

**BOARD OF EMPLOYEE LEASING COMPANIES
GENERAL BUSINESS MEETING MINUTES
THE WYNDHAM JACKSONVILLE RIVERWALK HOTEL
1515 PRUDENTIAL DRIVE
JACKSONVILLE, FLORIDA 32207**

**NOVEMBER 15, 2006
10:00 a.m. EST**

I. CALL TO ORDER

The meeting was called to order at approximately 10:02 a.m. EST by Ms. Celeste Dockery, Board Chair.

II. ROLL CALL

MEMBERS PRESENT

Celeste D. Dockery, Chair
Carlos Rodriguez, Vice Chair
Frank W. Crum, Jr.
Kelly Lanza
Ryan S. Moore

STAFF PRESENT

Dennis Yecke, Deputy Secretary, DBPR
Richard Morrison, Executive Director, DBPR
Krista B. Woodard, Government Analyst II, DBPR
Lois Tepper, Board Counsel, Office of Attorney General
Eric Hurst, Assistant General Counsel, DBPR

OTHERS PRESENT

Cindy Danese, Statewide Reporting Services
Michael Miller, Kunkel, Miller & Hamet, P.A.
Jimmie Ghourley
Philip W. Carollo
Chandra D. Patton
David Hernandez

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

III. THE PLEDGE OF ALLEGIANCE

Mr. Morrison led all in the Pledge of Allegiance.

Ms. Dockery introduced Mr. Dennis Yecke, Deputy Secretary. Mr. Yecke addressed the board stating he wanted to introduce himself personally and to thank the members for their service to the board.

Ms. Dockery thanked Mr. Yecke for attending the meeting.

IV. DISCIPLINARY PROCEEDINGS – Office of the General Counsel

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

A. HEARING(S) NOT INVOLVING DISPUTED ISSUE OF MATERIAL FACT

1. **Asmara of Florida, Inc.** **2006-015784**
(PCP: Lanza and Moore – August 16, 2006)

Mr. Hurst presented the case explaining it stems from violations involving failure to timely submit quarterly reports for March 2005, June 2005, September 2005, December 2005, and March 2006, failure to timely submit an annual financial report for 2005 and failure to timely pay the Annual Assessment for 2005.

Mr. Hurst stated there was no response to the investigation. However, a letter was received stating the company has been out of business since 1995 and the license expired April 30, 2006.

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

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

MOTION: Ms. Dockery moved to impose an administrative fine of \$9500, costs of \$134.75, and revocation of the license.

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

B. SETTLEMENT STIPULATIONS

CASE#

1. **LMC Resources, Inc.** **2006-016966**
2. **Richard Curtis Lang** **2006-016983**
(PCP: Lanza and Moore, August 16, 2006)

Mr. Eric Hurst presented the cases explaining they stem from violations involving failure to timely submit quarterly reports for June 2005, September 2005, and December 2005, failure to timely file the 2005 annual financial statement, and failure to timely pay the 2005 Annual Assessment Fee.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$5000 and costs of \$144.80, with joint and several liability for payment of the fine and costs.

Mr. Hurst stated all the above material had been belatedly received.

MOTION: Mr. Crum moved to adopt the terms of the settlement stipulation as the final order of the board.

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

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| 3. | The Power P.E.O. of Florida, Inc. | 2006-019172 |
| 4. | Alan Neal Gagleard | 2006-019179 |
| 5. | Nancy Doree Gagleard | 2006-019187 |
| 6. | The Power P.E.O. of Florida 1, Inc. | 2006-019217 |
| 7. | Alan Neal Gagleard | 2006-019225 |
| 8. | Nancy Doree Gagleard | 2006-019239 |
- (PCP: Lanza and Moore – August 16, 2006)

Mr. Eric Hurst presented the cases explaining they stem from violations involving failure to timely submit quarterly reports for quarters ended March 2005 and December 2005, failure to timely submit the 2005 annual financial report and failure to timely pay the 2005 Annual Assessment Fee.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$5000, costs of \$453.65, with joint and several liability for payment of the fine and costs.

Mr. Michael Miller was present representing the Respondents.

MOTION: Mr. Rodriguez moved to adopt the terms of the settlement stipulation as the final order of the board.

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

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| 9. | Presidion Solutions VII, Inc. | 2006-020456 |
| 10. | James Edward Baiers | 2006-020470 |
| 11. | Craig Allen Vanderburg | 2006-020475 |
- (PCP: Lanza and Moore – August 16, 2006)

Mr. Eric Hurst presented the cases explaining they stem from violations involving failure to timely submit quarterly reports for quarters ended June 2005, December 2005, and March 2006, failure to timely submit the 2005 annual financial report and failure to timely pay the 2005 Annual Assessment fee.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$6000, costs of \$294.20, with joint and several liability for payment of the fine and costs.

MOTION: Mr. Rodriguez moved to adopt the terms of the settlement stipulation as the final order of the board.

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

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| 12. | Prolease Southeast Corporation | 2006-019306 |
| 13. | Bala Ramamoorthy | 2006-020046 |
- (PCP: Lanza and Moore – August 16, 2006)

Mr. Eric Hurst presented the cases explaining they stem from violations involving failure to timely submit quarterly reports for quarters ended March 2005, June 2005, September 2005, December 2005, and March 2006, failure to timely submit the 2005 annual financial report and failure to timely pay the 2005 Annual Assessment fee.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$6250, costs of \$164.05, with joint and several liability for payment of the fine and costs.

Mr. Hurst stated the potential fine of \$9500 was negotiated at the request of the Respondent.

MOTION: Mr. Rodriguez moved to adopt the terms of the settlement stipulation as the final order of the board.

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

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| 14. | US Personnel VII, L.P. | 2006-020046 |
| 15. | John Bentley Sansoucie | 2006-020092 |
| | (PCP: Lanza and Moore – August 16, 2006) | |

Mr. Eric Hurst presented the cases explaining they stem from violations involving failure to timely submit quarterly reports for quarters ended June 2005, September 2005, December 2005, and March 2006, failure to timely submit the 2005 annual financial report and failure to provide the board with requested information regarding maintenance of workers' compensation insurance.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$7000, costs of \$147.90, with joint and several liability for payment of the fine and costs.

MOTION: Mr. Rodriguez moved to adopt the terms of the settlement stipulation as the final order of the board.

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

V. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY AND CONTROLLING PERSON APPLICATIONS

- A. Alpha Staff 2, Inc.**
- B. Alpha NY 2, Inc.**
- C. Alpha NYPEO, Inc.**
 - Robert Beck, CO 329**
 - Jay Starkman, CO 648**

Ms. Woodard presented the applications stating they are for a group leader and group members. She stated that all exhibits were submitted and complete. She further stated that workers' compensation coverage was confirmed by the Department of Financial Services (DFS) on November 1, 2006.

MOTION: Mr. Rodriguez moved to approve the applications.

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

- D. Omega Services, Inc.**
- E. Omega Services II, Inc.**
 - Alfred Wayne Brown, CO 731**

Ms. Woodard presented the applications stating they are for a group leader and group member. She stated that all exhibits were submitted and complete. She further stated that workers' compensation coverage was confirmed by the Department of Financial Services (DFS) on November 14, 2006.

MOTION: Mr. Moore moved to approve the applications.

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

**F. Convergence Employee Leasing, Inc.
Jimmie W. Ghourley, CO 177**

Ms. Woodard presented the application stating that all exhibits were submitted and complete. She further stated that workers' compensation coverage was confirmed by the Department of Financial Services (DFS) on November 13, 2006.

MOTION: Mr. Crum moved to approve the applications.

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

**G. Philip William Carollo, Controlling Person Applicant
Co-Advantage Resources, Inc. – GL 82
Co-Advantage Resources IV, Inc. – GM 280
Co-Advantage Payroll Tax Services, Inc. – GM 262
Co-Advantage Resources-Florida, Inc. – GM 260
Co-Advantage Resources V, Inc. – GM 246**

Ms. Woodard presented the application stating it was tabled from the October 18, 2006 meeting at which time the board requested Mr. Carollo to appear to answer questions about the arrests listed on his application.

Mr. Carollo was present, sworn in, and addressed the board stating he was only arrested once during the timeframe in question. Mr. Carollo provide information into the situation surrounding the other events listed on the application.

Ms. Woodard state she was still awaiting receipt of the criminal history reports fro the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigations (FBI).

Mr. Miller represented should anything derogatory be revealed on the criminal history reports that Mr. Carollo would subject himself to the jurisdiction of the board.

MOTION: Mr. Rodriguez moved to approve the application with the condition that should any derogatory information be revealed on the criminal history reports, other than what is listed on the application that Mr. Carollo would appear before the board.

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

**VI. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY NAME
CHANGES**

- A. **Crum Staffing II, Inc. dba FrankCrum – GL 100**
TO: FrankCrum 2, Inc. dba FrankCrum
- B. **Crum Resources II, Inc. dba FrankCrum – GM 235**
TO: FrankCrum 4, Inc. dba FrankCrum
- C. **Ameristaff III, Inc. dba FrankCrum – GL 45**
TO: FrankCrum 9, Inc. dba FrankCrum
- D. **Ameristaff IV, Inc. dba FrankCrum – GM 194**
TO: FrankCrum7, Inc. dba FrankCrum
- E. **Ameristaff of Florida, Inc. dba FrankCrum – GM 28**
TO: FrankCrum 3, Inc. dba FrankCrum
- F. **Crum Staffing, Inc. dba FrankCrum – GM 19**
TO: FrankCrum 1, Inc. dba FrankCrum
- G. **Crum Resources VI, Inc. dba FrankCrum – GM 40**
TO: FrankCrum 5, Inc. dba FrankCrum

Ms. Woodard presented the applications stating they were complete and there are no open or pending complaints against the licensees.

MOTION: Mr. Moore moved to approve the applications.

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

VII. REPORTS

A. Office of the Attorney General – Lois Tepper

Ms. Tepper informed that she had a correction from the last meeting. She stated at the last meeting, she stated that the notice for the rule regarding the change of status was published on October 13, 2006; however, it did not happen due to a computer glitch with the new system for filing. She advised that it was noticed on October 27, 2006.

Ms. Tepper stated regarding the workers' compensation coverage issue, she had spoken with Mr. William Harold at the Joint Administrative Procedures Committee (JAPC) and he agreed to take no action until after the end of the 2007 Legislative Session, during which the board would have a chance to work with the associations to perhaps amend the Statute.

Ms. Tepper also stated that the annual compliance form cannot be utilized due to the fact that it has not been incorporated.

After further discussion, the following motion was made:

MOTION: Mr. Rodriguez moved to verify workers' compensation coverage for all leased employees with the submittal of each employee leasing company's year end financial reports regardless of having a master or individual client policies.

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

B. Executive Director – Rick Morrison

Mr. Morrison mentioned the inclusion of the Monthly Enforcement Report in the agenda materials.

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

No Report.

VIII. NEW BUSINESS

None

IX. OLD BUSINESS

None

X. ADJOURNMENT

MOTION: Mr. Crum moved to adjourn.

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

The meeting adjourned at 11:21 a.m.