

**BOARD OF EMPLOYEE LEASING COMPANIES
GENERAL BUSINESS MEETING MINUTES
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
1940 NORTH MONROE STREET
TALLAHASSEE, FLORIDA 32399-0767**

**FEBRUARY 18, 2009
10:00 a.m. EST**

Prior to the official opening of the meeting, Secretary Charles W. Drago introduced himself and welcomed the board to Tallahassee. He stated it was very important for the department and the board to work closely together. He also thanked the members of the board for volunteering their time to serve the people of the state of Florida.

Secretary Drago advised that the big issue this year is the Governor's Accelerate Florida Program that would accelerate business in the State. He stated that the program would do as much as possible to help businesses thrive and help people get their licenses as soon as possible. This process includes reviewing and simplifying forms and procedures that would eliminate duplication and cutting of red tape.

I. CALL TO ORDER

The meeting was called to order at approximately 10:13 a.m. EST by Ms. Marjorie Seltzer, Board Vice-Chair.

II. ROLL CALL

MEMBERS PRESENT

Marjorie Seltzer, Vice Chair
Abram Finkelstein
John Jones
Gayla Parks
Warren Schoenfisch
Deborah Segal

MEMBERS ABSENT

Celeste Dockery (excused)

STAFF PRESENT

Rick Morrison, Executive Director, DBPR
Krista B. Woodard, Government Analyst II, DBPR
Monique Ewell, Administrative Assistant II, DBPR
Allison Dudley, Board Counsel, Office of Attorney General
Eric Hurst, Assistant General Counsel, DBPR

OTHERS PRESENT

Jeff Babcock, Court Reporter, For the Record Reporting
Mark Mark, Department of Financial Services, Workers' Compensation
Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO
Tim Tucker, NAPEO
Chandra Patton, Providence Property and Casualty
Robert Skrob, FAPEO
Mark Matarazzo
Nancy Thompson
Ralph Swartz

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

Ms. Seltzer welcomed Mr. Jones and Ms. Dudley to the board. She also advised that Ms. Dockery's absence would be excused.

III. THE PLEDGE OF ALLEGIANCE

Mr. Morrison led all in the Pledge of Allegiance.

IV. REVIEW AND APPROVAL OF THE JANUARY 29, 2009 TELEPHONE CONFERENCE CALL MEETING MINUTES

MOTION: Ms. Segal moved to approve the minutes.

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

V. DISCIPLINARY PROCEEDINGS – Office of the General Counsel

A. MOTION FOR WAIVER OF RIGHTS AND FINAL ORDER

1. Rene M. Valverde **2007-058713**
(PCP: Lanza and Moore – February 20, 2008)

Mr. Hurst presented the cases explaining they stem from violations involving failure to timely submit the March 2006 quarterly report, failure to submit the September 2006, December 2006, March 2007, June 2007, September 2007, and December 2007 quarterly reports, failure to submit the annual financial statement for 2006, failure to submit the annual assessment for 2006, failure to maintain at least one controlling person, and failure to get board approval for a change of ownership.

Mr. Hurst stated the Respondent failed to file an election of rights form or file a response within 21 days required by Rule 28-106.111, Florida Administrative Code, thereby waiving their rights to a hearing.

MOTION: Mr. Finkelstein moved that the Respondent has waived his rights to a hearing.

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

MOTION: Mr. Schoenfisch moved to adopt the allegations of fact and conclusions of law contained in the administrative complaint as those of board.

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

MOTION: Mr. Finkelstein moved to impose an administrative fine of \$5,000, costs of \$221.42, and revocation of the license.

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

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

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

Ms. Woodard presented the application stating that all exhibits were submitted and complete. She further stated that the Department of Financial Services (DFS) could not confirm workers' compensation coverage for the company.

Members of the board posed questions about the application referencing clarification of ownership of the company, organizational charts, health insurance issues, etc.

Ms. Nancy Thompson was present on behalf of the applicant. She was sworn in and addressed the board advising that she would waive the 90 day timeframe and asked the board to table discussion of the applications until the March 2009 telephone conference call meeting.

After further discussion, the board agreed to table discussion of the applications until the March 2009 telephone conference call meeting at which time Mr. Dunn would be available to answer questions posed by the board, and the applicants would have time to provide clarification of the owners of the company, a organizational chart of the company, clarification of the health insurance issue, and submit an application for the CEO of the company.

**B. CAS Resources, Inc.
Kristie Knueve, Controlling Person Applicant**

Ms. Woodard stated that the applicant submitted a request for continuance until the April 2009 board meeting.

The board agreed to table discussion until the April 2009 meeting.

**C. Mark G. Matarazzo, Controlling Person Applicant
Smart Payroll Solutions, LLC – GL 75
Smart Payroll Solutions II, LLC – GM 159
Smart Payroll Solutions III, LLC – GM 160**

Ms. Woodard presented the application stating it was tabled from a previous meeting at which the board tabled discussion of the application until Mr. Matarazzo could appear before the board to answers questions surrounding an arrest that was disclosed on his criminal history report.

Mr. Matarazzo was present, sworn in and represented by Mr. Miller. Mr. Miller addressed the board stating that the arrest for Mr. Matarazzo happened at the age of 19 and it was for stealing a street sign. He also stated that Mr. Matarazzo spent one night in jail and assumed the mattered was handled, but apparently it shows on his record as a conviction.

MOTION: Mr. Finkelstein moved to approve the application.

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

VII. REVIEW AND CONSIDERATION OF CONTROLLING PERSON RELINQUISHMENTS

A. Ronald C. Stoll, CO 675 Innovation Vero Beach, Inc. – EL 35

This item was pulled from the agenda.

B. Deborah Thomas, CO 841 Worklife Financial of Florida, LLC – EL 360

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

MOTION: Ms. Segal moved to accept the license relinquishment.

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

VIII. REPORTS

A. Office of the Attorney General – Allison Dudley

Ms. Dudley advised that she did not have a report for the meeting.

Mr. Morrison mentioned that due to a change in the processing of fingerprints, the department, in the near future, will no longer collect the fees for that function. He advised that Pearson Vue is the contracted vendor will handle that function.

He stated that the fees for this process need to be removed from the application fees that are submitted to the department and the rule pertaining to those fees needs to be changed to reflect the reduction in fees.

After further discussion, the following motion was made.

MOTION: Ms. Parks moved to reduce the application fees for a controlling person application to \$106.75 to reflect the change in the fingerprinting process.

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

The board directed Ms. Dudley to proceed with rule development to reflect the change to Rule 61G7-5.001, F.A.C.

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 – Rick Morrison

Mr. Morrison gave a brief synopsis of the Monthly Enforcement, Operating Account, Unlicensed Activity and Projection Reports included in the agenda materials. He also advised that all non-essential travel has been cut until further notice.

Mr. Morrison also mentioned the possibility of another waiver of renewal fees for the next renewal cycle.

Mr. Miller asked if a separate account could be established for any controlling person or employee leasing company. He stated he would hate for a company to be put out of business due to non-payment of a \$5 fee.

Mr. Vaccaro was present and explained the renewal process and advised that a separate, generic account could not be established for the purpose described by Mr. Miller.

D. Vice Chairperson – Marjorie Seltzer

No Report.

IX. OLD BUSINESS

None

X. NEW BUSINESS

Mr. Miller asked if the board would review the Board Approved Guaranty Form EL 4505 at the next in-person meeting. He stated that there is language on the form that the board needs to review to make sure that it is in compliance with the rules of the board.

The board agreed to review the form at the April 2009 meeting and asked Ms. Woodard to include a copy of the form in the agenda materials for that meeting.

XI. ELECTION OF OFFICERS

Mr. Finkelstein stated that he would like to nominate Marjorie Seltzer as Chair. Ms. Segal seconded the nomination. With no further nominations, Ms. Seltzer was elected as Chair of the board.

Ms. Parks stated she would like to nominate Deborah Segal as vice chair of the board. Ms. Seltzer stated she would like to nominate Abram Finkelstein as vice chair of the board.

After a vote of 3 to 2, Mr. Finkelstein was elected as vice chair of the board.

Ms. Seltzer advised that she will notify Mr. Hurst and board staff as to her appointments to the probable cause panel.

XII. ADJOURNMENT

MOTION: Ms. Parks moved to adjourn.

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

The meeting adjourned at 11:22 a.m.

After a tour of the department, Mr. Morrison conducted a board member orientation/training.