



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

May 28, 2015

Charles E. Trefzger, Jr.  
P.O. Box 2568  
Hickory, NC 28603

**Exempt from Review – Acquisition of Facility**

Facility: Somerset Court of Cherryville  
Type of Facility: Adult Care Home  
Acquisition by: Cherryville SIP 2, LLC  
County: Gaston  
FID #: 971259

Dear Mr. Trefzger:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of May 13, 2015, the above referenced proposal is exempt from certificate of need review in accordance with G.S 131E-184(a)(8). Therefore, Cherryville SIP 2, LLC may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Agency's Adult Care Licensure Section to obtain instructions for changing ownership of the existing facility. 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."*

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.

Sincerely,

Gloria Hale  
Project Analyst

Martha J. Frisone,  
Assistant Chief, Certificate of Need

cc: Adult Care Licensure Section, DHSR  
Assistant Chief, Healthcare Planning



**Healthcare Planning and Certificate of Need Section**

www.ncdhhs.gov

Telephone: 919-855-3873 • Fax: 919-715-4413

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

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

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***JFC Meridian Opco - Cherryville, LLC***

*Post Office Box 2568*

*Hickory, North Carolina 28603-2568*

May 13, 2015



**FIRST CLASS MAIL**

Ms. Martha J. Frisone, Interim Section Chief  
Certificate of Need Section  
Division of Health Service Regulation  
Department of Health & Human Services  
2704 Mail Center Service  
Raleigh, NC 27499-2704

**Re: Notice of Exempt Transfer of Operations and Property Ownership of Somerset Court of Cherryville, a 60-bed adult care home located at 401 West Academy Street, Cherryville, Gaston County, North Carolina (FID# 971259)**

Dear Ms. Frisone:

In my previous letter dated March 20, 2015 (copy attached), I notified you that the operations for Somerset Court of Cherryville (the "Facility") will be transferred to a new operator through the proposed transaction. To clarify, Salem Senior Housing, Inc. ("Current Operator") will transfer operations of the Facility to JFC Meridian Opco - Cherryville, LLC ("New Operator"); JFC SIP 2, LLC ("Member") will be the sole member of the New Operator; and HOB I LLC ("Manager") will be the manager of Member. The New Operator will also enter into a management contract with Meridian Senior Living, LLC.

To further clarify, the Facility's real property and its improvements will also be transferred to a new property owner. Upon the closing of the proposed transaction, NCAL-Cherryville, Inc. ("Current Owner") will transfer ownership of the real property and its improvements to Cherryville SIP 2, LLC ("New Owner"). Member will be the sole member of the New Owner.

We have received a letter of acknowledgement from the Certificate of Need Section (copy attached) based upon our previous request to confirm that the proposed transaction between the Current Operator and the New Operator is exempt from review under Section 131E-184(a)(8) of the North Carolina General Statutes, but wanted further assurance from you that the proposed transaction between the Current Owner and the New Owner would also be exempt from review under Section 131E-184(a)(8) of the North Carolina General Statutes.

If you require additional information to consider this request, please contact us at the number below at your earliest convenience. We thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'CET', written over a white background.

Charles E. Trefzger, Jr.  
Manager

Enclosures



APR 14 2015

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Division of Health Service Regulation

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Division Director

April 10, 2015

Charles E. Trefzger, Jr.  
JFC Meridian Opco – Cherryville, LLC  
P.O. Box 2568  
Hickory, North Carolina 28603-2568

**No Review**

Facility or Business: Somerset Court of Cherryville  
Project Description: Change licensee from Salem Senior Housing, Inc. to JFC Meridian Opco –  
Cherryville, LLC  
County: Gaston  
FID #: 971259

Dear Mr. Trefzger, Jr.:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your letter of March 20, 2015 regarding the above referenced proposal. Based on the CON law **in effect on the date of this response 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.

Moreover, you need to contact the Agency’s Acute and Home Care Licensure and Certification Section, DHHS to determine if they have any requirements for development of the proposed project.

It should be noted that this determination is binding only for the facts represented in your correspondence. 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 this office. 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.



Healthcare Planning and Certificate of Need Section

[www.ncdhhs.gov](http://www.ncdhhs.gov)

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Mr. Charles E. Trefzger, Jr.  
April 10, 2015  
Page 2

Please contact this office if you have any questions. Also, in all future correspondence you should reference the Facility ID # (FID) if the facility is licensed.

Sincerely,



Gloria C. Hale  
Project Analyst



Martha J. Frisone  
Assistant Chief, Certificate of Need

cc: Acute and Home Care Licensure and Certification Section, DHSR  
Assistant Chief, Healthcare Planning

# *JFC Meridian Opco - Cherryville, LLC*

*Post Office Box 2568*

*Hickory, North Carolina 28603-2568*

March 20, 2015

## FIRST CLASS MAIL

Ms. Martha J. Frisone, Interim Section Chief  
Certificate of Need Section  
Division of Health Service Regulation  
Department of Health & Human Services  
2704 Mail Center Service  
Raleigh, NC 27499-2704

Re: No Review Notice for Somerset Court of Cherryville, a 60-bed adult care home located at 401 West Academy Street, Cherryville, Gaston County, North Carolina (FID# 971259)

Dear Ms. Frisone:

This letter is to notify you that Salem Senior Housing, Inc., the current Licensee of the Cherryville (Gaston County) facility, currently known as Somerset Court of Cherryville (hereafter "the Facility"), will be relinquishing its license. JFC Meridian Opco - Cherryville, LLC, is currently completing the licensure application necessary to become the new Licensee. Subsequent to this transaction, the Facility will continue to operate under the name Somerset Court of Cherryville.

The purpose of this letter is to provide prior notice of this change, which does not fall under the purview of certificate of need ("CON") review. Although N.C. Gen. Stat. § 131E-184 does not explicitly exempt a change of licensee from review, it has been the opinion of the Certificate of Need Section ("the Agency") that such changes are not subject to review, garnering a "no-review" status.

Based on the foregoing information, we hereby request the Agency's confirmation that the proposal described above does not require CON review. If you require additional information to consider this request, please contact us at the number below as soon as possible. We thank you for your consideration of this request.

Sincerely,



Charles E. Trefzger, Jr.  
Manager