

# **Pikes Peak Regional Building Department**

2880 International Circle  
Colorado Springs, Colorado 80910

## **LICENSING COMMITTEE MINUTES**

January 12, 2023

9:00 a.m.

**MEMBERS PRESENT:** Chair Steve Lepine, Building Contractor A, B or C  
Vice Chair Tim Toussaint, Citizen at Large  
Michael Rowe, Banker  
David Rojewski, Building Contractor A  
Zachary Taylor, Architect  
Toby Conquest, Mechanical Contractor A

**MEMBERS ABSENT:** Trevit Smith, Building Contractor C

**OTHERS PRESENT:** Roger Lovell, Regional Building Official  
Virginia Koulchitzka, Regional Building Attorney  
John Welton, Deputy Building Official – Inspections  
Matthew Matzen, Permit/Licensing Supervisor  
Luke Sanderson, Senior Non-Compliance Inspector  
Linda Gardner, Executive Administrative Assistant

### **PROCEEDINGS:**

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. CALL TO ORDER: DETERMINATION OF A QUORUM**

Chair Michael Rowe called the meeting to order at 9:00 a.m.

#### **2. ELECTION OF OFFICERS**

A motion was made by Tim Toussaint to elect Steve Lepine as the 2023 Chair of the Licensing Committee, seconded by Zachary Taylor; the motion passed unanimously.

A motion was made by Michael Rowe to re-elect Tim Toussaint as the 2023 Vice Chair of the Licensing Committee, seconded by Zachary Taylor; the motion carried unanimously.

3. **CONSIDERATION OF THE DECEMBER 15, 2022 LICENSING COMMITTEE MINUTES**

A motion was made by Tim Toussaint to **APPROVE** the December 15, 2022 Licensing Committee Minutes as written, seconded by Zachary Taylor; the motion carried unanimously.

4. **COMPLAINT(S)**

**Conduct of Hearing.**

**Rules.** Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

**Oral Evidence.** Oral evidence shall be taken only on oath or affirmation.

**Hearsay Evidence.** Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this State.

**Admissibility of Evidence.** Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of any evidence over objection in civil actions in courts of competent jurisdiction in this State.

**Exclusion of Evidence.** Irrelevant and unduly repetitious evidence shall be excluded.

**Rights of Parties.** Each party shall have these rights among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called to testify;
5. To rebut the evidence against the party;
6. To represent the party or to be represented by anyone of the party's choice who is lawfully permitted to do so.

- a) A complaint has been brought against Robert Demith, Owner and Licensee, and Mark James Schoning, Owner and Registered Agent, 5280 Construction and Roofing LLP, by Jim and Janie Byrnes for performing work at 3120 Commodore Drive, Colorado Springs, Colorado prior to obtaining proper permit(s), in violation of Sections RBC105.1 and RBC201.11.3, Nos. 1, 5 and 6, Pikes Peak Regional Building Code, 2017 Edition, as amended.

Jim Byrnes (Byrnes), homeowner, appeared virtually and was sworn in; Robert Demith (Demith) appeared virtually and was sworn in; and Mark Schoning (Schoning) appeared in person and was sworn in. Byrnes stated he entered into a contract with 5280 Construction and Roofing LLP (5280) to build a deck on April 26, 2021. After numerous delays, the construction commenced June 10, 2021 and was completed on June 17, 2021, but no inspections had been requested. On August 5, 2021, Mrs. Byrnes contacted the Department to inquire about the permit for the deck and was informed a permit had not been obtained to date. 5280 applied for a permit on August 18, 2021; inspections were performed and failed in September 2021. There were issues with the sonatube for the deck piers that required correction. Byrnes stated he made numerous attempts to contact 5280 to make the corrections on the deck, so he could get his final inspection, without resolution. He stated he had the permit transferred into his name, and he is currently seeking estimates from other contractors to complete the project.

Schoning stated he admits that the permit was not obtained prior to commencement of the work on the deck; it was an oversight by his administrative staff for 5280. He stated a permit was obtained as soon as the issue was brought to his attention. He stated he has now corrected this issue in his office, so it does not occur again in the future. Schoning stated he discounted the contract price by 25% (\$7,000) due to the construction defects. He stated he is also willing to make the corrections to complete the project and get the final inspection. Matt Matzen stated to do so, the permit would have to be transferred back to 5280. When asked if Byrnes would be willing to have 5280 make the corrections and complete the deck and permit, he responded that he would be willing to entertain 5280 completing the deck with the condition that Schoning be on site to supervise the project and meet with inspection staff.

Upon questioning by Virginia Koulchitzka, Demith stated he has been living out-of-state while caring for his parents off and on for the past year. He stated he has not been on site at the Byrnes residence. He acknowledged that he is responsible for this project as the licensee. Ms. Koulchitzka reminded Schoning and Demith that Code requires that the licensee be available to oversee, manage, and supervise construction when permits are obtained in the licensee's name. Schoning stated he will take the necessary steps to correct this issue in the future.

Matt Matzen stated 5280 was granted a "C" License on June 11, 2018; 119 permits have been obtained; 7 voided permits; 9 open permits; 102 completed permits; and 1 "A" Status permit (Schoning stated the "A" Status permit is for his personal residence which has been a long-term construction project).

A motion was made by Tim Toussaint to place a Two-Year Incident Report in the contractor file of Robert Demith and 5280 Construction and Roofing LLP for failing to obtain a permit prior to commencement of work at 3120 Commodore Drive, Colorado Springs, Colorado, seconded by Michael Rowe; the motion carried unanimously.

Ms. Koulchitzka advised the parties to the complaint of their appeal rights: 30 calendar days from the decision of the Committee to file a written appeal with the Department in accordance with Section RBC101.7 of the Pikes Peak Regional Building Code, 2017 Edition, as amended (the Code). Further, she stated the Department has authority, pursuant to Section RBC103.12 of the Code to issue administrative fines; the Department retains such right, and fines(s) may be imposed.

- b) A complaint has been brought against Theodore Toft, Licensee, Affordable Services Corp., d/b/a Affordable Plumbing & Heating, by Sarah LaBelle for performing work at 1315 West Kiowa Street, Colorado Springs, Colorado prior to obtaining proper permit(s), in violation of Sections RBC105.1 and RBC201.11.3, Nos. 1, 5 and 6, Pikes Peak Regional Building Code, 2017 Edition, as amended.

Sarah LaBelle (LaBelle) appeared virtually and was sworn in. Ted Toft (Toft) appeared in person and was sworn in; his witness, Brian Shinkle (Shinkle), General Manager with Affordable Plumbing & Heating (Affordable), also appeared in person and was sworn in.

LaBelle stated she bought the property at 1315 West Kiowa Street in April; she was living in Minnesota and was traveling back and forth for property related repairs. She contracted with Affordable to replace the water heater, located in the crawl space. While Affordable staff was at her house, they informed her that there were “major issues” with the sewer line and recommended a water pressure regulator. The water heater replacement was \$3,000, the sewer line repair was \$6,850, and she declined the \$1,500 regulator. She was assured that permits would be obtained for the work. As they were repairing the sewer line, Affordable found another issue with the pipes that connected to the upstairs bathroom and the pipes they were repairing, which required that they open walls to repair that issue, which was another \$6,500, and required another permit. The regulator was added to the project at this point because Affordable informed her that it was required per Code, and it was no longer optional.

LaBelle stated Affordable finished the work inside and in the crawl space. Affordable advised LaBelle the City had come out to shut off the water; the water shut off at the street was broken. She was told that it would take 3 to 4 months for it to be repaired, so to be patient.

LaBelle stated Affordable did not meet with the inspectors as they had informed her they would do, so she scheduled another inspection and drove from Minnesota to Colorado to meet with the inspectors. When she arrived at her home, there were holes in the walls; she assumed Affordable would be repairing the sheetrock. The inspector was just there for the water heater; she assumed other inspectors would be arriving for the other repairs. After minor corrections, the water heater passed inspection a week later. At that point, she visited the house with her children to finish some interior

repairs and found a leak at the light switch in the crawl space; Affordable made the repair. She had another plumber out for another issue with the sewer line outside, and while he was looking around, he asked if the new items had passed inspection; she did not know, so she visited the Department and found that only the water heater had been permitted, at which point she filed a complaint with the Department. LaBelle stated Affordable's general manager called her last week, but inspections still have not taken place to date. She stated pursuant to Shinkle's phone call, she is open to having Affordable correct and complete the project.

Matt Matzen stated Affordable Services Corp. obtained a permit for the water line work on January 10, 2023; no inspections to date. He stated the permit for the water heater was obtained on May 13, 2022, and completed on June 13, 2022. Mr. Matzen stated Affordable has been in business since January 10, 2019; it has a Plumbing A Registration, an Electric A Registration, and a Heating A License. Affordable has obtained 1,145 plumbing permits, including 3 "A" Status permits; 925 completed permits; 178 open permits; and 39 voided permits.

Toft stated a permit was obtained for the water heater and has been completed; the other permit was overlooked. The permit was obtained two days ago and will be inspected shortly. He stated the pipes needed to be replaced due to the age of the pipes; they were corroded and leaking.

Shinkle stated he apologized to Ms. LaBelle for the lack of the permit for the sewer line. He stated he did a full audit of their permits; he stated they have implemented a new system in their office to address this issue in the future. Mr. Matzen requested a summary of the internal audit process to go along with any actions taken by the Committee.

A motion was made by David Rojewski that a 1-Year Incident Report be placed in the contractor file for Theodore Toft and Affordable Services Corp., d/b/a Affordable Plumbing & Heating; and a summary of the internal audit process be submitted to the Department, seconded by Zachary Taylor; the motion carried unanimously.

Ms. Koulchitzka advised the parties to the complaint of their appeal rights: 30 calendar days from the decision of the Committee to file a written appeal with the Department in accordance with Section RBC101.7 of the Pikes Peak Regional Building Code, 2017 Edition, as amended (the Code). Further, she stated the Department has authority, pursuant to Section RBC103.12 of the Code to issue administrative fines; the Department retains such right, and fines(s) may be imposed.

- c) A complaint has been brought against Jason Buquet, Licensee, Sonrich LLC, by Ashlie Nice for obtaining a permit for a non-licensed contractor, Mark Beeman, Stretching the Box, to perform work at 4532 Laramie Sky Drive, Colorado Springs, Colorado, in violation of Sections RBC201.2, RBC201.3, RBC105.1 and RBC201.11.3, Nos. 1, 3 and 6, Pikes Peak Regional Building Code, 2017 Edition, as amended.

Ashlie Nice (Nice) appeared virtually and was sworn in. Jason Buquet (Buquet) appeared in person and was sworn in. Nice stated she (and her husband) contracted with Mark Beeman with Stretching the Box to replace a 10' x 8' deck in April of 2022. There were multiple delays and disagreements about installing "used" materials on their deck. Upon completion, they found numerous defects with the materials and workmanship on the replaced deck.

Nice stated she contacted the Department regarding the issues she was having with Beeman and discovered that Buquet with Sonrich LLC obtained the permit for the deck; she then contacted Buquet in an effort to remedy the issues with the deck. Buquet informed her that Beeman was a subcontractor and responsible for the repairs, as he (Buquet) was not making any money on the deck. Nice stated the negotiations with Buquet got very "ugly"; communications with Buquet ended on July 11, 2022. To date, the issues with the deck have not been resolved.

Matt Matzen stated Sonrich has been in business since October 21, 2015; currently holds an active, in good standing, Building E License; it has obtained 18 permits; 14 permits are completed; 2 open permits; 1 voided permit; and 1 "A" Status permit. Beeman is not a licensed contractor. Mr. Matzen stated the permit for Nice's deck was obtained on May 4, 2022; it has passed pier and frame inspection; the last inspection performed on June 28, 2022 was rejected for several issues. Due to inactivity, the permit is now in "A" Status.

Buquet stated Beeman has worked with him on several projects as a subcontractor without any issues, which was the reason he obtained the permit on this project. He had been preparing the contracts and obtaining the permits; Beeman had been doing the work. He stated he is no longer working with Beeman; it is his understanding that Beeman has moved out of town. Buquet stated he has not been on site at the Nice residence; he is willing to rebuild the stairs and replace the "used" wood on Nice's deck to resolve this matter.

A motion was made by Michael Rowe to place a Letter of Reprimand in the contractor files of Jason Buquet and Sonrich LLC, with the condition that only one permit be allowed to be open at one time, with RBD staff release; and a lock be placed on Buquet's license until the "A" Status permit is completed, seconded by Tim Toussaint; the motion carried unanimously.

Ms. Koulchitzka advised the parties to the complaint of their appeal rights: 30 calendar days from the decision of the Committee to file a written appeal with the Department in accordance with Section RBC101.7 of the Pikes Peak Regional Building Code, 2017 Edition, as amended (the Code). Further, she stated the Department has authority, pursuant to Section RBC103.12 of the Code to issue administrative fines; the Department retains such right, and fines(s) may be imposed.

*Break from 11:10 a.m. to 11:22 a.m.*

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)**

REGIONAL CONSTRUCTION SERVICES, LC 'FKA' REGIONAL CONSTRUCTION SERVICES - DAVID MINGUS (COMPANY NAME OR DBA CHANGE)

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

FORREST GROVE EAST, LLC - FRANCO DANDREA (LIMITATION OF NO GROUND UP)  
WOODS CONSTRUCTION, INC. - EDWARD LIBBY

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

BARNARD STRUCTURES INCORPORATED - MICHAEL BARNARD  
CENTRAL STATES ROOFING & INSULATING CO. DBA CENTRAL STATES ROOFING COMPANY, INC. - PAUL HUME JR (LICENSE REINSTATEMENT AND COMPANY CHANGES EXAMINEE AND EXAMINEE CHANGES COMPANY)

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

BLEEKER CONSTRUCTION L.L.C. – CORY BLEEKER (LIMITATION OF NO GROUND UP)  
SENECA COMPANIES, INC. - ROWDY OGRADY

**Building Contractor C (Homebuilder)**

ALL CUSTOM DECK LLC - ALAN PIERCE (LICENSE REINSTATEMENT AND LICENSE UPGRADE AND EXAMINEE CHANGES COMPANY AND LIMITATION OF NO GROUND UP)  
ARTESIA LOT HOLDINGS, LLC DBA AMERICAN LEGEND HOMES - ANTHONY MUSICK (ADDITIONAL LICENSE)  
BEARDED BROTHERS REMODELING LLC - DAVID BROWNING (LIMITATION OF 2 OPEN GROUND UP PERMITS AT A TIME UNLIMITED BELOW)

ON THE LEVEL SPECIALTIES INC - DAVID DAVIS (UPGRADE AND  
LIMITATION OF NO GROUND UP)  
BRUSH HOLLOW CONSTRUCTION LLC - CHRISTY BOSKO  
SC SCOTT CONSTRUCTION CONSULTING, INC. - STEPHEN SCOTT  
(EXAMINEE CHANGES COMPANY)

**Building Contractor D-1 (Cell Towers)**

ROAMING NETWORKS INC. - NIKOLA PETROVIC

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

INTEGRITY ROOFING SERVICES, LTD - RICHARD ESTESS JR (LICENSE  
REINSTATEMENT)  
PROWEST, LLC - CORY ORSZULAK  
ALL PURPOSE ROOFING AND GUTTERS, LLC DBA ALL PURPOSE ROOFING  
AND GUTTERS - MICHAL NEPL (COMPANY CHANGES EXAMINEE)

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

CARLSON CONSTRUCTION LLC - DANIEL CARLSON

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

WILKINSON CUSTOM EXCAVATING, INC. 'FKA' WILKINSON CUSTOM  
EXCAVATING - DAVID WILKINSON (LICENSE REINSTATEMENT AND  
COMPANY NAME OR DBA CHANGE)

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

BSI LTD - BRENDAN SPECK  
ETERNAL FENCE & DECK, LLC - TAKIRA ROGERS

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

DOUGLASS COLONY GROUP, INC. - KATHERINE FAULKNER (LICENSE  
REINSTATEMENT)

**Mechanical Contractor – A (Commercial)**

PIERCE AIR & HEATING, INC. - ROCK PIERCE (COMPANY CHANGES  
EXAMINEE)

**Mechanical Contractor - C-1 (Gas Piping)**

AFAB PLUMBING LLC - TIMOTHY HERNANDEZ (EXAMINEE CHANGES  
COMPANY AND ADDITIONAL LICENSE)  
UNIVERSAL WATER SYSTEMS COLORADO, LLC - SHANE EBERSBACH  
(ADDITIONAL LICENSE)

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

AARON BARNES



AARON RIDGEWELL  
ANDREW SILVA  
CHARLIE SANKEY  
CHRISTOPHER JARAMILLO  
DEREK SPEARMAN  
DYLAN TRUJILLO  
GARRETT LAMKE  
JAMES CORDOVA  
JARED BUTTS  
JESSE ESCOBAR  
JOSEPH DURAN  
JOSHUA SIBLEY  
MATTHEW PIGEON  
MICHAEL NELSON  
NATHAN FERGUSON  
ROBERTO AYALA  
RORY DEAN  
SETH GARCIA  
TUCKER BLOOM  
TYLER GREENUP

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

6. **ITEMS CALLED OFF CONSENT CALENDAR**

There were no items called off the Consent Calendar.

7. **LICENSE REQUESTS CONSIDERED INDIVIDUALLY**

There were no License Requests appearing individually.

8. **UNFINISHED BUSINESS**

There was no Unfinished Business.

9. **NEW BUSINESS**

a) Colorado Sunshine Act Requirement

**To be read on the record, except the text in bold which requires the person making the motion to state his/her name, and the same of the person who seconds the motion.**

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](http://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 located in the atrium of the Department premises, seconded by Tim Toussaint; the motion carried unanimously.

Jack Arrington, Senior Mechanical Inspector, appeared and introduced Nancy Swearengin, Senior Mechanical Field Inspector, and the Department's new Senior Mechanical Inspector, Whitney Hendrian. Ms. Swearengin and Ms. Hendrian both gave brief presentations of their job-related duties and responsibilities.

The meeting adjourned at 11:33 a.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.

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.