

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

LICENSING COMMITTEE MINUTES

June 8, 2016

9:00 a.m.

MEMBERS PRESENT: Mr. Mark Mahler
Mr. Neil Case
Mr. Jim Rose
Mr. Scot Gring

MEMBERS ABSENT: Mr. Vince Colarelli
Mr. J. B. (Johnny) Johnson
Mr. Richard Gillit

OTHERS PRESENT: Mr. Roger Lovell, Regional Building Official
Mr. Jay Eenhuis, Chief Plans Examiner
Mr. John Welton, Chief Building Inspector
Mr. Jon Brazier, Senior Mechanical Inspector
Ms. Jessie King, Contractor Licensing
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Mark Mahler called the meeting to order at 9:00 a.m.

1. CONSIDERATION OF MAY 11, 2016 LICENSING COMMITTEE MINUTES

A motion was made by Neil Case to **APPROVE** the May 11, 2016 Licensing Committee Minutes as written, seconded by Jim Rose; the motion carried unanimously.

2. COMPLAINTS

All parties testifying in the complaints today were sworn in.

- a) A complaint has been brought against Charles Barber, licensee for Charles Barber Construction Co., Inc., by Lillian DaVita for performing work at 3660 Suncrest Court, Colorado Springs, Colorado 80906, without obtaining permits, in violation of Section RBC105.1, 2011 Pikes Peak Regional Building Code. *This complaint was heard during the April 6, 2016 Building Committee meeting and the Committee **POSTPONED** the Complaint for 30 days to allow the parties time to resolve the matter. Mr. Barber has notified the homeowner and Regional Building that he does not intend to comply with the directions of the Building Committee on April 6, 2016.*

John Welton appeared and gave a summary of the details of the complaint to date. Charles Barber appeared and stated it was his understanding that he was directed to meet

with the homeowner to resolve the matter, and he did make one attempt to contact her, but she was not available. He stated he received a letter from the homeowner with her requirements. He stated the Building Committee directed him to do something that was not regulated by the building codes, so he does not feel RBD has the authority to direct him to remove the sump pump. Mr. Welton stated a permit is not required to drop a sump pump into a pit, but a permit is required for the electric that is required to operate the sump pump. He stated an electrical permit is still required for this sump pump, or the sump pump should be removed. He stated during the Building Committee there was a verbal agreement between the homeowner and Mr. Barber that the homeowner would allow Mr. Barber on her property to remove the sump pump. Scot Gring stated the Building Committee gave Mr. Barber an opportunity to resolve this issue, and he has not done so.

Mr. Barber stated he is willing to remedy the electrical complaint with a licensed electrician. He stated the only option the homeowner has given him is to remove the sump pump. Mr. Welton stated RBD requires that the work gets permitted, completed and inspected; or the work should be removed.

Leonard Frick appeared and stated he does home maintenance and repair work, and is here to assist Ms. DaVita. He stated the homeowner does not want Mr. Barber on her property, and he will remove all of the electrical work that was installed by Mr. Barber, and then remove the sump pump for Ms. DaVita at a later date. Lillian DaVita stated she is in agreement with having Mr. Frick remove the electrical work and sump pump installed by Mr. Barber, and put her property back to the original state, and then have it inspected by RBD when completed.

Mr. Barber stated he did not install an electrical outlet for the sump pump, nor engage the sump pump to an outlet, and Ms. DaVita disagreed and stated Mr. Barber did install an electrical outlet in her home for the sump pump. A motion was made by Scot Gring that a 3-Year Incident Report be put in Charles Barber's contractor file for doing work without a permit, and Ms. DaVita has the Licensing Committee's approval to have the electrical work installed by Mr. Barber removed by a third party, and have it inspected by RBD afterwards, seconded by Neil Case; the motion carried unanimously.

Break at 9:47 a.m. to 9:51 a.m.

- b) A complaint has been brought against Margarito Martinez, Jr., licensee for MTZ Construction, LLC, and Derek Mans, licensee for Mans Homes, Inc., by Mindy Kobus for pulling a permit for an unlicensed contractor, and doing work without a permit at 7778 Mountain Laurel Drive, Colorado Springs, Colorado, in violation of Sections RBC201.2 (3), (4), (6), (7), (8) and (9), and RBC201.11.3 (1), (3), (6) and (7), 2011 Pikes Peak Regional Building Code.

John Welton appeared and gave the details of the complaint. He stated Derek Mans is appearing on a complaint for pulling a permit for an unlicensed contractor; and Mr. Martinez is appearing on a complaint for doing work without a permit. Margarito Martinez appeared and stated his license expired three days prior to applying for the permit, so he had Mans Homes pull the permit because they work together. John Welton stated there were Code violations based on the photographs that were submitted to RBD. Derek Mans appeared and stated Mans Homes has a 15-year history of doing joint ventures with MTZ Construction, and there have never been any issues. He stated he was not aware of this particular permit. Jessie King stated Mr. Martinez' license was not renewed due to Workmen's Compensation Insurance issues, and Mr. Martinez currently has an outstanding permit. Gasper Martinez stated his name is on Derek Mans license as having authority to pull permits, so he pulled the permit under Mr. Mans' license, due to time constraints, and the fact that they were having insurance issues with MTZ's license. Derek Mans stated he is willing to do whatever is required to resolve this issue within 60 days, but the homeowner also needs to have the concrete work repaired. Melissa Marrow appeared and stated she also lives at this property and feels there was a lack of communication between MTZ Construction and the concrete contractor.

Mindy Kobus appeared and stated she paid Mr. Martinez \$7,000 of the \$9,300 contract price, and was not aware that the permit was pulled under Mr. Mans' license until she received a letter from RBD. She stated there was a change in the drawing, that was never given to the concrete company, and the end result is that there are a number of Code violations with regard to the deck stairs, as well as her deck. Mr. Welton stated at this point the Code violations have not been noted in RBD's records, because the inspections have not been completed. A motion was made by Scot Gring to give Derek Mans 60 days to complete this project, and upon completion, Mr. Mans will be released from this complaint, seconded by Jim Rose; the motion carried unanimously. A motion was made by Scot Gring to give Margarito Martinez 60 days to complete their outstanding permit, and renew their license, and if not done, MTZ Construction must reappear before the Licensing Committee, seconded by Jim Rose; the motion carried unanimously.

- c) A complaint has been brought against Robert Barrett, licensee for Barrett Plumbing, Inc., for pulling a permit for an unlicensed contractor, in violation of Sections RBC201.2(3), (6), and (7), and RBC201.11.3(1), (3) and (6), 2011 Pikes Peak Regional Building Code.

Jon Brazier appeared and gave the details of the complaint. He stated plumbing contractors can pull water heater permits, but not boiler permits. He stated the water heater at issue was at the Navigators facility, and Mr. Barrett pulled the permit, and the work was done by the maintenance workers at the Navigators facility. Mr. Brazier stated this was a very complicated system and involved a number of venting issues. Robert Barrett appeared and stated he did pull the permit for this project, but he did not do any of the work. He stated he was not aware that it is a Code violation to pull a permit for work that he is not completing himself. He stated the Navigators will have Mech One

pull a permit and have the project inspected. Jon Brazier stated Mr. Barrett's permit has been locked. He stated because this is a commercial project, plans will now be required prior to Mech One pulling the permit. A motion was made by Neil Case that a 1-year Incident Report be put in Mr. Barrett's contractor file for pulling a permit for an unlicensed contractor, seconded by Scot Gring; the motion carried unanimously.

3. **CONSENT LICENSE REQUESTS**

Building Contractor A-1

CONTINENTAL CONTRACTORS, INC. – CHANTIL BAGSHAW
TMS CONSTRUCTION, INC. – THOMAS SHARKEY (CO. CHANGES EXAMINEE)

Building Contractor B-1 (General Limited)

PARKWAY C & A LP – RICHARD SIEGFRIED (EXAMINEE CHANGES CO.)
TANIUM BUILDING CO., LLC – JEFFREY PETOSKEY (EXAMINEE CHANGES CO.)

Building Contractor C (Homebuilder)

PICASSO HOMES – JEFF STELZNER (EXAMINEE CHANGES CO., PRIMARY EXAMINEE)

Building Contractor D-1 (Roofing)

1- DERFUL ROOFING & RESTORATION (EXAMINEE CHANGES CO.)
ALL ANGELS COVERED, LLC – RYAN BENINE
COLORADO ROOFERS, LLC – DMITRIY TSYBULSKY
BELCHER CUSTOM DESIGN & RENOVATION – MILTON BELCHER (ADDITIONAL LICENSE)
EXTERIORS BY DESIGN, INC. DBA CALIFORNIA COMMERCIAL ROOFING SYSTEMS – WENDY HOLGUIN
COLUMBINE ROOFING & EXTERIORS – BOB BRADLEY
HIGHLAND CONTRACTING – BENJAMIN REYNOLDS
HIGH PRIDE ROOFING LLC – WENDY HOLGUIN
MCCOY CONTRACTING, INC. – EARL MCCOY (EXAMINEE CHANGES CO.)
MIDWAY ROOFER "LLC" – BRIAN BURRIS (EXAMINEE CHANGES CO.)

Building Contractor D-1 (Stucco)

CASTANEDA STUCCO AND PLASTERING, INC – ANGELBERTO CASTANEDA

Building Contractor D-1 (Tower)

MASTER NETWORK SOLUTIONS – GEOFFREY GALLINGER

Building Contractor D-5A (Signs)

DISTINCTIVE GRAPHIQUES INC DBA FAST SIGNS – DOUG GRAHAM

Building Contractor E (Residential Maintenance/Remodeling)

LAWN MASTER OUTDOOR LIVING LLC – JEFFERY LYND
WESTERMANN DESIGN BUILD, INC. –JOHNNY WEST (EXAMINEE CHANGES CO.)

Mechanical Contractor A (Commercial)

A & R MECHANICAL, INC. – ALAN LAABS
MICHAEL JAMES TONEFF – MICHAEL TONEFF (EXAMINEE CHANGES CO.)
RASMUSSEN MECHANICAL SERVICES – BRUCE RASMUSSEN
ROCKY MOUNTAIN CLIMATE INC. – CRAIG HOLMES
SWIFT MECHANICAL SERVICES, LLC – THEODORE READLEAF
THEODORE MADISON – THEODORE MADISON (EXAMINEE CHANGES CO.)

Mechanical Contractor C-1 (Gas Piping)

KIMBEL MECHANICAL SYSTEMS INC. – ROBERT GILMORE (ADDITIONAL
EXAMINEE)

Heating Mechanic IV (HVAC Service Tech)

DANA STERN (REINSTATEMENT)
JOSEPH HOFMANN
LANE JOHNSON
JOSH STEWART (REINSTATEMENT)
MARTIN TRUJILLO
MICHAEL SMITHES
SETH WAIT (REINSTATEMENT)

A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of the Consent License Requests, seconded by Jim Rose; the motion carried unanimously.

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

Building Contractor A-1

WESTERMANN DESIGN BUILD, INC. – MATTHEW OSTERMANN *

Matthew Ostermann appeared and stated he is an architectural/engineering graduate from Kansas State University, and also holds a construction science degree, and a master's degree from Kansas State University. He stated he worked on power plants for a year after college. He stated he also worked for a small engineering firm and worked on Walmart and Lowe's stores throughout the country. Mr. Ostermann stated he also worked for a construction company as a project manager/superintendent working on schools. He stated he has an "A-1" License in Kansas, and he just moved to Colorado, and is seeking an "A-1" License, to do work in this jurisdiction. He stated his plans are to do residential work, but he would like to have the ability to do commercial work in the future. Jim Rose stated he feels Mr. Ostermann has the experience for an "A-1" License. A motion was made by Jim Rose to recommend to the Board of Review **APPROVAL** of an "A-1" License, with the limitation of two open "A-1" permits at any one time, until completed, at which time Mr. Ostermann can work with RBD staff to have the restriction removed, unlimited below, seconded by Scot Gring; the motion carried unanimously.

Building Contractor C (Homebuilder)

KENNEDY CONSTRUCTION – DREW KENNEDY *

Drew Kennedy appeared and stated he is seeking a "C" License to do additions and new homes. He stated he has been the project foreman for several ground up construction projects. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of a "C" (Homebuilder) License, with the limitation two ground-up new home permits, unlimited below, until completed, at which time Mr. Kennedy can work with RBD staff to have the restriction removed, seconded by Jim Rose; the motion carried unanimously.

* Appearance required at the Licensing Committee meeting.

4. UNFINISHED BUSINESS

a) RBD's Complaint Procedures

John Welton gave the Committee members RBD's complaint procedures. He stated RBD always follows up on Complaints after the Committee meetings.

5. **NEW BUSINESS**

a) Automated Call Ahead System

John Welton stated contractors can be notified on inspections upon request. He stated RBD is moving to an automated call ahead system. He stated this will enable inspectors to no longer be required to make a phone calls; this will be done by an automated system, which will save a great deal of inspector time.

The meeting adjourned at 11:31 a.m.

Respectfully submitted,

Roger N. Lovell
Regional Building Official

RNL/llg