

**State of North Carolina  
Cemetery Commission  
Meeting**

**9:00 A.M.**

The North Carolina Cemetery Commission held a meeting on Wednesday, April 16, 2014 in the Wood Oak Building, Suite 242, at 1100 Navaho Drive, Raleigh, North Carolina. Those Members in attendance were President Gantt Stephens, Vice-President Glenn Cutler, Treasurer William "Bill" Gaffney, Commissioners, Michael "Dicky" Powell, Angie Thomas, Linda Cotten, Brad Bailey and Richard "Dick" Lagatore. David Brown was absent. Vikki Tollefsen was also present as Administrative Assistant. Members of the public were also in attendance.

The meeting was called to order by President Stephens, who opened the meeting with a Moment of Reflection. First item was Agenda approval, one addition to the agenda to insert line item III. Reports from Special Committees. Additional changes, IV. would become Requests from the Public, V. would become New Business, VI. would become Old Business. Mr. Stephens also asked to remove item 5D, License for Susan Paul. Ms. Cotten moved to approve the amended Agenda, Mr. Cutler seconded the motion, all voted in favor to accept the revised agenda. Next up for approval were the minutes from January 8, 2014 meeting, Ms. Cotten moved to approve the minutes, Mr. Bailey seconded the motion. All voted in favor.

**I. CONFLICTS OF INTEREST:**

President Stephens declared that, in accordance with the State Government Ethics Act 138A15E, it is the duty of every Commission Member to avoid both conflicts of interest and appearances of conflict in regard to the matters being brought before them today, and to refrain from any undue participation in the particular matter involved.

President Stephens asked if there were any conflicts of interest. No conflicts of interest were noted.

**II. PRESIDENT'S REPORT:**

President Stephens began his report with a review of the Commission's financial statements. He asked if there were any questions regarding the financials. No one had any questions or concerns.

President Stephens gave an update on inspections, since last meeting 22 inspections have been completed; Mr. Stephens noted that the Commission is on pace to be up to date on inspections by July of this year. The current inspection pace is 8-9 inspections per month. The plan is for this pace to change to six inspections per month beginning in July. The President noted that the policies adopted by the Commission include inspecting PreNeed cemeteries every 18 months and At Need cemeteries every 36 months.

There have been seven complaints filed since January 1<sup>st</sup> of this year. All have been resolved. Two have been resolved by the Complaint Committee. There are 21 Annual reports that still need to be submitted. 20 day notices have been sent to these cemeteries that are delinquent. Those notices expire April 30<sup>th</sup>. This concluded the President's Report.

**III. REPORTS FROM SPECIAL COMMITTEES**

Ms. Cotten, Chairperson of Complaints Committee gave brief report of 2 Complaints. The first complaint was easily handled. The Consumer was dissatisfied with documentation provided to him. Ms. Cotten contacted the Cemetery, offered a template for future documentations and the consumer was satisfied. The second complaint involved the overall appearance of the cemetery. Mr. Lagatore visited the cemetery and spoke to owner. The owner agreed to make changes within 60 days and would provide the Commission with a letter stating changes and repairs had been made.

#### **IV. REQUESTS FROM THE PUBLIC TO ADDRESS THE COMMISSION:**

There were no requests from the public to address the Commission.

#### **V. NEW BUSINESS:**

**A-C.** Change of Controls from SCI to StoneMor. Change of Controls were considered for Floral Garden Park Cemetery in High Point, NC; Montlawn Memorial Park in Raleigh, NC; and Mountlawn Memorial Park in N. Wilkesboro, NC.

Ms. Tamala Randolph represented StoneMor, and Mr. Scott Sanderford represented SCI. Mr. Cutler moved to approve the Change of Controls, Ms. Cotten seconded the motion. All voted in favor.

**D.** Sales License for Heather Boshier from Lafayette Memorial Park. Mr. Stephens expressed his condolences for the loss of Nancy Boshier. Mr. Stephens asked Heather Boshier about her suspended driver's license. Ms. Boshier explained. Ms. Cotten inquired about some events reported on Ms. Boshier's background check. Ms. Boshier gave a brief explanation. Ms. Cotten asked Mr. Bailey, chairperson of the Sales License Committee if he had a recommendation. Mr. Bailey explained his conversation with Ms. Boshier and suggested a Provisional License. Ms. Cotten motioned to issue a six month Provisional License pending the receipt of the proper paperwork from Ms. Boshier. Mr. Bailey seconded the motion. All voted in favor.

**E.** Change of Control for Mount Lawn Memorial Park & Gardens in Boone, NC. Mr. Brian Mantis, proposed purchaser, and Mr. Klee Liles, current owner were asked to stand before the Commission. Mr. Bailey read an excerpt from the Statutes related to Change of Controls. Based on the review of the application of Change of Control and finding it to be incomplete, including insufficient financial information and incomplete credit report, Mr. Bailey moved to deny the change of control. Ms. Cotton seconded the motion. Mr. Cutler asked Mr. Mantis if he wanted to say anything. Mr. Mantis explained that he could not provide a copy of his family trust fund because that was his families and so it was private. He also added his attributes and why he would be qualified to run the cemetery. Mr. Stephens called for the vote. All voted in favor. The change of control was denied.

#### **VI. OLD BUSINESS:**

**A.** HTCC update: There are two cemeteries owned by HTCC: Scotland County Cemetery and Oak Ridge. The primary concern was the shortage of the trust fund at Oak Ridge. The owner has sent a letter to the Commission indicating plans to take a second

mortgage on her home to replace the missing funds for Oak Ridge. The problems with Scotland County cemetery persist. The Commission has not been able to identify a buyer. The past due property tax liability and high property tax rate set by the county continue to be prohibitive to any potential new owner. The county has indicated a willingness to work with a new owner on these issues but nothing has been done to date. The current owner, HTCC, had an attorney draw up a deed in lieu of foreclosure agreement and turned in the keys for the cemetery to the county. The county rejected the proposal and sent the keys back stating they would not take ownership of the cemetery.

- B.** Pisgah View update: The Commission's Inspector went back for a follow up inspection at Pisgah View's expense. Pisgah View has submitted a proposal to remedy the granite base and bronze vase shortage. Mr. Gaffney is working with them to come up with a solution.
- C.** LandQuest Legacy update: This item could not be discussed because the Commission's attorneys were not present for the meeting.

**VII.** Reminder of next meeting, July 16, 2014.

Ms. Cotten motioned to adjourn the meeting, Mr. Bailey seconded the motion. All voted in favor. Meeting ended at 9:31 a.m.