

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BOARD OF REVIEW MINUTES

November 17, 2021

10:30 a.m.

MEMBERS PRESENT: Chair Jeffrey Finn, Citizen-At-Large
Vice Chair Darin Tiffany, Engineer
Vince Colarelli, Building A or B Contractor
Christine Riggs, Architect
Loren Moreland, Building A, B or C Contractor

MEMBERS ABSENT:

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
Matt Matzen, Permit/Licensing Supervisor
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chair Jeffrey Finn called the meeting to order at 10:30 a.m.

The Board of Review 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, Room 100-14, 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. **CONSIDERATION OF THE OCTOBER 20, 2021 BOARD OF REVIEW MINUTES**

A motion was made by Vince Colarelli to **APPROVE** the October 20, 2021 Board of Review Minutes as written, seconded by Christine Riggs; the motion carried unanimously.

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

a) Technical Committee Minutes of November 3, 2021.

A motion was made by Christine Riggs to **APPROVE** the November 3, 2021 Technical Committee Minutes as written, seconded by Vince Colarelli; the motion carried unanimously.

b) Licensing Committee Minutes of November 11, 2021.

A motion was made by Vince Colarelli to **APPROVE** the November 11, 2021 Licensing Committee Minutes as written, seconded by Darin Tiffany; the motion carried unanimously.

3. **DECISION APPEALS**

- a) A complaint has been brought against Shane Braden, Licensee for A-Classic Electric, Inc., by Deborah Mickle for performing work at 1906 South Hancock Avenue, Colorado Springs, Colorado without the proper license and prior to obtaining permit(s), in violation of Sections RBC105.1, RBC205.1, and RBC201.11.3, Nos. 1, 5 and 6, 2017 Pikes Peak Regional Building Code, as amended. *Shane Braden, Licensee, and Michele Cerquoizzi, Owner, appeared before the Licensing Committee on October 14, 2021, and the Licensing Committee determined: A motion was made by Jim Rose to recommend to the Board of Review that a 3-Year Incident Report be put in the contractor file of A-Classic Electric; and a Letter of Reprimand be put in the contractor file of Shane Braden, Registrant for A-Classic Electric, for performing work at 1906 South Hancock Avenue, Colorado Springs, Colorado without the proper license and prior to obtaining permit(s), which could have potentially created life safety issues for the homeowner.*

Shane Braden appeared in person with his witness, Susan Hillary. Ms. Hillary stated she is Mr. Braden's girlfriend and communicated with the homeowner during the time the water heater was being installed in Deborah Mickle's home. Deborah Mickle appeared virtually. All parties testifying were sworn in. Michele Cerquoizzi appeared virtually as well, but neither party listed him as a witness in the appeal; because no appeal was filed by A-Classic Electric, Inc., Mr. Cerquoizzi did not provide testimony; he only observed the proceeding.

Jina Koulchitzka presented the Appeal Procedures as implemented by the Board of Review during the May 16, 2018 Board of Review Meeting. She stated the Board of Review's decision shall be considered a final agency action for all purposes under Colorado law. She later advised the parties of their legal rights.

Mr. Braden stated he did some work for Deborah Mickle prior to the water heater installation, so she called A-Classic Electric to do the water heater replacement for her, when her existing water heater quit working. He stated he was directed by Mr. Cerquoizzi to assist Ms. Mickle with the water heater replacement. Mr. Braden stated he intended to install an electric tankless hot water heater, but that did not work out, so he replaced the gas water heater. He acknowledged that he was not licensed for this type of installation and failed to obtain a mechanical or plumbing permit. He stated he is appealing the decision of the Licensing Committee because he was under duress during the Licensing Committee Meeting in the presence of Mr. Cerquoizzi with whom he was living with at that time; he felt that he could lose both his job and his place of residence if he did not

represent himself in Mr. Cerquozzi's best interests. Mr. Braden stated he feels it is unfair that he was issued a Letter of Reprimand, while A-Classic Electric received a 3-Year Incident Report, which is a lesser reprimand.

Matt Matzen stated the Electrical A Registration is specific to only electrical work. He stated before June 15 *[sic.]*, 2021, both licensed mechanical and registered plumbing contractors were allowed by the Department to perform water heater installations, repairs, or replacements; and after June 15 *[sic.]*, 2021, only registered plumbing contractors can perform these types of projects. With only an Electrical A Registration, Mr. Braden would not have been able to perform this type of work on either the mechanical or plumbing side. He stated Mr. Braden obtained a permit for a panel upgrade, and the homeowner obtained a permit after the work was completed to "get into compliance", but the installation failed inspection.

Darin Tiffany stated he can understand why Mr. Braden may have been under duress during the Licensing Committee meeting due to his living situation and the fact that he could also lose his job over the issue. Christine Riggs and Loren Moreland also agreed with this statement.

A motion was made by Darin Tiffany to **OVERTURN** the decision of the Licensing Committee and place a 3-Year Incident Report in the contractor file of Shane Braden in lieu of the Letter of Reprimand recommended by the Licensing Committee due to the additional evidence produced by Mr. Braden to the Board of Review, seconded by Christine Riggs; the motion carried 3:1. Vince Colarelli opposed.

4. **UNFINISHED BUSINESS**

a) Proposed 2022 Committee Meeting Schedule.

Jina Koulchitzka stated the proposed 2022 Board of Review meeting schedule is included in the agenda packet for the Board members' review with the requested modification in the commencement time from 10:30 a.m. to 11:00 a.m. This schedule will be before the Board for adoption in January 2022, in accordance with the Colorado Sunshine Act requirements.

5. **NEW BUSINESS**

There was no New Business.

The meeting adjourned at 11:36 a.m.

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Respectfully submitted,



Roger N. Lovell
Regional Building Official
RNL/lfg

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