

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

February 21, 2018
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: Michael Boyd

Vice Chair: Kyle Lantz

Members: Terry Jerulle
Richard Joslin
Matthew Nolton
Patrick White

Excused: Robert Meister

ALSO PRESENT:

Everildo Ybaceta – Supervisor, Contractors' Licensing Office
Kevin Noell, Esq. – Assistant Collier County Attorney
Jed Schenck, 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 made.

I. ROLL CALL:

Chairman Michael Boyd opened the meeting at 9:03 AM and read the procedures to be followed to appeal a decision of the Board.

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

II. AGENDA- ADDITIONS OR DELETIONS:

(None)

III. APPROVAL OF AGENDA:

Richard Joslin moved to approve the Agenda as presented. Terry Jerulle offered a Second in support of the motion. Carried unanimously, 6 – 0.

IV. APPROVAL OF MINUTES – JANUARY 17, 2018:

Correction:

- Page 26 (first sentence): The word “prospective” was changed to “perspective.”

Patrick White moved to approve the Minutes of the January 17, 2018 Meeting as amended. Richard Joslin offered a Second in support of the motion.

Carried unanimously, 6 – 0.

Richard Joslin noted *for the record* that the Board’s attorney, Jed Schenck, was not present. **Assistant County Attorney Kevin Noell** stated he received a message from Mr. Schenck that he would be late.

V. PUBLIC COMMENT:

(None)

VI. DISCUSSION:

(None)

VII. REPORTS:

- **Patrick White** stated he anticipated a report from Staff – based on the last meeting minutes – on the matter that the Board of County Commissioners was considering pertinent to the Code of Laws amendment.
- **Assistant County Attorney Noell** stated there may have been a bit of confusion on his part and asked if the question was regarding unlicensed contracting. He further

stated he had not had an opportunity to view the proceedings from the previous meeting of the Board of County Commissioners. He explained the motion failed.

- **Richard Joslin** requested more detail concerning the Ordinance.
- **Assistant County Attorney Noell** noted the proposed changes to the Ordinance would make it a violation for a homeowner to knowingly hire an unlicensed contractor or – while the work was in progress – if the homeowner became aware that the person was unlicensed, to allow that person to continue doing the work.
- **Patrick White** asked if there was any additional information concerning the origin of the proposed amendment – was it something proposed by Staff or from one of the other committees? He stated he didn't remember any discussion by the Contractors' Licensing Board or that the Board had been aware of it or had considered it.
- **Assistant County Attorney Noell** stated it was on an Executive Summary and had been suggested by County Commissioner William J. McDaniel, Jr.
- **Patrick White** suggest that, in the future, if the Contractors' Licensing Board had the opportunity to consider the merits of a proposed change to the Ordinance, it might have had a better chance of going forward. He stated there was “value in having this Board, at least, weigh in [on the subject].” He further stated, “I am just suggesting that it had been the practice in the past – that whenever amendments were proposed to the substantive portions of the Code of Laws relating to our functions, that we would have been involved in the process.”
- **Assistant County Attorney Noell** replied one of the challenges with that particular [amendment to the] Ordinance was the proper venue for a normal citizen to be given a Citation. The Contractors' Licensing Compliance Investigators are authorized to issue Citations to a normal “citizen” who is not licensed under [Section] 49.127, per the unlicensed practice of contracting ... that's the mechanism that would bring a normal “citizen” under the jurisdiction of this Board. One of the challenges with this proposed Ordinance is we would be bringing a citizen before another type of Board ... in this case, it was set up for the Code Enforcement Board as the mechanism of enforcement. He further stated he thought that was the reason the proposed change was not brought before the Contractors' Licensing Board and he acknowledged “the point was well taken.”
- **Richard Joslin** stated if a homeowner was acting as his own General Contractor for whatever construction was being done, he asked if the homeowner would be considered as a Contractor.
- **Assistant County Attorney Noell** explained it would be based on the mechanism of how the County would want to enforce it – one of the challenges was the tension between an innocent person being further victimized and individuals who are knowingly perpetrating these kinds of things continuing to go on by trying to save dollars by knowingly hiring people without licenses, and how that impacts the industry, so ... I guess to answer the question ... they way that we had it structured was that it would a Code Enforcement Board mechanism ... they would come before the Code Enforcement Board Special Magistrate.
- **Terry Jerulle:** Let me ask a follow-up question: If I as a homeowner hire an electrician or a plumber, am I not acting as a “contractor”?
- **Richard Joslin:** I would think under an owner/builder permit, no doubt.
- **Patrick White:** Who would be authorized to pull a permit in that instance?

- **Richard Joslin:** The homeowner ... depending upon the dollar value.
- **Chairman Boyd:** It would depend on who owns the property.
- **Richard Joslin:** If the homeowner pulls the permit, then he is acting as a G.C. or General Contractor on his own home.
- **Terry Jerulle:** Could you not, then, cite that owner?
- **Assistant County Attorney Noell:** Yes, and then that would be a wholly different situation from the homeowner who just contracts with [for example:] my friend, Evy, who has a tree business that's not licensed to do tree work. It's not me pulling the owner/builder exemption and acting as my own General Contractor under that provision of the Statute. These are the situations where a homeowner is not applying for the exemption but hiring people do work at the house.
- **Terry Jerulle:** What is the difference of someone off the street hiring subcontractors and acting as a General Contractor, or a homeowner hiring subcontractors and acting as a General Contractor?
- **Assistant County Attorney Noell:** My understanding is that you are talking about the homeowner/builder exemption.
- **Terry Jerulle:** Let me clarify. We have had people before this Board who were given Citations for acting as a General Contractor because they hired so-called subcontractors. They were given Citations and fined.
- **Vice Chairman Kyle Lantz:** People who say, "I'm just a middle man – I'm not doing any of the work – I've hired a licensed plumber or licensed electrician ..."
- **Terry Jerulle:** Like the decorator we recently had who was acting as a General Contractor. A homeowner acting as a General Contractor – is that not the same?
- **Assistant County Attorney Noell:** I think in the case that you referenced where they were taking money as the middle man – then between that sort of a transaction – or they are contracting on behalf of a third party and not on behalf of themselves, that's where some of the distinction lies.
- **Terry Jerulle:** Okay. A similar situation where I'm buying 'spec' properties and I'm remodeling them and then selling them. I'm still the homeowner. Am I not a General Contractor or acting as a General Contractor in hiring the subcontractors to fix that home?
- **Assistant County Attorney Noell:** Arguably, yes.
- **Patrick White:** But then you have the statutory process that, effectively, creates an exemption from licensing.
- **Vice Chairman Lantz:** Provided you don't sell or lease the property within ...
- **Patrick White:** one year.
- **Chairman Boyd:** And an owner can do this only one or two times in a year or ... you can have, say, five owner/builders going on ... you can only have one.
- **Everildo Ybaceta, Supervisor - Contractors' Licensing Office:** That is correct. As an owner/builder you are supposed to be, procedurally, you should be working on your property. It's been stated the property should be your homestead but it's not really – it's "your" property ... it could be another property – other than your homestead – and you could still work on it as an owner/builder. But the idea is that, as a homeowner, you are hiring an unlicensed contractor for this – it's not that you are the unlicensed contractor, per se. It's that you knowingly hired an unlicensed

contractor. We went to that site and we got the unlicensed gentleman/person/entity and we gave him a Citation. We're not just going after the unlicensed contractor ...

- **Terry Jerulle:** But my question is ...
- **Everildo Ybaceta:** ... but the idea was to also
- **Terry Jerulle:** ... under the current rules and regulations, I think we can get some homeowners who are acting as a General Contractor.
- **Assistant County Attorney Noell:** I think the challenge that you would run into is the exemption that allows a non-licensed citizen to appear before this Board is under [Section] 49.127 and that allows a Citation ... and in our Ordinance as well ... allows our Licensing Compliance Officers and different folks – as designated by, I think, the Building Official – to issue a Citation to bring a person before the Board who is not licensed. Part of when someone becomes licensed in our County – part of what they agree to, in a way – is coming under the jurisdiction of this Board for disciplinary proceedings and things of that nature. And that's the mechanism of jurisdiction that this Board has. One of the exemptions for a person who is not licensed is through [Section] 49.127. If I'm a homeowner and I hire someone to do work at my house, I think that, contractually, there are some arguments to be made on whether I'm really acting in a contracting capacity versus hiring someone who I am paying out of my own pocket to do work. I agree with you – I think it's an argument that could be made. For me, legally, I think it's much tighter the way the proposed Ordinance was worded. It allowed for them to come before the Code Enforcement Board and avoid some of the legal arguments that we could otherwise face if it were in a venue like this – if I'm clear or making sense in how I'm trying to explain it?
- **Terry Jerulle:** I just think there are certain cases – and not all – where a Code Enforcement Officer walks into a house and sees a kitchen being remodeled. There's plumbing work, electrical work, and cabinet work going on where, I think, we could bring – as I said, not in all cases but in a few cases – where we could ... in my opinion ... fine the homeowner for acting as a General Contractor.
- **Assistant County Attorney Noell:** I agree and, if I understand correctly, it could also apply to the owner-builder exemption ...
- **Terry Jerulle:** Correct.
- **Assistant County Attorney Noell:** ... and that would be ... but what this was designed – and the purpose behind this Ordinance was – really designed to ...
- **Terry Jerulle:** I understand, I understand.
- **Everildo Ybaceta:** Under this situation which also falls under the Code Enforcement criteria ... it doesn't fall under the Contractors' Licensing ... the owner is doing the work himself – he's hired his whatever, but he never pulled a permit and that falls under Code Enforcement.
- **Vice Chairman Lantz:** But once he pulls a permit, then he falls under here because then he's technically a contractor as he stated on his application and signed his name to twelve different things – “I'm the contractor ... I'm not going to hire unlicensed guys ...” and all that other crap, correct?
- **Patrick White:** But in the hypothetical we're discussing, we're assuming – I guess – that the electrician or plumber would be licensed and that would act as a “cure.”

They wouldn't fall within the scope of this proposed Ordinance that didn't get passed.

- **Richard Joslin:** They may not have a permit and they would fall again ... but what if they were unlicensed?
- **Patrick White:** Then it's going to come here.
- **Richard Joslin:** Then it's going to come to us?
- **Patrick White:** If, for example – and I don't know who the Respondent would be in that case. I guess it would be the permittee/homeowner?
- **Assistant County Attorney Noell:** It would be – as far as someone who is unlicensed – I believe the unlicensed individual who was performing the work would come before the Contractors' Licensing Board. In the rare circumstance – and it would probably be a rare circumstance because there are a lot of evidentiary issues to prove that someone knowingly hired an unlicensed contractor – but if the homeowner knowingly hired the unlicensed contractor, that individual would have been before the Code Enforcement Board under the proposed Ordinance. And then the person doing the work without the license would appear before this Board.
- **Patrick White:** I could just see two different jurisdictional venues – one testifying against the other. Because that's the way, I think, you would be able to prove either of the cases.
- **Assistant County Attorney Noell:** Or statements by the Investigators made at the scene. But, again, that would be on a case-by-case basis.
- **Richard Joslin:** I thought that in the Code itself – I'm not sure, I wish our Board's attorney was here, so he could read it – as far as how the contracting statute reads ... doesn't it say any person who knowingly contracts or holds himself responsible for a contract is considered to be a "contractor" which would fall under the criteria that Terry was talking about?
- **Assistant County Attorney Noell:** "Any person who knowingly holds themselves out as a Contractor" – a Certificate of Competency or license holder to do that sort of work. A homeowner would not be holding him/herself out as a person who can do the type of work. The person hired – the electrician – would be and if the electrician wasn't licensed, but they held themselves out as 'licensed' and able to do electrical work ... one of the areas where it gets a little bit grey and what this Board has seen ... is the idea of contracting. We have brought parties before – subcontractors, contractors who weren't licensed and without Certificates of Competency – before this Board who were entered into a contract with each other, and that is unlicensed contracting ...
- **Patrick White:** At the moment of execution of the contract ...
- **Assistant County Attorney Noell:** Correct ... or a proposal, I think ...
- **Patrick White:** We have taken that position and one of the other things I wanted to share with our Board Members and didn't mention this prior to today's meeting, is last month's edition of the *Florida Bar Journal* had an article prepared by an attorney called, "Licensing the Florida Contractors." If any of the Board Members are interested, I would be happy to scan it and, through Evy, send it to you because it does go specifically into the areas of unlicensed contracting in a level of detail that I think – from time to time – we've faced and wrestled with and in fact, in my mind, got me to thinking a little bit differently about people who "hold themselves out" –

get themselves licensed – before they sign that contract. I don't think we've had a case where that's come up. But we do have a mechanism where we will issue a Citation for \$1,000 to someone who is not licensed to do work within whatever scope. We afford them, under our Code, the opportunity to come in if they get licensed and reduce the fine to \$300. The point is we've never had a case yet that I'm aware of where the distinction between ... was that contract signed yet or not ... before the person arguably applies for and gets the license – but there are just layers of detail to a lot of what we do. I was proud and pleased to see that the State of Florida – through The Florida Bar – believed it was significant enough to have an entire, multi-page article, very well written, very well analyzed, kind of summarizing the law – I do think it helps to point out some of these distinctions and ways to clarify our thinking so that we we're doing out jobs to the best of our ability. I'll put that out there. Thank you, Mr. Noell, for the follow-up information. Evy, what I'll do is scan it to you and if anybody requests it, you can pass it along.

- **Patrick White:** One other point under “Reports,” and going back to last month's minutes and the action on the one Citation case [Steven A. Grillo – d/b/a “Gold Coast Roofing and Concrete, LLC.”], is there any follow-up that you could share with us?
- **Everildo Ybaceta:** Are you talking about Mr. Fisher and Mr. Grillo?
- **Patrick White:** Yes.
- **Everildo Ybaceta:** Okay. In the conversation that we had with Mr. Fisher, he advised Mr. Grillo to pay the Citation, and he has.
- **Richard Joslin:** Also, wasn't there a case last month that we moved?
- **Everildo Ybaceta:** Abney. Abney was also – is right now – we're trying to reschedule that one for the next Board meeting. We found out that Mr. Abney was incarcerated here – two months ago – and we found out this month that he's also incarcerated now in the place where he lives in North Carolina. So, we're attempting to send it over there now.

VIII. NEW BUSINESS:

A. Orders of the Board:

Vice Chairman 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 under Item VIII, “New Business,” were first sworn in by the Attorney for the Board.)

B. Ralph Partington – Application to Qualify a Second Entity

Currently Qualifies: “*Henderson Screening, Inc.*”

Second Entity: “*Absolute Gutters and Aluminum, LLC.*”

Chairman Boyd requested that the Applicant provide background information to the Board.

Ralph Partington:

- The one I'm trying to qualify once worked for me – I've known him for years. [Ralph Busto] and he wants to start his own company.
 - He's working with Master Gutter right now. When he gets his licensee straight away, he's going to start his own [company].
 - That's the reason why I'm going to sponsor him.

Chairman Boyd questioned the Applicant:

- Q.* What's going to be your involvement in the new company?
A. My involvement? I'm going to oversee it and I'm going to sell and, hopefully, make a lot of money. I own ten percent of it. I get a commission when I sell the product.
Q. Are you going to continue with your existing company -- Henderson?
A. Yes.
Q. Are you going to sell for both companies?
A. I won't sell for Henderson. I'm just going to sell for Absolute.

Vice Chairman Lantz questioned the Applicant:

- Q.* What do you do for your existing company?
A. I'm just going to sponsor him. I talk to him on the phone and see what's going on and I keep an eye on things.

Terry Jerulle directed his question to Everildo Ybaceta:

- Q.* This license will allow him to do "either"/ "or"?
A. The Scope of Work will allow him to work with concrete.
Q. So, a Screening Enclosure allows you to do gutters?
A. It is a metal, yes.
Q. They're about the same license? They are doing, supposedly, different Scopes of Work on paper but the license lets you do both or either?
A. Yes, sir.

Patrick White: I kind of had the same question and had to assume it – in instances like this, it would have been helpful to have the Code section in the packet in on what the Scope of Work is and what the requirements are for an Aluminum Contractor.

Everildo Ybaceta: In the future, I will add it.

Ralph Partington: The screening business – there isn't a lot of money. Melvin [Henderson] has been doing Henderson Screening for eight years. He is not interested in buying a gutter machine – spending \$50,000 for a machine. It's the same license but he doesn't do concrete work. He could if he wanted to but, I'm just saying, he's happy with this. For eight years, I've had no problems.

Vice Chairman Lantz questioned the Applicant:

- Q.* How do you get paid by Henderson Screening?
A. He pays me on the work he does. He gives me a check – I get a few thousand a year out of it. I hope to make more with this other company because I need more. I am a diabetic and I need money for my medicine.

Patrick White questioned the Applicant:

- Q.* You mentioned in the scope of your role – you called it “sponsor” but you are the Qualifier – that you are financially responsible. What do you do for Henderson to earn the income you are making? Could you be more specific about the activities you are involved in?
- A.* He’s using my license and, you know, when someone is using your license, you get paid for that.
- Q.* I am not interested in the economics as much as I am in what you do. You said you talk on the phone with him about the jobs ... what else do you do?
- A.* That’s it. I mean, there’s nothing else – he’s doing the screening work – there’s not a lot involved. And he isn’t having any problems. So, I mean, basically, there’s not a lot
- Q.* Mr. Partington, help me to understand – do you or do you not visit the job sites?
- A.* Sometimes, yes.
- Q.* You haven’t make that clear. You don’t visit every job site?
- A.* No, I don’t. Some of them are just so small – just two screen panels.

Richard Joslin questioned the Applicant:

- Q.* The jobs that you take aren’t really important ... installing a screen door – it’s the same license. But you could also put up a two or three-story screened enclosure. Are you telling us that’s you don’t go to a particular job or watch it or have control of it?
- A.* He doesn’t do screened enclosures. He just does small jobs.
- Q.* I understand that – but the license allows him to. What if he changes his mind and decides to do that?
- A.* Well, he’d have to talk to me about it. I mean, he doesn’t do anything hidden or under the table. I’ve known the guy for twenty years – I know who he is – he’s like a son to me. I mean, he’s never in eight years done anything underhanded, so why would I think now that he would?

Terry Jerulle questioned the Applicant:

- Q.* If I understand, Mr. Partington, you currently qualify Henderson Screening – correct?
- A.* Yes, sir.
- Q.* And did you say you own ten percent of Henderson?
- A.* Yes.
- Q.* And now you want to qualify Absolute Gutters and Aluminum? Do you own any part of that company?
- A.* Ten percent, yes, sir.
- Q.* You own ten percent of that company as well?
- A.* (Nodding his head affirmatively)
- Q.* Henderson has a checking account to pay bills?
- A.* Yes.
- Q.* Are you a signatory on that checking account?
- A.* Yes, sir.
- Q.* And Absolute is going to have a checking account?
- A.* Yes.
- Q.* Will you be a signatory on that checking account?

A. Yes.

Q. And, basically, your role is to just hire out your license to Henderson and hire out your license to Absolute?

A. Correct.

Patrick White questioned the Applicant:

Q. You see, sir, that for me is the most critical aspect. Because, otherwise, the phrase I've heard in other meetings we've had is that basically you are just selling your license – and that's not right.

A. I'm not selling

Q. I understand – but I want you to understand ...

A. You know ... if I have I had a big screen thing or something, and I could give it to Melvin, I will ... and in the past, I haven't had one to give him, but I would.

Q. What I'm concerned about is the level of understanding and the level of participation. Looking at what you do at Henderson and saying you are going to qualify a second business – are you able to, and intending to, be on those jobs and supervising the work for Absolute? Are you going to have enough time? Are you physically able, et cetera?

A. When I need to be, yes, I'll be able to. When I don't, I don't have to look at every job. I mean, if there's a need – and I'm going to be on those jobs because I'm going to be selling them – I'm going to see it and estimate it and I'm going to be on the job before they are, in a sense.

Vice Chairman Lantz questioned the Applicant:

Q. Who determines when you need to be there?

A. When I go to estimate a job, I'll be there. And then if the job needs it – sometimes when you sell a job, they want you to come around and talk to them ... see how things are going.

Terry Jerulle questioned the Applicant:

Q. I have a screened enclosure and gutters on my house. If I call you, who is going to do the work?

A. Who is going to do it – Absolute.

Patrick White: They are going to do the screening job, too? Because the question Mr. Jerulle asked you, Sir, was both sets of services were being requested.

Ralph Partington: Correct. If he's going to do the job, he might as well do the screened enclosure. Mainly, Absolute does gutter, soffit, and fascia. The license covers that. Mainly, he does that type of work – he does a lot of gutter work – custom gutters.

Vice Chairman Lantz: Has Absolute been in business?

Ralph Partington: Not yet. He works for Master Gutter – he's associated with Master Gutter, but they've been having some problems and he's going to start his own company.

Richard Joslin: On Page 18 of the application, under “Financial Responsibility,” everything has been checked “no” except for one item that is a little disturbing—it’s a felony offense.

Vice Chairman Lantz: It’s not a felony offense – it’s a misdemeanor/

Richard Joslin: Oh, I see – okay.

Chairman Boyd: To his credit, he has the highest credit score I’ve seen in quite some time.

Ralph Partington: I’ve been around a long time – I’ve been licensed – I respect it.

Richard Joslin explained the Board has issues when an individual who holds one license and qualifies one type of company comes in asking to qualify another company that does the same type of work.

Richard Joslin: Now you’re telling us that, basically, you’re really not involved in unless you have to be.

Ralph Partington: I’m going to be looking at the jobs before he installs them. Maybe I misunderstood what you said, but I’m involved because I’m going to be there before they even do the work. So, I’m going to be on every jobsite.

Patrick White: And, again, that kind of goes to more of the financial part of the contract and the role of the Qualifier if you will. From our perspective, my perspective individually, the thing that’s really important for a Qualifier – not to diminish the financial stuff – is the quality of the work and the protection of the consumer. Now your position – if I understand it correctly – is “Hey, look, I’ve been doing this a long time. I know when there’s the potential for something to be a little more complicated and I need to be the one to come back out and make sure it was done right.” If that’s what you’re saying – that’s what we need to hear you say.

Ralph Partington: I’m a little nervous. No, I’ll probably be the one to go out and get the check and if they have a problem or don’t like something, they’ll tell me about it.

Patrick White: Well, I don’t want them to rely upon your observation – you’re the expert – you’re the Contractor, if you will. It’s you who should be doing those things – not relying upon the installers, the homeowners, the customers to let you know that there’s a problem.

Richard Joslin: It’s called supervision.

Terry Jerulle: It would be easy for me ... in this circumstance ... if you were to tell me that Henderson is going to be doing the screenings, and Absolute is going to be doing gutters and soffits. If that were the case, we could qualify that one license and I probably would be happy with that. But what I don’t like is you qualifying two businesses that do the same thing. You go to a homeowner and tell him, “I can get you two quotes.” In a sense you’re giving him – in my mind – two quotes from the same Qualifier and that’s not fair to the consumer. Do you understand what I’m saying?

Ralph Partington: I understand what you’re saying but ... the estimates on one side, I’m not going to hear about so I’m not ... I’m not going to go one against the other and I don’t plan on making the two companies one in two, three, five years. I just want to qualify ...

Terry Jerulle: We always look at the worse-case scenarios.

Ralph Partington: Okay.

Terry Jerulle: Our job is to try to protect the public.

Ralph Partington: I agree with you. It's a small place – if you start screwing people, it gets around. All the while I was doing gutters for a living, I had people calling me back after fifteen years because you got to take care of your customers and your people. I'm not in it to make money by screwing people. I'm in it to do my job and get paid for it – that's all I want.

Richard Joslin: Would you consider – if we were to put a restriction on the license that only allows you to do soffits and gutters ...

Patrick White: For Absolute.

Richard Joslin: ... for the new company, for the Absolute company? That way Henderson ...

Ralph Partington: He says no problem.

(Off-microphone conversation ... not recorded.)

Patrick White: Thank you for that. Can I ask if Absolute has been approached about doing gutter work, do you know? In other words, are there potential contracts and jobs out there?

Everildo Ybaceta: Maybe you want to bring him up and ...

Patrick White: I'm asking the guy who he's going to qualify – if he knows.

Ralph Partington: Are you talking about ... pending work?

Patrick White: Potential work for Absolute.

Ralph Partington: Going out on an estimate?

Patrick White: No, no – I'm talking about today – are you aware of anybody asking whether you could do gutter work, done by Absolute once it is licensed?

Ralph Partington: Oh, yeah – I've had a couple of roofers who might ...

Patrick White: So, you've investigated the potential for business for Absolute?

Ralph Partington: Right, yes.

Patrick White: And are there any contracts pending?

Ralph Partington: Not that I'm aware of – not right now – I need the license to go about it.

Patrick White: That's a great answer. Thank you. I wasn't trying to trap you, believe me. I just want to understand the facts.

Richard Joslin: I would feel much more stable if we were able to grant a restricted license for the new company and if your happy with that, then I think we will be able to go forward. Having the license for both companies doing the same work ... I want to say yes, but then again, I'm thinking "no." That's my opinion.

Vice Chairman Lantz: My issue is ... Henderson Screening has been around for eight years and hasn't had a problem. What I'm hearing is, "Henderson has been around for eight years ... I'm not doing anything with Henderson, I'm not involved with Henderson, I'm collecting a check. I'm moving on to bigger and better things, which is Absolute. But I want to still continue getting my residual checks from Henderson, even though I'm not involved with him." We all are focusing on the new company, but the old company is not gone. I mean, he's still qualifying the old company. If he were moving his license from one company to the other company, I'd have no problem with it. But he's still responsible for Henderson even though he's not doing anything – not involved with the company. In my opinion, we should be focusing on if he's going to be able to work on both companies because he's qualifying both.

Patrick White: I believe I asked that question. Not only financial but the number of jobs and the ability to be physically able to handle all the supervisory work for both companies. And just as a point of information, I think Henderson has been around for twenty years.

Chairman Boyd: You previously owned Gutters Unlimited, correct?

Ralph Partington: Yes.

Chairman Boyd: You were the Qualifier for that?

Ralph Partington: Yes.

Chairman Boyd: So, you've been licensed for twenty-five years.

Ralph Partington: Yes.

Richard Joslin: That's why I really had no issue with the two situations that you're talking about ... and restricting the license to the gutters and soffits, that would keep Henderson doing what they've been doing for the past twenty years – whatever – and allow Absolute to do what they're going to do. It would be less financial responsibility and a little less supervision because he says he's known this man for ten years ... well, obviously, something must be good.

Terry Jerulle: Is there any reason – and I'm not asking you to speak for somebody else but is there any reason why Rafael Busto cannot get a license? Because if he were able to get a license, we wouldn't even be here.

Ralph Partington: We thought we could get this through faster.

Terry Jerulle: But if he were to take the test and pass the test and submit ... I mean, he has credit ... we wouldn't even be here ... and you would still have the ten percent ownership. And you wouldn't have to face all these questions.

Patrick White: But that's his right and privilege ... to be able to come in and ask and be the only thing on our Agenda today. From my perspective, all the requirements appear to have been met. It took a while to get the answers that I'm comfortable with about his ability and knowledge of what he's supposed to do as a Qualifier for both companies. And unless either or both of them grow well beyond their current amounts of work, I think he's going to be physically and otherwise able to manage qualifying and supervising the jobs for both companies.

Terry Jerulle moved to approve Ralph Partington's Application to Qualify a Second Entity if the Second Entity is restricted to doing soffits, gutters, and facia only.

Richard Joslin offered a Second in support of the Motion.

Motion carried, 5 – "Yes"/1 – "No." Vice Chairman Lantz was opposed.

Chairman Boyd: Mr. Partington, you have been approved.

Patrick White: No screens. If you're going to ask a question, Sir, you must be sworn in and then you can ask your question.

Rafael Busto was sworn in by the Board's Attorney. Mr. Busto stated his name for the record.

Rafael Busto: When you said, "restricted" – I know definitely no screens. But with the metal, I can make metal for flashing and for ceiling caps and all that. Is it only strictly soffits, facia, gutters ... no siding?

Patrick White: From my perspective, Sir, I would have preferred if the license restriction were one that was more of a prohibition against screening and screened enclosures as opposed to trying to limit what you can do. I would have preferred to limit what you can't do. But we have what we have. I don't know how we can address your concern but the answer to your question, as I understand it, is you would not be allowed to do the extra items you just described with the license we just approved.

Rafael Busto: It's not a problem.

Patrick White: If that's not a problem, it's not a problem for us.

Richard Joslin: Now remember, one other thing that you can do at some point if you decide to take the test – then you could take the test and come back and be totally licensed.

Rafael Busto: I know.

IX. OLD BUSINESS:

(None)

X. PUBLIC HEARING:

(None)

NEXT MEETING DATE:

WEDNESDAY, MARCH 21, 2018

BCC Chambers, 3rd Floor – Administrative Building “F,
Government Complex, 3301 E. Tamiami Trail, Naples, FL

There being no further business for the good of the County, the meeting was adjourned by order of the Chairman at 10:00 AM.

**COLLIER COUNTY CONTRACTORS'
LICENSING BOARD**

MICHAEL BOYD, *Chairman*

The Minutes were approved by the Chairman of the Contractors' Licensing Board on _____, 2018, “*as submitted*” [] - OR - “*as amended*” []