

BOARD OF EMPLOYEE LEASING COMPANIES
GENERAL BUSINESS MEETING

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July 13, 2021

10:00 a.m.

CALL TO ORDER

The meeting was called to order at approximately 10:09 A.M. EST by Mr. Richard Kiracofe, Board Chair.

I. ROLL CALL

MEMBERS PRESENT

Richard Kiracofe, Chair
Zachary Collier, Vice Chair
Ronald Hodge

STAFF PRESENT

Rick Morrison, Executive Director, DBPR
Nicole Myers, Government Analyst II, DBPR
Lynette Norr, Board Counsel, Office of Attorney General
Crystal Stephens, Prosecuting Attorney, DBPR
Shanna-Kay Turner, Prosecuting Attorney, DBPR

OTHERS PRESENT

For The Record Court Reporting (850) 222-5491
Timothy Tack, Esq., Fisher & Phillips LLP
Michael Miller, Esq., Fisher & Phillips LLP
Torben Madson, Esq. The PEO Law Firm
John Miller, Next Level Payroll

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

II. DISCIPLINARY HEARINGS

A. Settlement Stipulations

- 1. DPG Employee Leasing, LLC – EL 428
Case No. 2020-029670**
- 2. Melody Nicole Medina – CO 1010
Case No. 2020-040623**

PCP: DBPR – November 5, 2020

Ms. Turner presented the cases explaining Respondents violated Section 468.532(1) (f), F.S., by conducting business while Respondents did not have an active license. Respondent violated Section 468.532(1) (i), F.S., through a violation of Rule 61G7-10.0011(1), F.A.C., by failing to timely file the 2019 annual financial report, 2019 4th Quarter, and 2020 1st and 2nd Quarter Report. Respondent violated Section 468.532(1) (i), F.S., through a violation of Rule 61G7-5.002, F.A.C., by failing to timely pay the 2019 annual assessment fee.

Ms. Turner stated the settlement stipulation provides for imposition of an administrative fine of \$6000 and costs of \$171.21 with joint and several liabilities for payment of the fine and costs. The fines and costs will be due 60 days of filing of Final Order.

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

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

- 3. G & S Leasing Group, Inc. – GL 232
Case No. 2020-042104**
- 4. G & S Leasing Group 2, Inc. – GM 531
Case No. 2020-042108**
- 5. G & S Leasing Group 3, Inc. – GM 532
Case No. 2020-042109**
- 6. G & S Leasing Group 7, Inc. – GM 618
Case No. 2020-042113**
- 7. Marshall Ross Glass – CO 1068
Case No. 2020-042115**

PCP: DBPR – September 15, 2020

Ms. Turner presented the cases explaining Respondent violated Section 468.532(1) (i), F.S., through a violation of Rule 61G7-10.0011(1), F.A.C., by failing to timely file the 2019 annual financial report, 2019 4th Quarter, and 2020 1st and 2nd Quarter Report.

Ms. Turner stated the settlement stipulation provides for imposition of an administrative fine of \$7500 and costs of \$373.56 with joint and several liabilities for payment of the fine and costs. The fines and costs will be due 60 days of filing of Final Order.

MOTION: Mr. Collier moved to adopt the terms of the settlement stipulation as the final order of the board.
SECOND: Mr. Hodge seconded the motion and it passed unanimously.

- 8. Compass Employment Services, LLC – EL 365
Case No. 2020-041679**
- 9. James Richard Hicks – CO 854
Case No. 2020-041682**

PCP: DBPR – January 4, 2021

Ms. Turner presented the cases explaining Respondent violated Section 468.532(1) (i), F.S., through a violation of Rule 61G7-10.0011(1), F.A.C., by failing to timely file the 2019 annual financial report and 2019 3rd Quarter Report. Respondent violated Section 468.532(1) (i), F.S., through a violation of Rule 61G7-5.002, F.A.C., by failing to timely pay the 2019 annual assessment fee.

Ms. Turner stated the settlement stipulation provides for imposition of an administrative fine of \$8000 and costs of \$186.78 with joint and several liabilities for payment of the fine and costs. The fines and costs will be due 60 days of filing of Final Order.

MOTION: Mr. Collier moved to adopt the terms of the settlement stipulation as the final order of the board.
SECOND: Mr. Hodge seconded the motion and it passed unanimously.

- 10. Payday Inc. – GL 182
Case No. 2020-044181**
- 11. Payday Inc. II – GM 481
Case No. 2020-044188**
- 12. Payday Inc. III – GM 480
Case No. 2020-044191**
- 13. Robert W. Kimball – CO 883
Case No. 2020-044192**

PCP: DBPR – January 13, 2021

Ms. Turner presented the cases explaining Respondent violated Section 468.532(1) (i), F.S., through a violation of Rule 61G7-10.0011(1), F.A.C., by failing to timely file the 2019 annual financial report.

Ms. Turner stated the settlement stipulation provides for imposition of an administrative fine of \$1500 and costs of \$256.82 with joint and several liabilities for payment of the fine and costs.

MOTION: Mr. Collier moved to adopt the terms of the settlement stipulation as the final order of the board.
SECOND: Mr. Hodge seconded the motion and it passed unanimously.

**14. E3 HR, Inc. – EL 474
Case No. 2021-004432**

**15. Maria Josephine Spinally – CO 1200
Case No. 2021-00435**

PCP: DBPR – March 30, 2021

Ms. Turner presented the cases explaining Respondent violated Section 468.532(1) (i), F.S., through a violation of Section 468.525(3)(d), F.S., by maintaining a negative net worth of \$278,542.00 as reflected in the 2020 1st Quarter Report.

Ms. Turner stated the settlement stipulation provides for imposition of an administrative fine of \$1000 and costs of \$179.00 with joint and several liabilities for payment of the fine and costs.

MOTION: Mr. Collier moved to adopt the terms of the settlement stipulation as the final order of the board.
SECOND: Mr. Hodge seconded the motion and it passed unanimously.

B. Waiver

**1. Next Level Payroll Services, Inc. – GL 198
Case No. 2020-044088**

**2. Next Level Payroll Services II, Inc. – GM 526
Case No. 2020-044089**

**3. Next Level Payroll Services III, Inc. – GM 527
Case No. 2020-044091**

**4. Next Level Payroll Services IV, Inc. – GM 621
Case No. 2020-044095**

**5. Next Level Payroll Services V, Inc. – GM 620
Case No. 2020-044098**

**6. John Roy Miller – CO 1217
Case No. 2020-044102**

PCP: DBPR – January 20, 2021

Ms. Turner presented the cases explaining Respondents violated Section 468.532(1) (i), F.S., through violation of Rule 61G7-10.001 (1), Florida Administrative Code, for failing to timely submit the 2019 audited annual report, 2019 4th Quarter Report, and 2020 1st and 2nd Quarter Report.

MOTION: Mr. Collier moved to the Respondent was properly served.
SECOND: Mr. Hodge seconded the motion and it passed unanimously.

MOTION: Mr. Collier moved to adopt the finding of facts.
SECOND: Mr. Hodge seconded the motion and it passed unanimously.

MOTION: Mr. Collier moved to adopt the conclusions of law.
SECOND: Mr. Hodge seconded the motion and it passed unanimously.

MOTION: Mr. Collier moved to impose a penalty of an administrative fine of \$4800, costs of \$392.24. Fines and Costs will be paid in six installments.
SECOND: Mr. Hodge seconded the motion and it passed unanimously.

The board recessed for a brief break.

I. CALL TO ORDER

II. REVIEW AND APPROVAL OF THE JUNE 16, 2021 MINUTES

Board members reviewed the minutes from the June 16, 2021 meeting.

MOTION: Mr. Collier made a motion to approve the minutes with corrections.
SECOND: Mr. Hodge seconded the motion and it passed.

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

**A. Marti Henderson – Controlling Person Applicant
Employee Leasing Guy LLC – GL 190 and group members.**

Application pulled from agenda.

III. REVIEW AND CONSIDERATION OF REGISTRATION OF DE MINIMUS COMPANY

A. No De Minimus applications reviewed.

IV. BOARD NOTIFICATIONS

CHANGE OF OWNERSHIP APPLICATIONS

Asset Purchase

A. No applications reviewed.

Stock Purchase

A. Paychecks Plus Inc. – EL 308 Purchaser: Leelyn Hope Holdings, LLC

Mr. Kiracofe presented the change of ownership application of Paychecks Plus Inc.

MOTION: Mr. Collier moved to ratify the application.

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

B. United Employee Services, Inc. – EL 364 Purchaser: Leelyn Hope Holdings, LLC

Mr. Kiracofe presented the change of ownership application of United Employee Services, Inc.

MOTION: Mr. Collier moved to ratify the application.

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

C. Peoplease, LLC – EL 144 Purchasers: Peoplease Holdings, LLC

Mr. Kiracofe presented the change of ownership application of Peoplease, LLC.

MOTION: Mr. Collier moved to ratify the application.

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

V. CHANGE OF STATUS APPLICATIONS

A. No Applications reviewed.

VI. CHANGE OF NAME APPLICATIONS

A. No Applications reviewed.

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

A. XMI PEO LLC – EL 495

Mr. Kiracofe presented the termination application of XMI PEO LLC.

MOTION: Mr. Collier moved to ratify the application.

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

VIII. REQUEST FOR VOLUNTARY NULL AND VOID STATUS

A. Prasanna Sankaranarayanan – CO 1293

Rippling PEO – GL 250 and group members

Mr. Kiracofe presented the null and void application for Prasanna Sankaranarayanan.

MOTION: Mr. Collier moved to ratify the application.

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

B. Cherie M. Fretto – CO 721

Paychecks Plus Inc. – EL 308

United Employee Services, Inc. – EL 364

Mr. Kiracofe presented the null and void application for Cherie Fretto.

MOTION: Mr. Collier moved to ratify the application.

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

C. James M. Karle – CO 503

Southeastern Employee Benefits Solutions – EL 200

Mr. Kiracofe presented the null and void application for James Karle.

MOTION: Mr. Collier moved to ratify the application.

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

D. Larry Evans – CO 502

Southeastern Employee Benefits Solutions – EL 200

Mr. Kiracofe presented the null and void application for Larry Evans.

MOTION: Mr. Collier moved to ratify the application.

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

E. Lewis Marcus Carter, Jr. – CO 572

Southeastern Employee Benefits Solutions – EL 200

Mr. Kiracofe presented the null and void application for Lewis Carter, Jr.

MOTION: Mr. Collier moved to ratify the application.

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

F. Pawan Chhabra – CO 1153

Mr. Kiracofe presented the null and void application for Pawan Chhabra.

MOTION: Mr. Collier moved to ratify the application.

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

IX. DISCUSSION ITEMS

X. Reports

A. Office of Attorney General

RULE 61G7-10.001

Ms. Norr asked Board members to review proposed language change for Rule 61G7-10.001.

MOTION: Mr. Collier moved to adopt the proposed changes for Rule 61G7-10.001

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

After the motions, Ms. Norr asked if these amendments would have an adverse impact on small business or 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. Collier moved that the amendments would not have an adverse impact on small business or 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. Hodge seconded the motion and it passed unanimously.

Ms. Norr asked Board members to determine whether any portion of rule 61G7-10.001 should be designated a minor violation and added to Rule 61G7-7.003 Notice of Noncompliance.

Discussion noted that Rule 61G7-10.001 is currently designated as a minor violation.

MOTION: Mr. Collier moved that the rules in Chapter 61G7-7 are a minor violation.

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

Ms. Norr asked will a sunset provision be required for Rule 61G7-10.001.

MOTION: Mr. Collier stated a sunset provision is not required.
SECOND: Mr. Hodge seconded the motion and it passed unanimously.

B. Office of General Counsel

Ms. Turner presented the public and private case reports.

C. Executive Director

No report from Executive Director.

D. Chairperson

No report from Chair.

XI. OLD BUSINESS

None

XIII. NEW BUSINESS

None

XIV. PUBLIC COMMENTS

None

XV. ADJOURNMENT

MOTION: Mr. Hodge moved to adjourn the meeting at 11:40 p.m.
SECOND: Mr. Kiracofe seconded the motion and it passed unanimously.

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