



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

April 15, 2021

James C. Wrenn, Jr.
jcw@hickswrennlaw.com

Exempt from Review – Acquisition of Facility

Record #: 3526
Date of Request: April 9, 2021
Facility Name: Heritage Place II
Type of Facility: Adult care home
FID #: 920267
Acquisition by: Triad Land Company, LLC
Business #: 3356
County: Catawba

Dear Mr. Wrenn:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that the project described above is exempt from certificate of need (CON) review in accordance with G.S. 131E-184(a)(8). Therefore, the above referenced business may proceed to acquire the health service facility identified above without first obtaining a CON, change the operator to Cyrus Max, Inc., and change the facility name from The Alberta House to Heritage Place II. The Agency's determination is limited to the question of whether the above referenced business would have to obtain a CON if the current owners of the health service facility do in fact sell it to the business listed above. Note that pursuant to G.S. 131E-181(b): "*A recipient of a certificate of need, or any person who may subsequently acquire, in any manner whatsoever permitted by law, the service for which that certificate of need was issued, is required to materially comply with the representations made in its application for that certificate of need.*"

If the business listed above does acquire the facility, you should contact the Agency's Adult Care Licensure Section, to obtain instructions for changing ownership and operator of the existing facility.

It should be noted that this Agency's position is based solely on the facts represented by you and that any change in facts as represented would require further consideration by this Agency and a separate determination regarding whether a certificate of need would be required. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Ena Lightbourne
Project Analyst

for
Lisa Pittman
Acting Chief, Certificate of Need

cc: Adult Care Licensure Section, DHSR

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION
HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION

LOCATION: 809 Ruggles Drive, Edgerton Building, Raleigh, NC 27603
MAILING ADDRESS: 809 Ruggles Drive, 2704 Mail Service Center, Raleigh, NC 27699-2704
<https://info.ncdhhs.gov/dhsr/> • TEL: 919-855-3873

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

LAW OFFICES OF
HICKS WRENN, PLLC

Telephone: 919-693-8161
www.hickswrennlaw.com

N. Kyle Hicks
James C. Wrenn, Jr.
Gerald T. Koinis
Jeffrey G. Stovall

PO Box 247
111 Gilliam Street
Oxford, North Carolina 27565

April 9, 2021

Via email and overnight delivery

Ms. Lisa Pittman
Assistant Chief
NC Division of Health Service Regulation
Healthcare Planning and Certificate of Need Section
809 Ruggles Drive
Raleigh, NC 27603
lisa.pittman@dhhs.nc.gov

Ms. Ena Lightbourne
Project Analyst
NC Division of Health Service Regulation
Healthcare Planning and Certificate of Need Section
809 Ruggles Drive
Raleigh, NC 27603
ena.lightbourne@dhhs.nc.gov

**Re: The Alberta House
CHOPAH, INC. (Operating & Real Estate Entity)
807 4th St. SW, Conover, NC 28613
License Number: HAL-018-030**

Dear Ms. Pittman and Ms. Lightbourne:

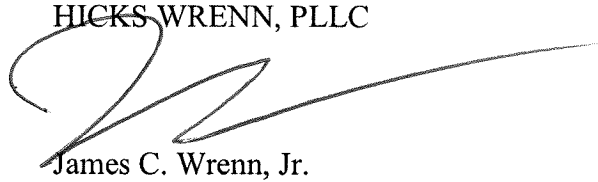
I represent Cyrus Max, Inc (“Cyrus Max”) and Triad Land Company, LLC (“Triad”). Triad proposes to acquire the real property constituting the existing health service facility licensed as an adult care home known as The Alberta House from CHOPAH, INC. and Cyrus Max plans to acquire the operations of the facility from CHOPAH, INC. (Licensee: CHOPAH, INC.; Address: 807 4th St. SW, Conover, NC 28613 (Catawba County); License Number: HAL-018-030; Real Property Owner: CHOPAH, INC.). After the acquisition, Cyrus Max will operate the adult care home pursuant to a lease with Triad. After Cyrus Max receives its license to operate the facility, the adult care home will continue to be known as Heritage Place II.

Pursuant to G.S. §131D-184(a)(8), I understand that this transaction is exempt from review and, as a result, we request that you confirm that understanding by providing us with a “no review” letter.

As always, thank you for your assistance.

Sincerely,

HICKS WRENN, PLLC

A handwritten signature in black ink, appearing to read 'James C. Wrenn, Jr.', with a long horizontal flourish extending to the right.

James C. Wrenn, Jr.

From: [Lightbourne, Ena](#)
To: [Waller, Martha K](#)
Subject: FW: [External] Chopah-Alberta House
Date: Friday, April 9, 2021 3:25:02 PM
Attachments: [Chopah-Alberta House- signed no review letter to CON Section \(A0193346x9D72F\).pdf](#)

Martha, can you log this? Thanks.

From: Nicki Parnell <nkp@hickswrennlaw.com>
Sent: Friday, April 9, 2021 3:05 PM
To: Pittman, Lisa <lisa.pittman@dhhs.nc.gov>; Lightbourne, Ena <ena.lightbourne@dhhs.nc.gov>
Cc: Jim Wrenn <jcw@hickswrennlaw.com>
Subject: [External] Chopah-Alberta House

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Good afternoon:

Please see attached letter from Attorney Jim Wrenn, a hard copy will be dropped in the mail today via UPS overnight.

Thank you,

Nicki Parnell, Legal Assistant
Hicks Wrenn, PLLC
P.O. Box 247
111 Gilliam Street
Oxford, NC 27565
Phone: (919) 693-8161 Ext. 19
Fax: (919) 693-9938
nkp@hickswrennlaw.com

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