

**BOARD OF EMPLOYEE LEASING COMPANIES
GENERAL BUSINESS MEETING MINUTES
THE GAYLORD PALMS RESORT AND CONVENTION CENTER
6000 W. OSCEOLA PARKWAY
KISSIMMEE, FLORIDA 34746**

**SEPTEMBER 16, 2009
10:00 A.M.**

I. CALL TO ORDER

The meeting was called to order at approximately 11:32 a.m. EST by Ms. Marjorie Seltzer, Board Chair.

II. ROLL CALL

MEMBERS PRESENT

Marjorie Seltzer, Chair
Abram Finkelstein, Vice Chair
Celeste Dockery
John L. Jones
Deborah Segal

MEMBER ABSENT

Gayla Parks (excused)

STAFF PRESENT

Rick Morrison, Executive Director, DBPR
Krista B. Woodard, Government Analyst II, DBPR
Lisa Comingore, Board Counsel, Office of Attorney General
Eric Hurst, Chief Attorney, Professions, DBPR
Diane Moore, Assistant General Counsel, DBPR

OTHERS PRESENT

Sandy Dawkins, Court Reporter
Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO
Tim Tucker, NAPEO
Torben Madson, Alvarez, Sambal, Winthrop & Madson
Michael Donaldson, Esquire
William Shelton
Jennifer Shelton
Ramiro Rodriguez
Brian Anderson
Richard Torra
Ted Isensee
Andrew Scott
Cesar Martinez
John Mead
Vito Sernas
Chris Durkin
Jeff Jensen
Richard Ratner
Al Hernandez

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

III. THE PLEDGE OF ALLEGIANCE

Ms. Marjorie Seltzer led all in the Pledge of Allegiance.

IV. REVIEW AND APPROVAL OF THE AUGUST 19, 2009 TELEPHONE CONFERENCE CALL MEETING MINUTES

MOTION: Mr. Finkelstein moved to approve the minutes.

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

V. DISCIPLINARY PROCEEDINGS – Office of the General Counsel

Mr. Hurst stated for the record that Mr. Finkelstein and Ms. Dockery would be recused on all settlement stipulations presented today due to their participation on the probable cause panel.

A. SETTLEMENT STIPULATIONS

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|----|--|--------------------|
| 1. | Bankers Employer Services | 2009-014310 |
| 2. | Bankers Employer Services I, Inc. | 2009-014333 |
| 3. | Bankers Employer Services II, Inc. | 2009-014352 |
| 4. | Bankers Employer Services III, Inc. | 2009-014367 |
| 5. | John Joseph Bilchak, Jr. | 2009-014376 |
| 6. | Bennett Bradford Martz | 2009-014241 |

(PCP: Finkelstein and Dockery – June 17, 2009)

Mr. Hurst presented the cases explaining they stem from violations involving failure to maintain positive net worth and working capital for quarters ended March 2008, June 2008, and September 2008, and failure to timely submit the quarterly report for March 2008.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$6250, costs of \$1059.87, with joint and several liability for payment of the fine and costs.

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

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

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|----|----------------------------------|--------------------|
| 7. | Niloc Staff Leasing, Ltd. | 2007-067805 |
|----|----------------------------------|--------------------|

(PCP: Finkelstein and Dockery – June 17, 2009)

Mr. Hurst presented the case explaining it stems from violations involving failure to acquire a certificate of approval for a change of ownership and using an unauthorized business name.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$2000, costs of \$800, a reprimand, and submission of a properly completed change of ownership application and paid the fees associated therewith.

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

8. Robbin R. Syrek **2008-018655**
(PCP: Finkelstein and Dockery – June 17, 2009)

Mr. Hurst presented the case explaining it stems from violations involving failure to acquire a certificate of approval for a change of ownership and using an unauthorized business name.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$2000, costs of \$800, a reprimand, and submission of a properly completed change of ownership application and paid the fees associated therewith.

MOTION: Mr. Jones 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.

9. Real Time PEO, LLC **2008-057152**
10. Donald L. Day **2008-057144**
(PCP: Finkelstein and Dockery – June 17, 2009)

Mr. Hurst presented the cases explaining they stem from violations involving failure to timely submit the Annual Financial Statement for 2008, failure to maintain positive net worth for the quarters, and failure to audit or review the 2007 Annual Financial Statement.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$1500, costs of \$223.02, dismissal of Count III of Case Number 2008-057152 with joint and several liability for payment of the fine and costs.

MOTION: Ms. Seltzer 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.

B. RECONSIDERATION

1. William Brian Anderson **2006-020088**
(PCP: Lanza and Moore – August 17, 2009)

Mr. Hurst presented the case stating Mr. Anderson has submitted a request for the board to reconsider the Final Order that was filed on June 28, 2007 stating that Mr. Anderson was not party to the settlement stipulation which was agreed upon. He further stated that Mr. Anderson submitted information to the Department prior to the case advising that he was no longer a controlling person for the company.

MOTION: Mr. Jones moved to grant the request to vacate the Final Order No.: BPR-2007-05096 and to release Mr. Anderson from further investigations.
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

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

**A. Arbor PEO, Inc.
Paul Glen Dunn, Controlling Person Applicant**

Ms. Woodard presented the application stating it was presented at the February 18, 2009 and the board requested the applicants to appear at the March 2009 meeting to answer questions. Notices were mailed to the applicants and to this date there has been no response from the applicants.

Ms. Woodard further stated the workers' compensation coverage had expired and the financials were outdated

MOTION: Mr. Finkelstein moved to deny the application due to failure to submit a complete application as required by Section 468.524(1), Florida Statutes, specifically citing failure to submit up to date financial statements and proof of current workers' compensation coverage as previously requested by the Bard. Additionally, the applicant's failure to appear before the Board at its September 16, 2009 meeting to answer questions also requested by the Board.

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

**B. Carrick Business Solutions, LLC
Richard G. Ratner, Controlling Person Applicant**

Ms. Woodard presented the company application stating that all exhibits were submitted and complete and 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. Ratner stating that all exhibits were submitted and complete. She further stated that his credit report revealed accounts in collection and his FDLE report revealed one arrest, however, Mr. Ratner provided explanations to those incidents.

MOTION: Mr. Jones moved to approve the applications.

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

**C. G&A Outsourcing, Inc.
Antonio Grijalva, Controlling Person Applicant
John W. Allen, Controlling Person Applicant**

Ms. Woodard presented the company application stating that all exhibits were submitted. She further stated that the financials did not meet the net working capital requirements and the applicant did not submit a workers' compensation certificate of insurance.

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

Mr. Ted Isensee and Andrew Scott were present on behalf of the applicant to answer questions posed by the Board.

After discussion, the board agreed to table discussion of the application until the October 21, 2009 meeting at which time the applicant would submit additional information pertaining to updated financial statements, an approved Board Guaranty Form, and information or a letter from the FWCJUA.

**D. HMS Physician Services, Inc.
Chris Durkin, Co 772**

Ms. Woodard presented the company application stating that all exhibits were submitted and complete and that along with the certificate of insurance, the applicant submitted a letter from the insurance agent advising of workers' compensation coverage. She advised the board to review the letter from Mr. Durkin contained in the agenda materials.

Mr. Michael Donaldson and Mr. Durkin were present and sworn in.

After discussion the following motion was made.

MOTION: Ms. Seltzer moved to approve the application contingent upon satisfaction of the following condition: Applicant shall pay past renewal fees of \$1505 and past assessment fees of \$216 due within 30 days issuance of the notice.

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

**E. United Group Service centers, Inc.
Jeffrey J. Jensen, Controlling Person Applicant**

Ms. Woodard presented the company application stating that all exhibits were submitted and complete and that along with the certificate of insurance, the applicant submitted a letter from the insurance agent advising of workers' compensation coverage. She advised the board to review the letter from Ms. Place contained in the agenda materials.

Mr. Jensen and Michelle T. was present and sworn in on behalf of the applicants.

Ms. Dockery asked how long the company had been working in Florida and how many employees there were. Mr. Jensen stated the company had been in business since 1999 and had approximately 175 employees.

After further discussion, the board agreed to table discussion of the applications until the October meeting at which time the applicant would have information on whether they are required to have a license.

Mr. Jensen agreed and waived the 90-day deemer clause.

**F. Lisa Boroughs, Controlling Person Applicant
Payroll Management, Inc. – EL 242**

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

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

**G. Eric G. Huff, Controlling Person Applicant
Services to Agriculture I, LLC– GL 79
Services to Agriculture II, LLC – GM 174
Services to Agriculture III, Inc. – GM 236
Services to Agriculture IV, Inc. – GM 310
HHG IV, Inc. – GM 318**

Ms. Woodard presented the application stating that all exhibits were submitted and complete. She further stated that his credit report revealed tax liens (explanation provided) and the criminal history reports from the FDLE and FBI were clear.

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

VII. REVIEW AND CONSIDERATION OF CHANGE OF OWNERSHIP APPLICATIONS

A. Payroll Management, Inc. – EL 242

Ms. Woodard presented the application stating that Lisa Boroughs would be the new owner and controlling person of the company.

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

**B. Services to Agriculture I, LLC – GL 79
Services to Agriculture II, LLC – GM 174
Services to Agriculture III, Inc. – GM 236
Services to Agriculture IV, Inc. – GM 310
HHG IV, Inc. – GM 318**

Ms. Woodard presented the applications stating that Eric Huff would be the new owner and controlling person of the company. She further stated that Jeff Klopstad, CO 500, M. Thomas Ruke Jr., CO 594, and Alberto Hernandez, Co 737 would be controlling persons.

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

VIII. REVIEW AND CONSIDERATION OF DE MINIMIS EXEMPTION AND REGISTRATION APPLICATIONS

**A. Travel Ease, Inc. d/b/a Prime Source Management
(Vance Yarter, Wayne Detmar, and Kevin Burke, Directors)**

Ms. Woodard presented the application stating it was presented at the August 2009 meeting at which time the board requested the applicants to appear to answer questions.

Mr. Ramiro Rodriguez was present, sworn in and answered questions posed by the board.

After discussion, the following motion was made.

MOTION: Mr. Jones moved to approve the application.

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

**B. StaffPay, Inc. d/b/a Emplicity
(Victor Tannon, CEO/President)**

Ms. Woodard presented the application stating that all exhibits were submitted and complete and that workers' compensation coverage was confirmed by DFS on August 19, 2009.

MOTION: Ms. Segal moved to approve the application.

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

IX. REVIEW AND CONSIDERATION OF TERMINATION OF EMPLOYEE LEASING COMPANY OPERATIONS

A. ACH Corporation of America, Inc. – EI 132

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

MOTION: Ms. Segal moved to accept the termination.

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

X. REVIEW AND CONSIDERATION OF CONTROLLING PERSON RELINQUISHMENT

**A. Arthur Merle Scott, III, CO 872
National HR Advantage, Inc. – EL 355**

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

MOTION: Mr. Finkelstein moved to accept the relinquishment.

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

XI. REPORTS

A. Office of the Attorney General – Lisa Comingore

Ms. Comingore provided the board members with a packet of suggested language and copies of the SERCs for the changes to Rules 61G7-5.001, 61G7-5.005, 61G7-10.002, 61G7-10.0012, 61G7-10.0014, 61G7-5.0031, 61G7-5.0032, and 61G7-5.0033, Florida Administrative Code.

Ms. Comingore asked the members to review the information and report any changes or suggestions at the next in-person meeting.

The Board asked Ms. Comingore and staff to schedule a Rules Workshop for November 17, 2009 at 1:00 p.m. to discuss the changes and to get public input on the changes.

B. Office of the General Counsel – Eric Hurst

Mr. Hurst introduced Ms. Diane Moore as the new Prosecuting Attorney for the board. The Board welcomed Ms. Moore stating they are looking forward to working with her.

Mr. Hurst reported that the prosecuting attorney's report was included in the agenda materials and that the format will change for future reports. He stated that the reports will be computer generated and will provide more detailed information.

The Board thanked Mr. Hurst for his many years of service and wished him well in his future endeavors.

C. Executive Director – Richard Morrison

No Report.

D. Chairperson – Marjorie Seltzer

No Report.

XII. OLD BUSINESS

None

XIII. NEW BUSINESS

A. Proposed 2010 Board Meeting Schedule

After review of the proposed 2009 Board Meeting Schedule, the board voted upon the following dates.

TELEPHONE CONFERENCE CALL SCHEDULE

Dates: January 20, 2010

March 17, 2010

May 19, 2010

July 21, 2010

August 18, 2010

October 20, 2010

December 22, 2010

Time: 10:00 a.m. or soon thereafter

TRAVEL SCHEDULE

Locations: *Subject to Change*

Dates: February 17, 2010 (Tallahassee, FL)-

April 21, 2010 (Tampa, FL)

June 16, 2010 (Cocoa Beach, FL)

September 15, 2010 (Sarasota, FL)

November 17, 2010 (Orlando, FL)

Time: 10:00 a.m. or soon thereafter

XIV. PUBLIC COMMENTS

NONE

XV. ADJOURNMENT

MOTION: Mr. Finkelstein moved to adjourn the meeting at 1:35 p.m.

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