

**Teller County Board of Review
December 4, 2019
Meeting Minutes**

- I. **Convene.** Chairman Bert West called the meeting to order at 2:04 p.m.

Mr. West announced that this was a public meeting with public input encouraged.

A. Roll Call. Those answering roll call were:

Steve McCann*
Jeff Smith*
Carl Andersen*
Jared Bischoff, Vice Chairman*
Bert West, Chairman*

Mr. West appointed Mr. Smith to serve as a regular, voting member for the meeting.

*Voting members for today's meeting.

Staff: Roger Campbell, Building Official and Acting Board Secretary
Lynda Morgan, CDSO Director
Paul Hurcomb, County Attorney

B. Review & Approve minutes from the November 6, 2019 meeting.

Jared Bischoff moved to approve minutes from the November 4, 2019 meeting.
Carl Andersen seconded.

Roll call vote:
Steve McCann - yes
Jeff Smith - yes
Carl Andersen - yes
Jared Bischoff - yes
Bert West Chairman - yes

The motion carried.

II. **Contractor Complaint**

A. Complaint against Trinity Custom Building / Jose Colon / License #28707 by Leon P. Morris pursuant to section 107.a of the Teller County Building Code.

Mr. Leon P. Morris was present and gave additional information to supplement his written complaint against Trinity Custom Building, including more bounced checks from the contractor which required Mr. Morris to pay the subcontractors.

Mr. Campbell corrected a statement in his Staff Report to clarify that Trinity Custom Building did pull the initial permit for the project, so the claim about failure to pull a permit was not correct and could not be a basis for any action of decision on Mr. Colon's license.

Mr. Hurcomb explained that although Mr. Colon was not present for this hearing, the Building Official properly notified him of the complaint, as well as the time and date for the hearing, all in compliance with the Building Code requirements.

Bert West opened this matter for public comment.

There was no public comment and Bert West closed public comment.

There was further discussion between the Board members, Mr. Hurcomb, and Ms. Morgan about the possible actions on the contractor's license under Section 107.b. of the Building Code.

Bert West moved to revoke the contractor's license of Trinity Custom Building with Jose Colon as examinee, license number 28707 and to revoke the contractor's right to act as an examinee for any other licensed contractors, under Section 107.b of the Teller County Building Code, based on a finding of the commission of the following acts or omissions listed in Section 107.b. VI:

#2. Departure from approved plans or specifications without the authority from the owner, or the owner's authorized representative and the Building Department, and

#9. Failure to answer any question, or provide any documentation or information requested, by the Board concerning the charges against the contractor,

and with the finding that the commission of such violations was willful and reckless and that the commission of such violations has or could cause substantial economic harm.

The stated revocation is imposed based on such violations together, but would also be imposed for each violation individually, or for any combination of such violations.

Jeff Smith seconded.

Roll call vote:
Steve McCann - yes

Jeff Smith - yes
Carl Andersen - yes
Jared Bischoff - yes
Bert West Chairman - yes

The motion carried.

III. Contractor License

A. Jack of All Trades, Inc., / Kier K. Moore / Class B

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

- He has been in construction since he was 17 years old.
- He has been licensed with El Paso County since 2001.
- His company specializes in commercial tenant finishes.

There was further discussion between the applicant and the Board. The Board reviewed the submitted packet and asked Mr. Moore clarifying questions.

Bert West opened this matter up for public comment.

There was no public comment and Bert West closed public comment.

Jared Bischoff moved to grant Jack of All Trades Inc., with Kier K. Moore as examinee, a Class B License.

Carl Andersen seconded.

Roll call vote:

Steve McCann - yes
Jeff Smith - yes
Carl Andersen - yes
Jared Bischoff - yes
Bert West - yes

The motion carried.

B. Mountain Home Builders, INC / Kevin Heidenreich / Class C

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

- He has been building in Gunnison for a number of years.
- He is licensed with El Paso County and Park County.
- He has a home project to build in Teller County.

Bert West opened this matter up for public comment.
There was no public comment and Bert West closed public comment.

There were no questions asked of Mr. Heidenreich by the Board.

Paul Hurcomb noted that the workers' compensation forms were not fully completed. Mr. Heidenreich and Christi Heidenreich, an officer of the company, completed the forms.

Jeff Smith moved to grant Mountain Home Builders, Inc., with Kevin Heidenreich as examinee, a Class C License.

Jared Bischoff seconded.

Roll call vote:
Steve McCann - yes
Jeff Smith - yes
Carl Andersen - yes
Jared Bischoff - yes
Bert West - yes

The motion carried.

IV. Appeal by Judith E. Bowers of a failed pier inspection at 1637 County Road 111, Florissant, Permit #A55829.

Judith E. Bowers was not present. Robert Bowers was present and stated he was there on behalf of Judith E. Bowers.

Bert West asked Roger Campbell to provide the factual background of the project.

Mr. Campbell presented his Staff Report, copies of which had been provided to the Board and to Mr. Bowers. The Staff Report contained the relevant documents, including the date the Building Inspector performed his inspection and failed the pier installation.

Bert West asked Mr. Hurcomb to explain the Teller County Building Code requirements for filing an appeal to a Building Inspector's decision.

Mr. Hurcomb explained that under the Teller County Building Code, Article I Section B-1, any person or corporation aggrieved by any decision or order of a Building Inspector may appeal that decision to the Board of Review. The appeal must be made by filing a written notice of appeal within 10 days of the decision of the Building Inspector and by paying the filing fee.

Mr. Hurcomb further explained that, based on Mr. Campbell's chronology, the Building Inspector's decision on the piers was made on September 18, 2019. The appeal was filed on November 1, 2019, which is past the 10-day requirement in the Code.

Bert West stated that he was unsure if the Board could even rule on the appeal based upon the timeliness of the filing.

Mr. Hurcomb stated that an additional concern was that the appeal had been filed by Judith E. Bowers / Casa del Toro Cattle Company, LLC and not Robert Bowers. Mr. Hurcomb asked Robert Bowers if he was a principal of the LLC. Mr. Bowers' response was "no." Mr. Hurcomb then asked Mr. Bowers if he had a power of attorney or written authorization from Judith Bowers to represent the company or her at this hearing. Mr. Bowers' response was "no." Based on his responses, Mr. Hurcomb advised the Board of Review that Mr. Bowers was not an authorized representative of Judith E. Bowers / Casa del Toro Cattle Company, LLC, the person/entity who filed the appeal.

Bert West opened this matter for public comment.
There was no public comment and Bert West closed public comment.

There was a discussion between the Board Members as to whether the appeal should be heard or denied based upon timeliness.

Mr. Bowers tried to interject and argue with the Board. Mr. West informed him that he was not authorized to speak on this matter and instructed him to not interrupt the Board proceedings. Mr. Bowers continued to object to the process. Mr. West instructed him to leave the meeting room. Mr. Bowers left at 3:01 pm.

The Board engaged in further discussion.

Bert West moved to deny the appeal by Judith E. Bowers at 1637 County Road 111, Florissant, Permit #A55829, of the required pier inspection based upon the information presented and the timeliness of the appeal.

Jeff Smith seconded.

Roll call vote:
Steve McCann - yes
Jeff Smith - yes
Carl Andersen - yes
Jared Bischoff - yes
Bert West Chairman - yes

The motion carried

V. Board Discussion. None.

VI. Adjournment. The meeting was adjourned at 3:02 PM.