

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

LICENSING COMMITTEE MEETING MINUTES

January 16, 2025 – Thursday – 9:00 a.m.

MEMBERS PRESENT: Chair Steve Lepine, Building Contractor A, B or C
Vice Chair Toby Conquest, Mechanical Contractor A
Dave Rojewski, Building Contractor A
Trevit Smith, Building Contractor C
Scott Schuster, Architect

MEMBERS ABSENT: Maria Miller, Commercial Banker
Andrew Haggard, Citizen-at-Large

PPRBD STAFF: Roger N. Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Attorney
Jay Eenhuis, Deputy Building Official – Plans
John Welton, Deputy Building Official – Inspections
Luke Sanderson, Non-Compliance Supervisor
Gina LaCascia, Executive Administrative Assistant

PROCEEDINGS:

The Licensing Committee meeting was conducted in a hybrid forum, 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, Boardroom on the main level, 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 Steve Lepine called the Licensing Committee meeting to order at 9:06 a.m.

2. ELECTION OF OFFICERS

A motion was made by Toby Conquest to elect Steve Lepine to continue as the 2025 Chair of the Licensing Committee; seconded by Trevit Smith; the motion carried unanimously.

A motion was made by Trevit Smith to elect Toby Conquest to continue as the 2025 Vice Chair of the Licensing Committee; seconded by Dave Rojewski; the motion carried unanimously.

3. **CONSIDERATION OF THE DECEMBER 12, 2024 LICENSING COMMITTEE MEETING MINUTES**

A motion was made by Dave Rojewski to **APPROVE** the December 12, 2024 Licensing Committee meeting minutes; seconded by Toby Conquest; the motion carried unanimously.

4. **LICENSING VARIANCE(S) AND APPEALS**

- a) Licensing Variance by Applicant, Andrew Cornella, Clifton Homes Incorporated. Applicant has applied with the Department for a Building Contractor C (Home Builder) license despite not having record(s) of having taken and passed 2012 or later ICC National Standardized or ICC Colorado Standard exams. As a result, the applicant requests a variance to the licensing requirements specific to examination only. *See*, Section RBC201.6.1 of Pikes Peak Regional Building Code, 2023 Edition.

Andrew Cornella appeared in person and stated that he has been involved with building custom homes for about 45 years. He is a gold member of the Better Business Bureau; he has never had a complaint filed against him; and, he has never had any liability issues. His licensing variance request is to allow him to apply for a Building Contractor C (Home Builder) license without having to take the required ICC examination. The last time he took an exam was approximately 10 years ago.

Toby Conquest asked the applicant if he was doing any work in El Paso County and Mr. Cornella said not at this time. However, he just completed a 10,000 sq. ft. custom home in Lone Tree, Colorado. He is about to start another 6,700 sq. ft. home in the same neighborhood.

Luke Sanderson stated that Clifton Homes and Andrew Cornella held a Building C license with the Department since on or about February 12, 2013, which expired February 28, 2014. There were no permits obtained while the license was active. Scott Schuster asked what editions of the code the Department accepts to meet the examination requirements. John Welton stated the Department accepts examination results from the three most recent editions of the ICC code(s) family. The Department will accept a 2012 edition test or newer until January 1, 2025. Roger Lovell stated that the most recent ICC exam that is offered is under the 2018 code(s), therefore the Department accepts exams from the 2018, 2015, and 2012 editions of the code(s). Mr. Conquest noted that the applicant did take and pass the UBC Building Contractor C test through ICC on September 12, 2003.

Virginia Koulchitzka reminded the Committee of the requirements from Section RBC201.6.1, stating that the Committee may deviate from the examination requirements when extenuating circumstances have been presented; such as evidence of recent and continued experience of the contractor's license history.

A motion was made by Dave Rojewski to recommend to the Board of Review **APPROVAL** of the licensing variance request to allow Clifton Homes, Inc., to apply for a Building Contractor C (Home Builder) license without having taken and passed the 2012 or later ICC National Standardized or ICC Colorado Standard exams; seconded by Toby Conquest; the motion carried unanimously.

5. CONTRACTOR 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 Curren Cast, Examinee for Topcat Chimney Service, by Michelle Gardner, for performing work at 1338 N. Weber Street, Colorado Springs, Colorado, prior to obtaining required permit(s) in violation of Sections RBC105.1 and RBC201.11.3, Nos.1, 5, and 6, Pikes Peak Regional Building Code, 2023 Edition. This work, as performed, required permit(s) and resulting inspection(s) by the Department.

The complainant, Michelle Gardner, did not make an appearance, however, her husband, Christopher Gardner, appeared virtually and was sworn in. Curren Cast, the examinee for Topcat Chimney Services, appeared in person and was sworn in. Attorney Karl Berg was present in person, representing Curren Cast and Topcat Chimney Services.

Christopher Gardner testified that he and his wife purchased the home at 1338 N. Weber Street in November of 2021. As part of the purchase contract, the parties agreed that the chimney renovations would be handled by Topcat Chimney Services (“Topcat”). Topcat provided a proposal of the work to be completed dated November 4, 2021, which included the restoration of a coal burning fireplace with chimney cap, and included the cost of a building permit. After numerous attempts to contact the examinee of Topcat, Curren Cast, without a response, Mr. Gardner started looking for another contractor to do the work. However, after contacting the title company to advise of his plans, pursuant to the purchase contract, he discovered that Topcat had already been paid for the work and the check was cashed by Topcat. At the advice of the title company, Mr. Gardner contacted Mr. Cast once more. During their conversation, Mr. Cast apologized, explaining that there was an administrative oversight in the office and he does not know why the check was cashed in. He stated he would make it right and take care of everything.

Mr. Gardner and his wife decided to order a new wood burning fireplace to replace the coal burning fireplace and assumed a building permit had issued. Meanwhile, the new fireplace was left uninstalled and the chimney was left with open holes and no cap. Mr. Gardner hired a new contractor, Fireplace Pros, LLC, to finish the work. He provided pictures of the uninstalled fireplace, which was left by Topcat and a picture of the fireplace installed by the new contractor, which was completed at additional cost. Topcat did not obtain the required permit and left the fireplace and chimney in an unsafe condition. He also provided screen shots of text messages between the property owners and Mr. Cast over the course of three years.

Luke Sanderson confirmed that a permit was not obtained by Topcat at this property. A permit was obtained on November 26, 2024, by Fireplace Pros, LLC, for a wood stove reinstall insert; the permit has been completed.

In questioning Mr. Gardner, Karl Berg asked him to confirm that he did not submit any documentation from Fireplace Pros, LLC, which would identify any deficiencies in Topcat’s work, to which Mr. Gardner confirmed he did not. Mr. Berg stated that the proposal from Topcat dated November 4, 2021, did not include the installation of a new fireplace. Mr. Gardner indicated the proposal included a coal fireplace restoration and his understanding was that the fireplace would be restored, a new chimney cap would be installed, and a new liner would also be installed. Mr. Gardner further testified that the check from the title company was cashed, the products were purchased, but Mr. Cast never showed up at the property to do the work for three years.

Mr. Berg asked Mr. Gardner if in 2021, he advised Mr. Cast that he didn’t want the work completed because he and his wife wanted to have a different fireplace installed. Mr. Gardner stated he did not make such a statement. After contacting the title company, Mr. Cast did visit the home and went over available options and what would be the best.

Mr. Cast and Mr. Gardner made an oral agreement that Mr. Gardner would order the new wood burning fireplace; Mr. Cast would install the fireplace. However, the work was never completed. Mr. Gardner stated when the work started, Topcat did not obtain the required permit; they left the trim for the new fireplace on his front patio, leaving the job incomplete. Mr. Berg stated once again no documentation has been provided as proof of what the new contractor said or did to complete the work. At this point, Mr. Berg concluded his questioning of Mr. Gardner.

Mr. Berg questioned Mr. Cast about how he became involved with Mr. and Mrs. Gardner. Mr. Cast indicated the company is in their tenth year of service, and the project was a typical situation during a home sale where he was called for an inspection. He found faults in the chimney and gave recommendations on how to fix the problems by submitting a proposal dated November 4, 2021. Thereafter, Mr. Cast said he waited for a call to return to complete the job. This work included realigning of the chimney to restore the original coal fireplace, tuckpointing, and the installation of a chimney cap. Mr. Cast stated he spoke with Mr. Gardner in November of 2021 and discussed the scope of work that needed to be done and what he would be doing. He planned on installing a chimney liner, restoring the original coal fireplace, and then making it safe to use as a coal burning fireplace. At this point, Mr. Gardner said he wanted something different, maybe a wood fireplace insert. Mr. Cast advised that there would be an additional cost for the wood burning insert. Mr. Cast asked Mr. Gardner to call him when he was ready for him to return and complete the work.

Mr. Cast testified that he never received a call from Mr. Gardner in 2021, 2022, or 2023. Mr. Cast first found out about the situation in early 2024, when he received a call from the title company about the check that was cashed. He then called the property owner and found out they had decided to purchase a wood burning fireplace insert. Mr. Cast stated he provided options for the installation of the fireplace insert. Mr. Cast stated that Topcat did install the fireplace insert without obtaining a permit. Mr. Cast testified that the project had gone on for so long that he forgot to obtain the permit as he was more concerned about the administrative oversight in the office when the check was cashed from the title company.

Toby Conquest asked Mr. Cast what work he performed at the property. Mr. Cast stated on June 21, 2024 and June 25, 2024, he worked on the stainless-steel chimney liner, connecting it to the off-set adaptor to the fireplace insert, the tuckpointing, and the chimney cap installation. Mr. Conquest asked if Mr. Cast considered a vent liner to be a life safety issue, and Mr. Cast said yes, he would. Mr. Conquest stated that all chimney liners and all vent liners require a permit. Mr. Cast agreed with this statement and said he believes this was the first time he was so frazzled over the project, that he didn't obtain a permit.

Luke Sanderson stated that Topcat has been in business since on or around January 23, 2018; Curren Cast holds a Building D-1 Wood Stove license that is currently in a locked status; total permits obtained by Topcat are 118; 8 permits are Administratively closed ("A status"); 105 permits are complete; and 5 permits are voided. The license is currently locked due to the 'A' status permits, which need to be completed before the license can be unlocked. The 'A' status permits date back to March 27, 2023, through May 20, 2024.

Toby Conquest asked what authority the Committee has in accordance with Code. Virginia Koulchitzka reminded the Committee of its authority pursuant to Section RBC201.11.3 of the Code, which includes a 1-to-3-year incident report or a letter of reprimand. These two penalties do not require review or approval of the Board of Review. Pursuant to Section RBC201.11.3, revocation or suspension of the contractor's and/or the examinee's license or registration requires approval of the Board of Review.

Trevit Smith asked what the problems were with the 'A' status permits. Mr. Cast stated that the issues involve required smoke detectors. He will start filing void requests for property owners that do not respond. One 'A' status permit involves the chimney liner, and they are having difficulty locating the necessary documentation for the system. One is waiting for the hearth to be completed. Luke Sanderson explained the Department's certificate of alleged non-compliance process once the contractor has exhausted all avenues to contact new property owners.

Mr. Gardner was provided the opportunity to question Mr. Cast. He had no questions, however, he stated he feels the entire situation and the way the work was left could have been a serious safety issue for his family.

In closing, Mr. Berg stated that it is undisputed that Mr. Cast did not obtain a permit prior to commencing work. However, there are extenuating circumstances in this case; such as almost two and a half years that passed from the time Mr. Cast submitted the proposal to when he was contacted to complete the work. As Mr. Cast testified, in his haste, he did not obtain the permit. But his actions were not purposeful, they were not willful, or intentional; it was negligent and he testified as such. But in terms of discipline, due to the facts that have been established, Mr. Cast, at most, should be subject to an incident report or a letter of reprimand. He has a good track record, and the fact that 105 permits have been completed and closed show that his company does good work.

A motion was made by Toby Conquest to place a Two-Year Incident Report in the files of the contractor, Topcat Chimney Service, and the examinee, Curren Cast, for failing to obtain a permit prior to commencement of work; seconded by Scott Schuster; the motion carried unanimously.

Ms. Koulchitzka advised the parties of their right to appeal pursuant to Section RBC101.7, Pikes Peak Regional Building Code, 2023 Edition, and provided a copy of the Notice of Right to Appeal. A Notice of Right to Appeal will be sent to the property owners, Mr. and Mrs. Gardner. Further, Ms. Koulchitzka advised that the Building Official has the authority, pursuant to Section RBC103.12 of the Code, to impose the imposition of administrative fine(s) for work completed in violation of code, and the Department reserves its right to consider imposing such fine(s).

6. **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.

Scott Schuster advised of a conflict of interest due to a current working relationship with Building Contractor A-2 (Commercial), Niebur Development, Incorporated – Troy Coats.

A motion was made by Toby Conquest to **APPROVE** the Consent License Requests with the exception of Building Contractor A-2 (Commercial), Niebur Development, Incorporated – Troy Coats; seconded by Trevit Smith; the motion carried unanimously.

BUILDING CONTRACTOR A-1 (COMMERCIAL)

Morton Buildings, Inc. - James Yaggie (Additional License)

BUILDING CONTRACTOR B-1 (LIMITED COMMERCIAL)

Fyxon LLC - Alvis Shelly (Limitation of No Ground Up)

Pisciotta Construction LLC - Nicholas Pisciotta (License Upgrade)

Remi Roofing and Construction, Inc. - Stuart Buehner (Examinee Changes Company)

Ruff 2 Finish Construction LLC - Jesse Ruff

Schneider Electric Buildings America, Inc. - Michael Raizer

Togala Contractor Builder LLC - Richard Reno (Renewal)

Woodlake Construction Management, L.L.C. - Jeffrey Martinez (Renewal)

BUILDING CONTRACTOR B-2 (LIMITED COMMERCIAL)

Elevated Construction LLC - Braden Gore (Limitation of No Ground Up Construction)

BUILDING CONTRACTOR C (HOMEBUILDER)

Backyard Storage Solutions, LLC - Benjamin Seaman (License Upgrade)

Empire Colorado Homes LP - Ronald Covington (Examinee Changes Company)

Mountain Home Builders, Inc. - Kevin Heidenreich (Renewal)

BUILDING CONTRACTOR D-1 (EXTERIORS)

Cinnamon Restoration LLC - Aaron Hernandez

BUILDING CONTRACTOR D-1 (FOUNDATION REPAIR)

Liftech Corp - Darren Crotchett

BUILDING CONTRACTOR D-1 (ROOFING)

Forest Roofs - Charles Whatley
Mountain Cap Roofing - Patrick Dill Sr.
Tony Twiss Roofing - Tony Twiss (Renewal)

BUILDING CONTRACTOR D-1 (WOOD STOVES)

Rio Grande Co. - Kevin Fields (Renewal and Examinee Changes Company)

BUILDING CONTRACTOR E (MAINTENANCE & REMODELING)

All-In-One Property Maintenance LLC - Sun Hwan Kim
Matlock Construction Services, LLC - Todd Matlock (Renewal)
RILO Enterprises LLC dba Colorado Shed Company - Richard Lauer
Ripleys Home Renovation, LLC - Zachary Ripley
S & P Contracting, LLC - Joel Smith
Springs Home Improvement Co. - Scott Walchli (Renewal, Examinee Changes Company, and Additional License)
Wildhorse Contractors - Nathaniel Johnson

BUILDING CONTRACTOR F-2 (LIMITED SOLAR)

Pristine Roofing and Gutters - Stephon Mazique (Additional License)

MECHANICAL CONTRACTOR A (COMMERCIAL)

A & Z Mechanical, LLC fka A & Z Mechanical, Inc. - Zonn Thompson
(Company Name or dba Change)
Action Inc. - John Jordan
(Company Changes Examinee and Additional License Subject to an Administrative Lock until all Administratively Closed Permits, if any, are Resolved)
Breathe Easy Air LLC - Dillon Utley (License Upgrade)
Carrier Corporation - James Blaha
Colorado Plumbing & Utilities Inc. - Ryan Macauley (Additional License)
Denver Mechanical Solutions, LLC - Adam Lucero
Design Mechanical Incorporated - Brian Smith
(Examinee Changes Company and Additional License)
FRPHI HVAC COS1 LLC fka Flow Right Plumbing Heating & Cooling, Inc. - Abram Conder (Renewal Subject to an Administrative Lock until all Administratively Closed Permits, if any, are Resolved, Company Changes Examinee, and Company Name or dba Change)
H7 LLC - Carlos Herrera (Renewal, Examinee Changes Company)
KLO Industries LLC - Kyle Lohoefer

Miller Heating and Air Inc fka Miller Heating & Air Conditioning Inc. - Steven Miller
Oak View Mechanical, LLC fka Oak View Investments, LLC - Dana Miller

(Company Name or dba Change)

Moore's Mechanical LLC - Xavier Moore

Peak Home Services LLC dba Peak Home Performance fka Peak Home
Performance LLC - Shaun Harney

(Company Name or dba Change Subject to an Administrative Lock
until all Administratively Closed Permits, if any, are Resolved)

Reeves Specialty Services LLC fka Reeves Specialty Services, Inc. - Gregory Kvidahl
(Company Name or dba Change)

Tom Johnson, Inc. dba Allied Heating and Air Conditioning - Shawn Johnson
(Renewal, Examinee Changes Company, and Additional License)

MECHANICAL CONTRACTOR E (ELEVATOR)

All Rise LLC - Robert Charney

HEATING MECHANIC IV (HVAC SERVICE TECH)

Caleb Skinner

Charles Jones

Dezmend Tribble

Fernando Verduzco-Luna

Kent Schmidt (Renewal)

Mel Gomez

Thomas Mulcahy

Trebor Brown

William Pitonzo

CONSENT ITEMS FOR VOLUNTARY SUSPENSION

Rick Shellenberger

Tyler Helton

7. **ITEMS CALLED OFF THE CONSENT CALENDAR**

BUILDING CONTRACTOR A-2 (COMMERCIAL)

Niebur Development, Incorporated - Troy Coats

With the recusal of Scott Schuster, a quorum was maintained. A motion was made by Dave Rojewski to **APPROVE** Niebur Development, Incorporated, Troy Coats; seconded by Trevit Smith; the motion carried.

8. **LICENSE REQUESTS CONSIDERED INDIVIDUALLY**

There were no License Requests appearing individually.

9. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

10. **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, Dave Rojewski, move that the Licensing Committee meeting be held on the second Thursday of each month beginning at 9:00 a.m. in a hybrid forum: In person at the Pikes Peak Regional Development Review 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 located in the atrium of the Department premises; seconded by Scott Schuster; the motion carried unanimously.

11. **ADJOURNMENT**

The Licensing Committee meeting adjourned at 10:36 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 meeting agendas and minutes, as well as archived records, are available free of charge on the website at: <https://www.pprbd.org/Information/Boards>. Audio copies of the record may be purchased by calling (719) 327-2989.