

North Carolina Cemetery Commission

Meeting Minutes

January 18th, 2023

The North Carolina Cemetery Commission held a regularly scheduled quarterly meeting on Wednesday, January 18th, 2023, at 10 am at the Hilton in North Hills Raleigh, NC.

President William “Bill” Gaffney and the following Commissioners were present: Linda Cotten Dodson, Ebbie Whitley Hendren, Dyanne Miller, Bonita Caldwell, Sharon Weaver, David Simmons, and John A. “Winn” Graham. 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. Mrs. Whitley Hendren moved to approve the agenda as written. The motion was seconded by Mrs. Cotten Dodson. All voted in favor to accept the agenda as written.

The next item for approval was the minutes from the October 19th, 2022, of the NC Cemetery Commission meeting. Mrs. Cotten Dodson moved to approve the minutes. The motion was seconded by Mr. Graham. 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. No Commissioners recused themselves from today’s agenda.

II. Operations Report:

Mr. Stephens began the report by reviewing the financials. Twenty (20) complaints were reported for this quarter. Twenty-nine (29) inspections have been completed since the last meeting. After asking 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 come forward. No public members wished to address the Commission.

IV. New Business:

a. Cabarrus Memorial Park- Inspection Findings Appeal

President Gaffney stated that the Commissioners have each received a copy of the last inspection report for Cabarrus Memorial Park. Mr. Sullivan, owner of Cabarrus Memorial Park, addressed the Commissioners. Mr. Sullivan explained that during the most recent

inspection it was found that perpetual care had not be properly paid on a private mausoleum that had been sold in 2020. As noted in the Chairman’s memorandum of January 2019, the Commission requires Perpetual Care be paid on both the actual spaces and the receptacle for the remains. Mr. Sullivan stated he was unaware of this requirement and as such the Perpetual Care funds were under trusted by \$1,874.80.

Mr. Sullivan continued that this had been the cemeteries first mausoleum and that an additional payment to the PC Fund would greatly impact any profits. Mr. Sullivan asked the Commissioners to waive the \$1,874.80 due to PC. Mrs. Cotten Dodson made a motion that the Commission allow Cabarrus Memorial Park to enter a six (6) month repayment agreement for the total amount of \$1,874.80 to be paid to the Perpetual Care funds. Mrs. Whitley Hendren seconded the motion. All voted in favor.

b. Landquest Legacy Cemeteries

Mr. Kyle Corkum, representative and owner of Landquest Legacy cemetery properties, addressed the Commission. Mr. Corkum explained that the inspector came back to the cemetery to review changes made in the stored merchandise. Mr. Corkum continued that they have been able to get caught up on monthly reports, completed the pre-construction project that was outstanding, and have been making the monthly payments of \$5,000.00 to the Commission. Mr. Stephens asked Mr. Corkum if they have any memorials that have been paid in full but not installed, ordered, or trusted. Mr. Corkum stated that all memorials that have been paid in full have been ordered or trusted. Mr. Corkum continued that Perpetual Care and pre-need merchandise funds have been paid appropriately and should be up to date.

Mr. Corkum continued that Landquest has met all the requirements and payments requested by them from the Commission. Mr. Gaffney stated that based on the inspection findings the pre-need vaults that have been sold need to be on-site to relieve the trust requirement. Mrs. Weaver asked Mr. Gaffney if the vaults needed to be trusted until they have been produced. Mr. Gaffney confirmed that Mr. Corkum had ordered the vaults, but evidence of full payment for the order is required to relieve the trust requirement.

V. Old Business:

a. Crestlawn Memorial Gardens

Mr. Stephens stated the Commissioners that the Crestlawn matter is now closed.

b. Shepherd Memorial Park

Mr. Stephen explained that the Commission is waiting for the Judge to hear the court order but until then no further movement can be made. The court proceedings have been delayed due to the judge’s health.

c. Swain Memorial Park and Fairview Memorial Park

Mr. Stephens reported that the judge voted in favor the NCCC in the lawsuit and agreed with the NCCC that no land could be sold that left the cemetery under 30 acres. The other side may appeal this ruling to a higher court.

Mr. Stephens explained that we need to appoint a receiver for both cemeteries and if anyone has suggestions to put their names forward. Mrs. Whitley Hendren asked if the individual, Kevin King, that had attended the October 19th, 2022, meeting would be a good option for receiver since his organization has already showed interest in Swain Memorial Park. Mr. Stephens explained that our attorney stated the judge would likely not accept a group that has already shown interest in purchasing the cemetery.

VI. REMINDER OF NEXT MEETING DATE:

April 19th, 2023, at 10:00 a.m.

VII. Adjournment:

Meeting Adjourned at 10:46 a.m.