

Huerfano County Building Department
10/19/2023

Stepien Williams Family Trust
And Onyx Creek Exteriors

Metal Roofing Project
August - October, 2023

Thank you for reviewing my Case.

On August 3rd, 2023 my husband, Ron Stepien and I met with Jake Martinez IV (the 4th), representing Onyx Creek Exteriors as a Projects Manager, to discuss our Metal Roofing project. They were the second company we were obtaining a bid from. The 1st being a company out of Colorado Springs (Storm Guard Roofing and Construction).

After a number of conversations we decided to go with Onyx Creek as our roofer. Their estimate was more but we felt they were a local provider and wanted to keep our business local.

Jake had indicated to us he lived nearby (Alamosa area and was within 30 minutes of us). Jake was always prompt, available and took our phone calls.

We committed to our project with OCE on 8/11/2023.

Wrote a check for \$39,600, 50% deposit.

8/23/2023 Jake ordered our materials, I verified that on 8/24/23. He mentioned it may take 4 to 6 weeks for delivery.

Jake scheduled our project to start the 1st week of October. 10/2/23.

On 9/27/2023 I verified we had materials with Jake, he said yes everything came in and he would bring the 1st load to us on Friday, the 29th of September.

9/29/2023 Friday - Jake showed up with a partial load of materials with a helper and off-loaded them on our driveway.

10/2/2023 Monday - I received a phone call from Jake and he said the Roofing Crew were on their way but had to turn back at Walsenburg due to hard rain. But they'd be here on the 3rd, Tuesday.

10/3/2023 Tuesday - Crew Started Tare-Off. Crew staged their trucks and trailers and started the Tare-Off of my shingles. Our home was build in 2015 so it only had one layer of shingles.

They worked all that day with the Tare-Off and as they did, I took pictures. My husband was already back in AZ and he requested I send them to him to show the progress since he could not be here.

The crew worked until about 5:45 that first day.

10/4/2023 Wednesday - Started Install. As some of the crew did some clean up from the Tare-Off, some started prepping ahead of the installers, others started installing the Metal Roof (there were 7 on this crew).

I am not at all familiar with that process but Jake had informed us this crew was the best crew when it came to Metal Roofs.

I did go out on occasion and take my pictures to send to Ron.

*I had to leave in the late morning to go down to La Veta and when I returned around 3:00 pm, I went to take my photos and saw **"Bumps"** up and down each panel on both sides of the standing seam (See photos provided). This looked very obvious on every panel!

I searched out Rico, the Forman and took him over to see the "Bumps". He stated to me it was because of the Clamps. I asked him to please stop the install, that I needed to send these photos to Jake and see if I could get him here to the sight and look at this in person.

I sent the photos to Jake and called him. He said he'd be here in 30 minutes. Jake arrived a little before 4:00 pm.

When Jake looked at the roof, his first words were, "It doesn't look so bad, the pictures seemed a-lot worst than it looks in person."

My response was, "This is not normal, Jake. These shouldn't even be here. None of the pictures you showed me on your phone, when you sold us this product had bumps!"

He told me that this happens at times... I asked Jake what is causing it? He walked over to Rico and pulled out a Clamp from a box and said its the "Clamps" being used that is causing the "**Bumps**". I said then we need to check to see if these are the correct clamps for this product. Jake told me that this is what the manufacturer recommends for this roof.

Jake stated to me, "I think you are being a bit Nit-Picky." I was a little stunned by that statement. My only expectations were of the pictures shared with us that they had installed and there were no "Bumps" in those pictures!

I then informed Jake that we needed to check with the manufacturer, maybe get them out here and look at this install. Jake informed me that would be impossible, they are located in Tennessee and Texas, they will not fly out here.

I said lets get a rep from Metal Mart out here to look it over to see if maybe they sent the wrong clamps? Or to call them... Jake said they close at 4:00, no one is there to talk to. It was after 4:00 by then. **Again, Jake stated to me I was being Nit-Picky...**

He also said his phone was dead and he would not be able to take any photos, so I said that's not problem... I had photos! I told him I would send them to him and he could use them to show the people we just discussed. I sent those photos to Jake.

As we talked and I was getting nowhere with Jake on approaching solutions, I stated to him that this isn't my problem, this is his problem now. It would be up to him to figure out if this is a

manufacturing concern or an installing issue. He kept saying it was the “Clamps”, I reminded him again that this is his problem, and encouraged him to figure it out.

I told Jake I will not except this on a \$80,000 dollar roof. My home is loosing value as we speak. I reminded him this isn't what he sold us on, I saw no “Bumps” in any of the pictures he shared with us.

Jake stated to me, “I think you have beat this dead dog enough.”

I then told Jake, “I'm trying to get my disappointment across to you because you are not seeing this as the problem I'm seeing it as a homeowner.”

Note: In my view, I was trying my hardest to find out what went wrong and finding a solution, without putting the responsibility on anyone until we could gather enough information.

In reality... Jake was trying to minimize my concerns and knew all along this was a bad install.

1). I requested he take the pictures into Metal Mart in the morning and review them with the supplier and see if maybe the wrong clamps were being used.

2). I also asked him to supply me with pictures of past clients that have this on their roofs that excepted this type of an install. His remark back was, “They aren't going to allow me to just drive up and take pictures of their homes. This is something you have to get real close to even see.”

The CREW wrapped up things and piled out with all their trailers and trucks. All that was left were the materials.

I called the **Huerfano County Building Department** (HCBD) to see if Jake had applied for a Permit. They could not find an application to Permit our project from OCE. They will double check and get back to me. They were in the field.

I then contacted a contractor we have used for years up north, Matt Jones with Silver Creek and he came down the following morning. He had been in communication with Jake throughout this process discussing things, so they had met.

10/5/2023 Thursday - Jake - Rico - Matt, met on sight 9:00 am.

Matt Jones met with both Jake and Rico and after looking over the roof, Matt informed Jake and Rico that, in his view this was not a product or a manufacturing issue, it was an installation issue. At this point we needed to get some other professionals in and confirm his thoughts. To give us the day to do that and he would follow up with Jake on Friday the 6th.

HCBD, Cheri called in the AM and confirmed with me that there has not been an application for a Roofing Permit for my address by OCE, or Jake Martinez IV.

11:00 am, Matt and myself went and reviewed two local projects and talked with the contractors (Gap Home and Little House, both off Highway 12).

1:00 pm, a Adame roofing representative came to 50 N. Lake Tr. Rd. and inspected the roof. They called Matt and discussed those findings.

Evening, Matt did some research and along with his conversations with these other professionals, he found a number of things that were not done and products that were not appropriately used or not used for our project. Onyx Creek Exteriors was in breach of contract in a minimum of 4 areas.

10/6/2023 Friday - Exit Plan with OCE and new contract. Ron and I discussed a reasonable plan to have OCE back out of their contract with us (we pay for all the materials, and possibly one day of labor, the Tare-Off day and allow OCE to exit the project).

Matt presented that to Jake by mid morning on the 6th, Friday. Jake requested that we pay for Materials, Labor for the 2 days and dump fees. Matt said he thought the resolve presented was efficient and he should take it.

Matt was willing to meet Jake that afternoon to have him turn over a refund check and to bring purchase receipts to verify the cost of materials. Jake turned him down and said he'd think it over and would have an answer by Monday or Tuesday. He would also try to gather up the receipts over the weekend.

I met with Adame Roofing to see if they could pick up our project and give us an estimate. Francisco prepared that and after reviewing it, I signed it.

As of Friday late afternoon, we had a company willing to come in and fix our roof. I wrote out a deposit check for **\$30,132.00**.

We have nearly \$70,000 dollars outstanding in deposits for this roof.

Over the weekend, I gathered information together for my Hearing on the 19th of October with the HCBd.

10/9/2023 Monday - Made a few calls. 1st one being to whom I thought was Jake's Partner, John Barns in Northern Colorado. He was very cautious with me regarding his knowledge of the situation down here. **Said Jake is an associate, not a partner.** He wanted me to share what I felt comfortable sharing. He seemed mis-informed by Jake on some of the details. He asked me to trust him and give him a chance to make a few phone calls. He'd get back with me.

I sent John Barns (OCE associate up North) some of the photos I took of the roof.

Called Matt, nothing from Jake yet.

Reached out to Cheri at the HCBd. They are closed, Holiday.

Called Matt Jones, because I got a text from Jake. He said he has 3 phone notifications in the last few minutes. He was on a roof working so he was going to call in a bit.

I told Matt that as of Friday afternoon, 10/6/2023, the HCBBD has advised us to not except a partial refund until the hearing has taken place on the 19th of October. Matt was going to relay that info to Jake verbally when he calls him.

Matt did call me back. Jake is still requesting us to pay for the materials, the labor and the dump fees.

Matt relayed the **HCBBD advice** about not excepting a partial refund until the hearing on the 19th. Jake mentioned to Matt that I called a associate of his. Jake still sent me an invoice for:

- Materials Cost
- Tear Off
- Dump
- Labor

Within a very short period of time he sent me a revised Invoice:
Materials Cost Only

I responded to the email from Jake, or whom ever is representing OCE, stating that we have been advised to not except a partial resolve until the board meeting on the 19th.

Received an email from OCE, stating, “ Keep me posted and we will get you a cashiers check for your refund.”

So far no offer to reimburse the full Deposit has been made.

Sent some more info over to the HCBBD, Cheri.

10/10/2023 Tuesday - HCBBD, Cheri called. They to get an inspector out here to look at the roof this afternoon. Jake did go in on Thursday afternoon, the 5th and put in an application for a permit with the HCBBD. This is 7 days after dropping off the 1st load of materials at 50 North Lake Trail Rd, Cuchara CO 81005.

I made copies of photos and emails for my File.

*I did reach out to OCE and requested they clarify their last communication with me regarding the statement, “ Keep me posted and we will get you a cashiers check for your refund.” I requested they clarify prior to the inspectors arrival.

After receiving two revised invoices yesterday and the way that statement was worded, I did not want to mis-read the possibly they were offering our full deposit back. So I sent out an email to please clarify that statement. See email dated 10/10/2023.

As of 3:53 I have not received a clarification from OCE’s last email that was so vague.

Inspectors, Ryan Sablich and Cheri Chamberlain came and inspected the roof. Will put together a report.

I informed Ryan and Cheri that the River’s Edge Bed and Breakfast property in Cuchara was also installed by OCE. She said that it may have not been permitted either. So our property would be the second penalty on OCE.

Cheri to get me a copy of OCE’s License and Insurance info.

My next step could be to file a claim on their insurance? I will look at that option once I represent our issue to the HCBBD board.

I wrote up a verbal presentation for Matt to discuss with Jake in the morning. Sent it over to Matt. It will be our final offer. He to call Jake in the AM. VKW

10/11/2023 Wednesday - Final Offer Verbal and in Writing. Matt called Jake and went over the details of our final resolve. Jake seemed receptive, needs to talk it over with his attorney... Jake indicated he needed to consult with his attorney and needed to play with a couple of date deadlines. Matt was not quite sure on how to respond, so he recommended Jake text me those requests.

I put the final resolve in writhing and emailed it off at 9:50 am. See copy of email attached. Will Wait. Also **text** a letter form, to Jake.

Will continue to wait to hear back.

3:00 pm Jake started a conversation with me in a text format. (See file). He's willing to except my Resolve Letter with the exception of some date changes. We worked those out and arranged to meet.

Will meet, Monday, 10:00 am in Pueblo, Wells Fargo Bank, Prairie Ave location. Full refund of \$39,600 in a Cashiers Check.

Jake also asked if he could have until the 20th of October to pick up the remaining materials on our property. I said I was fine with that.

I reiterated everything we discussed on my email thread that I set up with cc's to HCBD and Matt included, and Jake responded by varying our resolve.

Made copies of everything and updated files.

1012/2023 Thursday - Wrap up! I text Cheri with the HCBD and informed her we came to a resolve with Jake and Onyx Creek Exteriors. As of Monday I should have our Full Deposit back.

I still plan to be at the Board Hearing on the 19th with Matt Jones, whom has helped to research and negotiate this resolve.

Respectfully,

Virginia K Williams
719-821-0088

