

# Pikes Peak Regional Building Department

2880 International Circle  
Colorado Springs, Colorado 80910

## BOARD OF REVIEW MINUTES

November 21, 2013

10:30 a.m.

**MEMBERS PRESENT:** Chairman Rick Johnson, Citizen-at-Large  
Mr. Johnny Garcia, Building A, B or C Contractor  
Mr. Tom McDonald, Building A Contractor  
Mr. Michael McShea, Engineer

**MEMBERS ABSENT:** Mr. Larry Whittaker, Architect

**OTHERS PRESENT:** Mr. Henry Yankowski, Regional Building Official  
Mr. Todd Welch, Regional Building Counsel  
Mr. Roger Lovell, Deputy Building Official/Large Development  
Mr. Jay Eenhuis, Chief Plans Examiner  
Ms. Mindy Stuemke, Permit Supervisor  
Ms. Linda Gardner, Executive Administrative Assistant

### PROCEEDINGS:

Chairman Rick Johnson called the meeting to order at 10:31 a.m.

#### 1. CONSIDERATION OF THE OCTOBER 16, 2013 BOARD OF REVIEW MINUTES

A motion was made by Tom McDonald to **APPROVE** the October 16, 2013 Board of Review Minutes as written, seconded by Johnny Garcia; the motion carries unanimously.

#### 2. CONSIDERATION OF LICENSING AND MINUTES

a) Building Committee Minutes of November 6, 2013, with the exception of Item 6, 326 North Tejon Street, and the Consent License Request of Tim Abello with Abello's Roofing, which are under appeal.

A motion was made by Johnny Garcia to **APPROVE** the Building Committee Minutes of November 6, 2013, as written, with the exception of Item 6, 326 North Tejon Street, and the Consent License Request of Tim Abello with Abello's Roofing, which are under appeal, seconded by Tom McDonald; the motion carried unanimously.

b) MEP Committee Minutes of November 13, 2013.

A motion was made by Tom McDonald to **APPROVE** the November 13, 2013 MEP Committee Minutes as written, seconded by Mike McShea; the motion carried unanimously.

### 3. **DECISION APPEALS**

- a) 326 North Tejon Street – David Anderson requests a variance to Section 903.2.1.2, Group A-2, 2009 International Building Code, to waive a sprinkler system, where required. *This Item was postponed from the October 2, 2013 Building Committee meeting to allow RBD staff and CSFD staff an opportunity to research this issue further. It was heard by the Building Committee on November 6, 2013, and the Committee DENIED the variance because CSFD had not had adequate time to review the proposed plan to determine if it is an equivalent method of construction.*

This appeal has been **POSTPONED** until the December 18, 2013 Board of Review Meeting.

The Board of Review moved into Executive Session at 10:34 a.m. pursuant to C.R.S. §24-6-402(3)(III) to discuss matters that must be kept confidential by law.

After moving into General Session at 10:40 a.m., Chairman Johnson noted that no decisions were made during the Executive Session.

- b) A complaint has been brought against Jeremy Fitzgerald, licensee for Colorado Mechanical Services, by Regional Building for failing to correct noted deficiencies and for having an “A” Status Permit at 103 South Wahsatch Avenue, Colorado Springs, Colorado, in violation of Sections RBC105.9 and RBC109.2, 2011 Pikes Peak Regional Building Code; and for performing work at 3250 Kestrel Drive, Colorado Springs, Colorado without a license and for failing to pull a permit at this same address for the work done, in violation of Sections RBC105.1 and RBC201.3, 2011 Pikes Peak Regional Building Code. *This complaint was heard by the MEP Committee on September 11, 2013, and the Committee recommended that a Letter of Reprimand be put in Mr. Fitzgerald’s contractor file, a 30 day extension be given to Mr. Fitzgerald to clean up all outstanding permits, and upon completion of these permits, RBD grants him a one year extension on his license. If RBD receives further complaints that Mr. Fitzgerald has not pulled a necessary permit or followed RBD procedures, it will be an automatic revocation of his license. This Complaint was heard by the MEP Committee on October 9, 2013, and the Committee recommended REVOCATION of Jeremy Fitzgerald’s license due to noncompliance with the September 11, 2013 decision of the MEP Committee.*

Jeremy Fitzgerald appeared, was sworn, and stated he started his HVAC business 5 years ago, and he grew too fast and was not able retain control of his business. He stated he has hired an office manager that has helped him reorganize his business and regain control. He stated he realizes he has made a number of mistakes, and he has scaled back and is just doing repairs now. Mr. Fitzgerald requested that the Committee reduce his “A” license to a “B” license in lieu of revoking his license, so he can continue doing business. He stated the staff at RBD has been working with him for the past two years and he realizes he “let them down”. Jack Arrington appeared, was sworn in, and gave the Committee a breakdown of the

details of the complaints that were the cause of this license revocation. He stated the MEP Committee gave Mr. Fitzgerald 30 days to complete his outstanding permits, and Mr. Fitzgerald failed to do so, and RBD staff has received additional complaints since that meeting.

Robert Vernon appeared, was sworn in, and stated he was the inspector for the property at 103 South Wasatch, and he gave the Committee the details of his inspections at this address.

The Board of Review moved into Executive Session at 11:10 a.m. pursuant to C.R.S. §24-6-402(3)(III) to discuss matters that must be kept confidential by law.

After moving into General Session at 11:20 a.m., Chairman Johnson noted that no decisions were made during the Executive Session.

Mr. Fitzgerald gave the details regarding his efforts to complete the outstanding permits during the 30 day period. A motion was made by Johnny Garcia to reclassify Mr. Fitzgerald's license down to a Mechanical "C-3" License/Mechanical IV for one year and he must return to the Board of Review in one year to give the Committee an update, seconded by Tom McDonald; the motion carried unanimously.

c) **Building Contractor D-1 (Roofing)**

ABELLO'S ROOFING LLC – TIM ABELLO (CO. CHANGES EXAMINEE)

Todd Welch stated this appeal has been **WITHDRAWN**. A motion was made by Johnny Garcia to **APPROVE** this license request, seconded by Mike McShea; the motion carried unanimously.

4. **UNFINISHED BUSINESS**

There was no Unfinished Business to Discuss.

5. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 11:28 a.m.

Respectfully submitted,

Henry W. Yankowski  
Regional Building Official  
HWY/llg