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Yes X No

/s/ Bryce Runkle
Bryce Runkle
Attorney-at-Law
IN SBN: 34305-52
TX SBN: 24039150
16 E. 5th St.
Peru, IN 46970
(765) 985-2215
Fax: (765) 382-0611

CERTIFICATE OF SERVICE

I certify that on September 5, 2026 service was made of a copy of the foregoing delivered through U.S. Mail, postage paid to the following:

Mark Frantz
Miami County Attorney
99 West Canal Street
Wabash, IN 46992

/s/ Bryce Runkle
Bryce Runkle

STATE OF INDIANA	)	THE INDIANA FIRE PREVENTION AND
	)	BUILDING SAFETY COMMISSION
COUNTY OF MIAMI	)	Case Number: _____
BUILD IT BROTHERS CONSTRUCTION, LLC,	)	
Petitioner	)	
v.	)	
MIAMI COUNTY BUILDING/PLAN	)	
COMMISSION, Respondent	)	

PETITION FOR ADMINISTRATIVE REVIEW AND PETITION FOR STAY

Petitioner, Build It Brothers Construction, LLC (“Petitioner” or “Contractor”), by counsel, respectfully petitions the Indiana Fire Prevention and Building Safety Commission (“Commission”) for administrative review of the Stop Work Order issued by the Miami County Building/Plan Commission concerning construction located at 4837 S. 450 E., Peru, Indiana 46970 (“Property”). Petitioner further requests an immediate stay of the Stop Work Order pending a preliminary hearing and final disposition of this matter. This Petition is brought pursuant to Indiana Code §§ 22-13-2-7 and 4-21.5-3-7 and the Commission's authority to review orders of political subdivisions concerning Class 2 structures. In support Petitioner/Contractor states:

1. Petitioner, Build It Brothers Construction, LLC is an Indiana limited liability company authorized to do business in the state of Indiana with a principal place of business at 11886 S 700 W; Amboy, IN 46911. Bradey Evans is a member of Build It Brothers Construction, LLC.
2. Respondent Miami County Building/Plan Commission (“Miami County”) is the political subdivision and local governmental authority that issued the Stop Work Order at issue

in this proceeding.

3. The Property, commonly known as 4837 S 450 E; Peru, IN 46970, is located in Miami County, Indiana.

4. The construction project concerns a residential structure and is therefore a Class 2 structure within the meaning of Indiana Code § 22-12-1-5, is intended to contain only one dwelling unit and is not regularly used as a Class 1 structure. Indiana Code § 22-12-1-5 defines a Class 2 structure to include a building or structure intended to contain only one or two dwelling units, subject to the statutory exceptions.

5. Indiana Code § 22-13-2-7 authorizes the Indiana Fire Prevention and Building Safety Commission to review orders issued by a political subdivision concerning a Class 2 structure. An aggrieved person may petition for review under Indiana Code § 4-21.5-3-7 within thirty (30) days after the political subdivision issues the order, a copy of which is attached hereto.

6. Petitioner is the person to whom the Stop Work Order was directed and is directly and adversely affected by the Order because the Order prohibits Petitioner from continuing construction work for which Petitioner has contracted and for which Petitioner has incurred substantial labor, material, and contractual obligations.

7. Petitioner therefore satisfies the requirements for administrative review under Indiana Code § 4-21.5-3-7.

8. Miami County Building/Plan Commission issued a stop work order for construction at 4837 S 450 E; Peru, IN 46970 to Build It Brothers Construction, LLC (the Contractor). See Ex A, D. The first stop order, dated August 10, 2026 did not include any list of alleged violations. See Ex. A. The second stop order, dated August 21, 2026 and mailed August 22, 2026, contained a number of factually incorrect and legally inappropriate alleged violations. See Ex.

B. Said stop work order is believed to have issued as the result an informal complaint by the homeowner, who currently owes the Contractor over thirty thousand dollars in unpaid construction costs, and an unscheduled inspection by the Miami County Plan/Building Commission Director, Corey Roser, who does not normally perform inspections. The Contractor was not provided advance notice of this inspection and was not allowed to be present during said inspection.

9. Miami County Building/Plan Commission lacked a substantial basis to issue a stop work order as the construction was not unsafe or in violation of safety standards. Continuing work would not make the few actual minor violations substantially difficult to correct. Lastly, Miami County's allegations concerning permitting and inspections were factually incorrect.

10. Indiana Code § 36-1-5-3 explicitly states that the legislative body of a local unit (which includes counties) shall codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code. Miami County has failed to codify its ordinances since 2014. Miami County Ordinances were last codified in 2014 by the AMERICAN LEGAL PUBLISHING CORPORATION and have not been codified since 2014. See Ex. D. As such, the Miami County Building Ordinance is in violation of state law. Therefore, any order of the Plan Commission based on the Miami County uncoded building ordinance is also in violation of state law. Petitioner further requests a determination of whether the ordinance provisions relied upon by Miami County remain legally effective and enforceable notwithstanding the County's failure to maintain a current codification as required by IC 36-1-5-3. Petitioner raises the issue because Miami County bears the burden of identifying the operative legal authority supporting the specific violations asserted against Petitioner. To the extent Miami County relies upon a provision that is not legally effective, properly adopted, or otherwise enforceable, the alleged

violation cannot support the Stop Work Order.

11. The majority of the purported violations listed in said order are either 1) false conclusions of fact, 2) violations committed by the HVAC contractor, MC Contracting, which is not a subcontractor of the Contractor, or 3) Untimely violations as the work has not yet been completed and no final inspection has been requested.

12. First, the following alleged violations are simply factually false: ADM-001, ADM-002, ADM-003, ADM-004, ADM-005, STR-005, STR-006, STR-007, STR-011, STR-020, STR-021, ELE-009, EXT-001, and ROF-002. The footing inspection was performed by Ken, an inspector for the Miami County Building/Plan Commission, on or about April 16, 2026 and the Contractor's foundation subcontractor, Gavin Doge, has informed the Contractor that everything was approved. The framing inspection, plumbing/mechanical inspection, and electrical inspection were performed by Ken, an inspector for the Miami County Building/Plan Commission, on or about June 8, 2026. The roof was installed only over one layer of shingles. There is not any excessive floor sagging, bouncing, or deflection and all foundations have a footer. The windows were properly installed. There is crawlspace access to the addition through the existing house crawlspace. ELE-009 is not a code violation.

13. A governmental entity can be held subject to the principles of equitable estoppel if a person detrimentally relied upon an affirmative governmental representation or upon governmental silence when the government had a duty to speak. See *Equicor Development, Inc. v. Westfield-Washington Township Plan Commission*, 758 N.E.2d 34 (Ind. 2001). The Miami County Plan Commission cannot approve work and then withdraw its approval after said approval has been detrimentally relied upon.

14. A number of these violations are also subject to equitable estoppel claims such as

ADM-006, ADM-007, and ADM-008. My client did not make any attempt to conceal the reuse of the existing sunroom foundation, orally communicated said intent to Miami County Plan Commission, and received oral approval for said reuse from the Miami County Plan Commission. The Contractor has clearly relied upon said oral approval to his detriment. Corey Roser, Miami County Plan/Building Commission Director, has consistently referred to this foundation as a patio floating slab. This foundation is not a patio floating slab, previously served as foundation for a sunroom, and the Contractor respectfully submits meets all requirements of the building code. To the extent the reuse of the sunroom foundation is a violation of the building code — which is not conceded by the Contractor — the Miami County Build/Plan Commission is estopped from withdrawing its previous approval.

15. The substitution of lag screws for hangers were approved by Ken, an inspector for the Miami County Building/Plan Commission, concerning STR-008. The Contractor is willing to replace said substitution if necessary but we submit such a substitution would clearly qualify under the principles of equitable estoppel discussed above. The notches in the joists were approved by Ken, an inspector for the Miami County Building/Plan Commission, as the joists in question were approximately twelve (12) inches and only six (6) inch joists were required. While possibly not in strict compliance, the Miami County Building/Plan Commission is estopped under the doctrine of equitable estoppel from issuing a stop work order

16. Second, MC Contracting was the HVAC contractor who was a friend of the homeowner, was hired separately by the homeowner, and is not a subcontractor of the Contractor. MC Contracting is not authorized to be working under the Contractor's permit. If MC Contracting has failed to file for its own permit, we recommend that your office address that issue with MC Contracting. Nonetheless, we object to any stop order against the Contractor for

violations of MC Contracting which is an entity outside the Contractor's control. The following alleged violations concern work performed exclusively by MC Contracting: ELE-001, ELE-002, ELE-003, ELE-004, ELE-005, ELE-006, ELE-007, MEC-001, and MEC-002.

17. Third, a final inspection is not due and has not been conducted. As such it is entirely inappropriate to issue a stop order for alleged violations which are the sole result of the project not being finished. The following alleged violations are premature as the project has not been completed and a final inspection has not yet been conducted: ELE-002, ELE-005, ELE-008 (ceiling fans not yet installed), EXT-005, EXT-007, EXT-008, PLB-003. The fact that an item is incomplete during an ongoing construction project does not establish that the completed project will violate the building code. Petitioner should be permitted to complete the work and then submit the Property for the inspections required by the applicable permitting process. A Stop Work Order based upon incomplete work, without first allowing the work to reach the stage at which the applicable requirement can be evaluated, is premature and disproportionate.

18. None of the remaining alleged violations could support a stop work order. Contractor is willing to repair PLB-001 which is merely a loose strap which can be repaired in a few minutes. Contractor is willing to repair ELE-004 which including missing connectors which can be repaired in a few minutes. Contractor is willing to repair EXT-002 and EXT-003 which are where a storm pulled the siding loose where it connects to the existing brick wall of the house.

19. A stop-work remedy is an extraordinary restriction on an ongoing construction project and should be supported by a sound factual and legal basis. Indiana law recognizes statutory authority for a political subdivision to issue stop-work orders concerning building projects, including where an immediate threat to public safety and welfare exists. See IC 36-7-2.5-36. The statute also contemplates notice and an adequate opportunity to remedy violations except where

an immediate threat to public safety and welfare justifies immediate action. Here, the evidence does not establish that the Property presented an immediate threat to public safety or welfare. A majority of the alleged violations are factually incorrect. Several conditions had previously been inspected or approved by Miami County personnel. Several alleged violations concern an independent contractor rather than Petitioner. Several allegations are premature because construction is incomplete. The remaining conditions are readily correctable. Accordingly, the factual record does not support the extraordinary remedy of prohibiting Petitioner from continuing all construction.

20. Petitioner respectfully submits that the resulting process failed to provide a meaningful opportunity to respond to the factual allegations before the severe remedy of a complete Stop Work Order was imposed.

21. To the extent the Order constitutes an administrative order subject to the Indiana Administrative Orders and Procedures Act, Petitioner reserves all rights under IC 4-21.5, including its right to present evidence, cross-examine witnesses, and submit rebuttal evidence at hearing.

22. Petitioner further objects to the fourteen (14) day deadline to secure a professional engineer and submit alternate plans as utterly unreasonable. It is utterly impossible for any person to accomplish such a requirement in fourteen days. The Miami County Plan Commission is required to provide reasonable time to comply with their orders. The time provided is clearly unreasonably short. We submit such an order is subject to equitable estoppel and/or unreasonable. Obtaining an appropriately licensed professional engineer, arranging an inspection or evaluation, preparing engineering documents, coordinating revised plans, and submitting those plans for governmental review cannot reasonably be guaranteed within fourteen

(14) days. Petitioner has acted in good faith throughout the project and remains willing to obtain engineering assistance if the Commission determines that engineering review is necessary. Petitioner requests that any engineering requirement be accompanied by a reasonable compliance period sufficient to obtain a qualified professional, evaluate the existing construction, prepare appropriate documentation, and submit the same for governmental review.

23. During this entire process, the Contractor was not consulted, not given an opportunity to defend himself, and denied due process. The Contractor is willing to work with the Miami County Building/Plan Commission to correct all of the issues, including those barred by equitable estoppel, but has not been afforded the opportunity. The Miami County Building/Plan Commission instead issued a stop work order with factually false violations, without any opportunity to cure, and with unreasonable deadlines.

24. Petitioner respectfully requests an immediate stay of the Stop Work Order pending a preliminary hearing. The Stop Work Order is causing substantial economic harm to Petitioner. Petitioner is unable to perform contracted construction work and is incurring continuing labor, scheduling, financing, material, and other project-related costs. Delay also exposes Petitioner to potential contractual disputes and additional construction costs. The stay requested by Petitioner will not create a threat to public safety because Petitioner is willing to comply with all applicable safety requirements and immediately correct any condition that the Commission determines presents an actual safety concern. Petitioner does not seek authority to perform unsafe work. Instead, Petitioner seeks authority to continue ordinary construction activities that are not implicated by any legitimate safety concern while the disputed allegations are adjudicated. Petitioner is willing to:

- a. correct legitimate minor deficiencies;

- b. coordinate additional inspections;
- c. provide access to Miami County inspectors;
- d. obtain engineering review if reasonably necessary;
- e. refrain from concealing or covering any disputed construction condition that Miami County reasonably identifies for inspection; and
- f. comply with reasonable interim conditions established by the Commission or Administrative Law Judge.

25. The balance of harms therefore favors a stay. The public interest also favors allowing construction to proceed under reasonable inspection safeguards rather than imposing a complete cessation of a residential construction project based upon disputed and, in many instances, readily correctable allegations.

26. Petitioner requests an evidentiary hearing before an Administrative Law Judge.

WHEREFORE, Petitioner, BUILD IT BROTHERS CONSTRUCTION, LLC, by counsel, requests Accept and grant this Petition for Administrative Review; Stay the Stop Work Order pending a preliminary hearing and final disposition; Set this matter for a prompt preliminary hearing concerning the requested stay; Conduct a full evidentiary hearing before an Administrative Law Judge; Find that the Stop Work Order lacks a sufficient factual and legal basis; Reverse and vacate the Stop Work Order; Alternatively, modify the Stop Work Order so that Petitioner may continue construction subject to reasonable inspection and corrective conditions; Dismiss or withdraw the allegations that are factually incorrect; Dismiss or remove allegations concerning work performed exclusively by MC Contracting and outside Petitioner's control; Dismiss or defer allegations that are premature because construction is incomplete and a final inspection has not occurred; Permit Petitioner a reasonable period of time to correct any

legitimate minor deficiencies identified by the Commission; Determine that Miami County may not rely upon previously approved or expressly authorized construction conditions contrary to Petitioner's reasonable reliance upon those approvals, consistent with applicable principles of equitable estoppel; Require Miami County to identify the precise statutory, regulatory, and ordinance authority supporting each alleged violation; Require Miami County to produce the applicable ordinance provisions, amendments, permit records, inspection records, photographs, reports, communications, and other documents upon which the Stop Work Order is based; Determine, as appropriate, whether the County ordinances relied upon by Miami County remain legally enforceable in light of IC 36-1-5-3 and the County's failure to maintain a current codification; Require a reasonable compliance period for any engineering or alternate-plan requirement; Determine the validity and authority of any BZA action upon which Miami County relies, including the legality of the BZA's composition and appointments to the extent relevant to this proceeding; Grant all other relief to which Petitioner is entitled under Indiana law; and Grant such other and further relief as the Commission determines to be just and proper.

Respectfully Submitted,

/s/ Bryce Runkle
Bryce Runkle, Attorney for BUILD IT BROTHERS
CONSTRUCTION, LLC
Attorney at Law
IBN: 34305-52
16 E. 5th St, Ste 3
Peru, IN 46970
(765) 985-2215
Fax: (765) 382-0611

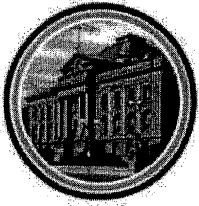
CERTIFICATE OF SERVICE

I certify that on the September 5, 2026 service was made of a copy of the foregoing motion delivered through U.S. Mail, postage paid to the following:

Mark Frantz
Miami County Attorney
99 West Canal Street
Wabash, IN 46992

/s/ Bryce Runkle
Bryce Runkle

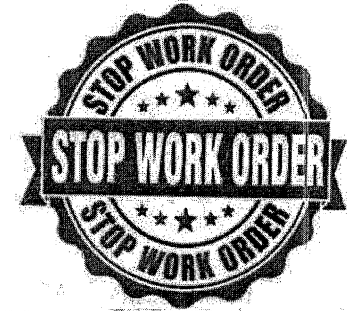
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NOTICE OF STOP WORK ORDER

August 10, 2026

To: Bradey Evans, Permit Holder/Contractor
Build It Brothers Construction
11886 S 700 W
Amboy, IN 46911



Re: SWO #53-26 – Stop Work Order

Via Certified & 1st-Class Mail

Parcel Number: 52-12-17-400-003.000-003
Property Owners: THEODORE W. AMES & KELSIE L. MORGAN
Property Address: 4837 S 450 E, PERU, IN 46970
Limited Legal Description: 003-12814-00 PT SW1/4 SE1/4; 17-26-05; 1.00 ACRE; DA 552; 05 128 01400

Dear Mr. Evans & Build It Brothers Construction,

Pursuant to the authority granted to the Building Official under the Indiana Residential Building Code, applicable Indiana law, the Miami County Zoning Ordinance, and applicable local code enforcement authority, this letter serves as formal notice that a Stop Work Order has been issued for the above-referenced project.

The Stop Work Order was verbally communicated to you by telephone on August 5, 2026, at approximately 2:40 PM, confirmed by electronic mail on August 5, 2026, and posted at the project site on August 6, 2026.

*****YOU MUST IMMEDIATELY CEASE AND DESIST*****

Effective August 5, 2026, at 2:40 PM, all construction activity associated with Permit No. RBP-584-26 shall immediately cease.

No construction, alteration, repair, corrective work, concealment of work, or continuation of construction operations shall occur unless and until written authorization is issued by the Building Official.

BASIS FOR STOP WORK ORDER

During inspections conducted on August 5 and August 6, 2026, the Plan Commission identified conditions including, but not limited to:

- Apparent construction not in accordance with approved plans;
- Apparent violations of applicable building code requirements;
- Structural deficiencies and concerns affecting portions of the addition;



MIAMI COUNTY

INDIANA

Est. 1834

MIAMI COUNTY GOVERNMENT
OFFICE OF PLAN COMMISSION

- Work completed without required inspections;
- Work concealed prior to required inspection and approval; and
- Conditions requiring additional investigation and documentation by the Plan Commission.

Based upon these observations, the Plan Commission has determined that continuation of construction is not permitted at this time.

NOTICE OF ADDITIONAL VIOLATIONS

Due to the extent and quantity of deficiencies observed, the Plan Commission has not finalized its review of all violations associated with this project.

A separate Notice of Violation and Required Corrective Action will be issued upon completion of the Plan Commission's review. That notice will identify observed deficiencies, applicable code provisions, required corrective actions, required documentation, and conditions necessary before this Stop Work Order may be released.

The issuance of this Stop Work Order shall not be construed as a complete or final determination of all violations that may exist on the project.

CONDITIONS FOR CONSIDERATION OF RELEASE

- 1.) Submission of an evaluation, report, plans, specifications, calculations, or other documentation prepared by an Indiana-licensed design professional, including but not limited to a structural engineer;
- 2.) Exposure of concealed work where necessary to verify compliance with approved plans and applicable code requirements;
- 3.) Submission of revised plans, specifications, calculations, or corrective construction documents;
- 4.) Completion of all required inspections and approval by the Plan Commission; and
- 5.) Correction of all identified violations and deficiencies.

No work shall resume until all requirements established by the Plan Commission have been satisfied and written authorization has been issued by the Building Official.

COMMUNICATIONS

All future communications from the permit holder, contractor, contractor representatives, or any person acting on behalf of the permit holder regarding this matter shall be submitted in writing to the Plan Commission.

The Plan Commission reserves the right to require that communications regarding this matter be conducted exclusively in writing in order to maintain an accurate administrative record.

Verbal discussions shall not modify, amend, waive, release, or otherwise alter any requirement of this Stop Work Order unless confirmed in writing by the Building Official.



LEGAL CONSEQUENCES OF NONCOMPLIANCE

Failure to comply with this Stop Work Order may result in additional enforcement action, including but not limited to:

- Issuance of Notices of Violation;
- Citations;
- Assessment of fines and penalties as authorized by law;
- Suspension or revocation of permits, registrations, approvals, or authorizations where authorized;
- Recovery of administrative, inspection, engineering, legal, and enforcement costs incurred by Miami County;
- Civil enforcement proceedings; and
- Any other remedy available under applicable federal, state, or local law.

Each day that work continues in violation of this Stop Work Order may constitute a separate violation.

APPEALS RIGHTS

Pursuant to Section 2-10 APPEAL PROCEDURES, of the Miami County Zoning Ordinance, any person adversely affected by this decision may appeal this decision to the Miami County Board of Zoning Appeals.

Any appeal shall be submitted in writing to the Board of Zoning Appeals within thirty (30) days of the date of this decision.

The appeal shall:

- 1.) Be submitted in duplicate copies;
- 2.) State the reason(s) for the appeal;
- 3.) Include the appellant's name, address, and telephone number; and
- 4.) Include the legal description or sufficient identification of the subject property.

The filing of an appeal shall not automatically stay, suspend, modify, release, or otherwise affect this Stop Work Order. This Stop Work Order shall remain in full force and effect unless and until modified, reversed, or otherwise directed by the Miami County Board of Zoning Appeals, a court of competent jurisdiction, or the Building Official through written authorization.

Further appeals shall be governed by applicable provisions of the Miami County Zoning Ordinance and Indiana law.



MIAMI COUNTY
— INDIANA —
Est. 1834

MIAMI COUNTY GOVERNMENT
OFFICE OF PLAN COMMISSION

PLEASE GOVERN YOURSELF ACCORDINGLY.

Regards,

A handwritten signature in black ink, appearing to read "Corey Roser".

Corey Roser
Planning & Zoning Administrator
Miami County Plan Commission
croser@miamicountyin.gov

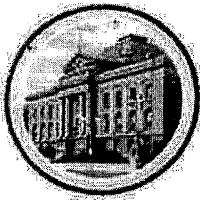
CC: Theodore W. Ames & Kelsie L. Morgan, Property Owners
4837 S 450 E
Peru, IN 46970

MIAMI COUNTY COURTHOUSE

| 25 NORTH BROADWAY, ROOM 101, PERU, IN 46970 | 765-472-3901 EXT. 1291 |

WWW.MIAMICOUNTYIN.GOV

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MIAMI COUNTY

MIAMI COUNTY GOVERNMENT
OFFICE OF PLAN COMMISSION

NOTICE OF CODE VIOLATION **AND ORDER TO COMPLY**

August 21, 2026

To: Bradey Evans, Permit Holder/Contractor
Build It Brothers Construction
11886 S 700 W
Amboy, IN 46911



Re: RBP #584-26 & SWO #53-26 – Ames Addition

Via Certified & 1st-Class Mail

Parcel Number: 52-12-17-400-003.000-003
Property Owners: THEODORE W. AMES & KELSIE L. MORGAN
Property Address: 4837 S 450 E, PERU, IN 46970
Limited Legal Description: 003-12814-00 PT SW1/4 SE1/4; 17-26-05; 1.00 ACRE; DA 552; 05 128 01400

Dear Mr. Evans & Build It Brothers Construction,

YOU ARE HEREBY COMMANDED TO MAINTAIN THE COMPLETE CESSATION OF ALL WORK at the above-referenced property, pursuant to the formal Stop Work Order previously issued for this job site on August 5, 2026. This Order To Comply is issued under the statutory authority granted to the Miami County Building Commissioner by 675 IAC 14-4.4-2(5), which designates the local building official as the authority having jurisdiction, and Section 5 and Section 10 of the Miami County Building Code Ordinance.

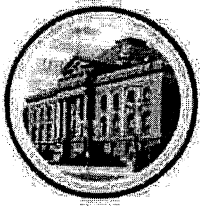
Pursuant to 675 IAC 12-4-12(b)(1), any structural alteration, renovation, or addition to an existing Class 2 residential structure must conform entirely to the active structural and safety codes required for new construction. A physical field inspection and subsequent administrative record audit conducted on August 5, 2026 and August 6, 2026 revealed severe, systemic violations of the 2020 Indiana Residential Code (675 IAC 14-4.4), the Indiana Electrical Code (675 IAC 17), and the Miami County Building Code Ordinance.

This document serves as your official structural and administrative punch list. The active Stop Work Order will remain in full force and effect as detailed in the enforcement parameters, of this Order, listed below.

MIAMI COUNTY COURTHOUSE

| 25 NORTH BROADWAY, ROOM 101, PERU, IN 46970 | 765-472-3901 EXT. 1291 |

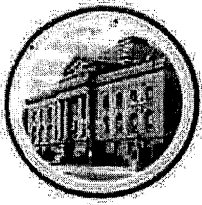
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ITEMIZED SCHEDULE OF COMPLIANCE VIOLATIONS

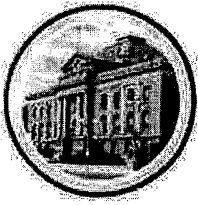
Group A: Administrative & Plan Deviations (ADM)

<u>ID</u>	<u>Deficiency Description</u>	<u>Enforceable Code Citation</u>	<u>Mandatory Remedy</u>
ADM-001	Footings/Foundation progressive inspection skipped.	675 IAC 14-4.4-2(5), 675 IAC 12-4-12(b)(1), & Miami County Building Code Ordinance Section 12	Halt construction. Remove all backfill, soil, forms, or framing obstructions to fully expose structural load-bearing paths for field verification.
ADM-002	Rough Framing progressive inspection skipped.	675 IAC 14-4.4-2(5), 675 IAC 12-4-12(b)(1), & Miami County Building Code Ordinance Section 12	Halt construction. Remove all wall finishes to fully expose rough framing connections for comprehensive code review.
ADM-003	Rough Plumbing/Mechanical inspection skipped.	675 IAC 14-4.4-2(5), 675 IAC 12-4-12(b)(1), & Miami County Building Code Ordinance Section 12	Halt construction. Strip back wall and cavity closures to fully expose plumbing waste, vents, water lines, and HVAC duct runs.
ADM-004	Rough Electrical progressive inspection skipped.	675 IAC 14-4.4-2(5), 675 IAC 12-4-12(b)(1), & Miami County Building Code Ordinance Section 12	Halt construction. Expose all electrical branch circuits, junction boxes, and home runs for proper safety routing verification.
ADM-005	<u>CRITICAL:</u> Concealed work executed before obtaining inspection approvals.	675 IAC 14-4.4-2(5) & Miami County Building Code Ordinance Section 12	De-conceal work immediately. Remove all finishes back to raw structural components at contractor expense to allow required field safety reviews.
ADM-006	Existing slab structure utilized but omitted from approved plans.	675 IAC 14-4.4-2 & Miami County Building Code Ordinance Section 8 & Section 12	Stop work on slab footprint. File an amended structural plan detailing slab thickness, reinforcement, and bearing capacity with this office.
ADM-007	Floor support framing layout differs completely from approved plans.	Miami County Building Code Ordinance Section 8, Section 12 & 675 IAC 14-4.4 (Section R502.3/R502.5)	Halt framing modifications. Provide structural engineered layout amendments, stamped by an Indiana registered engineer, verifying revised load paths.
ADM-008	Severe field changes executed without plan amendment submission.	Miami County Building Code Ordinance Section 8 & Section 12	Cease field modifications. File formal amended plans and specifications detailing all structural alterations for official department review.



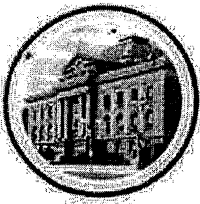
Group B: Electrical System Failures (ELE)

ID	Deficiency Description	Enforceable Code Citation	Mandatory Remedy
ELE-001	Exposed branch circuit wiring left loose in attic space.	675 IAC 17 (NEC Article 334.30 & 320)	Route branch cabling safely along structural members; anchor properly out of the way of physical damage or foot traffic.
ELE-002	Unsecured/unsupported electrical wiring runs throughout framing.	675 IAC 17 (NEC Article 334.30)	Secure NM-B cabling using approved insulated staples within 12 inches of every box and at intervals not exceeding 4.5 feet.
ELE-003	<u>CRITICAL LIFE SAFETY:</u> Wiring submersed in water within crawlspace.	675 IAC 17 (NEC Article 300.6 & 334.12(B))	<u>De-energize circuit immediately.</u> Remove all NM cable exposed to water. Replace with code-compliant wet-location wiring.
ELE-004	Missing cable connectors where wire enters enclosures.	675 IAC 17 (NEC Article 314.17)	Install approved mechanical cable clamps at all box entries to secure wire jackets and prevent insulation chafing.
ELE-005	Lack of code-compliant cable supports on framing members.	675 IAC 17 (NEC Article 334.30)	Perform remedial stapling across all rough electrical runs prior to wall closure.
ELE-006	<u>CRITICAL FIRE HAZARD:</u> Open wire splices left loose inside cavities without connectors.	675 IAC 17 (NEC Article 110.14(B) & 314.16)	Enclose all wire splices inside an accessible, approved junction box secured with mechanical wire nuts.
ELE-007	<u>CRITICAL:</u> GFCI circuit protection missing/non-functional at wet areas.	675 IAC 17 (NEC Article 210.8)	Install functional, tested ground-fault circuit-interrupter receptacles/breakers for all kitchen, bath, and crawlspace circuits.
ELE-008	Light fixtures mounted to boxes not rated for dead weight.	675 IAC 17 (NEC Article 314.27)	Remount fixtures to electrical boxes that are independently rated to carry the physical dead weight of the luminaire.
ELE-009	Surface-mount lighting fixtures siliconed directly to ceiling finish.	675 IAC 17 (NEC Article 110.3(B) & 314)	Remove fixtures and adhesive. Install code-compliant electrical boxes and mount fixtures per manufacturer listing instructions.



Group C: Structural & Exterior Failures (STR / EXT)

ID	Deficiency Description	Enforceable Code Citation	Mandatory Remedy
STR-003	CRITICAL: Major multi-joist notching measuring 6" deep by 49" long.	675 IAC 14-4.4 (Section R502.8.1)	Remove compromised floor members completely or install an engineered sistering/header remedy approved by a structural engineer.
STR-004	CRITICAL: Structural multi-joist notching measuring 5" deep by 7" long in load path.	675 IAC 14-4.4 (Section R502.8.1)	Replace member or reinforce the joist cut with an approved structural steel tie. Notches cannot exceed 1/6-member depth.
STR-006	CRITICAL: Inadequate structural bearing of floor members onto support walls.	675 IAC 14-4.4 (Section R502.6)	Provide a minimum of 1.5 inches of continuous wood-to-wood or metal bearing (or 3 inches on masonry) for all floor joists.
STR-007	CRITICAL: Deficient floor member structural bearing connections at transitions.	675 IAC 14-4.4 (Section R502.6)	Install bearing blocks, ledgers, or approved mechanical framing connections to satisfy bearing footprint minimums.
STR-008	CRITICAL: Missing joist hangers at framing intersections/headers.	675 IAC 14-4.4 (Section R502.6.2)	Install face-mount or top-flange structural joist hangers at all flush framing ledger and header intersections.
STR-011	CRITICAL: Excessive floor sagging, bouncing, and visible member deflection.	675 IAC 14-4.4 (Section R301.7 & Table R301.7)	Shore up floor structure from below. Add mid-span beam supports or sister joists to pull deflection within code maximum of L/360.
STR-020	CRITICAL: Total lack of concrete footer under addition wall.	675 IAC 14-4.4 (Section R403.1 & R403.1.4.1)	Excavate and pour a continuous concrete footing down below the local 36-inch frost depth line to establish a proper load path.
STR-021	Total lack of crawlspace access opening through perimeter link.	675 IAC 14-4.4 (Section R408.4)	Cut and frame a clean, structural access opening measuring no less than 18 inches by 24 inches through the foundation wall block.
EXT-001	Window assembly installation/missing structural anchoring.	675 IAC 14-4.4 (Section R703.1 & R703.4)	Re-anchor window assemblies to framing per manufacturer specification and install compliant flashing.



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EXT-002	Wall siding installation deficiencies/incorrect mechanical fasteners.	675 IAC 14-4.4 (Section R703.3.3 & R703.11.1)	Repair siding attachments using code-compliant weather-resistive barriers and corrosion-resistant fasteners.
EXT-003	Wall flashing left unsealed, unsecured, or improperly lapped.	675 IAC 14-4.4 (Section R703.4)	Re-install flashing elements to shed water out and away from the building envelope. Upper layers must lap over lower layers.
EXT-005	Inadequate siding vertical clearance from grade/hardscaping.	675 IAC 14-4.4-14 (Section R317.1) & 675 IAC 14-4.4 (Section R703.11.1)	Raise siding to maintain a minimum 6-inch clearance from raw earth, or 2-inch clearance from hardscaping to prevent moisture decay.
EXT-007	Inadequate ground drainage grading around addition exterior walls.	675 IAC 14-4.4 (Section R401.3)	Regrade site perimeter. Ground must fall away from foundation walls at a minimum 5% slope (6-inch drop within the first 10 feet).
EXT-009	Existing exterior patio concrete slabs slope directly back toward house.	675 IAC 14-4.4 (Section R401.3)	Remove patio concrete slab to establish a mandatory positive drainage slope away from the living envelope.

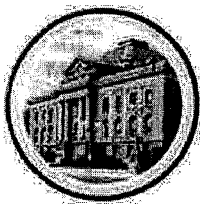
Group D: Mechanical, Plumbing, & Roofing (MEC / PLB / ROF)

<u>ID</u>	<u>Deficiency Description</u>	<u>Enforceable Code Citation</u>	<u>Mandatory Remedy</u>
MEC-001	HVAC ductwork incomplete, unsealed, or detached in cavities.	675 IAC 14-4.4 (Section M1601.4.1)	Mechanically fasten all duct connections with screws and seal airtight using code-approved mastic or foil-faced tape.
MEC-002	Missing or insufficient attic thermal insulation layers.	675 IAC 14-4.4-91 (Table N1102.1.2) & 675 IAC 14-4.4-28 (Section R806.3)	Install insulation throughout the unconditioned attic envelope to meet Indiana's mandatory minimum requirement of R-38 [675 IAC 14-4.4-91]. Maintain a continuous, unobstructed 1-inch minimum air space between the insulation and the roof sheathing at all perimeter eaves to ensure proper attic ventilation flow [675 IAC 14-4.4-28].
PLB-001	<u>CRITICAL:</u> Branch sanitary tee drain piping sloped improperly.	675 IAC 14-4.4 (Section P3005.3)	Re-hang drain piping under 3 inches in diameter to maintain a continuous, uniform downward slope of 1/4 inch per foot.

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PLB-003	CRITICAL LIFE SAFETY: Open plumbing waste vent terminating in attic.	675 IAC 14-4.4 (Section P3103.1)	Route plumbing vent line up through roof envelope to vent toxic sewer gases safely into the outdoor atmosphere.
ROF-002	CRITICAL: New metal panel roofing layer installed over multiple failing shingle courses.	675 IAC 14-4.4 (Section R908.3.1.1)	Tear off all existing roofing layers down to raw wood deck sheathing. Repair damaged sheathing and install a single, clean roof system.

STRUCTURAL ENGINEERING MANDATE & PENALTIES

YOU ARE HEREBY REQUIRED TO RETAIN AN INDEPENDENT, LICENSED INDIANA REGISTERED PROFESSIONAL ENGINEER (PE) to conduct a comprehensive structural evaluation of the compromised floor framing spans (STR-003, STR-004), deficient member bearings (STR-006, STR-007), missing structural joist hangers (STR-008), active floor deflection/sagging (STR-011), unapproved support layout deviations (ADM-007), and missing foundation footings (STR-020, ADM-006) executed at the job site. You must submit the engineer's signed, dated, and stamped structural remediation plans, load-path calculations, and code-compliance reports directly to the Office of the Building Commissioner for administrative plan review.

The active Stop Work Order will remain in full force and effect, and permission to execute any corrective physical field work is strictly withheld, until these engineered design submittals are officially received, reviewed, and approved in writing by this department.

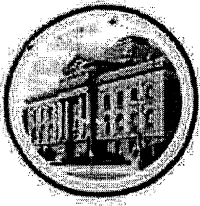
MANDATORY TIMELINE FOR COMPLIANCE & COMMUNICATIONS

A.) Structural Engineering Submission Deadline –

You are granted exactly fourteen (14) calendar days from the date of this Order, establishing a firm engineering submittal deadline of September 7, 2026, to retain a licensed Indiana Registered Professional Engineer (PE) and submit the required signed, dated, and stamped structural remediation plans, load-path calculations, and code-compliance reports to this office for administrative plan review.

B.) Phased Project Compliance Timeline –

The exact timeframe to achieve full structural compliance shall be determined based on the approved engineering findings. The engineer's submittal must include a comprehensive, phased remediation schedule outlining the estimated duration for all required corrections (or complete demolition and reconstruction if deemed structurally necessary by the engineer or this Department). This schedule is subject to modification, review, and final written approval by the Building Commissioner.



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C.) Legal Consequences of Non-Compliance –

Failure to submit the required engineering reports within fourteen (14) days, failure to adhere strictly to the milestones of the final approved remediation schedule, or the continuation of any unauthorized construction activities while under an active Stop Work Order constitutes a Class C infraction under Indiana Code § 22-12-7-7. Pursuant to Section 12, 15, 17, & 18 of the Miami County Building Code Ordinance, non-compliance will result in immediate legal penalties, including:

- 1.) Civil fines of up to \$2,500 per day for each day an administrative or physical milestone deadline is violated.
- 2.) The permanent revocation of Building Permit RBP #584-26.
- 3.) A formal injunction filed by the County Attorney in the Miami County Courts compelling the complete demolition and removal of the unapproved structural addition at the contractor's expense.

D.) Mandatory Written Communication Protocol –

All future communications from the permit holder, contractor of record, contractor representatives, or any person acting on behalf of the permit holder regarding this matter shall be submitted exclusively in writing to the Miami County Plan Commission/Building Department.

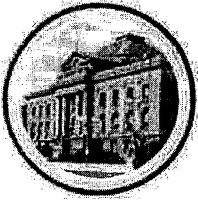
To maintain an accurate and legally binding administrative record, this office requires that all compliance updates, scheduling requests, and engineered plan submittals be conducted solely in writing. Verbal discussions, field conversations, or telephone calls shall not modify, amend, waive, release, or otherwise alter any requirement, timeline, or penalty of this Order unless explicitly confirmed in a formal, written administrative release signed by the Building Commissioner. All written submittals must be hand-delivered to the office or sent via email to: croser@miamicountyin.gov.

STATUTORY RIGHTS OF ADMINISTRATIVE APPEAL

Pursuant to Indiana law, the permit holder or any person adversely affected by this administrative enforcement Order has a dual right to file a petition for administrative review based on the nature of the dispute:

A.) Structural & Safety Code Interpretation Appeals (State Level) –

In accordance with IC § 22-13-2-7 and the General Administrative Rules of the State of Indiana, any appeal involving technical interpretations, modifications, or variances of the physical structural safety, mechanical, plumbing, or electrical codes must be filed directly in writing with the Indiana Fire Prevention and Building Safety Commission within fifteen (15) calendar days of service of this Order.



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B.) Local Administrative & Permitting Appeals (County Level) –

In accordance with IC § 36-7-8-9 and the local building enforcement frameworks of Miami County, any appeal challenging the Building Commissioner's administrative enforcement actions, building permit rules, plan conformance directives, or project timeline parameters must be filed as an administrative appeal directly with the Miami County Board of Zoning Appeals (BZA) within fifteen (15) calendar days of the date of this Order.

The filing of an administrative petition for review at either the state or local level shall **NOT** stay, suspend, alter, or modify this active Stop Work Order or the Structural Engineering Mandate. This Order shall remain in full force and effect, and all construction work must remain completely stopped, unless and until explicitly modified, reversed, or stayed in writing by a formal order from the reviewing administrative body or a court of competent jurisdiction.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Regards,

A handwritten signature in black ink, appearing to read "Corey Roser".

Corey Roser
Planning & Zoning Administrator
Miami County Plan Commission
croser@miamicountyin.gov

CC: Theodore W. Ames & Kelsie L. Morgan, Property Owners
4837 S 450 E
Peru, IN 46970

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C



BRYCE RUNKLE

ATTORNEY AT LAW

16 E. 5th St, Ste 3 | Peru, IN 46970 | (765) 985-2215 TEL | (765) 382-0611 FAX

August 31, 2026

Via Email and Certified Mail

Corey Roser
Miami County Plan Commission
25 N Broadway, Room 101
Peru, IN 46970

Re: Stop Work Order for 4837 S 450 E; Peru, IN 46970

Dear Mr. Roser:

Please be advised that Bradey Evans and Build It Brothers Construction, LLC has retained my office today to file an appeal of the above stop work order. We had previously requested an informal meeting to try to clear up some misunderstandings. Your office refused and requested a formal letter before holding any such meeting. My client intends to appeal this stop order and/or pursue other civil remedies. I anticipate filing said appeal(s) before the end of the week. Therefore, if your office wishes to resolve this matter informally, a prompt response would be advisable.

The majority of the purported violations listed in said order are either 1) false conclusions of fact, 2) violations committed by the HVAC contractor, MC Contracting, which is not a subcontractor of my client, or 3) Untimely violations as the work has not yet been completed and no final inspection has been requested.

First, the following alleged violations are simply factually false: ADM-001, ADM-002, ADM-003, ADM-004, ADM-005, STR-005, STR-006, STR-007, STR-011, STR-020, STR-021, EXT-001, and ROF-002. The footing inspection was performed by Ken on or about April 16, 2026 and my client's foundation subcontractor, Gavin Doge, has informed my client everything was approved. The framing inspection, plumbing/mechanical inspection, and electrical inspection were performed by Ken on or about June 8, 2026.

As you are undoubtedly aware, a governmental entity can be held subject to the principles of equitable estoppel if a person detrimentally relied upon an affirmative governmental representation or upon governmental silence when the government had a duty to speak. *See Equicor Development, Inc. v. Westfield-Washington Township Plan Commission*, 758 N.E.2d 34 (Ind. 2001). The Miami County Plan Commission cannot approve work and then withdraw its approval after said approval has been detrimentally relied upon.

Second, MC Contracting was the HVAC contractor who was a friend of the homeowner, was hired separately by the homeowner, and is not a subcontractor of my client. MC Contracting is not authorized to be working under my client's permit. If MC Contracting has failed to file for

its own permit, we recommend that your office address that issue with MC Contracting. Nonetheless, we object to any stop order against my client for violations of MC Contracting which is an entity outside my client's control. The following alleged violations concern work performed exclusively by MC Contracting: ELE-001, ELE-002, ELE-003, ELE-004, ELE-005, ELE-006, ELE-007, MEC-001, and MEC-002.

Third, a final inspection is not due and has not been conducted. As such it is entirely inappropriate to issue a stop order for alleged violations which are the sole result of the project not being finished. The following alleged violations are premature as the project has not been completed and a final inspection has not yet been conducted: ELE-002, ELE-005, ELE-008 (ceiling fans not yet installed), EXT-005, EXT-007, EXT-008, PLB-003.

The remaining alleged violations are minor issues which my client is willing to address if necessary. A number of these violations are also subject to equitable estoppel claims such as ADM-006, ADM-007, and ADM-008. My client did not make any attempt to conceal the reuse of the existing sunroom foundation, orally communicated said intent to Miami County Plan Commission, and received oral approval for said reuse from the Miami County Plan Commission. My client has clearly relied upon said oral approval to his detriment. None of the remaining alleged violations could support a stop work order.

The substitution of lag screws for hangers was approved by Ken. My client is willing to replace said substitution if necessary but we submit such a substitution would clearly qualify under the principles of equitable estoppel discussed above.

We further object to the fifteen day deadline to secure a professional engineer and submit alternate plans as utterly unreasonable. It is utterly impossible for any person to accomplish such a requirement in fifteen days. The Miami County Plan Commission is required to provide reasonable time to comply with their orders. The time provided is clearly unreasonably short. We submit such an order is subject to equitable estoppel and/or unreasonable.

During this entire process, my client was not consulted, not given an opportunity to defend himself, and denied due process.

I have reason to suspect that the homeowners, who have indicated a desire to avoid their bill, hired a home inspector who conducted a home inspection which was inappropriate and untimely and the Miami County Plan Commission — without conducting an adequate independent investigation, reviewing its own files, or consultation with my client — made official decisions based on said report. The Miami County Plan Commission is not a judge presiding over civil litigation. I certainly hope these suspicions are not correct as such a sequence of events would be profoundly improper.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bryce Runkle', with a long horizontal flourish extending to the right.

Bryce Runkle

cc: file

D

MIAMI COUNTY, INDIANA

CODE OF ORDINANCES

Contains 2014 S-3, current through
Ordinance 11-25-13, passed 11-25-13

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Burns Ind. Code Ann. § 36-1-5-3

Archived code versions

*** Current with legislation of the 2026 Second Regular Session of the 124th General Assembly with acts effective through July 1, 2026. ***

36-1-5-3. Codification authorized.

The legislative body of a unit shall codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances.

History

IC 18-5-12-1, 18-5-12-4, recodified as IC 36-1-5-3 by Acts 1980, P.L. 211, § 1; Acts 1981, P.L. 17, § 5.

End of Document