

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

LICENSING COMMITTEE MINUTES

March 9, 2023

9:00 a.m.

MEMBERS PRESENT: Chair Steve Lepine, Building Contractor A, B or C
Vice Chair Tim Toussaint, Citizen at Large
Michael Rowe, Banker
David Rojewski, Building Contractor A (*joined the meeting late*)
Trevit Smith, Building Contractor C
Zachary Taylor, Architect
Toby Conquest, Mechanical Contractor A

MEMBERS ABSENT:

OTHERS PRESENT: 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
Linda Gardner, 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 FEBRUARY 9, 2023 LICENSING COMMITTEE MINUTES**

A motion was made by Tim Toussaint to **APPROVE** the February 9, 2023 Licensing Committee Minutes as written, seconded by Zachary Taylor; the motion carried unanimously.

Jay Eenhuis stated Department staff and the Licensing Committee members would like to thank Michael Rowe, whose second term ends this March, for his time and dedication as a Licensing Committee volunteer member for the past six years.

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 Troy Bergman, Owner, Licensee and Registered Agent, and Scott Smith, Licensee, First General Services Front Range, by Orlando and Janet Avion for performing work at 417 East Kiowa, No. 205, Colorado Springs, 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.

Orlando and Janet Avion appeared in person and were sworn in; Scott Smith (Smith) and Chad Drummond with First General Services Front Range (FGS) appeared in person and were sworn in. Troy Bergman appeared virtually and was sworn in.

Orlando Avion (Avion) stated he and his wife contracted with FGS on March 8, 2022, to remove an interior wall, and make changes to the floor plan of the unit and adjustments to plumbing. These were the same modifications made to Unit 505, which were not completed by FGS. Avion stated he spoke with RBD staff and was informed that a permit was required for the work being completed by FGS. He stated he spoke with Chad Drummond, the project manager, and requested that a permit be obtained for the work. Mr. Drummond stated they found that the same work in Unit 505 was completed without a permit, so FGS staff erroneously determined that a permit was not required for the Avion project.

Avion stated the project has been completed, but he will not pay the balance due on the contract until the permit is obtained and completed. He stated he has had an architect draw up the plans and has submitted those plans to the Department. He stated the purpose of this complaint is to get the project permitted and inspected, so he can confirm that it is up to Code. Luke Sanderson stated the plans have been submitted and approved by RBD and are waiting to be permitted by a licensed contractor. Mr. Drummond stated he just needs approval from Avion to obtain the permit, but he has not been able to accomplish that to date. Smith stated FGS is willing to obtain the permit and necessary inspections to resolve this matter as soon as it is authorized to do so by Avion.

Matt Matzen stated FGS has been in business since on or around December 1, 1987, and it holds both B1 and A1 Licenses in good standing; it has obtained 1,295 total permits; 1,257 have been completed; 8 open permits; no "A" Status Permit; and 30 voided permits. Tim Toussaint stated both parties appear to be amenable to resolving this issue, and the permit appears to be an oversight. A motion was made by Michael Rowe to place a 1-Year Incident Report in the contractor file of Scott Smith and First General Services Front Range for performing work prior to obtaining a permit on 417 East Kiowa, No. 205, Colorado Springs, Colorado, seconded by Tim Toussaint; 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.

Michael Rowe recused himself from Item 3b because he has a business relationship with Robert Brennan; a quorum was maintained.

- b) A complaint has been brought against Robert Brennan, President and Licensee, Affordable Views by RJB Construction, by Matthew Christ for performing work at 9720 Brassie Court, Colorado Springs, 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.

Matthew Christ (Christ) appeared in person and was sworn in. Robert Brennan (Brennan) appeared in person and was sworn in. Hans Tuft (Tuft), attorney for Mr. Christ, also appeared.

Christ stated he hired Affordable Views by RJB Construction (Affordable) to build a detached garage and a retaining wall on his property. He stated RJB obtained a permit for the garage, but it neglected to obtain a permit for the retaining wall. On March 24, 2022, Brennan quoted an additional price of \$3,500 to build the retaining wall, even though it was included in the original contract. Subsequently, on March 28 and 29, 2022, Brennan and one of his workers, Nick, prepared and poured the footers for the retaining wall. On April 1, 2022, Brennan's stucco subcontractor arrived with some workers and began constructing the retaining wall. On April 4, 2022, in response to a query on the wall height, he received a text from Brennan that "My guys are working on it; I guess your wife came out and you guys want two more lines up; I think it's gonna be too high but that's what we'll do." On May 5, 2022, following a query on when the remaining work on the garage would be finished, Brennan sent over an amended contract with the original retaining wall language removed and the following inserted in a handwritten note at the end: "Change order: see text on approval to repair old removed all block and finish in stucco to match new garage. \$3,500 additional costs." This handwritten change was made by Brennan. Subsequently Brennan sent Christ a typed contract dated May 5, 2022, with the following language added: "Change Order for \$3,500 for block wall and stucco finish added". Brennan breached the contract and abandoned the project on May 4-5, 2022. Christ stated he is currently in civil litigation with RJB regarding this matter, as he learned that a required permit was not obtained for the retaining wall. Luke Sanderson stated a Stop Work Order was issued by RBD on May 23, 2022; no plans have been submitted to RBD for the retaining wall to date.

Brennan stated the retaining wall was built by a subcontractor; he was not paid for the retaining wall. Matthew Matzen stated Affordable was granted a "C" License on or around April 18, 2003, which is in good standing. Affordable has obtained 698 total permits; 683 permits have been completed; 10 permits have been voided; no "A" Status permits; and 1 locked permit, which is the subject property. Brennan stated the retaining wall permit was an oversight. The Committee members informed Brennan

that as the general contractor, he is responsible to affirm that permits are in place for all work on the project.

Jay Eenhuis stated whoever is going to take responsibility for the retaining wall will have to submit a separate plan submittal and obtain a permit for that retaining wall because it is required to be approved by City Storm Water.

A motion was made by Toby Conquest to place a Two-Year Incident Report in the contractor's file of Robert Brennan and Affordable Views by RJB Construction for performing work at 9720 Brassie Court, Colorado Springs, Colorado prior to obtaining proper permit(s), seconded by Tim Toussaint; 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.

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)

CREEKSTONE HOMES, LLC - THOMAS MCDONALD (EXAMINEE CHANGES COMPANY)

EMBREE CONSTRUCTION GROUP, INC. - CORY DELZ (ADDITIONAL LICENSE)

J.R. WILDER CONSTRUCTION LLC - JAMES WILDER (LICENSE REINSTATEMENT SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL ALL 'A' STATUS PERMITS, IF ANY, ARE RESOLVED)

SHAMES CONSTRUCTION COMPANY LTD. - MICHAEL LUNDGREN (LICENSE UPGRADE)

TWIN LEAF INTERIORS, INC. - RONALD HOLLADAY (EXAMINEE CHANGES COMPANY)

THE WEITZ COMPANY, LLC - RIAN FUGIER (COMPANY CHANGES EXAMINEE)

Building Contractor A-2 (Commercial)

ZERNCO, INC. - JAMES HURSH (LICENSE UPGRADE)

Building Contractor B-1 (Limited Commercial)

AGS CONSTRUCTION, LLC - MICHAEL WACHTEL (EXAMINEE CHANGES COMPANY)
CAMERON CONSTRUCTION - KEVIN CAMERON
CHRISTIAN CONSTRUCTION INC. - ROBERT CHRISTIAN (LIMITATION OF NO GROUND UP)
HARRIS HOMES, INC. DBA HARRIS HOMES INC DBA HARRIS CONSTRUCTORS - DAVID HARRIS
KCG SERVICES INC. - KELLY GRIFFITHS (LICENSE REINSTATEMENT)
LOST ISLAND DEVELOPMENT LLC - ERIC HECKMAN (EXAMINEE CHANGES COMPANY)
PHC CONTRACTOR, L.P. - CHRISTOPHER HAMMETT

Building Contractor C (Homebuilder)

COFFMAN CONSTRUCTION, INC. - JOHN COFFMAN (LIMITATION OF NO GROUND UP)
KELLER CRAFTSMANSHIP & DESIGN LLC DBA KCD ELECTRIC 'FKA'
KELLER CRAFTSMANSHIP & DESIGN LLC - KRAIG KELLER (COMPANY NAME OR DBA CHANGE AND LIMITATION OF 2 PERMITS IN 12 MONTHS, UNLIMITED BELOW)
MADLANDS CONSTRUCTION INC. - JASON MADIGAN
MAVERICKS ALIGNED DBA MAVERICKS CONSTRUCTION 'FKA'
MAVERICKS CONSTRUCTION & REPAIR LLC - MATT GREENE (COMPANY NAME OR DBA CHANGE AND LIMITATION OF ONE OPEN PERMIT AT A TIME)
MOUNTAIN HOME BUILDERS, INC. - KEVIN HEIDENREICH (LICENSE REINSTATEMENT)
PARAGON PARTNERS LLC - DAVID MRAZ
RUSTIC MOUNTAIN BUILDERS LLC - MICHAEL CANTRELL (LIMITATION OF 1 GROUND UP PERMIT AT A TIME AND LICENSE REINSTATEMENT SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL ALL 'A' STATUS PERMITS, IF ANY, ARE RESOLVED)

Building Contractor D-1 (Cell Towers)

UC12 CONSTRUCTION SERVICES, LLC - RORY HISEL (EXAMINEE CHANGES COMPANY AND ADDITIONAL LICENSE)

Building Contractor D-1 (Pools/Spas)

AQUATIC POOL DESIGNS AND CONSTRUCTION, LLC – MATTHEW KAUPP

Building Contractor D - 1 (Roofing)

CO ROOFING AND SOLAR, INC. DBA CO ROOFING DBA
COLORADOROOFING.COM 'FKA' CO ROOFING AND SOLAR, INC. - ZACHERY
STARK (ADDITIONAL LICENSE AND COMPANY NAME OR DBA CHANGE)
MIGHTY CARB CONSTRUCTION LLC DBA RISE CONSTRUCTION –
SEVERIANO CARBAJAL
MOUNTAIN ROOFING, LLC - ANDREW HICKS (COMPANY CHANGES
EXAMINEE)
PRECISE ROOFING LLC - VICTOR VENZOR JR
REDLINE PERFORMANCE ROOF COATING SYSTEMS DBA REDLINE
PERFORMANCE ROOFING - LORIE COX (LICENSE REINSTATEMENT SUBJECT
TO AN ADMINISTRATIVE LOCK UNTIL ALL 'A' STATUS PERMITS, IF ANY,
ARE RESOLVED)
STEADFAST BUILDERS, INC. - JAMES SALMON II (LICENSE REINSTATEMENT
SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL ALL 'A' STATUS PERMITS,
IF ANY, ARE RESOLVED)
UP TOP ROOFING & EXTERIORS LLC DBA COMMERCIAL ROOFING OF
COLORADO LLC 'FKA' UP TOP ROOFING & EXTERIORS LLC - ALEC
DOUCETTE (COMPANY CHANGES EXAMINEE AND COMPANY NAME OR
DBA CHANGE)

Building Contractor E (Maintenance & Remodeling)

BIGFOOT CONSTRUCTION AND CONSULTING, LLC - DANIEL SCHOENFELT
KEP'D LLC - JUSTIN JOHNSON
MAVERICKS ALIGNED DBA MAVERICKS CONSTRUCTION 'FKA'
MAVERICKS CONSTRUCTION & REPAIR LLC - MATT GREENE (COMPANY
NAME OR DBA CHANGE)

Mechanical Contractor – A (Commercial)

ALPINE REFRIGERATION, INC. - TROY MACPHERSON
BERGS HEATING AND AIR CONDITIONING, LLC 'FKA' BERG'S HEATING AND
AIR CONDITIONING – BRENT BERG (COMPANY NAME OR DBA CHANGE)
BUDS MECHANICAL LLC - CHRIS ORLOWSKI II
COLORADO SPRINGS BOILER COMPANY 'FKA' JR WHITNEY PLUMBING
COMPANY - JEFFREY WHITNEY (COMPANY NAME OR DBA CHANGE)
HIGH PLAINS BUILDING SERVICES LLC - CHRISTOPHER MCINTOSH
PRIORITY PLUMBING AND HEATING LLC - ROBERT JACKOWIAK (COMPANY
CHANGES EXAMINEE AND ADDITIONAL LICENSE)
THAYER MECHANICAL SERVICES, LLC 'FKA' THAYER HEATING AND AIR
CONDITIONING - JOEL THAYER (COMPANY NAME OR DBA CHANGE AND
LICENSE SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL ALL 'A' STATUS
PERMITS, IF ANY, ARE RESOLVED)

Mechanical Contractor - B (Residential)

BREATHE EASY AIR LLC - DILLON UTLEY
SMITH AND WILLIS HEATING AND AIR CONDITIONING "LLC" - FRANK
PRESTWOOD (LICENSE REINSTATEMENT)
WESTMAN HEATING & REPAIR LLC. - ROBERT WESTMAN (LICENSE
REINSTATEMENT SUBJECT TO AN ADMINISTRATIVE LOCK UNTIL ALL 'A'
STATUS PERMITS, IF ANY, ARE RESOLVED AND COMPANY NAME OR DBA
CHANGE)

Mechanical Contractor - C-1 (Gas Piping)

NEXTGEN PLUMBING LLC - ROBERT RACHAL (ADDITIONAL LICENSE)
WHITE RHINO ELECTRIC - RYAN ORNESS (ADDITIONAL LICENSE)

Heating Mechanic IV (HVAC Service Tech)

ALAN CHAVEZ GALVAN
BARTON FINN
BRADY MIX
BRADY POOL
BRICE SNIDER
CHRISTOPHER DALLMANN
CLAYTON CAMPBELL
CODY RANDOLPH (LICENSE REINSTATEMENT)
DEVON JOHNSON
DOMINIC COST
DZEMALJ RAMIC
EVAN FABER
GEORGE CALIX
JOSIAH RICE
JASON CARPENTER (LICENSE REINSTATEMENT)
LORENZO COLON
RAUL PAZ

A motion was made by Zachary Taylor 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**

There were no License Requests appearing individually.

7. **UNFINISHED BUSINESS**

There was no Unfinished Business.

8. **NEW BUSINESS**

There was no New Business.

The meeting adjourned at 10:49 a.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.