CALL MEETING TO ORDER: Board member Noel Griffith called the meeting to order at 9:00 a.m.

ROLL CALL: Board Member Noel Griffith asked for the roll call. The following members were present: Paul Pomeroy, Dennis Humphrey, Brent Groesbeck, M.J. Gertsch, Mark Archer, Noel Griffith, Joe Patterson, Jason Stephen Absent Mike Metzler. Also, in attendance was Bruce Trembath, Chief Building Official, Amanda Barto, Recording Secretary to the Licensing Board, Trudy Kiobasa, Tim House, Levi Wann, Kevin Glassburn, Jilleen Catania, Brian Casey, Ken Flickinger, Modesto Flores, Troy Griffith

MINUTES:
The Minutes of the November 12, 2019 meeting were approved with Paul Pomeroy making the motion, Joe Patterson seconding the motion. The minutes were approved with all members voting “yes”.

*STOP WORK ORDER/RED TAG LISTING: There was 0 Red tag for November 2019

ATTACHMENT: The Non-Tested License Listing for November 2019 was attached for the board’s review. M.J. Gertsch 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):

Gonzales, Cristian A., Qualified Supervisor working for Quality First Roofing, Inc. Mr. Gonzales was denied for no show. Paul Pomeroy made the motion to approve, and M.J. Gertsch seconded the motion. Upon motion duly made and seconded, the license was denied.

CLASS B CONTRACTOR LICENSE(S):

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

Flores, Modesto, Qualified Supervisor working for Big Bear Construction Inc. Mr. Flores detailed his experience and answered any questions they asked. Joe Patterson made the motion to approve, and Paul Pomeroy seconded the motion. Upon motion duly made and seconded, the license was approved as presented.
Glassburn, Kevin L., Qualified Supervisor working for Gingerich Structures, LLC. Mr. Glassburn detailed his experience and answered any questions they asked. Dennis Humphrey made the motion to approve, and M.J. Gertsch seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

CLASS C-1 GENERAL ROOFING LICENSE(S):

Flickinger, Ken L., Qualified Supervisor working for Exterior Solutions Group, LLC. Mr. Flickinger detailed his experience and answered any questions they asked. Dennis Humphrey made the motion to approve Paul Pomeroy seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

WALK IN:

CLASS C-1 MASTER PLUMBING W/ GAS LICENSE(S):

Wann, Levi B., A Master of Mechanical Systems Inc. Mr. Wann detailed his experience and answered any questions they asked Brent Groesbeck made the motion to approve, and M.J. Gertsch seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

NEW BUSINESS: We said Farwell to Noel Griffith and presented a gift from the Board members to Noel. The Board gave a big thank you for being part of the board for 24 years and we appreciated the time that he has been with us. Brian Casey spoke to the board and gave Noel a hand shake and a coin he stated that he appriciated his service with the board and thanked him.

HEARINGS: Jilleen Catania VS the Right Cut Construction LLC

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 December 10, 2019, at 9:00 a.m. on the Complaint filed by Jilleen Catania (“Complainant”). Complainant appeared in person. No one appeared on behalf of licensee The Right Cut Construction (a “Respondent”) and licensee Timothy Zacharias (also a “Respondent, and together along with The Right Cut Construction “Respondents”) also failed to appear. The Board heard testimony and argument from the Complainant, and accepted her exhibits in to evidence. The Board, having heard and considered the evidence and argument of the Complainant, and noting that the Respondents failed to appear and therefore offered no testimony or evidence, 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 The Right Cut Construction and Timothy Zacharias should be, and hereby are, revoked. In support thereof, the Board enters the following Findings of Fact, Conclusions of Law, and Order.

Findings of Fact

1. Respondent The Right Cut Construction currently holds a Class D Flooring and Wall Covering license, as issued/renewed by the Board.
2. Respondent Timothy Zacharias holds a Class D Flooring and Wall Covering license and is listed as the qualified supervisor for The Right Cut Construction.
3. Complainant and Respondents entered into a contract whereby The Right Cut Construction agreed to tear out a bath/shower in Complainant’s house at 657 Vista Lane, Cheyenne, Wyoming 8209.
4. Respondents took Complainant’s money but did not finish the job.
5. Respondent damaged walls, floors and plumbing in Complainant’s house.
6. Respondent did not remove construction debris and instead left it piled in Complainant’s yard.
7. Respondent did not obtain the appropriate construction permit.
8. Respondent was not licensed for the work performed and did not hire properly licensed subcontractors for any part of the work.
9. Complainant testified that she filed a claim with Respondents’ insurance company, which claim was paid in full. Therefore, Complaint suffered no monetary loss on account of Respondents’ defective work.
10. The Contractor Complaint, with attachments, is incorporated herein as further evidence relied upon in this matter.
11. 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 9.1.4, violation of any provision of the Board Regulations.
5. Board Regulation 8.1(a) requires that a contractor be responsible for all work performed by licensee, licensee’s employees, and subcontractors, which a permit is required or not.
6. Board Regulation 8.1(b) requires that a contractor be responsible and account for all funds or property received in connection with any work performed requiring a permit.
7. Board Regulation 8.1(c) requests that a contractor obtain all required permits before any work is performed.
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 The Right Cut Construction and Timothy Zacharias violated the following regulations of the Contractor Licensing Board: 8.1(a), 8.1(v), 8.1(c), 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 The Right Cut Construction, License No. CT-20-40083, and the license of Timothy Zacharias, License No. CT-20-40084, should be, and hereby are, revoked from the date of this Order, for their violations of the Rules and Regulations of the Contractor Licensing Board.

OLD BUSINESS:

Meeting Adjourned: Noel Griffith, adjourned the meeting at 9:53 a.m.

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