

State of North Carolina
Cemetery Commission Meeting Minutes
January 18th, 2017

The North Carolina Cemetery Commission held a meeting on Wednesday, January 18, 2017, 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, 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. The President called for a Moment of Reflection. First item was Agenda approval. Mr. Gaffney made one amendment 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 October 19, 2016, meeting. Mr. Graham moved to approve the minutes, Mr. Brown 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 29 inspections since the last meeting. 2 complaints have been received since the last meeting. Those complaints are either resolved or are within the 20 day response period. Total complaints received in 2016 was 26.

Reporting is all current with the exception of the following late reports: Markham Memorial Gardens - October and November monthly reports; #138 Shepherd – October and November monthly reports, Pisgah View – November monthly report, Yadkin Memorial Park – November monthly report.

Mr. Stephens reported that the change of control for Lee Memory Gardens in Sanford is still pending. The bankruptcy judge has produced a deed. The new deed is being processed.

Mr. Stephens noted that the financial reports were included in the meeting packet and asked if there were any questions regarding those. He also noted that the CPA for the Commission was in the gallery and available for any questions.

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 a draft of a proposed amendment to 21 NCAC 07D .0101 regarding changes to the required Grave Space Report. The President opened the floor to questions and discussion. Mrs. Boshier made a motion to adopt the proposed rule and submit to the Rules Commission. Mr. Brown seconded. All voted in favor.
- B. Glenview cemetery in Durham request to change trustee from Suntrust to Cemfunds. The President gave a brief synopsis of this request. Mr. Brown made a motion to approve the change. Mrs. Cotten seconded. All voted in favor.

V. OLD BUSINESS:

- A. Update on Ashelawn Gardens of Memory. Mr. Stephens reported that things continued to progress, albeit slowly, with Ashelawn. The cemetery and receiver are resolving one final detail regarding a debt with Hometruster bank. Once that is resolved the receivership can be closed. There will be more to report at the April meeting.
- B. Pisgah View cemetery. Mr. Carl Travis, the cemetery owner, has made known his desire to “walk away” from the cemetery. No new owner has been identified. To date the cemetery has delivered on all of its pre-need obligations. This situation will need to continue to be monitored until a new owner is identified and in place.
- C. Gardens of Faith in Lumberton. Mr. Stephens reported that an inspection in 2015 found some trust deficiencies and a 20 day letter was sent. They failed to respond and the matter was referred to the local DA for assistance. To date all the shortages and fees have been corrected with the single exception of the payment to the trustee. Gardens of Faith has submitted a copy of the check to the trustee. The Commission will be following up with the trustee to confirm receipt of the deposit. Assuming this check is received, the issues with Gardens of Faith will be resolved. Mr. Cutler stated that a new inspection has occurred in 2016 which found minor yet, additional issues. Those issues are still within the 20 day response. Mr. Graham made a motion to reinstate the license of Gardens of Faith upon receipt of the deposit by the trustee and full resolution of the 2015 and 2016 inspections. Mr. Brown seconded. All voted in favor.
- D. Calvary cemetery in Wilmington. The owner has paid the penalties and has his reporting up to date. A new owner for that cemetery has not yet been identified.

VI. REMINDER OF NEXT MEETING: April 19th, 2017 at 10:00AM.

VII. ADJOURNMENT

Mr. Graham moved to adjourn. Mr. Brown seconded. All voted in favor. The meeting adjourned at 10:34 AM.