

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Thursday, March 18, 2021
By Electronic Mail

Fr. Douglas Mayer
Pastor and Petitioner
Saint Paul Catholic School
1755 Harrison Boulevard
Valparaiso, IN 46385
pastor@saintpaulvalpo.org

Robert Schwerd
Attorney for the Petitioner
Schwerd, Fryman & Torrenge, LLP
825 E. Lincolnway
Valparaiso, IN 46383
rms@sftlawyers.com

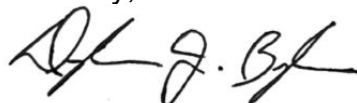
Re: Petition for Administrative Review – IDHS Notice of Violations Order No. 716647, Violation No. 4 – Saint Paul Catholic School

Dear Fr. Mayer and Mr. Schwerd:

The Indiana Fire Prevention and Building Safety Commission (Commission) is in receipt of your electronically-filed petition for administrative review of Indiana Department of Homeland Security (IDHS) Notice of Violations Order No. 716647, Violation No. 4 – Saint Paul Catholic School, submitted on Thursday, March 18, 2021. Pursuant to the requirements of Indiana Code § 4-21.5-3-7, your petition for administrative review is hereby granted by the Commission.

Your petition will now be forwarded to the Indiana Office on Administrative Law Proceedings (OALP) to be assigned to the Commission's administrative law judge. OALP or the judge will contact you directly to make arrangements for further proceedings. Should you have any questions, you may contact the Indiana Department of Homeland Security's deputy general counsel assigned to this matter, Justin Guedel, at jguedel@dhs.in.gov or (317) 234-9515.

Sincerely,



Douglas J. Boyle, Director
Indiana Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
Indiana Government Center South, Room E-208

302 W. Washington Street
Indianapolis, IN 46204
dboyle@dhs.in.gov

Enclosure

cc: Justin K. Guedel, IDHS Deputy General Counsel – representing the Respondent
(by electronic mail)
Bryston Sprecher, Administrative Assistant of the Indiana Fire Prevention and
Building Safety Commission (by electronic mail)

From: noreply@formstack.com
To: [DHS Legal Mailbox](#)
Subject: Petition for Review
Date: Thursday, March 18, 2021 12:16:25 PM
Attachments: [68379161_FIRE_MARSHAL_INSPECTION_AND_VIOLATIONS..pdf](#)
[68380022_St._Paul_School_-_Library.pdf](#)
[68380035_ST_PAUL_SCHOOL_FIRST_FLOOR_see_Library_East_sid.pdf](#)

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



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

Submitted at 03/18/21 12:14 PM

Individual Name:	Fr. Douglas Mayer
Business Name: :	St. Paul Catholic School
Phone Number:	(219) 464-4831 ext. 225
Email Address:	pastor@saintpaulvalpo.org
Mailing Address:	St. Paul Catholic School 1755 Harrison Blvd. Valparaiso, IN 46385
Are you represented by an attorney?:	Yes
Attorney Name:	Robert Schwerd
Firm:	Schwerd, Fryman & Torrenge, LLP

Phone Number:	
Email Address:	rms@sftlawyers.com
Mailing Address:	Schwerd, Fryman & Torrenga, LLP 825 E. Lincolnway Valparaiso, IN 46383
Order Number:	
Facility Device Boiler ID:	State No. SC085C, Inspection No. 716647
Date Order Received:	Mar 08, 2021
How did you receive the Order? :	Email
Entity Issuing Order:	Indiana Department of Homeland Security
Entity Name:	
Upload Order:	View File
Was this order specifically directed to you?:	Yes
Explain:	I am the Pastor of St. Paul Parish and am directly responsible for the operation of the school building.
Explain:	
Have you	

been aggrieved or adversely affected by the order?:

Yes

Explain:

The cost of installing a sidewalk from a private secluded patio to a public way which is approximately 100 feet away would place the school into severe financial hardship and put the children at risk.

Explain:

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:

Yes

If you are not requesting review of the entire order, what is the scope of your request?:

I request a stay of

Yes

effectiveness:

We are requesting a review of only item #4 on the Inspection Report based on the following reasons:

1. We believe that item #4 was issued in error and we are entitled by law to have the matter reviewed.
2. The building, including the patio off the library was approved by the State in 2006-2007. When approval was given, the State was aware the patio off the library (see building plans attached **) was not available for public use and instead would be used only for a quiet reading area and for quiet contemplation by small groups of students, when the weather is conducive to sitting outside. The door leading to the patio is not used by the public and is not considered a public entrance or exit, nor is it marked as a fire exit.
3. The school use of the patio and the door leading to the patio is grandfathered in as a legal nonconforming use and not subject to section 1007-2 of the 2014 Edition IBC 675IaC 13-2-6.
4. To require the school to attach the patio area to a public walkway makes no sense. The patio was designed to be secluded. If a sidewalk is put in connecting the patio to a public walkway the children would be subject to the general public walking up to them thereby placing the children at risk. Such a requirement defeats having the patio as a secure isolated space for reading and contemplation. (See photos of St. Paul's)The first photo shows the patio and shows a sidewalk would then have to extend to the sidewalk at the front of the school. The second photo shows how the sidewalk would have to extend to the public walkway, a total distance of one hundred (100) feet. In case of an emergency the 3 or 4 students who may be using the patio can simply walk across the grass to the sidewalk.
5. The cost of installing a sidewalk to the public would be a financial burden on the already strained budget of the school. As shown by the attached photos, the new sidewalk would be approximately one hundred (100) feet long.

What is the basis of your challenge? :

What is your desired outcome? :

To not have to install a sidewalk from the patio continuous to a public way as required by item #4 of the attached Report of Inspection.

**Additional
information
in support of
my request:**

**Additional
Attachments:**

[View File](#)

**Additional
Attachments:**

[View File](#)

**Additional
Attachments:**

[View File](#)

Copyright © 2021 Formstack, LLC. All rights reserved. This is a customer service email.

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



Melissa Czekaj <mczekaj@stpaulvalpo.org>

Initial @ 352 WEST CHICAGO STREET

3 messages

Alvin Fry <afry3176701517@icloud.com>
To: stpaul8@comcast.net
Cc: AFry@dhs.in.gov, MCZEKAJ@stpaulvalpo.org, ARUIZ@ststansec.org

Mon, Mar 8, 2021 at 1:41 PM

Please find the attached inspection report documents for the following state numbers: SC085C.

Please find a copy of your report from today's inspection attached. As discussed, violations were observed, and a corrective action plan has been provided. In the event you wish to request an extension of this plan, you will have (5) business days to respond via email; please indicate your proposed timeframe and a valid purpose for an extension request. You will receive an emailed response indicating whether the request is granted or denied. A reinspection will occur after the corrective action plan timeframe has expired. Upon reinspection, all violations will be expected to be abated. If violations remain, sanctions will be issued. If there are any questions, please contact me to discuss as soon as possible.

Alvin L. Fry | Code Official- Code Enforcement
Division of Fire & Building Safety
Indiana Department of Homeland Security
302 W. Washington Street, Room E 241
Indianapolis, IN 46204
Cell: 317-670-1517
Email: afry@dhs.in.gov
Web: www.in.gov/dhs

 **SC085C.pdf**
41K

Melissa Czekaj <mczekaj@stpaulvalpo.org>
To: Alvin Fry <afry3176701517@icloud.com>
Cc: Diane Kepa <stpaul8@comcast.net>, AFry@dhs.in.gov, ARUIZ@ststansec.org, Gina Wagenblast <gwagenblast@stpaulvalpo.org>

Mon, Mar 8, 2021 at 1:57 PM

Hi, Alvin!

Can you make the following corrections to the report?

1. You have our OLD school address shown on the report (352 Chicago Street, Valparaiso, IN). Please change this to the new school address at: 1755 W. Harrison Blvd., Valparaiso, IN 46385
2. You show the OWNER as St. Stanislaus in Merrillville. That should be changed to Saint Paul Catholic School, 1755 W. Harrison Blvd., Valparaiso, IN 46385

Thank you.

Sincerely,
Melissa Czekaj

On Mon, Mar 8, 2021 at 1:46 PM Alvin Fry <afry3176701517@icloud.com> wrote:
Please find the attached inspection report documents for the following state numbers: SC085C.

2004

Please find a copy of your report from today's inspection attached. As discussed, violations were observed, and a corrective action plan has been provided. In the event you wish to request an extension of this plan, you will have (5) business days to respond via email; please indicate your proposed timeframe and a valid purpose for an extension request. You will receive an emailed response indicating whether the request is granted or denied. A reinspection will occur after the corrective action plan timeframe has expired. Upon reinspection, all violations will be expected to be abated. If violations remain, sanctions will be issued. If there are any questions, please contact me to discuss as soon as possible.

Alvin L. Fry | Code Official- Code Enforcement
Division of Fire & Building Safety
Indiana Department of Homeland Security
302 W. Washington Street, Room E 241
Indianapolis, IN 46204
Cell: 317-670-1517
Email: afry@dhs.in.gov
Web: www.in.gov/dhs

--
Sincerely,
Melissa Czekaj

Saint Paul Catholic School
1755 W. Harrison Blvd.
Valparaiso, IN 46385
(219) 462-3374

Fry, Alvin <AFry@dhs.in.gov>
To: Melissa Czekaj <mczekaj@stpaulvalpo.org>

Mon, Mar 8, 2021 at 2:10 PM

Will do. Thank you Mam for the updated information

Alvin Fry | Code Official-Code Enforcement
Fire and Building Code Official
Division of Fire Building Safety
Office of the State Fire Marshal
Indiana Department of Homeland Security
302 W. Washington Street Room E-241
Indianapolis, Indiana 46204
Cell: 317-670-1517
Office: 317-232-1407
afry@dhs.in.gov
in.gov/dhs

From: Melissa Czekaj <mczekaj@stpaulvalpo.org>
Sent: Monday, March 8, 2021 2:57:17 PM
To: Alvin Fry <afry3176701517@icloud.com>
Cc: Diane Kepa <stpaul8@comcast.net>; Fry, Alvin <AFry@dhs.IN.gov>; ARUIZ@ststansec.org
<ARUIZ@ststansec.org>; Gina Wagenblast <gwagenblast@stpaulvalpo.org>
Subject: Re: Initial @ 352 WEST CHICAGO STREET

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

[Quoted text hidden]

Report of Inspection

Indiana Department of Homeland Security
302 W. Washington Street, Room E208 Indianapolis, IN 46204
Phone: 317-232-2222

State Number	Inspection Number
SC085C	716647

Visit us at: <http://www.in.gov/dhs>

Date	03/08/2021 12:58PM	Type	Initial
Results	Notice of Violations		
Location		Owner	
Name	SAINT PAUL SCHOOL	Name	ST. STANISLOUS SCHOOL
Street	352 WEST CHICAGO STREET	Street	4930 INDIANAPOLIS BLVD
City	VALPARAISO	City	MERRILLVILLE
Zip	46383	Zip	46410-7048
		Contact	MIKE KLOSS - (219) 263-6490
Inspector		Item	
Name	Alvin Fry III	State Number	SC085C
Email	AFry@dhs.IN.gov	Type	School
Phone	(317) 670-1517	CDRs	

Notice Of Violations

#	Code	Description	Order	Correct By	Fee
1	Sec. 703.4 2014 Edition IFC 675 IAC 22-2.5	Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm proper operation and full closure. A written record shall be maintained and be available to the fire code official.	Kitchen and concession roll down fire doors need an up to date test.	04/08/2021	n/a
2	Sec. 605.3.1 2014 Edition IFC 675 IAC 22-2.5	Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign stating ELECTRICAL ROOM or similar approved wording. The disconnecting means for each service, feeder or branch circuit originating on a switchboard or panelboard shall be legibly and durably marked to indicate its purpose unless such purpose is clearly evident.	Label all breakers. In all electric panels.	04/08/2021	n/a

3	<p>Sec. 210.8(B) (5) 2009 Edition IEC 675 IAC 17-1.8</p>	<p>All 125-volt, singlephase, 15- and 20-ampere receptacles installed in the locations specified in (1) through (5) shall have ground-fault circuit-interrupter protection for personnel: (5) Sinks - where receptacles are installed within 1.8 m (6 ft) of the outside edge of the sink. Exception No 1 to (5): In industrial laboratories, receptacles used to supply equipment where removal of power would introduce a greater hazard shall be permitted to be installed without GFCI protection. Exception No 2 to (5): For receptacles located in patient care areas of health care facilities other than those covered under 210.8(B)(1), GFCI protection shall not be required.</p>	<p>Outlet next to water fountain needs to be GFCI protected.</p>	<p>04/08/2021</p>	<p>n/a</p>
4	<p>Sec. 1007.2 2014 Edition IBC 675 IAC 13-2.6</p>	<p>Each required accessible means of egress shall be continuous to a public way and shall consist of at least one of the following components: 1. Accessible routes complying with Section 1104. 2. Interior exit stairways complying with Sections 1007.3 and 1022. 3. Interior exit access stairways complying with Sections 1007.3 and 1009.3. 4. Exterior exit stairways complying with Sections 1007.3 and 1026 and serving levels other than the level of exit discharge. 5. Elevators complying with Section 1007.4. 6. Platform lifts complying with Section 1007.5. 7. Horizontal exits complying with Section 1025. 8. Ramps complying with Section 1010. 9. Areas of refuge complying with Section 1007.6. 10. Exterior area for assisted rescue complying with Section 1007.7.</p>	<p>Rear exit needs a sidewalk continuous to a public way.</p>	<p>04/08/2021</p>	<p>n/a</p>
5	<p>Sec. 901.6.2 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises or made readily available for a minimum of two (2) years from the date of the last inspection, except that original acceptance test reports shall be maintained for the life of the system.</p>	<p>I need to see an up to date fire alarm and sprinkler inspection report.</p>	<p>04/08/2021</p>	<p>n/a</p>

6	Sec. 405.5 2014 Edition IFC 675 IAC 22-2.5	Records shall be maintained of required emergency evacuation drills and include the following information: 1. Identity of the person conducting the drill. 2. Date and time of the drill. 3. Notification method used. 4. Staff members on duty and participating. 5. Number of occupants evacuated. 6. Special conditions simulated. 7. Problems encountered. 8. Weather conditions when occupants were evacuated. 9. Time required to accomplish complete evacuation.	I need to see an up to date emergency drill log containing all of the above information.	04/08/2021	n/a
---	---	---	--	------------	-----

If you are receiving this document, property that you own or have control over, has been, or was attempted to be, inspected by the Indiana Department of Homeland Security (Department). Depending on the outcome of this inspection, one of five different **RESULTS** was notated. See the first page for the **RESULT** of this inspection. The following describes what each **RESULT** means:

1. INSPECTION NOT POSSIBLE

This report is to notify you that the Department attempted to perform an inspection of your property, but was unable to for some reason. If you have not already spoken with your inspector regarding this, please contact him or her immediately.

2. NO VIOLATIONS FOUND

This report is to notify you that the Department performed an inspection of your property, and no violations were found to exist. However, please be aware that obtaining a **RESULT** of "no violations found" does not mean that no violations exist on your property or may be found during a later inspection.

3. EMERGENCY OR TEMPORARY ORDER

This report is to notify you that the Department has determined that conduct or a condition of property:

1. presents a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser;
2. is prohibited without a permit, registration, certification, release, authorization, variance, exemption, or other license and the license has not been issued; or
3. will conceal a violation of law.

This order must immediately be complied with, up to and until such time that: (1) it expires; (2) an order is issued by an administrative law judge voiding, terminating, modifying, or staying its effectiveness; or (3) the Department terminates its effectiveness. If you desire administrative review of this order, you must submit your request by one of the methods provided for in the **administrative review** section mentioned below.

4. 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, 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.
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 \$250 per day per violation.
3. I understand no extensions of time are permitted unless they are granted in writing by the 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.

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 a stay in writing. To request an **informal review** or **administrative review** of this report, you must comply with the information provided below.

5. SANCTIONS

This report is to notify you that sanctions are being imposed due to violation(s) of the law. For information on how to request an **informal review** or **administrative review**, see below.

INFORMAL REVIEW

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

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. 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

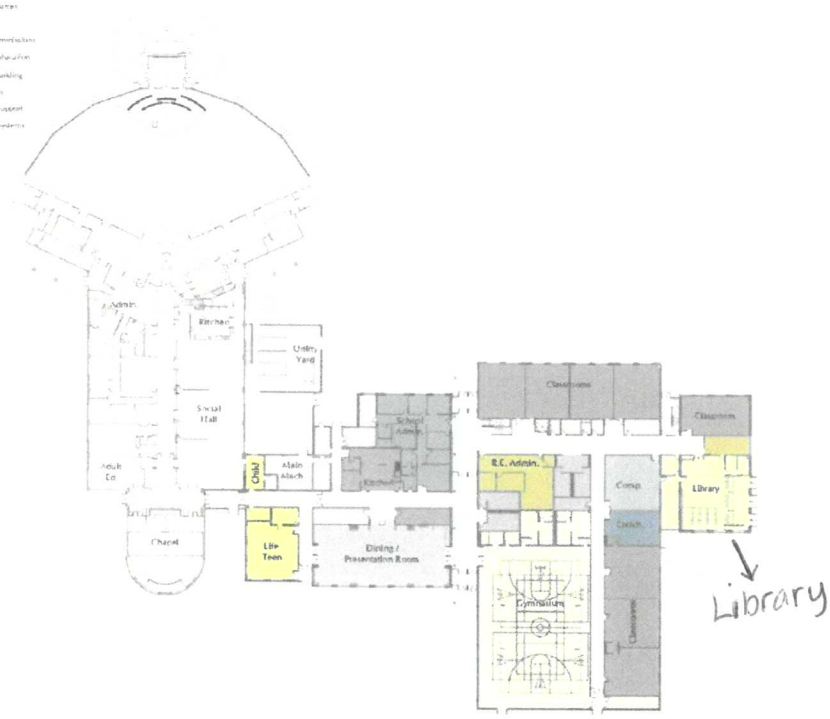
Indiana Department of Homeland Security
Fire Prevention and Building Safety Commission
302 W. Washington Street, Rm. E208
Indianapolis, IN 46204

ONLINE

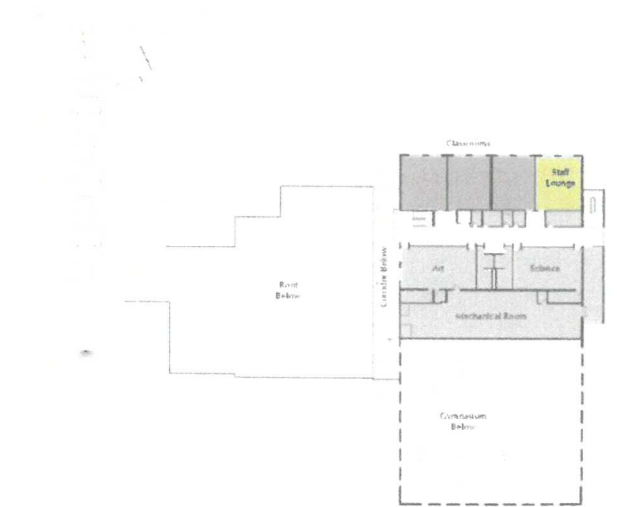
By completing the form at
<https://www.in.gov/dhs/4148.htm>

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 the following link <https://www.in.gov/dhs/appeals.htm>.

- School Administration
- Religious Ed. Administration
- Classrooms
- Educational Support
- Special Needs Classrooms
- Extracurricular Classrooms/Club
- Fiscal Services
- Dining Classrooms
- Administration
- Student Services
- Staff Resources
- Library
- Parent Committee
- Physical Education
- Emergency Banking
- Corridors
- Building Support
- Building Systems



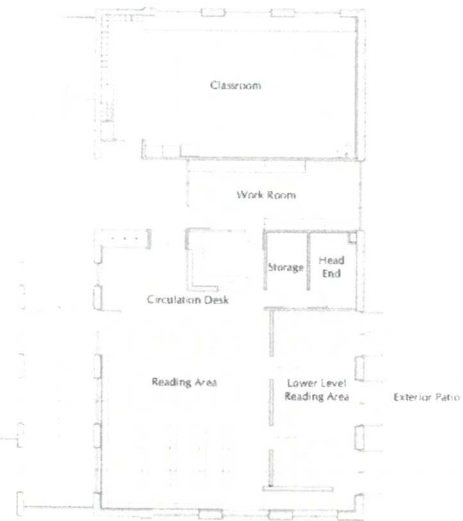
⊕ First Level – Floor Plan



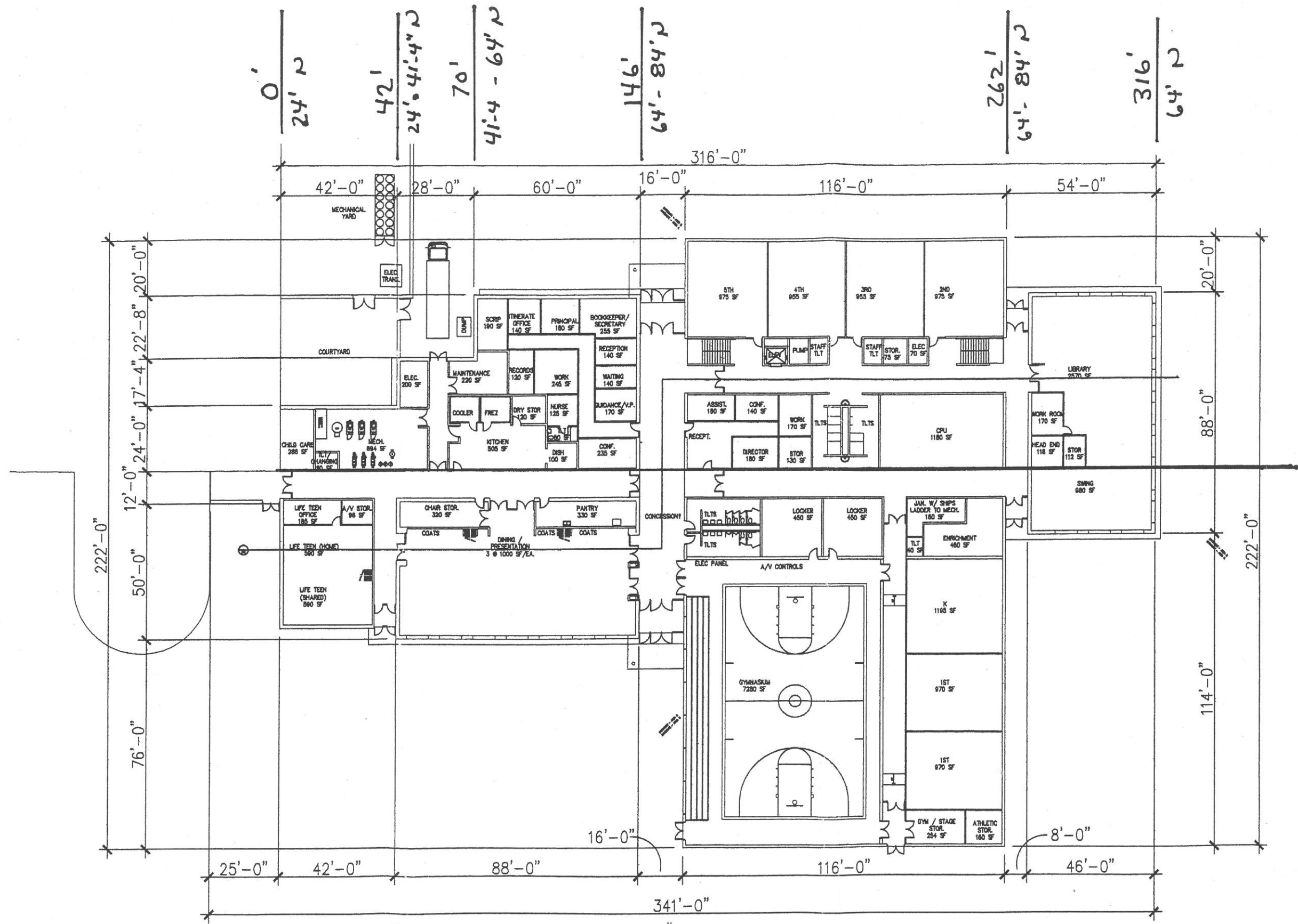
⊕ Second Level – Floor Plan



Library / Media Center



Library / Media Center – Floor Plan



DLR Group

0' / 56' S
42' / 62'-56' S

146'
2'-138' S
1" = 30'-0"

262'
24' - 138' S

St. Paul Education Center

316'
24' S

Photo 1

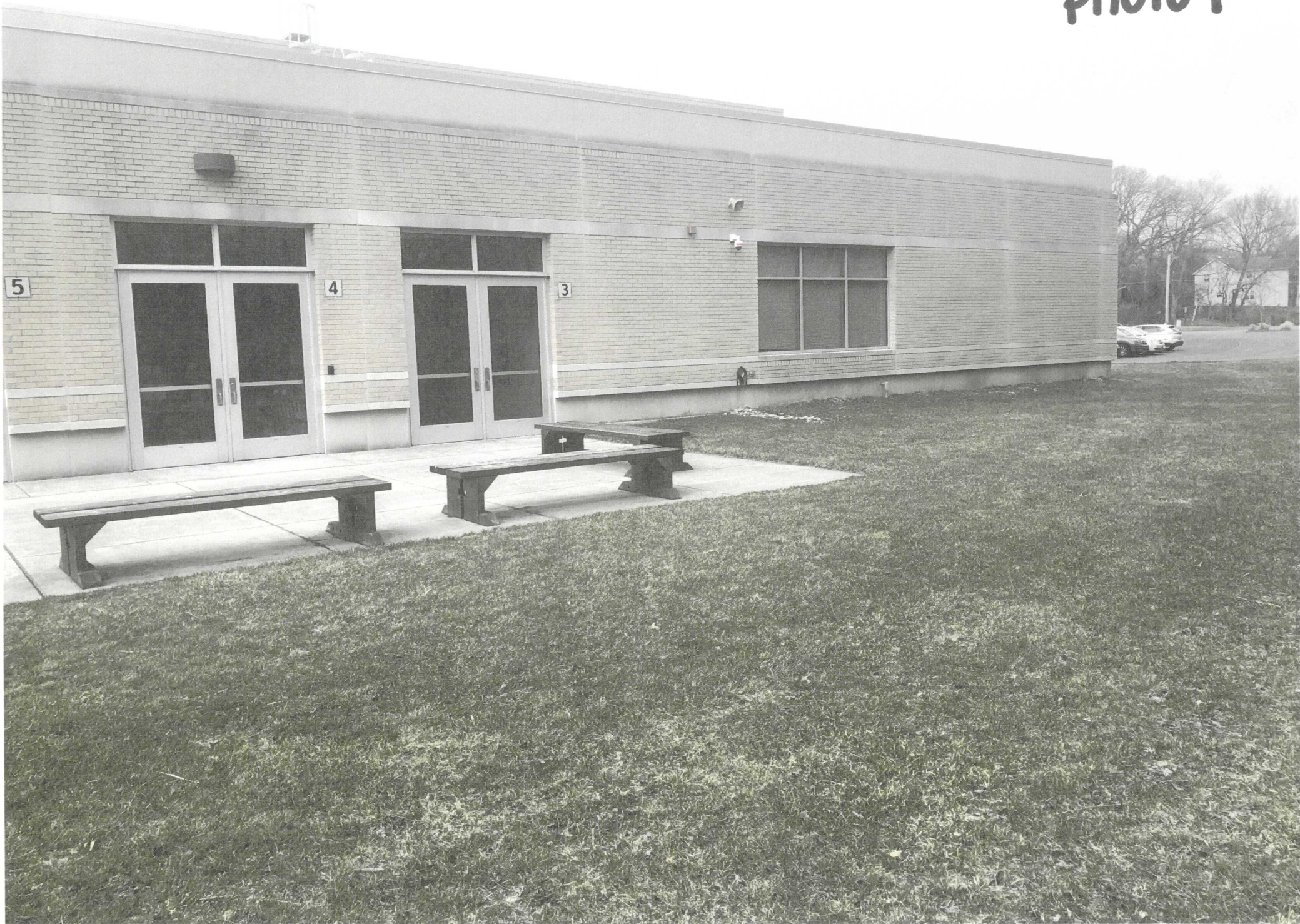


Photo 2

