

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

March 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: Elle Hunt
Kyle Lantz
Gary McNally
Matthew Nolton

Excused: Terry Jerulle
Robert Meister
Patrick White

ALSO PRESENT:

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

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

I. ROLL CALL:

Chairman Richard Joslin opened the meeting at 9:01 AM and read the procedures to be followed to appeal a decision of the Board.

Roll call was taken; a quorum was established; **six (6) voting members** were present.

II. AGENDA – ADDITIONS OR DELETIONS:

(None)

III. APPROVAL OF AGENDA:

Kyle Lantz moved to approve the Agenda as submitted. Gary McNally offered a Second in support of the motion. Carried unanimously, 6 – 0.

IV. APPROVAL OF MINUTES – FEBRUARY 15, 2017:

Correction:

- Page 26 (“Chairman Joslin continued questioning the Applicant”) at second line: the word “Construction” was changed to “*Contractor.*”

Gary McNally moved to approve the Minutes of the February 15, 2017 meeting as amended. Matthew Nolton offered a Second in support of the motion. Carried unanimously, 6 – 0.

V. PUBLIC COMMENT:

(None)

VI. DISCUSSION:

- **Ian Jackson** requested the Board’s members to speak directly into their microphones and allow each speaker to finish his/her comment before beginning a new comment.

Mr. Jackson stated the reminder was periodically given to the members for the purpose of accurate record keeping.

VII. REPORTS:

(None)

VIII. NEW BUSINESS:

A. Orders of the Board:

Vice Chairman Michael Boyd moved to approve authorizing the Chairman to sign the Orders of the Board. Gary McNally offered a Second in support of the motion. Carried unanimously, 6 – 0.

(Note: The individuals who testified in the following case were first sworn in by the Attorney for the Board.)

B. Juan Carlos Gomez – Application to Qualify a Second Entity

(d/b/a “Luxor Stone, Inc.”

Second Entity: “Kingdom Stone, Inc.”)

Chairman Joslin asked Mr. Gomez to explain why he was requesting to qualify a second entity.

Juan Gomez:

- Is the owner/Qualifier of Luxor Stone, Inc.
- Approximately three years ago, he began doing business with Kingdom Stone, Inc. which is owned by Josue Almendares, Gerson Almendares, and Kevin Almendares.
- He works primarily for contractors.
- He had a granite shop in the past but, due to the recession, he closed it and now only contracts for fabrication services.
- He stated the Almendares brothers have a “great location.” Their facility has the machinery that he does not have. He noted the brothers invested a great deal of money to purchase the equipment.
- Last year, he began talking to them about becoming business partners because he has potential contracts for this year – WCI and Pulte Homes are interested in giving him contracts but he does not have a granite shop. These builders want to see his shop and materials to confirm he is able meet their specific requirements before they will contract with him.
- He began working with Kingdom Stone, Inc. He handles sales and some administrative duties. He helps their employees to organize the different jobs being fabricated for different contractors. Contractors pay for the jobs and take the finished product with them.
- The signed contracts that Mr. Gomez currently has will go through the end of this year.
- It is easier for him to qualify a Second Entity than to change his current company name, which includes changing insurance coverage policies, etc. (More expensive and more paperwork)
- He stated he expects his current contracts under Luxor Stone, Inc. to be completed by the end of this year.
- At that time, he will transition to Kingdom Stone, Inc.

- He further stated it is a good opportunity to grow Kingdom Stone's business due to its location and the potential contracts that he has been discussing with contractors. He is optimistic they will have a good financial future in business together.

Chairman Joslin questioned the Applicant:

Q. Do the two companies that you have now --- how long as Luxor been in business? This is your first entity? Is that the case?

A. Seven years.

Q. And you are a cabinet installer?

A. I hold a Cabinet Installation Contractor's License but I don't do too much in the area of cabinet installations – it is the license that I must carry to fabricate countertops. What I do the most is countertops.

Q. And Luxor is called "Luxor Stone?"

A. Luxor Stone.

Q. So you put in stone countertops?

A. Stone and man-made, solid surface ... natural stone and man-made.

Q. Okay. And the new entity that you are trying to qualify – is it going to do the same type of installations – the same work?

A. Yes, sir.

Q. Do you find that it will be a little bit competitive between the two companies – doing the same operation?

A. No. Because I don't have walk-ins – I already have contractors for clients. I get business by word of mouth. I don't have a salesman. I am the only one – actually, I don't do any "sales." The sales I am doing right now, under Kingdom, are from the walk-ins who come to the building – we are on J & C Boulevard and we have a lot of traffic there. People will stop by and ask for a quote from us. That's where the walk-ins come from – but not with Luxor. With Luxor, I already have the clients.

Elle Hunt questioned the Applicant:

Q. My understanding is that you are looking to resolve the work that you have under Luxor through the end of those contracts which you are anticipating is through the end of 2017. And then, basically – and please correct me if I'm wrong – dissolving Luxor and then becoming a partner in Kingdom ... is that your goal?

A. I am already a partner with Kingdom but Kingdom is not "qualified."

Q. Right, right. But dissolving Luxor at the end of these contracts and then just being a part of Kingdom going forward?

A. By the end of the year when I finish all the contracts that I already have.

Q. Right. And what level of ownership do you have in Kingdom?

A. Ten percent.

Q. And is that going to change via qualification and/or at the end of the year?

A. That's it so far and then by the end of the year – or when I bring all my clients from Luxor, we're going to make some other arrangements.

Q. You're going to re-negotiate.

A. Yes.

- Q.* But, currently, it's ten percent ownership in Kingdom?
A. Yes.
Q. Okay. Thank you.

Kyle Lantz questioned the Applicant:

- Q.* Currently, Kingdom is not qualified – correct?
A. Correct.
Q. They just do fabrications?
A. Correct.
Q. And people like you do the template – bring the template to them – they do the fabrication, then you take it back and do the installation – is that correct?
A. I have a crew and the same as others who bring the jobs.
Q. And so – what they want to be able to do is sell the whole job – that's why they want to be qualified – correct?
A. Like I said – I have contacts with WCI and Pulte Homes – we have been talking for a while – eight months already. They want to see the shop – they want to see that I am able to do one or two kitchens a day – they don't want me to subcontract the work. They want me to be a part of the job. So after I get this license – this company qualified, I want to bring Ryan, who is one of the production schedulers, in to show him the facility, the machinery, how many guys we have working ... to show him he will be in good hands and we can do this – it's a great project.
Q. So – let's just say you get the license issued to qualify the second company and somebody calls you looking for a countertop. So you're writing a new contract for it. Is that going to be under Luxor or under Kingdom?
A. It will be under Kingdom right away.
Q. So everything new is going to be under Kingdom?
A. Yes.
Q. One of the issues that we have – at least me, personally – with somebody qualifying two businesses that are basically the same or have the ability to do the same thing, is that there's always a grey area as to a new customer ... where to they send him ... which one does he go to? One of the things that would relieve my concerns on this is ... would you be opposed to qualifying both businesses but your current license for Luxor Stone ... if we were to put a restriction on it such as, "After January 1, 2018, it will expire and will not be renewable" – so you would have to go with Kingdom?
A. I'm okay with that. It's okay because that's my goal – to be all full-time, 100% with Kingdom Stone. The people who come into the Kingdom showroom – they send them to me because I am the one who has the license and people like to see a contractor with a license that says fabrication and installation. And I can provide that contract. So I do those jobs.
Q. So you want to qualify two companies – just temporarily – just for the change-over – but really what you want to do is qualify a different company while keeping your license on your old company ... just for a little while ...
A. Just because I have to finish ...
Q. ... to finish out what you have?
A. ... the jobs I have that are currently under contract.

Chairman Joslin questioned the Applicant:

- Q.** I have one other question on your credit report. Why am I not seeing a whole lot of information on Luxor Stone? There is very little on your credit report regarding Luxor Stone. You have been in business for how long now – seven years?
- A.** Yes – for seven years. But I didn't have too much on it. I don't have too much credit under Luxor Stone – I only have a lease of a vehicle because in this kind of business, when I have to buy a product – I just pay for it with my credit card, for example. But I don't own much inventory – I don't need to pay for machinery, just for tools. The big tools that are used to cut granite are all fifty to sixty thousand dollars each – and they [the Almandares brothers] own those tools. They have them and they are paid in full. They have two of them. I never used my credit to buy any machinery or any big equipment. But it's good because I don't have any debts or anything.
- Q.** So everything you buy is, basically, cash in and cash out? You just pay for it as you get the materials or whatever you need?
- A.** Exactly. I only have the lease for the vehicle.
- Q.** Okay. One other item I saw in the packet – you are qualifying Luxor and qualifying Kingdom but you have no check writing ability with Kingdom?
- A.** It will be. We spoke about that. So after I am the Qualifier for Kingdom, we will change the bank account and ...
- Q.** So you will have the capability to write checks and monitor what's going on with the checking account because, obviously, you will be liable?
- A.** Yes, I know, yes.
- Q.** Okay.

Chairman Joslin asked the members if they had any question or comments. There were none.

Chairman Joslin asked Staff for a recommendation.

Ian Jackson replied: "The intention seems fairly clear to me."

Kyle Lantz moved to approve Juan Carlos Gomez' Application to Qualify a Second Entity provided that the Applicant's license for Luxor Stone, Inc. will terminate as of December 31, 2017. Although it may be renewed on September 30, 2017, it will expire on December 31, 2017.

Discussion:

- **Juan Carlos Gomez** asked if he could be granted an extension of that license until the end of December.
- **Ian Jackson:** It is up to the Board as to when they would like your license to expire. It expires on September 30th.
Kyle Lantz: If he chooses to renew it on September 30th, it will only go until December 31st.
- **Ian Jackson:** If the Board decides that the license for Luxor becomes null and void on December 31st, then that is the date.

- **Kyle Lantz:** But if he has all of his business operations done by September 30th, he can choose not to renew it. That's okay. But if he does renew it, it will only be good until December 31st.
- **Juan Carlos Gomez:** Understood.
- **Chairman Joslin:** Will the license still be valid if he doesn't renew it? In other words, if he doesn't renew it on September 30th, it would still expire in December – but ... ?
- **Ian Jackson:** On October 1, 2016 it would be delinquent. On January 1, 2018, it would be suspended.
- **Chairman Joslin:** Okay, so he would be good until December 31st then?
- **Kyle Lantz:** If he doesn't pay.
- **Chairman Joslin:** He would still have his license "active."
- **Ian Jackson:** It would not be active as of October 1.
- **Chairman Joslin:** It would be suspended?
- **Ian Jackson:** It would be delinquent.
- **Chairman Joslin:** Delinquent – okay.
- **Gary McNally:** Based on the fact that he's going with the other company, is he qualifying that right now? In other words, as of today, when we are done, he will qualify his old company and his new company and his renewal will be under the new company?
- **Elle Hunt:** They are two separate ...
- **Gary McNally:** They are two separate issues. One – you are dealing with the fact that he's no longer going to control or qualify Luxor. But as of today, he has to get another license, right now, to cover the other company?
- **Ian Jackson:** If the Board approves his Application to Qualify a Second Entity, this application will be processed and a new license will be issued to qualify Kingdom ...
- **Gary McNally:** As of today?
- **Ian Jackson:** ... as of today, or whenever Mr. Gomez comes in and ...
- **Gary McNally:** Okay, so you're going to issue a new license for Kingdom?
- **Ian Jackson:** Correct.
- **Gary McNally:** After what transpires today by the Board?
- **Ian Jackson:** Right.
- **Gary McNally:** Okay. Thank you. That answers my question.

Elle Hunt offered a Second in support of the motion.

Chairman Joslin: Mr. Gomez, I would definitely make sure that you get check writing capabilities, though, to monitor the checking account. Otherwise, I have no other issues.

Chairman Joslin called for a vote on the motion. Carried unanimously, 6 – 0.

Chairman Joslin thanked Attorney Matthew Jackson for substituting for the Board's attorney, James Morey, who was unable to attend.

IX. OLD BUSINESS:
(None)

X. PUBLIC HEARING:
(None)

NEXT MEETING DATE: **Wednesday, April 19, 2017**
BCC Chambers, 3rd Floor – Administrative Building “F,”
Government Complex, 3301 E. Tamiami Trail, Naples, FL

There being no further business for the good of the County, the meeting was adjourned by the order of the Chairman at 9:35AM.

**COLLIER COUNTY CONTRACTORS’
LICENSING BOARD**

RICHARD JOSLIN, *Chairman*

The Minutes were approved by the Chairman on _____, 2017,
“*as submitted*” **OR** “*as amended*” .