

North Carolina Cemetery Commission

Quarterly Meeting Minutes

January 24, 2024

The North Carolina Cemetery Commission held a quarterly meeting on Wednesday, January 24, 2024, at the Hilton in North Hills, Raleigh, NC.

President William “Bill” Gaffney and the following Commissioners were present: David Simmons, Ebbie Whitley Hendren, Bonita Caldwell, Bobby Townsend, and Sharon Weaver. Gantt Stephens, Director of Operations, was also in attendance.

The meeting was called to order at 10:00 am. President Gaffney called for a moment of silence.

President Gaffney introduced and welcomed the new member of the Commission, Brian Hill.

The first item of the meeting was the agenda approval. Ms. Cotten Dodson moved to approve the agenda as written. The motion was seconded by Ms. Weaver, All voted in favor of accepting the agenda as written.

The next item for approval was the minutes from the October 18, 2023, meeting. Ms. Cotten Dodson moved to approve the minutes as distributed. Ms. Caldwell seconded the motion. 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 declared conflicts of interest.

II. Operations Report - Mr. Stephens began by reviewing the financials. Mr. Stephens explained to Mr. Hill that the Commission has an independent accounting firm that manages the financials for the Commission. Any Commissioner is free to contact the firm at any time with questions. Mr. Stephens asked if there were any questions related to the financials. There were none.

The operation report shows seventeen (17) complaints reported for this quarter. Thirty-two (32) inspections have been completed since the last meeting. After asking for questions and receiving none, Mr. Stephens concluded his report.

III. Requests from the Public to Speak – President Gaffney invited any member of the public wishing to address the Commission to come forward.

A) Mr. Ryan Walsh requested to speak regarding the outstanding balance his maintenance company has with the ownership of Landquest Legacy.

IV. New Business:

- a. **Cabarrus Memorial Gardens Change of Control** – Commissioners were given documents to review regarding a proposed change of ownership for Cabarrus Memorial Gardens. The packet is complete as provided. Ms. Whitley Hendren moved to accept the change of ownership conditional upon resolving minor outstanding inspection findings. The motion was seconded by Mr. Simmons. All voted in favor.

- b. **Ashelawn Gardens of Memory Complaints** – The Commission office received several complaints regarding the general conditions of Ashelawn Gardens of Memory in Asheville. Photos and copies of these complaints and replies from the cemetery were provided to the Commissioners. Mr. Gaffney explained the situation which led to the disrepair of the cemetery. During the discussion, it was determined that the Commission may direct and assist the owner with finding solutions for improvement, including: a succession plan, transferring Ashelawn ownership to the County, or receivership. A motion was made by Ms. Hendren to correspond with Ashelawn Gardens of Memory to discuss options for a change in ownership to the county or another operator to address the structural issues and maintenance concerns identified in the recent complaints. Mr. Townsend seconded the motion. All voted in favor.

- c. **Harnett Devotional Gardens Complaint** – The Commission office received a complaint regarding the conditions of Harnett Devotional Gardens. The cemetery has not replied withing the required 20 days. The ownership was recently changed to Ruth Thornquest with Faithful Heritage Holdings. After multiple attempts to collect a reply from the cemetery, a notice of appearance on the meeting agenda was sent to Faithful Heritage Holdings and the physical location. No reply has been received. The Commissioners discussed the available options to provoke a reply from the cemetery. A motion was made by Mr. Hill to contact both partners of Faithful Heritage Holdings to notify them of the suspension of the pre-need sales licenses at Harnett Devotional Gardens. Ms. Caldwell seconded this motion. All voted in favor.

- d. **EverStory Trustee Transfer** – EverStory Partners has requested to change the trustee for twenty-seven (27) newly acquired properties. Mr. Townsend moved to accept the change of trustee from Argent Trust to Regions. Ms. Whitley Hendren seconded the motion. All voted in favor.

V. Old Business:

- a. **LandQuest Legacy** – Mr. Stephens updated the Commission of the two complainants who attended the last meeting discussing memorials that were not ordered and installed in a timely manner. One complainant was refunded the amount paid for the memorial. The second complainant agreed to wait for the memorial and that memorial is currently in production.

- b. **Sunrise Memorial Park** – Mr. Stephens updated the Commissioners that Sunrise Memorial Park was on the agenda at the last meeting for not submitting reports in a

timely manner. Mr. Cutler reached out to the owner of the cemetery. At this time, all reports and fees have been received and are up to date.

c. **Shepherd Memorial** – There is an upcoming hearing in March or April 2024 which may force the sale of the property. The ownership is facing other legal challenges as well, including an order of contempt concerning this receivership.

d. **Smoky Mountain Memorial Parks** – Mr. Stephens reminded the Commissioners that the properties, Fairview Memorial Park and Swain Memorial Park, continue to be litigated regarding an illegal land sale. The case is now with the NC Court of Appeals and is awaiting a ruling upon review of the related documents. The ruling is expected in March.

VI. REMINDER OF NEXT MEETING DATE:

The next scheduled quarterly meeting will take place on April 17, 2024 at 10:00 a.m. at the Hilton in North Hills, Raleigh.

VII. Adjournment:

Mr. Townsend moved to adjourn the meeting. All in favor. The meeting was adjourned at 10:54 AM.