STATE OF MINNESOTA

STATE BUILDING CODE APPEALS BOARD

In the Matter of the Appeal of Nicolas Qualle

Appeal No. 15-04

FINAL DECISION
Dated: June 22, 2015

This matter came on for hearing before the State Building Code Appeals Board ("Board") on May 29, 2015. The record closed at the conclusion of the hearing. The Board authorized its Chair, Scott McKown, to prepare and issue the Board's final written decision.

Appellant Nicolas Qualle appeared on his own behalf. Loren Kohnen, Building Official, appeared on behalf of Respondent City of Rockford, Minnesota ("City").

The issue in this appeal is whether the City's Building Official violated the true intent of the State Building Code by using a valuation table prepared by Metro West Inspection Services, Inc. ("Metro West") to set the value of Qualle's building permit for construction to take place at 7002 Jenks Drive in Rockford. Minn. R. 1300.0160, subp. 3 provides in relevant part:

> The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of all construction work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. Building permit valuation shall be set by the building official.

Pursuant to the Board's authority under Minn. R. 1300.0230, and based upon the entire record, including all documents, testimony, and arguments submitted to the Board, the Board holds that the City's Building Official did not violate the true intent of Minn. R. 1300.0160, subp. 3 by using the Metro West valuation table to value Qualle's building permit. The Board's decision is supported by a variety of facts and information discussed during the hearing.

Qualle applied to the City for a permit to build a 348-square-foot deck and a 600-square-foot addition above his garage. He provided a total estimated permit value of $23,405, based on contractor price quotations and his own pricing of the materials. He did not provide this information to the City and has not yet entered into any contracts for materials or labor.

To determine the value of Qualle's building permit, the City's Building Official used a Metro West valuation table that provides total per-square-foot values—including materials and labor—for various kinds of construction. The table valued Qualle's proposed garage-addition construction at $92 per square foot and the proposed deck construction at $38 per square foot, plus additional fees for the stairs.[1] The Building Official rounded down from the $68,640 total value provided by the Metro West table and set Qualle's permit value at $68,000. The Building Official questioned Qualle's estimated labor and materials costs and explained that the use of valuation tables to determine a project's *value* ensures that identical projects are valued the same

[1] The Metro West table closely corresponds to the Department of Labor and Industry's ("DLI") 2009 valuation data and shows lower values than DLI's current valuations.

for everyone, even if some people are able to pay a lower *cost* for completion of the project—by, for example, doing their own labor rather than hiring a contractor. Because permit fees are established by reference to permit values, using valuation tables results in uniform permit fees for identical projects.

RIGHTS OF APPEAL

This is the final decision of the State Building Code Appeals Board in this matter. A person aggrieved by this decision may, within 180 days of its date, appeal to the Commissioner of Labor and Industry as set forth in Minn. Stat. § 326B.139 (2014).

SCOTT McKOWN, Chair
State Building Code Appeals Board