

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BOARD OF REVIEW MINUTES

February 19, 2014

10:30 a.m.

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

MEMBERS ABSENT:

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

PROCEEDINGS:

Chairman Rick Johnson called the meeting to order at 10:32 a.m.

1. ELECTION OF OFFICERS

A motion was made by Tom McDonald to elect Larry Whittaker as Chairman of the 2014 Board of Review meeting for 2014, seconded by Johnny Garcia; the motion carried unanimously.

A motion was made by Johnny Garcia to elect Tom McDonald as Vice Chairman of the 2014 Board of Review meeting, seconded by Michael McShea; the motion carried unanimously.

2. CONSIDERATION OF THE JANUARY 15, 2014 BOARD OF REVIEW MINUTES

A motion was made by Tom McDonald to **APPROVE** the January 15, 2014 Board of Review Minutes as written, seconded by Johnny Garcia; the motion carried unanimously.

3. CONSIDERATION OF LICENSING AND MINUTES

a) Building Committee Minutes of February 5, 2014.

A motion was made by Larry Whittaker to **APPROVE** the February 5, 2014 Building

Committee Minutes as written, seconded by Tom McDonald; the motion carried unanimously.

b) MEP Committee Minutes of February 12, 2014.

A motion was made by Johnny Garcia to **APPROVE** the February 12, 2014 MEP Committee Minutes as written, seconded by Tom McDonald; the motion carried unanimously.

4. **DECISION APPEALS**

- a) A complaint has been brought against Roy Attardi, licensee for Timberland Decks and Patios, by Regional Building for contracting to perform construction work as Premier Deck Designs, when he is licensed under the name of Timberland Decks and Patios, in violation of Section RBC201.2 (3), (4), (7) and (9), 2011 Pikes Peak Regional Building Code. *Roy Attardi appeared before the Building Committee on January 7, 2014, and the Committee recommended **REVOCATION** of Mr. Attardi's license due to "Ordinary, Willful and Wanton Negligence".*

Roy Attardi appeared, was sworn in, and stated he began marketing his business under the name Premier Deck Designs when he went through his divorce, although he was licensed under the name of Timberland Decks and Patios. He stated he had to file a civil suit against one of the homeowners, Nancy Milliron, 6309 Wicklow Circle East, in Small Claims Court to collect payment. He said he was asked to leave this property by the homeowner. He stated he feels he has done everything he can do to gain access to this property so it can be inspected.

Mr. Attardi said, with regard to 1245 Modell Drive, his technician did an inadequate job on the deck. He said he offered to have the stairs redone by a different technician, but the homeowner, Tawaiian Vigil, had already established a relationship with the first technician and she wanted him to do the repairs. He stated this homeowner also asked him to leave their property; although this project did pass inspection.

Nancy Milliron appeared, was sworn in, and stated they had to wait a significant amount of time for Mr. Attardi to start the project, and then the materials were not covered to protect them from the rains, his crew was unsupervised, the first inspection failed for loose rails, and it also failed a second inspection. She said she scheduled a time for Mr. Attardi to do the repairs and he did not show up. She said his lawsuit against them was dismissed by the Court. Ms. Milliron said when she discovered Mr. Attardi did not have insurance, she asked them to leave the property. She said she voided the permit pulled by Premier Deck Designs, and she has asked another contractor to pull a permit to repair the deck. She listed the repairs that were necessary to repair her deck. Ms. Milliron said Mr. Attardi called her numerous times and threatened to sue her.

Tawaiian Vigil appeared, was sworn in, and stated in detail the deficiencies with her deck. She said she tried to work with Mr. Attardi to correct the deficiencies, but he was uncooperative. She stated RBD staff has inspected the deck and confirmed that the deck is unsafe. Ms. Vigil stated she asked Mr. Attardi to leave her property, and he has been very belligerent with her and threatened to tear down the staircase. She said she has paid Mr. Attardi in full. Ms. Vigil played a voicemail that Mr. Attardi left her.

Terry Brunette appeared, was sworn in, and stated RBD received four or five complaints that came into RBD in a relatively short amount of time. He stated RBD brought Mr. Attardi before the Building Committee and they recommended revocation of Mr. Attardi's license.

The Board of Review moved into Executive Session at 11:12 a.m. pursuant to C.R.S. §24-6-402(3)(II) to seek legal advice from RBD's counsel.

After moving into General Session at 11:17 a.m., Chairman Johnson noted that no decisions were made during the Executive Session.

Robert Cooper appeared, was sworn in, and stated he contracted with Mr. Attardi in December 2012 to do work on his home, and the work has not been completed. He stated Mr. Attardi contracted to do electrical work at Mr. Cooper's home without the proper permit. He stated he has had to hire another contractor to make repairs to the work done by Mr. Attardi, which costs amounted to \$800.

Tanya Graham appeared, was sworn in, and stated she contracted with Mr. Attardi, but she discovered Mr. Attardi was uninsured, so she did not want him on her property. She said prior to learning of the insurance issue, she paid Mr. Attardi a deposit of \$2,275, and she has not received anything in return for this deposit.

Roy Attardi stated he learned this past year of a product deficiency with the deck rails, and he has started using a different type of deck post. He stated he had an electrical contractor install Mr. Cooper's electric.

A motion was made by Tom McDonald to **UPHOLD** the decision of the Building Committee on January 7, 2014 to **REVOKE** Roy Attardi's contractor license, seconded by Larry Whittaker; the motion carried unanimously.

5. UNFINISHED BUSINESS

There was no Unfinished Business to discuss.

6. NEW BUSINESS

There was no New Business to discuss.

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The meeting adjourned at 11:39 a.m.

Respectfully submitted,

Henry W. Yankowski
Regional Building Official

HWY/lhg