

**BOARD OF EMPLOYEE LEASING COMPANIES
GENERAL BUSINESS MEETING MINUTES
THE FOUR SEASONS RESORT PALM BEACH
2800 SOUTH OCEAN BOULEVARD
PALM BEACH, FLORIDA 33480
JUNE 17, 2009
10:00 a.m. EST**

I. CALL TO ORDER

The meeting was called to order at approximately 10:03 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
Krista Woodard, Government Analyst, DBPR
Lisa Comingore, Board Counsel, Office of the Attorney General
Eric Hurst, Assistant General Counsel, DBPR

OTHERS PRESENT

Mark Mark, Division of Workers' Compensation, DFS
Marcella R. Samson, Atlantic Reporting
Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO
Timothy Tack, Kunkel, Miller & Hament, P.A.
Tim Tucker, NAPEO
Michael Corley, FAPEO
Vito Sernas, Risk Transfer
Joel Levy, OPGUS
Lois Gordon, OPGUS
Chandra Cubbison, Imperial Casualty
Scott Buchanan, Human Resources, Inc.
Bob Beck. AlphaStaff

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.

IV. REVIEW AND APPROVAL OF THE MAY 20, 2009 TELEPHONE CONFERENCE CALL MEETING MINUTES

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

Ms. Seltzer abstained due to her absence at the meeting.

V. DISCIPLINARY PROCEEDINGS – Office of the General Counsel

A. MOTION FOR WAIVER OF RIGHTS AND FINAL ORDER

1. The Human Resource Enterprise Corp. 2008-0065594
(PCP: Finkelstein and Seltzer, October 15, 2008)

Mr. Hurst presented the case explaining it stems from violations involving failure to timely submit the March 2007, June 2007, September 2007, December 2007, March 2008, and June 2008 quarterly reports, failure to timely submit the annual financial statements for 2006 and 2007, and failure to submit the annual assessment for 2007.

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: Ms. Dockery moved that the Respondent has waived its rights to a hearing.
SECOND: Ms. Parks 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 board.
SECOND: Ms. Segal seconded the motion and it passed unanimously.

MOTION: Ms. Dockery moved to impose an administrative fine of \$10,000, costs of \$111.86, and revocation of the license.
SECOND: Mr. Jones seconded the motion and it passed unanimously.

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

A. HR, Inc. dba Simple HR
Bobby Newman, CO 686

Ms. Woodard presented the 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 further stated that the financials submitted with the application did not reflect a positive working capital; however, the applicant submitted a board approved guaranty form for review.

Mr. Finkelstein asked if the applicant could submit a guaranty form signed by both Mr. and Mrs. Newman.

Mr. Miller was present and represented the applicant by stating the applicant would submit a new guaranty form signed by both Mr. and Mrs. Newman.

MOTION: Mr. Jones moved to approve the application pending receipt of a new guaranty form signed by Mr. and Mrs. Newman within two (2) weeks.

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

B. OPGUS, LLC

Joel F. Levy, 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 further stated the applicant submitted reviewed 2007 financial statements that reflect a negative working capital and unaudited 2008 financial statements that meet the statutory requirements.

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

Mr. Levy was present and addressed the board regarding the financials. He advised that the 2008 audited financials had been prepared and meets the statutory requirements, but did not have them on-hand.

MOTION: Mr. Finkelstein moved to approve the application pending receipt of the 2008 audited financial statements meeting statutory requirements.

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

C. Michael J. Burns, Controlling Person Applicant

ADP TotalSource Services, Inc. – GL 4

ADP TotalSource I, Inc. – GL 33

ADP TotalSource, Inc. – GL 104

ADP TotalSource CO XXII, Inc. – GL 118

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

MOTION: Mr. Jones moved to approve the application.

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

VII. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY NAME CHANGES

A. Lanier Upshaw PEO Solutions, LLC

TO: Fortune-HR, LLC

Ms. Woodard presented the application stating it is complete and there are no open or pending complaints against the licensee.

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

VIII. REVIEW AND CONSIDERATION OF CONTROLLING PERSON RELINQUISHMENT

- A. Michael Patrick Corley, CO 711**
Progressive Employer Services V, LLC – GL 120
Progressive Employer Services III, LLC – GM 259
Progressive Employer Services IV, LLC – GM 258
Progressive Employer Services VI, LLC – GM 314
Progressive Employer Services VII, LLC – GM 315

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

Mr. Miller addressed the board on behalf of Mr. Corley asking if he would be allowed to transfer his license to another company within 90 days.

MOTION: Ms. Seltzer moved to accept the relinquishment and to allow Mr. Corley to transfer his license to another employee leasing company within 90 days or his license will become null and void.

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

IX. DEFICIENT EMPLOYEE LEASING COMPANY AND CONTROLLING PERSON APPLICATIONS FOR REVIEW

- A. Barrett Business Services, Inc.**

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

MOTION: Ms. Seltzer 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 February 14, 2007.

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

- B. William W. Sherertz, Controlling Person Applicant**
C. Michael D. Mulholland, Controlling Person Applicant
D. Gregory R. Vaughn, Controlling Person Applicant
E. Michael L. Elich, Controlling Person Applicant
F. James D. Miller, Controlling Person Applicant
G. Thomas J. Carley, Controlling Person Applicant
H. James B. Hicks, Controlling Person Applicant
I. Jon L. Justesen, Controlling Person Applicant
J. Anthony Meeker, Controlling Person Applicant

MOTION: Ms. Dockery moved to deny the above-mentioned applications for failure to meet the requirements as outlined in Rule 61G7-5.001(6) (6), Florida Administrative Code.

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

K. Paysource, Inc. dba Source One HR

Ms. Woodard advised that this application had been withdrawn at the April 2009 meeting.

L. Stetson Insurance Services, Inc.

Ms. Woodard presented the application stating it has been deficient over 90 days and notification was mailed to the applicant to cure the deficiencies. She 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 January 24, 2007.

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

M. James A. Beesley, Controlling Person Applicant

Ms. Woodard advised that the above-mentioned applicant submitted a request to withdraw his application.

N. Rosangela Furtado, Controlling Person Applicant

MOTION: Ms. Seltzer moved to deny the above-mentioned application for failure to meet the requirements as outlined in Rule 61G7-5.001(6) (6), Florida Administrative Code.

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

X. REPORTS

A. Office of the Attorney General – Lisa Comingore

Ms. Comingore reviewed her report as outlined in the agenda materials. She advised that she had received numerous comments from the rules discussion and would like to review the information and report back at the next in-person meeting.

She advised that she would provide a complete synopsis of the rules discussion and a flow chart of the suggestions of the board.

B. Office of the General Counsel – Eric Hurst

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

Mr. Hurst also notified the board that he had been offered the position of Chief Attorney for the department. He further stated that he was awaiting official notification, but would remain with the board until a new attorney has been assigned.

The board congratulated Mr. Hurst on his upcoming promotion and thanked him for his dedication and years of service to the board.

C. Executive Director – Richard Morrison

Mr. Morrison gave a brief synopsis of the monthly enforcement report included in the agenda materials. He also advised the board of the importance of submitting outstanding travel to his office by close of business on June 19, 2009.

Mr. Morrison asked the board members that had been notified about Senate confirmation paperwork to submit that information by June 22, 2009.

Mr. Morrison also advised the board that he had received a letter from a licensee asking if the quarterly report could be submitted electronically. He stated he wanted to know the board's position on electronic submission of the quarterly report form.

The board agreed to allow electronic submission of the forms and directed staff to proceed with the steps to implement the process.

D. Chairperson – Marjorie Seltzer

No Report.

XI. OLD BUSINESS

None

XII. NEW BUSINESS

None

XIII. PUBLIC COMMENT

None

XIV. ADJOURNMENT

MOTION: Mr. Finkelstein moved to adjourn.

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

The meeting adjourned at 11:50 a.m.