



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 17, 2023

Kathryn L. Steffen
Kathryn.steffen@afslaw.com

Exempt from Review – Acquisition of Facility

Record #: 4164
Date of Request: March 8, 2023
Facility Name: The Reserve at Tarboro
Type of Facility: Nursing Facility
FID #: 953485
Acquisition by: Trade Street Landlord LLC
Business #: 3684
County: Edgecombe

Dear Ms. Steffen:

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 Trade Street Tenant, 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 Nursing Home Licensure and Certification Section and the Adult Care Licensure Section, DHSR 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: Nursing Home Licensure and Certification Section, DHSR
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



March 8, 2023

VIA EMAIL (GREG.YAKABOSKI@DHHS.NC.GOV)

Gregory F. Yakaboski, Project Analyst
Division of Health Service Regulation
Healthcare Planning and Certificate of Need Section
Department of Health and Human Services
809 Ruggles Drive
Raleigh, NC 27603

**Re: REQUEST FOR CERTIFICATE OF NEED
EXEMPTION**

Current Licensee: WELL Trevi Albemarle SNF LLC
Proposed Licensee: Trade Street Tenant LLC
License No.: NH0352

Dear Mr. Yakaboski:

We are writing to request an exemption from Certificate of Need review pursuant to N.C.G.S.A. § 131E-184 in connection with an upcoming transaction involving the nursing facility known as The Fountains at the Albemarle, located at 200 Trade Street, Tarboro, NC 27886 (the "Facility"). At present, the licensed operator and tenant of the Facility is WELL Trevi Albemarle SNF LLC (the "Current Licensee"), and the owner of the real property comprising the Facility is EPC Trevi LLC (the "Current Real Property Owner"). The Current Licensee operates the Facility as a nursing facility with 30 nursing facility beds and 56 adult care home beds (License No. NH0352). The nursing facility portion of the Facility is scheduled to close on April 30, 2023.

On or about May 1, 2023 (the "Effective Date"), the Current Real Property Owner will transfer the real property comprising the Facility to Trade Street Landlord LLC (the "New Real Property Owner"). The New Real Property Owner will then lease the Facility to Trade Street Tenant LLC (the "Proposed Licensee"), and the Current Licensee will transfer the Facility operations to the Proposed Licensee. The Proposed Licensee intends to operate the Facility as a 56-bed adult care home under the name The Reserve at Tarboro as of the Effective Date. The Proposed Licensee's Initial Application for Adult Care Licensure is currently pending review with the Adult Care Licensure Section.

If you have any questions or would like to discuss this transaction in greater detail, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

Kathryn L. Steffen

ArentFox Schiff LLP

1717 K Street, NW
Washington, DC 20006

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202.857.6395 **FAX**

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Kathryn L. Steffen

Associate

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Reference Number

034745.00105

AFDOCS:27085624.1

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From: [Waller, Martha K](#)
To: [Stancil, Tiffany C](#)
Cc: [Yakaboski, Greg](#)
Subject: FW: [External] RE: 3733 Edgecombe The Fountains at the Albemarle 953485 Exemption
Date: Wednesday, March 8, 2023 4:31:53 PM
Attachments: [image003.png](#)
[North Carolina - Reserve at Tarboro - CON Exemption Request \(Final Submitted 3-8-2023\).pdf](#)

Tiffany, for you...

From: Steffen, Kathryn L. <kathryn.steffen@afslaw.com>
Sent: Wednesday, March 8, 2023 2:32 PM
To: Yakaboski, Greg <greg.yakaboski@dhhs.nc.gov>
Cc: Waller, Martha K <martha.waller@dhhs.nc.gov>
Subject: [External] RE: 3733 Edgecombe The Fountains at the Albemarle 953485 Exemption

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Good afternoon, Greg,

I hope that you have been well! Attached please find a letter notifying the Healthcare Planning and Certificate of Need Section of an upcoming transaction involving the above-referenced facility currently known as The Fountains at the Albemarle (the "Facility"), and formally requesting a CON Exemption Letter for same.

I know that last time it was helpful for you to have a breakdown of the transaction, so here is the new information:

1. Facility Name:
 - a. Current Name: The Fountains at the Albemarle
 - b. New Name: The Reserve at Tarboro

2. New Real Property Owner:
 - a. Name: Trade Street Landlord LLC
 - b. Address: 4500 Dorr Street, Toledo, OH 43615
 - c. Phone Number: 419-247-2800
 - d. Email Address: licensure@welltower.com

3. Current Operator/Licensee: WELL Trevi Albemarle SNF LLC

4. New Operator/Licensee:
 - a. Name: Trade Street Tenant LLC
 - b. Address: 4500 Dorr Street, Toledo, OH 43615
 - c. Phone Number: 419-247-2800
 - d. Email Address: licensure@welltower.com

5. Summary of Transaction:
 - a. The Facility is currently licensed as a nursing facility with 30 nursing facility beds and 56 adult care home beds.
 - b. On or about 4/30/2023, the nursing facility portion of the Facility will close.

- c. On or about 5/1/2023, pending the receipt of necessary approvals:
- i. The Current Real Property Owner will transfer the real property to the New Real Property Owner.
 - ii. The New Real Property Owner will lease the Facility to the Proposed Licensee.
 - iii. The Current Licensee will transfer the Facility operations to the Proposed Licensee.
 - iv. The Proposed Licensee will operate the Facility as a 56-bed adult care home.

Given the condensed timeline, would it be possible to email the CON Exemption letter to me by next Wednesday, 3/15? Please let me know if there is anything I can do to facilitate your review.

Thank you very much for your help,

Kate



Kathryn L. Steffen
ASSOCIATE | ARENTFOX SCHIFF LLP
(SHE/HER/HERS)

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1717 K Street, NW, Washington, DC 20006

From: Steffen, Kathryn L.
Sent: Thursday, November 18, 2021 1:30 PM
To: Yakaboski, Greg <greg.yakaboski@dhhs.nc.gov>
Subject: RE: 3733 Edgecombe The Fountains at the Albemarle 953485 Exemption

Thank you so much, Greg! I truly appreciate it!

Kathryn L. Steffen
Associate
(She/Her/Hers)

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kathryn.steffen@arentfox.com | www.arentfox.com

From: Waller, Martha K <martha.waller@dhhs.nc.gov>
Sent: Thursday, November 18, 2021 1:23 PM
To: Steffen, Kathryn L. <Kathryn.Steffen@arentfox.com>
Cc: Yakaboski, Greg <greg.yakaboski@dhhs.nc.gov>; Wertz, Becky <becky.wertz@dhhs.nc.gov>
Subject: 3733 Edgecombe The Fountains at the Albemarle 953485 Exemption

FYI...

Martha Waller

Administrative Specialist 1

Division of Health Service Regulation, Certificate of Need Section North Carolina Department of Health and Human Services

Main: 919-855-3873

Office: 919-855-3885

martha.waller@dhhs.nc.gov

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Raleigh, NC 27699-2704

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