

ATTACHMENT C

**RESPONDENT'S ARGUMENT REGARDING THE PETITION FOR
RECONSIDERATION**

To Whom It May Concern:

I, Gloria O'Neal, am submitting this letter to reaffirm my attached letter dated July 5, 2018, and additional written information regarding my Sister, Floristee P. Foster's submitted CalPERS Beneficiary Designation Form, August 28, 2017.

It should be noted that this process was initiated by Floristee asking me to take care of her requests after the two of us having several conversations about her sons, Aaron Foster and Quincy Davenport being irresponsible and would not take care of her wishes.

As stated in the submitted letter, Floristee was of sound mind, alert, and determined on August 28, 2017, when she signed her Beneficiary Designation making me her Sole Beneficiary.

As submitted in the letter, Floristee, Aaron and I discussed the issue of my being the Beneficiary and I left the room so that Aaron and Floristee were given a chance to talk in private. When I returned to the room my sister stated that she wanted to move forward with me being made her designated Beneficiary so that she could have peace that her business would be taken care of.

I am submitting attachments so that it could be understood that this was Floristee's request and choice for the reasons explained in the original submitted memorandums.

Submitted attachments are for your review.

Sincerely,

Gloria O'Neal

July 5, 2018

Ref. #440/ND, #5749429454 Re: Validity of my Sister, Floristee P. Foster Beneficiary Designation Form.

To Whom It May Concern:

I am disappointed my Nephews (Aaron and Quincy) are attempting to manipulate this process claiming their mom/my sister, Floristee, was confused about designating me sole beneficiary to carry out her final wishes.

Floristee was of sound mind, alert and fully aware on August 28, 2017, when she changed her beneficiary assignment to me for the following reasons:

- Understanding she was under hospice care, and without life insurance or savings necessary for her funeral/burial expenses, she asked me to please bury her next to our mother at Cherokee Mortuary in Lodi, CA.
- She knew neither son (Aaron/Quincy) had jobs or finances to cover her funeral/burial, and she did not trust them to fulfill any responsibilities necessary to accomplish her final wishes.
- She was aware of her CalPERS \$2,000 death benefit and the remaining retirement funds thus entrusted me to receive and utilize her retirement benefits to provide her a proper funeral/burial and give remaining funds to Aaron and Quincy.

On or about August 10, 2017, Floristee complained to me about Aaron's irresponsibility, and she had told me just months ago Aaron blew over \$20,000 of his developmentally delayed sons' trust fund... and, upon her hospitalization Aaron assured her he would take care of her business requests, however he has not. Floristee knew that my husband and I were also members of CalPERS thus directing me to retrieve her benefits from CalPERS and handle her affairs. I explained it didn't work that way, simply because I belong to CalPERS, I could not inquire about or receive benefits without documentation. At the request of Floristee, I contacted CalPERS representatives and was advised to get power of attorney/beneficiary designation forms signed.

On August 28, 2017, Floristee, Aaron, and I discussed with complete understanding that she was designating me sole beneficiary to handle her affairs when she passes away. I informed Aaron and Floristee that I was stepping out of the room to allow them to discuss privately and make sure both were okay with the decision. Upon my return, I asked Floristee if she wanted to proceed, she said "Yes, yes, please do it". Aaron agreed. Floristee signed the Beneficiary Designation Form with clear mind/understanding, in her own handwriting and without hesitation. Aaron was present.

Discussing and agreeing with both Aaron and Quincy, I agreed to borrow the money from my credit union to pay for Floristee's funeral/burial, with the understanding I would be reimbursed to repay my loan when I receive CalPERS benefits, and they would get the remaining funds. Both agreed.

My husband and I, along with Aaron and Quincy went to the funeral director of their choice, they selected the casket, was a part of the decision-making process and received all services afforded the immediate family. My Nephews and I agreed that this was their moms wishes and we all attended the funeral, sat in the same area before, during and after the services. They thanked me numerous times for providing a wonderful service for their mom.

July 5, 2018

Ref. #440/ND, #5749429454 Re: Validity of my Sister, Floristee P. Foster Beneficiary Designation Form.

A couple months following the funeral, Aaron and Quincy began calling inquiring about the money and how much they should expect to receive. I provided updates that paperwork was still being processed, however the following month they accused me of receiving/keeping the money for myself.

Unbeknownst to me, my nephews filed a complaint questioning the validity of Floristee's beneficiary designation form, and months later I receive notice of a discrepancy from CalPERS.

Unfortunately, my nephews are selfish and greedy, and have not been truthful during this process and they want something for nothing and feel Floristee is my sister and I should pay for everything. That is why I communicated with them during this entire process and was the only sibling willing to assume this responsibility.

My accepting the beneficiary assignment was to follow my sisters' final wishes to utilize her retirement funds for a proper funeral/burial. She was aware of her sons' irresponsibility and lack of integrity thus making me sole beneficiary was the only way to ensure my reimbursement for accomplishing her final wishes.

The only way Aaron could file this bogus complaint is to be dishonest about the August 28, 2017 meeting/agreement.

Please Note: I did not attempt to get doctor's verification of Floristee's state of mind on August 28, 2017 because she was a patient of convalescent home and under hospice care. Dr. Mehdi (her doctor) explained he never visits patients at convalescent homes because he would be there all the time. The staff doctor at the convalescent home did not make rounds/visits to Floristee because she was under hospice care/nurses. I traveled daily from Elk Grove to Stockton to visit/sit with/check on my sister.

Respectfully submitted,

GLORIA O'NEAL, Sister of Floristee P. Foster

The simple fact that we are in this hearing today is one of the reasons why my sister, Floristee made me sole beneficiary to handle her affairs. She could not count on her sons (Aaron/Quincy) to do what's right. She would be so upset with them bringing me here, but unfortunately, she would not be surprised by it.

First, I would like to say I am a woman of integrity. I'm retired Parole Agent and have almost 30-Yrs Retirement with CalPERS; I'm Co-Chair of the Women's Ministry at my church, St Paul, and I'm a Volunteer Chaplain at UC Davis Medical Center.

Serving as Chaplain I understand the importance of "Comfort Care" when someone is hospitalized and/or in hospice care. My sister was in the hospital/hospice care for only a few months before she passed away. Initially, she was in denial that the cancer had spread and there was nothing more doctors could do. Then she moved from denial to hopefulness, telling me she wishes she had just a little more time. I was at her bedside practically daily praying for healing. Then one day she moved from hopeful to acceptance of her fate, telling me she wanted to be buried next to our mother at Cherokee Cemetery in Lodi, and she was an Usher at her church and wanted a Home Going Service conducted by her Pastor, Rev. Dunham. This is when I slowly started inquiring about life insurance, burial insurance/ services. My sister said she had a \$2,000 death benefit, but did not have life insurance. She said, "You and John are CalPERS members, so just go there and obtain my benefits and handle my affairs. I told her that it doesn't work that way, I could not inquire about or obtain her benefits without documentation. She said she wanted to change it, thus at her request I contacted CalPERS Reps for direction, and subsequently obtained POA & change of beneficiary designation forms.

I could have had my sister sign change of beneficiary papers without the knowledge of her sons, but I told my sister to discuss with Aaron first and whatever they decide that's what I would do.

A Few Reasons I Know My Sister was Fully Aware of Her Surroundings/Happenings:

- She remembered that my husband plays golf and would ask about his golf game;
- She clearly remembered that my husband and I have CalPERS Retirement, and instructed me to obtain her benefits and handle her affairs; this doesn't sound like she was incoherent...
- She reiterated the hurtful/devastating events that led to her and her boyfriend's breakup, details shared with me months before her hospitalization, this doesn't sound like she was incoherent...
- She recounted how Quincy would come into her room for a couple minutes and then quickly leave... she said she was going to get on him about it. I explained to her that it was probably difficult for him to see her like this, so he checks in with you, and then leaves. She said okay, thanks for explaining that, I will not say anything to him about it. This doesn't sound like she was incoherent...
- The same day she signed the beneficiary designation form, actually minutes before, she admonished Aaron to listen to me and others that know more than he understands about life, she told him "When you don't know or understand something, you need to listen to those who do. Now, Glory is trying to explain, you need to listen." This doesn't sound like she was incoherent. Aaron knows this.

- Each day I arrive to my sister's bedside, she would tell me who visited her the night before, if she had a bad night, what the staff said, did, or didn't do. My sister's roommate was an older woman, and this woman gave me reports of who came to visit and anything that happened during the night. So, this confirmed my sister's accounts.
- My sister also shared with me that many times she did not want to be bothered so when people, staff included, came to her bedside she would pretend to be asleep. This doesn't sound like she was incoherent.
- My sister told me when my adult daughter comes to visit, she takes such good care of her, she wishes my daughter was her daughter. This doesn't sound like she was incoherent.