

**BOARD OF EMPLOYEE LEASING COMPANIES
GENERAL BUSINESS MEETING MINUTES**

**SHERATON SUITES – TAMPA AIRPORT
4400 WEST CYPRESS STREET
TAMPA, FLORIDA 33607**

**October 15, 2003
8:30 a.m. EST**

I. CALL TO ORDER

The meeting was called to order at approximately 8:41 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.
Carlos Rodriguez

MEMBERS ABSENT

Donna Bloomer
Kelly Lanza

STAFF PRESENT

Juanita Chastain, Executive Director, DBPR
Krista B. Woodard, Government Analyst II, DBPR
Mary Ellen Clark, Acting 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
Wayne Lynn, Teamstaff
Calvert Courtney, SECF
Linda Alcathie, NELCO
Glen Distefano, National AG Services
Ronald C. Stoll, Merit Resources
Richard Garcia, Magellan Human Resources
Scott Buchanan, Human Resources, Inc.
Kenn Gluckman, GCA
Dean DiPaolo, ANE

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

Ms. Dockery informed the board that Ms. Bloomer was not able to attend the meeting due to a prior engagement, and Ms. Lanza would not be attending the meeting due to a death in the family. She further stated that Ms. Bloomer's and Ms. Lanza's absences would be excused.

III. REVIEW AND APPROVAL OF THE SEPTEMBER 20, 2003, TELEPHONE CONFERENCE CALL MEETING MINUTES

MOTION: Mr. David Stroyan moved to approve the minutes.
SECOND: Mr. Frank Crum, Jr. seconded the motion and it passed unanimously.

IV. DISCIPLINARY PROCEEDINGS

SETTLEMENT STIPULATIONS

Case #

A. The Cura Group, Inc. 2002-013695
(PCP: Lanza and Crum, June 18, 2003)

Mr. Hurst stated that due to the recusing of Mr. Crum as a Probable Cause Panel member, there were not enough members present to take final action on the case.

B. Susan J. Royal 2000-05739

Mr. Hurst stated that he was standing in for Mr. Marc Drexler, the Department's Collections Attorney, and this was a case that has been issued a Final Order, but Ms. Royal, in turn, had submitted a Settlement Stipulation requesting the Board to accept less than the amount originally agreed upon in the Final Order. He further stated that due to the recusing of Ms. Dockery as a Probable Cause Panel member, there were not enough members present to take action on the case.

V. EMPLOYEE LEASING COMPANY/ CONTROLLING PERSON APPLICATIONS

A. Leaderboard, Inc.
Gerard J. Cuglietta - CP Applicant

Ms. Woodard presented the applications stating that all exhibits were submitted and complete. However, it was noted by Mr. Rodriguez that question one on page eight of the application was unanswered. Ms. Woodard further stated that the only outstanding items relating to the controlling person's application were the FDLE and FBI reports.

MOTION: Mr. Crum moved to approve the applications with the conditions that question one on page eight of the application is answered in the negative and should anything detrimental be revealed on the FDLE or FBI reports, the applications be brought back before the board.
SECOND: Mr. Stroyan seconded the motion and it passed unanimously.

VI. DE MINIMUS EXEMPTION AND REGISTRATION APPLICATIONS

A. Axios, Inc.
(Daniel S. Barcheski, Owner)

Ms. Woodard presented the application stating that in regards to the workers' compensation certificate of insurance, the applicant submitted a letter stating that the company does not hold workers' compensation insurance, and that each of their Florida

accounts would have their own individual policies. She further stated Mr. Rimes had approved the contract.

MOTION: Mr. Stroyan moved to approve the application.

SECOND: Mr. Crum seconded the motion.

Mr. Rodriguez stated that he had a problem with clients having their own policy, but not having to provide proof of coverage to the board.

Ms. Dockery stated that she needed more explanation on how the company plans to operate. She further stated that the certificate of insurance submitted with the application did not have a policy number listed, but a quote number.

MOTION: Mr. Stroyan moved to amend his previous motion to approve the application pending proof of a certificate of insurance with the policy number listed on the certificate instead of a quote number, and issuance of a statement to the Department, which has been executed by all of the controlling persons, the CEO, the CFO, and the Chairman of the Board of the employee leasing company. The statement shall include an attestation by the signing parties that the statement was executed after due inquiry of the employee leasing company's books and records and that, after making such an inquiry, the signing persons have taken reasonable steps to ascertain that all leased employees have workers' compensation coverage under methods provided for in Rule 61G7-10.0014(2)(a)-(c), F.A.C.

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

**B. Pinnacle Telecom, Inc.
(HRC/SVL, LLC, Owner)**

Ms. Woodard presented the application stating that the application was originally received in the Department on January 22, 2003, and a notice was mailed to the applicant on February 21, 2003 citing deficiencies. She further stated that the applicant did not respond to the deficiency letter until September 15, 2003 and did not correct all the deficiencies listed in the letter. Ms. Woodard also cited that the contract had not been approved by Mr. Rimes.

Ms. Dockery asked if there was anyone present to speak on behalf of the application. No one responded.

MOTION: Mr. Stroyan moved to deny the application based on the deficiencies of no proof of workers' compensation coverage, the contract has not been approved, non-receipt of State Taxes Letter of Good Standing for Colorado, and non-receipt of State License Letter of Verification/Good Standing for Colorado.

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

**C. Employers' Administrative Services
(J. Kendall Dexter, Owner)**

Ms. Woodard presented the application stating that instead of the certificate of insurance, the applicant submitted a letter from their agent confirming coverage, and Mr. Rimes had approved the contract. Ms. Woodard further stated that after review of the application, she noted that the Unemployment Compensation number had not been issued. She informed the board that she had spoken with Mr. Dexter and he informed her that he was awaiting issuance of the number.

MOTION: Mr. Stroyan moved to approve the application pending receipt of the issuance of the Unemployment Compensation number.

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

VII. CHANGE OF OWNERSHIP APPLICATION

A. Equity Leasing-Accounting II, Inc. - EL 259

Ms. Woodard presented the application stating that Teamstaff, Inc. license number GL 85, would be the new owner and Mr. Wayne R. Lynn, license number CO 658, would be the new controlling person for the company. She further stated that instead of the submission of Historical Sketches for the owners, the applicant submitted the most recent 10-K form filed by Teamstaff, Inc. with the United States Securities and Exchange Commission.

MOTION: Mr. Stroyan moved to approve the application.

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

VIII. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY NAME CHANGES

A. BNA Group IV, Inc. – EL 236

TO: Services to Agriculture IV, Inc.

B. Dees & Smith Agency, Inc. – GM 236

TO: Services to Agriculture III, Inc.

Ms. Woodard presented the applications stating that the applications are complete.

MOTION: Mr. Stroyan moved to approve the applications.

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

IX. CONTROLLING PERSON RELINQUISHMENTS

A. Rhonda M. Bisset – CO 409

**Professional Employer Plans, Inc.
Professional Employer Plans II, Inc.
Professional Employer Plans III, Inc.
Professional Employer Services, Inc.**

- B. Howard G. Buff – CO 586
Administaff Companies II, L.P.**
- C. Gerald L. Feezor – CO 529
Matrix Employee Leasing, Inc.**
- D. Sergio Fernandez – CO 568
ADP Total Source, Inc.
ADP TotalSource DE IV, Inv.
ADP TotalSource MI VI, LLC
ADP TotalSource MI VII, LLC
ADP TotalSource Services, Inc.
ADP TotalSource I, Inc.**
- E. Michael K. Gaskin – CO 609
Professional Employer Plans, Inc.**
- F. William Allan Patterson – CO 418
Payday Systems, Inc.**
- G. Gene Joseph Yaeger – CO 574
Payday Systems, Inc.**

Ms. Woodard presented the relinquishments stating that there were no complaints pending against the licensees.

MOTION: Mr. Stroyan moved to accept the relinquishments.
SECOND: Mr. Crum seconded the motion and it passed unanimously.

X. TERMINATION OF EMPLOYEE LEASING COMPANY OPERATIONS

A. Payday Systems, Inc.

Ms. Woodard presented the application stating that there were no complaints pending against the company.

MOTION: Mr. Stroyan moved to accept the termination.
SECOND: Mr. Crum seconded the motion and it passed unanimously.

XI. REPORTS

A. Executive Director – Juanita Chastain

Ms. Chastain mentioned the operating account financial report and unlicensed activity account report contained in the agenda materials. She reported that as of June 30, 2003, the board had \$1,055,412 in assets.

Mr. Mike Miller asked if some of the money could be used to do spot checks on employee leasing companies in Florida.

The board expressed interest in the Department doing more investigative work or an audit of problems with workers' compensation insurance for employee leasing companies.

Ms. Chastain stated that she would report back to the board, at a later date, on the issue of a possible audit of workers' compensation insurance coverage for licensed employee leasing companies.

B. Office of the General Counsel – Eric Hurst

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

C. Chairperson – Celeste Dockery

No Report.

XII. NEW BUSINESS

None

XIII. OLD BUSINESS

None

XIV. ADJOURNMENT

MOTION: Mr. Stroyan moved to adjourn.

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

The meeting adjourned at 9:38 a.m.