

**State of North Carolina
Cemetery Commission
Meeting**

9:00 A.M.

The North Carolina Cemetery Commission held a meeting on Wednesday, January 8, 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, Angie Thomas, Linda Cotten, David Brown, and new members Brad Bailey and Richard “Dick” Lagatore. Attorney Anne Brown from the Department of Justice provided legal representation. 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 item 4 D, Scotland County Cemetery, Ms. Cotton moved to approve the amended Agenda, Mr. Lagatore 2nd the motion, all in favor. Next up for approval were the minutes from October 16, 2013 meeting, Mr. Cutler moved to approve the minutes, Ms. Cotten 2nd the motion, all 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 for any conflicts of interest, Bill Gaffney recused himself from item 4 A.

II. PRESIDENT’S REPORT:

President Stephens 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 26 inspections have been completed, we are 6 months away from being caught up. 31 complaints to date with 28 resolved. Report concluded.

III. REQUESTS FROM THE PUBLIC TO ADDRESS THE COMMISSION:

Dyanne Matzkevich, President of the NC Cemetery Association, presented herself to the Commission to give an update on the bill to merge NCCC and Funeral Board. The NCCA will be fighting against the merger.

IV. NEW BUSINESS:

President Stephens explained that when the NCCC broke away from the Department of Commerce we adopted new model to remove some of the responsibilities from the Commission office to the Commissioners. We’ve created four committees to assist with that; Sales License

Review Committee, Complaints Committee, Compliance Committee, and Consumer Protection Committee.

The Committee members are as follows.

Sales License Review Committee members are Mr. Brown, Mr. Bailey, and Mr. Powell with Mr. Bailey as the Chairman.

Complaints Committee members are Ms. Cotten, Ms. Thomas, and Mr. Lagatore with Ms. Cotten as the Chairwoman.

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.

Mr. Cutler gave a brief explanation of the Sales License Review Committee and Complaints Committee. Ms. Cotten asked for clarification on reporting complaints; "Does the Committee report on all complaints or just ones with the committee involvement?" Mr. Stephens replied, "Report only the ones the Committee is involved in," Ms. Cotten agreed.

- A. Change of Control for Rutherford County. Mr. Cutler and Mr. Bailey had a few questions. Do new owners intend to bond or trust vaults? They will continue to trust. Vaults seem to be stored at a different location, Bruce answered they are onsite in storage facility. Ms. Cotten moved to approve the Change of Control, Mr. Bailey 2nd the motion, all in favor.
- B. Oakridge Memorial Park inspection findings. Shortages exceeds \$20,000 in trust fund and by statute it is a felony. Already sent a letter to the cemetery to replenish funds on the 21st day contact Duplin DA to press charges. Unfortunately this isn't the first time there have been shortages. The 20 day expiration is on January 17th. Mr. Gaffney asked what the total amount would be that they owed, Mr. Cutler explained the letter and stated it was over \$82,000. Mr. Hicks explained that the Commission should explain the statutes to the DA in order for them to understand what is really at stake for the Consumer. More discussion arose and Mr. Stephens asked for a motion to defer the matter to the proper authority. Mr. Bailey motioned to approve, Ms. Cotten 2nd the motion, all in favor.
- C. Adoption of rules is a six months process to amend or add an administrative rule. Language was approved April of last year and has to get published office of Administrations website NC register and after all of that is done then we can make a formal adoption. That is the stage we are in today. Mr. Cutler explained that the changes are mostly to clean up from when we were under Commerce. Mr. Gaffney moved to adopt the rules changes, Ms. Cotten 2nd the motion, all in favor.
- D. Scotland County Cemetery owner would like to turn the cemetery over to the

County. They owe over \$25,000 in property taxes and there is no hope in repaying so there hope is to expedite the foreclosure process by voluntarily giving up the property. The cemetery wants the Commission's approval to request the county to take ownership of the cemetery. Mr. Gaffney motioned to approve, Mr. Lagatore 2nd the motion, all in favor.

V. OLD BUSINESS:

- A. HTCC update, since October meeting two more claims filed against the bond and merchandise has been delivered for Scotland County Cemetery. Mr. Hicks said the bond company should know about the informal sale of the cemetery and President Stephens said he would let them know.
- B. Pisgah View update, another inspection will be done in February at Pisgah's expense and we will report the findings back to the Commission at April's meeting.
- C. LandQuest Legacy update which will be discussed in Executive Session.

Mr. Lagatore motioned to enter Executive Session to discuss the rest of Old Business, Ms. Cotten 2nd the motion, all in favor, entered into executive session at 9:45 a.m.

Mr. Lagatore motioned to come out of Executive Session, Ms. Cotten 2nd the motion, all in favor, out of Executive Session at 10:12 a.m.

Ms. Cotten motioned to end the meeting, Mr. Bailey 2nd the motion, all in favor. Meeting ended at 10:13 a.m.