

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BOARD OF REVIEW MEETING MINUTES

November 20, 2024 – Wednesday – 11:00 a.m.

MEMBERS PRESENT: Chair Loren Moreland, Building Contractor A, B or C
Vice Chair Jeff Finn, Citizen-at-Large
Vince Colarelli, Building Contractor A or B
Chris Freer, Engineer
Zach Taylor, Architect

PPRBD STAFF: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Attorney
Jay Eenhuis, Deputy Building Official – Plans
John Welton, Deputy Building Official – Inspections
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

Chair Loren Moreland called the Board of Review meeting to order at 11:01 a.m.

2. CONSIDERATION OF THE OCTOBER 16, 2024 BOARD OF REVIEW MEETING MINUTES

A motion was made by Vince Colarelli to **APPROVE** the October 16, 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 TECHNICAL AND LICENSING COMMITTEE MEETING MINUTES

a) Technical Committee Meeting Minutes of November 6, 2024

A motion was made by Vince Colarelli to **APPROVE** the November 6, 2024 Technical Committee Meeting Minutes as written; seconded by Chris Freer; the motion carried unanimously.

b) Licensing Committee Meeting Minutes of November 14, 2024

Vince Colarelli recused himself from voting pursuant to a business relationship with Evans Construction LLC, Bradley Evans, as Building Contractor B-1 (Limited Commercial). Quorum was maintained.

A motion was made by Zach Taylor to **APPROVE** the November 14, 2024 Licensing Committee Meeting Minutes as written; seconded by Vice Chair Jeff Finn; the motion carried.

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 Grant Schneider, Examinee of Priority Drain and Sewer dba Priority Plumbing and Heating, dated November 10, 2024. Appeal of the Licensing Committee's decision of October 10, 2024, to place a Two-Year Incident Report in the Examinee's and Contractor's files in accordance with Section RBC201.11.2 of Pikes Peak Regional Building Code, 2023 Edition (the "Code") for not obtaining a permit before starting work at 7560 Sunbeam Way, Colorado Springs, Colorado, in violation of Section RBC105.1 and RBC201.11.3, Nos. 1, 5 and 6, Pikes Peak Regional Building Code, 2023 Edition.

Grant Schneider appeared in person and was sworn in. Virginia Koulchitzka advised the Board that the issue on appeal is the two-year incident report, which the Licensing Committee issued on October 10, 2024, after hearing a complaint for non-permitted work. There is a second issue on appeal specific to the imposition of administrative fine(s), which will be heard by the Licensing Committee. Mr. Schneider is appealing on behalf of himself, as an individual and examinee/registrant of the company; not on behalf of the company. Mr. Schneider confirmed this on the record.

Mr. Schneider stated that at the time the work was performed on the subject property, which was October 26, 2023, he was not employed by the contractor. His employment with the contractor began on January 31, 2024, with a resulting registration application with the Department on February 5, 2024, which was approved on March 28, 2024. Vice Chair Jeff Finn asked Mr. Schneider to provide a brief history of the work performed. Mr. Schneider indicated that he preferred not to speak about the work performed because he did not perform the work and was not employed by the company at the time the work was done. If needed, he would ask for a continuance so someone from the company with knowledge of the work performed could be present at that time.

Vince Colarelli asked the appellant, since his appeal listed three reasons why he was appealing, to speak about number two: "No Permit Required for Drain Repair". Mr. Schneider again stated that he would prefer to not answer because he was not employed with the company at the time. Mr. Colarelli then asked Mr. Schneider to speak about the third reason for his appeal: "Lack of Proper Notification". Mr. Schneider stated he did not know about the complaint until he noticed a fine in his contractor portal with the Department and contacted Matt Matzen, the permit supervisor. He said that he knew about an incident, but he did not know it directly involved him. However, he never saw the actual summons sent by the Department regarding the complaint until he received an email communication to this regard. Ms. Koulchitzka asked Mr. Schneider if he received a communication by the Department, which included 59 pages, entitled Appeal Hearing: Notice to Attend Board of Review Meeting Scheduled for Wednesday, November 20, 2024, to which Mr. Schneider confirmed he did receive the subject documents. Further, Ms. Koulchitzka questioned the appellant on the contact information listed on the summons. The appellant advised that the Lakewood, Colorado address for the company is the only contact information that has changed. Ms. Koulchitzka confirmed with the appellant that it is his responsibility, as the examinee/registrant, to keep all contact information current with the Department as well as the Colorado Secretary of State. The appellant agreed.

Roger Lovell was sworn in and stated that Grant Schneider's registration was active with the Department effective March 28, 2024. Prior to Mr. Schneider, the company had another examinee, Jay Owens, who held a registration with the Department for a plumbing A license, which was effective on March 17, 2023, and was then reset to inactive as of October 31, 2024. Mr. Lovell confirmed that the Department issued two

summons addressed to Grant Schneider and the company for appearance on the subject complaint that the Licensing Committee heard after a continuance on October 10, 2024.

Mr. Lovell further confirmed that Jay Owens is not currently registered with another contractor within the Department's jurisdictions. Mr. Lovell also confirmed that no appearance was made by either the company or an examinee during the Licensing Committee hearing on September 12, 2024, or at the continued hearing on October 10, 2024. The Licensing Committee had statutory authority based on sufficient notice to hear the complaint during the October 10, 2024 hearing.

With regard to the part of the appeal that addresses no permit required for drain repair, Mr. Lovell stated that the Pikes Peak Regional Building Code, Section RBC105, is specific to permits, which are required; Section RBC105.2.1 contains exceptions for requiring a permit under "plumbing" specific to this situation: "The removal and reinstallation of plumbing fixtures, provided the work does not include the replacement or rearrangement of drain, waste, vent, or water pipes." In the current complaint, there was at least fifteen feet of plumbing base and plumbing drain replaced without the required permits. Ms. Koulchitzka asked Mr. Lovell if it was his recollection that the invoice from Priority Plumbing and Heating specifically confirmed and documented the replacement of such plumbing, and Mr. Lovell confirmed the same, stating that these replacements needed a permit further in accordance with the Colorado State Plumbing Code. To date, a permit has still not been obtained for the work performed in this matter.

Chair Moreland stated that it appears that Mr. Schneider was not employed with the company at the time the work was performed, and part of the problem is the company did not update their contact information. However, since Mr. Schneider is the current examinee of the company, Chair Moreland could understand why Mr. Schneider would want to keep his record clean based on the fact that the work performed, which is the basis of the complaint, was prior to his employment with the company.

Vince Colarelli stated that Priority Plumbing and Heating should be held accountable for their mistakes outlined in the complaint, and it is unfortunate for Mr. Schneider that when he joined the company, he stepped into the shoes of Jay Owens at a time when the company was negligent in their practices. Mr. Colarelli stated that Mr. Schneider's request to have this fact acknowledged, while not debating the issue about holding the company accountable, appears to be a reasonable request.

Vice Chair Finn asked John Welton if there was a path the Board could continue to hold the company responsible but not the examinee for the subject complaint. After being sworn in, Mr. Welton stated that since the Licensing Committee assessed the two-year incident report against the company as well as the examinee, the appeal before the Board is only by the examinee, individually, and not c/o the company. As a result, the two-year incident report against the company is not an issue on appeal.

Zach Taylor stated it appears that the plumbing registration with the company expired on September 20, 2024. He asked Mr. Schneider if the registration had been renewed. Mr. Schneider indicated it has not been renewed. Mr. Colarelli asked Mr. Schneider if the company is performing work in El Paso County that should be permitted. Mr. Schneider stated the company does, and currently is working on a large commercial project in an attempt to finish up some outdated inspections and permits that were placed on hold by the Department. He stated he is working on open permits from two to three years ago and unfortunately, he adopted most of this work to be completed and some involve property managed locations and/or the property owners have moved and therefore, it is difficult to obtain access to the projects. Because of these issues, Mr. Schneider indicated he has been working collaboratively with Matt Matzen and Joel Segura, the Department's Permitting Supervisor and Chief Plumbing Inspector, accordingly, to finalize all past projects. This is why he cannot obtain more permits and because his plumbing license cannot be renewed as of September 20, 2024.

Mr. Welton stated that one of the issues with this company are the administratively closed permits. Currently, Priority Plumbing and Heating has 33 administratively closed permits, which is down from 47. Department staff did arrange for some flexibility working with the examinee who inherited these A-status permits to work with staff to get them resolved; whether that included reopening the permits, having them inspected, or working with the non-compliance department.

After further discussion, the Board agreed that Mr. Schneider's request to have the two-year incident report removed from his examinee's file is reasonable. A motion was made by Zach Taylor to have the two-year incident report removed from Grant Schneider's examinee's file with the Department, however, the two-year incident report against the company to remain in the contractor's file; seconded by Vice Chair Jeff Finn; the motion carried unanimously.

The appellant was advised that the decision of the Board of Review was a final agency decision.

6. UNFINISHED BUSINESS

- a) 2025 Committee/Board/Commission Meeting Dates (Non-action item until January of 2025, when a schedule will be adopted in accordance with the requirements of the Colorado Sunshine Act of 1972, as amended.)

The Board members were provided with the 2025 Committee/Board/Commission Meeting Dates for review and consideration.

7. **NEW BUSINESS**

There was no New Business to discuss.

8. **ADJOURNMENT**

The Board of Review meeting adjourned at 11:57 a.m.

Work Training Session (started at the conclusion of the regular Advisory Board meeting at 1:15 p.m.)

- a) Harassment Prevention Training for Committee, Board, and Commission Volunteers, provided by Pikes Peak Regional Building Department Human Resources and Legal Department staff.

The Department's Human Resource Manager, Kathy Shupp, conducted the Harassment Prevention Training, which commenced at 1:15 p.m. The Training ended at 1:45 p.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official

RNL/gml

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.