

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

MEP COMMITTEE MINUTES

October 8, 2014

10:00 a.m.

MEMBERS PRESENT: Chairman Edward Pine
Mr. Dan Rial
Mr. Mark Mahler
Mr. Larry Bobo
Mr. John Martin

MEMBERS ABSENT: Mr. R. J. Steer
Mr. Neil Case

OTHERS PRESENT: Mr. Todd Welch, Regional Building Counsel
Mr. Jack Arrington, Deputy Building Official -
Plumbing/Mechanical
Mr. Jon Brazier, Senior Mechanical Inspector
Mr. Lee Devlin, Senior Plumbing Inspector
Mr. Russ Kauk, Senior Plans Examiner
Ms. Pattie Benger, Contractor Licensing
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Edward Pine called the meeting to order at 10:00 a.m.

1. CONSIDERATION OF THE SEPTEMBER 10, 2014 MEP COMMITTEE MINUTES

A motion was made by Mark Mahler to **APPROVE** the September 10, 2014 MEP Committee Minutes as written, seconded by Dan Rial; the motion carried unanimously.

2. COMPLAINT

- a) A complaint has been brought against Lisa Larochelle, licensee for Integral Mechanical Solutions LLC, by Regional Building for offering to pull permits for another contractor, and her continued working relationship with Jamie Fitzgerald, in violation of Section RBC201.11.3, Nos. 2 and 3, 2011 Pikes Peak Regional Building Code.

Lisa Larochelle appeared and was sworn in. All other parties testifying were sworn in. Jack Arrington stated during the August MEP Committee Meeting, he was asked to monitor Ms. Larochelle's work and it was made clear to Ms. Larochelle at that time that she was prohibited from working with Jamie Fitzgerald. He stated he has been notified by Terry Cullen, owner of Happy Budda, that Ms. Larochelle was working with Jamie Fitzgerald on their project. Ms. Larochelle stated she did not have anything

to do with the work done for Terry Cullen at Happy Budda.

Ken Williams, homeowner, stated Jamie Fitzgerald never came out to the job site, but he did talk to him several times by telephone. He stated the work was supposed to have been done before they moved in, but no one came out to do the work. He said Ms. Larochelle did come out and clean the furnace and told him that someone else would be out to work on the water heater. Mr. Williams said no one showed up to finish the job, so he contacted the realtor and they sent another company out to finish the work that was required.

Jim Vernon appeared, was sworn in, and stated he spoke with Carl Moore and Terry Cullen when they came to RBD to initiate a complaint regarding the work performed at Happy Budda. He said Terry Cullen was the owner of the business and stated he had contracted with Mr. Fitzgerald and Lisa Larochelle was also present during the time the contract was done. He said Carl Moore had told him that he did work for Ms. Larochelle, but was not paid, and then he started working for Jamie Fitzgerald as a subcontractor, and he notified RBD staff that Mr. Fitzgerald and Ms. Larochelle are still working together. Mr. Vernon stated Mr. Cullen had told him that the equipment was delivered to the jobsite, and he had to find another contractor to install the equipment, but when this new contractor arrived at the jobsite, he discovered the compressors had been removed by Jamie Fitzgerald from the jobsite. He said the Sheriff was contacted when he discovered the equipment was missing.

Pattie Benger stated Ms. Larochelle currently has eight open permits, and four of those permits were transferred to Ms. Larochelle from Jamie Fitzgerald. Ms. Larochelle stated she is trying to complete the permits herself as she has the funds and time available, and she is also having difficulty contacting the homeowners. Todd Welch stated when the MEP Committee approved Ms. Larochelle's license, it was with the restriction that she no longer work with Jamie Fitzgerald.

Ms. Larochelle stated the work for Ken Williams was initiated by Jamie Fitzgerald with the realtor, but then Mr. Fitzgerald referred the work to her because he was out of town. She stated Mr. Williams may have talked to Mr. Fitzgerald on the phone, but he was out of town at the time and referred the work to her. Mr. Williams stated he believes Ms. Larochelle and Mr. Fitzgerald were working together on his project, and that it was not passed from Mr. Fitzgerald to Ms. Larochelle. Dan Rial and Mark Mahler stated they believe Ms. Larochelle's license should be revoked for her continuation to work with Mr. Fitzgerald and for not completing Mr. Fitzgerald's outstanding permits as she stated she would do when her license was approved. Lisa Larochelle stated she believes she can complete the eight outstanding permits within 30 days.

A motion was made by John Martin to recommend to the Board of Review that Ms. Larochelle cannot pull any new permits until she has completed all existing, past and current permits, with the stipulation that these permits must be completed within 60 days, seconded by Mark Mahler; the motion carried 3:1. Larry Bobo opposed.

John Martin left the meeting at 11:05 a.m. and a quorum was maintained.

- b) A complaint has been brought against Matthew Jones, licensee for Mr. Jones Heating & A/C, by Regional Building for pulling a permit for another contractor at 2450 Lower Gold Camp Road, Colorado Springs, Colorado, for having an “A” Status Permit at 5755 Mark Dabbling Boulevard, Colorado Springs, Colorado, and for having excessive inspection trips and consultations on Permits J94261, I83609, I83614, and I83607, in violation of Sections RBC105.9.1, RBC201.11.3, No. 3, RBC204.2.1, and RBC204.5, No. 4, 2011 Pikes Peak Regional Building Code.

All parties testifying were sworn in. Jon Brazier stated the details of the complaint by Regional Building Department. He stated it was determined that Mr. Jones pulled permits for Team Heating, who is not licensed in El Paso County. Mr. Brazier showed the Committee a number of pictures showing Code violations. He stated Mr. Jones’ work has required excessive consultations, and it was discovered that the employees on the job were employed by Team Heating.

Matthew Jones, Mr. Jones Heating & A/C, and William Doyle, Team Heating, appeared and Mr. Jones stated they have a long-standing relationship of working together throughout the State. Mr. Jones stated Team Heating quite often contracts the jobs, and Mr. Jones Heating manages the job. Mr. Doyle stated he is trying to help Mr. Jones Heating grow, as they have been friends for 15 years. Todd Welch informed Mr. Doyle that he cannot contract to do work in El Paso County without a license, and Mr. Jones cannot pull a permit for work that was contracted by Team Heating. Mr. Jones stated they have done work in several other venues where this type of working relationship was allowed, and this was not done in El Paso County in “malice”.

Ed Pine stated there was also a lot of substandard work performed on this jobsite. Mr. Jones stated he usually has a number of jobs in progress simultaneously, and he goes from one job to the other trying to supervise the work. He stated he hires foremen in each area to supervise the projects when he cannot be there.

Mr. Jones stated the job in El Paso County has been completed. Jack Arrington stated RBD had multiple issues with this job and that is the reason this contractor was asked to appear before the MEP Committee today. Jon Brazier stated RBD staff believes Mr. Jones’ license should be reduced to a Heating “B” License, due to Mr. Jones’ lack of knowledge and management. Mr. Arrington stated he believes that Mr. Jones only does commercial work, so a fine would also be appropriate.

A motion was made by Dan Rial to recommend to the Board of Review that a One-Year Incident Report be put in Matthew Jones’ contractor file, seconded by Mark Mahler; the motion carried unanimously.

- c) A complaint has been brought against Matthew Keck, licensee for Superior Water and Air, Inc., by Regional Building for doing mechanical work at 2118 North Wasatch Avenue, Colorado Springs, Colorado, without pulling a permit; and left the job with no combustion air, which is a life safety hazard, in violation of Section RBC105.1, 2011 Pikes Peak Regional Building Code, and Section 304, 2009 International Fuel Gas Code.

All parties testifying were sworn in. Matthew Keck appeared and stated he attempted three times to pull this permit, but there was a clerical error with regard to their Workmen's Compensation insurance. Jack Arrington stated this issue started with a water treatment and water heater that was purchased from Costco by Superior Water and Air, Inc. He stated when a contractor walked into the house to do some other work, his CO detector sounded and they discovered that there was no combustion air to the water heater. Mr. Keck stated this was a pre-existing condition with the 15 year old water heater that was in the house.

Al Minuhin appeared, was sworn in, and stated he contracted with Superior Water and Air, Inc. to install a new water heater and was told that the permit had been pulled, but he did not know that it had not been inspected. Jack Arrington stated a permit had not been pulled until issues with the combustion air were discovered. He stated the CSU inspectors noted the combustion air issue. Mr. Minuhin stated he and his wife have been very disappointed with the work done by Superior Water and Air, Inc. Dean Roberts, Manager of Superior Water and Air, Inc., stated the water treatment equipment was purchased from Costco, and he has every intent of completing this project to the customer's satisfaction.

A motion was made by Dan Rial to recommend to the Board of Review that a Three-Year Incident Report be put in Matthew Keck's contractor file for failing to pull a permit and leaving a project with no combustion air, creating a life safety hazard, seconded by Mark Mahler; the motion carried unanimously.

Break from 12:17 p.m. 12:27 p.m.

3. **CONSENT LICENSE REQUESTS**

Mechanical Contractor A (Commercial)

A+ DISCOUNT HEATING & PLUMBING LLC – WILLIAM HANES (EXAMINEE CHANGES CO.)

PYRAMID MECHANICAL INC. – LARRY MARTIN (REINSTATEMENT)

SUMMIT INDUSTRIAL CONSTRUCTION, LLC – JACOB KELSOE (CO. CHANGES EXAMINEE)

Mechanical Contractor B (Residential)

TOP NOTCH HEATING AND COOLING LLC – THOMAS CHAPPELL (EXAMINEE CHANGES CO.)*

Mechanical Contractor C-1 (Gas Piping)

DOUBLE J GAS, INC. – JEREMY HAIRHOGGER (SECONDARY EXAMINEE)
ROCKY MOUNTAIN PIPING & PLUMBING INC. – JOHN PARRA (ADDITIONAL LICENSE)

Mechanical Contractor C-2 (Refrigeration)

PERFORMANCE AIR COOLING, INC. – COLIN TERRY

Mechanical Contractor E (Elevator/Escalator)

PRECISION ELEVATOR, INC. – GREGORY FRICKE

Heating Mechanic IV (HVAC Service Tech)

DWAYNE SCHLAG (REINSTATEMENT)
JEREMIAH O'KEEFE
LARRY MOORE

A motion was made by Dan Rial to recommend to the Board of Review **APPROVAL** of the Consent License Requests, seconded by Larry Bobo; the motion carried unanimously.

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

There were no License Requests Considered Individually.

4. CONSENT CALENDAR

a) 1020 Venus Drive – Ken Gamwell, Family Heating and Cooling, LLC, requests a variance to Section 503.5.3, 2009 International Fuel Gas Code, to allow a masonry chimney, lined with an approved material, to serve as a gas vent for a single draft hooded appliance or an induced draft appliance common-vented with a draft hooded appliance, provided the installation meets the following requirements:

- The appliance is a replacement;
- The area of the chimney does not exceed 7 times the area of the draft hood outlet;

- Not More than 1 side of the chimney is exposed to the outside;
- A licensed contractor provides a letter verifying the chimney's integrity, and approved material is defined as sheet metal, tile or clay lined.

A motion was made by Mark Mahler to recommend to the Board of Review **APPROVAL** of the Consent Calendar Variance Requests, seconded by Dan Rial; the motion carried unanimously.

VARIANCE REQUESTS

5. 6001 East Woodmen Road – Jeff Schwiethale, The RMH Group, Inc., requests a variance to Sections 517.13 and 517.61(C), 2011 National Electrical Code, to allow the use of a Chemtron electrical cord reel in the CT room at St. Francis Medical Center.

This variance request has been **WITHDRAWN**.

6. 11580 Black Forest Road, Unit 10 – John Davis Design Group requests a variance to Section 405.3.2, 2009 International Plumbing Code, to waive the requirement for separate restroom facilities for each gender.

John Davis appeared and stated this is a veterinary surgical clinic, and there are generally two to four employees in the facility at any one time. He stated the pets are dropped off in the morning and picked up late afternoon by their owners. A motion was made by Dan Rial to recommend to the Board of Review **APPROVAL** of the variance request because RBD staff does not oppose this variance request, seconded by Larry Bobo; the motion carried unanimously.

7. 801 South 8th Street – Timothy and Janella Cranmer, Tim's Mannagift, Inc., requests a variances to:

- a) Section 403.1, 2009 International Plumbing Code, to waive the requirement to install a drinking fountain.

Russell Kauk stated this facility does not have any utilities to the site. He stated it is a U-Haul and Towing Yard. He stated that they do not anticipate ever having utilities at this location. He stated they intend to have bottled water and a port-o-let at the site. Janella Cranmer stated they do have signs at the site that state that there are no restrooms available. She stated they have two back-up computers and two back-up smart phones available, so their customers are not in the facility for more than a few minutes. She stated the building on site is a construction modular temporary building. A motion was made by Mark Mahler to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that it

is for this business only, and would not apply to new tenants, seconded by Larry Bobo; the motion carried unanimously.

- b) Table 403.1, 2009 International Plumbing Code, to allow less than the minimum required number of plumbing fixtures.

A motion was made by Mark Mahler to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that it is for this business only, and would not apply to any new tenants, seconded by Larry Bobo; the motion carried unanimously.

- 7.c. 7639 McLaughlin Road – Bob Dudley, Great West Construction, requests a variance to Section 405.3.2, 2009 International Plumbing Code, to waive the requirement for separate restroom facilities for each gender.

Bob Dudley appeared and stated this project is a Sports Clips Haircutting Salon. He stated that although the occupant load on the plans are noted at 26, there generally are no more than 15 occupants in the shop at any one time. He stated the unisex restroom will be ADA accessible. Tim Crippen stated RBD staff does not oppose this variance request. A motion was made by Mark Mahler to recommend to the Board of Review **APPROVAL** of the variance request based on RBD staff's approval and there will only be a maximum of 15 occupants in the shop at any one time, seconded by Larry Bobo; the motion carried unanimously.

- 7.d. 2115 Janitell Road – David Carlin requests a variance to Table 403.1, 2009 International Plumbing Code, to allow less than the minimum required number of plumbing fixtures.

David Carlin stated he would like to remove the current variance request and change the language to provide a port-o-let for one year until the restroom can be provided.

Tim Crippen stated he would like to change this variance request to use a port-o-let for one year until the Code compliant restrooms can be installed. He stated this is an RV storage facility. He stated they intend to install an office building with a restroom in a year. David Carlin stated a future phase for this business is for six other buildings, that will include the office building with a restroom. A motion was made by Dan Rial to recommend to the Board of Review **APPROVAL** of the variance request to allow a port-o-let to be used at this facility for a maximum of one year, seconded by Mark Mahler; the motion carried unanimously.

8. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

9. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 12:55 p.m.

Respectfully submitted,

Henry W. Yankowski
Regional Building Official

HWY:llg