

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

August 17, 2016  
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:** Thomas Lykos

**Members:** Michael Boyd  
Elle Hunt  
Terry Jerulle  
Kyle Lantz  
Gary McNally  
Robert Meister  
Patrick White

**Excused:** Richard Joslin, Vice Chair

**ALSO PRESENT:**

Ian Jackson – Supervisor, Contractors' Licensing Office  
Kevin Noell, Esq. – Assistant County Attorney  
James F. Morey, Esq. – Attorney for the Contractors' Licensing Board

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

**I. ROLL CALL:**

Chairman Thomas Lykos opened the meeting at 9:04 AM and read the procedures to be followed to appeal a decision of the Board.

Roll call was taken; a quorum was established; **seven (7) voting members** were present.

**II. AGENDA – ADDITIONS OR DELETIONS:**

*(None)*

**III. APPROVAL OF AGENDA:**

*Terry Jerulle moved to approve the Agenda as presented. Kyle Lantz offered a Second in support of the motion. Carried unanimously, 7 – 0.*

**IV. APPROVAL OF MINUTES:**

**A. May 18, 2016**

*(Ian Jackson noted the minutes were improperly identified as “May 18, 2016” – the correct date was July 20, 2016.)*

**B. October 21, 2015**

*(Mr. Jackson noted there was an issue concerning the recording of the October, 2015 minutes which had been approved by the Board during the December, 2015 meeting and signed by Patrick White as Chairman. Mr. White agreed to re-sign the minutes.)*

*Patrick White moved to approve the Minutes of the July 20, 2016 and October 21, 2015 meetings as submitted. Gary McNally offered a Second in support of the motion. Carried unanimously, 7 – 0.*

**V. PUBLIC COMMENT:**

*(None)*

**VI. DISCUSSION:**

*(None)*

**VII. REPORTS:**

*(None)*

**VIII. NEW BUSINESS:**

**A. Orders of the Board**

*Patrick White moved to approve authorizing the Chairman to sign the Orders of the Board. Terry Jerulle offered a Second in support of the motion. Carried unanimously, 7 – 0.*

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

**B. James A. Loubert – Request for Reinstatement/Waiver of Exams  
(d/b/a “James Loubert Carpentry, LLC”)**

**James Loubert** stated he was appearing before the Board to request to re-activate his Carpentry Contractors’ license.

**Ian Jackson** provided background information:

- 1994 – took the Business/Law exam
- 1995 – took the Trade exam and obtained his Contractor’s license
- Remained in business for the next eleven years
- 2006 – license was not renewed
- 2007 – license was administratively reinstated
- License became delinquent from October 1, 2007 to December 31, 2007
- License was suspended for the entire year (2008)
- January 1, 2009 – license became null and void
- He stated Mr. Loubert also requested to waive retesting of the Business/Law and Trade exams

**Chairman Lykos** asked if the Carpentry license required taking the Business/Law exam as well as a Trade exam, and Ian Jackson answer, “Yes.”

**Chairman Lykos** directed his comments to the Applicant stating the Board is required to determine if he had been active in his trade and whether his carpentry experience was sufficient to render re-taking the exams as superfluous.

*(9:10 AM – Robert Meister arrived; quorum increased to eight [8] voting members)*

**James Loubert** noted his letters of reference supported his experience.

**Chairman Lykos** stated he reviewed Mr. Loubert’s application packet and it was apparent he had been active in his trade since his license became expired.

**Gary McNally** questioned the Applicant:

**Q.** Is your license still valid in Pinellas County?

**A.** No, sir. It didn’t transfer. When I moved here in 1992, it would not transfer so that’s why I had to take the tests again.

**Q.** When I reviewed your packet, I noticed there was no credit score at all?

**A.** Yes – because I haven’t had any activity. I haven’t had any credit or bad credit – so it’s a zero.

**Q.** You have been working in the field since 2008 as a carpenter?

**A.** Yes. I’ve been a form carpenter – I’ve done concrete, trimmed cabinets ...

**Q.** Okay. Thank you.

**Chairman Lykos** asked the County for a recommendation.

**Ian Jackson** stated the recommendation was for approval with conditions, i.e., placing the Applicant on probation for a period of time to allow the Board to “monitor” him.

**Chairman Lykos** requested additional information, i.e., if the Applicant was placed on probation, what should the Board look for.

**Ian Jackson:** If there were any violations during the probationary period, there could be an order for an appearance before the Board.

**Patrick White:** Were there any violations during the period of time when his license was active?

**Ian Jackson:** I did not see any violations.

**James Loubert:** I was quite an active carpentry contractor – I worked for Pulte Homes and for DeVosta. I mainly did DeVosta – I worked all the way up to Venice on projects – we usually did five houses a day.

**Terry Jerulle** questioned the Applicant:

**Q.** It looks as if you have quite a bit of experience up to 2006 – I didn’t see any letters after that time. The Codes have changed.

**A.** I’m active. Today I am still working as a carpenter.

**Q.** So why didn’t you just take the tests and not even come here?

**A.** I’m not good with tests – I actually went and took the G.C. or B.C. test. I did it without the books and did it in two hours and got a 60. So I went and bought all the books and went back and took the test. I got a 58 with the books and took all the time for the test. Tests make me a little nervous. I have superior knowledge in carpentry – I’m a strapping expert from top to bottom.

**Q.** But that’s only half the job – right?

**A.** Oh –

**Q.** That’s less than half the job.

**A.** I can show you conventional framed roofs that I’m doing right now.

**Q.** My point is – knowing the information in the field is only half of what you need to know to have a license. You also need to know ...

**A.** I was an employer of over 50 employees ...

**Chairman Lykos:**

**Q.** Let me explain to you. The people who sit on this Board are going to decide today whether or not you get a license.

**A.** Yes, sir.

**Q.** You need to let us ask our questions and at the appropriate time, you can answer the questions.

A. Yes, sir.

Q. Okay. Mr. Jerulle has stated that you've got a lot of backup with regard to your trade – nobody is questioning your ability in your trade. What Mr. Jerulle is stating, if I understand correctly, is that the trade experience is only half of your responsibility. There are also other responsibilities besides being able to know how to nail boards together. So if you will please let the Board members ask their questions and then answer when it is appropriate, then we can get through this as quickly as possible. Thank you.

**Terry Jerulle:**

Q. My point – just as Chairman Lykos was saying – is knowing your trade is only half of it. Knowing the business is the other half to get a license. Workers' Compensation, Business and Law – and I'm inclined to say that you should take the Business and Law exam.

A. Okay. Like I was saying, I was not a small contractor – I had over 50 employees for over four years – everybody – I've always done staff leasing, I've always had Workers' Comp on every employee I've ever had. I believe my references also reflect the business that I had – I'm not just a carpenter. Every one of them throughout the years will tell you that my billings were correct, my invoices were on time, I submitted releases when they were appropriate – I know all about the aspects of running a business, sir.

Q. Well, you let you license expire three times.

A. I was closing my business and laid off my office manager who was supposed to have done the renewal – it was only a few months later, I was closing my business in 2007.

Q. I think you should have a license, but I think you should have a license by taking the test.

A. Well, I would actually go for the B.C. ["Building Contractor's" license] rather than Carpentry again if I had to take the test. I was close to passing and did better without the books than with the books.

Q. And that may be better for you in the long run anyway.

A. But I'm actually missing opportunities on doing some contracting as a Carpenter. This town has started booming again and I see it as appropriate to re-start my business. I've had employers that I've had for fifteen years asking me to go back into business. So I know what all it takes – again, my reference letters ... even the current reference letters ... I believe reflect that.

Q. Thank you.

**Michael Boyd:** As someone who has to take Continuing Education courses every two years, fortunately or unfortunately, I learn something every time I take the damned tests to renew my license. It is fourteen hours. I would be inclined to say that I would require the tests to be taken.

**Chairman Lykos:** In advance of issuing a license?

**Michael Boyd:** Yes.

**Patrick White** questioned the Applicant:

Q. If you were going to be required to take the exam ....

A. Yes, sir.

- Q.* ... how long do you think it would take you to apply for the test, to take it and pass? Could you do it in thirty days?
- A.* It was ... it's just ....
- Q.* I think it is a "yes" or "no" question. Do you think you could do it in thirty days?
- A.* I'm not sure.
- Q.* Could you do it in forty-five days?
- A.* I could try ... yes, sir.
- Q.* I'm asking you for your best estimate of how long you think it will take for you to be able to take the exam and pass it for Business and Law.
- A.* Just for Business and Law?
- Q.* That is what I believe has been discussed here. If that's not clear, let me confirm what we are talking about is the Business and Law exam – not the Trade test.
- A.* Okay.
- Q.* So – with that clarification – do you think thirty days would be long enough?
- A.* Yes, sir.
- Q.* Okay.

*Lyle Lantz moved to approve granting James Loubert's application to reinstate his Carpentry Contractor's License and waive requiring him to take the Trades test only. He will be issued a probationary license for a period of ninety days during which time he will be required to take and pass the Business/Law exam. If he cannot pass the exam within the time period, his probationary license will be suspended and will remain suspended until he passes the exam. Patrick White offered a Second in support of the motion and suggested reducing the time to sixty days.*

It was noted the Business/Law exam is given at Florida Gulf Coast University on a daily basis.

*Kyle Lantz accepted Mr. White's suggestions and amended his motion to reflect the change.*

Discussion:

- **Terry Jerulle** suggested including the Trades test since the Applicant has not been licensed since 2008. There have been major changes to the Code during that time.
- **Kyle Lantz** noted the Applicant has been working for Builders during that time. "If you are working in your Trade, you probably know the Codes."
- **Terry Jerulle** stated he would be inclined to agree with Mr. Lantz if the license had expired within the last two years but it has been almost eight years since the Applicant was licensed. He stated: "I am not trying to be difficult – I think he should have a license and he should be a Carpentry subcontractor but I think he should go through it the proper way by taking both tests."
- **James Loubert** reiterated if he is required to take the tests, he will take the exam for a Building Contractors' license.
- **Kyle Lantz** stated since Mr. Loubert has been working in his Trade, he has been exposed to the new Codes but he hasn't technically been doing as much

on the business side. He continued that contractors do not usually come before the Board for trade deficiencies – it's because of business deficiencies. That's why I am more particular about taking the Business test.

**Chairman Lykos** summarized: *There is a motion before the Board to grant a probationary license for sixty days. The Applicant is required to take and pass the Business and Law exam within sixty days. If that does not occur, the license will immediately be suspended until Mr. Loubert passes the exam.*

*Chairman Lykos called for a vote on the motion.  
Motion carried, 7 – “Yes”/1 – “No.” Terry Jerulle was opposed.*

**C. Natalina Capone – Application to Qualify a Second Entity**

**(Current Qualifier for: “Signature Surfaces, LLC.”**

**Second Entity:** “PMT of Naples, Inc.” – installation of flooring: tile, marble, wood and carpet. Will also offer cleaning services to clients.)

**Natalina Capone** stated she was appearing before the Board to request to qualify a Second Entity with her license – #C27432, Floor Covering Contractor. She is the current Qualifier for *Signature Surfaces, LLC* – a tile, marble, and floor covering company.

**Chairman Lykos** asked the Applicant why she wanted to qualify a second flooring company.

**A.** The owner of *Signature Surfaces* sold the business to someone else. Not sure how well I will get along with this person. I've also had some personal financial issues and need to make more of an income. I had an opportunity to qualify a previous employee and friend. I thought it would be the best of both worlds – to make more money and qualify his business.

**Terry Jerulle:** I would like to disclose to the Board that I know Natalie. I worked with her years ago. I think it's been over twelve years or so since I've worked with her. I don't think it's anything that going to affect any decision or sway me.

**Chairman Lykos:** Mr. Morey – are you happy with that?

**Attorney James Morey, Attorney for the Board:** Yes, there's no current financial interest.

**Chairman Lykos:** Okay, thank you. Thank you, Terry. Comments from the County? A recommendation?

**Ian Jackson:** I am going to abstain from a recommendation on the Second Entity.

**Kyle Lantz** questioned the Applicant:

**Q.** Currently you work for *Signature Surfaces*?

**A.** Yes.

**Q.** What is your role there?

**A.** I do a lot of things. I do the bookkeeping, estimating, purchasing. I work with scheduling. I oversee jobs now and then.

- Q.* Is that a 40-hour a week job?
- A.* Yes – fifty sometimes.
- Q.* So at the new place that you want to qualify, what do you expect your role to be there?
- A.* I'm going to be managing the payroll, the insurances, the employees. The owner of the business will actually be installing, the scheduling, and doing all that.
- Q.* So, it's very similar to what you are doing at *Signature*.
- A.* But it's a smaller scale, so it won't take as much time.
- Q.* How much time do you anticipate?
- A.* Probably – maybe an hour a day.
- Q.* So, five hours a week?
- A.* Yeah.
- Q.* Maybe?
- A.* Yeah – give or take, and visiting jobs once a week ... maybe a couple of three hours or so.
- Q.* Over all, the new business – from your business plan – expects to have a couple of employees starting out?
- A.* Yeah ... five – about two crews.
- Q.* And you, as the Qualifier, will be able to oversee the business operations as well as the construction work in five or six hours a week?
- A.* Yeah. There are only two or three jobs at a time.
- Q.* Okay.

**Chairman Lykos** questioned the Applicant:

- Q.* You submitted this packet, correct?
- A.* Yes.
- Q.* Do you have a copy of the packet with you?
- A.* Yes, I do.
- Q.* I want to discuss the “Profit/Loss Projection” with you. In your summary, you said you were hoping to get the company up to about \$250,000 a year in sales?
- A.* Yes.
- Q.* And you presented a “Profit/Loss Projection” to that dollar amount.
- A.* Yes.
- Q.* Under your “Payroll Expenses,” you expect to spend about \$62,000 for payroll.
- A.* Yes.
- Q.* You also stated earlier that you expect to have five employees.
- A.* Yeah. Right now we have three and we're planning on hiring two more.
- Q.* That means you will be paying each employee \$12,000 a year. For full-time employment, that would be about \$6.00 an hour.
- A.* Yes, but some of them are seasonal though. Right now, it's really slow.
- Q.* I want to confident that you have an understanding of your company's financials because you are going to be the person who will be financially responsible for this company.
- A.* Right.
- Q.* Right now, I have a little bit of a concern when I see that your business plan calls for five employees and you show a total of \$62,000 for Payroll – that's one concern. Do you understand why I have that concern? It just doesn't sounds like enough money for Payroll for five employees.



- A. Yeah, I understand – I based it on what I was doing right now – for the year. Right now, two of the employees are part-time.
- Q. I understand, but this document is labeled as your “Profit/Loss Projection.” So if you are anticipating doing \$250,000 in sales, and you anticipate having two crews for tile installation and for cleaning – that means you are going to have five employees. I would expect your Payroll expenses to be higher than \$62,000. And I have a concern about your ability to anticipate your expenses and to charge enough money to make sure your company stays in business. Okay – because you underestimated your labor expenses. The other thing is, where is the owner’s compensation in this budget?
- A. Sorry, I left it out.
- Q. Based on this projection, you are going to have \$53,000 left at the end of the year. We know you have understated the labor, and then – where is the owner getting paid? And how are you getting paid out of this?
- A. I’m getting paid with commission based on the sales.
- Q. And where does that show up in this projection?
- A. I included it in the \$62,000.
- Q. So now we have anywhere from four to six people plus an owner being compensated out of \$62,000 which we know is an understated dollar amount.
- A. Well, the owner would take the net income.
- Q. I understand. So, now we have an owner and yourself, and four to six employees being paid out of \$110,000.
- A. Yes.
- Q. I have concerns about your understanding of the finances of the business if this is the projection that you put together.
- A. Okay.
- Q. Okay?
- A. Well, I was told at the last minute to put a Business Plan together – I had one day ... I’m sorry.
- Q. I don’t want it to sound as if I’m coming down hard on you. I think the packet that you put together is very impressive – we rarely see anybody who puts this much thought into the Business Plan that they provide us and I want to commend you on that.
- A. Thank you.
- Q. But my concern – before we grant you the opportunity to qualify a second business – is to make sure that you understand not only the trade part of the business, but also the business part of the business. You just heard the gentleman before you. Our biggest concern was not that he understood his trade – it was his ability to run a business.
- A. Right. I understand, but I’ve been in this business a long time – there’s very little ... most of them ... the costs are the labor, materials, and things of that nature.
- Q. I understand. But if you don’t know how much the labor is going to cost you, you could end up digging yourself a financial hole and then what happens is your clients get stuck holding the bag because you don’t know how to manage your company’s finances – or your vendors get stuck.
- A. I understand.
- Q. And I don’t want to set somebody up to do that.
- A. Oh, yeah, totally. I understand.

**Q.** My second comment or question or request: There's a page in here entitled, "Financial Responsibility."

**A.** Yes.

**Q.** Question #7 requests documentation for a discharge in bankruptcy and you checked "Yes." I didn't see the paperwork for that.

(It was noted the documentation was included at the end of the packet.)

**Q.** Good – that answers the second part of my question. Okay. I'm done.

**Kyle Lantz** questioned the Applicant:

**Q.** You said you will be getting paid a percentage of the sales?

**A.** Yes.

**Q.** Would you mind telling me what that percentage is?

**A.** Five percent.

**Q.** So if you do \$250,000 – that would be \$12,500 and that would come out of the \$62,000.

**A.** Right.

**Q.** And then you have independent contractors ...

**A.** No, we don't have any independent contractors.

**Q.** Well, that's what you have on your "Profit/Loss Projection" – and I didn't know if that was part of your Payroll expenses. Are you subbing out?

**A.** No. We won't be hiring any independent contractors. We will have just Payroll tile setters. Sorry.

**Q.** That's a pretty big figure that you have – would that be payroll?

**A.** I can't remember – well, we can put that toward the payroll ... yes. Sorry, I was copying something and I don't ... well, our plan is to have just payroll employees – no independent subcontractors. So I guess I would put that toward the payroll expense. I didn't look this over very well.

**Chairman Lykos:** I expect you didn't think you would come here and have to answer questions about your Profit and Loss.

**A.** No, I didn't. And I whipped this up really fast and copied from something else.

**Q.** Well, it's a good idea if you want to start another business, to be serious about a Business Plan and not just throw it together for our sake.

**A.** What I meant is – I had about an hour ... so I'm sorry.

**Elle Hunt** questioned the Applicant:

**Q.** My first question is for the County: Has *Signature Services* ever had any violations?

**Ian Jackson:** Not that I'm aware of.

**Q.** Do you have a contract available for us to review on what your business relationship is going to be with *PMT Naples*?

**A.** No, not yet.

**Q.** Not even a draft copy?

**A.** No.

**Patrick White** questioned the Applicant:

**Q.** The substance of your discussions with the owner of the Second Entity turn on the compensation as a percentage of sales as well as on the scope of services that you are expected to provide in addition to what the law requires as a Qualifier. Can you give us any additional information about that? What those discussions have been?

**A.** Yes. I will take care of any audits, make sure the insurances are up to date, that all of the employees are on the payroll correctly, or if he needs any help with an estimate or sales, making calls, whatever he needed me to do other than what my license qualifies me for.

**Q.** Such as scheduling?

**A.** Yes. Scheduling – I think that was more his responsibility than mine, but if need be, if I need to step in for something – if he’s on vacation.

**Kyle Lantz** questioned the Applicant:

**Q.** So one of the concerns we have with somebody operating a second business is how can you represent two different parties at the same time? This is what concerns me. Will you have two different phone numbers – one for *Signature* and one for *PMT*? How does that work? If a client calls you and says he needs tile work, who gets the job?

**A.** I am very good at being ethical about who comes from where and putting boundaries.

**Q.** How will you know? If I pick up the phone today and call you – saying I’m interested in a tile job – how will you know if I’m calling *Signature* or *PMT*?

**A.** I am not in the front with the sales that much – it’s mainly the owners who deal with everything and I’m mainly doing all the office work and overseeing the jobs – explaining the job ... what tile goes where ... I do more of that than selling, plus at *Signature Surfaces* we have five or six builders who are extremely loyal to us. The jobs just come in. The owner of *PMT* will do 100% of the sales and has the relationships with the clients. I’m not the one getting those calls.

**Q.** I know *Signature* is based out of Bonita. Are they licensed in Lee County as well?

**A.** No.

**Q.** They only do work in Collier County?

**A.** Yes.

**Chairman Lykos:**

**Q.** *PMT* is a cleaning company now?

**A.** It was licensed as a cleaning company and we’re wanting to qualify it so it can be an installation company.

**Kyle Lantz:**

**Q.** I’m sorry – I was referring to *PMT*. Is *PMT* licensed in Lee County?

**A.** No.

**Elle Hunt:**

**Q.** So I guess my earlier question to the County was moot because we don't have any information from Lee County regarding any violations because they aren't licensed here? Correct?

**Ian Jackson:** You asked about *Signature Services* which is qualified in Collier County.

**Q.** They are qualified here because she just said, "No" when he mis-stated his question.

**Kyle Lantz** clarified he asked if either of the companies were licensed in Lee County as well because the new company that she wants to qualify has a Bonita Springs address. I wanted to know if they are doing work in both places.

**Chairman Lykos:** I have two issues that I am struggling with: (1) is your ability to understand and manage the company's finances, and I could come up with a solution that I could request the Board to consider which is to have you come back in three months with some financial statements and help prove to us that you understand the company's finances. That is something that we can use time and facts to prove. The other concern that I have is a little bit harder to pin down. You have this relationship with *Signature* – the new owner is there and you don't know how you will get along – and we don't know how that will end. You want to qualify two businesses that do the same work. There could be unanticipated conflicts between who is working for which company, which accounts are the materials being charged to. When people know that you are affiliated with two companies, that question is always going to come up ... "Which company is this for?" What happens when one company has a need and the other company has the resources that could help? I have a concern that by you qualifying two companies in the same type of business, there will be some unanticipated conflicts of interest that you are going to be faced with and have to deal with that other people – your vendors and your clients – may be forced to deal with and that you cannot anticipate at this point. Because the two businesses are doing the exact, same type of work. If you were to say, "within 90 days, I expect to terminate qualifying the first entity (*Signature*) and only focus on the second (*PMT*)," I would feel better about those conflicts as being less likely.

**A.** Okay. The current owner of *Signature Services* – he bought the business – is from Uruguay and he has been a builder there for twenty years. He bought the business as an investment and to immigrate to this country. As soon as he can, as soon as he gets his Green Card, he will go for his G.C. (General Contractors') license and start building homes. That's his plan for the near future. And I'm trying to keep myself – I don't know what he's going to do with the business – if he's going to sell it again or anything like that. So I'm just trying to preserve myself as well.

**Q.** How much income do you earn from *Signature Services*?

**A.** \$52,000.

**Q.** That's a pretty serious commitment that you have with *Signature*.

**A.** Yes.

**Q.** Is that your primary source of income?

**A.** Yes. I've had conversations with the owner and he's fully aware of the qualification. It's just that *PMT*, the new business that I want to qualify, has the possibility of working with Abbey Carpet and will keep them busy all year round.

So really, there's no conflict as far as clients go because *Signature Services* would be too expensive for Abbey Carpet to use.

- Q.** I still have the same dilemma. Maybe one of the other Board members has a clearer thought about how to resolve some of these issues and can offer some guidance because I don't know how to overcome the second conflict that I have.

**Elle Hunt:**

- Q.** How are you going to protect the integrity of your license with *PMT Naples*? You are the one who will be held accountable if there is any type of violation. What are you going to be doing on a regular basis to ensure integrity there?
- A.** I'm going to make sure that the people on the job are on payroll. That's my main concern – that there are no violations with Worker's Comp or liability.
- Q.** I'm concerned about the quality of the work as well.
- A.** Well, that, too. I'm going to go to the job sites to oversee it but also there is the owner who is an installer and will be there every day as well. I'll be there to see that everyone follows the plans – I'll look at the plans to make sure that everything is installed right with the right setting material.

**Terry Jerulle questioned Ian Jackson, Contractors' Licensing Office Supervisor:**

- Q.** If she pulled her license from *Signature* tomorrow and came to you the day after that, would you give her another license?
- A.** If she no longer qualified *Signature Surfaces* ...
- Q.** ... and came to you, asking to qualify *PMT Naples* the day after, she would not be required to come here?
- A.** No, she could apply her license to *PMT*.
- Q.** And she would not have to come here? It would be automatic?
- A.** Yes.
- Q.** What I think I'm hearing in my mind is: (1) you are concerned that *Signature* may not be around and you want to be ready in case it is not around.
- A.** Yeah.
- Q.** To answer that question, what I just asked is ... if they are not around tomorrow, the day after – you can see Ian Jackson and get your license with *PMT*. So that concern should go away.
- A.** Yeah, but it's also a business that's growing.
- Q.** Next, (2) is that you want an additional income.
- A.** Right.
- Q.** In order to get the additional income, I think you need to satisfy some of the Board members' concerns. I think there was a question about a contract with *PMT* and some of the other concerns that the Chairman had with the Profit/Loss statement, and how you handle who you are. Because in this business, as Contractors, we know a past client may call you because they know you. And the question is if that client needs to replace some tile that you installed five years ago, who is going to replace it? The question that we have is: will *Signature* replace it or will *PMT*?
- A.** No, *Signature* would replace it if someone calls me from five years ago. If *Signature* did it – yes.
- Q.** But ...
- A.** Like I said, I'm very ethical ...

- Q.** I know you and I know that – you don't have to convince me of that. What I'm saying is that I think you need to convince the Board members of that. So it may be that you need to come back with a little bit more documentation and a little bit more organization, especially on the Profit/Loss statement.
- A.** Again, once we get going and the numbers start flowing, I'll have real numbers to work with as far as that goes.

**Chairman Lykos:**

- Q.** I think you are very sincere about why you are here. I think you are going to work hard and do what you need to be successful because you have "skin in the game." But I am not convinced that from the County's standpoint that this is the ideal situation in which we would issue a Second Entity. If it were two different trades, there would be no perceived conflict.

The Chairman cited the example of a Painting Contractor who wanted to qualify a second painting company – one would specialize in residential and one would only handle commercial clients. The Boards' concerns then were how could he ensure the purchase of materials would remain separate; that employees would not be "loaned" back and forth – and the Contractor had no way to tell the Board how he could prevent it because the companies were in the exact same business.

He continued: I have a problem qualifying a second entity with the same type of work – that's where the conflict comes in. And you can't anticipate the situations that might occur when you're going to be faced with difficult decisions and we don't necessarily know all of those difficult things that might arise – but we want to make sure that you have thought through all those things.

- A.** Yes.
- Q.** Because you are the one who will be responsible for both companies.
- A.** Yes. Like I said, there are things that I can't foresee. If it comes to "do or die," I will make a decision, speak to both people, and come to an agreement on what to do in a certain situation. But those things may or may not happen.

**Elle Hunt:**

- Q.** My concern is that it still sounds a little premature – in the fact that you can't articulate all the terms and conditions you will have with the new entity. You are vague with some of them and unsure. And the numbers are also off. If I was going to start a business with somebody else, I wouldn't say things like, "once the numbers come in, I'll be able to figure it out." I would want to know this in advance. I would also want to know the terms and conditions I would have with them, i.e., what am I getting paid, what am I responsible for, if expenses were deducted – why type of expenses, and what will I be held liable for. You haven't articulated any of this, so it sounds to me as if you want to attach your license to *PMT* while you work full-time at *Signature* to let *PMT* get going and then have them as a back-up plan. That's the perception that I have and that's what concerns me.
- A.** That's the reason why I want to qualify the other business – but I didn't think it that specific – I didn't get that specific because I know the person and I know we

are friends. If I need to make an agreement within the next three months, I will do that – I'll have a lawyer draw it up.

**Terry Jerulle:**

**Q.** Would it be a big imposition for you to – and I'm making a suggestion – to withdraw your application and address the concerns of the Board members and come back at the next meeting?

**A.** I'd prefer not to do that. I'd prefer not to do that, but what are my -- so you want a clearer Profit/Loss Projection, and a legal agreement outlining my specific requirements between me and *PMT*?

**Elle Hunt:**

**Q.** I would not require it a contract – just a more articulated set of terms and conditions. Ideally, a draft would be in the Applicant's best interest but ...

**A.** I'm a little nervous ...

**Q.** That's okay. Just when we ask you these questions, you would have answers to all of them and your perspective partner would also be in agreement. If you choose to move in a legal direction – that's a personal choice of course.

**Terry Jerulle:** My suggestion is based upon – not getting denied – it may be a better approach to withdraw than to be denied. Get everyone's concerns, withdraw, and then come back. As I said – it's just a suggestion.

**Chairman Lykos:** It's a good suggestion.

**Natalina Capone:** Okay.

**Chairman Lykos:** If you tell us that you want us to vote, we will. So far, at least three or four members are recommending that you withdraw and, having listened to the things that we've asked you, to be able to come back and answer those types of questions ...

**Natalina Capone:** Okay. Alright, then.

**Chairman Lykos:** Do you want to withdraw or do you want us to take a vote.

**Natalina Capone:** Well, I don't want it to be negative so I'll withdraw.

**Chairman Lykos:** It's your choice – the Board didn't ask you to come here...

**Natalina Capone:** Right, I understand.

**Chairman Lykos:** It's your decision to make. I just want to be clear about that.

**Natalina Capone:** So, I have to re-do everything – all the papers – if I withdraw and re-submit?

**Chairman Lykos** suggested that Ms. Capone make an appointment to meet with Ian Jackson to obtain a better understanding of the Board's expectations. He agreed with Elle Hunt that legal documents were not necessary but Ms. Capone should be able to answer the Board's questions concerning her agreement with her business partner at *PMT*, and what the numbers on the Profit/Loss statement represent. For example, a question about Payroll should indicate how many people will be employed and at what hourly salary. When Mr. Lantz asked about independent contractors and you stated the company would not hire any, then the question become why was it on the Profit/Loss statement. You must understand your numbers so the Board will be confident that you can run the business and be financial responsible. Another question, if the company loses money – how will you be paid? Will you be paid off

the front end or the back end? Will you be required to put money into the company? Being able to answer those questions will go a long way to give the Board confidence that you will be able to manage these different relationships and work through any issues with the two entities until you come to a place where you are comfortable with what is going on.

**Natalina Capone:** Okay.

**Terry Jerulle:** Mr. Jackson, if she withdraws – does she have to pay fees again?

**Ian Jackson:** No.

**Patrick White** suggested a motion to table the item until the next meeting would also be appropriate.

**Attorney James Morey, Attorney for the Board,** stated a motion to table was perfectly acceptable. The Applicant would only need to update and supplement the original application – it was not necessary to submit a new application.

*Patrick White moved to approve tabling Natalina Capone’s Application to obtain a Second Entity until the next Board meeting. Elle Hunt offered a Second in support of the motion. Carried unanimously, 8 – 0.*

**IX. OLD BUSINESS:**

*(None)*

**X. PUBLIC HEARINGS:**

*(None)*

**NEXT MEETING DATE:**

**Wednesday, September 21, 2016**

BCC Chambers, 3<sup>rd</sup> 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 1:15 PM.**

**COLLIER COUNTY CONTRACTORS’  
LICENSING BOARD**

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**THOMAS LYKOS, *Chairman***

The Minutes were approved by the Chairman on \_\_\_\_\_, 2016,  
“as submitted”  **OR** “as amended” .