

Division of Funeral, Cemetery, and Consumer Services
Department of Financial Services

Information For Consumers Holding Preneed Contracts Issued By
JGR Funeral Home

Date: Nov. 17, 2014

(1) If you or your deceased loved one purchased a preneed contract for funeral goods or services, issued by JGR Funeral Services Inc. (also known as JGR Funeral Home), previously located at 6718 N. Armenia Ave., Tampa FL 33604, and the preneed contract has not been honored and you have been unable to get a refund from JGR Funeral Home, this memo is intended to provide you some information concerning your options regarding your preneed contract.

(2) JGR Funeral Home is believed to have been owned and operated by Lucia Gonzalez-Roel, Julio Gonzalez-Roel, and/or Adolfo Gonzalez-Roel. Preliminary information indicates that in multiple instances JGR Funeral Home sold preneed contracts without a required state preneed license, and without putting funds in a preneed trust, in violation of Chapter 497, Florida Statutes. JGR Funeral Home ceased operating sometime in or about mid-2014.

(3) As explained below, you may have the right to file a claim against the Florida Preneed Consumer Protection Trust Fund (the "CPTF"). This trust fund is created under section 497.456, Florida Statutes. The CPTF will, in some instances, provide a refund of some or all of the amounts paid for a preneed contract, where the seller has gone out of business or for other reason fails without justification to honor a preneed contract, including failing to honor cancellation rights. Claims are filed with the Funeral & Cemetery Division, who reviews them, and makes recommendations to the Florida Board of Funeral, Cemetery, and Consumer Services, who meets monthly, and makes the final decision as to whether the claim will be paid. The most you can recover from a CPTF claim is the amount you can prove you actually paid for the preneed contract.

(4) Some Terms Explained. The "**Beneficiary**" under a preneed contract is the person whose death is covered under the preneed contract. The "**Purchaser**" is the person who paid for the preneed contract. In most cases the Beneficiary and the Purchaser are the same person. But sometimes one person will pay for a preneed contract for another person, so the Purchaser and the Beneficiary are different people. For example, sometimes an adult child will pay for the preneed contract of their parent. Another example is where one spouse pays for a preneed contract on the other spouse. The "**Claimant**" is usually the same person who is the Purchaser.

(5) Some General Requirements. In order for a consumer to obtain payment of a CPTF claim regarding a preneed contract from JGR Funeral Home, the basic requirements are as follows:

- (a) You (the Purchaser) must fill out and submit to the Division the original of a completed claim form, signed by the you and notarized.
- (b) You must have and submit a copy of the preneed contract.
- (c) You must submit proof of how much you actually paid for the preneed contract (e.g., cancelled checks, credit card receipts, receipts signed by JGR Funeral Home staff).
- (d) JGR Funeral Home has not honored the contract or refunded you your money.

(6) Beneficiary Still Alive. If the Beneficiary under the preneed contract is still alive, the Purchaser of the preneed contract may file a claim against the Preneed Consumer Protection Trust Fund, for a refund of the amount paid for the preneed contract (less amounts, if any, already refunded to the Purchaser from any source). Use the **Claim Form C**. Fill it out, attach supporting records to the claim form according to the instructions on the claim form, and mail it to the address shown on the claim form. Keep a copy of everything you send with the claim form.

CAUTION: If you seek and obtain a refund from the Consumer Protection Trust Fund the refund will, at most, be the amount you paid for the preneed contract. If you take those funds and seek to buy the same funeral services and merchandise now or in the future, you will likely find that you will be charged more,

possibly significantly more, than what you paid for the preneed contract. If you can find another funeral home that will honor your preneed contract without requiring any additional payments or purchases, it may be in your economic best interest to go that route rather than you filing a CPTF claim for a refund of the preneed contract purchase price.

There are at least two funeral homes, identified below (Gonzalez FH and DeMarco FH), who may be willing to honor your preneed contract without any additional payments or purchases by you, in exchange for you assigning to the funeral home your right to submit a CPTF claim. The funeral homes will sometimes do this because, although they may lose some money honoring your preneed contract, experience suggests that if your family has a good experience at their funeral home, they will get future business from your family.

We suggest that you meet with one or both of those funeral homes, and see if they will commit to honoring the preneed contract without any additional payment or purchases by you. You will need to provide these other funeral homes with a copy of your preneed contract, and a copy of your proof of payment for the preneed contract (keep a copy of anything you give them). They will usually not agree to honor your preneed contract unless you provide proof you paid the preneed contract price in full. If they agree to honor the preneed contract, they will usually ask you to sign an "Assignment of Rights" form.

If after meeting with one of the funeral homes you are comfortable with the funeral home, you may want ask them to honor the preneed contract rather than seeking a refund at this time. But that is your decision. The Division does not endorse particular funeral homes and cannot guarantee their performance of the preneed contract.

If it ultimately turns out that they do not honor the preneed contract, you would be free to submit a CPTF claim at that time.

You are not limited to the two funeral homes identified below; you are free to contact any funeral home and ask them if they will honor the preneed contract without any additional payment or purchase by you, in exchange for you assigning them your right to file a CPTF claim.

(7) Beneficiary Has Died, Family Paid Another Funeral Home For Funeral Services. If the Beneficiary has already died, and the family has paid a different funeral home for funeral services and merchandise that should have been provided by JGR Funeral Home, the purchaser of the preneed contract, or the authorized representative of the estate of the purchaser if the purchaser is the decedent, may file a claim against the Preneed Consumer Protection Trust Fund, for a refund of the net amount paid for the preneed contract (less amounts, if any, already refunded to the Purchaser from any source). Use **Claim Form B**.

(8) Beneficiary Has Just Died or is Near Death.

(a) If your relative has just died and you need a funeral home right now, or your loved one is believed to be close to passing on, you can contact any funeral home and ask if they will honor the preneed contract issued by JGR Funeral Home, in exchange for taking from you an assignment of your right to file a claim against the Florida Preneed Consumer Protection Trust Fund.

(b) There are at least two funeral homes (see discussion above), who have indicated to the Division they may be willing to honor your preneed contract at its current price, with no additional payments or purchases by you or the family, in exchange for you assigning to the funeral home your right to submit a CPTF claim. We suggest that you meet with one or both of those funeral homes, and see if they will commit to honoring the preneed contract at its current price, in exchange for you assigning to the funeral home your right to submit a CPTF claim. If one of the funeral homes declines to honor your preneed contract, try the other funeral home. The two funeral homes are as follows:

- Gonzalez Funeral Home at 7209 N Dale Mabry Tampa 33614 (ph. 813-931-1833). This funeral home is not affiliated in any way with the Gonzalez-Roel family. Gonzalez Funeral Home is operated by Service

Corporation International. Gonzalez Funeral Home has already honored several JGR Funeral Home preneed contracts in exchange for an assignment of the right to file a CPTF claim.

- DeMarco Family Cremation and Funeral Home (hereinafter DeMarco Funeral Home), now operates at 6718 N. Armenia Ave., Tampa FL 33604 (ph. 813-932-5308). DeMarco Funeral Home is currently operated by Ms. Yvette Klausch. Although Ms. Klausch previously was an employee of JGR Funeral Home, and although DeMarco Funeral Home operates at the same location where JGR Funeral Home previously operated, none of the Gonzalez-Roel family is involved in the operation of the DeMarco Funeral Home. DeMarco Funeral Home obtained a new funeral home license to operate at 6718 N. Armenia Ave, in October 2014.

(9) Claim Forms. Copies of claim forms can be obtained on the Division's website at:

<http://www.myfloridacfo.com/Division/funeralcemetery/>

Alternatively, you can call the Division at 1-850-413-3039, and ask for Ms. Diana Miller or Christine Moore, who will mail you a claim form.

[End of memo]