

**BOARD OF EMPLOYEE LEASING COMPANIES
TELEPHONE CONFERENCE CALL MEETING MINUTES
WEDNESDAY, AUGUST 17, 2011
10:00 a.m. EST
MEET-ME-NUMBER: (888) 808-6959**

I. CALL TO ORDER

The meeting was called to order at approximately 10:05 a.m. EST by Mr. John Jones, Board Chair.

II. ROLL CALL

MEMBERS PRESENT

John L. Jones, Chair
Keith Reeves, Vice Chair
Celeste Dockery
Abram Finkelstein

MEMBERS ABSENT

STAFF PRESENT

Richard Morrison, Executive Director, DBPR
Krista B. Woodard, Government Analyst II, DBPR
Mary Ellen Clark, Board Counsel, Office of the Attorney General
Eric Hurst, Assistant General Counsel, DBPR

OTHERS PRESENT

Mark Mark, Department of Financial Services
Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO
Timothy Tack, Kunkel, Miller & Hament, P.A.
Tricia Rousseau
Scott Buchanan
Neff McIntosh
Gordon Berger
Amy Remington
Noelle Wojciehowski
Bert Combs
Cesar Martinez
Jeff Ryndell
Judy Malone
Phil Herron
Amy Wentrack

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

III. REVIEW AND APPROVAL OF THE JULY 20, 2011 GENERAL BUSINESS MEETING MINUTES

MOTION: Ms. Dockery moved to approve the minutes.
SECOND: MR. Reeves seconded the motion and it passed unanimously.

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

**A. Four Point HR, LLC (EL Applicant)
Noelle Wojciehowski, Controlling Person Applicant**

Mr. Jones presented the company and controlling person applications.

Mr. Jones asked if there was representation on the phone for the applicants because he had a few questions to ask.

Mr. Gordon Berger, Esquire and Ms. Noelle Wojciehowski were present on the phone.

Mr. Jones asked questions about entries listed on the company's balance sheet and the pending unlicensed activity complaint.

Mr. Berger and Ms. Wojciehowski answered the questions asked by Mr. Jones.

Other members of the board had concerns about information contained in the applications and asked that Mr. Berger and Ms. Wojciehowski appear in person before the board at the September 2011 board meeting.

The board directed Mr. Berger and Ms. Wojciehowski to be prepared to answer questions and present additional information relating to:

1. Provide updated financial statements showing which workers' compensation entries should be considered as current assets;
2. Clarification of who the additional insured are on the policy;
3. Documentation of where the payroll was run in the years 2009 thru 2011
4. If the payroll was run in Florida, proof that the unlicensed activity case has been resolved and closed; and
5. Submission of a corrected 8821 form to include the corporate tax return.

After further discussion, the following motion was made:

MOTION: Mr. Finkelstein moved to table discussion of the applications until the September 2011 meeting at which time the applicants would appear before the board and provide the additional formation listed above.

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

V. REVIEW AND CONSIDERATION OF DE MINIMIS EXEMPTION AND REGISTRATION APPLICATION

**A. OP Six, Inc.
(Amy Wentrack and Ronald Hock, Owners)**

Mr. Jones presented the company application.

MOTION: Mr. Finkelstein moved to approve the application.

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

VI. PUBLIC RECORD REQUESTS DISCUSSION

- A. Public Records Request from Mary Morris – July 1, 2011**
- B. Public Records Request from Thomas A. Range – March 18, 2011**

Ms. Clark informed the board that she had spoken with Amy Toman, DBPR's Public Information Officer, and she informed that the request from Ms, Morris was not active and the request from Mr. Range had been withdrawn.

She further stated that DBPR had given their opinion on the matters and no further action or requests have been made to date.

Mr. Morrison informed the board that the requestors had made very strong arguments about what is considered public records.

Mr. Miller asked for a statement from the board that the financial records, as requested in the public records requests, are exempt from the public records act.

After further discussion, the board made the following motion:

- MOTION: Mr. Finkelstein moved that it is the opinion of the board that financial information supplied by applicants and licensees, to the board, are trade secret and/or exempt from the Public Records Act.
- SECOND: Mr. Jones seconded the motion and it passed unanimously.

IX. REPORTS

- A. Office of the Attorney General – Mary Ellen Clark**

No Report.

- B. Office of the General Counsel – Jody Lane**

No Report.

- C. Executive Director – Richard Morrison**

No Report.

- D. Chairperson – John Jones**

No Report.

X. OLD BUSINESS

Mr. Miller asked the board to review the proposed language for Rule 61G7-10.002(3), F.A.C. and provide clarification on what is required to be submitted with the timeframes listed.

After further discussion, the board made the following motion:

- MOTION: Ms. Dockery moved to make further changes to the text in (3) of Rule 61G7-10.002(3), F.A.C. (see text below)
- SECOND: Mr. Jones seconded the motion and it passed unanimously.

The board determined that this change would not require the preparation of a SERC.

61G7-10.002 Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name.

(1) No change.

(2) Licensees experiencing a change in status listed below in the left column shall file or do what is listed in the corresponding right column ~~as follows~~. All forms listed below are incorporated by reference and available from the Board office at 1940 North Monroe Street, Tallahassee, Florida 32399-0750 or from the website at <http://www.myflorida.com/dbpr/pro/emplo/forms.html>.

CHANGE IN STATUS

NEEDED ACTION BY COMPANY, GROUP, OR CONTROLLING PERSON

(a) through (c) No change.

~~(d) Sale or transfer of company stock which causes a change in controlling person(s) or other changes in the information contained in the original application~~

~~Controlling Person, effective 03-18-04 and DBPR EL 4511, entitled Application for Certificate of Approval for Change of Ownership, effective 03-18-04, where applicable. The above forms are incorporated by reference and available from the Board office or from the website at www.myflorida.com. <http://www.myflorida.com/dbpr/pro/emplo/forms.html>~~

~~(d)(e) Sale or transfer of company stock which causes a change in control~~

~~Form DBPR Change of Ownership application EL 4511, "Application for Certificate of Approval for Change of Ownership," effective May, 2011, which causes a change in control and where applicable, controlling person license application for each new controlling person, Form DBPR EL 4510, "Application for Licensure as an Employee Leasing Company Controlling Person," effective May, 2011 and Historical Sketch form, Form DBPR EL 4512, "Historical Sketch," effective May, 2011, where applicable. www.myflorida.com.~~

~~(e)(f) Sale or transfer of a majority of Florida business assets~~

~~Form DBPR EL 4511, "Application for Certificate of Approval for Change of Ownership," effective May, 2011, EL-4511, new company application if buyer not already licensed, and fee from buyer old license does not transfer but remains with seller; unless already licensed, new controlling person license application and fee for each new controlling person.~~

~~(f)(g) No change.~~

~~(g)(h) No change.~~

~~(h)(i) Controlling person resigns from Company A and is employed by Company B as controlling person~~

~~notification to Board from Company A and controlling person; notification to Board from Company B regarding new controlling person no new application or fee needed from controlling person license goes with controlling person; \$5 transfer fee from controlling person.~~

~~(3) The notification required in subsection (1) shall be submitted to the executive director by certified mail within 14 days of a change in a licensee's status. Within 30 days of a change in its status, the licensee, or other entity resulting from such change or both, shall submit new applications, new financial or other information, and new or additional fees to the Board's office as needed to comply with Part XI of Chapter 468, F.S., and the rules of this Board, by any form of mail that provides the sender with delivery confirmation.~~

(4) through (5) No change.

(6) *In the event of a change in status of controlling person pursuant to paragraph (2)(h) or (i), as outlined above, the controlling person and all employee leasing companies involved the company to which the controlling person has moved shall submit notifications to the Board of the ~~acceptance of the controlling person's transfer,~~ along with a \$25 fee for the change of company name on the individual's license.*

(7) No change.

(8) In the event of a change in ownership pursuant to paragraph (2)(d), (2)(e), or (2)(f) above, the new owner or owners must demonstrate that workers compensation coverage is in effect during the change of ownership and at all time subsequent thereto for the employees of the acquired entity by providing a certificate of coverage from an insurance carrier that is admitted in the State of Florida naming the new owner or owners as the insurer.

Rulemaking Specific Authority 455.201(2), 468.522, 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531, 455.201(2) FS. Law Implemented 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS. History—New 1-27-93, Amended 5-20-93, Formerly 21EE-10.002, Amended 10-24-93, 8-17-94, 11-9-95, 5-21-96, 11-24-96, 3-18-97, 3-1-05, 10-23-05, 12-31-06,_____.

XI. NEW BUSINESS

A. Proposed 2012 Meeting Dates

The board approved the following dates for 2012.

TELEPHONE CONFERENCE CALL SCHEDULE

Dates: January 25, 2012
February 15, 2012
April 18, 2012
June 20, 2012
July 18, 2012
September 19, 2012
November 28, 2012

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

TRAVEL SCHEDULE

Locations: **Subject to Change**

Dates: March 21, 2012 (Tallahassee, FL)
May 23, 2012 (Sarasota, FL)
August 15, 2012 (Jacksonville, FL)

October 17, 2012 (Orlando, FL)

December 19, 2012 (Tampa, FL)

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

XII. PUBLIC COMMENTS

None

XIII. ADJOURNMENT

MOTION: Mr. Finkelstein moved to adjourn the meeting at 11:50 a.m.

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

Transcripts and/or recordings of the meeting can be obtained upon request.