

**BOARD OF EMPLOYEE LEASING COMPANIES
TELEPHONE CONFERENCE CALL MEETING MINUTES
WEDNESDAY, OCTOBER 26, 2016
10:00 a.m. EST
MEET-ME-NUMBER: (888) 670-3525**

I. CALL TO ORDER

The meeting was called to order at approximately 10:04 a.m. EST by Ms. Celeste Dockery, Board Chair.

II. ROLL CALL

MEMBERS PRESENT

Celeste Dockery, Chair
John Jones, Vice-Chair
Abram Finkelstein
Eric Arfons

MEMBERS ABSENT

STAFF PRESENT

Rick Morrison, Executive Director, DBPR
Krista Woodard, Government Analyst II, DBPR
Lynette Norr, Board Counsel, Office of the Attorney General
James Fortunas, Prosecuting Attorney, DBPR
Justin Myers, Government Analyst, DBPR
Annette Simmons-Brown, Paralegal, Office of the Attorney General

OTHERS PRESENT

Timothy Tack, Miller Tack & Madson, P.A.
Torben Madson, Miller Tack & Madson, P.A.
Tricia Russo
David Oliver
Andrea McHenry
Kirt Bennett
Jennifer Stephan
Timothy Cerio

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

III. REVIEW AND APPROVAL OF THE SEPTEMBER 21, 2016 TELEPHONE CONFERENCE CALL MEETING MINUTES

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

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

**A. Cohesive Networks 2, Inc. – EL Applicant
John Walker Hardin, CO 797**

Mr. Tack asked to table discussion of the application and agreed to waive the 90 day timeframe for agency action of the application to allow him time to supplement the application as needed.

**B. Key HR, LLC - EL Applicant
Jennifer Stephan, CP Applicant**

Ms. Dockery presented the company and controlling person applications stating the interim financials must be within the 90 day timeframe as outlined in the application as well as a statement of no material adverse changes of the financials must be included.

Ms. Stephan was present and advised that she would be able to provide those items before the close of business.

MOTION: Mr. Finkelstein moved to conditionally approve the applications based upon receipt of an updated interim financial statement and a statement of no material adverse changes in the financials by the close of business on October 26, 2016. He furthered his action stating if the items are not received by the close of business that they would be tabled until the next scheduled meeting.

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

- C. MBA Payroll Services III, Inc. – GL Applicant**
- D. MBA Payroll Services IV, Inc. – GM Applicant**
- E. MBA Payroll Services V, Inc. – GM Applicant**
- F. MBA Payroll Services VI, Inc. – GM Applicant**
Christopher McDonald, CO 1142
Sean McConnell, CO 1143

Ms. Dockery presented the group leader and group member applications.

MOTION: Mr. Jones moved to approve the applications.

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

- G. Next Level Payroll Services IV, Inc. – GM Applicant**
- H. Next Level Payroll Services V, Inc. – GM Applicant**
James Grobmyer, CO 1065

Ms. Dockery presented the group member applications.

MOTION: Mr. Finkelstein moved to approve the applications.

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

- I. Arthur Steve Arizpe, Controlling Person Applicant**
Administaff Companies, Inc. d/b/a Insperity – EL 24
Insperity PEO Services, LP - EL 238

Ms. Dockery presented the controlling person application of Mr. Arthur Arizpe.

MOTION: Mr. Jones moved to approve the application.

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

V. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY NAME CHANGES

A. Impact Staff Leasing, Inc. – GL 50

To: Impact Staff Leasing, LLC

Ms. Dockery presented the name change application.

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

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

B. Kirt04, Inc. d/b/a Genesis Employee Leasing

To: Kirt04, Inc. d/b/a Phoenix Payroll Solutions

Ms. Dockery presented the name change application.

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

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

VI. REPORTS

A. Office of the Attorney General – Lynette Norr

- October 2016 Rules Report
- ELC 8 Address or Name Change Board Recommendations

Ms. Norr provided an update to the rules as listed in her report advising that there was one rule that needed board action.

- **Rule 61G7-2.002, F.A.C – Probable Cause Panel**

Ms. Norr advised that the changes to this rule would be effective in November 2016.

- **Rule 61G7-10.002 Amended Rule text and incorporation of Form DBPR ELC-8**

Ms. Norr advised that at the October meeting the Board made changes to Rule 61G7-10.002 to incorporate Form DBPR ELC-8. At that meeting, the board made changes to the form and requested that it be presented at the October meeting for final review.

MOTION: Mr. Finkelstein moved to approve the amended text incorporating Form DBPR ELC-8 with the changes.

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

B. Office of the General Counsel – James Fortunas

Mr. Fortunas reported that as of October 5, 2016, 28 cases were received in legal, 63 cases set for probable cause, and six (6) sent for supplemental investigation for a total of 97 cases.

C. Executive Director – Rick Morrison

Mr. Morrison advised that he did not have a report but wanted to advise the board that there were no updates or changes concerning the anti-trust issue.

D. Chairperson – Celeste Dockery

No Report.

VII. OLD BUSINESS

None

VIII. NEW BUSINESS

Mr. Finkelstein addressed the anti-trust issue advising that he would like to postpone all meetings until March 2017 or until proper protection is in place.

Mr. Tack asked if the board would consider another meeting before year's end to address applicants that desire licensure to have an opportunity.

The board agreed to have a meeting in November to address those issues.

After a brief discussion concerning the anti-trust issue, the following motion was made.

MOTION: Ms. Dockery moved to postpone all meetings until March 2017.
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

IX. PUBLIC COMMENTS

None

X. ADJOURNMENT

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

The meeting adjourned at 11:13 a.m.

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