

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

LICENSING COMMITTEE MINUTES

July 13, 2023 – Thursday – 9:00 a.m.

MEMBERS PRESENT: Chair Steve Lepine, Building Contractor A, B or C
David Rojewski, Building Contractor A
Zachary Taylor, Architect
Trevit Smith, Building Contractor C
Maria Miller, Commercial Banker

MEMBERS ABSENT: Vice Chair Tim Toussaint, Citizen at Large
Toby Conquest, Mechanical Contractor A

RBD STAFF: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Attorney
Jay Eenhuis, Deputy Building Official-Plan Review
John Welton, Deputy Building Official-Inspections
Matthew Matzen, Permit/Licensing Supervisor
Luke Sanderson, Senior Non-Compliance Inspector
Gina LaCascia, Executive Administrative Assistant

PROCEEDINGS:

The Licensing Committee meeting was conducted in a hybrid form, allowing Committee members, Department staff, and the public to attend in person at the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado 80910, Hearing Room on the Upper Level, or virtually via a program called Microsoft Teams live events, which is accessible via Pikes Peak Regional Building Department's website Boards & Committees' page at: <https://www.pprbd.org/Information/Boards>.

1. **CALL TO ORDER: DETERMINATION OF A QUORUM**

Chair Steve Lepine called the meeting to order at 9:00 a.m.

2. **CONSIDERATION OF THE JUNE 15, 2023 LICENSING COMMITTEE MINUTES.**

A motion was made by David Rojewski to **APPROVE** the June 15, 2023 Licensing Committee Minutes as written; seconded by Zachary Taylor; the motion carried unanimously.

Virginia Koulchitzka asked for a motion to hear Agenda items 4 and 5 out of order to allow the Committee to maintain a quorum with the understanding that there may be certain Committee members with potential recusals due to conflicts of interest.

A motion was made, as seconded thereto; the motion carried unanimously.

A motion was made by David Rojewski to remove Baha Construction, Inc., and Drummond Plumbing, LLC from the Consent License Requests and hear such under Agenda item 5, Items Called Off Consent Calendar, to be heard individually; seconded by Zachary Taylor; the motion carried unanimously.

4. **CONSENT LICENSE REQUESTS** (*Heard out of order*)

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.

Maria Miller requested that Baha Construction Inc., be removed from the Consent License Requests and heard individually due to her business relationship with the company.

Chair Lepine requested that Drummond Plumbing, LLC, be removed from the Consent License Requests and heard individually due to his business relationship with the company.

BUILDING CONTRACTOR A-1 (COMMERCIAL)

Alcorn Construction, Inc. - Christopher Alcorn
(License Reinstatement and Company Changes Examinee)
Tri-C Construction Company, Inc. - Michael Dyer
(Company Changes Examinee)

BUILDING CONTRACTOR A-2 (COMMERCIAL)

Mitchell Workz, LLC - Brent Mitchell
(License Upgrade and Limitation of No Ground Up)

BUILDING CONTRACTOR B-1 (LIMITED COMMERCIAL)

AHVCO, LLC - Justin Schumacher
Builder of The Rockies Ltd. - Maxton Porter
Footprint Construction, LLC dba Footprint Decks & Design - Dannel Patterson
(Examinee Changes Company and Additional License)
Je Hurley Company - Scott Gudahl
(License Reinstatement)

BUILDING CONTRACTOR B-2 (LIMITED COMMERCIAL)

Kevin P. Sullivan Builders Inc. - Kevin Sullivan

BUILDING CONTRACTOR C (HOMEBUILDER)

Inspiration Homes Inc. - Nichole McGraw
(Examinee Changes Company and License subject to an Administrative Lock until all 'A' status permits, if any, are resolved)

S&R Eagle Services, LLC - Jason Davis
(Limitation of No Ground Up and Examinee Changes Company
and License Reinstatement subject to an Administrative Lock until
all 'A' status permits, if any, are resolved)
Stonebrook Construction and Development, LLC dba Haaga Construction - Aaron Haaga
Structural Integrity Log Crafters L.L.C. - Carl Garoutte
Thatsmyroofer.Com LLC dba Thatsmycontractorco.Com 'fka'
Thatsmyroofer.Com LLC - Jeremiah Boudreau
(Additional License and Examinee Changes Company and
Company Name or dba Change)
Upland Construction & Development, LLC - Alex Nelson

BUILDING CONTRACTOR D-1 (AUTOMATIC DOOR INSTALLER)

Allegion Access Technologies, LLC - Stacy Walker

BUILDING CONTRACTOR D - 1 (EXTERIORS)

Bordner Exteriors, LLC - Jeremiah Fleenor
(Examinee Changes Company and License Reinstatement
subject to an Administrative Lock until all 'A' status permits,
if any, are resolved)
Hornet Roofing and Exteriors, LLC 'fka' Hornet Roofing, LLC - Jonathan Robles
(Company Name or dba Change and License subject to an Administrative
Lock until all 'A' status permits, if any, are resolved)
Rocky Mountain Enterprises, LLC - Darrin Azar
(License Reinstatement subject to an Administrative Lock until all 'A'
status permits, if any, are resolved)

BUILDING CONTRACTOR D-1 (POOLS/SPAS)

Mountain View Pools, LLC - Andrew Davis
(Company Changes Examinee)

BUILDING CONTRACTOR D - 1 (RETAINING WALLS)

R & S The Retaining Wall Specialists, Inc. - Rodney Rucker
(License Reinstatement)

BUILDING CONTRACTOR D - 1 (ROOFING)

Clark Specialties, LLC dba Clark Specialties, LLC dba Cricket Roofing - Steven Clark
Home Value Restoration, LLC - Michael Knutson
(License Reinstatement)
Sunwest Roofing LLC 'fka' Sunwest Roofing - Joshua Alvarado
(Company Name or dba Change)
Thatsmyroofer.Com LLC dba Thatsmycontractorco.Com 'fka' Thatsmyroofer.Com LLC
Derrick McKean (Company Name or dba Change)

BUILDING CONTRACTOR D-5A (SIGNS)

Discount Sign - Timothy Malone

(License Reinstatement subject to an Administrative Lock until
all 'A' status permits, if any, are resolved)

SYNRG, Inc. dba APG: Advanced Printing & Graphics - Christopher Tombaugh

BUILDING CONTRACTOR D - 2A (WRECKING)

EZ Excavation, LLC - Jeffrey Jones

(Examinee Changes Company)

BUILDING CONTRACTOR E (MAINTENANCE AND REMODELING)

A&S Investments, Inc. dba Handyman Connection of Colorado Springs - Eric Morrison

(Company Changes Examinee)

Moss Rock, LLC dba Peak Pole Barn and Manufacturing 'fka' Moss Rock, LLC

dba National Barn Company - Robert McClure

(Company Name or dba Change)

BUILDING CONTRACTOR F-1 (SOLAR)

Green Light Solar, LLC - Bret Duplantis

Titan Solar Power Co Inc. - Thomas Porter

(Examinee Changes Company)

MECHANICAL CONTRACTOR – A (COMMERCIAL)

Gemco Constructors LLC - William Bates

H.L.S. LLC - Michael Sciarrotta

Kaupp Industries LLC - Trevor Lento

Lowe's Home Centers, LLC - Brooks Myers

(Examinee Changes Company)

Olympic City Plumbing, LLC - Caleb Ray

(Additional License)

RK Service, LLC dba RK Service - Russell Dauterman

Shier's Heating and Air LLC - John Shier

MECHANICAL CONTRACTOR - B (RESIDENTIAL)

Big Cat Plumbing, Heating, & Cooling, LLC - Jesse Joseph

(Additional License and Company Name or dba Change)

Lolli & Pop Heating & Cooling LLC - Phillip Romero

Steadfast Heating & Air LLC - Raul Paz

MECHANICAL CONTRACTOR C-1 (GAS PIPING)

Jess' Plumbing & Heating, Inc. - Jesse Baca Jr.

(License Reinstatement)

Teller Mechanical LLC - John Mason

HEATING MECHANIC IV (HVAC SERVICE TECH)

James Cordova (License Reinstatement)
Jason Luukkonen
Noah Tarin
Rayce Harder
Richard Kelly
Scott Primofiore
Seth Garcia (License Reinstatement)
Ty Evans

A motion was made by Zachary Taylor to **APPROVE** the Consent License Requests; seconded by David Rojewski; the motion carried unanimously.

5. **ITEMS CALLED OFF CONSENT CALENDAR** (*Heard out of order*)

BUILDING CONTRACTOR B-2 (LIMITED COMMERCIAL)

Baha Construction Inc., Anthony Olguin
(License Reinstatement and Limitation of No Ground Up)

Maria Miller recused herself from voting on Baha Construction, Inc. due to a working relationship with the company. Quorum was maintained with the Chair voting.

A motion was made by David Rojewski to **APPROVE** Baha Construction, Inc., Anthony Olguin, for a license reinstatement and limitation of no ground up; seconded by Zachary Taylor; the motion carried unanimously.

MECHANICAL CONTRACTOR C-1 (GAS PIPING)

Drummond Plumbing LLC, John Allen
(Additional License and License subject to an Administrative
Lock until all 'A' status permits, if any, are resolved)

Chair Lepine recused himself from voting on Drummond Plumbing, LLC due to a working relationship with the company. Quorum was maintained.

A motion was made by Zachary Taylor to **APPROVE** Drummond Plumbing, LLC, John Allen, for an addition license, however subject to an Administrative Lock until all 'A' status permits, if any, are resolved; seconded by David Rojewski; the motion carried unanimously.

3. **COMPLAINT(S)**

Conduct of Hearing.

Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this State.

Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of any evidence over objection in civil actions in courts of competent jurisdiction in this State.

Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

Rights of Parties. Each party shall have these rights among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called to testify;
5. To rebut the evidence against the party;
6. To represent the party or to be represented by anyone of the party's choice who is lawfully permitted to do so.

- a) A complaint has been brought against Jarren Isiah Smith, Examinee for Jays Complete Homes LLC, by Arteriyon Wright, for performing work at 14415 Club Villa Drive, #B, Colorado Springs, Colorado, without required permit(s) and outside the scope of the license or registration in violation of Sections RBC105.1, RBC203.4, RBC204.2.2, RBC205.2.4, RBC206.1, and RBC201.11.3, Nos. 1, 5 and 6, Pikes Peak Regional Building Code, 2017 Edition, as amended.

Jarren Isiah Smith appeared in person and was sworn in. At this time, the complaining party, Arteriyon Wright, was not present.

Zachary Taylor suggested that the Committee postpone Agenda item 3(a) and move onto item 3(b) to allow time for the complaining party to make an appearance.

(Heard out of order)

Mr. Smith provided testimony stating that the homeowner hired Mr. Smith's company to renovate his kitchen, which was partly under a second level of the home. Mr. Smith advised the homeowner that he would need a letter from an engineer to advise if the walls in question were structural since there were no blueprints to refer to. Mr. Smith added that during this timeframe, the homeowner had already started pulling off cabinets in the kitchen, as well as pulling out electrical wires. He indicated that the engineer asked him to expose the walls to see the structural components enabling the engineer to provide a

clearance letter. During this process, Mr. Smith indicated one of the homeowner's neighbors stopped by the property and advised that all the homes in the neighborhood contain asbestos. At this point, Mr. Smith stopped all work prior to obtaining a permit.

Committee members and Mr. Smith discussed the project wherein Mr. Smith indicated he did not perform any structural work; he had his crew pull stucco and drywall off the walls, but not the actual walls and no framing. Mr. Smith further indicated his crew put up a supporting wall next to the wall where the stucco was removed. As far as interior, his crew pulled down a post that did not have any weight on it and the soffits in the hallway.

Matthew Matzen provided the Committee with the contractor's history with the Department, stating that Jays Complete Homes, LLC, has been in business since on or about July 2021 with a building 'E' license in good standing with a total of eleven permits; eight of those permits have been completed, two are currently in an 'A' status; and one permit remains open. Mr. Smith represented that the 'A' status permits are tied by homeowners who are completing part of the projects.

Zachary Taylor commented that the asbestos issue probably falls under a State permit and/or licensing with regard to abatement issues to which Mr. Matzen confirmed that the Department does not have jurisdiction over asbestos.

Arteriyon Wright appeared virtually and was sworn in. Mr. Wright provided testimony indicating that Jays Complete Homes, LLC, provided structural removal and demolition of the interior. He added that Jarren Smith also ran electrical from the atrium through the kitchen areas. He said that all this work failed inspection by the Department. Mr. Smith stated he did not do any electrical work; this work was already in process. However, he did frame the skylight.

A motion was made by Zachary Taylor to place a two-year incident report in the file of Jays Complete Homes, LLC, and the file of the examinee, Jarren Isiah Smith; seconded by David Rojewski; the motion carried unanimously. The motion was amended to place a two-year incident report for failure to obtain a permit and for performing work exceeding the scope of the license.

Ms. Koulchitzka advised the parties to the complaint of their appeal rights: 30 calendar days from the decision of the Committee to file a written appeal with the Department in accordance with Section RBC101.7 of the Pikes Peak Regional Building Code, 2017 Edition, as amended (the "Code"). Further, she advised the Department has authority, pursuant to Section RBC103.12 of the Code, to issue administrative fine(s); the Department retains such right, and fine(s) may be imposed up to \$1,000. If such fine(s) is imposed, notice will be issued via the contractor's portal.

- b) A complaint has been brought against Matthew Stephen Donizio and Robert Michael Townsend, Examinees for Heart Heating & Cooling, LLC, d/b/a Heart Heating,

Cooling, Plumbing & Electric, by Linda Ann Warner, for performing work at 3750 Strawberry Field Grove Drive, Unit D, Colorado Springs, Colorado, without required permit(s) in violation of Sections RBC105.1 and RBC201.11.3, Nos. 1, 5, and 6, Pikes Peak Regional Building Code, 2017 Edition, as amended.

Matthew Stephen Donizio, examinee, Heart Heating & Cooling, LLC, d/b/a Heart Heating, Cooling, Plumbing & Electric (“Heart Heating & Cooling”), appeared in person and was sworn in. Robert Michael Townsend, examinee, Heart Heating & Cooling, appeared in person and was sworn in. Witnesses and employees for Heart Heating & Cooling, Elizabeth Osborne and Brittney Buck, appeared in person and were sworn in.

The complaining party, Linda Ann Warner, appeared in person and was sworn in. Ms. Warner read her written complaint statement to the Committee; she represented she was deceived by Heart Heating & Cooling. She hired Heart Heating & Cooling on November 30, 2022. The work was completed on December 2, 2022. Shortly thereafter, she became concerned with the work, as completed, and the lack of inspections, so she hired another company, Olson Plumbing and Heating, to finish the work.

Mr. Townsend provided testimony stating that his company also felt frustration as did Ms. Warner. He apologized to the complaining party. He indicated that the permitting and licensing process was not completed smoothly or timely and felt that the process was out of his company’s control. Mr. Townsend stated his company finished the work that they were able to complete at Ms. Warner’s home while waiting for the permit and resulting inspections. He discussed the company’s permits to date on other properties within the Colorado Springs jurisdiction to show that his company is reputable and in fact, does obtain permits.

Mr. Townsend requested that this 2-page permit history, and a 62-page response to the complaint be admitted into evidence. The documents were admitted into the record, except a document titled “Confidential Settlement and Release Agreement”, which both parties objected to admissibility wise.

Mr. Townsend acknowledged a license expiration in September of 2022, which caused the delay in receiving the permit required for Ms. Warner’s project. The permit(s) for furnace replacement (mechanical and electrical) were not requested by Heart Heating & Cooling until June 1, 2023.

A motion was made by Zachary Taylor to place a two-year incident report in the file of Heart Heating & Cooling, and the files of the examinees, Robert Townsend and Matthew Stephen Donizio, as well as suspending the company’s H-A license and E-A registration until all ‘A’ status permits have been resolved. Mr. Taylor also requested for the Committee to be updated during the next meeting with regard to the company’s permit and licensing status; seconded by Maria Miller; the motion carried unanimously.

Ms. Koulchitzka asked the Committee if the intent was to have Department staff to release the suspension once all 'A' status permits have been resolved; to which Mr. Taylor said that this was his intent. Ms. Koulchitzka advised the parties what an "incident report" is.

Further, Ms. Koulchitzka advised the parties to the complaint of their appeal rights: 30 calendar days from the decision of the Committee to file a written appeal with the Department in accordance with Section RBC101.7 of the Pikes Peak Regional Building Code, 2017 Edition, as amended (the "Code"). Further, she stated the Department has authority, pursuant to Section RBC103.12 of the Code, to issue administrative fine(s); the Department retains such right, and fine(s) may be imposed up to \$1,000. If such fine(s) is imposed, notice of the fine(s) will be issued via the contractor's portal.

6. LICENSE REQUESTS CONSIDERED INDIVIDUALLY

There were no License Requests appearing individually.

7. UNFINISHED BUSINESS

There was no unfinished business.

8. NEW BUSINESS

There was no new business.

9. ADJOURN

The meeting adjourned at 11:36 a.m.

Respectfully submitted,



Roger N. Lovell, Regional Building Official

RNL/gml

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

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