



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

December 7, 2021

James Wrenn
jwrenn@smithlaw.com

Exempt from Review – Acquisition of Facility

Record #: 3749
Date of Request: November 29, 2021
Facility Name: Rivers Edge of Lumberton
Type of Facility: Adult care home
FID #: 921195
Acquisition by: CAC Management, LLC
Business #: 3491
County: Robeson

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. 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,

[Handwritten signature of Tanya M. Saporito]

Tanya M. Saporito, Project Analyst

[Handwritten signature of Micheala Mitchell]

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

November 29, 2021

Christopher S. Dwight  
Associate  
D: 252.972.7024  
F: 919.783.1075  
cdwight@poynerspruill.com

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. Tanya Saporito  
Project Analyst  
NC Division of Health Service Regulation  
Healthcare Planning and Certificate of Need  
Section  
809 Ruggles Drive  
Raleigh, NC 27603  
[tanya.saporito@dhhs.nc.gov](mailto:tanya.saporito@dhhs.nc.gov)

RE: Rivers Edge of Lumberton  
Rivers Edge of Lumberton LLC (Operating Entity)  
The Victorian Holdings Group, L.L.C. (Current Real Estate Entity)  
550 Bailey Road, Lumberton, NC 28359  
License Number: HAL-078-111

Dear Ms. Mitchell and Ms. Saporito:

This firm represents Rivers Edge of Lumberton LLC (“**Rivers Edge**”) and CAC Management, LLC (“**CAC**”). Rivers Edge currently operates an adult care home known as “Rivers Edge of Lumberton” (License Number: HAL-078-111) it leases located at 550 Bailey Road, Lumberton, NC 28359 (the “**Existing Health Service Facility**”) from The Victorian Holdings Group, L.L.C. (“Victorian”). Pursuant to a proposed real estate transaction, CAC will purchase the Existing Health Service Facility from Victorian. After the acquisition, Rivers Edge will continue to operate the adult care home pursuant to a lease with CAC.

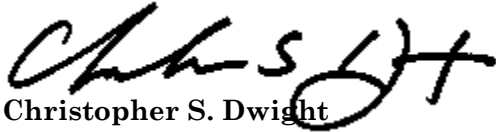
Pursuant to G.S. §131D-184(a)(8), I understand that this transaction is exempt from review and, as a result, we request that you confirm that understanding by providing us with a “no review” letter.

November 29, 2021

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As always, thank you for your assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Chris Dwight". The signature is written in a cursive style with a large, stylized "D" at the end.

**Christopher S. Dwight**  
*Associate*

**From:** [Tanya, Saporito](#)  
**To:** [Waller, Martha K](#)  
**Subject:** FW: [External] CAC Management LLC - No Review Letter (CON) [SMITHLAW-RDU.017555.00001]  
**Date:** Monday, November 29, 2021 9:57:57 AM  
**Attachments:** [CAC Management LLC - No Review Letter \(CON\).pdf](#)

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Oops.....

**Tanya Saporito, J.D.**  
Project Analyst  
[Division of Health Service Regulation](#), Certificate of Need  
[NC Department of Health and Human Services](#)



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Office: 919-855-3873  
[Tanya.saporito@dhhs.nc.gov](mailto:Tanya.saporito@dhhs.nc.gov)

809 Ruggles Drive, Edgerton Building  
2704 Mail Service Center  
Raleigh, NC 27699-2704

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**From:** James Wrenn <jwrenn@smithlaw.com>  
**Sent:** Monday, November 29, 2021 9:47 AM  
**To:** Tanya, Saporito <tanya.saporito@dhhs.nc.gov>  
**Cc:** Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>; Amy Erwin <aerwin@smithlaw.com>; Dwight, Christopher S. <CDwight@poynerspruill.com>  
**Subject:** [External] CAC Management LLC - No Review Letter (CON) [SMITHLAW-RDU.017555.00001]

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Good morning—

I hope you had a nice Thanksgiving. I represent the seller in the transaction described in the attached no review letter and Chris Dwight of Poyner Spruill represents the buyer. We hope to close December 3. Ken Burgess recently left Poyner Spruill and had previously been working on this transaction and would have gotten the no review letter. I mentioned to Chris that we needed a no

review letter late last week to confirm that one had been obtained following Ken's transition and he confirmed that one has not been obtained. If possible, can you please review as soon as possible so that we can keep our scheduled closing date? We both apologize for any inconvenience.

Thanks,

Jim

**JAMES C. WRENN, JR. | PARTNER**

[jwrenn@smithlaw.com](mailto:jwrenn@smithlaw.com) | [bio](#)

o: 919.821.6645 | m: 919.939.1012

[vcard smithlaw.com](#) | [map](#)



Smith Anderson



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