

State of North Carolina  
Cemetery Commission Meeting Minutes  
April 17, 2019

The North Carolina Cemetery Commission held a meeting on Wednesday, April 17th 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 and the following Commissioners: Leonard “Boscoe” Fulcher, John “Winn” Graham, Ebbie Whitley-Hendren, Bobby Townsend, Lenual Primus, David Simmons, and Sharon Weaver. Gantt Stephens as Director of Operations was also in attendance, as well as members of the public.

The meeting was called to order by President Gaffney at 10:00 a.m. 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. Whitley-Hendren seconded. All voted in favor to accept the agenda.

The next item for approval was the minutes from the January 16, 2019 NC Cemetery Commission meeting. Mr. Graham moved to approve the meeting minutes. Ms. Cotten seconded. All voted in favor.

**I. CONFLICT 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.

Mr. Gaffney recused himself from the agenda item regarding the change of trustee with Citadel Management. No other 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. A representative from Maddison Caison accounting firm was available in the gallery for questions.

Seventeen (17) complaints have been received since the last meeting, bringing the year to date complaint total to 18.

Cemeteries late on their monthly reports are Shepherd Memorial Park in Hendersonville for January and February and Westview Memorial Park in Wadesboro for February. Cemeteries late submitting their annual care and maintenance reports are Shepherd Memorial Park in Hendersonville and Memorial Cemetery in Moyock.

Nineteen (19) inspections have been completed since the last meeting. Twenty (20) inspections have been completed year to date.

This quarter the Commission added the payment plan summaries for each cemetery that is currently in progress. The summary highlights the current payment status. Mr. Fulcher moved to put Crestlawn Memorial Gardens of Farmville in receivership due to non-payment of their agreed upon payment plan. Ms. Whitley-Hendren seconded the motion. All commissioners voted in favor of the motion.

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

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

No requests from the public to address the commissioners.

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

- A. Change of Control Request for Laurel Memorial Gardens: Ms. Cotton moved to approve the change of control pending the fully executed signed copy of the Trustee Agreement with Mr. Argo and Mr. Meads. Mr. Fulcher seconded the motion. All commissioners voted in favor.
- B. Change of Trustee Request from Pinehurst Funds to Argent Trust for all Parklawn properties (formerly Citadel owned): Argent has offices in Charlotte and Wilmington. Mr. Fulcher moved to accept the transfer of trustee and Mr. Primus seconded the motion. All commissioners approved.
- C. New Perpetual Care Distribution Administrative Rules: The statute is clear that corpus can't be violated, and it is understood that fair market value fluctuates. The

Commissions position has been that no distribution should occur if that distribution causes the fair market value to be less than corpus. Richmond County Memorial Park has a different perspective. The NCCC attorney recommended a new administrative rule be added to clarify this position. This process will be completed through administrative hearings and will not require a NC statutes change. Ms. Whitley-Hendren moved to adopt the new administrative rule. Mr. Graham seconded the motion. All the commissioners approved the motion. Mr. Stephens indicated this process takes six months and he will provide an update at the next quarterly meeting.

**V. OLD BUSINESS:**

- A. Crown Memorial Park: All the paperwork has been completed for putting Crown in receivership; qualified receivers are still under review.

**VI. REMINDER OF NEXT MEETING DATE:**

July 17, 2019 at 10:00 a.m.

**VII. Adjournment:**

Mr. Gaffney adjourned the meeting at 11:12 a.m.