



North Carolina Department of Health and Human Services
Division of Health Service Regulation

Pat McCrory
Governor

Aldona Z. Vos, M.D.
Ambassador (Ret.)
Secretary DHHS

Drexdal Pratt
Division Director

October 25, 2013

Mr. J. Michael Dyson
H81, LLC
1939 Prestwick Lane
Wilmington, NC 28405

No Review-Lease of Facility

Facility: Toney Rest Home, Inc., 904 Raleigh Street, Oxford, North Carolina
Project Description: Lease of Adult Care Home by H81, LLC.
County: Granville

Dear Mr. Dyson:

The Certificate of Need Section (CON Section) received your letter of June 10, 2013, regarding the above referenced proposal. Based on the CON law in effect on the date of this correspondence to your request, the proposal described in your correspondence is not governed by, and therefore, does not currently require a certificate of need. However, please note that if the CON law is subsequently amended such that the above referenced proposal would require a certificate of need, this determination does not authorize you to proceed to develop the above referenced proposal when the new law becomes effective.

It should be noted that this determination is binding only for the facts represented by you. Consequently, if changes are made in the project or in the facts provided in your correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by the Certificate of Need Section. Changes in a project include, but are not limited to: (1) increases in the capital cost; (2) acquisition of medical equipment not included in the original cost estimate; (3) modifications in the design of the project; (4) change in location; and (5) any increase in the number of square feet to be constructed; and exercising its option to purchase land and improvements within five years. Please contact the Adult Care Licensure Section of the Division of Health Service Regulation to obtain instructions for changing ownership of the existing facility.

If H81, LLC subsequently exercises its option to acquire the land and building of the Toney Rest Home it should notify the Agency requesting an exemption from review for the acquisition of a health service facility prior to the actual acquisition. If you have any questions concerning this matter, please feel free to contact this office.



www.ncdhhs.gov • <http://www.ncdhhs.gov/dhsr>
Tel (919) 855-3873 • Fax (919) 733-8139
Location: Edgerton Building, 809 Ruggles Drive • Raleigh, NC 27603
Mailing Address: 2704 Mail Service Center • Raleigh, NC 27699-2704
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Mr. J. Michael Dyson
H81, LLC
Page 2

Sincerely,



F. Gene DePorter, Project Analyst
Certificate of Need Section



Craig R. Smith, Chief
Certificate of Need Section

cc: Acute and Home Care Licensure and Certification Section, DHSR

H81, LLC

October 10, 2013

H81, LLC
1939 Prestwick Lane
Wilmington, NC 28405



Mr. Gene DePorter, Project Analyst
North Carolina Department of Health and Human Services
Certificate of Need Division
2704 Mail Service Center
Raleigh, NC 27699-2704

RE: Change in structure of sale

Dear Mr. Porter,

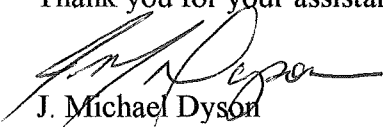
As outlined in our June 4, 2013 letter, H81, LLC, a North Carolina Limited Liability Company, is intent on purchasing the land, equipment and business interest of Toney Rest Home, Inc. located at 904 Raleigh Street; Oxford, Granville County, North Carolina. The structure of the agreement has changed to a purchase of the business and a lease with a five-year option to purchase the land and improvements. The closing is set to occur on or about November 1, 2013.

H81, LLC makes this request based on the following:

1. H81, LLC is leasing the land and equipment of the 60 bed facility with a five-year option to purchase as is with no additions to the size function or current level of care;
2. H81, LLC brings over 30 years of experience in adult care home administration along with industry leadership in hospitality and customer care;
3. The initial administrator has over 40 years of direct administrative experience, extended experience on national accreditation boards for long-term care administrators and testing, a leader in senior advocacy, and a member of the Governor's Advocacy Task Force.

If you need any additional information, please contact me at 704 650-4635. Any written correspondences should be forwarded to **Mike Dyson, 4610 Fairvista Drive, Charlotte, NC 28269**

Thank you for your assistance in this matter,


J. Michael Dyson
Member, H81, LLC

Enclosures:



North Carolina Department of Health and Human Services
Division of Health Service Regulation

Pat McCrory
Governor

Aldona Z. Wos, M.D.
Ambassador (Ret.)
Secretary DHHS

Drexdal Pratt
Division Director

June 10, 2013

J. Michael Dyson
1939 Prestwick Lane
Wilmington, NC 28405

Exempt from Review-Acquisition of Facility

Facility: Toney Rest Home, Inc.
Acquisition by: H81, LLC
Project Description: Purchase land, equipment and business interests of Toney Rest Home, Inc.
County: Granville
FID #: 920336

Dear Mr. Dyson:

The Certificate of Need Section (CON Section) received your letter of June 7, 2013, regarding the above referenced proposal. Based on the CON law in effect on the date of this correspondence to your request, the proposal described in your correspondence is not governed by, and therefore, does not currently require a certificate of need. However, please note that if the CON law is subsequently amended such that the above referenced proposal would require a certificate of need, this determination does not authorize you to proceed to develop the above referenced proposal when the new law becomes effective.

It should be noted that this determination is binding only for the facts represented by you. Consequently, if changes are made in the project or in the facts provided in your correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by the Certificate of Need Section. Changes in a project include, but are not limited to: (1) increases in the capital cost; (2) acquisition of medical equipment not included in the original cost estimate; (3) modifications in the design of the project; (4) change in location; and (5) any increase in the number of square feet to be constructed. Please contact the Adult Care Licensure Section of the Division of Health Service Regulation to obtain instructions for changing ownership 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. If you have any questions concerning this matter, please feel free to contact this office.



Certificate of Need Section

www.ncdhhs.gov

Telephone: 919-855-3873 • Fax: 919-733-8139


Location: Edgerton Building • 809 Ruggles Drive • Raleigh, NC 27603

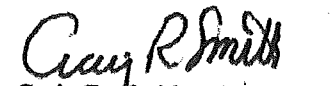
Mailing Address: 2704 Mail Service Center • Raleigh, NC 27699-2704

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Sincerely,


Gene DePorter Project Analyst
Certificate of Need Section


Craig R. Smith, Chief
Certificate of Need Section

cc: Acute and Home Care Licensure and Certification Section, DHSR

H81, LLC

June 4, 2013

H81, LLC
1939 Prestwick Lane
Wilmington, NC 28405

Mr. Gene DePorter, Project Analyst
North Carolina Department of Health and Human Services
Certificate of Need Division
2704 Mail Service Center
Raleigh, NC 27699-2704

RE: Request for no review or an exempt from review status

Dear Mr. Porter,

H81, LLC, a North Carolina Limited Liability Company, is intent on purchasing the land, equipment and business interest of Toney Rest Home, Inc. located at 904 Raleigh Street; Oxford, Granville County, North Carolina. The purchase is set to occur on or about June 15, 2013.

H81, LLC has applied for licensure through the Department of Health and Human Services and request an exemption from review from the Certificate of Need Section.

H81, LLC makes this request based on the following:

1. H81, LLC is purchasing the land and equipment of the 60 bed facility as is with no additions to the size function or current level of care;
2. H81, LLC brings over 30 years of experience in adult care home administration along with industry leadership in hospitality and customer care;
3. The initial administrator has over 40 years of direct administrative experience, extended experience on national accreditation boards for long-term care administrators and testing, a leader in senior advocacy, and a member of the Governor's Advocacy Task Force.

For information, I included our Executive Summary outlining our company's composition and program plan. If you need any additional information, please contact me at 704 650-4635. Any written correspondences should be forwarded to **Mike Dyson, 4610 Fairvista Drive, Charlotte, NC 28269**

Thank you for your assistance in this matter,

J. Michael Dyson
Member, H81, LLC