

State of North Carolina
Cemetery Commission Meeting Minutes
January 21, 2015

The North Carolina Cemetery Commission held a meeting on Wednesday, January 21, 2015 in The Hilton North Raleigh Midtown located at 3415 Wake Forest Rd, Raleigh, NC 27609. Those Members in attendance were President Gantt Stephens, Vice-President Glenn Cutler, Treasurer William "Bill" Gaffney, Commissioners, Angie Thomas-Daoud, Brad Bailey, Linda Cotten and Richard "Dick" Lagatore. Commissioners John Winn Graham and David Brown were absent. Vikki Tollefsen was also present as Administrative Coordinator. 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; Mr. Stephens added item 5D, Oakwood Memorial Park. Ms. Cotten moved to approve the amended Agenda, Mr. Bailey seconded the motion, all voted in favor to accept the agenda. Next up for approval were the minutes from the October 15, 2014 meeting, Mr. Cutler moved to approve the minutes, Ms. Cotten 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 informed the Commission that the Ethics Commission sends letters to each Commissioner regarding potential conflicts; those letters will be included with these minutes. Mr. Stephens also noted that every board member on the Commission had the *potential* for a conflict of interest. Mr. Stephens then asked if there were any conflicts of interest. Mr. Gaffney recused himself from item 4C, Pinehurst Funds Trust amendment.

II. PRESIDENT'S REPORT:

President Stephens began his report with the financials and asked if there were any questions. There were none. Mr. Cutler mentioned the audit for the Commission financials is scheduled for the week of February 2nd.

Mr. Stephens moved on to inspections: Since the October meeting we have scheduled 19 inspections. We are fully up to date and running on inspections as scheduled.

There have been 7 complaints filed since the last meeting, which brings the year to date total to thirty-eight. Four complaints have been filed since the beginning of January. Those four are currently unresolved because the 20 day letters have yet to expire. We expect those to be resolved as well.

III. REPORTS FROM SPECIAL COMMITTEES

There were no reports from special committees.

IV. REQUESTS FROM THE PUBLIC TO ADDRESS THE COMMISSION:

There were no requests from the public.

V. NEW BUSINESS:

- A.** Scenic Memorial Gardens in Moravian Falls, NC- Change of Control. Potential owners were asked to come forward. Buyers informed Commission that current owners would be staying on at the cemetery as management. Mr. Cutler asked for a brief background of Mr. Greene (buyer). After his response Ms. Cotton asked about the Casket Trust, Mr. Greene explained that the prior owner sold caskets, then when the cemetery was put into receivership by the Commission, they were informed not to sell caskets. They no longer sell the caskets but have the fund for those caskets that were sold, that trust is being treated as a merchandise trust fund. Mr. Stephens informed Mr. Greene of recent revisions the Commission's bond form and asked Mr. Greene if he would complete and submit a revised form. Mr. Greene indicated he would do so. Ms. Cotton moved to approve the Change of Control pending receipt of the updated bond form, Mr. Bailey seconded the motion. All voted in favor.
- B.** Oak Ridge Memorial Park in Pink Hill, NC-Change of Control. Sharon Foss is the proposed buyer and has been with the cemetery for 15 plus years. Mr. Cutler asked Ms. Foss for a brief background. Ms. Foss knows she has a lot of work ahead of her and she has been working diligently to get Oak Ridge organized, she has paid the Commission and the Trust all money owed. Mr. Cutler moved to approve the Change of Control and Ms. Cotten seconded the motion. All voted in favor.
- C.** Pinehurst Funds amendment to their Trust Agreement-Mr. Cutler asked Mr. Gaffney why they wanted to amend the agreement. Mr. Gaffney explained that it was to reduce the exposure to lawsuits, doing this will reduce their liability. Ms. Cotten asked if they were merging the Perpetual Care fund with the Perpetual Care "A" fund because on page 2 of the agreement it appears like a deletion. Mr. Gaffney explained that they were not merging the two funds and would make the appropriate changes before the amendment went out to the cemeteries. Mr. Cutler stated that they needed to maintain the statute by keeping both funds. Ms. Cotten asked about page 5, it states Trustee can borrow money and mortgage property, is that from the members? Mr. Gaffney said no it was not. Ms. Cotten moved to approve the amendments pending the edit on page 2, Mr. Bailey seconded the motion. All vote in favor.
- D.** Oakwood Memorial Park in High Point, NC- City of High Point has decided to take over the cemetery since it is adjoined by a city cemetery. The city asks the Commission to approve the transfer. Ms. Cotten motioned to approve the transfer, Ms. Thomas-Daoud seconded the motion. All voted in favor.

VI. OLD BUSINESS:

- A.** Calvary Memorial Cemetery update-Mr. Fulcher, receiver of the cemetery, gave a brief update on the operations and Mr. Krupicka's new found passion for the cemetery. Mr. Krupicka and his attorney want to give the Commission a presentation at the April Commission meeting. Mr. Gaffney wanted to know what the difference in Mr. Krupicka is from the way he previously ran the cemetery to his current role. Mr. Fulcher stated that Mr. Krupicka inherited the cemetery from his Father-in-Law and Mr. Krupicka did not know how to run a cemetery. Mr. Fulcher has taken the time to teach Mr. Krupicka the proper way to run a cemetery and Mr. Krupicka is showing great improvement and passion.

- B. & C.** Ashelawn Gardens of Memory and Mountain View Memorial Park. The Commission has filed suits seeking injunctions against both of these cemeteries. No court date to report as yet.
- D.** Crown Memorial Park in Pineville, NC-Mr. Hand was present for questions. Mr. Stephens stated that Mr. Hand was deferred to this meeting for an update. The agreed arrangement of Mr. Hand submitting payments to Cemetery Funds of \$7500 has been honored. Mr. Cutler asked if Mr. Hand was still selling his piece of land. Mr. Hand explained that he was but that no closing date had been reached only that it would take place in February. The audit of Crown was completed but the report is incomplete due to the Inspector waiting on an Excel report from Mr. Hand. Mr. Gaffney motioned to table any actions against Crown until the April meeting, and in the meantime, Mr. Hand is to continue with the \$7500/month payments and that the proceeds from the land sale still go into the Perpetual Care fund.

VI. COMMITTEE REAPPOINTMENTS:

Sales License Review Committee members are Ms. Thomas-Daoud, Ms. Cotten, and Mr. Lagatore with Ms. Thomas-Daoud as the Chairwoman.

Complaints Committee members are Mr. Bailey, Mr. Brown, and Mr. Graham with Mr. Bailey as the Chairman.

Compliance Committee members are defined by the officers, Mr. Gaffney, Mr. Cutler, and Mr. Stephens.

Consumer Protection Committee members are also the officers, Mr. Gaffney, Mr. Cutler, and Mr. Stephens.

VII. REMINDER OF NEXT MEETING:

Next meeting for the Commission will be April 15, 2015 at this location.

Ms., Cotten motioned for adjournment, Mr. Lagatore seconded the motion, all voted in favor. Meeting adjourned at 9:42 a.m.