

**BOARD OF EMPLOYEE LEASING COMPANIES
GENERAL BUSINESS MEETING MINUTES
THE RITZ-CARLTON, SARASOTA
1111 RITZ-CARLTON DRIVE
SARASOTA, FLORIDA 34236**

**August 17, 2005
10:00 a.m. EST**

I. CALL TO ORDER

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

II. ROLL CALL

MEMBERS PRESENT

Celeste D. Dockery, Chair
Frank W. Crum, Jr.
Ryan S. Moore

MEMBERS ABSENT

Carlos Rodriguez, Vice Chair
Kelly Lanza

STAFF PRESENT

John T. Knap, Executive Director, DBPR
Krista B. Woodard, Government Analyst II, DBPR
Mary Ellen Clark, Board Counsel, Office of Attorney General
Eric Hurst, Assistant General Counsel, DBPR

OTHERS PRESENT

Tasha Carter, Department of Financial Services, Division of Workers' Compensation
Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO
Timothy Tack, Kunkel, Miller & Hament, P.A.
Gary Johnson, SBRUS, Inc.
Anthony Guidicy, SBRUS, Inc.
Jeff Rendel, Mirabilis HR
Anthony Russo, Certified HR Solutions, Inc.
Lee Trotter, Allstate Financial
Virginia Dorris, NELCO Companies
William Tenney, TENNCOM Group
Anthony Mathewson, Business Owners
Thomas B. Rumsfelt, Business Owners
Ed Chinault, Heacock
Tom Brent, Integrity

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

Ms. Woodard informed the board that Ms. Lanza and Mr. Rodriguez called the board office to inform they would not be able to attend the meeting due to previously scheduled events.

III. REVIEW AND APPROVAL OF THE JUNE 15, 2005, GENERAL BUSINESS MEETING MINUTES

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

IV. REVIEW AND APPROVAL OF THE JULY 20, 2005, TELEPHONE CONFERENCE CALL MEETING MINUTES

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

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

A. ASG, LLC

Michael J. O'Donnell, Controlling Person Applicant
Joseph J. Raymond, Controlling Person 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 the insurance agent advising of workers' compensation coverage.

Ms. Woodard presented the controlling person application of Michael J. O'Donnell stating all exhibits were submitted and complete 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).

Ms. Woodard presented the controlling person application of Joseph J. Raymond Jr. stating all exhibits were submitted and complete 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 represented the applicants stating should anything derogatory be revealed on the criminal history reports that Mr. O'Donnell and Mr. Raymond would subject themselves to the jurisdiction of the board.

MOTION: Mr. Moore moved to approve the applications with the condition that should any derogatory information be revealed on the criminal history reports that Mr. O'Donnell and Mr. Raymond would appear before the board.
SECOND: Mr. Crum seconded the motion and it passed unanimously.

B. Business Owners Services & Consulting, Inc.
Thomas B. Rumsfelt, Controlling Person Applicant
Anthony K. Mathewson, Controlling Person Applicant

Ms. Woodard advised that the controlling person application of Mr. Mathewson had been

withdrawn and would not be presented.

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 the insurance agent advising of workers' compensation coverage.

Ms. Woodard presented the controlling person application of Thomas Rumpfelt stating all exhibits were submitted and complete 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). She further stated the applicant answered yes to question four on the background questions and provided explanation to his answer.

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

MOTION: Mr. Moore moved to approve the applications with the condition that should any derogatory information be revealed on the criminal history reports that Mr. Rumpfelt would appear before the board.

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

**C. ELS HR Solutions, Inc.
Ronald E. Heineman, Controlling Person 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 the insurance agent advising of workers' compensation coverage.

Ms. Woodard presented the controlling person application of Ronald Heineman stating all exhibits were submitted and complete 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). She further stated his credit report revealed two questionable accounts.

Mr. Mike Miller represented Mr. Heineman stating the two accounts in question are currently being disputed with Experian by Mr. Heineman. He advised Mr. Heineman affirms that the accounts are not his.

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

MOTION: Mr. Crum moved to approve the applications with the condition that should any derogatory information be revealed on the criminal history reports that Mr. Heineman would appear before the board.

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

D. SBRUS, Inc.

E. OFCOURSE, Inc.

Gary J. Johnson, Controlling Person Applicant

Anthony J. Giudicy, Controlling Person Applicant

Ms. Woodard presented the applications stating they are for a group leader and group member and all exhibits were submitted and complete. She further stated along with the certificate of insurance, the applicants submitted letters from the insurance agent advising of workers' compensation coverage.

Ms. Woodard presented the controlling person application of Gary J. Johnson stating all exhibits were submitted and complete 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 represented Mr. Johnson stating should anything derogatory be revealed on the criminal history reports that Mr. Johnson would subject himself to the jurisdiction of the board.

MOTION: Mr. Moore moved to approve the companies' applications and controlling person application of Mr. Johnson with the condition that should any derogatory information be revealed on the criminal history reports that Mr. Johnson would appear before the board.

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

Ms. Woodard presented the controlling person application of Anthony J. Giudicy stating all exhibits were submitted and complete and the criminal history report from the FDLE and the FBI revealed one arrest. She further stated Mr. Giudicy answered yes to question one on the background questions and provided an explanation to his answer.

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

MOTION: Mr. Moore moved to approve Mr. Giudicy's controlling person application with the condition that should any derogatory information be revealed on the criminal history report that Mr. Giudicy would appear before the board.

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

E. Anthony R. Russo, Controlling Person Applicant

Certified HR Solutions Co. – EL 305

Ms. Woodard presented the application stating it was presented to the board at the July 20, 2005 meeting. She stated at that meeting the board tabled discussion of the application until an investigator within DBPR is able to gather and provide information into possible ongoing investigations within the Department of Financial Services, Office of Insurance Regulation, if any, on Certified HR Services Company, formally known as the Cura Group, Inc. and confirmation that Mr. Russo was not a controlling person of these companies.

Ms. Woodard advised she did contact an investigator within the Office of Insurance

Regulations and was informed that department maintains information pertaining to investigations and complaints on insurance companies only not employee leasing companies or officers of employee leasing companies.

Mr. Moore asked if there are any open or pending investigations against Certified Services, Inc. within DBPR.

Mr. Hurst stated he was not aware of a public case that he would be able to discuss with the board.

Mr. Moore asked if Certified HR, the parent company, was still under bankruptcy protection.

Mr. Miller stated the parent company has never been under bankruptcy protection, but one of the licensed companies is, but not the company that Mr. Russo is applying for.

Ms. Dockery stated she remembered the discussion of Mr. Russo's application at the July 20, 2005 meeting and remembered the concerns that were raised. She stated if Mr. Russo is licensed; he is then brought under the jurisdiction of the board.

She further stated as she reviewed the Statutes, she could not find any reason to deny his application for license.

Mr. Moore stated he agreed with Ms. Dockery's comment and that his concern was not with Mr. Russo but with the speculations surrounding the company that he is associated with.

Ms. Dockery directed the board's attention to the section of Mr. Russo's application wherein he assisted two companies that were in bankruptcy, helped turn them around and sold them.

Mr. Moore stated, if that is the case, Mr. Russo would bring extra value benefit to the company and was in agreement of his licensure.

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

MOTION: Mr. Moore moved to approve Mr. Russo's s controlling person application with the condition that should any derogatory information be revealed on the criminal history report that Mr. Russo appear before the board.

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

VI. REVIEW AND CONSIDERATION OF CHANGE OF OWNERSHIP APPLICATIONS

A. AEM, Inc. – EL 270

Ms. Woodard presented the application stating Mirabilis Ventures, Inc. and Yaniv Amar, CO 758, would be the new owners for the company. She further stated Mr. Amar would be the licensed controlling person.

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

VII. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY NAME CHANGES

**A. PEO Experts, Inc. – EL 306
TO: Employee Leasing Marketplace, Inc.**

Ms. Woodard presented the application stating that the application is complete.

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

**B. Processource, Inc. – EL 318
DBA Horizons HR**

Ms. Woodard presented the application stating that it is complete.

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

**C. Southern Resource Services, Inc. – GL 67
TO: Continuum PEO Services, Inc.**

**D. Southern Resource Service, 02 Inc. – GM 139
TO: Continuum PEO Services II, Inc.**

**E. Southern Resources III, Inc. – GM 152
TO: Continuum PEO Services III, Inc.**

Ms. Woodard presented the applications stating they are complete.

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

VIII. REVIEW AND CONSIDERATION OF CONTROLLING PERSON LICENSE RELINQUISHMENTS

**A. Janice G. Rushton, CO 695
Kelly Staff Leasing, Inc. – EL 105**

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

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

IX. REPORTS

A. Office of the Attorney General – Mary Ellen Clark **1. August Employee Leasing Rules Report**

Ms. Clark directed the board's attention to the rules report contained in the agenda materials.

Ms. Clark informed that Rule 61G7-5.002(2), Florida Administrative Code (F.A.C.) became effective on July 6, 2005. She further advised that Rule 61G7-10.002, FAC is still in process and is being noticed.

B. Executive Director – John T. Knap

Mr. Knap reviewed with the board the Office of General Counsel's Unlicensed Activity Report contained in the agenda materials. He also mentioned the inclusion of the Monthly Enforcement Reports for the 4th Quarter ending June 30, 2005 and the first month of the 1st Quarter ending September 30, 2005.

Mr. Knap also mentioned the reappointment of Ms. Kelly Lanza to the board for another term.

Ms. Clark asked Mr. Knap if he had any information into new appointments to the board.

He advised that he continually makes request of the Governor's Appointment Office to fill the vacancies on the board. He advised that he includes the board's concerns about quorum issues and board vacancies in his Executive Summaries after each meeting.

Mr. Moore stated he knew of several applicant that submitted applications over 6 months ago.

Ms. Dockery asked if it is appropriate for board members to call the Appointment's Office.

Ms. Clark stated board members could call the Appointment's Office and make their requests known.

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.

X. NEW BUSINESS

Due to the seriousness of several issues posed, Ms. Clark recommended scheduling a meeting for Tuesday, October 18, 2005 for discussion of the issues.

Ms. Clark also suggested inclusion of the draft agenda for the Tuesday meeting on the September 2005 agenda.

The board agreed on scheduling a Legislative Discussion on Tuesday, October 18, 2005 commencing at 1:00 p.m. The topics for discussion are as follows:

- Requirements of workers' compensation coverage for employee leasing companies
- Possible licensing of Brokers
- Sample scenarios of employee leasing companies with or without workers' compensation coverage, and
- Revision of the workers' compensation liability statement form

Mr. Moore stated the only problem he foresees are people in the insurance industry not wanting their PEO representative to be licensed. They may feel it is an intrusion of their class of business.

Mr. Miller informed the board that FAPEO plans to sponsor a bill for the next Legislative Session and would like recommendations and suggestions from the board and the Department of Financial Services, Division of Workers' Compensation.

XI. OLD BUSINESS

None

XII. ADJOURNMENT

MOTION: Mr. Crum moved to adjourn.

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

The meeting adjourned at 11:00 a.m.