



September 21, 2018
By U.S. Postal Mail

Lori Ricketts, President
Alva Electric
118 W. Franklin Street
Evansville, IN 47710

**Re: Petition for Administrative Review – Inspection Report Order State Number 395767:
McCutchanville Elementary School**

Dear Ms. Ricketts:

The Fire Prevention and Building Safety Commission (Commission) is in receipt of your petition for administrative review of Inspection Report Order State Number 395767: McCutchanville Elementary School, dated 9/14/2018. Your petition for administrative review will be reviewed and discussed at the next regularly scheduled meeting of the Commission – currently scheduled to begin at 9:00 AM on Tuesday, October 2, 2018. Pursuant to Indiana Code § 4-21.5-3-7, the Commission will make a determination as to whether you, as the petitioner, qualify for review of this order.

Sincerely,

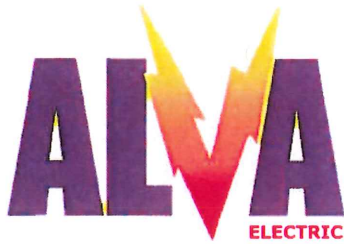
A handwritten signature in black ink, appearing to read "D. J. Boyle", is written over a light blue horizontal line.

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 K. Guedel, IDHS Staff Attorney (via personal service)
James F. Schmidt, Deputy Attorney General and Fire Prevention and Building Safety Commission Legal Counsel (via electronic mail)
File



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IDHS

SEP 17 2018

LEGAL AND CODE
SERVICES

118 W Franklin Street Evansville, IN 47710
Phone: (812) 401-2582 Fax: (812) 401-6155

September 14, 2018

PETITION FOR REVIEW

**Division of Fire and Building Safety, Indiana Dept. of Homeland Security – Identification Number
395767**

Via U.S. Mail.

Indiana Department of Homeland Security
Fire Prevention and Building Safety Commission
302 W. Washington St., Room W246
Indianapolis, Indiana 46204

**Re: Petition for Review of Order Number 395767 issued by the Division of Fire and
Building Safety, Indiana Department of Homeland Security.
Petition submitted pursuant to IC 4-21.5.**

To: Fire Prevention and Building Safety Commission, Indiana Department of Homeland Security:

We represent ALVA Electric, Inc. ("ALVA") and submit this Petition for Review of an Order on its behalf
and for its position state:

Petitioner: ALVA Electric, Inc.
118 W. Franklin Street
Evansville, Indiana 47710
(812) 401-6155

Order being reviewed:

Issuing entity: Division of Fire and Building Safety, Indiana Department of Homeland Security
Identification Number: 395767
Name of Contact: Roger Lehman, (812) 589-0331, roger.lehman@evsck12.com
Property Address: 10701 Petersburg Road, Evansville 47725
Inspector: Casey Eaton
Date of Inspection: 8/30/2018

Challenged Portion of Order

Violation Challenged: Violation Number 4.

Grounds for Petitioner's standing

ALVA is submitting this Petition for Review because it is aggrieved and adversely affected by the referenced Order and can be granted review. ALVA was the contractor under contract to install the electrical system and installed the electrical raceways that are the subject of Violation Number 4 of the Order. ALVA has been given instructions by the Owner to change the configuration of the raceways. Changing the raceways is unnecessary and will cause ALVA serious damages. The Order could hold up permanent occupancy of a school and make ALVA liable and subject to a damages lawsuit. ALVA is adversely affected and a review can be granted under IC 4-21.5-3-7(a)(1)(B). ALVA received the Order from the Contact Roger Lehman by email on September 11, 2018.

Grounds for Challenge

Violation 4 of the Order is based upon a violation of 675 IAC 17-1.8, Sec. 300.10 2009 Edition IEC. The Division of Fire and Building Safety has misapplied the Rule to the facts.

As a preliminary matter, Inspector Eaton refers to Sec. 300.10 2009 Edition IEC. It is assumed that IEC stands for "Indiana Electric Code." 675 IAC 17-1.8-1 adopts by reference the 2008 Edition of the National Electrical Code. This distinction may be immaterial, however, because the language quoted by Inspector Eaton tracks language of the 2008 NEC.

Inspector Eaton suggests non-compliance by stating, "Electrical raceways were found to not be complete and to not terminate with an approved connector throughout the building at time of inspection." The installation of the raceways as viewed by Inspector Eaton is not a violation of Section 300.10 and its exception 1 as applicable. Inspector Eaton does not explain why the system is considered incomplete, nor what rule addresses or defines an "approved connector." Regardless of how Inspector Eaton is attempting to apply Article 300.10, it is an improper interpretation of the Rule because the electrical work at the cited location is code-compliant in all respects.

The termination method is compliant with Article 300.10.

Article 300.10 provides for certain conduit systems to be joined into a continuous electrical conductor so as to provide effective electrical continuity. The governing code does not require all conduit raceway configurations within structures run to ground; similarly, the governing code does not require that all conduit raceways should electrically connected to become energized in the event of a ground fault. There are express exceptions that apply to raceways that are not electrically coupled. Article 300.10 Exception No. 1 states one such exception:

300.10 Electrical Continuity of Metal Raceways and Enclosures. Metal raceways, cable armor, and other metal enclosures for conductors shall be metallically joined together into a continuous electrical conductor and shall be connected to all boxes, fittings, and cabinets so as to provide effective electrical continuity. Unless specifically permitted

elsewhere in this *Code*, raceways and cable assemblies shall be mechanically secured to boxes, fittings, cabinets, and other enclosures.

Exception No. 1: Short sections of raceways used to provide support or protection of cable assemblies from physical damage shall not be required to be made electrically continuous.

It appears that Inspector Eaton does not consider the entire system and the context in which the conduit at issue is situated. Without considering the entire system and this context, Exception No. 1 has not been given its due. Exception 1 to Article 300.10 applies because the conduit at issue is (a) a 10" factory bend, (b) coming from within the block wall, (c) encased in concrete, and (d) a conduit stub coming from underground, and (e) bonded (*and grounded*) to the service entrance grounding system. The conduit stub coming through the wall is a short section to provide protection.

The method used here for terminating the raceway protecting cables passing through a masonry wall is code-compliant. Exception No 1 to Article 300.10 applies to the conduit stubs that bring branch circuit cables to the raceway system. The intent of Exception 1 is to allow for a protective conduit stub to be unconnected. It is unnecessary and not prudent to electrically connect the raceway network to the branch circuit stubs. The raceway system is properly bonded to the ground system at every equipment location. It would not be prudent to connect the branch circuit conduit stubs such that those could become energized from a fault in the raceway system. The branch stubs passing through the masonry walls do not run to "ground." The conduit stubs are effectively insulated inside 8" concrete filled blocks connected to the earth or, in some cases, raceway systems. The use of a conduit stub through masonry walls in this manner provides effective electrical continuity as required by 300.10 and Exception No. 1. The system could still work if electrically connected, but if any energy is introduced into the branch circuit stubs, it will not go to "ground" except by a path back to the raceway system where the system is bonded to ground. Thus, the system is not made more "safe" by electrically connecting the branches inside the walls such that those would become energized if the raceways become energized. There are no additional bonding jumpers in the branch circuit stubs to assist with discharging energy. Those are maintained in the raceway system itself.

The practice of terminating conduit stubs through masonry walls as used at the North Elementary School project is a commonly used practice, and Exception 1 to Article 300.10 was written into the NEC Code in 1999 to allow for conduit stubs and raceways. The connection is mechanically continuous due to the raceway being encased in concrete. Once the box is securely anchored to the block wall, the system is reliably secure. As stated above, the procedure separates the conduit stubs electrically, but effective electrical continuity is provided – the system is insulated and grounded.

Vanderburgh County applies the NEC.

The method of installing concrete wall stubs that was used on this project meets the NEC and has been continually accepted by the Vanderburgh County Building Division. During this project alone, Vanderburgh County viewed and approved hundreds of these connections. Six separate green tags were issued for above ceiling inspections, all of which contained this method of housing a conductor junction. The practice followed here tracked literally dozens more green tags on past projects—notably numerous projects for this same Owner. Not green tags generally but green tags on other projects in Vanderburgh

County where, just like here, branch circuit stubs in masonry are not electrically continuous. The Master Electricians supervising this installation trace their roots through these projects earning those green tags with this accepted method.

The Division of Fire and Building Safety does not explain why it would connect these pipes such that they would become energized from a circuit fault coming from an electrical raceway system containing numerous points for a potential fault. We suggest the limited reading has yielded a dangerously incorrect conclusion.

ALVA requests a stay of effectiveness for this order and that this Petition for Review be granted for assignment of an administrative law judge.

Respectfully,

/s/Lori Ricketts

Lori Ricketts
President

Enc.



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 395767	Name of the facility MCCUTCHANVILLE ELEMENTARY	County VANDERBURGH
Address of Property 10701 PETERSBURGH ROAD EVANSVILLE 47725		Name of the Contact ROGER LEHMAN
Telephone Number (812) 589-0331		Email ROGER.LEHMAN@EVSCK12.COM
Inspection Category CONSTRUCTION DESIGN RELEASE		Inspection Date 08/30/2018
Inspection Type REINSPECTION		Inspection Status: VIOLATION
Name of the inspector CASEY EATON		Phone: 3174604516
Email: ceaton@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. 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 electrical boxes were found to be a shock hazard in Rm 130C as well as in the Nursing Room at time of inspection.</u>	09/30/2018
2	Sec. 907.9.1.1 2008 Edition IBC 675 IAC 13-2.5	Visible alarm notification appliances shall be provided in public areas and common areas. <u>Visible alarm notification appliances were not present in the Hotel Room, Rm. 139a and the Gym AV room at time of inspection.</u>	09/30/2018
3	Sec. 901.4 2014 Edition IFC 675 IAC 22-2.5	Fire protection systems shall be maintained in accordance with the original installation standards for that system. Alterations to fire protection systems shall be done in accordance with the applicable rules of the commission. <u>Escutcheon rings were found to be missing from sprinkler heads in the kitchen freezers at time of inspection.</u> <u>Several sprinkler heads were also found to be painted outside of the art room and science room at time of inspection.</u> <u>Also, several sprinkler heads in and near the art room were found to be covered up at time of inspection.</u>	09/30/2018
4	Sec. 300.10 2009 Edition IEC 675 IAC 17-1.8	Electrical Continuity of Metal Raceways and Enclosures. Metal raceways, cable armor, and other metal enclosures for conductors shall be metallically joined together into a continuous electrical conductor and shall be connected to all boxes, fittings, and cabinets so as to provide effective electrical continuity. Unless specifically permitted elsewhere in this Code, raceways and cable assemblies shall be mechanically secured to boxes, fittings, cabinets, and other enclosures. Exception No. 1: Short sections of raceways used to provide support or protection of cable assemblies from physical damage shall not be	09/30/2018

		<p>required to be made electrically continuous. Exception No. 2: Equipment enclosures to be isolated, as permitted by 250.96(B), shall not be required to be metallically joined to the metal raceway.</p> <p><u>Electrical raceways were found to not be complete and to not terminate with an approved connector throughout the building at time of inspection.</u></p>	
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Facility Id 395767	Received By Name	Signature and Date
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APPEAL RIGHTS

Please be advised that if you desire administrative review of this Order and **this Order was delivered by hand**, you must file a written petition for review with the Fire Prevention and Building Safety Commission at 302 West Washington Street, Rm. W246, Indianapolis, IN 46204, identifying the violations for which you seek review no later than 15 calendar days from the hand delivery date of this Order unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the first calendar day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this Order will be **FINAL** and you **MUST** comply with its requirements.

Please be advised that if you desire administrative review of **this Order and this Order was delivered by first class U.S. mail**, you must file a written petition for review with the Fire Prevention and Building Safety Commission at 302 West Washington Street, Rm. W246, Indianapolis, IN 46204, identifying the violations for which you seek review no later than 18 calendar days from the mailing date of this Order unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the first calendar day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this Order will be **FINAL** and you **MUST** comply with its requirements.

Please be further advised that you may request an opportunity to informally discuss this Order prior to filing a petition for review. Such informal discussion, or a request therefor, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone, upon receipt of this Order.



118 W. Franklin Street
Evansville, IN 47710

Good Entertainment



Indiana Department of Homeland Security
Fire Prevention And Building Safety Comm
302 W. Washington St., Room W246
Indianapolis IN 46204-4701

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