CALL MEETING TO ORDER: Board member Noel Griffith called the meeting to order at 9:01 a.m.

ROLL CALL: Board Member Noel Griffith asked for the roll call. The following members were present: Paul Pomeroy, Dennis Humphrey, Mark Archer, Brent Groesbeck, Mike Metzler, Joe Patterson, Noel Griffith Absent, M.J. Gertsch Jason Stephen. Also, in attendance was Bruce Trembath, Chief Building Official, Amanda Barto, Recording Secretary to the Licensing Board, Lukas Stuemke, Mike Baumgaertel, Mark Waddell, Bradley Arends, Wesley Keith, Scott Lemerling, John Haids, Derick Shaffer, Betty Shaffer, Travis Spears, Winter Langhoff, Michael Langhoff, Scott Catellier, James Tolman, Chase Johnson, Brian Casey, Perry Lusas, Richard Cordova, Brandon Moyte, Chris Wadling, Barbra Brennan, Mark Brennan, Chris Cook

MINUTES:
The Minutes of the February 12, 2019. Meeting were approved with Brent Groesbeck making the motion Joseph Patterson seconding the motion. The minutes were approved with all members voting “yes”.

STOP WORK ORDER/RED TAG LISTING: There was 1 Red tag for February 2019

ATTACHMENT: The Non-Tested License Listing for February 2019 was attached for the board’s review. Dennis Humphry made the motion to approve the non-tested licenses and Brent Groesbeck seconded the motion. Motion passed with all members voting “yes”.

CONTRACTOR LICENSES:

CLASS A CONTRACTOR LICENSE(S):

Catellier, Scott A., Qualified Supervisor working for ISC Builders. Mr. Catellier detailed his experience and answered any questions they asked. Joe Patterson made the motion to approve the license and Brent Groesbeck seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

Stuemke, Lukas P., Qualified Supervisor working for #1 Roofing, LLC. Mr. Stuemke detailed his experience and answered any questions they asked. Joseph Patterson the motion to approve the license with changes to Class B with further testing and Paul Pomeroy seconded the motion. Upon motion duly made and seconded, the license was approved with further testing.

Baumgaertel, Michael R., Qualified Supervisor working for MRB General Contracting Inc. Mr. Baumgaertel detailed his experience and answered any questions they asked. Joe Patterson made the motion to approve the license and Mike Metzler seconded the motion. Upon motion duly made and seconded, the license was approved as presented with further testing.
CLASS B CONTRACTOR LICENSE(S):  

Waddell, Mark W., Qualified Supervisor working for Integrated Builders Group, Inc. Mr. Waddell detailed his experience and answered any questions they asked. Joseph Patterson made the motion to approve the license with change to Class A with further testing, and Brent Groesbeck seconded the motion. Upon motion duly made and seconded, the license was approved.

CLASS R CONTRACTOR LICENSE(S):  

Wendling, Chris L., Qualified Supervisor working for Mountain West Construction. Mr. Wendling detailed his experience and answered any questions they asked. Joseph Patterson 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.

CLASS C-1 GENERAL ROOFING CONTRACTOR LICENSE(S):  

Cook, Christopher, Qualified Supervisor working for Stellar Restoration Services LLC. Mr. Cook detailed his experience and answered any questions they asked. Dennis Humphrey 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 with further testing.

Johnson, Chase M., Qualified Supervisor working for Johnson Construction Company. Mr. Johnson detailed his experience and answered any questions they asked. Dennis Humphrey 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.

Arends, Bradley R., Qualified Supervisor working for BAC Roofing General Contracting Inc. Mr. Arends detailed his experience and answered any questions they asked. Dennis Humphrey 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 C-1 STRUCTURAL CONCRETE CONTRACTOR LICENSE(S):  

Cordova, Richard A., Qualified Supervisor working for Chavarria’s Concrete Construction, LLC. Mr. Cordova detailed his experience and answered any questions they asked. Joseph Patterson 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 PLUMBING CONTRACTOR LICENSES:  

Movye, Brandon Working for Bison Peak Plumbing and Heating, LLC. Mr. Moyte detailed his experience and answered any questions they asked. Brent Groesbeck 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.

Keith, John W., Working for Horizon Inc. Mr. Keith 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 with further testing.
C-1 HVAC MASTER CONTRACTOR LICENSES:

Meredith, Travis C., Master working for BGIS. Mr. Meredith was not present Paul Pomeroy made the motion to disapprove the license as presented, and Mark Archer the motion. Upon motion duly made and seconded, the license was disapproved as presented.

C-1 HVAC JOURNEYMAN CONTRACTOR LICENSES:

Lucas, Perry C., Working for Mister B’s Heating and Cooling. Mr. Lucas detailed his experience and answered any questions they asked. Mike Metzler 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.

Eastman, William L., Working for Sheet Metal Products. Mr. Eastman was not present Paul Pomeroy made the motion to disapprove the license as presented, and Mark Archer the motion. Upon motion duly made and seconded, the license was disapproved as presented.

C-1 SOLAR/WIND AND TURBINE CONTRACTOR LICENSES:

Thornley, Dustin T., Working for Beautifi Solar. Mr. Thornley detailed his experience and answered any questions they asked. Paul Pomeroy made the motion to approve the license as presented, and Joseph Patterson seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

WALK-IN APPLICATIONS:

Haid, John D., Working for Haid’s Plumbing & Heating. Mr. Haid detailed his experience and answered any questions they asked. Brent Groesbeck made the motion to approve the license as presented, and Joseph Patterson seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

Kemberling, Scott M., Working for Haid’s Plumbing & Heating. Mr. Kemberling detailed his experience and answered any questions they asked. Brent Groesbeck made the motion to approve the license as presented, and Joseph Patterson seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

HEARINGS:

19-02- Harmony Hearth & Home VS Donna Lorentz

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 March 12, 2019, at 9:00 a.m. on the Complaint filed by Donna C. Lorentz ("Complainant"). Licensee Mark Brennan appeared in person, and licensee Harmony Hearth & Home appeared through its principals, Mark and Barbara Brennan. Complainant failed to appear. After some discussion regarding the Complainant's failure to appear, the Contractor Licensing Board voted unanimously to dismiss this matter with prejudice on account of Complainant's failure to appear.
WHEREFORE, THE BOARD HEREBY ORDERS THAT
Complaint No. 2019-02, is hereby dismissed with prejudice on account of Complainant's failure to appear at properly scheduled and noticed contested case hearing on March 12, 2019, at 9:00 a.m.

19-01- Tolman Construction VS Winter and Michael Langhoff

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 March 12, 2019, at 9:00 a.m. on the Complaint filed by Winter Langhoff ("Complainant"). Licensee James Tolman (a "Respondent") appeared in person, and licensee Tolman Construction (also a "Respondent, and together along with James Tolman, one of the "Respondents") appeared through its principal, James Tolman. The Board heard testimony and argument from the Complainant, and accepted her exhibits in to evidence. The Board also heard from Complainant's witnesses, Michael Langhoff and Travis Spears. The Board heard testimony from Respondent James Tolman on his own behalf and on behalf of Respondent Tolman Construction, and from Respondents' witness, Jessica Tolman. Respondents did not offer any exhibits into evidence. The Board, having heard and considered the evidence and argument of the Complainant, and the evidence and argument of Respondents, and being fully advised in the premises, voted unanimously that Complainant has articulated a valid Complaint which is supported by the facts and the law, and that the licenses of Respondents James Tolman and Tolman Construction should be, and hereby are, suspended for a period of one year from the date of this Order. In support hereof, the Board enters the following Findings of Fact, Conclusions of Law, and Order.

Findings of Fact

1. Respondent Tolman Construction currently holds a Class B Building Contractor license, both as issued/renewed by the Board.
2. Respondent James Tolman holds a Class B Building Contractor license, and is listed as the qualified supervisor for Tolman Construction.
3. Complainant and Respondents entered into a contract whereby James Tolman d/b/a Tolman Construction agreed to remodel the kitchen at Winter Langhoff's property at 2217 Seymour Avenue, Cheyenne, Wyoming 82001.
4. Respondents subcontracted the electrical work on the project to Bertram Dent.
5. Bertram Dent told the Complainant that he would have to upgrade her entire electrical service.
6. Dent and Respondents told Complainant that no permits were required for the electrical component of the project.
7. Complainant provided photographs of Respondents' work, which photographs were accepted into evidence.
8. Complainant provided copies receipts showing the payments she made to Respondents for their work on the project, and these were accepted into evidence.
9. Bertram Dent, the person Respondents hired to perform the electrical work on the project was not qualified or licensed to perform the work which was required.
10. No permit was obtained for the electrical work on the project.
11. Respondents admitted that Bertram Dent was not qualified or properly licensed, and further admitted that James Tolman did not properly review or understand the credentials that Bertram Dent provided him.
12. Respondents also admitted that he should have but did not obtain the required permits for the kitchen remodel project he undertook at Complainant’s residence.
13. Complainant’s witness Travis Spears is a master electrician who holds a license issued by this Board.
14. Travis Spears testified that he accompanied the City of Cheyenne building inspector who inspected the electrical work performed on the Complainant’s project.

15. Travis Spears testified that the following were problems with the work performed by Respondents’ subcontractor, Bertram Dent, which were identified during the inspection, and that Travis Spears’ subsequently repaired:
   a. There was no main disconnect adjacent to the meter outside of the house;
   b. Although Dent purportedly upgraded the electrical service from 100 amps to 200 amps, the meter was a 100 amp meter;
   c. Wire connected to the meter was connected in an unsafe manner;
   d. The meter’s cover had been removed and then the meter was simply set back into the was with an unsecured cover. Only Black Hills Energy is supposed to open the meter;
   e. The wire in the meter was given a haircut to that it fit under lugs that it was not rated for;
   f. The ground wire had one strand that was not grounded, and which was connected to a lug inside the meter pan;
   g. The panel had been moved more than six feet which requires that the entire electrical service be brought up to the most recent code standards including the installation of arc fault GFI breakers. This was not done;
   h. Dent installed old, cheap breakers that were not the arc fault type required by code;
   i. Connection points for the stove feed were simply shoved inside the wall, and not attached properly;
   j. Open splices were buried behind drywall without the use of junction boxes as it required;
   k. NEC grounding requirements were not met as the electrical system was not properly grounded.

16. Travis Spears testified that the deficiencies in the electrical work performed at Complainant’s house created severe safety hazards.

17. The photographs provided by Complainant during the hearing and admitted into evidence are attached hereto and incorporated herein as further evidence relied upon in this matter.

18. The CONTRACTOR COMPLAINT, with attachments, is incorporated herein as further evidence relied upon in this matter.

19. The RESPONDENT ANSWER, with attachments, is incorporated herein as further evidence relied upon in this matter.

20. 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 holds 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, and, as found at Board Regulation 9.1.7, hiring or subcontracting to unlicensed subcontractors.

5. Board Regulation 8.1(a) provides that licensees are responsible for all work performed by, among others, their subcontractors.

6. Board Regulation 8.1(c) requires licensees to obtain all required permits before performing any work.
7. Board Regulation 8.1(d) requires licensees to verify and ensure that all subcontractors are properly licensed.
8. Board Regulation 8.1(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.
9. The Board concludes that the evidence submitted to the Board supports the allegation that Respondents James Tolman and Tolman Construction violated the following regulations of the Contractor Licensing Board: 1.2.3, 3.1, 8.1(a), 8.1(c), 8.1(d), and 8.1(i).
10. The Board concludes that the evidence presented, based upon a clear and convincing standard in this matter, supports Complainant’s allegations.
11. Any Finding of Fact set forth above is also incorporated as a Conclusion of Law herein.
12. 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 that the license of Respondents James Tolman, License No. CT-19-37264, and the license of Tolman Construction, License No. CT-19-37265, should be, and hereby are, suspended for a period of one year from the date of this Order, for their violations of the Rules and Regulations of the Contractor Licensing Board. However, James Tolman and Tolman Construction are allowed to complete the projects they have already started under Permit #19-0044 at 2732 Deming Blvd, Permit #00408 on McGovern Avenue, and Permit #19-00363 at 800 West 2nd Avenue.

NEW BUSINESS:

Meeting Adjourned: Joseph Patterson, adjourned the meeting at 11:41

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

Chairman Noel Griffith, Date
Contractor Licensing Board

Board Member Joseph Patterson, Date
Contractor Licensing Board

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