



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

March 1, 2023

James C. Wrenn, Jr.
jwrenn@smithlaw.com

Exempt from Review – Acquisition of Facility

Record #: 4139
Date of Request: January 31, 2023
Facility Name: Wellington Park
Type of Facility: ACH
FID #: 921357
Acquisition by: Wellington Park PROPCO, LLC
Business #: 3666
County: Duplin

Dear Mr. Wrenn, Jr.:

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 new operator will be Wellington Park OPCO, LLC. 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 & (Section Name) 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,

Gregory F. Yakaboski
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

January 31, 2023

Via email only

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

Mr. Greg Yakaboski
Project Analyst
NC Division of Health Service Regulation
Healthcare Planning and Certificate of Need Section
809 Ruggles Drive
Raleigh, NC 27603
greg.yakaboski@dhhs.nc.gov

**Re: Wellington Park
Wellington Park, Inc. (Operating Entity)
Horizon, Inc. (Real Estate Entity)
329 Cooper St., Kenansville, NC 28349
License Number: HAL-031-020**

Dear Ms. Mitchell and Mr. Yakaboski:

I represent Wellington Park OPCO, LLC (“OPCO”) and Wellington Park PROPCO, LLC (“PROPCO”) with respect to licensure matters. PROPCO proposes to acquire the real property constituting the existing health service facility licensed as an adult care home known as Wellington Park from Horizon, Inc. and OPCO plans to acquire the operations of the facility from Wellington Park, Inc. (Licensee: Wellington Park, Inc.; Address: 329 Cooper St., Kenansville, NC 28349 (Duplin County); License Number: HAL-031-020; Real Property Owner: Horizon, Inc.). After the acquisition, OPCO will operate the adult care home pursuant to a lease with PROPCO. After OPCO receives its license to operate the facility, the adult care home will continue to be known as Wellington Park.

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, LLP

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.

From: [Mitchell, Micheala L](#)
To: [Stancil, Tiffany C](#)
Cc: [Yakaboski, Greg](#)
Subject: FW: [External] Wellington Park - no review letter
Date: Tuesday, January 31, 2023 11:26:56 AM
Attachments: [SKM_C55823013112060.pdf](#)

Good morning again (clear voice this time)

Would you mind logging this as a no review? I think it goes to Greg.

Micheala Mitchell, JD

(she/her/hers)

Section Chief, Healthcare Planning and CON Section

[NC Department of Health and Human Services](#)

[Division of Health Service Regulation](#)

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Micheala.Mitchell@dhhs.nc.gov

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From: Amy Erwin <aerwin@smithlaw.com>
Sent: Tuesday, January 31, 2023 11:23 AM
To: Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>; Yakaboski, Greg <greg.yakaboski@dhhs.nc.gov>
Subject: [External] Wellington Park - no review letter

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Please find attached a letter for your review. Please let me know if you have any questions or concerns!

THANKS!

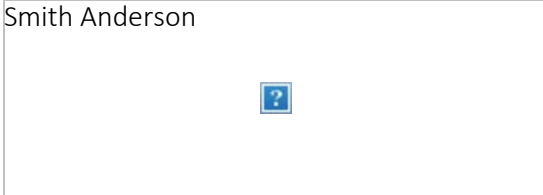
AMY E. ERWIN, NCCP | PARALEGAL

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