

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BOARD OF REVIEW MINUTES

March 20, 2019

11:00 a.m.

MEMBERS PRESENT: Chairman Jim Nakai, Architect
Vince Colarelli, Citizen-at-Large
Tom McDonald, Building A or B Contractor
Darin Tiffany, Engineer

MEMBERS ABSENT: Edward Pine, Building A, B or C Contractor

RBD STAFF PRESENT: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Counsel
Jay Eenhuis, Deputy Building Official – Plans
John Welton, Deputy Building Official - Inspections
Luke Sanderson, Non-Compliance Inspector
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Jim Nakai called the meeting to order at 11:03 a.m.

1. **CONSIDERATION OF THE FEBRUARY 20, 2019 BOARD OF REVIEW MINUTES**

A motion was made by Vince Colarelli to **APPROVE** the February 20, 2019 Board of Review Minutes as written, seconded by Tom McDonald; the motion carried unanimously.

2. **CONSIDERATION OF TECHNICAL AND LICENSING COMMITTEES MINUTES**

a) Technical Committee Minutes of March 6, 2019.

Jina Koulchitzka stated Items 7, 9, and 11 should not be included in the motion because the applicant for all three variances has not complied with the timely submittal of the requested documentation by the Technical Committee. A motion was made by Vince Colarelli to **APPROVE** the March 6, 2019 Technical Committee Minutes as written, with the exception of Items, 7, 9, and 11, seconded by Tom McDonald; the motion carried unanimously.

b) Licensing Committee Minutes of March 13, 2019.

A motion was made by Vince Colarelli to **APPROVE** the March 13, 2019 Licensing Committee Minutes as written, seconded by Tom McDonald; the motion carried unanimously.

c) Special Meeting of the Technical Committee Minutes of March 19, 2019.

A motion was made by Vince Colarelli to **APPROVE** the March 19, 2019 Special Meeting of the Technical Committee Minutes as written, seconded by Tom McDonald; the motion carried unanimously.

3. **DECISION APPEALS**

- a) A complaint was brought against Dwight Ringler, Licensee and Registered Agent for DDR-33, by Cynthia Hill-Jacobson for performing work at 306 Elm Circle, Colorado Springs, Colorado without pulling a permit, in violation of Sections RBC105.1 and RBC201.11.3, Nos. 1, 5 and 6, 2011 Pikes Peak Regional Building Code. *Dwight Ringler appeared before the Licensing Committee on December 12, 2018, and the Committee determined that a Three-Year Incident Report should be placed in Ringler's contractor file for failing to pull a permit for the work he performed at 306 Elm Circle, Colorado Springs, Colorado.*

All parties testifying were sworn in. Roger Lovell appeared and summarized the details of the complaint and the record of appeal. He also gave the details of the complaint as heard by the Licensing Committee.

Dwight Ringler ("Ringler") appeared and stated he is not represented by counsel in this matter. He stated he feels the accusations and judgments by the Licensing Committee to be incorrect. He stated he admits that he failed to pull a permit in this matter, but in 25 years he has never had a complaint from a homeowner. He stated Cynthia Hill-Jacobson ("Hill") stated his employee, Jim Anderson, portrayed himself to be a RBD employee, which is not true. He stated on or about December 5th, Jim Anderson called in an inspection of Hill's house to inspect the rafters. Ringler stated Mr. Anderson met the RBD inspector at Hill's property for the inspection, and performed an exterior inspection. He stated Mr. Anderson called Hill and told her that he was with RBD and at her home to do an inspection. He read a text from the homeowner which was worded in a manner to show that she knew that Mr. Anderson was not with RBD (as an employee) but was with a RBD inspector at her home. Ringler stated there was a RBD inspector with Mr. Anderson at all times that an inspection was being performed.

Ringler stated although Hill informed the Committee that she did not have a contract with him, they had a verbal contract (i.e. if the work was to her satisfaction, she would pay him, and if it was not to her satisfaction, she would not pay him). He stated the original contract was for \$36,000, and upon completion of that work, Hill requested that he do an additional \$27,000 in work at her home. Ringler stated Hill has not told the Committee the truth about the work performed, the issue of his employee posing to be an inspector, and the contract amount. He stated Hill waited for a year before filing the complaint, and she would not ask him to do more work at her home if she was unhappy with the work he had already completed.

Cynthia Hill-Jacobson appeared and stated she had a large tree blow down on her home, and she hired Dwight Ringler to make the repairs. She stated she repeatedly asked Ringler if he had pulled a permit, and he informed her that the work did not require a permit. She stated her request is that a permit be pulled and the work be inspected and brought up to Code. She stated she was never informed by Ringler that her home was being inspected. Hill stated she was out of town during the inspection, and her house sitter did let Mr. Anderson in the house to do the inspection.

Hill stated the issue is that a permit was not pulled for the scope of work that was completed on her home. She stated Ringler pulled a permit for the rafters, but that permit did not cover the scope of the work completed on the walls, etc.

John Welton stated there are two permits pulled on this residence, i.e. for a reroof and rafter replacement. He stated there is an additional scope of work that needs to be pulled or added to the existing permit. Roger Lovell stated additionally, the valuation on the permit should be corrected. He stated based on photographs of the home, it should be easy to determine.

Hill stated Ringler left the job unfinished. Mr. Lovell stated the issue is that the work was started in May 2017, and a permit was not pulled until December 2018. He stated when the permit was issued, it was requested and issued for the incorrect scope of work and for the incorrect valuation for the permit fee.

Ringler stated originally the scope of work was to replace three rafters and a structural wall repair. He stated he admits that he was wrong in not pulling the permit for this project.

A motion was made by Tom McDonald to **UPHOLD** the decision of the Licensing Committee of December 12, 2018, to put a 3-Year Incident Report in Dwight Ringler's contractor file for failing to pull a permit for the scope of work he completed at 306 Elm Circle, Colorado Springs, Colorado, seconded by Vince Colarelli; the motion carried unanimously.

4. **UNFINISHED BUSINESS**

There was no Unfinished Business.

5. **NEW BUSINESS**

There was no New Business.

The meeting adjourned at 11:52 a.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Roger N. Lovell".

Roger N. Lovell
Regional Building Official

RNL/lfg

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