

**BOARD OF EMPLOYEE LEASING COMPANIES  
GENERAL BUSINESS MEETING MINUTES  
THE DOUBLETREE HOTEL – WESTSHORE AIRPORT  
4500 C. CYPRESS STREET  
TAMPA, FLORIDA 33607**

**OCTOBER 17, 2007  
10:00 A.M.**

**I. CALL TO ORDER**

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

**II. ROLL CALL**

**MEMBERS PRESENT**

Celeste D. Dockery, Chair  
Ryan Moore, Vice Chair  
Kelly Lanza  
Gayla Parks  
Deborah Segal  
Marjorie Seltzer

**MEMBER ABSENT**

None

**STAFF PRESENT**

Rick Morrison, Executive Director, DBPR  
Krista B. Woodard, Government Analyst II, DBPR  
Garnett Chisenhall, Board Counsel, Office of Attorney General  
Eric Hurst, Assistant General Counsel, DBPR

**OTHERS PRESENT**

Frank Crum Jr.  
Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO  
Timothy Tack, Kunkel, Miller & Hamet, P.A.  
Jerry Lancaster, Providence P&C  
Brad Tushalls  
Brian Fischer  
Katherine Lake  
Scott Buchanan  
Gary Johnson  
Brian Pincket  
Jeff Spadafora  
Ronald Stoll  
Robert Pierce  
Dave Hodges  
Jane Phillips  
David Fernandez  
Virginia Dorris  
Clarissa Thompson

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

Ms. Dockery presented Mr. Frank Crum Jr. with a plaque for his years of service to the board.

### III. THE PLEDGE OF ALLEGIANCE

Mr. Morrison led all in the Pledge of Allegiance.

### IV. REVIEW AND APPROVAL OF THE AUGUST 15, 2007 GENERAL BUSINESS MEETING MINUTES

MOTION: Ms. Parks moved to approve the minutes.

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

### V. REVIEW AND APPROVAL OF THE SEPTEMBER 19, 2007, TELEPHONE CONFERENCE CALL MEETING MINUTES

MOTION: Ms. Seltzer moved to approve the minutes.

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

### VI. DISCIPLINARY PROCEEDINGS – Office of the General Counsel

Mr. Hurst stated for the record that Ms. Lanza and Mr. Moore were recused on all cases presented today due to their participation on the probable cause panel.

#### A. SETTLEMENT STIPULATIONS

1. O2 HR, LLC

2006-056550

2. Thomas J. Bean

2006-056581

(PCP: Lanza and Moore, May 16, 2007)

Mr. Hurst presented the cases explaining they stem from violations involving failure to timely submit the 2005 Annual Report, failure to timely submit quarterly reports for September 2005, December 2005, March 2006, and June 2006.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$7500, costs of \$74.06, with joint and several liability for payment of the fine and costs.

MOTION: Ms. Dockery moved to adopt the terms of the settlement stipulation as the final order of the board.

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

3 Staff Management, Inc.

2006-044091

4. Mary Frances Morrissey

2006-044097

5. John Frances Morrissey

2006-044097

(PCP: Lanza and Moore, May 16, 2007)

Mr. Hurst presented the cases explaining they stem from violations involving failure to maintain positive working capital during the March 2005 quarter, failure to timely submit a quarterly report for December 2005, and failure to show positive net working capital on the 2005 annual statement.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$1500, costs of \$270.45, with joint and several liability for payment of the fine and costs.

MOTION: Ms. Dockery moved to adopt the terms of the settlement stipulation as the final order of the board.

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

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|-----------|-------------------------------------|--------------------|
| <b>6.</b> | <b>Venture Resources Group, LLC</b> | <b>2006-061243</b> |
| <b>7.</b> | <b>Henry C. Hardin III</b>          | <b>2006-061308</b> |
| <b>8.</b> | <b>Jacob Harvey Hardin</b>          | <b>2006-061336</b> |
- (PCP: Lanza and Moore, August 15, 2007)

Mr. Hurst presented the cases explaining they stem from violations involving failure to timely submit a quarterly report for June 2006, failure to maintain positive working capital and accounting net worth for quarters ending March 2006, September 2006, December 2006, failure to timely submit the 2005 Annual Report, failure to maintain positive working capital and accounting net worth for the 2005 Annual Report, failure to timely submit the 2006 fiscal year financial statements, and failure to submit the workers' compensation liability statement with the 2006 fiscal year end financial statement.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$3000, costs of \$600.00, with joint and several liability for payment of the fine and costs.

MOTION: Ms. Dockery moved to adopt the terms of the settlement stipulation as the final order of the board.

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

## **B. MOTION FOR WAIVER OF RIGHTS AND FINAL ORDER**

- |           |                             |                    |
|-----------|-----------------------------|--------------------|
| <b>1.</b> | <b>Chris F. Mongelluzzi</b> | <b>2006-047112</b> |
|-----------|-----------------------------|--------------------|
- (PCP: Lanza and Moore, May 16, 2007)

Mr. Hurst stated the case is listed on the agenda as a waiver, however, subsequent to the tolling of the 21- days, he was contacted by Mr. Miller and the case is now being presented as a Hearing Not Involving Disputed Issues of Material Fact.

Mr. Hurst presented the case explaining it stems from a violations involving failure to maintain positive net worth for quarters ending September 2005, December 2005, and March 2006.

MOTION: Ms. Dockery moved to adopt the allegations of fact in the administrative complaint as the findings of fact of the board.

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

MOTION: Ms. Dockery moved to adopt the conclusions of law in the administrative complaint as those of the board.

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

MOTION: Ms. Dockery moved to impose an administrative fine of \$3000 and costs of \$64.67.  
SECOND: Ms. Segal seconded the motion and it passed with Ms. Seltzer opposing.

**VII. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY AND CONTROLLING PERSON APPLICATIONS**

**A. 21<sup>st</sup> Century Concepts, LLC dba Administrative Leasing Concepts  
Sara Peel, CO 214  
Teresa Dick, CO 710**

Ms. Woodard presented the application stating that all exhibits were submitted and complete and that workers' compensation was confirmed by the Department of Financial Services (DFS) on August 22, 2007.

Mr. Moore asked questions about the different SUTA rates listed on the UCT-6 forms included in the agenda materials.

Mr. Miller stated he was not aware of the different rates, and could not accurately answer his questions at this time.

Mr. Miller waived the 90-day requirement so that he could get clarification on the difference in the SUTA rates and present that information at the November meeting.

MOTION: Ms. Lanza made a motion to table discussion of the application until the November 2007 meeting at which time clarification of the SUTA rates could be presented.  
SECOND: Mr. Moore seconded the motion and it passed unanimously

**VIII. REVIEW AND CONSIDERATION OF CHANGE OF OWNERSHIP APPLICATIONS**

**A. Infiniti Resource Management, LLC - EL 290**

Ms. Woodard presented the application stating that Michael P. Jones, CO 838, Clarissa Thompson, CO 639, and Barry Siskind will be the new owners for the company and that Ms. Thompson and Mr. Jones would be the new controlling persons.

MOTION: Mr. Moore moved to approve the application.  
SECOND: Ms. Seltzer seconded the motion and it passed with Ms. Dockery opposing.

Ms. Woodard presented the relinquishment of Lawrence E. Jones stating that there were no open or pending complaints.

MOTION: Mr. Moore moved to accept the relinquishment.  
SECOND: Ms. Seltzer seconded the motion and it passed with Ms. Dockery opposing.

- B. **National Employee Leasing Company, Inc. – GL 36**  
**NELCO Benefits Group, Inc. – GM 73**  
**NELCO International, Inc. – GM 74**  
**NELCO Master Corporation, Inc. – GM 75**  
**NELCO Three, Inc. – GM 286**
  
- C. **NELCO Six, Inc. – GL 69**  
**NELCO One, Inc. – Gm 287**  
**NELCO Two, Inc. – Gm 285**  
**NELCO Seven, Inc. – GM 142**  
**NELCO Eight, Inc. – GM 141**

Ms. Woodard presented the application stating that Co-Advantage Holdings, Inc. will be the new owner for the company and that Mr. Dayne Williams, CO 298, Bruce Goin, CO 458, Benjamin Hewitt, CO 449, and Phillip Carollo, CO 813, will be the new controlling persons for the company.

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

## **IX. REPORTS**

### **A. Office of the Attorney General – Garnett Chisenhall**

Mr. Chisenhall presented draft language for the license renewal fee waiver.

MOTION: Ms. Dockery offered a motion to authorize Mr. Chisenhall to move the rule through the rule making process for adoption.  
SECOND: Ms. Lanza seconded the motion and it passed unanimously.

Mr. Miller expressed concern about the \$5 unlicensed activity fee that would still have to be paid. He asked if there was a way to send out notification to all the licensees about the requirement, in addition to the renewal notice or if there was a way that FAPEO could pay this fee to the department and have the fee credited to each employee leasing company, so that there are no companies in danger of losing its license because of a \$5 fee.

Mr. Morrison stated he would check into it and report back at he next meeting.

Mr. Chisenhall stated there was an agenda item carried over from the last agenda that needs action. He stated the issue was raised by Mr. Richard Law pertaining to the rule that deals with guaranties, letter of credit and tangible accounting net worth.

Mr. Chisenhall stated that Ms. Dockery has recommended scheduling a rules workshop the day before the regularly scheduled meeting in February 2008 meeting at which time Mr. Law could appear before the board and clarify his concerns.

Ms. Dockery stated the board could work on all the rules that need work at this workshop.

MOTION: Ms. Lanza offered a motion to schedule a rules workshop for February 19, 2008 at which time the following rules will be discussed: Rules 61G7-5.005, 61G7-10.0014, 61G7-5.0031, 61G7-5.0032, and 61G7-10.002.

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

**B. Office of the General Counsel – Eric Hurst**

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

**C. Executive Director – Richard Morrison**

Mr. Morrison gave a brief synopsis of the Monthly Enforcement Report included in the agenda materials.

**D. Chairperson – Celeste Dockery**

No Report.

**X. OLD BUSINESS**

None

**XI. NEW BUSINESS**

**A. Review of Application for Certificate of Approval for Change of Ownership**

The board agreed to table discussion of this item until the February 2008 meeting.

Mr. Moore asked if there had been any correspondence received from JAPC on the client-based policy issue.

Mr. Chisenhall stated that JAPC mailed a letter to DFS asking them for their opinion on the rule; however, DFS has not responded. Therefore, the rule is still good until it has been declared invalid.

**XII. ADJOURNMENT**

MOTION: Ms. Lanza moved to adjourn.

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

The meeting adjourned at 12:00 p.m.