

**Huerfano County Land Use
401 Main Street, Suite 304
Walsenburg, Colorado 81089
719-738-1220, Ext. 506**



Huerfano County Building Authority Board (HCBA) Staff Report for August 01, 2024

Contractor:

Shawn Moyers DBA Timberline Custom Builders

Complaints:

BP #23-005 Grandote Golf Course
RA-23-042 Hager-Straw bale house remodel
BP-24-058 Roberts Deck Job
BP-24-TBD Dunn Cabin

History:

On October 19, 2023 The Huerfano County Building Authority Board had made a motion and with a majority vote to not allow Timberline Custom Builders to accept any new building permits/construction until all current projects are finished.

Currently:

These two older building permits were previously brought before the Board: BP #23-005, Grandote Golf Course and RA-23-042, Hager-Straw bale house remodel. Both have stated that they no longer wish to have Shawn Moyers with Timberline continue their permits. The Department received a request for a courtesy inspection at 32 River Lane Dunn Cabin (See attached report), as well as a Safety Electrical Inspection by the State Electrical Inspector on July 24. (See attached Report) We also received a phone call from the homeowner of BP-24-058 Roberts Deck concerned that the build on that permit was not being done properly (See attached report). The Building Department received notification that Timberline Custom Builders Liability Insurance and Workers Compensation Insurance has been cancelled and no new insurance has been provided (See attachment).

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.

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- (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.

Key Considerations:

Timberline Custom Builders has been before the Huerfano County Building Authority Board (HCBA) twice within a year for complaints from homeowners. The following conditions were decided on in a majority by the HCBA:

1. Requested to keep the HCBA and the Huerfano County Building Department informed of progress each month.
2. Requested to finish all open building permits within a timely manner.
3. Not to start any new jobs until the previous building permits have been satisfied.
4. Will have current proof of liability insurance.

Staff Recommendation:

1. Since, there have been multiple infractions as well as not providing current proof of insurance (as of July 31, 2024). Revoke Timberline's license and make a decision on the time frame per Section 5.09.07.

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Recommendation by the HCBA:

1. To not allow Timberline Custom Builders or Shawn Moyers to have a Contractor's License for 36 months in Huerfano County.
2. After 36 months if Timberline Custom Builders or Shawn Moyers wishes to have a Contractor's License in Huerfano County they need to apply and return to the HCBA for review.

Staff Update:

1. A Certified Letter was mailed to Timberline on August 16, 2024 informing them of the HCBA's decision. (Checked the tracking number on September 4, 2024, and it said it is currently in transit to the next facility. (see attached). Post Office was called and they told us to put in a request for missing mail.
2. Timberline had requested the Building Official to have them to research and inspect the deck and the basement and we have not heard back from the Building Official at this time.