

State of North Carolina

Cemetery Commission Meeting Minutes

January 21, 2021

The North Carolina Cemetery Commission held a meeting on Wednesday, January 21, 2020 via teleconference.

The members in attendance were President William “Bill” Gaffney and the following Commissioners: David Simmons, Winn Graham, Linda Cotten, Dyane Miller, and Sharon Weaver. Gantt Stephens, as Director of Operations was also in attendance, as well as the following members of the public: Ms. Margaret Burnham for St. Francis Prayer Center, Mrs. Ruth Futrell for Crestlawn Memorial Gardens, and Mrs. Domini Pierce in reference to Harnett Devotional Gardens.

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. Graham moved to approve the agenda as written. The motion was seconded by Mrs. Cotten. All voted in favor to accept the agenda as written.

The next item for approval was the minutes from the October 21, 2020 NC Cemetery Commission meeting. Mr. Graham moved to approve the minutes as written. The motion was seconded by Mrs. Cotten. All voted in favor.

I. CONFLICT OF INTEREST:

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

Mr. Winn Graham recused himself from the topic of discussion on Harnett Devotional Gardens in old business and Mr. Bill Gaffney recused himself from the topic of Person Memorial Cemetery today. Mr. Gaffney explained that Vice President Cotten will preside over the meeting during this agenda item. No further conflicts were reported.

II. OPERATIONS REPORT:

Mr. Stephens began the report by addressing the number of complaints eight (8) reported for this quarter and fifty-eight (58) reported for the 2020 calendar year. While reviewing financial statements, Mr. Stephens also addressed the Commission to discuss the cemeteries currently on payment plans to recoup trust deficits. Copies of the cemetery payment plans were provided for the Commissioners to review. Cemeteries late on their monthly reports were also discussed. Seventeen (17) inspections have been completed since the last meeting. Fifty-six (56) inspections were completed in the 2020 calendar year. Mr. Stephens stated his Operations Report was complete unless there were questions.

III. REQUESTS FROM THE PUBLIC TO ADDRESS THE COMMISSION:

Mrs. Domini Pierce requested to speak to the Commission regarding the reported issues with Harnett Devotional Gardens. Mrs. Pierce states she will be lodging a formal complaint against Harnett for failing to deliver purchased goods. After reading past Commission meeting minutes, Mrs. Pierce became concerned and requested further information regarding the current situation. Mr. Gaffney thanked Mrs. Pierce for her presence today and arranged to contact her directly following our meeting. Mrs. Pierce was welcomed to remain on the call during further discussion of Harnett during Old Business. Mrs. Pierce thanked the Commissioners for their attention and remained on the call for further information.

IV. NEW BUSINESS:

- a. St. Francis Prayer Center: Mr. Gaffney reminded the Commissioners of the discussions in previous meetings regarding St. Francis Prayer Center's requests for a Declaratory Ruling to determine the applicability of the NC Cemetery Act for this property. The Commissioners were provided with documentation to review related to this request. Mrs. Miller moved to declare St. Francis Prayer Center exempt from the NC Cemetery Act based on the evidence provided qualifying it as a church. Mrs. Cotten seconded the motion. Motion passed.
- b. Person Memorial Cemetery Change of Trustee – Mr. Gaffney relinquishes control of the meeting to Vice President Cotten during the discussion of this topic. Person Memorial Cemetery is requesting a change of trustee to Pinehurst Funds from Wells Fargo. Mrs. Cotten opened the floor to discussion. Mr. Graham moved to accept Pinehurst Funds as the new trustee for Person Memorial Cemetery. The motion was seconded by Mrs. Miller. Motion passed. Mr. Gaffney resumes presiding over the meeting.
- c. Pinewood Memorial Cemetery Change of Trustee- Mr. Gaffney directs the Commissioners to review the change of trustee request from Pinewood Memorial Park to Old North State Bank from Wells Fargo. Mr. Graham moved to accept Old North State Bank as the new trustee for Pinewood Memorial Park. The motion was seconded by Mrs. Weaver and passed

V. OLD BUSINESS:

- a. Crestlawn Memorial Gardens Receivership: Mr. Stephens updated the Commissioners regarding the receivership at Crestlawn Memorial Park. The current receiver, Mrs. Futrell, continues to work to resolve the issues caused by the previous owner. Mr. Stephens continues to work with legal representation in order to make the injunction permanent.
- b. Harnett Devotional Gardens Receivership - Mr. Stephens reminds the Commissioners of the promise to pay made by the owner of Harnett Devotional Gardens, Mr. Primus, at the previous meeting. Mr. Primus agreed to pay back trust deficits in full prior to or on October 31, 2020. He was instructed that failure to do so would result in receivership. The payment was not made, and the Commission was awarded a temporary injunction against Harnett. Dustin Mason is currently the receiver for this property and reviewing financial records to determine to extent of the trust deficits.
- c. Carolina Biblical Gardens of Guilford Preconstruction Delay- There has yet to be a satisfactory response received from Carolina Biblical Gardens of Guilford regarding the delay in their current mausoleum preconstruction project. A motion was made by Mrs.

Cotten to conduct a special inspection to determine their outstanding liability for this project. Mr. Graham seconded the motion. Motion passed.

VI. REMINDER OF NEXT MEETING DATE:

April 21, 2021 at 10:00 a.m.

VII. Adjournment:

Mr. Graham made a motion to adjourn the meeting. Motion seconded by Ms. Cotten. All Commissioners voted in favor. Meeting Adjourned.