

Johnson County Building Officials Association (JOCOBO)

President: Steve Crull- Building Official- City of Mission Hills, scrull@missionhills.gov
Vice President: Ken Hoffman – Plans Examiner – City of Olathe, khoffman@olathe.org
Secretary: Tony Adamson- Building Official- City of Merriam, tadamson@merriam.org
Treasurer: Bill Sandy – Fairway, bsandy@fairwaykansas.org

Meeting Minutes for February 17, 2017

St. Andrews Clubhouse – 11099 W 135th St, Overland Park, KS

Call to Order

The meeting was called to order by President Steve Crull at 12:35 pm. Those present per the sign-in sheet are as follows:

Officers: Steve Crull (City of Mission Hills/ President)
Ken Hoffman (Olathe/VP)
Tony Adamson (Merriam/Secretary)
Bill Sandy (Fairway/Treasurer)

Members: Matt Souders (Lenexa)
Michael Flickinger (Gardner)
Eddie McNeil (Westwood)
Travis Torres (Leawood)
Tim Ryan (Overland Park)
Steve Thompson (Shawnee)
Mark Wassom (Olathe)

Associate Members and Guests: JD Lorenz (Hallmark Building & Supplies)
[Eirene Knott \(BRR Architecture\)](#)
[Russell Thornburg \(Johnson County\)](#)
Jasper DieDeriks (M.T.M.A)
George Schluter (HBA)
Jay Woodard (ICC)
Bruce Chyka (PP Homes)
Greg Paulsen (ASHRAE GGAC)
Tyler Wirth (Shawnee)
Josh Clark (KCHBA)

Previous Meeting Minutes

The prior Meeting Minutes from January were approved with amendments. Russell Thornburg stated that he would like to make a change concerning a document which was handed out concerning home flipping. Russell stated that this is the approach that Johnson County Licensing takes concerning contractors flipping properties and the document was added to the minutes. Travis made the motion for approval of the minutes with amendments and Mike Flickinger seconded the motion. The motion was approved by the members.

Johnson County Building Officials Association (JOCOBO)

Treasurer's Report

Bill Sandy gave the Treasurer's report beginning and ending balances, all members and associates which have paid to date and all expenses paid out. Steve Thompson made the motion to approve the treasurer's report and Tim Ryan seconded the motion. The motion was approved by the members.

Associate Announcements

George Schlater introduced Josh Clark as the new Executive VP of the KC HBA and he comes from the Virginia.

Bruce Chyka reported to the members that there is a software tool that 90% of the county uses to conduct energy ratings and HERS scores. Bruce stated that they had to undergo several modifications to the software program in order to comply with the trend of RESNET and ICC getting together and establishing a standard for codes enforcement and computing the scores for the energy chapter of the code. They released version 15 in January and are seeing an increase from 2 to 7 points on the HERS rating also known as the ERI (Energy Rating Index) and last month Bruce reported that they did a study last year and the scores were in the 60's and a few points could be added to that score to bring it to 70 for Kansas because 90% of the country uses this software and have not gotten around to upgrading the software to meet standards. Bruce stated that he had received a call from a code official asking if 85 was high and was there in chance that it might be lowered. Bruce stated that he believed that 85 was too high but that he would be judicious in dropping it to a 70 depending on where the codes go in the 2018. Bruce stated that he is seeing, especially in Leawood with some of the larger homes be effected by climate zone and size of house is really where some of the calculations have been revised. Bruce stated that some of the 5,000 or 6,000 square foot homes have some of the higher scores applied to them due to discrepancies in the software.

Steve Crull asked if there were any other Associate Announcements for anything that was not put on the agenda and there were none.

Old Business

Steve stated that he did not believe that there was any old business left from the last meeting so he did not have any items under the old business.

Russell Thornburg stated that he wanted to point out some items concerning the document which was handed out concerning house flipping and that it everyone would look under the 18.12.03 item b is a clean-up. The biggest thing about this is how Johnson County Licensing reviews contractors who are flipping homes. Russell went on to read from the document item b from section 18.12.03 which states that a homeowner who personally occupies or will occupy and undertakes the construction, alteration, repair, or maintenance of such homeowner's single-family residence or an accessory structure thereto. Notwithstanding the foregoing, for the purposes of this section, any homeowner who undertakes the construction of a new residence for such homeowner's personal

Johnson County Building Officials Association (JOCOBO)

occupancy more than 3 times in any five-year period shall be deemed to be a “contractor” under this chapter. Russell asked, for clarification from the previous discussion, what does each City do concerning defining a contractor. Russell stated that he will be taking this up the ladder for further clarification but he stated that it was interesting that if the homeowner flips 3 house within 5 years then they would be considered a contractor.

Russell stated that this all started with a phone call and he directed the person back to the City. Tim Ryan stated that Overland Park looks at the first part of it the same, that the person plans on living there or will be living there before the person can do the work themselves. The second part of the statement Overland Park does not track that so they really do not get into the number of houses or the time frame in which the homeowner would sell the property. Russell stated that there ordinance states that the owner must live in the property, not intend to occupy the structure and the other item is that if someone owns a property and they intend to have another family member live in the property, this would not apply because the same person that owns the property would have to also reside at the property.

Russell stated that when he receives a call asking what contractor licensing does he is going to send them to the section and then that way all jurisdictions will have an idea of where Johnson County stands on the issue.

Tim Ryan stated that since the last time the group met there have been 4 or 5 of them that he has had to deal with. Tim stated that they are dealing with a non-profit which has bought a home which is under their unsafe structures order and has had to go before the City Council. Tim stated that the organization has been denied a permit 4 different times for different reason and that they have been working on the structure without a permit being issued and that they ran a report for asbestos and mold and they received the report back and the structure is loaded with friable asbestos and so the organization cannot do any work until they have remediated the situation, however; that changes things because if Overland Park decides to tear the structure down then the City would be required to do the same thing.

Russell stated that the only question that he has for all members in the room is that he would like to figure out what caused the jurisdiction ask the question and was it determine that the property was being flipped.

Ryan stated that realtors are part of the problem because they are plugged into these sort of people and the realtors don't force the hands of the flippers by telling them that need a permit for the work that is being done.

Ken Hoffman stated that if a permit is issued in Olathe, the people up front can log onto AIMS to verify that the person pulling the permit is the owner of the property to be able to pull that as a homeowner permit, as for the number of homes in a certain number of years, that is not tracked.

That was all the discussion for old business.

Johnson County Building Officials Association (JOCOBO)

New Business

- a) Ethics policy for Johnson County Contractor Licensing.

Travis was asking the group as to what kind of ethic policy there is when a contractor comes in. Travis stated that he had an incident where a homeowner gave money to a licensed contractor and the contractor never showed up to do any work and the contractor was sent to the fraud division with Johnson County legal office and it was per Johnson County's directive, however; he was unsure that if this contractor was convicted of fraudulent behavior that his license would be revoked and what are the rules in place to protect citizens from people that are trying to work under the legitimate contractor's license's and are in fact just trying to scam individuals/citizens.

Russell asked the group to look at the 2 forms that he had passed out to the group. Russell stated that what we were going to find out is that when someone comes in the door the person is either given an application for new license or a renewal of their license. He asked the group to look at the area which is highlighted and that the question is asked if they have ever been convicted, disciplined, fined, sanctioned, cited or had a professional license or registration to perform work as a contractor suspended or revoked in any jurisdiction? He asked how many people do you think would walk in and lie and check the box. So, he went back and asked the question "What does this question mean, what is it asking". The second thing that he looked at was when did this question show up on the application, which he found out that it just showed up in the last 2 or 3 years, it has not always been there. Russell wanted to remind all members that at some time everyone in the room is going to say to him that we are not in the policing business, neither is Johnson County. Russell stated that he has had one individual ask what if he has and he checked the box yes. So Russell did a search of his name and the town in which the offense occurred and he said that he had to come back and ask the question "What does good standing mean". Russell asked Travis if this is what he is asking?

Travis asked what if the individual was a rapist or pedophile and someone calls him up and asks him for the name of a good carpenter or other contractor and so he would refer them to Johnson County Licensing data base, since they do not recommend contractors and to choose someone from their database.

Tim Ryan asked if we were going down the road for felony convictions and asked to keep in mind that we are talking about construction industry. Russell stated that he asked his legal advisor and he read from a letter that was given to him by his legal team. This document is not part of the minutes.

Matt asked if the license they keep referencing in the document is the contractor's license or any license. Russell stated that the resolution is only for licensed contractors for Johnson County so Matt asked if a contractor has had his stated roofing license revoked would Johnson County still issue a license. Russell told Tim to read what the question was on the application and it says have you been cited or lost your license from any one jurisdiction, it does not define whether it is in the State or out-of-state and the way it reads is that it is all about code violations, not criminal violations.

Johnson County Building Officials Association (JOCOBO)

Tim stated that he was unclear about one thing which the application asked and that was if the applicant had been cited and it does not have any impact on licensing. Tim stated that to be cited for a building/code violation does that address itself to his license. Russell asked what normally happens when a Code Official cites someone, it does not mean that their license is taken away. Tim was asking if these types of things should be taken into account if the contractor's license is revoked. Russell stated that the definition is too broad in some ways so they are only interested in code violations and the jurisdictions communicate with any contractors whom are cited in their areas. Russell stated that his whole thing is that no one brings anything to him so that he has less work and to keep it simple. Every jurisdiction has its own administration chapters, their own attorney's, so the easiest thing to do is not let it go up the ladder, however; when it goes up the ladder this is what you will be dealing with.

Tim stated that when the licensing review board is evaluating someone for disciplinary action what are the issues? Russell stated that it is the code. Tim asked if they did not follow the code. Russell asked Matt to explain how it works because he had just taken a case to the CLRB Board. Matt stated that he went to the contractor licensing review board and the review board told the contractor that they shall fix this code violation by a certain deadline and the particular contractor appealed the decision to the board of county commissioners and no one wants to go to the board of county commissions to discuss this matter. Matt stated that it applied leverage on the contractor to take care of their client so it worked from that point.

Russell stated that it is only under code violation from the building official saying that they need help from the CLRB and the CLRB comes in as says that as long as they fix the violation per the requirements of the building official. Matt stated that it worked really well. The CLRB helped to take care of the initial problem and working with Bob over in the legal department, who was able to give options that might be considered. Russell stated that Bob Ford is one of the individuals who helped draft the original resolution and he remembers the intent of the whole group and what was involved in moving it forward, that would have been Mike Brown, Jerry and another attorney who drafted all the paperwork, which is a wealth of information. Russell stated that he disagreed with Bob at the end in trying to get some things understood but the company who Matt was working with is no longer in business.

Russell stated that no sooner had Travis gotten him on the docit, he received a call from DA and he asked Russell if he would like to come over. So, the DA did not know that Jerry had retired and that Shawn was gone. Russell got subpoenaed and he looked at it and he saw what he had to do and he looked at his calendar and he was not going to be in town so he got it all filled out and took it back over to court and handed them the paperwork and they asked him why he was doing this and he stated that he wanted to get out in front of it and they said do not hand it to us, they did not need it for 10 more days, so he took the paperwork and headed around the hall and said that he was not going to be in the area.

Russell stated that the other sheet that was handed out is a list of contractors which did not pull a permit which have violated the Consumer protection act, those that are in yellow are those who are contractors which have a license and is all open records. He stated that to the right of the document if it says yes, that means that the contractor has agreed to not work in

Johnson County Building Officials Association (JCOBO)

Johnson County and there has been a judgement and they have agreed to not work in Johnson County. Russell stated that since he has met the ADA and 2 investigators that they are changing the way they do business and the moment that the judge has decided that the contractor is no longer allowed to work in Johnson County that they will pull their Johnson County License. Russell stated that if the contractor gets his license pulled then they can still go and work in Missouri and anywhere else, they just do not get free education.

Tim asked Russell if they explained what operational meant and Russell stated that it means conditional, basically means that if you get to be a part of this DA class but they are going to say that you can't take money before you start the job, that you have to do the job before you get paid for the job.

Jay Woodward stated that it seems that the application needs to be changed because you need to put the licensing being pulled first before the suspended fined or revoked because if he had received a parking ticket and that would require him to check yes on the application and so it needs to say has your licensed been suspended or revoked due to a fine suspension violation or whatever else because with the or he is a rapist it has nothing to do with the license and it need to be related to one of the violations.

Russell followed up with going through the Training which was coming up in March for the JCCCL training courses and the trainers teaching the classes.

b) Electronic data entry for inspections, what software? How do you enter results?

Steve stated that he was interested in what other jurisdictions were doing. He stated that he is still handwriting his but that they have a new software called Viewpoint and he has not used it in the field. Tim stated that they do not leave field copies of the inspections any more that the contractor has to get online to get the results and if they request it then they can be mailed a copy of the inspection. He is also mandating electronic plan review for single family they will not take paper plans and for commercial they are starting to do small projects electronically and as soon as they get up and running then all their plan review will be electronically done. Steve asked how are specific code violations entered when doing field inspections.

Tim stated that Overland Park is looking into tying their system in with the Water district and Sewer district because that is still an issue with getting permits issued for the area.

There was discussion on the topic from several of the building officials.

Matt asked if anyone was going to the training down in Texas in May.

Travis asked if there was any other information on the State Bill 76. Russell stated that what Johnson County is looking at doing is looking at doing a program called MYGOV and what MYGOV is trying to do is tie everything together, all cities into one software program and how it is effective him is that when anyone pulls a permit in his area it going to come back into the data and grab this list that is already posted and verifies the information that he already has. It ends up costing a small fee. As for the Federal Bill, it was discovered that

Johnson County Building Officials Association (JOCOBO)

Johnson County was the smallest piece to the pie. So, Anoush and Russell went over with Mike Brown and Mike Davis went and spoke and Commissioner Brown got up and said that we do not care what you do but just take Johnson County off of it. Mike Brown got up and defended the licensing program very well and there were some very nice letters written regarding JCCL licensing program.

Russell stated that he believes that it has died in Subcommittee, he believes that it will come back and if it does then it will be worded in such a way that it will not affect lawyers, doctors the education but he is not sure how it will affect JCCL.

Set Date for Next Meeting: Meeting to be held at St. Andrew's Golf Club, 11099 W. 135th St., Overland Park, Ks, on March 17, 2017 at 12:00PM.

Adjournment

The meeting was adjourned around 1:30 pm. The motion was made by Bill Sandy and seconded by Matt Souders, all members were in favor.

Minutes recorded by Tony Adamson