



## **BOARD OF REVIEW MINUTES**

August 19, 2009

10:30 a.m.

**MEMBERS PRESENT:** Chairman Sol Chavez  
Mr. Johnny (J.B.) Johnson  
Mr. Rick Johnson  
Mr. Johnny Garcia  
Mr. Frank Watson

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Mr. Henry Yankowski, Regional Building Official  
Mr. Bob Croft, Special Projects Coordinator  
Mr. Roger Lovell, Plans Supervisor  
Mr. Jim Vernon, Chief Mechanical/Plumbing Supervisor  
Mr. Jim Pepper, Chief Building Supervisor  
Mr. Dean Wemmer, Chief Electrical Supervisor  
Mr. Todd Welch, Regional Building Counsel  
Ms. Mindy Stuemke, Senior Permit Technician  
Ms. Linda Gardner, Executive Administrative Assistant

### **PROCEEDINGS:**

The meeting was called to order at 10:31 a.m.

#### **1. CONSIDERATION OF JULY 15, 2009 MINUTES**

A motion was made by Johnny Johnson to **APPROVE** the July 15, 2009, Board of Review Minutes as written, seconded by Johnny Garcia; the motion carried unanimously.

#### **2. CONSIDERATION OF LICENSING AND MINUTES**

a) Building Committee Minutes of August 5, 2009.

A motion was made by Johnny Johnson to **APPROVE** the August 5, 2009, Building Committee Minutes with the following amendments, seconded by Johnny Garcia; the motion carried unanimously.

Jim Pepper appeared, was sworn in, and stated he approved a license for All American Roofing and Exteriors under the Consent License Requests, and he would like to rescind that approval and send the license request back to the Building Committee for review. He said he received a telephone call which informed him that this is a license request under a new name for a licensee that had previously had his license revoked. Rebecca Carty appeared, was sworn in, and stated she is the licensee, and she formerly worked for the man that had his license revoked, but she now has her own company and this man is not affiliated with the new company. Jim Pepper stated Jim Golob was the man that had his license revoked and his company was A-1 Roofing & Gutters, d/b/a All American Roofing. Johnny Garcia made a motion to **UPHOLD** the motion of the Building Committee approving the license for All American Roofing and Exteriors, seconded by Rick Johnson; the motion carried unanimously.

David Fiedler with Open Range Construction appeared, was sworn in, and stated at the time of his initial license request he was not affiliated with Open Range Construction, and he was not restricted on the number of permits he could obtain. He said he is now employed by Open Range Construction and applied to have his license transferred. He said the Building Committee looked at the work history of Open Range Construction for the license transfer, instead of his personal work history, and put a two permit restriction on his license, where he did not have any restrictions with the initial license request. A motion was made by Rick Johnson to **REVERSE** the Building Committee's decision and **APPROVE** Mr. Fiedler's "A-1" (General) license transfer request without restrictions, seconded by Johnny Johnson; the motion carried unanimously.

Johnny Johnson stated that in the future, the Board of Review members would like all restrictions for both Consent License Requests and License Requests Considered Individually noted on the Minutes.

b) Electrical Committee Minutes of August 11, 2009.

A motion was made by Rick Johnson to **APPROVE** the August 11, 2009, Electrical Committee Minutes as written, seconded by Johnny Johnson; the motion carried unanimously.

c) Mechanical Committee Minutes of August 12, 2009.

A motion was made by Rick Johnson to **APPROVE** the August 12, 2009, Mechanical Committee Minutes as written, seconded by Johnny Garcia; the motion carried unanimously.

**3. DECISION APPEALS**

There were no Decision Appeals to discuss.

**4. COMPLAINT UPDATES**

There were no Complaints to discuss.

**5. UNFINISHED BUSINESS**

a) Contractor licensing requirements with regard to financial stability and ethics.

Rick Johnson stated he has done some research on requirements of other states, in particular Arizona, and found that several states require a Business and Project Management for Contractors exam be taken by licensees. He said the exam application requires the submittal of a contractor's financial statement. Mr. Johnson stated he found that 22 states follow this same protocol regarding testing.

Todd Welch stated RBD believes this may cause more problems for RBD than it will solve. He said Code states that if you are charged with fraud in the construction trade, we can deny your license. He said he has drafted the following language for the Code change for the Committee members' review today:

In deciding whether to grant a license, registration or allow an individual to serve as an examinee for a contractor in this jurisdiction, an Advisory Committee may consider whether any individual or entity has failed to pay any subcontractors, materialmen, suppliers or others providing material or services to an individual or an entity of which the individual is a part owner.

Jim Pepper stated he does not feel he can be responsible for determining a licensee's financial position when applying for a license. Todd Welch stated the Board of Review has the right to put any reasonable restriction on a contractor's license. A motion was made by Rick Johnson to recommend that the Code be amended to add the provision presented by Mr. Welch today, or a similar provision, and that RBD proceeds with the Code adoption process, seconded by Johnny Johnson; the motion carried 3:1. Sol Chavez opposed.

A motion was made by Johnny Johnson that this issue go before the advisory committees for review, seconded by Rick Johnson; the motion carried unanimously.

b) Radon Mitigation.

Rick Johnson stated the State of Colorado, Department of Public Health and Environment grants licenses for radon mitigation contractors. He said RBD does not have to test for radon mitigation, because these contractors have to be tested and registered with the State. A motion was made by Rick Johnson that we add radon mitigation licensing to RBD, and include the currently omitted Section 512 to the International Residential Code and the International Mechanical Code pertaining to radon mitigation, seconded by Johnny Garcia; the motion carried unanimously.

c) Home Inspectors.

Johnny Garcia stated we have 14 home inspectors in El Paso County that are licensed with ASHI. He said he is proposing that home inspectors be licensed with RBD. He said they do have testing that has to be taken with ASHI. Johnny Johnson stated Arizona regulates home inspectors in the same way that they regulate architects and engineers. Jim Pepper stated that without a Code to enforce, he foresees a problem in regulating the home inspectors. He said he feels there are liability issues with compliance inspections on older homes.

Dan Rial, President of the Pikes Peak Mechanical Contractors Association, appeared and stated he has had problems arise when he does not agree with what the home inspectors have determined are problems, and he is concerned about life safety issues. He stated that having licensed contractors do the inspections would be a better policy.

Terry Richards with Johnstone Supply appeared and stated there is an increasing amount of friction between contractors and real estate agents and home inspectors due to disagreements on what work should be completed. He said he also believes the home inspectors should be certified or licensed.

Curtis Martinell stated he was a home inspector in California in the 1980's, and he was a member of ASHI at that time. He said it is very common for home inspectors from different jurisdictions to come into this area to do home inspections. Roger Lovell stated there is an International Property Maintenance Code written by the ICC that may address some of these issues, but that is not a Code that has been adopted by RBD.

Sol Chavez stated he does not feel RBD has any responsibility regarding home inspectors. Johnny Johnson stated there are two different problems, i.e. home inspectors from different jurisdictions doing inspections in El Paso County who may not be conforming to RBD's regulations, and the entities that are requesting this information. He said he does not feel RBD should get involved with the financial considerations of purchases of homes and/or

businesses. Henry Yankowski suggested that Jim Cox, who is involved with the Local Chapter of Home Inspectors, work with Dan Rial and RBD staff to try to solve some of the issues directly among those two groups. He said Mr. Rial could explain the issues he is having as a contractor, and Mr. Cox may be able to help resolve some of those issues.

**6. NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 12:04 p.m.