

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

LICENSING COMMITTEE MINUTES

April 10, 2019

9:00 a.m.

MEMBERS PRESENT: Chairman Loren Moreland
Christine Riggs
Michael Rowe
Jim Rose
Christopher Freer
Michael Finkbiner
Tim Toussaint

MEMBERS ABSENT:

OTHERS PRESENT: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Counsel
Jay Eenhuis, Deputy Building Official – Plans
John Welton, Deputy Building Official – Inspections
Rebecca Mulder, Licensing Supervisor
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Loren Moreland called the meeting to order at 9:00 a.m.

1. CONSIDERATION OF MARCH 13, 2019 LICENSING COMMITTEE MINUTES

A motion was made by Jim Rose to **APPROVE** the March 13, 2019 Licensing Committee Minutes as written, seconded by Christine Riggs; the motion carried unanimously.

2. COMPLAINT

- a) A complaint has been brought against Charles Hormuth, Owner and Licensee, and Scott Ryan, Owner, Aspen Group Ltd., by Regional Building Department for pulling permits for an unlicensed contractor, Masterpiece Roofing and Painting, also doing business as Masterpiece Roofing, to perform work at the following property addresses: 616 Fountain Mesa Road, Colorado Springs, Colorado 80817; 11343 and 11351 Berry Farm Road, Fountain, Colorado 80817; and 640, 650 and 745 Calle Entrada, Fountain, Colorado 80817, in violation of Section RBC201.11.3, Nos. 1 and 3, 2011 Pikes Peak Regional Building Code.

All parties testifying were sworn in. Rebecca Mulder gave the details of the complaint. She stated the complaint was brought by RBD staff, and the issue(s) in the complaint was/were discovered by an RBD inspector. Charles Hormuth and attorney, Douglas D. Koktavy, appeared. Mr. Hormuth stated Aspen Group Ltd. (Aspen) had a Joint

Venture Agreement with Masterpiece Roofing and Painting (Masterpiece), and together they were working on these roofing projects, which are the subject of this complaint. He stated it was his understanding that under the Joint Venture Agreement, he would be able to pull permits for Masterpiece. Ms. Mulder stated Charles Hormuth had been the licensed examinee for Aspen since December 28, 2017 with RBD; Aspen carries both liability and workers' compensation insurance; Charles Hormuth holds a B1 License; the company has 6 "A" status permits, 8 open permits, and 15 completed permits. Mr. Hormuth stated he was unaware that he had open permits, and he would call in the inspections on those permits.

Jina Koulchitzka stated in order to be in compliance with the Regional Building Code for purposes of construction consulting and/or construction work that was regulated by the Department, a contractor had to have licensed examinee(s). She stated in this case, the Department's position was that Aspen, according to the Department's records, had a licensed examinee. However, Masterpiece was a non-licensed contractor in our jurisdiction, and Masterpiece seemed to be doing construction consulting and/or construction work without having the required licensed examinee. She stated the Joint Venture Agreement was very specific that an entity was formed under the Joint Venture Agreement titled Masterpiece Roofing, LLC and Aspen Group Ltd., and RBD does not have a licensee for the joint venture entity.

Mr. Hormuth confirmed the Joint Venture was titled Masterpiece Roofing, LLC and Aspen Group Ltd. He stated he was first notified by RBD of this complaint on or about August 31, 2018. He stated, at the time, he was the licensee for Aspen, and he had been the only licensee for Aspen with the Department. He affirmed that the Department did not have a record of him being the licensee for the Joint Venture entity titled Masterpiece Roofing, LLC and Aspen Group Ltd.

Ms. Koulchitzka stated two contractors could enter into a Joint Venture Agreement and obtain permits with one licensee, only if the Department's records have been supplemented with sufficient documentation for the company for which the examinee was of record, and this was not done in this case. Mr. Hormuth stated he was unaware that he had to obtain a license with the Department under the Joint Venture Agreement, or he would have done so. He stated there were no additional projects that have been done with Masterpiece under the Joint Venture, other than those noted in the complaint today.

Rex Korley (Korley) with Masterpiece appeared and stated he was unaware that he was required to have a license outside of the Joint Venture. He stated they were just unaware of RBD's licensing policy. Mr. Finkbinder stated that as a result, it was likely that the homeowners only recognized that Masterpiece performed the work on their homes and did not know that Aspen pulled the permits for the subject projects. Loren Moreland stated 30 percent of this contractor's permits were "A" Status permits, and no action had been taken on these permits.

Rebecca Mulder stated Mr. Hormuth's license expired on January 31, 2019, and had not been renewed; Mr. Hormuth stated he does intend to renew his license, and would do so today. He stated the insurance for his license was under Aspen Group Ltd., and he would have to correct this issue as well. Ms. Koulchitzka stated no further permits should be obtained under the Joint Venture arrangement until the joint venture relationship is legally in compliance with the Code requirements.

Douglas Koktavy, attorney for Aspen Group Ltd., asked questions of Mr. Hormuth. Mr. Hormuth stated Aspen had a project manager, Jason Fredris, in Colorado Springs, supervising the projects that were the subject of this complaint. He stated it was this employee's responsibility to confirm that the ice and water shield, as well as the drip edge, were installed on all projects. He also supervised the mid roof inspection process. Mr. Hormuth stated there have not been any additional joint venture projects with Aspen since his first contact by RBD in August 2018. Mr. Koktavy further asked questions of Mr. Korley. Mr. Korley appeared and stated the project manager was an efficient employee and supervised the projects well, but he could not answer how involved the project manager's supervision was on each project. Mr. Moreland stated there were items that were missed by the project manager, i.e., missing ridge cap. Mr. Korley stated the ridge cap issues were due to supplier issues, but those issues had been resolved.

A motion was made by Jim Rose to recommend to the Board of Review that a One-Year Incident Report be put in the contractor file for Charles Hormuth with Aspen Group Ltd.; no new permits could be obtained until the "A" Status permits were completed; the Joint Venture Agreement arrangement(s) had to be brought into compliance with the Code and updated insurance certificates submitted to RBD; and Charles Hormuth's license had to be renewed, seconded by Christine Riggs. Ms. Koulchitzka stated RBD had authority to impose a \$1,000 fine per violation in accordance with the Code, and in this case, RBD had already done so. While such was an administrative remedy, she wanted the matter noted on the record during comments so that there was no confusion or claim of miscommunication or misunderstanding at a later time. The motion carried unanimously.

- b) A complaint had been brought against Emilio Esquivel, Owner, and Kenneth Roberts, Licensee, E. Esquivel Roofing, by Manirambona Pascal for performing work at 855 Bunting Avenue, Fountain, Colorado without the proper license and prior to pulling a permit, in violation of Sections RBC105.1, RBC201.3, and RBC201.11.3, Nos. 1 and 5, 2011 Pikes Peak Regional Building Code.

Kenneth Roberts appeared by telephone. Manirambona Pascal did not appear. All parties testifying were sworn in. Rebecca Mulder gave the details of the complaint. She stated this contractor had a roofing license, but the contractor was also doing siding work without a permit and outside the scope of work allowed by his license. Mr. Roberts stated he resigned from the company in November 2018, because Mr. Esquivel was doing work outside the scope of work of his license. He stated he was now living

out of state, but he also holds a roofing license in Pueblo and Fremont Counties. Rebecca Mulder stated Mr. Roberts was issued a roofing license on July 11, 2018, for E. Esquivel Roofing (“Esquivel”). She stated RBD received an email from Mr. Roberts on April 5, 2019, that he resigned from Esquivel in November 2018.

Emilio Esquivel appeared and stated he was trying to get his license in El Paso County, but he currently does not have a licensee for the company. Tony Sanchez, Project Manager for Esquivel, appeared and stated Esquivel had two open projects, but when Mr. Roberts left the company in November, Esquivel did not have a licensee to complete those permits. Ms. Mulder stated this company had 2 “A” Status permits, 1 open permit and 1 permit that had been completed. John Welton stated the “A” status permits have not been called in for inspection, and the open permit had been called in for inspection, but did not pass inspection due to a damaged B vent creating a life safety issue.

Mr. Welton stated six months have passed since the two “A” Status permits were obtained in September 2018. Mr. Sanchez stated he was not aware that there was a damaged B vent. He stated they have tried to contact RBD a number of times regarding these permits, but was not able to get information because they were not the licensee. Mr. Roberts stated he asked the occupant if he could make the repairs for the damaged B vent, but the homeowner(s) would not allow him to make the repairs because he no longer worked for the company. Mr. Welton stated RBD could notify the property owner about the damaged B vent to at least address the life safety issue on this project.

A motion was made by Michael Rowe to recommend to the Board of Review **REVOCATION** of the contractor license of Kenneth Roberts, seconded by Christine Riggs; the motion carried unanimously. Kenneth Robert stated his mailing address was P.O. Box 6994, Pueblo West, Colorado 81007.

Ms. Koulchitzka read the Notice of Right to Appeal to Mr. Roberts should he wish to file an appeal of the decision of the Licensing Committee today. Chairman Moreland stated Esquivel cannot do any work in El Paso County until it had a licensee for the company.

- c) A complaint had been brought against Thomas Belcher, Owner and Licensee, Thomas Belcher Construction LLC, by Sandra Steuwer for contracting to do work without holding the proper licenses, and pulling a permit under another contractor’s license at 545 Gilcrest Road, Colorado Springs, Colorado, in violation of Sections RBC201.3 and RBC201.11.3, Nos. 1 and 5, 2017 Pikes Peak Regional Building Code.

All parties testifying were sworn in. Sandra Steuwer appeared and stated she met Mr. Belcher through a mutual friend and contracted with him to reroof her home. She stated Mr. Belcher informed her that he was a general contractor and could take care of all the work required. She stated when she gave him a check for one-third of the insurance claim, Mr. Belcher became upset and confrontational. Mrs. Steuwer stated Mr. Belcher

did not do any work on her home, but he kept her check. She stated she received a “red flag” when Mr. Belcher informed her bank that he would be subcontracting the reroof for her home. She stated she discovered that the permit for this project was pulled by Kingdom Construction. Mrs. Steuwer stated she was informed by Eric Nelson with Kingdom Construction that he was unaware that a permit was pulled for this project under his license. Rebecca Mulder stated this permit was pulled online by Kingdom Construction on October 10, 2018, and was currently an “A” Status project with no inspection called in to date. She stated Mr. Belcher was issued an “E” License on April 3, 2017; he had 5 completed permits and 1 open permit.

Thomas Belcher appeared and stated his contract with Mrs. Steuwer was for the entire insurance claim. He stated he previously held a license for Kingdom Construction; and Kingdom Construction agreed to pull permits for him in lieu of paying him monies owed. He stated he admits that he was contracting to do work that he was not licensed to do.

Mr. Belcher stated this was the only permit that Kingdom Construction pulled for him. He stated he pulled his license from Kingdom Construction when he resigned from the company. He stated he does not have a contract with Kingdom Construction for this roof. He stated a portion of the roofing materials were delivered and put on the homeowner’s roof, but the homeowner changed her mind about the scope of work that she wanted performed. Mr. Belcher stated he had a confrontation with the homeowner that day, and had not been back since. John Welton stated he would like to point out that Mr. Belcher, was an “E” licensed contractor, and was contracting for work outside the scope of work allowed by his license.

Break from 10:40 a.m. to 10:51 a.m.

Eric Nelson with Kingdom Construction appeared and was sworn in; he stated he had no knowledge whatsoever that Thomas Belcher was pulling permits under his license. He stated Mr. Belcher may not have been taken off his license as an administrator due to a clerical error or oversight. Ms. Mulder stated Kingdom Construction’s history included 533 permits ranging from remodels to reroof permits; and there was 1 “A” Status permit, which was the subject property today. Mr. Nelson stated he does not have an agreement with Thomas Belcher that he could pull permits under his license. He stated he did not work with Mr. Belcher with regard to this project in any way.

Thomas Belcher appeared and stated he disagreed with Mr. Nelson, and affirmed that he still believed that he had an agreement with Kingdom Construction to allow him to pull permits under its license. He stated he received a \$5,000 payment from Mrs. Steuwer and there was \$1,800 in materials currently on her roof, but it was not the full load to reroof her home.

A motion was made by Michael Rowe to recommend to the Board of Review **REVOCAION** of Thomas Belcher's contractor license for contracting for work that he was not licensed to do, and for pulling a permit under another contractor's license; Mr. Belcher could reapply for his license at a future date with a mandatory appearance before the Licensing Committee, seconded by Michael Finkbiner; the motion unanimously.

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)

JHL CONSTRUCTORS, INC. – BENJAMIN STELLOR (COMPANY CHANGES EXAMINEE)
OLGOONIK ENTERPRISES, LLC JEFFREY GOSCH (EXAMINEE CHANGES COMPANY)
MCP BUILD, INC. – BRAD KIEHL
Q & D CONSTRUCTION, LLC – JEFFREY VANDELLEN
RIMROCK CONSTRUCTION – DUAIN WILLIAMS
SHAW BUILDERS – CHAD DAY (COMPANY CHANGES EXAMINEE)
STANEK CONSTRUCTORS, INC. – KYLE LEONARD (COMPANY CHANGES EXAMINEE)

Building Contractor B-1 (Limited Commercial)

CONCRETE EXPERTS, LLC – BROCK GRELL (UPGRADE)
DODGEWERKS, INC. CHRIS DODGE
ELZINGA & VOLKERS, INC. – JOSEPH NOVAKOSKI
JOHN BAKER SALES, LLC – JOHN BAKER
KATERRA CONSTRUCTION, LLC – CRAIG LOWENBERG (EXAMINEE CHANGES COMPANY)
MCP DEVELOPMENT, INC. – WILLIAM SIMS (EXAMINEE CHANGES COMPANY & NAME CHANGE)
O'CONNELL SPENCER CONSTRUCTION – DAN O'CONNELL (EXAMINEE CHANGES COMPANY)
SECURITY VAULT WORKS, INC. – TIMOTHY ABELL
SNYDER BUILDING CONSTRUCTION, LLC – RICHARD SNYDER

Building Contractor C (Homebuilder)

ANUNSON CONSULTING, LLC – RICHARD ANUNSON
ALL SQUARE, LTD. – MATTHEW SWANSON (EXAMINEE CHANGES COMPANY)
ARTISTIC CONCRETE IMPRESSIONS & CONSTRUCTION SERVICES DBA ACI CONSTRUCTION SERVICES – RICHARD PATTERSON
COLORADO CUSTOM DECKS, INC. – JAMES MUCKINHAUPT (COMPANY CHANGES EXAMINEE & PROVISIONAL)
ELMGROVE, LLC DBA ELMGROVE CONSTRUCTION – NATHANIEL HOULMIERE
LEGENDARY HOMES, LLC – GARY TIBBETTS (EXAMINEE CHANGES COMPANY)
NIELSEN CONTRACTING INC. DBA SOUTHWEST WINDOWS & MORE – RUSSELL NIELSEN (NAME CHANGE & PROVISIONAL)
PRO.COM HOME SERVICES COLORADO, INC. – DAVID CROMPTON
RED HAWK CONSTRUCTION, LLC – LEVI WILSON (REINSTATEMENT)
RENOVATE COLORADO – ADAM GRUBB (ADDITIONAL LICENSE) (NO GROUND UP)
RUSTIC MOUNTAIN BUILDERS, LLC – MICHAEL CANTRELL
SKY VIEW HOMES, INC – DUSTIN BOUZIDEN

Building Contractor D-1 (Cell Tower)

VERTICAL TECHNOLOGY SOLUTIONS, INC. – BRAD MCCOWN

Building Contractor D-1 (Foundation Repair)

SOVCO CONSTRUCTION, LLC – TROY BURTON

Building Contractor D-1 (Exteriors)

ALL PRO SIDING, LLC – CHARLES WODIUK JR.
HORNET ROOFING, LLC – JONATHAN ROBLES (UPGRADE)
PRO ROOFING CONSTRUCTION – PETE SAUCEDO (UPGRADE)

Building Contractor D-1 (Roofing)

AMERICAN WEST ROOFING, INC – SANDRA RAMOS GARCIA (REINSTATEMENT)
COLORADO ROOFING SOLUTIONS – CHRISTOPHER GONZALES (REINSTATEMENT & PROVISIONAL)
DOZAL CONSTRUCTION, LLC – FRANCISCO VEGA
J & J ROOFING & EXTERIORS, INC – JOSE GUERRA
MUNDO CONSTRUCTION, INC. – SANDRA RAMOS (EXAMINEE CHANGES

COMPANY)
NIELSEN CONTRACTING INC. DBA SOUTHWEST WINDOWS & MORE –
RUSSELL NIELSEN (NAME CHANGE & PROVISIONAL)
NEW ERA ROOFING & RESTORATION – HUGO CARRASCO
REDLINE PERFORMANCE ROOFING – LORIE COX (COMPANY CHANGES
EXAMINEE)

Building Contractor D-1 (Stucco)

DG STUCCO, LLC – DANIEL GUILLEN

Building Contractor E (Maintenance & Remodeling)

MASTERPIECE OUTDOOR LIVING, LLC – GARTH HYSTAD (EXAMINEE
CHANGES COMPANY)

Building Contractor F-1 (Solar)

ION DEVELOPER, LLC – TIMOTHY SHARP (COMPANY CHANGES EXAMINEE
& ADDITIONAL LICENSE)

Mechanical Contractor A (Commercial)

ALNOR INC. DBA COOLING CUBED- WILLIAM BROWN (NAME CHANGE)
BP MECHANICAL SHEETMETAL, LLC – CALVIN REEVES
BRUCE MECHANICAL OF COLORADO, INC. – SAMUEL MOORE (PRIMARY)
E.A.C SERVICE – MARK KOHLER
FRONTIER MECHANICAL, INC – CHRISTOPHER GRUENZNER (EXAMINEE
CHANGES COMPANY & ADDITIONAL LICENSE)
GOODFELLAS HEATING AND COOLING – MICHAEL CISTONE
JOHN BAKER SALES, LLC – JOHN BAKER (ADDITIONAL LICENSE)
JON BIGOS – JON BIGOS
LANDGRAF PLUMBING, INC. – BRUCE SCURLOCK (REINSTATEMENT)
ONE SOURCE HOME SERVICE, LLC – KYLE LEWIS
PAUL LARSON – PAUL LARSON (EXAMINEE CHANGES COMPANY)
TRAVIS HOFMANN – TRAVIS HOFMANN (EXAMINEE CHANGES COMPANY &
PRIMARY)

Mechanical Contractor E (Elevator)

MARSHDEN ELEVATOR – WILLIAM AREND
MINNESOTA ELEVATOR, INC. - MARSHAL STEVES

Heating Mechanic IV (HVAC Service Tech)

GARRY BILLICK
GEORGE FANNING
JAMES HAVEL
JORDAN MATTHEWS (REINSTATMENT)
MARK BALDWIN
MARK HUMPHREY
TERRY PAUTZKE
RICKY HA

A motion was made by Jim Rose to recommend to the Board of Review **APPROVAL** of the Consent License requests, seconded by Christine Riggs; the motion carried unanimously.

4. **ITEMS CALLED OFF CONSENT CALENDAR**

There were no items called off the consent calendar.

5. **LICENSE REQUESTS CONSIDERED INDIVIDUALLY**

There were no license requests considered individually.

6. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

7. **NEW BUSINESS**

There was no New Business to discuss.

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The meeting adjourned at 11:10 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.

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