

North Carolina Cemetery Commission

Quarterly Meeting Minutes

July 23, 2024

The North Carolina Cemetery Commission held a regularly scheduled quarterly meeting on Tuesday, July 23, 2024, at the Hilton in North Hills, Raleigh, NC.

President William “Bill” Gaffney and the following Commissioners were present: Mr. Brian Hill, Ms. Sharon Weaver, Ms. Bonita Caldwell, Mr. David Simmons, Ms. Ebbie Hendren, Ms. Linda Cotten-Dodson, Mr. Bobby Townsend, and Mr. Gantt Stephens, Director of Operations, were also in attendance.

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

The first item of the meeting was the agenda approval. Mrs. 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 April 17, 2024, and May 22nd, 2024, meetings. Ms. Whitley Hendren moved to approve the minutes as distributed. The motion was seconded by Ms. Bonita 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.

Ms. Whitley Hendren recused herself from item IV-A, Change of control for Carolina Memorial Park. Mr. Gaffney recused himself from item V-B, Shepherd Memorial Park change of trustee.

II. Operations Report - Mr. Stephens began by reviewing the financials and asked if there were any questions or comments. There were none. The operations report was provided to the Commissioners. No questions were received.

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

1) Ms. Leslie Peterson – Complainant against Landquest Legacy dba Carolina Biblical Gardens of Raleigh regarding undelivered merchandise: Ms. Peterson presented her complaint against Carolina Biblical Gardens. She states staff from Carolina Biblical Gardens received and deposited a check for merchandise that was unable to be ordered for 8 months due to outstanding balances owed to the vendor. She explained she received a promise of a full refund and free installation of the marker she ordered elsewhere. She provided documentation of these communications with the cemetery.

Mr. Gaffney addressed Ms. Peterson and made her aware of the current position of LandQuest Legacy properties, including the removal of the owner and placement of

a receiver. Mr. Gaffney assured Ms. Peterson that the receiver is working through all of the outstanding orders to ensure the items paid for by customers are delivered. This will include reimbursement for the undelivered marker and free installation of the marker she purchased from another vendor as promised by the cemetery.

- 2) Mr. Ryan Walshe – Former landscaping vendor for Landquest Properties addressed the Commission regarding his outstanding balance with Landquest Properties. Mr. Walshe states he understands, as he is a vendor, that the Commission does not have a role in making him whole.

Mr. Gaffney addressed Mr. Walshe’s concerns by sharing the status of the receivership and the priority being the consumers being made whole for undelivered merchandise.

- 3) Ms. Lily Donahue – CEO of EverStory Partners addressed the Commission to provide updates regarding their progress since entering the new management agreement and taking over the new properties in December 2023.

IV. **New Business:**

- a. **Carolina Memorial Park- Change of Control-** Mr. Gaffney introduced the change of control request for Carolina Memorial Park to Park Lawn Corp. along with a trustee change from Cemetery Funds of NC to Argent Trust. Mrs. Cotten-Dodson moved to approve the change of control and trustee change as presented. Mr. Hill seconded the motion. Motion passed unanimously.
- b. **NCCC Budget Adoption** – All Commissioners had received a copy of the proposed budget for the upcoming fiscal year. Mr. Townsend moved to approve the budget as presented. Mrs. Cotten-Dodson seconded the motion. Motion passed unanimously.

V. **Old Business:**

- a. **LandQuest Legacy Receivership-** Mr. Stephens and Mr. Gaffney provided updates on the status of the Landquest Legacy properties. The receiver was placed July 1st by the court and has begun to review all the outstanding merchandise that has not been ordered by the cemetery. Mr. Gaffney explained the findings thus far are significant and it will likely take some time to work through all the outstanding orders.
- b. **Shepherd Memorial Park – Change of Trustee from Cemetery Funds of NC to Pinehurst Funds:** Mrs. Cotten Dodson presides over this agenda item and explains that Mr. Gary McDowell, the receiver for Shepherd Memorial Park, has submitted a request to change the trustee for the perpetual care and preneed trust accounts from CemFunds of NC to Pinehurst Funds. The Commissioners were provided with a draft agreement to review. Ms. Caldwell moved to accept the request to change trustee. Mr. Townsend seconded the motion. The motion passed unanimously.
- c. **SMMP Legal Updates-** Mr. Stephens provided an update on the legal actions associated with Smoky Mountain Memorial Park cemeteries, Fairview Memorial Park, and Swain Memorial Park. He explained that after the NCCC winning the Appeals Court appeal, the next step is for the divided property to be made whole again. After the cemetery is made whole, the properties may be made available for sale.

VI. Election of Officers – Ms. Whitley Hendren moved to keep the officers serving currently in the same positions: Mr. Bill Gaffney, President; Mrs. Cotten-Dodson, Vice President; and Ms. Weaver, Secretary/Treasurer. Mr. Simmons seconded the motion. Motion Passed unanimously.

VII. REMINDER OF NEXT MEETING DATE:

Mr. Gaffney reminded all in attendance that the next scheduled quarterly meeting will take place on Wednesday, October 16, 2024, at 10:00 a.m. at the Hilton in North Hills, Raleigh.

VIII. Adjournment:

Mr. Townsend moved to adjourn the meeting. Ms. Caldwell seconded the motion. All in favor. Meeting adjourned.