

ERIC J. HOLCOMB, Governor  
STATE OF INDIANA

INDIANA DEPARTMENT OF HOMELAND SECURITY  
302 West Washington Street  
Indianapolis, IN 46204



July 20, 2018  
By U.S. Mail

Mark Riffey  
Ryan Fire Protection, Inc.  
9740 E 148<sup>th</sup> Street  
Noblesville, IN 46060

**Re: Petition for Review – Ryan Fire Protection, Inc. Appeal of Noblesville Fire Department’s  
7/5/18 Inspection Report**

Dear Mr. Riffey:

The Commission is in receipt of your petition for review of the Noblesville Fire Department’s inspection report, dated 7/5/2018, regarding fire sprinkler installation at 32 Union Apartments. 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.

Sincerely,

A handwritten signature in black ink, appearing to read "D. J. Boyle". The signature is stylized and cursive.

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  
[dboyle@dhs.in.gov](mailto:dboyle@dhs.in.gov)  
(317) 650-7720

cc: Justin K. Guedel, IDHS Staff Attorney  
Darrel Cross, Fire Marshal, Noblesville Fire Department (by U.S. Mail)  
ALJ  
File



RECEIVED  
IDHS

JUL 17 2018

LEGAL AND CODE  
SERVICES

July 12, 2018

TO: Douglas Boyle, Director Fire Prevention and Building Safety Commission

RE: Appeal of a Fire Prevention and Building Safety Commission Regulation

State Project Release Number 391539

32 Union Apartments

State Road 32 and Union Chapel Road

Noblesville, IN 46060

Douglas:

Attached is a inspection report from the Noblesville fire department regarding the fire sprinkler installation at the Apartment Project referenced above. The inspection report sites a deficiency wherein the fire inspector is requesting fire sprinklers to be installed under the eaves or soffits above the upper level balcony. According to cited section of the regulations adopted by the Fire Prevention and Building Safety Commission, sprinklers are required under roofs that extend over the balcony. We disagree with the Municipalities application of this rule to eaves and soffitts. Attempts to reach a resolution have been unsuccessful. Pursuant to Indiana Code 4-21.5 and Indiana Code 22-12-7 we are appealing this citation to Fire Prevention and Building Safety Commission. We understand that a part of the process involves the commission scheduling a hearing for this appeal. And look forward to additional information so that we can prepare.

Cordially,

A handwritten signature in black ink, appearing to read "Mark Riffey", followed by a large, stylized flourish or scribble that extends upwards and to the right.

Mark Riffey, CET  
Vice President Ryan Fireprotection



# NOBLESVILLE FIRE DEPARTMENT

## CODE ENFORCEMENT DIVISION

135 S. 9<sup>th</sup> Street • Noblesville, IN 46060

Telephone: 317-776-6336 • Fax: 317-776-6376

[www.cityofnoblesville.org/fire](http://www.cityofnoblesville.org/fire) • [fireinspections@noblesville.in.us](mailto:fireinspections@noblesville.in.us)

Thursday July 5, 2018

NEWCONST- Wall Rough

32 UNION - BUILDING 7  
17492 FERRIS ST  
NOBLESVILLE, IN 46060

### Notes:

Inspection generated at request of Ryan Fire Protection (Mark Riffey) regarding 3rd floor balcony sprinkler issue.

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#### 2014IFC 903.3.1.2.1 Balconies and Decks

Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

3RD FLOOR BALCONIES WITH A ROOF ABOVE DO NOT HAVE SPRINKLER PROTECTION.  
PLEASE PROVIDE SPRINKLER PROTECTION FOR 3RD FLOOR BALCONIES WITH A ROOF ABOVE.

Working to keep Noblesville safe,

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Darrel Cross  
Noblesville Fire Department  
317-776-6336  
317-776-6376 FAX

## Mark Riffey

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**From:** Boyle, Douglas J (DHS) <DoBoyle@dhs.IN.gov>  
**Sent:** Monday, July 16, 2018 1:16 PM  
**To:** Mark Riffey  
**Cc:** Justin Fetters; Steve Schipp  
**Subject:** RE: Appeal of a Order regarding the 32 Union Apartment project

Good Afternoon Mark,

Thank you for forwarding me this petition for administrative review. Unfortunately, cannot accept this petition for review via electronic mail. Per IC 4-21.5-3-1(c), petitions for administrative review must be served by either United States mail or personal service. Based on the Thursday, July 5, 2018 date provided on the Noblesville Fire Department's order, your petition for review will considered timely so long as it is personally served to me or postmarked by Friday, July 20, 2018.

If your petition for review is timely received, it will then be assigned to the Commission's administrative law judge to arrange further proceedings for the administrative review. The administrative law judge will contact you to arrange the initial hearing, and as such, this will not be directly considered by the Commission at its next meeting on August 7, 2018.

Please let me know if you have any other questions.

**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](mailto:DoBoyle@dhs.in.gov)  
Web: [www.in.gov/dhs](http://www.in.gov/dhs)



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**From:** Mark Riffey [<mailto:mriffey@ryanfp.com>]  
**Sent:** Thursday, July 12, 2018 2:31 PM  
**To:** Boyle, Douglas J (DHS) <[DoBoyle@dhs.IN.gov](mailto:DoBoyle@dhs.IN.gov)>  
**Cc:** Justin Fetters <[jfettters@ryanfp.com](mailto:jfettters@ryanfp.com)>; Steve Schipp <[sschipp@ryanfp.com](mailto:sschipp@ryanfp.com)>  
**Subject:** Appeal of a Order regarding the 32 Union Apartment project

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

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Douglas, attached is an appeal to the Fire Prevention and Building Safety Commission regarding a violation cited by a municipality. Please review the information and let us know if we need to provide additional information. We look forward to your reply and confirmation that the appeal will be placed on the Commission's August agenda.

Mark Riffey, SET  
Executive Vice President



O: 800-409-7606 | D: 317-557-2556

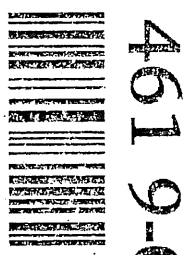
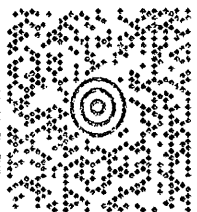
MARK RHREY  
3177707100  
RYAN RHRE PROTECTION  
9740 E 148TH ST  
NOBLESVILLE IN 46060

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**SHIP TO:**

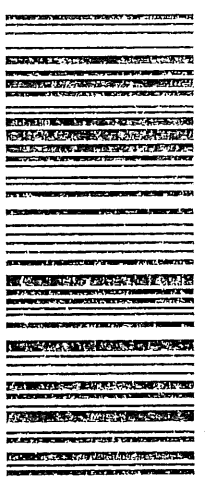
DOUGLAS J. BOYLE  
3176507720  
INDIANA DEPT. OF HOMELAND SECURITY-  
ROOM W-208  
302 W. WASHINGTON STREET  
INDIANAPOLIS IN 46204



**IN 461 9-01**

**UPS GROUND**

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Reference No. 1: INSPECTION

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STEVE-2460

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