

**Huerfano County Land Use
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Huerfano County Building Authority Board (HCBA) Staff Report

Contractor: Timberline Custom Builders

Complaint: Strickbine BP 22-184 and Grandote BP 23-005

Currently: On October 19, 2023 The Huerfano County Building Authority Board made a motion with a majority vote to prevent Timberline Custom Builders from accepting new building permits or construction projects in Huerfano County until all current projects are finished. They then may approach the HCBA to inquire about re-instating the license or re-apply. Timberline and their attorney have filed an appeal to this decision.

Huerfano County Building Regulations:

Section 5.09 Revocation or suspension of a contractor's license; causes; hearing

- .01 The Building Official may suspend a license for any of the following infractions until the infraction has been satisfactorily corrected or a decision of an appeal of the suspension to the Authority has been made.
- .02 Any license or registration issued pursuant to this Policy may be revoked or suspended by the Building Official or Building Authority, after notice and hearing, for any of the following causes:
 - (a) Abandonment of a contract without legal justification.
 - (b) Failure to obtain required permits.
 - (c) **Diversion or misapplication of funds or property received to perform or complete a contract or for a specified purpose in the performance or completion of a contract; application or use of such funds for any other contract, obligation or purpose; or the failure, neglect or refusal to use such funds or property to perform or complete such contract.**
 - (d) Substantial departure from, or disregard of plans or specifications in any material respect, without consent of the owner or the owner's duly authorized representative.
 - (e) Disregard or violation of applicable major codes or minor codes.
 - (f) Failure to comply with any lawful order of the Building Official or a Chief Inspector.
 - (g) Failure to keep records for a period of one (1) year after completion of each separate contract, showing all receipts and disbursements of the licensee or registrant in all transactions as a contractor, and to produce the same for examination by the Board when required.

- (h) Fraud or misrepresentation of a material fact by applicant in obtaining a license or registration.
- (i) Committing any willful or fraudulent act by the licensee or registrant as a contractor.
- (j) Using a license or registration to obtain permits for another reason.
- (k) Carelessness or negligence in providing reasonable safety measures to protect workers or the public.
- (l) Canceling or not renewing required insurance coverage: provided; however, that such license or registration shall only be suspended for this cause, and shall be reinstated upon refilling proof of insurance as approved by the Building Official.
- (m) Being convicted of a felony relating to performing construction contract.
- (n) Failing to timely pay any indebtedness or obligation owed to the Department; provided, however, that such license or registration shall only be suspended for this cause and shall be reinstated upon payment of such debt or obligation.
- (o) Failing to notify the Department of a change of address and/or telephone number, provided however, that such license or registration shall only be suspended for this cause and shall be reinstated upon notification of said new address and/or telephone number.

.03 Three (3) violations of this Subsection may cause the Building Authority to review the license for further disciplinary action.

.04 Upon receiving a Notice of Infraction, the recipient has the following options:

- (a) Acknowledge the infractions and commit to satisfactorily correcting the issue in a time frame acceptable by the building official, or
- (b) Appeal the Notice of Infraction to the Building Authority.

.05 Upon receiving a notice of appeal, Staff will forward all necessary information to the Building Authority, which, upon receipt of the information, the Authority shall convene the hearing within 10 working days.

.06 Notice of hearing for revocation of a license or registration shall be given in writing, setting forth specifically the causes or grounds of the complaint and the time and place of the hearing. Such notice may be served personally on the licensee or registrant or may be sent by first class mail, postage prepaid, to the licensee's or registrant's address shown on the records of the Department, at least five (5) days before the hearing.

.07 If the Building Authority finds against the registrant or licensee, the Authority in its sole discretion may immediately revoke, or decline to renew the license or registration. If the license or registration is to be revoked, another such license or registration shall not be issued to such person within a period no less than 6 months and not to exceed twenty-four (24) months after the effective date of revocation.

.08 Within twenty-eight (28) days after any decision or order of the Authority, the Building Official, licensee or registrant or any person who is aggrieved by such decision or order may appeal to the Board of Review. Only after appeal to the Board of Review may the aggrieved party seek review

pursuant to Rule 106 (a)(4) of the Colorado Rules of Civil Procedure in the District Court for the County. Review shall not be extended further than to determine whether the Board exceeded its jurisdiction or abused its discretion.

Key Considerations: Please read the above section from Resolution NO. 21-22 Huerfano County Building Regulations section 5.09 on Revocation or Suspension of a Contractor's License; causes; hearing.

Staff Thoughts/Comments: Would like to review for further discussion.