

BOARD OF EMPLOYEE LEASING COMPANIES
GENERAL BUSINESS MEETING MINUTES
THE FOUR SEASONS RESORT PALM BEACH
2800 SOUTH OCEAN BOULEVARD
PALM BEACH, FLORIDA 33490
JUNE 18, 2008
10:00 a.m. EST

I. CALL TO ORDER

The meeting was called to order at approximately 10:00 a.m. EST by Ms. Kelly Lanza, Board Chair.

II. ROLL CALL

MEMBERS PRESENT

Kelly Lanza, Chair
Marjorie Seltzer, Vice Chair
Abram Finkelstein
Deborah Segal
Warren Schoenfisch

MEMBERS ABSENT

Gayla Parks (excused)

STAFF PRESENT

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

OTHERS PRESENT

Mark Mark, Department of Financial Services, Division of Workers' Compensation
Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO
Timothy Tack, Kunkel, Miller & Hament, P.A.
Tim Tucker, NAPEO
Chris Rhoden
Chandra Patton
Chuck Howard
C. J. Howard
Thomas Bean
Don Rider
Terrence Hanlon
Carla Burk
Judy Malone
Kate Lake
Cesar Martinez
David Luca
Charles Ingram

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

Ms. Lanza stated that Ms. Parks absence from the meeting would be excused.

III. THE PLEDGE OF ALLEGIANCE

Ms. Lanza led all in the Pledge of Allegiance.

IV. REVIEW AND APPROVAL OF THE APRIL 16, 2008 GENERAL BUSINESS MEETING MINUTES

MOTION: Mr. Schoenfisch moved to approve the minutes.

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

V. REVIEW AND APPROVAL OF THE MAY 21, 2008 TELEPHONE CONFERENCE CALL MEETING MINUTES

MOTION: Ms. Seltzer moved to approve the minutes.

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

VI. DISCIPLINARY PROCEEDINGS – Office of the General Counsel

A. SETTLEMENT STIPULATIONS

Case

1. **ASG, LLC**

2007-041248

(PCP: Crum and Moore – December 19, 2007)

2. **Michael J. O'Donnell**

2007-041253

3. **Joseph J. Raymond**

2007-041253

(PCP: Lanza and Moore – February 20, 2008)

Ms. Duffy presented the cases explaining they stem from violations involving failure to timely submit the March 2006, June 2006, September 2006, December 2006 and June 2007 quarterly reports and failure to submit the annual financial statement for 2006.

Ms. Duffy stated the Settlement Stipulation provides for the waiver of finding of probable cause, an administrative fine of \$1000 per licensee, costs of \$56.31 per licensee and voluntary relinquishment of the employee leasing company and controlling person licenses with the stipulation that they shall not, at any time in the future, apply or seek licensure as a controlling person or employee leasing company in the State of Florida.

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

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

Ms. Duffy stated that Ms. Lanza is recused due to her participation on the probable cause panel.

4. **Certified Professional Employer Organization, LLC**

2007-041301

(PCP: Crum and Moore – December 19, 2007)

5. **Certified Professional Employer Organization, Inc.**

2007-041249

(PCP: Lanza and Moore – February 20, 2008)

6. **August Rockwell Curcio**

2007-041304

(PCP: Crum and Moore – December 19, 2007)

Ms. Duffy presented the cases explaining they stem from violations involving failure to submit the March 2006, June 2006 September 2006, December 2006, March 2007, and June 2007 quarterly reports; failure to submit the 2006 annual financial report and failure to submit the 2006 annual assessment fee.

Ms. Duffy stated the Settlement Stipulation provides for an administrative fine of \$250 per licensee, costs of \$56.31 per licensee, and voluntary relinquishment of the employee leasing company and controlling person licenses with the stipulation that they shall not, at any time in the future, apply or seek licensure as a controlling person or employee leasing company in the State of Florida.

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

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

Ms. Duffy stated that Ms. Lanza is recused due to her participation on the probable cause panel.

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| 7. | Confederated Staffing, Inc. | 2007-053496 |
| 8. | Jimmie W. Ghourley | 2007-053487 |
- (PCP: Lanza and Moore – February 20, 2008)

Ms. Duffy presented the cases explaining they stem from violations involving failure to maintain a positive net working capital in the September 2006 quarterly report, failure to meet net working capital requirements for the year ending 2006, and failure to submit the workers' compensation liability statement with the 2006 year end financial statements.

Ms. Duffy stated the Settlement Stipulation provides for dismissal of charges for counts I and II listed in the administrative complaint, imposition of an administrative fine of \$500, costs of \$28.15 with joint and several liability for payment of the fine and costs.

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

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

Ms. Duffy stated that Ms. Lanza is recused due to her participation on the probable cause panel.

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| 9. | Trendsetter Staffing, Inc. | 2007-053474 |
| 10. | Charles L. Joekel | 2007-053472 |
| 11. | Larry Kosta | 2007-053470 |
- (PCP: Lanza and Moore – February 20, 2008)

Ms. Duffy presented the cases explaining they stem from violations involving failure to meet net working capital requirements for the March 2007 quarterly report, failure to timely submit the December 2006 quarterly report, and failure to submit the workers' compensation liability statement with the 2006 year end financial statements.

Ms. Duffy stated the Settlement Stipulation provides for an administrative fine of \$4,500, costs of \$42.23 with joint and several liability for payment of the fine and costs.

Mr. Miller represented the Respondents stating they will also surrender their licenses.

MOTION: Ms. Segal moved to adopt the settlement stipulation as the final order of the board.
SECOND: Ms. Seltzer seconded the motion and it passed unanimously.

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| 12. Total Employment Company, Inc. | 2007-056896 |
| 13. Thomas James Bean | 2007-056902 |
- (PCP: Lanza and Moore – February 20, 2008)

Ms. Duffy presented the cases explaining they stem from violations involving failure to timely submit the December 2006, March 2007, June 2007, and September 2007 quarterly reports, failure to submit the annual financial statement for 2006, failure to meet net working capital requirements for the December 2006, March 2007, June 2007 and September 2007 quarterly reports. She further stated there were multiple priors for similar violations.

Ms. Duffy stated the Settlement Stipulation provides for imposition of an administrative fine of \$11,000, costs of \$34.48 with joint and several liability for payment of the fine and costs.

Mr. Bean was present, sworn in and represented by Mr. Mike Miller.

Mr. Miller advised the board that there has been a bankruptcy issue in regards to Total Employment based on their largest clients.

After further discussion, the board made the following motion.

MOTION: Ms. Seltzer moved to table discussion of the cases until Mr. Hurst could be present to provide additional information into the cases.
SECOND: Ms. Segal seconded the motion and it passed unanimously.

Ms. Duffy stated that Ms. Lanza is recused due to her participation on the probable cause panel.

B. HEARING(S) NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

Ms. Duffy stated that Ms. Lanza is recused due to her participation on the probable cause panel.

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| 1. Charles Perry Howard | 2007-058019 |
| 2. Howard Leasing, Inc. | 2007-058033 |
| 3. Charles J. Howard | 2007-058012 |
- (PCP: Lanza and Moore – February 20, 2008)

Ms. Duffy presented the cases explaining they stem from violations involving failure to timely submit the March 2006, June 2006, March 2007, June 2007, and September 2007 quarterly reports, failure to timely submit the annual financial statement for the 2005 and 2006 fiscal years, and failure to timely submit the workers' compensation liability statement with the 2006 year end financial statements.

Ms. Duffy advised that the recommendation of the department is an administrative fine of \$10,000, costs of \$112.52 with joint and several liability for the payment of the fine and costs.

Mr. Charles P. Howard and Mr. Charles J. Howard were present, sworn in, and addressed the board.

After further discussion, the board made the following motion.

MOTION: Ms. Seltzer moved to impose an administrative fine of \$7,000, costs of \$112.62 with joint and several liability.

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

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| 4. | Howard Leasing II, Inc. | 2007-058696 |
| 5. | Charles Perry Howard | 2007-058693 |
| 6. | Charles James Howard | 2007-058664 |

(PCP: Lanza and Moore – February 20, 2008)

Ms. Duffy presented the cases explaining they stem from violations involving failure to timely submit the March 2006, June 2006, March 2007, June 2007, and September 2007 quarterly reports, and failure to timely submit the annual financial statement for the 2006 fiscal year.

Ms. Duffy advised that the recommendation of the department is an administrative fine of \$8,500, costs of \$75.08 with joint and several liability for the payment of the fine and costs.

MOTION: Ms. Seltzer moved to impose an administrative fine of \$3,000, costs of \$75.08 with joint and several liability for payment of the fine and costs.

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

C. MOTION FOR WAIVER OF RIGHTS AND FINAL ORDER

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| 1. | Atlantic Professional Employers | 2007-058715 |
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(PCP: Lanza and Moore – February 20, 2008)

Ms. Duffy presented the case explaining it stems from violations involving failure to timely submit the March 2006, September 2006, December 2006, March 2007, June 2007, September 2007, December 2007 quarterly reports, failure to submit the annual assessment fee for 2006, failure to maintain at least one licensed controlling person, and failure to file and get Board approval for a change of ownership.

MOTION: Mr. Finkelstein moved to impose an administrative fine of \$11,500, costs of \$37.54, and revocation of the employee leasing company license. He further advised board staff to open an investigation into whether Equity Group Leasing, I, Inc. dba Employee Professionals submitted a change of ownership application.

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

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| 2. | Larry Evans | 2007-026226 |
| 3. | James M. Karle | 2007-026234 |
| 4. | Lewis M. Carter | 2007-026222 |

(PCP: Lanza and Moore – February 20, 2008)

Ms. Duffy presented the cases explaining they stem from violations involving failure to maintain workers' compensation coverage for the quarters ending March 2006, June 2006, September 2006, December 2006, and March 2007.

Ms. Duffy advised that the recommendation of the department is an administrative fine of \$5,000, costs of \$18.77 and revocation of the licenses or dismissal of the cases if the Respondents' provide verification of client-based policies utilizing the quarterly compliance form.

After further discussion the board made the following motion.

MOTION: Mr. Finkelstein moved to dismiss the cases contingent upon receipt of verification of client based policy utilizing the quarterly compliance form.
SECOND: Ms. Seltzer seconded the motion and it passed unanimously.

The meeting recessed from 11:30 a.m. until 12:00 p.m.

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

**A. Ambrose Employer Group
John P. Iorillo, Controlling Person Applicant
Greg Slamowitz, Controlling Person Applicant**

Ms. Woodard presented the company application stating that all exhibits were submitted and complete and that workers' compensation was confirmed by the Department of Financial Services (DFS) on April 22, 2008.

Ms. Woodard presented the controlling person application of Mr. Iorillo stating that all exhibits were submitted and complete and the criminal history reports from the Florida Department of Law Enforcement (FDLE) and the FBI were clear. She further stated that due to the length of time to complete the company's application, a second set of fingerprint had been submitted and had not been returned yet.

Ms. Woodard presented the controlling person application of Mr. Slamowitz stating that all exhibits were submitted and complete and the criminal history reports from the Florida Department of Law Enforcement (FDLE) and the FBI were clear. She further stated that due to the length of time to complete the company's application, a second set of fingerprint had been submitted and had not been returned yet.

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

**B. ECB Services, Inc.
Donnie R. Rider, Controlling Person Applicant**

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

Ms. Woodard presented the controlling person application of Mr. Rider stating that all exhibits were submitted and complete and the criminal history reports from the FDLE and the FBI were clear.

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

**C. Staffco Services of Florida, Inc.
Thomas Dennis, Controlling Person Applicant**

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

Ms. Woodard presented the controlling person application of Mr. Dennis stating that all exhibits were submitted and complete and the only outstanding items are the criminal history reports from the FDLE and the FBI.

MOTION: Mr. Schoenfisch moved to approve the applications contingent upon clearance of the criminal history reports.

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

D. Veritas Employer Services, LLC

E. Veritas Employer Services II, LLC

Charles W. Ingram, Controlling Person Applicant

David H. Lucas, Controlling Person Applicant

Ms. Woodard presented the company applications stating they are for a group leader and group member. 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 agent advising of workers' compensation coverage.

Ms. Woodard presented the controlling person application of Mr. Ingram stating that all exhibits were submitted and complete and the only outstanding items are the criminal history reports from the FDLE and the FBI.

Ms. Woodard presented the controlling person application of Mr. Lucas stating that all exhibits were submitted and complete and the only outstanding items are the criminal history reports from the FDLE and the FBI.

Mr. Miller represented the applicants stating should anything derogatory be revealed on the criminal history reports that Mr. Ingram and Mr. Lucas would subject themselves to the jurisdiction of the board.

MOTION: Ms. Segal moved to approve the applications with the condition that should anything derogatory be revealed on the criminal history reports that Mr. Ingram and Mr. Lucas would subject themselves to the jurisdiction of the board.

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

F. Dawn D. Amat, Controlling Person Applicant

G. Phillip Dzialo, Controlling Person Applicant

I. Celeste Gagne, Controlling Person Applicant

J. Robert A. Klane, Controlling Person Applicant

K. Dennis R. Litz Jr., Controlling Person Applicant

N. Donald L. Wesley, Controlling Person Applicant

ADP TotalSource Services, Inc. – GL 4

ADP TotalSource I, Inc. – GL 33

ADP TotalSource, Inc. – GL 104

ADP TotalSource CO XXII, Inc. – GL 118

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

MOTION: Mr. Finkelstein moved to approve the applications.

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

H. Mark D. Benjamin, Controlling Person Applicant

M. John Rocholl, Controlling Person Applicant

ADP TotalSource Services, Inc. – GL 4

ADP TotalSource I, Inc. – GL 33

ADP TotalSource, Inc. – GL 104

ADP TotalSource CO XXII, Inc. – GL 118

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

Mr. Miller represented the applicants stating that should anything derogatory be revealed on the criminal history reports that Mr. Benjamin and Mr. Rocholl would subject themselves to the jurisdiction of the board.

MOTION: Mr. Finkelstein moved to approve the applications with the condition that should anything derogatory be revealed on the criminal history reports that Mr. Benjamin and Mr. Rocholl would subject themselves to the jurisdiction of the board.

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

L. Tena Mayberry, Controlling Person Applicant

Century II Staffing USA, Inc. – EL 198

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

Mr. Miller represented the applicant stating that should anything derogatory be revealed on the criminal history reports that Ms. Mayberry would subject herself to the jurisdiction of the board.

MOTION: Ms. Seltzer moved to approve the applications with the condition that should anything derogatory be revealed on the criminal history reports that Ms. Mayberry would subject herself to the jurisdiction of the board.

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

O. Payday, Inc.

Robert W. Kimball, CO 645

***** Additional Information*****

The board agreed to table discussion of this application until the August 2008 meeting at which time a representative for the applicant could be present.

VIII. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY NAME CHANGES

- A. **GLC Group II, Inc. – EL 321**
TO: **American Staff Management II, Inc.**
- B. **GLC Group III, Inc. – EL 322**
TO: **American Staff Management III, Inc.**

Ms. Woodard presented the applications stating they are complete.

MOTION: Ms. Lanza moved to approve the applications.
SECOND: Ms. Seltzer seconded the motion and it passed unanimously.

IX. REPORTS

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

No Report.

- B. **Office of the General Counsel – Elizabeth Duffy**

Ms. Duffy reported that the prosecuting attorney's report was included in the agenda materials.

- C. **Executive Director – Richard Morrison**

Mr. Morrison mentioned the possibility of a \$5 million sweep of the trust fund and that it would be split between 19 different professions.

Mr. Morrison also mentioned the electronic fingerprinting process and that a rule change may be required.

- D. **Chairperson – Kelly Lanza**

Ms. Lanza did not have a report. However, Ms. Seltzer did mention that she would like for board staff to attend state and national association meetings and for the board's attorneys to attend legislative association meetings in the future.

Mr. Morrison stated he would advise the department of the board's request.

XI. OLD BUSINESS

None

XII. NEW BUSINESS

Ms. Seltzer asked Ms. Duffy to inquire of Mr. Hurst if there is a way to reduce the amount of case duplication information in the disciplinary cases.

XIII. ADJOURNMENT

MOTION: Mr. Finkelstein moved to adjourn at 1:05 p.m.
SECOND: Ms. Seltzer seconded the motion and it passed unanimously.