

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BOARD OF REVIEW MINUTES

May 17, 2017

10:30 a.m.

MEMBERS PRESENT: Mr. Tom McDonald, Building A Contractor
Mr. Darin Tiffany, Engineer
Mr. Edward Pine, Building A, B or C Contractor
Mr. Vince Colarelli, Citizen-at-Large
Mr. Jim Nakai, Architect

MEMBERS ABSENT:

RBD STAFF PRESENT: Mr. Roger Lovell, Regional Building Official
Ms. Jina Koulchitzka, Regional Building Counsel
Mr. Jay Eenhuis, Chief Plans Examiner
Mr. John Welton, Chief Building Inspector
Ms. Mindy Stuemke, Permit Supervisor
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Tom McDonald called the meeting to order at 10:33 a.m.

1. CONSIDERATION OF THE APRIL 19, 2017 BOARD OF REVIEW MINUTES

A motion was made by Vince Colarelli to **APPROVE** the April 19, 2017 Board of Review Minutes as written, seconded by Darin Tiffany; the motion carried unanimously.

2. CONSIDERATION OF LICENSING AND MINUTES

a) Technical Committee Minutes of May 3, 2017.

A motion was made by Vince Colarelli to **APPROVE** the May 3, 2017 Technical Committee Minutes as written, seconded by Edward Pine; the motion carried unanimously.

b) Licensing Committee Minutes of May 10, 2017.

A motion was made by Vince Colarelli to **APPROVE** the May 10, 2017 Licensing Committee Minutes as written, with the exception of Items 2d and 3a, which are under appeal; seconded by Edward Pine; the motion carried unanimously.

3. DECISION APPEALS

- a) A Complaint has been brought against Bryan Maples, licensee for Maple Tree Construction Group, by Julia and Eric Hendershot for performing work at 5054 Rusty Nail Point, Colorado Springs, Colorado prior to obtaining a license or pulling a permit, in violation of Section RBC201.11.3, Nos. 1 and 5, 2011 Pikes Peak Regional Building Code. *The Licensing Committee determined that a Letter of Reprimand should be put in Bryan Maples' contractor file for the work done at 5054 Rusty Nail Point, Colorado Springs, Colorado prior to obtaining a license or pulling a permit.*

All parties testifying were sworn in. Mr. Maples appeared and stated his contract with Mr. and Mrs. Hendershot is a two-sided contract, and he believes a page from an estimate with Devine Roofing was substituted for the second page of his contract. He stated his contract with the Hendershots was signed on October 5th, and initially the roof was to be repaired; his license was granted on October 10th. He stated on October 17th he negotiated a full roof replacement, which was after he was granted a license. Mr. Maples stated his contract with Mr. and Mrs. Hendershot was for \$43,000, and the Hendershots have paid \$23,000, which is approximately 50% of the contract. He stated he corrected all damages caused by his crews, with the exception of the concrete patio. He stated they completed a \$17,000 concrete patio with a fire pit, and the homeowners were unhappy with the color, so he agreed to replace it. Mr. Maples stated the homeowners were repeatedly asked to choose a new color for the patio, but they did not and then sent him a letter prohibiting him from coming back on their property. He stated he is not currently licensed as a general contractor, and it is his understanding that a general contractor's license is not required for this project. He stated the contract was for a roof replacement, concrete patio with fire pit, painting, garage door, window screens, patio door replacement, fence replacement, and dryer vent. Mr. Maples stated this project was the first permit that he ever pulled, and he pulled the permit online, but apparently he did not do it correctly because it did not go through. Mr. Welton stated Mr. Maples pulled 11 permits prior to this permit.

John Welton stated this complaint appeared before the Licensing Committee because the contract with the Hendershots appeared to have been signed prior to Mr. Maples being licensed, and the work was commenced prior to a permit being issued; therefore, RBD staff issued a Stop Work Order.

Jina Koulchitzka stated Mr. Maples is presenting new information; therefore, she believes this issue should be sent back to the Licensing Committee, unless the Board disregards the new information. She stated information regarding the photographs, two-page agreement related to the shingle repair, and gas line for the fire pit were not presented to the Licensing Committee.

Julia and Eric Hendershot appeared and Mr. Hendershot stated in the beginning Mr. Maples tried to correct the damages caused by his crews, but the damages continued every time a new crew came out. He stated the issue with the concrete patio was not the color, but the

concrete “got away” from the concrete crew and is was not installed correctly. He stated the crews were complaining that they were not being paid, and that is when they began asking for receipts and lien waivers, which were never furnished, and this is the reason they told Mr. Maples that they did not want him or his crews on their property. Mrs. Hendershot stated the concrete patio was billed twice to the insurance company, so the actual contract was closer to \$30,000; not the \$43,000 as stated by Mr. Maples. Mr. Hendershot stated the reroof did not past inspection.

Mark Mahler stated the Licensing Committee voted to put a Letter of Reprimand in Mr. Maples’ contractor file because he contracted to do work prior to obtaining a license, and started the project prior to pulling a permit. He stated Mr. Maples has pulled 22 permits, and only 6 have been completed. He stated he does not believe the new information will have any bearing on the decision of the Licensing Committee.

A motion was made by Edward Pine to **UPHOLD** the decision of the Licensing Committee and a Letter of Reprimand be put in Bryan Maples’ contractor file, and any new information presented by Mr. Maples to the Board of Review today be disregarded, seconded by Vince Colarelli; the motion carried unanimously.

- b) A Complaint has been brought against Mario Vallejo, licensee for Architects Choice Builders, LLC, by Laci Mages-Valentino for pulling a permit for an unlicensed contractor to perform work at 225 Peck Court, Colorado Springs, Colorado, and for willful and wanton negligence at this same address, in violation of Section RBC201.11.3, Nos. 1, 3, 6 and 7, 2011 Pikes Peak Regional Building Code. *During the April 12, 2017 Licensing Committee Meeting, Mr. Vallejo was given 30 days to complete the permit for 225 Peck Court and his five outstanding “A” Status Permits, or reappear before the Licensing Committee on May 10th to give the Committee members an update on the status of those permits; the “A” Status Permits have not been completed. Mr. Vallejo appeared before the Licensing Committee on May 10, 2017, and the Committee determined that Mario Vallejo’s contractor license should be **REVOKED** due to his past history with RBD and his lack of response in completing the outstanding “A” Status Permits.*

Mario Vallejo appeared, was sworn in, and stated the Licensing Committee revoked his license because he failed to complete his “A” Status Permits, but he has paid the trip fees, and the permits are ready for inspection. John Welton stated Mr. Vallejo first appeared before the Licensing Committee in December 2016 for pulling a permit for an unlicensed contractor, which created a life safety issue for the homeowners; and he appeared before the Licensing Committee last month for again pulling a permit for another unlicensed contractor. He stated during the April Licensing Committee meeting, Mr. Vallejo was given 30 days to complete the 5 outstanding “A” Status Permits. He stated one permit was transferred to another contractor for completion, and Mr. Vallejo failed to complete the other 4 “A” Status Permits. Mr. Welton stated Mr. Vallejo recently paid the trip fees on these permits and just called in inspections for three of the four outstanding permits.

Mark Mahler appeared and stated the Licensing Committee's decision to revoke Mr. Vallejo's contractor license was based on numerous violations, some of which created life safety issues for the homeowners.

A motion was made by Edward Pine to **UPHOLD** the decision of the Licensing Committee and **REVOKE** Mario Vallejo's contractor license, seconded by Vince Colarelli; the motion carried unanimously.

4. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

5. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 11:32 a.m.

Respectfully submitted,

Roger N. Lovell
Regional Building Official

RNL/llg