

State of North Carolina  
Cemetery Commission Meeting Minutes  
October 19, 2016

The North Carolina Cemetery Commission held a meeting on Wednesday, October 19, 2016, in The Hilton North Raleigh Midtown located at 3415 Wake Forest Rd, Raleigh, NC 27609. Those Members in attendance were President William "Bill" Gaffney, Vice-President Linda Cotten, Treasurer Brad Bailey, Commissioners, Heather Boshier, David Brown, Linda Cotten, Angie Thomas-Daoud, John "Winn" Graham and David Simmons. Glenn Cutler and Gantt Stephens were in attendance as Executive Director and Director of Operations, respectively. Members of the public were also in attendance.

The meeting was called to order by President Gaffney. Mr Gaffney began by congratulating Linda Cotten and David Brown on their reappointment to the Commission. A warm welcome was also extended to David Simmons as his first meeting as a Commission member. The President then called for a Moment of Reflection. First item was Agenda approval. Mr. Gaffney made one revision to the proposed agenda. Mrs. Cotten moved to approve the amended agenda, Mrs. Boshier seconded the motion, all voted in favor to accept the amended agenda.

Next up for approval were the minutes from the July 20, 2016, meeting. Mr. Graham moved to approve the minutes, Mrs. Cotten seconded the motion. All voted in favor.

**I. CONFLICTS OF INTEREST:**

President Gaffney 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.

Mr. Gaffney then asked if there were any conflicts of interest. There were none.

**II. OPERATIONS REPORT:**

Mr. Gaffney asked Mr. Stephens to give a report on operations.

Mr. Stephens reported that 45 inspections had been completed to date in 2016 with 14 inspections since the last meeting. 22 complaints have been processed to date in 2016. Those complaints are either resolved or are within the 20 day response period.

Reporting is all current with the exception of the following late reports: #022, Calvary - July, August; #054, Gardens of Gethsemane – August; #138 Shepherd - June, July

Mr. Stephens reported that the change of control for Lee Memory Gardens in Sanford is still pending. Issues have developed with the deed for the property. The cemetery purchaser is working to resolve this issue.

The Landquest issue has been resolved.

The newly licensed cemetery in Jamestown, Guil-Rand Memorial Park Cemetery is operational and has completed their first interment.

Gethsemane in Charlotte has made all of their agreed upon payments either on time or early.

Mr. Stephens reported that slow but sure progress was continuing to be made on the journey to become a paperless operation. Mr. Stephens stated that among many benefits one was to enable all commissioners to have access to the NCCC files via a few clicks.

Mr. Stephens reported that Calvary Cemetery in Wilmington was once again delinquent on their monthly reports. The previous agreement with Calvary and the NCCC was that if the owner fell behind again on his reporting requirements that the cemetery would be sold and operated by a new owner. After discussing the matter and hearing from the past receiver of the cemetery, Mr. Graham made a motion to authorize the NCCC to pursue discussions with Jack Krupicka regarding selling Calvary Cemetery.

This concluded the Operations report.

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

There were no requests to address the Commission

### **IV. NEW BUSINESS:**

- A.** Mr. Stephens presented the independent audit report of NCCC operations from last year. Mr. Gaffney opened the floor to questions and discussion.
- B.** Gardens of Faith cemetery in Lumberton was inspected and found to be deficient on their Perpetual Care Trust Fund. Gardens of Faith has not corrected the deficiency and has failed to respond to 20 day letters from the NCCC. Mr. Stephens asked for the authority to suspend or revoke the license of Gardens of Faith and refer the matter to the local district attorney and sheriff. Ms. Cotten made a motion to authorize the NCCC to pursue the revocation or suspension of the license of Gardens of Faith cemetery and to request the involvement of the Robeson County district attorney and sheriff. Mr. Graham seconded. All voted in favor.
- C.** Pisgah View is a small cemetery in Buncombe County. Mr. Carl Travis is the current owner and desires to terminate his ownership of the cemetery. There are no potential buyers. Mr. Gaffney noted that Pisgah View is registered as a not for profit entity. Cheryl Duckett has been operating the cemetery for the Travis family and may have interest in owning the cemetery. No action was taken at this time.

### **V. OLD BUSINESS:**

Prior to moving to Old Business Mrs. Cotten made a motion to change the meeting times from 9:00AM to 10:00AM. Mrs. Thomas-Daoud seconded. After a brief discussion all voted in favor.

- A.** Update on Ashelawn Gardens of Memory. Mr. Stephens and Mr. Fulcher provided an update on the status of the receivership. Some issues had been resolved with Ashelawn while some remained. The IRS lien continues to be a prohibitive element to settling the remaining issues. If the receivership were closed the cemetery would have more options to negotiate with the local IRS office. While in receivership the negotiations with the IRS must flow through the regional office in Greensboro. The option of closing the receivership for the purpose of working out a settlement with the IRS was discussed. The receiver recommended closing the receivership noting that there remains no other option for resolving the issues with Ashelawn. Mr. Brown made a motion to close the receivership of Ashelawn. Mr. Bailey seconded. All voted

in favor.

- B.** Personnel. Following up to the motion from the July meeting, Mr. Gaffney reported that he had hired Glenn Cutler to the position of Executive Director's position and Gantt Stephens to the position of Director of Operations. Mr. Gaffney asked for a motion to ratify these actions. Mr. Graham moved to ratify the hiring of Glenn Cutler as Executive Director and Gantt Stephens as Director of Operations. Mr. Brown seconded. All voted in favor.

**VI. REMINDER OF NEXT MEETING:** January 18<sup>th</sup>, 2017 at 10:00AM.

**VII. ADJOURNMENT**

Mr. Brown moved to adjourn. Mrs. Boshier seconded. All voted in favor. The meeting adjourned at 10:02 AM.