

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

LICENSING COMMITTEE MINUTES

November 12, 2020

9:00 a.m.

MEMBERS PRESENT: Chair Loren Moreland
Vice Chair Michael Rowe
Zachary Taylor
Christopher Freer
Tim Toussaint (*Joined the Meeting Late*)
Michael Finkbiner

MEMBERS ABSENT: Jim Rose

OTHERS PRESENT: Roger Lovell, Regional Building Official
Jina Koulchitzka, Regional Building Attorney
Jay Eenhuis, Deputy Building Official – Plans
John Welton, Deputy Building Official - Inspections
Matt Matzen, Permit and Licensing Supervisor
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

The Licensing Committee meeting was conducted virtually via a program called Microsoft Teams live events, which is accessible via Pikes Peak Regional Building Department's website Boards & Committees' page at: <https://www.pprbd.org/Information/Boards>.

Instructions on conducting the virtual meeting were provided.

1. **CONSIDERATION OF THE OCTOBER 15, 2020 LICENSING COMMITTEE MINUTES**

A motion was made by Chris Freer to **APPROVE** the October 15, 2020 Licensing Committee Minutes as written, seconded by Michael Finkbiner; the motion carried unanimously.

2. **COMPLAINT(S)**

a) A complaint has been brought against Richard Ornelas, Licensee and CEO for Progeniture Construction LLC, by Tim and Pam Drummer for performing work at 3836 Camelrock View, 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, as amended.

Richard Ornelas and Tim and Pam Drummer appeared, and all parties testifying were sworn in. Tim Drummer stated he and his wife hired Mr. Ornelas in June 2020; they chose Mr. Ornelas because he was licensed through the Department; so they assumed their project would be completed per Code. In their opinion the workmanship was of poor quality, and they have been informed by the Department that Mr. Ornelas failed to obtain a permit for their project. Mr. Drummer stated they did receive a Stop Work Order in early October, and they have incurred significant costs and effort on their part to get a permit issued so they could continue work with a new contractor.

Matt Matzen stated the scope of work in the contract for this project lists a number of items which require a building permit, but the contract stated permits are not included.

Richard Ornelas stated this project had a minimal scope of work, and he did not believe a permit was required; he had never obtained a permit to build one wall. He stated this was an oversight on his part. He stated he hired an electrician to work on this project and was aware that an electrical inspector would be inspecting the electrical portion of the project.

Michael Rowe expressed concern that Mr. Ornelas had his license revoked in 2017 for contracting to do work prior to obtaining a license; and he is before the Committee again today for another severe Code violation (performing work prior to obtaining a permit) after license reinstatement. A motion was made by Michael Rowe to recommend to the Board of Review **REVOCATION** of Richard Ornelas' contractor license for failing to obtain a permit prior to commencing work on a project, seconded by Christopher Freer; the vote was 1:4, the motion **FAILED**. Christopher Freer, Tim Toussaint, Michael Finkbiner and Zachary Taylor opposed.

Michael Finkbiner and Christopher Freer both stated they believe it would be prudent to allow Mr. Ornelas to maintain his license (with limitations) so RBD staff may monitor the work he is doing. A motion was made by Christopher Freer to place a Letter of Reprimand in the contractor file of Richard Ornelas for performing work prior to obtaining a permit, and Mr. Ornelas may maintain his "C" License with the condition of one open permit at any one time for one year, and Mr. Ornelas must reappear before the Committee to have the restriction removed. Further, the Committee requested an administrative update from RBD staff in six months; Mr. Ornelas is not required to be present for that update. The motion was seconded by Michael Finkbiner; the motion carried 4:1. Michael Rowe opposed.

Jina Koulchitzka stated the Department has authority, pursuant to Section RBC103.12 of the Pikes Peak Regional Building Code (the "Code"), to issue administrative fine(s); the Department retained such right and fine(s) may be imposed. Ms. Koulchitzka further stated the parties to this complaint have 30 calendar days from the decision of this Committee to file a written appeal with the Department in accordance with Section

RBC101.7 of the Code.

3. **VARIANCE REQUESTS**

- a) Paul Clark – Requests a variance to Section RBC201.10.4, 2017 Pikes Peak Regional Building Code, as amended, to allow renewal of a license after 180 days from the expiration date without examination where required by Code.

Paul Clark appeared and stated he overlooked renewing his gas license due to health related issues. He stated he does not intend to go back into business again, but would like to maintain his license should he have a need for it in the future. He stated he has been licensed with RBD for 26 to 27 years. Matt Matzen stated Mr. Clark has been in business since on or around 1993; he holds a Heating C1 License and a Plumbing A License, which expired on December 31, 2019. He has obtained 189 permits, 183 have been completed, and 6 voided. He currently has no open permits. A motion was made by Christopher Freer to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Michael Finkbiner; the motion carried unanimously.

4. **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.

Michael Finkbiner disclosed that he works for Keller Homes, but such relationship would not influence his vote on this item, which is specific to a name change of the company.

Building Contractor A-1 (Commercial)

COLARELLI CONSTRUCTION, INC. DBA PERGIO HOMES LLC – PHILLIP RIGGS (ADDITIONAL LICENSE)
EMBREE CONSTRUCTION GROUP, INC. – JAMES EMBREE (REINSTATEMENT SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL “A” STATUS PERMITS, IF ANY, ARE RESOLVED)
ES COMPANIES LLC DBA ES STEEL BUILDINGS – MATHEW STANDISH
W. O. DANIELSON CONSTRUCTION CO., LTD. – TIMOTHY DILLAVOU (REINSTATEMENT)

Building Contractor B-1 (Limited Commercial)

D.C. GENERAL SERVICES, INC. – ERIC HEINEY
G.M. NORTHRUP CORPORATION – JEFFREY JOHNSON (REINSTATEMENT)
QUANTUM3 CONSTRUCTION, INC – JACK HILBERT
WEST RAC CONTRACTING CORP – MICHAEL GORIS

Building Contractor C (Homebuilder)

BELCHER CUSTOM DESIGN & RENOVATION, INC. – MILTON BELCHER
(REINSTATEMENT SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL “A”
STATUS PERMITS, IF ANY, ARE RESOLVED)
COLGAN BUILDERS, LLC – ROBERT COLGAN
JEFF RICHARDS CONSTRUCTION – LEANARD RICHARDS
LOST MOUNTAIN WOODCRAFT LLC – JOSHUA TEANEY
TOLL BROS., INC. DBA KELLER HOMES, A TOLL BROTHERS COMPANY
“FKA” KELLER HOMES – DAVID KELLER (COMPANY CHANGES NAME)

Building Contractor D-1 (Cell Tower)

QUALTEK WIRELESS LLC – THOMAS GUNDERSON (EXAMINEE CHANGES
COMPANY)

Building Contractor D-1 (Retaining Wall)

DETON, INC. DBA SLATON BROS., INC. – MICHAEL MCKENZIE (COMPANY
CHANGES EXAMINEE SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL ”A”
STATUS PERMITS, IF ANY, ARE RESOLVED)

Building Contractor D-1 (Roofing)

970 COMPANIES LLC DBA 970 SERVICES DBA 970 SERVICES DBA 970
ROOFING AND RESTORATION – ADAM TRAINOR
AMERICAN HERITAGE RESTORATION LLC - MARCUS MCDERMETT
(ADDITIONAL LICENSE)
AVALYN ROOFING & EXTERIORS LLC – SERGIO ROJAS (REINSTATEMENT
SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL “A” STATUS PERMITS, IF
ANY, ARE RESOLVED)
BELCHER CUSTOM DESIGN & RENOVATION, INC. – MILTON BELCHER
(REINSTATEMENT SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL “A”
STATUS PERMITS, IF ANY, ARE RESOLVED)
ECONOMY ROOFING AND EXTERIORS LLC DBA 1ST CALL EXTERIORS &
CONSTRUCTION DBA 1ST CALL EXTERIORS DBA 1ST CALL CONSTRUCTION –
BRIAN MURPHY
GORILLA ROOF, INC – EDGAR JACOBS
INDEPENDENT ROOFING SPECIALISTS, L.L.C. - NATHAN SHULL
JEFE'S ROOFING, LLC – JEFFREY EGGLESTON
JMD ROOFING AND CONSTRUCTION LLC – JOHN DUNN
MCCANAN CONSTRUCTION LLC – NICOLE MARSHALL
PAT SWEET, LTD. DBA SWEET ROOFING – PATRICK SWEET
ROOFTEC INC DBA ROOFTEC INC DBA PRECISION EXTERIORS DBA

ROOFTEC PRECISION EXTERIORS – JOHN HACKBARTH
SOLAR SIDE UP LLC – JEFFREY FLEISCHMAN (ADDITIONAL LICENSE)
STONEBROOK EXTERIOR – STEVEN KUNKLE (COMPANY CHANGES
EXAMINEE) SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL “A” STATUS
PERMITS, IF ANY, ARE RESOLVED)
WISEMAN ROOFING – MICHAEL ATHAS (EXAMINEE CHANGES COMPANY &
REINSTATEMENT)

Building Contractor D-1 (Stucco)

TERRY LUND CONSTRUCTION – TERRY LUND

Building Contractor D-5A (Sign)

ECLIPSE SIGN COMPANY, INC. – DAN JOHNSON

Building Contractor E (Maintenance & Remodeling)

BACKYARD LAWN MASTER, LLC "FKA" LAWN MASTER OUTDOOR LIVING
LLC – JEFFREY LYND (COMPANY CHANGES NAME)
BAM BAM GIRLS, LLC DBA GARDEN ART DBA GARDEN ART BY CINDY –
CINDY DUNCAN (COMPANY CHANGES NAME)
REV'D UP RENOVATIONS, LLC - MACKENZIE KERR JR (EXAMINEE
CHANGES COMPANY SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL "A"
STATUS PERMITS, IF ANY, ARE RESOLVED)
YOUR FRIENDLY NEIGHBORHOOD REPAIR GUY – BRANDON BROWN

Building Contractor F-1 (Solar)

BELLO SOLAR ENERGY LLC “FKA” TOTAL SOLAR SOLUTIONS LLC. – JAMES
MILLER (COMPANY CHANGES NAME)
BLUE SKY SOLAR AND ROOFING LLC – NICK DOROTIK (ADDITIONAL
LICENSE)
PURE ENERGY INC. – WILLIAM KROUSKOP (ADDITIONAL LICENSE)

Mechanical Contractor - A (Commercial)

AIR EXPERTS, INC – JOSEPH STANGLE
BEAR MOUNTAIN MECHANICAL LLC – MATTHEW PAGANO
STRAIT MECHANICAL LLC – RICHARD STRAIT (REINSTATEMENT)

Mechanical Contractor – B (Residential)

BRANDT AIR CONDITIONING AND HEATING SERVICES – JEFFREY CUMMINS
SOLID ROCK HEATING & AIR CONDITIONING LLC – JOSHUA SANDERS
SOUTHWEST HEATING & COOLING LLC – MICHAEL MCCOLLUM

Mechanical Contractor C-2 (Refrigeration)

ICE BUILDERS INC – DANIEL KRAWCYK

Heating Mechanic IV (HVAC Service Tech)

CHRISTOPHER O’HAGIN
JAIRO ECHEVERRY
JOSHUA HARRISON
RYLAN ACORD

Consent Items for Voluntary Suspension

A.D.G.C., INC. – ROGER NESTOR - A-1
FIVE STAR SHEET METAL & HEATING – JIM WHITFORD – H-A
GLOBAL STEEL, INC. – RICK JACKSON – B-1
HOMESTEAD WEST, LLC – JOHN VETETO – A-1
JOSEPH PHILLIPS – JOSEPH PHILLIPS – H-A
J & J ROOFING & EXTERIORS INC. – JOSE GUERRA – D-1 (ROOFING)
TERRAVISTA CUSTOM HOMES, LLC – CHRISTINA VIDER – B-C

A motion was made by Christopher Freer to recommend to the Board of Review **APPROVAL** of the Consent License Requests, seconded by Zachary Taylor; the motion carried unanimously.

5. **ITEMS CALLED OFF CONSENT CALENDAR**

There were no items called off the Consent Calendar.

6. **LICENSE REQUESTS CONSIDERED INDIVIDUALLY**

Building Contractor A-1 (Commercial)

FCI CONSTRUCTORS, INC. – EVAN WALTON (ADDITIONAL LICENSE)

Evan Walton appeared. Matt Matzen stated Evan Walton is appearing before the Committee due to a lack of A-1 experience. He stated this contractor has been licensed in

our jurisdiction since on or around 1993; there is one examinee that already holds a license for the company. Mr. Walton stated the previous licensee with FCI has retired, and he has been appointed by the company to become the new licensee. He stated he has been working for FCI since 2003, and he was recently appointed to the company's senior leadership team. He stated most of FCI's work has been in Northern Colorado, and they hold licenses in other states as well. Mr. Walton stated one of the projects in his application is a 16-story addition to St. Mary's Hospital, wherein he served in multiple roles from project engineer to project manager. Mr. Matzen stated FCI has obtained one permit for a hospice care center in 2006. He stated upon review of Mr. Walton's project history, it appears that it was updated after he was offered an A-2 License; and based on the updated information, RBD staff takes no exception to his license request. A motion was made by Zachary Taylor to recommend to the Board of Review **APPROVAL** of an A-1 License, seconded by Michael Finkbiner; the motion carried unanimously.

Building Contractor B-1 (Limited Commercial)

BAHA CONSTRUCTION INC – ANTHONY OLGUIN

Anthony Olguin appeared. Matt Matzen stated Mr. Olguin was asked to appear before the Committee due to lack of ground-up commercial experience. Mr. Olguin stated he has been a project manager for Baha Construction for a number of years, and his ground-up experience includes a dog kennel for Fort Carson. Mr. Matzen stated Mr. Olguin's work history would be adequate for a B-2 License if he would like to downgrade his license request. Mr. Olguin stated he would like to amend his license request to a B-2 License, with no ground-up construction. A motion was made by Christopher Freer to recommend to the Board of Review **APPROVAL** of a B-2 License, with the condition of no ground-up construction, seconded by Zachary Taylor; the motion carried unanimously.

Building Contractor C (Homebuilder)

COLORADO STRUCTURAL SOLUTIONS LLC – KELSEY LYONS

Matt Matzen stated Kelsey Lyons has **WITHDRAWN** her license application.

FLIP THE SPRINGS LLC – JOHN GIBBONS

John Gibbons appeared. Matt Matzen stated Mr. Gibbons is appearing before the Committee due to a lack of ground-up experience. Mr. Gibbons stated he does not have ground-up homebuilding experience, but he has extensive remodeling experience. He stated he has been in a Joint Venture Agreement with Summerfield Construction ("Summerfield") on his remodeling projects, and Summerfield obtained any necessary permits. He stated he sold the projects and brought Summerfield in as the general contractor; Chair Moreland informed Mr. Gibbons that it was against Code to negotiate a contract for a project without the proper license. The Committee members expressed

concern that Mr. Gibbons did not have adequate experience for a full C License. A motion was made by Zachary Taylor to recommend to the Board of Review **APPROVAL** of a Limited C License, with the condition of no ground-up construction, seconded by Tim Toussaint. Jina Koulchitzka stated specific to the license approval recommendation the Department would require that Mr. Gibbons submit copies of the Joint Venture Agreement with Summerfield and a list of any and all projects consulted on and built under that Joint Venture Agreement to the Department no later than Monday, November 16, 2020. Separate from the license approval recommendation, she stated the Department would also like copies of any documentation received by Mr. Gibbons with regard to a premature approval of his license request. The motion carried 4:1. Michael Rowe opposed.

MUNSON CONSTRUCTION LLC – BRYAN MUNSON

Bryan Munson appeared. Matt Matzen stated Mr. Munson is appearing before the Committee due to a lack of ground-up projects experience. He stated Mr. Munson's project history includes five structural remodels with no ground-up construction. Mr. Munson stated he has extensive remodeling/structural experience, although it does not include ground-up experience. He stated his role in these remodeling projects has been as the operations manager, project manager, supervisor, and foreman.

Michael Rowe and Tim Toussaint both expressed concern with Mr. Munson's lack of vertical construction/new build experience for this license request. Mr. Munson requested that the Committee consider a C License with one ground-up permit allowance at a time so he may gain the ground-up experience required by the Committee. Chairman Moreland stated Mr. Munson may request a ground-up permit through RBD staff on a limited, provisional basis.

Jina Koulchitzka reviewed the Department's Contractor C Application for the Committee and Mr. Munson, and noted the five project history requirements. She also noted Section RBC203.4 Building Contractor C (Home Builder), of the 2017 Pikes Peak Regional Building Code, as amended, for Mr. Munson's information.

A motion was made by Zachary Taylor to recommend to the Board of Review **APPROVAL** of a Limited C License, with the condition of no ground-up construction, seconded by Tim Toussaint; the motion carried 4:1. Michael Rowe opposed.

Ms. Koulchitzka stated Mr. Munson has 30 calendar days from the decision of this Committee to file a written appeal with the Department in accordance with Section RBC101.7 of the Code.

7. UNFINISHED BUSINESS

There was no Unfinished Business.

8. **NEW BUSINESS**

There was no New Business.

The meeting adjourned at 12:27 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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