

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 22, 2010

FILE NO.: BAC general

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for
March 4, 2010 BAC meeting

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

PART 1: NON CONFIDENTIAL MATTERS FOR OPEN MEETING SESSION

1. Hartman Collection. I sent a demand letter to the Hartman family and received no response. I am in the process of obtaining approval to hire outside counsel to represent the Hartman estate(s) so that I can have a personal representative for service of the foreclosure documents. I anticipate getting approval and retaining the attorney within the next 10 days. Once a personal representative has been appointed I will start the foreclosure.
2. HB 252 – Alaska Grown Promotional Marketing for Aquatic Farm Products. This bill was referred to Fisheries on 1/19/2010. A hearing was scheduled for 2/2/2010 but that hearing was cancelled. There has been no further action on this bill since the hearing was cancelled.
3. Requests for Reconsideration and Requests for Expedited Consideration. Requests for reconsideration of loan terms and requests for expedited consideration require the loan applicant to make those requests in writing. A request for reconsideration must be signed by the loan applicant and contain the reason for the request and a description of the changes requested as well as certain other information. (see 11 AAC 39.830). Anyone asking for expedited consideration must provide an affidavit setting for the basis for the expedited consideration and the date by which a decision is needed. (see 11 AAC 39.820). I have prepared a couple of forms that should assist loan applicants and the board if these situations arise in the future. Copies of those forms are attached to this memo.

PART 2: CONFIDENTIAL MATTERS FOR EXECUTIVE SESSION

Open Meetings Act – A.S. 44.62.310(b)¹

Attorney Client Privilege - Alaska Evidence Code §503(b)²

1. Heritage Properties, LLC – status report to board with discussion of findings and litigation recommendations.

¹ 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).

² 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...”

**REQUEST FOR RECONSIDERATION
OF BOARD'S DECISION
11 AAC 39.800 - 11 AAC 39.860**

Please refer to 11 AAC 39.830 – 11 AAC 39.860 for a complete description of the procedures applicable to a request for reconsideration.

1. I, _____ am requesting the board to reconsider the terms of my loan that was approved at the board meeting on _____.

2. I am requesting the following changes to the loan terms: (*describe requested changes*)

3. The reasons for the requested changes are as follows: (*describe legal or factual basis for your request and attach any documents that you want the board to consider with your request.*)

Please check all applicable boxes

I am requesting an in-person oral hearing.

I am requesting expedited consideration of my request for consideration. I understand that I must also submit an affidavit in support of my request for expedited consideration along with this request for reconsideration.

There are other agreements, contracts, leases, permits or applications that are affected by this request for reconsideration. Those agreements are described below:

Dated: _____

By: _____
Name of loan applicant

