

Receipt # \_\_\_\_\_

Date 5/3/16

Building Board Case No. BC-A-02-2016

Permit No. \_\_\_\_\_

MUNICIPALITY OF ANCHORAGE

Board of Building Regulations Examiners and Appeals

Appeal Emanating from Action of the Building Official

Appeal Emanating from Action of the Fire Official

I (we) Ron Thompson  
Appellant

529-5120  
Telephone Number

of 726 E 15th Ave  
Mailing Address

ANCHORAGE  
City

AK 99501  
State Zip Code

request a determination be made by the Building Board on the case of:

a. \_\_\_\_\_ permit denial  
(type)

b. REFUND DENIAL (other)

Street Address of Project: SEVERAL

Legal Description: \_\_\_\_\_

Between Cross Streets: \_\_\_\_\_ and \_\_\_\_\_

Status of Project: (check applicable boxes)

a. Construction has \_\_\_\_\_ has not \_\_\_\_\_ started.

\_\_\_\_\_ b. Construction was suspended more than six months ago.

\_\_\_\_\_ c. Construction is in progress but a stop-work order has been issued by the Municipality.

\_\_\_\_\_ d. Construction is pending.

e. Other CONSTRUCTION WAS DONE MOA DID NOT PERFORM  
(please state) TASKS AS ASSIGNED OR REFUND PROPERLY

This appeal is based on the action of the Building Official or Fire Official, who claims that:  
(check one or more)

\_\_\_\_\_ a. Materials(s) chosen (is) (are) not appropriate for intended use.

\_\_\_\_\_ b. Type(s) or method(s) of construction (is) (are) not permitted.

\_\_\_\_\_ c. A Fire/Life Safety deficiency exists for the intended type of occupancy, which takes precedence over the plans as submitted and approved for permit.

d. Other REFUND REQUEST IS LATE & OR NOT VALID.  
(please state)

000001

I (we) contend that such an interpretation is incorrect or incomplete as per Section TITLE 23 + POLICY of the \_\_\_\_\_, which supports the following belief:  
(number & paragraph) (state which code)

State main reason(s), please be brief: REFUNDS SHOULD HAVE BEEN PROCESSED BUT THEY WERE NOT. INSPECTION TIMES WERE SUPPOSED TO BE DOCUMENTED, THEY WERE NOT. POLICY & CODE STATES HOW IT WAS SUPPOSED TO BE DONE THE MOA HAS NOT DONE THEIR DUE DILLIGENCE AND UPON FINDING THIS OUT I PAID RESEARCH FEES AND HAVE DOCUMENTED ALL INCONSISTENCIES IN TWO CLIENTS FILES. I REQUEST A REFUND BE GIVEN OR PROVIDE PROOF I AM NOT CORRECT. I WROTE THE FEES AND COMPLETELY KNOW HOW THEY WERE TO MATCH ROW PER STRUCTURE. CAPABILITIES WERE AVAILABLE MOA ~~CHOOSE~~ CHOOSE NOT TO FOLLOW THEIR OWN POLICY AND MEET THE INTENT OF THE CODE. ONCE FOUND I SUBMITTED SO IT IS EXTREMELY TIMELY.

[Signature]  
Signature of Appellant

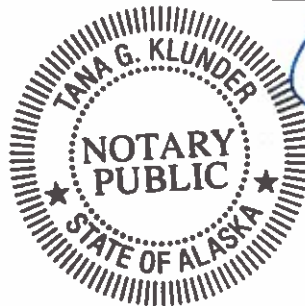
529-5120  
Telephone

726 E 15TH  
Address

Fax

ANCH AK 99501  
City State Zip Code

Subscribed and sworn to before me this 3rd day of May, 2016.



[Signature]  
Notary Public in and for Alaska

My Commission Expires: Mar. 10, 2019

# MUNICIPALITY OF ANCHORAGE



Development Services Department

Phone: 907-343-8301

Mayor Ethan Berkowitz

April 27, 2016

Scope Permitting and Engineering, LLC  
726 E. 15<sup>th</sup> Avenue, Suite 200  
Anchorage, AK 99501

Attn: Ron Thompson, P.E.

Subj: Refund Requests

Dear Mr. Thompson,

The department has researched the refund request in the amount of \$14,850 you submitted on January 6, 2016 on behalf of MCN Construction for 27 permits issued at various times in 2013-2015, and acknowledges your second submittal of April 7, 2016 requesting refunds on behalf of Criterion General in the amount of \$45,862.50 for 63 permits issued during the same time period.

Your request is for refunds of permit fees collected for Alterations; Additions; Change of Use; and Plumbing, Mechanical and Electrical Alterations (Residential and Commercial). Pertinent sections of Anchorage Municipal Code (AMC) applying to these requests are excerpted below:

**23.10.104.13.2 Permit fees.** *Permit fees are calculated as follows: ....*

- C. *Permit fees for additions, alterations and change of use permits are not based on valuation. The fees are based on an estimated number of inspections for all disciplines provided by the permit applicant. The building official will assist the permit applicant with the initial estimate. The building official reserves the right to correct the estimate based on historic information for similar projects. A refund will be granted for inspections not used. Additional fees are required for inspections exceeding the number purchased.*

**23.10.104.13.5 Fee refunds.**

- A. *The building official shall refund a fee that is paid or collected in error.*
- B. *The building official may refund up to eighty percent (80%) of the permit fee paid when a permit is cancelled.*  
*Exception: The building official may grant a full refund of the permit fee if no work has been done by the Municipality, and the permittee shows the cancellation of the permit was beyond the permittee's control.*
- C. *The building official may refund the full plan review fee if the permit is cancelled before any review has begun.*
- D. *The building official shall not refund any fee unless it is requested in writing by the original permittee.*
- E. *Permits expired by more than 360 days are not entitled to a refund.*

**23.10. Table 3-A Building Permit Fees.**

<b>3. Alterations; Additions; Change of Use; Plumbing, Mechanical and Electrical Alterations (Residential and Commercial)</b>	<i>\$150 per inspection per hour with a minimum 1/2 hour charge per inspection.</i>
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You also reference Policy AG.36 (copy attached), dated December 29, 2010, which details the procedure for tracking inspection time and issuing refunds for permits associated with Item 3. in Table 3-A. You've based your request on an assumption that of all the inspections recorded for each project, at least half of them must have been performed in less than one half-hour.

The department is unable to grant your request for refunds for two reasons: 1) Untimely submittal, and 2) Inspection duration is based on erroneous assumptions, not verifiable data.

**Untimely Submittal:**

All but five of the 90 permits have been closed out, with close out dates ranging from April 2, 2013 to September 15, 2015. Of the 90 permits, 15 requests for refunds were already processed at the time of closeout, 8 by MCN Construction, 7 by Criterion General. This indicates to us that both companies were well aware of the opportunity for refunds and availed themselves of that opportunity at the appropriate time, i.e., permit closeout. Returning to request additional monies anywhere from several months to several years after closeout is unreasonable, especially where no error can be shown to have occurred in the department's calculations of fees owed.

**Erroneous Assumptions:**

The department has issued refunds for permits where inspection duration (including preparation and travel time) has been documented at ½ hour or less, and we will continue to do so. Although Policy AG.36 was instituted in good faith, it proved to be impractical to implement consistently with available technology and other demands on inspectors' attention, so the department has instead relied on contractor evidence to verify durations. Where the contractor has presented verifiable evidence and requested a refund in a timely fashion a refund has been granted.

You have provided spreadsheets showing the times at which inspection results were entered into the Hansen system and have assumed those times represent the actual time at which the inspector concluded the inspection. This is not correct, the time shown in Hansen only reflects the time at which the inspector entered those particular results in the computer. With air card connection problems or simply individual work habits, the entry could have been done at any time during the day. Revisiting these inspections at this late date and verifying actual time spent is at best impractical and in reality impossible.

For the reasons stated above, the referenced claims for refunds are rejected. Due to additional changes to AMC 23.10 Tables 3-A and 3-C which became effective April 1, 2016, the department is in the process of purchasing a software module to allow field time-stamping for inspection preparation and performance time. This will improve our ability to resolve these matters to everyone's satisfaction in the future.

Best Regards,



Sharen A. Walsh, P.E.  
Director & Building Official

# MUNICIPALITY OF ANCHORAGE



Community Development Department

Development Services Division

## Policy AG.36

### **Inspection Fees for Alterations: Additions: Change of Use Inspections requiring less than 30 minutes of Inspector Time**

Reference: AMC Title 23 – 23.10 – Table 3-A Building Permit Fees

Item 3. of the referenced table states that the fee for Alterations: Additions: Change of Use; Plumbing, Mechanical and Electrical Alterations (Residential and Commercial) shall be \$150 per inspection per hour with a minimum ½ hour charge per inspection. The administrative procedure for managing this fee shall be as follows:

1. The initial minimum charge shall be for one hour at \$150.
2. Inspectors shall track and document time spent on preparing for, traveling to/from, performing the inspection, and working on post-inspection documentation.
3. If the time involved in Step 2 is less than 30 minutes, inspectors shall document the duration of the inspection time and notify the permittee of the potential refund.
4. Permit holders shall submit a request for reimbursement (using forms provided on the Development Services website) for one half hour of inspection time (\$75).
5. The assigned Building Safety Permit technician shall submit the reimbursement request to the administration section within 2 working days of receiving the request.



Sharen A. Walsh, P.E., Building Official  
Date: December 29, 2010