



## CONTRACTOR LICENSING BOARD

NOEL GRIFFITH, CHAIRMAN; M.J. GERTSCH, VICE-CHAIRMAN; JOE PATTERSON, MIKE METZLER, JASON STEPHEN, MARK ARCHER, PAUL POMEROY, BRENT GROESBECK AND DENNIS HUMPHREY



### Contractor Licensing Board Meeting Minutes November 13, 2018

**CALL MEETING TO ORDER:** Board member Noel Griffith called the meeting to order at 9:05 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, Joe Patterson, Mark Archer, Mike Metzler, Noel Griffith. Absent, Brent Groesbeck. Also in attendance were Blas Hernandez, Chief Building Official, Amanda Barto, Recording Secretary to the Licensing Board, Jessie Urbine, Bradley Booms, Josh Vicars, Devon Measner, Gil Balboa, Scott Sterling, Joe Sterling, Matthew Briscoe, Robert Meyers, Hugo Nerduzco, Rodriguez, Matt Tonn, John Nacos, Gina Pimental

#### MINUTES:

The Minutes of the October 9, 2018 Meeting were approved with Jason Stephen making the motion Joe Patterson seconding the motion. The minutes were approved with all members voting "yes".

**STOP WORK ORDER/RED TAG LISTING:** There were 1 Red tags for October 2018

**ATTACHMENT:** The Non-Tested License Listing for October 2018 was attached for the board's review. Joe Patterson made the motion to approve the non-tested licenses and Paul Pomeroy seconded the motion. Motion passed with all members voting "yes".

#### CONTRACTOR LICENSES:

##### CLASS A CONTRACTOR LICENSE(S):

**Tonn, Mathrew E.,** Qualified Supervisor working for Progressive Construction. Mr. Tonn detailed his experience and answered any questions they asked. Mark Archer 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):

**Measner, Devon E.,** Qualified Supervisor working for First Point Construction, LLC . Mr. Measner detailed his experience and answered any questions they asked. Joe Patterson made the motion to approve the license as presented, and M.J. Gertsch seconded the motion. Upon motion duly made and seconded, the license was approved as presented with further testing.

and Mike Metzler seconded the motion. Upon motion duly made and seconded the license was approved.

**Sterling, Scott M.**, A Journeyman working for Air Comfort Complete. Mr. Sterling detailed his experience and answered any questions they asked. Paul Pomeroy made the motion to approve the license with further testing, and Dennis Humphrey seconded the motion. Upon motion duly made and seconded the license was approved.

## **HEARINGS:**

# **18-12 Regional Town Centre LLC vs Gina Pimental**

## **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 November 13, 2018, at 9:00 a.m. on the Complaint filed by Gina Pimental ("Complainant"). Complainant appeared in person. Licensee Joshua Vickers (a "Respondent") appeared in person, and licensee Regional Town Center, LLC (also a "Respondent, and together along with Joshua Vickers, one of the "Respondents") appeared through its principal, Joshua Vickers. The Board heard testimony and argument from the Complainant, and accepted her exhibits in to evidence. The Board heard testimony and argument from the Respondents. The Board, having heard and considered the evidence and argument of the parties, and being fully advised in the premises, voted unanimously to dismiss Complainant's Complaint. In support hereof, the Board enters the following Findings of Fact, Conclusions of Law, and Order.

### **Findings of Fact**

1. Respondent Joshua Vickers currently holds a Class B License, as issued/renewed by the Board. Therefore, the Board has jurisdiction in this matter.
2. Joshua Vickers serves as the identified Qualified Supervisor for Regional Town Center, LLC, which also holds Class B license, as issued/renewed by the Board. Therefore, the Board has jurisdiction in this matter.
3. Complainant asserts that Respondents were not licensed to work in the City of Cheyenne, and lacked an appropriate permit or permits.
4. Complainant asserts that Respondent's employees were rude and discourteous, and damaged her property.
5. Complainant asserts that Respondents failed to perform all of the work for which they were contracted and paid.
6. Specifically, Complainant asserts that Respondents were hired and paid to clean up and dry out the flooded portions of Complainant's home, and to then repair or rebuild those areas.
7. Complainant evidences her assertion by showing that the form Respondents fill out when performing quarterly fire suppression system inspections does specifically mention all the required parts of the inspections.
8. Respondents assert that they are licensed by the City of Cheyenne to perform the services they performed at Complainant's residence.
9. Respondents deny that their employees were rude and discourteous.
10. Respondents admit that they were hired to perform mitigation services in connection with the flooding of Complainant's home but deny that they ever contracted to reconstruct or rebuild the damaged areas of Complainant's home. Respondents further deny that they were paid to reconstruct or rebuild the damaged areas of Complainant's home.
11. The Board accepted Respondents' Exhibit A, Exhibit B, and Exhibit C into evidence.
12. The CONTRACTOR COMPLAINT, with attachments, is incorporated herein as further evidence relied upon in this matter.
13. The RESPONDENT ANSWER, with attachments, is incorporated herein as further evidence relied upon in this matter
14. Any Conclusions of Law set forth below is also incorporated as a Finding of Fact herein.
15. The Board found that Respondents do possess the required licenses issued by the City of Cheyenne.

16. The Board found that Respondents did not obtain a permit for the work they performed.
17. The Board found that Complainant failed to provide evidence that Respondents' employees were rude or discourteous.
18. The Board found Complainant failed to provide evidence that she contracted with or paid Respondents for reconstruction or rebuilding services.

#### **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 8.1(c), licensees shall obtain all required permits before any work is performed.
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. The Board concludes, that Complainant has no evidence and no evidence has been submitted to the Board, to support the allegation that Respondents agreed to provide her with reconstruction or rebuilding services.
6. The Board concludes that Respondents possess the proper licenses for the work they undertook on Complainant's behalf.
7. The Board concludes that ambiguity exists as to whether demolition permits were required in this matter because Respondents originally thought they were going to obtain construction permits. When construction permits are obtained, an additional demolition permit is not required. In retrospect, Respondents should have obtained a demolition permit because they never obtained a construction permit.
8. The Board concludes that Complainant has no evidence that Respondents' employees were rude or discourteous.
9. The Board concludes that the evidence presented, based upon a clear and convincing standard in this matter, does not support Complainant's allegations.
10. Any Findings of Fact set forth above is also incorporated as a Conclusion of Law herein.
11. 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.

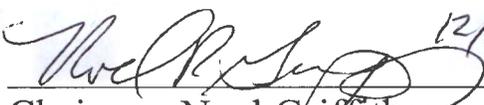
#### **Order**

WHEREFORE, THE BOARD HEREBY ORDERS THAT Complaint 18-12 filed by Gina Pimentel is dismissed.

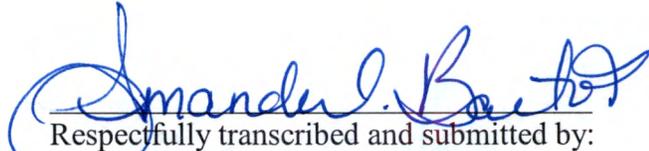
#### **NEW BUISNESS:**

**Meeting Adjourned:** Noel Griffith, adjourned the meeting at 10:50

**A complete audio recording of this meeting can be located on the City of Cheyenne website ([www.cheyennecity.org](http://www.cheyennecity.org))**

  
Chairman Noel Griffith, Date  
Contractor Licensing Board

12/11/2018

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