

State of North Carolina
Cemetery Commission Meeting Minutes
January 16, 2019

The North Carolina Cemetery Commission held a meeting on Wednesday, January 16th in the Hilton North Raleigh Midtown located at 3415 Wake Forest Rd., Raleigh, NC 27609. The members in attendance were President William “Bill” Gaffney, and the following Commissioners: Leonard “Boscoe” Fulcher, Ebbie Whitley-Hendren, Bobby Townsend, Lenual Primus, David Simmons, and Sharon Weaver. Glenn Cutler as Executive Director and Gantt Stephens as Director of Operations were also in attendance, as well as members of the public.

The meeting was called to order by President Gaffney. The President called for a Moment of Reflection. The first item of the meeting was the agenda approval. Mr. Fulcher moved to approve the agenda. Ms. Weaver seconded. All voted in favor to accept the agenda.

The next item for approval was the meeting minutes from October 17, 2018. Ms. Whitley-Hendren moved to approve the minutes. Mr. Fulcher 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 and to refrain from any undue participation in the particular matters involved.

No recusals or conflicts of interest were reported.

II. OPERATIONS REPORT:

Mr. Stephens began the report with a review of the most current financial reports and asked if there were any questions. Representatives from Maddison Caison accounting firm were available in the gallery for questions.

Twenty-One (21) inspections have been completed since the last meeting. 103 inspections have been completed year to date (2018). NCCC is ahead of schedule with inspections and expect to see these numbers reduce over the next several meetings.

Five (05) complaints have been received since the last meeting, bringing the year to date total to 41. One of the complaints is on the agenda today which pertains to Crestlawn Memorial Gardens in Farmville.

There are no cemeteries with late Annual Reports; Yadkin Memorial Gardens is late submitting their monthly reports from August through November, 2018.

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

III. REQUESTS FROM THE PUBLIC TO ADDRESS THE COMMISSION:

Ms. Kara Gann indicated she was from Channel 9 in Greenville and was at the meeting to listen and appreciated the Commission allowing her to bring her camera.

Ms. Ellen Price stated she had concerns with Alamance Memorial Park in Burlington. She has many family members and friends interred at this cemetery. Ms. Price indicated the cemetery should be more professional and clients should be able to speak to them and voice their opinions regarding concerns or issues. Mr. Gaffney asked that Ms. Price complete a complaint form and send it to the Cemetery Commission. He indicated she could be sent a form if she provides her address or she can get the form from the Cemetery Commission web page. Mr. Gaffney explained that when the complaint is received it is forwarded to the cemetery and they have 20 days in which they must respond and then the Cemetery Commission determines if their response is acceptable. Mr. Gaffney indicated this was required to get both sides and he thanked her for coming and speaking.

Ms. Mary Porter indicated her complaint was regarding Alamance Memorial Park in Burlington as well and that with the discussion with Ms. Price she now knows what she needs to do. She indicated she is trying to get holes filled and general maintenance that the cemetery needs to take care of. Ms. Porter thanked the Commission for letting her speak and giving her their time. Mr. Gaffney requested she provide her address prior to her leaving so the complaint form can be mailed to her and Ms. Price.

There were no other requests to address the Commission.

IV. NEW BUSINESS:

- A. Service Corporation International (SCI) Master Trust Agreement Template Approval: SCI had submitted a Master Cemetery Merchandise Trust Agreement template they wanted the Commission to approve. Mr. Cutler reminded the Commission that the Master Trust Agreement for PC was already approved by the Commission in their last meeting and this was for the Merchandise Trust Agreement. He also indicated that the master would take care of all the cemeteries under this one trust and SCI would have each cemetery sign the Master Agreement when approved. Mr. Fulcher made the motion to accept the trust agreement template. Mr. Townsend seconded the motion. All voted in favor.

- B. Crestlawn Memorial Gardens located in Farmville, NC: Mr. Timothy Watson is the owner of this cemetery and he joined the meeting via mobile phone. Angela Hodges was present as the manager of the cemetery. Mr. Gaffney asked if Mr. Watson agreed with the audit findings and Mr. Watson indicated he was in agreement with the items he could track; however, he doesn't have records to go back to all of the items. Mr. Watson indicated that the previous executor, Robert Hotaling, didn't keep good records, therefore he can't accept or dispute the audit findings during his tenure, which was from February 2013 through February 2016. He asked if the Commission had audit findings from previous years up through 2013 since the audit started in 2014? Mr. Cutler referred Mr. Watson to an audit that was conducted for the year of 2013, which indicated the funds were short. Mr. Cutler outlined the two issues before the Commission at this time: 1) The lack of care and maintenance to the facilities and the property as outlined by a number of complaints. The complaints were made to the Commission as well as the local media. To Mr. Watson's credit, the ground maintenance has improved. 2) The PC and Merchandise Trust Funds are short, which was outlined in the audit findings. Mr. Watson indicated he was going to pay what was owed. Mr. Fulcher moved that Mr. Watson make the PC trust fund whole with the amount of \$4,373.50; that he pay the \$26.00 NCCC assessment fee and that he pay the Merchandise trust fund amount of \$4,831.45. The trust fund payments should be done via a payment plan, and the NCCC fee of \$26.00 will be paid immediately. The deficit to the two trusts be paid monthly over the next seven months at a rate of \$1,315.00 beginning the first of February 2019. If this amount is not paid as agreed, the Commission will take the cemetery's pre-need license away and put the cemetery in receivership. Ms. Whitley-Hendren seconded the motion. No further discussion was made by the Commission. All voted in favor.
- C. Crown Memorial Park in Pineville: Mr. Bob Hand agreed to pay \$2,500 per month to his Merchandise Trust Fund beginning in December 2017; however, he is currently behind \$44,000. Mr. Fulcher moved to seek receivership for Crown unless the payments to the trusts are brought current in 30 days. Ms. Whitley-Hendren seconded the motion. All voted in favor.
- D. NCCC audit review: Copies of the independent audit of the NCCC were provided to all commissioners. Mr. Cutler reported that by law NCCC is required to have annual audit reviews performed by an outside party. The audit report was the cleanest the Commission has ever received. No questions or further discussion.

V. OLD BUSINESS

No old business to discuss.

VI. REMINDER OF NEXT MEETING DATE:

April 17, 2019 at 10:00 AM.

VII. ADJOURNMENT:

Mr. Fulcher made the motion to adjourn and Mr. Primus seconded. All voted in favor. The meeting ended at 11:05 A.M.