

**Huerfano County Land Use
401 Main Street, Suite 304
Walsenburg, Colorado 81089
719-738-1220, Ext. 117**



Huerfano County Building Authority Board (HCBA) Staff Report

Complaint: Kevin Chavez has submitted for his Contractor's License renewal for 2024.

Currently: On April 20, 2023 The Huerfano County Building Authority Board made a unanimous decision to revoke Kevin Chavez of RC Concrete Contractor's License.

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.

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(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.

Key Considerations:

- Several attempts were made by various means of communication by the Huerfano County Building Department to notify Mr. Chavez for the April 20th, 2023 meeting. The Huerfano County Building Department finally did hear from Mr. Chavez on April 20th, 2023 in which said he was “attempting to make it to the meeting but he didn’t know about it until a few minutes prior to the meeting.” The HCBA rearranged the agenda to wait for Mr. Chavez to arrive for the meeting. Mr. Chavez never did arrive to the meeting or call back.
- After the HCBA Meeting the Huerfano County Building Department attempted to get ahold of Mr. Chavez by various sources of media to let him know his license was revoked. No reply.
- The Huerfano County Building Department has not heard anything/had contact from Mr. Chavez until January 31, 2024 when he applied to have his Contractor’s License renewed.

Staff Thoughts/Comments:

- The Huerfano County Building Department would like to ask the Board to see what exactly happened with BP22-061 and Q & N Construction. (Can review the complaint if need be)
- The Huerfano County Building Department would like to know how to ensure we can have active and what type of communication will work best as phone calls and emails aren’t working.
- Had complaints from constituents that they could never get ahold of the contact information/get a call back.

Board Recommendations:

At the last HCBA meeting on February 15, 2024 the Board decided unanimously to allow RC Concrete to put all his submittals in that are required to renew his license and then come before the HCBA to discuss reinstating his Contractor’s License.

Staff Comments:

An email was sent on February 29th, 2024 to RC Concrete the owner Kevin Chavez from Ryan and then a phone call was made with a voice mail by Cheri on March 11th, 2024 letting him know of what the HCBA was asking for. The Building Department has not had any response back from Mr. Chavez from either of the correspondence. Therefore; staff recommendation is to not allow any work to be done in Huerfano County until he fulfills the recommendation from the HCBA.