

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

April 17, 2024, 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:

Terry Jerulle, Vice Chairman
Matthew Nolton
Kyle Lantz
Richard Joslin
Robert Meister
Todd Allen
Stephen Jaron, Chairman (excused absence)

ALSO PRESENT:

Timothy Crotts, Code Enforcement Manager
Ronald Tomasko, Esq., Assistant Collier County Attorney
Patrick Neale, Contractor Licensing Board Attorney
Ryan Cathey, Licensing 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:**

Quorum established. Vice Chairman Jerulle approved the absence for Chairman Jaron. Elle Hunt has resigned her position from the Board as of April 1, 2024.
2. **Additions or Deletions:**

A review of experience will be added to item 8C under new business.
3. **Approval of Agenda:**
 - **Kyle Lantz:** Approved the agenda as amended.
 - **Richard Joslin:** Seconded the motion.
All in favor – aye. (*Carried unanimously, 6-0.*)
4. **Approval of Minutes:**

Before we approve the Minutes, Vice Chair Jerulle would like to add to the minutes that he abstained from voting in the last meeting, and filled out Form 8B, the Memorandum of Voting Conflict for county municipal and other local public officers.

 - **Matthew Nolton:** Motion to approve the minutes of March 20, 2024, with the addition of Vice Chairman Jerulle’s statement.
 - **Todd Allen:** Seconded the motion.
All in favor – aye. (*Carried unanimously, 6-0.*)
5. **Public Comments:** None
6. **Discussion:**
 - **Timothy Crotts:** Ms. Hunt’s position was in District One, along with the current vacancy from the City of Naples District 4. Both of those are being advertised by the County and are consumer positions as required by ordinance. We are actively trying to fill those positions and as soon as we get the opportunity to have applications come in and they meet the criteria Under the Ordinance, we will get those positions filled.
 - **Kyle Lantz:** Does that affect our minimum for our quorum or is it the same number?
 - **Timothy Crotts:** Same number.
 - **Terry Jerulle:** How are you advertising?
 - **Timothy Crotts:** The County advertises on its website under openings for advisory boards, and the City of Naples has the same type of advertisement under theirs.
 - **Terry Jerulle:** Would it do it any good to contact the CBIA?
 - **Timothy Crotts:** That is a good idea. We will go ahead and do that. Both are consumer positions and are considered non-construction.
 - **Patrick Neale:** You may want to contact the Naples Chamber because through their leadership tier program they have a posting for volunteer boards. You may want to contact them and ask them to post it on their volunteer board site.
 - **Timothy Crotts:** Another good idea.
7. **Reports:** None
8. **New Business:**

a. **Orders of the Board (7 Items)**

Richard Joslin: Made a motion that the Vice Chairman sign the orders of the Board.

Kyle Lantz: Seconded the motion.

All in favor – aye. (*Carried unanimously, 6-0.*)

b. **SHELLY M. TUTT: REVIEW OF EXPERIENCE, SWIMMING POOL CLEANING ONLY; SEAL POOL SERVICES LLC**

Shelly Tutt: Sworn testimony given.

Timothy Crotts: Ms. Tutt submitted an application for the issuance of a local license for swimming pool and spa servicing contractor, which requires 24 months' experience. As part of the application process for the issuance of a swimming pool and spa servicing contract license, Ms. Tutt was required to submit documentation showing her experience. As part of the review process by Staff, Ms. Tutt has submitted the following verification of experience documents and review of these documents show the following: Ms. Tutt was employed by Premier Pool Services of Naples, a state certified pool contractor employed from April 2019 to October 2021, which reported the scope of work was dispatching daily services and repair jobs and leader of the account receivables department. Based upon the information received, it is Staffs' opinion that Ms. Tutt does not meet the minimum requirements as set forth in Ordinance 20646 as it relates to experience under Section 1.6.2.9.1 as a swimming pool and spa servicing contractor. Because Ms. Tutt does not meet the minimum requirements needed for the issuance of the swimming pool and spa servicing contractor license, Ms. Tutt is being referred to the Board under Section 2.5.2 referral the application to the Contractor Licensing Board for decision. And speaking with Ms. Tutt, she does have some experience that she's going to relate to the Board today. Unfortunately for us, this information is undocumented, so we were not able to verify any of the information. We have asked Ms. Tutt to come today and explain to you the experience she has, which was undocumented.

Ms. Tutt: I just wanted to start by saying when I filled out those applications and affidavits, I was trying to do it in a timely manner, so I only turned in 24 month's experience at Premier Pool. I called the Staff, and they said that is fine to turn in the application because Premier is the most recent job that I had. It was quick to get in contact with them and everything. I brought in my resume for the previous owners that I worked for before Premier Pool, and this was back in college when I was doing business management classes. I worked part-time so I needed something more flexible. I could go in and go out and not have to be there from 9:00 to 5:00 Monday through Friday. From 2016 to about 2019, before going to Premier Pool, during college I worked for Ison Brothers Pools LLC. Basically, I was a pool technician during that time. I had routes assigned to me that I would go in during the days and balance chemistry, brush the pool, do all the hard work that was outside. It was something that I had no idea in the beginning if I was going to like. But it was something I wanted, to be outside because when I was in college, I was strictly inside. It was like an opportunity came to me, let me just try to go and see if that's something trade-wise, because at the end of the day,

business management was for me, but I needed something to experience for a trade. What I did on my daily routes I would check to make sure circulation was fine, chemistry was fine, cleaned, brushed the walls, vacuumed the pool, skimmed the pool, taking out the screens, speaking with customers and logging what I did every day. Then I went into the second business and ended up going more internal instead of outside. I learned how to manage a pool service company. With all the knowledge that I have gained over the years, my husband is also in the industry, and we decided now that I'm currently not working, I stopped working when I had my son, we are trying to build a family business in this industry. So that's why I applied for the application.

My husband is a pool service technician as well. He works for Renaissance Construction. It is inside pinnacle pools. It is the old owners of Premier Pool Service. When they sold their business, they sold the service side to a corporate company.

Ms. Tutt's current resume was given to Vice Chairman Jerulle and submitted as evidence.

Richard Joslin: When you were doing your full route for the other company, the first company or the one you just mentioned, did you just do residential? The license would allow her to do both residential and commercial, which is a different animal.

Ms. Tutt: Yes. It was primary residential. The company didn't have a lot of commercial accounts. When I would be out in the field or a day wasn't busy or something happened with my route, they would ask me if I wanted to go out to a commercial site. I would assist, but I was never alone working on a commercial pool.

I was working commercial pools maybe 30-40% of the time. I worked internally speaking with commercial clients, checking their insurance and the licensing because when we sold out the company for Premier Pool, we had to jump to the corporate company and I was in charge of making sure all of our commercial accounts had all the documentation that they needed for the new business.

Timothy Crofts: There are two things we must look at – one is if the Board feels that the experience does have enough to meet the criteria for commercial. Based upon the respondent's testimony with 30-40% of the experience she had was in commercial, I recommend that the Board approve the license with a 12-month probationary period.

Terry Jerulle: It's safe to say that your husband will be doing the work of cleaning the pools. And I have your assurance that you'll be there to oversee some of the projects.

Ms. Tutt: Yes.

Richard Joslin: I would make a motion that we approve the license with a 12-month probationary period.

Todd Allen: Seconded the motion.

Kyle Lantz: Do you have workers comp insurance?

Ms. Tutt: At the time no, because we're trying to start the business. We don't have any employees. If I needed to do like an exemption, I would. If we were to get the number of employees that we needed, then we would get it.

Kyle Lantz: Is your husband an officer?

Ms. Tutt: He is going to be the owner of the company just because he opened it up under his name, but when I filled out the applications, they made me go onto the company and say that I was like a treasurer or however we needed to adjust it. We would, I just don't know exactly how it needs to be set up.

Timothy Crotts: What will happen is once the license is approved, before the license will be issued, they will have to come in and show that they have the liability insurance which meets the minimum standards and workman's comp, either through a workman's comp policy or a workman's comp exemption approved by the State of Florida.

Terry Jerulle: We have a motion and a second. All in favor?

All in favor – aye. (*Carried unanimously, 6-0.*)

Richard Joslin: You do understand that it is a pool cleaning license only. You and your husband can do no repairs.

Ms. Tutt: Yes, just pool service.

c. RAFAEL AGUILAR; REVIEW OF CREDIT; LANDSCAPE RESTRICTED; RL LANDSCAPES LLC (DBA) RL LANDSCAPES DESIGN AND BUILD

Rafael Aguilar: Sworn testimony given.

Timothy Crotts: Mr. Aguilar submitted an application for the issuance of a license for landscaping contractor restricted, which requires a minimum credit score of 660 as required by rule of the State of Florida. It should be noted that Mr. Aguilar currently holds a specialty license for the trade of paving block contractor, which was issued in 2021, and the local specialty license for the trade of swimming pool spa maintenance and repair which was issued in 2023. Mr. Aguilar appeared before the Board on August 16, 2023, for a review of the credit, whereas credit score at the time was 536. There is an outstanding collection that was owed, and Mr. Aguilar has submitted documentation showing that the balance has been paid in full. As part of the application process under Collier County Ordinance 206462.3.9, Mr. Aguilar was required to submit a personal and business credit report. Mr. Aguilar's credit report was reviewed and appears not to meet the financial responsibility as set forth in Section 2.5.1, Subsection D where the applicant or qualifier does not meet financial responsibility as set forth in Rule 61G4-15.006 of the State of Florida. A review of the personal credit report submitted by Mr. Aguilar shows the following area of concern: Mr. Aguilar's credit report shows a credit of 620, which is below the minimum of 660 as required by rule. Based upon the information received, Mr. Aguilar does not meet the minimum requirements set forth in Ordinance 20646 as it relates to financial responsibility regarding his credit score. As part of the application process, Mr. Aguilar was also required to submit verification of experience, outlining his experience with landscaping. While reviewing this information, it was determined that Mr. Aguilera does not have any experience in tree trimming and removal, which is allowed under the scope of license for the landscaping restricted. In a phone call interview, Mr. Aguilar confirmed this information. Mr. Aguilar is here today to answer all your questions regarding his credit and experience.

Terry Jerulle: So, we are not reviewing the other case, we are reviewing the landscaping, correct?

Timothy Crofts: Correct. We are looking at the landscape and for his credit score, which he has currently, which is below the minimum and the experience for tree trimming and removal, which is allowed under the landscape license.

Mr. Aguilar: For the credit, I'm working as you can see. I have it up from 530 to 620. And I have to submit the report in August for the pool license too for the credit that has to be 660. So hopefully it will be good by then. Now for the experience of tree trimming and removal. I haven't done it, so that's why I applied for the landscaping restricted that was on the website – it says only like mulch and rock and planting and stuff like that. So that's what I want to do, like the maintenance.

Terry Jerulle: Mr. Crofts, he is trying to get a restrictive license where he doesn't, or he cannot do any tree trimming.

Timothy Crofts: The restricted license under the ordinance refers to irrigation. That's why it's restricted because under the old landscaping license, irrigation was required. When the ordinance was rewritten in 2006, the irrigation was removed and therefore the landscape license is restricted. At this point, the Staff's recommendation would be to approve the license, but restrict it to no tree trimming or removal. Later down the road, if he can hook up with some other companies and get that experience, he would be allowed to come back in front of the Board to have that restriction removed.

Terry Jerulle: He is on probation right now up until August?

Timothy Crofts: Correct. And I do have a recommendation as far as the other part is concerned, is that the license be issued with a restriction of no tree trimming and removal. That the license be placed on a 12-month probationary period effective upon the issuance of the license. Mr. Aguilar would submit an updated credit report before the end of the 12-month probationary period, showing an improved credit score of 660 and no additional credit issues. At any time during the 12-month probationary period, if Mr. Aguilar can show an approved credit report showing a credit score of 660 or higher, the probationary period will be automatically removed. Failure to comply with this order shall require Mr. Aguilar to appear before the Board for future review and possible next disciplinary action as deemed appropriate by the Board.

Richard Joslin: You are licensed to do servicing as a pool contractor, a right to service pools maintenance only. And you're also a paving contractor, and now you're going to be a landscape restricted contractor. Are you going to be able to handle all three of these businesses?

Mr. Aguilar: Yes. The thing is, after I'm done doing pavers and stuff, a lot of my clients ask if I can do maintenance for them since I do good work, or they need like privacy hedge or stuff like that. So sometimes I must turn down those little works instead of doing it like all complete. That's why I'm applying for this license. But yes, we, with the manpower and everything, I should be fine.

Richard Joslin: How many people do you have working for you? And you cover the service of the pools and of the paving?

Mr. Aguilar: Ten. Mostly I do paving right now, not a lot of the pool, but I have that when it comes, if I need to do like a pebble or do the tile or stuff like that.

Richard Joslin: Is this a pool spa servicing repair contractor or just maintenance?

Timothy Crotts: Service and repair.

Richard Nolton: Makes a motion that we adopt the County's recommendation.

Todd Allen: Seconded the motion.

All in favor – aye. (*Carried unanimously, 6-0.*)

d. **MICHAEL S. MOGLE; REVIEW OF CREDIT; LANDSCAPE RESTRICTED; MIKE'S CLEARWATER HARVESTING INC**

Michael Mogle: Sworn testimony given.

Timothy Crotts: Mr. Mogle submitted a reinstatement application for the issuance of a landscaping restricted contractor license, which requires a minimum credit score of 660 and financial responsibility. As part of the application process under Collier County Ordinance 20646, Section 2.3.9, Mr. Mogle was required to submit a personal and business credit report. Mr. Mogle'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 under financial responsibility as set forth in Rule 61G415.006 of the State of Florida. Mr. Mogle's current credit score shows a credit of 530. A review of the personal credit report submitted by Mr. Mogle shows the following areas of concern: Collections in the amount of \$125 by Progressive dated June 2023; collections in the amount of \$257 by Progressive dated February 2022; collections in the amount of \$75 from Progressive dated April 2019; a charge off in the amount of \$2,370 by Capital One dated March 2022; and a past due amount of \$464 by Bank of America dated December 2023. Total collections, charge offs and past due equals \$3,291. A review of the business credit report shows a business credit score ranking of five, which is ranked at high risk by the credit agencies. These scores are ranked from one to five, at the Risk Credit Rating and the score of five indicates a 35.27% potential risk of severe financial distress within 12 months. Based upon the information received, Mr. Mogle does not meet the minimum requirements set forth in Ordinance 20646 as it relates to financial responsibility and Mr. Mogle is being referred to the Board under Section 2.5.2, referral the application to the Contractor Licensing Board for decision and Mr. Mogle is here to the answer your questions regarding his credit.

Terry Jerulle: Mr. Crotts, this is a reinstatement? From when?

Timothy Crotts: That is correct. Last year he would have failed to have completed the renewal process by January 31 and therefore would have gone into suspended status.

Mr. Mogle: I wasn't getting my mail for some reason. I just recently went through a divorce and have been paying that and changed insurance companies. Most of those are paid off already. And Bank of America is up to date. I'm working on getting it better. Rent went up \$1,000, insurance keeps going up and it was a little tough there for a minute. I am getting back on my feet a little bit.

I have one more Progressive to pay off. Bank of America is paid up to date. I have a credit card through them, and it was in delinquency/behind.

Terry Jerulle: Do you have any proof or documentation?

Mr. Mogle: I didn't print it. But they are up to date.

Terry Jerulle: It seems like a big ask from us with your personal credit and your company credit. Moving forward do you have some sort of better business plan?

Mr. Mogle: My payments for the divorce are about over. They were quite high. I had to keep borrowing from Peter to pay Paul, but that's soon to end.

Timothy Crotts: Recommendation that the reinstatement application for the respondent be granted with a 12-month probationary period with the following conditions: that within 90 days Mr. Mogle submits to Staff a payment plan approved by all listed creditors or showing information that the collection debts, past due or charge offs have been paid in full; that within six months, Mr. Mogle submit an updated personal and business credit report showing no additional credit issues and that all payment plans are current with the required payments; that within 12 months, Mr. Mogle will submit an updated personal and business credit report showing no other credit issues, that all payment plans are current with their required payments, and that an approved credit score of at least 660 or higher for the personal credit report has been achieved and that a business credit risk score of at least three, which is a minimum risk has been achieved. At any time during the 12-month probationary period, if Mr. Mogle can show that all collections have been paid in full, no other credit issues have occurred, the personal credit score has reached 660 and the business credit risk score has reached a score of three, Staff can automatically remove the probationary requirement. Failure to comply with this order shall require Mr. Mogle to appear back before the Board for further review when possible and disciplinary action as deemed appropriate by the Board.

Richard Joslin: If he had applied for this renewal when it was due, he wouldn't be here today.

Timothy Crotts: Correct. That is one of the downfalls within the licensing process that we really don't see the credit again unless there is an issue such as a suspension or a cancellation of the license.

Terry Jerulle: Mr. Mogle, this is a daunting request, for me at least, to vote for. I just want to hear from you, and I know it's intimidating to come in front of the Board for the first time and speak in public but try to convince us that you're going to fix this. I know the County is giving you a chance here, a lifeline so to speak. But I want to hear from you that you're going to grab that lifeline and pull yourself up.

Mr. Mogle: Yes, you're right. Speech isn't my best quality. I'm not good in front of people, but I'm good doing the tree work. My goal is to get back on top. I used to always have good credit, so this little bump in the road isn't going to keep going. I'm going to get it better.

Terry Jerulle: And you have jobs lined up to be able to pay for the items due?

Mr. Mogle: I do yes. It will be easier to do with the proper licensing because I don't think I can make that kind of money to pay these bills without it.

Terry Jerulle: And how long have you had your license?

Mr. Mogle: 2010.

Terry Jerulle: Has there been any problems or complaints?

Timothy Crofts: No complaints, no issues from the company or the individual for that time.

Kyle Lantz: What do you spend money on as a business?

Mr. Mogle: Equipment, repairs, insurance. That's a lot right there.

Kyle Lantz: For equipment, you pay out front or you finance most of it?

Mr. Mogle: I finance or rent whatever I need at the time for the job.

Kyle Lantz: And do you have employees that you pay?

Mr. Mogle: No, I'm a one-man operation. I run a mini excavator with ropes and stuff to take down the big dead pines. I lease the excavator, pay for the fuel, the truck to pull it. I spend quite a bit of money. My truck payment is \$1,000 a month. The machine payment is \$700 a month and that doesn't include life.

Todd Allen: Do you take deposits from your customers, or do you have them pay you when you're done?

Mr. Mogle: Usually there are some jobs I take a deposit on, but usually it is after the job is finished. People feel more comfortable that way. But I have a pretty good reputation out in the Estates and that's pretty much where I primarily work. If I was to ask for a deposit, I haven't had anybody say no.

Todd Allen: The reason I ask that is because if you take a deposit your customer is counting on you to perform, and if you don't, they've got to go chase you for that deposit. And sometimes when you have poor credit contractors make bad decisions.

Mr. Mogle: That's not me.

Further discussion ensued regarding jobs in the last few months; working with another contractor; daily rate is \$3,000 if there is need for a lot of equipment.

Terry Jerulle: All right, I have a recommendation from the County.

Kyle Lantz: I don't feel the general consumers are at risk. He's not taking a lot of deposits. I'm not worried about that. I'll make a motion that we accept the County's recommendation.

Richard Joslin: Seconds the motion.

All in favor – aye. (*Carried unanimously, 6-0.*)

e. **CHRISTIAN ESCOBAR; REVIEW OF CREDIT; FLOOR COVERING INSTALLATION; JUST LIKE NEW SERVICES INC**

Christian Escobar: Sworn testimony given.

Timothy Crofts: Mr. Escobar submitted an application for the issuance of a floor covering installation contractor license, which requires a minimum credit score of 660 and financial responsibility. As part of the application process under the Collier County Ordinance 20646 Section 2.3.9, Mr. Escobar was required to submit a personal and business credit report. Mr. Escobar'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 of financial responsibility as set forth in Rule 61G4-15.006 of the State of Florida. Mr. Escobar's current credit report shows a credit score of 640. A review of the personal credit report submitted by Mr. Escobar shows the following area of concern: a collection in the amount of \$2,021 by Suncoast Credit Union dated January 2024. Based upon the information received Mr. Escobar does not meet

the minimum requirement as set forth in Ordinance 20646 as it relates to financial responsibility and Mr. Escobar is being referred to the Board under Section 2.5.2 referral of the application to the Contractor Licensing Board for decision, and Mr. Escobar is here today to answer your questions.

Terry Jerulle: It looks like you're a little short with your credit and you have an outstanding. Would you like to explain?

Mr. Escobar: With Suncoast I fell behind on the payments, but I got a call from the collection agency from Suncoast, and I came up with a payment arrangement of \$120 a month. I have proof that shows as of right now, I owe about \$800. I have a screenshot on my phone.

Terry Jerulle: Have you been able to show this to the County for verification?

Timothy Crotts: We have not, but under my recommendation, we should be able to reach an agreement.

Recommendation: That the application for the license be granted with a 12-month probationary period with the following conditions; that within 30 days Mr. Escobar submit to Staff a payment plan or approved payments approved by the listed creditor; that within six months Mr. Escobar submit an updated credit report showing no other credit issue issues, that all payment plans are current for the required payments; that within 12 months Mr. Escobar submit an updated personal credit report showing no other credit issues, that all payment plans are current for the required payments, an improved credit score of at least 660 or higher. At any time during the probationary period, if Mr. Escobar can show that all collections have been paid in full, no other credit issues have occurred and that the credit score has reached 660 or higher, Staff can remove the probationary requirement.

Terry Jerulle: Mr. Escobar, for the record, do you understand and is that doable?

Mr. Escobar: Yes, I understand. By August I should be able to have it completely paid off and I know that the credit is going to be able to go up because it is going to show that the collection went away.

Terry Jerulle: I have a recommendation from the County. Do I have a motion?

Richard Joslin: I'll make a motion that we adopt the County's recommendations.

Kyle Lantz: Seconds the motion.

All in favor – aye. (*Carried unanimously, 6-0.*)

f. YOAN G. LEON GONZALEZ; REVIEW OF CREDIT AND EXPERIENCE; PAINTING; JOAN RESIDENTIAL AND COMMERCIAL PAINTING LLC

Yoan Gonzalez: Sworn testimony given.

Timothy Crotts: Mr. Gonzalez submitted an application for the issuance of a license as a painting contractor, which requires a minimum credit score of 660 and financial responsibility as required by rule of the State of Florida and 24 month's experience in the trade for which is being applied for. Under experience, as part of the application process for the painting contractor license, Mr. Gonzalez was required to submit documentation showing his experience. As part of the review process by Staff, Mr. Gonzalez has submitted the following verification of experience documents and a review of these documents showed the following:

Crew Concepts LLC out of Fort Myers, which is a state certified general contractor. The following information was received by Richard Sprague, who was the owner during a phone call interview. Mr. Gonzalez was employed full-time for approximately one year. During his employment, Mr. Gonzalez did no painting at all for this company. Whitten Construction Company out of Marco Island, a state certified building contractor, Randolph Whitten, President. During a phone interview with Mr. Whitten, Mr. Whitten could not recall the dates of employment. He could not recall if Mr. Gonzalez was full-time or part-time and could not recall the scope of the work that Mr. Gonzalez did. I sent Mr. Whitten an e-mail asking for verification and to this date there's been no answer by Mr. Whitten, so no information has been able to be verified. Matthews Meg Construction Corporation out of Fort Myers. Matthew Rose is a Collier County local painting contractor. It was confirmed that Mr. Gonzalez was employed from August 2017 to May 2018 – nine months. The scope of the work consisted of painting drywall and trim on the interior of homes only. No exterior painting was ever done due to the complexity of this type of painting. Based upon the information received it is Staffs' opinion that Mr. Gonzalez does not meet the minimum requirements as set forth in Ordinance 20646 as it relates to the experience and time required in trade under Section 1.6.3.30 as a painting contractor. With regards to credit, as part of the application process under Collier County Ordinance 20646 Section 2.3.9, Mr. Gonzalez was required to submit a personal and business credit report. Mr. Gonzalez's personal credit report was reviewed and appears not to meet the financial responsibility as set forth in Section 2.5.1 of Subsection D, the applicant or qualifier meets the financial responsibility as set forth in Rule 61G4-15.006 of the State of Florida. The review of the personal credit report shows the following areas of concern; that Mr. Gonzalez's credit report is 662; however, based upon the credit information received, does not meet the minimum requirements as set forth in Ordinance 20646 as it relates to financial responsibility. There is a collection in the amount of \$13,785 by Midland Credit dated June 2023 and a collection in the amount of \$5,960 from Jet Caps dated June 2023; total collection amount is \$19,745. Because Mr. Gonzalez does not meet the requirements under Ordinance 20646 for experience and financial responsibility, Mr. Gonzalez is being referred to the Board under Section 2.5.2 referral the application to the Contractor Licensing Board for decision and Mr. Gonzalez is here today to answer your questions.

Terry Jerulle: Mr. Gonzalez, this is a tall hill to climb here.

Mr. Gonzalez: I pay \$500 a month to remove that collection from my account. That is why my credit is 662 because I keep paying every month. I want to buy a house for my son, so I need good credit. I have been working for D. C. Kerckhoff as a painter. I have been here for ten years and never worked in another thing in this country; always in construction. I do everything inside the house. I have been licensed since 2021. The reason I am here is because I forgot to pay the fee.

Terry Jerulle: Did he say he had a license?

Timothy Crofts: We had no information that showed he had a prior license.

Kyle Lantz: Yes, it shows here that he had a license – a residential, commercial, and painting license, Board of County Commissioner Certificate of Competency. I

went to LCC 2020, page 212. From my perspective the experience is a non-issue because if he had a license, it would have been vetted then.

Patrick Neale: Just as a clarification on the credit, 61G415.006 specifically says is that part three – is an applicant may beat both the financial responsibility and financial stability requirements by providing proof of a current consumer credit report as defined in the rule and with a credit score of 660 or higher, which credit report does not disclose any unsatisfied judgments or liens against the applicant. In addition, there must not be any unsatisfied judgments or liens against the business entity which the applicant previously qualified.

Timothy Crotts: He has the two outstanding collections.

Richard Joslin: That's not a judgment or a lien. So that wouldn't apply.

Kyle Lantz: I will make a motion that we approve his license.

Richard Joslin: I'm not going to second, but I will add to the fact that I think we should put him on a probation period to bring in a better credit score or some way to verify that he is making payments on the balances that he owes.

Timothy Crotts: Recommendation that if the license is granted that the license be placed on a 12-month probationary period upon issuance of the license by Staff, that within 30 days Mr. Gonzalez submit to Staff a payment plan approved by all listed creditors, that within six months Mr. Gonzalez submit an updated personal credit report showing no other credit issues and that all payment plans are current with the required payments and his credit score remains at 660 or higher. That within 12 months, Mr. Gonzalez submit an updated personal credit report showing no other credit issues, that all payment plans have been paid in full and his credit score remains at 660 or higher. At any time during the 12-month probationary period, Mr. Gonzalez shows that all collections have been paid in full, no other credit issues have occurred, and that the personal credit score has remained at 660 or higher, the probationary period can be removed. Failure to comply with this order shall require Mr. Gonzalez to appear before the Board for review and possible disciplinary actions as deemed appropriate by the Board.

Terry Jerulle: Mr. Lantz, would you like to modify or amend your motion?

Kyle Lantz: I can't do that. I feel we've drawn a hard line in the sand at 660 and I don't feel that we should change that line. Somebody else can make a motion, but it won't be me.

Matthew Nolton: I will second Mr. Lantz' motion.

All in favor – aye. (*Disunited vote 4-2: Richard Joslin, Terry Jerulle – nay*)

9. **Old Business:** None

10. **Public Hearings:**

a. **ROBERT ENGLER DBA ROBERT ENGLER CONSTRUCTION COMPANY INC (DBA) CRYSTALL WATERSCAPES; REQUEST FOR REINSTATEMENT OF PERMIT PULLING PRIVILEGES**

Todd Allen: I will make a motion that we open the public hearing.

Matthew Nolton: Seconds the motion.

All in favor – aye.

Robert Engler: Sworn testimony given.

Timothy Crotts: Mr. Engler has requested a hearing before the Contractor Licensing Board to have his Collier County permit pulling privileges reinstated. On July 1, 2022, after a hearing where Mr. Engler was found guilty of having committed a willful code violation under Section 22.2.1.01 of the Collier County laws and ordinances. As a result of this hearing Mr. Engler's permit-pulling privileges were revoked. A copy of this order and the finding of facts, this violation has been included in your packet. On January 17, 2024, Mr. Engler appeared before the Contractor Licensing Board to request that his Collier County permit-pulling privileges be reinstated. As a result of this hearing, Mr. Engler's request for reinstatement of permit pulling privileges was denied. A copy of the order and the finding of facts for this hearing have been included in your packet. A copy of the approved minutes for the January 17, 2024, Contractor Licensing Board minutes with regards to Mr. Engler's hearing has also been included in your packet. Mr. Engler is here today to answer your questions with regard to having his permit-pulling privileges reinstated.

Robert Engler: I would just rather talk in my own words. When I was here before, I was asked why stuff took so long. Why didn't I get things taken care of and you know what happened? I really didn't want to talk much about it. It is pretty personal. When I started that job at Waterways, I got multiple sclerosis. It has taken time to get my life back in working order; guys quit on me; I couldn't get out of bed; I was dragging my foot; I was numb on the left side of my body. I honestly didn't know what was going to happen. I was in a position where I was giving myself a shot three times a week and just trying to make it so I could do something. It took some time. I figured out ways to bring my life back to what it was. I am trying to change my business. I've been designing and building fountains from Los Angeles to New York to Miami. Been doing it for 30 years. What I want to do is I want to stay local. I want to keep my business here in Collier County and just work and deal with a lot of the projects that I built here in Collier County that brought me to Naples. That's all I'm trying to do. It was hard getting through it. It was hard dealing with the paperwork with Waterways back in those days, but I'm back and I've finally got some good guys that work for me that can do the work and do the hard labor that I can't.

Richard Joslin: I think the whole of that essence of the problem that you had though was that you tried to do a waterscape at Waterways, or repair a fountain which was a commercial unit that you pulled no permit for and you made some changes that were structural that you didn't bother to investigate if it needed a permit or not.

Robert Engler: Actually, no, that's not the case. But we talked about that the last time, and you didn't want to talk about that anymore, because I went down to the building department, I talked to the people in the building department, and I asked if I needed to get permits. And the people in the building department looked at the plans. They looked at what I was doing, and they said no. I contacted my engineer. I asked him about the project to make sure that there were no structural problems putting bowls in and he said no, that's not going to be an issue either. We did the job. It was mostly tile work and setting some precast.

Richard Joslin: But you did put plumbing through a wall. You changed the pump lines, you replumbed the system, you put in new electrical. Those are all items that should have been permitted.

Robert Engler: Yes, correct.

Todd Allen: Mr. Engler, you and I got off on the wrong foot last time you were here. I commend you for coming here with a different perspective on this. I understand there was confusion about whether a permit was needed or not. Where you lost me is that you ignored the request to come before the hearing and deal with that issue and then it took you almost a year to resolve the permit issue once it was finally determined. And if I'm not mistaken, your record contains a few instances where you ignored customers' emails and customers' phone calls to address these issues. What I need to hear from you today is how are you going to commit to responding to your customers in a timely fashion? And what are you going to do to implement in your business to respond to inquiries from the County on a timely basis? Because ignoring your customers and ignoring the County isn't going to work. I want you to have your pulling permits, but I need to leave today having confidence that those things are not going to come up again.

Robert Engler: They won't. I can guarantee it. I've been doing this for 30 years. This whole situation I went through has been hard to deal with and it's been hard to try to redesign how I run my business. I've always done this with a couple of guys and I can't do that anymore. I've got to take more of an in-office type position than I used to have and that will enable me to really do more of the in-office type work.

Richard Joslin: How are you going to know that the jobs are being done correctly if you are in the office?

Robert Engler: I'm not going to sit in the office all day. I'll be out checking to make sure everything is getting done correctly; as well as getting the drawings done, everything permitted, designed, and engineered correctly.

Terry Jerulle: Mr. Engler, to Mr. Allen's point, you are asking us to reinstate the license. And I would like to, but I don't know that you quite answered Mr. Allen's concerns. When the people of Collier County are reviewing us, they are going to want to know why we gave you a license if you're not going to perform the work and respond to the clients' concerns. Do you have somebody else that is higher that can discuss the clients' concerns or are you going to discuss the clients' concerns?

Robert Engler: I will be the one discussing the clients' concerns because I'm the one with the knowledge. I'm the one with the experience. We're doing projects right now (in Lee County) but not in Collier County.

Timothy Crofts: Should the Board reinstate the permit pulling privileges of Mr. Engler, the County would recommend that the permit pulling privileges be based on a probationary period of 24 months, that any violation of the State of Florida building code or any violation of the Collier County Code of laws and ordinances regarding permitting shall result in the automatic rehearing of the revocation of Mr. Angler's license or his permit pulling privileges.

Complaints are a little different because they can be objective, so we would have to investigate the complaint first to see if there is any lividity to the actual complaint, and obviously if there was, especially with regards to permitting, then he would be back in front of the Board.

Patrick Neale: Specifically, our code 22-203 says that the Board may deny the issuance of county/city building permits or require the issuance of permits with specific conditions, so I think this would fall under that.

Todd Allen: I'll make a motion to adopt the county's recommendation.

Matthew Nolton: Seconds the motion.

Terry Jerulle: Before we vote, do you understand what is happening. If the vote goes through, you are going to have your permit pulling privileges be reinstated, but you're going to be on a 24-month probation, and if you violate the ordinance you are going to be back in front of us, which you can guess what will happen. I have always found a little bit of advice is to tamper some of the complaints or concerns from clients is to give a better description of the scope of work that you're performing, so that they know exactly what you are doing and what you are not doing. That takes away a lot of the complaints or discussions, and to make sure you get with the County before you do any work to make sure that you do or do not need a permit.

Richard Joslin: I'm concerned with the commercial unit. When you start punching holes through a wall, changing plumbing, putting in new equipment, I suggest you check it very thoroughly before you do a commercial unit before you think it doesn't need a permit. That's how I think it got confused. You thought it was a renovation and turned out to be a modification.

All in favor – aye. (*Carried unanimously, 6-0.*)

Todd Allen: I will make a motion to close the public hearing.

Richard Joslin: Seconds the motion.

All in favor – aye. (*Carried unanimously, 6-0.*)

Terry Jerulle: 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. Respondent has requested reinstatement of his permit pulling privileges in Collier County, which were revoked on July 20, 2022, respondent as the holder of the state certified license as set forth in the administrative complaint, respondent was present at the hearing and was not represented by counsel. The Board has jurisdiction over respondent and subject matter raised in the respondent's request. The respondent has presented substantial, competent evidence that pursued the Collier County Code of laws and ordinances his permit pulling privileges with conditions.

Timothy Crofts: For the record, the County would recommend a 24-month probationary period that any violation of the State of Florida building code or any violation of the Collier County Code of laws and ordinances regarding permitting shall result in the automatic rehearing for the revocation of the county permit pulling privileges.

Terry Jerulle: Therefore, by a vote of six in favor and zero opposed, the respondent's permit pulling privileges are reinstated. This concludes the order of the Board in this matter.

Todd Allen: Motion to adjourn the meeting.

Matthew Nolton: Seconds the motion.

All in favor – aye. (*Carried unanimously, 6-0.*)

11. Next Meeting Date: Monday, May 13, 2024

There being no further business for the good of the County, the meeting was adjourned at 10:15 AM.

April 17, 2024

Collier County Contractor Licensing Board


Terry Jerulle, Vice Chairman

These minutes were approved by the Vice Chairman of the Contractor Licensing Board on 5/7/24, (check one) as submitted or as amended _____.