



**CONTRACTOR LICENSING BOARD**  
M.J. GERTSCH, CHAIRMAN; VICE- JASON STEPHEN  
CHAIRMAN; JOE PATTERSON, MIKE METZLER, BRIAN CASEY,  
MARK ARCHER, PAUL POMEROY, BRENT GROESBECK AND  
DENNIS HUMPHREY



**Contractor Licensing Board  
Meeting Minutes January 14, 2019**

**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, M.J. Gertsch, Mark Archer, Brian Casey, Joe Patterson, Jason Stephen, Mike Metzler, Absent: Brent Groesbeck. Also, in attendance were Bruce Trembath, Chief Building Official, Amanda Barto, Recording Secretary to the Licensing Board, Trudy Kiolbasa, Gregorio Trujillo, Robert Alcon, Jamie Simonis, Jason Simonis, and Corey Smith (CJ), Julia Smith, Charlie Obeso, Jennifer Vancil, Aaron Turner, Robert Alcon, Gregorio Trujillo

**MINUTES:**

The Minutes of the December 10, 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 were 0 Red tags for December 2019**

**ATTACHMENT:** The Non-Tested License Listing for November 2019 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 B CONTRACTOR LICENSE(S):**

**Riley, James E.,** Qualified Supervisor working for Riley’s Remodeling and Repairs, Inc. Mr. Riley was denied. Paul Pomeroy made the motion to approve, and Mark Archer seconded the motion. Upon motion duly made and seconded, the license was denied as presented.

**CLASS R CONTRACTOR LICENSE(S):**

**Trujillo, Gregorio J.,** Qualified Supervisor working for Fast and Friendly Solutions, LLC. Mr. Trujillo detailed his experience and answered any questions they asked. Joe Patterson made the motion to approve, and Brian Casey seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

**CLASS C-1 JOURNEYMAN HVAC LICENSE(S):**

**Alcon, Robert L.,** A Master of Advanced Comfort Solutions, Inc. Mr. Alcon detailed his experience and

answered any questions they asked. Brian Casey made the motion to approve, and Paul Pomeroy seconded the motion. Upon motion duly made and seconded, the license was approved as presented.

### **NEW BUSINESS:**

Paul Pomeroy nominated M.J. Gertsch for Chairman of the Contractor licesing board Brian Casey made the motion to approve and Mark Archer seconded the motion. Upon voting, the Board approved M.J. Gertsch as Chairman of the board.

Brian Casey nominated Jason Stevens for Vice Chairman of the Contractor licensing Board Joe Patterson made the motion to approve and Mark Archer seconded the motion. Upon motion made and seconded the Board approved Jason Stevens as Vice Chairman of the board.

### **HEARINGS: Jamie Simonis VS. Front Range Remodeling, 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 January 14, 2020, at 9:00 a.m. on the Complaint filed by Jamie Simonis ("Complainant"). Complainant appeared in person. Respondent Corey Smith also appeared in person, and appeared on behalf of Respondent Front Range Remodeling, LLC. The Board heard testimony and argument from the Complainant. The Board heard testimony and argument from the Respondents, and heard the testimony of their witnesses. The Board, having heard and considered the evidence and argument of the Parties, 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 Respondents should receive oral reprimands, and that copies of this *Findings of Fact, Conclusions of Law, and Order* shall be placed in Respondents' files, and made available, along with their licenses, to the public. In support hereof, the Board enters the following Findings of Fact, Conclusions of Law, and Order.

#### **Findings of Fact**

1. Respondent Front Range Remodelling, LLC currently holds a Class A license, as issued/renewed by the Board.
2. Respondent Corey Smith holds a Class A license and is listed as the qualified supervisor for Front Range Remodelling, LLC.
3. Complainant and Respondents entered into a contract whereby Front Range Remodelling, LLC agreed to replace windows, doors, and siding at a house owned by Complainant's at 5025 Dell Range Boulevard, Cheyenne, Wyoming 82009.
4. Complainant testified that Respondents took longer than she believed they should to complete the work.
5. Complainant fired Respondents.
6. Complainant hired another contractor to finish the project.
7. Complainant sued Respondents in Circuit Court and were awarded a money judgment.
8. Complainant testified that she did not want Respondents to lose their licenses as a result of her Complaint. Instead, she believed that having letters of reprimand placed in the Respondent's files was appropriate.
9. Complainant testified that the building was left exposed to the elements after Respondents removed siding but left the underlayment unprotected for some period of time.
10. Respondents testified that the agreement between the parties did not include any deadlines or dates by which the work was to be completed. However, Respondent agreed that notwithstanding the lack of hard deadlines, the work took longer than it should have.
11. Respondents testified that upon removing the siding from Complainant's house, they discovered that the underlying insulation was of a type they had never before seen, but which they believed did not require the installation of additional house wrap.

12. Respondents also testified that, in the end, once they had ascertained that the existing insulation needed to be covered with house wrap; they covered the existing insulation with Tyvek wrap entirely at their own cost.

13. The Contractor Complaint and Respondent's Response, each with attachments, are 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.

#### **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(g) requires that a contractor build and demolish in compliance with all current and applicable laws, codes, regulations, manufacturer's specifications and for one (1) and two (2) family dwellings, the most recent edition of the *Residential Construction Performance Guidelines*, published by the National Association of Home Builders of the United States, which is incorporated and adopted herein.

7. 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.

8. The Board concludes that the evidence submitted to the Board supports the allegation that Respondents Front Range Remodelling, LLC and Corey Smith violated the following regulations of the Contractor Licensing Board: 8.1(a), 8.1(g), and 8.1(i).

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

10. Any Finding 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 an oral reprimand be issued to Front Range Remodelling, LLC, License No. CT-20-40570, and to Corey Smith, License No. CT-20-40568, 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](http://www.cheyennecity.org))**



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Chairman M.J. Gertsch, Date  
Contractor Licensing Board



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