



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

**ROY COOPER • Governor**  
**KODY H. KINSLEY • Secretary**  
**MARK PAYNE • Director, Division of Health Service Regulation**

VIA EMAIL ONLY

May 9, 2022

Amy Erwin  
[aerwin@smithlaw.com](mailto:aerwin@smithlaw.com)

**Exempt from Review – Acquisition of Facility**

**Record #:** 3888  
**Date of Request:** April 28, 2022  
**Facility Name:** Burke Long Term Care  
**Type of Facility:** Adult care home  
**FID #:** 920145  
**Acquisition by:** KMC Morganton, LLC  
**Business #:** 3544  
**County:** Burke

Dear Ms. Erwin:

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. 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 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

Micheala Mitchell  
Chief

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

SMITH, ANDERSON, BLOUNT,  
DORSETT, MITCHELL, & JERNIGAN, L.L.P.

LAWYERS

April 27, 2022

**Via email**

Ms. Micheala Mitchell  
Chief  
NC Division of Health Service Regulation  
Healthcare Planning and Certificate of Need Section  
809 Ruggles Drive  
Raleigh, NC 27603  
[micheala.mitchell@dhhs.nc.gov](mailto:micheala.mitchell@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](mailto:ena.lightbourne@dhhs.nc.gov)

**Re: Burke Long Term Care  
Burke Rest Home, Inc. (Operating Entity)  
Haiyoung Kim Robertson and Kevin Lee Robertson (Real Property Owners)  
125 Camellia Garden Street, Morganton, NC 28655  
License Number: HAL-012-042**

Dear Ms. Mitchell and Ms. Lightbourne:

I am assisting Morganton Geriatric, LLC (“Morganton”) and KMC Morganton, LLC (“KMC”) with licensure and Certificate of Need matters. KMC proposes to acquire the real property constituting the existing health service facility licensed as an adult care home known as Burke Long Term Care from Haiyoung Kim Robertson and Kevin Lee Robertson and Morganton plans to acquire the operations of the facility from Burke Rest Home, Inc. (Licensee: Burke Rest Home, Inc.; Address: 125 Camellia Garden Street, NC 28655 (Burke County); License Number: HAL-012-042; Real Property Owners: Haiyoung Kim Robertson and Kevin Lee Robertson). After the acquisition, Morganton will operate the adult care home pursuant to a lease with KMC. After Morganton receives its license to operate the facility, the adult care home will continue to be known as Burke Long Term Care.

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,

**SMITH, ANDERSON, BLOUNT, DORSETT,  
MITCHELL & JERNIGAN, L.L.P**

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.

**SMITH, ANDERSON, BLOUNT, DORSETT, MITCHELL, & JERNIGAN, L.L.P.**