

May 13, 2024

MINUTES
OF THE COLLIER COUNTY
CONTRACTORS' LICENSING BOARD MEETING

May 13, 2024

Naples, Florida

LET IT BE REMEMBERED that the Collier County Contractors' Licensing Board, having conducted business herein, met on this date at 9 a.m. in **REGULAR SESSION** in Administrative Building F, 3rd Floor, Collier County Government Center, Naples, Florida, with the following members present:

Chairman:	Stephen Jaron
Vice Chairman:	Terry Jerulle
	Todd Allen
	Richard E. Joslin
	Kyle Lantz
	Robert Meister III
	Matthew Nolton

ALSO PRESENT:

Patrick Neale, Contractors' Licensing Board Attorney
Timothy Crotts, Contractor Licensing Supervisor
Ronald Tomasko, Assistant County Attorney
Timothy Broughton, Collier County Licensing Investigator
Ryan Cathey, Operations Supervisor, Licensing

Any person who decides to appeal a decision of this board will need a record of the proceedings and may need to ensure that a verbatim record of said proceedings is made, which record includes the testimony and evidence upon which any appeal is to be made.

1. **ROLL CALL:**

Chairman Allen opened the meeting at 9 a.m. Roll call was taken; seven members, a quorum, were present in the BCC Chambers.

2. **ADDITIONS OR DELETIONS:**

(None)

3. **APPROVAL OF AGENDA:**

Mr. Lantz made a motion to approve the agenda. Second by Mr. Joslin. The motion passed unanimously, 7-0.

4. **APPROVAL OF MINUTES:**

A. **April 17, 2024**

Mr. Lantz made a motion to approve the April 19, 2023, meeting minutes. Second by Mr. Jaron. The motion passed unanimously, 7-0.

5. **PUBLIC COMMENTS:**

None

6. **DISCUSSION:**

(None)

7. **REPORTS:**

(None)

8. **NEW BUSINESS:**

A. **Orders of the Board [7 items]**

Mr. Joslin made a motion to authorize the chairman to sign the Orders of the Board. Second by Mr. Allen. The motion passed unanimously, 7-0. The Orders of the Board were approved.

B. **William L. Bruno – Shady Awning Company LLC**

Review of Experience – Hurricane Shutter/Awning Shade Contractor

[Mr. Bruno was sworn in.]

Mr. Crotts said Mr. Bruno submitted an application for the issuance of a license as a Hurricane Shutter and Awning Contractor, which requires 24 months of experience. As part of the application, Mr. Bruno was required to submit documentation showing his experience. As part of the staff review process, Mr. Bruno submitted the following verification of experience documents, and a review of his employment showed:

- **Long Island Awnings Corp., Copiague, N.Y.** Applicant was employed from 2010-

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2024. Scope of work was installing awnings and pergolas to roofs and exterior walls.

- **Servpro**, Deer Park, NY. Applicant was employed from 2018-2022 and the scope of work was listed as carpentry.
- **Sundown Awnings**, Washtagh, N.Y. Applicant was employed from 2014 to present. The scope of work was listed as buying and selling awnings and products.
- **Home Improvement License** from Suffolk County, N.Y. Mr. Bruno currently holds a Home Improvement License from the Suffolk County licensing department and under that license, he's allowed to install awnings and hurricane shutters.

Staff has concerns regarding the knowledge and skill required by the State of Florida Building Code as it relates to the Miami Code regarding high-velocity wind requirements for the installation and permit requirements needed by Mr. Bruno, and installing hurricane services in Southwest Florida based upon these codes. Research by staff shows that a hurricane occurs in the New York area every 19 years, and there's a Category 3 hurricane or higher once every 74 years.

Based upon this information and the application information received, it is staff's opinion that Mr. Bruno does not meet the minimum requirements as set forth in Ordinance 2006-46, as it relates to experience under Section 1.6.3.16 as a Hurricane Shutter and Awning Contractor. Because Mr. Bruno does not meet the requirements under Ordinance 2006-46 for experience, Mr. Bruno is being referred to the board under Section 2.5.2, Referral of the Application to the Contractors Licensing Board for a Decision. Mr. Bruno is here today to answer your questions regarding his experience.

During questioning of Mr. Bruno by Chairman Jaron, the following points were made:

- He's not a Florida resident.
- He's owned the Long Island awning company since 2010.
- One of our nationwide manufacturers told us they had unsuccessful dealers in this area and asked if we wanted to take over the territory last April, so we moved one of our New York employees here to run the business.
- That employee has worked with us for several years on Long Island. We couldn't find adequate employees here so we decided to move him here to run the company.
- He's running a separate entity of our company but sells the same products and services.
- There is a wind code in New York. We get hurricanes on Long Island, with roughly 120-mph wind ratings for Long Island's East End and about 100 mph as you get closer to Manhattan.
- We've done 30-40 windscreen installations, along with thousands of retractable awnings.
- The hurricane shutter manufacturer we work with is based in Sarasota, Progressive Screens.
- My employee (in attendance at the hearing) took a mandatory two-day training course that the company offers to all their dealers nationwide. They're located about five miles from where we're located. We've been familiar with their product for years.

- We have one full-time employee in this area and fly down our installers periodically throughout the month because we haven't been able to find good employees here, especially in the winter, when we're slow up in New York. The employees come down for three to four days and we fly them back. It's easier than unreliable employees down here.
- We mostly do residential, single-family homes.
- We didn't have interest in hurricane shutters as much as awnings but then customers asked if we installed hurricane shutters. Because we've partnered with Progressive Screens in Sarasota, we'd like to be able to offer that product.
- We currently install them because they have two different levels, sunshades, and the hurricane shutters, which is the same product with more fasteners and a different fabric. Instead of the PVC-type fabric used with vinyl screens, it has a woven Kevlar fabric that makes it hurricane rated. It's just a matter of adding more fasteners, but it's the same product we've installed for many years.

Vice Chair Jerulle noted that he lives in New York and licenses a company here, where you'll have no inspections on the installations.

Mr. Bruno said he flies here every 10 days and has flown down about 70 times.

Mr. Lantz asked if he was working in any other counties or Lee County and are you licensed in Lee County?

Mr. Bruno said Lee County doesn't require a license for retractable awnings. We haven't installed hurricane shutters here.

Mr. Joslin asked if this license allows him to do hurricane shutters.

Supervisor Crotts said it would. That's one of the issues. Staff and he believe he has the experience for the awnings, but staff was very concerned about the experience with the Miami-Dade high-wind velocity requirements for hurricane shutter installations.

Mr. Bruno said he believes he's installing the same product, the same cassette. But the requirements for installation are different with the rails. It's 12-inch spacing on the fasteners for hurricane shutters, as opposed to an 18-inch spacing for the shades.

A discussion ensued and the following points were made:

- These are retractable hurricane shutters that come down.
- The only difference between the shades on the zip rails is the fabric.
- The hurricane shutters have the same motor and cassette.
- Instead of using a vinyl fabric that can be penetrated, the hurricane shutters use a fabric woven with Kevlar and the specs require additional fasteners every six inches.
- We use quarter-inch fasteners, like Tapcons, usually at least three-inch depending on whether we're going into wood or concrete.

Mr. Noltton asked what the design wind speed is here in Florida.

Mr. Bruno said he believed it's 180 or 200 mph as you go farther north, from Miami-Dade up.

Mr. Nolton said it's 170 mph.

Mr. Nolton asked if he knows what an NOA is.

Mr. Bruno said he didn't.

Vice Chair Jerulle asked if he knows the difference between the structures built up north and structures built here.

Mr. Bruno said New York doesn't generally have many concrete block structures. The majority, about 90% of houses they deal with there, are wood frame. We don't deal with much wood framing down here, but we are familiar with concrete structures and do have those in New York, about one in 20.

Mr. Joslin asked if the awnings they installed make the 170-mph requirement.

Mr. Bruno said not in the wind load, but because they're retractable, they meet it when they're closed, in the retracted position. But when they're extended out, they do not.

Vice Chair Jerulle asked if they're doing new construction installations here.

Mr. Bruno said no, just existing homes.

Vice Chair Jerulle said he has a problem about not having the Florida experience, especially if you're doing existing homes. Not knowing the type of construction we have and how the homes were built throughout the years and how to attach those hurricane shutters.

Attorney Neale said he wanted to bring to the board's attention that under our ordinance, [Section 22-182\(a\)2\(a\)1\(b\)](#), Applications and Qualifications to Contract. It says one requirement for the license here is that they have to supervise the construction under the Certificate of Competency issued to the applicant. There's a supervision requirement in our ordinance and in Florida Statutes, which has final approval authority. He wants the board to consider that.

Mr. Nolton said that because of that, it sounds like Mr. Bruno's employee, who is down here full time, is the one who should be getting this license, rather than you.

Mr. Bruno said he flew down for this meeting and is here about twice a month for installations.

Mr. Nolton said we just heard that doesn't mean you can supervise them or you're going to supervise them remotely, going to Zoom to see the jobs. You need to put your eyes on every job and you're not supervising them daily.

Mr. Bruno responded:

- We do 700-800 awnings a year. He's going to have crews out here.
- It's impossible to be out on every installation. He did about 30% of the installations in the past year down here.
- In New York, he has six trucks going out and can't have everybody's license. If you installed 8,000 awnings over the last 10 years, you can't be at all.

- You have to be able to rely on properly training employees.

During questioning by the board, the following points were made:

- His full-time employee lives in Sarasota, in our territory.
- He's been installing awnings in Lee County for about a year. The majority were installed under a header underneath an existing line.
- The only issues we've had is rebar or something similar where brackets need to be moved.
- They were familiar with concrete structures, but don't do as many in New York, about one in 20, versus one or two wood structures for every 20 concrete homes here.
- He has 12 years of experience installing awnings and shutters in New York.
- He started his company in 2010 and was a union carpenter prior to that in New York City from 2007 to 2012. He started the business because New York is slow in the summer.
- He has 25 employees there.
- He has over 10 years of experience in awnings in New York and a year here.
- He's among several installers working for the national distributor.
- Sunset Awning Co. is the company that brought his firm here because we were a high-performing dealer for them in New York. They approached us at an annual meeting to see if we were interested in Southwest Florida.

Mr. Lantz said you have plenty of experience, not a lot of local experience, but he has one year. He's been doing awnings, a pretty niche market. If he's been doing awning shutters up there, he can do awning shutters down here.

Vice Chair Jerulle said he disagreed. He's only had one year of experience here and he's not here every day, just twice a month. He doesn't know if that qualifies, plus the supervision aspect. They may be able to get through one of these, but he doesn't think you have to get through both.

Mr. Joslin said the second thing is that the product that he's putting in has not really been structured around the windows that need a 170-mph rating.

Mr. Bruno said they are. They're built in Sarasota and are made for this area.

Mr. Joslin said he thought you said it was 100-120 mph.

Mr. Bruno said no and explained:

- Those are the wind ratings on Long Island. It's 120 mph on Montauk Point and 100 miles an hour in Manhattan.
- Their shades are engineered for hurricanes and are made in Florida. He's been using them in New York, goes to a lot of trade shows and stays up-to-date on all his products.
- We met this manufacturer years ago at a trade show and he flew him down here around 2016.

- The issues we have in New York that they don't have down here is the shrinking of the fabric due to the colder temperatures, so we were trying to find a product that would last for us in New York.
- This Kevlar product that they manufacture here was able to withstand New York's temperature changes so we've been installing them in New York for the past seven or eight years.

Mr. Joslin asked what happens to the awnings if we have a hurricane coming and the awnings are tracked out to stop the sun?

Mr. Bruno said they close, so when it closes they're 9 inches deep up, so there's really nothing.

Mr. Joslin asked if they roll up out of sight.

Mr. Bruno said correct, and the majority of the ones we're doing here are installed underneath, like soffits, so they're tucked in up underneath the roof.

Mr. Joslin noted that we're talking about awnings and shutters and asked Supervisor Crotts if there's any way the board could restrict the license to just awnings.

Supervisor Crotts said yes, you could restrict it to the installation of awnings only and you also can restrict the type of awning to be installed.

Chairman Jaron said the issue some of us have is that if you're working on older homes and you're putting a hurricane screen on, chances are it's going to be on the lanai, so that older home has obsolete sliders and that screen is the only protection the house will have from a hurricane, as far as blowing out the sliders on the rear of the home, or wherever the slider is. So, if you're learning how to install hurricane-rated screens in Florida, it's a pretty big risk for you and your company. It's a huge risk. That's the issue he has. He doesn't know about the rest of the board.

Supervisor Crotts said he and Mr. Bruno had discussed retractable awnings. What about fixed awnings? Do you do no fixed awnings?

Mr. Bruno said everything he installs is retractable.

Supervisor Crotts said if he's not doing any fixed awnings, which we often see on commercial buildings, then staff's recommendation would be that the board give him a restricted license for retractable awnings only. Then when he can get more experience, either working with another contractor who installs hurricane shutters, he'd be able to come back and ask for that restriction to be removed.

Mr. Nolton responded:

- You've got a lot of experience and have been doing this for many years.
- Part of the reason is that you haven't convinced us. That's what you're here for, to convince us.
- If you don't know what an NOA is, that's a basic step in Florida. It's a Notice of Acceptance. Everything in Florida that's put on a building has to be approved, has to have engineering, and it's all rated for certain winds and certain speeds.
- That becomes that attachment you talked about. Does it have to go into a filled cell or can it go into a concrete block that's not filled and it goes into wood and

what's the fastener, so that's what you haven't given us.

- You haven't shown us or expressed, at least to me, that you understand that complete picture because it's all about winds down here and awnings are simple and they're retractable and if they're retracted back, the chances of them going off is pretty slim.
- But the fabric hurricane shutters are the first line of defense and it's all about knowing that. What is the engineering behind it? What's the approval process? What's the wind speed that it has to meet?

Mr. Bruno said the manufacturer supplies us with standard drawings for those.

Mr. Nolton said he understands that. That's not the issue. The issue was you didn't understand it, you didn't express that to me. Those are basic principles of the process and you didn't show me that you knew that. That's the only difference. You came in and said all of these products have approval from the manufacturer. They tell us specifically how to install them for the different wind speeds. If you had expressed that, he'd have a better feeling about your knowledge.

Mr. Bruno said they only make two products, sun and hurricane. We've been installing them for a year. It's just a matter of adding more fasteners.

Mr. Nolton said so if it involves adding more fasteners, if it's going into a block home does the block have to be a fill cell or can it be just a block, so your fastener just penetrates through the wall block? Do you know what the manufacturer requires?

Mr. Bruno said he didn't know off the top of his head.

Chairman Jaron said that's something you're going to run into with older homes, hollow walls, which will blow out during a major storm. Those walls will blow out.

Vice Chair Jerulle made a motion to restrict the license to retractable awnings only.

Mr. Bruno asked if his company could do the shades that aren't hurricane-rated, insect screens? They have a few different types of fabrics. That's a large part of our business down here.

Supervisor Crotts said it's similar to the retractable screens. It's similar to where people put retractable screens in front of their garages.

Mr. Bruno said we get a ton of requests for those.

Mr. Lantz seconded the motion, provided that it's for any and all retractable shades and options, as long as its main purpose isn't hurricane protection.

Supervisor Crotts asked if he was OK with that.

Mr. Bruno said he was.

Vice Chair Jerulle modified his motion to any and all retractable shades and options, as long as its main purpose is not hurricane protection.

Mr. Joslin seconded the motion.

Mr. Allen said it sounds like it would be hard to enforce.

Mr. Crotts said we can put a restriction on the license classification so that when Mr.

Bruno comes to the county, permit intake would see an alert for retractable awnings and screens only.

Vice Chair Jerulle warned him that he'd be back in front of the board if he installs hurricane shutters and he'd vote to take away his license.

Mr. Bruno said he won't jeopardize his license.

Chairman Jaron said he can almost guarantee that some homeowners may want to tempt him.

Mr. Bruno said we've been using a subcontractor, so we do make some money off of that. We just don't make much for a referral.

Mr. Joslin said he won't be able to contract that.

Mr. Bruno said right, we'll just pass the information along.

Vice Chair Jerulle made a motion to approve the license for William L. Bruno, dba Shady Awning Company LLC, to install any and all retractable shades and options, as long as the main purpose is not hurricane protection. Second by Mr. Lantz. The motion passed unanimously, 7-0.

Supervisor Crotts said if you do have a subcontractor who installs hurricane shutters, his suggestion would be to hook up with them, become that contractor's payroll employee and get experience for hurricane shutters.

Mr. Bruno said he appreciated that information and thanked him.

C. Daniel J. Herrera Ruiz – DN Electric Solutions LLC

Review of Experience – Electrical Contractor - Registered

[Mr. Herrera and his translator were sworn in.]

Supervisor Crotts reported that Mr. Herrera has submitted an application for the issuance of a license as an electrical contractor, which requires 24 months experience as a journeyman or the equivalent and must show at least a minimum of six years' experience. As part of the application process, Mr. Herrera was required to submit documentation showing his experience. A review of the following documents showed the following:

- *Mr. Herrera was issued an Electrical Journeyman License on Sept. 29, 2023, and submitted documentation showing the experience required as an apprentice for a minimum of four years. His application was approved on July 28, 2023.*
- ***Brittania Electric**, a state certified contractor. The applicant was employed from April 21, 2017, to March 21, 2019, 23 months, as an apprentice.*
- ***Future Controls Inc.**, which holds several state licenses, including Certified Electrical Contractor. The applicant was employed as a foreman from July 2019 to August 2023, 49 months.*
- ***J.W. Marriott Hotel**. Mr. Herrera is currently working for the hotel's electrical department and is not supervised by a licensed contractor, as required by ordinance for an electrical contractor.*

Based on the information received, it's staff's opinion that Mr. Herrera does not meet the minimum requirements as set forth in Ordinance 2006-46, as it relates to experience and time required in the trade under Section 1.6.2.12 as an electrical contractor. Because Mr. Herrera does not meet the requirements under Ordinance 2006-46 for experience, Mr. Herrera is being referred to the Contractors' Licensing Board under Section 2.5.2, Referral if the Application to the Contractors' Licensing Board for a Decision, and Mr. Herrera is here to answer your questions.

Chairman Jaron asked how many years of experience he has.

Supervisor Crotts said he worked 49 months for Future Controls and we weren't able to clarify whether it was full-time or part-time. He worked 23 months as a Certified Electrical Contractor for Britannia Electric.

Mr. Nolton said that adds up to 72 months.

Supervisor Crotts said right. When he applied for the journeyman license, we were able to confirm that he had a minimum of four years as an apprentice to get the journeyman license, which was issued on Sept. 29, 2023, so he has six years of experience, but he only has six months under the license. Another issue is that once the journeyman license was issued in September 2023, he left that employer and went to work for J.W. Marriott.

Mr. Lantz said what we want to hear from you as an Electrical Contractor is you need two years of experience as a journeyman or the equivalent. So we want to hear that you have two years of experience and even though you didn't have your journeyman card, you were acting as a journeyman, so can you tell us what you did for two of those years that that you were acting as a journeyman?

The Translator said he got his journeyman license in August but started working at the J.W. Marriott in September. They didn't disclose to him that they did not have an Electrical Contracting License. When he enrolled to take the test as a Master Electrician, he asked for the Master Electrician information and found they do not hold a Master Electrician's License, but he has over six years of experience under a licensed Master Electrician, an Electrical Contractor.

Mr. Lantz said we understand he has six years of experience. We want to know he has two years working as a journeyman, which would mean supervisory experience, running jobs, designing jobs, etc., even if he got that experience before he got his journeyman card.

Mr. Herrera, who said he understood English, was questioned and the following points were made:

- He got four years of experience at Future Controls, almost a year as a foreman working a lot of the chillers and cooling towers, connecting everything, such as high voltage and 480-volt, and supervising others for two years.
- He brought his title from his country, Venezuela, where he's a Senior Electrical Technician with a major in electrical. *[He showed it to the CLB.]* Venezuela uses a similar code to Florida, but everything is high voltage.
- He got 100% working on three phases because we're working for J.W. Marriott Hotel as a subcontractor or contractor. He has a lot of photos.

- He did a cooling tower project in 2018 for a container. They tried to design a container for a hurricane and he put everything on it – variable frequency/VFD panels and everything for flooring because the cooling towers are from the hotel. During the last hurricane, they used it for a three months as a container to provide AC for all hotels.
- He has a lot of experience working in three phases.
- At Britannia, his first six months were as an electrician and then they promoted him to a lead because they saw his electrical knowledge.
- Then he went to Future Controls and after a year, they noticed his experience and he was promoted to foreman. He worked there full time.
- At Future Controls, he reported to the owners and others in the field. Bryan Scarborough is the licensed owner with the electrical license.
- Future Controls has been working on an FAA job for years, the airport tower.
- In Naples, we have a project for a company and did 19 buildings in Golden Gate at Livingston for Future Controls.
- Future Controls has a licensed contract and is licensed for everything.
- Future Controls' letter says he held a crucial role with them, primarily working in the field, running low voltage.
- He runs everything in three phases, chiller water pumps, cooling tower, power, feeding everything from the three-phase controls. That's in a prior letter by Future Controls.
- The current letter says he did troubleshooting, three-phase breakers, lighting controls and panels.

Supervisor Crotts said he wanted to verify that he was employed with Future Controls until August 2023.

Mr. Herrera said he was.

Supervisor Crotts said that during that time, he applied for his journeyman license and was approved in July 2023 so he was approved while employed there, but his understanding is that he left Future Controls in October 2023 to go to J.W. Marriott.

Mr. Herrera said yes.

Supervisor Crotts said he held the journeyman license under a licensed contractor for one month.

Mr. Herrera said yes.

Supervisor Crotts said the problem staff has is that under the ordinance, in order to get the journeyman license, he must have been employed or supervised by an electrical contractor. Based upon Mr. Herrera's testimony today, when he went to J.W. Marriott, he was no longer supervised by an electrical contractor.

Mr. Herrera said right.

Mr. Lantz said that the ordinance says he needs two years' experience as a journeyman or the equivalent.

Supervisor Crotts said that was correct.

Mr. Lantz said in this area, there are very few journeymen. Very few of the licensed

electrical contractors here ever had a journeyman card. It's just not common here. On the east coast, a journeyman card is more common because if you get it, you get a raise. In Naples, they just praise you for that, so there's no incentive to get a journeyman card here. The equivalent is the important thing. If he's working under supervision and if he's doing diagnostic on three-phase controls, he probably knows what he's doing. He's probably supervised a bunch of people because the guys who do that type of work, three-phase motor controls for the chillers, are pretty sharp, so his vote would be to give him a license.

Mr. Nolton said the experience he's hearing about is about as much as anyone he runs into with this conversation, so he's also going in that direction with his vote.

Chairman Jaron asked what his title is with J.W. Marriott.

Mr. Herrera said Master Electrician but he's trying to hire someone because they're short two people in the field. He doesn't understand why they don't have a license because he's doing everything there, troubleshooting everything that's three-phase, including fixing an elevator, putting in a new breaker. He's working the entire electrical department, doing troubleshooting, control, power, everything.

Mr. Nolton said it appears J.W. Marriott is doing work there without getting a permit and calling it maintenance and their maintenance staff probably do a lot more than they should be doing without getting permits and inspections.

Mr. Herrera said he worked for J.W. Marriott for seven months and within four months, he was nominated as employee of the month out of 1,200 employees. He left his country eight years ago and specialized in electrical at his high school.

Mr. Lantz made a motion to approve his license unconditionally.

Vice Chair Jerulle said he speaks very good English.

Mr. Lantz said he's nervous, it's not his first language and thanked them.

During questioning by Chairman Jaron, the following points were made:

- If he gets his license, he'd eventually like to run his own business.
- He'll continue working for J.W. Marriott because he likes commercial work.
- During that time, he plans to grow his own company, DN Electric Solutions.

Vice Chair Jerulle pointed out that if he's working at J.W. Marriott and we approve the license and they're doing work without a permit, he would be held responsible.

Supervisor Crotts confirmed that.

Mr. Allen said it's time to hold the Marriott responsible.

A discussion ensued and the following points were made:

- He has a lot of experience, got a journeyman license, and then left the company a month later.
- If he'd gone to the state, he'd have his license. It says a license or equivalent experience.
- We've had people come in front of the board before, and we've told them that if

you're going to be conducting work, it's your responsibility to ensure that a proper permit was applied for and has been issued before you start work, even if it's as a subcontractor.

- Mr. Herrera needs to understand that if he gets this license today, he's going to have to talk to the owner and tell them that for anything else he does, he needs to get a Marco Island city permit before he can do the job.
- If he does that work at the Marriott without a permit, he's going to be in violation.
- He's been doing a lot of work without a permit for the Marriott.
- *[The translator explained everything to Mr. Herrera.]*
- He can't leave because the Marriott doesn't have an electrical contractor.
- Mr. Herrera understands he's responsible and the work would be under his license. He will ensure the Marriott has a permit.
- He can't work on breakers or change a panel without a permit.
- He's an employee of the Marriott, not a contractor, and will be insured by the Marriott.

Supervisor Crotts said staff recommends imposing a 12-month probationary period in case there are any issues with permitting, either intentionally or unintentionally.

Mr. Lantz said he's just curious, why?

Supervisor Crotts said that although he has six years of experience, he's never been in a situation where he's been involved with pulling permits as a journeyman. He left his journeyman license after one month and then became an employee who was doing electrical work outside of what the journeyman's card would allow. As Mr. Nolton said, he was probably doing work that was allegedly repair work, which required a permit. This is an extra incentive for Mr. Herrera to make sure he follows the permitting rules and gets a permit.

Mr. Lantz said he didn't agree and he'd like to continue with his motion and asked for a second.

[There was no second.]

Mr. Lantz amended his motion.

Mr. Lantz made a motion to approve a registered Electrical Contractor License for Daniel J. Herrera Ruiz, dba DN Electric Solutions LLC, with 12 months of probation. Second by Mr. Nolton. The motion passed 6-1; Mr. Jerrule voted nay.

Chairman Jaron explained that he's getting a license with a probationary period.

Mr. Allen advised him to be careful.

A. Victoria M. Stevens – Skynet Paving LLC

Review of Credit – Paving Contractor

[Ms. Stevens was sworn in.]

Supervisor Crotts reported that Ms. Stevens submitted an application for a Paving

Contractor License, which requires a minimum credit score of 660. As part of the application process under Collier County Ordinance 2006-46, Section 2.3.9, Ms. Stevens was required to submit a personal and business credit report. Her personal credit report was reviewed and appears not to meet financial responsibility as set forth in Section 2.5.1(d), "The applicant or qualifier meets the requirements for financial responsibility as set forth in Rule 61G4-15.006 of the State of Florida." A review Ms. Stevens' submitted personal credit report shows the following areas of concern:

- *A credit score of 625; the minimum credit score by rule is 660.*
- *A collection in the amount of \$1,548 by Discover Bank, January 2024.*
- *Two Capital One accounts that were in collections dated October 2020, however, these accounts now show a zero balance.*

Based upon the information received, Ms. Stevens does not meet the minimum requirements as set forth in Ordinance 2006-46 as it relates to financial responsibility and Ms. Stevens is here today to answer your questions regarding her credit.

Chairman Jaron asked Ms. Stevens for background information on her credit because it's a little low.

Ms. Stevens told the CLB:

- Her credit is low but she can't seem to get it higher. It's very upsetting.
- Her inability to increase her credit puts a damper on getting funding for her business.
- Her low credit is due to student loans. She originally pursued a career in occupational therapy and worked as a therapist, but it didn't work out because she has a lot of loans.
- She learned that the construction industry pays more so she switched to construction and is trying to save money to pay off her student loans.
- She believed her loans were being deferred, but it appears that her letter for deferment got lost in the mail.
- She admits that checking on that was her responsibility and that went on for six months but she now has it under control. She's making payments and can pay her credit card bills.
- She checked online and saw the Capital One debt for \$1,500 and thanked them for bringing it to her attention. It's an old bill, she believes she closed it out and will pay that off.
- Once your credit is low, you cannot get it back up so she's having a hard time.

During questioning, the following points were made:

- She lives in West Palm Beach and is working there now. She's had her license there for about six months.
- It's been slow due to having to pull permits. It's quite strict and she's sure you have to pull permits here as well.
- Work is slow and that's why she's applying here, in case she gets a call here. She's going to call the counties that require permits. Stuart no longer requires a license.

- There's not a lot of asphalt work in West Palm and that's what she has the most experience in.
- She does driveways and seal coating. She's not into the big asphalt paving business because she doesn't have the equipment to do it, the paver truck, which costs a lot. She needs funding.
- She does seal coating, has equipment for that and does driveways.
- In case she gets a bigger job and can branch out, she wants to get this license and to do it properly so she can get a permit, if needed, so her job won't be stopped.
- She currently has no work here.

Vice Chair Jerulle asked if she could fix her credit and come back to Collier County.

Ms. Stevens told the CLB:

- She hopes she can fix it. It's a long process. She's been trying to fix it for years since she's been out of school and can't seem to fix it. She owes a lot of money for student loans. She needs \$40,000 to pay that off.
- She will immediately take care of the \$1,548 Discover Card debt.
- She's hired credit companies to help her and paid one over \$3,000 to help pay off \$1,500. She paid another \$1,500 and another \$3,000 but can't seem to fix her credit.
- She's disputed debts on Credit Karma. It's a never-ending battle.
- She wants good credit. Her car payment is high because she has low credit and can't fix it. It's not about money. It just won't increase.
- Credit Karma says her credit is higher, 640, but you have a different credit score here, 625.

Mr. Lantz asked how long they could put someone on probation for, two years?

Supervisor Crotts said yes, 24 months.

Mr. Lantz said he has no problem issuing her a license under two conditions. She needs to provide documentation about Discover Bank before the license is issued to show it's closed out and we will put her on probation for two years.

Mr. Joslin suggested the license be restricted to seal coating since she doesn't want to do paving.

Mr. Lantz pointed out that she's licensed to do everything already in another county. Her experience isn't under question.

Mr. Joslin asked if she would do seal coating here.

Ms. Stevens said if she gets a paving job, she'd like to branch out into paving. If she gets a call now, she does seal coating and can do small paving jobs, such as patches, repairs, crack fills.

Mr. Joslin said he was talking about laying down an asphalt driveway or something large.

Ms. Stevens said she eventually plans to get into that. She needs to start doing bigger jobs and branch into that. She's not there yet or she could get help.

Mr. Allen said we're just here on credit. Nobody's challenging her experience.

Supervisor Crotts said that based on the information staff found, she has the experience for the paving license. It would be up to her to know her limitations on what the license allows, but she'd need a license if she was going to go into a commercial property to tear up a section and replace it as a repair. Any right-of-way work would require a permit, especially in Collier County and the cities, and she would need that license to pull that permit.

Ms. Stevens said she does have experience in that.

Mr. Lantz said he'll make a motion that we approve her license with two years of probation, but her license won't get issued until the \$1,548 Discover Bank debt is resolved.

Ms. Stevens said she'd take care of that.

Mr. Lantz said once that's resolved, Mr. Crotts can issue the license.

Chairman Jaron said you said you paid Discover \$1,500 and they don't wipe it?

Ms. Stevens said yes, she took care of that. She's closed everything out. She's taken care of everything and wants good credit. She wouldn't let \$1,500 stand in the way of funding for her business. So she'll get a letter from them and take care of that today.

Mr. Lantz asked if she's saying it's already been paid.

Ms. Stevens said yes to her knowledge.

Supervisor Crotts said you would just need to show staff the communication from Discover to show it's been paid in full. Our credit report with this information is from February 2024.

Mr. Lantz made a motion to approve the license for Victoria M. Stevens, dba Skynet Paving LLC, with two years of probation, to be issued only after she proves that the \$1,548 Discover Bank debt is resolved. Second by Mr. Nolton. The motion passed 6-1; Vice Chair Jerulle voted nay.

9. **OLD BUSINESS:**

(None)

10. **PUBLIC HEARINGS:**

A. **2024-04 – Nilton P. Astuquipan – Euro Marble & Tile Inc. – (CEMIS20240003185)**

[Mr. Astuquipan and Investigator Broughton were sworn in.]

Mr. Allen made a motion to open the public hearing for 2024-04, Nilton P. Astuquipan, dba Euro Marble & Tile Inc. Second by Mr. Joslin. The motion passed unanimously, 7-0. The public hearing was opened.

Investigator Broughton said a copy of the hearing preamble was given to and read by the respondent, Nilton P. Astuquipan, who signed and dated it. He asked to enter the preamble and case packet for Case No. 2024-04 into evidence.

Mr. Joslin made a motion to accept the Preamble and Case Packet for Case No. 2024-04 into evidence. Second by Mr. Lantz. The motion passed unanimously, 7-0. The Preamble and Case Packet were entered into evidence.

Investigator Bogert presented his opening statement:

The respondent, Nilton P. Astuquipan, a Collier County licensed tile and marble contractor with issuance number C26375 is the qualifier for, and owner of Euro Marble & Tile Inc. Mr. Astuquipan contracted for and received payment from the property owner for the installation and renovation of the master bath and guest bath, including vanity cabinets, cement-board walls, a shower-pan floor and glass shower doors. Mr. Astuquipan also contracted for and received payment for the installation of a COREtec vinyl floor throughout the condo. The master bath and guest bath renovations commenced without a permit for which one was required.

Mr. Astuquipan is in violation of Collier County Code of Laws and Ordinances, Section 22-201(2), which states, in pertinent part, that it is misconduct for the holder of a Collier County Certificate of Competency to contract to do work outside the scope of their competency, as listed on their competency card and defined in this ordinance, or as restricted by the Contractors' Licensing Board. The respondent also is in violation of Collier County Code of Laws and Ordinances, Section 22-201(18), which states, in pertinent part, that it is misconduct for the holder of a Collier County Certificate of Competency to proceed on any job without obtaining applicable permits or inspections from the city Building and Zoning Division or the county Building Review & Permitting Department.

Mr. Astuquipan presented his opening statement:

- He understands that installing flooring doesn't require a permit.
- He is capable of installing vinyl flooring because he has a marble tile installation license.
- He didn't do any of the plumbing and electrical work or installation.
- He actually filed a complaint against the owner for doing it without permits.

Mr. Allen asked who did that work.

Mr. Astuquipan said he doesn't know.

Mr. Lantz said he also was confused about that because when he was looking through the text messages from the homeowner, it looked like he was saying, "The plumber's done, the electrician's done, when can you come back?"

Mr. Astuquipan said right.

Mr. Lantz said it seemed like the owner was working as a general contractor. It doesn't mean that he didn't work out of his license, but he has questions about the permit part.

Mr. Astuquipan said correct.

Mr. Lantz said and Mr. Astuquipan was working under that license as a subcontractor.

Mr. Joslin asked what he was contracted to do.

Mr. Astuquipan said he began with the master bathroom. He asked him to do the tile installation on the master bathroom. He did his own demolition and he came right after that to do tile installation and cement-wall installation. After that, he asked him to do the guest bathroom, so he did that, the flooring and shower walls.

Mr. Allen said we're only here on the flooring, right? We're not here on the bathroom renovations.

Investigator Broughton responded:

- He contracted for the bathroom renovations.
- When Mr. Astuquipan came to Growth Management, he confirmed what was discussed in my opening statement.
- He did the tile. He's licensed to do tile, but he also completed the cement-board walls, the shower-pan floor, the cabinet installation, the vanity cabinet installations in both bathrooms, and he contracted for the glass shower doors, which is glass and glazing for installation.

Mr. Lantz asked who the plumbing contractor was.

Investigator Broughton responded:

- The homeowner said Mr. Astuquipan did the plumbing and electrical, but he's denying that he touched any plumbing and electrical.
- Initially, the county was called because the respondent made a complaint on the homeowner that he was doing electrical and plumbing in his kitchen.
- When he visited the site, he talked to the homeowner, who told him about the kitchen renovation, that he demo'd the kitchen cabinets himself, but Mr. Astuquipan did everything else.
- Mr. Astuquipan denied doing any work in the kitchen, saying he only did the bathrooms.
- The homeowner never told me about the bathrooms even after he asked whether Mr. Astuquipan had done anything more than the condo flooring and kitchen. He said no.
- When he spoke with the respondent, he learned that the bathroom renovations were completed and Mr. Astuquipan admitted that he'd demo'd that shower. There's the permit and the whole bathroom renovation was completed.
- That's the only thing we're here on, not on the kitchen. He couldn't confirm anything, couldn't prove anything and wasn't getting cooperation on who the other electrician or plumber was because the homeowner said he did it all.

During questioning by Mr. Allen, the following points were made:

- Mr. Astuquipan demo'd the bathroom.
- He also did the shower pan.
- He didn't pull a permit for that work because he spoke to the homeowner, who said he'd be in charge of permit and whatever he has to do because Mr. Astuquipan didn't have time to pull permits.
- Asked whether he knew it was outside the scope of his license and that he should

have pulled a permit, Mr. Astuquipan said, right.

- He said he used the book he studied when he passed his license test, which showed what a layman should do about permits on the shower floor.
- He only did that work because the homeowner's plumber didn't want to come back just to install the shower pan.

Investigator Broughton said there are three trades that he contracted for. When we're talking about plumbing, he thinks it's the PEX lines or the copper. But it's the fixtures themselves, the shower pan, floor, the cement-board walls, the shower doors, and other items, which are plumbing fixtures. Those, plus the demolition of the guest bathroom requires a renovation permit from the county for the bathroom renovation.

Mr. Allen asked if there was another active case.

Investigator Broughton said that's this case, he has no prior discipline and he was very cooperative. He was trying to bring him into compliance, telling him that certain licenses are required for the flooring, and he tried to explain his side, saying he thought he could do it with his license, but he explained to him that no, there's a Flooring Contractor License, there's glass and glazing for the shower doors, and it requires a plumber to complete the plumbing fixtures.

Mr. Lantz asked if this involved a single-family house.

Investigator Broughton said it's a lower-level condominium and he also installed the vanity cabinets.

Mr. Lantz asked if it's a flat slab, a shower pan with a curb.

Investigator Broughton said yes.

Mr. Allen said it looks like we have an admission of guilt.

Mr. Joslin asked if he's admitting he did the work and if he's guilty.

Mr. Astuquipan said yes, he did the work.

Mr. Joslin said you did the work, so you're admitting the guilt, that you are guilty of the offense?

Mr. Astuquipan said sure, if it has to be a guilty, yes, he's guilty.

Mr. Lantz asked if there was a plumber who came in and changed out the valves.

Mr. Astuquipan said yes. You don't need a plumber for the plumbing part if you call it plumbing to install the shower pan.

Mr. Lantz said the Florida Building Code calls for a plumber.

Mr. Astuquipan said OK, but in this book ...

[A discussion ensued.]

Mr. Lantz said when he first started out, tile setters installed the shower pan but that hasn't been the case in 25 years. You can't tell me you've been in business 30 years and don't know that in this area, you're not allowed to do that anymore. The tile guy is not

allowed to do it, even though you probably did it for 10 years and probably can do it just as well as any plumber in town. You still know that a plumber is required to do that, right?

Mr. Astuquipan said yes.

Chairman Jaron asked if the county had anything else.

Investigator Broughton said no, we have admission of guilt.

Chairman Jaron asked Mr. Astuquipan if he admitted he did work that he shouldn't have done.

Mr. Astuquipan said yes.

Mr. Lantz said that's an admission of guilt on Count 1, not on Count 2.

Investigator Broughton said he demo'd the bathroom.

Mr. Lantz said he understood that he demo'd the bathroom, but he'd argue in his favor that the homeowner was the GC. The homeowner hired him, the homeowner hired the plumber, the homeowner hired the electrician. Even though he did a lot of the work, the homeowner was the GC.

Mr. Nolton said that as a contractor, he had the responsibility to ensure that he had a permit, not just assume it.

Mr. Lantz said as a tile contractor, really?

Mr. Nolton said he stepped across the line already. You're just talking about Count 1, Count 2. He doesn't think it really matters. It was work done without a permit that needed a permit. He did the work.

Mr. Lantz said so did the homeowner.

Mr. Nolton said the homeowner has some liability here, but he has a lot more. We can't do that because he's not here.

Chairman Jaron asked who reported the complaint.

Mr. Astuquipan said he did.

Investigator Broughton said there were two complaints. He reported first on the kitchen, then the homeowner went to Contractor Licensing and said he hired a contractor who was unlicensed, and he didn't tell him he was unlicensed, so there were two complaints that came in, but his came in first. He reported the kitchen only and never said anything about the bathrooms. The homeowner reported the kitchen only and never said anything about the bathrooms.

Supervisor Crotts said he'd clarify the procedure for the CLB:

- Once work has been done by a homeowner, where it's deemed that a permit was required, the homeowner's case would be turned over to Code Enforcement.
- Code Enforcement would then issue a Notice of Violation and require the homeowner to get the required permit.
- In this case, it would have to be a contractor. A homeowner would not be able to do it as an owner-builder. They cannot be a GC because this (condo) is commercial property.

Mr. Lantz asked if the kitchen has been permitted now.

Investigator Broughton said it's been referred to Code Enforcement and it's an open case. They posted a Notice of Violation and he's been already gotten calls from two general contractors who don't want to assume responsibility for the bathrooms, so the homeowner is attempting to hire a general contractor to assume responsibility for the kitchen and bathroom. There was a kitchen wall that was removed, electrical that was run, new lighting.

Mr. Lantz asked if he had nothing to do with that.

Mr. Astuquipan said no, that's why he filed a complaint because it's plumbing and electrical.

Mr. Lantz said that furthers his argument. The homeowner is the GC, not him. He's not saying he's innocent, but the homeowner is the GC, not him.

Investigator Broughton asked him to look at a page in the agenda packet, a text message Mr. Astuquipan sent to the owner that basically talks about the bathroom renovation, the glass shower enclosure. He gave him a price for the kitchen cabinets installation in that text message.

Mr. Lantz asked what page that was.

[Investigator Broughton pulled it up on the overhead projector.]

Mr. Lantz said if you go to page 180-181, it's pretty clear that the homeowner is acting as a GC. "Hi pal, the plumber will be here on Saturday moving the shower drain and moving the showerhead pipe." If you look above, you see he texted: "The electrician was here today and finished his rough-in and the plumber will be here Sunday." That's the homeowner telling him what's going on. That's a homeowner coordinating with the other trades, acting as a GC, not him doing it. He's not saying, "Hey, Mr. Homeowner, the plumber is here, we're moving on." Is somebody else coordinating all the other trades?

Investigator Broughton said he understands that, but the homeowner ...

Mr. Lantz said he knows he's a homeowner, so that's the way it works, but that doesn't mean he didn't do anything.

Chairman Jaron asked Mr. Astuquipan if he had anything more before they closed the case.

Mr. Astuquipan said he has a photo showing why he filed complaint. He was never asked for it, but he has a photo that really disturbs him. He was working there doing the vinyl installation and that's why he didn't file the complaint.

Mr. Lantz asked if it pertains to the kitchen?

Mr. Astuquipan said yes.

Mr. Lantz said that's not in this case, but thanked him.

Mr. Joslin said it's pretty clear that you did the work because two proposals were seen written from your own marble and tile company to the homeowner.

Mr. Allen said they should take a vote on his guilt.

Chairman Jaron said they didn't need closing arguments.

Mr. Allen made a motion to find Nilton P. Astuquipan, dba Euro Marble & Tile Inc., guilty of Count 1 and Count 2. Second by Mr. Joslin. The motion passed 6-1, with Mr. Lantz voting nay.

Mr. Allen made a motion to close the public hearing. Second by Vice Chair Jerulle. The motion passed unanimously, 7-0. The public hearing was closed.

Attorney Neale told the CLB that since he's been found guilty, there are certain sanctions the board can impose:

- Revocation of the Certificate of Competency.
- Denial of issuance or renewal of the Certificate of Competency.
- Probation of a reasonable length, not to exceed two years during which his activity should be under the supervision of the Contractors' Licensing Board and/or participation in a credit program or continuing education.
- Restitution.
- A fine not to exceed \$5,000, or \$10,000 for both counts.
- A public reprimand.
- A re-examination requirement.
- Denial of the issuance of permits.
- Requiring issuance of permits with conditions.
- Reasonable legal and investigative costs.
- In determining the sanctions, you shall consider the gravity of the violation, the impact of the violation, any actions taken by the violator to correct the violation, any previous violations committed, and any other evidence presented in the hearing by the parties, relevant as to the sanction that's appropriate for the case, given the nature of the case.
- You also show us your recommended penalty for the state construction agency or licensing board, but since this is a local license, that's not really that relevant.

Mr. Allen asked if the county had any recommendations.

Supervisor Crotts outlined the county's recommendations:

- Based upon the information received, there were three trades that were done outside the scope of the respondent's license.
- However, the county is going to recommend a \$2,000 fine on Count 1, to be paid within 60 days. Failure to pay within 60 days will result in the respondent's license being revoked.
- On count 2, the county recommends a \$1,000 fine to be paid within 60 days. Failure to pay within 60 days will result in the respondent's license automatically being revoked.
- The respondent's license should be put on a 12-month probationary period.

Mr. Noltton asked if he'd been paid for all his work.

Mr. Astuquipan said he never intended to pay him, but then he paid what was owed.

Mr. Noltton said he'd make a motion and would adopt the county recommendation.

Mr. Lantz asked what happened to the plumber.

Mr. Allen said the county doesn't know who it is, right?

Supervisor Crotts said we haven't gotten any information. That's why everything is being referred to Code Enforcement. It will be their homework to get that. Once we find out, we can add that information. If the plumber is unlicensed, obviously he will be issued a citation and he would be required to get a permit and be state certified.

Mr. Joslin asked what happens to that case.

Supervisor Crotts said we refer it to DBPR for review.

Mr. Noltton said he assumes it's just for the plumber.

Supervisor Crotts said anybody else who is involved in those trades, correct.

Mr. Lantz said but we don't know who they are.

Supervisor Crotts said not yet.

Mr. Joslin said he'd second the motion but he's still on the question about who's really involved in the permit.

Vice Chair Jerulle asked Investigator Broughton about the text message he sent about the kitchen.

Investigator Broughton said that unfortunately, when his packet was scanned in, it's on the backside of this page. It's not showing the next page.

Vice Chair Jerulle asked what the date was.

Investigator Broughton said the date of the text message was March 13th at 8:51 a.m.

Vice Chair Jerulle asked what day he filed the complaint.

Investigator Broughton said March 28, 2024.

Vice Chair Jerulle said that's his point, that he's upset and he turned in the complaint. He's ready to vote.

Mr. Allen made a motion to fine Nilton P. Astuquipan, dba Euro Marble & Tile Inc., \$2,000 on Count 1 and a \$1,000 fine on Count 2, both of which must be paid within 60 days; failure to pay within 60 days will result in the revocation of his license; and to impose a 12-month probationary period. Second by Mr. Joslin. The motion passed 6-1, with Mr. Lantz voting nay.

Chairman Allen moved to the findings of fact:

Upon consideration of all testimony received under oath, evidence received and arguments presented by the parties during the public hearing, the Board issues the following findings and conclusions:

May 13, 2024

- Service of the Administrative Complaint and notice was legal, sufficiently provided and in compliance with the applicable law.
- The respondent is the holder of the license as set forth in the Administrative Complaint.
- The respondent was present at the hearing and was not represented by counsel.
- The Board has jurisdiction over the Respondent and subject matter raised in the Administrative Complaint.
- The respondent was found guilty of Count 1 and County 2 in the Administrative Complaint.

Therefore, by a vote of 6-1, the respondent is found guilty of the violations set forth in Count 1 and Count 2 of the Administrative Complaint, 2024-04, and the Board imposes the following sanctions against the respondent:

- A \$2,000 fine on Count 1, to be paid within 60 days.
- A \$1,000 fine on Count 2, to be paid within 60 days.
- If the fines aren't paid within 60 days, the license will be automatically revoked.
- 12 months of probation on each count, to be served concurrently.

This proceeding is now concluded.

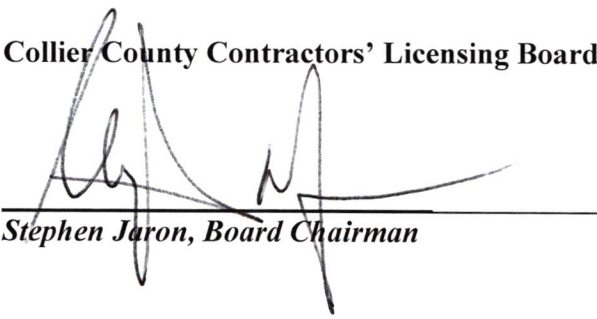
10. NEXT MEETING DATE: Wednesday, June 19, 2024

Commissioners' Chambers, Third Floor,
Administrative Building F, Collier County Gov't Center,
3299 E. Tamiami Trail, Naples, FL

Mr. Lantz made a motion to adjourn. Second by Mr. Joslin. The motion passed unanimously, 7-0.

There being no further business for the good of the County, the meeting was adjourned at 10:29 a.m.

Collier County Contractors' Licensing Board



Stephen Jaron, Board Chairman

These minutes were approved by the Chairman of the Contractors' Licensing Board on June 19, 2024, (check one) as submitted or as amended .