

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

**SHERATON SUITES – TAMPA AIRPORT
4400 WEST CYPRESS STREET
TAMPA, FLORIDA 33607**

**December 11, 2003
9:30 a.m. EST**

I. CALL TO ORDER

The meeting was called to order at approximately 9:33 a.m. EST by Ms. Celeste Dockery, Board Chair.

II. ROLL CALL

MEMBERS PRESENT

Celeste D. Dockery, Chair
Donna Bloomer
Frank W. Crum, Jr.
Kelly Lanza

MEMBERS ABSENT

David B. Stroyan, Vice Chair
Carlos Rodriguez

STAFF PRESENT

Jerry Wilson, Deputy Director, DBPR
Krista B. Woodard, Government Analyst II, DBPR
John Rimes, Board Counsel, Office of Attorney General
Eric Hurst, Assistant General Counsel, DBPR

OTHERS PRESENT

Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO
Robert Skrob, FAPEO
Calvert Courtney
Rustin Polk, AMS
Lori Kinney, NES
Ron Cates, NES
Ed Dougherty, NES
Lanse Scriven, Attorney for Marshall Glass
Janice DiRose, P.A.
Steven Steinberg
Clarissa Thompson, FAPEO
Jeff Bernard, Medical Staffing Solutions
John Tenney, TENNCOM

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

Ms. Woodard advised the board that Mr. Anthony Spivey, Executive Director, was absent due to a prior arranged board meeting convening in Tallahassee. She further stated that Mr. Jerry Wilson, Deputy Director, was attending instead.

III. REVIEW AND APPROVAL OF THE NOVEMBER 19, 2003, TELEPHONE CONFERENCE CALL MEETING MINUTES

MOTION: Ms. Donna Bloomer moved to approve the minutes.
SECOND: Ms. Kelly Lanza seconded the motion and it passed unanimously.

IV. DISCIPLINARY PROCEEDINGS

SETTLEMENT STIPULATIONS

Case #

A. The Cura Group, Inc. 2002-013695
(PCP: Lanza and Crum, June 18, 2003)

Mr. Eric Hurst presented the case explaining that it stems from violations involving employing an unlicensed individual as its president, a position which must be occupied by a licensed controlling person, maintaining a net working capital and a net worth deficiency in both the December 2001 and March 2002 quarterly reports, and failing to maintain the licensure requirement that the corporation be validly organized in the State of Florida. Mr. Hurst stated that the settlement stipulation provides for a \$1,000 administrative fine, costs of \$203.23, and a reprimand.

MOTION: Ms. Bloomer moved to accept the settlement stipulation.
SECOND: Ms. Dockery seconded the motion and it passed unanimously.

B. United Staffing of America, LTD 2003-001155
(PCP: Lanza and Crum, June 18, 2003)

Mr. Eric Hurst stated that this case was a Motion for Default and Final Order instead of a Settlement Stipulation. He further stated that due to Mr. Crum and Ms. Lanza participating as Probable Cause Panel members, they were recused, and there were not enough members present to take final action on the case.

C. Susan J. Royal 2000-05739

Mr. Hurst stated that he was standing in for Mr. Marc Drexler, the Department's Collections Attorney, and this was a case that has been issued a Final Order, but Ms. Royal, in turn, had submitted a Settlement Stipulation requesting the board to accept less than the amount originally agreed upon in the Final Order.

Ms. Bloomer stated that she had a problem accepting an amount less than what was agreed upon in the Final Order.

Ms Lanza stated that the Final Order should stand as is without any changes.

MOTION: Ms. Lanza moved to deny the reconsideration of the settlement stipulation.
SECOND: Ms. Bloomer seconded the motion and it passed unanimously.

V. EMPLOYEE LEASING COMPANY/CONTROLLING PERSON APPLICATIONS

**A. Equity Group Leasing, Inc.
Calvert Courtney – CO 222**

Ms. Woodard presented the application stating that all exhibits were submitted and complete. She further stated that instead of the certificate of insurance, Florida Workers Compensation Joint Underwriting Association (FWCJUA) submitted a letter citing workers' compensation coverage once approval of licensure is granted.

MOTION: Ms. Bloomer moved to approve the application.
SECOND: Mr. Crum seconded the motion and it passed unanimously.

**B. Equity Group Leasing I, Inc.
Calvert Courtney – CO 222**

Ms. Woodard presented the application stating that all exhibits were submitted and complete. She further stated that instead of the certificate of insurance, Florida Workers Compensation Joint Underwriting Association (FWCJUA) submitted a letter citing workers' compensation coverage once approval of licensure is granted.

MOTION: Mr. Crum moved to approve the application.
SECOND: Ms. Bloomer seconded the motion and it passed unanimously.

**C. FCI Group, Inc.
Calvert Courtney – CO 222**

Ms. Woodard presented the application stating that all exhibits were submitted and complete. She further stated that instead of the certificate of insurance, Florida Workers Compensation Joint Underwriting Association (FWCJUA) submitted a letter citing workers' compensation coverage once approval of licensure is granted.

Ms. Dockery asked if FCCI was still in the employee leasing business and if they were, if Mr. Courtney would consider changing the name of this company to curtail any confusion over the names.

Mr. Courtney stated that if FCCI came forward and cited confusion with the two companies having similar names, he would change the name of this company.

MOTION: Mr. Crum moved to approve the application.
SECOND: Ms. Lanza seconded the motion and it passed unanimously.

**D. Infiniti Resource Management, LLC
Lawrence E. Jones – CO 641
Clarissa Thompson – CO 639**

Ms. Woodard presented the application stating that all exhibits were submitted and complete. She further stated that instead of the certificate of insurance, Mr. Jones submitted a letter stating that their clients would maintain their own workers

compensation coverage.

MOTION: Ms. Dockery moved to approve the application.

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

**E. SFI Group, Inc.
Calvert Courtney – CO 222**

Ms. Woodard presented the application stating that all exhibits were submitted and complete. She further stated that instead of the certificate of insurance, Florida Workers Compensation Joint Underwriting Association (FWCJUA) submitted a letter citing workers' compensation coverage once approval of licensure is granted.

MOTION: Mr. Crum moved to approve the application.

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

**F. Adrian P. Remke, CP Applicant
Amstaff Human Resources – GL 17**

Ms. Woodard presented the application stating that it appeared to be complete.

MOTION: Mr. Crum moved to approve the application.

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

**G. Marjorie Seltzer, CP Applicant
Modern Business Associates Group - GM 150**

Ms. Woodard presented the application stating that the only outstanding item relating to the application is the FBI report.

MOTION: Mr. Crum moved to approve the application with the condition that should any derogatory information be revealed on the report that she would appear before the board.

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

**H. John Eugene Smith, CP Applicant
Professional Employer Plans, Inc. - GL 65
Professional Employer Plans II, Inc. - GM 133
Professional Employer Plans III, Inc. - EL 273
Professional Employer Plans V, Inc. - EL 279
Staff Management Solutions, Inc. - EL 232
Professional Employer Services, Inc. - GM 134
GRM Group, Inc. - EL 210
MRG Leasing Group, Inc. - GL 101
MRG Leasing Group II, Inc. - GM 243
MRG Leasing Group III, Inc. - GM 244
MRG Leasing Group IV, Inc. - GM 245
MRG Leasing Group V, Inc. - GM 246**

Ms. Woodard presented the application stating that the only outstanding item relating to the application is the FBI report. She further stated that a letter from Mr. Lanse C. Scriven, Esquire, was included in the agenda materials for board review.

Mr. Scriven was present and addressed the board in regard to his letter. He stated that he was representing Mr. Marshall Glass, the sole owner of the MRG companies in which Mr. Smith is seeking approval to become a controlling person for. He further stated that Mr. Glass is opposed to Mr. Smith becoming a controlling person for his company and that there is pending litigation involving Mr. Smith and Mr. Glass.

Mr. Rimes advised the board that only whomever the records of the board has as owner of the company can make changes to the license.

Mr. Wilson stated that he had confirmed with staff in Tallahassee, via the telephone, that Mr. Glass is the sole owner of the MRG companies.

Mr. Rimes presented the options that the board has as it related to the application. The options were to either deny the application of Mr. Smith as it relates to the MRG companies and grant approval for the other companies, or waive the 90-day timeframe and table discussions of the MRG companies to the April 2004 meeting and grant approval for the other companies.

Ms. Bonnie Miller, accountant for Professional Employer Plans, was present and represented Mr. Smith. She stated that due to the pending litigation involving Mr. Smith that she would waive the 90-day timeframe of the application for the MRG companies to get clarification on the issue.

MOTION: Ms. Bloomer moved to approve the application of Mr. Smith for all the companies listed except the MRG companies.

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

MOTION: Ms. Bloomer moved to table discussion of Mr. Smith's controlling person application as it relates to the MRG companies until the April 2004 board meeting.

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

**I. Ronald C. Stoll, CP Applicant
LKI Group, Inc. d.b.a. Merit Resources, Inc. – EL 197**

Ms. Woodard presented the application stating that it appeared to be complete.

MOTION: Ms. Bloomer moved to approve the application.

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

**J. Sal J. Uglietta, CP Applicant
Gevity HR II, LP – GL 99**

Ms. Woodard presented the application stating that it appeared to be complete. She further stated that a background investigation was included in the agenda materials,

however, the credit report was received in the board office on December 9, 2003, but was not included in the materials.

MOTION: Mr. Crum moved to approve the application.

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

K. Co-Advantage Financial Services, Inc.

Dayne Williams – CO 298

Bruce Goin – CO 449

Benjamin Hewitt – CO 458

L. Co-Advantage Payroll Tax Services, Inc.

Dayne Williams – CO 298

Bruce Goin – CO 449

Benjamin Hewitt – CO 458

M. Co-Advantage Resources – Florida, Inc.

Dayne Williams – CO 298

Bruce Goin – CO 449

Benjamin Hewitt – CO 458

Ms. Woodard presented the applications stating that all exhibits were submitted and complete. She further stated that she was awaiting approval of the contracts from Mr. Rimes.

Mr. Rimes stated that he had been out of the office for the past couple of days and that he had not had the chance to review the contracts.

MOTION: Mr. Crum moved to approve the applications pending approval of the contracts by Mr. Rimes.

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

N. Progressive Employer Services III, Inc.

Steven F. Herrig – CO 463

O. Progressive Employer Services IV, Inc.

Steven F. Herrig – CO 463

Ms. Woodard presented the applications stating that all exhibits were submitted and complete.

MOTION: Ms. Lanza moved to approve the application.

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

P. Taltech Resources, Inc. d.b.a. Advantech Solutions

David D. Volpi – CO 15

James K. Murray, III – CO 453

Ms. Woodard presented the applications stating that all exhibits were submitted and complete.

MOTION: Ms. Dockery moved to approve the application.

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

**Q. Maria M. Suria Garcia-Villalta, CP Applicant
Expert HR., Inc. d.b.a. Expertos EN RH**

Ms. Woodard presented the applications stating that all exhibits were submitted and complete.

MOTION: Ms. Bloomer moved to approve the application.

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

VI. CHANGE OF OWNERSHIP APPLICATION

A. Leaderboard, Inc. – EL 281

Ms. Woodard presented the application stating Mr. Steven F. Herrig, license number CO 463, would be the new owner and controlling person for the company. She further stated that Mr. Gerard Cuglietta, the current controlling person, wishes to relinquish his license upon approval of the change of ownership.

MOTION: Ms. Bloomer moved to approve the application and the controlling person relinquishment.

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

VII. CONTROLLING PERSON RELINQUISHMENTS

**A. Edward Dean Nelson – CO 380
Integrated Human Resources, Inc.**

**B. Robert James Phillips, Jr. – CO 584
American Staff Resources IV**

Ms. Woodard presented the relinquishments stating that there were no complaints pending against the licensees.

MOTION: Mr. Crum moved to accept the relinquishments.

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

VIII. TERMINATION OF EMPLOYEE LEASING COMPANY OPERATIONS

A. Integrated Human Resources, Inc. - EL 167

B. Oasis Outsourcing IX, Inc. – EL 214

Ms. Woodard presented the applications stating that there were no complaints pending against either company.

MOTION: Ms. Bloomer moved to accept the terminations.

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

IX. REPORTS

A. Office of the General Counsel – Eric Hurst

Mr. Hurst reported that the prosecuting attorney's report and the unlicensed activity report was included in the agenda materials.

Mr. Hurst requested a change to Rule 61-32.002, F.A.C. to increase the citation period due to the increasing number of cases. He suggested that the time period be extended to a year instead of six months so that he would still be able to issue citations without the time constraint of six months.

Mr. Rimes stated that presently the timeframe for writing a citation is limited, however, with the extension, it would give Mr. Hurst more time for issuing a citation.

MOTION: Mr. Crum moved to change Rule 61-32.002(2), F.A.C. to reflect one year instead of six months to issue a citation.

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

Mr. Rimes stated that he would move forward with the notices for rule development.

B. Chairperson – Celeste Dockery

No Report.

X. NEW BUSINESS

Mr. Rimes mentioned the draft letter he prepared in response to a letter he received requesting an opinion regarding temporary help arrangements.

The board agreed that the response was an appropriate opinion regarding temporary help arrangements.

Mr. Crum stated that this type of situation is a very big problem in the state and that owners of these businesses need to understand the difference between temporary services and employee leasing.

XI. OLD BUSINESS

A. Rule Discussion – Chapter 61G7, F.A.C.

The board reviewed, discussed and approved proposed language changes to Chapter 61G7, F.A.C., drafted by Florida Association of Professional Employer Organizations (FAPEO).

XII. ADJOURNMENT

MOTION: Ms. Bloomer moved to adjourn.

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

The meeting adjourned at 11:25 a.m.