

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

LICENSING COMMITTEE MINUTES

March 8, 2017

9:00 a.m.

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

MEMBERS ABSENT: Mr. Scot Gring
Mr. Vince Colarelli

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

PROCEEDINGS:

Chairman Mark Mahler called the meeting to order at 9:01 a.m.

1. **CONSIDERATION OF FEBRUARY 8, 2017 LICENSING COMMITTEE MINUTES**

A motion was made by Johnny Johnson to **APPROVE** the February 8, 2017 Licensing Committee Minutes as written, seconded by Richard Gillit; the motion carried unanimously.

Roger Lovell stated the staff of RBD would like to thank Johnny Johnson and Richard Gillit for their time and dedication to both the Building Committee and the Licensing Committee for the past six years and presented each of them with RBD's appreciation plaque.

Mr. Lovell stated he would also like to introduce Christy Riggs, who will be filling the architect's position on the Licensing Committee; and Loren Moreland, who will be filling the Contractor A, B or C position on the Licensing Committee, and their terms will commence next month.

2. COMPLAINTS

- a) A Complaint has been brought against Barbara Martinez, licensee for Custom Construction Services, LLC, by Steve Ernst for performing work at 17910 Bar X Road, Colorado Springs, Colorado, with willful and wanton negligence, in violation of Section RBC201.11.3, No. 6, 2011 Pikes Peak Regional Building Code.

All parties testifying were sworn in. John Welton appeared and gave the details of the Complaint; he stated this is a completed new home permit, and the issue is that work was done after a completed inspection that altered the result of that inspection with no follow-up inspection. Steve Ernst appeared and stated his house was started in the Spring of 2014, and there were numerous problems with the roof and water leaks. He stated he terminated the contract with the building contractor, Barbara Martinez, and then it went into litigation for a year and then repairs for six months. He stated he incurred over \$400,000 in repair costs due to the work done by Ms. Martinez and her company. Mr. Ernst stated there was extensive water damage and they found mold behind the stucco, the roof sheathing had to be replaced, the chimney was not constructed to Code, there were voids under the garage floor where it was sloping, and there were headers that were cut into after inspection to raise the door heights. He stated he received a judgment against the contractor for \$529,000, and he is here today to try to keep this from happening to other people. John Welton stated RBD received Mr. Ernst's complaint in November, 2016, and the house at that point, was ready for final inspection. He stated the second builder that did the repairs did not call in any inspections. Mr. Ernst stated there were three builders, i.e. Barbara Martinez, the builder that was brought in to make emergency repairs, and then the third builder that was hired after the lawsuit to complete the home, and called for the final inspection.

Karl Berg, attorney for Barbara Martinez, and Barbara Martinez appeared. Mr. Berg stated this is a civil matter, and Mr. Ernest claimed \$1.9 million on a \$1.25 million dollar home, plus attorney's fees and costs; and the settlement was less than \$400,000. He stated the complaint is for willful and wanton negligence. He stated Mr. Ernst claims of damage are to the chimney, the lights above the deck, and the headers. Mr. Berg stated the chimney was installed prior to the frame inspection, which is required by Code; he stated it was one header (not three headers), and the subcontractor did a slight notching to the header and it did not affect the integrity of the home; Mr. Ernst's own expert determined that it was a non-issue. He stated the original plan showed skylights over the hot tub, not lights. Ms. Martinez stated the plan showed skylights, but the owner requested lights at a later date. She stated she then contacted RBD to determine that this would be acceptable to place the light fixtures over a hot tub on the deck, and Mr. Wemmer told her to wait until the hot tub was installed, so they could determine the distance from the light fixtures, and then they could make a decision about the light fixtures. She stated she was then off the job at that point and was unable to follow-up on

this issue. Ms. Martinez stated the homeowner was talking to the subcontractors and making changes without her knowledge. She stated the header was shaved less than a quarter of inch, and was not actually notched. Mr. Welton stated this contractor does not have any prior complaints. Mr. Berg stated all of these issues have been resolved in the civil lawsuit. John Welton stated the complaint that RBD is concerned about is the “work that was done after an inspection” and was there follow-up to determine if it was done per Code. He stated the permit has been completed.

Mark Mahler stated he feels the main issue is the header, and RBD staff has not expressed a concern about this header. A motion was made by Richard Gillit to recommend to the Board of Review that a 1½ Year Incident Report be put in Barbara Martinez’s contractor file for willful and wanton negligence with regard to the work performed at 17910 Bar X Road, Colorado Springs, Colorado, seconded by Johnny Johnson; the motion carried unanimously.

- b) A Complaint has been brought against Craig Maser, licensee, by Regional Building for pulling a permit for an unlicensed contractor to perform work at 5635 Country Heights Drive, Colorado Springs, Colorado; and by Mr. and Mrs. W. Austin for agreeing to pull a permit for an unlicensed contractor to perform work at 713 Drew Drive, Colorado Springs, Colorado, in violation of Section RBC201.11.3, Nos. 1, 5, and 6, 2011 Pikes Peak Regional Building Code.

All parties testifying were sworn in. John Welton appeared and gave the details of the Complaint. Drew Rand, attorney for Mr. Maser, appeared and stated the Complaint filed by Mr. and Mrs. Austin is not notarized; therefore, it does not meet Code for proper notice to a contractor.

John Welton stated the second part of this Complaint is for 5635 Country Heights Drive, wherein Mr. Maser pulled a permit for Elite Military Construction to do work at this location.

Craig Maser appeared. Bruce Rand stated Mr. Maser has been a contractor in this jurisdiction for 20 years, and he hired a subcontractor, Elite Military Construction, for the first time for this project. He stated the contract was with Elite Military Construction, but Mr. Maser pulled the permit and supervised the project. He stated due to time constraints to finish this project, he withdrew from the project, refunded the money, and allowed another contractor to complete the project. Mr. Rand stated Mr. Maser should have insisted on putting the contract on his own contract form, but due to time constraints, they did not do this.

Mr. and Mrs. Austin appeared and Mrs. Austin stated she was working with a roofer, who was unlicensed, but told her that he could have another contractor, Craig Maser, pull a permit for him to replace her roof. She stated she met with Mr. Maser and the unlicensed contractor, and Mr. Maser told her it is common practice for contractors to pull permits for unlicensed contractors.

A motion was made by Richard Gillit to recommend to the Board of Review that a 1½ Year Incident Report be put in Craig Maser's contractor file for pulling a permit for an unlicensed contractor, seconded by Johnny Johnson; the motion carried unanimously.

- c) A Complaint has been brought against Sherman Suits, licensee for Innovative R.A.C., by Richard Moore for work performed at 4968 Mount Union Court without obtaining a permit, for willful and wanton negligence, and for failing to comply with the order of the Licensing Committee on December 14, 2016, in violation of Section RBC201.11.3, Nos. 2, 5, and 6, 2011 Pikes Peak Regional Building Code.

John Welton appeared and gave an update on this contractor complaint. He stated Mr. Moore has informed RBD staff that he has not seen any progress on the plans or permitting of his fence; and Mr. Welton confirmed that RBD has not received the engineered plans or a permit for this fence. He stated this contractor has six "A" Status Permits. A motion was made by Jim Rose to recommend to the Board of Review **REVOCAION** of Sherman Suits' contractor license due to lack of response to finish the project at 4968 Mount Union Court, seconded by Johnny Johnson; the motion carried unanimously.

- d) A Complaint has been brought against Shaun Chapin, licensee, by Marlinda Joy Logan for performing work at 6317 Hannah Rose Road, Colorado Springs, Colorado, without the proper license, without pulling a permit, and for willful and wanton negligence, in violation of Sections RBC201.11.3, Nos. 1, 2, and 5, and RBC210.3, 2011 Pikes Peak Regional Building Code.

All parties testifying were sworn in. Shaun Chapin appeared and stated that Ms. Logan's Complaint is not notarized, as is required by Code. He stated he hired a subcontractor to do the work on this project, and did not realize that a permit was not pulled. Ms. Logan stated she hired Mr. Chapin to re-side her home and discovered that a permit was not pulled for the siding portion of the project. She stated at this point, she would like to hire another contractor to finish the project, as she does not wish to work with Mr. Chapin on this project. John Welton stated that an RBD inspector was at this location on November 4th, and noted that 200 square feet of siding was being installed without a permit; although a permit was pulled to reroof the structure. He stated Mr. Chapin has a roofing license, but he does not have a license to do siding work. He stated a stop work order was issued on November 4th for the siding portion of the project. Mr. Chapin stated he

has completed the roofing, gutters, and windows; and he hired a subcontractor to do the siding. The Committee stated he cannot contract to do work that is outside the scope of his license, and Mr. Chapin stated he was not aware of this. A motion was made by Richard Gillit to recommend to the Board of Review that a Two-Year Incident Report be put in Shaun Chapin's contractor file for doing work without the proper license at 6317 Hannah Rose Road, Colorado Springs, Colorado, seconded by Johnny Johnson; the motion carried unanimously.

3. **CONSENT LICENSE REQUESTS**

Building Contractor A-1

ADVANTEDGE DRYWALL – ROBERT SCHAULER (EXAMINEE CHANGES CO.)
GC3, LLC – LAWRENCE SINWELL
LEC PROPERTIES, INC. – THOMAS SIMS (PRIMARY)
LEC PROPERTIES, INC. – WILLIAM DOVER (SECONDARY)
RIVERS DEVELOPMENT, INC. – ANDREW MULLET (UPGRADE)

Building Contractor B-1 (General Limited)

HIGH PERFORMANCE STRUCTURES, INC. DANIEL WADE (EXAMINEE CHANGES CO.)
HAINBACH BROS ENTERPRISES, LLC. – DANIEL HEINBACH
MOLTZ CONSTRUCTION, INC. – ANTHONY REID
SPECTROM GENERAL CONTRACTORS, INC. – THOMAS CELLA
T.D. FARRELL CONSTRUCTION, INC. – TIMOTHY FARRELL

Building Contractor C (Homebuilder)

B & M ENTERPRISES – ROBERT VAN MAARTH (EXAMINEE CHANGES CO.)
BIG TIMBER CONSTRUCTION, LLC. – RYAN ALTER
C2 CONSTRUCTION SOLUTIONS – CHAD CUNNINGHAM
KRUEGER BROTHERS CONSTRUCTION – SCOTT MCKERLIE (EXAMINEE CHANGES CO., ADDITIONAL)
HIGH PERFORMANCE STRUCTURES, INC. – MARTINE VOGEL (EXAMINEE CHANGES CO.)
LATIGO HOME DESIGN, LLC. – DENNIS ASHER (EXAMINEE CHANGES CO.)
PARAMOUNT HOMES COMPANY – MICHAEL RICE (EXAMINEE CHANGES CO.)
SPC CONSTRUCTION & MAINTENANCE, LLC. – SCOTT REED
STOCKMAN CONSTRUCTION – MATTHEW AAREOLA (REINSTATEMENT)
VICERORY DEVELOPMENT- ROBERT NICKUM

Building Contractor D-1 (Exteriors)

STORM GUARD OF COLORADO SPRINGS – BRAD GRIEBENOW (UPGRADE)
TAYLORMADE RESTORATION, INC. – DANIEL CHAVEZ- REY

Building Contractor D-1 (Pool)

BLUE WATER POOLS –DAVID HALL (REINSTATEMENT)

Building Contractor D-1 (Roofing)

BBLR, LLC DBA ROPA ROOFING – BRENTON ROPER
MORNING STAR ROOFING – MARCIE MONTOYA
ROCHARD ANDREW POWERS LLC DBA NATIONAL RELIEF – RICHARD
POWERS
ROCKY MOUNTAIN ROOFING AND CONSTRUCTION – JOSEPH GERACI
ROOF EVOLUTION, LLC. – LUIS CANALES
SUPERIOR OUTDOOR SERVICE COMPANY, LLC. – MICHAEL KELLY
TIMBER CREEK BUILDERS & EXTERIORS, LLC. – THOMAS MAEL
VICTORY 1 ROOFING, INC. – MACKENZIE KERR (ADDITIONAL)

Building Contractor D-1 (Siding)

BARLO INC DBA INTERSTATE ROOFING – JOHN QUANTS IV (ADDITONAL)
BRITTON HUMMELL – BRITTON HUMMELL
BROWN & SONS CUSTOM CARPENTRY & REMODELING – DAVID BROWN
ELITE CUSTOM EXTERIORS, LLC. – SCOTT LITTLE
RC ROOFING AND RENOVATIONS – RYAN CAMERON
REGIONAL TOWN CENTRE – JOSHUA VICARS (ADDITIONAL)
RG MAINTENANCE – RICKY GREINER
TIMBER CREEK BUILDERS & EXTERIORS, LLC. – THOMAS MEAL
TRUE NATURE ROOFING, LLC. – WILLIAM BLACK (ADDITIONAL)

Building Contractor D-1 (Stucco)

ANDREW'S PLASTERING, LLC. – ANDREW CARMELO

Building Contractor D-1 (Cell Tower)

REYES INC DBA WHITE DESERT CONSTRUCTION – JOSEPH REYES
SIOUX FALLS TOWER SPECIALISTS, INC. –CRAIG SYNDER

Building Contractor D-2A (Wrecking)

EARTH SERVICES & ABATEMENT, INC. –FRANK DENINO (REINSTATEMENT)

Building Contractor E (Residential Remodeling)

INFINITY RENOVATIONS, LLC. – BRADLEY LAWHEAD
INNOVATIVE ENTERPRISES – JOSEPH HOOVER
BTC CUSTOM CONSTRUCTION, LLC – BRIAN MAKETA
MOUNTAIN SCAPES CUSTOM ENVIROMENTS, LLC. – BRIAN BENNETT
THOMAS BELCHER CONSTRUCTION – THOMAS BELCHER (EXAMINEE
CHANGES CO)

Building Contractor F-1 (Solar)

GREEN BEE SOLAR, LLC. – BRYAN HEYWOOD

Mechanical Contractor A (Commercial)

AARON’S HEATING AND COOLING – TIMOTHY GREENE
LEO’S SEWER AND DRAIN, INC. – JARED DEAL (CO. CHANGES EXAMINEE)
RESTAURANT EQUIPMENT SERVICES, INC. – CLIFFORD PERKINS (CO.
CHANGES EXAMINEE)
TOTAL HOME COMFORT LTD – TIMOTHY REINI (REINSTATEMENT)
TRANE US, INC. –ERIC COOLEY
WORLD CLASS MECHANICAL, LLC. – JEFFREY HUMPHRIES

Heating Mechanic IV (HVAC Service Tech)

ALEXANDER GOW
DEVIN PINT
JEFFREY HEARON
JOHN FORT
RICHARD QUIRKE
SHEA OLDHAM
WILLIAM STEWART

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

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

Building Contractor B-1 (General Limited)

PLATINUM CONSTRUCTION – HOISER HORN *

Hoiser Horn appeared. Jessie King stated Mr. Horn has provided the documentation that the Licensing Committee requested during the February 8, 2017 Licensing Committee Meeting. Mr. Horn stated he was a superintendent or project manager to build a ground up daycare facility in Kingman, the Windsor High School, the Wheatridge Montessori School, and the Garland 85,000 square foot storage facility. A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of a “B-1” (General Limited) License, with the stipulation of three permits, and upon completion, Mr. Horn can work with RBD staff to have the restriction removed, seconded by Jim Rose; the motion carried unanimously.

Building Contractor C (Homebuilder)

GRISSOM CONTRACTING- JOHN GRISSOM *

No one appeared. A motion was made by Richard Gillit to **TABLE** this Item until the end of the meeting, seconded by Jim Rose; the motion carried unanimously.

KINETIC RESTORATION – PAUL NOTARTOMASO *

No one appeared. A motion was made by Richard Gillit to **TABLE** this Item until the end of the meeting, seconded by Jim Rose; the motion carried unanimously.

4. UNFINISHED BUSINESS

a) Tabled Items

A motion was made by Richard Gillit to **POSTPONE** the tabled items until the April 5, 2017 Licensing Committee meeting, seconded by Johnny Johnson; the motion carried unanimously.

5. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 11:20 a.m.

Respectfully submitted,

Roger N. Lovell
Regional Building Official

RNL/lfg