

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

October 18, 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," 3<sup>rd</sup> Floor, Collier County Government Complex, Naples, Florida, with the following Members present:

**Chairman:** Richard Joslin

**Members:** Elle Hunt  
Kyle Lantz  
Terry Jerulle  
Robert Meister  
Matthew Nolton

**Excused:** Michael Boyd, Vice Chair  
Patrick White

**ALSO PRESENT:**

Everildo Ybaceta – Supervisor, Contractors' Licensing Office  
Kevin Noell, Esq. – Assistant Collier County Attorney  
Jed Schenck, Esq. – Attorney for the Contractors' Licensing Board  
Reggie Smith – Contractors' Licensing Compliance Officer

*Any person who decided 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 made.*

**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; **five (5) voting members** were present.

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

**III. APPROVAL OF AGENDA:**

*Kyle Lantz moved to approve the Agenda as amended. Elle Hunt offered a Second in support of the motion. Carried unanimously, 5 – 0.*

**IV. APPROVAL OF MINUTES – AUGUST 16, 2017:**

**Kyle Lantz** asked if minutes would be available for the Emergency Meeting.

**Everildo Ybaceta**, Supervisor – Contractors’ Licensing Office, replied, “Yes.”

*Kyle Lantz moved to approve the Minutes of the August 16, 2017 meeting as submitted. Terry Jerulle offered a Second in support of the motion. Carried unanimously, 5 – 0.*

**V. PUBLIC COMMENT:**

*(None)*

**VI. DISCUSSION:**

**Chairman Joslin** noted the Board Members had received a document to review.

**Jed Schenck, Attorney for the Board**, stated: This Memorandum was drafted in response to the August 2017 meeting. There was an action taken on a Citation and I advised the Board to modify the language a bit. It caused some confusion, so I wanted to follow up – to clarify the guidance I gave you and the reasons behind it in case you had some questions or if there’s still some confusion.

**Chairman Joslin:** To make a long story short – you indicated in the Memorandum that the appropriate terminology when we made the motion ... would be to ... the term “correct” was better to use than the word, “abate?”

**Attorney Schenck:** The circumstance in the August meeting was an unlicensed contractor who was advertising, but he was seeking a State license. The Ordinance allows you to “abate” a fine down to \$300 from \$1,000 when you apply for a County license. That’s the

nuance in it and that was the reasoning – I wanted to be more consistent with the language of the Ordinance and the Statute.

**Chairman Joslin:** If he was applying for a County license, then the fine that was imposed would have dropped down to \$300 and he would have had to pay that.

**Attorney Schenck:** Again, that's within the discretion of the Board as well. You used the same authority in Section 489 (*Florida Statutes*) to bring the amount down to zero or dismiss it.

**Chairman Joslin:** And that ties into the minutes from last month that I mentioned because in the original motion that I made to grant his license, I didn't state that it was dismissed. So, the minutes probably should be changed – or can it stand as it is?

**Assistant County Attorney Kevin Noell:** Essentially, it's technical distinction because the Contractors' Licensing Office essentially agrees with the withdrawal of the Citation that was before the Board ... essentially, we agree with that ... so whether the Board had dismissed it and we had no objection to the "withdrawal," I think it's a distinction without really a legal difference. And, certainly, we can't go back and change the minutes – the minutes are what the minutes are ... if there were errors in what we thought we said, or something like that ... so I don't think that's necessary.

**Chairman Joslin:** In the future then, if the terminology should come up – we are going to "dismiss" a Citation rather than "withdraw" it.

**Assistant County Attorney Noell:** That's correct. The Board would dismiss citations and if the Contractors' Licensing Office Supervisor felt it was appropriate to withdraw it, so the Board would not consider it, then that is a decision that he would make.

**Chairman Joslin:** I have one more question: When the Ordinance was written or when we revised it to reduce the fines in certain cases, one of the words that I thought was important was it said to have all items abated – for example, if they came in to apply for a license – "prior" to coming to the meeting. In that case on that day, it had not been done until I think Elle Hunt brought up the fact about the advertising – that there were still things out there on Facebook – still out in the world. And then he did it right here [removed the advertising] which, in my opinion, was not "prior" to the hearing. So, if we're going to get the terminology correct ... which way was correct ... in the way we approached it or are they supposed to have their information done prior to walking up to the podium?

**Assistant County Attorney Noell:** I would say that the level of abatement is, in fact, a determination made by the Board as far as the effort made. The distinction in my mind in the matter that you are referring to from the last meeting – all the steps that he took to reasonably abate it versus something that was inadvertently out there – this it was overlooked but it was not a purposeful and willful non-abatement, so I would say the determination on whether the abatement was sufficient prior to the hearing would be a Board determination. I had no issue with what happened last month – with finding something or having something brought to his attention that was inadvertent or overlooked that was corrected right away.

**Chairman Joslin:** Okay. That's all I have.

**Kyle Lantz:** I'm just curious. For Staff – exactly what procedures are in place and how everything going is going with out-of-State, non-normal County licensed contractors coming into town. I'm kind of curious as to – we authorized the issuances of temporary licenses and I'm just curious as to exactly what is being done now and how the program is working. I think there is confusion among the Board Members as to exactly what we

authorized and I'm curious. You read something in the newspaper, but you don't really know what's going on – so I'm curious.

**Everildo Ybaceta:** In the Emergency Meeting, we authorized emergency contracting for tree removal/tree trimming licenses. Since then we have issued almost 500 of these temporary licenses which are good for, I believe, 180 days ...

**Assistant County Attorney Noell:** Sixty.

**Everildo Ybaceta:** For 60 days. That is still in place and it's still being used. We had some contractors just come in this week and apply for them. I am in discussion to see if I can bring that up again to – maybe we can bring that Order up and maybe rescind it.

**Kyle Lantz:** I was under the impression that we authorized work for not just tree trimming but for other stuff as well.

**Everildo Ybaceta:** We gave the County Manager authorization to also relax certain requirements for other contractors which would have been for roofers – but they must be in-state contractors – they must come in and register with us ... they cannot be out-of-state roofers. They also relaxed the requirements for General Contractors, Building Contractors and Residential Contractors to do roofing. They don't have to sub out – they can do it themselves.

**Chairman Joslin:** And it also applies to the sixty-day period?

**Everildo Ybaceta:** That was under the Emergency Order.

**Kyle Lantz:** So the only trades that got relaxed were roofing and tree removal?

**Everildo Ybaceta:** Yes, sir.

**Kyle Lantz:** How is it going? You can't drive around town and not see an out-of-state contractor doing work, so how is ...?

**Everildo Ybaceta:** It's been very active. We have issued quite a few citations for unlicensed contracting to out-of-state contractors. I can bring you the numbers at the next Board meeting. We have one that has shown up on the news specifically – he did get issued six Citations and he returned half of the money back and the other half – the customer didn't want to release him from the contract – he wanted the work done. So, the gentleman came in with an in-state contractor who got registered and he is now on that payroll with that contractor to do the work.

**Kyle Lantz:** And do we have a means of collecting – if somebody comes in from New York and does work and gets a Citation – if they say, 'I'm not paying it' – do we have a means in place for collecting that?

**Everildo Ybaceta:** No, sir.

**Kyle Lantz:** No?

**Chairman Joslin:** We do not?

**Everildo Ybaceta:** It is a Citation that goes on the person.

**Chairman Joslin:** Does that follow them to their home state or wherever they're from?

**Everildo Ybaceta:** It follows them on their drivers' license.

**Kyle Lantz:** What does that mean – they can't renew their drivers' license?

**Everildo Ybaceta:** That's a good question but, no. It just means that a lien is imposed on their person.

**Kyle Lantz:** But it doesn't "do" anything?

**Chairman Joslin:** Wow.

**Assistant County Attorney Noell:** Well, essentially, and obviously, we're constrained. There's only so many tools in our tool box.

**Kyle Lantz:** I'm not trying to complain --- I just want -- I want to know what it is. I don't care what the policy is ... you know, I'm not trying to criticize -- I just want to know if it does anything.

**Assistant County Attorney Noell:** And it's not a policy -- it's the law. It's just that we have constraints within the law -- what we can and can't do. In situations where someone is given a Citation and they have a \$1,000 fine imposed on them, there are mechanics where we could pursue a formal judgment and then set up appearing in a Court in New York or at some destination and ...

**Kyle Lantz:** So we spend ten thousand dollars to collect a one thousand dollar fine?

**Assistant County Attorney Noell:** And that's part of the constraints -- that's part of the reality of it. And that is only as good, also, as the assets that would be available to the Sheriff's Department in that jurisdiction to force a sale to recover the \$1,000. There is that stewardship of the tax dollar that we're certainly considerate of but for those that -- we'll certainly enforce it to the Florida extent that we can and, if appropriate, we'll bring in the Sheriff's Department and they will do a criminal investigation as well.

**Kyle Lantz:** And have we seen many repeat offenders?

**Everildo Ybaceta:** No, sir.

**Kyle Lantz:** No.

**Chairman Joslin:** That we know of -- probably.

**Elle Hunt:** I have a question in regard how to report price gouging. Considering it's a known issue in FEMA-designated areas, how are we, the County, advising the residents on how to report that from contractors?

**Assistant County Attorney Noell:** And really, my understanding is ... and that's not my area of legal expertise obviously, but my understanding that price gouging on any of the essentials -- food, water, things of that nature -- I would always recommend that they contact the Attorney General's office to file a complaint. It's my understanding that they investigate those.

**Elle Hunt:** But not for the contractors.

**Assistant County Attorney Noell:** I think the market dictates the pricing -- supply and demand -- that's our good old capitol system. But I don't believe -- I could be wrong on this -- but I don't believe that the law and the mechanisms dealing with price gouging relate to contracted things like roofs and windows and things like that. I think it is water -- you know, things that we need for immediate daily living. You might want to look at the Attorney General's website for more recent information.

**Elle Hunt:** Okay.

**Terry Jerulle:** Just so we are clear: we enacted Emergency Restricted Certificates of Competency right before the storm. When does that end?

**Everildo Ybaceta:** We are in discussion with my Directors and my Administrators to see if we can bring it back, so we can end it.

**Assistant County Attorney Noell:** That's one thing that I would look at -- and I was there for that meeting. And I'll be happy to review those minutes. If it was given -- if the Board's direction was a sixty-day time limit of discretion ...

**Terry Jerulle:** I want to say 60 or 90 ... I just don't recall ... I didn't make notes and ... it was sixty days from the day that we voted ... correct?

**Chairman Joslin:** Right.

**Terry Jerulle:** Even if it was 60 -- it would be 60 days from the day that we voted.

**Assistant County Attorney Noell:** I believe – and I’ll have to look at the Order of the Board – because it may be 60 days from the date the Order was executed. I believe it was from the day you voted, but I need to look at that before I could give you ...

**Terry Jerulle:** And you’re looking at putting it on the Agenda for the next Board meeting – so we can vote on whether to continue it or not.

**Everildo Ybaceta:** I can certainly do that.

**Chairman Joslin:** Will the next meeting take us over the 60-day period? That was done in September – on September 5<sup>th</sup> – so it would take us over the 60 days. So in that period of time between the next meeting and September 5<sup>th</sup> when it started, we are going to be over that sixty-day window. I thought it was 90 days, if I recall, but ...

**Assistant County Attorney Noell:** Do you recall if the vote of the Board was to give the County Manager or his designee 60 days – a sixty-day discretionary ...?

**Chairman Joslin:** It seems like – if I remember – there was a question because we thought the sixty days wouldn’t be long enough. I thought we extended it to ninety or ... but I’m trying to pick it apart now because there were a lot of things going on ...

**Assistant County Attorney Noell:** What I’m getting at is whether it was 60 or 90, the Board put in the direct time frame – unless there is another provision in there – that says something ... ninety days and continuing until ... ?

**Chairman Joslin:** Oh, no – I don’t think so. I believe that if it was going to be changed, then it was going to be brought back again and extended or whatever we had to do at that time.

**Assistant County Attorney Noell:** And that Order was self-executing and in ninety days, it automatically expired.

**Chairman Joslin:** I believe so.

**Assistant County Attorney Noell:** And that’s what would happen – it would not need to come back before the Board for a new vote to withdraw or to further deny that discretion to the County Manager’s Office. It automatically ends at 90 days.

**Chairman Joslin:** Right. And if we had to extend it or if we wanted to extend it, it would have to come back again to analyze and find out how we did and what’s going on – and then maybe add another 30 or 60 days ... depending on how severe the storm was. At that time, we didn’t know. I’m in ... considering that we probably need some more time because I don’t think we’re cleaned up yet. There is still a lot of damage out there that I’ve seen. But that’s not saying it will happen.

**Terry Jerulle:** The other part of that – it states in the Code that in the event of a State of Emergency, but declared by the Collier County Board of County Commissioners, which I think they did – correct?

**Everildo Ybaceta:** Yes, sir.

**Terry Jerulle:** Is it still in effect?

**Everildo Ybaceta:** Yes, sir. As far as I know – yes, sir.

**Terry Jerulle:** The State of Emergency is still in effect.

**Kyle Lantz:** And on another topic, there were some newspaper articles in *The Naples Daily News* that were taking about making sure to hire a licensed contractor – going into detail about that – and they went on to describe different contractor licenses that were required – specifically roofing licenses – and the article ran a couple of different times, and it was wrong. And I have yet to see a correction. And I’m wondering if ... I mean, people

are still hiring out there – but for someone to say that you need a different roofing license for asphalt or a different roofing license for tile or a different roofing license for metal – some how they got that information. I can't imagine they just made it up – but if they did, it would have been nice if the Department sent a correction out or sent a Public Notice out – sent something out to correct it. Obviously, whoever the reporter is – is wrong, but they are relying the information to the world who feels that this is the law. It would be nice if we could – I know its later now, but people are still hiring contractors left and right – and it would be nice if we put out a press release that explains the licensing law and what the different licenses are or something to that effect.

**Everildo Ybaceta:** Our Public Information Office has put out information and sometimes has requested that some information be changed because they were incorrect. Whether that goes out into the newspaper or not – that's something completely different. Sometimes they take it and they do run a different article explaining it and sometimes they just leave it alone and they move on.

**Kyle Lantz:** And we don't follow through?

**Everildo Ybaceta:** We try – it's just the news is going to go where it's going to go.

**Elle Hunt:** We need to hold the newspaper accountable for accurate information – especially when they are talking to our constituents here.

**Everildo Ybaceta:** I can definitely talk to our Public Information Office ...

**Elle Hunt:** And maybe they can talk to the editors of these TV stations and/or newspapers to ensure that accuracy because we've got people who flew in to see their homes and check on their homes and they are getting misinformation. We can't allow that. We need to be diligent about accountability.

**Everildo Ybaceta:** Okay.

**Chairman Joslin:** I think a meeting of the minds probably would be in line, you know, with the news channels, with the media, with the newspaper – that way the information gets out to the right people in the right way.

**Elle Hunt:** Through a press release – that would be fine because that way, it's in our words.

**Kyle Lantz:** The newspaper article made it appear that they were quoting information from somebody in Collier County and it ran a couple of different times when *The Naples Daily News* website refreshed, it was very clear that – from their perspective – that was the direction they were given from Collier County. Maybe they got bad information from the County or maybe someone made it up but either way, it clearly needs to be corrected.

**Terry Jerulle:** You can't expect the County to read every article in every paper so maybe we should – whoever sees it, should cut it out and ...

**Kyle Lantz:** It appeared a month and a half ago ...

**Terry Jerulle:** Okay.

**Chairman Joslin** noted he was relieved to see the Board Members because the situation could have been so much worse.

## **VII. REPORTS:**

*(None)*

**Chairman Joslin** noted Robert Meister was present. (*Quorum was increased to six (6) voting members.*)

**VIII. NEW BUSINESS:**

**A. Orders of the Board:**

*Kyle Lantz moved to approve authorizing the Chairman to sign the Orders of the Board. Terry Jerulle offered a Second in support of the motion.  
Carried unanimously, 6– 0.*

*(Note: The individuals who testified in the following cases in under Item VIII, “New Business,” were first sworn in by the Attorney for the Board.)*

**B. John Parker Oglesby – Contesting Citations #14822, 14824, 14826, 14827, 14828, and 14830**

**Citation Number:** 14822 (*Unlicensed General Contracting*)

**Date Issued:** June 28, 2017

**Amount of Fine:** \$2,000

**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 or act in the capacity of a Contractor without being duly registered or certified*

**Citation Number:** 14824 (*Unlicensed General Contracting*)

**Date Issued:** June 28, 2017

**Amount of Fine:** \$2,000

**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 or act in the capacity of a Contractor without being duly registered or certified*

**Citation Number:** 14826 (*Unlicensed General Contracting*)

**Date Issued:** June 28, 2017

**Amount of Fine:** \$2,000

**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 or act in the capacity of a Contractor without being duly registered or certified*

**Citation Number:** 14827 (*Commenced Work without Obtaining a Permit*)

**Date Issued:** June 28, 2017

**Amount of Fine:** \$2,000

**Violation:**

*Commence or perform work for which a Building Permit is required pursuant to an adopted State Minimum Building Code or without such Permit being in effect*

**Citation Number:** 14828 (*Unlicensed General Contracting*)

**Date Issued:** June 28, 2017

**Amount of Fine:** \$2,000

**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 or act in the capacity of a Contractor without being duly registered or certified*

**Citation Number:** 14830 (*Unlicensed General Contracting*)

**Date Issued:** June 28, 2017

**Amount of Fine:** \$2,000

**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 or act in the capacity of a Contractor without being duly registered or certified*

**Chairman Joslin** noted Mr. Oglesby was appearing before the Board because he was contesting the six Citations that he received. He asked Mr. Oglesby to explain what happened and why.

**John Parker Oglesby:**

- It was at the Outdoor Resort Mobile Home Park in Chokoloskee.
- His parents had owned the park at one time and he has worked there for “all my life almost, ever since 1979.”
- He was rebuilding some docks and stated, “They do, like, a permitting process within their-selves to be approved.”
- Some of the mobile homes are located on a retention pond.
- “In any case, they do that within their-self and that had to pass the Board’s approval, or whatever, to do a remodel of the dock.”
- He admitted to repairing the docks.
- “To my understanding, I’m supposed to have a County permit to do the work as well as the permit within the park itself.”
- “I live in Everglades City and I have just a regular, registered license for the City of Everglades, but it doesn’t cover Collier County or anywhere else. I got the license back in ‘98 through a grandfathering clause where they were doing away with ... if you had did work like all your life and could prove that you did it ... find people and get affidavits from the people you worked for – I did all of that and met the requirements, but it was through a grandfathering clause, so I didn’t take a test. But I guess then they changed to where you can’t register your license in most places now unless you have a testing score.”
- “But, yes, sir, that’s what I was doing and, you know, I’m just a small person just trying to put a daughter through college and make a living. I don’t want to do anything wrong or harm anybody, but you know, obviously, I was doing wrong.”

**Chairman Joslin** called Joseph Nourse, Licensing Compliance Officer, to testify.

**Chairman Joslin** asked Mr. Nourse to explain what he saw, what he found, and why Mr. Oglesby was appearing before the Board.

**Joseph Nourse:**

- He received a complaint from Collier County's Code Enforcement concerning unpermitted and unlicensed sea wall repairs taking place at the Outdoor Report Mobile Home Park on the island of Chokoloskee.
- He made a site visit and met with the Park's manager – the property manager for the entire Park – who stated that John Parker Oglesby was the contractor who was doing the work.
- He met with Mr. Oglesby to discuss the issues: (1) that he was not a licensed contractor outside of Everglades City.
- He took photographs of five docks and showed them to Myron Jacobs, the Chief Structural Inspector, who stated that each dock would require a permit.
- No permits were present and five were required.
- He issued a total of ten Citations: five for Unlicensed Contracting and five for working without obtaining a permit.

**Kyle Lantz:** Mr. Oglesby is only challenging six of the ten Citations.

**Joseph Nourse:** No, sir. He's challenging the six because four of them have been withdrawn.

**Kyle Lantz:** Withdrawn by the County?

**Joseph Nourse:** I'll let my Supervisor answer that.

**Everildo Ybaceta:** Some of the Citations were withdrawn because in researching the property, we found that the areas that were being worked on were 'common areas' and should have been covered by one permit. It was not something that the Officer knew – it was a zoning issue that we found through extensive research. It should have been one permit, so we withdrew four of the Citations.

**Kyle Lantz:** So all five docks should have been on one permit?

**Everildo Ybaceta:** Yes, sir.

**Kyle Lantz:** So then why did we not make it one case of Contracting without a License? Why is it still five cases?

**Everildo Ybaceta:** At the time, the owners of the mobile homes thought they were also the owners of the docks. Mr. Oglesby had five contracts with the various owners when he should have had one contract with the Homeowners Association. Those are actually the Citations that are here to be discussed.

**Elle Hunt:** That still seems like a conflict to me. I'm not understanding – because if he can't contract with the homeowners since they don't own the right to enter into a contract, then the contract -- in itself -- is void. I know it's a grey area but I'm wondering why we didn't consolidate them considering they are, technically, void contracts?

**Everildo Ybaceta:** I didn't want to.

**Elle Hunt:** Okay – so you're saying it could go both ways ...?

**Everildo Ybaceta:** Yes, ma'am.

**Assistant County Attorney Noelle:** And, just for the record, could you swear in the Contracting Licensing Office Supervisor who provided testimony for the County?

*(Mr. Ybaceta was sworn in by the Attorney for the Board.)*

**Elle Hunt:** Considering you were just sworn in, has anything that you said prior to being sworn in – would that testimony be changed now?

**Everildo Ybaceta:** No, ma'am.

**Elle Hunt:** Thank you.

**Chairman Joslin:** So we're looking then at the six individual Citations for each individual job -- not as a group?

**Joseph Nourse:** Yes, sir.

**Chairman Joslin:** Okay – just making sure. Has the work been completed yet?

**Joseph Nourse:** Not to my knowledge.

**John Oglesby:** No because what I've done, too, is I have a company that's actually taking over the situation now, Carter Docks, and we did go – and they are letting me work for their company to help them with the docks. But we did get the proper permits and everything that we do need, and I live in Everglades City so – we went through – I don't know – it was like a month or so before we got everything done to get the permits, so we were getting ready to pursue the work and then the storm hit [Hurricane Irma], and I had 3-½ foot of water come in my home, so we lost everything. My whole house is gutted out right now and I haven't been able to work since three days before the storm. I trying to get my own house to where I can move back in ... to have a place to live for my wife and my daughter. So we are getting ready now to proceed with trying to get those finished up.

**Chairman Joslin:** The way that I see it, the contract that was started – in the beginning – was contracted through yourself? Correct?

**John Oglesby:** Yes, sir.

**Chairman Joslin:** Has the contract now changed over to the new ...

**John Oglesby:** Yes, sir.

**Chairman Joslin:** ... permittee?

**John Oglesby:** Yes, sir.

**Chairman Joslin:** So Outdoor Resorts now has a contract with your new qualifier ...

**John Oglesby:** Yes, sir.

**Chairman Joslin:** .... the company that you're going to work for as an employee?

**John Oglesby:** Yes, sir.

**Everildo Ybaceta:** Carter Docks did come in and apply. They received the permits for the dock work – all of them. It was a little bit of an extensive process because we also had to go for a special treatment of the outer docks – they had to go through Planning and Zoning. They did pick them up and they are issued. They are active permits ... permit.

**Chairman Joslin:** So there's one permit for all six of these – five – five Citations?

**Elle Hunt:** So we can consider it properly permitted as of today?

**Joseph Nourse:** Yes, ma'am.

**Kyle Lantz:** And was there a double permit fee assessed to that for after-the-fact, or no?

**Everildo Ybaceta:** No, because it was a different contractor. There weren't double fees because the permit was issued to a different contractor.

**Kyle Lantz:** But it was still after the fact, or no?

**Everildo Ybaceta:** Yes, sir, but we can't penalize the new contractor coming in.

**Kyle Lantz:** Okay. So that clause is specifically against the contractor and not against a job site.

**Everildo Ybaceta:** Right.

**Chairman Joslin** questioned John Oglesby:

*Q.* I have a couple of questions regarding the job.

*A.* Yes, sir.

*Q.* I see that there's a lot of work that I assume that you did yourself before the new contractor was involved?

*A.* Yes, sir.

*Q.* As far as the other contractor goes, has he accepted the work that you had already begun?

*A.* Yes, sir. He looked at it and we, actually, overdid the work. Just to show you for instance, the work that I had done there – it looks just like and is just as perfect as ... the docks and decks on both sides were destroyed by the storm. He came down and he and I looked – after the Hurricane – and he said he could not believe that the structures had stayed perfectly, so yes, sir, he has definitely approved them.

*Q.* So, this work was done, or the majority of the work was done before the storm hit?

*A.* Yes.

*Q.* And now that the storm has passed, your work is still in place -- is what you're saying?

*A.* Yes, sir.

**Kyle Lantz** questioned Officer Nourse:

*Q.* There's a mention in here ["Code Cade Details"] that, "I informed Mr. Oglesby that he should know this because he has been issued Citations for Unlicensed General Contracting and commencing work without permits in the past." But we weren't provided any – at least I couldn't find any information on that. Can you enlighten me a little bit on his past experience?

*A.* He had been issued a Citation in the past for pretty much the same thing – Unlicensed General Contracting and commencing work without a permit, I believe, on Chokoloskee. I did have a copy of the Citation, but I no longer seem to have it. My file package got passed around because this has been going on for quite a bit. There were a lot of hands involved because this was originally \$20,000 in fines. And due to no oversight on my own, I went by the information I had available but there is some obscure note that was buried somewhere on a set of blue prints that we all should have been aware of – that this was all one parcel and not five individual parcels. A lot of people have been involved in this – trying to correct that – but it's not a mistake on my part – I had to go to with the information that was available and that [information] was not available.

*Q.* No, I'm just curious. I'm not saying you made a mistake – I'm just curious as to – (directing his comment to Mr. Oglesby) – maybe you can explain?

**John Oglesby** responded: I can explain, yes, sir. What that was – is – it was doing pavers on a lot in there and there's a company that does pavers called "Accurate

Pavers.” So, they were actually who was doing the work – I actually got them to do the work for the homeowner because I’d been in there working all these years. So obviously I was doing wrong but it didn’t kind of feel like it because I had a licensed contractor who was doing the paver job.

**Q.** How long ago was this?

**A.** Ten or twelve years ago – something like that.

**Q.** So, it was a long time ago and not in the recent past?

**Joseph Nourse:** Yes, sir, many years ago. The fine was \$300.

**John Oglesby:** I think – come to fine out – that you don’t really have to have a permit if you’re pavers or cement that abutting a County street or something like that. I guess it was really a misunderstanding, you know, with the whole thing back then. Yes, sir, that did happen and that’s the truth – that’s just what is was about.

**Kyle Lantz** continued:

**Q:** So one of the issues, personally, that I have is you are not a licensed contractor in Collier County. You do have a registered license for Everglades City. In my opinion, you clearly don’t understand the law and how it applies. One of the things that we all push for – people tend to not come in here because they don’t build a structure correctly. That’s not why they come in here. I mean, you built a dock and the dock is still standing – you did a good job. Most people know how to build. What they don’t know are the laws and nuances – the stupid crap that every builder in the world says, ‘that’s ridiculous administrative stuff.’ Well, that administrative stuff is what gets everybody in trouble.

**A.** Yes, sir.

**Q.** You can attest to that – it got you in trouble ten years ago and it got you in trouble two months ago ... and you’re still trying to dig your way out of it. That’s why we want you to take the test. Because taking the test gives us something to show that you might know the laws.

**A.** Yes, sir.

**Q.** And saying, ‘I didn’t know that I needed a permit,’ is – to me – not a valid excuse for not having one. And because you’re already a licensed Registered Contractor – damn it – you should know that you need a permit. You should not be able to say, ‘Oh, gee, I’m so stupid – I got a permit from the Association and they said it was okay.’ You can’t use that defense – that’s ridiculous. I can’t see, ‘Gee, I just authorized someone – I bought a vacant lot and just authorized someone to build a house on it, and because I say it was OK, the contractor should be able to build it.’ I mean, you must take some personal responsibility – you can’t plead ignorance.

**A.** I do.

**Q.** To say, ‘I didn’t know,’ – that’s ridiculous ... especially when you’re already licensed. And you’d better know ... if you have a license in Everglades City ... would you do that in Everglades City without a permit? Probably not.

**A.** Yea, right – we get them there, too – yeah.

**Q.** To use that arguments is a cop-out and, in my opinion, that’s a cop-out – you should know better. There’s no getting around that.

**A.** Right.

**Chairman Joslin:** Everglades City and Chokoloskee are still under the Collier County Ordinance – right? I mean supervision as far as getting permits and all that?

**Everildo Ybaceta:** Chokoloskee is.

**Chairman Joslin:** The permit still would have come through Collier County – not Chokoloskee or Everglades City or whatever. Each one must have a main permit from Collier County.

**Everildo Ybaceta:** Yes, sir.

**Chairman Joslin:** Okay. In essence, we're talking about five Citations – correct? Each for \$2,000 in fines?

**Everildo Ybaceta:** Yes, sir.

**Chairman Joslin:** Six?

**Kyle Lantz:** Well, five for one thing and ...

**Chairman Joslin:** And one for the sixth thing ... okay.

**Terry Jerulle:** So six Citations at \$2,000 a piece – we're talking \$12,000? Total fines of \$12,000? Six Citations at \$2,000 each – correct? We're saying \$12,000.

**Chairman Joslin:** Yes.

**Terry Jerulle:** And he's contesting each one individually or as a whole or ...?

**Joseph Nourse:** Sir, before we do that – each of you has an evidence package. I'd like to submit the evidence package.

**Terry Jerulle:** That would be a good idea.

**Chairman Joslin:** Do we need a motion?

*Terry Jerulle moved to approve submitting the packet as evidence.*

*Elle Hunt offered a Second in support of the motion.*

**Kyle Lantz:** Have we ever done that when it's not a case?

**Chairman Joslin:** There's kind of more to it than just the Citations – there more's to it – involved than just the paperwork – I think it would be a good idea to submit it all. There's a motion and a second ... any discussion?

**Attorney Schenck:** For clarification, is there additional information that you have that was not included in our packet?

**Joseph Nourse:** Just the past Citation – which seems to have disappeared from my packet.

**Attorney Schenck:** But you don't have it so you're not submitting it?

**Joseph Nourse:** No.

**Attorney Schenck:** There's no additional evidence that needs to be entered at this time.

**Chairman Joslin:** Okay, I have a motion and a second and we'll label this as Exhibit "A" – just for the sake of giving it a name and put it into evidence.

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

**Chairman Joslin:** On one of these pages there was a Stop Work Order – is that correct?

**Joseph Nourse:** There are a total of five, one on each site.

**Chairman Joslin** asked if the Stop Work Orders was issued before or after the Citations were issued – trying to establish a time line.

**Joseph Nourse** confirmed the Stop Work Orders were posted on the same day that the Citations were issued.

**Chairman Joslin:** So he was notified that he shouldn't work on this job anymore?

**Joseph Nourse:** Yes, sir.

**Chairman Joslin:** Okay.

**Kyle Lantz:** Personally, I think there are two separate issues. One is working without a permit. In my opinion, it is a \$2,000 fine and will continue to be a \$2,000 fine because he clearly did that. The other issue is contracting without a license. I feel that it is not five separate Citations – if he needed only one permit, there should be only one Citation. I still feel the Citation should be upheld – but only one should be. In my opinion, he should be fined \$2,000 for working without a permit and \$2,000 for contracting without a license.

**Elle Hunt:** Does the County have a different opinion on that?

**Everildo Ybaceta:** No, ma'am.

**Joseph Nourse:** No, ma'am. If I had had the information at the time of how the properties were labeled with the parcel numbers, that's how it would have been done.

**Elle Hunt:** Okay.

**Chairman Joslin** asked Staff for clarification of the number of Citations the Board should consider, i.e., six Citations issued by the County with \$12,000 in fines or Mr. Lantz's suggestion of only two Citations and total fines of \$4,000.

**Assistant County Attorney Noell:** We could do – whatever is the Board's pleasure. First, may I ask a question of Mr. Oglesby.

**Q.** Sir, are you in agreement that you are guilty of two of the Citations?

**A.** Yes, sir.

**Q.** And you agree that if the County withdrew four of those Citations that you would accept guilt and make payments of \$2,000 for each of the remaining two Citations? Is that right?

**A.** Yes, sir.

**Assistant County Attorney Noell:** Whatever the Board's pleasure is – I think probably the best way to do that is for the Board to dismiss four of the Citations. If that is the Board's decision, and vote on that, then accept the two – or the County could withdraw four of the Citations.

**Elle Hunt:** Why wouldn't the County just withdraw the four? It should come to the Board as the County prefers us to opine on it.

**Assistant County Attorney Noell:** Absolutely. One of the things that we discussed in this process – just for the Board's understanding – one of the things that we are working through is the checks and balances that are in place. Once a Citation is issued, and that ball starts rolling, so to speak, the 'check' in place is to make sure the right decision is made on whether something should be withdrawn or not. I'm working closing with the Contractors' Licensing Office Supervisor on issues like this to bring to the County

Attorney's Office for legal review on the sufficiency of withdrawing the Citations – so we just have the checks and balances in place for the future.

**Terry Jerulle:** So as of today, what is the County's recommendation?

**Everildo Ybaceta:** I would recommend the two Citations, one for unlicensed contracting and one for working without a permit.

**Chairman Joslin:** I would like some input from the Board's Attorney. In the Ordinance, I believe it says that we can keep the fines in place or we can add to it. But can we reduce a fine once it comes before us?

**Attorney Schenck:** You can, Mr. Chairman. It is within the discretion of the Board weigh the testimony and the evidence presented by the Respondent and by the County's Staff. In your deliberations, it is within the Board's discretion.

**Chairman Joslin:** Okay. So, we can accept the fact that Staff wants to withdraw four of the Citations and we can uphold only the two remaining? Correct? Okay.

**Chairman Joslin** asked for comments from the Board's members.

**Terry Jerulle:** Mr. Oglesby, if someone were to make a motion deleting four of the fines, so to speak, and keeping two – and adding that you take a test ...

**John Oglesby:** I was in the process of doing the County thing – I got all the paperwork to do that and then the storm hit and it's kind of prolonged it. But I'm going to do that to get the County license or try my best ...

**Terry Jerulle:** But I'm thinking of making it contingent upon reducing the other fines.

**John Oglesby:** That I will do that?

**Terry Jerulle:** Yes.

**John Oglesby:** Oh, yes, yes.

**Terry Jerulle:** That you will do that, and you will pass it. Not just take and fail it and be done with it. You're going to pursue it until at which point, you will pass.

**John Oglesby:** Yes, sir. I'm going to pass it in some way. Yes, I'll keep 'till I pass it, yes, sir.

**Terry Jerulle:** And on the coattails of Mr. Lantz – you're out there bidding on work on that dock, correct --without a license and without a permit? If somebody else were to give a proposal to do that dock, they would include those items. And they would not be competitive with you.

**John Oglesby:** I agree, yeah.

**Terry Jerulle:** If you don't like the idea of a license and permit, change it. But you should play by the rules that everybody else plays by.

**John Oglesby:** Right. Yes, sir.

**Chairman Joslin:** Is the test that we're talking about the General Contractor's test?

**Everildo Ybaceta:** You applied for a Residential Building Contractor's License, yes.

**Kyle Lantz:** He can't get reciprocity from the County?

**Everildo Ybaceta:** No, not from Everglades City.

**Kyle Lantz:** It's just not an option in general or ...?

**Everildo Ybaceta:** Because he has not taken any tests, there is no reciprocity.

**Chairman Joslin:** Right – I can understand that. Back then, he was grandfathered in rather than having to take a test. He didn't go through the procedures that we go through today. So now it's time to take the test and be done with it.

**Elle Hunt:** The requirements are different.

**Chairman Joslin:** And you understand this something that you will do?

**John Oglesby:** Yes, sir.

**Chairman Joslin:** Because we're going to put it into the motion, if there is a motion, that this is something you will have to do. Otherwise, the fines are going to come back to haunt you – you will have to pay the rest of the fines. Okay. Is this something that Staff agrees to?

**Assistant County Attorney Noell:** I don't believe under our Ordinance – I believe the power that the Board has under our Ordinance is either to uphold the Citations or to dismiss the Citations. If you uphold the Citations, then it's a \$2,000 fine for each Citation. If the Board finds that only two Citations should have been issued, they can then dismiss the four as being legally insufficient or that you agree with the challenger to the Citations. The Ordinance doesn't allow a provision for an abatement on a second or more offense. On the first offense, it does – where you can apply for a license and the fine is reduced from \$1,000 to \$300. But on a second offense, the Ordinance doesn't provide for it. But I would, of course, defer to your attorney as far as legal advice and things of that nature.

**Chairman Joslin:** Okay. So, I guess we can uphold both Citations and we can dismiss four, but can we add into that – as a penalty for the two – that he does take and pass the Residential Building Contractor's licensing test?

**Elle Hunt:** I think that the one where he was contracting without a license – requiring him to take and pass the Residential Building Contractor's License test here and dropping the fine from \$2,000 to \$300 ....

**Chairman Joslin:** No, no – we can't drop it because it's already a second offense ...

**Elle Hunt:** Okay ...

**Attorney Schenck:** Hopefully, I won't confuse the Board because we're getting into the area of abatement. If the County decides to withdraw four – let's propose – the County can do that now and the Board can recognize that the four have been withdrawn.

**Elle Hunt:** Or we can dismiss them.

**Attorney Schenck** explained the Board could dismiss four Citation and then deal with the two remaining violations. The next issue would be to assess the penalties. Under the Ordinance, the Board could reduce a fine but only for a first offense. Since the Citations before the Board were second offenses, their discretion was narrowed. By adding a condition that the Respondent was required to take and pass an exam – it was akin to the abatement process, but the Board could still assess fines.

**Chairman Joslin** suggested the Board should first dismiss the four Citations and then handle the remaining two individually, deciding on each separately.

**Kyle Lantz** expressed concern over dismissing the Citations before decisions were made concerning the two remaining Citations..

**Elle Hunt** noted four were duplicate Citations – for Unlicensed Contracting. They could be dismissed but one would remain, together with the Citation for working without a Permit. She suggested the Board should complete its acquisition of

testimony and data before discussing how to proceed and then making the motions.

**Attorney Schenck** suggested another option: to rule on the two Citations that the Board found to be in violation and then dismiss the others or the County could withdraw them.

**Elle Hunt** suggested two motions would be appropriate.

**Kyle Lantz** agreed with the suggestions.

**Elle Hunt** asked John Oglesby if he had any additional testimony to share with the Board.

**John Oglesby:** What I would like to ask – as it stands right now, my life is kind of in turmoil because my house got destroyed and I don't have a place to live – I'm living in a borrowed 24-foot travel trailer. My intentions are – I do want to try to keep working in this field that I'm working in because that's what I've done for most of my life. But – and I do appreciate any consideration that you Board members can do for me – but if it's – just say, for instance, that a year from now or two months from now or whatever, we're not even sure if we're going to live down here – if I'm going to stay doing this or if I'm going to go work for somebody else. I guess in my mind – my intentions – right now, I do want to foresee what I'm doing with Mr. Evvy – is to try to get the County's license – to do that and in the midst of that, if I can't pass the test or if I just decide that I don't want to do carpenter work no more – that I want to go work for somebody else, or move to somewhere else and we do the agreement – for whatever we come out to agree on here – I wouldn't want something to happen if I – if it said in there that I had to pass this test and I didn't, then all of these fines would come back on me and the, you know, I'd be stuck with all of these fines again. And maybe I'm understanding it wrong to what you were saying but I just wanted to ask you guys that.

**Chairman Joslin:** I think what you must understand is that right now, you are getting a favor – to a degree anyway – because of the four that the Board is willing to dismiss or, at this moment, may dismiss. For us to put a stipulation on you for something that you have done wrong – not only once, but twice – even though it was a long time ago, the same thing happened. It doesn't tell us that you were really trying to do things correctly. There is a penalty involved. Now, I know the hurricane has had some impact on your livelihood – there's no doubt – but this happened before the hurricane unfortunately. And we have people out there who have found this problem to have happened, so I'm not sure what you're asking for other than sympathy as far as what we're going to do. I think the right thing to do is to try to get you to come into compliance with the license that will allow you to do the work that you want to do, and you said you've done all your life. Now I'm not saying you can or can't pass the test but it's something that I think you should probably try to do.

**John Oglesby:** Yeah, right – I'm definitely going to try but ...

**Elle Hunt:** You can also see it this way ... if we chose not to go down this path and instead just enforce the two, you would have a fine of \$4,000.

**John Oglesby:** Yes, ma'am.

**Elle Hunt:** By the Board offering a way to abate one of those and lower the fine is only a benefit. If you choose not to utilize that, you would still owe the \$4,000. But you would have an opportunity to come into compliance to the Board's position and become a functioning member of Collier County's contractors. If you look at it that way, it's not

a penalty for you to not take the test, it's a benefit that we would be offering to bring you into compliance and help you to move forward here.

**John Oglesby:** Okay. Yeah, and I understand that – maybe I understood it wrong earlier ... I guess ... I know I would have to the \$4,000 fine. I guess ...

**Elle Hunt:** You agreed to it with the County.

**John Oglesby:** Yes, ma'am. I guess what I was meaning is if I decided I didn't want to do this occupation anymore would the fines that y'all dismissed come back ...

**Chairman Joslin:** Oh, no.

**John Oglesby:** ... okay ... that's what ...

**Chairman Joslin:** When I mentioned that, it was before the County said it was willing to dismiss four of the violations. In which case, if they had not, then yes – that could come back to haunt you. But under the circumstances, if we dismiss the four – then you are responsible for the two.

**John Oglesby:** Okay, I understand. Yes, sir.

**Chairman Joslin:** Now if you pay those two and then take the test and don't pass it, there's nothing that will come back to hurt you. Whatever you decide to do, the fines have got to be paid.

**John Oglesby:** Yes, sir, I understand.

**Chairman Joslin:** If the fines aren't paid – that may come back to haunt you.

**John Oglesby:** Yes, sir, I understand.

**Elle Hunt:** Does the County have anything else to share with the Board?

**Everildo Ybaceta:** No, ma'am.

*Kyle Lantz moved to approve upholding Citation #14827, "Commencing Work without a Permit," and Citation #14830, "Unlicensed General Contracting." He also moved to approve dismissing Citations #14822, #14824, #14826, and #14828. The total fines will be Four Thousand Dollars (\$4,000.00). Matthew Nolton offered a Second in support of the Motion.*

Discussion:

- **Chairman Joslin** asked if the motion should include language about taking and passing the test.
- **Kyle Lantz** noted the Board did not have the power to do that.

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

**Chairman Joslin** again explained to Mr. Oglesby that the total amount of the fines was \$4,000 and whether he decided to take the test or not was his choice.

**C. Marius Sacacian, d/b/a "Old Naples Tile and Granite" – Review of Application**

**Chairman Joslin** noted Mr. Sacacian was before the Board for a review of his application for a Tile & Marble Contractor's License.

**Elle Hunt** explained to Mr. Sacacian that his previous application had been incomplete because he had not answered Items 2 and 3 on that application. She stated he was

required to submit a complete application to obtain a license. There are a variety of questions. On Page 2, Items #2 and #3 were blank on his last application. She further stated Mr. Sacacian was instructed to return to the Board with a complete application. The purpose of the hearing was for the Board to review the new application.

**Mr. Sacacian** did not seem to understand the purpose of the hearing. He appeared to be agitated and wanted to know why she would asked him before why the Board should give him a license.

**Elle Hunt and Chairman Joslin** stated they did not understand Mr. Sacacian's comment.

**Mr. Sacacian** stated he appeared last month for the first time for a review of his credit. He stated Elle Hunt had asked him then why the Board should give a license to him when she didn't know him. He thought she had no reason to ask such a question especially "in front of these people" (indicating the other applicants in attendance).

**Elle Hunt** stated the transcript of the previous meeting was available to the Board. "We can affirm the fact that you were told to come back because the application for a license was incomplete – regardless of whether or not we knew you at that time, you were told that you had an incomplete license application."

**Mr. Sacacian:** Maybe.

**Terry Jerulle:** It's not "maybe" – she is right. She also has the right to ask you why we should give you a license. And you have the right to respond. It's a simple question.

**Mr. Sacacian:** Let me tell you why I should have a license?

**Terry Jerulle:** I don't think she asked that this time.

**Chairman Joslin:** What license are you applying for?

**Marius Sacacian:** Tile and marble.

**Kyle Lantz:** We had a case here about a year ago with Olde Naples Tile & Marble where we had a customer who was sold a flooring job. The flooring job was not to his specifications or another independent party's specifications. The person who sold the job – he was under the impression he was an employee of Olde Naples Tile & Marble which is the company that you said you worked for. It was also you, personally, who sold him the job and

**Marius Sacacian:** I'm sorry ... please say again ... I person ...

**Kyle Lantz:** You sold the job to him. He hired you to do the work – according to the customer, he hired you to do the work.

**Marius Sacacian:** Thank you.

**Kyle Lantz:** According to your wife, he hired you to do the work.

**Marius Sacacian:** No ... (Pointing and shaking his finger at the Board)

**Elle Hunt:** Yes.

**Kyle Lantz:** Well, that's what we have on testimony. So, hopefully, you can clarify some of this. I just wanted to tell you what is in my head – you can tell me if I'm wrong, completely wrong – lost ... so what is in my head and what has been documented here was --- the case came to us ...

**Marius Sacacian:** First, she asks me why I should have the license or no?

**Kyle Lantz:** ... can I finish talking?

**Assistant County Attorney Noell:** Sir, you need to let the Board members finish speaking. Sir, – if they have a question, it is your choice if you’re going to respond to it or not. But your position is not to question the Board. Mr. Lantz is addressing you and he is asking you a question about your application.

**Marius Sacacian:** I think I just came to get my license.

**Kyle Lantz:** The particular case we had – we were told by the homeowner that he contracted with you as Olde Naples Tile & Marble to do a job. The job was not to his specifications and he brought in an independent party who said it was not to local specifications or accepted standards. And he had been talking to you about getting the job fixed. You – as a representative of Olde Naples Tile & Marble. Olde Naples Tile & Marble came to us and said that he did not contract with Olde Naples Tile & Marble – he contracted with you personally. His checks were written to you personally, signed on the back with your signature as you. So, Naples Tile & Marble – their defense was that he didn’t hire them – even though you worked for them – he hired Marius Sacacian direct. You never got repercussions from that to my knowledge ... I might be wrong ... but I’m wondering if you can enlighten me on – if my information is incorrect – people swore to us, under oath, that: (a) they contracted with you, and (b) you had nothing to do with Naples Tile & Marble. I want to know if I’m correct or incorrect. Before we start our discussion, I want to make sure that we all have the same basic facts and we have something we agree upon. We all feel one thing and I’m gathering from your body language that you don’t agree with what we feel. So, I want to know if you can explain the events that occurred with that case.

**Marius Sacacian:** Yes, sir. First, I will tell you I believe you are incorrect. You are saying somebody – a customer says Olde Naples Tile & Marble did a job ... right? And you suspend -- guys suspend the license for Olde Naples Tile & Marble with absolutely no reason. Tile & Marble is my wife’s company. And by the way, the license was suspended two months ago before she come here. For Michael Ossorio ... I see the movie ... the video ... he said you should never pay the fee ... the fines ... to renew the license because her license was suspended two months before for no reason even she paid the fee. And then – she thought it was a glitch in the computer. I think it was maybe corruption in the government.

**Chairman Joslin:** Excuse me?

**Marius Sacacian:** I believe it was corruption in the government.

**Kyle Lantz:** She was noticed to come because we suspended the license.

**Marius Sacacian:** I am proving to him what happened with the people in the government.

**Chairman Joslin:** Mr. Sacacian, we go by the testimony and evidence that is brought before us.

**Marius Sacacian:** You – yes ...

**Chairman Joslin:** Your wife was here and gave testimony during the whole instance that we were going through. We listened to her very closely. This is the reason why the license was suspended. Because it was before you – when you were contracting the job, you weren’t the license holder – you weren’t Olde Naples Tile & Marble ... you just worked for the company.

**Marius Sacacian:** I never work from the time whenever somebody complained about me or her – I never worked for Olde Naples Tile & Marble. She showed to you I was not on the payroll. She showed to you I sold the shares before – long time before –

**Elle Hunt:** She did claim that you were on the payroll as an employee.

**Marius Sacacian:** No, she never ...

**Elle Hunt:** We have this on sworn testimony and she submitted an IRS form showing both you and your daughter as employees of that company.

**Marius Sacacian:** Right on the daughter ... you misunderstand.

**Elle Hunt:** No, we are not misunderstanding.

**Marius Sacacian:** She got the paper from payroll at that time. I mean, she can prove now again.

**Elle Hunt:** I am telling you what she swore to on testimony back in April – April 20, 2016 – that both you and your daughter were employees of the company. So, what you're telling us today is that was factually wrong.

**Marius Sacacian:** Absolute.

**Elle Hunt:** You are claiming that you were not an employee of a licensed contracting company as of that Citation?

**Marius Sacacian:** Olde Naples Tile & Marble – you are talking about?

**Elle Hunt:** Yes.

**Marius Sacacian:** Yes, I was employed for somebody else.

**Elle Hunt:** So, by saying that, are we to assume that you were doing work as an unlicensed contractor?

**Marius Sacacian:** No I never ... (unintelligible ...)

**Elle Hunt:** I'm not talking about for her or for anybody else. I'm asking you a very specific question ....

**Marius Sacacian:** You're the lawyer ... can I ask a question for the customer?

**Elle Hunt:** No, he's not up here and we're not asking ...

**Marius Sacacian:** He says I put tile in his house ... I never ...

(Other comments overlapping from Board members)

**Chairman Joslin:** Whoa ... one at a time – let's knock it down to one at a time.

**Elle Hunt:** You are claiming that you've never done any unlicensed contracting work?

**Marius Sacacian:** You are correct, yes, ma'am.

**Kyle Lantz:** Did you sell the job or did you ...

**Marius Sacacian:** I did not sell the job ...

**Kyle Lantz:** So, did he write a check to you?

**Marius Sacacian:** Correct.

**Kyle Lantz:** For what?

**Marius Sacacian:** For 20 by 20 tile. Can you ask him what tile he has in his house?

**Kyle Lantz:** I'm confused. He wrote a check --- you supplied the tile?

**Marius Sacacian:** Correct. So, I need to buy the tile – 20 by 20 – she got the invoice.

**Kyle Lantz:** Okay. So, the checks that he wrote were for supplying tile – had nothing to do with the installation.

**Marius Sacacian:** Nothing to do with installation.

**Kyle Lantz:** So you personally sold him the tile?

**Marius Sacacian:** Yes.

**Kyle Lantz:** As a business?

**Marius Sacacian:** I work for her sister before and she like me. She said can you help us, and I say no problem.

**Terry Jerulle:** Whose sister?

**Marius Sacacian:** The sister of ... his sister ... (gesturing to the audience)

**Terry Jerulle:** His sister.

**Marius Sacacian:** That's why she asked me ... I said I don't do installation, but I recommend people and I can bring the people who did the installation for him.

**Kyle Lantz:** So he paid the installers directly.

**Marius Sacacian:** I hope so. I don't ask them.

**Terry Jerulle:** What company did you sell the tile under?

**Marius Sacacian:** Me – my name. I had the leftover tile, so I sold to him.

**Terry Jerulle:** So, no company?

**Marius Sacacian:** No company, sir, no.

**Chairman Joslin:** I'm going to read something to you and I want you to tell me if it's the truth or not because this came from the minutes on the day this case came before us.

This was the *Case in Chief* when the County brought this case before us. It was brought in by **Karen Clements, Licensing Compliance Officer**, and **Tom Arico who was the witness** on behalf of the County. She asked him questions.

[The following is an excerpt from Page 6 of the Minutes of the April 20, 2016 Contractors' Licensing Board meeting.]

*“ Q. When you called Olde Naples Tile & Marble, did Mario Sacacian come out to your home?*

*A. Yes, I met him at a neighbor's house and he came out an hour or so later.*

*Q. And did he give you a business card?*

*A. That is correct, and he was wearing an Olde Naples Tile & Marble tee-shirt.*

*Q. Is Exhibit E-18 the contract with Olde Naples Tile & Marble which was originally for 18 x 18 tile but then was changed -- correct?*

*A. Yes. ”*

**Chairman Joslin:** These statements that we printed out – verbatim and under oath – tells us that you were at that job. You contracted the job and you were speaking to the homeowner. I don't know what you're thinking about saying you never worked for Olde Naples tile. Why did you wear their tee-shirt?

**Marius Sacacian:** I no wear a tee-shirt?

**Chairman Joslin:** That's what it says, and they have a picture of you.

**Marius Sacacian:** You asked me if they got my business card – right – that's what it says? I never give my business card.

**Chairman Joslin:** You were wearing an Olde Naples Tile & Marble tee-shirt.

**Marius Sacacian:** You have the business card – right. I want to inspect the business card.

**Chairman Joslin:** I have no idea about a business card.

**Elle Hunt:** It does say there as a business card. So, you're saying that somehow the consumer stole a business card from someone?

**Marius Sacacian:** No.

**Elle Hunt:** How did he acquire it?

**Marius Sacacian:** The government take it.

**Elle Hunt:** The government ...?

**Marius Sacacian:** Yes ... the business card and apply to the whatever invoice or ... yes, ma'am.

**Elle Hunt:** How did the government get your business card?

**Marius Sacacian:** Very simple. You can go to where I work and get it from the company or whatever.

**Elle Hunt:** So you have a business card for a company that you don't work for?

**Marius Sacacian:** I don't have a business card.

**Elle Hunt:** So you're telling me that the government printed up ...

**Marius Sacacian:** No, they don't print ... they get a business card and it say Naples Tile & Marble and maybe they see my name over there and they put it in the file or whatever was ...

**Kyle Lantz:** Then maybe there's a business card at Olde Naples Tile & Marble with you name on it?

**Marius Sacacian:** Well, yes but that was before ... that was before. I worked for several years ago, yes, sir, yes. I do have the business card from a long time ago.

**Elle Hunt:** You worked at Olde Naples Tile & Marble through 2016. During this period, there is the affidavit from your wife ...

**Marius Sacacian:** I was not working. I can prove to you that I was not working and ...

**Elle Hunt:** Your wife just signed a notarized copy here in your application before us today.

**Marius Sacacian:** I can bring it to you to show it to you – I never was working at the time and I was \_\_\_\_\_ my company.

**Elle Hunt:** Your wife is saying otherwise and she's calling you a managing agent. This is your current application that you have ...

**Kyle Lantz:** Are you saying that your application today is false?

**Elle Hunt:** Yeah – this is your application.

**Marius Sacacian:** What is this application?

**Elle Hunt:** (Showing the document to him) Your application has a notarized copy from your wife saying that you not only worked for her but that you were a "managing agent" of Olde Naples Tile & Marble through 2016.

**Marius Sacacian:** Correct but I not at the time that I do ....

**Elle Hunt:** It says 2016. As far as we know, that's December 31, 2016. That is exactly the time frame that we are talking about – this is April of 2016.

**Marius Sacacian:** I have the paper and to show it to you ... when the man believe I did the job ... I never did the job. And by the way, ask him when I .... ask him, there are five people here. (Turning away from the podium) Did you see me to put in tile in your home?

**Terry Jerulle:** Sir, we're talking about the application that you submitted. You are asking us to approve your license based upon the application that you submitted.

**Marius Sacacian:** Yes, sir.

**Terry Jerulle:** You just provided testimony that you were not working for Olde Naples Tile & Marble in 2016. The application that you gave us states otherwise.

**Marius Sacacian:** I will bring it to you – to prove to you.

**Terry Jerulle:** But do you understand what I just ...

**Marius Sacacian:** I understand ...

**Terry Jerulle:** Do you understand what I just said because I don't think you do. I'm trying to help you here.

**Marius Sacacian:** (Mumbled response)

**Terry Jerulle:** You just said you didn't work for Olde Naples Tile & Marble in 2016 – correct?

**Marius Sacacian:** I don't say ... I worked but not at the time ... I don't exactly what kind of months. I will prove to you that whatever happened with them, I was not on payroll and I was not in the company. So please believe me – I bring you the paper.

**Terry Jerulle:** But you just brought us this paper. You just submitted on your application, a paper signed by your wife and notarized that you worked for the company then.

**Elle Hunt:** As a managing agent – not even as an employee.

**Kyle Lantz:** I don't think we need to go on and discuss it.

**Chairman Joslin:** The application is not correct.

**Kyle Lantz:** I mean, we can agree to disagree.

**Assistant County Attorney Noell:** If I may, I have a few questions whenever appropriate on behalf of the County.

**Mr. Noell** questioned Marius Sacacian:

**Q.** Sir, my name is Kevin Noell and I am an Assistant County Attorney. Do you recognize the gentleman sitting in the back with the glasses on his forehead? Is that right?

**A.** Yes, sir.

**Q.** You recognize him to be Mr. Arico?

**A.** (Asked Mr. Noell to repeat – difficulty hearing the question)

**Q.** Do you recognize him to be Mr. Arico?

**A.** Sorico?

**Q.** Mr. Arico?

**A.** The supervisor?

**Q.** Let me ask it this way. How do you recognize that gentleman?

**A.** I sold him some tile.

**Q.** You sold him the tile?

**A.** Yes, sir.

**Q.** Did you or anyone on your behalf perform tile installation work at his residence?

**A.** No, sir. Absolutely, no.

**Q.** Did he write you a check made out to "Mario?"

**A.** Yes, sir.

**Q.** What did he write you a check for?

**A.** If you read it there – you can read it for yourself – 20 by 20 tile. I have the invoice.

- Q.* Did you or anyone working under your direction not complete the installation of the tile?
- A.* Nobody worked on my direction. I know the people, but they did not work on my direction. I got a name here. And they know – he’s a friend of him and they ask him to go and \_\_\_\_ with the family.
- Q.* They check that he wrote was for final payment of the tile that you dropped off?
- A.* Yeah, I think so ... from what I remember.
- Q.* Later, though, a Claim of Lien was filed against his property.
- A.* Correct – that’s correct.
- Q.* What was that for?
- A.* Because the City – they asked me to fix the tile and I fixed the tile. And I go there, okay, and I know Mr. ... what’s his name ... the man before
- Q.* Mr. Ossorio?
- A.* Yeah – Ossorio – he asked me to fix the tile and I did fix the tile. But he never pays me. He never pays me.
- Q.* Do you know why he asked you? Why did Mr. Ossorio call you out of the blue and asked you to fix the tile?
- A.* I was playing tennis before one night with him right before the day.
- Q.* I’m sorry?
- A.* I was playing tennis with him before and he was talking to me.
- Q.* Okay. And at that point ...
- A.* Do a favor for him.
- Q.* Do a favor. So, your testimony is – and at that point, you weren’t licensed to do tile work personally ... is that right?
- A.* Yes, sir, I was not licensed to do that, absolutely, no.
- Q.* So, your testimony under oath here today is that the Contractors’ Licensing Office Supervisor ask you ...
- A.* Correct.
- Q.* ... to personally as an unlicensed individual to go and do work at this gentleman’s house. Is that right?
- A.* Yes, sir.
- Q.* Who filed the Claim of Lien against Mr. Arico’s house?
- A.* I don’t know exactly ... maybe the company ... I don’t remember exactly?
- Q.* What is “the company”?
- A.* Olde Naples Tile & Marble.
- Q.* And, sir, you were a managing partner of that company – correct?
- A.* Not at that time. No correct, no correct.
- Q.* Under “Sunbiz,” do you understand what that is?
- A.* (*Mr. Sacacian indicated he did not understand.*)
- Q.* Under the corporation’s documents, you were still a managing member in 2016, correct?
- A.* Back in 2016, there were 12 months, I was right before – I was out of the business by then.
- Q.* Okay. Have you filed for bankruptcy – personally?
- A.* I did file, yes, sir.
- Q.* And what year was that?

- A. I'm sorry, guys, I got a tumor on my brain – I don't remember everything. I don't know. I don't remember, sir, I don't remember.
- Q. Did you tell either the homeowner or Mike Ossorio, the Contractor Licensing Supervisor at the time, that you were done doing any work on this job – you were going to file bankruptcy and go to Las Vegas?
- A. I like to go to Las Vegas, by the way. But I filed bankruptcy maybe two years before this happening – long time before. This had nothing to do with the bankruptcy.
- Q. Did you have a plan that you talked to Mr. Ossorio, the Contractors Licensing Supervisor at that time, did you have a plan with him to mitigate the damage that was done as far as the installation – the deficient work that was done?
- A. Listen – for me what I see does seem bad – not everything to be changed. And he says, 'if you want to change a couple of tiles,' and I say, 'okay, I can change a couple of tiles,' which I did it.
- Q. And when you went over to his residence – to this gentleman's residence ...
- A. Yes, sir.
- Q. ... and what type of work did you do again?
- A. Fixing the tiles.
- Q. How did you do that?
- A. Chip it out with a hammer.
- Q. Okay. Did you do any other work in fixing ... ?
- A. Not me.
- Q. Okay. And how much was he supposed to pay you for that tile work that you performed?
- A. I think it was \$500, I believe.
- Q. And you were doing that on behalf of yourself – is that right?
- A. All right ... because people asked me to help the people.
- Q. Okay. I don't have any other questions for this gentleman.

**Elle Hunt** questioned Marius Sacacian:

- Q. I'm a little unclear. You just said that you did some tile work ...
- A. Repair.
- Q. ... tile repair – on you own –
- A. Yes, ma'am.
- Q. ... outside of Olde Naples Tile & Marble ...
- A. Yes, ma'am ... 100% and I can prove ...
- Q. Were you a licensed contractor at that time?
- A. Say again.
- Q. Were you a licensed contractor at that ...
- A. No, ma'am, no. I was not.
- Q. You were doing unlicensed work?
- A. Absolute, no. You're right.

**Assistant County Attorney Noell:** Just for the Board's information, later during this proceeding, if the members wish to speak to the homeowner, he is present and can provide any testimony as to the character of the Applicant for your consideration.

**Elle Hunt** questioned Marius Sacacian:

*Q.* So, what was the lien put on for?

*A.* Because the customer didn't want to pay for fixing the tile.

*Q.* Okay. So, at what point did Olde Naples Tile & Marble continue the work?

*A.* Have no idea.

*Q.* When you stopped?

*A.* I don't work for Naples -- why don't you understand me -- I work for myself.

*Q.* I understand that. But considering that you have done some of the tile work in regard to this repair, are you ...

*A.* Not repair ... to fix it. I fix the tile and I was done. Let me make this something simple for you guys. You guys believe I'm guilty for something -- you've never seen me before in my life. Why not give me the license and I can help the guy? I help you.

*Q.* You've admitted to doing unlicensed tile ...

*A.* You give me the license and I fix it. If you give me the license, I can help the guy.

*Q.* You've admitted to doing unlicensed fixing of tile.

*A.* Yes, ma'am.

*Q.* But we should give you a license, even though you have been doing ...

*A.* What is it you say to the other guy? If you go back to study to get a license ... and this is what you tell to this guy here. You can do work with the license -- right? That's what you tell the guy. To back to get the license.

(**Chairman Joslin** attempted to question Mr. Sacacian but was interrupted.)

*A.* Excuse me. You got -- one, two, six people -- and it's very hard for me to answer because you guys think about -- you try to get me down, not to lift me up.

**Chairman Joslin:** No, we're just asking questions regarding what you are doing -- coming before us now.

**Chairman Joslin** questioned the Applicant:

*Q.* Did you have a conversation with Mr. Ossorio regarding going back and making a repair to Mr. Arico's tile when it happened? Didn't he ask you to go back, try to fix it, and make the gentleman happy at that time -- and you refused?

*A.* If I remember -- yeah -- he asked me if I can go fix for him.

*Q.* So as a licensed contractor -- if you were licensed at the time -- Mr. Ossorio was nice enough to ask you to go back and try to make the gentleman happy and you refused. In which case, then, the man ended up with a \$1,600 lien against his property. And Karin Sacacian testified that you were working there for her under her supervision as part of the company. You were part of the company. There are too many avenues here that don't set right with me. I don't think at this moment I am going to honor this packet because it is incomplete -- I think you are not telling the whole truth -- and I'm going to end this quick. I will ask one of my constituents to make a motion and we will bottom line this. I still think you need to come back before us with a completed package that is correct.

*A.* You asked me who did -- somebody else did the job

*Q.* We asked you all the questions we needed to ask you, I believe.

**Attorney Schenck** asked if the County or the Applicant had any witnesses to testify before the Board.

**Elle Hunt** stated the Board's only concern should be the application currently before them. She did not need to hear testimony from any witnesses.

**Assistant County Attorney Noell** noted the County had the right, procedurally, to present witnesses before the Board as part of its consideration of the application. He mentioned consideration of the Applicant's moral character should be part of the decision-making process. He called Tom Arico to testify on the issues of character and work performance.

**Assistant County Attorney Noell questioned the Witness, Tom Arico:**

*Q.* Did you hire that gentlemen (pointing to Marius Sacacian) and pay him to perform an initial tile installation at your house?

*A.* Yes.

*Q.* Was the work done in a defective manner?

*A.* Yes.

*Q.* What deficiencies did you observe with the work that he performed at your residence?

*A.* The tile was very uneven. I couldn't move my furniture – it was just a lousy job.

*Q.* Was the tile raised in areas?

*A.* Yes.

*Q.* Did you pay him for that work?

*A.* Yes.

*Q.* Did you write a check to "Mario" personally?

*A.* Yes.

*Q.* Did you then try to have him come back out to repair that work?

*A.* Yes.

*Q.* Did he come back and repair the work?

*A.* After I went to Michael Ossorio.

*Q.* When you were dealing with "Mario," was he wearing an Olde Naples Tile & Marble shirt?

*A.* Yes, he was.

*Q.* Is there anything else – any conversations that you had with him – trying to get him to come back to report the work?

*A.* Repeated phone calls.

*Q.* Did he respond to any of those phone calls?

*A.* To a lot of them, no.

*Q.* I don't have any other questions.

**Assistant County Attorney Noell** stated the Board members or the Applicant could also question Mr. Arico.

**Mr. Arico** asked to make a statement: "He said he sold me the tile – he didn't. I bought it from a different company for \$4,700. He did not sell any tile to me."

**Elle Hunt:** Did you write a separate check to that company?

**Tom Arico:** Yes or I put it on my credit card – I don't remember.

**Marius Sacacian** asked if Mr. Arico could show the Board the invoice that he "made for him" and "you paid me the money."

**Tom Arico:** Yes.

**Marius Sacacian:** Please, can you show them now?

*(Mr. Arico handed a document to Assistant County Attorney Noell who reviewed it and returned it to Mr. Arico.)*

**Marius Sacacian:** Can you read to me what it says there – or somebody?

**Tom Arico:** It says "850 yards at 10.25 equals \$1,900. Remove carpet (18 x 18)." I called him when I went to this tile place that his wife owns – we talked to him, and she talked to him. First, she told me that the company was owned by somebody in Miami. I didn't know that his wife owned part of it until later. We asked Mario if he could put this other tile in for the same price and Mario said, 'Yeah – no problem – don't worry about it.'

**Chairman Joslin:** What is the paper that you're holding, sir?

**Tom Arico:** This is the contract.

*(The document was displayed on the overhead projector.)*

**Chairman Joslin:** Is that something we should put into evidence?

**Marius Sacacian:** Can I ask him what size of the tile is in his house?

**Elle Hunt:** Do you have a question for the homeowner?

**Marius Sacacian:** No, I have a question for you guys.

**Chairman Joslin** explained to Mr. Sacacian that he should direct his questions to Mr. Arico who had just testified and not to the members of the Board.

**Marius Sacacian:** Do you have the same size of the tile in the house?

**Tom Arico:** No, because we called you and we verified that you would install the other tile – 12 x 16 or whatever it is – for the same price. The girl, Janelle who works for your wife, but said she works for someone in Miami, called you and talked to you.

**Marius Sacacian:** Did you ever see me install one piece of the tile in your house?

**Tom Arico:** Yes.

**Kyle Lantz:** You testified that you installed tile in his house.

**Marius Sacacian:** Do you remember Shalom? And Carlos Gomez?

**Tom Arico:** Yes.

**Marius Sacacian:** Did he work for you in the house? Install the tile for you?

**Tom Arico:** Both.

**Marius Sacacian:** They install the tile for him. Not me. I not install the tile – he tells you.

**Tom Arico:** No, you did, too.

**Marius Sacacian:** I never install one tile. They both people install the tile, but they don't work for ...

**Elle Hunt** explained to Mr. Sacacian that he should question Mr. Arico but not make statements.

**Terry Jerulle:** Do you have any further questions for the homeowner?

**Marius Sacacian:** No, I don't think so.

**Chairman Joslin** asked the members of the Board if they had any questions for either Tom Arico or Marius Sacacian. (There were none.)

*(Mr. Arico was excused.)*

***Kyle Lantz moved to approve denying the application of Marius Sacacian for a Tile & Marble Contractor's license. Elle Hunt offered a Second in support of the motion.***

**Attorney Schenck:** Before you begin discussion, I would like to read into the record the standard for the Board under Collier County's Ordinance, Chapter 489, for making a determination of lack of moral character.

The Board may deny, it has the discretion to deny, a Certificate of Competency to an Applicant based upon lack of moral character if there is a substantial connection between the lack of good moral character and the Applicant's professional responsibilities as a certified Contractor.

**Attorney Schenck:** If the Board makes that finding, it has to be supported by clear and convincing evidence. Examples of evidence that would support such a finding would be fraud, crimes of moral turpitude, willful violations of the County's building codes, false statements on applications. Those are the types of findings that you would make to support the lack of moral character.

**Assistant County Attorney Noell:** I would like to make sure that he [Marius Sacacian] did not have any additional testimony to provide to the Board. I don't know if he was asked that.

**Chairman Joslin:** Mr. Sacacian, do you have anything that you want to enter into evidence or anything that you want to say regarding this application?

**Marius Sacacian:** Yes, correct. I want to prove to you – I got a paper I was not working Olde Naples Tile & Marble at the time. I got payroll, I got time share which has nothing to do with Olde Naples Tile & Marble. I don't know I need. You try to put me down.

**Chairman Joslin:** You can before us to support your application to try to get a license.

**Marius Sacacian:** I passed the test – 84%. That's what you said – that's what I did. I don't come – if you tell me, I can bring you. Whatever you need to help you understand – it has nothing to do with me. The only thing what she said, I was working with no license to fix the tile. That is right.

**Chairman Joslin:** In that case then, we could open up one more avenue I suppose as a ... doing things correctly – would be to ask the Applicant to withdraw the application and bring back more evidence, if he has it – if that’s the case. Or we can act on the motion under discussion ... re-apply ...

**Kyle Lantz:** Personally, if he was involved with Olde Naples Tile & Marble or not, that will not change my opinion.

**Elle Hunt:** It won’t change mine either – considering the current information that he submitted within his application.

**Elle Hunt** directed her comments to Marius Sacacian: Today’s vote is based on what you supplied to us today in your application and my position is based on what you have submitted.

**Marius Sacacian:** I have another question, please.

**Chairman Joslin:** One second – I’m just bringing up the avenues of possibilities of what we can and can’t do. I think the lack of moral character is not going to change, in my opinion. I think that we are definitely in the process of ending up the discussion and then we vote.

**Assistant County Attorney Noell:** On behalf of the County, if there is any more – anything else that he wishes to present to the Board at this time or any other evidence, I would just ask that that is exhausted before deliberations are made.

**He asked:** Sir, is there anything else that you want to testify to the Board about concerning your application?

**Marius Sacacian:** Yes. Like you guys bring somebody he says against me – he says – and you say – you never changed my opinion – against me – okay. If I bring some witness – of when I work with them – and testify how good I am – how nice I am – then you may change your ... opinion. Can I bring some witness for me?

**Elle Hunt:** I want to make my opinion very clear here. It’s not an opinion against you – I’m opining based on your application that you have submitted today, as well as information that we have regarding the prior actions that you executed upon. Not whether or not you are a good or bad person – that’s irrelevant.

**Marius Sacacian:** But you judge me like I’m a bad installer ....

**Elle Hunt:** Pardon me? I didn’t understand that.

**Marius Sacacian:** Okay – you guys try to prove me – I was a bad installer – where I did a bad job for somebody. I want to bring people to say how good installer I am. It makes sense to bring maybe five, six people.

**Elle Hunt:** I don’t have an opinion on you being a good or bad installer – that isn’t affecting my opinion. The fact that you have done unlicensed contracting work is more of an issue and you’ve admitted you didn’t have a license when you’ve done the work ... fixing the tile. So, I can’t imagine you bringing somebody in that would not speak to your own testimony. That isn’t logical to me.

**Marius Sacacian:** I can bring people when I did the job before.

**Elle Hunt:** Then you’ve done a great job, but you are still an unlicensed contractor.

**Marius Sacacian:** Oh, before – before I was but not

**Chairman Joslin:** We’re not asking you to bring something later – we’re asking for testimony for what you brought before us today. Okay? Is there anything else that you can give us –hand us – talk to us. As far as bringing it back tomorrow or the next day,

that's down the road. We're asking for it now. If there's nothing else, then I'm going to call for the vote.

**Marius Sacacian:** Yeah – I'm okay.

**Chairman Joslin:** Thank you. If there is no further discussion, I will call for a vote ...

**Terry Jerulle:** I have a question. What is the County's credit score that is required?

**Everildo Ybaceta:** 660.

**Marius Sacacian:** I have a question. Olde Naples Tile & Granite – working for the last three and a half – never had any complaint. This company – my company – working for three and a half and never having any complaint. And I work under somebody else license to be correct.

**Kyle Lantz:** And what does Olde Naples Tile & Granite do? Do people subcontract to you?

**Marius Sacacian:** No, no subcontract ... I work for them but is my company – my company. They no subcontract me. I work for the company.

**Kyle Lantz:** So, somebody who has a company sells a tile job. They do the installation and they hire Olde Naples Tile & Granite to do the installation underneath them?

**Marius Sacacian:** That's correct, sir.

**Kyle Lantz:** Okay. Perfect. He's a subcontractor. And is Olde Naples Tile & Granite currently licensed?

**Elle Hunt** and **Kyle Lantz** asked Mr. Sacacian if Olde Naples Tile & Granite was licensed or had a licensed Contractor as a Qualifier. The question was asked several times. Mr. Sacacian seemed confused. He responded that the company was not licensed that's why he came to get a license and "you guys won't give it to me."

**Chairman Joslin:** So, your testimony is that Olde Naples Tile & Granite is an unlicensed company right now unless we give you a license?

**Marius Sacacian:** Yes.

**Chairman Joslin:** You can't do any work as a subcontractor.

**Marius Sacacian:** I don't work as a subcontractor. They hire me – my name – Marius.

**Chairman Joslin:** But you go to work – you're on the payroll – and you get a paycheck. Okay.

**Matthew Nolton:** When you get a check – is the check made out in your name or is it made out in ...

**Marius Sacacian:** My name – to me.

**Chairman Joslin:** Okay.

**Marius Sacacian:** (mumbled ....)

**Chairman Joslin:** Okay – one last time. No further conversation – no further discussion.

**Chairman Joslin called for the vote on the motion to deny the application for a Tile and Marble Contractor's license. Carried unanimously, 6 – 0.**

**Chairman Joslin** explained to Mr. Sacacian that the Board would not give him a license today. Mr. Sacacian asked if he could come back again and the Chairman replied that he could come back whenever he liked.

**Assistant County Attorney Noell** instructed Mr. Sacacian to contact the Contractors' Licensing Office Supervisor to re-apply.

**D. Allen Work, d/b/a Screens N' Cages – Waiver of Exams**

*(Note: This case was not heard by the Board.)*

**IX. OLD BUSINESS:**

*(None)*

**X. PUBLIC HEARING:**

*(None)*

**Comment by Terry Jerulle:**

- When people attend a hearing where hats, is there some sort of rule or etiquette?
- Attorney Schenck was not aware of any policy but noted that people generally remove their hats.
- It was suggested the Chair could make a specific request – silence cell phones and remove hats.

**Chairman Joslin** reminded Staff that the Board would expect the minutes from the Emergency Meeting.

**Elle Hunt** announced the November 15<sup>th</sup> meeting would be her last as a member of the Board.

**NEXT MEETING DATE:**

**WEDNESDAY, NOVEMBER 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 order of the Chairman at 11:00 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*” [\_\_\_]