

State of North Carolina
Cemetery Commission Meeting Minutes
July 25th, 2018

The North Carolina Cemetery Commission held a meeting on Wednesday, July 25th in the Hilton North Raleigh Midtown located at 3415 Wake Forest Rd., Raleigh, NC 27609. The members in attendance were President William “Bill” Gaffney, Vice-President Linda Cotten, Commissioners: Leonard “Boscoe” Fulcher, Ebbie Whitley-Hendren, Bobby Townsend, John “Winn” Graham, Lenual Primus, David Simmons, and Sharon Weaver. Glenn Cutler as Executive Director and Gantt Stephens as Director of Operations were also in attendance. 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 the agenda approval. Ms. Whitley-Hendren moved to approve the agenda and Mrs. Cotten seconded. All voted in favor to accept the agenda.

Next up for approval were the minutes from April 25th, 2018. Mr. Fulcher moved to approve the minutes. Mr. Graham seconded. All voted in favor.

I. CONFLICTS OF INTEREST:

President Gaffney declared that, in accordance with the State Government Ethics Act 138 A 15E, it is the duty of every Commission member to avoid both conflicts of interest and appearances of conflicts in regards to the matters being brought before them today and to refrain from any undue participation in the particular matters involved.

Mr. Gaffney recused himself from items IV, B and C, Westlawn Gardens of Memory Request for Mausoleum Extension and Citadel Management Change of Control to Park Lawn Corporation.

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

II. PRESIDENT’S REPORT:

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

Mr. Stephens began the report with a review of the most current financial reports. The CPA for the Commission was present in the gallery to answer any questions.

Six (6) complaints have been received since the last meeting. Those complaints are either resolved or within the twenty (20) day response period. Total complaints received in

2018 is fourteen (14). Three (3) complaints are still pending for 2017 for Shepherd Memorial Park #138.

Late monthly reports: Five (5) cemeteries are behind on monthly reports. Crestlawn Memorial Gardens #027, Lee Memory Gardens #083, Markham Memorial Gardens #165, Yadkin Memorial Gardens #158 and Shepherd Memorial Park #138.

Two (2) Annual Care and Maintenance Reports for 2017 are missing. Shepherd Memorial Park #138, and Yadkin Memorial Gardens #158. The Annual Care and Maintenance Report for 2016 is still missing from Shepherd Memorial Park #138.

Twenty-nine (29) inspections have been completed since the last meeting and three (3) more are being completed this week bringing the total to fifty-four (54) year to date by the end of the week. Inspections are running smoothly and on schedule.

Mr. Stephens stated his Operations Report was complete unless there were questions.

III. REQUESTS FROM THE PUBLIC TO ADDRESS THE COMMISSION:

There were multiple people who requested to address the Commission.

Barbie Baer from Ashelawn Gardens of Memory in Asheville, NC introduced herself to the Board.

Others requested to address the Commission and spoke later in the meeting because they were already on the agenda.

IV. NEW BUSINESS:

- A. Saint Francis Springs Prayer Center Request for Declaratory Ruling. Margaret Burnham, pro-bono attorney and board member presented information about Saint Francis Springs Prayer Center requesting they be classified as a “church” and “exempt” from regulation under the Cemetery Act. Mr. Fulcher stated that it was outside this Commission’s authority to determine what is a church. Ms. Whitley-Hendren moved to refer Saint Francis Springs Prayer Center to the NC Attorney General to define a church. Mr. Fulcher seconded. All voted in favor.
- B. Westlawn Gardens of Memory Request for Mausoleum Extension. Photographs of the construction progress were provided to the Commissioners. Mr. Fulcher moved that we grant a one-year extension to Westlawn Gardens of Memory for the completion of the construction of their mausoleum. Mr. Graham seconded. All voted in favor.

- C. Citadel Management Preliminary Change of Control to Park Lawn Corporation. The purpose of discussion of Citadel Management's change of control to Park Lawn Corporation was to review what documents we have received and what documents we are still waiting to receive to approve the change of control of the 28 cemeteries owned by Citadel Management. Mrs. Cotten held the gavel and led the discussion. It was determined that while we have many of the documents that are necessary to complete the change of control, the following remain outstanding:
1. 2017 Tax Returns for Park Lawn Corporation
 2. Release from SCI bond liability for two cemeteries
 3. Letter from New Hanover regarding bond coverage
 4. Opinion from the Commission's attorney regarding the surety under these bonds

V. OLD BUSINESS

- A. Shepherd Memorial Park Update. Shepherd was sent a letter in June 2018 from the NCCC attorney's office notifying them that they will be put into receivership if immediate action is not taken to cure their violations. No response has been received to date. The next step is for the Commission attorney to file a complaint with the court. Further updates will be provided at the October meeting.

VI. Election of Officers

William "Bill" Gaffney was nominated for president, Linda Cotten for Vice-President, and Sharon Weaver for Secretary/Treasurer. Mr. Fulcher made a motion to approve the nominations and Mr. Graham seconded. All voted in favor.

VII. REMINDER OF NEXT MEETING DATE:

October 17th, 2018 at 10:00 AM.

VIII. ADJOURNMENT:

Mr. Gaffney adjourned the meeting. The meeting ended at 11:23 A.M.