

2011 FOR PROFIT CORPORATION REINSTATEMENT

DOCUMENT# P02000034775

Entity Name: ERMA, INC.

FILED
Nov 15, 2011
Secretary of State

Current Principal Place of Business:

4925 BEACH BLVD
JACKSONVILLE, FL 32207

New Principal Place of Business:

Current Mailing Address:

4925 BEACH BLVD
JACKSONVILLE, FL 32207

New Mailing Address:

FEI Number: 01-0660785

FEI Number Applied For ()

FEI Number Not Applicable ()

Certificate of Status Desired ()

Name and Address of Current Registered Agent:

SAFER, ELIOT J
10110 SAN JOSE BLVD
JACKSONVILLE, FL 32257 US

Name and Address of New Registered Agent:

SAFER, ELIOT J
4348 SOUTHPOINT BLVD SUITE 101
JACKSONVILLE, FL 32216 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: ELIOT J SAFER

11/15/2011

Electronic Signature of Registered Agent

Date

OFFICERS AND DIRECTORS:

Title: PD
Name: TROMBERG, MARTHA R
Address: 2115 LAVACA ROAD
City-St-Zip: JACKSONVILLE, FL 32217

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: MARTHA TROMBERG

P

11/15/2011

Electronic Signature of Signing Officer or Director

Date

P02000034775
11-15-11

DUSS, KENNEY, SAFER, HAMPTON & JOOS, P.A.
ATTORNEYS AT LAW

JOHN S. DUSS, IV
THERESA M. KENNEY
ELIOT J. SAFER
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RECEIVED

NOV 28 2011

OFFICE OF GENERAL COUNSEL

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November 23, 2011

Ernest L. Reddick, Esquire
Assistant General Counsel
Florida Department of State
500 South Bronough Street
Tallahassee, FL 32399

RE: ERMA, Inc.
Document P020000034775

Dear Mr. Reddick:

I understand that you are the attorney in the General Counsel's office who advises the Division of Corporations in connection with corporate filings. I am therefore directing this letter to you in hopes that my concerns can be resolved informally. I represent ERMA, Inc. The Articles of Incorporation were initially filed on March 29, 2002, and ERMA, Inc., has been continuously in business since that date. The corporation failed to file its Annual Report for 2010 and was administratively dissolved. I could speculate as to why this happened, including problems with U.S. Mail delivery, but I am not sure that is relevant to our position at this time.

When the administrative dissolution was recently noticed, ERMA, Inc., applied for reinstatement electronically on November 15th with payment of the \$900.00 fee to be made by credit card. The filing was rejected by the document examiner based upon the name availability. In subsequent emails back and forth with the Department, it appears that another entity named "ERMA, LLC" was filed on November 12, 2003. I was told that while there was no provision for conflict of name checking between LLC's and corporations prior to July 1, 2007, the Department now requires distinguishable names. There may be good

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public policy for distinguishable names, but I do not believe it was appropriate for the Division of Corporations to reject the reinstatement filing for ERMA, Inc.

I have no idea as to the business of ERMA, LLC, but its place of business is in Palm Beach County. Since its filing, there has never been a conflict to my knowledge with the business of ERMA, Inc., which is located in Duval County.

More specifically, Florida Statute 607.1422(5), provide authority for the Department of State to require a dissolved corporation to change its name. This requirement is predicated on the basis that "the name of the dissolved corporation has been lawfully assumed in this State by another corporation". This would be perfectly appropriate if a new corporation had been filed after the administrative dissolution following the one year hiatus provided in subsection (4), but the language does not apply to a previously filed entity.

ERMA, Inc., has complied with the statutory requirements for reinstatement in subsection (1) by submitting the reinstatement form electronically as provided by the Department of State and is willing to pay the fees by credit card. In that situation, I believe that subsection (2) makes the reinstatement mandatory.

The reinstatement of ERMA, Inc., will not create a conflict with ERMA, LLC, but merely restores the status quo that previously existed harmoniously for eight years without confusion. I would hope that there is an administrative waiver or some other remedy by which the Division of Corporations will accept the reinstatement filing. I look forward to your response.

Very truly yours,



Eliot J. Safer

EJS/rc
cc: ERMA, Inc.