

# Pikes Peak Regional Building Department

2880 International Circle  
Colorado Springs, Colorado 80910

## BOARD OF REVIEW MEETING MINUTES

September 18, 2024 – Wednesday – 11:00 a.m.

**MEMBERS PRESENT:** Vice Chair Jeff Finn, Citizen-at-Large  
Vince Colarelli, Building Contractor A or B  
Chris Freer, Engineer  
Zach Taylor, Architect (*Appeared Virtually*)

**MEMBERS ABSENT:** Chair Loren Moreland, Building Contractor A, B or C

**PPRBD STAFF:** Roger Lovell, Regional Building Official  
Virginia Koulchitzka, Regional Building Attorney  
Jay Eenhuis, Deputy Regional Building Official - Plans  
Matt Matzen, Permit Supervisor  
Gina LaCascia, Executive Administrative Assistant

### PROCEEDINGS:

The Board of Review meeting was conducted in a hybrid forum, allowing Board members, Department staff, and the public to attend in person at the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado 80910, Room 100-14, or virtually through Microsoft Town Hall. Sufficient and timely access to the public to observe the meeting was made available at: <https://www.pprbd.org/Information/Boards>.

#### 1. **CALL TO ORDER: DETERMINATION OF A QUORUM**

Vice Chair Jeff Finn called the Board of Review meeting to order at 11:00 a.m.

#### 2. **CONSIDERATION OF THE AUGUST 21, 2024 BOARD OF REVIEW MEETING MINUTES**

A motion was made by Vince Colarelli to **APPROVE** the August 21, 2024 Board of Review Meeting Minutes as written; seconded by Chris Freer; the motion carried unanimously.

#### 3. **EXECUTIVE SESSION REQUEST(S)**

There were no Executive Session Request(s).

#### 4. **CONSIDERATION OF THE TECHNICAL AND LICENSING COMMITTEE MEETING MINUTES**

a) Technical Committee Meeting Minutes of September 4, 2024

A motion was made by Vince Colarelli to **APPROVE** the September 4, 2024 Technical Committee Meeting Minutes as written; seconded by Chris Freer; the motion carried unanimously.

b) Licensing Committee Meeting Minutes of September 12, 2024

A motion was made by Vince Colarelli to **APPROVE** the September 12, 2024 Licensing Committee Meeting Minutes as written; seconded by Chris Freer; the motion carried unanimously.

## 5. **DECISION APPEALS**

### **REVISED APPEAL PROCEDURE(S), AS IMPLEMENTED BY THE BOARD OF REVIEW DURING ITS MAY 16, 2018 BOARD OF REVIEW MEETING:**

The Board of Review shall conduct a public hearing on the appeal. At the conclusion of the hearing, the Board of Review shall make appropriate findings and determine whether the Technical Committee's or Licensing Committee's decision, as applicable, shall stand, be overturned or modified. The Board of Review's decision shall be considered final agency action for all purposes under Colorado Law.

Those aggrieved by the Technical Committee's or Licensing Committee's decision, as applicable, may appeal the decision provided that a notice of appeal, stating the grounds for appeal, is filed in accordance with RBC101.7. The Department, upon receiving a perfected appeal, shall forward the record of the Technical Committee or Licensing Committee to the Board of Review, and the matter shall be set for a public hearing at the next available Board of Review meeting. The Board of Review may hear the appeal de novo or may limit the hearing to the issues identified in the notice of appeal. At the conclusion of the public hearing, the Board of Review shall determine whether there is substantial evidence in the record to support the Technical Committee's or Licensing Committee's decision, as applicable, and if so, then the decision must be affirmed. If there is not substantial evidence in the record to support the Committee's decision, the Board of Review may overturn the decision or modify it. **(Last Updated: May 16, 2018)**

- a) Appeal filed by Jerome D. Fisher, Examinee of Independent American Manufacturing, LLC, received September 5, 2024. Appeal of the Licensing Committee's decision to issue a Letter of Reprimand in accordance with Section RBC201.11.2 of Pikes Peak Regional Building Code, 2023 Edition (the "Code") for work performed at 4315 Valencia Circle, Colorado Springs, Colorado, prior to obtaining required permit(s) in violation of Section RBC105.1 of the Code. The work, as consulted or performed, required an electrical contractor's license issued by the Department of Regulatory Agencies, State of Colorado, and a registration issued by the Department in accordance with Section RBC206.1 of the Code in addition to a building contractor's license, which

the examinee did not hold. These acts were determined by the Licensing Committee to be omissions and punishable in accordance with Sections RBC201.11.3, Nos. 1, 5 and 6, and RBC201.2, RBC201.3, and RBC201.4.2 of the Code.

Jerome D. Fisher, Examinee of Independent American Manufacturing, LLC, appeared in person and was sworn in. Mr. Fisher stated that he started the repair work at 4315 Valencia Circle, Colorado Springs, Colorado, around late August of 2023, and finished on or about the end of January, 2024. He was asked to help with the repair work as a favor by the homeowner, Michael Field, because they were friends, and not as a contractor. At the time, Mr. Fisher was on medical leave from Bradford Homes; as such, he had limited knowledge of construction. The repair work started off with a broken garbage disposal that Mr. Fisher replaced. Then, he was asked to help with replacement of the back door to the garage, and Mr. Fisher agreed to replace the door. Then, he worked on hardwood flooring; all work was done as a friend of the family and not as a contractor. He stated that Mr. Field did offer to pay him for his time. As Mr. Field kept asking for Mr. Fisher's help with additional items, Mr. Fisher stated he advised Mr. Field and his wife, Donna, multiple times that he was not a licensed contractor; that he does work in the construction field and knows about certain constructing, but he cannot obtain permits for the work being done because he is not licensed. In January, 2024, Mr. Field provided a reference on behalf of Mr. Fisher in support of him obtaining a contractor's license with Regional Building. Mr. Fisher admitted to doing the repair work and errors in judgment, but the work was not being done as a contractor; it was as a friend of the family helping the homeowner. Afterwards, in March, 2024, Mr. Fisher, Independent American Manufacturing, LLC, obtained a Building Contractor C license with the Department.

From a review of the complaint documents provided, Vince Colarelli stated it appeared that Mr. Fisher was sending emails and bills to the homeowner(s) regarding this project using Independent American Manufacturing LLC's name, which would mean that the bills are from a company, which is also doing the work. Mr. Fisher indicated that Mr. Field introduced the invoicing software to him and together, Mr. Fisher and Mr. Field were testing the software to see if Mr. Fisher wanted to purchase the program. Mr. Colarelli asked the appellant if he was aware, at the time he was performing the work, if he required a license; Mr. Fisher indicated that he was not aware of this fact, however, he does now realize the work he performed on the staircase and the lighting required a license because the Licensing Committee pointed this fact out during the hearing on August 8, 2024. Mr. Fisher stated that he formed his company, Independent American Manufacturing, LLC, in September of 2022, because he wanted to build tiny homes.

After reviewing the complaint documents, Vice Chair Finn asked Mr. Fisher how he determined the balance on the invoice emailed to Mr. Field of \$10,500.00. Mr. Fisher indicated there were some items he purchased himself, plus his hourly rate of \$25 an hour; and at one point, he did ask a friend to help him out and he paid him \$20 an hour.

Zachary Taylor asked RBD staff what the correct course of action would be for a contractor to take when working on a project, whether or not the homeowner has obtained a permit. Roger Lovell was present and was sworn in. Mr. Lovell stated when a homeowner obtains a permit and elects to use a contractor for any part of the subject project, the homeowner needs to insure they hire a licensed contractor. For trades that do not require a license, such as drywall or flooring, there isn't a need for a licensed contractor.

Mr. Taylor stated it is his understanding when a contractor becomes involved in such a project and if a permit is required, it is the contractor's responsibility to make sure a permit has been obtained. Mr. Lovell advised when someone is acting in the capacity as the contractor, that the Code requires that contractor to obtain proper permits.

Mr. Colarelli opined if a homeowner, for whatever reason, believes that a licensed contractor is not required for the work being completed, then that is the homeowner's choice and thereby the homeowner's obligation and responsibility to obtain a permit, not the unlicensed contractor.

After further discussion, a motion was made by Chris Freer to **AFFIRM** and **UPHOLD** the decision made by the Licensing Committee of August 8, 2024, to place a Letter of Reprimand in the contractor's and examinee's permanent files with the Department; seconded by Zach Taylor; the motion carried 3 to 1 with the Chair voting as well and Vince Colarelli opposing the motion.

#### 6. UNFINISHED BUSINESS

There was no Unfinished Business to discuss.

#### 7. NEW BUSINESS

There was no New Business to discuss.

#### 8. ADJOURNMENT

The Board of Review meeting adjourned at 11:55 a.m.

Respectfully submitted,



Roger N. Lovell  
Regional Building Official  
RNL/gml

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Accommodations for the hearing impaired can be made upon request with a forty-eight (48) hour 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 at: <https://www.pprbd.org/Information/Boards>. Audio copies of the record may be purchased by contacting PPRBD at (719) 327-2989.