

August 17, 2022

MINUTES
OF THE COLLIER COUNTY
CONTRACTORS' LICENSING BOARD MEETING

August 17, 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, 3rd Floor, Collier County Government Center, Naples, Florida, with the following members present:

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

ALSO PRESENT:

Kevin Noell, Esq., Contractor Licensing Board Attorney
Timothy Crotts, Contractor Licensing Supervisor
Colleen Kerins, Assistant Collier County Attorney
Michael Bogert, 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 9:01 a.m.
Roll call was taken; six members were present in the BCC Chambers.

Supervisor Crotts said Board Members White, Allen and Meister provided notice that they could not attend due to prior commitments. They asked that their absences be approved.
Chairman Lantz approved the absences.

2. **ADDITIONS OR DELETIONS:**

Mr. Crotts asked that Agenda item 10.B, 2022-11, be removed from the agenda because it was abated by the contractor.

3. **APPROVAL OF AGENDA:**

Board Member Joslin moved to approve the agenda, as amended. Board Member Nolton seconded the motion. The motion passed unanimously, 6-0.

4. **APPROVAL OF MINUTES:**

A. **Approval of Minutes for July 20, 2022**

Board Member Nolton moved to approve the July 20, 2022, meeting minutes. Board Member Hunt seconded the motion. The motion passed unanimously, 6-0.

5. **PUBLIC COMMENTS:**

None

6. **DISCUSSION:**

Vice Chairman Jerulle asked if the County could monitor their parking spaces on meeting days to ensure that they were reserved. He contended a County employee was parking in their spaces. He noted that reserved parking spaces are the only benefit they get for volunteering on the CLB.

7. **REPORTS:**

None

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 Jaron seconded the motion. The motion passed unanimously, 6-0. The Orders of the

Board were approved.

B. Charles E. Logsdon – Logsdon Contracting LLC – Residential Contractor

Review of Experience

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

Supervisor Crotts reported that Mr. Logsdon has submitted an application for the issuance of a registered certificate of competency as a Residential Contractor, a license that requires 48 months of experience. As part of the staff-review process, Mr. Logsdon submitted a list of work experience from Indiana, where he worked as a general contractor. The majority of this work appears to be in the carpentry trade. Staff has been unable to determine the exact scope of work allowed as a general contractor by the state of Indiana.

Mr. Logsdon also submitted two letters of reference from local contractors. While the letters speak to Mr. Logsdon's attention to detail and professionalism, none of them speak to the qualifications required to be a Residential Contractor. Based upon the information received from Mr. Logsdon, it is staff's opinion that Mr. Logsdon does not meet the experience required under Ordinance 2006-46, Section 1.6.1.3, as it relates to the trade of Residential Contractor.

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

Chairman Lantz noted that the license he applied for allows him to build everything – single-family, duplex, triplex, house. From what we see on paper, it doesn't show that you have experience in that. We're looking for you to convince us that you are. Can you go into detail on your experience?

Mr. Logsdon asked if he could present documents so they could go through them with him.

Chairman Lantz said he could and noted that he was very prepared.

[Mr. Logsdon passed out file folders with evidence of his experience and photos of his billboards in Indianapolis.]

Mr. Logsdon detailed his experience:

- He's a fourth-generation carpenter
- Since he was 10 years old, he's had experience as a cabinetmaker, building cabinets commercially and residentially.
- He's been a lead carpenter and lead cut man in the residential field.
- He was a commercial master journeyman in Union Local 60, a licensed general contractor.
- Photos show structures he's built himself or as part of a crew: single family, multi-family, room addition, pole barns, decks and remodeling work.
- He's 58 years old and got into the industry in 1980 but worked with his father building at an early age.
- He retired and moved to Marco Island and realized he needed more money, so he became a licensed handyman three years ago.

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- He has a new, fully stocked, high-top van and about 400 clients on Marco Island.
- He's registered and licensed but doesn't want to skirt the law and wants to get licensed to do more work than he's able to do under his current license.
- He's taken all the tests that he needs to for the state and submitted his credit report.
- He can answer any of their questions about building a residential property.

Chairman Lantz asked if he did much new construction work in Indianapolis or if it was mostly repairing and remodeling.

Mr. Logsdon said mostly remodeling and room additions.

Mr. Logsdon answered Board members' questions and detailed his experience:

- Repair, remodeling, room additions and building.
- He's old school, is ethical and everything is custom built.
- Foundations, sub-foundations, footers, putting in rebar, leveling out and pouring.
- He's certified by many customers on Angie's List, which is like a report card issued every Sunday morning.
- He has several awards showing he is thorough, knowledgeable and doesn't overpromise.
- He's done pours and measured stubs.
- He's done stick framing.
- He's done hardy plank siding.
- He's done termite shields.
- He's installed beams and trusses.
- He's worked on every step of building room additions.
- Although the license allows him to build three-story buildings, he won't do that work.
- He's done additions on pilings, 20x32, with rebar and tubes.

Vice Chairman Jerulle noted that he was asking the Board to give him a license that allows him to build a three-story building.

Mr. Logsdon said that's only because Collier County doesn't offer a license for what he wants to do. He called Mr. Crotts and told him what he wanted to do. Collier County offers a carpentry license, but it doesn't allow him to do what he needs. If he were asked to build a three-story building, he and subcontractors could do that with an A-plus rating.

Vice Chairman Jerulle asked him to prove that he has the experience to build a three-story building.

Mr. Logsdon said he doesn't have that. He has experience building two-story buildings. But he does have the knowledge to build a three-story building. He's shocked at the lack of knowledge among contractors he's seen working in this area.

A discussion ensued over his experience, which is mostly remodeling and stick framing, and, under questioning, he detailed pre-cast, installing lintels over doors, concrete, slump, PSI, anchor bolts. He admitted not knowing about fill cells, but has done work installing triple-story decks and sun rooms on pilings, 20x32, with rebar and sonotubes.

Vice Chairman Jerulle asked Mr. Crotts if there was a license in between handyman and

Residential Contractor.

Mr. Crotts said the only other license that would help with remodeling was carpentry.

Vice Chairman Jerulle said that doesn't enable Mr. Logsdon to do what he wants.

A discussion ensued over the definition of a two-story home and whether it includes a garage if two stories are built over one.

A discussion ensued and the following points were made:

- The Board could restrict his license, but the County doesn't have the staff to monitor that, so they'd have to wait for a complaint to come in.
- His work would be overseen by the City of Marco Island, where permits would be issued, while complaints would come to the County.
- There are aspects to the license that he doesn't have experience in, such as three-story structures with pilings.
- Mr. Logsdon offered to provide the County with a sworn statement saying he would not work on three-story structures.
- He has so many clients on Marco Island that he's not taking more.
- He noted that Lee County has a license that enables him to do what he wants.
- The Board suggested he team with a residential contractor to get more experience.
- He doesn't need that experience because he doesn't want to build new homes or additions.
- He just wants to work on small-scale kitchen and bathroom remodels.
- He's worked for Paradise Design-Build and worked with Gregory Pascale. They worked together on a project with Tony Smith, who owns The Boardroom Tavern. Tony Smith, who builds multi-million-dollar homes, offered him a \$150,000-a-year job with a new company, but he doesn't want to work for anyone.
- When he asked Tony Smith for a Verification of Experience for the Board, he made the job offer.
- A Carpentry License would enable him to install wood and metal products, sheeting, paneling, trim and replace fire safety equipment and more, but it won't allow him to do tile repair, flooring or install a window or door.
- He'd be interested in a Residential Contractor license that's limited to remodeling.
- If he needs guidance on what the restricted license covers, he could call Mr. Crotts.

Board Member Hunt made a motion to approve a restricted Residential Contractor license for Charles E. Logsdon and limit it to remodeling only, and Mr. Logsdon will provide a signed affidavit saying he will work within the bounds of the restricted license. Second by Board Member Jaron. The motion passed unanimously, 6-0.

C. Dale P. Dear – Dear Home Services Inc. – Building Contractor – Review of Experience
Chairman Lantz called Mr. Dear to the podium and he was sworn in.

Attorney Noell reported that Board Member Joslin would be recusing himself from this matter because it would inure to private gain or loss. He will be submitting a Form 8B (Memorandum of Voting Conflict).

Board Member Joslin said he would be recusing himself.

Supervisor Crotts reported that Mr. Dear has submitted an application for the issuance of a registered license of Building Contractor, which requires 48 months of experience. As part of the staff-review process, Mr. Dear submitted one Verification of Experience:

- Rob Schlief Trusted Builder Inc., with employment dates from 2009 to 2012. Mr. Schlief said Mr. Dear's experience was very limited in commercial building and multi-story homes and most of his experience is in residential construction.

Mr. Dear held a Roof Coat, Roof Paint, Roof Cleaning License from 2017 to 2020, when he canceled his license.

Based upon the information received from Mr. Dear, it is staff's opinion that Mr. Dear does not meet the experience required under Ordinance 2006-46, Section 1.6.1.2, as it relates to the trade of a Building Contractor.

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

Chairman Lantz said we want you to convince us that you can do new commercial construction up to three stories.

Mr. Dear said he just wants to do remodeling work but he's constrained by what the handyman's license allows him to do. He wants something greater than a handyman's license. He has residential remodeling experience, installing tiles, building islands, etc.

Chairman Lantz asked why he chose the Building Contractor license, not residential.

Mr. Dear said a Residential Contractor license would restrict him too much for the clients he has in Pelican Bay and other communities.

During questioning by Board members, Mr. Dear described his experience:

- Hands-on experience in carpentry.
- Limited experience in high-rises.
- He's worked mostly as a handyman.
- He's done a lot of work changing cabinets, floors and remodeling.
- He has knowledge about structural members.
- He's not interested in knocking down walls, just light remodeling.
- He plans to focus on outdoor environments – outdoor structures, pools, lanais, patios, gazebos and other outdoor environments; that license doesn't exist, so this is the most appropriate.
- He doesn't have experience in sound, fire-stops or architecture.
- He's done home additions, hurricane-strapping, drywalls, tiling, flooring, bathrooms, toilets, demo work.
- He's cut out concrete to lay piping and extend a drain to a sink.
- He's leveled floors before concrete was poured for a room addition
- He's erected walls and has sheathed walls but has not poured concrete.

Board Member Nolton said it's a stretch to approve him for Residential Contractor, let alone Building Contractor.

Mr. Dear said he passed the test and didn't see a difference in the testing or experience requirement for either. They both have a requirement of four years of experience and similar testing.

Chairman Lantz noted that the Building Contractor license requires experience on commercial buildings. The tests are very similar and in the past, we have applied a Building Contractor test for a Residential Contractor License. It's a more in-depth test. The difference is a lot of commercial experience.

A discussion ensued over commercial work being complicated in condos due to the separation of walls, fireproofing and dropped ceilings on shared floors, which are not an issue in a single-family home but are in condos.

Mr. Dear said he works 20-30 hours per week.

A discussion ensued over whether to withdraw the application and ask for a different license or ask the Board to vote, despite his lack of commercial experience. The Board also debated over whether he should ask for a Residential Contractor license due to the difficulties policing a restricted Building Contractor License.

Mr. Dear asked if he could amend his application.

Vice Chairman Jerulle said they can't because he applied for a Building Contractor License.

Chairman Lantz said it's still a stretch for a Residential Contractor License because he still needs more experience. If you make a mistake on a house, you upset a homeowner, but if you make a mistake on a condo, you upset 50 owners. His advice would be to try to get on a larger project to get more experience.

Mr. Dear said he understood.

Board Member Nolton said it's up to him if he wants to withdraw and change his application to Residential Contractor.

Supervisor Crotts said if he wants to withdraw and come to his office to look at what license he could apply for, he can come and sit with staff to review the other categories.

Mr. Dear agreed and withdrew his application.

Attorney Noell advised the Board to finish the hearing with a vote on the withdrawal because it's under their jurisdiction.

Vice Chairman Jerulle made a motion to accept Dale P. Dear's withdrawal of his application for a Building Contractor License. Second by Board Member Hunt. The motion passed unanimously, 5-0; Board Member Joslin abstained.

D. Michael J. Ballantine – Aquascape Naples LLC – Non-Recreational Pond-Waterfall-Fountain Contractor – Review of Experience

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

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Supervisor Crotts reported that Mr. Ballantine has submitted an application for the issuance of a Non-Recreational Pond Waterfall Fountain License, which requires 24 months of experience. As part of staff's review, Mr. Ballantine submitted two verifications of experience:

- *Aquascape Inc., Illinois, where Mr. Ballantine reportedly worked from August 2018 to September 2019, 13 months.*
- *Aquascapes of Naples, which is owned by Mr. Ballantine's wife. This is currently not a licensed company. It should be noted that all the certifications submitted were submitted under his wife's name, Lisa Ballantine, who has the experience and certifications.*

During an in-person interview with Mrs. Ballantine to determine why she wasn't applying for the license because she appears to have the training required for the trade, she said Mr. Ballantine would be doing the majority of the hands-on work and has been working very closely with her and learning the trade.

It is staff's opinion that Mr. Ballantine does not meet the experience required under Ordinance 2006-46, Section 1.6.2.8.1, as it relates to the trade of Non-Recreational Pond Waterfall Fountain Contractor.

Mr. Ballantine is being referred to the Board under Section 2.5.2, Referral of the Application to the Contractors' Licensing Board for a Decision. Mr. and Mrs. Ballantine are here today to answer your questions regarding his experience.

Chairman Lantz asked if Aquascape was a franchise.

Mr. Ballantine said sort of. We're independently owned but certified by Aquascape, which controls about 60% of the North American market for water features, ponds and waterfalls. It's a family-owned company and he's best friends with the owners.

[Mrs. Ballantine was sworn in.]

A discussion ensued and the following points were made:

- Aquascape installs self-contained water systems with a liner and pumps and they never have more than 14 to 18 inches in the water basin.
- This license will be going away in July 2023, due to the state.
- This license allows non-recreational water features, which aren't for swimming, such as coy ponds, waterfalls and water fountains.
- Concrete is not used for Aquascape structures.
- The license's scope does not include connecting to the sanitary sewer system, potable water lines or electrical installations.
- The license would not limit size or depth.
- The electricity used is low-voltage, 110; Aquascape doesn't do electrical work.

A discussion ensued over the license going away in July 2023 and it was suggested that Mrs. Ballantine apply for the license and her husband could do the work.

Mr. Ballantine said they've been married 36 years and work well together. He wasn't aware that

the license was going away. He worked in the Dominican Republic, where he built houses in God's Hammock, the world's largest mountain development. He built 100 luxury homes and a restaurant with a rotating floor. He oversaw the construction of all the buildings, approved them and built 10 houses himself. He ended up at the World Bank in Washington, D.C., because the dictator of the country made the Dominican Republic a national park and they had to leave the country under the Dominican Republic Central America Free-Trade Agreement. His wife is an artist who has owned several water companies. He offered to amend the application.

Supervisor Crotts noted that Mrs. Ballantine would have to take the exams if she wanted to be licensed. He would approve the license for her.

Mr. Ballantine questioned why his application was insufficient.

Chairman Lantz said he didn't have documented experience doing ponds and waterfalls.

Board Member Nolton said if he did document his experience, that would go a long way toward the Board approving the application.

Supervisor Crotts noted that he doesn't have the documented experience, while Mrs. Ballantine does.

Board Member Hunt asked if he had the documented experience.

Mr. Ballantine urged them to look up God's Hammock on the internet and noted that there are thousands of links to prove his experience. He was the president, founder, developer and a 50-50 owner in the business venture. He outlined the 20-step process Aquascape uses.

Board Member Joslin said they're not disputing that fact, but don't have the documentation here before them.

A discussion ensued over how Aquascape ponds and pools are built.

Board Member Nolton noted that he has the experience to do what he wants, but the license would enable the company to do more and he's not showing he has that experience.

Mr. Ballantine asked if they'd consider a restricted license and said he'd sign a sworn affidavit to say he'd adhere to the restrictions.

Mrs. Ballantine said working with concrete would compromise their license with Aquascape.

Vice Chairman Jerulle suggested he withdraw the license and his wife should then apply or he could provide documentation of experience to Mr. Crotts for this license. He said that would be the easiest and cleanest way to get a license with no encumbrance.

Mr. Ballantine said OK.

A discussion ensued over what they would vote on, the documentation needed and working through Mr. Crotts. The Board also discussed Mrs. Ballantine's extensive experience and certifications.

Supervisor Crotts said the cleanest way would be for Mr. Ballantine to withdraw the application and work with him, but he still doesn't believe he meets the criteria for the license and would have to go before the Board.

Mrs. Ballantine said he does have the experience with concrete.

Board Member Joslin noted that Aquascape does vinyl or rubber-base pools. How would the

Aquascape certification help?

Supervisor Crotts said they'd look at the totality of what they submitted and he could approve or restrict the license.

Mr. Ballantine said one possibility they could consider is that he could provide extensive documentation if they would postpone this hearing for one month. He could provide letters from the Ministry of Tourism, the Minister of Environment, the city, the Ministry of Public Works from the Dominican Republic, but they would all be in Spanish. He can show the approvals for everything he built in the Dominican Republic, with county stamps, and can bring in about 1,000 documents with his name and company name. It's substantive and includes a lot of concrete work.

Chairman Lantz asked Supervisor Crotts if he would be able to approve the license if Mr. Ballantine did that.

Supervisor Crotts said Mr. Ballantine could withdraw the license and submit a new application with new dates and he could review it if he provides documents translated into English.

A discussion ensued over the direction Mr. Ballantine should take.

Vice Chairman Jerulle asked if they voted on a restricted license would it prohibit him from reapplying?

Attorney Noell said there was no limitation. The applicant's concern is that he took the business and law exam and if he withdrew the application, Mr. Crotts could say the experience isn't sufficient and then he'd have to come before the Board again. The other option is to continue this until the next meeting and Mr. Ballantine could bring more documentation for the Board to review. There wouldn't be a risk that way and that would be the cleanest way and Mr. Crotts could work on the applicant to provide a clean packet for the Board to review.

Board Member Nolton said it would be cleaner if he presented that information to Mr. Crotts and he could approve it himself.

A discussion ensued over how to proceed.

Mr. Ballantine said he'd withdraw and provide documentation to Mr. Crotts.

Board Member Nolton noted that he was here today to waive the experience requirement. It wouldn't technically be reapplying.

Supervisor Crotts said if he withdrew today, the Board wouldn't have to vote and he could review the application. We do allow applicants to come in and supply additional information. If he doesn't approve it, it would come before the Board.

Vice Chairman Jerulle made a motion to accept the withdrawal by Michael J. Ballantine for Aquascapes Naples LLC.

Board Member Joslin seconded it.

Mr. Ballantine asked if he could consider a six-month probationary period so they could gain more experience.

Supervisor Crotts said that if he provides the documentation of experience, there would be no probationary period. He would sit down with him to discuss what's needed.

Board Member Nolton noted that he just needs a few documents.

A discussion ensued over how he will proceed.

Vice Chairman Jerulle made a motion to accept the withdrawal of the Non-Recreational Pond-Waterfall-Fountain Contractor application by Michael J. Ballantine. Second by Board Member Joslin. The motion passed unanimously, 6-0.

E. Christina D. Brown – All Green Landscape Management LLC – Landscaping Contractor – Review of Experience

Chairman Lantz called Ms. Brown to the podium and she was sworn in.

Supervisor Crotts reported that Ms. Brown has submitted an application for the issuance of a Landscaping Contractor License, which requires 12 months of experience. As part of the staff review process, Ms. Brown submitted one verification of experience:

- **Greenscapes of Southwest Florida Inc.,** a licensed landscape company. Ms. Brown reportedly worked there from January 2012 to October 2018. However, after several attempts to contact the submitter of this document, staff was unable to verify this information.

Ms. Brown submitted an employment bio, but in staff's opinion the bio does not show hands-on experience in the landscaping trade, it shows more experience as an office employee.

Based upon the information we received from Ms. Brown, it is staff's opinion that Ms. Brown does not meet the experience required under Ordinance 2006-46, Section 1.6.3.25, as it relates to the trade of Landscaping Contractor.

Ms. Brown is being referred to the Board under Section 2.5.2, Referral of the Application to the Contractors' Licensing Board for a Decision. Ms. Brown is here today to answer your questions regarding her experience.

Ms. Brown testified that:

- She'd been doing landscaping work since 2006.
- She's certified by FNGLA, the governing body in the state of Florida, where she took exams, took a lot of CU classes, did a lot of hands-on and field activities to show that she actually does know about plant material, proper planting procedures, proper trimming, proper removals, proper pest identification and pretty much everything that encompasses horticulture in Florida.
- All those things are provided by the University of Florida, which is essentially the governing body of horticulture in the state.
- All her educational experience comes from the University of Florida.
- Over the past 16 years, she's been working with plants in the landscaping business.
- In the beginning, it was important to not just work in the landscaping business and figure it out educationally, but to go into the field and work with crews to learn how to do things the right way, not just read about that in a book.
- In her first five to seven years in the business, which goes back to 2006 and 2007 for

certification and working with landscaping crews, she learned how to properly install plant material, mulch, sod, install pavers walkways, pool decks.

- She worked in pavers before that and had to learn that so she could line out jobs for estimating and physically do the hard work.
- Nearly anything you can think of, she's done it.
- She's done stump grinding, palm-tree removals, sod.
- She's installed up to 25-gallon plant material herself; she requires assistance for anything larger.
- She's dug holes.
- In the past several years, she's worked in upper management – overseeing the jobs, doing the estimating, operating the crews, scheduling, making sure that hours are right, the jobs are done, and job costing.
- She created a landscaping design app to help residents and HOAs learn how to plant plants in the proper place with the proper lighting.

Chairman Lantz asked if the Board had any questions.

Vice Chairman Jerulle asked about her prior company, the one Mr. Crotts couldn't contact.

Ms. Brown said one considers her their competition now. Jamie, the supervisor, is out-of-state. She sent her a text and asked her to write the verification and she did. County staff probably couldn't reach her because she's on vacation.

Board Member Nolton asked if this license goes away in July 2023.

Supervisor Crotts said it does.

Board Member Nolton made a motion to approve the Landscaping Contractor application for Christina D. Brown. Second by Chairman Lantz. The motion passed unanimously, 6-0.

[The Board took a break from 10:09-10:25 a.m.]

9. **OLD BUSINESS:**

- A. **Lonnie G. Becude Jr. – Spray Foam Naples LLC – Insulation Contractor – Credit Review**
Chairman Lantz called Mr. Becude to the podium and he was sworn in.

Supervisor Crotts reported that Mr. Becude appeared before the Contractors' Licensing Board on January 19, 2022, to answer questions regarding his credit and to explain why his credit was below 660, the minimum required by Rule G1G4-15.006 of the State of Florida. At the conclusion of the January 19, 2022, hearing, Mr. Becude was approved for the license, which was placed on a six-month probationary period. He was ordered to appear back before the Board at the end of the six-month period with an updated personal credit and business credit report, as well as any additional evidence.

A copy of the Findings of Facts and the minutes from the January meeting have been included in your packet. As required, Mr. Becude submitted a personal credit report dated July 13, 2022, showing a credit score of 643 and showing that all past-due accounts were currently being paid, as agreed, and showing none are past due. However, there were seven credit accounts showing

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between 30 and 120 days past due, but those accounts are currently up to date. The \$81,525.99 federal tax lien was paid and released on May 31, 2022. As required, Mr. Becude is here today to answer your questions on the review of his credit.

Chairman Lantz said he didn't see the original credit report in the packet and asked if it could be included in the future.

Supervisor Crotts said he thought it was included and said it will be from now on.

Chairman Lantz told Mr. Becude that he'd made amazing progress.

Mr. Becude said he did everything they asked him to and nothing is past due.

Chairman Lantz told him he was impressed.

Supervisor Crotts noted that his credit score increased from 604 to 643.

Vice Chairman Jerulle said it's supposed to be 660. Do we have to put him on probation again until he reaches 660?

Supervisor Crotts said they can continue it for another six months and he can approve it himself if it gets 660 or above, he won't have to come back before the Board. If it's below that, he'd have to come before the Board.

Mr. Becude noted that contractors with a specialty license used to be able to post a \$20,000 bond and a credit score didn't matter.

Board Member Nolton asked if the probationary license was giving him trouble.

Mr. Becude said it wasn't affecting business.

Vice Chairman Jerulle asked if customers know he's on probation.

Mr. Becude said they don't.

Board Member Nolton made a motion to continue Lonnie G. Becude Jr.'s probation for another six months and if he can provide Mr. Crotts with a credit report that shows a credit score of 660 or above, probation will automatically be removed and he won't have to come before the Board again, but if it's below 660, he will have to come before the Board. Second by Vice Chairman Jerulle. The motion passed unanimously, 6-0.

B. Yoslandi Martinez – Terra Nova Landscape Inc. – Landscaping Contractor – Credit Review
Chairman Lantz called Mr. Martinez to the podium and he was sworn in.

Supervisor Crotts reported that Mr. Martinez appeared before the Contractors' Licensing Board on January 19, 2022, to answer questions regarding his credit and to explain why his credit score was below the minimum required. At the conclusion of the hearing, Mr. Martinez was approved for a license that was placed on a 12-month probationary period and ordered to submit a 90-day debt-repayment plan from a credit restitution company. Mr. Martinez also was ordered to submit an updated credit report after six months that shows an improvement to his credit score.

The contracting licensing supervisor has reviewed the updated credit report and with regards to the credit score received, the original credit score was 660, with \$25,788 in collections or charge-offs and an account of \$22,820 was past due.

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A credit report dated February 18, 2022, showed the average credit score was 543 from two reporting credit agencies. A credit report received on July 14, 2022, showed an average credit score of 561 from three reporting credit agencies, and a credit report dated July 28, 2022, showed a credit score of 650 with the following areas of concern: Collections in the amount of \$2,145 as of July 2022; a \$10,156 charge-off as of February 2022; and a \$3,744 charge-off as of May 2021, with the total amount of charge-offs and collections amounting to \$16,054.

It is staff's opinion that Mr. Martinez has not provided an improved credit score and the credit improvements are insufficient. Therefore, Mr. Martinez is back in front of the Board and is here to answer your questions regarding his current credit.

Chairman Lantz noted that his new credit report shows it totals 650.

Supervisor Crotts said that was correct.

Chairman Lantz noted that it used to be 550.

Supervisor Crotts said it was 543, then 561, and in July, it was 650.

Mr. Martinez said he's been paying everything.

Chairman Lantz asked if he hadn't also hired a company to help with his credit.

Supervisor Crotts said he did hire a credit company, but there are charge-offs and collections that have not been satisfied.

Chairman Lantz asked if any of the charge-offs are being disputed.

Mr. Martinez said one for \$10,000 is for his ex-wife's car. He co-signed for it and it's screwing up his credit because she stopped paying the car loan. He has court papers and documents to show he's paying everything.

Chairman Lantz noted that on p. 228, it does say there's an order to dissolve the garnishment. Is that saying they're no longer going after him?

Board Member Hunt noted that they dismissed the garnishment.

Board Member Nolton said it says it was satisfied or they came to an agreement on it. The bottom line is his credit score has gone up, but if he has charge-offs, that's part of a personal negotiation process.

Board Member Nolton said he would like to make a motion but wanted to hear what Mr. Crotts had to say.

Supervisor Crotts recommended that they extend his probation for six more months, so he can bring in a new credit report showing his credit score is 660 or above and the remaining two issues of the collection of \$2,145 and the \$3,744 charge-off have been taken care of. If he can show that within that six-month period, then probation will automatically be removed. If not, then Mr. Martinez will be required to appear back in front of the Board.

Chairman Lantz asked if they had to be 100% paid off or would a payment plan be sufficient.

Supervisor Crotts said either would do.

Mr. Martinez said the \$3,144 is being paid off every month.

Board Member Nolton made a motion to extend Yoslandi Martinez's probation for six months and if he can provide a new credit report showing his credit score is 660 or above and the remaining two issues of the \$2,145 collection and the \$3,744 charge-off are being taken care

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of, probation will automatically be removed. If not, he will have to come before the Board. Second by Board Member Joslin. The motion passed unanimously, 6-0.

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 was sworn in.

Supervisor Crotts reported that Mr. Aguirre had submitted an application for the issuance of a registered license as a Residential Contractor, which requires 48 months of experience and a minimum credit score of 660. Mr. Aguirre appeared before the Contractors' Licensing Board on June 15, 2022, to answer questions regarding his experience and to explain why his credit score was below the minimum required by rule G1G4-15.006 of the State of Florida.

At the conclusion of the hearing, the Board decided to table his request until the August 17, 2022, meeting. At the August 17, 2022, meeting, Mr. Aguirre would be required to show that his credit had improved and if not, then he'd present the Board with a detailed plan showing how he was going to improve his credit score. A copy of the minutes from the June 15, 2022, hearing has been provided in your packet.

Mr. Aguirre spoke with staff in person on August 9, 2022, and said nothing has changed on his credit report. Mr. Aguirre submitted an unsigned letter from the company assisting him with credit, Helping Hands Financial, which stated that it's working with him to fix his credit. When staff attempted to contact Helping Hands Financial, the phone number was not working and the website does not exist. Therefore, staff has been unable to confirm this information.

Today, the Board will be making a decision on the issuance of the Residential Contractor License based upon Mr. Aguirre's experience and to make a decision on the issuance of the license based upon the credit information presented today.

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

Chairman Lantz asked Mr. Aguirre if he'd been doing anything to fix his credit.

Mr. Aguirre said he's been working with Helping Hands Financial. They called all three credit bureaus to dispute some incorrect information. They were several points off and he should have been over 660. He and Kevin from Helping Hands are working on contacting creditors, but it's hard to change a credit score. He said the company doesn't have a landline now.

Supervisor Crotts said that may explain the phone number issue but when staff tried to go online to look at the website, it said "Page No Longer Exists" multiple times. We've been unable to confirm that Mr. Aguirre is actually working with this company to try to improve his credit.

Board Member Nolton asked about the review of his experience.

Supervisor Crotts said that was correct and the Board decided to table everything until this meeting.

Chairman Lantz noted that if he remembers correctly, he was working as a sub, not an employee, and helping build houses in Lehigh Acres with a friend.

Mr. Aguirre confirmed that and said they're working on four houses now.

Chairman Lantz asked about their status.

A discussion ensued over the work Mr. Aguirre is doing and the following points were made:

- He's building monolithic-slab houses.
- He's been in business four to five years.
- He's been working on his credit.
- He could bring Kevin from Helping Hands Financial, which is in Naples, to Mr. Crotts' office to prove he's working on his credit, or provide Kevin's email address or phone number.
- He could reapply for a license.
- He already has two licenses, Drywall and Stucco.
- The Board spent a lot of time on this matter at the last hearing, much of it on his experience.
- There was one witness, Elton Silcox, of Horizon Builders, the contractor-partner he builds houses for, at the last hearing.
- The Board has no documentation to prove he's working on his credit.
- He's overseeing the construction of one home now to ensure it passes inspection.
- His prior experience is in drywall, plaster, stucco and metal-framing.
- He works about 12 hours a day, mostly overseeing subs, and Elton Silcox takes no time off.
- He receives a percentage of each home's sales price from Elton Silcox.
- Elton Silcox, 78, planned to retire but wants him to learn the business so he can continue working through him.
- He admitted he doesn't understand the difference between architecture and engineering.
- He just wants a license to pull permits and build small spec homes.
- He and Elton work with architects and engineers.
- He and Elton work for investors and the land is under their names and Horizon Builders.
- He's working under Elton Silcox's license but wants his own license so he can pull permits in case something happens to Elton.
- He builds homes in Lehigh Acres and Fort Myers.

Supervisor Crotts recommended that the Board table the matter for 90 days so Mr. Aguirre can provide proof of experience and an improved credit score.

Board Member Joslin said that sounded good. Why doesn't Elton Silcox put you on the payroll?

Mr. Aguirre said it costs too much.

Board Member Jaron asked how he was supporting himself if he doesn't get paid until the homes sell.

Mr. Aguirre said he works on other jobs in Naples but can handle both the Lee and Collier County jobs because the Naples jobs don't take all day.

A discussion ensued over whether to issue a probationary license or to continue the hearing on the review of his credit score and experience. Attorney Noell advised that they could eliminate the review of experience since that was covered at the last hearing, or table the credit score and

review of experience hearing for 90 days.

Vice Chairman Jerulle made a motion to table the hearing on Simon J. Aguirre's review of credit and experience for 90 days, until December 21, 2022. Second by Board Member Joslin. The motion passed 5-1; Board Member Nolton voted nay.

10. PUBLIC HEARINGS:

- A. 2022-08 – Jorge E. Quintanilla dba J & C Sealcoat & Striping Inc. – (CEMIS20220004894)**
Chairman Lantz called Mr. Quintanilla to the podium and he was sworn in.

Board Member Joslin made a motion to open the public hearing. Second by Board Member Nolton. The motion passed unanimously, 6-0. The hearing was opened.

[Investigator Bogert was sworn in.]

Investigator Bogert asked to submit the Preamble and Case Packet for 2022-13 into evidence.

Board Member Nolton made a motion to accept the Preamble and Case Packets for 2022-08 into evidence. Vice Chairman Jerulle seconded the motion. The motion was carried unanimously, 6-0. The preamble and case packet were accepted into evidence.

Investigator Bogert testified that the respondent, Jorge Quintanilla, a Collier County licensed Sealing and Striping Contractor, with Issuance No. 202100000853, is the qualifier for and the owner of J&C Sealcoat & Striping Inc.

Mr. Quintanilla verbally contracted, received payment and performed the scope of work to widen the driveway at 2025 29th Ave. Mr. Quintanilla's license does not allow for the paving work that was done in the scope of services. Mr. Quintanilla is in violation of the Collier County Code of Laws and Ordinances, Section 22-201(2), which states, in pertinent part, that it is misconduct for a holder of a Collier County Certificate of Competency to contract or do any work outside the scope of his competency, as listed on his competency card and as defined in this Ordinance, or as restricted by the Contractors' Licensing Board.

Chairman Lantz asked him if he wanted to give an opening statement.

Mr. Quintanilla admitted it was an honest mistake and that he worked outside the scope of his license, but said it was without malice or intent. He didn't realize how big of a job he could do without equipment. He learned. He'll take his punishment.

Board Member Nolton asked if he'd added the asphalt by hand.

Mr. Quintanilla said he had. It was unmixed, as if they were doing hand patches. They compacted it with a roller. We were not paving the driveway, just widening it. He's been doing this work for 35 years locally with a GC. He didn't think about scoping out his measurements. He's guilty of doing a job larger than he thought it was.

Chairman Lantz asked if he was admitting guilt.

Board Member Nolton said they appreciated his honesty.
Mr. Quintanilla said it was an honest mistake.

Investigator Bogert said with the admission of guilt, he'd like the homeowner to speak about the damages incurred.

[The homeowner, Hector Madrigal, was sworn in]

Mr. Madrigal testified that he hired Mr. Quintanilla in good faith to widen his driveway, but he didn't pay attention to details and he wasn't there to supervise his workers to ensure it was done correctly. There was a very lengthy list of errors made and he asked for a refund, saying he didn't trust him to fix it. He declined. He has photos and videos to show the work and a timeline. He now has a botched driveway and has called more than 20 contractors to fix it, some of whom weren't interested, didn't have the time or didn't do residential. He got three quotes. One said he'd done the foundation work wrong and didn't trust his work, so it would have to be ripped up. I gave him a chance. He thought I was trying to get a free driveway from him. With today's inflation, fixing it will cost double what he paid Mr. Quintanilla.

Chairman Lantz asked what he expected to get done.

Mr. Madrigal said it has to be ripped up and redone again. The contractors say it wasn't done right, the foundation. It's breaking and brittle.

Chairman Lantz asked if he was asking Mr. Quintanilla to rip it up and then get another contractors to finish it or to give your money back, or to have Mr. Quintanilla pay someone else to rip it up and get it back to where Mr. Madrigal wants it to be.

Mr. Madrigal said yes. He wants Mr. Quintanilla to pay to have it ripped up and done over again.

Board Member Nolton asked about his three quotes.

Mr. Madrigal said he got an overlay quote of less than \$5,000; a second quote on ripping it out, adding base rock and one inch of an asphalt overlay for \$8,500; and a third quote for the same work was \$15,500.

Chairman Lantz said under the best-case scenario, what did he want? Did he want a check for \$15,000 or \$4,000?

Mr. Madrigal said he trusts the third company, Bradanna Inc. and they typically don't do residential work but agreed to. He'd like a check for \$15,500.

Chairman Lantz asked, Even if you have a quote for \$5,000?

Mr. Madrigal said that was just for overlay.

A discussion ensued over how Mr. Quintanilla was hired and the following points were made:

- A group on Facebook recommended Mr. Quintanilla.
- He seemed honest and showed up.
- He Googled him and it didn't show him, but his Facebook page shows he does paving and sealing.
- The timeline for the work hinged on getting it done before a family gathering and some landscaping work.
- He paid Mr. Quintanilla \$4,000.
- The price for another contractor, Ricky Bell, was \$4,400.
- He asked Mr. Quintanilla to do more work because he has a boat that needs to sit on the

driveway.

- Mr. Quintanilla told him the work for the boat was outside of what they'd originally agreed to.
- He didn't put base rock on the driveway; Mr. Quintanilla disputed that, saying he did.
- Mr. Quintanilla said Mr. Madrigal wanted to save money so he asked him to use materials at his home for the base rock, but it was contaminated, with weeds and grass growing through it.
- Some dirt was excavated, which had grass growing through it, but that was at Mr. Madrigal's direction. Then they put the asphalt on it.
- Mr. Madrigal understood the problem with the base rock, but they decided to cover it with asphalt.
- Since he only did an add-on to the driveway, it was a 2% slope, so they sloped it toward the grass. The initial part was to go from 4 feet to zero, which cost \$3,300.
- When he finished the work, Mr. Madrigal said he wanted to make it wider and Mr. Quintanilla asked for \$700 more, which totaled \$4,000.
- Mr. Quintanilla's crew applied asphalt, rolled it and it looked beautiful.
- About a week later, Mr. Madrigal called to say he wanted them to overlay that and thicken the edge so the water could flow into the middle of the driveway. That's when the issues started.
- Mr. Madrigal called him to pick up a check and he paid the foreman, signifying he was happy; there was no deposit taken.
- About a week later, he wanted it done mid-day and they were having trouble having it drain to the middle of the driveway. It got dark, so they left the equipment and were going to finish the next day, but Mr. Madrigal called law enforcement.
- They dug a trench that they intended to finish and overlay.
- Mr. Madrigal told law enforcement that he had a party the next day and if someone tripped on that, he planned to sue Mr. Quintanilla.
- He was given no opportunity to finish the work. Law enforcement asked him to finish the trench, so he did, but Mr. Madrigal terminated him.
- Mr. Quintanilla said he'd finish the work before the party and was there to fix it, which cost him more in labor and materials that he wasn't paid for. He's never been in trouble before.

During questioning of Mr. Quintanilla, the following points were made:

- His permit allows him to do 20 square feet by patch, 4-by-5-feet.
- This was a continuous addition to a driveway.
- He brought a double-drum roller and hand tools, added base-rock and rolled it.
- A week later, Mr. Madrigal asked that he make it wider and marked it himself.
- He then brought a paver owned by a friend because it would be hard to finish by hand.
- He was unable to finish that day and returned Friday, but Mr. Madrigal had called law enforcement and wouldn't allow him to finish the job.
- He would have overlaid the driveway on both sides and cut a straight line.
- He gave his foreman a check; if he wasn't happy, he shouldn't have paid.
- They had no written contract, just texts and a verbal agreement.
- The work didn't require a permit because the work inside the right-of-way was negligible. A senior engineer did measurements and made that determination.

During questioning of Mr. Madrigal, the following points were made:

- He's an independent licensed irrigation contractor.
- He uses written contracts, but mostly verbal contracts.
- He didn't use a written contract with Mr. Quintanilla.
- He showed Mr. Quintanilla a list of areas where he'd made mistakes.
- Mr. Madrigal said Mr. Quintanilla told him his dirt would work as base rock; Mr. Quintanilla disputed that.
- He asked for no slope so he could store his boat on the driveway on a flat surface.
- There was a construction error when his house was built, which caused the asphalt to get brittle and break, so he asked Mr. Quintanilla to fix it so he could store his boat there.
- Mr. Quintanilla didn't do it right and created a v-shaped valley, where the water comes through.
- He lost confidence in Mr. Quintanilla after he returned several times, so he didn't want him to finish the job.

Mr. Quintanilla said most new homes in the Estates are built on small hills for flooding purposes. There's a concrete pad that comes off the house and that's where Mr. Madrigal wanted to park his boat. The original driveway had a severe slope. He only added four feet had to match the concrete and the asphalt. He had to pitch and match the original driveway.

A discussion ensued about the pitch of the driveway and the concrete.

Attorney Noell offered guidance for the Board in deliberating on restitution. Any restitution ordered would have to be an amount for damages that's directly related to or arising out of the violation. For example, he wouldn't get a new pool and a new driveway because of the damage. If the Board finds there is damage, damages must be related to the violation. What is that amount and what would be the amount to put him in the position he was before the damages occurred? He hoped that helped frame deliberations for the Board.

Board Member Nolton made a motion to find Jorge E. Quintanilla guilty. Second by Vice Chairman Jerulle. The motion passed unanimously, 6-0.

[There was a motion and second to close the public hearing, but Attorney Noell advised the Board to keep the hearing open to hear about damages and decide on sanctions.]

A discussion ensued over the scope of the work and damages and the following points were made:

- There's no evidence of an agreed-upon scope, except the original scope in a text.
- There was a misunderstanding in the scope.
- The scope of work changed and it was verbal.
- There was a chain reaction, causing more work.
- Mr. Quintanilla was paid \$4,000 and is still owed \$2,500 for the additional work.
- Mr. Madrigal hired Mr. Quintanilla because he seemed honest.
- Mr. Madrigal did not check for his license or insurance.

- Mr. Madrigal didn't believe a license number was on Mr. Quintanilla's van.
- The asphalt is brittle and failing and must be ripped up.
- Part of the damage was caused by someone driving over the freshly completed work.
- Mr. Madrigal said he was never told not to drive on it but maintained no one drove on the hot asphalt.
- Mr. Madrigal said he asked if Mr. Quintanilla was licensed and insured and he said he was, but he didn't check.
- Mr. Madrigal wants \$15,500 to fix the work.
- Mr. Madrigal has the burden of proof; Mr. Quintanilla disputed much of what he said.
- This case involves a lot of hearsay.

Board Member Nolton noted that \$15,500 does not correct the work, it's a betterment, a new driveway by Bradanna Inc. What he's done isn't causing Bradanna to charge more. It's two different scopes of work. Overlaying the work would not be the answer. The \$4,000 worth of work must be replaced. In terms of work, the homeowner wants a Cadillac, not a Chevy.

A discussion ensued over the scope of work and what Bradanna Inc. was proposing and Mr. Quintanilla noted that he'd worked for Bradanna for many years.

Board Member Hunt made a motion to close the public hearing. Second by Board Member Jaron. The motion passed unanimously, 6-0.

Chairman Lantz said he's leaning toward giving the homeowner the \$4,000 back. Both the homeowner and contractor screwed up, but he's giving the benefit of the doubt to the homeowner because the contractor was working outside the scope of his license.

Board Member Nolton asked if there were investigation charges. (There were none.) He said he'd make a motion to order Mr. Quintanilla to pay \$4,000 in restitution to the homeowner and asked Supervisor Crotts what the fine should be.

Supervisor Crotts said the County recommends a \$1,000 fine and the license would automatically be revoked if it's not paid within 60 days. The license should be placed on probation until July 2023. The \$4,000 in restitution should be paid to the homeowner within 90 days or the license would automatically be revoked.

Board Member Joslin noted that nothing in the written quote shows he asked Mr. Quintanilla to make the boat area level.

Mr. Madrigal admitted it wasn't on the quote and thanked them for their time and said he now has to find someone to correct the work.

Board Member Nolton made a motion to order Jorge E. Quintanilla to pay restitution of \$4,000 to the homeowner within 90 days and if it's not paid within 90 days, his license will be revoked; fine Mr. Quintanilla \$1,000 and if it's not paid within 60 days, his license would be revoked; and his license will be placed on probation until July 2023. Second by Board Member Hunt. The motion passed unanimously, 6-0.

Vice Chairman Jerulle told him he's been a contractor for more than 30 years and he still requires a written scope of work and written contract with all his contractors and subcontractors. He also asks them for their licenses and insurance information. He would never hire a stranger without asking for their license or insurance.

Mr. Madrigal said he was old fashioned and thought Mr. Quintanilla had morals. He contended he was very detailed about what he wanted.

Vice Chairman Jerulle said communication is important, so the scope of work should be memorialized on paper. What he says and someone hears could be two different things.

Mr. Madrigal said he was very detailed about what he wanted.

Vice Chairman Jerulle told Mr. Quintanilla that the next time won't be a \$1,000 fine. Next time, get a written scope of work.

Mr. Quintanilla agreed that it was good advice.

Board Member Nolton said you never know when a client will not like what you did, even if you had nothing to do with it. Get a contract that clearly defines the scope of work and the fee.

Chairman Lantz said the Board can now move on to 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 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 6-0, 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:

- Restitution of \$4,000 must be paid to the homeowner within 90 days.
- A \$1,000 fine must be paid within 60 days.
- Probation until July 2023.

This concludes the order of the Board in this matter.

Mr. Quintanilla asked where he could pay the \$1,000 fine and said he was ready to pay it now. *[He was directed to Sandra Delgado.]*

Chairman Lantz said he needed to put something on the record. Last month, Board Member Robert Meister filed a Form 8B for a voting conflict. He said, "Mr. Kevin Keyes, of Keystone Paving, has been a friend of mine for 30-plus years, and he's a subcontractor on many of my projects." He didn't want to risk getting special gain or loss to his business.

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B. 2022-11 – Richard Fout, dba Air Express HVAC LLC (CEMIS20210012642)

[Abated by the contractor and removed from the agenda.]

11. NEXT MEETING DATE: WEDNESDAY, September 21, 2022

Commissioners' Chambers, Third Floor,
Administrative Building F, Collier County Government Center,
3299 E. Tamiami Trail, Naples, FL

Vice Chairman Jerulle made a motion to adjourn. Board Member Hunt seconded the motion. The motion passed unanimously, 6-0.

There being no further business for the good of the County, the meeting was adjourned at 12:04 p.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 9-21-2022, (check one) as submitted or as amended .