

January 18, 2023

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

January 18, 2023

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

**ALSO PRESENT:**

Kevin Noell, Esq., Contractors' Licensing Board Attorney  
Timothy Crotts, Contractor Licensing Supervisor  
Colleen Kerins, Assistant Collier County Attorney  
Timothy Broughton, 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:**

**Acting Chairman Jarron** opened the meeting at 9:01 a.m.

Roll call was taken; five members were present in the BCC Chambers; Board Member Joslin and Chairman Allen joined later.

**Supervisor Crotts** said Mr. White and Ms. Hunt provided prior notice and asked that their absences be approved.

**2. ADDITIONS OR DELETIONS:**

None

**3. APPROVAL OF AGENDA:**

*Board Member Lantz moved to approve the agenda. Second by Board Member Nolton. The motion passed unanimously, 5-0.*

**4. APPROVAL OF MINUTES:**

**A. December 21, 2022**

*Board Member Nolton moved to approve the December 21, 2022, meeting minutes. Second by Board Member Lantz. The motion passed unanimously, 5-0.*

*[Board Member Joslin joined the meeting at 9:03]*

**5. PUBLIC COMMENTS:**

None

**6. DISCUSSION:**

**A. Collier County Code of Ordinances, Section 2-833 – Attendance Requirements**

**Supervisor Crotts** said each Board member must attend at least 50% of the CLB meetings posted for the year. Each Board member shall be deemed absent from a meeting if not present for at least 75% of the meeting and any Board member who is absent for two consecutive Board meetings without any satisfactory excuse or approval by the chair shall be deemed to declare that position vacant by the chairman.

*[Chairman Allen joined the meeting at 9:04]*

**B. Emergency Certificates of Competency**

***Supervisor Crotts provided an update on Collier County’s temporary Certificates of Competency:***

- On September 27, 2022, the Board went into a special session and approved the issuance of

licenses in the areas of roofing, tree trimming and landscaping, as required or as allowed by ordinance.

- The ordinance allows a temporary license for up to six months.
- We are just over the 90 days allowed for the tree-trimming and removal, landscaping and roofing.
- On October 19, 2022, we issued emergency licenses for drywall installation contractor and carpentry.
- These licenses are allowed to stay in effect for as long as the county or the City of Naples has its emergency declaration in effect; the county has ended its declaration.
- Board discussion is needed to decide whether to extend the roofing, tree trimming and landscaping licenses, which would end in 90 days or in six months, on March 27, 2023.
- We don't know how long the City of Naples will maintain its State of Emergency, so he's asking the Board to extend the roofing, tree-trimming and landscaping-restricted emergency licenses until March 27, 2023, when six months ends.
- If the City of Naples rescinds its State of Emergency, this license would end sooner than that.

***A discussion ensued and the following points were made:***

- Do we need to extend tree-trimming and landscaping emergency licenses?
- There were about 20 issued, very few emergency licenses for tree-trimming and landscaping, not as many as there were after Hurricane Irma, when there were 268.
- Contractors are coming from out-of-state to compete with local contractors for work.
- Is there any evidence there's a backlog of work?
- If there are any active permits after the emergency period ends, contractors can finish that work.
- If there's not much need, we shouldn't bring in out-of-state contractors.
- If the Board takes no action, the emergency licenses would go away tomorrow.
- We can't extend the timeframe just for those who already have emergency licenses.
- An extension would only affect out-of-state roofers because the state of Florida still has an active State of Emergency, which allows roofing contractors, building GC and residential to come in and do roofing.
- The state's emergency order even allowed for outside county jurisdiction, so any licensed roofer, either registered or state certified GC, BC or RC can come to Collier County to do roofing.
- Landscaping and tree-trimming don't require permits, just roofing.

The Board agreed to let the emergency license period end tomorrow. No vote was required.

***Supervisor Crotts reported that:***

- Drywall, insulation and carpentry emergency licenses were approved by the CLB on October 19, when they found out that Hurricane Ian wasn't a wind event but was a water event.
- The majority of damage was caused by water.
- The license would go away next month if you take no action.
- We could extend it for an additional 90 days, so it ends on April 19, 2023, or until the City of Naples ends its emergency declaration.

**Board Member Jerulle** asked how many emergency licenses were issued.

**Supervisor Crotts** said three-quarters of the licenses issued were for drywall and carpentry contractors.

**Board Member Nolton** said he'd agree to extend it due to the amount of work going on.

*Board Member Nolton made a motion to extend the drywall installation and carpentry contractors emergency licenses until April 19, 2023. Second by Board Member Lantz. The motion passed unanimously, 7-0.*

## 7. REPORTS:

### A. **Renewal Year-End Reports for 2022**

*Supervisor Crotts reported that:*

- There were 2,834 license renewals in 2022.
- Licenses that were not renewed totaled 259, compared with 2021, when we had 3,011 that were renewed and 181 that were not renewed. Some have converted their local licenses to state and many others are still waiting to see what happens with House Bill 735.
- We have sent out notifications numerous times this year, as we did last year to remind contractors to come in and get their licenses renewed. Some are still coming in late, but a lot has to do with the license being converted to state or waiting to see what happens with the house bill.
- The renewal cost for local licenses is \$125, and \$145 for specialty licenses.

**Board Member Lantz** noted that if they were to renew and they're theoretically only getting a license for six months, they're still paying what they used to pay for two years, so that might have something to do with the decrease.

### B. **Violation Year-End Reports for 2022**

*Supervisor Crotts reported that:*

- There was an increase in violations by case type, 1,083 compared with 918 last year.
- There was a 17.97% increase in complaints this year. The agenda packet shows how they broke down to code violations, fraud, misconduct, site development and unlicensed complaints.
- The agenda packet also shows a breakdown for how they were received, anonymous complaints through the building department, actual complaints received by residents, property or business owners, and field observations and complaints that came through the public portal. There were code violations, fraud, misconduct and unlicensed activity.
- The increase is probably because we're making people more aware of activity that is taking place, as well as Hurricane Ian, which also prompted complaints on a regular basis for doing work without permits and hiring unlicensed contractors.

*Questions and a discussion ensued and the following points were made:*

- Code violations that increased included working without a permit and miscellaneous offenses by licensed contractors, such as working outside the scope of their license or without a permit.
- A code violation involves unlicensed contractors doing work without a permit, while a licensed contractor doing work without a permit is misconduct.

### C. Citation Year-End Reports for 2022

#### ***Supervisor Crotts reported that:***

- In 2021, we issued 268 citations, compared with 227 in 2022. There was a slight decrease because the county is short-staffed.
- We have been working without a full staff for quite some time. It's been difficult to hire.
- Despite the reduction in citations, the amount being paid and the amount uncollected are nearly identical to last year. The amount paid in 2021 was 67% and it was 68% this year.
- The amount uncollected in 2021 was 33% and the amount uncollected for 2022 was 32%.
- If it's uncollected, they are sent notices that they must pay, and when we do not get the payment within the allotted time, the county places a lien on the property, which is what the Board chairman signs as the notices of liens. If the property owner tries to sell the property, the lien will pop up and they'll be required to satisfy it before they can sell.

**Attorney Kerins** noted that the County Attorney's Office doesn't typically foreclose on county residents.

### 8. **NEW BUSINESS:**

#### **A. Orders of the Board [four items]**

*Board Member Lantz made a motion to have the Chairman sign the Orders of the Board. Second by Board Member Joslin. The motion passed unanimously, 7-0. The Orders of the Board were approved.*

#### **B. Dean W. Christopoulos – Dean W. Christopolous Construction Co.**

##### **Building Contractor-Registered – Review of Experience**

*Chairman Allen called Mr. Christopoulos to the podium and he was sworn in.*

*Supervisor Crotts reported that Mr. Christopoulos has submitted an application for the issuance of a registered license as a building contractor, which requires 48 months of experience. Mr. Christopoulos has held a Collier County residential contractor's license since 2018 and records show there have been no complaints against him or his company.*

*As part of the staff review process, Mr. Christopoulos submitted a Verification of Experience from non-construction businesses in Oklahoma and one construction contractor from Oklahoma, where Mr. Christopoulos worked as a subcontractor. During an in-person interview, Mr. Christopoulos stated that he has limited commercial property building experience but has built several homes one- to three stories high. Mr. Christopoulos reported that throughout his career, he's done some carpentry work and painting, but the majority of work was with residential homes. He stated that his goal was to be able to build up to three-story homes and condominiums.*

*It is staff's opinion that Mr. Christopoulos does not meet the experience required under Ordinance 2006-46, Section 1.6.1.2, for the trade of building contractor in regard to the commercial property aspect of this license. Mr. Christopoulos is being referred to the Board under Section 2.5.2, Referral of the Application to the Contractors' Licensing Board for a*

*Decision. He is here to answer your questions regarding his experience.*

**Chairman Allen** told him that this is his opportunity to convince us that you're experienced enough for this license.

***Mr. Christopolous told the Board that:***

- He started this process to try to upgrade his licenses.
- We purchased a condominium at Colonnade Circle that was water damaged and we were going to refurbish it and flip it.
- He concentrated more on residential aspects of experience when he turned in his paperwork.
- Although most of his experience is residential, he does have commercial experience.
- He has built, owned and operated a mini-storage project in Tulsa, Oklahoma.
- He helped his brother build a center and did the build out on a Mexican food restaurant and a liquor store in that project.
- Several years ago, he built a CHROMiX one-hour photo shops in a local mall in Tulsa, Oklahoma.
- He has worked on many of the homes he's built.
- He doesn't think that's much different from commercial but wasn't looking at the strip center part of the license.
- He's most interested in renovating a condominium project, although he's qualified to do the rest of it.
- He has experience reading plans, working with engineers, architects and customers.
- He's on the job all the time and has built residential developments.
- He's been a partner on six or seven residential developments and was in charge of running the project from grading to paving, curbing and all utilities.
- He grew up in the construction industry and his father was a concrete contractor and general contractor who built office buildings.
- We did tilt-up wall construction on industrial buildings.

***When Board members questioned Mr. Christopolous, the following points were made:***

- He's been a residential contractor for four years and passed the state building contractor test; the county ordinance does not allow that.
- We're here today for his commercial experience.
- He's done work in the City of Naples in The Moorings, as well as home at the corner of 10<sup>th</sup> Avenue South and 9<sup>th</sup> Street, which was on sale for six months and just closed yesterday.
- He worked on one custom home, three spec homes and one is a two-story home with a cabana above the garage, a separate garage.
- He's familiar with firewalls and bar joists and has been involved in some, but it's not a focus of his career.
- He believes that a good manager working with good engineers, architects, subcontractors and inspectors would be able to handle firewalls.
- He wasn't able to detail how he'd construct a firewall for an 8-inch concrete slab separating a condo from the condo below, with a pipe coming through. He suggested a

clasp.

- He's not involved in firewall work.
- Most contractors would rely on someone else and there are details in plans that would explain how to do firewalls.
- He's always been able to get a job done and works closely with the professionals who work with plans.
- He doesn't believe any contractor would understand every technique or item subcontractors work on.
- He has to work with subcontractors, plans and engineers to get items inspected and do whatever he has to do to pass inspections. That's what he's always done.

**Chairman Allen** asked what staff recommends.

**Supervisor Crotts** said staff recommends approving the building contractor license, but restrict it not to exceed three-stories in height in residential homes, with only one, two and three buildings. He should not be allowed to conduct work or pull permits for any commercial work, such as strip malls, commercial buildings, etc.

***A discussion ensued and the following points were made:***

- That license wouldn't allow condos, which are considered commercial.
- Mr. Christopolous disagreed with the Board that he didn't have the necessary commercial experience.
- He's never been involved in a lawsuit.
- He worked on commercial buildings in Tulsa, where they didn't have engineer's plans, while they have engineers, architects and subcontractors to rely on here.

**Board Member Jerulle** noted that he doesn't qualify per the code and doesn't qualify per the recommendation, so we're going to give him an exception, but limit that exception so he can prove himself.

***Board Member Lantz made a motion to issue a license for registered building contractor to Dean W. Christopoulos / Dean W. Christopolous Construction Co. and restrict it to multi-family residential, three habitable stories or less, and to place him on one year's probation. Second by Board Member Joslin. The motion passed unanimously, 7-0.***

**Supervisor Crotts** said that was a good compromise.

**C. John R. Richardson III – Richardson & Royce Painting and Maintenance Corp.  
Painting Contractor – Review of Experience and Credit  
*Chairman Allen called Mr. Richardson to the podium and he was sworn in.***

***Supervisor Crotts reported that Mr. Richardson has submitted an application for the issuance of a specialty license of painting contractor, which requires 24 months of experience and requires a minimum credit score of 660. Under Collier County Ordinance 2006-46, Section. 2.3.9, Mr. Richardson was required to submit a personal and business credit report. His credit report was reviewed and appears not to meet financial responsibility as set forth in Section 2.5.1, Subsection D: "The applicant or qualifier meets the requirements of financial responsibility set forth in Rule***

*G1G4-15.006 of the State of Florida.”*

*A review of the personal credit report shows the following area of concern: The credit report shows a credit score of 0. As required by rule, the credit report or credit source should be a minimum of 660. However, the credit report does not show any charge-off or delinquent accounts.*

*Mr. Richardson submitted a Verification of Experience from his own company. Reviewing the IRS wage reporting form submitted by Mr. Richardson, it appears that he has not been working full time with this company. This was confirmed by a phone interview. Staff also has been unable to verify he has the skills needed to perform work such as the painting of the interior and exterior of homes, and the ability to choose correct paint for such work. It is staff's opinion that Mr. Richardson does not meet the minimum requirements set forth in Ordinance 2006-46, as it relates to financial responsibility, and experience under Section. 1.6.3.30, as it relates to painting contractor, because Mr. Richardson does not meet the minimum required credit score by ordinance and the minimum qualifications needed for the issuance of a painting contractor.*

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

**Chairman Allen** asked him to explain his credit score.

***Mr. Richardson testified that:***

- He doesn't want to be in debt and follows Dave Ramsey's guidelines.
- He's never had credit cards and doesn't owe anyone a penny.
- He's financially responsible.
- He did try to take out a small loan on a vehicle.
- He's proud of his zero credit score.

**Chairman Allen** asked him to explain his painting experience.

***Mr. Richardson provided details on his experience:***

- He started out as a handyman when he was 16 years old, when he was hired by an active, wealthy family in the Grand Rapids, Michigan area, that did real estate, excavations and owned several companies.
- He worked for them off and on for about two years, working for them and others and coming back to that family business.
- He was involved in large industrial remodels.
- He did various handyman jobs, from painting to changing out toilets, plumbing, electrical outlets, etc.
- It was like an apprenticeship.
- He believed that by submitting four years of tax returns, it would show adequate experience.
- He also has a sheet from a construction company that proves he had another 258.25 hours of painting experience on commercial painting projects for Ferris State University and some schools in Stevensville, Michigan,



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- He's been in the trades industry painting on and off for his entire life.
- He made \$138,000 with his own company and did well, specializing mostly in residential, but did some commercial work.
- He's fit and young enough to work 10-12 hours on jobs.

***During questioning by the Board, Mr. Richardson testified that:***

- His painting work was in Michigan and he moved here seven months ago.
- He hasn't painted freshly done stucco, but would consult a book on how to do that.
- He's not familiar with elastomeric paint.
- He has painted a lot of masonry and wood structures and vinyl siding with wood trim.
- He asks painting stores for advice on the choice of paint, if he's uncertain.
- His experience is 60/40 exterior versus interior.
- He painted a stucco home here and used SuperPaint, but the stucco wasn't freshly done.
- His contact for paint supplies here is Sherwin Williams and he pays with cash or a card.

**Supervisor Crotts** noted that this license goes away on July 1, 2023.

**Chairman Allen** asked what staff's recommendation was.

**Supervisor Crotts** said staff has concerns about his credit. There were 16 hard inquiries, but no credit issues. If the Board does issue a license, it should be restricted to interior.

**Board Member Lantz** said he has no problem with his zero credit.

**Mr. Jarron** noted that he'd need credit if his business grew and he was waiting for clients to pay.

**Mr. Richardson** said he'd never needed credit accounts and is just trying to keep himself busy to support his family. He admitted there were 16 dings to his credit but that occurred when he was looking for a car loan. He eventually paid cash for the car, which was better for him.

**Board Member Jerulle** made a motion to accept staff's recommendation.

**Mr. Richardson** asked for no limitations on his license.

**Board Member Jerulle** said he hadn't convinced him of his experience. He preferred to give him a restricted license or none at all. This license may go away in six months.

***A discussion ensued and the following points were made:***

- From a business standpoint, many painting stores require credit and at some point, he will be taking deposits.
- There's a huge liability if he isn't familiar with what paint to use.
- If a homeowner chooses the wrong type of paint and he uses it, he's liable.
- He's very careful about the products he uses and does a lot of research.
- He dusts, power washes and uses maximal adherence, binding primers before painting.
- He caulks windows and doors first using high-end caulk, which isn't paintable.
- He apologized for not being able to answer questions about caulk, noting that his wife had a baby last night and he was up until 4 a.m., when she delivered.

**Board Member Nolton** said he applauded him for being 34-years-old with a family and having no credit or debt while running a business.

***Board Member Jerulle made a motion to approve John Richardson's application as a Licensed Painting Contractor restricted to interior. Second by Board Member Lantz. The motion passed unanimously, 7-0.***

**Board Member Nolton** explained that it would be for interior-only now, but in six months, when that license goes away on July 1, he'd also be able to paint exteriors.

**D. Ivan E. Mendez – 1'Source Landscaping Inc.**

**Tree Removal & Trimming Contractor – Review of Credit**

***Chairman Allen called Mr. Mendez to the podium and he was sworn in.***

***Supervisor Crotts said Mr. Mendez has submitted an application for the issuance of a local specialty license for a Tree-Removal and Trimming Contractor, which requires 12 months of experience. As part of the staff review process, Mr. Mendez submitted a resume outlining his experience. However, none of this information could be verified.***

*In an in-person interview, Mr. Mendez stated that he had asked past employers to commit to complete the Verification of Experience forms, but they refused. Mr. Mendez also submitted four payroll documents. Two of these payroll documents were submitted from a payroll agency and they do not list an employer and two show an employer, but were only listed for one to two weeks each, dated 2009, 2014, 2000 and 2002.*

*It is staff's opinion that Mr. Mendez does not meet the experience required under Ordinance 2006-46, Section 1.6.3.48, as it relates to his experience in the trade of tree removal and trimming. Mr. Mendez has been referred to the Board under section 2.5.2, Referral of the Application to the Contractors' Licensing Board for a Decision. His credit also is 639, when it's required to be 660. Mr. Mendez is here today to answer your questions.*

**Chairman Allen** asked him to explain his experience and credit.

***During questioning by the Board, Mr. Mendez detailed his experience and credit history and the following points were made:***

- If a credit report were run now, it would be closer to 700 because he's already paid down some debts.
- He doesn't have high credit debt.
- He has no charge-offs.
- He would agree to put his full name on his application, Ivan E. Mendez-Gonzalez, the name on his driver's license.
- He submitted random paystubs but has worked in landscaping for 26 years and has 22 years of experience with large companies.
- Employers refused to sign a Verification of Experience because he got his experience through them and they're upset and don't want him as competition.
- Pinnacle Lawn & Landscaping didn't want to let him go and when he left, 30 employees decided to quit and follow him. That's why Pinnacle wouldn't sign a Verification of Experience.

- He worked for AshBritt for a year as a groundsman, removing stumps and trees.
- He worked for Pinnacle, Signature Tree Care Service and Sunnygove Landscaping & Nursery doing high-end residential landscaping work.
- He also has a pest-control license.
- There are no complaints on his licenses.

**Board Member Joslin** asked if the license goes away in July.  
**Supervisor Crotts** said it will.

*Board Member Nolton made a motion to issue a Tree Removal & Trimming Contractor license to Ivan E. Mendez-Gonzalez / 1'Source Landscaping Inc. with a 12-month probationary period, but that will end when that license goes away on July 1, 2023, when it will become permanent and the probation is lifted. Second by Board Member Jerulle. The motion passed unanimously, 7-0.*

**Mr. Mendez** asked about restrictions on the license.

**Supervisor Crotts** told him that license doesn't allow him to do sod, pavers and fountains, but he can put dirt on top. He can do work with paver blocks and trim and remove trees.

**E. Sarah P. Berry – Abaca Services LLC – Swimming Pool Cleaning Only**

**Review of Experience and Credit**

*Chairman Allen called Ms. Berry to the podium and she was sworn in.*

*Supervisor Crotts said that Ms. Berry has submitted an application for the issuance of the specialty license of Swimming Pool & Spa Cleaning, which requires 12 months of experience. As part of the application process under Collier County Ordinance 2006-46, Section 2.3.9, Ms. Berry was required to submit a personal and business credit report. Her personal 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 set forth in Rule G1G4-15.006 of the State of Florida."*

*A review of her credit report shows the following areas of concern:*

- *The credit report submitted shows a credit score of 652; the minimum required by rule is 660.*
- *There is a \$114 charge off to TDRC/Sams dated November 2022.*
- *The credit report notes serious delinquency and too few accounts currently paid as agreed.*

*After reviewing her Verification of Experience, it appears that Ms. Berry was a customer-service representative and not involved in the pool-cleaning aspect of work. During a phone interview, Ms. Berry confirmed that her experience was that of a customer-service representative. She said her boyfriend has the experience in cleaning pools, but has been unable to pass the required exams. Therefore, she took the exams and submitted the application.*

*It is staff's opinion that Ms. Berry does not meet the minimum requirements as set forth in Ordinance 2006-46, as it relates to financial responsibility, and does not meet the experience*

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*required under Section 2.6.2.9.1, as it relates to swimming pool servicing. Ms. Berry has been referred to the Board under Section 2.5.2, Referral of the Application to the Contractors' Licensing Board for a Decision. Ms. Berry is here to answer your questions.*

**Chairman Allen** asked her to detail her credit first.

**Ms. Berry** said that she dramatically increased her credit score. She also has satisfied the TD Bank debt and has proof of it. *[She provided it to Chairman Allen.]*

***Board Member Joslin made a motion to enter the credit report into evidence. Second by Board Member Lantz. The motion passed unanimously, 7-0. The new credit report was entered as evidence.***

**Chairman Allen** asked her to detail her experience.

***Ms. Berry detailed her experience:***

- She's been working for Divco Custom Homes for seven years since moving to Florida.
- She's a customer liaison who prices all changes, upgrades to contracts and checks job quality onsite to ensure it's what the customer wanted.
- She gained a lot of experience in the field.
- She doesn't have swimming pool maintenance experience, but her fiancé does.
- Her fiancé struggled with the test and his credit score isn't as good as hers.
- She and her fiancé are a team.

***A discussion ensued between the applicant and Board and the following points were made:***

- The license will go away on July 1, 2023.
- She's been around pools her entire life and knows how to read test kits, but would have to rely on her fiancé to know what to do.
- The license doesn't cover repairs, just test kits.
- If something happened between her and her fiancé, she wouldn't have his experience as part of her business.

**Chairman Allen** asked for staff's recommendation.

**Supervisor Crotts** said staff recommends that the license not be issued due to lack of experience, but they encourage her fiancé to continue taking the test and for her to get the experience and return to get the license.

***Board Member Joslin made a motion to not issue Sarah P. Berry / Abaca Services LLC a Swimming Pool Cleaning Only license due to her lack of experience. Second by Board Member Lantz. The motion passed unanimously, 7-0.***

**Board Member Jerulle** apologized and told her the Board doesn't make the rules and couldn't make an exception for her.

**F. Peyton R. Silver – La Vida Pools LLC – Swimming Pool Residential Contractor Review of Experience.**

**Chairman Allen called Mr. Silver to the podium and he was sworn in.**

**Supervisor Crotts** said Mr. Silver has submitted an application for the issuance of a Residential Pool & Spa Contractor license, which requires 24 months of experience. As part of the staff review process, Mr. Silver submitted Verifications of Experience from his former employers and it appears that Mr. Silver's experience was extremely limited with regards to hands-on skill in pool and spa construction aspects.

In an interview, Mr. Silver confirmed his experience was limited to concrete work on footers for lanais and rebar work. He reported that he has experience with pump-outs, acid wash, tile and coping but does not have a lot of experience building pools. He mainly wants to do pump-outs.

It is staff's opinion that Mr. Silver does not meet the experience required under Ordinance 2006-46, Section 1.6.2.8, as it relates to the trade of Residential Pool & Spa Contractor. Mr. Silver has been referred to the Board under Section 2.5.2, Referral of the Application to the Contractors' Licensing Board for a Decision. Mr. Silver is here to answer your questions.

**Chairman Allen** asked him to explain his experience.

**Mr. Silver told the Board:**

- He's done a lot of concrete work.
- When he was 15, he worked for JD Construction & Associates and did a lot of fuel cells, block and typings.
- He hasn't worked with rebar in pools, but worked a lot with rebar outside of pools.
- His goal would be to be a sub and shoot concrete and do pump-outs.
- He's done a lot of tile outside of the pool and some in pools.
- The PSI of a standard pool is 4,000.
- He works with Gunnite.
- He doesn't plan to do steel and tie.
- A concrete license wasn't enough for him to do pools.

**Supervisor Crotts** noted that the category includes forming and placing but doesn't include plastering. It would allow him to do a shell.

**A discussion ensued between the applicant and Board and the following points were made:**

- He didn't want to retake the test for a different license.
- He's done everything from the ground up but hasn't done framing.
- He's done excavating work.
- He has no experience with pools on pilings.
- He knows about grounding to rebar.
- He knows about plumbing, pump-outs, drains and acid wash.
- He didn't know that No. 8 bonding wire is used.

**Mr. Silver** asked if he could get a restricted license.

**Supervisor Crotts** said staff would recommend applying for a concrete license because it would

be hard to restrict this license.

***A discussion ensued and the following points were made:***

- A repair license opens the door to do commercial work.
- He's had a roofing license for four years with no complaints.

***Board Member Nolton made a motion to deny Peyton R. Silver / La Vida Pools LLC a Swimming Pool Residential Contractor license. Second by Board Member Joslin. The motion passed unanimously, 7-0.***

**Chairman Allen** told him to consider the other application.

**G. Andrew P. Martinez – ADS Landscaping & Irrigation Systems LLC  
Landscaping Restricted Contractor – Second Entity Application**

**H. Andrew P. Martinez – Ads Landscaping & Irrigation Systems LLC  
Irrigation Sprinkler Contractor – Second Entity Application**

***Chairman Allen called Mr. Martinez to the podium and he was sworn in.***

***Supervisor Crotts reported that Mr. Martinez has submitted a second-entity application for the trade of landscaping-restricted and for irrigation contractor He currently holds valid Collier County landscaping-restricted and irrigation licenses that were issued in 2022.***

*A review of the current license shows there have been no complaints against the company involving either trade and Mr. Martinez has stayed current on all renewals. He has submitted an application to qualify the company to add landscape and irrigation systems. There is currently no license associated with this company.*

*Mr. Martinez is here today to answer your questions regarding the second-entity application. It should be noted that Mr. Martinez was before the Board over the last year for a second entity, but both those licenses have since been closed by the applicant. If you recall, he had his brother here and he was going to take over the company. Those companies have since closed.*

**Mr. Martinez** said that he worked for Avant Yarde for 10-12 years and his brother moved out of the country so that company was dissolved. He currently has a landscaping and irrigation company.

**Chairman Allen** asked Supervisor Crotts about that.

**Supervisor Crotts** said they approved the second-entity and there were no complaints against it.

**Mr. Martinez told the Board:**

- He left Avant Yarde Inc. in April and worked for a small company to determine what he wanted to do.
- He decided to go on his own. He and Sergio, his partner, have always worked together and Sergio wants the company to grow and mainly handles taxes
- He will have ownership next year.
- The business is mainly himself and possibly one other person he hires.

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- ADS will pay the bills, but he has a contract that allows him to look at the books and within a year, he will be able to sign checks.

***A discussion ensued and the following points were made:***

- Under the license, he does not need to have a percentage of the company, but the financial responsibility and quality of work falls on the license holder.
- They could issue a restricted license.
- The landscaping license will go away on July 1, 2023, but the irrigation license won't go away and will be a county function.
- The landscaping restriction would go away after July 1.

**Chairman Allen** said he'd make a motion to grant a six-month license and then have Mr. Martinez come before the Board to show his contract grants him financial oversight.

**Supervisor Crotts** said they should require him to return to the Board to prove the contract.

**Chairman Allen** amended his motion to require proof within 60 days.

***Chairman Allen made a motion to issue Andrew P. Martinez / ADS Landscaping & Irrigation Systems LLC a six-month license for Landscaping Restricted Contractor and Irrigation Sprinkler Contractor and required Mr. Martinez to return before the Board in 60 days to show proof of financial responsibilities in his contract. Second by Vice Chairman Jarron. The motion passed 6-1; Board Member Jerulle opposed.***

*[The Board took a break from 10:47 a.m. to 11:02 a.m.]*

**9. OLD BUSINESS:**

**A. Juan R. Masson – US Intermed Corp. dba USI Landscaping  
Landscaping Restricted Contractor – Review of Probation (credit).**

***Supervisor Crotts*** said Mr. Masson is here today for a credit review. While on probation, Mr. Masson appeared before the Contractors' Licensing Board on June 15, 2022, due to a review of his credit worthiness. At the review, the Board ordered that Mr. Masson be placed on six months of probation and that he return to the Board to provide proof of a payoff and/or a satisfactory close of loans with creditors, and to supply an updated personal credit report.

*A copy of the June 15 CLB order is included. As required by Board order, Mr. Masson has supplied staff with updated personal and business credit reports dated January 10, 2023. They show that Mr. Masson has paid off all federal tax liens from 2016 to the current date and those liens have been released. A review of Mr. Masson's personal credit score shows a score of 712, which is above the minimum 660 required by the ordinance.*

**Chairman Allen** asked if they could lift his probation.

**Supervisor Crotts** recommended ending probation with no further action required.

***Board Member Joslin made a motion to terminate probation. Second by Board Member Jerulle. The motion passed unanimously, 7-0.***

10. **PUBLIC HEARINGS:**

**A. 2022-14 – Duane O. Thomas dba Duane Thomas Marine Construction LLC  
(CEMIS20220006771)**

*Chairman Allen called Mr. Thomas to the podium and he, Investigator Broughton, Marco Island Chief Building Official Raul Perez and Inspector James Reynolds were sworn in.*

*Board Member Nolton made a motion to open the public hearing for 2022-14. Second by Board Member Joslin. The motion passed unanimously, 7-0. The public hearing was opened.*

**Investigator Broughton** said a copy of the case packet and complaint was presented, signed and dated by the respondent. He asked to submit the Preamble and Case Packet for 2022-14 into evidence.

*Board Member Joslin made a motion to accept the Preamble and Case Packet for 2022-14 into evidence. Second by Board Member Lantz. The motion passed unanimously, 7-0. The Preamble and Case Packet were entered into evidence.*

**Investigator Broughton gave an opening statement:**

*Respondent Duane Thomas, a Collier County licensed marine contractor with issuance No. 24326, is the qualifier for and owner of Duane Thomas Marine Construction LLC. Mr. Thomas contracted for and received payment from the property owner for the installation of a marine dock at 772 Nautilus Court on Marco Island. The dock installation commenced prior to an issued permit for which one was required.*

*Mr. Thomas is in violation of Collier County Code of Laws and Ordinances, Section 22-201 (18), which states, in pertinent part, that it is misconduct for the holder of a Collier County Certificate of Competency to proceed on any job without obtaining applicable permits or inspections from the City Building & Zoning Division or the county Building Review & Permitting Department.*

*The chief building official for Marco Island, Raul Perez, and Inspector James Reynolds from the Marco Island Building Department, are here if any testimony is needed.*

**Chairman Allen** asked Mr. Thomas if he had an opening statement.

**Mr. Thomas** said there really isn't anything else to discuss. He admitted that he did start the job without a City of Marco Island permit and would take his punishment.

**Chairman Allen** said they could dispense with the presentation of evidence because there's an admission of liability.

*Board Member Joslin made a motion to close the public hearing. Second by Board Member Lantz. The motion passed unanimously, 7-0.*

*Chairman Allen made a motion to find Duane O. Thomas guilty of working without a permit. Second by Board Member Lantz. The motion passed unanimously, 7-0.*



**Attorney Noell** said the range of disciplinary sanctions that can be imposed is on page 459. This was his second violation. Supervisor Crotts also will share that he had another violation years ago.

**Supervisor Crotts** said Mr. Thomas appeared before the Contractors' Licensing Board on December 27, 2011, for the same charge. At that time, he was fined \$2,500 fine and his license was placed on probation for 12 months. Since there have been no incidents since 2011, staff recommends a \$2,500 fine and that his license be placed on a 12-month probationary period. Should Mr. Thomas violate probation within the 12 months, he would be required to appear back in front of the Board. Staff recommends that this fine be paid within 60 days. If he fails to pay the fine within 60 days, it would result in the automatic revocation of his license.

**Board Member Joslin** asked if the work was completed.

**Investigator Broughton** said it was.

**Board Member Jerulle** asked why he did the work without a permit.

**Mr. Thomas** testified that:

The rules for marine contractors, as far as permits, with state, federal and local is a mixed bag. The federal government no longer has the signing authority for the state Department of Environmental Protection, so his permits get held up with federal permits that can last years or more. With DEP permits, the law says they've got to respond to him within 30 days – yes, no or mitigate on federal permits.

Up until three years ago, the DEP had the signing authority for the federal government and on man-made canals, and the DEP would sign for the Army Corps of Engineers. He had a DEP permit for this job, a state permit, but didn't have a federal permit, which could take six months or a year. He was on a man-made canal and already had been issued a permit for the seawall and the boat dock was slightly over 1,000 square feet. Even though he was required to have a DEP and Army Corps of Engineer permit because it was over the 1,000 square foot where it would be exempt, you still have to file an exemption paper. Nothing is automatic even if it's under 1,000 square feet.

Marco Island has a building department that selectively issues permits whether you have the federal permit or you don't. They've issued me permits for my jobs, whether they had a DEP or Army Corps of Engineers permit or they didn't. The city was not communicating with him. They were dysfunctional. He sent 100 emails to them and nobody would call or write back, so he had the City of Marco Island and federal permits to build the seawall, but didn't have the federal permit for staging areas, which are at a premium on Marco Island. We have none. He had a staging lot to put the seawall in and that's why he dropped his pilings at the same time. He put the seawall in and drove the pilings for the boat dock at the same time, but did not start any dock construction, just drove the pilings for the dock. That's why he's here.

**Chairman Allen** asked, So you applied for the boat dock permit with the city, but the city wouldn't issue the permit because you ...?

**Mr. Thomas** said it was because he didn't have the federal permit, just the state. However, he can provide the Board with 50 examples to prove the city issues him permits all the time without DEP

or federal permits. But in this case, they didn't. It's selective enforcement. He's guilty. He did not have a permit.

**Vice Chairman Jaron** asked if there was any reason he was aware of that Marco Island did not issue this particular permit or delayed it.

**Mr. Thomas** testified that he didn't want to get into a contentious battle with the city, but they have a dysfunctional building department. They do not return emails. They do not return phone calls. It's been that way for three years.

**Board Member Jerulle** said he didn't want to contradict him, but he does work on Marco Island and gets permits before he starts.

**Mr. Thomas** said he understood and admitted he was guilty.

**Board Member Jerulle** said he appreciated his honesty.

**Board Member Jerulle** said he'd make a motion to accept staff's recommendation.

**Mr. Thomas** asked if he could get a higher fine and no probation, which could affect his staging lots.

**Board Member Jerulle** asked how high he wanted to go. That admission is a red flag for him.

**Mr. Thomas** said the closest staging lot is in Naples and if he puts equipment on a vacant lot, he will automatically be in violation.

**Board Member Meister** asked if that really was the closest lot.

**Mr. Thomas** said yes. Homeowners give him a handshake and tell him he can use their lots and they know nothing about it. He found a staging lot on Marco Island with a large sign with the owner's name. But he couldn't reach the owner to rent it and Collier County Code Enforcement Director Michael Ossorio told him the contractor using it did not have permission to use it.

**Supervisor Crotts** said he spoke to Marco Island Chief Building Official Raul Perez and he said if the CLB wants to restrict permits to building permits, not staging permits, the city would not have a problem with that.

**Board Member Jerulle** amended his motion.

***Board Member Jerulle made a motion to accept staff's recommendation to place Duane Thomas on 12 months of probation and fine him \$2,500, which is payable within 60 days. Failure to pay the fine within 60 days will result in the revocation of his license. Second by Board Member Joslin. The motion passed unanimously, 7-0.***

**Chairman Allen** 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

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Administrative Complaint.

- The Respondent committed the violations set forth in Count 1 of the Administrative Complaint.

Therefore, by a vote of 7-0, the Respondent is found guilty of the violation set forth in Count 1 of Administrative Complaint 2022-14 and the Board imposes the following sanctions against the Respondent:

- A fine of \$2,500 to be paid within 60 days.
- 12 months of probation.
- If a violation occurs, he will come back before the Board.
- If the fine isn't paid within 60 days, the license will be revoked.

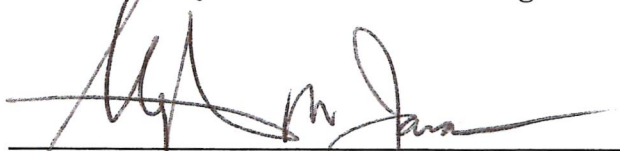
This concludes the order of the Board in this matter.

11. **NEXT MEETING DATE: Monday, February 13, 2023**  
 Commissioners' Chambers, Third Floor,  
 Administrative Building F, Collier County Government Center,  
 3299 E. Tamiami Trail, Naples, FL

*Chairman Allen made a motion to adjourn. Second by Board Member Lantz. The motion passed unanimously, 7-0.*

**There being no further business for the good of the County, the meeting was adjourned at 11:23 a.m.**

**Collier County Contractors' Licensing Board**



~~Todd Allen, Board Chairman~~  
 Stephen Jaron Vice Chairman

*These minutes were approved by the Chairman or Vice-Chairman of the Contractors' Licensing Board on 2-13-2023, (check one) as submitted  or as amended .*