

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

LICENSING COMMITTEE MINUTES

January 13, 2022

9:00 a.m.

MEMBERS PRESENT: Chair Michael Rowe
Vice Chair Christopher Freer
Zachary Taylor
Jim Rose
Steve Lepine
Michael Finkbiner
Tim Toussaint

MEMBERS ABSENT:

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

PROCEEDINGS:

Chair Michael Rowe called the meeting to order at 9:14 a.m. (The delay due to technical issues was publicly announced at 9:00 a.m.)

The Licensing Committee meeting was conducted in a hybrid form, allowing Committee members, Department staff, and the public to attend in person at the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado 80910, Hearing Room on the Upper Level, or 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>.

1. **CONSIDERATION OF THE DECEMBER 9, 2021 LICENSING COMMITTEE MINUTES**

A motion was made by Jim Rose to **APPROVE** the December 9, 2021 Licensing Committee Minutes as written, seconded by Chris Freer; the motion carried unanimously.

2. **COMPLAINT(S)**

- a) A complaint has been brought against Stephen White, Owner and Licensee, and Christina Selvig, Licensee for Tall Pines Builders, Inc. by Heather and Dan Noteboom for performing work at 7155 Nettlewood Place, Colorado Springs, Colorado without proper 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.

Stephen White (White) appeared in person; Heather and Dan Noteboom appeared virtually. All parties were sworn in. Virginia Koulchitzka informed all parties of the conduct of the hearing procedures and the rights of the parties.

Christina Selvig, as an additional licensee for Tall Pines Builders, Inc. did not appear. Mr. White represented he had authority to appear and present c/o the company and all licensees, Ms. Selvig included.

Heather Noteboom (Noteboom) stated she and her husband, Dan, contracted with Tall Pines Builders (Tall Pines) to remodel their kitchen, bathroom and family room, which project commenced on November 1, 2021. She stated Tall Pines cancelled their contract nine days into the project; they received a Stop Work Order from Pikes Peak Regional Building Department on November 17, 2021 because permits had not been obtained by Tall Pines for their project. She stated their contract with Tall Pines specifically addresses permits, as required by Pikes Peak Regional Building Department. Noteboom stated at the time the Stop Work Order was issued, they did not have electricity in most of the main level of their home and plumbing was nonoperational in the primary bathroom. As of November 17, 2021, building permits had not been obtained; no plans had been submitted prior to work commencing; several walls had been moved, doors reframed, window added, and fireplace framed.

Matt Matzen stated currently there is a building permit obtained by the homeowner, with a mechanical and electrical attachments. He stated electrical and plumbing permits were issued prior to the Stop Work Order issued on November 17, 2021; building and mechanical permits were obtained after November 17, 2021. According to testimony, electrical work was performed by The Electrician, LLC; plumbing work was performed by Sparrow Enterprises, Inc. The site visit for the Stop Work Order did confirm that only building work was completed; no mechanical work was completed at that time. This complaint is specific to when the Stop Work Order was issued; only framing/construction type work was completed at that time.

Mr. Matzen stated Tall Pines has been in business since on or around July 15, 2016. White holds a Building A-1 License, currently in good standing. Christina Selvig holds a Building B-1 License, also in good standing. The permit history: 52 total permits; 42 completed permits; 8 open permits; and 2 voided permits.

White stated he was informed by his office staff that only permits for the plumbing and electrical portions of the project were required as there were no structural modifications being made by Tall Pines. He stated he now realizes he was misinformed by his staff and permits should have been obtained by Tall Pines prior to work commencing. White stated since this project with Mr. and Mrs. Noteboom, Tall Pines has implemented new quality control procedures, and he will be managing the quality control himself so this type of error does not occur again in the future.

A motion was made by Michael Finkbiner that a One-Year Incident Report be put in the contractor file of Stephen White and Christina Selvig with Tall Pines Builders, Inc., seconded by Tim Toussaint; the motion carried unanimously.

Ms. Koulchitzka 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 Pikes Peak Regional Building Code (the "Code"). She further stated the Department has authority, pursuant to Section RBC103.12 of the Code, to issue administrative fines; the Department retained such right, and fine(s) may be imposed.

- b) A complaint has been brought against Todd Horlbeck, Trustee and Registrant for Western Peak Plumbing LLC by Jennifer Southerland for performing work at 603 South El Paso Street, Colorado Springs, Colorado prior to obtaining permit(s) and/or exceeding the scope of the permit(s) obtained post work completion, in violation of Sections RBC105.1 and RBC201.11.3, Nos. 1, 5 and 6, 2017 Pikes Peak Regional Building Code, as amended.

Todd Horlbeck (Horlbeck) appeared in person; Jennifer Southerland (Southerland) appeared virtually. All parties testifying were sworn in. Virginia Koulchitzka informed all parties of the conduct of the hearing procedures and the rights of the parties.

Southerland stated she is converting a family owned structure from an art studio into a café, and she hired Western Peak Plumbing, LLC (Western Peak) to install a backflow prevention system in the structure; this was completed on May 18, 2021, for which permits were issued on July 28, 2021. Shortly after the backflow work, she hired Western Peak to install significant plumbing required for her cafe in the same building. The installation was completed June 8, 2021. She stated she trusted Western Peak would obtain the necessary permits to complete this work, but when the backflow system was inspected on July 28, 2021, she discovered that permits had not been obtained for the plumbing work. Horlbeck applied for permits on the café related plumbing on August 19, 2021, but was told that he would have to have drawings certified by a plumbing engineer to have the permit(s) approved. She stated Horlbeck informed her that she would have to find an engineer to do the drawings, but RBD staff advised her that was Horlbeck's responsibility since he did the work.

Southerland stated she did find a plumbing engineer who has filed drawings for plan review. She also hired a commercial plumber who has determined that most of the work done by Western Peak was done incorrectly and has to be ripped out to be done again to pass the necessary inspections.

Horlbeck requested that an email transmitted to the Department on January 12, 2022 be admitted into evidence; Southerland stated she did not object. Horlbeck stated during the contract negotiations with Southerland, she informed him that she had obtained the necessary permits, but because of the numerous permits for this property, his office staff was not able to determine which permit to attach to. After the work was completed, Southerland explained that she had not obtained permits; the permits were from the Health Department to install a grease trap and change the use of the building.

Southerland stated she does not agree with the allegations in Horlbeck's January 12, 2022 email. She stated at no time did she tell Horlbeck that she had obtained the permits for this project. She asked Horlbeck about the permits, and he replied that he had just moved his office location, and "the permits slipped through the crack."

Matt Matzen stated Western Peak has been in business since on or around November 9, 2020. Horlbeck holds a Heating A License and a Plumbing A registration, both in good standing. Permit History: 148 total permits; 91 completed permits; 54 open permits; 1 pending permit; and 2 voided permits.

Jim Rose stated although Horlbeck has a good permit history, it is his responsibility as a contractor to know when a permit is required and to be certain those permits are in place prior to starting a project. A motion was made by Tim Toussaint to place a One-Year Incident Report in the contractor file of Todd Horlbeck with Western Peak Plumbing, LLC, seconded by Jim Rose; the motion carried unanimously.

Ms. Koulchitzka 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 Pikes Peak Regional Building Code (the "Code"). She further stated the Department has authority, pursuant to Section RBC103.12 of the Code, to issue administrative fines; the Department retained such right, and fine(s) may be imposed.

3. COMPLAINT UPDATES

- a) A complaint has been brought against KNT Plumbing, Inc. by Steven Patelis for performing work at 7361 Tributary Court, Fountain, Colorado without a proper permit, in violation of Sections RBC105.1 and RBC201.11.3, Nos. 1, 5 and 6, 2017 Pikes Peak Regional Building Code, as amended. *Emily McIntyre and James Martin appeared for the December 9, 2021 Licensing Committee Meeting. The Committee determined: Jim*

Rose stated given the recent Letter of Reprimand and the “A” Status Permits, he makes a motion to lock the license/registration of KNT Plumbing, Inc. until the permit for 7361 Tributary Court, Fountain, Colorado has been obtained and completed; the two “A” Status permits have been completed and/or addressed; and the residential project information (requested by Michael Finkbiner) submitted to the Department before the January 13, 2021 Licensing Committee meeting, with a release by RBD staff at its discretion. He stated a staff update on this issue is requested during the January 13, 2021 Licensing Committee meeting, seconded by Tim Toussaint; the motion carried unanimously.

Matt Matzen updated the Committee as follows: he has been working with Emily McIntyre, who submitted the residential projects information previously requested by the Licensing Committee. He reviewed the projects with Ms. McIntyre, and it was deemed that only the project at 7361 Tributary Court required a permit on that list. Since that time, the permit was obtained on January 5, 2022, with an inspection attempted as of January 6, 2022. The inspection result was that no one was home, so the inspector tagged the door; it is an open permit. The license is still locked per the direction(s) of the Licensing Committee and will remain locked until completion of the “A” Status permit(s) as noted. Jim Rose stated as soon as the permits have been completed or resolved, RBD staff may release the lock on the license.

- b) A complaint has been brought against Dustin Brooker, Licensee and Registered Agent for Victory Heating & Cooling LLC by William and Masami Aragon for performing work at 4012 Sleepy Creek Drive, Colorado Springs, Colorado without proper 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. *Dustin Brooker appeared for the December 9, 2021 Licensing Committee Meeting and the Committee determined: A motion was made by Jim Rose to place a One-Year Incident Report in the contractor file of Dustin Brooker, licensee for Victory Heating & Cooling LLC, with a complaint update during the January 13, 2021 Licensing Committee meeting, seconded by Tim Toussaint; the motion carried unanimously.*

Matt Matzen updated the Committee as follows: permits have been obtained for the furnace and air conditioner as of December 22, 2021, and the electrician attached on January 5, 2022. Inspections have not yet been requested, but he has been in contact with Dustin Brooker, and they are working towards getting the work wrapped up and the permit completed. Michael Rowe stated this item can be released by RBD staff when completed.

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.

Building Contractor A-1 (Commercial)

DPR CONSTRUCTION, A GENERAL PARTNERSHIP - RYAN KROGSTAD
(COMPANY CHANGES EXAMINEE)
NEW CASTLE GROUP LLC - BRENDA BARBEE (EXAMINEE CHANGES
COMPANY)
WHITE CONSTRUCTION GROUP, LTD. - JASON MAXWELL (COMPANY
CHANGES EXAMINEE)

Building Contractor A-2 (Commercial)

HIGH PERFORMANCE STRUCTURES, INC. - DANIEL VOGEL (LICENSE
UPGRADE)

Building Contractor B-1 (Limited Commercial)

CRADDOCK DEVELOPMENT COMPANY, INC. - LUIS MILBURN (LIMITATION
OF NO GROUND UP AND COMPANY CHANGES EXAMINEE)
MITCHELL WORKZ, LLC - BRENT MITCHELL (LIMITATION OF NO GROUND
UP)
WAGNER CONSTRUCTION, LLC - ROBERT WAGNER II (LIMITATION OF NO
GROUND UP)

Building Contractor C (Homebuilder)

AMH DEVELOPMENT, LLC - BRADLEY GRIFFIN (EXAMINEE CHANGES
COMPANY AND LICENSE REINSTATEMENT)
ELK LAKE KONSTRUCTION LLC - ALEXANDER DUFUR
REI SERVICES LLC - JOHN VASILKIS (EXAMINEE CHANGES COMPANY AND
LICENSE REINSTATEMENT)
RUNNING CREEK CONSTRUCTION LLC - LARRY MULLIN
TOP GUN CLEANING AND RESTORATION INC. - DANIEL MCCOY
(LIMITATION OF NO GROUND UP PERMITS AND ADDITIONAL LICENSE)

Building Contractor D-1 (Awnings)

KING AWNINGS - RONALD HUNTLEY JR.

Building Contractor D-1 (Cell Towers)

EASTEX TOWER, LLC - IAN STRINGFELLOW (ADDITIONAL LICENSE)
PLATINUM COMMUNICATIONS - JACOB WALKER

Building Contractor D-1 (Exteriors)

ECL CONSTRUCTION LLC - EDWARD LEWIS
HIGH COUNTRY ROOFING LLC - RUSSELL HAMPTON (LICENSE
REINSTATEMENT SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL "A"
STATUS PERMIT(S), IF ANY, HAVE BEEN RESOLVED)

SONNERS CONTRACTING INC - DAVID SONNER (LICENSE REINSTATEMENT)

Building Contractor D - 1 (Retaining Walls)

GEOCRAFT BUILDERS, LLC - CARY LANGE (ADDITIONAL LICENSE)
INTEGRATED WALL SOLUTIONS, LLC - MATTHEW HAWLEY (LICENSE REINSTATEMENT SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL "A" STATUS PERMIT(S), IF ANY, HAVE BEEN RESOLVED)
TRICOR GROUP, LLC - GERALD BROWN

Building Contractor D - 1 (Roofing)

BEYOND EXTERIORS LLC DBA BEYOND ROOFING LLC 'FKA' BEYOND EXTERIORS LLC - DANIEL PREISLER (ADDITIONAL LICENSE AND COMPANY CHANGES NAME OR DBA)
BLACK ROOFING, INC. - ALAN NEDELEA (COMPANY CHANGES EXAMINEE)
CODE 7 INC DBA CODE 7 ROOF & SOLAR - CLINTON CAMP
COLORADO MOISTURE CONTROL, INC. - BRADLEY TITUS (LICENSE REINSTATEMENT SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL "A" STATUS PERMIT(S), IF ANY, HAVE BEEN RESOLVED)
RC ROOFING AND RENOVATIONS.COM DBA RC CONSTRUCTION 'FKA' RC ROOFING AND RENOVATIONS LLC - RYAN CAMERON (COMPANY NAME OR DBA CHANGE)
TILEY ROOFING, INC. - ALEXANDER FALCONGROVE (COMPANY CHANGES EXAMINEE & LICENSE SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL ALL 'A' STATUS PERMITS, IF ANY, ARE RESOLVED)
UP TOP ROOFING & EXTERIORS LLC - PATRICIO ORTEGA
WISEMAN ROOFING LLC - MICHAEL ATHAS (LICENSE REINSTATEMENT)

Building Contractor D-2A (Wrecking)

DIVISION 2 DEMO & DIRT, LLC DBA D2 DEMO & DIRT + UTILITIES 'FKA' DIVISION II - D2 DEMO & DIRT RAPIDO ROLLOFF - KEVIN MURPHY (COMPANY NAME OR DBA CHANGE)
RTS ENVIRONMENTAL SERVICES, INC. - DUDLEY SANTANA

Building Contractor D-5A (Signs)

ACTION SIGNS & BANNERS - CHARLES LERICH
DRC EMBROIDERY & SIGNS LLC - RIGOBERTO TOVAR

Building Contractor E (Maintenance & Remodeling)

CRSD, LLC - LANCE HARRIS (LICENSE REINSTATEMENT)
THE SHED YARD, INC. - BENJAMIN MILLER (COMPANY CHANGES EXAMINEE)

Mechanical Contractor – A (Commercial)

CHEYENNE MOUNTAIN HVAC INC 'FKA' ALL SEASONS MECHANICAL INC. -
ROCKY RIZZO (COMPANY NAME OR DBA CHANGE)
ENERGY SERVICES OF COLORADO, INC. - JOSHUA TONIHKA
FIX-IT GROUP, LLC - MAURICE MCDONNELL (ADDITIONAL LICENSE AND
EXAMINEE CHANGES COMPANY AND LICENSE REINSTATEMENT)
HEART HEATING & COOLING, LLC - ROBERT TOWNSEND (ADDITIONAL
LICENSE)
KRYSTAL COMPANIES LLC DBA WELKER HEATING & COOLING - LUKE
WELKER
MANWELD MECHANICAL INC - MANUEL CARRILLO (LICENSE
REINSTATEMENT)
TOTAL HOME COMFORT, LTD. - TIMOTHY REINI (LICENSE
REINSTATEMENT)
TRUE NORTH HEATING AND COOLING. LLC - ISAAC HACKLER

Mechanical Contractor - C (Gas Piping)

THE GAS CONNECTION LLC 'FKA' THE GAS CONNECTION INC - GREGORY
FANGER (COMPANY NAME OR DBA CHANGE)

Heating Mechanic IV (HVAC Service Tech)

ANTHONY VILLAFUERTE
BRAD NEES
EDWARD CORTEZ III
IAN MOTT
JAMES JOST
JOSEPH DALY IV
NATHANIEL RODRIGUEZ
TIMOTHY CECIL

Consent Items for Voluntary Suspension

A.D.G.C., INC. - ROGER NESTOR - B-A1
BROWN & BROWN GEN. CONTRACTORS - ROBERT BROWN - B-1
CLAREY CONSTRUCTION - TERRY BRUNETTE - B-A1
CORBRIDGE HOMES - VIRGIL CORBRIDGE - B-C
FREEDOM HOMES USA, LLC - WILLIAM WALLACE - B-D 2A WRECKING
HOME RENEWAL ENT., LLC - KENDALL ROY - B-C
JEFFREY CLOE - JEFFREY CLOE - H-B
JEFFREY CLOE - JEFFREY CLOE - H-C-1
L&H HEATING AND COOLING LLC - WILLIAM MOUNT - H-B

A motion was made by Jim Rose 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**

There were no License Requests appearing individually.

7. **UNFINISHED BUSINESS**

There was no Unfinished Business.

8. **NEW BUSINESS**

a) Sunshine Act Requirement.

Pursuant to the Colorado Sunshine Act, I, Zachary Taylor, move that the Licensing Committee meeting be held on the second Thursday of each month beginning at 9:00 a.m. in a hybrid form: in person at the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado 80910, Hearing Room on the upper level, and virtually via a program accessible via Pikes Peak Regional Building Department's website Boards & Committee's page, that the Licensing Committee Meeting Agendas and Minutes for each meeting be posted on the website of Pikes Peak Regional Building Department at www.pprbd.org, and that the meeting Agendas and Minutes be maintained by the Executive Administrative Assistant in the records of Pikes Peak Regional Building Department. Further, the Department designates the following public place within the boundaries of the Department at which it may post a notice no less than twenty-four hours prior to a meeting if it is unable to post a notice online in exigent or emergency circumstances such as a power outage or an interruption in internet service that prevents the public from accessing the notice online: the Department's Public Notice Board in the atrium of the Department premises, seconded by Chris Freer; the motion carried unanimously.

The meeting adjourned at 10:47 a.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official
RNL/llg

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

Pikes Peak Regional Building Department (PPRBD) meeting agendas and minutes, as well as archived records, are available free of charge on PPRBD's website at <https://www.pprbd.org/Information/Boards>. Audio copies of the record may be purchased by contacting PPRBD at (719) 327-2989.