



July 30, 2019  
By Electronic Mail and U.S. Postal Mail

Scott Herczeg  
Century Century  
120 S. St. Jospheh Street  
South Bend, IN 46601  
[scotth@southbendin.gov](mailto:scotth@southbendin.gov)

**Re: Petition for Administrative Review – IDHS Inspection Report Order Number AE7441 –  
Century Center (Civil Penalty)**

Dear Mr. Herczeg:

The Commission is in receipt of your petition for administrative review of IDHS Inspection Report Order Number AE7441 – Century Center (Civil Penalty), dated 7/25/2019. 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 staff attorney assigned to the matter, Justin Guedel at [jguedel@dhs.in.gov](mailto: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](mailto:doboyle@dhs.in.gov)  
(317) 650-7720

Enclosure

cc: Justin Guedel, IDHS Staff Attorney (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:** Friday, July 26, 2019 12:16:56 PM  
**Attachments:** [68379161 Inspection Report.pdf](#)  
[68380022 Century Center Koorsen Sprinkler repairs PO.PDF](#)  
[68380035 Email Koosen.pdf](#)  
[68380034 Work Order.pdf](#)

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**From:** noreply@formstack.com [mailto:noreply@formstack.com]  
**Sent:** Thursday, July 25, 2019 5:17 PM  
**To:** DHS Legal Mailbox <Legal@dhs.IN.gov>  
**Subject:** Petition for Review

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

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**Formstack Submission For: [petition for review](#)**  
Submitted at 07/25/19 5:16 PM

**Individual Name:** Scott Herczeg

**Business Name: :** Century Center

**Phone Number:** (574) 235-9711

**Email Address:** [scotth@southbendin.gov](mailto:scotth@southbendin.gov)

**Mailing Address:** 120 S. Dr. Martin Luther King Jr. Blvd.  
South Bend, IN 46601

**Are you represented by an attorney?:** No

**Attorney Name:**

**Firm:**

<b>Phone Number:</b>	
<b>Email Address:</b>	
<b>Mailing Address:</b>	
<b>Order Number:</b>	7441
<b>Facility   Device   Boiler ID:</b>	
<b>Date Order Received:</b>	Jun 11, 2019
<b>How did you receive the Order? :</b>	Hand Delivery
<b>Entity Issuing Order:</b>	Fire Prevention and Building Safety Commission
<b>Entity Name:</b>	
<b>Upload Order:</b>	<a href="#">View File</a>
<b>Was this order specifically directed to you?:</b>	Yes
<b>Explain:</b>	I was given a Civil Penalty for not having corrective action done on Fire Sprinkler System. I had a PO, the work was scheduled and Koorsen showed up to do the work without parts and then no showed. They had 40 days to do this work and it should have been completed before re-inspection. They have acknowledged it was their fault and agreed to credit me the fine amount.
<b>Have you been aggrieved or adversely affected by the order?:</b>	Yes
<b>Explain:</b>	I was made to feel like I wasn't telling the truth about the service providers commitment, I did what I was supposed to do and got the PO, the service provider not doing what they were supposed to wasn't my fault.
<b>If the order was not specifically directed to you and you have not</b>	

<b>been aggrieved or adversely affected by the order, are you entitled to review under some other law? :</b>	No
<b>What law?:</b>	
<b>I request review of the entire order described above:</b>	Yes
<b>If you are not requesting review of the entire order, what is the scope of your request?:</b>	
<b>I request a stay of effectiveness:</b>	
<b>What is the basis of your challenge? :</b>	
<b>What is your desired outcome? :</b>	I want the fined waived, I did what I was supposed to do , the unresponsive service provider not doing what they were supposed to do is not my fault.
<b>Additional information in support of my request:</b>	I'm attaching the PO and the email where Koorsen admits fault and the work order that shows the work got done.
<b>Additional Attachments:</b>	<a href="#">View File</a>
<b>Additional Attachments:</b>	<a href="#">View File</a>
<b>Additional Attachments:</b>	<a href="#">View File</a>

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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 <b>AE7441</b>	Name of the facility <b>CENTURY CENTER</b>	County <b>ST JOSEPH</b>
Address of Property <b>120 S SAINT JOSEPH ST SOUTH BEND IN 46601</b>	Name of the Contact <b>SCOTT HERCZEG</b>	Telephone Number <b>(574) 235-9711</b>
Email <b>scoth@centurycenter.org</b>	Inspection Date <b>05/28/2019</b>	
Inspection Category <b>ENTERTAINMENT PERMIT</b>	Inspection Type <b>ANNUAL</b>	Inspection Status: <b>VIOLATION</b>
Name of the inspector <b>CRYSTAL GARCIA</b>	Phone: <b>3174163958</b>	
Email: <b>cgarcia@dhs.in.gov</b>		

## Violations

VIO-LATION NUMBER	RULE OR INDIANA CODE SECTION VIOLATED	DESCRIPTION OF VIOLATION	DATE BY WHICH VIOLATION MUST BE CORRECTED
1	IC 22-14-3-5	<p>Operation without permit or special event endorsement; infraction Sec. 5. (a) This section applies to the following:</p> <p style="margin-left: 20px;">(1) Each person who has control over the performance of an amusement or entertainment described in IC 22-12-1-23.</p> <p style="margin-left: 20px;">(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 style="margin-left: 20px;">(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 style="margin-left: 20px;">(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>Renew AE7441 amusement and entertainment permit with instructions sent by email.</u></p>	06/28/2019
2	Sec. 907.8.5 2014 Edition IFC 675 IAC 22-2.5	<p>The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record shall be maintained and shall be made available to the fire code official.</p> <p><u>Fire alarm report is out of date. Schedule annual test, provide test results and repair any deficiencies noted.</u></p> <p><u>Repair noted deficiencies on current sprinkler report.</u></p>	06/28/2019
3	Sec. 703.2.3 2014 Edition IFC 675 IAC 22-2.5	<p>Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.</p> <p><u>Remove all kickdown type door wedges so that fire door closes and latches as intended.</u></p>	06/28/2019
4			06/28/2019

	<p><b>Sec. 1030.2</b>  <b>2014 Edition IFC</b>  <b>675 IAC 22-2.5</b></p>	<p>Required exit accesses, exits and exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency when the building area served by the means of egress is occupied. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.</p> <p><u>Maintain exit accesses free from obstructions. (lower level back of the house)</u></p>	
5	<p><b>Sec. 315.3.1</b>  <b>2014 Edition IFC</b>  <b>675 IAC 22-2.5</b></p>	<p>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 the ceiling in nonsprinklered buildings.</p> <p><b>HIGH-PILED COMBUSTIBLE STORAGE.</b> Storage of combustible materials in closely packed piles or combustible materials on pallets, in racks or on shelves where the top of storage is greater than 12 feet (3658mm) in height. Aisles separating storage piles and racks shall be included in calculating the storage area. High-piled combustible storage also includes certain high-hazard commodities, such as rubber tires, Group A plastics, flammable liquids, idle pallets and similar commodities, where the top of storage is greater than 6 feet (1829 mm) in height</p> <p><u>Maintain ceiling clearance in the caters lower level storage area and reduce the height of storage to below 12 feet to avoid high combustible designation.</u></p>	06/28/2019

<p>Facility Id</p> <p>AE7441</p>	<p>Received By Name</p> <p>Scott Herczeg 05/28/2019</p>	<p>Signature</p> 
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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 violatoins 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 fo this report and sanctions, including but not limited to, a fine of up to \$250 per day per.
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 violations 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>. Following the receipt of this form, the Department may modiy 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 reveiw. 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>.



## CIVIL PENALTY



**TO:** Scott Herczeg  
120 S Saint Joseph St.  
South Bend, Indiana 46601  
Century Center

**DATE:** 07/11/2019

**ORDER #:** AE7441

Pursuant to Indiana Code § 4-21.5-3-6 and Indiana Code § 22-12-7-7, the Division of Fire and Building Safety of the Indiana Department of Homeland Security (the "Division") issues this Order imposing \$250 fine for failing to correct all violations of the Indiana building and fire safety laws found during an inspection conducted at your facility. A copy of the inspection report order that was issued following this inspection has been attached to this Order for your reference.

Specifically, the following violations you were required to correct still remained as of 7/11/2019.

### Sec. 907.8.5 2014 Edition IFC 675 IAC 22-2.5

The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record shall be maintained and shall be made available to the fire code official.

Please notify the Division immediately upon your compliance with the requirements of this Order. Failure to correct the above mentioned violations and remit payment in full for the fine that has been issued will result in additional sanctions and enforcement actions.

Payments may be made by:

**1. Certified Check or Money Order; or**

Made out to the Indiana Department of Homeland Security and delivered to:

Indiana Department of Homeland Security

Division of Fire and Building Safety, Code Enforcement

302 W. Washington St. Rm. E241

302 W. Washington St. Room E208 - Indianapolis, IN 46204 - 317.232.7272 - dhs.in.gov

Indianapolis, IN 46204

**2. Credit Card**

By following the directions at the following link:

<https://oas.dhs.in.gov/dfbs/idhsFeesFines/start.do>

**ADMINISTRATIVE REVIEW**

If you desire administrative review of this order, 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. You may submit your petition by either of the following methods:

**U.S. MAIL**

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>

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>.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Order has been served this 11 day of July, 2019, via hand delivery upon the following:

**Scott Herczeg**  
**120 S. Saint Joseph St.**  
**South Bend, Indiana 46601**

Signature



Indiana State Fire Marshal (or designee)

Received this 11 day of July, 2019

Signature (owner)



Received this \_\_\_\_\_ day of \_\_\_\_\_, 201\_

Signature (occupant/tenant if applicable)



# CITY OF SOUTH BEND

Accounts Payable -12 Floor County/City Building  
227 W. Jefferson Blvd. , South Bend, IN 46601 – Fax (574) 235-9928  
The City of South Bend is an Equal Opportunity Employer

**PURCHASE  
ORDER 252143**

THE ABOVE ORDER NUMBER  
MUST APPEAR ON ALL INVOICES,  
CLAIMS, PACKAGES, DELIVERY  
SLIPS, AND CORRESPONDENCE

**TO:** KOORSEN FIRE & SECURITY INC  
2719 N ARLINGTON AVE  
INDIANAPOLIS, IN 46218

**SHIP TO:** MORRIS PERFORMING ART CTR  
MORRIS PERFORMING ART CTR  
211 N MICHIGAN STREET  
SOUTH BEND, IN 46601

<b>REQUISITION #</b> 0000221286
<b>DELIVER BY DATE</b> 05/29/2019
<b>ACCOUNT NO</b> 67004066453106
<b>VENDOR'S NO</b> 3481
<b>PROJECT NO</b>
<b>REQUISITION DATE</b> 05/29/2019
<b>ITEM #</b>
<b>QUANTITY/UNIT</b>

**NOTICE TO VENDOR**

1. If Vendor delivers any merchandise without valid purchase order, no liability exists for City of South Bend
2. City of South Bend reserves right to cancel all or part of this order if delivery is not made when and as specified.
3. Vendor accepts this order at listed price or lowest prevailing market price. No price increase allowed after acceptance.
4. All goods subject to inspection and rejection (freight at vendor's expense), not withstanding prior payments to secure cash discount..
- 5 If subject to cash discount, please indicate on invoice or claim.

<b>FEDERAL EXCISE TAX EXEMPTION</b> 35-6001201	<b>INDIANA SALES TAX EXEMPTION</b> 0003502538-001	
<b>ITEMS and DESCRIPTION</b>	<b>Price</b>	<b>Total</b>

1	REPLACE 1 3"OS&Y VALVE, 1 PRESSURE GAUGE &	2,049.9600	2,049.96
1.00 / EA	waterflow switch		

<b>TOTAL PURCHASE AMOUNT</b>	<b>\$2,049.96</b>
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This order issued in compliance with Chapter 99, Acts 1945 and acts amendatory thereof and supplemental thereto.



I hereby certify there is an unobligated balance in this appropriation sufficient to pay for this order.

Controller or Authorized Representative

APPROVED – Central Purchasing Office  
PO. Number 252143

N25

23CEN0120

Tech # =

Sales Tax = 00.000%

WORK ORDER #

S03426739

INVOICE TO:

CENTURY CENTER  
120 S SAINT JOSEPH ST  
SOUTH BEND, IN 46601

SERVICE LOCATION:

CENTURY CENTER  
120 S SAINT JOSEPH ST  
SOUTH BEND, IN 46601

CUSTOMER AUTHORIZATION:

DATE DUE: 7/25/19

347 PO = Renewal 574/235-9711-  
EPLACE (1) LEAKY 3" OS&Y VALVE, (1) PRESSURE GAUGE, REPLACE &

Scheduled w/ Scott  
574/235-9130

No. of Technicians	Service Zone	Portal to Portal Travel Hrs.	Arrived	Departed
2		30 min	8:00am	5:00pm

Type of System	Manufacturer	<input checked="" type="checkbox"/> Trouble Call	<input type="checkbox"/> Routine Inspection
Fire Sprinkler	Simplex	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Problems Found:  
Recommend ~~tech~~ troubleshoot  
latching WF in cafe,  
will need to replace (1)  
tamper in ML-92 2nd floor  
ONE sales director office

Description of Work Performed:  
KFS replaced (8) OSY tamper switches, during service call  
(1) Tamper went into trouble. Replaced it, in the art room.  
Will need to order and replace (1) tamper later. We also  
replaced (1) 3" OSY valve (1) Flow switch and (1) Gauge.  
Upon departure system back online and is normal condition

Company Name	Fire Alarm	Sprinkler	Clean Agent	CO2/FM200/Inergen	Alarm Monitoring	Access Control	Security System	Video Surveillance

Qty.	Material Used	Each	Amount	Date	Technician	Hrs.	Rate	Labor Charge
1	SG3							
8	OSYSU-1							
1	ADI# PL-VSR3							
1	3" OSY valve							
Material Total Forward								

The above inspection is made for the purpose of checking the mechanical and/or electrical operation of the equipment and not to determine or guarantee proper capacity, engineering or original installation.

Vendor shall not be responsible for the improper operation of any inspected equipment that, after serviceman has left premises, has been discharged, vandalized, tampered with or damaged.

The reverse of this agreement is incorporated herein. Please read carefully. We are not an insurer. Our maximum liability is limited to \$250.00. User acknowledges receipt of copy and that he has read and understands reverse side of agreement.

Customer's Signature  Date 7/25/19 Technician's Signature  Date 7/25/19

Print Customer Name

Total Labor Hrs.
Total Material
Sub-Total
Sales Tax
Total Due

## Scott Herczeg

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**From:** Steve Fredel <Steve.Fredel@koorsen.com>  
**Sent:** Tuesday, July 23, 2019 7:55 PM  
**To:** Scott Herczeg  
**Cc:** Dwight Williams  
**Subject:** Re: Century Center

Scott,

We will reduce this invoice by \$250. I apologize for any inconvenience. We should have this completed this week. Please let me know if you have any further questions.

Thank you,

Steve Fredel  
Nicet# 141009 Level II  
**KOORSEN FIRE & SECURITY**  
3953 Ralph Jones Drive South Bend IN. 46628  
2173 W. Wilden Ave. Goshen IN. 46528  
T 574-538-2165 | M 574-320-3208  
steve.fredel@koorsen.com | www.koorsen.com

Sent from my iPhone

On Jul 23, 2019, at 4:25 PM, Scott Herczeg <[scotth@southbendin.gov](mailto:scotth@southbendin.gov)> wrote:

Hey Steve, this work hasn't been done yet but it's on the schedule for Thursday now. Dwight and 3 other guys in 2 service vans showed up on June 26 but never made it inside the building because they didn't have the parts needed to do these repairs. Then I got a call Monday July 8 from Dwight saying he'd be here on Wednesday and no one came. The State Fire Marshall showed up Thursday July 11 and fined me \$250 for not getting this done. I feel like 40 days for a service provider to do service work, particularly life safety, is plenty of time to accomplish the work. This is embarrassing for both me and Koorsen I think, and I hate to let something like this ruin the good working relationship between Koorsen and Century Center and the dept. of Venus Parks and Arts and the City. I'm asking if you would consider reducing the repairs quote by \$250 or give me a credit on future work to cover the fine because I think I did what I was supposed to do, and hopefully these repairs will get done soon. Thanks, Scott

Scott Herczeg  
City of South Bend Venues, Parks & Arts  
Director of Operations  
Century Center  
574-235-9130  
[scotth@southbendin.gov](mailto:scotth@southbendin.gov)

IMPORTANT NOTICE! This E-Mail transmission and any accompanying attachments may contain confidential information intended only for the use of the individual or entity named above. Any