

**BOARD OF EMPLOYEE LEASING COMPANIES  
GENERAL BUSINESS MEETING MINUTES  
THE HOLIDAY INN RESORT – THE CASTLE  
8629 INTERNATIONAL DRIVE  
ORLANDO, FLORIDA 32819  
800-952-2785**

**NOVEMBER 28, 2012 @ 1:00 P.M.**

**I. CALL TO ORDER**

The meeting was called to order at approximately 1:25 p.m. EST by Mr. John Jones, Board Chair.

**II. ROLL CALL**

**MEMBERS PRESENT**

John Jones, Chair  
Abram Finkelstein, Vice Chair  
Eric Arfons  
Celeste Dockery

**MEMBER ABSENT**

**STAFF PRESENT**

Rick Morrison, Executive Director, DBPR  
Krista B. Woodard, Government Analyst II, DBPR  
Mary Ellen Clark, Board Counsel, Office of Attorney General  
Eric Hurst, Chief Attorney, Professions, DBPR  
Erin Moreno, Government Analyst, Division of Regulation

**OTHERS PRESENT**

Debbie Worley, Court Reporter, southern Court Reporting  
Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO  
Timothy Tack, Kunkel, Miller & Hament, P.A.  
Torben Madson, Kunkel, Miller & Hament, P.A.  
Tim Tucker, NAPEO  
Jay Morgan, ESAC  
Tricia Russo, ADP Totalsource  
Brandon Banks  
Richard Ratner

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

**III. THE PLEDGE OF ALLEGIANCE**

Mr. Jones led all in the Pledge of Allegiance.

**IV. REVIEW AND APPROVAL OF THE SEPTEMBER 19-20, 2012 GENERAL BUSINESS MEETING MINUTES**

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

**V. REVIEW AND APPROVAL OF THE OCTOBER 17, 2012 TELEPHONE CONFERENCE CALL MEETING MINUTES**

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

**VI. DISCIPLINARY PROCEEDINGS – Office of the General Counsel Case #**

**A. INFORMAL HEARINGS**

**1. Marthe Dizon 2011-045591**

*PCP: Dockery and Seltzer – September 19, 2012*

Mr. Hurst presented the case explaining it stems from violations involving failure to timely submit the audited or reviewed Annual Financial Statements for 2010 and 2011.

MOTION: Mr. Finkelstein moved to adopt the allegations of fact contained in the administrative complaint.

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

MOTION: Mr. Jones moved to adopt the conclusions of law contained in the administrative complaint as those of board.

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

MOTION: Mr. Jones moved to impose an administrative fine of \$2,000, costs of \$142.29, and reprimand of the license.

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

**B. MOTION FOR WAIVER OF RIGHTS AND FINAL ORDER**

**1. Personnel Advantage East, Inc. 2009-012867**

**2. Chris Layne 2009-012862**

*PCP: Finkelstein and Dockery – September 16, 2009*

Mr. Hurst stated for the record that these cases were being tabled to the next in-person meeting due to lack of a quorum.

**3. Staffco Services of Florida, Inc. 2011-045770**

*PCP: Dockery and Seltzer – May 16, 2012*

Mr. Hurst presented the case explaining it stems from violations involving failure to timely submit the September 2009 thru December 2011 quarterly reports, failure to submit the audited or reviewed Annual Financial Statements for 2009, 2010 and 2011, and failure to timely submit the 2010 and 2011 Annual Assessment Fee on Gross Florida Payroll.

MOTION: Mr. Finkelstein moved that the Respondent has waived its rights to a hearing.

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

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

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

MOTION: Mr. Jones moved to impose an administrative fine of \$19,000, costs of \$118.10, and revocation of the license.

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

**4. Thomas Dennis**

**2011-057811**

*PCP: Dockery & Seltzer – May 16, 2012*

Mr. Hurst presented the case explaining it stems from violations involving failure to timely submit the September 2009 thru December 2011 quarterly reports, failure to submit the audited or reviewed Annual Financial Statements for 2009, 2010 and 2011, and failure to timely submit the 2010 and 2011 Annual Assessment Fee on Gross Florida Payroll.

MOTION: Mr. Finkelstein moved that the Respondent has waived its rights to a hearing.

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

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

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

MOTION: Mr. Jones moved to impose an administrative fine of \$19,000, costs of \$118.10, and revocation of the license.

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

**C. SETTLEMENT STIPULATIONS**

**1. Sarah M. Peel**

**2011-032600**

*PCP: Dockery and Seltzer – September 19, 2012*

Mr. Hurst presented the case explaining it stems from violations involving misrepresentation of George Bushong as a licensed controlling person for Administrative Concepts Corporation.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$1000.00, costs of \$285.71, and reprimand of the license.

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

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

**2. Sarah M. Peel**

**2011-058399**

*PCP: Dockery and Seltzer – May 16, 2012*

Mr. Hurst presented the case explaining it stems from violations involving failure to timely submit the 2010 and 2011 Annual Financial Statements, failure to timely submit the March 2010 through December 2011 quarterly reports, and failure to timely submit the Annual Assessment Fee on Gross Florida Payroll for 2011.

After further discussion, the following motion was made.

MOTION: Mr. Finkelstein moved to reject the terms of the voluntary relinquishment as the final order of the board and asked for a supplemental investigation into additional liabilities pending, and workers' compensation liabilities and to ask for the Respondent to appear before the board to answer the questions asked by the board.

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel*

**3. STS Group, Inc.**

**2011-045726**

**4. Robert Cassera**

**2011-057806**

*PCP: Dockery and Reeves – March 22, 2012*

Mr. Hurst presented the cases explaining they stem from violations involving failure to timely submit the March 2010 through the September 2011 quarterly reports and failure to timely submit the audited Annual Financial Statement for 2010.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$7500.00, costs of \$104.70, with joint and several liabilities for payment of the fine and costs.

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

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

*Ms. Dockery was recused from the vote due to his participation on the probable cause panel.*

**5. Niloc Staff Leasing, Ltd.**

**2011-045781**

*PCP: Dockery and Seltzer – May 16, 2012*

Mr. Hurst presented the case explaining it stems from violations involving failure to timely submit the 2010 and 2011 Annual Financial Statements, failure to timely submit the March 2011 through December 2011 quarterly reports, and failure to timely submit the Annual Assessment Fee on Gross Florida Payroll for 2011.

Mr. Hurst stated the settlement stipulation provides for voluntary relinquishment of license EL 311 with no right to re-application, costs of \$107.57, and certification that all financial and administrative obligations with regard to former clients have been fulfilled.

MOTION: Mr. Finkelstein moved to reject the terms of the settlement stipulation as the final order of the board.

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

MOTION: Mr. Finkelstein offered a counter-stipulation with the imposition of an administrative fine of \$8,500, costs of 107.57 and voluntary relinquishment of the license.

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

**6. Robbin R. Syrek**

**2011-057820**

*PCP: Dockery and Seltzer – May 16, 2012*

Mr. Hurst presented the case explaining it stems from violations involving failure to timely submit the 2010 and 2011 Annual Financial Statements, failure to timely submit the March 2011 through December 2011 quarterly reports, and failure to timely submit the Annual Assessment Fee on Gross Florida Payroll for 2011.

Mr. Hurst stated the settlement stipulation provides for voluntary relinquishment of license CO 724 with no right to re-application, costs of \$103.90, and certification that all financial and administrative obligations with regard to former clients have been fulfilled.

MOTION: Mr. Finkelstein moved to reject the terms of the settlement stipulation as the final order of the board.

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

MOTION: Mr. Finkelstein offered a counter-stipulation with the imposition of an administrative fine of \$8,500, costs of 103.90 and voluntary relinquishment of the license.

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

**7. Tandem Professional Employer Services**

**2011-046077**

*PCP: Dockery and Seltzer – May 16, 2012*

**8. Bruce Leon**

**2011-057742**

*PCP: Dockery and Seltzer – September 19, 2012*

Mr. Hurst presented the cases explaining they stem from violations involving failure to timely submit the Annual Financial Statements for 2009, 2010, and 2011.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$3000.00 costs of \$148.96, with joint and several liabilities for payment of the fine and costs.

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

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

**9. Select PEO, Inc.**

**2011-045732**

**10. David Sorensen**

**2011-057847**

**11. Paul Sorensen**

**2011-057848**

*PCP: Dockery and Seltzer – May 16, 2012*

Mr. Brandon Banks was present and represented the Respondents and asked the board to table discussion of the cases until the next meeting.

Mr. Hurst stated he would like to withdraw the current settlement stipulation and come back before the board with a new negotiated stipulation representing that all of the late filings have been made. He also stated that the Respondents would need to waive a finding of probable cause for any new violations that are found while this matter has been pending.

12. **Nextep** 20114-045415  
13. **Thomas Shehan** 2011-045404  
14. **Brian Fayak** 2011-045406

PCP: *Dockery and Seltzer – September 19, 2012*

Mr. Hurst presented the cases explaining they stem from violations involving failure to timely submit the Annual Financial Statement for 2010.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$1000.00 costs of \$308.31, with joint and several liabilities for payment of the fine and costs.

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

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

15. **Smart Tek Service Solutions Corp.** 2011-045611  
16. **Kelly Mowrey** 2011-045599

PCP: *Dockery and Seltzer – September 19, 2012*

Mr. Hurst presented the cases explaining they stem from violations involving failure to timely submit the Annual Financial Statements for 2010 and 2011.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$2000.00 costs of \$197.63, with joint and several liabilities for payment of the fine and costs.

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

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

17. **Staffing & Payroll Alternative, Inc.** 2011-045619  
18. **Ann Miller** 2011-045615  
19. **J. David Miller** 2011-045618

PCP: *Dockery and Seltzer – September 19, 2012*

Mr. Hurst presented the cases explaining they stem from violations involving failure to timely submit the Annual Financial Statements for 2010 and 2011.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$2000.00 costs of \$337.21, with joint and several liabilities for payment of the fine and costs.

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

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

**20. Staff One, Inc.**  
**21. Mark Richard Sinatra**

**2011-046133**  
**2011-058792**

*PCP: Dockery and Seltzer – September 19, 2012*

Mr. Hurst presented the cases explaining they stem from violations involving failure to timely submit the Annual Financial Statement for 2011.

Mr. Hurst stated the settlement stipulation provides for imposition of an administrative fine of \$1000.00 costs of \$116.99, with joint and several liabilities for payment of the fine and costs.

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

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

**22. Innovation Vero Beach II, Inc.**

**2011-045769**

*PCP: Dockery and Seltzer - May 16, 2012*

Mr. Hurst presented the case explaining it stems from violations involving failure to timely submit the September 2010 through December 2011 quarterly reports and failure to timely submit the Annual Financial Statements for 2010 and 2011.

Mr. Hurst stated the settlement stipulation provides for voluntary relinquishment of license EL 388 with no right to re-application, costs of \$110.24, and certification that all financial and administrative obligations with regard to former clients have been fulfilled.

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

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

**23. James Walter Hill**

**2011-057804**

*PCP: Dockery and Seltzer - May 16, 2012*

Mr. Hurst presented the case explaining it stems from violations involving failure to timely submit the September 2010 through December 2011 quarterly reports and failure to timely submit the Annual Financial Statements for 2010 and 2011.

Mr. Hurst stated the settlement stipulation provides for voluntary relinquishment of license CO 971 with no right to re-application, costs of \$110.50, and certification that all financial and administrative obligations with regard to former clients have been fulfilled.

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

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

**24. Innovation Vero Beach, Inc.**

**2011-045795**

*PCP: Dockery and Seltzer - May 16, 2012*

Mr. Hurst presented the case explaining it stems from violations involving failure to timely submit the September 2010 through December 2011 quarterly reports and failure to timely submit the Annual Financial Statements for 2010 and 2011.

Mr. Hurst stated the settlement stipulation provides for voluntary relinquishment of license EL 35 with no right to re-application, costs of \$99.13, and certification that all financial and administrative obligations with regard to former clients have been fulfilled.

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

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

**25. James Walter Hill**

**2011-057814**

*PCP: Dockery and Seltzer - May 16, 2012*

Mr. Hurst presented the case explaining it stems from violations involving failure to timely submit the September 2010 through December 2011 quarterly reports and failure to timely submit the Annual Financial Statements for 2010 and 2011.

Mr. Hurst stated the settlement stipulation provides for voluntary relinquishment of license CO 971 with no right to re-application, costs of \$23.23, and certification that all financial and administrative obligations with regard to former clients have been fulfilled.

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

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

**D. VOLUNTARY RELINQUISHMENT OF LICENSE**

*Mr. Hurst stated that no one is recused from these cases because they have not been before the probable cause panel. He further stated that the Respondents waived the finding of probable cause and confidentiality and has executed a Voluntary Relinquishment of Licensure with agreements to never reapply for licensure.*

- |     |   |                    |
|-----|---|--------------------|
| 1.  | <b>Employer Services Group, LLC</b>         | <b>2011-002270</b> |
| 2.  | <b>Allstates Employer Services II, Inc.</b> | <b>2011-002325</b> |
| 3.  | <b>Allstates Employer Services, Inc.</b>    | <b>2011-002345</b> |
| 4.  | <b>Smart Employer Services II, Inc.</b>     | <b>2011-002348</b> |
| 5.  | <b>Smart Employer Services, Inc.</b>        | <b>2011-002350</b> |
| 6.  | <b>Donald W. Moore</b>                      | <b>2011-002322</b> |
| 7.  | <b>Allstates Employer Services II, Inc.</b> | <b>2011-057717</b> |
| 8.  | <b>Smart Employer Services II, Inc.</b>     | <b>2011-057751</b> |
| 9.  | <b>Allstates Employer Services, Inc.</b>    | <b>2011-057719</b> |
| 10. | <b>Smart Employer Services, Inc.</b>        | <b>2011-057752</b> |
| 11. | <b>Employer Services Group, LLC</b>         | <b>2011-045831</b> |
| 12. | <b>Donald W. Moore</b>                      | <b>2011-057715</b> |

PCP: N/A



The board tabled discussion of these cases requesting a supplemental investigation into the workers' compensation coverage including premiums and collateral and whether there was a lapse in coverage during the time period between 2008 and 2010. They also requested more information into any potential outstanding liabilities and proof of payment if they have been satisfied and if they are being sued by Regents.

Mr. Jones also requested information about the pending issues with the Guarantee Fund.

MOTION: Mr. Finkelstein moved to table discussion of the cases until the supplemental investigation has been complete.

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

**13. 21<sup>st</sup> Century Concepts, LLC**

**2011-058406**

*PCP: Dockery and Seltzer - May 16, 2012*

Mr. Hurst presented the case explaining it stems from violations involving failure to timely submit the March 2010 through December 2011 quarterly reports and failure to timely submit the Annual Financial Statements for 2010 and 2011.

Mr. Hurst stated the Respondent has agreed to the voluntary relinquishment of license GM 333 with no right to re-application, and certification that all unemployment compensation taxes, penalties, interest, and fees will be remitted to the proper taxing authorities after the final payoff amounts have been received from such taxing authorities and that Respondent has sufficient funds held on its behalf to remit full payment for such obligations, with the expectation that all such obligations shall be paid in full before the end of 2012, and further certifies that all other client responsibilities have been fulfilled or are being fulfilled in due course.

Mr. Jones stated that he had the same concerns with this case as he did with the Sarah Peel cases and does not feel comfortable accepting the relinquishment.

After further discussion, the following motion was made.

MOTION: Mr. Finkelstein moved to reject the terms of the voluntary relinquishment as the final order of the board and asked for a supplemental investigation into additional liabilities pending, and workers' compensation liabilities and to ask for the Respondent to appear before the board to answer the questions asked by the board.

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

**14. Administrative Concepts 2010, Inc.**

**2011-058407**

*PCP: Dockery and Seltzer - May 16, 2012*

Mr. Hurst presented the case explaining it stems from violations involving failure to timely submit the March 2010 through December 2011 quarterly reports and failure to timely submit the Annual Financial Statements for 2010 and 2011.

Mr. Hurst stated the Respondent has agreed to the voluntary relinquishment of license GM 333 with no right to re-application, and certification that all unemployment compensation taxes, penalties, interest, and fees will be remitted to the proper taxing authorities after the final payoff amounts have been received from such taxing authorities and that Respondent has sufficient funds held on its behalf to remit full payment for such obligations, with the expectation that all such obligations shall be paid in full

before the end of 2012, and further certifies that all other client responsibilities have been fulfilled or are being fulfilled in due course.

Mr. Jones stated that he had the same concerns with this case as he did with the Sarah Peel cases and does not feel comfortable accepting the relinquishment.

After further discussion, the following motion was made.

MOTION: Mr. Jones moved to reject the terms of the voluntary relinquishment as the final order of the board and asked for a supplemental investigation into additional liabilities pending, and workers' compensation liabilities and to ask for the Respondent to appear before the board to answer the questions asked by the board.

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

## **15. Simple Employer Solutions**

**2011-045744**

*PCP: Dockery and Seltzer - May 16, 2012*

Mr. Hurst presented the case explaining it stems from violations involving failure to timely submit the March 2010 through December 2011 quarterly reports and failure to timely submit the Annual Financial Statements for 2010 and 2011.

Mr. Hurst stated the Respondent has agreed to the voluntary relinquishment of license GL 126 with no right to re-application, and certification that all unemployment compensation taxes, penalties, interest, and fees will be remitted to the proper taxing authorities after the final payoff amounts have been received from such taxing authorities and that Respondent has sufficient funds held on its behalf to remit full payment for such obligations, with the expectation that all such obligations shall be paid in full before the end of 2012, and further certifies that all other client responsibilities have been fulfilled or are being fulfilled in due course.

Mr. Jones stated that he had the same concerns with this case as he did with the Sarah Peel cases and does not feel comfortable accepting the relinquishment.

After further discussion, the following motion was made.

MOTION: Mr. Jones moved to reject the terms of the voluntary relinquishment as the final order of the board and asked for a supplemental investigation into additional liabilities pending, and workers' compensation liabilities and to ask for the Respondent to appear before the board to answer the questions asked by the board.

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

*Ms. Dockery was recused from the vote due to her participation on the probable cause panel.*

## **E. DISCIPLINARY MATTERS**

**1. Pyramid Employer Services III, Inc.**

**2010-051018**

**2. Kathryn Saunders Dyndul**

**2010-050981**

*PCP: Reeves and Landrum- July 20, 2011*

Mr. Hurst advised that a previous meeting, the board asked Ms. Dyndul to appear before the board to answer questions, but due to a recent surgery she was not able to travel to this meeting and asked to reschedule until the next in-person meeting.

MOTION: Mr. Finkelstein moved to table discussion of the cases until the next in-person meeting and asked Mr. Hurst to notify Ms. Dyndul to appear at that meeting and if she doesn't appear, an order with the original fines will be entered.

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

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

- A. The Employee Management Team I, LLC (GL Applicant) (Currently EL 378)
- B. The Employee Management Team II, LLC (GM Applicant)
- C. The Employee Management Team III, LLC (GM Applicant)
- D. The Employee Management Team IV, LLC (GM Applicant)  
Richard G. Ratner, CO 905

Mr. Jones presented the group leader and group member applications.

MOTION: Mr. Finkelstein moved to approve the applications.

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

- E. Daniel Franzblau, Controlling Person Applicant  
AlphaStaff, Inc. – GL 49  
AlphaStaff 2, Inc. – GL 125  
*(Group Members are included in list of companies)*

Mr. Jones presented the controlling person application of Daniel Franzblau.

MOTION: Mr. Finkelstein moved to approve the application.

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

- F. Carlos E. Galarce, Controlling Person Applicant  
AlphaStaff, Inc. – GL 49  
AlphaStaff 2, Inc. – GL 125  
*(Group Members are included in list of companies)*

Mr. Jones presented the controlling person application of Carlos Galarce.

MOTION: Mr. Jones moved to approve the application.

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

- G. Eduardo Armando Gomez, Controlling Person Applicant  
ADP TotalSource CO XXII, Inc. – GL 118  
ADP TotalSource, Inc. – GL 104  
ADP TotalSource I, Inc. – GL 33  
ADP TotalSource Services, Inc. – GL 4  
*(Group Members are included in list of companies)*

Mr. Jones presented the controlling person application of Eduardo Gomez.

MOTION: Mr. Jones moved to approve the application.

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

**H. John Tondello, Controlling Person Applicant  
HR, Inc. d/b/a Simple HR – EL 374  
HR2, Inc. d/b/a Simple HR – EL 410**

Mr. Jones presented the controlling person application of John Tondello.

MOTION: Mr. Finkelstein moved to approve the application.

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

**VIII. REVIEW AND CONSIDERATION OF DE MINIMIS EXEMPTION AND REGISTRATION APPLICATION**

**A. Acrisure IP5, LLC  
(Acrisure Business Outsourcing Services, LLC, Owner)**

Mr. Jones presented the company application of Acrisure IP5, LLC.

MOTION: Mr. Finkelstein moved to approve the application.

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

**B. Employers Resource Management Company  
(George Gersema, Douglas Gersema, Mary Gersema, Raymond O’Leary)**

Ms. Woodard advised that this application was withdrawn by the applicant and would not be presented.

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

**A. Southeast Drivers II, LLC – EL 422  
TO: Certistaff IX, Inc.**

Mr. Jones presented the name change application of Southeast Drivers II, LLC.

MOTION: Mr. Jones moved to approve the name change application.

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

**X. REVIEW AND CONSIDERATION OF TERMINATION OF EMPLOYEE LEASING COMPANY OPERATIONS**

**A. Thrive HR FL 1, LLC – EL 328  
(CP Relinquishment – John E. McAllister, II, CO 914)**

Mr. Michael Miller, attorney for the applicant, asked to table discussion of these applications until a future meeting.

Mr. Jones granted Mr. Miller's request to table the discussion.

*The meeting recessed for the day at 5:45 p.m.*

**BOARD OF EMPLOYEE LEASING COMPANIES  
GENERAL BUSINESS MEETING MINUTES  
THE HOLIDAY INN RESORT – THE CASTLE  
8629 INTERNATIONAL DRIVE  
ORLANDO, FLORIDA 32819  
800-952-2785**

**NOVEMBER 29, 2012 @ 9:00 A.M.**

**I. CALL TO ORDER**

The meeting re-adjourned and was called to order at approximately 9:15 a.m. EST by Mr. John Jones, Board Chair.

**II. ROLL CALL**

**MEMBERS PRESENT**

John Jones, Chair  
Abram Finkelstein, Vice Chair  
Eric Arfons  
Celeste Dockery

**MEMBER ABSENT**

**STAFF PRESENT**

Rick Morrison, Executive Director, DBPR  
Krista B. Woodard, Government Analyst II, DBPR  
Mary Ellen Clark, Board Counsel, Office of Attorney General  
Eric Hurst, Chief Attorney, Professions, DBPR  
Erin Moreno, Government Analyst, Division of Regulation

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

**III. REPORTS**

**A. Office of the General Counsel – Eric Hurst**

**1. Prosecuting Attorney's Report**

Mr. Hurst reported that the prosecuting attorney's report was included in the agenda materials. He stated that there have been cases lingering for a while now due to a lack of a quorum. He stated it is imperative to get new appointments to the board to avoid potential harm to the industry.

Mr. Hurst also introduced Ms. Erin Moreno to the board. He informed that Ms. Moreno would be working within the Division of Regulations as an investigator/analyst.

**B. Executive Director – Richard Morrison**

Mr. Morrison gave a synopsis of the following reports:

- The Operating and Unlicensed Activity Accounts ended September 30, 2012
- Monthly Enforcement

**C. Chairperson – John Jones**

None

**D. Office of the Attorney General – Mary Ellen Clark**

**1. November 2012 Rules Report**

Ms. Clark stated that the rules report contained in the agenda materials detailed all of the rules that the board has been working on. She advised that the report was just for informational purposes.

Ms. Clark advised that she was not able to move forward with Rule 61G7-10.002, F.A.C. because of the forms that have not been approved, that is incorporated into that rule. She advised that she is required to submit copies of the forms at the same time that she submits copies of the language for the rule.

**2. Rule 61G7-10.001, FAC – Examination of Financial Records; Verification of Compliance Quarterly Reporting Regarding Working Capital Requirements**

**61G7-10.001 Examination of Financial Records; Verification of Compliance Quarterly Reporting Regarding Working Capital Requirements.**

*(1) In accordance with Sections 468.525(3)(d) and 468.535, F.S., the department may make investigations, audits or reviews of each individual or company licensed pursuant to Section 468.526(1), F.S., to determine whether it has violated or is in danger of violating chapter 468, Part XI; chapter 455; or any rule of the board or department. An examination of each company's balance sheet and income statement will be made each quarter to verify positive working capital and accounting net worth. In order to determine that each employee leasing company has maintained net worth and positive working capital, each employee leasing company shall submit a balance sheet and income statement every quarter to the department for verification. Each employee leasing company shall also submit a statement to the Board of Employee Leasing Companies affirming that it is in compliance with Section 468.529(4), F.S., in that it has adequate reserves to pay, when due, all payroll and payroll-related taxes, workers' compensation and health related premiums, and amounts due under any plan of self insurance. This statement shall be made on Form DBPR EL 4504, "Quarterly Report Form," effective 5/2011, which is hereby incorporated by reference and available at <http://www.myfloridalicense.com/dbpr/pro/emplo/forms.html>, and filed with a copy of the company's workers' compensation certificate of insurance in effect for the current quarter. All required submissions and examinations shall be made in furtherance of a licensure renewal application and shall be submitted to the department within 75 days of the end of each quarter. The department will accept a timely filed annual financial report in lieu of a quarterly report for the last quarter in an employee leasing company's fiscal year.*

*(2) In furtherance of its verifications of compliance, investigations, audits or reviews under Section 468.535, F.S., the department may, as frequently as deemed necessary, request applicable compliance information from licensees. Failure to respond to the department's request for information shall constitute grounds for disciplinary action.*

*(3) Providing false or misleading information to the department shall constitute grounds for disciplinary action.*

*(4) An employee leasing company may satisfy the requirements of this rule by being accredited in good standing by the Employer Services Assurance Corporation (ESAC).*

*Each employee leasing company shall submit, not later than 75 days after the end of each calendar quarter, a statement to the Board of Employee Leasing Companies affirming that it is in compliance with Section 468.525(3)(d), F.S., in that it is maintaining positive working capital and accounting net worth, and has adequate reserves to pay, when due, all payroll taxes, workers' compensation and health insurance premiums, and amounts due under any plan of self insurance or partial self insurance. This statement shall be made on Form DBPR EL 4504 entitled "Quarterly Report Form," effective 03-18-04, which shall be filed with a copy of the company's workers' compensation certificate of insurance in effect for the current quarter including confirmation from the insurance carrier that the Board will receive at least 30 days notification of cancellation of such insurance, and the company's balance sheet and income statement for the quarter. The employee leasing company may utilize the guaranty method set forth in Rule 61G7-5.005, F.A.C., to offset any deficiency. The form, together with its instructions, are incorporated herein by reference and may be obtained by contacting the Board's office at 1940 North Monroe Street, Tallahassee, Florida 32399-0767; or its Website at [www.myflorida.com](http://www.myflorida.com). An employee leasing company may satisfy the requirements of this rule by submitting a certified true copy of its current National Associate of Professional Employer Organizations quarterly report and copies of its balance sheet and income statement for the quarter.*

*Rulemaking Specific Authority 468.522, ~~468.525(3)(d)~~, 468.529(4) ~~468.529(4)~~ FS. Law Implemented ~~468.525(3)(d)~~, 468.529(4), 468.535 ~~468.529(4)~~ FS. History—New 8-12-92, Amended 6-1-93, Formerly 21EE-10.001, Amended 5-8-94, 12-19-94, 3-1-05, \_\_\_\_\_.*

MOTION: Mr. Finkelstein moved to approve the draft language to Rule 61G7-10.001, F.A.C. as amended.

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

After approval of the proposed language, Ms. Clark asked the following questions:

**1. Will the proposed rule amendments have an adverse impact on small business?**

MOTION: Mr. Finkelstein moved that the proposed amendments to Rule 61G7-10.001, F.A.C. would not have an adverse impact on small business.

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

**2. Will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after implementation?**

MOTION: Mr. Finkelstein moved that the proposed language would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after implementation.

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

Ms. Clark stated based on the board's responses to the questions, a SERC would not be needed.

**3. Rule 61G7-7.003, F.A.C. – Notice of Non-Compliance**  
**a. SERC Checklist**

The Board asked Mr. Wilson to get with board staff and gather information about historical data of citations being issue and get more information about the non-compliance issue and to report back at the next in-person meeting.

**IV. OLD BUSINESS**

**A. Forms Review and Approval/ Application Re-numbering**

*After review and extensive discussion of the following forms, the following motions were made.*

**1. Controlling Person Application – Form DBPR ELC 1 *(with track changes)***

MOTION: Mr. Finkelstein moved to approve the forms as presented with changes.

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

**2. Employee Leasing Company – ELC 2**

MOTION: Mr. Finkelstein moved to approve the forms as presented with changes.

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



**3. Employee Leasing Company Group/Group Member – ELC 3**

MOTION: Mr. Finkelstein moved to approve the forms as presented with changes.  
SECOND: Mr. Jones seconded the motion and it passed unanimously.

**4. Employee Leasing De Minimus Company Registration – ELC 4**

MOTION: Mr. Jones moved to approve the forms as presented with changes.  
SECOND: Mr. Arfons seconded the motion and it passed unanimously.

**5. Employee Leasing De Minimus Company Group/Group Member – ELC 5**

MOTION: Mr. Finkelstein moved to approve the forms as presented with changes.  
SECOND: Mr. Arfons seconded the motion and it passed unanimously.

**6. Application for Certificate of Approval for/Notification of  
Change of Ownership – Form DBPR ELC 6 (*original version*)**

MOTION: Mr. Finkelstein moved to approve the forms as presented with changes.  
SECOND: Ms. Dockery seconded the motion and it passed unanimously.

**7. Application for Certificate of Approval for/Notification of  
Change of Ownership – Form DBPR ELC 6 (*Asset Purchase/FAPEO*)**

MOTION: Mr. Finkelstein moved to approve the forms as presented with changes.  
SECOND: Ms. Dockery seconded the motion and it passed unanimously.

**8. Application for Certificate of Approval for/Notification of  
Change of Ownership – Form DBPR ELC 7 (*Stock Purchase/FAPEO*)**

MOTION: Mr. Finkelstein moved to approve the forms as presented with changes.  
SECOND: Ms. Dockery seconded the motion and it passed unanimously.

**B. Proposed 2013 Meeting Dates**

**TELEPHONE CONFERENCE CALL SCHEDULE**

**Dates:** January 16, 2013  
March 19, 2013  
July 24, 2013  
August 21, 2013  
October 16, 2013

December 18, 2013

**Time:** 10:00 a.m. or soon thereafter

**TRAVEL SCHEDULE**

**Locations:** *Subject to Change*

**Dates:** February 20-21, 2013 (Tallahassee, FL) (*Aloft*)

April 17-18, 2013 (Naples, FL) (*Ritz Carlton*)

June 5-6, 2013 (Orlando, FL) (*Bohemian*)

September 18-19, 2013 (Sarasota, FL) (*Ritz Carlton*)

November 13-14, 2013 (St. Augustine, FL) (*Casa Monica*)

**Time:** 9:00 a.m. or soon thereafter

**MOTION:** Mr. Finkelstein moved to approve the proposed meeting schedule for 2013.

**SECOND:** Mr. Arfons seconded the motion and it passed unanimously.

**V. NEW BUSINESS**

None

**VI. PUBLIC COMMENTS**

NONE

**VII. ADJOURNMENT**

**MOTION:** Mr. Finkelstein moved to adjourn the meeting at 2:16 p.m.

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

*Transcripts and/or recordings of the meeting can be obtained upon request.*