

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

**WEDNESDAY, MAY 19, 2004
10:00 a.m. EST**

MEET-ME-NUMBER: (850) 921-2470

I. CALL TO ORDER

The meeting was called to order at approximately 10:03 a.m. EST by Ms. Celeste Dockery, Board Chair.

II. ROLL CALL

MEMBERS PRESENT

Celeste D. Dockery, Chair
Carlos Rodriguez, Vice Chair
Donna M. Bloomer
Frank W. Crum, Jr.
Kelly Lanza
Ryan S. Moore

MEMBERS ABSENT

None

STAFF PRESENT

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

OTHERS PRESENT

John Iriye, Counsel, Department of Financial Services
Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO
Eric Thorne, ARAMARK Processing LLC
John Vasco, ARAMARK Processing LLC
Lori Kenney, NES
Ed Dougherty, Esquire, NES

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

III. REVIEW AND APPROVAL OF THE APRIL 21, 2004 GENERAL BUSINESS MEETING MINUTES

MOTION: Mr. Moore moved to approve the minutes.
SECOND: Mr. Rodriguez seconded the motion and it passed unanimously.

IV. DISCIPLINARY PROCEEDINGS – Office of the General Counsel

A. SETTLEMENT STIPULATION

1) National Employer Solution

**Case #
2003-084484**

Mr. Eric Hurst presented the case explaining that it stems from violations involving failure to meet the net working capital requirement for the June 2002, September 2002, and the December 2002 quarterly reports.

Mr. Hurst stated the Board requested additional information and assurances which the Respondent provided at the last meeting, but still had questions and was the reason that the case is before the board today.

Ms. Lori Kinney and Mr. Ed Dougherty were present and represented the Respondent.

Ms. Kinney stated the board requested a Pro Forma Balance Sheet of future business of the new company and a new application for licensure.

Mr. Hurst recommended the board to adopt the Settlement Stipulation, which provides for costs of \$75.05 and re-visitation should there be a problem in the future. He further stated the Respondent has complied with the other terms of the Stipulation except for the costs.

Mr. Dougherty asked if the Settlement Stipulation should be amended if the application for the new company is approved.

Mr. Rodriguez stated there was no need to change the Settlement Stipulation.

Mr. Hurst stated the current Stipulation disposes of the case and the terms of the Stipulation has been sorted out.

Ms. Lanza asked if the Respondent would be relinquishing its license today.

Ms Kinney responded by stating that the Respondent would relinquish the license on June 20, 2004.

Mr. Dougherty stated based on the terms of the Stipulation, the company has until October 2004 to relinquish the license.

Ms. Mary Ellen Clark stated that based on the Settlement Stipulation, the Respondent must either comply with the Stipulation or relinquish the license.

Mr. Dougherty stated having the relinquishment on the June agenda might not be possible. He asked if the Board would approve the relinquishment at the June meeting prospective as long as the relinquishment is received in the Board office by June 30, 2004.

Ms. Lanza stated the Board has been very patient and having the relinquishment on the June agenda should be very possible.

Mr. Dougherty stated he would have the relinquishment ready for the June meeting and

if there were a problem that he would address it at the June meeting.

Ms. Kinney stated it should take her about two weeks to transfer the employees and the sooner she gets the approval of licensure, she would begin the process.

MOTION: Ms. Bloomer moved to adopt the settlement stipulation.

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

V. EMPLOYEE LEASING COMPANY AND CONTROLLING PERSON APPLICATIONS

A. ARAMARK Processing LLC

Jeff Gilliam, CP Applicant

Allan I. Waters, CP Applicant

Robert W. Carpenter, CP Applicant

Ms. Woodard presented the applications stating that all exhibits were submitted and were complete. She further stated that in addition to the certificate of insurance, the applicant submitted a letter from the insurance company advising of the issuance of a binder of workers' compensation coverage, and the only outstanding items relating to the controlling persons' applications are the Florida Department of Law Enforcement (FDLE) and Federal Bureau of Investigations (FBI) reports.

MOTION: Ms. Bloomer moved to approve the applications with the conditions that should any derogatory information be revealed on the reports that the applicants would appear before the board.

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

B. NES-FL, Inc. of Georgia

Ronald K. Cates, CO 479

Ms. Woodard presented the application stating that all exhibits were submitted and were complete. She further stated that instead of the certificate of insurance, Florida Workers' Compensation Joint Underwriting Association (FWCJUA) submitted a letter citing workers' compensation coverage once approval of licensure is granted.

Ms. Woodard reported that the only outstanding item is the contract approval by Mr. Rimes, however, she had spoken with Mr. Rimes and he stated he would review the contract once he returned to the office later that day.

Ms. Lori Kinney and Mr. Ed Dougherty were present and represented the applicant.

Ms. Lanza asked Ms. Kinney if the newly formed company was for one Florida client because it was her understanding at the last meeting that it was one client who had an office in Florida with employees that needed to be taken care of.

Ms. Kinney answered stating it was for twelve clients in conjunction with the Georgia clients.

Mr. Dougherty stated they could not submit an application for a De Minimus license due to the three Florida companies.

Ms. Dockery stated that based on the information on the Pro Forma Balance Sheet, it was for 64 employees. She further stated that she felt that Ms. Kinney and Mr. Dougherty had complied with the board's request of submitting a new application for licensure for the newly formed company.

After further discussion, the following motion was made.

MOTION: Ms. Bloomer moved to approve the application pending review and approval of the contract by Mr. Rimes.

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

VI. REVIEW AND CONSIDERATION OF CHANGE OF OWNERSHIP APPLICATIONS

A. Advantage Staffing, Inc. – EL 22

Ms. Woodard presented the application stating Mr. Ryan S. Moore would be the new owner and controlling person for the company. She further stated that Ms. Carolyn Davis, the current controlling person, wishes to relinquish her license upon approval of the change of ownership.

Mr. Moore recused himself due to personal interest in the application.

MOTION: Ms. Lanza moved to approve the application and the controlling person relinquishment.

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

VII. TERMINATION OF EMPLOYEE LEASING COMPANY OPERATIONS

A. ACH Resources, Inc. – EL 125

Ms. Woodard presented the application stating that there is an open complaint pending against the company and the controlling persons. She further stated the complaint alleges failure to submit March 2002, June 2002, September 2002, and December 2002 quarterly financial reports.

Ms. Woodard reported that the missing reports referenced in the complaint had been received but reflected negative net worth and negative working capital deficiencies on the June, September and December reports.

Mr. Rodriguez asked the status of the complaint.

Ms. Woodard answered stating she thinks it is under investigation.

MOTION: Mr. Rodriguez made a motion to suspend discussion of the termination until the investigation is complete.

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

VIII. CONTROLLING PERSON RELINQUISHMENTS

**A. Brian Keith Miller – CO 395
Professional Leasing Alliance, Inc. – EL 159**

Ms. Woodard presented the relinquishment stating that there were no complaints pending against the licensee and controlling persons remain with the company.

MOTION: Ms. Bloomer moved to accept the relinquishment.
SECOND: Ms. Lanza seconded the motion and it passed unanimously.

IX. REPORTS

A. Executive Director – Anthony B. Spivey

Mr. Spivey advised that due to scheduling conflicts of the attorneys for the board, that the June 16, 2004 meeting date needed to be changed to June 23, 2004.

Mr. Rodriguez stated that he would not be able to attend the meeting on June 23rd due to a prior scheduled appointment.

All other board members agreed to meet on June 23, 2004 in Tampa, Florida.

Mr. Spivey also informed the board that he has drafted proposed meeting dates for the next year and the schedule will be on the agenda for the June meeting.

Mr. Rodriguez asked that the schedule be faxed to him, for review, prior to the June meeting.

Ms. Dockery requested that any objections from Mr. Rodriguez about the proposed meeting dates be faxed to her for review.

Ms. Woodard advised that she would fax the proposed schedule to Mr. Rodriguez and then fax his comments to Ms. Dockery for review.

X. NEW BUSINESS

None

XI. OLD BUSINESS

None

XII. ADJOURNMENT

MOTION: Mr. Crum moved to adjourn.
SECOND: Ms. Lanza seconded the motion and it passed unanimously.

The meeting adjourned at 10:45 a.m.