

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

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

**June 23, 2004
8:30 a.m. EST**

I. CALL TO ORDER

The meeting was called to order at approximately 8:37 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 – via teleconference
Ryan S. Moore

MEMBERS ABSENT

Carlos Rodriguez, Vice Chair

STAFF PRESENT

Anthony B. Spivey, Executive 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

David Young, Department of Revenue
Michael Miller, Kunkel, Miller & Hamet, P.A. and FAPEO
Janice DiRose, P.A.
Steve Politis, PSP
Jerry Lancaster
Deborah B. Scott, Excel PEO
JC Dominguez, Accountfirst
Calvert Courtney
John Rousseau, ABS
Kevin Gluckman, GCA
Timothy Tack, Kunkel, Miller & Hamet, P.A.
David Stroyan, Certified HR
Paul Kiracofe, Innovative Employer Solutions

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

Ms. Woodard informed the board that Mr. Rodriguez had previously stated at the May Board Meeting that he would not be in attendance due to a scheduling conflict.

III. DEPARTMENT OF REVENUE PRESENTATION – Mr. David Young

Mr. David Young from the Department of Revenue (DOR) gave a presentation regarding the electronic processing of the Unemployment Compensation Tax (UCT-6) form. He advised the board that there are three ways in which a company can submit their UCT-6 filings: paper form, Internet form, and manifest.

Leasing companies have the option of electronically submitting their UCT-6 form to the DOR, which also includes providing a manual copy of the UCT-6 form to the Board office for computation of annual assessment fees.

Ms. Woodard stated the companies that are submitting their forms electronically are not obtaining a copy of the report to submit with their annual assessment which is required by Rule 61G7-5.002(2), Florida Administrative Code (F.A.C.).

Mr. Young provided information to the board that explains how leasing companies can print a copy of the page detailing the amounts submitted on the UCT-6 form to DOR.

Mr. Rimes stated he would modify Rule 61G7-5.002(2), F.A.C. to include a copy of the form submitted to the DOR.

Mr. Young also stated there is a possibility of the sharing of this data between the Agency for Workforce Innovation (AWI) and the Department of Business and Professional Regulation (DBPR), which would allow DBPR to view this data electronically and thereby streamline our processes for gathering data for the annual assessment. He further stated if this is the way DBPR wants to proceed, someone from DBPR would need to get in contact with an agent from AWI to setup the agreement.

Mr. Spivey thanked Mr. Young for his attendance and presentation.

IV. REVIEW AND APPROVAL OF THE MAY 19, 2004, TELEPHONE CONFERENCE CALL MEETING MINUTES

MOTION: Ms. Bloomer moved to approve the minutes.

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

V. DISCIPLINARY PROCEEDINGS – Office of the General Counsel

A. INFORMAL HEARINGS

Case

1. United Personnel VIII, LP

2003-084745

(PCP: Lanza and Crum, February 18, 2004)

Mr. Eric Hurst presented the case explaining that it stems from violations involving failure to submit quarterly reports for the quarters ended June 30, 2002, June 30, 2003, and September 30, 2003 and failure to submit the annual report for 2002. He further stated the Respondent has subsequently filed the missing reports and is current in reports and capital at this time.

MOTION: Ms. Bloomer moved to adopt the allegations of fact and conclusions of

law in the administrative complaint as those of the board.
SECOND: Mr. Moore seconded the motion and it passed unanimously.
MOTION: Mr. Moore moved to impose administrative fines in the amount of \$1000,
\$250 per occurrence, and costs of \$127.37.
SECOND: Ms. Bloomer seconded the motion and it passed unanimously.

B. MOTION FOR WAIVER OF RIGHTS AND FINAL ORDER Case #
1. Professional Employer Group Services VI, Inc. **2003-078773**

Mr. Eric Hurst presented the case explaining that it stems from violations involving failure to submit the Annual Assessment Fee by April 30, 2003 as required by Rule 61G7-5.002, Florida Administrative Code. He further stated the company has ceased operations.

MOTION: Ms. Bloomer moved to adopt the allegations of fact and conclusions of law in the administrative complaint as those of the board.

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

MOTION: Ms. Bloomer moved to revoke the employee leasing company's license, and impose costs of \$35.54.

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

VI. RECONSIDERATION OF EMPLOYEE LEASING COMPANY/CONTROLLING PERSONS APPLICATIONS

A. Teamwork Services, Inc.
Gregory J. Bell, Controlling Person Applicant

Ms. Woodard presented the applications explaining that they had been presented to the board at the September 17, 2003 meeting. She stated at that meeting, the board voted to deny the applications due to contract deficiencies.

She further stated that a revision to the contract was received and approved by Mr. Rimes on May 24, 2004.

Ms. Woodard reported that the applicant is requesting the board to reconsider its motion of denial of the applications.

MOTION: Mr. Crum moved to reconsider and approve the applications.

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

B. Administrative Concepts Corp.
Administrative Concepts 2000 Corp.
Sarah M. Peel, CO 214

Ms Woodard presented the applications explaining they had been presented to the board at the December 12, 2001 meeting. She stated at that meeting, the board

voted to approve the applications pending receipt of a current workers' compensation certificate naming each of the companies and confirmation of workers' compensation coverage for leased employees in Florida for Administrative Concepts 2000 Corp.

Mr. Mike Miller was present and represented the applicants. He stated the information requested by Ms. Boyd after the December 2001 meeting was received by the board office and should complete the file.

MOTION: Ms. Bloomer moved to reconsider and approve the applications.
SECOND: Mr. Moore seconded the motion and it passed unanimously.

VII. EMPLOYEE LEASING COMPANY/CONTROLLING PERSON APPLICATIONS

A. Accountfirst Insurance Services, Inc. Henry C. Hardin, CO 51 Joseph C. Dominguez, CO 371

Ms. Woodard presented the application stating that all exhibits were submitted and complete. She further stated that instead of the certificate of insurance, the applicant submitted a letter from the insurance agent advising of the issuance of a binder of workers' compensation coverage.

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

B. Employee Professionals North East, LLC C. HHG I, Inc. D. HHG III, Inc. E. HHG IV, Inc. Kate R. Kraska, CO 452 Scott D. Kraska, CO 679 John A. Rousseau, CO 232

Ms. Woodard presented the applications stating they are applications for a group leader and group members. She stated that all exhibits were submitted and complete. She further stated that along with the certificate of insurance, the applicant submitted a letter from the insurance company advising of the issuance of a binder of workers' compensation coverage.

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

F. Prolease Southeast Corporation Bala Ramamoorthy, CP Applicant Charles Ehrig, CP Applicant

Ms. Woodard presented the company's application stating that all exhibits were submitted and complete. She further stated that along with the certificate of insurance, the applicant submitted a letter from their counsel explaining the status of their workers'

compensation coverage.

Mr. Rimes advised the board that there is a procedure set forth in Rule 61G7-10.0014, Florida Administrative Code as to how a company can provide evidence of workers' compensation coverage, and the way counsel has explained it was not in proper format.

Ms. Dockery stated she noticed that counsel also stated the company "does not technically sponsor a plan for health benefits for its employees." She stated she needs further clarification of that statement.

Ms. Woodard presented the controlling person application of Mr. Bala Ramamoorthy stating all exhibits were submitted, but we are still awaiting receipt of the criminal history report from the Federal Bureau of Investigations (FBI).

Ms. Bloomer stated she noticed Mr. Ramamoorthy answered "yes" to a question on page two of the historical sketch pertaining to a judgment which was entered against a company in which he was a principal officer. She requested clarification of such judgment.

Ms. Woodard presented the controlling person application of Mr. Charles Ehrig stating all exhibits were submitted. However, the criminal history report received from the FBI disclosed an arrest for which no disposition was listed.

Ms. Bloomer stated Mr. Ehrig was an officer in the same company in which the judgment was entered.

Ms. Dockery stated she would like to know the disposition or status of the arrest for Mr. Ehrig.

MOTION: Ms. Bloomer moved to deny the applications due to incorrect format of proof of workers' compensation coverage, clarification not provided for plans for health insurance, no explanation or disposition of arrest for Mr. Ehrig, and further clarification of judgment against the company in which Mr. Ramamoorthy and Mr. Ehrig were principal officers.

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

Mr. Rimes stated that applicants are not being timely notified of deficiencies with applications, and that the Central Intake Unit should be notified of this.

**G. Gilberto Enrique Aleman, Controlling Person Applicant
Strategic Outsourcing, Inc. – GL 58**

Ms. Woodard presented the application stating that all exhibits were submitted and the only outstanding items are the criminal history reports from the Florida Department of Law Enforcement (FDLE) and the FBI.

MOTION: Ms. Bloomer moved to approved the application with the condition that should any derogatory information be revealed on the reports that Mr. Aleman would appear before the board.

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

**H. Melinda S. Paulk, Controlling Person Applicant
Professional Leasing Alliance, Inc. – EL 159**

Ms. Woodard presented the application stating that all exhibits were submitted and the only outstanding items are the criminal history reports from the FDLE and the FBI.

MOTION: Ms. Bloomer moved to approved the application with the condition that should any derogatory information be revealed on the reports that Ms. Paulk would appear before the board.

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

**I. Deborah B. Scott, Controlling Person Applicant
Equity Leasing-Finance III, Inc. – EL 265**

Ms. Woodard presented the application stating that all exhibits were submitted and the only outstanding items are the criminal history reports from the FDLE and the FBI. She further stated there were tax liens listed on Ms. Scott's credit report and wished the board to review the report.

Ms. Scott was present and represented by Mr. Michael Miller.

Ms. Bloomer asked Ms. Scott if the tax liens were outstanding.

Ms. Scott stated all the liens had been released and provided information to that fact.

MOTION: Ms. Bloomer moved to approve the application.

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

VIII. REVIEW AND CONSIDERATION OF CHANGE OF OWNERSHIP APPLICATIONS

**A. Advantage Staffing, Inc. – EL 22
Name Change to: Meristaff, Inc.**

Ms. Woodard presented the applications stating Mr. Ryan Moore, Mr. Ronald Stoll, Mr. Joseph Lane, Mr. John Hovey, and Mr. Gary Wagner would be the new owners and controlling persons for the company. She further stated there was a request for a name change also.

Mr. Moore recused himself due to personal interest in the application.

MOTION: Ms. Bloomer moved to approve the applications.

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

**B. Equity Leasing – Finance III, Inc. – EL 265
Name Change to: Excel PEO**

Ms. Woodard presented the applications stating Ms. Deborah B. Scott would be the new owner and controlling person for the company. She further stated that there was a

request for a name change also.

MOTION: Ms. Bloomer moved to approve the applications.

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

**C. SDG Services, Inc. – EL 294
(Debra Girard, CO 682, CP Relinquishment)**

Ms. Woodard presented the application stating that Mr. Sean Hall would be the new owner and controlling person for the company. She further stated that Ms. Debra Girard, the current controlling person, wishes to relinquish her license upon approval of the change of ownership.

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

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

IX. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY NAME CHANGES

**A. The Cura Group, Inc. – GL 88
TO: Certified HR Services Company**

**B. The Cura Group II, Inc. – GM 196
TO: Certified HR Services Company II**

Ms. Woodard presented the applications stating that the applications are complete.

MOTION: Mr. Moore moved to approve the applications.

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

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

A. ACH Resources, Inc. – EL 124

B. The Cura Group III, Inc. – GM 197

C. FCCI Staffing Solutions – EL 170

David L. Webber, CO 394 (CP Relinquishment)

Gordon W. Jacobs, CO 470 (CP Relinquishment)

D. Florida Labor Solutions, Inc. – EL 209

Baxter Troutman, COC 532 (CP Relinquishment)

E. National Employer Solutions, Inc. – EL 70

F. SEMCO II, Inc. – GL 89

G. SEMCO III, Inc. – GM 199

Ms. Woodard presented the terminations stating there are no complaints pending against the licensees.

MOTION: Mr. Moore moved to accept the terminations.

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

XI. REVIEW AND CONSIDERATION OF CONTROLLING PERSON RELINQUISHMENTS

- A. Michael S. Butler – CO 558
Kelly Staff Leasing, Inc.**
- B. Richard L. Dyer – CO 448
Transport Leasing/Contract, Inc.
ATS, Inc.
TLC Payroll Plus Corporation**
- C. Brock W. Johnson – CO 610
Outsource 2000, Inc.**
- D. John E. McAllister, III – CO 520
Eclipse I, Inc.
Eclipse II, Inc.**
- E. James L. Repp – CO 282
Staffing Concepts, Inc.**
- F. Andrea Ann Tully – CO 636
Pay Centers of America, Inc.**

Ms. Woodard presented the relinquishments stating there was no complaints pending against the licensees and there were controlling persons remaining with the companies.

MOTION: Ms. Bloomer moved to accept the relinquishments.

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

XII. REPORTS

A. Office of the Attorney General – John Rimes

1. Proposed Rule 61G7-11.001, F.A.C.

Mr. Rimes informed the board he had responded to a request from the Joint Administrative Proceedings Committee (JAPC) requesting the board to provide a definition of significant digits in regards to advertising of the license. Currently, the LicenseEase system precedes the Employee Leasing license number with zeros.

The proposed change in the rule, which requires the leasing company to post the license number on any advertisement, will only require the posting of the significant digits (without zeros) on the advertisements.

The board inquired as to whether the department's licensing system could print the license without the placement of the zeros on the license.

Mr. Spivey advised the board that he will present the issue to the department for a response.

B. Executive Director – Anthony B. Spivey

Mr. Spivey reviewed with the board the third quarter 2003/2004 financial statements along with the 20002/2003, and 2002/2001 financial statements to determine cost trends and cash balances within the board's financial account.

The board would like to maintain adequate funds to cover expenses without maintaining a cash surplus.

The board is requesting the department to provide an analysis of the expenses relative to the cash balance in order to determine the basis for a zero balanced account.

C. Office of the General Counsel – Eric Hurst

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

D. Chairperson – Celeste Dockery

Ms. Dockery informed the board that she was contacted by the OPPAGA Group to respond to a survey inquiring on the service provided by the department to the board.

Ms. Dockery stated that the board is satisfied with the service provided by board staff. She also indicated to the surveyor that she has some concerns with the application process in the Central Intake Unit (CIU) for submitting applications to the board for review.

Ms. Dockery invited the surveyor to contact other board members for their input regarding CIU.

XIII. CORRESPONDENCE INFORMATION ONLY

1. Division of Regulation – Quarterly Report

Mr. Spivey informed the board that the report provided by the Division of Regulation was for informational purposes only.

XIV. NEW BUSINESS

A. Budget Discussion

This item was discussed under the Executive Director's report.

B. 2004/2005 Proposed Board Meeting Schedule

The board reviewed and agreed upon the proposed meeting dates for the 2004/2005 Fiscal Year. The dates are as follows:

Telephone Conference Call Schedule:

Dates: July 21
September 15

November 17
January 19
March 16
May 18

Time: 10:00 a.m. or soon thereafter

Travel Schedule:

Location: Tampa, Florida

Dates: August 18
October 13
December 15
February 16
April 20
June 15

Time: 8:30 a.m. or soon thereafter

XV. OLD BUSINESS

None

XVI. ADJOURNMENT

MOTION: Ms. Bloomer moved to adjourn.

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

The meeting adjourned at 10:20 a.m.