

**BOARD OF EMPLOYEE LEASING COMPANIES
GENERAL BUSINESS MEETING MINUTES
SHERATON SUITES – TAMPA AIRPORT
4400 WEST CYPRESS STREET
TAMPA, FLORIDA 33607**

**October 13, 2004
8:30 a.m. EST**

I. CALL TO ORDER

The meeting was called to order at approximately 8:30 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
Ryan S. Moore

MEMBER ABSENT

Carlos Rodriguez, Vice Chair

STAFF PRESENT

Anthony B. Spivey, Executive Director, DBPR
Krista B. Woodard, Government Analyst II, DBPR
Mary Ellen Clark, Board Counsel, Office of Attorney General
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
Steve Politis, PSP
Bonnie Miller, PEP
Timothy Tack, Kunkel, Miller & Hamet, P.A.
A.R. Curcio, Certified PEO
Michael Todd, Esquire

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

Ms. Woodard informed the board that Mr. Rodriguez e-mailed her on September 20, 2004 advising that he would not be able to attend the meeting due to a previously scheduled appointment. Ms. Dockery stated she received the e-mail also.

III. REVIEW AND APPROVAL OF THE SEPTEMBER 15, 2004, TELEPHONE CONFERENCE CALL MEETING MINUTES

MOTION: Mr. Crum moved to approve the minutes.

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

IV. DISCIPLINARY PROCEEDINGS – Office of the General Counsel

A. COUNTER-STIPULATION

Case #

- 1. Meridian Investment and Management, Inc. 2004-007013**
(PCP: Lanza and Crum, April 21, 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, 2003, and September 30, 2003. Mr. Hurst stated the Respondent has subsequently filed the missing reports. He further stated that in considering this matter previously, the board proposed a Counter Stipulation that provides for a fine in the amount of \$500 and costs in the amount of \$65.16.

Mr. Hurst advised the board that the Stipulation had been signed and executed.

MOTION: Ms. Dockery moved to adopt the terms of the Stipulation as the Final Order in this case.

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

B. MOTION FOR WAIVER OF RIGHTS AND FINAL ORDER

- 1. Emmanuel G. Morel 2004-010103**
(PCP: Lanza and Crum, June 23, 2004)

Mr. Eric Hurst presented the case explaining that it stems from violations involving failure to submit quarterly reports for 2003 and failure to submit the 2003 annual assessment fee. He further stated the Respondent was the controlling person for EBS, which license was revoked on May 18, 2004. The Respondent's license was not renewed and became null and void on April 30, 2004.

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

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

MOTION: Ms. Dockery moved to impose administrative fines in the amount of \$1000, \$500 per occurrence, costs in the amount of \$59.64, and if given the opportunity, revocation of the license.

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

V. RECONSIDERATION OF EMPLOYEE LEASING COMPANY/CONTROLLING PERSONS APPLICATIONS

**A. Prolease Southeast Corporation
Bala Ramamoorthy, Controlling Person Applicant**

Ms. Woodard presented the applications explaining that they had been presented to the board at the June 23, 2004, meeting. She stated at that meeting, the board voted 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 the arrest for Mr. Ehrig, and further clarification of the judgment against the company in which Mr. Ramamoorthy and Mr. Ehrig were principal officers.

Ms. Woodard further stated the applicant requested reconsideration of the applications at the August 18, 2004 meeting. The board did not wish to reconsider the denial of the applications.

Ms. Woodard informed the board the applicant is once again requesting reconsideration of the application given that fact that the denial was largely based on the application of Mr. Ehrig, who is requesting to withdraw his application as a controlling person.

Mr. Michael Todd was present and represented the applicant.

Mr. Rimes recommended reconsideration and approval of the company and Mr. Ramamoorthy's applications based on the withdrawal of Mr. Ehrig as a controlling person and no problems with their applications.

Ms. Bloomer asked if Mr. Ramamoorthy would be the only owner and controlling person for the company.

Mr. Todd answered "yes".

Ms. Dockery asked if the forms and attestations signed by Mr. Ehrig would have to be redone by Mr. Ramamoorthy.

Mr. Rimes answered "yes".

Ms. Woodard informed Mr. Todd that she would fax the forms to him for Mr. Ramamoorthy's signature as soon as she returned to the office.

MOTION: Ms. Bloomer moved to reconsider and approve the application.

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

Mr. Rimes advised staff to check into revising the question on the Historical Sketch form that asks about bankruptcy proceedings or having a judgment filed against the applicant or the entity.

He stated the question actually needs to be two separate questions being that it is asking two different things. The question could be perceived as misleading and inconsistent in its present form.

VI. EMPLOYEE LEASING COMPANY/CONTROLLING PERSON APPLICATIONS

A. Fredrick K. Davis, Controlling Person Applicant TENNCOM, INC. – EL 295

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 Federal Bureau of Investigations (FBI).

Mr. Mike Miller was present and represented Mr. Davis stating should anything derogatory be revealed on the criminal history reports that Mr. Davis would subject himself to the jurisdiction of the board.

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

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

**B. Cherie M. Fretto, Controlling Person Applicant
Paychecks Plus, Inc. – EL 308**

Ms. Woodard presented the application explaining that it had been presented to the board at the September 15, 2004 meeting. She stated at that meeting, the board tabled discussion of the application until Ms. Fretto could provide additional information regarding the Racketeering charge against her.

Ms. Woodard informed the board that additional information had been received and was included in their agenda materials. She further stated that all exhibits pertaining to the application were submitted and complete and the criminal history reports from the FDLE and FBI were returned clear.

MOTION: Ms. Bloomer moved to approve the application.

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

**C. John B. Sansoucie, Controlling Person Applicant
US Personnel VIII, LP – EL 207**

Ms. Woodard presented the application stating that all exhibits were submitted and complete and the criminal history reports from the FDLE and the FBI were returned clear.

MOTION: Mr. Crum moved to approve the application.

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

VII. REVIEW AND CONSIDERATION OF CHANGE OF OWNERSHIP APPLICATION

**A. TENNCOM – EL 295
(Kathleen Tenney, CO 683, CP Relinquishment)
(John W. Tenney, CO 684, CP Relinquishment)**

Ms. Woodard presented the application stating that Fredrick K. Davis would be the new owner and controlling person for the company. She further stated that Ms. Kathleen Tenney and Mr. John W. Tenney, current owners and controlling persons, wishes to relinquish their license upon approval of the change of ownership.

MOTION: Mr. Moore moved to approve the application and the controlling persons' relinquishments.

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

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

A. A-1 Contract Staffing, Inc. – GM 278

Ms. Woodard presented the termination stating there were no complaints open or pending against the licensee.

MOTION: Ms. Bloomer moved to accept the termination.

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

B. ATS, Inc. – GM 161

Ms. Woodard presented the termination stating there were no complaints open or pending against the licensee.

MOTION: Ms. Bloomer moved to accept the termination.

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

**C. Global Employee Leasing, Inc. – GL 44
Global Employee Resources, Inc. –GM 138
Global Staff Leasing, Inc. – GM 95
Global Employee Management, Inc. – GM 137**

Ms. Woodard presented the terminations stating there were no open or pending complaints against the licensee.

MOTION: Ms. Dockery moved to accept the termination.

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

D. Staff Management Solutions, Inc. - EL 232

Ms. Woodard presented the termination stating there were no open or pending complaints against the licensee.

MOTION: Ms. Bloomer moved to accept the termination.

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

IX. REVIEW AND CONSIDERATION OF CONTROLLING PERSON RELINQUISHMENTS

**A. Marshall R. Glass – CO 311
Staff Management Solutions, Inc. – EL 232**

Ms. Woodard presented the application stating there were no complaints pending against the licensee.

MOTION: Ms. Dockery moved to approve the application.

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

**B. Matthew V. Piwowar – CO 696
Kelly Staff Leasing, Inc. – EL 105**

Ms. Woodard presented the application stating there were no complaints pending against the licensee.

MOTION: Ms. Bloomer moved to approve the application.

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

X. REPORTS

A. Office of the Attorney General – Mary Ellen Clark and John Rimes

Mr. Rimes bid farewell to the board and introduced Ms. Mary Ellen Clark as the new board counsel.

Mr. Miller stated the industry wished to express its sincere gratitude to Mr. Rimes and Ms. Bloomer for their years of service to the employee leasing profession.

Mr. Rimes informed the board that the Department of Financial Services, Division of Workers Compensation, Bureau of Compliance has submitted a request for the board to consider a change to Rule 61G7-10.0013, Florida Administrative Code, to allow electronic submission of initiation and termination agreements.

Mr. Rimes advised that if the board wishes to allow electronic submissions of these agreements, the rule would have to be changed.

Ms. Bloomer asked Mr. Spivey to contact the Division of Workers' Compensation and ask if a representative from that area would be able to attend the December 15, 2004 meeting to make a presentation to the board.

B. Executive Director – Anthony B. Spivey

Mr. Spivey mentioned the Executive Summary from Ms. Arlene Forbing, Bureau Chief of the Central Intake Unit (CIU).

Mr. Spivey informed the board at the request of the board chair, due to numerous calls being placed to her by applicants, a meeting was scheduled with CIU to discuss applications not being processed in a timely manner, and the summary is the result of the meeting.

Mr. Spivey also mentioned the Operating and Unlicensed Activity Financial Reports contained in the agenda materials. He stated there has been a change in the format of the reports from a "stand alone" quarterly basis to a cumulative month-to-month basis to allow for adjustments.

Mr. Spivey stated to the board that the Department has old application files that have not been completed and processed and is requesting the board to provide guidance as to how to handle these files.

Mr. Spivey stated that the other boards that he works with have abandoned application rules and he would be willing to provide the board with a copy of the rule.

Ms. Dockery asked Mr. Spivey to obtain copies of other boards' abandoned application rules and to agenda discussion of this matter for the December 15, 2004 meeting.

C. Office of the General Counsel – Eric Hurst

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

Ms. Clark asked Mr. Hurst to include in future reports the number of cases that are more than a year old.

D. Chairperson – Celeste Dockery

No Report.

XI. CORRESPONDENCE INFORMATION ONLY

A. Unlicensed Activity Report 1/1/2004 – 9/30/2004

Mr. Spivey informed the board that the unlicensed activity report, provided by Ms. Laura Gaffney, Chief Attorney, was for informational purposes only.

B. Correspondence from Ms. Donna Bloomer

Ms. Dockery mentioned the letter from Ms. Donna Bloomer to Governor Jeb Bush of her intentions to not seek reappointment to the board when her term ends on October 31, 2004.

XII. NEW BUSINESS

Mr. Spivey presented plaques to Ms. Donna Bloomer and Mr. John Rimes for their years of outstanding service to the Board of Employee Leasing Companies.

Mr. Miller asked about the possibility of changing the assessment and/or licensing fees and if the board would be discussing this matter at the December 15, 2004 meeting.

Ms. Dockery asked Mr. Miller if the Florida Association of Professional Employer Organizations (FAPEO) had done any number crunching regarding adjustments to the fees.

Mr. Miller stated that the association had not, but was not sure if DBPR had done so, and if they had determined what monies would be needed to maintain the profession in the foreseeable future.

Ms. Dockery asked if it would be possible to review historical financial data and obtain a figure of what would be needed.

Mr. Spivey informed the board that he requested past annual reports from the accounting department for the purposes of doing a comparison to obtain a monetary figure of what the profession needs on an annual basis. He stated due to staff changes in that area, he had not received the information, but the request is still there.

XIII. OLD BUSINESS

None

XIV. ADJOURNMENT

Upon conclusion of the general business meeting, the following motion was made:

MOTION: Ms. Bloomer moved to adjourn the meeting at 9:30 a.m. so that the Probable Cause Meeting could begin at 10:00 a.m.

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