



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

September 29, 2022

James C. Wrenn Jr.
jwrenn@smithlaw.com

Exempt from Review – Acquisition of Facility

Record #: 4036
Date of Request: September 6, 2022
Facility Name: Winston Gardens
Type of Facility: Adult Care Home
FID #: 921362
Acquisition by: OLN Properties, LLC
Business #: 3607
County: Bertie

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. In addition, Viola Ventures, LLC may take over operations of the facility. 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,

[Signature]
Gregory F. Yakaboski
Project Analyst

[Signature: 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

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

LAWYERS

August 23, 2022

Via email

Ms. Micheala Mitchell
Chief
NC Division of Health Service Regulation
Healthcare Planning and Certificate of Need Section
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Mr. Greg Yakaboski
Project Analyst
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Healthcare Planning and Certificate of Need Section
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**Re: Winston Gardens
Sovereign Healthcare, LLC (Operating Entity)
Clared, LLC (Real Estate Entity)
205 Watson Street, Windsor, NC 27983
License Number: HAL-008-041**

Dear Ms. Mitchell and Mr. Yakaboski:


I am assisting OLN Properties, LLC (“OLN”) and Viola Ventures, LLC (“Viola”) with licensure and Certificate of Need matters. OLN proposes to acquire the real property constituting the existing health service facility licensed as an adult care home known as Winston Gardens from Clared, LLC and Viola plans to acquire the operations of the facility from Sovereign Healthcare, LLC (Licensee: Sovereign Healthcare, LLC.; Address: 205 Watson Street, Windsor, NC 27983 (Bertie County); License Number: HAL-008-041; Real Property Owner: Clared, LLC). After the acquisition, Viola will operate the adult care home pursuant to a lease with OLN. After Viola receives its license to operate the facility, the adult care home will continue to be known as Winston Gardens.

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**


James C. Wrenn, Jr.

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