

**MINUTES OF THE COLLIER COUNTY
CONTRACTOR LICENSING BOARD MEETING**

September 20, 2023, Naples, Florida

LET IT BE REMEMBERED that the Collier County Contractor Licensing Board, having conducted business herein, met on this date at 9:00 a.m. in REGULAR SESSION in Administration Building F, 3rd. Floor, Collier County Government Center, Naples, Florida.

MEMBERS: Todd Allen, Chairman
Stephen Jaron
Robert Meister
Terry Jerulle
Matthew Nolton
Kyle Lantz
Richard Joslin
Elle Hunt (excused)

ALSO PRESENT:

Timothy Crotts, Contracting Licensing Supervisor
Ronald Tomasko, Esq., Assistant Collier County Attorney
Patrick Neale, Contractor Licensing Board Attorney
Michael Bogert, Collier County Licensing Investigator
Sandra Delgado, Operations Supervisor

Any person who decides to appeal this decision of the 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

Elle Hunt – excused absence.

2. Additions or Deletions

None.

3. Approval of Agenda

■ **Richard Joslin:** Motion to approve the agenda.

■ **Kyle Lantz:** Seconded.

All in favor – aye. (*Carried unanimously, 7-0.*)

4. Approval of Minutes for August 16 and August 29, 2023

■ **Kyle Lantz:** Motion to approve the minutes.

■ **Richard Joslin:** Seconded.

All in favor – aye. (*Carried unanimously, 7-0.*)

5. Public Comments

None.

6. Discussion

■ **Timothy Crotts:** Welcomed newly appointed Patrick Neale, Attorney, to the Contractor Licensing Board.

7. Reports

None.

8. New Business

(A) Orders of the Board (6 Items)

■ **Kyle Lantz:** Motion to authorize the Chairman to sign the 6 orders of the Board.

■ **Richard Joslin:** Seconded.

■ All in favor – aye. (*Carried unanimously, 7-0.*)

(B) HUNTER K. JONES: REVIEW OF EXPERIENCE, RESIDENTIAL CONTRACTOR, SWFL STRUCTURAL INC.

■ **Hunter Jones:** Sworn testimony given.

■ **Timothy Crotts:** Mr. Jones has submitted an application for the issuance of a local registered license as a residential contractor which requires 48 months of experience. As part of the application process for the issuance of a residential contractor license, Mr. Jones was required to submit documentation showing his experience. And it should be noted that Mr. Jones appeared before the Contractor Licensing Board on April 20, 2022 for a review of experience for the issuance of a general contractor license under the DBA name of Hooks Construction. At this hearing, the Board denied the request due to lack of relevant and sufficient work experience. A copy of

the finding of facts has been included in the packet for your review. A copy of the minutes for the April 20, 2022, meeting which outlines the conversation regarding his license request and conversation regarding the experience, has also been included in the packet for your review. With regards to new verification of experience submitted by Mr. Jones staff received the following: Green Construction and Property Management out of Columbus, OH, dates of employment listed were November 2019 to June 2020, which would have shown seven months experience. Hennessy Construction Services out of St. Petersburg, FL, dates of employment listed were May 2022 to October 2022, five months. SW Plastering out of Naples, FL, dates of employment listed were November 2022 to May 2023 six months. However, the documentation was not signed by the submitter and was not notarized, therefore could not be verified. Mr. Jones has submitted a certificate of competency from Broward County as a Class C General Builder, which under their classification as a residential contractor, issued on May 24, 2023. Mr. Jones has held this license for four months. The name of the company for this license is under the name of SWFL Structural Incorporated. Based on the information received on the findings and based on the finding of facts issued to the applicant by the Board on April 20, 2022 it is the staff's opinion that Mr. Jones does not meet the minimum requirements as set forth in Ordinance 2006-46 as it relates to his experience in the number of years of experience required under Section 1.6.1.3 as a residential contractor. Because Mr. Jones does not meet the qualifications needed for the issuance of a builder's residential contractor license, Mr. Jones is being referred to the Board under 2.5.2 referral the applicant to the Contractor Licensing Board for a decision and Mr. Jones is here today to answer your questions.

- **Todd Allen:** Mr. Crotts, on page 43 of the packet there appears to be a letter from Mr. Jones about not paying a fine from May of 2023.
- **Timothy Crotts:** He paid that fine. It was abated from \$1,000 to \$300.
- **Kyle Lantz:** If I'm not mistaken, one was abated from \$1000 to \$300. And then you got another citation and you're applying for a license, so are you going to abate that down to \$300 as well?
- **Hunter Jones:** The 45 days has expired, so I wouldn't be able to abate it.
- **Todd Allen:** Do you have any plans of paying that fine? I mean, you're contesting it in this letter.
- **Hunter Jones:** I spoke to the specialist at the front desk and she told me to write a letter based on what happened during that situation. I did what she said and submitted it to her. She said she would bring it to the licensing Board and have Mr. Crotts look at it.
- **Todd Allen:** Do you have any intention of paying that fine?
- **Hunter Jones:** I would like to, yes.
- **Terry Jerulle:** Why wouldn't you have paid it before coming in front of the Board?
- **Hunter Jones:** I wanted your approval on the fine.

- **Todd Allen:** It's already been levied. I'm going to make a motion that we table this until he comes to the Board fully paid on all of his fines. I don't think he should be coming before the Board until he's rectified his past mistakes.
- **Richard Joslin:** Seconds the motion.
All in favor – aye. (*Carried unanimously, 7-0.*)

(C) DUSTY L. LOEWEN: REVIEW OF EXPERIENCE, RESIDENTIAL CONTRACTOR, SUPREME SERVICES AND MORE LLC

- **Dusty Loewen:** Sworn testimony given.
- **Timothy Crotts:** Mr. Loewen has submitted an application for the issuance of a local registered license as a residential contractor, which requires 48 months of experience. Mr. Loewen currently holds a valid Collier County Aluminum with Concrete license. As part of the application process for the issuance of a residential contractor license, Mr. Loewen was required to submit documentation showing his experience. With regards to the verification of experience submitted by Mr. Loewen, staff received the following: Surette Building Company LLC, which is a state certified general contractor, Thomas Jarrett, owner, and speaking with him dates of employment are from September, 2017 to present. Employment was confirmed to be part-time and as a subcontractor. The verification of experience for the scope of the work listed was concrete footers, steel placement, aluminum fabrication, screen replacement, and general labor. Mr. Loewen also submitted documentation from the state of California showing a license issued to him for the trade classification of Class A general engineering. This license was held for a period of two years. And speaking with the state of California Contractors Licensing Board the Class A general engineering license does not allow the applicant to build homes as it does not include any structural building. A Class B general contractor license would have been required to build homes in the state of California. Based upon this information received and based upon the license classification from the state of California, it is the staff's opinion that Mr. Loewen does not meet the minimum requirements as set forth in Ordinance 20646 as it relates to his experience in the number of years experience required under section 1.6.3 as a residential contractor. Because Mr. Loewen does not meet the qualifications for the issuance of the residential license, Mr. Loewen is being referred to the Board under section 2.5.2 referral the application to the Contractor Licensing Board for decision and Mr. Loewen is here to answer your questions today regarding his experience.
- **Todd Allen:** Mr. Loewen, what sort of work do you plan on doing?
- **Dusty Loewen:** Residential contracting work. I believe there was a letter I did submit to licensing with experience level that Mr. Crotts didn't address.
- **Todd Allen:** This is a letter from Fortress Custom Builders. (A second letter was also given to the Board.) Do you wish to submit this letter into evidence? (Yes.) It's your opportunity to explain to us that you've got the necessary experience. Can you tell us about the work you've done in the past specifically on these two letters that you provided us?

- **Dusty Loewen:** I currently work with Chuck on several of their home projects, building from the ground up, concrete, structural. We're currently working on a 6,000 foot condominium on 45th working on that job from the ground up.
- **Terry Jerulle:** Mr. Loewen, we are an independent board and we volunteer our time. The County says you don't have the experience. Here's your opportunity to convince us.
- **Dusty Loewen:** I have done work from site prep to footers, foundations, slab, building on piers, sauna tubes, helical coils, block work, metal work in the block work, trusses, drywall, all interior, and windows. This is the fourth home here. I work for the person in the letter I gave you. I currently still work for him. I have my own business but we share a lot of work.
- **Terry Jerulle:** Can you explain when you say you have your own business?
- **Dusty Loewen:** I'm a licensed concrete with aluminum contractor. Yes, I subcontract out to this gentleman.
- **Timothy Crotts:** For clarification, the license that the Mr. Loewen currently holds is aluminum with concrete, which means he can do concrete ancillary to the building of an aluminum structure.
- **Kyle Lantz:** What kind of work do you do on these houses that you're building? Are you hands-on or are you overseeing subcontractors?
- **Dusty Loewen:** I do a lot of hands-on work. I have the heavy equipment. I do the foundation all the way up to roof trusses. I don't do roofing. I have set trusses. It qualifies me with the experience I've gotten working for him and long before that in building homes. I built several homes in California, which nobody seems to have a record of because that's California. And I'm on my 4th home down here now. I'm an aluminum contractor. I get a 1099. It gets into a really confusing situation and I get a lot of discrepancies between a 1099 and a W2 and there's so many conflicting stories about that even my own accountant doesn't understand you know what's what. I never can get a definite story, but everybody has their own definition of a W2 or 1099.
- I'm the first one in. I do the footers, stem wall if required, and then all the way up to the tie beam. I do not fly the trusses – that's another company. I get it all supported from the first truss, set them at usually 24 inches on center, do all the roof sheeting clips. I do a lot of it but I have assisted as well.
- I could be doing anything else that he needs me to do – maybe framing the windows in. No, I'm not working as a contractor. He hires me. He's the general building contractor.
- **Timothy Crotts:** If I could clarify for Mr. Loewen that as a 1099 employee, you are considered a subcontractor, which means for any trade that you're conducting, you must hold the license for that trade as a 1099. So any work that you're doing outside of not having the license will be outside the scope of your current license of aluminum with concrete.
- **Todd Allen:** Mr. Loewen would you want us to proceed with a vote on this or would you like to withdraw your application?

- **Dusty Loewen:** I'll proceed. The licensed building contractor is on the job all the time overseeing 100% of what I do as stated in the letter.
- **Matthew Nolton:** There's two parts to it for me. I'm separating them. There's the business side as the Chairman said and it's been brought to our attention and you shouldn't be doing that. That's not how you can do it. It's not legal to do it that way. We're stating on the record that you know it now.
- He's here before us to find whether he has the experience or not. Clearly you have a bunch of experience. And I also heard you say that you're on site and you do whatever the general contractor tells you to do. That doesn't give you experience directing. It doesn't give you experience running the business and directing subs. It sounds like you were like a sub and he was directing you. Unless you can provide that, i.e., you were directing subs; you were directing carpenters; you were directing plumbers. I mean, you understand, you're trying to explain to us that you have the experience to build a house and you need 48 months.
- Further discussion ensued regarding:
 - Number of single-family homes built in California on flat elevations
 - On piers and some on slabs
 - Tile and shingle composition for the roof
 - Monolithic slab with the footer
 - Prep included making sure there were no endangered species, no wetlands, vegetation to be inspected and approved. Then you look for what your elevations are, flood type A, B or C.
- **Kyle Lantz:** I'll make a motion to approve with a one year probation.
- **Richard Joslin:** I will second that motion. Do you intend to contract homes that are going to be built on pilings and two stories high? (No.)
All in favor – aye. (*Disunited vote 5-2: Terry Jerulle and Matthew Nolton - nay*)

(D) ARMANDO MARTINEZ: REVIEW OF EXPERIENCE, PLUMBING CONTRACTOR, AGM GENERAL

- **Armando Martinez:** Sworn testimony given.
- **Timothy Crotts:** Mr. Martinez has submitted an application for the issuance of a local register license as a plumbing contractor, which requires 24 months of experience. The 24 months experience is part of being a licensed journeyman or equivalent. To acquire the journeyman license, a minimum of four years is required as an apprentice. The equivalent experience for this license would be six years. Mr. Martinez currently holds a local registered General Contractors license, which was issued in 2019. This license is restricted to residential only. Mr. Martinez was issued a plumbing license in 2019. However, this license was voluntarily cancelled by Mr. Martinez as the verification of experience was found to be falsified and Mr. Martinez did not meet the requirements as required by ordinance. With regard to Mr. Martinez's experience, he submitted to staff the following: Shepherd's Plumbing, which is a state certified plumber, Dan Shepherd owner. It was reported that Mr. Martinez worked for this company from January 2008 to March 2011 three years as a full-time employee.

Scope of the work was kitchen and bathroom models and condominiums, very little if any residential, and no industrial commercial work. Second was Oscar and Paul Plumbing and Mechanical Inc, a state certified plumbing contractor, Oscar Lopez President. It was reported by Mr. Lopez that Mr. Martinez worked from 2004 to 2008, four years as a part-time employee subcontractor. The scope of work performed was new home construction, very little if any industrial commercial work. Mr. Lopez could not remember the number of hours worked by Mr. Martinez. Third was J&D Preferred Finishes, a state certified plumbing contractor, Daniel Guevara president. He reported that Mr. Martinez worked from 2019 to 2022, three years as a 1099 employee. Scope of the work was primarily residential work, very little commercial and no industrial commercial work. Mr. Guevara could not recall the number of hours that had been worked by Mr. Martinez. Based upon the information received, it is staff's opinion that Mr. Martinez does not meet the minimum requirements that's set forth by Ordinance 20646 as it relates to his experience and the number of years required under section 1.6.2.11 as a plumbing contractor. Because Mr. Martinez does not meet the qualifications needed for the issuance of a plumbing contractor license, Mr. Martinez is being referred to the Board under section 2.5.2 referral the application to the Contractor Licensing Board for decision and Mr. Martinez is here today to answer your questions regarding his time and experience.

- **Armando Martinez:** Since 2004, I worked for Cornerstone Kitchen. It's a big building in Fort Myers. That is where I get the experience with Dan Chipper. I got all my taxes done back then. I worked for them I believe was going on seven years. I was doing all the remodeling, plumbing, kitchen, bathroom, shower, trim, most interior remodeling, or residential remodeling. I haven't done any commercial remodeling. I was doing the plumbing also with Oscar and the last one is JD Preferred. And other contractors in 2019. I built 4 houses and I got so many permits put in my company. We are located at 4384 Progress Ave. We build the full home and many remodelings and I have been supervising every single job of remodeling after they took away my license when I applied in 2019.
- **Kyle Lantz:** When you worked for Cornerstone you did a lot of trim and rough kind of stuff? Did you do any underground work?
- **Armando Martinez:** Yes a lot of trim. Nothing underground. With JD we did four houses in Naples. Everything is permitted under my name. I'm working currently on my own house. It's a 6,000 square foot house all on the ground, completely supervised by me 100%.
- **Kyle Lantz:** Can you describe to me what a wet vent is and how it works?
- **Armando Martinez :** No, I do not know.
- **Kyle Lantz:** A wet vent is the most common venting system for a bathroom in Florida. If you don't understand what a wet vent is, and usually you do it when you're doing the underground work, I would say you don't understand what that is and there's a lot more you don't understand, and that's a basic principle that a lot of plumbers don't understand until they start doing stuff on their own. And to me that's something you need to understand.

- **Kyle Lantz:** I'll make a motion that we deny his license.
- **Richard Joslin:** Seconded:
All in favor – aye. (*Carried unanimously, 7-0.*)

(E) LUIS I. ZURITA: REVIEW OF EXPERIENCE, SWIMMING POOL/SPA MAINTENANCE & REPAIR, REFLECTIONS POOL

- **Luis Zurita:** Sworn testimony given.
- **Timothy Crotts:** Mr. Zurita has submitted an application for the issuance of a local license as a swimming pool, spa, servicing and repair contractor, which requires 48 months experience. As part of the application process for the issuance of the license, Mr. Zurita was required to submit documentation showing his experience and the following information has been submitted: Plaster Pool Service, Eric Plaster, Vice President, a state certified pool contractor. Mr. Zurita was employed from 2008 to April 2022. Scope of the work was pool cleaning and adjusting some timers, very minor repair work if any at all. The scope of the work did not include heater repair or replacement, no piping and no refinishing. This company only works on residential pools and no commercial. In regard to an interview with Mr. Zurita, we confirmed his lack of hands-on experience with regard to the pool and spa repair. It was stated that he has no hands-on experience with pool heaters, pool piping of any type or interior finishing. Mr. Zurita stated that he saw work being performed by others as he watched over their shoulders while they were working. I asked if he ever assisted and he said no because he was not allowed. I told Mr. Zurita that based upon the information I had, I could issue the license for the pool cleaning section of pool servicing only. Mr. Zurita declined that offer saying he really wanted the repair license. Based upon this information received, it is staff opinion that Mr. Zurita does not meet the minimum requirements that's set forth in Ordinance 20646 as it relates to the experience under section 1.6.2.9 as a swimming pool, spa service and repair contractor. Because Mr. Zurita does not meet the qualifications for the issuance of this license, he is being referred to the Board under section 2.5.2 referral the application to the Contractor Licensing Board for decision and he is here today to answer your questions.
- **Luis Zurita:** I've been working 14 years with Plaster Pool Service as a pool technician. The pool technician basically is for maintenance, cleaning, checking the chemicals for every single pool. Most of my customers are residential houses and only two commercial but it was a small pool for the community. I've been working part time while I was working for Plaster's as a pool technician. I was working in a restaurant as a server until I could have my own customers and my company. In 2018 or 2019 I took classes and I got the CPO and the SAT which is advanced swimming technician, swimming pool technician. It was online and I went to Jacksonville to do the test. I have the certifications and everything. I showed it to Collier County last year but it's not valid for this license. I know just theoretically but never hands-on until I start to work with Plaster's but always with them never by myself. I'm operating under their license so far, however, I have liability insurance and I have workman's comp as well.

- **Richard Joslin:** You say you're operating under Plaster's license, meaning you work for them?
- **Luis Zurita:** I've been working 14 years for them and then I bought some accounts from Plaster's in 2022, a route under Plaster's license. The customers pay to my company, Reflection Pool Service and Repair of Southwest Florida.
- Further discussion regarding working knowingly without a license for the past year and his lack of experience with commercial, pumps, backpacks, and not by himself. This license would allow you to repair or fix a leak in a pool or do any repairs.
- **Richard Joslin:** Motion to deny the application.
- **Kyle Lantz:** Seconded the motion.
- **Todd Allen:** I'm going to give you some advice you may want to consider. Right now you're operating outside the scope of your license. It seems to me that it would be prudent for you at this time to withdraw this application and resubmit it for a pool maintenance license. So you fix the fact that you're not operating with a license and we don't vote. You're doing work without the proper license and servicing that route. You're asking us to give you a license that exceeds what you're doing. What I'm suggesting you may consider is withdrawing this application and resubmitting an application for a maintenance license so you can come under compliance with the codes and for the work you are doing, and then you need to get some experience doing the repair side of the work for an employer that has the license you're trying to get before you come back to us. You need to do the work as a W2 employee.
- **Timothy Crotts:** The applicant needs to understand that currently, even though he has a route, he is working as an unlicensed pool maintenance contractor. He cannot do any work under his company until he gets the maintenance license.
- **Luis Zurita:** Withdraws his application.
- **Richard Joslin:** I make a motion to withdraw my prior motion.

(F) ALAN LORA: REVIEW OF EXPERIENCE, ALUMINUM CONTRACTOR, IZZY SCREEN REPAIR INC.

- **Alan Lora:** Sworn testimony given.
- **Timothy Crotts:** Mr. Lora has submitted an application for the issuance of a local license as an aluminum contractor which requires 24 months of experience. As part of the application process, Mr. Lora was required to submit documentation showing his experience. Mr. Lora has submitted 3 verifications of experience: AP Builder Construction Services, Alice Parker, President, state certified building contractor. Mr. Lora was employed as a subcontractor from 2015 to present. Scope of the work performed was assisting in building some screen cages in what was described as a family business and no scope of work for any carports, awnings, shutters or gutters. Smith Homes and Remodeling, Harry Smith, owner, state certified building contractor. Mr. Lora was employed as a subcontractor from 2020 to 2023. Scope of that work was rescreening only, no construction. Zasowski Painting and Construction, James Zasowski, President, state certified general contractor. Mr. Lora was employed as a subcontractor from 2016. However, after several attempts to reach Mr. Zasowski, staff was unable to confirm any of the information on the verification of contractor form, however, the scope listed mentions only screen repair and replacement of

screen doors and rescreening cages. Based upon the information received, it is staff opinion that Mr. Lora does not meet the minimum requirement as set forth in Ordinance 20646 as it relates to the experience under section 1.6.3.2 as an aluminum contractor. Because Mr. Lora does not meet the qualifications needed for the issuance of the aluminum contractor license, Mr. Lora is being referred to the Board under section 2.5.2 referral the application to the Contractors Licensing Board for decision and Mr. Lora is here today to answer your questions. We found no fines that were outstanding.

- **Alan Lora:** I paid my fines. This is a family company. I've been (working) with my dad since 2015, but really since I was a kid. I've been doing minor aluminum repairs, rescreen and replace for contractors. I'm asked to pick up the one by two tracks and saw new ones.
- **Kyle Lantz:** Have you ever built an enclosure from scratch?
- **Alan Lora:** No I haven't. I did one with a couple of friends that I know and that's the fine that I paid. But yes, I know how to do it.
- **Kyle Lantz:** How do you size the beams if you're building a pool cage?
- **Alan Lora:** It depends on the span on the coding – it could be a 2 by 8, 2 by 10. It's just the coding with the span – the span of the where I'm going to install the super gutter to the post. And usually I start with a 2 by 8. It just depends on the size of the enclosure or the size of the patio.
- **Terry Jerulle:** There is no letter describing your fine. Can you explain to me again what happened and why?
- **Alan Lora:** There was a recommendation through my father and this person wanted to build an enclosure. He had an issue with his pool guy that was reaching out to the aluminum contractor and a lot of time passed. There was an open permit that was pulled. I didn't want to do it illegally but was told it would be fine. A month later the actual aluminum contractor came by with the permits ready to go and sees the enclosure. So that's how it happened. He filed a complaint. The code enforcement officer said that it was a well done cage, but I should not have done it. So I got in trouble.
- **Richard Joslin:** Do you have an engineer that engineers your screening closures?
- **Alan Lora:** I'm not at that step yet. I have no issue contacting people to do that. I want to be able to expand on what I can offer now. So I have a lot of calls for enclosures that I just refer to other people. So that's why I'm here.
- **Kyle Lantz :** I have a good friend who does really good screen repair. He decided he wanted to build pool cages. Same situation I think you are in. And he found a contractor that is licensed to do it but doesn't really know much about cages. But he went and worked, became a W2 employee under them so that he can work under their license and do the pool cages. In talking to him, the learning curve was incredible. They weren't super familiar with pool cages, but they understood construction and engineering and permitting and stuff like that. But from his perspective it was night and day between doing a minor repair and doing a cage, and he's probably been doing it for a year since the last hurricane. So for a year he's been building pool cages and he is not ready to go on his own yet, because he still hasn't learned enough. So my advice is there's a big difference between doing some repairs and taking the project on your.

- Further discussion ensued regarding working for a licensed contractor learning the trade. Will it be a panoramic style or stick to the old school enclosure? You need an engineer that will design it before you apply for a permit.
- **Richard Joslin:** Motion to deny the application.
- **Matthew Nolton:** Seconded.
All in favor – aye. (*Carried unanimously, 7-0.*)

(G) HILLARY A. GARDELLA: REVIEW OF EXPERIENCE, CARPENTRY CONTRACTOR, FLORIDIAN CARPENTRY

- **Hillary Gardella:** : Sworn testimony given.
- **Timothy Crotts:** Ms. Gardella has submitted an application for the issuance of a local license as a Carpenter Contractor, which requires 36 months experience. Ms. Gardella currently holds a Cabinet Installation License, which was issued in 2016. As part of the application process for the issuance of the carpentry license, Ms. Gardella was required to submit documentation showing her experience, and she did submit three verifications of experience showing the following: Cabrera Construction, Timothy Cabrera, president, a state certified general contractor. Ms. Gardella was employed as a subcontractor from 2017 to 2023. The scope of the work was cabinet and trim work only. Bravo Builders Group, Elias Bravo, vice president, which was a former state certified general contractor. After several attempts to contract contact Mr. Bravo, no information was received. However, the scope of work shown on the verification of construction experience listed trim and carpentry, but staff has been unable to verify any of the information. General Builders of Naples, Mark Owens, president, a state certified building contractor. Ms. Gardella again was employed as a subcontractor from 2017 to 2023. Scope of the work was assisting and remodeling work only, some framework, some limited drywall, no trusses and no other scope of the trade as required in carpentry. Based upon the information received, it is staff opinion that Ms. Gardella does not meet the minimum requirements that's set forth in Ordinance 20646 as it relates to the experience under section 1.6.3.6 as a carpenter contractor. Because Ms. Cardella does not meet the qualifications needed for the issuance of the license, Ms. Cardella is being referred to the Board under section 2.5.2 referral the application to the Contractor License Board for a decision, and Ms. Gardella is here today to answer your questions.
- **Timothy Crotts:** Under the Cabinet Installers License they would be allowed to do trim work, put in base cabinets, countertops. They cannot do interior doors. As for a carpenter license, they can install interior/interior doors with glass, glazing and/or CBC or GC depending on the structure. Trim on windows and baseboards fall under their license. It's a gray area because it doesn't specify that the trim work is strictly for cabinetry so we would probably allow that to happen. Carpentry gets into more of the rough framing of wood structural components, metal structural components, sheathing, and paneling. Trim is a minor part of that.
- **Kyle Lantz:** Ms. Gardella that is what your experience is in correct?
- **Ms. Gardella:** Yes, we do finish carpentry, mostly trim.
- **Terry Jerulle:** I think we've worked together in the past. I just want to disclose that. So I am disclosing that my company has hired her company in the past and they've done a great job. What type of work are you hoping to do with this license? Just so we can get an idea?

- **Ms. Gardella:** The dream was always to start the company that we have now. My first qualifying experience was the end of 2013 through 2016 when I started Floridian. I worked for a general contractor where I was trained in estimating through I Square Foot. The general contractor mostly did slab block, beam and frame. I was trained how to estimate for STEM wall block frame. We had our own in-house carpenters. They're mostly rough so I was in charge of subcontracting out the concrete work, helping with scheduling and obtaining the correct license. In that position I learned so much and felt confident enough that I had this skill to start Floridian, which was with my husband. We're a small family business here in town. We've grown and done great things and have a great reputation. I have my hand in every single part of our company, from QuickBooks, bidding, sales, delegating, to running the crews. So I feel more than confident to continue on with our finished carpentry work. I'm looking for the license to be sure it's covering anything that we would need within our finished carpentry work.
- Further discussion ensued regarding installing roof trusses. If you have a carpentry license you could do the trusses.
- **Ms. Gardella:** We had in-house rough carpenters. I was on site helping and making sure that everything was delegated through scheduling, through the project managers and having the correct subs that would need to be there – carpenters, scheduling the boom. I wasn't up there doing it myself, but I was in the field and have experience in that nature. I have no intention of setting the roof/trusses. As an example, should something come up to do a summer kitchen outside, replacing deck boards that are an extension of your outdoor living space and have that covered under the license.
- Further discussion regarding what the applicant wants to do with the license. Restrictions? More allowances. This license would allow you to set roof trusses, do sheathing, etc. There is a huge gap between cabinetry to carpentry. Even subcontracting out to someone doesn't mean you know enough to ask the right questions. Even engineering plans may not be totally correct. Building a house from the ground up, I don't believe you have the experience.
- **Ms. Gardella:** We are so busy with our finished work I don't foresee taking a job doing roof trusses.
- **Terry Jerulle:** I'll make a motion to approve.
- **Todd Allen:** Seconded.
All in favor – aye. (*Disunited vote 6-1: Matthew Nolton - nay*)

Ten minute break at 10:31 AM.

Collier County Contractors Licensing Board for September 20, 2023 resumes at 10:45 AM.

(H) BRIAN L. SANTOS: RECORD REVIEW, TREE REMOVAL & TRIMMING CONTR., DYNAMIC TREE SERVICE

- **Brian Santos:** Sworn testimony given.
- **Timothy Crotts:** Mr. Santos has submitted an application for the issuance of a tree trimming and removal license. As part of the application process, Mr. Santos was required to note if he had ever been convicted, found guilty of or entered into a plea regardless of the adjudication, a crime in any jurisdiction within the past 10 years. Mr. Santos noted that in 2014 he was convicted of the crime of home invasion robbery

with a firearm or other deadly weapon, which was a first degree felony. Mr. Santos noted that he pleaded no contest and was convicted of the offense and was sentenced to eight years in state prison of which he served six years and 10 months. As per ordinance 20646 section 2.3.12 qualifier information subsection HA statement to whether the qualifying agent has been convicted of a crime related to contracting or any crime of moral turpitude. In regards to Chapter 489 of the State Statute, as per Florida State Statute section 48911 licensed by examination subsection D, the applicant must be of good moral character. As per Florida State Statute 203 Chapter 49 Contracting Section 3A, the Board may refuse to certify an application for failure to satisfy the requirement of good moral character only if the substantial connection between the lack of good moral character and the applicant and the professional responsibilities of the certified contractor. Staffing conversations with Assistant County Attorney, Mr. Tomasko, and with the Board's licensing attorney, Mr. Neale, felt imperative that this information be reviewed by the Contractor Licensing Board for decision before the issuance of this license. Based upon the information that it received, Mr. Santos is being referred to the Board under section 2.5.2 referral the application to the Contractor Licensing Board for decision and Mr. Santos is here to answer your questions.

- **Todd Allen:** So this is the first time I've encountered something like this. Does the County have recommendations for the Board to consider?
- **Timothy Crofts:** Does the incident that was submitted committed by Mr. Santos disqualify him for getting a contractor license if the Board makes a decision that they feel the license would be issued, then staff would have a recommendation.

Should the license be granted for tree trimming and removal, staff would recommend a 24 month probation as allowed by statute. If there are no issues or any issues at all within the 24 month probation, then the probation would be automatically removed.

- **Patrick Neale:** I did some research on this and it's also something that I've encountered in working with the state licensing board. Typically there are a couple of types of crimes that disqualify a person from being a licensee. Number one is if it's a crime directly related to contracting. As an example if they were convicted of stealing money from their customers. The State Construction Board also issued some guidance as to offenses that automatically disqualify in offenses that automatically do not relate to contracting. The state has three basic things other than direct contracting related crimes that they say automatically disqualify someone that you can use as a basis for denial. Those are: alluded and lascivious act against a child; possession of dangerous drugs; or possession of a firearm by a felon. Those three are all considered that you can use as a basis for denial. There are a number of crimes that they have that do not relate. It's a list of 25 different crimes that don't relate to his conviction that he had, which was a home invasion robbery. It does not show up on their list of the 25 crimes. Examples of some of those are animal control issues, simple assault, simple battery, burglary which, do you want to deem home invasion whether it was a burglary or not, but that does not relate to the practice of contracting, careless driving, carrying an open weapon, damaged property, disorderly conduct, DUI's, minor car accidents, narcotic equipment possession, open container, public intoxication, petty

theft or shoplifting, prostitution, reckless driving, resisting an officer without violence, traffic offenses, trespassing and underage drinking. These are not considered to be automatically disqualifying, that they're not related to the practice of contracting.

- **Todd Allen:** Were you a convicted felon at the time of the arrest? (No.)
- **Terry Jerulle/Todd Allen:** Your date of birth on your driver's license is in 1990. Have you gotten in any trouble since this last time? (No.) Are you on any sort of probation? (No.) How old were you when this happened? (Was 22; now 33.) What have you been doing in the last two years since you've been released?
- **Brian Santos:** I've been doing tree service and raising three boys with my Fiancee and doing my best to be the best man I can be. I've wanted to do this for a long time and my father passed away and I'm just trying to build his business back up. My family has been doing tree work since I was in diapers and they still hold a license. I worked for E. Santos Tree Service after I was released. I am working in Lee County on my own. But I was born and raised in Collier County and I want the opportunity to work here. Lee County does not require a license.
- **Terry Jerulle:** Mr. Santos, convince me.
- **Brian Santos:** I was 22. I made a stupid decision that changed a lot of lives. I did my time and while I was in there, it didn't take me long to realize I needed a lot of work. And I used all my time to just be the better version of me that I could possibly be. I worked my way to the first incentivized prison, which is a big reward. If you're going to do the right thing, you can go down to this program. It started off with a first incentivize prison. I always maintained an orderly job, trusted, canteen for death row, blood cleanup for death row, and CM for murders. I joined every program. I did positive peer leadership when kids would come in. We talked to them and tried to guide them almost like a scared straight program. I was always involved and I was always trying to do something. Since I've been home, I just want this opportunity. I'm trying to literally do everything by the book and two years probation would be nothing for me. It's the only thing I know how to do.
- I was sentenced to eight years, but because of good behavior, I did six years and 10 months. And I'm free and clear. Nothing is holding me back.
- **Todd Allen:** I'll make a motion that we approve the license with a 24 month probation.
- **Richard Joslin:** I'll second the motion
- **Terry Jerulle:** I really want to believe him. Is there anything else you can add?
- **Brian Santos:** I understand completely, Sir. This has been following me for a long time. That's always going to be there for the rest of my life. I know exactly what you're thinking. Nobody was injured. I had a codefendant and he is back in prison.
- **Todd Allen:** The concern is you're going to be interacting with members of the community, and they trust us to supervise, to be the gatekeeper of people who actually do this. So there's a concern based off the prior conviction.
- **Todd Allen:** All those in favor of approving Mr. Santos' license with a 24 month probationary period?
All those in favor – aye. (*Carried unanimously, 7-0.*)

(I) DOMINIC L. SANTOS: REVIEW OF CREDIT, TREE REMOVAL &

TRIMMING CONTR., D. SANTOS TREE

- Sworn testimony given.
- **Todd Allen:** We've seen you here recently. And Terry, this goes out to you because I don't know if you remember this. You challenged Mr. Santos to go take this test and he did. And he passed.
- **Timothy Crotts:** Mr. Santos has submitted the application for the issuance of the tree trim and removal license, which requires a minimum credit score of 660. As part of the application process under Collier County Ordinance 20646, Section 2.3.9, Mr. Santos was required to submit a personal and business credit report. Mr. Santos' 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 financial responsibility as set forth in State Rule 61G4-15.006 of the State of Florida. A review of the personal credit report showed the following. Mr. Santos's credit report is currently at 545. However, he did submit a credit review however it was not a credit report, showing that it was up to possibly 590. The credit report showed a collection in the amount of \$445 and Mr. Santos paid it immediately and it has been verified and is no longer in collection. Collections in the amount totaling \$8,560 due to Wakefield Medical were noted on March, 2023. In a conversation with Mr. Santos, these charges were due to an accident he had at which time he did not have any medical insurance. Based upon the information received, Mr. Santos does not meet the minimum requirements as set forth in Ordinance 20646 as it relates to financial responsibility. Mr. Santos is being referred to the Board under Section 2.5.2 referral the application to the Contractor Licensing Board for a decision.
- **Todd Allen:** Mr. Crotts, correct me if I'm wrong, but I think the Board doesn't consider medical debt when we're in this sort of situation. Is that true?
- **Timothy Crotts:** That is correct, and especially in a case like this where the applicant did not have medical insurance. Medical costs are extremely high. There are no other delinquencies. I do have a recommendation.

That the issuance of the license be granted with a 12 month probationary period and Mr. Santos be required to submit to staff a new credit report at the end of the probationary period showing a credit score of at least 660 and no additional credit issues. Failure to meet these requirements shall require Mr. Santos to appear back before the Board for review and possible disciplinary action as deemed necessary by the Board. If at any time in the probationary period, Mr. Santos can show a credit score of 660 with no additional credit issues the probationary period would be automatically removed by staff.

- **Todd Allen:** I'll make that motion.
- **Kyle Lantz:** I'll second.
All in favor – aye. (*Carried unanimously, 7-0.*)

(J) CLAUDIA A. SACACIAN: REVIEW OF CREDIT, 3 REINSTATEMENT APPLICATIONS (FLOOR COVERING, TILE & MARBLE AND CABINET INSTALL), CLASSIC STONE DESIGN, INC.

- **Claudia Sacacian:** Sworn testimony given.

- **Timothy Crotts:** Ms. Sacacian has submitted a reinstatement application for the issuance of three different licenses: floor covering, tile and marble, and cabinet installation contractor. Those licensees were put in suspended status due to non-renewal. As part of the application process under Collier County Ordinance 20646, Section 2.3.9, Ms. Sacacian was required to submit a personal and business credit report. Ms. Sacacian’s 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 and qualifier meets the requirement for financial responsibility as set forth in state rule 61G4-15.006 of the State of Florida. A review of the personal credit report submitted shows the following areas of concern: Personal credit report submitted shows a credit score of 596 which is below the minimum of 660 as required by rule. There's a collection in the amount of \$396 by Mid Length Credit which was dated July of 2023. There is a collection in the amount of \$511 by Verizon Wireless which was dated July of 2023. Total amount due is \$907.00. Based upon the information received, Ms. Sacacian does not meet the minimum requirement that is set forth in Ordinance 2646 as it relates to financial responsibility. Ms. Sacacian is being referred to the Board under Section 2.5.2 referral of the application to the Contractor Licensing Board for decision and she is here to answer your questions.
- **Todd Allen:** The total is less than \$1,000. How soon can you pay that?
- **Ms. Sacacian:** I didn’t even know but I can pay it today.
- **Todd Allen:** Does the staff have a recommendation?
- **Timothy Crotts:** Recommendation is that the issuance of the reissuance of the applications be granted and the applicant be required to submit an updated credit report after six months showing an improved credit score and no additional credit issues. The probationary period will be for 12 months. The applicant must submit a credit report after 12 months showing a credit score of at least 660 and the total collections amount be paid off. At any time during the 12 month probationary period, if the applicant can show a credit score of 660 and all collections have been paid off, probation can automatically be removed by staff. There are late fees, no complaints, but there are late fees that will be required to be paid before these will be issued.
- **Todd Allen:** Motion to approve.
- **Kyle Lantz:** Seconded.
All in favor – aye. *(Carried unanimously, 7-0.)*

9. **Old Business**

A. RESCIND EMERGENCY CERTIFICATES OF COMPETENCY

- **Timothy Crotts:** On August 29 of this year, we held an emergency meeting to discuss the issuance of emergency certificate competencies. At that meeting, we did vote to have staff, if required, to issue emergency licenses under Ordinance 20646, Section 2.1, Subsection 2112, authorizes the contractor licensing supervisor to issue these licenses, however, the licenses would not exceed 60 days or exceed the Declaration of the Emergency Order of Collier County. The emergency order from Collier County was not renewed after the initial meeting. Therefore the issuance of the emergency license is now null and void. If not, I would have recommended that we rescind that order because we found that the damage caused by Adalia was

minimal and the need for outside contractors was not needed. No action is needed by the Board.

10. PUBLIC HEARINGS

A. 2023-17, ROGER ROJAS DBA ARTISAN SEAL, INC. (CEMIS20230007275)

- **Todd Allen:** Motion to open the public hearing.
- **Richard Joslin:** Seconded.
All in favor – aye. (*Carried unanimously, 7-0.*)

- **Roger Rojas:** Sworn testimony given.
- **Michael Bogert:** A copy of the hearing preamble was given to and read by the respondent. He has initialed and dated the copy. I would like to enter the preamble and packet for case number 2023-17 along with page two of the notice, a hearing that was not uploaded into the original evidence packet submission into evidence at this time, the respondent attests this page was initialed and signed by him on August 22, 2023.
- **Todd Allen:** Motion to accept the County’s packet into evidence.
- **Terry Jerulle:** Seconded.
All in favor – aye. (*Carried unanimously, 7-0.*)

- **Michael Bogert:** The respondent, Roger Rojas, a Collier County licensed title marble contractor with issuance number 201700000406 is a qualifier for and owner of Artisan Seal, Inc. Mr. Rojas was subcontracted by an unlicensed contractor for \$1,000 to perform interior renovations that included cabinetry and countertop dismantling with plumbing disconnections at 7260 Coventry Court Unit 426 without a permit where one was required. Mr. Rojas is in violation of the Collier County Code of Laws and Ordinances, Section 222012, which states in pertinent part that it is misconduct for a holder of a collier county certificate of competency to contract to do any work outside the scope of his or her competency as listed on his or her competency card and as defined in this ordinance or as restricted by the contractor licensing board. Mr. Rojas is also in violation of Collier County Code of Laws and Ordinances, Section 2220118, which states in pertinent part that it is misconduct by a holder of the 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.
- **Mr. Rojas:** I know I was not supposed to go out of my scope of work but I was asked to remove some cabinets and that's what I did. I didn't do anything else besides that. I only went in there and measured 2 jobs that I was supposed to bid on. The guy that had a contract with the homeowner asked me to remove the cabinets so I went ahead and did it. I didn't know I was going to get in trouble. If I would have known this, I wouldn't have done it. Everything is true in the complaint.
- **Todd Allen:** Motion that we accept his admission of guilt and move to the sentencing phase.
- **Terry Jerulle:** Seconded.
All in favor – aye. (*Carried unanimously, 7-0.*)

- **Todd Allen:** Motion to close the public hearing.
- **Richard Joslin:** Seconded.
All in favor – aye. (*Carried unanimously, 7-0.*)

- **Todd Allen:** Mr. Neale, we've been provided with a copy of Section 22-201, Subparagraph 18. These are the range of sanctions that we can implement? (Yes.)
- **Timothy Crotts:** The two trades being done outside the scope for cabinetry and plumbing because it was a condominium, a permit would have been required for the plumbing. On Count 1, the staff recommends a \$2,000 fine to be paid within 60 days. Failure to pay the fine within 60 days would result in the automatic revocation of the respondent's license, and that the respondent's license to be placed on a 12 month probationary period. In regard to Count 2, a \$1000 fine to be paid within 60 days. Failure to pay the fine within 60 days would result in the automatic revocation of the respondent's license, and a 12 month probationary period to run concurrently with Count 1.

A cabinetry contractor would be able to remove the cabinets. However, when you get into a condominium, the exemption rules don't exist and therefore when you start messing with plumbing that requires a permit because the disconnection and the reconnection would have to be inspected. Because obviously there's a life safety with the unit if it's not disconnected correctly and there is a major leak it could cause major damage to units above or below. The same thing would apply to electrical.

- **Richard Joslin:** I'll make a motion that we adopt the county's recommendation.
- **Robert Meister:** Seconded.
All in favor – aye. (*Carried unanimously, 7-0.*)
- **Todd Allen:** 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 sufficiently provided and in compliance with the applicable law. The respondent is the holder of the license that set forth in administrative complaint. The respondent was present at the hearing and was not represented by counsel. The Board has jurisdiction over the respondent subject matter raised in the administrative complaint. The respondent committed the violations as set forth in Count 1 and Count 2 of the administrative complaint. Therefore, by a vote of seven in favor and zero opposed, the respondent is found guilty of the violation set forth in Count 1 and Count 2 of the administrative complaint and the Board imposes the following sanctions against the respondent. For Count 1, there will be a fine issued of \$2,000, which shall be paid within 60 days. If the fine is not paid within 60 days, the license will automatically be revoked and there will be a 12 month probationary period. On Count 2, there will be a \$1,000 fine payable within 60 days. If the fine is not paid within 60 days, the license will automatically be revoked and a 12 month probationary period will be implemented for Count 2 that shall run concurrent with Count 1.

11. NEXT MEETING DATE -- Wednesday, October 18, 2023

- **Todd Allen:** Motion to adjourn the meeting.
- **Terry Jerulle:** Seconded.
All in favor – aye. (*Carried unanimously, 7-0.*)

There being no further business for the good of the County, the meeting was adjourned at 11:20 AM.

Collier County Contractor Licensing Board



Todd Allen, Chairman

These minutes were approved by the Chairman of the Contractor Licensing Board on 10-18-2023, (check one) as submitted or as amended _____.