

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

LICENSING COMMITTEE MEETING MINUTES

August 8, 2024 – Thursday – 9:00 a.m.

MEMBERS PRESENT: Chair Steve Lepine, Building Contractor A, B or C
Vice Chair Toby Conquest, Mechanical Contractor A
Dave Rojewski, Building Contractor A
Trevit Smith, Building Contractor C
Maria Miller, Commercial Banker
Andrew Haggard, Citizen-at-Large

RBD STAFF: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Attorney
Jay Eenhuis, Regional Building Deputy Official – Plans
John Welton, Regional Building Deputy Official – Inspections
Luke Sanderson, Non-Compliance Supervisor
Gina LaCascia, Executive Administrative Assistant

PROCEEDINGS:

The Licensing Committee meeting was conducted in a hybrid forum, 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 through Microsoft Teams Town Hall. Sufficient and timely access to the public to observe the meeting was made available at:

<https://www.pprbd.org/Information/Boards>.

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

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

2. **CONSIDERATION OF THE JULY 11, 2024 LICENSING COMMITTEE MEETING MINUTES**

A motion was made by Dave Rojewski to **APPROVE** the July 11, 2024 Licensing Committee Meeting Minutes as written; seconded by Toby Conquest; the motion carried unanimously.

3. **CONTRACTOR 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 Aaron Ruskamp, Examinee for Thrasher, Inc., by Jesus Salas, for performing work at 1508 Maxwell Street, Colorado Springs, Colorado prior to obtaining required permit(s) in violation of Sections RBC105.1 and RBC201.11.3, Nos. 1, 5 and 6, Pikes Peak Regional Building Code, 2023 Edition.

Jesus Salas appeared in person and was sworn in. Mr. Salas' daughter, Ann Marie Salas, appeared in person and was also sworn in. Ms. Salas appeared to assist with English/Spanish interpretation, if needed.

Mr. Salas stated that after Thrasher, Inc., finished the project, he noticed cracking in the concrete that was poured outside. He called the supervisor of Thrasher, Inc. and was told that the cracks would be fixed. However, two or three months later, when nothing had been done, Mr. Salas called the general manager in Nebraska and again requested that the cracks be fixed. He was told that Anthony Salcedo would be the contractor with the most experience, and he would take care of it. Mr. Salas stated when the work was initially completed on April 17, 2023, he found out that the company did not have a license or a permit. As of today, he is still waiting for someone from Thrasher, Inc. to contact him and arrange for a date to fix all the concrete cracks. The last Mr. Salas heard from Thrasher, Inc. was when he received an email on June 26, 2024, advising that they were in the process of obtaining a permit. Mr. Salas continues to pay the company every month pursuant to the contract he signed with Thrasher, Inc.

Chair Steve Lepine advised Mr. Salas that the Licensing Committee has no authority over financial matters, but it does have authority over licensing and work without permits.

Aaron Ruskamp, examinee, appeared virtually and was sworn in. Mr. Ruskamp stated he is committed to finishing any work that needs to be completed. The problems with the exterior concrete happened over the winter months when the weather caused the concrete to lift, cracking the surrounding concrete. With regard to the licensing and permit issues, Mr. Ruskamp stated that Mr. Salas is correct and the company takes full responsibility for the lack thereof. He stated the company's main office is in Nebraska, where he is stationed. The Denver, Colorado location opened during the fall of 2022. He was under the impression they had obtained licenses with all municipalities and jurisdictions the company planned on working in. He said that getting licensed in Colorado Springs simply slipped through the cracks. When they realized they did not have a license in Colorado Springs, nor a permit for the work, the company applied for a license, which was obtained in May of 2023. Since that time, the company has obtained about 25 permits that are either completed or in progress.

Luke Sanderson confirmed that Thrasher, Inc., has been licensed with the Department since May 11, 2023, holding a Building D-1 Foundations license. Currently, the company has a total of 20 permits, 13 of which have completed final inspection, and 7 are still open.

Virginia Koulchitzka, the Department's attorney, asked Mr. Ruskamp if there were any other projects the company has completed within the Department's jurisdiction involving construction consulting and/or construction work similar to that of Mr. Salas' project prior to licensing and/or without permits. Mr. Ruskamp indicated he does not have that information in front of him, however, he will provide it to the Department no later than August 16, 2024. He does not anticipate that it will be a significant number, probably about five jobs total.

A motion was made by Toby Conquest to place a one-year incident report in the file of Thrasher, Inc., and the file of the examinee, Aaron Ruskamp; seconded by Andrew Haggard; the motion carried unanimously.

Ms. Koulchitzka explained to the complaining parties that an incident report is an administrative action that the Licensing Committee has full authority and discretion to issue without the review of and approval by the Board of Review in accordance with Section RBC201.11.1; an incident report is a written record of less serious though substantial or repeated code violations by a contractor and/or its examinee(s). Incident reports shall be kept in the contractor's and/or examinee's permanent file, with a copy to any party cited, for a period of one (1) to three (3) years, at which time it will be discarded.

Ms. Koulchitzka advised the parties to the complaint of their appeal rights pursuant to Section RBC101.7. Further, she advised the Department has the authority, pursuant to Section RBC103.12 of the Code, to issue administrative fine(s) for any work done in violation of code, up to \$1,000 per violation. The Department reserves this right. Should this administrative action be taken, notice will be issued via the contractor's portal.

- b)** A Complaint has been brought against Jerome D. Fisher, Examinee for Independent American Manufacturing LLC, by Michael Field, for performing work at 4315 Valencia Circle, Colorado Springs, Colorado prior to obtaining required permit(s) in violation of Section RBC105.1, Pikes Peak Regional Building Code, 2023 Edition (the "Code"). The work, as consulted or performed, required an electrical contractor's license issued by the Department of Regulatory Agencies, State of Colorado, and a registration issued by the Department in accordance with Section RBC206.1 of the Code in addition to a building contractor's license. These acts are omissions and punishable in accordance with Sections RBC201.11.3, Nos. 1, 5 and 6, and RBC201.2, RBC201.3, and RBC201.4.2 of the Code.

Michael Field appeared in person and was sworn in. Mr. Field's wife, Donna Lemon, appeared in person and was also sworn in. Mr. Field stated that he met Jerome D. Fisher through a mutual friend and Mr. Fisher was working on getting his license at that time. Mr. Field allowed Mr. Fisher to do some work around his house, which included replacing the main stairs in the hallway leading to the second level. When asked if they needed permits, Mr. Fisher said no and quoted something out of the IRC. Afterwards, Mr. Field noticed that the tread on the stairs wasn't quite right and when he asked about this, Mr. Fisher indicated he had to make adjustments on the stringer.

Mr. Field said that Mr. Fisher installed can lighting in their kitchen, which started popping fuses. Mr. Field said he had to hire an electrician to check out the problem and found out that the wrong gauge wire was used during the installation. After the electrician informed Mr. Field of this, he then contacted the Department and was advised that a permit was required for the work being done on his home. The Department posted a Stop Work Order/Work Without Permit Notice on the home dated April 17, 2024. Mr. Field stated that he is now in the middle of trying to get all the work that Mr. Fisher did on his home remedied by licensed contractors.

Mr. Field stated that Mr. Fisher removed a popcorn ceiling in his home, which he later found out had asbestos and now the State of Colorado Office of Public Health and Environment is investigating. As far as he is aware, Mr. Fisher is still not compliant with the State of Colorado and the Secretary of State. Mr. Field provided a copy of these documents to the attorney for the Department for review.

Roger Lovell, Regional Building Official, was present and was sworn in. After reviewing the documents provided by Mr. Field, Mr. Lovell advised the parties and the Committee that neither the Pikes Peak Regional Building Code, nor the codes adopted by reference, the International Residential Code (IRC), regulate asbestos. As such, the Department has no authority over the asbestos aspect; asbestos is handled by the State of Colorado. Therefore, the documents were not admitted into evidence.

Jerome D. Fisher appeared in person and was sworn in. When asked by Ms. Koulchitzka if he received the summons with a 25-page attachment to appear today from the Department, Mr. Fisher indicated he did not. Therefore, he was given a copy and the opportunity to review the 28-page document.

Mr. Fisher stated that at the time he performed the work on this home he was not licensed, but he was in the process of obtaining his license. He said that Mr. Field was aware of this fact and listed his name as a reference for Mr. Fisher to attain his license. He stated that the work performed was in accordance with Section 105.2 of the IRC, 2021 Edition, which exempts wiring and appliances operating on 25 volts or less, and supplying less than 50 watts of energy from permitting requirements. With regard to the stairs, he replaced two broken treads that were a safety hazard and after removing the treads, he discovered he could not effectively replace them, so he decided to replace the entire staircase. This is the only job that he says he should have obtained a permit to complete, but he did not realize it until after it was completed.

Mr. Lovell advised that Section R105 of the IRC is not adopted by the Pikes Peak Regional Building Code. The Pikes Peak Regional Building Code is the proper reference for work exempt from permit. Regardless, the can lighting installed in the kitchen would be greater than 25 volts as can lighting is not low voltage, but rather operates on 120-volt line voltage. Further, the circuit would provide in excess of 50 watts of energy. Mr. Fisher stated this was his error and he takes accountability for this mistake.

Mr. Lovell further advised that pursuant to Section RBC105 of the Pikes Peak Regional Building Code, the replacement of stairs requires a permit, which in turn requires compliance with the IRC for the rise and run of the stairs, as well as hand rail and potential guards.

Luke Sanderson confirmed that Independent American Manufacturing LLC, Jerome Fisher, currently holds a Building C limited no ground-up license. This company has been in business since on or around May 9, 2024 and there is currently one open permit.

A motion was made by Dave Rojewski to place a two-year incident report in the file of Independent American Manufacturing LLC and Jerome D. Fisher, Examinee; seconded by Trevit Smith. Toby Conquest stated due to the fact that this complaint is a life safety issue, he would rather see a letter of reprimand that stays permanently in the contractor's / examinee's file(s); Maria Miller seconded. Chair Lepine called for a vote on the second motion made by Toby Conquest for a letter of reprimand. Three Members voted in favor and 2 Members in opposition; the motion carried, disposing of the initial motion

Ms. Koulchitzka advised the parties to the complaint of their appeal rights pursuant to Section RBC101.7. Further, she advised the Department has the authority, pursuant to Section RBC103.12 of the Code, to issue an administrative fine(s) for any work done in violation of code, up to \$1,000 per violation. The Department reserves this right. Should this action be taken, notice will be issued via the contractor's portal.

4. LICENSING VARIANCE(S)

- a) Licensing Variance Request for Reinstatement of Building Contractor C License #xxx85 – Joshua P. Alsup, Applicant. Applicant requests a variance to Section RBC201.10.4, Pikes Peak Regional Building Code, 2023 Edition (the "Code"), based on Section 111.2.3, Item 2, of the Code, to allow renewal of expired Building Contractor C license in excess of 180 days from the expiration date, where re-examination is required.

There was no appearance made by the variance applicant; therefore, the Committee moved to CONTINUE this licensing variance to the next Licensing Committee meeting.

5. 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.

Toby Conquest advised of a conflict of interest and recused himself from voting on Building Contractor C (Homebuilder), Dreng Solutions LLC fka Dreng Solutions, William Bradburry (Company Name or dba Change and License Upgrade).

A motion was made by Maria Miller to **APPROVE** the Consent License Requests except for Building Contractor C (Homebuilder), Dreng Solutions LLC fka Dreng Solutions, William Bradburry (Company Name or dba Change and License Upgrade); seconded by Toby Conquest; the motion carried unanimously.

BUILDING CONTRACTOR A-1 (COMMERCIAL)

Bonham Construction, LLC - Justin Bonham
(License Reinstatement Subject to an Administrative Lock until
all 'A' Status Permits, if any, are Resolved)
Just The Guy, Inc. - Ronald Holladay
(Examinee Changes Company and Additional License)
Opus Design Build, L.L.C. - Christopher Cromos
(Company Changes Examinee)
WCG Construction - Jason Maxwell
(Examinee Changes Company)

BUILDING CONTRACTOR A-2 (COMMERCIAL)

Southern Mesa LLC - James Kenney
(Limitation of No Ground Up; Examinee Changes Company
and Additional License)
RN Civil Construction, LLC - Daniel Niehus

BUILDING CONTRACTOR B-1 (LIMITED COMMERCIAL)

Burdg, Dunham & Associates Construction Corp. - David Robertson
(Limitation of No Ground Up and Company Changes Examinee)
Colorado Construction Services - Scott Cobb
Engelsma Construction Inc - Jonathan Wolff
Graves Construction Group Services, Inc. - Anthony Graves
(Limitation of No Ground Up)
Groom Construction Co. Inc. - Patrick Dennis
Hausmann Construction, Inc. - Gregory Kushner
(License Reinstatement and Examinee Changes Company)
Jameson Custom Homes LLC - Brett Jameson
(License Reinstatement; Examinee Changes Company and
Limitation of 2 Permits Every 12 Months)
Kline Rostocil Construction Corporation - Nathan Rostocil
Kroll Konstruction LLC - Santiago Valencia
(Limitation of No Ground Up)
RC Structures LLC - Jacob Reilly
S.B.C.C., Inc. - Cameron Peach

BUILDING CONTRACTOR B-2 (LIMITED COMMERCIAL)

J. McLemore Construction LLC - John McLemore
(License Upgrade)
Ky Thanh Remodeling, LLC - Minh Nguyen
LCS Services Inc - Gamaliel Luna
(Limitation of No Ground Up)
Wojtyczka Enterprises, LLC dba Kota Construction - Alexandra Wojtyczka

BUILDING CONTRACTOR C (HOMEBUILDER)

Best Values LLC - Joshua Ruby
Colorado Custom Decks, Inc. dba Mosaic Outdoor Living & Landscapes
fka Colorado Custom Decks Inc - Sean-Douglas Prunchak
(Additional License and Company Name or dba Change)
Crystal Rose Construction, LLC - Samuel Lucas
(Additional License)
Great Dane Construction Ltd - Jason Debakey
Home Access Remodeling, LLC dba Stiltz Dealer Colorado - Lonny Snyder
(Limitation of No Ground Up and Additional License)
Ivory Ridge Custom Construction LLC - Aaron Frank
Marks of Quality - Philip Marks
(License Reinstatement)
Master Bilt Homes, Inc. - Nicholas Stiltner
(Additional License)
Re-Paint Co. dba Re-Store Property Services Co - Jennifer Murdock
(Examinee Changes Company; License Reinstatement and Additional License)
Sierra Contracting LLC - Milton Pethica

BUILDING CONTRACTOR D-1 (RETAINING WALLS)

Consolidated Divisions Inc. - Jerry Baldwin

BUILDING CONTRACTOR D-1 (ROOFING)

ARS General Contracting - Lyle Carpenter
(Examinee Changes Company and License Reinstatement Subject
to an Administrative Lock Until all 'A' Status Permits, if any, are Resolved)
Better Line Roofing, LLC - Juan Alfaro
Cooper Construction LLC - Jonathan Maxfield
(License Reinstatement)
Denver Commercial Roofing Company - Kerry Hettick
(License Reinstatement Subject to an Administrative Lock Until
all 'A' Status Permits, if any, are Resolved)
Gen 3 Roofing Corp. - Cameron Hummell
(Company Changes Examinee)
Integrating Successful Projects Roofing & Construction LLC - Michael Galusha
Kingdom Construction - Aaron Lawless
(Additional License)
McFarland Roofing and Construction LLC - Timothy McFarland
(Examinee Changes Company)
Patriot Roofing LLC - Anthony Carleo
Pioneer Construction, LLC - Noah Clingan
(License Reinstatement)

Prime Roofing Colorado LLC - Peter Moran
(License Reinstatement and Examinee Changes Company)
Priority Roofing of Colorado Springs, LLC - William Miller
Ridgeline Exteriors Ltd. - Cameron Wait

MECHANICAL CONTRACTOR A (COMMERCIAL)

D&D Mechanical LLC - Daniel Garcia
Elite Refrigeration LLC dba Elite Refrigeration - Thomas Teska
Lennox AES Holdings LLC - Austin Baker
Maize International, Inc. dba Maize Mechanical - Cornelio Martinez
Quality 1st Plumbing Repair LLC - Samuel Criswell
(Additional License)
Western States Management Ground LLC - Joseph Daly
(Examinee Changes Company and Additional License)

MECHANICAL CONTRACTOR B (RESIDENTIAL)

JMS Home Comfort Experts LLC - Jason Sparber

MECHANICAL CONTRACTOR C-1 (GAS PIPING)

Immersion Plumbing and Hydronics LLC fka Immersion Plumbing & Heating
Andrew Clay (Company Name or dba Change)
Parker Plumbing LLC - Tyler Parker
(Additional License)

HEATING MECHANIC IV (HVAC SERVICE TECH)

Kevin Jones
Mauricio Favela (License Reinstatement)
Nicholas Taylor
Tanner Wellborn

CONSENT ITEMS FOR VOLUNTARY SUSPENSION

Mark Gaddie

6. ITEMS CALLED OFF THE CONSENT CALENDAR

BUILDING CONTRACTOR C (HOMEBUILDER)

Dreng Solutions LLC fka Dreng Solutions, William Bradburry (Company Name or dba Change and License Upgrade)

With the recusal of Toby Conquest, a quorum was maintained. A motion was made by Maria Miller to **APPROVE** Dreng Solutions LLC fka Dreng Solutions, William Bradburry; seconded by Andrew Haggard; the motion carried.

7. **LICENSE REQUESTS CONSIDERED INDIVIDUALLY**

There were no License Requests appearing individually.

8. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

9. **NEW BUSINESS**

There was no New Business to discuss.

10. **ADJOURNMENT**

The Licensing Committee meeting adjourned at 10:15 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) hour 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.