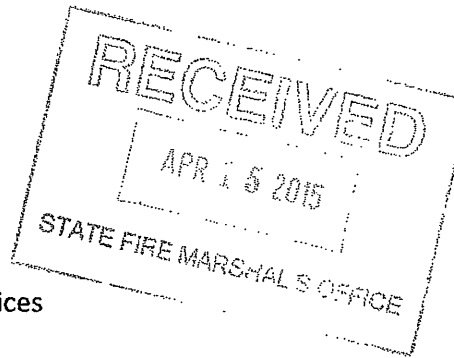


**RATHSKELLER  
RESTAURANT**



April 8, 2015

Indiana Department of Fire and Building Services  
Office of the State Fire Marshal  
402 West Washington Street, Room E241  
Indianapolis, IN 46204

Re: Request for Appeal Hearing

To Whom It May Concern:

We are requesting a formal administrative review of an order that was issued to our facility during a recent inspection.

The inspection was conducted by Inspector David Carpenter, who cited the Rathskeller for not having a Type I hood. He indicated "a Type I hood shall be installed at or above all commercial cooking appliances used for commercial purposes that produce grease vapors."

The cooking appliance in question is several burners that are used to heat soups and to cook pasta dishes. **Meats and other grease producing foods are not cooked on these burners.** There is a hood above these burners that connects into a Type I hood system; however, it is not a certified Type I hood by itself.

These burners have existed in their location, used for the same purposes as we now use them, covered by the same hood as now present for almost 20 years. During that period of time, the burner system has been inspected by a number of Indianapolis Fire Inspectors, who have all advised us that our use is compliant with the City Fire Code.

Following the issuance of the enclosed Inspection Report, the area was inspected by a former Indianapolis Fire Inspector and a currently serving Inspector. Both persons indicated a Type I hood was unnecessary.

Our kitchen layout, including the hood system and all fire suppression and prevention systems, has been inspected by our different insurance carriers during the past 20 years. None of these inspections has ever produced a recommendation that a Type I hood was necessary.

By the way, we requested, on two different occasions, that Inspector Carpenter bring his supervisor to our facility to review our operation and Inspector Carpenter's interpretation of the Fire Code. Inspector Carpenter refused our requests.

*Located in the  
Historic Athenaeum  
Building*

401 E. Michigan Street  
Indianapolis, IN 46204

(317)-636-0396  
Fax (317) 630-4652  
www.rathskeller.com

The Rathskeller Restaurant is Indianapolis' oldest continually operating restaurant. It has been in operation in the Athenaeum Building since 1894. Our point here is that you cannot reasonably expect retroactive compliance with regulations that did not exist when this establishment opened. While we have upgraded and added various safety features over the years, insisting that a Type I hood be installed where it is not required exceeds common sense.

Please advise us of the date and location for this review. Since we have not had a reason to request such a review in the past, we also ask for guidance as to bringing exhibits and/or witnesses for this review.

A copy of the inspection report in question is enclosed.

Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed McMichael', written in a cursive style.

Ed McMichael

EM:k

Encl.

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**Indianapolis Fire Department**  
 300 E. Fall Creek Parkway N. Dr.  
 Suite 500  
 Indianapolis, IN 46205  
 Office (317) 327-6006  
 Fax (317) 327-6072  
**INSPECTION REPORT**



<b>Occupant Name:</b>	The Rathskeller	<b>Inspection Date:</b>	3/24/2015
<b>Address:</b>	401 East Michigan Street	<b>InspectionType:</b>	Group A-2 Occupancy
<b>City:</b>	Indianapolis	<b>Inspected By:</b>	David Carpenter 317-327-1047 david.carpenter@indy.gov
<b>Zip Code:</b>	46204		

Pass Fail N/A

**Indiana Fire Code 2014**  
 Floor 1  
**Section 609 Commercial Kitchen Hoods**

609.2 Where required.

*A Type I hood shall be installed at or above all commercial cooking appliances used for commercial purposes that produce grease vapors. A Type I hood missing from the secondary cook-top burners and shall be added.*

**EXTERIOR INSPECTION**

505.1 Address shall be visible and legible from the street.

**ELECTRICAL EQUIPMENT & WIRING**

605.6 Open junction boxes and open wire splices

*Open junction box in the stairwell from the kitchen leading to the Biergarter shall be closed.*

**Inspector will return on or after 4/27/2015**

The hazards and/or violations listed in this report have been found to exist. Violations are subject to immediate correction.

**INSPECTION COMPLIANCE AFFIDAVIT**

**THIS ENTIRE FORM MUST BE RETURNED NO LATER THAN 30 DAYS AFTER INSPECTION**

The undersigned hereby represents that by signing this certificate and returning it to the Indianapolis Fire Department within 30 days from the date of the inspection via E-mail, US mail, or fax, the code violations listed above have been corrected. The undersigned acknowledges that the Indianapolis Fire Department may determine not to conduct a reinspection, and may fully rely upon the representation that the code violations have been corrected.

Owner/Occupant

