

**BOARD OF EMPLOYEE LEASING COMPANIES
TELEPHONE CONFERENCE CALL MEETING MINUTES
WEDNESDAY, JUNE 17, 2015**

**10:00 a.m. EST
MEET-ME-NUMBER: (888) 670-3525**

I. CALL TO ORDER

The meeting was called to order at approximately 10:02 a.m. EST by Mr. Abram Finkelstein, Board Chair.

II. ROLL CALL

MEMBERS PRESENT

Abram Finkelstein, Chair
John Jones, Vice-Chair
Scott Buchanan
Philip Stamatyades

MEMBERS ABSENT

Eric Arfons (*excused*)

STAFF PRESENT

Rick Morrison, Executive Director, DBPR
Donald Shaw, Government Analyst II, DBPR
Mary Ellen Clark, Board Counsel, Office of the Attorney General
Lynette Norr, Office of the Attorney General
John Cary, Chief Attorney, Professions, DBPR
James Fortunatas, Prosecuting Attorney, DBPR

OTHERS PRESENT

Michael Miller, Kunkel, Miller & Hament, P.A.
Timothy Tack, Kunkel, Miller & Hament, P.A.
Alicia Lester
Todd Cohn

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

III. REVIEW AND APPROVAL OF THE MAY 20, 2015 TELEPHONE CONFERENCE CALL MEETING MINUTES

Mr. Stamatyades advised that page 4, line 5 under "New Business" needed to be corrected to reflect "two of the current board members."

MOTION: Mr. Jones moved to approve the minutes with the correction.

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

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

- A. SOI-23 of FL, Inc. – EL Applicant**
Burton M. Goldfield, CO 881
William Porter, CO 991

***** Termination of Operations*****

- SOI-23 of FL, Inc. – GL 121
- FLSUB-62, Inc. – GM 303

Mr. Finkelstein presented the new application for SOI-23 of FL, Inc. and the termination of operation requests for SOI-23 of FL, Inc. – GL 121 and FLSUB-62, Inc. – GM 303.

MOTION: Mr. Jones moved to approve the applications.
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

- B. Todd J. Cohn, Controlling Person Applicant**
TriNet HR Corporation – EL 320
Ambrose Employer Group, LLC – EL 366
SOI-23 of FL, Inc. – GL 121 (pending EL license)
Accord Human Resources 13, Inc. – GL 141
Amlease Corporation – GL 161
Accord Human Resources 12, Inc. – GL 98
TriNet HR II, Inc. – GL 99
(Group Members are included in list of companies)

Mr. Finkelstein presented the controlling person application of Mr. Todd Cohn.

MOTION: Mr. Jones moved to approve the application.
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

- C. Melissa Mae Ness, Controlling Person Applicant**
Merit Resources, Inc.
(Group Members are included in list of companies)

Mr. Finkelstein presented the controlling person application of Ms. Melissa Mae Ness.

MOTION: Mr. Finkelstein moved to approve the application.
SECOND: Mr. Jones seconded the motion and it passed unanimously.

V. REVIEW AND CONSIDERATION OF CONTROLLING PERSON RELINQUISHMENTS

- A. Gregory L. Hammond, CO 742**
TriNet HR Corporation – EL 320
Ambrose Employer Group, LLC – EL 366
SOI-23 of FL, Inc. – GL 121 (pending EL license)
Accord Human Resources 13, Inc. – GL 141
Amlease Corporation – GL 161
Accord Human Resources 12, Inc. – GL 98
TriNet HR II, Inc. – GL 99
(Group Members are included in list of companies)

Mr. Finkelstein presented the controlling person relinquishment of Mr. Gregory Hammond.

MOTION: Mr. Jones moved to accept the controlling person relinquishment.
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

B. Dale L. Hageman, CO 180
Accord Human Resources 12, Inc. – GL 98
(Group Members are included in list of companies)

Mr. Finkelstein presented the controlling person relinquishment of Mr. Hageman stating that Mr. Hageman has submitted a request to hold his license in abeyance for 90 days at which time he would make the appropriate steps to transfer his license to another employee leasing company.

Board staff was direct to keep the license open for 90 days and not to relinquish it until such time if no action has been taken.

C. Steven P. Groulx, CO 840
Progressive Employer Management XXIII, LLC – EL 360

Mr. Finkelstein presented the controlling person relinquishment of Mr. Steven P. Groulx.

MOTION: Mr. Jones moved to accept the controlling person relinquishment.
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

D. Thomas A. Shehan, CO 920
Nextep, Inc. – EL 393

Mr. Finkelstein presented the controlling person relinquishment of Mr. Thomas A. Shehan.

MOTION: Mr. Jones moved to accept the controlling person relinquishment.
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

E. William Manasco, CO 1034
AccessPoint, LLC – GL 189
(Group Members are included in list of companies)

Mr. Finkelstein presented the controlling person relinquishment of Mr. William Manasco.

MOTION: Mr. Finkelstein moved to accept the controlling person relinquishment.
SECOND: Mr. Jones seconded the motion and it passed unanimously.

VI. DISCUSSIONS

- A. Rule 61G7-5.0033, Florida Administrative Code**
- **May 15, 2015 E-mail regarding Rule 61G7-5.0033, F.A.C.**
 - **Rule 61G7-5.0033, Florida Administrative Code, JAPC Letter**
 - **DBPR EL 4518 – Cross Guarantee Form**
 - **DBPR EL 4505 – Board Approved Guaranty Form**

Ms. Clark presented the May 12, 2015 correspondence from JAPC regarding Rule 61G7-5.0033, F.A.C concerning issues that must be addressed by the Board prior to rulemaking.

After discussion, the board directed Ms. Clark to draft a response to JAPC expressing the board's opinion of having authority to require notarized signatures on the Cross Guarantee forms and made the following motions.

MOTION: Mr. Finkelstein moved to approve form DBPR EL 4518 and the text as amended.

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

After approval of the proposed language, Ms. Clark asked the following questions:

1. Will the proposed rule amendments have an adverse impact on small business?

MOTION: Mr. Finkelstein moved that the proposed amendments to Rule 61G7-5.0033, F.A.C. would not have an adverse impact on small business.

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

2. Will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after implementation?

MOTION: Mr. Finkelstein moved that the proposed language would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after implementation.

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

Ms. Clark stated based on the board's responses to the questions, a SERC would not be needed.

B. Annual Assessment Fee Increase

- **Rule 61G7-5.002 Annual Assessment on Gross Florida Payroll**
- **SERC**

Mr. Morrison presented the draft language changes to Rule 61G7-5.002, F.A.C.

61G7-5.002 Annual Assessment on Gross Florida Payroll.

(1) The Department of Business and Professional Regulation shall assess each Employee Leasing Company and each Employee Leasing Company Group an annual assessment fee based upon the preceding calendar year's gross Florida payroll of the company or group. The assessment shall be due on April 1 of each year and shall become delinquent after April 30. For new applicants the initial assessment shall be due with the licensure application. Funds collected under this assessment are to be made payable to the Board and to be deposited into the Professional Regulation Trust Fund as created within the Department. The annual assessment fee shall be calculated in accordance with the following table:

<i>Amount of Gross Florida Payroll</i>	<i>Assessment Fee Due</i>	
<i>less than \$250,000</i>	<i>\$36.00</i>	<u><i>72.00</i></u>
<i>250,000 – \$500,000</i>	<i>\$64.00</i>	<u><i>127.00</i></u>

\$500,001 – \$1,000,000	\$95.00	<u>190.00</u>
\$1,000,001 – \$2,500,000	\$134.00	<u>267.50</u>
\$2,500,001 – \$5,000,000	\$172.00	<u>344.50</u>
\$5,000,001 – \$7,500,000	\$211.00	<u>422.00</u>
\$7,500,001 – \$10,000,000	\$250.00	<u>499.00</u>
\$10,000,001 – \$15,000,000	\$289.00	<u>577.00</u>
\$15,000,001 – \$20,000,000	\$327.00	<u>654.00</u>
\$20,000,001 – \$30,000,000	\$366.00	<u>731.00</u>
\$30,000,001 – \$40,000,000	\$404.00	<u>808.50</u>
\$40,000,001 – \$50,000,000	\$457.00	<u>914.50</u>
greater than \$50,000,000	\$510.00	<u>1019.50</u>

(2) through (3) No change.

Rulemaking Specific Authority 468.522 FS. Law Implemented 468.526(3) FS. History—New 7-15-92, Formerly 21EE-5.002, Amended 4-25-94, 6-10-96, 6-22-98, 7-11-00, 9-5-04, 3-27-05, 7-6-05, 2-28-12,_____.

MOTION: Mr. Finkelstein moved to notice Rule 61G7-5.002 for rule development and approve the proposed language to increase the annual assessment fees.

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

MOTION: Mr. Finkelstein moved to approve the SERC as presented in the agenda materials.

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

VII. REPORTS

A. Office of the Attorney General – Mary Ellen Clark

- June 2015 Rules Report

Ms. Clark advised that she included her report in the rules discussion.

B. Office of the General Counsel – James Fortunas

- Prosecuting Attorney’s Report

Mr. Fortunas gave a synopsis of the report that was contained in the agenda materials.

C. Executive Director – Rick Morrison

- Financial Report – Operating Account – 3/31/2015
- Financial Report – Unlicensed Activity Account – 3/31/2015
- Financial Projections through 2019

Mr. Morrison gave a synopsis of the financial reports contained in the agenda materials.

D. Chairperson – Abram Finkelstein

No report.

VIII. OLD BUSINESS

None

IX. NEW BUSINESS

None

X. PUBLIC COMMENTS

None

XI. ADJOURNMENT

MOTION: Mr. Buchanan moved to adjourn.

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

The meeting adjourned at 11:30 a.m.

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