

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BOARD OF REVIEW MINUTES

November 15, 2017

9:30 a.m.

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

MEMBERS ABSENT: Mr. Edward Pine, Building A, B or C Contractor

RBD STAFF PRESENT: Mr. Roger Lovell, Regional Building Official
Mr. Todd Welch, Regional Building Counsel
Mr. Jay Eenhuis, Chief Plans Examiner
Mr. John Welton, Chief Building Inspector
Ms. Mindy Stuemke, Permit Supervisor
Mr. Ryan Johanson, Director of Finance
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Tom McDonald called the meeting to order at 9:32 a.m.

1. UNFINISHED BUSINESS

- a) Adoption of the 2017 Pikes Peak Regional Building Code.

Roger Lovell appeared and stated there was extensive discussions during the October 18, 2017 Board of Review meeting concerning the amendments to the 2015 International Energy Conservation Code. He stated the staff at the Colorado Springs Housing & Building Association (HBA) and Green Cities Coalition have reached a compromise agreement; therefore, the 2017 Pikes Peak Regional Building Code (PPRBC) is before the Board again today for recommendation of adoption of the Code.

Jim Riggins appeared and gave a brief summary of the concerns that he has with the amendments to the 2015 International Energy Conservation Code (IECC). He stated he believes there are health and comfort benefits to the unamended 2015 IECC. He stated although initially there are added costs of construction, those costs can be recouped within one year in energy savings. Mr. Riggins stated the annual cost savings is \$320 to \$350 per year. Jim Nakai and Vince Colarelli stated the amendments to the Code will “relax” or “remove” certain Code requirements.

Greg Ralphe, Classic Homes and HBA, appeared and stated the HBA recommends the following previously proposed amendments to the 2015 IECC be removed: (a) RBC308.4.13, Section R402.2.10 Slab-on-grade floors; (b) RBC308.4.15, Section

R402.4.1 Building Thermal Envelope; (c) RBC308.4.16, Section R402.4.1.1 Visual Inspection; and (d) RBC308.4.18, Section R402.4.4 Rooms containing fuel burning appliances. He stated the HBA did take a position on “whole house ventilation” and the HBA is in favor of supporting the air changes per house amendment of a maximum of 5 air changes per hour in a house, in lieu of 3 air changes per hour of infiltration.

Mr. Riggins stated the general home buying public “does not know what it does not know” and they have to rely on their local building department to have Codes in place that will keep them safe, as well as being cost effective. Tom McDonald stated without the proposed amendments, it will increase the costs of an average home by \$15,000 to \$20,000 per house. Darin Tiffany stated that if you make homes “tighter”, then homes will have to be mechanically ventilated.

A motion was made by Vince Colarelli to recommend to the Advisory Board and the Building Commission **ADOPTION** of the 2017 Pikes Peak Regional Building Code, based on the compromised agreement between the HBA and the Green Cities Coalition, seconded by Jim Nakai; the motion carried unanimously.

2. **CONSIDERATION OF THE OCTOBER 18, 2017 BOARD OF REVIEW MINUTES**

A motion was made by Vince Colarelli to **APPROVE** the October 18, 2017 Board of Review Minutes as written, seconded by Jim Nakai; the motion carried unanimously.

3. **CONSIDERATION OF LICENSING AND MINUTES**

a) Technical Committee Minutes of November 1, 2017.

A motion was made by Vince Colarelli to **APPROVE** the November 1, 2017 Technical Committee Minutes as written, seconded by Jim Nakai; the motion carried unanimously.

b) Licensing Committee Minutes of November 8, 2017.

A motion was made by Vince Colarelli to **APPROVE** the November 8, 2017 Licensing Committee Minutes as written, seconded by Jim Nakai; the motion carried unanimously.

4. **DECISION APPEALS**

a) A Complaint has been brought against Richard Ornelas, licensee for Progeniture Construction, LLC, by Ian Kallenbach for contracting to perform work at 8111 Valli-Farm Road, Fountain, Colorado 80817 prior to obtaining a license, in violation of Section RBC201.11.3, Nos. 1 and 6, 2011 Pikes Peak Regional Building Code. *During the September 13, 2017 Licensing Committee Meeting, the Committee locked Richard*

*Ornelas' license and suspended his ability to pull additional permits; all open permits were required to be completed within 30 days of the September 13th Licensing Committee meeting; and Richard Ornelas' contractor license was to be **REVOKED** 30 days after the September 13th Licensing Committee Meeting.*

All parties testifying were sworn in. John Welton gave a brief summary of the history of this Complaint. Richard Ornelas appeared and stated he takes responsibility for the complaint against him. He stated he had medical issues during the time he was working on Mr. Kallenbach's home. He stated he is not the person that he was portrayed to be during the September Licensing Committee meeting, and requests that his contractor license not be revoked. Mr. Ornelas stated he is employed now as a project manager for another contractor, but he does not want this license revocation on his record. He stated he has completed all open permits as requested of him during the September Licensing Committee meeting. He stated the project at 8111 Valli-Farm Road was completed, but it was re-opened by Frank Walley, who originally opened the permit. Rebecca Mulder stated the permit for 8111 Valli Farm Road is still open under K1 Roofing & Restoration.

Mr. Ornelas stated Mr. Kallenbach requested that a permit not be pulled for this project, but they received a stop work order, which made pulling a permit necessary. He stated he admits that he was "wrong" in having K1 Roofing pull a permit for this project. He stated he is aware that part of the work that was done was inferior.

John Welton stated Progeniture Construction had three open permits and they have been completed. He stated all five permits pulled by Progeniture have been completed.

Michael Rowe, RBD Licensing Committee, appeared and stated Mr. Ornelas has completed his outstanding permits as he was requested to do. He stated Mr. Ornelas informed the Licensing Committee that he was starting a new job, so the Committee gave him 30 days to finish his outstanding permits, after which his license would be revoked.

Richard Ornelas stated he is now a project manager for another company, but his concern is the revocation on his record. Jessie King stated Mr. Ornelas can reapply for a license in the future, if chooses to do so. Mr. Ornelas stated he is willing to write a letter to RBD vacating his licensing, so the revocation is not on his record.

Ian Kallenbach appeared and gave a brief summary of the history of his complaint. He stated the work and materials were inferior on his project. He stated he paid \$8,500 after the deck was completed by Mr. Ornelas to actually complete the deck. He stated Mr. Ornelas had told him that he was licensed and insured, which was not true at that point in time.

Kay Winchester appeared and stated Richard Ornelas started a project for her and did not pull a permit. She stated Mr. Ornelas pulled a permit several weeks after the project had been commenced. She stated the project is a garage conversion and an addition. Ms. Winchester stated Mr. Ornelas' insurance expired prior to completing her project. She

stated the work was inferior, and Mr. Ornelas was doing electrical and mechanical work on her home, which he is not licensed to do.

A motion was made by Darin Tiffany to **UPHOLD** the decision of the Licensing Committee to **REVOKE** the contractor license of Richard Ornelas, seconded by Vince Colarelli; the motion carried unanimously.

5. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 11:44 a.m.

Respectfully submitted,

Roger N. Lovell
Regional Building Official

RNL/lfg