

**BOARD OF EMPLOYEE LEASING COMPANIES
GENERAL BUSINESS MEETING MINUTES
THE TRADEWINDS ISLAND RESORTS
5600 GULF BOULEVARD
ST PETE BEACH, FLORIDA 33706
APRIL 16, 2008
10:00 a.m. EST**

I. CALL TO ORDER

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

II. ROLL CALL

MEMBERS PRESENT

Kelly K. Lanza, Chair
Abram Finkelstein
Gayla Parks
Warren Schoenfisch
Deborah Segal
Marjorie Seltzer

MEMBERS ABSENT

None

STAFF PRESENT

Rick Morrison, Executive Director, DBPR
Krista B. Woodard, Government Analyst II, DBPR
Garnett Chisenhall, Board Counsel, Office of the Attorney General
Eric Hurst, Assistant General Counsel, DBPR

OTHERS PRESENT

Tasha Carter, Department of Financial Services
Mark Mark, Department of Financial Services
Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO
Timothy Tack, Kunkel, Miller & Hament, P.A.
Kathryn Dyndul
Andrew Dyndul
Todd Hutchings
Robert Kimball
Tim Tucker, NAPEO
Chandra Patton
Rick Naden
Paul Watson
Bob Dobbs
Katherine Lake
Donald Moore
Ronald Stoll

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

Mr. Morrison addressed the board regarding Mr. Ryan Moore advising that he had resigned from the board.

III. THE PLEDGE OF ALLEGIANCE

Mr. Morrison led all in the Pledge of Allegiance.

IV. REVIEW AND APPROVAL OF THE FEBRUARY 19, 2008 RULES WORKSHOP MEETING MINUTES

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

V. REVIEW AND APPROVAL OF THE FEBRUARY 20, 2008 GENERAL BUSINESS MEETING MINUTES

MOTION: Ms. Seltzer moved to approve the minutes.
SECOND: Ms. Parks seconded the motion and it passed unanimously.

VI. REVIEW AND APPROVAL OF THE MARCH 19, 2008 TELEPHONE CONFERENCE CALL MEETING MINUTES

MOTION: Ms. Seltzer moved to approve the minutes.
SECOND: Ms. Segal seconded the motion and it passed unanimously.

VII. DISCIPLINARY PROCEEDINGS – Office of the General Counsel

A. SETTLEMENT STIPULATIONS	<u>Case #</u>
1. Horizon Staffing, LLC	2007-053148
2. Simon Ganz	2007-053141

(PCP: Crum and Moore – December 19, 2007)

Mr. Eric Hurst presented the cases explaining they stem from violations involving failure to timely file the required workers' compensation insurance statement and failure to timely file the 2006 year end financial statement.

Mr. Hurst stated the Settlement Stipulation provides for a Reprimand of both licenses, and administrative fine of \$2000, costs of \$28.16 with joint and several liability among the licensees.

MOTION: Ms. Seltzer moved to adopt the settlement stipulation as the final order of the board.
SECOND: Ms. Segal seconded the motion and it passed unanimously.

3. Professional Employee Leasing, Inc.	2007-027656
4. Stanley Neil Crooms	2007-027664
5. Robert Lomax Dobbs	2007-027659

(PCP: Crum and Moore – December 19, 2007)

Mr. Eric Hurst presented the cases explaining they stem from violations involving failure to maintain workers' compensation coverage for the quarters ending March 2006 through September 2007.

Mr. Hurst stated the Settlement Stipulation provides for a Reprimand of all licenses, an administrative fine of \$2000, costs of \$600.00 with joint and several liability among the licensees.

MOTION: Ms. Lanza moved to adopt the settlement stipulation as the final order of the board.

SECOND: Ms. Parks seconded the motion and it passed with Ms. Seltzer opposing.

B. HEARING(S) NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

1. Southeastern Employee Benefits Group, Inc. 2007-026207 (PCP: Lanza and Moore – August 15, 2007)

Mr. Hurst advised that Ms. Lanza was recused due to her participation on the probable cause panel.

Ms. Seltzer assumed the position of Chair for this case.

Mr. Hurst presented the case explaining it stems from violations involving failure to maintain a workers' compensation policy in the name of the PEO for the quarters ended March 2006, June 2006, September 2006, December 2006 and March 2007.

MOTION: Mr. Finkelstein moved to adopt the allegations of fact in the administrative complaint as the findings of fact of the board.

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

Mr. Todd Hutchings, CPA, was present and sworn and spoke on behalf of the Respondent.

After further discussion, the following motions were made.

MOTION: Mr. Finkelstein moved to dismiss the complaint.

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

2. Andrew H. Dyndul 2007-043422 (PCP: Crum and Moore – December 19, 2007)

Mr. Hurst presented the case explaining it stems from a violation of Section 468.532(1)(d), F.S. by entering into a negotiated plea of guilty to one count of Conspiracy to Commit Fraud. Mr. Hurst further stated that Mr. Dyndul has voluntarily surrendered his controlling person's license.

MOTION: Mr. Finkelstein moved to adopt the allegations of fact in the administrative complaint as the findings of fact of the board.

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

MOTION: Ms. Lanza moved to adopt the conclusions of law in the administrative complaint as those of the board.

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

Mr. Dyndul was present and sworn in and represented by Mr. Ron Kurpiers, Esquire.

After discussion, the following motion was made.

MOTION: Ms. Seltzer moved to impose an administrative fine of \$2500, costs of \$138.90 and revocation of the license.

SECOND: Ms. Lanza seconded the motion and it passed with Ms. Segal and Mr. Schoenfisch opposing.

Ms. Parks was excused from the meeting at 12:00 p.m.

VIII. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY APPLICATIONS

A. **CoSource, LLC**

B. **CoSource I, LLC**

Kelly K. Lanza, CO 433

Ms. Woodard presented the company applications stating they are for a group leader and group member. She stated that all exhibits were submitted and complete and that workers' compensation was confirmed by the Department of Financial Services (DFS) on March 27, 2008.

Ms. Lanza was recused from the vote.

MOTION: Ms. Segal moved to approve the applications.

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

C. **Payday, Inc.**

Robert Kimball, CO 645

Ms. Woodard presented the application stating all exhibits were submitted and complete. She further stated 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 included with the application was a letter from Mr. Donald Moore for Board review.

Mr. Robert Kimball was present and sworn in represented by Mr. Timothy Tack.

Mr. Donald Moore was present and sworn in.

After a lengthy discussion, the following motion was made.

MOTION: Mr. Finkelstein moved to table discussion of the application until additional information could be provided to the board as to the status of Mr. Kimball's controlling person license and additional information from Mr. Kimball and Mr. Donald Moore could be provided for board review.

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

IX. REVIEW AND CONSIDERATION OF TERMINATION OF EMPLOYEE LEASING COMPANY OPERATIONS

- A. American Employee Services of Florida, Inc. – EL 334
- B. Professional Employer Plans III, Inc. – EL 273
- C. Professional Employer Plans VI, Inc. – EL 280
- D. Professional Employer Plans, Inc. – GL 65
Professional Employer Plans II, Inc. – GM 133
Professional Employer Services, Inc. – GM 134
- E. Professional Employer Plans VII, Inc. – GL 101
Professional Employer Plans IX, Inc. – GM 244
Professional Employer Plans VIII, Inc. – GM 243
Professional Employer Plans XI, Inc. – GM 245
- F. Advantage Employer Solutions, Inc. – GL 109
Advantage Employer Solutions II, Inc. – GM 270
Advantage Employer Solutions III, Inc. – GM 271
Advantage Employer Solutions IV, Inc. – GM 272
Advantage Employer Solutions V, Inc. – GM 273
- G. Staff Management Solutions, Inc. – GL 110
Staff Management Solutions II, Inc. – GM 274
Staff Management Solutions III, Inc. – GM 275
Staff Management Solutions IV, Inc. – GM 276
Staff Management Solutions V, Inc. – GM 277

Ms. Woodard presented the terminations stating there were no open or pending complaints against the licensees.

MOTION: Ms. Seltzer moved to accept the terminations.

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

X. REVIEW AND CONSIDERATION OF CONTROLLING PERSON RELINQUISHMENTS

- A. Eugene Charles Cabrera – CO 714
Professional Employer Plans, Inc. – GL 65
Professional Employer Plans III, Inc. – EL 273
Professional Employer Plans VI, Inc. – EL 280
Professional Employer Plans VII, Inc. – GL 101
Advantage Employer Solutions, Inc. – GL 109
Staff Management Solutions, Inc. – GL 110
- B. Steven D. Harper – CO 647
Professional Employer Plans, Inc. – GL 65
Professional Employer Plans III, Inc. – EL 273
Professional Employer Plans VI, Inc. – EL 280
Professional Employer Plans VII, Inc. – GL 101

Advantage Employer Solutions, Inc. – GL 109
Staff Management Solutions, Inc. – GL 110

- C. William Horace Harper – CO 593
Professional Employer Plans, Inc. – GL 65
Professional Employer Plans III, Inc. – EL 273
Professional Employer Plans VI, Inc. – EL 280
Professional Employer Plans VII, Inc. – GL 101
Advantage Employer Solutions, Inc. – GL 109
Staff Management Solutions, Inc. – GL 110
- D. Robert M. Liess – CO 646
Professional Employer Plans, Inc. – GL 65
Professional Employer Plans III, Inc. – EL 273
Professional Employer Plans VI, Inc. – EL 280
Professional Employer Plans VII, Inc. – GL 101
Advantage Employer Solutions, Inc. – GL 109
Staff Management Solutions, Inc. – GL 110
- E. Miguel Maseda – CO 508
ADP TotalSource I, Inc. – GL 33
ADP TotalSource Services, Inc. – GL 4
ADP TotalSource CO XXII, Inc. – GL 118

Ms. Woodard presented the relinquishments stating there is no open or pending complaints against the licensees.

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

XI. PETITION FOR DECLARATORY STATEMENT FILED BY AMERICAN POOL SERVICE OF ORLANDO, LLC

Mr. Paul Watson, Esquire, was present on behalf of American Pool Service of Orlando, LLC and asked if the board would table discussion of their request until the next meeting due the having to leave the meeting.

Mr. Chisenhall stated the Board could table discussion if the petitioner waived the 90 day provision.

Mr. Watson represented American Pool Service of Orlando, LLC and stated that they would waive the 90 day provision and ask the Board to table discussion until the May 2008 telephone conference call meeting.

The Board agreed to table discussion until the May 2008 meeting.

XII. REPORTS

A. Office of the Attorney General – Garnett Chisenhall

Mr. Chisenhall provided the proposed new wording for Rule 61G7-10.002 that pertains to the Change of Ownership Application.

Mr. Chisenhall also gave a brief overview of the Sunshine Law.

B. Office of the General Counsel – Eric Hurst

Mr. Hurst reported that the prosecuting attorney's report along with a status reference sheet was included in the agenda materials.

C. Executive Director – Richard Morrison

Mr. Morrison mentioned the inclusion of the Operating and Unlicensed Activity Financial Reports, Financial Projections, Unlicensed Activity Enforcement and Monthly Enforcement Reports in the materials.

D. Chairperson – Kelly Lanza

Ms. Lanza stated that one of her duties as Chair is to appoint members to the Probable Cause Panel and she would like to appoint Marjorie Seltzer and Abram Finkelstein to serve as panel members.

Ms. Seltzer and Mr. Finkelstein accepted the appointment.

Ms. Lanza stated that Ms. Seltzer would serve as Chair of the Probable Cause Panel.

The Board agreed to hold an election for the Vice Chair position at the May 2008 meeting.

XI. OLD BUSINESS

None

XII. NEW BUSINESS

The Board agreed to change the July 2007 meeting to a telephone conference call due to scheduling conflicts and to change the August 2007 meeting to an in-person meeting.

XIII. ADJOURNMENT

MOTION: Ms. Seltzer moved to adjourn.

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

The meeting adjourned at 12:43 p.m.