

# Pikes Peak Regional Building Department

2880 International Circle  
Colorado Springs, Colorado 80910

## LICENSING COMMITTEE MINUTES

November 10, 2022

9:00 a.m.

MEMBERS PRESENT: Chair Michael Rowe, Banker  
Vice Chair Tim Toussaint, Citizen at Large  
Steve Lepine, Building Contractor A, B or C  
David Rojewski, Building Contractor A  
Zachary Taylor, Architect  
Toby Conquest, Mechanical Contractor A

MEMBERS ABSENT: Trevit Smith, Building Contractor C

OTHERS PRESENT: Roger Lovell, Regional Building Official  
Virginia Koulchitzka, Regional Building Attorney  
Jay Eenhuis, Deputy Building Official – Plans  
Matthew Matzen, Permit/Licensing Supervisor  
Luke Sanderson, Senior Non-Compliance Inspector  
Linda Gardner, Executive Administrative Assistant

### PROCEEDINGS:

Chair Michael Rowe called the meeting to order at 9:01 a.m.

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. **CONSIDERATION OF THE OCTOBER 13, 2022 LICENSING COMMITTEE MINUTES**

A motion was made by Tim Toussaint to **APPROVE** the October 13, 2022 Licensing Committee Minutes as written, seconded by David Rojewski; the motion carried unanimously.

#### 2. **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 Remington Smith, Licensee and Owner, Remington Builders Group LLC, by Diane Andrew for performing work at 12655 Forest Green Drive, Elbert, Colorado prior to obtaining proper 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.

Remington Smith ("Smith") appeared in person and was sworn in. Diane Andrew ("Andrew") appeared virtually and was sworn in. Ms. Andrew stated that in addition to the issues noted in her letter of complaint, there are a lot of issues with substandard work performed by Smith which now will have to be corrected. She stated she lives in her home with her boyfriend (Nate Meireles) and her mother, and they hired Smith to build a garage and to do remodeling work both inside and outside of the home. She stated during the construction of the kitchen remodel, Remington Builders Group LLC had unlicensed and unqualified subcontractors working in the home. Smith failed to obtain a permit for the kitchen remodel. Andrew stated they have started the permitting process themselves; they hired Wright Electric to do the electrical work and obtain the required permit. Matt Matzen confirmed that the electrical permit was obtained on September 29, 2022 by Wright Electric and has been completed. He stated the garage permit was obtained by Smith on April 14, 2022 and has been completed, along with an electrical attachment obtained on May 18, 2022, which has also been completed. He stated the Department has not received plans for the kitchen remodel.

Andrew stated the work in the home has not been completed; they have floors that are separating, a cracked driveway, and exterior brick work that has not been completed. Chair Rowe stated the Committee does not have authority over the quality of work performed, unless it is Code deficient. The Committee does not have authority over monetary matters either. The Committee does have authority over work requiring contractor license(s), registration(s), and permit(s).

Smith stated he called the Department on three separate occasions to inquire if a permit was required for the work done on the existing  $\frac{3}{4}$  wall in the kitchen and was informed each time that a permit was not required. He hired Wright Electric to do the electrical work in the kitchen, which was just shortening existing lines and not running any new lines. Roger Lovell stated all residential electrical work performed by an electrical contractor requires a permit.

Michael Rowe stated Smith should be knowledgeable regarding the Code requirements. Tim Toussaint stated Smith's permit history is "solid" and the detached garage was completed as required by Code. It is his opinion from testimony provided that Smith attempted to obtain information regarding permit requirements for the kitchen wall and was misinformed, but he did not intentionally neglect to obtain the permit.

Nate Meireles ("Meireles") appeared virtually and was sworn in. Meireles stated he called the Department and spoke with "Matt" about the scope of work that was done and the removal of the kitchen wall and was informed that a permit was required. He did speak with Smith and sent several text messages regarding the need for a permit, and Smith replied: "No, you are wrong." Meireles stated they informed Smith that the scope of work is not complete until the permit is obtained, and he refused to obtain the permit.

Mr. Matzen stated Remington Builders Group has been in business since on or around December 11, 2020 and holds a Building A2 license which is in good standing. Smith has obtained 12 permits, 11 have been completed, and 1 permit is still open. He stated 11 of the permits were residential permits and 1 was a commercial permit. Smith stated his background is in commercial remodeling and multi-family construction; he is new to residential remodeling. He does not have an issue with obtaining a permit, but in this case he was informed that a permit was not required.

A motion was made by Tim Toussaint to issue a Two-Year Incident Report against Remington Smith with Remington Builders Group for failing to obtain permit(s) for the kitchen remodel project at 12655 Forest Green Drive, Elbert, Colorado, seconded by Zachary Taylor; the motion carried unanimously.

Virginia 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 fines; the Department retains such right, and fine(s) may be imposed.

### 3. **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)**

ALPA CONSTRUCTION INC - BRIAN SHUNK

JOE R. JONES CONSTRUCTION, INC. - DUSTIN BROWN (LICENSE REINSTATEMENT)

PARAGON CONSTRUCTION LLC - EDWIN BONJOUR (LIMITATION OF ONE OPEN PERMIT AT A TIME)

#### **Building Contractor A-2 (Commercial)**

GOLIATH GROUP CONSTRUCTION, LLC - SPENSER GOOLSBY (LIMITATION OF ONE OPEN GROUND UP PERMIT AT A TIME)

JDE CONSTRUCTION, INC - JOHN EDWARDS

#### **Building Contractor B-1 (Limited Commercial)**

HALEY DEAN, LLC - WILLIAM KALISTA (LIMITATION OF NO GROUND UP)

J. REED CONSTRUCTORS, INC. - PHILIP ROBILLARD

PEAK CUSTOM VILLAS OF COLORADO LLC - MOHSEN BAGHERIAN (LICENSE REINSTATEMENT AND EXAMINEE CHANGES COMPANY)

#### **Building Contractor C (Homebuilder)**

COLORADO CUSTOM BUILT LLC ‘FKA’ SPEAR CONSTRUCTION AND DESIGN LLC - JORDAN SPEAR (COMPANY NAME OR DBA CHANGE)

COMFORT RESTORATIONS LLC - KARL HONSALEK (LIMITATION OF ONE OPEN GROUND UP PERMIT AT A TIME)

IRON LEGACY HOMES 'FKA' IRON LEGACY HOMES LLC. - LANDON MEHLHOFF (COMPANY NAME OR DBA CHANGE AND LICENSE UPGRADE AND LIMITATION OF ONE OPEN GROUND UP PERMIT AT A TIME)

#### **Building Contractor D-1 (Cell Towers)**

ALLSTATE TOWER, INC. - CHRISTOPHER THOMAS

#### **Building Contractor D-1 (Pools/Spas)**

S&S POOLS LTD. - BRANDIN SANTI

WETWORKS POOL AND SPA LLC - ADAM GUSE

**Building Contractor D - 1 (Roofing)**

FRANKLIN ROOFING, INC. - WALTER NEUBERT (LICENSE REINSTATEMENT)  
GRASSROOTS HOME SERVICES LLC DBA GRASSROOTS ROOFING &  
REMODELING - DAVID ROMEREIM  
GUARDIAN ROOFING AND RESTORATION LLC - TYLER SMITH  
LIFETIME EXTERIORS OF COLORADO LLC - JOHNNY WAYMIRE (LICENSE  
REINSTATEMENT)

**Building Contractor D-1 (Siding)**

J BENITEZ CONSTRUCTION FAMILY BUSINESS LLC - JOSE BENITEZ  
POSADAS

**Building Contractor D-5A (Signs)**

BRIGHT SIGN SOLUTIONS - CHRISTOPHER SCHMIDT  
COLORADO LIGHTING, INC. DBA CLI SERVICES 'FKA' COLORADO LIGHTING  
INC - RANDOLPH MILLS (LICENSE REINSTATEMENT SUBJECT TO AN  
ADMINISTRATIVE LOCK UNTIL ALL 'A' STATUS PERMITS, IF ANY, ARE  
RESOLVED AND COMPANY NAME OR DBA CHANGE)

**Building Contractor D - 1 (Wood Stoves)**

FRONTLINE HVAC LLC - DANIEL WINKLER (ADDITIONAL LICENSE)  
PRECISION FIREPLACE SERVICES LLC - ADAM GABERDIEL

**Building Contractor E (Maintenance & Remodeling)**

CAVALIER CONSTRUCTION OF COLORADO LLC - MICHAEL HORTON  
DAVIS CONSTRUCTION INC 'FKA' DAVIS CONSTRUCTION, INC DBA DAVIS  
ROOFING & EXTERIORS - DANIEL DAVIS (LICENSE REINSTATEMENT AND  
COMPANY NAME OR DBA CHANGE)  
FARRELL'S FENCES, LLC DBA FARRELL HOME IMPROVEMENTS - TYLER  
FARRELL

**Mechanical Contractor – A (Commercial)**

CERTIFIED HEATING & AIR CONDITIONING LLC - JUAN TRILLO SIFUENTES  
ROGERS AND SONS, INC. 'FKA' ROGERS & SONS, INC. - HAROLD ROGERS  
(LICENSE REINSTATEMENT AND COMPANY NAME OR DBA CHANGE)  
VICTORY CONSTRUCTION AND REFRIGERATION LLC - KEVIN SCHROCK

**Mechanical Contractor - C-1 (Gas Piping)**

DRUMMOND CONSTRUCTION SERVICES, LLC - CARSON MONTGOMERY  
(ADDITIONAL LICENSE)  
PRECISION FIREPLACE SERVICES LLC - ADAM GABERDIEL

**Heating Mechanic IV (HVAC Service Tech)**

ERIC ESCOBEDO

JESSE BROWN (LICENSE REINSTATEMENT)  
JOSEPH EISENBRAUN (LICENSE REINSTATEMENT)  
JOSHUA SCHLOUGH  
LUKE SWENSON  
ROBERT ZUBRISKI (LICENSE REINSTATEMENT)  
TRISTAN SMITH  
WYATT DEKAY

A motion was made by David Rojewski to **APPROVE** the Consent License Requests, seconded by Steve Lepine; the motion carried unanimously.

4. **ITEMS CALLED OFF CONSENT CALENDAR**

*Zachary Taylor recused himself from the following item due to an ongoing working relationship with Martin Brinegar; a quorum was maintained.*

**Building Contractor C (Homebuilder)**

COLARELLI CUSTOM HOMES, LLC - MARTIN BRINEGAR (LICENSE REINSTATEMENT SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL ALL 'A' STATUS PERMITS, IF ANY, ARE RESOLVED AND EXAMINEE CHANGES COMPANY)

A motion was made by Toby Conquest to **APPROVE** the license request of Martin Brinegar with Colarelli Custom Homes, LLC, seconded by David Rojewski; the motion carried unanimously.

*Toby Conquest recused himself from voting on the following item as both licensees are employees with his company; a quorum was maintained.*

**Heating Mechanic IV (HVAC Service Tech)**

JACOB TYRRELL  
WILLIAM REYNOLDS JR.

A motion was made by Zachary Taylor to **APPROVE** the above license requests of Jacob Tyrrell and William Reynolds Jr., seconded by David Rojewski; the motion carried unanimously.

5. **LICENSE REQUESTS CONSIDERED INDIVIDUALLY**

There were no License Requests appearing individually.

**6. UNFINISHED BUSINESS**

Virjina Koulchitzka reminded the License Committee members that they are an advisory committee to the Board of Review; therefore, they have complete authority to enter an Incident Report or a Letter of Reprimand with regard to all licensees and/or registered contractors on their own authority. Should they decide to take further action, including but not limited to license suspension or license revocation, those are the recommendations that will go before the Board of Review for consideration, approval, denial, or modification.

**7. NEW BUSINESS**

- a) 2023 Board/Committee/Commission Meeting Dates (Non-action item until January of 2023, when a schedule will be adopted in accordance with the requirements of the Colorado Sunshine Act of 1972, as amended.)

Virginia Koulchitzka stated the 2023 Board/Committee/Commission Meeting Dates is included in the agenda packet for the Committee members' review; she stated this matter will come before the Licensing Committee again in January 2023 for adoption. The Committee members agreed with the current schedule, i.e., second Thursday of each month.

The meeting adjourned at 10:01 a.m.

Respectfully submitted,



Roger N. Lovell  
Regional Building Official  
RNL/llg

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.