

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

LICENSING COMMITTEE MINUTES

January 9, 2020

9:00 a.m.

MEMBERS PRESENT: Chair Loren Moreland
Vice Chair Michael Rowe
Jim Rose
Christine Riggs
Christopher Freer

MEMBERS ABSENT: Michael Finkbiner
Tim Toussaint

OTHERS PRESENT: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Counsel
Jay Eenhuis, Deputy Building Official – Plans
John Welton, Deputy Building Official – Inspections
Rebecca Mulder, Licensing Supervisor
Matt Matzen, Permit Supervisor
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chair Loren Moreland called the meeting to order at 9:00 a.m.

1. ELECTION OF OFFICERS

Discussion to be had with regard to “Chairman” and “Vice Chairman” titles and consideration of alternative(s).

A discussion was had with regard to Committee titles. A motion was made by Jim Rose to change the titles of the “Chairman” and “Vice Chairman” to “Chair” and “Vice Chair”, seconded by Michael Rowe; the motion carried unanimously.

A motion was made by Jim Rose to re-elect Loren Moreland as the 2020 Chair of the Licensing Committee, seconded by Christine Riggs; the motion carried unanimously. A motion was made by Chris Freer to elect Michael Rowe as the 2020 Vice Chair of the Licensing Committee, seconded by Jim Rose; the motion carried unanimously.

2. **CONSIDERATION OF DECEMBER 11, 2019 LICENSING COMMITTEE MINUTES**

A motion was made by Christine Riggs to **APPROVE** the December 11, 2019 Licensing Committee Minutes as written, seconded by Michael Rowe; the motion carried unanimously.

3. **COMPLAINT**

- a) A complaint has been brought against Craig Maser, Owner and Licensee, by Will Hamilton for obtaining a permit for an unlicensed contractor, Elite Military Construction, to perform work at 2275 Ptarmigan Lane, Colorado Springs, Colorado, in violation of Section RBC201.11.3, Nos. 1 and 3, 2017 Pikes Peak Regional Building Code, as amended.

Jina Koulchitzka stated Will Hamilton had **WITHDRAWN** the complaint.

- b) A complaint has been brought against Gary Sparrow, Owner, Licensee, and Registered Agent, Innovative Building Solutions, LLC, by Kristin Scott for performing work at 910 Wuthering Height Drive, Colorado Springs, Colorado without a proper license and prior to obtaining permit(s), in violation of Sections RBC105.1, RBC201.3 and RBC201.11.3, Nos. 1, 5 and 6, 2017 Pikes Peak Regional Building Code, as amended.

Gary Sparrow (“Sparrow”) appeared. All parties testifying were sworn in. Matt Matzen stated RBD staff received a complaint from Kristin Scott alerting the Department to the fact that Sparrow performed electrical work at 910 Wuthering Height Drive without the proper license and permit(s) in place. He stated Sparrow currently holds a “B-2” License. Sparrow stated the scope of work included a kitchen remodel, laminate floors on the main level, and electrical work. He stated he added a circuit and switch for low voltage lighting, changed out all of the electrical receptacles, and moved some kitchen light fixtures.

Kristin Scott appeared and was sworn in. She stated she hired Innovative Building Solutions in January 2019 to perform work in her home. She stated she requested that a permit be obtained and Sparrow informed her that permits were not required for the scope of work for her project. Loren Moreland stated the railing and electrical work did require permits. He stated the other items in Ms. Scott’s complaint are not regulated by the Code.

Matt Matzen stated Gary Sparrow, Innovative Building Solutions, LLC (“Innovative”), was granted a “B-2” License on January 31, 2016; he has a total of 30 permits; no “A” Status or voided permits, 5 open permits, and 25 completed permits.

Sparrow stated he was not aware that a permit was required to change out electrical receptacles; John Welton informed Sparrow that a license/permit is required to change out electrical receptacles if performed by anyone other than the homeowner. Sparrow stated he has changed out receptacles in other projects. As an administrative matter, the Department required Mr. Sparrow, within five (5) business days, to provide a list of any and all projects where he replaced electrical receptacles.

A motion was made by Michael Rowe that a One-Year Incident Report be placed in Gary Sparrow's contractor file for doing work without the proper license and permits in place, seconded by Christine Riggs; the motion carried unanimously. Jina Koulchitzka stated the Department has authority, pursuant to Section RBC103.12 of the Pikes Peak Regional Building Code (the "Code"), to issue administrative fines of up to \$1,000 per work performed in violation of the Code; a fine may be imposed for the stated Code violation(s). The Department's written advisement regarding Notice of Right to Appeal was made available to all parties.

- c) A complaint has been brought against Leonard Roskop, Licensee, and Pat Fletcher, Owner and Registered Agent, Fletcher C. M. LP, by Albert and Grace Espinosa for obtaining a permit for an unlicensed contractor, Lakota Construction, to perform work at 1518 Chutney Court, Colorado Springs, Colorado, in violation of Section RBC201.11.3, Nos. 1 and 3, 2017 Pikes Peak Regional Building Code, as amended.

Pat Fletcher appeared by telephone; Albert and Grace Espinosa were in attendance. All parties testifying were sworn in. Ms. Fletcher stated she has authority from the licensee to represent him. Grace and Albert Espinosa appeared, and Mrs. Espinosa stated they hired Lakota Construction ("Lakota") at the recommendation of their insurance agent to repair the damage to their home caused by a fire in 2018. She stated the work was not being timely performed, and her contractor told her that he was waiting on permits, so she came down to the Department to see what the status was on the permits, wherein she learned that the permits were obtained by Fletcher C.M. LP ("Fletcher"), and not by Lakota. Mr. Espinosa stated Lakota was paid by the insurance company to do the work, but the work was never completed. Pat Fletcher stated initially she was going to do a joint venture with Lakota, and Fletcher would provide the license, but the joint venture documents were never completed. She stated this was going to be their first joint venture. Ms. Fletcher stated Fletcher never did any work on the house; it only obtained a permit for Lakota to do the work. Matt Matzen stated Fletcher was granted a "B-1" License on or about July 18, 2016; Fletcher had obtained 105 total permits; no "A" Status permits; 5 voided permits; 6 open permits; and 94 completed permits. He stated the permit for Mr. and Mrs. Espinosa's home was issued on July 18, 2019, and has since been transferred to Oakleaf Construction, a "C" licensee, on November 12, 2019.

Ms. Fletcher stated she was unaware of the issues that Mr. and Mrs. Espinosa were experiencing with Lakota. If she had known, she would have stepped in to help the homeowners. She apologized to Mr. and Mrs. Espinosa for the trouble they have experienced on this project in which she obtained the permit.

A motion was made by Michael Rowe to place a Letter of Reprimand in the contractor file of Fletcher C. M. LP for obtaining a permit for an unlicensed contractor, Lakota Construction, to perform work at 1518 Chutney Court, Colorado Springs, Colorado, seconded by Christine Riggs; the motion carried unanimously. Jina Koulchitzka stated the Department has authority pursuant to Section RBC103.12 of the Code to issue administrative fine(s) of up to \$1,000 for work performed in violation of the Code; she informed Ms. Fletcher that a fine will be imposed on Fletcher for the stated Code violations. She further stated all parties have the right to appeal the decision of the Licensing Committee today, and she read on the record the Notice of Right to Appeal for Ms. Fletcher's benefit. The Department's written advisement regarding Notice of Right to Appeal was made available to the remaining parties.

Break from 10:22 a.m. to 10:28 a.m.

- d) A complaint has been brought against Cary Wesley, Owner, Licensee, and Registered Agent, Wesley Construction & Consulting, LLC, by Phyllis Campbell for performing work at 2018 Altair Drive, Colorado Springs, Colorado prior to obtaining permit(s), in violation of Sections RBC105.1 and RBC201.11.3, Nos. 1, 5 and 6, 2017 Pikes Peak Regional Building Code, as amended.

All parties testifying were sworn in. Phyllis Campbell appeared and stated she hired Wesley Construction ("Wesley") in February 2019 to do a remodel of her main living area, which included removal of walls, installation of new walls, a new water heater, moving plumbing lines, additional electrical work, framing and drywall. She stated the work commenced in March 2019, and was completed, for the most part, in August 2019. She stated Mr. Wesley informed her that he would have to obtain a permit if the wall that was removed was a loadbearing wall, but it was not a loadbearing wall. Ms. Campbell stated there was some remaining electrical, plumbing and interior finish work that was not completed at the end of August, but Mr. Wesley was aware that this work still needed to be done as part of the contract price. She said the electrician and plumber both started the work, but did not come back to finish the work. When she was able to reach the electrician and plumber, she was told that because she had not paid Wesley in full, Wesley would not pay the contractors; therefore, they were not going to finish the work. Ms. Campbell stated she did not want to pay the final amount of \$3,000 until all of the work was completed. She stated, notwithstanding, she paid the final \$3,000 on October 1, 2019 in order to get the remaining work done on her home. She stated she came down to the Department for assistance and discovered that there were no permits obtained for her remodeling project.

Cary Wesley appeared. Loren Moreland stated structural work (i.e., anytime a stud is added, removed or altered) requires a permit, as well as electrical and plumbing work. Matt Matzen stated Mr. Wesley holds a “B-2” License with the limitation of two “B” permits every 12 months, unlimited below. He stated Wesley was granted a “B-2” License in 1996; has a total of 20 permits; no “A” Status permits; one voided permit; one open permit; and 18 completed permits. Mr. Wesley stated a gas line was not installed for the fireplace or the gas stove. He stated there were a number of electrical changes and he had his electrician do the work. He stated there is still an open electrical permit. Mr. Wesley stated the wall that was removed was not loadbearing, so he did not believe a permit was required. He stated Bill’s Plumbing obtained a permit for the hot water heater, but the remainder of the plumbing work did not require a permit. He stated he installed a dividing wall, but the wall had been there previously and that the framing was still in place. John Welton stated if a wall is added to divide one room into two rooms, a permit is required. Mr. Wesley stated the shower had to be moved; Rebecca Mulder stated relocating a drain also requires a permit.

A motion was made by Christine Riggs to place a Three-Year Incident Report in Cary Wesley’s contractor file, seconded by Chris Freer; the motion carried unanimously. Jina Koulchitzka stated the Department has authority pursuant to Section RBC103.12 of the Code to issue administrative fine(s) of up to \$1,000 for work done in violation of the Code; she informed Mr. Wesley that a fine may be imposed on Wesley for the stated Code violations. The Department’s written advisement regarding Notice of Right to Appeal was made available to all parties.

- e) A complaint has been brought against Javier Hoggard, President, Licensee, and Registered Agent, Patriot Enterprises, Inc., by Dawn Cowan for performing work at 13301 Crane Canyon Loop, Colorado Springs, Colorado prior to obtaining permit(s), in violation of Sections RBC105.1 and RBC201.11.3, Nos. 1, 5 and 6, 2017 Pikes Peak Regional Building Code, as amended.

All parties testifying were sworn in. Dawn Cowan appeared and stated she hired Patriot Pros “(Patriot”) to replace a hot water heater in November 2018, and the condenser on her A/C was replaced in April 2019. She stated she discovered that permits were not obtained for either project. She stated she contacted Patriot about the lack of permits and was told that “they were behind and permits would be obtained”. Javier Hoggard (“Hoggard”) appeared and stated he had an employee that obtained the permits for Patriot, and there was a 2 to 3 week period of time when there was a transition of employees. Hoggard stated he holds 30 licenses in Colorado; he immediately obtained permits for this project when he first became aware of the lack of permits.

Matt Matzen stated Patriot holds Electrical A registration, Heating A license and Plumbing A registration since sometime in 2006. Patriot had obtained 171 permits consisting of 13 "A" Status permits, 11 open permits, 138 completed permits, and 6 voided permits.

Hoggard stated the issues with the permits for this project and the 13 "A" Status permits was due to one employee, which was a manager, but was not doing his job; that employee is no longer working for his company. John Welton stated RBD staff wants Hoggard to be aware of the severity of the issues associated with the A status permits. The property located at 516 West Cheyenne Road had a gas leak at the connection to the water heater, and the permit still has not been completed.

Loren Moreland stated the work that Hoggard is doing has life safety issues because it involves carbon monoxide, so the fact that 13 "A" Status permit have not been inspected to ensure the safety of the homeowners is alarming to this Committee.

Jina Koulchizka stated Hoggard requested to submit an exhibit into evidence - resume of Hoggard -, and provided said resume to the Committee members and the complainant, Dawn Cowan. Ms. Cowan had no objection to the admissibility of the resume into the record.

Ms. Koulchitzka questioned Hoggard about the company's name and trade names to establish that Patriot Pros Plumbing, Drains, Heating and Air is not a registered trade name under the current licensing records of the Department, nor is it included in the company's Certificate of Insurance. After providing certain explanations, Hoggard admitted thereto.

A motion was made by Michael Rowe to lock Javier Hoggard's current license until all "A" Status permits are completed; place a Two-Year Incident Report in Mr. Hoggard's contractor file; Mr. Hoggard may work with RBD staff to release the locked license upon completion of his "A" Status permits; and request an update from RBD staff during the February 13, 2020 Licensing Committee meeting to assure that the permit for the property located at 516 West Cheyenne Road with the gas leak has been completed, seconded by Christine Riggs; the motion carried unanimously. Ms. Koulchitzka advised briefly regarding administratively fine(s). The Department's written advisement regarding Notice of Right to Appeal was made available to all parties.

4. **CONSENT LICENSE REQUESTS**

Consent license requests will be acted upon as a whole, unless a specific item is called for discussion by a Committee member or a citizen wishing to address the Committee.

Building Contractor A-1 (Commercial)

OX CONSTRUCTION, LLC – DANIEL MOORE (UPGRADE)
R.D. STEWART CONSTRUCTION- RANDALL STEWART (REINSTATEMENT)

Building Contractor A-2 (Commercial)

DEWBERRY DESIGN-BUILDERS, INC. – CHARLES NEWSOME

Building Contractor B-1 (Limited Commercial)

DK KONSTRUCTION – ADAM GAYLON (EXAMINEE CHANGES COMPANY)
FP CONTRACTING, INC. – MARK ADELMAN
FOUNDATION PROFESSIONALS OF COLORADO – CAITLIN MILLER
(LIMITATION NO GROUND UP & ADDITIONAL LICENSE)
JSI CONSTRUCTION GROUP, LLC – MARK MARION (ADDITIONAL LICENSE)
MDA CONSTRUCTION SERVICES, LLC – MARK ARNETT
MICHAEL T. WRIGHT – MICHAEL WRIGHT (REINSTATEMENT)
MOUNTAIN VALLEY RESTORATION – JOHN SHAEFER (LIMITATION NO
GROUND UP)

Building Contractor C (Homebuilder)

HOMES BY CREEKSTONE BUILDERS, LLC – JASON ROSE
MIDCO CONSTRUCTION, INC. – DONNER BILLINGSLEY (NAME CHANGE)
MOUNTAIN MAN PROJECTS, LLC – TYLER GORDON
RYAN F. STROTHER DBA RYAN STROTHER GENERAL CONTRACTOR – RYAN
STROTHER (NAME CHANGE)
STAUFFER BUILDING, LLC – QUINN STAUFFER
SR COLORADO, INC., DBA STATEWIDE RESTORATION – DAVID PODREZ

Building Contractor D-1(Exteriors)

CL ANDERSON INDUSTRIES, LLC, DBA MOUNTAIN VIEW ROOFING &
CONSTRUCTION – CHRISTOPHER ANDERSON (COMPANY CHANGES NAME)
ENDEAVOR CONSTRUCTION GROUP, INC., DBA ENDEAVOR EXTERIORS –
ANDREW BROUGHAM (COMPANY CHANGES EXAMINEE & NAME CHANGE)

Building Contractor D-1 (Roofing)

A1 HUNDRED ROOFING, LLC – JORGE PEREZ
COLORADO ROOFSCAPES – JACOB TARNABINE
FLYNN BEC, LP – CHRISTOPHER HAEHNLEIN (COMPANY CHANGES EXAMINEE)
MAGNUM OPUS ROOFING, INC. – ROGER WADFORD
MONARCH PARTNER INC., DBA SKYLINE CONTRACTORS – CORY JAVERNICK (REINSTATEMENT)
MY ROOFER, INC. – THOMAS COOK
QUICK ROOFING LLC, - JAY COLEMAN (COMPANY CHANGES EXAMINEE)
YOU CALL WE HAUL SERVICES, LLC, DBA BIRD DOG ROOFING – CORY PROFFIT (NAME CHANGE)

Building Contractor D-1 (Wood Stove)

SOOT BUSTERS CHIMNEY SWEEPS – CASEY LOWE

Building Contractor D-5A (Sign)

THE VISUAL EDGES SIGNS & DESIGN, INC. – TIMOTHY EUNICE
ROYAL SIGNS, INC. – BRAD CAMP (REINSTATEMENT)

Building Contractor E (Maintenance & Remodeling)

ROCKY MOUNTAIN REPAIR, LLC – PHILIP BACHMAN (EXAMINEE CHANGES COMPANY)

Building Contractor F-1 (Solar)

ALL STAR ELECTRIC, INC. – PETER LARSEN (ADDITIONAL LICENSE)
APOLLO ENERGY- JOHN STRIEBEL

Mechanical Contractor - A (Commercial)

COLORADO DISCOUNT HEATING AND COOLING – CHRISTOPHER GRUENZNER (EXAMINEE CHANGES COMPANY)
I.L.M. PROPERTIES, LLC, DBA SMITH PLUMBING & HEATING – ROBERT SIMMONS (COMPANY CHANGES EXAMINEE)
MOUNTAIN VIEW COMFORT – MIKEL HIRSCH
SERVICE FIRST PLUMBING HEATING AND DRAINS, LLC, DBA TELLER PLUMBING AND HEATING – TYLER POPE (REINSTATEMENT & NAME CHANGE)

Mechanical Contractor - B (Residential)

ATTRACTION HEATING & COOLING, LLC – FILEMON MARTINEZ
K & L GROUP, LLC, DBA I-25 MECHANICAL – RAMSEY CARABALLO

Mechanical Contractor – C-1 (Gas Piping)

THE GAS CONNECTION, INC. – GREG FANGER

Heating Mechanic IV (HVAC Service Tech)

BRIAN BITTER
CALEB ROOT
CODY DOERFLER
JULIO SOTO
LUIS ARMENTA
MAURICIO FAVELA
MICHAEL STUART
SUZANNA SNYDER

Consent Items for Voluntary Suspension

B. HOUGHTON CONSTRUCTION CO. – BRADLEY HOUGHTON – A-1
CELTIC REMODELING, LLC – PAUL SCOTT – B-1
COLORADO FOOTHILLS CONST., INC. – JOHN WILSON – B-C
G D REIFSCHNEIDER COMPANY, INC. – GARY REIFSCHNEIDER – A-1
INCEPTION BUILDERS, LLC – BRUCE FALLHOWE – B-C
J.F.P. CONSTRUCTION, LLC – JOHN PEARRING - B-2
KENMR CONSTRUCTION CO. – KENNY RISTAU - B-1
ONE DAY, LTD. – JOHN DAY – B-C
R.D. STEWART CONSTRUCTION - RANDALL STEWART- A-1

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

5. **ITEMS CALLED OFF CONSENT CALENDAR**

There were no items called off the Consent Calendar.

6. **LICENSE REQUESTS CONSIDERED INDIVIDUALLY**

Building Contractor A-1 (Commercial)

STRAIGHT LINE CONSTRUCTION CO. – CHAD HRIBAR (ADDITIONAL LICENSE)

Mr. Hribar did not appear; a motion was made by Christine Riggs to **CONTINUE** this license request until the February 13, 2020 Licensing Committee meeting; seconded by Jim Rose; the motion carried unanimously.

Building Contractor C (Homebuilder)

OUT OF THE BOX, LTD. – GARY BASTIAN

Gary Bastian appeared. Matt Matzen stated the work history provided on Mr. Bastian's license application was related primarily to "E" level work. Mr. Bastian stated currently he is doing primarily remodels, including additions, kitchens, bathrooms and basement finishes. He stated he is in the process of getting additional references. He stated he has been working in the construction industry since 1995. Ms. Bastian stated he has held licenses in Littleton, Denver, Pueblo, Aurora, Arvada, Centennial and Englewood. He stated he has done 9 or 10 ground up projects. He stated his long terms plans are to build additions and remodels. The Committee members asked Mr. Bastian to provide documentation regarding his ground up experience and past licenses in other jurisdictions. Upon questioning by RBD staff, Mr. Bastian stated he has worked under three company names during his 24 years' experience, i.e. GLB Construction, Athena Construction, and Out of the Box, Ltd. Specific questions were asked with regard to Mr. Bastian's relationship with Athena Construction, which Mr. Bastian answered on the record.

A motion was made by Jim Rose to recommend to the Board of Review **APPROVAL** of the "C" (Homebuilder) License, conditional upon no 101 permits being obtained, seconded by Christine Riggs; the motion carried unanimously.

7. **SUNSHINE ACT REQUIREMENT**

Pursuant to the Colorado Sunshine Act, I, Jim Rose, move that the Licensing Committee meeting be held on the second Thursday of each month at 9:00 a.m. at the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado 80910, Room 100-14, that the Licensing Committee Meeting Agendas and Minutes for each meeting be posted on the website of the Pikes Peak Regional Building Department at www.pprbd.org, and that the meeting Agendas and Minutes be maintained by the Executive Administrative Assistant in the records of the Pikes Peak Regional Building Department, seconded Chris Freer; the motion carried unanimously.

8. **UNFINISHED BUSINESS**

There was no Unfinished Business.

9. **NEW BUSINESS**

There was no New Business.

The meeting adjourned at 12:03 p.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official
RNL/lfg

Accommodations for the hearing impaired can be made upon request with forty-eight (48) hours' notice. Please call (719) 327-2989.

Pikes Peak Regional Building Department (PPRBD) meeting agendas and minutes, as well as archived records, are available free of charge on PPRBD's website at <https://www.pprbd.org/Information/Boards>. Audio copies of the record may be purchased by contacting PPRBD at (719) 327-2989.