

To: Loveland City Manager and City Councilors  
From: Ed Klen  
Date: August 22, 2011

Sometime back I was being kept aware of a situation of work being performed without a permit at 209 E.4<sup>th</sup> Street here in Loveland. I do not know nor have I met the gentlemen named Robert Phillipps in these emails.

I did however entertain his suspicion that things were not being handled properly by the owner of the property or the Loveland City Officials with whom he was conversing. Let me give you a little bit of background on the situation and the project and then lay out and describe the events as they unfolded.

The property at 209 E.4<sup>th</sup> Street is occupied by an architectural firm, it was occupied by this firm before, during and after the remodel work. The remodel work allowed the existing business to move its operation to the second floor while the first floor was being made available to a new tenant.

The work involved some additional cubical space, a new conference room and a stairway. To accommodate access, the floor was cut out and re-supported to allow a new stairway entrance from the street to the second floor.

Phillipps contacted City of Loveland Chief Building Official Thomas Hawkinson and Code Enforcement Officer Mary Shann on 2/11/11 to make them aware of work being done he thought was being done without a building permit allowing it. Phillipps indicated that there was "extensive" work being done.

After a week without hearing anything back from city officials Phillipps again contacted the officials to ask them what they had found. On 2/18/11 city officials returned Phillipps inquiry with a response that there was in fact no permit for the work being done but they did not state whether or not they had actually gone out to the project.

On 2/22/11 Phillipps again emailed city officials asking them if they had actually visited the site and what kind of work they had found being done. City officials once again did not respond to Phillipps inquiry so on 3/4/11 Phillipps emailed them again.

On 3/4/11 Hawkinson responded to Phillipps informing him that a permit was issued on 2/22/11 but again did not respond to the question of whether or not they had ever visited the project and if they did, what was observed. Hawkinson referred only to a stairway being built when he had been informed of "extensive" work being done. As a matter of fact, Hawkinson was aware of more than a stairway being built because the plans submitted to him for approval indicated so.

On 3/7/11 Phillipps again emailed city officials with questions regarding what they found being done, what they did in response and if they had even visited the site. On 3/7/11 city officials responded to Phillipps email with no answers to his questions, rather they requested personal contact information for Phillipps.

Frustrated, Phillipps emailed city officials on 3/9/11 asking them why they needed his contact information and expressed concern for retaliation. On that same day city officials referred future questions to be made to Assistant City Attorney Sunita Sharma.

Never throughout this ordeal did city officials ever state or indicate that they ever visited the site nor were any site visit reports disclosed through my open records request.

Knowing that a permit had been issued, Phillipps emailed city officials on 4/15/11 to inform city officials that the project was being occupied and to inquire if the project had been completed. Phillipps also informed officials that the work involved structural issues that until inspected and approved, put people's lives at risk.

City officials, including the assistant city attorney, emailed Phillipps on 4/15/11 telling him that they had not been called out for any inspections and in essence that there has not been a Letter of Completion issued for the project. They also stated that it was fine for the project to be occupied before inspections and approvals.

On 4/20/11 Phillipps again emailed city officials reminding them that some of the work being performed was that of a structural nature and that until inspected and approved posed a serious threat to those using it. In this email not only did Phillipps inform the officials that employees were steadily using the area but that it was also open to use by the general public.

Having gotten no response to his email of 4/20/11 Phillipps again emailed city officials on 4/25/11 asking for a response. The following day city officials responded to Phillipps informing him that the owner of the property had dropped off observations and inspections performed by himself. City officials also indicated that the project was not yet complete and should not be used. It was at this time, see email dated 4/26/11 from Roger Kenney to Hawkinson, that the owner and city officials were suspicious as to who was pursuing this issue. See also email dated 4/27/11 where the owner is asking city official Hawkinson if he has found out who the "whistle blower is".

In following the progress on this project, Phillipps emailed city officials on 5/13/11 inquiring as to the completion of the project. Phillipps did not get a response to this email but emailed city officials again on 5/17/11 asking for a response and AGAIN informing city officials that the project was open to the public and being used by the public. Please note the email on 5/13 from Kenney to Hawkinson again bringing up the issue of who the "stool pigeon" might be.

On 5/17/11 city officials responded to Phillipps inquiry and stated that the project was still not complete but that the owner had scheduled an inspection hoping to receive a Letter of Completion.

On 5/25/11 Phillipps contacted city officials asking them if the inspections scheduled for 5/18 had resulted in approval of the project. Returning Phillipps email, city officials stated on 5/25, that the inspections on 5/18 DID NOT result in approval.

On 6/2/11 Phillipps inquired as to whether or not approval had been granted and to inform city officials that the stairs were open to and being used by the public.

Having gotten no response to his email one week prior from city officials, Phillipps again emailed them on 6/9/11 asking for a response and AGAIN informing them that the stairs were observed open to and being used by the public on 6/8/11. You will note from the emails provided that between the dates 6/7 & 6/8 city officials were aware that the stairs were not done nor approved for use.

On 6/10/11 city officials contacted Phillipps and told him that they would look into the matter on 6/13/11. Rather than inspect the project for code violations, it is clear from the attached emails that on the dates of 6/13 & 6/14 the city officials and the owner

were scrambling to facilitate a building inspection rather than investigate a code violation as reported by Phillipps.

After being contacted by Phillipps on 6/15/11, city officials notified Phillipps that the project was approved, completed and issued a Letter of Completion. Included in his inquiry on 6/15/11 Phillipps also asked city officials if they had determined if the project was open to and being used by the public prior to the issuance of a Letter of Completion, Phillipps was told by the Assistant Attorney that if he wanted any more information that he would have to acquire it through the clerks office with a request for records.

After reading through these communications it is very clear that several very disturbing things happened.

1. That city officials were well aware of work being done without a permit yet the work was allowed to continue and no Stop Work Order was ever issued to the owner.
2. That city officials did not perform their duties according to the Loveland Municipal Code in such that Title 15 section 109.7 states in part that[Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation *shall* be made before a permit may be issued for such work.]
3. That this work was all the while not only accessible by the public but being actively used by the public and that after repeated reports of this to city officials, it was allowed to continue.
4. That a concerned citizen trying to “inform” city officials of un-lawful activity is asked for his personal information.
5. That a concerned citizen cannot contact their city officials without being accused of judging his officials work performance and findings. (See email dated 6/16/11 from Assistant Attorney Sunita Sharma)
6. Throughout the emails between Phillipps and city officials, city officials seem to focus only on the stairs as being a component of this permit, when in reality the city officials should also have focused on the cubicles and conference room that were being used by employees and the public and were also part of this permit.

This is not all there is to this situation.

Delivered to me from Phillipps were documents received through an open records request. After reviewing these documents I requested the same documents through an open records request of my own. I did this to assure that I was reviewing a complete and accurate file, what I found was very disturbing. Equally disturbing is what I didn't receive, either because it doesn't exist or it was left out of the records that I requested.

The plans submitted for this project were in my eyes sub-standard and incomplete. Rather than share with you my opinion I engaged the services of a professional firm to evaluate the plans in which Chief Building Official Tom Hawkinson accepted and approved. Please see the attached report from Colorado Code Consulting, L.L.C. dated May 16, 2011.

This report identifies 23 deficiencies, among these listed was a structural plan, see notes B-15 & B-18. There was never a set of structural plans submitted to Hawkinson, prepared by a structural engineer or anybody else for that matter. The second floor joists were cut loose from their bearing wall and replaced onto another bearing structure with no proof that the system was sound or practical, thus leaving it in danger of collapse. If it were to collapse not only would the occupants of the second floor be at risk of death but so would those occupying the first floor underneath them. As a community we must be assured that we have a Chief Building Official that will require, at least, the most basic plans that will reflect some thought and consideration for the task at hand before approving a project for a permit. We also need to be assured that when a complaint is made to Code Enforcement that the complaint is actually verified, observed, inspected and a report written. Worse yet, this whole situation was observed by an Assistant City Attorney who, through her lack of intervention, condoned this situation to run uncorrected, with no regard for the seriousness of the matter. In this situation some very important aspects needed to be addressed, but then to, approval was simply granted by Hawkinson once Phillipps came forth with his complaints.

City officials made what could have been and still may be, a grave error when they told Phillipps that the space could be occupied prior to the project getting final approval. Part of the project approval was dependant on the floor & wall assembly plans being prepared by a licensed structural engineer and inspected. As a matter of fact, to this day there are no structural plans on file with the city, also meaning that there were no plans in which the contractor could follow. Even *if* Roger Kenney was allowed to “design” the structure, he is not allowed to construct the structure because he is not a licensed contractor. So once again, what plans were to be followed and built by whom?

Another deficiency noted by Colorado Code Consulting was that there were no electrical plans submitted for approval and, like the structural plans, to this day there are no electrical plans on file with the city. In his review of the plans Hawkinson should well have known that there had to be electrical work done, if for no other reason the stairs and exit ways require specific lighting by code, we refer to this in the industry as egress lighting, see B-4 in CCC’s report. In his application for a permit the owner stated that there was no electrical work being done and this application was accepted by Hawkinson. Some items of construction can be inspected by engineers holding different qualifications but electrical can only be inspected by City of Loveland inspectors and the records disclosed to me showed no electrical inspections having had been performed. And like the lack of structural plans, there were no electrical plans for a contractor to follow. The emails indicate that when the city was finally called out to do inspections, walls were finished and it would have been very unlikely that Inspector Arnot could even see any wiring.

The emails given to me by the City of Loveland indicate that final building inspections took place yet there are no inspection reports from Inspector Arnot.

The emails given to me by the City of Loveland indicate that a Letter of Completion was also issued yet that document is non-existent.

The numerous emails from Phillipps concerning Code Enforcement violations did not result in any follow ups by city officials as no reports/findings were disclosed nor was there any disclosure by officials that they did go out to inspect the project.

The emails that I received from the city state that correction notices were issued to the project, yet none of those appear in the documents received.

### The Permit

The Building Permit (see attached) was issued by the Hawkinson regardless of the fact that one reviewer stated that more information was needed before he could comment.

The “Work Description” on this permit does not even reflect the cubicles and the conference room shown on the plans submitted.

The permit is not even dated by the city, the only “date” that shows up is the date that the *applicant* writes in.

Also, unless things have changed in the city’s process, the *licensed* contractor for the project must be the person to sign for and pick up this permit. There are exceptions to this rule but only as they might pertain to *residential* projects.

One thing the Building Permit does state, and it does so in bold lettering, is that “THIS STRUCTURE OR AREA OF CONSTRUCTION SHALL NOT BE OCCUPIED WITHOUT PRIOR APPROVAL FROM THE BUILDING OFFICIAL”. So either the Building Official gave the owner approval to occupy and un-safe area or the owner allowed it to be occupied and after numerous complaints from Phillipps, Building Official Hawkinson, Code Enforcement Officer Mary Shann and Assistant City Attorney Sunita Sharma did not proceed in a manner that assured the public’s health, safety and welfare.

Just recently there was a collapse on a structure in downtown Loveland that could have easily killed innocent people, people who assume that their officials are looking out for their well being. City officials were reportedly notified of that impending doom a month before it did indeed collapse, this is another situation in which city officials did not perform their duties?

Back to this situation, oversights are understandable to some degree, but after all of the complaints and after months of time in which to properly remedy the wrongs, this situation can only be explained as being covered up and the laws ignored by these officials, demonstrating a complete disregard for the laws and codes as adopted by Loveland.

These are some of the city officials who might someday be overseeing the improvements to the ACE project, a site filled with asbestos and other contaminants; we cannot and must not allow this kind of disregard for the laws that keep the community safe. City officials who show their incompetence and disdain for the laws adopted by the citizens should be removed. Again, this was no oversight, it was a blatant disregard for doing what is right.

## Chronology of Events

2/11/11 – Phillipps informs city of work w/o permit  
2/18/11 – No response from city, Phillipps again contacts city and asks if work was being done and what measures were taken by the city  
2/18/11 – City states the project has no permit, city does not answer question about finding work being done w/o a permit and what measures were taken by the city  
2/22/11 – Phillipps asks city again if they found work being done  
3/4/11 – Phillipps again contacts the city as to whether or not they found work being done without a permit on 2/11/11  
3/4/11 – City states that a permit was issued on 2/22/11 but does not respond to questions about work being done w/o a permit on 2/11/11 or what measures the city took  
3/7/11 – Phillipps again asks city if they found work being done w/o a permit on 2/11/11 and what measures were taken by the city  
3/7/11 – City does not respond to Phillipps questions about the project, rather Phillipps is asked for his personal contact information  
3/7/11 – Phillipps responds to the city's request for personal information questioning the city's need for this information  
3/9/11 – City refers Phillipps to city attorney. Still no response as to whether or not the city found work being done w/o a permit or what measures were taken on 2/11/11  
3/11/11 – Phillipps again requests information regarding the city's findings in his complaint of work being done w/o a permit  
4/15/11 – Phillipps contacts city with regards to progress on the project  
4/15/11 – City responds to Phillipps questions about progress by stating they don't know what progress is being made because they have not been asked to inspect anything. City also states that the project can be occupied during construction  
4/20/11 – Phillipps contacts city with concerns of project being occupied when un-inspected aspects of the project are being used and occupied. Phillipps also states that the improvements are being used by the employees and the general public  
4/25/11 – Phillipps again asks the city to respond to his previous email in which he made them aware of the un-inspected improvements being used by the public  
4/26/11 – Owner of project contacting the city clerk with regards as to who is reporting his activity and asking Hawkinson, city employee, for his help in finding out who is reporting his activity  
4/26/11 – City informs Phillipps that project owner has submitted inspection report but also states that the work is not yet complete. City also states that they are aware that the project is being used by the public and asks project owner to close them off from use. Owner admits to allowing them to be used  
4/27/11 – Owner prompts city official as to who the whistleblower is  
5/13/11 – Phillipps asks city if Letter of Completion has been issued for project since it's failure to acquire approval on 4/26/11  
5/13/11 – Owner again states to city employee that he is waiting to find out who the stool pigeon is  
5/17/11 – Phillipps again requests confirmation from city as to whether or not a Letter of Completion has been issued for the project since it failed to receive approval on 4/26/11 and also to inform the city that the project is still open for public use

5/17/11 – City informs Phillipps that the project still has not received a Letter of Completion and that the project was scheduled for inspection on 5/18/11

5/17/11 – Upon being told by the city that the project is not yet compliant, Phillipps reminds the city that he has witnessed the public using the improvements. Phillipps also asks the city what actions they have taken knowing this

5/25/11 – Phillipps asks the city if the inspections were complete and if the project had been issued a Letter of Completion

5/25/11 – City informs Phillipps that the inspection did not result in a Letter of Completion and they informed the owner to secure the stairs from use

6/2/11 – Phillipps informs the city that the yet unfinished, unapproved project was still being used by the public

6/7/11 – Project owner informs city that the project is not yet complete

6/8/11 – City asks owner to inform them when project is complete

6/9/11 – Phillipps asks city if Letter of Completion has been issued to the project and to inform the city that the improvements were observed being used by the public on 6/8/11

6/10/11 – City code enforcement informs Phillipps that she will follow up on his complaint on 6/13/11

6/13/11 – City informs owner that a building inspection is scheduled for today. City also reminds owner to *post* the stairs as not to be used rather than *securing* them from use.

6/14/11 – City issues Letter of Completion

6/16/11 – Phillipps asks city if they found that the stairs were being used on 6/13/11

6/16/11 – City requests that if Phillipps wants any information regarding the project that he would have to make an open records request

## 209 E.4<sup>th</sup> Street Emails

2/11/11

From: Phillipps

To: Hawkinson/Shann

I have become aware of extensive remodeling being done at 209 E 4<sup>th</sup> Street on both the first floor as well as the second floor, without a permit to do so. After you have looked into this matter please contact me with your findings/actions.

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2/11/11

From: Hawkinson

To: Phillipps

Out of office reply till 2/11/11

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2/11/11

From: Wiseman

To: Shann

Please gather some information and we will check with Tom (Hawkinson) Monday.

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2/11/11  
From: Shann  
To: Hawkinson (Tom)

Tom, I looked up active permits for this location and found permit # BP-10-01890 for Interior Alter – office for Kenney & Associates located at 209 E 4<sup>th</sup> St.

The permit is still in plan check. Kenney (Roger) suggested I speak with you as how to proceed. I have not inspected the property as yet so don't know if the complaint holds any credence as yet. Don't forget I am out Monday but will be back Tuesday. I responded to the complainant that we would look into it and you or I would follow up with him.

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2/18/11  
From: Phillipps  
To: Hawkinson/Shann

Good morning, I sent you an email a week ago concerning work being done without a permit on 4<sup>th</sup> Street and I am requesting to know what you found out and what you have done.

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2/18/11  
From: Shann  
To: Phillipps

Tom Hawkinson and the Building Dept. has been working with the applicant for this permit submittal for some time. Permit application is on file and we have been and are currently working with the applicants on this project.

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2/22/11  
From: Phillipps  
To: Hawkinson/Shann

Thank you for your response, but concerning my original question to you, did you find work being done at the time that I pointed this out to you? If so, what type of work?

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3/4/11  
From: Phillipps  
To: Hawkinson/Shann

Good morning, I am again asking for your response in the matter of work being performed without a permit in downtown Loveland. I last contacted you on February 22, 2011, in regards to this matter and as of today, March 4, 2011, have not heard back from you.

1. Did you find that there was work being done without a permit in place?
2. What did you find being done?
3. What did you and your department do?
4. Should I be talking to somebody else about this matter?

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3/4/11  
From: Hawkinson  
To: Phillipps

Mr, Phillipps, If this is the property at 209 E 4<sup>th</sup> , a permit was submitted on 12/13/2010 for a exit stairway in the front portion of building from upper floor to the street on the inside of the structure. Working with the owner of the building and reviewing the work indicated on the construction drawings, a permit was issued on 2/22/2011. We have not received any requests for inspection of the work as of this date. When the contractor is ready for inspections, the building division will be notified to send building inspectors to inspect the work they have called for.

3/7/11  
From: Phillipps  
To: Hawkinson

Mr. Hawkinson, Thank you for your response to my email, however you did not answer ANY of the questions that I posed to you on March 4, 2011. I will again ask you those questions.

1. Did you find that there was work being done at 209 E 4<sup>th</sup> Street without a permit having been issued on or about 2/11/11 when I made you aware that there was?
2. After I had reported to you that there was work being done without a permit, what did you find being done?
3. What did you and your department do after finding out there was work being done without a permit?
4. Is your department charged with investigating and enforcing the building codes and the LMC as it pertains to building codes?
5. In your response to me on 3/4/11 you stated that a permit was issued, what is that permit number?
6. Also in your email to me on 3/4/11 you state that only a permit for a stairway was issued. On 2/11/11 when I made you aware of work being done without a permit I stated that there was "extensive work" being done, let me clarify that I believe that there was electrical, plumbing and heating and cooling work being done at that time.

So as to avoid any confusion please respond to my questions point by point. Regards.

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3/7/11  
From: Phillipps  
To: Shann

Good morning Mary, on 3/4/11 I sent you an email with four questions and have not heard back from you yet, please respond to each of those four questions.

I have since received a response from Mr. Hawkinson that did not answer any of these questions, regardless, I am awaiting your response.

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3/7/11  
From: Shann  
To: Phillipps

Could you please provide me with your business address and phone number.

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3/9/11  
From: Phillipps  
To: Hawkinson/Shann

What could you wanting my address and phone number have anything to do with your answering my concerns about possible illegal activity of which I have pointed out to you and Mr. Hawkinson?

Am I now under investigation? Do I need to fear retaliation for reporting this?

This is a matter of safety and public concern and it is your job to investigate and report your findings. If you have no intention of answering my questions, state so, otherwise please respond clearly to each question I asked you. Please note that I have copied your boss (Hawkinson) on this matter.

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3/9/11  
From Hawkinson/Shann/Sharma  
To: Phillipps

I have forwarded your email to the City Attorney. If you have questions or concerns please contact Sunita Sharma.

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3/10/11  
From: Phillipps  
To: Hawkinson/Shann

Mr. Hawkinson, I am still awaiting your response to the questions I posed to Mary Shann and yourself.

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3/11/11  
From: Phillipps  
To: Hawkinson

Good morning Mr. Hawkinson, it has been sometime since I contacted you in regards to work being done on 4<sup>th</sup> Street without a permit and still have not gotten the answers to my questions, allow me to state them again to you.

1. Did you find work being performed at 209 E 4<sup>th</sup> Street without a permit?
2. What did you find being done?
3. What did your department do after investigating the matter?
4. Are you charged with enforcing the building codes and the Loveland Municipal Code as it applies to construction?
5. You mentioned that there was a permit issued, what is that permit number?

Your oversight of construction is of serious consequence to public health, safety and welfare of the citizens of Loveland. When a report of a violation to the codes concerning risk to the public are made to you I would assume that you would investigate the matter very seriously and in depth, and after doing so make concerned citizens aware of your findings.

The Code Enforcement Officer of Loveland, Mary Shann, who answers to yourself, refused to answer these same questions and referred any more questions from myself to the assistant city attorney Sunita Sharma, is there a reason that you and Mary Shann will not answer these questions?

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4/15/11  
From: Phillipps  
To: Hawkinson/Shann

Mr. Hawkinson and Mrs. Shann, I am following up on the status of the progress at 209 E 4<sup>th</sup> Street.

1. Has the work there been completed?
  2. Are there any inspection reports for the work being done?
  3. Is the space being occupied, should it be before work is completed and inspected?
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4/15/11  
From: Hawkinson/Shann/Sharma  
To: Phillipps

The building Divisions records don't indicate any requests for inspections at this time, therefore I don't know the status of the project. The space in which this project is located can be occupied while construction is occurring, as with other types of remodeling projects (i.e. if you were having your house remodeled). Since there is no change in occupancy of this structure, upon completion of the project, the applicant would request and be issued a Letter of Completion.

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4/20/11  
From: Phillipps  
To: Hawkinson/Shann/Sharma

Mr. Hawkinson, I understand from what you are saying that the space may continue to be occupied but that the improvements applied for in the permit may not be used by the public or anybody else until they have been inspected, those inspections accepted and a Letter of Completion is issued, is this statement correct?

There is some question about some of the existing space being usable by the tenants. The very floor in which they are standing on at the second level has been structurally altered by this permit and it could very well collapse onto the tenants on the first floor level. Is it still your contention that this space may continue to be occupied BEFORE all of the inspections have been made and verified?

This permit has also altered public safety as it pertains to fire, has that been considered while allowing tenants to occupy the space prior to inspections?

Being that yourself, as well as Mary Shann of Code Enforcement and Sunita Sharma an Assistant City Attorney are the recipients of this email I am informing all three of you that the improvements applied for under this permit are indeed being used by the tenants and the public as well.

As a concerned member of the public that relies on the integrity of my officials to see that the codes are enforced I wish for you to keep me aware of your actions in this matter.

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4/25/11

From: Phillipps

To: Hawkinson/Shann/Sharma

Tom, Mary and Sunita, last week I contacted you with some questions concerning some work being performed on 4<sup>th</sup> Street, I have not heard back from you, may I expect a response?

I also informed you that the work allowed by the permit was being used prior to your knowledge of it having been inspected and approved by the city, did you follow up with that information and verify for yourself that the work permitted was open to the public and was being used by the public?

4/26/11  
From: Roger Kenney  
To: Hawkinson

Morning Tom, I did not receive anything from the Clerks office yesterday, could you please follow up. Everyone here has their prediction as to how it is. We want to see who is right.

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4/26/11  
From Hawkinson/Shann/Sharma  
To: Phillipps

Mr. Phillips, the owner of the property, Mr. Kenney, came to my office yesterday. He dropped off observations/inspections documents which were prepared by himself, a licensed design professional in the State of Colorado, related to the mentioned project. It appears that the project is substantially complete, yet Mr. Kenney indicated that he needs to install handrails on the stairs. I asked him if the stairs were being used, where he indicated that there was some travel on them. I asked Mr. Kenney to close off the stairs until the stairs are complete, inspected and accepted. Even though these stairs are not required exit for the upper level (those are in the rear of the building) they should not be used. Mr. Kenney indicate that he has provided signage directing possible users of the stairs to the stairs in the rear of the building.

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4/27/11  
From: Kenney  
To: Hawkinson

Hi Tom, found some really cool brackets for our handrail, just need to figure out how to mount them to our crumbling wall. Our first attempt failed miserably. Still no word on who our whistle blower is!

5/13/11  
From: Phillipps  
To: Hawkinson/Shann/Sharma

On 26 April you responded to my inquiry regarding work being done by Mr. Kenney on 4<sup>th</sup> Street, has that project been issued a Letter of Completion?

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5/13/11  
From: Sharma  
To: Phillipps

Out of office reply until June 18<sup>th</sup>.

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5/13/11  
From: Roger Kenney  
To: Hawkinson

Tom, did not hear if you new I was in a car accident? Got rear-ender while stopped by a 22 year old CSU student texting at the time. That was her car in the picture. Did not total my truck but have to replace everything from the cab back. Anyway just got back to work today and have to do therapy 3 times a week so I can stay upright. Got one handrail done and am now working hard to get at least get one side one side complete. That's my up date.

PS. Still waiting to find out who our stool pigeon is.

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5/17/11  
From: Phillipps  
To: Hawkinson/Shann/Sharma

Mr. Hawkinson and Mrs. Shann, last week I emailed you following up on whether or not a Letter of Completion has been issued for Mr. Kenney on 4<sup>th</sup> Street and have not gotten a response yet from you. I am now asking again for a response and to inform you that the work in question is being actively used. If a Letter of Completion has not been issued I would suggest that you confirm the work being open to the public for yourself and take appropriate steps to assure public safety.

I am respectfully requesting your response.

P.S. I have received an “Out of Office” reply from Mrs. Sharma.

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5/17/11  
From: Hawkinson/Shann/Sharma  
To: Phillipps

Mr. Phillipps, the owner and applicant of the property, Mr. Kenney, has scheduled an inspection for May 18, if the project is complete, a Letter of Completion would be issued. If items remain, corrective measures may be needed to be put in place until the city is able to issue a Letter of Completion.

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5/17/11  
From: Phillipps  
To: Hawkinson/Shann/Sharma

Based on your response, there is no Letter of Completion.

I have informed you for the second time in past weeks that this project is being openly used by the public prior to inspections and without a Letter of Completion. Have you or Mrs. Shann followed up on this complaint and if so what actions did you take?

Thank you for your attention to this matter.

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5/25/11  
From: Phillipps  
To: Hawkinson/Shann/Sharma

Good morning Mr. Hawkinson, last week you mentioned that the 4<sup>th</sup> Street project was scheduled for a final inspection, was that done and was a Letter of Completion issued?

---

5/25/11  
From: Hawkinson/Shann/Sharma  
To: Phillipps

Mr. Phillips, the inspection performed did not result in an issuance of a Letter of Completion. The owner, Mr. Kenney, and his contractor have not completed the project.

A correction notice was issued to secure the stairs, which Mr. Kenney has done, from use until completion and a Letter of Completion could be issued. Mr. Kenney will call for a final inspection when he is ready for the Building Division to inspect the work.

6/2/11  
From: Phillipps  
To: Hawkinson/Shann/Sharma

Good morning all, it was noted on 6/1/11 that the stairs were open to the public, does that mean that the Letter of Completion has been issued?

---

6/2/11  
From: Sharma  
To: Phillipps

I will be out of the office until Friday, June 18<sup>th</sup> and will be unable to check emails during this time. Please contact the front desk at 962-2540 if you need assistance.

---

6/7/11  
From: Roger Kenney  
To: Hawkinson

Tom, the handrails are here and the anchors are epoxyied into the wall. Should have handrails by lunch tomorrow.

---

6/8/11  
From: Roger Kenney  
To: Hawkinson

Have one side finished working on the other. Problem is it's on the side next to Aspire and boy can those women complain. At least we got one side *so it is a lot safer*. Our anchor system in that old brick worked.

---

6/8/11  
From: Hawkinson/Shann  
To: Roger Kenney

Roger, please call me when both sides are complete so we can set up a final inspection. If all is complete, a letter of completion can be issued.

---

6/9/11  
From: Phillipps  
To: Hawkinson/Shann/Sharma

Hello, I emailed you guys a week ago inquiring into whether or not a Letter of Completion had been issued for the 4<sup>th</sup> Street project owned by Mr. Kenney, has one been issued and if so when?

I am also informing you that yesterday, 6/8/11, that it was being used by the public.

---

6/10/11  
From: Shann/Hawkinson/Sharma  
To: Phillipps

Mr. Phillips, based on your observation I will schedule an inspection for Monday 6/13/11.

---

6/13/11

From: Shann

To: Roger Kenney/Hawkinson/Sharma/Arnot/Gervais

Roger, thank you for the photo. I have scheduled final inspections for this afternoon for permit BP-10-01890. Final Building Inspector Jim Arnot, and Final Fire Inspector Romeo Gervais.

Since inspections were not previously scheduled for today I contacted the Inspectors and requested the Inspectors to add on to their existing schedules for today. They both stated they would be out later this afternoon. I have provided your name and numbers to the inspectors. Unit all final inspections have been completed and approved the stairway cannot be used. Otherwise you will be in violation of the City of Loveland Municipal Building Code.

As per our earlier conversation today, please continue to post the stairway entrance and exit with appropriate signage advising the public and personnel not to use the stairway.

---

6/13/11

From: Romeo Gervias

To: Shann/Kenney/Hawkinson/Sharma/Arnot

Roger, I have a full schedule today and may not be able to make it out there until tomorrow as I let Mary (Shann) know. If my 1:30 meeting gets out early I will head that way.

---

6/13/11  
From: Kenney  
To: Hawkinson/Shann

Mary, we did change the sign. However something just dawned on me, every building we construct that has stairs in it, the stairs are used as soon as they are installed right up till the end of construction. Most have no handrails other than maybe a 2x4 nailed to it. Totally unsafe situation. And no inspection. Why is this different? Just a thought. So every building under construction that has stairs is in violation of the building code. I'm not trying to be difficult but this just popped into my head. (COMMENT FROM ED, in this email Kenney fails to acknowledge that the stairs being used during construction, by contractors are not allowed to be open to public use.)

---

6/14/11  
From: Kenney  
To: Shann

Morning, James (Arnot) is supposed to stop by anytime, I just called him. And Romeo is supposed to be here at 10:30 so hopefully that will be the end of this.

---

6/14/11  
From: Arnot  
To: Shann/Dwight

Ms. Dwight, I believe all required inspections regarding the above referenced permit have been conducted and approved. I spoke on the phone with Romeo (Gervias) this morning and he stated he has approved Fire, however, it does not appear his approval has been resulted in the system yet. The applicant has requested a LOC (Letter of Completion). I gave the applicant verbal permission to allow public use of the new entrance as of 1100 hours today.

6/14/11  
From: Hawkinson  
To: Shann

Mary, go ahead and have Amada run the LOC.

---

6/15/11  
From: Phillipps  
To: Hawkinson/Shann/Sharma

Good morning, I am following up on the 4<sup>th</sup> Street project.

Ms. Shann, what were your findings on the 13<sup>th</sup>?

Mr. Hawkinson has a Letter of Completion been issued and if so when?

---

6/15/11  
From: Hawkinson/Shann/Sharma  
To: Phillipps

Mr. Phillips, the inspections have been completed and a Letter of Completion was issued this morning.

---

6/16/11  
From: Phillipps  
To: Hawkinson/Shann/Sharma

Thank you Mr. Hawkinson for that information.

Ms. Shann, what were the results of your inspection on Monday?

---

6/16/11

From: Sharma/Hawkinson/Shann

To: Phillipps

Mr. Phillipps, I would like to ask you again, to please make a written open records request for any information you are requesting on this property, rather than continually contact staff regarding their work performance and findings with respect to the property.

---

6/21/11

From: Phillipps

To: Sharma

Ms. Sharma, the information I passed onto the city staff was done so with concern for public health, safety and welfare. I passed it onto them as it is their responsibility to follow up on these matters and to see to it that the laws are being enforced. This particular situation seemed to go on without any remedy for sometime and after numerous complaints and observations in which the owner seemed to have no regard.

Subsequently I would like to know what staff findings were and what was done. If you or they are offended by my inquiries and how they may reflect on staff performance I cannot help that, but I do believe that I have a right to ask these questions and that you have an obligation as a public servant to answer them without putting me through the ordeal of requesting documents through an open records request just to find out.

Based on your response I feel you are offended by my inquiry. I have noted that you are an assistant city attorney, perhaps the city attorney would be more interested in the performance of city staff

in their duties and how their actions could put the public at risk,  
would you prefer I contact the city attorney?

Let me know how to proceed in order to obtain the information in  
which I have requested.

---

6/21/11  
From: Sharma  
To: Phillipps

Out of office reply.

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# BUILDING PERMIT CONDITIONS OF APPROVAL

Site Address: 209 E 4TH ST

Permit #: BP-10-01890

Permit Type: Interior Alter - Office

Kenney & Associates

Work Description: Adding a second interior stair.

**Building - Review:** Kenneth Wiseman Need More Information  
need to check revised drawings to know what comments to enter

**Fire:** Tom Hawkinson Pass

Per meeting with Merlin Green of the Fire Department, see comments of review by the Building Division. Signed off by Tom Hawkinson

**Wastewater Pre-Treatment:** Bill Thomas Not Applicable  
No Comments

**Electric Metering:** Kathleen Porter Pass

Please refer to the Requirements for Electric Service Standards book for electric metering guidelines. The book can be found [www.ci.loveland.co.us](http://www.ci.loveland.co.us) under Water & Power, then under Power Construction Standards.

**THIS STRUCTURE OR AREA OF CONSTRUCTION SHALL NOT BE OCCUPIED WITHOUT PRIOR APPROVAL FROM THE BUILDING OFFICIAL.**

These building permits are issued with the requirement that all work will be completed according to the reviewed construction documents, including all corrections and/or additions noted on the construction documents and shall comply with all applicable Loveland Municipal Codes, State and Federal laws//regulations. The work must comply with all conditions set forth on this permit. This permit is subject to the requirements of the Grading and Erosion Control permit issued by the City of Loveland Municipal Code Chapter 13.20. All construction activity undertaken in accordance with this building permit shall comply with the referenced stormwater quality requirements. Any violations of the above referenced requirements by any person within this subdivision or development may result in the issuance of a Stop Work Order for an individual lot, or for the entire development or subdivision.

At the time a building permit is issued, the City of Loveland Building Division calculates and collects a use tax deposit. The deposit is calculated by multiplying 50% of the total construction valuation by the City's current tax rate of 3.0%. The tax paid at the time a building permit is issued is a deposit. The final tax is calculated the completion of the

project and reported to the City's Sales Tax Department. A final cost report is the means by which a contractor/applicant finalizes the use tax portion of a project constructed in the City of Loveland. This report allows the contractor/applicant to provide actual final costs of the project in order to determine if an outstanding tax liability exists or if a refund is due. Information provided on the report must be substantiated by appropriate records/invoices including subcontractor statements. The contractor/applicant and the owner of the project are jointly and separately responsible for the City tax. Any unpaid taxes arising from construction projects constitute a first and prior lien on the property. The owner or contractor is required by the Loveland Municipal Code to preserve all invoices, receipts, and statements showing purchases of construction supplies and tangible personal property for a period of three (3) years after the completion of construction. The City of Loveland may, within that three-year period, conduct an audit of all records of the contractor/applicant or the owner.

I understand and accept the conditions stated above for the issuance of this building permit.



Applicant

2-22-11

Date



# Colorado Code Consulting, L.L.C.

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## PLAN REVIEW REPORT

### PROJECT

**Kenney & Associates Alteration**

### PROJECT LOCATION

209 E 4<sup>th</sup> Street  
Loveland, Colorado

### DATE OF REVIEW

May 16, 2011

### REVIEW BASED ON PLANS DATED

December 7, 2010 *revised on 2-17-11*

### REVIEW CONTACT

Stephen Thomas, CBO  
303-400-6564  
stthomas@coloradocode.net

## PROJECT INFORMATION

**ARCHITECT:** Kenney Associates

### CODES USED FOR REVIEW

2006 International Building Code  
2006 International Mechanical Code  
2006 International Plumbing Code  
2006 International Energy Conservation Code  
2005 National Electrical Code

### BUILDING INFORMATION

Occupancy Classification	Type of Construction
Group B	Type VB
Total Floor Area	Height (Stories)
5,038 Sq. Ft	Two

### Notice

This cursory plan review is based on the codes noted herein and represents a list of corrections necessary to comply with the requirements contained within them. This review is not a building permit. The local jurisdiction is responsible for issuing the appropriate permits based on this review. The approval of plans and specifications does not permit the violation of any section of any federal, state or local regulations. All comments in this report are based on the information provided on the drawings and supporting documentation provided for review. Colorado Code Consulting, LLC does not accept any responsibility for any condition that was not known at the time of this report. We reserve the right to amend this report if additional information is received.

This report does not purport to review, interpret, apply, or certify compliance with the accessibility requirements set forth within the Americans with Disabilities Act (ADA). The application, interpretation and enforcement of the ADA are vested with the Federal Department of Justice. Applicants are encouraged to seek professional review to ensure compliance with the ADA.

## REVIEW COMMENTS

The items noted below with a comment number (B-1, B-2 etc) are items that need to be corrected for compliance with the applicable section. The drawings have also been marked with the same designation in the area in question. B = Building Code, M = Mechanical Code, P = Plumbing Code, E = Electrical Code

### BUILDING CODE COMMENTS

- B-1 Refer to Sheet A3.1. The Code Summary provides three options regarding the occupant load calculations and egress from the second floor. Please choose the single option that the designer is using for the design of the egress system. In addition, the third occupant load option does not appear to take into account the conference room.

- B-2 Refer to Sheet A3.1. The Code Summary indicates that the travel distance is less than 75 feet as required in Table 1019.2. Please provide dimensions on the drawings to show compliance with this requirement. A rough scaling of the travel distance from the covered deck, through the space, down the stairs to the exterior exit door exceeds the 75 foot limitation. If the distance is exceeded, the second stair at the back of the space must be made available to all of the occupants on the second floor.
- B-3 Refer to Sheet A3.1. The door from the conference room to the hallway is not permitted to reduce the required width of 36 inches by more than one-half. A minimum of 18 inches clearance is required during the course of the doors swing. (Section 10058.2)
- B-4 Refer to Sheets A3.1 & A3.2. Please provide egress illumination on the new stairway. Electrical drawings were not provided to confirm that the illumination is being provided. (Section 1006.1)
- B-5 Refer to Sheet A3.1. It appears that a new exit door is being installed at the bottom of the new stairway. Please provide a hardware schedule to confirm that the door will be provided with hardware that is in conformance with Section 1008.1.8.
- B-6 Refer to Sheet A3.2. A minimum 80 inch headroom clearance is required above the stairs. It appears that a line has been provided showing this clearance, but there is no dimension provided. (Section 1009.2)
- B-7 Refer to Sheet A3.2. Please provide a profile detail of stairs to show compliance with Section 1009.3.3.
- B-8 Refer to Sheet A3.2. Handrails are required to be provided on both sides of the stairway. It is difficult to determine whether handrails have been provided on each side of the stairway. (Section 1009.10)
- B-9 Refer to Sheet A3.2. The handrails are required to be placed between 34 inches and 38 inches above the nosing of the treads. Please provide the height of the handrails on the drawings. (Section 1012.2)
- B-10 Refer to Sheet A3.2. Please provide a detail or note indicating the handrail dimensions to show compliance with Section 1012.3
- B-11 Refer to Sheet A3.2. The handrails must extend a minimum of one tread depth past the bottom tread of the stairway and at least 12 inches horizontally past the top tread of the stairway. (Section 1012.15)
- B-12 Refer to Sheet A3.2. Please provide details and dimensions for the guardrail at the top of the stairs. It must comply with the provisions of Section 1013.
- B-13 Refer to Sheets A3.1. The stair section does not appear to agree with the upper level floor plan. The section shows the new going up and then turning to the right with two risers, but the floor plan shows a straight stair. Please clarify.
- B-14 Refer to Sheets A3.1 and A3.2. The building section and stair section on these two drawings do not appear to agree. Please clarify which section is applicable.
- B-15 Please provide structural framing plans for the new stair opening. The plans should show the existing new framing.

- B-16 Please provide a framing plan for the new ceiling over the entrance area.
- B-17 Refer to Sheet A3.2. Please provide details or notes showing how the partitions in the office are intended to be constructed.
- B-18 Please provide structural calculations to support the proposed design of the stair, floor and ceiling supporting system including the capability of the existing steel beam to carry the added loads being proposed.
- B-19 Refer to Sheet A3.2. Please provide information on the glazing in the wall around the new conference room. It appears that it may be required to be safety glazing. (Section 2406.3)
- B-20 Refer to Sheet A3.1. It appears that the relocated window near the new exterior exit door is within 24 inches of the edge of the door. If it is, the glass must be approved safety glazing. (Section 2406.3, Item 6)
- B-21 Refer to Sheet A3.2. It appears that a window is located next to the top of the new stairway. The glazing in this window must be replaced with approved safety glazing. (Section 2406.3, Item 10)

**MECHANICAL CODE COMMENTS**

- M-1 It does not appear that any mechanical work will be conducted under this proposal. Please clarify. If mechanical work is being done, please provide mechanical drawings for review.

**PLUMBING CODE COMMENTS**

- P-1 It does not appear that any plumbing work will be conducted under this proposal. Please clarify. If mechanical work is being done, please provide plumbing drawings for review.

**ELECTRICAL CODE COMMENTS**

- E-1 Please provide electrical drawings for review.