

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Tuesday, October 19, 2021
By Electronic Mail

Amanda Shroyer
Petitioner
Life's Little Treasures DCM
500 W Logan St
Markle, IN 46770
muddyfeetel@gmail.com

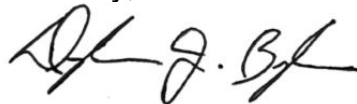
Re: Petition for Administrative Review – IDHS Notice of Violations Order No. 5A9E-DA20 – Life’s Little Treasures DCM

Dear Ms. Shroyer:

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. 5A9E-DA20 – Life’s Little Treasures DCM., submitted on Tuesday, October 19, 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, Indiana Department of Homeland Security Deputy General Counsel – Legal Counsel for the Respondent (by electronic mail)

Bryston Sprecher, Administrative Assistant of the Indiana Fire Prevention and Building Safety Commission (by electronic mail)

From: [DHS Legal Mailbox](#)
To: [Guedel, Justin K](#); [Boyle, Douglas J \(DHS\)](#); [Sprecher, Bryston](#)
Subject: FW: Petition for Review
Date: Tuesday, October 19, 2021 9:52:03 AM
Attachments: [68379161_RM25951-AC.pdf](#)
[68380022_3muddy.pdf](#)

From: noreply@formstack.com <noreply@formstack.com>
Sent: Tuesday, October 19, 2021 1:50:34 PM (UTC+00:00) Monrovia, Reykjavik
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. ****



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

Submitted at 10/19/21 9:50 AM

Individual Name:	Amanda Shroyer
Business Name :	Life's Little Treasures DCM
Phone Number:	(260) 758-9473
Email Address:	muddyfeetel@gmail.com
Mailing Address:	500 W Logan St Markle, IN 46770
Are you represented by an attorney?:	No
Attorney	

Name:	
Firm:	
Phone Number:	
Email Address:	
Mailing Address:	
Order Number:	0
Facility Device Boiler ID:	RM25951-AC
Date Order Received:	Oct 04, 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:	As the administrator of the daycare ministry, the citations in this order affect our business
Explain:	
Have you been	

aggrieved or adversely affected by the order?:

Yes

Explain:

This was a very unexpected citation, which will cost us \$15,000 or so.

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 effectiveness:

Yes

We have been in business for 16 years, and never have been asked about our cooking methods. I now understand, that because we cook meat on the

stovetop, we should have a type one hood installed. Changing our menu is not an option, as we are part of the CCDF (food program) that has meal requirements.

What is the basis of your challenge? :

I did get a quote from a local company and this equipment and installation, not counting the state design release and electric hookup, will cost us \$15,000. As a small non-profit ministry, that is a LOT of money that we don't have. However, I am currently working on a grant that will pay for the installation of the hood, if we were awarded the money.

Since the day of our inspection, I have been trying to contact companies and learn more about the required equipment and have applied for the grant that would cover this cost.

What is your desired outcome? :

I would like the report to be reviewed and be granted an exemption for this equipment. With the understanding that if the grant money does come through, we will install the equipment as soon as possible. However, without the grant money, we would need time to save up that much money. An exemption during the duration of us saving the funds, would allow us to remain open and meet the food program requirements while working towards in installation of the hood.

Additional information in support of my request:

Additional Attachments:

[View File](#)

Additional Attachments:

Additional Attachments:

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

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
RM25951-AC	5A9E-DA20

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

Date	10/04/2021 11:33AM	Type	Initial
Results	Notice of Violations		
Location		Owner	
Name	LIFES LITTLE TREASURES DCM	Name	LIFES LITTLE TREASURES DCM
Street	500 W LOGAN STREET	Street	500 W LOGAN STREET
City	MARKLE	City	MARKLE
Zip	46770	Zip	46770
		Contact	AMANDA SHROYER -
Inspector		Item	
Name	Alvin Fry IV	State Number	RM25951-AC
Email	AlFry@dhs.IN.gov	Type	Registered Ministries
Phone	(317) 503-7607	CDRs	

Notice Of Violations

#	Code	Description	Order	Correct By	Fee
1	Sec. 507.2.1 2008 Edition IMC 675 IAC 18-1.5	Type I hoods shall be installed where cooking appliances produce grease, grease-laden vapors, or smoke, such as occurs with griddles, fryers, broilers, ovens, ranges and wok ranges.	In the kitchen thee needs to be a class 1 hood or the menu changed to get rid of the grease-Laden vapors in the kitchen.	11/04/2021	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>.



10/14/2021

Quote

To: Muddy Feet Pre-School
Amanda Shroyer
500 W. Logan
Markel, IN
260.758.9473

From: Tinkel's Rest. Eqmt. & Supply
Greg Shady
609 Southview Ave.
Ft. Wayne, IN 46806
260-456-1110
260-410-1209 (Cell)
260-744-2398 (Fax)
gshady@tinkels.com
Sales

Project: 3muddy

Item	Qty	Description	Sell	Sell Total
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1	1 ea EXHAUST SYSTEM Accurex RESIDENTIAL RANGE HOOD Dimension: Hood: 36" L x 19.4" W x 10.5" H Exhaust Collar: 6" x 9" Performance: Dimension: Exhaust (CFM): 600 Configuration: Wall-Mount Configuration Material - 300 SS Where Exposed Listed to UL Subject 300A Self-Contained Fire Suppression System Electronic Detection Fully Plug and Play Design Sealed with NSF Approved Caulk Integral Fan - Rear Discharge Finished Top (no overhead cabinet) Fire System Permit, Startup and Puff Test User Interface (Touch Screen), Hood Mounted Accessories: Electric Range Disconnect - 208-250 VAC/50A (140-50R) Receptacle Fire Test Kit (Empty Test Cylinder Only) Wall Cap Manual Pull Station	\$8,433.06	\$8,433.06
	1 ea FIRE SYSTEM Field Hook-up -No stainless splash panels have been included at this time (not required with residential hood). These can be included for roughly an additional \$800.00.	\$1,416.06	\$1,416.06
		Extended Total:	\$9,849.12

Item	Qty	Description	Sell	Sell Total
1.1	1 ea	INSTALLATION TINKELS To Include: -Hang Hood. -Cut hole in block wall. -Fabricate & install 16ga. welded exhaust duct. -Flash wall opening. -Labor & materials. * NOT INCLUDED: -STATE DESIGN RELEASE. -ELECTRICAL FIELD WIRING & FINAL CONNECTIONS.	\$4,625.60	\$4,625.60
			Extended Total:	\$4,625.60

Item	Qty	Description	Sell	Sell Total
2	1 ea	EXHAUST SYSTEM Accurex HOOD Dimensions: Hood: 48" L x 30"/17" W (T/B) x 24"/6" H (B/F) Collar(s): Exhaust: (1) 6" W x 9" L Performance: Exhaust (CFM): 600 Configuration: Performance Enhancing Lip (P.E.L.) for up to 31% Lower Exhaust Rates Sloped Grease Trough with Enclosed Grease Cup per NFPA 96 Requirements Proximity Hood Dimension Top/Back Width, Back/Front Height Material - 430 SS Where Exposed UL 710 Listed w/ out Exhaust Fire Damper Filter - Baffle - Stainless Steel Shipped Loose Exhaust Collar(s) Factory Mounted 3" Back Airspace Accessories: Stainless Steel Backsplash Panel 42" High 48" Long Stainless Steel Backsplash Panel on Left 90" High 18" Long Stainless Steel Backsplash Panel on Right 90" High 18" Long J-Channel for Backsplash 120" (2) 24 in. High Ceiling Enclosures on - Left Front Right	\$2,537.03	\$2,537.03
	1 ea	EXHAUST FAN Performance: Volume (CFM): 600 SP (in. wg): 0.75 FRPM (RPM): 1896 Motor Power (hp): 1/2 Operating Power (hp): 0.2	\$1,655.89	\$1,655.89

Item	Qty	Description	Sell	Sell Total
		Voltage: 115		
		Phase: 1		
		Hertz: 60 Cycle		
		Configuration:		
		Direct Drive Fan		
		Motor - High Efficiency Brushless DC - 1/2 hp , ODP, 115/60/1, 2500 rpm - Factory Mounted		
		Motor - Vari-Green EC motor		
		Control - 0-10VDC Input		
		UL/cUL 762 Listed - "Power Ventilators for Rest. Exh. Appliances"		
		Switch, NEMA-3R, Toggle, Shipped with Unit		
		Junction Box Mounted & Wired		
		Hinge, (PN 918396), (Shipped Loose)		
		Grease Pan Kit - Containment Configured for Wall-Mounted Applications (PN:879136)		
		Grease Trap (PN:475538)		
		Unit Warranty: 1 Yr (Standard)		
		Accessories:		
		High Temp Curb Seal Rated for Continuous Duty at 1500 F (Factory Attached)		
	1 ea	WALL CURB 22"W. x 22"L. x 24"H.	\$233.64	\$233.64
	1 ea	ELECTRICAL CONTROLLS Dimension: Enclosure Size: 12" L x 20" H x 6" Mounting Location: Ship Loose Touchscreen Mounting: Face Mount on Control Package	\$1,158.92	\$1,158.92
		Configuration:		
		UL Listed		
		Material - 300 SS Enclosure		
		Capture tank mounted temperature sensors with up to 5 times faster response		

Item	Qty	Description	Sell	Sell Total
		Full Color Touchscreen Control Interface		
		Exhaust Max During Fire		
		Power For Shunt Trip		
		Temperature Interlock - Automatically starts fans when cooking occurs in compliance with IMC		
		Temperature Sensors Shipped Loose (1)		
		Lights Off During Fire		
		Hood Light Control		
1 ea		FIRE SUPPRESSION SYSTEM Scope:	\$2,054.02	\$2,054.02
		Pre-Pipe With Parts and Factory Coordinated Installation		
		Hood Fire Suppression System:		
		Detection Type: Mechanical		
		Coverage Appliance: Specific		
		Mounting Location: Remote-mounted enclosure for first tank & release assembly and bracket assembly only for additional tanks if applicable		
		System Size: 3 Gallon		
		Flow Points: Maximum of 11 and 6 are utilize		
		Options and Accessories for Hood Fire System Provided from Factory		
		Manual Pull Stations QTY of 1		
		Hood Microswitch QTY of 1		
		Alarm Initiating Switch QTY of 1		
		Metal Blow Off Caps Included		
		Important Notes		
		<ul style="list-style-type: none"> • The manner in which the parts included in the scope of this fire system are supplied may vary. They could be shipped from the fire suppression manufacturer, shipped loose with the hood, connected directly to the hood, or supplied directly to the installing distributor. • Systems are pre-piped for a specific appliance line-up. If appliance types and sizes differ from what is shown on the hood submittal, this may result in a field re-pipe which is outside the scope defined here. • If the collars on the hood are shipped loose, the detection line will not be installed on the hood and the parts will ship loose. 		
1 ea		FIRE SUPPRESSION INSTALLATION Hook-up of detection line and supply line is included. Surface mounting of the manual pull station in a pre-determined location is included.	\$2,757.78	\$2,757.78

Item	Qty	Description	Sell	Sell Total
			Extended Total:	\$10,397.28
3	1 ea	INSTALLATION TINKELS To Include: -Hang stainless steel on wall. -Hang type 1 hood. -Cut hole in block wall. -Fabricate 16ga. welded exhaust duct. -Mount exhaust fan on outside wall. -Flash wall opening. -Labor & materials. -Local permit. * NOT INCLUDED: -STATE DESIGN RELEASE. -ELECTRICAL FIELD WIRING & FINAL CONNECTIONS.	\$5,060.00	\$5,060.00
			Extended Total:	\$5,060.00

**FORT WAYNE'S ONLY LOCALLY OWNED RESTAURANT
EQUIPMENT DEALER**