



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

Pat McCrory
Governor

Richard O. Brajer
Secretary DHHS

Mark Payne
Assistant Secretary for Audit and
Health Service Regulation

March 7, 2017

Carmen J. Marzella
200 Pinner Weald Way
Suite 101
Cary, NC 27513

Exempt from Review – Acquisition of Facility

Record #: 1885
Facility Name: Heritage Center
Type of Facility: Adult Care
FID #: 921194
Acquisition by: Alpha Concord Plantation, LLC
Business #: 2358
County: Rowan

Dear Ms. Marzella:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of February 26, 2016, the above referenced proposal is exempt from certificate of need review in accordance with G.S 131E-184(a)(8). Therefore, Alpha Concord Plantation, 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



Healthcare Planning and Certificate of Need Section

www.ncdhhs.gov

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

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

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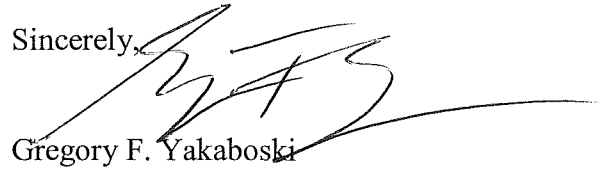
Carmen J. Marzella

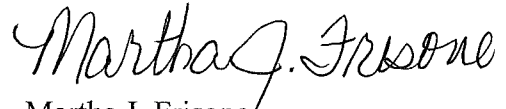
March 7, 2016

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separate determination. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,


Gregory F. Yakaboski
Project Analyst


Martha J. Frisone,
Assistant Chief, Certificate of Need

cc: Construction Section, DHSR
Adult Care Licensure Section, DHSR
Kelli Fisk, Program Assistant, Healthcare Planning, DHSR

Yakaboski, Greg

From: Carmen J. Marzella, Esq. <cmarzella@marzellalawgroup.com>
Sent: Friday, February 26, 2016 10:21 AM
To: Yakaboski, Greg
Cc: juliet@alphahealthservices.com; Trip Holmes
Subject: Alpha Concord Plantation, LLC
Attachments: Yakaboski DHHS 2-24-2016.pdf

Mr. Yakaboski,

Please see the attached correspondence for your consideration.

Thank you.

CARMEN JOSEPH MARZELLA, ESQ.
Member NC & NJ Bars



200 Pinner Weald Way
Suite 101
Cary, North Carolina 27513

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February 26, 2016

VIA EMAIL (greg.yakaboski@dhhs.nc.gov)

Mr. Greg Yakaboski
Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
Department of Health and Human Services
2704 Mail Service Center
Raleigh, NC 27699-2704

**Re: *Exemption Request by Alpha Concord Plantation, LLC
Acquisition of Heritage Plantation, LLC
Address: 2809 Old Concord Road, Salisbury, NC 28146***

Dear Mr. Yakaboski:

On behalf of our client, Alpha Concord Plantation, LLC, ("ACP"), we submit this letter to advise the Healthcare Planning and Certificate of Need Section ("CON Section") of a proposed transaction whereby ACP will acquire substantially all of the assets of HERITAGE PLANTATION, LLC and its members, Daniel W. Tuttle and Tisha Tuttle, (collectively, "HERITAGE PLANTATION") related to HERITAGE PLANTATION's ownership of the 29-bed Adult Care Home facility known as Heritage Plantation Assisted Living, ("Facility"). The acquisition by ACP will include the real estate, building(s), and all CON rights related to the Facility.

Accordingly, the transaction should be determined to be exempt from certificate of need review under N.C. Gen. Stat. § 131E-184(a)(8), as it constitutes the acquisition, by ACP, of an existing health service facility from the Facility's current owner.

At present, the plan is for the transaction to close on or about May 15, 2106. Consequently, we would appreciate your earliest possible attention to this matter and confirmation that the proposed acquisition is exempt under N.S. Gen. Stat. § 131 E-184(a)(8).

On behalf of our client, I thank you for your attention to this matter. If you should have any questions or need any additional information, please contact me so that I may respond immediately.

Thank you for your time and consideration.

Sincerely,

MARZELLA LAW GROUP, PLLC



CARMEN J. MARZELLA

cmarzella@marzellalawgroup.com

CJM/c

cc: Juliet Okwoshah

ALPHA CONCORD PLANTATION, LLC.

February 19, 2016

VIA EMAIL

Martha Frisone
Assistant Section Chief
Certificate of Need
Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
Department of Health and Human Services
2704 Mail Service Center
Raleigh, NC. 27699



RE: Exemption Request by Alpha Concord Plantation LLC. - Acquisition of Assisted Living Facility- Heritage Center, LLC- HAL-080-007

Dear Ms. Frisone:

Alpha Concord Plantation LLC is submitting this letter to advise the Healthcare Planning and Certificate of Need Section ("CON Section") of a proposed transaction whereby Alpha Concord Plantation LLC will acquire substantially all of the assets of Heritage Center, LLC and its members, Daniel Turtle and Tisha Turtle related to ownership of the 29-bed Adult Care Home facility known as Heritage Center, LLC ("Facility"). The acquisition by Alpha Concord Plantation will include the real estate, building(s), and all CON rights related to the Facility.

Accordingly, the transaction should be determined to be exempt from certificate of need review under N.C. Gen. Stat. § 131E-184(a) (8), since it constitutes the acquisition, by Alpha Concord Plantation, LLC, of an existing health service facility from the Facility's current owner.

At present, the plan is for the transaction to close on or about March 19, 2016. Consequently, we would appreciate your earliest possible attention to this matter and confirmation that the proposed acquisition is exempt under N.S.Gen. Stat. § 131E-184(a) (8).

Thank you for your attention to this and please advise if you have any questions or need any additional information in order to respond.

Very truly yours,

Juliet Okwoshah
Pharmaceutical Scientist

cc: Yakaboski, Greg Department of Health and Human services
(via e-mail)