THE CABINET STATE OF FLORIDA

Representing:

STATE BOARD OF ADMINISTRATION

FLORIDA HURRICANE CATASTROPHE FUND FINANCE CORPORATION

The above agencies came to be heard before THE FLORIDA CABINET, Honorable Governor Crist presiding, in the Cabinet Meeting Room, LL-03, The Capitol, Tallahassee, Florida, on Tuesday, June 10, 2008, commencing at approximately 9:03 a.m.

Reported by:

MARY ALLEN NEEL
Registered Professional Reporter
Florida Professional Reporter
Notary Public

ACCURATE STENOTYPE REPORTERS, INC. 2894 REMINGTON GREEN LANE TALLAHASSEE, FLORIDA 32308 (850)878-2221

APPEARANCES:

Representing the Florida Cabinet:

CHARLIE CRIST Governor

ALEX SINK Chief Financial Officer

* * *

INDEX

STATE BOARD OF ADMINISTRATION (Presented by GENERAL BOB MILLIGAN)

ITEM	ACTION	PAGE
1	Deferred	4
2	Approved	5
3	Approved	5
4	Deferred	4
5	Deferred	4
6	Deferred	4
7	Deferred	4
8	Deferred	4
9	Approved	24
10	Deferred	4

FLORIDA HURRICANE CATASTROPHE FUND FINANCE CORPORATION (Presented by JACK NICHOLSON)

ITEM	ACTION	PAGE
1	Deferred	26
2	Deferred	26
3	Deferred	26
4	Approved	27
CERTIFICATE OF R	EPORTER	28

PROCEEDINGS 1 2 (The agenda items commenced at 9:06 a.m.) 3 GOVERNOR CRIST: We'll have a special meeting of the State Board of Administration and the 4 5 Florida Hurricane Catastrophe Fund on Tuesday, 6 June 17th. The next meeting of the Governor and 7 Cabinet will be Tuesday, July 29th. The first order of business this morning, 8 9 General Bob Milligan, good morning, sir, State Board of Administration. How are you? 10 11 GENERAL MILLIGAN: Fine, sir. 12 CFO SINK: Governor? 13 GOVERNOR CRIST: CFO? CFO SINK: Since General McCollum is not here 14 15 today, I would like to make a motion to defer all the items except for Items 2, 3, and 9. And as 16 17 you've just announced, we will have an opportunity next week to reconvene to consider the other items. 18 19 GOVERNOR CRIST: Very good. CFO SINK: Items 2, 3, and 9 for today, 20 21 Governor. 22 GOVERNOR CRIST: I second it. Show that done 23 without objection. 24 GENERAL MILLIGAN: Item 2 then, Governor.

GOVERNOR CRIST: Yes, sir.

25

GENERAL MILLIGAN: Request approval of a fiscal determination of an amount not exceeding 11,250,000 Florida Housing Finance Corporation multifamily mortgage revenue bonds.

CFO SINK: Move approval.

GOVERNOR CRIST: I second it. Show Item 2 approved without objection.

GENERAL MILLIGAN: Item 3, request approval of a fiscal determination of an amount not exceeding \$8 million Florida Housing Finance Corporation multifamily mortgage revenue bonds.

CFO SINK: Move it.

GOVERNOR CRIST: Second. Show Item 3, I guess it is now, approved without objection.

GENERAL MILLIGAN: Item 9, the Florida

Hurricane Catastrophe Fund requests that the

Trustees adopt a resolution which requests the

Florida Hurricane Catastrophe Fund Finance

Corporation to issue and sell by negotiated sale,

not exceeding \$225 million Florida Hurricane

Catastrophe Fund Finance Corporation post-event

revenue bonds. The proceeds of the bonds will be

used for the reimbursement of insurance companies

for additional claims paid due to hurricanes during

the 2005 season. Request approval.

CFO SINK: Governor, before I make a motion, I do have a couple of things to say.

GOVERNOR CRIST: Please.

CFO SINK: I just wanted to take a moment to talk about what we're really doing here. We're issuing -- giving approval for \$625 million in additional bonds. This is going to add at least two years to the assessments, and it's really a tax on insurance policies that homeowners and businesses are already paying. It's something we have to do because these are representative of claims that have been filed by homeowners as a result of Hurricane Wilma, which, as we will recall, was just barely a Cat 2 storm that hit South Florida.

And it certainly concerns me that here we are three years after Wilma, and we're still having to issue more debt and maybe more assessments on our homeowners. In fact, just last night while I was at home reading my mail, I got another e-mail from a homeowner talking about six different assessments that he has on his policies. We really have to in our state kind of be addressing this issue of how we reduce the amount of risk that we Floridians are bearing, and heaven forbid if we have a Cat 3

hurricane, which would be up in the \$20 billion plus range. So once again, we're all going to hope we don't have any storms, or any major storms this year.

Certainly I'm going to support the resolution today, because the homeowners have to have their claims paid. But, General, I am curious. As we go back and think about this, our initial assessment for the Wilma-related Cat Fund claims, I think we initially had a deficit of a billion four, which was approved right after the storm, but yet since then, there have been — this will total up to yet another billion dollars in additional claims. And it concerns me that here we are three years later, and I guess there is the possibility there may be even more coming. Would you address why there's such a lag time, and is this what we can begin to expect when we have hurricanes in the future?

GENERAL MILLIGAN: Well, first, let me make it clear that this is for 625 million. I might have misspoke as to the number. It is 625 million.

CFO SINK: Well, I calculated it as a billion --

GENERAL MILLIGAN: No, I --

CFO SINK: -- because we got a little cushion

in the first six years of assessments, and so I'm adding on the \$300 million cushion that we have which will be applied to the 600 million.

GENERAL MILLIGAN: Yes. I understood your question. I was clarifying my statement, making sure --

> CFO SINK: Oh, okay.

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GENERAL MILLIGAN: -- that it was clear that it was 625.

There are a lot of discussions as to why there has been such an increase in reopened claims. think I saw yesterday in a report done by the task force that looked at the Citizens Insurance Corporation that there were some -- about 10,000 reopened claims, of which about 7,000 were attributed to Wilma. It's not all Citizens either, I might add, with all these reopened claims.

There are a lot of discussions as to why there are so many reopened claims. There are a lot of discussions as to how many of these claims are in fact being met in terms of the adjusters going out and either approving or disapproving all or part of the claim.

So there's a lot of unanswered questions. think that there's also the question of the public adjusters being very aggressive certainly down in the area that was affected by Wilma. So there's a lot of things that come to play as to why.

There's also the argument that we haven't had hurricanes for a couple of years, and people are out there shaking the bushes trying to find an opportunity to make some money. So there are all kinds of reasons. Maybe Jack would want to expound on it.

So there really is no concrete answer, other than we know the insurance companies are seeing a lot of reopened claims.

CFO SINK: Well, can I ask you to put on your insurance consumer advocate's hat? Do you believe this is something we ought to explore further and study? Because on the one hand, we want -- homeowners who have legitimate claims need to get their repairs done. But the flip side is that there are millions of insurance consumers in Florida who are going to see another \$600 million in assessments on their bills to pay for these claims, and I'm looking out for their interests too.

GENERAL MILLIGAN: Well, the question that I have is, one, are the claims that are being

reopened legitimate? Are the insurance companies in fact doing the due diligence in adjusting those claims, and really, what percentage of the claims that are reopened are actually being closed and being paid or being closed and not being paid? I think there's a lot of questions that need to be answered.

I agree with you. I raised that question yesterday, as a matter of fact. We really don't know how many of these claims are being settled properly or if for some reason the insurance companies feel they can just pass it on to the Cat Fund and don't have to do their due diligence in terms of adjusting the claims.

CFO SINK: Because, I mean, you're right. The insurance companies at this point, since they're already into the Cat Fund, you could argue that they don't really have that much of an incentive to reduce the claims or to do really serious due diligence because of the fact that it's not their equity that's being impacted, because whatever they approve is just going to come right back into the Cat Fund.

GENERAL MILLIGAN: Exactly my question, and I do think it needs to be looked at.

GOVERNOR CRIST: I have a thought. If we think it needs to be looked at, why don't we look at it and not vote on it today?

CFO SINK: Well, Governor, I think we have to vote on it today, because we can't -- we do have a contractual arrangement, and this is the way -- when we were looking at what items we could defer, this is really time critical. We're going to have to issue these bonds so these claims can get paid. But I'm sure there are probably mechanisms that if we determine that the process is flawed and that the companies are not being as diligent, we can go back on them. I think you might address the timing issue, General.

GENERAL MILLIGAN: The Cat Fund does audit -we'll be going back and doing audits on the filings
that have been made. It takes time, but they will
ultimately at least sample, I believe -- Jack, it's
not a 100 percent audit, is it?

MR. NICHOLSON: Right.

GENERAL MILLIGAN: It's a sample. They will go back and be sampling whether or not these claims are legitimate, including these claims that have been reopened. So there is a follow-on checks and balance.

1 2

I'm not so sure that that will really get at the issues, and I'm not so sure we shouldn't look at something down the pike here to really take a look at what has happened. You know, we had that task force for Citizens. Maybe you want to keep that task force open for a while. Maybe you want to ask them to go back and really look, at least from Citizens' perspective, at how they handled these reopened claims and how much were in fact considered legitimate and how many were not considered legitimate and exactly what happened to the settlement.

They did settle, as you know, 99 percent of those claims. Whether they settled them on the basis of no payment or full payment or partial payment, I don't know, and I don't think that task force knows. But maybe they should still be tasked to follow up on that.

CFO SINK: Well, Governor, I'm prepared to move it with the caveat that we receive a report back from the -- a more detailed report back from the Cat Fund or the Insurance Consumer Advocates Claims Task Force that already exists specifically for Citizens, but other private companies are involved as well.

GENERAL MILLIGAN: I have to say the task force is about to close out. They issued a report yesterday, I think, or are about to issue a report. They'll probably shoot me here for keeping them on the hook, but I think it's a legitimate thing for them to go back and take a look at the reopened claims and how they were in fact handled by Citizens as a sample of how perhaps other insurance companies also handle them.

OFO SINK: Well, I think maybe our staffs of our three -- at your pleasure, Governor, maybe the staffs, our staffs could get together and figure out a way, because we've got to look into this.

And these assessments -- actually, the way they've got it structured, the \$625 million in bonds will be issued, but these assessments to repay these bonds will not be levied until years 6 and 7 from now. They're not going to go onto the consumers' bills today.

GENERAL MILLIGAN: No.

CFO SINK: The proposal is -- today's assessments are for the next five years, I guess, and so the request is to just continue with the assessments for year 6 and year 7. So there's not any immediate impact today on the policyholders

1 until we get into those future years except for, of 2 course, the interest rate we have to pay for the 3 borrowing. 4 GOVERNOR CRIST: But it's still 1 percent; is 5 that correct? 6 GENERAL MILLIGAN: One percent, yes, and 7 extending --GOVERNOR CRIST: No increase in the levels? 8 9 GENERAL MILLIGAN: No increase, extended two 10 years. 11 GOVERNOR CRIST: Well, what happens if we 12 don't approve this today? 13 GENERAL MILLIGAN: What happens if we don't do it --14 15 GOVERNOR CRIST: We're meeting next week. 16 GENERAL MILLIGAN: We have -- I think it's 17 around \$158 million to pay, which will last another 18 maybe optionally about nine to ten, eleven weeks of 19 being able to pay --20 GOVERNOR CRIST: Here's where I'm coming from. You know, when the CFO of our state, who I have 21 22 great respect for, and yourself, General Milligan, 23 who I have enormous respect for as well, indicate 24 to me that there may be illegitimate claims, it 25 makes it more challenging for me to vote in the

affirmative on the motion.

GENERAL MILLIGAN: Well, you have to be comfortable with the audit function that will be done by the Cat Fund to try to detect any illegitimate claims, and then you have to be comfortable with the idea that we need to really take a look at how these companies did in fact handle the reopened claims. I think those are all things that need to be done.

But we are at a point where we only have several weeks left that we can pay these claims that have been made that have been reopened. And this \$625 million allows us to carry through really for the next year, and it's important that we do that. And it may not even be enough now. There may be -- we think that there's a chance that it will go even higher, and so --

GOVERNOR CRIST: Well, if you let the insurance companies have their way, I'm sure that's true.

GENERAL MILLIGAN: Well, between the audits that will be done by the Cat Fund audit folks, and I think if we energize, if not the task force to look at this, somebody to look at how these have been handled, these reopened claims are being

handled, I think if we do both those things, we'll have an answer. In the meantime, we can do what we need to do to make sure that the citizens of this state are in fact, if they are due money, are getting their money.

CFO SINK: Governor, if I could --

GOVERNOR CRIST: Please.

CFO SINK: Just to -- I'm all for this audit process, of course. But, Jack, do you have a number on -- I mean, this would be, I would assume, tens of thousands of additional claims that are being filed. I don't think it's a simple process.

MR. NICHOLSON: Well, let me explain that the Cat Fund's audit process audits the companies reporting claims to the Cat Fund, and we make sure that they report proper claims, claims that they're obligated to pay the policyholders.

GOVERNOR CRIST: If I could, forgive me. I mean, just to kind of give an overview, correct me if I'm wrong, but basically, insurance companies come to you and say, "We've got X amount of claims. We need to take some out of the Cat Fund in order to make us whole," and that's what causes the recommendation that's before us today for 625 million more?

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1	MR. NICHOLSON: That's correct.
2	GOVERNOR CRIST: That's correct. So we're
3	relying upon the insurance industry to tell you the
4	truth for you to bring this to us so that we would
5	extend bonding for more coverage for the Cat Fund;
6	is that right?
7	MR. NICHOLSON: Yes.
8	GOVERNOR CRIST: Am I hearing you right?
9	Okay. Yet we're concerned that some of it may be
10	illegitimate. Is that also correct?
11	MR. NICHOLSON: That's correct.
12	GOVERNOR CRIST: Okay. So who's bringing this
13	item before the CFO and I to vote on today that has
14	confidence that it's okay?
15	MR. NICHOLSON: Well
16	GOVERNOR CRIST: Do you? I'm just asking.
17	MR. NICHOLSON: Well, based on the reported
18	claims, I mean, the way you've painted the picture,
19	it's like there's a problem here, but
20	GOVERNOR CRIST: It's not me painting it. I'm
21	listening to the CFO and the General talk to me
22	about illegitimate claims, and I'm just voicing
23	MR. NICHOLSON: We're not from the Cat
24	Fund's perspective, we're not aware of any
25	illegitimate claims. If we were, we would correct

1 And we start -- our audit process for the them. 2 2005 season starts in January, even though we --3 GOVERNOR CRIST: I don't have a whole lot of 4 confidence in the property insurance industry 5 making representations to us for \$625 million more 6 in bonds, you know. And when I start to hear that 7 maybe it's illegitimate or there's some monkey business going on here, it gives me less confidence 8 9 to vote affirmatively on this item today. MR. NICHOLSON: Well, like I say, I'm not 10 11 aware of any illegitimate claims. We suspect that 12 when you look at the Citizens --13 GOVERNOR CRIST: Except that these are old. 14 Did you say three years, maybe, some of these? 15 MR. NICHOLSON: I mean, when you look at the 16 -- let's just take Citizens, for example --17 GOVERNOR CRIST: The CFO is suspicious. I 18 think I'm becoming suspicious too. 19 MR. NICHOLSON: Well, let's take Citizens, for 20 example. If you believe that's the case, then you 21 might believe that Citizens is --22 GOVERNOR CRIST: I don't think if I believe 23 that's the case. I'm trying to learn. MR. NICHOLSON: Let me make the point --24 25 GOVERNOR CRIST: Please.

1	MR. NICHOLSON: that Citizens with regard
2	to Hurricane Wilma, as the General mentioned
3	earlier, has 7,819 reopened or newly reported
4	claims. Of those, 6,198 are reopened. 1,621 are
5	totally new. And when you look at the other
6	hurricanes let's go back to Charley. Charley
7	only had 234 reopened claims versus almost 6,200
8	from Wilma. Now
9	GOVERNOR CRIST: Can you explain, Jack, why
10	that might be the case?
11	MR. NICHOLSON: Well, I think what we hear
12	from Citizens and people that we talked to is
13	that
14	GOVERNOR CRIST: What other companies are
15	involved in this besides Citizens?
16	MR. NICHOLSON: Excuse me?
17	GOVERNOR CRIST: What other companies are
18	involved?
19	MR. NICHOLSON: I think every company to a
20	large degree is being impacted
21	GOVERNOR CRIST: Who are the big three?
22	MR. NICHOLSON: State Farm, Allstate, USAA.
23	You know, I could go on, but companies like that.
24	So whatever it is that's affecting these companies
25	affects Citizens as well as these other companies

I think there are honest efforts being 1 as well. 2 made by the people at Citizens and the task force 3 to recognize what is going on. 4 GOVERNOR CRIST: Do you think honest efforts 5 are being made by State Farm and Allstate and the 6 others as well? Do you have same level of 7 confidence in that? MR. NICHOLSON: I think there is. I think the 8 9 problem is not so much with the companies' fraud or 10 dishonesty. I think if there is a problem, it goes 11 to the independent adjusters and the legal 12 profession and all those people that are reopening claims and milking the system and getting Wilma's 13 14 claims up for the industry of almost \$11 billion. That's what we're looking at for Wilma claims. 15 16 Hurricane Andrew, the residential losses were 17 \$10 billion at the time versus 11 billion today. 18 On an inflation-adjusted basis, still Andrew is 19 bigger. But this is the largest payout expected of 20 any storm that Florida has ever had. GOVERNOR CRIST: More than Andrew? 21 22 MR. NICHOLSON: In terms of actual dollars. 23 Andrew adjusted for inflation would be a lot 24 larger. We only paid around 10 --25 GOVERNOR CRIST: So Andrew is really the

largest ever?

MR. NICHOLSON: Andrew is definitely the largest. I don't want to mislead you on that. But I'm just saying \$11 billion is pretty big for Wilma, when we didn't anticipate the losses were going to be this much.

They continue to come in. Over just the last six months, we had \$634 million -- excuse me, the last year, \$634 million of new losses reported, 128 million since January.

These are losses that are reported to us based on a reimbursement basis. The companies have paid these losses. Consumers have the dollars. We're reimbursing the companies for that. The companies aren't keeping the money. They couldn't. We wouldn't pay them if that were the case. So this is money in the consumers' hands today.

The situation that we're in is, we have \$187 million left to pay claims. Claims are on average of 13 million a week that we're paying out right now. We are at the slow end of the payout curve, but we're still having to pay. But we continue to get, like I said, new claims reported. We would expect that somewhere in the 10- to 20-week period, we would be out of money, and then

in that situation, I guess technically we would be 1 2 in default of our contract provisions. 3 GOVERNOR CRIST: That's 10 to 20 weeks from 4 today? 5 MR. NICHOLSON: Right, give or take. I don't 6 know exactly how long. It could be shorter, or it 7 could be longer, depending on if somebody came to us tomorrow and said, "We have a \$60 million claim 8 9 to report." 10 GOVERNOR CRIST: "Since you approved that 11 thing yesterday, we've got a thousand new claims 12 for you." 13 MR. NICHOLSON: Right. But what we will do in 14 the process is, when we do the audits, we will look 15 at that. We want to make sure that companies pay 16 claims that they're obligated to pay, not the ones 17 that they're not obligated to pay. 18 GOVERNOR CRIST: Is this recommendation of 19 this amount of bond coverage based upon ones we 20 think we ought to pay? MR. NICHOLSON: Absolutely. We should pay 21 22 every one of these claims until we find out 23 otherwise. I have no evidence --24 GOVERNOR CRIST: So you have confidence in 25 this recommendation?

1	MR. NICHOLSON: I have no
2	GOVERNOR CRIST: This is your recommendation?
3	MR. NICHOLSON: This is my recommendation,
4	yes, sir.
5	GOVERNOR CRIST: General, you look like you
6	want to say something.
7	GENERAL MILLIGAN: I think it's important
8	GOVERNOR CRIST: Thank you, Jack.
9	GENERAL MILLIGAN: I think it's important to
10	remember that these claims are claims that have
11	been paid. And people who, even if they reopened a
12	claim, if they had a legitimate reopened claim,
13	they deserve their insurance company, "they" being
14	the insured, to get paid. So
15	GOVERNOR CRIST: I don't question the
16	consumer. What I'm questioning here is something
17	you alluded to earlier in your presentation
18	GENERAL MILLIGAN: We need to
19	GOVERNOR CRIST: about whether or not the
20	insurance companies are being scrutinizing of the
21	claims that they're getting.
22	GENERAL MILLIGAN: We need to be comfortable
23	with that.
24	GOVERNOR CRIST: Right. I concur.
25	GENERAL MILLIGAN: That is true. Until we

1	sort that out, though, I think we have to honor the
2	request for payment of these claims. And then, you
3	know, if we find out otherwise through audit or
4	through other sampling that may be done or other
5	examination that may be done, that's a horse of
6	another color.
7	CFO SINK: Governor?
8	GOVERNOR CRIST: Please.
9	CFO SINK: So, General, there are provisions
10	if we go through the audit process and we
11	determine that we want to deny some of the claims,
12	there are processes to go back and recoup?
13	GENERAL MILLIGAN: That's exactly right.
14	That's exactly
15	CFO SINK: Well, that's a fail-safe, Governor.
16	GOVERNOR CRIST: Okay. Well, I'll second it
17	under that circumstance. Show it approved.
18	GENERAL MILLIGAN: Yes, sir. We have a
19	follow-on now with the Florida Hurricane
20	Catastrophe Fund Finance Corporation.
21	GOVERNOR CRIST: Yes, sir.
22	MR. BAILEY: I need to ask a simple question.
23	On the 17th, what is expected to be on the agenda?
24	As I understood, it would be
25	GOVERNOR CRIST: We're trying to find

1	additional
2	GENERAL MILLIGAN: Item 10.
3	GOVERNOR CRIST: I'm sorry. We're trying to
4	find additional coverage in terms of reinsurance or
5	some
6	GENERAL MILLIGAN: Yes, sir. I understand.
7	It would be Item 10 on the 17th?
8	GOVERNOR CRIST: Yes. I don't know what the
9	number is.
10	GENERAL MILLIGAN: Yes, sir. I just wanted
11	clarification.
12	GOVERNOR CRIST: Thank you, General.
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1	GENERAL MILLIGAN: Jack.
2	GOVERNOR CRIST: Florida Hurricane Catastrophe
3	Fund Finance Corporation Board. Jack Nicholson.
4	MR. NICHOLSON: Thank, sir.
5	GOVERNOR CRIST: I will now wait. I think
6	I have to say this in order for this to be in the
7	proper posture. I will now convene a meeting of
8	the Florida Hurricane Catastrophe Fund Finance
9	Corporation Board. This board is composed of the
10	members of the State Board of Administration and
11	also Ben Watkins and Jack Nicholson. The members
12	are present except for Attorney General McCollum
13	and Ben Watkins.
14	Dr. Nicholson.
15	MR. NICHOLSON: Thank you, Governor.
16	GOVERNOR CRIST: Thank you, sir.
17	MR. NICHOLSON: We have four items on the
18	agenda. We are requesting that the first three be
19	deferred.
20	CFO SINK: I move that we defer all items
21	except for Item Number 4.
22	GOVERNOR CRIST: I second the motion. Show it
23	approved without objection.
24	MR. NICHOLSON: Item 4, request adoption of a
25	resolution authorizing the corporation to issue

1	revenue bonds. I'll read it as follows.
2	GOVERNOR CRIST: This is step 2 to what we
3	just did, I assume.
4	MR. NICHOLSON: Yes.
5	CFO SINK: I move approval, Governor.
6	GOVERNOR CRIST: I second it. Show it
7	approved without objection.
8	Thank you. We are adjourned.
9	(Proceedings concluded at 9:31 a.m.)
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1	CERTIFICATE OF REPORTER
2	
3	STATE OF FLORIDA:
4	COUNTY OF LEON:
5	I, MARY ALLEN NEEL, Registered Professional
6	Reporter, do hereby certify that the foregoing
7	proceedings were taken before me at the time and place
8	therein designated; that my shorthand notes were
9	thereafter translated under my supervision; and the
10	foregoing pages numbered 1 through 27 are a true and
11	correct record of the aforesaid proceedings.
12	I FURTHER CERTIFY that I am not a relative,
13	employee, attorney or counsel of any of the parties, nor
14	relative or employee of such attorney or counsel, or
15	financially interested in the foregoing action.
16	DATED THIS 23rd day of June, 2008.
17	
18	
19	MARY ALLEN NEEL, RPR, FPR 2894-A Remington Green Lane
20	Tallahassee, Florida 32308 (850) 878-2221
21	(030) 070 2221
22	
23	
24	
25	