

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

TECHNICAL COMMITTEE MINUTES

May 3, 2023

9:00 a.m.

MEMBERS PRESENT: Chair Micah Langness, Master Plumber
Vice Chair Philip Lasarre, Building A or B Contractor
Michael Finkbiner, Building Contractor C or D
Thomas Lysne, Architect
Jason Leimkuhl, Mechanical Contractor
Andrew Baturevich, Structural Engineer

MEMBERS ABSENT: Brian Braaten, Electrical Contractor

OTHERS PRESENT: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Attorney
Jay Eenhuis, Deputy Building Official – Plans
John Welton, Deputy Building Official - Inspections
Gina LaCascia, Executive Administrative Assistant

PROCEEDINGS:

The 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 Microsoft Teams live events, as accessible via Pikes Peak Regional Building Department's website Boards & Committees' page at: <https://www.pprbd.org/Information/Boards>.

Virginia Koulchitzka introduced the Department's new Executive Administrative Assistant, Gina LaCascia; and stated Linda Gardner will be retiring on June 1, 2023.

The Colorado Springs Fire Department (CSFD) was in attendance for Item 9 on the agenda, and Chip Taylor stated CSFD takes no exception to the remaining variance requests on the Agenda.

1. **CALL TO ORDER: DETERMINATION OF A QUORUM**
2. **CONSIDERATION OF THE APRIL 5, 2023 TECHNICAL COMMITTEE MINUTES**

Andy Baturevich made a correction specific to his recusal(s), which were for Agenda Items 5 and 9 only. A motion was made by Michael Finkbiner to **APPROVE** the April 4, 2023 Technical Committee Minutes, as corrected, seconded by Jason Leimkuhl; the motion carried unanimously.

3. **CONSENT CALENDAR**

Consent calendar items 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.

- a) 3258 Bark Tree Trail – Permit O59179 - James Barker, Homeowner, requests a variance to Section R402.2.10, 2015 International Energy Conservation Code, based on Section RBC111.2.3, Pikes Peak Regional Building Code, 2017 Edition, to allow slab insulation to be omitted within a conditioned garage/shop, where required per Code.
- b) 4171 Pony Tracks Drive – Permit O43704 - John Pace, My Comfort by Design, requests a variance to Section R402.2.10, 2015 International Energy Conservation Code, based on Section RBC111.2.3, Pikes Peak Regional Building Code, 2017 Edition, to allow slab insulation to be omitted within a conditioned garage/shop, where required per Code.

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

4. **ITEMS CALLED OFF CONSENT CALENDAR**

There were no items called off the Consent Calendar.

VARIANCE REQUESTS

- 5. 1130 Swope Avenue – Permit O25835 – Daryn Strop, Wayne Anthony Custom Homes, requests a variance to Section RBC303.4.1 Definition of Crawl Space, Pikes Peak Regional Building Code, 2017 Edition, based on Item 1 of Section RBC111.2.3 of the Code, to allow a crawl space with an average height of 5’9.5” where no more than 5’ average is allowed per Code.

Daryn Strop appeared in person and stated he has submitted a letter from Mibar Engineering approving the current construction of the foundation. Andrew Baturevich stated he has reviewed the letter from Mibar Engineering, and he does not have any concerns regarding the foundation based on this letter. A motion was made by Andrew Baturevich to recommend to the Board of Review **APPROVAL** of the variance request with the submittal of the letter from Mibar Engineering, seconded by Michael Finkbiner; the motion carried unanimously.

6. 1225 E. Las Animas Street – Permit O50841– Felix Salazar, Property Owner, requests variances to:

- a) Section R305.1, Exception 3, 2015 International Residential Code, based on Section RBC111.2.3, Item 3, Pikes Peak Regional Building Code, 2017 Edition, to allow an obstruction in a basement containing habitable space to project to within 6’1.25” of the finished floor, where a minimum of 6’4” is required per Code.

Felix Salazar appeared in person and stated he is converting his home into a duplex, and there are two existing support beams that have a finished height of 6’1¼”. He stated the frame inspector brought this height issue to his attention. He stated there is a duct between the two beams, so the soffit is approximately 2½’ wide. Mr. Salazar stated the remainder of the ceiling is at 6’9”.

A motion was made by Michael Finkbiner to move this variance request to the end of the meeting so Part (b) to the variance could be considered, seconded by Jason Leimkuhl; the motion carried unanimously.

The remainder of this variance request was heard after Item 13.

John Welton stated Item 6 will be broken up into 6(a) and 6(b). There is no verbiage change with the language in Item 6(a).

Continuation of 6(a): Upon questioning by Jason Leimkuhl, Mr. Salazar stated he is the owner of this residence and this space will be for his family (mother) to enjoy. A motion was made by Jason Leimkuhl to recommend to the Board of Review **APPROVAL** of the variance request for the soffit height at 6’1.25”, seconded by Michael Finkbiner; the motion carried unanimously.

A new Item 6b follows:

- b) Section R305.1, 2015 International Residential Code, to allow a ceiling height of 6’9”, where a minimum of 7’0” is required per Code.

Mr. Salazar stated the ceiling height is at 6’9”. A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request for a 6’9” finished ceiling height, seconded by Thomas Lysne; the motion carried unanimously.

7. 1315 Lake Woodmoor Drive – Plan C163909 - John Stancliffe, Schneider Electric, requests a variance to Section C502.1, 2021 International Energy Conservation Code, based on Section RBC111.2.3, Item 3, Pikes Peak Regional Building Code, 2017 Edition, to omit building thermal envelope requirements for the conditioned vestibule addition, where required per Code.

John Stancliffe and Dale Bitting, Engineer of Record with Schneider Electric, appeared in person. Mr. Stancliffe stated they are installing a security vestibule for an elementary school, and it has storefront windows as part of that security measure with security glass in the windows. To be compliant with the Energy Code, they would have to build insulated walls which would eliminate the security aspect of the vestibule. Mr. Bitting stated due to the existing exterior wing walls, there is no practical way to add insulation. The store front that they have submitted meets the requirement of the IECC. They are enclosing what were exterior brick walls; they could not add insulation to them on the inside without voiding the ADA required compliance. They could not add insulation on the outside of those brick walls because of the impracticality of attaching insulation, flashing it, and making the waterproof assembly, as well as something that would fit architecturally. In addition to the variance, they are including a control system that will limit the temperature inside this vestibule to temper it as opposed to fully condition it. Mr. Bitting stated the heating temperature will be 45 degrees; the cooling temperature will be 80 degrees. Mr. Stancliffe stated they plan to insulate in the cavity between the hard ceiling and the pitched ceiling to the satisfaction of the Code authority.

John Welton stated this variance request is to the 2021 IECC because it is a school and will be inspected to the State required Codes. The documentation submitted by the applicants is accurate for this variance request. The fenestration does meet the U Factor requirements; it does meet the solar requirements; and the 2021 Energy Code is going to require set points for that vestibule if it is conditioned; 45 degrees is the lowest set point; 80 degrees is the upper set point. Of all of the codes that are in play for this particular project, the Energy Code is the least life safety Code; RBD staff would much rather have the accessibility requirements reached; the importance of security of our schools is well known.

A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request because the security measures outweigh the energy issues; the door will be opened and closed so much throughout the day that the insulation situation is not a major factor. With the mini split set at the wing walls, as required by the Code, the intent of the Code is being met, seconded by Thomas Lysne; the motion carried unanimously.

Andrew Baturevich stated he recuses himself from Item 8 because his office is working on the structural engineering on this project; a quorum was maintained.

8. 7530 Mohawk Road – Chuck Runge, Architect, requests a variance prior to plan submittal, to Section 1104.5, 2015 International Building Code, based on Section RBC111.2.3, Item 3, Pikes Peak Regional Building Code, 2017 Edition, to allow an exterior accessible route where Code requires that “[w]here the circulation path is interior, the accessible route shall also be interior.”

Chuck Runge appeared in person and stated the project is the proposed St. John's Church, and the structure is 3,439 square feet on the main floor and a walk-out basement with 3,439 square feet. Of that main floor area, 377 square feet is planned for a vestibule that would serve as an air-lock entry and protective enclosure for the stairs to the basement. To be Code compliant and avoid a variance, an unenclosed covered porch would need to be constructed in place of the enclosed vestibule. The stairs and circulation path would then be considered as "exterior".

Mr. Runge stated parking has been planned to be at the lower level area of the site in the southeast corner by the walkout basement. The current plan has no parking at the upper part of the site near the main entrance of the church. An exterior accessible route is planned from the parking area to both the main entrance of the church and the lower level. The exterior circulation route is with a sloping sidewalk with 5% or less slope that will not require handrails or landings due to the relatively low slope. The exterior route between the two levels is planned as a gentle arc around the north side of the building (planned far enough away to avoid the shadow of the building for better sun exposure). The approximate 12' of vertical distance is traversed by an approximate 300' long route. The circulation path connects the parking, the lower level, and the main entry of the church without the need of steps and stairs or sloping ramps and handrails and is compliant with the requirements of an exterior accessible route.

Mr. Runge stated the lower level of the church will contain the toilet facilities and mechanical rooms necessary for the service of the building. It will also serve as the interim Fellowship Hall until the future Fellowship Hall is constructed. The lower level will be on an exterior accessible route from the main entrance of the church at the west side of the building and from the parking lot that is located near the Fellowship Hall entry doors at the east side of the building.

Mr. Runge stated the proposed church is planned to have a vestibule that would serve as a transition from the outside to the inside of the building. It will be climatically controlled and contain an office and a stair that leads to the lower level of the building. The vestibule will serve as an air lock between the main portions of the building and the outside elements. There will be two required exits from the basement. The planned exterior circulation path meets the Code requirement of an accessible route.

Mr. Runge stated the Code requires restrooms to be located not more than one story above or below the space required to be provided with toilet facilities. The maximum allowed travel distance is 500 feet. The Code permits this access to be interior or exterior. The total distance from all parts of the structure to the restroom facilities is less than the 500 feet allowable and is on an accessible route with 5% or less slope. The slope is less than the maximum permitted slope of 8.3%. Because of the relatively gentle slope of the exterior accessible route, there are no intermediate landings and railings required. The Code required accessibility is more than adequately provided by the exterior accessible route.

Mr. Runge stated he believes this variance request satisfies all three criteria of Section RBC111.2.3, Interpretation of the Code: (1) The application of the Code has correctly interpreted. The general path of circulation for the church is exterior, so the accessible route can and should be exterior. (2) The provisions of the Code do not fully apply. The public does not have access to the sanctuary making the public area less than 3,000 square feet for buildings that are exempt. (3) An equally good or better form of construction is proposed. The exterior sidewalk that is the accessible route to both the upper and lower levels is much easier to navigate than an interior ramp that would be a 1/12 slope (8.33 %) with handrails, intermediate landings and 90 degree turns, etc.

Upon questioning by Tom Lysne, Mr. Runge stated the main entry is accessible. The sanctuary is the only area that is not accessible on the main level. Both the main level and the lower level are fully accessible with the accessible route, as well as the restrooms are accessible on the lower level. He stated signage is not really needed because the accessible entrances are obvious. With this information, a motion was made by Thomas Lysne to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Michael Finkbiner; the motion carried unanimously.

Roger Lovell clarified that while this variance approval would be an acceptance of an alternative means to the accessibility standards as they relate to the ANSI Code, it does not relieve the property owner from ADA compliance, and could be subject to an ADA claim through the Department of Justice. Mr. Runge stated that is understood. John Welton stated in addition, this variance will also remove the accessible route from the Department's authority to inspect it since it is 5' and further outside the building; our authority would stop 5' outside the building. This requirement would fall on the zoning entity to ensure that this exterior accessible route met minimum requirements. Mr. Runge stated this matter has been discussed with the congregation, and it has been approved by them as well.

9. 11967 Falcon Highway – Plan C166805 – Dwayne Watson, Hound Dog Construction, LLC, requests a variance to Section 1004.1.2, 2015 International Building Code, based on Section RBC111.2.3, Item 2, Pikes Peak Regional Building Code, 2017 Edition, to allow an actual occupant load of 75 to be used for design purposes, where a calculated occupant load per Table 1004.1.2 is required per Code.

Dwayne Watson and David Smallidge appeared in person; Chip Taylor with CSFD also appeared in person on behalf of Chief Harwig with the Falcon Fire Department District. Mr. Watson stated he is assisting Mr. Smallidge in “putting together” a small wedding venue, and they have an occupancy level issue. Planning and Zoning has limited this facility to 75 occupants, and the architect for the structure designated it at 99 occupants, so they would not have to sprinkler the building. Mr. Watson stated he has discussed this issue with the Fire Department, and he thought he had it approved at 75 occupants. The variance before Planning and Zoning was calculated to be more than 100 occupants, but they cannot use it for more than 75 occupants. Mr. Watson stated there will be signage

posted on the wall limiting the occupancy to 75 occupants. He stated Planning and Zoning has specified that the building cannot be used for anything other than a wedding venue; if the property is sold, the allowed occupancy use must be discontinued.

John Welton stated that would be difficult for the Department to enforce; that would have to be an agreement between the current and future owners of the property, with a notification to El Paso County to void this conditional use. It would not be under RBD's jurisdiction to enforce that condition. Any additional work done on this structure would have to come in for permitting.

Jay Eenhuis stated the Code states if the occupant load increases by more than 10 percent, the Department is required to look at that as a change of occupancy even if the occupancy classification is not changing. They would be limited to 75, plus 10 percent, which would be 82 occupants; anything more than that would have to come back before the Committee.

Chip Taylor stated CSFD is working with the Falcon Fire Department District, which is the authority for this project. He stated CSFD has been in numerous conversations for this project, and they do support this variance request limiting the occupancy load to 75.

A motion was made by Philip Lasarre to recommend to the Board of Review **APPROVAL** of the variance request limiting the occupant load to 75, based on approval by CSFD and the Falcon Fire Department District, seconded by Andrew Baturevich; the motion carried unanimously.

10. 16871 New Autumn Drive – Permit O59175 – Shashank Arun Sinha, Property Owner, requests a variance to Section R402.2.10, 2015 International Energy Conservation Code, based on Section RBC111.2.3, Item 3, Pikes Peak Regional Building Code, 2017 Edition, to allow slab insulation to be omitted within conditioned habitable space, where required per Code.

Shashank Arun Sinha appeared virtually and stated he is adding an office space in the third bay of his three-car garage. He is also adding a garage heater to the two-car garage. He stated he has a contractor helping him with this conversion. Mr. Sinha stated there is an existing sink with a faucet in the proposed office area.

Upon questioning by Virginia Koulchitzka, Mr. Sinha stated he has a contractor that is helping him to convert this garage into an office area and is doing all of the work on the project. Mr. Sinha stated he obtained a homeowner permit for the project. Ms. Koulchitzka advised there are certain provisions in the Code that will allow a licensed contractor to consult on a project when the work is being done by a homeowner, but there is no provision in the Code that allows a homeowner who has obtained a homeowner permit to work with a licensed contractor to do the construction work without the licensed contractor assuming the responsibility and liability for the project. This means the arrangement Mr. Sinha currently has with his licensed contractor is in violation of Pikes Peak Regional Building Code. Mr. Sinha may not proceed under the current arrangement

and that results in two options: (1) Mr. Sinha may finish the work himself as the homeowner, which is what the Code permits; or (2) have his licensed contractor assume the permit, complete the job, and request the required inspections. Mr. Sinha stated the contractor's name is Jesus Pasparana; phone number 719-306-1160. He stated Mr. Pasparana is doing all of the mechanical, electrical, and drywall work. He stated he has another contractor doing the plumbing work and that contractor will obtain the permit for the plumbing work.

Ms. Koulchitzka advised that the variance request be continued until the June 7, 2023 Technical Committee Meeting because there are certain administrative issues that do appear to be in violation of Code. Further conversation will be needed with the applicant specific to the one who is holding the permit and whether the work that has proceeded thus far may continue. A motion was made by Michael Finkbiner to **CONTINUE** this variance request due to some conflicts with the contractor that must be resolved with RBD Administration, seconded by Thomas Lysne; the motion carried unanimously. Chair Langness requested that Mr. Sinha provide a better drawing/plan and photos to be incorporated into his variance request packet for the future meeting before the Technical Committee.

11. 2708 Beacon Street – Permit O10431 - Alfred Juvera, Property Owner, requests a variance to Section R402.2.10, 2015 International Energy Conservation Code, based on Section RBC111.2.3, Item 3, Pikes Peak Regional Building Code, 2017 Edition, to allow slab insulation to be omitted within a garage building conditioning habitable space, where required per Code.

Alfred Juvera appeared in person and stated he installed a mini-split in his garage, which has a mother-in-law suite above the garage. When he purchased the mini-split, it came with an extra head. The mechanical room is under the stairway, which has an electric hot water heater. The cold water line and the hot water line feed the upper unit through the floor joists. He installed the extra head in his garage so during the winter months he would be able to keep those water lines warm for the upper unit. Mr. Juvera stated the inspector pointed out the need for a variance. He has R21 insulation in the walls and R30 in the floor system for the space above the garage, and R49 insulation in the attic area. He stated the garage is not intended for future livable space; it is basically to keep his water lines warm during the winter months. John Welton stated every other element of the Energy Code in this space is being met, minus slab insulation. A motion was made by Philip Lasarre to recommend to the Board of Review **APPROVAL** of the variance request because the lower level will be used as a garage and the upper level is insulated according to Code; therefore, this variance meets the intent of the Code, seconded by Michael Finkbiner, the motion carried unanimously.

12. 16510 W. Cherry Stage Road – Permit O54251 – Gary Lauria, Property Owner, requests a variance to Section R311.3, 2015 International Residential Code, based on Item 2 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2017 Edition, to omit landing at exterior door, where required per Code.

No one appeared. Michael Finkbiner made a motion to **POSTPONE** this item until the end of the meeting to allow the applicant to appear either virtually or in person, seconded by Jason Leimkuhl; the motion carried unanimously.

This Item was heard after the continuation of Item 6.

Gary Lauria appeared virtually and stated his variance request is to omit the landing at the top of an existing exterior staircase. He stated he enclosed an area on his deck, and this staircase is exiting in that new area. He stated the plan was approved and during the final inspection it was brought to his attention that it did not meet the Code. He stated there are railings on both sides of the stairs, and he has exterior lights in this area for purposes of exiting this area at night. John Welton stated there is an amendment in the Pikes Peak Regional Building Code where we can reduce the required 36" minimum in the direction of travel landing down to 18" as long as we are not more than 27" or 3 steps above grade. In this particular case because this is a newly enclosed space with new walls constructed with a door included, this would require a Code compliant landing at the top of the staircase. Philip Lasarre and Jason Leimkuhl both stated they have concerns about the life safety risk of this variance request. Mr. Lauria stated it would be a large undertaking to correct this issue at this point in time, and if he had known about this earlier during the planning process, it would have been a great deal easier.

Virginia Koulchitzka stated the Code states: Approval of construction documents shall not be construed to mean approval of any violation of this Code or any other Code if a violation is included in the approved drawing and specifications and shall not relieve or exonerate any person or entity from the responsibility of complying with the provisions of this Code or any other Code. Further, she stated Section RBC111.2.3 of the Code which provides authority to the Technical Committee and the Board of Review to consider minor variances requires at least one of the following conditions to exist: (1) the true intent of the applicable Code has been incorrectly interpreted; (2) the provisions of the applicable Code do not fully apply; or (3) an equally good or better form of construction is proposed. Mr. Lauria stated Item 3 would apply because this section of the house is only used on occasion, and the current construction does not create any problems for his family living in this home. He stated this is one of three egress doors on his house, which are the front door, this door and the door to his garage.

A motion was made by Philip Lasarre to recommend to the Board of Review **DENIAL** of the variance request due to life safety concerns, seconded by Michael Finkbiner; the motion carried unanimously.

Ms. Koulchitzka advised Mr. Lauria has the right to appeal the decision of the Technical Committee as follows: 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.

Andrew Baturevich recused himself from Item 13 as he worked on the initial construction remediation on this project; a quorum was maintained.

13. 402 South Tejon Street – Christy Riggs, Architect, requests a variance prior to plan submittal, to Section 1004.1.2, 2015 International Building Code, based on Item 3 of Section RBC111.2.3, Pikes Peak Regional Building Department, 2017 Edition, to allow an actual occupant load to be used for plumbing fixture requirements only, where a calculated occupant load per Table 1004.1.2 is required per Code.

Christy Riggs appeared in person and stated this structure is an 8-story hotel building, with first floor tenant space that has been designated as retail or restaurants. The plan is to make it a restaurant space. The reason for the variance today is to reduce the occupant load as it relates to plumbing fixtures. The proposed restaurant space is a golf simulation restaurant. The way the Code works is you have a building; you define your occupants for the entire building, including the lobby spaces. All of those occupants are used to determine the plumbing fixture count into the restrooms. Typically in hotel lobbies, you come in and check in, and you have a private bathroom in your room. Providing public restrooms for both the lobby occupants and individually in the rooms they are going to is “doubling up” on the restrooms needed. Ms. Riggs stated she is requesting a 50 percent reduction in occupants as it relates to the plumbing fixture count because people coming and going are going right to their rooms.

Jay Eenhuis stated this project is being permitted as a separate suite and typically in multi-tenant facilities, each individual suite would require its own set of restrooms based on the occupant load calculations. However, with this suite, the main entrance is from within the hotel lobby. Although it has its own suite number, the majority of people utilizing the space will be hotel occupants. Mr. Eenhuis questioned the applicant with the overall occupant load of that main level and with the addition of this new space, what is the new occupant load going to be, and does the existing plumbing fixtures on this level support this occupant load. Ms. Riggs stated there are 10 fixtures required for men, and existing are 9 fixtures. On the women’s side, there are 14 fixtures required for women, and existing are 12. So it is slightly under what is required to include every occupant within the lobby; those occupants all have restrooms in their rooms. She stated the hotel lobby and all of the public areas are open 24 hours; there are public restrooms on the second level next to the fitness center and the pool.

Upon questioning by Virginia Koulchitzka regarding Section RBC111.2.3 Interpretation of the Code, Ms. Riggs stated Item 3 would apply as most of the guests in the lobby area have their own private restrooms in their guest rooms.

Jay Eenhuis stated one additional clarification would be the reduced occupant load within the lounge lobby area from 548 down to 274 occupants. A motion was made by Philip Lasarre to recommend to the Board of Review **APPROVAL** of the variance request to use the actual occupant load because he agrees that it is an equally good form of construction

with the restrooms in the guest rooms, seconded by Michael Finkbiner; the motion carried unanimously.

14. **UNFINISHED BUSINESS**

There was no Unfinished Business.

15. **NEW BUSINESS**

John Welton stated the Pikes Peak Regional Building Code, 2023 Edition, will be implemented on June 30, 2023. The current Consent Calendar Variance Requests will be discussed during the June 7, 2023 Technical Committee Meeting. He stated there are a couple Consent Variance Requests that will have to be rewritten with the appropriate Code section(s). In addition, if the Committee members wish to include additional consent variances, those items will be discussed during the June meeting. Philip Lasarre stated the Committee might consider the allowable height of crawlspaces. Jason Leimkuhl stated he would like to consider garage conversions in existing construction as a possible consent variance as well. John Welton stated one additional variance that the Committee may start seeing going forward is omission of slab insulation in detached garages with non-habitable space.

16. **ADJOURN**

The meeting adjourned at 11:24 p.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official

RNL/gml

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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