

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

February 20, 2019
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: Kyle E. Lantz
Vice Chair: Matthew Nolton

Members: Terry Jerulle
Richard Joslin
Patrick White

Excused: Michael E. Boyd
Robert Meister

ALSO PRESENT:

Everildo Ybaceta – Supervisor, Contractors' Licensing Office
Kevin Noell, Esq. – Assistant Collier County Attorney
Jed Schneck, Esq. – Attorney for the Contractors' Licensing Board
Lilla Davis – Administrative Supervisor, Contractors' Licensing Office

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 Kyle E. Lantz opened the meeting at 9:00 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, CHANGES, OR DELETIONS:

(None)

III. APPROVAL OF AGENDA:

Patrick White moved to approve the Agenda as presented. Vice Chairman Matthew Nolton offered a Second in support of the motion. Carried unanimously, 5 – 0.

IV. APPROVAL OF MINUTES: JANUARY 16, 2019

Patrick White moved to approve the Minutes of the January 16, 2019 Meeting as submitted. Richard Joslin offered a Second in support of the motion. Carried unanimously, 5 – 0.

V. PUBLIC COMMENT:

(None)

VI. DISCUSSION:

(None)

VII. REPORTS:

(None)

VIII. NEW BUSINESS:

A. Orders of the Board:

Patrick White moved to approve authorizing the Chairman to sign the Orders of the Board. Richard Joslin offered a Second in support of the motion.

Carried unanimously, 5 – 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. Michael Haldie – Review of Experience
(d/b/a “*Algae Eaters Pool & Pressure Cleaning, LLC*”)

Chairman Lantz called Michael Haldie to the podium and asked the Applicant to provide his background to the Board. He noted Mr. Haldie had applied for a Roof Coating, Painting, and Cleaning Contractor’s license.

Michael Haldie:

- He is originally from Ohio and is 41 years of age.
- He began power washing as a teen-ager for a family member who owned a power washing company.
- He has experience power washing cars, RVs, tractor trailer-semis, to homes.
- After the business was sold in 1999, the Applicant moved to Bonita Springs in Lee County.
- He worked part-time for Andy’s Pool and Spa maintaining pools as well as continuing with power washing.
- He has more than 20 years of experience in the power washing business.
- He has been licensed in Collier County as a Swimming Pool/Maintenance Contractor since 2012.

Chairman Lantz questioned the Applicant:

Q. Are you licensed in Lee County to power wash?

A. Yes, sir.

Q. And that license is ...

A. There isn’t a Roof Coating, Painting and Cleaning Contractor’s license in Lee County – just an “occupational” license.

Q. If you have an “occupational” license in Lee County, are you allowed to power wash a roof?

A. Yes, sir.

Terry Jerulle questioned the Applicant:

Q. I thought I heard you say you’re not allowed to coat roofs?

A. Well, power washing is essentially ... we use an algicide or a biocide – whatever the customer choses – but it’s a “coating” that goes onto the roof to kill mold and will prevent mold growth for approximately two to three years.

Chairman Lantz questioned the Applicant:

Q. So, in Lee County – what you want to do here, you can do in Lee County? You’re licensed to do it?

A. Yes, sir.

Q. We saw a bunch of affidavits verifying your experience --- they are customers?

A. They are customers. I also tried to include some before-and-after photos of the work that we do. We’re also accredited by the Better Business Bureau. I’m not sure how ... or what you guys are asking. I’ve been doing this for a long time ... we’re very good at it ... we have a lot of referrals. I can get 50 more recommendations if that’s what you need.

Q. And do you have any employees?

A. It's myself and I have one part-time guy who helps me when we do have roof jobs because I have to have to have to guys onsite for a roof.

Terry Jerulle: Evy, why is he here?

Everildo Ybaceta, Contractors' Licensing Office Supervisor: Collier County has a Roof Coating and Pressure Washing License that requires him to take the Business and Law exam as well as a minimum of experience to do the work. He does have the experience in Lee County, but he doesn't have anything that I can prove here so that's why ...

Terry Jerulle: He hasn't taken the Business exam?

Everildo Ybaceta: Yes, he has.

Terry Jerulle: He has?

Vice Chair Matthew Nolton: He's just here for his experience.

Patrick White: And it's not the scope of the license that's a concern – it's just the idea that he has no Collier County experience?

Everildo Ybaceta: Right. That's correct.

Patrick White: Why would the jurisdiction where the experience is from be a concern?

Everildo Ybaceta: It really isn't – but the recommendations are from homeowners, not from other contractors or other entities. And this is where ... I don't have heartburn over it ... I just want to make sure that I do cover my bases.

Patrick White: Understood. I think that, hopefully, answers your question.

Terry Jerulle: Yup. Does the County have any recommendation?

Everildo Ybaceta: I believe you can give him the license. I just wanted to make sure that everyone was in favor of it.

Terry Jerulle: Thank you.

Chairman Lantz questioned the Applicant:

Q. I have a couple of questions. Do you have Workers' Comp coverage?

A. We do not.

Q. Do you have a Workers' Comp exemption?

A. It's just one employee essentially ... one part-time employee. Under the law as we understand it, we don't meet the minimum requirement for coverage.

Richard Joslin: That's not true.

Chairman Lantz: That's not true.

Richard Joslin: No.

Chairman Lantz: Once you become a construction business, you follow a different set of Workers' Comp laws. You probably remember this from when you took your Business and Law test.

Michael Haldie: When we got our ... for insurance purposes, they haven't required us ... but I'm more than happy to get that coverage, sure.

Patrick White: The issue isn't required to have coverage ... the issue is you are required to file for and have on record the request for an exemption from the coverage.

Michael Haldie: I believe that would be in the packet that I submitted.

Richard Joslin: That would cover himself – but that wouldn't cover his employee ...

Chairman Lantz: It wouldn't cover the employee.

Richard Joslin: ... unless it's a corporation. If you're a corporation, then you can have that ...

Patrick White: They're an LLC so they're a business entity but, I think the Board's concern is correct. If you have an employee – whether – I'm assuming is a W-2 employee?

Michael Haldie: It is.

Patrick White: In that case – unless he/she's an officer or manager or some component of the business itself – the exemption does not apply.

Michael Haldie: It is my wife. When we do a roof, we must have someone on the ground to spray everything and keep everything wet so we ...

Patrick White: So, she's an employee?

Michael Haldie: We are 50/50 owners.

Patrick White: She's also a managing member. That's Megan Haldie, correct?

Michael Haldie: Yes, sir.

Patrick White: Yes – she's a managing member of the LLC. So, under that designation, regardless of being a W-2 employee as well, she is entitled to be classified as part of the request for an approval of an exemption from Workers' Comp insurance coverage. But you need to have the paperwork correctly filed and in your file which I don't believe I saw but I may have missed it.

Vice Chairman Nolton: I didn't see it in there. It's a simple form – you and your wife can get the exemption filed and that would take care of it.

Patrick White: Do you have any other questions, Mr. Chairman?

Chairman Lantz: I do not.

Patrick White: I would like to propose a motion.

Patrick White moved to approve the application of Michael Haldie for a Roof Coating, Painting, and Cleaning Contractor's license subject to providing evidence of the requisite Workers' Comp exemption to the Licensing Office Supervisor before the license will be issued.

Richard Joslin: I have one thing for discussion first. Under the liability policy ... maybe I'm missing some numbers but ... I'm seeing a liability policy where each occurrence is \$500.00 – or is it \$5,000? And then the total company coverage is \$1,000? To be up on top of a roof?

Michael Haldie: I believe it's \$500,000 and one million.

Chairman Lantz explained the figures were on the side of the form.

Richard Joslin: Okay – I'm just making sure.

Patrick White: Is that your Second?

Richard Joslin: Yes.

Chairman Lantz: We have a motion and a second. Is there any more discussion?

Terry Jerulle: Do you understand what you are doing?

Michael Haldie: I get the proper paperwork for the exemption and then I'm back in business.

Terry Jerulle: Right.

Chairman Lantz: Or you could get Workers' Comp insurance – either one.

Michael Haldie: Workers Comp ... provide that to Collier County ...

Chairman Lantz: Workers' Comp insurance or an exemption – that's your decision. If you want insurance on yourself ... if you want to pay for it ... it's about \$50 for each.

Michael Haldie: We already got a quote for it ... that's about what we got.

Chairman Lantz: Alright. Any more discussion?

Chairman Lantz called for a vote on the motion. Carried unanimously, 5 – 0.

Chairman Lantz: As soon as you get the information, you can go to the County Office on Horseshoe and talk to Evy.

Michael Haldie: Thank you very much for your time.

C. Darleen Rowe – Reinstatement of License, Request to Waive Exam, and Request to Change Name

(d/b/a “*Rowe Flooring, LLC*”)

Chairman Lantz called Darleen Rowe to the podium.

Lilla Davis, Administrative Supervisor – Contractors' Licensing Office, provided background information to the Board:

- The Applicant has applied for full reinstatement of her Floor Covering Installation Contractor's license. She has also requested a Waiver of Exams and a change of name.
- She also requested to apply the score of the Business Procedures test (86%) that she took in 2012 to this reinstatement.
- Ms. Rowe previously appeared before the Board in August 2012 for a review of her credit.
- The Board approved a probationary license of one year. She was to present updated business and personal credit reports at six and twelve months.
- She appeared before the Board on February 20, 2013.
- The Board decided that she was to appear before them in February 2014, but she did not return, and her license was suspended.
- Ms. Rowe does not currently hold a license in any other county in Florida.

Darleen Rowe stated:

- She has been in the flooring industry for more than 25 years between New Jersey and Florida
- She incorporated her company in Florida in 2002.
- She and her husband separated in 2013-2014 and parted ways professionally.
- He former husband opened his own company.
- She left the flooring industry and is currently a manager at a Bank of America branch.

- Her divorce became final in 2018.
- She has decided to return to the flooring industry.

Chairman Lantz questioned the Applicant:

Q. How long have you been away from the flooring industry?

A. Since my license expired ... 2013 ... I think I dissolved my corporation in 2014.

Q. You haven't been in the trade at all?

A. In a few years, yes.

Q. For the last couple of years. And the test that you say you took, that was in ...?

A. 2012.

Q. 2012.

A. When I moved to Florida, I was in Destin in Okaloosa County and testing wasn't required there. When I moved to Collier County it was required and I took it.

Terry Jerulle questioned the Applicant:

Q. How long have you been working for the Bank of America?

A. I've been in banking the whole time ... five or six years.

Chairman Lantz questioned the Applicant:

Q. Are you doing a name change or is it a new entity?

A. Technically, it's a new entity with a new tax ID number. It's because I don't want to be associated with anything that my ex-husband was associated with ... just, you know ... personal reasons.

Q. And he is ...

A. My son.

Q. Okay.

A. He has also been in flooring for two decades.

Q. That's a lot of experience between your name and Joel's name.

A. We've both been in it.

Q. I thought I saw an experience letter that for Joel for the last few years ... working for Hadinger Flooring doing carpet installation?

A. Yes. When I worked in Destin in Okaloosa County, Hadinger's has relatives in Destin and I worked for them. When I moved to Collier County, I worked for them again and Joel continued to work for them under another company.

Q. We have a verification for Darleen Rowe and Joel Rowe ... from the Warehouse Manager for Hadinger Flooring on Airport Road, Naples, from January 2012 to December 2018 with the scope of work as carpet installation. So, you did carpet installation at the same time you were working at the bank? Explain that for me.

A. Well, it has Joel's name on the top.

Q. So that's Joel's verification?

A. Yes, and like I said – I've been affiliated with Hadinger for ... I don't know ... fifteen years in some sort of fashion. And I think in the packet there is also my prior experience affidavits.

Q. Yes, yes.

There was a brief discussion among the members to clarify that the previously

-submitted Affidavits of Good Character and Verifications of Construction Experience from 2012 applied to Darleen Rowe/Dazzling Floors, Inc., and the new Verifications, dated January 2019, labeled as “Darleen Rowe/Joel Rowe,” applied to her son, Joel’s, current experience.

Q. One of the things ... for us to waive the exam for you is ... you must prove to us for the Board to be comfortable that taking the exam would be a waste of time because you have been active in the industry ... in your trade. One of the big things is the Business and Law exam. Since you have not been doing anything like running a construction business, it’s hard for us to say that we feel confident that you can do it because you haven’t been active for a while. One of your duties is to convince us that you don’t need to take it again.

A. Okay.

Richard Joslin: Also, we still have some issues with her credit from what I can gather.

Darleen Rowe: There shouldn’t be any issues with my credit.

It was noted Ms. Rowe’s current credit score is 648 which is not that below the County’s threshold of 660.

Chairman Lantz stated the packet contained Ms. Rowe’s credit report from 2012.

Patrick White confirmed the Board at that time did have issues with her credit report.

Chairman Lantz asked the members if they had any questions for Ms. Rowe.

Terry Jerulle: Right now, I’m not convinced that you have had any experience in the last five years. I think the burden is on you to convince us that you do. You have been working at a bank and Joel is the manager of a warehouse. And you want us to waive an exam that typically everybody else must take.

Darleen Rowe: First off – just to clarify – he is not the manager of the warehouse. He is an installer. I don’t know why there is confusing about the papers. I think the warehouse manager is the one who wrote the affidavit. Joel is an installer.

Vice Chairman Nolton: Another question we usually ask is why not take the test?

Darleen Rowe: Well, I could. It wasn’t fun – you know what I mean? And I still have my books so if I had a question, I could refer to my books.

Vice Chairman Nolton: What is the date of the books?

Darleen Rowe: I took this exam in 2012.

Richard Joslin: Don’t you think things have changed since 2012?

Darleen Rowe: Maybe. But do you require people to go back periodically and re-take the test?

Vice Chairman Nolton: Not when they’ve stayed in business – because they have been in business, they have had to experience and conform to the changes in the laws. Somebody who has been out of the business for four years or more may not know what those changes are.

Darleen Rowe: Okay. Well, it's floor covering, and I feel confident that I am aware of the laws for floor covering.

Chairman Lantz (directed his question to Staff): Are there two tests? There's the Business and Law. Is there also a floor covering test?

Everildo Ybaceta: There is the Business and Law test and I do believe there is a floor covering test, too.

Chairman Lantz: One of the things that we tend to take issue with ...

Everildo Ybaceta: I'm sorry – I'm mistaken ... it's just the Business and Law test.

Patrick White: It's just the B&L.

Chairman Lantz: ... is the Business.

Patrick White: It's 24-months of experience.

Chairman Lantz: I don't think anyone is questioning that you have twenty-four months of experience doing floor covering work.

Patrick White: I'm comfortable that someone who has can operate in the financial world as the manager of a bank probably could handle a balance sheet, reconcile a checkbook, manage to process invoices for Accounts Payable and Accounts Receivable, as well as handle any payment for payroll.

Richard Joslin: What are your duties at the bank?

Darleen Rowe: I'm the manager.

Patrick White: And as the manager, in the past, have you held any of the other positions that are reporting and responsible to you?

Darleen Rowe: What?

Patrick White: Such as tellers ...?

Darleen Rowe: Oh, yes. I started out ... when I was separated from my husband, I started as a part-time teller. I worked at every position at the bank and was promoted pretty rapidly in the past five years.

Patrick White: Thank you.

Chairman Lantz: Any other questions from the Board? [There were none.] It sounds as if you're ready to make a motion, Mr. White.

Patrick White moved to approve waiving the requirement for the Applicant to re-take the Business and Law exam.

Chairman Lantz asked if there was a Second in support of the motion from a Board member.

Vice Chairman Nolton offered a Second in support of the motion.

Discussion:

- **Patrick White:** I would simply indicate that I think the risk to the consumer in this circumstance is minimal. The credit report having been improved and explained in part because of the divorce which is now concluded, suggests to me that she has figured out how to manage her own finances and in combination with her business experience ... for the prior license and since in the finance industry as a banker ... are adequate to be able to approve the license and waive taking the Business and Law test.

- **Terry Jerulle:** I don't disagree with anything that Mr. White said. I'm not preventing you from getting your license because I think you could take the test which I think you should do and, in fact, your son should also take the test.
- **Darleen Rowe:** And we had that discussion on the way here – that he should take the test.
- **Terry Jerulle:** It would behoove you, as an entity, for him to take the test.
- **Darleen Rowe:** He's had possession of the books for the past couple of years because I told him since he was in flooring ...
- **Terry Jerulle:** It would be best for everyone if you did. My point is I think you should take the test, but I don't disagree with Mr. White.
- **Patrick White:** Let's see where the vote goes.
- **Richard Joslin:** Is there anything in your divorce decree that ties you to the past debts that you and your husband had?
- **Darleen Rowe:** There debts were all resolved.
- **Richard Joslin:** There were resolved, and you're not involved any longer?
- **Darleen Rowe:** No, sir.
- **Vice Chairman Nolton:** Obviously, you are an intelligent person and you have the experience in running the business but the things that you may not know is what has changed with the new laws and other components that have nothing to do with running a business or finances. That would be the value of taking the test – to be sure that you knew all the updates and changes. Personally, I don't think there's a lot of risk to the public for that business.
- **Chairman Lantz:** Not the business itself.
- **Patrick White:** Exactly. But the books that you have are, in a sense, outdated. Although the fundamentals may be there, the precise points that Matt raised are ones that would behoove you.
- **Darleen Rowe:** Right.
- **Patrick White:** If the motion doesn't ...
- **Darleen Rowe:** I understand but I'm confident that I know about the current laws ...
- **Patrick White:** It's not that complicated ... it just requires you to meet the common deadlines and file the proper paperwork.

Terry Jerulle questioned the number of votes needed and was told since only five members were present, a majority was needed to pass the motion.

Chairman Lantz noted there was a motion and a second. He called for a vote on the motion.

Motion carried, 3 – “Yes”/2 – “No.” Mr. Jerulle and Mr. Joslin were opposed.

Everildo Ybaceta requested to change the order of the Agenda – for the Board to hear Mr. Bumpus case before hearing Mr. Bowles of Jackson Pools.

Chairman Lantz agreed.

IX. OLD BUSINESS:

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

**B. Jeffrey Bumpus: Factual Finding – Were Permits Closed by January 19, 2019 as Ordered by the Board
(d/b/a “Northern Breeze Air Conditioning, Inc.”)**

Patrick White: Are you making a report

Everildo Ybaceta: I can make a quick report, yes.

Patrick White: I’m suggesting it’s Staff and not Mr. Bumpus who is not here.

Everildo Ybaceta: He’s not here. Mr. Bumpus has, to date, four permits that are still in re-activation status. There are nine that have been issued. He has another three that ready for issuance and they are still open and active.

Patrick White: And active or inactive?

Everildo Ybaceta: Active.

Chairman Lantz: What you’re telling us is he has not the deadline to have all permits closed out?

Everildo Ybaceta: Yes, sir.

Richard Joslin: Is it true that there are still 16 open permits?

Everildo Ybaceta: Those are considered “open” – they had been re-activated.

Patrick White: So, he hasn’t called for inspections?

Everildo Ybaceta: No.

Patrick White: And without inspections, they cannot be closed?

Everildo Ybaceta: Correct.

Richard Joslin: Have you heard from Mr. Bumpus?

Everildo Ybaceta: No, sir.

Patrick White: Have you attempted to contact Mr. Bumpus?

Everildo Ybaceta: Yes, sir, there was an attempt to contact him – he was supposed to be here.

Patrick White: A hypothetical ... for example, if the Board today decided that he was done, what happens next?

Everildo Ybaceta: That would be up to the Board’s attorney.

Jed Schneck, Esq. – Attorney for the Contractors’ Licensing Board: The next step would be for the Board to request that Staff to send the letter of recommendation to the State’s Construction Industry Licensing Board (“CILB”) for further disciplinary action.

Chairman Lantz: So, we’ve already determined that it is what we will do if we decide that he didn’t meet the deadline?

Attorney Schneck: Correct.

Chairman Lantz: If we do nothing, that automatically happens ... or we could reconsider and draw a new “line in the sand.”

Patrick White: I think we must make a factual finding.

Attorney Schneck: That is correct. The Board could simply make a factual finding that the Respondent has not complied with the Order and therefore Staff should proceed.

Chairman Lantz: To make a factual finding ... is that a motion that we make?

Patrick White: It is based on the testimony of Staff – have they been sworn?

Chairman Lantz: Evy, have you been sworn in?

Everildo Ybaceta: Me?

Chairman Lantz: Yes.

Everildo Ybaceta: No.

[Mr. Ybaceta was sworn in by the Attorney for the Board.]

Chairman Lantz: Well now that you're under oath ...

Patrick White: Is what you said before, still true?

Everildo Ybaceta: Yes, sir.

Patrick White: Good.

Chairman Lantz: So, you are testifying, on behalf of the County, that Mr. Bumpus has not closed out all of his permits.

Everildo Ybaceta: I am, sir.

Chairman Lantz: Is that enough? How about anybody else? Any other questions? [There were none.] Does anyone want to make a motion?

Patrick White moved to approve finding that Jeffrey Bumpus has not complied with the Order of this Board and a Finding of Fact to that effect. Richard Joslin offered a Second in support of the motion.

Chairman Lantz asked if there was any discussion. [There was none.]

Chairman Lantz called for a vote on the motion. Carried unanimously, 5 – 0.

Chairman Lantz: This case is officially done with us as far as we know it – correct?

Everildo Ybaceta: Yes, sir.

Chairman Lantz: Yes. Perfect.

Richard Joslin: Do you want to read the penalty?

Patrick White: No.

Chairman Lantz: I think we already did that – last month or two months ago.

Attorney Schneck: That's correct. The Board formalized the recommended penalty last month and now County Staff will send the recommendation to the State.

**A. Case #2018-10: Update – Stephen Bowles (d/b/a “Jackson Pools”)
Misconduct of a State-Certified Contractor**

Chairman Lantz called Stephen Bowles to the podium and was sworn.

Chairman Lantz: The same rules apply from the Public Hearing that we held two months ago. He asked the County to begin.

Jack Gumph, Contractor Licensing Compliance Officer was also sworn.

Everildo Ybaceta: Mr. Schneck, Mr. Noell has some information to provide ... if you would like to swear him in.

Assistant County Attorney Kevin Noell: I don't think I need to be sworn – I'm not going to provide testimony to the Board ... only a recommendation. I talked with the party ... with Jackson Pools and their representatives ... there were some hiccups with the permitting. If the Board will recall – last time that Jackson Pools was before the Board, the Order was to get a permit, and to have it closed out by today. I talked with both the representatives for Jackson Pools and with Staff. There have been some hiccups with the permit process. It is now all set and ready to be issued – or has been issued – and we would ask that it be rolled over for another thirty days to allow them to close out the permit and this will probably be an issue that I will walk through with Evy to make sure that we have a resolution within thirty days. But they have taken significant steps, including driving to Sarasota to get some engineering records and things of that nature, so they are putting forth a significant effort. I think that our recommendation – issued from the Staff side – and I think from Evy as well – would be to roll it for thirty days to ...

Patrick White: You would like the Board to table it for thirty days or do you want to withdraw it and bring it back in thirty days? I'm not clear.

Assistant County Attorney Noell: I would ask the Board to table it for thirty days just because the Board had made the previous motion that was agreed upon to bring it back today for completion. I would just ask that it gets tabled until the next meeting.

Richard Joslin: What was the "hiccup" with the permit?

Assistant County Attorney Noell: There were several different issues that would probably involve a lot of different testimony and things of that nature, so it would probably ... my recommendation would be ... if the Board wants to go through that process, we could. But my recommendation, however, would be just to give it an additional thirty days and we will, hopefully, have it all wrapped up.

Chairman Lantz: Well, let me ask you this – let's just say we decide to give another thirty days, if he final out the permit tomorrow – then we won't see him ever again ... correct?

Assistant County Attorney Noell: Correct. If that's the Board's ...

Terry Jerulle: Mr. Bowles, can you convince us?

Stephen Bowles: Yes, sir. Well, it's been a rigorous ...

Terry Jerulle: In the same fashion ... can you ...

Stephen Bowles: It's been a ...

Terry Jerulle: I don't care about the process ... looking forward ...

Stephen Bowles: We're right there ... we're

Terry Jerulle: Let me finish ... let me finish ...

Stephen Bowles: Oh, okay.

Terry Jerulle: ... please. Looking forward ...

Stephen Bowles: I thought you were asking a question.

Terry Jerulle: I am. Looking forward, can you convince us that what Mr. Noell is saying will happen in the next thirty days?

Stephen Bowles: Absolutely, sir. We're right there – the permits issued ... all the paperwork is in ... they are still probably finishing up on their side. There's one inspection to come out and do and, like I said, we're right there. And we've been

we're getting it done. There's been some paperwork that they thought they had, and we thought they had ... and both parties found and ... so, we're right there ... within the next ...

Terry Jerulle: Materials ... manpower ... everything is set to ...

Stephen Bowles: Yes, sir.

Terry Jerulle: ... to be done within the next thirty days?

Stephen Bowles: More than likely, within the next week probably ...

Terry Jerulle: And you're very clear about the inspections that you need to call in and to pass?

Stephen Bowles: Absolutely.

Richard Joslin: Did I see in the packet where there are still three inspections to be called in yet for final?

Stephen Bowles: Well, we're still working that ... I don't know exactly which three is up to date now because we had some. I would maybe ask Mr. Ybaceta. I know we had the final is what I was under ... assumption that it was down to the final inspection.

Richard Joslin: I believe a couple of the inspections would be necessary before the final is given on the permit ... or maybe I'm wrong?

Jack Gumph: Mr. Chairman, I would like to defer to Jonathan Walsh, the Collier County Chief Building Official, for any questions as to the permit.

Chairman Lantz: Okay.

Jonathan Walsh, Chief Building Official for Collier County, was sworn in.

Richard Joslin: Mr. Walsh, I'm looking at one of the pages and it says that – from what I can see – there are four inspections that are still pending. It's showing the pool bonding, the pool final, the pool shell reinforcement, and verify the permit is ready to issue. I assume that one has been done.

Jon Walsh: The permit has been picked up. Unfortunately, there seems to have been an issue with the payment, so the permit was placed on an inspection hold. I don't know the finance element of it ... all I know is ... there are two inspection holds – one is for the Notice of Commencement that has not been recorded yet and they'll still need to get that done. But that may have been recorded but it just has not been provided to us and that condition resolved. That's a minor element. The other element is to follow-up with cashiering to resolve whatever the payment issue was – I don't know ... I'm not a banker. There was something wrong at cashiering when the payment was made ... it says "reversal" on it. I'm not exactly sure what that means. As far as I am aware, the funds were not available. It could have been an error in the transmitting ... it could have been a bunch of different things ... I have no idea. There are three inspections that I am aware of: the shell, bonding, and final.

Richard Joslin: And these are the things that he was telling us would be done within a week or ...?

Stephen Bowles: Yes. I have all the proper paperwork for all those and I think ... we just found out this morning that everything was on hold because of the \$100. I don't know. We picked up the permit and then, come to find out, there was one hundred dollars that needed to be paid after-the-fact then everything got put on hold. For one

hundred dollars? I mean (gesturing with his hands in the air) ... I didn't realize that until this morning and it's one hundred dollars that's holding us up ... like I said, we're so close.

Chairman Lantz: But you've got it?

Stephen Bowles: We've got it, yes, sir. We've got all the information.

Chairman Lantz: Are the inspections that are left to be done, are they being done by the County or a private provider?

Stephen Bowles: When they have the proper engineering information ... private providers.

Jon Walsh: It's not technically done by a private provider. In this instance, they have hired a licensed Engineer to perform the inspections that we cannot without some destructive work being done.

Chairman Lantz: They will send you a report and then you – or somebody on your staff – will then verify ...?

Jon Walsh: A letter was provided by email to me yesterday by the Engineer at 4:17 PM. Unfortunately, it is not completely compliant, and it is in review. I was having conversations with him as early as 8:00 this morning.

Chairman Lantz: The ball is rolling?

Jon Walsh: Yep.

Vice Chairman Nolton: Let me ask a little more in-depth. I hear that there are some questions about it. Mr. Bowles, that's not satisfactory for those two inspections – because we're talking about two, and then you have the final. Are you saying to the Board that you're willing to do whatever it takes to make those two inspections satisfactory?

Stephen Bowles: Yeah, I mean ... whatever is required.

Vice Chairman Nolton: Even if it includes some further inspection and testing ...

Stephen Bowles: Well, I don't know ...

Vice Chairman Nolton: to satisfy that?

Stephen Bowles: ... I don't know what in depth that he's going to really need other than ... like he said, he was talking with him as early as this morning. I don't know if he's going to get all the information. If he's not, I think there's pictures that has surfaced that might help ... because it's been two years and I've been through a lot of phones and I-Clouds so ... I don't know the exact pictures yet.

Vice Chairman Nolton: That's not my question – right? Let's say that there isn't the data ... let's say that there's not the pictures. I'm asking the question ... if there's not, are you – in thirty days – going to do whatever it takes to pass those inspections?

Stephen Bowles: Absolutely.

Chairman Lantz: Even if it entails some demolition work ... some whatever ...?

Stephen Bowles: Well ... I ... I don't know that ...

Patrick White: Which is it, sir? Are you absolutely going to do it, or are you not?

Stephen Bowles: I'm going to do, I guess, whatever Jon Walsh and the Building Department requires me to do.

Patrick White: That's a good answer.

Stephen Bowles: That's what I'll ... yes, sir.

Chairman Lantz: All right. Any other questions from the Board?

Attorney Schneck: If I may ... just as a recommendation ... after going through the Bumpus case, to leave it cleaner in this situation – as we’re extending it, adding additional time – I would request that the Board amend its Order of December 19, 2018 to change the compliance date. That way we’ll have a new Order, and everything is fresh. So, if there’s any appeal issue ... everything is new and proper. It’s something that we’ve learned going through the Bumpus case – to move things up as these cases go on.

Chairman Lantz: So, I guess the motion will be ... instead of saying, ‘we give you thirty days’ ... the motion will be to amend the previous Order to ...?

Attorney Schneck: Correct. And I would state March 20, 2019 which is the next meeting date as the new compliance date.

Patrick White: And would it also be possible to amend it in a fashion that if the permit is closed out, that the case is closed?

Attorney Schneck: Correct. And I would authorize Staff to make that determination if the Respondent has proven that the permit has been properly closed out, then Staff can close out this case. If not, they can bring it back before the Board.

Patrick White: Are you comfortable writing that Order and providing it by way of a motion that I’m prepared to make based on what you have suggested?

Attorney Schneck: I am.

Patrick White: Thank you. *So moved, White.*

Richard Joslin: One last comment. Mr. Walsh, are you comfortable with the engineering that has been provided to you so far regarding these last two major inspections?

Jon Walsh: At this moment in time, the only one that I am questioning is the bonding.

Richard Joslin: Okay.

Jon Walsh: Sufficient information has been provided for the steel reinforcing, but I am questioning the bonding.

Richard Joslin: Okay.

Vice Chairman Nolton: *Second, Nolton.*

Chairman Lantz stated there was a motion and a second. He asked the members if they had any other questions, comments or discussion.

Richard Joslin: This motion is to ...?

Chairman Lantz: *The motion is to amend the Board’s previous motion to change the date of compliance to March 20, 2019. When the permit is final, then Staff may administratively close the case.*

Chairman Lantz called for a vote on the motion. Carried unanimously, 5 – 0.

Stephen Bowles: Thank you.

Terry Jerulle: The clock is ticking.

X. PUBLIC HEARING:

(None)

NEXT MEETING DATE:

WEDNESDAY, MARCH 20, 2019

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**

911275

KYLE E. LANTZ, Chairman

The Minutes were approved by the Chairman or Vice Chairman of the Contractors’ Licensing Board on March 20, 2019, “as submitted” - OR - “as amended”