

April 19, 2023

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

April 19, 2023

Naples, Florida

**LET IT BE REMEMBERED** that the Collier County Contractors' Licensing Board, having conducted business herein, met on this date at 9 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 Jaron (excused)
	Elle Hunt
	Terry Jerulle
	Richard E. Joslin
	Kyle Lantz
	Robert Meister III (excused)
	Matthew Nolton
	Patrick G. White

**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  
Michael Bogert, Collier County Licensing Investigator  
Mike Rivera, Collier County Licensing Investigator  
Sandra Delgado, Operations Supervisor, Licensing

*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 Allen** opened the meeting at 9 a.m.

Roll call was taken; seven members were present in the BCC Chambers.

**Supervisor Crotts** said Board Members Meister and Jaron provided prior notice and asked that their absences be approved.

*[Chairman Allen approved the absences.]*

2. **ADDITIONS OR DELETIONS:**

Supervisor Crotts said 8.E. was postponed and rescheduled to the next meeting at the applicant's request.

3. **APPROVAL OF AGENDA:**

*Board Member Lantz moved to approve the agenda. Second by Board Member Joslin. The motion passed unanimously, 7-0.*

4. **APPROVAL OF MINUTES:**

A. **March 13, 2023**

*Board Member White moved to approve the March 13, 2023, meeting minutes. Second by Board Member Hunt. The motion passed unanimously, 7-0.*

5. **PUBLIC COMMENTS:**

None

6. **DISCUSSION:**

**Supervisor Crotts** requested that the discussion be heard after Item No. 10.

*[This occurred at the end of the meeting.]*

**Supervisor Crotts** said that sadly, Mr. White submitted his resignation from the Contractors' Licensing Board. Mr. White was appointed to the Contractors' Licensing Board on April 14, 2009, and has served as chairman and mentor to the CLB and staff. He and staff want to thank Mr. White for his 14 years with the CLB and for his commitment, guidance and wisdom that he has brought to the citizens and business owners of Collier County, the City of Naples, the City of Marco Island and Everglades City. Thank you, Mr. White. Your presence will be missed and we wish you the best of luck in your next endeavor.

**Board Member White** said it's his privilege and most of the time it's been an educational process for him. His time on the Board has been in the best interests, not only of my colleagues on the Board, past and present, but also a benefit to those in the future, hopefully. He'll miss it. Having a lot of practical experience in many of the trades and having worked with the codes and various permitting requirements and regulations, it's been a unique perspective to be able to share. He

appreciates the Board members putting up with his constant interruptions and thanks them all. **Chairman Allen** thanked him, saying they appreciated his service.

7. **REPORTS:**

**Supervisor Crotts** said the CLB issued Emergency Certificates of Competency due to Hurricane Ian. As part of the orders, the licenses stayed valid until March 27 and on March 2, the City of Naples rescinded its order, making the rest null and void. Today will be the six-month deadline. We had worked with the Chief Building Official, allowing open permits to be continued and none were allowed to be pulled after March 2.

Under the emergency orders, we issued six carpentry contractor licenses, five drywall contractor licenses, two insulation for buildings, five registered roofing contractors and two tree trimming and removal licenses, so there was not a lot done this year. Back when Hurricane Irma hit, the county issued about 168 of those licenses, so this was minimal. The licenses have ended and the county is working with the contractors who pulled permits to ensure they get completed.

**Chairman Allen** asked if there was a tracking mechanism to make sure they get closed out. **Supervisor Crotts** said there was.

**Chairman Allen** asked if he needed the CLB to do anything. **Supervisor Crotts** said no, this is just informational, to let you know that all temporary licenses have expired.

**Board Member Jerulle** asked if all the permits also expired. **Supervisor Crotts** said no, the permits will stay active. They will not be allowed to pull any new permits because their licenses are now expired and the county will work with the contractors to allow them to complete what they've started. Because their licenses now show they're invalid, each contractor will contact the Chief Building Official's office to schedule the inspections.

8. **NEW BUSINESS:**

A. **Orders of the Board [19 items]**

**Board Member White** made a motion to authorize the chairman to sign the 19 items, subject to requesting a report from the county or the County Attorney's Office regarding the number of these in the past year. Some are more than 3 months old and have become a lien but are still not paid. He wanted to know the potential total value of those in terms of the fines and whether the Code Enforcement Board, in the past, has ever been asked to approve any foreclosures on those liens. He doesn't believe it's ever been asked to approve a foreclosure. He's asking that those two pieces of information be provided to the CLB in a future meeting.

**Chairman Allen** asked if there was a discussion and whether the county ever foreclosed on any of these before.

**Attorney Kerins** said not to her knowledge. For contractor licensing liens, there have not been foreclosures in the past. For Code Enforcement liens, the issue is we can't foreclose on homesteaded property. If we have a lien that's not first in line, even if we go through the foreclosure proceedings, there's a good chance we wouldn't see a penny. We get memos after Code Enforcement Board meetings and Special Magistrate proceedings, with recommendations to review for possibilities of foreclosures monthly. There's one being recommended at the BCC's next meeting to foreclose on a non-homesteaded property. As it relates to this Board, she doesn't

believe it's ever been done. Usually, they're \$1,000 fines for Licensing. For Code Enforcement, they can get into the high six figures, depending on the daily accruing fines.

**Chairman Allen** asked whether the county is ever contacted when homesteaded properties are sold so those liens can be cleared from a title perspective.

**Board Member White** said although there may appear to be a dollar value number that appears substantial, when the analysis is done, all facts come to light and the law is applied, it's a process that for this Board has worked well. He thanked Attorney Kerins.

**Chairman Allen** asked Attorney Kerins if she could provide that information at the next meeting. **Attorney Kerins** said she'd defer to Sandra (Delgado) about whether that's feasible and easily obtained through CityView. Many times when we get requests to release these liens, they're usually based on people wanting to buy a house or a car and these come up on their credit checks. That's what prompts many to pay off the county to move on and get the lien released. She'll work with staff to determine whether these requests are easily found in the CityView program.

**Chairman Allen** asked if she also could get back to them on how the procedure works, whether it has to go to Code Enforcement or another procedure.

**Attorney Kerins** said it would be through this Board and through staff there would be a memo or recommendation to our office to review for foreclosure. Then eventually there is a request to the county commissioners put it on the consent agenda to proceed with foreclosure proceedings.

**Board Member White** said his understanding is that, according to our rules, this Board is first required to approve it.

**Attorney Kerins** said yes. Her concern is whether it's worth it for a \$1,000 fine. Is it worth the time and expense of doing it when there's a good chance we're not first in line in terms of lien order and we wouldn't even see the money?

**Board Member Joslin** asked if that's the only avenue we have to recover that money.

**Attorney Kerins** said that's usually the purpose of the liens. Ten years ago, they used a collection agency, but they take 30% or a percentage of the value to collect. They don't negotiate down the liens, it's purely to collect the full-dollar value, so it becomes an issue that there's no real settlement, just someone taking the time to try to go after them.

**Board Member White** said another time payment could occur, depending on the underlying violation, is that they pay it off when they come in to get a license. They're required to pay it off.

**Chairman Allen** asked if there was any further discussion and called for a vote.

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

**B. José Jimenez – J.J.'s Innovation Quality LLC**  
**Building Contractor-Registered – Review of Experience**  
*Mr. Jimenez and his daughter, his translator, were sworn in.*

*Supervisor Crotts reported that Mr. Jimenez submitted an application for the issuance of a local registered license as a Building Contractor, which requires 48 months' experience. The applicant was required to submit documentation showing his experience and submitted three Verifications of Experience. A review of these documents shows:*

- **Blue Diamond Home Builders Corp., a CBC.** The president stated that the applicant was employed from September 2018 to present, works 20-25 hours a week and is a 1099 employee. He has some experience in roofing, concrete, door and window installations. The applicant's experience with the company has been in residential work only, no commercial.
- **Pinnacle Contracting and Framing LLC, a CGC.** The president said the applicant was employed from March 2017 to present and was a part-time employee two or three years ago. He worked 90% residential, with very little commercial work. The president could not remember the scope of work the applicant performed.
- **Elite Contractors Inc., a CBC.** The Verification of Employment said he was employed from February 2010 to present and the scope of work was that of electrical, with no mention of building construction or residential construction. Staff repeatedly tried to contact the president, but was unable to confirm any of the information on the verification.

*Based upon the information received, it's staff's opinion that the applicant does not meet the minimum requirements as set forth in Ordinance 2006.46, as it relates to the experience under Section 1.6.1.2, as a Building contractor. Because the applicant does not meet the qualifications needed, the applicant is being referred to the Board under Section 2.5.2, Referral of the Application to the Contractors' Licensing Board for Decision, and the applicant is here today to answer your question.*

**Chairman Allen** told Mr. Jimenez it was his opportunity to convince the Board that he's got the relevant experience.

**Mr. Jimenez told the Board:**

- He's been working a long time, about 5-6 years.
- He has the most experience through Blue Diamond, which was harder work physically.
- He did framing and helped with electricity, depending on what was needed.
- He works with the supervisor and subcontractors.

**During questioning by the Board, the following points were made:**

- He doesn't have experience with concrete and structural framing.
- He's done framing, drywall and electric and levels the concrete to ensure it's OK.
- He works with the subcontractor to verify that.
- He has four years of experience in different areas with three companies.
- He has no structural experience in commercial and has only worked on residential.
- He wasn't sure how to complete his application.

**Board Member Jerulle** said it doesn't appear that he has the qualifications.

**Chairman Allen** asked Supervisor Crotts if he qualified for residential.

**Supervisor Crotts** said the Verifications of Experience indicate he doesn't. He may qualify for carpentry or drywall. Staff would have to talk to the applicant about that.

**Chairman Allen** said he'd make a motion to not approve his application. He hasn't demonstrated that he has the experience.

**Board Member White** said he'd second it, but asked the Chairman to see if he'd be willing to withdraw his application since it sounds like he wanted to apply for something limited to residential. What he applied for would allow residential and commercial, so rather than be denied, he could withdraw his application and speak to the county about whether he could qualify for

another license.

**Mr. Jimenez** said he wanted to withdraw his application.

**Board Member White** asked if the county objected. *[The county did not.]* We will take no action and remove this from the agenda.

**Chairman Allen** said if he's withdrawing it, we'll take no action.

**Board Member Jerulle** asked Supervisor Crotts if there was a difference between being denied by the Board and withdrawing.

**Supervisor Crotts** said there wasn't really one. When the application is denied, if the applicant wanted to return to get the Building Contractor's License again, he would have to appear in front of the Board because it was denied the first time. By withdrawing, this provides an avenue to reapply. If he meets the qualifications for a Building Contractor in two or three years, staff could approve it.

**Board Member Jerulle** asked if that's without coming back before the CLB.

**Supervisor Crotts** said correct.

**Board Member White** said it was his understanding that if he withdrew, it won't reflect that he was denied.

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

**Board Member Joslin** told Mr. Jimenez he can still use the same application but can just change the license.

**Supervisor Crotts** said it's a different test and he'd have to show he has more experience in certain items.

**C. Sueky Toro – Florida Plumbing Response LLC  
Plumbing Contractor - Registered – Review of Credit  
Mr. Toro was sworn in.**

*Supervisor Crotts reported that Mr. Toro submitted an application for the issuance of a local registered license for Plumbing Contractor, which requires a minimum credit score of 660. Under County Ordinance 2006.46, Section 2.3.9, Mr. Toro was required to submit a personal credit report. Mr. Toro's credit report was reviewed and it appears not to meet the financial responsibility as set forth in Section 2.5.1(d), "The applicant or qualifier meets the requirement for financial responsibility set forth in Rule 61G4-15.006 of the state of Florida.*

***A review of the credit report submitted by Mr. Toro shows the following areas of concern:***

- *The credit report submitted shows a credit score of 566, dated February 2, 2023. The minimum credit score required is 660.*
- *Mr. Toro filed for Chapter 13 bankruptcy on June 18, 2021. The bankruptcy was dismissed by the U.S. Bankruptcy Court on August 4, 2022, for failing to comply with the order of the bankruptcy court by not making the required payments.*

***A review of the credit report shows the following were chargeoffs or placed in collections:***

- *\$6,992 in collections from Cavalry Port, January 23*
- *\$2,218, a charge-off from Discovery Card, February 2021.*
- *\$12,900, a charge-off from Grow FN FCU, January 2021.*

- \$3,898, a charge-off from Suncoast Credit Union, December 2022.
- \$15,700, a charge off from Sun Coast Credit Union, September 2022.
- \$3,215, a repossession from Suncoast Credit Union, December 2022.
- **Total charge-offs, repossession and collection amounts is: \$44,923.**

*Because Mr. Toro does not meet the required minimum credit score by ordinance, Mr. Toro has been referred to the Board under Section 2.5.2, Referral of the Application to the Contractors' Licensing Board for a Decision. Mr. Toro is here today to answer your questions regarding his credit.*

**Chairman Allen** told Mr. Toro it was his turn to explain his application.

***Through Ms. Delgado translating, Mr. Toro told the Board:***

- He has enough experience to do this kind of business. He's been doing plumbing for the last 20 years.
- Last year, he had heart failure so he couldn't work.
- Now he wants to open his own business because he can't work for someone, the work is too much for his heart condition.
- He had to quit his jobs due to that.
- If he opened his own business, he could control his time and what he does.

**Board Member Joslin** said he was explaining his experience, which is OK, but they need to know about his credit and what he's done to contact creditors he owes money to start paying that back. Do you have a plan to pay them?

**Mr. Toro** said he hired a lawyer to start making payments under Chapter 13, but he doesn't make enough to make those payments. He asked the lawyer to help him but was told he needed to do some things before he could file for Chapter 7 bankruptcy.

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

- He's working part time because full-time work was too much due to his heart.
- He can't climb ladders or work in the sun.
- He wants to do renovations, repairs and service.
- Due to his credit, he'd start a job and ask the homeowner for an advance to purchase necessary materials.
- His wife will do the books for him and a CPA who helped him open the business will help.
- He's going to do the type of work that doesn't require ladders or being outside.
- He won't do new construction.

**Chairman Allen** said he'd make a motion to deny. He'd feel differently if Mr. Toro had finished his Chapter 13 bankruptcy and converted it to Chapter 7. That would make it easier for him to open a company. He's afraid that if he takes deposits from consumers in Collier County that these creditors could garnish his accounts and he's not willing to risk that.

***Chairman Allen made a motion to deny Sueky Toro's application for a Plumbing Contractor's License. Second by Board Member White. The motion passed unanimously, 7-0.***

#### **D. Shay Benish – I.W.F. LLC**

**Garage Door Installation Contractor – Review of Credit and Experience**



**Mr. Benish was sworn in.**

**Supervisor Crotts** reported that Mr. Benish is here today for the issuance of a Garage-Door Installation Contractor License, which requires 24 months' experience and a minimum credit score of 660. Under county Ordinance 2006-46, Section 2.3.9, Mr. Benish was required to submit a personal credit report and business credit report. Mr. Benish's personal credit report was reviewed and appears not to meet the financial responsibility as set forth in Section 2.5.1, (d), "The applicant or qualifier meets the requirement for financial responsibility as set forth in Rule 61G4-15.006 of the state of Florida.

**A review of the personal credit report submitted by Mr. Benish shows the following areas of concern:**

- A credit score of 606; the minimum required is 660.
  - \$417 from ERC, a collection dated February 2023.
  - \$163 from FST Progress, a collection dated March 2023.
  - \$13,362 from IQData Inc., a collection dated March 2023.
  - \$420 from CapitalOne Bank, a collection dated March 2023.
  - \$20,091 from Santander, a collection dated August 2021
- Total collections owed: \$34,453.**

As part of the staff review process, Mr. Benish submitted a letter outlining his experience, stating that he'd worked five years for Atlantic Garage Doors in Omaha, Nebraska. Staff was unable to confirm that because we've been unable to locate any information for Atlantic Garage Doors. Based on the information received, it's staff's opinion that Mr. Benish does not meet the minimum requirement as set forth in Ordinance 2006-46 as it relates to financial responsibility, and experience under Section 1.6.3.7, as it relates to Garage-Door Installation Contractor.

Because Mr. Benish does not meet the required credit score by ordinance and qualifications needed for the issuance of the Garage-Door Installation Contractor's License, Mr. Benish has been referred to the Contractors' Licensing Board under Section 2.5.1, Referral of the Applicant to the Contractors' Licensing Board for a Decision. Mr. Benish is here today to answer your questions regarding his credit and experience.

**Chairman Allen** told Mr. Benish that it's his opportunity to tell them about his background.

**Mr. Benish told the CLB:**

- Three weeks ago, he went to a different company to handle his credit problem.
- The \$20,000 was from a car that was in a crash; it's a closed account, so he doesn't owe it.
- The \$13,000 is a complex that he used to have that he rents and signed for someone. He expects that to be removed within six months.
- He worked as a locksmith in San Antonio from 2013 to 2017, and also did garage doors through Mojo Garage Doors.
- He then moved to Omaha and worked for Atlantic Garage Door, which also is called Omaha Garage Door of Nebraska. You can Google it. He worked for Adam there.
- He has all the documentation from 2019-2022 to show he worked in Omaha, where he did over 1,000 doors, so he has the experience.
- Before that, he worked six months in Miami, from March-October 2022, at Joe's Doors.
- Due to the hurricane situation, he got a lot of experience with hurricane-impact rated doors in Florida and moved here after October.
- His plan from the beginning was to move to Naples.



**Board Member Lantz** asked if he has documentation, such as W2s or pay stubs.

**Mr. Benish** said he has that information on his phone, which he can show the CLB. He has tons of photos from Nebraska. He can show it to them now.

**Board Member White** said no, thank you. He'd like to make a motion to table the application request to allow the applicant time to amend his application to provide the information that should have been included that he's telling us about today so the county to review it and bring it back to us so we can consider a full application, as opposed to something from the podium.

**Chairman Allen** said he agreed, telling Mr. Benish the information he's providing would have been useful. You mentioned Atlantic Garage Doors only once and this is information Mr. Crotts could have evaluated prior to coming today, so he'll second the motion.

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

- Mr. Benish needs to amend his application to include that information and send the county all those documents.
- Mr. Benish contended he sent them all.
- Board Member White said they're not in the file and staff needs to verify them.
- The \$20,000 is from his car, which was in an accident and that account should be closed; no proof of that is in his file.
- The work he did on hurricane-impact rated doors in Miami is not in his file.
- He needs to submit W2s.

**Board Member White** told him it's not staff's job to verify information he's providing today. They're giving him the benefit of the doubt. Instead of denying his application today, we're tabling it to give him a chance to talk to the staff and provide the information he says he has. It may or may not have to come back to the CLB.

*Board Member White made a motion to table the Garage-Door License Contractor application for Shay Benish. Second by Chairman Allen. The motion passed unanimously, 7-0.*

**Board Member White** noted that the reason he chose to ask to table it is because there are a lot of people who put the time and effort into filing a completed application and we have a lot of items on our agenda. It's administrative efficiency. If an applicant doesn't want to do the job of letting the county know, that's not our problem.

**Chairman Allen** said he understood.

**E. Tara Borek – Innova Construction Enterprises LLC  
Irrigation Sprinkler Contractor – Review of Experience**

*[Rescheduled to the May meeting.]*

**F. Osmel Sanz – Review of Application – AC Journeyman**

*[The applicant was called and was not present.]*

**G. Michael A. Guerra – First Choice Pool Service LLC  
Swimming Pool/Spa Servicing Contractor – Second-Entity Application**

*[The applicant was called and was not present.]*

**Supervisor Crotts** said 8.F and 8.G will require no action by the Board since they're not here. We'll wait until we're contacted by them to reschedule.

9. **OLD BUSINESS:**

A. **Joseph R. Askew – West Coast Garage Doors LLC  
Garage Door Installation Contractor – Probation Review (Credit)  
Mr. Askew was sworn in.**

*Supervisor Crotts reported that Mr. Askew appeared before the Contractors' Licensing Board on September 21, 2022, due to a review of his credit worthiness. The Board placed Mr. Askew on six months of probation and ordered him to provide staff with a new credit report showing a rising credit score and resolution of the two debts outstanding to IC Systems and Choice Recovery. A copy of the September 21, 2022, Board order and meeting minutes are included in your packet.*

*On March 22, 2023, Mr. Askew was emailed by Contractor Licensing Supervisor Sandra Delgado, who reminded Mr. Askew of the probation requirements ordered by the Board. On March 27, 2023, Mr. Askew was again emailed by Licensing Operations Supervisor Sandra Delgado about the probation requirements. The operations supervisor also called Mr. Askew's office and told staff there about the Board requirements. As of today, staff has received no communication from Mr. Askew and has not received an updated credit report, as required by the Board order of September 21, 2022.*

**Mr. Askew told the CLB:**

- He sent her an e-mail on March 27 and as of March 28, Ms. Delgado has the updated credit report.
- There was some miscommunication that led to Licenses etc. not sending it over to Ms. Delgado.
- His credit score has risen.
- Two things haven't been clarified because he's still arguing to have them removed from his credit report. They have been removed from TransUnion and Equifax, but not from Experian.
- His credit is above the required 660 minimum.

*A discussion ensued over whether staff received the documentation.*

**Operations Supervisor Delgado** said they searched through their emails and did not receive an e-mail from Licenses etc. on that date, but Mr. Askew forwarded her the email showing he requested it, and he received a copy of it, so they may have written our email wrong. We now have a copy and received it this morning from Mr. Askew. His score is now 670.

**Board Member White** told the chairman that he doesn't want to put staff in the position of asking them to make a determination on the fly and asked to consider a motion to table it briefly until after our break, when the applicant and staff could discuss it and possibly come back with a revised county recommendation. It would be in the interests of administrative efficiency to table it.

**Board Member Joslin** said if they have it, why do they have to table it.

**Board Member White** said staff needs to determine whether it's adequate or not.

**Supervisor Crotts** asked that it be tabled to allow staff a chance to review the credit report. If the credit report meets the requirements as set forth by the Board's September 21, 2022, order, then probation can automatically be removed.

**Chairman Allen** asked if they'd have to take any other action.

**Supervisor Crotts** said if it satisfies the staff requirement or the Board order of September 21, then staff will remove the probation and he'll move forward. If it does not meet the Board's requirements, then we would require Mr. Askew to come back before the Board.

**Board Member White made a motion to table Joseph Askew's application so staff can review it. Second by Board Member Nolton. The motion passed unanimously, 7-0.**

**Chairman Allen** told Mr. Askew that staff will get back to him.

#### **10. PUBLIC HEARINGS:**

**A. Mason T. Morgan – Contest Citations No. 12583 (CEUL20230000539) and No. 12586 (CEUL20230000688)**

**Mr. Morgan, his attorney, Joseph Davidow, and Investigator Broughton were sworn in.**

**Board Member Nolton made a motion to open the public hearing for Mason T. Morgan. Second by Board Member White. The motion passed unanimously, 7-0. The public hearing was opened.**

**Investigator Broughton** said a copy of the hearing preamble was given to and read by the respondent, Mr. Mason Tyler Morgan, who signed and dated it. He asked to enter the preamble and case packet for both citations into evidence.

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

**Investigator Broughton gave an opening statement:**

*The respondent, Mr. Mason Tyler Morgan, owner of Coastal Breeze Homes Inc., contracted for and received a deposit for the renovation of two bathrooms and painting of all rooms, doors and trim at 320 Seaview Court, Unit 510, Marco Island. The contract also included new tile floors, new showers, new vanities, new toilets, plumbing and electric.*

*A licensing review revealed that Mr. Morgan did not have a valid State of Florida Contractor's License or a Collier County Certificate of Competency that would allow him to complete the contracted scope of work. Mr. Morgan was issued Citation No. 12583 for unlicensed general contracting. In addition, Mr. Morgan was found to be using the license number of a State of Florida Certified General Contractor on his contract with the property owner that did not belong to him. License No. CGC 1523210, belongs to Mr. Michael Lavery, owner of Precision Building LLC. Mr. Mason Tyler Morgan was issued citation No. 12586 for falsely holding himself or his business organization out as a licensee certificate holder or registrant.*

*A third citation was issued to the respondent for commencing work for which a building permit is required. Citation No. 12585 was not contested by the respondent. Lastly, the scope of work was contracted for post Hurricane Ian on October 16, 2022, during a Declared State of Emergency.*

*[Attorney Davidow submitted a defense packet as evidence.]*

**Attorney Kerins** said she didn't believe it was the same letter. She asked to see the packet first.

**Board Member White** asked Davidow if he was making a proffer.

**Chairman Allen** asked if it was the first time the County Attorney had seen that evidence.

**Attorney Kerins** said yes, sir, but the county has no objection at this time.

***Chairman Allen made a motion to accept the evidence submitted by the defense attorney for Mason T. Morgan. Second by Board Member White. The motion passed unanimously, 6-1; Board Member Jerulle voted nay. The defense evidence packet was submitted into evidence.***

***Davidow testified:***

- There were three citations, unlicensed general contracting, commencement without a building permit and falsely holding self or business organizations out as a licensed certificate registrant.
- Commencement of work without a building permit was conceded and paid. There was work completed prior to the building permit being issued.
- The contract contains Precision Building's license number.
- Mr. Morgan works for Precision Building and also operates as a vendor, Coastal Breeze Homes, which sells the items in the contract.
- The license number on the bottom of the last page of the contract, under terms, says the General Contractor will do the construction work.
- The issued permit says Precision Building, the General Contractor, and it's signed off on by the homeowner.
- Mr. Morgan worked for Precision Building and didn't do anything outside the contract.
- The only thing that could be argued or that could have been a bit clearer on the opening page is that Precision Building was next to the licensing number.
- There's no nefarious action, no unlicensed contracting and or holding oneself out as the General Contractor, meaning Mr. Morgan or Coastal.
- All work was done through Precision Building's permits, which are now approved, and he did concede that the work began prior to the permit being issued and that will be paid.

***Investigator Broughton testified:***

- He was contacted by the homeowner Ms. Amat, who was concerned because the Fire Marshal had posted a stop work order on her condo for unpermitted work.
- She went to the Marco Island Building Department and spoke to Ms. Lee Loewer, the Building Department manager. She referred her to Contractor Licensing.
- She sent him the contract dated October 16, 2022, which is under Coastal Breeze Homes.
- All payments were made to Coastal Breeze Homes.
- The homeowners have two sworn affidavits that they've submitted for the record. They do not know anything about Precision Building LLC and have never contracted with Precision Building LLC, which the affidavits clearly state.
- Mrs. Amat's affidavit, Item No. 8, says that at all times, Mr. Morgan led us to believe that Coastal Breeze Homes Inc. was a licensed contractor capable of performing the work in accordance with all applicable laws and regulations.
- Under No. 11, she said she never knew or agreed that anyone other than Coastal Breeze Homes Inc. and its employees would be performing any portion of the work, nor did Mr. Morgan tell us that another person or entity would be performing some portion of the work or obtaining the permits for the work.
- A check yesterday revealed no permit was issued for the location.

- The homeowners called him to say they never signed anything, no Notice of Commencement or any application for a permit.

**Attorney Kerins** noted that the homeowner's attorney (Amanda Globetti) is here because the homeowners were unable to come today.

**Board Member White** asked who signed the October contract.

**Investigator Broughton** said Mr. Morgan was brought into the GMD to discuss the case and said he signed the contract and the homeowner signed the contract. The homeowners also stated that they've both signed the contract. All payments went to Coastal.

**Chairman Allen** asked the homeowners' attorney if she had anything to add and to state her name.

**Attorney Globetti** said she was only there because the homeowners were unable to attend the hearing and she was here to answer the Board's questions.

**Attorney Noell** pointed out that Attorney Davidow hasn't had an opportunity to cross-examine the first witness.

**Attorney Davidow** asked if the homeowners' children were living at that home.

**Investigator Broughton** testified it was the homeowners' second home and no one was living there.

*During cross examination, the following points were made:*

- Adelina Amat owns the home.
- The signer was José Amat.
- Investigator Broughton had no recollection of whether there was a José Jr. and a José Sr.

**Attorney Davidow** asked about the permit that was issued.

**Investigator Broughton** said there was no permit issued.

**Attorney Davidow** said there is an approved permit. It was stamped and approved.

**Investigator Broughton** said he checked the portal yesterday.

**Attorney Davidow** said he checked last night and it was approved and issued.

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

- There was no issued permit when the citations were issued.
- The homeowners were unaware yesterday of any permit being issued.
- Attorney Davidow asked if Investigator Broughton had spoken to the person who issued the permit application and Investigator Broughton said he'd been speaking to Ms. Amat, the homeowner.
- Attorney Davidow suggested it was the daughter-in-law, who was married to José Jr., who dealt with the permit.
- The license number on the permit application belongs to Precision.
- The signed contract says José Amat Sr.
- The general condition at the bottom of the contract says. "The Certified General Contractor will provide all labor, water, electrical as needed and by signing that, you agree with the terms and conditions."
- The homeowners were under the understanding that Mr. Morgan was the General Contractor and that's who they entered the contract with to do the renovations and that's who they paid. They have no idea who Precision Building is.

**Attorney Davidow** said that Sunbiz records, which were updated recently, show Mr. Morgan is listed as the field supervisor for Precision Building.

**Investigator Broughton** said he was not listed when he checked Sunbiz records yesterday.

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

- Mr. Morgan told Investigator Broughton he had a relationship with Precision Building.
- Investigator Broughton spoke to the General Contractor, Mr. Lavery, on the phone, and tried to bring him in. He explained he knows who Mr. Morgan is and he allowed him to use his CGC number.
- Mr. Lavery said they were going to start a business together, but at the time of this contract, they were not in business together.
- Mr. Morgan is in contract with the homeowners under Coastal Breeze Homes and all payments went to Mr. Morgan. Nothing went to Precision Building and the homeowners are not aware of Precision Building.
- The affidavits provided by the homeowner's attorney today were the first time Investigator Broughton saw that José Amat Sr. signed the contract.
- José Amat Sr. denies that he signed the contract.

***A discussion ensued over the affidavit and evidence.***

**Investigator Broughton** asked to call Investigator Bogert as a witness, noting that he also was present when he interviewed Mr. Morgan.

*[Investigator Bogert was sworn in.]*

***Investigator Bogert testified that:***

- He was part of the conversation with Mr. Morgan when we brought him in to educate and bring him into compliance.
- We went over the contract, the license number on the contract, the scope of work and that there was contractor work versus material use.
- We went through the statement on the contract that mentions the General Contractor.
- We determined Precision has never been paid by the homeowner.
- We don't know if there was compensation as part of a subcontractor agreement from Coastal.
- Mr. Morgan was brought in more for the education and compliance part of the citation.

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

- There's no statement notifying the homeowner that Precision was involved.
- The only mention of Precision Building is at the top of the contract where it has the license number.
- The homeowner would have to be sophisticated enough to know to check that number to see that it belongs to Precision.
- There was no notice to the homeowners about that.
- Attorney Globetti said the homeowners hired Coastal Breeze and had no knowledge of Precision.
- Coastal contracted with the homeowners and took payment.

***Attorney Davidow presented his case, questioning Mr. Morgan and the following points were made:***



- He's the owner of Coastal Breeze and part owner of Precision Building.
- He told the homeowners that Precision was the general contractor when the homeowner came to his showroom to pick out materials.
- He didn't clarify that Coastal Breeze would not be doing the construction. That's stated at the clarification at the top of the Notice of Commencement and the permit application.
- He told them Precision Building is a General Contractor and this is the permit you're filling out because he's going to be doing the construction portion.
- Mr. Morgan detailed that when the homeowner came to his showroom and picked out the flooring, cabinets, countertops and other materials.
- Precision does the construction and forming and the balance of the job is to be paid to Precision Building.
- They clarified that the labor cost is paid to Precision Building.
- José Sr. signed the application for the permit application and he watched him sign it.
- The application clearly says Precision Building, as does the Notice of Commencement.
- Precision Building is still owed money and there are five days left for construction.
- José Sr. was trying to meet his deadline that he wanted to complete the work by. That was his only conversation with José Sr.
- He dealt with the son and the daughter, or his girlfriend or fiancé. He's not sure. They're married.

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

- All paperwork was signed on the same day, but the permit wasn't submitted until January.
- The date of the contract was October 16, 2022.
- The Notice of Commencement was signed and notarized on November 1, 2022.
- The permit was signed on January 9, 2023.
- The son had to discuss it with his parents so the contract was sent over later in the day.
- The son didn't have to sign for the permit. Mr. Morgan signed for him.
- The Sunbiz record was only updated two days ago.
- Mr. Morgan said he sent that paperwork six months ago.
- Mr. Morgan testified he's a managing member of Precision Building; the Sunbiz site shows he's a field supervisor.
- Mr. Morgan has 10% ownership of Precision and they have a joint bank account.
- He's authorized to sign checks.
- He was unaware that Precision's owner should attend the hearing.
- Mr. Morgan is paying his attorney to be here.
- The contract misrepresents that Coastal Breeze is the licensed contractor because it contains another business' license.
- Coastal Breeze is not the GC.
- Board Member Lantz said if it were up to him, the fines would be increased due to too much "funny business."

***During questioning by Attorney Kerins, the following points were made:***

- Two checks in the county packet show they were endorsed by CBH (Coastal Breeze Homes) "for deposit only."
- Mr. Morgan said he endorsed the checks and put them in the joint venture's account.
- He doesn't have a Certificate of Competency in Collier County, but has a tax certificate.
- Coastal Breeze Homes is not a fictitious name used by Precision Building.
- Precision Builders doesn't pay FICA taxes, Medicare or Social Security on his behalf.
- He was uncertain if they withhold taxes or whether he's a W2 employee.

- The homeowners only received an invoice from Coastal Breeze.
- Only the Notice of Commencement lists Precision Builders.
- The logo on his shirt says Coastal Breeze Homes.

**Investigator Broughton** noted that he said there are five days left for construction and asked if Coastal Breeze Homes was currently working in the unit.

**Mr. Morgan** said no, they just received the permit on April 10, so he was going to ask the homeowners to allow him to continue work on the renovation because the whole building is being renovated.

**Investigator Broughton** said there's a valid stop-work order that he and the Marco Island Fire Marshal filed. He reiterated that the homeowners know nothing about Precision Building and a signed Notice of Commencement, and they are not in contract with and did not make any payments to Precision Building.

**Board Member Hunt** asked if he had a business card with a license number on it.

**Mr. Morgan** said he did not.

**Board Member Joslin** asked why not.

**Board Member Hunt** noted that's because he's not licensed.

**Board Member Jerulle** asked if the county reviewed Coastal Breeze's website.

**Investigator Broughton** said it did not.

**Board Member Nolton** asked if the website represented him as a contractor.

**Mr. Morgan** said it's an e-commerce site and represents him only as a vendor.

**Board Member Jerulle** asked him to show him where on the website it lists him as a vendor. It says General Contractor.

**Mr. Morgan** said he'd speak to his marketing director about that and have them clarify and change that.

**Chairman Allen** asked if Attorney Davidow had anything more or wanted to present his closing argument.

***During his closing argument, Attorney Davidow told the CLB:***

- There were a few things presented in evidence the CLB would have to weigh to determine the veracity of the statements.
- To pretend as though you didn't know who was what or when is a bit misleading, especially when submitting an affidavit to say so and then not show up to back it up.
- The onus is then placed only against the contractor as to why he didn't bring XY and Z or ABC.
- Are we going to automatically believe the homeowner, who spent a bit less than \$20,000 and the work is almost completed?
- The permit was pulled by a licensed General Contractor and the number of the licensed General Contractor is on the contract.
- He admits the contract should have been clearer about Precision Building.

**Board Member White** said he didn't disagree.

***Attorney Davidow continued his closing:***

- He agreed it absolutely should have said Precision Building next to the next to the license number to make it a bit more clear.
- He contended it's a bit tongue in cheek to come in and say when you owe a bunch of

money on a contract that you have no idea who signed what, when and where, and that you didn't sign this, especially when the work is almost completed.

- There are two simple issues, falsely holding out and doing unlicensed contracting, but the contracting was through Precision Building, which signed off on it.
- Mr. Morgan has been an agent of Precision Building the entire time, whether or not he's an owner.
- The contract was timely executed, whether Sunbiz changed or not.
- The permit was issued by Marco Island and approved and stamped. They're in evidence.
- Everything through the City of Marco Island has been accepted and was done through the Precision Building license number.
- As for falsely holding out, he admits the contract should have been clearer about Precision.

**Board Member White** asked that once the work proceeds, would his client agree to accept those payments through Coastal and in turn pay Precision?

**Attorney Davidow** said his client testified that there was a joint venture account and they're cosigners.

**Board Member White** said the payee is the point. The owners believe they're dealing with Coastal and if they wrote a check, it would be again to Coastal, so whatever way it's handled between Coastal and Precision, would your client be agreeable to that form of payment?

**Attorney Davidow** said the payment would have to be deposited into the joint venture account.

*A discussion ensued and Attorney Kerins said that's beyond the Board's purview.*

**Board Member White** said he'd weigh the efforts the respondent would be willing to take since he's challenging the citations. Board Member Lantz indicated it's within our purview to increase the amount of the citation that needs to be paid. That's a lawful potential outcome of choosing to contest the citation.

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

**Attorney Noell** advised the Board that they should first deliberate whether there's been substantial competent evidence that shows in a clear and convincing manner that the respondent committed the violation set forth on the citation. Once that's been done, he can go through the penalties for the sanctioned components. The Board can uphold the citation or can increase the amount of the fine up to \$2,000 under State Statute 49.127.

*Board Member White made a motion that there has been competent and substantial evidence provided to this Board in a clear and convincing manner with respect to both citations against Mason Tyler Morgan. Second by Board Member Lantz. The motion passed unanimously, 7-0.*

**Chairman Allen** asked Attorney Noell about increasing the fine and he advised the Board:

- For the unlicensed component, the Board can increase it up to \$2,000 under 489.127.
- Misrepresenting the status of the license also would fall under 489.127.
- Both citations can be raised to \$2,000 each.

**Board Member Lantz** called it a clear-cut case, telling the CLB:

- The contract was written under one company when another company was doing the work.
- He sees that all the time. As a contractor, people ask if they can use his license number and he won't do that.

- Despite Mr. Morgan hiring an attorney and sitting through this entire meeting, it doesn't appear he knows the law or what he's not allowed to do.
- He needs clear and convincing proof so both fines should be brought up to \$2,000.
- If he doesn't know, he doesn't know, but if he does know, he's trying to play games to make us think everybody here is wrong.
- He needs a lesson to say this is what he has to do and he needs to stop playing games and work correctly under the law.
- He's clearly been advised by a lot of people on how to do it.
- It's still wrong having a joint venture that's half one name, half another name.
- There's too much funny business so the fines need to be raised.

*[Board Member Lantz made a motion.]*

*[Board Member Joslin seconded it.]*

**Chairman Allen** said he wished they could increase it more and asked Attorney Noell if there was anything more they could do.

*A discussion ensued.*

**Board Member Jerulle** asked If the county could pull up page 354 on the screen and blow it up. He asked to have the logo at the bottom blown up. It clearly says Coastal Breeze Homes, full-service construction and remodeling and property maintenance. Before we vote on it, Mr. Lantz, that has to change. He asked Attorney Noell if they could include that in their motion.

*Attorney Noell advised the Board:*

- What's before the Board now is two citations.'
- The sanctions to be imposed are limited to the case brought to the Board.
- If this was a licensed person or it was brought in an administrative complaint, there are different sanctions that could be imposed.
- They are limited to holding the fine or increasing it up to \$2,000.
- It's well thought out and well-stated. If the advertising continues, that could be a separate offense after this hearing if a member or investigator goes on the website and calls the county to report that the website owner is unlicensed.
- The respondent would have to act post haste to correct those issues; that would be a separate issue.

**Board Member Jerulle** said he understood, but could they request that the money be put on a public ad.

**Attorney Noell** said the Board is limited to the fine or dismissing the citation, finding the violation and upholding the dollar amount of the fine or increasing the dollar amount.

**Attorney Kerins** said Mr. Crotts has additional information that may be of interest to the Board.

**Board Member Joslin** asked Mr. Crotts if he had a recommendation.

**Supervisor Crotts** said Mr. Morgan was issued a citation on December 8, 2021, for unpermitted work. That citation was not paid and a lien was put into effect on February 16, 2022, for the unpermitted work. They agreed the work was committed, the citation has not been paid, and the Board lien is in front of the Board today to be signed.

**Board Member Lantz** said he hopes the county is doing something with Precision Builders. He'd like to see them here shortly.

**Chairman Allen** said that as an attorney, there are only a few times where he's been speechless and this is one. He's disappointed there isn't more that this Board can do than increase the fines.

**Board Member Joslin** said absolutely.

**Board Member Nolton** said it's amazing to him that you didn't just pay the fines because you've broken so many rules in contracting.

**Board Member White** said the fundamental point here is when you "hold yourself out," that does not even require a contract to be signed. That's your business card, that's your website, that's you telling someone, that is holding yourself out. Just so we're crystal clear, you'd better be talking to your webmaster, your publisher and all your business contacts.

**Board Member Nolton** said he also needs to remove that from any business vehicles.

**Board Member Joslin** said what upsets me is how Mr. Crotts brought more information. How many times has this been done before?

***Board Member Lantz made a motion to increase the fines to \$2,000 for Citation No. 12583, unlicensed contracting, and No. 12586, falsely holding himself or his business organization out as a licensee certificate holder or registrant. Second by Board Member Joslin. The motion passed unanimously, 7-0.***

*[The Board took a break from 10:55 a.m. to 11:10 a.m.]*

**B. 2023-05 – Saul Paredes Trejo dba Pro Walls Painting Inc. (CEMIS20230001428)  
Mr. Paredes and Investigator Governale were sworn in.**

***Board Member Joslin made a motion to open the public hearing for 2023-05. Second by Board Member Lantz. The motion passed unanimously, 7-0. The public hearing was opened.***

**Investigator Governale** said a copy of the Preamble and Case Packet was presented, signed, initialed and dated by the respondent. He asked to submit the Preamble and Case Packet for 2023-05 into evidence.

***Board Member Nolton made a motion to accept the Preamble and Case Packet for Case No. 2023-05. Second by Board Member White. The motion passed unanimously, 7-0. The Case Packet was accepted into evidence.***

***Investigator Governale gave an opening statement:***

*The respondent, Saul Paredes Trejo, a Collier County licensed Painting Contractor with Issuance No. 201600000757 is the qualifier for and owner of Pro Walls Painting. Mr. Trejo contracted with Matthew Parrish, an unlicensed general contractor, for interior painting, drywall installation and insulation at 2775 Leeward Lane in the City of Naples, work that was outside the scope of his license and without an issued permit, when required.*

*Mr. Trejo is in violation of Code of Laws and Ordinances of Collier County, Florida, Section 22-212, which state, in pertinent part, that it is misconduct for the holder of a Collier County Certificate of Competency to contract to do work outside the scope of their competency, as listed on their competency card and defined in this ordinance, or is restricted by the Contractors' Licensing Board and Section 22-2118, which states, in pertinent part, that it is misconduct by a holder of a Collier County Certificate of Competency to proceed on a job without obtaining*

*applicable permits or inspections from the City Building and Zoning division or the County Building Review and Permitting Department.*

**Mr. Trejo** testified that he's getting his drywall license and bought the books to study for his license. At the time he was working he didn't know the contractor wasn't licensed.

**Chairman Allen** said, so you're not contesting this?

**Mr. Trejo** said no.

**Attorney Noell** asked if there's any evidence he wants to submit.

**Mr. Trejo** asked to show the Board he's applied for his drywall license, and he's been working for four years and understands this pending license will be going away. He just wanted to apply for it because it's the right thing to do.

**Chairman Allen made a motion to accept his documented evidence. Second by Board Member White. The motion passed unanimously, 7-0.**

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

**Attorney Noell** noted that the sanctions are set forth on page 395.

**Chairman Allen** asked Mr. Crotts for his recommendation.

**Supervisor Crotts** said the county asks that on Count 1, the county is asking for a \$2,000 fine to be paid within 30 days and a 12-month probationary period. Failure to pay the fine within the 30 days will result in the respondent's license being revoked automatically. On Count 2, the county asks for a \$1,000 fine to be paid within 30 days and a 12-month probationary period. Failure to pay within 30 days will result in the respondent's license being revoked automatically.

**Board Member Lantz** asked if the license would continue after July 1st.

**Supervisor Crotts** said there's a motion now in the Senate to push back the date of the license going away to July 1, 2024. There's also a Senate bill that's going to put back a good portion of the licenses that have been taken away due to House Bill 735 but a final decision on those licenses has not been made.

**Attorney Kerins** noted that who knows when that will occur. Things keep going through committees and getting amended and supplemented, so they have no idea about a timeline.

**Supervisor Crotts** said if the amendment passes, every license will stay valid until July 1, 2024.

***A discussion ensued.***

**Board Member White** said he's trying to understand the rationale behind \$2,000 for Count 1. He understands Count 2. Were there aggravating circumstance for Count 1 that increased the fine to \$2,000?

**Supervisor Crotts** said it's because two separate trades were being done outside the scope of the painting license.

**Board Member White** thanked him for the clarification.

**Mr. Trejo** said he's trying to do the right thing, but he's getting almost the same punishment as the prior case.



**Board Member White** told him one of the benefits of acknowledging the error of his ways and providing us with testimony that you intend and realize how to fix it, and you're fixing it indicates what we want. We want compliance and a fair and level playing field for the contractors and a sense of security on the part of the people that hire you. That sounds like your business perspective.

**Board Member White made a motion to find Saul Paredes Trejo in violation for working outside the scope of his license and ordered that he pay a \$2,000 fine on Count 1 within 30 days and be placed on 12 months of probation; a \$1,000 fine on Count 2, to be paid within 30 days and that he be placed on 12 months of probation; failure to pay the fines within 30 days will result in his license being revoked automatically. Second by Board Member Jerulle. The motion passed 5-2, with Chairman Allen and Board Member Hunt opposing the motion.**

**Chairman Allen** said the fine seems a little steep to him.

**Board Member Hunt** said she agreed.

**Chairman Allen** moved to the 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 and Count 2 of the Administrative Complaint.

Therefore, by a vote of 5-2, the respondent is found guilty of the violations set forth in Count 1 and Count 2 of the Administrative Complaint, 2023-5 and the Board imposes the following sanctions against the respondent:

- A \$2,000 fine on Count 1, to be paid within 30 days.
- A \$1,000 fine on Count 2, to be paid within 30 days.
- If the fines aren't paid within 30 days, the license will be revoked.
- 12 months of probation will be imposed.

This proceeding is now concluded.

**Board Member Joslin** told him the next time he decides to work for a general contractor or someone that you're going to contract with, make sure they're licensed.

**Chairman Allen** said he thinks he knows.

**Mr. Trejo** said it was on his business cards, the checks, everything, and he didn't have time to check that.

**Board Member Joslin** told him to check [www.myfloridalicense.com](http://www.myfloridalicense.com)

**Board Member Lantz** told them he didn't think the fine was steep. Anytime someone off the street comes in and gets a citation, it's going to be \$1,000 for each offense. He is a licensed contractor and should at least know the law and know that he should apply for it, so in theory,

he should get a higher fine than somebody else. He's not advocating that it should be higher, but that's why he doesn't think it's steep. It's pretty fair.

**Board Member White** said it's fair.

**Board Member Nolton** said he just looked up Matthew Parrish and there are stories about him being arrested for being an unlicensed contractor.

**C. 2023-06 Robert A. Deane dba Diversified Mechanical LLC (CEMIS20220010521)**

*Mr. Deane was sworn in.*

*Board Member Nolton made a motion to open the public hearing for Robert A. Deane, 2023-06. Second by Chairman Allen. The motion passed unanimously, 7-0. The public hearing was opened.*

**Investigator Broughton** said a copy of the Preamble and Case Packet was presented, signed, initialed and dated by the respondent. He asked to submit the Preamble and Case Packet for 2023-06 into evidence.

*Board Member White made a motion to accept the Preamble and Case Packet for Case No. 2023-06. Second by Board Member Nolton. The motion passed unanimously, 7-0. The Case Packet was accepted into evidence.*

**Investigator Broughton gave an opening statement:**

*Mr. Robert Deane, a state certified Air-Conditioning Contractor with license No. CAC 1817181 is the qualifier and owner of Diversified Mechanical LLC. Mr. Deane contracted for and received payment from the property owner for the installation of the AC unit and handler at 511 S. Heathwood Drive, Marco Island. The AC installation commenced prior to an issued permit for which one was required.*

*As of this date, no permit has been applied for or issued. Mr. Deane is in violation of Florida Statute 489.10512 and Collier County Code of Laws and Ordinances, Section 22-2.02. The Collier County Contractors' Licensing Board is authorized to impose penalties against Collier County Certificate of Competency holders who violate the Collier County Code of Laws and Ordinances under the provisions of Collier County Code of Laws and Ordinances Section 22-202. The actions of the respondent constitute misconduct and grounds for discipline.*

**Mr. Deane told the Board:**

- He admits he's responsible for that, he accepts that.
- When we did the job, the homeowner ordered his own equipment and asked one of his employees to install it. He called me and he said, "Sure, we can do that."
- We've been in business for almost 20 years now. We're no longer in business as of December 31 because he retired.
- He went to Marco Island to get the license down there, which they'd had in the past because he did a lot of work at the Marco Marriott.
- The city said that we needed to send them some paperwork. We sent them the paperwork, they got it and he has 13 correspondences saying that that they needed some other information that had to be sent from my insurance companies. He's done that.
- He's been trying to get authorized to pull the permit. The city keeps saying that we have to send them more. We sent it.

- He didn't personally go down there, but one of his employees went down there and brought them all the information they were looking for.
- The city told them that it had to be done through the insurance company. The insurance company says they sent them the information. He's got stuff saying that they need to review it and they'll get back to us.
- We've been waiting and we're still trying to get authorized down there to do the work.
- The work has been completed and needs to be inspected.
- We've been doing this for some time and it's the first violation we've ever had.

**Chairman Allen** asked if he's not disputing that the work was done without pulling a permit. **Mr. Deane** said that's correct. It was during Hurricane Ian and they wanted it done quickly, but they should have had a permit.

**Chairman Allen** said we have an admission of guilt and don't need to go through the administrative process.

**Attorney Noell** said he wanted to be clear that he's admitting they willfully did the work without pulling the permit.

**Mr. Deane** said we didn't pull the permit at the time the work was done.

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

- He has 13 correspondences to show he tried to pull the permit.
- Investigator Boughton said Mr. Deane has been cooperative and was trying to submit his licensing paperwork but for some reason it wasn't accepted.
- They stopped communicating, but Mr. Deane provided him with the emails as proof that he's continued communicating with Marco Island.
- This was an emergency repair after Hurricane Ian, but a permit still must be pulled within 24 hours.
- This was done in November and that's still not been done.

*Chairman Allen made a motion to close the public hearing for Robert A. Deane, 2023-06. Second by Board Member Joslin. The motion passed unanimously, 7-0. The public hearing was closed.*

*Board Member Nolton made a motion to find Mr. Deane guilty of doing unpermitted work. Second by Board Member Lantz. The motion passed unanimously, 7-0.*

**Attorney Noell** said the potential sanctions are on page 425 of the agenda packet. The Board can deny the Collier County building permits going forward or require the issuance of permits with specific conditions, make a recommendation for suspension, revocation or restriction of the Certificate of Competency or a fine to be levied, and can make that recommendation to the Construction Industry Licensing Board.

**Chairman Allen** noted that their hands are tied because there's no mechanism to ensure that the permit is completed and closed.

**Attorney Noell** said a mechanism could be that if there's already been a finding of violation, you could continue this to the next meeting and if there's proof of the permit being pulled and closed out properly ...

**Board Member Jerulle** asked Mr. Crofts for his recommendation.

**Supervisor Crotts** said the county would recommend that Mr. Deane be given 60 days to get this permit issued and finalized. If that's not done within 60 days, Mr. Deane must appear before the Contractors' Licensing Board for additional disciplinary action.

**Board Member Nolton made a motion to accept the county recommendation and require that Mr. Deane be given 60 days to get the permit issued and finalized; if that's not done within 60 days, Mr. Deane must appear before the Contractors' Licensing Board for additional disciplinary action. Second by Board Member Joslin. The motion passed unanimously, 7-0.**

**Board Member Jerulle** said he's licensed on Marco, has gone through the process and it is difficult and frustrating, like Collier County and the City of Naples are, but it can be done and it shouldn't take four months to do it.

**Mr. Deane** said the last word he heard from the city was that she was going to push it forward and see if they could get it approved. She said it was because we're no longer in business and they wanted our Workman's Comp updated. But he told her he'd already sent that to the city before. They could use that because this is in the past, not present.

**Board Member Jerulle** asked if the job was done in the past.

**Mr. Deane** said correct, it's finished. She said she was going to send it to them. He's going to go there now to see what's going, but if they say it needs to be updated, how does he update it? He's out of business.

**Board Member Joslin** said he doesn't have to update it, just show that he had Workman's Comp at the time.

**Mr. Deane** said he did that. It was current then.

**Board Member Lantz** said we don't care if the permit is pulled by you or by somebody else, so if he has a friend who can do him a favor and pull the permit and they're a licensed contractor, the job needs to be permitted and inspected.

**Mr. Deane** said he could ask someone else to pull the permit. That might be the fastest way to get it done.

**Chairman Allen** moved to the 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 7-0, the respondent will be given 60 days to open and close a permit on the subject property. If that's not done within 60 days, he must reappear before the Contractors' Licensing Board for additional disciplinary action.

This proceeding is now concluded.

**D. 2023-07 Jorge M. Lopez dba Custom Furniture by George Inc. (CEMIS20230000748)  
*Mr. Lopez was sworn in.***

***Board Member Lantz made a motion to open the public hearing for Jorge M. Lopez, Case No. 2023-07. Second by Board Member White. The motion passed unanimously, 7-0. The public hearing was opened.***

**Investigator Broughton** said a copy of the Preamble and Case Packet was presented, signed, initialed and dated by the respondent. He asked to submit the Preamble and Case Packet for 2023-07 into evidence.

***Board Member Joslin made a motion to accept the Preamble and Case Packet for Case No. 2023-07. Second by Board Member White. The motion passed unanimously, 7-0. The Case Packet was accepted into evidence.***

***Investigator Broughton gave an opening statement:***

*The respondent, Mr. George Lopez, a Collier County licensed Cabinet Installation Contractor with Issuance No. C31861 is the qualifier for and owner of Custom Furniture by George Inc. Mr. Lopez contracted for and received payment from the property owner for vinyl floor installation at 2000 Unity Way, Naples. While removing some cabinets, the respondent capped the plumbing without a permit for which one was required.*

*Mr. Lopez is in violation of Collier County Code of Laws and Ordinances, Section 22-201.2, which states, in pertinent part, that it's misconduct for the holder of a Collier County Certificate of Competency to contract to do work outside the scope of their competency, as listed on their competency card and defined in this ordinance, or as restricted by the Contractors' Licensing Board.*

*Mr. Lopez also is in violation of Collier County Code of Laws and Ordinances, Section 22-201.18, which states, in pertinent part, that 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 and Zoning Division or the County Building Review and Permitting Department.*

**Chairman Allen** told Mr. Lopez it's his opportunity to make an opening statement.

***Mr. Lopez testified that:***

- He was under the impression that with his license, he could change cabinets and replace all cabinets for new ones without getting a permit.
- When he got his license, they told him he could do cabinets, counters, baseboards and interior-door installation.
- He did the work in this church through a customer. They asked if he could do the floor and he said yes, he didn't see a problem doing a vinyl floor when he's had his license for 22 years.
- How owns different businesses and has never been accused of anything.
- He doesn't intend to break the law. If he's guilty, if that's the case, that's all he can say.
- As for the plumbing, he took the cabinets out and for him to be able to remove the cabinet, he had to do that.
- He didn't do any plumbing or flooring, but did a favor that day.

**Chairman Allen** asked if he'd like to add anything before we turn it over to the county.

***During questioning, Mr. Lopez testified that:***

- This was a separate room in the church that had a different water-shut off.
- They checked the water for him so he could pull the cabinets out.
- He put a cap on the pipe so there would be no leak, in case somebody opened the main.
- That's all he did. He wasn't trying to do plumbing work or install plumbing.
- He was just trying to remove a cabinet.

**Chairman Allen** said it sounds like he's admitting to Count 1, that he installed the floor without the right license.

**Mr. Lopez** said he did.

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

- A permit has since been issued.
- At the time, there were no permits.
- Permits were required for the cabinets and flooring.
- He patched the walls.
- He's been paid for the work.
- The church had to hire another contractor, but that contractor was doing other work in the building at the time so they used that contractor.
- Mr. Lopez changed cabinets, thinking a permit wasn't needed.
- The only way to do that was by putting a SharkBite on the plumbing.
- Everything the church asked him to do, he did.

**Chairman Allen** said he'd turn it over to the county to present evidence on Count 2.

**Investigator Broughton** said he brought Mr. Lopez in for an interview to discuss the case and he admitted he capped the plumbing. The photo shows the plumbing was capped to remove the cabinet. There also was exposed electrical; he said he did not touch the electrical. A permit was required and Collier County Chief Building Official Fred Klum signed it to say a permit was required.

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

- A permit was required because it's commercial.
- The church hired another contractor and permits were pulled for the plumbing and the electrical.
- At the time this job commenced, Mr. Lopez did have a license for cabinetry.
- He did not have a license for flooring.
- The permit that was pulled was a remodel permit with electric and plumbing subs attached.
- A general contractor pulled a remodel permit with the plumber and an electrician attached, so he's acting as a general contractor who didn't pull a permit and was doing the cabinet work.
- The granite, new sink and faucets were requested by the church, and he bought those for them.

***Board Member Nolton made a motion to close the public hearing for Jorge M. Lopez, Case No. 2023-07. Second by Board Member White. The motion passed unanimously, 7-0. The public hearing was closed.***



***Board Member Nolton made a motion to find Jorge M. Lopez guilty of Counts 1 and 2. Second by Board Member White. The motion passed 6-1; Board Member Lantz opposed the motion.***

**Board Member White** noted that Board Member Lantz's point goes toward mitigation.

*A discussion ensued.*

**Attorney Noell** said the sanctions are set forth on page 450 of the packet.

*A discussion ensued.*

**Chairman Allen** asked Supervisor Crotts what the county's recommendation was.

**Supervisor Crotts** said the county asks that a \$1,000 fine be paid within 30 days and that he be placed on 12 months of probation. Failure to pay the fine within 30 days will result in the respondent's license being revoked. For Count 2, the county asks for a \$1,000 fine to be paid within 30 days and that he be placed on 12 months of probation. If the fine isn't paid within 30 days, the respondent's license will be revoked automatically.

**Board Member Nolton** made a motion to place him on probation for 12 months with no fines.

**Board Member Lantz** seconded it.

**Chairman Allen** asked if there was a discussion.

**Board Member Jerulle** noted that \$1,000 is the minimum.

**Supervisor Crotts** said if he'd been caught without a license and was putting flooring down, he would get a \$1,000 citation.

**Board Member Nolton** said the county doesn't need the money and the church is not out any money. Probation is a lesson.

**Board Member Lantz** noted that he had to come to the hearing today.

**Board Member Jerulle** told Mr. Lopez that the county was recommending \$2,000 while Mr. Nolton was recommending probation. Convince me that you're not going to do this or be in this situation again.

**Mr. Lopez** said he'd never done it before and won't be in this position again. The only reason he did the floor is that Sherry Martin at the church is his customer and asked him for a favor to finish the floor for her because they were desperate to do that room and needed it. He normally doesn't do floors.

**Chairman Allen** said the lesson here is that he needs to understand that before he does any work, he needs to make sure he has the license to do it.

*A discussion ensued and Mr. Lopez said he would do that.*

***Board Member Nolton made a motion to place Jorge M. Lopez on 12 months of probation, to run consecutively on Counts 1 and 2. Second by Board Member Lantz. The motion passed 5-2; Board Members Hunt and Joslin opposed the motion.***

**Board Member Nolton** warned that churches often get contractors into trouble.

**Chairman Allen** moved to the 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 and Count 2 of the Administrative Complaint.

Therefore, by a vote of 5-2, the respondent will be placed on a 12-month probationary period that will run consecutively on both counts.

This proceeding is now concluded.

**E. 2023-08 Frederick L. Franks Jr. dba Vetcon Construction Services Inc. (CEMIS20220010818)**

*Mr. Franks and Investigator Rivera were sworn in.*

*Board Member White made a motion to open the public hearing for Frederick L. Franks, Case No. 2023-08. Second by Board Member Nolton. The motion passed unanimously, 7-0. The public hearing was opened.*

**Investigator Rivera** said a copy of the Preamble and Case Packet was presented, signed, initialed and dated by the respondent. He asked to submit the Preamble and Case Packet for 2023-08 into evidence.

*Board Member White made a motion to accept the Preamble and Case Packet for Case No. 2023-08. Second by Board Member Hunt. The motion passed unanimously, 7-0. The Case Packet was accepted into evidence.*

***Investigator Rivera gave an opening statement:***

*The respondent, Mr. Frederick Leon Franks, a state-certified Building Contractor with License No. CBC1263067, with Collier County issuance No. 202200004251, is the qualifier and owner of Vetcon Construction Services Inc. Mr. Franks contracted to install fences and demolition of the center concrete and pour back at 105 Manor Blvd., Naples, where a permit was required.*

*More than 120 days have passed and Mr. Franks started work without a permit and failed to fulfill his contractual duties. There has been no action or permit, despite phone calls and emails. After reviewing the case, Chief Building Official Fred Clum concluded that the respondent willfully neglected his obligation as a contractor by beginning the remodeling project before receiving a permit. Mr. Frank is in violation of the Collier County Code of Laws and Ordinances, Section 22-201.1(2), which states, in pertinent part, that willfully violating the applicable building codes or laws of the state, city or Collier County shall constitute misconduct and grounds for discipline.*

**Chairman Allen** said it's his opportunity to make an opening statement.

**Mr. Franks** said he disagrees because, as he stated to him through emails and phone conversations, we're waiting on the architect to design the layout for the apartment complex, an

email he received last month.

**Investigator Rivera** disagreed, noting that no permit was issued and the last conversation they had was a month ago. It's in the package and a permit hasn't been issued in 120 days.

**Board Member Jerulle** asked Mr. Frank to provide his opening statement.

**Mr. Frank outlined his opening statement:**

- He had a project manager doing the work and had a contract with Michael Jones.
- He didn't make me aware that we needed a permit for the patio, so they stopped the job.
- When he contacted them, he asked what he needed to do.
- The apartment complex is owned by Aspen Management.
- They said we had to find an architect.
- It took the architect 2½ months to do it.
- Once that was completed, he emailed Investigator Rivera a copy of the work that was done by the architect.

**Board Member Lantz** asked if he applied for a building permit.

**Mr. Franks** said six weeks ago, he had two mini strokes and was hospitalized in Gainesville. Today, after the hearing, he was going to pull it today because he has the architect designs in place and has everything needed to move forward.

**Chairman Allen** asked if he was contesting the allegations that he worked without a permit.

**Mr. Franks** said he was in Marion County and a permit is not needed there if it's four feet or lower. He wasn't aware of the code here and the project manager also wasn't aware it was needed for a patio, so they were in violation.

**Chairman Allen** asked if he's admitting he violated in both instances, not pulling a permit. [*He did.*] We can move to close the public hearing.

**Supervisor Crofts** said that not only is a permit going to be required, he also is required to get an SDPI from Land Development for this and there will be two phases. The SDPI is going to take a lot longer. It should have been started.

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

- If they apply today, it could take 90 days.
- Board Member Jerulle contended it would be closer to six months.
- They will need density tests and proof of the reinforcing.
- He has 80 pads already poured.
- The CLB could give him 90 days to get the process started and we could see if he follows through.

**Board Member White made a motion to close the hearing for Frederick L. Franks, Case No. 2023-08. Second by Board Member Lantz. The motion passed unanimously, 7-0. The public hearing was closed.**

**Board Member White made a motion to find Frederick L. Franks guilty of working without a permit. Second by Board Member Nolton. The motion passed unanimously, 7-0.**

**Attorney Noell** said this is a state license holder. The sanctions are denial, possible denial of Collier County City building permits or require the issuance of permits with specific conditions, recommendation for suspension, revocation, or restriction of the Certificate of Competency or

recommendation of a fine to be levied by the Construction Industry Licensing Board made to DBPR.

**Chairman Allen** asked what the county's recommendation was.

**Supervisor Crotts** said the county recommends that the respondent be given 90 days to get the application and the application for the SDPI submitted to the county. Failure to apply will require that the respondent appear back in front of the Board for additional disciplinary action.

**Board Member Lantz** made a motion to adopt the recommendation.

*A discussion ensued over whether that was enough time.*

**Supervisor Crotts** suggested they give him 90 days to apply for the permits and up to six months to have them issued.

*A discussion ensued and Mr. Franks said he intends to finish the work, and Supervisor Crotts said if it's not done within six months, he'd return before the Board.*

**Board Member Jerulle** said it sounds like he'd need to hire a civil engineer.

**Mr. Franks** said Aspen Management hired a civil engineer.

**Board Member Jerulle** asked if he had the permit today, how long would the work take.

**Mr. Franks** said one week.

*A discussion ensued over the recommendation, the time period and the motion.*

**Supervisor Crotts** recommended that he be given 90 days to start the application process and nine months for the permit to be issued and for work to be completed.

*Board Member Lantz made a motion to give Frederick L. Franks 90 days to start the application process and nine months for the permit to be issued and complete work. Second by Board Member White. The motion passed unanimously, 7-0.*

*A discussion ensued over compaction and density tests.*

**Chairman Allen** moved to the 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 violation set forth in Count 1 of the Administrative Complaint.

Therefore, by a vote of 7-0, the Board issues the following sanctions on the respondent:

- Within 90 days, the respondent shall apply for a permit and the SDPI.
- Within nine months, the permits and SDPI should be issued.

April 19, 2023

This proceeding is now concluded.

10. **NEXT MEETING DATE:** **Wednesday, May 17, 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 White. The motion passed unanimously, 7-0.*

**There being no further business for the good of the County, the meeting was adjourned at 12:20 p.m.**

Collier County Contractors' Licensing Board



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*Todd Allen, Board Chairman*

*These minutes were approved by the Chairman of the Contractors' Licensing Board on May 17, 2023, (check one) as submitted  or as amended .*