

North Carolina Cemetery Commission

Meeting Minutes

July 20, 2022

The North Carolina Cemetery Commission held a regularly scheduled quarterly meeting on Wednesday, July 20th, 2022, at 10 a.m. at the Hilton in North Hills Raleigh, NC.

President William “Bill” Gaffney and the following Commissioners were present: Linda Cotten Dodson, Ebbie Whitley Hendren, John A. “Winn” Graham, Dyanne Miller, Bonita Caldwell, Sharon Weaver, and David Simmons. 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. Stephens informed the Commissioners that Yadkin Memorial Park had been removed from the original meeting agenda. Mrs. Whitley Hendren moved to approve the agenda as written with the removal of Yadkin Memorial Park. Seconded by Ms. Cotten Dodson. All voted in favor.

The next item for approval was the minutes from the April 20th, 2022, of the NC Cemetery Commission meeting. Ms. Miller moved to approve the minutes as written. Seconded by Ms. Caldwell. 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 regarding the matters being brought before them and to refrain from any undue participation in the matters involved.

Mrs. Cotten Dodson recused herself from topic of discussion on Old Business A: Crestlawn Memorial Gardens.

II. Operations Report:

Mr. Stephens began the report by reviewing the financials. Seventeen (17) complaints were reported for this quarter. Thirty (30) inspections have been completed since the last meeting. Mrs. Cotton Dodson asked Mr. Stephens what was the outlook for the Commission to recoup any funds from legal expenses. Mr. Stephens answered that the Commission will likely recoup some funds from Shepherd Memorial Park, but it is unlikely with Crestlawn Memorial Park, Swain, and Fairview Memorial Park.

Mr. Stephens explained to the Commissioners that they have received a letter from StoneMor with updates regarding previous cemeteries with statute violations. Mrs. Tamala Randolph, a representative of StoneMor, addressed the Commission. Mrs. Randolph explained that StoneMor started construction at Carolina Biblical Gardens of Guilford. Mrs. Randolph also explained that StoneMor hired new staff at Montlawn and are working on addressing the

complaints for that location.

After asking for questions and receiving none, Mr. Stephens concluded his report.

III. **Requests from Public to Address Commission:**

President Gaffney invited any member of the public wishing to address the Commission to come forward.

Jennifer and Jamie L. Prevett requested to address the Commission regarding a recent experience their family had at Lafayette Memorial Park. The Prevatt family expressed a desire to see a better working relationship in the future. Mr. Gaffney explained that the Commission is afforded little powers to intervene in administrative issues and acknowledged mistakes were made. He thanks the Prevatt family for sharing their concern with the Commission and apologizes for their experience.

Mrs. Domini Pierce requested to address the Commission regarding Harnett Devotional Gardens. Mrs. Pierce explained that prior to the receivership she had filed a formal complaint with the Commission regarding a marker that she purchased from the previous owner, Mr. Lenual Primus. Mrs. Pierce expressed concerns with the maintenance and care of the cemetery grounds and mausoleum. Mrs. Pierce asked if the new owner, Faithful Heritage Holdings, has assumed all outstanding liabilities and if trust accounts were made whole. Mr. Gaffney confirmed that the trusts were made whole and that the new owner assumed all outstanding liabilities. Mr. Stephens requested Mrs. Pierce submit a new complaint for the memorial she had paid for but not yet received.

IV. **New Business:**

A. Gaston MP-PC Calculation and PC Credits Policy

Mr. Stephens explained that Ester Bateman, a representative of SCI, is present to explain the perpetual care (PC) Calculations and PC Credits Policy to the Commission. Mrs. Bateman explains that SCI includes PC in the retail sales price presented on contracts. PC is calculated as 0.0909% of the price for the space(s) after any applicable discount, then presented as a total sales price. Mrs. Bateman continued that the Commission took issue with this calculation and explained that SCI is of the opinion the proper amount of PC, with the equation they use, is within state regulations. Mrs. Whitley Hendren asks Mr. Stephens what the outstanding issues are. Mr. Stephens explains inspectors need a definition of “retail sales price”. Based on General Statutes 65-63, the amount deposited to trust is based on the listed “retail sales price” on the contract. Mr. Stephens explained that SCI includes PC in the retail sales price presented on the contract provided to the consumer. PC has not been a separate line item. Mrs. Whitley Hendren makes a motion to clarify 10% or \$100 be paid to PC based on the sales price on the contract as presented to the consumer. Ms. Caldwell seconded the motion. Floor was open for discussion. All voted in favor. President Gaffney explained that PC will need to be calculated on what is listed on future contracts as retail sales price.

B. Landquest Cemeteries

Mr. Jeffrey Raustis, representative and general manager of Landquest Legacy cemetery properties, addresses the Commission. Mr. Raustis explained that Kyle Corkum, the owner of Landquest, was unavailable to attend the meeting.

Mr. Raustis stated that Mr. Corkum is currently behind in PC payments for all

cemeteries, a total of \$34,693.70. Mr. Raustis continued that in addition to the PC payment, \$30,172.70 in late fees to the Commission are due. Mr. Raustis explains that Mr. Corkum requests the Commission to allow him to pay those fees in \$5,000.00 increments every month until the balance had been paid.

Mrs. Whitley Hendren moved that the Commission accept the proposal that \$34,693.70 will immediately be sent from Landquest Legacy to the trustee for past due PC and then enter into a repayment agreement for the total amount of \$30,172.70 at \$5,000 a month until the total amount due had been paid.

Mrs. Cotton Dodson seconded. All voted in favor.

C. NCCC Budget for 2022-2023

President Gaffney noted that the Commissioners have each received a copy of the NCCC Budget for 2022-2023. Mr. Graham made a motion to accept the Budget as written. Ms. Miller seconded. All voted in favor.

V. Old Business:

A. Crestlawn Memorial Gardens –

Mr. Stephens explained that the Commission voted at the last meeting to accept the consent order that was sent to Mrs. Saleisha N. Averhart, the attorney representing the current receiver Mrs. Futrell. The Commission had received an addendum to that order by the Futrell's to have Crestlawn Memorial Gardens be owned by S&R Enterprise and not Mrs. Futrell. Mr. Stephens asked Mrs. Averhart if this is a distinction they require to accept the order. Mrs. Averhart confirmed, and stated they feel it will be helpful to have everything under the name of the LLC rather than an individual. Mrs. Averhart continues that they hope that by having that distinction in the order the Futrell's can avoid having to come back before the Commission for that change.

B. Shepherd Memorial Park-

Mr. Stephens explained that the receiver had been approved by the Judge and had begun work at the cemetery. Mr. Stephens continued that the receiver had been having a difficult time gaining total control of the cemetery and its financial affairs. To address these issues the Commission filed for a motion of contempt that was calendared to be heard today, however, the presiding judge had a medical emergency and will be out for 60 days.

C. Swain Memorial Park and Fairview Memorial Park-

Mr. Stephens explained that he and Mr. Gaffney had a lengthy mediation with Mrs. Gahagan and her attorney last week. Mr. Stephens stated that there appears to be an individual that is interested in purchasing both cemeteries.

VI. Election of Officers

Ms. Miller moved to retain Mr. Gaffney as president, Mrs. Cotton Dodson as Vice President, and Mrs. Weaver as Treasurer. Mrs. Whitley Hendren seconded the motion. All voted in favor.

VII. REMINDER OF NEXT MEETING DATE:

October 19th, 2022, at 10:00 a.m.

VII. Adjournment:

Meeting Adjourned at 11:35 a.m.

