

Meeting Minutes

Building Board of Appeals

September 7, 2017

The Rapid City Building Board met on September 7, 2017. The following members were present: David Asbridge, Steve Malone, Michele Seaman, Myron Tatum, and Steve Struble.

Staff Present: Brad Solon, Carla Cushman, Jasmine Stone

Others Present: Chino Caekaert and six contractors, Scott and Laura Schirber, Matthew Schmahl, and Gerald Raymond.

Meeting opened at 7:31

1. Set Agenda

Seaman made a motion to set the agenda, seconded by Tatum, motion passed 3-0.

2. Contractor License Appeal brought forward by homeowners Scott and Laura Schirber, Matthew and Jessica Schmahl, and Gerald and Miki Raymond, against Chino Caekaert of Caekaert Construction

Asbridge explained the ground rules including five minutes of talk time.

Mrs. Schirber started by explaining what was included in the packet information. She stated they entered a contract with Chino in May of 2017 and that there were numerous challenges in the process. She explained that they were out of budget for the construction materials they were choosing, by up charging on excavating, garage doors, and siding. They agreed on change orders to approve any materials going forward, in which Chino didn't let them know about several times. She stated he told them he couldn't honor some of the original prices he had in the contract on landscaping etc. She explained at one point he tried to charge them a 5% overage fee on the all the changes he was making that they hadn't even given him authorization to do in the first place. She stated that several times he would make changes to the house that weren't in the contract and that they had not agreed to. She stated he lied and used bullying tactics in attempt to manipulate them. They then sought legal counsel and were verbally threatened by Caekaert. Schirber was authorized to speak on the neighbor not present and that Chino had lost his right to build for veterans and VA Loans. She explained that a lot of money and emotion went into this and they did end up closing on the house but he has not honored the 1 year warranty that was in their contract. She stated unfortunately they were not the only ones that have been affected by Chino's behavior and that they have met other neighbors who went through the same thing as they have. Mr. Schirber added that there were several issues of dishonesty and deceit throughout the build of their house and he would ask the board to read through the packet they provided that explains those situations.

Raymond started by saying that they had a basement finish with Caekaert that went into contract for 306 Sapphire Lane in October of 2015. He explained that Caekaert starting placing

equipment on his property, and they also had multiple requests from Chino if they could close sooner. He stated they closed on December 2015 and that there was a vanity and mirror that was not completed during the two month time frame. They then scheduled to complete the mirror and vanity and during that time Chino asked Raymond, "Do you know who I am?" Raymond replied with, "No I've never met you." Caekaert stated, "You don't want to mess with me."

Matthew started by saying that during the purchase agreement certain items were crossed out, including floor drains, that they were never made aware of by Chino. They also sought legal advice and were able to get out of their contract with Caekaert Construction. He explained it was a long drug out battle they went through and very similar to what the other appellants stated they had gone through.

Asbridge clarified that there were three different homeowners.

Chino Caekaert stated that he needed twenty minutes instead of five minutes. Asbridge denied his request. Caekaert stated that Gerald Raymond hung up on him multiple times. He stated that Raymond only wanted to speak with his realtor so it made it difficult to communicate with him. Caekaert stated he got eighteen change orders and that it was a battle for every change order. He stated the Schirber's wanted to change things after the house was built. He stated she wanted to pay less than what he paid for the items. He explained he has had written threats from Mrs. Schirber, that if he didn't sell them the house for 403k (when it cost him 419k) that they would tie it up in court for over a year making the house vacant. Caekaert stated there is an issue with \$1,400.00 and if they would return the \$1,400.00 to him there wouldn't be an issue. He stated that Mrs. Schirber went door to door to try and defame his character, credibility, and business. He stated this is not an issue of my license; this is an issue with Laura Schirber.

Asbridge stated his role and the board's purpose is dealing with code issues. He stated they are not a court, and that each document needs to be annualized. He stated they won't be ruling today but there would be a ruling. Scott Schirber discussed all the ethical issues Caekaert brought during the build of their home.

Tatum asked everyone if there had ever been "code issues" with Caekaert Construction. Solon stated he was not aware of any code issues, and that Caekart always has his inspections and CO's.

Seaman asked Caekart how long he has been building. Caekart replied, about five years.

Tatum stated he should consider dropping out of the vote because Caekert worked for him in the past, and that it would be a conflict of interest.

Asbridge made a motion to continue until the next scheduled meeting. Seaman clarified.

Malone suggested Chino getting a few letters from people who think he did good work and have them submitted to the board.

Malone stated, until the board reads the packet entirely they could not make a motion. The board agreed.

Asbridge stated to put Chino on notice and that he needed to submit his own documentation, and letters of people that are “okay” with him. Carla stated she will contact him to let him know he needs to submit his own documentation. Discussion continued.

Asbridge made a motion to continue it to the October 10, BBOA meeting, seconded by Struble, motion carried 5-0.

3. 2017 NEC Adoption

Solon stated there was a public meeting held with two contractors showing up, and no comments were made on the matter. Solon suggested they could pass it to Legal and Finance for adoption.

4. Approval of the August 8th 2017 BBOA Meeting Minutes

Struble made a motion to approve the meeting minutes, seconded by Seaman, motion passed 5-0.

Malone stated since he wouldn't be at the October 10th meeting if they could have the contractor appeal continued to the September 26th date and not on October 10th?

Malone made a motion to reconsider the continuance on September 26th, instead of October 10th. Struble Seconded, motion passed 5-0.