

MINUTES
OF THE COLLIER COUNTY
CONTRACTOR LICENSING BOARD MEETING
JUNE 21, 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, with the following members present:

Chairman:	Todd Allen
Vice Chairman:	Stephen Jaron
	Robert Meister
	Terry Jerulle
	Matthew Nolton
	Richard Joslin Jr.
	Kyle Lantz
	Elle Hunt

ALSO PRESENT:

Colleen Kerins, Esq.
Timothy Crotts, Contracting Licensing Supervisor
Kevin Noell, Esq.
Michael Bogert, Licensing Compliance Officer
Greg St. Jean, Licensing Compliance Officer
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

- **Todd Allen:** Meeting came to order and a roll call was taken with eight members present.

2. Additions or Deletions

- **Timothy Crotts:**
 - Remove under new business, 8D. The application has been withdrawn by the applicant (Freddy A. Prado).
 - Under 8E, we have Mr. Aguilar for review of experience. We've also added credit to that.
 - Under 8F, that is being continued to the July meeting at the request of the applicant (Wilmer Y. Portillo Sanchez).
 - Under 9A, Old Business, Mr. Novella was able to complete the requirements of the previous Board order. The certificate of completion has been issued so that has been removed.

3. Motion to Approve the Amended Agenda

- **Kyle Lantz:** Made motion to approve the amended agenda.
- **Richard Joslin:** Seconded the motion.
All in favor – aye. *Carried unanimously, 8-0.*

4. Approval of May 17, 2023, Minutes

- **Kyle Lantz:** Made motion to approve the agenda.
- **Matthew Nolton:** Seconded the agenda.
All in favor – aye. *Carried unanimously, 8-0.*

5. Public Comments

None.

6. Discussion

- **Timothy Crotts:** June is the official start of the hurricane season. As a reminder for the Board, as an update that in the ordinance 206-46 under Section 2.11, the County does have the authority to issue emergency restricted certificates of competency. Those are done under the authority of 2.11.1, when the county or city declares a state of emergency. We would then come before the Board, have an emergency meeting of

the Board to discuss what emergency licenses we may need to issue for the trades we think that may be affected or be most affected by the effects of the hurricane. The licenses are done for the period of the state of emergency by the county or by the City of Naples, or they automatically expire after six months. So that is something that we would monitor throughout that process. With any luck, I'm hoping that we don't have to worry about it this year, but I just want to bring it to the Board's attention should something happen. That is the procedure we would be following.

7. Reports

- **Timothy Crotts:** Announcement of reappointment of Kyle Lantz to the Contractors Licensing Board effective through June 30, 2026, representing District 3.
- **Colleen Kerins:** Update on House Bill 1383– signed by Governor DeSantis June 20, 2023, most importantly pushing back any of the changes regarding state licensure preemption to 2024. So, we do gain an additional year of continuing in the status quo. What it also does is require that the state board establish additional voluntary licensure categories for 12 new things that were not previously allowed to be regulated at the state level – many of the marine aspects are there, seawall, bulkhead, dock work, pile driving, structural masonry, rooftop solar heating, structural steel window and door install, plaster and lath and some structural carpentry. That should allow us to continue to regulate those items as well as at the county level. It also specifically allows the county to continue to regulate aluminum or vinyl gutters, siding, soffit, fascia, rooftop painting, coating, ceiling above three stories, and then fence installation and erection, as we have already been regulating those items prior to January 1, 2021, when the initial preemption was put forth by the state. This allows us to regain and keep a lot of the things we thought we were going to lose with the prior aspects of the statute change. Our ordinance revamp won't be as lengthy and allow the board to continue to regulate it and have more consumer protection at our level.
- **Kyle Lantz:** Painting, tile – still gone, effective 2024.
- **Richard Joslin:** And that's probably subject to change too.
- **Colleen Kerins:** I would assume so based on the past, what, four months of legislation on this, where everything kind of got tested and retracted for a little bit of the part. With these changes, it appears that they've now required licensure for the things that would be required for you to pull a permit, which is why they've allowed us to retain the fencing and make those additional voluntary levels at the state. Things like painting and flooring, a lot of times we don't require anyway, so this should not affect the permitting process as much as we would have thought with the prior version. All subject to change, so let's see how the next year goes.
- **Timothy Crotts:** Introduction of Greg St. Jean, one of the newest full time investigators. He is full-time.
- **Greg St. Jean:** Served for 22 years on the fire department in Providence, Rhode Island. Moved here about four years ago and decided to venture outside of the fire service. I am looking forward to working with each of you and Supervisor Crotts.

- **Timothy Crotts:** I am allowed five full time slots. Mr. St. Jean is the fifth addition to the staff. We are still trying to fill three full-time/part-time positions – what they consider the key staff positions for a total of eight investigators. The three full-time/part-time positions are full-time but come from an employment agency. They are not employees of the county.
- **Richard Joslin:** Did anyone see the case that came up on TV where three gentlemen were caught doing unlicensed work as a felony? Did the county have anything to do with that as far as one of our investigators?.
- **Timothy Crotts:** Those were all licensing cases. The County Contractor Licensing put those cases together and we presented those cases to the Sheriff’s Office for the probable cause that they needed for the arrest warrants. There have been eight felony arrests with unlicensed contractors during the state of emergency and we have six pending. But those are all cases that were put together by Contractor Licensing.

8. New Business

(A) Orders of the Board (13 items)

- **Richard Joslin:** Made a motion that the Chairman sign the Orders of the Board.
- **Kyle Lantz:** Made motion to second.
All in favor – aye. *Carried unanimously, 8-0.*

(B) John J. Karterouliotis: Sworn testimony given.

- **Timothy Crotts:** Application was submitted for the issuance of a general contractor’s license which requires 48 months’ experience. As part of the application process for the issuance of a general contractor’s license, he was required to submit documentation showing his experience. As part of the review process by staff, he submitted verification of experience from current and former employees outlining his experience. First one was Next Generation Construction, which is a local licensed general contractor, Matthew Baker, President. According to Mr. Baker, this company does mostly condo remodels, no building of new condominiums, limited commercial building remodels and limited new home builds. Mr. Karterouliotis has worked for this company from April 2023 to the present, which is two months. His role is that of a site supervisor and may do hands on work if required. The second one received was Gulf Coast Construction of Naples, which is a state certified general contractor, Thomas Meister, President. According to Mr. Meister the company's scope of work consists of 90% commercial with nothing over four floors. Mr. Karterouliotis was a full-time employee for this company from April 2021 to October 2021, six months. He assisted in all areas of construction. HIR Naples AC and Gas, which is a state certified building contractor, Mark DeSoto owner. According to Mr. DeSoto, the company's scope of work consists of constructing and remodeling of residential homes with nothing over three stories, no new commercial building only remodeling. Mr. Karterouliotis worked for this company from January of 2017 to April 2021, 51 months. He was described as very hands on and very talented.
- Based on this information received, the staff’s opinion is that Mr. Karterouliotis does not meet the requirements set forth in ordinance 206-46 as it relates to experience

- under section 1.6.1.1 as a general contractor. Because Mr. Karterouliotis does not meet the requirements, qualifications needed for the issuance of the general contractor license, Mr. Karterouliotis is being referred to the Board under section 2.5.2 referral of the application to the Contractors Licensing Board for decision. Mr. Karterouliotis is here today to answer your questions regarding his experience.
- **John J. Karterouliotis:** I've been down in Naples for about 18 years. I am a third generation contractor, my grandfather, uncles, cousins are all contractors. It's pretty much all I know my entire life. Up north, we've done everything from pour slabs, frame. Pretty much contracting is all I've ever done. I've worked for several companies besides the ones mentioned. Am very hands on. Whatever I don't know for sure I know where to find the answers. I'm very resourceful. A man of integrity. And honestly, I'm just looking to do better for my family and my community.
 - **Stephen Jaron:** What are the other companies that weren't mentioned by Mr. Crotts?
 - **John J. Karterouliotis:** Supreme Flooring; I've worked for other small town contractors from out of state, from upstate New York. Sometimes we travel back and forth depending on my cousin. He owns a company called Apex. My uncle owns TLC Construction.
 - **Todd Allen:** What sort of work are you planning to do with the license if you get it?
 - **John J. Karterouliotis:** My strong point is residential remodel. I'm not going to lie to the Board. I feel confident that I can handle all tasks at hand. A general contractor license would afford me the opportunity to excel and possibly open new horizons for future work. I always want to improve. I always want to do better. I want to put my name on things. I want people to say, hey John did that, he's a quality guy, I want to refer him, I want to hire him. It's important for me to represent myself and my company.
 - **Elle Hunt:** A general contractor license allows him to build condominiums, right?
 - **Timothy Crotts:** Condominiums, high rises, it allows him to build one of the highest buildings that we could consider in the county.
 - **Elle Hunt:** Can you explain experience in those areas? How many condos have you built?
 - **John J. Karterouliotis:** Honestly, I haven't built any, but in the event that I would need to build a condo, I would make sure that I staffed properly, I've kept all my books. I have a network of people/peers who I can communicate with, if I have questions. But honestly, I'm not looking to come out of my normal scope of residential remodeling.
 - **Elle Hunt:** Why didn't you apply for just the residential contractor license?
 - **John J. Karterouliotis:** A general contractor is unlimited to his or her abilities. I don't know where the future will take me, but once I get there, I want to make sure that I'm fully prepared.
 - **Elle Hunt:** So instead of starting off with a residential and then working your way up to it, you want us just to give you an unlimited license today.
 - **John J. Karterouliotis:** Not that you would give it to me, but I feel confident. You know, I've passed the test. I've studied for over a year. I think that my review of experience, I can understand how you would think, okay he's never built one before,

but as any person who's coming across new work or new codes that comes out, we all have to learn them. We all have to implement those rules and you know I feel confident that I'd be able to handle it when the time came that I felt confident enough to build a high rise. So I don't want you to give me anything. I feel that I've earned it to an extent. Obviously I passed the test. I have a tremendous amount of residential experience. And in the future, if I were to decide to go that way, I feel that I would take the proper steps to be able to be fully qualified to be able to build a high rise or a commercial building.

- **Kyle Lantz:** Have you ever built a house?
- **John J. Karterouliotis:** Yes, I've taken part in several homes.
- **Richard Joslin:** Meaning?
- **John J. Karterouliotis:** I didn't own the company. I worked for someone who built a home. But I've been there through all stages, yes.
- **Matthew Nolton:** In Florida or up north?
- **John J. Karterouliotis:** Both.
- **Kyle Lantz:** How about a commercial building?
- **John J. Karterouliotis:** I've partaken in limited commercial work, firewall applications, metal framing, but never fully built a commercial building.
- **Kyle Lantz:** Do you have much work remodeling commercial buildings?
- **John J. Karterouliotis:** Far and few. I like the residential end better. I mean, if I can maintain that, then I would.
- **Stephen Jaron:** Residential meaning single family homes?
- **John J. Karterouliotis:** Single family homes, multifamily dwellings, condos, stuff like that.
- **Stephen Jaron:** High rise condos?
- **John J. Karterouliotis:** Nothing more than like the typical condo in Naples like four floors and under. When I think high rise, I think down on the beach, Gulf Shore Blvd. I have a tremendous amount of experience. With the previous company doing flooring, I've been in and out of many high rises, but as far as constructing a high rise I have pretty much none.
- **Terry Jerulle:** What have you been doing the last two years?
- **John J. Karterouliotis:** The last two years I've been working for various companies. I started working with Next Generation. Matt is a mutual friend and I've been working with him on his projects.
- **Terry Jerulle:** And you have a flooring license? If you're going to take the test to be a general contractor, why haven't you worked for a general contractor on some of these high rises or worked for a general contractor that builds homes?
- **John J. Karterouliotis:** I have worked for several contractors. Yes, I have built a home from the ground up.
- **Terry Jerulle:** So you've driven piles?
- **John J. Karterouliotis:** Pilings? No, we've poured slabs.
- **Terry Jerulle:** So you have no experience doing a deep foundation system? And you don't think that's important to know or to have?

- **John J. Karterouliotis:** I do feel that's very important. You've asked me if I've done it. I said I have not, but I am knowledgeable in the event that if we need to I will take every proper precaution and make sure it's done right the first time. I'm not going to tell you that I have experience doing something I've never done.
- **Terry Jerulle:** No offense, but everybody that comes in front of us that wants a license will say the same thing. You just don't have the experience. If you were to come to me before this meeting and ask me, what do I need to do to get my contractor license, I would say you need to work for a general contractor that does homes from the ground up or does commercial buildings from the ground up and have that experience. I think the minimum is 4 years or 48 months.
- **Richard Joslin:** Without having any piling experience do you think that he would be qualified to even have a residential license?
- **Terry Jerulle:** I just don't think so. I mean a residential license you have to do a swimming pool. In swimming pools sometimes they're structural swimming pools and I don't know that he has. I mean, I'm just listing off of a few of the many things that you need.
- **John J. Karterouliotis:** With all due respect, I've been in construction my entire life. I've seen pretty much everything but because I haven't built high rises, because I haven't sunk pilings, doesn't mean I'm not qualified to do the rest of the scope of work.
- **Matthew Nolton:** There's an old maxim, you don't know what you don't know. These structures are very complicated and sure you can ask people, but as a general contractor it all falls back to you and you're supposed to be the guy guiding and directing. And we didn't even talk about all the various roof issues down here or the waterproofing issues down here. I mean, it goes on and on and on and on about three story residences or four story commercials and up. It's a very complicated place to build structures and you haven't told us that you have that experience.
- **Todd Allen:** Motion to approve or reject? I'll make a motion that we not approve the application.
- **Terry Jerulle:** Second motion to reject.
- **John Karterouliotis:** I have a quick question. Obviously, general contracting is a big boy license. It requires a lot and you guys are here for a reason. Quality control. As you stated earlier, why didn't I apply for a residential license? All my experience is pretty much in residential. Would it be an option to receive a residential building license to excel my company?
- **Todd Allen:** What we can do is if you would want to withdraw this application and get back with Mr. Crotts and his staff and submit a new application for that, then we can reconsider that. I can't give you advice, but I think it would probably be best for you to with consider withdrawing this application before it's denied.
- **John Karterouliotis:** Yes, I withdraw my application that's before the Board now.
- **Stephen Jaron:** But you're still going to need more experience, either way, whether it's a residential, building or general. You can withdraw it and then reapply. I don't think we're going to approve the residential either if you don't know anything about structural, concrete and pilings.

- **Terry Jerulle:** And this is just free advice. You really should work for a general contractor, a legitimate general contractor in town that does ground up construction and try to get a supervisory position there where you're exposed to everything from the piling to the roof trusses to the roofing itself.
- **Elle Hunt:** They are always hiring. They're looking for great contractors/people. So if you have this experience, it will be easy to find one of these roles.

(C) **Yuniel Perez:** Sworn testimony given to Mr. Perez and his translator.

- **Timothy Crotts:** Mr. Perez has submitted an application for the issuance of a residential contractor license, which requires 48 months experience and requires a minimum credit score of 660. Under the credit side, as part of the application process under Collier County Ordinance 206-46, section 2.3.9, Mr. Perez was required to submit a personal and business credit report. Mr. Perez'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 or qualifier meets the requirements for financial responsibility as set forth in Rule 61G415.006 of the State of Florida. A review of the personal recurrent report submitted by Mr. Perez shows the following areas of concern. Mr. Perez' personal credit score shows 597. Your credit report shows the following unpaid collections -- \$6,338 from Bank of America, which was reported on March of 2023. Should be noted that Mr. Perez has entered into a payment plan with the Bank of America, however, it's unknown if this payment plan is current. \$583 from Hartfield reported on March of 2023. This debt was satisfied on March 30 of 2023. \$1,500 from Macy's reported on March 2023. \$626 from Portfolio ROC Synchrony Bank reported on February of 2023. And \$3,495 from Suncoast Credit Union reported on September of 2022. \$10,948 from Suncoast Credit Union reported on September of 2022. Total amount of collections due was \$23,509.
- As part of the experience, the application process, Mr. Perez was required to submit documentation showing his experience. As part of the review process by staff, Mr. Perez submitted verification experience from former employees outlining his experience. Abbott Hill LLC, which is a state certified general contractor. Peter Sacacian owner. Mr. Perez worked for this company from September 2020 through August of 2021; 11 months. His work consisted of light remodeling only. There was no building of new homes. Magnet Construction Incorporated, which is a state certified general contractor. Jaime Calle President. Mr. Perez worked full time for this company from September 2020 to present; 29 months. In a phone interview with Mr. Calle, it was revealed that Mr. Perez' experience was that as a supervisor, he had no hands-on building of residential homes. Perception Building Incorporated, which is a state certified general contractor, James Melgar, President. Mr. Perez was reported to have worked full time from March 2018 to August 2020; 29 months. After several attempts to contact the owner of this company, we were unable to reach him and we were unable to verify the experience and could not confirm any experience at this time. Mr. Perez did appear before the Contractor Licensing Board on March of 2023 for review of his credit and experience. A copy of those minutes has been included in your packet for review. Based upon the information received, Mr. Perez does not meet

the minimum requirements set forth in ordinance 206-46 as it relates to financial responsibility, and it is the opinion of staff that Mr. Perez does not meet the experience as required under section 206.46.1.6.1.3 as it relates to the trade of residential building contractor. Mr. Perez is being referred to the Board under section 2.5.2 referral the application to the Contractors Licensing Board for decision and Mr. Perez, along with his translator, is here today to answer your questions regarding his credit and experience.

- **Yuniel Perez:** I'm working on it little by little and every month to pay everything off.
- **Elle Hunt:** So do you have anything that we can verify in regards to like the credit repayment or deals that you have with them?
- **Timothy Crotts:** There is documentation starting on page 125 and 127.
- **Yuniel Perez:** The only account that is not willing to do a payment settlement is Suncoast. We're still working with them. Macy's is requesting the 1099 from the IRS. We've asked twice but they haven't sent it yet. We consulted with the credit people and since we've been making arrangements about paying the credit score goes down.
- **Todd Allen:** The concern at the last meeting, I believe, was not necessarily about his experience but more so about the credit. Is that correct Mr. Crotts?
- **Timothy Crotts:** The emphasis was more on the credit not the experience. However, there was still a concern about the experience for the level of contracting; it's a residential. Last time he was here for building contractor registered.
- **Kyle Lantz:** So I'd just like to commend you. We have a lot of people who come in here with some problems on their credit and we say you need you to call everybody, see what you can do to fix it. And they all say, okay I will. And very few of them do. You called them, made plans, paid some stuff off, gave us documentation. That's what we asked for. And we don't get that very much. You did a good job with that.
- **Kyle Lantz:** Can you refresh my memory on what kind of experience you have?
- **Yuniel Perez:** Supervises about 20 properties right now with Magna Construction, from the slab blocks, everything until the new houses are finished. Yes he has done pilings. The pilings were done where the water is, the slab is from 6 to 8 inches; residential is 4 inches on the concrete. Regarding trusses, as the guys are doing it I check that they're on code from one to the other. The trusses come by number and he looks at the plans/blueprint.
- **Stephen Jaron:** The 20 jobs you're supervising, where are those?
- **Yuniel Perez:** Cape Coral. It is a community. The homes are similar and they are all on slab – no stem walls, no pilings.
- **Terry Jerulle/Elle Hunt:** When do you think you'll have your credit report back up? Why do you want to start working as a contractor today versus waiting six months until the credit is cleared up? Why should we approve you today?
- **Yuniel Perez:** There is a house in Collier County that he needs to start on to build. They are waiting on him to get his license before they start the build.
- **Kyle Lantz:** I'll make a motion that we approve his license with a one year probation. The one year probation is due to his credit and after in a year's time he has to show up with a credit report that is above 660. If that's the case, we don't have to see him again. If it's less than 660, then he has to come back to the Board. If he shows up with

- the credit report at 660 tomorrow, he gets taken off probation tomorrow. The probation is just until either one year or until you get a credit report up to 660.
- **Terry Jerulle:** Made issues regarding taking away his license a year from now if the credit score is not up to 660; it could be 640. What if he's in the middle of a build?
 - **Timothy Crotts:** Recommendation made: If the license is to be granted, we would do a 12 month probationary period. Within 90 days, Mr. Perez will be required to submit updates as to the status of those credit accounts where a payment plan has been agreed to show that the payments are current. Within 90 days, Mr. Perez would be required to show payment plans entered into with the remaining credit accounts, and that these credit plans are current with the agreed amounts. That Mr. Perez submits an updated credit report in six months, showing an increased credit score, all payment plans are current and there are no additional credit issues. That Mr. Perez submit an updated credit report at the end of 12 months showing a credit score of at least 660, all payment plan amounts are current and there are no additional credit issues. Failure to meet any of these conditions would require the applicant to appear back before the Board for an explanation and other actions to be determined by the Board. Should Mr. Perez meet all the required as stated, the probation would be automatically removed and no further action would be required by the Board.
 - Above paragraph was read to Mr. Perez in Spanish for his full understanding of the above and he has given his agreement.
 - **Kyle Lance:** I'll modify my motion to exactly what Mr. Crotts said.
 - **Richard Joslin:** Seconded the motion.
 - **Todd Allen:** All in favor – aye. *Carried unanimously, 8-0.*

(E) **Rafael Aguilar:** Sworn testimony given to Mr. Aguilar.

- **Timothy Crotts:** Mr. Aguilar has submitted an application for the issuance of a residential pool spa contractor, which requires 24 months experience in the trade and a minimum credit score of 660 as required by rule for the State of Florida. Note that Mr. Aguilar currently holds a local specialty license for the trade of paving block contractor, which was issued in 2021. As part of the credit as part of the application process under Collier County Ordinance 206-46, section 2.3.9, Mr. Aguilar was required to submit a personal and business credit report. Mr. Aguilar 's personal credit report was reviewed and appears not to meet financial responsibility as set forth in section 2.5.1 subsection D, the applicant or qualifier meets the requirement for financial responsibility as set forth in Rule 61G415-006 of the State of Florida. A review of the personal credit report submitted by Mr. Aguilar shows the following area of concern. Mr. Aguilar's current report shows a score of 525, which is below the minimum credit score required by rule of 660. The following areas of concern were noted as collections: \$1,352 by AMEX dated February of 2023; \$358 from Capital One dated February of 2023; \$2,378 from GS Bank USA dated February of 2023, for a total collection of \$4,088.
- As part of the review process by staff, Mr. Aguilar was required to submit verification of experience from the following licensed contractors outlining his experience – Jeff Wilson Pools Incorporated, Theresa Burnett, director, is a state certified pool and spa

- contractor. Mr. Aguilar has been employed from June 2019 to present full-time. Mr. Aguilar's duties are that of installing paver block, tile, coping and some pool related repairs. It was noted that Ms. Burnett stated that Jeff Wilson Pools does not build new pools. Nassau Pool Construction, Brian Hicks, vice president of construction, which again is a state certified pool and spa contractor, Mr. Aguilar has been a subcontractor as a 1099 employee from March 2019 to present. Mr. Aguilar's duties have been tile work and some repair work. Mr. Aguilar has not built any pools for this company.
- Based upon the information received from Mr. Aguilar, he does not meet the minimum requirements as set forth of the ordinance 206-46 as it relates to financial responsibility and is the opinion of staff that Mr. Aguilar does not meet the experience required under section of the ordinance, 206-46 section 1.6.2.8 as it relates to the trade of residential pool and spa contractor. Mr. Aguilar has been referred to the Board under section 2.5.2 referral of the application to the Contractor Licensing Board for decision. Mr. Aguilar is here to answer your questions regarding his credit and experience.
 - **Mr. Aguilar:** I have an updated credit report where I paid off Capital One, GS Bank and Wells Fargo. I am still in contact with AMEX. They told me they had passed my balance to a collector, but then we're going to get it back so I can negotiate with them and they could probably remove it from my report but pay the full amount to them. I have an updated report yesterday.
 - **Todd Allen:** Yes, can we see that?
 - **Richard Joslin:** While we're looking at that can you give me insight on your experience for pools?
 - **Mr. Aguilar:** I started at a young age with my dad since I was ten or 11 years old and he would take me to the job site. So I've been eating, sleeping and breathing pools all my life. We've done major repairs and major installs for Nassau pools, the oldest pool but here in Naples. For any type of big concern they always call us and I'm the one that's in front of the company right now. My dad retired three years ago, so he's a supervisor on the side. But I'm the one taking the company now. I've done work with the guys that do the rebar. I've done the excavation tool. I know how to read the prints. I've done the wiring, the ground wiring on the rebar, putting it on to the attachments of the handrail of all the access areas running it to the equipment, doing the pre-plumbing, testing it at 35 PSI for 50 minutes, so there are no leaks in the plumbing, the Shotcrete types of cement. There's the type one that is normal or the regular, type two for sea fronts that have no salt affect on the concrete. I've done the coping. I have a license right now for paver, so I do paver work for a lot of companies here especially Nassau pools and Jeff Wilson. But I've also done work for Sunshine Pools. I've done work for other contractors, and I've done work as well for Primo Pools up in Port Charlotte.
 - **Richard Joslin:** What kind of work did you do with the other companies?
 - **Mr. Aguilar:** A lot of repair work, coping, tile and paving. I was a 1099 subcontractor.
 - **Richard Joslin:** You know you can't do that. I'm a pool contractor.
 - **Mr. Aguilar:** I was their employee. They cut me a check with taxes taken.

- **Terry Jerulle:** I have a house on the beach up in Hickory that I'm going to be building and they want an elevated pool. Can you build an elevated pool?
- **Mr. Aguilar:** I've seen how they do it but have never done one.
- **Elle Hunt:** Explain to us the process that you would do building his pool.
- **Mr. Aguilar:** We get the prints from the engineer. Then we schedule the pilings. Because it's on beachfront or waterfront, class C soil so everything is very loose, we get the number of pilings from the print. We install the pilings, and the forming, and I don't remember the name but it supports the weight of the concrete. You do dependently one level twisting it one by one. Then we run the pre-plumbing, do the rebar #5. On Bonita Beach helping my godfather, we did two layers of rebar, one on the bottom with four inch spacing. Then the second layer on the top so that we have the reinforcement because of the waterfront and then we pour the concrete. That's Type 2. Then we get the inspector to come out and check was has been done so far.
- **Richard Joslin:** And how long ago was this? And the company you worked for?
- **Mr. Aguilar:** It was COVID 2020. Diamond Pools. My godfather was working for them. The owner is Diamond Lamont. The rebar was a grade 60, #5.
- **Kyle Lantz:** What do you want to do with this license?
- **Mr. Aguilar:** Focus mostly on coping, tile and renovations, overall renovations. People ask can you do a renovation in the future?
- Discussion ensued regarding pool maintenance, minor repairs, chemistry, water balance, not enough experience with constructing a pool, etc.
- **Todd Allen:** Do you want to withdraw your application and resubmit for the Pool Service and Repair License? I don't think we heard enough today to give you a residential pool spa contractor license.
- **Mr. Aguilar:** Yes, withdraw. Will submit for a Pool Spa Servicing Contractor. No structural work.

(G)**Orlando Blanco, Jr.:** Sworn testimony given to Mr. Blanco.

- **Timothy Crotts:** Mr. Blanco has submitted an application for the issuance of garage door installation contractor, which requires 12 months experience. As part of the application process for the issuance of a garage door installation license, Mr. Blanco was required to submit documentation showing his experience. As part of the review process by staff, Mr. Blanco submitted a verification of experience from current employer, showing that Mr. Blanco was a full-time employee from February 2022 to January 27, 2023, when the verification of experience was submitted. Allied Doors of West Florida, which is a local garage door installation contractor and speaking with the general manager of this company, he declined to answer any questions as no comment regarding Mr. Blanco's scope of work or the quality of his work. Mr. Blanco also submitted a W2 tax form from Garage Doors of Naples. However, staff was unable to confirm this information and at this time we were unable to confirm any scope of work. Based on the information received it is the staffs' opinion that Mr. Blanco does not meet the requirements that's set forth in ordinance 206-46 as it relates to experience under section 1.6.3.7 as garage door installation contractor. Because Mr. Blanco does not meet the required qualifications needed for the issuance

of a garage door installation license, Mr. Blanco is being referred to the Board under section 2.5.2 referral of the application to the Contractor Licensing Board for a decision, and Mr. Blanco is here today to answer your questions regarding his experience.

- **Orlando Blanco:** My experience started when a buddy of mine told me to go over to Garage Doors of Naples. I was there for seven or eight months. He was teaching me the basics of the trust layouts where you see the prints for that type of door depending on the wind loads and all that stuff. Then from there they let me loose by myself, started getting more into the work. Went to Allied Doors and that's where the quality of my work changed. They taught me residential, like the takedowns, when there's an old garage door in and when you're going to put in the new one, check for the stub placements on the bucks and some are 6 inches and then you go to 12 to 16 from there to reinforce the buck on the current house. Just learned the windows of different doors and all that for different houses. Garage Doors of Naples, they weren't going to say anything because we've had other employees that have left to get their license and they told me they weren't going to say anything; on Allied though, I'm not sure why.
- **Matthew Nolton:** How many garage doors do you think you installed?
- **Orlando Blanco:** Over 100.
- **Matthew Nolton:** New construction and replacement and roll up doors?
- **Orlando Blanco:** Yes. Roll up doors I did it twice. I don't really do commercial work for the garage doors. The craziest thing I've done was for house in Frontier on Gordon Dr. It was a rear torsion assembly. So the springs on the garage doors are usually in the front. We had to come up with a different layout because the architecture of that house had the windows up front. So we couldn't put the springs there. So instead of having it in the front, you put it in the back. We had to make new cables and come up with a different winding mechanism for the springs to make it work.
- **Kyle Lantz:** How long were you at Garage Doors of Naples?
- **Orlando Blanco:** Six to seven months – August to February. It was over 40 hours per week, more like 50-60 hours. I'm still at Allied but they're now called Mo Better.
- **Kyle Lantz:** When I look at it, I see two W2's on page 270 and 271. For Allied, you made \$52-\$54,000. That's a year.
- **Orlando Blanco:** When Mo Better came in from June they started a different pay – per door instead of hourly. The W2 for Naples only shows \$5,600 – the one month that same year I went over to Allied. I couldn't find a W2.
- **Kyle Lantz:** Side note -- on page 267 and 269 on his tax return, his direct deposit information needs to be covered up.
- Further discussion ensued regarding Mr. Blanco's business name, advertising, marketing of his company, the potential temptation of doing other work if asked by a client.
-
- **Elle Hunt:** Using the name Butterfly Homes, we are trying to nicely say that this may be very confusing to consumers. You will be licensed specifically for garage doors, but the name implies some level of home skills -- remodeling, home building. Butterfly Homes sounds much more general than Butterfly Garages as an example.

- Further discussion ensued regarding Mr. Blanco’s business name, advertising, marketing of his company, the potential temptation of doing other work if asked by a client.
- **Timothy Crotts:** I would recommend that the license be granted for residential only through the applicant’s own admission. He’s had very little skill or trade experience in installing commercial garage doors. I recommend a restricted license for residential style garage door installation only.
- **Todd Allen:** I’ll make a motion adopting the county’s recommendation.
- **Kyle Lantz:** I’ll second it.
All in favor – aye. *The motion passed unanimously, 8-0.*
- **Kyle Lantz:** I want to clarify something on our motion. Would that be residential buildings or residential style doors?
- **Mr. Crotts:** That would be residential style buildings.
- **Terry Jerulle:** We should come back in a year and ask the Board to remove those restrictions.

- **Todd Allen:** Ten minute break.
- **Todd Allen:** Reconvenes meeting.

9. Old Business

None.

10. Public Hearings

- **Jose A. Betancourt Paz DBA J.A.B. Painting Inc.**
- **Kevin Noell, Esq.**
Sworn testimony given to both parties, Mr. Betancourt and Mr. Noell.
- **Todd Allen:** Do I have a motion to open the public hearing?
- **Terry Jerulle:** Motion to open.
- **Elle Hunt:** Seconded
All in favor – aye. *The motion passed unanimously, 8-0.*
- **Todd Allen:** Would the County like to introduce their complaint?
- **Michael Bogart:** For the record, Michael Bogart, Collier County Licensing Investigator. A copy of the hearing preamble was given to you and read by the respondent. He has initialed and dated the copy. I would like to enter the preamble and packet for case 2023-13 into evidence at this time.
- **Matthew Nolton:** I move to accept the preamble and package into evidence.
- **Kyle Lantz:** I second the motion.
All in favor – aye. *The motion passed unanimously, 8-0.*

- **Michael Bogart:** I have a brief opening statement. The respondent, Jose Betancourt, a Collier County licensed painting contractor with issuance 20190001357, is the qualifier for and owner of JAB Painting, Inc. Mr. Betancourt contracted, received payment and performed drywall and metal stud installation during the State of Emergency due to Hurricane Ian at 6849 Grenadier Blvd. without a permit where one

was required. Mr. Betancourt is in violation of the Collier County Code of Laws and Ordinances, section 22.2012 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. Betancourt is also in violation of Collier County Code of Laws and Ordinances, section 22.20118, which states in pertinent part that it is misconduct by a holder of a 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.

- **Jose Betancourt:** I am guilty. I agree with all that was said and I'm open to whatever I have to do.
- **Todd Allen:** So you're admitting guilt? Kevin, can you give some guidance?
- **Kevin Noell:** I think whatever the Board's pleasure – if the Board wants to hear just the facts in case there's anything that's egregious or anything that would impact any sanctions and things like that. But as far as you know, the formalities of going through question and answer, I don't think that's necessary as there's an admission of guilt.
- **Michael Bogart:** On May 9, 2023, Collier County Building Review and Permitting Division Director, Richard Long reported unpermitted interior renovations at 6849 Grenadier Blvd. A contractor licensing case was open to investigate further. Upon investigation, it was discovered on January 18, 2023, JAB Painting, Inc. entered into written contracts with the property owner, Saint Lawrence, at Water Park Place HOA for drywall and metal stud replacement at 6849 Grenadier Blvd. through agreed upon amounts through various contracts and invoices was \$730,000. An initial deposit payment of \$64,242.50 was paid on February 14 to JAB with business check 1122 and there were three other subsequent business checks that were paid to JAB Painting, Inc. for a grand total of \$530,221.63. On May 9, Michael Bogert, Collier County licensing investigator, observed finished drywall installation on the first floor and cabanas at 6849 Grenadier Blvd. I did a review of the county permitting records and it revealed no building permits were issued for the drywall installation. A stop work order was issued. On May 9, Deputy Chief building official, Doug Esposito, determined a permit was required for the drywall installation. On May 30, a meeting was scheduled with Mr. Betancourt regarding the drywall installation performed by his company. During the meeting, he did confirm that he had contracted with Saint Lawrence at Water Park Place for \$730,000 to install roughly 200 sheets of drywall and 20 metal studs between the first floor and cabanas at 6849 Grenadier Blvd. At the time, Mr. Betancourt stated he was unaware of the need for permitting regarding the installation and he was unaware that his license could not install the drywall.
- **Todd Allen:** Do I have a motion for finding of guilt or innocence?
- **Miester:** I make a motion that we find him guilty on both counts.
- **Terry Jerulle:** I second the motion.
- **Todd Allen:** Any discussion? All in favor – aye. *The motion passed unanimously, 8-0.*

- Does the County have any recommendations?
- **Kevin Noell:** A motion just for procedural sake a motion to close the hearing.
 - **Terry Jerulle:** If we close the hearing am I allowed to ask the witness questions?
 - **Kevin Noell:** The purposes of the hearing is more for the cross examination and the introduction of evidence. Whatever the Board's pleasure, if you want to close it and then ask questions or ask questions during, I don't think this would be as formal as our typical hearing when there's an admission.
 - Further discussion by the Board regarding Mr. Betancourt's job at 6849 Grenadier Blvd.:
 - Past experience with drywall
 - Painting
 - Baseboards but no millwork
 - No electrical or plumbing
 - Metal studs – not much
 - The price of painting and as well as drywall charged
 - No demolition
 - The job was signed off by the Board of Directors with the knowledge from the HOA manager
 - Was a drywall contractor before with my uncle
 - Working for the building a couple of years
 - Close to \$400,000 in drywall alone
 - **Michael Bogart:** A case is being referred to Code Enforcement as we speak at the end of today.
 - **Mr. Betancourt:** I have an application already for drywall and today at 1:00 is my exam.
 - **Michael Bogart:** There was no permit ever applied for. There was a general contractor on site who may not actually be doing that project to take care of the permitting that was required at this time. But yes, it does require a permit.
 - **Timothy Crotts:** Licensing along with the Building Department, has met with the property management and Condo Board Association with this and there are some other issues involving this building that were initially cited for what had come up. This was something we found out afterwards, so the Building Department is currently working with the property management, the condo association and a general contractor for which they're looking to hire, to solve all these issues. They know that there's going to be some permits that are going to be needed for this first floor and there may be even issues where some work may have been covered up prior. But they are working with a general contractor currently.
 - **Matthew Nolton:** Motion that we find the respondent guilty on both counts.
 - **Todd Allen:** I'll second. Any discussion? All in favor – aye. *The motion passed unanimously, 8-0.*
 - **Matthew Nolton:** Motion that we close the public hearing.
 - **Todd Allen:** I second the motion. All in favor – aye.

- **Kevin Noell:** And then the range of disciplinary sanctions is found on bate stamp bottom right hand corner of the packet, page 306. When the Board is considering the sanctions, the factors that the Board can consider as the gravity of the violation, the impact of the violation on public health, welfare, or safety or any actions taken by the violator to correct the violation. I'm sorry, any previous violations committed by the violator and any other evidence that's presented at the hearing that the Board finds relevant to the sanctions.
- **Todd Allen:** Does the county have any recommendations?
- **Timothy Crotts:** Yes, Mr. Chairman, for consistency on Count 1, County is going to recommend a \$2,000 fine to be paid within 30 days. Failure to pay the fine within 30 days will result in the respondent's license being automatically revoked. License of the respondent would be placed on probation for a period of 12 months. On Count 2, a \$1,000 fine to be paid within 30 days. Failure to pay the fine within 30 days will result in respondent's license being automatically revoked. License of the respondent will be placed on a 12 month probationary period concurrently with Count 1.
- Discussion ensued pertaining to:
 - The amount of the respondent's project amount.
 - The fine seems very light.
 - The respondent is taking his drywall exam for Collier County later today.
 - The county could issue the drywall license if respondent meets the experience.
 - Or the Board could require the respondent to appear in front of the Board just to make sure that he understands there would be no issues working outside the scope of that license.
 - The fine is not enough and the respondent could go outside his license in particular if there's another hurricane.
 - The management company and the HOA have culpability but this doesn't have any bearing on what he will be fined.
 - Increase the fine to \$10,000.
 - Increase the probation.
 - Consistency and historically of the amount of the fine
 - Setting a new precedent? I like consistency.
 - A lesson to be learned
 - Longer probation?
- **Todd Allen:** I'm going to make a motion that we impose a fine of \$4000 on Count 1 payable within 30 days and if it's not within 30 days, his license is revoked and that he is on 24 month probation. And then the same for Count 2, a \$4000 fine 30 day payment. If not, it is revoked and then 24 month probation concurrent with Count 1.
- **Colleen Kerins:** With the probation, the Board should keep in mind with the new law change painting will be one of the licenses that will be most likely going away as of July 1 of next year. I just want to make you all aware as to where we currently stand.
- **Terry Jerulle:** Seconds the motion.
- **Todd Allen:** So we have a motion and a second. Any further discussion? All in favor – seven in favor; Matthew Nolton – nay. So it passes 7 to 1.

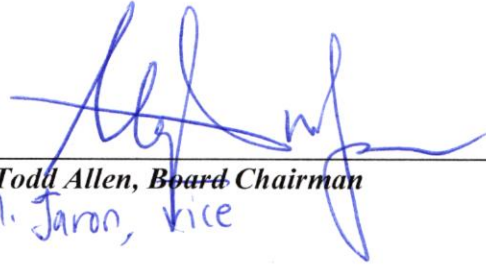
- **Todd Allen:** Upon consideration of all testimony received under oath, evidence received and arguments presented by the parties during the public hearing the Board issues the following findings and conclusions. Service of the administrative complaint and notice was sufficiently provided and in compliance with the applicable law. The respondent is the holder of the license as set forth in the administrative complaint. The respondent was present at the hearing and was not represented by Council. The Board has jurisdiction over the respondent and 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 one opposed the respondent is found guilty as set forth in Count 1 and Count 2 in the administrative complaint, and the Board imposes the following sanctions against the respondent. For Count 1: respondent shall pay a \$4000 fine within 30 days. If the fine is not paid within the 30 days, his license will be automatically revoked and his license will be placed on probation for 24 months. On Count 2: the fine will be imposed of \$4000 which shall be paid within 30 days. If not paid within that 30 day period, his license will be revoked and he will serve a 24 month probation on Count 2 which will be concurrent with Count 1. Did I miss anything?
- **Matthew Nolton:** The guilty verdict was actually unanimous. The seven to one was just on the fine.
- **Todd Allen:** I'll amend that. Therefore by a vote of 8 in favor and 0 opposed, the respondent is found guilty of the violation set forth in Count 1 and Count 2 of the administrative complaint. Did I miss anything on the sanctions? This concludes the Board on this matter.

11. Next Meeting Date

- **Todd Allen:** July 19, 2023
Motion to adjourn?
- **Richard Joslin:** Made motion to adjourn.
- **Todd Allen:** Seconded.
All in favor – aye. *The motion passed unanimously, 8-0.*

There being no further business for the good of the County, the meeting was adjourned at 11:00 AM.

June 21, 2023



Todd Allen, Board Chairman

Stephen M. Jaron, vice

These minutes were approved by the Chairman of the Contractors' Licensing Board on July 19, 2023, (check one) as submitted or as amended .