

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

February 15, 2017  
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:** Richard Joslin

**Vice Chair:** Michael Boyd

**Members:** Terry Jerulle  
Kyle Lantz  
Gary McNally  
Matthew Nolton  
Patrick White

**Excused:** Elle Hunt  
Robert Meister

**ALSO PRESENT:**

Ian Jackson – Supervisor, Contractors' Licensing Office  
Kevin Noell, Esq. – Assistant County Attorney  
James F. Morey, Esq. – Attorney for the Contractors' Licensing Board  
Reggie Smith – Collier County 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 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 Richard Joslin** opened the meeting at 9:06 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:**

*Changes:*

- Under Item VIII, “*New Business*,” the County requested to *Withdraw* the following:
  - B. Eeke Cooper, (d/b/a “EDC Interiors, Inc.”) – Contesting Citations**
- Under Item IX, “*Old Business*,” the County requested to *add* the following:
  - A. Terry Jerulle – Form 8-B entitled ‘Memorandum of Voting Conflict’**

**III. APPROVAL OF AGENDA:**

*Terry Jerulle 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 18, 2017:**

*Corrections:*

- **Page 9** (Patrick White questioned the Witness): The word “have” was changed to “of,” i.e. “... none *of* them ...”
- **Page 23** (Patrick White’s comment): The word “seal” was changed to “seam,” i.e., “... for the *seam* or ...”
- **Page 44** (*Discussion* – Patrick White’s comment – 3<sup>rd</sup> line): The word “the” was changed to “then,” i.e., “... and *then* substantively ...”

*Patrick White moved to approve the Minutes of the January 18, 2017 meeting as amended. Terry Jerulle offered a Second in support of the motion. Carried unanimously, 7 – 0.*

**V. PUBLIC COMMENT:**

*(None)*

**VI. DISCUSSION:**

**Patrick White** noted two items were approved during the January meeting, subject to the production of appropriate documentation. He asked Staff if Mr. Belyea and Mr. Mosso had complied.

**Ian Jackson** confirmed the individuals had satisfied the Board’s Orders.

**Chairman Joslin** welcomed *Matthew Nolton* to the Board as its newest member.

**Patrick White** noted Staff had distributed the Agenda packets to the members via a thumb drive.

**Ian Jackson** stated the ultimate goal will be to provide the information electronically.

**Patrick White** expressed his reservations due to an inability to add notations to the documents and suggested a file transfer web-link as an option.

**Ian Jackson** confirmed the new process was “in its infancy” and stated he welcomed input from the Board’s members. He stated the documents were loaded onto a flash drive and supplied to the members but the process may be subject to change. He reminded the Board the flash drives would be collected at the conclusion of the meeting.

**Gary McNally** noted some of the documents were difficult to read because the print was very light and others which were scanned on an angle.

**Ian Jackson** stated more care would be taken in the future to ensure each page was properly scanned.

**VII. REPORTS:**

*(None)*

**VIII. NEW BUSINESS:**

**A. Orders of the Board**

*Gary McNally moved to approve authorizing the Chairman to sign the Orders of the Board. Kyle Lantz offered a Second in support of the motion.*

*Carried unanimously, 7 – 0.*

**VIII. NEW BUSINESS:**

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

**B. Eeke Cooper – Contesting Citations #10815 and #10816**

*(Note: This case was Withdrawn by the County.)*

**C. Jeff A. Grider – Contesting Citation #10859**

*(d/b/a “J & M Maintenance”)*

**Citation:** #10859 (“Unlicensed Advertising”)

**Date Issued:** January 12, 2017

**Fine:** \$1,000.00

**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 Joslin** asked Mr. Grider to explain the reasons why he was contesting Citation #10859.

**Jeff Grider:**

- Has been in business for seven years in Collier County
- Provides cleaning services and maintenance
- Cleaning is the focus of his business
- Admitted creating the small flyers which he distributes his customers and potential customers ... “whenever I meet people”

**Mr. Grider** displayed a multi-colored document for the Board to view.

**Chairman Joslin** asked Mr. Grider if the document in his hand was the same as the one in the packet (Exhibit E-1).

**Jeff Grider:** No, sir, that one is in violation. This is the updated, amended version. After I spoke with Reggie Smith, I immediately, that day, amended my flyer to be in compliance with all of Collier County.

**Patrick White** asked Jeff Grider if he wanted the flyer to be returned to him.

**Jeff Grider** responded the flyer was provided to the Board to review.

**Jeff Grider** continued:

- He acknowledged “making a mistake” with his advertising.
- Reggie Smith explained the references to “painting” and “house painting” on the initial flyer were in violation – it was not an approved item that he could do as “maintenance.”
- He stated he does not want to “paint” or to become a Contractor.
- “I thought painting was okay but I did not check the Maintenance ‘Can Do’ List until after it was too late ... after I received the Citation.”
- He stated he was not *contesting* the Citation as much as *appealing* to the “good nature of the gentlemen on the Board.”
- He stated he has been in business for seven years and it was a very steep fine for him. He has only a small cleaning business to support his family, i.e., his wife and children.
- After speaking with both Reggie Smith and Ian Jackson, he was informed only the Board could reduce the amount of the fine or dismiss the Citation.
- He requested a Hearing so he could explain to the Board that he had no intention of violating any of the rules of Collier County. “I want to maintain my seven-year good business record.”
- This was his first violation and reiterated the \$1,000 fine is “very steep.”
- He stated he amended his mistake prior to the Hearing and asked the Board to consider waiving the fine.

**Chairman Joslin** question Jeff Grider:

**Q.** How long has this form of advertising been in existence ... the old one?

**A.** The old one was very limited. When I made them, usually 40 or 50 pieces at a

time, it was in January. I thought because it was a new year, and because I didn't have a lot of customers, I might expand a little bit and do some more maintenance. I prefer to just be a cleaner.

**Kyle Lantz** questioned Jeff Grider:

*Q.* Do you do any other type of advertising besides the flyer?

*A.* No, sir.

**Terry Jerulle** questioned Jeff Grider:

*Q.* Do you have a website?

*A.* No, I don't.

When asked if he had business cards, Mr. Grider explained the flyers also serve as his business cards.

**Patrick White** questioned Jeff Grider:

*Q.* I am assuming you are still going to do pressure cleaning?

*A.* A little bit – only what's within the 'Can Do' List's parameters ... would be sidewalks or something like that – if they ask me to and if it's possible.

*Q.* Tile roofs?

*A.* Not a tile roof, no.

**Chairman Joslin** directed a question to **Ian Jackson, Contractors' Licensing Office Supervisor:**

*Q.* Ian, does this license or this particular business fall under the category of a "handyman?"

*A.* He is operating as a maintenance service, commonly referred to as a handyman type of business.

**Chairman Joslin** questioned Mr. Grider:

*Q.* Under the 'maintenance' portion of your new card – it shows that you do screen repairs. What does that include?

*A.* For example, like, on a screen door or something – if somebody wanted me to change the screen, I could probably ... I think that's approved on the 'Can Do' List. I try to do things that I can mechanically do with my hands. For example, some of these things ... like painting ... like screen repairs ... I've done for my Mom and Dad on their old house, or on my house. So that's where I developed the skills, but I could not change a whole pool cage or anything like that. But for an elderly person in Collier County, I could change the door's screen or maybe attach something like a new handle or something ... but nothing very serious. Maintenance is my least skill. Cleaning is my major skill, but I try to do a little bit of everything.

*Q.* If that is your expertise, how did you get into "painting?" If painting is your business, then painting is a whole different picture.

*A.* Painting *is* a whole different picture. Well, I painted some things at my own house and my wife and I had a discussion because things were kind of tough. She

said, “You’re good at this and you’re good at that ...” And I thought maybe I could ... and I thought that’s ‘maintenance.’ My big mistake was I did not check the ‘Can Do’ List first. For example, how I explain this is ... we all have licenses and sometimes if we don’t refresh our minds on the test – maybe we took the test ten or fifteen years ago – the officer can politely remind us, “No, that’s not the right way to go.” So that’s the way I view this situation and I certainly am not resisting what the gentlemen have given me because I did genuinely make that mistake, but I am here to prove that I changed and prove my willingness to comply.

**Kyle Lantz** directed a question to **James Morey, Esq., Attorney for the Board:**

**Q.** I know there is a clause in the Statute regarding if the violation has been rectified before a meeting ... can you read that and explain it?

**Attorney Morey** read from Florida Statutes, Chapter 489, *Regulation of Professions and Occupations – Contracting*, Section 127(d)(3) as follows:

*If the person who was issued the Citation, or his or her designated representative, shows that the Citation was invalid or that the violation had been corrected prior to appearing before the Enforcement or Licensing Board, the Enforcement or Licensing Board may dismiss the Citation unless the violation was irreparable or irreversible.*

**Chairman Joslin** questioned **Reggie Smith, Licensing Compliance Officer:**

**Q.** What did you find out when you gave the Citation?

**A.** Good morning. After a thorough search, I found no other advertisement by Mr. Grider, which was a good thing. The only other thing that I’d like to mention to the Board ... the Complaint came in as a Complaint concerning Mr. Grider’s solicitation of work, which we are not addressing today. We are addressing the brochure advertisement. But I think Mr. Grider definitely needs to review his ‘Can Do’ List again because he was soliciting to change out ceiling fans. During a phone conversation, he stated he believed he could change out ceiling fans and toilets, and things like that. I corrected him during our phone conversation. Again, I understand we are just addressing the brochure advertisement today, but I was happy to see that no other advertisement was found. I would like to see the new advertisement to help confirm there’s nothing on it that could get him into any more hot water.

**Patrick White** noted the entire membership of the Board may not have seen the new advertisement. He stated, from his review, it appeared none of the items from the ‘Cannot Do’ List for handypersons or maintenance were on the new advertisement.

**Reggie Smith** noted the old advertisement had mentioned “painting” twice – as “painting” and again as “house painting” with a discount.

**Patrick White** reiterated he had not seen anything on the revised flyer.

**Terry Jerulle** noted he did not see a license number on either document.

**Reggie Smith** replied that Mr. Grider was not a Contractor and didn’t have one.

**Ian Jackson** explained Mr. Grider was not operating under a “license,” but a Business Tax Receipt.

**Terry Jerulle** stated the new advertisement stated, “Licensed in Collier County,” under the telephone number.

**Ian Jackson:** The Business Tax Receipt was formerly referred to as an “Occupational License” and a lot of companies put the Business Tax number on their vehicles, flyers, and advertisements.

**Terry Jerulle:** Just to clarify for myself ... he is *not* held to the same standards as a General Contractor – we have to advertise and list our license number.

**Ian Jackson:** Correct.

After an inquiry regarding the significance of the initials, “A/C” on the application, it was determined the initials indicated there had been an “Address Change.” Exhibits E-15 and E-16 listed different address for Mr. Grider’s home, and he confirmed he had moved in 2016.

It was noted the “license number” on the first page of the application was, in fact, the Business Tax Receipt number assigned to Mr. Grider.

**Terry Jerulle** questioned Reggie Smith:

**Q.** You said a Complaint had been filed?

**A.** Yes, sir. It should be included in your packet.

**Q.** Was it by another Contractor?

**A.** No, sir, it was actually from the daughter of the unit owner whom Mr. Grider had solicited. He mentioned during a phone conversation they met in a Publix parking lot. When he arrived at the unit, the daughter answered the door. There was some confusion – Mr. Grider stated he left something in his vehicle. He walked away and never came back. Part of her Complaint was her fear – she didn’t know who Mr. Grider was – was he licensed or not – what intentions could he possibly have toward her elderly mother. That was her main concern. She did contact the Collier County Sheriff’s Office – the non-emergency number – and was advised to call our office to make a Complaint.

**Q.** Thank you.

**Terry Jerulle** questioned Mr. Grider:

**Q.** Mr. Grider, would you like to explain?

**A.** Sure. That is correct – that is exactly what happened. I met an elderly person in the parking lot – I think her name was Barbara – she wanted me to come over and look at her lanai and cleaning and things ... maybe look at the fan but this was obviously before Mr. Smith explained that I should re-check the ‘Can Do’ List. So when I went there ... my wife and I have an agreement ... I do not work in houses with young women and Barbara was not the person who was there – this other, younger person, was. So I excused myself saying I needed something from my car and I just walked away. Later, I sent her a text and she sent me a text. What happened was, I said I was sorry but I would not work in houses with young women and somehow she became explosive to me. I went through the text and decided I should not touch that one – just left it alone and went on with my day. Later, all of this transpired. But I never entered the house – I never had any ill

intentions or anything against this person – I never did any faulty or bad work. I just simply walked away because of my own convictions with my wife. It is true – I don't work in houses with young women or anything like that because we want to maintain our marriage – our relationship. I don't want anything like that so I have to be precautious about where I go. And that's how that transpired. But I think the customer misread it in a way and, not only misread the information that I gave her through the text, but maybe became fearful that I was going to do something bad to her mother or something. But that was never my intention – I don't have those types of intentions.

**Q.** Thank you.

**Chairman Joslin** asked if the Board's members had any other questions; there were none. He stated he had some reservations concerning the situation. He could understand the abatement as far as Mr. Grider changing the advertising but telling the Board, under testimony, he had been in business for over seven years – he wondered how many other times Mr. Grider had done the same practice but was never caught. He stated he would not be in favor of waiving the Citation's fine. He continued stating he felt the fine should stand because Mr. Grider was definitely looking for work and it [paying the fine] was a learning curve for him.

**Kyle Lantz** questioned Jeff Grider:

**Q.** How many times would you say you painted for people?

**A.** Maybe twice ... a room and then some spots on a wall. Somebody asked me to paint some spots on a wall and I think the other one was a garage door. And that was only recently in January.

**Q.** How many times would you say – how do you clean? Do you have regular customers? Do you do construction clean-up?

**A.** The cleaning is very ... three types, basically. I clean windows for small businesses or a house. I have regular cleaning customers that I work for and I visit them, maybe, once or twice every month. That is basically all that we do.

**Q.** How many places ... I understand seasonality – things change ... so, during 'season,' how many places are you cleaning over the course of a month?

**A.** I don't know ... maybe ten or fifteen. But it could be visiting twice per month. A lot of our customers ask to be cleaned twice every month.

**Q.** So you may be cleaning twenty days a month?

**A.** Correct.

**Q.** Monday through Friday, for the most part?

**A.** Hopefully, yes. Because this is how we generate our income.

**Q.** Okay.

**Matthew Nolton** questioned Ian Jackson:

**Q.** It's not a license – it's an occupation ... a tax, basically. Seven years ago when he would have applied for that, would he have been given the 'Can Do' or 'No Can Do' List – or when would he have ever been provided that during the process so that he would know what he could do or couldn't do?

- A. Exhibit E-13 in the packet – this is an Affidavit that the Tax Collector has someone who is obtaining the Maintenance Service Business Tax review and sign. It outlines the contracting trades that they are not able to contract for.
- Q. I didn't see the date on there, so he did ... was he made aware of this when he first applied and he signed this ...
- A. It looks like in November, 2010 when he initially started his operation.

**Chairman Joslin:** That was the reason why I mentioned the fact that ... how many other times has this happened in the past.

**Patrick White:** I'm not sure of the relevancy of ...

**Chairman Joslin:** It's just hearsay, I know, but ...

**Patrick White:** No, it's his testimony – it's just, I don't know what the relevance of it is – relative to whether or not we are going to “abate” or dismiss the Citation.

**Chairman Joslin:** Correct.

**Patrick White:** The grounds to determine whether we do that or not is if he, in fact, abated the violation prior to the Hearing. The violation pertains to advertising, not whether he – he testified he did things that were inconsistent with or were consistent with what the rules required. So, from my perspective at least, I'm prepared to make *a motion to dismiss the Citation based on the demonstrated evidence that there is no impermissible advertising and that the violation was corrected prior to the Hearing.*

**Kyle Lantz:** *If that's a motion, I'll second it.*

**Patrick White:** *It is a motion.*

*[Patrick White moved to approve dismissing Citation #10859 issued to Jeff A. Grider based on the demonstrated evidence that there was no impermissible advertising and the violation had been corrected prior to the Hearing.*

*Kyle Lantz offered a Second in support of the motion.]*

**Chairman Joslin:** There is a motion and a second to dismiss the Citation. There was no further discussion; the Chairman called for a vote on the motion.

*The motion carried, 4 – “Yes”/3 – “No.” Chairman Joslin, Vice Chairman Boyd, and Terry Jerulle were opposed.*

**Patrick White** advised Mr. Grider: Be aware that, as you go forward, there is no defense going forward.

**Terry Jerulle:** Apparently there is.

**Patrick White:** No, no, no.

**Terry Jerulle:** Apparently there is.

**Patrick White:** No. This is an *advertising* Citation. Let's be clear. My point to Mr. Grider is, “Do not do work that requires a Contractor's license.” You will have no defense going forward because I think we have been very clear with you.

**Jeff Grider:** Understood, yes, sir, completely.

**Patrick White:** Okay.

**Jeff Grider:** Thank you.

**D. Javier A. Garcia – Requests to Reinstate Licenses and for Waivers of Exams (d/b/a “JAG Lawncare, Inc.”)**

*(Note: Mr. Garcia’s wife, Esmeralda, was also sworn in to assist with translation.)*

**Chairman Joslin:** Mr. Garcia, you are before us to request reinstating your license and request a waiver for exams? Is that the case? Is there someone who is going to speak for you?

**Esmeralda Garcia:** I will help him – I’m his wife.

**Chairman Joslin:** And you’re going to testify to the facts as far as what he is speaking?

**Esmeralda Garcia:** Yes.

**Ian Jackson** provided background information:

- Mr. Garcia initially became licensed in February, 2013 as a Landscape Contractor and an Irrigation Contractor – two licenses.
- There was no renewal in 2013; both licenses became delinquent in that year.
- In January, 2014, both licenses were suspended.
- In January, 2015, the licenses became null and void.
- The reinstatement falls under Section 22.191(i) which requires Mr. Garcia to re-test.
- Mr. Garcia has petitioned the Board to waive the re-testing requirement for both licenses.

**Patrick White** noted Mr. Garcia had previously passed the required tests and Ian Jackson concurred.

**Patrick White** asked when the tests were initially taken; Ian Jackson replied, “2013.” It was noted Mr. Garcia scored 88% on the Business/Law exam; 76% on the Tree Contractor exam; and 90% on the Irrigation Contractor exam.

**Kyle Lantz** asked if the requirement to re-test was “no matter what, or if you haven’t tested within a certain time frame?”

**Ian Jackson:** If Mr. Garcia had re-applied within three years of his original testing, he would not be required to re-test. He did not meet the three-year time frame.

**Chairman Joslin:** But he had a license in 2013?

**Ian Jackson:** Yes.

**Patrick White:** His tests were taken in December, 2012.

**Chairman Joslin** questioned the Applicant:

**Q.** What was the reason why your licenses didn’t get re-activated or renewed?

**A.** (Mrs. Garcia translated) It was because we were mistaking the Contractor’s license with the tax receipt ...

**Q.** The Business Tax Receipt?

**A.** Yes. And we never knew up until last year when we went to ask for a list that was like a ‘Can Do’ List for Landscapers and that’s when we were told that our

licenses were suspended. We had no idea that they were suspended. Like I said, we were – we’re new at this licensing stuff so we, you know ... it’s our first time ever getting a license like that and so we were ... we made that mistake.

**Q.** But you had licenses since 2013?

**A.** That’s when we first got our licenses but when we were getting in the mail ... the Business Tax Receipt, we thought we were renewing it that way. That’s what we thought, you know, until we went last year to ask for a list and some information and that’s when we were told that our licenses were suspended.

**Kyle Lantz** questioned the Applicant:

**Q.** Have you ever renewed your license – or you got the initial license ...

**A.** (Mrs. Garcia) Umm, from what I recall ... (in Spanish, she asked Mr. Garcia if he remembered) In the beginning, I guess they gave us a license at the Contractors’ and then thereafter we were getting in the mail the tax receipts for lawn care and we thought it was because it said “Landscape Contractor” business receipt and the “Irrigation Contractor” business receipt. So, that’s what we thought we were renewing every year.

**Patrick White** questioned the Applicant:

**Q.** So what I think I am hearing you say is that you never renewed your licenses since they were originally obtained?

**A.** Yes.

**Q.** Did you change your address since ...

**A.** We did change ...

**Q.** 2013?

**A.** We did and ...

**Q.** When was that?

**A.** Umm ...

**Q.** Let me ask it another way ... how long have you lived at your current address?

**A.** For about ... two ... a little over two years ... umm, three years. It’s been about three years.

**Terry Jerulle** questioned the Applicant:

**Q.** Can you explain what you do?

**A.** (Mrs. Garcia) Now he does lawn care. But he knows how to do irrigation and other things, but at the moment, he is doing lawn care.

**Q.** So the Irrigation License allows you to install irrigation ...

**A.** Install, yup, maintain ...

**Q.** And have you installed irrigation before?

**A.** Yeah – he has fifteen years of experience.

**Q.** Okay. So, he has the experience to do the irrigation ... but has he done irrigation installations ...

**A.** He has, yes.

**Q.** ... in the last three years?

**A.** In the last three years ... (she asked her husband) ... repairs and renovations.

**Chairman Joslin:** Also in the licensing, it shows that he's a "Landscaping – Restricted" Contractor.

**Ian Jackson:** Correct.

**Chairman Joslin:** How does that break down?

**Ian Jackson:** The Landscaping "Restricted" – the restriction is irrigation.

**Chairman Joslin:** Okay.

**Ian Jackson:** So someone who wants to do landscaping and irrigation has to get both licenses.

**Terry Jerulle:** So his license allows him to do renovations of irrigations or doesn't it?

**Ian Jackson:** The Irrigation license or the Landscaping license?

**Terry Jerulle:** His license that he originally received.

**Ian Jackson:** He was licensed to install, maintain, and repair irrigation systems.

**Terry Jerulle:** Okay. So, by his own testimony, he's done renovations of irrigation. Correct?

**Esmeralda Garcia:** Yes, correct.

**Terry Jerulle:** And that renovation requires a permit or does not require a permit?

**Ian Jackson:** No.

**Terry Jerulle:** Okay, because that would have been the time when he would have found out that his license was not renewed ... when he applied for a permit.

**Ian Jackson:** Right.

**Matthew Nolton:** I thought that with your tax license each year, when you renewed it, you would have to show your insurance and there would be some cross-check if you were licensed for that occupation.

**Ian Jackson:** With the licensing renewal, that's where the insurance is checked – through the licensing renewal process.

**Patrick White:** Not Business Tax.

**Ian Jackson:** Not Business Tax.

**Matthew Nolton:** So with his Business Tax, when he would renew his Business Tax, the County doesn't check to see if he's licensed?

**Ian Jackson:** No. It's kind of the reverse – we check to see that the Business Tax has been renewed. But if he's not coming to our office to renew his license, we're not obviously ... we don't have the opportunity to look at his Business Tax ...

**Matthew Nolton:** The point is, then, that he still got ... renewed his tax license ...

**Ian Jackson:** Yes.

**Matthew Nolton:** ... without ... renewing his other licenses?

**Ian Jackson:** Correct. It's a very, very common mistake.

**Terry Jerulle:** And I can see how it was done.

**Terry Jerulle** questioned the Applicant:

**Q.** So, if I may ... you passed the test once, okay? You let your license expire – not on purpose it sounds like – why don't you want to take the test again?

**A.** (Mrs. Garcia) When he initially took the first test – to be honest with you, it was kind of hard for him to get the recommendations from the jobs where he had worked ten years, because they saw it as competition. He did get it but it was

hard. You know, we had to ask and ask, over and over again, you know, ‘Please can we get a letter of recommendation?’ Even though he had been working for some companies for eight years or ten years, so that’s the main reason.

**Kyle Lantz:** Do you need any of that to take a test?

**Terry Jerulle:** Not the second time – maybe the first time.

**Patrick White:** You need it for the first application for the license, but to re-test ... am I correct in understanding that no letters of reference or recommendation are required? You apply to take the exam, you pay the fee, and then you take the exam.

**Ian Jackson:** You take the exam, complete the application – we can utilize the previous experience affidavits. Obviously, he met the requirements when he was initially licensed. We wouldn’t necessarily require him to obtain new or different experience affidavits.

**Patrick White:** For the purposes of whether we would chose to waive the exam requirement, the evidence we’re weighing – effectively – is the degree to which he has been active in the professions of irrigation and landscaping since his licenses lapsed. If we make him take the test, we’re coming back to the same place based on what was just stated – the concern about getting references.

**Chairman Joslin:** It seems as though if he didn’t know his license wasn’t valid, he’s probably been working in the industry without the license, basically. Correct? Certainly not knowing, he would still be active.

**Chairman Joslin** questioned the Applicant:

**Q.** Mr. Garcia, I have to assume that you have been active in the industry as far as what you have been doing – since you weren’t aware that your license was not renewed? Is that correct?

**A.** (Mrs. Garcia) Umm, he says before he knew that his license was suspended, he was working as an irrigation tech and doing what he said earlier – the adjustments and repairs ... but once we found out – last year – at the end of last year, we found out – he’s been doing lawn maintenance.

**Q.** Okay. That’s what I thought. So he’s been active in the industry as far as ...

**Terry Jerulle:** Mr. Jackson, are their fines or penalties for him to renew?

**Ian Jackson:** There are fees that are due per the fee schedule. The total for the two Certificates of Competency to be re-issued is \$1,850.

**Terry Jerulle:** To renew?

**Ian Jackson:** If the Board reinstates these two licenses, it will cost \$1,850.

**Terry Jerulle:** Mr. Garcia, are you aware of that?

**Esmeralda Garcia:** Yes.

**Terry Jerulle:** And are you willing to pay that?

**Esmeralda Garcia:** We are.

**Kyle Lantz:** I just want to clarify – you have been doing work inside the trades of tree contractor and irrigation contractor since your licenses were issued, but as soon as you found out – you personally found out – that your licenses were suspended, you

stopped doing that because you didn't want to knowingly violate the law and went to just lawn maintenance? Is that correct?

**Esmeralda Garcia:** Yes.

*Terry Jerulle moved to approve Javier A. Garcia's application for reinstatement of his Irrigation Contractor's License and his Landscaping "Restricted" Contractor's License, and to waive the requirement for re-testing upon his payment of all back fines, fees, and penalties to the Contractors' Licensing Office. Patrick White offered a Second in support of the motion. Carried unanimously, 7 – 0.*

**Esmeralda Garcia:** Thank you so much.

**Terry Jerulle:** Don't let this happen again.

**Esmeralda Garcia:** It will not – never.

**E. Bradley Johnson – Review of Credit**  
(d/b/a "Just Fix It of SWFL, Inc.")

**Ian Jackson** provided background information:

- Mr. Johnson has operated as a Glass and Glazing Contractor since 2015.
- He was issued a Citation for contracting as a Floor Covering Contractor in 2016.
- He has made an application for a Certificate of Competency as a Floor Covering Contractor to abate the Citation through the abatement process.
- There is a question concerning a tax lien on the application.
- The application was referred to the Board pursuant to Section 22.184(b).

**Chairman Joslin:** There are some serious credit issues. Would you like to ...

**Bradley Johnson** stated his "accountant/attorney" was negotiating with the IRS to resolve these issues.

**Mr. Johnson** produced a letter from his "accountant/attorney" which was distributed to the Board to review.

The letter from Stopps and Kidwell, LLC, dated January 25, 2017, stated in part:  
*"... I am currently working with the IRS to establish the installment agreement with the IRS. This letter was submitted on January 23, 2017. It will take at least 30 days for the IRS to process this request. Your monthly payment amount will be \$630 and will be automatically withdrawn from your checking account on the 25<sup>th</sup> of each month."*

The letter was signed by "Raymond Kidwell, EA."

**Chairman Joslin** questioned Bradley Johnson:

**Q.** What was the tax lien for?

**A.** Personal taxes.

**Q.** Do you have a reason why they weren't paid?

- A. Just got all my stuff put together for the past four years and submitted it by my accountant. I'm trying to make things right, so to speak ... got all my books caught up and everything.

**Kyle Lantz** directed a question to Ian Jackson:

- Q.** He's been in business for a couple of years now as an existing business ... my understanding is ... if you've been in business for a certain amount of time that we don't look at personal credit – that we just look at the business credit. Can you enlighten me on how it works?
- A. One Section of our Code indicates that if he's applying his license to a company, we will look at the credit report for that corporation if it has been incorporated for more than a year. Another section in our Ordinance references the Florida Administrative Code which addresses financial responsibility. Under that Section, he did not meet the requirements.

**Patrick White** noted that Mr. Johnson FICO score was 625.

**Kyle Lantz:** But that's personal, not business.

**Ian Jackson:** Correct.

**Kyle Lantz** questioned Bradley Johnson:

- Q.** And business wise ....
- A. It's clean.
- Q.** ... have you ...?
- A. There's nothing.
- Q.** Do you have credit ... business credit?
- A. Yes.
- Q.** Do you pay in cash?
- A. I have my Home Depot card, a Tibbett's Lumber card, and I have a United Rental card for renting lifts and stuff for installation of heavy hurricane-type windows and such.

**Chairman Joslin** questioned Bradley Johnson:

- Q.** The paperwork that you gave us concerning the installment agreement with the IRS ...
- A. Yes.
- Q.** ... you are establishing an installment agreement with them?
- A. Yes.
- Q.** And this is your attorney doing this for you?
- A. Yes.

**Patrick White** questioned Bradley Johnson:

- Q.** Is Mr. Kidwell, to your knowledge, a practicing, licensed attorney in the State of Florida?
- A. He's an accountant/attorney, I guess. I'm not sure exactly ...
- Q.** There's quite a bit of difference ...
- A. ... Okay, he does my accounting work and "pc" – what does "pc" stand for?
- Q.** I don't know. There's "EA" at the end of his name.
- A. Okay.

- Q.** And then there's a CAF number which I assume is some other type of designation. But it says 'tax and accounting services' on the letterhead – it makes no mention of any legal services. It's fine that you have somebody helping you. I just want to be clear whether ... your statement about some individual at Stopps & Kidwell is giving you legal counsel with respect to their contact with the IRS or not.
- A.** Yes. They are. I just had to sign my agreement with the IRS on the day I picked up this letter which was on the 25<sup>th</sup> of January.

**James Morey, Esq.,** Attorney for the Board: I believe the CAF number is a registration number for some type of tax professional with the IRS. That's what I believe it is, and that could either be an accountant, a CPA, or an attorney who is a tax adviser.

**Matthew Nolton** questioned Bradley Johnson:

- Q.** What type of corporation do you have? Is the business an S-Corp.?
- A.** It's a sub-chapter or a ... yes, it's an S-Corp.
- Q.** So with that, back to the original question I heard earlier, so you got in tax trouble somehow. Does that mean you weren't paying taxes at all, or you were misrepresenting the income you were making?
- A.** No. What it was ... was that I had not filed the last three years --- I think it was three years prior to ... and I knew I had to get right with the government so to speak ... nobody was looking for me ... nobody ... I had no foreclosures or any ... seizing of property or anything of that nature ... I got married and got things right.
- Q.** So for three years, you didn't file taxes? Since it's a Sub-Chapter S, the business and the personal finances are rolled together because ...

**Chairman Joslin** questioned Bradley Johnson:

- Q.** Going back to the financial responsibility that Mr. Jackson mentioned ... on the credit report ... it also shows some child support collections?
- A.** Yes. It was a situation ... my divorce decree stated that ... back in ... when my youngest daughter went to first grade, my child support was supposed to be re-negotiated. My wife took off to Virginia ... in my decree the child support at that time ended and was supposed to be re-established. Because I had alimony and child support at that time which I have taken care of and I'm paying on my child support every week. I have no problems with my driver's license or any license – I am current as far as from the new decree and this is a situation that I have to resolve with an attorney because the State of Virginia will not release that amount of debt until a Judge rules on it. It's a sticky, sticky situation but as far as ... I'm current right now with my child support that I'm required to pay.

**Patrick White:** I don't ever think I've seen child support arrearage of such a high number.

**Bradley Johnson:** Well, it was \$2,500 a month from the ages when the girls were eight years old --- they're seventeen now ... and she went from Virginia to South Carolina and I haven't seen the girls or talked to the girls or anything of that nature. The Court system has not done ... I mean, as far as ... came after me to put me in jail

or anything because I've been paying child support ... I've been paying what I can ... I mean, \$2,500 a month was what I was required to do back in the late '90s when I was building in Virginia Beach. My income changed. And because of that, I paid what I could. And now, the back child support built up. But because I made an effort to the right thing and pay my child support, it did acquire [accrue]. I didn't realize my child support was part of the IRS problem right now.

**Patrick White:** Could you explain that? I don't quite understand how the two are related to each other ... the back arrearage of child support in Virginia and the tax lien.

**Bradley Johnson:** They are two different, separate items – right?

**Patrick White:** I'm sorry ... I thought you said they were connected somehow.

**Bradley Johnson:** No, no.

**Patrick White:** My misunderstanding.

**Chairman Joslin** questioned Mr. Johnson:

**Q.** Explain to me what “Just Fix It” is going to do?

**A.** “Just Fix It” as far as ...

**Q.** It's a pretty broad company name.

**A.** “Just Fix It” ... I mean, as far as installation of floors, windows, and doors is what my primary focus is.

**Kyle Lantz** questioned Mr. Johnson:

**Q.** Are you licensed in Lee County?

**A.** I got my “Handyman's” license up there and I do not do anything in Lee County. Everything that I've been doing has been down in Naples and Bonita.

**Q.** So, you are only licensed in Collier County ...

**A.** Right.

**Q.** ... and you're not applying for a license in Lee?

**A.** Oh, I will apply but I want to get my G.C. [General Contractor] License is what I ultimately want to do. It's just a matter of buying the books and taking the test.

**Chairman Joslin:** Well, there's a little more to it than that.

**Bradley Johnson:** Yeah.

**Vice Chairman Michael Boyd** questioned Ian Jackson:

**Q.** So, if I understand this right – Ian, he is presently licensed as a Glass and Glazing Contractor in Collier?

**A.** Correct. Yes.

**Q.** And he wants a Floor license?

**A.** Floor Covering license.

**Q.** That's why he is here – otherwise, we wouldn't even see him.

**A.** Correct.

**Q.** Okay.

**Patrick White:** But the reason why he is here – is because that's the process to reduce the fine for the Citation for doing the unlicensed work.

**Chairman Joslin:** To abate the fine.

**Patrick White:** Well ...

**Ian Jackson:** It reduced the penalty to three hundred dollars.

**Patrick White:** .... from one thousand dollars.

**Bradley Johnson:** Which has already been taken care of.

**Kyle Lantz:** But if – no matter what happens, when he walks out of here today, he is still a Glass and Glazing Contractor.

**Ian Jackson:** That's right.

**Kyle Lantz:** No restrictions ... no ...

**Ian Jackson:** No.

**Kyle Lantz:** ... nothing.

**Patrick White:** Applying is all I believe you are required to do to have the Citation's amount reduced to the three hundred. You don't have to be approved by us.

**Kyle Lantz:** No, but what I'm getting at ... I don't really care about the money issue. What I'm getting at is ... no matter what, he will still be a licensed Contractor in Collier County tomorrow.

**Ian Jackson:** Correct.

**Kyle Lantz:** We're just deciding if he's also able to do floors. And we're deciding that based on the financial aspects of it – not his qualifications. So if he's financially capable to be a Glass and Glazing Contractor after today, why would he *not* be financially capable of being a Flooring Contractor?

**Patrick White:** Because of his credit report, prior tax lien, and child support arrearages.

**Kyle Lantz:** I get it.

**Patrick White:** I just thought I'd help answer the question.

**Chairman Joslin:** His Glass and Glazing Contractor's License probably went back years ago. And now he's trying to do another license. That's where the financial responsibility falls into play.

**Bradley Johnson:** Floor repair – you buy a door or something like that because of damage by rain or leakage.

**Kyle Lantz:** But, no matter what ... he's still a Glass and Glazing Contractor tomorrow. If we feel he's not financially competent, it doesn't matter because he is still a Glass and Glazing Contractor tomorrow.

**Ian Jackson:** That's right.

**Kyle Lantz:** Still.

**Matthew Nolton:** But if he didn't have a license and was applying for that right now, we would be talking about the same issue possibly because he wouldn't qualify because of the credit report. Correct?

**Ian Jackson:** Correct.

**Kyle Lantz:** Right.

**Matthew Nolton:** And he wouldn't be licensable.

**Patrick White:** It cuts both ways. But I understand the argument and I think there's some persuasive weight to it.

**Kyle Lantz:** I'll make a motion.

***Kyle Lantz moved to approve Bradley Johnson's application for a Flooring Covering Contractor's License. The basis for the approval is that Mr. Johnson is already in business as a Glass and Glazing Contractor and has been in business for over one year.***

**Kyle Lantz** clarified: I feel we should not go after his personal credit as long as his business is going forward.

**Terry Jerulle:** I think we should think about what Matt said. If he was applying today, we probably wouldn't give him a license. And I don't see ... maybe it's in here ... I haven't heard any testimony about his experience in flooring.

**Kyle Lantz:** Well, the experience wasn't an issue. We were only ...

**Terry Jerulle:** I think it's relevant.

**Patrick White:** It's certainly relevant and if we ask Mr. Morey, I think he would tell us we could consider it, but my point is – in reviewing the file in the absence of it being an issue for the Licensing Office Supervisor – I presume the documentation of both the scope of services and the time frame required for the license have been met, at least to Staff's satisfaction.

**Terry Jerulle:** Ian, can you answer that?

**Ian Jackson:** There are affidavits of experience with notations concerning installation of wood floors in the application.

**Terry Jerulle:** So all he is applying for is wood flooring?

**Ian Jackson:** A Floor Covering Contractor – wood floors, carpet, and vinyl.

**Terry Jerulle:** So it covers other scope of work?

**Ian Jackson:** Yes.

**Matthew Nolton:** I would just add, along with the questioning, he has a license but he wouldn't have a license if he applied for it right now based on his credit. Us giving him another license is just adding to another mistake that is already out there - - maybe not a mistake, but an issue ... so, in my perspective, the County Ordinances are what they are and he doesn't meet them for another license.

**Patrick White:** I don't know that there was a Second to the motion, but if there's none ... Mr. Chairman, may I?

**Chairman Joslin:** You may.

**Patrick White:** I'd like to make a motion.

*Patrick White moved to approve Bradley Johnson's application for a Floor Covering Contractor's License, subject to a six-month probationary period. Mr. Johnson will appear before the Board at the end of the probationary period to provide evidence of a written agreement with the Internal Revenue Service and any payments made to the IRS, as well as an updated credit report together with any documentation concerning child support payments made.*

**Bradley Johnson:** I have no problem with that.

**Patrick White:** I believe it's going to take some time to work things through with the IRS – that's why I didn't suggest a shorter period.

**Chairman Joslin:** And what about the child support?

**Patrick White:** He is to provide documentation of being current on payments.

*Kyle Lantz offered a Second in support of the motion.*

**Chairman Joslin** restated the terms contained in the motion and asked the members if they wished to discuss it.

Discussion:

- **Terry Jerulle:** He could come back in three months. He walks out today and he's still a Contractor. He can come back in three months with a better credit report and all the documentation that you asked.
- **Patrick White:** I'm not adverse to the probationary period being shorter if there's some way to administer that and write an Order to implement it.
- **Terry Jerulle:** I'm not sure I'm asking to revise the motion as to thinking that I'm objecting out loud to the motion. I don't know that there's a reason to give him a license – he already has one license. And he can come back and re-apply under the same circumstances but give us the documentation that you're asking for.
- **Chairman Joslin:** Also the abatement of the Citation. Some of the issues ...
- **Patrick White:** If I may respond to Mr. Jerulle's concerns. Terry, he followed what we ask everybody to do relative to becoming appropriately licensed relative to the Citation. I would not want to discourage someone from coming forward because they had a concern about their credit. He's adequately demonstrated, I believe, the appropriate amount of experience and scope of service. And to Kyle's point, I understand his argument and it carries weight with me – if Mr. Johnson is going to do something to cause harm, there's no evidence that it has taken place on the business side. It all appears to have been the result of, for whatever reason, not filing his personal income tax for a series of years and getting caught ... and now, trying to make right by that. I want to give him the time to make it right if he can. If not, and there's no demonstration of those two things, and the IRS says, 'Sorry,' then we'll cross that bridge when we get to it. And it's for that reason if you believe it would make more sense as soon as he has the documentation to bring him back, I would be fine with a lesser period of time. I don't know that we've ever written on like that.
- **Matthew Nolton:** Mr. Johnson, does this license significantly affect your income producing?
- **Bradley Johnson:** Yes, it does. When I do a door installation, if water has damaged the floor, then as far as being able to do the extra work to make more income – it prohibits me to do it ... because I got caught fixing a floor when I fixed the door. And I can't afford to do that again.
- **Gary McNally:** Mr. White, is there an issue that if he meets the guidelines of your motion, that it could be handled administratively versus bringing him back in front of this Board? I think if he qualifies and meets the needs of your motion, then there should be no need – or reason – for him to appear.
- **Patrick White:** Because I want to see on his credit report – to the extent that there have been payments made on the arrearages or any changes in the balances.
- **Gary McNally:** I appreciate that and I agree with it wholeheartedly ... I'm just saying ...
- **Patrick White:** It's another way of keeping him honest relative to that aspect being resolved. I understand that as to the current support payments based on the children residing, I believe, in South Carolina as he stated, those are demonstrated to be current – he's taking care of the current needs. But I think

the [revised] credit report will hopefully give us some indication – I’m not suggesting I would keep him on probation six months from now if the IRS issues were resolved and the payments are being made. I just don’t know. I mean, he’s got a FICO score that’s not horrible. It’s fairly reasonable. I would just like to see how that’s going to work because of the relationship between the personal income tax and the S-Corp. being bound. It’s only for that reason.

- **Gary McNally:** I understand ... I understand. Thank you.
- **Terry Jerulle:** Did you amend the motion to three months?
- **Patrick White:** No. I still think it’s going to take him – they just sent the letter into the IRS – I would be shocked if they got anything done and he actually made an initial payment within three months. I’m not trying to chastise the IRS, or his accounting folks’ level of diligence in pursuing this, I just think it’s more on the bureaucratic side and will take more time.
- **Matthew Nolton:** There could even be a discussion for making it longer because if he comes back in six months and he’s been doing it – nothing says that the day after that hearing, he stops doing it. So, we could have a discussion saying twelve months’ proof that he’s been consistent over a longer period of time.
- **Chairman Joslin:** We typically can extend the probationary period ...
- **Patrick White:** We can cross that bridge based on whatever testimony and that’s Mr. McNally’s point – another reason that we just want to get a sense of where we are in six months from now. All the way back to Mr. Reagan – ‘trust and verify.’
- **Chairman Joslin:** In some ways I can see the reasoning behind what he wants to do as far as adding that to his license because, as he said, if you have a bad door and you have a bad floor, you would have to hire someone else to do the floor along with his fixing the door. So it would definitely benefit him.
- **Patrick White:** And it’s to the consumer’s benefit too, in a sense, because they won’t have to go out and find someone else to do each of the types of ... but that’s a very minor consideration for me. It’s more the facts that are relative to the actual application which, in this instance, is his credit.

**Chairman Joslin** asked if there was further discussion; there was none. He called for note on the motion.

*Motion carried, 6 – “Yes”/1 – “No.” Terry Jerulle was opposed.*

**Bradley Johnson:** Thank you.

**Patrick White:** See you in six months.

#### **F. Jose A. Borges – Request for Waiver of Exams (Mechanical Journeyman)**

**Chairman Joslin** noted Mr. Borges had requested a Waiver of Exams concerning his Mechanical Journeyman’s license and asked for an explanation.

**Jose A. Borges:**

- I have been in the HVAC trade since, probably, the mid-'80s
- I hope you have all of the documents of what I do
- I have been a Journeyman since 2007 – I joined Local #393 in Santa Clara County in 1999 and left in 2007
- I relocated from California to Naples and have been working as a Journeyman in two previous companies before I was hired by Collier County
- I have done everything from light commercial and residential to heavy commercial work
- I have kept up with my studies – my [continuing] education – the certificates are attached to my application
- I am asking the Board to consider all my credits and waive the requirement to take the Journeyman test

**Kyle Lantz** questioned Jose Borges:

**Q.** Did you take the Journeyman test in California?

**A.** Yes, sir.

**Q.** And so you were an active Journeyman and because you moved ...

**A.** Correct. In my documentation you can see my traveling Journeyman cards, the letter I received from the Union a few weeks ago. I even asked for my test score – I have an email from the business agent that says, “Hi, Tony: I’m not sure if we currently have your test result because our files have been changed to a PDF by third-party agents.” I tested several years ago. But I kept up with my education and the work that I do is way beyond Journeyman-level. With the County, I hold the title of “HVAC – Master.” However, I am not saying that I am better than a “Master,” definitely I am not a Contractor license holder, but ...

**Patrick White** questioned Jose Borges:

**Q.** That’s the job title.

**A.** ... it is the job title.

**Q.** Understood. How long have you been with Collier County?

**A.** I think four years now, sir. Four years as an employee ... three previous years as an employee of Conditioned Air working on campus.

**Q.** I saw that.

**Matthew Nolton:** And what we’re talking about is the knowledge test? It’s not a business test ... it’s all the rules ...

**Ian Jackson:** Correct. It’s a “Journeyman Air-Conditioning -1 Exam.”

**Patrick White:** I don’t know how relevant the question is but, if you had to take time to study, prepare for, and then take the exam, would your employer cover the costs of those things – including the cost of the exam?

**Jose Borges:** It will, it will. However, time is very important for me.

**Patrick White:** I understand – time away from the job.

**Jose Borges:** I have a very ill father and it takes a lot of time for me ... besides being a family person.

**Patrick White:** I understand.

**Jose Borges:** Yes, they will cover the costs. And if they don't, I will.

**Patrick White:** As I said, I don't know how relevant it is. But ...

**Jose Borges:** I honestly and this is my personal ...

**Patrick White:** ... my point, Mr. Borges, is that your employer believes that it is important enough for you to have that. So that's why you are here before us today.

**Chairman Joslin:** That employer being Collier County?

**Jose Borges:** That's correct, sir.

**Vice Chairman Boyd:** So, he's going to 'qualify' the County? Is that what ... ?

**Patrick White:** No, no – he's a Journeyman.

**Chairman Joslin:** There is no Business and Law test?

**Ian Jackson:** No.

**Chairman Joslin:** Just mechanical only?

**Ian Jackson:** Right.

**Chairman Joslin:** Basically, he's ...

**Ian Jackson:** Air Conditioning.

**Chairman Joslin:** Basically, he's an A/C Contractor.

**Kyle Lantz:** It's just a formal title saying that he is qualified to do all the work and then he can get his Masters if he wants to do that.

**Jose Borges:** Excuse me there is no "Master" test on HVAC. There's plumbing, there's electrical, but there's no "Master" test for HVAC. I have been trying to get this resolved for the last three years. It's never been from HR, but from my supervisors – a clear course to take. It got to me until I finally went to see Ian who said I could go before the Board and explain my case and see what they do.

**Vice Chairman Boyd:** We're not approving him to qualify a business, per se? If he were to leave the County, he can't use this license in any other way.

**Ian Jackson:** If he were to leave the County, he could use this license to obtain an Air-Conditioning Contractor's License that he could then apply to a company or qualify a company.

**Patrick White:** At some point in the future.

**Ian Jackson:** At some point in the future.

**Terry Jerulle:** Can you identify "leaving the County?" Are we talking about the County as an entity or distance from the County?

**Patrick White:** My understanding was as an employer.

**Terry Jerulle:** This license is for a Collier County license. So if he leaves his employment at Collier County, he can start a business in Collier County.

**Ian Jackson:** Not with this license. This is not a license that would allow him to contract.

**Kyle Lantz:** This is a license to say that this guy is very skilled and know his skills as an HVAC Technician. He is not a business owner. If you hire a Mechanical Contractor, sometimes they will pay extra for someone with a Journeyman's card because he knows he is getting a qualified person ...

**Terry Jerulle:** Will this allow you to get a raise in the County?

**Jose Borges:** Well, (laughing) going from the private sector to the County ... I'm underpaid by several dollars. But I chose to come over here because I wanted to work on the equipment – which is large commercial equipment. But, no, it's not going to entitle me to pay raise or anything like that.

**Terry Jerulle:** Then why do you want it?

**Jose Borges:** It's not that I want it – they are making me ask to get this license and I said, 'okay.' I've been a Journeyman since the early '90s. I went through an apprenticeship for five years. I became a Union Mechanical Journeyman. Why do I have to take a Journeyman test that, honestly, is not even relevant to what I do? If anybody knows about HVAC – Mechanical, they don't cover 400 ton centrifugal chillers, they don't cover large commercial equipment, they don't cover cooling towers – there's nothing in there that is going to make me better.

**Chairman Joslin:** It's a formality more than anything, correct?

**Jose Borges:** It is a formality that has been really, really never directed to me the right way. I'm just trying to get this resolved.

*Patrick White moved to approve granting Jose A. Borges' Request for a Waiver of the Journeyman Exam. Kyle Lantz offered a Second in support of the motion. Carried unanimously, 7 – 0.*

**BREAK: 10:27 AM**

**RECONVENED: 10:36 AM**

**G. Christine Rhode-Parsons – Review of Experience**  
(d/b/a “Christine’s Luxury Pool Builders, LLC”)

**Ian Jackson** provided background information:

- Ms. Parson has applied for a Collier County Commercial Pool/Spa Contractor’s License
- She was referred to the Licensing Board for a full review because her application did not meet the experience requirement outlined in Sections 22.183 and 22.184

**Patrick White:** Mr. Jackson, specifically, what was it that you found to be deficient in meeting the requirement for experience?

**Ian Jackson:** There were questions about the company or companies that she had worked for ... she has pay stubs from one company but no experience affidavit, yet there is an affidavit from an associate of that pool contractor.

**Chairman Joslin:** Who is not a Contractor.

**Christine Parsons:** No, he is a Contractor.

**Ian Jackson:** Who is? On some of the pay stubs, the classification code is for “clerical.” Our Code requires at least one year of supervisory experience.

**Chairman Joslin** questioned the Applicant:

**Q.** Ms. Rhodes, you have heard some of the testimony as far as your work experience. I looked at your packet very carefully. I am a State-certified Pool Contractor, as you know. I know the people whom you have worked for and I would like to know your experience in the construction industry in commercial pools.

A. Years ago, I worked for many companies that have been in contracting and so forth in Collier County. As far as the commercial pool experience, I recently worked for Mr. Jerry Ryan at Florida Pool Professionals, Inc. I was in a supervisory position along with Mr. Ryan and his brother, James, who was also a Commercial Pool Contractor. When I applied for my Pool License, Jerry Ryan got upset and looked at it as competition ... he called the County ... did all sorts of things. I ended up paying a fine. He would not vouch for me and, in fact, stated that I never worked for him. That is one of the reasons why I included my W-2s and pay stubs in here. As far as Mr. Jim Ryan, I worked for him as well for four years – prior to working for Jerry. The problem with Jim – he has written a notarized document which is in here – however when he shut down his business, Aquatic Architects of SW Florida, he gave the actual building to his brother who then changed it to Florida Pool Professionals. Jim left and moved to northern Florida. He had no intentions of coming back. Therefore, all of his records and everything is gone. I spoke to him again this morning and he told me he had thrown them all away. I asked him to attend this morning since he had worked with me in both capacities. However, he started a new position with Hydro-Tech on Monday and could not be present. He said he could be reached by phone. But that was where my experience had been ... because I am not able to show pay stubs ... from 2008 to 2012.

Q. Working for the company, I can understand. Most of the pay stubs I have seen in the packet were for your clerical qualifications as far as doing the clerical work while you worked there. There was one in here that I believe for a one-month period where you worked for Spherion. Was it a payroll company or ...?

A. I worked for – how they hired me was ... I originally was with a staffing company, Spherion, so I had to be on their books for a month or two. So, I was still working for Florida Pool Professionals, however they weren't paying me. They were paying Spherion who then paid me.

Q. I believe the construction portion or the qualifications that we are looking for is to see what qualifications you have in the construction portion – not so much the clerical portion of it ... for example, knowing how to estimate bids, knowing how to calculate the amount of material you will need for a job ... these are all items that – I haven't found any information inside the packet that tells me you do know how to do this.

A. Well, I do and I passed all the tests – I have all the affidavits. I mean, yes – it was clerical because I'm not out there with a shovel. But am I out there supervising the jobs, and setting everything up, and getting the concrete there and the concrete pump, and doing everything? Absolutely. But as far as hands-on experience, no – I'm not the person who does the rough plumbing or any of that. However, I have been doing this type of work for over ten years. I worked for many Contractors however, one of them died ... one of them got his license taken away ... they just don't have the documentation to give me. And then, just showing that I do know what I'm doing, I also had the gentleman who has worked with Gorman for over twenty years write a referral letter for me. I completed a job while working for Florida Pool Professionals on a commercial pool at Tarpon Cove ["Wiggins Bay"]. The General Manager wrote a letter as well because I handled that whole job. And that's where I'm at.

**Matthew Nolton** questioned the Applicant:

**Q.** What was the Tarpon Cove job?

**A.** Basically, we cut the pool in half to make it bigger and renovated the entire ... it was a half-million dollar project. And I did locate the project – found the project – and worked with on the project. It was finished about six months' ago. And I still work with the General Manager of Tarpon Cove on other things.

**Chairman Joslin** continued questioning the Applicant:

**Q.** So, in your opinion, you feel that because you have renovated one commercial pool that qualifies you as a Construction ...?

**A.** Not necessarily. I am not looking to do commercial pools. What I am more looking to do is renovations and repairs of residential pools. When I went for the testing, I went for the Commercial Pool Contractor's License because why not get the bigger license. However, I wasn't aware that had I gone for the lower license, it might have been easier. So that was a mistake on my part.

**Q.** I would be more inclined to feel more comfortable with a residential license or a pool/spa repair contractor license ...

**A.** Yeah, and I've done a lot of them – more than just one commercial pool ...

**Q.** How many pools have you built yourself ... commercial pools?

**A.** I haven't built any myself because I'm not licensed. But you mean under the direction of someone else?

**Q.** Your other pool contractors.

**A.** We, well ... they've all been renovations and I'd say there have been about four of them.

**Q.** So you have no experience with commercial construction of a commercial swimming pool?

**A.** New construction? No, sir, but I don't intend to, either.

**Q.** But if we give you the license you are asking for, it will allow you to ...

**A.** Yeah.

**Q.** ... and with no experience, we are contemplating now whether or not this is going to work. You can understand my point?

**A.** I can. Ian brought this up to me as well and there's nothing I can do to combat that point but be honest.

**Q.** Okay. Are there any comments from the Board?

**Kyle Lantz** questioned the Applicant:

**Q.** Can you talk about the renovation work that you have done?

**A.** The renovation of the commercial pools or just all of them?

**Q.** Commercial.

**A.** Oh, the commercial pools – it was basically making this one bigger ... re-doing the inside ...

**Q.** The first one. You made it bigger – what did you do – how did you make it bigger?

**A.** Well, they literally cut it in half. And then we tore up the deck, we made it bigger, put in all the pebble and everything ... and decking. I mean, from beginning to ...

**Q.** Let me ask ... what I'm asking you to do is to show me that you understand the trade ... so when you say, "they," it tells me that you probably didn't have very

much to do with it. When you say, ‘they cut the deck and they made it bigger,’ can you explain to me in detail what that means? Did they cut it and put a Band-Aid and there you go?

A. No.

Q. Explain to me in detail what that means to you.

A. Okay – we had the form ... well, first of all, we demolished what was there. We tore everything up. Then we had form-steel people come in and they took out the decking and so forth. And then they re-built it up with new rebar and they also put in more concrete ...

Q. Can you explain the rebar process just a little bit to me?

A. The rebar? I mean ... they just ... (giggled) ...it’s on the drawing and then they just put it in so many feet apart and the shelf ...

**Chairman Joslin** questioned the Applicant:

Q. How many feet apart?

A. I think it’s two and one-half “light” – it’s a strange word ... I don’t remember the word for it. (giggled) I’m a little bit nervous, so ...

**Kyle Lantz** continued questioning the Applicant:

Q. So how do you put the rebar in? How do you – if you have an existing pool and you are adding to it?

A. Well, they tear everything up and then we put it in ... so many feet apart ... to follow the rules of whatever the plan is and, you know, with the County.

Q. So you would take up ... imagine this is a pool ... you’re going to cut the pool in half ... tear this part out and throw it away or whatever you’re doing with it ...

A. Well, basically, they just made the deck bigger and then put more rebar around the sides so that it would enforce the concrete.

Q. So, I have a pool ... I’m cutting part out and I want to extend it.

A. Right.

Q. So I take a saw ... a concrete saw ... and I make a saw cut ... cut the pool, get rid of whatever I’m getting rid of, and I lay rebar according to whatever the plans say, I lay it in my dirt, so to say ...

A. Right.

Q. ... and I put my concrete on.

A. You would put the concrete into the shell, yes.

Q. And how do I make this rough shell ...

A. After it’s been rough plumbed. Okay, go head.

Q. ... attach to this shell?

A. The new rebar that they’re putting in the bottom and then they made the deck bigger and it goes all the way up to the sides.

Q. So the rebar ... you’re making like a ‘U,’ so to say, with rebar? Right?

**Matthew Nolton:** I think there was a miscommunication because I heard her say they cut it in half. But then it sounded like they tore the whole pool out. A new pool is what I heard her say.

A. The way that we said is, okay, we cut it in half and then we made it bigger. But, pretty much, what we did was we dug out the sides and made it bigger – because we re-did the deck and everything.

- Q.* Did you re-use any parts or portions of the existing pool?  
*A.* No, no, we didn't.  
*Q.* So it was a new pool?  
*A.* Pretty much, yeah.

**Chairman Joslin** questioned the Applicant:

- Q.* Were these engineered plans?  
*A.* Yes.  
*Q.* Who engineered the plans?  
*A.* I don't remember the name of the lady off the top of my head ...  
*Q.* Gina Green?  
*A.* Pardon?  
*Q.* Gina Green?  
*A.* Gina Green ... yes. And she's also the one who did the other pool as well.

**Kyle Lantz** continued questioning the Applicant:

- Q.* So how do you put the rebar in place?  
*A.* (Laughed) Along with the formed steel – they put it in the pool at the bottom of the shell and then they form-steel it.

**Patrick White** questioned the Applicant:

- Q.* Is it welded together – the rebar?  
*A.* I'm not sure, sir.  
*Q.* Is it right on the ground or is it raised up?  
*A.* It's on the ground but in, like, this shape (indicating a "U" with her hands) and then it holds the concrete ... and holds the shape of the pool.

**Terry Jerulle** questioned the Applicant:

- Q.* Can you tell me the difference between a commercial swimming pool and a residential swimming pool?  
*A.* Yes. Well, obviously with a commercial pool, the bathing load is different – everything is different. It has different guidelines to go by ... the scum gutter – it has to have that. It's just completely different.  
*Q.* I know it's different and I'm not a pool contractor, but I know some of the differences. While we have experts here, what I'm trying to do is determine your level of expertise ... that's why you are here. So, again, I know you are nervous and you don't need to be nervous ...  
*A.* (giggles)  
*Q.* ... so just try to calm down and try to explain in detail the difference between a residential pool and a commercial pool that will allow us to judge your experience.  
*A.* Okay. Basically, obviously, in a residential pool, the bathing load is different. On a commercial pool, you have to have lights every so many feet – or markers – the swimming pool markers. It has a scum gutter, it has a bigger elevation and pitch of the waterline tile, a lot of the measurements are different. And the equipment is much different as well because it has to go with the bathing load and so forth.  
*Q.* Again, I'm trying to help you ...

A. I know.

Q. ... when you say it is 'different,' can you explain the difference?

A. It's more ... it's like a ... where you would get an a/c ... you know how you were saying that this is a commercial building ... you would have an a/c that was bigger for this – more industrial – whereas, with a commercial pool you would have that as well. You would also have a mechanical room for the commercial pool. The markers ... the wider deck.

**Chairman Joslin** questioned the Applicant:

Q. What are the minimum requirements for a wider deck?

A. I think it's twelve inches ... I could be wrong.

Q. Twelve inches ... ?

A. On the side ... on the sides of the pool.

Q. ... that go around the outside of the pool?

A. Yes.

Q. What is the minimum distance for a commercial pool deck?

A. The minimum distance from the actual pool?

Q. From the pool to the outside of the deck?

A. Umm, fifteen feet ... it's somewhere ... either fifteen or twenty feet.

Q. It's ten.

A. Ten – okay.

**Terry Jerulle** questioned the Applicant:

Q. If we give you a license and you go out and I'm assuming you will subcontract most of the work ...

A. Correct.

Q. ... but it's still under your license and your responsibility to go out there and check that work.

A. Correct.

Q. I'm picking up that you probably know the administrative side and maybe some of the Code side, but to know the field side and know the aspects of making sure that the workers do a specific task the correct way is what Mr. Lantz was trying to get to by asking those questions and that's in doubt right here. Again, I'm trying to help you to explain and I don't know that you're doing a good job of explaining it.

A. Well ... and I apologize. I did take the test ...

Q. The test is fine ... it shows that you passed ....

A. No, I did that a long time ago though. I haven't been in the pool industry for the last six months ... I didn't brush up on it ... so I don't know the answers definitively to some of the questions that you are asking. Can I reference them, absolutely.

**Kyle Lantz** questioned the Applicant:

Q. Let me give you an example.

A. Okay.

Q. Me – personally – I'm a licensed General Contractor, Plumber, and Electrician. So, personally, I can do every bit of pool construction. I can do the shell, I can do

the tile, I can do the plumbing, I can do the wiring. However, I can't pull a permit

...

A. Right.

Q. ... to build a pool because it needs to be overseen by somebody who knows what is going on.

A. Right.

Q. I know each individual trade but I'm not tested and proven to understand the big picture. I need to work under a ...

A. Pool ...

Q. ... licensed pool contractor to build a pool.

A. Correct.

Q. That would be you.

A. Right.

Q. You and I together are *not* going to build a pool – I can guarantee that. My kids are not going to get near that pool from what you're explaining to me now because we won't get it done. Because I need someone to go through all the nuances and stuff and I don't think you know the nuances. And I get that you can administratively subcontract out to this guy and this guy who has been doing this for twenty years, but what happens when that crew has Tommy Smith who is brand new but his brother worked at a pool company and he put Tommy on to do sealing today and it's not right. They need somebody to oversee it and ensure that all subcontractors are doing: (a) the right job, and (b) there are no gaps between the two. They need somebody who knows – who has done the work and understands it completely. When you rely on, 'this sub does this and that sub does that' – there is always some grey area between the different trades. What happens in the 'grey area' when – you won't know.

A. Well, I mean ... as far as being a pool contractor, yes, I would be new at this. Do I know just the administrative – no. You know, it is what it is. I mean, obviously, if I don't know the answer to something, I am going to reference it'

Q. My point is not if you know the answers to the questions – if the guy doing the steel comes up and asks, 'What's the spacing on the steel?' or 'Do I have to use green steel or regular steel?' – you can look that up or you can ask the Engineer. The point is you knowing when to ask the question ... you looking at it and saying, 'gee, that's not right,' and that's what the experience is all about. Anyone can pass a test. You can give me a test on anything and I guarantee that in three weeks, I will pass it. Anyone can pass a test. What matter is that you have the experience to understand when something is not right. You get that by being in the field and actually it seeing it – not just ...

A. I understand.

**Chairman Joslin** questioned the Applicant:

Q. You mentioned earlier the difference between a residential and a commercial pool – do you know the difference between those two?

A. Well, no. Are you going to tell me?

Q. They call it a "public" or a "private" pool. A public pool is a hotel, motel, condominium – anything that houses more than just a family ...

A. But I figured that was an obvious ...

Q. It's all governed ... no ... they are all governed by the State of Florida.

- A. Right.
- Q. Right. It has to have an engineered plan which has to be approved by the State of Florida and pass all the things that go along with making that pool health and safety compliant.
- A. Correct.
- Q. And at this moment, I can't necessarily say that you know that.
- A. Okay. I mean, I didn't know that ... that's just a generic answer ... not what I was trying to come up with.
- Q. Well that's the general basics of an over-all public pool. I mean, without knowing that – to give you a license to build a commercial pool ... I'm telling you, with the license, you could go out and build at the Ritz-Carlton and put 200 people in a 6,000 square foot pool ... I can't do that.
- A. Okay.
- Q. I don't think you have the knowledge yet ... you could learn it probably but, at the moment, no.

**Patrick White** questioned the Applicant:

- Q. Can you tell me on Page 3 of the application, it states under Question #1, that you are applying for a Certificate of Competency for a Commercial Pool Contractor – SAE 1 A. What does 'SAE 1 A' mean?
- A. That's what you refer to that give you the statement of what a commercial pool contractor is ... SAE 1 A is what Collier County has written underneath that ... when you go online.

**Ian Jackson:** That may be the examination code.

**Patrick White:** That's at least helpful.

**Chairman Joslin:** Is there a way to designate which test she actually took ... because there is a Commercial Pool Contractor's License that is basically a repair and renovation contractor. It's a Class-1, 2 or 3, and then there's a Class-1, 2 or 3 Building Contractor – residential and commercial. I'm just wondering which test she actually took.

**Ian Jackson:** This was the Commercial Pool Contractor.

**Chairman Joslin:** Construction?

**Ian Jackson:** Yes.

**Chairman Joslin:** Okay. Just making sure ... because I would not have a problem giving you a repair license.

**Patrick White** questioned the Applicant:

- Q. To that point ... the name of the LLC that you would be qualifying is "Luxury Pool Builders."
- A. Correct.
- Q. Not renovators or something else. And so I share the concerns – my belief is that, and I may be wrong, – but the rebar is probably tied ... wire tied ... not welded.
- A. No, it is. It is wire tied – you are right.
- Q. Okay.
- A. Bar ties.
- Q. And that's why I was looking to ask the specific type of question ... I understand that you are nervous and ...

A. Well, I'm nervous ... I'm frustrated ... I've been working on this for nine months ... actually, about five years. And six months ago I went with everything in hand, ready to do whatever I had to do. So, I am nervous ... it's just sickening what I've had to go through to even get to this point. And I've had to spend money that you can't even believe – I have insurance, I have all this stuff ... and nothing. Had I known, and maybe if I would have done my due diligence, I would have not gone for a Commercial Pool Contractor's License. But why would you not go for the top one so that at least people would feel more comfortable with you. And as far as the word "Builders" being in there – yes, it would be in there because you don't want them thinking that you just clean pools. So I could change it, I guess, to "Renovations," but at this point, I can't do anything anyway. It really doesn't matter what the title is.

**Chairman Joslin:**

Q. As I said, the categories that allow you to work in the pool industry ... you could be a pool/spa servicing contractor ...

A. But I don't want to do that.

Q. ... which allows you to do renovations – it allows you to do all the phases of renovations on a commercial or residential pool. Okay? Or you could be a residential pool contractor to build pools.

A. Which is what I should have done.

Q. But only residential. Or ... you go up the next ladder which is a Classified License which allows you to do anything with any kind of pool, either public or private, which would be commercial. I believe you probably have credentials to be either a pool/spa servicing contractor or, possibly, even a residential contractor to start with ...

A. I agree.

Q. ... but asking to go all the way to the top ... just because you passed the test ...

A. And I agree with you.

**Patrick White:** What is the process – what would it take to go through and take the residential exam and come back with a residential application before us?

**Christine Rhode:** I don't know.

**Patrick White:** I mean, cost wise.

**Christine Rhode:** I don't know.

**Chairman Joslin:** I honestly think, Mr. White, that it would not be necessary. A commercial test is much more difficult than a residential test – okay? – as far as the testing goes. If she was willing to step down a notch and maybe ...

**Patrick White:** ... change her application to residential ...

**Chairman Joslin:** Right ... to residential ... I might take a look at it a different way. I think in my real, hard opinion though – I'd rather see her do a pool/spa servicing contractor because that would allow her to do anything with a residential or a commercial pool on a renovation basis ... if that's what she wants to do with her business .., rather than build an actual pool to begin with. Down the road when she gets some experience under her belt, then she can come back before us and you could use that same license – the same test – to move up to a commercial license ... once she has gotten her hand a little bit deeper in dealing with public pools.

**Patrick White:** If I understand what our Chairman is saying --- you would never have to re-test – you would simply have to adjust the type of licensure ... and by amending the application you're asking us to approve. Over a period of time, you could move up the ladder to the point where, potentially, the test that you have already passed would allow you to be "commercial." So ...

**Chairman Joslin:** It would give you the experience level.

**Patrick White:** ... I don't know that we have an option to ...

**Christine Rhode:** From my understanding, that's not an option.

**Patrick White:** I don't think we have an option to restrict the request for a Commercial license to a Residential license ...

**Ian Jackson:** I believe you to.

**Chairman Joslin:** I believe we absolutely do – we can downsize her application. But she has to put it in writing.

**Attorney Morey:** Would you also have the ability to restrict the license to merely renovations?

**Patrick White:** I think that's the classification of the type of license that Mr. Joslin has ...

**Christine Rhode:** I just don't want to be a pool cleaner ... I don't want to be restricted to that.

**Chairman Joslin:** No, no. A Pool/Spa Servicing Contractor allows you to do repairs, allows you to do renovation work, allows you to do anything to do with a commercial or residential pool other than actually build one.

**Christine Rhode:** And I find that acceptable but I believe, when Mr. Jackson and I were speaking previously, I had asked if we could bring it down and he said, 'No.' But maybe now that I am before the Board ...

**Ian Jackson:** I could not do that administratively because of our Code ... there's language under each license section that says "an approved test." So I could not administratively issue a Service/Repair license to her, albeit at a lower level, because she did not take that approved test. She took the Commercial Pool Contractor's exam.

**Chairman Joslin:** Right. Which, in all essence though, a Commercial Pool Contractor's test is much more difficult than a Pool/Spa Servicing Contractor's test.

**Christine Rhode:** See – my rationale was ... why not go for the bigger license, even though, you know what I mean, at least you have it.

**Chairman Joslin:** I totally understand what you are saying. I can appreciate what you're saying, but having the experience level to allow you to do that work is where you would be restrained ... or where the issue is.

**Christine Rhode:** I agree and that is what I'm looking to get into is the renovations and repairs because those are much easier jobs to get through, you know, and you can do a lot more of those.

**Patrick White:** For the purpose of the record, would it be possible to read the actual Scope of Work for the Pool/Spa Servicing Contractor's license?

**Attorney Morey** read the following definition from Section 22.162, entitled "Definitions," into the record"

*"Swimming Pool/Spa Servicing/Repair Contractor* requires 24 months experience with a passing grade on an approved test and a passing grade

on a business and law test and means a Contractor whose Scope of Work involves, but is not limited to, the repair and servicing of any swimming pool, or hot tub or spa, whether public or private, or otherwise, regardless of use.

The Scope of Work includes the repair or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior refinishing, the reinstallation or addition of pool heaters, the repair or replacement of all perimeter piping and filter piping, the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete draining of a swimming pool, or hot tub or spa, for the purpose of any repair or renovation.

The Scope of such Work does *not* include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, substantial or complete disassembly, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.”

**Attorney Morey:** You can do quite a bit.

**Chairman Joslin:** Almost anything to do with a commercial or residential pool – as well as cleaning it – you don’t have to if you don’t want to – it’s your choice. But it does give you the capability to do it all – except you cannot build a pool.

**Christine Rhode:** Which is fine ... I mean, obviously, I *do* have some things to learn and I didn’t want to jump into that because you know as well as I do that it’s a lot of money. So I wanted to – I just didn’t want to work for the people I had been working for when I was doing everything to begin with.

**Chairman Joslin:** Also along the lines of that, you will find that once you get into this renovation situation with the commercial pools, which sounds like that is what you want to do, you will find where the Collier County Health Department will be involved, HRS, because there are a lot of Codes to follow for the safety of the public, which you will be responsible for, or to take care of, or to fix or repair or you may end up tearing out three-quarters of a pool and re-building that total pool. It is totally legal because you are not constructing a new pool.

**Christine Rhode:** I get it.

**Chairman Joslin:** Okay? So all the things you did with the renovation work, you would be able to do them with that license, yes, ma’am.

**Christine Rhode:** But I ...

**Chairman Joslin:** You just can’t build a new pool.

**Christine Rhode:** That would be wonderful.

**Matthew Nolton:** It sounds like you can’t do anything structural.

**Chairman Joslin:** No structural.

**Matthew Nolton:** Which would be ... you can't take three-quarters of a pool apart and rebuild it because that's a structural shell.

**Chairman Joslin:** You can. Structurally, you can – almost the whole part of the pool. Yes, you can repair or replace anything existing.

**Attorney Morey:** Swapping out equipment, connecting or replacing equipment requires a license.

**Patrick White:** But I'm not hearing the demolition – similar to the example given of experience where the pool was cut in half – effectively reconstructing it.

**Chairman Joslin:** No, no. That cannot be done with her license, no.

**Patrick White:** It cannot. So help me to understand where the line of “renovation” is drawn relative to reconstruction of a pool.

**Chairman Joslin:** Anything that does not require you to, basically, cut open a pool or break the body of that pool. If you can out the coping, the deck, the tile, the interior finish, you can take out all the equipment and put in new, if existing. You just cannot modify or change it without an engineered blueprint as far as a commercial pool. But anything else you can do.

**Patrick White:** With the appropriate licensure.

**Chairman Joslin:** With the appropriate licensure.

**Patrick White:** Which the servicing license does not allow, but a residential could.

**Chairman Joslin:** No, no. That license allows her to do all the things I just mentioned except for structural – like cut a pool in half as she did ... that requires an engineered plan – which requires a Pool Contractor's License. So she can't change the footprint, she can't change the structural body.

**Christine Rhode:** The structural integrity?

**Chairman Joslin:** The structural integrity – same words – yes. But she can modify anything to do with that existing pool ...

**Patrick White:** But she could do that if she had a residential contractor's license?

**Chairman Joslin:** No. Not on a commercial pool – only on residential.

**Patrick White:** That's the understanding that I have of the limitation. I'm just trying to understand the difference between what she's asking for and what residential allows. I know we're talked in the past about servicers in great detail, so I really appreciate the additional information today.

**Terry Jerulle:** Mr. Jackson, if she applied for a residential license, would she be here?

**Ian Jackson:** It's hard to say. My problem initially with this application was in my verifying, via telephone, the experience affidavits that were in the application – I got conflicting information ... which is, obviously, hard to document on paper.

**Patrick White:** In particular, I empathize with the situation where you have two brothers and one of them has a particular way of seeing things and the other does not. I get that.

**Christine Rhode:** It's unfortunate but that's why I left the company.

**Chairman Joslin:** I think that – I can't honestly say as far as legally or what the Board can do but using the Commercial Pool Contractor's test that you took, I'm quite certain that it could be utilized to get you the lower license as a Pool/Spa Servicing Contractor without a hitch. But exactly the method of doing it – you would

have to check with Staff to find that out. Or if you have to re-apply under those conditions using that particular test result – then that would be fine.

**Patrick White:** I think what I heard Mr. Jackson say is that – and Mr. Morey could verify this – either with the Applicant’s acquiescence in asking us to amend her application to the servicer level – or even without her agreeing – we can restrict the license to that level.

**Christine Rhode:** I would be extremely grateful and appreciative.

**Patrick White:** Well, let’s put the keys to the lock in your hands and ask you if you are willing to amend your application to the servicer level of classification?

**Christine Rhode:** Absolutely. At this point, I have just been at a standstill for months.

**Patrick White:** Would anyone object ...?

**Kyle Lantz:** I just have a question – this a bone of contention for me, but are you saying that we issue her a Pool/Spa Servicing Contractor’s License or are you saying that we issue her a Commercial Pool Contractor’s License – Restricted to Servicing?

**Patrick White:** Based on what her testimony was just now, she is requesting to amend her application to the servicer license designation.

**Kyle Lantz:** Okay.

**Christine Rhode:** And that’s correct.

**Chairman Joslin:** And we will use the existing test results to qualify her for that license.

**Patrick White:** Along with the other evidence of experience, including what is in the application as well as the testimony today.

**Christine Rhode:** And in the future, could I come before the Board ... after some time for the ...?

**Chairman Joslin:** Absolutely ... after you’ve put some time into ... yes, and then I don’t think there will be a problem because you’ve already taken the so-called premium test. It’s just the experience that you lack. So using this license temporarily as a benefit that the Board is going to give you I think would be the way to move up that ladder without having to go through any further testing.

**Gary McNally:** I have a quick question. Mr. Jackson, if in fact this motion goes through, would you be able to grant her that license?

**Ian Jackson:** Yes.

*Patrick White moved to approve granting the amended application of Christine Rhode for a Pool/Spa Servicing/Repair Contractor’s License. Chairman Joslin offered a Second in support of the motion.*

*Motion carried, 5 – “Yes”/2 – “No.” Terry Jerulle and Matthew Nolton were opposed.*

**Christine Rhodes** thanked the members for their time.

**Ian Jackson** advised her to contact him at the Contractors’ Licensing Office to complete the licensing process.

**IX. OLD BUSINESS:**

**Terry Jerulle** read the pertinent portion of the County's "Memorandum of Voting Conflict" (Form 8-B) into the record as follows:

**"I, Terrance P. Jerulle,** hereby disclose that on January 18, 2017, a measure came before this Board which inured to my special private gain or loss.

The measure before the Board and the nature of my conflicting interest in the measure is as follows: *My company has in the past and currently participates in projects in which the Applicant has also provided services and these projects result in financial gain to my company and may result in future gain as well.*"

**X. PUBLIC HEARING:**  
*(None)*

**Note: Patrick White** announced he will not attend the March 15<sup>th</sup> meeting.

**NEXT MEETING DATE:**

**Wednesday, March 15, 2017**

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 11:25 AM.**

**COLLIER COUNTY CONTRACTORS'  
LICENSING BOARD**

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**RICHARD JOSLIN, *Chairman***

The Minutes were approved by the Chairman on \_\_\_\_\_, 2017,  
"as submitted"  **OR** "as amended" .