

**BOARD OF EMPLOYEE LEASING COMPANIES  
TELEPHONE CONFERENCE CALL MEETING MINUTES  
WEDNESDAY, May 21, 2008  
10:00 a.m. EST**

**MEET-ME-NUMBER: (888) 808-6959**

**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  
Donna McNulty, Board Counsel, Office of the Attorney General  
Eric Hurst, Prosecuting Attorney, DBPR

**OTHERS PRESENT**

Mark Mark, Department of Financial Services  
Michelle Subia, For the Record Reporting  
Timothy Tack, Esquire, Kunkel, Miller & Hament, P.A.  
Richard Hicks  
Dell Woods  
Scott Buchanan  
Glen Distefano  
Chandra Patton  
Linda Alcathe  
Wanda Silva  
Robert Hamilton  
Paul Watson, Esquire  
Rick Naden  
Cherie Fretto  
Rufus Wolff  
Bill Martin, Esquire  
Keith Bell, Esquire  
Cesar Martinez

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

### **III. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY AND CONTROLLING PERSON APPLICATIONS**

#### **A. Compass Employment Services, LLC J. Richard Hicks, Controlling Person Applicant**

Ms. Woodard presented the company 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 presented the controlling person application of Mr. Hicks stating that all exhibits were submitted and complete and the only outstanding items are the criminal history reports from the FDLE and FBI.

Mr. Tack represented the applicant stating should anything derogatory be revealed on the criminal history reports that Mr. Hicks would subject himself to the jurisdiction of the board.

MOTION: Ms. Seltzer moved to approve the applications with the condition that should anything derogatory be revealed on the criminal history reports that Mr. Hicks would subject himself to the jurisdiction of the board.

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

#### **B. Payday, Inc. Robert W. Kimball, CO 645**

Ms. Woodard presented the application stating all exhibits were submitted and complete. She further stated that the application was presented at the April 2008 meeting, at which time the board tabled discussion 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.

Ms. Woodard advised that she had received additional information and it was included in the agenda materials.

Mr. Bill Martin was present and represented Mr. Robert Kimball.

Mr. Keith Bell was present and represented Mr. Donald Moore.

Ms. McNulty stated the definition of a controlling person as defined in Chapter 468.

A lengthy discussion ensued as to whether Mr. Kimball maintains his status of a controlling person with Allstates Employer Services and if he is still a licensed controlling person.

Ms. McNulty advised the board that they have a few options: issue a Notice of Intent to Deny, approve the application, or have Mr. Kimball waive his 90 day provision and table discussion until the June meeting at which time Mr. Kimball and Mr. Moore could present their issues to the board.

After further discussion, Mr. Kimball waived his 90 days provision and the following motion was made.

MOTION: Ms. Segal moved to table discussion of the application until the June 2008 meeting.

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

**C. United Employee Services, Inc.  
Cherie M. Fretto, CO 721  
Barbara J. Pailley, CO 717**

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.

MOTION: Ms. Seltzer moved to approve the application.

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

**D. Barbara M. Garcia, Controlling Person Applicant  
ADP TotalSource Services, Inc. – GL 4  
ADP TotalSource I, Inc. – GL33  
ADP TotalSource, Inc. – GL 104  
ADP TotalSource CO XXII, Inc. – GL 118**

Ms. Woodard presented the application stating that all exhibits were submitted and the criminal history reports from the FDLE and FBI were returned clear.

MOTION: Mr. Finkelstein moved to approve the application.

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

**IV. REVIEW AND CONSIDERATION OF CHANGE OF OWNERSHIP APPLICATIONS**

**A. Staff One, Inc. – EL 194**

Ms. Woodard presented the application stating that Capital Holdings, LLC and Dell Wood would be owners of the company and that Mr. Wood, CO 466 would be the controlling person for the company.

MOTION: Ms. Seltzer moved to approve the application.

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

**B. Staff Outsource Solutions II, Inc. – GM 144**

Ms. Woodard presented the application stating that Compass Employment Services, LLC would be the owner of the company and that Mr. J. Richard Hicks, applicant recently approved for a controlling person license, would be the controlling person for the company.

Ms. Lanza recused herself from the vote.

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

**V. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY NAME CHANGES**

**A. Employer Professional Services, Inc. – GL 39  
TO: Aequicap Employer Services, Inc.**

Ms. Woodard presented the application stating it is complete.

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

**VI. REVIEW AND CONSIDERATION OF CONTROLLING PERSON RELINQUISHMENTS**

**A. Virginia A. Dorris – CO 83  
National Employee Leasing Company, Inc. – GL 36  
NELCO Six, Inc. – GL 69**

Ms. Woodard presented the relinquishment stating that there were no open or pending complaints against the licensee.

MOTION: Ms. Segal moved to accept the license relinquishment.  
SECOND: Ms. Parks seconded the motion and it passed unanimously.

*The meeting was postponed from 11:15 a.m. until 11:35 a.m. due to a fire alarm. Ms. Seltzer was excused from the meeting due to a prior engagement.*

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

Ms. McNulty gave a brief synopsis of the reason for a declaratory statement.

Mr. Paul Watson, Esquire, and Mr. Rick Naden were present on behalf of American Pool Service of Orlando, LLC.

After discussion, Ms. McNulty advised the board that if they felt that American Pool Service of Orlando, LLC was exempt from licensure, they had to state which exemption they were considered under, Section 468.520(4) (a), F.S. or Section 468.520(4) (c), F.S. It could not be both.

MOTION: Mr. Finkelstein moved to exempt American Pool Service of Orlando, LLC from licensure based on its arrangement with its client falling within the exemption of Section 468.520(4) (c), Florida Statutes and advised counsel to issue a Final Order.  
SECOND: Ms. Segal seconded the motion and it passed unanimously.

## **VIII. REPORTS**

### **A. Office of the Attorney General – Donna McNulty**

No Report.

### **B. Office of the General Counsel – Eric Hurst**

No Report.

### **C. Executive Director – Rick Morrison**

No Report.

### **D. Chairperson – Kelly Lanza**

Ms. Lanza thanked everyone for their patience as she assumed the role of Chair for the Board.

## **IX. OLD BUSINESS**

### **A. Election of Officers**

Mr. Finkelstein moved to nominate Ms. Seltzer for Vice Chair of the Board in her absence. Ms. Lanza seconded the nomination.

Ms. Parks moved to nominate Ms. Segal for Vice Chair of the Board. The motion failed for the lack of a second.

MOTION: Ms. Lanza moved to approve Ms. Seltzer as Vice Chair for the Board.  
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

## **X. NEW BUSINESS**

None

## **XI. ADJOURNMENT**

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

The meeting adjourned at 11:45 a.m.