gov>; Ash, Kathleen <KAsh@dhs.IN.gov>; Skarbeck, Molly <Molly.Skarbeck@atg.in.gov>; Schmidt, James F. <James.Schmidt@atg.in.gov>
Subject: RE: Petition for Administrative Review - IDHS Inspection Report Order(s) State Number AE3213896 - Monster Mini Golf

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Thank you very much for your message, Ms. Reim. Mr. Guedel's email was not attached your message, so I am not aware of what he specifically advised you. In any case, he did touch base with me, and he advised me that IDHS Code Enforcement (the State Fire Marshal's Office) will be rescinding the violation to I.C. 22-14-3-5, as your business is not required to obtain an amusement and entertainment permit in order to operate.

Based on this information and your message below, I will advise the Fire Prevention and Building Safety Commission that you have withdrawn your petition for administrative review prior to an official case file being opened. However, I will need to obtain clarification from the Attorney's

General's Office and the Commission's legal counsel regarding if any additional official action is needed to dismiss your petition, even though an administrative law judge has not yet been assigned to administer the review.

Sincerely,

Douglas J. Boyle | Director – Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
302 W. Washington Street, Room E-208
Indianapolis, IN 46204
Tel: (317) 650-7720
Email: DoBoyle@dhs.in.gov
Web: www.in.gov/dhs



From: Candace Reim [<mailto:candace.reim@gmail.com>]
Sent: Wednesday, July 31, 2019 5:09 PM
To: Boyle, Douglas J (DHS) <DoBoyle@dhs.IN.gov>
Cc: Guedel, Justin K <JGuedel@dhs.IN.gov>; Ash, Kathleen <KAsh@dhs.IN.gov>; Skarbeck, Molly <Molly.Skarbeck@atg.in.gov>
Subject: Re: Petition for Administrative Review - IDHS Inspection Report Order(s) State Number AE3213896 - Monster Mini Golf

****** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ******

Dear Mr. Boyle

As per the email from Mr. Guedel, this matter has been resolved and I request that you remove my petition.

Thank you for the review and resolve.

Candace Reim

On Wed, Jul 31, 2019, 11:54 AM Boyle, Douglas J (DHS) <DoBoyle@dhs.in.gov> wrote:

Dear Ms. Reim,

The Fire Prevention and Building Safety Commission, as the ultimate authority for the State of Indiana's building and fire safety laws, is in receipt of your petition for administrative review for the above-mentioned inspection report order issued by the Indiana Department of Homeland Security, dated 7/30/2019. As provided in my attached letter, the petition for administrative review is timely, and will now be assigned to an administrative law judge

(ALJ). The review will be administered by an ALJ in the Attorney General's Office. The judge will contact you to make initial hearing arrangements. A copy of the foregoing document is also being sent to you via U.S. postal mail to the mailing address provided on my letter and your online submission. If you have any additional questions, you contact our deputy general counsel assigned to this matter (representing IDHS as the respondent), Justin Guedel.

Sincerely,

Douglas J. Boyle | Director – Fire Prevention and Building Safety Commission

Indiana Department of Homeland Security

302 W. Washington Street, Room E-208

Indianapolis, IN 46204

Tel: (317) 650-7720

Email: DoBoyle@dhs.in.gov

Web: www.in.gov/dhs



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July 31, 2019
By Electronic Mail and U.S. Postal Mail

Candace Reim
Monster Mini Golf, dba CRMMG, LLC
7591 E. US Highway 36
Avon, IN 46123
candace.reim@gmail.com

**Re: Petition for Administrative Review – IDHS Inspection Report Order Number AE3213896 –
Monster Mini Golf**

Dear Ms. Reim:

The Commission is in receipt of your petition for administrative review of IDHS Inspection Report Order Number AE3213896 – Monster Mini Golf, dated 7/30/2019. The petition for review is timely and has been granted by the Commission. The petition has been assigned to the Commission's administrative law judge.

The judge's office will contact you to make arrangements for further proceedings. Should you have any questions, you may contact our deputy general counsel assigned to the matter, Justin Guedel at jguedel@dhs.in.gov or (317) 234-9515.

Sincerely,

Douglas J. Boyle, Director
Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
302 W. Washington Street, Room E-208
Indianapolis, IN 46204
doboyle@dhs.in.gov
(317) 650-7720

Enclosure

cc: Justin Guedel, IDHS Deputy General Counsel – representing the respondent (by personal service and electronic mail)
ALJ (by electronic mail)
File

From: [DHS Legal Mailbox](#)
To: [Boyle, Douglas J \(DHS\)](#)
Subject: FW: Petition for Review
Date: Wednesday, July 31, 2019 10:20:20 AM
Attachments: [68379161_idhs_fire_code_insp_report.pdf](#)

From: noreply@formstack.com [mailto:noreply@formstack.com]
Sent: Tuesday, July 30, 2019 7:58 PM
To: DHS Legal Mailbox <Legal@dhs.IN.gov>
Subject: Petition for Review

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Formstack Submission For: [petition for review](#)

Submitted at 07/30/19 7:57 PM

Individual Name: Candace Reim

Business Name : CRMMGllc

Phone Number: (317) 268-4946

Email Address: candace.reim@gmail.com

Mailing Address: 7591 E US Highway 36
Avon, IN 46123

Are you represented by an attorney?: No

Attorney Name:

Firm:

Phone Number:

| | |
|---|--|
| Email Address: | |
| Mailing Address: | |
| Order Number: | |
| Facility Device Boiler ID: | 7591 E US Highway 36, Avon IN 46123 |
| Date Order Received: | Jul 16, 2019 |
| How did you receive the Order? : | Hand Delivery |
| Entity Issuing Order: | Fire Prevention and Building Safety Commission |
| Entity Name: | |
| Upload Order: | View File |
| Was this order specifically directed to you?: | Yes |
| Explain: | This was an inspection of CRMMGllc, dba Monster Mini Golf facility in Avon, IN |
| Have you been aggrieved or adversely affected by the order?: | Yes |
| Explain: | I do not believe the Amusement & Entertainment Permit applies to this business and would like reconsideration, please. |
| If the order was not specifically directed to you and you have not been aggrieved or adversely affected by the order, are you entitled to review under some other law? : | |
| What law?: | |
| I request review of the entire order described above: | No |

| | |
|---|---|
| <p>If you are not requesting review of the entire order, what is the scope of your request?:</p> | <p>The line item referencing an Amusement & Entertainment Permit.</p> |
| <p>I request a stay of effectiveness:</p> | <p>Yes</p> |
| <p>What is the basis of your challenge? :</p> | <p>The business concept does not fit the description provided on the application site and therefore I am questioning if this is applicable. I request reconsideration of this line item please.</p> |
| <p>What is your desired outcome? :</p> | <p>Permit does not apply and is removed from compliance need, please.</p> |
| <p>Additional information in support of my request:</p> | <p>The application states that this permit applies to concerts and other shows, amusement rides, movies, dances, and bowling. Monster Mini Golf is an indoor miniature golf course. We do not have concerts, shows, amusement rides, movies, dances or bowling.</p> |
| <p>Additional Attachments:</p> | |
| <p>Additional Attachments:</p> | |
| <p>Additional Attachments:</p> | |
| <p> </p> | |

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Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038



FIRE AND BUILDING CODE ENFORCEMENT INSPECTION REPORT ORDER

DIVISION OF FIRE AND BUILDING SAFETY
INDIANA DEPARTMENT OF HOMELAND SECURITY
302 WEST WASHINGTON STREET, RM E241
INDIANAPOLIS, IN 46204
TELEPHONE: 317-232-2222
WEB ADDRESS: WWW.IN.GOV/DHS

| | | |
|--|---|------------------------------------|
| Identification Number AE3213896 | Name of the facility MONSTER MINI GOLF | County HENDRICKS |
| Address of Property 7591 E US HWY 36 AVON 46123 | Name of the Contact NEVAEH SMITH | Telephone Number (317) 268-4946 |
| Email avon@monsterminigolf.com | Inspection Date 07/16/2019 | |
| Inspection Category ENTERTAINMENT PERMIT | Inspection Type ANNUAL | Inspection Status: VIOLATION |
| Name of the inspector DEL SCHROEDER | Phone: 3174176654 | |
| Email: dschroeder@dhs.in.gov | | |

Violations

| VIO-LATION NUMBER | RULE OR INDIANA CODE SECTION VIOLATED | DESCRIPTION OF VIOLATION | DATE BY WHICH VIOLATION MUST BE CORRECTED |
|-------------------|--|--|---|
| 1 | Sec. 604.5.2 2014 Edition IFC 675 IAC 22-2.5 | For battery-powered emergency lighting, a power test of the emergency lighting equipment shall be completed annually. The power test shall operate the emergency lighting for a minimum of 90 minutes and shall remain sufficiently illuminated for the duration of the test. <u>Of the emergency egress and exit lights tested 90 percent failed to operate on battery backup. Perform the required 90 minute test on all emergency exit lights to insure proper operation.</u> | 08/16/2019 |
| 2 | Sec. 605.1 2014 Edition IFC 675 IAC 22-2.5 | Identified electrical hazards shall be abated. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used. <u>Open breaker spaces were found in the electric panel. These space must be filled with a breaker or approved fillers.</u> | 08/16/2019 |
| 3 | Sec. 605.4 2014 Edition IFC 675 IAC 22-2.5 | Multiplug adapters, such as cube adapters, unfused plug strips or any other device not complying with NFPA 70 shall be prohibited. <u>A multi plug adapter was found in the upstairs area.</u> | 08/16/2019 |
| 4 | Sec. 605.5 2014 Edition IFC 675 IAC 22-2.5 | Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances. <u>Remove extension chords from the upstairs area that run the lights on the stair, the one being used in the merchandise side of the building and in the DJ booth as required.</u> | 08/16/2019 |
| 5 | Sec. 315.3.1 2014 Edition IFC 675 IAC 22-2.5 | Storage shall 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 deflectors in sprinklered areas of buildings. Exception: Sidewall storage to a maximum depth of thirty (30) inches (seventy-six and two-tenths (76.2) centimeters) shall be acceptable to | 08/16/2019 |

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|---|---|---|------------|
| | | <p>the ceiling in nonsprinklered buildings.</p> <p><u>On the second floor storage was found that was less than 18 inches below the sprinkler heads.</u></p> | |
| 6 | <p>Sec. 404.3.1 2014 Edition IFC 675 IAC 22-2.5</p> | <p>Fire evacuation plans shall include the following:</p> <ol style="list-style-type: none"> 1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only. 2. Procedures for employees who must remain to operate critical equipment before evacuating. 3. Procedures for assisted rescue for persons unable to use the general means of egress unassisted. 4. Procedures for accounting for employees and occupants after evacuation has been completed. 5. Identification and assignment of personnel responsible for rescue or emergency medical aid. 6. The preferred and any alternative means of notifying occupants of a fire or emergency. 7. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization. 8. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan. 9. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided. <p><u>There was no fire evacuation plan to view at the time of inspection.</u></p> | 08/16/2019 |
| 7 | <p>Sec. 404.3.2 2014 Edition IFC 675 IAC 22-2.5</p> | <p>Fire safety plans shall include the following:</p> <ol style="list-style-type: none"> 1. The procedure for reporting a fire or other emergency. 2. The life safety strategy and procedures for notifying, relocating or evacuating occupants, including occupants who need assistance. 3. Site plans indicating the following: <ol style="list-style-type: none"> 3.1. The occupancy assembly point. 3.2. The locations of fire hydrants. 3.3. The normal routes of fire department vehicle access. 4. Floor plans identifying the locations of the following: <ol style="list-style-type: none"> 4.1. Exits. 4.2. Primary evacuation routes. 4.3. Secondary evacuation routes. 4.4. Accessible egress routes. 4.5. Areas of refuge. 4.6. Exterior areas for assisted rescue. 4.7. Manual fire alarm boxes. 4.8. Portable fire extinguishers. 4.9. Occupant-use hose stations. 4.10. Fire alarm annunciators and controls. 5. A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures. 6. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires. 7. Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources. <p><u>There was no fire safety plans to view at the time of inspection.</u></p> | 08/16/2019 |
| 8 | <p>Sec. 901.4.1 2014 Edition IFC 675 IAC 22-2.5</p> | <p>Fire protection systems required by this code or the International Building Code shall be installed, repaired, operated, tested and</p> | 08/16/2019 |

| | | | |
|----|---|--|------------|
| | | <p>maintained in accordance with this code.</p> <p><u>There was no sprinkler and fire alarm report to view at the time of the inspection.</u></p> | |
| 9 | <p>Sec. 807.1 2014 Edition IFC 675 IAC 22-2.5</p> | <p>In occupancies in Groups A, E, I and R-1, and dormitories in Group R-2, curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807.2 or be noncombustible.</p> <p>Exceptions:</p> <p>1. Curtains, draperies, hangings and other decorative materials suspended from walls of sleeping units and dwelling units in dormitories in Group R-2 protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1 and such materials are limited to not more than 50 percent of the aggregate area of walls.</p> <p>2. Decorative materials, including, but not limited to, photographs and paintings in dormitories in Group R-2 where such materials are of limited quantities such that a hazard of fire development or spread is not present.</p> <p>In Groups I-1 and I-2, combustible decorative materials shall meet the flame propagation criteria of NFPA 701 unless the decorative materials, including, but not limited to, photographs and paintings, are of such limited quantities that a hazard of fire development or spread is not present. In Group I-3, combustible decorative materials are prohibited.</p> <p>Fixed or movable walls and partitions, paneling, wall pads and crash pads, applied structurally or for decoration, acoustical correction, surface insulation or other purposes, shall be considered interior finish if they cover 10 percent or more of the wall or of the ceiling area, and shall not be considered decorative materials or furnishings.</p> <p>In Group B and M occupancies, fabric partitions suspended from the ceiling and not supported by the floor shall meet the flame propagation performance criteria in accordance with Section 807.2 and NFPA 701 or shall be noncombustible.</p> <p><u>Curtains and other fabrics hanging from walls and ceilings must be fire treated or removed.</u></p> | 08/16/2019 |
| 10 | <p>IC 22-14-3-5</p> | <p>Operation without permit or special event endorsement; infraction Sec. 5. (a) This section applies to the following:</p> <p>(1) Each person who has control over the performance of an amusement or entertainment described in IC 22-12-1-23.</p> <p>(2) Each person who has control over a regulated place of entertainment.</p> <p>(b) A person described in subsection (a) commits a Class C infraction if:</p> <p>(1) a regulated place of amusement or entertainment is used for an amusement or entertainment described in IC 22-12-1-23; and</p> <p>(2) no regulated place of amusement or entertainment permit or special event endorsement issued under this chapter covers the conditions at the regulated place of amusement or entertainment that affect fire and explosion safety.</p> <p><u>An amusement and entertainment permit is required for this facility. Application for this permit can be made on line at the State Fire Marshal's website. For questions regarding this permit contact the State Fire Marshal's office at 317-232-1407.</u></p> | 08/16/2019 |
| 11 | <p>Sec. 406.2 2014 Edition IFC 675 IAC 22-2.5</p> | <p>Employees shall receive training in the contents of fire safety and evacuation plans and their duties as part of new employee orientation</p> | 08/16/2019 |

| | | | |
|--|--|---|--|
| | | and at least annually thereafter. Records shall be kept and made available to the fire code official upon request. <u>Employees must be trained and records maintained for review by the Fire Inspector.</u> | |
|--|--|---|--|

| Facility Id | Received By Name | Signature and Date |
|-------------|------------------|--|
| AE3213896 | |  |

If you are receiving this notice, property that you own or have control over has been inspected by the Indiana Department of Homeland Security (Department). Depending on the outcome of this inspection, alleged violations may have been found. If violations were found, the below information describes what this notice means and how to request review of the violations contained in this report.

NOTICE OF VIOLATIONS

This report is to notify you that violations are believed to exist on your property. However, if you enter into a corrective plan and correct these violations by the correction date provided in this report, no enforcement actions or sanctions will commence. If you fail to enter into a corrective plan, the Department will move forward with enforcement of this order and the imposition of sanctions.

If you would like to enter into a corrective plan, sign and return this notice to your inspector 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.
2. I understand my failure to correct these violations by the correction date will result in the enforcement of this report and sanctions, including but not limited to, a fine of up to \$250 per day per violation.
3. I understand no extensions of time are permitted unless they are granted in writing by 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 Department while corrections are underway.
6. I agree to notify the Department, by the compliance date, that all violations have been corrected, and I am aware that my failure to do so may result in sanctions being ordered.
7. I understand that in order for the Department to determine compliance, an additional inspection may be performed and the 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 Department is provided notice that the violations have been corrected.

Printed Name: _____ Signature: _____

If you choose not to enter into a corrective plan and would like to request **informal review** of this report, please complete the informal review form located at <https://www.in.gov/dhs/appeals.htm>. Following the receipt of this form, the Department 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 review. Additionally, if you have any questions regarding this report, you may contact that Department at (317)

232-2222.

If you do not enter into a corrective plan or receive a determination modifying or reversing this report, the requirements of this report 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; or (3) the Department consents to the request for stay in writing.

If you desire a formal administrative review of these violations, you must comply with the requirement of Indiana Code IC 4-21.5-3-7 and file a written petition for review within fifteen (15) days after receiving notice of these violations. 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 may submit your petition by the following methods:

U.S. MAIL OR PERSONAL SERVICE

Indiana Department of Homeland Security
Fire Prevention and Building Safety Commission
c/o Legal Counsel
302 W. Washington Street, Rm. E208
Indianapolis, IN 46204

ONLINE

By completing the form at
<https://www.in.gov/dhs/appeals.htm>

For additional information about the administrative review process and applicable templates that may be used for filings, visit the following link <https://www.in.gov/dhs/appeals.htm>.