

**BOARD OF EMPLOYEE LEASING COMPANIES
GENERAL BUSINESS MEETING MINUTES
THE BUENA VISTA SUITES
8203 WORLD CENTER DRIVE
ORLANDO, FLORIDA 32821**

**AUGUST 15, 2007
10:00 A.M.**

I. CALL TO ORDER

The meeting was called to order at approximately 10:54 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

Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO
Timothy Tack, Kunkel, Miller & Hamet, P.A.
Jerry Lancaster, Providence P&C
Bob Beck, Alpha Staff
Judy Malone, Human Resources, Inc.
Billy C. Miller
Bob Thomas
Jan Schindler
Bob Dobbs
Dan McHenry
Cesar Martinez
Glen Distefano
Brian Fischer

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.

IV. REVIEW AND APPROVAL OF THE JULY 18, 2007, TELEPHONE CONFERENCE CALL MEETING MINUTES

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

V. 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. | Continuum PEO Services, Inc. | 2006-048372 |
| 2. | Continuum PEO Services II, INC. | 2006-048377 |
| 3. | Continuum PEO Services III, Inc. | 2006-048387 |
| 4. | Robert L. Sarver, II | 2006-048388 |
| 5. | David C. Smith | 2006-048388 |

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

Mr. Hurst presented the cases explaining they stem from violations involving failure to timely submit quarterly reports for March 2006 and failure to show proof of workers' compensation coverage for the June 2006, September 2006, and December 2006 quarters.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$1000, costs of \$993.85, with joint and several liability for payment of the fine and costs, and voluntary relinquishment of all licenses.

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

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

- | | | |
|----|--|--------------------|
| 6. | Workers' Temporary Staffing, Inc. | 2006-020021 |
| 7. | Mark A. Lang | |

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

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

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$1000, costs of \$125.55, with joint and several liability for payment of the fine and costs, and voluntary relinquishment of the company license, number EL 297.

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

1. Craig Allen Vanderburg **2007-013728**
(PCP: Lanza and Moore, May 16, 2007)

Mr. Hurst presented the case explaining it stems from a violation involving failure to comply with the terms of the final order, which required payment of an administrative fine and costs of \$6294.20 by January 15, 2007.

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

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

MOTION: Ms. Dockery moved to suspend the Respondent's license until all outstanding fines and costs associated with case numbers 2007-013728 and 2006-020475 are paid, with the imposition of an additional fine of \$2500, and costs of \$18.77

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

2. James Edward Baiers **2007-013730**
(PCP: Lanza and Moore, May 16, 2007)

Mr. Hurst presented the case explaining it stems from a violation involving failure to comply with the terms of the final order, which required payment of an administrative fine and costs of \$6294.20 by January 15, 2007.

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 suspend the Respondent's license until all outstanding fines and costs associated with case numbers 2007-013730 and 2006-020470 are paid, with the imposition of an additional fine of \$2500, and costs of \$18.77

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

C. MOTION FOR WAIVER OF RIGHTS AND FINAL ORDER

1. Presidion Solutions VII, Inc. **2007-013724**
(PCP: Lanza and Moore, May 16, 2007)

Mr. Hurst presented the case explaining it stems from a violation involving failure to comply with the terms of the final order, which required payment of an administrative fine and costs of \$6294.20 by January 15, 2007.

MOTION: Ms. Dockery moved that the Respondent has waived its right to a hearing.
SECOND: Ms. Lanza seconded the motion and it passed unanimously.

MOTION: Ms. Dockery moved to adopt the allegations of fact and conclusions of law contained in the administrative complaint as those of the board.
SECOND: Ms. Segal seconded the motion and it passed unanimously.

MOTION: Ms. Dockery moved to revoke the Respondent's license, request payment of all outstanding fines and costs associated with case numbers 2007-013724 and 2006-020456.
SECOND: Ms. Parks seconded the motion and it passed unanimously.

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

A. Human Resources Connection, LLC Billy C. Miller, Controlling Person Applicant

Ms. Woodard presented the company's application stating that all exhibits were submitted and complete and that workers' compensation was confirmed by the Department of Financial Services (DFS) on July 6, 2007.

Ms. Woodard presented the controlling person application of Billy C. Miller 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 was present, sworn in and stated should anything derogatory be revealed on the criminal history reports that he would subject himself to the jurisdiction of the board.

Mr. Moore asked for clarification on the workers' compensation release authorization form. He stated that the form indicates that there is \$1,000,000 in disputed premiums.

Mr. Dan Miller, brother of the applicant and his insurance agent, was present and sworn in stating there are no disputed premiums. He further stated that was a clerical error.

Ms. Woodard also informed that board that there was a letter included in their board materials requesting the board to evaluate the name of this company due to the fact that it was similar to an already licensed company.

Ms. Judith C. Malone, owner of Human Resources, Inc., was present and sworn and voiced her objection to the applicant having a name similar to her already licensed company.

After further discussion, the board made the following motion.

MOTION: Ms. Dockery moved to approve the applications with the condition that should any derogatory information be revealed on the criminal history reports that Mr. Miller would appear before the board, and provided the applicant submits a corrected workers' compensation authorization form.
SECOND: Ms. Parks seconded the motion and it passed unanimously

**B. TLR of Bonita, Inc. dba Enterprise HR
Edgar O. Rawls, Jr., CO 842**

Ms. Woodard stated that this application was being pulled from the agenda at the request of the attorney and will be presented at a later date.

**C. Bennett Bradford Martz, Controlling Person Applicant
Bankers Employer Services, Inc. – GL 129**

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.

Ms. Dockery asked if Mr. Martz or a representative was present.

No one was present.

MOTION: Ms. Dockery moved to table discussion of this application until a representative is present or the criminal history reports are returned.

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

VII. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY NAME CHANGES

**A. Employer's Alliance III, LLC – GL 115
Employer's Alliance, LLC – GM 224
Employer's Alliance IV, LLC – GM 302
Employer's Alliance V, LLC – GM 251
Employer's Alliance VI, LLC – GM 301
TO: dba Fortune Business Solutions**

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

MOTION: Mr. Moore moved to approve the applications.

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

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

A. Empro Human Resources, LLC – EL 266

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

Mr. Moore asked if a representative was present because he needed clarification of the applicant's answer on the relinquishment form wherein it stated "The clients moved to another PEO, not sure which PEO they went to."

No one was present.

MOTION: Mr. Moore moved to table discussion of this termination until a representative could be present to answer questions posed by the board.
SECOND: Ms. Seltzer seconded the motion and it passed unanimously.

IX. REVIEW AND CONSIDERATION OF CONTROLLING PERSON RELINQUISHMENTS

A. Ryan Jess Arnold – CO 266 Empro Human Resources, LLC – EL 266

Due to fact that this relinquishment was submitted in conjunction with the termination of employee leasing operations for Empro Human Resources, LLC, the board agreed to table discussion until a representative could be present to answer questions posed by the board.

X. REPORTS

A. Office of the Attorney General – Garnett Chisenhall

Mr. Chisenhall reported that he had been informed that JAPC is not ready to give their final opinion in reference to Rule 61G7-10.0014, FAC. and that he would recommend to the board to withhold amending the rule until they have received the final opinion from JAPC.

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 following reports:

- The Monthly Enforcement Report, and
- the Operating and Unlicensed Activities Financial Reports ended March 31, 2007

Mr. Morrison also mentioned that the Department was ordering T-shirts and that an order form would be mailed to each board member should they wish to place an order.

Mr. Morrison also asked if the board would delegate signatory authority for Final Orders, etc. to the Executive Director of the board in order to expedite processing time.

MOTION: Ms. Dockery moved to delegate signatory authority to the Executive Director of the board on such matters as Final Orders, etc.
SECOND: Ms. Lanza seconded the motion and it passed unanimously.

D. Chairperson – Celeste Dockery

No Report.

XI. CORRESPONDENCE

A. FAPEO correspondence to Joint Administrative Procedures Committee

Mr. Miller stated that Mr. Boyd, Chief Counsel, had been called to National Guard service. He also stated that FAPEO has drafted legislation that would clarify and allow client-based policies. He further stated that FAPEO is looking for sponsors of the legislation.

B. Correspondence from Richard Law, CPA

Mr. Chisenhall stated the board would need notice for rule development and discussion Rule 61G7-5.005, FAC based on recommendation by Mr. Richard Law. Mr. Law is requesting clarification on whether a guarantee, letter of credit, or other securities need to cover the deficit in "tangible accounting net worth, "accounting net worth" or both?

MOTION: Ms. Dockery moved to notice Rule 61G7-5.005, FAC for rule development for the October 2007 board meeting.

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

XII. OLD BUSINESS

None

XIII. 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 October 2007 meeting.

XIV. ADJOURNMENT

MOTION: Ms. Segal moved to adjourn.

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

The meeting adjourned at 12:39 p.m.