

**BOARD OF EMPLOYEE LEASING COMPANIES
GENERAL BUSINESS MEETING MINUTES
THE HILTON COCOA BEACH OCEANFRONT
1550 N. ATLANTIC AVENUE
COCOA BEACH, FLORIDA 32931
JUNE 15, 2010
10:00 a.m. EST**

I. CALL TO ORDER

The meeting was called to order at approximately 10:37 a.m. EST by Mr. Abram Finkelstein, Board Chair.

II. ROLL CALL

MEMBERS PRESENT

Abram Finkelstein, Chair
John L. Jones, Vice Chair
Celeste Dockery
Keith W. Reeves
Deborah Segal
Marjorie Seltzer

MEMBERS ABSENT

STAFF PRESENT

Rick Morrison, Executive Director, DBPR
Krista Woodard, Government Analyst, DBPR
Lisa Comingore, Board Counsel, Office of the Attorney General
Eric Hurst, Assistant General Counsel, DBPR

OTHERS PRESENT

Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO
Timothy Tack, Kunkel, Miller & Hament, P.A.
Bert Combs, Esquire
Todd Cohen
Chrissy Gagne

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

III. THE PLEDGE OF ALLEGIANCE

Mr. Finkelstein led all in the Pledge of Allegiance.

IV. REVIEW AND APPROVAL OF THE MAY 19, 2010 TELEPHONE CONFERENCE CALL MEETING MINUTES

MOTION: Ms. Dockery moved to approve the minutes.
SECOND: Mr. Jones seconded the motion and it passed.

Ms. Seltzer abstained due to her absence at the May 19, 2010 meeting.

V. DISCIPLINARY PROCEEDINGS – Office of the General Counsel

Mr. Hurst stated for the record that Mr. Finkelstein and Ms. Dockery would be recused on all cases presented today due to their participation on the probable cause panel.

A. SETTLEMENT STIPULATIONS	<u>Case #</u>
1. Medical Staffing Solutions, Inc.	2009-052313
2. Jeffrey Mark Bernard (PCP: Finkelstein and Dockery, April 21, 2010)	2009-052333

Mr. Hurst presented the cases explaining they stem from violations involving failure to meet the net worth requirements for quarters ended March 2008, June 2008, December 2008, March 2009, failure to meet the net working capital and net worth requirements for quarter ended June 2009, failure to meet the net working capital requirements for quarters ended September 2009 and December 2009, failure to submit the September 2008 Quarterly Report, and failure to submit the Annual Financial Statements for 2008.

Mr. Hurst stated the Settlement Stipulation provides for an administrative fine of \$5000 and costs of \$237.15, with joint and several liability for payment of the fine and costs.

MOTION: Mr. Reeves moved to adopt the settlement stipulation as the final order of the board.

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

B. MOTION FOR WAIVER OF RIGHTS AND FINAL ORDER

1. Douglas Scott Hasty (PCP: Finkelstein and Dockery, September 26, 2009)	2009-012851
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Mr. Hurst presented the case explaining it stems from violations involving failure to adhere to the terms of Final Order number 2008-03638.

Mr. Hurst stated the Respondent failed to file an election of rights form or file a response within 21 days required by Rule 28-106.111, Florida Administrative Code, thereby waiving his rights to a hearing.

MOTION: Ms. Seltzer moved that the Respondent has waived his rights to a hearing.

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

MOTION: Ms. Seltzer moved to adopt the allegations of fact and conclusions of law contained in the administrative complaint as those of board.

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

MOTION: Mr. Jones moved to impose an administrative fine of \$5,000, costs of \$312.77, and revocation of the license with the prohibition of reapplication.

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

2. Richard Kearby

2009-012949

(PCP: Finkelstein and Dockery, September 26, 2009)

Mr. Hurst presented the case explaining it stems from violations involving failure to adhere to the terms of Final Order number 2008-03638.

Mr. Hurst stated the Respondent failed to file an election of rights form or file a response within 21 days required by Rule 28-106.111, Florida Administrative Code, thereby waiving his rights to a hearing.

MOTION: Ms. Seltzer moved that the Respondent has waived his rights to a hearing.

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

MOTION: Ms. Seltzer moved to adopt the allegations of fact and conclusions of law contained in the administrative complaint as those of board.

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

MOTION: Mr. Jones moved to impose an administrative fine of \$5,000, costs of \$300.96, and revocation of the license with the prohibition of reapplication.

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

VI. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY AND CONTROLLING PERSON APPLICATIONS

A. ABS 4, Inc. (GL Applicant, Currently GM 219)

John A. Rousseau, CO 232

Mr. Finkelstein presented the company application of ABS 4, Inc.

MOTION: Ms. Seltzer moved to approve the application.

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

B. ADP Totalsource CO XXI, Inc. (GM Applicant)

Mark D. Benjamin, CO 867

Michael J. Burns, CO 897

Sergio Fernandez, CO 770

Dawn Amat, CO 855

Phillip Dzialo, CO 859

Celeste Gagne, CO 860

Andrew Sherman, CO 744

Mr. Finkelstein presented the company application of ADP Totalsource CO XXI, Inc.

MOTION: Ms. Seltzer moved to approve the application.

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

VII. REVIEW AND CONSIDERATION OF CHANGE OF OWNERSHIP APPLICATIONS

- A. ABS 2, Inc. – GM 217**
- B. ABS 4, Inc. – GM 219**

Mr. Finkelstein presented the applications stating that John Rousseau would be the owner and controlling person of the companies.

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

VIII. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY NAME CHANGES

- A. Alpha Staff 2, Inc. – GL 125**
- B. AlphaStaff, Inc. – GL 49**
- C. Alpha NYPEO, Inc. – GM 319**
- D. Alpha NY 2, Inc. – GM 317**
- E. AlphaStaff 3, Inc. – GM 234**
- F. AlphaStaff Systems V, Inc. – GM 238**
- G. Alpha FLA 6, Inc. – GM 292**
- H. Equity Leasing – Finance II, Inc. – GM 239**
TO: d/b/a AlphaStaff

Mr. Finkelstein presented the name change applications.

MOTION: Mr. Jones moved to approve the applications.
SECOND: Ms. Seltzer seconded the motion and it passed unanimously.

- I. CEO, Inc. – GM 378**
TO: Accord Human Resources 20, Inc.

Mr. Finkelstein presented the name change application.

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

Mr. Jones recused himself from the vote due to his involvement in the company.

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

- A. Best Concierge Services, Inc. – EL 380**

Mr. Finkelstein presented the application for termination of operations.

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

B. Simplex Group, Inc. d/b/a Regis HR Group – EL 369

Mr. Finkelstein presented the application for termination of operations.

MOTION: Mr. Jones moved to approve the termination.

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

X. REVIEW AND CONSIDERATION OF CONTROLLING PERSON RELINQUISHMENTS

**A. Martin Babinec, CO 741
TriNet HR Corporation – EL 320**

Mr. Finkelstein presented the controlling person relinquishment of Martin Babinec.

MOTION: Ms. Seltzer moved to accept the relinquishment.

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

**B. Lisa D. Burroughs, CO 907
Payroll Management, Inc. – EL 242**

Mr. Finkelstein presented the controlling person relinquishment of Lisa Burroughs.

MOTION: Ms. Segal moved to accept the relinquishment.

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

**C. Milays Rodriguez, CO 908
Best Concierge Services, Inc. – EL 380**

Mr. Finkelstein presented the controlling person relinquishment of Milays Rodriguez.

MOTION: Ms. Seltzer moved to accept the relinquishment.

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

XI. REPORTS

A. Office of the Attorney General – Lisa Comingore

Ms. Comingore reviewed her report as outlined in the agenda materials. After discussion, the following actions were taken.

- 61G7-5.0012, FAC

MOTION: Ms. Seltzer moved to accept the proposed language and advised board counsel to move the rule forward.

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

MOTION: Ms. Seltzer moved that the rule change would not have an impact on small business and a SERC is not required.

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

- 61G7-5.005, FAC – waiting on response from JAPC
- 61G7-5.0033, FAC

MOTION: Mr. Finkelstein moved to accept the proposed language and advised board counsel to move the rule forward.

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

MOTION: Ms. Seltzer moved that the rule change would have a positive impact on small business and for Mr. Morrison to prepare a SERC.

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

B. Office of the General Counsel – Eric Hurst

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

Mr. Hurst also informed the board that he has hired Ms. Jody Lane as the new prosecuting attorney for the board and her start date will be July 6, 2010.

C. Executive Director – Richard Morrison

Mr. Morrison gave a synopsis of the revised/new service of process procedures.

D. Chairperson – Abram Finkelstein

No Report.

XII. OLD BUSINESS

None

XIII. NEW BUSINESS

None

XIV. PUBLIC COMMENT

None

XV. ADJOURNMENT

MOTION: Ms. Seltzer moved to adjourn.

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

The meeting adjourned at 11:47 a.m.