CALL MEETING TO ORDER: Board member M.J. Gertsch called the meeting to order at 9:00 a.m.

ROLL CALL: Board Member M.J. Gertsch asked for the roll call. The following members were present: Paul Pomeroy, Dennis Humphrey, Jason Stephen, M.J. Gertsch, Brent Groesbeck, Joe Patterson, Mark Archer, Mike Metzler. Absent, Noel Griffith, Also in attendance were Blas Hernandez, Chief Building Official, Amanda Barto, Recording Secretary to the Licensing Board, Ricky Williams, Sean Brittenham, Tom Sharkey, Stephen Burnell, William Cooper, Marianne Haka Bixler, Ken Bixler, Michael Nelms, Steve, Irwin, Rulon Jessop, Matt Bratzke, Jim Dillon, William Moody, John Hess, Lizandro Arzapalo, Denny Shove, Michael Jester, Stephanie Lowe

MINUTES:

The Minutes of the September 11, 2018 Meeting were approved with Joe Patterson making the motion Paul Pomeroy seconding the motion. The minutes were approved with all members voting “yes”.

STOP WORK ORDER/RED TAG LISTING: There were 2 Red tags for September 2018

ATTACHMENT: The Non-Tested License Listing for August 2018 was attached for the board’s review. Joe Patterson made the motion to approve the non-tested licenses and Mark Archer seconded the motion. Motion passed with all members voting “yes”.

CONTRACTOR LICENSES:

CLASS A CONTRACTOR LICENSE(S):

Shrove, Denny J., Qualified Supervisor working for Habitat For Humanity. Mr. Shrove detailed his experience and answered any questions they asked. Dennis Humphrey made the motion to approve the license as approve the license as presented and Paul Pomeroy seconded the motion. Upon motion duly made and seconded, the license was approved.

Bratzke, Matthew W., Qualified Supervisor working for LaMacchia Group, LLC. Mr. Bratzke detailed his experience and answered any questions they asked. Mark Archer made the motion to approve the license as presented, and Jason Stephen seconded the motion. Upon motion duly made and seconded, the license was approved.

Grace, Aaron, Qualified Supervisor working for Belfor USA Group, Inc. Mr. Grace was disapproved for no show. Mark Archer, made the motion to disapprove the license as presented, and Mike Metzler seconded the
motion. Upon motion duly made and seconded, the license was disapproved.

Thoene, Keith J., Qualified Supervisor working for CML Security, LLC. Mr. Thoene detailed his experience and answered any questions they asked. He is not needing a Class A, Mr. Thoene needs a Class D Non-Tested license and the Board dismissed the application.

Sharkey, Thomas M., Qualified Supervisor working for TMS Construction, Inc. Mr. Sharkey detailed his experience and answered any questions they asked. Jason Stephen made the motion to approve the license as presented, and Joe Patterson seconded the motion. Upon motion duly made and seconded, the license was approved.

CLASS B CONTRACTOR LICENSE(S):

Hess, Cody J., Qualified Supervisor working for Hess Construction. Mr. Hess detailed his experience and answered any questions they asked. Jason Stephen made the motion to approve the license as presented, and Mark Archer seconded the motion. Upon motion duly made and seconded, the license was approved as presented with further testing.

Measner, Devon E., Qualified Supervisor working for First Point Construction, LLC. Mr. Measner was disapproved for no show. Paul Pomeroy, made the motion to disapprove the license as presented, and Mark Archer seconded the motion. Upon motion duly made and seconded, the license was disapproved.

Jessop, Rulon S., Qualified Supervisor working for Regal Construction. Mr. Jessop detailed his experience and answered any questions they asked. Paul Pomeroy, made the motion to approve the license as presented, and Dennis Humphrey seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

C-1 GENERAL ROOFING CONTRACTOR LICENSES:

Cooper, William C. Qualified Supervisor working for Kape Roofing. Mr. Cooper detailed his experience and answered any questions they asked. Paul Pomeroy, made the motion to approve the license as presented, and Dennis Humphrey seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

Dillon, Jim B., Qualified Supervisor working for Dillo's Quality Roofing. Mr. Dillon detailed his experience and answered any questions they asked. Dennis Humphrey made the motion to approve the license as presented, and Brent Groesbeck seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

Romero, Frank, Qualified Supervisor working for FRC Roofing & Construction. Mr. Romero detailed his experience and answered any questions they asked. Dennis Humphrey made the motion to approve the license as presented, and Joe Patterson seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

C-1 SHINGLES ROOFING CONTRACTOR LICENSES:

Chong, Benjamin C., Qualified Supervisor working for Ko-Star Construction. Mr. Chong detailed his experience and answered any questions they asked. Mark Archer made the motion to approve the license as presented, and Dennis Humphrey seconded the motion. Upon motion duly made and seconded, the license was approved as presented.
Wood, Greg Qualified Supervisor working for Americas Choice Inc. Mr. Wood was disapproved for no show. Mark Archer, made the motion to disapprove the license as presented, and Dennis Humphrey seconded the motion. Upon motion duly made and seconded, the license was disapproved.

C-1 DRAYWALL CONTRACTOR LICENSES:

Wills, Don. Qualified Supervisor working for Dynamic Drywall Inc. Mr. Wills was disapproved for no show. Brent Groesbeck, made the motion to disapprove the license as presented, and Brent Groesbeck seconded the motion. Upon motion duly made and seconded, the license was disapproved.

C-1 STRUCTURAL MASONRY CONTRACTOR LICENSES:

Arzapalo, Lizardo. Qualified Supervisor working for Ammex Masonry, Inc. Mr. Arzapalo detailed his experience and answered any questions they asked. Jason Stephen made the motion to approve the license as presented, and Joe Patterson seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

C-1 MASTER HVAC CONTRACTOR LICENSES:

Nelms, Michael. Master working for Air Innovations. Mr. Nelms detailed his experience and answered any questions they asked. Brent Groesbeck made the motion to approve the license as presented, and Mike Metzler seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

C-1 JOURNEYMAN HVAC CONTRACTOR LICENSES:

Irwin, Jimmie S., Working for Air Innovations. Mr. Irwin detailed his experience and answered any questions they asked. Mike Metzler made the motion to approve the license as presented, and Paul Pomeroy seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

Moody, William. Working for Marv’s Plumbing. Mr. Moody detailed his experience and answered any questions they asked. Paul Pomeroy made the motion to approve the license as presented, and Mike Metzler seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

CLASS F-1 CHEMICAL FIRE SUPPRESSION:

Burnell, Stephen J., Qualified Supervisor working for Pyrotehs, Inc DBA Empire Fire. Mr. detailed his experience and answered any questions they asked. Paul Pomeroy made the motion to approve the license as presented, and Mark Archer seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

WALK-IN CONTRACTOR LICENSE(S):

Ricky Williams L., A Journeyman HVAC working for Daikin Applied. Mr. Williams detailed his experience and answered any questions they asked. Mike Metzler made the motion to approve the license as presented, and Dennis Humphrey seconded the motion. Upon motion duly made and seconded the license was approved.

Brittenham, Sean J., A Journeyman Refrigeration working for Daikin Applied. Mr. Williams detailed his experience and answered any questions they asked. Paul Pomeroy made the motion to approve the license as presented, and Dennis Humphrey seconded the motion. Upon motion duly made and seconded the license was approved.
Jester Michael J., a Journeyman Plumbing working for Daikin Applied. Mr. Williams detailed his experience and answered any questions they asked. Paul Pomeroy made the motion to approve the license as presented, and Dennis Humphrey seconded the motion. Upon motion duly made and seconded the license was approved.

HEARINGS:

18-09 Concrete Specialist vs Marianne Haka Bixler

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This contested case matter came before the City of Cheyenne Contractor Licensing Board (the “Board”) for a Contested Case Hearing on October 9, 2018, at 9:00 a.m. on the Complaint filed by Marianne Haka Bixler (“Complainant”). Complainant appeared in person. Licensee Carlos Garcia failed to appear, and licensee Concrete Specialists, Inc. failed to appear. The Board heard testimony and argument from the Complainant, and accepted her exhibits into evidence. The Board, having heard and considered the evidence and argument of the Complainant, and the Respondents having failed to appear without notice, and being fully advised in the premises, voted unanimously that Complainant has articulated a valid Complaint and that Respondent Concrete Specialists, Inc.'s license is therefore revoked. In support hereof, the Board enters the following Findings of Fact, Conclusions of Law, and Order.

Findings of Fact

1. Respondent Concrete Specialists, Inc. currently holds a Class C-2 Flatwork Concrete license, both as issued/renewed by the Board.
2. Respondent Carols Garcia holds a Class C-2 Flatwork Concrete license, and is listed as the qualified supervisor for Concrete Specialists, Inc.
3. Complainant asserted that she contracted with Concrete Specialists, Inc. to remove old concrete sidewalks on her property at 2212 Park Place, Cheyenne, Wyoming 82001, and install new concrete sidewalks.
4. Complainant provided photographs of Respondents’ work, which photographs were accepted into evidence.
5. Complainant provided copies of the e-mails she exchanged with Respondents regarding the work, and these were accepted into evidence.
6. The concrete installed by Respondents is not level in multiple places and causes negative drainage towards the residence. The uneven concrete also creates tripping hazards.
7. Respondents never removed the wooden forms used to install some of the concrete, and failed to backfill around the new concrete, and the concrete is well above grade.
8. Some of the concrete installed by Respondent began to show pitting almost immediately after it was installed. Respondent’s patching of the pitted areas also began to deteriorate soon after it was finished.
9. Respondents were provided ample opportunity to correct the defects to the concrete but have failed to do so.
10. Respondent Carlos Garcia had not worked for Concrete Specialists, Inc. for at least four months as of the contested case hearing, and therefore Concrete Specialists, Inc. does not currently have a qualified supervisor.
11. The CONTRACTOR COMPLAINT, with attachments, is incorporated herein as further evidence relied upon in this matter.
12. The RESPONDENT ANSWER, with attachments, is incorporated herein as further evidence relied upon in this matter.
13. Any Conclusions of Law set forth below is also incorporated as a Finding of Fact herein.
Conclusions of Law

1. The Board has jurisdiction in this matter and over the parties pursuant to Cheyenne City Code 2002, Chapter 5.44, and City of Cheyenne Contractor Licensing Regulations. Proper notice of the contested case hearing was provided to the parties, and no objection was stated concerning timeliness of the notices, and the parties were willing and prepared to proceed. The contested case hearing was conducted pursuant to City of Cheyenne Contractor Licensing Regulations, and the Wyoming Administrative Procedures Act, Wyoming Statutes §§ 16-3-101 et seq.

2. Pursuant to Cheyenne City Code 2002, Chapter 5.44, and Board Regulations 3.1, no person or entity may perform construction services in the City of Cheyenne without obtaining the applicable license required by the Cheyenne City Code, and the City of Cheyenne Contractor Licensing Regulations.

3. Pursuant to Board Regulation 1.2.3, the holder of a contractor license must employ a person who a master or qualified supervisor license in the appropriate building trade.

4. Pursuant to Board Regulation 9.1, the Board may discipline a licensee for various violations, including, as found at Board Regulation 9.1.2, violation of any provisions of Title 15 of the Cheyenne City Code 2002, as amended, related to construction of buildings, and, as found at Board Regulation 9.1.4, violation of any provision of the Board Regulations.

5. Board Regulation 8.0(i) requires, inter alia, that a contractor must construct and complete all work performed as a contractor in a workmanlike manner, and in compliance with industry and local standards.

6. The Board concludes that the evidence submitted to the Board supports the allegation that Respondent Concrete Specialists, Inc. violated the regulations of the Contractor Licensing Board by failing to employ a qualified supervisor as required by Board Regulation 1.2.3.

7. The Board concludes that the evidence submitted to the Board supports the allegation that Respondent Concrete Specialists, Inc. violated the regulations of the Contractor Licensing Board by failing to, as required by Board Regulation 8.0(i).

8. The Board concludes that the evidence presented, based upon a clear and convincing standard in this matter, supports Complainant’s allegations.

9. Any Findings of Fact set forth above is also incorporated as a Conclusion of Law herein.

10. Board Regulations 11.6 and 30 provide for appeals from Board Orders to the District Court. Board Regulation 11.7 provides for procedures related to requests for reinstatement of licenses after discipline.

Order

WHEREFORE, THE BOARD HEREBY ORDERS THAT Concrete Specialists, Inc.’s License No. CT-18-24349 is hereby revoked for its violations of the Rules and Regulations of the Contractor Licensing Board. No action is taken with regarding to the license of Carlos Garcia.

18-11 Redco Construction vs Blithe Mc Andrew

ORDER DISMISSING CASE

This contested case matter came before the City of Cheyenne Contractor Licensing Board (the “Board”) for a Contested Case Hearing on October 9, 2018, at 9:00 a.m. on the Complaint filed by Blithe McAndrew in her capacity as the Chairperson of the City of Cheyenne Historic Preservation Board (“Complainant”). Licensee Marvin P. Gertsch, Jr. appeared in person, and licensee Redco Construction appeared through its principal, Marvin P. Gertsch, Jr. Complainant failed to appear. After some discussion regarding the Complainant’s failure to appear, the Board of Adjustment voted unanimously to dismiss this matter with prejudice on account of Complainant’s failure to appear.
Order

WHEREFORE, THE BOARD HEREBY ORDERS THAT Complaint No. 2018-11, is hereby dismissed with prejudice on account of Complainant's failure to appear at properly scheduled and noticed contested case hearing on October 9, 2018, at 9:00 a.m.

NEW BUISNESS:

Meeting Adjourned: M.J. Gertsch, adjourned the meeting at 11:21

A complete audio recording of this meeting can be located on the City of Cheyenne website (www.cheyennecity.org)

Vice Chairman M.J. Gertsch, Date
Contractor Licensing Board

Respectfully transcribed and submitted by:
Amanda I. Barto, Secretary to the Board