

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BOARD OF REVIEW MINUTES

April 18, 2012

10:30 a.m.

MEMBERS PRESENT: Chairman Frank Watson
Vice Chairman Rick Johnson
Mr. Michael McShea, Jr.
Mr. Johnny Garcia

MEMBERS ABSENT: Mr. Larry Whittaker

OTHERS PRESENT: Mr. Henry Yankowski, Regional Building Official
Mr. Roger Lovell, Chief Plans Examiner
Mr. Todd Welch, Regional Building Counsel
Mr. Bob Croft, Special Projects Coordinator
Mr. Jim Pepper, Chief Building Supervisor
Mr. Jim Vernon, Chief Mechanical/Plumbing Supervisor
Ms. Mindy Stuemke, Permit Supervisor
Ms. Pattie Benger, Contractor Licensing
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Frank Watson called the meeting to order at 10:32 a.m.

1. CONSIDERATION OF MARCH 21, 2012 MINUTES

A motion was made by Rick Johnson to **APPROVE** the Minutes of the March 21, 2012 Board of Review meeting as written, seconded by Michael McShea; the motion carried unanimously.

2. CONSIDERATION OF LICENSING AND MINUTES

a) Building Committee Minutes of April 4, 2012, with the exception of the Building Contractor "A-1" (General) License Request of George Matty with Keystone Construction of the Rockies, Inc. and Items 5 and 6, which are under appeal.

A motion was made by Rick Johnson to **APPROVE** the Minutes of the April 4, 2012 Building Committee meeting as written, with the exception of the Building Contractor "A-1" (General) License Request of George Matty with Keystone Construction of the Rockies, Inc. and Items 5 and 6, which are under appeal, seconded by Michael McShea; the motion carried unanimously.

- b) Electrical Committee of April 10, 2012, was cancelled due to lack of agenda items.
- c) Mechanical Committee Minutes of April 11, 2012.

A motion was made by Michael McShea to **APPROVE** the Minutes of the April 11, 2012 Mechanical Committee meeting as written, seconded by Rick Johnson; the motion carried unanimously.

3. **DECISION APPEALS**

a) **Building Contractor A-1 (General)**

HOAG CONSTRUCTION COMPANY – THOMAS HOAG (LIMITATION REMOVAL REQUEST) *Thomas Hoag appeared before the Building Committee on February 1, 2012, and was granted an “A-1” (General) License, with the limitation of one ground-up “A-1” permit, unlimited tenant finishes, and a maximum of ten ground-up “B-1” permits at COS Business Airpark and the adjacent property, until at least four are completed, at which point Mr. Hoag can work with RBD staff to remove the “B-1” restriction.*

Karl Berg, attorney, appeared on behalf of Tom Hoag. He stated Mr. Hoag appeared in 2007 before the Building Committee to request an “A-1” License, and he was granted an “A-1” License, limited to one “A-1” or two “A-2” permits and four “B-1” or “B-2” permits, and he has completed those permits. He stated four of those permits are VA projects which are not permitted by RBD. Mr. Berg stated they do not feel the Building Committee had the authority to impose additional conditions on Mr. Hoag’s license; this is the role of the Board of Review. Tom Hoag appeared, was sworn in, and stated in 2009 he worked on four VA projects in Nebraska, and he is currently working on VA projects in Sioux Falls, South Dakota, and Albuquerque, New Mexico. Jim Pepper appeared, was sworn in, and stated RBD does not have any outstanding issues with Mr. Hoag’s license. He stated the stipulations imposed on Mr. Hoag’s license were for in-jurisdiction projects; RBD has no oversight on projects done outside of El Paso County. Mr. Berg stated the Board of Review did not specify that the projects had to be done in El Paso County. Johnny Johnson appeared, was sworn in, and stated he is a member of the Building Committee and they did not question Mr. Hoag’s qualification, but were more concerned with Mr. Hoag’s knowledge of RBD’s current Codes and procedures, and that is why they limited the number of permits he could obtain initially. Mr. Pepper stated Mr. Hoag has not completed the number of permits that were granted to him in 2007, because out-of-state permits do not qualify. Mr. Hoag stated he has had a license in El Paso County for 17 years, and he has never had any issues in that time frame with RBD. He stated he has completed a number of “A” permits out of state.

The Board of Review moved into Executive Session at 10:59 a.m. pursuant to C.R.S. §24-6-402(3)II to seek legal advice from our attorney.

After moving into General Session at 11:09 a.m., Chairman Watson noted that no decisions were made during the Executive Session.

A motion was made by Rick Johnson to **APPROVE** an “A-1” (General) License, with the limitation of one ground-up “A” permit, until completed, unlimited “A” tenant finishes, and unlimited “B” permits, at which time Mr. Hoag can work with RBD staff to have the restriction removed, seconded by Johnny Garcia; the motion carried unanimously.

b) **Building Contractor A-1 (General)**

KEYSTONE CONSTRUCTION OF THE ROCKIES INC. – GEORGE MATTY (UPGRADE) *George Matty appeared before the Building Committee on April 4, 2012, and the Building Committee denied his license request due to lack of adequate experience.*

George Matty appeared, was sworn in, and stated he is appealing the recommendation regarding his license request with the suggestion that the Board of Review place a restriction on his license, so he can start the process with RBD. He stated in 1999 he work on three Kinder Cares in Colorado, under the license of another general contractor. Pattie Benger appeared, was sworn in, and stated Mr. Matty was first issued a license in El Paso County in 1985, and he currently has a “B-2” License. Mr. Matty stated he has done safety modifications in hospitals, which did not require a permit. Johnny Johnson appeared, was sworn in, and stated he is representing the Building Committee today, and stated Mr. Matty did not demonstrate adequate experience in “A-1” construction, which was the reason the Building Committee denied his license request. Mr. Matty furnished the Board members with documentation for work that he has completed in the past. A motion was made by Rick Johnson to **UPHOLD** the decision of the Building Committee until Mr. Matty can furnish additional documentation that would show that he has completed ground-up “A” projects in other jurisdictions, seconded by Johnny Garcia; the motion carried unanimously.

- c) 2330, 2332, 2334 and 2336 South Academy Boulevard – Wesley O’Dell, Wes O’Dell Contracting, requests a variance to Section RBC203.1, 2011 Pikes Peak Regional Building Code, to allow a “B-1” licensed contractor to obtain a permit requiring an “A-2” license. *Wesley O’Dell appeared before the Building Committee on April 4, 2012, and the Building Committee approved his variance request, with the stipulation that Mr. O’Dell take and pass the “A-2” test before he obtains a permit for this project, and Mr. O’Dell will have to reappear before the Building Committee to have his “A” License approved in order to obtain additional permits.*

Wesley O'Dell appeared, was sworn in, and stated he has actually completed one "A" project and a "B" project that turned into an "A" project when a subcontractor cut into a 2-hour shaft. Roger Lovell appeared, was sworn in, and stated the request is for Mr. O'Dell to perform work for an "A" permit with his "B" license, and the stipulation by the Building Committee was that he has to take and pass his "A" License test. Mr. O'Dell stated he is not interested in getting an "A" License, because he does not have the experience for this license, but he would like to be granted the ability to do this particular "A" project. He stated the project is the interior remodel of a bar. He stated they have the initial plans, but they have not yet been approved by an engineer.

The Board of Review moved into Executive Session at 11:37 a.m. pursuant to C.R.S. §24-6-402(3)II to seek legal advice from our attorney.

After moving into General Session at 11:44 a.m., Chairman Watson noted that no decisions were made during the Executive Session.

Mr. O'Dell stated he has been doing primarily design work in the recent past, but he has kept up with the Codes. He stated this bar project is approximately 4,200 square feet, the occupant load will be 150 to 175, and it is in the \$25,000 to \$35,000 range. He stated this project does not require any structural work. Roger Lovell appeared, was sworn in, and stated he believes this would be an "A-2" or an "A-3" occupancy. Pattie Benger stated Mr. Odell was issued a "C" license in 1990 and a "B-1" license in 1994, and he has obtained 58 permits since 1990. A motion was made by Rick Johnson to **UPHOLD** the decision of the Building Committee and recommended that Mr. O'Dell take the "A" test because of his lack of experience, seconded by Michael McShea; the motion carried unanimously.

4. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

5. **NEW BUSINESS**

a) Possibility of Combining the Mechanical and Electrical Committee Meetings.

Rick Johnson stated there has been some discussion of combining the Electrical and Mechanical Committees and forming an "MEP" Committee, because of lack of activity for both Committees during the past year. He said RBD is proposing eliminating the Journeyman Plumber position and the Mechanical Contractor B position from the Mechanical Committee, and adding two people from the Electrical Committee, i.e. an Electrical Contractor and a Citizen at Large position. Henry Yankowski stated RBD staff does not feel this would present any life safety problems for our citizens. He stated this issue would have to be presented to each of our jurisdictions, and go through a Code change. A motion was made by Rick Johnson to recommend to the Building Commission **APPROVAL**

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to combine the Electrical Committee and the Mechanical/Plumbing Committee into one
“MEP” Committee, seconded by Michael McShea; the motion carried unanimously.

The meeting adjourned at 12:09 p.m.

Respectfully submitted,

Henry W. Yankowski
Regional Building Official

HWY/llg