

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of The State of Culpeper, LLC (James A. Wells)  
Appeal No. 25-14

DECISION OF THE REVIEW BOARD

I. Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

II. Case History

On September 11, 2025, the State Fire Marshal's Office (SFMO), the agency responsible for investigating complaints and performing field inspections, in accordance with the 2021 Virginia Statewide Fire Prevention Code (VSFPC), received a complaint from the Town of Culpeper Code Compliance department (Town), which originally was filed to the Town by James A. Wells (Wells), for the State Theater building located at 303 South Main Street 100, in Culpeper County, related to reported faults on the fire alarm system.

*Note: The State Theater building is owned by The State of Culpeper LLC for which Wells is the registered agent.*

On September 17, 2025, SFMO responded to the complaint and performed an inspection related to the complaint. During the inspection the SFMO found that Windmore Foundation for the Arts (Windmore) and State Climb, two of the six tenants of the State Theater building, shared

the fire alarm system that was the subject of the complaint. On September 26, 2025, SFMO issued a Fire Code Inspection Report citing the following violation:

a) *“901.6.1 Standards.*

*Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 901.6.1.*

*Comments: FACP shows 3 troubles due to generator no longer in use. Please have the system reprogrammed.”*

On October 7, 2025, Wells, the registered agent for The State of Culpeper, LLC, filed an appeal to the Review Board for the September 26, 2025 Fire Code Inspection Report.

Appearing at the Review Board meeting for the SFMO were Chief Fire Marshal Billy Hux, Deputy Fire Marshals Adam Tutor and Damon Price, and William Wittenbrook, legal counsel for the State Fire Marshal’s Office from the Attorney General’s Office. Wells was not present at the hearing; however, he was given proper notice of the hearing.

### III. Findings of the Review Board

#### A. Whether to overturn the decision of SFMO that a violation of VSFPC Section 901.6.1 Standards exists.

SFMO, through legal counsel, argued that the building generator, which operates the fire alarm panel and other life safety features during power failure/outage, and several pull stations for the fire protection system in the building had been removed causing multiple “trouble” codes to appear on the fire alarm system panel. SFMO further argued that the removal of the generator eliminated the functionality of the fire alarm system and other life safety features during power failure/outage. SFMO argued that upon reinspection, after the 30-day timeframe given to perform the necessary repairs, the cited violations had not been abated. SFMO also argued that in accordance with the SFPC all fire protection systems must be maintained in accordance with the original approval and installation. SFMO also argued that the required permits for the work

performed on the fire protection system had not been acquired; therefore, SFMO notified the local building official of the work performed.

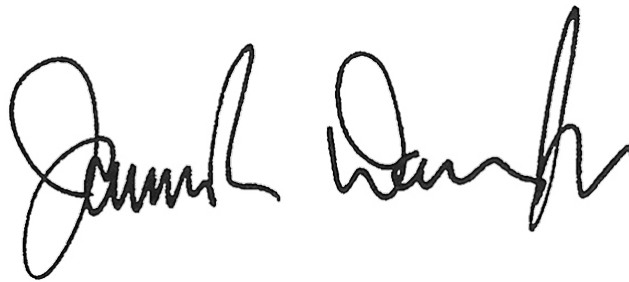
The Review Board found that a violation of VSFPC Section 901.6.1 *Standards* existed because the alarm system was not being properly maintained in accordance with the manner in which the alarm system was approved and installed based on the evidence provided showing the alarm system condition to be “trouble” which had not been corrected.

#### IV. Conclusion

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

A. Whether to overturn the decision of SFMO that a violation of VSFPC Section 901.6.1 *Standards* exists.

The decision of the SMFO a violation of VSFPC Section 901.6.1 Standards existed is upheld because the alarm system was not being properly maintained in accordance with the manner in which the alarm system was approved and installed based on the evidence provided showing the alarm system condition to be “trouble” which had not been corrected.



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Chair, State Building Code Technical Review Board

Date entered \_\_\_\_\_ February 19, 2026 \_\_\_\_\_

As required by VCC 119.9: “As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.”

As required by Rule 2A:2(C): “Any party appealing from a regulation or case decision shall file with the agency secretary, within 30 days after adoption of the regulation or after service of the final order in the case decision, a notice of appeal signed by the appealing party or that party's counsel. With respect to appeal from a regulation, the date of adoption or readoption shall be the date of publication in the Register of Regulations. In the event that a case decision is required by § 2.2-4023 or by any other provision of law to be served by mail upon a party, 3 days shall be added to the 30-day period for that party. Service under this Rule shall be sufficient if sent by registered or certified mail to the party's last address known to the agency.” See Rule 2A:2(A) of the Rules of the Supreme Court of Virginia.