

**BOARD OF EMPLOYEE LEASING COMPANIES  
GENERAL BUSINESS MEETING MINUTES  
THE RITZ-CARLTON SARASOTA  
1111 RITZ-CARLTON DRIVE  
SARASOTA, FLORIDA 34236  
727-363-2215**

**APRIL 15, 2009  
10:00 a.m. EST**

**I. CALL TO ORDER**

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

**II. ROLL CALL**

**MEMBERS PRESENT**

Marjorie Seltzer, Chair  
Abram Finkelstein, Vice Chair  
Celeste Dockery  
John Jones  
Gayla Parks  
Deborah Segal

**MEMBERS ABSENT**

None

**STAFF PRESENT**

Rick Morrison, Executive Director, DBPR  
Lisa Comingore, Board Counsel, Office of the Attorney General  
Ed Tellechea, Board Counsel, Office of the Attorney General  
Eric Hurst, Assistant General Counsel, DBPR

**OTHERS PRESENT**

Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO  
Timothy Tack, Kunkel, Miller & Hament, P.A.  
Tim Tucker, NAPEO  
Michael Corley, FAPEO  
Steve Roush  
Torben Madson  
Nadia Harb  
Catherine Crosby  
Gregory Hammond

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

**III. THE PLEDGE OF ALLEGIANCE**

Ms. Seltzer led all in the Pledge of Allegiance.

Ms. Seltzer presented Ms. Dockery with a plaque for her years of previous service to the board.

**IV. REVIEW AND APPROVAL OF THE MARCH 18, 2009 TELEPHONE CONFERENCE CALL MEETING MINUTES**

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

**V. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING CONTROLLING PERSON APPLICATIONS**

**A. Catherine P. Crosby, Controlling Person Applicant  
Horizons HR – EL 318**

Mr. Morrison presented the controlling person application of Ms. Crosby stating that all exhibits were submitted and complete and the only outstanding item is the criminal history report from the FBI. He advised that the first submission of the fingerprints was returned due to the poor quality of the fingerprints. He further stated that we are awaiting the results from the re-submission.

Ms. Crosby was present and sworn-in stating should anything derogatory be revealed on her criminal history report that she would subject herself to the jurisdiction of the board.

MOTION: Ms. Dockery moved to approve the application with the condition that should anything derogatory be revealed on the criminal history report that Ms. Crosby would subject herself to the jurisdiction of the board.  
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

**B. Phillip Herron, Controlling Person Applicant  
Horizons HR – EL 318**

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

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

**C. Steve Lloyd Kellam, Controlling Person Applicant  
Human Capital Concepts, LLC – DM 60**

Mr. Morrison presented the controlling person application of Mr. Kellam stating that all exhibits were submitted and complete and the criminal history reports from FDLE and the FBI were clear. He further stated that there is just one situation, which is a board issue, of whether he can become a controlling person for a DeMinimis Employee Leasing Company.

Discussion ensued and a question arose about the validity of the employment verification forms contained in the application. After further discussion, the following motion was made.

MOTION: Mr. Finkelstein moved to table discussion of the application and request that the applicant appear before the board at the next telephone conference call meeting to answer questions about his employment verification forms.  
SECOND: Ms. Segal seconded the motion and it passed unanimously.

## **VI. REVIEW AND CONSIDERATION OF CHANGE OF OWNERSHIP APPLICATIONS**

- A. Gevity HR II, L.P. – GL 99  
Gevity HR III, L.P. – GM 68  
Gevity HR IV, L.P. – GM 39  
Gevity HR V, L.P. – GM 45  
Gevity HR VI, L.P. – GM 257**

- B. Gevity HR XII Corp. – EL 272**

Mr. Morrison presented the applications stating that Trinet Group, Inc. will be the new ultimate owner of the companies. He further stated that Martin Babinec, CO 741, Douglas Devlin, CO 743, Burton Goldfield, CO 81, and Gregory Hammond, CO 742 would be the controlling persons.

MOTION: Ms. Seltzer moved to approve the applications.

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

- C. Horizons HR – EL 318**

Mr. Morrison presented the application stating that Joshua A. Poole Trust with Cathy Crosby as the trustee and Phillip Herron will be the new owners of the company. He further stated that Cathy Crosby and Phillip Herron will be the new controlling persons for the company.

MOTION: Mr. Finkelstein moved to approve the application.

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

## **VII. REVIEW AND CONSIDERATION OF CONTROLLING PERSON RELINQUISHMENT**

- A. Robert Simmons – CO 736  
Horizons HR – EL 318**

Mr. Morrison presented the relinquishment stating there are no open or pending complaints against the licensee.

MOTION: Ms. Parks moved to accept the relinquishment

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

## **VIII. DEFICIENT EMPLOYEE LEASING COMPANY APPLICATIONS FOR REVIEW**

- A. BCA Professional Services, Inc.**

Mr. Morrison presented the application stating it has been deficient over 90 days and notification was mailed to the applicant to cure the deficiencies. He advised that the applicant did not respond to the notice.

MOTION: Mr. Finkelstein moved to deny the application after consideration of the information provided for failure to submit a completed application as required by Section 468.524(1), Florida Statutes. Specifically, the denial of the application is based on

the list of materials missing from the application file which was described in detail in a deficiency letter sent on December 1, 2006.

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

#### **B. Complete Service Administration, LLC**

Mr. Morrison presented the application stating it has been deficient over 90 days and notification was mailed to the applicant to cure the deficiencies. He advised that the applicant did not respond to the notice.

MOTION: Ms. Segal moved to deny the application after consideration of the information provided for failure to submit a completed application as required by Section 468.524(1), Florida Statutes. Specifically, the denial of the application is based on the list of materials missing from the application file which was described in detail in a deficiency letter sent on October 31, 2006.

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

#### **D. Select Staffing Services, Inc.**

Mr. Morrison presented the application stating it has been deficient over 90 days and notification was mailed to the applicant to cure the deficiencies. He advised that the applicant did not respond to the notice.

MOTION: Mr. Finkelstein moved to deny the application after consideration of the information provided for failure to submit a completed application as required by Section 468.524(1), Florida Statutes. Specifically, the denial of the application is based on the list of materials missing from the application file which was described in detail in a deficiency letter sent on November 15, 2006.

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

#### **F. Trilogy Administrative Employer, LLC**

Mr. Morrison presented the application stating it has been deficient over 90 days and notification was mailed to the applicant to cure the deficiencies. He advised that the applicant did not respond to the notice.

MOTION: Ms. Dockery moved to deny the application after consideration of the information provided for failure to submit a completed application as required by Section 468.524(1), Florida Statutes. Specifically, the denial of the application is based on the list of materials missing from the application file which was described in detail in a deficiency letter sent on November 15, 2006.

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

- C. **Paysource, Inc. DBA Source One HR**
- E. **Stetson Insurance Services, Inc.**
- G. **VS HR Management of FL, Inc.**

Mr. Morrison advised that the above mentioned applicants submitted requests to withdraw their applications.

## **IX. REPORTS**

### **A. Office of the Attorney General – Lisa Comingore and Ed Tellechea**

Ms. Comingore explained her report as outlined in the agenda materials.

She advised that issues have arisen about Rule 61G7-5.001(6)(a)(6) and 61G7-10.002(2)(i) and (6), Florida Administrative Code. She requested clarification of whether an application or just notification and fee is required when a controlling person leaves company "A" and goes to company "B". She stated that 5.001(6)(a)(6) indicates an application fee of \$5.00 is required, whereas 10.002(2)(i) states no new application or fee is required, and 10.002(6) requires board notification and a \$25.00 fee.

Discussion ensued and the following motion was made.

**MOTION:** Ms. Seltzer moved to amend Rules 61G7-5.001(6)(a)(6) and 61G7-10.002(2)(i) and (6) to clarify and incorporate a transfer fee of \$5.00 for a controlling person transferring from company "A" to company "B" along with notification from the companies involved. She also advised counsel to open Rule 61G7-10.002(2)(i) and (6) for rule development.

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

**MOTION:** Ms. Seltzer moved that the rule change would not have an impact on small businesses.

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

Ms. Comingore also addressed the issue of Rule 61G7-10.002. F.A.C. She advised that she found a new paragraph, paragraph (8), to the rule, when searching for the latest drafts, but no Notice of Development was ever filed.

She wanted to know if the board wanted to adopt the new language for paragraph (8).

After discussion, the following motion was made.

**MOTION:** Ms. Dockery moved to delete the proposed language for paragraph (8).

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

Ms. Comingore advised the board that Rule 61G7-5.001, FAC, has a current Notice for Rule Development open, but it is very specific in making changes only related to proof of workers' compensation coverage.

She stated that there are numerous changes to be made to the rule such as updating the website address, changing the application fee for controlling person applicants, and changing fingerprint requirements from card to electronic prints, in addition to the workers' compensation issue.

She advised that JAPC would probably reject the Notice as being outside the scope of the development notice and would suggest the withdrawal of this Notice and file a new Notice of Rule Development to cover all the issues.

MOTION: Ms. Seltzer moved to withdraw the current Notice of Rule Development for Rule 61G7-5.001, FAC.

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

MOTION: Ms. Seltzer moved to advise counsel to file a new Notice of Rule Development for Rule 61G7-5.001, FAC to update the web address, change the application fee for controlling person applicants to make it consistent with the board's prior motion, change the fingerprint requirement from cards to electronic prints, and delete the sections of the rule that require the submission of the actual policies for health insurance, but maintain the submission of the affidavit from the insurer.

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

MOTION: Ms. Seltzer moved that the rule change would not have an impact on small businesses.

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

Ms. Comingore addressed the open Notice of Development for Rule 61G7-10.0012 and 10.0014, FAC. She stated the board needed to clarify the exact changes to make to the rules.

MOTION: Mr. Finkelstein moved to open Rule 61G7-10.0012 to review the Acknowledgements from Independent Accountants and update the language.

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

MOTION: Ms. Dockery moved that the rule change would have an impact on small businesses.

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

MOTION: Mr. Finkelstein moved to table discussion of Rules 61G7-10.0014, FAC until the June 2009 meeting.

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

Ms. Comingore also addressed Richard Law's memo and Garnett Chisenhall's e-mail as presented in the agenda materials.

The board decided to table discussion of Mr. Law's memo until the June 2009 meeting and if needed, to continue the discussion at the September 2009 meeting.

The board also advised Mr. Morrison to request Mr. Law's presence at the June meeting to participate in the discussion.

The final issue addressed by Ms. Comingore was DBPR EL 4505, Board Approved Guaranty Form.

Mr. Miller addressed the board stating that Rule 61G7-5.005, FAC does not require reviewed financial statements; however, the form states such. He also mentioned the dates required on the guaranty form.

MOTION: Mr. Finkelstein moved to amend the rule to require reviewed financial statements.  
SECOND: Ms. Seltzer seconded the motion and it passed unanimously.

MOTION: Mr. Finkelstein moved that the rule change would have an impact on small businesses.  
SECOND: Ms. Seltzer seconded the motion and it passed.

#### **B. Office of the General Counsel – Eric Hurst**

Mr. Hurst reported that the prosecuting attorney's report was included in the agenda materials.

He advised that cases are being prepared electronically now as opposed to paper and that there have been some delays in the technology of the system.

He further stated that the case numbers have been down, but there will be an increase in the number of cases in the near future.

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

Mr. Morrison gave a brief synopsis of the following reports:

- The Operating and Unlicensed Activity Accounts ended December 31, 2008; and
- The Monthly Enforcement Report

#### **D. Chairperson – Marjorie Seltzer**

Ms. Seltzer mentioned a letter received by Ms. Dockery about foregoing the board member stipend of \$50.00 per meeting day.

Mr. Tellechea advised that if any board member wished to participate in this venture, it would be on an individual basis.

Ms. Seltzer also mentioned delaying the May 20<sup>th</sup> meeting until May 21, 2009 at 10:00 a.m.

MOTION: Ms. Seltzer moved to change the May 20, 2009 meeting to May 21, 2009.  
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

#### **X. OLD BUSINESS**

None

#### **XI. NEW BUSINESS**

- A. Employee Leasing Company Renewal Form**
- B. Controlling Person Renewal Form**

No action was taken.

## **XII. PUBLIC COMMENT**

Mr. Miller asked about convictions of stockholders and/or controlling person applicants as they complete the historical sketch and/or application forms.

Mr. Finkelstein stated he was comfortable having that information and that he felt the board would be able to make appropriate decisions based on the information provided.

Mr. Miller also asked if the board required notification from a lender if he/she forecloses on a loan.

## **XIII. ADJOURNMENT**

MOTION: Mr. Finkelstein moved to adjourn.

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

The meeting adjourned at 12:43 p.m.