

**Teller County Board of Review
January 8, 2014
Meeting Minutes**

Chairman Carl Andersen called the meeting to order at 2:01 p.m. Carl Andersen stated that the Board of Review meetings are public and anyone wishing to speak must first address the Chairman. Those answering roll call were:

*Carl Andersen, Chairman
*Jared Bischoff, Vice Chairman
*Bert West
*Sonny Strobl
*Dave Dernbach
 Jeff Smith
*Steve McCann

Staff: Chris Brandt
 Allen Chamberlin
 Olya Sharonova
 Jim Harris
 Dan Wilson

* Voting members (some for portions only)

**Approve Posting & Publication Sites
For 2014 Board of Review Public Notices**

Bert West moved to approve the 2014 Board of Review posting and publication sites as presented which include the Building Department at 540 Manor Court, the Northeast Teller Fire Department at 1010 Evergreen Heights Drive, a local newspaper and the Teller County web site. Carl Andersen seconded. Roll call vote and all said yes. The motion carries.

Chairman and Vice Chairman Elections

Bert West moved to elect Carl Andersen as Chairman of the Board of Review for 2014. Dave Dernbach seconded. Roll call vote four yes votes with Carl Andersen abstaining. The Motion carries.

Bert West moved to elect Jared Bischoff as Vice Chairman of the Board of Review for 2014. Sonny Strobl seconded. Roll call vote four yes votes with Jared Bischoff abstaining. The motion carries.

**Review and Approve
Board of Review Meeting Dates for 2014**

Bert West moved to approve the Board of Review Meeting Dates for 2014 and the first meeting in 2015 as presented with the July meeting to be held on July 9th due to the Independence Day holiday and the September meeting to be held on September 10th due to the Labor Day holiday. Jared Bischoff seconded. Roll call vote and all said yes. The motion carries.

**Review and Approve Minutes
From the December 4, 2013
Meeting**

Carl Andersen stated that the minutes are not ready and will be presented at the February 5, 2014 meeting.

Contractor Licenses
Maine Builders, LLC
John Maine

Reactivation of License #3863B & company name change

Mr. Maine is not present.

Carl Andersen continued to agenda item B: Daniel Lamb Construction/Daniel Lamb/ Upgrade from Class D Framing to Class C

Daniel Lamb Construction
Daniel Lamb
Upgrade from Class D Framing to Class C

Mr. Lamb present. Mr. Lamb gave a brief overview of his recent work history and building experience, which included but was not limited to the following:

Mr. Lamb has done work in Teller County for over 17 years
Currently he carries a Class D framing license and works for homeowners and other general contractors; however he is applying for a Class C license to be able to pull permits as a general contractor himself
Mr. Lamb runs the jobs for Turnkey Construction as a supervisor
He is also knowledgeable when it comes to concrete and ICF foundations and roofs, he has done many of them as a subcontractor
Allen Chamberlin notified Daniel Lamb that work with foundations and roofs is not part of the scope of his D license, his license is for Class D framing only and other work performed under this license is a violation of the code
Mr. Lamb agreed with Mr. Chamberlin and explained that is why he is applying for Class C license so he can do all the work and not be in violation of the code

Carl Andersen opened this matter up for public comment. No public comment. Close public comment.

There was further discussion between the applicant, Allen Chamberlin, and the Board, which included but was not limited to the following:

The Board members asked more questions regarding submitted letters of reference and decided that in order for them to grant a Class C license to Mr. Lamb they would need to see a minimum of two more letters of reference: one from a general contractor and another from either an architect or an engineer

Chris Brandt indicated everything was in order with the State.

Sonny Strobl moved to grant Daniel Lamb Construction, with Daniel Lamb as the examinee, an upgrade from Class D Framing to Class C, conditioned upon receipt of two more letters of reference: one from a general contractor and another from either an architect or an engineer. Jared Bischoff seconded. Roll call vote and all said yes. The motion carries.

Maine Builders, LLC

John Maine

Reactivation of License #3863B & company name change

Mr. Maine present. Mr. Maine gave a brief overview of his recent work history and building experience, which included but was not limited to the following:

Mr. Maine has been in Teller County for over 20 years, 10 years of which he has been a licensed contractor

In 2008 he closed his company, Maine Homes, Inc., and put his license on hold, got a job with a different company and became an examinee for them

After working for that company about 4 ½ years, he decided to reopen his business again, but was not aware that he could reactivate Maine Homes, Inc. therefore he reopened under his new name Maine Builders, LLC in Teller County and Colorado Springs

There was further discussion between the applicant and the Board, which included but was not limited to the following:

The Board members noted that Teller County Building Department did receive an updated Certificate of Insurance stating “Commercial General Contractor” in the description of operations

Carl Andersen opened this matter up for public comment. No public comment. Close public comment.

Bert West moved to grant Maine Builders, LLC, with John Maine as the examinee, a reactivation of License #3863 Class B & a company name change. Jared Bischoff seconded. Roll call vote and all said yes. The motion carries.

Complaint Against Contractor

Colorado Rescon/Jack Dennison/ License #27850B-1:

Lance and Darlene Baker/ Permit #A45662/

96 Apache Circle, Florissant, CO. 80816

Carl Andersen announced this agenda item and addressed the Complainants Mr. Lance and Mrs. Darlene Baker and Contractor Mr. Jack Dennison, explaining the order in which the items will be presented and heard by the Board of Review:

Staff presents the report

Complainants identify themselves and give their presentation

Contractor identifies himself, presents his team, and gives presentation

The discussion opens for public comments on this matter

Close public comments

Rebuttal is given by complainants

Rebuttal is given by contractor

Board members consider the information presented, discuss matter and what action, if any is warranted

Motion is made

Allen Chamberlin distributed additional documentation provided to him shortly before the meeting by the complainants.

Olya Sharonova informed Mr. Andersen that she had photographs available for the Board members to view if needed.

Allen Chamberlin reviewed the staff report presented and explained that Mr. Baker contacted him and they had a discussion about the work that was being performed on his home.

Mr. Chamberlin stated that he had discussed this project with the inspectors and they agreed that this job was in disarray. The plans were reviewed, inspections looked over and several discussions occurred between the staff and Mr. Chamberlin.

Mr. Chamberlin stated that Mr. Baker and Mr. Chamberlin then discussed options including the process for the contractor complaint, and even though Mr. Baker delayed filling the complaint originally due to VA investigation he moved forward with it.

Mr. Chamberlin stated that it was reported to the Building Department that the contractor started work one month before the permit was issued. Demolition was performed and no permit pulled. The construction work done was less than the acceptable minimum, electrical work failed for numerous violations, accessibility requirements were not met, and the contractor added footings in the crawlspace for a roll-in shower and did not do a Change Order. Also during one of the inspections it was discussed with the contractor that several piers were not in the right place for supporting posts, and even though the inspector approved the pier holes he stated that if the piers were sufficiently off center then engineering approval would be required.

Mr. Chamberlin stated that in the meeting with the Colorado Rescon, LLC Mr. Jack Dennison stated to Mr. Chamberlin and Jim Harris that he would not have any more issues with his supervisor of this project, because he was no longer with the company. Also in his statements to staff he explained that the supervisor had been let go due to many mistakes with this project.

Mr. Chamberlin stated that it is the strong suggestion from the Building Department to the Board members to impress upon the contractor the importance of managing Colorado Rescon, LLC's projects with more oversight.

Mr. Chamberlin stated that it is the responsibility of the general contractor and sub contractors to be aware of the codes and procedures of the areas they work in. Mr. Chamberlin also pointed out that although Mr. Dennison's letter stated that his company has done twenty projects for the disabled veterans without any incidents, however Mr. Dennison has multiple violations on this project.

Mr. Chamberlin stated that it is the Building Department's recommendation to the Board of Review to give Colorado Rescon, LLC, examinee Jack Dennison a written letter of violation to be placed in his contractor file for two years.

Complainants Mr. Lance and Mrs. Darlene Baker identified themselves and gave their presentation that included but was not limited to the following:

Mrs. Baker has the power of attorney to act on behalf of Mr. Baker

She has been a contractor for 17 years, working closely with engineers and architects in commercial and residential fields

This project was approved by the VA for Mr. Baker so he will be able to get around if his MS disease comes back and if he will be confined to a wheelchair

Originally the homeowners went with the different contractor, however after that contractor suspended his contract with the VA, a year later they went with Colorado Rescon because the contractor was already approved by the VA

The project process started in 2011

Colorado Rescon did not leave them with a functional house, and after letting them know in May that the job would only take 3-4 weeks, however the job was still not done after 6 months

Some contractors working on the job were not licensed

The deck and ramps were constructed not according to building code

All County inspections performed failed, even the ones that were partially passed at first Piers were not the right size and depth at first, they had to be re-dug and re-inspected, after the pier holes passed initial inspection the piers got filled with debris from September heavy rains making the piers 15" average in depth (engineering report was provided to the Board members)

When the framing of the deck was done, the location of most piers was off by significant amounts from the posts, a lot more than the 30% allowed by code

The piers were not tamped and currently the concrete is crumbling making the brackets supporting the posts visible

The ADA entry ramp measured 31.5" wide after it was completed and had no required handrail; minimum width required for the ramp is 36"

Deck also had insufficient turning radius at the top of the ramp

They had been living in the trailer, because their house was unsafe, it had no functional bathrooms and kitchen, the work was done at the demolition phase and many areas are still unusable

The contractor never finished the secondary fire exit door per plans

New framing was done with 2x4 studs even though the house construction is 2x6 studs, the floor joists were cut, not repaired and left unsupported in both bathrooms and after talking to the engineer and new contractor the joist's repairs will require engineering
Electrical inspection failed due to numerous items

The communication between the homeowners and the contractor really started to break down

Mrs. Baker stated that after contacting previous clients of Colorado Rescon she found at least 12 names of homeowners that had numerous complaints against him

There was further discussion between the complainants, the Board, and Allen Chamberlin that included but was not limited to the following:

The last time Colorado Rescon was on the property they did work for about 8 days and after that the owners and the contractor terminated their contract, shortly after the compliance inspection was performed by the Building Department

During the compliance inspection the Electrical inspector did not go into the attic or crawlspace, it was stated by Allen Chamberlin that that type of work gets inspected as further electrical inspections get performed

Mr. Chamberlin went over the compliance inspection, identifying issues and concerns of the inspectors

Secondary exit door was fixed about a month ago by the new contractor

Mr. Baker stated that he did not know that a complaint can be filed against the electrical contractor as well

Clarification was made to the Board by Mr. and Mrs. Baker, they stated that the contractor was hired to build a deck, two ramps, an island in the kitchen, widen doors, make an accessible bathroom, and install hardwood floors throughout for easier roll of a wheelchair

Contractor was completely responsible for the submittal of plans, Patriot Construction which drew the plans is a part of the Colorado Rescon, LLC

Plans did not show the cut in the bathroom floor and pads under shower, decks were redesigned to meet Teller County standards, so no engineering was required

The actual scope of work performed on the project was larger than shown on the submitted plans, and some additions required engineering

Board of Review members looked at Teller County's set of building plans for this project and photographs submitted by the complainants.

There was further discussion between the complainants, the Board, and Allen Chamberlin that included but was not limited to the following:

Accessible ramp was not built according to the plans and was only 3' wide
The complainants stated that they have a new contractor on the permit; however he has not done any structural work yet, just a few items to make the house safer
The new contractor name is Sunflower Construction

Contractor Mr. Jack Dennison (the owner of the company) and his team (Larry Esposito (construction manager), Sean Foley (site foreman), and Chad Brace (designer and large damage estimator) identified themselves, and gave their presentation that included but was not limited to the following:

Mr. Dennison is licensed in 14 municipalities from Douglas County to Trinidad and Las Animas
Larry Esposito was involved with Mrs. Baker on almost a daily basis, most frequently by phone or e-mail, and it was his responsibility to oversee the project
Sean Foley was the site foreman and was on the site literally every day and that both of these men are former licensed general contractors and each of them are business owners
Chad Brace is the designer and large loss estimator, and he designed the project, created the drawings and submitted them for approval
Patriot is a division of Colorado ResCon, with the work that they do specifically for the Veterans Administration
20 other projects were done successfully for the Veterans Administration
Preferred contractor for 27 major insurance companies
Have been noted in their field as a leader, received 2012 Best in Business, awarded the Golden Hammer; putting them in the top 5% of the top 5% of contractors in America

There was further discussion between Mr. Jack Dennison, his team, the Board, Building Inspectors, and Allen Chamberlin that included but was not limited to the following:

Mr. Dennison acknowledged that they started work without a permit, the permit was not issued at that time until it had corrections, they resolved the issues shortly, picked up the permit and posted it as required by Teller County
Mr. Chamberlin stated the plans did not show all the entire scope of work, a major part being the bathroom shower cut joists and new piers added for support
Several electrical inspections were failed due to multiple items
Mr. Wilson stated that he saw multiple areas of the same violation (wires installed incorrectly down the studs throughout the house), wires not in proper boxes, wiring looked poor, possibility of splices instead of junction boxes in the attic and crawlspace, staples smashed over the wires sideways; also the work was not complete and the contractor was not ready for the electrical rough inspection when it was called for
Mr. Esposito stated that there was some electrical work done by him, and not an electrical contractor after demolition of the kitchen island
Mr. Chamberlin highlighted for Mr. Dennison the accessibility items that were not in compliance
Mr. Dennison stated that they had submitted the plans containing 7 pages, not 6, and the missing page had the accessibility items on it, however they did not notice that page

missing till after the complaint was filled and they met with the building official and building inspector, he also added that they do know ADA requirements

Mr. Chad Brace stated that the missing page showed the alteration to the bathroom floor, but it was not engineered

Mrs. Sharonova stated for the record that she never saw the pages in question

Mr. and Mrs. Baker stated that they have the job set of plans but they only have 5 pages and that set of the plans was not present at the Board meeting

Mr. Chad Brace agreed that the review had two corrections, and the plans were released with a lot of notes regarding accessibility due to not enough information provided and short time frame of the project, he also acknowledged making a statement to the plans examiner to their ability to follow accessibility codes properly

Mr. Chamberlin commented to that ability as well, reminding the contractor that after 20 some projects every contractor at that jobsite should have been very familiar with accessibility codes and the work performed did not reflect it

Mr. Chamberlin stated that Teller County follows ANSI code requirements in commercial and residential construction; if accessibility is required in an area that area shall fully comply

Mr. Dennison replied that this is the first project they have done that required ANSI, in other projects dealing with the VA they followed the codes of specially adaptive housing (SAH), and the VA allowed homeowners to waive the full compliance to accessibility like a 5' turn around radius in the bathroom

No letter from the VA stating that was provided to the parties

Mr. Harris commented on the issue, explaining that he stated clearly to Mr. Foley at the jobsite that the washer and dryer cannot be put back in the bathroom and that the VA cannot override Teller County's adopted ANSI codes

Mr. Harris also stated that during the inspection of the bathroom the plans on site only had 3 pages, they showed a before and after bathroom, but no washer or dryer were on either plans; Mr. Foley was informed to get a full set copied from the Teller County Building Department if the rest of the pages could not be located

Mr. Chamberlin shared his concern with other accessibility issues as well as the bathroom, stating to the contractor that if they were building to SAH, they should have provided the office with those codes for a review and comment

Mr. Dennison agreed, and Mr. Esposito stated that when they did a project in Pikes Peak Regional, the only item they provided them was the VA booklet on all the heights and widths

There was further discussion between Mr. Jack Dennison, his team, the Board, Building Inspector Mr. Harris, and Allen Chamberlin that included but was not limited to the following:

Mr. Foley stated that decks and piers originally were not done to code, the construction was poor quality, when he joined the project they had to rebuild the decks and redo the piers

Second inspection on piers were partial, at the following inspection Mr. Harris stated that the piers were significantly off center from the posts, some almost 50% off, a few solutions were discussed including an engineering letter, the contractor acknowledge the issue and agreed it needed to be fixed

Mr. Esposito stated that a lot of issues occurred during the demolition phase prior to him being on this job, the new crew addressed the bathroom issue by adding the piers and deviating from approved plans

Contractor started the job in May and was off the project in August of 2013

Patrick Egan was originally the contact for the project and responsible for the submittal of the plans, he was discharged from the company

Carl Andersen opened the matter up for public comment. No public comment. Close public comment.

Complainants Mr. Lance and Mrs. Darlene Baker provided the Board with their rebuttal that included but was not limited to the following:

The house had no functional bathrooms because the floor joists were cut and the floor of the second bathroom was compromised, the owners moved back into the house on November 20, 2013, and were able to take showers only due to new contractor putting two 20-ton jacks underneath the bathroom floor

Mr. Baker stated that the newly provided invoice from the new contractor and a letter from the engineer address all the items that are still outstanding and require fixing
Building plans approved by Teller County were never provided to the owners
Owners cannot terminate the contract with the VA contractor
VA cannot override accessibility requirements

Bert West left the meeting at 4:54 pm. Carl Andersen appointed alternate member Steve McCann as a voting member for the rest of today's meeting. It was noted that Steve McCann was present during the entire meeting.

There was further discussion between the complainants, the Board, and Allen Chamberlin that included but was not limited to the following:

Mrs. Baker stated that the workers on the jobsite were not licensed
The contract was for two-phase project; however the second usable bathroom was demoed at the same time
All demolition work inside and outside was performed before the building permit was pulled, when the island was removed the kitchen circuit blew and she still maintains it is not operational
The contractor was planning on installing the washer and dryer back into the bathroom after all inspections were passed
VA inspector failed the piers and the construction of the deck
House still has a lot of debris from the construction
Mrs. and Mr. Baker stated that the recommended letter of reprimand is not enough

Contractor Mr. Jack Dennison and his team provided the Board with their rebuttal that included but was not limited to the following:

Electrical work was done by a licensed electrical contractor
Master bathroom was demoed at the same time at the owner's request
Contractor stated that regarding the major pier issue, they were not finished fixing it
Mr. Dennison stated that the owners terminated their contract, and that this was the worst project they were ever involved in

Discussion occurred between the Board members and Allen Chamberlin on the provided information by the complainants and the contractor, which included but was not limited to the following:

Dan Wilson and Jim Harris performed the compliance inspection
Demo permit was never pulled

Not all electrical work was done by the electrical contractor; some was done by the general contractor
Work done in the bathroom that was not on the plans
Incomplete plans, no change order submitted
The framer was not licensed with Teller County; the permit listed Colorado ResCon as doing the framing work on the deck
Contractor did not follow the Teller County Building Code
Chris Brandt advised the Board members on the items from Article II Sec. 107 that they may act on, and what actions they may take
The board members discussed items: #1, #2, #3, and #6 from Acts and Omissions; and Sec. 107b. Action items: #4 that was recommended by the Building Official
The Board members went through all the substantial issues of the project again, and discussed that a letter in the file would be too light of a reprimand, instead the Board members discussed the possibility of a suspension of the license for 6 months

Chairman Carl Andersen called for a recess at 5:38 p.m. to allow a Board member to compose a motion.

Chairman Carl Andersen called the meeting back to order at 5:45 p.m.

Sonny Strobl moved to suspend for 6 months the contractor's license of Colorado Rescon, LLC, with Jack Dennison as examinee, license number #27850B-1 under Section 107.b of the Teller County Building Code, based on the following numbered acts or omissions listed in Section 107.b:
#2- Departure from approved plans or specifications without authority from the owner, or the owner's authorized representative and the Building Department,
#3- Violations of the Teller County Building Code including any building-related codes which are adopted by reference, except such violations that result only in trivial imperfections in or omissions from the structure or work to which the code applies,
and #6- Failure to obtain a proper permit for any work for which a permit is required by virtue of this code,
and with the finding that the commission of such violations was willful, substantial, reckless, or repeated (of either the same or different violations) and/or that the commission of such violations has caused, or could cause, personal injury, substantial damage to property, or substantial economic harm. The stated suspension is imposed based on such violations together, but would also be imposed for each violation individually, or for any combination of such violations. Jared Bischoff seconded. Roll call vote and all said yes. The motion carries.

The appeal rights were explained to the contractor and the complainants.

There being no further business the meeting was adjourned at 5:48 p.m.