

# MEMORANDUM

(Open Session Report)

## State of Alaska Department of Law

to: Board of Agriculture and  
Conservation  
  
Division of Agriculture,  
Department of Natural Resources

DATE: February 12, 2013

FILE NO.: BAC general

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for  
February 26, 2013 BAC  
meeting

FROM: Bob McFarlane  
Assistant Attorney General  
Commercial & Fair Business Section  
Anchorage

### **PART 1: NON-CONFIDENTIAL MATTERS FOR OPEN MEETING SESSION**

1. **Valley Dairy:** VDI ceased operations on Sunday, December 30, 2012. The division took possession of the premises the following day and we have entered into a short term lease agreement with the landlord. Division staff has been working hard to clean up the property, inventory equipment, and get ready for an auction. Denali Auction has been selected as the auctioneer and at this point it appears that the most likely date for the auction will be March 16, 2013. Division staff will be able to answer any questions the board or public may have about the status of auction preparations.

2. **Knopp lease:** Mr. Knopp completed the purchase of his farm and has been given a quit claim deed to the property. The matter is now closed.

3. **Mat Maid Property:** The Palmer City Council has expressed concerns about the purchase of the Mat Maid property because of potential contamination issues. Glen Price, the attorney handling the matter for the city, will attend the meeting to provide a status report and some suggestions on how the board can help move the sale along.

### **PART 2: CONFIDENTIAL MATTERS FOR EXECUTIVE SESSION**

Open Meetings Act – A.S. 44.62.310(b)<sup>1</sup>

<sup>1</sup> A motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session. A.S. §44.62.310(b).

Attorney Client Privilege - Alaska Evidence Code §503(b)<sup>2</sup>  
Board of Agriculture and Conservation Statutes<sup>3</sup>  
ARLF Regulations<sup>4</sup>

1. **Loan status information to be discussed at meeting:** See separate confidential report regarding loan status, (including collections and delinquencies). Discussion of loan status is confidential pursuant to 11 AAC 39.061.

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<sup>2</sup> Section 503(b) of the Alaska Evidence Code states in relevant part: “A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client...”

<sup>3</sup> AS 03.09.040 authorizes the board to classify some loan and marketing information confidential.

<sup>4</sup> 11 AAC 39.061 makes most loan information confidential and 11 AAC 39.031(f) authorizes the board to meeting in executive session to consider loan applications.