

**BOARD OF EMPLOYEE LEASING COMPANIES
TELEPHONE CONFERENCE CALL MEETING MINUTES
WEDNESDAY, DECEMBER 18, 2013
10:00 a.m. EST
MEET-ME-NUMBER: (888) 670-3525**

I. CALL TO ORDER

The meeting was called to order at approximately 10:03 a.m. EST by Mr. John Jones, Board Chair.

II. ROLL CALL

MEMBERS PRESENT

John Jones, Chair
Abram Finkelstein, Vice Chair
Eric Arfons
Scott Buchanan
Suzette DiMascio
Keith Reeves
Philip Stamatyades

MEMBERS ABSENT

STAFF PRESENT

Richard Morrison, Executive Director, DBPR
Krista B. Woodard, Government Analyst II, DBPR
C. Erica White, Prosecuting Attorney, DBPR
Mary Ellen Clark, Board Counsel, Office of the Attorney General
Erin Moreno, Government Analyst, DBPR

OTHERS PRESENT

Michael Miller, Kunkel, Miller & Hament, P.A.
Timothy Tack, Kunkel, Miller & Hament, P.A.
Torben Madson, Kunkel Miller & Hament, P.A.
James Rodney
Steve Herrig
Stavros Tingirides
Adam Broussard
Corey Keith
Dwight Reed
John Hardin
Farrah Fielder
Thomas Massarella
Michael Traynor
Tricia Rousseau
James Inabnet
Terry Dover
Steven Steinberg
James Grobmyer
Samuel Rossa

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

III. PETITIONS FOR VARIANCE OR PARTIAL WAIVER OF FLORIDA ADMINISTRATIVE CODE, RULE 61G7-5.0033(4)

A. Certistaff, Inc. – VW 2013-396

Mr. Tack and Mr. Miller presented, on behalf of the Petitioners, the Petition for Variance or Partial Waiver of Rule 61G7-5.0033(4), F.A.C. which was filed on November 26, 2013.

After a very lengthy discussion, the following motion was made.

MOTION: Mr. Finkelstein moved to permanently grant the petition on the condition that NetQuest Aviation, LLC execute a Board-approved guaranty in compliance with Rule 61G7-5.005, FAC, prior to Petitioners' submission of a combined audited financial statement for the fiscal year ending December 31, 2013, that covers NetQuest Aviation, LLC.

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

B. Progressive Employer Services V, LLC – VW 2013-394

Mr. Miller advised that based on the board's action to allow these licensees to terminate or relinquish their licenses, the Petition for Variance or Partial Waiver assigned Case No. 2013-394, has been rendered moot and hereby withdraw their petition.

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

**A. Advanced PEO Solutions V, LLC (GM Applicant)
Thomas Massarella, CO 980**

Mr. Jones presented the group member application.

MOTION: Mr. Jones moved to approve the group member application.

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

B. Cohesive Networks, Inc. (EL Applicant)

**C. Cohesive Networks 2, Inc. (EL Applicant)
John Walker Hardin, CO 797**

Mr. Jones presented the company applications of Cohesive Networks, Inc. and Cohesive Networks 2, Inc.

Mr. Morrison advised that there were open investigations involving the pending applications.

Ms. Clark stated that the relevance of the matter is that Chapter 455.213(3), F.S. provides that the board may refuse to issue an initial license to any applicant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violations of this chapter or the professional practice acts administered by the department and the boards, until such time as the investigation or prosecution is complete.

Ms. Clark advised that there are matters that would properly be classified as both an investigation and prosecution.

Mr. Morrison stated that no other board allows applications to be heard with pending discipline and/or prosecution.

Mr. Finkelstein stated he did not want to impede the creation of business, but it troubles him to hear applications with pending investigations as it would set a precedent. He stated that he is more inclined not to allow the application to precede or to deny it. He does not want to taint the ability of the board.

Mr. Jones stated that he felt it would set a precedent of bypassing probable cause.

Mr. Reeves stated he did not want to set a precedent and that it makes sense not to review the applications at this time.

Mr. Arfons, Mr. Stamatyades, and Ms. DiMascio agreed with the other board members and do not want to review the applications at this time.

Mr. Miller stated that Chapter 455.213(3), F.S. states the board "may" not "shall" refuse a license. He stated that it was up to the board to regulate at their discretion.

Mr. Miller asked if the board would allow Mr. Hardin to waive confidentiality and allow the board to review the applications and discipline at the same time.

The board once again expressed their discomfort with his request.

Mr. White advised that the next meeting of the probable cause panel is scheduled for February 11, 2014 and matters could be heard at that time.

Ms. Clark advised that the board has two options: to deny the applications or wait until the pending matters are complete.

Mr. Miller advised that his client would waive the 90-day timeframe and allow for the completion of the pending matters.

After a very lengthy discussion, the board made the following motion.

MOTION: Mr. Finkelstein moved to table discussion of the applications until final action has been taken on the pending matters per Chapter 455.213(3), F.S.

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

- D. **Employer HR Synergies, LLC (GL Applicant)**
- E. **Express HR SynergiesOne, LLC (GM Applicant)**
- F. **Express HR SynergiesTwo, LLC (GM Applicant)**
James C. Inabnet, Controlling Person Applicant

Mr. Jones presented the company and controlling person applications.

MOTION: Mr. Finkelstein moved to approve the applications.

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

- G. **G&S Leasing Group VI, Inc. (GL Applicant)**
- H. **G&S Leasing Group, Inc. (GM Applicant)**
- I. **G&S Leasing Group 2, Inc. (GM Applicant)**
- J. **G&S Leasing Group 3, Inc. (GM Applicant)**
- K. **G&S Leasing Group 4, Inc. (GM Applicant)**
Marshall Glass, CO 311

Mr. Jones presented the company applications.

Mr. Finkelstein asked what companies were Mr. Glass currently associated with or linked to.

Ms. Woodard advised that after reviewing the department's licensing system, that Mr. Glass was not associated with or related to any employee leasing companies..

Mr. Miller represented Mr. Glass stating that he was not currently associated with a company.

After further discussion, the board agreed to table discussion of the applications until Mr. Glass could submit a current controlling person application.

- L. **Next Level Payroll Services, Inc. (GL Applicant)**
- M. **Next Level Payroll Services II, Inc. (GM Applicant)**
- N. **Next Level Payroll Services III, Inc. (GM Applicant)**
James E. Grobmyer, Jr., Controlling Person Applicant

Mr. Jones presented the company and controlling person applications.

MOTION: Mr. Stamatyades moved to approve the applications.

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

- O. **Jose E. Hernandez Fraga, Controlling Person Applicant**
ADP TotalSource CO XXII, Inc. – GL 118
ADP TotalSource, Inc. – GL 104
ADP TotalSource I, Inc. – GL 33
ADP TotalSource Services, Inc. – GL 4
(Group Members are included in list of companies)

Mr. Jones presented the controlling person application for Mr. Jose Fraga.

MOTION: Mr. Finkelstein moved to approve the application.

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

- P. **Samuel F. Rossa, Controlling Person Applicant**
PeopLease Corporation – EL 144

Mr. Jones presented the controlling person application for Mr. Samuel Rossa.

MOTION: Mr. Arfons moved to approve the application.

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

V. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY NAME CHANGES

**A. A-1 Contract Staffing V, LLC – GM 443
TO: A1 HR, LLC**

Mr. Jones presented the name change application.

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

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

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

A. ABS 4, Inc. – GM 219

Mr. Jones presented the termination of operations for ABS 4, Inc.

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

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

- B. Progressive Employer Services V, LLC – GL 120**
- C. Progressive Employer Services IV, LLC – GM 258**
- D. Progressive Employer Services III, LLC – GM 259**
- E. Progressive Employer Services VI, LLC – GM 314**
- F. Progressive Employer Services VII, LLC – GM 315
(CP Relinquishment – Steve F. Herrig, CO 463)**

Mr. Jones presented the termination of operations and the controlling person relinquishment of Mr. Herrig.

MOTION: Mr. Finkelstein moved to approve the applications.

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

VII. REVIEW AND CONSIDERATION OF CONTROLLING PERSON RELINQUISHMENTS

**A. Charles R. Schellenger, CO 314
PeopLease Corporation – EL 144**

**B. Denward W. Speer, CO 315
PeopLease Corporation – EL 144**

Mr. Jones presented the controlling person relinquishments of Mr. Schellenger and Mr. Speer.

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

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

VIII. REPORTS

A. Office of the Attorney General – Mary Ellen Clark

No Report.

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

No Report.

C. Executive Director – Rick Morrison

No Report.

D. Chairperson – John Jones

No Report.

IX. OLD BUSINESS

None

X. NEW BUSINESS

None

XI. PUBLIC COMMENTS

Mr. Stamatyades asked what he should look for during his evaluation of applications.

Mr. Jones informed Mr. Stamatyades of the most important aspects of an application that he should focus on during his evaluations of pending applications.

XII. ADJOURNMENT

MOTION: Mr. Jones moved to adjourn.

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

The meeting adjourned at 1:02 p.m.

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