

North Carolina Cemetery Commission

Meeting Minutes

April 19th, 2023

The North Carolina Cemetery Commission held a regularly scheduled quarterly meeting on Wednesday, April 19th, 2023, at 10 am at the Hilton in North Hills Raleigh, NC.

President William "Bill" Gaffney and the following Commissioners were present: Ebbie Whitley Hendren, 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. Ms. Miller moved to approve the agenda as written. The motion was seconded by Ms. Caldwell. 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. Whitley Hendren moved to approve the minutes. The motion was seconded by Ms. Miller. 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. Sixteen (16) complaints were reported for this quarter. Twenty-eight (28) 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.

Ryan Walsh, owner of Capital City Landscaping, requested to address the Commission regarding Kyle Corkum, owner of Landquest Legacy. Mr. Walsh explained that his landscaping company had been servicing all five cemeteries owned by Mr. Corkum, Landquest Legacy. Mr. Walsh continued that last year Mr. Corkum was late on payments for services rendered, totaling \$22,106.00. Mr. Walsh explained his frustrations with the lack of action by Mr. Corkum to pay the remainder of what is owed. Mr. Gaffney thanked Mr. Walsh for sharing his concern with the Commission.

IV. **New Business:**

a. **Landquest Legacy Cemeteries**

Mr. Sandy Hancock and Mrs. Sandy Maher represented Landquest Legacy. Additionally, Mr. Don Hunt, attorney for Landquest Legacy was present. Mr. Hancock presented a packet that contained, a letter from Mr. Corkum dated April 17th, 2023, referencing the audit letter mailed by the Commission office April 6th, 2023, a \$250.00 check for late fee's, a \$3,300.00 check for late PC payments, copies of checks sent to Pinehurst Funds, and copies of merchandise ordered but not paid for.

Mr. Hancock explained that the packet presented should take care of the previous audit findings as of April 6th, 2023.

Mr. Stephens asked Mrs. Maher if the Annual Care and Maintenance Report is included in the packet provided. Mrs. Maher explained that they are not, and she is still working on those reports.

Mr. Gaffney asked Mr. Hancock and Mrs. Maher if Mr. Corkum explained what he was going to do regarding the \$52,741.60 due to the preneed trust accounts for outstanding deposits. Mrs. Maher stated that they do not know. Mr. Stephens explained that he had spoken with Dustin Mason, trustee account manager for Pinehurst Funds. Mr. Stephens continued that Mr. Mason stated that Mr. Corkum planned to take the capital gains from the cemeteries perpetual care accounts, approximately \$26,154.03, to apply to the preneed trust accounts deficit of \$52,741.60. Ms. Miller expressed her frustrations with the continued and consistent statute violations by Landquest Legacy.

Commissioner Hendren moved that correspondence be issued to Landquest Legacy's owner, Mr. Corkum:

1. Citing Mr. Corkum's 10/19/2022 testimony that he would correct and make whole his cemeteries' outstanding compliance violation items as set forth in NCCC's 10/19/2022 meeting packet and memorialized during the 10/19/2022 quarterly NCCC meeting. Moreover, this NCCC letter will cite that during that NCCC 10/19/2022 quarterly meeting, Mr Corkum also attested to his NCCC compliance understanding and to his consent to voluntary receivership should Landquest Legacy's future compliance with NC cemetery law fail.

2. NCCC's issued Landquest Legacy correspondence will also cite their cemeteries' current outstanding compliance debt [ref. NCCC's Executive Director Cutler's 4/18/2023 compliance correspondence to Landquest Legacy] and demand Lanquest Legacy's in-full NCCC debt payments be received, deposited and the payments validated/cleared before a stated May 17, 2023 deadline. This NCCC correspondence will also indicate the consequence of non-compliance with the correspondence's instructions: NCCC will move to a Landquest Legacy receivership vote by its 7/19/2023 quarterly meeting.

Mrs. Whitley Hendren moved that Landquest Legacy cemeteries must pay \$52,741.60 to the Pre-need trust for outstanding monthly deposits, \$375.00 to the Commission for outstanding late fee's, \$15,707.40 to the PC for outstanding monthly deposits, and \$5,164.00 to the Commission for outstanding PC deposits before May 17th, 2023. The deposits for the above cannot be in transit and must be deposited and cleared before the May 17th, 2023, deadline. Mrs. Whitley Hendren continued that any other outstanding audit or operation findings be resolved no later than 3 weeks prior to the next Commission meeting held on July 19th, 2023. Ms. Miller seconded the motion. All voted in favor.

V. Old Business:

a. **Shepherd Memorial Park**

Mr. Gaffney explained that the receivership continues and additional hearings and depositions have been calendared. The receiver continues to do a good job managing the cemetery and allocating the limited resources in the best way possible.

b. **Swain Memorial Park and Fairview Memorial Park**

Mr. Stephens explained that Mrs. Gahagan has appealed the lawsuit won by the NCCC. This will be a long and expensive process for both parties.

VI. REMINDER OF NEXT MEETING DATE:

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

VII. Adjournment:

Meeting Adjourned at 11:12 a.m.