

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

July 16, 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

Members: Michael Boyd
Kyle Lantz
Gary McNally
Robert Meister

Excused: Thomas Lykos, Vice Chair
Ronald Donino
Terry Jerulle
Richard Joslin

ALSO PRESENT:

Michael Ossorio – Supervisor, Contractors' Licensing Office
Kevin Noell, Esq. – Assistant County Attorney
James F. Morey, Esq. – Attorney for the Contractors' Licensing Board
Ian Jackson – 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 9:12 AM and read the procedures to be followed to appeal a decision of the Board.

Roll call was taken and a quorum was established; **five** members were present.

II. AGENDA – ADDITIONS, DELETIONS, OR CHANGES:

Changes:

- Under Item VI. – “*New Business:*”
 - **G. Darinsz Klentak**, Contesting Citation (#08749) was “*Continued*”; the Case will be heard at the August meeting.

III. APPROVAL OF AGENDA:

Gary McNally moved to approve the Agenda as amended. Kyle Lantz offered a Second in support of the motion. Carried unanimously, 5 – 0.

IV. APPROVAL OF MINUTES – MAY 21, 2014:

Corrections:

- **Page 6** (top of page), at first **Question:**
 - “at” was changed to “**has**”
- **Page 10** (**Chairman White** asked the Applicant ...)
 - the word, “his,” was **deleted**
- **Page 28** (first line of the Motion by Kyle Lantz)
 - The word “find” was changed to “**finding**”

Michael Boyd moved to approve the Minutes of the May 21, 2014 meeting as amended. Gary McNally offered a Second in support of the motion. Carried unanimously, 5 – 0.

V. DISCUSSION:

(None)

VI. NEW BUSINESS:

A. Orders of the Board

Michael Boyd moved to approve authorizing the Chairman to sign the Orders of the Board. Gary McNally offered a Second in support of the motion. Carried unanimously, 5 – 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. Romilio A. Ventura, Jr. – Waiver of Exam(s) for Reinstatement
(d/b/a “It’s About Time Paining & Services, Inc.”)**

Romilio Ventura:

- His Collier County license as a Painting Contractor expired in 1997
- He is licensed in Broward, Miami-Dade, and Monroe Counties
- He has remained active in his trade for 20+ years

Chairman White asked if the Scope of the license was solely for painting and the response was, “Yes.”

Chairman White questioned the documentation provided from Miami-Dade County stated the name included “Jr.”

Mr. Ventura verified he was the “Junior.”

Michael Ossorio asked the Applicant if he had been required to attend Continuing Education courses to keep his licenses active in other counties.

A. On the 22nd of last month (June, 2014), I took a course for Dade County. And I also have to renew in Broward County next year. I have been doing Continuing Education for the last 20 years.

Mr. Ventura stated he was also certified in Lead Abatement procedures.

Mr. Ossorio stated the County had no objections to granting the application to reinstate Mr. Ventura’s license without requiring retesting.

Lyle Lantz moved to approve reinstating the Applicant’s license as a Painting Contractor and granting his Request for a Waiver of the testing requirements. Gary McNally offered a Second in support of the motion. Carried unanimously, 5 – 0.

**C. Gregory L. Saunders – Contesting Citations(s)
(Handyman)**

Citation: #08865 (“Unlicensed Tree Trimming and Removal”)

Date Issued: June 17, 2014

Fine: \$2,000.00 (2nd Offense)

Description of Violation:

Engage in the business or act in the capacity of a Contractor, or advertise self or business organization as available to engage in the business of, or act in the capacity of a Contractor, without being duly registered or certified.

Chairman White noted Mr. Saunders was not present.

Michael Ossorio suggested tabling the item until later in the Hearing.

Chairman White moved to approve tabling the matter until the end of “New Business.” Gary McNally offered a Second in support of the motion. Carried unanimously, 5 – 0.

**D. Vance H. Stone – Waiver of Exam(s) for Reinstatement
(d/b/a “Southwest Custom Coatings, Inc.”)**

Vance Stone:

- He applied to reinstate his Painting Contractor’s license and requested a Waiver of Examination

Chairman White stated he reviewed the application and accompanying documents; he had no questions or problems with the application.

Kyle Lantz asked the Applicant if he had been working as a Painting Contractor.

A. I have held a license in Utah for the past fifteen years. I had been licensed in Collier County for two years but it expired in 2007.

He continued that he has been working for The Aerial Companies, Inc. for the past seven years as a water-proofer. The works consists of (construction) painting and the application of industrial grade coatings to homes and businesses. He stated he is a supervisor in charge of the shop.

Kyle Lantz asked if he had kept current with trade practices.

A. I also have the 10-hour OSHA class for certification.

It was noted Claudia A Brooks, Vice President of The Aerial Companies, Inc., certified that Mr. Stone has worked in the following areas: mechanical, painting, waterproofing, carpentry, demolition, remediation, and as a driver.

Michael Ossorio verified the County had no objection to waiving the examination requirements since the Applicant had been working for a General Contractor in the trade.

Gary McNally moved to approve reinstating the Applicant’s license as a Painting Contractor and granting his Request for a Waiver of the testing requirements. Robert Meister offered a Second in support of the motion. Carried unanimously, 5 – 0.

**E. Tomas SanJuan – Application for Second Entity
(d/b/a “TGS Masonry, Inc.”)**

Tomas SanJuan stated he currently holds a Masonry Contractor’s license and is the Qualifier for DJ Ventura Masonry, Inc. He has applied to qualify a Second

Entity, “*TGS Masonry, Inc.*” for which he is the sole owner. He owns 50% of DJ Ventura Masonry, Inc.

Gary McNally questioned the Applicant:

Q. Could you explain why you want to qualify a second company?

A. The new company will target more commercial work. The other will be more residential.

Mr. McNally asked the San Juan to explain why several of his accounts (balance reviews) with the bank have been overdrawn.

Mr. SanJuan stated sometimes, when his company is paid by check, the check does not clear before the bills come in. He stated his bills are always paid.

Kyle Lantz:

Q. Currently you are doing residential block work?

A. Yes.

Q. You are not supplying materials? Just labor?

A. Just labor.

Q. Is the new business going to do the exact same thing, except just commercial?

A. I hope to contract directly with a builder and do bigger things.

Q. So you want to supply materials as well as labor?

A. That’s the idea that I have.

Q. I’m curious as to why you need a Second Entity – what are you gaining by having a separate entity ... one for commercial and one for residential?

A. To me, it’s the way that I want to work, you know, organize my stuff. I’m going to run both companies as the Qualifier -- my cousin and I will work together. But I want the companies to be separate. Commercial requires more time ... more calls to follow-up.

Q. One of the things we’re trying to determine and one of the reasons why some Board members have a hard time with someone trying to qualify a Second Entity, is that it’s very easy for somebody to get a bid from one company and a bid from another company --- but the two competing bids are from the same people. It’s also easy for one company to have all the expenses and the other to bring in all the revenue. The company with all the expenses declares Bankruptcy or doesn’t pay its bills because it doesn’t have any money while the other company is rich. That’s one of the things that we want to make sure doesn’t happen.

A. No, that’s not going to happen. I’m the person responsible for both companies. I’m from Collier County – I’m not going anywhere ... I’m going to be here ... I’m going to follow all the rules. I’m going to do the best I know how.

Q. But the main reason why you’re doing it is just to make it easier to separate the commercial and not have your cousin as the owner of the commercial ...?

A. Yes.

Chairman White noted there should be separate pools of customers that shouldn’t overlap. It lessens the degree of concern. The remaining issue is that there is no way to “condition” the license for either company in a way to restrict the Scope of

Work that they provide. He stated it is the Applicant's testimony concerning the way he is organizing the respective companies that is the "safeguard."

Chairman White asked the Applicant if he understood the Board's concerns. He stated even though Mr. SanJuan would have both companies under his control, not everyone is honest and ethical. The Board has heard many cases where individuals have not followed the rules. He further stated he was "comfortable" with the Applicant's proposal as well as Staff's ability to enforce regulations to protect the public.

Michael Ossorio outlined his concerns:

- The Applicant is a licensed Contractor who is only providing labor which means he is operating a "shell" company.
- The Applicant has two accounts in the same name in the same bank.
 - There have been a number of same-day deposits through Richard Rice; and then there are deposits into the company ... who is making the deposits and why are they always made on the same day?
 - Why are there so many transfers into three or four different accounts every month?
- What is the relationship between the Notary Public (Jessenia Reyes) and the Applicant's company?

Mr. SanJuan responded there was no relationship between Ms. Reyes and his company. She does accounting for DJ Ventura.

Q. Is she part of your company?

A. No.

Q. Do you pay her on a monthly basis?

A. Yes. She is paid for the work she does. She issues Certificates and does the payroll.

Michael Ossorio stated the County recommends that the Board not issue a license. If Mr. SanJuan wishes to petition the Board again, he may do so after three months and must provide full information about both accounts and why he has so many, and an explanation of the deposits made by Richard and Rice.

- On April 18, 2014 (Account #8191), there was a deposit of \$6,822 and on the same day, there was a deposit of \$15,255. It seems to be recurring every month. (Page 3 of 8 of the Bank of America April statement)

Mr. SanJuan stated he saw the notation but didn't understand.

Chairman White pointed out that, in each instance, the deposits were made seven days apart. He stated they were substantial sums indicating a pattern and a frequency of deposits from Richard and Rice. He asked the Applicant to explain.

Mr. SanJuan stated they were payroll checks from Richard and Rice. He explained that Richard and Rice were builders' agents.

Mr. Ossorio stated he had no issue with the Richard and Rice deposits. He requested information concerning the 2nd deposit made on the same day as the Richard and Rice deposits (i.e., \$6,822).

The Applicant replied the checks were from GL Homes.

Kyle Lantz asked:

Q. So you are stating that you have, basically, two different main customers – Richard and Rice, and GL Homes?

A. Yes. That’s one of the reasons why I want one company to do the commercial work and one for residential. It’s too confusing.

Chairman White stated the Applicant gave a rational explanation for the deposits. He asked about the sequence of transfers out of the accounts.

Michael Ossorio stated his recommendation was for the Board to “Continue” the Hearing to allow the Applicant to return to the Contractor’s Licensing Office with his payroll records which will be reviewed.

Q. Is “First Comp Express” for Workers’ Compensation”?

A. Yes.

Q. How many employees do you have?

A. Between 30 to 40, including ourselves.

Q. I noticed in one week, you wrote checks to approximately 20 people. If you are to continue with in-house accounting, I want to know how many employees you have on a monthly basis and how many online banking transfers you make.

A. There is another account with Bank of America under DJ Ventura. We did it to make sure we would have money in an account to buy tools.

Q. If we sat down and reviewed these statements, would you be able to tell me where each check went?

A. Yes.

Q. Will you ask for a “Continuance” so you can provide this information to us?

A. I wanted to mention we opened another account with JP Morgan/Chase Bank for the new business and we are making some transfers now. I have to keep one for Workers’ Comp and the liability-type thing. When I bring all of the statements, I will explain what and why.

Michael Ossorio stated his concern was that the Board has approved many Second Entities for construction work but this application is for a company that only provides labor. If this is to become a new practice for the Board, the accounts should be examined closely – and for him to answer why he needs two companies if he is only providing labor. I want to know who his employees are for one company and who are his employees for the other company.

When questioned about a previous history of violations, the Applicant responded his cousin opened the company first. Afterward, he obtained his license and joined him in the business.

Chairman White asked the Applicant if he was willing to “Continue” the matter to provide the information requested by the Contractors’ Licensing Office. He

explained the Applicant must the request that the Board grant a “Continuance” for his application to be heard at the next month’s meeting.

Mr. SanJuan agreed and stated, “I would like to continue my hearing to next month.”

Gary McNally moved to approve granting a Continuance to Tomas SanJuan and allowing his application to be heard at the next Contractors’ Licensing Board meeting. Chairman White offered a Second in support of the motion.

Chairman White suggested modifying the motion to include that Mr. SanJuan is to provide the Contractors’ Licensing Office with the documentation requested by Michael Ossorio, Supervisor, and to make an appointment with him to review the documentation.

*Gary McNally accepted and agreed to the modification.
Carried unanimously, 5 – 0.*

**F. William J. Shaner, Jr. – Waiver of Exam(s)
d/b/a “Doctor Suds Cleaning, LLC.”**

William Shaner, Jr.:

- Applied for a Contractor’s License for roof coating/cleaning license in Collier County
- His company, “Doctor Suds Cleaning, LLC,” is a pressure-cleaning entity
- Also requested the Board accept his examination score of 74.2%
- Collier County’s passing threshold is 75%

Michael Ossorio:

- Mr. Shaner is a Certified Building Contractor (CBC1259421); his license was issued by the State of Florida on April 17, 2013
- He is more than qualified to pressure coat and clean roofs under his own d/b/a
- He has a degree in Engineering from Penn State University
- He was required to take a Trades test and a Business Procedures test by the State of Florida to obtain his CBC license; the State’s passing threshold is 70%
- Collier County’s Ordinance sets the threshold for passing at 75%
- The examination is approved by the State of Florida
- *Recommendation:* Accept the score – it would be superfluous for the Applicant to retake the examination considering his experience in the trade

Kyle Lantz questioned the Applicant:

Q. If you currently hold a Certified Building Contractor’s license, why do you need a roof coating/cleaning license?

A. I am qualifying a Second Entity, “Dr. Suds Cleaning, LLC.”

Michael Ossorio clarified Mr. Shaner was applying for the coating/cleaning license which will run concurrently with this Building Contractor's license. He is not qualifying a Second Entity.

It was noted the Applicant is permitted to clean/coat roofs under his Certified Building Contractor's license but not as "Dr. Suds" until he took and passed the required exams.

Kyle Lantz moved to approve accepting the Applicant's examination score and to waive further testing requirements. Gary McNally offered a Second in support of the motion. Carried unanimously, 5 – 0.

G. *(Continued to August Agenda – per amended Agenda)*

Recalled:

C. Gregory L. Saunders – Contesting Citations(s)
(Handyman)

Citation: #08865 ("Unlicensed Tree Trimming and Removal")

Date Issued: June 17, 2014

Fine: \$2,000.00 (2nd Offense)

Description of Violation:

Engage in the business or act in the capacity of a Contractor, or advertise self or business organization as available to engage in the business of, or act in the capacity of a Contractor, without being duly registered or certified.

It was noted that Mr. Saunders was not present.

Chairman White stated the matter would be considered by the Board since Gregory Saunders had requested the hearing and had been duly noticed of the date, time, and location of the Hearing.

Michael Ossorio stated the Contractors' Licensing Office would send a letter to Mr. Saunders notifying him that he is in violation of the County's Ordinance. He received due process.

Mr. Ossorio noted Ian Jackson was available to provide an overview for the Board.

Ian Jackson, Contractors' Licensing Compliance Officer:

- Received a phone call on June 16, 2014 regarding tree removal by an unlicensed contractor
- Citation #08864 was issued on June 16, 2014 for the office (thought to be an initial offense)
- After further review, it was determined the violation was a Second Offense.
- Mr. Jackson met with Mr. Saunders on June 17, 2014: the initial Citation was voided and a new Citation (#08865) was issued for a Second Office with a higher fine of \$2,000.

- During the meeting, Mr. Saunders submitted a Request for an Administrative Hearing to contest the Citation, and was subsequently provided with a letter confirming the date, location, and time of the new hearing at the meeting.

Gary McNally asked if Mr. Saunders had been licensed to remove trees and the response from Ian Jackson was, “No.”

Ian Jackson noted Mr. Saunders had been previously cited for unlicensed roof cleaning.

Kyle Lantz moved to deny the request to contest the Citation and to uphold Citation #08865 as issued. Gary McNally offered a Second in support of the motion. Carried unanimously, 5 – 0.

VII. OLD BUSINESS:

(None)

VIII. PUBLIC HEARINGS:

(None)

IX. REPORTS:

- License renewal applications will be sent next month. Approximately 10,000 licenses will be renewed during July, August and September

X. NEXT MEETING DATE: **Wednesday, August 20, 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 10:30 AM.

**COLLIER COUNTY CONTRACTORS
LICENSING BOARD**

PATRICK WHITE, Chairman

The Minutes were approved by the Board/Committee Chair on _____, 2014,
“as submitted” **OR** “as amended” .