

NORTH CAROLINA CEMETERY COMMISSION

June 5, 2009

Emergency Teleconference Meeting

11:00 A.M.

Chairman Boscoe Fulcher called an emergency meeting of The North Carolina Cemetery Commission via teleconference on Friday, June 5, 2009 in the Commission office at the Pinewood Building, Suite 100, at 1001 Navaho Drive, Raleigh, North Carolina. The Commission members participating were Chairman, Leonard J. 'Boscoe' Fulcher, Ralph Yates, Linda Cotten, Frank Rose, Jr., Robin Lancaster, and David Brown. Michael 'Dicky' Powell, Howard Huff, and Vice-Chairman, Andrew 'Rusty' Tysor, were not on the call. Assistant Attorney General Anne Brown and Assistant Attorney General Faison Hicks from the Department of Justice were on the call. Administrator Jimmy Miller and Administrative Assistant Nancy Waggoner were present. There were no observers on the call.

The meeting was called to order by Chairman Boscoe Fulcher. A roll call was taken by Mr. Miller. Ralph Yates gave the invocation.

Chairman Fulcher announced the Agenda Approval. Per the agenda during that time any New Business that was to be discussed should be so indicated. As none was scheduled or indicated, Linda Cotten made a motion to approve the agenda. Frank Rose 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. Jimmy Miller read the Governor's Executive Order #1. Chairman Boscoe Fulcher voluntarily recused himself from any voting on the LandQuest issue given that he was a previous employee. Jimmy Miller pointed out that since Mr. Fulcher was the Chairman, he would only be voting if there was a tie, or if not enough members present to make a quorum. There were no other conflicts.

The Commission immediately got down to Old Business, to seek legal advice. Ralph Yates made a motion to go into Executive Session. Linda Cotten seconded the motion. All voted in favor. Executive Session began at 11:11 a.m. Executive Session concluded at 12:15 p.m. Linda Cotten moved that the Commission direct its legal counsel *not* to enter into any standstill agreement with the LQ parties regarding the filing of litigation by the Commission, but instead that legal counsel for the Commission proceed as soon as possible with the filing of that litigation. David Brown seconded the motion. After some discussion, all voted in favor. Administrator Jimmy Miller took the roll call vote. For the motion were Linda Cotten, Ralph Yates, David Brown, Robin Lancaster, and Frank Rose. Since there were five (5) votes, a quorum, it was not necessary to have Chairman Fulcher's participation. Five (5) 'yes' votes meant the motion passed. Attorney Faison Hicks asked if Members could go back into

Executive Session one more time. Frank Rose made a motion to go into Executive Session. Ralph Yates seconded the motion. All votes in favor. They went back into Executive Session at 12:23 p.m. Executive Session ended at 12:29 p.m. There was no New Business. Chairman Fulcher gave a reminder of the next scheduled meeting date of Wednesday, July 15, 2009 at 10:00 a.m.

David Brown made a motion to adjourn. Ralph Yates seconded the motion. All voted in favor. The teleconference adjourned at 12:31 p.m.

CHAIRPERSON

DATE