

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

February 19, 2014
Naples, Florida

LET IT BE REMEMBERED, that the Collier County Contractors' Licensing Board, having conducted business herein, met on this date at 9:00 AM in **REGULAR SESSION** in Administrative Building "F," 3rd Floor, Collier County Government Complex, Naples, Florida, with the following Members present:

Chairman:	Patrick White
Vice Chair:	Thomas Lykos
Members:	Ronald Donino Terry Jerulle Richard Joslin Kyle Lantz Gary McNally
<i>Excused:</i>	Michael Boyd Robert Meister

ALSO PRESENT:

Michael Ossorio – Supervisor, Contractors' Licensing Office
Colleen Greene, Esq. – Assistant County Attorney
James F. Morey, Esq. – Attorney for the Contractors' Licensing Board
Rob Ganguli – Licensing Compliance Officer

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 the proceedings is made, which record includes the testimony and evidence upon which the Appeal is to be based.

I. ROLL CALL:

Chairman Patrick White called the meeting to order at 9:03 AM and read the procedures to be followed to appeal a decision.

Roll call was taken and a quorum was established. **Seven** voting members were present.

II. AGENDA – ADDITIONS, DELETIONS, OR CHANGES:

Addition:

- **Under Item VII, “Old Business”**
 - A. *Additional documentation was presented for the Barcelo matter.*

III. APPROVAL OF AGENDA:

Vice Chairman Thomas Lykos moved to approve the Agenda as amended. Gary McNally offered a Second in support of the motion. Carried unanimously, 7 – 0.

IV. APPROVAL OF MINUTES – JANUARY 15, 2014:

Corrections:

- **Page 3: (last bullet point, “Recommendation”)**
 - Change MuniCode to *Collier County’s Code of Ordinances* criteria
- **Page 9: (4th Paragraph, “Chairman White”)**
 - Change “would be” to “*could* be”
- **Page 10: (“Motion”)**
 - Carried unanimously, 9 – 0.
- **Page 31: (3rd bullet point, “Opening Statement”)**
 - *Insert: “months”* following 2 ½

Richard Joslin moved to approve the Minutes of the January 15, 2014 meeting as submitted. Ronald Donino offered a Second in support of the motion. Carried unanimously, 7 – 0.

V. DISCUSSION

(None)

VI. NEW BUSINESS:

A. Orders of the Board

Vice Chairman Thomas Lykos moved to approve authorizing the Chairman to sign the Orders of the Board. Richard Joslin offered a Second in support of the motion. Carried unanimously, 7 – 0.

(Note: With reference to the cases heard under Section VI, the individuals who testified were first sworn in by the Attorney for the Board.)

**B. Jody A. Cabrera – Verification of Construction Experience
(d/b/a “Cabrera Electrical Service, Inc.”)**

Michael Ossorio:

- The Applicant took the County’s Master Electrical examination in 2005.
- The County’s Code changed in 2008 and in 2010.
- The Applicant is a Registered Electrical Contractor with the State of Florida and specializes in residential.
- There is an issue with limitation of amps in multi-family residences.
- The Applicant was issued a Citation for working on a commercial job site without a license. The permit was pulled by another Contractor and the fee was paid.
- Question regarding experience: The Applicant worked for Gary Beaumont, Beaumont Electric Co., Inc., as an apprentice from December 29, 1997 through June 28, 1999.
- Criteria required:
 - Four years as an Apprentice plus two years as a licensed Journeyman **OR**
 - Six years as an Apprentice (without school) plus two years as a licensed Journeyman

Mr. Ossorio questioned the type of State exam taken by the Applicant.

Jody Cabrera replied:

- It was a different exam.
- The difference at the time was to qualify for an unlimited Master’s with the State, an applicant had to prove three years’ of three-phase experience and I could only prove two, with Community Electric and Jackson Total Service.
- I was not eligible at that time.
- I am not eligible now.

Michael Ossorio referenced County’s MuniCode and stated the Applicant needs at least six years of experience. He noted Mr. Cabrera has pulled many permits with the County for residential work.

Jody Cabrera noted he has business his business, for the past ten (10) years, under the State's Residential Specialty license.

Kyle Lantz asked if the County also required three-phase experience.

Michael Ossorio referenced MuniCode for the County, Section 22-181, requires supervision on residential and commercial jobsites. The County relies on the affidavits supplied by the Applicant. He was an apprentice in 1997 and became State certified as a Specialty Electrical Contractor and sat for the Masters exam in 2005.

Chairman White asked if the minimum experience is six years.

Mr. Ossorio replied the requirement is six years as an apprentice if the Applicant has not attended an approved apprentice program. He explained if the Applicant had worked for Beaumont Electric for six years as an Apprentice and two years as a licensed Journeyman, as approved by the County. The County does provide a test for Journeyman status.

Chairman White stated the Board needs additional information for the record to supplement the affidavits that Mr. Cabrera supplied.

He also noted an error on the application concerning "ownership." The application stated Mr. Cabrera is the managing member of Cabrera Electrical Service, Inc., which is a corporation.

Jody Cabrera stated the company was an "S-Corp."

Chairman White asked the Applicant if he was the President of the corporation and the response was, "yes."

Chairman White stated the form used was for a limited liability company as opposed to a corporation. He asked the Applicant if he was the owner of the corporation and the response was, "yes."

Chairman White asked the Applicant if he could provide additional information concerning his experience.

Jody Cabrera stated:

- His company has been in business for ten years
- His status is more than a Journeyman, i.e., he has run the company with employees

Kyle Lantz asked noted the State's Electrical Contractors Board allows six options to obtain experience and the experience has to be within the last twelve years. While the Applicant has been working as an Electrician for the past ten years, he has not done any commercial or multi-family work or three-phase work during that time.

He asked Michael Ossorio if the County has the same requirements as the State.

Michael Ossorio read from Section 22-183(b) of the MuniCode, "Experience Requirements," which outlines the criteria he follows:

"To determine if the Applicant possesses the experience required by this Section, the Contractor Licensing Supervisor or his/her designee shall

consider the following forms of proof of experience:

- (1) Affidavits from former employers with specifics as to the number of years of experience, work performed and any other relevant information;
- (2) Copies of other certificates of competency, if any, held by the applicant in other counties or cities;
- (3) Affidavits from any building director in locations where the applicant has worked;
- (4) Affidavits from any union organization of which the applicant has been a member relating to the trade for which the applicant has made application;
- (5) Affidavits from any other source within the trade applied for.”

Mr. Ossorio noted while the Applicant was certified by the State as a Residential Electrical Contractor, he have provided an affidavit from the County’s Chief Electrical Inspector regarding his workmanship on a job site.

He further stated:

- the Applicant could take and pass the new NEC C-10 exam to prove that he was updated on the new Codes, including commercial.
- The County’s Chief Electrical Inspector provided an affidavit concerning his work in the field.

He concluded by confirming the County has not received any complaints filed against the Applicant.

Kyle Lantz noted during the past three or four Code cycles, most of the Codes that have changed in “Electric” have applied to residential work. The Codes for commercial work have not changed very much.

Michael Ossorio stated when one of the County’s Inspectors met the Applicant on a job site, the issue was quickly rectified – “to his credit” –the violation was minor.

Richard Joslin asked the Applicant if he was licensed in other counties.

A. I was registered in Lee, the City of Bonita Springs, and the City of Marco Island. I have not renewed the Bonita Springs or the Lee County registrations.

Kyle Lantz asked the Applicant if he was still State registered but not with Collier County.

A. I am registered with the State.

Michael Ossorio explained a State certified Contractor does not have to register in a County unless he is conducting business in that County.

Richard Joslin asked if the Applicant had maintained his continuing education.

A. I have never missed my C.E. to maintain my license.

When asked about his employees, Mr. Cabrera stated since June, 2013, he no longer employs workers because of lack of jobs. He stated due to the restrictions on his license, it was difficult to obtain enough jobs to keep his workers busy.

Vice Chairman Lykos stated he was not sure what the issue was before the Board.

Chairman White asked how the category of “Electrician” in Collier County related to the Applicant’s license with the State. He also asked what was required for the Applicant to obtain the licensure to be approved.

Kyle Lantz explained the Applicant was limited by the State to working on residential properties and up to four-family residences. He can’t do three-phase work. The goal is to be able to work on everything, i.e., condos, multi-family, commercial, and industrial. He cannot work on alarm systems but he could do any other type of electrical work.

Michael Ossorio stated:

- The County has 61 different types of licenses which sometimes overlap with the State.
- The State has its own categories of license which Collier County may not have.
- One of them is “Electrical Specialty.”
- Collier County has “Master Electrical” license.
- The Applicant took and passed the Master exam in 2005.
- He chose to take the (lower) State test and became a “Specialty” Contractor which has limitations on the type of work he can do.
- He is before the Board to obtain a Certificate of Competency as a Master Electrical based on the results of his 2005 exam.
- Although the licenses are separate, they run parallel to each other.
- If the Board chooses to approve a Masters Electrical license, Mr. Cabrera does not need to maintain his State registration unless he wants to work in other counties.

Chairman White noted the Applicant’s registration with the State had certain limitations. He asked if Mr. Cabrera would need to update his status with the State.

Michael Ossorio stated the Applicant could be a State-certified Specialty Electrical Contractor and a registered Master Electrical Contractor. He stated it was “unusual but we do see it.” In five years, if he remains in good standing, Mr. Cabrera could petition the State’s Construction Industry Licensing Board (“CILB”) to become a State-certified Master Electrician.

He recognized the Applicant had been specialized for ten years and the affidavits go back to 1997 when he was a Journeyman, but the Applicant must provide proof that he is competent to be granted a Master Electrical Contractor license without retesting. He reiterated there have been two major changes to the Electrical Code.

Vice Chairman Lykos asked what requirements were necessary for the Applicant to obtain a Certificate of Competency from Collier County as a Master Electrical Contractor.

Michael Ossorio responded:

- Four years as an Apprentice (in an approved program) plus two years as a licensed Journeyman **OR**
- Six years as an Apprentice (without school) plus two years as a licensed Journeyman
- The Affidavits must specify what the Applicant's duties were; what he actually did on the job site as an Apprentice and as a Journeyman.

Vice Chairman Lykos stated the County required proof of both residential and commercial experience. He noted the affidavits did not specify the number of years the Applicant worked as an Apprentice or as a Journeyman; they did not specify if the work done was commercial or residential; sufficient details were not provided.

Richard Joslin asked the Applicant if he had done any work with any other company during the past ten years.

A. Not particularly. When I got the license, there were less restrictions than there are today. At the time I became licensed, I was restricted to four stories and below, unlimited units. At that time, the difference between residential and commercial was a grey area. The scope of the license has shrunk over the years.

Jody Cabrera noted he contacted Tallahassee and was told the Specialty licenses were being phased out.

Vice Chairman Lykos stated in order for the Applicant to obtain commercial experience, he would have to work for another Contractor because his license restricts him solely to residential work. The County requires the commercial experience in order to approve a Master Electrical Contractor license.

Mr. Cabrera replied when he worked for Community Electric, the work consisted solely of high-rise jobs. At Jackson Total Service, he worked on multi-family residences and the Canterbury House in the Vineyards. When he worked for Premiere, he worked on the country club at Naples Lakes and The Community School.

Mr. Lykos noted the Community Electric letter was not specific -- it described the work the company did but was not specific as to the type of work the Applicant performed as an individual. The letters should be specific as to the

length of time worked as an Apprenticeship and as a Journeyman, as well as the type of work done by the Applicant.

Chairman White stated, since the Applicant was under oath, he was entitled to present testimony, i.e., to self-certify his experience and fill in the details missing in the affidavits. The Board must be comfortable that the Applicant actually possesses the level of experience required by the County.

He noted the most detailed Affidavit was from Beaumont Electric which detailed the Applicant's experience as an Apprentice and Journeyman from December 29, 1997 through June 28, 1999 but were specifically limited to single and multi-family residences.

He continued Mr. Ossorio wanted proof that the Applicant was knowledgeable about any C-10 and an affidavit from Rich Long, the County's Chief Electrician.

He suggested the application could be tabled to allow the Applicant to obtain the specific documentation required.

Kyle Lantz pointed out the letter from Jackson Total Service noted the Applicant had worked as an electrician on a two-story, multi-family commercial project in Lely as well as on an assisted-living, commercial project in the Vineyards from 1994 through 1996. Beaumont letter also outlined work on single and multi-family dwellings during that time.

Michel Ossorio stated the "numbers didn't add up." Mr. Beaumont informed the Licensing office that, in 1999, the Applicant worked for him as an Apprentice and prior to that, he was an Apprentice. The Applicant must provide proof of his Journeyman experience after 1999.

Mr. Lantz confirmed he has been a State Electrical Contractor for over ten years and stated he has never done "commercial" work – it was all multi-family and multi-family is considered commercial. Three-phase multi-family is commercial. If the Applicant is doing multi-family, he is doing commercial work. He is doing the equivalent of commercial work. If he has been running his own company for ten years, he probably knows what he is doing. It is not that much different to do commercial work from residential.

Jody Cebrera stated:

- On remodel jobs, he uses a lot of MC to keep other contractors from damaging his work – it may be a bit more expensive but it is sturdier and he does not worry about it being damaged
- Regarding pipe bending, he has done a little of PVC on the exterior of homes
- He hasn't done much EMT work since he left Jackson Total Service when he worked on the Canterbury House – it was 1,000 feet of pipe per week

Kyle Lantz confirmed the part that "makes him an electrician" is knowing how to wire. He stated even if the Applicant had no commercial experience, he would be comfortable with someone who had ten years of residential experience to move up.

He further stated the Applicant has been in the trade long enough – he has paid his dues – it’s not a big stepping stone to move up to the next level.

He continued while the affidavits were “not great,” they provided a pretty good time line from 1993 to 1999. The Applicant has been around enough single family and multi-family jobs to know what is going on.

Terri Jerulle asked Kyle Lantz if he was comfortable with not requiring the Applicant to be tested even though his last test was in 2005.

Mr. Lantz replied most of the Code changes since 2005 have applied to residential and in grounding which applies to residential. Those have been the big issues that have been upgraded. He would have learned about that through his continuing education courses.

Mr. Jerulle asked Mr. Lantz if he was more inclined to approve the Applicant’s application rather than accepting Mr. White’s suggestion to take the exam and obtain additional letters as Mr. Ossorio requested.

Mr. Lantz replied, “Correct.”

Jody Cabrera added that during the technical portion of the Continuing Education courses, Code changes are reviewed and the attendees are tested on changes for the current year. The courses encompass the Business & Law as well as the trade portion which is tested by exam.

Kyle Lantz explained Electrical Contractors are required to do seven hours of technical -- since very few places offer the continuing education courses Mr. Cabrera probably took the same classes as he did. It’s different than the courses for a G.C. (General Contractor) license.

Richard Joslin stated he understood Mr. Lantz’s position. His concern is allowing the Applicant to perform “commercial” work without having the credentials to prove he is qualified – it was a big step.

Kyle Lantz explained other trades allow license holders who have been in business for a certain period of time to take tests to move up from “B” license to “A” license status. There is nothing for Electrical and the Applicant is in a “Catch-22” situation.

Mr. Joslin asked Michael Ossorio if the Board approved the application, would Mr. Cabrera be able to obtain reciprocal status in Bonita Springs and Lee County – could he be “grandfather” into other counties.

Michael Ossorio stated if the Board elected to approve his application, Mr. Cabrera could reciprocate with other counties. He might be able to apply in Bonita Springs but was uncertain concerning Lee County – there are several licensing boards, i.e., Cape Coral, Sanibel, Bonita, and in unincorporated Lee County. In the past, Lee County was a General Contracting certified county. But Lee County no longer accepts State registration. If the Applicant becomes state registered, he may not be able to work in Bonita.

Chairman White thanked Mr. Lantz’s for his questions and comments which helped him to attain a level of comfort concerning the application.

Kyle Lantz moved to approve accepting Jody Cabrera's experience and approve his application for a Master Electrical Contractors license. Gary McNally offered a Second in support of the Motion.

Discussion:

- **Vice Chairman Lykos** stated while he respected Mr. Lantz's input, he was not 100% convinced. The lack of documentation of the Applicant's commercial experience and not being tested since 2005 concerned him.
- He stated if including taking the test could be part of the motion, possibly through a six-month probationary period, he would feel more comfortable.
- **Terry Jerulle** supported a probation period during which time the Applicant could take/past the test and obtain a letter from the Collier County Chief Electrician.

Jody Cabrera confirmed he will do whatever is necessary, i.e., take the test, for the Board to approve his application.

Chairman White clarified that Mr. Lantz and Mr. McNally agreed to amend the motion to approve imposing a probationary license with a requirement for Mr. Cabrera to take and pass the Master Electrical test within the next six months.

Michael Ossorio added if Mr. Cabrera took and passed the test within the six month period, the probation would be lifted immediately and he would not need to report back to the Board. He clarified if the Applicant began the registration process as soon as possible and paid the necessary fees, he could become actively licensed within two weeks.

Chairman White confirmed Mr. Cabrera would be required to return only if he did not pass the exam within the probationary period.

Chairman White called for a vote on the amended and restated motion. Carried unanimously, 7 – 0.

**C. Robert C. Marzacco – Review of Credit Report
(d/b/a “Gulf Coast Construction & Design Corp.”)**

Michael Ossorio stated the Applicant submitted a full application to be a qualified, registered General Contractor but his credit scores are below the minimum standards accepted by Collier County. [Reference: MuniCode 22-184(A)(3)]

Chairman White clarified some “housekeeping” issues:

- The affidavit verifying construction experience was not dated.
 - Response from Applicant: It was signed on July 12, 2012 as was the letter.

- Was the test score for the General Contractors licensing exam which the Applicant took on May 8, 2012 still valid?
 - Response from Michael Ossorio: Yes.

Robert Marzzacco stated he was not proud of his credit scores but the issues were due to medical bills incurred by his five former wives. He has been in contact with representative of Chase Bank and is working to pay off the legitimate bills. He has questions concerning some of the providers.

Chairman White stated his concern was that the scores were below the threshold used by the County, i.e., 660 for FICO. The Applicant's score is 571. He stated it was difficult to determine what had been accomplished over the past six months. He asked the Applicant for an estimate concerning how long it would take to clear the past due accounts.

Mr. Marzzacco stated his goal was pay a majority of the bills by the end of the year. The judgments were due to houses that he lost.

Kyle Lantz asked for specific details concerning the payment plan, i.e., how much was to be paid and by what date.

The Applicant stated he was in the process of contacting Experian, Equifax, and Trans-Union. It will take time. He has saved some money for the negotiated pay-off amounts.

Michael Ossorio noted even if the Applicant was approved, the State will require that he is bonded (\$20,000). If the Board also requires bonding, a copy of the bond obtained for the State will be sufficient. The cost is approximately \$1,500 to obtain the bond.

Robert Marzzacco stated he would obtain a bond, if required.

Chairman White requested additional information concerning bonds. He asked if a bond is required and obtained by an Applicant, can the Applicant still be placed on probation. He also asked if securing a bond could be a condition of obtaining a license, i.e., a license would not be issued until a copy of the bond is provided to the Contractors Licensing Office.

Michael Ossorio explained that no matter what the Board requires on a local level, the State of Florida's CILB will require the Applicant to be bonded and his license will not become active until the bond is supplied.

Vice Chairman Lykos stated he reviewed the application and credit report. His conclusion was to not approve the application because a General Contractor's license comes with a great deal of responsibility. He stated there are three outstanding civil judgments noted on the credit report in addition to the medical bills and several accounts have been placed for collection. He stated he was not sure that issuing even a probationary license would be in the community's best interests.

He suggested that Mr. Marzzacco establish a workable plan and return to the Board in the future to demonstrate the plan has been implemented and progress has been made. At that time, he would be more inclined to approve authorizing a probationary license.

When asked how he was currently employed, the Applicant stated he was a supervisor at Impact Storm Protection. Previously, he was a supervisor for a condo management company.

Robert Marzzacco stated he has been in construction his entire life; that his father was a Contractor in Pennsylvania. He moved to Florida approximately .five years ago. When he graduated from high school, he ran jobs for Timberline Log Homes. When the Carpenters' Union called, he supervised an addition to a power plant for one year making dry wall from dry ash which came off the power plant.

He further stated he will work to straighten out his credit. He has been in the Coast Guard and in the Fire Service in Pennsylvania for 27 years – “it’s not that I’m a bad person – I’m registered with the State and the Federal Government.” There are no late payments to any lumber yards or suppliers. The credit issues are personal. “I can provide references from pool contractors on Marco Island. There are a lot of credible people who know me.”

Chairman White noted the issues were not with the Applicant’s character or integrity. He stated experience is a component of the decision making process – the Board must be comfortable the Applicant knows not only how to do the work but also run his business in a fiscally responsible way.

Robert Marzzacco stated the Board would not see him because of a work-related issue.

Chairman White continued the Board understood it was a personal credit report and not a business credit report. The Board wants to be sure that the Applicant is able to open/maintain a new business – that he will succeed and the community will not to be harmed.

Kyle Lantz asked about Mr. Marzzacco’s previous work experience and if he ever handled pricing, billing, budgets, quotes, etc.

Robert Marzzacco stated in his current job, he meets with clients, provides quotes, and supervises employees who install impact glass, i.e., windows, doors, shutters, roll-downs. When he worked for the condo maintenance company, he ran the jobs and made sure everyone was doing what they had to do at the job sites.

Mr. Lantz asked him to explain the business money aspect in his various jobs – to elaborate on his experience.

The Applicant stated he uses various computer programs – he inputs the size of the window, for example, and obtain material costs from vendors. He stated he knows from his construction experience how long it will take to install the item.

Mr. Lantz asked if he prepared the proposal for the customer outlining how much the job would cost.

A. Correct.

- Q.** Is making sure the customer pays and everyone gets paid part of your responsibilities?
- A.** Correct. We require 50% down to order windows.
- Q.** And you're been doing that portion of the job for how long, including your other jobs?
- A.** For all of them except the management company – the front office does that.
- Q.** And on some of your larger construction jobs
- A.** Handled all that. We had CAD systems for the drawings ... they charge a lot more down here than we did in Pennsylvania.

Terry Jerulle stated as a General Contractor, once you are past the testing of the Codes, the laws, and you have the experience, the major obstacle is managing money and it can be a lot of money. The only thing we have to show how you manage money is your credit report.

He continued while the Applicant may have the experience and has passed the test, he was not convinced that the Applicant can manage money. He was concerned that everyone on the project would be paid.

Robert Marzzacco said he has been “straight up and honest” with his responses to the Board’s questions. He stated, “You will not see me back here, I can tell you that.”

Gary McNally asked about the Applicant about his contact with the bank to reorganize his debts and what he has done during the past month – had he created a document that outlines his plan .

Robert Marzzacco stated he obtained credit reports from Experian, Equifax, and Trans-Union. He contacted Jonathan at Chase Bank who determined the order in which each creditor should be contacted – the plan is to eliminate the smaller debts first – 90% of his debt load consists of smaller amounts. He stated he was not certain that he incurred all the debts on the credit reports. There were at least two creditors whose names are not familiar to him.

He stated he is still sorting through everything while continuing to work.

Gary McNally asked if Mr. Marzzacco would have a written re-organization plan within the next 30 to 60 days and the response was, “Yes.”

Richard Joslin stated he would support the Board denying the application for a license due to the credit history. In thirty days, the Applicant can bring back documentation from Chase Bank outlining the re-organization plan for the Board to review. It would show good faith on his part.

Chairman White stated if Mr. Joslin’s opinion was supported by the Board, the Applicant had the option to withdraw his application and come back later rather than having the application be denied. He asked the members for their perspective.

Michael Ossorio explained if the application is withdrawn, it would be as if the Applicant never appeared before the Board. If he works with Chase Bank to correct his mistakes and his credit score is above 660, he might meet the criteria of the Administrative part of the Ordinance. In that case, he would not have to appear before the Board.

Thomas Lykos stated:

- The Applicant had a certain amount of money but no plan.
- Preparing a bid or quote for a customer by typing measurements into a computer program to price out the cost of a window is not the same as managing the finances of a company.
- With a General Contractors' license, the Applicant would have the authority to build a high-rise condominium on the beach.
- That's the amount of responsibility that comes with a G.C. license.
- When I hear someone ask the question, "What is your plan for the financial management of your business," and the Applicant said that he typed measurements of a window into a computer and the program gave him the numbers – it means, #1, the Applicant did not understand the question, and, #2, he did not have a plan to manage the finances of his company.
- To convince the members of the Board and myself that the Applicant has the knowledge and experience to manage the finances of a General Contractor construction company, he must first get a "handle" on his debt, the public records, and the civil judgments, and put a plan together outlining how he will run his business as well as the financial side of the business, as well as a plan to pay off the debts.

Chairman White stated it could include having a General Contractor's license and a construction business. He further stated there did not seem to be any simple or easy choices. A majority of the Board members are not comfortable enough, at this point, to go forward with issuing a probationary license which typically gives six months to clean up the credit report. The Board is saying, because of the magnitude of the license and the financial hole that he is in, the Applicant needs to do more "back filling" to bring the Board to a more comfortable place.

Gary McNally asked if the Board had the authority to table the application for a period of sixty days. The Applicant could come back with the documentation requested by Mr. Lykos.

Chairman White explained the Applicant is entitled to a decision – either positive or negative.

He asked Robert Marzzacco if the Board did table his application for sixty days, would that give him sufficient time to fill the gap. If not, he should request a vote.

Richard Joslin noted if the application were withdrawn, the Applicant would not be placed in a "bad spot" with the Board. It would give you sixty days to put your plan together with Chase Bank. Any payments made to settle debts will show good faith to the Board and also increase the credit score. The Applicant is asking the Board for a major amount of help but he is not putting forward that the Board can see.

Kyle Lantz noted there were approximately 20 marks on the Applicant's credit report. With \$2,000, for example, the Applicant could pay off a good "chunk" of

the smaller debts. It would show that he was actively working on a solution. (*Suggestion: Keep the receipt for each payment and provide copies to the Board.*)

Chairman White suggested the Applicant contact an accountant or CPA to create a thought-through Business Plan for the Gulf Coast Construction & Design Corporation. The Plan should clearly outline what types of jobs to pursue and how to manage the business finances, i.e., how each deposit will be handled. The point is to each the Board's concerns.

Robert Marzacco said his intention is not to build bridges or condominiums. He will concentrate on remodeling condos. He asked if he withdrew his application, would he be required to start the entire process over again.

After additional comments from the members of the Board, the Applicant decided to table his application. He will return before the Board in sixty days with more documentation.

Vice Chairman Thomas Lykos moved to approve denying the application. Chairman White noted that a Second in support had not been made.

Chairman White moved to approve allowing the Applicant to table the application and to come back before the Board in sixty days. Kyle Lantz offered a Second in support of the motion. Motion carried, 6 – “Yes”/1- “Opposed.” Terry Jerulle was opposed.

BREAK: 10:25 AM

RECONVENED: 10:35 AM

(Note: The following Case was heard out Agenda order)

E. Joseph S. O'Malley – Verification of Construction Experience (d/b/a “Irish Electrical Service, Inc.”)

Michael Ossorio provided background information:

- Mr. O'Malley applied for a Master Electrical Contractor's license
- Pursuant to the Code [under 22-183(A)(3)], he does not meet the requirements to allow the Contractors' Licensing office to administratively issue the license
- His application was forwarded to the Board for review

Criteria:

- Four years in an Apprenticeship or Union program under the direction of a Master Electrical Contractor plus two years as a licensed Journeyman
OR
- Six years working for an Electrical Contractor plus two years as a licensed Journeyman

Michael Ossorio noted Mr. O'Malley had not submitted an affidavit from any Master Electrical Contractor to verify his electrical experience.

Joseph O'Malley stated he prepared an outlined which summarized his work experience.

(Note: The document was distributed to the Board's members for their review.)

Mr. Ossorio read a portion from Section 22-183 as follows:

- A Master's experience shall be as a Journeyman;
- A Journeyman's experience shall be an Apprentice or a trainee having completed an approved Apprentice program registered with the Department of Labor and Employment demonstrating four years of viable, practical experience in a particular trade or demonstrating six years of viable, practical experience in a particular trade

Section 22-183(b) of the MuniCode entitled "Experience Requirements" outlines specific requirements:

"To determine if the Applicant possesses the experience required by this Section, the Contractor Licensing Supervisor or his/her designee shall Consider the following forms of proof of experience:

- (1) Affidavits from former employers with specifics as to the number of years of experience, work performed, and any other relevant information;
- (2) Copies of other Certificates of Competency, if any, held by the Applicant in other counties or cities;
- (3) Affidavits from any Building Director in locations where the Applicant has worked;
- (4) Affidavits from any Union organization of which the Applicant has been a member relating to the trade for which the Applicant has made application;
- (5) Affidavits from any other source within the trade applied for."

Kyle Lantz noted the Applicant had a Journeyman's license and asked if it was still active.

Joseph O'Malley replied he took and passed the Masters' Exam in 1992 but never activated it after he moved from Texas to Florida.

Terry Jerulle questioned Mr. O'Malley concerning his work experience on the Essex project on Marco Island.

Mr. O'Malley stated he did the underground, the slab work, and serviced the decks; he turned the job over to Rich Long.

Mr. Lantz asked if he was currently doing any field work in his present position at D. J. Gould Electric.

A. I haven't done field since approximately 2000. I am a shareholder and an officer of the corporation; my management responsibilities include estimating

jobs, sending out bills, collecting money, paying suppliers, and hiring employees. If I start my own company, I will remain a shareholder in Gould Electric.

Mr. O'Malley stated:

- The scope of work for his company will be limited to remodeling condos, residential properties, and performing service work.
- He contacted Laser Electrical in Dallas but did not receive a response.
- From 1988 through 1991, he worked for J. R. Orlando Electric in Lee County as a Project Supervisor. (Mr. Orlando has passed away.)
- He had 20 years of experience “with my hands” before working at D. J. Gould.
- His experience includes high and mid-rises projects, three-phase, single phase, high/low voltage work, and fire alarm installation.

He concluded that he has the necessary electrical experience as well as the management/business acumen to become a successful Contractor.

When asked by **Chairman White** if he had any concerns regarding the Applicant's experience, **Kyle Lantz** replied, “I have no concerns.”

Kyle Lantz moved to accept Joseph O'Malley's work experience and approve his application for a Master Electrical Contractor's License. Richard Joslin offered a Second in support of the motion.

Discussion:

- **Vice Chairman Thomas Lykos** expressed concern regarding the lack of documentation of the Applicant's field experience from companies other than Winfield Companies, LC who was associated with D. J. Gould Electric.
He stated the Board needs verification of that experience based on the laws of the County.
He requested that the Applicant expand on his field experience.

A. I have been with the Company (D.J. Gould) since 1991 [23 years]. It would be difficult to go back beyond 1991 to get any letters. I have a total of 34 years of experience – 20 of it was in the field. When I came out here from Texas I was doing huge jobs ... 360 to 400 units, tunnel jobs, conduit, three-phase services, 2000 amps ... those were the things that I was doing on my own from an early age in the '80s.

When I went to D. J. Gould Electric, we started – the two of us – back in the field wiring single-family houses, doing service calls, doing all the little things and slowly worked that back up to the point where we were doing bigger jobs again. I have done all different phases of work with my hands.

From a supervisory position, I feel very confident and competent.

The letters that I included were the only ones that I could obtain from the people who I have relationships with and have worked for them for a number of years. I have done countless jobs with them and have done a good job for them.

Chairman White observed the letters that Mr. O'Malley submitted contained a degree of detail. He stated if the letters had been from Master Electricians, it would have been more effective.

Vice Chairman Lykos asked the Applicant to detail which jobs he worked on in the field from 1991 to 2000 and what he did on each project.

A. *Maronda Homes*: Was our first big customer. We wired houses every day with them.

Lakewood Condominiums: Was our first condominium job – four story, mid-rise, and I was the supervisor on the job. It was a Hambro deck – I piped the decks, I wired the decks, I did all the masonry work, I built the services, pulled the 750 aluminum into the feeders and into the transformers.

Breckenridge Condos: Was a BBL job in Estero – I managed it, I was not in the field. But part of my job as a manager – a supervisor – was to go to the job and spot problems – keep the guys pointed in the right direction.

Enchanted Homes: That's another one that I did early on – we worked for most of them for a number of years until they left the area. Toward the end, I was not doing homes on a daily basis.

Jim Walter Homes: I did a lot of their homes by myself all over the state.

I worked in the field from approximately 1980 until 2000.

Gary McNally asked the Applicant if he had kept up his Continuing Education courses.

A. I don't have any CEU requirements because I haven't had a Contractors' license but my partner did carry the license and I attended the classes with him on a number of occasions – at least three. When I was with my crew in Florida, I would sign them up for classes and go with them. The last CEU that I took was probably six or seven years ago. I took and passed my test in 2011.

Chairman White called for a vote on the motion.

The Motion carried unanimously, 7 – 0.

D. **Thomas G. Conroy – Verification of Construction Experience (d/b/a “Better Breathing, LLC”)**

Michael Ossorio stated the Applicant applied to obtain a Class “C” Air – Conditioning Contractor's license. He cited from Chapter 22, Section 162(6)

of the MuniCode as follows:

Class “C” Air Conditioning Contractor requires 24 months experience as a licensed Journeyman or equivalent with a passing grade on an approved test and a passing grade on a business and law test and means any person whose business is limited to the servicing of air conditioning, heating, or refrigeration systems, including duct alterations in connection with those systems he/she is servicing, which may include duct cleaning and equipment sanitizing which requires at least a partial disassembly of the system. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this Section.

He stated a Business Procedures exam and a trades test are required.

- Business Procedures exam – 2006 – Passed (Score: 76)
- Air Conditioning Service (C) Trade Exam – 2013 – Passed (Score: 78)

Mr. Ossorio noted the Applicant was a Certified Roofing Contractor. He further stated the experience required was working for an Air Conditioning Contractor for 24 months.

Thomas Conroy stated he intends to start an air-duct servicing business – strictly cleaning and not servicing a/c units.

- He stated he has experience with air ducts – he worked for Boston HVAC.
- He produced proof that the company existed from the State of Massachusetts website
- He found one person that he worked with who will sign an Affidavit/letter
- He has not been able to find the owner of the company
- He worked for the company from 1984 through 1989 in Bridgewater, MA

Job description:

- Installed duct work;
- Duct cleaning
- The Applicant fabricated and installed metal duct work;
- We would take blueprints for buildings and fabricate/install the entire duct system;
- We did mostly commercial jobs;
- The last two years that the company was open, we started getting residential work
- The company went out of business in 1990.

Kyle Lantz asked the Applicant why he chose a Class “C” license.

A. I said I wanted to start an air-duct cleaning business and was told a Class “C” was what I needed. I said I was not interested in installing or servicing a/c units – strictly air duct cleaning.

Michael Ossorio stated Class C is the minimum license requirement for duct cleaning and servicing air conditioning. He noted while the State no longer has a Class “C” license, Collier County does. The Applicant would be considered a “Specialty” Contractor by Collier County.

In response to a question, **Michael Ossorio** explained that he, as Supervisor for the Contractors’ Licensing Office, has approved licenses and placed them on restriction.

Example, if a Floor Covering Contractor has never installed carpet, he can be restricted to installing floor covering. The Code allows some latitude to restrict a Contractor to a particular category.

Michael Ossorio referenced Chapter 22, Section 162(6) [previously noted in Minutes] and stated some of the Affidavits did not “make sense,” specifically the affidavit from Bill Newzil.

Mr. Conroy replied Mr. Newzil (his brother-in-law) does remodeling projects and often asks for his assistance:

- Mr. Conroy would open up the duct work and examine it.
- He would advise whether the ducts should be cleaned or replaced.

He stated that approximately 50% of the calls his roofing business receives are due to air-conditioning issues, i.e., a condensation pan has overflowed. He further stated he works with a number of property maintenance companies.

Kyle Lantz asked the Applicant if he had done roof top change outs - condensers.

A. In the past, yes.

Q. Do you have an EPA card?

A. No. We didn’t install the units – we just flashed them in.

Q. What do you mean by “change outs”?

A. In the past when I worked for Boston HVAC?

Q. Yes.

A. We would install everything – the roof-top units, the duct work. We would install new roof-top units and change the entire duct work – it was when flexible ducts started to become popular. We would take out everything – but mostly leave the big run, then install the flexible duct and fiberboard. I learned how to fabricate and install that, also. We mainly fabricated sheet metal but it quickly moved to flex duct and fiberboard.

Q. So you’re a duct guy who doesn’t know many systems?

The Applicant reiterated he was not interested in servicing units – just air duct cleaning. He stated he “knows everything there is to know about air duct systems,” but he was not interested in becoming a service provider for a/c units themselves.

After further discussion concerning the Applicant’s qualifications and the scope of work allowed by the Class “C” license, it was determined the application

should be tabled to allow Mr. Conroy an opportunity to obtain the necessary Affidavits to verify his experience.

Michael Ossorio stated if the Applicant had submitted Affidavits that supported his duct cleaning experience, a restricted license would have been issued.

Chairman White moved to approve tabling Mr. Conroy's application up to, but not more than, sixty days. Kyle Lantz offered a Second in support of the motion.

Motion carried, 6 – "Yes"/1 – "Opposed." Mr. Lykos was opposed.

(Kyle Lantz left at 11:00 AM. Quorum remained at 6 voting members.)

**F. Rodney W. Gatewood – Waiver of Examination (Reinstatement)
(d/b/a "Gatewood Glass, Inc.")**

Michael Ossorio referenced 22-191(1) [renewal application] and stated the Applicant's Certificate is null and void but, after reviewing his Credit Report, the County would not object to renewing the license.

Rodney Gatewood stated:

- He took and passed the test
- His license was active up through 2005
- He sold his business in 2001 but continued to operate it under the new ownership
- The new owners told Mr. Gatewood that he would not be required to qualify the company; the company's billing office was moved to Minnesota and the fee for his license renewal was not paid
- He was not aware the fee has not been paid or that his license had lapsed until recently
- He has applied to reinstate his license without taking the exam again

Mr. Ossorio noted Mr. Gatewood has continued his trade in Lee County and is currently licensed in Lee County. He verified with Lee County that no complaints had been filed against Gatewood Glass.

Terry Jerulle stated he has dealt with Gatewood Glass in the past but did not feel there was a conflict of interest. He further stated he could vouch for Rodney Gatewood's credibility and experience.

Terry Jerulle moved to approve the application to reinstate Rodney Gatewood's license as a Glass and Glazing Contractor without requiring an examination. Vice Chairman Lykos offered a Second in support of the motion. Carried unanimously, 6 – 0.

G. **Keith E. Morrison** – Waiver of Examination (Reinstatement)
(d/b/a “MAC Custom Pools”)

Michael Ossorio provided background information:

- Mr. Morrison is a State-certified Residential Contractor
- He has applied to reinstate his Specialty license – Aluminum Contractor with Concrete
- He is current in Lee County, Sanibel, Cape Coral and Sarasota County
- The County would not object to approving the application

Keith Morrison stated he is current with his Continuing Education requirements, and no complaints, no judgments or failures to pay have been filed against his company.

Richard Joslin asked the Applicant why he chose the name “MAC Custom Pools” for his business.

- A. Morrison Aluminum Construction, Inc. builds pools. We abbreviated it. There are three licenses in the office. My brother and I own the company. My brother holds the Residential Pool Contractor’s license. I hold the aluminum and builder.

Vice Chairman Thomas Lykos moved to approve Keith Morrison’s application to reinstate his Specialty license as an Aluminum Contractor with Concrete without requiring an examination. Richard Joslin offered a Second in support of the motion. Carried unanimously, 6 – 0.

VII. **OLD BUSINESS**

(Note: With reference to the cases heard under Section VII, the individuals who testified were first sworn in by the Attorney for the Board.)

A. **Dagoberto T. Barcelo** – Six Month Credit Review
(d/b/a “Barcelo’s Custom Cabinets & Mill Work, Inc.”)

Chairman White noted the Board had received additional documentation at the beginning of the hearing. (See: Amendment to the Agenda re: Item VII (A).

Michael Ossorio referenced the Findings of Fact dated January 16, 2013 with the old Credit Report. A new business credit report (using the new reporting format) was submitted in January, 2014.

- There were no records of bankruptcy, liens, judgments, or other filings against the business.

Dagoberto Barcelo stated:

- Instead of filing for bankruptcy, he chose to use a pre-paid credit card offered by his bank.
- He has maintained the credit card for the past year and has used it to pay his mortgage as well as all bills related to his business.
- His credit score has improved.
- His company is small and he has had to prove himself to his suppliers.

Michael Ossorio noted no complaints have been filed against the Applicant's company during his first year in business. Mr. Barcelo had been placed on a one-year probation in January 2013.

County's Recommendation: Termination of the probationary period.

Richard Joslin moved to approve terminating the probation and allowing the Applicant to continue with his license as a Cabinet Installation Contractor. Gary McNally offered a Second in support of the motion. Carried unanimously, 6 – 0.

**B. Jimmy M. Dean – Six Month Credit Review
(d/b/a “J.D. Dean Construction, Inc.”)**

Michael Ossorio provided an overview:

- Mr. Dean applied for a General Contractor's License but was placed on probation by the Board on August 21, 2013 for a period of six months
- He provided a current business credit report, dated February 5, 2014, in addition to a written explanation of the bills that have been paid but have not yet been removed from the report
- His credit score has improved
- He obtained a \$20,000 bond which is still in place (Cost: \$1,500)

Chairman White stated he was pleased with the progress report provided by the Applicant.

Mr. Ossorio confirmed the credit report does not reflect the payments made.

Chairman White referenced one of the items currently under negotiation, i.e., a Civil Judgment in the amount of \$15,426.

Mr. Dean replied he is going through the process with the collection agency. There are irregularities to be explained by the collection agency (example, the nearly-new boat was sold for only \$1,500). He has requested proof of the sale before he does anything else. He stated the boat should have sold for at least \$5,000.

In response to a question from Chairman White, the Applicant stated he contacted the collection agency on February 18th but was informed the agency was waiting for direction from its legal counsel. He estimated he needed an additional three months to complete negotiations. He noted he still has not received any receipts from the collection agency.

Chairman White stated the priority should be to resolve the larger amounts either by payment or negotiated installment plan within three months.

Vice Chairman Lykos noted the two Midland accounts have not been paid, as ordered by the Board. He suggested allowing the Applicant a period of six months to adhere to the terms of the Board's order to avoid placing the Board's Members in a position where it might be necessary to take action to revoke his license.

Michael Ossorio noted the Respondent has pulled Permits and asked if he had ever been issued a "Stop Work" Order for Building Permit issues.

A. No.

Q. Have you pulled all necessary Building Permits to take care of your clients?

A. Yes.

Terry Jerulle asked for a recommendation from the County.

Mr. Ossorio replied, "We'll see Mr. Dean in six months."

Vice Chairman Lykos noted the original Order of the Board placed the Respondent on probation for a period of six months.

Richard Joslin stated the Applicant had made noticeable improvement.

Vice Chairman Lykos concurred Mr. Dean had made a substantial improvement but had not fulfilled all of the conditions of the Order. He stated whether the Applicant is grant three or six months, if the terms of the Order have not been followed at the end of the time period, he will advocate to revoke the license.

Richard Joslin supported extending the probation for another six months.

Vice Chairman Lykos moved to approve extending the probationary period for six months and to require the Respondent to fulfill the Order of the Board dated August 21, 2013. The Respondent is to appear before the Board in six months. Ronald Donino offered a Second in support of the motion. Carried unanimously, 6 – 0.

C. **Darleen Row** – Six Month Credit Review
(d/b/a "Dazzling Floors, Inc.")

Michael Ossorio stated he has been unable to contact Ms. Row; a certified letter was sent to her address in January, 2014, with no response; her phone has been disconnected. Ms. Row was not present for the Hearing.

County's Recommendation: To revoke or suspend Ms. Row's license.

Vice Chairman Lykos moved to approve suspending the Collier County Certificate of Competency as a Floor Covering Installation Contractor issued to Darleen Row, d/b/a "Dazzling Floors, Inc." Terry Jerulle offered a Second in support of the Motion. Carried unanimously, 6 – 0.

BREAK: 11:32 AM

RECONVENED: 11:37 AM

VIII. PUBLIC HEARINGS

(Note: With reference to the cases heard under Section VII, the individuals who testified were first sworn in by the Attorney for the Board.)

A. Case 2013-03: Deborah J. Plumber, d/b/a “Tiger Masonry, Inc.”

The Respondent, Deborah J. Plumber, was present and was not represented by counsel.

Chairman White briefly outlined the order of the proceedings to be followed:

- Open the Public Hearing;
- Swear the witnesses;
- Accept any evidence from the parties;
- The County will present its “Opening Statement;”
- The Respondent will present his/her “Opening Statement;”
- The County will next present its “Case in Chief;”
- The Respondent will present his/her defense;
- The County may offer any rebuttal;
- Each Party may present a “Closing Statement” and the Public Hearing will conclude.
- The Board will close the Public Hearing and begin deliberations.
- The Board’s Attorney will give a “Charge” to the Board, similar to the Charge given to a Jury, setting out the parameters on which the Board will base its decision.
- During deliberations, the Board can request additional information and clarification from the parties.
- The Board will decide two different issues:
 - First, whether the Respondent is guilty of the offense as charged in the Administrative Complaint.
 - A vote will be taken on the issue.
 - Second, if the Respondent is found guilty, the Board will decide the sanctions to be imposed.
- The Board’s Attorney will advise the Board concerning the sanctions that may be imposed and the factors to be considered.
- The Board will discuss the sanctions and vote.
- The Chair will orally report the decision of the Board.
- The Final Order will include the complete details as required under State laws and procedures.

Rob Ganguli, Licensing Compliance Officer, requested to enter the packet of information previously provided to the Board Members for Case 2014-03 into evidence.

Vice Chairman Thomas Lykos moved to open the Public Hearing in Case No. 2014-03: The Board of County Commissioners vs. Deborah J. Plumber, d/b/a “Tiger Masonry, Inc.” License No.: 18458 (Masonry Contractor) and License No. 201300000372 (Concrete Forming and Placing Contractor), and to enter the information packet into evidence as County’s Exhibit “1.” Richard Joslin offered a Second in support of the motion. Carried unanimously, 6 – 0.

Chairman White asked the Respondent if she had any documentation to be entered into evidence.

Response: “No, sir.”

Rob Ganguli presented the County’s “Opening Statement:”

- Ms. Plumber is the Qualifier for two Collier County issued licenses: one for Masonry and the other for Concrete Forming and Placing;
- She is appearing before the Board for two counts of misconduct:
 - Count I: working outside the scope of her license; and
 - Count II: commencing work that required a Building Permit without obtaining one.

Chairman White asked Ms. Plumber for her response.

- A.** I’m guilty – I’ll make this short and sweet. I’m guilty. I’m trying to rectify this problem by removing part of the problem – my brother. He has gone to work for a General Contractor. So I will not be put in this position again.
- Q.** Has the County had any discussion with you about sanctions? What I’m trying to see is if you are not contesting the violations at this point, if there is some way we can come to an understanding about how we can dispose of the matter.

Michael Ossorio stated that, in the past, Stipulation have been entered into the record. When asked for a recommendation, he responded the County incurred \$550 in costs to investigate the matter.

He further stated when he spoke with the Respondent previously, he outlined the parameters of the Administrative Complaint and what the County was looking for, generally, regarding the penalty phase.

He explained she produced documentation (E-11) when requested and, as a Qualifier, took responsibility for the violations.

Chairman White: “I’m assuming you have had an opportunity to read what the County has presented to us.”

Respondent: “Yes.”

Chairman White: “And it’s your conclusion and your choice today – without counsel present – to essentially admit to the violations ... that’s what having said “guilty” means ... as to the two Counts.”

Chairman White continued: “What we’re trying to do is, as simply as possible, get to the part where we would talk about the sanctions – the penalties to be imposed. And if you’re agreeable to doing that and it’s still your position that you are admitting to the two violations, I am prepared to look for a motion to close the Public Hearing. We would then entertain a motion to find you in violation; we would have the Charges read as to what we are to weigh as factors, and then we would talk about the penalty. If that’s agreeable to you, I would just ask you to say so *on the record*.”

Respondent: “That’s agreeable.”

Vice Chairman Lykos stated:

- One of the objections the Board had, in the past, to entering a Stipulated Agreement was that the details of the infractions were not read into the record.
- By skipping over the process, the details were not recorded.

He suggested that Mr. Ganguli could read his report into the record.

Rob Ganguli stated:

On January 3, 2014, I received a Complaint regarding possible unlicensed or unpermitted activity at 1461 Caxambas Court, Marco Island, Florida being performed by the Collier County licensed Masonry Contractor, and Concrete Forming/Placing Contractor, Tiger Masonry Inc. [Collier County Certificate Numbers #18458 and #201300000372]

A site visit was made to the property with Marco Island Inspector Gary Konicek, where a corporate officer for Tiger Masonry Inc., Roger Call, was discovered on site.

Mr. Call explained that he was there to provide an estimate for a small concrete repair on a retaining wall, and nothing more. At that time, additional work was discovered on the boat lift/dock at the location which Mr. Call claimed to know nothing about.

Contact was made with the property owner, Ronald Hodge. When questioned about Tiger Masonry working on his home, Mr. Hodge stated he had paid a deposit of \$50,000.00 to Tiger Masonry to perform and "oversee" a various scope of work inclusive of a kitchen remodel, electrical and plumbing, as well as the boat lift/dock renovation.

Mr. Hodge was informed of possible permitting requirements for work observed and described by him and a STOP WORK Order issued by the City of Marco Island Building Services until an investigation was conducted into this matter.

On January 10, 2014, a meeting was held with the Qualifier of Tiger Masonry, Deborah Plummer, who initially claimed to have no knowledge of the \$50,000 deposit received or any work at the location other than the concrete repair on the retaining wall.

A subsequent meeting was held with Contractors' Licensing Supervisor Michael Ossorio on January 16, 2014. Ms. Plummer was required to produce the company's most recent bank deposit statement. Review of the document revealed a deposit to Tiger Masonry's corporate account in the amount of \$50,000.

At the meeting, Ms. Plummer admitted to Supervisor Ossorio she had accepted the \$50,000 deposit on a contract which totaled \$120,000 for kitchen remodeling, electrical, plumbing, and the boat dock/lift work which she was aware was beyond the scope of her Masonry license, and Concrete Forming/Placing license.

Ms. Plummer stated she had arranged for a General Contractor, Stagecoach Restorations, LLC. [License #511821] to take over the jobsite and complete the project for the homeowner.

On June 18, 2013, a previous infraction was discovered City of Marco Island Inspector Kim Ferris and myself at a jobsite located at 861 S. Collier Boulevard where Ms. Plummer received two Citations: (1) unlicensed general contracting. and (2) commencing work requiring a building permit without obtaining a Permit.

Based upon this repeat violation, a Notice to Appear before the Contractors' Licensing Board on February 19, 2014 was sent via Certified Mail and received by the Respondent.

As part of the Permit application submitted by Stagecoach Restorations LLC, the City of Marco Island Building Official required a complete inspection of the jobsite to determine the exact scope of work that had been performed. This inspection was conducted on January 30, 2014, and a determination was made by the Building Official that work had been performed without the issuance of building permit.

The investigation into this matter also revealed invoices for subcontracted electrical and plumbing work to Tiger Masonry for this jobsite.

The activities conducted by Tiger Masonry, Inc. violated Collier County Ordinance 90-105, as amended, Section 22-201(2) and Section 22-201(18) as follows:

"Contracting to do any work outside the scope of his/her competency as listed on his/her competency card and as defined in this Article or as restricted by the Contractors' Licensing Board."

"Proceeding on any job without obtaining the applicable permits or inspections from the City Building and Zoning Division or the County Building Review and Permitting Department."

Update: A permit was issued by the City of Marco Island's Permitting Department to Stagecoach Restoration, LLC, on February 12, 2014.

Vice Chairman Lykos asked Mr. Ganguli if he was aware if the homeowner had been negatively impacted from a financial standpoint.

Mr. Ganguli replied he did not think the homeowner had incurred any financial loss.

Terry Jerulle asked the Respondent what happened to the \$50,000 deposit.

A. It was spent mostly – more than half was spent on appliances and the rest was on the countertops.

Q. That the owner has?

A. Yes.

Gary McNally moved to approve closing the Public Hearing. Vice Chairman Lykos offered a Second in support of the motion. Carried unanimously, 6 – 0.

Chairman White asked the Board's Attorney to present the Charge.

Attorney Morey outlined the Charge to the Board:

- The Board shall ascertain in its deliberations that fundamental fairness and due process were accorded to the Respondent.
- That, pursuant to Section 22-203(g) (5) of the Codified Ordinance, the formal Rules of Evidence set out in *Florida Statutes* shall not apply.
- The Board shall consider solely the evidence presented at the Hearing in its deliberation of the matter.
- The Board shall exclude from its deliberations irrelevant, immaterial, and cumulative testimony.
- The Board shall admit and consider all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs, whether or not such evidence would be admissible in a Court of Law.
- Hearsay evidence may be used to explain or supplement any other evidence but hearsay, by itself, is not sufficient to support a Finding unless such hearsay would be admissible over objection in a civil action in Court.
- The Standard of Proof in actions where a Respondent may lose his/her privileges to practice his/her profession is that the evidence presented by the Complainant must prove the Complainant's case in a clear and convincing manner.
- The Burden of Proof on the Complainant is a larger burden than the "Preponderance of Evidence" standard set in civil cases.
- The Standard of Evidence is to be weighed solely as to the charges set out in the Complaint.
- The only charges the Board may decide upon are the ones to which the Respondent has had an opportunity to prepare a defense.
- The damages awarded by the Board must be directly related to the charges.

- The decisions made by the Board shall be stated orally at the Hearing and are effective upon being read, unless the Board orders otherwise.
- The Respondent, if found guilty, has certain appeal rights to the Contractors' Licensing Board, the Courts, and the State's Construction Industry Licensing Board ("CILB"), if applicable.
- The Board shall vote upon the evidence presented in all areas and if the Respondent is found in violation, shall adopt the Administrative Complaint.
- The Board shall also make Findings of Fact and Conclusions of Law in support of the charges set out in the Complaint.

Chairman White stated he would normally have open the floor to discussion but the Respondent had essentially made an admission of guilt.

Vice Chairman Lykos moved to approve finding the Respondent guilty as to Count I and Count II of the County's Administrative Complaint. Ronald Donino offered a Second in support of the motion. Carried unanimously, 6 -0.

Attorney Morey noted the Board found the Respondent to be guilty and the Respondent is a Collier County licensed Contractor. She holds two licenses: Masonry Contractor (License #18458) and Concrete Forming and Placing Contractor (License #201300000372).

He stated the Contractors' Licensing Board may, but is not required to, impose any of the following Sanctions, either alone or in combination:

- (1) Revocation of a Collier County (or City) Certificate of Competency,
- (2) Suspension of a Collier County (or City) Certificate of Competency,
- (3) Denial of the issuance or renewal of a Collier County (or City) Certificate of Competency,
- (4) Imposition of a period of probation, not to exceed two years in length, during which time the Contractor's contracting activity shall be under the supervision of the Collier County Contractors' Licensing Board,
- (5) Imposition of a fine not to exceed \$5,000,
- (6) Issuance of a public reprimand,
- (7) Requirement for re-examination or participation in a duly-accredited program of continuing education directly related to the Contractor's contracting activity,
- (8) Recovery of reasonable investigative costs incurred by the County for the prosecution of the violation, and
- (9) Denial of the issuance of Collier County or City building permits or requiring the issuance of such permits with specific conditions.

Attorney Morey further advised the Board that, when imposing any of the possible Disciplinary Sanctions on a Contractor, the Contractors' Licensing

Board may consider all the evidence presented during the Public Hearing as well as:

- (1) The gravity of the violation;
- (2) The impact of the violation on Public Health/Safety or Welfare;
- (3) Any actions taken by the violator to correct the violation(s);
- (4) Any previous violations committed by the violator, and
- (5) Any other evidence presented at the Hearing by the parties relevant to the Sanction which is appropriate for the case, given the nature of the violation(s) or the violator.

Chairman White asked the County for its recommendation.

Michael Ossorio noted a second offense for unlicensed contracting carried a \$2,000 fine. The fine for working without a permit, second offense, is \$2,000. The total fine is \$4,000.

- Tiger Masonry has been in business for approximately 16 years.
- There have only been two complaints filed against the company.

Recommendation:

- The Respondent is to take and pass the Business Procedures test within twelve months;
- The Respondent will be placed on probation for a period of twelve months;
- If any other violation occurs during the probationary period, the Respondent's license will be immediately suspended pending a full Hearing before the Contractors' Licensing Board
- Impose a fine of \$3,500 for each violation; the additional \$1,500 is because the Respondent is a licensed Contractor
- Reimbursement to the County for costs in the sum of \$550 to be paid within thirty days of the Board's Order
- The fines are to be paid within 90 days from the date of the Board's Order

Chairman White asked the Respondent to inform the Board of any corrective action she had taken to assure the Board that the violations would not occur again.

A. I am fine with Mr. Ossorio's recommendations – I want to move on from this. I survived last year and it was a year of a lot of change. My brother, who is a part owner of Tiger Masonry, has partnered with a licensed General Contractor. When he finds these jobs, he will handle them with a licensed G.C. so I will not be put in the mix of this. I hope that is satisfactory. I don't know what else I can do – I can't undo what's been done – I can only go forward and try to make things right in a way that's legal and legitimate.

Richard Joslin asked the Respondent if she knew about the contract.

A. Bits and pieces. And I know I'm fully responsible. I am not proud of myself. When I had my first initial interaction with Rob, I panicked and I lied, and I'm not proud of it. That's why I'm here – to try to make things right. I told Mike to apologize to Rob for me because it's not in my character. I don't like it. As I have said, I want to learn from this and move on. Because there were a lot of changes happening in my world, it was no excuse to let this happen.

Chairman White stated he wished more individuals who appeared before the Board as Respondents understood what it was Ms. Plummer offered as her experience in the process. He appreciated it.

Chairman White called for discussion among the Board's members regarding the sanctions recommended by the County.

Terry Jerulle noted an invoice in the information packet from Proud Plumbing. He asked the Respondent if Tiger Masonry had hired the company to do the plumbing work.

A. Correct.

Vice Chairman Lykos:

- I appreciate the fact that Ms. Plummer acknowledged she had not been totally forthcoming during the initial investigation.
- My concern: There seems to be philosophy of not being forthright in the leadership of your company.
 - During the initial site visit, Mr. Call denied any knowledge of what was going on, stating he was only there to give an estimate. That was when the dishonesty – the deceit – started.
 - A call was placed to Patrick Lagemann, the President of Tiger Masonry, who denied any knowledge of the job and actually claimed the work was contracted through Stagecoach, not Tiger Masonry.
 - When you were questioned about the deposit and the job, you denied any knowledge or responsibility for the money or the job.
- I understand that you might have panicked initially and were worried about what the consequences might be if you told the truth, but my concern is there are three leaders inside this company whose initial reaction was to deceive.
- It is disturbing.

Respondent: “You could say that or you could say that we’re tight and we’re trying to protect each other and get through this. But it was wrong that we all did that. Yes. But that’s not the general character of the people in this company.”

Vice Chairman Lykos: “Unfortunately, that’s the way your company has been represented in this situation.”

A. I understand how you’d see it that way.

Chairman White pointed out the relevant issue, in the Board members’ minds, was the gravity of the violations and that there were prior violations of a somewhat similar nature, at least to the extent that there was a pattern. The counterweight was the admission of guilt which comes back to “corrective action.”

He acknowledged that, when under stress, people are not always honest. He hoped that forthright disclosure would be the first order of business, not second, if the company is ever again involved in any situation with the County.

Richard Joslin stated he supported the County's recommendations. His only other thought was to revoke the license.

Terry Jerulle concurred stating he also thought about recommending revocation but would support the County's recommendation.

Mr. Joslin noted the company has been in business for 16 years which carried some weight, even though the company had made a "pretty major" mistake. He agreed that the recommended penalty was fair. If there is a pattern which continues in the future, the company will not have a license.

Chairman White: "It is this Board's position to understand the facts, to have them made part of the public hearing process for all of the community to appreciate, but also to acknowledge that the preference I have is for individuals and business entities to acknowledge and accept the sanctions as well as put on the record that they have taken steps to learn from the experience.

He continued: "The statements we have heard from Ms. Plummer are contrite, credible, and sincere. The Board has had individuals who exhibited a distinctly different demeanor."

Vice Chairman Lykos pointed out there had been a previous similar violation; apparently they didn't learn until after they were caught for the second time.

Chairman White stated it indicated, to him, there was a systemic communication and management issue within the company. The corrective action that counter-weighted the prior violation as a factor was that there has been an adjustment to the management process and a recognition of how to control business in a way to prevent the same circumstances from arising again.

He continued that if the company is cited again for violations and appears before the Board, it is a foregone conclusion what the outcome could be.

Recommendation:

- The Respondent is to take and pass the Business Procedures test within twelve months;
- The Respondent will be placed on probation for a period of twelve months;
- If any violation occurs during the probationary period, the Respondent's license will be immediately suspended pending a full Hearing before the Contractors' Licensing Board
- Imposition a fine of \$3,500 for each violation; \$7,000 to be paid within ninety days from the date of the Board's Order
- Reimbursement to the County for investigative costs incurred in the sum of \$550 to be paid within thirty days of the Board's Order
- If any of the conditions regarding testing and payment of fines are not met within the timeframe, the Respondent's license will be immediately suspended.

Chairman White noted under the terms of the probation, the Respondent must report each job to the Contractors' Licensing Office and to fully cooperate with the Office Supervisor.

Richard Joslin moved to approve imposing the following Sanctions with regard to Deborah Plummer, d/b/a Tiger Masonry, Inc.:

- *The Respondent will be placed on probation for a period of twelve months;*
- *The Respondent is to take and pass the Business Procedures test within sixty days;*
- *The Respondent must report each job to the Contractors' Licensing Office and to fully cooperate with the Office Supervisor;*
- *Imposition a fine of \$3,500 for each violation; \$7,000 is to be paid within ninety days;*
- *Reimbursement to the County for investigative costs incurred in the sum of \$550 to be paid within thirty days;*
- *If any violation occurs during the probationary period, the Respondent's license will be immediately suspended pending a full Hearing before the Contractors' Licensing Board;*
- *If any of the above conditions are not met within the timeframe, the Respondent's license will be immediately suspended, pending a Hearing before the Contractors' Licensing Board.*

Ronald Donino offered a Second in support of the motion.
Carried unanimously, 6 – 0.

Chairman White outlined the Findings of Fact:

- The Respondent, Deborah Plummer, is the holder of record of two Collier County Certificates of Competency: Masonry Contractor (License #18458) and Concrete Forming and Placing Contractor (License #201300000372).
- The Board of County Commissioners, Collier County, Florida, Contractors' Licensing Board is the Petitioner (Complainant) in this matter.
- The Board has jurisdiction of the person of the Respondent.
- Respondent, Deborah Plummer, was present at the Public Hearing and was not represented by Counsel at the Hearing held on February 19, 2014.
- All notices required by Collier County Ordinance 90-105, as amended, had been properly issued and were personally delivered.
- Based on the evidence presented, the Respondent acted in a manner that is in violation of Collier County Ordinances and is the one who committed the act.
- The allegations of fact as set forth in Administrative Complaint as to:
 - **Count 1**, under Section 22-201(2) of Ordinance #90-105, as amended:
“Contracting to do any work outside the scope of his/her competency as listed on his/her Competency Card and as

defined in this Article or restricted by the Contractors' Licensing Board"

- **Count II**, under Section 22-201(18) of Ordinance #90-105, as amended:

"Proceeding on any job without obtaining applicable permits or inspections from the City Building and Zoning Division or the County Building Review and Permitting Department,"

were found to be supported by the evidence presented at the Hearing.

Conclusions of Law:

- The Conclusions of Law alleged and set forth in the Administrative Complaint as to **Count I and Count II** were approved, adopted and incorporated herein, to wit: The Respondent violated Section 22-201(2) of Collier County Ordinance 90-105, as amended, regarding Scope of Work, and Section 22-201(18) regarding working without the required permits.

Order of the Board:

- Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 489, *Florida Statutes*, and in Collier County Ordinance 90-105, as amended, by a vote of six (6) in favor and none (0) in opposition, a majority vote of the Board members present, the Respondent has been found in violation as set out above.
- Further, it is hereby ordered by a vote of nine (6) in favor, and none (0) in opposition, a majority vote of the Board members present, that the following disciplinary Sanctions are hereby imposed upon Deborah Plummer, the holder of Collier County Certificates of Competency #18458 (Masonry Contractor) and #201300000372 (Concrete Forming and Placing Contractor) to wit:
 - The Respondent will be placed on probation for a period of twelve months;
 - The Respondent is to take and pass the Business Procedures test within sixty days;
 - The Respondent must report each job to the Contractors' Licensing Office and to fully cooperate with the Office Supervisor;
 - Imposition a fine of \$3,500 for each violation; \$7,000 is to be paid within ninety days;
 - Reimbursement to the County for investigative costs incurred in the sum of \$550 to be paid within thirty days;
 - If any violation occurs during the probationary period, the Respondent's license will be immediately suspended pending a full Hearing before the Contractors' Licensing Board;
 - If any of the above conditions are not met within the timeframe, the Respondent's license will be immediately suspended, pending a full Hearing before the Contractors' Licensing Board.

Chairman White noted the case was closed.

IX. REPORTS:

X. MEMBER COMMENTS:

(None)

XI. NEXT MEETING DATE: **Wednesday, March 19, 2014**

BCC Chambers, 3rd Floor – Administrative Building “F,”
Government Complex, 3301 E. Tamiami Trail, Naples, FL

There being no further business for the good of the County, the meeting was adjourned by the order of the Chairman at 12:30 PM.

**COLLIER COUNTY CONTRACTORS
LICENSING BOARD**

Patrick White, Chairman

The Minutes were approved by the Chairman on _____, 2014,
“*as submitted*” **OR** “*as amended*” .