

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

LICENSING COMMITTEE MINUTES

May 9, 2018

9:00 a.m.

MEMBERS PRESENT: Chairman Loren Moreland
Mark Mahler
Scot Gring
Christine Riggs
Jim Rose
Michael Rowe

MEMBERS ABSENT: Christopher Freer

OTHERS PRESENT: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Counsel
Jay Eenhuis, Deputy Building Official - Plans
John Welton, Deputy Building Official – Inspections
Jack Arrington, Chief Plumbing/Mechanical Inspector
Rebecca Mulder, Licensing Supervisor
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Loren Moreland called the meeting to order at 9:03 a.m.

1. **CONSIDERATION OF APRIL 11, 2018 LICENSING COMMITTEE MINUTES**

A motion was made by Christine Riggs to **APPROVE** the April 11, 2018 Licensing Committee Minutes as written, seconded by Michael Rowe; the motion carried unanimously.

2. **VARIANCE**

- a) Crade Scott, C & M Plumbing, requests a variance to Section RBC201.6.1, 2011 Pikes Peak Regional Building Code, to waive the testing requirement for a Mechanical Contractor C-1 (Gas Piping) License.

Crade Scott appeared. Rebecca Mulder stated Mr. Scott previously has had a license with RBD from September 2004 through December 2010 for his mechanical license, and he still carries an active plumbing contractor's license with RBD. She stated during that time he had a total of 68 permits; 64 have been completed; 2 are voided; and 2 are open. She stated of the 68 total permits, 17 were mechanically related. Mr. Scott stated he has been working for a contractor on the military bases doing industrial work and let his license lapse; he stated he is requesting this license to do residential work. Ms. Mulder stated Mr. Scott carried a C-1 Gas Piping license in the past and he has re-registered his

plumbing license through the State. Jack Arrington stated Mr. Scott tested in 2010, and RBD's test is more difficult than the ICC test. He stated Mr. Scott has the necessary "piping experience". A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Jim Rose; the motion carried unanimously.

3. **COMPLAINTS**

- a) A Complaint has been brought against Timothy Prime and Anthony Cerciello, licensees for Berwick Electric Co., by Joyce Martinez for performing work at 1428 North Prospect Street, Colorado Springs, Colorado prior to pulling a permit, in violation of Section RBC201.11.3, Nos. 1, 5 and 6, 2011 Pikes Peak Regional Building Code.

All parties testifying were sworn in. Joyce Martinez stated she was upgrading the heating system from gas to electric in her rental home. She stated she discovered that a permit was not pulled, and she was concerned about the life safety of her tenants. She stated there was also an issue with the conduit running to the service panel.

Tim Prime and James Rockhill with Berwick Electric ("Berwick") appeared and Mr. Rockhill stated the project manager in charge of the project was out of town when this project was commenced, so permits were scheduled to be pulled by telephone by their permit technician. He stated he believed that this issue was due to a clerical error; the service was permitted prior to commencement of the work, but it was not attached to the permit. Ms. Mulder stated the baseboard heat was not permitted. Mr. Rockhill stated the electrician and permit technician that worked on this project were no longer with Berwick, so they were not able to get the details of the sequence of events that lead up to this complaint. He stated they have had difficulty contacting the homeowner to remedy this situation after they became aware of the issue. Mr. Rockhill stated Berwick can pull a permit today and have the work inspected tomorrow to resolve this issue.

Dean Wemmer, Chief Electrical Inspector for RBD, appeared. He disclosed his former employment relationship with Berwick electric. Mr. Wemmer stated Berwick Electric has never had a complaint in the past and they do not have any "A" Status permits. He stated the service was inspected, but it was more than a year ago, and there were no issues noted in the inspector's notes. Ms. Mulder stated Berwick has a total of 5,814 permits that have been completed, 142 voided permits, zero "A" Status Permits, and 34 open permits.

Ms. Martinez stated she has retained an attorney to handle this issue for her through the legal system. She stated she is uncomfortable with the work completed by Berwick. She stated she is unwilling to withdraw this complaint at this time, and would like to **POSTPONE** this complaint for 30 days in attempt to reach an amicable resolution with Berwick.

A motion was made by Mark Mahler to **POSTPONE** this Complaint for 30 days to give the parties an opportunity to resolve this matter, seconded by Michael Rowe; the motion carried unanimously.

- b) A Complaint has been brought against Richard Wheeler, licensee for R. W. Construction, Inc., by Jennifer Rizk for performing work at 320 South Institute Street, Colorado Springs, Colorado prior to pulling a permit, in violation of Section RBC201.11.3, Nos. 1, 5 and 6, 2011 Pikes Peak Regional Building Code.

All parties testifying were sworn in. Jina Koulchitzka stated when RBD receives an ex parte communication, it is required to share it with the opposing party in the subject proceeding because such matter is a quasi-judicial proceeding as a result a voicemail from Richard Wheeler, left on April 24, 2018, was played on the record. Ms. Rizk stated both she and her attorney have received a number of threatening phone calls from Mr. Wheeler. Ms. Koulchitzka asked whether Ms. Rizk is represented by an attorney in this proceeding; Ms. Rizk answered she was not.

Jennifer Rizk appeared and stated she contracted with R. W. Construction in August 2017 to convert a laundry room into a bathroom and a living room into a bedroom, and was told by Mr. Wheeler that these items did not require a permit. She stated the contract specified that the work would be completed by the end of September 2017, and the project was still ongoing at the end of November 2017. She stated Mr. Wheeler requested additional funds outside of the contract price, and when she did not give him the additional funds, he quit working on the project; and she discovered that the work that was done was unpermitted. Ms. Rizk stated that since that time she has had to have the work done by Mr. Wheeler corrected, and she has pulled the permits that were required. John Welton stated this project would have required all department disciplines to have a permit in place. Ms. Rizk stated she worked with Mr. Wheeler in 2008 on another house, and that project went well. Rebecca Mulder stated Mr. Wheeler has had several licenses with RBD under three different company names since 2002; he has pulled a total of 8 permits; and this was his first complaint with RBD.

Richard Wheeler appeared and stated it was his understanding that Ms. Rizk was going to pull a homeowner's permit for this project. John Welton stated Code prohibits a homeowner from pulling a permit for a contractor.

Mr. Wheeler stated he worked with Bill Swaney with Top Notch Carpentry to install the floor in Ms. Rizk's house. He stated the homeowner hired the plumber and electrician herself. Loren Moreland stated Mr. Wheeler's contract states that the plumbing and electric were a part of his contract with the homeowner. Ms. Rizk stated there has been HVAC, plumbing and electrical work completed on this home to date, prior to permit.

John Welton stated Mr. Wheeler has an “E” License, which allows him to do non-structural work. Mr. Wheeler stated he has had Bill Swaney with Top Notch Carpentry pull permits for his structural work for three or four projects. He stated Top Notch Carpentry pulled permits for 919 North 18th Street and 3070 Packmule Court in 2008 for Ms. Rizk. John Welton stated the permit for 3070 Packmule Court was pulled by Diamond Quality Homes.

Rolf Whitley with Old World Construction, Inc. appeared and stated he has worked with Mr. Wheeler for 35 years. He stated he has two licenses with RBD, i.e. Old World Construction and Top Notch Carpentry. He stated he has pulled approximately three permits for Mr. Wheeler. Mr. Whitley stated he had a contract to install a skylight for Ms. Rizk, but discovered she hired another contractor to do this project.

Mr. Wheeler stated Ms. Rizk hired the electrician for this project. He stated he closed walls knowing that inspections were not completed. He stated he did tell Ms. Rizk that a permit was not required for this project because it was under a 10’x 9’ space.

Robert Smith, Smith Plumbing & Heating, appeared and stated he met with Ms. Rizk and she stated she did not want to pull the permit, and he now realizes that he should have pulled the permit. He stated he was originally supposed to be paid by Mr. Wheeler, and then Mr. Wheeler told him that Ms. Rizk would pay him directly. Ms. Rizk submitted a contract with Smith Plumbing, but her name was not on that contract. Mr. Welton stated Mr. Wheeler has not pulled any permits since he moved his license in 2003, and Ms. Mulder stated Mr. Wheeler’s license expired in January 2018. Mr. Wheeler stated he plans to renew his license and then put it on hold.

A motion was made by Mark Mahler to recommend to the Board of Review **SUSPENSION** of Mr. Wheeler’s License for two months with Mr. Wheeler reappearing before the Licensing Committee to renew his license; the motion **FAILED** due to lack of a second to the motion. A motion was made by Michael Rowe to recommend to the Board of Review **REVOCATION** of Richard Wheeler’s contractor license, seconded by Mark Mahler; the motion carried unanimously. *An additional exhibit, i.e. proposal from Smith Plumbing & Heating, dated August 14, 2017, was submitted by the property owner.*

Break from 11:02 a.m. to 11:11 a.m.

Mark Mahler recused himself from Item 3.c.

- c) A Complaint has been brought against James Dunkley, licensee for Cascade Plumbing & Heating, by Ann Erickson for contracting for and performing a furnace installation at 1303 East Caramillo Street, Colorado Springs, Colorado, without the proper license and permit, in violation of Section RBC201.11.3, Nos. 5 and 6, 2011 Pikes Peak Regional Building Code.

All parties testifying were sworn in. Rebecca Mulder read the letter of complaint from Ann Erickson, as Ms. Erickson was not present. She stated Mr. Dunkley has a plumbing license only. James Dunkley appeared and stated he was contacted by Ms. Erickson because the furnace in her rental home had failed and there was a weather front coming in. He stated he was unable to get in touch with his heating contractor, so he did the furnace installation himself so the tenant had heat. Mr. Dunkley stated he contacted Dream Catcher to oversee this project. Jack Arrington stated he has informed this contractor numerous times that he cannot have licensed contractors pull permits for him to do mechanical work. He stated he has two permits pulled by Dream Catcher in which Mr. Dunkley did the mechanical work, and there are other contractors also pulling permits for Mr. Dunkley.

Jina Koulchitzka advised the Committee that RBD staff has received information from Dream Catcher Mechanical with regard to allowing Mr. Dunkley to perform mechanical work, without a license, at 7363 McClain Point, #100, in Colorado Springs, Colorado through Wykota Construction, the general contractor. Mr. Dunkley stated he contacted Dream Catcher to be a consultant licensee to acquire a permit for HVAC and gas for this property. Mr. Arrington stated he has seven suspect projects wherein Mr. Dunkley has bid the plumbing and mechanical work, and had mechanical contractors pull the permit for the mechanical work. He stated when Dream Catcher became aware of the issue, it voided the two permits that it had pulled for Mr. Dunkley.

Rebecca Mulder stated James Dunkley with Cascade Plumbing & Heating has pulled a total of 200 permits, 183 are complete, 5 are still open, no "A" Status, and 12 are voided, since he obtained his license in 2006.

Justin Ballard, Wykota Construction, Inc., appeared and stated James Dunkley and Chris Gruenzer are now working for him as employees, so this will not be an issue in the future. He stated Mr. Dunkley is no longer working under Cascade Plumbing & Heating; he has been working for Wykota Construction since January 2018. Mr. Dunkley stated currently his license is under Cascade Plumbing & Heating, and he plans to transfer his license to Wykota Construction. Ms. Mulder stated Mr. Dunkley pulled two permits since the end of January 2018 under Cascade Plumbing & Heating, and Mr. Dunkley stated he was trying to complete outstanding work, which was the reason for the permits

pulled in January. Mr. Arrington stated with regard to 107 Village Terrace in Woodland Park, Mr. Dunkley contracted with Wykota Construction for the mechanical work and plumbing and he had Dream Catcher pull the permit for the mechanical work. He stated he has been informed by Dream Catcher that it was never on site at that project.

A motion was made by Michael Rowe to recommend to the Board of Review **SUSPENSION** of James Dunkley's license for 60 days to give him an opportunity to obtain the proper license for the mechanical work that he is currently doing without a license, and a Letter of Reprimand be put in his contractor file for unpermitted work, seconded by Christine Riggs; the motion **FAILED** 3:1.

A motion was made by Michael Rowe to recommend to the Board of Review **SUSPENSION** of James Dunkley's license for 60 days; he can complete his open plumbing permits; and a Letter of Reprimand be put in his contractor file for unpermitted work, seconded by Jim Rose; the motion **FAILED** 3:1.

A motion was made by Michael Rowe to recommend to the Board of Review that James Dunkley's plumbing license is **LOCKED** for 60 days; he can complete his currently open plumbing permits; and a Letter of Reprimand be put in his contractor file for unpermitted work, seconded by Christine Riggs; the motion carried unanimously.

Break from 12:14 to 12:19

4. **COMPLAINT UPDATE**

- a) A Complaint has been brought against Anthony Esclavon, licensee for Centurion Construction, Inc., by Regional Building Department for modifying the "Date Issued" on the legal page of Permit L29520, for the property located at 6570 Bonifas Court, Colorado Springs, Colorado, in violation of Section RBC201.11.3, No. 6, 2011 Pikes Peak Regional Building Code. *Anthony Esclavon appeared before the Licensing Committee on February 14, 2018. The Committee recommended that a One-Year Incident Report be placed in Mr. Esclavon's contractor file, and he was required to pull a permit and complete inspections on this project within 90 days. It was also requested that RBD Staff give an update to the Licensing Committee in 90 days.*

Rebecca Mulder stated during the February 14, 2018 Licensing Committee meeting, the Committee members requested an update on this complaint. She stated to date Anthony Esclavon has not pulled a permit for 6570 Bonifas Court; and he has not pulled any other additional permits since that time. Jina Koulchitzka advised the Committee that RBD staff placed a One-Year Incident Report in the contractor's file pursuant to this Committee's direction and approved by the Board of Review.

A motion was made by Jim Rose to recommend to the Board of Review **REVOCAION** of Anthony Esclavon's contractor license, seconded by Scot Gring; the motion **FAILED** 5:0.

A motion was made by Jim Rose to request that notice be sent to Anthony Esclavon to attend the June 13, 2018 Licensing Committee meeting to give the Committee an update on this matter; and if he does not appear, the Committee will take appropriate action at that time, seconded by Scot Gring; the motion carried unanimously.

5. **CONSENT LICENSE REQUESTS**

Building Contractor A-1 (Commercial)

BUILDING BY DESIGN – TRAVIS LEFEVER
CAMERON GENERAL CONTRACTORS INC. – NOEL SCOTT
COONS CONSTRUCTION INC. – DAVID COONS
ECKMAN CONSTRUCTION – JEFFREY DONG (EXAMINEE CHANGES CO)
GARRETT CONSTRUCTION LLC – TERRY LOTT
L4 CONSTRUCTION LLC – MATTHEW LAMAT
PILOT TRAVEL CENTERS LLC – PATRICK DEPTULA
VICEROY DEVELOPMENT – JOSHUA PETERSON

Building Contractor B-1 Limited Commercial)

C & K CONSTRUCTION- CODY KURETICH
POWERHOUSE RETAIL SERVICES – JOSHUA HARGRAVE

Building Contractor B-2 (Limited Commercial)

BHL SERVICES INC- NICHOLAS LLOYD
C & S CONSTRUCTION, LLC – ADAM CROFT
LGI HOMES – JODY ROWLAND (CO. CHANGES EXAMINEE)
LINCOLN HANCOCK RESTORATION LLC – SEAN FEE (CO. CHANGES EXAMINEE)

Building Contractor C (Homebuilder)

BAIRCO LLC – RICK BAIR (EXAMINEE CHANGES CO.)
HOME PRO SERVICES – PAUL SUMMERS (REINSTATEMENT)
HOLLADAY GRACE ROOFING & RECONSTRUCTION – ROEL GRIMALDO
(ADDITIONAL LICENSE)
KNECHT CONSTRUCTION LLC – RYAN KNECHT
NIELSEN CONTRACTING – RUSSELL NIELSEN

MOON RIVER TINY HOMES AND CONSTRUCTION – RONALD MAROTTE
(EXAMINEE CHANGES CO.)

Building Contractor D-1 (Foundation)

INNOVATIVE CONCRETE SOLUTIONS LLC – ROBERT DAUGIRDA

Building Contractor D-1 (Roofing)

ASPEN ROOFING AND RESTORATION, LLC – ADRIAN ROMAN (ADDITIONAL
LICENSE)

BARLO, INC. DBA INSTERSTATE ROOFING – RON PHILLIPS (CO. CHANGES
EXAMINEE)

EXTERIOR SOLUTIONS GROUP, LLC – KENNETH FLICKINGLER

HOLLADAY GRACE ROOFING – RICHARD LEIDER

INSIDE OUT ROOFING AND RESTORATIONS LLC – KINDALL O CONNOR (NAME
CHANGE)

POWER HOME REMODELING GROUP, LLC – STEPHEN MAST

SAUVE CONSTRUCTION LLC – MICHAEL SAUVE

SUNWEST ROOFING LLC – JOSHUA ALVARADO

MHC ROOF & SOLAR – NIKOLAS GOODWIN

Building Contractor D-1 (Siding)

BARLO, INC. DBA INSTERSTATE ROOFING – RON PHILLIPS (CO. CHANGES
EXAMINEE)

Building Contractor D-2A (Wrecking)

CHERRY CREEK RECYCLING, LLC – PATRICK BLAIR

CZ ENTERPRISES LLC DBA A BETTER HAULING COMPANY – SHANE SINGER

Building Contractor E (Residential Remodeling)

IRONHAWK LLC – RICHARD LAWSON (ADDITIONAL LICENSE)

ISLEIGHA CONSTRUCTION & REMODELING – MICHAEL NORDIKE

WESTERN PROPERTY SERVICES LLC – ETHAN REDDING

Building Contractor F-1 (Solar)

EMPIRE SOLAR GROUP LLC – RUSSELL HOBBS

Mechanical Contractor A (Commercial)

AMERICAN PRIDE PLUMBING AND HEATING – NATHANIEL GRAVES
BOSCH MECHANICAL SERVICES LLC – DENNIS BOSCH
BRUCE MECHANICAL OF COLORADO – JAKE SELF (CO. CHANGES EXAMINEE)
HERITAGE HEATING & COOLING – JOHN BUTTS

Mechanical Contractor B (Residential)

MCNITT BROTHERS HEATING – BRANDON MCNITT

Mechanical Contractor C-1(Gas Piping)

AMERICAN PRIDE PLUMBING AND HEATING- NATHANIEL GRAVES
BRUIN ENTERPRISES – CHARLES LAKIN
COS PLUMBING LLC – BRANDON VINSON (ADDITIONAL LICENSE)

Heating Mechanic IV (HVAC Service Tech)

ALEXIS SANCHEZ
AMANDA COOK
CHARLES UPEGUI
CHRISTOPHER GRUENZER
JAY SMITH
KORY WHITE
MICHAEL MARROON
NICHOLAS FIEST
NICHOLAS RIED
PRINCETON SHAW
RUSSELL ROBERTS
THOMAS ALVARES
TIMOTHY FLEENOR
TIMOTHY ROBINSON

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

6. **LICENSE REQUESTS CONSIDERED INDIVIDUALLY**

Building Contractor B-1 Limited Commercial)

JACKS OF ALL TRADES, INC. – KIER MOORE (REINSTATEMENT) *

Kier Moore appeared. Jina Koulchitzka stated a permanent Letter of Reprimand is in Mr. Moore's contractor file for pulling permits for unlicensed contractors. The Letter of reprimand is dated December 31, 2013; Rebecca Mulder stated this contractor has 6 "A" Status permits that were never finalized. Mr. Moore stated he realizes that two of the properties require repairs, but he has been unable to get on the properties to do the repairs. He stated most of the "A" Status permits are reroofs. He stated he let his license lapse because he has been doing design and drafting; he is requesting this license to perform primarily tenant finish work. John Welton stated the license can be granted for a period of time in order to complete outstanding permits with the stipulation that no new permits can be pulled during this time. Ms. Mulder stated Jacks of All Trades has been in business since 2010, and it has pulled a total of 94 completed permits, 6 "A" Status permits, and 4 voided permits. Mr. Moore stated he let his license lapse because he was doing drafting and design work and was not using his license. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of a "B-1" Limited Commercial License with the stipulation that the license is locked for a period of 90 days, while the "A" Status permits are completed; if the "A" Status permits are not completed within 90 days, Mr. Moore is requested to reappear before the Committee to give an update on his progress, seconded by Christine Riggs; the motion carried unanimously.

Building Contractor C (Homebuilder)

PROFESSIONAL HOME SOLUTIONS – KELLY LIVELY *

No one appeared. A motion was made by Scot Gring to **POSTPONE** this item until the end of the meeting, seconded by Mark Mahler; the motion carried unanimously.

WINDOWS FOR LESS – ANTHONY CARRILLO *

Anthony Carrillo appeared. Jina Koulchitzka stated RBD had a pending lawsuit against Windows for Less, which is currently stayed, with the understanding that Windows for Less shall obtain a license with RBD; and a \$1,000 fine has been imposed. She stated the complaint was due to work completed in this jurisdiction without a license, and more specifically siding work done exceeding 100 square feet. Mr. Carrillo stated Windows for Less is a family-owned business. He stated he has been working in construction since he was very young, and he is also an electrical engineer, but plans to transition into his family business in the future. He stated his plans are to do additions, changing structural openings, siding, etc. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of a "C" (Homebuilder) License, with the stipulation of no 101 ground up permits, limited to 2 additions, until completed, at which time Mr. Carrillo can work with RBD staff to have the restriction removed, seconded by Michael Rowe; the motion carried unanimously.

Mechanical Contractor A (Commercial)

BMR HVAC SERVICES LLC – NICHOLAS RIED *

Nicholas Reid appeared and stated he believes he applied for the wrong license, and he would like to request a “C-2” Mechanical License and a “C-3” Mechanical License, to work on existing residential systems, i.e. repairs and replacements, as well as commercial refrigeration. He stated his past experience was as a chief electrician for international off shore drilling rigs. Jack Arrington stated if Nicholas Reid had applied at first for the “C-2” and “C-3” Mechanical Licenses, he would have been on the Consent Agenda because of sufficient experience for both. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of both a “C-2” and “C-3” Mechanical Licenses, seconded by Mark Mahler; the motion carried unanimously.

WYKOTA CONSTRUCTION, INC. – CHRISTOPHER GRUENZER *

Christopher Gruenzer appeared. Jina Koulchitzka stated Wykota Construction, Inc. has been notified that RBD has imposed a \$1,000 fine for allowing an unlicensed contractor to do work for his projects. Justin Ballard, owner of Wykota Construction, stated his contract was with Dream Catcher to work on his project, and he has no control over Dream Catcher’s employees. John Welton stated this \$1,000 fine has no bearing on Mr. Gruenzer’s license request.

Jack Arrington stated Mr. Gruenzer has passed the test for a Mechanical Contractor “A” License, and his references were through Cascade Plumbing, Premier Mechanical, and Wykota Construction. He stated RBD has had issues with all of his references. Mr. Gruenzer stated his past experience also includes work with Rial Heating and Air Conditioning, wherein he worked on schools in Colorado Springs and Fort Carson. He stated he went through a layoff and then went to work for another contractor working on furnace replacements for an apartment complex. He stated he worked for Parkey’s for 1 ½ years, and then went back to work for Rial Heating doing furnace and A/C change outs on the military base. Mr. Gruenzer stated he has been working with Cascade Plumbing & Heating for the past 8 years. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of a Mechanical Contractor “A” (Commercial) license, with the limitation of 4 permits, until completed, at which time Mr. Gruenzer can work with RBD staff to have the restriction removed, seconded by Jim Rose; the motion carried unanimously.

7. **UNFINISHED BUSINESS**

a) Tabled Items

A motion was made by Jim Rose to **POSTPONE** the tabled items until the June 13, 2018 Licensing Committee meeting, seconded by Scot Gring; the motion carried unanimously.

8. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 1:11 p.m.

Respectfully submitted,

Roger N. Lovell
Regional Building Official
RNL/llg