

# **NORTH CAROLINA CEMETERY COMMISSION**

**September 28, 2010**

**Emergency Teleconference Meeting**

**11:00 A.M.**

**Chairman Gantt Stephens called an emergency meeting of The North Carolina Cemetery Commission via teleconference to begin at 11:00 a.m. Tuesday, September 28, 2010 in the Commission office at the Pinewood Building, Suite 100, at 1001 Navaho Drive, Raleigh, North Carolina.**

**The meeting was called to order by Chairman Stephens. Administrator Jimmy Miller took a Roll Call of Members. Those Members in attendance were Chairman, Gantt Stephens, Vice-Chairman Glenn Cutler, Ralph Yates, Linda Cotten, David Brown, Leonard J. "Boscoe" Fulcher, Jr., and William 'Bill' Gaffney. Michael 'Dicky' Powell was not on the call due to technical difficulty. Frank Rose, Jr. was absent from the call. Attorney Anne Brown and Attorney Faison Hicks from the Department of Justice provided legal representation on the call. Administrator, Jimmy Miller, and Administrative Assistant, Nancy Waggoner were present. There were no public observers on the call.**

**After a Moment of Reflection, Chairman Stephens requested the Agenda Approval. Linda Cotten made a motion to approve the agenda. Glenn Cutler seconded the motion. All voted in favor.**

**The first item on the agenda was a reminder to the Commission members that if there were any known conflicts of interest or appearance of conflicts in regards to the matters being brought before them to let it be known in accordance with the Governor's executive order. Boscoe Fulcher had a potential conflict with the Old Business Item concerning Legal Action Alternatives.**

**Chairman Gantt Stephens asked for a motion to go into Executive Session to discuss Old Business pertaining to Legal Action Alternatives. Boscoe Fulcher moved that they go into Execution Session to receive legal guidance from Attorneys General Anne Brown and Faison Hicks regarding Old Business pertaining to Legal Action Alternatives. Linda Cotten seconded the motion. All voted in favor. Executive Session began at 11:05 a.m.**

**The Commission came out of Executive Session at 11:12 a.m. During Executive Session legal advice was sought, received and discussed concerning Legal Action Alternatives and all were satisfied. Linda Cotten made a motion to authorize the attorneys to file a complaint with the Court. David Brown seconded the motion. All voted in favor. The motion carried.**

**Chairman Stephens asked for a motion to go back into Executive Session. Glenn Cutler moved that the Commission go back into Execution Session to receive legal guidance from Attorneys General Anne Brown and Faison Hicks. Boscoe Fulcher seconded the motion. All voted in favor. Executive Session began at 11:13 a.m. It ended at 11:41 a.m. During Executive Session legal advice was sought, received and discussed; and all were satisfied. Coming out of Executive Session Bill Gaffney made a motion to authorize the attorneys to enter into a**

**Consent Order agreement with LQ Legacy for a period of three (3) weeks from Thursday, September 30, 2010 with the parameters discussed in Executive Session. Glenn Cutler seconded the motion. There was no further discussion. All voted in favor.**

**Chairman Stephens thanked all for their time. Since there was no other business he asked for a motion to adjourn. Bill Gaffney made a motion to adjourn. Ralph Yates seconded the motion. All voted in favor. The teleconference ended at 11:44 a.m.**

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**CHAIRPERSON**

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**DATE**