

**BOARD OF EMPLOYEE LEASING COMPANIES
GENERAL BUSINESS MEETING MINUTES**

**THE BOHEMIAN HOTEL CELEBRATION
700 BLOOM STREET
CELEBRATION, FLORIDA 34747
888-499-3800**

JUNE 5, 2013 @ 1:00 P.M. EST

I. CALL TO ORDER

The meeting was called to order at approximately 1:13 p.m. EST by Mr. John Jones, Board Chair.

II. ROLL CALL

MEMBERS PRESENT

John Jones, Chair
Abram Finkelstein, Vice Chair
Eric Arfons
Celeste Dockery
Suzette DiMascio

MEMBERS ABSENT

Scott Buchanan (*Excused*)

STAFF PRESENT

Rick Morrison, Executive Director, DBPR
Mary Ellen Clark, Board Counsel, Office of the Attorney General
C. Erica White, Assistant General Counsel, DBPR
Krista Woodard, Government Analyst II, DBPR
Erin Moreno, Government Analyst, DBPR
John Villafrate, Assistant General Counsel, DBPR
Elizabeth Stinson, Assistant General Counsel, DBPR

OTHERS PRESENT

Timothy Tack, Kunkel Miller & Hament, P.A.
Torben Madson, Kunkel Miller & Hament, P.A.
John Izzo
Victoria Guerriero
David Meek

The meeting was opened with a roll call and a quorum was established.

III. THE PLEDGE OF ALLEGIANCE

Mr. Jones led all in the Pledge of Allegiance.

VI. DISCIPLINARY PROCEEDINGS – Office of the General Counsel

A. SETTLEMENT STIPULATIONS

- 1. Employer Administration Services International, LLC**
- 2. Larry Leon Roberts, Jr.**

2010-053465

2010-053475

PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the cases explaining they stem from violations involving failure to timely submit the 2009 and 2010 Annual Financial Statements.

Ms. White stated the settlement stipulation provides for imposition of an administrative fine of \$2000.00, costs of \$460.07, with joint and several liabilities for payment of the fine and costs.

MOTION: Mr. Finkelstein moved to adopt the terms of the settlement stipulation as the final order of the board.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

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| 3. | STS Group, Inc. | 2012-010408 |
| 4. | Robert Cassera | 2012-010400 |

PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the cases explaining they stem from violations involving failure to timely submit the 2009 Financial Statement, failure to timely submit the September 2012 quarterly report, and failure to maintain positive net working capital for the December 2011 and June 2012 quarterly reports.

Ms. White stated the settlement stipulation provides for imposition of an administrative fine of \$3500.00, costs of \$243.01, with joint and several liabilities for payment of the fine and costs.

MOTION: Mr. Finkelstein moved to reject the terms of the stipulation as presented and offered a counter-stipulation providing for the imposition of an administrative fine of \$10,000, costs of \$243.01, with joint and several liabilities for the payment of the fine and costs.

SECOND: Ms. DiMascio seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

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| 5. | TS Employment, Inc. | 2012-042299 |
| 6. | Robert Cassera | 2012-042301 |

PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the cases explaining they stem from violations involving failure to timely submit the 2011 Financial Statement, failure to timely submit the March 2012, June 2012, and September 2012 quarterly reports, and failure to timely pay unemployment taxes in the amount of \$27,013.38.

Ms. White stated the settlement stipulation provides for imposition of an administrative fine of \$6500.00, costs of \$79.85, with joint and several liabilities for payment of the fine and costs.

MOTION: Mr. Finkelstein moved to reject the terms of the stipulation as presented and offered a counter-stipulation providing for the imposition of an administrative fine of \$12,000, costs of \$79.85, with joint and several liabilities for the payment of the fine and costs.

SECOND: Mr. Jones seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

7. **Key Vista Associates, Inc.** 2012-020985
8. **Marc Combs** 2012-026037

PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the cases explaining they stem from violations involving failure to timely submit the 2011 Financial Statement, failure to timely submit the December 2011 quarterly report, and failure to maintain positive net working capital for the 2011 Annual Financial Statement.

Ms. White stated the settlement stipulation provides for imposition of an administrative fine of \$2500.00, costs of \$237.59, with joint and several liabilities for payment of the fine and costs, and dismissal of Count III of the Administrative Complaint.

MOTION: Mr. Finkelstein moved to adopt the terms of the settlement stipulation as the final order of the board.

SECOND: Mr. Jones seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

9. **Arnold Diamond** 2012-026042

PCP: Dockery and Seltzer – February 20, 2013

Ms. White tabled discussion of this case until the September 2013 for further investigation.

10. **Convergence Employee Leasing, Inc.** 2012-037983
11. **Convergence Employee Leasing II, Inc.** 2012-038009
12. **Jacob Nobles** 2012-038010

PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the cases explaining they stem from violations involving failure to timely submit the 2011 Financial Statement.

Ms. White stated the settlement stipulation provides for imposition of an administrative fine of \$1000.00, costs of \$133.35, with joint and several liabilities for payment of the fine and costs.

MOTION: Mr. Finkelstein moved to adopt the terms of the settlement stipulation as the final order of the board.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

13. **Fortune Staffing** 2012-038991
14. **Tena Mayberry** 2012-038992

PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the cases explaining they stem from violations involving failure to timely submit the 2011 Financial Statement.

Ms. White stated the settlement stipulation provides for imposition of an administrative fine of \$1000.00, costs of \$72.23, with joint and several liabilities for payment of the fine and costs.

MOTION: Mr. Finkelstein moved to adopt the terms of the settlement stipulation as the final order of the board.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

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| 15. DHR of Florida I, LLC | 2012-039079 |
| 16. DHR of Florida II, LLC | 2012-039078 |
| 17. James Valenzuela | 2012-039077 |

PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the cases explaining they stem from violations involving failure to timely submit the 2011 Financial Statement.

Ms. White stated the settlement stipulation provides for imposition of an administrative fine of \$1000.00, costs of \$100.02, with joint and several liabilities for payment of the fine and costs.

MOTION: Mr. Jones moved to adopt the terms of the settlement stipulation as the final order of the board.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

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| 18. Infiniti Resource Management, LLC | 2012-034556 |
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PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the case explaining it stems from violations involving failure to timely submit the 2011 Financial Statement, failure to timely submit the September 2010 through September 2012 quarterly reports, failure to timely submit the annual assessment fee for 2011, failure to adequately maintain workers' compensation coverage, and maintaining an outstanding federal tax liability in the amount of \$980,635.

Ms. White stated the settlement stipulation provides for voluntary relinquishment of license EL 290, imposition of an administrative fine of \$1000.00, costs of \$64.74, with joint and several liabilities for payment of the fine and costs in accordance with the stipulations signed by Infiniti Resource Management, LLC's controlling persons in Case Nos.: 2012-034566 and 2012-034570, and Respondent shall until its obligations to the IRS is deemed fulfilled by the IRS, file quarterly reports to DBPR showing proof that it has continued to meet its IRS obligations.

MOTION: Mr. Finkelstein moved to adopt the terms of the settlement stipulation as the final order of the board.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

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| 19. Clarissa Thompson | 2012-034566 |
| 20. Michael Jones | 2012-034570 |

PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the cases explaining they stem from violations involving failure to timely submit the 2011 Financial Statement, failure to timely submit the September 2010 through September 2012

quarterly reports, failure to timely submit the annual assessment fee for 2011, failure to adequately maintain workers' compensation coverage, and maintaining an outstanding federal tax liability in the amount of \$980,635.

Ms. White stated the settlement stipulation provides for the imposition of an administrative fine of \$1000.00, costs of \$136.53, with joint and several liabilities for payment of the fine and costs in accordance with the stipulation signed by Infiniti Resource Management, LLC in Case No.: 2012-034556.

MOTION: Mr. Finkelstein moved to reject the terms of the stipulation as presented and offered a counter-stipulation providing for the imposition of an administrative fine of \$1,000, costs of \$136.53, with joint and several liabilities for payment of the fine and costs in accordance with the stipulation signed by Infiniti Resource Management, LLC in Case No.: 2012-034556 and Respondent shall until its obligations to the IRS is deemed fulfilled by the IRS, file quarterly reports to DBPR showing proof that it has continued to meet its IRS obligations and the Board retains jurisdiction in this matter to impose further discipline is said proof is not timely filed quarterly.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

The board recessed from 2:20 p.m. to 2:35 p.m.

21. Select PEO, Inc.

2011-045732

PCP: Dockery and Seltzer – May 16, 2012

Ms. White presented the case explaining it stems from violations involving failure to timely submit the 2009, 2010, and 2011 Financial Statements, failure to timely submit the March 2010 through December 2011 quarterly reports, and failure to timely submit the annual assessment fee for 2010 and 2011.

Ms. White stated the settlement stipulation provides for voluntary relinquishment of license EL 375, imposition of an administrative fine of \$3,333.33, costs of \$129.86, certification from Respondent that to the best of its knowledge that there are no outstanding tax liability to the United States or State of Florida and has no outstanding or unpaid claims for unemployment benefits in the state of Florida, and certification from Respondent that to the best of its knowledge, presently there are certain outstanding claims for workers' compensation benefits in the state of Florida, but believes that these claims, which are subject to pending litigation, are covered by Respondent's applicable workers' compensation insurance policies.

MOTION: Mr. Finkelstein moved to reject the terms of the stipulation as presented and offered a counter-stipulation providing for the imposition of an administrative fine of \$10,000, costs of \$129.86, certification from Respondent that to the best of its knowledge that there are no outstanding tax liability to the United States or State of Florida and has no outstanding or unpaid claims for unemployment benefits in the state of Florida, and certification from Respondent that to the best of its knowledge, presently there are certain outstanding claims for workers' compensation benefits in the state of Florida, but believes that these claims, which are subject to pending litigation, are covered by Respondent's applicable workers' compensation insurance policies.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

Ms. White presented the case explaining it stems from violations involving failure to timely submit the 2009, 2010, and 2011 Financial Statements, failure to timely submit the March 2010 through December 2011 quarterly reports, and failure to timely submit the annual assessment fee for 2010 and 2011.

Ms. White stated the settlement stipulation provides for voluntary relinquishment of license CO 902, imposition of an administrative fine of \$3,333.33, costs of \$74.14, certification from Respondent that to the best of its knowledge that there are no outstanding tax liability to the United States or State of Florida and has no outstanding or unpaid claims for unemployment benefits in the state of Florida, and certification from Respondent that to the best of its knowledge, presently there are certain outstanding claims for workers' compensation benefits in the state of Florida, but believes that these claims, which are subject to pending litigation, are covered by Respondent's applicable workers' compensation insurance policies.

MOTION: Mr. Finkelstein moved to reject the terms of the stipulation as presented and offered a counter-stipulation providing for the voluntary relinquishment of license CO 902 agreeing to never reapply for licensure as an employee leasing controlling person in the state of Florida, imposition of an administrative fine of \$3,333.33, costs of \$74.14, certification from Respondent that to the best of its knowledge that there are no outstanding tax liability to the United States or State of Florida and has no outstanding or unpaid claims for unemployment benefits in the state of Florida, and certification from Respondent that to the best of its knowledge, presently there are certain outstanding claims for workers' compensation benefits in the state of Florida, but believes that these claims, which are subject to pending litigation, are covered by Respondent's applicable workers' compensation insurance policies.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

Ms. White presented the case explaining it stems from violations involving failure to timely submit the 2009, 2010, and 2011 Financial Statements, failure to timely submit the March 2010 through December 2011 quarterly reports, and failure to timely submit the annual assessment fee for 2010 and 2011.

Ms. White stated the settlement stipulation provides for voluntary relinquishment of license CO 904, imposition of an administrative fine of \$3,333.33, costs of \$74.14, certification from Respondent that to the best of its knowledge that there are no outstanding tax liability to the United States or State of Florida and has no outstanding or unpaid claims for unemployment benefits in the state of Florida, and certification from Respondent that to the best of its knowledge, presently there are certain outstanding claims for workers' compensation benefits in the state of Florida, but believes that these claims, which are subject to pending litigation, are covered by Respondent's applicable workers' compensation insurance policies.

MOTION: Mr. Finkelstein moved to reject the terms of the stipulation as presented and offered a counter-stipulation providing for the voluntary relinquishment of license CO 904 agreeing to never reapply for licensure as an employee leasing controlling person in the state of Florida, imposition of an administrative fine of \$3,333.33, costs of \$74.14, certification from Respondent that to the best of its knowledge that there are no outstanding tax

liability to the United States or State of Florida and has no outstanding or unpaid claims for unemployment benefits in the state of Florida, and certification from Respondent that to the best of its knowledge, presently there are certain outstanding claims for workers' compensation benefits in the state of Florida, but believes that these claims, which are subject to pending litigation, are covered by Respondent's applicable workers' compensation insurance policies.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

B. MOTION FOR WAIVER OF RIGHTS

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| 1. Services to Agriculture I, LLC | 2011-045547 |
| 2. Services to Agriculture II, LLC | 2011-045535 |
| 3. Services to Agriculture III, LLC | 2011-045542 |
| 4. Services to Agriculture IV, LLC | 2011-045540 |

PCP: Dockery and Seltzer – November 28, 2012

Ms. White advised that she was pulling these cases from the agenda and would have them presented at the September 2013 meeting.

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| 5. Employee Staff, LLC | 2012-037714 |
| 6. Phillip Lawrence | 2012-037715 |

PCP: Dockery and Seltzer – February 20, 2013

Ms. White advised that she was withdrawing these cases from the agenda.

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| 7. Creative Staffing Concepts | 2012-020952 |
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PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the case explaining it stems from violations involving failure to timely submit the December 2011 thru March 2012 quarterly reports, failure to timely submit the 2011 Annual Financial Statement, failure to timely submit the 2011 Annual Assessment Fee on Gross Florida Payroll, failure to adequately maintain workers' compensation coverage, and failure to pay its unemployment taxes and the associated penalty, interest, and fees.

MOTION: Mr. Arfons moved that the Respondent has waived its rights to a hearing.

SECOND: Mr. Jones seconded the motion and it passed unanimously.

MOTION: Mr. Arfons moved to adopt the allegations of fact and conclusions of law contained in the administrative complaint as those of board.

SECOND: Mr. Jones seconded the motion and it passed unanimously.

MOTION: Mr. Finkelstein moved to impose an administrative fine of \$12,000, costs of \$66.36, and revocation of the license.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

8. Signature HR, Inc.

2012-026572

PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the case explaining it stems from violations involving failure to timely submit the December 2011 thru March 2012 quarterly reports, failure to timely submit the 2011 Annual Financial Statement, failure to timely submit the 2011 Annual Assessment Fee on Gross Florida Payroll, failure to adequately maintain workers' compensation coverage, and failure to pay its unemployment taxes and the associated penalty, interest, and fees.

MOTION: Mr. Arfons moved that the Respondent has waived its rights to a hearing.

SECOND: Mr. Jones seconded the motion and it passed unanimously.

MOTION: Mr. Arfons moved to adopt the allegations of fact and conclusions of law contained in the administrative complaint as those of board.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

MOTION: Mr. Finkelstein moved to impose an administrative fine of \$12,000, costs of \$90.30, and revocation of the license.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

9. Vantage HR, Inc.

2012-026578

PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the case explaining it stems from violations involving failure to timely submit the December 2011 thru March 2012 quarterly reports, failure to timely submit the 2011 Annual Financial Statement, failure to timely submit the 2011 Annual Assessment Fee on Gross Florida Payroll, failure to adequately maintain workers' compensation coverage, and failure to pay its unemployment taxes and the associated penalty, interest, and fees.

MOTION: Mr. Jones moved that the Respondent has waived its rights to a hearing.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

MOTION: Mr. Jones moved to adopt the allegations of fact and conclusions of law contained in the administrative complaint as those of board.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

MOTION: Mr. Finkelstein moved to impose an administrative fine of \$12,000, costs of \$110.79, and revocation of the license.

SECOND: Ms. DiMascio seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

10. Signature HR1, Inc.

2012-027722

PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the case explaining it stems from violations involving failure to timely submit the December 2011 thru March 2012 quarterly reports, failure to timely submit the 2011 Annual Financial Statement, failure to timely submit the 2011 Annual Assessment Fee on Gross Florida Payroll, failure to adequately maintain workers' compensation coverage, and failure to pay its unemployment taxes and the associated penalty, interest, and fees.

MOTION: Mr. Finkelstein moved that the Respondent has waived its rights to a hearing.
SECOND: Mr. Jones seconded the motion and it passed unanimously.

MOTION: Mr. Jones moved to adopt the allegations of fact and conclusions of law contained in the administrative complaint as those of board.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

MOTION: Mr. Finkelstein moved to impose an administrative fine of \$12,000, costs of \$77.21, and revocation of the license.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

11. Signature HR2, Inc.

2012-027725

PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the case explaining it stems from violations involving failure to timely submit the December 2011 thru March 2012 quarterly reports, failure to timely submit the 2011 Annual Financial Statement, failure to timely submit the 2011 Annual Assessment Fee on Gross Florida Payroll, failure to adequately maintain workers' compensation coverage, and failure to pay its unemployment taxes and the associated penalty, interest, and fees.

MOTION: Mr. Jones moved that the Respondent has waived its rights to a hearing.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

MOTION: Mr. Finkelstein moved to adopt the allegations of fact and conclusions of law contained in the administrative complaint as those of board.

SECOND: Mr. Jones seconded the motion and it passed unanimously.

MOTION: Mr. Jones moved to impose an administrative fine of \$12,000, costs of \$106.00, and revocation of the license.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

12. Manny Leshay

2012-026481

PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the case explaining it stems from violations involving failure to timely submit the December 2011 thru March 2012 quarterly reports, failure to timely submit the 2011 Annual Financial Statement, failure to timely submit the 2011 Annual Assessment Fee on Gross Florida Payroll, failure to adequately maintain workers' compensation coverage, and failure to pay its unemployment taxes and the associated penalty, interest, and fees.

MOTION: Mr. Jones moved that the Respondent has waived its rights to a hearing.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

MOTION: Mr. Finkelstein moved to adopt the allegations of fact and conclusions of law contained in the administrative complaint as those of board.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

MOTION: Mr. Jones moved to impose an administrative fine of \$12,000, costs of \$72.19, and revocation of the license.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

13. PCI

2012-038331

PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the case explaining it stems from violations involving failure to timely submit the 2011 Annual Financial Statement.

MOTION: Mr. Jones moved that the Respondent has waived its rights to a hearing.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

MOTION: Mr. Finkelstein moved to adopt the allegations of fact and conclusions of law contained in the administrative complaint as those of board.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

MOTION: Mr. Finkelstein moved to impose an administrative fine of \$2,000, and costs of \$38.89.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

14. John Boffa

2012-038336

PCP: Dockery and Seltzer – February 20, 2013

Ms. White presented the case explaining it stems from violations involving failure to timely submit the 2011 Annual Financial Statement.

MOTION: Mr. Jones moved that the Respondent has waived its rights to a hearing.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

MOTION: Mr. Jones moved to adopt the allegations of fact and conclusions of law contained in the administrative complaint as those of board.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

MOTION: Mr. Jones moved to impose an administrative fine of \$2,000, and costs of \$38.89.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

Ms. Dockery was recused from the vote due to her participation on the probable cause panel.

C. VOLUNTARY RELINQUISHMENT OF LICENSE

Ms. White and Ms. Clark stated that no one was recused from these cases because they had not been before the probable cause panel. They further stated that in lieu of the probable cause proceedings, the Respondents have executed a Voluntary Relinquishment of Licensure.

1. Allstates Employer Services II, Inc.

2011-057717

2. Allstates Employer Services, Inc.

2011-057719

3. **Smart Employer Services II, Inc.** 2011-057751
4. **Employer Services Group, LLC** 2011-045831

Ms. White advised that she was withdrawing the following cases from the agenda because the companies had already relinquished their licenses. She stated that she would take the cases back to the Probable Cause Panel in September 2013 for closure.

5. **Quicklease, Inc.** 2012-038987
6. **Victoria M. Guerriero** 2012-038988

Ms. White presented the cases explaining they stem from failure to submit the 2011 Annual Financial Statement.

Ms. White stated that the Subject would cease operations and has executed a Voluntary Relinquishment with no right of reapplication. She further stated that the Subject waived the finding of probable cause and confidentiality.

MOTION: Mr. Finkelstein moved to accept the voluntary relinquishment and for the inclusion of the investigative report to be attached to the Final Order.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

7. **Receivables Acceptance Management Corp.** 2012-039074

Ms. White presented the case explaining it stems from failure to submit the 2011 Annual Financial Statement.

Ms. White stated that the Subject would cease operations and has executed a Voluntary Relinquishment. She further stated that the Subject waived the finding of probable cause and confidentiality.

MOTION: Mr. Finkelstein moved to accept the voluntary relinquishment and for the inclusion of the investigative report to be attached to the Final Order.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

8. **Harry Hedaya** 2012-038988

Ms. White presented the case explaining it stems from failure to submit the 2011 Annual Financial Statement.

Ms. White stated that the Subject would cease operations and has executed a Voluntary Relinquishment. She further stated that the Subject waived the finding of probable cause and confidentiality.

MOTION: Mr. Finkelstein moved to reject the terms of the agreement as presented and offered a counter-stipulation providing for the voluntary relinquishment of the controlling person license agreeing to never reapply for licensure as an employee leasing controlling person in the state of Florida

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. White presented the cases explaining they stem from failure to submit the March 2012, June 2012, and September 2012 quarterly reports.

Ms. White stated that the Subject would cease operations and has executed a Voluntary Relinquishment. She further stated that the Subject waived the finding of probable cause and confidentiality.

MOTION: Mr. Finkelstein moved to accept the voluntary relinquishment and for the inclusion of the investigative report to be attached to the Final Order.

SECOND: Mr. Jones seconded the motion and it passed unanimously.

D. MOTION FOR RECONSIDERATION

- 1. Venture Resources Group, LLC
PCP: N/A

2012-042345

Ms. White advised that she was withdrawing this case from the agenda.

VIII. REPORTS

A. Office of the General Counsel – C. Erica White

1. Prosecuting Attorney’s Report

Ms. White provided a synopsis of the Prosecuting Attorney’s report that was included in the agenda materials. She also provided an updated report via handouts.

Ms. White asked the board for a motion to continue with the cases that were over a year old.

MOTION: Mr. Finkelstein moved to allow Ms. White to continue working on the cases that were over a year old.

SECOND: Mr. Jones seconded the motion and it passed unanimously.

B. Executive Director – Rick Morrison

- 1. **Financial Report – Operating Account – 03/31/2013**
- 2. **Financial Report – Unlicensed Activity Account – 03/31/2013**
- 3. **Monthly Enforcement**

Mr. Morrison gave a synopsis of the following reports:

- The Operating and Unlicensed Activity Accounts ended September March 31, 2013
- Monthly Enforcement

C. Chairperson – John Jones

No Report

D. Office of the Attorney General – Mary Ellen Clark

- 1. June 2013 Rules Report**
- 2. Discussion of Rule 61G7-12.001, F.A.C. – Contractual Requirements**

Ms. Clark summarized the rules report included in the agenda materials stating:

- ❖ Rule 61G7-5.005, F.A.C. – The language was approved January 2013 and the rule will become effective June 19, 2013.
- ❖ Rule 61G7-10.002, F.A.C. – There can be no further progress on this rule until the DBPR adopts the applications into its Department Rule 61-35. She stated this rule will be stalled until the DBPR adopts its forms.
- ❖ Rule 61G7-12.001, F.A.C – Ms. Clark advised that after reviewing the rules of the board, she noticed that the following language should be added to the Contract Provisions Checklist that is included in Forms ELC 2 and ELC 3.

“Right of both the LC and its assigns to conduct an annual onsite physical examination of client who is or was subject to an applicable employee leasing contractual relationship”

MOTION: Mr. Jones moved to add the language of Rule 61G7-12.001, F.A.C. to the Contract Provisions Checklist included in Forms ELC 2 and ELC 3.

SECOND: Ms. DiMascio seconded the motion and it passed unanimously.

The meeting recessed at 4:41 p.m. until the next day, June 6, 2013 at 9:00 a.m.

**BOARD OF EMPLOYEE LEASING COMPANIES
GENERAL BUSINESS MEETING MINUTES**

**THE BOHEMIAN HOTEL CELEBRATION
700 BLOOM STREET
CELEBRATION, FLORIDA 34747
888-499-3800**

JUNE 6, 2013 @ 9:00 A.M. EST

I. CALL TO ORDER

The meeting was called to order at approximately 9:15 a.m. EST by Mr. John Jones, Board Chair.

II. ROLL CALL

MEMBERS PRESENT

John Jones, Chair
Abram Finkelstein, Vice Chair
Eric Arfons
Celeste Dockery
Suzette DiMascio

MEMBERS ABSENT

Scott Buchanan (*Excused*)

STAFF PRESENT

Rick Morrison, Executive Director, DBPR
Mary Ellen Clark, Board Counsel, Office of the Attorney General
C. Erica White, Assistant General Counsel, DBPR
Krista Woodard, Government Analyst II, DBPR
Erin Moreno, Government Analyst, DBPR
John Villafrate, Assistant General Counsel, DBPR
Elizabeth Stinson, Assistant General Counsel, DBPR

OTHERS PRESENT

Timothy Tack, Kunkel Miller & Hament, P.A.
Torben Madson, Kunkel Miller & Hament, P.A.
David Kiley
Wayne Carpenter
Kim Higgins
Kelly Anderson
Brian Pincket
Andrew Mazzurco

The meeting was opened with a roll call and a quorum was established.

III. THE PLEDGE OF ALLEGIANCE

Mr. Jones led all in the Pledge of Allegiance.

IV. REVIEW AND APPROVAL OF THE NOVEMBER 28, 2012 GENERAL BUSINESS MEETING MINUTES

MOTION: Ms. Dockery moved to approve the minutes.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

V. REVIEW AND APPROVAL OF THE FEBRUARY 20-21, 2013 GENERAL BUSINESS MEETING MINUTES Email/handout

Mr. Morrison advised that the review of these minutes will be tabled to a future meeting to allow Ms. Woodard time to prepare them as this meeting transpired during the time that she was on medical leave.

VI. REVIEW AND APPROVAL OF THE APRIL 17-18, 2013 GENERAL BUSINESS MEETING MINUTES

MOTION: Mr. Jones moved to approve the minutes.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

VII. APPLICATION REVIEW (Applicants noticed for June 6, 2013 at 9:00 a.m.)

A. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY AND CONTROLLING PERSON APPLICATIONS

**1. American Payroll and Benefits I, LLC (EL Applicant)
Andrew S. Mazzurco, Controlling Person Applicant**

Mr. Jones presented the company and controlling person applications for American Payroll and Benefits I, LLC and Andrew Mazzurco stating they were tabled from a previous meeting to allow Mr. Mazzurco to appear before the board to answer questions.

Mr. Jones asked Mr. Mazzurco to provide some background information into the bankruptcy issue listed on the controlling person application.

After further discussion, the following motion was made:

MOTION: Mr. Finkelstein moved to approve the applications pending receipt of a corrected application for Mr. Mazzurco and submission of a certificate of insurance that states that it covers leased employees in the state of Florida.

SECOND: Ms. Dockery seconded the motion and it passed unanimously.

**2. EBM Staffing Services, Inc. (EL Applicant)
David Kiley, Controlling Person Applicant**

Mr. Jones presented the company and controlling person applications.

Ms. Dockery stated there were a few problems with the application that needed to be corrected.

Mr. Kiley was present and addressed the board stating he would like to table discussion of the applications until he was able to correct the applications.

The board voted to table discussion of the applications until a future meeting.

**3. James T. Caldwell, Controlling Person Applicant
Sequent, Inc. – EL 357**

Mr. Jones presented the controlling person application of Mr. James Caldwell.

MOTION: Ms. Dockery moved to approve the application.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

**4. Dennis Cooley, Controlling Person Applicant
Workforce Business Services, Inc. – GL 178
Workforce Business Services Two, Inc. – GM 469
Workforce Business Services Three, Inc. – GM 467
Workforce Business Services Four, Inc. – GM 468**

Mr. Jones presented the controlling person application of Mr. Dennis Cooley.

MOTION: Ms. Dockery moved to approve the application.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

**5. Kimberly Ann Higgins, Controlling Person Applicant
Carolina Resource Management, LLC – EL 179**

Mr. Jones presented the controlling person application of Ms. Kimberly Ann Higgins.

Ms. Dockery advised that the IRS 8821 form needs to include Form 1040.

MOTION: Mr. Finkelstein moved to approve the application pending receipt of the corrected IRS 8821 form.

SECOND: Mr. Jones seconded the motion and it passed unanimously.

**6. James W. Marshall, Controlling Person Applicant
Ally HR, Inc. – GL 164
Ally HR II, Inc. – GM 412
Ally HR III, Inc. – GM 413
Ally HR IV, Inc. – GM 414
Ally HR V, Inc. – GM 415**

Mr. Jones presented the controlling person application of Mr. James W. Marshall.

Mr. Jones advised that he would like for the applicant to appear before the board to answer some questions that he and other members of the board may have.

Mr. Brian Pincket was present and represented the applicant stating her would like to waive the 90-day deemer clause to allow his client time to appear before the board.

The board agreed to table discussion of the application until a future meeting at which time Mr. Marshall could appear before the board to answer questions about his application.

**7. James Lee Parke, Controlling Person Applicant
Lutra, LLC d/b/a Thrive!Partners – EL 432**

Mr. Jones presented the controlling person application of Mr. James Parke.

MOTION: Ms. Dockery moved to approve the application.

SECOND: Mr. Jones seconded the motion and it passed unanimously.

B. REVIEW AND CONSIDERATION OF CHANGE OF OWNERSHIP APPLICATIONS

1. **Ally HR, Inc. – GL 164**
Ally HR II, Inc. – GM 412
Ally HR III, Inc. – GM 413
Ally HR IV, Inc. – GM 414
Ally HR V, Inc. – GM 415

Mr. Jones presented the change of ownership applications.

MOTION: Mr. Finkelstein moved to approve the change of ownership applications.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

C. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY NAME CHANGES

1. **Ally HR, Inc. – GL 164**
Ally HR II, Inc. – GM 412
Ally HR III, Inc. – GM 413
Ally HR IV, Inc. – GM 414
Ally HR V, Inc. – GM 415
TO: d/b/a Matrix Employer Services

Mr. Jones presented the name change applications.

MOTION: Mr. Finkelstein moved to approve the name change applications.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

D. REVIEW AND CONSIDERATION OF TERMINATION OF EMPLOYEE LEASING COMPANY OPERATIONS

1. **Pyramid Diversified Services, Inc. – EL 202**

Mr. Jones presented the termination of operations application.

MOTION: Mr. Jones moved to approve the termination of operations application.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

2. **Golden Professional Solutions, Inc. – EL 376**
(CP Relinquishment - George Touart, CO 955)
(CP Relinquishment – Jackie G. Grime, CO 954)

Mr. Morrison advised that he was pulling these applications from the agenda.

3. Employers One Source Group, Inc. – DM 78

Mr. Jones presented the termination of operations application.

MOTION: Mr. Jones moved to approve the termination of operations application.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

4. Kymberly Group Payroll Solutions, Inc. – EL 398

Mr. Jones presented the termination of operations application.

MOTION: Mr. Finkelstein moved to approve the termination of operations application.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

E. REVIEW AND CONSIDERATION OF CONTROLLING PERSON RELINQUISHMENTS

**1. Brian P. Thomas, CO 1021
Lutra, LLC d/b/a Thrive!Partners – EL 432**

Mr. Jones presented the controlling person relinquishment of Mr. Brian Thomas.

MOTION: Mr. Jones moved to accept the controlling person relinquishment.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

IX. OLD BUSINESS

None

X. NEW BUSINESS

None

XI. PUBLIC COMMENTS

None

XII. ADJOURNMENT

MOTION: Ms. DiMascio moved to adjourn.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

The meeting adjourned at 11:55 a.m.

Transcripts and/or recordings of the meeting can be obtained upon request.