

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

April 19, 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  
Terry Jerulle  
Kyle Lantz  
Gary McNally  
Robert Meister  
Matthew Nolton  
Patrick White

**ALSO PRESENT:**

Ian Jackson – Supervisor, Contractors' Licensing Office

Kevin Noell, Esq. – Assistant County Attorney

James F. Morey, Esq. – Attorney for the Contractors' Licensing Board

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

**I. ROLL CALL:**

**Chairman 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:**

*Changes:*

- Under **Item X, “Public Hearings,”** the following case was Continued by the County to the May 17, 2017 meeting:
  - **Case # 2017-02: The Board of County Commissioners vs. Edward W. Rozanski, d/b/a “ER Pools, Inc.”**

**Chairman Joslin** asked if Mr. Rozanski had been advised of the change of date. **Ian Jackson** confirmed that he had received proper notice.

**III. APPROVAL OF AGENDA:**

*Gary McNally moved to approve the Agenda as amended. Terry Jerulle offered a Second in support of the motion. Carried unanimously, 6 – 0.*

**IV. APPROVAL OF MINUTES – MARCH 15, 2017:**

*Gary McNally moved to approve the Minutes of the March 15, 2017 meeting as submitted. Elle Hunt offered a Second in support of the motion. Carried unanimously, 6 – 0.*

*(9:04 AM – Vice Chairman Michael Boyd and Robert Meister arrived; Quorum was increased to eight (8) voting members.)*

**V. PUBLIC COMMENT:**

*(None)*

**VI. DISCUSSION:**

*(None)*

**VII. REPORTS:**

*(None)*

## **VIII. NEW BUSINESS:**

### **A. Orders of the Board:**

*Terry Jerulle 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, 8 – 0.*

### **B. Salvador Garnelo – Review of Experience**

**(d/b/a “Dali Painting & Art Design, LLC”)**

*(Note: The individual who testified in the following case was first sworn in by the Attorney for the Board.)*

**Chairman Joslin** requested Salvador Garnelo, the Applicant, to provide his background information and experience to the Board.

#### **Salvador Garnelo:**

- Moved to Naples in 2000 and began working in a painting booth doing shadow painting
- I worked for two years then I started another business with my wife
- Three and one-half years ago, I returned to booth painting
- For the past year and one-half, I worked on a part-time basis doing interior painting in houses for JKN Painting, Inc.
- I also worked for my brother-in-law in a painting booth doing spraying and doing wood restoration
- That, basically, is my experience

**Chairman Joslin** questioned the Applicant:

**Q.** Is your brother-in-law a licensed Contractor?

**A.** No. I didn’t know until I applied for my license that he is not a licensed Contractor.

**Q.** Have you ever painted a house or the interior of one?

**A.** Yes – with JKN Painting, Inc. I have been working for them since the end of 2015 on a part-time basis – on the weekends. My experience is empiric – nobody taught me how to do it. I learned by observing and doing it.

**Q.** So, you never really had formal training or anything of that nature?

**A.** No, not until I did the exams for the license – that’s when I saw a lot of things that I am missing, really. Well, I just want to try to do the right things and ... get real training.

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

**Q.** He’s been doing work in a paint booth. Is a Contractor’s License required to do that?

**A.** No.

**Q.** So, he hasn’t been doing anything wrong?

**A.** No. Not in that aspect.

**Kyle Lantz** questioned the Applicant:

- Q.** Your only work has been working for a Contractor on job sites – at somebody’s house or at a commercial building or at whatever – painting?
- A.** Yes.
- Q.** For one company – part-time on weekends for a year and one-half?
- A.** Yes, sir. Just for, basically, weekends and when they needed me. Most of my experience painting has been in a painting booth. I am learning because I want to get into business painting houses. I have been reading a few books on painting.
- Q.** So what kind of work are you doing on the houses?
- A.** Well, basically, preparing all the walls – sanding, patching ... and sometimes, I would do cut-in and rolling, but most of the time it was preparing the walls. Because of my experience, I am just practicing because – well, nobody taught me how to do it. I’m doing it because I am very observant.
- Q.** And how many hours would you say you ... over the ...?
- A.** Over the weekends, it normally could be six or seven hours on a Saturday and three or four on a Sunday ... and sometimes during the weekday on an afternoon ... like, from 3:00 to 6:00 PM.
- Q.** So, ten to fifteen hours a week?
- A.** Fifteen hours probably.
- Q.** Pretty consistent over a year and one-half?
- A.** Yes – in this past year, 2016, it has been pretty consistent ... like fifteen to twenty hours a week.
- Q.** And what about in 2015?
- A.** In 2015, basically, I just started doing – at the end of 2015. It was kind of rough for me because I had another business but I, well, in ’15 – it wasn’t too much. But, yes, I did.
- Q.** So, really – you only have maybe 100 hours or so of experience?
- A.** On painting and ... probably a little bit more because I help my friend – he’s an investor – he has purchased houses and I help him to do the job. Well, he’s in change and I’m doing it with him. But, basically, with no pay.
- Q.** And are you doing any of the business aspects as far as understanding how much everything costs ... what to charge ... anything like that ... or no?
- A.** Not really. I had a business before but not a painting business. I had a restaurant and I had a cleaning company, but not really painting. But that’s what I need the opportunity to do ... and I’m definitely going to do it. Me – and do it well if I can.
- Q.** Okay.

**Kyle Lantz** questioned **Ian Jackson**:

- Q.** Is he supposed to have two years of experience – is that what it is, or no?
- A.** Twenty-four months of experience.
- Q.** And you would consider that, like, 2,000 hours per year?
- A.** I’ll go over the experience requirements section of the Ordinance:  
*“An Applicant shall submit satisfactory evidence of experience in the trade for which he/she desires certification. Contractor’s experience shall be in that particular trade with at least one year of said experience being as a supervisor to determine if the Applicant possesses the experience as required*

*in the Section. The Contractors' Licensing Supervisor shall consider the following forms of proof of experience: affidavits from former employers with specifics as to the number of years of experience, copies of other Certificates of Competency, affidavits from a Building Director and locations where the Applicant has worked, affidavits from any Union organization or affidavits from any other source within the trade applied for."*

- A. The last sub-section is kind of broad, however the Affidavits provided – not one was from a licensed Painting Contractor.
- Q. One of my concerns is: (a) two years of experience. I would consider a year's employment ... maybe 2,000 hours ... so that's 4,000 hours of work. You're saying you only have 100 – maybe 200 – hours of work. And another big one for me is the year of supervisory experience which you don't have. Me, personally, I understand that you want to learn the trade and do it right – but I don't want to risk you learning the trade on my mother-in-law's house. I get that it is a learning process but I don't want to put somebody at risk for you to learn. I'd rather you learn under somebody else before you get your license. But that's just me.
- A. No, no, I understand that. Basically, my main goal is painting in a booth. One of the main reasons is because we do painting of cabinets inside houses. So that's what I know how to do well. And to go to a house to paint cabinets – that's one of the reasons why I want to get a license because I don't want to go to a house and get into trouble for that. I know how to paint that.
- Q. Painting cabinets in a house is a completely different deal than painting cabinets in a booth.
- A. Yes, I know.

***(9:12 AM – Patrick White arrived; Quorum was increased to nine (9) voting members.)***

**Terry Jerulle questioned Ian Jackson:**

- Q. It appears that he has everything correct – right? He's taken the tests, he has a credit report that's fine, he has a certificate of insurance, Workers' Compensation – everything is good. The only reason why he is here is for his lack of experience – correct?
- A. Correct.
- Q. Second, the license that he's going for allows him to paint in Collier County – correct?
- A. Collier County – the City of Naples – the City of Marco Island.
- Q. And that's to paint anything from a high-rise to cabinets?
- A. Correct.
- Q. Okay.

**Terry Jerulle questioned the Applicant:**

- Q. You are asking us for a license to paint – in my opinion and I'm going to take the worst case scenario – a high-rise. And you have nowhere near the experience to paint a high-rise as an example.

**Terry Jerulle** questioned **Ian Jackson**:

**Q.** Is there any other categories of painting that he can apply for or just the one category?

**A.** Just one category.

**Chairman Joslin** suggested the Board could decide to place a restriction on the License, i.e., to residential only or something less than commercial – correct?

**Ian Jackson:** Correct.

**Kyle Lantz:** Looking at it from the perspective of a General Contractor – if I hire a painter, I will verify his license. How do I know that there is a restriction on it? I mean that’s a ridiculous restriction because there’s no way to enforce it. If you are asking the Industry to enforce it, how is the Industry going to enforce it?

**Chairman Joslin:** Is a permit required to paint a house?

**Ian Jackson:** No.

**Patrick White:** If a record check is done, doesn’t it indicate that there is a restriction or limitation on the record – whether it is on the web or how it’s displayed?

**Ian Jackson:** Yes.

**Patrick White:** In other words, if it’s on the E-Portal, as an example, and shows “Painting Contractor,” I would assume it would have (space) dash (space) “Restricted” and either an asterisk or something else that would indicate what the restriction is – right there at the top of the page.

**Ian Jackson:** It could be noted in the system and would be available to someone hiring that person if they ....

**Chairman Joslin:** ... looked it up.

**Patrick White:** Now, that begs the question of – Is there an effective line that can be drawn ... residential versus commercial, or single family versus condo, or interior versus exterior, that not only we feel – as a Board – is enforceable and that your folks in the field would know how to apply but also that the Contractors and Consumers would understand those limitations? We’ve done it in the past – we’ve drawn those lines and felt comfortable that there was adequate enforcement. My concern here is about trying to find that balance. And if there is a line that’s capable of being drawn brightly and the Contractor knows, the Consumer knows, and the enforcement mechanism knows which side of the line they’re supposed to stay on.

**Chairman Joslin:** I think that’s going to be very difficult to monitor as Kyle mentioned. Very seldom have I seen Contractors check licenses – generally, if a bid comes out or if someone wants a house painter, they just pick up the phone or look in the Yellow Pages or online and there it is. If he /she has a license number listed, well – who is going to know if it is restricted or not. It will be difficult as Kyle mentioned to monitor.

**Matthew Nolton:** Mr. Jackson, if he’s only painting cabinets, does that require a Painting License?

**Ian Jackson:** Yes.

**Terry Jerulle:** If he’s going to a job site, yes.

**Chairman Joslin:** And – at that time – if someone asks him ‘can you paint the house along with my cabinets,’ he could do that if he had the license. So, again, we’re practicing or having someone practice on the public.

**Elle Hunt:** I have a question for Ian. Mr. Garnelo’s credit score is 560 – I don’t see any adverse credit but did we give him an exception because it is 100 points lower than required?

**Ian Jackson:** No, there was no exception.

**Elle Hunt:** I thought the credit requirement was 660?

**Ian Jackson:** It’s a guideline in the Florida Administrative Code.

**Elle Hunt:** It’s a “guideline” – okay.

**Gary McNally:** I have one issue that has not been brought up yet and that pertains to a business plan. In the past, all of the applicants who have come before us have been required to have some sort of business plan before they can actually go out and paint or do any sort of work at a job site. I don’t see anything here at all that provides a business plan for his painting business. I would like to see something there so that he understands what to charge, what not to charge, and so on, and a projected proposal for business as it progresses. I’m not sure that without a business plan, we can allow this to go forward.

**Elle Hunt:** I personally think that it is incredibly premature at this time considering that he has a 100 or 200 hours of experience. I think he needs significantly more experience before getting a license. Now that’s my opinion, but I think it’s very premature at this point to consider a license.

**Salvador Garnelo:** I understand that. About what I said before – I want to focus my main job on painting and restoring cabinets and furniture. Most of the jobs are inside the house and that’s why I need ...

**Elle Hunt:** I think that puts too much onus on the consumers and the residents here in Collier County to do such a thorough background check on your license. They are going to see you as a licensed Contractor and most don’t check for significant experience. They will check that you are licensed and will feel comfortable with that. They may not see any restrictions. And even 100 hours does not give me confidence that my neighbor – my mother-in-law – everybody else – is going to have quality work. You would be a licensed Contractor at that point.

**Salvador Garnelo:** I understand but you can have already quality labor or work in a kitchen because I know how to do work and I know how to do it well. But besides painting walls and that, I don’t really have all the experience. But that – well – it’s up to you guys but I just want to do business -- really I would. But thank you.

**Chairman Joslin** questioned the Applicant:

**Q.** On your application you listed that it was art – also “Art Design” ...

**A.** Well, it’s really restoration – part of the old wood ... what they call “art” and basically it is painting but even painting this wood is art. But that’s what we call restoration. We restore furniture – old furniture – we restore kitchens – whatever is with wood, we can restore it.

**Q.** So what is your real action – what is it that you want to do with this business? Are you looking to paint chairs and restore old furniture or are you looking to paint houses?

- A. Basically – well – this is my main thing – doing, restoring wood. Even if that is kitchen cabinets, bathroom cabinets – everything that is wood, I want to business with that.

**Patrick White** questioned **Ian Jackson**:

**Q.** For example, if a gentleman removed cabinets from a kitchen, brought them to an off-site location – let's say his business – and painted them there ... picked up some chairs from the living room in the same house, brought them along and did whatever he did to restore them, again off-site. Brought them all back and re-hung the cabinets – is there a licensure issue whether it's cabinetry or ...?

- A. It is cabinetry – it would require a Cabinet Installation license – not necessarily the painting or the restoration because it's being done off-site. But the alteration of the cabinetry requires a Cabinet Installation license.

**Patrick White** questioned the Applicant:

**Q.** So, you can take anything out of a house that's not a cabinet or other fixture – bring it to your place of employment or work – do all of the things that you say you want to do – and if you just happen to have a job on the side where you get some supervisory experience painting structures or houses and come back to see us, I think there is a much different approach we will have. Because, frankly, I read through your application – I wasn't convinced by what the paper said and I've not heard anything from the testimony today that has convinced me otherwise.

- A. Okay.

**Terry Jerulle** questioned **Ian Jackson**:

**Q.** I also think, as Elle Hunt was saying, his credit report – that if he had the experience ... would you have given him a license based upon his credit report?

- A. There was nothing derogatory in the credit report other than the score which I am hesitant to say is “derogatory” just because it doesn't meet the guideline of the Florida Administrative Code.

**Patrick White:** But the explanation that was in the credit report itself – and I've seen this happen to people who kind of are “on the border” if you will around that guideline number – they keep applying for credit, for example, for a vehicle or a loan or a re-finance or whatever – and too many inquiries are what lower the score. That's what is stated in the report.

**Terry Jerulle:** So the question being – if he had the experience, would you have given him a license based upon his credit report?

**Ian Jackson:** Yes.

**Terry Jerulle:** Okay. So when he comes back, he doesn't have to worry about the credit report?

**Ian Jackson:** Provided there is nothing new – such as civil judgments, liens, tax liens, bankruptcies – those are the things that jump out.

**Terry Jerulle:** Gotcha.

**Patrick White:** If I may, Mr. Chairman?

**Chairman Joslin:** Yes.

**Patrick White:** Before I make a motion, sir, to deny your request – you do have the opportunity to withdraw if you choose to at this time. You can come back at another point in time.

**Salvador Garnelo:** Okay.

**Patrick White:** It's up to you. Before I make the motion, I wanted to at least offer that to you if you would prefer to do so.

**Salvador Garnelo:** Yes. I think I can't change my testimony but that's what I know how to do. I'm not going to change anything – like increase the hours or whatever – there's just no point.

[*Note:* Mrs. Garnelo approached her husband – trying to get his attention but he ignored her.]

**Salvador Garnelo:** There's just no point. I just really wanted the opportunity to do it the right way.

**Patrick White:** And we want you to, as well, and that's why I'm offering you the suggestion to withdraw the applicant and come back for us to consider it at a later point in time.

**Salvador Garnelo:** Okay.

**Patrick White:** At that point, we wouldn't require you to put into your application that you had applied but had been denied.

**Salvador Garnelo:** Okay.

**Patrick White:** If you understand what I'm driving at.

**Salvador Garnelo:** I understand.

**Chairman Joslin:** Let's take one second before the motion comes out – did you want to add another testimony to your case?

[*Note:* Mr. Garnelo conferred with his wife.]

**Matthew Nolton:** Mr. Jackson, while they are talking – this is an interesting situation – right – because most people that I know who can paint high-rises could not paint the furniture ... they could not paint the cabinets. That's a highly skilled process to do that and I wouldn't want them painting that. And so, we've got one license that covers everything. Unfortunately, he's not qualified for that license. But yet, he still requires some license to be able to do that very skilled work.

**Elle Hunt:** He's got nothing to prove that either. We've got nothing documented – nothing that ...

**Matthew Nolton:** Well, I don't know that I agree with that because he's done a lot of booth painting and that's what that is. I mean, it is equivalent to booth painting if you've ever seen cabinets really done well – they create a booth in your house and do it. It is a very skilled process versus most of these painters that are painting high-rises.

**Kyle Lantz:** I would argue that – it is a very skilled process, but I would argue that the act of creating a booth is a very skilled process. And I would be very nervous having someone who has only worked in an industrial booth masking everything off – dealing with fire sprinkler heads – dealing with condo association rules – dealing with other stuff ...

**Matthew Nolton:** I don't disagree but don't miss my point. My point is even if he came back and he had the qualifications, we couldn't give him this license because he's not qualified to paint a high-rise.

**Patrick White:** It begs the question of whether a license would be something that the County would feel would be necessary in order to protect the consumers or otherwise advance some governmental purpose. I mean – there are plenty of “professions” – arts included – where licensure per se is not required – nor is there any kind of registration or documentation of any skill level. So, I guess I've come to a place where I'm comfortable if the application isn't withdrawn in denying it because I believe that he still has the opportunity as I suggested to be able to go and find employment where he may ultimately get to the point where he is leading a crew and can document the experience. And then if the rest of his business is more of the restorative and “art design” as the name of the entity suggests is successful, he's going to have the means to provide an income for his family's livelihood and an opportunity to obtain the experience he needs to be able to come back and get the kind of license so that he can do the other types of activities in the house without needing a cabinet license to take the cabinets down and bring them off-site and bring them back. Or, if he wants to, he can paint them – knowing how to do it – inside the home.

**Chairman Joslin:** Anything further?

**Salvador Garnelo:** Yes, sir. You guys are giving me the opportunity to withdraw the application?

**Chairman Joslin:** We are giving you the opportunity to withdraw your application that way you can come back and it will not be on your record as being denied. If you come back with the experience and you've been working for someone to get that experience behind you, then a new application is not going to make you or break you because you may not even come before us if you have all of the credentials.

**Salvador Garnelo:** Okay.

**Patrick White:** There is one suggestion, if I may, sir.

**Salvador Garnelo:** Yes, sir.

**Patrick White:** You heard comments from the Board members about the fact that your affidavits themselves for the experience that you already have were not from Painting Contractors. I think that having something like that from a Painting Contractor as one of your affidavits of experience would be very helpful. We would give that a lot of weight. Okay?

**Salvador Garnelo:** Okay.

**Chairman Joslin:** I somewhat agree with you, Mr. White, but then again, on the other hand, I would say that anyone could probably go and get someone to sign an affidavit or a piece of paper. I would look for more information than that ... maybe payroll records that he did work for someone.

**Patrick White:** The point of the affidavit from a Painting Contractor is – in my experience – I have always given them substantial weight as opposed to from someone who is just operating a business and doesn't have a license.

**Chairman Joslin:** But we've already heard testimony that he really hasn't worked for anyone so it's going to be hard to come up with that, I believe. What's your pleasure?

**Salvador Garnelo:** I'm sorry?

**Chairman Joslin:** What's your pleasure?

**Salvador Garnelo:** I want to withdraw the application ...

**Chairman Joslin:** Okay.

**Salvador Garnelo:** ... to a later date with more experience.

**Chairman Joslin:** All right. Do I need a motion to do that? No? You have just withdrawn your application. Thank you for coming in.

**Salvador Garnelo:** Thank you.

**Chairman Joslin:** Good luck next time.

**Patrick White** apologized to the Board for being tardy. He stated he missed the discussion concerning the Public Hearing and noted the case had been withdrawn. He asked if it would be heard at a different date or if it had been resolved.

**Ian Jackson** replied the case had been "Continued" to the May meeting.

**IX. OLD BUSINESS:**

*(None)*

**X. PUBLIC HEARING:**

**A. Case #2017-02: "The Board of County Commissioners, Petitioner, vs. Edward W. Rozanski, d/b/a *ER Pools, Inc.*, Respondent."**

*(Note: The case was "Continued" to the May 17<sup>th</sup> meeting pursuant to the Amended Agenda.)*

**NEXT MEETING DATE:**

**Wednesday, May 17, 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 9:37 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*” .