

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

LICENSING COMMITTEE MINUTES

December 14, 2016

9:00 a.m.

MEMBERS PRESENT: Chairman Mark Mahler
Mr. Scot Gring
Mr. Neil Case
Mr. J. B. (Johnny) Johnson
Mr. Jim Rose
Mr. Richard Gillit

MEMBERS ABSENT: Mr. Vince Colarelli

OTHERS PRESENT: Mr. Roger Lovell, Regional Building Official
Mr. Todd Welch, Regional Building Counsel
Mr. Jay Eenhuis, Chief Plans Supervisor
Mr. John Welton, Chief Building Inspector
Mr. Jack Arrington, Chief Mechanical/Plumbing Inspector
Ms. Jessie King, Contractor Licensing
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Mark Mahler called the meeting to order at 9:02 a.m.

1. **CONSIDERATION OF NOVEMBER 9, 2016 LICENSING COMMITTEE MINUTES**

A motion was made by Johnny Johnson to **APPROVE** the November 9, 2016 Licensing Committee Minutes as written, seconded by Richard Gillit; the motion carried unanimously.

2. **COMPLAINTS**

- a) A complaint has been brought against Justin Henry Go and Mario Vallejo, licensee for Architects Choice Builders LLC, by Elizabeth Hanson with Farmers Insurance, on behalf of Dennis Dawson, for work performed at 4231 Deerfield Hills Road, Colorado Springs, Colorado prior to obtaining a permit, and for willful and wanton negligence which created a life safety issue for the residents of the home, in violation of Section RBC201.11.3, Nos. 1, 3, 5 and 6, 2011 Pikes Peak Regional Building Code.

All parties testifying were sworn in. Elizabeth Hanson, agent for Farmers Insurance, appeared and stated she has been the homeowner's insurance agent for the past 10 to 12 years. She stated Dennis Dawson, the homeowner, is deaf. She stated the roofing contractor left a pipe disconnected from the water heater which created a carbon monoxide issue. She stated although there were carbon monoxide detectors in the home,

the occupants are deaf and did not hear the detectors, but fortunately, the homeowner's daughter arrived at the house and heard the carbon monoxide detectors and called the Colorado Springs Fire Department ("CSFD"). Ms. Hanson stated this could have been a tragedy, but fortunately it did not reach that point. John Welton stated the "B" vent was disconnected from the water heater during a roof repair allowing carbon monoxide to escape into the house. He stated Architects Choice Builders pulled a permit for an unlicensed contractor who did the work on this home. Mario Vallejo appeared and stated he was approached by Alpha Roofing to pull a permit for this project; and he discovered that the work was done prior to pulling the permit. He stated he has pulled permits for two contractors as a favor. Rick Gillit stated he believes Mr. Vallejo's license should be suspended for six months because he is unaware that he is not supposed to be pulling permits for unlicensed contractors. Roger Lovell reminded the Committee members that there was a family that passed away in Eagle County last year due to a similar situation as this one. He stated he believes that a strong message should be sent to the roofing industry to let them know that they cannot touch this vent on roofs. He stated RBD is working with CSFD to get the word out to the roofing industry. Mr. Lovell stated unfortunately, Justin Henry Go with Alpha Roofing, who did the work, is an unlicensed contractor, so RBD has no authority over an unlicensed contractor. Todd Welch stated RBD can file a civil lawsuit against Alpha Roofing. Mr. Vallejo stated he currently has four open permits. A motion was made by Scot Gring to recommend to the Board of Review that a Two-Year Incident Report be put in Mario Vallejo's contractor file for pulling a permit for an unlicensed contractor, who created a life safety issue for the homeowners of this home, and Mr. Vallejo's license be locked until all "A" Status permits are completed, seconded by Johnny Johnson; the motion carried 4:1. Richard Gillit opposed.

- b) A complaint has been brought against Jeffery Masias, owner of Innovative R.A.C. and Lance Gilbert, licensee for Town and Country Home Improvement, by William and Heidi Johnson for pulling a permit for another contractor at 5725 Gladstone Street, Colorado Springs, Colorado, and not performing or supervising the work at this location; and for willful and wanton negligence, in violation of Section RBC201.11.3, Nos. 3 and 6, 2011 Pikes Peak Regional Building Code.

Public Comments: Zach Cunningham appeared and stated he hired Jeff Masias to finish his basement, and Lance Gilbert and Sherman Suits have been very helpful in getting his issues with his construction project dealt with, but he is terminating his contract with Jeff Masias today. He stated Jeff Masias is a very dishonorable person and he is requesting that the Committee take whatever steps are necessary so Mr. Masias cannot continue to work in El Paso County.

Jerre Nakagawa appeared and stated she hired Jeff Masias to build a deck, and she has fired Jeff Masias and is working with Lance Gilbert to complete the project. She stated this construction project has cost her and her family thousands of dollars. She said she is also requesting that the Licensing Committee take away Mr. Masias' ability to continue working in El Paso County.

Duane Freeman appeared and stated he also had a construction contract with Jeff Masias and has paid him a great deal of money, and Mr. Masias did not deliver all of the materials and did not complete the project. He stated he has lost \$23,000 due to Jeff Masias; and now he has to pay another contractor \$28,000 to complete the project.

Aaron Stuart appeared and stated he worked for Jeff Masias to build Mr. Freeman's deck, and the entire project was fraud on the part of Jeff Masias, and a permit was not obtained for the project.

All parties testifying were sworn in. William and Heidi Johnson appeared and Mr. Johnson stated he hired Mr. Masias to build a deck at his home, paid Mr. Masias more than \$58,000, and his deck is not yet complete. He stated he discovered after the fact that Mr. Masias did not have a license to do this work. He stated there were numerous delays, supposedly due to material and equipment delays. Mr. Johnson stated he has asked for a refund from Mr. Masias for the work that was not done, and he has not received the refund. He stated he is taking legal action against Jeff Masias. He stated Lance Gilbert spliced the roof system out of the project without their knowledge. Mr. Johnson stated he is requesting that the Licensing Committee take whatever steps are necessary to assure that Mr. Masias' ability to do further construction work in El Paso County be terminated. He stated they are working with another contractor to complete the deck and it will cost him an additional \$40,000. He stated he was unaware that Lance Gilbert had pulled the permit for his project.

John Welton stated he met with Heidi Johnson on October 20th, and that is when Mr. Johnson learned that Lance Gilbert pulled the permit for his project and that the roof had been spliced out of the project.

Jeff Masias appeared and stated Mr. Johnson's testimony was accurate, and he had no knowledge of the splice. He stated it was always his intention to finish the project, but due to a loss of contractors and staffing, he was unable to finish the project. He stated Lance Gilbert was a 1099 employee of his company, paid a salary, and pulled the permit for this project.

Lance Gilbert appeared and stated he is a licensed contractor and was on salary with Jeff Masias. He stated Jeff Masias did know about the splice because he had to get the plans out of Mr. Masias' office. He stated he left Mr. Masias's company and took nine permits

with him and closed them. Mr. Gilbert stated there was one permit left, which was the permit for Mr. and Mrs. Johnson. He stated he tried to transfer the permit for the Johnson project to Sherman Suits, the new licensee for Jeff Masias. He stated he did splice out the roof structure for the Johnson project because he did not want the liability for the crane, etc. Mr. Gilbert stated he then called for inspection on the deck, and there was only one item that did not meet Code, which was the continuous handrail. He stated he was trying for 4 to 5 months to transfer this permit to Sherman Suits, and the splice was done to protect himself. He stated he wants this issue resolved and he wants the best possible solution for the homeowners.

John Welton stated at the time this permit was pulled, Jeff Masias had a roofing and siding license, which was not adequate for this job; and Mr. Gilbert had a "B-1" License. Mr. Gilbert stated he is not now working with Mr. Masias, and it was a bad decision to go back to work with him for a second time. A motion was made by Richard Gillit to recommend to the Board of Review that a Three-Year Incident Report be put in Lance Gilbert's contractor file, and his license is locked until this permit, for the original contract, is completed or the permit is transferred to the homeowner's preferred builder, seconded by Jim Rose; the motion carried unanimously.

Break from 11:11 a.m. to 11:19 a.m.

- c) A complaint has been brought against Jeffrey Masias and Sherman Suits, licensee for Innovative R.A.C., by Margaret and Kevin Couture for work performed at 3860 Cragwood Drive, Colorado Springs, Colorado without obtaining a permit, and for willful and wanton negligence; by Richard Moore for work performed at 4968 Mount Union Court, Colorado Springs, Colorado without obtaining a permit, for willful and wanton negligence, and for failing to comply with the order of the Licensing Committee on August 10, 2016; and by Richard and Beatriz Futyma for work performed at 1690 Golden Hills Road, Colorado Springs, Colorado without obtaining a permit and for willful and wanton negligence, in violation of Section RBC201.11.3, Nos. 1, 2, 5, 6 and 7, 2011 Pikes Peak Regional Building Code.

All parties testifying were sworn in. The Committee members and staff were given an email from Margaret Couture because she was not able to attend the meeting due to inclement weather in the mountains, where she resides. Her email noted that Jeff Masias has failed to refund the monies owed to the Coutures. Richard Moore appeared and stated Jeff Masias built a stucco fence for him without a permit, and Mr. Masias was directed by the Licensing Committee during the August meeting to provide architectural drawings so a permit could be obtained, but that has not been accomplished. He stated although the fence is complete, all of the documentation, i.e. permit, inspections, etc. have not been accomplished to date. Sherman Suits stated he was the licensee for Innovative RAC from April 2016 until recently. He stated this project had been started and near completion when he started working with Mr. Masias, and he was sent to the

project to do the touch-up painting, etc. He stated he did not pull a permit for this project, because it had been started months before he started working for Mr. Masias. Mr. Suits stated he no longer works for Mr. Masias, because he has not been paid. Jessie King stated RBD has not been notified that Sherman Suits has left Innovative RAC, so he is responsible for the open permits for Innovative RAC. John Welton stated RBD has a letter on file from Sherman Suits, which stated he is responsible for the open permits for Innovative RAC.

John Welton stated that there is a large number of complaints against Jeff Masias, he is not following the direction of the Licensing Committee from previous meetings, and RBD staff would recommend a severe penalty for this contractor. A motion was made by Scot Gring to recommend to the Board of Review **REVOCATION** of Jeff Masias' expired contractor license, and directs that counsel for RBD file a civil suit against Jeff Masias for continuing to contract and perform work in El Paso County without a license, seconded by Johnny Johnson; the motion carried unanimously. Mark Mahler requested that RBD staff and counsel report back to the Committee regarding the status of this matter. John Welton stated RBD staff is willing to work with Richard Moore to pull a permit and have his fence inspected and completed; although engineering will be required.

A motion was made by Richard Gillit to recommend to the Board of Review that Sherman Suits be given 30 days to submit plans and pull a permit for Richard Moore's project, seconded by Johnny Johnson; the motion carried unanimously.

Mark Mahler left the meeting at 12:02 p.m. and a quorum was maintained.

3. **CONSENT LICENSE REQUESTS**

Building Contractor A-1

SEVEN SUMMITS CONSTRUCTION – RANDY FLORELL (UPGRADE)
SOUTH INDUSTRIES, INC. – JOSHUA SOUTH

Building Contractor B-1 (General Limited)

CQL 2000 CONSTRUCTORS, LLC – BRETT MICKELSEN (CO. CHANGES EXAMINEE)
FEDERAL CONSTRUCTION, INC – WILLIAM HAMILTON
NEW STYLE CONTRACTING – KEVIN LING

Building Contractor B-2 (General Limited)

TRIBE CONSTRUCTION, INC – COREY WEINS

Building Contractor C (Homebuilder)

COLORADO CATASTROPHIC CLAIMS SERVICES – ADRIAN ROMAN
HEMINGWAY HOMES – ERIC HEMINGWAY
MTD ENTERPRISES – MATTHEW DUGUID (EXAMINEE CHANGES CO.)
STEWART CONSTRUCTION COMPANY – THOMAS STEWART III (UPGRADE)

Building Contractor D-1 (Exteriors)

ACE CONSTRUCTION & EXTERIORS – EDWARD HAMEL (UPGRADE)
BEST HANDS ROOFING CONTRACTORS OF COLORADO SPRINGS LLC – JOHN
FRAZIER (UPGRADE)
BLACK N WHITE ROOFING & EXTERIORS – KYRAIKOS MELAS (UPGRADE)
CAYLAN TARVIN – CAYLAN TARVIN
HIGH COUNTRY ROOFING, LLC – RICK HAMPTON (UPGRADE)
SOUTHERN COLORADO ROOFING – MATTHEW CLARKE (UPGRADE)

Building Contractor D-1 (Retaining Wall)

5280 CIVIL CONSTRUCTION – JOHN PETROS
BEAR REAINING WALLS INC. – JAY ARZOYAN (REINSTATEMENT)

Building Contractor D-1 (Roofing)

AMERICA’S BEST REMODELING, LLC – DEREK DUGGAN
BIG CREEK ROOFING AND RESTORATION – JASON VENZARA
HOMESKY CONTRACTING – IVAN VALVERDE
SAFEHOUSE EXTERIORS, LLC – CHRIS GARLAND (CO. CHANGES EXAMINEE)
TILEY ROOFING, INC – JONATHAN MIWA (CO. CHANGES EXAMINEE)
VIP CONSTRUCTION, LLC – JENNIFER PELLEGRINI

Building Contractor D-1 (Siding)

AMERICA’S BEST REMODELING, LLC – DEREK DUGGAN
ASPEN CONTRACTING, INC – PATRICK NUSSBECK (ADDITIONAL)
GROSS – RHODE EXTERIORS INC. – STEPHEN GROSS – RHODE (ADDITIONAL)
HOLLADAY GRACE ROOFING AND RECONSTRUCTION – JUSTUS WHIPKEY
(ADDITIONAL)

SALAZAR ROOFING & CONSTRUCTION, INC – MIGUEL SALAZAR (ADDITIONAL)

Building Contractor D-1 (Stucco)

DIAMOND STUCCO EXP. – JOSE GONZALEZ (EXAMINEE CHANGES CO.)
NEW ERA STUCCO & STONE – ROBERTO TELLO

Building Contractor D-5A (Sign)

METALMAMA IRONWORKS – JUDITH ELLIAS

Building Contractor E (Residential Remodeling)

JOCK HOME IMPROVEMENTS – CHAD JOCK (REINSTATEMENT)

Building Contractor F-1 (Solar)

STELLA ROOFING & SOLAR, INC – JERRY HUGHES (REINSTATEMENT)

Mechanical Contractor A (Commercial)

AES MECHANICAL SERVICES GROUP, INC – CHARLES KUJALA
JACK R. GAGE REFRIGERATION, INC – JACK GAGE
JOHNSON BROTHERS PLUMBING & HEATING, LLC – RICHARD JOHNSON
(PRIMARY EXAMINEE)
PERPETUAL HEATING AND COOLING INC – RICHARD THOMPSON
REEVES SPECIALTY SERVICES, INC – GREGORY KVIDAHL (CO. CHANGES
EXAMINEE)

Mechanical Contractor B (Residential)

SIRUIS MECHANICAL LLC – DEREK DAVIS
T & W INDOOR COMFORT LLC – WAYNE MCKINNEY

Heating Mechanic IV (HVAC Service Tech)

ANDREW REAMS
CHARLES BARKER
GREGORY PIANO (REINSTATEMENT)
JOSHUA GOULETTE
JOSEPH ENDERLE
MATTHEW SCHMID
PATRICK HAPP

RICHARD SCHOW (REINSTATEMENT)
ROBERT HARRIS
TYLER RAINEY

A motion was made by Neil Case to recommend to the Board of Review **APPROVAL** of the Consent License Requests, seconded by Johnny Johnson; the motion carried unanimously.

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

Building Contractor D-1 (Stucco)

NR STUCCO – IVANNIA GREEN *

Ivannia Green stated she would like to **WITHDRAW** her license request.

Mechanical Contractor A (Commercial)

MOUNTAIN PLUMBING & HEATING – DAVID HIGGINBOTHAM
(REINSTATEMENT) *

David Higginbotham appeared and stated he would like to have his license reinstated; he said he let his license expire due to an injury. Jack Arrington stated Mr. Higginbotham has one “A” Status permit, and he also has a current plumbing license. Mr. Higginbotham stated he will contact the homeowners to resolve the “A” Status Permit; he was under the impression that another contractor was taking care of it. A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of the license reinstatement, with the stipulation that the “A” Status permit is completed prior to pulling new permits, seconded by Jim Rose; carried unanimously.

* Appearance required at the Licensing Committee meeting.

4. UNFINISHED BUSINESS

There was no Unfinished Business to discuss.

5. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 12:18 p.m.

Respectfully submitted,

Roger N. Lovell
Regional Building Official

RNL/llg