

May 19, 2021

MINUTES
OF THE COLLIER COUNTY
CONTRACTORS' LICENSING BOARD MEETING

May 19, 2021

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:

Chair: Matthew Nolton

Vice Chair: Terry Jerulle

Members: Richard E. Joslin
Patrick G. White
Todd Allen (excused absence)
Kyle Lantz
Robert Meister III (absent)
Joseph Coleman (excused absence)

ALSO PRESENT:

Kevin Noell, Esq. - Attorney for the Contractors' Licensing Board
Timothy Crotts – Contracting License Supervisor
Colleen Kerins – Assistant Collier County Attorney
Michael Governale – Collier County License Compliance Officer
Michael Bogert – Collier County License Compliance Officer
Patrick Bero – Collier County License 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 said proceedings is made, including the testimony and evidence upon which any appeal is to be made.

1. **ROLL CALL:**

Matthew Nolton, Board Chair, opened the meeting at 9:05 AM.

Roll Call was taken; Five (5) Members were present in the BCC Chambers.

- *Robert Meister III – was absent from the meeting.*

A quorum was established at roll Call; five (5) voting Members were present at the start of the meeting.

2. **ADDITIONS OR DELETIONS:**

Addition of Guidelines for Contractor Public Hearing under Discussion.

3. **APPROVAL OF AGENDA:**

Mr. Lantz moved to approve the agenda; Mr. White offered a second in support of the motion. Carried unanimously 5-0.

4. **APPROVAL OF MINUTES:**

A. **APRIL 21, 2021**

Mr. White moved to approve the Minutes of the April 21, 2021 meeting with the noted exceptions below; Mr. Joslin offered a second in support of the motion. The following exceptions were noted. 1. Correct the grammatical error on Page 10, changing Commissioner's to Commissioners'. 2. Mr. Meister was absent at the April 21, 2021 meeting and asked that the Minutes be changed from absent to an excused absence. Carried unanimously 5-0. Minutes were approved as amended.

5. **PUBLIC COMMENTS:**

A. *(None)*

6. **DISCUSSION:**

A. **PUBLIC HEARING PROCEDURES OF THE COLLIER COUNTY CONTRACTOR LICENSING BOARD**

Mr. Noell, Esq., Attorney for the Contractors' Licensing Board, reported that two (2) documents were created to streamline the process for Public Hearings. These documents would be included with the evidentiary packet provided for the hearing. The first document is the Public Hearing Procedures two (2) page document with twenty (20) points. The goal is to have the Respondent read, date and sign before the start of the meeting. If the Board is comfortable with the wording, it will also be translated into Spanish.

Mr. White requested a revision of the following items on the Public Hearing Procedure document. 1) Page one (1) remove point #4 as it is redundant to point #2. 2) Page two (2) point #18, "A" add "or not" after "whether guilty of the offense," "B" add the word "Second" to start the sentence.

The second document is titled, "Read After the Final Vote of the Board After the Public Hearing". This is a template that will assist with the administrative hearing process and shall be read by the Chair after the final vote of the Public Hearings. This template will be forum-driven for that day's hearing and will have a general order of the hearing with specifics for each case.

Mr. Nolton requested revision to the second document for the following: 1) Paragraph #1-compliant and notice was "legally sufficient." Paragraph #3, Respondent was present "at the hearing."

Mr. White moved to approve the documents with the suggested changes; Mr. Joslin offered a second in support of the motion. Carried unanimously 5-0.

7. REPORTS:

Mr. Crotts introduced the newest Compliance Officer, Mr. Patrick Bero. Officer Bero gave a brief introduction of his background and experience.

8. NEW BUSINESS:

A. ORDERS OF THE BOARD

Mr. Joslin offered a motion to have the Board Chair sign orders of the Board, Mr. White offered a second in support of the motion. Carried unanimously 5-0.

Note: The individuals who testified in the following cases under Item 8, "New Business," were first sworn in by Gayane Gelenian.

B. MOSHE MIKE MOUSSERI – WAIVER OF EXAMS

Mr. Nolton called Moshe Mike Mousseri to the podium.

Mr. Crotts, Contracting License Supervisor, stated that Mr. Mousseri is asking for a waiver of exams to reinstate a contracting license. Mr. Mousseri received his license from Collier County in May 2013, and it was placed in cancellation/void status in 2017 due to not being renewed.

According to the county ordinance, if an individual has not taken an exam and his license has gone into void status, the contractor must retake the exam to reinstate his license.

Mr. Crotts stated that Mr. Mousseri has continued to keep up in his trade as he is licensed in other counties where he is painting. Mr. Mousseri is a licensed contractor in the following counties: Lee, Bevard, Palm Beach, Broward, Monroe, Pinellas, St. John and Martin County.

Mr. White asked if there were complaints in the other jurisdictions where Mr. Mousseri was licensed. Mr. Crotts advised there were no complaints.

Mr. Lantz moved to approve the exam waiver; Mr. White offered a second in support of the motion. Carried unanimously 5-0.

Mr. Mousseri thanked the Committee and stated that the licensing renewal slipped through the cracks. He added that it is challenging to keep up with so many different licenses for all the counties he serves. He suggested it would be more beneficial to have a license by the state rather than by an individual county. Mr. Mousseri asked whom he could speak to with this suggestion. Mr. White suggested that Mr. Mousseri waits before contacting the state about this subject as state legislature may soon modify the rules for contractor licensing.

C. LUIS G. TAMAYO – REVIEW OF EXPERIENCE

Mr. Nolton called Luis Tamayo to the podium.

Mr. Crotts stated that Mr. Tamayo submitted an application for tree trimming and removal Certificate of Competency. Part of the process of approval is to verify his experience with this trade. The three references Mr. Tamayo provided indicated that Mr. Tamayo's experience with tree trimming and removal was basic or limited. Therefore, Mr. Tamayo was asked to come before the Board to state his experience.

Mr. Nolton welcomed Mr. Tamayo to present his experience to the Board.

Mr. Tamayo indicated that he had been working for over twenty (20) years providing this type of service. He works during the week in Dade and Broward on small farms and houses and Collier on the weekends. The Tree Mendez Lawn Service owner asked Mr. Tamayo to obtain a license for tree trimming and removal to work as an independent contractor for them.

Mr. Nolton asked how many trees Mr. Tamayo has removed. He indicated he has taken down at least ten (10) trees a year in Collier County and several hundred in his twenty (20) years of doing this type of work. He has also removed hundreds of stumps, all without incident or serious injury.

Mr. Lantz asked Mr. Tamayo if he had ever been charged with a violation of Acting as a Contractor Without a License? Mr. Tamayo confirmed that he had not received any violations.

Mr. White moved to approve the application for tree trimming and removal; Mr. Jerulle offered a second in support of the motion. Carried unanimously 5-0.

D. SERGIO M. QUEZADA – REVIEW OF EXPERIENCE

Mr. Nolton called Sergio Quezada to the podium.

Mr. Crotts reported that Mr. Quezada submitted an application for an Irrigation Contractor's license. During the review process, it was found that the three (3) verification of experience forms submitted came from the same person/same company and they indicated his experience was limited to minor irrigation repairs and service. Therefore, as part of the Collier County ordinance

to show experience verification, Mr. Quezada was asked to come in front of the Board to discuss his experience.

Mr. Nolton invited Mr. Quezada to share his experience with the Board.

Mr. Quezada advised that he had twenty-four (24) months of experience with Valencia Lawn and Irrigation Services and explained the processes he performed from installations to repairs, including digging trenches, wiring, putting in rain sensors and fitting pipes.

Mr. Nolton asked for confirmation of tenure at each irrigation company. Mr. Quezada confirmed he worked for Valencia Lawn and Irrigation Services from January 2017 – January 2019. He worked for QS Irrigation from January 2019 to the present.

Mr. White asked Mr. Quezada to share as much detail as possible with his experience. QS Irrigation is licensed; however, Mr. Quezada is requesting a license in his name as he is now owner of QS Irrigation. Mr. White asked specific questions which Mr. Quezada answered with confidence.

Mr. Lantz moved to approve the application for the Irrigation license; Mr. Joslin offered a second in support of the motion. Carried unanimously 5-0.

E. MARIA CASTANEDA -REVIEW OF EXPERIENCE

Mr. Nolton called Maria Castaneda to the podium.

Mr. Crotts reported that Mrs. Castaneda submitted an application for a landscaping license. During the review process, Mr. Crotts could not reach the Vice President of Cleary Enterprises in North Carolina for reference. During a phone conversation with Mrs. Castaneda, it was found that her experience had limited hands-on experience and was geared toward management and employee transport. Therefore, as part of the Collier County ordinance to show experience verification, Mrs. Castaneda was asked to come in front of the Board to discuss her experience.

Mr. Nolton asked Mrs. Castaneda to share her experience with the Board.

Mrs. Castaneda stated that she worked for Cleary Enterprises for four (4) years. The company moved to North Carolina in 2016. She and her husband bought the company in 2016 and began obtaining lawn maintenance and tree removal licenses. Now, they are looking to obtain a landscape license.

Mr. Lantz asked specific questions about planting trees/bushes.

Mr. White asked if Mrs. Castaneda would use a landscape architect to assist with landscaping the property. Mrs. Castaneda advised that her husband has thirty-five (35) years of experience in landscaping. Mr. White suggested issuing a license for a probationary period.

Mr. Jerulle moved to approve a probationary license for one (1) year that is restricted to planting and sod only, with no pavers or fountains. If there are no violations in that period, the license moves to a regular license. Mr. White offered a second in support of the motion. Motion passes 4-1. (Mr. Lantz opposed).

BREAK FROM 10:17 AM - 10:29 AM

9. OLD BUSINESS:

A. *(None)*

10. PUBLIC HEARINGS:

Mr. White moved to open the Public Hearings; Mr. Lantz offered a second in support of the motion. Carried unanimously 5-0.

A. 2021-05 - NEAL K. MINTZ DBA CJMJ SOUTH, LLC

Mr. Nolton opened the hearing by asking the County to present their opening remarks.

Mr. Governale, Collier County License Compliance Officer, issued his opening statement and submitted a preamble and packet as evidence. Mr. White moved that the Preamble and packet be accepted into evidence; Mr. Joslin offered a second in support. Carried unanimously 5-0.

Mr. Mintz, on behalf of CJMJ South, LLC. issued his opening statement and apologized for filing a permit for an unlicensed contractor to perform work without his involvement.

Mr. Jerulle moved to find Mr. Mintz guilty as charged; Mr. Joslin offered a second in support of the motion. Carried unanimously 5-0.

Mr. Joslin moved to close the public hearing; Mr. White offered a second in support of the motion. Carried unanimously 5-0.

Mr. Noell reported the ten (10) disciplinary actions or fines that could be taken against Mr. Mintz.

Mr. Crotts provided the County's recommendation of a \$5000 fine to be paid within six (6) months; if the fine were not paid within that timeframe, the license would be revoked. The County also recommends that the license be placed in probationary status for two (2) years.

Mr. White asked Mr. Crotts to explain how he decided on the monetary penalty.

Mr. Crotts explained that Mr. Mintz received \$3000 from the unlicensed contractor to pull the permit. In addition, Mr. Mintz advised that he has done this for this unlicensed contractor before; however, there were no other complaints on record.

Mr. White suggested that a public reprimand would serve the same function as a \$5000 fine.

Mr. Lantz shared what he has experienced as a licensed contractor and suggested that a high fine would serve as a deterrent.

Mr. Jerulle moved to impose a \$5000 fine to be paid within six (6) months, or license will be revoked, two (2) year probation and a public reprimand; Mr. Lantz offered a second in support of the motion. Carried unanimously 5-0.

Mr. Nolton read the document, "Read After the Final Vote of the Board After the Public Hearing."

B. 2021-06- KRISTO MISHKA DBA HOME & MORE SERVICES, INC.

Mr. Lantz moved to open the Public Hearings. Mr. Jerulle offered a second in support of the motion. Carried unanimously 5-0.

Mr. Nolton opened the hearing by asking the County to present their opening remarks.

Mr. Governale, Collier County License Compliance Officer, issued his opening statement and submitted a preamble and packet as evidence. Mr. White moved that the Preamble and packet be accepted into evidence; Mr. Joslin offered a second in support. Carried unanimously 5-0.

Mr. Mishka, on behalf of Home & More Services, Inc., issued his opening statement that he accepted full responsibility for his actions.

Mr. Governale stated that the cost to the homeowner was \$1570.

Mr. White moved to close the public hearing; Mr. Jerulle offered a second in support of the motion. Carried unanimously 5-0.

Mr. White moved to find Mr. Mishka guilty as charged; Mr. Joslin offered a second in support of the motion. Carried unanimously 5-0.

Mr. Crotts provided the County's recommendation that \$1570 be paid to the homeowner within ninety (90) days. If not paid within that timeframe, then the tile/marble license would be revoked. On Count One (1) a fine of \$1000 fine to be paid within six (6) months; and three (3) licenses be placed in probationary status for one (1) year. On Count Two (2), the County also recommends a \$1000 fine to be paid within six (6) months; the three (3) licenses be placed in probationary status for one (1) year.

Mr. White made a motion to the restitution by County. Mr. Lantz seconded in support of the motion. Carried unanimously 5-0.

Mr. Nolton read the document, "Read After the Final Vote of the Board After the Public Hearing."

May 19, 2021

11. **NEXT MEETING DATE:** **WEDNESDAY, JUNE 16, 2021**
Commissioner's Chambers, 3rd Floor-Administrative Building
Government Center, 3299 E. Tamiami Trail, Naples, FL

Mr. Nolton and Mr. White stated they would not be present at the next meeting on June 16, 2021.

Mr. White made a motion to adjourn the meeting; the motion was seconded and carried unanimously 5-0.

There being no further business for the County's good, the meeting was adjourned at 11:13 AM.

COLLIER COUNTY CONTRACTORS' BOARD



MATTHEW NOLTON, Board Chairman
Matthew Nolton

The Minutes were approved by the Chairman or Vice Chairman of the Contractors' Licensing Board on June 16, 2021, (check one) "as submitted" [] or "as amended" [].