

**CONSUMER COMMENT AND COMPLAINT IN RESPONSE TO FTC
FINAL ORDER ON SERVICE CORPORATION INTERNATIONAL,
A TEXAS CORPORATION**

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INTRODUCTORY STATEMENT ON ANTI-COMPETITIVE ACTS.

For reasons detailed on the following pages, the FTC must not permit the proposed divestiture of Service Corporation International to take place as described in its proposed December 2013 Order. Additional regulatory intervention is invoked by this Comment and Complaint. This Comment and Complaint cannot be couched in the dry phraseology of an attorney, because I am not an attorney. I am a victim of SCI, and so is my deceased father. The purpose of this Comment and Complaint is to vindicate my father and to rescue him from the clutches of SCI and the atrocious indignity of the "Dignity Network"®.

The saga begins in 1993 with the prophetic action movie "Demolition Man," starring Sylvester Stallone and Wesley Snipes. We see court proceedings after which an evil crime lord and a risk-taking police officer are both sentenced to be cryogenically frozen in the year 1996 and reawakened in 2032. Upon coming out of the freezer, Wesley Snipes' character reverts to his old, dastardly tricks. Sylvester Stallone's character wants to fight crime, but he finds the future society mind-boggling. At one point, in an effort to orient him to the future society, Sandra Bullock takes him to an expensive, elegant restaurant. Imagine his surprise to see that the name of the lavishly-appointed, pricey restaurant is Taco Bell®! When he expresses his consternation, Sandra Bullock replies "You do not realize that Taco Bell was the only restaurant to survive the franchise wars. So, now *all* restaurants are Taco Bell."



<https://www.youtube.com/watch?v=xFiDoOgRTpk>

What does this science-fiction movie have to do with the FTC and the "Dignity Network®"? The giant megalith Service Corporation International ("SCI") goes publicly by the trademark "Dignity Network"®. On its Web site, SCI boasts its ownership of thousands of funeral properties and cemeteries throughout North America:

Find a Dignity Memorial funeral home or cemetery provider in our network of more than 1,800 locations.

A Trusted Partner

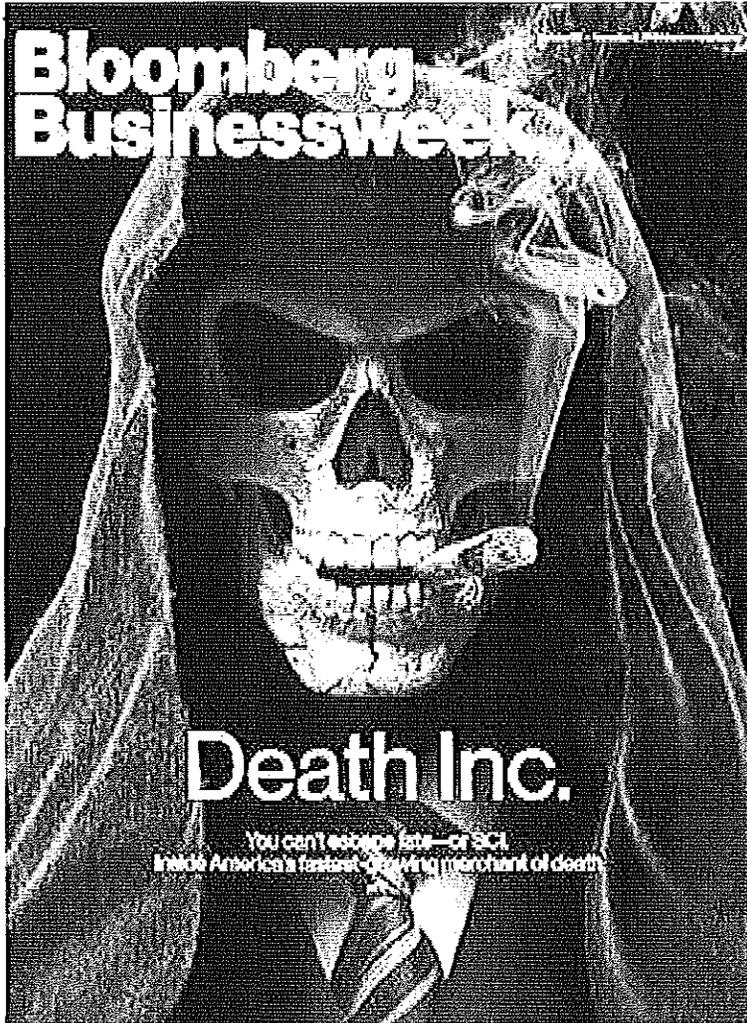
The Dignity Memorial® network of more than 1,800 licensed providers is North America's largest and most trusted brand for your funeral, cremation or cemetery needs.



SCI's published picture with glowing spots is only symbolic. An accurate picture of SCI's presence on the East Coast would of course have over a thousand glowing spots!

Already No. 1 in death care in North America, SCI expects by early 2014 to ingest the next-largest chain, Stewart Enterprises (STEI), based in New Orleans. In one gulp, SCI will grow to 2,168 locations. If the \$1.4 billion transaction gets antitrust clearance from the Federal Trade Commission, the combined company would control some 15 percent of the U.S. industry, with much larger shares of prime markets in Florida, Texas, and California. In West Palm, a mecca for retirement (and therefore death), the Stewart merger would add a ninth business to the SCI stable, translating to more than 60 percent of the local market.

(Excerpt of Bloomberg Businessweek article "Is Funeral Home Chain SCI's Growth Coming at the Expense of Mourners?" by Paul M. Barrett, October 24, 2013. For full article, see link <http://www.businessweek.com/articles/2013-10-24/is-funeral-home-chain-scis-growth-coming-at-the-expense-of-mourners>)



If this juggernaut is not stopped, comparison shopping for funerals will cease to exist; in the near future funeral directors will be telling their customers "You do not realize that Dignity Network® was the only funeral home to survive the franchise wars. So, now all funeral homes are Dignity Network®."

There are other parallels with the prophetic movie "Demolition Man." The Dignity Network® unilaterally sentenced my father to be frozen in its own freezer, even though my father left express written instructions to have his remains brought to the Rhodes Funeral Home, one of the very few non- Dignity Network® funeral homes in Pinellas County Florida. SCI accomplished this diversion of my father's remains by means of a sweetheart contract with the Baycare Health System, Inc., another megalith that operates several hospitals in the Tampa

Bay area, likely in an anti-competitive manner. Baycare rationalizes the routine transfer of dead bodies to SCI on the specious theory that "Mease Hospital does not have a morgue."

Obviously Baycare could install a walk-in cold room at its Mease Hospital for under \$20,000, but Baycare reaps far more than that in cash rebates for the bodies that it feeds into the maw of SCI each year.

SCI HAS FROZEN MY FATHER!

At present, just like the movie "Demolition Man," SCI has no plans of releasing my father from frozen storage before the year 2032. SCI has sent me a registered letter threatening that it will not ever release my father's remains to me for burial unless and until it receives a court order compelling it to do so. However, the Pinellas County Probate Court is loath to issue any order directing burial, so SCI, as of this writing, has held my father captive for 82 days. I don't know how much money they plan to charge my family *per diem* for cold storage, because SCI won't even give me a price list.

FTC IS CHARTERED TO DETECT, BUT NOT TO CORRECT.

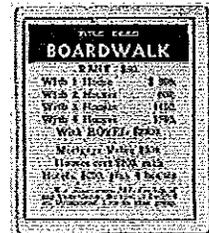
Fortunately, American consumers have a champion in the form of the Federal Trade Commission. The FTC works tirelessly to collect complaints and reports of defective products, consumer fraud and anti-competitive business practices. Then the FTC compiles a statistical report. From time to time, the FTC even takes action to protect the consumers. Consumers who are frustrated by lack of action on the part of the FTC are courteously reminded that when the FTC makes statistical reporting the rule and regulatory intervention the exception, the FTC is properly discharging its Congressional charter. The FTC has no police power.

The FTC has a reputation for protecting consumers against abuses in the funeral industry. Although it was founded by Congress in 1914 – two years before Congress chartered the Boy Scouts of America (36 USC § 309) – the FTC did not get involved in regulating the funeral industry until 1984 – seventy years later! (As a point of reference, 1984 is twenty-six years after Congress funded the National Defense Education Act (NDEA) in response to the USSR's successful launch of Sputnik; twenty-four years after Walgreen and Woolworth companies reluctantly agreed to serve all "properly dressed and well behaved people," regardless of race; twenty years after the Civil Rights Act of 1964; and fifteen years after the federal government put a man on the moon.) Against the backdrop of that time-line, the word *dilatory* does not even begin to describe the lack of vigor with which the FTC has protected grieving citizens from price-gouging by greedy funeral companies.

The FTC has promulgated its famous "FTC Funeral Rule." Violations of this Rule do not result in any federal intervention or any financial compensation to the injured consumers. Instead, the FTC imposes modest fines that provide a source of revenue for the FTC's budget but do the injured consumer no good at all. Lest the reader infer that the tenor of this Comment and Complaint is critical of the FTC, it is. SCI has thumbed its nose at my repeated demands for a price list, thus far with impunity. SCI has lied to me about Laws that affect funerals, also with impunity. The FTC has done nothing whatsoever about it.



The FTC has correctly detected that the megalith SCI may be engaging in anti-competitive business practices of the type prohibited by the Clayton Anti-Trust Act. It is worthy of note that the FTC waited until SCI established a funeral home on nearly every block, and bought up nearly all its competitors' assets, before finally springing into action in 2014. Was it that hard to see the monopoly coming?



THE FTC HAS BLESSED A SHAM DIVESTITURE.

The FTC now proposes to give lip-service to “divestiture” as a cure for near-monopoly, by ordering SCI to sell off a tiny percentage of its holdings to a supposedly un-related purchaser. How do we consumers know that the so-called “divestiture” is not a sham? There are a number of infirmities with the FTC’s solution to the problem:

1. NorthStar is not necessarily an un-related purchaser.
2. Oligarchy is not a cure for monopoly because the hegemony continues.
3. A nominal 3% reduction in holdings does not redeem a company bent upon monopoly.
4. Letting SCI off the hook with a divestiture order morally compromises the FTC itself.

Before the FTC can ethically approve the proposed so-called “divestiture” of SCI assets, the FTC has a duty of due diligence to determine whether or not the proposed sale actually amounts to a divestiture, or if it is merely a sham sale that converts a monopoly into an illegal trust. A trust that allows two or more companies to collude in order to fix prices is the same evil as monopoly by another name. In the proposed “divestiture,” the FTC has yet to investigate whether or not NorthStar is in effect just SCI by another name.



In order to evaluate under the Clayton Antitrust Act¹ whether NorthStar is a competitor of SCI, the FTC must consider the following questions:

1. Does any Officer, Director or employee of one company serve as Officer, Director or employee of the other company?
2. Does any member of one company hold shares of stock in the other company?
3. Can representatives of the two companies communicate by telephone, correspond by letter or email, or meet in person to discuss matters of mutual interest affecting their commercial interests and to fix prices for their mutual benefit?
4. Have the two companies distributed their assets and business locations in such a way as to create territories in which each company enjoys geographic, demographic or religious exclusivity?

The proposed divestiture fails Point One on its face. At least one Director of NorthStar serves on the board of SCI, according to the prestigious Bloomberg Business Week analysis reproduced in Appendix A and available at this link:

<http://investing.businessweek.com/research/stocks/private/person.asp?personId=302661>

¹ The Clayton Antitrust Act declared four practices illegal:

- (1) price discrimination---selling a product at different prices to similarly situated buyers;
- (2) tying and exclusive-dealing contracts---sales on condition that the buyer stop dealing with the seller's competitors;
- (3) corporate mergers---acquisitions of competing companies; and
- (4) interlocking directorates---boards of competing companies, with common members.

Additional criteria must be considered as part of a comprehensive investigation, but the four questions above convey the general thrust of checking for the existence of a trust.

THE FTC ORDER DOES NOT COMPLY WITH THE CELLER-KEFAUVER ACT.

The duty of the FTC does not begin and end with the Clayton Antitrust Act. In 1950 the Celler-Kefauver Antimerger Act overcame a loophole in the Clayton Act, which forbade only anticompetitive stock purchases. Shrewd businessmen could readily circumvent the Clayton Act by acquiring firms that were not direct competitors, and by acquiring the assets of their rivals instead of by purchasing stock. The Supreme Court allowed companies to further undermine the law by transferring stock purchases into assets before the FTC could file a complaint. The purpose of the Celler-Kefauver amendment was to close these loopholes. It remains to be seen whether the FTC is willing to diligently apply the lessons of the Celler-Kefauver Act to the anticompetitive practices of SCI. Skepticism derives from the simple fact that a search of the entire knowledge base of the FTC Website yields only a single vestigial and tangential allusion to the Celler-Kefauver Act, deeply buried within a 2003 press release celebrating the 100th anniversary of another federal agency:

FTC Commemorates 100th Anniversary of Predecessor, Bureau of Corporations

For Release February 14, 2003. ... From stocks to oil to antibiotics, reports by the Commission and its staff played a crucial role in economic policy. A series of related reports, including "The Merger Movement: A Summary Report" (1948) supported passage of the Celler-Kefauver Act of 1950, which made asset transfers as well as stock sales subject to the merger provisions of the Clayton Act. ...

<http://www.ftc.gov/news-events/press-releases/2003/02/ftc-commemorates-100th-anniversary-predecessor-bureau>

THE FTC ORDER DOES NOT SERVE THE LEGISLATIVE INTENT OF THE SHERMAN ANTITRUST ACT.

At the risk of rattling the dry bones of the founding father of antitrust legislation, let us obtain the fundamental purpose of the Sherman Antitrust Act directly from the horse's mouth:

"To protect the consumers by preventing arrangements designed, or which tend, to advance the cost of goods to the consumer."
Sen. John Sherman (R—OH)

Let's see how well the FTC has accomplished Senator Sherman's goal with respect to the death and funeral industry, particularly with respect to the "cost of goods to the consumer" who purchases goods and services from SCI, admittedly the largest single supplier in North America.

The [SCI] chain charges customers more than independently owned rivals. Whatever cost savings SCI achieves, it keeps or passes along to its

shareholders. Zahn recently cut his price for a no-frills cremation to \$1,000. Nearby SCI-owned competitors using the central Fort Lauderdale facility charge \$1,450 and higher. Nationally, SCI charges \$3,396 on average for a cremation with memorial service—30 percent more than independently owned rivals, according to data compiled by Everest Funeral Package, a Houston-based “concierge” funeral planning service. For traditional funerals, SCI charges \$6,256 on average (excluding casket and cemetery plot), 42 percent more than independents. “The SCI-Stewart deal may make sense at the corporate and Wall Street level,” says Mark Duffey, Everest’s chief executive officer, “but it’s not necessarily good news for consumers.” ...

The \$16 billion-a-year U.S. funeral industry comprises roughly 25,000 mostly small, family-owned businesses, but it’s consolidating with the spread of chains such as SCI and Stewart.

Wall Street evidently approves: The company’s stock has risen almost 40 percent this year, to more than \$19. ...

“People who don’t buy our stock just don’t like money,” SCI’s founder and chairman, Robert Waltrip, once said, according to *Texas Monthly*.

IT'S YOUR FUNERAL

Average prices for services in a traditional funeral (not including casket or plot)

| | Independently owned funeral homes | Service Corporation International |
|------------------------------|-----------------------------------|-----------------------------------|
| Basic staff services | \$1,840 | \$2,763 |
| Embalming | \$662 | \$952 |
| Dressing and casketing | \$217 | \$296 |
| Facility for visitation | \$431 | \$447 |
| Facility for services | \$491 | \$592 |
| Transfer vehicle | \$289 | \$542 |
| Hearse | \$298 | \$374 |
| Utility/flower vehicle | \$128 | \$231 |
| Lead car | \$49 | \$59 |
| Total average service | \$4,405 | \$6,256 |

**Overall average percentage difference:
42 percent**

Caskets offered by SCI affiliates



\$2,495
Autumn Oak



\$5,495
Tapestry Rose



\$9,995
Classic Gold



\$25,295
700 Masterpiece



\$40,295
The Promethean



\$175,000
Pharaoh Sarcophagus

DATA: EVEREST FUNERAL PACKAGE; SCI'S DIGNITYPLANNING.COM. CASKET PRICES: FRANK E. CAMPBELL FUNERAL CHAPEL (NEW YORK, PHAROAH SARCOPHAGUS) AND FOREST LAWN FUNERAL HOME & MEMORIAL GARDENS (GOODETTSVILLE, TENN.)

(Excerpt of Bloomberg Businessweek report “Is Funeral Home Chain SCI’s Growth Coming at the Expense of Mourners?” by Paul M. Barrett, October 24, 2013). For full article, see link <http://www.businessweek.com/articles/2013-10-24/is-funeral-home-chain-scis-growth-coming-at-the-expense-of-mourners>)

It is painfully obvious that SCI has utilized its behemoth size to exercise a bully's power over its customer's wallets at the very moment in their lives when they are at their most vulnerable – the death of a loved one. All this has happened on the FTC's watch. SCI carries off huge bags of money to the bank, while shouting "*Caveat emptor!*" over its shoulder at the grieving consumers.

FTC HAS TAKEN OVER ITS NON-PROFIT COMPETITOR.

In a brilliant coup d'état, SCI acquired its competitor, the Neptune Cremation Society. It is ironic that the Neptune Cremation Society, founded to provide an economical alternative to high-priced death industry funerals, has now become just another Halloween mask of SCI. The Taco Bell franchise war that was predicted in the movie "Demolition Man" has already become the reality, with the resulting sky-high prices. The Funeral Consumers Alliance revealed how SCI jacked up the price of a no-frills cremation:

[Funeral Consumers Alliance past president] Hankins told the SCI salesman he wanted to arrange in advance for a simple cremation, without a viewing or ceremony. The Neptune representative offered a "discounted" fee of \$2,255. "That sounds high," Hankins told his visitor. Not at all, the Neptune counselor said. Cremations in central Texas averaged more than \$2,700.

Only days earlier, Hankins had helped compile an annual regional survey of 51 funeral providers. He found that the bill for a simple cremation in central Texas averaged \$1,899, 16 percent less than Neptune's quoted price and 30 percent less than the proffered average. "I don't mind a company selling a service and making a profit," Hankins tells me. "I don't like dishonesty." He made other arrangements. SCI's Marshall declines to comment on his account.

(Excerpt of Bloomberg Businessweek report "Is Funeral Home Chain SCI's Growth Coming at the Expense of Mourners?" by Paul M. Barrett, October 24, 2013). For full article, see link

<http://www.businessweek.com/articles/2013-10-24/is-funeral-home-chain-scis-growth-coming-at-the-expense-of-mourners>)

FUNERAL CONSUMERS ALLIANCE HAS OPPOSED THE MERGER THAT FTC APPROVED.

Funeral Consumers Alliance Executive Director Slocum says SCI's reputation ought to cause the FTC to think twice about approving the combination with Stewart. "It's alarming to think that a company with a long track record of abusing consumers at the worst times of their lives might get even bigger," he said in a July 11, 2013 statement formally urging the FTC to block the merger.

THE FTC ORDER DOES NOT PROTECT JEWISH VICTIMS OF SCI.

Jewish customers have suffered more abuse than those of other religious persuasions.

In 2003 SCI agreed to pay up to \$14 million to the state of Florida and an additional \$100 million to hundreds of families who complained in a class action that company employees oversold plots in the Fort Lauderdale area and desecrated graves to make room for burial sites. The Jewish cemeteries in question were operated as Menorah Gardens & Funeral Chapels. "There was a terrible lack of supervision at a company where the message was to keep selling, no matter what," says Ervin Gonzalez, one of the attorneys who represented about 750 individuals. "Vaults and coffins were secretly broken, and bones were scattered in the woods to allow more graves to be sold." (Excerpt of Bloomberg Businessweek report "Is Funeral Home Chain SCI's Growth Coming at the Expense of Mourners?" by Paul M. Barrett, October 24, 2013. For full article, see link <http://www.businessweek.com/articles/2013-10-24/is-funeral-home-chain-scis-growth-coming-at-the-expense-of-mourners>)

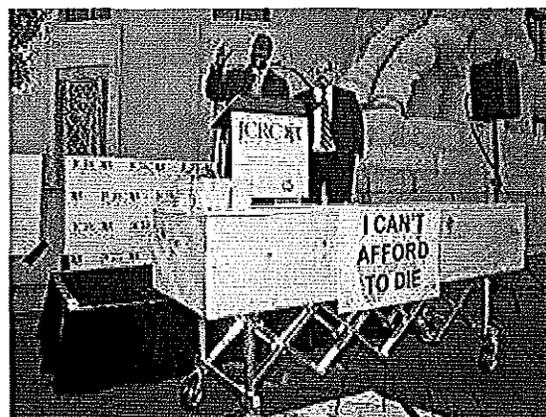
Prominent Jewish community leaders had to get in FTC's face in order to enlist the aid of the federal agency to monitor and modify the atrocious treatment of Jewish consumers by SCI:



The Jewish Community Relations Council holds a rally opposition to a proposed merger between the two largest funeral conglomerates, which would threaten competitive pricing for Jewish funerals, in front of the Federal Trade Commission in Washington, D.C. on Tuesday, November 19, 2013.



Montgomery County, Maryland County Executive Ike Leggett speaks at the Jewish Community Relations Council rally opposition to a proposed merger between the two largest funeral conglomerates, which would threaten competitive pricing for Jewish funerals, in front of the Federal Trade Commission in Washington, D.C. on Tuesday, November 19, 2013



These public protest demonstrations, embarrassing to both the FTC and to the Jewish community itself, ultimately resulted in the FTC's April 29, 2014 Letter *In the Matter of Service Corporation International and Stewart Enterprises, Inc. Docket No. C-4423, File No. 131-0163*, which addressed the Jewish question "by issuing the Decision and Order in final form."

The FTC Order was supposed to insure fairness to Jewish consumers and simultaneously ameliorate the spectre of anticompetitive business practices by requiring SCI to sell certain "assets" to an unrelated company -- presumably a competitor.

THE FTC FAILED ITS DUE-DILIGENCE OBLIGATION TO ASCERTAIN WHETHER THE PROPOSED DIVESTITURE IS IN FACT INCESTUOUS.

Did the FTC order SCI to divest a portion of its holdings to a truly independent company that was first vetted by the FTC? No! Did the FTC at any point in time require SCI to offer a portion of its holdings to the public via advertising or a bidding process? No! On the contrary, FTC, acting like a modern, liberal parent, allowed SCI to choose its own marriage partner, with no assurance whatsoever that the marriage is not incestuous. How can NorthStar Memorial Group, LLC be a truly independent competitor of SCI when *its President is affiliated with SCI*? For details, see the Bloomberg Business Week report on NSMG LLC President Mark Hamilton a/k/a William Hamilton, who goes by different aliases, according to the company desk where he sits, in order to strengthen the impression of being two different officers. The Business Week report clearly shows that the President of NSMG LLC is affiliated with SCI. Of course, it is always possible for Business Week to make a mistake, but the mere publication of this dual affiliation should have triggered a full conflict-of-interest investigation by the FTC before putting its final Order out for public comment.

The proper thing to do upon discovering that at least one officer involved in the divestiture is affiliated with both companies is for the FTC to thoroughly investigate the background of each and every officer and director of both companies before giving its blessing to the proposed divestiture as an effective means of fostering competition. Basically, you can't prevent anticompetitive business practices by ordering a monopoly to sell off a few assets to the same monopoly operating by another name.

It is unfair of the FTC to put the onus upon us unsophisticated consumers to undertake the detective work necessary to exhume the skeletons in the closets of all of the directors and officers of SCI. This behemoth has filed with the Texas Secretary of State a mind-boggling list of officers and directors, consisting of at least thirty-four personalities, any one of which can serve as the illegal trust conduit between SCI and NSMG LLC. Here are the first twenty of the thirty-four names filed with the Texas Secretary of State:

| | |
|--------------------------------------|--------------------------------|
| Robert L. Waltrip, Chairman/Director | Victor Lund, Director |
| Albert R. Lohse, VP | Elizabeth Nash, Director |
| Curtis Briggs, Asst. Secretary | Gregory Sangalis, Director |
| Buck Walter, Director | Eric Tanzberger, CFO |
| W.B. Waltrip, Director | Susan Garrett, Asst. Secretary |
| Malcom Gillis, Director | Steven M. Mack, Sr. VP |
| Anthony Coehlo, Director | John Garrison, Sr. VP |
| John W. Mecom, Director | Steven Tidwell, VP |
| Clifton Morris, Director | Sumner Waring, Sr. VP |
| Edward Williams, Director | John Falk, VP |

Someone needs to look into the present and past affiliations and stock holdings of each of the thirty-four officers and directors before approving the divestiture as a means of fostering “competition.” This humble consumer-Commentator lacks sufficient resources to accomplish such a daunting task by himself.

PHYSICAL PROXIMITY FACILITATES ILLEGAL PRICE-FIXING

Another ominous aspect of the divestiture is the physical proximity of the two, supposedly unrelated entities. Has it occurred to the FTC that there is a high potential for anti-trust activity when the corporate offices of the two entities are practically walking distance from each other?

SCI is located at 245 Allen Parkway, Houston Texas. Meanwhile NorthStar is located at 1900 St. James Place, Houston Texas. The distance between the two headquarters is only seven miles.

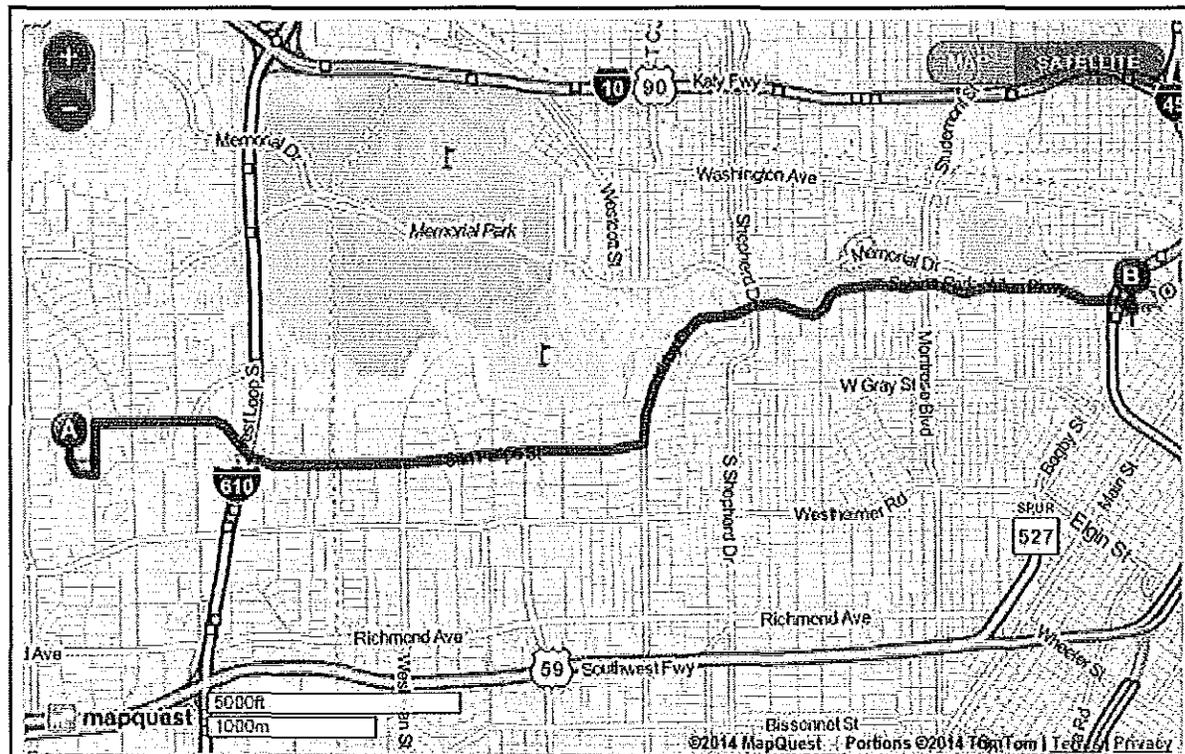
mapquest
Trip to:
[245 - 311] Allen Pkwy
Houston, TX 77019
7.07 miles / 14 minutes

Notes
This map shows the route between the head office of SCI and the head office of NorthStar. The total distance is seven miles, about 14 minutes by car.

1900 St James Pl, Houston, TX 77056-4108
[245 - 311] Allen Pkwy, Houston, TX 77019

Total Travel Estimate: 7.07 miles - about 14 minutes

Whenever officers or managers of the two companies want to get together to fix prices, they can hop into their respective cars and drive toward each other for only 3.5 miles to a central meeting point along the route shown below.



After driving for just 5 – 10 minutes each, they can sit down together over a beer and enjoy pizza, meatballs, or sushi at any of the following nearby restaurants listed at the right, while fixing prices for funerals, caskets, graves, and cremation:

mapquest
 Search Results 1-10 for:
 "restaurant" near [245 - 311] Allen Pkwy, Houston, TX 77019

Notes
 This map shows the names and locations of restaurants conveniently located along the the office of SCI to the office of NorthStar.

| | |
|---|---|
| 1 The Breakfast Klub 3711 Travis St Houston, TX 77002 (713) 628-8561 | 2 Double Trouble 3622 Main St Houston, TX 77006 (713) 874-0096 |
| 3 Uchi 804 Westheimer Rd Houston, TX 77006 (713) 522-4808 | 4 Brown Bag Deli 2038 Westheimer Rd Houston, TX 77098 (713) 807-9191 |
| 5 Luigi's Pizzeria 3700 Alameda Rd Houston, TX 77004 (281) 793-3333 | 6 Boomtown Coffee 242 W 19th St Houston, TX 77008 (713) 862-7018 |
| 7 Premium Draught 733 Studewood St Houston, TX 77007 (713) 869-1522 | 8 Brooklyn Meatball Co. 930 Main St Houston, TX 77002 (713) 632-8226 |
| 9 Happy Fatz 3510 White Oak Dr Houston, TX 77007 (713) 428-3554 | 10 Gatlin's Barbecue 1221 W 19th St Houston, TX 77008 (713) 869-4227 |

THE FTC HAS ORDERED SCI TO SELL THE FICTITIOUS NAME "MOSS FEASTER" THAT SCI DOES NOT OWN AND HAS NOT REGISTERED WITH THE SECRETARY OF STATE OF FLORIDA DURING TEN YEARS, RENDERING THE SALE ITSELF ILLEGAL.

It is audacious of SCI to do business in Florida under a fictitious business name that it has failed to register with the Secretary of State, in violation of consumer protection laws. It is even more audacious for the FTC to now order SCI to sell its interest in this illegal fictitious name to NorthStar. SCI, as a matter of policy, operates most of its properties under homely-sounding names in order to give the impression that consumers are doing business with a mom-and-pop local company. It is a clever marketing tactic designed to hide its unfeeling, true corporate identity from the consumers. The Law allows giant corporations to operate under fictitious names when they follow statutory procedures for registering their true identities. SCI has failed or refused to register the "Moss Feaster" name for over ten years, with the result that the "Moss Feaster" name has been an illegal and deceptive front for SCI for more than a decade. See copy of EXPIRED 1994 registration in Appendix B. Efforts to invoke regulatory or enforcement action at the Florida State level have been unavailing. On April 4, 2014 I filed a multi-count complaint No. 22597 against SCI with the Florida Division of Funeral, Cemetery and Consumer Services. See Appendix C. On May 14, 2014 I asked the Secretary of State's office to prosecute SCI for violation of the Fictitious Business Name act. Supervisor Suzanne replied:

"We don't prosecute them; we just cancel them if they don't renew. It's up to someone like you to go after them. Call the county government."

I obediently called the Pinellas County Dept. of Justice & Consumer Services. On May 15, 2014 I filed Case No. 1405060 with that agency. See Appendix D. On June 3, 2014 supervisor Jason Ohman stated:

"We received a response from SCI on May 30. ... We do not have any regulatory authority, except over ... bingo, fortunetelling, towing operators, etc. You should call the State Attorney General."

Even while Complaint No. 1405060 was pending against SCI in the County agency and Complaint No. 22597 was pending at the State of Florida Division of Funeral, Cemetery and Consumer Services, SCI attempted to "cure" a decade of deceptive trade practices by hurriedly registering its illegal fictitious name on May 27th. See Appendix E. SCI's fraudulent filing concealed the fact that SCI had been operating in non-compliant, unregistered status for over ten years. In its filing on May 27th, SCI concealed the fact that it was in non-compliant status, and SCI failed to first pay the mandatory penalties for un-registered operation, which penalties include \$500 fine and sixty days imprisonment for each year of non-compliance, as provided by **Florida Statutes Chapter 865.09(9)**. In lying under oath to the Florida Secretary of State that she owned the name, SCI Secretary Janet Key committed a third degree felony. See Appendix F. The interested reader may confirm this brazen cover-up of consumer fraud by doing a fictitious name search for "Moss Feaster" at www.sunbiz.org.

On June 3, 2014, agent Robin Wilson in the Fictitious Names section of Florida Secretary of State told me

"if someone tries to register his fictitious name only **after** a complaint has been filed against him, the judge will say 'What do you think I am – stupid?'"

This consumer-Commentator was taken in by SCI, and did not know that "Moss Feaster" of Dunedin, Florida was in reality operated by remote control from Texas. In the view of this consumer-Commentator, ordering SCI to sell the illegal "Moss Feaster" fictitious name to NorthStar is no different from ordering someone to sell stolen property. Thus the FTC Order itself is illegal!

THE FTC ORDER MAY BE UNENFORCEABLE AS WRITTEN, BECAUSE OF SCI'S SHELL-GAME OF DISPARATE CORPORATIONS WITH INTERLOCKING DIRECTORATES, IN VIOLATION OF THE CLAYTON ANTITRUST ACT.

The ownership of assets that the FTC orders SCI to divest requires additional scrutiny. Among the listed assets are

- Woodlawn Memory Gardens in St. Petersburg, Florida;
- Memorial Park Funeral Home & Cemetery in St. Petersburg, Florida;

The two names bear a strong resemblance to "Woodlawn Memorial Park, Inc.", a Florida Corporation that in 1998 merged into "SCI Funeral Services of Florida, Inc.", another Florida Corporation. See Appendix G. One or both of the above-listed cemeteries may possibly be a fictitious business name of "SCI Funeral Services of Florida, Inc.", but "SCI Funeral Services of Florida, Inc." is not Service Corporation International, the Texas corporation that is the subject of the FTC Order. The two corporations have "interlocking directorates" of the type prohibited

by the Clayton Antitrust Act, even though they are incorporated in two different states. It is questionable whether the FTC can reach through Service Corporation International of Texas in order to reach "SCI Funeral Services of Florida, Inc.", a Florida corporation. Even if it can, does the FTC Order require SCI to sell off the entire "SCI Funeral Services of Florida, Inc."? – or just its real estate holdings? The FTC Order clearly needs re-working in order to clarify its effect, if any upon the Florida corporation – not Service Corporation International – that actually owns the physical properties that the FTC wants to Order to be divested.

SCI IS USING THE FTC ORDER AS AN EXCUSE TO WALK AWAY FROM ITS ROLE IN COVERING UP A DEATH BY FOUL PLAY.

After my father died ahead of his time, at the hand of someone who illegally pulled the plug contrary to the terms of his Advance Directive, SCI caused to be issued an intentionally false CERTIFICATION OF DEATH bearing my name as decedent instead of my father's name. The intentionally false CERTIFICATION OF DEATH also misstates, under oath, the time and place of death, in order to cover up the fact that the death that was not by natural causes. In doing so, SCI colluded with the persons directly responsible for my father's death. Now, on the strength of the FTC final Order, SCI proposes to sell its interest in the matter and walk away scot free.

THE FTC HAS ORDERED SCI TO SELL THE ASSETS OF "MOSS FEASTER", WHICH INCLUDES MY FATHER, RENDERING THE SALE ITSELF ILLEGAL.

As mentioned earlier in this Comment and Complaint, SCI is holding my father against his will and against my will at its "Moss Feaster" location in Dunedin, Florida. SCI refuses to surrender my father's body to me for proper and decent burial. No offer of money will overcome this hostage situation. SCI refuses to honor my authority as exclusive Next of Kin as provided under 32 CFR 724.115. SCI will not turn over my father, a proud veteran of World War II, to the Veterans' Administration for burial in the plot reserved for him.

As a result, on or about June 9, 2014 SCI will be selling my father to NorthStar for a profit. Perusal of the U.S. constitution does not reveal any authority for trafficking in humans, whether alive or dead, but that is exactly what SCI will be doing in June of 2014. SCI plans to crawl out of liability for its execrable treatment of my father by simply selling him down the road to another company. Then, if I sue SCI for what that corporation did to me and my father, SCI will tell the court that it does not possess my father and I have sued the wrong defendant.

SCI intends to abscond with the cash, on authority of the FTC order, and leave NorthStar holding the bag with respect to liability to the Burr family. The FTC has a duty to so inform the purchaser of this liability prior to enforcing its Order. On personal knowledge – because I myself called the office of the Chief Financial Officer of NorthStar – the FTC and SCI have not advised its purchaser that NorthStar is purchasing the liability for what SCI did to me and to my father.

The FTC should have required that SCI divest its assets in such a way that humans and human remains are not being sold in the process. The final Order neglects this sordid aspect of divestiture, rendering the Order itself illegal.

CONCLUSION AND RECOMMENDATIONS

The FTC order amounts to nothing more than public melodrama, to give the appearance of tough regulatory action, without actually rendering the funeral industry more competitive.

The FTC should require SCI to sell a larger number of its assets to purchasers who have been investigated and proven to be truly independent of SCI. If sufficient purchasers cannot be found during the 2nd Quarter of 2014, a time-table can be established for eventual divestiture during a two year probationary period.

The FTC should require SCI to entertain purchase offers from local charitable community organizations based in the same state and county as the assets being divested. For example, two local community organizations have expressed interest in acquiring the "Moss Feaster" facilities and operating them on a non-profit basis, but the FTC final Order locks them out.

The FTC should carefully check the family tree of each purchaser, to satisfy itself that the purchaser is not just the SCI oligarchy by another name.

It is of record that SCI has been a notoriously bad actor during the past five years. Accordingly, the FTC should use the occasion of its order to impose additional requirements upon SCI as a condition of escaping punitive sanctions and further regulatory action. Both SCI and the purchasers of SCI assets should be required to adhere to a multi-point pledge, for example:

1. We shall not fail to provide a price list on demand.
2. We shall honor and respect the requirements that the decedent's religion imposes upon the handling of human remains. When we are unable to comply by reason of conscience, lack of facilities or lack of understanding, we shall graciously, and without charge, transfer the remains to another facility that is capable of operating within the requirements of that religion.
3. We shall not engage in the abhorrent practice of double-burial or exhumation and scattering of previously-buried human remains in a wooded dump area, in order to make space available for our new customers.
4. We shall not urge either cremation or embalming upon any customer who identifies himself as an observant Jew.
5. Within six months from the date of this accord, we shall cease the practice of serving as a private-contracting morgue for Baycare Health System, Inc. or any similarly-situated hospital provider.
6. We shall not, as part of the divestiture, sell any human remains presently in a funeral facility, or sell any contract for disposition of those remains, to another company. We shall complete the disposition of all human remains within our control before transferring assets to any purchaser.

7. We shall obey all federal regulations pertaining to the funeral industry. In the event that a violation is proven during the next five years, we shall forfeit without objection or appeal thereto, a bond in the amount of \$___ thousand dollars payable to the Funeral Consumers Alliance.
8. We shall obey all state regulations pertaining to the funeral industry. In the event that a violation is proven during the next five years, we shall forfeit without objection or appeal thereto, a bond in the amount of \$___ thousand dollars payable to the Funeral Consumers Alliance.

Submitted June 2, 2014 by Franklin Jack Burr II, a victim of SCI

APPENDIX A: Business Week report on William Mark Hamilton, President of NorthStar Memorial Group, LLC, and also affiliated with SCI

<http://investing.businessweek.com/research/stocks/private/person.asp?personId=302661>

Executive Profile

W. Mark Hamilton

Chief Executive Officer and President, NorthStar Memorial Group, LLC

| | | |
|--------------|------------------|--|
| Age | Total Calculated | This person is connected to 0 Board Members in 0 different organizations across 2 different industries. |
| Compensation | | |

-- --

Background

W. Mark Hamilton serves as Chief Executive Officer and President of NorthStar Memorial Group, LLC. Mr. Hamilton has 20 years of industry experience that includes acquisitions, corporate development, financial management, operations management and sales.

Corporate Headquarters
1900 St. James Place
Houston, Texas 77056
United States

Phone: 832-308-2790

Fax: 713-343-5299

Board Members Memberships

There is no Board Members Memberships data available.

Education

There is no Education data available.

Other Affiliations

Service Corporation International

APPENDIX B: REGISTRATION OF SCI'S FICTITIOUS NAME EXPIRED IN 2004

Data reproduced from Florida Secretary of State at this URL:

<http://www.sunbiz.org/scripts/ficidet.exe?action=DETREG&docnum=G94230900012&rdocnum=G94230900012>

Fictitious Name Detail

Fictitious Name

MOSS FEASTER FUNERAL HOME

Filing

Information

| | |
|---------------------|--------------|
| Registration Number | G94230900012 |
| Status | EXPIRED |
| Filed Date | 08/19/1994 |
| Expiration Date | 12/31/2004 |
| Current Owners | 1 |
| County | MULTIPLE |
| Total Pages | 2 |
| Events Filed | 1 |
| FEI/EIN Number | NONE |

Mailing Address

6933 SOUTH BELCHER ROAD
CLEARWATER, FL 34624 US

Owner Information

SCI FUNERAL SERVICES OF FLORIDA, INC.
1929 ALLEN PARKWAY
HOUSTON, TX 77019 US
FEI/EIN Number: 59-0818059
Document Number: 207982

Document Images

G94230900012 -- No image available

APPENDIX C: COMPLAINT No. 22597 FILED APRIL 4, 2014 AGAINST SCI AT FLORIDA DIVISION OF FUNERAL, CEMETERY AND CONSUMER SERVICES

Florida Division of Funeral, Cemetery and Consumer Services
Acknowledgement of Complaint

Date of this Notice: 4/8/2014

TO: FRANKLIN JACK BURR II

[Redacted]

Assignment Number:
ATN- 22597

(include this number in all communications with us)

Dear Sir/Madam:

This will acknowledge receipt of your complaint against the person or entity named below. Your complaint has been assigned the assignment number stated above, and has been assigned for investigation to the staffer named below.

At the conclusion of the investigation you will be sent a letter advising you of the outcome of the investigation.

You may contact the staffer investigating your complaint, to provide additional information or get updates. When contacting the assigned staffer, please keep in mind that they (and their supervisor) are usually out in the field doing inspections or investigations, so if you get their voice-mail, please leave your name, phone number with area code, and what you are calling about, and they will call you back. Please note that they may only return to the office every second day to check for phone messages, so it may take two business days for them to return your call. If they do not return your call by the third day, please feel free to call their supervisor, whose name and number is also given below -- BUT PLEASE NOTE -- calling their supervisor before giving the assigned staffer time to call you back, will NOT speed up action on your complaint.

Thank you for allowing us to be of service to you.

Sincerely,
Division of Funeral, Cemetery, and Consumer Services

Complaint against: MOSS-FEASTER FUNERAL HOMES & CREMATION SVS
DBA: (if any):

Assigned to: Kurt Schufter, 1313 N. Tampa Street, Suite 406, Tampa FL 33602, Fax: 813-224-1990, Ph: 813-218-5391, Email: Kurt.Schufter@myfloridacfo.com. SUPERVISOR: Thurman Lowe, ph. 813-218-5388.

Initials of Div staffer making this Notice:

(rep953)

APPENDIX D: TEXT OF MAY 15, 2014 COMPLAINT FILED WITH PINELLAS COUNTY FLORIDA DEPARTMENT OF JUSTICE AND CONSUMER SERVICES, CLAIMING THAT SCI IS DOING BUSINESS UNDER AN ILLEGAL, UNREGISTERED FICTITIOUS NAME.

A giant Texas corporation is illegally doing business in Pinellas County under a fictitious name that it has not registered with the Secretary of State. A Florida consumer protection law requires anyone using a fictitious name, often called "d/b/a", to register and publish the fictitious name and the real name together so that consumers will know the true identity of the company with whom they are doing business. Failure to register the fictitious name is a deceptive trade practice on its face, no different from walking into a bank wearing a mask.

Service Corporation International ("SCI") is doing business in Dunedin and Clearwater, using the name "Moss Feaster." The giant corporation gives the impression that consumers are doing business with a small town, mom & pop proprietorship. In reality, Moss Feaster is operated from Houston Texas. The unassuming-looking buildings in Pinellas County are in reality backed by billions of dollars in assets and a huge legal department. SCI has not registered its fictitious name in ten years.

On May 6, 2014, just a week ago, the FTC issued an Order to SCI as a result of prosecution for unfair and anticompetitive trade practices. SCI will now be required to sell off the Moss Feaster properties, and the Moss Feaster name, to reduce its monopoly stranglehold on consumers. However, SCI no longer owns the Moss Feaster name because it failed to register the name! Thus SCI will be receiving a sum of money in exchange for selling a trade name that it does not own. The old saying is "He who sells what isn't his'n must buy it back or go to prison."

One of the "assets" that the FTC has ordered SCI to sell off is my father's body along with all the money we paid to SCI for burial that never happened. We thought we paid "Moss Feaster." We didn't know we were doing business with SCI. Now if we sue SCI, they will crawl out on the ground that they no longer own "Moss Feaster." My family has been trebly cheated!

Proposed resolution:

1. Revoke business license of Moss Feaster.
2. Impose both civil penalties (substantial fines) and criminal penalties (imprisonment) for violation of fictitious name registration laws with intent to defraud consumers.
3. Expose SCI's deceptive and anticompetitive practices to Pinellas County consumers by publishing a News Release.
4. Compel SCI to surrender my father's body to me so that I can give my father a decent and proper burial.
5. Do not attempt to divert this complaint to Division of Funeral, Cemetery & Consumer Services because the subject of this complaint – failure to register a fictitious business name – has nothing to do with the nature of the business; and violation of fictitious business name does not fall under the purview of Division of Funeral, Cemetery & Consumer Services.

Complaint filed at 1:59 a.m. on May 15, 2014
<http://www.pinellascounty.org/forms/consumer.htm>

APPENDIX E: FRAUDULENT REGISTRATION OF SCI'S FICTITIOUS NAME, WITHOUT PAYING PENALTIES, TEN YEARS AFTER EXPIRATION IN 2004

Data reproduced from Florida Secretary of State at this URL:

<http://www.sunbiz.org/scripts/ficidet.exe?action=DETRREG&docnum=G14000051431&rdocnum=G94230900012>

Fictitious Name Detail

Fictitious Name

MOSS FEASTER FUNERAL HOME & CREMATION SERVICES

Filing Information

| | |
|---------------------|--------------|
| Registration Number | G14000051431 |
| Status | ACTIVE |
| Filed Date | 05/27/2014 |
| Expiration Date | 12/31/2019 |
| Current Owners | 1 |
| County | PINELLAS |
| Total Pages | 1 |
| Events Filed | NONE |
| FEI/EIN Number | NONE |

Mailing Address

1929 ALLEN PARKWAY
HOUSTON, TX 77019

Owner Information

SCI FUNERAL SERVICES OF FLORIDA, INC.
1929 ALLEN PARKWAY
HOUSTON, TX 77019
FEI/EIN Number: 59-0818059
Document Number: 207982

Document Images

05/27/2014 -- Fictitious Name Filing

**APPENDIX F: FRAUDULENT APPLICATION TO REGISTER A NEW FICTITIOUS NAME,
CONCEALING SCI'S NON-COMPLIANT STATUS**

APPLICATION FOR REGISTRATION OF FICTITIOUS NAME

REGISTRATION# G14000051431

Fictitious Name to be Registered: MOSS FEASTER FUNERAL HOME & CREMATION SERVICES

Mailing Address of Business: 1929 ALLEN PARKWAY
HOUSTON, TX 77019

Florida County of Principal Place of Business: PINELLAS

FEI Number:

FILED
May 27, 2014
Secretary of State

Owner(s) of Fictitious Name:

SCI FUNERAL SERVICES OF FLORIDA, INC.
1929 ALLEN PARKWAY
HOUSTON, TX 77019 US
Florida Document Number: 207982
FEI Number: 59-0818059

I the undersigned, being an owner in the above fictitious name, certify that the information indicated on this form is true and accurate. I further certify that the fictitious name to be registered has been advertised at least once in a newspaper as defined in Chapter 50, Florida Statutes, in the county where the principal place of business is located. I understand that the electronic signature below shall have the same legal effect as if made under oath and I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s. 817.155, Florida Statutes.

JANET KEY
Electronic Signature(s)

05/27/2014
Date

Certificate of Status Requested ()

Certified Copy Requested ()

APPENDIX G: MERGER OF WOODLAWN MEMORIAL PARK, INC INTO SCI FUNERAL SERVICES OF FLORIDA, INC.

ARTICLES OF MERGER
OF
WOODLAWN MEMORIAL PARK, INC.
AND
SCI FUNERAL SERVICES OF FLORIDA, INC.

To the Department of State
State of Florida

Pursuant to the provisions of the Florida Business Corporation Act, the Florida parent business corporation and the Florida wholly-owned subsidiary business corporation named below do hereby submit the following Articles of Merger.

1. Annexed hereto and made a part hereof is a Plan of Merger for merging Woodlawn Memorial Park, Inc. into SCI Funeral Services of Florida, Inc., as approved by the Board of Directors of the parent corporation on December 15, 1998.

2. The aforesaid Plan of Merger was adopted in accordance with the provisions of the Florida Business Corporation Act on December 15, 1998.

3. Shareholder approval was not required for the merger.

4. The effective date of the merger herein provided for December 31, 1998.

Executed on December 15, 1998.

WOODLAWN MEMORIAL PARK, INC.

By: Suzanne Dineff, Assistant Secretary

SCI FUNERAL SERVICES OF FLORIDA,
INC.

By: Suzanne Dineff, Assistant Secretary

** 7/8 date
Dec 31, 98*

FILED
98 DEC 18 PM 3:03
SECRETARY OF STATE
TALLAHASSEE, FLORIDA