

**BOARD OF EMPLOYEE LEASING COMPANIES
TELEPHONE CONFERENCE MEETING MINUTES**

**WEDNESDAY, July 16, 2003
10:00 a.m. EST**

MEET-ME-NUMBER: (850) 921-2530

I. CALL TO ORDER

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

II. ROLL CALL

MEMBERS PRESENT

Celeste D. Dockery, Chair
David B. Stroyan, Vice Chair
Frank W. Crum, Jr.
Kelly Lanza
Donna M. Bloomer
Carlos Rodriguez

MEMBERS ABSENT

None

STAFF PRESENT

Jerry Wilson, Deputy Director, DBPR
Krista B. Woodard, Government Analyst II, DBPR
John Rimes, Board Counsel, Office of Attorney General
Eric Hurst, Assistant General Counsel, DBPR

OTHERS PRESENT

Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO
Robert Skrob, FAPEO
Angelina Brown
George Gersema, Applicant
Eddie Hightower, Esquire, Gevity
Brian Nugent, Chief Legal Officer, AdvanTech Solutions International, Inc.
Tamsen Leachman, Esquire, Employers Resource of America, Inc.

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

**III. REVIEW AND APPROVAL OF THE JUNE 18, 2003,
GENERAL BUSINESS MEETING MINUTES**

MOTION: Mr. Frank Crum Jr. moved to approve these minutes.
SECOND: Ms. Donna Bloomer seconded the motion and it passed unanimously.

IV. EMPLOYEE LEASING COMPANY APPLICATIONS

A. Max Staf, Inc.

Bonnie Stinson, CP Applicant

Max Stinson, CP Applicant

Ms. Woodard presented these applications explaining that they had been presented to the Board at the April 16, 2003 Board meeting. She reported that at the April 16, 2003 meeting, the Board requested that the applicant provide a reviewed financial statement and revised contract. Ms. Woodard further reported that a copy of the contract and the financial statements were provided to the Board office on June 16, 2003. However, the certificate of insurance of workers' compensation coverage expired on May 1, 2003 and no current policy had been received.

Ms. Bloomer asked if the financial statements were reviewed or complied due to the application checklist having both circled. Ms. Woodard stated that based on information received from staff, the financials were reviewed.

Mr. Rimes clarified for the record that a reviewed financial statement would include a letter from a Certified Public Accountant, CPA, and would provide an analysis of the reports being prepared. Ms. Woodard stated that she did not have the actual file in her possession, at the time, but based on information received from staff, the financials were reviewed.

Mr. Stroyan asked if the application should be tabled until all the information is received. Mr. Rimes reiterated to the Board that this application had been tabled from the April meeting pending receipt of information and that based on information presented today, the application would still appear incomplete.

MOTION: Mr. Stroyan moved to deny all applications due to no proof of a reviewed financial statement and the expired Certificate of Insurance. However, if we receive the reviewed financial statements, to forward to Ms. Bloomer for review and if receipt of a current Certificate of Insurance, the application would be reconsidered.

SECOND: Mr. Rodriguez seconded the motion and the motion passed unanimously.

B. AdvanTech Solutions III, Inc.

Noble Troy Fowler, CO 443

James Kirtis Murray, III, CO 453

David Dominic Volpi, CO 15

Ms. Woodard presented this application stating that it was an addition to an existing group, AdvanTech Solutions I, Inc., license number GL 66. She reported that the Certificate of Insurance expired on April 1, 2003, the tax letters were over six months old and none were on official letterhead. She further reported that this company had a payroll of \$879,808.54, and an explanation for the payroll was listed on page 170 of the agenda.

Mr. Stroyan indicated that the financials included in the agenda materials were as of

September 27, 2002 and questioned if the December 2002 annual had been received. Mr. Brian Nugent, Chief Legal Officer for AdvanTech, indicated that the financials were mailed to the Board office. Ms. Woodard reported that the December 2002 Annual Financial Reports were being reviewed by Mr. Richard Law, CPA and Consultant for the Board. She further reported that she would get in contact with Mr. Law to verify compliance with the statutes and rules. Mr. Stroyan stated that he would like for Ms. Bloomer to also review the financials. Ms. Woodard stated that she would provide a copy of the financials to Ms. Bloomer once received from Mr. Law.

MOTION: Mr. Stroyan moved to approve this application pending receipt of a faxed current Certificate of Insurance and review and approval of the financials by Mr. Law and Ms. Bloomer. If a problem with the financials should arise, the application will be tabled until the August meeting.

SECOND: Ms. Bloomer seconded the motion and the motion passed unanimously.

Ms. Woodard provided Mr. Nugent with the fax number to the Department.

- C. Gevity HR VI, LP**
Erik Vonk, CO 624
John E. Panning, CO 178
Gregory M. Nichols, CO 200
Robert Minkhorst, CO 638
Lisa J. Haris, CO 450

Ms. Woodard presented this application and stated that this application was an addition to an existing group, Gevity HR II, LP, license number GL 99. She reported that proof of workers' compensation coverage was not included in the application materials. Mr. Eddie Hightower, counsel for the applicant, informed the Board that he would fax proof of coverage to the Department.

MOTION: Ms. Bloomer moved to approve this application pending receipt of workers' compensation coverage.

SECOND: Ms. Lanza seconded the motion and the motion passed unanimously.

ADDENDUM

Employer's Resource of America, Inc. **George H. Gersema, CP Applicant**

Ms. Woodard presented these applications explaining that they had been presented to the Board at the June 18, 2003 Board meeting. She reported that at the June 18, 2003 meeting, the Board requested Mr. Gersema be present to answer questions that the Board has. Mr. Gersema was present and represented by Mr. Mike Miller and Ms. Tamsen Leachman. Ms. Woodard reported that at the June 18, 2003 meeting, Mr. Rodriguez posed questions about the case pending in Idaho with the Department of Insurance and Employers Resource. Ms. Woodard informed the Board that she had spoken with Mr. Shad Priest, Administrator, with the State of Idaho, Department of Insurance. Ms. Woodard stated that Mr. Priest faxed and e-mailed information pertaining to the case between the Department of Insurance and Employers Resource. Mr. Priest also provided a web site for information pertaining to a federal case pending in Idaho

involving Employers Resource.

Mr. Miller stated that the case with the Department of Idaho was not this particular company and that the case involved self-insurance, which is not being offered in Florida. Ms. Leachman addressed the Board concerning the Department of Labor issue. She informed the Board that this case is still pending at the agency level. She also informed the Board that she could provide the Responses and Summary Judgement materials pertaining to the case, so that the Board would have a better understanding of the case.

Mr. Rodriguez stated that he would like to review this information as well as a copy of the certificate of insurance for proof of workers' compensation coverage before making a decision on the application.

Mr. Rimes informed the Board that it would not be a problem tabling the application again until the Board has been provided the requested information since Mr. Miller previously waived the 90-day time frame.

MOTION: Mr. Rodriguez moved to table discussion of the application until the August 20, 2003 Board meeting.

SECOND: Mr. Stroyan seconded the motion and the motion passed unanimously.

V. DE MINIMUS EXEMPTION AND REGISTRATION APPLICATION

A. Prestige Employee Administrators, Inc. Andrew S. Lubash, Alan Cooperberg, & Laurence Lynch, Owners

Ms. Woodard presented this application citing that we are still awaiting receipt of a letter of good standing from New Jersey and that a new certificate of insurance was received in the Board office on July 15, 2003.

MOTION: Ms. Bloomer moved to approve this application pending receipt of a letter of good standing from New Jersey.

SECOND: Mr. Stroyan seconded the motion and the motion passed unanimously.

VI. CONTROLLING PERSON RELINQUISHMENTS

A. Anthony Arcaro, CO 164 B. Michael J. Martin, CO 553

MOTION: Ms. Bloomer moved to accept the relinquishments.

SECOND: Mr. Stroyan seconded the motion and the motion passed unanimously.

VII. CORRESPONDENCE

- A. Memorandum regarding Gary James, Inc.
d.b.a. Labor Finders, Case Number 2003-001377**
- B. Memorandum regarding Trade Staffers Enterprises, Inc.
Case Number 2003-051755**

Mr. Wilson addressed the Board pertaining to these memos. He stated that he is assuming that Ms. Gaffney wants expert advice on whether these two cases constituted unlicensed activity as an employee leasing company.

Mr. Wilson suggested getting an expert from the industry to address issues of this nature.

Mr. Miller made a suggestion for Mr. Jack McCray to be the expert from the industry.

Mr. Stroyan stated that based on the information before the Board, the activities of the Subjects constituted unlicensed activity as an employee leasing company.

Mr. Rimes asked if the Board would like for cases, such as the ones presented, to come before the Board for determination of unlicensed activity. The Board agreed for all flagrant cases to come before the Board.

Ms. Dockery asked if the Board would be circumventing the Probable Cause Panel by reviewing these cases. Mr. Rimes answered "no".

MOTION: Mr. Stroyan moved that the cases presented constitute unlicensed activity as an employee leasing company.

SECOND: Mr. Crum seconded the motion and the motion passed unanimously.

VIII. NEW BUSINESS

Mr. Miller advised the Board that he had made revisions to the draft proposed rule to Rule 61G7-6.001, F.A.C., Definitions and faxed a copy of it to Mr. Rimes for review.

Mr. Rimes informed Mr. Miller that he had reviewed the draft and it looked fine to him. Mr. Miller then asked the Board if they would like to wait to review the draft or if they would like for him to read it to them for discussion. The Board agreed for Mr. Miller to read the draft language for discussion.

MOTION: Mr. Crum moved to accept the draft language and advised Mr. Rimes to proceed with the notice process for the rule.

SECOND: Mr. Stroyan seconded the motion and the motion passed unanimously.

Mr. Miller stated that at the FAPEO meeting held on July 2, 2003, the members expressed an interest in the Board holding an end of the year telephone conference meeting, after its regularly scheduled December meeting, to address any emergency issues. The Board agreed to discuss this matter at the August 20th meeting in Tampa.

Ms. Dockery introduced and congratulated Mr. Jerry Wilson as the new Deputy Director for the Division of Professions and Regulation.

Mr. Wilson advised the Board that he looked forward to working closely with the Boards. He wanted the board members to know that he understands their concerns with the turnover in the Board office, and that he is in the process of getting staff to assist Ms. Woodard in the Board office.

Ms. Dockery stated that she was very pleased to hear that.

VIII. ADJOURNMENT

MOTION: Ms. Lanza moved to adjourn.

SECOND: Mr. Stroyan seconded the motion and the motion passed unanimously.

The meeting adjourned at 11:37 a.m.