

# Pikes Peak Regional Building Department

2880 International Circle  
Colorado Springs, Colorado 80910

## LICENSING COMMITTEE MINUTES

October 9, 2019

9:00 a.m.

MEMBERS PRESENT: Chairman Loren Moreland  
Vice Chairman Christine Riggs  
Michael Rowe  
Christopher Freer  
Tim Toussaint  
Jim Rose  
Michael Finkbiner

MEMBERS ABSENT:

OTHERS PRESENT: Roger Lovell, Regional Building  
Virginia Koulchitzka, Regional Building Counsel  
Jay Eenhuis, Deputy Building Official – Plans  
John Welton, Deputy Building Official - Inspections  
Rebecca Mulder, Licensing Supervisor  
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Loren Moreland called the meeting to order at 9:01 a.m.

Chairman Moreland asked the committee members if they had any conflicts with any of the items on the agenda today, and the committee members did not have any conflicts.

### 1. **CONSIDERATION OF SEPTEMBER 11, 2019 LICENSING COMMITTEE MINUTES**

A motion was made by Christine Riggs to **APPROVE** the September 11, 2019 Licensing Committee Minutes as written, seconded by Michael Finkbiner; the motion carried unanimously.

### 2. **COMPLAINT**

a) A complaint has been brought against Kevin McGee, Licensee, and Karen McGee, President and Registered Agent, Decksrus, Inc.; and Kenneth Peterson, Owner, Licensee, Registered Agent, and Chris Poundstone, Owner, Innorev Home Solutions, LLC, by Michael and Michelle L'Hotta for performing work at 15624 Agate Creek Drive, Monument, Colorado prior to obtaining permit(s), in violation of Sections RBC105.1 and RBC201.11.3, Nos. 1, 5 and 6, 2017 Pikes Peak Regional Building Code.

Parties not in attendance were: Karen McGee, President and Registered Agent, Decksrus, Inc.; and Chris Poundstone, Owner, Innorev Home Solutions, LLC. All parties testifying were sworn in. Michelle and Michael L'Hotta appeared and Mrs. L'Hotta stated Decksrus, Inc. ("Decksrus") started work on their deck on July 31<sup>st</sup> or August 1<sup>st</sup> but did not obtain the permit until August 16<sup>th</sup>. John Welton stated a permit must be in place prior to demolition of an existing deck. Mrs. L'Hotta stated the initial contract was for an amount more than they wanted to spend, and they requested a modification of the plan to reduce the scope of work in order to reduce the cost of the deck. She stated Kevin McGee designed another deck, but he did not revise the contract to reflect the modifications to the deck. Mrs. L'Hotta stated they requested an updated contract, and at that point, Decksrus abandoned the project. Mr. L'Hotta stated he hired another contractor to finish the deck.

Kevin McGee appeared and stated the plans were approved on August 2<sup>nd</sup>, but there was a delay with the site plan in Monument, so the companies moved forward with the deck because they were pressed for time. Rebecca Mulder stated Decksrus and Innorev Home Solutions, LLC ("Innorev") are two separate companies that carry separate "E" licenses; one under Decksrus and one under Innorev. She stated Kenneth Peterson is associated with both companies; one as an owner for Innorev, and as an associate and authorized permit puller for Decksrus. She stated the contract documents have both names, which is the reason both licensees are appearing before the Committee today. Ms. Mulder stated the permit was obtained by Innorev. Mr. McGee stated Majestic Outdoor Environments ("Majestic") is the umbrella company that ties the two companies, Decksrus and Innorev, together; and after questioning, he stated as the umbrella company, Majestic was providing construction consulting and construction work without a license.

Ms. Mulder stated Decksrus has been licensed since 2006; Mr. McGee carries an "E" license; 197 total permits have been obtained; 188 permits have been completed; 7 are currently open; and 2 permits from 2019 have been voided. She stated Innorev has been licensed since 2017, and it has obtained 37 total permits; 35 permits are completed; 1 open permit; and 1 locked permit, which is the subject permit for this complaint. Mr. McGee said he has been licensed since 1996, and the company was incorporated in 2005. Loren Moreland stated the only item that the committee can act on is the fact that a permit was not obtained prior to commencing work on the deck.

Mr. McGee stated he has been doing most of the work himself for many years and had an impeccable record. He was referred to Ken Peterson and Chris Poundstone because they had crews, and he thought it would be a "good move for him" because he could get out of the field and just do design and sales, but they had financial issues. He said when they started the partnership, they had 14 people in their crews, an office and office manager, and they were fully licensed and insured. He stated the partnership has been a "nightmare".

Mr. McGee stated Decksrus does business as Majestic; and Majestic does business as Decksrus. He stated construction consulting is being done under Majestic and Innorev. He stated Decksrus and Innorev are both licensed, and Majestic is just a company to tie the two companies together, but it is not licensed with RBD. Mr. McGee stated he is a co-owner and a manager with Majestic.

Mr. McGee stated he obtains his own permits for Decksrus. He stated he further gives permission to Innorev to obtain permits under his license. Michael Rowe stated Mr. McGee's experience shows that he is capable of doing the work, but the relationship with Ken Peterson is unclear and perhaps an issue. Mr. McGee stated Decksrus only does decks, while Innorev does other types of work as well, which was the purpose of having two separate companies with separate licenses.

Mr. L'Hotta stated Mr. McGee left the project with only caution tape across the two exterior sliding doors, which was a severe safety issue for his family. Loren Moreland stated the umbrella company, Majestic, is contracting to do work without a license with RBD.

Kenneth Peterson appeared and stated he is a partner in Majestic, and a co-owner in Innorev. He stated Mr. McGee, Mr. Poundstone, and himself all have the ability to obtain permits. He stated he was responsible for obtaining the permit for this project, and the crew working on this project was previous employees. Mr. Peterson stated since that time they are subcontracting the labor for their projects. He stated the plans were approved on August 2<sup>nd</sup>, and the site plans had to be approved by Monument. He stated there were verbal agreements about the modifications, and when he asked for the frame payment, there was a discrepancy with the homeowners so they left the project at that point.

Mrs. L'Hotta stated she was concerned when she discovered that the checks were written to Decksrus, and the permit was obtained by Innorev. Loren Moreland stated the Committee is not authorized to act on the civil side of this complaint, but only if the work was done without the proper license and permits.

A motion was made by Michael Rowe to **POSTPONE** this matter until Item 2b is heard, seconded by Jim Rose; the motion carried unanimously.

A motion was made by Michael Rowe to recommend to the Board of Review **REVOCAION** of the contractor licenses of Kevin McGee and Kenneth Peterson due to starting construction work prior to permit being obtained, creating life safety issues, and authorizing an unlicensed contractor to do construction consulting and construction work without required license(s), seconded by Christine Riggs; the motion carried unanimously.

- b) A complaint has been brought against Kevin McGee, Licensee, and Karen McGee, President and Registered Agent, Decksrus, Inc.; and Kenneth Peterson, Owner, Licensee, Registered Agent, and Chris Poundstone, Owner, Innorev Home Solutions, LLC, by Michael and Junko Clabough for performing work at 9204 Rock Pond Way, Colorado Springs, Colorado prior to obtaining permit(s), in violation of Sections RBC105.1 and RBC201.11.3, Nos. 1, 5 and 6, 2017 Pikes Peak Regional Building Code.

Parties not in attendance were: Junko Clabough; Karen McGee, President and Registered Agent, Decksrus, Inc.; and Chris Poundstone, Owner, Innorev Home Solutions, LLC. Michael Clabough appeared and was sworn in. The remaining testifying parties confirmed their oath. Mr. Clabough stated he began working with Kevin McGee in July 2018; the original deck was demolished on November 26, 2018. Mr. Clabough stated to-date a permit has not been obtained by either Decksrus or Innorev. He stated the contractor left the project without any safety procedures taken to protect his family from the fact that a deck was removed and no safety barrier put across the exterior sliding doors. He stated he experienced a number of delays; he has given them 50% of the contract price, and only the demolition was completed. Loren Moreland stated his concern is the life safety issues that these contractors have created for the homeowners.

Kevin McGee stated the plan was approved, and it was his understanding that the materials would be available within a week, but that did not happen. Mr. Clabough stated his contract with Decksrus was dated August 8, 2018. Mr. McGee stated Decksrus, Innorev, and Majestic were all parties to this contract with Mr. and Mrs. Clabough. Jim Rose stated the Committee is greatly concerned about the life safety issues created by these contractors for the homeowners that they were working for.

Mr. McGee stated the two complaints before the Committee today are the only projects that are out there at the present time for Decksrus. Ken Peterson added that the Clark project also has this same issue, located at 8990 Rochchester Drive.

A motion was made by Christine Riggs to move into Executive Session at 10:18 a.m., pursuant to C.R.S. 24-6-402(4)(b) to seek legal advice from the attorney for the Pikes Peak Regional Building Department on specific legal questions, seconded by Jim Rose; the motion carried unanimously.

A motion was made by Christine Riggs to come out of Executive Session at 10:47 a.m., seconded by Michael Finkbiner; the motion carried unanimously. Chairman Moreland noted that no decisions were made during the Executive Session.

After allowing all parties to give final statements, a motion was made by Michael Rowe to recommend to the Board of Review **REVOCATION** of the contractor licenses of Kevin McGee and Kenneth Peterson due to life safety issues, starting work without a permit, and for authorizing an unlicensed contractor to do construction consulting and construction work without required license(s) on said properties, seconded by Christine Riggs; the motion carried unanimously.

*Jim Rose left the meeting at 11:05 a.m., and a quorum was maintained.*

### 3. **COMPLAINT UPDATE**

- a) A complaint has been brought against Mike Edwards, President and Licensee, New Vision Custom Builders, by Bradley Ware for performing work at 6825 Howard Street, Green Mountain Falls, Colorado without the proper license and prior to obtaining a permit, in violation of Sections RBC105.1, RBC201.3, and RBC201.11.3, No. 1 and No. 5, 2011 Pikes Peak Regional Building Code. *Mike Edwards appeared before the Licensing Committee on August 14, 2019 on this complaint, and the Committee determined that the license of Mr. Edwards be locked; Mr. Edwards will be given an opportunity to clean up this permit and the outstanding open permit awaiting floodplain approval; and he must reappear at the September 11, 2019 Licensing Committee meeting to give the Committee an update. Mr. Edwards failed to appear for the September 11, 2019 Licensing Committee meeting. After an update from Department staff and a telephonic appearance by Mr. Ware, the Committee continued this matter until the October 9, 2019 Licensing Committee meeting, with the same restrictions on his license and a requirement that Mr. Edwards appear in person before the Committee.*

Michael Edwards and Bradley Ware appeared by telephone; all parties testifying were sworn in. Michael Edwards stated a permit was obtained for Mr. Ware's home two weeks ago, and work has commenced on the floor system. He stated the homeowner has notified him that he wants to do some additional electrical work, so they are waiting for that to be completed. Mr. Ware stated he met with Mr. Edwards' subcontractor, Steve Sells with Sells Precision Home Repair and Remodeling ("Sells"), and noticed while the floor was open that the old conduit needed to be replaced. He stated he also offered to buy new wood for the floor system. Mr. Edwards stated the lumber for the floor system has to be treated, and there may be some twisting or warping of the lumber, which is common for treated wood.

Rebecca Mulder stated the permit for this project was initially obtained by Sells and immediately thereafter transferred to New Vision Custom Builders (“New Vision”). Mr. Edwards stated Sells is his subcontractor, and while he obtained the permit initially for this project, it was determined his license did not allow structural work, so the Department transferred the permit to New Vision. When asked how Mr. Edwards is supervising this project from Florida, he stated he is in telephone contact with Sells on a regular basis; it is a fairly easy project for his subcontractor with his experience. Ms. Mulder noted to Mr. Edwards that his liability insurance is currently expired, which would prevent him from doing any work and calling in any inspections moving forward, as well as not having workmen’s comp insurance for the subcontractor working for him; he stated his subcontractor has his own insurance. Mr. Edwards stated he will renew his liability insurance; he was not aware that it had expired. He stated his subcontractor has an “E” license, which allows him to build decks. Mr. Edwards stated he just needs another 30 days to complete the project. Christine Riggs stated this issue has been extended twice, and Mr. Edwards is requesting an additional extension.

Mr. Ware stated he hopes to have the electrical work completed within the next couple weeks. Ms. Mulder stated Sell is not the general contractor on this project, so Mr. Edwards, as the general contractor, must sub out the electrical work. John Welton stated Mr. Edwards cannot do any work nor call in any inspections on this project until the liability insurance is renewed. He stated the Department would be willing to consider granting to Sells a one-time provisional C category license for this project. He stated since Sells is managing the project, this may be the most feasible solution. Mr. Edwards stated he would agree to transfer the permit to Steve Sells, and Mr. Ware stated he would agree to this solution as well. Mr. Welton stated RBD staff can work with both contractors to transfer the permit, and a future update is not required.

#### 4. **VARIANCES**

- a) Stan Ross, Blue Moon Builders, Inc., License No. 18067, requests a variance to Section RBC201.6.1, 2017 Pikes Peak Regional Building Code, to waive the testing requirement for a “B-1” License.

Stan Ross appeared and stated he has had his “B-1” License since 2007 and inadvertently neglected to renew his license last year. He stated he is willing to pay both the license fees for last year and this year. Rebecca Mulder stated the Code states that if a license lapses for more than 180 days, the licensee must reapply for his license, which also, among other requirements, includes retesting for the license. She stated Mr. Ross has been licensed since 2007; he carries a “B-1” License; he has obtained 25 permits, both commercial and residential; and all permits have been completed. Mr.

Moreland stated this contractor has a clean permit history. Michael Rowe stated his concern is the issue that the Codes have changed since Mr. Ross last took the test. A motion was made by Michael Rowe to recommend to the Board of Review **DENIAL** of the variance request, seconded by Christine Riggs; the motion carried unanimously.

5. **CONSENT LICENSE REQUESTS**

**Consent license requests will be acted upon as a whole, unless a specific item is called for discussion by a Committee member or a citizen wishing to address the Committee.**

**Building Contractor A-1 (Commercial)**

MCP BUILD, INC. – BRAD MARKS (COMPANY CHANGES EXAMINEE)

**Building Contractor A-2 (Commercial)**

LOVERNS – RICK EATON (EXAMINEE CHANGES COMPANY)

**Building Contractor B-1 (Limited Commercial)**

DECO DESIGN & CONSTRUCTION MGMT. – MUNSU AHN  
DENVER COMMERCIAL BUILDERS, INC. – BRAD HAZLETT  
F2R CONSTRUCTION – CHAD BLOME  
HELPING HANDS CONSTRUCTION, LLC – MATTHEW WILSON  
J. GREG WAGGONER – JOHN WAGGONER (EXAMINEE CHANGES COMPANY)  
PRECISION HOMES OF COLORADO, LLC – DANIELLE RIPELLE (EXAMINEE CHANGES COMPANY)

**Building Contractor B-2 (Limited Commercial)**

DENVER COMMERCIAL BUILDER, INC., DBA RECONN CONSTRUCTION SERVICES, INC. – THEODORE KOEHN (COMPANY CHANGES EXAMINEE)  
TERRY ADAMS, INC. – KEVIN ADAMS

**Building Contractor C (Homebuilder)**

ADAM STEPHAN DESIGN/BUILD – ADAM STEPHAN  
CRAFTSMITH LLC HOME REPAIRS AND MAINTENANCE – SAMUEL SAUCEDO (REINSTATEMENT)  
JOSEPH THOMAS PROPERTIES – MATTHEW DAGOSTINO  
WEBB CONSTRUCTION, LLC – MIKHAEL WEBB

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

6P EXTERIORS DBA PEEBLES ROOFING, LLC – JPE PEEBLES (EXAMINEE CHANGES COMPANY)  
A-1 GUTTERS & PAINT – RUBEN HERNANDEZ  
ALL IN ONE ROOFING & RESTORATION, DBA ALL COVERED ROOFING & RESTORATION – WAYNE STAFFORD  
EAGLE EYE RENOVATIONS, LLC – STEPHEN LANE  
EXCELSIOR EXTERIORS, LLP – RAYMOND BELLIS  
HENNESSEY ROOFING LLC – THOMAS HENNESSEY  
JAGGER ENTERPRISES, INC. – ANTHONY SCHMIDT  
J. WARREN EXTERIORS – ZACHARY BIGNELL (EXAMINEE CHANGES COMPANY)  
ONE STOP ROOFING SIDING WINDOWS – KEITH SIMICH  
RUSTY BUCKET LLC, DBA TICO'S ROOFING, LLC – JAKE HERZANEK  
THUNDERSCAPE ROOFING & CONSTRUCTION, LLC – ROBERT WEIMER (NAME CHANGE)  
VALERIO CONSTRUCTION & ROOFING, LTD. – LUIS VALERO MORALES

**Building Contractor D-1 (Siding)**

J. WARREN EXTERIORS – ZACHARY BIGNELL (EXAMINEE CHANGES COMPANY)

**Building Contractor D-2A (Wrecking)**

NORTHSTAR DEMOLITION AND REMEDIATION, INC. – JOHN LEONARD (COMPANY CHANGES NAME & EXAMINEE CHANGES COMPANY)

**Building Contractor D-5A (Sign)**

EVIDENT PDR – RAFAEL LOPEZ (EXAMINEE CHANGES COMPANY)

**Building Contractor E (Maintenance & Remodeling)**

EMERALD CONSTRUCTION, LLC –DUSTIN MCCUEN

**Building Contractor F-1 (Solar)**

AQUA CARE SOLAR, LLC – PETER STOCKING (REINSTATEMENT)  
DOUGLASS COLONY GROUP - KATHERINE FAULKNER



**Mechanical Contractor - A (Commercial)**

APEX MECHANICAL, LLC- MARK POE  
C&S AIR, INC – DEREK OKEEFE  
DNI HEATING AC REFRIGERATION – ISAAC CULLUM  
ENERGY ESTATE, LLC – TYLER HELTON (EXAMINEE CHANGES COMPANY)

**Mechanical Contractor - B (Residential)**

SIMPLY EFFICIENT SOLAR & WIND – DAIMON VILPPU  
SUN PLUMBING AND HEATING, LLC – ANTHONY PASQUALE

**Mechanical Contractor – C1 (Gas Piping)**

CLEAR WATER PLUMBING, HEATING & UTILITIES, LLC – CHRISTOPHER  
LAFOUNTAIN (ADDITIONAL LICENSE)  
US SOUTH PLUMBING, INC. – MARTIN KESTERSON (PROVISIONAL &  
ADDITIONAL LICENSE)

**Heating Mechanic IV (HVAC Service Tech)**

ALEXANDER GOW  
ALLEN BREWER  
BYRON FRANK  
ERIC RAMIRIZ  
JOHN SHIER  
KODIAK BELTRAN  
MELVIN CRUZ  
MICHAEL ZEBELL  
RICHARD BAILEY  
ZHONG SONG

**Consent Items for Voluntary Suspension**

AMSTAR HOMES, INC. – DAVID MC ENTIRE – B-C  
ASK CONSTRUCTION & REMODEL, INC. – B-C-L (2P/12MOS)  
COLORADO PROPERTY IMPROVEMENT, INC – JOHN WAGGONER - B-1  
DE BULE PROPERTIES – CHARLES MCQUERRY - B-1  
ENCON CONSTRUCTION, LLC – JACK TUBBS - A-1  
FIRST CHOICE SERVICES, INC. – BARRY RICHARDS - B-E  
GLOBAL STEEL, INC – RICK JACKSON - B-1  
GOLD CROWN HOMES, INC. - SCOTT WHISLER – B-1  
HANSEN HANDYWORKS - MICHAEL HANSEN - B-C

HEIN HOMES, INC - MARK HEIN - B-C  
JOSEPH PHILLIPS - JOSEPH PHILLIPS- H-A  
MARTINSON CONSTRUCTION, LLC – MARTIN LAZECHKO – A-1  
OXBOW COMPANY, LTD – JOHN FITZGERALD - B-C  
PETER S. SEARLE – PETER SEARLE - A-1  
TERRAVISTA CUSTOM HOMES, LLC – CHRISTINA VIDER B-C  
TIMOTHY CHESSMORE – TIMOTHY CHESSMORE – H-A  
WISEMAN ROOFING – MICHAEL ATHAS - D-1 (ROOFING)  
ZELL DEVELOPMENT CO – RICK BRUNZELL - B-2

A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the Consent Calendar Variance Requests, seconded by Chris Freer; the motion carried unanimously.

6. **ITEMS CALLED OFF CONSENT CALENDAR**

There were no items called off the Consent Calendar.

7. **LICENSE REQUESTS CONSIDERED INDIVIDUALLY**

**Building Contractor B-1 (Limited Commercial)**

2C CONSTRUCTION & CONSULTING, LLC – CYNTHIA GREEN

Cynthia Green appeared. Rebecca Mulder stated Ms. Green’s work history is substantially residential work. Ms. Green stated her commercial experience was primarily in Costa Rica. She stated the work that she did outside of the United States was for the federal government. She stated she has been asked to consider doing some tenant finishes and core and shells. The Committee expressed a concern that Ms. Green did not have adequate experience for this level of license. Michael Finkbiner stated he does not see adequate experience for a “C” License either. A motion was made by Michael Rowe to recommend to the Board of Review **DENIAL** of the license request, seconded by Michael Finkbiner; the motion carried unanimously.

8. **UNFINISHED BUSINESS**

There was no unfinished business to discuss.

9. **NEW BUSINESS**

There was no new business to discuss.

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The meeting adjourned at 12:06 p.m.

Respectfully submitted,



Roger N. Lovell  
Regional Building Official  
RNL/llg

Accommodations for the hearing impaired can be made upon request with forty-eight (48) hours' notice. Please call (719) 327-2989.

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