

June 15, 2022

**MINUTES**  
**OF THE COLLIER COUNTY**  
**CONTRACTORS' LICENSING BOARD MEETING**

June 15, 2022

Naples, Florida

**LET IT BE REMEMBERED** that the Collier County Contractors' Licensing Board, having conducted business herein, met on this date at 9:00 a.m. in **REGULAR SESSION** in Administrative Building F, 3<sup>rd</sup> Floor, Collier County Government Center, Naples, Florida, with the following members present:

<b>Chair:</b>	Kyle Lantz
<b>Vice Chairman:</b>	Terry Jerulle
	Matthew Nolton (excused)
	Richard E. Joslin
	Patrick G. White (excused)
	Todd Allen
	Robert Meister III (absent)
	Elle Hunt (excused)
	Stephen Jaron

**ALSO PRESENT:**

Kevin Noell, Esq., Contractor Licensing Board Attorney  
Timothy Crotts, Contractor Licensing Supervisor  
Colleen Kerins, Assistant Collier County Attorney  
Michael Governale, Collier County Licensing Investigator

*Any person who decides to appeal a decision of this Board will need a record of the proceedings and may need to ensure that a verbatim record of said proceedings is made, which record includes the testimony and evidence upon which any appeal is to be made.*

**1. ROLL CALL:**

**Chairman Lantz** opened the meeting at 9 a.m.

Roll call was taken; five members were present in the BCC Chambers at roll call.

**Supervisor Crotts** said Board Members Hunt, White and Nolton have excused absences and provided prior notices. They asked that their absences be approved.

**Chairman Lantz** approved the absences.

**2. ADDITIONS OR DELETIONS:**

None

**3. APPROVAL OF AGENDA:**

*Board Member Allen moved to approve the agenda. Board Member Joslin seconded the motion. The motion passed unanimously, 5-0.*

**4. APPROVAL OF MINUTES:**

**A. Approval of Minutes for May 18, 2022**

*Board Member Allen moved to approve the May 18, 2022, meeting minutes. Board Member Joslin seconded the motion. The motion passed unanimously, 5-0.*

**5. PUBLIC COMMENTS:**

None

**6. DISCUSSION:**

**Supervisor Crotts** said we are officially now into the hurricane season and one of the things he wants to address with the Board is the issuance of an emergency-restricted Certificate of Competency under Ordinance 2006-46, Section 2.11: In the event of a declaration of a State of Emergency in Collier County by the Collier County Board of Commissioners, or in a City by the City Council, and where substantial damages have occurred to buildings or structures and as to cause shortages of available persons, firms and entities in the contracting trades for which there are Collier County and City Certificates of Competency, the Contractors' Licensing Board will be authorized to declare an emergency contracting trade shortage for designated categories, contractors or subcontractors listed in the Ordinance. This declaration shall be for a period not to exceed six months.

Under Section 211.2, the CLB can authorize contractor licensing supervisors to prepare and regulate the section of contractors and subcontractors from other jurisdictions whose licensing requirements are substantially comparable to those licensed in Collier County and issue temporary licenses to those contractors for a period not to exceed the emergency declaration. The contractor selected must be licensed

in a jurisdiction whose testing and license requirements have been pre-determined by the Contractors' Licensing Board to be substantially comparable to Collier County CLB requirements.

What will happen, and what happened with Hurricane Irma, is that when an emergency is declared, we will have an emergency meeting of the Contractors' Licensing Board for the authorization for the issuance of Emergency Certificate of Competencies and we will sit there and pick the trade. The last time, the first trade that was picked was tree-trimming and removal. That was due to all the tree trimming and damage and roads that had to be opened, etc.

If there is an emergency declared, we will call an emergency session of the Board and then we'll make a determination on which licenses we should do as an emergency. Any questions from the Board?

**Board Member Joslin** asked if this also applied to other outside contractors from other areas.

**Supervisor Crotts** said that was correct. They would have to come in and apply and we would issue them an emergency temporary license. We can make a determination on how long to do the license. The last time, the Board issued a 60-day license. You can choose 90 days, or whatever we feel is going to get us through the emergency, until the emergency ends, but not to exceed six months.

7. **REPORTS:**

**A. Reappointment of Todd Allen, Stephen M. Jaron and Elle Hunt to the Board.**

**Supervisor Crotts** announced the reappointment of Board Member Allen, Stephen M. Jaron and Elle Hunt to the Contractors' Licensing Board. Their terms will expire June 30, 2025. He thanked them for their continuous support and reappointment to the Board.

8. **NEW BUSINESS:**

**A. ORDERS OF THE BOARD**

*Board Member Joslin made a motion to have the Chairman sign the Orders of the Board. Board Member Allen seconded the motion. The motion passed unanimously, 5-0. The Orders of the Board were approved.*

**B. Miguel Hernandez Hernandez, SWFL Interlocking Pavers Inc. – Building Contractor  
Review of Experience and Credit Review**

**Chairman Lantz called Mr. Hernandez to the podium and he and his translator were sworn in.**

*Supervisor Crotts reported that Mr. Hernandez has submitted an application for the issuance of a registered license of Building Contractor, which requires 48 months of experience and a minimum credit score of 660. As part of the staff review process, Mr. Hernandez submitted two Verifications of Experience and a credit report dated April 11, 2022.*

- *Associated Contracting Inc., a CGC. Mr. Hernandez worked as a W2 employee from March 2017 to March 2022. His scope of work was being part of the structural crew on residential homes. The company owner stated that the work performed by his company was very limited in commercial work and that Mr. Hernandez's experience at his company was very limited in commercial work.*
- *Absolute Stone of Naples Corp., a registered building contractor. Staff attempted to contact*

June 15, 2022

*this company several times to confirm the information that was submitted, but no return calls were received and no information could be verified.*

*Mr. Hernandez currently holds a Collier County Paving Block Contractor License, which was issued in 2020. Based upon the information received from Mr. Hernandez, it is staff's opinion that Mr. Hernandez does not meet the experience requirement under Ordinance 2006-46, 1.6.1.2, as it relates to the trade of a Building Contractor.*

*Also, as part of the application process under County Ordinance 2006-46, 2.3.9, Mr. Hernandez was required to submit a personal credit report. His credit report was reviewed and appears not to meet the financial responsibility as set forth in Section 2.5.1, Subsection D: The applicant or qualifier meets the requirements of financial responsibility as set forth in Rule GIG4-15.006 of the State of Florida.*

*A submitted credit report dated April 11, 2022, showed a credit score of 688. However, as part of the review of the credit report, the following areas of concern were noted:*

- A \$8,853 charge-off dated March 20, 2022, for PNC Bank.*
- A \$9,500 charge-off dated March 20, 2022, for Wells Fargo.*
- A \$12,933 charge-off dated March 2022 for Capital One.*
- The total amount of charge-offs owed is \$31,286.*

*Mr. Hernandez is being referred to the Board under Section 2.5.2, Referral of the Application to the Contractors' Licensing Board for a Decision. Mr. Hernandez is here to answer your questions regarding his experience and to explain his credit issues.*

**The Translator** said he's now trying to resolve his credit issues and already paid off Capital One.

**Board Member Joslin** asked how much that was.

**The Translator** said the highest was \$12,933.

**Board Member Joslin** asked if he was still making payments.

**The Translator** said he was.

**Vice Chairman Jerulle** asked her to explain what she was asking him.

**CLB Attorney Noell** asked her to speak in English first for the Board and then in Spanish to Mr. Hernandez.

**The Translator** said he wasn't certain how much debt he still had, but still owes PNC and Wells Fargo and is in the process of paying them.

**Chairman Lantz** asked if he was on a payment plan and asked if he's trying to pay off PNC as quickly as he paid off Capital One.

**CLB Attorney Noell** again asked her to say what she's saying in English first and then translate in Spanish to Mr. Hernandez before telling the Board what he said.

**The Translator** said he's on a payment plan.

**Board Member Joslin** asked if he had proof of the payments he's making.

**The Translator** said the only piece of evidence is Capital One. For the others, he doesn't have proof of payment with him here.

**Supervisor Crotts** confirmed staff had not seen any documentation about a payment plan.

June 15, 2022

**Chairman Lantz** asked if he had a payment plan or a new card issued by Capital One.

**The Translator** said Capital One has been paid off in full through AmeriCorps.

**Chairman Lantz** asked if he had documentation to show it's been paid.

**The Translator** said he did, but it's in Spanish.

**Board Member Joslin** said that won't do them any good. He asked what the bills, the charge-offs, were for.

**The Translator** said in 2017 and 2016, he wanted to borrow money from a bank because he had good credit and was eligible. There was confusion involved and he was led in the wrong direction, which led to him owing money to PNC and Wells Fargo.

**Board Member Joslin** asked if it was personal or business-related.

**The Translator** said both were personal.

**Board Member Allen** asked what sort of carpentry work he did with Associated Contracting.

**The Translator** said it was all structural work.

**Chairman Lantz** asked if he did form work, which holds the concrete in place before they pour.

**The Translator** said he did.

**Chairman Lantz** asked if he did rebar and trusses.

**The Translator** said yes, most of what he's done is structural and foundations. He understands what you're saying but not some terms.

**Chairman Lantz** asked if he'd done block work.

**The Translator** said yes, everything that has to do with structural work.

**Board Member Allen** asked if that included multi-story buildings.

**The Translator** said he worked on buildings up to four stories.

**Chairman Lantz** asked if he could say how much work was residential versus commercial.

**The Translator** said he's done more residential, with about 20% commercial.

**Vice Chairman Jerulle** asked Supervisor Crotts if this Building Contractor License would allow up to three stories.

**Supervisor Crotts** said yes. It allows up to three stories for commercial buildings.

**Vice Chairman Jerulle** asked her to ask Mr. Hernandez to convince him that he can build not just the structure of a building, but knows all the life-safety components that have to go into that building, such as fire sprinklers, fire alarms, etc. There are a lot of components that go into building a three-story building. He doesn't believe he has the experience, so he needs to be convinced.

**The Translator** said he does know the majority. The only thing he hasn't been involved in is electric and plumbing.

**Vice Chairman Jerulle** asked about fire sprinklers and alarms.

**The Translator** said no.

**Vice Chairman Jerulle** said those are some of the components he needs to have a grasp on for this license. Having experience with form work and structure is important, but having experience with structure and safety, you haven't shown.

**The Translator** said OK.

**Vice Chairman Jerulle** said if he gets the experience and cleans up his credit report, he wouldn't have a problem voting yes. But they're unresolved now. Is there an important reason that he needs the

license right now?

**The Translator** said he needs it to do concrete work.

**Chairman Lantz** asked why he wants a Building Contractor License and not a Concrete Contractor License.

**The Translator** said to start to build more things because the Building License covers most of what he wants to accomplish.

**Chairman Lantz** said he believes he's probably qualified. He didn't know how the licenses are written, but is it just a concrete contractor that would cover slabs, as well as block and tying, or is that broken up into multiple with concrete?

**Supervisor Crotts** said it's multiple. Concrete Forming and Placing allows a contractor to match and mix aggregate and do construction forms and framework for casting and shaping of concrete. The Concrete Placing and Finishing Contractor is basically flat work, floor slabs, sidewalks on grade. The Concrete Contractor is the license that allows them to use the pumping of the trucks to mix the concrete that way. The two in play probably would be the Concrete Forming and Placing, which is flat work, or the Concrete Forming and Placing Contractor, which allows him to do the framework and casting.

**Chairman Lantz** said that still doesn't allow him to do block work. In order to do from slab to tie beam, which seems like that's probably what he's qualified to do, he would need four licenses?

**Supervisor Crotts** said it depends on what he's looking to do.

**Chairman Lantz** said if he wants to do the concrete, the slabs, block and tie beams.

**Supervisor Crotts** said then the Concrete Forming and Placing would allow him to do that. That is the higher of the three contractor licenses for concrete.

**Chairman Lantz** asked, And he could do all of that?

**Supervisor Crotts** said that's correct.

*[Chairman Lantz explained what just occurred to the translator and asked her to tell Mr. Hernandez.]*

**The Translator** said he says that's fine. He noticed he's not qualified for the Building License, so he has no choice, right?

**Supervisor Crotts** said he wanted to provide a clarification on the Concrete Forming and Placing License. That is for concrete only and would include putting in cement block. If he's looking to do cement block, then that would be a Masonry Contractor License.

**Chairman Lantz** said so he'd need two licenses?

**Supervisor Crotts** said that was correct.

**Board Member Joslin** asked if that includes commercial.

**Supervisor Crotts** said it does.

**The Translator** asked if there was a license that includes all.

**Chairman Lantz** said apparently not.

**The Translator** said so he'd need two licenses?

**Chairman Lantz** said yes.

**The Translator** said that's OK.

**Vice Chairman Jerulle** said he wouldn't qualify today. There are things he would have to fix with his credit report and Verification of Experience for these trades. We could revisit his credit at that time.

**Supervisor Crotts** said they'd have to verify that he has the experience.

**Chairman Lantz** asked if he'd have to take a test.

June 15, 2022

**Supervisor Crotts** said he'd have to check to see what elements are part of that. He may have to.  
**Board Member Joslin** said he also needs to bring something in writing about his credit.  
*[Chairman Lantz asked her to explain the process to Mr. Hernandez.]*

**Supervisor Crotts** said he could withdraw the application and staff could take him through the process and tell him what's required for the credit issue.  
**Chairman Lantz** said that way he could do it one-on-one in an office with Spanish-speaking staff.

*[The Translator explained what they advised to Mr. Hernandez.]*

**The Translator** said he was fine with that.

**Chairman Lantz** said they'd need a formal withdrawal of the application.

**The Translator** said Mr. Hernandez agreed to formally withdrew his application and asked what he needs to get a Building License.

**Chairman Lantz** said he needs more experience coordinating with an electrician and plumber.

**Board Member Joslin** said working with another building contractor would enable him to learn and qualify him for that experience. He'll be working with someone who already is licensed.

**The Translator** asked if the other two licenses would help.

**Board Member Joslin** said they would.

**Chairman Lantz** said they would but he really needs to work for someone who does the whole project, not just structural work. That's the experience he needs.

*[The Translator explained that to Mr. Hernandez.]*

**The Translator** said he knows a lot of men and women with this license who don't have that experience. He doesn't know how they have that license without that complete knowledge.

**Chairman Lantz** said they only have the authority to give licenses in Collier County. Those people probably have state licenses, which may have different criteria than a County license.

**The Translator** said he said OK.

**Chairman Lantz** said we want him to get out working so he can start his own business.

**Supervisor Crotts** explained that he could contact their office and speak to Sandra, who will explain the process.

**Chairman Lantz** said staff would provide all the information but it's up to him to contact the office.

**The Translator** said that's great.

### C. **Simon J. Aguirre, Red Level Construction LLC – Residential Contractor**

#### **Review of Experience and Credit Review**

**Chairman Lantz called Mr. Aguirre to the podium and he and a witness, Elton Silcox, were sworn in.**

*Supervisor Crotts reported that Mr. Aguirre submitted an application for the issuance of a registered Residential Contractor License, which requires 48 months of experience and a minimum credit score of 660. As part of the staff-review process, Mr. Aguirre submitted three Verifications of Experience and two credit reports, one dated April 19, 2022, and one dated June 9, 2022.*

- *Artisan Design, Builders & Remodeling LLC, which is a CGC. He worked full-time from 2016 to 2019 and part-time from 2019 to 2020. His scope of work was remodeling only, and the majority was drywall and stucco; there was no new construction.*
- *Horizon Builders Inc., a CRC. The company president said he was not a full-time employee but helped out with drywall and stucco once in a while from 2017 to 2022.*

June 15, 2022

- *Boyette Construction Group LLC. Staff attempted to contact this company several times to confirm the submitted information, but no return phone call was received and no information could be verified.*

*Based upon the information received, it is staff's opinion that Mr. Aguirre does not meet the experience requirements under Ordinance 2006-46, Section 1.6.3.3, as it relates to the trade of Residential Contractor.*

*Also, as part of the application process for County Ordinance 2006-46, Section 2.3.9, Mr. Aguirre was required to submit a personal credit report. The credit report we reviewed appeared not to meet the financial responsibility as set forth in Section 2.5.1, Subsection D: The applicant or qualifier meets the requirements of financial responsibility as set forth in Rule G1G4-15.006 of the State of Florida. Staff had the following areas of concern:*

- *The April 19, 2022, credit score was 632 and the June 9, 2022, score was 648. The minimum required by rule is 660.*
- *It also shows a \$4,808 charge-off. This did not appear on the June 19th credit report.*
- *The Equifax Credit Report notes that serious delinquencies are hurting his credit report.*

*Mr. Aguirre is being referred to the Board under Section 2.5.2, Referral of the Applicant to the Contractors' Licensing Board for a Decision. Mr. Aguirre is here today to answer your questions regarding his experience and his credit.*

**Chairman Lantz** said we're here due to your credit and experience. We want to know you are qualified to build a single family, duplex, triplex house, from start to finish, and how you're working on your credit to get it better long-term.

**Mr. Aguirre** said he's working on his credit now. As you can see, the points went up. He's been working with Elton for the past four years and built more than 10 homes from the ground up. Whenever he's sick or in the hospital, he steps in to help. He's pretty sure he's got the experience to build a single-family home.

**Chairman Lantz** asked what type of experience he has.

**Mr. Aguirre** said he got a license in 2018 for stucco and drywall and has been around contractors. He took tests and submitted his application to build a single-family home.

**Vice Chairman Jerulle** said you think you have the experience. This is your opportunity to convince us.

**Mr. Aguirre** said from start to finish, you buy a lot, get the lot surveyed, get the footprint of the house and we start putting in dirt and get the elevation where it needs to be. We do the compact test. After that, we do the forming and after that, we do the electrical and underground plumbing. Then we pour the concrete. After that gets done, we do the shell, we do the tie beam, the rebar, the straps for the sheet and for the trusses.

After that, we do the sheeting. While that's going on, we're doing the inside framing, the plumbing, rough plumbing, rough electrical, rough AC. Once those get done, we do the installation. Once that gets done, we install windows and exterior doors, then go to drywall and stucco. Then we do the trim, the doors and we do the floor. Those are the processes we've done building homes. He's been alongside Elton for at least 10 homes from the ground up.

**Chairman Lantz** asked if you have a house that's concrete block opening with a precast still and an opening for the window, how do you make it from just the concrete to installing the window?



June 15, 2022

**Mr. Aguirre** said it must have reinforcement steel on the side and on the top before you install a window and we put the bucking on the side wall while installing windows.

**Chairman Lantz** asked for more detail.

**Mr. Aguirre** said you have to waterproof it, then put in the side bucks for the window and screw them in.

**Chairman Lantz** asked how he'd do that.

**Mr. Aguirre** said the screw gun, the level.

**Chairman Lantz** asked what he's using for waterproofing.

**Mr. Aguirre** said he uses waterproofing paint that you roll on.

**Chairman Lantz** asked, What if it's wood?

**Mr. Aguirre** said they wrap it with Tyvek.

**Chairman Lantz** said if it's concrete, how are you attaching the bucks to the concrete screws?

**Mr. Aguirre** said Tapcon screws.

**Chairman Lantz** asked where he puts them into the concrete.

**Vice Chairman Jerulle** asked how often and how deep?

**Mr. Aguirre** said 6 inches and 2¼.

**Chairman Lantz** said once you get your bucks in, what are you doing with your waterproofing? Do you do that before or after the bucks?

**Mr. Aguirre** said after the bucks because that needs to be waterproofed, as well.

**Chairman Lantz** asked, And then how do you install the window?

**Mr. Aguirre** said you pick it up and screw it.

**Board Member Jaron** asked where the 10 homes he built are.

**Mr. Aguirre** said they're in Lee County.

**Vice Chairman Jerulle** asked if they were all on spread footings.

**Mr. Aguirre** said he didn't understand.

**Vice Chairman Jerulle** said there are several foundation systems in building a home. One of them is a spread footing.

**Mr. Aguirre** said we just do them on flat foundations. We do the ground up, a compact test, then pour it.

**Vice Chairman Jerulle** said so you don't do footings and stem wall?

**Mr. Aguirre** said no.

**Vice Chairman Jerulle** asked if you have any experience doing a footing and a stem wall.

**Mr. Aguirre** said no.

**Vice Chairman Jerulle** asked if he'd done any work on homes with pilings.

**Mr. Aguirre** said no. The only homes we've done were with foundations on the ground and we go from there. They're 1,500-2,000-square-foot homes.

**Vice Chairman Jerulle** said if we give you this license, that's what you'll be doing.

**Mr. Aguirre** said he wants to stick to what he's doing.

**Vice Chairman Jerulle** said for now, until someone asks for something else.

**Mr. Aguirre** said that's how it started with this license. He ran into builders like him (Elton). Maybe he will soon be applying for a different license.

**Chairman Lantz** asked where he wants to build.

June 15, 2022

**Mr. Aguirre** said Golden Gate Estates and Lehigh.

**Chairman Lantz** said this won't allow you to do that.

**Mr. Aguirre** said he would transfer the license.

**Vice Chairman Jerulle** asked Mr. (Elton) Silcox what he was here for and what license he had.

**Mr. Silcox** said he was here for moral support and had a C License, a state license for residential.

**Board Member Jaron** asked if they were going to continue to work together or would he step away.

**Mr. Silcox** said he'd step away because his wife was really sick and he needs to take care of her. This would help him out.

**Vice Chairman Jerulle** asked how many homes he builds in a year.

**Mr. Silcox** said he's finishing up two and has four under contract.

**Vice Chairman Jerulle** asked what experience Mr. Aguirre had.

**Mr. Silcox** said the same as his. He can do all of it. We've done several. He stepped in and got the roof put on, the trusses set.

**Vice Chairman Jerulle** asked how much he does in-house versus subbing it out.

**Mr. Silcox** said he used to do it all. Now that he's older, he subs it all out. Today, we're hanging cabinets.

**Vice Chairman Jerulle** asked why Mr. Aguirre needs a license if he has a license.

**Mr. Aguirre** said he needs his own license.

**Mr. Silcox** said he's going to quit after these four homes. You're not supposed to sell your licenses or give them away. You're still responsible.

**Chairman Lantz** asked if Mr. Aguirre was a full-time employee of his, whether he was on the payroll.

**Mr. Silcox** said no, Mr. Aguirre comes by when he needs help. Lately, that's been often. He didn't believe he paid him.

**Mr. Aguirre** told him he'd been paid a percentage for each house.

**Mr. Silcox** said, Oh, yeah, that.

**Chairman Lantz** asked if the Board needed to address the credit issue.

**Vice Chairman Jerulle** asked if there was a reason he needed the license today, rather than two months from now when his credit would be better.

**Board Member Jaron** said you're going to be buying materials and supplies. You're going to have a lot more debt with subs. You've been working as a friend of Elton's. It's another ball game when you're buying for yourself. You're going to be the umbrella over the subs and suppliers. You need a better credit score.

**Mr. Aguirre** questioned why he couldn't get a license today. He got his stucco and drywall license when his credit score was worse. He's only 12 points away.

**Vice Chairman Jerulle** said right now, you don't meet the requirements. You may have convinced us on your experience, but not on your credit.

**Mr. Aguirre** said Elton needs me to finish these four homes. If something happens to him, he wants me to take over and finish them.

June 15, 2022

**Vice Chairman Jerulle** said if he has these four homes under contract, if he can't manage those homes, he can hire you as a project supervisor. Can you fix your credit score in two months and come back?

**Mr. Aguirre** said yes.

**Vice Chairman Jerulle** asked how he'd do that.

**Mr. Aguirre** said he's working with someone. His credit was really bad before.

**Vice Chairman Jerulle** asked how bad.

**Mr. Aguirre** said he got a pickup truck for his brother and he failed to pay it several times and that affected his credit. He learned his lesson and won't be doing that anymore.

**Vice Chairman Jerulle** said what he's currently doing is not what this license will allow you to do. As an end-user, you're going to have to buy supplies. How are you going to pay those deposits?

**Mr. Aguirre** said they work with investors on the homes.

**Vice Chairman Jerulle** said it makes him uncomfortable giving him a license with that credit score, taking large deposits from clients and giving them to subcontractors. It appears you can build a single-family house that's not on a stem wall or a piling. It appears you have the experience, but you need to fix your credit score.

**Board Member Joslin** asked Supervisor Crotts if they could restrict the license to single-family on-grade.

**Supervisor Crotts** said they could restrict it, but the issue is monitoring it and they don't have the manpower. Every contract would have to go before us and we wouldn't be able to do that.

**Chairman Lantz** said he didn't think that would be worth it.

**Board Member Allen** asked if they could table his application until August.

**CLB Attorney Noell** said they could table it or continue it until August.

*Board Member Allen made a motion to table this item until the August 17, 2022, hearing. Board Member Jaron seconded it. The motion passed unanimously, 5-0.*

**Chairman Lantz** told him to return in August and hopefully, your credit score will be up. If not, come in with a detailed plan about how you're going to improve your credit score. Show us you have a real plan.

**CLB Attorney Noell** told him the hearing date would be August 17,

**D. Ibrahim Gonzalez, Golden Gate Pool Service Inc. – Swimming Pool Spa Service-Only Waiver of Testing Requirement**

**Chairman Lantz called Mr. Gonzalez to the podium and he was sworn in.**

*Supervisor Crotts reported that Mr. Gonzalez has submitted an application for the issuance of a Certificate of Competency for the trade of Swimming Pool Spa Service-Only Contractor, a license that requires 24 months of experience. The business law exam is required; there is no trade exam required.*

*Mr. Gonzalez was issued a license for this trade in Collier County in 2016. However, the license was not renewed in 2020 or 2021 and it was placed in canceled status in 2021. Mr. Gonzalez is now required to submit a new application for the issuance of a Certificate of Competency.*

June 15, 2022

*Under Ordinance 2006-46, Section 1.4, Renewal of a Certificate of Competency, Subsection 1.4.9, it states in part, "As of the receipt of the new application, if three years have passed since the date of the most recent examination that the individual passed to require the former certificate, the individual must pass all applicable testing requirements." The most recent examination taken by Mr. Gonzalez was in May 2016.*

*Mr Gonzalez asked to appear before the Contractors' Licensing Board to request a waiver of the business and law exam, and Mr. Gonzalez is being referred to the Board under Section 2.5.2, Referral of the Application to the Contractors' Licensing Board for a Decision.*

**Chairman Lantz** asked if this was for ...

**Supervisor Crotts** said it's for Swimming Pool Servicing.

**Chairman Lantz** said not for Swimming Pool Cleaning Only? Because half of the stuff says servicing. Swimming Pool Cleaning Only does not require a license, but Pool & Spa Servicing does require a license.

**Supervisor Crotts** said he's doing the servicing. That does not include repair, only the service.

**Board Member Joslin** said the term we're looking for is cleaning. That's the one we're looking at.

**Vice Chairman Jerulle** asked if it's for residential or commercial.

**Supervisor Crotts** said it applies to all.

**Board Member Joslin** asked if he was affiliated with Golden Gate Pool.

**Mr. Gonzalez** said yes, he has been for a long time.

**Board Member Joslin** asked if he'd been doing cleaning all this time.

**Mr. Gonzalez** said not as much as he used to be doing physically, but he still does it every day. He'll be doing it today after he finishes.

**Board Member Joslin** asked if he was the only one doing it.

**Mr. Gonzalez** said no, they have a small group. In 2020, when he didn't renew the license again, it was a tremendous year, as everyone knows. It was just a mistake. That's why he doesn't have the license. The only reason we want to waive the test is time. The next available time to take the test is in three months. It was a tremendous year for him. That's why it happened.

**Board Member Joslin** said so right now, you're just a retail store and all you want to do is clean pools, no repairs?

**Mr. Gonzalez** said yes, he'd have to take another test. But he'd apply for that license later. There's a tremendous wait.

**Chairman Lantz** asked if he wanted to just renew the same license he had, Swimming Spa Servicing Contractor?

**Mr. Gonzalez** said yes.

**Board Member Allen** asked if Supervisor Crotts had any recommendations.

**Supervisor Crotts** said Mr. Gonzalez obviously has the experience to continue with the business. The question that came up was due to the Ordinance, retesting for business and law.

**Board Member Allen** said he'd make a motion.

**Board Member Joslin** said he's confused because he only wants to do cleaning now. So that's the license you had and you want to reactivate it?

**Chairman Lantz** recited the license requirements: They can just disassemble equipment permanently

June 15, 2022

attached to or associated with the respective spa for the purpose of water treatment or cleaning.  
**Mr. Gonzalez** said yes.

**Board Member Allen** made a motion to waive the testing requirement. **Vice Chairman Jerulle** seconded it. *The motion passed unanimously, 5-0.*

**Chairman Lantz** told him to go to the licensing office, sign a check and he could get a license, but it might not be issued today.

**Supervisor Crotts** said there were steps he'd have to take, but he could speak to Sandra.

**E. Miguel A. Madruga, Shine Pools & Pressure Cleaning LLC – Swimming Pool Cleaning Second-Entity Application**

**Chairman Lantz** called **Mr. Madruga** to the podium and he was sworn in.

***Supervisor Crotts** reported that this is a second-entity application. Mr. Madruga currently holds the following Collier County Certificates of Competency: Swimming Pool Spa Servicing Contractor, which was issued in 2013; a Roof Coat, Roof Paint, Roof Clean Contractor License, which was issued in March 2013; and a Swimming Pool Servicing and Spa Repair Contractor License, which was issued in October 2021.*

*Mr. Madruga is in front of you today for a second entity for the Swimming Pools Servicing and Spa Contractor License. It should be noted that Mr. Madruga has had an issue with renewing the Swimming Pool Spa Servicing Contractor License and Roof Coat, Roof Paint, Roof Clean Contractor License. Records show that Mr. Madruga was late with his renewals in 2019 and in 2021, when several late fees were required to be paid so the license wouldn't be placed in suspended or canceled status. Mr. Madruga is here today to answer your questions on the Second-Entity Application.*

**Chairman Lantz** clarified that it was only for Swimming Pool Servicing and Repair.

**Supervisor Crotts** said that was correct.

**Chairman Lantz** asked him to explain what he wants to do.

**Mr. Madruga** said he opened a separate company because he has a 19-year-old son.

**Vice Chairman Jerulle** asked why his son didn't get a license.

**Mr. Madruga** said his son just got his Social Security Card.

**Vice Chairman Jerulle** asked why he didn't just have him work for him for two years.

**Mr. Madruga** said that's a good question. He wants him to work for himself, not us.

**Chairman Lantz** asked what makes him qualified to run a business. Are you going to be involved?

**Mr. Madruga** said he's involved. He has a partner and wants to open a different business with his son and nephew. The reason why is he's 19 years old.

**Chairman Lantz** asked if that meant he'd have two businesses.

**Mr. Madruga** said yes.

**Board Member Joslin** asked if they'd both do the same thing.

**Mr. Madruga** said yes.

**Board Member Joslin** asked if there wouldn't there be a conflict of interest with two businesses.

**Mr. Madruga** said that's part of business. It happens in Naples. It's just one more.

June 15, 2022

**Chairman Lantz** asked how he'd buy chemicals.

**Mr. Madruga** said it's all separate, separate insurance, separate computer and phone number. It's a new company.

**Chairman Lantz** asked who the employees were.

**Mr. Madruga** said this company would be his son and nephew.

**Chairman Lantz** asked if he'd work with them.

**Mr. Madruga** said no, he's in the office doing customer service.

**Chairman Lantz** asked about the current company.

**Mr. Madruga** said he has a partner, he has a secretary, people out cleaning pools, Workers Comp, and has 10 trucks.

**Chairman Lantz** asked if you can get three exemptions for one business.

**Supervisor Crotts** said the maximum is three.

**Vice Chairman Jerulle** asked who owns the business.

**Mr. Madruga** said himself, his son and nephew.

**Board Member Jaron** asked what their names were.

**Mr. Madruga** said his son is Kevin and Joaquin is his nephew.

**Board Member Jaron** asked if his son lives with him.

**Mr. Madruga** said he does.

**Chairman Lantz** said he doesn't know much about pool cleaning, but do you buy routes?

**Mr. Madruga** said he'd buy the routes.

**Board Member Joslin** explained that people call and people are selling routes left and right today. People sell 50 or 100. It's pretty good money.

**Chairman Lantz** asked if that's what he did, set up a different company after buying new routes?

**Mr. Madruga** said yes.

**Chairman Lantz** asked how he financed it. Was it money in his own pocket?

**Mr. Madruga** said he used money from his other business.

**Board Member Joslin** asked how he's going to get the money back into his company.

**Mr. Madruga** said they'd do it through accounting.

**Board Member Allen** asked if his current company provided a loan to the new company,.

**Mr. Madruga** said that was correct.

**Chairman Lantz** asked if he planned on being a permanent fixture in the new company or just until they get going and then they'll get their license.

**Mr. Madruga** said no, maybe his son will apply in a couple years once he gets credit, experience and is older.

**Vice Chairman Jerulle** asked Supervisor Crotts if this license would go away in July 2023.

**Supervisor Crotts** said yes.

**Chairman Lantz** said realistically, it would be a one-year license.

**Supervisor Crotts** said unless something changes, that license will no longer exist.

**Board Member Allen** asked Supervisor Crotts for staff's recommendation.

**Supervisor Crotts** said staff's only concern was the renewals in 2020 and 2021 and the late fees

June 15, 2022

required to keep the license out of suspension and cancelation. It was a concern that with another company involved, would there be an issue keeping up with renewals.

**Chairman Lantz** said that won't be an issue after today due to the one-year license.

**Vice Chairman Jerulle** asked why there were late fees.

**Mr. Madruga** said that to be honest, he forgot. He thought his secretary was going to pay them. She forgot. We pay a lot in fees and renewals. We just completely forgot to pay that.

**Board Member Joslin** asked if other fees were due.

**Supervisor Crotts** said other fees are current.

**Board Member Jaron** asked how many employees he had.

**Mr. Madruga** said 10.

**Board Member Joslin** said he saw no reason not to approve the license. He's paid all the fees and everything is current as of today.

**Vice Chairman Jerulle** said he hated second entities.

***Board Member Joslin made a motion to approve the Second-Entity. Board Member Allen seconded it. The motion passed unanimously, 5-0.***

*[A break was taken between 10:19 and 10:30 a.m.]*

9. **OLD BUSINESS:**

A. **Juan Masson, US Intermed Corp. dba USI Landscaping – Review of Credit**

**Chairman Lantz called Mr. Masson to the podium and he was sworn in.**

*Supervisor Crotts reported that Mr. Masson has submitted an application for the issuance of a Landscape License and was brought before the Contractors' Licensing Board on January 19, 2022, due to his credit. The license was approved with a three-month probationary period and a finding that Mr. Masson was return to appear before the CLB to update the payment status on outstanding federal tax liens, provide information on the improvement of his business finances and a business plan.*

*Mr. Masson has supplied staff with a document dated April 18, 2022, showing that he is currently working with the IRS on a payment plan and that it is current. However, after reviewing the newest credit report dated April 22, 2022, it was discovered that two additional federal tax liens were filed on December 13, 2021, for \$35,504.28, and another one for \$6,131.82. This amount does show as being paid and released on March 20, 2022 by the Dade County Court. While it appears that Mr. Masson is working on correcting his credit issues, there are still areas of concern that need to be addressed.*

**Chairman Lantz** noted that the two liens occurred before they issued the license.

**Supervisor Crotts** said after, but they didn't appear in the credit report.

**Chairman Lantz** said, So they are not new. They just weren't on his credit report.

**Supervisor Crotts** said that was correct.

**Board Member Joslin** noted that the report ended on Oct. 21.

**Chairman Lantz** asked Mr. Masson to provide an explanation.

**Mr. Masson** said it was a part of the same situation. We were late and we were in the process of getting together a plan when he came before the Board the first time. He didn't have evidence to show

June 15, 2022

that he had a plan with the IRS then. We do have a plan and we're in compliance with the IRS. Other liens already have been paid, but they're not reflected because the IRS is nine to 12 months behind in being able to file.

But we've been working with them. We're up to date with them on all our payments, and that's the only thing that we have a payment plan on. We don't have any other judgments or write-offs. Our company is in good standing with all our creditors and vendors. This is the only thing that we have, we are working with the IRS and we're keeping up with it.

**Chairman Lantz** asked if he has the letter from the IRS.

**Mr. Masson** said it's in the agenda packet and there is another showing he's in compliance. That's the only thing that brought his credit score down. He has a 100%-on-time payment on all accounts with all vendors.

**Vice Chairman Jerulle** asked what the credit score was now.

**Supervisor Crotts** said the commercial credit score of 17 means it's a medium to high risk.

**Mr. Masson** noted there is nothing from vendors, just the IRS.

**Supervisor Crotts** said that was correct.

**Chairman Lantz** asked how much was owed.

**Mr. Masson** said it's no longer \$35,000. It's down to \$24,000.

**Chairman Lantz** asked how quickly he'd be able to pay this down. That was pretty quick.

**Mr. Masson** said whenever they get big jobs – and they just got one with the state of Florida – they pay off the IRS. He doesn't like to have debt, especially with the IRS. That's the first thing we do. We get jobs and send as much money as we can to the IRS.

**Chairman Lantz** asked if he had a \$2,000-per-month payment plan.

**Mr. Masson** said \$2,000 plus, whatever he can send. He's been running this company for almost 30 years. This is something he's not proud of. He does not like to get into debt with the IRS. That's why he's taken over this payment personally. The reason he's here is his wife had COVID during the renewal time. He signed the check and put it in an envelope. Somehow it got lost in her desk because a piece of paper was on top of it. We thought we sent it out, but found the payment was never received. It was around Christmas and we'd been having trouble with the mail and delays. We figured it was in the mail. He called the office and found it hadn't been paid and that's what set this off.

**Chairman Lantz** asked when he'd have the IRS paid off.

**Mr. Masson** said by the end of the year. He's asking for six months. Within that time, it will be paid off because of the way we're making the payments and the jobs that we have coming up.

**Board Member Jaron** noted that the old IRS issue started in 2015-16 and those were released in 2018. What caused the most recent issue in 2020?

**Mr. Masson** said it was during COVID. During that time, we had two clients and are going to court against one this year for about \$80,000. Hopefully, by the end of this year, we will have the \$80,000 they owe us. We had a huge hit after we finished a job. We went to court and they haven't paid us.

**Board Member Jaron** asked what type of work the debt involved.

**Mr. Masson** said it was landscape installation work. We did a planter. We emptied the planters out, resealed them and took it from the resealed planter, the dirt and rock and built it back up. They do all the waterproofing and we took the planters from there.



**Board Member Jaron** asked how he's going to go about collecting the \$80,000.

**Mr. Masson** said they have a performance bond, went to court, and his insurer is putting a claim against the palms. He's a certified arborist, but also had another certified arborist come in and warrant that the palms were never the problem. The problem was that the client didn't put a band around the actual planters on the ground. They should have kept the chlorine out from the palms along the pool, so we ended up going back and forth over the palm. The palms have striated tips. They look like they're burnt. That's one of two things. They're also right in front of the Atlantic Ocean. The No. 2 reason is that all day long, chlorine is pouring into the root system. We pointed that out to them during construction. We documented it. We did an entire PowerPoint on why they needed to put these bands around the planters. It was an \$80,000 expense on their side, so they decided not to do it.

We documented that they didn't want to do it. Now after the project was completed, they want to sue us because they want the palms replaced. They each cost about \$12,000. There are six of them. We told them we are not replacing them and that we'd told them this would happen. This was documented so clearly. That's why we feel confident that when we go to court, we're going to win the case.

**Chairman Lantz** asked if we were to put you on probation until the end of the year, are you confident that by the end of the year you would be able to show proof that it was paid off?

**Mr. Masson** said yes.

**Supervisor Crotts** said he recommends extending the probation for six months and in December, he can show the Board he's still in good standing and submit a credit report to show there are no additional liens or issues involving credit for the business.

**Chairman Lantz** asked if it's paid off, does he have to come back before the Board?

**Supervisor Crotts** said

**CLB Attorney Noell** said they could schedule it for the December meeting.

***Board Member Allen made a motion to extend probation for six months, until December, and ordered Mr. Masson to return to show he's in good standing, and submit a credit report. Second by Vice Chairman Jerulle. The motion passed unanimously, 5-0.***

**Mr. Masson** asked if he could do proof of paperwork so he doesn't have to take time off from work to come here, maybe Zoom or send paperwork? Can he avoid coming back because it takes all day to get here and that would be his third appearance. Can he do it with just paperwork?

**Vice Chairman Jerulle** said they just voted. He didn't know how to answer.

**Mr. Masson** said if it's a problem, he'd be back.

**CLB Attorney Noell** said they could reconsider the order of the Board. Someone would need to make a motion.

**Chairman Lantz** asked if anyone wanted to reconsider.

**Board Member Joslin** said he thinks he should come back.

**Mr. Masson** said he'd see them in December.

**B. Edward J. Frank II, Newport Custom Builders Inc. – Review of Credit**

**Mr. Frank was not present.**

***Supervisor Crotts reported that Mr. Frank was required to submit a credit report showing satisfaction***

June 15, 2022

*of the amount owed, or at least a negotiated reduction or satisfaction of \$3,546. This was to be done within the six-month probationary period so he would not have to appear back before the Board. Staff reached out to Mr. Frank by phone and by emails to two e-mail addresses we have on file. As of this morning, we have had no communications with Mr. Frank.*

**Vice Chairman Jerulle** asked what the prior Board motion was.

**Board Member Allen** said the order said he had to come back within six months, the probationary period, and he had to show proof of satisfying the \$3,546 owed or that it was negotiated down.

**Vice Chairman Jerulle** asked, Or what?

**Supervisor Crotts** said failure to provide significant proof within the six-month probationary period would result in the applicant appearing before the Contractor Licensing Board.

**Chairman Lantz** said if he paid it off, he wouldn't have to come back and talk to us.

**Board Member Allen** asked if they could suspend his license or do they have to provide notice?

**CLB Attorney Noell** said that's in the packet. Proof of notice is not required. But is there any notice in the packet regarding the hearing and any action taken on his license, other than the order?

**Supervisor Crotts** said just the order. But in the past, the Board has suspended a license until a respondent appeared.

**CLB Attorney Noell** asked if there were any open permits.

**Supervisor Crotts** said the last time he checked, the last one was 2018.

**Board Member Allen** made a motion to suspend the license until he reappears pending a review of outstanding permits and that there are no issues.

**Vice Chairman Jerulle** seconded it.

**Chairman Lantz** asked if that meant it was suspended, but he could continue to work on active permits.

**Board Member Allen** said if there were active permits, he'd have to come back before the Board.

**CLB Attorney Noell** said his recollection is that they would suspend until he comes back before the Board to provide proof to the Board, not the contracting licensing supervisor.

**Board Member Allen** asked how that would affect open permits.

**Supervisor Crotts** said they would be invalid and it would affect his ability to call in inspections.

**CLB Attorney Noell** said the other option is to limit the license so he can't pull any new permits until he comes before the Board with proof.

**Supervisor Crotts** said that's more difficult because staff would have to monitor it and they don't see permits being applied for. If they put it in suspended status, it would be marked invalid and the Building Department would have to call us to see what the status is.

**Board Member Allen** withdrew his motion. We've tried to get his attention and it's not working. This will get his attention.

*Board Member Allen made a motion to suspend Edward J. Frank II's license. Vice Chairman Jerulle seconded it. The motion was passed unanimously, 5-0.*

**PUBLIC HEARINGS:**

**A. 2022-06 – Ronald D. Freeman dba Ron's Custom Screen Inc. (CEMIS20220004126)**

June 15, 2022

***Board Member Allen made a motion to open the public hearing. Second by Board Member Joslin. The motion passed unanimously, 5-0. The hearing was opened.***

**Mr. Freeman came to the podium and was sworn in, with Investigator Governale.**

**Chairman Lantz** asked if he was given a copy of the procedures.

**Mr. Freeman** said he had.

**Chairman Lantz** asked Mr. Governale to proceed.

**Mr. Governale** said a copy of the preamble was given to and read by the respondent, who signed and dated it. He asked to enter the preamble and packet for case 2022-06 into evidence.

***Board Member Joslin made a motion to accept the preamble into evidence. Board Member Allen seconded it. The motion passed unanimously, 5-0. The preamble was entered into evidence.***

**Investigator Governale presented his opening statement:** The respondent, Ronald D. Freeman, a Collier County licensed Aluminum with Concrete Contractor with Issuance No. 22495 is the qualifier for and owner of Ron's Custom Screen Inc. Mr. Freeman was subcontracted by Hydrotech Pools Inc. and received payment for replacing a pool screen enclosure located at 2201 Paget Circle in Naples without a permit when one was required.

Mr. Freeman is in violation of Collier County Code of Laws and Ordinances Section 22-20118, which states, in pertinent part that, "it is misconduct by a holder of a Collier County Certificate of Competency to proceed on any job without obtaining applicable permits or an inspection from the City Building and Zoning Division or the County Building Review and Permitting Department." This is the fourth time since 2018 he's been cited for working without a permit when one is required.

**Mr. Freeman** said that sounds bad.

**Chairman Lantz** asked if he wanted to present his opening statement.

**Mr. Freeman** said the only issue he's ever had with the permits is doing replacement screens and that's probably about 20% of his business. A lot of the times the contract goes to the pool contractor and they're responsible for the surveys. We're always waiting on them, waiting on them, waiting on them, to get the survey. On this job, he already had the engineering done and had full intentions of permitting the job. He's probably pulled over 10,000 permits since he's been in business for 27 years. This is not something he does. He waited, waited, waited on the survey. This one just slipped through the cracks.

He hired his ex-brother-in-law to help with the business and that didn't work out so he let him go. That was one of his responsibilities, not that he's not aware that ultimately it is his responsibility. But he thought it was done. When he found out it wasn't and they called him, he submitted the permit immediately, had the inspection and passed.

The other times in the past one permit was issued and took 30 days to get. It passed through zoning and structural. He knew there weren't going to be any issues with it. The homeowner had to put the house up for sale and needed him to get the job done. He got the permit the next day after calling in and passed inspection. This is not something he does. This is an issue with a lot of companies, doing replacement screens and trying to get the surveys. You go to the records department. If it's too old, it's hard to get the records. Mrs. Dillon was one.

For Mrs. Dillon's work, he had to wait four months. The company she called to complain about took six months to do her pool deck. She was extremely upset. Her husband passed away. They took down the old enclosure and she was begging him (Mr. Freeman), but he was working with the County to get the survey. Ultimately, she ended up having to do it and paid \$1,400 for the survey and had to wait four months. She came to him and begged him to put the enclosure in because a lot of the families at Windermere have grandkids in the neighborhood. She was terrified of somebody falling and drowning in her pool. He didn't want that to fall on him, for him to be responsible, so he put in a pool cage.

**Chairman Lantz** told Investigator Governale he could present his case.

**Investigator Governale** said that on April 22, 2022, the Collier County Licensing Department received information that Ron's Custom Screen Inc. was subcontracted to replace a pool screen enclosure prior to an issued permit at 2201 Paget Circle, Naples, FL 34112. Upon investigation, it was discovered that on December 20, 2021, Ron's Custom Screen Inc. entered into a contract with Hydrotech Pools Inc. for the replacement of a pool screen enclosure at 2201 Paget Circle, Naples, FL 34112. The contracted amount was for \$11,050. Payment was made in full with business check No. 5581 and made payable to Ron's Custom Screen Inc.

On April 22, 2022, while on site, he reviewed the Collier County records, which revealed no building permits were issued for a replacement pool-screen enclosure. A Stop-Work Order was pulled for commencing work without an issued permit.

**Mr. Freeman** said there was a permit submitted immediately and it passed inspection.

**Investigator Governale** said that on April 22, there was no permit. However, at this point, there is a permit. Inspections have been completed point and the only hold right now for a CO is a spot survey.

**Mr. Freeman** said that's the pool company's responsibility.

**Board Member Allen** asked if he disputed anything.

**Mr. Freeman** said he didn't.

***Board Member Allen made a motion to find Mr. Freeman guilty of the violation, working without a permit. Vice Chairman Jerulle seconded it. The motion passed unanimously, 5-0. Mr. Freeman was found guilty of working without a permit.***

**CLB Attorney Noell** said that the disciplinary sanctions available to the Board involving the Certificate of Competency are: they can revoke or suspend the license, deny issuance or renewal of a Certificate of Competency, or put the license on hold for probationary period not to exceed two years.

The Board could order restitution, if applicable, a fine not to exceed \$10,000, a public reprimand, a re-examination requirement, or denial of the issuance of permits with specific conditions, and also award reasonable investigative and legal costs for prosecution of the violation.

In considering the range of penalties, the Board shall consider the evidence that was presented; the gravity of the violation, the impact of the violation on the public health, welfare and safety; and any actions taken by the violator to correct the violation; any previous violations committed by the violator; and any other evidence that's relevant to the determination of sanctions.

**Board Member Allen** asked what the staff recommendations was.

**Supervisor Crotts** said the County would recommend a \$1,000 fine and that Mr. Freeman's license be placed on probation for 12 months. This is Mr. Freeman's first appearance before the Contractor Licensing board, and we feel that this recommendation is consistent with the past.

**Chairman Lantz** said, So if you're driving down the road and you saw that he didn't have a permit and he wasn't a contractor or anything, he would get \$1,000 fine. Is that correct?

**Supervisor Crotts** said that was correct.

**Chairman Lantz** asked if a second offense was \$2,000, and this is his fourth offense?

**Supervisor Crotts** said there usually are some circumstances, sometimes with permits, and you know there's always a first-time reason, and a second-time reason. That's why anytime that we have a third offense with somebody who is caught working without a permit, we bring them in front of the Board, because then it's more of a pattern than an accident or mistake.

**Chairman Lantz** asked why he felt the fine should be the same as a first offense, as opposed to an elevated fine.

**Supervisor Crotts** said we have had cases come before the Board for the same circumstances, such as this, and this would be consistent. That's what the State has recommended in the past, a \$1,000 fine and 12 months of probation. The difference being that with an unlicensed contractor, there is no probation. With the fine and probation being put onto the license, it behooves the respondent to make sure that every permit gets issued before he commences the work because if not, he will appear back before the Contractors' Licensing Board as a probation violation.

**Chairman Lantz** asked if he had not abated it already, would it still be the same recommendation?

**Supervisor Crotts** said as far as the permit, correct. We then would have added to this recommendation that we've given him a timeline to get the permit completed.

**Vice Chairman Jerulle** asked Mr. Freeman to convince the Board that we should do that. This is the fourth time since 2018. He's also a general contractor and pulls permits, or tries to, all day long and knows it's frustrating.

**Mr. Freeman** said he probably does about seven or eight permits a week. He's been in business for 27 years and have the best reputation in Southwest Florida. He's never done this. This one slipped through the cracks. The one he did have issued, he just didn't wait for it to come out. He was waiting two weeks for it to print. It went through zoning and it went through structural, so he knew it was going to get approved. The other one with the homeowner, she was breaking down in tears, begging him to do her job because she was worried about kids drowning in her pool. He didn't want that on his conscience.

**Board Member Joslin** said he could have put up a temporary fence.

**Mr. Freeman** said she had orange fencing, but it kept falling down. He put it in with rebar.

**Board Member Jaron** asked if he does a lot of work Hydrotech Pools.

**Mr. Freeman** said that unfortunately yes. Not any longer, though. The jobs he has remaining for them to do are going through him directly instead of going through Hydrotech because it's that other issue. Whether it's a renovation or new pool, it's taking anywhere from six months to over a year. Those customers are unhappy, they're very upset, so when it comes down to when it's finally time for him to put in the enclosure, they're just begging because it's the last step. Once he gets that

enclosure in then they're able to plaster their pool and they're done.

With Hydrotech, getting the surveys from them is literally impossible. For the last two months, they've been begging him to do a job on Marco Island. He won't do it because they don't have the surveys. He finally got the survey two days ago after asking for over two months. Then we deal with the spot surveys for the COs, waiting for them, and it falls on him. It's his responsibility now. If the contract with the homeowner is through him, he takes care of that. But when the contract goes to the pool contractor, they're responsible. And he's waiting for several jobs from pool companies to get the final surveys done so he can get the CO.

***Vice Chairman Jerulle made a motion to order the Respondent to pay a \$1,000 fine and to place his license on 12 months' probation. Board Member Allen seconded it. The motion passed, 5-0.***

**Mr. Freeman** said trust me, it won't happen again. He's been doing this for 37 years.

**Chairman Lantz** asked if he had to read the findings.

**CLB Attorney Noell** told the Chairman to read the penalty that was imposed, that he was found in violation.

**Board Member Joslin** asked if there was a time period in which the fine had to be paid.

**Supervisor Crotts** said 90 days and failure to pay would end in automatic revocation of the license.

**CLB Attorney Noell** said under Robert's Rules of Order, the Board would have to reconsider the motion and add that.

***Board Member Allen made a motion to reconsider the motion. Board Member Joslin seconded it. The motion passed unanimously, 5-0.***

**Board Member Allen** made a motion to adopt the revised recommendation.

***Board Member Allen made a motion to close the hearing and ordered the Respondent to pay a \$1,000 fine within 90 days and if it's not paid within 90 days, his license will be revoked; he will be placed on 12 months' probation. Board Member Joslin seconded it. The motion passed, 5-0.***

**Chairman Lantz** said the Board can now move onto findings of fact. Upon consideration of all testimony received under oath, evidence received, and arguments presented by the parties during the public hearing, the Board issues the following findings and conclusions:

- Service of the Administrative Complaint and notice was legal, sufficiently provided and in compliance with the applicable law.
- The Respondent is the holder of the license as set forth in the Administrative Complaint.
- The Respondent was present at the hearing and was not represented by counsel.
- The Respondent is a license holder as set forth in the Administrative Complaint.
- The Board has jurisdiction over the Respondent and subject matter raised in the Administrative Complaint.
- The Respondent committed the violations set forth in Count 1 of the Administrative Complaint.

**Therefore**, by a vote of 5-0, the Respondent is found guilty of the violation set forth in Count 1 of the Administrative Complaint and the Board imposes the following sanctions against the respondent:

June 15, 2022

- A \$1,000 fine payable within 90 days. If it's not paid within 90 days, the license is revoked.
- Probation until June 2023.

This concludes the order of the Board in this matter.

**Mr. Freeman** asked about his license.

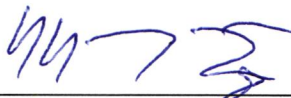
**Chairman Lantz** told him he could contact the County office because the Board isn't with the County.

- 10. NEXT MEETING DATE: WEDNESDAY, July 20, 2022**  
Commissioners' Chambers, Third Floor,  
Administrative Building F, Collier County Government Center,  
3299 E. Tamiami Trail, Naples, FL

*Board Member Allen made a motion to adjourn. Vice Chairman Jerulle seconded the motion. The motion passed unanimously, 5-0.*

**There being no further business for the good of the County, the meeting was adjourned at 11:07 a.m.**

**Collier County Contractors' Licensing Board**



**Kyle Chairman Lantz, Board Chairman**

*These minutes were approved by the Chairman or Vice-Chairman of the Contractors' Licensing Board on 7-20-2022, (check one) as submitted  or as amended .*